

FALL RIVER COUNTY MINUTES OF DECEMBER 21, 2010.

The Fall River Board of County Commissioners met in regular session on December 21, 2010. Present Michael Ortner, Glen Reaser, Joe Allen, Anne Cassens, Joe Falkenburg, and Sue Ganje, Auditor. Absent none.

Meeting called to order at 9:00 a.m. and Pledge of Allegiance was given.

Agenda was reviewed for conflicts and none were found.

Motion by Reaser, seconded by Falkenburg to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

An application for funeral assistance was presented for approval. Motion by Cassens, seconded by Falkenburg to deny the assistance as civil action is available to creditors. With no further discussion and all voting yes, the motion carried.

An applicant for rent assistance met with the Board. Motion by Falkenburg, seconded by Allen to approve CP10-#72, assistance for November rent in the amount of \$325.00, with repayment schedule. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Reaser to approve the Auditor's Account with the County Treasurer. 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 November, 2010.

Total Amt of Deposit in Wells Fargo Bank:	\$ <u>3,889.11</u>
Total Amt of Deposit in First Interstate Bank, Hot Springs:	\$ <u>755,725.32</u>
Total Amount of Cash:	\$ <u>1,503.49</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>80,589.87</u>
Provo Township Water Checking, First Interstate Bank:	\$ <u>300.00</u>
MONEY MARKET SAVINGS: First Interstate Bank:	\$ <u>448,933.08</u>
CERTIFICATES OF DEPOSIT: First Interstate Bank:	\$ <u>3,620,000.00</u>
Wells Fargo Bank:	\$ <u>450,000.00</u>

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Itemized list of all items, checks and drafts which 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:

Caldwell, Gwendolyn, \$25.60, LIC

Goddard, Isaac, \$213.95, LIC

Petersen, Lynda: \$1,433.00, TAXES

April Stone: \$56.00

Henry, Raymond, \$290.64, TAXES

Smith, Crystal, \$31.40, LIC

Young, Flora, \$32.40, LIC

TOTAL \$5,364,426.46

Dated this 30th Day of November, 2010.

/S/Sue Ganje

Sue Ganje, County Auditor of 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 Falkenburg, seconded by Cassens to approve the minutes of December 7, 2010. With no further discussion and all voting yes, the motion carried.

A corrective Grant of Easement for Cold Brook Project, Tract 20E was presented for approval. Motion by Falkenburg, seconded by Cassens to approve the corrective Grant of Easement. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Reaser to set the year-end meeting for December 28, 2010 at 9:00 a.m. With no further discussion and all voting yes, the motion carried.

Discussion was held on a change in Deputy Sheriff's wages. Motion by Falkenburg, seconded by Allen to request a meeting with the Union to discuss the Deputy Sheriff wages. With no further discussion and all voting yes, the motion carried.

Motion by Reaser, seconded by Cassens to approve the 4160-hour raise for Jan Sadowsky to \$10.50 per hour, effective 10/21/10. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Reaser to approve an amendment to Agreement #1, Project EM 0018(152)53, PCN 00Q8. With no further discussion and all voting yes, the motion carried.

Commissioner Ortner spoke of a proposed new industry in Fall River County and the 1996 Resolution which authorizes a 5-year discretionary formula tax incentive for new

commercial structures or additions with a value more than \$30,000.00. A new industry reportedly may be created which may build approximately 100 homes. Codified law allows the commissioners the flexibility to create tax incentives. Allen indicated he would like to have Chamber of Commerce Director George Kotti, a representative from the Edgemont Chamber of Commerce and other City leaders meet with the Board at the January meeting.

Building Supervisor Carl Neisner met with the Board and presented propane bids.

9,600 Gal. Propane

D & J Petroleum: Bid---\$1.52 per gallon

McGas Propane: Bid---\$1.569 per gallon

Motion by Falkenburg, seconded by Allen to accept the bid from D & J Petroleum for 9,600 gallons of propane at \$1.525 per gallon as the low bid. With no further discussion and all voting yes, the motion carried.

Neisner reported that a preliminary quote of \$1,950.00 was submitted for installation of an electrical panel on the ground floor of the courthouse. Neisner will be contacting other contractors for quotes and will return to the Board with results.

Neisner also presented an estimate on carpet and chair cleaning. Motion by Reaser, seconded by Cassens to accept the quote from Southern Hills Carpet for cleaning in the amount of \$1,447.20. With no further discussion and all voting yes, the motion carried.

An estimate for rock removal on the bluff behind the courthouse was also presented by Neisner. Motion by Reaser, seconded by Cassens to approve the proposal from Century Blasting Service in the amount of \$2,629.12. With no further discussion and all voting yes, the motion carried.

Terri Halls, Director of Equalization, presented an update on the value for cropland, which will go up 10%, and grassland, which will increase less than 1%, for the 2011 taxes which are paid in 2012. Halls explained how the irrigated land values were calculated by the Department of Revenue. Discussion was held on cropland versus non-croplands. Halls will visit any properties, if requested.

Al Schaefer from the South Dakota Department of Legislative Audit met with the Board for an exit conference after his audit of 2008 and 2009.

Susan Henderson questioned the Board about current lawsuits and legal liabilities which may be in excess of what the insurance company will pay and how any such awards would be paid.

Highway Department propane quotes for 8000 gallons were presented for approval:

Propane

Hi-D-Way \$1.65 Per Gallon

McGas Propane	\$1.69 Per Gallon
NELSON'S	\$1.72 Per Gallon
D & J Petroleum	\$1.75 Per Gallon

Motion by Falkenburg, seconded by Allen to approve the PJ's Hi-D-Way bid at \$1.65 per gallon as the low bid. With no further discussion and all voting yes, the motion carried.

A Resolution was presented to set the 2011 annual load restrictions. Motion by Falkenburg, seconded by Cassens to accept and approve the following Resolution. With no further discussion and all voting yes, the motion carried.

FALL RIVER COUNTY RESOLUTION 2010-38

WHEREAS, the Fall River County Board of Commissioners did adopt the following **2011 ANNUAL LOAD RESTRICTIONS**:

Fall River County will impose load and speed limits as follows in coordination with the State Highway's Annual Load Restrictions:

All oil roads will be posted at 7 Ton and 40 mph with the exception of County Road #5S (West Ardmore Road), west of Ardmore to County Road #6412 (Edgemont Road) and County Road #6412 (Edgemont Road) from the Nebraska State Line North to South Dakota Highway #471 which will be posted at 50 mph (speed only, no axle weight).

NOW THEREFORE, BE IT RESOLVED, this resolution was approved and passed on this 21st day of December, 2010.

/S/ Michael P. Ortner
Michael P. Ortner, Chairman
Board of Fall River County Commissioners

ATTEST:
/S/ Sue Ganje
Sue Ganje, Fall River County Auditor

An expense billing to remove and re-install a cattle guard on County Road 5B was discussed, which was done at the request of Leonard Wood. Motion by Cassens, seconded by Reaser to accept payment of \$750.00 for installation of the auto-gate. With no further discussion, Falkenburg abstaining and all others voting yes, the motion carried.

Sheriff-elect Rich Mraz met with the Board to discuss the appointment of a County Coroner as of January 1, 2011. Letters of interest will be accepted and will be acted upon at the January 4, 2011 meeting.

A break was taken at 10:20 a.m.

The meeting reconvened and public comment was taken at 10:28 a.m. Ray Palmer met with the Board to inform them of a vacancy in the low-income sector of the Western SD

Community Action Board, and concerns were voiced about the speed limit north of Maverick Junction on Highway 79 and the increased number of homes along the road. The Board was asked if they would consider contacting the State about reducing the speed limit.

Sheriff-elect Mraz introduced the Board to William (Scott) Davis, a current Deputy Sheriff whom most Board members had not met.

Motion by Falkenburg, seconded by Reaser to approve the bills, with the exception of the bill for Rushmore Office Supply, as submitted. With no further discussion and all voting yes, the motion carried.

GENERAL FUND

A&B BUSINESS EQUIPMENT	COPIER	\$	194.81
BLACK HILLS CHEMICAL	SUPPLY	\$	385.10
BINGHAM, JAMES	CAAF	\$	2,466.30
BOGNER, JOHN	TRAVEL	\$	121.36
CARDMEMBER SERVICE	MISC	\$	1,876.03
CAROL BUTZMAN CONSULTING	MI	\$	904.09
CBM FOOD SERVICE	INMATE	\$	3,479.47
CENTURY BUSINESS LEASING	COPIER	\$	521.44
COLBATH, ANGELA M	CAAF	\$	1,763.26
CREEKSIDE AUTO BODY	CAR MAINT	\$	436.65
CUNNINGHAM, JEAN	INMATE	\$	35.00
DAKOTA BUSINESS CENTER	REPAIR	\$	51.50
DAKOTA LEASING COMPANY	COPIER	\$	380.00
DATASPEC LLC	SUPPLY	\$	248.00
DEMERSSEMAN JENSEN	CAAF	\$	585.57
DEPT OF LEGISLATIVE AUDIT	AUDIT	\$	15,950.00
DIAMOND PHARMACY	INMATE	\$	203.50
EDGEMONT HERALD TRIBUNE	PUBLISH;SUB	\$	694.35
ELECTION SYSTEMS & SOFT	SUPPLY	\$	175.50
ENVIRONMENTAL PRODUCTS	SUPPLY	\$	88.80
FALL RIVER PAWN	SNOW REMOVAL	\$	120.00
GLASS PRO +	CAR MAINT	\$	218.59
GOLDEN WEST	TELEPHONE	\$	1,575.77
GREENOUGH, HEATH	TRAVEL	\$	53.28
GRIMM'S PUMP SERVICE INC	REPAIR	\$	156.49
HAMMEL, TERRY	TRAVEL	\$	26.64
HILLYARD FLOOR CARE SUPP	SUPPLY	\$	241.84
HOT SPRINGS ACE HARDWARE	SUPPLY;REPAIR	\$	442.19
HOT SPRINGS AMBULANCE	TRAINING	\$	50.00
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$	145.39
CITY OF HOT SPRINGS	UTILITY	\$	24.00

MASSA DONALD DDS	INMATE	\$	23.00
MICROFILM IMAGING SYSTEMS	LEASE	\$	195.00
MORAN, LYNN A.	CAAF	\$	1,575.50
NETTINGA, JOAN	INS DED	\$	500.00
NEVE'S UNIFORM INC	UNIFORM	\$	46.95
O'DAY, VALARIE	CRT REP	\$	119.20
O'NEILL, JUSTIN	CAAF	\$	512.42
ORTNER, MICHAEL P.	TRAVEL	\$	442.73
PARK-HAGEMAN, SALLY	TRAVEL;SUPPLY	\$	220.92
PENNINGTON COUNTY AUDITOR	MI	\$	136.00
PENN CO JAIL	INMATE	\$	3,654.00
PHEASANTLAND INDUSTRIES	SUPPLY	\$	240.01
PROCHEM	UTILITY	\$	1,125.00
QUILL CORPORATION	SUPPLY	\$	1,731.71
RADIOSHACK	SUPPLY	\$	16.99
RADIOLOGY ASSOCIATES	INMATE	\$	32.06
RAPID CITY JOURNAL (THE)	PUBLISHING	\$	388.06
RAPID CITY REGIONAL	MI	\$	9,201.14
RCC WESTERN STORES INC	UNIFORM	\$	166.74
REGIONAL BEHAVIORAL HEALT	MI	\$	814.90
SD ASSN OF COUNTY COMM.	DUES	\$	1,543.42
SD STATE ATTORNEY ASSOC	DUES	\$	724.00
SERVALL	SUPPLY	\$	86.72
SKINNER, MATTHEW L. PC	CAAF	\$	1,008.27
SOFTWARE SERVICES INC	SUPPORT	\$	1,080.00
STATE REMITTANCE CENTER	MI	\$	651.90
STEPHENS MATTHEW T	CAAF	\$	330.00
TEMPERATURE TECHNOLOGY	REPAIR	\$	443.12
THOMSEN, LOYD	TRAVEL	\$	106.56
TRI STATE LIVESTOCK	SUPPLY	\$	49.00
TRI TECH SALES	REPAIR	\$	170.98
TWILIGHT FIRST AID &	SUPPLY	\$	95.05
VERIZON WIRELESS	CELL PHONE	\$	494.97
WATCHGUARD VIDEO	EQUIP	\$	10,190.00
WESTERN SD JUV SERV CTR	JUVENILE	\$	8,000.00
WILLIS, MIKE	UNIFORM	\$	116.55
WINTER, PAUL R	CAAF	\$	183.40
SIDES, JOHN	TRAVEL	\$	88.80
WYATT, JERRY	TRAVEL	\$	74.00
CURRAN, BILL	PROF SER	\$	81.40
	GENERAL FUND TOTAL	\$	80,275.39

ROAD & BRIDGE

ADVANCED DRUG TESTING	PROF SER	\$	78.00
B H ELECTRIC COOP INC.	UTILITY	\$	18.07
BLACK HILLS MOBILE EXTING	REPAIR	\$	43.50
BUTLER MACHINERY CO.	SUPPLY;REPAIR	\$	1,911.51
CROWLEY, GARY	CLOTHING	\$	100.00
EDDIES TRUCK SALES	REPAIR	\$	423.45
FALL RIVER AUTO SUPPLY	SUPPLY;REPAIR	\$	100.05
GREATER FALL RIVER HEALTH	PROF SERV	\$	87.00
FALL RIVER CTY TREASURER	SUPPLY	\$	22.50
GOLDEN WEST	TELEPHONE	\$	242.11
HOT SPRINGS ACE HARDWARE	SUPPLY;REPAIR	\$	6.99
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$	573.42
MONTGOMERY, MIKE	INS DED	\$	500.00
NORTONS SINCLAIR	REPAIR	\$	584.99
SAFETY KLEEN	REPAIR	\$	106.00
SD DEPT OF TRANSPORTATION	PROF SERV	\$	997.05
SDACHS	DUES	\$	195.00
TWILIGHT FIRST AID &	SUPPLY	\$	67.05
VERIZON WIRELESS	CELL PHONE	\$	31.72
	ROAD & BRIDGE TOTAL	\$	6,088.41

911 SURCHARGE REIMBUR.

BULLBERRY SYSTEMS INC	911	\$	3,000.00
GOLDEN WEST	TELEPHONE	\$	36.85
QWEST	TELEPHONE	\$	5,119.71
	911 REIMBUR. TOTAL	\$	8,156.56

EMERGENCY MGT

CARDMEMBER SERVICE	MISC	\$	47.69
GOLDEN WEST	TELEPHONE	\$	114.72
LAMPHERE, MARC	TRAINING	\$	1,000.00
QUILL CORPORATION	SUPPLY	\$	53.28
VERIZON WIRELESS	CELL PHONE	\$	120.28
WALZ, RYAN	TRAINING	\$	1,000.00
	EMERGENCY MGMT TOTAL	\$	2,335.97

L.E.P.C. GRANT

BURT, CURTIS	LEPC	\$	100.00
CITY OF HOT SPRINGS	RENT	\$	150.00
PUDWILL, NORMAN	LEPC	\$	60.00
	L.E.P.C. GRANT	\$	310.00

CHEYENNE WEED GRANT

MID DAKOTA VEGETATION MGT	WEED CONT	\$	25,129.40
	CHY WEED GRANT TOTAL	\$	25,129.40
	GRAND TOTAL	\$	122,295.73

Motion by Falkenburg, seconded by Reaser to enter into Executive Session for legal contracts and personnel, the time being 10:37 a.m. With no further discussion and all voting yes, the motion carried.

The Board came out of Executive Session at 10:47 a.m.

Extension Educator Sally Park Hageman presented for approval a request to purchase two desks. Motion by Reaser, seconded by Falkenburg to approve the purchase from Dakota Business in the amount of \$3,369.80. With no further discussion and all voting yes, the motion carried.

Park Hageman also presented information on Beef Days.

A hearing was held on Contingency Transfers and Supplements. Motion by Reaser, seconded by Cassens to approve Contingency Transfers as follows. With no further discussion and all voting yes, the motion carried.

Joan Nettinga , Insurance Deductible Reimbursement	\$500.00
Transfer to Fire	\$1,600.00
Transfer to Dispatch	\$40,345.00
Transfer to Welfare	\$50.00
Transfer to Mental Illness Board	\$800.00

Motion by Cassens, seconded by Falkenburg to approve Supplements as follows. With no further discussion and all voting yes, the motion carried.

Sheriff's Office, Insurance Reimbursement	\$106.70
Highway Insurance Reimbursement	\$578.00
EM Travel (Grant reimbursement)	\$2,943.74
Salt Cedar Grant	\$14,295.20
POD Grant	\$2,265.00
Payment to Local Agencies (PILT)	\$187,962.00
Title III	\$5,67.62
911 Grant	\$43,939.83

Motion by Cassens, seconded by Falkenburg to approve Cash Transfers from the General Fund to Fire in the amount of \$1,600.00. With no further discussion and all voting yes, the motion carried.

Janelle Finck, Fisk Land Surveying, and David Drach, Canadian Pacific Railroad Division of Real Estate, presented plats for approval. The Board questioned Drach on the railroad's plans for County roads, including whether certain areas will have under- or over-passes, as prior years' plans indicated. Drach will contact his engineers to determine what plans can be released. The Board is requesting current information, which Drach will pass on. A discussion was held regarding the railroad's use of Eminent Domain to obtain property and assurances were made that the process could not be used to acquire road crossing from another public entity, such as the County.

A plat was presented for approval. As Highway Superintendent Randy Seiler is out of town and unavailable to give Highway approval, Finck will contact him on Monday, December 27th to meet with him and return on the December 28th agenda.

Keith Andersen of Andersen Engineering also met with the Board to present a plat for approval and will reschedule for the December 28th agenda as well.

Edgemont Mayor Jim Turner met with the Board to request an extension of the current law enforcement contract with the city of Edgemont. Turner asked that the Board extend the contract on a month-by-month basis until a new contract can be negotiated. Sheriff-elect Mraz voiced that he has no objection to the extension. Concern was expressed that the Sheriff's Office will be short-staffed by two deputies at the beginning of the year and without the assurance of the contract, the funds are not in place to proceed with hiring. The Board asked Turner if the Edgemont Police Committee was authorized to negotiate a contract with the County; Turner indicated they are not.

Motion by Cassens, seconded by Falkenburg to deny the request to extend the law enforcement contract between the City of Edgemont and Fall River County due to the lack of personnel to provide the service. Further discussion clarified that the Sheriff's Office would still respond to calls, but would be unable to patrol. Turner indicated he couldn't say for certain when the City of Edgemont would have an approved proposal to present to the Board. With no further discussion and Ortner, Cassens and Allen voting yes, Falkenburg and Reaser voting no, the motion carried.

Frank Maynard, Emergency Management, met with the Board to give an update on training he will be attending on electrical safety in Rapid City on January 31, 2011 and pipe line safety in Hot Springs on February 2, 2011. Maynard also reported the Point of Distribution (POD) key positions have been filled and 10 people have committed to Search and Rescue.

Barb Bryan, Carl Shaw and Clyde Gullickson, members of the Edgemont City Police Committee, met with the Board to present a proposed law enforcement agreement outlining the scope of services provided between Fall River County and the City of Edgemont for 2011. Cassens asked if City Attorney Boos has seen the proposal and the committee members indicated she had not. The proposal asks for 40 hours of patrol services as opposed to the 20 hours currently provided. The Board indicated interest in continuing an agreement with Edgemont but would consider such when a contract was presented for consideration by a designated representative of the City Council. Bryan asked if they could discuss the matter with Sheriff-elect Mraz, which was encouraged.

Motion by Reaser, seconded by Allen to enter into Executive Session for personnel matters. With no further discussion and all voting yes, the motion carried and the Board went into Executive Session at 12:14 p.m.

The Board came out of Executive Session at 12:33 p.m.

Motion by Falkenburg, seconded by Reaser to adjourn, the time being 12:33 p.m. With no further discussion and all voting yes, the motion carried.

Michael P. Ortner, Chairman
Board of Fall River County Commissioners

ATTEST:

Sue Ganje, Fall River County Auditor