

## **FALL RIVER COUNTY MINUTES OF JUNE 4, 2014**

The Fall River Board of County Commissioners met in regular session on June 4, 2014 in the Auditorium of the State Veterans' Home. Present: Michael Ortner, Joe Allen, Anne Cassens, Joe Falkenburg, Deb Russell, and Sue Ganje, Auditor. Absent: none.

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

The agenda was reviewed for conflicts; Falkenburg noted a potential conflict. Motion by Falkenburg, seconded by Russell, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to correct the agenda to show approval of the May 15, 2014, rather than May 1, 2015, minutes. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve the minutes of the May 15, 2014 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve \$1,300.00 in burial assistance, plus \$90.00 mileage for CP #2014-19. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to surplus as junk asset #1139, a TV from the courthouse and #1810, a CPU from the Auditor's Office. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, to approve travel for Kristi Spitzer to attend training in Pierre on June 9-11, 2014, with travel expenses paid by the State. With no further discussion and all voting yes, the motion carried.

A quit-claim deed was presented for approval, which was signed by the property owner's wife under general Power of Attorney as the owner was ill. As it is unclear at this time if the property owner, who is now deceased, was alive at the time the deed was signed, no action was taken on the matter until further clarification can be made.

Barbara Farley met with the Board to discuss an issue with a fence that has replaced a gate, closing off access. The Board provided Farley with information on the legal process for filing a request to have the gate reinstalled.

Kelli Rhoe, Acting Treasurer, presented delinquent tax agreements for the Board's consideration. Motion by Falkenburg, seconded by Allen, to approve a Delinquent Tax Agreement with Harry Wing for parcel #72220-00100-01110 at \$150.00 per month for prior taxes, and to keep current taxes up to date. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to approve a Delinquent Tax Agreement with Justin and Kristina Goodman for parcel #75140-01200-02200 at \$200.00 per month for prior taxes, and to keep current taxes up to date. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve a Delinquent Tax Agreement with Terry Massey for parcels #75480-00200-03100 and 75480-00200-03000 at \$100.00 per month for prior taxes, and to keep current taxes up to date. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Cassens, to approve a Delinquent Tax Agreement with Patrick Pulley for parcel #17000-00802-35300 at a minimum payment of \$550.00 per month for prior taxes, and to keep current taxes up to date. With no further discussion and all voting yes, the motion carried.

Kathy Schweigert met with the Board to ask for a delinquent tax agreement for property she and her husband, Gary, use to operate an animal rescue facility. Discussion was held on how they will be able to handle the commitment of an agreement on top of the expense of caring for the animals when they are struggling now. Schweigert said they are looking at grants and donations. The Board advised them they may need to consider ceasing care of horses. If they enter into an agreement and default, the county will process a tax deed on the parcels. Motion by Cassens, seconded by Falkenburg, to approve a Delinquent Tax Agreement with Gary and Kathleen Schweigert for parcels #65080-00100-00300 and 65080-00100-004000 at \$100.00 per month, to include current year taxes. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to approve a Delinquent Tax Agreement with Georgia Trundle for parcel #72150-03100-02300 at \$200.00 per month for prior taxes, and to keep current taxes up to date. With no further discussion and all voting yes, the motion carried.

Linda Murphy asked for an agreement and the Board reviewed the property tax history, which was extensive. Motion by Allen, seconded by Russell, to deny the request from Linda Murphy for a Delinquent Tax Agreement on parcel #12000-00706-33207 and to start tax deed proceedings. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve a Delinquent Tax Agreement with James Hay for parcel #65232-00300-00200 at \$300.00 per month for prior taxes, and to keep current taxes up to date. With no further discussion and all voting yes, the motion carried.

The Board discussed the county policy on tax sale certificates. Currently, delinquent properties are advertised in December and tax sale certificates are available to be purchased. Ortnier suggested the county hold the tax certificate for a year to allow the owner to enter into a delinquent tax agreement. If an agreement is not done, the tax certificate on the property may then be sold after the second delinquent year.

Randy Seiler, Highway Superintendent, presented fuel transfers for approval. Motion by Falkenburg, seconded by Russell, to approve transfers to reimburse the Highway Department for fuel used from April 30, 2014 through May 31, 2014 in the following amounts: the Sheriff's Office, \$3,076.46; the Courthouse, \$550.43; and the Weed Board, \$465.12. With no further discussion and all voting yes, the motion carried.

Fuel quotes were presented.

