

07/02/13

THE BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M.  
July 2, 2013. Commissioners present were Kling, Smeenck, Ager and Geis.

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

Motion by Smeenck Second by Geis to approve the amended meeting agenda which includes a correction to the Economic Development Allocation. It should be a 2013 Allocation instead of 2014 Allocation and also add a discussion to address the dust control issue on Whitewood Valley Road under the Highway Department. Vote Unanimous. Motion Carried.

Debbie Fernen came before the Commissioners to thank each one of them personally for the kindness that was shown to Commissioner Fernen during his illness.

Motion by Smeenck Second by Ager to approve the Commissioner's minutes from the Regular Commissioner's meeting which was held on June 18, 2013 and the Special Meeting that was held on June 29, 2013. Vote Unanimous. Motion Carried.

Motion by Geis Second by Smeenck to approve the bills for payment per the computer printout as presented by Auditor Jensen. Vote Unanimous. Motion Carried.

Motion by Geis Second by Smeenck to accept the VSO report for June 2013 as presented from VSO Bob Wagner. Vote Unanimous. Motion Carried.

Travel requests will be held until later in the afternoon.

Treasurer Lensegrav came before the Commissioners with two property tax applications that are uncollectible. Motion by Smeenck Second by Ager to approve parcel number 09.4.15.2 for the amount of \$132.56 as uncollectible and parcel number 08.3.18.13.2 for the amount of \$1,244.78 as uncollectible. Vote Unanimous. Motion Carried.

Mr. Toby Morris from Dougherty & Company LLC came before the Commissioners to discuss Court House improvements which fall under SDCL 7-25.

Auditor in Charge - Al Schaefer from Legislative Audit came before the Commissioners to address the 2011 and 2012 audit he will be conducting.

Motion by Smeenck Second by Ager to authorize Chairman Kling and Auditor Jensen to sign the Engagement Letter for the 2011 and 2012 audit as presented by Al Schaefer. Vote Unanimous. Motion Carried.

Department Heads came before the Commissioners to discuss the happenings within their respective offices.

Motion by Smeenck Second by Geis to approve the Butte-Lawrence County 4-H Youth Program Advisor Report for June 2013 as presented by Advisor – Betsy Burtzloff. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Geis to approve a travel request for Butte-Lawrence County 4-H Youth Program Advisor – Betsy Burtzloff to attend the State Horse Show and Livestock Judging in Huron, SD on July 22-26, 2013.

Butte County Highway Superintendent Don Adams came before the Commissioners to discuss the items on the agenda pertaining to his department.

The first item to be addressed was the Temporary Road Closure on the 3VVV Road for 2 to 4 weeks each summer in July and/or August of 2015, 2016 and 2017 for Bentonite Performance Materials, LLC to remove Bentonite under the 3VVV Road. The Highway Department has sent letters to patrons in the area who may be affected by the road closure. The proposed plan is to use the Hwy 212 cut across while the road is temporarily closed. There is some concern about a cattle guard that will need to be replaced on that road. Highway Superintendent Don Adams will address the cattle guard concern. Mr. Frank Dobesh, Boe and Lisa Dobesh were present for the discussion.

Motion by Geis Second by Smeenk to approve the Temporary Road Closure on 3VVV Road for 2 to 4 weeks each summer in July and/or August of 2015, 2016 and 2017 for Bentonite Performance Materials to remove Bentonite under the 3VVV Road. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Ager to approve a Haul Road Agreement on 3VVV Road and ACC Road between Bentonite Performance Minerals, LLC (BPM) and Butte County. Vote Unanimous. Motion Carried.

Karroll Herman, Genevieve Minor and Lisa Douglas all came before the Commissioners to voice their concerns about the extreme danger due to dust on the Whitewood Valley Road. The truck traffic drives at excessive speeds.

Motion by Smeenk Second by Ager for the Butte County Highway Department to put Mag Water down on the Whitewood Valley Road from the bridge to the South Canal Bridge and the Sheriff's Department is to enforce the speed limit. Vote Unanimous. Motion Carried.

Scott Gullickson from Butler Machinery Company delivered the Sales Agreement for the (6) 140M2 AWD Motor Graders. The Agreement states that Butte County will pay \$258,240.00 for each of the (6) 140M2 Graders. The Graders will be financed at 2.95% with 7 annual payments of \$21,141.80 with the first payment due in advance. The final balloon payment is \$150,000.00. The motor graders are being purchased per the Spink County Bid with a repurchase at the end of 7 years or 7500 hours of \$150,000.00.

Mr. Jason Hanson from Brosz Engineering, Inc. came before the Commissioners to discuss the estimate for the Chip Seal & Crack Seal on the Snoma-Helmer Road. The Commissioners plan to use STIP funds for the project. The estimated cost for the project is \$99,682.00.

Motion by Smeenk Second by Ager to *Call For Bids* for the "*Crack Seal & Asphalt Surface Treatment*" project on the Snoma-Helmer Road. The Butte County Commission will receive FIRM sealed bids at the Butte County Auditor's Office up until 10:30 a.m. on Tuesday, August 6, 2013. The sealed bids will be opened at 11:00 a.m. on Tuesday, August 6, 2013 during the regular Butte County Commissioner's meeting. Vote Unanimous. Motion Carried.

The Commissioners recessed for lunch at 12:15 p.m. with the public invited.

The Commissioners reconvened at 1:40 p.m.

Deputy Sheriff Jason Herra distributed the Activity Report for June 2013.

Highway Superintendent Don Adams returned to finish addressing the items on the agenda pertaining to his department.

Motion by Smeenck Second by Ager to authorize Highway Superintendent Don Adams to purchase a 1989 Trail King Semi-Trailer from South Dakota Federal Surplus Property for \$5,000.00. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Ager to approve an Application For Occupancy On The Right Of Way Of County Highways for Peter Buer to bore a Livestock Water Line on Brooker Road. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Geis to approve an Application To Construct An Approach To A County Road for Kermit and Lizabeth Diers on Mail Road. The Approach is being approved as a Variance. The Approach is needed to access approximately 10 acres of landlocked farm land. Vote Unanimous. Motion Carried.

Motion by Geis Second by Smeenck to approve an Application To Construct An Approach To A County Road for Fred Lamphere on Stonelake Road. The Approach is being approved as a Variance. The Approach is for a home site. Vote Unanimous. Motion Carried.

Emergency Manager/E911 Coordinator/Floodplain Coordinator Martha Wierzbicki came before the Commissioners with items on the agenda pertaining to her department.

Motion by Smeenck Second by Ager to authorize Emergency Manager/E911 Coordinator/Floodplain Coordinator Martha Wierzbicki to apply to the Emergency Management Institute in Emmitsburg, MD for training on December 2 – 13, 2013. Vote Unanimous. Motion Carried.

State's Attorney Heather Plunkett came before the Commissioners to discuss the items on the agenda pertaining to her department. Intern Mathew Laidlaw was also in attendance.

Motion by Geis Second by Ager to go into an Executive Session at 2:45 p.m. with State's Attorney Heather Plunkett regarding legal matters. Vote Unanimous. Motion Carried.

Motion by Geis Second by Smeenck to come out of Executive Session at 3:37 p.m. Vote Unanimous. Motion Carried.

Motion by Ager Second by Geis to authorize the *Domestic Violence Offenders Program* to use the Butte County Commissioner's Room at the Butte County Courthouse on Monday evenings at 6:00 p.m. Vote Unanimous. Motion Carried.

Butte County Planning Director Polly Odle came before the Commissioners to address the items on the agenda pertaining to the Planning Department.

Motion by Smeenck Second by Geis to approve the Final Plat of Lots 1 and 2 of Mutchler Subdivision located in the NE4 of Section 35 and NW4NW4 of Section 31, T9N, R5E, B.H.M., Butte County, South Dakota. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Geis to approve the Final Plat of Tract 2 of Stonelake Subdivision located in Government Lots 3 & 4 of Section 3, T8N, R5E, B.H.M. Butte County, South Dakota. Vote Unanimous. Motion Carried.

The Buffalo Ridge Subdivision was discussed.

Motion by Geis Second by Ager for no further platting or subdivision on land that is accessed by Bonato Road until an Emergency Access is built. Vote Unanimous. Motion Carried.

Deon Wilen from Wilen Masonry, Inc. came before the Commissioners to discuss the dome repair. Mr. Wilen will proceed with putting an estimate together and will present the estimate and design at the July 16, 2013 meeting.

The Economic Development Allocation was discussed. Commissioner Geis was pretty certain that the allocation of \$10,000.00 was to be made in 2013. Auditor Jensen will research this request.

The Board of Butte County Commissioners will take applications for the Commissioner vacancy in Commissioner District #5. State's Attorney Heather Plunkett advised that Auditor Jensen will serve as an acting Commissioner until the vacancy is filled.

Motion by Ager Second by Smeenk to adjourn the meeting at 5:00 p.m. Vote Unanimous. Motion Carried.

**SALARY**

ASSESSOR'S OFFICE/PLANNING \$3,847.79, AUDITOR'S OFFICE \$4,224.54, BUILDINGS \$1,820.18, COMMISSIONERS \$2,872.08, DISPATCH \$10,470.00, ELECTION \$543.60, JUDICIAL \$345.60, EM/911 \$1,373.16, EXTENSION \$1,087.20, HIGHWAY DEPT/WEED CONTROL \$15,359.23, NURSE'S/WIC OFFICE \$1,087.20, REGISTER OF DEEDS OFFICE \$2,334.99, SHERIFF/JAIL DEPT \$9,241.68, STATES ATTORNEY OFFICE \$6,480.97, TREASURER'S OFFICE \$4,742.99, VETERAN SERVICE OFFICE \$617.11

**COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$4,836.56

**SDRS RETIREMENT**

BUTTE COUNTY SHARE \$3,882.87

**GROUP INSURANCE**

BUTTE COUNTY SHARE \$28,156.41

**PROFESSIONAL SERVICES**

BACHMAN, RENEE \$50.00, BARKER WILSON LAW FIRM LLP \$226.86, MEADE COUNTY AUDITOR \$24,860.00, MIRANDA, JUSTIN \$20.00, SD SECRETARY OF STATE \$60.00, BLACK HILLS VISION CARE \$156.00, DILL LAW OFFICE, PC \$3,500.00, PRIMERO INSURANCE \$80.00, AUDRA MALCOMB CONSULTING \$865.59, RENSCH LAW OFFICE \$453.90, JESSE STRICKLAND \$120.00, LINDA FLETCHER \$249.00, ANNA LARA \$20.00, REINDL, STACI L \$7,000.00, SD ASSN OF COUNTY OFFICIALS \$150.00, HARKINS, CAROLYN M \$274.40, KINNEY LAW PC \$5,212.94, STURGIS REGIONAL HOSPITAL \$360.81, SPEARFISH REGIONAL MEDICAL CLINIC \$58.00, BROOKER, JACK \$317.25, CERMAK, LISA \$50.00

**PUBLISHING**

RAPID CITY JOURNAL \$290.50

**RENTALS**

A & B BUSINESS EQUIPMENT \$266.04, PITNEY BOWES INC \$456.66, DJ CONSTRUCTION & DEVELOPMENT \$700.00

**REPAIR AND MAINTENANCE**

SCOTT PETERSON MOTORS \$388.12, MOTOROLA \$6,710.40, 3J OIL MEDICS, LLC \$189.85, CENTURY BUSINESS PRODUCTS INC \$161.86

**SUPPLIES AND MATERIALS**

FASTENAL COMPANY \$12.96, CUSTOM CAGE \$350.00, BUTLER MACHINERY \$675.23, OFFICE EMPORIUM \$327.50, DAKOTA LUMBER \$13.72, SD DEPT OF TRANS \$3,907.00, SAND CREEK PRINTING \$1,076.20, LAW ENFORCEMENT SYSTEMS \$95.00, TRIMBLE NAVIGATION LIMITED \$239.70, QUILL CORPORATION \$34.99, WEST PAYMENT CENTER \$119.06, INTOXIMETERS INC \$600.00, SUBWAY SANDWICHES & SALADS \$143.00, EZ FABRICATION AND WELDING INC \$18.81, HILLYARD/SIOUX FALLS \$112.53

**CONFERENCE & TRAVEL**

SDAAO \$600.00

**UTILITIES**

CITY OF BELLE FOURCHE \$184.01, BLACK HILLS POWER \$32.76, AT&T MOBILITY \$750.61, KNOLOGY \$701.54, NORTHERN HILLS RECYCLING CENTER \$51.00, BUTTE-MEADE SANITARY \$65.00, AT&T \$52.52,

**OTHER**

MERCHANTS BANK \$113,979.65

---

APPROVED BY THE COMMISSION:  
Kim W. Kling, Chairman

---

ATTEST: Elaine Jensen, Auditor

Published once at the total approximate cost of \$