

**FALL RIVER COUNTY UNAPPROVED MINUTES OF DECEMBER 15, 2020**

The Fall River Board of County Commissioners met in regular session on December 15, 2020. Present: Joe Allen, Joe Falkenburg, Heath Greenough, Paul Nabholz, Deb Russell and Sue Ganje, Auditor. 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, Allen has a conflict on a plat. 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 Russell, seconded by Greenough, to approve the agenda as written.

Motion made by Nabholz, seconded by Russell, to approve the minutes of November 17, 2020.

The 2021 Oglala Lakota - Fall River County Contract and Oglala Lakota Contract was reviewed. This will be on the yearend meeting agenda.

Lance Russell, Attorney, met with the board. Motion made by Nabholz, seconded by Russell, to approve the County Quit Claim Deed to Tubbs Land and Cattle, LLC. A written easement will be provided if requested. With all voting yes, by roll call vote, motion carries.

The Board discussed the returned checks on the following report with Treasurer Pullen, who advised on what has been turned over to the state's attorney. Motion made by Russell, seconded by Nabholz, 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 30<sup>th</sup> day of November 2020.

Total Amt of Deposit in First Interstate Bank:	<u>\$1,026,212.61</u>
Total Amt of Deposit in First National Bank of Lead:	<u>\$1,000.00</u>
Total Amount of Cash:	<u>\$5,939.98</u>
Total Amount of Treasurer's Change Fund:	<u>\$900.00</u>

Total Amount of Checks in Treasurer's

Possession Not Exceeding Three Days: \$65,827.38

SAVINGS:

First Interstate Bank: \$309,893.26  
First National Bank of Lead: \$1,043,292.50

CERTIFICATES OF DEPOSIT:

First Interstate – Hot Springs: \$772,669.12  
Black Hills Federal Credit Union – Hot Springs: \$250,000.00  
Bank of the West – Hot Springs: \$534,022.08  
Schwab Treasury: \$258,023.28  
First National Bank – Lead: \$306,046.60  
Black Hills Community – Rapid City: \$805,786.21  
Liberty National Bank - Sioux Falls: \$4,000,000.00

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:

Brun, Cyril \$806.60, 09/02/2020  
Rhew, Todd & Janet \$276.80, 09/09/20  
Wendt, Greg \$1,397.70, 10/14/2020  
Schmit, Troy \$85.60, 10/20/2020  
Caveye, Russell \$64.77, 10/26/2020  
Trave, Celeste \$355.08, 11/18/2020

Dated This 30<sup>th</sup> Day of November 2020.

TOTAL \$9,383,134.57

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

County Monies: \$8,571,324.69  
Held for other Entities: \$637,353.59  
Held in Trust: \$174,456.29  
TOTAL: \$9,383,134.57

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 AND AMBULANCE DISTRICTS, AND STATE.

Frank Maynard, Emergency Management, met with the board and noted receipt of

\$8,086.56 for the 4<sup>th</sup> quarter LEMP reimbursement; presented a copy of a landowner consent form (county lot in Hot Brook Estates Subdivision) for hazardous fuels reduction treatment; and of attending an ASFPM Webinar, and of fires and incidents. The consent form will be on next agenda.

Teresa Pullen, Treasurer, met with the board. Motion made by Russell, seconded by Nabholz, to enter into a 60-month lease agreement with Century Business, for 3 printers, \$64.58 per month, to be split between Fall River and Oglala Lakota Counties.

Dave Weishaupl, Building Supervisor, met with the board. Motion made by Nabholz, seconded by Russell, to approve the quote from Golden West, for SonicWALL Advanced Gateway Security Suite Bundle for NSA 2600, 1 year, in the amount of \$1,682.72.

Motion made by Greenough, seconded by Allen, to approve hiring Wesley Wood, \$14.00 per hour, effective December 21, 2020, as per union contract.

Erin McGlumphy, Extension, met with the board. Motion made by Allen, seconded by Greenough, to approve the Agreement to Share the Extension Secretary Position with Custer County, for a one year period, starting January 1, 2021, ending December 31, 2021.

Motion made by Nabholz, seconded by Greenough, to approve additional hours for Karen Jamison, for up to 40 hours.

Allen Schaefer, SD Department of Legislative Audit, met with the board, via phone, to give the closing conference for 2018 – 2019 audit. Motion made by Allen, seconded by Greenough, to authorize the chairman and the auditor to sign the representations letter.

John McBride, Andersen Engineers, met with the board. Motion made by Russell, seconded by Nabholz, to approve the following resolution:

#### **FALL RIVER COUNTY RESOLUTION #2020-48**

**A Plat of Lots 1 of Block J of Country Club Estates Subdivision and Alexander Tract, located in the N1/2NE1/4 of Section 27, T7S, R5E, BHM, Fall River County, South Dakota**

**Formerly the balance of the N1/2NE1/4**

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 15<sup>th</sup> day of December, 2020.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

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

**FALL RIVER COUNTY RESOLUTION #2020-49**

**A Plat of Harry Tract, Irene Tract, and County Line Tract, all located in the NW1/4 of Section 1, T7S, R3E, 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 15<sup>th</sup> day of December, 2020.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

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

**FALL RIVER COUNTY RESOLUTION #2020-50**

**A Plat of Solberg Tract 2 in Section 17, the W1/2 of Section 16, the N1/2N1/2 of Section 20, the W1/2 and the SE1/4 of Section 21, the S1/2 of Section 22, the N1/2 of Section 27 and the N1/2 of Section 28, all in T10S, R2E, BHM, Fall River County, South Dakota**

**Formerly the balance of that part of F.H.T Tract in Section 17, that part of F.H.T. Tract in the N1/2N1/2 of Section 20 and that part of FHT Tract in Sections 16, 21, 22, 27, and 28**

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 15<sup>th</sup> day of December, 2020.

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

/s/Joe Falkenburg  
Fall River County Board of Commissioners

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

**FALL RIVER COUNTY RESOLUTION #2020-51**

**A Plat of Jessica Tract of Section 30, T7S, R6E, BHM, Fall River County, South Dakota**

**Formerly Allen Tract 4, Allen Tract 4A, Allen Tract 4B and portions of the NE1/4NW1/4,  
and the SE1/4NW1/4 lying S. of HWY. ROW of Section 30**

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.

With Allen abstaining, all others voting yes, the motion carried. Dated this 15<sup>th</sup> day of December, 2020.

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

/s/Joe Falkenburg  
Fall River County Board of Commissioners

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

**FALL RIVER COUNTY RESOLUTION #2020-52**

**A Plat of Murray Tract 1A and Murray Tract 2R of Hoffner Subdivision, and a Private Access Easement, all located in the E1/2SE1/4 of Section 17, T8S, R5E, BHM, Fall River County, South Dakota**

**Formerly Murray Tract 1R and Murray Tract 2**

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 15<sup>th</sup> day of December, 2020.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

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

**FALL RIVER COUNTY RESOLUTION #2020-53**

**A Plat of Jenniges Tract, located in N1/2NE1/4NE1/4 Section 15, T7S, R5E, BHM, Fall River County, South Dakota**

**Formerly the north 120' of Tract G-2**

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 15<sup>th</sup> day of December, 2020.

ATTEST:

/s/Joe Falkenburg

Fall River County Board of Commissioners

/s/Sue Ganje  
Fall River County Auditor

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

**FALL RIVER COUNTY RESOLUTION #2020-54**

**A Plat of Weiker Tract and Kester Tract, located in the SW1/4SW1/4 of Section 35, T8S, R2E, and in Govt. Lot 4 of Section 2, T9S, R2E, BHM, Fall River County, South Dakota**

**Formerly the balance of Tract A, the balance of Tract 3 of Tract A, and Lots 1, 2 and 3 of Tract 3 of Tract A**

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 15<sup>th</sup> day of December, 2020.

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

/s/Joe Falkenburg  
Fall River County Board of Commissioners

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

**FALL RIVER COUNTY RESOLUTION #2020-55**

**A Plat of Lot 13B of Shep's Canyon Estates Subdivision, located in the W1/2SE1/4, Section 22, 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 15<sup>th</sup> day of December, 2020.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

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

**FALL RIVER COUNTY RESOLUTION #2020-56**

**A Plat of Ollie Oaks Mountain Tract, of Paha Sapa Subdivision, located in the W1/2SE1/4  
Section 26, T7S, R5E, BHM, Fall River County, South Dakota**

**Formerly Lot 11 and Lot 14**

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 15<sup>th</sup> day of December, 2020.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

The 2020-09 Covid-19 resolution was reviewed. Motion made by Greenough, seconded by Allen, to leave the courthouse as it is until the 1<sup>st</sup> meeting in February. Nabholz presented statistics, noting those of high risk to remain on guard. With Nabholz voting no, all others voting yes, by roll call vote, motion carries.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Greenough, seconded by Russell, to approve the November 2020 reimbursement to the highway department for fuel used or work performed as follows: Sheriff's Department for \$1,634.79; Weed and Pest Office for \$211.54; Building for \$57.91; Emergency Management for \$60.09; Director of Equalization for \$144.87; and Election \$26.87.

Motion made by Russell, seconded by Allen, to purchase a packer in the amount of



\$16,985.00.

Seiler updated the board that Smithwick Road is done, working on County Road 14, will blade when there is moisture. Brosz Engineering, Inc. will come to the yearend meeting on costs for proposed road improvement. Discussion was held on paved roads, and potential paved roads, and receiving a list of other roads, and to utilize road counts for planning for 5-year plans. Also, the Chilson Bridge is scheduled for bid in February or March of 2021, and that the SD DOT has not started on R-O-W acquisition at Igloo.

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

**GENERAL FUND**

ACCOUTER RENTAL AND SALES	RENTAL	\$231.00
AT&T TELECONFERENCE	CONFERENCE CALLING	\$42.58
AUDRA HILL CONSULTING,INC	MI QMHP EVALUATION	\$873.36
A-Z SHREDDING INC	SHREDDING	\$90.34
BEESLEY LAW OFFICE	CAAF	\$11,119.18
BLACK HILLS CHEMICAL	SUPPLY	\$248.32
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$3,979.62
BOMGAARS SUPPLY	SUPPLY	\$135.96
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$7,501.39
CENTURY BUSINESS LEASING	COPIER LEASE & METER	\$511.03
COLBATH, ANGELA M	CAAF	\$1,720.40
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$29.38
EN-TECH LLC	FUMIGATION	\$110.00
DUDE SOLUTIONS, INC.	GIS SUPPORT CONTRACT	\$265.98
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$11,776.53
FARRELL,FARRELL &GINSBACH	CAAF	\$22,775.91
4-H MEMBERS ASSEMBLY	REIMBURSEMENT	\$31.25
FALL RIVER COUNTY HERALD	PUBLICATION	\$880.92
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$5,151.80
HILLS EDGE AUTO SALES	REPAIRS	\$384.80
HOT SPRINGS ACE HARDWARE	SUPPLY	\$52.00
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$17.65
CITY OF HOT SPRINGS	4TH QUARTER FIRE SPRINKLER	\$24.00
LINCOLN COUNTY TREASURER	MENTAL ILLNESS	\$430.85
MARCO	COPIER LEASE	\$170.33
MICRO SOLUTIONS	COMPUTER	\$1,009.95
NEWMAN TRAFFIC SIGNS	SIGNAGE & SUPPLY	\$1,108.26
O'NEILL, JUSTIN	CAAF	\$6,080.74
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNINGTON/TRANSPORT	\$9,301.29
PENNINGTON COUNTY	MENTAL ILLNESS	\$170.00
QUILL CORPORATION	SUPPLIES	\$65.12
RAPID FIRE PROTECTION INC	ANNUAL SPRINKLER INSPECTION	\$300.00

RUSHMORE OFFICE SUPPLY	SUPPLY	\$148.80
SD DEPARTMENT OF HEALTH	BLOOD DRAWS	\$500.00
SERVALL	RUGS AND MATS SERVICE	\$400.78
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,740.00
NORTON, MIKAYLA	BLOOD DRAWS	\$225.00
VANWAY TROPHY	SUPPLY	\$9.00
YELLOW ROBE, LUKE	INVESTIGATION	\$3,000.00
MILES, SASHA	BLOOD DRAWS	\$75.00
RASKIEWICZ, CASEY ROY	MILEAGE	\$33.60
	TOTAL FOR GENERAL FUND	\$92,722.12
<b>COUNTY ROAD &amp; BRIDGE</b>		
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$616.00
BUTLER MACHINERY CO.	PARTS	\$327.54
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$27.95
FALL RIVER COUNTY HERALD	PUBLICATION	\$19.98
GRIMM'S PUMP SERVICE INC	PARTS	\$610.82
HOT SPRINGS ACE HARDWARE	SUPPLY	\$9.29
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$76.34
KD CONTRACTORS INC	RIP RAP	\$340.00
LAWSON PRODUCTS	SUPPLY	\$129.68
NELSONS OIL & GAS INC.	UTILITY	\$14,485.03
NEWMAN TRAFFIC SIGNS	SIGNAGE & SUPPLY	\$359.14
SEILER, RANDY	CLOTHING ALLOWANCE	\$150.00
	TOTAL COUNTY ROAD & BRIDGE	\$17,151.77
<b>911 SURCHARGE REIMBURSEMENT</b>		
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$140.94
JARMAN, MARTHA	UNIFORM ALLOWANCE	\$52.24
CENTURY LINK	911 DISPATCH LINES	\$496.03
FLEMING, MELISSA	REIMBURSEMENT	\$34.99
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$724.20
<b>FIRE PROTECTION FUND</b>		
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$558.65
	TOTAL FOR FIRE PROTECTION FUND	\$558.65
<b>EMERGENCY MANAGEMENT</b>		
ATLAS OUTFITTERS	FIRE DEPARTMENT SUPPLIES	\$11,310.00
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$358.00
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$11.86
MARCO	COPIER LEASE	\$38.90
	TOTAL FOR EMERGENCY MANAGEMENT	\$11,727.26
<b>COURTHOUSE BUILDING FUND</b>		
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$332.45
ELECTRICAL ENGINEERING	SERVICE	\$606.02

TOTAL FOR COURTHOUSE BUILDING FUND	\$938.47
TOTAL PAID BETWEEN 12/2/20 AND 12/15/20	\$123,822.50

Break was taken at 10:02 a.m. and meeting resumed at 10:07 a.m.

Public comment was heard from Susan Henderson, on the state's attorney position, Powertech injection well permits, moratorium on evictions, and money to food banks; Sheriff Evans reported that there are 3 males in the Pennington County Jail, 14 males, 3 females and 1 work release in the Fall River County Jail, for a total of 21 inmates.

Susie Hayes, Director of Equalization, met with the board via phone. Motion made by Allen, seconded by Greenough to approve the purchase for a Lenovo Idea Pad 17" Intel i5, in the amount of \$1,009.95 (excluding tax), and to pay for it by credit card.

Conrad Cutchin met with the board to discuss pay '20 mobile home valuation (40 years old and uninsurable), and to request abatement for pay '20 taxes. Patty Caster and Caitlin Turner, Appraisers, were also present. Discussion was held on state guidelines for valuations, sales that create market values, national appraisal guide, and the appeal process. Caster noted their visit to the property and a few adjustments can be made, but also that Cutchin's valuation included other structures on the property. The land development cost of \$10,000 was not included in the mobile home value. Cutchin thanked the appraisers and thanked the board for their time.

Robert Edgar met with the board via phone to request abatement due to errors with the Title Company, incorrect mailing address and incorrect payment of taxes. Appraiser Turner was present to explain items. Discussion was held on tax years and addresses. The board asked for Edgar to meet with the Director of Equalization, if issue is not resolved, then get a representative and get on the next agenda.

Discussion was held on potential property valuation increases due to increased prices paid for properties, with Susie Hayes, Director of Equalization, present, via phone. Russell noted she would speak about this issue with Bob Wilcox, Director of the SD Association of County Commissioners, and the board should send a letter to our District 30 Senator and Representatives.

Discussion was also held with State's Attorney Ahrendt on whether to get an easement from Attorney Russell and the Tubbs Land and Cattle Co. Russell will be asked for an easement.

Motion made by Allen, seconded by Nabholz, to enter into executive session as per SDCL1-25-2 (1), for personnel purposes at 11:12 a.m.

The board came out of executive session at 11:22 a.m.

Motion made by Greenough, seconded by Nabholz, to adjourn at 11:23 a.m.

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

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

**FALL RIVER COUNTY UNAPPROVED MINUTES OF DECEMBER 31, 2020**

The Fall River Board of County Commissioners met in regular session on December 31, 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.sdcounties.org>, or under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Nabholz, seconded by Greenough, to approve the agenda, with the addition of changing the first meeting in January to January 7, 2021.

No minutes were available.

Motion made by Allen, seconded by Russell, to approve the Landowner Consent to Hazardous Fuels Reduction Grant and Prescribed Treatment on Lot 34R, Blk 4, Sec 16, Twp 7, Rg 5 (1.37 A +/-).

Motion made by Nabholz, seconded by Russell, to Amend November 17, 2020 minutes to reflect wage increase in the hiring box to base rate in the amount of \$1.00 per hour for all categories except for jailers & dispatchers at \$2.00 per hour, effective December 21, 2020. With Greenough voting no, all others voting yes, motion carried.

Bob Evans, Sheriff, met with the board. Motion made by Russell, seconded by Greenough, to approve hiring Jonathan Wishard, Jailer, \$16.50 per hour, part-time, effective December 23, 2020.

Motion made by Russell, seconded by Greenough, to approve the revised levy resolution as follows:

COUNTY TAX LEVIES	Tax Levy in Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	2,899,653.00	3.953
Library	7,393.00	0.014

Resolution

ADOPTION OF ANNUAL BUDGET FOR FALL RIVER County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,  
 Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and  
 Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the

LIMITED LEVY (10-12-21) - SUB TOTAL		
OUTSIDE LIMITED LEVY:	2,907,046.00	3.967
County Snow Removal Fund (34-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)	126,609.00	0.173
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	126,609.00	0.173
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	3,033,655.00	4.140
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)	274,875.00	0.638
Fire Protection (34-31-3)	1,135.00	0.140
TOTAL TAXES LEVIED BY COUNTY	3,309,665.00	4.918

consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR FALL RIVER County, South Dakota and its institutions and agencies for calendar year beginning January 1, 2021 and ending December 31, 2021 and the same is hereby approved and adopted by the Board of County Commissioners of Fall River County, South Dakota, the 15th day of September, 2020. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Fall River, County, South Dakota. The accompanying taxes are levied by Fall River County for the year January 1, 2021 through December 31, 2021.

BOARD OF COUNTY COMMISSIONERS OF  
Fall River County, South Dakota

/s/ Joe Falkenburg Chairman

/s/ Joe Allen Commissioner

/s/ Paul Nabholz Commissioner (voted no)

/s/ Heath Greenough Commissioner

/s/ Deborah Russell Commissioner

ATTEST /s/ Sue Ganje County Auditor

\* These Amounts include the 25% to be distributed to cities.

As of 9/29/20, these levies are not approved by the Department of Revenue

There was no county assistance.

Evans also reported that there are 18 males and 4 females in the Fall River County Jail, with 3 males and 1 female in the Pennington County Jail, 1 on GPS monitor, for a total of 27 inmates. Discussion was held on the need for an additional deputy sheriff, item will be on next agenda.

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

12/21/2020 Fuel Quotes	5000 Gal NoLead(E-10)	5,000-Gal #2 Diesel
Hi-D-Way	No Bid	No Bid
MG Oil	No Bid	No Bid
Nelson's Oil and Gas	\$1.85/gallon	\$1.93 per gallon
12/21/2020 Propane Quotes	1,200 Gal Propane	
Hi-D-Way	No Bid	
McGas	\$1.49/gallon	
Nelson's Oil and Gas	\$1.40/gallon	

Motion made by Russell, seconded by Greenough, to approve the low bid from Nelson's Oil and Gas at \$1.85 per gallon for 5,000 gallons of unleaded gas (E-10), for a total amount of \$9,250.00; \$1.93 per gallon for 5,000 gallons of #2 diesel, for a total of \$9,650.00 and \$1.40 per gallon for 1,200 gallons of propane, for a total of \$1,680.00.

Motion made by Greenough, seconded by Nabholz, to approve the December 2020 reimbursement to the highway department for fuel used or work performed as follows: Sheriff's Department for \$1,954.71; Weed and Pest Office for \$186.51; Building for \$32.24; Emergency Management for \$71.53; and Director of Equalization for \$40.34.

Motion made by Russell, seconded by Greenough, to surplus the used 2010 Walk 'n' Roll Packer WR75 Series 3 as trade-in for new WR75-3 Walk 'n' Roll Packer.

Motion made by Nabholz, seconded by Russell, to approve the quote by LyCox Enterprises, Inc. for 2020 WR75-3 Walk 'n' Roll packer/roller in the amount of \$16,985.00, reflecting total cost of \$19,950 plus quick attach \$1,000, freight \$825.00, less trade-in of \$4,790.00.

Motion made by Russell, seconded by Allen, to surplus the 2014 Road Grader, Model CAT 140M2AWDS – sell or trade-in. With Greenough voting no, all others voting yes, motion carries.

Seiler presented estimated costs for the proposed improvements to Shep's Canyon Road from Brosz Engineering, Inc. Discussion was held on the high costs of the estimates and the possibility of the SD Game Fish and Parks covering a majority of the costs. Motion made by Allen, seconded by Russell, to approve sending a letter to Tim Goodwin, District 30 Representative, in regard to funding for Shep's Canyon Road improvements, and authorize the chairman to sign.

Debra Johnston met with the board to present a petition and request their signature. Motion made by Russell, seconded by Nabholz, to approve the county signing the petition to vacate alley – East/West Platted Alley in Block 17, Fargo and Prentice Addition, Hot Springs, Fall River

County, SD, as a landowner, and authorize the chairman to sign. With Greenough voting no, all others yes, by roll call vote, motion carries.

Motion made by Nabholz, seconded by Greenough, to table the 2021 Oglala Lakota and Fall River Contract until after the discussion on the state's attorney position for 2021.

A hearing was held as advertised for the vacation of part of a Highway, formerly known as County Road 9 and River Road, petitioned by Mark Tubbs, Tubbs Land and Cattle. Lance Russell, Attorney, was present. After discussion, and noting an objection filed by Uriah Luallin, motion made by Nabholz, seconded by Russell, to approve the following resolution:

**FALL RIVER COUNTY RESOLUTION #2020-57**

WHEREAS, Mark Tubbs, Member of the Tubbs Land and Cattle, L.L.C., has presented to the Fall River County Commission a Petition that certain public roadways be vacated in Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, pursuant to SDCL 31-3-6 and SDCL 11-3-21.1 described as follows:

The Plat of the Public Highway in Section Twenty-seven (27), Twenty-eight (28) and Thirty-four (34) all in Township Seven (7) South, Range One (1) East of the Black Hills Meridian (B.H.M.), Fall River County, South Dakota, which said plat was filed in the office of the Register of Deeds of Fall River County on January 6, 1921, and recorded in Book 2 of Plats, Page 37.

WHEREAS, the following described public highways and roadways are located within the above-described real estate:

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot A, consisting of 1.7 acres, and located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37, from the Southeast terminus of Lot B that is located on the quarter section line in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot B on the section line of the Southeast Quarter of the Northeast Quarter of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37;

All of the East-West Public Highway, formerly known as County Road 9 and River Road, described as Lot B, consisting of .55 acres, and located in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37, from the Northwest terminus of Lot C that is located in the Northwest corner of the Northeast Quarter of the Southwest



Quarter (NE1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot A on the quarter section line located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37;

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot C, consisting of 2.34 acres, and located in the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the Northwest terminus of Lot D that is located on the quarter section line in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Twenty-seven (27), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot B in the Southeast corner of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37;

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot B, consisting of 2 acres, and located in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the Northwest terminus of Lot A that is located on the section line in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot C on the quarter section line in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37;

All of the East-West Public Highway, formerly known as County Road 9 and River Road, described as Lot C, consisting of .45 acres, and located in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the Northwest terminus of Lot B that is located on the quarter section line in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7)

South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37; and

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot A, consisting of .73 acres, and located in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirty-four (34), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the section line located between the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirty-four (34), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, and Northwest Quarter of the Northwest Quarter of Section Thirty-five (35), Township Seven (7), Range One (1) East, B.H.M., Fall River County, South Dakota, to the beginning of Lot F on the section line of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37.

WHEREAS, said petitioners seek to have vacated, pursuant to the provisions of SDCL 31-3-6 and SDCL 11-3-21.1, the following described public highways and roadways:

All of the East-West Public Highway, described as Lot C, formerly known as County Road 9 and River Road, consisting of .45 acres, and located in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the Northwest terminus of Lot B that is located on the quarter section line in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37. The Public Highway to be vacated is adjacent to land owned by Tubbs Land and Cattle, L.L.C.

All of the East-West Public Highway, formerly known as County Road 9 and River Road, described as Lot B, consisting of .55 acres, and located in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37, from the Northwest terminus of Lot C that is located in the Northwest corner of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot A on the quarter section line located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats,

Page 37. The Public Highway to be vacated is adjacent to land owned by Tubbs Land and Cattle, L.L.C.

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot A, consisting of 1.7 acres, and located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37, from the Southeast terminus of Lot B that is located on the quarter section line in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot B on the section line of the Southeast Quarter of the Northeast Quarter of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37. The Public Highway to be vacated is adjacent to land owned by Tubbs Land and Cattle, L.L.C.

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot B, consisting of 2 acres, and located in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the Northwest terminus of Lot A that is located on the section line in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot C on the quarter section line in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37. The Public Highway to be vacated is adjacent to land owned by Tubbs Land and Cattle, L.L.C.

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot C, consisting of 2.34 acres, and located in the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the Northwest terminus of Lot D that is located on the quarter section line in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Twenty-seven (27), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot B in the Southeast corner of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37. The Public Highway to be vacated is adjacent to land owned by Tubbs Land and Cattle, L.L.C.

WHEREAS, the petition certified that the petitioners represent all of the adjoining landowners of the above-described public highways and roadways, and further certified that the public highways and roadways to be vacated are of platted public highways and roadways that are impassable, and/or dangerous for vehicular travel; petitioners further certified in said petition that many of the public highways or roadways to be vacated have not been used in the past twenty-one years; and the petitioners assert that the vacation of the above-described public highways and roadways is in the public interest and public safety; and

WHEREAS, the Fall River County Commission at a meeting of said Commission held December 31, 2020, deemed it expedient that said matter should be proceeded with, ordered said petition filed with the Auditor of said County, fixed a time for hearing on the petition at the regular meeting of the Commission on Thursday, December 31, 2020, at 9:30 a.m. and directed that notice of said hearing be published once a week for two consecutive weeks in the Fall River County Herald-Star, the official newspapers of Fall River County, South Dakota; and

WHEREAS, due and legal notice of the hearing on said petition has been given and the Commission has investigated and considered the matter and it being established: that the petition contains the required number of signatures of registered voters; that all the adjoining landowners of the petitioned public highways and roadways to be vacated have signed the petition; that none of the portions of public highways and roadways exceed one mile in length; and that the public interest will be better served by the proposed vacations.

THEREFORE, BE IT RESOLVED AND ORDERED by the Fall River County Commission, that the public highways and roadways described as follows:

All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot A, consisting of 1.7 acres, and located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37, from the Southeast terminus of Lot B that is located on the quarter section line in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot B on the section line of the Southeast Quarter of the Northeast Quarter of Section Twenty-eight (28), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37;

All of the East-West Public Highway, formerly known as County Road 9 and River Road, described as Lot B, consisting of .55 acres, and located in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37, from the Northwest terminus of Lot C that is located in the Northwest corner of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of

January 6, 1921, Book 2 of Plats, Page 37 to the beginning of Lot A on the quarter section line located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37;

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All of the Northwest-Southeast Public Highway, formerly known as County Road 9 and River Road, described as Lot A, consisting of .73 acres, and located in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirty-four (34), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37 from the section line located between the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Thirty-four (34), Township Seven (7), Range One (1) East, B.H.M. Fall River County, South Dakota, and Northwest Quarter of the Northwest Quarter of Section Thirty-five (35), Township Seven (7), Range One (1) East, B.H.M., Fall River County, South Dakota, to the beginning of Lot F on the section line of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Twenty-seven (27), Township Seven (7) South, Range One (1) East, B.H.M., Fall River County, South Dakota, in the Public Highway Plat of January 6, 1921, Book 2 of Plats, Page 37.

be, and the same hereby are vacated, reserving, however, any easement and right-of-way presently existing for public utility or drainage purposes and that the public interest will be better served by said vacations.

Such vacations to take effect after the 30<sup>th</sup> day after the second publication of this Resolution unless the action has been appealed according to law.

Dated at Hot Springs, Fall River County, South Dakota, this 31st day of December, 2020.

APPROVED:

/s/Joe Falkenburg, Chairman

Fall River County Commission

ATTEST

/s/Sue Ganje, County Auditor

Discussion was held on whether an easement would be needed, John McBride and Dustin Ross, Andersen Engineering, Inc. spoke to encourage the board to not request an easement, or they would have to do one for every road that does not follow the section line. After discussion the board noted they would have an item on the next agenda to not require the easement.

The hearing for the supplement, contingency and cash transfers was held as advertised. Motion made by Russell, seconded by Nabholz, to approve the following resolution and cash transfers as follows:

**FALL RIVER COUNTY RESOLUTION #2020-58**

**Supplemental Budget 2020, #5**

**Contingency Transfer 2020, #6**

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 revenues and expenditures for December 31, 2020 be approved as follows: General Interest 10100R3610100, \$96,483.24; Federal PILT 10100R3330000, \$30,848.27; Cares Act 10100R3310400, \$882,073.52; General Goods & Services 10100R3410900, \$23,971.31; State

Grant 10100R3340100, \$32,969.35; Juvenile Rebate 10100R3420225, \$35,550.69; Surface Transportation 20100R3340200, \$33,477.97; 22.5% MV Fund 20100R3350220, \$13,389.72; 54.5% MV Fund 20100r3350250, \$19,063.95; PDM Grant 22600X4275222, \$7,500.00; LEPC Grant 23400X4260222, \$100.00; Dispatch Equipment 20700X4340225, \$7,215.13; Nurse Supplies 10100X4260421, \$55.53; Means of finance to be cash and cash for revenues received, and

WHEREAS, SDCL 7-21-32.2 provides that the Board of County Commissioners may adopt a transfer appropriation from the contingency budget to other appropriations, which are insufficient, a contingency transfer shall be approved and adopted to the following Departments: Election Supplies 10100X4260120, \$13,247.12; Treasurer Supplies 10100X4260142, \$2,001.52; States Attorney Equipment 10100X4340151, \$1,477.68; Court Appointed Attorney 10100X4260153, \$33,980.24; Building Salaries 10100X4110161, \$10,528.39; Director of Equalization Salaries 10100X4110162, \$7,520.67; Goldenwest Technologies 10100X4342171, \$22,888.99; 24/7 Salaries 24800X4110211, \$2,230.46; Cares Act 10100X4260222, \$3,213.17; Dispatch Equipment 20700X4340225, \$4,458.21

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Supplemental Budget #5 and Contingency Transfer #6, and approve the cash transfer from the General fund to the Domestic Abuse fund in the amount of \$1,719.59 for 2020.

Dated at Fall River County, South Dakota this 31<sup>st</sup> day of December 2020.

ATTEST: /s/Sue Ganje  
Fall River County Auditor's Office

/s/Joe Falkenburg  
Fall River County Board of Commissioners

Discussion was held on whether to keep the state's attorney's position full time or make it part time for 2021. Motion made by Nabholz, seconded by Russell, to approve making the Fall River State's Attorney position part time at the expiration of Brian Ahrendts's term as State's Attorney, at a salary of 90% of the current Fall River State's Attorney Salary, commencing with time he will be serving.

Motion made by Nabholz, seconded by Greenough, to table the 2021 Oglala Lakota - Fall River Counties Contract until the January 7, 2021 meeting.

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

**GENERAL FUND**

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$549.16
BEESELEY LAW OFFICE	CAAF	\$1,788.85
BEST WESTERN OF HURON	STATE FAIR HOTEL	\$300.00
BLACK HILLS CHEMICAL	SUPPLY	\$302.76
BRUMBAUGH & QUANDAHL,P.C.	GARNISHMENT	\$36.36
BOMGAARS SUPPLY	SUPPLY	\$135.96

BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
CAMERON, GEORGE	COURT REPORTER	\$304.60
SEVENTH CIRCUIT CASA PRG	2020 BUDGET ALLOTMENT	\$1,585.00
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$1,116.80
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
CREDIT COLLECTION BUREAU	COLLECTIONS	\$32.81
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,118.70
DEPT OF LEGISLATIVE AUDIT	FISCAL STATE AUDIT	\$20,914.20
EFTPS	PAYROLL TAXES	\$32,321.18
FALL RIVER HISTORICAL SOCIETY	2020 BUDGET ALLOTMENT	\$6,000.00
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$23,107.69
FARRELL,FARRELL &GINSBACH	CAAF	\$1,409.48
FITZGERALD LAW FIRM	CAAF	\$4,772.40
GOFF, GARLAND LEE	QMHP	\$702.30
GOLDEN WEST TECHNOLOGIES	DARK FIBER INSTALLATION	\$11,311.41
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,870.46
HARMELINK FOX LAW OFFICE	MI	\$170.75
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$540.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$262.79
CITY OF HOT SPRINGS	CITY WATER BILL	\$708.96
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$18,367.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$325.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$1,116.47
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MCLEODS OFFICE SUPPLY CO.	SUPPLY	\$272.75
MEADE COUNTY AUDITOR	PRISONER BOARD	\$80.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$202.50
MID DAKOTA VEGETATION MGT	PRAIRIE DOG CONTROL	\$2,500.00
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$500.00
NELSONS OIL & GAS INC.	UTILITIES	\$351.85
QUADIENT FINANCE USA, INC	POSTAGE	\$851.80
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTON,TINA	CONTRACT NURSE INMATE	\$1,000.00
NUTRIEN AG SOLUTIONS	SUPPLY	\$5,683.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
O'NEILL, JUSTIN	CAAF	\$1,674.63
POWELL, DEBRA J	BLOOD DRAW	\$75.00
QUILL CORPORATION	SUPPLY	\$138.61
RELIANCE STANDARD LIFE	VISION PLAN	\$197.22
RAPID CITY FIRE DEPT	SERVICE	\$244.30
RUSHMORE OFFICE SUPPLY	SUPPLY	\$276.00
RUSSELL, LANCE	CONFLICT DEPUTY	\$1,000.00



SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$1,421.37
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$15,527.85
SERVALL	RUGS AND MATS SERVICE	\$400.78
SONNY'S SUPER FOODS	SUPPLY	\$160.09
SD SUPPLEMENT RETIREMENT	SDRS SUP RETIREMENT	\$600.00
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$54.99
VANWAY TROPHY	SUPPLY	\$33.15
VERIZON WIRELESS	CELL PHONE PLAN	\$746.89
WATCHGUARD VIDEO	SUPPLY	\$32.00
WESTERN FIRST AID & SAFETY	SUPPLY	\$298.76
MILES, SASHA	BLOOD DRAW	\$75.00
WITNESS	WITNESS FEE	\$145.84
COMMISSIONERS	DECEMBER SALARIES	\$15,136.03
AUDITOR'S OFFICE	DECEMBER SALARIES	\$15,136.03
AUDITOR'S OFFICE	OVERTIME	\$87.89
TREASURER'S OFFICE	DECEMBER SALARIES	\$10,906.43
TREASURER'S OFFICE	OVERTIME	\$88.26
STATE'S ATTORNEY'S OFFICE	DECEMBER SALARIES	\$11,321.54
STATE'S ATTORNEY'S OFFICE	OVERTIME	\$334.48
MAINTENANCE	DECEMBER SALARIES	\$7,468.29
MAINTENANCE	OVERTIME	\$6.17
ASSESSOR'S OFFICE	DECEMBER SALARIES	\$14,971.68
ASSESSOR'S OFFICE	OVERTIME	\$33.75
REGISTER OF DEEDS OFFICE	DECEMBER SALARIES	\$8,208.47
REGISTER OF DEEDS OFFICE	OVERTIME	\$4.50
VETERAN'S SERVICE OFFICE	DECEMBER SALARIES	\$3,616.69
GIS OFFICE	DECEMBER SALARIES	\$3,563.48
SHERIFF	DECEMBER SALARIES	\$21,026.22
SHERIFF	OVERTIME	\$3,622.97
JAIL	DECEMBER SALARIES	\$15,864.18
JAIL	OVERTIME	\$2,784.25
CORONER	DECEMBER SALARIES	\$300.00
NURSE'S OFFICE	DECEMBER SALARIES	\$3,274.54
EXTENSION'S OFFICE	DECEMBER SALARIES	\$2,073.50
EXTENSION'S OFFICE	OVERTIME	\$43.88
WEED & PEST OFFICE	DECEMBER SALARIES	\$3,676.77
	TOTAL FOR GENERAL FUND	\$312,648.96
<b>COUNTY ROAD &amp; BRIDGE</b>		
A & B WELDING SUPPLY CO.	SUPPLY	\$101.23
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$350.88
B H ELECTRIC COOP INC.	UTILITY	\$14.14
BOMGAARS	SUPPLY	\$260.31
CHEYENNE SANITATION	SANTATION COLLECTION	\$74.00

CITY OF EDMONT	CITY OF EDMONT WATER	\$84.10
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$471.00
FLOYD'S TRUCK CENTER	SUPPLY	\$257.20
EFTPS	PAYROLL TAXES	\$7,746.85
FALL RIVER AUTO SUPPLY	SUPPLY	\$139.90
FORWARD DISTRIBUTING	SUPPLY	\$19.40
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$254.65
GRIMM'S PUMP SERVICE INC	SUPPLY	\$1,553.27
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$150.00
HILLYARD/SIOUX FALLS	SUPPLY	\$86.61
HOT SPRINGS ACE HARDWARE	SUPPLY	\$35.96
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$89.75
CITY OF HOT SPRINGS	CITY WATER BILL	\$33.43
RICOH USA INC	PRINTER RENT	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$3,920.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$125.00
NELSONS OIL & GAS INC.	UTILITY	\$20,403.07
RELIANCE STANDARD LIFE	VISION PLAN	\$39.54
RUNNINGS FARM & FLEET	SUPPLY	\$1,181.16
SAFETY-KLEEN SYSTEMS, INC	SUPPLY	\$536.25
SCHUBBEL, FREDERICK JR	CLOTHING ALLOWANCE	\$150.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$4,083.68
SEILER, RANDY	CELL PHONE REIMBURSEMENT	\$75.00
SOUTHERN HILLS FIRE	ANNUAL INSPECTION	\$238.00
SUMMIT SIGNS & SUPPLY INC	SUPPLY	\$800.00
WALK-N-ROLL	EQUIPMENT	\$16,985.00
HIGHWAY DEPARTMENT	DECEMBER SALARIES	\$33,634.44
HIGHWAY DEPARTMENT	OVERTIME	\$351.40
	TOTAL COUNTY ROAD & BRIDGE	\$94,320.22

**911 SURCHARGE REIMBURSEMENT**

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$67.21
CENTURY BUSINESS LEASING	COPIER LEASE	\$75.03
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$418.30
EFTPS	PAYROLL TAXES	\$4,922.72
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$852.94
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$90.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$2,693.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$100.00
PORTFOLIO RECOVERY ASSOC.	GARNISHMENT	\$202.41
RELIANCE STANDARD LIFE	VISION PLAN	\$6.33
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$2,736.07
VERIZON WIRELESS	CELL PHONE PLAN	\$42.00

DISPATCH	DECEMBER SALARIES	\$20,330.89
DISPATCH	OVERTIME	\$1,156.35
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$33,996.61
<b>FIRE PROTECTION FUND</b>		
BUFFALO GAP FIRE DEPT	BUDGET ALLOTTMENT	\$1,080.00
	TOTAL FOR FIRE PROTECTION FUND	\$1,080.00
<b>EMERGENCY MANAGEMENT</b>		
EFTPS	PAYROLL TAXES	\$1,336.22
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$164.33
QUADIENT FINANCE USA, INC	POSTAGE	\$2.60
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$569.22
VERIZON WIRELESS	CELL PHONE PLAN	\$84.00
FR EMERGENCY MANAGEMENT OFFICE	DECEMBER SALARIES	\$4,743.55
	TOTAL FOR EMERGENCY MANAGEMENT	\$6,899.92
<b>DOMESTIC ABUSE FUND</b>		
FALL RIVER HEALTH	MEDICAL	\$1,148.01
	TOTAL DOMESTIC ABUSE FUND	\$1,148.01
<b>24/7 SOBRIETY FUND</b>		
EFTPS	PAYROLL TAXES	\$296.80
SD DEPARTMENT OF HEALTH	24/7 LABS	\$100.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$32.76
24/7 OFFICE	DECEMBER SALARIES	\$1,950.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$2,379.56
<b>COURTHOUSE BUILDING FUND</b>		
HOT SPRINGS ACE HARDWARE	SUPPLY	\$10.42
	TOTAL FOR COURTHOUSE BUILDING FUND	\$10.42
	TOTAL PAID BETWEEN 12/16/20 AND 12/31/20	\$448,956.10

Break was taken at 10:01 a.m. and meeting resumed at 10:08 a.m.

Public comment was heard from Susan Henderson about needing a 2-page plan to help people that are soon to become evicted; Commissioner Nabholz spoke of Covid-19 statistics and infusions that have helped individuals.

Motion made by Russell, seconded by Nabholz, to adjourn at 10:26 a.m.

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

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

**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 2020.

<b>Total Amt of Deposit in First Interstate Bank:</b>	<b>\$967,902.83</b>
<b>Total Amt of Deposit in First National Bank of Lead:</b>	<b>\$1,000.00</b>
<b>Total Amount of Cash:</b>	<b>\$2,133.28</b>
<b>Total Amount of Treasurer's Change Fund:</b>	<b>\$ 900.00</b>
<b>Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:</b>	<b>\$60,821.51</b>

**SAVINGS:**

<b>First Interstate Bank:</b>	<b>\$309,895.89</b>
<b>First National Bank of Lead:</b>	<b>\$1,043,646.96</b>

**CERTIFICATES OF DEPOSIT:**

<b>First Interstate-Hot Springs:</b>	<b>\$772,669.12</b>
<b>Black Hills Federal Credit Union-Hot Springs:</b>	<b>\$250,000.00</b>
<b>Bank of the West-Hot Springs:</b>	<b>\$535,697.41</b>
<b>Schwab Treasury:</b>	<b>\$258,023.28</b>
<b>First National Bank - Lead:</b>	<b>\$306,046.60</b>
<b>Black Hills Community-Rapid City:</b>	<b>\$805,786.21</b>
<b>Liberty National Bank-Sioux Falls:</b>	<b>\$4,000,000.00</b>

**Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:**

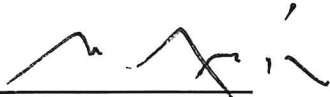
**Register of Deeds Change Fund: \$500.00**  
**Highway Petty Cash: \$20.00**  
**Election Petty Cash: \$15.00**

**RETURNED CHECKS:**

**Brun, Cyril \$806.60, 09/02/2020**  
**Rhew, Todd & Janet \$276.80, 09/09/2020**  
**Schmit, Troy \$85.60, 10/20/2020**  
**Caveye, Russell \$64.77, 10/26/2020**

**Dated This 31<sup>st</sup> Day of December 2020.**

**TOTAL \$9,316,291.86**



**Sue Ganje, County Auditor of Fall River County.**



**County Monies: \$9,051,003.10**  
**Held for other Entities: \$122,753.27**  
**Held in Trust: \$142,535.49**  
**TOTAL: \$9,316,291.86**

**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 AND AMBULANCE DISTRICTS, AND STATE.**

January 8, 2021

FALL RIVER COUNTY  
906 N RIVER STREET  
HOT SPRINGS, SD 57747

**RE: 2021 Walk for Warmth – Corporate Sponsorship**

Dear Friend,

Happy New Year! While we have been enjoying a rather mild and calm winter thus far, we know that winters in South Dakota can be brutal. What you may not know is that many of our neighbors throughout the community have to make the difficult decision between putting food on the table or paying their energy bill.

Each year the Walk for Warmth fund serves hundreds of families throughout the Black Hills. These families are facing a financial crisis and turn to The Salvation Army for help. The dollars raised through the Walk for Warmth ensure they do not experience a service disruption and remain warm in their homes during our coldest months of the year.

The annual Walk for Warmth is February 20<sup>th</sup>, starting at Main Street Square in Rapid City at 2:00 p.m. We are asking that you please consider becoming a Walk for Warmth Corporate Sponsor and helping your neighbors in need. In addition, Black Hills Energy will be matching funds raised for Walk for Warmth, up to \$10,000! Corporate Sponsorship Levels and incentives are detailed on the enclosed form.

To register your business as a Corporate Sponsor, please return the enclosed form along with your check or money order (payable to: "The Salvation Army") or visit [walkforwarmthrc.com](http://walkforwarmthrc.com) to register online. If you have any questions, or would like additional information, please feel free to contact me at (605)791-4045. Thank you very much!

Sincerely,



Javier Moreno  
Captain



**The Salvation Army  
Black Hills Area**

405 N. Cherry Ave.  
Rapid City, SD 57701-7663

Phone 605-342-0982  
Fax 605-791-4047

William & Catherine Booth  
Co-Founders  
(Est. 1865)

General Brian Peddle

Commissioner F. Bradford Bailey  
Territorial Commander

Major Greg Thompson  
Divisional Commander

Captain Javier Moreno  
Area Coordinator  
Corps Officer

Captain Kelsie Moreno  
Special Services  
Camp Administrator  
Corps Officer



Doing the Most Good

Thank you for remembering  
The Salvation Army  
"Black Hills Area"  
Today and in your Legacy.



Member Agency

*Serving Western South Dakota since 1907*



# WALK FOR WARMTH

## 2021 Walk for Warmth Corporate Sponsor Registration Form

Select Sponsor Level

### Bronze Sponsor (\$250)

You receive:

- Recognition on website homepage with link to your business page.
- Receive recognition on the day of the event.
- Registration fees waived for 5 employees to walk day of event.
- Discounted t-shirts on the day of the event and 2 FREE T-Shirts

Number of walkers: \_\_\_\_\_

### Silver Sponsor (\$500)

You receive all Bronze level items, plus:

- Name on all media PSA's: Radio, TV, Digital Day of Event Banners
- Recognition in Journal ad thanking sponsors and participants
- Registration fees waived for 15 employees to walk day of event.
- Discounted t-shirts on the day of the event and 5 FREE T-Shirts.

Number of walkers: \_\_\_\_\_

### Gold Sponsor (\$1,000)

You receive all Silver level items, plus:

- Registration fees waived for 25 employees to walk day of event.
- Discounted t-shirts on the day of the event and 10 FREE T- Shirts.

Number of walkers: \_\_\_\_\_

Business Name: \_\_\_\_\_

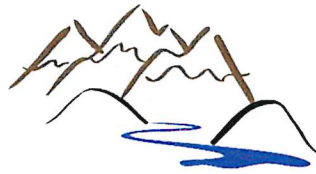
Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please email a high-resolution business logo to [javier.moreno@usc.salvationarmy.org](mailto:javier.moreno@usc.salvationarmy.org).

**Please note:** Individual walkers will be required check in at a registration booth to receive their participation bracelet and sign a release form on the day of the event.



# EMPOWER Coalition of the Southern Hills, Inc.

*Established March 2009*

January 19, 2021

To Whom It May Concern:

Pursuant to SDCL 22-25-24 & 25 local raffles need to provide notice to the city and county governments where the raffle is being held.

EMPOWER Coalition of the Southern Hills, Inc. would like to submit a raffle request to the City of Hot Springs, and County of Fall River, South Dakota to raise funds for the Toys for Kids program during a Dart Tournament Fundraiser to be held on February 20<sup>th</sup>, 2021 at the American Legion. The raffle request is to sell 50/50 tickets throughout the event. Thank you for your consideration.

Organization Name:	EMPOWER Coalition of the Southern Hills, Inc. Toys for Kids
Organization Address:	302 South 19 <sup>th</sup> Street, Hot Springs, SD 57747
Contact Name:	Valerie Henry
Contact Phone Number:	605-440-2584
Contact Email Address:	<a href="mailto:val@gwtc.net">val@gwtc.net</a>
Date of Event:	February 20, 2021, 1pm through midnight (at the latest)
Location of Event:	American Legion, 1045 Jennings Avenue, Hot Springs, SD 57747
Cost of Tickets:	\$1 each, 6 for \$5, or arm length for \$20
List of Prizes or Value:	The prize is 50% of the money taken in by the raffle ticket sales. The other 50% is retained by the nonprofit, which is EMPOWER. Each ticket purchased equals one entry in the drawing for a winner.
Proceeds to be used for:	EMPOWER Coalition of the Southern Hills, Inc. Toys for Kids

Respectfully submitted,

Valerie L. Henry  
CEO

**22-25-25. Bingo and lotteries permitted for restricted purposes--Conditions.**

The game, bingo, as defined in § [22-25-23](#), or lottery, as defined in § [22-25-24](#), may not be construed as gambling or as a lottery within the meaning of § [22-25-1](#), if:

- (1) The bingo game or lottery is conducted by a bona fide congressionally chartered veterans' organization; a religious, charitable, educational, or fraternal organization; a local civic or service club; a political party; a volunteer fire department; a local industrial development corporation as defined in § [5-14-23](#); or a political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota;
- (2) The proceeds therefrom do not inure to the benefit of any individual;
- (3) No separate organization or professional person is employed to conduct the bingo game or lottery or assist therein;
- (4) No compensation of any kind in excess of the state minimum wage per hour or sixty dollars, whichever is greater, in value is paid to any person for services rendered during any bingo session in connection with the conduct of the bingo game or in consideration of any lottery. However, the provisions of this subdivision do not apply to games or lotteries conducted in connection with any of the following events: a county fair conducted pursuant to § [7-27-3](#), the state fair conducted pursuant to chapter [1-21](#), or a civic celebration recognized by resolution or other similar official action of the governing body of a county, municipality, or village;
- (5) No prize in excess of two thousand dollars is awarded at any one play of bingo;
- (5A) The actual value of any lottery prize is stated before any chances for the lottery are sold. A lottery prize of a stated amount of dollars in value may be given to a person who sells a winning lottery ticket or share as long as the winning lottery ticket or share is selected at random;
- (6) The organizations authorized under subdivision (1) of this section, before conducting a bingo game or before selling any chances for a lottery give thirty days' written notice of the time and place thereof to the governing body or designated administrative official of the county or municipality in which it intends to conduct the bingo game or lottery, and the governing body does not pass a resolution objecting thereto. However, any organization that conducts a lottery and tickets or shares for such lottery are sold state-wide shall provide written notice of such lottery pursuant to this subdivision only to the secretary of state and to the governing body where the drawing for such lottery is held. A municipality pursuant to § [9-29-5](#) may by ordinance prohibit within the municipality the sale of lottery tickets or shares for such lottery issued pursuant to this section; and
- (7) No organization authorized to conduct a bingo game or lottery under subdivision (1) of this section may enter into any lease or agreement with any other person or organization to provide equipment or services associated with the conduct of a bingo game or lottery. However, this subdivision does not apply to any lease or agreement with a distributor licensed pursuant to §§ [22-25-28](#) to [22-25-51](#), inclusive, to provide bingo or lottery equipment and supplies.

**Source:** SL 1970, ch 247, § 4 (1); SL 1973, ch 149, § 4; SL 1976, ch 158, § [25-8](#); SL 1984, ch 168; SL 1985, ch 184; SL 1987, ch 167; SL 1989, ch 198, § 1; SL 1991, ch 191; SL 1991, ch 192; SL 1992, ch 60, § 2; SL 2001, ch 113, § 1; SL 2006, ch 127, § 1; SL 2010, ch 122, § 1; SL 2013, ch 109, § 1.

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**22-25-25.1. Congressionally chartered veterans' organization defined.**

Any veterans' organization which has applied for a congressional charter prior to July 1, 1989, shall be deemed a congressionally chartered veterans' organization pursuant to § [22-25-25](#) until such application is denied or until July 1, 1995, whichever occurs first.

**Source:** SL 1989, ch 198, § 2.



HOT SPRINGS, SOUTH DAKOTA 57747  
FALL RIVER COUNTY, SOUTH DAKOTA

Name of Claimant: Fall River County Highway Department  
P.O. Box 939  
Hot Springs, S.D. 57747

Date:01-12-2021
<b>SHERIFF'S DEPARTMENT GAS PURCHASES:</b>
FROM DATE: 12-29-2020
THROUGH DATE: 12-31-2020
<b>TOTAL GALLONS: 123.5</b>
<b>TOTAL: \$ 242.32</b>

OBJECT CODES	DTE	TRACER	CODE	INVTN	HOURS	RATE	AMOUNT	FND	OBJ	AUD	FUNCTION	PROJECT	
411 Fuel for opr of mtrs	12/29/2020	M202036640112		GAS	13.40	1.96	26.29254	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
	12/29/2020	M202036640113		GAS	11.50	1.96	22.5645	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
	12/30/2020	M202036650101		GAS	14.60	1.96	28.6471	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
	12/30/2020	M202036650102		GAS	16.00	1.96	31.39408	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
	12/30/2020	M202036650103		GAS	17.00	1.96	33.35621	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
	12/30/2020	M202036650104		GAS	19.00	1.96	37.28047	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
	12/31/2020	M202036660101		GAS	12.00	1.96	23.54556	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
	12/31/2020	M202036660102		GAS	20.00	1.96	39.2426	701	411	4261	Fuel for opr of mtrs	COUNTY SHERIFFS DEPARTMENT FUEL	
<b>TOTALS &gt;&gt;&gt;&gt;</b>													
									<b>123.50</b>				
<b>GRAND TOTALS &gt;&gt;&gt;&gt;</b>													
									<b>123.50</b>				
									<b>242.32</b>				
									<b>242.32</b>				

# All Transactions From 12/29/2020 To 12/31/2020 Sorted By Driver Department

## FULL REPORT

Printed On: 1/12/2021 9:13:18AM

Page: 1 Of 2

Transact#	Date	Time	Driver	Driver Dept	Vehicle:	Veh Dept	Veh Class	Misc.	Odometer	Site#	Unit#	Taxed	Quantity	Sale
Fuel Type	Fuel Pos	MPG	Cost /Mile	Price/Unit	Card/Key#1	Card/Key#2	Term Code	Vehicle Description	Vehicle Description	Vehicle Description	Vehicle Dept Description	Vehicle Dept Description	Quantity	Sale
Vehicle Class Description	Driver Description	Driver Description	Driver Description	Driver Description	Driver Description	Driver Description	Driver Description	Fuel Type Description	Fuel Type Description	Fuel Type Description	Fuel Type Description	Fuel Type Description	Fuel Type Description	Fuel Type Description
<b>Driver Department: 003</b>														
9411	12/29/2020	20:35	02006	003	06866	003	002	000000000	064221	001	001	NO	13.40	26.29
002	2	017.8	000.11	01.962	65500	65500	000	2011 Chev. Tahoe	2011 Chev. Tahoe	001	SHERIFF	Gasoline	13.40	26.29
COUNTY UNLEADED YENULONIS, STEVE														
9419	12/30/2020	17:31	02006	003	06866	003	002	000000000	096354	001	001	NO	19.00	37.28
002	2	100.0	000.00	01.962	65500	65500	000	2011 Chev. Tahoe	2011 Chev. Tahoe	001	SHERIFF	Gasoline	19.00	37.28
COUNTY UNLEADED YENULONIS, STEVE														
9426	12/31/2020	21:10	02006	003	06866	003	002	000000000	096536	001	001	NO	12.00	23.54
002	2	100.0	000.00	01.962	65500	65500	000	2011 Chev. Tahoe	2011 Chev. Tahoe	001	SHERIFF	Gasoline	12.00	23.54
COUNTY UNLEADED YENULONIS, STEVE														
											Fuel Type: 002	44.40	87.11	
											Total Sale For Driver: 02006	87.11		
											Total Quantity For Driver: 02006	44.40		
9418	12/30/2020	16:32	02711	003	02744	003	002	000000000	010337	001	001	NO	17.00	33.35
002	2	100.0	000.00	01.962	65500	65500	000	WHITE 2015 DODGE RAM PICK	WHITE 2015 DODGE RAM PICK	001	SHERIFF	Gasoline	17.00	33.35
COUNTY UNLEADED R. Mraz														
											Fuel Type: 002	17.00	33.35	
											Total Sale For Driver: 02711	33.35		
											Total Quantity For Driver: 02711	17.00		
9412	12/29/2020	20:51	02712	003	04138	003	002	000000000	007853	001	001	NO	11.50	22.56
002	2	015.8	000.12	01.962	65500	65500	000	2010 Chev. Tahoe	2010 Chev. Tahoe	001	SHERIFF	Gasoline	11.50	22.56
COUNTY UNLEADED J. Buckwheat														
											Fuel Type: 002	11.50	22.56	
											Total Sale For Driver: 02712	22.56		
											Total Quantity For Driver: 02712	11.50		
9416	12/30/2020	13:19	02715	003	06866	003	002	000000000	172912	001	001	NO	16.00	31.39
002	2	100.0	000.00	01.962	65500	65500	000	2011 Chev. Tahoe	2011 Chev. Tahoe	001	SHERIFF	Gasoline	16.00	31.39
COUNTY UNLEADED V. Logue														
											Fuel Type: 002	11.50	22.56	
											Total Sale For Driver: 02712	22.56		
											Total Quantity For Driver: 02712	11.50		

Transact#	Date	Time	Driver	Driver Dept	Vehicle:	Veh Dept	Veh Class	Misc.	Odometer	Site#	Unit#	Taxed	Quantity	Sale
Fuel Type	Fuel Pos	MPG	Cost /Mile	Price/unit	Card/Key#1	Card/Key#2	Term Code	Vehicle Description	Vehicle Description	Fuel Type Description	Vehicle Dept Description			
9422	12/31/2020	15:23	02715	003	06866	003	002	000000000	173248	001	001	NO	20.00	39.24
002	2	100.0	000.00	01.962	65500	65500	000	2011 Chev. Tahoe			SHERIFF			
	COUNTY UNLEADED		V. Loque			SHERIFF					Gasoline			
											Fuel Type:	002	36.00	70.63
											Total Sale For Driver:	02715	70.63	
											Total Quantity For Driver:	02715	36.00	
9414	12/30/2020	12:31	02716	003	06891	003	002	000000000	037648	001	001	NO	14.60	28.65
002	2	016.8	000.11	01.962	65500	65500	000	2008 Ford F150			SHERIFF			
	COUNTY UNLEADED		J. March			SHERIFF					Gasoline			
											Fuel Type:	002	14.60	28.65
											Total Sale For Driver:	02716	28.65	
											Total Quantity For Driver:	02716	14.60	
											Total Sale For Driver Department:	003	\$242.30	
											Total Quantity For Driver Department:	003	123.50	
											MPG/Transaction:	68.80	Cost/Mile/Transaction:	.04

Letter to Commissioners regarding ending the Moratorium on the Sale of Delinquent property tax certificates.

Commissioners, Some 5 years ago a moratorium was placed on the sale of delinquent property sales tax certificates. The purpose stated for this moratorium was to give time to the then County Treasurer to deal with the accounting issues that were taking place at the time. Since then the accounting issues have been addressed. I am asking that the moratorium be removed.

There are many good reasons to do this.

1. This is a historically tried and true system that insures the county receive the taxes due.
2. This system is a far superior one to a individual payment plan for each incidence that the taxes have not been paid. This system requires oversight that burdens the treasurer and creates additional problems should the payment plan not be met.
3. In many cases this system allows for the procurement and development of property that will then have the property taxes paid in the future.

I personally know of at least two cases where this system would solve and simplify property issues. I would be happy to speak on them.

Uriah Luallin

2nd Reading  
3/16/10

**ORDINANCE 2010-1**

**AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHIN FALL RIVER COUNTY**

BE IT ORDAINED by the Fall River County Commission that Ordinance \_\_\_\_\_ of Ordinances of Fall River County be implemented to read as follows:

PURPOSE: Public health, safety, and welfare are the primary concerns of the Fall River County Commission. Although the first and primary responsibility for animal control belongs to the owner, this ordinance is intended to address the situations where owners of animals covered by this ordinance fail to take proper responsibility for their animals.

**ARTICLE 1. GENERAL**

**SECTION 1. DEFINITIONS**

For the purpose of this chapter the following words and phrases shall have the meanings herein ascribed to them:

- A. Animal. Any mammal, bird, reptile, amphibian or fish, except humans.
- B. Domestic Animal. Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting temperament, color, conformation, or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. Said term is to include, but not limited to, dogs and cats.
- C. Animal Control Officer. The officer(s) approved by the Fall River County Commission and authorized to investigate and enforce violations of this ordinance and the laws of the State of South Dakota relating to cruelty, abuse, and injury to animals. The Fall River County Sheriff and his deputies shall act as Animal Control Officers, in the absence of or at the request of the Animal Control Officer.
- D. At large. Any dog located off the property of its owner and not under control of a competent person at least ten (10) years of age.
- E. Control. Any dog is under control if it is restrained by a leash, cord, chain, or electric collar or is being carried or is within a vehicle being driven or parked on the highways.
- F. Dangerous Animal. Any animal that, by itself or by environmental circumstances, at the determination of an animal control officer after investigation, is a threat to the physical well being of other animals or humans.
- G. Owner. Any person, partnership, corporation, or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of 18, that person's parent(s) or legal guardian.

H. Shelter Manager. The supervisor of the Animal Shelter. The Shelter Manager performs or causes to be performed the professional services required in the care, treatment or euthanasia of the animals being handled. The shelter manager shall not be an employee of Fall River County.

I. Vicious Dog.

1. Any dog which, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack or bites, inflicts injury, assaults or otherwise attacks a human being upon the streets, sidewalks, or any public grounds or places; or

2. Any dog which, on private property, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack or bites, or inflicts injury, or otherwise attacks a mail carrier, meter reader, service person, delivery person, or other employed person who is on the private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with or as a guest of the owner of such private property.

3. Has severely injured or killed a domestic animal or livestock while off the owner's property; or

4. Has been used primarily or in part for the purpose of animal fighting or is an animal trained for animal fighting.

J. Bite. The grasping or tearing of clothing, any abrasion, scratch, puncture, laceration, bruise, or piercing of the skin inflicted by the teeth of an animal.

SECTIONS 2. RECORDS

A. It shall be the duty of the Shelter Manager and the Animal Control Officer(s) to keep, or cause to be kept, accurate and detailed records of the finding, impoundment, and disposition of all animals coming into their custody.

B. It shall be the duty of the Shelter Manager and the Animal Control Officer(s) to keep or to cause to be kept, accurate and detailed records of the following:

i) All bite cases reported to him/her and the investigation of the same;

ii) All citations and warning tickets issued by him/her; and

iii) All investigations conducted by him/her concerning reported violations of state law regarding inhumane treatment of animals.

C. It shall be the duty of the Shelter Manager and the Animal Control Officer(s) to keep, or cause to be kept, accurate and detailed records.

D. It shall be the duty of the Shelter Manager or the Animal Control Officer(s) to keep, or cause to be kept, records of all animals quarantined for animal bites and proceedings regarding vicious dogs.

### SECTION 3. ENFORCEMENT

A. The provisions of this Ordinance shall be enforced by the Animal Control Officer. The complaining party must first file a written complaint with the Animal Control Officer and the complaining party must agree to testify in open court to the allegations made in the written complaint.

B. The Animal Control Officer may issue a citation for a violation of this ordinance or may issue warning tickets requiring corrections of the violation.

C. No person may hinder, delay or obstruct the Animal Control Officer in the lawful performance of any duty under this ordinance, or seek the release of any animal in the custody of the Animal Control Officer.

D. Any person, firm, or corporation violating any provision of this ordinance shall be subject to all applicable civil and criminal remedies allowed under the laws of the State of South Dakota, in addition to a fine of not more than five hundred dollars (\$500) and/or 30 days in the Fall River County Jail may be imposed by the ordinance herein. A person violating this ordinance may be required to make restitution to any victim of said violation.

E. The Fall River County Commissioners shall establish a fine schedule that lists the violation and suggested penalty imposed for each violation. Said schedule shall be used the Animal Control Officer as guidance for setting the fine on any citation given. However, said schedule is not to be binding upon the Court.

F. This ordinance shall apply to all of Fall River County, State of South Dakota, except for those areas within any organized municipality.

G. The omission to specify or affirm in this ordinance any liability to any damages, penalty, forfeiture, or other remedy imposed by law and allowed to be recovered or enforced in any civil action or proceeding for any act or omission declared punishable in this ordinance does not affect any right to recover or enforce the same.

## ARTICLE II: REGULATIONS

### SECTION 1. DOGS AT LARGE

No owner may permit his dog to be at large off of the owner's premises.



## SECTIONS 2. NOISY DOGS

No person may allow any dog under his/her control to habitually make loud noises to disturb or annoy persons who are of ordinary sensibilities.

## SECTION 3. KEEPING OF VICIOUS DOG

A. It shall be considered a public nuisance for any person to own or keep a vicious dog, except under specific conditions set forth herein.

B. No dog may be declared vicious if an injury or damage is sustained to any person who was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or who was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

C. The Animal Control Officer(s) may make a determination that a dog is vicious after taking the following into consideration:

- i) The nature and severity of the attack; and
- ii) Whether the dog has shown a propensity to display dangerous, aggressive behavior and is able or likely to inflict injury to another animal or person.
- iii) Previous incidents of a like nature.

D. After a dog has been declared vicious, the owner of the dog shall be notified accordingly in writing by the Animal Control Officer. The written notification shall also include any containment procedures or facilities deemed necessary by the Animal Control Officer to control said animal, which may include, but not limited to, muzzling, chaining, double fencing, caging or euthanasia.

E. Any dog declared vicious by the procedures set forth in this Section that is subsequently found off the premises of the owner or if the Animal Control Officer determines that a violation of the written containment notice has occurred, the Animal Control Officer shall immediately seize and impound said dog. If the dog cannot be captured without undue risk to the safety of the Animal Control Officer, it may be immediately destroyed in a manner whereby the head is not damaged. If the dog has been seen running at large and/or has bitten a person or animal, the Animal Control Officer may order the owner or custodian to deliver the dog to the animal shelter within 24 hours to be impounded.

## ARTICLE III. IMPOUNDMENT AND DISPOSITION OF ANIMALS

### SECTION 1. IMPOUNDMENT OF ANIMALS

A. The Animal Control Officer may seize and impound an animal directly from its owner's property or possession without court order or other written permission in the following circumstances:

- i) Said animal is suspected of having rabies;
- ii) Said animal's life is in immediate jeopardy;
- iii) Said animal poses an immediate threat to the physical well-being of other animals or humans; or
- iv) Said animal has been observed at large by the Animal Control Officer and returns to private property; however, the animal's owner is not present on the property to take control of said animal.

B. When animals are found running at large and their ownership is known or unknown to the Animal Control Officer, such animal(s) may be impounded or at the discretion of the Animal Control Officer, returned to their owner who shall be issued a warning and written notification of containment procedures deemed necessary to control said animal as provided by this ordinance.

C. Immediately upon impounding any animal, the Animal Control Officer shall make every reasonable effort to notify the owner of the animal so impounded and inform the owner of the conditions whereby he may regain possession of his/her animal. If an animal is wearing a rabies tag or other identification, the Animal Control Officer shall immediately after impounding said animal, and before destroying or disposing of it, ascertain the name of the owner from the records of the veterinarian and inform that owner of the conditions whereby he/she may regain possession of his animal.

D. If any owner has requested in writing that his animal be destroyed, the same shall be humanely destroyed. Under no circumstances shall it be sold or given to any other person. The owner shall be charged a fee for the humane destruction of his/her animal.

### SECTION 2. REDEMPTION AND DESTRUCTION OF IMPOUNDED ANIMALS

A. Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within four (4) days may be humanely destroyed by the Animal Control Officer, or be sold or placed in the custody of some person deemed to be a responsible and suitable person to the owner of such animal.

B. The Animal Control Officer may destroy any sick or injured animal which has been impounded, if that animal is not wearing a rabies tag, license tag, or other identification, without holding it for four (4) days, if its condition is such that it makes its earlier destruction necessary.

C. Any vicious dog or animal having bitten, scratched or attacked two or more persons and/or domestic animals or livestock shall be destroyed by the Animal Control Officer after at least three (3) days prior actual notice to the owner. The owner shall have the right to request a hearing in Magistrate Court to show cause why said animal should not be euthanized as a dangerous and/or vicious animal. The request for hearing shall be filed with the Fall River County Auditor's Office. If such a request is filed, Fall River County shall take no further action on said animal until after the hearing, except in an emergency to protect public safety or in accordance with any other provision of this ordinance.

### SECTION 3. IMPOUNDMENT FEES

A. Any animal impounded pursuant to this ordinance may be reclaimed upon payment by the owner to Fall River County of a fee for each animal reclaimed, plus any charges for boarding the animal and veterinarian services rendered.

B. The Fall River County Commission shall set the fee for reclaiming any animal impounded pursuant to this ordinance.

## ARTICLE V. RABIES CONTROL

### SECTION 1. BITE CASES, QUARANTINE AND RABID ANIMALS

A. For purposes of this Section, "Veterinarian" shall mean a veterinarian licensed to practice in the State of South Dakota.

B. It shall be the duty of every health care practitioner to report to the Shelter Manager, the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control

C. Every owner having knowledge that his/her animal has bitten or is suspected of biting a human being, shall forthwith report the same to the Shelter Manager for disposition of said animal under the provisions of this ordinance.

D. All quarantine procedures and all procedures for management of animals that have bitten humans, animals exposed to rabies, and rabid animals, will be in accordance with the current "Compendium of Animal Rabies Control" promulgated by the National Association of State Public Health Veterinarians, Inc. In case of conflict between said Compendium and this ordinance concerning said quarantines and procedures, the recommendation in said Compendium will take precedence over this ordinance.

E. Any animal shall be considered unvaccinated unless proof of a current rabies vaccination effective not less than thirty (30) days prior to the bite is provided within twenty-four (24) hours of the bite. An Animal Control Officer or the State Department of Health may order the destruction of any unvaccinated animal that has bitten a person if, based on sound medical

judgments, a greater risk to human life exists by not doing so. In making such determination the following facts may be considered:

- i) The history of the animal, including the possibility of its exposure to rabies;
- ii) The vaccination record of the animal;
- iii) The health of the animal;
- iv) The nature, location, and seriousness of the bite;
- v) The circumstances surrounding the bite, including whether or not the bite was provoked; and
- vi) The tolerance of the person bitten to the vaccines used for treatment.

F. Any dog or cat that bites or attacks a person shall be quarantined at the direction of the Animal Control Officer or any veterinarian for a period of not less than ten (10) days. During quarantine the animal shall be securely confined and kept from contact with any other animal or humans other than the caretaker. If the dog or cat has bitten or attacked while on the premises of the owner and has a current rabies vaccination by veterinarian, the Shelter manager may, if it is determined that the facilities are adequate and the owners are responsible persons, quarantine the animal on the owner's premises. The quarantined animal must, at all times be available for inspection during the quarantine period, and shall be evaluated by the veterinarian at the first sign of illness. Confinement is to be at the owner's expense.

G. At the end of the specified quarantine period, the animal will be examined by a veterinarian at the owner's expense. If the veterinarian finds that the animal is showing no clinical signs or symptoms known to be present in active cases of rabies, the animal will be released from quarantine and may be reclaimed by the owner. The veterinarian shall so notify the Animal Control Officer.

H. Any stray animal that bites a person, if its ownership cannot be ascertained within forty-eight (48) hours of the bite, shall be euthanized and the Animal Control Officer shall arrange to have the animal's head sent to a competent laboratory to be examined for rabies.

I. If a veterinarian, during a routine examination, discovers an animal that may have rabies but is unable to make a definite diagnosis, the veterinarian shall have authority to require, at the owner's expense, any procedure or confinement necessary to make an accurate diagnosis.

J. When any animal has been diagnosed by a veterinarian as being rabid or dies during quarantine or rabies observation, the veterinarian shall immediately send the head of such animal to a competent laboratory for pathological examination and shall notify the proper Public Health Official and Animal Control Officer of reports of human contacts and the diagnosis made of the suspected animal.

K. Every owner whose animal is bitten or scratched by an animal showing positive symptoms of rabies or by a wild or carnivorous mammal or bat not available for testing, shall have that animal examined by a veterinarian at the owner's expense. Said animal shall be euthanized, quarantined or held for further observation as requested and the owner shall be responsible for all expenses incurred as a result thereof.

L. Any person who kills or causes to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, shall immediately report the same to the Animal Control Officer. No person may sell, give away, remove from the County, or otherwise dispose of such animal without written permission of the Animal Control Officer. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer. The Animal Control Officer or veterinarian shall direct the disposition of any animal found to be infected with rabies.

M. No person shall fail or refuse to surrender any animal for quarantine or euthanasia as required herein when demand is made by the Shelter Manager. A violation shall be punished pursuant to Article 1, Section 3 of this ordinance.


#### ARTICLE IV. SEVERABILITY

Each of the provisions of this ordinance is separate and severable and if any provision or any part of any provision hereof is held illegal or invalid, the remaining provisions shall not be affected thereby and shall remain in full force and effect.

FALL RIVER COUNTY COMMISSION

  
\_\_\_\_\_  
MICHAEL ORTNER  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SUE GANJE, COUNTY AUDITOR  
FALL RIVER

First Reading: 2/16/10  
Second Reading: 3/16/10  
Published: 3/30/10  
Effective Date: 4/20/10



## ARTICLE II: REGULATIONS

### SECTIONS 2. NOISY DOGS

No person may allow any dog under his/her control to habitually make loud noises to disturb or annoy persons who are of ordinary sensibilities. This ordinance section does not apply to working farm or ranch dogs while performing that work which is their essential purpose as a working farm or ranch dog, including, but not necessarily limited to, herding livestock or protecting livestock from predators. To qualify for this exception the owner of the animal must provide sufficient evidence to qualify their animal for the exception, and the land on which the animals are working must qualify as "agricultural land" pursuant to South Dakota code.