

**FALL RIVER COUNTY APPROVED MINUTES OF FEBRUARY 18, 2021**

The Fall River Board of County Commissioners met in regular session on February 18, 2021. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

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

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED. The full context of the meeting can be found on the county website under Commissioners at <http://fallriver.sdcountries.org>, or, under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Greenough, seconded by Russell, to approve the agenda, with a correction to reflect rescinding Resolution 2021-10, rather than Resolution 2021-04 under the Dustin Ross, Andersen Engineering 10:30 a.m. time spot.

Motion made by Russell, seconded by Allen, to approve the minutes of January 21, 2021 and February 4, 2021.

Motion made by Greenough, seconded by Russell, to approve the auditor's account as follows:

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

TO THE HONORABLE BOARD OF FALL RIVER COUNTY COMMISSIONERS:

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 the 31<sup>st</sup> day of January 2021.

<b>Total Amount of Deposit in First Interstate Bank, HS:</b>	\$ 1,529,069.77
<b>Total Amount of Deposit in First National Bank, Lead:</b>	\$ 1,000.00
<b>Total Amount of Cash:</b>	\$ 1,576.29
<b>Total Amount of Treasurer's Change Fund:</b>	\$ 900.00
<b>Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:</b>	\$ 82,401.84
<b>SAVINGS:</b>	
First Interstate Bank, HS:	\$ 309,898.35
First National Bank of Lead: ICS Acct	\$ 1,044,001.53

**CERTIFICATES OF DEPOSIT:**

First Interstate, HS:	\$	772,669.12
Black Hills Federal Credit Union, HS:	\$	250,000.00
Bank of the West, HS:	\$	535,697.41
Schwab Treasury:	\$	258,023.28
First National Bank, Lead:	\$	306,046.60
Black Hills Community, Rapid City:	\$	805,786.21
Liberty National, 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	9/2/2020	\$	806.60
Rhew, Todd & Janet	9/9/2020	\$	276.80
Schmit, Troy	10/20/2020	\$	85.60
Caveye, Russell	10/26/2020	\$	64.77

**TOTAL \$ 9,898,839.17**

Dated This 31<sup>st</sup> Day of January 2021.

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

County Monies	\$	9,220,375.09
Held for other Entities	\$	518,723.44
Held in Trust	\$	159,740.64
<b>TOTAL</b>	<b>\$</b>	<b>9,898,839.17</b>

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

No applications for county assistance or death expenses were presented to the board.

Frank Maynard, Emergency Management, met with the board. Motion made Greenough, seconded by Cope, to table the request for a part-time employee until after executive session.

Maynard reported that he will bring a resolution on who is authorized to order state resources to the next meeting; discussion was also held on the radio tower, fires and incidents.

Dave Weishaupl, Building Supervisor, and Lyle Jensen met with the board. Motion made by Greenough, seconded by Russell, to approve the quote from Rushmore Communications to

upgrade the Ball ranch repeater and HS Fire dispatch radio from a phone line to digital, in the amount of \$14,116.95. This is a reimbursable cost.

The 2020-09 (Covid19) resolution was reviewed. Motion made by Greenough, seconded by Cope, to discontinue greeters at the door, leave plexiglass up and include visible signs to social distance, effective February 28, 2021.

Commissioner Falkenburg spoke of Bill Gates' recommendation for wealthy countries to eat 100% synthetic beef to address climate change and asked that State's Attorney Russell get involved as the board needs to address this.

Bob Evans, Sheriff, met with the board. Motion made by Russell, seconded by Cope, to approve hiring Malachiah Fleming, Jailer, at \$16.50 per hour, effective February 22, 2021, as per union contract. With Greenough abstaining, all others voting yes, motion carries.

Evans reported that he'd like to get the 2013 Dodge Ram pickup fixed after getting a \$2,000 - \$3,000 estimate. Discussion was also held on the extra vehicles and asked for a list. There are 11 males and 2 females in the Fall River County Jail, with 3 males in the Pennington County Jail, with 1 inmate on work release.

Greg Erlandson, Attorney, Bangs McCullen Law Firm, met with the board via telephone to request an amendment to the Order for Organization and Incorporation of the Spirit Canyon Road district due to a change to Lot 3. Motion made by Russell, seconded by Allen, to amend Resolution #2021-6, which will supersede the original resolution, as follows:

**FALL RIVER COUNTY RESOLUTION #2021-6 (AMENDED)**

**ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE SPIRIT CANYON ROAD DISTRICT  
FALL RIVER COUNTY, SOUTH DAKOTA**

WHEREAS, all voting property owners that are within the proposed district have agreed to and petitioned for the organization of the Spirit Canyon Road District, and

WHEREAS, an Election was held on February 2, 2021 asking the voters to accept or reject the formation of the Spirit Canyon Road District, with \_9\_ voters accepting and \_0\_ voters rejecting the formation of the Spirit Canyon Road District, and

NOW, THEREFORE, BE IT ORDERED, that the Fall River County Commissioners shall declare the Spirit Canyon Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political, effective as of today's date, with taxing authority for the 2021 tax year payable in 2022 and after, and

BE IT FURTHER ORDERED, that the Spirit Canyon Road District be described as follows:

Lots 1 through 35 of Red Canyon Subdivision located in the E1/2 of the NE1/4 of Section 9, the NW1/4 of Section 10, and a portion of the S1/2 of the SW1/4 Section 3, T7S, R3E, Black Hills Meridian, Fall River County, South Dakota.

and

Tracts A and B of Lot 3 of Red Canyon Subdivision, located in the SW1/4 Section 3, NW1/4 Section 10 T7S, R3E, Black Hills Meridian, Fall River County, South Dakota

Dated this 4th day of February, 2021

/s/Joe Falkenburg, Chairman  
Fall River County Commissioner

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

Commissioner Falkenburg spoke of the lease and easement for a Solar Energy Project between Tim and Lori Allen and Fall River Solar, LLC., a Utah limited liability company, and asked State's Attorney Russell to further research the issue.

Falkenburg also presented a draft letter to the board to review. Motion made by Russell, seconded by Greenough, to approve a letter in support of SB 100 and SB 111, send it to Representatives Goodwin and Ladner and Senator Frye-Mueller and authorize the chairman to sign.

Continued discussion was held on Bill Gates and 100% synthetic beef and a possible resolution opposing this. State's Attorney Russell will investigate this. Jim Angell raised concerns about the board initiating this; it may be better if organizations like the Beef Producers or the Cattleman Association put it forth.

Roger Horton, City of Edgemont, met with the board. Motion made by Russell, seconded by Allen, to approve accepting a deed for the South 79.3' of Outlot "E" located in the SE1/4 of the NW1/4 of Section 1, Township 9S, R2E of the Black Hills Meridian, Fall River, SD from the City of Edgemont.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Greenough, seconded by Cope, to approve the January 2021 reimbursement to the highway department for fuel used or work performed as follows: Sheriff's Department for \$1,718.43; Weed and Pest Office for \$132.44; Building for \$24.92; Emergency Management for \$65.54; and Director of Equalization for \$38.06.

Fuel quotes were presented as follows:

2/24/2020 Fuel Quotes	800 Gal Propane
Hi-D-Way	\$1.25/gallon
Nelson's	\$1.75/gallon
CBH COOP	\$1.80/gallon

Motion made by Russell, seconded by Allen, to accept the low bid on \$1.25 per gallon from Hi-D-Way for 800 gallons of propane, for a total amount of \$1,000.00.

Motion made by Greenough, seconded by Russell, to approve the Golden West Application for permit to occupy County Highway Right-Of-Way from an existing vault south of 28603 Old HWY 18 to the shop building at 28603 Old HWY 18.

Motion made by Russell, seconded by Greenough, to approve the quote from Rushmore Communications Inc. for 20 new 2-way radios for the highway in the amount of \$8,180.00.

Motion made by Russell, seconded by Allen, to approval travel for Seiler to attend the Short Course in Deadwood, on March 24 and March 25, 2021.

Motion made by Cope, seconded by Greenough, to approve purchase of culverts off the Beadle County bids.

Seiler noted that he is getting additional quotes for the possible purchase of a new semi-truck.

Motion made by Allen, seconded by Russell, to approve appointing 3 real property owners for appraisal of the 2014 motor grader, at Seiler's discretion.

Seiler updated the board that paperwork will be signed at a meeting at the Argentine Township Bridge on February 19, 2021; the township will provide 40 tons of fill dirt for the project, and discussion was held on the disposition of the historic bridge. Seiler also advised that Jerry Heiser from Butler will give a presentation on motor grader purchases to the entire board.

Motion made by Greenough, seconded by Allen, to table the truck purchase until the next meeting.

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

**GENERAL FUND**

ASSN OF SD COUNTY W&P BDS	SUPPLY	\$24.00
AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$1,063.56
CURA HOSPITALITY	INMATE MEALS	\$13,658.79
A-Z SHREDDING INC	SHREDDING	\$47.00
BEESELEY LAW OFFICE	CAAF	\$447.25
BLACK HILLS CHEMICAL	SUPPLY	\$267.22
CAMERON, GEORGE	COURT REPORTER	\$79.80
CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$270.13

CENTURY BUSINESS LEASING	COPIER LEASE/USAGE/METER	\$451.24
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$63.49
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$1,462.30
FARRELL, FARRELL & GINSBACH	CAAF	\$2,014.48
FLINT ELECTRIC	SERVICE	\$600.99
GALLS	UNIFORM ALLOWANCE	\$304.30
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,249.99
HILLS EDGE AUTO SALES	SERVICE	\$61.58
HOT SPRINGS ACE HARDWARE	SUPPLY	\$278.60
CITY OF HOT SPRINGS	CITY WATER BILL	\$744.46
JENSEN, LYLE	IT CONTRACT	\$1,500.00
LYNNS DAKOTAMART	SUPPLY	\$11.15
LYNN, JACKSON, SHULTZ	A&N	\$227.70
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$4,262.48
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$202.50
MONUMENT HEALTH	BLOOD DRAW	\$30.00
NELSONS OIL & GAS INC.	UTILITY	\$12,109.25
QUADIENT FINANCE USA, INC	POSTAGE	\$1,374.66
O'NEILL, JUSTIN	JUV/CAAF	\$6,708.31
PENNINGTON COUNTY JAIL	INMATE HOUSING/TRANSPORT	\$9,470.40
POKORSKI, DAVID	UNIFORM ALLOWANCE	\$177.51
QUILL CORPORATION	SUPPLIES	\$92.44
QUALIFIED PRESORT SERVICE	PRESORT SERVICE/MAIL	\$3,027.67
SDACC	2021 SPRING WORKSHOP	\$220.00
SDACO	2021 NEW OFFICIALS WORKSHOP	\$220.00
SD DEPARTMENT OF HEALTH		\$120.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$1,283.26
SDSU EXTENSION	2021 COUNTY 4-H ADVISOR	\$10,310.00
SD STATE ATTORNEY ASSOCIATION	2021 ASSOCIATION DUES	\$499.00
SERVALL	RUGS AND MATS SERVICE	\$400.78
SONNY'S SUPER FOODS	SUPPLY	\$50.05
SD DEPT OF PUBLIC SAFETY	TELETYPE SERVICE	\$3,340.00
NORTON, MIKAYLA	BLOOD DRAW	\$225.00
TIMECLOCK PLUS	OVERAGES	\$6.00
ELECTRICAL ENGINEERING	SERVICE	\$1,190.00
WENDELL'S GARAGE	SERVICE	\$20.00
WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$2,080.00
YANKTON CO TREASURER	CIVIL SERVICE	\$50.00
	TOTAL FOR GENERAL FUND	\$83,927.57

**COUNTY ROAD & BRIDGE**

CHEYENNE SANITATION	SANITATION COLLECTION	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$261.32
CITY OF HOT SPRINGS	CITY WATER BILL	\$29.58
SUMMIT SIGNS & SUPPLY INC	SUPPLY	\$1,045.00
	TOTAL COUNTY ROAD & BRIDGE	\$1,494.00

**911 SURCHARGE REIMBURSEMENT**

CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$6.00
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$810.74
JARMAN, MARTHA	UNIFORM ALLOWANCE	\$131.52
CENTURY LINK	911 DISPTACH LINES	\$496.03
FLEMING, MELISSA	UNIFORM ALLOWANCE	\$74.54
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$1,518.83

**EMERGENCY MANAGEMENT**

CARDMEMBER SERVICE	CARDMEMBER SERVICES	\$6.00
COMPUTER REPAIR W/THERAPY	COMPUTER PURCHASE	\$1,141.14
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$152.70
QUADIENT FINANCE USA, INC	POSTAGE	\$0.51
	TOTAL FOR EMERGENCY MANAGEMENT	\$1,300.35

**24/7 SOBRIETY FUND**

DRUG TESTS IN BULK	SUPPLY	\$1,500.00
SD DEPARTMENT OF HEALTH	24/7 LABS	\$120.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$1,620.00
	TOTAL PAID BETWEEN 1/22/21 AND 2/4/21	\$89,860.80

Break was taken at 9:51 a.m. and the meeting reconvened at 9:56 a.m.

Public comment was heard from Commissioner Falkenburg about the Keystone Pipeline, and a resolution on making Fall River County a second amendment sanctuary county; Seiler noted the 2020 highway project listing for the board to review that is in their packets. Commissioner Russell spoke of the Cracker Barrell at the Mueller Center, and the discussions on HB1230 (funds for a county improvement fund), HB 1085 J (criteria for Ag land classification), and medical marijuana.

Andersen Engineers requested the board rescind Resolution #2021-4. Motion made by Russell, seconded by Allen, to rescind Resolution 2021-10, a plat of Lot 14R and Tract Seger 2 of Tract Seger 1 Revised, at the February 18, 2021 meeting, due to a legal description that was duplicated.

Discussion was held on property taxes, the most serious county issue right now. Susie Hayes, Director of Equalization, spoke that this is a statewide concern, and that the sales with increased purchase prices are continuing. Local control can happen on budgets and mill levies. Commissioner Russell spoke of a possible forum with the schools in the county. Discussion was held on having an open discussion at a commissioner meeting. Hayes reminded everyone that, if

people do not agree with their assessed value (notices that were sent the last week of February), they need to contact the Equalization office to file an appeal.

Dustin Ross, Andersen Engineers, met with the board. Motion made by Allen, seconded by Greenough, to approve the following resolution:

**FALL RIVER COUNTY RESOLUTION #2021-11**

**A Plat of Leftover Tract 1 and Twin Rock Bend Tract 1, located in the NW1/4 of Section 15, T8S, R6E, BHM, Fall River County, South Dakota**

**Formerly Lot 14 and Tract Seger-1 Revised**

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 18<sup>th</sup> day of February 2021.

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

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

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

**FALL RIVER COUNTY RESOLUTION #2021-12**

**A Plat of Lot 23 of Shep's Canyon Estates Subdivision, located in the W1/2SE1/4 of 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 18<sup>th</sup> day of February 2021.

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

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

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

**FALL RIVER COUNTY RESOLUTION #2021-13**

**A Plat of Leckey Tract Revised, HP Tract, and a 66' Private Access and Utility Easement, located in the E1/2 and SE1/4NW1/4 of Section 9, T8S, R5E, BHM, Fall River County, South Dakota**

**Formerly Leckey Tract, the W1/2SE1/4NE1/4 and the W1/2NE1/4SE1/4 (less Watkins Tract)**

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 18<sup>th</sup> day of February, 2021.

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

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

Sue Ganje, Auditor, met with the board to present the January 31, 2021 General Fund Surplus Analysis, noting that Covid-19 reimbursement monies were all receipted into the general fund, which caused a surplus. Discussion was held on designating projects like gravel and property tax relief. This will be brought back to the next meeting.

Discussion was held on legislation and how the proposed funding for Shep's Canyon Road did not make it out of committee. The board discussed the need for law enforcement presence, the possibility of lowering the speed limit in areas or the entire road and cutting trees to allow sunlight. Seiler advised the speed limit was originally set by the engineering firm, and that the yellow signs are advisory only. Drivers also need to be responsible.

The 2<sup>nd</sup> Reading for the Animal Ordinance was held. Motion made by Russell, seconded by Allen, to approve the second reading of the amendment to Article II Regulations: Section 2. Noisy Dogs, as follows:

**ORDINANCE #2010-01**

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.~~

With Cope and Greenough voting no, all others voting yes, by roll call vote, motion carries.

FALL RIVER COUNTY COMMISSION  
/s/Joe FALKENBURG  
CHAIRMAN

ATTEST:  
/s/SUE GANJE, COUNTY AUDITOR  
FALL RIVER

First Reading: 02/04/2021  
Second Reading: 02/18/2021  
Published: 3/18/21  
Effective Date: 4/6/21

Commissioner Cope relayed a homeowner complaint on road conditions on North Butte Road, noting training responsibilities. Seiler advised that the North Butte Road is on next year's list for repairs, with need for possible hauling of water, and need for PI for binder on the road.

Motion made by Russell, seconded by Greenough, to enter executive session, as per SDCL 1-25-2(1) for personnel purposes to evaluate the Building Supervisor and SDCL 1-25-2(3) for legal purposes, at 10:33 a.m.

The board came out of executive session at 11:30 a.m.

Motion made by Greenough, seconded by Allen, to take off the table the part-time employee request for Emergency Management.

Motion made by Cope, seconded by Allen, to table hiring a part-time employee for Emergency Management until the March 4, 2021 meeting.

Motion made by Russell, seconded by Cope, to adjourn at 11:31 a.m.

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

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