

## **FALL RIVER COUNTY MINUTES OF MARCH 21, 2017**

The Fall River Board of County Commissioners met in regular session on March 21, 2017. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz, Deb Russell and Sue Ganje, Auditor.

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

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

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

Motion made by Allen, seconded by Nabholz, to surplus chair as junk, asset #000988, Maintenance Department.

Motion made by Nabholz, seconded by Russell to approve the March 7<sup>th</sup>, 2017 minutes with the correction to reflect that there was not a 2<sup>nd</sup> to the first motion concerning offering a bid on the old Ambulance building. The minutes correctly showed that first motion failing.

Motion made by Russell, seconded by Abbott, to approve ten hour shifts for all Deputy Sheriffs.

Dustin Ross, Andersen Engineers, presented to plats for approval. Motion made by Russell, seconded by Abbott, to approve the Hogue Plat as follows:

### **FALL RIVER COUNTY RESOLUTION #2017-08**

#### **Hogue Tract in Section 22, T7S, R5E, BHM, Fall River South Dakota, Formerly Lot 15 of Cedar Hills Subdivision, Located in the Balance of the NW ¼ and the W ½ NE ¼ of Section 22, Lying North of US HWY 18**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and 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 and therefore,

Be it resolved that said plat is hereby approved in all respects.

Dated this 21<sup>st</sup> day of March 2017.

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

/s/Joe Falkenburg  
Fall River County Board of Commissioners

Motion made by Allen, seconded by Nabholz to approve the Tract B plat as follows:

**FALL RIVER COUNTY RESOLUTION #2017-09**

**Revised Tract B of Section 35, T8S, R6E, BHM, Fall River County South Dakota, Containing all of Tract B, Located in the SE 1/4SW ¼ of Section 35**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and 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 and therefore,

Be it resolved that said plat is hereby approved in all respects.

Dated this 21<sup>st</sup> day of March 2017.

/s/Joe Falkenburg

Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje

Fall River County Auditor

Nina Steinmetz, Weed Supervisor, reported on the 2017 Weed and Pest Conference, along with grants for the year. The weed board requested a reimbursement program for landowners for weed suppression. As there is no grant, Steinmetz requested funds from her budget. After discussion, Steinmetz noted they would put in \$20.00 minimum reimbursement. Motion made by Russell, seconded by Abbott to designate \$6,000 from the ROW budget expense line for a reimbursement program for landowner's chemical expense.

Tom Cook met to advise the board of garbage being dumped on the old Cheyenne Bridge. Cheyenne Sanitation no longer accepts rubble, which now must go to Edgemont. He advised we may see more of this, and provided an empty box's bar code for Law Enforcement to trace it back to the person who dumped the rubble.

Nabholz reported on the workshop in Pierre, which had very good information. No other county uses rural service districts and he talked to the Department of Revenue about this. Doug Kinniburgh from DOT noted that wheel tax requirements for Bridge Improvement Grants are solely on vehicles with weight over 6000#, this will be looked into. County savings account was briefly discussed. Investments in a savings account at First Interstate have now been moved to a money market savings account.

Nabholz spoke of SDCL 22-14-23 which states it is a Class 1 misdemeanor to carry a firearm in a county courthouse. 22-14-28 states that by a majority vote by the county commission in any county may elect to waive the provisions of 22-14-23. Motion made by Nabholz, seconded by Falkenburg to waive the provisions of SDCL 22-14-23 to allow citizens and county employees to carry firearms and other weapons in the courthouse, except in the courtroom on days when court is in session. Discussion was held, for and against. Motion made by Falkenburg, seconded by Nabholz to table the firearm issue until after the security in the courthouse issue later on the agenda.

Kelli Rhoe, County Treasurer, notified the board that Joyce Farrell will be retiring 5-4-17. Motion made by Abbott, seconded by Russell to authorize Rhoe to advertise for an individual in the county treasurer's office.

Rhoe further requested change of classification for Joyce Farrell. Motion made by Allen, seconded by Nabholz to authorize Joyce Farrell to be reclassified to part time, temporary, to allow for part time work if needed.

Rhoe presented an investments recap and suggestions. Motion made by Abbott, seconded by Nabholz, to follow Rhoe's suggestions for the purchase of CD's and moving money from a non-money market savings to a money market savings account.

Susie Simkins and Nina Steinmetz, representing county supervisors, met with the board to advise regular meetings have been held since the first of the year to increase communications, job performance and customer service. Two subcommittees, (policy and professional development) have been created.

Steinmetz, representing the policy committee, presented a revised form for the last page of the policy manual to acknowledge receipt of handbook, and an update to the employee performance review forms, along with a performance improvement plan. Motion made by Abbott, seconded by Russell to approve the handbook receipt page and employee performance review form. Steinmetz requested that the commissioners receive the HR training to bring them on board with the employee performance reviews. Motion carried.

Stacey Martin, representing the professional development committee, spoke of offering employees Excel training workshops. The Hot Springs Public Library will allow the use of computer lab for one to two classes per month. The board agreed with the training, with times cleared through supervisors.

Lyle Jensen, Building Maintenance, approached the board about county employees attending Active Shooter Training at the Hot Springs School. Russell stated that a county convention had that training and she supports employees attending. Comments from the audience felt that the commissioners should be aware of what policies and procedures were in place at the school and procedures in place at courthouse. The commissioners advised Lyle to check into this first before spending money, and to bring back any additional information.

Jim Sword, State's Attorney, presented an ordinance prohibiting the use of engine exhaust brakes within Fall River County. Discussion was held, with comments supporting the continued use of jake brakes for safety purposes, the enforcement of the ordinance, noise by motorcycles, and that the ordinance should address it as excessive engine noise. Commissioner Allen has had calls from individuals on Fall River road and highway 18 opposing use of jake brakes. Todd Givler, KOA, would hope that the truck would use all means to stop and wondered if a sign would prohibit use of jake brakes. A sign would not hurt, but changing the verbiage to Excessive Engine Noise would be best. Motion was made by Allen, seconded by Russell to change the ordinance to state Excessive Engine Noise. Sword will work with Allen to revise and bring the ordinance back to the next meeting for a first reading.

Randy Seiler, Highway Superintendent, presented three applications to occupy Highway

ROW. Motion made by Nabholz, seconded by Russell to approve the three applications from Arvig Enterprises, Inc Minnesota, to occupy county highway right of way to bury fiber optic cable, with locations as follows:

- 1) From old Highway 18, along Cemetery Road, a distance of approximately 1021' to tower site.
- 2) From along County Road 11, from 18S southeasterly approximately 8264' to tower site.
- 3) From US Hwy 18 along Old Highway 18 easterly approximately 5.33 miles to County Road 11, Rocky Ford Road.

Seiler stated that Chilson Bridge needs inspection. Motion made by Nabholz, seconded by Abbott to approved the resolution for Brosz Engineers to inspect Chilson Bridge at 20% of the cost.

**Fall River County Resolution #2017-09  
Bridge Re-inspection Contract**

Whereas, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, require initial inspection of all bridges and reinspection at intervals not exceed two years with the exception of reinforce concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

Therefore, Fall River County is desirous of participating in the Bridge Inspections Program using Bridge Replacement funds.

The County requests SDDOT to hire Brosz Engineers (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 21<sup>st</sup> day of March, 2017, at Hot Springs, SD.

/s/Joe Falkenburg, Chair  
Board of Fall River County Commissioners

/s/Sue Ganje  
Fall River County Auditor

Seiler advised the board that Steve Simunek wants to have a gravel pit by Angostura Lake. Discussion was held on possible road issues, scales and the need to enforce load limits like other areas.

Motion made by Abbott, seconded by Russell, to approve bills as follows:

**GENERAL FUND**

CHEYENNE SANITATION	SANITATION COLLECTIO	280.00
CULLIGAN SOFT WATER	RENTAL/SUPPLY	223.50
DUDE SOLUTIONS	GIS SUPPORT	226.80
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	3,111.94
GOLDEN WEST	PHONE BILL/LONG DIST	1,320.68
CITY OF HOT SPRINGS	CITY WATER BILL	255.47

CITY OF HOT SPRINGS	2017 AIRPLANE HANGER	1,100.00
CITY OF HOT SPRINGS	1ST QTR FIRE SPRINKL	24.00
MASTEL, BRUCE	DATABASE SETUP & MON	35.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	185.00
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	728.50
SHOPKO STORES OPERATING	INMATE PHARMACY/SUPPLY	137.58
DATA PROCESSING	BOSANOVA	1,600.00
SD DEPT OF PUBLIC SAFETY	TELETYPE SERVICE JAN	3,090.00
VERIZON WIRELESS	VERIZON WIRELESS	740.52
	TOTAL FOR GENERAL FUND	13,058.99
<b>COUNTY ROAD &amp; BRIDGE</b>		
CHEYENNE SANITATION	SANITATION COLLECTION	74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	80.60
FR COUNTY HIGHWAY DEPT.	POSTAGE	20.00
GOLDEN WEST	PHONE BILL/LONG DIST	251.53
CITY OF HOT SPRINGS	CITY WATER BILL	19.04
	TOTAL FOR COUNTY ROAD & BRIDGE	445.17
<b>911 SURCHARGE REIMB</b>		
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	480.00
GOLDEN WEST	PHONE BILL/LONG DIST	727.77
	TOTAL FOR 911 SURCHARGE REIMB	1,207.77
<b>EMERGENCY MGT</b>		
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	240.00
GOLDEN WEST	PHONE BILL/LONG DIST	107.17
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	.50
VERIZON WIRELESS	VERIZON WIRELESS	423.55
	TOTAL FOR EMERGENCY MGT	771.22
	TOTAL PAID BETWEEN 3/08/17 AND 3/20/17	241,408.81

Break was taken at 10:22 a.m. and meeting resumed at 10:27 a.m.

Sheriff Bob Evans stated that the Coffee Cup Fuel Stop wants to give money specifically for Meth training to the Sheriff's department. Abbott has fire departments that want Title III funds to use for training. Sue Ganje, county auditor, will check on both items.

Carl Shaw, Edgemont Mayor, presented a proposed Law Enforcement Agreement with the City of Edgemont, to replace the existing agreement. He asked board to review, and invited commissioners to Edgemont to meet with the committee. The City would like a response by April 18. Discussion was held on the proposed decrease in the amount of money paid to the county, Shaw's comparisons with other LE agreements he reviewed and that other plans were in place for the city if the county does not agree to enter into the proposed contract. The board will speak to the sheriff and review the proposal.

Seventh Circuit Judge Jeffrey Davis, Clerk of Courts Carol Foster, Sheriff Bob Evans, and

Building Supervisor Lyle Jensen met to discuss building issues including security in the courthouse and space for county offices. Judge Davis spoke of several studies on the jail and how court day is dangerous. Judge Davis asked if the commission was interested in exploring issues and possibly building a FR Co Justice Center. Discussion was held on not increasing the mill levy, availability of grant money and low interest loans, finding a secure way of transporting prisoners to court, the increased amount of people in the court room on court days, and evidence still being stored in Pennington County. The board's general consensus was to move forward and look at options.

Jim Sword, State's Attorney, asked the board to move the conflict deputy to the next meeting.

Donna Behrens, County Coroner, discussed a recently deceased woman and that she has been unable to find any next of kin. Behrens spoke of state statutes addressing these issues which would include proper accounting of assets and possible auction. Also noted was that Patrick Ginsbach, the attorney that had prepared the woman's husband's will was searching for one from her, and Behrens had spoke to another attorney with questions on probate. State's Attorney Sword advised to continue the search for a will and to let the probate happen. Falkenburg asked they keep the board updated.

Treasurer Rhoe and Amy Shedeed met to discuss a delinquent tax agreement. Motion was made by Allen, seconded by Abbott to approve a Delinquent Tax Payment Agreement on parcels 78100-04100-01000 and 78100-04100-01100 with \$400 up front and \$100.00 per month. Nabholz questioned delinquent years and amounts. With Nabholz voting no, all others voting yes, motion passed.

Bob Weyrich, Western Ag Development Representative, met to speak of his meetings with northern and southern hills economic development organizations. Weyrich spoke of the continuing County Site Analysis Programs and pro active actions that are being taken. Discussion was held of working with the SHEDCO for industry in the county. The board would like updates on county possibilities.

Melissa and Jerry Stearns met with the board to request current year abatement of taxes due to the 2016 Indian Canyon Fire that burned grass acres of theirs. The Stearns spoke of feeding and fence expenses they incurred. They are asking for partial abatement on 3,395 of their 6700 deeded and leased acres. Director of Equalization agreed with the abatement but questioned how to calculate the abatements, and if for all landowners. Motion made by Nabholz, seconded by Allen to take no action. Russell questioned how the fire differs from drought years when no grazing is available either. With Falkenburg and Abbott voting no, all others voting yes, motion passed to take no action. The Stearns' requested a letter stating the motion.

Mark Van Orman, OST Attorney, Chauncey Wilson, Tribal Councilman, Trudee Ecoffee, NRCS representative and Michael Her Many Horses met with the board to request abatements to their pay '17 tax bills to reflect agriculture status rather than non-ag on their 1247 acres they lease to the Institute of Range and the American Mustangs, (BH Wild Horse Sanctuary). Van Orman stated that the land has always been used as agriculture by grazing cattle, and is used for their winter pasture, and Her Many Horses spoke of the cultural and spiritual uses. Discussion was held on fencing of the area, and the assistance they are getting from the NRCS and whether or not it was used for ag purposes. Van Orman also noted they will ask for exempt status in the future. Motion

made by Allen, seconded by Russell to approve abatement to reflect agriculture status. Discussion was held with Nabholz speaking of an issue with the timeline, reassurance from Her Many Horse that there was a fence, and paperwork is now filed. By roll call vote, Russell and Allen voting yes, all others voting no, motion failed.

The board resumed action on the motion to carry weapons in the courthouse, with discussion on the need to add legally carrying. Motion by Nabholz, second by Falkenburg to amend the original motion to add legally able to carry. Full motion to read 'to waive the provisions of SDCL 22-14-23 to allow citizens and county employees to legally carry firearms and other weapons in the courthouse, except in the courtroom on days when court is in session. Sword asked auditor about insurance and spoke of the need for a policy. By roll call vote, Abbott and Allen voting no, all others voting yes, motion carried.

Motion made by Abbott, seconded by Nabholz, to enter into executive session for legal, contractual and personnel as per SDCL 1-25-2(1) and SDCL 1-25-2(3) at 12:30. Board came out of executive session at 12:46 p.m.

Motion made by Abbott, seconded by Russell to authorize chair to submit a sealed bid as per the agreed amount in executive session with State's Attorney, Jim Sword. With Allen and Nabholz voting no, all others voting yes, the motion carried.

Motion made by Russell, seconded by Abbott to adjourn the meeting at 12:48 p.m.

/s/ Joe Falkenburg  
Joe Falkenburg, Chair  
Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor