

## **FALL RIVER COUNTY MINUTES OF MARCH 7, 2013**

The Fall River Board of County Commissioners met in regular session on March 7, 2013. Present: Joe Allen, Anne Cassens, Joe Falkenburg, Deb Russell, and Sue Ganje, Auditor. Absent: Michael Ortner. The meeting was moved to the courtroom to allow for the number of attendees.

The Pledge of Allegiance was given and Vice-chairman Falkenburg called the meeting to order at 8:00 AM. The agenda was reviewed for conflicts; none were noted. Motion by Cassens, seconded by Russell, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Mike Ortner joined the meeting by speakerphone for a discussion of the Board's position on Powertech's water application. Joe Allen, citing the importance of water resources and conflicting information on the safety of the mining process, noted that he is not in favor of the application. Cassens stated she supports the project as the economic benefits far outweigh the risks. Russell also voiced her support but stated she did not feel she had the expertise to make the decision.

Ortner expressed both support for the economic benefits and concerns about protecting water resources, concluding that as there is so much conflicting information, he believes the decision would be best left to the federal and state experts.

Motion by Falkenburg, seconded by Russell, for Fall River County to withdraw as an intervener in the matter of the applications of Powertech (USA) for water permits and wastewater permits regarding proposed in situ uranium mining in Fall River and Custer Counties in South Dakota; that notice of said withdrawal be forwarded to the South Dakota Department of Natural Resources and that this Commission finds that there is so much conflicting information in this matter that the decisions on these matters must be left to those charged by state and federal law with making those decisions. With no further discussion, Allen voting no, all others voting yes on a roll call vote, the motion carried.

Ortner ended his participation via speakerphone at 8:15 AM.

Richard Clement, President and CEO of Powertech, met with the Board to present information in support of the uranium-mining project, noting they have been preparing for the project for eight years. Lands have been secured and Clement believes the area will see significant economic impact. John Mays, project engineer, stated that the process is safe, with no risk for contamination. Several county residents with property adjacent to the site were on hand to speak in favor of the project and approved of the Board's decision to rely on the experts' assessment of the application. Many expressed their belief in the safety of the process and welcomed the boon to the local economy.

Other county residents reiterated concerns previously voiced at meetings about water quality and safety. Falkenburg and Russell expressed appreciation for the comments and concerns, particularly about well water and times of drought. The Board moved back to the Commission room for the remainder of the meeting.

Motion by Cassens, seconded by Allen, to approve the minutes of the February 2 and 21, 2013 meetings. With no further discussion and all voting yes, the motion carried.

An application for burial assistance was presented. Motion by Cassens, seconded by Allen, to approve assistance of \$1,700.00 in funeral expenses and \$300.00 in plot expenses for CP #13-8, with a repayment schedule. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve a 3-year increase to \$10.13 per hour for José Mendez, effective February 25, 2013, as per union contract. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to surplus as junk the following items in storage: file cabinets numbered 0613, 0614, 06115, 0616, 0625, 0905, and one un-numbered; #0031, a metal table; #0176, a card file; #1237, a printer table, formerly in the Auditor's Office; a desk, no number assigned, formerly in the Extension Office; and an old, dismantled radiator from the Courthouse. With no further discussion and all voting yes, the motion carried.

Deputy State's Attorney Pat Ginsbach and Register of Deeds Melody Engebretson met with the Board to present a resolution regarding property deeds based on vacated plats. Motion by Cassens, seconded by Russell, to approve the following Resolution. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2013-08**

WHEREAS, Fall River County has had development in rural areas where the property has been classified for valuation purposes as agriculture; and

WHEREAS, in the development of those rural areas, plats had been prepared and the classification of the real property has been changed from ag to non-ag because the plats divide the land into new legal descriptions comprising less than 160 acres; and

WHEREAS, Fall River County has experienced that there have been developers who have then vacated their plats so that the underlying real estate could be reclassified as agricultural; and

WHEREAS, it comes to the attention of the Fall River County Commissioners that real property has been sold and deeds of conveyance have been made and recorded at the Fall River County Register of Deeds office using legal descriptions based upon vacated plats.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Fall River County Register of Deeds shall not accept any instrument for recording that contains a legal description relying upon a vacated plat.

Dated at Fall River County, South Dakota, this 7<sup>th</sup> day of March, 2013.

/s/ Joe Falkenburg

Joe Falkenburg, Vice-Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Frank Maynard, Emergency Management / Building, presented a quote for work on the courthouse boiler. Motion by Allen, seconded by Cassens, to approve the quote of \$889.60 for Stevens

Plumbing to install a back flow preventer off the main water feed line to the boiler. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve travel for Maynard to attend Liaison Officer training in Pierre on April 4-5, 2013. With no further discussion and all voting yes, the motion carried.

Maynard updated the Board on activities and noted an upcoming workshop on blood borne pathogens that he would like maintenance personnel to attend. Cassens suggested 24/7 personnel should also be included. Maynard also spoke of the recent Angostura annual exercise, LEPC grant and recent fires in the county.

A Memorandum of Understanding was presented. Motion by Cassens, seconded by Russell, to approve the Memorandum of Understanding for Cooperative Frequency Use between Fall River County Emergency Management and the USDA Forest Service / Nebraska National Forest and Grasslands, authorizing the Vice-chairman to sign. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve the County Rangeland Fire Protection Agreement, authorizing the Vice-chairman to sign. With no further discussion and all voting yes, the motion carried.

Jim Sword, State's Attorney, and Stacey Martin, GIS, met with the Board to discuss a piece of county-owned property, a portion of which was re-platted into another parcel and now has an incorrect legal description. Motion by Allen, seconded by Russell, to approve paying for a survey of the county-owned property adjacent to Lot 15, Blk 34, Minnekahta 2<sup>nd</sup> Addition; then sell the property at public auction and set a minimum bid amount which would include the cost of the survey. With no further discussion and all voting yes, the motion carried.

Susie Hayes, Director of Equalization, met with the Board to discuss the agriculture value increase for 2013 taxes, payable in 2014. Hayes reported that a bill passed the State Legislature in 2012 that would allow for a 25% increase or decrease and allow leeway on individual parcels and that there is a Agriculture Committee Task Force. Falkenburg voiced worry that if the county doesn't receive rain, it could be catastrophic for area ranchers. Hayes suggested a separate mill levy for certain ag properties, which would need legislation to enact. Motion by Falkenburg, seconded by Russell, to approve the preparation of a resolution addressing an agriculture mill levy and bring back to the next meeting. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve the abatement of 2012 taxes for William and Judith Wise, totaling \$111.30 on parcels 652570000006298 and 652570000006299, two mobile homes that should have been deleted for 2012. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to approve abatements of 2012 taxes for parcels

purchased by the State Dept. of Transportation for road projects by Oelrichs, including the following: \$15.73 for Gregory and Kim Ford on parcel 781000620000700; \$29.27 for Elizabeth Rust on parcel 7810006100007000; \$17.07 and \$11.55 for Avis Jennings on parcels 781000620001000 and 781000650000700 respectively; \$23.12 and \$11.62 for Rick Matsamas and Rhonda Ortloff on parcels 781000580000900 and 781000580000700 respectively; \$3.48 and \$3.48 for Tom and Brenda Schnose on parcels 781000220000800 and 781000220000700; \$31.96 for Ralph, Tyrel and Grant Dryden on parcel 781000540000700; \$21.66 for William and Linda Griffin on parcel 781000570000700; \$9.69 for Daryl and Shirley Besco on parcel 781000570001100; and a rebate of \$13.19 for taxes paid by Wayne and Gary Morrison on parcel 781000220000900. With no further discussion and all voting yes, the motion carried.

A break was taken at 9:37 AM. The meeting resumed with Fall River Gun Club President Gerald Cochrane and Secretary Owen Meadows updating the Board on progress with the shooting range. A previous offer by the county to aid with dirt work was discussed, which would be included as an in-kind contribution in a Memorandum of Understanding that the Gun Club is working on with the South Dakota Game, Fish and Parks. Randy Seiler, Highway Superintendent, will look at the needed work and meet with SDGFP representative Scott Simpson.

Seiler presented fuel transfers for approval. Motion by Russell, seconded by Cassens, to approve transfers to reimburse the Highway Department for fuel used from January 31, 2013 through February 28, 2013 in the following amounts: Sheriff's Office, \$2,273.25; Weed Board, \$70.70; Courthouse, \$185.92; and \$31.53 for work done for the courthouse parking lot. With no further discussion and all voting yes, the motion carried.

Seiler informed the Board that he has received a work order for Brosz Engineering, which he will sign. Notice was given that Jan Simunek is retiring. Motion by Russell, seconded by Cassens, to approve advertising for an office manager / cost accounting bookkeeper. Allen asked about the possibility of hiring someone to be both a bookkeeper and machine operator, but Seiler indicated the need for someone to do the accounting on a full-time basis. With no further discussion and all voting yes, the motion carried.

A meeting between Seiler and representatives of the Town of Oelrichs was also discussed.

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

**General Fund**

Commissioners	February Salaries	\$3,393.55
Auditor's Office	February Salaries	\$7,131.02
Elections	February Salaries	\$1,116.25
Treasurer's Office	February Salaries	\$5,153.99
and additional overtime of		\$81.00
State's Attorney Office	February Salaries	\$5,754.15
and additional overtime of		\$24.91
Maintenance	February Salaries	\$4,197.33

Department Of Equalization and additional overtime of	February Salaries	\$5,445.77
Register Of Deeds Office	February Salaries	\$7.31
Veterans Services Office	February Salaries	\$3,397.44
GIS	February Salaries	\$1,707.36
and additional overtime of		\$1,948.98
Nurse's Office	February Salaries	\$59.36
Sheriff's Office	February Salaries	\$2,040.33
and additional overtime of		\$20,918.50
Jail	February Salaries	\$1,786.55
and additional overtime of		\$8,004.83
Dispatch	February Salaries	\$1,632.23
and additional overtime of		\$10,639.10
24/7	February Salaries	\$1,373.54
County Extension Office	February Salaries	\$1,976.02
Weed Dept	February Salaries	\$1,923.43
Coroner	February Salaries	\$2,097.47
Beesley Law Office	CAAF	\$289.82
Black Hills Chemical	Supply	\$1,364.00
Bingham, James	CAAF	\$195.48
Black Hills Power	Utility; Assist	\$2,252.70
CBM Food Service	Inmate	\$3,707.04
Century Business Leasing	Lease	\$6,864.66
Cheyenne Sanitation	Utility	\$233.30
Colbath, Angela M	CAAF	\$280.00
Crawford, Brian	Assist	\$256.35
D&J Petroleum	Propane	\$225.00
Dakota Leasing Company	Copier	\$11,115.00
Diamond Pharmacy	Inmate	\$190.00
Edgemont, City Of	Utility	\$55.00
Edgemont Herald Tribune	Publishing	\$80.80
Falkenburg, Joe	Travel	\$420.45
Franklin, Ginger	Inmate	\$76.96
Hansen, Sharon K	Inmate	\$70.00
Heartland Paper Co	Supply	\$550.00
Hills Edge Auto Sales	Car Maint	\$19.73
Hillyard Floor Care Supp	Supply	\$51.98
Hot Springs Ace Hardware	Supply; Repair	\$625.56
Hot Springs Automotive	Supply; Repair	\$246.51
City Of Hot Springs	Utility	\$68.28
Lowry, Heath	Car Maint	\$317.28
Lyle's Handyman	Labor	\$1,140.00
Lynn's Dakotamart Pharm	Inmate	\$65.28
		\$7.89

MPG	Inmate	\$83.33
McColley's	Assist	\$2,600.00
Meade County Sheriff	Paper Service	\$26.60
Mendez, Jose	Supply	\$1.06
Nettinga, Joan	Supply	\$20.88
O'Day, Valarie	Court Rep	\$572.40
O'Neill, Justin	CAAF	\$1,837.00
Orrock, Ken	Conf Dep	\$456.00
Ortner, Michael P.	Travel	\$536.20
Otis Elevator Company	Contract	\$336.63
Palmer, Ray	Travel	\$43.66
Penn Co Sts Attny Office	MI	\$430.00
Pennington County Auditor	MI	\$154.00
Penn Co Jail	Inmate	\$3,944.00
Penn County Sheriff	Inmate	\$531.60
Premier Vehicle Install	Equip	\$2,205.00
Quill Corporation	Supply	\$1,594.44
Rapid City Journal	Publishing	\$198.22
Sanichem	Supply	\$340.00
SD Assn Of County Comm.	Catastroph. Legal	\$1,073.40
SD Department Of Revenue	Inmate	\$385.00
Servall	Supply	\$214.26
Shopko	Inmate; Supply	\$629.51
Springs Senior Citizens	Allotment	\$4,100.00
Schoenfelder, Paul	Inmate	\$70.00
Pro Build	Supply	\$256.44
Verizon Wireless	Cell Phone	\$491.36
Watchguard Video	Supply	\$408.00
Wessel, Dr	Inmate	\$48.72
	<b>General Fund Total</b>	<b>\$146,167.20</b>

### Road & Bridge

County Road & Bridge Admin and additional overtime of	February Salaries	\$5,203.21
		\$11.84
County Road & Bridge Const and additional overtime of	February Salaries	\$19,565.98
		\$17.11
Black Hills Power	Utility	\$696.75
Black Hills Power Equip	Repair; Supply	\$104.96
Butler Machinery Co.	Repair	\$9.91
Cheyenne Sanitation	Utility	\$74.00
Dale's Tire	Supply	\$1,018.66
Eddies Truck Sales	Repair	\$413.64
Edgemont, City Of	Utility	\$36.75

Edgemont Herald Tribune	Publishing	\$48.00
Fall River Auto Supply	Supply; Repair	\$135.55
Forward Distributing	Supply	\$78.19
Hot Springs Ace Hardware	Supply; Repair	\$167.47
Hot Springs Automotive	Supply; Repair	\$265.64
City Of Hot Springs	Utility	\$21.47
Ricoh USA Inc	Utility	\$84.93
McClung, Bruce	Clothing	\$100.00
Nelsons Oil & Gas Inc.	Supply	\$15.00
Powerplan BF	Supply	\$1,321.06
Ranchers Feed & Supply	Supply	\$16.96
Rapid Delivery	Repair	\$73.80
Rushmore Communications	Utility	\$225.00
Safety Kleen	Repair	\$106.00
SDACHS/DJ Buthe	Travel	\$80.00
Summit Signs & Supply Inc	Supply	\$645.00
Verizon Wireless	Cell Phone	\$30.78
	<b>Road &amp; Bridge Total</b>	<b>\$30,567.66</b>

#### **911**

911	February Salaries	\$1,837.89
Century Link	Telephone	\$7.10
	<b>911 Reimbur. Total</b>	<b>\$1,844.99</b>

#### **Emergency Mgt**

Emergency Management	February Salaries	\$2,707.42
Motorola Solutions Inc	Equip	\$2,033.00
SD Society Of Fire Serv	Dues	\$30.00
Verizon Wireless	Cell Phone	\$173.61
	<b>Emergency Mgmt Total</b>	<b>\$4,740.42</b>

#### **L.E.P.C. Grant**

HSRFueling LLC	Fuel	\$136.80
Pudwill, Norman	LEPC	\$60.00
Bastian, Tracy	LEPC	\$100.00
	<b>L.E.P.C. Grant</b>	<b>\$296.80</b>

#### **Courthouse Building Fund**

Action Mechanical Inc	Repair	\$1,637.68
	<b>Courthouse Bldg Fund Total</b>	<b>\$1,637.68</b>

**Grand Total** **\$185,254.75**

Tom Conger met with the Board to discuss property he exchanged for the Gun Club and a related section line issue. Conger says that if the section line were vacated, it may allow for the construction of a house, adding that the railroad has no issues with the possible vacation of the line. He will initiate a petition to be brought back to the board.

Sheriff Rich Mraz provided a jail report and asked for travel approval. Motion by Allen, seconded by Russell, to approve \$125.00 in expenses for Deputy Jason March to attend firearm instructor recertification training in Sturgis. With no further discussion and all voting yes, the motion carried.

Motion by Allen, seconded by Russell, to approve travel for the Sheriff to attend a law enforcement meeting in Deadwood on May 1-3, 2013. With no further discussion and all voting yes, the motion carried.

Cindy Messenger, Hot Springs Library, met to update the Board on plans for the upcoming 115<sup>th</sup> birthday of the library, inviting them to an Open House on March 26, 2013. Messenger gave a brief history of the library, noting that they rank #4 in the state for patron services.

Motion by Russell, seconded by Allen, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 10:47 AM.

/s/ Joe Falkenburg  
Joe Falkenburg, Vice-chairman  
Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje  
Sue Ganje, Fall River County Auditor