

6/16/10

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 1:20 P.M.
June 16, 2010. Commissioners present were Kling, Kindsfater, Smeenk
and Hansen. Commissioner Harms was absent.

Chairman Kim Kling called the meeting to order and led the group in the
Pledge of Allegiance.

Motion by Hansen Second by Smeenk to approve the amended meeting agenda
which includes reviewing Butte County's Haul Road Agreement and to cancel the discussion with
Kevin and Mary Buchholz pertaining to the MDU Loop Road which is a minimum maintenance road.
Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to approve the minutes from the May 19, 2010 meeting and the
June 10, 2010 meeting and table the minutes from the June 1, 2010 meeting. Vote Unanimous.
Motion Carried.

Motion by Hansen Second by Smeenk to accept the Auditor's Monthly Settlement with
Treasurer Report for May 31, 2010. Vote Unanimous. Motion Carried.

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER
BUTTE COUNTY
May 31, 2010**

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$ 446,942.12
Wells Fargo Savings	\$ 1,443,824.79
Simply Service Federal Credit Union	\$ <u>5.68</u>

Total Checking/Savings Accounts

\$1,890,772.59

INVESTOR ACCOUNTS

First Interstate Bank Account	\$ 427,078.47
Wells Fargo Investment Account	\$ <u>196,117.01</u>

Total Investor Accounts

\$ 623,195.48

CERTIFICATES OF DEPOSIT

First Interstate	\$ 227,121.64
FNB	\$ 114,750.97
NHFCU	\$ 311.06
SSFCU	\$ 246,041.62
PB&T	<u>\$1,418,077.01</u>

Total Certificates of Deposit

\$2,006,302.30

Cash on Hand	1,250.00
Cash Items	2,765.46
Postage Meter/Postage	4,684.58
Butte County Economic Development	76,547.82
Sheriff Drug Seizure	571.08
Sheriff Credit Card Account	1,500.00
Butte County Emergency/Sheriff	<u>2,136.95</u>

Total Cash Accounts

\$4,609,726.26

/s/: Elaine Jensen 06/15/2010
COUNTY AUDITOR SIGNATURE

/s/: Debra Lensegrav 06/15/2010
COUNTY TREASURER SIGNATURE

Motion by Hansen Second by Smeenck to accept the General Fund Surplus Analysis Report for March 31, 2010. Vote Unanimous. Motion Carried.

GENERAL FUND SURPLUS ANALYSIS

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1 which states: "The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year. The total unreserved, undesignated fund balance of the general fund of the county as of March thirty-first and September thirtieth shall be published in the minutes of the proceedings of the board of county commissioners and reported to the Department of Legislative Audit. The report shall be on forms prescribed by the Department of Legislative Audit."

The following analysis should be completed as of March thirty-first and September thirtieth of each year. Thereafter, the unreserved, undesignated fund balance amount should be published in the minutes of the governing board. This analysis should also be filed with the Department of Legislative Audit.

**BUTTE COUNTY
March 31, 2010**

ASSETS:

10100	Cash	1,901,829.72
10200	Cash Change	<u> </u>
10300	Petty Cash	<u> </u>
10400	Interest Bearing Accounts	<u> </u>
10500	Savings Certificates	<u> </u>
10700	Restricted Cash in Banks	<u> </u>
10800	Taxes Receivable--Current	<u> </u>
10900	Estimated Uncollectible Taxes Receivable--Current	<u> </u>
11000	Taxes Receivable--Delinquent	<u> </u>
11100	Estimated Uncollectible Taxes Receivable--Delinquent	<u> </u>
11400	Judgment Receivable	<u> </u>
11700	Accounts Receivable	<u> </u>
11800	Estimated Uncollectible Accounts Receivable	<u> </u>
12800	Notes Receivable	<u> </u>
13100	Due from Other fund	<u> </u>
13200	Due from Other Government	<u> </u>
13300	Advance to Other Fund	<u> </u>
13500	Interest Receivable	<u> </u>
14100	Inventory of Supplies	<u> </u>
15100	Investments	<u> </u>
TOTAL ASSETS		<u><u>1,901,829.72</u></u>

LIABILITIES AND EQUITY:

20100	Claims Payable	<hr/>
20200	Accounts Payable	<hr/>
20800	Due to Other Funds	<hr/>
20900	Due to Other Governments	<hr/>
21600	Accrued Wages Payable	<hr/>
21700	Payroll Withholding Payable	<hr/>
22300	Revenues Collected in Advance	<hr/>
22400	Deferred Revenue	<hr/>

FUND BALANCES:

27102	Reserved for Inventory	<hr/>
27103	Reserved for Advance to Other Funds	<hr/>
27199	Reserved for Other Purposes (Specify)	
	Building	302,225.45
	5th Avenue	30,000.00
	Maintenance	720,000.00
	Elections	13,187.66
	Technology and Equipment	85,000.00
27201	Designated for Next Year's Appropriations (one of the following)	
	March - 3/4 of the current year	
	September - 1/4 of current year + subsequent year	
	December - subsequent year	
27202	Designated for Other Purposes (Specify)	
	<hr/>	<hr/>
	<hr/>	<hr/>
	<hr/>	<hr/>
27203	Designated for Capital Outlay Accumulations	<hr/>
27209	Undesignated	755,032.78

TOTAL LIABILITIES AND EQUITY 1,905,445.89

Following Year General Fund Budget
(use current year for March analysis) 3,253,126.85

The unreserved, undesignated fund balance, account 27209,
divided by the following year General Fund budget
resulting in the fund balance percentage 23.21%

Motion by Kindsfater Second by Smeenck to accept the following County Lien Report for May 2010. Vote Unanimous. Motion Carried.

CAA/Public Defender Expenses – YTD-\$77,160.71
CAA/Public Defender Recoveries – YTD - \$14,908.08

Jail Expenses – YTD - \$73,728.99
Jail Lien Recoveries – YTD - \$7,647.50

Juvenile Detention Expenses – YTD - \$47,614.89
Juvenile Detention Recoveries – YTD - \$260.00

Poor Lien Expenses – YTD - \$6,472.68
Poor Lien Recoveries – YTD - \$170.00

LIENS APPLIED – May 2010

Fred Hanson – CRIM - \$1,107.35
Joe Judd– CRIM - \$756.70
Shawn Clem – CRIM- \$819.55
Danielle Tripp – CRIM - \$810.65
Joshua Westover – CRIM - \$632.45
Michael Assman – CRIM - \$1,321.50
John Sharp – CRIM - \$349.40
Michael Rusk – CRIM - \$287.00
Loree McLaughlin – CRIM - \$246.00
Bobby Barker – CRIM - \$294.00
Shaun Sapp – CRIM - \$89.25
Bryan Thul – CRIM - \$82.00
Loren Lewis – CRIM - \$624.00
Brad Trautman – CRIM - \$246.00
A & N - \$1,390.70

Total: \$9,056.55

Motion by Hansen Second by Smeenck to approve the bills for payment per the computer printout except to hold a payment to NJS Engineering – Voucher # 73055 until clarification from Highway Superintendent Don Adams. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Smeenck to pay Voucher # 73055 payable to NJS Engineering. Highway Superintendent Don Adams provided clarification. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Hansen to accept the Register of Deeds report for May 2010. Vote Unanimous. Motion Carried.

There were no travel requests.

There were no abatements to present.

Sheriff Lamphere distributed the Activity Report for May 2010.

Motion by Hansen Second by Kindsfater to accept the Activity Report for May 2010 as presented by Sheriff Lamphere. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to purchase a 48 foot Van Trailer (2000 model) from Eddie's Truck Body Shop for Courthouse Book Storage. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Smeenck to purchase (four metal containers at \$65.00 each) and (one fiberglass container at \$75.00 each) from Federal Surplus. These containers will be used to store Courthouse Books. Vote Unanimous. Motion Carried.

Deputy State's Attorney Heather Plunkett reported that she has had no response back from Mr. Greg Fuller from the American Colloid Company in regards to the American Colloid Bypass and Haul Agreement.

A brief discussion was held pertaining to the 2030 Belle Fourche City Comprehensive Plan.

Motion by Smeenck Second by Hansen to go into an Executive Session at 2:25 p.m. regarding legal and personnel matters. Vote Unanimous. Motion Carried. Deputy State's Attorney Heather Plunkett was also present.

Motion by Hansen Second by Kindsfater to come out of Executive Session at 3:10 p.m. Vote Unanimous. Motion Carried. No action was taken.

Terry and Wendy Carr came before the Commissioners wanting to discuss the possibility of a Racing Ordinance. The Commissioners directed Terry and Wendy Carr to bring a sample ordinance to them to review.

The North Indian Creek Bridge Structure (10-091-161) on the Camp Crook Road was discussed. The design is progressing. A hydrology study is currently being done on the bridge.

Motion by Kindsfater Second by Smeenck to approve the contract with Western Construction for gravel crushing and stockpiling at the Davis Pit in Harding County. Voting yes were Kling, Kindsfater and Smeenck. Commissioner Hansen abstained from voting due to a conflict of interest. Motion Carried.

Motion by Hansen Second by Smeenck to not take any action on the Consultant Contract Provisions with NJS Engineering until State's Attorney Tim Vander Heide or Deputy State's Attorney Heather Plunkett has had time to review the contract. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Smeenck to approve an Application To Construct An Approach As A Variance To A County Road for Roger Brown. This is for access to a field. This Approach is on Cobb Road. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Hansen to approve an Application For Occupancy On The Right Of Way Of County Highways to trench an Irrigation Line under the Cobb Road. This is for Roger Brown. Mr. Brown is to make sure that the gravel has been adequately replaced and the trenched area has been packed. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater to approve an Application For Occupancy On The Right Of Way Of County Highways for Bryant and Karrol Herman to trench a three phase power cable to a center irrigation pivot on Whitewood Valley Road. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to approve an Application For Occupancy On The Right Of Way Of County Highways for Butte Electric Cooperative, Inc. to trench an Underground 7200v power line on the Vale Cutoff Road. Vote Unanimous. Motion Carried.

Kevin and Mary Buchholz will not be in attendance in regards to the MDU Loop – Minimum Maintenance Road.

Motion by Hansen Second by Smeenck to authorize UPCI – Upper Plains Contracting, Inc. to use the Gray Road and Sourdough Road only if the trucks are empty. Absolutely no loaded cement trucks will be permitted on these roadways. No one from UPCI was present. Vote Unanimous. Motion Carried.

The discussion pertaining to the Recording of Plats with Register of Deeds Paula Walker will be held at a later date.

At 4:00 p.m. Chairman Kling turned the meeting over to Vice-Chairman Marvin Kindsfater due to a conflict of interest. A public hearing was scheduled at 4:00 p.m. for Malt Beverage Applications for License Year 2010-2011. They are as follows:

- A. Motion by Hansen Second by Smeenck to approve a Malt Beverage Application for License Year 2010-2011 for Extreme Enterprises LLC d/b/a – Branding Iron Steakhouse & Saloon for a Retail (on-off) sale Malt Beverage – Sunday Sales. Vote Unanimous. Motion Carried.
- B. Motion by Smeenck Second by Hansen to approve a Malt Beverage Application for License Year 2010-2011 for Leona McFarland d/b/a Hoover Store for a Retail (on-off) sale Malt Beverage – Sunday Sales. Vote Unanimous. Motion Carried.
- C. Motion by Smeenck Second by Hansen to approve a Malt Beverage Application for License Year 2010-2011 for Stone House Saloon LLC for a Retail (on-off) sale Malt Beverage – Sunday Sales. Vote Unanimous. Motion Carried.
- D. Motion by Smeenck Second by Hansen to approve a Malt Beverage Application for License Year 2010-2011 for Miki V. Scheef d/b/a – Mishmash for a Retail (on-off) sale Malt Beverage – Sunday Sales. Vote Unanimous. Motion Carried.
- E. Motion by Hansen Second by Smeenck to approve a Malt Beverage Application for License Year 2010-2011 for Besler's Cadillac Ranch LLC for a Retail (on-off) sale Malt Beverage – Sunday Sales. Vote Unanimous. Motion Carried.
- F. Motion by Hansen Second by Smeenck to approve a Malt Beverage Application for License Year 2010-2011 for 212 Enterprises LLC d/b/a 212 Bait & Tackle for a Retail (on-off) sale Malt Beverage – Sunday Sales. Vote Unanimous. Motion Carried.
- G. Motion by Smeenck Second by Hansen to approve a Malt Beverage Application for License Year 2010-2011 for Duallen Tichi d/b/a Wheel In Bait Shop for a Package (off) sale Malt Beverage – Sunday Sales. Vote Unanimous. Motion Carried.
- H. Motion by Smeenck Second by Hansen to defer the Malt Beverage Application for License Year 2010-2011 for Gloria Adamson d/b/a Iron Hogz Campground for a Retail (on-off) sale Malt Beverage – Sunday Sales until the next meeting. The hold is because of additional approval for the campground is still needed. Vote Unanimous. Motion Carried.
- I. Motion by Smeenck Second by Hansen to defer the Malt Beverage Application for License Year 2010-2011 for Half Mile Inc. d/b/a Butte County Speedway for a Retail (on-off) sale Malt Beverage – Sunday Sales. The hold is because additional paperwork proving ownership is needed. Also present was Terry and Wendy Carr and Attorney Scott Odenbach. Vote Unanimous. Motion Carried.
- J. Motion by Smeenck Second by Hansen to defer the acceptance of the Malt Beverage Application for License Year 2010-2011 for Robert or Becky Boylan d/b/a Spur Creek Saloon for a Retail (on-off sale) Malt Beverage – Sunday Sales. The hold is because of additional paperwork proving ownership is needed. Vote Unanimous. Motion Carried.

Vice-Chairman Kindsfater turned the meeting back to Chairman Kling at 4:22 p.m.

Ms. Cathy Eaton came before the Commissioners to discuss covenant changes for Belle View Acres. Further review is needed before a decision can be made.

Highway Superintendent Don Adams returned at 5:00 p.m. to discuss some additional Highway issues with the Commissioners.

Committee Reports were given.

Motion by Hansen Second by Smeenk to thank Ms Dorothy Connelley for all of her assistance and hard work while employed in the Butte County Auditor's office and to wish Dorothy the very best in her retirement. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to adjourn the meeting at 6:58 p.m. Vote Unanimous. Motion Carried.

APPROVED BY THE COMMISSION:
Kim W. Kling, Chairman

ATTEST: Elaine Jensen, Auditor