

FALL RIVER COUNTY APPROVED MINUTES OF OCTOBER 19, 2023

The Fall River Board of County Commissioners met in regular session on October 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.sdcountries.org>, or on Facebook, on the Fall River County's website.

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

Motion made by Russell, seconded by Allen, to approve the minutes of the County Commissioners for October 5, 2023.

Motion made by Russell, seconded by Greenough, to approve the Auditor's Account with the Treasurer for September 2023 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 September 2023.

Total Amount of Deposit in First Interstate Bank, HS:	\$ 1,886,691.64
Total Amount of Cash:	\$ 2,396.07
Total Amount of Treasurer's Change Fund:	\$ 900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$ 34,431.00
SAVINGS:	
#4) First Interstate Bank, HS:	\$ 1,238,466.71
CERTIFICATES OF DEPOSIT:	
#8) Black Hills Federal Credit Union, HS:	\$ 250,000.00
#14) Schwab Treasury:	\$ 95,765.85
#15) First National Bank, Lead:	\$ 321,631.87
#21) Schwab Treasury 2 Yr:	\$ 269,573.13
#22) Schwab Treasury 2 Yr:	\$ 978,304.69
#23) Schwab Treasury 2 Yr:	\$ 980,468.75
#24) Schwab Treasury 2 Yr:	\$ 2,056,609.38
#25) Schwab Treasury 3 Yr:	\$ 1,929,375.00

#26) Schwab Treasury 4 Yr:	\$	1,012,462.97
#27) Schwab Treasury 2 Yr:	\$	976,303.13

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:

Hannah Thomas	\$	426.01
Lewis, Harold/ Carole	\$	557.77

TOTAL \$ 12,034,898.97

Dated This 30th Day of September 2023.

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

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

County Monies	\$	10,907,335.97
Held for other Entities	\$	810,095.33
Held in Trust	\$	317,467.67
TOTAL	\$	12,034,898.97

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 Cope, to surplus a broken chair, asset tag #01959, from 24/7 Department to junk.

Motion made by Cope, seconded by Russell, to accept the petition for Woodland Rd Road District and set an Election for November 14, 2023, to begin at 5pm.

Motion made by Russell, seconded by Greenough, to approve the removal of deceased individuals with County liens, being the 3rd batch as follows:

RECEIPT NAME	BALANCE	RECEIPT NAME	BALANCE
Addison, Eddie	\$945.55	Evans, Anna Marie	\$640.77
Alexander, Jayme	\$2,360.53	Handy, Keaven	\$1,900.00

Alexander, Nova	\$251.70	Meyer, Mitch	\$479.20
Anderson, Michael Thomas	\$1,641.71	Moran, Robert Jr	\$5,181.16
Ashley, Tamera	\$995.81	Nelson, Steven	\$1,970.00
Brafford, Kathy	\$574.05	Pachowicz, Memory	\$250.00
Bromm JR, James	\$110.00	Taylor, Larry	\$2,510.29
Crosby, Gary	\$1,900.00	Vlasek, Timothy	\$1,900.00
Drapeaux, Luckie	\$123.50	Waddell, Jasper	\$1,900.00
Elmquist, Deanna	\$140.00	Williams, Byron	\$920.76
		Total	\$26,695.03

Motion made by Russell, seconded by Greenough, to make a motion to postpone until the next meeting, authorization for Lance Russell, State's Attorney, to proceed with the eviction action on Laura Sedlacek at the physical address of 406 6th Ave, Edgemont, SD with the legal description of N50' of Lots 1, 2 & 3, Block 9, Stewart's Addition to Edgemont, Fall River, South Dakota. The 3 Day Notice to Quit has been served by Law Enforcement. The Board wants to have Lance Russell, SA present to provide an explanation regarding this agenda item.

There were no County Assistance applications.

Lyle Norton, Sheriff, met with the Board with updates including the following jail count: 23 inmates, 15 male and 4 females with 1 additional male and 3 additional females being held in Pennington County. He gave a reminder to the Board that Elevatus would be here on November 2nd and 3rd, 2023 to talk with them individually regarding the feasibility study.

Frank Maynard, Emergency Manager, met with the Board. Motion made by Russell, seconded by Cope, to approve the purchase of a new desktop computer for Gary Baker, Assistant Emergency Manager, in the amount of approximately \$1,100.00 which he has in his budget, and it is LEPC eligible.

Maynard noted that he had provided maps indicating the proposed Ekert Well Repeater coverage area and the Oelrichs Water Tower Repeater coverage area in the Board's packets, as requested. The maps provided did not clearly show the coverage areas, and the Board asked for better maps. Maynard will reach out for better versions of the maps. Maynard then reported on fires and incidents.

Randy Seiler, Highway Superintendent, met with the Board to present fuel quotes and provide updates.

Motion made by Russell, seconded by Allen to accept the only bid for 8,000 gallons of #2 Diesel from Nelsons Oil & Gas for \$3.70/gallon. Vollan Oil and MG Oil did not provide a bid.

Seiler noted that he had been asked to consider an approach permit from an individual South of Smithwick on Smithwick Road. After further discussion, Russell indicated that they probably shouldn't allow any, due to a previous decision to disallow any more. Sue Ganje, Auditor, will look for the minutes/resolution that reflects that. The Highway Department will be bringing the trucks in to the shop to install the sanders to be ready for potential inclement weather. All the gravel has been hauled from the Solar Farm. The culvert was installed on 79C. They are blading and mowing now. Russell asked that something

be done for the Smithwick Road where it turns from pavement to gravel. Seiler stated that they will be putting some cold mix at the end of the pavement to fill the holes to fix the road.

Joe Falkenburg, Chairman, spoke regarding the eminent domain legislation. County Commissioners from other areas, along with Fall River County, voiced their disagreement regarding use of eminent domain by private entities such as the Carbon Capture Pipeline, or other private entity projects. Falkenburg pointed out that, by getting involved, it helped to keep this from happening.

The Supplement and Contingency Hearing occurred at 9:30 am. Ganje explained the needs and reasons for the supplements and transfers. Motion made by Russell, seconded by Allen, to approve Fall River County Resolution #2023-39 Supplemental Budget 2023, # 1 and Contingency Transfer 2023, #1.

Jerry Stearns, Provo Area Water System, met with the Board to request board concurrence on the proposed increase of water rates.

Motion made by Greenough, seconded by Russell, to approve the new Provo Area Water System water rates as follows: the meter rate is currently \$35.00/month and will raise to \$45.00/month for ag land users and is currently \$30.00/month and will raise to \$40.00/month for residential customers in Igloo and Provo and will include the first 2,000 gallons of water; the current water usage rate is \$2.50/1,000 gallons and will raise to \$3.50/1,000 gallons for ag land users and is \$4.00/1,000 gallons for residential after the first 2,000 gallons.

Shirley Schumacher, local Oral area resident, met with the Board in Peggy Sanders' absence regarding the issues with a few of the residents in Oral to include, but not limited to the lack of septic systems in a flood plain, overcrowding of vehicles, lack of trash services, etc. Deb Russell, Vice-Chairwoman, advised that she had spoken with Lance Russell, State's Attorney. He is working with the State of South Dakota on this matter and will pursue legal action at the appropriate time.

John McBride and Dustin Ross, Andersen Engineers, met with the Board. For the commissioners information, they presented the SD Codified laws that govern platting of lots and land, noting that not approving a plat may result in a lawsuit.

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

FALL RIVER COUNTY RESOLUTION #2023-40

**GWTC TRACT 1, LOCATED IN THE SE1/4NE1/4SW1/4 OF SECTION 16, T8S, 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 19th day of October, 2023.

/S/ Joe Falkenburg

Joe Falkenburg, Chairman
Fall River County Board of Commissioners

ATTEST:

/S/ Sue Ganje

Sue Ganje, Auditor

Fall River County Auditor

Roll call was taken, with all voting yes, motion carried.

