

10/06/09

THE BUTTE COUNTY COMMISSIONERS CONVENED AT 9:37 A.M.
October 6, 2009. Commissioners present were Hansen, Kling,
Kindsfater, Smeenk and Harms.

Chairman Ken Hansen called the meeting to order and led the group in the
Pledge of Allegiance.

Motion by Kindsfater Second by Smeenk to approve the amended meeting agenda with a change to
the agenda schedule. The change is as follows: State's Attorney Tim Vander Heide will come before
the Commissioners at 11:00 a.m. and Sheriff Lamphere will come before the Commissioners at
2:30 p.m. Vote Unanimous. Motion Carried.

Motion by Harms Second by Smeenk to table the minutes until the next meeting.
Vote Unanimous. Motion Carried.

Motion by Kling Second by Smeenk to approve the bills for payment.
Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kling to accept the VSO report for September 2009.
Vote Unanimous. Motion Carried. Veteran's Service Officer Bob Wagner and Mr. Paul Gremse
were both present.

There were no travel requests.

There were no abatements to present.

Department Heads reported on undertakings within their respective offices.

A special meeting has been scheduled for Friday, October 9, 2009 at 4:30 p.m.
Attorney Bob Morris will be coming to give an update to the Commissioners and to
Director of Equalization Polly Odle regarding the *Apland v. Butte County* case.

Butte County Planning Director came before the Commissioners requesting an addition to the
Subdivision Checklist Guideline. This recommendation is per the Butte County Planning
Commission.

Motion by Harms Second by Smeenk to add the following verbiage to Item 3H of the Subdivision
Checklist Guideline: *Additionally the Planning Board suggests that covenant guidelines include a
request that an unsuccessful party in an action for breach of covenants be responsible for the
attorney fees and costs for the successful party.* Vote Unanimous. Motion Carried.

State's Attorney Tim Vander Heide and Deputy State's Attorney Heather Plunkett came before the
Commissioners to discuss the following regarding past Treasurer Dee Schuldies:
Butte County has filed a claim against the Treasurer's bond of former Butte County Treasurer,
Deanna Schuldies who held the office of Butte County Treasurer from August 2, 2004 through the
date of her resignation on January 6, 2009. During her tenure as Treasurer, Ms. Schuldies engaged
in a practice of accepting tax payments in a manner which violated South Dakota law. The
ramifications of this violation are that the County has lost the ability to collect approximately
\$58,000.00 in tax revenue.

Deputy State's Attorney Heather Plunkett is assisting Highway Superintendent Don Adams with the
County Road Map.

In regards to the North Indian Creek Bridge Structure (10-091-161) on the Camp Crook Road, State's Attorney Tim Vander Heide relayed to the Commissioners that Attorney Mike Day will be having a meeting with the Attorney that represents Heavy Constructors, Inc. Heavy Constructors, Inc. is working with the Federal Government on a bridge design that would meet the necessary Federal Government specifications.

Corr Construction Services, Inc., Jim Parker from NJS Engineering and Highway Superintendent Don Adams visited about the Twilight Road Bridge over Moreau River – Structure (10-496-106) Berm Repair project. Motion by Smeenck Second by Kindsfater to downsize the Twilight Road Bridge project to dirt work only at a cost of \$23,800.00. Vote Unanimous. Motion Carried.

Corr Construction Services, Inc. plan to begin the Indian Creek Bridge Replacement – Structure (10-220-309) – Beet Bridge project sometime around November 1, 2009.

Motion by Kling Second by Kindsfater to approve an Application for Occupancy on the Right of Way of County Highways on the 3VVV Road. This is for Butte Electric to trench an underground 7200v power line. Vote Unanimous. Motion Carried.

The Commissioners recessed for lunch at 12:00 p.m. with the public invited.

The meeting was called back to order by Chairman Hansen at 1:40 p.m.

The Highway Department will be doing the snow removal at the Butte County Courthouse complex. The Highway Department will use the Skidsteer loader for snow removal. Butte County Dispatch will call the Highway Superintendent by 5:00 a.m. on the days that snow removal is necessary.

Highway Superintendent Don Adams informed the Commissioners that Harding County would probably allow Aggregate Construction, Inc to crush approximately 17,000 yards of gravel for Butte County. This purchase will be addressed further at the next meeting.

Butte County will charge Union Township a rate of \$100.00 per hour for blading and snow removal on the Secondary Roads that are located in Union Township.

The South Dakota Department of Agriculture has approved Rozol Prairie Dog Bait for use in South Dakota. This product can be sold and used by certified applicators from October 1st to March 15th or spring green up, whichever comes later.

Sheriff Lamphere distributed the Activity Report for September 2009. The Mailbox and Newspaper Container Policy was discussed. Deputy State's Attorney Heather Plunkett will draft a policy for the Commissioners to review.

At 3:00 p.m. Chairman Hansen opened the sealed bid and publicly read the bid that was received from Ron & Phyllis Hedlund for the removal of the Caretaker's Residence at the Butte County Fairgrounds at Nisland, SD. Motion by Smeenck Second by Kling to accept the bid from Ron & Phyllis Hedlund for \$200.00. The Hedlund's had supplied all of the required Insurance documents and the Performance Bond of \$500.00. Vote Unanimous. Motion Carried. Ron & Phyllis Hedlund and Mrs. Don Meyers were present.

Motion by Harms Second by Smeenck to authorize Chairman Hansen to sign a letter addressed to Lee Axdahl (State 911 Coordinator) expressing Butte County's opposition to the proposed rule mandating that there will be two (2) dispatchers on duty at all times in all 911/PSAP centers in South Dakota. This mandate will place a budgetary burden on smaller counties who are struggling with funding at the current time. Vote Unanimous. Motion Carried.

A discussion was held regarding different options and possibilities for relocating the nurse's office.

Motion by Kindsfater Second by Smeenck to hire Mr. Marlow Wilder to paint the outside window frames and to paint the new cement board within the window frames on the Butte County Courthouse. The cost will be \$750.00. Vote Unanimous. Motion Carried.

Committee Reports were given.

Motion by Kindsfater Second by Smeenck to adjourn the meeting at 4:23 p.m. Vote Unanimous. Motion Carried.