

FALL RIVER COUNTY MINUTES OF OCTOBER 18, 2012

The Fall River Board of County Commissioners met in regular session on October 18, 2012. Present: Anne Cassens, Joe Falkenburg, Joe Allen, Deb Russell and Sue Ganje, Auditor. Absent: Mike Ortner.

The Pledge of Allegiance was given and the meeting called to order at 9:00 AM by Vice-Chairman Falkenburg. The agenda was reviewed for conflicts; none were indicated.

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

Motion by Russell, seconded by Cassens, to approve the minutes of October 4, 2012. With no further discussion and all voting yes, the motion carried.

Motion by Allen, seconded by Russell, to approve the Auditor's Account with the Treasurer as follows. 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 September, 2012._

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,891.54</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>202,621.24</u>
Total Amount of Cash:	\$ <u>1,608.25</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>20,075.97</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>107,385.02</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:

Armentrout, Jimmy, \$672.27, TAXES	Nielsen, Krista, \$336.10, LIC
Henry, Raymond, \$290.64, LIC	Nielsen, Krista, \$150.61, LIC

TOTAL: \$4,058,466.64

Dated this 30th day of September, 2012.

/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.

Motion by Cassens, seconded by Russell, to approve an amendment to the minutes of September 6, 2012 to reflect approval of fuel quotes. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to approve reducing the balance in the jail building reserve fund by \$42,220.94, which is the cost of stabilization work done behind the jail in April of this year. With no further discussion and all voting yes, the motion carried.

Mike Ortner entered the meeting at 9:09 AM and assumed the chair.

A hearing on budget supplements and contingency transfers was held at 9:25 AM as advertised. Motion Cassens, seconded by Allen, to approve contingency transfers in the following amounts. With no further discussion and all voting yes, the motion carried.

CONTINGENCY TRANSFERS:

<u>Acct #</u>	<u>Description</u>	<u>Amount</u>
10100x4260154	Abuse & Neglect	\$910.00
21100x4297221	Fire	\$7,887.25

Motion by Falkenburg, seconded by Russell, to approve supplements in the following amounts. With no further discussion and all voting yes, the motion carried.

SUPPLEMENTS:

<u>MR #</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT</u>	<u>GRANT</u>
	8/3/2012	\$466.00	State's Attorney Salary	No – Redistricting Shannon Co.
	8/3/2012	\$389.05	ROD Salary	No – Redistricting Shannon Co.
7512	8/31/2012	\$189,812.70	Payment to Local Agencies	PILT Schools
7512	8/31/2012	\$23,454.38	Payment to Local Agencies	PILT Other Agencies
	10/17/2012	<u>\$214.00</u>	M & P Fund	No
		\$214,336.13		

Discussion was held on the names listed on the Auditor's Account with the County Treasurer and legal action to be considered by the County against one of the issuer's of a returned check.

Carl Neisner, Building Supervisor, and Frank Maynard, Emergency Management, met with the Board to present propane quotes as follows:

	<u>9,600 gal. Propane</u>
Hi-D-Way Oil	\$1.188 per gal.
D & J Petroleum	\$0.9610 per gal.
Nelson's Oil & Gas	\$0.9175 per gal.

Motion by Falkenburg, seconded by Russell, to approve the bid of Nelson's Oil & Gas at \$0.9175 per gallon for 9,600 gallons of propane. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Falkenburg, to approve the purchase of a Honda snow blower at a cost of \$2,830.00 and a hand-held shredder and blower for \$219.95. With no further discussion and all voting yes, the motion carried.

Maynard informed the Board there are trees and bushes on the hillside behind the jail that need to be removed. Motion by Allen, seconded by Cassens, to approve removing vegetation on the hill behind the jail at a cost of \$480.00. With no further discussion and all voting yes, the motion carried.

Two quotes for autos available at South Dakota Federal Surplus were presented to the Board. Maynard suggested someone from the county look at the vehicles, which are located in Rapid City. Cassens asked for an inventory of county vehicles. Discussion was continued until Sheriff Mraz was present.

Maynard presented the Board an update on the Evans Street Crossing project, which is nearing completion. A culvert needs to be installed and the Corps of Engineers is asking if the county will assume maintenance after they install it. Motion by Falkenburg, seconded by Allen, to approve county maintenance of a culvert under a private driveway after installation by the Corps of Engineers. With no further discussion and all voting yes, the motion carried.

Discussion was held on using remaining BLM grant funds for tree removal by contractors. Use of Dept. of Corrections personnel was also discussed. Maynard will contact contractors and the Dept. of Corrections and report to the Board.

Maynard reported that the State and US Forest Service have down-graded their fire restrictions and asked the Board's intent with regards to the county Burn Ban; the Board indicated the ban would remain in effect. Maynard will also bring transfers to the next meeting that will reimburse the Fire Fund by the Highway Department for use of the fire tanker.

Andy Timmins, Assistant Emergency Management, presented a master service agreement with Golden West for consideration. The agreement was reviewed by the Deputy State's Attorney and will provide for the change from DSL to fiber optic connections and complete the link with Custer County's dispatch. Motion by Falkenburg, seconded by Russell, to approve the Master Service Agreement with Golden West Telecommunications and authorize the chairman to sign. With no further discussion and all voting yes, the motion carried.

The annual agreement with BullBerry Systems, Inc. was presented for approval. Motion by Cassens, seconded by Falkenburg, to approve renewal of the contract with BullBerry Systems, Inc. to maintain the software used for the 911 system at a cost of \$1,950.00 for the year. With no further discussion and all voting yes, the motion carried.

Treasurer Lori Bachand presented the Board with a delinquent tax agreement. Motion by Falkenburg, seconded by Cassens, to approve a delinquent tax agreement with Mark Graf for parcel #27000-00904-16300 with a payment amount of \$300.00 per month for delinquent taxes, agreement dependent upon Graf paying current taxes in full. With no further discussion, Allen abstaining and all others voting yes, the motion carried.

A request by the Highway Department to extend the Daylight Savings work schedule past the November 4, 2012 time change was discussed. Motion by Russell, seconded by Cassens, to deny the request of the Highway Department to continue the schedule of four ten-hour days until November 15, 2012.

Motion by Falkenburg, seconded by Cassens, to enter into Executive Session for personnel matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 10:06 AM.

The Board came out of Executive Session at 10:08 AM. With no further discussion on the motion to deny the Highway Department request, all voting yes, the motion carried and the request was denied.

Wade Iszler, RDO Equipment in Rapid City, met with the Board to present information on road graders, which includes a buy-back program. He will be contacted for next year's bids for a motor grader.

Motion by Falkenburg, seconded by Russell, to approve the bills as follows. With no further discussion and all voting yes, the motion carried.

General Fund

A&B Business Equipment	Copier	\$387.49
Audra Malcomb Consulting	MI	\$314.91
Beesley Law Office	CAAF	\$1,957.60
Best Western Ramkota	Travel	\$569.94
Best Western Ramkota	Travel	\$385.00
Bingham, James	CAAF; MI	\$998.75
Black Hills Power	Utility	\$4,149.08
Cardmember Service	Misc	\$1,200.32
CBM Food Service	Inmate	\$2,868.65
Century Business Leasing	Copier	\$511.94
Cheyenne Sanitation	Utility	\$304.00
Culligan Soft Water	Water	\$103.75
Dell Business Credit	Equip	\$4,286.73
DS Solutions Inc	Supply	\$250.00
Edgemont Herald Tribune	Publishing	\$412.05
Election Systems & Soft	Supply	\$1,877.46
Franklin, Ginger	Inmate	\$105.00
Garry's Duct Service	Repair	\$1,995.00
Glass Pro +	Car Maint	\$710.02
Golden West	Telephone	\$1,560.48
Hagen	Repair	\$6.75
Heartland Paper Co	Supply	\$100.76
Hillyard Floor Care Supp	Supply	\$91.10

Ricoh Production Print	Maint	\$156.00
Lone Star Heating & Air	Repair	\$2,980.57
Lyle's Handyman	Repair	\$122.40
McLeods Office Supply Co.	Supply	\$105.75
Medical Waste Transport	Waste Disp	\$100.91
Microfilm Imaging Systems	Lease	\$275.00
Neve's Uniform Inc	Uniform	\$74.98
Nortons Sinclair	Car Maint	\$337.64
O'Day, Valarie	Crt Rep	\$68.40
O'Neill, Justin	CAAF	\$1,672.44
Pennington County Auditor	MI	\$41.00
Penn Co Jail	Inmate	\$252.00
Pioneer Research Corp	Supply	\$474.85
Radioshack	Supply	\$44.97
Rapid City Journal	Publishing	\$706.91
Rapid City Regional	MI	\$1,118.98
Sanichem	Supply	\$112.00
Servall	Supply	\$120.38
Skinner, Matthew L. PC	CAAF	\$769.60
Software Services Inc	Support	\$1,590.00
State Remittance Center	MI;24/7	\$414.33
Stevens Automotive	Repair	\$144.21
Schoenfelder, Paul	Inmate	\$105.00
Tiger Direct	Equip; Supply	\$514.10
Twilight Inc	Supply	\$103.00
Pro Build	Supply	\$11.10
Vandiest Supply	Supply	\$790.00
Vanway Trophy	Name Tags	\$41.67
Verizon Wireless	Cell Phones	\$474.28
Weakland, Wendy	Travel	\$41.44
Western SD Juv Serv Ctr	Juvenile	\$8,100.00
Cazer, Michelle	Inmate	\$70.00
Curran, Bill	Travel	\$70.30
	General Fund Total	\$47,150.99

Road & Bridge

B H Electric Coop Inc.	Utility	\$18.27
Black Hills Power	Utility	\$328.73
Cardmember Service	Misc	\$125.39
Golden West	Telephone	\$253.39
Safety Kleen	Repair	\$549.46
Verizon Wireless	Cell Phones	\$32.62
	Road & Bridge Total	\$1,307.86

911 Surcharge Reimbur.

Golden West	Telephone	\$44.62
Century Link	Telephone	\$7.64
Century Link	Telephone	\$624.64
	911 Reimbur. Total	\$676.90

Emergency Mgt

Cardmember Service	Misc	\$149.99
Days Inn	Travel	\$150.00
Golden West	Telephone	\$118.85
Nortons Sinclair	Car Maint	\$105.95
Radioshack	Supply	\$36.99
Pro Build	Supply	\$187.00
Vanway Trophy	Name Tags	\$9.33
Verizon Wireless	Cell Phones	\$153.28
	Emergency Mgmt Total	\$911.39

24/7 Sobriety Fund

Gen Diagnostics Inc	Supply	\$953.50
	24/7 Sobriety Fund Total	\$953.50

24/7 Participation Fee

State Remittance Center	MI; 24/7	\$390.00
	24/7 Part. Fee Total	\$390.00

M & P Flow Thru

SD Assn Of Co. Officials	M&P	\$460.00
	M & P Flow Thru Total	\$460.00

Grand Total **\$51,850.64**

A break was taken at 10:16 AM. The meeting resumed with Highway Foreman Pat Evans advising the Board of damage done to County Highway Road #8. Oil drilling has been done in the area and oil trucks have damaged the road over time.

Mike McNeill, US Forest Service, and District 30 Legislators Bruce Rampelberg, Lance Russell and Mike Verchio, along with county residents, met with the Board to discuss oil and gas lease issues. McNeill discussed procedures used by the Forest Service and the Bureau of Land Management. Past problems were discussed, including the need to notify people holding grazing permits on land, which McNeill noted was done by phone. Ortner expressed concern that state law only addresses surface rights and direction is needed. Falkenburg expressed concern about water sources and McNeill indicated that the Forest Service will not allow water taken from grazers, and that operators must

find their own water sources, further noting that bonding requirements are in place and any damages must be paid by the operators. Ortner and Falkenburg expressed the need to protect roads while still encouraging development.

Senator Rampelberg provided a recap of activity done in 2012 by the State Legislative Committee on Oil and Gas, which reviewed current leasing and how it affects law enforcement, clean-up and damages incurred. He noted that at this time, there is no assistance for counties with damaged roads. Rampelberg reiterated the need to balance protection of landowners and roads while still encouraging development. Russell and Verchio echoed the opinion that the state would like to help the counties and encouraged documentation of road conditions now, noting that North Dakota wished haul roads had been designated.

Motion by Russell, seconded by Falkenburg, to enter in Executive Session for legal matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:30 AM.

The Board came out of Executive Session at 12:18 PM and recessed for lunch. The meeting resumed at 1:30 PM with Community Health Nurse Tracy Bowman presenting her quarterly report, which the Board accepted and placed on file.

Susie Hayes, Director of Equalization, met with the Board to present a contract with Vanguard. Motion by Cassens, seconded by Falkenburg, to approve the contract with Vanguard for software and training, contingent upon review by the Deputy State's Attorney, and to authorize the Chairman to sign. With no further discussion and all voting yes, the motion carried.

Hayes presented the Board with information on the assessment of well casings for oil and gas wells. Currently, the state assesses a 4% sales and use tax; severance tax for energy minerals and a conservation tax.

Motion by Cassens, seconded by Allen, to authorize the Department of Equalization to start the assessment of oil and gas well casings according to the pipe size, depth, drilling cost and depth, along with a depreciation schedule; assessments will be valued by the methodology developed in Harding County. After some discussion, and with all voting yes, the motion carried.

Sheriff Rich Mraz met with the Board along with Maynard to discuss vehicles. Mraz indicated that the purchase of two vehicles from the state bid, along with set up costs, would be approximately \$58,000.00. Discussion was held on the surplus for sale of the Ford F150 Sheriff pick-up to cover the extra cost compared to the amount budgeted. Motion by Falkenburg, seconded by Russell, to purchase two vehicles off the state bid. Cassens again asked for an inventory of county vehicles, excluding the Highway Department, which will be brought to the next meeting. With no further discussion, Falkenburg, Russell and Allen voting yes, Cassens and Ortner voting no, the motion carried.

Motion by Falkenburg, seconded by Cassens, to approve hiring Sherry Rushing as a full-time

dispatcher at a rate of \$10.00 per hour, per Union contract, effective November 6, 2012. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to enter into Executive Session for personnel matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 2:18 PM.

The Board came out of Executive Session at 2:24 PM. Motion by Falkenburg, seconded by Cassens, to authorize three additional work hours per day for Lora Michael and the use of Treasurer Office personnel in the Register of Deeds Office during the medical absence of a staff member. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 2:27 PM.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor