**FALL RIVER COUNTY MINUTES OF AUGUST 16, 2016**

 The Fall River Board of County Commissioners met in regular session at Canyon Cottage at the State Veteran’s Home on August 16, 2016. Present: Michael Ortner, Joe Falkenburg, Joe Allen, Ann Abbott, Deb Russell and Sue Ganje, County Auditor.

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

 The agenda was reviewed for conflicts; no conflicts were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

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

 Motion by Falkeburg, seconded by Abbott to approve the minutes for July 19, 2016

 The Treasurer’s Account with the Auditor was unfinished therefore no motion was made.

 The Board reviewed a letter from the Buffalo Gap Fire District for increased funding. Motion by Falkenburg, seconded by Allen to increase County Fire Levy to .40 for Buffalo Gap Fire Department in the non-district area of the County.

 Motion by Falkenburg, seconded by Russell to approve the following Resolution;

**Fall River County Resolution 2016-20**

**to Encourage the USDOT Under Secretary for Policy to**

**Expand South Dakota’s National Multimodal Freight Network**

**WHEREAS**; The Under Secretary of Transportation for Policy (Under Secretary) is to establish a National Multimodal Freight Network (NMFN) to assist states and achieve freight policy goals;

**WHEREAS**; the routes should meet at least one of the many conditions like: being a rural principal arterial; access energy areas, grain elevators; agricultural, mining, forestry, or intermodal facilities; access significant freight facilities; or be important to the economy and the efficient movement of freight as determined by the State;

**WHEREAS;** the national multimodal freight policy should strengthen the contribution of the National Multimodal Freight Network to the economic competitiveness of the United States,

**WHEREAS;** the policy should increase productivity, particularly for domestic industries and businesses that create high-value jobs, improve the safety, security, efficiency, and resiliency of multimodal freight transportation;

**WHEREAS**; the policy should improve the economic efficiency and productivity of the National Multimodal Freight Network and improve the reliability of freight transportation;

**WHEREAS**; the policy should improve the short- and long-distance movement of goods that travel across rural areas between population centers; that travel between rural areas and population centers; and that travel from the Nation's ports, airports, and gateways to the National Multimodal Freight Network;

**WHEREAS**; the policy should improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address multimodal freight connectivity and pursue these and other goals in a manner that is not burdensome to State and local governments; and

**WHEREAS**, Fall River County considers the Interim NMFN to be very important to connect cities, support rural areas, enhance agricultural expansion, provide for job creation, and enhance its economic future but currently too limited to accomplish those purposes:

**NOW, THEREFORE BE IT RESOLVED**, by Fall River County, that the county supports the efforts of the SDDOT to expand the Interim NMFN in South Dakota as proposed in its comments to the USDOT Under Secretary for Policy.

Dated: \_\_8/16/20\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_/s/ Michael P Ortner\_\_\_\_\_\_\_

 Michael P. Ortner

 Commission Chairman

ATTEST:

\_\_\_\_/s/ Sue Ganje\_\_\_\_\_\_\_\_\_\_\_\_\_

Sue Ganje, County Auditor

 Tabled Union raises for LaVella Birkland and Jamie Padgett and no action was taken at this time. Motion by Russell, seconded by Abbott to approve Union raise for Julian Ulrich to $13.00 per hour effective May 18, 2016.

 Frank Maynard, Emergency Management met with the Board. Motion by Falkenburg, seconded by Abbott to approve and authorize Chairman to sign EM Performance Grant Subaward Agreement (SLA) when it arrives. No motion was made on NRCS as it was discussed at the last meeting. Maynard updated the Board on issues with his computer after the lightning strike that destroyed the network switch and the Board agreed to add it to the insurance claim. Maynard listed the fires in the County since the last meeting.

 Bob Evans, Sheriff met with the Board for hire approval for Jailers and a 24/7 tech position. Motion by Falkenburg, seconded by Abbott to approve the following hires, as per union contract - Allison Bonde, jailer at $12.50, effective August 8, 2016 and Dustin Moxon, jailer at $12.50 per hour, effective August 15, 2016. Becky Eckholt, 24/7 tech, $13.00 per hour, effective July 21, 2016.

 Melody Engebretson, Register of Deeds informed the Board she had received notice from Lora Michaels that she was resigning on August 15, 2016. Motion by Russell, seconded by Abbott to authorize Register of Deeds to advertise for a permanent part-time employee for 30 hours per week with the retirement benefits.

 Motion by Russell, seconded by Falkenburg to approve Fall River Employee Policy manual with all additions that were currently added and additional suggestions.

 Randy Seiler, Highway Superintendent met with Board and gave updates. Seiler informed the Board that road patching and chip sealing were finished on Oral Road and the Angostura entrances. Other areas in the county were discussed for possible chip sealing in other locations of the County, along with the long term plan from Horsehead Bridge and further north. The State DOT is still working on the most economical plan for the Chilson Bridge repair and then the work order will be here.

 Sealed bids for belly dump trailers were opened at 10:00 am as advertised. RDO of Rapid City bid $46,000.00, with additional options of $2,000 for electric control for and $500 to be painted yellow; Butler Machinery of Rapid City bid $49,641.00 with an additional $950.00 for tarp control unit. The Board referred bids to Seiler for review.

 Motion by Falkenburg, seconded by Abbott to approve bills as follows;

|  |  |  |  |
| --- | --- | --- | --- |
| **GENERAL FUND** |  |  |  |
|  | APPLIED CONCEPTS INC | ANTENNA CABLE |  $ 115.00  |  |
|  | BOB BARKER COMPANY INC | INMATE SUPPLY |  $ 64.46  |  |
|  | BAUERKEMPERS INC | PARTS |  $ 35.48  |  |
|  | BENINATI, LILLIAN | MI TRANSPORT |  $ 80.00  |  |
|  | BLACK HILLS CHEMICAL | SUPPLY |  $ 253.76  |  |
|  | CAMPBELL, APRIL | INMATE TRANSPORT |  $ 66.85  |  |
|  | CARDMEMBER SERVICE | CARDMEMBER SERVICES |  $ 1,642.34  |  |
|  | CHEYENNE SANITATION | SANITATION COLLECTIO |  $ 280.00  |  |
|  | CULLIGAN SOFT WATER | RENTAL/SUPPLY |  $ 105.75  |  |
|  | DALE'S REPAIR | OIL CHANGE |  $ 54.50  |  |
|  | DEMERSSEMAN JENSEN | CAAF/JUV |  $ 9,435.80  |  |
|  | EDGEMONT HERALD TRIBUNE | PUBLICATION |  $ 592.33  |  |
|  | EN-TECH LLC | FUMIGATION |  $ 225.00  |  |
|  | FACILITYDUDE.COM | GIS SUPPORT |  $ 226.80  |  |
|  | FALKENBURG, JOE | MILEAGE |  $ 174.72  |  |
|  | GLASS PRO + | REPAIR |  $ 409.95  |  |
|  | GOFF, GARLAND LEE | MI/CAA |  $ 1,244.93  |  |
|  | GOLDEN WEST TECHNOLOGIES | TECHNOLOGY/SERVER/MA |  $ 2,584.44  |  |
|  | GOLDEN WEST | PHONE BILL/LONG DIST |  $ 1,140.26  |  |
|  | GRAHAM TIRE PIERRE | NEW TIRES COUNTY VEH |  $ 432.52  |  |
|  | GRIMM'S PUMP SERVICE INC | PARTS |  $ 7.64  |  |
|  | HARRIS, BETSEY | CAAF |  $ 312.40  |  |
|  | HIGH PLAINS GRAPHICS | SUPPLY |  $ 15.00  |  |
|  | HILLS EDGE AUTO SALES | COUNTY VEHICLE REPAI |  $ 1,829.26  |  |
|  | HILLYARD FLOOR CARE SUPP | SUPPLY |  $ 268.46  |  |
|  | HOT SPRINGS ACE HARDWARE | ACE HARDWARE SUPPLY |  $ 425.56  |  |
|  | HOT SPRINGS AUTOMOTIVE | AUTO SUPPLY PARTS |  $ 186.85  |  |
|  | CITY OF HOT SPRINGS | CITY WATER BILL |  $ 398.38  |  |
|  | HSR FUELING LLC | AIR PLANE FUEL |  $ 224.22  |  |
|  | LONE STAR HEATING & AIR | FREON SUPPLY |  $ 290.70  |  |
|  | MASTEL, BRUCE | DATABASE SETUP & MON |  $ 35.00  |  |
|  | MCLEODS OFFICE SUPPLY CO. | SUPPLY |  $ 59.80  |  |
|  | MEDICAL WASTE TRANSPORT | MEDICAL WASTE |  $ 140.61  |  |
|  | MIKELSON LAW OFFICE | MI |  $ 488.70  |  |
|  | MOTOROLA SOLUTIONS INC | EQUIPMENT |  $ 2,832.25  |  |
|  | NORTONS SINCLAIR | SUPPLY |  $ 36.00  |  |
|  | O'NEILL, JUSTIN | CAAF/JUV |  $ 3,947.13  |  |
|  | ORTNER, MICHAEL P. | GAS REIMBURSEMENT |  $ 12.11  |  |
|  | PENNINGTON COUNTY JAIL | INMATE HOUSING PENNI |  $ 12,450.00  |  |
|  | PHOENIX INVESTIGATIONS | BACKGROUND CHECKS |  $ 736.00  |  |
|  | PITNEY BOWES | POSTAGE MACHINE LEAS |  $ 1,110.08  |  |
|  | RESERVE ACCOUNT | POSTAGE PITNEY BOWES |  $ 987.00  |  |
|  | QUILL CORPORATION | OFFICE SUPPLIES |  $ 119.28  |  |
|  | RANCHERS FEED & SUPPLY | SUPPLY |  $ 50.00  |  |
|  | RENSCH LAW OFFICE | CAA |  $ 542.22  |  |
|  | RUSHMORE COMMUNICATIONS | REPAIR EMERGENCY RAD |  $ 165.50  |  |
|  | SAFELITE FULTILLMENT, INC | REPAIR |  $ 688.96  |  |
|  | SOUTH DAKOTA ST TREASURER | SALES TAX LATE FEE |  $ 5.00  |  |
|  | SD COUNTIES | 2016 COUNTY CONVENTI |  $ 700.00  |  |
|  | SDSU WEST RIVER AG CENTER | MILEAGE REIMBURSEMEN |  $ 98.60  |  |
|  | SDVSA | SDVSO MEMBERSHIP/CON |  $ 85.00  |  |
|  | SERVALL | SUPPLY/MATS/RUGS/UNI |  $ 161.02  |  |
|  | OGLALA SIOUX TRIBE |  TAX ADJUSTMENT |  $ 1,217.16  |  |
|  | SHOPKO STORES OPERATING |  INMATE PHARMACY/SUPP |  $ 243.68  |  |
|  | SKINNER, MATTHEW L. PC |  CAAF/JUV |  $ 1,716.00  |  |
|  | SOFTWARE SERVICES INC |  DATA PROCESSING BOSA |  $ 1,260.00  |  |
|  | STATE REMITTANCE CENTER |  AUTO/MI STATE REMITT |  $ 611.63  |  |
|  | THOMSON REUTERS |  CRIMINAL LAW BOOKS |  $ 190.00  |  |
|  | PRO BUILD |  SUPPLY |  $ 29.20  |  |
|  | VAN DIEST SUPPLY |  SUPPLY |  $ 2,071.00  |  |
|  | VERIZON WIRELESS |  VERIZON WIRELESS |  $ 787.55  |  |
|  | WARNE CHEMICAL & EQUIP. |  SUPPLY |  $ 485.44  |  |
|  | WOODY'S WORK SHOP |  COUNTY POOR |  $ 60.00  |  |
|  |   |  GENERAL FUND |   |  **$ 57,245.28**  |
|  **COUNTY ROAD & BRIDGE** |  |  |  |
|  |  CARDMEMBER SERVICE | CARDMEMBER SERVICES |  $ 59.64  |  |
|  |  CHEYENNE SANITATION | SANITATION COLLECTIO |  $ 74.00  |  |
|  |  CITY OF EDGEMONT | CITY OF EDGEMONT WAT |  $ 80.60  |  |
|  |  GOLDEN WEST | PHONE BILL/LONG DIST |  $ 267.36  |  |
|  |  CITY OF HOT SPRINGS | CITY WATER BILL |  $ 33.03  |  |
|  | JENNIGES, EDITH |  REIMBURSE GAS RECIEP |  $ 30.00  |  |
|  | SD COUNTIES |  2016 COUNTY CONVENTI |  $ 175.00  |  |
|  | SD WILDLAND FIRE |  FLAME RESISTANT CLOT |  $ 1,536.44  |  |
|  | OGLALA SIOUX TRIBE |  TAX ADJUSTMENT |  $ 203.39  |  |
|  |   |  COUNTY ROAD & BRIDGE |  **$ 2,459.46**  |
| **911 SURCHARGE REIMB** |  |  |  |
|  | GOLDEN WEST TECHNOLOGIES |  TECHNOLOGY/SERVER/MA |  $ 397.60  |  |
|  | GOLDEN WEST |  PHONE BILL/LONG DIST |  $ 589.63  |  |
|  | CENTURY LINK |  911 DISPATCH LINE TR |  $ 8.84  |  |
|  | CENTURY LINK |  911 DISPATCH INCOMIN |  $ 632.38  |  |
|  | RUSHMORE COMMUNICATIONS |  REPAIR EMERGENCY RAD |  $ 294.00  |  |
|  |   | 911 SURCHARGE REIMB |   |  **$ 1,922.45**  |
| **FIRE PROTECTION FUND** |  |  |  |
|  | HOT SPRINGS AUTOMOTIVE | AUTO SUPPLY PARTS |  $ 186.06  |  |
|  |   | FIRE PROTECTION FUND |   |  **$ 186.06**  |
|  **EMERGENCY MGT** |  |  |  |
|  | CARDMEMBER SERVICE | CARDMEMBER SERVICES |  $ 164.42  |  |
|  | GOLDEN WEST TECHNOLOGIES | TECHNOLOGY/SERVER/MA |  $ 198.80  |  |
|  | GOLDEN WEST | PHONE BILL/LONG DIST |  $ 124.29  |  |
|  | GRAHAM TIRE PIERRE | NEW TIRES COUNTY VEH |  $ 30.00  |  |
|  | HILLS EDGE AUTO SALES | COUNTY VEHICLE REPAI |  $ 95.00  |  |
|  | HOT SPRINGS AUTOMOTIVE | AUTO SUPPLY PARTS |  $ 503.22  |  |
|  | PITNEY BOWES | POSTAGE MACHINE LEAS |  $ 22.66  |  |
|  | RESERVE ACCOUNT | POSTAGE PITNEY BOWES |  $ 2.00  |  |
|  | VERIZON WIRELESS | VERIZON WIRELESS |  $ 252.90  |  |
|  |   |  EMERGENCY MGT |   |  **$ 1,393.29**  |
| **CHEYENNE WEED GRANT** |  |  |  |
|  |  A & B WELDING SUPPLY CO. | SUPPLY |  $ 324.38  |  |
|  |  HAPPE, SHELBY | REIMBURSEMENT SUPPLY |  $ 95.82  |  |
|  |   | CHEYENNE WEED GRANT |   |  **$ 420.20**  |
| **COURTHOUSE BUILDING FUND** |  |  |  |
|  |  HOT SPRINGS ACE HARDWARE |  ACE HARDWARE SUPPLY |  $ 359.85  |  |
|  |  OGLALA SIOUX TRIBE |  TAX ADJUSTMENT |  $ 54.25  |  |
|  |   | COURTHOUSE BUILDING FUND |  **$ 414.10**  |
|  |  | **Total for 8/05/16 to 08/16/16** |  **$ 64,040.84**  |

 Break was held at 10:05 am and resumed at 10:10 am.

 Lyle Jensen, Building Maintenance met with the Board to request purchase of a surplus lawnmower. Discussion was held on how much mowing was necessary on County property. The Board suggested Jensen speak with Seiler regarding a lawn mower. Jensen presented the estimate to repair hail damage to County vehicles from the last hail storm. The Uplander van was considered “totaled” and Jensen will receive figures for the buyback cost. Jensen also updated the Board on the HR seminar that several County employees attended in Rapid City on August 10th, 2016.

 Jim Sword, State’s Attorney met with the Board to present data regarding increasing court appointed attorney fees, and that all counties are seeing since the passage of SB 70. County costs are increasing, rather than the state (penitentiary costs). Sword spoke of the escalating methamphetamine problem, saying the solution should be at the state level. Ortner asked to interrupt for a moment to opened advertised bids for this time.

 Air Handler bids were opened at 10:50 am as advertized. One bid from Action Mechanical was received with a base bid of $36,500.00 was received. The Board referred the bid to Jensen for review.

 Jim Sword addressed the Board again to advise them that Scott Bader of CASA would be an additional advocate for children in the court system.

 Scott Bader, Executive Director of 7th Circuit CASA (Court Appointed Special Advocates) for neglected kids in the court system met with the Board. Bader presented information and requested $600 for 2016 and for $1,200 for 2017, noting that the advocates are all volunteers, and that children with advocates do better in all aspects of life. Motion by Falkenburg, seconded by Allen to approve $500.00 from the County and Michael P Ortner to add $100.00 personally to CASA to help pay for the training of volunteers and other program needs.

 The hearing for BHEC (Black Hills Electric Cooperative, Inc) Franchise permit was held as advertised at 11:00 am. Tracy Kelly of the General Council and Jesse Sorenson of BHEC met with the Board and presented their application to the Board. The current franchise permit expires in October and BHEC’s new Franchise would continue for 20 years. Motion by Russell, seconded by Abbott to approve the following resolution;

STATE OF SOUTH DAKOTA ) THE HONORABLE BOARD

 )SS OF COUNTY COMMISSIONERS

COUNTY OF FALL RIVER ) OF FALL RIVER COUNTY

 **RESOLUTION NO.\_2016-21\_**

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE APPLICATION OF **BLACK HILLS ELECTRIC COOPERATIVE, INC.**, FOR APPROVAL OF A FRANCHISE/PERMIT PURSUANT TO SDCL 31-26. |  | **RESOLUTION GRANTING PERMIT/FRANCHISE** |

**WHEREAS** on the 16th day of August, 2016, Black Hills Electric Cooperative, Inc., a South Dakota corporation, with its principal place of business at Custer, South Dakota applied to the Board of County of Commissioners of Fall River County, South Dakota, for the right and privilege of maintaining a franchise for electric power lines constructed on certain highways and roadways in said County, as more particularly set out in the Application for franchise on file in the Auditor’s office of said County, which Application is hereby made a part of this resolution; and

WHEREAS, the electric transmission, telegraph and telephone companies operating lines in, near or adjacent to said highways and roadways were duly notified by the County Auditor for Fall River County that a hearing would be held on the Application in accordance with SDCL §-31-26; and

WHEREAS, the Board of Commissioners of Fall River County have examined said Application and found:

1. That said Application is in the form and contains the information required by law.

 2. That the Application was appropriately filed with the Fall River County Auditor and that all persons, firms or corporations owning transmission, telegraph, and telephone lines within Fall River County were notified by registered or certified mail at least ten (10) days prior to the Fall River County Board of Commissioner’s hearing on said Application and that said Notice stated the time and place when and where such Application would be heard.

3. That the Fall River County Board of Commissioners has considered the complaints of all parties appearing, and has adjusted all differences between Black Hills Electric Cooperative, Inc., and the owner or owners of any transmission, telegraph or telephone lines affected by the Board’s decision upon said petition.

4. That the operation, maintenance and construction (if and when found necessary by Applicant) of said lines will be in the public interest, and that said permit/franchise should be granted, subject to the conditions hereinafter set forth.

THEREFORE BE IT RESOLVED by the Board of County Commissioners of Fall River County, South Dakota, that Black Hills Electric Cooperative, Inc., a corporation organized and existing under and by virtue of the laws of the State of South Dakota, qualified and authorized to operate and transact business in the State of South Dakota, its successors and assigns hereinafter called the grantee be and hereby are authorized and granted a right-of-way permit/franchise to construct, operate, and maintain as wherever necessary, electric transmission and distribution lines on and along all public highways in Fall River County, South Dakota. That this permit/franchise is granted specifically pursuant to SDCL §31-26-12, authorizing a general grant as to all public highways for rural electrification purposes; and it is found and resolved

hereby that the grantee, Black Hill Electric Cooperative, Inc., is operating its entire system primarily and principally for rural electrification purposes.

BE IT FURTHER RESOLVED that this permit is subject to the following conditions and such other reasonable conditions and regulations as the South Dakota legislature may hereinafter prescribe:

1. The grantee shall not have the exclusive right to use such highway(s) for the construction of electricity.

2. The poles, fixtures and transmission line shall be constructed so as not to prevent the public use of any road or the navigation of any stream.

3. When any highway along which such a line has been constructed shall be changed, grantee shall, upon ninety (90) days notice in writing, remove such line to the highway as changed.

4. Grantee shall construct and maintain said poles, wires and line in accordance with the National Electric Safety Code adopted by the Bureau of Standards of the United States Department of Commerce.

5. This right-of-way permit/franchise shall be effective and in full force for a period of twenty (20) years from the date hereof.

6. That the grantee shall notify the County in writing at least thirty (30) days prior to the construction of any additional transmission or distribution lines along and on all public highways in Fall River County, South Dakota.

Approved at the regular meeting of the Fall River County Board of County Commissioners held on the 16th day of August, 2016.

 BOARD OF COUNTY COMMISSIONERS,

 FALL RIVER COUNTY, SOUTH DAKOTA

 BY:\_/s/Michael P Ortner\_\_\_\_\_\_\_\_\_\_\_

 Michael P Ortner, CHAIRMAN

ATTEST:

\_/s/ Sue Ganje\_\_\_\_\_\_\_\_\_

Sue Ganje, COUNTY AUDITOR

 Falkenburg abstained due to conflict with a family member working for the co-op, and all others voting yes the motion passed.

 Pat Ginsbach, Deputy State’s Attorney was present for discussion prior to meeting with the Union. Falkenburg feels that there should be wage equalization for all courthouse employees while Ortner feels that each employee should be valued differently.

 Randy Seiler met with the Board again to discuss the belly dump trailer bids. Motion by Russell, seconded but Ortner to approve the purchase of the low bid from RDO of Rapid City in the amount of $46,000.00, plus $2,000 for an electric control for the tarp.

 Motion by Falkenburg, seconded by Russell to approve courthouse employees that received a raise out of the box of less than one dollar since July 2015 to receive up to the full dollar raise, effective October 1, 2016 which includes, Bobbie Janis- $.50 increase, Jose Mendez- $.50 increase, Karen Jamison- $.58 increase, Kristi Spitzer- $.75 increase, Michele Jensen- $.50 increase, Richard Kraima- $.50 increase, Stacy Martin- $.25 increase, Stacy Schmidt- $.50 increase, Terri Halls- $.50 increase. With Ortner voting no and all others voting yes the motion is carried.

 Jensen met with the Board after reviewing the bid from Action Mechanical and determined that it meets specifications. Motion by Russell, seconded by Abbott to approve $36,100 on air handler, which will not include the line from the propane tank to the handler, as the low and only bid.

 Motion by Russell, seconded by Falkenburg to move to executive session for personnel matters, as per SDCL 1-25-2 (1) at 11:37 am. Board came out of executive session at 11:45 am.

 Board reviewed budget for 2017 and then recessed for lunch at 12:06 pm.

 Board reconvened at 1:15 am.

 Motion by Falkenburg, seconded by Russell to move to executive session for personnel matters to conduct Union Negotiations as per SDCL 1-25-2 (1) at 1:16 pm. Board came out of executive session at 3:10 pm.

 Motion by Falkenburg, seconded by Abbott to approve 2017 provisional budget.

Motion by Abbott, seconded by Falkenburg to adjourn as Board of Commissioners at 3:11 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