	<u>8,000 gal. Unleaded</u>	<u>8,000 gal. #2 Dyed Diesel</u>
Nelson's	\$3.29 / gal.	\$3.38 / gal.
MG Oil	\$3.26116 / gal.	no bid
PJ's	no bid	no bid

Motion by Falkenburg, seconded by Russell, to approve MG Oil's bid of \$3.26116 per gallon for 8,000 gallons of Unleaded as the low bid and Nelson's bid of \$3.38 per gallon for 8,000 gallons of #2 Dyed Diesel as the only bid. With no further discussion and all voting yes, the motion carried.

A resolution to add Argentine Township Bridge to the State System was presented. Motion by Russell, seconded by Falkenburg, to approve a Federal Aid Bridge Replacement or Rehabilitation Program resolution adding the Argentine Township Bridge, Structure #24-020-020, to the South Dakota Department of Transportation road system. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve Amendment #1 to work order agreement #410525 with Brosz Engineering which adds \$2,144.84 to the cost of the limiting fee. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve an application by Golden West to occupy right of ways for the installation of fiber optic telecommunication cables as follows: Junction of Highway 71 and Rocky Ford Road to the Junction of Rocky Ford Road and Highland Road; Junction of Rocky Ford Road and Highland Road for 9,434', more or less, ending at 12163 / 12165 Highland Road; and Junction of Highway 71 and W. Flag Pole Road for 3,585', more or less, east and south of the junction, ending at 28338 W. Flag Pole Road driveway. With no further discussion and all voting yes, the motion carried.

Seiler reported on the Chilson Bridge, stating that a survey is needed, which would then result in a recommendation. Seiler said there are two options: eliminate the bridge and use alternate routes or install a culvert and create an at-grade crossing, recommending Brosz Engineering for the project. Motion by Russell, seconded by Falkenburg, to approve Brosz Engineering for the Chilson Bridge survey. With no further discussion and all voting yes, the motion carried.

Seiler also reported that the state will not pay toward the application of mag water on Sheps Canyon Road as they are assisting with funds for the asphalt road on the other side of the lake.

The Igloo Bridge was discussed. Seiler said Barker Construction's schedule is full and withdrew their bid; other bids solicited were \$35,550.00 from Croell and \$39,114.41 from Heavy Construction. Both could start work immediately. There is still a question as to whether an alternate route is a private road or a township road. Tom Simons was in attendance and said he doesn't lock the township road but does lock a private road as he doesn't want it subject to the wear from public traffic or the possible liability. Simons will allow use of this road for emergency purposes as long as the gate is shut behind them and it is understood that this is a private, not public, road and only until the other road is fixed. The Board, Simons and Jack Brunson reviewed a road map to consider possible alternate routes and these options were discussed. Lyle Goodman, Provo Township Clerk, will talk to the Board about deeding one of their roads to the County.

Motion by Allen, seconded by Russell, to approve, by way of the emergency clause for public safety, a contract with Heavy Construction to repair the Igloo Bridge at a cost of \$39,114.41. With no further discussion and all voting yes, the motion carried.

Keith Neugebauer, Fall River Water Users District, requested a pipeline easement, noting that they formerly had a blanket agreement for easements, but asking if the Board preferred an application for each easement. The Board asked for an application for each easement. Motion by Cassens, seconded by Allen, to approve a 15' wide pipeline easement for Fall River Water Users District on Fall River County Highway #2C adjacent to the NE ¼ of Section 29, T7S, R8E and the SW ¼ of Section 3, T8S, R8E of the Black Hills Meridian, Fall River County, South Dakota and from the NE ¼ of Section 29, T7S, R8E to the SW ¼ of Section 3, T8S, R8E of the Black Hills Meridian, Fall River County, South Dakota. 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**

Commissioners	May Salaries	\$4,100.00
Auditor's Office	May Salaries	\$10,088.24
and additional overtime of		\$9.26
Elections	May Salaries	\$1,347.28
Treasurer's Office	May Salaries	\$6,904.82
and additional overtime of		\$117.38
State's Attorney Office	May Salaries	\$7,213.32
and additional overtime of		\$10.69
Maintenance	May Salaries	\$5,622.69
Department Of Equalization	May Salaries	\$10,939.92
and additional overtime of		\$46.88
Register Of Deeds Office	May Salaries	\$6,646.98
Veterans Services Office	May Salaries	\$2,307.49
GIS	May Salaries	\$2,347.84
Nurse's Office	May Salaries	\$2,664.37
Sheriff's Office	May Salaries	\$242,452.07

and additional overtime of Jail		\$1,359.70
	May Salaries	\$9,435.32
and additional overtime of Dispatch		\$1,612.23
	May Salaries	\$10,822.79
and additional overtime of 24/7		\$298.18
	May Salaries	\$2,058.05
County Extension Office	May Salaries	\$2,562.56
Weed Dept	May Salaries	\$2,911.75
Coroner	May Salaries	\$400.00
A & B Business Equipment	Copier	\$734.89
Atchley, Carl	Assistance	\$450.00
Audra Malcomb Consulting	MI	\$302.56
Bingham, James	CAAF	\$655.16
BH Family Health Clinic	Inmate	\$911.00
Black Hills Power	Assist	\$4,065.68
CBM Food Service	Inmate	\$2,654.28
Century Business Leasing	Copier	\$367.68
Cheyenne Sanitation	Utility	\$280.00
Dakota Leasing Company	Copier	\$190.00
Dale's Repair	Car Maint	\$1,088.98
Dell Business Credit	Equip	\$44.44
Edgemont Herald Tribune	Sub	\$31.00
Election Systems & Soft	Supply	\$2,271.49
Environmental Products	Supply	\$125.52
Executive Mgmt Finance	BIT	\$19.00
Falkenburg, Joe	Travel	\$76.96
Fall River Auto Supply	Supply; Repair	\$372.12
Fall River Health	Inmate	\$247.80
Glass Pro +	Car Maint	\$140.00
Great Western Tire	Car Maint	\$615.76
Harris, Betsey	CAAF	\$1,619.40
High Plains Graphics	Supply	\$105.50
Hills Edge Auto Sales	Car Maint	\$46.33
Hillyard Floor Care Supp	Supply	\$290.17
Hot Springs Ace Hardware	Supply; Repair	\$852.74
Hot Springs Automotive	Supply; Repair	\$8.99
City Of Hot Springs	Utiltiy	\$24.00
Hot Springs Star	Subscription	\$39.85
Lewno, Lucy	MI	\$147.00
Manlove Psychiatric Group	Inmate	\$83.34
McColley's	Assistance	\$1,390.00
McLleods Office Supply Co.	Supply	\$217.50

Neve's Uniform Inc	Uniform	\$255.90
Norton's Sinclair	Car Maint	\$197.99
Norton, Tina	Inmate	\$140.00
Oelrichs Community Center	Rent	\$30.00
Sonnel Technologies	Equip	\$2,687.36
O'Neill, Justin	CAAF	\$921.97
Orrock, Ken	Conf Dep	\$572.25
Otis Elevator Company	Contract	\$347.58
Pennington County Auditor	MI	\$44.00
Powell, Debra J	Inmate	\$70.00
Quill Corporation	Supply	\$449.30
Radioshack	Supply	\$6.99
Radiology Associates	Inmate	\$31.32
Rapid City Journal	Publishing	\$443.21
Rapid City Regional	MI	\$620.96
Regional Pharmacy	Inmate	\$105.71
Rick's Auto Center	Car Maint	\$348.22
SD Department Of Revenue	Inmate	\$135.00
Servall	Supply	\$229.78
Shopko Stores Operating	Inmate; Supply	\$769.94
Spitzer, Kristi	Travel	\$9.00
Stevens Automotive	Repair	\$19.28
Schoenfelder, Paul	Inmate	\$35.00
Tiger Direct	Equip	\$155.87
Pro Build	Supply	\$75.00
US Bank	Copier	\$190.17
Yankton Co. Sheriff	MI	\$25.00
Beldin, Kimberlee	Ins Ded	\$1,000.00
Shannon, Jeffrey	Mileage	\$39.96
	<b>General Fund Total</b>	<b>\$364,705.71</b>

### Road & Bridge

County Road & Bridge Admin	May Salaries	\$6,171.53
County Road & Bridge Const and additional overtime of	May Salaries	\$26,065.51
A & B Welding Supply Co.	Supply	\$274.16
Black Hills Power	Assist	\$419.27
Butler Machinery Co.	Supply	\$876.52
Dakota Fluid Power Inc	Supply	\$21.16
Diesel Machinery, Inc	Supply	\$73.90
Eddies Truck Sales	Repair	\$1,472.08
Fall River Auto Supply	Supply; Repair	\$282.57

