

7/22/09

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 1:10 P.M.
July 22, 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 during the State's
Attorney's time. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to approve the minutes from the July 7, 2009
Commissioner Meeting. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to accept the Auditor's Monthly Settlement
with Treasurer Report for June 30, 2009. Vote Unanimous. Motion Carried.

AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER

BUTTE COUNTY

June 30, 2009

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$ 1,067,035.60	
Wells Fargo Savings	<u>901,733.63</u>	
Total Checking/Savings Accounts		\$1,968,769.23

INVESTOR ACCOUNTS

First Western Bank	\$421,723.87	
Wells Fargo Investment Account	<u>246,136.36</u>	
Total Investor Accounts		\$667,860.23

CERTIFICATES OF DEPOSIT

FWB	\$221,746.04	
FNB	\$112,680.13	
NHFCU	\$107,125.31	
SSFCU	\$103,142.46	
PB&T	<u>\$1,086,587.24</u>	

Total Certificates of Deposit \$1,631,281.18

Postage Meter/Postage 3,696.70

Cash on Hand 1,249.85

Cash Items 3,511.07

Butte Co Economic Development 76,355.44

Sheriff Drug Seizure 570.79

Sheriff Credit Card Account 1,420.94

Butte Co Emergency/Sheriff 2,136.95

Total Cash Accounts \$4,356,852.38

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

CAA/Public Defender Expenses – YTD-\$68,752.01
CAA/Public Defender Recoveries – YTD - \$18,874.26

Jail Expenses – YTD - \$111,353.62
Jail Lien Recoveries – YTD - \$4,355.98

Juvenile Detention Expenses – YTD - \$43,400.00
Juvenile Detention Recoveries – YTD - \$34,377.18

Poor Lien Expenses – YTD - \$4,894.16
Poor Lien Recoveries – YTD - \$ 110.00

LIENS APPLIED – June 2009

Daniel Bertalot – CAA - \$96.20
Samuel Boyd – CAA - \$327.40
KC Weaver – CAA- \$304.80
Amanda Buxcell – CAA - \$295.40
Lupito Tyrell – CAA - \$1,389.90
Mark Wheaton. – CAA - \$216.80
Lee Essink – CAA - \$426.60
Joseph Harris – CAA - \$942.05
Brad Trautman – CAA - \$355.94
Timothy Kaufman – CAA - \$346.20
Karl Kalkbrenner – CAA - \$580.05
Sunny Arguello – CAA - \$586.45
Randy Williamson – CAA - \$242.80
Rex Flanagan – CAA - \$1,335.15
Ronald Delao – CAA - \$527.74
JUV - \$1,710.50

Total: \$9,683.98

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

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

There were no travel requests to present.

There were no abatements to present.

Motion by Harms Second by Smeenk to approve Resolution 2009-13 which is ***A Resolution to Provide For Temporary Emergency Regulation of Open Burning and Other Fire Hazards in Butte County.*** The Burn Ban will go into effect at 12:01 a.m. on July 23, 2009. Vote Unanimous. Motion Carried.

RESOLUTION 2009-13

A RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF OPEN BURNING AND OTHER FIRE HAZARDS IN BUTTE COUNTY

WHEREAS, the Commissioners of Butte County are charged with protecting the health and safety of the citizens of Butte County, including all property situated therein; and

WHEREAS, the Emergency Manager of Butte County has consulted with local fire officials and law enforcement officials concerning the threat posed by wildfires; and

WHEREAS, the Commissioners of Butte County have deemed it necessary to enact certain temporary controls to reduce the threat posed to the citizens and property of Butte County by wildfires.

NOW, THEREFORE BE IT RESOLVED, that pursuant to SDCL 7-8-20 (18) Butte County does hereby enact this resolution on an emergency basis effective July 23, 2009 at 12:01 AM and impose a ban to prohibit or restrict open burning in order to protect the public health and safety; and

IT IS FURTHER RESOLVED, that the prohibited activities shall include open fires, and any other activity which could be reasonably calculated to lead to the ignition and/or spread of wildfires in Butte County; and

IT IS FURTHER RESOLVED, that the area to which the prohibitions referenced above shall be applicable shall include the entire area of Butte County excepting those lands falling within the boundaries of any commercial, state, or federal campground. Fires will be allowed in designated fire pits/places only, the merits of which will be left to the discretion of the Butte County fire department serving the affected jurisdiction. Such fires and barbeque grills (briquette type) will be attended at all times; and

IT IS FURTHER RESOLVED, that open flame/burning will not be allowed at any time, except with fire department supervision. Request for fire department supervision/standby shall be made seven days in advance or at the discretion of the affected fire department. Each request for fire department supervision/standby shall be made to the fire department serving the affected jurisdiction.

IT IS FURTHER RESOLVED, that any and all violators of this emergency declaration will be forwarded to the Butte County State's Attorney for prosecution under South Dakota Codified Law.

IT IF FURTHER RESOLVED that the prohibition of certain activities provided for above shall remain in effect until such time as the Commissioners of Butte County determine that the threat posed by wildfires has abated.

Dated this 22nd day of July, 2009

/s/: Kenneth Hansen
Chairman of the Board
Butte County Commissioners

Attest:

/s/: Elaine Jensen
Butte County Auditor

Butte County Emergency Manager / E911 Coordinator Percy Bekken came before the Commissioners to discuss appropriating Butte County's share of Homeland Security Funds towards the updating of the State Digital Radio System. The state will match Butte County by applying their share of the 2007, 2008 and 2009 Homeland Security Funds to the upgrade project. Bekken reported that 40 of the 66 counties in South Dakota have agreed to the funding.

Motion by Harms Second by Smeenk to authorize Chairman Hansen to sign the 3rd quarter SLA Quarterly report. This is for 50% reimbursement from the State Office of Emergency Management for wages of the Emergency Manager. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenk to accept the bid of \$23,500.00 and sell the county owned property which is located at 1064 Elkhorn Street in Belle Fourche, SD to Robert and Dixie Whittaker and authorize Chairman Hansen to sign the purchase agreement and have Auditor Jensen forward the agreement on to Robert and Dixie Whittaker. Vote Unanimous. Motion Carried.

Motion by Kling Second by Smeenk to go into an Executive Session with State's Attorney Tim Vander Heide regarding legal and personnel matters at 2:05 p.m. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Kling to come out of Executive Session at 2:45 pm. Vote Unanimous. Motion Carried. The following action was taken:

Motion by Kindsfater Second by Kling to authorize State's Attorney Tim Vander Heide to send a Notice of Default to City of Belle Fourche for failure to make the 3rd quarter Dispatch Payment. Vote Unanimous. Motion Carried.

Ms. Marion Atkins appeared before the Commissioners to give a BLM update.

At 3:00 p.m. Highway Superintendent Don Adams publicly opened and read orally the bids that were submitted for the Twilight Road Bridge over Moreau River – Structure Number 10-496-106 for Berm Repair and Protection. Mr. Jim Parker from NJS Engineering was also present. NJS Engineering's estimate was \$84,000.00 for this project. The following bids were received:

CONTRACTOR	BID BOND	BASE BID
Quinn Construction, Inc.	Yes	\$ 88,710.50
Gustafson Builders	Yes	\$ 166,900.00
Corr Construction	Yes	\$ 83,613.00
Ainsworth - Benning	Yes	\$ 129,287.80

At 3:00 p.m. Highway Superintendent Don Adams publicly opened and read orally the bids that were submitted for the Indian Creek Bridge Replacement, Structure Number 10-220-309. Mr. Jim Parker from NJS Engineering was also present. NJS Engineering's estimate was \$146,000.00 for this project. The following bids were received:

CONTRACTOR	BID BOND	BASE BID TIMBER STRUCTURE	ALTERNATE STEEL SUBSTRUCTURE
Heavy Construction	Yes	\$ 179,539.21	\$ 210,954.40
Corr Construction	Yes	\$ 161,807.60	\$ 167,107.60
Ainsworth - Benning	Yes	\$ 269,037.76	\$ 274,417.76
RCS Construction	Yes	\$ 174,375.00	\$ 190,000.00

Ms. Charlotte Bethea came before the Commissioners to discuss the road condition of Old Highway 212 which is located east of Newell. There is a dire need for additional gravel in some areas of the road and she was asking that this be attended to as soon as possible.

The Sourdough Road & Arpan Road Asphalt Surface Treatment Project P 6106(07) & P 6434(03) and the Whitewood Road & Orman Road In Place Processing and Paving Project P 6503(05) & P 6106(06) were discussed but no action was taken. These projects need to be reviewed further by the SD DOT.

The Application submitted from Lee J. Christianson to Construct an Approach to a County Road (Sourdough Road) for a new home construction needs to be researched further by Butte County Planning. The original plat needs to be reviewed.

The Belle Fourche River Erosion on Rathbun Road was discussed. FEMA is telling Highway Superintendent Don Adams that the project is closed and that no help is available. The Commissioners would like for Highway Superintendent Adams to post a *Road Closed Sign* or a *Private Drive Sign*. Adams is to visit with Mr. Dave Rathbun regarding this matter.

A Public Notice was held at 4:00 p.m. for the purpose of adopting a budget supplement to cover a gravel purchase. The amount of \$81,438.50 will be transferred from Highway Gravel (Restricted) Fund 201 to Highway Cash Fund 201 and the Highway Department Budget will be supplemented by the same amount. No one was present to object. Motion by Smeenk Second by Kling to transfer \$81,438.50 from Highway Gravel (Restricted) Fund 201 to Highway Cash Fund 201 and for the Highway Department Budget to be supplemented by the same amount. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kling to award Bid to Corr Construction for the amount of \$83,613.00 for the Twilight Road Bridge over Moreau River – Structure Number 10-496-106 for Berm Repair and Protection. This is contingent upon concurrence from State Office of Emergency Management. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater to award Alternate Bid (Steel Substructure) to Corr Construction for the amount of \$167,107.60 contingent upon concurrence from the State Office of Emergency Management and the approval of FEMA. Vote Unanimous. Motion Carried.

A brief discussion was held regarding the two organized townships in Butte County. It was a consensus amongst the Commissioners for the Townships to be invited to a meeting so a discussion can be held regarding who is responsible for the upkeep of Secondary Roads within the Townships.

The City/County Maintenance Agreement will be put on the August 19, 2009 meeting agenda.

Highway Superintendent Don Adams reported to the Commissioners that the Halle Rae Road project is now complete. Motion by Smeenck Second by Kling to withhold \$118.56 for the cost of the striping on the road and to disburse the balance of the funds to Melvin Eaton – EMC Development. Vote Unanimous. Motion Carried.

Highway Superintendent Don Adams was asked to post a *Children at Play* sign on Hope Road – 2.5 miles west of Highway 79.

Motion by Smeenck Second by Harms to earmark Butte County's share of the Homeland Security Funds to the State Radio Digital Upgrade. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Kling to rescind the motion to send a Notice of Default to the City of Belle Fourche for no 3rd Quarter Dispatch Payment. The payment was delivered by Mayor Schneider. Vote Unanimous. Motion Carried.

Committee Reports were given.

The Butte County Commissioners will have an auction to sell the house at the Butte County Fairgrounds.

Motion by Smeenck Second by Harms to supplement the South Dakota Highway Safety Grant for the amount of \$14,240.00. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kling to adjourn the meeting at 6:30 p.m. Vote Unanimous. Motion Carried.

APPROVED BY THE COMMISSION:
Kenneth D. Hansen, Chairman

ATTEST: Elaine Jensen, Auditor