

2/18/09

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 1:05 P.M.
February 18, 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, which includes
an Executive Session regarding personnel matters. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kindsfater to approve the minutes from the
February 3, 2009 meeting. Vote Unanimous. Motion Carried.

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

BUTTE COUNTY

January 31, 2009

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$	178,896.90	
Wells Fargo Sweep Account		<u>1,065,986.23</u>	
Total Checking/Savings Accounts			\$ 1,244,883.13

INVESTOR ACCOUNTS

First Western Bank	\$	419,443.23	
Wells Fargo Investment Account		<u>504,523.87</u>	
Total Investor Accounts			\$ 923,967.10

CERTIFICATES OF DEPOSIT

FWB	\$	220,268.73	
FNB		111,869.98	
NHFCU		109,960.12	
SSFCU		101,575.08	
PB&T		<u>875,837.06</u>	

Total Certificates of Deposit \$ 1,419,510.97

Postage Meter/Postage 4,180.27

Cash on Hand 1,200.00

Cash Items 4,409.19

Butte Co Economic Development 76,203.71

Sheriff Credit Card Account 1,500.00

Sheriff Drug Seizure 570.70

Butte Co Emergency/Sheriff/State's Attorney 562.76

Total Cash Accounts \$ 3,676,987.83

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

CAA/Public Defender Recoveries – YTD - \$2,687.47

Jail Lien Recoveries – YTD - \$395.00

Juvenile Detention Recoveries – YTD - \$0

Poor Lien Recoveries – YTD - \$0

LIENS APPLIED – January 2009

Benjamin Tople – IVC - \$434.60
Kayla M. Wharton – CRIM - \$536.90
Gregory Walls – CRIM - \$722.87
Andrea Stahl FBO Trisha Kopriva – CRIM - \$473.40
Dillon Buxcel – CRIM - \$771.58
Kenneth Piekkola – CRIM - \$450.70
Donald H. Hansen - CRIM - \$269.66
Joseph Harris – CRIM - \$557.78
Mark Diede – CRIM - \$497.50
Robert Ciganek – CRIM - \$559.43
Byron Good Voice Elk – CRIM - \$520.31
Dwayne O Bunt – CRIM - \$187.20
Bobby L. DeLeon – CRIM - \$236.80
Joshua Henderson – CRIM - \$608.30
Gregory Foster – CRIM - \$199.80
Brooks Bierema – CRIM - \$264.20
Jacque Baumeister – CRIM - \$232.40
Joseph Holden – CRIM - \$185.40
Christopher DeLeon – CRIM - \$273.60
Joann J. Brown – CRIM - \$81.20
Dion Hinzman – CRIM - \$137.20
Travis Peters – CRIM - \$2,352.06
Abused & Neglected - \$1,005.60

Total \$ 11,558.49

Motion by Smeenck Second by Harms to approve the bills for payment.
Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kling to accept the Register of Deeds
Report for January 2009. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kling to approve the following travel requests:
Sheriff Lamphere to attend the South Dakota Sheriff's Association Spring Conference in
Yankton, SD on April 22 – 24, 2009 and Commissioner Harms to attend the Spring Workshop in
Pierre, SD on March 18, 2009. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater to approve the following abatements:
Layton & Debra Lensegrav sold property to Butte County on June 20, 2008.

Butte County is tax exempt. The amount being abated is \$857.14. Mark Barth and Renn Reed qualify for the Assessment Freeze for the Elderly and Disabled. The amount being abated is \$159.49 on parcel number 16.01.039.25. Vote Unanimous. Motion Carried.

Sheriff Lamphere presented the Commissioners with a report from his Department. Sheriff Lamphere informed the Commissioners that he is starting the process of getting bids to purchase a pickup to put into his fleet of vehicles. Sheriff Lamphere has plans to surplus the 2004 Dodge Pickup to the Highway Department.

State's Attorney Tim Vander Heide told the Commissioners that the City of Belle Fourche approved the 2009 Dispatch Contract. The County and City will revisit the contract during the July 2009 Budget Discussions. Motion by Smeenk Second by Harms to authorize Chairman Hansen to sign the 2009 Dispatch Contract between Butte County and the City of Belle Fourche. Vote Unanimous. Motion Carried.

Mr. Russ Surdez – spokesman for the Country Community Action Team came to discuss the County owned property in Nisland that they want to acquire to build a home on for a family in need. State's Attorney Tim Vander Heide informed Mr. Surdez that Mr. Wes Buckmaster has been retained by the County to prepare quiet title on the property.

Motion by Harms Second by Kling to give permission to Country Community Action Team to destroy the structure that is currently on the property at no cost to the County. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kling to go into an Executive Session with State's Attorney Tim Vander Heide at 2:05 p.m. regarding legal matters. Vote Unanimous. Motion Carried. Motion by Harms Second by Smeenk to come out of Executive Session at 2:30 p.m. Vote Unanimous. Motion Carried. No action was taken.

Mr. Michael D. Calhoun – (Permit Specialist) and Mr. Dennis Lee – (State Supervisor) from TransCanada Pipeline – Universal Field Services, Inc. came to visit with the Commissioners about the proposed pipeline that will be coming through the far northeast corner of Butte County. A **Haul Road Agreement** between Butte County and Universal Field Services, Inc. will need to be in place for transporting equipment. The date of 2010 is the expected date for construction to begin. Mr. Tim Bennett, whom was representing the City of Belle Fourche, was also present for the discussion.

Mr. Wes Buckmaster and his client Mr. Ed Wierzbicki came to visit about the Bridge on Graf Road. The estimated cost to repair the Bridge is \$15,000.00. Mr. Buckmaster informed the Commissioners that Mr. Wierzbicki did not have any liability insurance. Mr. Buckmaster asked the Commissioners to consider a comprised figure from Mr. Wierzbicki for the repair of the Bridge. The Commissioners asked for a proposal to be sent to the County. This matter will be revisited at the March 3, 2009 meeting.

Mr. Adam Besler and Mrs. Rose Anne Besler came before the Commissioners asking for a Variance in regards to the two approaches that currently exist on Helmer Road. The Besler's would like to keep both approaches as each of these approaches act as a separate access for two separate businesses. Chairman Hansen suggested to the Commissioners to reassess the situation before any action is taken.

Motion by Smeenk Second by Harms to authorize a variance to keep both approaches. Voting yes were Smeenk and Harms. Voting no was Kling, Kindsfater and Hansen. Motion failed. The Commissioners will revisit this issue at the March 3, 2009 meeting.

Highway Superintendent Don Adams is in the process of taking bids to remove the old door at the Nisland Highway Shop and to repair the 12' x 12' space that will remain after the door is removed.

Motion by Smeenck Second by Kling to approve an application for Leonard V. Keller to construct an approach on Experiment Farm Road. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kling to authorize Highway Superintendent Don Adams to post Spring Weight Limits that coincide with the schedule of the SD Department of Transportation on the following roads: Helmer Road – 3 ¼ miles; Arpan Road – 4 miles; Orman Road – 1 mile; Sourdough Road – 1 mile; Valley Township – 6 miles; Fruitdale Road – 2 miles; Gray Road – 1.1 miles; and Halle Rae Road – ½ mile. Vote Unanimous. Motion Carried.

A brief discussion was held concerning the first draft of the *Memorandum of Understanding* between the City of Belle Fourche and Butte County in regards to maintenance of roads that are owned by both entities.

Motion by Kling Second by Kindsfater to authorize Highway Superintendent Don Adams to attend the Highway Short Course in Oacoma, SD on March 10 –12, 2009. Vote Unanimous. Motion Carried.

It was a consensus by the Commissioners for Auditor Jensen to notify the County's Insurance - South Dakota Public Alliance (Hagen Benefits) to pay for an auto gas tank for Mr. Larry Piekkola. A plate that was lost by a County Owned Snow Plow damaged Mr. Piekkola's gas tank.

Motion by Kindsfater Second by Smeenck to go into an Executive Session at 4:30 p.m. regarding personnel matters. Vote Unanimous. Motion Carried. Motion by Kindsfater Second by Smeenck to come out of Executive Session at 5:06 p.m. Vote Unanimous. Motion Carried. No action was taken.

Motion by Smeenck Second by Kindsfater to hire Ms. Maureen Beckman for 25 hours per week for janitorial services at the rate of \$11.00 per hour. Vote Unanimous. Motion Carried.

Committee Reports were given.

Motion by Smeenck Second by Kling to adjourn the meeting at 6:34 p.m. Vote Unanimous. Motion Carried. Vote Unanimous. Motion Carried.

APPROVED BY THE COMMISSION:
Kenneth D. Hansen, Chairman

ATTEST: Elaine Jensen, Auditor