

6/02/09

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 9:45 A.M.
June 2, 2009. Commissioners present were Hansen, Smeenk and Harms.
Commissioner Kling and Commissioner Kindsfater were absent.

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

Motion by Smeenk Second by Harms to approve the meeting agenda.
Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to approve the minutes from May 20, 2009 and to approve the Equalization Minutes from April 14, 2009 and April 22, 2009.
Vote Unanimous. Motion Carried.

Motion by Harms Second by Smeenk to approve the bills for payment with the exception of holding check # 968565 payable to Clinical Laboratories until clarification from Coroner/Deputy Brunner. Vote Unanimous. Motion Carried.

Motion by Harms Second by Smeenk to accept the VSO report for May 2009.
Vote Unanimous. Motion Carried.

There were no abatements to present.

Motion by Smeenk Second by Harms to approve the following travel requests:
Auditor Elaine Jensen, Director of Equalization Polly Odle, Deputy Director of Equalization Heather Collins, Treasurer Deb Lensegrav and Deputy Treasurer Tracy Monier to attend a CMS Training in Chamberlain, SD on June 10 – 11, 2009; Auditor Jensen and Welfare Coordinator Dorothy Connelley to attend a Welfare Summer Workshop in Pierre, SD on June 23 – 25, 2009 and Director of Equalization Polly Odle, Deputy Director of Equalization Heather Collins, Appraiser Jennifer Swaby and Planning Coordinator/Appraiser Charles Richardson to attend the Equalization School in Rapid City, SD on September 13 – 18, 2009. Vote Unanimous.
Motion Carried.

Motion by Smeenk Second by Harms to approve the following travel requests:
Director of Equalization Polly Odle and Deputy Director of Equalization Heather Collins to attend the OHE Hearing in Pierre, SD on June 23, 2009 and for the Director of Equalization Polly Odle and Deputy Director of Equalization Heather Collins to attend a Sales Ratio Training in Rapid City, SD on June 24, 2009. Vote Unanimous. Motion Carried.

Department Heads reported on undertakings within their respective offices.

Commissioner Kling arrived at 10:30 a.m.

Coroner/Deputy Brunner discussed check # 958565 with the Commissioners. Motion by Smeenk Second by Harms to approve check # 968565 payable to Clinical Laboratories for Autopsy Services for the amount of \$3,123.04. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kling to approve the final plat of Heinbaugh Subdivision #2 – Portion of the NW1/4 NE1/4 of Section 4, T8N, R2E. Vote Unanimous. Motion Carried.

At 11:00 a.m. Highway Superintendent Don Adams arrived at the Commissioner's meeting to publicly open and read orally the BIDS for the two (2) 2004 140 H Caterpillar Motor Graders. No BIDS were received.

After receiving clarification from Highway Superintendent Don Adams a Motion was made by Smeenck and a Second by Kling to approve check # 968450 payable to Butler Machinery for the amount of \$11,604.16. The check had been held by the Auditor since May 20, 2009. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kling to advertise that Butte County will be taking sealed BIDS until 5:00 p.m. on Monday July 6, 2009 for the two (2) 2004 140 H Caterpillar Motor Graders. The BID opening has been scheduled for Tuesday, July 7, 2009 to begin at 11:00 a.m. Vote Unanimous. Motion Carried.

Mr. Les Herman applied for an approach on Halle Rae Road. An original variance and approaches were granted during the early development stage of the Subdivision. No action was taken by the Board of County Commissioners.

The Bypass that is a temporary replacement of the North Indian Creek Bridge – Structure 10-091-161 on the Camp Crook Road was discussed. The Bypass needs to have at least 6" of gravel and needs to be wider. The Bypass needs to be more accessible since this is a permanent (temporary) Bypass. Highway Superintendent Don Adams needs to send this request in writing to Heavy Constructors, Inc.

The Commissioners recessed for lunch at 12:10 p.m. with the public invited.

The meeting was called back to order at 1:35 p.m.

Sheriff Lamphere distributed the Activity Report for May 2009.

Sheriff Lamphere informed the Commissioners that he hired Mr. Percy Bekken from Newell, SD as the new Emergency Manager/E911 Coordinator for Butte County. Mr. Bekken will begin his duties on Monday, June 15, 2009.

Commissioner Smeenck discussed with the Commissioners an issue pertaining to a culvert on Hanger Lane. Sheriff Lamphere and State's Attorney Tim Vander Heide were both present for the discussion.

Motion by Kling Second by Smeenck to go into an Executive Session at 1:50 p.m. with State's Attorney Vander Heide regarding legal matters. Vote Unanimous. Motion Carried.

