

## ZIEBACH COUNTY COMMISSIONERS

JANUARY 7, 2025

The Ziebach County Commissioners met in regular session at 1:00 PM with Shane Farlee, Bill Henderson, David Pesicka, Rick Farlee and Tucker Stocklin present. Chairman R. Farlee called the meeting to order.

The following monies were on deposit as of the end of December 2024:

Cash on Hand	\$	200.00
In Transit		739.96
1 <sup>st</sup> Financial Bank, Dupree		3,000.00
Money Market, Dupree		1,709,401.54
CD – 12 Month		148,658.63
CD – 18 Month		<u>153,538.33</u>
TOTAL	\$	2,015,536.46

The following fees were reported for the month of December 2024:

Register of Deeds	\$	2,330.00
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**OLD BUSINESS:** The city didn't want to do anything with the road behind the Historical Society Museum, so the road will remain in its current state.

**MINUTES:** Comm. Bill Henderson moved to approve the December 30, 2024 minutes as presented, seconded by Comm. Tucker Stocklin, all voted aye, motion carried.

**OATHS OF OFFICE:** Newly elected commissioners David Pesicka, and Bill Henderson signed their Oaths of Office.

**REORGANIZATION:** The Auditor called for nominations for chairman for 2025. Comm. Stocklin nominated Rick Farlee for Chairman, Comm. Pesicka seconded. Comm. Shane Farlee moved that nominations cease, seconded by Comm. Henderson, all voted aye, motion carried. Rick Farlee will serve as Chairman for 2025. The Chairman called for nominations for Vice-Chairman for 2025. Comm. Stocklin nominated Shane Farlee, seconded by Comm. Bill Henderson, all voted aye, motion carried. Shane Farlee will serve as Vice-Chairman for 2025.

**STATES ATTORNEY APPOINTMENT:** Comm. Henderson moved to adopt the following resolution, seconded by Comm. S. Farlee. Roll Call Vote: 5 Votes For, 0 Votes Against.

### RESOLUTION OF THE ZIEBACH COUNTY COMMISSION LEGAL SERVICES CONTRACT

WHEREAS, the County Commission of Ziebach County, hereinafter called Commission, having determined no State's Attorney has been elected at the General Election, the Commission shall contract with Shane C. Penfield to provide legal services to Ziebach County; and

WHEREAS, the County Commission is permitted in SDCL 7-7-12 to contract with a licensed attorney to serve as State's Attorney and provide legal services, and

WHEREAS, the Commission has approved and confirmed the appointment of Shane C. Penfield of Lemmon, South Dakota, as State's Attorney for Ziebach County,

NOW, THEREFORE, BE IT RESOLVED BY THE ZIEBACH COUNTY COMMISSION AS FOLLOWS:

Pursuant to SDCL 7-7-12, Ziebach County hereinafter referred to as County, enters into this Contract made on this 7th day of January, 2025, between County and Shane C. Penfield of Lemmon, South Dakota, hereinafter referred to as Attorney,

WITNESSETH:

FIRST: The County hereby appoints and employs said Attorney to represent the County's interests as State's Attorney for Ziebach County pursuant to SDCL Chapter 7-16 to: furnish an opinion upon any matter relating to the affairs of the County or the official duties of such officer when requested by the governing body or any officer or official of the County; conduct the prosecution of all actions or proceedings arising out of the violation of any law or ordinance; and perform such other professional services as may be required by law or ordinance or directed by the governing body.

SECOND: Attorney shall with due diligence render necessary legal services for the above stated purpose(s) on behalf of County;

THIRD: County shall pay the necessary disbursements of Attorney in providing said legal services as set by statute.

FOURTH: Attorney shall be considered a part time State's Attorney as set forth in South Dakota law.

FIFTH: Attorney is to receive compensation for services rendered as follows: The annual salary amount of \$51,480 and any increases as deemed by the County Commission and set in January of each year. Said salary shall be W-2 income with federal tax and customary withholdings. State Retirement benefits shall also be included for compensation for services rendered.

