

UNOFFICIAL MINUTES OF THE BUFFALO COUNTY BOARD OF COMMISSIONERS
March 5, 2013

Chairman Ronald Petersen called the meeting to order with Commissioners Lloyd Lutter and Donita Loudner present. Lutter moved to accept the agenda as amended, seconded by Loudner. Lutter moved to approve the Minutes of the previous meeting, seconded by Loudner. Motions carried with Lutter and Loudner voting aye.

Specs for various dump trucks were reviewed. Loudner moved to request bids for a used dump truck, seconded by Lutter. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

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

Buffalo County Resolution No. 2013-01

BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS

Lutter moved to accept the fuel quote from Darrell's Oil, Inc. for Unleaded Gas @ \$3.57 per gal; Ethanol Gas @ \$3.41 per gal; Diesel #1 dyed @ \$3.78 per gal; and Diesel #2 dyed @ \$3.59 per gal., seconded by Loudner, to be delivered to the Buffalo County fuel tanks for the month of March, 2013. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Lutter moved to approve a County Rangeland Fire Protection Agreement between the Wildland Fire Suppression Division of the South Dakota Department of Agriculture and Buffalo County, South Dakota, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried. Emergency contacts are the Buffalo County Sheriff, Gann Valley Fire Department Chief, Tony Willman and Treon Fleury.

Lutter moved to authorize employees to attend the County Commissioners and Welfare Officials Workshop in Pierre March 20-21, 2013, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Deach Koch visited with the Commissioner Board regarding legalities of Board actions taken appointing a different State's Attorney and Oaths of Office. Mr. Fox will check legal rulings with the Attorney General's Office.

Hospital Notices were reviewed.

Loudner moved to reject Hospital Request for Payment #2013-01 from Avera McKennan Hospital due to being unable to determine whether Buffalo County is payer of last resort, seconded by Lutter. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Lutter moved to deny Applications for Poor Relief Assistance from Avera McKennan Hospital for #2013-02, #2013-03, #2013-04, and #2013-05, seconded by Loudner, for lack of paperwork and possible other sources of payment. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

A letter was received from the Bureau of Indian Affairs, Crow Creek Agency, giving notice of an application filed by Darlene Medicine Crow to have real property accepted "in trust" for said applicant by the United States of America. Property is described as 1/1 interest located in the E1/2SE1/4SE1/4 of Section 27, Township 106 North, Range 70 West of 5th Principal Meridian, Buffalo County, South Dakota, containing 20.00 acres more or less, commonly referred to as the Darlene Medicine Crow land. Loudner moved to approve this transfer, seconded by Lutter. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

Carl Haberstick, lawyer for Julie O'Neal, Prairie Chicken Bar and Resort, met with the Board and Mr. Fox regarding the status of the appeal filed concerning Board denial of a liquor license.

Lutter moved to recess and reconvene this meeting on Tuesday, March 12, at 5:00 p.m. at the Community Center in Fort Thompson, SD, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried.

March 12, 2013

Lutter moved to reconvene the Commissioner Meeting, seconded by Loudner. Vote: Lutter-Aye; Loudner-Aye. Motion carried. Those present included Commissioners Lloyd Lutter, Ron Petersen, Donita Loudner; State's Attorney David Natvig, Steve Fox, and Deb Ruiz, Central Dakota Times.

The Board met to review the appointment of David Natvig as State's Attorney. State's Attorney David Natvig advised the Commissioners he had been in contact with the Attorney General's Office and had discussed all the issues with them over numerous contacts. The Attorney General's Office advises they believe there are no grounds, nor does anyone have a position or grounds to challenge the appointment of the Buffalo County State's Attorney, and the appointment was sufficient under the law.

The past State's Attorney did not need to resign. The past State's Attorney could serve until a new State's Attorney was qualified. Mr. Fox advised he will resign in writing though to clear up any questions.

The previous appointment of Mr. David Natvig as State's Attorney takes no further action.

Lutter moved to adjourn the meeting, seconded by Loudner, to meet Tuesday, April 2, 2013, at 1:00 p.m. County Board of Equalization will meet Tuesday, April 9, 2013, at 1:00 p.m.