

7/21/10

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 1:00 P.M. on July 21, 2010. Commissioners present were Kling, Kindsfater, Smeenk, Harms, and Hansen.

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 adding a discussion pertaining to Dispatch Services for 2011 between the City of Belle Fourche and Butte County. This discussion will be held during State's Attorney's time. A discussion pertaining to painting the County Highway Shop in Nisland will be held during Highway's time. Vote Unanimous. Motion Carried

Motion by Hansen Second by Harms to approve the minutes from the July 6, 2010 meeting and table the missing minutes. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to accept the Auditor's Monthly Settlement with Treasurer Report for June 30, 2010. Vote Unanimous. Motion Carried.

AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER

BUTTE COUNTY

June 30, 2010

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking \$ 339,077.64

Wells Fargo Savings \$ 1,043,975.29

Simply Service Federal Credit Union \$ 5.68

Total Checking/Savings Accounts \$1,383,058.61

INVESTOR ACCOUNTS

First Interstate Bank Account \$ 427,498.65

Wells Fargo Investment Account \$ 196,358.24

Total Investor Accounts \$ 623,856.89

CERTIFICATES OF DEPOSIT

First Interstate \$ 228,312.38

FNB \$ 115,040.21

NHFCU \$ 311.12

SSFCU \$ 246,041.62

PB&T \$ 1,419,764.58

Total Certificates of Deposit	\$2,009,469.91
Cash on Hand	1,250.00
Cash Items	12,029.72
Postage Meter/Postage	3,740.19
Butte County Economic Development	76,560.41
Sheriff Drug Seizure	571.13
Sheriff Credit Card Account	1,500.00
Butte County Emergency/Sheriff	<u>2,136.95</u>
Total Cash Accounts	<u>\$4,114,173.81</u>

/s/: Elaine Jensen 07/15/2010

COUNTY AUDITOR SIGNATURE

/s/: Debra Lensegrav 07/15/2010

COUNTY TREASURER SIGNATURE

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

**LIEN REPORT
BUTTE COUNTY**

	<i>EXPENSES JUNE 2010</i>	<i>EXPENSES YTD</i>	<i>RECOVERED JUNE 2010</i>	<i>RECOVERED YTD</i>
CAA/PUBLIC DEFENDER	\$12,845.80	\$90,006.51	\$3,689.56	\$18,597.64
JAIL	\$23,013.44	\$96,742.43	\$1,366.80	\$ 9,014.30
POOR LIEN	\$ 700.00	\$ 7,172.68	\$	\$ 170.00
REGIONAL JUVENILE DETENTION	\$ 1,600.00	\$49,214.89	\$ 60.00	\$ 320.00

Motion by Hansen Second by Kindsfater to approve the bills for payment per the computer printout. Vote Unanimous. Motion Carried.

Motion by Smeenk, Second by Kindsfater to accept the Register of Deeds report for June 2010. Vote Unanimous. Motion Carried.

Motion by Smeenk, Second by Hansen to approve a travel Request for VSO Bob Wagner to attend an Annual Training in Pierre, SD on August 29, 2010 – September 1, 2010. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to abate the interest on non-collectable taxes that were incurred by past Butte County Treasurer Dee Schuldies. The amount being abated is \$23,932.39. A list of the names can be found in the Butte County Auditor's office. Vote Unanimous. Motion Carried.

Sheriff Fred Lamphere distributed the Activity Report for June, 2010.

Mr. Scott Peterson came before the Commissioners as a representative for the Hamster USA Motorcycle Club. A few residents from the Vale area came to listen to the presentation and to express their concern for the upcoming activity.

Motion by Hansen, Second by Kindsfater to authorize the Hamster USA Motorcycle Club to use a section of the Valley Township road from 10:00 A.M. to 4:00 P.M. on Wednesday August 11, 2010. Vote Unanimous. Motion Carried.

The Commissioners discussed passing a Burn Ban Resolution per the recommendations from the Emergency Manager / E911 Coordinator Percy Bekken and the following individuals from local fire departments: Mark Hesse, Phillip Thornhill, Doug Cox, Mike Grubl and Fred Wells.

Motion by Smeenk. Second by Kindsfater to pass Resolution 2010-15 which is a ***Resolution To Provide for Temporary Emergency Regulation of Open Burning and Other Fire Hazards in Butte County***. The Burn Ban will be effective on July 22, 2010. Vote Unanimous. Motion Carried.

RESOLUTION 2010-15

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 22, 2010 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 21st day of July, 2010

/s/: Kim W. Kling
Kim W. Kling
Chairman of the Board
Butte County Commissioners

Attest:

/s/: Elaine Jensen
Elaine Jensen
Butte County Auditor

A Fire Safety Class will be held on Saturday, September 11, 2010 at the Butte County Fairgrounds. The Butte County Fire Protection Association would like to see some additional funding put into the Budget for 2011. The discussion of the Fire Protection Association doing an opt out was also held. No action was taken.

State's Attorney, Tim Vander Heide discussed the changes he made to the American Colloid Company Bypass and Haul Agreement. Highway Superintendent Don Adams had delivered the agreement to the American Colloid Company.

Neil Stodolski of NJS Engineering discussed the provisions of the consulting agreement that he would like for Butte County to sign. This is necessary for insurance purposes.

State's Attorney Tim Vander Heide also mentioned that he was sending Belle Fourche City Mayor - Larry Rolph a letter asking what the City's intentions are for Dispatch Services for 2011.

Motion by Hansen, Second by Kindsfater to go into Executive Session at 2:54 p.m. regarding legal matters. Vote Unanimous. Motion Carried. State's Attorney Tim Vander Heide was also present.

Motion by Hansen, Second by Smeenk to come out of Executive Session at 3:13 p.m. Vote Unanimous. Motion Carried. No action taken.

Don Adams discussed the Applications for Occupancy on the Right Way of County Highways. They are as follows:

Oehler Family Trust- A total of five water lines- one water line on Graf Road and four water lines on Erk Road. These water lines will all be trenched. Motion by Smeenk, Second by Hansen to approve the applications. Vote Unanimous. Motion Carried

Darrell D. Marchiando- Trench one water line on Sourdough Road. Motion by Kindsfater Second by Smeenk to approve the application. Vote Unanimous. Motion Carried.

Butte Electric Cooperative, Inc. – Bore an underground 7200 v Power Line on Fisherman’s Road. Motion by Hansen Second by Smeenck to approve the application. Vote Unanimous. Motion Carried.

The North Indian Creek Bridge Structure (10-091-161) on the Camp Crook Road was discussed. A design has not been finalized. No action was taken.

The County Highway Shop in Nisland was also discussed. It needs a new coat of paint. No action was taken.

Register of Deeds Paula Walker discussed her policy in her office in regards to recording plats.

Chairman Kim Kling excused himself from the Public Hearing for the following Malt Beverage Applications for License Year 2010-2011 due to a conflict of interest. The meeting was turned over to Vice- Chairman Marvin Kindsfater. The following applications were presented: Gloria Adamson – d/b/a Iron Hogz Campground – Retail (on-off) sale Malt Beverage- Sunday Sales; Half Mile Inc. d/b/a Butte County Speedway – Retail (on-off) sale Malt Beverage- Sunday Sales; Robert or Becky Boylan d/b/a Spur Creek Saloon, LLC - Retail (on-off) sale Malt Beverage- Sunday Sales and Randy Longtine d/b/a Steel Horse Saloon - Retail (on-off) sale Malt Beverage- Sunday Sales.

Motion by Harms Second by Smeenck to approve a Malt Beverage Application for License Year 2010-2011 for Gloria Adamson – d/b/a Iron Hogz Campground – Retail (on-off) sale Malt Beverage- Sunday Sales. Vote Unanimous. Motion Carried.

Half- Mile Inc- Butte County Speedway was postponed to a later date due to paperwork not being in order.

Motion by Smeenck Second by Harms to approve a Malt Beverage Application for License Year 2010 -2011 for Robert or Becky Boylan d/b/a Spur Creek Saloon, LLC - Retail (on-off) sale Malt Beverage- Sunday Sales. Voting yes were Kindsfater, Smeenck and Harms. Voting no was Hansen. Motion Carried.

Motion by Harms Second by Smeenck to approve a Malt Beverage Application for License Year 2010-2011 for Randy Longtine d/b/a Steel Horse Saloon - Retail (on-off) sale Malt Beverage- Sunday Sales. Vote Unanimous. Motion Carried.

Vice-Chairman Kindsfater turned the meeting back to Chairman Kim Kling.

Emergency Manager / E-911 Coordinator Percy J. Bekken discussed the FEMA- Willow Creek Flood Plain Zone with the Commissioners. Changes have been made in the City of Belle Fourche and Willow Creek. Changes still need to be made to Gray Road and Belle View Acres.

Motion by Smeenk, Second by Kindsfater to appoint Charles Richardson – Butte County Planning Coordinator/Appraiser to Flood Plain Coordinator. This position will be assisted by Emergency Manager / E-911 Coordinator Percy Bekken. Vote Unanimous. Motion Carried

Motion by Kindsfater Second by Smeenk to go into an Executive Session for legal matters and for personnel matters. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Harms to come out of Executive Session. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to authorize Treasurer Deb Lensegrav to offer more hours to employee Kelly Keegan in the Treasurer's Office. This extension of hours is temporary. The additional hours are being offered to Ms. Keegan during Deputy Treasurer Tracy Monier's absence. Vote Unanimous. Motion Carried.

Committee Reports were given.

Motion by Kindsfater Second by Harms to authorize Marlow Wilder to paint the Extension Office/State's Attorney's Building. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Smeenk to adjourn the meeting. Vote Unanimous. Motion Carried.

APPROVED BY THE COMMISSION:

Kim W. Kling, Chairman

ATTEST: Elaine Jensen, Auditor