

FALL RIVER COUNTY MINUTES OF OCTOBER 4, 2011

The Fall River Board of County Commissioners met in regular session on October 4, 2011. Present: Michael Ortner, Deb Russell, Joe Allen, Joe Falkenburg and Sue Ganje, Auditor. Absent: Anne Cassens.

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 found.

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 Falkenburg, seconded by Russell, to approve the minutes of the September 22, 2011 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve Resolution #2011-39 as follows, expressing disappointment in the Evans Plunge announcement that they will close over the winter. With no further discussion and all voting yes, the motion carried.

Resolution #2011-39

Resolution on Evans Plunge

WHEREAS, the Evans Plunge has been a staple and fixture of the Hot Springs community for many decades; and

WHEREAS, many citizens, young and old, local, national and international have enjoyed its soothing and wonderful waters; and

WHEREAS, the announcement of the closing of the Evans Plunge for the next six months comes as a shock and disappointment to the entire area of the Southern Hills; and

WHEREAS, all efforts should be made to assist in cooperatively keeping the Evans Plunge open to the public:

NOW, THEREFORE, be it resolved, by the Fall River County Commission that we express our regret over the recent Evans Plunge announcement and encourage its owners to actively cooperate with the customers, the City of Hot Springs and all interested citizens to find a satisfactory solution to keep the Evans Plunge open.

Dated this 4th day of October, 2011.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman
Fall River County Commission

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Motion by Falkenburg, seconded by Allen, to approve Resolution #2011-40 as follows, noting opposition to the South Dakota Court System's decision to leave the Deputy Clerk of Court position vacant. With no further discussion and all voting yes, the motion carried.

Resolution #2011-40

Resolution on Deputy Clerk of Court

WHEREAS, Fall River county has a large criminal and civil court caseload, disproportionate to its

small population; and

WHEREAS, this large caseload is not just because we have more criminals, but in significant part results from Fall River County's physical location bordering on Nebraska and Wyoming, as well as the Pine Ridge Indian Reservation and our courts also handling the Shannon County non-tribal member caseload; and

WHEREAS, the recent decision by the South Dakota Court System to not fill the vacant full-time Deputy Clerk of Court position in this County will work a real hardship on existing staff and the population of Fall River County; and

WHEREAS, when the Clerk's office is not staffed, it works a hardship on the county elected officials' offices as they are either called or visited for answers more appropriately addressed to the Clerk of Courts office; and

WHEREAS, the Court system and the State Bar have stressed that our rural areas are vastly underserved with legal services, but yet it appears that the Court system is taking away more and more of the support services that would be available to rural attorneys and instead continues to centralize more and more:

NOW, THEREFORE, be it resolved, by the Fall River County Commission that the South Dakota Supreme Court is urged to reverse its determination and instead proceed to staff the full-time Deputy Clerk of Court position in Fall River County in order to maintain vital access to justice for the citizens of Fall River and Shannon Counties.

Dated this 4th day of October, 2011.

/s/ Joe Allen
Joe Allen

/s/ Joe Falkenburg
Joe Falkenburg

/s/ Mike Ortner
Mike Ortner, Chairman

/s/ Deb Russell
Deb Russell

Attest:

/s/ Sue Ganje
Sue Ganje, County Auditor

Discussion was held on the Keystone Pipeline project, with Susan Henderson voicing opposition to the project out of economic and environmental concerns. The Board indicated they were confident in the project noting the PUC and federal agencies would monitor the project. Motion by Ortner, seconded by Russell, to endorse the Keystone Pipeline project, providing proper safeguards are in place to support the construction of the pipeline. Falkenburg suggested amending the motion to include the requirement of establishing a compensation fund, which Ortner approved. With no further discussion, a roll call vote was taken and with Russell, Falkenburg and Ortner voting yes, Allen voting no, the motion carried.

An applicant for assistance met with the Board. Motion by Falkenburg, seconded by Allen, to approve assistance for CP# 11-36 in the amount of \$1,000.00 for rent, with an increase to the existing repayment schedule, effective February 2012. With no further discussion and all voting yes, the motion carried.

County liens filed on individuals that are now deceased were presented for review. Motion by Russell, seconded by Falkenburg, to remove county liens for deceased individuals as presented,

in an amount totaling \$25,858.62. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to set October 18, 2011 at 11:00 a.m. as the date and time for contingency transfers and supplement hearing. With no further discussion and all voting yes, the motion carried.

