09/01/15

THE BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on September 1, 2015. Commissioners present were Geis, Kling, Harms, Walton and Richards.

Chairman Cal Geis called the meeting to order and led the group in the Pledge of Allegiance.

Motion by Walton Second by Kling to approve the meeting agenda. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kling to approve the minutes from the Regular Scheduled Meeting which was held on August 18, 2015 and the Special Budget Meeting which was held on August 25, 2015. Vote Unanimous. Motion Carried.

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

Motion by Kling Second by Harms to approve the following travel requests: Emergency Manager/E911 Coordinator/Floodplain Coordinator Tyler Trohkimoinen to attend a SD EMS Conference in Mitchell, SD on September 13 – 17, 2015, Sheriff Fred Lamphere to attend the South Dakota Sheriff's Conference in Aberdeen, SD on September 28, 2015 – October 1, 2015 and Deputy State's Attorney Cassie Wendt to attend an Education/Training in Rapid City, SD on September 29, 2015 – October 2, 2015. Vote Unanimous. Motion Carried.

The Department Heads came in and gave updates on the happenings in their respective offices. Jamie Fettig reported on the success of the Butte Lawrence County Fair and also distributed Activity Reports for July and August. Treasurer Lensegrav informed the Commissioners that she and Attorney Morris are attempting to work on the Tax Deed Process and VSO Robert Wagner would like to have a special recognition event for Mr. Melvin Shuck to acknowledge him for his many hours of volunteer service to the Veterans of Butte County. Register of Deeds Paula Walker told the Commissioners that she is in compliance with the Supreme Court's decision as she issued the first same sex marriage license in Butte County.

Motion by Harms Second by Walton to move the Regular Scheduled Meeting from Tuesday, September 15, 2015 to Tuesday, September 22, 2015. The meeting will begin at 1:00 p.m. Vote Unanimous. Motion Carried.

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

Motion by Harms Second by Richards to approve the Final Plat:
Owner: Michael and James Habeck (Arleth Land Surveying) Tracts A, B and C of Habeck Subdivision; Excepting there from Lots A and B of Carter Subdivision
And Lot A of the E1/2SE1/4, All Located in the E1/2SE1/4 of Section 19, T8N, R2E, B.H.M., Butte County, South Dakota. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kling to approve the Final Plat:
Owner: Timothy Christie (Ponderosa Land Surveys)
Lots 2A, and 3A of Grandview Subdivision Located in the SW1/4 of Section 24
And the NE1/4NW1/4 & E1/2NW1/4NW1/4 of Section 25, T8N, R1E,
B.H.M., Butte County, South Dakota. Vote Unanimous. Motion Carried.

Motion by Harms Second by Kling to approve the Final Plat:
Owner: Jake Hatzenbiler (Ponderosa Land Surveys)
Lot 1 of Steel Tract B Located in the SE1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4 and the NE1/4SE1/4 of Section 31, T9N, R2E, BHM, Butte County, South Dakota. Vote Unanimous. Motion Carried.

Motion by Harms Second by Richards to approve the Final Plat:
Owner: Edward and Marilyn Hill (BaseLine Surveying) Tract 1 and Tract 2 of Section 34 (Formerly the East ½ of the Southwest ¼ and all of Southeast ¼ of Section 34) Located in Township 9 North, Range 6 East, Black Hills Meridian, Butte County, South Dakota. Vote Unanimous. Motion Carried.

Butte County Sheriff Fred Lamphere came before the Commissioners to discuss the items on the agenda pertaining to his department.

Sheriff Lamphere distributed the Activity Report for August 2015.

Motion by Walton Second by Richards to go into an Executive Session with Sheriff Lamphere at 11:01 a.m. regarding personnel matters. Vote Unanimous. Motion Carried.

Motion by Walton Second by Kling to come out of Executive Session at 11:30 a.m. Vote Unanimous. Motion Carried. No action was taken.

The Commissioners recessed for lunch at 11:30 a.m. with the public invited.

The Commissioners reconvened at 1:40 p.m.

Motion by Walton Second by Richards to approve Director of Equalization Lisa Nelson's recommendation to increase Jill Trohkimoinen's wage to $13.45. This is in accordance with the *Employee Step 2 Rate Increase* that was approved by the Commissioners in Resolution 2015-06. Vote Unanimous. Motion Carried.

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

SDDOT Doug Kinniburgh – Local Government Engineer came before the Commissioners to discuss in length the Five-Year County Highway and Bridge Improvement Plan, or TRANSPORTATION PLAN. For informational purposes a draft copy of the plan is available at the Butte County Auditor's Office or can be retrieved at the following website:
http://www.sddot.com/business/local/big/FinalHighwayandBridgePlanGuide.pdf

Motion by Walton Second by Richards to approve an Application *To Construct An Approach To A County Road* for Harlan Schnell on the Valley Township Road. The approach is being approved as a variance based on the safety for a special needs child due to heavy truck traffic. Vote Unanimous. Motion Carried.

Motion by Kling Second by Walton to approve an Application *For Occupancy On The Right Of Way Of County Highways* for MDU to install a polyethylene pipe for natural gas service under Helmer Road. Vote Unanimous. Motion Carried.

The Commissioners and Highway Superintendent Don Adams discussed road issues and concerns.

Deputy State's Attorney Cassie Wendt came before the Commissioners to discuss the items on the agenda pertaining to the State's Attorney's office.

Mr. Toby Morris, Senior Vice President of Public Finance whom is with Dougherty & Company, LLC., came before the Commissioners to answer any questions or concerns they may have in regards to Resolution 2015-17: Relating To Lease-Purchase of a Building and Renovations; Authorizing the Execution and Delivery of a Ground Lease Agreement and a Lease-Purchase Agreement and Approving and Authorizing Execution of Related Documents and Levy of Taxes for the Payment Thereof.

Motion by Harms Second by Richards to accept Resolution 2015-17. Vote Unanimous.
Motion Carried.

RESOLUTION 2015-17

RESOLUTION RELATING TO LEASE-PURCHASE OF A BUILDING AND RENOVATIONS; AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE AGREEMENT AND A LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND LEVY OF TAXES FOR THE PAYMENT THEREOF.

BE IT RESOLVED by the Board of Commissioners of Butte County, South Dakota (the "County'), as follows:

Section 1. Recitals and Findings.

1.01. Declaration of Necessity. The County is authorized by South Dakota Codified Laws, Chapter 7-25 and Chapter 6-8B, inclusive, as amended (collectively "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds and declares that it is necessary and appropriate to purchase and renovate an existing building to accommodate office space for County officials ("Courthouse Renovation"), the cost of a portion of such shall be financed by the issuance and delivery of not to exceed $1,000,000 Limited Tax General Obligation Certificates, Series 2015A (the "2015 Certificates").

1.02. The Lease Financing. The County shall have Pioneer Bank & Trust, Spearfish, South Dakota (the "Trustee") act as Trustee and that pursuant to a ground lease agreement between the County and the Trustee (the "Ground Lease"), acquire certain interests in real property (the "Land") from the County, and the Trustee lease its interest in the Land and lease and agree to sell the building to be renovated and equipped thereon to the County pursuant to a lease-purchase agreement (the "Lease-Purchase Agreement"), which shall be dated in 2015 between the Trustee and the County (collectively the "Lease").

1.03. The Trust Agreement. The Trustee shall execute and deliver a Declaration of Trust, (the "Trust Agreement"), pursuant to which the Trustee will (i) issue Limited Tax General Obligation Limited Tax General Obligation Certificates, Series 2015A in the lease payments to be made by the County under the Lease and (ii) receive, hold and invest the proceeds of the sale of the 2015 Certificates and disburse such proceeds for payment of Construction Costs and Costs of Issuance (as defined in the Lease).

1.04. Binding Obligation. The County Commission finds that the Lease-Purchase Agreement constitutes a bond pursuant to the Act and SDCL §10-13-35, and that the levy in Section 5 is in addition to any current levies for said purposes subject to the limit as to amount set forth in SDCL §7-25-1.

Section 2. Authorization of Lease Financing and Approval of the Documents

2.01. Approval of Lease Financing. The lease financing described above is found to be favorable and is hereby approved. The Chairman and County Auditor are authorized to approve the principal amount of the Lease and the Limited Tax General Obligation Certificates, Series 2015A not exceeding $1,000,000, the term thereof not exceeding 20 years, the interest rate or rates thereon not exceeding an average yield of 3.85% per annum, and are directed to enter into a Certificate Purchase Agreement with Pioneer Bank & Trust (the "Purchaser") and their execution of the Certificate Purchase Agreement shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein.

2.02 Forms of Documents. Forms of the following documents relating to the building and renovations (the "Documents") shall be prepared and submitted to the County and are hereby directed to be filed with the County Auditor: (a) the Lease-Purchase Agreement (the "Lease"); (b) the Trust Agreement (the "Trust Agreement"); and (c) the Ground Lease. The forms of Documents are approved, subject to such modifications as are deemed appropriate and approved by the State's Attorney. The Chairman and County Auditor are directed to execute the Lease, the Ground Lease and the Trust Agreement. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman, County Auditor and State's Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the Limited Tax General Obligation Certificates, Series 2015A and the Chairman, County Auditor and such other officers or officials of the County shall execute such other instruments as are necessary to the issuance of the Limited Tax General Obligation Certificates, Series 2015A.

Section 3. Designation of Trustee, Financial Advisor and Bond Counsel.

3.01. Approval of Trust and Trustee. The County requests Pioneer Bank & Trust, Spearfish, South Dakota (the "Trustee") to act as Trustee and that pursuant to a Ground Lease Agreement between the County and the Trustee (the "Ground Lease"), acquire certain interests in real property (the "Land") from the County, and the Trustee lease its interest in the Land and lease and agree to sell the building to be renovated and equipped thereon to the County pursuant to a Lease-Purchase Agreement, which shall be dated in 2015 between the Trustee and the County (collectively the "Lease"). The Ground Lease is authorized by this Resolution pursuant to the Act without notice. The final form of the Ground Lease and Lease-Purchase Agreement shall be filed with the County Auditor, be attached and become a part of this resolution as if stated in full.

3.02. Designation of Financial Advisor. Dougherty & Company LLC is hereby designated as the Financial Advisor for the Lease and Limited Tax General Obligation Certificates, Series 2015A.

3.03. Designation of Bond Counsel. Meierhenry Sargent LLP is hereby designated as Bond Counsel for the Lease Financing.

Section 4. Modifications, Absence of Officers.

The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the State's Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 5. Payment of Lease Payments The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the County under the Lease from sources of the County lawfully available for this purpose, including the levy of such taxes as may be necessary therefore, subject only to the limitations on such levies imposed by South Dakota law.

The County agrees and covenants to include in its annual budget for each fiscal year during the term of the Lease moneys sufficient to pay and for the purpose of paying the Lease Payments, and to levy a tax pursuant to SDCL Section 7-25-1 and Article XIII Section 5 in an amount sufficient and for the purpose of paying such Lease Payments when due and, to the extent permitted by law, to determine the percentage of true and full value to be used as taxable valuation such that the tax levied pursuant to SDCL Section 7-25-1, taking into consideration the percentage of collection, will generate sufficient revenues for the purpose of paying such Lease Payments, and to take all other actions necessary to provide moneys for the payment of the Lease Payments under the Lease as amended or supplemented, from sources of the County lawfully available for such purposes. The County shall file with the County Auditor a schedule of the principal and interest components of the Lease.

Section 6. Tax Matters. The County covenants and agrees with the Trustee and the registered owners from time to time of the Limited Tax General Obligation Certificates, Series 2015A that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest component of the Lease and the interest of the Limited Tax General Obligation Certificates, Series 2015A to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest component of the Lease and the interest on the Limited Tax General Obligation Certificates, Series 2015A will not become subject to taxation under the Code and the Regulations. The County will cause to be filed with the Secretary of the Treasury an information reporting statement in the form and at the time prescribed by the Code. The County will comply with the provisions of Section 148(f) of the Code, relating to the rebate of arbitrage profits to the United States, if and to the extent that such provisions are applicable to the Lease and the Limited Tax General Obligation Certificates, Series 2015A.

Section 7. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the Limited Tax General Obligation Certificates, Series 2015A pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code, and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Limited Tax General Obligation Certificates, Series 2015A which make it to expect that the proceeds of the Limited Tax General Obligation Certificates, Series 2015A will not be used in a manner that would cause the Lease or the Limited Tax General Obligation Certificates, Series 2015A to be arbitrage bonds within the meaning of the Code and Regulations.

Section 8. Qualified Tax-Exempt Obligations. The Board hereby designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of qualified tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the County and all subordinate entities during calendar year 2015 does not exceed $10,000,000.

Section 9. In the event it is determined that the transaction may be accomplished without the presence of a trustee and trust indenture, the officers of the County are authorized to approve such transaction.

Section 10. Date Resolution Becomes Effective. This resolution shall become effective twenty days after publication in accordance with SDCL §7-18A-8.

Said motion was seconded by Commissioner Richards and upon vote being taken the following voted AYE: Chairman Cal Geis, Vice-Chairman Kim Kling, Commissioner Stan Harms, Commissioner Frank Walton and Commissioner Kim Richards.

and the following voted NAY: NONE

Dated this 1st day of September, 2015.

/s/: Cal Geis
Chairman

ATTEST:

/s/: Elaine Jensen
Butte County Auditor

Motion by Kling Second by Walton to accept Resolution 2015-18. Vote Unanimous. Motion Carried.

RESOLUTION 2015-18

AUTHORIZING RESOLUTION
COUNTY SITE ANALYSIS

WHEREAS the Butte County Board of County Commissioners is interested in the analysis of rural sites for potential development; and

WHEREAS this research is based upon various infrastructure, road and land use factors; and

WHEREAS the research may identify sites that are suitable for development according to a classification scale, ranging from “good” to “best”; and

WHEREAS granting permission for such research is not a public declaration of county support for any specific development activity or project; and

WHEREAS the cost of the research is being addressed by other sources; and

WHEREAS the results of the research will be made available to the county commission and general public.

NOW THEREFORE BE IT RESOLVED by the Butte County Commission that it authorizes the South Dakota Department of Agriculture and its partner Planning and Development Districts to conduct the research on behalf of the county and other interested parties.

BE IT ALSO RESOLVED that Butte County officials will cooperate in providing any readily available data or information that may be needed in conducting the research.

Adopted this 1st day of September 2015.

/s/: Cal Geis
Chairman

ATTEST:

/s/: Elaine Jensen
Auditor

Motion by Kling Second by Harms to accept Resolution 2015-19. Vote Unanimous. Motion Carried.

RESOLUTION 2015-19

CANCEL OUTSTANDING CHECKS
BUTTE COUNTY REGISTER OF DEEDS
SDCL 7-22-17

Check Number	Date	Amount	Payee
2641	1/26/2012	$396.00	Bedrock Oil & Gas Company
2654	4/17/2012	$ 4.00	Wells Fargo Bank

Adopted this 1st day of September 2015.

/s/: Cal Geis
Chairman

ATTEST:

/s/: Elaine Jensen
Auditor

Motion by Richards Second by Kling to go into an Executive Session with Deputy State's Attorney Cassie Wendt for legal matters at 3:20 p.m. Vote Unanimous. Motion Carried.

Motion by Walton Second by Richards to come out of Executive Session at 3:50 p.m. Vote Unanimous. Motion Carried.

Motion by Kling Second by Richards to deny an Application for County Assistance for Cremation Services for JHS. The denial was based on when the application was received due to county policy. Vote Unanimous. Motion Carried.

Committee Reports were given.

Motion by Walton Second by Harms to adjourn the meeting at 4:20 p.m. Vote Unanimous. Motion Carried.

SALARY
ASSESSOR'S OFFICE/PLANNING $4925.42, AUDITOR'S OFFICE $5529.39, BUILDINGS $1807.50, COMMISSIONERS $3940.06, DISPATCH $9935.58, ELECTION $600.00, JUDICIAL $384.96, EM/911 $1485.22, EXTENSION $867.47, HIGHWAY DEPT/WEED CONTROL $18,959.32, NURSE'S/WIC OFFICE $1200.00, REGISTER OF DEEDS OFFICE $2738.25, SHERIFF/JAIL DEPT $13,781.92, STATES ATTORNEY OFFICE $8550.59, TREASURER'S OFFICE $6723.21, VETERAN SERVICE OFFICE $667.48

COUNTY SHARE FICA
BUTTE COUNTY SHARE $6037.77

SDRS RETIREMENT
BUTTE COUNTY SHARE $4706.10

GROUP INSURANCE
BUTTE COUNTY SHARE $30,455.40

PROFESSIONAL SERVICES
CAMPBELL COUNTY SHERIFF DEPART $50.00, CAMPBELL COUNTY SHERIFF DEPART $50.00, YANKTON CO SHERIFF OFFICE $25.00, WILDE & HUNT $1,250.00, MEADE COUNTY AUDITOR $205.00, SCOTT TSCHETTER $50.84, RAPID CITY REGIONAL HOSPITAL $4,585.16, AUDRA MALCOMB CONSULTING $1,022.91, RADIOLOGY ASSOCIATES PROF LLC $57.00, SPEARFISH REGIONAL HOSPITAL $173.91, MARY KOCH $53.36, BARNAUD LAW FIRM $1,315.68, BRIAN BACZWASKI $495.00, KISSACK TRUCKING $56,354.40, ANGELA ALEXANDER $75.20, PEGGY BORCHERS $50.84, JONATHAN CARBAJAL $50.00, KENNETH EIDE $65.12, TRACY HARWOOD $52.52, BETSY MACKEY $51.68, DANIEL ODEA $75.20, AARON D SALBERG $444.16, CITY OF RAPID CITY FINANCE OFF $245.00, STACI L REINDL $9,416.00, CITY/COUNTY ALCOHOL & DRUG $332.00, YANKTON COUNTY TREASURER $104.75, PHOENIX INVESTIGATIONS $748.17, JACK BROOKER $319.76, LISA CERMAK $50.00, DELPHINE DAVIS $50.00, RENA M HYMANS $391.68, BLACK HILLS FAMILY PRACTICE $8.00

PUBLICATIONS
RAPID CITY JOURNAL $249.74

RENTALS
CENTURY BUSINESS PRODUCTS INC $273.76, A & B BUSINESS EQUIPMENT $503.91,
DAKOTA RENTAL & CHAIN SAW CENT $350.00, DJ CONSTRUCTION & DEVELOPMENT $1,283.34

REPAIR AND MAINTENANCE
HORSLEY SPECIALTIES INC $938.00, ROYAL LAWN CARE $460.00, ROYAL SPRAYING SERVICE $138.01, CENTURY BUSINESS PRODUCTS INC $58.57

SUPPLIES AND MATERIALS
BUTLER MACHINERY $564.14, DAKOTA LUMBER $87.80, SD DEPT OF TRANS $3,647.66, SAND CREEK PRINTING $174.23, WESTERN COMMUNICATIONS INC $364.50, WEST GROUP $257.19, HILLS INTERIORS INC $1,533.30, FED EX $24.16, HILLYARD/SIOUX FALLS $136.58

CONFERENCE & TRAVEL
SD SHERIFFS ASSOCIATION $85.00

UTILITIES
AT&T MOBILITY $40.60, VAST BROADBENT $729.46, NETWORKFLEET INC $179.75,
CITY OF BELLE FOURCHE $335.60, BLACK HILLS POWER $62.48, AT&T MOBILITY $798.17, BUTTE-MEADE SANITARY $61.00, AT&T $40.27, EXECUTIVE MGMT FINANCE OFFICE $24.00, CENTURYLINK $5.42

OTHER
WASTE CONNECTIONS OF SD $114.25, SD DEPT OF LABOR $560.61, D & B GARMAN TRUCKING $89.04, BRAD C YOUNG $24.00, BRIAN KUNSTMAN $15.00

_____
APPROVED BY THE COMMISSION:
Cal Geis, Chairman

_____
ATTEST: Elaine Jensen, Auditor