

FALL RIVER COUNTY MINUTES OF MAY 16, 2013

The Fall River Board of County Commissioners met in regular session on May 16, 2013. Present: Mike Ortner, Joe Falkenburg, Joe Allen, Anne Cassens, Deb Russell and Joan Nettinga, Auditor's Office. Absent: none.

An invocation and the Pledge of Allegiance were given. The meeting called to order at 9:00 AM by Vice-chairman Falkenburg.

The agenda was reviewed for conflicts; Allen noted a conflict with one bill submitted for approval.

Motion by Cassens, 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 Russell, to approve the minutes of May 2, 2013 as written. With no further discussion and all voting yes, the motion carried.

Motion by Ortner, seconded by Cassens, 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 30th day of April, 2013.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,897.78</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>2,233,396.90</u>
Total Amount of Cash:	\$ <u>6,761.92</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>446,929.23</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>20,931.66</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:

Henry, Raymond, \$290.64, LIC
McMillin, Robert, \$272.95, LIC

TOTAL: \$6,433,916.08

Dated this 30th day of April, 2013.

/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 application for assistance was presented; the matter was tabled until such time as the applicant was present.

Motion by Russell, seconded by Ortner, to set the Ridge Road District election for June 25, 2013. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Ortner, to enter into Executive Session for personnel matters, per SDCL 1-25-2(1). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 9:05 AM.

The Board came out of Executive Session at 9:17 AM. Frank Maynard, Emergency Management, met with the Board to discuss supervision of the courthouse building. Motion by Ortner, seconded by Cassens, to designate Maynard as Building Supervisor and adjust other maintenance positions at a later date. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to do an emergency suspension of the privilege of driving county vehicles for Carl Neisner for sixty days or until completion of a defensive driving course. With no further discussion and all voting yes on a roll call vote, the motion carried.

Maynard updated the Board on issues with the air conditioning systems in the Jail and Treasurer's Office, which are being addressed. Discussion was held on maintenance work needed to accommodate the expanded Dept. of Equalization staff; the Board asked Maynard to direct Equalization to explore less-expensive alternatives.

A drought Resolution was discussed; Maynard will bring a draft to the Board for approval at the June 6, 2013 meeting. A Memorandum of Understanding with the Forest Service regarding the use of radio frequencies was presented. Motion by Cassens, seconded by Russell, to approve the Memorandum of Understanding with the Forest Service allowing for reciprocal use of radio frequencies for emergency services, authorizing the Chairman to sign. With no further discussion and all voting yes, the motion carried.

Maynard noted that radios from Codington County have been received and are being assigned to school, law enforcement and emergency responders for use. Reports were presented on a lock-down exercise at the Hot Springs School and a mock accident for Freshman Impact, held in cooperation with the Hot Springs, Edgemont and Custer Schools.

Pat Krantz, Black Hills Land, presented a plat for approval. Motion by Russell, seconded by Cassens, to approve the plat of Red Canyon Ranch Subdivision as follows. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2013-17

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Tracts A and B of Lot 3 of Red Canyon Subdivision, SW ¼ Section 3, NW ¼ Section 10, T7S, R3E, 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 16th day of May, 2013.

/s/ Joe Falkenburg

Joe Falkenburg, Vice-Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Stacy Schmidt

Stacy Schmidt, Fall River County Deputy Auditor

Brad Keizer, 4-H / Youth Advisor, met with the Board along with Leacy Brown, Gerontology Field Specialist, and Mary Roduner, Consumer Horticulture Field Specialist, to discuss programs offered through the Extension program. Several resources were discussed, all of which are funded by federal and state funds or cost recovery via program fees.

Randy Seiler, Highway Supervisor, presented fuel quotes as follows:

8,000 gal #2 diesel

Nelson's \$3.195 / gal.

MG Oil \$3.215 / gal.

Motion by Cassens, seconded by Russell, to approve Nelson's bid for 8,000 gallons of #2 diesel at \$3.195 per gallon as the low bid. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Allen, to approve a travel request for Seiler to attend the summer meeting in Pierre on June 12-13, 2013. With no further discussion and all voting yes, the motion carried.

Seiler asked for approval to advertise for gravel crushing, estimating a need for approximately 25,000 tons. Motion by Cassens, seconded by Ortner, to approve advertising for gravel bids to be opened at the June 20, 2013 meeting at 10:25 AM. With no further discussion and all voting yes, the motion carried.

An update was provided on the Shep's Canyon Road. Seiler noted he would be sending a

letter to Game, Fish and Parks asking them to contribute to the cost of applying mag water to the road. The Board instructed Seiler to seek a 60% contribution, as provided in 2012, due to increased traffic from park users. Seiler also reported that he and Ortner had reviewed a curve on the Buffalo Gap Road that has generated complaints about safety. The curve could be straightened and one of two adjacent property owners has already indicated he would have no objection to an extended right of way that would allow for the alteration. Seiler will visit with the other property owner and report back.

Falkenburg noted that he had fielded calls from county residents asking for their roads to be cleared by the county, noting that residents who do have such private road work done are subject to the associated costs. Cassens asked Seiler to clarify signs in Edgemont that will be replaced as part of the sign project. Seiler explained that it is safety signs only, not 911 / street signs.

Seiler informed the Board that the City of Edgemont is interested in purchasing a distributor and spreader, equipment that has been designated as surplus property to sell. Mayor Carl Shaw was present to confirm the City would pay \$7,000.00 for the equipment. Motion by Ortner, seconded by Russell, to approve selling a surplus distributor and spreader to the City of Edgemont for \$7,000.00. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, 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	\$448.20
Bingham, James	CAAF	\$4,210.20
BH Federal Credit Union	Assistance	\$575.00
Black Hills Power	Utility	\$3,222.18
Cardmember Service	Misc	\$1,892.10
<u>CBM</u> Food Service	Inmate	\$3,966.06
Century Business Leasing	Copier	\$191.31
Cheyenne Sanitation	Utility	\$280.00
City/Co Alcohol & Drug	Detox	\$420.00
Colbath, Angela M	CAAF	\$1,078.86
Culligan Soft Water	Water	\$105.75
Dell Business Credit	Equip	\$539.97
Edgemont Herald Tribune	Publishing	\$344.72
Edgemont Senior Meals	Allotment	\$1,500.00
Executive Mgmt Finance	BIT	\$21.00
Falkenburg, Joe	Travel	\$115.44
Franklin, Ginger	Inmate	\$35.00
Golden West	Telephone	\$1,441.47
H & R Sprinkler Systems	Cont Labor	\$65.00

Hills Edge Auto Sales	Car Maint	\$47.73
Hillyard Floor Care Supp	Supply	\$424.88
City Of Hot Springs	Utility	\$238.70
City Of Hot Springs	Utility	\$24.00
Jensen, Michele	Ins Reimb	\$500.00
Krueger, Carla	Inmate	\$35.00
Lewis & Clark Mental	MI	\$149.00
Lincoln County	MI	\$279.50
Lyle's Handyman	Labor	\$168.30
McLeods Office Supply Co.	Supply	\$96.38
Microfilm Imaging Systems	Lease	\$275.00
O'Day, Valarie	Court Rep	\$125.40
O'Neill, Justin	CAAF	\$451.50
Pennington County Auditor	JSC Bond	\$19,213.80
Penn Co Jail	Inmate	\$2,312.00
Powell, Debra J	Inmate	\$35.00
Regional Health	Autopsy	\$379.00
SD Dept Of Revenue	Registration	\$440.00
SDPAA	Ins	\$67,070.16
Servall	Supply	\$238.72
Software Services Inc	Support	\$1,140.00
Sotherland, Becki	Travel	\$11.10
Spitzer, Kristi	Travel	\$9.00
State Remittance Center	MI	\$660.00
Schoenfelder, Paul	Inmate	\$140.00
US Bank	Copier	\$149.93
United States Postal Serv	Postage	\$756.01
Warne Chemical & Equip.	Repair	\$565.39
Yankton Co Treasurer	MI	\$106.25
Cazer, Michelle	Inmate	\$70.00
	General Fund Total	\$116,564.01

Road & Bridge

B H Electric Coop Inc.	Utility	\$22.34
Black Hills Power	Utility	\$630.57
Cheyenne Sanitation	Utility	\$74.00
Edgemont, City Of	Utility	\$36.75
Edgemont Herald Tribune	Publishing	\$43.77
Golden West	Telephone	\$246.56
City Of Hot Springs	Utility	\$18.78
SDACHS/DJ Buthe	Travel	\$30.00
SDPAA	Ins	\$27,374.58
	Road & Bridge Total	\$28,477.35

Emergency Mgt

Cardmember Service	Misc	\$148.06
Golden West	Telephone	\$108.05
River Lodge	Travel	\$67.22
Rushmore Communications	Labor	\$770.00
SDPAA	Ins	\$1,089.03
United States Postal Serv	Postage	\$0.46
	Emergency Mgmt Total	\$2,182.82

911 Surcharge Reimb

Golden West Technologies	911	\$795.00
Golden West	Telephone	\$44.28
Century Link	Telephone	\$624.95
Rushmore Communications	Labor	\$404.00
	911 Surcharge Reimb	\$1,868.23

L.E.P.C. Grant

Burt, Curtis	LEPC	\$100.00
HSR Fueling LLC	Fuel	\$86.81
Pudwill, Norman	LEPC	\$60.00
	L.E.P.C. Grant Total	\$246.81

Fire Protection Fund

SDPAA	Ins	\$133.37
	Fire Protection Fund Total	\$133.37

24/7 Participation Fee

State Remittance Center	MI	\$148.00
	24/7 Participation Fee Total	\$148.00

Courthouse Building Fund

Chemsearch	Repair	\$486.50
Flint Electric	Repair	\$884.00
	Courthouse Bldg Fund Total	\$1,370.50

M & P Flow Thru

SD Assn Of Co. Officials	M&P	\$326.00
	M & P Flow Thru Total	\$326.00

Grand Total **\$151,317.09**

A break was taken at 10:20 AM. The meeting resumed with public comment. Ed Harvey

questioned the position the county took via an agreement signed with Powertech, asking if the State's Attorney office had reviewed it for the commission.

Discussion was held regarding a county lien on William Gainey. Pat Ginsbach, Deputy State's Attorney, stated that some of the costs included in the lien need to be researched to see if other funding sources might pay them and recommended the commission postpone any action until that can be determined.

Ginsbach presented a draft of an Ordinance that would allow additional liquor licenses in the county for full-service restaurants. He suggested forwarding the draft to the interested business and delaying the first reading of the Ordinance until the June 6, 2013 meeting. Motion by Ortner, seconded by Cassens, to set the first reading of the Ordinance for liquor licenses for full-service restaurants for June 6, 2013 at 10:30 AM. With no further discussion and all voting yes, the motion carried.

Sheriff Rich Mraz was present as Ginsbach discussed a new process law enforcement will be required to follow to obtain blood draws in DUI stops. Ginsbach explained that officers will need to contact a judge for authority to perform the draw, which will then need to be transcribed and filed with the Clerk of Courts. Ginsbach and Mraz estimated \$10,000.00 for equipment and personnel to transcribe the recordings.

Motion by Ortner, seconded by Cassens, to appoint Mark Crossman to the Fall River Housing and Redevelopment Commission for a five-year term. With no further discussion and all voting yes, the motion carried.

The meeting moved to the courtroom to allow for the public attending the discussion of a proposed dog park in Robertson Memorial Park. Adam Heath presented a plan for the space that would fence off John Robertson's grave, clean the space and provide amenities needed for dogs and their owners. Livestock has grazed in the park in recent years and waste needs to be removed. Heath also presented the commission with 55 signatures of county residents in favor of the dog park at that location.

Numerous citizens were present to voice concerns about the specific location, suggesting it would be better served by locating in Hot Springs. Dan Healy presented the Board with a list of people who are willing to provide maintenance of Robertson Memorial Park. Falkenburg asked for a show of hands from those supporting or opposing the location for the dog park. The majority of those in attendance were in opposition. Motion by Ortner, seconded by Cassens, to support the creation of a dog park in the county but not at Robertson Memorial Park. With no further discussion and all voting yes, the motion carried.

Motion by Ortner, seconded by Allen, to prohibit livestock grazing in Robertson Memorial Park. With no further discussion and all voting yes, the motion carried.

Ortner reported that the State DENR has asked how the commission wishes to proceed

in the matter of Powertech's mining application. The Board may participate fully, may remain an interested party with the ability to testify or rely solely on the letter filed. Motion by Ortner, seconded by Russell, to remain an interested party in the Powertech application, allowing commissioners to testify as individuals. After some discussion, which included comments from the audience that indicated support of the Board members testifying as to whether they personally supported or opposed the application, all members voted yes and the motion carried.

Quotes for employee health insurance were presented. Motion by Ortner, seconded by Russell, to accept Wellmark plan CYP/AJT, at a cost of \$605.01 per employee, per month, and to reimburse employees' deductible expenses over \$500.00. With no further discussion and all voting yes, the motion carried.

Ginsbach returned to the Board with a proposed agreement on William Gainey's county lien. Motion by Cassens, seconded by Ortner, to approve releasing a \$14,624.20 lien on William Gainey, per an agreement drafted by the State's Attorney office. With no further discussion and all voting yes, the motion carried.

The Board adjourned for lunch at 11:52 AM. The meeting resumed at 1:30 PM with Susie Hayes, Director of Equalization, seeking hire approval. Motion by Cassens, seconded by Russell, to approve hiring for the Department of Equalization as follows: Emilie Johnson and Frances Denison as part-time, year-round clerks; Sarah Nelson and Maya Benford as full-time, summer clerks; Logan Malde and Marissa Miller as full-time, summer field workers; all at \$9.00 per hour, per Union contract. With no further discussion and all voting yes, the motion carried.

Hayes sought approval for field workers to work flexible hours to allow for visiting properties outside the 8-5 workday. Citing the Union contract, the request was denied. Hayes also discussed use of a county vehicle, updated the Board on office furniture and informed them she would be sending information to local papers to prepare the public for the county-wide reappraisal.

Kristi Spitzer, Community Health Nurse's Office, asked the Board for travel approval to attend a WIC training session. The associated expenses are paid by the WIC program. Motion by Cassens, seconded by Allen, to approve travel for Spitzer to attend WIC training in Rapid City on July 8-12, 2013, asking her to provide the Board with a report on the training. With no further discussion and all voting yes, the motion carried.

Nina Steinmetz, Weed Supervisor, met with the Board for hire approval. Motion by Russell, seconded by Allen, to approve hiring Ray Palmer as a part-time, seasonal weed sprayer at a rate of \$9.00 per hour, per Union contract. With no further discussion and all voting yes, the motion carried.

Proposals for extending the warranty on the county server were presented. Motion by Russell, seconded by Allen, to approve an agreement with Dell providing a three-year extension

of the warranty on the server at a cost of \$719.51. With no further discussion and all voting yes, the motion carried.

Sheriff Mraz returned to the Board to obtain hire approval. Motion by Russell, seconded by Allen, to approve hiring Anthony Peet as a full-time jailer effective May 14, 2013 at \$10.00 per hour, per Union contract. With no further discussion and all voting yes, the motion carried.

The Board met with several office supervisors to discuss the creation of a county policy manual. The staff was directed to review the current draft, write job descriptions for all positions in their departments and begin reviewing the existing Union contract for items that need to be addressed in upcoming negotiations.

Motion by Cassens, seconded by Russell, to enter into Executive Session for personnel matters, per SDCL-1-25-2(1). With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 2:09 PM.

The Board came out of Executive Session at 2:11 PM. Motion by Cassens, seconded by Allen, to accept the resignation of Carl Neisner and advertise the opening. With no further discussion and all voting yes, the motion carried.

Motion by Russell, seconded by Cassens, to adjourn. With no further discussion and all voting yes, the motion carried and the meeting adjourned at 2:12 PM.

/s/ Joe Falkenburg

Joe Falkenburg, Vice-Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor