

## **FALL RIVER COUNTY MINUTES OF JULY 17, 2018**

The Fall River Board of County Commissioners met in regular session on July 17, 2018 in the courtroom on the second floor of the Courthouse. Present: Ann Abbott, Joe Falkenburg, Paul Nabholz, Deb Russell and Sue Ganje, Auditor. Joe Allen was absent.

The Pledge of Allegiance was stated, and the meeting called to order at 9:00 a.m.

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Nabholz, seconded by Abbott, to approve the agenda as written.

Motion made by Nabholz, seconded by Russell, to table the county poor until later in the meeting.

Motion made by Nabholz, seconded by Russell, to approve the minutes of July 3, 2018.

Russell, Nabholz and possibly Abbott will attend the 2018 county convention.

Motion made by Nabholz, seconded by Russell, to approve setting a hearing for the distribution of the 2019 PILT monies, hearing to be on August 7, 2018 at 10:30 a.m.

Motion made by Russell, seconded by Nabholz, to approve the pay raises as follows: Kyle Maciejewski (Deputy) on July 3, 2018 from \$17.50 to \$18.56 (4160 hours), Teresa Pullen (Treasurer) on July 10, 2018 from \$11.00 to \$12.00 (2080 hours), Trina Simunek (Dispatch) on July 10, 2018 from \$12.50 to \$13.50 (2080 hours), Kathy Timmins (Treasurer) on July 21, 2018 from \$12.00 to \$12.50 (six month review) as per union contract.

Frank Maynard, Emergency Management, met with the board. Motion made by Russell, seconded by Abbott, to approve the quote for the command trailer tires that will be mounted, total amount of \$390.00.

Maynard updated the board that the SD WFS would provide a SEAT at the Hot Springs Airport when conditions warrant it. Maynard attended a state sponsored training on Communications and THIRA (Threat and Hazard Identification and Risk Assessment) in Rapid City on July 16, 2018 and updated the board on fires and incidents.

Allen Schaefer, SD Department of Legislative Audit, met with the board for his Entrance Conference for the current audit. Discussion was held on audit procedures, current hourly rate of approximately \$69.00/hour, any fraud that commissioners are aware of, and any items or areas that the board would like Schaefer to look into. Motion made by Nabholz, seconded by Abbott, to authorize the chairman to sign the engagement letter for the SD Department of Legislative Audit to perform the 2016 – 2017 audit.

Joe Allen entered the meeting at 9:12 a.m.

Nina Steinmetz, Weed Supervisor, met with the board. Motion made by Russell, seconded by Abbott, to approve hiring Ken Oechsle, part time weed sprayer at \$10.00 per hour.

Steinmetz also presented her 2019 budget.

Bob Evans, Sheriff, met with the board. Motion made by Russell, seconded by Nabholz, to approve the Annual Software-Use licenses with CMI for the period of 7/1/2018 thru 6/30/2021 in the amount of \$17,720.

Deann Arneson and Terry Hammel met with the board. Motion made by Russell, seconded by Allen, to authorize transferring the title of the John Robertson Memorial property, parcel 11000-00705-20341, to the Minnekahta Valley Cemetery INC, a SD Non-Profit organization, as per SDCL 6-5-2, and to further authorize Brian Ahrendt, Deputy State's Attorney, to prepare a quit claim deed for the transaction.

Paul Nabholz, Commissioner, met with the board for various items. He gave the board corrected figures for purchasing treasuries through Edward Jones, increasing that cost to \$2,163.00 rather than \$1,726.00. Nabholz also proposed a tax lien policy, with discussion on the use of a standardized timeline for delinquent tax agreements, taking of tax deeds and the possible use of a realtor for the sale of tax deeds. Deputy State's Attorney Ahrendt was asked to advise on selling tax deeds for less than the appraised value.

Nabholz presented information on a proposed resolution to present for legislative action in 2019. Motion made by Nabholz, seconded by Russell, to approve the following resolution to give the county authority over a city's extra territory jurisdiction, and to present this resolution at the BH Association of County Commissioners and Officials meeting on July 23, 2018:

#### **Resolution #2018-14**

#### **Supporting County Commissions as the ultimate authority under joint jurisdiction on properties extra-territorial to cities.**

**WHEREAS,** Cities have a degree of authority in a three mile zone around city limits and one and one quarter miles around city owned and annexed airports, and notably under SDCL 11-6-26.1 city government can overrule county government objections, and

**WHEREAS,** Those property owners living outside of the city limits are legally unable to vote for representatives on the city council and hence have no representation of their interests and cities can dictate the allowable uses of those property owners' lands; and

**NOW, THEREFORE BE IT RESOLVED,** that the Fall River County Board of Commissioners support and request the South Dakota Legislature review this matter and make the law clear regarding the ultimate authority of land extra-territorial to cities and under joint

jurisdiction of cities and counties, and that no city planning and zoning authority supersedes that of the county commission.

/s/Joe Falkenburg

Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje, Fall River County Auditor

Nabholz spoke of new calculations on the Chilson Bridge to create an at-grade crossing on the northwest side of the bridge area, noting conversations with Kelvin Barker and Shannon Percy with Game, Fish and Parks about possibilities. Nabholz would like to go with other options besides the bridge, the rest of the board would like to continue forward with the bridge option.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Allen, seconded by Russell, to approve the two Agreements for Volunteer ROW Donations from Don Spencer, Project No. BRF 6463(00).

Motion made by Russell, seconded by Abbott, to approve the ROW certificate for project BRF 6463 (00).

Motion made by Russell, seconded by Abbott, to approve the application for the 404 permit for the Pass Creek Rehabilitation Project, with Brosz Engineering as the Authorized Agent, and authorize the Highway Superintendent to sign.

Seiler updated the board that they had been pulling up shoulders on the Stateline Road and then they would pick up mowing again.

Motion made by Nabholz, seconded by Russell, to approve the Golden West Telecommunication's application for permit to occupy county highway right-of-way located from the bore across County Highway 79 near the intersection of Sand Road to provide telecommunication service to Stoyan Lucey.

Seiler stated that the Scenic Road Bridge was done. Rich Zacher, SD DOT Area Engineer supplied the grinder at no cost to the county. Zacher stated that Brosz stated that the top 25% is bad and doesn't recommend epoxy seal without fixing delaminated concrete. Discussion was held on just sealing it and the benefits of that would be minimal. Concerns were expressed about maintenance to the bridge by Jim Nesti. Motion made by Nabholz, seconded by Russell, to put sealant on the Scenic Road Bridge, with the work to be done by the Highway Department, with an estimated cost of \$1,000.00.

Motion made by Russell, seconded by Abbott, to approve bills as follows:

**GENERAL FUND**

ADAMS COUNTY SHERIFF	TAX DEED SERVED	\$56.00
AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$182.60
A-Z SHREDDING INC	SHREDDING	\$61.80

BEESLEY LAW OFFICE	CAAF	\$3,063.10
BLACK HILLS CHEMICAL	SUPPLY	\$363.49
BOX BUTTE COUNTY SHERIFF	TAX DEED SERVED	\$45.73
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$1,255.65
CAROL BUTZMAN CONSULTING	MI	\$75.00
COLBATH, ANGELA M	CAAF	\$2,260.60
DAVIS, JEREMIAH	CAAF	\$231.40
DEAN SCHAEFER COURT REP	COURT REPORTER	\$60.00
DEMERSSEMAN JENSEN	FAVORS, GEORGE ROBER	\$2,947.40
DOUGLAS COUNTY SHERIFF	TAX DEED SERVED	\$50.00
EAGLE ENTERPRISES LLC	SUPPLY	\$289.50
EN-TECH LLC	FUMIGATION	\$160.00
FALL RIVER CLINIC	INMATE MEDICAL	\$670.60
FARRELL,FARRELL &GINSBACH	CAAF	\$2,251.71
FALL RIVER COUNTY FAIR	FAIR BOOTH RENTAL	\$50.00
FALL RIVER COUNTY HERALD	PUBLICATION	\$41.16
GEIB, ELSTON, FROST PA	AUTOPSY	\$1,679.00
GOFF, GARLAND LEE	CAAF	\$3,386.29
GRIMM'S PUMP SERVICE INC	PARTS/REPAIR	\$815.03
HILLYARD/SIOUX FALLS	SUPPLY	\$222.88
HOT SPRINGS ACE HARDWARE	SUPPLY	\$599.14
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$250.65
HSR FUELING LLC	AIRPLANE FUEL	\$172.94
HUGHES COUNTY SHERIFF	TAX DEED SERVED	\$55.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$151.60
MACNALLY LAW OFFICE	CONFLICT DEPUTY	\$886.40
MARTIN, STACEY	TRAVEL REIMBURSEMENT	\$456.45
MEDICAL WASTE TRANSPORT	UTILITY	\$152.96
MONMOUTH COUNTY SHERIFF	TAX DEED SERVED	\$32.76
NACVSO	2018 NATIONAL VSO ME	\$40.00
NORTONS SINCLAIR	REPAIR/MAINTENANCE	\$195.52
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNINGTON	\$342.35
PENNINGTON COUNTY SHERIFF	TAX DEED SERVED	\$52.98
QUILL CORPORATIONS	SUPPLIES	\$344.72
RAPID CITY JOURNAL (THE)	PUBLICATION	\$533.30
SD DEPARTMENT OF REVENUE	BLOOD DRAWS	\$345.00
SERVALL	RUGS/MATS/UNIFORMS	\$387.83
SKINNER, MATTHEW L. PC	CAAF	\$1,585.80
STEPHENS LAW OFFICE	CAAF	\$3,083.24
STEVENS AUTOMOTIVE	SERVICE	\$101.12
STEVENS, MIKAYLA	BLOOD DRAWS	\$525.00
TRUGREEN COMMERCIAL	LAWN SERVICE	\$58.59
TWILIGHT INC	FIRST AID SUPPLY	\$52.61

HENDERSON, SUSAN	REFUND/OVERPAYMENT	\$63.80
WITNESS	WITNESS FEE	\$203.44
	TOTAL FOR GENERAL FUND	\$30,892.14
<b>911 SURCHARGE REIMBURSEMENT</b>		
CENTURY LINK	DISPATCH TRANSFER LICENSE/911 DISPATCH INCOMING	\$596.96
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$596.96
<b>EMERGENCY MANAGEMENT</b>		
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$13.93
CHRISTENSEN ELECTRIC, LLC	SERVICE	\$11,214.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$37.79
PUDWILL, NORMAN	LEPC	\$60.00
RUSHMORE COMMUNICATIONS	EMERGENCY RADIO REPAIR	\$294.00
	TOTAL FOR EMERGENCY MANAGEMENT	\$11,619.72
<b>L.E.P.C. GRANT</b>		
BASTIAN, TRACY	PILOT	\$100.00
	TOTAL FOR L.E.P.C. GRANT	\$100.00
	TOTAL PAID BETWEEN 7/4/18 AND 7/17/18	\$43,208.80

Break was taken at 10:23 a.m. Meeting resumed at 10:30 a.m.

Public comment was heard from Dean Tinaglia on the road to his house off Fall River Road, a state highway. Tinaglia wants to initiate a mandate for 66' right of ways on all roads for medical and emergency vehicles. Discussion was held, with the Chairman advising that the auditor check with other counties on the 66' right of way.

Brian Ahrendt, Deputy State's Attorney, met with the board, providing several examples of other existing county nuisance ordinances, and discussion was held on the pros and cons of an ordinance, with audience participation. Ahrendt also discussed how detailed or not an ordinance like this could get. The board decided to not pursue the nuisance ordinance at this time.

The board reviewed budget requests for 2019.

Motion made by Russell, seconded by Nabholz, to enter executive session as per SDCL 1-25-2 (1), (4) and (5) for personnel, legal and review for negotiations at 11:32 a.m. The Board came out of executive session at 12:29 pm.

Motion made by Abbott, seconded by Nabholz, to recess the meeting until 1:30 p.m.

Meeting reconvened at 1:30 p.m. with Joe Allen absent.

Motion made by Russell, seconded by Nabholz to enter into executive session as per SDCL 1-25-2 (4) for union negotiations with the local 620.

Joe Allen entered the meeting at 1:45 p.m.

Meeting reconvened at 1:57 p.m.

Motion made by Abbott, seconded by Russell, to approve the negotiated wage for 2018 at \$.75 per hour for employees out of the box. With Nabholz voting no, all others voting yes, motion carries.

Motion made by Russell, seconded by Abbott, to adjourn at 1:58 p.m.

/s/ Joe Falkenburg  
Joe Falkenburg, Chair  
Board of Fall River County Commissioners

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