Forward Distributing	Supply	\$133.65
Hills Materials Co.	Repair	\$12,730.28
Hot Springs Ace Hardware	Supply; Repair	\$54.94
Hot Springs Automotive	Supply; Repair	\$446.18
Ricoh USA Inc	Utility	\$75.00
Kimball Midwest	Supply	\$555.42
MG Oil	Gas	\$26,418.66
Nelson's Oil & Gas Inc.	Fuel	\$27,040.00
Norton's Sinclair	Car Maint	\$23.68
Rapid Delivery	Supply; Repair	\$40.00
Safety Kleen	Repair	\$106.00
SD Dept Of Transportation	Supply	\$221.87
SDACHS / DJ Buthe	Travel	\$30.00
Seiler, Randy	Cell Phone	\$35.00
Stan Houston Equip. Co.	Supply	\$43.50
Team Laboratory Chemical	Supply	\$877.00
Twilight Inc	Supply	\$31.55
	<b>Road &amp; Bridge Total</b>	<b>\$104,540.88</b>

#### **911**

911	May Salaries	\$2,373.48
and additional overtime of		\$307.80
Hot Springs Ace Hardware	Supply; Repair	\$14.65
Rushmore Communications	911	\$744.00
Tiger Direct	Equip	\$935.54
	<b>911 Reimbur. Total</b>	<b>\$4,375.47</b>

#### **Emergency Mgt**

Emergency Management	May Salaries	\$4,054.20
Hot Springs Ace Hardware	Supply; Repair	\$42.00
Hot Springs Automotive	Supply; Repair	\$24.82
Rapid City Journal	Publishing	\$7.61
SD Dept Of Homeland Sec	Registration	\$150.00
	<b>Emergency Mgmt Total</b>	<b>\$4,278.63</b>

#### **L.E.P.C. Grant**

HSR Fueling LLC	LEPC	\$101.14
Pudwill, Norman	LEPC	\$60.00
Bastian, Tracy	LEPC	\$100.00
	<b>L.E.P.C. Grant Total</b>	<b>\$261.14</b>

**Grand Total** **\$478,161.83**

Craig Romey met with the Board to request a refund of property taxes on a demolished building, stating that Steve Simunek had received a similar refund in the past. A motion by Allen to approve a refund of property taxes died for lack of a second. Falkenburg asked that the item be on the next agenda for consideration.

A break was taken at 10:55 AM. The meeting resumed at 11:00 AM. Keith Andersen, Andersen Engineering, presented two plats for approval; plats for Tracy Romey and Pearl Risinger were not presented. Motion by Cassens, seconded by Falkenburg, to approve the plat of Sieg Tract #2 as follows. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2014-14**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Sieg Tract #2 located in the N ½ NW ¼ of Section 12, 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 4<sup>th</sup> day of June, 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

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

**FALL RIVER COUNTY RESOLUTION #2014-15**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Lots 1-13 of Tract Seger-1, containing a portion of Tract Seger-1, located in the NW ¼ of Section 15, 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 4<sup>th</sup> day of June, 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

The meeting was opened for public comment. Paul Nabholz recommended audio recordings of the meetings; Susan Henderson again requested a forensic audit of the Treasurer's Office.

A hearing was held on the proposed solid waste facility for a petroleum contaminated soil farm. Keith and Clint Andersen, Andersen Engineering and Ken, Kerry, Kelvin, Kurt and Kris Barker of High Plains presented information on how the proposed site would operate. Waste soils would be limited to refined petroleum material that is treatable. Jim Wendte, Solid Waste Secretary for the DENR, explained the permit process, which includes a resolution from the county commission, a planning and zoning statement and input from Game, Fish and Parks. An operating and maintenance plan would be submitted and would include control of run-off waters and testing of materials by third-party labs. Members of the public asked if all incoming materials are tested, which they are not, but are done at a rate of one test per 100 tons of waste. Wendte stated that the highest reading of radiation levels is 8, which is 1/3 lower than allowable levels. Several member of the public questioned the safety of the facility, the limitations of the materials it would handle and the protection of the natural resources. Ortner asked for a show of those in attendance who opposed the proposed site, which was a clear majority, and asked that the resolution adopted by the commission in support of the facility be added to the agenda on June 19, 2014.

Ortner presented a draft of a county Economic Impact Statement prepared for the Save the VA committee. Motion by Falkenburg, seconded by Allen, to adopt the Economic Impact Statement as the county position on the closure of the VA in Hot Springs, authorizing the chairman to sign. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 11:59 AM.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor