

FALL RIVER COUNTY MINUTES OF SEPTEMBER 19, 2013

The Fall River Board of County Commissioners met in regular session on September 19, 2013. Present: Mike Ortner, Joe Falkenburg, Anne Cassens, Deb Russell, Joe Allen and Sue Ganje, Auditor. Absent: none.

An invocation and the Pledge of Allegiance were given. The meeting called to order at 9:00 AM. The agenda was reviewed for conflicts; none were noted.

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 Falkenburg, seconded by Russell, to approve the minutes from September 5, 2013. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, 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 31st day of August, 2013.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>1,113.53</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>89,877.86</u>
Total Amount of Cash:	\$ <u>1,558.05</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>115,390.69</u>
MONEY MARKET SAVINGS, First Interstate Bank:	\$ <u>653,008.13</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:	\$4,582,846.85

Dated this 31st day of August, 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.

Ortner presented a plaque that was awarded to the County by Safety Benefits for Loss Control Safety Achievement at the Fall Convention in Spearfish.

Motion by Falkenburg, seconded by Allen, to surplus a Makita grinder, asset #1887, as junk. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to approve a one-year increase for Victoria Carlson to \$10.50, as per Union contract, effective September 17, 2013. With no further discussion and all voting yes, the motion carried.

Recommendations from Hagen Benefits were discussed. Motion by Falkenburg, seconded by Allen, to increase the courthouse insurance policy by \$445.00 and leave the Pioneer Museum at the current insured amount. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Russell, to approve a travel request for Terri Halls and Joan Nettinga, Auditor's Office, to attend Total Vote training in Pierre on October 9, 2013. With no further discussion and all voting yes, the motion carried.

Frank Maynard, Emergency Management, presented the SLA for approval. Motion by Falkenburg, seconded by Russell, to approve the 2014 State and Local Agreement, authorizing the chairman to sign. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Falkenburg, to authorize advertising for bids for an updated phone system for the county. With no further discussion and all voting yes, the motion carried.

Maynard reported that after discussing it with SD Department of Legislative Audit and Homeland Security, it was determined that software for the upgrade of dispatch equipment does not need to be bid. The Corps of Engineers master plan was discussed; a draft will be available for review. Maynard reported that the county will receive six radios from the State at no cost, a \$12,000.00 savings. An update on the September 18, 2013 fire was also provided.

Ortner commended States Attorney Jim Sword for his participation with the Veterans Task Force at the State Convention. Sword gave a short recap of that event and then proceeded with his advisement to the Board on Black Hills Power's request for use of the discretionary formula, including the current formula and codified laws governing them. Motion by Falkenburg, seconded by Russell, to allow Black Hills Power's use of the discretionary formula for 2013 taxes, payable in 2014, as they qualify under the current formula, then to consider amending the resolution that sets the formula at the October 3, 2013 meeting. With no further discussion and all voting yes, the motion carried.

Sword also updated the Board on property owned by Gary Putnam and research done

on funding for environmental clean-up from the EPA's Superfund. Sword noted there is no liability to the county, statutes don't address clean-up issues and the Superfund doesn't address mining situations. Ed Harvey recommended making the request to the EPA for clean-up funding as a matter of record. Motion by Falkenburg, seconded by Cassens, to continue the matter at the October 3, 2013 meeting. With no further discussion and all voting yes, the motion carried.

Building Superintendent Lyle Jensen informed the Board that the quote from Stevens' Plumbing was the only one available from a local plumber. Motion by Allen, seconded by Cassens, to approve an estimate from Stevens' Plumbing to repair a sewer pipe in the jail, in the amount of \$5,949.95 With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, to approve moving sprinkler heads in the attic so they cover a storage area used by the States Attorney Office. Half of the expense of the work will come from their budget. With no further discussion and all voting yes, the motion carried.

Jensen advised the Board that Weathercraft will repair the jail roof. To reinstate the warranty coverage, repairs are needed where an air handler was installed. Motion by Russell, seconded by Falkenburg, to approve \$675.00 for Weathercraft to repair the jail roof and bring it back into warranty coverage. With no further discussion and all voting yes, the motion carried.

Jensen asked the Board if they wanted him to seek quotes for building a commission meeting room. Allen will meet with Jensen to discuss the proposal and county storage.

John McBride, Andersen Engineering, presented plats for approval. Motion by Falkenburg, seconded by Russell, to approve the plat of Lot 22 of Shep's Canyon Estates as follows. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2013-25

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Lot 22 of Shep's Canyon Estates Subdivision, located in the SW ¼ SE ¼ of Section 22, T8S, 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 19th day of September, 2013.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Motion by Falkenburg, seconded by Russell, to approve the plat of Tract Erskine as follows. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION #2013-26

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of Tract Erskine, located in the NE ¼ NW ¼ and Govt. Lot 1 of Section 19, and the SE ¼ SW ¼ of Section 18, all in 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 19th day of September, 2013.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Randy Seiler, Highway Superintendent, presented Right-of-way occupancy agreements for approval. Motion by Falkenburg, seconded by Allen, to approve the following applications from Golden West Telecommunications to occupy the highway right-of-way from: RST (D/20) on the west side of Argyle Road across to 12694 Argyle Road; 12868 Argyle Road across to 12869 Argyle Road; HH (D/14) on the south side of Argyle Road across to 12844 Argyle Road; and HH (D/15) on the south side of Argyle Road across to 12826 Argyle Road. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell, to approve a transfer of \$1,756.16 from the Commissioner's Department for special projects to the Highway Department for backfill work done for the City of Edgemont. With no further discussion and all voting yes, the motion carried.

Motion by Allen, seconded by Falkenburg, to approve the following approach permit applications: from Harvey Fitzgerald for an approach connection to the north side of Lone Tree Road, #416A, at approximately .2 miles west of Junction 6291 to serve a ranch, residence and business, completed by December 31, 2013; and from Kelly Cape for an approach connection to the south side of Erskine Road, #17, approximately .4 miles west of Cottonwood, completed by October 10, 2013. With no further discussion and all voting yes, the motion carried.

Highway updates, an auto gate and a request for mag water were discussed. Seiler

discussed the department 2014 budget, requesting a total of 4% percent increase to his salary. A mower attachment may need to be replaced, which would cost an estimated \$15,000.00.

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

General Fund

AT&T Teleconference	Telephone	\$34.73
Audra Malcomb Consulting	MI	\$954.19
Bauerkempers Inc.	Equip	\$12,175.00
Beesley Law Office	CAAF	\$1,758.80
Best Western Ramkota	Travel	\$100.00
Black Hills Chemical	Supply	\$299.86
Bingham, James	CAAF	\$924.00
Campbell County Sheriff	Subpoena	\$50.00
Cardmember Service	Misc	\$2,155.38
CBM Food Service	Inmate	\$4,879.38
Century Business Leasing	Copier	\$259.72
Culligan Soft Water	Water	\$105.75
Dataspec LLC	Software	\$399.00
DeMersseman Jensen	CAAF	\$2,172.60
Diesel Machinery, Inc	Supply	\$629.06
Emerson Boiler Inc	Training	\$1,490.00
Glasshoff, Kayla	Court Rep	\$27.20
Golden West Technologies	Contract	\$397.50
Golden West	Telephone	\$1,598.20
Hach Company	Supply	\$97.82
Heartland Paper Co	Supply	\$154.31
Hillyard Floor Care Supp	Supply	\$401.96
City Of Hot Springs	Airplane	\$72.00
McMillan, Amanda	Inmate	\$35.00
Mobile311 LLC	Support	\$200.00
O'Neill, Justin	CAAF	\$2,445.55
Orrock, Ken	Conf Dep	\$330.00
Penn Co Jail	Inmate	\$476.00
Penn County Sheriff	Inmate	\$387.00
Powell, Debra J	Inmate	\$35.00
Rapid City Journal	Publishng	\$144.87
SDSU West River Ag Center	Travel	\$172.04
Skinner, Matthew L. PC	CAAF	\$563.56
Software Services Inc	Support	\$4,360.00
State Remittance Center	MI; 24/7	\$60.00
Stevens Plumbing	Supply	\$74.04
Trugreen Chemlawn	Labor	\$37.00

West Payment Center	Supply	\$181.00
Cazer, Michelle	Inmate	\$35.00
	General Fund Total	\$40,672.52

Road & Bridge

B H Electric Coop Inc.	Utility	\$22.47
Cardmember Service	Misc	\$59.99
Golden West	Telephone	\$262.67
Rushmore Communications	Labor; Rent	\$225.00
SD LTAP	Travel	\$70.00
	Road & Bridge Total	\$640.13

Emergency Mgt

Cardmember Service	Misc	\$208.45
Cedar Shore Resort	Travel	\$208.00
Golden West	Telephone	\$113.47
	Emergency Mgmt Total	\$529.92

911 Surcharge Reimb

Bullberry Systems Inc	Maintenance	\$1,950.00
Golden West Technologies	Contract	\$397.50
Golden West	Telephone	\$44.62
Century Link	911	\$628.00
Rushmore Communications	Labor; Rent	\$404.00
	911 Surcharge Reimb Total	\$3,424.12

Due To Schools

First Interstate Bank	Taxes	28,891.94
Hot Springs School	Taxes	88,598.43
Oelrichs School District	Taxes	4,236.53
	Due To Schools Total	\$121,726.90

Due To Townships

First Interstate Bank	Taxes	\$328.44
	Due To Townships Total	\$328.44

Due To Cities & Towns

Bank Of The West	Taxes	\$24,002.93
First Interstate Bank	Taxes	\$6,292.68
Oelrichs, Town Of	Taxes	\$516.86
	Due To Cities & Towns Total	\$30,812.47

Ambulance Districts

Bank Of The West	Taxes	\$1,476.23
First Interstate Bank	Taxes	\$115.32
First Interstate Bank	Taxes	\$499.64
	Ambulance Dist Total	\$2,091.19

Due To Fire Districts

Ardmore Fire District	Taxes	\$181.77
First Interstate Bank	Taxes	\$1,204.90
First Interstate Bank	Taxes	\$147.64
Minnekahta Fire	Taxes	\$257.58
Oelrichs Rural Fire Dist	Taxes	\$127.94
	Due To Fire Districts Total	\$1,919.83

Cascade Mtn Rd District

First Interstate Bank	Taxes	\$118.92
	Cascade Mtn Rd Dist Total	\$118.92

Eagle Valley Rd District

Black Hills Federal	Taxes	\$177.38
	Eagle Valley Rd Dist Total	\$177.38

Waters Edge Road District

Water's Edge Rd District	Taxes	\$81.88
	Waters Edge Rd Dist. Total	\$81.88

Law Library

Matthew Bender & Co Inc	Supply	\$76.89
	Law Library Total	\$76.89

24/7 Participation Fee

State Remittance Center	MI; 24/7	\$71.00
	24/7 Participation Fee Total	\$71.00

M & P Flow Thru

SD Assn Of Co. Officials	M & P	\$286.00
	M & P Flow Thru Total	\$286.00

Grand Total **\$202,957.59**

Deputy States Attorney Pat Ginsbach met with the Board via teleconference to further discuss Black Hills Power's application for use of the discretionary formula. Motion by Falkenburg, seconded by Allen, to rescind their earlier motion to approve the application made by Black Hills Power for use of the discretionary formula. With no further discussion and all

voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, to place the current discretionary formula resolution on the next agenda to consider amendments. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Allen, to take no further action on the discretionary formula for Black Hills Power until verification of when the new substation was built. With no further discussion and all voting yes, the motion carried.

A break was taken at 10:29 AM. The meeting resumed at 10:50 AM with consideration of 2014 PILT distribution and the possibility of reducing the apportionment to schools from thirty percent to twenty percent, increasing what the county retains by approximately \$63,000.00, based on what was received in 2013. Falkenburg noted that the original intent of PILT funding was to reimburse taxing entities but he has concerns about reducing the amount of funds distributed to the Edgemont School District. Discussion was held on other school districts and the outlook for future PILT funds. Motion by Russell, seconded by Allen, to reduce the amount of 2014 PILT funds distributed to schools from thirty percent to twenty percent of the total PILT funds received. With no further discussion, Falkenburg voting no and all others voting yes on a roll call vote, the motion carried.

A discussion on the distribution of funds to fire districts was deferred until after budget discussions.

Ortner initiated a discussion on Powertech's application for a large scale mining permit, recapping the history of the Board's actions regarding the matter and presenting a resolution for consideration. Motion by Russell, seconded by Cassens, to approve the resolution as follows. Allen noted that he is firm in his opposition to the project. Ortner noted that Dr. Perry Rahn has stated that he is not in favor of the permit but sees no affect to Hot Springs or Rapid City water supplies. Ortner asked the Board to confirm their position before testimony at hearings in Rapid City on September 23, 2013. With no further discussion on the motion, Allen voting no, all others voting yes on a roll call vote, the motion carried and the resolution approved.

FALL RIVER COUNTY RESOLUTION #2013-24

WHEREAS, Fall River County Commissioners have reviewed the issue of in situ uranium mining for over five years; and

WHEREAS, Powertech (USA) Inc. proposes to extract uranium at the Dewey-Burdock Project site in Fall River and Custer Counties in South Dakota using the in situ recovery mining method; and

WHEREAS, Fall River County has intervned as an interested party regarding the application of Powertech, Inc. and Fall River County's interest is to assure that any permit for a large scale mine will provide certain conditions to protect the environment in Fall River County where any such mining operation is permitted, and

WHEREAS, this Commission finds that there is so much conflicting information that the decisions on these matters must be left to those charged by state and federal law with making those decisions.

NOW THEREFORE BE IT RESOLVED, that any large-scale mining permit issued by the State of South Dakota should be subject to conditions as follows:

1. That the South Dakota Department of Environment and Natural Resources (DENR) have an on-site inspector to insure that the operation follows approved procedures and the water and environment in southwestern South Dakota are protected; and
2. That there be reasonable and significant bonds posted by the licensee to cover both the operating performance and restoration of the site; and
3. That the DENR endorse and adopt the existing written agreement between Fall River County and Powertech regarding road maintenance and well head pressure for wells in the mining area and provide replacement water in equal quantities and quality in the case of loss due to mining operations; and
4. That there be no deep well injection of waste water into the Deadwood Formation, which lies just below the Madison Formation; and
5. That the appropriate agencies find that whatever method or methods are approved for wastewater disposal will not result in damage to the environment or water sources.

DATED at Fall River County, South Dakota this 19th day of September, 2013.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

The Jail Committee reported that they are waiting for cost estimates on transporting some of the inmates to the Pennington County Jail. Costs, legal obligations and overcrowding issues were discussed. The Pennington County Jail, which would serve as the facility to receive transported prisoners, currently is sending their overflow to Meade County. Sheriff Rich Mraz stated he will need additional transporters and a van for transporting, estimating it will cost \$380,000.00 to transport per year. Mraz added he is seeing an increase in the number of prisoners. Carol Foster, Clerk of Courts, discussed issues with space, concerns about the ability of local attorneys to meet with clients if they are housed in Rapid City and the associated travel costs the county will incur. Ortner estimates a jail would cost four to five million dollars, with architect fees running ten percent of the project cost. Allen stated that they need a project cost before they present any proposal to the public or try to educate them on the issue.

Motion by Russell, seconded by Falkenburg, 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 11:48 AM.

The Board came out of Executive Session at 11:56 AM and recessed for lunch.

The meeting resumed at 1:30 PM with a review of the 2014 budget. Cindy Turner, Southern Hills Economic Development, met with the Board to discuss county funding of the agency. Motion by Allen, seconded by Ortner, to approve \$5,000.00 in funding for Southern Hills Economic Development, as was funded for 2013. With no further discussion, Russell voting no and all others voting yes on a roll call vote, the motion carried.

The Board returned to discussing the number of inmates to be transported. Motion by Falkenburg, seconded by Russell, to limit the number of prisoners housed in the Fall River County Jail to eighteen maximum and transport any excess to the Pennington County Jail. With no further discussion, Allen and Cassens voting no, all others voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to set 9:00 AM on September 25, 2013 as the time for a special meeting for the final 2014 budget approval. With no further discussion and all voting yes, the motion carried.

Motion by Cassens, seconded by Allen, to adjourn. With no further discussion and all voting yes, the motion carried and the meeting adjourned at 3:42 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