

11/17/09

THE BUTTE COUNTY COMMISSIONERS CONVENED AT 1:10 P.M.
November 17, 2009. Commissioners present were Hansen, Kindsfater, Smeenk and Harms. Commissioner Kling was absent.

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 which includes a discussion of the STIP –
(Statewide Transportation Improvement Program) funds during the Highway time.
Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenk to approve the minutes from the September 29, 2009 special meeting, the October 6, 2009 regular meeting and the November 3, 2009 regular meeting. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to accept the Auditor's Monthly Settlement with Treasurer Report for October 31, 2009. Vote Unanimous. Motion Carried.

Motion by Harms Second by Smeenk to accept the following County Lien Report for October 2009. Vote Unanimous. Motion Carried.

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

Motion by Smeenk Second by Harms to accept the Register of Deeds report for October 2009. Vote Unanimous. Motion Carried.

No travel requests were presented.

There were no abatements to present.

Sheriff Lamphere distributed the October Activity Report.

Sheriff Lamphere informed the Commissioners that Mr. Tristan Clements will start his new position as Deputy Sheriff with Butte County on November 23, 2009.

Motion by Kindsfater Second by Smeenk to go into Executive Session at 1:33 p.m. regarding legal matters. Vote Unanimous. Motion Carried.
State's Attorney Tim Vander Heide, Deputy State's Attorney Heather Plunkett and Sheriff Lamphere were also present for the session.

Motion by Kindsfater Second by Smeenk to come out of Executive Session at 2:23 p.m. Vote Unanimous. Motion Carried. No action was taken.

Attorney Mike Trump and Attorney Staci Reindl came before the Commissioners to discuss the 2010 Public Defender Contract. This topic will be visited again on December 1, 2009.

The first reading for the *Mailbox and Newspaper Container's Ordinance* will be held on December 1, 2009.

Ms. Kelli Pummel from Northern Hills First Western Insurance came before the Commissioners to talk about the DakotaCare Health Insurance 2010 renewal rate for the employees of Butte County.

The Newell FFA – Ag Issues Team who consisted of Megan Mutchler, Ethan Pauley, Brodie Shaykett, and Megan Provorse gave an excellent presentation entitled “How will Cap and Trade Affect our Way of Life”? Student Advisor Sean Carney was also present.

The 22,000 yards of gravel crushing at Harding County was discussed. The project must be complete by December 31, 2009 to be compliant with the bid contract.

Motion by Smeenk Second by Kindsfater to authorize Chairman Hansen to sign the pay estimate payable to Corr Construction Services, Inc. for the amount of \$23,800.00. This pay estimate is for the Twilight Road Bridge Project – 10-496-106. Vote Unanimous. Motion Carried.

The pay estimate for the amount of \$43,059.27 on the Indian Creek Bridge (Beet Bridge) Replacement Structure (10-220-309) was briefly discussed. The pay estimate will be revisited again at the December 1, 2009 meeting. The Commissioners would like some clarification from NJS Engineering before authorizing the payment.

Commissioner Smeenk left the meeting at 5:00 p.m.

Motion by Kindsfater Second by Harms to authorize Chairman Hansen to sign a SD DOT Construction Change Order No. 2 – BRF 6410 (04) PCN – 6736 on the Willow Creek Bridge Project. This change order is to eliminate the low flow silt fence and add a high flow silt fence. The net change is \$622.40. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kindsfater to approve an Application for Occupancy on The Right of Way of County Highways for water line trenching on the Erk Road. Vote Unanimous. Motion Carried.

The Statewide Transportation Improvement Program (STIP) was discussed. There is currently not enough money available for projects. The projects that are currently planned for Butte County will be reassessed by the Commissioners and NJS Engineering.

Motion by Harms Second by Kindsfater to set a public hearing for Tuesday, December 8, 2009 at 2:00 p.m. for the following liquor license renewal applications for the 2010 - licensing year. Vote Unanimous. Motion Carried.

Stone House Saloon LLC – ***Retail (on-sale) Liquor (Sunday on Sale)***

Extreme Enterprises LLC –
Branding Iron Steakhouse & Saloon - ***Retail (on-sale) Liquor***

(Sunday on Sale)

Newell Golf Club - ***Retail (on-sale) Liquor (Sunday on Sale)***

Besler's Cadillac Ranch LLC - ***Retail (on-sale) Liquor (Sunday on Sale)***

MishMash - ***Retail (on-sale) Liquor (Sunday on Sale)***

Committee Reports were given.

Motion by Kindsfater Second by Harms to oppose the one year additional year to the Belle Fourche City Tax Increment District Number One repayment schedule.

A Notice of Public Hearing has been set for December 8, 2009 at 7:00 a.m.

Auditor Jensen is to send a written comment stating the Commissioner's opposition.

Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Harms to approve the following 2009 approved budget cash transfers:

\$40,138.91 from General Fund 101 to Emergency Management Fund 226

\$1,000.00 from General Fund 101 to WIC Fund 231

\$3,000.05 from General Fund 101 to Teen Court Fund 235

Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Harms to adjourn the meeting at 5:45 p.m.

Vote Unanimous. Motion Carried.