

SHANNON COUNTY MINUTES OF NOVEMBER 5, 2010.

The Shannon Board of County Commissioners met in special session on November 5, 2010 at the Courthouse in Hot Springs. Present Connie Whirlwind Horse, Lyla Hutchison, Deloris Hagman, Francis Pumpkin Seed, Sue Ganje, County Auditor and Julie Graham, Elections Clerk. Absent: Wendell Yellow Bull.

Meeting called to order by Chairwoman Connie Whirlwind Horse and the Pledge of Allegiance was given at 11:15 a.m.

The agenda was reviewed for conflicts, which none were found.

Motion by Hutchison, seconded by Pumpkin Seed to approve the agenda as written. All voting yes, the motion carried.

Motion by Hutchison, seconded by Hagman to approve the minutes of October 1st, 2010, with a correction to reflect "trailer" rather than "tractor" and "gravel" rather than "grave" under the Highway business. With Pumpkin Seed abstaining, all others voting yes, the motion carried.

The Veterans Services Officer's monthly report was reviewed, which included travel approval for a mini-conference and training in Rapid City on November 30, 2010.

Motion by Hagman, seconded by Hutchison to approve the VSO monthly report and place it on file, as well as to approve the travel request for the training conference in Rapid City. With no further discussion and all voting yes, the motion carried.

Correspondence on Tribal Mental Health costs was reviewed. The Auditor will contact Elli Wicks from Senator Tim Johnson's office to initiate a meeting to discuss the correspondence.

Paperwork to authorize David Hauck, Weed Supervisor, to be able to purchase items from South Dakota Federal Surplus Property was presented. Motion by Hutchison, seconded by Hagman to approve the authorization. With no further discussion and all voting yes, the motion carried.

Motion by Hagman, seconded by Hutchison to approve the hire of Justin Holthus for early voting and office assistance, at \$10.00 per hour. With no further discussion and all voting yes, the motion carried.

Notification was presented to the Board of a HUD grant in the amount of \$996,100.00 which was approved for the Thunder Valley Community Development Corp. in Porcupine.

Highway Superintendent Lynn Bettelyoun met with the Board and presented a fuel transfer for reimbursement. Motion by Hutchison, seconded by Pumpkin Seed to approve the transfer to reimburse the Highway Department for fuel used in the period of August 12, 2010 through September 23, 2010 for the Weed Department in the amount of \$153.00. With no further discussion and all voting yes, the motion carried.

Bettelyoun presented information on a proposed agreement between the Shannon County Highway Department and OST Transportation to provide snow removal in Shannon County. OST Transportation will be providing the snow removal on Steele Road #3 and Slim Buttes Road #8, while Shannon County Highway will provide the snow removal for Wakpamni housing area and Seymour Young Dogs' road.

Motion by Hutchison, seconded by Hagman to refer this issue to the State's Attorney to write a contract reflecting the agreement, to be signed by both entities. With no further discussion and all voting yes, the motion carried.

Bettelyoun also presented a proposal to construct a shed to store election equipment, or alternatively, to store tires and then keep the election equipment in the heated highway shop. HAVA funds will reimburse rent for storage of the Auto Mark voting machines. Bettelyoun estimates the cost of the shed to be approximately \$1,500.00 and Elections could pay rent to the Highway Department for the storage.

Bettelyoun apprised the Board that there have been five applicants for the security guard position, with intention for interviews in the coming week. An update was also given on sensor problems with the Dodge pickup.

Wendell Yellow Bull entered the meeting at 11:53 a.m.

Motion by Hutchison, seconded by Hagman to approve contracts for the following private roads:

- Francis Big Crow, \$65.00, paid
- Benedict Scabby Face, \$94.00, paid
- T. K. Conroy, \$153.00, paid

With no further discussion and all voting yes, the motion carried.

Fuel quotes were presented for review

	<u>500 GAL. UNLEADED GASOLINE</u>	<u>1000 GAL. #2 RED DIESEL</u>	<u>700 GAL. PROPANE</u>
WESTCO	\$2.634 PER GALLON	\$2.605 PER GALLON	\$1.569 PER GALLON
NELSON'S	\$2.79 PER GALLON	\$2.85 PER GALLON	\$1.85 PER GALLON
LAKOTA PLAINS			\$1.657 PER GALLON
P. RIDGE OIL	NO RESPONSE	NO RESPONSE	

Motion by Hagman, seconded by Yellow Bull to approve the Westco Bid on 500 gallons unleaded gas at \$2.634 per gallon, 1000 gallons of #2 red diesel at \$2.605 per gallon and 700 gallons of propane at \$1.569 per gallon as low bids. With no further discussion and all voting yes, the motion carried.

Public Comment was held at 11:56 a.m. with Jane Colhoff and M. C. Bauder reserving the right to speak on any upcoming items.

Motion by Yellow Bull, seconded by Hagman to acknowledge and offer sincere appreciation to the Election staff, Auditor's Office, Sheriff's Office, Highway Department and all the Election Board workers in Shannon County for their efforts in the November 2nd, 2010, General Election, with further appreciation to Margaret Nelson for serving on Election boards in the Batesland and Wounded Knee precincts since the 1960s. With no further discussion and all voting yes, the motion carried.

Motion by Hagman, seconded by Yellow Bull to approve the Auditor's Account with the Treasurer. All voting yes, the motion carried.

TO THE HONORABLE BOARD OF SHANNON COUNTY COMMISSIONERS.

I Hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 29th day of October, 2010.

TOTAL AMT OF DEPOSIT IN BANK OF THE WEST -	\$
<u>4,047.29</u>	
TOTAL AMT OF DEPOSIT IN WELLS FARGO BANK -	<u>\$ 1,391.51</u>
TOTAL AMT OF DEPOSIT IN FIRST INTERSTATE BANKHS -	<u>\$ 10,923.15</u>
TOTAL AMOUNT OF ACTUAL CASH -	<u>\$ 377.83</u>
TOTAL AMT OF CHECKS IN TREASURER'S POSSESSION NOT EXCEEDING THREE DAYS -	<u>\$ 6,636.37</u>
MONEY MARKET SAVINGS: BANK OF THE WEST -	<u>\$ 2,268.08</u>
WELLS FARGO BANK -	<u>\$ 1,140.25</u>
FIRST INTERSTATE BANK, Hot Springs -	<u>\$301,473.17</u>
CERTIFICATES OF DEPOSIT-FIRST INTERSTATE BANK, Hot Springs -	<u>\$250,000.00</u>

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:

Sheriff Change fund: \$200.00

Election Petty Cash: \$15.00

RETURNED CHECKS:

BLACK FEATHER, DAVID -	\$75.00	LONE HILL, TRINA -	\$20.70, LIC
BLETHEN, RENE -	\$48.25, LIC	MESTETH, PERRY -	\$63.00
BROKEN NOSE, LEROY -	\$44.50, LIC	MORRISON, NADINE -	\$15.00
BURGESS, JEANNE -	\$45.00	OLD HORSE, JOHN -	\$15.00
EAGLE BULL, ANNETTE M -	\$43.00, LIC	ONE FEATHER, DELMAR -	\$40.00, LIC
FINGER, LEONARD -	\$376.47, LIC	PARTON, JOY -	\$32.00, LIC
GARNETT, AQUALYNE -	\$64.00	POURIER, JOEL -	\$349.00
GOINGS, TANYA L -	\$71.00	RED CLOUD, JOHN -	\$45.90
JANIS, JENNIFER -	\$90.50	ROSS, WILLIAM -	\$53.00
LITTLE HAWK, JOLENE -	\$32.40, LIC		
		TOTAL -	\$579,996.53

DATED THIS 29th DAY OF OCTOBER, 2010

/S/Sue Ganje, Auditor

SUE GANJE, COUNTY AUDITOR OF SHANNON COUNTY.

THE ABOVE BALANCE REFLECTS COUNTY MONIES, MONIES HELD IN TRUST, AND MONIES COLLECTED FOR AND TO BE REMITTED TO OTHER ENTITIES: SCHOOLS, TOWNS AND STATE.

SaraBeth Donovan and Michelle McLeod of the US Department of Justice met with the Board to express appreciation to the County Commissioners, Auditor Sue Ganje, Election Supervisor Julie Graham, Lakota Coordinator Jean Belt, State's Attorney Jim Sword & Deputy State's Attorney Courtney Stottler for their efforts, and thanks to Commissioner Francis Pumpkin Seed for getting the program off the ground. Donovan spoke of the improvements they have seen since the beginning of the program and relayed the concerns they heard about. A follow-up report from the DOJ will be sent within thirty days.

A plat for Nick Tilsen was presented to the board to present for approval.

Motion by Yellow Bull, seconded by Pumpkin Seed to approve the following amended plat resolution of Tract A. With no further discussion and all voting yes, the motion carried.

SHANNON COUNTY RESOLUTION #2010-08

WHEREAS, there has been presented to the County Commissioners of Shannon County, South Dakota, the within Amended Plat of Tract, being a portion of the SW1/4 and SE1/4 of Section 34, T.40W, R.43N, 6TH. P.M., Shannon County, South Dakota, and

WHEREAS, it appearing to this Board that the system of streets conforms to the system of streets of existing plats and sections lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the County subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed,

NOW THEREFORE, BE IT RESOLVED, that said plat is hereby approved in all respects.

Dated at Shannon County, South Dakota this 5th day of October, 2010.

/S/Connie Whirlwind Horse

Connie Whirlwind Horse, Chairman

Board of Shannon County Commissioners

ATTEST:

/S/Sue Ganje

Sue Ganje, Shannon County Auditor

A break was taken at 1:00 p.m.

The meeting resumed at 1:19 p.m.

Sheriff Jim Daggett met to present his October, 2010 monthly report. A discussion was held on Sheriff activities.

OST Rural Water representatives Austin Watkins and Paul Little met with the Board to request an easement to use in the right of way on County roads for water pipelines.

Motion by Hutchison, seconded by Pumpkin Seed to give preliminary approval for easements for a waterline along County Roads. Actual approval will be given when the easements are received by OST Rural Water. With no further discussion and all voting yes, the motion carried.

Motion by Pumpkin Seed, seconded by Hagman to approve the revised mill levy for the fire fund from 1.57 mills to .157 for the 2010 taxes. With no further discussion and all voting yes, the motion carried.

The Oath was taken and the Official Canvass for the 2010 General Election was performed. Shannon County results included the re-election of Commissioner Hutchison and the overwhelming passage of the change to the Home Rule Charter which will result in the Sheriff being an elected, rather than appointed, position.

The billing for the striping of the Deputy Sheriff's vehicle was again presented. Jane Colhoff voiced objection on behalf of the taxpayers to paying the bill.

Motion by Yellow Bull, seconded by Pumpkin Seed to pay for the striping of the Deputy Sheriff's vehicle. With Hutchison and Hagman voting no; Yellow Bull, Pumpkin Seed and Whirlwind Horse voting yes, the motion carried.

Motion by Yellow Bull, seconded by Hutchison to approve the following bills as presented. All voting yes, the motion carried.

GENERAL FUND

A&B BUSINESS EQUIPMENT	COPIER	\$	102.91
ALLTEL	TELEPHONE	\$	140.58
BETTELYOUN, LYNN	ELECTION	\$	92.50
BROTHERHOOD CLINIC	POLLING PLACE RENT/P	\$	100.00
CENTURY BUSINESS	COPIER	\$	19.51
CULLIGAN	SUPPLY	\$	25.25
DAGGETT, JIM	GRANT	\$	64.60
DAGGETT, JIM	OCT BLUE CROSS PREMI	\$	385.65
ELECTION SYSTEMS & SOFT	SUPPLY	\$	2,435.84
FARRELL, FARRELL	OCT/DEP ST ATY CONTR	\$	833.33
CARDMEMBER SERVICE	GAS,MEALS	\$	1,433.73
GOLDEN WEST	TELEPHONE	\$	321.21
HAGMAN, DELORIS	TRAVEL	\$	223.48
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$	13.98
INTAB	SUPPLY	\$	32.98
LAKOTA COUNTRY TIMES	PUBLISHING	\$	2,087.57
LINEHAN, GENE	PICK UP BALLOTS	\$	67.50
LYLE'S HANDYMAN &	KEYS	\$	10.20
MARTIN AUTO PARTS	REPAIR	\$	77.01
MARTINEZ, AUDREY L	TRAVEL	\$	41.44
MCLEOD'S OFFICE SUPPLY	SUPPLY	\$	265.34
NEISNER, CARL	SUPPLY	\$	10.17
OGLALA SIOUX TRIBE	RENT	\$	100.00
PECHOTA LAW OFFICE	SERVICES	\$	791.32
PIZZA HUT	JURY	\$	37.45
PUMPKIN SEED, FRANCIS	TRAVEL	\$	66.60
RADIOSHACK	SUPPLY	\$	19.99

SD DEPT OF SOCIAL SERVICE	CHILD SUPPORT	\$	106.94
SD DEPT OF SOCIAL SERVICE	CHILD SUPPORT	\$	283.46
SHANNON COUNTY SHERIFF	PETTY CASH	\$	50.00
SOUTH DAKOTA RETIREMENT	OCTOBER RETIREMENT	\$	1,824.44
STATE TREASURER	MI	\$	780.00
US POSTAL SERVICE	POSTAGE	\$	251.86
WELLS FARGO BANK	OCT/W/H/SS/MDCR TAX	\$	2,753.51
WESTPHAL, NED	PICKUP BALLOTS	\$	169.54
WHIRLWIND HORSE, CONNIE	TRAVEL	\$	120.63
DAVID WHITE FACE	ELECTION	\$	51.80
YELLOW BULL, WENDELL	TRAVEL	\$	47.36
JEAN BELT	TRAVEL	\$	100.27
JEAN BELT	TRAVEL	\$	62.53
JEAN BELT	TRAVEL	\$	115.07
JEAN BELT	TRAVEL	\$	241.98
MERTON BELT	ELECTION/SCHOOL	\$	104.75
DARYL BESCO	PICKUP BALLOTS	\$	67.50
DAVID BRANDT	ELECTION & MILEAGE	\$	213.30
VALERIE BRINGS YELLOW	ELECTION & MILEAGE	\$	130.12
ERICA BUCKMAN	ELECTION	\$	90.63
DARLYNE CLEMENTS	ELECTION & MILEAGE	\$	133.16
LAFAWN CONROY	ELECTION/SCHOOL	\$	126.50
DAGGETT, SHAWN	ELECTION & MILEAGE	\$	208.39
MARK DONOVAN	ELECTION & MILEAGE	\$	172.23
KOCER, CARLA	ELECTION & MILEAGE	\$	182.00
VERLA M. FEATHER EARRING	ELECTION & MILEAGE	\$	141.22
JAIME GOINGS	ELECTION/SCHOOL	\$	115.63
HUTCHISON, LYLA	TRAVEL	\$	59.20
IRON BOY, HARVEY	ELECTION/SCHOOL	\$	133.75
MARY BLOSSOM JUMPINGEAGLE	ELECTION & MILEAGE	\$	139.97
BESSIE L. LEBEAU	ELECTION/SCHOOL	\$	126.50
JOYCE E LITTLE DOG	ELECTION	\$	94.25
SOPHIA LONE HILL	ELECTION/SCHOOL	\$	126.50
LOUISE KURSAVE	ELECTION & MILEAGE	\$	73.88
BRADLEY LAYS BAD	ELECTION MONITOR/MIL	\$	125.25
VIOLA J LOAFER	ELECTION & MILEAGE	\$	126.50
MCDONALD, MARLENE	ELECTION WORK	\$	24.71
MARTIN-SWALLOW, MARILYN	ELECTION & MILEAGE	\$	133.75
ALEXIS MONSEN	PICK UP BALLOTS	\$	80.00
NORMA SOPHIE MORGAN	ELECTION/SCHOOL	\$	115.63
BETTY NELSON	ELECTION & MILEAGE	\$	122.87
LORAIN J. NEW	ELECTION WORK	\$	24.71
LORAIN J. NEW	ELECTION/MILEAGE	\$	180.26
SHARON NOLZ	PICK UP BALLOTS	\$	81.50
KEN ORROCK	ELECTION & MILEAGE	\$	191.00
ESTELLA ROWLAND	ELECTION & MILEAGE	\$	133.16
STANDING BEAR, WILMA	ELECTION & MILEAGE	\$	141.00
WILMA THIN ELK	ELECTION & MILEAGE	\$	147.22
TWISS, TROYLYNN	ELECTION/MILEAGE	\$	184.29
UNDERBAGAGE, TOKATAKI WIN	ELECTION/MILEAGE	\$	148.92
LEONA C VITALIS	ELECTION & MILEAGE	\$	130.94
MARGARETTE A VITALIS	ELECTION/SCHOOL	\$	126.50
WESTON, ANNABELLE	ELECTION/SCHOOL	\$	126.50
RUBY WESTON	ELECTION	\$	101.50
RUTH WESTON	ELECTION/SCHOOL	\$	126.50
DAVID SAM WHITE FACE JR.	ELECTION & MILEAGE	\$	134.72
JEREMY WHITE FACE	ELECTION MONITOR/MIL	\$	125.25

MICHAEL WHITE FACE	ELECTION/SCHOOL/MILE	\$	125.25
YELLOW BOY, FAITH A.	ELECTION INTERPRETER	\$	106.93
YELLOW BOY, FAITH A.	TRAVEL	\$	26.27
YELLOW BOY, FAITH A.	ELECTION/SCHOOL	\$	283.47
MARTIN S. ZEPHIER	ELECTION/SCHOOL	\$	126.50
VANESSA ZEPHIER	ELECTION & MILEAGE	\$	126.50
TRACY ZIMIGA	ELECTION/MILEAGE	\$	148.92
J.E.EVANGELISTA	ELECTION & MILEAGE	\$	65.55
LEONARD BENSON	PICK UP BALLOTS	\$	45.00
JUSTIN LENA	PICKUP BALLOTS	\$	57.50
DAVIA POOR THUNDER	ELECTION & MILEAGE	\$	126.50
ALEXIS JENSEN	ELECTION & MILEAGE	\$	126.50
SANDRA BUFFINGTON	ELECTION & MILEAGE	\$	126.50
WILLIAM THUNDER HORSE	ELECTION & MILEAGE	\$	126.50
VINA YANKTON	ELECTION & MILEAGE	\$	101.50
CLEO CLIFFORD GATES	ELECTION & MILEAGE	\$	139.97
MADLINE CLIFFORD	ELECTION & MILEAGE	\$	139.97
WENDELL YOUNG MAN	ELECTION & MILEAGE	\$	124.34
VALARIE ANGEL	ELECTION & MILEAGE	\$	25.00
MONICA VOCU	ELECTION & MILEAGE	\$	103.35
CATCHES, THERESA	ELECTION & MILEAGE	\$	130.94
IRMA BAD WOUND	ELECTION/SCHOOL	\$	126.50
BEVERLY COLHOFF	ELECTION/SCHOOL	\$	122.88
BRYNDA RED OWL	ELECTION/MILEAGE	\$	148.92
ANN SMITH	ELECTION/SCHOOL	\$	122.87
RED SHIRT SCHOOL	ELECTION RENT POLLIN	\$	25.00
MANDERSON CAP OFFICE	RENT POL PLACE MANDE	\$	50.00
	GENERAL FUND TOTAL	\$	25,010.82

COUNTY ROAD & BRIDGE

A & B WELDING	REPAIR	\$	263.62
ALLTEL	TELEPHONE	\$	75.71
BLUE CROSS/BLUE SHIELD	OCTOBER HEALTH INSUR	\$	1,583.76
CULLIGAN	SUPPLY	\$	35.75
FARM PLAN	REPAIR	\$	119.55
GOLDEN WEST	TELEPHONE	\$	3.08
GREAT PLAINS COMMUNICATIO	TELEPHONE	\$	159.73
GREAT WESTERN TIRE INC.	REPAIR	\$	1,733.70
GREEN PROVENCE	SUPPLY	\$	1,022.67
HUSKER AUTO PARTS	SUPPLY;REPAIR	\$	35.22
LACREEK ELECTRIC ASSOC	UTILITY	\$	258.31
LAKOTA COUNTRY TIMES	PUBLISHING	\$	90.00
MARTIN AUTO PARTS	REPAIR	\$	159.47
MCI COMM SERVICE	TELEPHONE	\$	45.30
NEBRASKA CHILD SUPPORT	CHILD SUPPORT	\$	245.00
PINE RIDGE AUTO PARTS	REPAIR	\$	156.00
RCC WESTERN STORES	UNIFORM	\$	506.35
SOUTH DAKOTA RETIREMENT	OCTOBER RETIREMENT	\$	1,379.02
TRUE VALUE	SUPPLY;REPAIR	\$	93.76
WELLS FARGO BANK	OCT/W/H/SS/MDCR TAX	\$	2,984.09
	ROAD & BRIDGE TOTAL	\$	10,950.09

EMERGENCY MGT

US POSTAL SERVICE	POSTAGE	\$	3.76
	EMERGENCY MGMT TOTAL	\$	3.76

GRAND TOTAL \$ **35,964.67**

M.C. Bauder objected to Pumpkin Seed bringing for review the issue of payment of Commissioners salaries and mileage expenses as he was not at the meeting when that motion was passed.

Motion by Yellow Bull, seconded by Hutchison to open for discussion the issue of payment of wages and mileage for Board members. With no further discussion on the motion and all voting yes, the motion carried and discussion followed.

Pumpkin Seed spoke of not knowing anyone else putting up with the issues the Board has dealt with in the last couple of years for the small amount of pay that is received, as well as the distance that some commissioners have to travel for meetings and he asked the Commission to reconsider the decision. Hutchison commented that she felt guilty about taking compensation on top of the amount of money that has been spent in Shannon County this year. Hagman indicated that she believed forfeiting the payment sends a positive message to the taxpayers. Pumpkin Seed spoke of the cost of traveling to Hot Springs for the meetings. Hutchison reiterated that the forfeiture of the payments does make a statement to the taxpayers. Yellow Bull questioned the percentage of taxpayers versus non-taxpayers that voted the Commissioners in, and asked about obtaining a list of taxpayers. The possibility of offering an opt-out option to those commissioners willing to forego payment was suggested and both Yellow Bull and Hutchison agreed there was a need for policies. A discussion was held on tax revenues for the County and that sales tax revenue doesn't return to the County.

Hagman indicated that she would support reinstating the salaries but said the Board needs to be responsible with County funds. Hagman indicated that she still felt guilty about the expense to the taxpayers.

Motion by Hagman, seconded by Yellow Bull to reinstate commissioner salaries and mileage reimbursement. With no further discussion and Hagman, Yellow Bull, Whirlwind Horse and Pumpkin Seed voting yes, Hutchison voting no, the motion carried.

A discussion was held on whether to advertise for a Sheriff. Current Sheriff Jim Daggett questioned advertising the appointment when a previous ruling by a prior State's Attorney advised that a position cannot be advertised for until the office is vacant. Discussion followed with regards to whether the Board should make any decisions that would then obligate the future board and whether there were issues with regard to following State Law or the Home Rule Charter. No action was taken.

A discussion was held on the Shannon County Commission meeting with the Fall River Commission. It was proposed that the Fall River Commissioners attend a Shannon meeting to save on the expense of having the Shannon Commissioners travel for a separate meeting.

Discussion on the rental of election locations was tabled.

Motion by Hutchison, seconded by Pumpkin Seed to adjourn. With no further discussion and all voting yes, the motion carried and the board adjourned at 3:45 p.m.

Connie Whirlwind Horse, Chairwoman
Shannon County Board of Commissioners

ATTEST:

Sue Ganje, County Auditor
Shannon County