**FALL RIVER COUNTY MINUTES OF OCTOBER 4, 2016**

The Fall River Board of County Commissioners met in regular session at the Fall River County Courthouse in the second floor courtroom. Present: Michael Ortner, Joe Falkenburg, Joe Allen, Ann Abbott, Deb Russell and Sue Ganje, County Auditor.

The Pledge of Allegiance was given and the meeting called to order at 9:00 AM.

The agenda was reviewed for conflicts; no conflicts were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion by Falkenburg, seconded Russell by to approve the agenda as written.

Motion by Russell, seconded by Falkenburg to approve the minutes for September 20, 2016 with the amendment to change the effective date for Edith Jenniges to 9/19/2016 and for Jennifer Mraz to 9/15/2016.

Motion by Russell, seconded by Abbott to surplus to junk the Treasurer’s computer monitor, asset tag 02048.

Motion by Falkenburg, seconded by Abbott to reclassify LaVella Birkland from Department of Equalization to Register of Deeds, effective October 3, 2016.

Discussion was held on the use of the time clock for salaried employees that were under the federal overtime rule salary that begins December 1, 2016. The supervisors affected are Veteran Service Officer, Weed and Pest Supervisor, Director of Equalization and the Building Supervisor, who will begin punching the time clock as soon as they are set up.

The Board reviewed the memo from Lincoln County regarding Involuntary Mental Illness Commitments.

Keith Andersen of Andersen Engineering met with the Board to present three Plats. Motion by Falkenburg, seconded by Russell to approve the following plat for Cobblestone lot 56 subject to signature by Highway Superintendent;

**FALL RIVER COUNTY RESOLUTION #2016-23**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, Lot 56 of Cobblestone Mountain Estates Subdivision Located in the SW 1/4 of Section 1, T7S, R5E, BHM, Fall River County, South Dakota

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 the 4th day of October.

/s/ Michael P Ortner Michael P Ortner, Chair

ATTEST: Fall River County Board of Commissioners

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Motion by Falkenburg seconded by Allen to approve the plat for Shirley Sieg in the McCarthy Tract subject to submitting a copy to Director of Equalization and subject to signature by Highway Supervisor;

**FALL RIVER COUNTY RESOLUTION #2016-24**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, McCarthy Tract located in the NW ¼ of Section 27 and a private access and utility easement across Tract M of Block G of Country Club Estates, Located in the NW ¼ NE ¼ of Section 27 and the SW ¼ SE ¼ of Section 22 , All in T7S, R5E, BHM, Fall River ounty, South Dakota,

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 this the 4th day of October.

/s/ Michael P Ortner Michael P Ortner, Chair

ATTEST: Fall River County Board of Commissioners

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Motion by Falkenburg, seconded by Abbott to approve a plat for Barker Construction subject to submitting a copy to Director of Equalization and subject to signature by Highway Supervisor;

**FALL RIVER COUNTY RESOLUTION #2016-25**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, Barker Tract together with a private access easement in SE ¼ of Section 36, T8S, BHM, Fall River County South Dakota containing all of lots 1,3 &5 of Block 1, All of Lots 1, 3,35, 7, and that part of 9 & 11 lying southeast of highway. Row of Block 2, together with the vacated alleys and streets adjacent there to, all in Dudley (formerly Burton), a portion of Tract A of SE ¼ SE ¼, a potion of Outlot A of Tract A of SE ¼ SE ¼, all in SE ½ of Section 36, T8S, R2E, BHM, Fall River County, South Dakota,

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 the 4th day of October.

/s/ Michael P Ortner Michael P Ortner, Chair

ATTEST: Fall River County Board of Commissioners

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Edie Jenniges, State’s Attorney Administrative Assistant met to request travel to Lincoln County to review software that the State’s Attorney Office is planning on installing this month. The software is to assist with victims assistance with a plan to “go live” on January 27, 2017. Motion by Russell, seconded by Abbott to approve one night stay for the State’s Attorney and office personnel to Canton, SD to view software that will be installed in the State’s Attorney’s Office.

Kelli Rhoe, Treasurer met with Board to discuss lifting the moratorium on tax certificate sales. The benefits of lifting the moratorium would be that taxes get paid by the purchaser of the certificate and therefore the county gets the taxes due. The deficits of lifting the moratorium include that the left over certificates are usually undesirable properties. Discussion was held on processing tax deeds versus selling certificates. Ortner suggested a possible policy to sell tax certificate at the end of two years to give delinquent owners the chance to pay. Motion by Falkenburg, seconded by Russell to keep moratorium in effect, with review again in one year. With Ortner voting no and the rest voting yes the motion passed.

Rhoe also presented a resolution on Commissioner directed research, with some individuals questioning the reason for the resolution. Unless directed by the Board, research for personnel information should be paid at the same price as if it were for personal use. Motion by Falkenburg, seconded by Russell to table the resolution until next meeting.

Due to a scheduling error, Robert Evans, Sheriff met with the Board earlier than scheduled. Motion by Russell, seconded by Abbott to approve travel for Vince Logue to attend Investigative Training in Casper WY on October 3rd-7th, 2016. Falkenburg would like a follow up presentation after the event.

Motion by Falkenburg, seconded by Russell to approve hires of Jennifer Winscot, Jailer, effective 9-19-2016 at $12.50 per hour; Kyran Stanley, Dispatch, effective 9-25-2016 at $12.00 per hour; Kyle Maciejewski, Deputy Sheriff, effective 9-27-2016 at $16.50 per hour, all per union contract.

Due to scheduling conflicts Jackie Waldner, Community Nurse was unable to present her quarterly report.

Frank Maynard, Emergency Management met with the Board to request the Chairman to sign the SLA. Motion by Abbott, seconded by Russell to approve the Quarterly SLA and authorize the Chairman to sign.

Maynard notified the Board of a potential $5,000 grant on Commodity Flow Study as part of the Hazmat Plan. Motion by Falkenburg, seconded by Russell to approve the grant application by Maynard for $5,000.

Maynard Also notified the Board that there was one gasoline spill in the County this past month.

Randy Seiler met with the Board to present his fuel bids.

8,000 gal Dyed Diesel/ 8,000 Gal Gasoline

MG Oil $1.83604/Gal $1.82536/ Gal

Nelson’s $1.79/Gal $1.84/Gal

Motion by Falkenburg, seconded by Abbott to approve low bid of MG Oil’s low bid of $1.82536 for gasoline and Nelson’s low bid $1.79 per gallon for dyed diesel.

Motion by Falkenburg, seconded by Russell to approve fuel transfers to reimburse the highway department for fuel used or work as follows: Emergency Management Fire for $231.70, Sheriff’s Department for $1,919.64, Weed Board for $348.16, Director of Equalization for $39.13, Emergency Management for $102.63, Building Maintenance for $16.69, Jail for $11.68, Auditor for $5.61, Elections for $22.62, Register of Deeds for $5.61 and State’s Attorney for $39.68.

Seiler also notified the Board that the new gravel trailers were in, and that the mowing should be done soon and when mowing is complete they will start graveling roads. A resignation was received from Brian Pangburn.

Motion by Falkenburg, seconded by Russell to approve the following bills:

|  |  |  |  |
| --- | --- | --- | --- |
| GENERAL FUND | |  |  |
|  | FIDELITY SEC. LIFE INS CO | EYE INSURANCE | $ 110.64 |
|  | AMERICAN FAMILY ASSURANCE | AMERICAN FAMILY ASSU | $ 225.04 |
|  | A'VIANDS LLC | INMATE FOOD/SUPPLY | $ 11,189.47 |
|  | ABBOTT, RUTH ANN | MEALS REIMBURSEMENT | $ 51.00 |
|  | BOB BARKER COMPANY INC | INMATE SUPPLY | $ 1,147.46 |
|  | BEST WESTERN RAMKOTA | STATE CONFERENCE/ASS | $ 1,069.90 |
|  | BLACK HILLS CHEMICAL | SUPPLY | $ 196.95 |
|  | BLACK HILLS ENERGY | UTILITY POWER ELECTR | $ 4,578.52 |
|  | BOSTON MUTUAL LIFE INS CO | LIFE INSURANCE | $ 32.76 |
|  | DAKOTA LEASING COMPANY | LEASE | $ 155.00 |
|  | DALE'S REPAIR | REPAIR/MAINT. | $ 109.00 |
|  | DELTA DENTAL PLAN OF SD | DELTA DENTAL | $ 2,658.21 |
|  | DEMERSSEMAN JENSEN | CAAF | $ 814.20 |
|  | EAGLE ENTERPRISES LLC | SUPPLY | $ 82.64 |
|  | EFTPS | EFTPS TAXES | $ 36,692.66 |
|  | EDGEMONT HERALD TRIBUNE | PUBLICATION | $ 1,041.92 |
|  | ENVIRONMENTAL PRODUCTS | SUPPLY | $ 79.80 |
|  | DEWEY J ERTZ, ED.D | COURT ORDERED ASSESS | $ 975.00 |
|  | EXECUTIVE MGMT FINANCE | BIT NETWORK FEES | $ 108.00 |
|  | FALKENBURG, JOE | MILEAGE REIMBURSEMEN | $ 218.40 |
|  | FALL RIVER CLINIC | INMATE MEDICAL/MI ME | $ 2,796.62 |
|  | FR COUNTY TREASURER | SERVICE CHARGES | $ 36.95 |
|  | GOLDEN WEST TECHNOLOGIES | INTERNET INCREASE | $ 308.20 |
|  | HAPPE, SHELBY | MILEAGE REIMBURSEMEN | $ 613.98 |
|  | HARRINGTON, MARDOQUEO | TRAVEL REIMBURSEMENT | $ 171.00 |
|  | HARRIS, BETSEY | CAFF | $ 429.10 |
|  | SIMKINS, SUSIE | MEAL REIMBURSEMENT | $ 171.00 |
|  | HEAVY HIGHWAY FRINGE | INSURANCE FEES | $ 630.00 |
|  | HOT SPRINGS ACE HARDWARE | SUPPLY | $ 140.68 |
|  | IOWA LABORERS DISTRICT | HEALTH INSURANCE | $ 16,788.00 |
|  | JOHN REID & ASSOCIATES | CLASS/TRAINING | $ 550.00 |
|  | KNECHT ROBINSON LAW | MI | $ 264.56 |
|  | KOLETZKY LAW OFFICE | MI | $ 243.20 |
|  | LIUNA LABORERS LOCAL 620 | UNION DUES | $ 275.00 |
|  | LEXIS NEXIS | LAW BOOKS | $ 71.62 |
|  | MANLOVE PSYCHIATRY GROUP | MI | $ 41.67 |
|  | MASSA DONALD DDS | INMATE MEDICAL | $ 149.00 |
|  | NATIONWIDE RETIREMENT SOL | NATIONWIDE RETIREMEN | $ 88.25 |
|  | NEVE'S UNIFORM INC | SUPPLY/UNIFORM | $ 727.38 |
|  | NEW YORK LIFE INSURANCE | NEW YORK LIFE INS | $ 25.00 |
|  | NORTON,TINA | CONTRACT NURSE INMAT | $ 1,140.00 |
|  | CHILD SUPPORT PAYMENT CNT | CHILD SUPPORT | $ 604.00 |
|  | O'NEILL, JUSTIN | CAAF | $ 1,004.18 |
|  | ORTNER, MICHAEL P. | TRAVEL REIMBUSEMENT | $ 479.80 |
|  | OTIS ELEVATOR COMPANY | 4TH QUARTER CONTRACT | $ 371.28 |
|  | PENNINGTON COUNTY AUDITOR | MI | $ 164.00 |
|  | PENNINGTON COUNTY JAIL | INMATE TRANSPORT | $ 145.25 |
|  | PENN COUNTY SHERIFF | CIVIL PAPERS SERVED | $ 62.58 |
|  | PRAIRIE HILLS TRANSIT | 2016 ALLOCATION | $ 13,000.00 |
|  | RUSSELL, DEBORAH | TRAVEL REIMBURSEMENT | $ 395.40 |
|  | SAFETY BENEFITS INC | RISK MANAGEMENT TRAI | $ 65.00 |
|  | SOUTH DAKOTA ST TREASURER | SALES TAX | $ 282.23 |
|  | SD RETIREMENT SYSTEM | SDRS CONTRIBUTION | $ 16,275.11 |
|  | SERVALL | RUG/UNIFORM SERVICE | $ 166.43 |
|  | SKINNER, MATTHEW L. PC | CAAF | $ 344.20 |
|  | SD SUPPLEMENT RETIREMENT | SDRS SUP RETIREMENT | $ 500.00 |
|  | SD CLE, INC | ANNUAL SUBSCRIPTION | $ 500.00 |
|  | STEVENS, MIKAYLA | BLOOD DRAW | $ 35.00 |
|  | TEM-TECH | SERVICE/REPAIR | $ 407.78 |
|  | UNITED WAY BLACK HILLS | UNITED WAY DONATION | $ 20.00 |
|  | VANGUARD APPRAISALS INC | SERVICE RENEWAL | $ 1,000.00 |
|  | WESTERN COMMUNICATION | RADIO SERVICE | $ 102.00 |
|  | TRENT, RON | INVASIVE WEED ASSIST | $ 764.70 |
|  | FLEMING, MELISSA | MEALS REIMBURSEMENT | $ 34.16 |
|  | BEHRENS, DONNA | MILEAGE REIMBURSEMEN | $ 15.96 |
|  | HENDERSON, SUSAN | INVASIVE WEED ASSIST | $ 1,463.00 |
|  | CAPE, DEAN | INVASIVE WEED ASSIST | $ 337.92 |
|  | STEARNS, JERRY | INVASIVE WEED ASSIST | $ 1,837.50 |
|  | CHRISTOPHERSON, ALEX | REFUND EYE INSURANCE | $ 11.90 |
|  | LANDERS LIVESTOCK | INVASIVE WEED ASSIST | $ 3,743.71 |
|  | SMITH, DEAN | INVASIVE WEED ASSIST | $ 5,576.58 |
|  | GANNON, DON | INVASIVE WEED ASSIST | $ 39.61 |
|  | FRAHM, ORVAL | INVASIVE WEED ASSIST | $ 525.00 |
|  |  |  | $ 137,472.06 |
| COUNTY ROAD & BRIDGE | |  |  |
|  | A & B WELDING SUPPLY CO. | WELDING SUPPLIES/LEA | $ 58.71 |
|  | FIDELITY SEC. LIFE INS CO | EYE INSURANCE | $ 80.66 |
|  | AMERICAN FAMILY ASSURANCE | AMERICAN FAMILY ASSU | $ 448.60 |
|  | BATTLE CREEK SUPPLY | SUPPLY | $ 62.99 |
|  | BLACK HILLS ENERGY | UTILITY POWER ELECTR | $ 419.18 |
|  | BUTLER MACHINERY CO. | SUPPLIES/REPAIRS | $ 2,820.60 |
|  | DELTA DENTAL PLAN OF SD | DELTA DENTAL | $ 444.95 |
|  | DIESEL MACHINERY, INC | PARTS | $ 93.18 |
|  | EFTPS | EFTPS TAXES | $ 8,345.72 |
|  | FALL RIVER AUTO SUPPLY | AUTO PARTS/REPAIR | $ 331.86 |
|  | FLINT ELECTRIC | SUPPLY | $ 149.66 |
|  | FORWARD DISTRIBUTING | SUPPLIES/PARTS | $ 81.90 |
|  | GRIMM'S PUMP SERVICE INC | SUPPLY | $ 15.82 |
|  | HEAVY HIGHWAY FRINGE | INSURANCE FEES | $ 150.00 |
|  | HILLS MATERIALS CO. | HOT MIX | $ 91,447.26 |
|  | HOT SPRINGS ACE HARDWARE | SUPPLY | $ 39.64 |
|  | HOT SPRINGS AUTOMOTIVE | AUTO SUPPLY PARTS | $ 1,468.94 |
|  | RICOH USA INC | HWY DEPT COPIER LEAS | $ 75.00 |
|  | IOWA LABORERS DISTRICT | HEALTH INSURANCE | $ 3,285.00 |
|  | LIUNA LABORERS LOCAL 620 | UNION DUES | $ 150.00 |
|  | LYLE SIGNS | SIGNAGE | $ 69.96 |
|  | MG OIL | INVENTORY/SUPPLY | $ 15,255.17 |
|  | NATIONWIDE RETIREMENT SOL | NATIONWIDE RETIREMEN | $ 73.53 |
|  | NELSONS OIL & GAS INC. | FUEL | $ 13,784.91 |
|  | NORTHERN TRUCK EQUIP | PART | $ 79.00 |
|  | NORTONS SINCLAIR | AUTO REPAIR | $ 26.52 |
|  | POWERPLAN BF | REPAIR/PARTS/LABOR | $ 477.41 |
|  | RAPID DELIVERY | DELIVERY | $ 86.32 |
|  | SAFETY KLEEN | SUPPLIES | $ 660.72 |
|  | SD DEPT OF TRANSPORTATION | COST SHARE | $ 68,140.52 |
|  | SD RETIREMENT SYSTEM | SDRS CONTRIBUTION | $ 4,080.70 |
|  | SEILER, RANDY | CELLPHONE REIMBURSEM | $ 97.00 |
|  |  |  | $ 212,801.43 |
| 911 SURCHARGE REIMB | |  |  |
|  | CENTURY LINK | 911 DISPATCH LINE TR | $ 9.45 |
|  |  |  | $ 9.45 |
| EMERGENCY MGT | |  |  |
|  | DELTA DENTAL PLAN OF SD | DELTA DENTAL | $ 14.29 |
|  | EFTPS | EFTPS TAXES | $ 1,684.47 |
|  | NORTONS SINCLAIR | AUTO REPAIR | $ 135.00 |
|  | SAFETY BENEFITS INC | RISK MANAGEMENT TRAI | $ 65.00 |
|  | SD RETIREMENT SYSTEM | SDRS CONTRIBUTION | $ 563.93 |
|  |  |  | $ 2,462.69 |
| L.E.P.C. GRANT (FED/STATE GRANTS) | |  |  |
|  | BURT, CURTIS | LEPC | $ 100.00 |
|  | PUDWILL, NORMAN | LEPC | $ 60.00 |
|  |  |  | $ 160.00 |
| CHEYENNE WEED GRANT | |  |  |
|  | A & B WELDING SUPPLY CO. | WELDING SUPPLIES/LEA | $ 43.89 |
|  | EFTPS | EFTPS TAXES | $ 53.54 |
|  |  |  | $ 97.43 |
| 24/7 SOBRIETY FUND | |  |  |
|  | EFTPS | EFTPS TAXES | $ 282.94 |
|  | GEN DIAGNOSTICS INC | DIAGNOSTIC SUPPLIES | $ 2,076.50 |
|  | INTOXIMETERS | 24/7 SUPPLIES | $ 1,050.00 |
|  |  |  | $ 3,409.44 |
|  |  |  |  |
|  | TOTAL PAID BETWEEN 9/21/16 AND 10/04/16 | | $ 356,252.50 |

Break was held at 10:14 am, meeting resumed at 10:24 am.

Public Comment was held and no comments or concerns were voiced.

The hearing for the five year master transportation plan was held at 10:30 am as advertised. Seiler gave his overview of the plan which included road projects and expenses, and revenues for the next 5 years. Motion by Falkenburg, seconded by Allen to approve the five year master transportation plan as presented.

Susan Henderson met with the Board regarding her opinions on the Commission’s decision to turn down the State Veteran’s Home rental and look into building options. Henderson stated her reasons on why she felt it was a poor decision to build a new building. Discussion was held.

Patrick Ginbach, Deputy State’s Attorney met with the Board to give his advice on the vacation petition in the Smithwick, unorganized town area. Ginsbach suggested the petition be rejected as there were certain errors, after research by Jenna Stokesberry, Auditor’s Administrative Assistant. Motion by Falkenburg, seconded by Russell to reject the petition for vacation in Smithwick, and a date will be set for a hearing upon resubmission.

Ginsbach reported he had not received any response from the state regarding the requested Human Resource proposal. Marce Largent’s proposal was on the table. Motion by Russell, seconded by Abbot to approve the Human resource proposal from Marce Largent for $2,500.00. Falkenburg offered a substitute motion to offer $2,000, which died for lack of a second. With all voting yes the initial motion passed.

Motion by Falkenburg, seconded by Abbott to move to executive session for personnel matters as per SDCL 1-25-2 (1) at 11:27 am. Board came out of executive session at 11:32 am.

Motion by Russell, seconded by Russell to adjourn as Board of Commissioners at 11:32 am.

/s/ Michael P Ortner

Michael P Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor