

06/01/10

THE BUTTE COUNTY COMMISSIONERS CONVENED AT 9:36 A.M.

June 1, 2010. Commissioners present were Kindsfater, Smeenk, Harms and Hansen. Chairman Kling was absent.

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Vice - Chairman Marvin Kindsfater called the meeting to order and led the group in the Pledge of Allegiance.

Motion by Hansen Second by Smeenk to approve the meeting agenda as presented.  
Vote Unanimous. Motion Carried.

Motion by Hansen Second by Smeenk to table the minutes until the next meeting.  
Vote Unanimous. Motion Carried.

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

Motion by Hansen Second by Smeenk to accept the VSO report for May 2010.  
Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to approve the following travel request:  
Head Dispatcher Dallas Ford to attend a Power Phone Advanced Law Enforcement Dispatch Training in Colstrip, Montana on July 27 – 28, 2010 at an estimated cost of \$594.00.  
Vote Unanimous. Motion Carried.

There were no abatements.

Department Heads reported on undertakings within their respective offices.

Mr. Joe Bunnell stopped by to visit with the Commissioners about the Northern Hills Recycling Center which is known as Lazy B Enterprises. The business is located west of Belle Fourche on Highway 85.

Mr. Bunnell also visited with the Commissioners about the remaining amount of \$750.00 he owes to Butte County regarding the highway surplus items that he had previously purchased. Mr. Bunnell stated he will need some additional time before he can pay the \$750.00. The Commissioners will visit with State's Attorney Tim Vander Heide regarding this matter and let him know of their decision.

Motion by Harms Second by Smeenk to approve the Final Plat of Lot A, And A 40' Private Access and Utility Easement of the SE1/4NW1/4 of Section 11, Less Tract J, All located in the SE1/4NW1/4 of Section 11, T.8N, R.3E, B.H.M. Butte County, South Dakota. Vote Unanimous. Motion Carried.

Richard and Linda Meyer and James Meyer came before the Commissioners to discuss maintenance on the Kinghorn Road. The Kinghorn Road is a Minimum Maintenance Road.

Motion by Smeenk Second by Hansen to approve an Application For Occupancy On The Right Of Way Of County Highways for Randy Stark to trench a livestock water line on the Erk Road.  
Vote Unanimous. Motion Carried.

The Streambank Stabilization on the Rathbun Road was discussed. Highway Superintendent Don Adams informed the Commissioners that the Road cannot be found on the Highway Road System. Therefore the project will be between Mr. Dave Rathbun and the Watershed Coalition. Butte County is not responsible for the Road.

The Commissioners directed Highway Superintendent Don Adams to send a letter via certified mail to Mr. Wes Ginsbach stating that Ollila Road or also known as Knutson Road was removed from the Highway Road system. Butte County is not responsible for the maintenance of the Road.

Highway Superintendent Don Adams informed the Commissioners that he will be ordering Mag Water in the near future. As in the past Mag Water will be delivered to those that has ordered Mag Water and payment will be required at the time of delivery.

MidState Reclamation is to begin the Milling Project on the North End of Helmer Road the week of June 7, 2010.

Butte County Sheriff Fred Lamphere was unavailable. His activity report will be presented at the June 19, 2010 meeting.

The Commissioners recessed at 11:50 a.m. with the public invited.

The Commissioners reconvened at 1:35 p.m. with all Commissioners present.

Chairman Kling called the meeting back to order and thanked Commissioner Kindsfater for his assistance in the morning.

Motion by Hansen Second by Smeenck to go into an Executive Session at 1:37 p.m. regarding legal, contractual and personnel matters. Vote Unanimous. Motion Carried.  
State's Attorney Tim Vander Heide was present for the Executive Session.

Motion by Smeenck Second by Harms to come out of the Executive Session at 3:22 p.m.  
Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to authorize State's Attorney Tim Vander Heide to execute final release and assignment in connection with claim against former Treasurer Dee Schuldies against her CNA surety bond in the amount of \$58,818.94. Vote Unanimous. Motion Carried.

Marian Atkins from the Bureau of Land Management and Elaine Raper – District Manager for the Eastern Montana/Dakotas District came before the Commissioners to provide them with a BLM Update.

Motion by Hansen Second by Smeenck to authorize Chairman Kling to sign Resolution 2010-14 and have Auditor Jensen send to the appropriate parties. Vote Unanimous. Motion Carried.

## RESOLUTION

**WHEREAS**, The United States Ellsworth Air Force Base is proposing an expansion to its Powder River Training Complex, and

**WHEREAS**, the citizens of Butte County and the Board of County Commissioners support and understand the importance of the training that takes place at Ellsworth, but there is concern regarding safety if the expansion is approved as proposed, and

**WHEREAS**, the Commission is concerned about the safety of local pilots that regularly fly within the airspace contemplated by the expansion for ranching and agricultural purposes, and

**WHEREAS**, the Commission is concerned that the 500 foot ceiling contemplated by the US Air Force would disrupt the day to day agricultural operations in Butte County, and

**WHEREAS**, the Commission is concerned about the fire dangers that exist when flares are discharged and chaff fibers are released from US Air Force aircrafts, and

**WHEREAS**, the Commission is concerned about the level of advance notification offered by Ellsworth and whether such notification is effective in warning Butte County residents and local pilots of Air Force planes flying over Butte County.

**NOW, THEREFORE, BE IT RESOLVED** that the Butte County Board of Commissioners express concern about the proposed expansion of the Powder River Training Complex within the boundaries of Butte County, as it is the County's responsibility to protect the safety and livelihood of the citizens of Butte County.

Dated this 1st day of June, 2010.

Signed: /s/: Kim Kling  
Kim Kling, Chairman, Butte County Commission

ATTEST: /s/: Elaine Jensen  
Elaine Jensen, Butte County Auditor

Motion by Harms Second by Hansen to accept the following Malt Beverage Applications for License Years 2010-2011 and set the public hearing for 4:00 p.m. on June 19, 2010.  
Vote Unanimous. Motion Carried.

Duallen Tichi – dba Wheel in Bait Shop – Package (off-sale) Malt Beverage (Sunday Sales)

Gloria Adamson – dba Iron Hogz Campground – Retail (on-off sale) Malt Beverage (Sunday Sales).

Motion by Hansen Second by Smeenck to surplus the safe in the Treasurer's office and to call the Newell Museum to see if they are interested in the safe. Vote Unanimous.  
Motion Carried.

Motion by Smeenck Second by Harms to approve the following travel requests:  
Deputy Brunner to attend training at the Training Center in Pierre, SD on June 14 - 17, 2010 and for Sheriff Lamphere to attend a Homeland Security Summit in Sioux Falls, SD on June 14 – 17, 2010. Vote Unanimous. Motion Carried.

Committee Reports were given.

Motion by Smeenck Second by Harms to extend 3 months to Joe Bunnell to pay the balance that he owes on the surplus items that he had purchased. Mr. Bunnell will not be allowed any possession of any of the items until the balance is paid in full. Vote Unanimous.  
Motion Carried.

The Commissioners set the date of June 10, 2010 at 2:00 p.m. to canvass the Primary Election.

Motion by Hansen Second by Kindsfater to go into an Executive Session at 5:15 p.m. regarding personnel matters. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Hansen to come out of Executive Session at 5:55 p.m. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Smeenck to authorize Auditor Jensen to hire a full time person to be employed in the Auditor's office and to advertise accordingly. Vote Unanimous.  
Motion Carried.

Motion by Smeenck Second by Harms to adjourn the meeting at 5:57 p.m. Vote Unanimous.  
Motion Carried.

#### SALARY

ASSESSOR'S OFFICE/PLANNING-\$9,288.06, AUDITOR'S OFFICE-\$9,001.57, BUILDINGS-\$810.65, COMMISSIONERS-\$5,654.40, DISPATCH-\$19,789.70, EM/911-\$2,588.66, EXTENSION-\$1,638.40, HIGHWAY DEPT/WEED CONTROL-\$28,842.00, NURSE'S OFFICE-\$2,048.00, REG OF DEEDS OFFICE-\$5,052.86, SHERIFF DEPT-\$16,465.85, STATE'S ATTORNEY OFFICE-\$12,759.63, TEEN COURT-\$1,384.62, TREASURER'S OFFICE-\$8,231.65, VETERAN SERVICE OFFICE-\$1,163.34

#### COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,208.44

#### SDRS (RETIREMENT)

BUTTE COUNTY SHARE \$7,346.08

#### GROUP INSURANCE

BUTTE COUNTY SHARE \$31,130.13

#### PROFESSIONAL SERVICES & FEES

A & B BUSINESS EQUIPMENT \$275.70, ADAMS, RAMONA ANN \$48.00, AIR QUALITY ASSESSMENTS \$725.00, BACHMAN, RENEE \$120.00, BERRETH, SETH W \$160.00, BLACK HILLS FAMILY PRACTICE \$192.50, BLACK HILLS SECURITY \$1,034.50, BRUNNER, GARY \$100.00, BURKE, RONNA \$88.00, COURT APPOINTED ATTORNEY FEES \$3,838.00, ELECTION LABOR \$60.00, RAPID CITY REGIONAL HOSPITAL \$2,094.00, CENTURY BUSINESS PRODUCT \$293.35, CITY OF RAPID CITY \$105.00, CLARK, NORMAN \$50.00, CLINICAL LABORATORY \$1,884.00, CSD \$78.00, DAY, ALEXANDRIA \$20.00, DEWEY J ERTZ, ED D \$130.00, DJ CONSTRUCTION \$650.00, DON'S HANDYMAN SERVICE \$964.62, DOOLAN, TIMOTHY \$50.00, DROPPERS, JOLEENE \$20.00, ELLINGSON, JOSEPH \$2,525.43, FITZPATRICK, VIRGINIA \$50.00, FUNERAL HOME NORTHERN HILLS \$1,000.00, HARKINS, CAROLYN M \$136.90, HUNSUCKER, EDWIN A \$235.00, JACKSON DENTAL CLINIC \$118.00, JEFFERSON PARTNERS L.P. \$111.28, KIDDER COUNTY SHERIFF \$30.00, KILMER, STONEY \$50.00, KLINGLER, LORRAINE \$50.00, KNAPP, WENDY \$50.00, KONE INC. \$321.75, LAB SAFETY SUPPLY INC \$76.66, LAMPHERE, FRED \$100.00, LEXISNEXIS \$110.00, MEADE COUNTY AUDITOR \$24,915.00, MILLER, RONDA \$2,505.44, MINNEHAHA CO. SHERIFF \$12.58, MONCUR CPA, DEBRA \$665.00, MORMAN LAW FIRM \$270.60, NEWLANDER, ROBERT \$20.00, OCCUPATIONAL HEALTH NETWORK \$40.00, PAMIDA INC-STURGIS \$234.39, PELLE, CHARITY \$20.00, PENNINGTON CO. AUDITOR \$32,018.90, PENNINGTON COUNTY JAIL \$182.00, PENNINGTON COUNTY SHERIFF \$350.29, PENNINGTON COUNTY STATES ATTORNEY \$400.00, PIERCE, RUBEN J \$20.00, RAPID CITY REGIONAL HOSPITAL \$5,034.00, REGIONAL BEHAVIORAL HEALTH \$716.30, REGIONAL HEALTH \$350.00, REINDL, STACI L. \$5,500.00, ROBERTS, PAULA \$277.75, ROGERS, CAMI \$20.00, SCHOTT, CODY \$20.00, SD DEPT OF REVENUE \$1,732.18, SD DEPT OF TRANS \$1,922.66, SD HUMAN SERVICES CENTER \$29.00, SERVALL UNIFORM/LINEN \$301.78, SEXTON, JOANETTE \$50.00, SPEARFISH REGIONAL MEDICAL \$18.00, STRICKLAND, ALANA \$50.00, TALKS, AMIEL \$20.00, TAYLOR, BRIAN \$20.00, TEVIK, CHERYL \$305.00, THIEL, MARK \$50.00, TRACY, MICHAEL \$20.00, TRUMP LAW OFFICES PC \$3,500.00, VARNS, KENNETH \$22.20, WAINMAN, MARIAH \$20.00, WAINMAN, MATTHEW \$20.00, WELLS FARGO FINANCIAL \$20.01, WESTERN S.D. JUVENILE SERVICES \$1,600.00, WILBUR, ROBERT \$50.00, WILLIAMS, SANDRA \$50.00

#### PUBLISHING

RAPID CITY JOURNAL \$1,221.87

#### RENTALS

A & B BUSINESS EQUIPMENT \$20.70, MARLIN LEASING \$284.51, WELLS FARGO FINANCIAL \$220.08

#### REPAIRS & MAINTENANCE

HERSRUDS OF B.F. \$93.72, RUSHMORE COMMUNICATIONS \$328.00

#### SUPPLIES & MATERIALS

A & B BUSINESS EQUIPMENT \$63.15, ADAMS, DONALD \$29.15, ANDERSON, LINDA \$10.52, BELLE FOURCHE VETERINARY \$20.00, BLACK HILLS PURE INC \$58.15, BLACK HILLS WINDSHIELD \$100.00, BUTLER MACHINERY \$2,984.94, SHERIFF OFFICE SUPPLIES \$866.15, POSTAGE \$1,455.94, CBH COOPERATIVE \$10,070.08, CENTRAL PARTS \$597.26, DAKOTA LUMBER \$308.27, DOUBLE STAR COMPUTING \$4,839.98, EDDIE'S TRUCK CENTER \$368.10, ELECTION SYSTEMS & SOFTWARE \$1,961.22, FAST BREAK SCREEN PRINTING \$20.00, FLOWERS BY ROSE \$42.40, GALLS \$291.22, GODFREY BRAKE INC \$177.58, GRIMM'S PUMP & INDUSTRIAL \$69.74, HAGEN GLASS WINDOWS \$191.33, HERSRUDS OF B.F. \$234.65, HILLYARD/SIOUX FALLS \$165.01, JEFFERSON PARTNERS L.P. \$94.64, KOKESH, RICH \$4,140.00, LABORATORY CORP OF AMERICA \$69.75, LAR-JO'S \$674.80, LIGHTS THAT SAVE \$65.00, LYLE SIGNS INC \$75.00, MARSHALL & SWIFT \$812.75, MG OIL COMPANY \$9,003.34, MOTIVE PARTS & SUPPLY \$346.46, NEWELL RANCH SUPPLY INC \$302.77, PAGE AUTO SUPPLY \$121.17, PAMIDA \$167.81, POWER PLAN \$87.95, QUILL CORPORATION \$420.34, RABER'S WELDING \$50.00, RAPID DELIVERY \$25.30, SAND CREEK PRINTING \$2,295.70, SD DEPT OF TRANS \$2,733.06, SERVALL UNIFORM/LINEN \$231.60, STEREOS N STUFF \$551.93, SYNERGY GRAPHICS INC \$150.00, THE TECHNOLOGY CENTER \$180.00, WELLS PLUMBING \$1,295.88, WEST GOVERNMENT SERVICES \$102.85, WEST TIRE \$242.42

#### TRAVEL & CONFERENCE

BRUNNER, JULIE \$189.78, MENTAL TRANSPORT TO YANKTON \$250.00, CLARK, NORMAN \$12.58, FOX, KRINDA \$27.50, GARRETT, WESTON \$29.14, HANSEN, KENNETH \$37.00, HARMS, STANLEY \$40.70, KILMER, STONEY \$25.90, KINDSFATER, MARVIN \$7.40, KLING, KIM \$13.32, KLINGLER, LORRAINE \$0.74, KNAPP, WENDY \$0.74, LENSEGRAV, DEBRA \$34.03, MONIER, TRACY \$164.20, NEWLANDER, ROBERT \$0.37, PARROW, DOUGLAS \$5.03, PELLE, CHARITY \$0.74, PLUNKETT, HEATHER \$234.99, ROGERS, CAMI \$303.40, SDSU CES \$486.18, SEXTON, JOANETTE \$1.48, SMEENK, STEVEN \$55.50, STRICKLAND, ALANA \$1.48, TALKS, AMIEL \$0.74, TAYLOR, BRIAN \$7.40,

THIEL, MARK \$3.70, WAGNER, ROBERT \$89.54, WAINMAN, MARIAH \$0.74, WAINMAN, MATTHEW \$3.70, WALKER, PAULA \$223.49, WILBUR, ROBERT \$12.58, WILLIAMS, SANDRA \$0.74

UTILITIES

A T & T \$58.99, ALLTEL \$1,047.16, BH POWER & LIGHT CO \$2,858.72, INTERNET SERVICE QWEST \$29.99, BUTTE ELECTRIC COOP \$488.05, BUTTE-MEADE SANITARY \$39.00, CITY OF BELLE FOURCHE \$132.13, GOLDEN WEST COMPANIES \$23.45, KNOLOGY \$713.57, MCGAS PROPANE \$193.68, MONTANA-DAKOTA UTIL.CO \$873.93, NEVE'S UNIFORMS INC \$25.95, QWEST \$1,551.33, REFUSE SOLUTIONS INC \$112.30, TOWN OF NISLAND \$64.10, WEST RIVER COOP TELEPHONE \$101.01

OTHER

BUTTE COUNTY TREASURER \$185.00, BUTTE-LAWRENCE FAIR BOARD \$7,500.00, PAMIDA \$58.82, SAND CREEK PRINTING \$19.90, SD DEPT OF REVENUE (PREDATORY ANIMAL) \$7,179.23

FY 08 HLS SHSP GRANT

JOHNSON ELECTRIC \$5,000.00

SHERIFF HIGHWAY SAFETY GRANT

BROOKER, JACK \$150.00, BRUNNER, GARY \$175.00, CLEMENTS, TRISTAN \$268.73, JEWETT, WILLIAM O \$70.00

MACH, EQP, BOOKS & SOFTWARE

DOUBLE STAR COMPUTING \$800.00

PRINCIPAL

FIRST INTERSTATE BANK \$6,589.19, GE CAPITAL \$2,509.03

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APPROVED BY THE COMMISSION:

Kim W. Kling, Chairman

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ATTEST: Elaine Jensen, Auditor