

FALL RIVER COUNTY MINUTES OF MARCH 6, 2012

The Fall River Board of County Commissioners met in regular session on March 6, 2012. Present: Joe Falkenburg, Anne Cassens, 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 a.m.

The agenda was reviewed for conflicts; none were indicated.

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

An application for burial assistance was presented. Motion by Russell, seconded by Allen, to approve burial assistance for CP #12-05 in the amount of \$1,700.00. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve the minutes of the February 21, 2012 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to approve the one-year raise for Sheriff's Deputy Vincent Logue to \$16.99 per hour, as per Union contract, effective February 24, 2012. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to approve the two-year raise for maintenance employee Jose Mendez to \$9.70 per hour, as per Union contract, effective February 29, 2012. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, that the Fall River County Commissioners accept that the CDBG #0506-112 for the Fall River Water Users District North Area Expansion Project is satisfactorily complete. With no further discussion and all voting yes, the motion carried.

The Board discussed leasing county property. Motion by Cassens, seconded by Russell, to table leasing 240 acres of county property until after consultation with the State's Attorney. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to approve \$4,151.00 for the annual Catastrophic County Poor Relief assessment for Fall River County, paid from County Assistance budget. With no further discussion and all voting yes, the motion carried.

Ganje asked for approval to remove the safety glass from the Auditor's Office service counter, which was given.

Motion by Allen, seconded by Russell, to approve the travel request for the Treasurer, Register of Deeds and Auditor to attend the Spring Workshop in Pierre on May 9-11, 2012. Discussion was held on the associated costs. Cassens called the question: with all voting yes, the motion carried.

Keith Andersen, Andersen Engineering, presented a plat for approval. Motion by Cassens, seconded by Russell, to approve the following plat of the Cobblestone Mountain Estates Subdivision. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2012-08:

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Lot 30 and dedicated public right-of-way of Cobblestone Mountain Estates Subdivision located in the E ½ SE ¼ of Section 2, and the SW ¼ SW ¼ of Section 1, 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 6th day of March, 2012.

/S/Joe Falkenburg

Joe Falkenburg, Vice-Chairman

Board of Fall River County Commissioners

ATTEST:

/S/Sue Ganje

Sue Ganje, Fall River County Auditor

A petition to vacate street and alleys was presented to the Board. Motion by Falkenburg, seconded by Cassens, to set a hearing for vacation of street and alleys as petitioned by Barker Concrete and Construction, Martha Jarman and Ken and Verna Barker, for April 3, 2012 at 11:10 a.m., contingent upon petition review by the State's Attorney. With no further discussion and all voting yes, the motion carried.

Patrick Ginsbach, Deputy State's Attorney, presented a stipulation for consideration. Motion by Cassens, seconded by Allen, to approve the Stipulation for Issuance of an Amended 2011 Tax Notice for Pine Hills. With no further discussion and all voting yes, the motion carried.

Mike McNeill, District Ranger for the Nebraska National Forest and Buffalo Gap National Grasslands, Lynn Kolund, District Ranger for Hell Canyon Ranger District, and Nina Steinmetz, Weed Supervisor, met with the Board to discuss the Mountain Pine Beetle in Fall River County. Discussion included the information that aerial maps are tracking infestation, which is working its way toward the county. A notice to alert and inform the public has been published which directs them to Steinmetz for assistance in assessing infestation. Cutting and removal of infested trees has been effective and trees may be cut on Forest Service land if within 100' of

private property. Steinmetz will be doing aerial assessments of hoary cress in May or June and will also look for Mountain Pine Beetle damage at the same time. Permits are available for cutting trees and also for removal of wood, however liability concerns related to cutting are significant.

Additional issues were discussed including the rising interest in oil and gas and the corresponding interest in leasing land. The Corps of Engineers are doing continued testing and a Management Update is being completed; a copy will be provided to the county when done.

Highway Superintendent Randy Seiler presented fuel quotes as follows:

	<u>8,000 gal 50/50 Blend Dyed Diesel</u>
Nelson's	\$3.54 / gal.
McGas	declined

Motion by Russell, seconded by Cassens, to approve Nelson's bid for 8,000 gallons of 50/50 Blend Dyed Diesel at \$3.54 per gal. as the only bid. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve transfers to reimburse the Highway Department for fuel used from January 31, 2012 through February 28, 2012 in the following amounts: Sheriff's Office, \$2,429.23; Weed Board, \$140.90; Courthouse, \$417.10; and work done for the Courthouse in the amount of \$147.18. With no further discussion and all voting yes, the motion carried.

Seiler discussed bridge inspections, which are done biennially. Some of the engineering costs will be shared with the City of Hot Springs. Motion by Russell, seconded by Cassens, to hire Brosz Engineering to complete bridge inspections at a cost to be provided at a future meeting. With no further discussion and all voting yes, the motion carried.

Seiler also informed the Board that a credit of \$2,939.60 was received for iron taken to Pacific Steel and Recycling. Road maintenance was discussed and Falkenburg asked if county-leased land would work for a gravel pit. Seiler indicated they could assess the property and report back at the next meeting.

Frank Maynard, Emergency Management, presented information on the National Association of State Agencies for Surplus Property. Motion by Allen, seconded by Russell, to approve \$39.00 for an annual membership in the NASASP. With no further discussion and all voting yes, the motion carried.

Maynard reported that there have been two recent fires in the county and the fire danger is extreme. Maynard has also completed the L-271 Managing Floodplain Development course.

The meeting was opened for public comment; John Sturgis questioned if there will be a manager at the shooting range, which the Board advised that there will be an onsite manager.

Susan Henderson voiced dissatisfaction with the amount of detail reported in meeting minutes and spoke of financial cautions.

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

GENERAL FUND

COMMISSIONERS	FEBRUARY SALARIES	\$3,461.09
AUDITOR'S OFFICE	FEBRUARY SALARIES	\$6,464.60
AND ADDITIONAL OVERTIME FOR PATRICIA SEEGRIST		\$11.51
ELECTION	FEBRUARY SALARIES	\$1,052.08
TREASURER'S OFFICE	FEBRUARY SALARIES	\$5,138.64
AND ADDITIONAL OVERTIME FOR KIMBERLY KOTTI		\$50.63
BOBBIE STREHLOW		\$98.15
COREEN WILLIAMS		\$77.63
STATE'S ATTORNEY OFFICE	FEBRUARY SALARIES	\$5,432.66
AND ADDITIONAL OVERTIME FOR LINDA KLUENDER		\$83.01
SHARI WINSLOW		\$45.00
MAINTENANCE	FEBRUARY SALARIES	\$3,870.93
AND ADDITIONAL OVERTIME FOR JOSE MENDEZ		\$31.56
DEPARTMENT OF EQUALIZATION	FEBRUARY SALARIES	\$4,574.88
AND ADDITIONAL OVERTIME FOR KIMBERLEY BELDIN		\$3.38
REGISTER OF DEEDS OFFICE	FEBRUARY SALARIES	\$3,731.58
VETERANS SERVICES OFFICE	FEBRUARY SALARIES	\$1,756.86
NURSE'S OFFICE	FEBRUARY SALARIES	\$1,818.53
AND ADDITIONAL OVERTIME FOR KRISTI SPITZER		\$5.31
SHERIFF'S OFFICE	FEBRUARY SALARIES	\$17,017.57
AND ADDITIONAL OVERTIME FOR ROBERT BENINATI		\$650.81
JOSHUA BUCKWHEAT		\$337.68
WILLIAM DAVIS		\$1,105.29
MARTHA JARMAN		\$144.74
VINCE LOGUE		\$532.13
JASON MARCH		\$224.48
JAIL	FEBRUARY SALARIES	\$3,917.07
AND ADDITIONAL OVERTIME FOR WALLACE CAMPBELL		\$1,239.14
ADAM EVANS		\$351.45

BRADLEY HANSEN		\$399.57
DISPATCH	FEBRUARY SALARIES	\$7,279.74
AND ADDITIONAL OVERTIME FOR		
CHARLES GINTER		\$1,188.26
JENNIFER MRAZ		\$666.25
TOMMIE THOMPSON		\$313.10
WENDY WEAKLAND		\$494.79
MICHAEL WILLIS		\$655.50
CORONER	FEBRUARY SALARIES	\$75.00
COUNTY EXTENSION OFFICE	FEBRUARY SALARIES	\$1,734.57
WEED DEPT	FEBRUARY SALARIES	\$2,723.68
FIDELITY SEC. LIFE INS CO	MARCH EYE INSURANCE	\$165.19
AMERICAN FAMILY ASSURANCE	MARCH INSURANCE	\$697.23
BOB BARKER COMPANY INC	SUPPLY	\$1,120.20
BINGHAM, JAMES	CAAF; MI	\$3,158.90
BH FAMILY HEALTH CLINIC	INMATE	\$562.00
BLACK HILLS POWER	UTILITY	\$3,310.20
BLUE CROSS/BLUE SHIELD	MARCH HEALTH INSURAN	\$25,191.34
BOSTON MUTUAL LIFE INS CO	MARCH INSURANCE	\$114.65
CBM FOOD SERVICE	INMATE	\$3,192.49
CENTURY BUSINESS LEASING	COPIER	\$33.40
CHEYENNE SANITATION	UTILITY	\$335.00
CRAWFORD, BRIAN	ASSISTANCE	\$450.00
CULLIGAN SOFT WATER	WATER	\$103.75
DAKOTA LEASING COMPANY	COPIER	\$190.00
DALE'S REPAIR	CAR MAINT	\$47.00
DELTA DENTAL PLAN OF SD	MARCH DENTAL INSURAN	\$1,685.85
SUPPORT PYT CLEARINGHOUSE	CHILD SUPPORT	\$286.25
GREATER FALL RIVER HEALTH	INMATE	\$138.60
FARRELL, FARRELL &	FEB DEP ST ATY CONTR	\$2,500.00
FR COUNTY TREASURER	MAR REIM COST RESP/C	\$3.00
GALLS	UNIFORM	\$353.90
GOLDEN WEST	TELEPHONE	\$1,264.30
GRAHAM, JULIE	REIMBURSEMENT OF DEN	\$84.55
H & R SPRINKLER SYSTEMS	SNOW REMOVAL	\$130.00
HEALTH 4 LIFE	MARCH DUES	\$120.00
HILLYARD FLOOR CARE SUPP	SUPPLY	\$758.09
HOT SPRINGS ACE HARDWARE	SUPPLY; REPAIR	\$401.31
HOT SPRINGS AUTOMOTIVE	SUPPLY; REPAIR	\$90.35
CITY OF HOT SPRINGS	SPRINKLER	\$24.00
KEIZER, BRAD	TRAVEL	\$121.36
LIUNA LABORERS LOCAL 620	MARCH DUES	\$375.00
MSC INDUSTRIAL SUPPLY CO	SUPPLY	\$22.25

MCCOLLEY'S	ASSISTANCE	\$1,700.00
NATIONWIDE RETIREMENT SOL	FEB SUPL RETIREMENT	\$147.08
NELSONS OIL & GAS INC.	UTILITY	\$277.20
NETTINGA, JOAN	SUPPLY	\$38.64
NEVADA STATE TREASURER	REIM OF NRS31A.075/M	\$2.00
NEVE'S UNIFORM INC	UNIFORM	\$51.48
NEW YORK LIFE INSURANCE	MARCH INSURANCE	\$25.00
NORTONS SINCLAIR	SUPPLY	\$50.00
O'DAY, VALARIE	CRT REP	\$470.80
O'NEILL, JUSTIN	CAAF	\$2,271.73
OTIS ELEVATOR COMPANY	UTILITY	\$326.82
PAMIDA INC.	INMATE; SUPPLY	\$1,831.56
PRAIRIE HILLS TRANSIT	ALLOTMENT	\$10,000.00
QUILL CORPORATION	SUPPLY	\$436.90
RADIOSHACK	SUPPLY	\$176.92
RAPID CITY JOURNAL (THE)	PUBLISHING	\$379.12
RAPID CITY REGIONAL	MI	\$1,235.74
RAPID FIRE PROTECTION INC	INSPECTION	\$520.00
RUSHMORE COMMUNICATIONS	SUPPLY	\$110.50
SANICHEM	SUPPLY	\$292.00
SD ASSN OF COUNTY COMM.	REGISTRATION	\$150.00
SD DEPARTMENT OF REVENUE	INMATE	\$210.00
SD RETIREMENT SYSTEM	FEBRUARY RETIREMENT	\$13,000.16
SERVALL	SUPPLY	\$9.64
SKINNER, MATTHEW L. PC	CAAF	\$895.46
SOFTWARE SERVICES INC	SUPPORT	\$1,040.00
STATE COLLECTION/DISBURS	CHILD SUPPORT	\$599.00
STEINMETZ, NINA	SUPPLY	\$53.00
SCHOENFELDER, PAUL	INMATE	\$175.00
THOMPSON, TOMMIE R	TRAVEL	\$599.86
TIGER DIRECT	SUPPLY	\$147.66
PRO BUILD	SUPPLY; REPAIR	\$228.48
UNITED WAY BLACK HILLS	FEBRUARY DONATIONS	\$62.50
UNITED STATES POSTAL SERV	POSTAGE	\$1,646.05
VILLAGE REPAIR	CAR MAINT	\$280.06
WELLS FARGO BANK	FEB W/H/SS/MDCR TAX	\$25,806.67
WYOMING CHILD SUPPORT	CHILD SUPPORT	\$550.00
YAHOO	INVESTIGATION	\$69.94
EVANS, ADAM	TRAINING	\$122.50
CURRAN, BILL	TRAVEL	\$70.30
	GENERAL FUND TOTAL	\$191,848.78

ROAD & BRIDGE

COUNTY ROAD & BRIDGE ADMIN AND ADDITIONAL OVERTIME FOR JAN SIMUNEK	FEBRUARY SALARIES	\$4,965.72
COUNTY ROAD & BRIDGE CONST AND ADDITIONAL OVERTIME FOR MARCUS HOAR	FEBRUARY SALARIES	\$17,166.88
BRUCE MCCLUNG		\$18.27
CALVIN MACIEJEWSKI		\$18.11
A & B WELDING SUPPLY CO.	REPAIR	\$106.25
FIDELITY SEC. LIFE INS CO	MARCH EYE INSURANCE	\$46.50
AMERICAN FAMILY ASSURANCE	MARCH INSURANCE	\$30.60
BLACK HILLS POWER	UTILITY	\$667.26
BLUE CROSS/BLUE SHIELD	MARCH HEALTH INSURAN	\$645.92
BUTLER MACHINERY CO.	SUPPLY; REPAIR	\$7,292.23
DELTA DENTAL PLAN OF SD	MARCH DENTAL INSURAN	\$927.27
DEPT OF REVENUE	VEH REG	\$423.00
EDDIES TRUCK SALES	REPAIR	\$14.00
EDGEMONT, CITY OF	UTILITY	\$303.51
FALL RIVER AUTO SUPPLY	SUPPLY; REPAIR	\$42.90
FORWARD DISTRIBUTING	SUPPLY	\$19.31
GOLDEN WEST	TELEPHONE	\$236.40
GREAT WESTERN TIRE	SUPPLY	\$236.96
HOAR, MARK	TRAVEL	\$948.84
HOT SPRINGS ACE HARDWARE	SUPPLY; REPAIR	\$9.00
HOT SPRINGS AUTOMOTIVE	SUPPLY; REPAIR	\$180.89
OFFICE SOLUTIONS	COPIER	\$697.77
KIMBALL MIDWEST	SUPPLY	\$91.62
LIUNA LABORERS LOCAL 620	MARCH DUES	\$537.07
MG OIL	SUPPLY	\$225.00
MCCLUNG, BRUCE	TRAVEL	\$840.17
MCKIE FORD LINCOLN MERCUR	REPAIR	\$9.00
NATIONWIDE RETIREMENT SOL	FEB SUPL RETIREMENT	\$27.80
NEW YORK LIFE INSURANCE	MARCH INSURANCE	\$97.05
NORTONS SINCLAIR	SUPPLY	\$32.24
RANCHERS FEED & SUPPLY	SUPPLY	\$18.35
RAPID DELIVERY	REPAIR	\$3.29
SDACHS	TRAVEL	\$82.26
SD RETIREMENT SYSTEM	FEBRUARY RETIREMENT	\$80.00
SEILER, RANDY	TRAVEL	\$3,616.40
SD SUPPLEMENT RETIREMENT	FEBRUARY SUPL RETIRE	\$9.00
WELLS FARGO BANK	FEB W/H/SS/MDCR TAXE	\$80.00
	ROAD & BRIDGE TOTAL	\$7,178.75
		\$47,948.50

911 SURCHARGE REIMBUR.

911	FEBRUARY SALARIES	\$2,645.77
AND ADDITIONAL OVERTIME FOR		
STACEY MARTIN		\$90.84
ANDY TIMMINS		\$190.95
APEX TECHNOLOGY SOLUTIONS	911	\$125.00
BLUE CROSS/BLUE SHIELD	MARCH HEALTH INSURAN	\$994.40
DELTA DENTAL PLAN OF SD	MARCH DENTAL INSURAN	\$52.88
GOLDEN WEST	TELEPHONE	\$61.12
CENTURY LINK	TELEPHONE	\$5.58
SD RETIREMENT SYSTEM	FEBRUARY RETIREMENT	\$434.84
WELLS FARGO BANK	FEB W/H/SS/MDCR TAXE	\$755.81
	911 REIMBUR. TOTAL	\$5,357.19

EMERGENCY MGT

EMERGENCY MANAGEMENT	FEBRUARY SALARIES	\$3,419.34
AND ADDITIONAL OVERTIME FOR		
ANDY TIMMINS		\$190.95
BLUE CROSS/BLUE SHIELD	MARCH HEALTH INSURAN	\$331.46
DELTA DENTAL PLAN OF SD	MARCH DENTAL INSURAN	\$17.62
GOLDEN WEST	TELEPHONE	\$114.41
HOT SPRINGS AUTOMOTIVE	SUPPLY; REPAIR	\$49.79
RADIOSHACK	SUPPLY	\$39.99
SD RETIREMENT SYSTEM	FEBRUARY RETIREMENT	\$575.42
UNITED STATES POSTAL SERV	POSTAGE	\$1.08
WELLS FARGO BANK	FEB W/H/SS/MDCR TAXE	\$1,264.00
	EMERGENCY MGMT TOTAL	\$6,004.06

COURTHOUSE BUILDING FUND

HERMANSON EGGE	BLDG	\$7,235.00
	CRTHSE BLDG FUND TOTAL	\$7,235.00

24/7 PARTICIPATION FEE

MATTHEW BENDER & CO INC	SUPPLY	\$37.49
	24/7 PART. FEE TOTAL	\$37.49

GRAND TOTAL **\$258,431.02**

A break was taken at 10:28 a.m. The meeting resumed with review of a list of items to surplus from the attic. Motion by Cassens, seconded by Allen, to approve designating the following items as presented as surplus to junk: miscellaneous binders, old wood, an old shelf, two old chairs, BNSF files and cleaning kits, wood and cardboard boxes, outdated legal reference books and outdated rubber stamps. With no further discussion and all voting yes, the

motion carried.

Terri Halls, Director of Equalization, met with the Board to discuss the criteria used to classify agriculture land. Also present was Deputy State's Attorney Pat Ginsbach, Mick Jenniges, Dennis (DD) Wilson and Paul Wittenburg. Ginsbach stated that SDCL 10-6-31.3 addresses the criteria for agricultural classification and allows the county commissioners to increase the minimum acre requirement to 160 for platted acres, which was done in Fall River County in 1999. Jenniges explained that the classification creates a barrier for those wishing to obtain water to irrigate acres so designated. Motion by Cassens, seconded by Allen, to table discussion and continue it at the April 3, 2012 meeting at 11:20 a.m. With no further discussion and all voting yes, the motion carried.

Sheriff Rich Mraz met with the Board to request approval to purchase equipment. Motion by Russell, seconded by Allen, to approve the purchase of a Chevy Tahoe off state bid at a cost of \$28,158.00. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to approve the purchase of ammunition for the Sheriff's Office at a cost of \$2,678.00. With no further discussion and all voting yes, the motion carried.

Mraz also asked for approval to hire a part-time jailer. Motion by Russell, seconded by Allen, to approve hiring Becki Southerland as a part-time jailer at \$10.00 per hour as per Union contract. With no further discussion and all voting yes, the motion carried.

Stacey Martin, GIS, met with the Board for purchase approval. Motion by Cassens, seconded by Allen, to approve the purchase of a new computer for GIS at a cost of up to \$773.00. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to enter into Executive Session for personnel and litigation matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:32 a.m.

The Board came out of Executive Session at 12:39 p.m.

Motion by Allen, seconded by Russell, to provide the County's litigation attorney, Sara Frankenstein, with authority to negotiate and modify the Shannon County/Fall River County 2012 county officials services contracts in order to potentially settle the Brooks v. Gant lawsuit, or in the alternative, to enter into negotiations with Shannon County officials to modify the portion of the current contracts, allowing for assurance to the Brooks plaintiffs that county officials will provide 2012 election services. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve waiving the three-month notice for early voting as specified in the 2012 Fall River / Shannon County contract. With no further

discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve hiring Martin Buchholz for the Highway Department at \$12.05 per hour, as per Union contract, with an effective date to be determined. The Board further moved that the county will pay for the \$300.00 cost of CDL testing and requires that the CDL license be obtained within sixty (60) days; that Buchholz remain employed for six (6) months or be subject to reimbursing to the county for the cost of the CDL test. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 12:50 p.m.

/s/ Joe Falkenburg

Joe Falkenburg, Vice-Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor