

FALL RIVER COUNTY APPROVED MINUTES OF JULY 18, 2024

The Fall River Board of County Commissioners met in regular session on July 18, 2024. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

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

The agenda was reviewed for conflicts; Joe Falkenburg noted that he had a conflict regarding accepting the petition to partially vacate property in Canyon Springs Estates from Joe Falkenburg and Lillian Witte. 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 on Facebook, on the Fall River County’s website.

Motion made by Russell, seconded by Allen, to approve the agenda with the addition of hire approval for the Director of Equalization Office.

Motion made by Russell, seconded by Allen, to approve the Fall River County Commission Meeting minutes from July 2, 2024.

Motion made by Greenough, seconded by Russell, to approve the Auditor’s Account with the Treasurer for June 2024 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 30th			
day of June 2024.			
Total Amount of Deposit in First Interstate Bank, HS:			\$ 1,493,845.98
Total Amount of Cash:			\$ 1,292.53
Total Amount of Treasurer's Change Fund:			\$ 900.00
Total Amount of Checks in Treasurer's			
Possession Not Exceeding Three Days:			\$ 7,429.14
SAVINGS:			
#4) First Interstate Bank, HS:			\$ 1,281,441.65
CERTIFICATES OF DEPOSIT:			
#8) Black Hills Federal Credit Union, HS:			\$ 250,000.00
#14) Schwab Treasury:			\$ 1,203,263.34
#15) First National Bank, Lead:			\$ 328,114.47

#21) Schwab Treasury 2 Yr:				\$ 277,174.69
#22) Schwab Treasury 2 Yr:				\$ 1,001,231.25
#24) Schwab Treasury 2 Yr:				\$ 2,136,898.44
#25) Schwab Treasury 3 Yr:				\$ 1,957,812.50
#26) Schwab Treasury 4 Yr:				\$ 1,045,684.69
#27) Schwab Treasury 2 Yr:				\$ 994,065.63
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:				
Hannah Thomas				\$ 426.01
Suter, Debbie				\$ 729.45
			TOTAL	\$ 11,980,844.77
Dated This 30th Day of June 2024.				
Sue Ganje, County Auditor of of Fall River County		Teresa Pullen, County Treasurer of Fall River County		
County Monies	\$ 11,655,567.78			
Held for other Entities	\$ 133,572.13			
Held in Trust	\$ 191,704.86			
TOTAL	\$ 11,980,844.77			
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 Greenough, to approve the longevity pay increase for Dan Cullen, Veteran Service Officer, from \$50.00/month to \$75.00/month as per Union Contract.

Motion made by Allen, seconded by Russell, to approve hiring Kayla Christie, part time 24/7 Tech at \$16.00/hour, effective 05/13/2024.

Motion made by Greenough, seconded by Cope, to approve hiring Madison Russell, part time State's Attorney Intern at \$12.00/hour, effective 07/22/2024.

The Board noted the increase in dues for SDACC.

Notice was provided to the Board of a Fund-Raising event from the Edgemont Masonic Lodge #161 AF&AM that will occur in January and February of 2025.

Motion made by Cope, seconded by Greenough, to allow Erin McGlumphy, 4-H Advisor, SDSU (as per MOU) drive the County's Chevrolet Uplander van for County purposes.

Motion made by Russell, seconded by Greenough, to approve hiring Heather Shaffer, Administrative Assistant at \$15.50/hour, effective 07/09/2024.

Motion made by Russell, seconded by Cope, to surplus to junk the following: computer, asset tag #01779, calculator, asset tag #000537 and calculator, asset tag #1288 from the Highway Department; 27" monitor, asset tag #02179 from the Courthouse Building; 100 cup coffee urn, asset tag #02559 from the jail. All items are non-working.

There were no County Assistance/Death expense applications.

Dave Weishaupl, Maintenance Supervisor, met with the Board to present the 2025 Budget request for their consideration, he noted that there were no changes from last year's budget.

Lyle Norton, Sheriff, met with the Board to present the 2025 Budget requests for the Sheriff's Department, the County Jail and the Dispatch Center for the Board's consideration. He noted that some items went up, some went down, but with everything, he decreased the budget by approximately \$21,000.00 from last year's budget.

Motion made by Greenough, seconded by Allen, to approve the Healthcare Service Group, Inc (HCSG) contract and authorize the Sheriff to sign for dining services for the jail.

Norton provided the jail census. There are 29 in house 22 males and 7 females, noting that 1 male and 2 females were in Meade County for a total of 32 inmates. He notified the Board that they are doing a "Saturation Patrol" out at the lake and that will likely increase the number of inmates that will likely have to stay in jail until court happens next Wednesday or Friday. Norton then informed the Board that, while they do not have a Drug Task Force, there are some Hot Springs PD and Fall River County Sheriff staff that are trained in drug intervention. Lastly, he noted that a few big boulders slid/rolled down the hill behind the jail again and will have to be removed. The Board asked if Frank Maynard, Emergency Manager, would find out who came to assess possible forthcoming dangers of more falling in the past or find someone to do an assessment of the hillside.

Frank Maynard, Emergency Manager, met with the Board to present the 2025 Budget request for their consideration. He noted that there are no changes from the 2024 Budget.

Maynard provided information regarding the area's current drought status.

Motion made by Allen, seconded by Greenough, to approve Fall River County Resolution #2024-55 as follows:

**FALL RIVER COUNTY RESOLUTION # 2024-55
EMERGENCY DROUGHT DISASTER RESOLUTION**

WHEREAS, the vast majority of Fall River County has failed to receive adequate precipitation for the preceding twelve month period, and

WHEREAS, the lack of precipitation over the past years has created a catastrophic state of drought, and

WHEREAS, the drought conditions have had an enormous effect on the production capabilities of the agricultural industry, which in turn severely affects the entire local economy, and

WHEREAS, the lack of consistent precipitation has resulted in the lack of rain water runoff and therefore caused livestock ponds, dams, wells and natural water holes to dry up, and

WHEREAS, the grass, what there is of it, in the pastures in the county is bone dry, and quickly allows the start and spread of wild fires thus making containment almost impossible, and

WHEREAS, the local volunteer fire departments have almost depleted their resources in quelling wild fires, and

WHEREAS, the lack of dependable precipitation has resulted in record low subsoil moisture and has caused the water table to drop significantly,

NOW THEREFORE BE IT RESOLVED, that the Fall River County Commissioners declare that current drought conditions have created a natural disaster within Fall River County, and

BE IT FURTHER RESOLVED, that both farmers/ranchers and local businesses may be eligible for disaster aid grants and/or low interest Economic Injury Disaster loans from the Farm Services Agency and Small Business Administration Agency retroactive to January 1, 2024, and

BE IT FURTHER RESOLVED that the Board of County Commissioners for and on behalf of the citizens of Fall River County, request that the Governor of the State of South Dakota petition the Secretary of Agriculture to declare Fall River County a drought disaster area, and

BE IT FURTHER RESOLVED that an Emergency exists in Fall River County and this Resolution shall be in effect from and after its publication and this action is necessary for the preservation of the public peace, health and safety.

Dated this 18th day of July, 2024

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

ATTEST:

/S/ Sue Ganje
Sue Ganje, Fall River County Auditor

Melissa Stearns, 3 Corners Agency, stated that she deals with crop insurance in this area and provided the board with some rainfall data that affects pasture insurance. She expressed concern that the

reporting from SDSU does not seem to agree with the actual physical evidence of the drought happening in Fall River County. She asked that the Board reach out to the National Weather Service and appeal the current reports. Gary Romey, County resident, added that something needs to be done regarding automated reporting.

Motion made by Greenough, seconded by Russell, to authorize the Chairman to sign the LEMPG Single Signature Form for the 3rd Quarter.

Motion made by Russell, seconded by Greenough, to approve travel for Gary Baker, Assistant Emergency Manager and Frank Maynard, Emergency Manager, to attend the SDEMA Training Conference in Chamberlain on September 9-12, 2024.

Maynard then reported on fires and incidents.

Tony March, Highway Superintendent, met with the Board.

Motion made by Russell, seconded by Greenough, to approve the Approach Permit for the north side of Argyle Road west of 12938 Argyle Road from Keogh Rash.

Motion made by Allen, seconded by Russell, to approve the purchase of an adjustable height desk and file storage in the amount of \$2,197.40.

Motion made by Russell, seconded by Allen, to apply Mag Water on County Road #1 (Smithwick Road) to equal \$10,000.00. With Cope voting no, all others voting yes, motion carried.

March then provided updates.

Erin McGlumphy, 4-H Advisor, and Jackie Waldner, Community Health Nurse submitted their 2025 budget requests, but were absent to review them with the board.

The time being 9:30 a.m. the hearing for the Vacation of the plat of Canyon Springs Estates, Lots 1 through 7, Homesite Tract and Nature Tract occurred.

Motion made by Allen, seconded by Russell, to approve Fall River County Resolution #2024-56 as follows:

Fall River County Resolution #2024-56

Resolution and Order Partially Vacating Plat of Canyon Springs Estates in Fall River County, South Dakota.

Whereas, A. Waymon Williams and Ollie Bea Williams, husband and wife, have heretofore presented to the Fall River County Commission, pursuant to SDCL 11-3-21.1, a petition for vacation of a Plat described as follows:

Canyon Springs Estates, Lots 1 through 7, Homesite Tract and Nature Tract in the E1/2NE1/4NE1/4 of Section 15 and the SE1/4SE1/4SE1/4 of Section 10, all located in Township 7 South, Range 5 East of the Black Hills Meridian, Fall River County, South Dakota as recorded in the plat thereof in Book 23 of Plats, page 63 in the office of the Register of Deeds.

Which petition was made by the Owners of all the property of the Plat proposed to be vacated sets out that A. Waymon Williams and Ollie Bea Williams have requested the Fall River County Commissioners to vacate the Plat to the above described real property described as Canyon Springs Estates.

WHEREAS, the Fall River County Commission at a meeting of said Commission held June 20, 2024, deemed it expedient that said matter should be proceeded with, ordered said petition filed with the Auditor of said County, fixed a time for hearing on the petition at the regular meeting of the Commission on Thursday, July 18, 2024, at 9:30 a.m. and directed that notice of said hearing be published once at least 10 days prior to the hearing in the official newspaper of said County; and

WHEREAS, due and legal notice of the hearing on said petition has been given and the Commission has investigated and considered the matter and it being established that the public interest will be better served by such proposed vacation of the requested Plat and the plat property proposed to be vacated has only been used for residential purposes and the only public highway located on any of the Plat proposed to be vacated is County Highway 18B, also known as Hot Brook Road which has existed since prior to 1957 and is not dependent on this Plat for its continued existence.

WHEREAS, due to the petition being accepted by the Fall River County Board of Commissioners and the hearing date set, a portion of the property within the plat was deeded away to a new owner after the petition was submitted, the area that A. Waymon Williams and Ollie Bea Williams currently own and wish to vacate is only Nature Tract of the published property description.

BE IT RESOLVED AND ORDERED by the Fall River County Commission, that the Plat described as follows is hereby partially vacated:

Canyon Springs Estates, Nature Tract in the E1/2NE1/4NE1/4 of Section 15 located in Township 7 South, Range 5 East of the Black Hills Meridian, Fall River County, South Dakota as recorded in the plat thereof in Book 23 of Plats, page 63 in the office of the Register of Deeds.

Such vacation to take effect after the 20th day after the publication of this Resolution.

Dated at Hot Springs, Fall River County, South Dakota, this 18th day of July, 2024.

APPROVED:

/S/ Joe Falkenburg
Joe Falkenburg, CHAIRMAN
FALL RIVER COUNTY COMMISSION

ATTEST:

/S/ Sue Ganje

Sue Ganje, County Auditor

With Falkenburg abstaining, all others voting yes, motion carried.

Michael Ortner, Attorney, met with the Board to present a petition.

Motion made by Allen, seconded by Cope, to accept the petition to partially vacate Canyon Springs the plat of Canyon Springs Estates is Lots 1 through 7 and Homesite Tract in the E1/2NE1/4NE1/4 of Section 15 and the SE1/4SE1/4SE1/4 of Section 10, all located in Township 7 South, Range 5 East of the Black Hills Meridian, Fall River County, South Dakota as recorded in the plat thereof in Book 23 of Plats, page 63 in the office of the Register of Deeds. Estates, Lots 1 through 7 and Homesite Tract in the E1/2NE1/4NE1/4 of Section 14 and SE1/4SE1/4SE1/4 of Section 10, Township 7 South, Range 5 East,

BHM, Fall River County, South Dakota from Joe Falkenburg and Lillian Witte and set a hearing for August 15th, 2024 at 9:30 a.m. Roll call was taken. With Falkenburg abstaining, all others voting yes, motion carried.

Teresa Pullen, Treasurer met with the Board.

Motion made by Allen, seconded by Russell, to approve the purchase of 8 HP Pro Mini Computers, 8 HP Care Pack-3 year onsite repair and 1 PC configuration in the amount of \$20,144.00.

Mary Hollenbeck, Edgemont Senior Meals, met with the Board to present the 2025 Budget request in the amount of \$2,750.00 (an increase of \$250.00 over last year’s amount) for the Board’s consideration.

Mary Hollenbeck, Edgemont Senior Citizens Center, met with the Board to present the 2025 Budget request in the amount of \$3,500.00 (an increase of \$400.00 over last year’s amount) for the Board’s consideration.

Dan Cullen, Veteran Service Officer, met with the Board to present the 2025 Budget request for their consideration.

Motion made by Greenough, seconded by Allen, to approve travel for Dan Cullen, Veteran Service Officer, to the 2024 SDDVA Annual workshop/training in Sioux Falls September 3-5, 2024 to include lodging, per diem and mileage in the amount of \$760.00.

Cullen then presented the VSO 2024 2nd Quarter Report. The Board noted their appreciation for his work in the County.

Nina Steinmetz, Weed and Pest Supervisor, provided the 2025 Budget request to present to the Board for their consideration.

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

GENERAL FUND		
A & B WELDING SUPPLY CO.	SUPPLY	\$52.92
AMAZON CAPITAL SERVICES	SUPPLY	\$1,234.47
AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$659.57
CURA HOSPITALITY	INMATE MEALS	\$13,435.71
A-Z SHREDDING INC	SHREDDING	\$163.14
BOB BARKER COMPANY INC	SUPPLY	\$2,119.52
BLACK HILLS CHEMICAL	SUPPLY	\$455.95
COLBATH & SPERLICH, PC	CAAF	\$3,335.14
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$17.59
ELECTION SYSTEMS & SOFT	ELECTION SOFTWARE SYS	\$541.40
EN-TECH LLC	FUMIGATION	\$125.00
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$69.25
FALL RIVER COUNTY HERALD	PUBLICATION	\$316.09
HOT SPRINGS ACE HARDWARE	SUPPLY	\$363.47
HUSTEAD LAW OFFICE, P.C.	CAAF	\$2,927.99
JUENGER LAW FIRM LLC	CAAF	\$2,183.50
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$62.51

MARCO	COPIER LEASE	\$180.47
MASTERCARD	COUNTY CREDIT CARD	\$2,756.12
MAVERICK TIRE & AUTO	REPAIR/MAINTENANCE	\$123.21
NUTRIEN AG SOLUTIONS	SUPPLY	\$6,366.60
PENNINGTON COUNTY JAIL	INM HOUSING PENNINGTON	\$2,090.00
PENNINGTON COUNTY JAIL	TRANSPORT	\$542.00
POKORSKI, DAVID	TRAVEL REIMBURSEMENT	\$78.64
QUILL CORPORATION	SUPPLIES	\$242.52
REGISTER OF DEEDS	ROAD DISTRICT RECORD	\$30.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$1,665.00
SDAAO	2024 ASSESSOR SCHOOL	\$400.00
SERVALL	RUGS AND MATS SERVIC	\$768.61
SIG SAUER INC.	EQUIPMENT/ACCESSORIES	\$845.95
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$4,930.00
SONNY'S SUPER FOODS	INMATE SUPPLY	\$25.64
SOUTHERN HILLS LAW PLLC	CAAF	\$3,323.14
STEINLEY REAL ESTATE	2024 USPAP REGISTRATION	\$400.00
STEVENS AUTOMOTIVE	SERVICE	\$205.91
ULINE	SUPPLY	\$32.63
ZIMIGA, AUSTIN	TRAVEL REIMBURSEMENT	\$77.98
FEES, IRMA	BLOOD DRAW	\$225.00
MILES, SASHA	BLOOD DRAW	\$225.00
	TOTAL FOR GENERAL FUND	\$53,597.64
COUNTY ROAD & BRIDGE		
AMAZON CAPITAL SERVICES	SUPPLY	\$114.85
FALL RIVER AUTO SUPPLY	SUPPLY	\$86.40
FALL RIVER COUNTY HERALD	PUBLICATION	\$86.00
FALL RIVER CTY TREASURER	EQUIPMENT	\$26.70
KD CONTRACTORS INC	GRAVEL	\$10,477.04
LOISEAU CONSTRUCTION INC.	ROAD PROJECT	\$84,176.32
LAMB MOTOR COMPANY	NEW HIGHWAY VEHICLE	\$47,275.00
LAMB MOTOR COMPANY	NEW HIGHWAY VEHICLE	\$275.00
MASTERCARD	COUNTY CREDIT CARD	\$14.77
RAPID DELIVERY	DELIVERY	\$45.83
STEVENS AUTOMOTIVE	SERVICE	\$683.69
	TOTAL FOR COUNTY ROAD & BRIDGE	\$143,261.60
911 SURCHARGE REIMB		
MASTERCARD	COUNTY CREDIT CARD	\$12.00
	TOTAL FOR 911 SURCHARGE REIMB	\$12.00
EMERGENCY MGT		
AMAZON CAPITAL SERVICES	SUPPLY	\$116.37
MARCO	COPIER LEASE	\$90.23
MASTERCARD	COUNTY CREDIT CARD	\$298.55

	TOTAL FOR EMERGENCY MGT	\$505.15
24/7 SOBRIETY FUND		
AMAZON CAPITAL SERVICES	SUPPLY	\$45.24
DRUG TESTS IN BULK	SUPPLY 24/7 PROGRAM	\$2,250.00
SD DEPARTMENT OF HEALTH	24/7 LABS	\$70.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$2,365.24
COURTHOUSE BUILDING FUND		
CHRISTENSEN ELECTRIC, LLC	REPAIR&MAINTENANCE	\$380.41
	TOTAL FOR COURTHOUSE BUILDING FUND	\$380.41
	TOTAL FOR BILLS PAID BETWEEN 07/03 AND 07/18/2024	\$200,122.04

Break was taken at 9:58 a.m. The meeting resumed at 10:09 a.m.

Donna Tally, W.E.A.V.E, met with the Board to present the 2025 Budget request for their consideration.

Chairman Falkenburg called for public comment and went on to speak noting that farmers in Denmark are being charged with a carbon tax. He hopes that this idea does not come to the U.S. He also wanted to point out that Pennington County has a \$6,000,000.00 deficit and does not know how they can overcome that. Kim Allen, County resident intended to speak about an agenda item that was forthcoming. Chairman Falkenburg asked that she wait until that agenda item had occurred. Sue Ganje, Auditor, informed the Board that an email was sent out from the SD Association of County Commissioners and County Officials for counties to participate in the State's Obligation Recover Center Program regarding County lien debt collection. She reported that the State's Attorney was aware of it and didn't think that we should enter into it at this time but, she will check back with him to verify. Tammy McKenzie, County resident, spoke regarding her opposition to eminent domain being used for the Carbon Capture pipeline. Susan Henderson, County resident, spoke regarding her concern with the burning of trash in the Igloo area, noting that she supports the Ordinance to ban it. Kelly Anderson, County resident, spoke in opposition to the Burn Ban Ordinance. He noted that he has taken many actions regarding notification and safety. Falkenburg then informed that public that the County will be receiving \$908,904.00 in PILT monies for 2024.

At this time, Sue Ganje, Auditor, presented the election recap on fees paid, precinct board, hand count board, training and ballot programming expenses in the Primary election of 2022 compared to the Primary election of 2024. The difference noted was \$947.41 increase in 2024. Ganje recommended to the Board to use the tabulator and let the new Post Election Law run its course, noting that there would be a substantial increase in races/ballot questions/candidates in the 2024 General Election. She also noted the hardship of finding enough Election Board and Hand Count workers that are willing and able to work.

Public comment continued with Kim Allen, County resident. Allen provided information regarding her stance on hand counting vs. tabulator counting the ballots in the General Election.

Motion made by Cope, seconded by Greenough, to hand count the ballots in the General Election. Roll call was taken. With Allen voting no, Falkenburg abstaining, all others voting yes, motion carried.

Joe Allen, Commissioner, presented his report regarding the proposed Jail/Justice Center. He noted that RDM Construction Company donated the excess fill dirt used on the property east of the east parking lot after County Highway employees installed a culvert for drainage. The County Highway employees have also been leveling it out which has equaled approximately \$2,500.00 worth of work. Allen was able to obtain some State maps that showed the flood plain which showed that the area is 8 feet above the flood plain. Adventure Engineering out of Rapid City did a survey. The survey showed that the area is 8 feet below the flood plain level. Allen took the information to talk with the USDA loan specialist, Dylan Trapp. To which he noted that the State of South Dakota does not have any definitive parameters regarding 100- or 500-year floods. If it is determined that the County wants to pursue requesting funding from the USDA, they will hire an independent survey company that will evaluate and give their recommendations regarding lending. If it is determined that the County would not be eligible for a USDA loan, the County would have to either look for an alternative location or pursue a higher interest rate loan. He requested that Trapp contact the engineers and ask that they do an on-site survey. He is waiting to hear back from him.

Joe Falkenburg, Commissioner, presented some information that he received from GORAIL. It is a notification of funding that is available to government agencies to alleviate issues created by highway grade rail crossings. He asked that the Auditor check into this and write a letter to them expressing the County's interest, especially for the crossing south of Edgemont on SD Highway 471.

The Board then revisited Fall River County Ordinance #2024-01.

Motion made by Allen seconded by Cope to not adopt Fall River County Ordinance #2024-01, but reserve the right to revisit if a need arises regarding any problems in the Provo Township area. Roll call was taken. All voted yes.

Motion made by Cope, seconded by Allen, to go into executive session to discuss personnel and legal as per SDCL 1-25-2 (1) and SDCL 1-25-2 (3) at 11:02 a.m.

The Board came out of executive session at 12:36 p.m.

Commission Chairman Falkenburg declared the meeting adjourned at 12:36 p.m.

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

ATTEST:

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