

**FALL RIVER COUNTY MINUTES OF AUGUST 15, 2017**

The Fall River Board of County Commissioners met in regular session on August 15, 2017. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz, Deb Russell and Sue Ganje, Auditor.

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

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Abbott, seconded by Russell, to approve the agenda as written.

Motion made by Nabholz, seconded by Russell, to approve the minutes of August 1, 2017.

Motion made by Russell, seconded by Nabholz, to approve the July 31, 2017 Auditor's Account with the County Treasurer.

**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 July, 2017.

Total Amt of Deposit in First Interstate Bank:	<u>\$595,120.59</u>
Total Amount of Cash:	<u>\$1,324.93</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>\$129,178.33</u>
SAVINGS:	
First Interstate Bank :	<u>\$2,148,604.36</u>
CERTIFICATES OF DEPOSIT:	
First Interstate-Hot Springs:	<u>\$3,658,361.80</u>
Black Hills Federal Credit Union:	<u>\$250,000.00</u>
Bank of the West	<u>\$500,000.00</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:

Greenia, Ann - \$107.00, 04/10/17

TOTAL \$7,284,132.01

Dated This 31<sup>st</sup> Day of July, 2017.

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Sue Ganje, County Auditor of Fall River County.

County Monies: \$7,067,620.25

Held for other Entities: \$64,902.58

Held in Trust: \$151,609.18

TOTAL: \$7,284,132.01

Motion made by Russell, seconded by Nabholz to approve a pay increase for Kyle Maciejewski (certified deputy) from \$16.50 to \$17.50, for 2080 hours, as per union contract.

Motion made by Russell, seconded by Allen, to approve the letter of support for Prairie Hills Transit for a Hot Springs Bus Facility. With Nabholz voting no, all others voting yes, motion carried.

Frank Maynard, Emergency Management, met with the board. Motion was made by Nabholz, seconded by Abbott, to approve the 2017 Emergency Management Performance Grant Sub-Award Agreement and authorize the chair to sign.

Notice was given that Fall River County received a Court Security Grant Program. Maynard received a check for \$6,017.52, which represents 50% of expenses; the county will be responsible for the same amount.

Maynard has been monitoring the drought monitor, noting the county still does not meet requirements for a drought resolution. Discussion was held that disagreed with that. The Commissioners will work on a letter to our Congressional representatives.

Maynard requested a disaster fund for fire, flood, etc. The auditor advised that the county has money in the fire fund and the recent fire expenses were paid from that fund. Maynard also stated that the commodity flow study will be done at the Coffee Cup Fuel Stop, but has not been notified of the date yet. Maynard also provided a fire report.

Cindy Brunson met to give history on easements at Igloo after the county took the property and spoke of the locked gate issue at Igloo. Brunson also spoke of a stolen vehicle and issues with county law enforcement.

An applicant for county assistance met with the board. Motion made by Allen, seconded by Russell to approve CP 2017-13 in the amount of \$192.08 for a BH Energy bill, with repayment from the applicant. With Nabholz voting no, all others voting yes, motion carried.

Darryl Crown, Black Hills Flight for Life, gave a presentation on Air Methods Advantage. This insurance will cover individuals, families or counties (if purchased) and will cover a helicopter ride anywhere in the country. Costs start at \$40.00 for individuals and \$75.00 for a family, noting there are no upfront costs for the patient. What primary insurance does not cover, flight for life insurance does. If you have no insurance, the flight for life insurance will cover the entire helicopter ride. Coverage excludes North Dakota, and not for patients with Medicare or IHS as they have contracts with those providers for negotiated rates. This only covers air time. Falkenburg would like to discuss this with the board for possible purchase of coverage.

Dustin Ross, Andersen Engineers, met with the board and presented two plats. Motion made by Abbott, seconded by Russell to approve the following plat resolution:

**FALL RIVER COUNTY RESOLUTION #2017-23**

**A Plat of Fees Tract and Tract B Revised, located in the W1/2SW1/4 of Section 12, T7S, R5E, BHM, Fall River County, South Dakota**

**Containing all of Tract B and A One Acre Tract Located in the NW1/4SW1/4, Lots 1 and 2 of Block 5 and all of vacated Germond Ave, Lying between Block 5 and Block 12 of W.U. Germond's Cold Brook Addition**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and 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 and therefore,

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

Dated this 15<sup>th</sup> day of August, 2017.

