

FALL RIVER COUNTY MINUTES OF JANUARY 17, 2012

The Fall River Board of County Commissioners met in regular session on January 17, 2012. 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 identified.

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 January 3, 2012 meeting. With no further discussion and all voting yes, the motion carried.

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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF FALL RIVER COUNTY: I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 30th day of December, 2011.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,891.12</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>352,273.58</u>
Total Amount of Cash:	\$ <u>404.35</u>
Total Amount of Treasurer's Change Fund:	\$ <u>900.00</u>
Total Amount of Checks in Treasurer's Possession, Not Exceeding Three Days:	\$ <u>4,605.75</u>
Provo Township Water Checking, First Interstate Bank:	\$ <u>300.00</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>19,327.37</u>
CERTIFICATES OF DEPOSIT, First Interstate Bank:	\$ <u>3,920,000.00</u>
Black Hills FCU:	\$ <u>250,000.00</u>

Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:

Register of Deeds Change Fund:	\$500.00
Highway Petty Cash:	\$20.00
Election Petty Cash:	\$15.00

RETURNED CHECKS:

Caldwell, Gwendolyn, \$25.60, LIC
Greenia, Ann, \$873.18, TAXES
Henry, Raymond, \$290.64, LIC
Thompson, Matt & Billie, \$273.74, LIC

TOTAL: \$4,553,700.33

Dated this 30th day of December, 2011.

/S/Sue Ganje

Sue Ganje, Auditor, Fall River County
County Monies: \$4,263,530.79
Held in Trust: \$144,843.26
Held for other Entities: \$145,326.28
Total: \$4,553,700.33

The above balance reflects county monies, monies held in trust and monies collected for and to be remitted to other ENTITIES: SCHOOLS, TOWNS, TOWNSHIPS, FIRE & AMBULANCE DISTRICTS AND STATE.

Motion by Russell, seconded by Allen, to surplus as junk a task chair from the Register of Deeds, asset #1549, three desks and a metal stand from the Veterans Services Office, no asset numbers assigned, a flashlight from the Sheriff's Office, asset #1183; and to surplus to sell a Canon copier from the VSO, asset #1152 and a chair from the Nurse's Office, asset #865. With no further discussion and all voting yes, the motion carried.

A resolution for surplus of county property in Ardmore was presented for consideration. Motion by Falkenburg, seconded by Allen, to table the resolution until the February meeting to allow for review of the property. With no further discussion and all voting yes, the motion carried.

Cassens entered the meeting at 9:05 a.m.

Auditor Sue Ganje asked for permission to return several communications mailed to the Board from FLDS president Warren Jeffs, which the Board endorsed. Counties statewide have been receiving the same mailings.

A moment of silence was observed in memory of former Governor, SD Attorney General and congressional representative William Janklow, who passed away on January 12, 2012. Cassens, Russell and Ortner then shared recollections of their experiences with Janklow.

A combined election agreement was presented which would allow for combining of entities for the 2012 Primary election. Motion by Falkenburg, seconded by Russell, to approve the combined election agreement between the county, the City of Hot Springs and School District, the Town of Oelrichs and School District and to authorize the Chairman to sign. With no further discussion and all voting yes, the motion carried.

Building Superintendent Carl Neisner met with the Board to request authorization to solicit propane bids between commission meetings. Motion by Falkenburg, seconded by Allen, to authorize the Chairman to accept the low bid for courthouse / jail propane between meeting times and then report at the next meeting. With no further discussion and all voting yes, the motion carried.

Neisner presented estimates to make the exterior door of the 4H / Youth Adviser Office handicapped-accessible. Motion by Falkenburg, seconded by Russell, to accept the low bid of Power Access for equipment to convert the door to the 4H / Youth Adviser Office into a handicapped-accessible entrance, and hire Lyle's Handyman to install equipment. With no further discussion and all voting yes, the motion carried.

Commissioner Allen followed up on the proposal to utilize a power management unit and instead suggested converting to T11 and T8 light bulbs as a more effective option for reducing energy consumption. Falkenburg also asked about snow removal expenses, which will be reviewed, and Allen asked the Board to consider the possibility of hiring part-time employees rather than full-time in the Highway Department over the next few years.

SD Game, Fish and Parks representatives DJ Schroeder, Conservation Officer, and Dennis Mann, Regional Land Manager, updated the Board on progress made toward establishing a shooting range. A location has been chosen and a property exchange is being arranged with landowners Tom and Lesta Conger. Both short and long ranges will be included at the planned facility and user agreements are being developed that will allow for use by law enforcement and the public, including youth. Neighbors have been contacted and no opposition has been expressed. The range will be the only one in the Southern Hills region. Motion by Falkenburg, seconded by Russell, to approve Ortner drafting a resolution in support of the shooting range and the Conger Exchange for presentation at the next commission meeting. With no further discussion and all voting yes, the motion carried.

Fall River Gun Club president John DiCiacco also presented the commission with a copy of the organization's bylaws, informing the Board they currently have 55 members and expect it to double. An archery range is also a possibility for the future.

Highway Superintendent Randy Seiler met with the Board and asked if unused sick leave donated to Clark Francis would revert to the employees that donated it, which it will. Seiler also advised that the wage expenses for the department will be down in 2012 as the budget was done using figures for employees with years of longevity, rather than the rate of new hires. Discussion was held on cross-training employees and Seiler indicated that he currently has eight employees that can haul gravel or run a road grader.

Cassens reported that the initiated water run-off planned by the Jail Committee did not take place as it was observed that the water path from the culvert dumped behind a neighboring building, not the jail or courthouse. Cassens also stated that a higher berm is still needed, recommending a height of 2'.

The Board was advised that Glen Reaser has declined the appointment to the RC & D Board; Ray Palmer will accept the appointment, which will be on the next agenda.

2012 Annual Bids were opened at 10:15 a.m. as advertised. Motion by Falkenburg, seconded by Allen to accept all bids used for the best advantage for the County as follows. With no further discussion and all voting yes, the motion carried.

Product	Bidder
Bid Item #1	
Road Oil Materials:	
A. Emulsified Asphalt	
1. AE-A50S, Hot Springs	Hills Materials - \$650.00/Ton, Full truck load
2. SS-1H, Hot Springs	Hills Materials - \$650.00/Ton, Full truck load (RC pit pick-up: add \$50.00/Ton, less Full truck load)
B. Cold Mix Black Top	
1. Oral	Hills Materials - \$105.00/Ton, Full truck load
2. Edgemont	Hills Materials - \$123.00/Ton, Full truck load
3. Hot Springs Quarry	Hills Materials - \$105.00/Ton
C. Hot Mix, SD DOT Class G	
1. Oral	Hills Materials - \$84.00/Ton
2. Edgemont	Hills Materials - \$80.00/Ton
3. Hot Springs Quarry	Hills Materials - \$84.00/Ton
Aggregate Materials:	
A. Crushed Lime Base Course	
1. ¾" FOB HS Quarry	Hills Materials - \$8.00/Ton
2. ¾" FOB Loring Quarry	Hills Materials - \$8.75/Ton
3. ¾" FOB Maverick Pit	Hills Materials - \$7.85/Ton
4. 1" minus FOB HS Quarry	Hills Materials - \$7.75/Ton
5. 1" minus FOB Loring Quarry	Hills Materials - \$8.25/Ton
6. 1" minus FOB Maverick Pit	Hills Materials - \$7.95/Ton
B. Chips	
1. 3/8" FOB HS Quarry	Hills Materials - \$16.00/Ton
2. 3/8" FOB Loring Quarry	Hills Materials - \$16.50/Ton
3. ½" FOB HS Quarry	Hills Materials - \$13.75/Ton
4. ½" FOB Loring Quarry	Hills Materials - \$14.25/Ton
5. 5/8" FOB HS Quarry	Hills Materials - \$11.25/Ton
6. 5/8" FOB Loring Quarry	Hills Materials - \$12.00/Ton
Bid Item #2, Ice Control Sand	
1. Oral Sand Pit	Pete Lien - \$9.25/Ton
2. Hot Springs	Hills Materials - \$8.75/Ton
3. Loring Quarry	Hills Materials - \$8.75/Ton

The meeting was opened for Public Comment. Ray Palmer encouraged all to attend a meeting at the Mueller Center on January 20, 2012 regarding the VA. Palmer also noted a fundraiser is scheduled for February 10, 2012.

A letter to the Board from an Edgemont citizen was discussed in which concerns about the maintenance and safety of a walking tunnel under the railroad were expressed. Commissioners asked if Edgemont City Attorney Carol Boos could be asked to research the matter and have it scheduled on the next agenda.

Falkenburg stated he was in support of legislative changes proposed for Drivers' License requirements and that State Representative Mike Verchio is possibly promoting the change in the legislature.

Motion by Falkenburg, seconded by Russell, 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	\$404.87
BEHAVIOR MANAGEMENT SYS	MI	\$7,500.00
BLACK HILLS CHEMICAL	SUPPLY	\$339.34
BINGHAM, JAMES	CAAF	\$688.80
BLACK HILLS POWER	UTILITY	\$2,886.63
BLACK HILLS R M U C	DUES	\$200.00
CARDMEMBER SERVICE	MISC	\$1,023.66
CAROL BUTZMAN CONSULTING	MI	\$313.35
CBM FOOD SERVICE	INMATE	\$5,137.72
CENTURY BUSINESS LEASING	COPIER	\$476.41
CHEYENNE SANITATION	UTILITY	\$280.00
CULLIGAN SOFT WATER	SUPPLY	\$103.75
DALE'S REPAIR	CAR MAINT	\$314.98
EDGEMONT, CITY OF	LIBRARY; UTILITY	\$3,500.00
EDGEMONT HERALD TRIBUNE	PUBLISHING	\$851.05
GREATER FALL RIVER HEALTH	INMATE	\$86.10
GALLS	UNIFORM	\$259.02
GEN DIAGNOSTICS INC	SUPPLY	\$945.66
GOLDEN WEST	TELEPHONE	\$1,377.97
H & R SPRINKLER SYSTEMS	CONTRACT	\$65.00
HEARTLAND PAPER CO	SUPPLY	\$24.97
CITY OF HOT SPRINGS	UTILITY	\$261.31
RICOH PRODUCTION PRINT	MAINTENANCE	\$156.00
LYLE'S HANDYMAN	REPAIR	\$279.48
MARSHALL & SWIFT	SUPPLY	\$662.25
MASSA DONALD DDS	INMATE	\$33.00
MCLEODS OFFICE SUPPLY CO.	SUPPLY	\$271.16
MEDICAL WASTE TRANSPORT	MED WASTE	\$89.41
MICROFILM IMAGING SYSTEMS	LEASE	\$550.00
MIDWEST RADAR & EQUIPMENT	CAR MAINT	\$80.00
MORAN, LYNN A.	CAAF	\$842.16
NORTONS SINCLAIR	CAR MAINT	\$80.00
OELRICHS SENIOR CITIZENS	ALLOCATION	\$900.00
PAMIDA INC.	INMATE	\$2,497.03
PENN CO STS ATTNYS OFFICE	MI	\$200.00
PENNINGTON COUNTY AUDITOR	MI	\$27.00
PENN CO JAIL	INMATE	\$595.20
PHOENIX INVESTIGATIONS	INVESTIGATION	\$987.05
POWELL, DEBRA J	INMATE	\$105.00
QUILL CORPORATION	SUPPLY	\$1,335.78
RAPID CITY JOURNAL (THE)	PUBLISHING; SUB	\$256.81
REGIONAL BEHAVIORAL HEALT	MI	\$192.94
SDAAO	TRAVEL	\$55.00
SERVALL	SUPPLY	\$230.52
SOFTWARE SERVICES INC	SUPPORT	\$480.00
SPITZER CONSTRUCTION	REPAIR	\$475.00
STATE REMITTANCE CENTER	STATE REP	\$1,911.77
STEPHENS LAW OFFICE	CAAF	\$1,200.00
STEVENS PLUMBING	REPAIR	\$98.98
SCHOENFELDER, PAUL	INMATE	\$350.00
TEMPERATURE TECHNOLOGY	REPAIR	\$253.77
TIGER DIRECT	SUPPLY	\$195.46
TWILIGHT INC	SUPPLY	\$223.50
VANWAY TROPHY	SUPPLY	\$13.78

VERIZON WIRELESS	CELL PHONE	\$516.99
	GENERAL FUND TOTAL	\$43,185.63
ROAD & BRIDGE		
B H ELECTRIC COOP INC.	UTILITY	\$23.63
BLACK HILLS POWER	UTILITY	\$657.12
EDGEMONT, CITY OF	LIBRARY; UTILITY	\$41.94
GOLDEN WEST	TELEPHONE	\$235.31
CITY OF HOT SPRINGS	UTILITY	\$21.81
OFFICE SOLUTIONS	COPIER	\$75.00
POSTMASTER	BOX RENT	\$110.00
RUSHMORE COMMUNICATIONS	UTILITY	\$225.00
VERIZON WIRELESS	CELL PHONE	\$31.96
	ROAD & BRIDGE TOTAL	\$1,421.77
911 SURCHARGE REIMBUR.		
GOLDEN WEST	TELEPHONE	\$61.12
CENTURY LINK	TELEPHONE	\$6.23
CENTURY LINK	TELEPHONE	\$621.13
	911 REIMBUR. TOTAL	\$688.48
EMERGENCY MGT		
CARDMEMBER SERVICE	MISC	\$47.75
GOLDEN WEST	TELEPHONE	\$117.38
SDEMA	DUES	\$60.00
VERIZON WIRELESS	CELL PHONE	\$121.41
	EMERGENCY MGMT TOTAL	\$346.54
24/7 SOBRIETY FUND		
RADIO SHACK	RADIO	\$39.99
	24/7 SOBRIETY FUND TOTAL	\$39.99
24/7 PARTICIPATION FEE		
STATE REMITTANCE CENTER	STATE REP	\$210.00
	24/7 PARTICIPATION FEE TOTAL	\$210.00
	GRAND TOTAL	\$45,892.41

Frank Maynard, Emergency Management / 911, asked for equipment approval. Motion by Cassens, seconded by Allen, to approve the purchase of a laptop, paid by LEPC funds, up to \$800.00. With no further discussion and all voting yes, the motion carried.

One quote for defibrillators was presented; Maynard will bring more to the February meeting.

Maynard also asked the Board to consider additional clothing allowance reimbursement to a dispatcher. Motion by Falkenburg, seconded by Allen, to authorize a one-time payment of \$150.00 as additional uniform allowance reimbursement for a dispatcher who was incorrectly advised of the allowance amount, which has been corrected. With no further discussion, Cassens voting no and all others voting yes, the motion carried.

Maynard also asked the Board to approve renewal of the BullBerry System software used for mapping in Dispatch. Motion by Falkenburg, seconded by Russell, to approve renewing the BullBerry software agreement at an annual cost of \$1,950.00. With no further discussion and all voting yes, the motion carried.

Maynard gave an update on the Cold Brook Channel project and presented a log of 911 calls received.

A hearing to vacate streets and alleys was held as advertised. Attorney Justin O'Neill presented information on the request. Motion by Falkenburg, seconded by Allen, to approve the following Resolution. With no further discussion and all voting yes, the motion carried.

**FALL RIVER RESOLUTION #2012-04
RESOLUTION AND ORDER VACATING CERTAIN STREET AND ALLEY
IN FALL RIVER COUNTY, SOUTH DAKOTA**

Whereas, Bryan J. Holland (a.k.a. Brian J. Holland), Bonnie C. Holland and Penny Hanna-Upchurch, heretofore presented to the Fall River County Commission, pursuant to SDCL 11-3-21.1, a petition for vacation of a street and alleys described as follows:

that part of Moore Street, an East-West Street, running North of Lots Eight (8) and (9) of Block Eleven (11) and South of Lots One (1) and Two (2) of Block Twelve (12) together with the North-South Alley running East of Lot One (1) of Block Twelve (12) and Lots One (1) through Eight (8) of Block Eleven (11) and West of Lot Two (2) in Block Twelve (12) and Lots Nine (9) through Sixteen (16) in Block Eleven (11), ALL IN W.U. Germond's Cold Brook Addition to the Town, now City of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds, subject to any easements and right-of-way presently existing for public utility or drainage purposes.

Which petition made by the Owners of all the property adjoining all sides of the said street and alley proposed to be vacated sets out that said street and alley have not been constructed or used or traveled as highways at any time during the past 25 years and which petition was verified by petitioners Bryan J. Holland (a.k.a. Brian J. Holland), Bonnie C. Holland and Penny Hanna-Upchurch, and said street and alley are each less than one mile in total length and that the character and use of the plat is residential lots and that no public highway is part of the plat to be vacated; AND

WHEREAS, the Fall River County Commission at a meeting of said Commission held December 20, 2011, deemed it expedient that said matter should be proceeded with, ordered said petition filed with the Auditor of said County, fixed a time for hearing on the petition at the regular meeting of the Commission on Tuesday, January 17, 2012, at 11:00 a.m. and directed that notice of said hearing be published once a week for two consecutive weeks in the Hot Springs Star, an official newspaper of said County; and

WHEREAS, due and legal notice of the hearing on said petition has been given and the Commission has investigated and considered the matter and it being established that the street and alley to be vacated have not been used or traveled as highways at any time during the last 25 years:

BE IT RESOLVED AND ORDERED by the Fall River County Commission, the street and alleys described as follows:

that part of Moore Street, an East-West Street, running North of Lots Eight (8) and (9) of Block Eleven (11) and South of Lots One (1) and Two (2) of Block Twelve (12) together with the North-South Alley running East of Lot One (1) of Block Twelve (12) and Lots One (1) through Eight (8) of Block Eleven (11) and West of Lot Two (2) in Block Twelve (12) and Lots Nine (9) through Sixteen (16) in Block Eleven (11), ALL IN W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds, be, and the same hereby are vacated, reserving, however, any easement and right-of-way presently existing for public utility or drainage purposes and that the public interest will be better served by said vacations. Such vacations to take effect after the 30th day after the second publication of this Resolution unless the action has been appealed according to law.

Dated at Hot Springs, Fall River County, South Dakota, this 17th day of January, 2012.

APPROVED:

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Commission

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

County Health Nurse Tracy Bowman met with the Board to present her quarterly report, which was received and placed on file.

Nina Steinmetz, Weed Department Supervisor, presented a recap of department activities, which includes work on a lease program allowing landowners to use the grasshopper sprayer. County road right-of-way spraying was completed at an approximate cost of \$4,776.00 versus the \$12,000.00 to \$13,000.00 previously spent on contract costs. Steinmetz is also using the ArcView software to map weeds.

Karen Jamison, Office Manager for the 4H / Youth Advisor Office, met with the Board to request authorization to place a storage shed behind their building. The shed has been purchased by the 4-H groups and project leaders will hold the key to the shed. Motion by Cassens, seconded by Falkenburg, to allow placement of an 8' by 12' storage shed for 4-H behind the Weed / 4-H building. With no further discussion and all voting yes, the motion carried.

Terri Halls, Director of Equalization, met with the Board to discuss 2012 valuation intentions. Halls indicated that the soil survey already includes an adjustment for irrigated land. Therefore, intentions are to decrease those adjustments over the next three years. Halls will prepare information on the value changes and provide them to the newspapers. Possible future changes related to the uncertainty of the VA plans were also discussed.

Commissioners Cassens and Allen discussed the recommendation of the Jail Committee to construct a retaining wall behind the jail. Motion by Cassens, seconded by Allen, to approve the construction of a retaining wall by Century Blasting at an estimated cost of \$42,227.93, contingent upon satisfaction of proof of insurance for liability issues, with funding to come from the Jail Reserve funds. With no further discussion and all voting yes, the motion carried.

Sheriff Rich Mraz met with the Board to request approval to hire a part-time jailer. Motion by Falkenburg, seconded by Russell, to approve advertising for a part-time jailer for 24 hours per week. With no further discussion and all voting yes, the motion carried.

The Board discussed insufficient fund checks written to the county with State's Attorney Jim Sword, who said they are making progress collecting on them. Falkenburg and Cassens also asked Sword to check into issues with Provo Area Water.

Melody Engebretson, Register of Deeds, met with the Board to request approval for an extension to the lease for her office copier. Motion by Falkenburg, seconded by Allen, to approve extending the lease for the Register of Deeds copier by a term of five years at a cost of \$144.30 per month, including a trade-up to a color copier. With no further discussion and all voting yes, the motion carried.

Engebretson also discussed Title Company charges, which merit review as there have been changes in services provided to them. E-mailing documents which used to be printed and billed is an example of such a change and a resolution will be drafted for a future meeting to address the changes.

Falkenburg noted that the Commission needs to meet with Supervisors, which will begin at the next Board meeting.

A representative of an application for medical assistance met with the Board, along with Michele Jensen of the Auditor's Office. As the applicant is from Gregory County, he was referred to their county commission for help.

Motion by Russell, seconded by Allen, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 12.44 p.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