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

GENERAL FUND

COMMISSIONERS	SEPTEMBER SALARIES	\$3,461.09
AUDITOR'S OFFICE	SEPTEMBER SALARIES	\$7,722.81
ELECTION	SEPTEMBER SALARIES	\$943.14
TREASURER'S OFFICE	SEPTEMBER SALARIES	\$6,358.61
AND ADDITIONAL OVERTIME FOR BOBBIE STREHLOW		\$5.31
STATE'S ATTORNEY OFFICE	SEPTEMBER SALARIES	\$5,431.62
AND ADDITIONAL OVERTIME FOR LINDA KLUENDER		\$80.87
SHARI WINSLOW		\$78.75
MAINTENANCE	SEPTEMBER SALARIES	\$3,835.03
AND ADDITIONAL OVERTIME FOR JOSE MENDEZ		\$63.11
DIRECTOR OF EQUALIZATION	SEPTEMBER SALARIES	\$3,434.61
AND ADDITIONAL OVERTIME FOR KIMBERLEE BELDIN		\$3.38
REGISTER OF DEEDS OFFICE	SEPTEMBER SALARIES	\$4,014.72
VETERANS SERVICES OFFICE	SEPTEMBER SALARIES	\$1,716.64
NURSE'S OFFICE	SEPTEMBER SALARIES	\$1,894.55
SHERIFF'S OFFICE	SEPTEMBER SALARIES	\$14,470.36
AND ADDITIONAL OVERTIME FOR ROBERT BENINATI		\$117.00
JOSHUA BUCKWHEAT		\$425.75
WILLIAM DAVIS		\$744.19
MARTHA JARMAN		\$318.44
VINCE LOGUE		\$682.50
JASON MARCH		\$415.35
JAIL	SEPTEMBER SALARIES	\$5,977.24
AND ADDITIONAL OVERTIME FOR WALLACE CAMPBELL		\$1,299.71
ADAM EVANS		\$220.54
BRADLEY HANSEN		\$331.17
MICHAEL WILLIS		\$232.49
DISPATCH	SEPTEMBER SALARIES	\$4,671.69

AND ADDITIONAL OVERTIME FOR

CHARLES GINTER		\$284.33
STACEY MARTIN		\$173.03
JENNIFER MRAZ		\$1,294.10
TOMMIE THOMPSON		\$907.44
CORONER	SEPTEMBER SALARIES	\$207.29
COUNTY EXTENSION OFFICE	SEPTEMBER SALARIES	\$1,732.31
WEED DEPT	SEPTEMBER SALARIES	\$3,048.94
ADTECH INC	REPAIR	\$402.04
BEESLEY LAW OFFICE	CAAF	\$2,537.80
BEST WESTERN RAMKOTA	TRAVEL	\$539.00
BINGHAM, JAMES	MI;CAAF	\$794.25
BLACK HILLS POWER	UTILITY	\$3,758.78
CBM FOOD SERVICE	INMATE	\$3,770.69
CENTURY BUSINESS LEASING	COPIER	\$534.07
CHEYENNE SANITATION	UTILITY	\$11.90
CULLIGAN SOFT WATER	WATER	\$84.25
DAKOTA LEASING COMPANY	COPIER	\$190.00
DECAL ZONE	CAR MAINT	\$100.30
EXECUTIVE MGMT FINANCE	BIT	\$20.00
GREATER FALL RIVER HEALTH	INMATE	\$158.20
GILFILLAN,J NORMAN	INMATE	\$490.00
GLASS PRO +	CAR MAINT	\$47.70
HAYES, SUSIE	TRAVEL	\$121.00
HEARTLAND PAPER CO	SUPPLY	\$48.06
HOT SPRINGS ACE HARDWARE	SUPPLY;REPAIR	\$230.39
HOT SPRINGS AUTOMOTIVE	SUPPLY;REPAIR	\$137.05
CITY OF HOT SPRINGS	UTILITY	\$408.58
CITY OF HOT SPRINGS	RENT	\$150.00
JOHN W HEY & COMPANY	JAIL PROJECT	\$1,850.00
KAPPEDAL, JEAN	CRT REP	\$163.80
MAVERICK TIRE & AUTO	REPAIR	\$77.75
MEADOWS, OWEN	CAR MAINT	\$350.05
MENARDS	REPAIR	\$15.96
NELSONS OIL & GAS INC.	UTILITY	\$247.80
NEVE'S UNIFORM INC	SUPPLY	\$150.00
NORTONS SINCLAIR	CAR MAINT	\$25.00
O'NEILL, JUSTIN	CAA	\$317.75
PAMIDA INC.	INMATE	\$1,682.13
PENN CO STS ATTNY OFFICE	MI	\$200.00
PENN CO JAIL	INMATE;MI	\$814.40
PENNINGTON COUNTY 911	EQUIP	\$150.00
PENNINGTON COUNTY	TRAVEL	\$150.00
PIZZA HUT	JURY	\$63.45

POWELL, DEBRA J	INMATE	\$35.00
QUILL CORPORATION	SUPPLY	\$818.66
RADIOSHACK	SUPPLY	\$41.99
RADIOLOGY ASSOCIATES	INMATE	\$11.44
RAPID CITY JOURNAL (THE)	PUBLISHING	\$403.38
RAPID CITY REGIONAL	MI	\$1,235.74
REGIONAL BEHAVIORAL HEALT	MI	\$294.33
SD ASSN OF CO. OFFICIALS	SUPPLY	\$30.00
SD DEPARTMENT OF REVENUE	INMATE	\$315.00
SERVALL	SUPPLY	\$115.49
SMILEMAKERS	SUPPLY	\$33.56
STEVENS PLUMBING	REPAIR	\$76.02
TEMPERATURE TECHNOLOGY	REPAIR	\$49.11
TWILIGHT INC	SUPPLY	\$1,015.00
PRO BUILD	SUPPLY;REPAIR	\$26.45
US BANK	COPIER	\$131.66
WESTERN DETENTION	SUPPLY	\$182.58
CURRAN, BILL	TRAVEL	\$70.30
HALLS, TERRI	TRAVEL	\$84.36
COURT COSTS	JURORS & WITNESSES	\$2,819.04
	GENERAL FUND TOTAL	\$105,179.37

ROAD & BRIDGE

COUNTY ROAD & BRIDGE ADMIN AND ADDITIONAL OVERTIME FOR JAN SIMUNEK	SEPTEMBER SALARIES	\$4,988.91
		\$16.74
COUNTY ROAD & BRIDGE CONST AND ADDITIONAL OVERTIME FOR GARY CROWLEY	SEPTEMBER SALARIES	\$20,783.63
		\$12.52
CALVIN MACIEJEWSKI		\$132.31
BRUCE MCCLUNG		\$194.16
DONALD THURLOW		\$47.10
AL'S METAL WORK, INC	REPAIR	\$392.29
BLACK HILLS POWER	UTILITY	\$322.60
BUTLER MACHINERY CO.	REPAIR;SUPPLY	\$468.53
CHEYENNE SANITATION	UTILITY	\$76.32
DS ENTERPRISES	SUPPLY	\$125.98
DIESEL MACHINERY, INC	REPAIR;SUPPLY	\$2,014.11
EDDIES TRUCK SALES	REPAIR	\$716.48
EDGEMONT, CITY OF	UTILITY	\$41.94
FALL RIVER AUTO SUPPLY	REPAIR	\$94.81
FORWARD DISTRIBUTING	SUPPLY	\$126.24
G&H DISTRIBUTING OF RC	SUPPLY	\$20.30
GREAT WESTERN TIRE	SUPPLY	\$986.22

HOT SPRINGS ACE HARDWARE	SUPPLY;REPAIR	\$41.93
HOT SPRINGS AUTOMOTIVE	SUPPLY;REPAIR	\$747.84
OFFICE SOLUTIONS	UTILITY	\$75.00
JENNER EQUIPMENT COMPANY	REPAIR	\$19.92
KIMBALL MIDWEST	SUPPLY	\$208.14
LYCOX ENTERPRISES INC	EQUIP	\$15,500.00
LYLE SIGNS	SUPPLY	\$241.76
MG OIL	SUPPLY	\$659.50
NELSONS OIL & GAS INC.	UTILITY	\$24,638.16
NORTHERN TRUCK EQUIP	REPAIR	\$1,130.75
RANCHERS FEED & SUPPLY	SUPPLY	\$13.04
RAPID DELIVERY	REPAIR;SUPPLY	\$141.51
RUSHMORE COMMUNICATIONS	REPAIR	\$225.00
SAFETY KLEEN	REPAIR	\$106.00
SD DEPT OF TRANSPORTATION	PROF SER;REPAIR	\$813.92
SD LTAP	TRAVEL	\$70.00
SEILER, RANDY	TRAVEL;CLOTHING	\$168.40
TWILIGHT INC	SUPPLY	\$53.20
PRO BUILD	SUPPLY;REPAIR	\$30.64
	ROAD & BRIDGE TOTAL	\$76,445.90

911 SURCHARGE REIMBUR.

911	SEPTEMBER SALARIES	\$2,958.79
AND ADDITIONAL OVERTIME FOR		
ANDREAS TIMMINS		\$282.10
CENTURY LINK	TELEPHONE	\$7.41
CENTURY LINK	TELEPHONE	\$1,258.58
RUSHMORE COMMUNICATIONS	REPAIR	\$180.00
	911 REIMBUR. TOTAL	\$4,686.88

EMERGENCY MGT

EMERGENCY MANAGEMENT	SEPTEMBER SALARIES	\$3,209.96
QUILL CORPORATION	SUPPLY	\$17.42
TIMMINS, ANDREAS	TRAVEL	\$105.00
	EMERGENCY MGMT TOTAL	\$3,332.38

24/7 SOBRIETY FUND

24/7	SEPTEMBER SALARIES	\$1,949.44
	24/7 SOBRIETY FUND TOTAL	\$1,949.44

GRAND TOTAL **\$191,593.97**

Keith Andersen, Andersen Engineering, presented a plat for approval. Motion by Falkenburg, seconded by Russell, to approve the plat of Heidebrink Tract A1 as follows. With no

further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2011-41:

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Heidebrink Tract A1 located in a portion of Heidebrink Tract A located in the NE ¼ NW ¼ of Section 29, 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 4th day of October, 2011.

/S/Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/S/Sue Ganje

Sue Ganje, Fall River County Auditor

Nina Steinmetz, Weed Supervisor, and Karen Jamison, Extension Office, met with the Board to request approval to obtain quotes for removing a wall in their building. Motion by Falkenburg, seconded by Russell, to approve Steinmetz obtaining two to three bids to remove an interior wall in the Weed and Extension office, including quotes for electrical work, and bring them to the Board for review. With no further discussion and all voting yes, the motion carried.

Frank Maynard, Emergency Management, presented travel requests for approval. Motion by Russell, seconded by Falkenburg, to approve the request for Andy Timmins to attend the state 9-1-1 meeting in Oacoma on October 13, 2011. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve the request for Andy Timmins to attend a Logistics Sections class in Sioux City, IA on October 23-29, 2011 for which the state will reimburse the county for expenses. With no further discussion and all voting yes, the motion carried.

Maynard also informed the Board that an EM 101 class will be held on October 12-13, 2011 in Pierre and elected officials are encouraged to attend. Fall River County has been awarded \$21,344.00 through a DOJ grant with an additional \$9,147.00 for law enforcement. Ortner asked Maynard to explore the cost of installing a key card system for access to certain courthouse offices. The Corps of Engineers has announced the contract for the Cold Brook culvert has been awarded and the fourth quarter SLA report was presented to the Chairman to sign prior to submission. Additional grants from unexpended 2009 funds are available and Maynard has applied for equipment related to courthouse and jail security, a new siren, radios and a portable generator.

Randy Seiler, Highway Superintendent, met with the Board. Chairman Ortner presented a

certificate of recognition to Marcus Hoar for twenty-five years of service in the County Highway Department.

Seiler presented fuel quotes as follows:	
	<u>8,000 Gal. Unleaded</u>
NELSON'S	\$3.079 PER GALLON
MG OIL	\$3.089 PER GALLON

Motion by Falkenburg, seconded by Russell, to approve the Nelson's Oil bid for 8,000 gallons of unleaded at \$3.079 as the low bid. With no further discussion and all voting yes, the motion carried.

Transfers were presented for approval. Motion by Falkenburg, seconded by Russell, to approve transfers to reimburse the Highway Department for fuel used from September 1, 2011 through September 28, 2011 in the following amounts: Sheriff's Office, \$2,674.3; Weed Board, \$609.78; Emergency Management, \$280.73; Building Maintenance, \$122.31; Dept. of Equalization, \$41.97; Auditor, \$10.32; Register of Deeds, \$10.33; Treasurer, \$10.33; Commission, \$10.33; and transfers for work completed in the following amounts: EM Fire Fund, \$300.47. With no further discussion and all voting yes, the motion carried.

A Resolution adding roads in the recently dissolved Robins Township to the county road system was presented for consideration. Motion by Falkenburg, seconded by Allen, to approve Resolution #2011-42 as follows, adding the Robins Township roads to the county secondary road system. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2011-42

WHEREAS, Fall River County would like to modify its Highway System by adding these additions to their Secondary Roads on their County Highway System.

WHEREAS, the changes in Fall River County's Highway System are in accordance with the South Dakota Department of Transportation's "Policy and Procedures for County Highway System Revisions" adopted 2/12/92 and SDCL 31-12-2.

THEREFORE, BE IT RESOLVED, by the Fall River County Board of Commissioners that the following changes be made to the Fall River County Highway System:

ADD:

1. Secondary Road #2I aka Dead Tree Road traveling 1 mile E. of County Road #2, aka N. Butte Road, and that portion for .75 miles traveling South from the end of Dead Tree Road, aka Sharptail Rd. for a total of 1.75 miles to be called County Road #2I.
2. Secondary Road # 2L aka as Short Grass Road traveling East from County Road #2, aka N. Butte Road, for approximately .41 miles.

Dated in Hot Springs, SD, this 4th day October, 2011.

Roll Call Vote: Yes No
 Joe Allen
/s/ Joe Allen

Roll Call Vote: Yes No
 Joe Falkenburg
/s/ Joe Falkenburg

Roll Call Vote: Yes No
Mike Ortner
/s/ Mike Ortner

Roll Call Vote: Yes No
Deb Russell
/s/ Deb Russell

Attest:
/s/ Sue Ganje
Sue Ganje, Auditor

A pair of applications made by Golden West to occupy a highway right-of-way were presented. Motion by Falkenburg, seconded by Allen, to approve two applications of Golden West to occupy a highway right-of-way, one located from T7S, R6E, Section 33 to T7S, R6E, Section 33 and one located from T8S, R5E, Section 22 to T8S, R6E, Section 30. With no further discussion and all voting yes, the motion carried.

Seiler requested travel approval. Motion by Falkenburg, seconded by Allen, to approve a travel request for Seiler to attend a Highway Department meeting in Rapid City on October 25-27, 2011 and to authorize an over-night stay on the 25th to allow for an Executive Board meeting that evening. With no further discussion and all voting yes, the motion carried.

Seiler discussed with the Board the use of the Sick Leave Bank for an employee and reported they are having issues with one of the department's vehicles. Patching the last unpaved mile of road on the Oral Road with blacktop will cost an estimated \$10,000.00 from both the 2011 and 2012 budgets. Traffic counters show approximately 100 vehicles travel the road daily. Seiler suggested applying Magnesium water on the section of the road that isn't oiled as a possible solution. Russell referred to a recent accident on the Oral Road and Old Highway 79, suggesting that signage may improve safety matters. Seiler also presented the Board with vehicle counts on other county roads and reserve balances for secondary roads and snow removal. The Board authorized the Highway Department to begin construction of a berm above the courthouse and jail to direct water away from the buildings.

The meeting was opened for public comment and Susan Henderson commended the Board on the approved 2012 budget and the reduced General Fund mill levy. Henderson also discussed the global financial market.

Pat Ginsbach, Deputy State's Attorney, along with Register of Deeds Melody Engebretson and Director of Equalization Terri Halls, met with the Board regarding the legal description for land that was to be considered as surplus. Ginsbach indicated that an incorrect deed filed in the 1940s caused the confusion, but that he believes a corrective Quit Claim Deed from the Masons could rectify the problem. Ginsbach will contact the Masons about the deed and return to the Board at a later date.

A hearing was held on the vacation of part of a plat of the Hoffman Addition. Ginsbach advised the Board of issues with the petition. Motion by Falkenburg, seconded by Allen, to deny the petition for vacation of part of a plat of the Hoffman Addition as petitioned by Cassiana Moore. With no further discussion and all voting yes, the motion carried and the petition denied.

Propane quotes to fill the courthouse tank were presented for approval.

Propane

NELSON'S \$1.5825 PER GALLON

D & J PETROLEUM \$1.607 PER GALLON

Motion by Falkenburg, seconded by Russell, to approve the Nelson's Oil bid on propane to fill the courthouse tank at \$1.5825 per gallon as the low bid. With no further discussion and all voting yes, the motion carried.

An applicant for assistance met with the Board. Motion by Ortner, seconded by Allen, to approve a one-time assistance for CP# 11-37 in the amount of \$1,000.00 for expenses, with a repayment schedule. With no further discussion and all voting yes, the motion carried.

Sheriff Rich Mraz met with the Board for the opening of sealed bids for a 2004 Ford F250 from the Sheriff's Office at 11:30 a.m. as advertised. One bid was received. Motion by Allen, seconded by Falkenburg, to accept the bid of \$6,200.00 from Auto Locators for a 2004 Ford F250 pickup from the Sheriff's Office as the high bid. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, to enter into Executive Session for personnel and legal matters. With no further discussion and all voting yes, the motion carried and the Board entered into Executive Session at 11:45 a.m.

The Board came out of Executive Session at 11:55 a.m.

Motion by Allen, seconded by Falkenburg, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 11:55 a.m.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor