

**FALL RIVER COUNTY MINUTES OF FEBRUARY 19, 2019**

The Fall River Board of County Commissioners met in regular session on February 19, 2019. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz, Deb Russell and Sue Ganje, Auditor.

The Pledge of Allegiance was given 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 Russell, seconded by Nabholz, to approve the agenda as written.

Motion made by Nabholz, seconded by Abbott, to approve the minutes of February 5, 2019.

A report of comments made on YouTube following video/audio recordings of commission meetings was on the agenda. No comments were noted after on the last meeting's post. Nabholz asked if we could either dispense with the report and either accept all comments or block all comments. Stacey Martin, GIS Director, asked that the board go a few more months to see if we get additional comments. This was acceptable.

Motion made by Nabholz, seconded by Russell, to approve the auditor's account with the treasurer as follows:

**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 31<sup>st</sup> day of January, 2019.

Total Amt of Deposit in First Interstate Bank:	<u>\$577,654.13</u>
Total Amt of Deposit in First National Bank of Lead:	<u>\$1,000.00</u>
Total Amount of Cash:	<u>\$3,271.27</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>\$44,161.37</u>

SAVINGS:

First Interstate Bank:	<u>\$202,424.13</u>
First National Bank of Lead:	<u>\$1,023,711.92</u>

CERTIFICATES OF DEPOSIT:

First Interstate-Hot Springs:	<u>\$3,553,492.10</u>
Black Hills Federal Credit Union:	<u>\$250,000.00</u>
Bank of the West	<u>\$515,962.23</u>
Schwab Treasury	<u>\$1,300,000.00</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:

Baker, David	\$300.00, Lic 09/10/2018
Bayan, Fritchie	\$957.52, Lic 08/24/2018
Riech, Dana	\$1,877.78, Lic 11/19/2018
Shull, Jerry	\$384.72, Lic 12/26/2018

TOTAL \$7,476,632.17

Dated This 31<sup>st</sup> Day of January, 2019.

/s/Sue Ganje, County Auditor of Fall River County

County Monies: \$6,966,978.84  
Held for other Entities: \$355,342.25  
Held in Trust: \$154,311.08  
TOTAL: \$7,476,632.17

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 AND ROAD DISTRICTS, AND THE STATE.

The board asked Brian Ahrendt to address the returned check problem in the auditor's account.

Frank Maynard, Emergency Management, met with the board to discuss Code Red Notifications through the 911 system, with a quote of \$2,800.00. This could be used for county wide emergencies, notifications of road closures, mosquito fogging in certain areas, etc. Maynard would do further checking on staff time needed to implement this program, plus keep information current. Motion made by Russell, seconded by Abbott, to postpone a decision on the Code Red notification system until the next meeting.

Motion made by Abbott, seconded by Russell, to approve travel for Maynard for the G 318 Local Mitigation Planning Workshop in Pierre on March 27, 2019 and March 28, 2019.

Maynard updated the board that he has applied for the Homeland Security Grant for radios for emergency management and the County Highway Shop. Maynard also provided a certificate of training for understanding and fighting basement fires.

Susie Hayes, Director of Equalization, met with the board to present abatements requests and to present a new protocol for abatement requests that her office will be following.

Motion made by Nabholz, seconded by Abbott, to approve the abatement for Casey Ferley, parcel number 06000-01008-30100, pay '19 taxes, in the amount of \$94.71. Reason: Correction in taxes due to reflect agricultural status.

Motion made by Russell, seconded by Allen, to approve the abatement for Bradley and Michele Merrill, parcel number 59100-00807-06200, pay '19 taxes, in the amount of \$913.65. Reason: Reduction in taxes to reflect partial completion rather than full valuation.

Motion made by Abbott, seconded by Allen, to approve the abatement for Serene Verhulst, parcel number 11000-00705-27470, pay '19 taxes, in the amount of \$496.92. Reason: Reduction in taxes to reflect partial completion rather than full valuation.

Motion made by Nabholz, seconded by Russell, to approve the abatement for Quality Real Estate Inc., parcel number 65092-00000-01120, pay '19 taxes, in the amount of \$918.08. Reason: Building also assessed on a separate parcel.

Motion made by Russell, seconded by Allen, to approve the refund for Peggy L. Semler, parcel number 65030-00000-04300, pay '19 taxes, in the amount of \$362.07. Reason: Incorrect measurements on structure.

Motion made by Nabholz, seconded by Russell, to approve the abatement/refunds for William L. and Richelle R. Tanner, parcel number 33000-01003-17100 as follows: pay '17, refund in the amount of \$440.67; pay '18, refund in the amount of \$436.68 and pay '19, abatement in the amount of \$417.51. Reason: Double assessment on part of the property.

Dates for the County Consolidated Board of Equalization were discussed. This will be officially set at a future meeting. Hayes will let local boards know that if they want to be a part of the consolidated board to contact the auditor.

Lyle Jensen, Building Supervisor, met with the board and gave notification that a glitch in the video recording occurred during the Code Red discussion. Motion made by Nabholz, seconded by Allen, to approve the final billing for video and audio equipment from Haggerty's, including additions to the original quote, in the amount of \$10,961.00.

Stacey Martin, GIS, met with the board. Motion made by Russell, seconded by Abbott, to approve the employee policy manual changes to include new Policy #16 – County Credit Card Use; amendment to Policy #5 Compensation, amending #5.8 Travel Expenses, to note an exception for Sheriff's Office, Same Day Travel; and New section under #6 Benefits to add #6.3.7- Policy for Administrative Leave Due to Pending Investigation.

Joe Falkenburg, Commissioner, presented the board with an article on Wind Farms and discussed issues that other counties and entities have faced, asking the rest of the board to review the article and more discussion will be held at the next meeting, along with a possible policy.

Joe Allen, Commissioner, expressed concerns about the editorial written by Commissioner Nabholz after the presentation by Andrea Powers, Director of SHEDCO at the February 5, 2019 meeting. The presentation was in reference to the Bulldoze, Build and Beautify Community Development Block Grant. Allen interpretation after reading the editorial, as written by Nabholz, as giving the appearance that it represented the full commission’s view. Motion made by Allen to offer an apology to Andrea Powers. Motion dies for lack of a second. Powers is working with the County Treasurer and Director of Equalization and will bring information back to the board as needed.

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

**GENERAL FUND**

AHRENDT, BRIAN T	REIMBURSEMENT	\$161.42
AT&T TELECONFERENCE	TELECONFERENCE SERVICE	\$16.83
AUDRA HILL CONSULTING,INC	MI QMHP EVALUATION	\$160.47
A'VIANDS LLC	INMATE MEALS	\$7,167.90
BEESLEY LAW OFFICE	CAAF	\$830.80
BLACK HILLS CHEMICAL	SUPPLY	\$204.19
BH COUNCIL OF LOCAL GOV	2019 BUDGET ALLOTMENT	\$2,143.00
CARDMEMBER SERVICE	CARMEMBER SERVICES	\$2,910.09
CENTURY BUSINESS LEASING	COPIER LEASE/USAGE/METER	\$716.58
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DENVER COUNTY SHERIFF	TAX DEED SERVED	\$39.95
EN-TECH LLC	FUMIGATION	\$410.00
DEWEY J ERTZ, ED.D	CAAF	\$75.00
FARRELL,FARRELL &GINSBACH	CAAF	\$1,763.17
FALL RIVER COUNTY HERALD	PUBLICATION	\$27.09
GALLS	UNIFORMS/BADGES	\$801.96
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$187.50
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$1,268.40
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$57.63
CITY OF HOT SPRINGS	CITY WATER BILL	\$701.83
HSR FUELING LLC	AIRPLANE FUEL	\$131.61
KATTERHAGEN, MARK	MENTAL ILLNESS	\$15.00
LEWNO, LUCY	MENTAL ILLNESS	\$165.00
LINCOLN COUNTY TREASURER	MI	\$160.50
LOCKWOOD, DARCY	MENTAL ILLNESS	\$15.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$286.09
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MENDOCINO COUNTY SHERIFF	TAX DEED SERVED	\$120.00

MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$202.50
MOFFAT COUNTY SHERIFF	TAX DEED SERVED	\$60.00
O'NEILL, JUSTIN	CAAF	\$2,150.24
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNINGTON	\$6,956.10
PITNEY BOWES	POSTAGE MACHINE LEASE	\$1,110.08
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	\$3,053.50
QUILL CORPORATION	SUPPLIES	\$342.03
QUALIFIED PRESORT SERVICE	PROPERTY TAX MAILING	\$2,904.73
RAPID CITY JOURNAL (THE)	PUBLICATION	\$470.02
RAPID CITY POLICE DEPT	BLOOD DRAW	\$90.00
RAPID CITY REGIONAL	MORGUE FEES	\$461.00
SANICHEM	SUPPLIES	\$75.00
SDACC	COMMISSIONER/WELFARE	\$200.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW	\$280.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$671.63
SD FEDERAL PROPERTY AG	SUPPLY	\$5.00
SDSU WEST RIVER AG CENTER	TRAVEL REIMBURSEMENT	\$184.48
SERVALL	RUGS & MAT SERVICE	\$356.81
SKINNER, MATTHEW L. PC	CAAF	\$3,419.20
SOFTWARE SERVICES INC	SOFTWARE SERVICE	\$2,900.00
NORTON, MIKAYLA	BLOOD DRAW	\$225.00
STRONGHOLD COUNSELING	MI	\$600.00
WARNE CHEMICAL & EQUIP.	PRAIRIE DOG CONTROL	\$476.00
THOMSON REUTERS	LAW BOOKS/SUBSCRIPTION	\$99.78
	TOTAL FOR GENERAL FUND	\$48,460.34

#### **COUNTY ROAD & BRIDGE**

B H ELECTRIC COOP INC.	UTILITY HWY ELECTRIC	\$42.23
CARDMEMBER SERVICE	CARMEMBER SERVICES	\$117.14
CHEYENNE SANITATION	SANITATION COLLECTION	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$80.60
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$251.42
CITY OF HOT SPRINGS	CITY WATER BILL	\$25.25
RAPID CITY JOURNAL (THE)	PUBLICATION	\$26.77
	TOTAL FOR COUNTY ROAD AND BRIDGE	\$617.41

#### **911 SURCHARGE REIMBURSEMENT**

GALLS	UNIFORMS/BADGES	\$76.49
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$768.22
QUILL CORPORATION	SUPPLIES	\$106.06
CENTURY LINK	911 DISPATCH LINES	\$590.91
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$1,541.68

#### **EMERGENCY MANAGEMENT**

CARDMEMBER SERVICE	CARMEMBER SERVICES	\$70.65
DENNY MENHOLT	REPAIRS	\$472.59
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$137.75

PITNEY BOWES	POSTAGE MACHINE LEASE	\$22.66
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	\$1.50
QUILL CORPORATION	SUPPLIES	\$118.98
	TOTAL FOR EMERGENCY MANAGEMENT	\$824.13
<b>24/7 SOBRIETY FUND</b>		
QUILL CORPORATION	SUPPLIES	\$39.98
	TOTAL FOR 24/7 SOBRIETY FUND	\$39.98
<b>COURTHOUSE BUILDING FUND</b>		
RAPID FIRE PROTECTION INC	5 YEAR BOILER INSPECTION	\$1,025.00
	TOTAL FOR COURTHOUSE BUILDING FUND	\$1,025.00
	TOTAL PAID BETWEEN 2/6/19 AND 2/19/19	\$52,508.50

Break was taken at 9:40 a.m. and the meeting reconvened at 9:45 a.m.

Public comment was heard from Paul Nabholz, Joe Falkenburg, Dave Tyson, Ann Abbott, Mary and James Herrick and Deb Russell. Concerns were raised about the BBB grant, housing, the Chilson Bridge and the Land Use Policy.

Greg Foust met with the board for a Resolution on the housing and redevelopment commissions. The purpose of the resolution is to streamline services to one housing commission, rather than two. Nabholz questioned if any liability came with the acceptance of the Hot Springs Housing and Redevelopment Commission, Deputy State's Attorney noting yes; and Foust discussed the composition of the new Board. Motion made by Allen, seconded by Abbott to approve the following resolution:

#### **RESOLUTION 2019-6**

A RESOLUTION TO ACCEPT, WITHIN THE FALL RIVER COUNTY HOUSING & REDEVELOPMENT COMMISSION, ALL RIGHTS, CONTRACTS, OBLIGATIONS AND PROPERTY, BOTH REAL AND PERSONAL, OF THE NOW DISSOLVED HOT SPRINGS HOUSING AND REDEVELOPMENT COMMISSION, AND TO ALLOW PARTICIPATION BY THE CITY OF HOT SPRINGS WITHIN THE FALL RIVER COUNTY HOUSING AND REDEVELOPMENT COMMISSION.

WHEREAS, South Dakota Codified Law 11-7-7.2 states "[t]he governing body of any first or second class municipality may, by resolution, dissolve the housing and redevelopment commission of such municipality for the purpose of electing to participate in a county housing and redevelopment commission," and

WHEREAS, South Dakota Codified Law 11-7-7.2 also states that, upon the dissolution of a city housing and redevelopment commission, "[a]ll the rights, contracts, obligations, and property, real and personal, of the city housing and redevelopment commission shall be transferred to and become vested in the county housing and redevelopment commission, provided that all bonded indebtedness issued by the city housing and redevelopment commission shall remain a lien against the income and revenues of the housing project pledged to the payment of such bonds," and

WHEREAS, the City of Hot Springs commission resolved, on the 4th day of February, 2018, to dissolve the Hot Springs Housing and Redevelopment Commission for the purpose of "merging" with the Fall River County Housing and Redevelopment Commission pursuant to South Dakota Codified Law 11-7-7.2, now therefore,

IT IS HEREBY RESOLVED that, pursuant to SDCL 11-7-7.2, the Fall River County Commission approves the request for the City of Hot Springs to participate in the Fall River County Housing and Redevelopment Commission, and accepts the transfer to the Fall River County Housing and Redevelopment Commission all the rights, contracts, obligations, and property, real and personal, of the now dissolved Hot Springs housing and redevelopment commission, provided that all bonded indebtedness issued by the city housing and redevelopment commission shall remain a lien against the income and revenues of the housing project pledged to the payment of such bonds.

Dated this 19<sup>th</sup> day of February, 2019.

ATTEST:

/s/Sue Ganje  
Fall River County Auditor

/s/Joe Falkenburg  
Fall River County Board of Commissioners

With Nabholz voting no due to liability, all others voting yes, motion carries.

Bids for crushing and stockpiling gravel were opened at 10:15 a.m. as advertised. Two bids were reviewed:

KD Contractors, Hot Springs	\$5.969/ton
Western Construction, Inc., Rapid City	\$7.73/ton

Motion made by Allen, seconded by Russell, to accept the low bid from KD Contractors, Hot Springs, in the amount of \$5.969 per ton for crushing and stockpiling gravel at the Shep's Canyon pit. With Nabholz voting no, all others voting yes, motion carries.

Randy Seiler, Highway Superintendent, met with the board. The 2018 yearend report of costs per project was presented.

Motion made by Nabholz, seconded by Allen, to allow Seiler to purchase culverts off of the Beadle County 2019 bids.

Discussion was held on the Chilson Bridge, referring to a call Seiler received from Brosz Engineering who questioned if the board may be looking at other options. Nabholz had sent an email out looking for lower cost options. There is no change to the project (bridge) at this time, Falkenburg advised, unless approval can be received by SD GF&P to raise the Mickelson Trail.

Seiler updated the board that the state had issued a notice to proceed for the Dewey Bridge project. Seiler will also need to replace an older blade later in the year, or the first part of next year and also informed the board about Bruce McClung retiring in June. Seiler will advertise for this position in the future.

Motion made by Allen, seconded by Russell, to enter into executive session for personnel purposes as per SDCL 1-25-2 (4) to negotiate salaries with employees and SDCL 1-25-2 (3) for legal purposes at 10:34 a.m. with Deputy States Attorney Ahrendt.

Meeting resumed at 10:53 a.m.

Motion made by Russell, seconded by Allen, to pay the appointed state's attorney Brian Ahrendt \$73,000 for an annual salary. Discussion was held with Nabholz reading a statement on why he opposes the salary and Russell noting that things have changed since previous administrations and their costs while in office. With Nabholz voting no, all others voting yes, motion carries.

Motion made by Russell, seconded by Nabholz, to adjourn at 10:59 a.m.

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

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