

3/16/09

THE BUTTE COUNTY COMMISSIONERS CONVENED AT 1:10 P.M.
March 16, 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 Smeenk Second by Kindsfater to approve the amended meeting agenda,
which included moving the Highway Department to 1:15 p.m. and moving the
Sheriff's Department to 3:00 p.m. Vote Unanimous. Motion Carried.

Highway Superintendent Don Adams and Mr. Jim Parker from NJS Engineering were both
present to discuss with the Commissioners the Bridge Emergency that exists
regarding the North Indian Creek Bridge (Structure 10-091-161) on the Camp Crook Road.
The bridge has been severely damaged due to ice. NJS Engineer Jim Parker told the
Commissioners that three pilings on the bridge have been broken. The Bridge has been officially
closed.

Motion by Kindsfater Second by Smeenk to set a special meeting for Thursday, March 19, 2009
beginning at 3:00 p.m. to open bids and award bids for the repair of the North Indian Creek Bridge.
Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenk to instruct Highway Superintendent Don Adams to take
rip – rap and dump on the south side of the North Indian Creek Bridge to stop traffic from crossing
the closed bridge and to help prevent further damage to the bridge. Vote Unanimous.
Motion Carried.

A brief discussion was held regarding Bituminous Paving, Inc. and the Gray Road Paving Project.
On November 19, 2007 the Butte County Commissioners passed a motion to assess Bituminous
Paving, Inc. the full fine of \$20,000.00 for not completing the Gray Road Paving Project per the terms
of the contract. A final pay estimate showing the \$20,000.00 assessment charge needs to be
completed so the project can be closed. Auditor Jensen will address this matter with NJS
Engineering.

A meeting was held on Friday, March 13, 2009 with Commissioner Kindsfater,
Commissioner Smeenk, Highway Superintendent Don Adams, Mr. Ed Wiezbicki and
Mr. Wiezbicki's Attorney Wes Buckmaster to discuss the Graf Bridge.

Motion by Kindsfater Second by Smeenk to accept a cash payment offer of \$7,000.00 from
Ed Wiezbicki and for Ed Wiezbicki to provide all of the dirt work to cover a 10' x 70' oval culvert
across Graf Road. This will be considered full payment for damages that Mr. Ed Wiezbicki caused to
the Bridge in November 2008. Mr. Wiezbicki is to have the construction completed by the end of the
2009 construction season. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to authorize Chairman Hansen to sign the 2009 County
Striping Program Agreement between Butte County and the South Dakota Department of
Transportation for the Fruitdale Road and the Halle Rae Road. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to authorize Chairman Hansen to sign a Resolution to Delete
Bridge Structure number 10-315-409 from the National Bridge Inventory System. A culvert now
exists instead of the Bridge. The location is 7.0S & 0.5E of Newell, SD. Vote Unanimous.
Motion Carried.

Motion by Smeenk Second by Harms to remove weight restrictions on 400 feet on the south end of Gray Road. Vote Unanimous. Motion Carried.

Mr. Jim Schwartz and Mr. Mike Carlson whom are both from the South Dakota Department of Transportation came before the Commissioners asking for a Right- of -Way easement for the Highway 85 Street Project. The Commissioners are very concerned about the reduction in parking spaces that will result from this project. Mr. Jim Schwartz and Mr. Mike Carlson will return on April 7, 2009 at 3:00 p.m. to discuss this issue further.

Mr. Blaize Emerson, the new Executive Director from Black Hills Council of Local Governments stopped by to introduce himself to the Commissioners. Butte County has been a member since 1972.

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

Motion by Kindsfater Second by Smeenk to accept the Auditor's Monthly Settlement with Treasurer Report for February 28, 2009. Vote Unanimous. Motion Carried.

AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER

BUTTE COUNTY

February 28, 2009

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$	145,780.75	
Wells Fargo Sweep Account		<u>1,215,128.07</u>	
Total Checking/Savings Accounts			\$ 1,360,908.82

INVESTOR ACCOUNTS

First Western Bank	\$	420,086.41	
Wells Fargo Investment Account		<u>455,607.66</u>	
Total Investor Accounts			\$ 875,694.07

CERTIFICATES OF DEPOSIT

FWB	\$	220,268.73	
FNB		111,869.98	
NHFCU		106,449.73	
SSFCU		101,575.08	
PB&T		<u>976,714.72</u>	
Total Certificates of Deposit			\$ 1,516,878.24
Postage Meter/Postage			4,423.19
Cash on Hand			1,250.00
Cash Items			3,688.10
Butte Co Economic Development			76,245.69
Sheriff Credit Card Account			1,500.00
Sheriff Drug Seizure			570.70
Butte Co Emergency/Sheriff/State's Attorney			<u>472.27</u>

Total Cash Accounts \$ 3,841,631.08

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

CAA/Public Defender Recoveries – YTD - \$5,162.09

Jail Lien Recoveries – YTD - \$745.00

Juvenile Detention Recoveries – YTD - \$34,377.18

Poor Lien Recoveries – YTD - \$0

LIENS APPLIED – February 2009

Thomas Mitchell – CRIM - \$207.20

Casper Fitch – CRIM - \$571.98

Dustin Dimmick – CRIM - \$280.13

James Mercy – CRIM - \$537.16

Lance Marshall – CRIM - \$3,903.62

Rex Flanagan – CRIM - \$503.79

John Holso - CRIM - \$500.85

Elna Newman – CRIM - \$277.50

Douglas Schliske – CRIM - \$553.62

Clarice Sirio – CRIM - \$477.75

Sean Carter – CRIM - \$1,085.84

JUV – CRIM - \$156.40

Total: \$9,055.84

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

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

Motion by Smeenck Second by Kindsfater to approve an abatement for Ann C. Johnson on Parcel number 15.SS.074M. The amount being abated is \$484.46. The mobile home was moved to Harding County. Vote Unanimous. Motion Carried.

Sheriff Lamphere visited with the Commissioners about the chain link fence that will be installed around the Courthouse Generator. Sheriff feels that residential grade is sufficient.

Motion by Smeenck Second by Kindsfater to accept the bid from Travis Sorenson to install residential grade chain link fence around the Courthouse Generator at a cost \$2,900.36. Vote Unanimous. Motion Carried.

Motion by Harms Second by Smeenck to authorize Sheriff Lamphere to purchase a 2009 Chevrolet Silverado 1500 4WD Crew Cab from Hersrud's of Belle Fourche for \$23,998.00 to add to his fleet of vehicles. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to approve a travel request for Sheriff Lamphere to travel to Madison, SD so he can attend the funeral of a fellow Deputy – Chad Mechels from Turner County. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenk to go into an Executive Session at 4:32 p.m. regarding personnel matters. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to come out of Executive Session at 4:55 p.m. Vote Unanimous. Motion Carried. No action was taken.

Motion by Smeenk Second by Kindsfater to adjourn the meeting at 5:05 p.m. Vote Unanimous. Motion Carried.

APPROVED BY THE COMMISSION:
Kenneth D. Hansen, Chairman

ATTEST: Elaine Jensen, Auditor