

**FALL RIVER COUNTY MINUTES OF NOVEMBER 15, 2012**

The Fall River Board of County Commissioners met in regular session on November 15, 2012. Present: Mike Ortner, Joe Falkenburg, Anne Cassens, Joe Allen and Sue Ganje, Auditor. Absent: Deb Russell.

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

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

Motion by Falkenburg, seconded by Allen, to approve the minutes of November 8, 2012. With no further discussion and all voting yes, 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, 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 31<sup>st</sup> day of October, 2012.\_

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,891.60</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>2,643,353.88</u>
Total Amount of Cash:	\$ <u>4,676.28</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>278,373.93</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>118,994.86</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
Crocker, Carney, \$15.00, LIC	Nielsen, Krista, \$150.61, LIC
Henry, Raymond, \$290.64, LIC	

**TOTAL:      \$4,058,466.64**

Dated this 31<sup>st</sup> day of October, 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.

An applicant for assistance met with the Board. Motion by Cassens, seconded by Allen, to approve \$300.00 in rent assistance for CP #2012-34 with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to approve the one-year raise for Coreen Williams to \$10.00 per hour per Union contract, effective October 30, 2012. With no further discussion and all voting yes, the motion carried.

The Homeland Security Grant was presented for approval. Motion by Falkenburg, seconded by Allen, to approve the Homeland Security Grant for 2013 in the amount of \$70,800.00 and authorize the chairman to sign. With no further discussion and all voting yes, the motion carried.

Discussion was held on an application by PowerTech for water rights in the Indian Cara and Madison aquifers. Consideration was given to intervening in the process that would grant them the rights. Jerri Baker, Gary Friendshuh, Dayton Hyde, Susan Watt, Edgemont Mayor Jim Turner and Susan Stolarcek all voiced concerns regarding the protection of water resources, should the water rights be granted. Keith Andersen noted that several people in the area utilize artesian wells, which are not protected by state law. Susan Henderson noted that the deadline to notify the state of intent to intervene is November 26, 2012, adding that as PowerTech has no assets, suing for any incurred damages would be fruitless and she believes PowerTech to be free from any oversight in their actions. Ortner stated that the county has no legal power in the matter as water rights are owned by the state and controlled by the NRC and State Water Board. Falkenburg suggested continuing the matter for discussion at a special meeting at 9:00 AM on the November 26, 2012.

Keith Andersen, Andersen Engineering, presented a plat for approval. Motion by Cassens, seconded by Allen, to approve the following plat of Farm Unit #20-C, contingent upon Highway Superintendent Randy Seiler's signature. With no further discussion and all voting yes, the motion carried.

### **FALL RIVER COUNTY RESOLUTION #2012-41**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Farm Unit #20-C containing a portion of Farm Unit 20-B, located in the NE ¼ SW ¼ of Section 33, Township 7 South, Range 7 East of the 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 15<sup>th</sup> day of November, 2012.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Lori Bachand, Treasurer, presented a delinquent tax agreement for approval. Motion by Falkenburg, seconded by Allen, to approve a delinquent tax agreement with Larry Job for parcels 721000030000400, 721000030000500, 722200080001700, 722200080000600, 721000030001100 and 722200080000300 in the amount of \$300.00 per month, and authorize the Chairman to sign. With no further discussion and all voting yes, the motion carried. Job will also be requesting a tax moratorium for historical preservation designation, which he will discuss with the Dept. of Equalization and bring back to the Board at a later date.

Donna Talley, Executive Director, and Julie Ann Gramkow, Board President of WEAVE, met with the Board to discuss the 2012 allotment from the county. Concern was expressed by Ortner and State's Attorney Jim Sword that currently there is no Fall River representation on their board or local advocates. Talley indicated that they advertised both positions but had no applications. Sword also indicated he has not seen a WEAVE representative in court lately. Ortner suggested as 2012 funds have been designated for WEAVE, they should receive the remainder of their allotment and further information could be obtained to aid in making a determination on 2013 funding. Motion by Cassens, seconded by Falkenburg, to approve the remaining 2012 funds be allotted to WEAVE and to discuss 2013 funds at a later date. With no further discussion and all voting yes, the motion carried.

Mike Jones, Vision Care Direct, met with the Board to present a Vision Care Direct employee vision plan, which is supported by Dr. Wilkerson, a local provider. The plan will be referred to the employees and brought back to the Board if there is interest.

Randy Seiler, Highway Superintendent, presented fuel bids for approval.

8,000 gal. #2 Dyed Low Sulfur Diesel

Nelson's Oil               \$3.276 per gal.

MG Oil                    no bid

Motion by Falkenburg, seconded by Allen, to approve Nelson's bid of \$3.276 per gallon as the lone bid for 8,000 gallons of #2 dyed diesel. With no further discussion and all voting yes, the motion carried.

Seiler reported he has spoken to Butler Machinery and they have agreed to extend the buy-back period and machine warranty on the motor grader that was surplus for sale next year, until a new motor grader is received. Discussion was held on purchasing a road grader from the Spink County bid. Motion by Falkenburg, seconded by Allen, to purchase a motor grader from the Spink County bid of October 16, 2012. With no further discussion and all voting yes, the motion carried.

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	\$579.54
Anderson, Elaine	Election	\$25.38

Assn Of SD County W&P Bds	Supply	\$174.43
Audra Malcomb Consulting	MI	\$843.04
Beeman, Billy	Repair	\$225.92
Bingham, James	CAAF	\$2,238.60
Black Hills Power	Utility	\$3,735.68
Bloomer, Jerry	Election	\$34.44
CBM Food Service	Inmate	\$4,306.86
Century Business Leasing	Copier	\$122.86
Coffield, William	Election	\$9.07
Conger, Lesta	Election	\$105.00
Culligan Soft Water	Water	\$103.75
Edgemont Herald Tribune	Publishing	\$1,811.38
Environmental Products	Supply	\$108.96
Fall River Sheriff Trust	Notary	\$80.00
Golden West	Telephone	\$1,546.07
Hillyard Floor Care Supp	Supply	\$562.35
Manke, Franklin	Mileage	\$40.70
Neve's Uniform Inc	Uniform	\$278.70
Park-Hageman, Sally	Election	\$120.00
Penn Co Sts Attny Office	MI	\$215.00
Penn County Sheriff	Inmate/MI	\$1,322.20
Rapid City Journal (The)	Publishing	\$1,221.30
SD Department Of Revenue	Inmate	\$210.00
SD Retirement System	Retirement	\$12,393.56
Seegrist, Loren	Election	\$36.25
Sperlich, Peggy	Election	\$120.00
Software Services Inc	Support	\$2,640.00
St James Parish Center	Rent	\$175.00
State Remittance Center	MI; Animal	\$2,505.91
Theilmann, Laurie	Election	\$43.50
Tiger Direct	Supply	\$120.32
US Bank	Copier	\$136.28
Waxler, Mary Sue	Election	\$25.38
Western SD Juv Serv Ctr	Juvenile	\$4,500.00
Wiles, Macie	Assistance	\$225.00
Sharp, Barbara	Election	\$25.38
Mason, Frank	Election	\$50.75
Fraune, Rita Ann	Election	\$50.75
Simons, Ellen L	Election	\$15.00
Nelson, Cathryn A	Election	\$15.00
Housley, Kathy	Election	\$120.00
Aaberg, Wanda M	Election	\$36.25
Phillips, Joyce	Election	\$105.00

Coates, Virginia	Election	\$36.25
Lee, Robert	Election	\$120.00
Crossman, Dawn	Election	\$120.00
March, Thelma	Election	\$20.00
Beldin, Kimberlee	Election	\$10.00
Sturn, Joseph	Election	\$120.00
Coates, Ed	Election	\$20.00
Meston, Karen	Election	\$36.25
Crawford, Val	Election	\$34.44
Ulmer, Connie	Election	\$120.00
Benson, Connie	Election	\$120.00
Andersen, Donald J	Election	\$120.00
Holwell, Patricia	Election	\$25.38
Dinkel, Trayce	Election	\$50.75
Bowker, Roberta	Election	\$120.00
Horton, Shirley	Election	\$120.00
Melstad, Leon	Election	\$120.00
Kunsman, Pauline	Election	\$120.00
Neugebauer, Janice	Election	\$120.00
Burrows, Mary	Election	\$105.00
Stearns, Flora	Election	\$120.00
Farrell, Joyce	Election	\$34.44
Purtill, David	Election	\$9.07
Stokes, Frances	Election	\$120.00
Cadwell, Nancy	Election	\$120.00
Messinio, Joe	Election	\$105.00
Foust, Debbie	Election	\$120.00
Rankin, Linda	Election	\$25.38
Salles, Violet	Election	\$120.00
Anderson, Helen	Election	\$120.00
Anderson, Pam J.	Election	\$120.00
Batchelor, Laura Ann	Election	\$120.00
Spillane, Christa	Election	\$120.00
Baldwin, Charlotte	Election	\$36.25
Bryan, Barb	Election	\$25.38
Brown, Leona	Election	\$120.00
Carlson, Beverly J	Election	\$25.38
Cape, Mary Jane	Election	\$120.00
Colliton, Jean	Election	\$120.00
Cope, Jean	Election	\$120.00
Cuckler, Nancy	Election	\$120.00
Egly, Lucille	Election	\$120.00
Frahm, Debra	Election	\$105.00

Hamaker, Bobbie	Election	\$39.88
Kazmer, Linda	Election	\$120.00
Putnam, Lois	Election	\$120.00
Landers, Bernice	Election	\$120.00
Landers, David	Election	\$120.00
Logue, Joe	Election	\$120.00
McDermid, Ann R	Election	\$120.00
Mitchard, Arlene	Election	\$120.00
Mazzella, Carolyn B	Election	\$25.38
Mowry, Lana	Election	\$120.00
Peterson, Wayne	Election	\$120.00
O'Conner, Richard	Election	\$105.00
Reed, Cynthia	Election	\$105.00
Rooks, Susan	Election	\$120.00
Taylor, Yvonne	Election	\$105.00
Martin, Miriam	Election	\$120.00
Wilcox, Yvonne	Election	\$120.00
Wyatt, Betty	Election	\$36.25
Strauser, Garry	Election	\$120.00
Peterson, Sarah	Election	\$27.25
March, Charles	Election	\$20.00
	<b>General Fund Total</b>	<b>\$49,208.29</b>

#### **Road & Bridge**

B H Electric Coop Inc.	Utility	\$17.90
Black Hills Power	Utility	\$405.46
Fall River Health	Prof Ser	\$93.00
Golden West	Telephone	\$245.64
SD Retirement System	Retirement	\$3,513.16
	<b>Road &amp; Bridge Total</b>	<b>\$4,275.16</b>

#### **911 Surcharge Reimbur.**

Golden West	Telephone	\$44.62
Century Link	Telephone	\$9.74
Century Link	Telephone	\$624.64
SD Retirement System	Retirement	\$149.32
	<b>911 Reimbur. Total</b>	<b>\$828.32</b>

#### **Emergency Mgt**

Galls	Supply	\$119.99
Glass Pro +	Car Maint	\$267.20
Golden West	Telephone	\$113.47
SD Retirement System	Retirement	\$539.14

**Emergency Mgmt Total      \$1,039.80**

**M & P Flow Thru**

Assn Of Co. Officials      M&P      \$292.00  
**M & P Flow Thru Total      \$292.00**

**Grand Total      \$55,643.57**

A break was taken at 10:32 AM. The meeting resumed at 10:39 AM with Brenda Gamache speaking of a petition she had just circulated and received 32 signatures of county residents that want the Board to intervene in the matter of granting water rights to PowerTech. Motion by Allen, seconded by Cassens, to approve intervening as an interested party in the Water Rights Application of PowerTech and authorize the State's Attorney and Deputy to prepare the associated paperwork. With no further discussion and all voting yes on a roll call vote, the motion carried.

Brad Keizer, 4H/Youth Adviser, Mary Roduner, SDSU Extension Consumer Horticulture Field Specialist, Leacey E. Brown, SDSU Extension Gerontology Field Specialist, and Mindy Hubert, SDSU Extension Small Acreage Field Specialist, met with the Board to discuss services available to the county. Falkenburg commended Keizer for his work as the local adviser.

Motion by Falkenburg, seconded by Allen, to enter in Executive Session for legal matters with Bachand and Stacey Martin, GIS. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 10:54 AM.

The Board came out of Executive Session at 10:58 AM and adjourned to the courtroom for the sale of county owned property.

The sale adjourned at 11:32 AM and the meeting resumed with Martin providing answers to questions from Board members on the GIS Connect, which would link the county GIS map system to the county website. Motion by Cassens, seconded by Falkenburg, to approve the corrected GIS Connect Agreement with a review at six months and authorize the chairman to sign. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, to hold a special meeting on November 26, 2012 at 9:00 AM in the courtroom to continue discussion on PowerTech's water application. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Cassens to enter in Executive Session for legal and personnel matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:56 AM.

The Board came out of Executive Session at 12:12 PM. Motion by Cassens, seconded by Falkenburg, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 12:13 PM.

ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Board of Fall River County Commissioners