Motion by Harms Second by Smeenck to come out of Executive Session at 2:30 p.m. Vote Unanimous. Motion Carried.

Motion by Kling Second by Smeenck to authorize State's Attorney Tim Vander Heide to hire outside counsel for litigation of the North Indian Creek Bridge. Vote Unanimous. Motion Carried.

Motion by Kling Second by Smeenck to deny an approach request from Mr. Les Herman on Halle Rae Road. Vote Unanimous. Motion Carried.

A discussion was held regarding the purchase of additional gravel. Motion by Kling Second by Smeenck to double the contract with Aggregate Construction, Inc. and crush an additional 30,000 yards of 1" gravel at the Torp Pit (Nisland Pit) 2 miles east of Nisland. The price is \$3.35/CY. The price is based off of the 2007 Harding County Bid. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kling to authorize Highway Superintendent Don Adams to proceed with repairing the structure on Zeona Road with concrete box culverts. Vote Unanimous. Motion Carried.

Commissioner Kling recused himself at 4:00 p.m. due to a conflict of interest.

At 4:00 p.m. a public hearing was held for the consideration of new and renewal on-off sale malt beverage applications for the 2009 – 2010 licensing year. No one was present to comment.

Butte County Auditor Elaine Jensen presented to the Board the following applications for their consideration:

Retail (on-off sale) Malt Beverage (Sunday Sales)

Extreme Enterprises, LLC – Branding Iron Steakhouse & Saloon

Kim Kling – Stone House Saloon, LLC

Leona McFarland – Hoover Store

Miki Scheef – Mishmash

Besler's Cadillac Ranch LLC

J.D. Enterprises – Wheel in Bait Shop

Motion by Harms Second by Smeenck to approve the Retail (on-off sale) Malt Beverage (Sunday Sales) applications as presented by Auditor Jensen. Vote Unanimous. Motion Carried.

Motion by Harms Second by Smeenck to accept the malt beverage application from Iron Hogz and set the Public Hearing for June 17th at 4:00 p.m. Vote Unanimous. Motion Carried.

A public hearing was set at 4:15 p.m. for a Liquor License Transfer (on-sale) (Sunday Sales). No one was present to comment.

Liquor License Transfer – Retail (on-sale) Liquor (Sunday Sales):

Transfer From: Rags – 2- Riches LLC

Transfer To: Miki V. Scheef (MishMash)

Motion by Harms Second by Smeenck to approve the Liquor License Transfer application for Retail (on-sale) Liquor (Sunday Sales) as presented by Auditor Jensen. Vote Unanimous. Motion Carried.

Commissioner Kling returned at 4:20 p.m.

The Commissioners discussed the City/County Road Maintenance Agreement.

Motion by Smeenck Second by Kling to authorize Auditor Jensen to sign a 3 year contract with Knology. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kling to rescind the motion to purchase additional gravel until Auditor Jensen has time to research the bid requirements. Voting yes were Harms, Kling and Hansen. Voting no was Smeenck. Motion Carried.

Motion by Smeenck Second by Harms to supplement the Treasurer's budget for \$150.00. Vote Unanimous. Motion Carried.

Motion by Kling Second by Harms to transfer \$895.00 to the 5th Avenue Street Project. Vote Unanimous. Motion Carried.

Committee Reports were given.

The property that is owned by Butte County which is located on 1064 Elkhorn Street in Belle Fourche, SD will be auctioned on July 22, 2009. The auction will begin at 11:00 a.m. The auction will be held in the Commissioner's room.

Motion by Smeenck Second by Kling to adjourn the meeting at 5:40 p.m. Vote Unanimous. Motion Carried.

SALARY

ASSESSOR'S OFFICE \$7,433.07, AUDITOR'S OFFICE \$8,729.39, BUILDINGS \$770.00, COMMISSIONERS \$5,668.20, DISPATCH \$16,908.23, EM/911 \$1,578.15, EXTENSION \$2,006.40, HIGHWAY DEPT \$35,340.13, NURSE'S OFFICE \$2,006.40, PLANNING \$723.60, REG OF DEED'S OFFICE \$4,953.14, SHERIFF DEPT \$16,131.48, STATE'S ATTORNEY OFFICE \$8,670.61, TEEN COURT \$1,384.62, TREASURER'S OFFICE \$7,883.67, VETERAN SERVICE OFFICE \$1,140.52, WEED CONTROL \$1,018.40

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,078.24

SDRS (RETIREMENT)

