

**FALL RIVER COUNTY MINUTES OF OCTOBER 17, 2013**

The Fall River Board of County Commissioners met in regular session on October 17, 2013. Present: Mike Ortner, Joe Falkenburg, Joe Allen and Sue Ganje, Auditor. Absent: Anne Cassens and Deb Russell.

An invocation and the Pledge of Allegiance were given. The meeting called to order at 9:00 AM. The agenda was reviewed for conflicts; none were noted.

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

Russell joined the meeting via speakerphone.

Motion by Falkenburg, seconded by Allen, to approve the minutes from October 3, 2013. With no further discussion and all voting yes on a roll call vote, the motion carried.

Motion by Falkenburg, seconded by Allen, to approve the Auditor's Account with the Treasurer as follows. With no further discussion and all voting yes on a roll call vote, 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 30<sup>th</sup> day of September, 2013.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>1,113.61</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>645,116.01</u>
Total Amount of Cash:	\$ <u>676.75</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>23,290.11</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>3,088.64</u>
CERTIFICATES OF DEPOSIT, First Interstate Bank:	\$ <u>3,470,000.00</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:**

Henry, Raymond, \$290.64, LIC  
McMillin, Robert, \$272.95, LIC

**TOTAL: \$4,395,283.71**

Dated this 30<sup>th</sup> day of September, 2013.

/s/Sue Ganje

Sue Ganje, Auditor, Fall River County

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.

An application for burial assistance was reviewed. Motion by Allen, seconded by Falkenburg, to deny the application for burial assistance as the applicant's assets exceed the burial expense. With no further discussion and all voting yes on a roll call vote, the motion carried.

Ortner reported on a meeting he attended with the Pennington County Director of Equalization regarding their change from 40 acres to 160 acres to qualify as agriculture status, which they have since reversed. Their discussion included the possibility that legislation could help clarify land used for hobby farm purposes versus for-profit operations.

Lyle Jensen, Building Superintendent, sought approval to rent equipment. Motion by Allen, seconded by Falkenburg, to approve renting a lift from Time Rental at a cost of \$598.00, which will be used to install courthouse windows. With no further discussion and all voting yes on a roll call vote, the motion carried.

Keith Andersen, Andersen Engineering, presented a plat for approval. Motion by Falkenburg, seconded by Allen, to approve the plat of Tract Deann as follows. With no further discussion and all voting yes on a roll call vote, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2013-29**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Tract Deann, located in the SW ¼ NE ¼ and the SE ¼ NW ¼, all in Section 20, 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 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 17<sup>th</sup> day of October, 2013.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Susie Hayes, Director of Equalization, provided a review on the reappraisal process, reporting that the department has also begun auditing soils and adjusting soil valuations.

Georgia Sample, Experience Works, and Kim Cook, Employment and Training

Coordinator, met with the Board to explain the transition of the former Green Thumb program into Experience Works, inquiring about whether the county would consider participating. Workers are available for 20 hours per week and wages are paid through the program. Motion by Falkenburg, seconded by Allen, to investigate departments that might make use of and participate in the Experience Works program. With no further discussion and all voting yes on a roll call vote, the motion carried.

W. Scott Davis met with the Board to see if there were any questions regarding his county constable proposal; there were none at this time.

Frank Maynard, Emergency Management, met with the Board to discuss issues related to Winter Storm Atlas. Motion by Falkenburg, seconded by Allen, to formally approve a Disaster Resolution as follows. With no further discussion and all voting yes on a roll call vote, the motion carried.

**FALL RIVER COUNTY RESOLUTION # 2013-28**  
**DECLARATION OF EMERGENCY / DISASTER**

WHEREAS Fall River County, South Dakota, has suffered severe damage brought on by blizzard conditions, including, but not limited to: catastrophic agricultural and livestock loss; loss of utilities; debris removal; and impending flooding issues related to Winter Storm Atlas, which began October 4, 2013; and

WHEREAS, Fall River County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency / disaster and local resources are not adequate to cope with the situation.

NOW THEREFORE, BE IT RESOLVED by the Fall River County Board of Commissioners at a meeting held on October 9, 2013, it is hereby requested that the Governor declare an emergency / disaster to exist in the County of Fall River.

Dated at Hot Springs, Fall River County, South Dakota, this 9th day of October, 2013.

APPROVED:

/s/ Michael P. Ortner, Chairman  
Fall River County Commission

ATTEST:

/s/ Sue Ganje

Sue Ganje, County Auditor

Maynard asked for approval to purchase cameras for Highway Department personnel to record flood damages for loss documentation. Motion by Russell, seconded by Allen, to approve the purchase of two GPS cameras. With no further discussion and all voting yes on a roll call vote, the motion carried.

Maynard also reported that he has approved a flood plain permit for the BNSF Railroad to replace Bridge 484.36 and that he is obtaining information on the cost of a 2013 vehicle, which he will bring to a future meeting.

Preliminary Damage Assessments were discussed, which need to be compiled by October 23, 2013, for the State and FEMA. Utilities and road conditions are among items needing assessment.

A quote for a new Dispatch chair was presented. Motion by Allen, seconded by Russell, to approve \$700.00 for the purchase of a Herman Miller Aeron chair for Dispatch. With no further discussion and all voting yes on a roll call vote, the motion carried.

Discussion was held on ways the county might assist area ranchers with the disposal of livestock carcasses resulting from Winter Storm Atlas. Ortnier suggested the county could offer Highway equipment to aid in moving and burying the carcasses. Dan Odekevan, Rapid City Extension Office, was present for the discussion and noted, along with Maynard, that there are guidelines for burial pits, which include approval by the EPA. Odekevan reported how other counties are responding and requirements for documenting losses. Motion by Allen, seconded by Falkenburg, to write a letter to the Congressional Delegates that would express the urgent need to increase the \$100,000.00 limit of compensation through the LIP program due to area producers' losses, which exceed that amount. With no further discussion and all voting yes on a roll call vote, the motion carried.

Motion by Allen, seconded by Russell, to authorize the Highway Department to assist with carcass disposal, following the necessary guidelines and with appropriate documentation, with Maynard serving as the county contact for ranchers wishing to seek the assistance. With no further discussion, Falkenburg abstaining and all others voting yes on a roll call vote, the motion carried.

County law enforcement will increase patrols in areas of loss in an attempt to help locate and identify livestock. Some ranchers have indicated an intent to leave carcasses in the fields, which state law prohibits. The state Brand Book may be utilized to identify ownership.

Bills were presented for approval. Motion by Falkenburg, seconded by Allen, to approve the following bills. With no further discussion and all voting yes on a roll call vote, the motion carried.

**General Fund**

A & B Business Equipment	Copier	\$338.30
Beesley Law Office	CAAF	\$719.40
Black Hills Chemical	Supply	\$33.99
Bingham, James	CAAF	\$2,047.80
CBM Food Service	Inmate	\$1,423.50
Century Business Leasing	Copier	\$190.56
Chemsearch	Supply	\$222.78
Cheyenne Sanitation	Utility	\$280.00
Clinical Laboratory Of	Autopsy	\$1,972.00
Culligan Soft Water	Water	\$105.75

Fred Pryor Seminars	Training	\$210.94
Golden West	Telephone	\$1,502.19
Goldie's Auto & Trailer	Equip	\$610.00
Great Western Tire	Tires	\$475.80
Heartland Paper Co	Supply	\$219.67
Holiday Inn	Travel	\$956.89
Horn Law Office	MI	\$199.20
City Of Hot Springs	Banner	\$122.00
Ricoh Production Print	Maint	\$288.07
Lake Preston High School	Supply	\$30.00
Matthew Bender & Co Inc	Supply	\$61.73
Maverick Tire & Auto	Repair	\$377.70
Microfilm Imaging Systems	Lease	\$275.00
Mobile311 LLC	Contract	\$200.00
Norton, Tina	Inmate Services	\$210.00
O'Day, Valarie	Crt Rep	\$156.40
O'Neill, Justin	CAAF	\$1,536.44
Penn Co Sts Attny Office	MI	\$215.00
Pennington County Auditor	MI	\$17.00
Penn County Sheriff	MI; Inmate	\$792.60
Powell, Debra J	Inmate Services	\$70.00
Regional Health	Autopsy	\$812.00
Servall	Supply	\$132.20
Software Services Inc	Support	\$1,680.00
State Remittance Center	MI; Animal Cntrl	\$1,965.91
Stephens Law Office	CAAF	\$1,300.00
Sword, James	Investigation	\$133.50
Western SD Juv Serv Ctr	Juvenile	\$1,575.00
Halls, Terri	Travel	\$26.00
	<b>General Fund Total</b>	<b>\$23,485.32</b>

#### Road & Bridge

B H Electric Coop Inc.	Utility	\$19.00
Black Hills Truck & Trail	Supply	\$198.44
Cheyenne Sanitation	Utility	\$74.00
Edgemont, City Of	Utility	\$36.75
Golden West	Telephone	\$260.90
Hot Springs Automotive	Supply; Repair	\$379.87
	<b>Road &amp; Bridge Total</b>	<b>\$968.96</b>

#### Emergency Mgt

Golden West	Telephone	\$93.59
HSR Fueling LLC	Fuel	\$78.75

Pudwill, Norman	Airplane	\$78.75
Bastian, Tracy	Airplane	\$131.25
	<b>Emergency Mgmt Total</b>	<b>\$382.34</b>

**911 Surcharge Reimb**

Golden West Technologies	Contract	\$795.00
Golden West	Telephone	\$44.62
Century Link	Telephone	\$628.18
	<b>911 Surcharge Reimb Total</b>	<b>\$1,467.80</b>

**Due To Schools**

First Interstate Bank	Taxes	11,553.61
Hot Springs School	Taxes	75,469.68
	<b>Due To Schools Total</b>	<b>\$87,023.29</b>

**Due To Townships**

First Interstate Bank	Taxes	\$525.75
	<b>Due To Townships Total</b>	<b>\$525.75</b>

**Due To Cities & Towns**

Bank Of The West	Taxes	\$22,093.34
First Interstate Bank	Taxes	\$5,835.82
Oelrichs, Town Of	Taxes	\$466.47
	<b>Due To Cities &amp; Towns Total</b>	<b>\$28,395.63</b>

**Ambulance Districts**

Bank Of The West	Taxes	\$1,447.32
First Interstate Bank	Taxes	\$114.86
First Interstate Bank	Taxes	\$244.17
	<b>Ambulance Dist Total</b>	<b>\$1,806.35</b>

**Due To Fire Districts**

Ardmore Fire District	Taxes	\$220.94
First Interstate Bank	Taxes	\$2,411.79
Minnekahta Fire	Taxes	\$361.18
Oelrichs Vol Fire Dept	Taxes	\$185.85
Oelrichs School District	Taxes	\$4,354.78
	<b>Due To Fire Districts Total</b>	<b>\$7,534.54</b>

**Country Club Est Rd District**

First Interstate Bank	Taxes	\$144.46
	<b>Country Club Est Rd Dist Total</b>	<b>\$144.46</b>

**Cedar Hills Road District**

Cedar Hills Rd District	Taxes	\$62.77
<b>Cedar Hills Road Dist Total</b>		<b>\$62.77</b>

**Courthouse Building Fund**

Battle Mountain Welding	Labor	\$2,475.00
Beeman, Billy	Repair	\$301.24
Fire Pro	Inspection	\$173.25
Rapid Fire Protection Inc	Inspection	\$600.00
Pro Build	Repair	\$10,666.00
<b>Courthouse Bldg Fund Total</b>		<b>\$14,215.49</b>

**M & P Flow Thru**

SD Assn Of Co. Officials	M & P	\$252.00
<b>M &amp; P Flow Thru Total</b>		<b>\$252.00</b>

**Grand Total**                      **\$166,264.70**

A break was taken at 10:30 AM and Russell ceased participation via speakerphone. The meeting resumed at 10:40 AM with Randy Seiler, Highway Superintendent, reporting that the department has one day of mowing to be completed for the season and that the county roads held up well through recent precipitation.

The meeting opened for public comment. Susan Henderson expressed thanks for the Board's help with damages from the storm and suggested filing a complaint with the South Dakota Securities Division regarding Powertech stock that should have been sold by brokers. Ortner will consult with Attorney General Marty Jackley and the matter added to the next agenda.

Motion by Falkenburg, seconded by Allen, to enter into Executive Session for personnel and legal matters, per SDCL 1-25-2 (1) and 1-25-2(2). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:03 AM.

The Board came out of Executive Session at 11:17 AM. Motion by Allen, seconded by Falkenburg, to adjourn. With no further discussion and all voting yes, the motion carried and the meeting adjourned at 11:17 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