

## **FALL RIVER COUNTY MINUTES OF AUGUST 4, 2015**

The Fall River Board of County Commissioners met in regular session on August 4, 2015 in the courtroom of the Fall River County Courthouse. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Michael Ortner, Deb Russell and Sue Ganje, Auditor. Absent: none.

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 Falkenburg, seconded by Abbott, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Motion by Ortner, seconded by Allen, to approve the minutes of the July 21, 2015 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Abbott, seconded by Falkenburg, to surplus as junk two calculators from the Treasurer's Office, asset #1571 and #1606. With no further discussion and all voting yes, the motion carried.

Motion by Abbott, seconded by Falkenburg, to set September 22, 2015 as the second meeting date of the month due to a conflict with Fall Convention. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Ortner, to set 9:00 AM on August 11, 2015 as the time for a special meeting to finalize the provisional budget. With no further discussion and all voting yes, the motion carried.

Frank Maynard, Emergency Management, presented the SLA agreement for approval, which will provide \$51,955.44 in funding for the Southwest District. Motion by Ortner, seconded by Falkenburg, to approve the Southwest District funding agreement, authorizing the Chair to sign. With no further discussion and all voting yes, the motion carried.

Maynard discussed the availability of a crew from the Dept. of Corrections and will report back on dates they might be available; updated the Board on the disaster declaration; and advised the Board of area fires.

Lyle Jensen, Building Superintendent, represented the county supervisors in an appeal to raise county wages across the board, citing health insurance savings and PILT funds that might be used to fund the increase. The Board noted they will consider the request when addressing the budget and PILT funds distribution.

Discussion was held on a request from Rod and Jane Reynolds for compensation for property that now is blocked for access by a guardrail. Motion by Ortner, seconded by Allen, to continue the matter to a time when the Corps of Engineers can meet and express their position on the matter. With no further discussion and all voting yes, the motion carried.

Eric Rounds, Butler Machinery, presented a proposal to purchase a road grader off the 2014 Beadle County bid, which will expire August 19, 2015, and pay for the equipment in 2016. Motion by Ortner, seconded by Allen, to authorize \$279,799.00 for purchase of a Caterpillar blade from Butler Machinery off the 2014 Beadle County bid, payable in 2016. With no further discussion and all voting yes, the motion carried.

Ken Martin, Highway Bookkeeper, met with the Board regarding a request for a medical benefit to be used for his spouse, as he has waived his coverage under county health insurance and is thereby saving the county money. No action was taken.

Randy Seiler, Highway Superintendent, and Laurie Schultz, SD Dept. of Transportation, met with the Board to discuss grant funds available for bridge improvements, noting ten of the thirty-six bridges in the county qualify for funding. Certain county bridges are currently on a plan with the state for repair. Grant application qualifications require a five-year plan and a wheel tax. Motion by Ortner, seconded by Falkenburg, to approve Brosz Engineering as the consultant on the Igloo Bridge. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Abbott, to approve a permit for Shane Stanley to construct an approach on the north side of Smithwick Road, serving a residence at #13802 Smithwick Road. With no further discussion and all voting yes, the motion carried.

Fuel bids were presented for approval.

8,000 gal. #2 Dyed Diesel:

MG Oil, no bid; Nelson's, \$1.97/ gal; PJ's, no bid

Motion by Falkenburg, seconded by Ortner, to accept Nelson's bid of \$1.97 per gal. for 8,000 gal. of #2 dyed diesel as the only bid. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Abbott, to approve transfers to reimburse the Highway Department for fuel or work performed during the period of July 1-31, 2015 in the following amounts: the Sheriff's Office, \$2,503.54; DOE, \$489.13; Building, \$51.45; Emergency Management, \$171.15; State's Attorney, \$64.55; and Weed Board, \$582.85. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Ortner, to approve a work order for Brosz Engineering for the Chilson Bridge. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Abbott to approve hiring Lee Smith as a part-time mower at \$12.05 per hour, effective July 31, 2015. With no further discussion and all voting yes, the motion carried.

