

FALL RIVER COUNTY APPROVED MINUTES OF JANUARY 5, 2023

The Fall River Board of County Commissioners met in regular session on January 5, 2023. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

The Pledge of Allegiance was given, and the meeting called to order at 9:00 a.m.

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED. The full context of the meeting can be found on the county website under Commissioners at <http://fallriver.sdcounties.org>, or, under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Greenough, seconded by Allen, to approve the agenda, with the addition of the Golden West Quote for the Sonic Wall Renewal and a request for gravel bids.

The meeting was turned over to the Auditor, who asked for nominations for the Chairman of the Board. Nomination was made by Russell, seconded by Allen, for Falkenburg as Chairman.

Motion made by Cope, seconded by Allen, to have nominations cease. Falkenburg is the Chair for 2023. The meeting was turned back to the Chairman of the Board.

Motion made by Falkenburg, seconded by Allen, to nominate Russell as the Vice-Chair.

Motion made by Cope, seconded by Allen, to have nominations cease. Russell is the Vice-Chair for 2023.

The board reviewed the list of items to approve.

Motion made by Greenough, seconded by Allen, to approve the consent agenda through the indigent burial rate as follows: to approve setting the meeting dates on the 1st and 3rd Thursday of each month; to appoint the Fall River County Herald-Star as the Official newspaper for 2023; to designate three feet of the bulletin board in the courthouse lobby for legal matters and to also post Commission agendas on the ground, side and first floor doors of the courthouse; to set the depositories for the county as First Interstate Bank, First National Bank of Lead, Black Hills Federal Credit Union, Black Hills Community Bank, Liberty National Bank, Schwab Treasury; to set the prisoner care per day at \$95.00 and \$120.00, as per Sheriff's Office recommendation; to approve the Monument Health Clinic as the health care facility for the jail, under the direct supervision of Dr. Avery Sides, as primary caregiver for inmates and the Fall River Healthcare Clinic under the supervision of Tina Norton, LPN as the secondary; to approve Tina Norton, LPN as Inmate Contract Nurse, \$1,250.00 per month; to set the ride-a-long fee for prisoner and mental health transports at \$40.00 per day to Rapid City and \$100.00 per day to Yankton and Sioux Falls and to set the Indigent burial rate at \$1,900.00.

Motion made by Russell, seconded by Cope, to appoint Joe Allen and alternate Joe Falkenburg to the L.E.P.C. board; to appoint Joe Falkenburg and alternate Heath Greenough to the Weed board; to appoint Les Cope and alternate Deb Russell to the Custer/Fall River Regional Waste Management Board; to appoint Les Cope and alternate Deb Russell to the Black Hills Council of Local Governments Board (6th District of Local Governments); to appoint Heath Greenough and alternate Joe Falkenburg to the Resource, Conservation and Development (R C & D) board; to appoint Joe Allen

and alternate Les Cope to the Western SD Juvenile Services Center Board, to appoint Deb Russell and alternate Joe Falkenburg to the Prairie Hills Transit Board; to appoint Joe Falkenburg and alternate Heath Greenough to the 4-H/Extension Board; and to appoint Deb Russell and alternate Les Cope to the Black Hills Regional Multiple Use Coalition.

Motion made by Russell, seconded by Cope, to approve travel for the county officials to attend meetings of the Black Hills Associations and to request office supervisors to obtain travel approval for all other meetings requiring more than same-day travel; to approve the following resolutions on State Bids, Election fees and mileage and the 2023 elected official salaries resolution for the treasurer, auditor, register of deeds, state's attorney and sheriff; to approve the following listing: Longevity schedule; 2023 Commission salaries, and the 2023 listing of employee wages, including per diem for the weed board at \$25.00 per meeting plus mileage, to set the chairman of the mental health board's fee of \$125.00 per hour; to not rehire any employee who is eligible for and has retirement funds withheld, for a period of 6 months, if that employee has resigned and withdrawn their SD Retirement Funds, unless specifically authorized by the Board; to approve having government agencies notify the county on activities and to appoint Stacey Martin, PIO (Public Information Officer), with Melissa Fleming and Bobbie Janis as assistants:

FALL RIVER COUNTY RESOLUTION #2023-01

WHEREAS, the Division of Purchasing and Printing of the State of South Dakota has competitively bid state contracts for the purchase of necessary supplies, equipment and materials for state and local governments, and

WHEREAS, the Fall River County Board of Commissioners is authorized to purchase necessary supplies, equipment and materials for its use, and

NOW THEREFORE, BE IT RESOLVED, that the Board of Fall River County Commissioners enter into an agreement with the Division of Purchasing and Printing of the State of South Dakota to purchase equipment, supplies and materials.

Dated this 5th day of January, 2023

/s/Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

/s/Sue Ganje
Fall River County Auditor

FALL RIVER COUNTY RESOLUTION #2023-02

WHEREAS, pursuant to SDCL 12-15-11, the Board of County Commissioners at their first meeting shall set a fee for Election Board and the mileage rate;

NOW THEREFORE BE IT RESOLVED, that the Fall River County Board of Commissioners have set the FLAT FEE FOR ATTENDANCE OF ELECTION SCHOOL AT \$25.00; and

BE IT FURTHER RESOLVED, that the Fall River Board of County Commissioners has set the fee for Election Boards for the Primary and General and all Special Elections as follows:

ALL ELECTION BOARDS WILL RECEIVE A FLAT FEE OF \$150.00; SUPERINTENDENTS OF EACH PRECINCT, A FEE OF \$160.00; RESOLUTION, ABSENTEE AND PROVISIONAL BOARDS WILL BE SET AT \$10.00 PER HOUR, and

BE IT FURTHER RESOLVED, that the Fall River County Commissioners set the mileage rate at \$.51 per mile for the transporting of ballots and ballot boxes by the precinct superintendent.

Dated this 5th day of January, 2023.

/s/Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

/s/Sue Ganje
Fall River County Auditor

FALL RIVER COUNTY RESOLUTION #2023-03

WHEREAS, pursuant to SDCL 7-7-9.1, 7-7-12 and 7-12-15 the Board of Commissioners by Resolution may establish the salary payable to the County Treasurer, County Auditor, County Register of Deeds, County State's Attorney and County Sheriff; and

WHEREAS, the salary may not be less than the following schedule and is based upon the most recent decennial federal census. The Fall River Census is 7,094.

Treasurer, Auditor, Register of Deeds - Population under 10,000: \$33,825.00;
State's Attorney - Population under 10,000: \$37,673.00
County Sheriff – Population under 10,000: \$41,256 plus 10% for jail admin

BE IT RESOLVED, that the Fall River Board of County Commissioners set the salaries as follows, effective January 1, 2020:

Treasurer, Teresa Pullen:	\$51,440.04 (plus \$21,335.28 from Oglala Lakota County)
Auditor, Sue Ganje:	\$63,351.00 (plus \$21,335.28 from Oglala Lakota County)
Reg. of Deeds, Mel Engebretson:	\$58,012.68 (plus \$21,335.28 from Oglala Lakota County)
State's Attorney, Lance Russell:	\$75,997.56 (plus \$29,160.12 from Oglala Lakota County)
Sheriff, Lyle Norton	\$74,300.04

Passed and approved this 5th day of January, 2023.

/s/Joe Falkenburg, Chairman
Fall River Board of County Commissioners

ATTEST:

/s/Sue Ganje
Fall River County Auditor's Office

Longevity Pay

Longevity pay after 2 years of continuous service with the County, the employee shall be paid \$25.00 per month equating to \$300.00 per year. After 5 years of continuous service \$50.00 per month equating to \$600.00 per year. After 10 years of continuous service \$75.00 per month equating to \$900.00 per year. After 20 years of continuous service \$100.00 per month equating to \$1,200.00 per year.

Wages for 2023

COMMISSIONERS

		Salary
Allen, Joe	Commissioner	\$10,200.00
Cope, Les	Commissioner	\$10,200.00
Falkenburg, Joe	Commissioner	\$10,800.00
Greenough, Heath	Commissioner	\$10,200.00
Russell, Deborah	Commissioner	\$10,800.00

ELECTED OFFICIALS

		Salary		
Engebretson, Melody (Mel)	Register of Deeds	\$58,012.68	900.00 per year	\$21,335.25
Norton, Lyle	Sheriff	\$74,300.04	600.00 per year	
Ganje, Sue	Auditor	\$63,351.00	1200.00 per year	\$21,335.25
Pullen, Teresa	Treasurer	\$51,440.04	600.00 per year	\$21,335.25
Russell, Lance	State's Attorney	\$75,997.56		\$29,160.00

Eligible for Longevity

Oglala Lakota County

HOURLY

		Hourly, or per call/meeting	
Amthor, Cory	Hwy Department	\$21.00	
Belt, Isnalawica	Deputy Sheriff	\$26.00	300.00 per year
	Register of Deeds		
Birkland, LaVella	Office	\$19.00	600.00 per year
Blessing, Brett	Hwy Department	\$26.50	900.00 per year
Boche, Carol	State's Attorney Office	\$21.00	600.00 per year
Buchholz, Martin	Hwy Department	\$25.00	900.00 per year
Costa, Samuel	Hwy Department	\$21.75	
Denison, Frances	Assessor's Office	\$22.16	600.00 per year
Dobbs, Charles	Deputy Sheriff	\$24.00	
Eberle, Aaron	Auditor's Office	\$19.08	600.00 per year
Felde, Michelle	24/7	\$16.00	
Fleming, Malachiah	Jailer	\$20.00	
Fleming, Melissa	Dispatcher	\$26.00	600.00 per year
Freverty, Jessica	24/7	\$16.00	
Gibson, Carlo	Hwy Department	\$24.00	600.00 per year
Hageman, Wayne	Weed Board	\$25.00 Per Meeting	
Hansen, Bradley	Jailer	\$24.66	900.00 per year
Harris, Jonathan	Deputy Sheriff	\$24.00	
Heronimus, Misty	Treasurer's Office	\$15.50	
Holmes, Chaela	Treasurer's Office	\$16.25	
Hosterman, Rachel	Sheriff's Office	\$18.50	300.00 per year
Hylle, Amanda	24/7	\$16.00	
Janis, Bobbie	Auditor's Office	\$23.12	900.00 per year
Johnson, James (Cody)	Assessor's Office	\$15.75	
Logue, Vincent	Deputy Sheriff	\$27.50	900.00 per year
Luther, Brandon	Jailer	\$23.00	600.00 per year
Maciejewski, Anna	Nurse's Office	\$19.00	600.00 per year
Maciejewski, Calvin	Hwy Department	\$25.41	1200.00 per year
Madsen, Alexis	Extension	\$15.50	
Madsen, Toni	24/7	\$16.00	
Martin, Brian	Hwy Department	\$21.00	
Mendez, Jose	Maintenance Office	\$20.70	900.00 per year
Miles, Jay	Hwy Department	\$21.75	
Mraz, Jennifer	Coroner	\$150.00 Per Call	
Mraz, Jennifer	Dispatcher	\$24.50	600.00 per year
Novotny, Bob	Weed Board	\$25.00 Per Meeting	
Oechsle, Kenneth	Weed & Pest	\$12.25	
Otteson, Anthony	Jailer	\$21.75	600.00 per year
Petersen Dee, Tamra	Assessor's Office	\$18.25	300.00 per year
Pokorski, David	Jailer	\$23.00	600.00 per year
Quintana, Veronica	Dispatcher	\$21.25	
Raskiewicz, Casey	Hwy Department	\$23.50	300.00 per year

Reis, Abbey	Weed & Pest	\$12.00	
Rough Surface, Hayley	Dispatcher	\$19.75	
Schmidt, Stacy	Auditor's Office	\$21.97	900.00 per year
Schubbel, Frederick	Hwy Department	\$25.00	600.00 per year
Shaw, Nikki	Treasurer's Office	\$19.00	600.00 per year
Sides, John	Weed Board	\$25.00	Per Meeting
Simunek, Trina	Dispatcher	\$24.50	600.00 per year
Stover, Crispeen	Hwy Department	\$18.50	300.00 per year
Timmins, Kathy	Treasurer's Office	\$19.00	600.00 per year
Tomlinson, Julie	Auditor's Office	\$19.64	600.00 per year
Tuma, Tyson	Hwy Department	\$17.05	
Two Bear, Lynn	State's Attorney Office	\$20.25	
Weishaupl, Carlee	Assessor's Office	\$15.50	
Wilson, Blaine	Deputy Sheriff	\$24.00	
Wood, Wesley	Maintenance Office	\$18.50	300.00 per year
Wyatt, Jerry	Weed & Pest	\$25.00	Per Meeting
Zimiga, Austin	Jailer	\$22.81	600.00 per year

Motion made by Russell, seconded by Allen, to approve the following salaries for the appointed officials:

APPOINTED OFFICIALS		Salary	Eligible for Longevity	Oglala Lakota County
Cullen, Dan	Veteran's Service Officer	\$53,880.36	600.00 per year	
Heidebrink, Lillian	Director of Equalization	\$45,720.12		\$14,460.00
Martin, Stacey	GIS	\$53,541.84	900.00 per year	
Maynard, Frank	Emergency Management	\$65,762.64	1200.00 per year	
Seiler, Randy	Hwy Superintendent	\$74,010.60	1200.00 per year	
Steinmetz, Nina	Weed Supervisor	\$54,901.32	900.00 per year	
Weishaupl, David	Maintenance Supervisor	\$46,480.20	300.00 per year	

With Cope and Greenough voting no, all others voting yes, motion carried.

The minutes of December 29, 2022 were not presented.

Motion made by Russell, seconded by Greenough, Surplus to junk 2 Desks, #00215 and #00227, Auditor's Office and surplus to sell 4 desks, #02197, #02196, #02194, Auditor's Office.

No applicants for county assistance met with the board.

Lyle Norton, Sheriff, reported to the Board about the changes to 2023 Fall River County Jail Rates as approved earlier in the meeting.

Motion made by Greenough, seconded by Russell, to approve travel for Norton to attend the SD Sheriff Institute Training, January 23 – January 27, 2023, in Pierre.

Norton reported that there are 7 males and 5 females in the Fall River County Jail, with 1 male and 1 female in the Pennington County Jail, for a total of 14 inmates. Discussion was also held on a training that was to be postponed that Deputy Belt had planned on attending; Norton will bring this item back.

Dave Weishaupl, Building Supervisor, met with the Board. Motion made by Allen, seconded by Cope, to approve the Golden West Quote for a SonicWALL Advance Gateway Security Suite Bundle for NSA 2600, for 1 year, in the amount of \$2,505.87.

Discussion was held on propane and typical winter maintenance items.

Teresa Pullen, Treasurer, reported to the Board that 13 parcels are ready for auction after January 14, 2023. Pullen is hopeful that they can have more parcels ready before the end of the year, so another auction can be held.

Discussion was held on 54 mobile home distress warrants that were turned over to Deputy Logue. He is also working with mobile home landlords to help with cleanup. In the past some mobile homes were deemed uncollectable; Pullen would like to pursue this issue more.

Discussion was held on assisting the Auditor's Office with the collection of liens; Pullen commented that many of these people they are dealing with, on a daily basis at the Treasury's Office anyway; it wouldn't add extra burden on the office. Further discussion was held on the Oxnard Hotel in Edgemont; Pullen will have a notice on the next agenda in regard to working with Husted Law Office on the matter.

Lily Heidebrink, Director of Equalization, reported to the Board about 2023 intentions. Discussion was held on sales studies, the market and full and true values. Double sales are affecting things as well. The Board asked that Heidebrink have Representative Ladner provide an update on things she has been working on in Legislation in regards to assessments and taxes; they would also like a report on how the Solar Farm may affect the neighbors in future assessments.

Lance Russell, State's Attorney, reported to the Board about revisions that he had made to the Ordinance regarding Medical Cannabis. Discussion was held on making the fee higher and the possibility of not having or limiting certain uses, like cultivation and manufacturing facilities.

Motion made by Greenough, seconded by Cope, to approve setting the 1st Reading on Ordinance #2021-01 Amended for February 2, 2023 at 9:45 a.m.

Cole Romey, Attorney, reported to the Board that he had been in discussion with State's Attorney Russell regarding the request for maintenance on South Beef Creek Road. They are trying to work out an agreement and will still need to meet with Seiler to look at the road. The Board raised concerns about adding the road for maintenance and what kind of chain reaction it may start; however they would be willing to listen after the road was looked at and possible suggestions were made.

Randy Seiler, Highway Superintendent, met with the Board. Motion made by Russell, seconded by Cope, to set the private road work hearing for February 2, 2023, at 9:30 a.m., as per SDCL 31-11-41 thru 31-11-45.

Discussion was held on having MShaw Training on February 1, 2023. The Oelrichs area has been getting cleared of snow, with wind, areas in Edgemont and Oral need gravel. A large amount of ice has been removed.

Motion made by Russell, seconded by Greenough, to approve advertising for gravel, with Seiler bringing back specs for said advertisement.

Motion made by Allen, seconded by Russell, to approve the bills as follows:

GENERAL FUND

AMAZON CAPITAL SERVICES	SUPPLY	\$358.86
A-Z SHREDDING INC	SHREDDING	\$36.80
COLBATH & SPERLICH, PC	CAAF/MAG/JUV	\$2,312.83
EN-TECH LLC	FUMIGATION	\$125.00
FALKENBURG, JOE	MILEAGE 2022	\$1,447.99
FALL RIVER COUNTY HERALD	PUBLICATION	\$42.00
GREENOUGH, HEATH	MILEAGE 2022	\$663.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$211.16
LYNN'S DAKOTAMART	INMATE SUPPLIES/PHARMACY NOVEMBER	\$1,631.99
MASTERCARD	COUNTY CREDIT CARD	\$1,743.10
MEADE COUNTY AUDITOR	INMATE BOARDING	\$80.00
NICHOLAS TOWING	TOWING	\$185.00
OTIS ELEVATOR COMPANY	SERVICE CONTRACT	\$467.16
PENNINGTON COUNTY JAIL	INMATE MEDICAL	\$46.49
PENNINGTON COUNTY	MI QMHP	\$100.00
RUSHMORE COMMUNICATIONS	REPAIRS	\$111.20
RUSSELL, DEBORAH	MILEAGE 2022	\$531.22
SERVALL	RUG/UNIFORM SERVICE	\$450.72
SKINNER, MATTHEW L. PC	CAAF/A&N	\$6,621.45
SOUTHERN HILLS LAW PLLC	CAAF	\$1,225.50
VANGUARD APPRAISALS INC	2023 SOFTWARE LICENSE	\$13,300.00
VERIZON WIRELESS	CELL PHONE PLAN	\$502.57
COPE, LESLIE	MILEAGE 2022	\$856.80
MILES, SASHA	BLOOD DRAW	\$75.00
	TOTAL FOR GENERAL FUND	\$33,125.84

COUNTY ROAD & BRIDGE

A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$61.26
BOMGAARS	SUPPLY	\$254.47
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$248.29
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$479.36
EDGEMONT, CITY OF	UTILIT	\$84.10
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$43.88
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$125.25
HOT SPRINGS ACE HARDWARE	SUPPLY	\$47.66
HOT SPRINGS AUTOMOTIVE	AUTO SUPPLY PARTS	\$1,074.85
MASTERCARD	COUNTY CREDIT CARD	\$14.79
MAVERICK TIRE & AUTO	PART	\$13.98
RAPID DELIVERY	DELIVERY	\$37.71
RUSHMORE OFFICE SUPPLY	OFFICE SUPPLIES	\$19.50
SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
	TOTAL COUNTY ROAD & BRIDGE	\$2,629.57

911 SURCHARGE REIMBURSEMENT

MASTERCARD	COUNTY CREDIT CARD	\$6.00
VERIZON WIRELESS	CELL PHONE PLAN	\$41.81

	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$47.81
EMERGENCY MANAGEMENT		
AMAZON CAPITAL SERVICES	SUPPLY	\$25.60
MASTERCARD	COUNTY CREDIT CARD	\$187.00
VERIZON WIRELESS	CELL PHONE PLAN	\$83.62
	TOTAL FOR EMERGENCY MANAGEMENT	\$296.22
24/7 SOBRIETY FUND		
AMAZON CAPITAL SERVICES	SUPPLY	\$80.27
	TOTAL FOR 24/7 SOBRIETY FUND	\$80.27
COURTHOUSE BUILDING FUND		
HOT SPRINGS ACE HARDWARE	SUPPLY	\$225.50
	TOTAL FOR COURTHOUSE BUILDING FUND	\$225.50
	TOTAL PAID BETWEEN 12/30/22 AND 1/5/23	\$36,405.20

Break was taken at 9:44 a.m. and the meeting reconvened at 9:51 a.m.

Public comment was heard from Kim Allen and Mike Molitor against medical cannabis, with Kevin Dalton speaking in favor of medical cannabis. Additional comments were heard from Clark Lee Bergeson about what may or may not be justified as a legal residence.

Garland Goff, Attorney, reported to the Board that Dakota Investment Group, LLC's request that the Commission find that the circumstances surrounding its variance request have substantially changed, allowing Dakota Investment Group, LLC to reapply for a variance of set-back requirements in Fall River County Ordinance 2021-01 as Amended. Discussion was held as to whether or not there were substantial changes to allow the Dakota Investment Group, LLC to apply again.

Motion made by Allen, seconded by Greenough, to approve that due to substantial change to allow Dakota Investment Group, LLC to reapply for a Medical Cannabis cultivation site. With all voting no, by roll call vote, motion failed.

Motion made by Russell, seconded by Allen, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes and as per SDCL 1-25-2 (3) for legal purposes at 10:14 a.m. with Sheriff Norton present.

Motion made by Russell, seconded by Allen, to approve the 2023 Fall River and Oglala Lakota Contract and authorize the Chairman to sign.

Motion made by Russell, seconded by Cope, to adjourn at 10:44 a.m.

/s/Joe Falkenburg
Joe Falkenburg, Chairman
Board of Fall River County Commissioners

ATTEST:
/s/ Sue Ganje
Fall River County Auditor