

FALL RIVER COUNTY APPROVED MINUTES OF NOVEMBER 17, 2020

The Fall River Board of County Commissioners met in regular session on November 17, 2020. Present: Joe Falkenburg, Heath Greenough, Paul Nabholz, Deb Russell and Sue Ganje, Auditor. Joe Allen was absent. Falkenburg asked for a moment of silence.

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

The agenda was reviewed for conflicts, Russell noted a conflict with one of the plats. 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 under Fall River County Commission, SD at <http://www.YouTube.com>.

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

Motion made by Nabholz, seconded by Greenough, to approve the minutes of October 20, 2020.

Motion made by Russell, seconded by Greenough, to approve hiring Pam Craig, greeter, at \$11.00 per hour. With Nabholz voting no, all others voting yes, the motion carried.

Motion made by Greenough, seconded by Russell, to add a Hot Brook Estates plat to the agenda.

Motion made by Greenough, seconded by Russell, to set a supplement and contingency hearing on December 1, 2020 at 9:30 a.m.

Motion made by Greenough, seconded by Russell, to approve the following resolution and procedures:

FALL RIVER COUNTY RESOLUTION #2020-43

Resolution adopting and approving Tax Compliance Procedures Relating to Tax-Exempt Private Activity Bonds for Conduit Borrowers

WHEREAS, pursuant to the laws of the State of South Dakota and Section 103 of the Internal Revenue Code, Fall River County (the "County"), acting by and through the authority of its County Commission, has issued, and likely will issue in the future, tax exempt municipal bonds, notes or other obligations on behalf of private entities (each, a "Conduit Borrower") who are eligible to borrow funds on a tax-exempt basis ("Private Activity Bonds"); and

WHEREAS, the County deems it necessary and desirable to adopt certain procedures and practices to be followed by the County in connection with the issuance by the County of Private Activity Bonds; and

WHEREAS, proposed tax compliance procedures for the issuance of Private Activity Bonds (the “Compliance Procedures”) are attached hereto as Exhibit A, which procedures require any Conduit Borrower to take certain actions with respect to Private Activity Bonds issued by the County for the benefit of such Conduit Borrower;

BE IT RESOLVED by the County Commission of Fall River County, South Dakota, that the Compliance Procedures attached hereto as Exhibit A are hereby adopted and shall be dated as of the date hereof, and the County Auditor is hereby authorized and directed to periodically update the Compliance Procedures in accordance with the Internal Revenue Code and supporting Internal Revenue Service Rulings and Regulations, with advice from counsel.

Dated this 17th day of November, 2020.

ATTEST:
/s/Sue Ganje
Fall River County Auditor

/s/Joe Falkenburg
Fall River County Board of Commissioners

EXHIBIT A

**Fall River County, South Dakota
Tax Compliance Procedures
Relating to Conduit Tax-Exempt Bonds**

Dated: November 17, 2020

Purpose:

To ensure that interest on tax-exempt bonds, notes or other obligations issued by Fall River County, South Dakota for the benefit of private borrowers (the “Bonds”) remain excluded from the gross income of the owners thereof for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the “Code”).

These written procedures are intended to formally memorialize certain practices and procedures of the Issuer previously adopted or followed in connection with its issuance of Bonds. The Issuer’s procedures for compliance are as follows:

It is the policy of the Issuer that for any conduit bonds (the “Conduit Bonds”) issued on behalf of a conduit borrower (the “Borrower”) the Borrower shall be responsible for and shall establish written procedures in the applicable bond documents for the issuance of such Conduit Bonds (the “Conduit Bond Documents”) to address ongoing compliance with applicable financial and tax requirements, arbitrage/rebate requirements, remedial actions and other applicable post-issuance requirements of federal tax law throughout the term of the Conduit Bonds (collectively, the “Borrower’s Post Issuance Compliance Procedures”).

It is the Issuer's policy that the Borrower shall be responsible for compliance with all of the following:

A. **Arbitrage Rebate and Yield Requirements**

- (i) determining the likelihood of complying with an arbitrage rebate exemption;
- (ii) if necessary, engaging the services of a rebate service provider;
- (iii) assuring payment of required rebate amounts, if any, no later than 60 days after each 5 year anniversary of the issue date of the Conduit Bonds, and no later than 60 days after the last Conduit Bond of each issue is paid or redeemed; and
- (iv) during the construction period of each capital project financed in whole or in part by Conduit Bonds, monitoring the investment and expenditure of Conduit Bond proceeds and consulting with the rebate service provider to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month, 18 months or 2 year spending period, as applicable, following the issue date of the Conduit Bonds.

B. **Use of Bond Proceeds and Bond-Financed or Refinanced Assets**

- (i) monitoring the use of Conduit Bond proceeds (including investment earnings and including reimbursement of expenditures made before bond issuance) and the use of Bond-financed or refinanced assets (e.g., facilities, furnishings or equipment) (the "Conduit Bond-Financed Property") throughout the term of the Conduit Bonds to ensure compliance with covenants and restrictions set forth in the Conduit Bond Documents;
- (ii) maintaining records identifying the Conduit Bond-Financed Property with proceeds of each issue of Conduit Bonds (including investment earnings and including reimbursement of expenditures made before bond issuance), including a final allocation of Conduit Bond proceeds as described below under "Record Keeping Requirements";
- (iii) consulting with bond counsel and other legal counsel and advisers in the review of any change in use of Conduit Bond-Financed Property to ensure compliance with all covenants and restrictions set forth in the Conduit Bond Documents; and
- (iv) to the extent that the Borrower discovers that any applicable tax restrictions regarding use of Conduit Bond proceeds and Conduit Bond-Financed Property will or may be violated, consulting promptly with bond counsel and other legal counsel and advisers to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary.

C. **Record Keeping Requirement**

- (i) retaining copies of the Conduit Bond closing transcript(s) and other relevant documentation delivered to the Borrower at or in connection with closing of the issue of Conduit Bonds;
- (ii) retaining copies of all material documents relating to capital expenditures financed or refinanced by Conduit Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with Conduit Bond proceeds and records identifying the Conduit Bond-Financed Property, including a final allocation of Conduit Bond proceeds and the Final Completion Report filed pursuant to the Conduit Bond Documents;
- (iii) retaining copies of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements, in connection with any investment agreements, and copies of all bidding documents, if any; and
- (iv) ensuring the required 8038 forms (including 8038-T forms) are filed on a timely basis.

With Nabholz voting no, all others voting yes, motion carries.

Motion made by Greenough, seconded by Nabholz, to deny CP2020-05. The applicant was advised to pay off court fees and come back to the next meeting. Discussion was held on amending the policy to require all questions be completed upon application, which will be added to the next agenda.

Frank Maynard, Emergency Management, met with the board. Motion made by Greenough, seconded by Russell, to approve a quote for an Apple iPad Salamander in the amount of \$429.00 and to get 2 or 3 more if possible, if there is available funding.

Maynard advised the board of the ASFPM Webinar and fires and incidents.

Teresa Pullen, Treasurer, met with the board to advise the board of 14 tax deed properties ready for sale, gave a timeline for when other tax deeds were to be ready and noted she already had interested parties. Pullen will do research on the options for selling the properties. Discussion was also held on pursuing a local credit card company. Motion made by Greenough, seconded by Nabholz to authorize the treasurer to explore other credit card options.

Sue Ganje, Auditor, met with the board to present a recap of COVID 19, Election HAVA Cares Act and HAVA Grant expenses, submissions and reimbursements to date. Updates will be brought back to the Board.

Commissioner Nabholz met to update the board on the new three-year Custer/ Fall River Landfill management contract, with an increase of 18%, due to increased manpower as there is

no transfer station in Custer and increased individual loads. Nabholz also noted their budget to be approved in January and an upcoming change to a sweep account at First National Bank in Lead with checks to be automatically deducted, rather than a transfer from savings to checking. DENR is also satisfied with the corrections made to address the faults in the previous inspection. Nabholz also advised of a request from HS Councilman Pratt to do more to clear ice and snow from Hot Brook Road.

The 2020-09 COVID -19 resolution was reviewed. Motion made by Greenough, seconded by Russell, to leave the courthouse as it is. Nabholz gave national and local statistics, noted opposition with greeters and sharing a study done with Marines. With Nabholz voting no, all others voting yes, by roll call vote, motion carries.

Hearing for the 2021 Liquor & Wine License was held as advertised. Motion made by Russell, seconded by Nabholz, to approve the 2021 renewals for the following establishments: All 5 Gears LLC/Staline Casino – Liquor; Angostura Den Inc/Angostura Den – Liquor; Angostura Resort Management Inc/Inferno on the Beach – Liquor – Restaurant license and Wine and Cider license; H & H Enterprises/Coffee Cup Fuel Stop #9 – Liquor license and Wine and Cider license; TTT Taverns LLC/Pirates Pub – Liquor. With all voting yes, by roll call vote, motion passes.

Lance Russell, Attorney and Mark Tubbs met with the board to give a preliminary review of an upcoming petition to vacate portions of County Road #9, also known as River Road, that is no longer in use. This will be brought back to the next meeting.

Susie Hayes, Director of Equalization, met with the board. Motion made by Greenough, seconded by Nabholz, to approve the addition of omitted property to the assessment rolls of the county, Wesley and Lisa Rae Pawlowski, parcel #72150-13300-00900, in the amount of \$30,550.00. This property is going from exempt to taxable.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Greenough, seconded by Russell, to approve the transfer from the 911 Signing project to the Highway Department for Angostura Heights Road sign installation in the amount \$300.44.

Motion made by Nabholz, seconded by Russell, to approve the October 2020 fuel used or work performed to reimburse the highway department as follows: Sheriff's Department for \$1,981.92; Weed and Pest Office for \$131.13; Building for \$44.46; Emergency Management for \$65.67; Director of Equalization for \$213.91; Election \$24.88; and GIS for \$20.30.

Seiler updated the board that they put gravel on Smithwick Road from the Angostura pit. Dry conditions make it difficult to get certain things done.

Cliff Reuer, SD Local Technical Assistance Program (LTAP) met with the board to present the report from the inspection of Shep's Canyon road that was conducted on October 28, 2020. Data included in the report was the average daily traffic (356 in 2020), roadway width, gravel stabilization, drainage, fences, trees and traffic signing. Surface alternatives were discussed with the board, with Base One stabilization versus an asphalt overlay estimate

provided, with pros and cons noted. Jeannine Lecy, Shep's Canyon resident spoke of three partners in the project – SD Game Fish and Parks, Bureau of Reclamation and Fall River County. Taxes, fees and increasing population, along with safety on the road, speed limits and human behavior were also discussed.

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

GENERAL FUND

AUDRA HILL CONSULTING,INC	MI QMHP EVALUATION	\$338.46
A-Z SHREDDING INC	SHREDDING	\$53.16
BEESEY LAW OFFICE	CAAF	\$2,356.95
BELT, ISNALAWICA	UNIFORM ALLOWANCE	\$487.82
BLACK HILLS CHEMICAL	SUPPLY	\$513.60
CENTURY BUSINESS LEASING	COPIER LEASE/METER/USAGE	\$348.80
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
COLBATH, ANGELA M	CAAF	\$6,259.30
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DS SOLUTIONS INC	ELECTION SUPPLY	\$175.00
ELECTION SYSTEMS & SOFT	ELECTION SUPPLY	\$845.00
FARRELL, FARRELL & GINSBACH	CAAF	\$2,347.20
FALL RIVER COUNTY HERALD	PUBLICATION	\$2,425.19
FALL RIVER CTY TREASURER	REMOVE PENALTIES	\$51.99
FOX & YOUNGBERG	MENTAL ILLNESS	\$388.94
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$4,487.79
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$1,580.76
HEAFNER, ELLEN	COUNTY ASSISTANCE	\$340.00
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$31.57
CITY OF HOT SPRINGS	CITY WATER BILL	\$944.63
LEWIS & CLARK BEHAVIORAL	MENTAL ILLNESS	\$784.00
LINCOLN COUNTY TREASURER	MENTAL ILLNESS	\$202.50
LYNN'S DAKOTAMART	INMATE SUPPLY	\$6.57
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$3,252.05
QUADIENT	POSTAGE MACHINE LEASE	\$760.80
MARCO	COPIER LEASE	\$170.33
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MCLEODS OFFICE SUPPLY CO.	ELECTION SUPPLY	\$878.21
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$202.50
NELSON'S OIL & GAS INC.	UTILITY	\$72.00
QUADIENT FINANCE USA, INC	POSTAGE	\$1,674.60
PENNINGTON COUNTY JAIL	INMATE HOUSING/INMATE MEDICAL/TRANSPORT	\$11,329.21
POWELL, DEBRA J	BLOOD DRAW	\$75.00
QUILL CORPORATION	SUPPLIES	\$999.31
SAGEBRUSH WRANGLERS 4-H	SUPPLY	\$20.00

SDACC	2021 MEMBERSHIP SDAC	\$2,014.00
SDACO	2021 MEMBERSHIP SDAC	\$759.08
SD DEPARTMENT OF HEALTH	BLOOD DRAW	\$325.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$4,902.81
SERVALL	RUGS AND MATS SERVICE	\$400.78
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$340.00
WARNE CHEMICAL & EQUIP.	SUPPLY	\$88.92
YANKTON CO TREASURER	MENTAL ILLNESS	\$122.50
POURIER, RUTH	GENERAL ELECTION	\$22.68
MILES, SASHA	BLOOD DRAW	\$225.00
MCDANIEL, PRISCILLA	PROVISIONAL BUDGET GENERAL	\$20.00
BEY, JOHN	GENERAL ELECTION	\$15.00
	TOTAL FOR GENERAL FUND	\$54,269.24
COUNTY ROAD & BRIDGE		
B H ELECTRIC COOP INC.	UTILITY HIGHWAY ELECTRIC	\$39.40
CHEYENNE SANITATION	SANITATION COLLECTION	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
GLASS PRO +	REPAIR	\$470.80
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$257.10
SIMON MATERIALS	MATERIAL	\$115,500.00
CITY OF HOT SPRINGS	CITY WATER BILL	\$41.45
NELSONS OIL & GAS INC.	UTILITY	\$493.85
	TOTAL COUNTY ROAD & BRIDGE	\$116,960.70
911 SURCHARGE REIMBURSEMENT		
GALLS	UNIFORMS	\$152.30
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$864.76
CENTURY LINK	911 DISPATCH LINES	\$496.03
TAILORED SOLUTIONS CORP	ANNUAL SOFTWARE LICENSE	\$550.00
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$2,063.09
EMERGENCY MANAGEMENT		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$141.60
HOT SPRINGS ACE HARDWARE	SUPPLY	\$20.49
MARCO	COPIER LEASE	\$38.90
QUADIENT FINANCE USA, INC	POSTAGE	\$1.30
QUILL CORPORATION	SUPPLIES	\$65.98
	TOTAL FOR EMERGENCY MANAGEMENT	\$276.77
COURTHOUSE BUILDING FUND		
HYDRAULIC SOLUTIONS, LLC	ELEVATOR SERVICE	\$1,384.50
	TOTAL FOR COURTHOUSE BUILDING FUND	\$1,384.50
	TOTAL PAID BETWEEN 11/6/20 AND 11/17/20	\$174,954.30

Break was taken at 10:34 a.m. and meeting resumed at 10:42 a.m.

Public comment was heard from Sheriff Evans reporting 6 females and 11 males in the Fall River County Jail, with 3 males in the Pennington County jail, for a total of 20 inmates.

Dustin Ross, Andersen Engineers, met with the board. Motion made by Greenough, seconded by Nabholz, to approve the following resolution (with Russell abstaining):

FALL RIVER COUNTY RESOLUTION #2020-44

**A Plat of Russell Tract 1 and Russell Tract 2 of Section 25, T7S, R7E, BHM, Fall River County, South Dakota
Formerly Farm Unit #39**

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 17th day of November, 2020.

ATTEST:
/s/Sue Ganje
Fall River County Auditor

/s/Joe Falkenburg
Fall River County Board of Commissioners

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

FALL RIVER COUNTY RESOLUTION #2020-45

A Plat of Lots 1 thru 7, Lot 15, Lots 17 thru 23 and a private access easement, of Paha Sapa Subdivision, located in the W1/2SE1/4 of Section 26, T7S, 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 17th day of November, 2020.

ATTEST:
/s/Sue Ganje
Fall River County Auditor

/s/Joe Falkenburg
Fall River County Board of Commissioners

Motion made Greenough, seconded by Nabholz, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2020-46

A Plat Lot 11R and Lot1R, Block 3, of Plat No. 1 of Hot Brook Estates Subdivision, located in W1/2NW1/4 Section 16, T7S, R5E, BHM, Fall River County, South Dakota

Formerly Lot 1, 11 and 12

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 17th day of November, 2020.

ATTEST:
/s/Sue Ganje
Fall River County Auditor

/s/Joe Falkenburg
Fall River County Board of Commissioners

Commissioner Falkenburg presented plaques of appreciation to Lyle and Michele Jensen for their service to Fall River County and to wish them the best in retirement.

The auditor presented a plaque to Chairman Falkenburg noting that Fall River County is being honored for 25 years of membership with the SDML Worker's Compensation Fund.

Motion made by Russell, seconded by Nabholz, to enter executive session as per SDCL 1-25-2 (1), for personnel purposes at 10:53 a.m.

The Board came out of executive session at 11:03 a.m.

Motion made by Nabholz, seconded by Russell, to approve hiring Kelli Rhoe at \$15.00 per hour, permanent part time.

Motion made by Greenough, seconded by Nabholz, to enter into executive session as per SDCL1-25-2 (1), personnel; SDCL 1-25-2 (3), legal and SDCL 1-25-2 (4), negotiation purposes at 11:04 a.m.

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

Motion made by Greenough, seconded by Nabholz, to offer the building supervisor position to David Weishaupl, with a starting salary of \$34,000.00, for a 3-month probation period.

Motion made by Russell, seconded by Nabholz, to contract with Lyle Jensen at \$1,500.00 per month, for 3 months, for IT and maintenance support.

Motion made by Greenough, seconded by Russell, to approve the negotiated changes in the union contract for 2021 as follows:

Employee wage increase for those beyond 4160 hours – \$2.00/hour for all except Jailers and Dispatchers, which are to be at \$4.00/hour;

Changes to hiring wage box – Add to base rate \$2.00 for all categories except Jailers and Dispatchers at \$4.00/hour.

Change Light Equipment category to Light Equipment with/out CDL, and change Heavy Equipment to Heavy Equipment with CDL

Change to Longevity schedule

2 years is \$25.00 per month (\$300.00 per year)

3 years is \$50.00 per month (\$600.00 per year)

20 years is \$75.00 per month (900.00 per year)

Motion made by Nabholz, seconded by Russell, to adjourn at 12:40 p.m.

/s/Joe Falkenburg

Joe Falkenburg, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor