

FALL RIVER COUNTY MINUTES OF JUNE 20, 2013

The Fall River Board of County Commissioners met in regular session on June 20, 2013. Present: Mike Ortner, Joe Falkenburg, Anne Cassens, Deb Russell and Sue Ganje, Auditor. Absent: Joe Allen.

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

The agenda was reviewed for conflicts; none were noted.

Motion by Russell, seconded by Falkenburg, 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 June 6, 2013 with a correction to reflect that Cassens made the motion to adjourn into Executive Session at 11:40 AM, not Ortner as written. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Falkenburg, 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 31st day of May, 2013.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,898.04</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>1,893,971.88</u>
Total Amount of Cash:	\$ <u>6,671.55</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>19,744.93</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>20,932.28</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:

Henry, Raymond, \$290.64, LIC
McMillin, Robert, \$272.95, LIC

TOTAL: \$5,667,217.27

Dated this 31st day of May, 2013.

/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 & AMBULANCE DISTRICTS AND STATE.

An assistance application submitted by McColley's was reviewed. Motion by Russell, seconded by Falkenburg, to take no action on application CP #2013-18 for cremation assistance. With no further discussion and all voting yes, the motion carried.

Discussion was held on an alternative meeting location for the August 1, 2013 meeting as a jury trial is currently scheduled and the jury room may be needed. If the trial is held, the meeting will move to the ground floor meeting room.

Ortner shared with the Board a proclamation he will be reading at a ceremony on July 1, 2013, which will honor C-130 crewmembers who were killed or injured while fighting the White Draw fire. Motion by Cassens, seconded by Falkenburg, to approve the proclamation. With no further discussion and all voting yes, the motion carried.

The Auditor advised the Board that the County received \$631,192.00 in PILT funds, which is approximately \$1,500.00 less than in 2012.

The Board reviewed an Institutional Analysis Interview questionnaire received from Parsons Company in reference to the U.S. Army Corps of Engineers' Remedial Investigation and Feasibility Study for the Black Hills Army Depot. Frank Maynard, Emergency Management, advised the Board he has questions about the project and shared an email he received from Brian Daunt, Forest Service, which states that he was informed that the project at Igloo is done. Motion by Falkenburg, seconded by Russell, to authorize Ortner and Maynard to draft a letter opposing the completion of the project until further information is provided. With no further discussion and all voting yes, the motion carried.

A Joint Powers agreement was presented. Motion by Falkenburg, seconded by Russell, to approve a Joint Powers agreement with the State of South Dakota, Dept. of Agriculture, Wildland Fire Division that will allow for assistance on wildland fires and risk incidents, authorizing the Chairman to sign. With no further discussion and all voting yes, the motion carried.

Maynard updated the Board on boiler maintenance, the courthouse phone system, and presented a request for use of the command trailer. Motion by Falkenburg, seconded by Russell, to authorize the Hot Springs Radio Club's use of the command trailer for their annual field day exercise. With no further discussion and all voting yes, the motion carried.

Discussion was held on reassignment of some county vehicles. Motion by Russell,

seconded by Falkenburg, to reassign from the Sheriff's Office a 2006 Durango to Emergency Management and a 2007 Durango to courthouse employee use. With no further discussion and all voting yes, the motion carried.

Susan Henderson met with the Board to discuss a letter Governor Dugaard sent on February 22, 2012 to the US Dept. of Energy in support of funding for the South Dakota School of Mines and Technology to research shale formations and her concerns that it could lead to a nuclear waste site in the county. Motion by Falkenburg, seconded by Russell, to state they do not object to the shale study but oppose any potential nuclear waste site in Fall River County. With no further discussion and all voting yes on a roll-call vote, the motion carried.

The meeting opened for public comment. Bob Nelson and Don Ackerman updated the Board on plans for the "Honoring Our Heroes" event in Hot Springs on July 31 through August 4, 2013. Commemorative coins were presented to the Board in appreciation of support. Ackerman reviewed activities and discussed needs for which the County may be able to provide assistance. The Board expressed appreciation for all Nelson and Ackerman have done for the event.