This Resolution and Contract shall be deemed effective as of the date of its passage.

ZIEBACH COUNTY

By: Rick Farlee, Commission Chair

ATTEST:

Olivia Dosch, Auditor

ATTORNEY:

By: Shane C. Penfield, Attorney

Date Passed: 01-07-2025

Votes for: 5    Votes Against: 0

**MEETINGS:** The Ziebach County Commissioners shall meet the 1<sup>st</sup> Wednesday of Each Month, unless otherwise noted.

**BOARD POSITIONS:** Chairman R. Farlee appointed the following board positions:

1. Planning & Zoning Board – Rick Farlee
2. Emergency Management Board – Shane Farlee
3. Nurse's Advisory Board – David Pesicka
4. 4-H Advisory Board – Tucker Stocklin
5. Weed & Pest Board – Bill Henderson

**DESIGNATIONS:** Comm. Henderson moved to leave the following designations as is, seconded by Comm.

Pesicka, all voted aye, motion carried.

1. The Official Newspaper for Ziebach County will be the West River Eagle.

2. The Official Depository for Ziebach County will be the 1<sup>st</sup> Financial Bank, Dupree.
3. The Courthouse parking lot, the first floor of the Courthouse and the County Highway Department yards are places to hold chattel mortgage sales.

**FUND INVESTMENT:** Comm. Rick Farlee moved to authorize the County Treasurer to invest all idle funds to gain maximum interest for the benefit of Ziebach County, in accordance with SDCL 4-5-8. Seconded by Comm. Pesicka, all voted aye, motion carried.

**MILEAGE & PERDIEM:** Comm. Stocklin moved to set mileage and per diem at the current state rates, except that actual costs for lodging will be allowed with board approval; and the mileage charged by the Sheriff for serving papers will be set at 6 cents over current state rates. Seconded by Comm. S. Farlee, all voted aye, motion carried.

**ELECTION FEES:** Comm. Stocklin moved to set the fee for election officials at \$15.00 per hour for hours worked, current state mileage for delivery of election supplies and results, and a \$30.00 attendance fee for election school. Seconded by Comm. S. Farlee, all voted aye, motion carried.

**BURIAL FEES:** Comm. Stocklin moved to set the indigent burial fee paid by the County at \$1600 plus mileage not to exceed a maximum of \$2000, seconded by Comm. S. Farlee, all voted aye, motion carried.

**MACHINE HIRE RATES:** Comm. Bill Henderson moved to set hourly machine hire rates as follows, seconded by Comm. Stocklin, all voted aye, motion carried:

Patrol	\$100.00 per hour	Front-end Loader	\$100.00 per hour
Backhoe	\$100.00 per hour	Skid Steer Loader	\$50.00 per hour

(All to include an operator and a maximum hire of 6 hours, minimum of 1 hour, use depending on availability at the discretion of the Highway Superintendent.)

**GAS BIDS:** The following gas quotes were received: E-10 Agtegra, \$2.50. Farmers Union Oil Co. – SNL Gas, \$2.61, NL Gas, 2.83. Comm. Henderson moved to accept the quote from Agtegra, seconded by Comm. Pesicka, all voted aye, motion carried.

**SALARIES & RAISES:** Discussion was held on wage raises for 2025. The department heads made the commission aware of the similarity between the pay of the hourly employees and the pay of the department heads. The department heads felt that there needed to be more of a gap in wages to reflect the responsibilities that are

required of the department heads. As raises were included in the budget for 2025, Comm. Rick Farlee motioned to give a \$.42 per hour raise or the equivalent thereto - \$982.80 per year for hourly employees; and a \$.84 per hour raise or the equivalent thereto- \$1,965.60 per year for all salaried employees including the Highway Superintendent, and for the wage of the deputy register of deeds/ deputy auditor to remain the same, seconded by Comm. Shane Farlee, all vote aye, motion carried. The fee for Emergency Manager, V.S.O., and Coroner will remain the same. The Commissioners will receive \$567.00 per month. Salaries will be set as follows:

Gary Cudmore, Sheriff	\$56,540 Annually
Michael Deneui, Chief Deputy Sheriff	\$49,610 Annually
Shane Penfield, States Attorney	\$51,480 Annually
Jessica Donovan, Treasurer	\$50,930 Annually
Olivia Dosch, Auditor	\$50,930 Annually
Nannette Farlee, Register of Deeds	\$50,930 Annually
Misty Williams, Dir. Of Equalization	\$50,930 Annually
Dean Little Hawk, Custodian	\$20.37 per hour
Phoebe Lemke, CHN & WIC Secretary	\$20.37 per hour
Erin Lemke, Extension Office (Part time)	\$20.37 per hour
Tasha Tibbs, Deputy Treasurer	\$20.37 per hour
Tristen Gage, Deputy AUD/ROD	\$19.95 per hour
Jeff Jensen, Highway Superintendent	\$25.84 per hour
Brian Alley, Equipment Operator	\$21.40 per hour
Cory Dosch, Equipment Operator	\$21.40 per hour
Mitchell Fielder, Equipment Operator	\$20.40 per hour (Probation)
Weed Spraying	\$ 2.50 per hour Additional
Emergency Manager	\$9,600 Annually
Veterans Service Officer	\$8,000 Annually
Michael Deneui, Coroner	\$75.00 per death
Rick Farlee, Commissioner	\$567.00 per month plus \$350.00 Insurance Bonus
Bill Henderson, Commissioner	\$567.00 per month plus \$350.00 Insurance Bonus
David Pesicka, Commissioner	\$567.00 per month plus \$350.00 Insurance Bonus
Shane Farlee, Commissioner	\$567.00 per month
Tucker Stocklin, Commissioner	\$567.00 per month

Discussion was had on whether the employees under 65 that aren't on the county's insurance should receive an insurance bonus as well. There will be more discussion on this topic in the next meeting.

**EQUAL OPPORTUNITY EMPLOYMENT:** The Board reviewed and signed the Statement of Equal Opportunity

Employment along with the other elected officials.

**EOE OFFICER:** Gary Cudmore was appointed as the Ziebach County Equal Opportunity Employment Officer.

**CORONER APPOINTMENT:** With Jim Brooks retiring on December 31, 2024, Tucker Stocklin motioned to appoint Michael Deneui as the Ziebach County Coroner. Shane Farlee seconded. All aye. Motion carried.

**HWY. DEPT. REPORT:** Jeff Jensen, Highway Superintendent presented his written report to the Board. He discussed mower tractors for the year. They could get a decent deal through Gooseneck in Lemmon. Rent for mower tractors would be \$22.50 per hour, and they would be able to rent them from May 1<sup>st</sup> – December 1<sup>st</sup>. Commissioner Shane Farlee motioned to accept Gooseneck's offer, seconded by Bill Henderson, all aye, motion carried. Jeff also discussed his plans for snow plowing if the weather requires it in the coming days. There is no current interest in gravel hauling as winter has set in, so there is no need for current discussion on this topic. John Eulberg was willing to extend the contract for the gravel stockpile. State's Attorney, Shane Penfield will write up an amendment for the contract. There have been no new applications for truck drivers or equipment operators. The county will continue to advertise.

**SHERIFF REPORT:** Gary Cudmore, Sheriff presented his monthly vehicle reports to the Board. He reported that he was invited and plans to attend the State of the State Address on January 14, 2025. The commission congratulated him on the invitation.

**NEW UNDERWOOD ROAD RESOLUTION:** Comm. Stocklin moved to adopt the following resolution, seconded by Comm. S. Farlee. Roll Call Vote: 5 Votes For, 0 Votes Against.

Resolution 2025-1

Ziebach County, South Dakota

WHEREAS, The New Underwood Road located in Meade County is an important arterial highway that serves the citizens of Ziebach County and the Cheyenne River Sioux Tribe;

WHEREAS, The New Underwood Road is important for transportation in the entire North Central and Northwestern sections of the State of South Dakota;

WHEREAS, Rapid City, South Dakota is a regional trade center for the five-state region and serves a large area including Ziebach County; and

WHEREAS, the New Underwood Road makes travel to Rapid City, South Dakota more efficient for the citizens of Ziebach County, saving time and expense; and

WHEREAS, improvements to the New Underwood Road are necessary for the safety of the traveling public; and

WHEREAS, the New Underwood Road has a higher daily traffic count than many highways in Western South Dakota that are currently on the State Trunk System; and

WHEREAS, the New Underwood Road is the shortest Ambulance route from Ziebach County ensuring our citizens are able to arrive at the hospital in Rapid City when minutes may mean the difference between life and death; and

WHEREAS, the New Underwood Road is not simply a local-use road and the citizens of Meade County should not have to be responsible for a highway that is heavily traveled by citizens that live outside of Meade County;

NOW, THEREFORE, BE IT RESOLVED, by the Ziebach County Commission hereby supports any improvements to the New Underwood Road due to its strategic importance to western South Dakota and encourages the State of South Dakota to add the New Underwood Road to the State Trunk System as it serves thousands of citizens that live outside of Meade County.

ZIEBACH COUNTY

By: Rick Farlee, Commission Chair

ATTEST:

Olivia Dosch, Auditor

**WARHAWK DISTRICT MITIGATION PLAN RESOLUTION:** Comm. S. Farlee moved to adopt the following resolution, seconded by Comm. Bill Henderson. Roll Call Vote: 5 Votes For, 0 Votes Against.

#### RESOLUTION TO ADOPT THE WARHAWK DISTRICT NATURAL HAZARD MITIGATION PLAN

WHEREAS Ziebach County has experienced severe damage from strong winds, flooding, hail, heavy snow, heavy rain, and tornadoes on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety;

WHEREAS a Natural Hazard Mitigation Plan has been developed after more than one year of research and work by Ziebach County, WarHawk District, NECOG, and the Natural Hazard Mitigation Committee;

WHEREAS the Plan recommends hazard mitigation actions that will protect the people and property affected by the natural hazards that face the County;

WHEREAS a public meeting was held to review the Plan as required by law;

NOW THEREFORE BE IT RESLOVED by the Chairman and the Ziebach County Commission that:

1. The Warhawk District Natural Hazard Mitigation Plan is hereby adopted as an official plan of Ziebach County,
2. The respective County official identified in the strategy of the Plan is hereby directed to implement the recommended action assigned to them. This official will report annually on the activities, accomplishments, and progress to WarHawk District Emergency Management and Ziebach County Commission, and
3. The Ziebach County Emergency Manager will provide annual progress reports on the status of implementation of the plan to the County Commission. This update shall be reported to the Commission by November 1st of each year.

This Resolution and Contract shall be deemed effective as of the date of its passage.

ZIEBACH COUNTY

By: Rick Farlee, Commission Chair

ATTEST:

Olivia Dosch, Auditor

**EID LIVESTOCK TAGS RESOLUTION:** Comm. Stocklin moved to adopt the following resolution, seconded by Comm. Dave Pesicka. Roll Call Vote: 5 Votes For, 0 Votes Against.

ZIEBACH COUNTY, SOUTH DAKOTA

RESOLUTION 2025

OPPOSITION TO EID LIVESTOCK TAGS

WHERE AS: The traceability program is incremental. USDA APHIS stated on its website, updated October 11th, 2024 after approving the new rule, that it "is committed to implementing a modern system that tracks animals from birth to slaughter", and

WHERE AS: The cost of EID tags disproportionately burdens small and medium sized independent farmers and ranchers. The USDA rule allows large, corporate-owned herds to be

grouped and tagged as one group, creating huge loophole that keep costs low for larger companies, and

WHERE AS: The EID mandate would potentially interfere with price discovery found in traditional markets, thereby furthering vertical integration of the US food supply at the expense of the consumer and independent producer, and

WHERE AS: The EID mandate is far overreaching, intrusive and potentially circumvents privacy laws, threatening the livelihood independent cattle and bison producers, and

WHERE AS: Independent, family owned cattle ranches are of paramount importance to our local economy and to the economy as a whole, and

WHERE AS: The comments received by USDA APHIS in the rule making process were overwhelmingly against the new rule, and

WHERE AS: America has the safest and highest quality meat in the world using our current, fully functioning and effective traceability system. The mandated rule claims to be about animal health, but does nothing to prevent or treat disease, and

WHERE AS: South Dakota Codified Law 40-3-27 provides for identification of animals and premises involved in animal movement. The Animal Industry Board may develop and implement specific programs for the identification of animals and premises involved in animal movements. Any program implemented pursuant to §§ 40-3-27 to 40-3-29, inclusive, must provide for confidentiality of identification records other than those records requested by law enforcement officers of the state and those records used for mandatory disease control or eradication efforts. A livestock owner may choose to identify animals using any methods set forth in 9 C.F.R. part 86, as adopted on January 9, 2013, as well as any additional methods that are later approved by the South Dakota Animal Industry Board pursuant to this section, and

THEREFORE BE IT RESOLVED: The Ziebach County Commissioners opposes the implementation of any EID mandate by the USDA, with the suggestion that funds currently earmarked for this program be reallocated to efforts to restore import standards that protect all livestock producers and consumers from introduction to foreign animal disease.

ZIEBACH COUNTY  
By: Rick Farlee, Commission Chair

ATTEST:  
Olivia Dosch, Auditor

**CLAIMS:** The following claims were audited and ordered paid:

1ST FINANCIAL BANK USA	60082.06	PAYMENT ON CAT GRADERS
1ST FINANCIAL BANK USA	475.36	OFFICE SUPPLIES & FUNERAL FLOWERS
AGTEGRA ENERGY	48.77	FUEL
BIEGLER EQUIPMENT, INC.	106.99	PARTS
CRST TELEPHONE AUTHORITY	861.69	TELEPHONE + INTERNET
FAITH INDEPENDENT	104.00	ADVERTISING
RICK FARLEE	32.16	MILEAGE
SHANE FARLEE	13.40	MILEAGE
BILL HENDERSON	8.04	MILEAGE
MOREAU-GRAND ELECTRIC	2712.04	ELECTRICITY
OFFICE OF CHILD & FAMILY SERVI	1774.98	2025 HEALTH NURSE
PLANNING & DEVELOPMENT	2000.00	GIS
SD STATES ATTORNEY ASSOCIATION	737.39	2025 DUES
SD ASSOC OF ASSESSING OFFICERS	75.00	2025 MEMBERSHIP DUES
SDACHS	350.00	2025 DUES
SDML WORKER'S COMP. FUND	19314.00	WORKMAN'S COMP
SOUTH DAKOTA PUBLIC ASSURANCE	41795.89	2025 INSURANCE
SERVALL	136.01	RUGS + SUPPLIES
TUCKER STOCKLIN	33.50	MILEAGE

STURDEVANT'S AV	561.31 PUMP + DOOR KIT
US POSTAL SERVICE	193.00 BOX RENT & STAMPS
WAECKERLE LAW, PROF. LLC	784.50 COURT APPOINTED ATTORNEY
WAR HAWK EMERGENCY MGT.	4500.00 2025 OPERATING EXPENSE

**NEXT MEETING:** The Ziebach County Commissioners will meet on Wednesday, February 5, 2025 at 1:00 PM.

**ADJOURNMENT:** As there was no further business before the Board, Comm. Stocklin moved to adjourn at 2:54 PM, seconded by Comm. Pesicka, all voted aye, meeting adjourned.

ATTEST:

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Olivia Dosch, Auditor

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Rick Farlee, Chairman

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