

**FALL RIVER COUNTY MINUTES OF MAY 15, 2014**

The Fall River Board of County Commissioners met in regular session on May 15, 2014. Present: Michael Ortner, Joe Allen, Anne Cassens, Joe Falkenburg, Deb Russell, and Sue Ganje, Auditor. Absent: none.

The Pledge of Allegiance was given and the meeting called to order at 9:00 AM.

The agenda was reviewed for conflicts; Falkenburg noted a possible conflict with discussion on the soil land farm. Motion by Falkenburg, seconded by Cassens, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve the minutes of the April 24, 2014 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Falkenburg, to approve the minutes of the April 29, 2014 meeting. With no further discussion, Cassens abstaining and all others voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve the minutes of the May 1, 2014 meeting. With no further discussion and all voting yes, the motion carried.

County assistance applicants met with the Board. Motion by Cassens, seconded by Allen, to approve \$354.96 in assistance for electricity for CP# 2014-15, with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve \$326.87 in assistance for electricity for CP# 2014-16, with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Allen, seconded by Cassens, to approve \$715.43 in assistance for electricity for CP# 2014-17, with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve the Auditor's Account with the Treasurer as follows. With no further discussion and all voting yes, the motion carried.

**AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER**

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF FALL RIVER COUNTY:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 30<sup>th</sup> day of April, 2014.

Total Amt of Deposit in First Interstate Bank, Hot Springs: \$ 3,341,182.71

Total Amount of Cash: \$ 5,679.01

Total Amount of Treasurer's Change Fund: \$ 900.00

Total Amount of Checks in Treasurer's Possession,

Not Exceeding Three Days:	\$ 348,962.20
MONEY MARKET SAVINGS, First Interstate Bank:	\$ 8,368.45
CERTIFICATES OF DEPOSIT, First Interstate Bank:	\$ 3,470,000.00
Black Hills FCU:	\$ 250,000.00

Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:

Register of Deeds Change Fund:	\$500.00
Highway Petty Cash:	\$20.00
Election Petty Cash:	\$15.00

**RETURNED CHECKS:**

Baker, David, \$42.80, LIC  
 McMillin, Robert, \$272.95, LIC

**TOTAL: \$7,425,943.12**

Dated this 30<sup>th</sup> day of April, 2014.

/s/Sue Ganje

Sue Ganje, Auditor, Fall River County

The above balance reflects county monies, monies held in trust and monies collected for and to be remitted to other ENTITIES: SCHOOLS, TOWNS, TOWNSHIPS, FIRE AND AMBULANCE DISTRICTS AND STATE.

Motion by Cassens, seconded by Russell, to amend the April 17, 2014 minutes to reference Appeal #2014-12 as such in both places of the paragraph dealing with the appeal. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to accept a quit claim deed for Lots 1, 2, 3 and 4, Block 27, Minnekahta 2<sup>nd</sup> Addition to the City of Hot Springs as presented by Geraldean Fluke, sole owner of GAF/GLF Revocable Trust. With no further discussion and all voting yes, the motion carried.

Coroner Jeff Shannon asked the Board for deputy approval. Motion by Cassens, seconded by Russell, to appoint Steven O'Leary as Deputy Coroner, effective upon taking the Oath of Office on May 19, 2014. With no further discussion and all voting yes, the motion carried.

Keith Andersen, Andersen Engineering, presented one plat for approval and noted the Risinger plat was not being presented as the taxes are not paid. Motion by Falkenburg, seconded by Allen, to approve the plat of Cobblestone Mountain Estates Subdivision as follows. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2014-12**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Lot 57 of Cobblestone Mountain Estates Subdivision located in the SE ¼ SW ¼ of Section 1, T7S, R5E, BHM, Fall River County, South Dakota, and

WHEREAS, it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically

accessible; all provisions of the County subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed,

NOW THEREFORE, BE IT RESOLVED that said plat is hereby approved in all respects.

Dated at Fall River County, South Dakota this 15<sup>th</sup> day of May, 2014.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Kelli Rhoe, Acting Treasurer, and Pat Ginsbach, Deputy State's Attorney, met with the Board to discuss the sale of tax deed certificates to third-party buyers and the \$5.00 fee charged for certificates, which may be set at up to \$50.00. Motion by Russell, seconded by Falkenburg, to increase certificate fees to \$50.00. After brief discussion, Cassens voting no and all others voting yes, the motion carried.

Letters have been sent to taxpayers who are delinquent on their agreement payments; some wish to enter into new agreements. The Board asked Rhoe to put together proposals for the Board's review. Discussion was held on the use of Software Services to resolve matters; Ginsbach suggested continuing their assistance until June, and then evaluate progress. Motion by Cassens, seconded by Russell, to approve advertising for a part-time clerk in the Treasurer's Office for up to 20 hours per week for six months, at which time the position will be re-evaluated. With no further discussion and all voting yes, the motion carried.

Jim Bingham, Mental Health Chairman, met to suggest appointments to the Mental Health Board. Motion by Falkenburg, seconded by Cassens, to appoint Ken Ross, Tekewitha Elliott and alternate Michael Hanson as members of the Fall River Mental Health Board. With no further discussion and all voting yes, the motion carried.

A teleconference was held with Sandy and Harley Wilson regarding their request for a property tax payment plan and plat approval of a property that has taxes owing. Wilsons want the plat approved so they can sell the property. A tentative verbal agreement was reached on one of the parcels, which will be brought back for Commission approval. On the advice of Ginsbach, the Board informed the Wilsons they are unable to authorize filing of a plat if the other property taxes are not current.

Randy Seiler, Highway Superintendent, presented a pipeline easement for approval. Motion by Falkenburg, seconded by Allen, to approve a pipeline easement for Rebecca Welling for a 15' wide easement on County Highway #1, also known as Smithwick Road, for a pipeline adjacent to the NW ¼ of Section 6, T9S, R7E, and the SE ¼ of Section 36 in T8S, R6E of the BHM, Fall River County, South Dakota and from the NW ¼ of Section 6 in T9S, R7E to the SE ¼ of Section 36, T8S, R6E of the Black Hills Meridian, Fall River County, South Dakota. With no further discussion and all voting yes, the motion carried.

Seiler reported that the bid from Barker Construction for repairs on the Igloo Bridge is \$20,600.00, adding that a performance bond will be needed and the completed work will be inspected by engineers. Sheriff Rich Mraz reported that he has talked to Tom Simons about a gated road that could be used as an alternate route while construction was being completed, however Simons says the road is his, not the county's and he will charge the county \$250,000.00 to use it. Seiler said he would talk to Barker about a road around the bridge while they are doing repairs. Mraz said another alternate route includes a bridge that is also in need of repairs. Additionally, Jack Brunson has cement ties blocking a third route. Seiler said he would talk to Simons and Brunson.

Motion by Allen, seconded by Cassens, to approve travel for Seiler to attend the summer meeting in Pierre on June 11-12, 2014. With no further discussion and all voting yes, the motion carried.

Discussion was held on a Resolution to add the Argentine Bridge to the state system and the road to the landfill, which is breaking up.

Motion by Falkenburg, seconded by Cassens, to approve the bills as follows. With no further discussion and all voting yes, the motion carried.

**General Fund**

A&B Business Equipment	Copier	\$461.13
Best Western Ramkota	Travel	\$181.98
Black Hills Chemical	Supply	\$913.18
Black Hills Powersports	Supply	\$99.90
Biegler, Greg LPC	Detox	\$75.00
Bingham, James	CAAF; MI	\$2,302.05
Black Hills Power	Utility; Assist	\$4,293.40
Bourk, M Sue	Travel	\$208.68
CBM Food Service	Inmate	\$1,992.90
Century Business Leasing	Copier	\$97.97
Cheyenne Sanitation	Utility	\$280.00
City/Co Alcohol & Drug	Detox	\$2,283.50
Crop Production Services	Supply	\$5,539.53
Culligan Soft Water	Water	\$105.75
SD Dept Of Labor & Reg	Unemployment	\$190.00
Dell Business Credit	Computer	\$2,191.69
DS Solutions Inc	Supply	\$175.00
Diesel Machinery, Inc	Repair	\$464.31
Edgemont Herald Tribune	Publishing	\$575.34
Election Systems & Soft	Supply	\$1,932.00
Executive Mgmt Finance	BIT	\$19.00
Falkenburg, Joe	Travel	\$153.92

Fall River Health	Inmate	\$2,732.80
First Interstate Bank	April Service Charge	\$36.85
FR Soil Conservation Dist	Allotment	\$9,000.00
Glass Pro +	Decals	\$70.00
Golden West Technologies	911/IT	\$811.43
High Plains Graphics	Supply	\$67.50
Hillyard Floor Care Supp	Supply	\$216.14
City Of Hot Springs	Utility	\$241.93
Mastel, Bruce	Contract	\$35.00
Microfilm Imaging Systems	Lease	\$416.70
Mobile311 LLC	Contract	\$200.00
O'Neill, Justin	CAAF	\$1,331.09
Orrock, Ken	Conflict Dep	\$1,356.00
Pennington County Auditor	MI	\$53.00
Penn County Sheriff	Juveniles	\$6,386.85
Rapid City Journal	Publishing	\$43.71
Rapid City Regional	Inv; MI	\$1,264.18
Regional Health	Autopsy	\$406.00
SD Department Of Revenue	Inmate	\$245.00
SDPAA	Ins	\$71,606.00
Servall	Supply	\$395.54
Skinner, Matthew LPC	CAAF	\$1,158.03
Software Services Inc	Support	\$9,227.50
State Remittance Center	MI; 24/7	\$120.00
McLaughlin, Tommie	Supply	\$42.88
Tiger Direct	Supply	\$29.73
Twilight Inc	Supply	\$200.85
US Bank	Copier	\$172.25
United States Postal Serv	Postage	\$1,161.12
Verizon Wireless	Cell Phone	\$2,716.12
Weakland, Wendy	Travel	\$75.60
Yankton Co. Sheriff	MI	\$25.00
Shannon, Jeffrey	Travel	\$93.24
	<b>General Fund Total</b>	<b>\$136,474.27</b>

**County Road & Bridge**

B H Electric Coop Inc.	Utility	\$20.18
Black Hills Power	Utility; Assist	\$626.51
Cheyenne Sanitation	Utility	\$74.00
City Of Hot Springs	Utility	\$24.42
SDPAA	Ins	\$29,028.92
	<b>Co Rd &amp; Bridge Total</b>	<b>\$29,774.03</b>

**911 Surchg. Reimb**

Golden West Technologies	911/IT	\$1,492.51
Century Link	911	\$6.82
Century Link	911	\$628.42
Rushmore Communications	911	\$790.00
Tiger Direct	Supply	\$442.69
	<b>911 Surchg Reimb Total</b>	<b>\$3,360.44</b>

**Fire Protection Fund**

SDPAA	Ins	\$267.16
	<b>Fire Prot. Fund Total</b>	<b>\$267.16</b>

**M & P Relief**

Microfilm Imaging Systems	Lease	\$290.00
	<b>M &amp; P Relief Total</b>	<b>\$290.00</b>

**Emergency Mgt**

SDPAA	Ins	\$774.57
United States Postal Serv	Postage	\$10.52
Verizon Wireless	Cell Phone	\$177.39
	<b>Emergency Mgt Total</b>	<b>\$962.48</b>

**Total Paid** **\$171,128.38**

A break was taken at 10:53 AM. The meeting resumed at 11:00 AM with public comment. Ed Harvey presented regulations for oil and gas products waste.

Susie Hayes, Director of Equalization, sought travel approval. Motion by Russell, seconded by Cassens, to approve travel for Hayes, Jacki Miller and Frances Denison to attend Vanguard training in Pierre on July 29-30, 2014. With no further discussion and all voting yes, the motion carried.

Discussion was held on a future commercial reassessment and an ag task force, which Hayes said is not progressing. Her office will send out ag forms with revised qualifications.

Mraz presented his jail report and a request for Jailer Wally Campbell to carry over vacation hours. Motion by Allen, seconded by Falkenburg, to approve a one-time carry-over of 196 hours of vacation for Wally Campbell. Cassens stated the action does not comply with the Union contract. With no further discussion, Cassens and Russell voting no, all others voting yes, the motion carried.

Frank Maynard, Emergency Management, updated the Board on PDM meetings and the need for a resolution to update the plan. Motion by Cassens, seconded by Falkenburg, to

approve a resolution to hire a contractor to update the PDM plan as follows, authorizing the chairman to sign. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2014-13**

**A RESOLUTION TO AMEND THE FALL RIVER COUNTY PRE-DISASTER MITIGATION PLAN**

WHEREAS, the Fall River County Commission adopted a Pre-Disaster Mitigation Plan (the Plan) in 2004.

WHEREAS, from time to time it is necessary to review and update the Plan as circumstances and conditions change; and

WHEREAS, the Fall River County Office of Emergency Management ("Emergency Management") has undertaken such a review of the Plan; and

THEREFORE, BE IT RESOLVED that the Fall River County Commission does hereby approve the Office of Emergency Management to hire a contractor to update and modify the Plan as necessary.

Dated at Fall River County, South Dakota this 15<sup>th</sup> day of May, 2014.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Maynard asked for travel approval. Motion by Russell, seconded by Cassens, to approve travel for Maynard and Andy Timmins to attend a Homeland Security Conference in Rapid City on August 26-28, 2014. With no further discussion and all voting yes, the motion carried.

The Community Wildfire Protection Plan, adopted in 2008, is in need of updating and Maynard asked for approval. Motion by Falkenburg, seconded by Allen, to approve contracting with Black Hills Land Analysis to update the CWPP and map book, which is an approved Title III expenditure. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to appoint Lyle Jensen, Building Superintendent, as ADA coordinator to satisfy the requirements of the county insurer. With no further discussion and all voting yes, the motion carried.

Maynard updated the Board on water being released at Angostura Dam and a regional emergency response exercise scheduled for May 22, 2014.

Andy Timmins, IT, presented a list of Microsoft licenses used in county offices. Motion by Falkenburg, seconded by Allen, to approve \$12,942.83 for licensing Microsoft products, paid by the IT budget with the balance transferred as a contingency. With Cassens and Russell voting no, all others voting yes, the motion carried.

Ed Harvey reported to the Board on the Economic Impact Statement being prepared regarding the proposed closure of the VA. Maynard provided notification of Shannon County's PDM development, as required by FEMA.

Discussion was held on Resolution #2014-09, which gave approval to a soil land-farm, and a subsequent open-meeting complaint that has been filed regarding its adoption. Ortner stated that although he doesn't agree that there was an open-meeting violation, he believes additional information on the facility warrants further consideration and suggested a public hearing. Keith Andersen said the resolution only allows High Plains to continue the process to apply for a license from the state; that the facility would be treating contaminated soil that is currently going to the Fall River / Custer County landfill and it would be monitored by the DENR. Ortner suggested visiting the proposed site and asking a representative of DENR to explain the process at a public hearing. Cheryl Fair and Ed Harvey expressed concerns about the facility and whether contaminated materials would be shipped in from other states. Susan Henderson suggested the Board rescind their resolution until after the hearing. Allen moved to rescind the motion to allow for a site visit and further study, which died for lack of a second.

Motion by Cassens, seconded by Russell, to invite a representative from DENR to attend a public hearing in the courtroom on Wednesday, June 4, 2014 and to conduct a site visit of the proposed soil land-farm. Cassens called the vote and with all voting yes, the motion carried.

Discussion was held on Resolution #2014-10 regarding Russian Olive trees and an open-meeting complaint filed that states the March 25, 2014 agenda only noted a letter was to be discussed, not adoption of a resolution. No action was taken.

Health insurance proposals for county employees were reviewed. Motion by Cassens, seconded by Falkenburg, to approve the proposal from Starr Insurance for Sanford Health to provide employee health insurance for June 2014-May 2015. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to enter into Executive Session for personnel and legal matters, per SDCL 1-25-2 (1) and (3). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 12:10 PM.

The Board came out of Executive Session at 12:30 PM. Motion by Cassens, seconded by Allen, to adjourn the meeting. With no further discussion and all voting yes, the motion carried and the meeting adjourned at 12:30 PM.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor