

**FALL RIVER COUNTY MINUTES OF JUNE 19, 2014**

The Fall River Board of County Commissioners met in regular session on June 19, 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 conflict with the soil land farm and Allen noted a conflict with an application for a temporary malt beverage license. 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 Falkenburg, seconded by Russell, to approve the minutes of the June 4, 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 June 5, 2014 meeting. With no further discussion, Ortner abstaining and all others voting yes, the motion carried.

A letter informing the Board of appointments to the state County Poor Advisory Committee was presented; Ortner provided a brief history on the formation of the committee.

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 31<sup>st</sup> day of May, 2014.

Total Amt of Deposit in First Interstate Bank, Hot Springs:	<u>\$ 1,739,348.30</u>
Total Amount of Cash:	<u>\$ 1,614.30</u>
Total Amount of Treasurer's Change Fund:	<u>\$ 900.00</u>
Total Amount of Checks in Treasurer's Possession, Not Exceeding Three Days:	<u>\$ 24,854.20</u>
MONEY MARKET SAVINGS, First Interstate Bank:	<u>\$ 8,368.87</u>
CERTIFICATES OF DEPOSIT, First Interstate Bank:	<u>\$ 3,470,000.00</u>
Black Hills FCU:	<u>\$ 250,000.00</u>

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:**

Bradshaw, Lewis, \$216.37, LIC  
McMillin, Robert, \$272.95, LIC

**TOTAL:      \$5,496,109.99**

Dated this 31<sup>st</sup> day of May, 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 Russell, seconded by Allen, to enter into Executive Session with State's Attorney Jim Sword for legal matters, per SDCL 1-25-2 (3). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 9:08 AM.

The Board came out of Executive Session at 9:35 AM.

Sherri Schwenke, USFS Hell's Canyon District Ranger, updated the Board on projects, funding for Pine Mountain Beetle control and reported no drilling permits have been issued for forest service lands.

Melissa and Jerry Stearns met with the Board to discuss a township road and access around the Igloo Bridge. Sword was also present for the discussion. Ortnier reported that when the county deeded the land to Tom Simons, the county reserved the access to two roads that will be used for traffic around the Igloo Bridge, which is in need of repair. Simons had also verbally authorized use of the road for emergency purposes until the Igloo Bridge is repaired.

Bruce McClung, Highway Department, reported that mowing of county roads has begun and mowing along the asphalt roads will be completed by July 4. Discussion was held on the purchase of a mower as two of the current mowers are 30 years old or older. A new mower could be delivered in two weeks. Motion by Falkenburg, seconded by Russell, to approve \$19,667.90 for the purchase of a mower from RDO. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve the resolution adding the Igloo Bridge to the state system and authorizing the chairman to sign. Brief discussion was held on the railroad and crossing; it was agreed to get Laurie Schultz from the D.O.T. on an upcoming agenda to find out the status on the crossing. With no further discussion and all voting yes, the motion carried.

Other alternatives for routing around the bridge were discussed and Cindy Brunson stated the bridge is not signed or barricaded, adding that County Road #6 is in bad shape and needs attention.

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

**General Fund**

Anderson, Elaine	Election	\$26.19
Appliance & Elect Outlet	Repair	\$204.95
Audra Malcomb Consulting	MI	\$431.22
Abbott, Ruth	Election	\$130.00
Beesley Law Office	CAAF	\$355.50
Black Hills Chemical	Supply	\$700.81
Bill's Heating	Repair	\$127.50
Bingham, James	CAAF	\$3,165.45
Black Hills Power	Assist	\$107.00
Bloomer, Jerry	Election	\$23.56
Cardmember Service	Misc	\$832.87
CBM Food Service	Inmate	\$3,850.02
Century Business Leasing	Copier	\$363.94
City/Co Alcohol & Drug	Detox	\$2,893.50
Conger, Lesta	Election	\$130.00
Culligan Soft Water	Water	\$105.75
Dale's Tire	Veh Maint	\$169.92
Days Inn	Travel	\$413.94
Edgemont Herald Tribune	Publishing	\$917.06
Ertz, Dewey	CAAF	\$1,395.00
Executive Mgmt Finance	BIT	\$19.00
FR Soil Conservation Dist	Allotment	\$9,000.00
Golden West	Telephone	\$1,548.74
Heartland Paper Company	Supply	\$404.44
High Plains Graphics	Supply	\$71.55
Hills Edge Auto Sales	Car Maint	\$87.45
Hillyard Floor Care Supp	Supply	\$554.96
MSC Industrial Supply Co	Supply	\$82.92
McColley's	Cremation	\$1,300.00
Microfilm Imaging Systems	Lease	\$185.00
Mobile 311 LLC	Contract	\$200.00
Mueller Civic Center	Rent	\$85.00
Park, Sally	Election	\$130.00
Penn Co Jail	Inmate	\$2,176.00
Penn County Sheriff	Inmate	\$156.60
Pizza Hut	Jury	\$55.47
Quill Corporation	Supply	\$507.26
Radioshack	Supply	\$11.98
Regional Health	Autopsy	\$406.00
Rick's Auto Center	Car Maint	\$35.00
SD Department Of Revenue	Inmate	\$70.00
SD Human Services Center	MI	\$600.00

Seegrist, Pat	Election	\$15.00
Servall	Supply	\$122.41
Sperlich, Peggy	Election	\$130.00
Skinner, Matthew L. PC	CAAF	\$174.00
Software Services Inc	Support	\$3,887.50
State Remittance Center	MI; Animal; Vehicles	\$2,025.91
Theilmann, Laurie	Election	\$30.81
Thompson Law	MI	\$89.00
United States Postal Serv	Postage	\$947.15
Warne Chemical & Equip.	Supply	\$621.04
Waxler, Mary Sue	Election	\$14.50
Wegner Auto Sales	Vehicle	\$25,749.00
Western SD Juv Serv Ctr	Juvenile	\$5,440.65
Zwetzig, Anne	Election	\$130.00
Mason, Frank	Election	\$31.75
Nelson, Cathryn A	Election	\$130.00
Rail, Jeanette	Election	\$130.00
Coates, Virginia	Election	\$14.50
Lee, Robert	Election	\$105.00
Beldin, Kimberlee	Reimb Ded	\$500.00
Rowley, Marilyn	Election	\$130.00
Shannon, Jeffrey	Mileage	\$22.94
Peacock, Cindy	Election	\$10.00
Crawford, Val	Election	\$10.00
Benson, Connie	Election	\$130.00
Dinkel, Trayce	Election	\$29.00
Bowker, Roberta	Election	\$130.00
Horton, Shirley	Election	\$149.61
Kunsman, Pauline	Election	\$130.00
Neugebauer, Janice	Election	\$130.00
Porter, Deb	Election	\$130.00
Stearns, Flora	Election	\$152.20
Farrell, Joyce	Election	\$23.56
Purtill, David	Election	\$10.00
Stokes, Frances	Election	\$130.00
Halls, Robert	Election	\$10.00
Merkel, Gary	Election	\$20.00
McHenry, N Jeanne	Election	\$14.50
Salles, Violet	Election	\$130.00
Andersen, Donald	Election	\$152.94
Anderson, Pam J.	Election	\$130.00
Bader, Diana	Election	\$23.56
Batchelor, Laura Ann	Election	\$105.00

Spillane, Christa	Election	\$130.00
Richards, Ronald	Election	\$10.00
Bryan, Barb	Election	\$16.31
Brown, Leona	Election	\$130.00
Ruggieri, Bonnie	Election	\$16.31
Britton, Charles	Election	\$90.62
Carlson, Beverly J	Election	\$34.07
Cuckler, Nancy	Election	\$130.00
Hansen, Judy	Election	\$130.00
Deboer, Laura	Election	\$105.00
Frahm, Debra	Election	\$105.00
Grill, Mary Jo	Election	\$105.00
Ferley, Leann	Election	\$130.00
Landers, Bernice	Election	\$130.00
Landers, David	Election	\$130.00
McDermant, Ann	Election	\$130.00
Mitchard, Arlene	Election	\$130.00
Mowry, Lana	Election	\$130.00
Peterson, Wayne	Election	\$130.00
Reed, Cynthia	Election	\$130.00
Sides, Carol	Election	\$130.00
Taylor, Yvonne	Election	\$130.00
Tays, Cecile	Election	\$25.00
Martin, Miriam	Election	\$130.00
Craft, Jean	Election	\$130.00
Jackson, Marcia	Election	\$130.00
Strauser, Garry	Election	\$130.00
	<b>General Fund Total</b>	<b>\$79,070.39</b>

**County Road & Bridge**

BH Electric Coop	Utility	\$19.00
Cheyenne Sanitation	Utility	\$74.00
Edgemont, City Of	Utility	\$36.75
Golden West	Telephone	\$260.74
City Of Hot Springs	Utility	\$25.23
Quill Corporation	Supply	\$43.99
	<b>Co Rd &amp; Brdg Total</b>	<b>\$459.71</b>

**911 Surchg. Reimb**

Diesel Machinery, Inc	911	\$440.00
Golden West	Telephone	\$44.62
Century Link	911	\$9.20
Century Link	911	\$628.42

	<b>911 Surchg Reimb Total</b>	<b>\$1,122.24</b>
<b>M &amp; P Relief</b>		
Microfilm Imaging Systems	Lease	\$145.00
	<b>M &amp; P Relief Total</b>	<b>\$145.00</b>
<b>Emergency Mgt</b>		
Edgemont Herald Tribune	Publishing	\$9.52
Golden West	Telephone	\$111.18
United States Postal Serv	Postage	\$2.63
	<b>Emergency Mgt Total</b>	<b>\$123.33</b>
<b>Domestic Abuse Fund</b>		
WEAVE	Assistance	\$3,000.00
	<b>Dom Abuse Fund Total</b>	<b>\$3,000.00</b>
<b>Courthouse Building Fund</b>		
Stevens Plumbing	Repair	\$313.99
	<b>Crths Bldg Fund Total</b>	<b>\$313.99</b>
	<b>Total Paid</b>	<b>\$84,234.66</b>

A break was taken at 10:12 AM. The meeting resumed at 10:21 AM. Motion by Falkenburg, seconded by Allen, to set 11:00 AM on July 3, 2014 as the time for a hearing on an application by the Hat Creek Grill for a temporary malt beverage application for July 4, 5 and 6, 2014. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to surplus as junk asset #00716, a mower from the Courthouse. With no further discussion and all voting yes, the motion carried.

Ganje presented a letter from the Union requesting a start date for Union wage negotiations, which will be on the July 3, 2014 agenda at 1:30 PM.

Motion by Falkenburg, seconded by Russell, to approve \$1,300.00 in burial assistance for CP #14-22. With no further discussion and all voting yes, the motion carried.

The meeting was opened for public comment. Ray Palmer reported on progress on the Economic Impact Statement regarding the proposed closure of the VA. Cindy Brunson stated she may not be in attendance for the afternoon comment period on the proposed petroleum contaminated soil farm and wanted to note her concerns, which centered around odor, how responsibly it would be operated and possible harm to tourism and ranching industries. Russell reported on her positive assessment of a similar facility located by Torrington, WY, and Cassens added that the waste is currently going to the landfill, where it is monitored.

A hearing was held as advertised on a temporary malt beverage license application. Motion by Falkenburg, seconded by Russell, to approve a temporary malt beverage license for the Winner's Circle for weddings held at the Allen Ranch on July 12 and 26, 2014. With no further discussion, Allen abstaining and all others voting yes, the motion carried.

Dan Driscoll, USGS, met with the Board to explain a proposed groundwater flow model of the Madison and Minnelusa aquifers, asking the Board to join other Black Hills entities in committing financial support to the study. The Board expressed concerns about funding with regard to the continued annual commitment of funds and the disproportionate support asked of entities with significantly smaller populations. Motion by Cassens, seconded by Allen, to express interest in the scope of the study but not make any financial commitment at this time until firm assessments are available. With no further discussion and all voting yes, the motion carried.

Sheriff Rich Mraz reported that CBM will no longer provide food service for the jail and presented a contract with A'Viands for consideration. Motion by Russell, seconded by Cassens, to approve a one-year contract with A'Viands for the provision of food service for the Jail, effective June 16, 2014, authorizing the Sheriff to sign. With no further discussion and all voting yes, the motion carried.

Mraz also provided a jail report and the Board asked for a six-month review of transport costs at the July 3, 2014 meeting.

Allen Schaefer, Dept. of Legislative Audit, met with the Board for his 2012-13 Audit exit conference. Schaefer provided a report enumerating procedures to be addressed.

Motion by Falkenburg, seconded by Russell, to recess for lunch. With no further discussion and all voting yes, the motion carried and the Board recessed at 11:56 AM.

The meeting resumed at 1:30 PM. Clint Andersen, Andersen Engineering, presented plats for approval. Motion by Allen, seconded by Cassens, to approve the plat of Lots 1-3 of Tract E as follows. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2014-17**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Lots 1-3 of Tract E containing all of Tract E, located in the SE ¼ SW ¼ of S35, T8S, R6E, 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 19<sup>th</sup> day of June, 2014.

/s/ Joe Falkenburg

Joe Falkenburg, Vice-chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Motion by Allen, seconded by Russell, to approve the plat of Romey Cemetery as follows. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2014-18**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Romey Cemetery, a plat of Plot 1 of Lot 1, Block 1 of Romey Cemetery, containing a portion of the S ½ SE ¼ NE ¼ SE ¼ of Section 17, T11S, R7E, 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 19<sup>th</sup> day of June, 2014.

/s/ Joe Falkenburg

Joe Falkenburg, Vice-Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

The meeting moved to the courtroom at 1:35 PM for a hearing for comments on the proposed solid waste facility for a petroleum contaminated soil farm. Several people were on hand to reiterate their concerns over the safety of the operation and the possible negative impact on natural resources. Proponents stated that the process was controlled and would handle soils contaminated with refined hydrocarbons, not radioactive matters, and would treat soils that currently go to landfills.

Motion by Cassens, seconded by Russell, to rescind Resolution #2014-09 based on it not being descriptive of the actual scope of the facility, as reflected on the agenda for the March 25, 2014 meeting date. With no further discussion, Falkenburg abstaining and all others voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve a resolution approving a solid waste facility for a petroleum-contaminated soil farm for the purpose of solid waste management. Russell read a draft of the resolution and opened the floor for comments. Additional concerns were voiced on the safety of the operation; the permit process; regulation;



and liability should environmental clean-up be required in the future. Ortner asked if the DENR requires a bond and Clint Andersen stated a bond is required in an amount sufficient to hire a third party to perform any needed clean-up. Ortner closed the comment period and suggested an amendment to the motion that would require a bond. Russell withdrew her motion.

Motion by Russell, seconded by Cassens, to approve a resolution approving a solid waste facility for a petroleum-contaminated soil farm for the purpose of solid waste management and requiring an appropriate bond. With no further discussion, Falkenburg abstaining, Russell, Ortner and Cassens voting yes, Allen voting no, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2014-16**

WHEREAS, High Plains Resources, LLC desires to establish a solid waste facility for a petroleum contaminated soil farm for the purpose of solid waste management; and

WHEREAS, Fall River County Board of Commissioners has approved siting the proposed facility, and

WHEREAS, the siting of the proposed facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, High Plains Resources, LLC will file a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, DENR will review that application to determine that the facility can be operated within the South Dakota Laws and regulations; and

WHEREAS, DENR may recommend the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and / or conditions of the permit are contested by any interested party; and

WHEREAS, the County Commission of Fall River County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;

IT IS THEREFORE RESOLVED that the County Commission of Fall River County hereby approves construction and operation of the proposed solid waste facility for a petroleum contaminated soil farm to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment and an appropriate bond be required.

Dated at Fall River County, South Dakota this 19<sup>th</sup> day of June, 2014.

/s/ Joe Falkenburg

Joe Falkenburg, Vice-Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Kelli Rhoe, Acting Treasurer, brought amended tax agreements for the Board to sign and noted she was not asking for hire approval at this time. Discussion on changing the process for the selling of tax certificates was held; no changes will be made and the process may be reviewed in the future. Additional language was discussed for delinquent tax letters and the advertisement of taxes.

Frank Maynard, Emergency Management, met with the Board. Motion by Falkenburg, seconded by Allen, to approve an amended 2014 SLA, authorizing the chairman to sign. With no further discussion and all voting yes, the motion carried.

Discussion was held on replacing the department vehicle in the future and Maynard reported that the 2014 Homeland Security Grant has been released.

Recording board meetings was discussed and Paul Nabholz encouraged the Board to consider audio and video recording. Citing costs and the belief that the minutes accurately reflect the business conducted, the Board was not in favor of recording meetings.

Lyle Jensen, Building Superintendent, presented a quote for a variable fan drive on the HVAC system at the Jail, which is estimated to save the county \$3,462 per year. Motion by Falkenburg, seconded by Russell, to approve a quote of \$1,963.00 from Temperature Technology for installation of a variable frequency drive for the jail. With no further discussion and all voting yes, the motion carried.

Auditor Sue Ganje requested approval to group all Hot Springs voting precincts into one polling location. Motion by Russell, seconded by Allen, to approve locating all Hot Springs voting precincts at the Mueller Center for the November, 2014 General Election and all elections thereafter. Jackson Precinct will also continue voting at the Mueller Center. With no further discussion and all voting yes, the motion carried.

Susie Hayes, Director of Equalization, met with the Board. Motion by Russell, seconded by Allen, to approve travel for Hayes to attend OHE appeal hearings in Pierre on June 24, 2014. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve travel for Hayes and Frances Denison to attend the annual school in Pierre on Sept. 8-12, 2014. With no further discussion and all voting yes, the motion carried.

Hayes advised she will sell the department database to CoreLogic for \$2,000.00 and will be paying the same amount out in associated technology costs. Hayes also discussed the need for agreeing upon language used to describe certain classifications for property, noting in particular confusion on what constitutes a condemned property. Scott Simianer, Building Inspector for the City of Hot Springs, was on hand to discuss property owned by Steve and Carla Simunek. In February of 2014, Simunek were granted a refund by the Board of 2012 and 2013 property taxes for a building as a pro-rated amount for a commercial structure that was presented as a condemned property. In retrospect, Hayes said the refund was an error that should not be perpetuated. Simianer agreed that the terminology and process regarding property with marginal structures needs to be addressed and noted he is working on legislation that would establish a special property tax that might serve as an incentive to fix buildings in disrepair.

Craig Romey was present to discuss his abatement request, which was based on the history of the abatement for Simunek. Hayes reported that the building is not condemned, had been reduced in value and then improvements were made, increasing the value. Hayes stated she wouldn't recommend the abatement as the value reflects the current state of the building. Motion by Russell, seconded by Cassens, to deny a refund of 2012-13 property taxes for Craig Romey on Railway Addition: Lots 32 and 33, Blk 1 as it is not condemned. With no further discussion, Ortner abstaining and all others voting yes, the motion carried

Motion by Allen, seconded by Russell, to adjourn the meeting. With no further discussion and all voting yes, the motion carried and the meeting adjourned at 3:50 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