Randy Seiler, Highway Superintendent, met with the Board to discuss personnel. Motion by Falkenburg, seconded by Russell, to approve appointing Bruce McClung as Foreman, increase of wage to \$17.89, as per Union Contract. With no further discussion and all voting yes, the motion carried.

Seiler reported that State Game, Fish and Parks has agreed to contribute 40% of the cost of applying mag water to Sheps Canyon Road, not 60% as provided in 2012, which was an exception. Seiler also reported that on Angostura Road, they will contribute 70-75% of the cost of chip sealing in 2014, which would cost \$40,000.00 for the county's share. As chip sealing costs have increased, Seiler suggest the county give specific consideration to such projects when completing the road tour. Motion by Falkenburg, seconded by Russell, to approve the agreement to apply mag water to Sheps Canyon Road with the State Game, Fish and Parks department providing 40% of the cost and the county the remainder. With no further discussion and all voting yes, the motion carried.

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

A&B Business Equipment	Copier	\$364.55
AT&T Teleconference	Telephone	\$5.15
Beesley Law Office	CAAF	\$3,994.30
Black Hills Chemical	Supply	\$30.99
Bingham, James	CAAF	\$1,107.00
Bogner, John	Travel	\$121.36
CBM Food Service	Inmate	\$3,633.78
Century Business Leasing	Copier	\$529.24

Clinical Laboratory Of	Autopsy	\$1,972.00
Culligan Soft Water	Water	\$105.75
Dale's Repair	Car Maint	\$275.62
Days Inn	Travel	\$620.91
Dell Business Credit	Warranty	\$719.51
Edgemont Herald Tribune	Publishing	\$906.10
Schmidt, Stacy	Travel	\$43.00
Golden West Technologies	Contract	\$397.50
Golden West	Telephone	\$1,443.87
Greenough, Heath	Travel	\$35.52
Hageman, Wayne	Travel	\$3.33
Hayes, Susie	Supply	\$148.36
High Plains Graphics	Supply	\$52.50
Lyle's Handyman	Labor	\$178.50
Marketlab Inc	Supply	\$170.43
Microfilm Imaging Systems	Lease	\$275.00
Neville Repair	Car Maint	\$15.00
Norton's Sinclair	Car Maint	-\$264.60
O'Neill, Justin	CAAF	\$3,805.67
Penn Co Jail	Inmate	\$2,244.00
Phoenix Investigations	Investigation	\$986.60
Ranchers Feed & Supply	Supply	\$8.36
Rapid City Journal	Publishing	\$271.55
Regional Health	Autopsy	\$379.00
Rick's Auto Center	Car Maint	\$32.00
SD Dept Of Revenue	Registration	\$440.00
Skinner, Matthew L. PC	CAAF	\$399.74
Software Services Inc	Support	\$1,380.00
State Remittance Center	MI/Pred Animal	\$1,965.91
Stephens Law Office	CAAF	\$650.00
Storm, Jeff	Prop Valuation	\$250.00
Schoenfelder, Paul	Inmate	\$140.00
Tiger Direct	Supply	\$157.18
Trugreen Chemlawn	Lawn Care	\$37.00
United States Postal Serv	Postage	\$654.12
Warne Chemical & Equip.	Supply	\$357.40
Weichmann, Cynthia	Crt Rep	\$76.00
Western SD Juv Serv Ctr	Juvenile	\$5,625.00
Sides, John	Travel	\$66.60
Rhoe, Kelli	Travel	\$43.00
Wyatt, Jerry	Travel	\$74.00
Hamaker, Bobbie	Travel	\$43.00
	General Fund Total	\$36,970.80

Road & Bridge

B H Electric Coop Inc.	Utility	\$18.06
Edgemont Herald Tribune	Publishing	\$71.16
Golden West	Telephone	\$249.12
Norton's Sinclair	Car Maint	\$9.38
	Road & Bridge Total	\$347.72

Emergency Mgt

Golden West	Telephone	\$103.02
Nettinga, Joan	Supply	\$24.90
Norton's Sinclair	Car Maint	\$285.20
United States Postal Serv	Postage	\$1.12
	Emergency Mgmt Total	\$414.24

911 Surcharge Reimb

Golden West Technologies	Contract	\$397.50
Golden West	Telephone	\$61.57
Century Link	Telephone	\$624.95
	911 Surcharge Reimb Total	\$1,084.02

L.E.P.C. Grant

Burt, Curtis	LEPC	\$100.00
HSR Fueling LLC	Fuel	\$73.39
Pudwill, Norman	LEPC	\$60.00
	L.E.P.C. Grant Total	\$233.39

Due To Schools

First Interstate Bank	Taxes	\$82,655.32
Hot Springs School	Taxes	\$497,574.24
Oelrichs School District	Taxes	\$39,063.00
	Due To Schools Total	\$619,292.56

Due To Townships

First Interstate Bank	Taxes	\$895.79
	Due To Townships Total	\$895.79

Due To Cities & Towns

Bank Of The West	Taxes	\$169,550.32
First Interstate Bank	Taxes	\$36,201.88
Hot Springs City Td 7	Taxes	\$2,503.10
Oelrichs, Town Of	Taxes	\$2,211.95
	Due To Cities & Towns Total	\$210,467.25

Ambulance Districts

Bank Of The West	Taxes	\$11,241.46
First Interstate Bank	Taxes	\$1,115.95
First Interstate Bank	Taxes	\$2,235.44
Ambulance Districts Total		\$14,592.85

Due To Fire Districts

Ardmore Fire District	Taxes	\$1,725.31
First Interstate Bank	Taxes	\$13,243.10
First Interstate Bank	Taxes	\$459.85
Minnekahta Fire	Taxes	\$1,363.38
Oelrichs Vol Fire Dept	Taxes	\$1,354.13
Due To Fire Districts Total		\$18,145.77

Pine Shadow Rd District

First Interstate Bank	Taxes	\$2,113.21
Pine Shadow Rd Dist Total		\$2,113.21

Cascade Mtn Rd District

First Interstate Bank	Taxes	\$734.30
Cascade Mtn Rd Dist Total		\$734.30

Eagle Valley Rd District

Black Hills Federal	Taxes	\$1,046.53
Eagle Valley Rd Dist Total		\$1,046.53

Country Club Est Rd District

First Interstate Bank	Taxes	\$1,055.31
Country Club Est Rd Dist Total		\$1,055.31

Country View Rd District

Black Hills Federal	Taxes	\$803.35
Country View Rd Dist Total		\$803.35

Hot Brook Road District

Hot Brook Rd District	Taxes	\$1,302.66
Hot Brook Rd Dist Total		\$1,302.66

Waters Edge Road District

Water's Edge Rd District	Taxes	\$891.11
Waters Edge Road Dist Total		\$891.11

Cedar Hills Road District

Cedar Hills Road District	Taxes	\$233.94
	Cedar Hills Road Dist Total	\$233.94

Valley View Road District

First Interstate Bank	Taxes	\$255.22
	Valley View Road Dist Total	\$255.22

24/7 Participation Fee

State Remittance Center	24/7	\$131.00
	24/7 Participation Fee Total	\$131.00

M & P Flow Thru

SD Assn Of Co. Officials	M&P	\$352.00
	M & P Flow Thru Total	\$352.00

Grand Total	\$911,363.02
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Keith Andersen, Andersen Engineering, presented plats for approval. Motion by Falkenburg, seconded by Russell, to approve the plat of Tract Sarah as follows. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2013-19

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Tract Sarah, Lot A containing a portion of Tract Sarah, located in the SE ¼ of Section 31, T8S, R3E, 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 20th day of June, 2013.

/s/ Michael P. Ortner
 Michael P. Ortner, Chairman
 Fall River County Board of Commissioners

ATTEST:
/s/ Sue Ganje
 Sue Ganje, Fall River County Auditor

Motion by Falkenburg, seconded by Russell, to approve the plat of Allen Plot Northwest as follows, noting that it not be filed until signed by the SD Dept. of Transportation. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2013-20

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Allen Plot Northwest, containing portions of Gov't Lot 1 and Tract 1 of Gov't Lot 1 in Section 30, and portions of Gov't Lot 4, Tract 1 of Gov't Lot 4 in Section 19 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 20th day of June, 2013.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Susie Hayes, Director of Equalization, met to present information on a discussion with Bill Cox regarding the tax status of his property and whether a property used for benevolent purposes is exempt. A phone conference call was held with Mr. Cox, with Ortner abstaining from conversation.

Gravel bids were opened at 10:25 AM as advertised. Motion by Falkenburg, seconded by Russell, to accept Western Construction's bid of \$3.06 per ton as the low bid. With no further discussion and all voting yes, the motion carried.

Cindy Brunson asked the Board for an update on the Igloo Bridge and discussed leaks in the Provo Water System. The Board asked her to talk to Seiler about roads in Igloo so he could bring recommendations to a future meeting. Brunson also asked the Board's position on fracking done on BLM land; Falkenburg asked her to bring information to the Board as he would oppose any fracking operation.

A hearing on temporary Malt Beverage licenses was held as advertised. Motion by Cassens, seconded by Russell, to approve the temporary Malt Beverage license applications made by the Victory Steakhouse and the Hat Creek Grill for the Edgemont Redneck Rally. With no further discussion and all voting yes, the motion carried.

Sharon Moad, Crazy Horse Civil Air Patrol, met to update the Board on their progress and services, asking for \$850.00 in funding of the current year. Ortner informed her funds for 2013 are already allocated but that the Board would consider an application for 2014.

Carl Shaw, Edgemont City Mayor, was present for a discussion on a county-owned property located at 511 7th Street in Edgemont. The building is in need of demolition, which is

estimated to cost \$7,140.00. Shaw stated that the City is not interested in taking ownership by deed. Discussion was held on whether the demolition or rubble costs could be reduced; Cassens said she would see if a reduced rate at the Custer / Fall River Landfill could be arranged. Motion by Cassens, seconded by Falkenburg, to approve the county providing half the cost of demolishing the structure at 511 7th Street in Edgemont and to aid in reducing costs as possible. With no further discussion and all voting yes, the motion carried.

Jim Sword, State's Attorney, asked the Board to reclassify staff. Motion by Falkenburg, seconded by Russell, to approve reclassifying Shari Winslow as an administrative assistant at a rate of \$10.83 per hour, per Union contract. With no further discussion and all voting yes, the motion carried.

Hayes returned to the Board to discuss setting a policy to address requests for data. She, along with Register of Deeds Mel Engebretson and Stacey Martin, GIS, will work up a policy with Sword and bring it back to the Board at a future meeting.

An applicant for assistance met with the Board. Motion by Falkenburg, seconded by Russell, to approve \$229.00 for a water heater for CP #2013-19, with a repayment plan that includes a prior balance. With no further discussion and all voting yes, the motion carried.

The Board recessed for lunch at 11:49 AM. The Board reconvened at 1:30 PM. Motion by Cassens, seconded by Russell, to enter into Executive Session for personnel interviews, per SDCL-1-25-2(1). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 1:31 PM.

The Board came out of Executive Session at 2:42 PM. Motion by Cassens, seconded by Falkenburg, to offer the position of Maintenance Supervisor to Lyle Jensen with a start date of June 24, 2013, at a salary of \$30,000 with an increase of \$2,000.00 at the end of a satisfactory six-month probation period. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to adjourn. With no further discussion and all voting yes, the motion carried and the meeting adjourned at 2:47 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