Seiler updated the Board on the Buffalo Gap Road, stating that if mag water is used they need to keep up the application. Mike Turner of Pete Lien and Sons spoke of the work they have done on the county roads, recommending the continuation of the use of mag water on the Buffalo Gap Road. Cindy Brunson was present and discussed an alternate product used to maintain roads, providing the Board with information to review for future use. Seiler said they will blade the road.

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

**General Fund**

Commissioners	July Salaries	\$4,900.00
Auditor's Office	July Salaries	\$9,310.56
and additional overtime of		\$342.60
Elections	July Salaries	\$1,620.06
Treasurer's Office	July Salaries	\$7,642.14
and additional overtime of		\$46.78
State's Attorney Office	July Salaries	\$7,381.34
and additional overtime of		\$207.87
Maintenance	July Salaries	\$6,113.73
Department Of Equalization	July Salaries	\$14,796.47
and additional overtime of		\$32.33
Register Of Deeds Office	July Salaries	\$6,396.37
Veterans Services Office	July Salaries	\$2,614.24
GIS	July Salaries	\$2,381.96
Nurse's Office	July Salaries	\$2,668.28
Sheriff's Office	July Salaries	\$23,756.96
and additional overtime of		\$1,525.39
Jail	July Salaries	\$14,524.07
and additional overtime of		\$2,865.13
Dispatch	July Salaries	\$10,141.48
and additional overtime of		\$2,083.58
County Extension Office	July Salaries	\$2,575.44
and additional overtime of		\$195.46
Weed Dept	July Salaries	\$5,309.00
Coroner	July Salaries	\$240.00
Fidelity Sec. Life Ins Co	Eye Insurance	\$65.90
American Family Assurance	American Family	\$225.04
AT&T Teleconference	Long Distance Phone	\$5.23
A-Z Shredding Inc	Shredding	\$15.15
Bob Barker Company Inc	Inmate	\$2,944.63
Beesley Law Office	CAAF	\$5,103.50
Binder, Tracy	Court Reporter	\$372.80
Black Hills Power	Black Hills Power	\$3,877.97
Boston Mutual Life Ins Co	Life Insurance	\$32.76
Century Business Leasing	Lease	\$273.73
Cody, Denise	MI	\$15.00
Colbath, Angela M	CAAF	\$1,655.88
Credit Collection Bureau	Garnishment	\$66.50
Chamberlain McColley's	Funeral Cost	\$1,285.00
Dakota Leasing Company	Lease	\$155.00

Dale's Repair	Repair/Supply	\$748.73
Delta Dental Plan Of SD	Delta Dental	\$2,112.05
DeMersseman Jensen	CAAF	\$1,505.00
DeMersseman Jensen	CAAF	\$153.00
Support Pyt Clearinghouse	Child Support	\$286.25
Executive Mgmt Finance	BIT Network Fees	\$96.00
Farrell, Farrell &Ginsbach	Contract	\$2,658.33
FR County Treasurer	July Service Charge	\$37.25
Glasshoff, Kayla	Court Reporter	\$19.00
Glass Pro +	Windshield Repair	\$100.00
Golden West Technologies	Golden West	\$969.96
Golden West Technologies	Tech & Internet Solutions	\$397.57
Golden West	Phone Bill	\$1,194.98
Health 4 Life	Memberships	\$60.00
Heavy Highway Fringe	Insurance Fees	\$585.00
Hillyard Floor Care Supp	Bldg Supplies	\$220.08
Hot Springs Ace Hardware	Supply	\$268.30
Hot Springs Automotive	Autoparts	\$193.33
Iowa Laborers District	Health Insurance	\$15,753.00
Kittelson, Joan	MI	\$15.00
LIUNA Laborers Local 620	Union Dues	\$200.00
Lone Star Heating & Air	A/C Repair/Supply	\$397.80
Lewno, Lucy	MI	\$150.49
Lincoln County Treasurer	MI	\$18.00
Lincoln County Treasurer	MI	\$45.44
Nationwide Retirement Sol	Nationwide Retirement	\$88.25
Neve's Uniform Inc	Uniform	\$42.95
New York Life Insurance	New York Life Ins	\$25.00
Norton's Sinclair	Repair Hwy/Sheriff	\$25.00
Norton,Tina	Prisoner Medication	\$315.00
Norton,Tina	Contract Nurse	\$1,000.00
Child Support Payment Cnt	Child Support	\$704.00
O'Neill, Justin	CAAF	\$1,144.07
O'Neill, Justin	Mental Illness	\$945.70
O'Neill, Justin	CAAF	\$3,499.46
Pennington County Jail	Inmate/Jail Billing	\$8,541.00
Powell, Debra J	Prisoner Medication	\$35.00
Quill Corporation	Supplies	\$660.42
Rapid City Journal	Publication	\$202.28
Regional Pharmacy	Prisoner Medication	\$345.43
Sanichem	Bldg Cleaning Supp.	\$217.00
SD Department Of Revenue	Prisoner Medication	\$105.00
SD Retirement System	SDRS Contribution	\$13,691.76
SDVSOA	Membership Dues	\$85.00

Servall	Supply/Rugs	\$307.95
Skinner, Matthew L. PC	CAAF	\$820.04
SD Supplement Retirement	SDRS Sup Retirement	\$200.00
SD Dept Of Public Safety	6 Month Teletype Ser	\$3,090.00
Swal, Michelle	Supplies	\$41.80
Trugreen Commercial	Contract Lawn Serv	\$37.00
Twilight Inc	First Aid Refill	\$177.75
United Way Black Hills	United Way Donation	\$42.50
Winter, Paul R	CAAF	\$333.00
York County Court	Certified Copies	\$1.75
Yankton Co. Sheriff	Sheriff Served Fee	\$25.00
Yankton Co Treasurer	MI	\$113.75
Raymond, Niki	Blood Draw	\$35.00
	<b>General Fund Total</b>	<b>\$210,847.75</b>

### Road & Bridge

County Road & Bridge Admin	July Salaries	\$6,298.20
County Road & Bridge Const	July Salaries	\$25,416.83
and additional overtime of		\$2,836.88
Fidelity Sec. Life Ins Co	Eye Insurance	\$80.66
American Family Assurance	American Family	\$504.58
Black Hills Power	Black Hills Power	\$387.96
Brosz Engineer	Bridge Inspections	\$100.00
Butler Machinery Co.	Equip Repair	\$1,440.57
Dale's Tire	Tires	\$1,118.24
Delta Dental Plan Of SD	Delta Dental	\$431.75
Diesel Machinery, Inc	Supply	\$307.98
Eddies Truck Sales	Equip Repair	\$420.31
Fall River Auto Supply	Repair	\$63.14
Forward Distributing	Shop Supplies	\$260.45
Godfrey Brake Service	Supply/Repair	\$68.43
Golden West	Phone Bill	\$270.40
Heavy Highway Fringe	Insurance Fees	\$150.00
Hills Materials Co.	Materials	\$6,580.00
Hot Springs Ace Hardware	Supply	\$68.74
Hot Springs Automotive	Autoparts	\$954.08
Ricoh USA Inc	Lease	\$75.00
Inland Truck Parts Co.	Supply/Repair	\$88.27
Iowa Laborers District	Health Insurance	\$3,250.00
Jenner Equipment Company	Supply	\$10.40
LIUNA Laborers Local 620	Union Dues	\$175.00
Lyle Signs	Signs	\$268.70
MG Oil	Fuel	\$17,761.68
Nationwide Retirement Sol	Nationwide Retirement	\$73.53

Nelsons Oil & Gas Inc.	Diesel Fuel	\$15,923.98
Norton's Sinclair	Repair Hwy/Sheriff	\$71.38
Rapid City Journal	Publication	\$172.25
RDO Equipment Co	Equip/Supply	\$79.90
Rod's Excavating	Contract Backhoe	\$713.27
Safety Kleen	Part Cleaner Rent	\$117.42
SD Retirement System	SDRS Contribution	\$4,146.24
Seiler, Randy	Cell Phone Reimburse	\$70.00
SD Supplement Retirement	SDRS Sup Retirement	\$30.00
Twilight Inc	First Aid Refill	\$53.00
	<b>Road &amp; Bridge Total</b>	<b>\$90,839.22</b>

### 911

Golden West Technologies	Golden West Tech	\$1,254.15
Golden West Technologies	Tech & Internet Solutions	\$1,019.26
Golden West	Phone Bill	\$557.30
	<b>911 Reimbur. Total</b>	<b>\$557.30</b>

### Emergency Mgt

Emergency Management	July Salaries	\$5,518.68
Firehouse	Subscription	\$24.95
Golden West Technologies	Golden West Tech	\$80.83
Golden West Technologies	Tech & Internet Solutions	\$33.13
Golden West	Phone Bill	\$119.44
SD Retirement System	SDRS Contribution	\$637.36
Twilight Inc	First Aid Refill	\$73.30
	<b>Emergency Mgmt Total</b>	<b>\$6,487.69</b>

### Cheyenne Weed Grant

Happe, Shelby	Travel/Mileage	\$596.62
	<b>Cheyenne Weed Grant Total</b>	<b>\$596.62</b>

**Grand Total** **\$309,328.58**

A break was taken at 10:35 AM. The meeting resumed at 10:41 AM with the first reading of an ordinance establishing a wheel tax. Motion by Ortner, seconded by Russell, to approve an ordinance as emergency measure, setting a \$2.00 per tire wheel tax with a maximum of \$36.00. Discussion followed about whether the matter will be referable; setting the fee at \$5.00 per tire; whether there was a need for the emergency status of the ordinance; and the overall need for funding to repair bridges and roads. The Chair called for the vote and with no further discussion, Allen voting no; Falkenburg, Russell, Abbott and Ortner voting yes, the motion carried for the ordinance as follows:

**FALL RIVER COUNTY ORDINANCE #2015-01**  
**AN ORDINANCE FOR THE IMPOSITION, COLLECTION, AND ENFORCEMENT OF A**  
**WHEEL TAX IN FALL RIVER COUNTY**

WHEREAS, the South Dakota State Legislature enacted Chapter 165 of the Session Laws as an emergency measure during the 2015 Legislative Session.

WHEREAS, the South Dakota State Legislature created, through the enactment of Senate Bill 1, the Local Bridge Improvement Fund and any funds deposited into such Fund is continuously appropriated to the South Dakota Department of Transportation.

WHEREAS, the Department of Transportation may award grants from such Fund to any county which has adopted and annually updated its county highway and bridge improvement plan and has imposed a county wheel tax pursuant to SDCL 32-5A-1.

WHEREAS the Fall River County Commission has determined that grants from the Local Bridge Improvement Fund and revenue from the adoption of a wheel tax is needed for highway and bridge maintenance and construction and the County needs more funding for such purposes.

BE IT ORDAINED BY THE FALL RIVER COUNTY COMMISSION that a wheel tax pursuant to SDCL Chapter 32-5A, as amended, and consistent with legislative intent requiring Counties to impose and administer a wheel tax, is imposed in and for Fall River County as set forth herein:

- Section 1: All motor vehicles as defined in SDCL 32-3-1, registered in the County shall have a wheel tax imposed upon each vehicle at a rate not to exceed Two Dollars (\$2.00) per vehicle wheel.
- Section 2: The wheel tax shall be collected and administered by the County. The per vehicle wheel rate shall be the same for all types of motor vehicles and the total vehicle tax may not exceed Thirty-six Dollars (\$36.00) per vehicle.
- Section 3: The proceeds from the tax created by this chapter shall be retained by the county, deposited in a special highway fund and the revenue may be used only for highway and bridge maintenance and construction. The Board of County Commissioners shall, by resolution, establish a means of distributing the revenue generated by this chapter among the county, municipalities and townships located within the county.
- Section 4: Upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this ordinance shall prevent an automobile dealer from licensing the vehicles on his lot without paying any taxes created by this ordinance.
- Section 5: This ordinance shall cover and impose the wheel tax for all motor vehicles eligible for license registration or license renewal for January, 2016, and all subsequent months. This ordinance shall impose a wheel tax upon all motor vehicles so described, even though license registration or renewal takes place before January 1, 2016.
- Section 6: Pursuant to SDCL 32-5A-7, if a motor vehicle is licensed for a period of time of less than twelve months, any wheel tax imposed on such motor vehicle pursuant to this ordinance shall be prorated on a monthly basis.
- Section 7: If any provision of this ordinance shall be held invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

WEHREAS, this ordinance is necessary for the support of the county government and its exiting public institutions, an emergency is hereby declared to exist and it shall become effective after its publication.

FIRST READING: August 4, 2015  
SECOND READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_  
ADOPTED this 4<sup>th</sup> day of August, 2015.

FALL RIVER COUNTY COMMISSION  
/s/ Deborah Russell  
Deborah Russell, Chair

ATTEST:  
/s/ Sue Ganje  
Sue Ganje, Auditor

The meeting opened for public comment. Tom Cook discussed back roads that are fire access roads, but lack the maintenance to serve the function well. Cindy Brunson advised the Board of a meeting to be held August 11, 2015 to be held in Edgemont, put on by the Corps of Engineers, and noted her concerns that use of the Igloo Bridge by the Corps of Engineers has caused damage to the structure.

A hearing on supplements and contingency transfers was held as advertised. Motion by Falkenburg, seconded by Ortner, to approve the resolution for Supplement #2 and Contingency Transfer #2 for 2015 as follows. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2015-20**  
**Supplemental Budget 2015, #2**  
**Contingency Transfers, #2**

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget and whereas, due and legal notice has been given, the following Supplemental Budget to the Calendar Year to the following General fund (expenses): Dept. of Equalization, \$783.00, the Means of Finance will be copier lease buyout reimbursement; account 10100x4260850, \$47,304.60, and account 10100x4260750, \$9,922.34, payments to local agencies, the Means of Finance will be PILT funds; and County Road Fund, account 20100x4260750, \$13,504.21, payment to local agencies, the Means of Finance will be Bankhead Jones funds; and

WHEREAS, SDCL 7-21-32.2 provides that the Board of County Commissioners may adopt a transfer appropriation from the contingency budget to other appropriations, which are insufficient, a contingency transfer shall be approved and adopted as follows to the General Fund: Computer Support, \$840.00; IT Software, \$5,000.00; and Autopsies, \$6,300.00.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Supplemental Budget, #2 and Contingency Transfer #2 for 2015.

Dated at Fall River County, South Dakota this 4<sup>th</sup> day of August, 2015.

/s/ Deborah Russell  
Deborah Russell, Chair  
Fall River County Board of Commissioners

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

A hearing was held as advertised on the distribution of 2016 PILT funds, should they be received. Discussion was held on cutting the amount appropriated to schools. Motion by Ortner, seconded by Allen, to reduce the apportionment to the schools from 20% of the amount PILT funds



received to 10%, with the withheld 10% to be put in the General fund. Representatives from the Hot Springs and Edgemont schools were present and expressed their appreciation of the funds received from the PILT money. With no further discussion, Falkenburg voting no, all others voting yes, the motion carried.

Dan Driscoll, USGS, met with the Board for a request for 2016 funding for a groundwater flow study, noting that 2015 funds will not be requested as the need is premature.

State's Attorney Jim Sword met with the Board to discuss his 2016 budget request and presented quotes from Golden West for technology changes for his office. Alternatives to housing inmates in the jail were discussed and Sword suggested the Jail Committee needed to proceed with a plan. A resolution appointing a conflict deputy was presented. Motion by Ortner, seconded by Allen, to approve a resolution appointing Ashley Parr as a Conflict Deputy State's Attorney as follows. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2015-21**

**A RESOLUTION APPOINTING A CONFLICT DEPUTY STATE'S ATTORNEY**

WHEREAS, SDCL 7-16-3 provides that the county commission may, by resolution, appoint a deputy state's attorney;

WHEREAS, Mr. Ashley Parr is a duly licensed attorney in the State of South Dakota and has the qualifications required of state's attorneys;

NOW LET IT BE RESOLVED that Ashley Parr is appointed as a conflict deputy state's attorney for Fall River County.

ADOPTED this 4<sup>th</sup> day of August, 2015

/s/ Deborah Russell

Deborah Russell, Chair

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

The Board recessed for lunch at 12:00 PM. The meeting resumed at 1:20 PM; Joe Allen was absent. Susie Simkins, Director of Equalization, reported on a property tax appeal held at the Office of the Hearing Examiner, which found there was no error in the assessment of the property and, therefore, ruled in favor of the county.

Discussion was held on a reduction of PILT funds distributed to area schools. Motion by Ortner, seconded by Falkenburg, to reduce the Hot Springs School District by \$4,000.00 and the Oelrichs School District by \$2,000.00, compensating for funds distributed to Friday programs in those areas, contingent upon receipt of 2016 PILT funds. With no further discussion and all voting yes, the motion carried.

Coroner Donna Behrens presented her 2016 budget and a request for an increase in the payment for coroner calls from \$80 to \$150 per call.

Treasurer Kelli Rhoe presented her 2016 budget request and two abatements for consideration. The Board asked Rhoe to contact the party seeking the first abatement for additional information and no action was taken. Motion by Falkenburg, seconded by Ortner, to approve an abatement for Charice Hertel on parcel 75320-00400-01092 of \$15.43, \$19.94 and \$20.52 in taxes for 2006, 2007 and 2008 respectively, as the taxes should have been collected prior to a re-plat of the property in 2009. With no further discussion and all voting yes, the motion carried.

Nina Steinmetz, Weed Supervisor, presented her 2016 budget request and reported she is looking for a part-time sprayer.

Mel Engebretson, Register of Deeds, presented her 2016 budget request, noting that she has budgeted for the wage increase proposed by the department supervisors.

Sheriff Bob Evans presented his 2016 budget; discussed the use of ankle bracelets to monitor people, rather than housing them in the jail; and sought hire approval. Motion by Ortner, seconded by Falkenburg, to approve hiring Jennifer Mraz as a part-time dispatcher at \$13.00 per hour, waiving the one-year wait for re-hiring employees who cash in their retirement account. With no further discussion and all voting yes, the motion carried.

Evans asked the Board to consider a compressed schedule for one deputy; the Board asked him to present it for approval at the August 11, 2015 meeting.

Motion by Ortner, seconded by Falkenburg, to enter into Executive Session, per SDCL 1-25-2 (1) and (3), for legal and personnel matters. With no further discussion and all voting yes, the motion carried and the Board went in to Executive Session at 2:42 PM.

The Board came out of Executive Session at 2:53 PM. Motion by Abbott, seconded by Falkenburg, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 2:54 PM.

/s/ Deborah Russell  
Deborah Russell, Chair  
Board of Fall River County Commissioners

ATTEST:

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