

FALL RIVER COUNTY MINUTES OF JULY 20, 2010.

The Fall River Board of County Commissioners met in regular session on July 20, 2010. Present Anne Cassens, Glen Reaser, Joe Allen, Joe Falkenburg, and Sue Ganje, County Auditor. Absent was Mike Ortner. The meeting was called to order by Vice Chair Cassens.

The Pledge of Allegiance was given, 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 Reaser, seconded by Falkenburg to approve the minutes of July 6th, 2010. With no further discussion and all voting yes, the motion carried.

Commissioner Ortner called in by speakerphone to give an update on the NACO (National Association of Counties) meeting he is attending which has included seminars on Juvenile Justice diversion costs; speakers including a survivor of the Twin Towers and Economist Robert Wright and an upcoming seminar will be with the National Veterans' Commission.

Motion by Falkenburg, seconded by Allen to approve the Auditor's Account with the County Treasurer. With no further discussion and all voting yes, the motion carried.

**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 30<sup>th</sup> day of June, 2010.

Total Amt of Deposit in Wells Fargo Bank: \$403,825.90  
Total Amt of Deposit in First Interstate Bank - HS: \$334,521.98  
Total Amount of Actual Cash: \$1,510.39  
Total Amount of Treasurer's Change Fund: \$900.00  
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days: \$5,537.73  
Provo Township Water Checking - First Interstate: \$300.00  
MONEY MARKET SAVINGS: First Interstate Bank: \$32,007.94  
CERTIFICATES OF DEPOSIT: First Interstate - HS: \$3,620,000.00  
Wells Fargo Bank: \$450,000.00

Itemized list of all items, checks and drafts which 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: Caldwell, Gwendolyn - \$25.60, Lic; Osmotherly, David - \$33.80, Lic; Dryer, Kathryn - \$152.00, Taxes; Goddard, Isaac - \$213.95, Lic; Stone, April - \$56.00, Lic; Knapp, Krista - \$420.97, Lic; Petersen, Lynda - \$1,433.00, Taxes; Henry, Raymond - \$290.64, Taxes; Torrez, Jeremy - \$215.80, Lic**

**TOTAL \$4,851,980.70**

Dated This 30<sup>th</sup> Day of June, 2010.

S/Sue Ganje

Sue Ganje, County Auditor of Fall River

County.

**Motion by Reaser, seconded by Falkenburg to approve extending the completion date to September 30<sup>th</sup>, 2011 for the Collective Agreement #08-CO-11020303-009 between Fall River County Commissioners and the Black Hills National Forest, Reduction of Invasive Species/Rehabilitation – Cascade Falls/ Cascade Springs Project. With no further discussion and all voting yes, the motion carried.**

**Motion by Falkenburg, seconded by Reaser to acknowledge and approve the fundraiser by the Minnekahta Rural Fire Department. With no further discussion and all voting yes, the motion carried.**

**Motion by Falkenburg, seconded by Reaser to approve the hiring of Susie Hayes at the rate of \$9.00 per hour in the office of the Director of Equalization, effective 7/21/10. With no further discussion and all voting yes, the motion carried.**

**Motion by Reaser, seconded by Falkenburg to approve the hiring of Shari Winslow at the rate of \$9.00 per hour in the office of the State's Attorney, effective 7/12/10. With no further discussion and all voting yes, the motion carried.**

**Discussion was held on setting a special budget meeting date for County department budgets. It was decided to set a special meeting, if needed, after the 8/3/10 meeting.**

**Motion by Reaser, seconded by Falkenburg to change the regular meeting date of 9/21/10 to 9/14/10 to allow County Officials to attend the Fall State Convention of County Commissioners and Officials in Pierre. With no further discussion and all voting yes, the motion carried.**

**Commissioner Falkenburg asked the Board to support a letter to State Officials and Congressional Delegates in response to a request for comments on a change in grazing policies in the Buffalo Gap National Grassland by the Nebraska National Forest. A draft EIS (environmental impact statement) will be developed analyzing the management of rangeland vegetative resources, which includes livestock grazing.**

**Motion by Falkenburg, seconded by Reaser to approve a letter in support of Alternative #16, which is no change to the current grazing policy in the West Geographic Area of the Buffalo Gap National Grasslands. With no further discussion and all voting yes, the motion carried.**

**Commissioner Allen presented a revised Draft Ordinance for the purpose of obtaining building notification forms in the County, along with a sample Building Notification Form. This is in reference to the previously proposed Ordinance Building Permits. Terri Halls, Department of Equalization and Stacey Martin, GIS, answered questions from Commissioner Falkenburg regarding the need for the notification system,**

which would allow the DOE to know where properties are located. Proposed changes made to the original ordinance include the elimination of a permit fee and changing the exception for small buildings to those smaller than 150 sq. feet. The Department of Equalization invited anyone to stop by the office with questions or concerns. Tom Davis commented that this is Planning and Zoning and there will be resistance to required permits.

**Motion by Reaser, seconded by Allen to set the 1<sup>st</sup> reading of Ordinance #2010-02 providing for Building Notification forms, for August 3th, 2010, at 11:00 a.m., with the above noted changes. With no further discussion and all voting yes, the motion carried.**

Kim March met with the Commission to discuss the motion passed at the last meeting which increased the speed limit on North Angostura Road. March voiced concerns as she has livestock grazing (open range) along the road. Willie Collignon of Game, Fish and Parks commented that he believes the speed limit to be too fast and that it is damaging the road, with a recommendation of 35 mph.

**Motion by Reaser, seconded by Allen to drop the speed limit from 45 mph to 35 mph on North Angostura Road. With no further discussion, and all voting yes, the motion carried.**

Discussion was also held on changes to the speed limit on the road going to Long's Resort. Highway Superintendent Randy Seiler indicated the need to add 4 signs, two white and two yellow, to those posted. Seiler questioned why the increased speed limit stopped at Bunny Drive rather than Pirate's Cove, and after discussion, and Cassens asking Board members to drive out and review, this will be on the 8/3/10 agenda for action.

Donna Hartshorn met with the Board to request an abatement of fees and interest on a Mobile Home she has acquired and is attempting to title.

**Motion by Reaser, seconded by Falkenburg to abate the interest, sheriff fees and advertising costs in the total amount of \$157.94 on a 1966 Rollohome on leased site, for the years of 2005 – 2010. With no further discussion and all voting yes, the motion carried.**

County Health Nurse Tracy Bowman presented the Board her quarterly report. Bowman spoke on the WIC and Nutrition Program, Maternal and Child Health Program, Women's Health and Reproductive Activity Program and the general Public Health Office activities. Statistics were included on the report. Bowman also presented a request in the amount of \$154 for Kristi Spitzer to travel to Pierre on August 24-26 to attend a WIC conference.

**Motion by Falkenburg, seconded by Allen to approve the travel for Kristi Spitzer to attend the WIC conference in Pierre August 24-26, 2010. The State will reimburse the WIC travel expenses. With no further discussion and all voting yes, the motion carried.**

Randy Seiler presented a request for travel in the amount of \$255.92 for Jan Simunek to travel to Deadwood on October 7 & 8 for DWare (Highway cost accounting) training.

Motion by Reaser, seconded by Cassens to approve the travel for Jan Simunek to attend cost accounting training in Deadwood on October 7<sup>th</sup> and 8<sup>th</sup>, 2010. With no further discussion and all voting yes, the motion carried.

Fuel bids were presented as follows:

Nelson's Oil: \$2.35 per gallon – 500 gallons Dyed #2 to Edgemont  
 Hi D Way: \$2.488 per gallon – 500 gallons Dyed #2 to Edgemont

Motion by Falkenburg, seconded by Allen to approve the bid from Nelson's Oil at \$2.35 per gallon for 500 gallons of #2 Dyed. With no further discussion and all voting yes, the motion carried.

Seiler presented costs to list the 2004 140H road grader through Iron Planet sales, which includes a \$750.00 fee to have them look at the machine, and an 8% fee to list and sell the equipment. Discussion was held on the success of the last sale through advertisement and sealed bids. Seiler also gave the Board a cost of \$256,715 for the 2009 Caterpillar 140H road grader, which could be purchased off of the Spink County bid. This is a base cost of \$232,721 plus needed options.

Seiler presented an estimated cost of \$335,000 that the State would pay the County to turn over Highway 471 to the County.

Supplement Hearing was held as advised. Supplements presented were as follows:

DATE	AMOUNT	ACCOUNT TO SUPPLEMENT	ACCOUNT	GRANT Y-N	
1/11/2010	\$49,405.06	CDBG Provo Grant	23600x4260340	Y	
1/5/2010	\$1,070.90	EXT Supplies	10100x4260611	N	
2/15/2010	\$4,986.32	Shooting Range Grant	10100x4262211	Y	
2/15/2010	\$899.00	reimb ins(06 Durango)	10100x4272211	N	
3/26/2010	\$74.60	reimb copies(Penn Co)	10100x4260611	N	
4/5/2010	\$1,235.46	Hava Mach Maint	10100x4250120	N	
4/5/2010	\$188.85	reimb ins(00 Dodge)	10100x4272211	N	windshield
4/13/2010	\$1,682.31	LEPC Grant	23400r3340100	Y	
4/19/2010	\$561,250.00	CDBG FRWU Grant	23700r3310300	Y	
6/14/2010	\$6,079.25	reimb ins(06 Durango)	10100x4272211	N	Hail Damage
	\$52,731.00	Salt Cedar	23401x4260616	Y	

Motion by Reaser, seconded by Cassens to approve the Supplements as presented. With no further discussion and all voting yes, the motions carried.

Contingency transfers were presented as follows:

Account	Description	Amount
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10100x4151141	Insurance Deduction Reimb/Auditor's Office	
\$1,000.00		
20100x4151310	Insurance Deduction Reimb/Hwy Dept	\$500.00
10100x4260412	Welfare travel expenses	
\$500.00		
10100x4260438	211 Helpline	
\$1,000.00		

**Motion by Falkenburg, seconded by Allen to approve the Contingency transfers as presented. With no further discussion and all voting yes, the motions carried.**

**Commissioner Allen spoke on his proposed 5% cut in the 2011 budget, the transfer of jail prisoners to Pennington County and the motion to approve a 5% cut at the last meeting that did not pass. Commissioners Falkenburg and Cassens again stated their need for further examination of the requested budgets before a commitment. Allen shared a recap of the budget amount and number of Deputies for the Sheriff Department starting in 1970 compared to current figures. Commissioner Allen suggested asking other Counties how they handle jail and Sheriff business and he will talk to Custer and Belle Fourche and report back to the Board. Commissioner Cassens questioned if the proposal for the 5% cut was by department, or an overall 5% County budget reduction, which Allen said an overall decrease was hoped for. A discussion was held on County-wide law enforcement and the jail project, and it was suggested that Commissioners receive input from Sheriff candidates Mraz and McMillin, as the elected Sheriff must work with decisions made.**

**In public comment, Doug Rosane voiced support for the proposed 5% cuts for the County overall and is against money for a jail. Don Olstad stated that a professional needed to handle prisoners. Steve Simunek stated that growth was going backwards. Doug Rosane asked why there is union representation, and suggested it was time to cut the road budget and contract out some services. Tom Davis stated that the water in Cold Brook Channel is not draining and the city is dumping on County property. Davis asked for notification by the City to the County when the City is doing work in the County. Commissioner Falkenburg questioned Rosane and Simunek about how long they run heavy equipment before replacing, and they said that you cannot wear out a Caterpillar 140G if well maintained. Also, with older machinery, you can work on them without needing a computer. Davis recommended monthly maintenance of Law Enforcement by the Highway department. Commissioner Falkenburg also advised that Custer County has ordered release of weed enforcements lists and chemical supply purchasers to the local weed spraying company.**

**2011 budget requests were presented by Marcia Murray and Betty Patrick for the Edgemont and Hot Springs Meals Programs; Cindy Messenger for the Hot Springs Library and Archie Collins and Peggy Porter for Soil Conservation.**

**Clint Gregory of Gregory Engineering met with the Board to present a plat for approval.**

**Motion by Falkenburg, seconded by Reaser to approve the following Plat Resolution:**

FALL RIVER COUNTY RESOLUTION #2010-18

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of Tracts BG, MJ and BM, Red Ridge Estates located in the NE ¼, NW ¼, and NW ¼, NE ¼ OF Section 13, 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 sections 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 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 this 20<sup>th</sup> day of July, 2010.

Anne Cassens, Vice-Chair  
Board of County Commissioners  
Fall River County

ATTEST:

Sue Ganje, County Auditor  
Fall River County

**With no further discussion and all voting yes, the motion carried.**

**Gregory questioned if he should continue measuring rock movement behind the jail and courthouse, which the commission confirmed.**

**Keith Andersen of Andersen Engineering presented a plat for approval.  
Motion by Reaser, seconded by Falkenburg to approve the Plat Resolution as follows:**

FALL RIVER COUNTY RESOLUTION #2010-19

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of Tract A and Tract B located in the S ½ NE ¼ of Section 1, 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 sections 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 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 this 20<sup>th</sup> day of July, 2010.

Anne Cassens, Vice-Chair  
Board of County Commissioners  
Fall River County

ATTEST:  
Sue Ganje, County Auditor  
Fall River County

**With no further discussion and all voting yes, the motion carried.**

**Andersen, who is also a jail committee member, commented that there still needs to be a hard look at the use of the existing jail. Andersen also gave the Board an update on the epoxy being used in the well and the easements needed for the Provo Twp Water Rehab project.**

**Jeff Scheinost met with the Board at Commissioner Cassens invitation to discuss the Edgemont YMCA program, and a request for current funding in the amount of \$500, and the 2011 funding request in the same amount.**

**Motion by Falkenburg, seconded by Reaser to approve the following bills as presented. With no further discussion and all voting yes, the motion carried.**

**GENERAL FUND**

A&B BUSINESS EQUIPMENT	COPIER	\$ 65.08
BLACK HILLS MOBILE EXTING	REPAIR	\$ 216.75
BLACK HILLS POWER	UTILITY	\$ 3,485.51
BRYAN'S CRANE SERVICE	REPAIR	\$ 673.20
CBM FOOD SERVICE	INMATE	\$ 2,122.36
CENTURY BUSINESS LEASING	COPIER	\$ 421.36
CHEYENNE SANITATION	UTILITY	\$ 296.80
CLINICAL LAB	AUTOPSY	\$ 1,602.00
D&J PETROLEUM	UTILITY	\$ 135.00
DALE'S REPAIR	TOW	\$ 50.00
EDGEMONT HERALD TRIBUNE	PUBLISHING	\$ 1,008.54
FALL RIVER PAWN	LABOR	\$ 560.00
FEES, KEVIN	SUPPLY	\$ 22.26
GOLDEN WEST TELEPHONE	TELEPHONE	\$ 1,707.79
GRAPHICS PLUS	SUPPLY	\$ 62.00
GREAT WESTERN TIRE	CAR MAINT	\$ 141.20
HIGH PLAINS GRAPHICS	SUPPLY	\$ 5.00
HILLS EDGE AUTO SALES	CAR MAINT	\$ 36.60
HILLS MATERIALS CO.	SUPPLY	\$ 100.33
HILLYARD FLOOR CARE SUPP	SUPPLY	\$ 400.81
CITY OF HOT SPRINGS	UTILITY	\$ 11.05
INFOPRINT SOLUTIONS CO	MAINT	\$ 312.00

JERRY'S AUTO	CAR MAINT	\$	37.50
LABCORP AMERICA HOLDINGS	DETOX	\$	39.55
LONE STAR HEATING & AIR	REPAIR	\$	112.00
LINEHAN, LEOTA	ELECTION	\$	20.32
LYLE'S HANDYMAN	REPAIR	\$	357.00
MCMILLIN, STEVE	WITNESS	\$	20.74
MCLEODS OFFICE SUPPLY CO.	SUPPLY	\$	139.54
MEDICAL WASTE TRANSPORT	UTILITY	\$	67.21
MICROFILM IMAGING SYSTEMS	COPIER	\$	195.00
MARCH, JASON	SUPPLY	\$	176.54
PENN CO STS ATTNY OFFICE	MI	\$	200.00
PENNINGTON COUNTY AUDITOR	MI	\$	83.00
PENN CO JAIL	INMATE	\$	849.80
PLUMBING HEATING & AC	ASSISTANCE	\$	500.00
POWELL, DEBRA J	INMATE	\$	175.00
QUILL CORPORATION	MISC	\$	1,025.22
RADIOSHACK	SUPPLY	\$	19.99
RAPID CITY JOURNAL (THE)	PUBLISHING	\$	255.57
REECY, STEVE	JAIL	\$	250.00
SD ASSN OF COUNTY COMM.	SUPPLY	\$	50.00
SD HUMAN SERVICES CENTER	MI	\$	105.10
SDVSOA	2010 DUES	\$	50.00
SERVALL	SUPPLY	\$	86.32
SOFTWARE SERVICES INC	SUPPORT	\$	320.00
STATE REMITTANCE CENTER	MI	\$	2,205.00
SWORD, JAMES	SUPPLY	\$	9.20
PRO BUILD	MISC	\$	150.40
WELLS FARGO	COPIER	\$	126.88
WESTERN SD JUV SERV CTR	JUVENILE	\$	6,300.00
EVANS, ADAM	WITNESS	\$	20.74
ZIEGLER, EDWARD	WITNESS	\$	20.74
LIEN, CODY	WITNESS	\$	20.74
MURRAY, AUDREY	WITNESS	\$	20.74
MCGOWAN, MICHAEL	WITNESS	\$	20.74
KRAIMA, RICHARD	WITNESS	\$	20.74
PERRENOUD, MARK PH.D. INC	PRO SER	\$	150.00
SCHUMACHER, JESSICA	WITNESS	\$	37.76
GAINNEY, PENNY	WITNESS	\$	20.74
SHEPARD, TY	WITNESS	\$	20.74
INMAN, LAURA	WITNESS	\$	21.85
ANDERSON, PAM J.	WITNESS	\$	20.74
MCALLISTER, ALMA	ELECTION	\$	20.32
		<b>\$</b>	<b>27,779.11</b>



**COUNTY ROAD & BRIDGE**

A & B WELDING SUPPLY CO.	SUPPLY	\$	189.57
CHEYENNE SANITATION	UTILITY	\$	76.32
EDGEMONT, CITY OF	UTILITY	\$	44.56
EDGEMONT HERALD TRIBUNE	PUBLISHING	\$	114.00
GOLDEN WEST TELEPHONE	TELEPHONE	\$	237.67
NELSONS OIL & GAS INC.	FUEL	\$	1,175.00
		<b>\$</b>	<b>1,837.12</b>

**911**

FLINT ELECTRIC	911	\$	3,559.19
GOLDEN WEST TELEPHONE	TELEPHONE	\$	20.00
PRO BUILD	MISC	\$	105.35
		<b>\$</b>	<b>3,684.54</b>

**EMERGENCY MGT**

GOLDEN WEST TELEPHONE	TELEPHONE	\$	232.67
HOT SPRINGS SCHOOLS	RENT	\$	120.00
LYLE'S HANDYMAN	REPAIR	\$	13.26
MUELLER CIVIC CENTER	RENT	\$	80.00
WESTERN STATIONERS	SUPPLY	\$	75.00
		<b>\$</b>	<b>520.93</b>

**24/7 SOBRIETY FUND**

FLINT ELECTRIC	911	\$	1,211.94
GEN-DIAGNOSTICS, INC	SUPPLY	\$	704.95
		<b>\$</b>	<b>1,916.89</b>

**TOTAL \$ 35,738.59**

**Sue Ganje and Terry Slagel met with the Board to present the 2011 budget request for Community Action which is for the same amount as the current year.**

**Commissioner Allen spoke on the proposal for a building exchange between Richard Eudy and the County storage building. Appraisals will need to be authorized at the next meeting.**

**Motion by Falkenburg, seconded by Allen to recess for lunch. With no further discussion and all voting yes, the motion carried and the Board recessed.**

**The meeting resumed at 1:30.**

**Motion by Falkenburg, seconded by Reaser to enter into Executive Session for Union negotiations (personnel). With no further discussion and all voting yes, the motion carried. The Board entered into Executive Session at 1:31 p.m.**

**At 2:57 p.m. the Board came out of Executive Session.**

**Carl Neisner, Building Maintenance, presented quotes for 9,600 gallons of propane as follows:**

**Nelson's Oil: \$.98 per gallon**

**D & J Petroleum: \$1.10 per gallon**

**McGas Propane: \$.937 per gallon**

**Motion by Reaser to approve purchase of McGas Propane. Discussion was held on purchasing from a local vendor, and the Board referred question to States Attorney. Motion died for lack of a second.**

**Frank Maynard, Emergency Management, met with the Board to update them on the Coldbrook Dam tower overflow. Additional water will be released and the channel has been larvacided to prevent mosquito population.**

**Maynard also presented information regarding \$4,050.00 in a POD (Point of Dispensing) grant and necessary paperwork to receive the funding.**

**Motion by Falkenburg, seconded by Allen to approve the agreement between the State of South Dakota Department of Health for the purpose of receiving POD Grant funds in the amount of \$4,050, and further authorize the Vice Chair to sign the agreement. With no further discussion and all voting yes, the motion carried.**

**Maynard reported that 911 trunk lines have been installed, radio equipment is being installed and dispatchers have begun using the Justice System.**

**The Corps of Engineers has submitted paperwork for the County to donate an easement on Evans Street for the construction of a culvert crossing by the Corps.**

**Motion by Falkenburg, seconded by Allen to approve the Offer to Donate Easement for Tracts 20E and 20E-2, which lies within the Evans Avenue in Sections 12 and 13, Twp 7 South, Range 5 East of the Black Hills Meridian, Fall River County, South Dakota, and authorize Vice Chairwoman Cassens to sign on behalf of Michael Ortner, Chairman. With no further discussion and all voting yes, the motion carried.**

**Maynard presented the Board with a Resolution on a burn ban due to elevated fire danger indexes.**

**Motion by Falkenburg, seconded by Allen to approve the Fire Ban Resolution 2010-17, effective immediately. With no further discussion and all voting yes, the motion carried**

## RESOLUTION 2010-17

### A RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIREWORKS AND FIRE HAZARDS IN FALL RIVER COUNTY

WHEREAS, the Fall River County Commission is charged with protecting the health and safety of the citizens of Fall River County, including all property situated therein; and due to the extreme change in the fire index and unseasonably warm weather, coupled with the strong winds, the Fall River County Commission adopts this emergency resolution to further protect the health and safety of the citizens of Fall River County by preventing the ignition and spread of fire; and

WHEREAS, the Fall River County Commission has consulted with local fire officials, law enforcement, and emergency management officials concerning the threat posed by wildfires and fireworks; and

WHEREAS, the threat of wildfires in Fall River County is such so as to pose a significant danger to the health and safety of the citizens of Fall River County including property situated therein; and

WHEREAS, the Fall River County Commission has deemed it necessary to enact certain temporary controls to reduce the threat posed to the citizens and property of Fall River County by wildfires and fireworks, and

WHEREAS, this resolution will provide definition for the following terms:

- a.** Burn Barrel means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal. Burn Barrels must have a safety zone devoid of any combustible materials 15 feet in radius from the center of the Burn Barrel.
- b.** Open Fire means any outdoor fire, including campfires, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. Open Fire shall not include Charcoal Grills or Liquid Fuel Grills. Open Fire shall not include burn barrels as defined herein.
- c.** Charcoal Grill shall mean a metal or stone device with the fire box not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.
- d.** Liquid Fuel Grill shall mean a metal or stone device designed to cook food using liquefied or gaseous combustible fuel.
- e.** Fireworks means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, sparklers other than those specified below, or fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture. The term also does not include wire or wood sparklers of not more than 100 gram of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

**NOW, THEREFORE BE IT RESOLVED, that pursuant to SDCL 7-8-20 (18) Fall River County does hereby enact this resolution on an emergency basis effective immediately and impose a ban to prohibit or restrict open fire, burn barrels, and fireworks in order to protect the public health and safety; and**

**IT IS FURTHER RESOLVED, that the prohibited activities shall include the ignition of fireworks, and open burning, to include barbeque grills using any fuels other than compressed gas fuels, and any other activity which could be reasonably calculated to lead to the ignition and/or spread of wildfires in Fall River County.**

**IT IS FURTHER RESOLVED, that the area to which the prohibitions referenced above shall be applicable shall include the entire area of Fall River County excepting those lands falling within the boundaries of any municipality, the Black Hills Fire Protection District, Angostura Irrigation District and ditches, State of South Dakota and the auspices of the United States; and**

**IT IS FURTHER RESOLVED, that prior to any burning, the Fall River County Dispatch Center shall be notified at 745-5155. Additionally the burning shall be continually monitored to insure the fire is contained and completely extinguished. If the jurisdictional Fire Department agrees, they can be present and provide the monitoring requirement, and**

**IT IS FURTHER RESOLVED, that open flame/burning will not be allowed on hot, dry, windy days or when the fire danger index, established by the SD Dept. of Agriculture, is high, very high, or extreme; and**

**IT IS FURTHER RESOLVED, that pursuant to SDCL 34-37-19 the use of fireworks is hereby prohibited in any areas outside of municipal boundaries; and**

**IT IS FURTHER RESOLVED, that pursuant to SDCL 7-18A-2 the penalty for violating this resolution shall include a fine not to exceed two hundred dollars for each violation and/or by imprisonment for a period not to exceed thirty days for each violation, or by both such fine and imprisonment. Additionally, persons causing the ignition of any fire may be financially responsible for any and all suppression costs.**

**IT IF FURTHER RESOLVED, that the prohibition of certain activities provided for above shall remain in effect until such time as the Commissioners of Fall River County determine that the threat posed by wildfires has abated.**

**Dated this 20th day of July, 2010**

**Anne Cassens, Vice Chair  
Fall River County Commissioners**

**Attest:  
Sue Ganje  
Fall River /Shannon County Auditor**

**Maynard requested Phil and Sue Knapp be added to our workman's compensation listing.**

**At Maynard's request, motion by Reaser, seconded by Allen to add Phil and Sue Knapp to the Worker's Comp listing as they assist the County in emergencies. With no further discussion and all voting yes, the motion carried.**

**Paul Charbonneau met with the Board to present a petition to vacate a short section line, and explained his need for the vacation.**

**Motion by Reaser, seconded by Falkenburg to set a hearing date to vacate a section line on August 17, 2010 at 11:00 a.m. With no further discussion and all voting yes, the motion carried.**

**Motion by Reaser, seconded by Falkenburg to accept the bid from McGas Propane for 9,600 gallons at \$.937 per gallon. Discussion was held on accepting the low bid if the business was located outside the County. Falkenburg rescinded his second after the State's Attorney advised the Commission that they are bound to accept the lowest bid. Cassens then seconded the motion and with no further discussion, Commissioners Cassens, Reaser and Allen voting in favor of the motion and Commissioner Falkenburg voting against the motion, the motion carried.**

**Sheriff Jeff Tarrell met with the Board and presented cost comparisons for housing prisoners in the jail here versus transporting them to Pennington County. Preliminary figures show a cost of \$71.14 per prisoner, per day if housed in Fall River County Jail and \$111.41 per prisoner if transported to Pennington County. Tarrell also advised the Commission he would be ordering three vehicle cameras. After a brief discussion, the purchase will be placed on the agenda for the next meeting.**

**Paul Nabholz questioned the jail figures as presented and also commented on action taken by the Commission in the afternoon of a previous meeting on an agenda item scheduled for the morning. Nabholz, along with Carl Atchley, presented additional information on the library roof.**

**Motion by Reaser, seconded by Falkenburg to enter into Executive Session for legal matters. With no further discussion and all voting yes, the motion carried and the Commission entered into Executive Session at 3:56 p.m.**

**The Board came out of Executive Session at 4:13 p.m.**

**Motion by Falkenburg, seconded by Reaser to adjourn, with time being 4:14 p.m. With no further discussion and all voting yes, the motion carried. The Commission adjourned at 4:14 p.m.**

**Anne Cassens, Vice Chair  
Board of County Commissioners  
Fall River County**

**ATTEST:  
Sue Ganje, Auditor  
Fall River County**