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

FALL RIVER COUNTY RESOLUTION #2023-41

**OUTLOT E NORTH AND OUTLOT E SOUTH, LOCATED IN THE SW1/4 OF SECTION 12,
T7S, R5E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA
Formerly Outlot 3 of Tract M, less lot H-3**

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 19th day of October, 2023.

/S/ Joe Falkenburg

Joe Falkenburg, Chairman

Fall River County Board of Commissioners

ATTEST:

/S/ Sue Ganje

Sue Ganje, Auditor

Fall River County Auditor

Roll Call was taken, with all voting yes, motion carried.

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

GENERAL FUND		
CURA HOSPITALITY	INMATE MEALS	\$17,310.47
A-Z SHREDDING INC	SHREDDING	\$56.85
BLACK HILLS CHEMICAL	SUPPLY	\$74.26
BILBRUCK, TYLER	BLOOD DRAW TECH	\$225.00
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$321.01
CHEYENNE SANITATION	SANITATION COLLECTION	\$376.73
COLBATH & SPERLICH, PC	CAAF	\$27,825.59
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50

FALL RIVER HEALTH	VICTIM FORENSIC	\$842.77
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$2,836.40
FALL RIVER COUNTY HERALD	PUBLICATION	\$275.22
GALLS	CLOTHING ALLOWANCE	\$133.97
GOLDEN WEST	PHONE BILL/LONG DIST	\$2,182.78
CITY OF HOT SPRINGS	CITY WATER BILL	\$709.43
HUSTEAD LAW OFFICE, P.C.	CAAF & QMHP/MI	\$5,165.39
LYNNS DAKOTAMART	SUPPLY	\$117.62
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$482.87
MARTY'S TIRE & AUTO BODY	REPAIR/SERVICE	\$155.00
MASSA DENTAL OFFICES PC	INMATE DENTAL	\$166.00
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MASTERCARD	COUNTY CREDIT CARD	\$2,685.07
MAVERICK TIRE & AUTO	SERVIC	\$47.26
MEDICAL WASTE TRANSPORT	MEDICAL WASTE REMOVAL	\$189.30
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$140.00
MONUMENT HEALTH	INMATE MEDICAL	\$197.36
MONUMENT HEALTH SERVICES	MORGUE FEE	\$461.00
QUADIENT FINANCE USA, INC	POSTAGE	\$874.95
NICHOLAS TOWING	IMPOUNDED	\$329.50
ONSITE FIRST AID, LLC	FIRST AID/AED	\$331.75
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNI	\$3,705.00
PENNINGTON COUNTY JAIL	TRANSPORT	\$1,123.16
QUALITY INN PIERRE	HOTEL/GRANT WRITING	\$150.00
CITY OF RAPID CITY	BLOOD ANALYSIS	\$640.00
SDACC	CATASTROPHIC LEGAL P	\$1,122.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$1,330.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$2,367.96
SERVALL	RUGS AND MATS SERVIC	\$566.79
SIG SAUER INC.	FIREARM	\$1,031.82
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,408.00
SONNY'S SUPER FOODS	INMATE SUPPLY	\$40.78
SOUTHERN HILLS LAW PLLC	CAAF	\$5,094.27
THOMSON REUTERS	SUBSCRIPTION	\$155.00
WYNDHAM GRAND PITTSBURGH	NATIONAL 4H CONFEREN	\$323.19
HENRY, VALERIE	WITNESS FEE & MILEAG	\$21.53
LIVESAY, CHRISTIAN SNOW	WITNESS FEE & MILEAG	\$14.08
MESTON, TIMOTHY	WITNESS FEE & MILEAG	\$22.04
MULLINS, JOSH	WITNESS FEE & MILEAG	\$50.60
VAN EATON, WYATT	WITNESS FEE	\$20.00
WASSERBERGER, WADE	WITNESS FEE & MILEAG	\$50.60
GRAVES, JAXSON	WITNESS FEE & MILEAG	\$34.28
DURROH, AALIYAH	WITNESS FEE & MILEAG	\$85.28
	TOTAL FOR GENERAL FUND	\$84,128.43
COUNTY ROAD & BRIDGE		

CHEYENNE SANITATION	SANITATION COLLECTIO	\$79.00
CITY OF EDGEMONT	CITY OF EDGEMONT WAT	\$87.40
FALL RIVER COUNTY HERALD	PUBLICATION	\$121.54
GOLDEN WEST	PHONE BILL/LONG DIST	\$265.14
CITY OF HOT SPRINGS	CITY WATER BILL	\$49.58
MASTERCARD	COUNTY CREDIT CARD	\$45.74
QUALITY INN PIERRE	HOTEL/GRANT WRITING	\$150.00
	TOTAL FOR COUNTY ROAD & BRIDGE	\$798.40
911 SURCHARGE REIMB		
GOLDEN WEST	PHONE BILL/LONG DIST	\$849.65
MASTERCARD	COUNTY CREDIT CARD	\$502.63
SIMUNEK, TRINA	CLOTHING ALLOWANCE	\$109.77
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$1,462.05
EMERGENCY MGT		
GOLDEN WEST	PHONE BILL/LONG DIST	\$164.13
MASTERCARD	COUNTY CREDIT CARD	\$18.00
QUADIENT FINANCE USA, INC	POSTAGE	\$0.63
RUSHMORE COMMUNICATIONS	SERVICE	\$1,567.90
SD FEDERAL PROPERTY AG	CHAIRS FOR S.ANNEX M	\$120.00
	TOTAL FOR EMERGENCY MGT	\$1,870.66
24/7 SOBRIETY FUND		
DRUG TESTS IN BULK	SUPPLY	\$1,371.55
	TOTAL FOR 24/7 SOBRIETY FUND	\$1,371.55
M & P RELIEF		
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$75.00
	TOTAL FOR M & P RELIEF	\$75.00
COURTHOUSE BUILDING FUND		
SPOT WRANGLERS	INSTALLMENT NEW FLOOR	\$3,300.00
TEM-TECH	NEW BOILER FOR CH	\$82,000.00
WILSON ELECTRIC	ELECTRICAL SERVICE	\$800.02
	TOTAL FOR COURTHOUSE BUILDING FUND	\$86,100.02
	TOTAL FOR BILLS PAID BETWEEN 10/6 & 10/19/2023	\$175,806.11

Break was taken at 9:45 am. The meeting resumed at 9:55 am.

Public comment was heard from Timi Burdette, Oelrichs Town Board President, to address the Board's concerns on a property with an abundance of junk, and of the RV park that is no longer being used for short term RV camping as intended, but for more permanent RV parking. The Board advised Timi Burdette to work with their Town attorney. Highway Superintendent Seiler came back during public

comment to inform the Board that he had spoken with Rich Zacher, SDDOT Area Engineer, who noted that the construction will not get to the Courthouse until next year, but there will be access to the courthouse. The handicapped parking space directly in front of the Courthouse. Seiler also noted that he spoke with Diane Newham regarding the Igloo area roads and that the State had not gotten a signed easement yet, so there is no new information at this time.

Lily Heidebrink, Director of Equalization, met with Board to provide updates. Sam Kipp has completed and passed his Use/Pap, his 5 Self-study workbooks and his Basics school. He is planning to take the Certified Appraiser/Assessor examination the beginning of November. After that he will be a Certified Assessor. She also provided a verbal report on her recent training, which included how to use sales ratios and statistics to better analyze the annual sales data that is used to calculate property values. She learned how other counties do their sales verifications to determine if they are good sales or not.

Lastly, Heidebrink spoke to the Board that she will advertise for a data entry Administrative Assistant instead of a Certified Assessor due to the small number of applicants that have applied for the Assessor job. Then, if interested, they could train to become an Assessor. The Board said that they would support that approach.

Motion made by Russell, seconded by Allen, to go into executive session at 10:09 am to discuss personnel as per SDCL 1-25-2 (1).

The Board came out of executive session at 10:50 am.

No action was taken on hire approval for an Administrative Assistant for the Extension Department.

Motion made by Allen, seconded by Russell, to adjourn at 10:51 am.

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

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