ATTEST:

/s/Sue Ganje, Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

Motion made by Russell, seconded by Allen, to approve the following plat resolution:

**FALL RIVER COUNTY RESOLUTION #2017-24**

**A Plat of Lot 1 of Farm Unit 17, Located in the W1/2 of Section 4, T8S, R7E, and then SW1/4 of Section 33, T7S, R7E, BHM, Fall River County, South Dakota**

**Containing a portion of Farm Unit 17**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and 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 and therefore,

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

Dated this 15<sup>th</sup> day of August, 2017.

ATTEST: /s/Sue Ganje, Fall River County Auditor  
/s/Joe Falkenburg  
Fall River County Board of Commissioners

Tonia Wagoner, Michele Brock and Ann Goelz, Battle Mountain Humane Society, met with the board to read their response to a recent newspaper article, referencing comments made by commissioners about their facility and program. They presented a check in the amount of \$2,500 (the amount they received in 2017 from the county) asking that those monies go to the elderly meal programs in the county.

Mike McNeill, United States Forest Service, met with the board as a follow up on the proposed seismic oil drilling. He presented the Special Terms and Conditions, which are in addition to those attached to the Notice of Intent to conduct this project. Seismic activity will not be allowed within the 2,000-foot boundary around the burning grounds at the Black Hills Army Depot. Susan Henderson objects to the project.

Randy Seiler, Highway Superintendent, met with the board and presented fuel quotes. Motion by Allen, seconded by Nabholz to approve the low and only bid from Nelson's Oil and Gas of \$1.99 for 8,000 gallons of #2 dyed diesel.

Seiler presented three options and estimated costs from Doug Kinniburgh, Local Government Assistance, SD Dept of Transportation, for the Chilson Bridge. Seiler stated that the state preferred Option #2. Discussion was held about the pros and cons of options, possible litigations and previous land that had been owned. Motion made by Russell, seconded by Abbott to approve option #2, for a 140-foot Single Span Concrete Girder Bridge, for a total initial cost of \$1,600,000. Of that total, \$1,280,000 would be the state share and \$320,000 would be the county share. The document also contained additional costs thru the 75 year life cycle of the bridge for inspections, maintenance and 2 major rehabs for a total cost of \$3,698,125.00. Of that total, \$2,928,500.00 would be the state share and \$769,625.00 would be the county share. With Nabholz voting no, all others voting yes, motion carried.

Motion made by Russell, seconded by Allen to approve the bills as follows:

**GENERAL FUND**

A & B WELDING SUPPLY CO.	SUPPLY	\$89.87
AUDRA HILL CONSULTING, INC	MI/CONSULTING	\$1,110.19

BEESLEY LAW OFFICE	CAAF	\$2,640.60
BLACK HILLS CHEMICAL	SUPPLY	\$190.75
BLACK HILLS WEEKLY GROUP	YEARLY SUBSCRIPTION	\$62.95
CHEYENNE SANITATION	SANITATION COLLECTIO	\$280.00
CLINICAL LABORATORY OF	AUTOPSY	\$1,761.00
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DENISON, FRANCES	TRAVEL REIMBURSEMENT	\$64.00
EN-TECH LLC	FUMIGATION	\$225.00
DUDE SOLUTIONS	GIS SUPPORT	\$226.80
FARRELL,FARRELL &GINSBACH	CAAF	\$3,907.18
FED EX	SHIPPING	\$10.58
GOFF, GARLAND LEE	CAAF	\$1,064.70
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	\$3,111.94
GOLDEN WEST TECHNOLOGIES	SERVICE	\$105.00
GOLDEN WEST	PHONE BILL/LONG DIST	\$1,244.04
HARRINGTON, MARDOQUEO	TRAVEL REIMBURSEMENT	\$64.00
SIMKINS, SUSIE	TRAVEL REIMBURSEMENT	\$64.00
HILLYARD/SIOUX FALLS	SUPPLY	\$298.40
HOT SPRINGS ACE HARDWAR	SUPPLY	\$361.57
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$38.39
CITY OF HOT SPRINGS	CITY WATER BILL	\$358.62
HR SPECIALIST : EMPLOYMENT	SUBSCRIPTION	\$97.00
HSR FUELING LLC	AIRPLANE FUEL	\$274.18
LONE STAR HEATING & AIR	SERVICE	\$542.65
LEWIS & CLARK BEHAVIORAL	MI	\$160.00
LIGHT & SIREN	NEW VEHICLE INSTALLA	\$9,464.08
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$185.00
MIKELSON LAW OFFICE	MI	\$103.00
NELSONS OIL & GAS INC.	FUEL	\$198.45
NEVE'S UNIFORM INC	UNIFORM ALLOWANCE	\$189.90
NORTONS SINCLAIR	REPAIR/MAINTENANCE	\$30.65
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNI	\$5,250.00
PITNEY BOWES	POSTAGE MACHINE LEAS	\$1,110.08
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	\$1,067.50
RAPID CITY JOURNAL (THE)	PUBLICATION	\$151.61
SD DEPARTMENT OF REVENUE	BLOOD DRAW	\$210.00
SERVALL	RUGS/MATS/UNIFORMS	\$110.31
SHRM	SUBSCRIPTION	\$199.00
SOFTWARE SERVICES INC	DATA PROCESSING BOSA	\$440.00
SPOT WRANGLERS	CONTRACT SERVICE	\$720.00
STATE REMITTANCE CENTER	AUTO/MI STATE REMITT	\$600.00
VERIZON WIRELESS	VERIZON WIRELESS	\$912.55
THOMSON REUTERS	SUBSCRIPTION LAW BOO	\$200.00

WESTERN COMMUNICATION	SERVICE	\$90.00
WOODY'S WORK SHOP	VEHICLE MAINTENANCE	\$153.56
YANKTON CO. SHERIFF	SHERIFF SERVED FEE	\$50.00
YELLOW ROBE, LUKE	EXPERT WITNESS	\$1,500.00
	TOTAL FOR GENERAL FUND	\$41,547.60
<b>COUNTY ROAD &amp; BRIDGE</b>		
CHEYENNE SANITATION	SANITATION COLLECTIO	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WAT	\$80.60
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	\$135.00
GOLDEN WEST	PHONE BILL/LONG DIST	\$257.44
CITY OF HOT SPRINGS	CITY WATER BILL	\$37.87
	TOTAL FOR COUNTY ROAD & BRIDGE	\$584.91
<b>911 SURCHARGE REIMB</b>		
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	\$480.00
GOLDEN WEST	PHONE BILL/LONG DIST	\$734.19
CENTURY LINK	DISPATCH TRANSFER LI	\$9.84
CENTURY LINK	911 DISPATCH INCOMIN	\$587.89
	TOTAL FOR 911 SURCHARGE REIMB	\$1,811.92
<b>EMERGENCY MGT</b>		
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	\$240.00
GOLDEN WEST	PHONE BILL/LONG DIST	\$104.71
HOT SPRINGS ACE HARDWARE	SUPPLY	\$40.49
PITNEY BOWES	POSTAGE MACHINE LEAS	\$22.66
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	\$3.50
RAPID CITY JOURNAL (THE)	PUBLICATION	\$12.30
VERIZON WIRELESS	VERIZON WIRELESS	\$198.44
	TOTAL FOR EMERGENCY MGT	\$622.10
<b>24/7 SOBRIETY FUND</b>		
PENNINGTON COUNTY JAIL	ELECTRONIC MONITORIN	\$130.00
	TOTAL 24/7 SOBRIETY FUND	\$130.00
<b>COURTHOUSE BUILDING FUND</b>		
CHRISTENSEN ELECTRIC, LLC	ELECTRICAL WORK	\$3,197.04
HOT SPRINGS ACE HARDWARE	SUPPLY	\$1,079.47
NELSONS OIL & GAS INC.	FUEL	\$100.00
BUILDERS FIRST SOURCE	SUPPLY	\$1,142.86
	TOTAL FOR COURTHOUSE BUILDING FUND	\$5,519.37
	TOTAL PAID BETWEEN 7/07/17 AND 7/18/17	\$50,215.90

Break was taken at 10:40 a.m. and meeting resumed at 10:48 a.m.

Public comment was held with Pat Logue on money that was returned from Battle Mountain Humane Society and how the money will be receipted and comments from Joe Logue on driving on open section lines.

