

**FALL RIVER COUNTY MINUTES OF MARCH 16<sup>TH</sup>, 2010.**

The Fall River Board of County Commissioners met in regular session on March 16<sup>th</sup>, 2010. Present Michael Ortner, Anne Cassens, Glen Reaser, Joe Allen, Joe Falkenburg and Sue Ganje, County Auditor. Absent none.

The Pledge of Allegiance was give, time being 9:00 a.m.

The agenda was reviewed for conflicts, in which none were found.

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

Motion by Falkenburg, seconded by Cassens to approve the minutes of March 2nd, 2010. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Reaser to approve a 3 year step increase for Linda Kluender to \$11.33 per hour, effective March 20<sup>th</sup> pay period, as per the Union Contract. With no further discussion and all voting yes, the motion carried.

Motion by Reaser, seconded by Cassens to approve a 3 year step increase for Michele Jensen to \$11.08 per hour, effective March 20<sup>th</sup> pay period, as per the Union Contract. With no further discussion and all voting yes, the motion carried.

Motion by Reaser, seconded by Falkenburg to approve 3 year step increase for Jason March to \$14.18 per hour, effective March 20<sup>th</sup> pay period, as per the Union Contract. With no further discussion and all voting yes, the motion carried.

A report was given by Michael Ortner on his trip to Washington DC as a Representative of NACO (National Association of Counties). Ortner spoke on his meeting with the Highway Transportation Board, of which there are concerns of losing 100% of highway funds for bridges as this would affect States and Counties; and of his meeting with our Congressional Delegates. Ortner attended meetings where House Speaker Nancy Pelosi spoke on health care reform, and U.S. Secretary of Agriculture Tom Vilsack spoke on Carbon credits and Cap and Trade, and a meeting with the Veteran's Association. Ortner spoke to encourage legislation to change the V.A. Regulation to eliminate veterans losing benefits while incarcerated, but not yet convicted, which puts the burden on local resources. Ortner also spoke on Black Hills V.A. issues to keep local services. The Commissioners gave appreciation to the work Ortner did on the trip.

Motion by Reaser, seconded by Cassens to set the Consolidated Equalization Board meeting for April 14<sup>th</sup>, 2010 at 9:00 a.m. and if needed the afternoon of April 20<sup>th</sup>, 2010. With no further discussion and all voting yes, the motion carried.

Sheriff Jeff Tarrell met with the Board to bring a quote for Geotechnical Exploration for the Jail Project.

Motion by Falkenburg, seconded by Reaser to approve American Engineering Testing (AET) for a Geotechnical Exploration assessment for the Jail Project in the amount of \$7,500.00. With no further discussion and all voting yes, the motion carried.

A petition was received for easement application on access to landlocked property for Bonnie Rock Trust.

Motion by Reaser, seconded by Cassens to accept the petition for an Easement by the Bonnie Rock Trust for access to landlocked property. With no further discussion and all voting yes, the motion carried.

**Motion by Reaser, seconded by Allen to inspect the property for the Bonnie Rock Trust Easement petition on April 6<sup>th</sup>, 2010, at 1:30 p.m. With no further discussion and all voting yes, the motion carried.**

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**Motion by Reaser, seconded by Allen to go into executive session for personnel, time being 9:40 a.m. With no further discussion and all voting yes, the motion carried.**

**Came out at 9:51 a.m.**

**A Public Progress hearing was held as required on the Fall River Water Users District expansion project, as partial funding for the project was a CDB Grant. Present were Bill Lass, Black Hills Council of Local Governments and Steve Harper, Fall River Water Users manager. An update of the project was given by Harper.**

**The Chairman asked for Public Comments on the project, in which none were received.**

**Randy Seiler, Highway Superintendent, reported on the final price for a packer and other business.**

**Motion by Reaser, seconded by Cassens to approve the purchase of a packer for the motor graders in the amount of \$16,650.00. With no further discussion and all voting yes, the motion carried.**

**Motion by Falkenburg, seconded by Reaser to approve the proposal of Hills Materials for crushing and stock piling gravel at the Maverick pit for up to 50,000 tons at a cost of \$5.55 per ton. This is a reduced cost of the previously submitted annual bids. With no further discussion and all voting yes, the motion carried.**

**Seiler advised that the cost of bridge inspections for the Chilson and Cheyenne River Bridges have increased and Seiler will bring costs back to the Board, which may be approximately \$10,000 each.**

**Local load limits were implemented last week. Seiler also presented a list of equipment, which included mileage and buy back dates for the heavy equipment, if purchased with the buyback options. Costs to replace our lowboy trailer will be brought back to the Board.**

**Discussion was held on other roads in the County.**

**The appointments for Fall River Housing were held as previously advertised.**

**Motion by Reaser, seconded by Cassens to approve the following appointments to the Fall River Housing Commission: Jim Stevens to the 5 year term and Connie Gerard to fill the vacancy of Terri Hollenbeck for the remaining 1 year. With no further discussion and all voting yes, the motion carried.**

**Public Comment was opened at 10:29 a.m. Susan Henderson spoke of the slope behind the jail and that with the spring moisture it will be creating a liability situation and that the Commission needs to mitigate liabilities. Henderson spoke on the need to remove additional bunks to further comply with standards. Reaser spoke that the Sheriff was transporting prisoners to Pennington County Jail to eliminate that liability. Jeff Shannon introduced himself as a Sheriff candidate in the primary election. Tom Davis updated the Board on his progress with his butterfly project. Don Olstad questioned the Board on their opinions on the possibility of a "no jail" proposal, rather than the focus on the jail project. Olstad has been researching Black Hills Counties and corresponding mill levies, which affects economic development, and that our levies put Fall River County in a non-competitive situation. Less services would ultimately reduce the mill levy. Cindy**

Brunson spoke on the Black Hills Power rate increase and spoke on costs incurred by running water at the Provo Township well and asked Cassens and Falkenburg (members of the Provo Township Area Board) about current repairs at the Provo Township water tower. Brunson also spoke of a situation on the Igloo road.

A 5 minute break was taken.

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Nina Steinmetz, Weed Supervisor, along with Jerry Wyatt, Weed Board member, met for approval to submit a contract proposal for the State Right-of-Way weed spraying.

Motion by Falkenburg, seconded by Allen to approve submission of a contract proposal for the State Right-of-Way weed spraying. With no further discussion and all voting yes, the motion carried.

Bids were opened as previously advertised for Weed Spraying on County Right of Ways.

Quality Weed Control Plus, Custer SD -----\$44.23/running mile  
Mid Dakota Vegetation Mgt., Miller, SD -----\$23.95/running mile  
DeAngelo Brothers Inc (DBI),Albert Lea MN -----\$37.43/running mile

Motion by Falkenburg, seconded by Reaser to approve bid of Mid Dakota Vegetation Mgt. at \$23.95/running mile, for approximately 520 miles. With no further discussion and all voting yes, the motion carried.

The 2<sup>nd</sup> Reading of the Ordinance Providing For The Control Of Animals within Fall River County was held.

Discussion was held with the following people in attendance: Stephanie Anise, Susan Henderson, Karen Meston, Cindy Brunson, Brenda Puskarich, Wally Cachro, Ray Palmer, Donald Olstad, Gerald Wendorff, Mariann Slavik, Julie Miller, Douglas Rosane, Barb Rosane, Stephen Collins, John Phelan, and Tonia Wagoner.

Wally Cachro and Steven Collins spoke in favor of the proposed Ordinance, that it was a good move and will give Law Enforcement authority to act on nuisance dogs, and that it was good to have regulations. Speaking against the proposed Ordinance included Tom Davis and his concerns that it only addressed dogs, and it should say all animals. Tonia Wagner, Tonia's Animal Sanctuary, spoke of the costs she has incurred to provide a safe place for animals, and while agreeing that problem dogs do need to be addressed, there was also a need to have a spot to keep the good dogs. Numerous dogs and cats have been adopted locally, and Wagner shared her concern that she could be shut down if there were complaints, and what would happen then to the animals she helps. Stephanie Anise spoke of her support of the Sanctuary, and of past complaints that have caused financial harm. Anise spoke of her feeling that citizens should step forward, and local governments should support the Sanctuary to give a measure of protection to animals. Ortner spoke that most other Counties have animal and planning Ordinances, and that we should also attempt to have Ordinances to protect animals and people. Barb Rosane spoke of her involvement and love for dogs, and that the owners of dogs should have responsibilities to eliminate problems. Rosane and her husband have donated their land in their will to the Spirit of the Hills, which then could allow dogs, cats, giraffes, etc on the land, and what would happen then if this Ordinance is passed. Ortner spoke that this Ordinance is geared to the habitual problem dogs and that anyone filing a complaint must also be willing to go to Court. Cindy Brunson spoke that this Ordinance would open the door to more government activity, and would increase Law Enforcement costs, and feels issues should be addressed in civil court. Karen Meston spoke of her concern about the Animal Sanctuary, and that the punishment should be on the owner, not the animal. Meston also spoke of concerns on the timeline to get your animal back, with the definition of a bite, and that there should be a requirement for identification chips. John Phelan spoke that there should be an exception for an Animal

Sanctuary, that the Ordinance should also address cats, and that Law Enforcement costs will increase.

Ortner called for the close of the public hearing, and put the discussion to the other Commissioners. Allen supports the Animal Sanctuary and would work with her to eliminate the barking, but cannot exclude the Sanctuary from the Ordinance. Reaser spoke that the cost for an Animal Control Officer has been removed, but agreed some changes are still needed. Falkenburg also supports the Sanctuary, but does not want to increase Government control as a result of this Ordinance. Cassens spoke that the Ordinance

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should be passed, and then amendments could be made. Allen asked that people put comments in writing for future amendments.

Motion by Allen, seconded by Cassens to approve the second reading and adopt Ordinance #2010-01. Roll Call Vote; Ortner-Aye; Reaser-Aye; Cassens-Aye; Allen-Aye; Falkenburg-Aye; Motion carried.

Jerry Sanftner, Avera Health Plan, met with the Board to give information on a health plan and wanted approval to give out applications to get quotes for health insurance for county employees. Avera covers mostly East River, but is now opening up West River.

Motion by Reaser, seconded by Falkenburg to authorize Avera Health to prepare a quote for health coverage for Fall River County. With no further discussion and all voting yes, the motion carried.

Carl Neisner, Maintenance Supervisor, met to update the Board on a steam trap that will soon be in with an estimated cost of \$900. Neisner asked if review had been done on the job description, which is still being reviewed.

Neisner spoke on the need for a structural architect to assess a crack in the attic ceiling joist. The Board agreed to have the Architect working on the Jail Project look at the ceiling joist.

Motion by Falkenburg seconded by Allen to approve Timmins to attend the SD911 conference in Sioux Falls on April 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 2010. With no further discussion and all voting yes, the motion carried.

Motion by Reaser, seconded by Falkenburg to enter into executive session for personnel purposes, time being 11:55 a.m.

Came out 12:00 p.m.

Motion by Falkenburg, seconded by Reaser to approve 3% 1 year raise for Stacey Martin, GIS Coordinator, to \$12.36 per hour, effective March Payroll. With no further discussion and all voting yes, the motion carried.

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

#### GENERAL

A&B Business Equipment	Contract Payt.	\$ 230.82
Appliance & Elect Outlet	2-25;#8248	58.50
Assn of SD County W&P Boards	2010 Dues	150.00
Bob Barker Company Inc.	3-5;#UT00050931	3,512.46
Beesley Law Offices	CAAF	249.64
Bingham, James L.	CAAF	1,427.90
BH Family Health Clinic	2-1;Shaw	502.00
Black Hills Power	BHP84391 Storage	2,356.91
Cardmember Service	Misc.	1,161.19

Carol Butzman Consulting	Mental Illness	660.34
CBM Food Service	STDIN26590	2,005.96
Century Business Leasing	3-3;#28448	148.90

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Cheyenne Sanitation	3-1;#3267	296.80
Coast to Coast Solutions	2-24;IVC0024212	295.71
Conger, Lesta	Travel	11.10
Culligan Soft Water	2-28;#998840	84.25
Dell Marketing	#XD352FX1	848.00
Edgemont Herald Tribune	Publishing	227.68
Election Systems and Software	2-26;#733965	4,902.00
Executive Management Finance	Network Access Fees	90.00
Golden West Telephone	Com	1,706.44
Heartland Paper Co.	2-25;#K803782-1	393.81
Hot Springs Area Chamber of Comm.	Springs Fling Ext. Booth	45.00
City of Hot Springs	Ext	253.64
Intoximeters	3-4;#297752	960.00
Lyle's Handyman	Repair Air	71.40
MSC	2-3;#45287820	252.30
Massa, Donald DDS	2-23;Phelps	132.00
Matthew Bender & Co. Inc.	#99003899	33.47
Moran, Lynn A.	CAAF	308.00
O'Neill, Justin	CAAF	789.25
Pennington County States Atty Office	Mental Illness	400.00
Pennington County Auditor	Mental Illness	41.00
Pennington County Jail	Mental Illness	648.30
Quill Corporation	Misc.	324.45
Radio Shack	2-24;#10034424,Dig R	83.99
Rapid City Journal (The)	2-23;#130;Resol #2009	222.21
Rick's Auto Center	Car Maintenance	180.40
Rushmore Communications	2-25;#0009948-IN	115.00
SD Assoc. of County Weed	2010 Membership	50.00
SD Department of Revenue	1-19;Courtney	35.00
South Dakota Invasive	Membership	50.00
Seegrift, Pat	Reim. Deductible	500.00
Software Services Inc.	2-28;#11169	1,140.00
State Industrial Products	3-11;#94526812	114.24
Steele, Ronald	Carbaugh	125.00
Village Repair	Car Maintenance	68.75
Western Business Solution	2-17;#4819;Ribbons	52.50
Western SD Juv Service Center	Juvenile	4,600.00
Sides, John	Travel	22.20

**COUNTY ROAD AND BRIDGE**

Adams Machining, Inc.	75827	157.83
Black Hills Power	89666 Feb;19718 Feb	587.66
Cardmember Service	Misc.	58.29
Cheyenne Sanitation	3268	76.32
Edgemont, City of	120 Feb	44.56
Francis, Clark	Reim. Deductible	500.00
Golden West Telephone	Phone	242.12
City of Hot Springs	1478 Feb	23.50

**911 SURCHARGE REIMBURSEMENT**

Lyle Signs	911	189.95
Summit Signs & Supply	911	2,500.00

**TITLE III NATIONAL FOREST**

Hot Springs Chamber of Commerce	Spring Fling Firewise	95.00
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**EMERGENCY MANAGEMENT**

Cardmember Service	Misc.	66.07
Golden West Telephone	Em	91.71
Timmins, Andreas	Travel	263.73

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**CHEYENNE WEED GRANT**

Mid Dakota Vegetation Management	10-6;1054.62hrs	52,731.00
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**LAW LIBRARY**

Matthew Bender & Co. Inc.	#99003902	33.47
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Motion by Falkenburg, seconded by Reaser to adjourn meeting, time being 12:01 p.m. With no further discussion and all voting yes, the motion carried

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

ATTEST:

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Sue Ganje, County Auditor  
Fall River County