

FALL RIVER COUNTY APPROVED MINUTES OF JANUARY 19, 2023

The Fall River Board of County Commissioners met in regular session on January 19, 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 Russell, seconded by Allen, to approve the agenda as written.

Motion made by Russell, seconded by Greenough, to approve the minutes of December 29, 2022 and January 5, 2023.

Motion made by Russell, seconded by Greenough, to approve the December 2022 Auditor's Account with the Treasurer as follows:

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 31st day of December 2022.

Total Amount of Deposit in First Interstate Bank, HS:	\$	1,404,256.71
Total Amount of Cash:	\$	510.53
Total Amount of Treasurer's Change Fund:	\$	900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	15,456.86
SAVINGS:		
#4) First Interstate Bank, HS:	\$	134,770.57
#20) First National Bank of Lead-RAI MM Acct	\$	112,004.17
CERTIFICATES OF DEPOSIT:		
#8) Black Hills Federal Credit Union, HS:	\$	250,000.00
#14) Schwab Treasury:	\$	952,021.00
#15) First National Bank, Lead:	\$	318,473.31
#21) Schwab Treasury 2 Yr:	\$	265,880.94
#22) Schwab Treasury 2 Yr:	\$	969,667.97

#23) Schwab Treasury 2 Yr:	\$	969,843.75
#24) Schwab Treasury 2 Yr:	\$	2,008,570.31
#25) Schwab Treasury 3 Yr:	\$	1,941,562.50
#26) Schwab Treasury 4 Yr:	\$	1,006,422.66

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:

Vertex Properties LLC	\$	2,873.62
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TOTAL \$ 10,353,749.90

Dated This 31st Day of December 2022.

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

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

County Monies	\$	10,186,492.56
Held for other Entities	\$	48,898.75
Held in Trust	\$	118,358.59
TOTAL	\$	10,353,749.90

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.

The Board received notification from the Mammoth Site of Hot Springs of their intention to sell raffle tickets.

There were no applicants for county assistance.

Lyle Norton, Sheriff, reported to the Board that there are 9 males and 4 females in the Fall River County Jail, with 1 male and 1 female in the Pennington County Jail.

Discussion was held on the possibility of having an agreement with the Oglala Lakota County Sheriff Department to allow them to use dispatch services. Norton believed that the calls would be fairly minimal and no additional staff would need to be hired. Further discussion was held on the agreement with the City of Hot Springs for dispatch services. The current contract has not been updated since 2002 and the costs would need to be raised at some point. The Board requested that Norton come up with figures for both and report back.

Discussion was held on the possibility of cross deputization of the City of Hot Springs Police Officers with Fall River County Sheriff. Although it would not change how Law Enforcement works together it would address the City's jurisdictional issues.

Motion made by Greenough, seconded by Russell, to approve the 2023 Pennington County Jail contract.

Commissioner Allen spoke of the Juvenile Rebate Program and receiving \$36,000.00 back by participating in it.

Frank Maynard, Emergency Management, met with the Board. Motion made by Greenough, seconded by Russell, to approve the L.E.M.P.G Single Signature Form and authorize the Chairman to sign.

Motion made by Russell, seconded by Greenough, to approve the list of volunteers for Workman's Compensation purposes, noting that the list could be expanded if needed, as follows:

Tracy Bastian, Kevin Fees, Les Madsen, Phil Knapp, Ed Jensen, Lyle Jensen, Tim Hammel, Marc Lamphere, Jan Speirs, Sally Park Hageman, Loren Seegrist, Bob Beninati, Willard Rome, Richard Ball.

Maynard reported to the Board about a letter he received regarding that Pennington County and the Rapid City Fire Department will begin charging for services that they provide to other counties. Other discussion included the personnel action form that Maynard is required to complete.

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

**Fall River County
RESOLUTION # 2023-04**

WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and

WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20A-11; and

WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Fall River County can designate a person (s) with authority to request assistance under this law;

NOW THEREFORE BE IT RESOLVED, that the Fall River County Commissioners hereby designate the following person (s) with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

Franklin W. Maynard
EMERGENCY MANAGEMENT DIRECTOR
605 890-7245 (CELL) or 605 745-7562 (OFFICE)

Lyle Norton
FALL RIVER COUNTY SHERIFF
605 890-1931 (CELL) or 605 745-4444 (OFFICE)

Joe Falkenberg
COMMISSIONER
307 259-2583 (CELL) or 605 459-2608 (HOME)

Deb Russell
COMMISSIONER
605 890-9796 (CELL) or 605 424-2135 (HOME)

Joe Allen
COMMISSIONER
605 890-0198 (CELL) or 605 745-1890 (HOME)

Heath Greenough
COMMISSIONER
605 890-9488 (CELL)

Les Cope
COMMISSIONER
605 441-4960 (CELL) or 605 535-6910 (HOME)

Dated this 19th day of January, 2023

/s/Joe Falkenberg
CHAIRMAN
Fall River County Commission

/s/Sue Ganje
AUDITOR
Fall River County

Motion made by Russell, seconded by Allen, to approve hiring Gary Baker, at \$16.00 per hour, 20 hours per week, effective January 23, 2022, as per union contract for Emergency Management.

Maynard also reported on fires and incidents.

Nina Steinmetz, Weed and Pest Supervisor, met with the Board. Motion made by Greenough, seconded by Allen, to approve travel for Steinmetz and board member Bob Novotny to attend the State Weed and Pest Convention, February 14 - February 17, 2023, in Huron, SD, for a total amount of \$1,126.00.

Lance Russell, State's Attorney, reported to the Board about preliminary discussions with local attorneys regarding the possibility of being public defenders; he will report back when he has a current contract from Butte County to be able to do further research.

Motion made by Allen, seconded by Cope, to waive the conflict of interest for State's Attorney Russell regarding the 2023 Fall River/Oglala Lakota County contract.

Melody Engebretson, Register of Deeds, met with the Board. Motion made by Greenough, seconded by Russell, to approve hiring Amber Tschacher at \$15.50 per hour, effective January 17, 2023, as per union contract.

Teresa Pullen, Treasurer, met with the Board. Motion made by Greenough, seconded by Allen, to approve the following resolution:

Fall River County Resolution Number 2023-05

A RESOLUTION RECONVEYING CERTAIN PROPERTY TAKEN AS TAX DEED

WHEREAS, certain real property located in Hot Springs, South Dakota, with the legal description of Lots 2, 3 and 4, less the North 9 feet of said lots and less Lot H-1 of Lot 2, Block 3, Railway Addition to the Town, now City of Hot Springs, Fall River County, South Dakota was taken by the Fall River County Treasurer by Tax Deed pursuant to SDCL § 10-25 on July 18, 2022; and

WHEREAS, the record owner of this real property, Joseph F Mower, desires a reconveyance of said real property pursuant to SDCL 10-25-41 through 10-25-43; and

WHEREAS, Fall River County agrees to reconvey said property to the record owner, Joseph F Mower, for consideration, not less than the total principal, interest, and costs of all taxes represented in the tax deed and any other taxes and interest which are unpaid on the real property; and

WHEREAS, the Fall River County Commission has determined to set the cost of the requested reconveyance at the total amount of the cost of the back taxes, plus the cost incurred to take the real property through the tax deed process, for a total amount of twenty-four thousand one hundred eighty-three dollars and six cents (\$24,183.06).

NOW, THEREFORE BE IT RESOLVED by the County Commission of Fall River County that the chairman is authorized to sign a Quitclaim Deed reconveying the real property described herein to Joseph F Mower, the record owner of said property, upon the full payment of \$24,183.06 U.S. dollars cash, received at the Office of the Fall River County Treasurer.

Approved and adopted this 19th day of January, 2023.

/s/Joe Falkenburg
Fall River County Commission Chairman
Fall River County, South Dakota

ATTEST:

/s/Sue Ganje
Fall River County, Auditor
Fall River County, South Dakota

Pullen and Engebretson discussed with the Board about the possibility of having a policy put in place for the purchase of bulk office water. The Board requested that the matter be brought back to a future meeting.

Dave Weishaupl, Building Supervisor, met with the Board. Motion made by Allen, seconded by Russell, to approve Golden West Quote for Ruckus 10G-SFPP-LR-S+ transceiver module and LC connector, in the amount of \$2,550.11.

Propane quotes were presented as follows:

1/9/2023 Propane Quotes	7,200 Gallons Propane
McGas Propane	\$1.959/gallon
Hi-D-Way	\$2.19/gallon
Nelson's	\$2.57/gallon

Motion made by Cope, seconded by Allen, to approve the low bid from McGas Propane for 7,200 gallons of propane at \$1.959 per gallon, for a total of \$14,104.80.

Discussion was held on cracks in the parking lot. Weishaupl and Highway Superintendent Seiler will get together to resolve the problem.

Sue Ganje, Auditor, met with the Board. Motion made by Greenough, seconded by Russell, to approve setting a date for a tax deed auction on April 6, 2023 at 2:00 p.m.

Discussion was held on the possibility of sending a 30-day notice to end the contract with Credit Collections Bureau by mail. State's Attorney Russell spoke of preparing a resolution to the State to reform the law and have Court Appointed Attorney Fees put back on the state to collect; Russell will have it prepared for the next meeting.

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

GENERAL FUND

AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$415.18
CURA HOSPITALITY	INMATE MEALS	\$12,926.00
BEHAVIOR MANAGEMENT SYS	2023 ALLOTTED BUDGET	\$7,500.00
BLACK HILLS CHEMICAL	SUPPLY	\$857.00
BH COUNCIL OF LOCAL GOV	2023 ASSESSMENT DUES	\$3,495.00
BLACK HILLS ENERGY	UTILITY	\$3,505.18
BRUNSON, STERLING	WEED GRANT REIMBURSEMENT	\$1,300.00
CAMERON, GEORGE	COURT REPORTER	\$181.30
CENTURY BUSINESS LEASING	COPIER LEASE/USAGE/METER	\$1,184.56
CHEYENNE SANITATION	SANITATION COLLECTION	\$376.73
CONGER RANCH	WEED GRANT REIMBURSEMENT	\$2,000.00
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$185.71
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
FALL RIVER AUTO SUPPLY	SUPPLY	\$33.30
FALL RIVER HEALTH	PRE-EMPLOYMENT PHYSICAL	\$65.00
FALL RIVER COUNTY HERALD	PUBLICATION	\$859.76
GALLS	UNIFORM ALLOWANCE	\$177.39
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8,567.33
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,108.10

HAMMEL, TERRAL	WEED GRANT REIMBURSEMENT	\$480.25
HARVEY'S LOCK & SECURITY	SERVICE	\$18.18
HOT SPRINGS ACE HARDWARE	SUPPLY	\$442.41
CITY OF HOT SPRINGS	CITY WATER BILL/AIRPLANE HANGER RENT	\$847.93
HUSTEAD LAW OFFICE, P.C.	MI, JUV, CAAF	\$4,109.17
JACQUELINE K PERLI	COURT REPORTER	\$78.40
LARSON, VAL	QMHP	\$12.00
LEWNO, LUCY	QMHP BOARD	\$156.57
LOCKWOOD, DARCY	QMHP	\$12.00
MARCO	COPIER LEASE	\$192.66
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MCGAS PROPANE	UTILITY	\$14,101.48
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$145.00
NELSONS OIL & GAS INC.	UTILITY	\$36.00
QUADIENT FINANCE USA, INC	POSTAGE	\$924.58
PENNINGTON COUNTY JAIL	INMATE HOUSING/TRANSPORT	\$7,726.12
PETE LIEN & SONS INC	WEED GRANT REIMBURSEMENT	\$120.00
QUILL CORPORATION	SUPPLIES	\$22.99
SD ASSOC.OF CO. OFFICIALS	2023 WEBSITE HOSTING	\$150.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$40.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$60.00
SD FEDERAL PROPERTY AG	SUPPLY	\$19.00
SD SHERIFF'S ASSOCIATION	2023 SD SHERIFF ASSOCIATION	\$709.19
SERVALL	RUGS AND MATS SERVICE	\$450.72
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,342.00
SOUTHERN HILLS LAW PLLC	CAAF	\$366.37
SPECTACLE SHOP LLC	INMATE MEDICAL	\$6.00
STEVENS, LAREE	BLOOD DRAW	\$450.00
NORTON, MIKAYLA	BLOOD DRAW	\$750.00
WEED & PEST CONFERENCE	2023 WEED & PEST CONFERENCE	\$340.00
WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$1,160.00
COPE RANCH	WEED GRANT REIMBURSEMENT	\$1,002.50
KINDRED, MIKE	WEED GRANT REIMBURSEMENT	\$712.50
YANKTON CO. SHERIFF	CIVIL PAPERS SERVED	\$50.00
BRUNSON, CINDY	WEED GRANT REIMBURSEMENT	\$365.88
ASH, KEN	WEED GRANT REIMBURSEMENT	\$1,500.00
MILLER, TERESA	WEED GRANT REIMBURSEMENT	\$30.00
HUDDLESTON, CHERYL	WEED GRANT REIMBURSEMENT	\$1,114.23
MILLER, BILL	WEED GRANT REIMBURSEMENT	\$124.38
PETERS, FRANK	WEED GRANT REIMBURSEMENT	\$1,015.05
NORTON, LYLE	REIMBURSEMENT	\$166.11
BROWN, RORY	WEED GRANT REIMBURSEMENT	\$1,044.60
LEWIS, DAVID	WEED GRANT REIMBURSEMENT	\$385.88
TUBBS, MARK	WEED GRANT REIMBURSEMENT	\$212.00
STEARNS, JERRY	WEED GRANT REIMBURSEMENT	\$89.38

HICKS, LUELLA	WEED GRANT REIMBURSEMENT	\$288.13
SMITH, DEAN	WEED GRANT REIMBURSEMENT	\$112.50
HANSON, KENT	WEED GRANT REIMBURSEMENT	\$298.56
OSMOTHERLY, LARRY	WEED GRANT REIMBURSEMENT	\$40.00
FISH, DON	WEED GRANT REIMBURSEMENT	\$1,200.63
LYNN, JIM	WEED GRANT REIMBURSEMENT	\$66.88
ALLEN, KIMBERLY	WEED GRANT REIMBURSEMENT	\$62.00
FROST, JACK	WEED GRANT REIMBURSEMENT	\$129.38
HUNTER, ROSS	WEED GRANT REIMBURSEMENT	\$1,222.00
KOUPAL, DAVE	WEED GRANT REIMBURSEMENT	\$430.88
NEUGEBAUER, GREG	WEED GRANT REIMBURSEMENT	\$390.50
LORENZ, KELVIN	WEED GRANT REIMBURSEMENT	\$207.20
GOEMAN, JIMMY	WEED GRANT REIMBURSEMENT	\$859.32
HOGUE, FRANK	WEED GRANT REIMBURSEMENT	\$42.00
SCHAACK, TIM	WEED GRANT REIMBURSEMENT	\$1,873.13
SPEARHEAD RANCH LLC	WEED GRANT REIMBURSEMENT	\$228.75
ANDREEN, ERIC	WEED GRANT REIMBURSEMENT	\$48.75
BARKER RANCH	WEED GRANT REIMBURSEMENT	\$2,000.00
DOUBLE V LAND & CATTLE	WEED GRANT REIMBURSEMENT	\$1,253.00
LAPCINSKI, JOE	WEED GRANT REIMBURSEMENT	\$48.75
KINDRED, CLINT	WEED GRANT REIMBURSEMENT	\$475.00
RIPPENTROP, GAYLEN	WEED GRANT REIMBURSEMENT	\$1,199.25
SCHAFFER, KELLY	WEED GRANT REIMBURSEMENT	\$48.75
SCHUBBEL, LISA	WEED GRANT REIMBURSEMENT	\$35.00
TYSDAL, BERNARD	WEED GRANT REIMBURSEMENT	\$48.75
JUROR	GRAND JURY & MILEAGE	\$586.50
WITNESS	WITNESS FEE	\$379.81
	TOTAL FOR GENERAL FUND	\$102,652.99

COUNTY ROAD & BRIDGE

BLACK HILLS ENERGY	UTILITY	\$893.68
CHEYENNE SANITATION	SANITATION COLLECTION	\$79.00
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.25
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$258.03
CITY OF HOT SPRINGS	CITY WATER BILL	\$34.04
	TOTAL COUNTY ROAD & BRIDGE	\$1,273.00

911 SURCHARGE REIMBURSEMENT

CENTURY BUSINESS LEASING	COPIER LEASE & METER	\$86.15
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$24.75
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$752.93
QUILL CORPORATION	SUPPLIES	\$215.48
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$1,079.31

EMERGENCY MANAGEMENT

GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.25
GOLDEN WEST	PHONE BILL/LONG DIST	\$164.30
MARCO	COPIER LEASE	\$38.90

MCGAS PROPANE	UTILITY	\$541.02
	TOTAL FOR EMERGENCY MANAGEMENT	\$752.47
M & P RELIEF		
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$75.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$75.00
	TOTAL PAID BETWEEN 1/6/22 AND 1/19/23	\$105,832.80

Break was taken at 9:43 a.m. and the meeting reconvened at 9:48 a.m.

No public comment was heard.

Conrad Cutchin reported to the Board about the possibility of an abatement on his pay 2023 taxes. Concerns were raised about decisions that were made during the appeals process in 2022. The Board recommended that Cutchin speak with Auditor Ganje and Director of Equalization Heidebrink for further review and bring back it to a future meeting.

Treasurer Pullen reported to the Board that if the County stays with Credit Collections Bureau, they will receive 30% of all money that is collected in regard to liens. Motion made by Russell, seconded by Allen, to approve sending a letter to cancel the contract with Credit Collections Bureau and authorize the Chairman to sign.

Randy Seiler, Highway Superintendent, met with the Board. Motion made by Russell, seconded by Allen, to approve an Application for Road Approach Permit from the east side of Red Canyon Road, #FDR15, approximately at 4,300 feet south of Pilger Mountain Road and will serve a residence.

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

FALL RIVER COUNTY RESOLUTION #2023-06

WHEREAS, the Fall River County Board of Commissioners did adopt the following 2023 ANNUAL LOAD RESTRICTIONS:

Fall River County will impose load limits as follows in coordination with the State Highway's Annual Load Restrictions:

All oil roads will be posted at 7 ton and 40 mph, with the exception of County Road 6N aka as Look Out Road to be posted at 10 ton. These are seasonal Spring Load Limits and the restrictions will take effect when the signs are in place.

NOW THEREFORE BE IT RESOLVED, this resolution was approved and passed on this 19th day of January, 2023.

ATTEST: /s/Sue Ganje, Fall River County Auditor
/s/Joe Falkenburg, Chairman
Fall River County Board of Commissioners

Discussion was held on gravel, with recommendations from Seiler and James Taylor of Simon Contractors, speaking of counties going forward with a broader scope of management of gravel. Motion

made by Russell, seconded by Allen, to approve advertising for 1” aggregate base, limestone and river rock, with bids to be opened at the February 2, 2023 meeting at 9:30 a.m. With Greenough voting no, all others voting yes, by roll call vote, motion carried.

Discussion was held on the columns in the middle of the Chilson Bridge and the Mickelson Trail bed has been raised under the Bridge; further work will be done in warmer weather.

Motion made by Greenough, seconded by Russell, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes at 10:26 a.m.

The meeting resumed at 10:46 a.m.

Motion made by Greenough, seconded by Russell, to adjourn at 10:47 a.m.

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

ATTEST:

/s/Sue Ganje, Auditor
Fall River County Auditor’s Office