

FALL RIVER COUNTY MINUTES OF APRIL 17, 2014

The Fall River Board of County Commissioners met in regular session on April 17, 2014. Present: Michael Ortner, Anne Cassens, Joe Falkenburg, Deb Russell, and Sue Ganje, Auditor. Absent: Joe Allen.

An invocation and the Pledge of Allegiance were given; the meeting called to order at 9:00 AM.

The agenda was reviewed for conflicts; Falkenburg noted a possible conflict. Motion by Falkenburg, seconded by Russell, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve the minutes of the March 25, 2014 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Falkenburg, to approve the minutes of the April 3, 2014 meeting. With no further discussion, Cassens abstaining and all others voting yes, the motion carried.

Allen joined the meeting at 9:01 AM.

Motion by Cassens, seconded by Falkenburg, to approve the minutes of the April 10, 2014 meeting. With no further discussion and all voting yes, the motion carried.

County assistance applicants met with the Board. Motion by Falkenburg, seconded by Russell, to approve a guarantee of May rent, payable in June, in the amount of \$450.00 for CP# 2014-11, with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve \$700.00 in assistance for CP# 2014-12, contingent upon the applicant providing past due bills from Black Hills Power and the City of Edgemont to the Auditor's office, and with a repayment plan. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve the Auditor's Account with the Treasurer as follows, asking that the State's Attorney check into possible prosecution of returned checks. 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 31st day of March, 2014.

Total Amt of Deposit in First Interstate Bank, Hot Springs: \$ 938,469.97

Total Amount of Cash: \$ 2,311.08

Total Amount of Treasurer's Change Fund:	\$ <u>900.00</u>
Total Amount of Checks in Treasurer's Possession, Not Exceeding Three Days:	\$ <u>29,425.86</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>8,368.24</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:

Baker, David, \$42.80, LIC
 Bell, James, \$270.00, LIC
 McMillin, Robert, \$272.95, LIC

TOTAL: \$4,700,595.90

Dated this 31st day of March, 2014.

/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 AND AMBULANCE DISTRICTS AND STATE.

Motion by Russell, seconded by Falkenburg, to amend the motion from March 25, 2014, to indicate the raise for Ken Martin is to \$10.50 per hour, per Union contract, not \$11.00 per hour as indicated. With no further discussion and all voting yes, the motion carried.

Cassens and Edgemont City Mayor Carl Shaw asked the Board to consider conveying rock for use on the Edgemont City Park property from the 240 acres that the county owns in the area. Falkenburg asked if the Highway Department would need the rock for Red Canyon Road. Motion by Falkenburg, seconded by Cassens, to convey rock to the City of Edgemont, per SDCL 6-5-1, contingent upon the Highway Dept. not needing it for roadwork. With no further discussion and all voting yes, the motion carried.

Wendy Weakland, Veterans Services Officer, requested travel approval. Motion by Falkenburg, seconded by Allen, to approve travel for Weakland to attend VSO training in Pierre on August 25-29, 2014, and provide a report on training at a future meeting. With no further discussion and all voting yes, the motion carried.

Keith Andersen, Andersen Engineering, presented a plat for approval, noting that as the property abuts city property, it will be submitted to the City of Hot Springs for approval after approval by the county. Motion by Falkenburg, seconded by Russell, to approve the plat of County Club Estates Subdivision as follows, contingent upon approval of the Highway Dept. Superintendent and the City of Hot Springs. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2014-11

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Country Club Estates Subdivision, a replat of the formerly vacated Lots 9 revised, 10, 14, 15 & 17, Block A, Country Club Estates Subdivision, located in the SW ¼ of Section 22, 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 17th day of April, 2014.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

A request from the proposed soil land-farm facility was discussed. Motion by Cassens, seconded by Russell, to authorize the Chairman to send a letter to the state DENR informing them that the county has no Planning and Zoning requirements. With no further discussion and all voting yes, the motion carried.

Coroner Jeff Shannon discussed upcoming training, asked about use of a county vehicle and sought ad authorization. Motion by Cassens, seconded by Falkenburg, to authorize advertising for a Deputy Coroner and Shannon's use of a county vehicle to attend May training in Rapid City. With no further discussion and all voting yes, the motion carried.

Marian Atkins, Bureau of Land Management, provided updates for the Board on revisions to the Land Use Plan and noted she will be retiring in July.

Mary Kaiser and Stephanie Nicole, Wellmark Blue Cross / Blue Shield, presented a renewal quote for the employee health insurance, noting May 15, 2014 is the renewal date.

Bruce McClung, Highway Department Foreman, updated the Board on signing done on one of bridges leading to the army depot at Igloo, which has been closed to a single lane. Brosz Engineering is looking for contractors and options to remove and repair a rotted beam. Alternate routes for traffic were discussed, including the use of an open or gated fence allowing access to an alternate route. McClung also advised the Board that the road to Igloo thru Provo is currently fenced shut, which the Board will discuss with the State's Attorney.

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	\$184.80
American Legion Riders	Am Vet Travel. Trib Asst	\$5,000.00
Bob Barker Company Inc	Inmate	\$740.14
Barnyard Veterinary Ser	Animal	\$41.00
Best Western Ramkota	Travel	\$181.98
Bingham, James	MI; CAAF	\$2,509.20
Black Hills R M U C	Dues	\$100.00
Cardmember Service	Misc	\$985.95
CBM Food Service	Inmate	\$1,427.88
Century Business Leasing	Copier	\$50.02
Cheyenne Sanitation	Utility	\$280.00
Clinical Laboratory Of	Autopsy	\$5,885.00
Colbath, Angela M	CAAF	\$284.74
Culligan Soft Water	Water	\$105.75
D&J Petroleum	Assistance	\$150.00
Den Herder Law Office	MI	\$166.13
Fed Ex	Shipping	\$11.99
Fink, Teresa L	Crt Rep	\$193.80
Golden West Technologies	Contract; Network Serv.	\$1,729.68
Golden West	Telephone	\$1,524.13
Great Western Tire	Car Maint	\$479.24
Harris, Betsey	CAAF	\$4,266.86
Heartland Real Estate	Assistance	\$250.00
Hillyard Floor Care Supp	Supply	\$190.01
City Of Hot Springs	Utility	\$245.43
City Of Hot Springs	Rent	\$675.00
Inventory Trading Company	Uniform	\$275.14
Iron Mountain Electric	Labor	\$147.96
Ricoh Production Print	Maint	\$288.08
Lynns Dakota Mart	Jury	\$16.86
Mastel, Bruce	Database	\$350.00
Matrix Research	Supply	\$550.32
NCRAAO 2014	Registration	\$560.00
Norton,Tina	Inmate	\$175.00
O'Neill, Justin	CAAF	\$1,190.85
Ortner, Michael P.	Travel	\$163.00
Penn Co Sts Attny Office	MI	\$215.00
Phoenix Investigations	Investigation	\$362.80
Rapid City Journal	Publishing, Sub	\$337.01
Rushmore Communications	Airplane	\$55.00
SD Assn Of Co. Officials	Registration	\$525.00

Secretary Of State	List	\$50.00
Servall	Supply	\$9.77
Skinner, Matthew L. Pc	CAAF	\$575.80
Snowfighters	Contract	\$90.00
Software Services Inc	Support	\$10,420.00
State Remittance Center	MI; Nurse	\$1,768.93
Stevens Plumbing	Labor	\$55.11
US Bank	Copier	\$514.89
United States Postal Serv	Postage	\$1,429.67
Verizon Wireless	Investigation	\$100.00
Weakland, Wendy	Registration	\$150.00
Witness	Fee	\$29.25
	General Fund Total	\$48,064.17

County Road & Bridge

B H Electric Coop Inc.	Utility	\$37.04
Cardmember Service	Misc	\$244.30
Golden West	Telephone	\$258.54
City Of Hot Springs	Utility	\$23.08
	County Rd & Bridge Total	\$562.96

911 Surchg. Reimb

Golden West Technologies	Contract; Network Serv.	\$1,542.66
Golden West	Telephone	\$44.62
Century Link	911	\$628.42
Rushmore Communications	911	\$1,193.00
	911 Surchg Reimb Total	\$3,408.70

Title III National Forest

The Supply Cache	Supply	\$5,944.00
	Title III Natl Forest Total	\$5,944.00

Emergency Mgt

Cardmember Service	Misc	\$21.19
Golden West	Telephone	\$110.16
United States Postal Serv	Postage	\$1.40
	Emergency Mgt Total	\$132.75

Total Paid **\$58,112.58**

A break was taken at 10:39 AM. The meeting resumed at 10:45 AM with public comment. Ed Harvey questioned the purpose of the soil land-farm facility, discussing the possibility that it could be used to deal with radioactive soils and questioning how the state

DENR would monitor the facility. Susan Henderson said approval of the facility was hasty.

Connie Geiser and Ann (Sam) Goelz asked the Board to consider assisting with the cost of installing higher perimeter fencing around property used for the Battle Mountain Humane Society. Estimates are approximately \$18,000.00. Cheryl Fair, a former board member of the organization, expressed concern that the organization is a 501c3, but the property is held privately, which may be a concern if the Board considers financial support. Board members suggested the organization pursue a change to the ownership status of the property and then return during the 2014 hearings for the 2015 budget.

Lyle Jensen, Building Superintendent, presented propane quotes as follows:

	<u>2,000 gal. propane</u>
Nelson's Oil	\$1.96 / gal.
D&J Petroleum	\$1.95 / gal.
PJ's Hide-Away	\$1.922 / gal.

Motion by Falkenburg, seconded by Allen, to approve the bid of PJ's Hide-Away for 2,000 gallons of propane for the courthouse as the low bid. With no further discussion and all voting yes, the motion carried.

Mel Engebretson, Register of Deeds, presented a contract with Microfilm Imaging Systems, which included a renewal of the current contract and a proposal for offering in-office public access to county document records. Motion by Russell, seconded by Falkenburg, to authorize an agreement for equipment and software from Microfilm Imaging Systems at a cost of \$330.00 per month, and authorize Engebretson to sign. With no further discussion and all voting yes, the motion carried.

Ganje proposed a repayment schedule for county assistance. Motion by Cassens, seconded by Russell, to adopt a set repayment schedule for county assistance applicants that is based on the amount of assistance received, allowing a waiver of the minimum payment with Board approval. With no further discussion and all voting yes, the motion carried.

Kelli Rhoe, Acting Treasurer, and Pat Ginsbach, Deputy State's Attorney, updated the Board on office activity, noting letters are ready to send to seven taxpayers with delinquent agreements. Engebretson contacted the SDACO to see if any personnel from other Treasurer offices would be available to assist the staff during the upcoming first half of tax collections. Rhoe asked if there would be compensation for any associated expenses; the Board approved mileage, housing and a wage of \$20.00 per hour.

Rhoe said tax freeze applications have been reviewed and notifications will be mailed to applicants. Previously, the guidelines for qualifying were applied incorrectly to some of the applicants; therefore, some taxpayers don't qualify as in the past. Rhoe has consulted with the state on insuring they are complying with the guidelines and assessing applications correctly. Falkenburg suggested a special meeting be held on April 24, 2014 for discussion of other office matters.

Susie Hayes, Director of Equalization, presented an abatement request for Ayesha Burkey, along with Deputy State's Attorney Ginsbach's legal opinion on the application. Motion by Falkenburg, seconded by Allen, to approve an abatement of property taxes for Ayesha Burkey for taxes assessed on Minnekahta 1st Addition, Lots 22 and 25, Block 5 in the amount of \$848.70 for 2010, \$952.23 for 2011, \$956.21 for 2012 and \$951.85 for 2013. With no further discussion and all voting yes, the motion carried.

Allen presented a proposal for a 36' x 72' steel pole-barn storage facility that he estimates would cost approximately \$36,000.00 to construct. Allen was given approval to have an appraisal done on the existing storage building.

Jim Sword, State's Attorney, discussed the matter of the alternate road around the Igloo Bridge, saying there is a locked gate between two property owners, which bars traffic. Sword suggested confirming that it is a Township road and then having the Sheriff's Department investigate who is locking the gate. Either unlocking the gate or repairing the auto-gate feature was recommended. Motion by Cassens, seconded by Allen, to authorize the Sheriff to contact the property owners about the locked gate and if they are unwilling to unlock it, to report back to the Chairman for authorization of an emergency injunction. With no further discussion and all voting yes, the motion carried.

Ortner reported that he had a phone message from Randy Seiler, Highway Department Supervisor, which requested the county not convey rock to the City of Edgemont as earlier discussed.

Motion by Falkenburg, seconded by Russell, to enter into Executive Session for personnel and legal matters, per SDCL 1-25-2(1) and (3). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 11:52 AM.

The Board came out of Executive Session at 12:08 PM and recessed for lunch. The meeting reconvened at 1:30 PM as the Consolidated Board of Equalization in the courtroom of the Fall River County Courthouse. The Oath of Office was taken by Commissioners Ortner, Allen, Cassens, Falkenburg and Russell, and Georgia Holmes, representing the City of Hot Springs, and placed on file in the Auditor's Office. Also present were Susie Hayes and Equalization Office staff, Jim Sword and Pat Ginsbach.

Motion by Falkenburg, seconded by Cassens, to accept and approve the minutes of local boards. With no further discussion and all voting yes, the motion carried.

Stipulations for 2014 were reviewed. Motion by Falkenburg, seconded by Allen, to approve the list of 2014 Stipulations as presented. Deputy State's Attorney Ginsbach asked that a property owned by Kelly and Diane Simunek be removed from the stipulations as it is listed as getting a reduction due to partial vacancy and there is no state law addressing vacancy. Sword noted the appeal made by Pine Hills in 2013 dealt with fair market value, stating that needs to

be the guideline for commercial properties. Falkenburg amended his motion to exclude the property owned by Kelly and Diane Simunek. Hayes agreed that the reduction based on vacancy should not be allowed and that 10% should be added back into the property valuation.

Ginsbach also noted a property receiving a reduction based on incompleteness should be removed as the City Building Inspector has issued a certificate of occupancy for the property. Hayes indicated they had been in the building and it was not complete. Ortnier asked that the parcel be excluded from the list of stipulations and addressed at the meeting on April 24, 2014, to which the Board agreed. With no further discussion and all voting yes, the motion carried.

Susan Henderson, representing Dora Henderson, deceased, met to appeal 21 agriculture parcels. Henderson questioned the soil survey used in assessing value and asked how the valuations could be appealed on the state level. The Board suggested she address her concerns with the Ag Land Task Force and the state legislators. Motion by Falkenburg, seconded by Russell, to reject appeal #2014-01 for Dora Henderson as all adjustments possible under state law have been applied. With no further discussion and all voting yes, the motion carried.

John Beard was unable to attend the meeting but wanted the Board to know he believed the valuation to be too high on parcel 13000-00707-10110, appeal #2014-02. Motion by Falkenburg, seconded by Russell, to reject appeal #2014-02 for John and Patricia Beard as adjustments have already been made. With no further discussion and all voting yes, the motion carried.

Thomas (Laurie) Mahar was present to discuss appeal #2014-03 (65259-00000-00800); 2014-04 (65259-00000-01100) and 2014-05(65259-00000-01200), stating they had received a stipulation in 2013 but that the valuation has risen again. He stated that the realtor had reported incorrect information. Hayes explained that they are using Black Hills Flyway sales as comparables and that the valuation should stand. Motion by Falkenburg, seconded by Allen, to reject appeal #'s 2014-03, 2014-04 and 2014-05, but apply Owner Occupied status to all parcels. With no further discussion and all voting yes, the motion carried.

The Board contacted Richard Kaan (Peggy Martin) via telephone regarding their appeals, #2014-06 (65259-00000-00900) and #2014-07 (65259-00000-00810). Kaan stated that incorrect information was reported on the property and that there have been sales in the Black Hills Flyway at lower costs. The Board noted that other Black Hills Flyway property owners have not disputed their valuations. Motion by Falkenburg, seconded by Cassens, to reject appeal #2014-06 and #2014-07 as evidence shows the property is assessed at fair market value. With no further discussion and all voting yes, the motion carried.

An appeal by Wes and Sheryl Grimes was not addressed; the property owners provided information to the Board previously and it was included in the stipulations.

Michelle (Mark) Iverson was present to discuss appeal #2014-08, 75390-03100-00500, stating that the assessed valuation is higher than market value. Hayes discussed the reasons for

valuing the property but added that additional information from the homeowner could alter the valuation. Motion by Falkenburg, seconded by Russell to continue appeal until April 24, 2014 meeting to allow for their reassessment of square footage. With no further discussion and all voting yes, the motion carried.

Orval Frahm was present to discuss appeal #2014-09, (Debra L. Frahm, 07000-01107-03300), 2014-10 (Adeline B. Frahm, 07000-01107-04310) and 2014-11 (agriculture parcels, Orval and Debra Frahm). Hayes advised that she hoped a meeting would be held in the county regarding agriculture values and the commissioners stated that all producers needed to attend. Motion by Cassens, seconded by Allen, to deny appeal #2014-09; 2014-10 and #2014-11 as filed by Orval Frahm. With no further discussion and all voting yes, the motion carried.

Tom White was present to discuss appeal #2014-12 (37000-01009-29300) stating that 320 acres are valued too high, as they can't be used for grazing. The Board understood White's perspective and encouraged him to appeal their decision, stating there needs to be large numbers of producers asking for change during the next legislative session to alter the way agriculture land is valued. Motion by Russell, seconded by Allen, to reject appeal #2014-08 of Tom White, on behalf of White Ranch, LLC, as the valuation follows state guidelines. With no further discussion, Falkenburg voting no and all others voting yes, the motion carried.

Hayes presented the list of exempt properties for 2014. Changes to exemptions include Faith Missionary Church, which was formerly Bible Holiness Church of Oelrichs, and Hot Springs Ambulance at a new location by the hospital. Motion by Falkenburg, seconded by Russell, to approve the 2014 exempt list as presented. With no further discussion and all voting yes, the motion carried.

Lois Seger encouraged the Board to back area ranchers and farmers in efforts appealing to the state to change agriculture valuation laws. Nick Bogner added that as valuations are relative to soil moisture, the state needs to recognize that soil assessments in the area should be re-evaluated.

Motion by Falkenburg, seconded by Allen, to adjourn as the Board of Equalization. With no further discussion and all voting yes, the motion carried and the Board of Equalization adjourned at 4:00 PM.

Motion by Falkenburg, seconded by Allen, to adjourn the meeting. With no further discussion and all voting yes, the meeting adjourned at 4:00 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