

12/01/09

THE BUTTE COUNTY COMMISSIONERS CONVENED AT 9:40 A.M.
December 1, 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 Smeenk Second by Kling to approve the amended meeting agenda which includes a
SD DOT Construction Change Order No 1F – FY2010 Weed & Pest Control and (3) Applications for
Occupancy on the Right of Way of County Highways. These applications were submitted from
Randy Stark to trench water lines for livestock waters on the Erk Road. Vote Unanimous.
Motion Carried.

Motion by Smeenk Second by Harms to table the minutes from the November 17, 2009 meeting
until afternoon. 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 Harms to accept the VSO report for November 2009.
Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to approve a travel request for VSO Robert Wagner to attend a
Conference at the VA Pension Maintenance Center in Pierre, SD on
November 30 – December 1, 2009. Vote Unanimous. Motion Carried.

The Butte County Commissioners recognized VSO Robert Wagner for successfully passing the exam
at the Veterans Benefits School which was held on August 31 – September 3, 2009 in Pierre, SD.
This annual exam is to ensure that all VSO's maintain an appropriate level of knowledge and
proficiency.

Frances Cleveland from Dacar, Inc. came before the Commissioners asking for an abatement for the
amount of \$786.06 on parcel number 15.63.01.11. This is for tax years 2005, 2006, 2007 and 2008.
Ms. Cleveland stated that she had been assured by the prior Director of Equalization that this piece
of property had been reduced to a zero value. The Commissioners took no action as this request
needed to be reviewed by the State's Attorney.

Department Heads reported on undertakings within their respective offices.

Butte County Health Nurse Linda Hoxie introduced Registered Nurse Denise Rosenberger. Ms.
Rosenberger is assisting at the Butte County office. The nurse's office will be relocating to their new
location the week of December 28th. The Highway Crew will assist with the moving. The
Butte County Nurse's office will be located at 2398 5th Avenue, Suite 102A in Belle Fourche, SD
57717. The new office will be open for business at 8:00 a.m. on January 4, 2010.

The Butte County Commissioners congratulated Butte County Director of Equalization Polly Odle,
Butte County Planning Coordinator/ Butte County Appraiser Charles Richardson and Butte County
Appraiser Jennifer Netterberg for passing their State Certification Exams.

Motion by Harms Second by Smeenk to approve the Exemption for the Final Plat of Lot A, Being that part of the SE1/4SE1/4 of Section 19 Lying North and East of the Centerline of Owl Creek Road and a 40' Private Access and Utility Easement. All located in the SE1/4SE1/4 of Section 19 and the SW1/4SW1/4 of Section 20, T.9N, R.4E, B.H.M. Butte County, South Dakota. Vote Unanimous. Motion Carried. Ronald & Phyllis Hedlund were present as well as a representative from Arleth & Associates.

Motion by Harms Second by Kling to approve the Exemption for the Final Plat of Tract O Being a portion of the SW1/4 and the SW1/4SE1/4 of Section 32, T.8N., R.3E., B.H.M., Butte County, South Dakota. Randy Deibert was also present.

A brief discussion was held in regards to the North Indian Creek Bridge Structure (10-091-161) & Bypass on the Camp Crook Road. No action was taken.

Highway Superintendent Don Adams reported to the Commissioners that Aggregate Construction will not be able to complete the Gravel Crushing in Harding County before the deadline of December 31, 2009. This is not possible to do in order to stay compliant with working off of the 2009 Harding County Bid.

Motion by Kling Second by Smeenk to authorize Chairman Hansen to sign an **Agreement for Use and Restoration of Haul Road Release** with Bituminous Paving, Inc. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kling to approve three (3) Applications For Occupancy on The Right Of Way Of County Highways for Randy Stark to trench livestock water lines on the Erk Road and on the Goeringer Road. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to authorize Chairman Hansen to sign a SD DOT Construction Change Order No 1 F – FY2010 Weed & Pest Control with a net change of (-11,753.80). Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to authorize Chairman Hansen to sign a Work Order For Consultant Services with NJS Engineering to proceed with a Design Analysis on the Willow Creek Bridge – Structure number (10-365-343). Vote Unanimous. Motion Carried.

Mr. Tom Davis arrived at 11:40 a.m. to get an update on the happenings of the North Indian Creek Bridge Structure (10-091-161) & Bypass on the Camp Crook Road.

The Commissioners recessed for lunch at 11:55 a.m. with the public invited.

The meeting was called back to order at 1:55 p.m.

Attorney Staci Reindl and Attorney Mike Trump were not present to discuss the Court Appointed – Public Defender Contracts for 2010. They will be rescheduled for December 16, 2010.

Sheriff Lamphere distributed the Activity Report for November.

Sheriff Lamphere discussed PSAP (Public Safety Answering Point) rules and regulations with the Commissioners.

State's Attorney Tim Vander Heide was present for the first reading of **"An Ordinance of Butte County: Criteria for Mailbox and Newspaper Containers"**.

Motion by Smeenk Second by Harms to accept the first reading of **“An Ordinance of Butte County: Criteria for Mailbox and Newspaper Containers”**. The second reading is scheduled for December 16, 2010. Vote Unanimous. Motion Carried.

The following documents: The Easement and Right-Of-Way Agreement and the Memorandum of Option to Acquire an Easement Option Agreement with TransCanada Keystone Pipeline, LP will be held until State’s Attorney Tim Vander Heide has had time to review.

Motion by Smeenk Second by Kindsfater to authorize Chairman Hansen to sign a one (1) Year Lease with an Option of Month to Month after one (1) Year Agreement with DJ Construction & Development. This lease is for the County Health Nurse office. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Hansen to proceed with the following (4) four projects for STIP funding:

Sourdough Road – Chip - Seal

Arpan Road – Chip -Seal

Whitewood Road (Nisland) Milling - Shaping and 4” Paving

Orman Road (Newell) Milling – Shaping and 4” Paving.

Voting yes were Hansen, Kling, Smeek and Harms. Voting no was Kindsfater. Motion Carried.

Motion by Kling Second by Smeenk to authorize Chairman Hansen to sign a pay estimate of \$43,059.27 with Corr Construction Services, Inc. on Indian Creek Bridge Structure number (10-220-309). Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenk to approve the minutes from November 17, 2009. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kling to adjourn the meeting at 4:20 p.m. Vote Unanimous. Motion Carried.