

**OGLALA LAKOTA COUNTY RESOLUTION #2023-01**

WHEREAS, the Division of Purchasing and Printing of the State of South Dakota has competitively bid state contracts for the purchase of necessary supplies, equipment and materials for state and local governments, and

WHEREAS, the Oglala Lakota County Board of Commissioners is authorized to purchase necessary supplies, equipment and materials for its use, and

NOW THEREFORE, BE IT RESOLVED, that the Board of Oglala Lakota County Commissioners enter into an agreement with the Division of Purchasing and Printing of the State of South Dakota to purchase equipment, supplies and materials.

Dated this 11<sup>th</sup> day of January, 2023

ATTEST:

\_\_\_\_\_  
Chair  
Oglala Lakota County Board of Commissioners

\_\_\_\_\_  
Sue Ganje  
Oglala Lakota County Auditor

## OGLALA LAKOTA COUNTY PAYROLL 2023

Arredondo, Jerlene	Veteran's Service Officer	\$38,272.00 per year
Bear Runner, Ramon	Commissioner	\$250.00 a month plus \$25.00 per attended meeting
Bettelyoun, Lynx	Hwy Superintendent	\$51,570.00 per year
Brodkorb, Blake	Hwy Department	\$14.00 per hour
Comer, Allyssa	Commissioner	\$250.00 a month plus \$25.00 per attended meeting
Engebretson, Melody	Register of Deeds	\$21,335.00 per year
Ferguson, Doreen	Hwy Department	\$14.00 per hour
Ganje, Sue	Auditor	\$21,335.00 per year
Heidebrink, Lillian	Director of Equalization	\$14,460.00 per year
Herman, Robert	Sheriff	\$52,287.00 per year
Hopkins, Artthur	Commissioner	\$250.00 a month plus \$25.00 per attended meeting
Martinez, Audrey	Hwy Secretary	\$16.48 per hour
Martinez, Audrey	Coroner	\$175.00 per call
Plume, Vanessa	Deputy Sheriff	\$19.60 per hour
Pullen, Teresa	Treasurer	\$21,335.00 per year
Russell, Lance	State's Attorney	\$29,160.00 per year
Takes The Shield, Anna	Commissioner	\$250.00 a month plus \$25.00 per attended meeting
White Face, David	Hwy Department	\$21.16 per hour
Yellowbull, Wendell	Commissioner	\$250.00 a month plus \$25.00 per attended meeting

### **Paid out of the Victim's Assistance Fund**

Boche, Carol	State's Attorney's Office	\$3,000.00 per year
Two Bear, Lynn	State's Attorney's Office	\$3,000.00 per year

**OGLALA LAKOTA COUNTY RESOLUTION #2023-02**

WHEREAS, pursuant to SDCL 12-15-11, the Board of County Commissioners at their first meeting shall set a fee for Election Board and the mileage rate;

NOW THEREFORE BE IT RESOLVED, that the Oglala Lakota County Board of Commissioners have set the fee for attendance of Election School at \$25.00; and

ALL ELECTION BOARDS WILL RECEIVE A FLAT FEE OF \$150.00; SUPERINTENDENTS OF EACH PRECINCT A FEE OF \$160.00; RESOLUTION, ABSENTEE AND PROVISIONAL BOARDS WILL BE SET AT \$10.00 PER HOUR, and

BE IT FURTHER RESOLVED, that the Oglala Lakota County Commissioners set the mileage rate at \$.42 per mile for the transporting of ballots and ballot boxes by the precinct superintendent.

Dated this 11<sup>th</sup> day of January, 2022

ATTEST:

\_\_\_\_\_  
Chair  
Oglala Lakota County Board of Commissioners

\_\_\_\_\_  
Sue Ganje  
Oglala Lakota County Auditor

**OGLALA LAKOTA COUNTY UNAPPROVED MINUTES OF DECEMBER 29, 2022**

The Oglala Lakota Board of County Commissioners met in regular session on December 29, 2022. Present: Art Hopkins, Anna Takes the Shield (DuBray), Eugenio White Hawk and Sue Ganje, Auditor. Ramon Bear Runner and Wendell Yellow Bull were absent.

The Pledge of Allegiance was given, and meeting was called to order at 1:26 p.m. by Chairman White Hawk. The agenda was reviewed for conflicts. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion by Takes the Shield (DuBray), seconded by Hopkins, to approve the agenda with the correction of moving the policy work to the end of the meeting.

Motion by Takes the Shield (DuBray), seconded by Hopkins, to approve the December 12, 2022 minutes.

Fuel quotes were presented as follows:

12/12/2022 Fuel Quotes	550-Gal Gasoline	600-Gal Propane
Westco	\$3.132/gallon	\$1.999/gallon
Lakota Plains	No Bid	No Bid

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the low and only bid from Westco for 550 gallons of gasoline at \$3.132 per gallon, for a total of \$1,722.60 and 600 gallons of propane at \$1.999 per gallon, for a total of \$1,199.40.

The Supplement, contingency and cash transfer hearing was held. Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the following resolution:

**OGLALA LAKOTA COUNTY RESOLUTION #2022-14  
Supplemental Budget 2022, #3**

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget, and whereas, as due and legal notice has been given, the following Supplements to expenditures and revenues for 2022 Budget be approved as follows: Commissioner Salary 10100X4110111, \$25,252.96; Election Supplies 10100X4260120, \$471.23; Auditor Salary 10100X4110141, \$7,500.00; Auditor FICA 10100X4120141, \$371.85; Treasurer's Salary 10100X4110142, \$6,512.80; St Attorney 10100X4110151, \$4,500.00; St Attorney FICA 10100X4120151, \$286.43; St Attorney Retirement 10100X4130151, \$270.00; DOE Salary 10100X4110162, \$7,833.33; ROD Salary 10100X4110163, \$3,000.00; ROD FICA 10100x4120163, \$220.10; ROD Retirement 10100X4130163, \$180.00; VSO Salary 10100X4110165, \$3,624.68; GIS Salary 10100X4110170, \$1,500.00; GIS FICA 10100X4120170, \$114.75; GIS Retirement 10100X4130170, \$90.00; Information Technology 10100X4260171, \$1,133.00; Sheriff Salary 10100X4110211, \$7,412.70; ARPA Grant (Sheriff Deputies) 29000X4110211, \$4,080.13; Hwy Salary 20100X4110311, \$25,000.00; Hwy FICA

20100X4120311, \$1,912.50; Hwy Retirement 20100X4130311, \$1,500.00; Hwy Fuel 20100X4261311, \$3,151.25; ARPA Grant 10100R3310500, \$1,123,351.15; Liquor Tax Reversion 10100R3350190, \$9,293.62; Charges for Goods 10100R3410900, \$4,071.76; Interest 10100R3610100, \$18,771.31; Reimburse Insurance 10100R3730200, \$4,016.85; Special Hwy 14% 20100R3350260, \$35,599.40; State Fire Payment 21100R3350900, \$35,554.65; ARPA Grant 29000R3310900, \$253,506.85; Means of finance to be cash and cash received for revenues, and

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt a Supplemental Budget #3.

Dated at Oglala Lakota County, South Dakota this 29<sup>th</sup> day of December 2022.

/s/Eugenio White Hawk  
Oglala Lakota County Board of Commissioners

ATTEST:  
/s/Sue Ganje  
Oglala Lakota County Auditor's Office

Allen Schaefer, Department of Legislative Audit, reported to the Board about the 2020 – 2021 Audit Entrance Conference and introduced trainee Cassie Chase.

Sue Ganje, Auditor met with the Board and the estimated year end General Fund Cash Analysis was reviewed.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve travel to attend the re-scheduled State Tribal Meth Summit at the Law Enforcement Training Center in Pierre, SD on January 24, 2023 for all commissioners and outgoing commissioner Eugenio White Hawk.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the bills as follows:

**GENERAL FUND**

AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$620.55
AUTOMAX LLC	PURCHASE VEHICLE/SHERIFF	\$4,995.00
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$46.64
TAKES THE SHIELD, ANNA	MILEAGE	\$49.98
EFTPS	EFTPS PAYROLL TAXES	\$2,082.60
FALL RIVER CO. TREASURER	CONTRACT PAYROLL REIMBURSEMENT	\$290,149.79
GREAT WESTERN TIRE INC.	NEW TIRES	\$642.48
HOPKINS, ARTHUR L	MILEAGE	\$108.12
MARTINEZ, AUDREY	CORONER MILEAGE	\$57.63
SD STATE RETIREMENT	SDRS CONTRIBUTIONS	\$1,162.38

SD STATE'S ATTORNEY ASSOC	ASSOCIATION DUES 202	\$537.50
THOMSEN REUTERS - WEST	ONLINE/SOFTWARE SUBS	\$148.00
WHITE HAWK, EUGENIO	MILEAGE	\$94.86
COMMISSIONERS	DECEMBER SALARIES	\$1,350.00
STATE'S ATTORNEY'S OFFICE	DECEMBER SALARIES	\$500.00
VETERAN'S SERVICE OFFICE	DECEMBER SALARIES	\$3,189.33
SHERIFF ARPA	DECEMBER SALARIES	\$3,136.00
SHERIFF	DECEMBER SALARIES	\$4,357.23
CORONER	DECEMBER SALARIES	\$375.00
	TOTAL FOR GENERAL FUND	\$313,603.09
<b>COUNTY ROAD &amp; BRIDGE</b>		
AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$94.31
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$30.56
BUTLER MACHINERY CO.	EQUIPMENT REPAIR	\$14,596.74
PRODUCTIVITY PLUS ACCT	SUPPLY	\$1.27
DELTA DENTAL OF SD	DENTAL PLAN	\$274.70
EFTPS	EFTPS PAYROLL TAXES	\$2,972.09
GREAT PLAINS COMMUNICATION	LOCAL PHONE & INTERN	\$220.62
W.D. LARSON COMPANIES	SUPPLY	\$225.12
MARTIN AUTO PARTS	SUPPLY	\$929.87
MCI COMM SERVICE	LONG DISTANCE	\$51.84
MENARDS	SUPPLY	\$260.91
SD DEPT OF REVENUE	TITLE/PLATES	\$24.20
SD STATE RETIREMENT	SDRS CONTRIBUTIONS	\$1,784.22
WESTCO	FUEL	\$9,952.58
HIGHWAY DEPARTMENT	DECEMBER SALARIES	\$12,991.7
HIGHWAY DEPARTMENT	OVERTIME	\$453.72
	TOTAL FOR COUNTY ROAD & BRIDGE	\$44,864.45
<b>EMERGENCY MANAGEMENT</b>		
FALL RIVER CO. TREASURER	CONTRACT PAYROLL REIMBURSEMENT	\$1,704.75
	TOTAL FOR EMERGENCY MANAGEMENT	\$1,704.75
<b>M &amp; P RELIEF</b>		
FALL RIVER CO. TREASURER	CONTRACT PAYROLL REIMBURSEMENT	\$2,566.27
	TOTAL M & P RELIEF	\$2,566.27
<b>AMERICAN RESCUE PLAN</b>		
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$25.21
DELTA DENTAL OF SD	DENTAL PLAN	\$114.50
EFTPS	EFTPS PAYROLL TAXES	\$615.99
SD STATE RETIREMENT	SDRS CONTRIBUTIONS	\$564.48
	TOTAL FOR AMERICAN RESCUE PLAN	\$1,320.18
	TOTAL PAID BETWEEN 12/15/22 AND 12/29/22	\$362,353.99

No public comment was heard.

Discussion was held on the Sheriff side by sides. Motion made by Takes the Shield (DuBray), seconded by Hopkins, to talk to Sheriff Herman and have the side by sides returned to the Highway Department by January 10, 2023.

A working session was held for an employee policy, with revisions being made. Motion made by Takes the Shield (DuBray), seconded by Hopkins to approve the Oglala Lakota County Employee Policy Manual and to allow for future revisions as needed.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to go into executive session as per SDCL 1-25-2 (1) for personnel purposes at 3:45 p.m.

The Board came out of executive session at 3:47 p.m.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to adjourn at 3:50 p.m.

/s/Eugenio White Hawk  
Eugenio White Hawk, Vice-Chair  
Board of Oglala Lakota County Commissioners

ATTEST:  
/s/Sue Ganje  
Sue Ganje, Oglala Lakota County Auditor

Oglala Lakota County HWY  
Department

To: Oglala Lakota County

Commissioners

Fr: Lynx Bettelyoun/ LB

OLCHWY Superintend

Dt: January 03,2023

Re: Snow Blower

This request is to purchase, the Snocrete Snow Blower, after experiencing snowstorms Diaz and Elliot, they have not only shown but proven that this recourse is very much needed as it would help in opening roads of which the county is responsible for 117 miles of primary roads and 46 miles of secondary roads.

The Snocrete would also be beneficial in getting to residents should some type of medical emergency arise. Also, it would save some wear and tear on the equipment the county does have. I have attached a few photos of the roads we worked, I do appreciate your time should you have any questions give me a call.



Lynx

Thank you for your continued interest in Snocrete snowblowers. The 948D model is priced at \$162,318.00 FOB Yankton, SD. This unit would be complete with the female hitch portion of choice (please specify type), 2 hyd. compensators (one per side), headlight kit, etc. Attached are specifications for your review. If you have any questions please feel free to call.

Thanks

Lydel Thomas

Sales Manager

Fair Manufacturing Inc.

[\(605\) 653-3247](tel:6056533247)

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MANUFACTURING, INC.

## Snocrete Model 948D Page 2

### Oil Bath:

Type.....Rock Drill Oil  
Capacity.....Approximately 15 gallons

### Drive chain:

Drive and Input.....100-2 Pitch

Electrical system:.....12 volt with 100 Amp alternator and (2) 1400 CCA battery

### Hydraulic system:

Hydraulic power unit.....Engine Drum Piston Pump  
Control valves.....Electric/Hydraulic  
Operating pressure.....2250 PSI 6 G.P.M. flow, 10 gallon reservoir

### 270 degree rotating and 90 degree telescoping capping spout:

Beveled, radial, directional spout and capper (eliminates 90 degree corners, holds cast pattern together)  
Rotation drive.....hydraulic orbit motor  
Telescoping.....2"x10" hydraulic cylinder  
Spout break down mechanism.....2" X 8" hydraulic cylinder  
Spout break down height.....122"  
Overall height.....150"

### Wireless Controls:

	Type:	Location
Clutch	Electric/Hydraulic	In-Cab
Throttle	Electric	In-Cab
Spout rotation	Electric/Hydraulic	In-Cab
Telescoping Capper	Electric/Hydraulic	In-Cab
Off, on, start switch	Electric (Murphy safety shutdown system)	In-Cab

### Gauges:

Tachometer/Hourmeter, Water Temperature, In-Cab  
Oil pressure, Fuel, Voltmeter

### Drive train:

Drive sprocket.....Right Angle Gear Box

### Clutch with PTO:

Type.....Logan Hydraulic Self Adjusting  
Size.....LC211

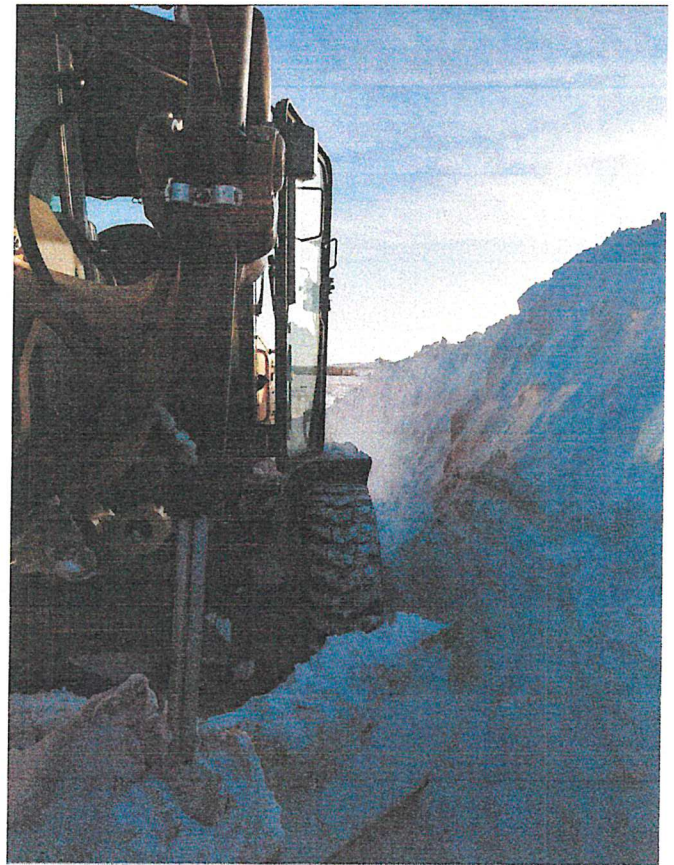
Diesel fuel system:.....Capacity of 62 gallons

Frame:.....3"x3"x3/8" angles, trussed and bridged in stress and load areas to minimize overall weight

Cutting edges:.....3/4"x4" PaCal bolt on replaceable

Skid shoes and wear plates:.....Three (3) fixed 1"x3"x30" bolt on replaceable, high carbon material

Specifications subject to change without notice.  
Please contact Fair Manufacturing Inc. 1/2020





3,315



Filled 12-14-2022

Oglala Lakota County Sheriff's Office

Gas Log

Date	Unit	Gallons	Officer
12-22	CO11398	13	Herman
12-26	CO10039	17.6	Herman - T. R. ...
12-27	CO11398	15	Herman
1-1-23	CO11398	12.2	Herman
1-5-23	TAURUS	13.1	Herman
1-8-23	CO11398	15	Herman
1-9-23	CO11398	11.3	Herman
		97.2 Gallons	
		\$ 3.315 Per Gallon	
		\$ 322.218	



Banner Associates, Inc.  
2201 Jackson Blvd, Ste 200  
Rapid City, SD 57702  
Tel 605.692.6342  
Toll Free 855.323.6342  
[www.bannerassociates.com](http://www.bannerassociates.com)

January 6, 2023

Mr. Lynx Bettelyoun  
Oglala Lakota County Highway Department  
PO Box 208  
Batesland, SD 57716

Re: Letter of Contract - Engineering Services  
2023 Oglala Lakota County Aggregate Production Project  
Oglala Lakota County, South Dakota

Dear Mr. Bettelyoun:

Banner Associates, Inc. ("Banner") is pleased to submit this letter of contract for Engineering Services for preparing bidding documents and providing bidding services for the 2023 Oglala Lakota County Aggregate Production Project.

Engineering Scope of Services:

1. Kick-off Meeting via conference call with Highway Superintendent
  - a. Banner to prepare agenda and meeting minutes
2. Prepare Bid Documents which will include:
  - a. Title Sheet
  - b. Estimate of Quantities and Notes
  - c. Specifications
  - d. Front End Documents (EJCDC Format) including
    - i. Advertisement
    - ii. Instructions to Bidders
    - iii. Payment and Performance Bond
    - iv. Bid Form
    - v. Notice of Award
    - vi. Agreement
    - vii. Notice to Proceed
    - viii. Certificate of Substantial Completion
    - ix. Waiver and Release of Lien
    - x. Standard General Conditions
    - xi. Supplementary Conditions of the Contract
    - xii. Quality Assurance Testing Agreement
3. Bidding Services which will include:
  - a. Preparing advertisement
    - i. Banner will submit advertisement to Highway Superintendent for publishing in official newspaper.
    - ii. Banner will advertise the project on the Banner Associates website.
    - iii. Banner will distribute to plan houses and other potential bidders.
  - b. Bid document production and distribution



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- c. Answer bidder questions
  - d. Prepare addenda if necessary
  - e. Virtual attendance of bid opening at Fall River County Courthouse
  - f. Review bids and Prepare bid tabulation (County Commission will award project with recommendation from Highway Superintendent)
4. Prepare Contract, Notice of Award, and Notice to Proceed
  5. Prepare Certificate of Substantial Completion upon approval of the Highway Superintendent

Submittals:

Banner proposes to provide a bidding document draft for review by the Highway Superintendent in electronic form. Upon receipt of comments, Banner will address comments and provide final bidding documents in electronic form.

Exclusions:

Based on our understanding of the project, the following items are excluded from our Scope of Services:

- Geotechnical Investigation;
- Hazardous Materials;
- Aggregate Testing;
- Construction Staking, and;
- Construction Administration Services including:
  - Attendance and administration of pre-construction meeting;
  - Pay Request preparation;
  - Change order preparation; and
  - Punchlist preparation and final walk-through.

Client Obligations:

- Owner supplied data or documents
- Timely review of bidding documents
- Provide input on Quality Assurance Testing agreement for insertion into bid documents
- Plan holders list (Banner will add additional plan holders at discretion of Highway Superintendent)

Engineering Services Compensation:

We are proposing to complete the above-described Engineering Services for the hourly not to exceed amount including reimbursable expenses of \$6,120 plus applicable taxes. These fees do not include cost for any permits required by agencies for review. Any work that falls outside this scope will be billed separately based on our hourly rates in accordance with the attached fee schedule.

Time Schedule of Work:

It is our understanding the ultimate schedule is to bid the project in February of 2023 for production to be completed in by October of 2023. Banner's schedule will be influenced by the following:

1. Timely review by the Owner

This Letter of Contract incorporates and includes Banner's Schedule of Labor Rates and Expenses and General Conditions.



If you have any questions regarding this contract, please do not hesitate to contact me.

Sincerely,

Richard Uckert, PE  
Project Manager

Enclosure:

- 1. Schedule of Labor Rates/General Conditions

ACKNOWLEDGMENT OF ACCEPTANCE

Accepted this \_\_\_\_\_ day of \_\_\_\_\_

Client: \_\_\_\_\_

Business: Oglala Lakota County



Banner Associates, Inc.  
 409 22nd Avenue South  
 Brookings, SD 57006  
 Tel 605.692.6342  
 Toll Free 855.323.6342  
[www.bannerassociates.com](http://www.bannerassociates.com)

## SCHEDULE OF LABOR RATES AND EXPENSES

January 2022

Administrative .....	\$65.00 to \$160.00/Hour
Surveying/Geomatics .....	\$70.00 to \$150.00/Hour
Engineering Technician .....	\$65.00 to \$120.00/Hour
Environmental Scientist.....	\$65.00 to \$145.00/Hour
Staff Engineer.....	\$90.00 to \$120.00/Hour
Project Engineer .....	\$110.00 to \$160.00/Hour
Project Manager .....	\$125.00 to \$230.00/Hour

1. Meals at State Rates.

2. Lodging at actual cost.

3. Reimbursables:

Mileage .....	\$0.70/Mile
Photocopy .....	0.08/Copy
Black & White 11x17 Laser Prints.....	0.15/Sheet

4. All other direct project expenses at actual cost of materials.

Rates are subject to change annually.



## GENERAL CONDITIONS

**Agreement.** The entire Agreement between the Client and Banner shall consist of the Letter of Contract, the Schedule of Labor Rates and Expenses and these General Conditions ("Agreement"). The Agreement represents the entire, integrated Agreement and supersedes all other negotiations, representations or agreements, either written or oral. The Agreement may be amended only by written agreement of the Parties. Banner's services are limited to those specifically identified in the Agreement.

**Authorization to Proceed.** Execution of this Agreement by the Client will be authorization for Banner to proceed with the Services, unless otherwise provided in the Agreement.

**Cost Opinions.** Any opinion of cost provided by Banner will be on a basis of experience and judgment, but, since construction costs are dependent upon many market and other conditions over which Banner has no control, Banner shall not be responsible for variations between actual costs and any opinion of cost.

**Standard of Care.** In the performance of its professional services, Banner will use that degree of care and skill ordinarily exercised by similarly situated professionals under like and similar circumstances. No express or implied warranties are applicable to, or provided with, any of Banner's services

**Payment.** Monthly invoices will include charges incurred during the preceding month. Payment of the invoice is due within thirty (30) days following the date of the invoice. A charge of one and one-half percent (1 1/2%) per month, or the maximum legal rate for commercial accounts, whichever is less, will be charged for late payment. Client shall be responsible for reimbursing Banner for all costs incurred in collecting delinquent amounts owed by Client.

**Termination.** This Agreement may be terminated for convenience upon 30 days' written notice, or for cause, if either party fails to substantially perform as required under the Agreement through no fault of the other party and does not commence to diligently correct such nonperformance within 5 days of receipt of written notice. Upon termination, Banner will be paid for all services authorized and performed up to the termination date plus reasonable termination expenses incurred by Banner as a result of the termination.. This Agreement will otherwise terminate upon completion of all applicable requirements of the Agreement. The Indemnity and Limitation of Liability Provision shall survive any termination of this Agreement.

**Indemnity and Limitation of Liability.** The Client agrees to defend, indemnify and hold Banner and its professionals, officers, employees representatives and agents harmless from and against all claims, costs, expenses (including attorney's fees and expenses) asserted against Banner in connection with the Project, including, but not limited to claims involving hazardous substances, except to the extent caused by the sole negligence of Banner. Banner's liability to the Client for losses, damages or injuries arising out of the performance of Banner's services or the Project will be limited to a sum not to exceed the greater of \$50,000 or Banner's fee (to a maximum of \$1,000,000 or the amount of any insurance available to cover such liability if less than \$1,000,000).

**Severability.** If any provision of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement shall not be affected and shall continue to be valid and enforceable to the fullest extent permitted by law.

**Hazardous Substances.** Unless specifically stated in this Agreement, Banner shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site

**Interpretation.** This Agreement and any claims or disputes arising out of, or relating to, the Agreement shall be governed by the laws of the State of South Dakota, other than any choice of law provisions under South Dakota law.

**No Third Party Beneficiaries.** This Agreement is for the sole benefit of Client and Banner and nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, any third party against either Client or Banner.

**Responsibility for Construction.** The Client agrees that in accordance with generally accepted construction industry standards, Banner shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Project, since they are solely the responsibility of the contractor, and Banner shall not have control over or charge of, and shall not be responsible for, acts or omissions of the contractor, including, but not limited to the contractor's failure to perform its work in accordance with industry standards and the requirements of any plans and specifications.



## Oglala Lakota County Sheriff's Office

906 N. River Street

Hot Springs South Dakota 57747

Phone: 605-441-6215



### Brief Activity Overview December 2022

Patrol Vehicle – authorized trade-in completed for Charger, Taurus is working out pending completion of equipment install completion.

Radio Communications - Radio's for digital upgrades for the radio transition are in West-Comm waiting program the goal to install in January

Assisted with adverse weather assistance where possible during the 2 blizzards and sub-zero temperatures when able to safely travel

18 - Search and Rescue assistance incidents with OST-Emergency Management with UTV & UTV Track support

2 – Assault & Battery

2-Tresspass

2 – Livestock related disputes

Fuel usage reflected in fuel transfer documents

Purchased some supplies to adjust office functions at the shop

Should you have any questions, please contact me at your convenience.

Respectfully Submitted

---

Robert "Joe" Herman  
Sheriff, Oglala Lakota County



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

December 19, 2022

Dear City, County, or Tribal Official:

Enclosed you will find a copy of a public notice recommending the renewal of four solid waste general permits. State law requires that our department notify every municipality, county, and tribal government in the state upon public notice of a proposed general permit. This notice is required regardless of whether you are authorized under a general permit or not. You are not obligated to respond.

The proposed general permits will be issued statewide, and are individually titled as follows:

1. General Permit for Construction and Demolition (C&D) Debris Disposal Facilities
  - C&D disposal facilities are allowed to bury construction/demolition debris, furniture, and similar inert waste materials. Trees, branches, and untreated wood can also be open burned at C&D disposal facilities.
2. General Permit for Restricted Use Solid Waste Disposal Facilities
  - Restricted use sites can bury and open burn the same wastes allowed at C&D disposal facilities. Restricted use sites are also allowed to compost yard waste and temporarily store scrap metal, white good appliances, and waste tires for recycling or disposal at off-site facilities.
3. General Permit to Store and/or Land Apply Solid Waste
  - The general permit to store and/or land apply solid waste is potentially applicable to any operator proposing to land apply solid waste material that has nutrient value for soil and vegetation.
4. General Permit to Store and/or Land Apply Dairy Processing By-Products
  - The general permit to store and/or land apply dairy processing by-products is potentially applicable to dairy processors that wish to dispose of whey, whey permeate, or waste milk by land application.

Please refer to the enclosed public notice for specific information about the proposed permits and the approval process. This recommended action is for the renewal of existing general permits. The proposed general permits do not contain significant changes to the location, design, operating, recordkeeping, and closure requirements already stated in the existing general permits.

Anyone operating a facility already authorized by one of these general permits will continue to operate under the existing general permit until the operator applies for and receives a new authorization.

If you would like to comment on any of the proposed general permits, please write us or contact Kalyndi Martin of the Waste Management Program at (605) 773-3153.

Sincerely,

Jim Wendte, P.E.  
Waste Management Program

Enclosure

**NOTICE OF REISSUANCE OF SOLID WASTE GENERAL PERMITS**  
**Recommendation by the SD Department of Agriculture and Natural Resources**

The South Dakota Department of Agriculture and Natural Resources (department) recommends to the Board of Minerals and Environment (board) that four different general permits be reissued statewide for four different types of solid waste facilities. Solid waste general permits are authorized by South Dakota Codified Law (SDCL) 34A-6-58 and the Administrative Rules of South Dakota (ARSD) Chapter 74:27:10. Owners or operators of solid waste facilities authorized under a general permit must comply with all of the terms and conditions of the applicable general permit. If the owner or operator does not comply with all of the terms and conditions of a general permit, the owner or operator is subject to civil penalties as described in SDCL 34A-6-1.31.

The four general permits recommended for reissuance and their individual titles are as follows:

1. General Permit for Construction and Demolition (C&D) Debris Disposal Facilities
2. General Permit for Restricted Use (RU) Solid Waste Disposal Facilities
3. General Permit to Store and/or Land Apply Solid Waste
4. General Permit to Store and/or Land Apply Dairy Processing By-Products

The proposed general permits are potentially applicable to any operator proposing to operate any of the four facilities described above. The proposed general permits contain procedures for obtaining coverage under the general permit, location requirements, design requirements, operational requirements, recordkeeping and reporting requirements, compliance requirements, closure requirements, and a financial assurance provision. Prior to obtaining coverage under a general permit, an applicant is required to: (1) publish a notice of intent to operate a solid waste facility in an official newspaper in the county in which the facility is located, and (2) submit a request for authorization to the department. The request for authorization is a detailed account of the site conditions and proposed methods of operation. The general permits outline siting and location restrictions. Minimum separation distances are stipulated for wetlands, surface water, dwellings, drinking water wells, aquifers, floodplains, and property boundaries. Design requirements include acreage limitations, surface water control, fire control, and access control. Operational requirements may include waste handling, waste separation, routine inspections, vector control, open burning requirements, composting requirements, and salvaging. Compliance requirements are stipulated and penalties for violations are outlined. The permits also contain general information and requirements, along with provisions for amendments, revocation, suspensions, and transfers.

In accordance with SDCL 34A-6-1.14, thirty days after the publication of this notice, the department's recommendation for approval shall become the final decision and the general permits will be issued by the department unless a person adversely affected or having an interest adversely affected by the department's recommendation for approval petitions the board for a contested case hearing. The petition must comply with the requirements of ARSD 74:09:01:01. If a petition for such a hearing is not filed within thirty days of this publication date, the general permits will be formally and finally issued at that time. The general permits will be valid until suspended, revoked, or modified by the board, as specified in SDCL 34A-6-58.

Copies of the proposed general permits are available from the department and may be obtained upon request from: Department of Agriculture and Natural Resources, Waste Management Program, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3182, Attn.: Kalyndi Martin, telephone (605) 773-3153. Copies of the draft general permits will be available at <https://danr.sd.gov/Public/>.

A handwritten signature in cursive script, appearing to read "Hunter Roberts", written over a horizontal line.

Hunter Roberts, Secretary  
Department of Agriculture and Natural Resources

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