BUTTE COUNTY SHARE \$7,164.93

GROUP INSURANCE

BUTTE COUNTY SHARE \$25,345.58

PROFESSIONAL SERVICES & FEES

A & B BUSINESS EQUIPMENT \$173.38, ACCURINT-ACCOUNT \$70.00, ADAMS, RAMONA ANN \$48.00, BACHMAN, RENEE \$90.00, BACHMAN, ROBERT \$50.00, BERRETH, SETH \$20.00, BIEGLER, GREG \$60.00, BOGGS, LORI \$50.00, BUCKMASTER LAW OFFICES \$175.29, BUDGET APPLIANCE \$647.98, BURKE, RONNA \$115.50, CAROL BUTZMAN CONSULTING \$1,297.75, CITY OF RAPID CITY \$105.00, CITY/COUNTY ALCOHOL & DRUG \$2,872.00, DAKOTA HILLS FAMILY PRACTICE \$10.00, DON'S HANDYMAN SERVICE \$939.57, ECOLAB \$464.50, ELLINGSON, JOSEPH \$484.28, FRANKE, DONALD \$50.00, FREDERICKSON LAW OFFICE \$1,690.20, G & R CONTROLS \$1,028.88, GEHRINGER, CINDY \$50.00, HARDISON, DEBRA \$30.00, HARVEY, ALAN \$50.00, HAVEMEIER, LESLIE \$38.00, HAYDEN, SHAWN JACOB \$80.00, HUNSUCKER, EDWIN A \$155.00, JAHNER, CHERRI BODNER \$20.00, JENSEN, TENA \$50.00, JEWETT, WILLIAM \$20.00, JOHNSON, CHRIS \$20.00, KENNEDY PIER & KNOFF LLP \$144.20, KINNEY LAW PC \$2,628.18, KLYVE, DEAN \$20.00, KONE INC \$304.18, LARSON, GLENDA \$50.00, LEROY HILL LAW OFFICE \$1,705.60, LEXISNEXIS \$110.00, LYNN'S DAKOTAMART \$10.19, MEADE COUNTY AUDITOR \$16,665.00, MONCUR CPA, DEBRA \$625.00, NEIL W AND DENISE L SMEENK \$4,500.00, NORTHERN HILLS REPORTING \$390.00, NULLE, CURT \$140.00, OSTER, SANDRA \$50.00, PENN.CO AUDITOR \$28.00, PENNINGTON COUNTY JAIL \$980.80, PENNINGTON COUNTY SHERIFF \$38.44, PERKINS COUNTY SHERIFF'S \$25.00, PUMMEL, G \$50.00, RADIOLOGY ASSOCIATES \$235.25, RAPID CITY MEDICAL CENTER \$245.00, RAPID CITY REGIONAL HOSPITAL \$5,323.93, REGIONAL BEHAVIORAL HEALTH \$697.30, REINDL, STACI \$3,907.33, RYKEN, RON \$300.80, SD ASS'N OF CO COMM \$5,430.66, SD DEPT OF REVENUE \$411.12, SD DEPT OF TRANS \$683.21, SDAAO \$165.00, SERVALL UNIFORM/LINEN \$151.89, STEVENS, JANIE \$120.00, STURGIS FIRE EMS \$1,058.00, TRUMP LAW OFFICES PC \$2,500.00, WAHLFELDT, BRANDON \$230.00, WELLS FARGO FINANCIAL LEASE \$192.68, WESTERN S.D. JUVENILE \$3,800.00, YANKTON CO STATES ATTY \$207.50

PUBLISHING

BLACK HILLS WEEKLY GROUP \$416.61, CONSTRUCTION INDUSTRY \$140.00, MACHINERY TRADER \$720.00

RENTALS

A & B BUSINESS EQUIPMENT \$20.99, GREAT WESTERN BANK \$48.50, MARLIN LEASING \$247.40, WELLS FARGO FINANCIAL LEASE \$222.94

REPAIRS & MAINTENANCE

A & B BUSINESS EQUIPMENT \$21.91, BICKLE TRUCK & DIESEL \$3,051.00, BUNNEY'S BODY & COLLISION \$78.00, HERSRUDS OF B.F. \$435.89, INLAND TRUCK PARTS \$46.38, SCOTT PETERSON MOTORS \$901.59

SUPPLIES & MATERIALS

ADAMS, DONALD \$84.79, BECKMAN, MAUREEN \$3.31, BELLE FOURCHE VETERINARY \$120.17, BF IRRIGATION DIST \$17,344.33, BICKLE TRUCK & DIESEL \$374.26, BLACK HILL PC INC \$2,198.18, BLACK HILLS PURE INC \$59.70, BUTLER MACHINERY \$6,801.61, BUTTE CO. SHERIFF'S OFFICE \$487.53, BUTTE COUNTY TREASURER \$1,949.37, CENTRAL PARTS \$473.51, CREATIVE PRODUCT SOURCE \$297.43, DAKOTA BATTERY & ELECTRIC \$101.34, DAKOTA LUMBER \$1,023.14,

DAKOTA SUPPLY GROUP \$57.75, DAL CAM OIL COMPANY \$10,053.77, EAGLE ENTERPRISES \$1,007.63, EDDIE'S TRUCK CENTER \$104.81, FERNEN ELECTRONICS \$579.80, FINKBEINER FEED & SEED \$390.15, HILLS MATERIALS COMPANY \$2,883.28, HILLYARD/SIOUX FALLS \$85.39, HOMESTEAD MAINTENANCE \$1,785.00, HOXIE, LINDA \$83.60, HURON CULVERT & TANK \$12,749.60, JEWETT, WILLIAM \$60.00, LINDSTAD'S ALIGNMENT \$173.34, LONG, SARAH \$17.25, LYNN'S DAKOTAMART \$131.25, MCLEODS \$155.92, MOTIVE PARTS & SUPPLY \$961.70, NATIONAL 4-H COUNCIL \$110.88, NEWELL RANCH SUPPLY INC \$128.85, OCCUPATIONAL HEALTH NETWORK \$75.00, OFFICE EMPORIUM \$9.56, PAMIDA \$160.34, POSY PALACE FLORIST \$90.00, QUILL CORPORATION \$91.72, RAPID DELIVERY \$34.00, REDWOOD BIOTECH \$66.50, ROCKMOUNT/NASSAU \$1,024.07, ROSENAU, MARY \$9.62, SAND CREEK PRINTING \$1,887.88, SD DEPT OF REVENUE-ABERDEEN \$440.00, SD DEPT OF TRANS \$8,421.98, SD FEDERAL PROPERTY AGENCY \$750.00, SERVALL UNIFORM/LINEN \$352.05, STEREOS N STUFF \$237.95, WELLS PLUMBING \$6,771.42, WEST TIRE \$4,654.20

TRAVEL & CONFERENCE

BACHMAN, ROBERT \$1.48, BEST WESTERN RAMKOTA INN \$158.00, BOGGS, LORI \$2.96, BRUNNER, GARY \$865.19, EXTENSION SERVICE \$286.28, FOX, KRINDA \$27.50, FRANKE, DONALD \$0.74, HANSEN, KENNETH \$64.75, HARMS, STANLEY \$37.00, HARVEY, ALAN \$0.74, HENDRICKSON, RAGINE \$14.13, JAHNER, CHERRI BODNER \$22.20, JENSEN, SCOTT \$33.00, JENSEN, TENA \$0.74, KINDSFATER, MARVIN \$12.95, KLING, KIM \$39.96, LARSON, GLENDA \$3.70, OSTER, SANDRA \$3.70, PRAETORIAN GROUP \$215.00, PUMMEL, G \$0.74, SDAAO \$300.00, SMEENK, STEVEN \$111.00, WAGNER, ROBERT \$86.58, WALKER, PAULA \$166.14

UTILITIES

A T & T \$50.51, ALLTEL \$933.91, BH POWER & LIGHT CO \$2,095.34, BUTTE CO. SHERIFF'S OFFICE \$25.77, BUTTE ELECTRIC COOP \$394.34, BUTTE-MEADE SANITARY \$39.00, CITY OF BELLE FOURCHE \$97.73, GOLDEN WEST COMPANIES \$23.80, KNOLOGY \$888.51, MONTANA-DAKOTA UTIL.CO \$1,220.41, QWEST \$1,585.02, TOWN OF NISLAND \$64.10, TRASH BUSTERS INC \$109.00, WEST RIVER COOP TELEPHONE \$102.77

OTHER

BUTTE COUNTY TREASURER \$54.39, PAMIDA \$194.94, SD DEPT OF REVENUE \$8,817.45, SD DEPT. OF LABOR \$1,490.00

FY08 HAZMAT GRANT

FRYBARGER, JIM \$300.00, MASSY, JIMMY \$300.00

SHERIFF HIGHWAY SAFETY GRANT

BROOKER, JACK \$220.00, BRUNNER, GARY \$255.00, JEWETT, WILLIAM \$160.00, NULLE, CURT \$90.00, WAHLFELDT, BRANDON \$130.00

PRINCIPAL

BUTLER MACHINERY \$9,751.04, FIRST WESTERN BANK \$13,471.43, GE CAPITAL \$2,509.03

APPROVED BY THE COMMISSION:

Kenneth D. Hansen, Chairman

ATTEST: Elaine Jensen, Auditor