

## **FALL RIVER COUNTY APPROVED MINUTES OF JANUARY 21, 2020**

The Fall River Board of County Commissioners met in regular session on January 21, 2020. Present: Joe Allen, Joe Falkenburg, Heath Greenough, Paul Nabholz, 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, under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Nabholz, seconded by Russell, to add approving the agenda to the agenda.

Motion made by Russell, seconded by Allen, to approve the agenda without Nabholz's discussion on the full time state's attorney and Shep's Canyon gravel. With Nabholz voting no, all others voting yes, motion carried.

Motion made by Greenough, seconded by Russell, to amend the December 17, 2019 minutes to reflect the motion going into executive session was recorded by Russell, as the auditor had stepped out; to reflect that the tax deed policy would be brought back and that the Edgemont tax deed properties transferred to the City referred to the list provided by the Treasurer. With Nabholz voting no, all others voting yes, motion carries.

Motion made by Nabholz, seconded by Greenough, to amend minutes of December 31, 2019 to correct Auditor's Account with the County Treasurer to reflect a \$300,000.00 CD at First National Bank of Lead and savings balance of \$1,034,550.53.

Motion made by Nabholz, seconded by Allen, to approve Minutes for January 7, 2020, with the following changes: reflect Nabholz voting no to the Shedeed Real Estate Tax Payment plan; and reflect amendment by Nabholz, with no second, on the Resolution setting the fine schedule for violation of Ordinance #2019-1.

Motion made by Nabholz, seconded by Greenough, to approve the Auditor's account with the Treasurer as follows:

### **AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER**

#### **TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF FALL RIVER COUNTY:**

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 31<sup>st</sup> day of December, 2019.

Total Amt of Deposit in First Interstate Bank:	<u>\$101,350.62</u>
Total Amt of Deposit in First National Bank of Lead:	<u>\$1,000.00</u>
Total Amount of Cash:	<u>\$360.83</u>
Total Amount of Treasurer's Change Fund:	<u>\$900.00</u>

Total Amount of Checks in Treasurer's

Possession Not Exceeding Three Days: \$9,311.79

SAVINGS:

First Interstate Bank:	<u>\$240,371.04</u>
First National Bank of Lead:	<u>\$1,035,869.29</u>

CERTIFICATES OF DEPOSIT:

First Interstate-Hot Springs:	<u>\$4,056,787.49</u>
Black Hills Federal Credit Union:	<u>\$250,000.00</u>
Bank of the West:	<u>\$525,542.47</u>
Schwab Treasury:	<u>\$1,000,000.00</u>
First National Bank – Lead:	<u>\$300,000.00</u>

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:

Bayan, Fritchie	\$957.52, Lic 08/24/2018
Blessing, Teresa	\$1,891.86, Lic 12/10/2019
Esslinger, Kevin	\$233.43, Lic 12/31/2019
VanDewater, Judith	\$100.00, Lic 12/04/2019
Wendland, Becky	\$132.00, Lic 12/13/2019

TOTAL \$7,525,343.34

Dated This 31<sup>st</sup> Day of December, 2019.

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

County Monies: \$7,323,404.30  
Held for other Entities: \$94,069.01  
Held in Trust: \$107,870.03

TOTAL: \$7,525,343.34

The Above Balance Reflects County Monies, Monies Held in Trust, and Monies Collected for and to be remitted to Other ENTITIES: SCHOOLS, TOWNS, TOWNSHIPS, FIRE, AMBULANCE AND ROAD DISTRICTS, AND THE STATE.

Motion made by Russell, seconded by Greenough, to surplus as junk a Dell Laptop Computer, #01976, and Olympus Digital Recorder, #01607, from the Extension office.

Motion made by Allen, seconded by Greenough, to appoint Joe Falkenburg as a member to the 4-H/Extension board.

Motion made by Russell, seconded by Allen, to appoint Joe Falkenburg to the Black Hills Regional Multiple Use Coalition, with Heath Greenough as an alternate.

Motion made by Russell, seconded by Allen, to approve the personnel action form, (salary adjustment), for Franklin Maynard and Richard Kraima, and authorize the chairman to sign.

No applicants for county assistance or death expense requests met with the board.

Brian Ahrendt, State's Attorney, met with the board. Motion made by Nabholz, seconded by Allen, to approve the purchase of a new computer for the State's Attorney's office from Golden West.

Lyle Jensen, Building Supervisor, met with the board. Motion made by Russell, seconded by Nabholz, to approve an annual Customer Preventative Maintenance Agreement between 3E Electrical Engineering & Equipment Company and Fall River County for the standby Generator System at the courthouse, \$800.00 annually.

Motion made by Russell, seconded by Allen, to approve the quote from Lowe's for an Eccotemp i12 Series 4-GPM indoor liquid propane tankless water heater, in the amount of \$342.06. With Nabholz, Greenough and Falkenburg voting no, Allen and Russell voting yes, motion fails. This will be brought back to a future meeting, with additional quotes.

Motion made by Nabholz, seconded by Russell, to approve the purchase of a 2005 Chevy Colorado, 56,455 miles, blue, 4 cylinder, 2.8 liter, gas pickup, in the amount of \$4,400.00, from South Dakota Federal Surplus. With Allen and Greenough voting no, all others voting yes, motion carries.

Jensen updated the board that Century Link was installing the new 911 system.

Mark Tipton met with the board. Motion made by Nabholz, seconded by Allen to approve the owner occupied classification for Mark Tipton, and approve the abatement for Tipton, parcel #11000-00705-27120, tax year 2019 payable in 2020, in the amount of \$523.28. Reason: Office error.

Dan Cullen, Veteran's Service Officer, met with the board to present his 2019 4<sup>th</sup> quarter report, with discussion on claim awards for veterans, the bridge naming ceremony for LT Maynard C. Freemole, trainings, and assisting veterans.

Sue Ganje, Auditor, met with the board. Motion made by Greenough, seconded by Allen, to approve the 2020 combined election agreement with Fall River County, the City of Hot Springs, Hot Springs School, Town of Oelrichs and the Oelrichs School.

The hearing to vacate section line for Turnbull and Knuth was held as advertised, with Patrick Ginsbach, Attorney, present. Motion made by Nabholz, seconded by Russell, to approve the following resolution:

**RESOLUTION #2019-06**

**WHEREAS** a public hearing was held on January 21, 2020, pursuant to the provisions of SDCL 31-3-6 and SDCL 31-3-7 to consider a petition to vacate highways; and

**WHEREAS**, said hearing was for the purpose of determining whether the public interest will be better served by such proposed vacation; and

**WHEREAS**, the Board finds that the proposed highways to be vacated are not part of the State Trunk or County Highway System, are not located within the corporate limits of any municipality and do not provide access to public lands; and

**WHEREAS**, the Board finds the public interest will be better served by such proposed vacation,

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the Fall River County Board of Commissioners that the following described highways are hereby declared vacated:

That portion of the section line dividing Section 12 and Section 13, Township 7 South, Range 5 East of the Black Hills Meridian, Fall River County South Dakota, running on the South boundary of Lots 14, 15 and 16, Cold Brook Mobile Home Estates, according to a Plat thereof recorded in Book XII of Plats, page 31 in the office of the Register of Deeds, Fall River County, South Dakota running between the Southwest corner of Lot 14 and travelling east across the South boundary of Lot 15 to a point at the Southeast corner of Lot 16, Cold Brook Mobile Home Estates, according to a Plat thereof recorded in Book XII of Plats, page 31 in the office of the Register of Deeds, Fall River County, South Dakota.

**AND BE IT FURTHER RESOLVED** that this resolution be placed on file with the Fall River County Auditor, and recorded with the Fall River County Register of Deeds.

Dated: January 21, 2020.

/s/Joe Falkenburg, Chair

Board of Fall River County Commissioners

ATTEST:

/s/Sue Ganje, Fall River County Auditor

Clinton Phillips, Acting Director, US Forest Service, met with the board. Falkenburg noted the need to keep the county updated on upcoming changes within the county, such as oil drilling, grazing permits in the grasslands, etc. Discussion was held on charges for removing hay when leaseholders hay and bale along approved trails, rather than mowing. Phillips referred to the need to determine the permit needed, and liability issues. Limestone road was discussed, along with dams, potential gravel needed on Edgemont road, and possible road maintenance agreements between the county and forest service. Hopefully the vacant director position since Mike McNeill retired will be filled by the middle of the summer.

Stacey Martin, GIS, met with the board to present a recap on pay '20 valuation comparison and taxes levied and a 911 replacement sign order.

Motion made by Nabholz, seconded by Allen, to approve the 911 replacement sign order in the estimated amount of \$2,400.00.

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

**GENERAL FUND**

CURA HOSPITALITY	INMATE MEALS	\$10,312.97
BEESEY LAW OFFICE	CAAF	\$1,861.50
BEHAVIOR MANAGEMENT SYSTEM	2020 BUDGET ALLOCATION	\$7,500.00
BLACK HILLS R M U C	2020 DUES	\$100.00
BOYS & GIRLS CLUBS OF BH	2020 BUDGET ALLOCATION	\$10,000.00
BUILDER'S FIRST SOURCE	SUPPLY	\$235.60
CAMERON, GEORGE	COURT REPORTER	\$155.80
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$3,106.91
CENTURY BUSINESS LEASING	COPIER LEASE AND USAGE	\$464.18
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
CHILDREN'S HOME SOCIETY	EXPERT WITNESS	\$67.88
CLINICAL LABORATORY OF	TOXICOLOGY	\$132.00
CREEK COUNTY SHERIFF	TAX DEED SERVED	\$50.00
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
EDGEMONT PUBLIC LIBRARY	2020 BUDGET ALLOCATION	\$4,000.00
EN-TECH LLC	FUMIGATION	\$110.00
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$125.00
DUDE SOLUTIONS	GIS SUPPORT CONTRACT	\$253.31
FARRELL,FARRELL &GINSBACH	CAAF	\$738.50
FLINT ELECTRIC	SERVICE	\$1,857.15
4-H LEADERS ASSOCIATION	2020 BUDGET ALLOCATION	\$2,900.00

FALL RIVER COUNTY HERALD	PUBLICATION	\$1,455.71
FALL RIVER CTY TREASURER	SPECIAL ASSESSMENT	\$271.17
GLASS PRO +	MAINTENANCE	\$50.00
GOLDEN WEST TECHNOLOGIES	SERVICE	\$749.16
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$1,288.50
HARVEY'S LOCK & SECURITY	SERVICE	\$202.58
HILLS EDGE AUTO SALES	MAINTENANCE	\$78.83
HILLYARD/SIOUX FALLS	SUPPLY	\$124.48
HOT SPRINGS ACE HARDWARE	SUPPLY	\$291.94
CITY OF HOT SPRINGS	CITY WATER BILL	\$556.65
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$238.80
MARCO	COPIER LEASE	\$116.00
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MCLEODS OFFICE SUPPLY CO.	SUPPLIES	\$364.20
MEDICAL WASTE TRANSPORT	UTILITY	\$172.49
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$202.50
MURPHY LAW OFFICE PC	CAAF	\$1,306.10
NELSON'S OIL AND GAS INC	UTILITIES	\$499.10
NEOFUNDS	POSTAGE	\$876.33
O'NEILL, JUSTIN	CAAF	\$1,273.82
QUILL CORPORATION	SUPPLIES	\$48.97
REGIONAL HEALTH	MORGUE FEES	\$1,383.00
SOUTHERN HILLS ECONOMIC	2020 BUDGET ALLOCATION	\$7,500.00
SD DEPARTMENT OF HEALTH	BLOOD DRAWS	\$550.00
SD DEPARTMENT OF REVENUE	AUTO/MI STATE REMITT	\$660.00
SDAAO	TRAINING	\$225.00
SERVALL	RUGS AND MATS SERVICE	\$377.31
SOFTWARE SERVICES INC	SOFTWARE SERVICE	\$1,420.00
SPITZER CONSTRUCTION INC	CONTRACT SERVICE	\$1,050.00
SD DEPT OF PUBLIC SAFETY	PUBLIC RADIO	\$3,090.00
VANGUARD APPRAISALS INC	SERVICE CONTRACT	\$7,250.00
WALZ, JESSE	BLOOD DRAWS	\$75.00
WEICHMANN, CYNTHIA	COURT REPORTER	\$159.60
WENDELL'S GARAGE	SERVICE	\$160.50
WINTER, PAUL R	CAAF	\$2,850.00
BASTIAN, TRACY	PILOT	\$100.00
	TOTAL FOR GENERAL FUND	\$81,618.77
<b>COUNTY ROAD &amp; BRIDGE</b>		
B H ELECTRIC COOP INC.	UTILITY HIGHWAY ELECTRIC	\$29.91
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$45.00
CHEYENNE SANITATION	SANITATION COLLECTION	\$99.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$80.60
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$253.86

CITY OF HOT SPRINGS	CITY WATER BILL	\$29.34
PJ'S HI-D-WAY	UTILITIES	\$1,147.50
	TOTAL FOR COUNTY ROAD AND BRIDGE	\$1,685.21

**911 SURCHARGE REIMBURSEMENT**

CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$6.00
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$871.29
POWERPHONE INC	TRAINING	\$258.00
CENTURY LINK	911 DISPATCH LINES	\$601.16
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$1,736.45

**EMERGENCY MANAGEMENT**

CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$41.00
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$154.98
MARCO	COPIER LEASE	\$58.88
NEOFUNDS	POSTAGE	\$0.50
QUILL CORPORATION	SUPPLIES	\$46.21
	TOTAL FOR EMERGENCY MANAGEMENT	\$301.57
	TOTAL PAID BETWEEN 01/08/20 AND 01/21/20	\$85,342.00

Break was taken at 9:45 a.m. and the meeting reconvened at 9:53 a.m.

Public comment was heard from Falkenburg and Nabholz. Discussion was held on a treat schedule for the commissioners, the full time states attorney position and gravel in Shep's Canyon.

Randy Seiler, Highway Superintendent, met with the board. Fuel and propane quotes were presented as follows:

1/6/2020 Fuel Quotes	8,000 Gal Diesel 50/50 Blend	1,000 Gal Propane
Nelson's	\$2.34/gallon	\$1.25/gallon (after deadline)
M.G. Oil	\$2.47312/gallon	No Bid
Hi-D-Way Oil	No Bid	\$1.35/gallon
Dakota Propane	No Bid	No Bid

Motion made by Russell, seconded by Greenough, to approve the low bid from Nelson's for 8,000 gallons of 50/50 blend diesel, at \$2.34 per gallon, for a total amount of \$18,720.00.

Motion made by Greenough, seconded by Russell, to approve the low bid from Hi-D-Way for 1,000 gallons, at \$1.35 per gallon, for a total amount of \$1,350.00.

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

**FALL RIVER COUNTY RESOLUTION #2020-5**

**WHEREAS**, the Fall River County Board of Commissioners did adopt the following 2020 ANNUAL LOAD RESTRICTIONS:

Fall River County will impose load limits as follows in coordination with the State Highway's Annual Load Restrictions:

All oil roads will be posted at 7 ton, with the exception of County Road 6N aka as Look Out Road to be posted at 10 ton. These are seasonal Spring Load Limits and the restrictions will take effect when the signs are in place.

**NOW THEREFORE BE IT RESOLVED**, this amendment was approved and passed on this 21<sup>st</sup> day of January, 2020.

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

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

Discussion was held on the possibility of Simon not meeting bid specs on PI on the aggregate base, possible hardness tests, using diverse gravel types in the County, putting bids out and aggregate course base versus surfacing.

Motion made by Greenough, seconded by Allen, to advertise for annual bids on aggregate base, chips, fine and sand, to be received by 10:10 a.m. on the 18<sup>th</sup> day of February, 2020.

Motion made by Russell, seconded by Nabholz, to set a hearing for emergency private road work for 2020 at the February 18, 2020 meeting at 10:20 a.m.

Seiler updated the board that the Corson County Highway Superintendent will be looking in building a bridge like at Ardmore and use of Base One for a future project in their county. Seiler also stated that they have been graveling, advised that they didn't receive the community grant for the highway in the Town of Oelrichs, but will reapply, and that the beams from the Ardmore Bridge will be kept in case of a temporary fix that may be needed. Discussion was held on the Quivey approach needing to be widened, RDO closing, and some center supports eroding on irrigation bridges.

Dar Coy, Hot Springs Fire Chief, met with the board. Discussion was held on possible assistance with the purchase of rescue equipment that would help with water or ice rescues to be used county wide. Motion made by Allen, seconded by Nabholz, to put search and rescue on the next agenda with an itemized list.

Paul Nabholz, Commissioner, met with the board to advise that Larry Livingston resigned from the Custer/Fall River Landfill Board and the Landfill will not be purchasing a shredder. Nabholz is also working with Lance Russell to get different wording into legislation for the concealed carry policy and public funds used for employee gifts.

Erin McGlumphy, 4-H advisor, met with the board and presented her 2019 4<sup>th</sup> quarter

report. Discussion was held on various activities that the youth had participated in, as well as upcoming activities.

Motion made by Nabholz, seconded by Russell, to enter executive session, as per SDCL 1-25-2(1) for personnel purposes and SDCL 1-25-2 (3) for legal purposes, at 10:37 a.m.

The board came out of executive session at 10:45 a.m.

Motion made by Nabholz, seconded by Allen, to approve that, contingent upon receipt of a letter of resignation from the current administrative assistant, to allow 4-H and Extension to start advertising for the position.

Motion made by Nabholz, seconded by Allen, to adjourn at 10:46 a.m.

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

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