Jerry Heiser, Butler Machinery presented a proposal for a 140M AWD Motor Grader NJPA bid 2018-year model in the amount of \$314,552.00, less trade in allowance for the county's 140M AWD 2011 motor grader of \$120,000.00, for total cost of \$194,552.00. Snow equipment is also available for an additional \$14,030.00. Seiler and crew were complemented on the management of the machine idle time.

Wade Iszler, RDO, presented a bid for a 2018 John Deere 772GPM6 motor grader in the amount of \$330,046.28 off the Minnesota State Contract. Included in this cost is snow equipment in the amount of \$13,392. Cost before snow equipment is \$316,654.28. Existing county packers can be used with RDO supplied spacers. This machine utilizes remote updates with cell phone coverage, and has a steering wheel and fingertip controls.

Motion made by Nabholz, seconded by Abbott, to approve the quote of the 140M AWD Motor Grader off of NJPA quote, Contract #032515-Cat for the 2018 year model in the amount of \$194,552.00. This price reflects a trade-in for the 140M, AWD 2011 Caterpillar, s/n B9G01037 in the amount of \$120,000.00. This machine will be delivered and paid for in 2018.

Lyle Jensen, Building Supervisor, met with the board. Motion made by Nabholz, seconded by Russell to approve the quote from Tessier's Inc in the amount of \$30,676, to replace two 7.5 ton condensers and DX Coils, to be paid from the building fund.

Jensen explained to the board that the South Annex building is on a rural highway route so they must have outside mailboxes that the mailman can drive up to. Motion made by Russell, seconded by Abbott to put up a mailbox with four compartments for the South Annex property in the amount of \$1,074.94. With Allen voting no, all others voting yes, motion carried.

Paul Nabholz, Commissioner, discussed section lines and public access, along with the codified laws addressing this. Jim Sword, State's Attorney, was present for guidance and comments. Discussion was held about trespassing, giving courtesy to land owners if they need to go through private land to access public lands, and determination of old roads.

Nabholz stated that he had attended a supervisor meeting. Evaluations were discussed at the meetings and Nabholz believes that evaluations are not needed; legal issues could arise without proper training. Sword advised that the commissioners should not be involved in evaluations due to their role in grievance procedures. Discussion was held on the need for evaluations to make sure employees can do what is contained in the job description, and to also help the employee's performance and to maintain their goals.

Stacey Martin, GIS, met with the board. They thanked her for the floor plans. Martin spoke of Local Update of Census Addresses (LUCA) Operation. Martin wanted approval to help with this. Motion made by Abbott, seconded by Russell, to authorize the County to participate in LUCA and appoint Stacey Martin as the liaison. With Nabholz voting no, all others voting yes, motion carried.

Motion made by Russell, seconded by Abbott, to authorize Martin to work with municipalities as needed.

Bob Evans, Sheriff, met with the board and presented a wage study on dispatchers. Discussion was held on current wages and possible combining of dispatch services with Custer

County.

Motion made by Abbott, seconded by Nabholz to enter executive session as per SDCL 1-25-2(01), legal, with the State's Attorney and the Sheriff on jail issues at 11:47 a.m. The board came out of executive session at 12:03 p.m.

Motion made by Abbott, seconded by Russell to enter executive session as per SDCL 1-25-2(3) for preparation on employee wage negotiations at 12:03 p.m. The board came out of executive session at 12:15 p.m.

The Chairman recessed the meeting for lunch at 12:15 p.m.

Meeting resumed at 1:25 p.m. Joe Allen was absent.

The board reviewed the proposed 2018 budget. Motion made by Abbott, seconded by Russell to approve the Provisional budget for 2018. With Nabholz voting no, all others voting yes, motion carried.

Brief discussion was held on a notification that the auditor received from the South Dakota Department of Revenue requesting repayment in the amount of \$37,479.59, due to an overpayment of severance tax monies. These funds are distributed 50% to the county highway and 50% to the schools. The auditor would like a chance to speak to the school business managers, but would recommend repayment after the second half of taxes are paid in October. The auditor will bring this back to the board.

Motion made by Russell, seconded by Nabholz to enter in executive session for personnel purposes of union negotiations, as per SDCL 1-25-2(3) at 1:37 p.m. Abbott exited the meeting at 2:03 p.m.

Executive session ended at 2:10 p.m. Motion made by Nabholz, seconded by Russell to adjourn the meeting at 2:15 p.m.

/s/ Joe Falkenburg  
Joe Falkenburg, Chair  
Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor