

UNOFFICIAL MINUTES OF THE BUFFALO COUNTY BOARD OF COMMISSIONERS
July 3, 2012

Chairman Ronald Petersen called the meeting to order with Commissioners Lloyd Lutter and Donita Loudner present; none absent.

Voucher disbursements were reviewed during the meeting. Lutter moved to approve the following claims for payment, seconded by Loudner. Vote: Loudner-Aye; Lutter-Aye. Motion carried.

Lutter moved to reject the following claims for payment due to lack of sufficient paperwork received and the County being the last resort of payment, seconded by Loudner. Vote: Loudner-Aye; Lutter-Aye. Motion carried.

Hope Psychological Services, mental illness service – \$375.00
Lewis & Clark Behavioral Services, mental illness service – \$298.00
Sanford Health, medical expenses – \$2992.88

The Highway Superintendent reported D. L. Smith Excavating had installed a culvert on Lee's Blvd and riprap under the Elm Creek Bridge.

A Construction Change Order was received from the Mitchell Area SD Department of Transportation regarding change in the original plans for traffic control and floating silt curtain included in construction repairs on the bridge on 355th Avenue. Lutter moved to approve the Construction Change Order Number Two-Final for the construction project, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Lutter moved to accept a fuel quote from Darrell's Oil, Inc. for unleaded gas @ \$3.40.1 per gal; Ethanol gas @ \$3.36.3 per gal; and Diesel #2 dyed @ \$3.38.3 per gal., seconded by Loudner, to be delivered to Buffalo County fuel tanks for the month of July 2012. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Lutter moved to adopt the following County Road Policy, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

If a county road, which is used as a road, is on a section line, then easements will not be requested.

If any part of a road is not upon a section line, an easement must be given to the County and the road must be open to the public to have any county work done on such road, which may include, but does not necessarily always include, snow removal, mowing, graveling or other maintenance. The work that is done would be controlled by how the road is classified.

Whenever there is a 60/40 split proposed, the County can, for financial reasons or other reasons at their discretion, elect not to agree to any work and not to share in the cost of any repairs.

In every case in which a driveway is not upon a section line and does not immediately enter upon the property of the home owner, such driveways must be treated as county roads if the County expends any funds or work upon such road, such driveways must be open to the public and the county must have easements to work upon such roads.

All roads are subject to County rules and regulations. Those rules include the necessity of removing bales or other obstructions, leaving the roads open, and any and all other rules that the County imposes. The County will not provide upkeep or snow removal or mowing if obstacles as determined

by the Highway Superintendent interfere with such work. It shall be at the discretion of the Highway Superintendent when such issues interfere with such work.

There may be occasion where in the county mowing or snow removal it is necessary for County vehicles to find a turn-around place, which may be within the driveway or other area that is not a county road. In such cases, in order for the road to be mowed and/or plowed, the County must be allowed the ability to enter and turn and may use the mower or the snow blade while making such a turn in order to have a better place to turn around in the future. That should not be considered private mowing or private snow removal, but a necessity for the County vehicles.

Lutter moved to go into executive session for legal issues, seconded by Loudner, at 2:12 p.m. Vote: Lutter-Aye; Loudner-Aye. Motion carried. Lutter moved to reconvene into regular session at 2:32 p.m., seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

States Attorney Steve Fox informed a court hearing is set for July 12th at the Brule County Courthouse in Chamberlain regarding the litigation on the 233rd Street/Willman Road auto gate conflict. Lutter moved to hold a special meeting at the Brule County Courthouse on July 10th at 4:00 p.m. for trial preparation, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Lutter moved to reject poor relief assistance for Claims #15-12; #16-12; and #17-12, seconded by Loudner for lack of sufficient paper work and possibility of other sources of payment.

Lutter moved to authorize payment for Mental Illness Board and Court Reporting services for claims forwarded from Brule County for services incurred in Yankton County regarding Claim #12-12 client, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Notices of Hospitalization were reviewed.

Loudner moved to authorize an automatic supplement in the amount of \$7500.00 to reimburse the Emergency Management Service budget with funds received for a Hazard Mitigation Plan, seconded by Lutter. Vote: Loudner-Aye; Lutter-Aye. Motion carried.

Lutter moved to approve a transfer of Commissioner Contingency budget in the amount of \$1000.00 to the Mental Illness Board budget, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Loudner moved to adopt the following resolution, seconded by Lutter. Vote: Loudner-Aye Lutter-Aye. Motion carried.

**BUFFALO COUNTY RESOLUTION NO. 2012-05
DEPARTMENT OF MOTOR VEHICLE RESOLUTION**

WHEREAS, the Buffalo County Treasurer's Office handles title transfers through the mail for individuals living and traveling out of South Dakota, and

WHEREAS, these transactions incur additional expenses and time mailing and handling paperwork from out of state dealers and customers not familiar with South Dakota laws,

THEREFORE, BE IT RESOLVED, that the Buffalo County Treasurer's Office may charge a \$50.00 per title processing fee to handle any title transfers through the mail, with exception of individuals serving in the military. The \$50.00 fee is to be deposited in the same account as the County Fee now charged on boat licenses, and not remitted to the State of South Dakota. No sales taxes are collected on this fee.

Dated this 3rd day of July, 2012.
BUFFALO COUNTY COMMISSION
/s/ Ronald W. Petersen, Chairman
ATTEST: /s/ Elaine J. Wulff, Buffalo County Auditor

Loudner moved to adjourn the meeting, seconded by Lutter, to meet Tuesday, August 7, 2012, at 1:00 p.m.