

FALL RIVER COUNTY APPROVED MINUTES OF DECEMBER 15, 2022

The Fall River Board of County Commissioners met in regular session on December 15, 2022. Present: Joe Allen, Les Cope, Joe Falkenburg, Deb Russell and Sue Ganje, Auditor. Heath Greenough was absent.

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 Allen, seconded by Russell, to approve the agenda as written.

Motion made by Russell, seconded by Allen, to approve the minutes of December 1, 2022.

Motion made by Russell, seconded by Allen, to approve the November Auditor's Account with the Treasurer, as follows and noting the two large returned checks:

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF FALL RIVER 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 30th day of November 2022.

Total Amount of Deposit in First Interstate Bank, HS:	\$	168,873.58
Total Amount of Deposit in First National Bank-ARP Checking, Lead:	\$	1,000.00
Total Amount of Cash:	\$	4,937.36
Total Amount of Treasurer's Change Fund:	\$	900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	34,240.81
SAVINGS:		
#4) First Interstate Bank, HS:	\$	232,775.59
#18) First National Bank of Lead-ARP ICS Acct	\$	1,032,453.31
#20) First National Bank of Lead-RAI MM Acct	\$	111,968.50

CERTIFICATES OF DEPOSIT:

#8) Black Hills Federal Credit Union, HS:	\$	250,000.00
#14) Schwab Treasury:	\$	951,710.11
#15) First National Bank, Lead:	\$	318,473.31
#21) Schwab Treasury 2 Yr:	\$	265,620.94
#22) Schwab Treasury 2 Yr:	\$	969,667.97
#23) Schwab Treasury 2 Yr:	\$	969,687.50
#24) Schwab Treasury 2 Yr:	\$	1,994,796.88
#25) Schwab Treasury 3 Yr:	\$	1,931,250.00
#26) Schwab Treasury 4 Yr:	\$	992,743.13

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

Register of Deeds Change Fund:	\$	500.00
Highway Petty Cash:	\$	20.00
Election Petty Cash:	\$	15.00

RETURNED CHECKS:

Rolling Homes LLC	\$	1,341.60
Farrell, Michael	\$	3,846.26

TOTAL \$ 10,236,821.85

Dated This 30th Day of November 2022.

/s/Sue Ganje, County Auditor of Fall River County

/s/Teresa Pullen, County Treasurer of Fall River County

County Monies	\$	9,589,052.41
Held for other Entities	\$	444,380.66
Held in Trust	\$	203,388.78
TOTAL	\$	10,236,821.85

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.

Motion made by Russell, seconded by Allen, to approve pay raises for Jonathan Harris (Deputy Sheriff), a transfer of certification, \$18.50 to \$19.50, effective December 7, 2022, Malachiah Fleming (Jailer), 4160 hours, \$17.50 to \$18.50, effective December 19, 2022 and Hayley Rough Surface (Jailer), 2080 hours, \$16.50 to \$17.50, effective December 14, 2022 and longevity pay for Wesley Wood (Maintenance), \$25.00 per month, as per union contract.

Motion made by Russell, seconded by Allen, to approve setting a supplement and contingency hearing for December 29, 2022 at 9:05 a.m.

Discussion was held on setting a hearing for 1st reading of the cannabis ordinance on January 5, 2023, to amend license fees. State's Attorney Russell would like to draft some medical cannabis processes for the Board to review at that meeting, before moving forward with amending the ordinance and changing the license fees.

Motion made by Russell, seconded by Cope, to surplus to junk a Canon Pixma MG3620 Printer and a Fujitsu Esprimo, #02287, Auditor's Office.

There were no applicants for county assistance.

Bob Evans, Sheriff, reported to the Board, that there are 10 males and 4 females in the Fall River County Jail, with 2 males and 1 female in the Pennington County Jail, for a total of 17 inmates.

Motion made by Allen, seconded by Russell, to approve Training request for Deputy Belt for Investigative Interviewing Techniques Seminar, Casper, WY, January 9 – January 11, 2023, in the amount of \$495.00, plus hotel stay at the C'Mon Inn, in the amount of \$288.00, for a total of \$783.00.

Erin McGlumphy, Extension, met with the Board. Motion made by Allen, seconded by Cope, to approve the Golden West Quote for an HP ProBook 455, in the amount of \$2,026.50.

Motion made by Russell, seconded by Allen, to approve hiring Alexis Madson, \$14.00 per hour, or dependent on the negotiated wage changes, effective January 3, 2023.

Lance Russell, State's Attorney, reported to the Board that he is still working on doing more research on public defenders rather than using court appointed attorneys; he will bring it back to the first meeting in January.

State's Attorney Russell will also be working with Attorney Cole Romey and Highway Superintendent Seiler to determine the maintenance needed on South Beef Creek Road and return to the Board with recommendations for a decision.

Shawn Burke, Executive Director, Western South Dakota Community Action, reported to the Board about working more on rural and low income assistance, as well as emergency needs. Discussion was held on the Feeding South Dakota programs, the outreach of Community Action services so the public is better informed, hiring to fill another position within the company, the Senior Health Insurance Information Network (SHINE), and the unknown future of the Community Action store in Hot Springs, since the building has sold. Additional comments were heard about creating regions for civic help and making additional name recommendations to add members to the Board.

The supplement and contingency hearing was held. Motion made by Russell, seconded by Allen, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-56
Supplemental Budget 2022, #4
Contingency Transfer 2022, #5

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget, and whereas, as due and legal notice has been given, the following Supplements to expenditures for December 15, 2022 be approved as follows: General Fund: General Transfers Out 10100X4290911, \$206,500 Designated from Gen Surplus; Hwy Fund: Hwy Road Projects 20100X4251311, \$157,174.89; ARPA Fund: Transfer Out 29000X4290911, \$397,506.50; Means of finance to be cash, and

WHEREAS, SDCL 7-21-32.2 provides that the Board of County Commissioners may adopt a transfer appropriation from the contingency budget to other appropriations, which are insufficient, a contingency transfer shall be approved and adopted to the following Departments: St Attorney Salaries 10100X4110151, \$6,346.36; Juvenile Care 10100X4272215, \$14,499.58; Court Appointed Attorney Fees 10100X4260153, \$33,160.13; Search & Rescue 10100X4260224, \$377.20; Mental Illness Board 10100X4221445, \$5,118.75

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Supplemental Budget #4 and Contingency Transfer #5 for 2022.

Dated at Fall River County, South Dakota this 15th day of December 2022.

/s/Joe Falkenburg
Fall River County Board of Commissioners

ATTEST:

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

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

Randy Seiler, Highway Superintendent, met with the Board. Motion made by Russell, seconded by Cope, to approve the approach permit for Geoff and Karena Benway, a road connection to the left (west) side of W G Flats Loop, Road 2B approximately at .3 mile North of E Oral Road and will serve a residence.

Discussion was held on who maintained the approach permits and watching for certain things in the future.

Motion made by Russell, seconded by Allen, to approve hiring Cory Amthor at \$18.05 per hour, or dependent on the negotiated wage changes, effective December 21, 2022.

Motion made by Allen, seconded by Cope, to approve the pipeline easement for Lori and Tim Allen, adjacent to the SENE Quarter of Section 2 in Township 8, Range 2, and the NESE Quarter of Section 2 in Township 8, Range 2, of the Black Hills Meridian, Fall River County,

South Dakota and the pipeline to run from the SENE Quarter of Section 2 in Township 8, Range 2, of the Black, Hills Meridian, Fall River County, South Dakota.

Motion made by Allen, seconded by Russell, to approve the November 2022 transfers to reimburse the Highway Department for fuel used or work performed as follows: Sheriff's Department for \$3,219.06; Weed and Pest Office for \$86.02; Building for \$148.99; Emergency Management for \$53.09; and Director of Equalization for \$217.03.

Seiler updated the Board that the majority of the severe winter weather was reported in the Oelrichs area, with 4' drifts; the Board will refer future calls to Seiler directly. Seiler presented a document from Pennington County that he would like to mirror regarding criteria for constructing and accepting roads and approaches onto the county highway system and the county secondary highways.

Break was taken 9:50 a.m. and the meeting reconvened at 9:58 a.m.

Public comment was heard from Mary Helen Peterson about Pegasus withdrawing from Cowboy Exploration regarding uranium and provided documentation for the Commissioners.

John McBride and Dustin Ross, Andersen Engineers, met with the Board. Motion made by Allen, seconded by Russell, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-57

A Plat of BR Lots 3 and 4 of Liberty Hills Subdivision, located in the SW1/4SE1/4 of Section 27, T7S, R5E, BHM, Fall River County, South Dakota

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section 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 and therefore,

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

Dated this 15th day of December, 2022.

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

ATTEST:

/s/Sue Ganje

Fall River County Auditor

Motion made by Allen, seconded by Russell, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-58

A Plat of Long Tract and Earl Tract, located in the SW1/4SW1/4 of Section 27, T8S, R6E, BHM, Fall River County, South Dakota

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section 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 and therefore,

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

Dated this 15th day of December, 2022.

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

ATTEST:

/s/Sue Ganje

Fall River County Auditor

Motion made by Russell, seconded by Allen, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-59

A Plat of Lot 5 and Lot 17 of Block 3 of Angostura Land Estates, located in the W1/2 of Section 29, T8S, R6E, BHM, Fall River County, South Dakota

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section 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 and therefore,

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

Dated this 15th day of December, 2022.

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

ATTEST:

/s/Sue Ganje
Fall River County Auditor

Joe Falkenburg, Commissioner, addressed the Board concerning the TikTok app. Motion made by Cope, seconded by Russell, to approve removing TikTok if installed on employee computers, cell phones, tablets, etc. to follow Governor Noem's action at the state level, due to China's involvement with this app.

Motion made by Russell, seconded by Allen, to approve the changes in the tax levy resolution for the 2023 budget as follows:

General Fund	\$3,227,172.00	3.443
Limited Levy	\$3,235,281.00	3.456
Limited and Unlimited Levy Subtotal	\$3,372,501.00	3.602
Secondary Road	\$307,169.00	0.618
Fire Protection	\$1,211.00	0.149
Total Taxes Levied By County	\$3,680,881.00	4.369

Ganje notified the Board about the start of the 2020 – 2021 legislative audit.

Motion made by Russell, seconded by Cope, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes and as per SDCL 1-25-2 (4) for negotiations at 10:21 a.m.

The meeting resumed at 11:06 p.m.

Motion made by Russell, seconded by Allen, to approve the Collective Bargaining Agreement between Laborers' Local Union 620 of the Laborers International Union of North America and Fall River County, South Dakota, a public corporation for December 21, 2022 through December 20, 2025, with the new grade scale and a minimum of \$1.50 increase, contingent on approval by the State's Attorney.

Motion made by Russell, seconded by Allen, to adjourn at 11:10 p.m.

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

ATTEST:
/s/Sue Ganje, Auditor
Fall River County Auditor