

## **FALL RIVER COUNTY APPROVED MINUTES OF FEBRUARY 2, 2023**

The Fall River Board of County Commissioners met in regular session on February 2, 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; Greenough noted a conflict with the pay raise for Malachiah Fleming. 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.sdcountries.org>, or, under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Greenough, seconded by Russell, to approve the agenda as written.

Motion made by Greenough, seconded by Russell, to approve the minutes of January 19, 2023, with the correction of the Gravel Bid Hearing to be on February 16, 2023, not February 2, 2023.

Motion made by Greenough, seconded by Russell, to surplus to junk #02131, a street crosswalk sign, from Maintenance.

Motion made by Russell, seconded by Allen, to amend the January 5, 2023 minutes to reflect Hayley Rough Surface as Jailer, rather than Dispatcher.

Motion made by Russell, seconded by Allen, to adjust Malachiah Fleming to \$20.25 per hour and Anthony Otteson to \$22.25 per hour, to Grade (II) from (III), effective December 21, 2022, as per union contract. With Greenough abstaining, all others voting yes, motion carried.

Motion made by Greenough, seconded by Russell, to approve setting a hearing for The Lodge at Angostura, LLC for a Retail (on-off sale) Malt Beverage and SD Farm Wine and a Retail (on-off sale) Wine and Cider, on February 16, 2023, at 9:25 a.m.

There were no applicants for county assistance.

Lyle Norton, Sheriff, reported to the Board that there are 9 males and 3 females in the Fall River County Jail, with 1 male and 1 female in the Pennington County Jail.

Norton advised the Board of two sessions of Control Tactics Training at the South Annex on February 17 – February 18, 2023 and March 17 – March 18, 2023 for Fall River County Sheriff's Office and Hot Springs Police Department. Chief Deputy Belt will instruct the training.

Motion made by Greenough, seconded by Allen, to approve hiring part time help in Dispatch.

Motion made by Greenough, seconded by Allen, to approve travel for Charles Dobbs, Deputy, to Criminal Interdiction Training, Pierre, SD, March 27 – March 29, 2023.

Norton reported to the Board that they are working on changes to the employment screening process; this will bring some additional costs to the County; however, it will hopefully help to retain employees. Norton also spoke of starting to revamp the clothing allowance; both items will help to modernize the department.

Frank Maynard, Emergency Management, met with the Board. Motion made by Allen, seconded by Greenough, to approve the following resolution:

**Fall River County  
Disaster Declaration Resolution 2023-07**

WHEREAS, Fall River County, South Dakota has suffered damage and loss due to the blizzard December 12<sup>th</sup> through December 16<sup>th</sup>, 2022, and

WHEREAS, the Fall River County Board of Commissioners resolve that these conditions constitute a disaster of such severity and magnitude that effective response is beyond the capabilities of the County and there are not enough resources locally available to alleviate the damage and economic chaos resulting from these conditions; and

WHEREAS, Fall River County may not have the financial resources to respond to the results caused by this disaster; and

WHEREAS, the Fall River County Board of Commissioners is aware of loss to the agricultural community, and loss of electricity and other fundamental infrastructure; and

WHEREAS, outside resources are required to repair roads and other critical infrastructure.

NOW THEREFORE, BE IT RESOLVED, the Fall River County Board of Commissioners, South Dakota declare an emergency, and

BE IT FURTHER RESOLVED, we the Fall River Board of Commissioners, South Dakota respectfully petition the Governor of the State of South Dakota and the President of the United States to insure the maximum amount of assistance is made available to local governments, business and residents affected.

Dated this 5<sup>th</sup> day of January, 2023

/s/Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:

/s/Sue Ganje  
Fall River County Auditor

Maynard requested a cell phone for newly hired Gary Baker; the Board asked that he bring the item back when he had prices and more information.

Motion made by Allen, seconded by Greenough, to approve travel for Gary Baker to attend EM101 training in Pierre, SD, March 9, 2023.

Maynard also reported on fires and incidents.

Stacey Martin, GIS, reported to the Board the annual report on taxes, taxable value and mill levies, and the new housing report. There has been growth in the County, causing increases in residential taxing areas. Further information is posted on the County website.

Dave Weishaupl, Building Supervisor, met with the Board. Motion made by Russell, seconded by Allen, to approve the Golden West Quote for a HP ProDesk 400 G6 Desktop Mini, in the amount of \$1,426.92.

Motion made by Greenough, seconded by Allen, to approve the Golden West Quote for 2 Axis P3265-LV fixed dome 2.1 MP cameras, in the amount of \$1,399.40.

Discussion was held on jail plumbing; the Board advised Weishaupl to get a quote to replace existing plumbing. This may help to make a better decision on replacing existing plumbing or building a new jail.

The Private Road Work Hearing was held as advertised. Motion made by Greenough, seconded by Allen, to continue with private road work services, as per SDCL 31-11-41 thru 31-11-45, to be used only in emergency situations when other contractors are not available, and set the fee at \$175.00 per hour.

Randy Seiler, Highway Superintendent, met with the Board and presented propane and fuel quotes as follows:

1/23/2023	Propane Quotes Ardmore	500-Gal Propane
	Hi-D-Way	\$2.29/gallon
	Nelson's Oil and Gas	\$2.59/gallon
	Dakota Propane	No Bid
1/23/2023	Propane Quotes Hot Springs	1,000-Gal Propane
	Hi-D-Way	\$2.29/gallon
	Nelson's Oil and Gas	\$2.39/gallon
	MG Oil	No Bid
1/23/2023	Fuel Quotes	8,000-Gal Gasoline
	Nelson's Oil and Gas	\$3.52/gallon
	Hi-D-Way	No Bid
	MG Oil	No Bid

Motion made by Russell, seconded by Allen, to approve the low bid from Hi-D-Way for 500 gallons of propane at Ardmore Shop, at \$2.29 per gallon and for 1,000 gallons of propane at the Hot Springs Shop, at \$2.29 per gallon, for a total of \$3,435.00.

Motion made by Cope, seconded by Russell, to approve the low bid from Nelson's Oil and Gas for 8,000 gallons of gasoline, at \$3.52 per gallon, for a total of \$28,160.00.

Motion made by Russell, seconded by Allen, to approve travel for Seiler to attend the SDACHS 2023 Short Course, Deadwood, March 21 – March 23, 2023.

Seiler stated the gravel and road grader school provided by LTAP will be on March 8, 2023, at 8 a.m. It will be held at the South Annex.

Seiler updated the Board that he had been working with Stacey Martin to create a map of the roads that Seiler would recommend as secondary roads or roads that are minimum or no maintenance. Seiler would like things to mimic how the State classifies roads, but still make things workable for the County and would like Commissioner input on roads that they would like to see added or removed. State's Attorney

Russell would like to put a notice in the paper, hold a public hearing and write a resolution to proceed forward and to help finalize the matter; he would also like Seiler to find out more information from other counties on minimum maintenance standards.

The first reading of Medical Marijuana Ordinance #2021-01 Amended was held as advertised. Motion made by Cope, seconded by Greenough to approve increasing the fee to \$25,000.00 and only allowing for 1 dispensary, with no cultivation, testing and product manufacturing. Cope and Greenough rescinded their motion to define which draft with further detail.

Motion made by Cope, seconded by Greenough, to approve Draft 3 of Medical Marijuana Ordinance #2021-01 Amended, to include increasing the fee to \$25,000.00 and only allowing for 1 dispensary, with no cultivation, testing and product manufacturing. With Falkenburg voting no, all others voting yes, motion carried.

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

**GENERAL FUND**

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$729.70
AMAZON CAPITAL SERVICES	SUPPLY	\$2,327.78
BOB BARKER COMPANY INC	INMATE SUPPLIES	\$509.20
BH BUSINESS SOURCE	FURNITURE	\$12,120.23
BQ & ASSOCIATES, P.C., LLO	GARNISHMENT	\$131.00
BOMGAARS SUPPLY	SUPPLY	\$7.18
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
CAMERON, GEORGE	COURT REPORTER	\$24.50
CHADRON MOTOR CO. INC,	REPAIR	\$7,807.71
COLBATH & SPERLICH, PC	CAAF/MAG/JUV	\$9,701.94
CREDIT COLLECTION BUREAU	COLLECTIONS	\$1,281.15
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,674.82
DIV OF CHILD SUPPORT	CHILD SUPPORT	\$437.50
EFTPS	PAYROLL TAXES	\$49,282.29
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$42.50
FALL RIVER COUNTY HERALD	PUBLICATION	\$833.19
GALLS	UNIFORMS/SHERIFF SUPPLY	\$189.68
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$555.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$280.70
CITY OF HOT SPRINGS	HANGER RENT	\$1,125.00
HUSTEAD LAW OFFICE, P.C.	CAAF	\$5,362.99
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$25,045.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$324.00
LIGHTING MAINTENANCE CO.	SUPPLY	\$121.18
LYLE'S LOCK SERVICE	SERVICE	\$100.00
LYNNS DAKOTAMART	INMATE SUPPLY	\$9.49
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$573.05
MARCO	COPIER LEASE	\$212.66
MARTY'S TIRE & AUTO BODY	SERVICE	\$980.00
MASTERCARD	COUNTY CREDIT CARD	\$984.20

MCNEMAR, KIM	QMHP/MI	\$600.00
MEADE COUNTY AUDITOR	INMATE HOUSING	\$400.00
MESSERLI & KRAMER	GARNISHMENT	\$327.05
MONUMENT HEALTH	INMATE MEDICAL	\$106.93
MONUMENT HEALTH RAPID CITY	INMATE MEDICAL	\$14.27
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$700.00
NATIONAL 4-H COUNCIL	SUPPLY	\$260.70
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTON, TINA	CONTRACT NURSE INMATE	\$1,850.00
NUTRIEN AG SOLUTIONS	SUPPLY	\$11,200.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
QUILL CORPORATION	OFFICE SUPPLIES	\$40.57
RELIANCE STANDARD LIFE	VISION PLAN	\$356.28
RAMKOTA HOTEL-PIERRE	HOTEL/SHERIFF CONFERENCE	\$460.00
CITY OF RAPID CITY	BLOOD ANALYSIS	\$560.00
RUSSELL, LANCE	TRAVEL REIMBURSEMENT	\$30.80
SOUTH DAKOTA ST TREASURER	SALES TAX	\$10.58
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION/SPECIAL PAY PLAN	\$30,848.03
SERVALL	RUG SERVICE	\$450.72
SONNY'S SUPER FOODS	SUPPLY	\$63.41
SOUTHERN HILLS LAW PLLC	CAAF	\$554.35
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$17.59
ULINE	OFFICE FURNITURE	\$1,316.53
VERIZON WIRELESS	CELL PHONE PLAN	\$502.83
THOMSON REUTERS	ONLINE SOFTWARE SUBS	\$148.00
MRAZ, JENNIFER	MILEAGE	\$51.00
NORTON, LYLE	TRAVEL REIMBURSEMENT	\$200.00
COMMISSIONERS	JANUARY SALARIES	\$4,350.00
AUDITOR'S OFFICE	JANUARY SALARIES	\$22,834.02
AUDITOR'S OFFICE	OVERTIME	\$384.34
TREASURER'S OFFICE	JANUARY SALARIES	\$19,054.62
TREASURER'S OFFICE	OVERTIME	\$55.70
STATE'S ATTORNEY'S OFFICE	JANUARY SALARIES	\$16,776.16
STATE'S ATTORNEY'S OFFICE	OVERTIME	\$1,244.89
MAINTENANCE	JANUARY SALARIES	\$11,137.18
MAINTENANCE	OVERTIME	\$94.08
ASSESSOR'S OFFICE	JANUARY SALARIES	\$18,588.88
ASSESSOR'S OFFICE	OVERTIME	\$31.05
REGISTER OF DEEDS OFFICE	JANUARY SALARIES	\$10,733.21
VETERAN'S SERVICE OFFICE	JANUARY SALARIES	\$4,540.03
GIS OFFICE	JANUARY SALARIES	\$4,536.82
SHERIFF	JANUARY SALARIES	\$40,397.36
SHERIFF	OVERTIME	\$9,600.17
JAIL	JANUARY SALARIES	\$35,362.08
JAIL	OVERTIME	\$2,313.39
CORONER	JANUARY SALARIES	\$450.00

NURSE'S OFFICE	JANUARY SALARIES	\$3,534.00
NURSE'S OFFICE	OVERTIME	\$50.58
EXTENSION OFFICE	JANUARY SALARIES	\$1,627.50
WEED & PEST OFFICE	JANUARY SALARIES	\$4,748.11
	TOTAL FOR GENERAL FUND	\$388,040.71

**COUNTY ROAD & BRIDGE**

A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$37.51
ADVANCED DRUG TESTING	RANDOM EMPLOYMEE DRUG TEST	\$104.00
AIR WORKS	PARTS/SERVICE	\$206.99
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$365.50
AMAZON CAPITAL SERVICES	SUPPLY	\$32.22
BLACK HILLS ELECTRIC	UTILITIES SMITHWICK	\$81.66
BILL'S HEATING	PROPANE	\$2,496.10
BOMGAARS	SUPPLY	\$616.75
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$2,104.00
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$630.20
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$405.48
EFTPS	PAYROLL TAXES	\$13,406.34
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$13.10
FALL RIVER HEALTH	PRE-EMPLOYMENT PHYSICAL	\$50.00
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$44.15
FALL RIVER COUNTY HERALD	PUBLICATION	\$24.89
GIBSON, CARLO	CLOTHING ALLOWANCE	\$16.99
GRIMM'S PUMP SERVICE INC	SERVICE	\$1,459.96
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$180.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$329.60
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$7,303.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$270.00
MASTERCARD	COUNTY CREDIT CARD	\$14.79
NEWMAN SIGNS INC.	SIGNAGE	\$131.66
NORTHERN TRUCK EQUIP	PART	\$480.24
PACIFIC STEEL & RECYCLING	SUPPLY	\$140.53
POMP'S TIRE SERVICE INC.	PARTS	\$130.77
RELIANCE STANDARD LIFE	VISION PLAN	\$65.00
RAPID DELIVERY	DELIVERY	\$1.30
RUSHMORE COMMUNICATIONS	REPAIRS	\$946.93
SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
SD DEPT OF TRANSPORTATION	STATE COST SHARE ROA	\$440.38
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$6,909.66
SD SUPPLEMENT RETIREMENT	SUPPLEMENTAL RETIREMENT	\$40.00
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$436.11
SUMMIT SIGNS & SUPPLY INC	SUPPLY	\$425.00
HIGHWAY DEPARTMENT	JANUARY SALARIES	\$54,821.51
HIGHWAY DEPARTMENT	OVERTIME	\$1,540.78
	TOTAL COUNTY ROAD & BRIDGE	\$96,827.57

**911 SURCHARGE REIMBURSEMENT**

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$67.21
AMAZON CAPITAL SERVICES	SUPPLY	\$149.98
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$317.54
EFTPS	PAYROLL TAXES	\$7,853.56
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$60.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$2,486.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$27.00
MASTERCARD	COUNTY CREDIT CARD	\$6.00
RELIANCE STANDARD LIFE	VISION PLAN	\$7.48
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$3,511.41
VERIZON WIRELESS	CELL PHONE PLAN	\$41.83
FLEMING, MELISSA	UNIFORM ALLOWANCE	\$80.00
DISPATCH	JANUARY SALARIES	\$22,789.90
DISPATCH	OVERTIME	\$6,322.13
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$44,023.40
<b>EMERGENCY MANAGEMENT</b>		
EFTPS	PAYROLL TAXES	\$1,620.46
MARCO	COPIER LEASE	\$38.90
MASTERCARD	COUNTY CREDIT CARD	\$71.59
QUILL CORPORATION	OFFICE SUPPLIES	\$69.34
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$669.62
VERIZON WIRELESS	CELL PHONE PLAN	\$83.66
FR EMERGENCY MANAGEMENT	JANUARY SALARIES	\$5,580.22
	TOTAL FOR EMERGENCY MANAGEMENT	\$8,133.79
<b>DOMESTIC ABUSE FUND</b>		
W.E.A.V.E.	2023 BUDGET ALLOTTMENT	\$7,000.00
	<b>TOTAL FOR DOMESTIC ABUSE FUND</b>	\$7,000.00
<b>24/7 SOBRIETY FUND</b>		
EFTPS	PAYROLL TAXES	\$343.30
	TOTAL FOR 24/7 SOBRIETY FUND	\$343.30
<b>M &amp; P RELIEF</b>		
TRIMIN SYSTEM, INC.	SOFTWARE CONTRACT	\$7,500.00
	TOTAL FOR M & P RELIEF	\$7,500.00
	TOTAL PAID BETWEEN 1/20/22 AND 2/2/23	\$551,868.80

Break was taken at 10:18 a.m. and the meeting reconvened at 10:28 a.m.

Public comment was heard from Joe Falkenburg advising people to be careful when disposing of dead animals due to the possibility of contracting diseases; don't touch anything without gloves on.

Teresa Pullen, Treasurer, met with the Board. Motion made by Russell, seconded by Allen, to approve the abatements for Michelle R. Talbot, parcel #81900-00000-02715, Mobile Home on leased site at 540 S. 21<sup>st</sup> St. 1964 60x12 Frontier Grandview Mobile Home Park, for pay 2013 through pay 2021, \$549.32 and Leroy Randall, parcel #81900-00000-00810, Mobile Home on leased site at 409 21<sup>st</sup> Street 1972 65x14 Sharlo Grandview Mobile Home Park, for pay 2014 through pay 2021, \$914.79. Re: Real property owner has destroyed the abandoned mobile home on the leased sites as per SDCI 21-51-19.

There is no employee water policy at this time; Pullen will bring back to a future meeting.

Lily Heidebrink, Director of Equalization, reported to the Board that the State recommends the office should not supply estimated taxes, just current values. During a recent audit, the Director of Equalization Office were referred to a property tax portal from the Department of Revenue that would provide the public with a lot of information. Heidebrink will give instructions on how to get to the website.

Alice McIntire spoke to the Board about concerns regarding taxes for she and Gary's property. Discussion was held on purchase of property, estimate of assessments, property taxes and amounts being high. Motion made by Russell, seconded by Allen, to not allow adjustment of taxes for Alice and Gary McIntire. With all voting yes, by roll call vote, motion carried.

Lisa Pawloski reported to the Board regarding concerns with the Real Property taxes estimated for land she purchased and making sure the correct information is available on the website.

Conrad Cutchin met with the Board. Motion made by Allen, seconded by Greenough, to abate the increase to Cutchin's property by 36% to bring the mobile home value to the correct figure.

Sue Ganje, Auditor, reported to the Board about changes on the tax bills and how they appear due to the new software system that is being used.

Discussion was held on EPA considering tougher regulation of livestock farm pollution; the Board was in agreement that a letter should be written to the Governor and the Congressional Representatives and Senator. Further discussion was held on a multi-state lawsuit regarding how retirement is taxed on the Federal Level; the Board agreed about writing a letter to address this issue.

Discussion was held on the removal of District 30 Senator Frye-Mueller's voting rights and action that could be taken. Motion made by Cope, seconded by Allen, that the Fall River County Commission unequivocally supports Senator Julie Frye-Mueller and that we rebuke and censure the members of the Senate who disenfranchised the voters of Fall River County of District 30 in an unconstitutional manner, depriving Senator Frye-Mueller and all the voters of District 30 without due process of law.

Cope exited the meeting at 11:39 a.m.

Motion made by Greenough, seconded by Allen, to adjourn at 11:40 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