

FALL RIVER COUNTY UNAPPROVED 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.sdcounties.org>, or, under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Greenough, seconded by Russell, to approve the agenda, 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 31st day of January 2021.

Total Amount of Deposit in First Interstate Bank, HS:	\$ 1,529,069.77
Total Amount of Deposit in First National Bank, Lead:	\$ 1,000.00
Total Amount of Cash:	\$ 1,576.29
Total Amount of Treasurer's Change Fund:	\$ 900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$ 82,401.84
SAVINGS:	
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 31st 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
TOTAL	\$ 9,898,839.17

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
BEESLEY 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 18th 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 18th 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 18th 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 2nd 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

FALL RIVER COUNTY APPROVED MINUTES OF MARCH 4, 2021

The Fall River Board of County Commissioners met in regular session on March 4, 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.sdcounties.org>, or, under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Russell, seconded by Greenough, to amend the agenda to change the second meeting date to March 25, 2021, due to the spring workshop also occurring on the normal meeting date.

Motion made by Russell, seconded by Cope, to approve agenda as amended.

No minutes were available for approval.

Discussion was held on removing the "recommend masks" on the signs on the courthouse doors, which will be done. The court still requires masks to conduct business with them.

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

RESOLUTION #2021-14

FALL RIVER COUNTY SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS, The Constitution of the United States of America is the supreme law of our nation. The Second Amendment to the Constitution states "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed"; and

WHEREAS, the Constitution of the State of South Dakota in Article 6, Section 24 states, "Right to bear arms. The right of the citizens to bear arms in defense of themselves and the State shall not be denied."; and

WHEREAS, the right of the citizens to keep and bear arms is guaranteed as an individual right under the Second Amendment to United States Constitution and under the Constitution of the State of South Dakota; and

WHEREAS, the right of the citizens to keep and bear arms for the defense of Life, Liberty and Property is regarded as an inalienable right by the citizens of Fall River County, South Dakota; and

WHEREAS, the citizens of Fall River County, South Dakota, derive economic benefit from all safe forms of firearm recreation, hunting and shooting conducted within Fall River County as allowed under the United States and South Dakota Constitutions, and

WHEREAS, it is the desire of the Fall River County Board of County Commissioners to declare its support of the Second Amendment to the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota protecting citizens' right to keep and bear arms; and

WHEREAS, the members of the Fall River County Board of County Commissioners took an oath to support and defend the Constitutions of the United States and of the State of South Dakota.

NOW, THEREFORE, BE IT RESOLVED that the Fall River County Board of County Commissioners strongly supports the Second Amendment of the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota and that the Board strongly believes that it is the right of the citizens of Fall River County to keep and bear arms for the defense of life, liberty and property ; and

FURTHER BE IT RESOLVED, to defend the rights and liberties of the citizens of Fall River County, the Fall River County Board of County Commissioners hereby declares:

Fall River County, South Dakota a "Second Amendment Sanctuary County."

FURTHER BE IT RESOLVED, that no employee or official of Fall River County may assist Federal employees, agents or officials in the enforcement of executive orders in violation of the above-referenced Constitutional provisions.

Motion passed and Resolution #2021-14 adopted this 4th day of March 2021.

/s/Joe Falkenburg, Chairman

/s/Deborah Russell, Vice-Chairwoman

/s/Joe Allen, Commissioner

/s/Les Cope, Commissioner

/s/Heath Greenough, Commissioner

Attest:

/s/Sue Ganje

Fall River County Auditor

Motion made by Greenough, seconded by Russell, to approve the longevity pay for Kathy Timmins (Deputy Treasurer), \$50.00 per month, effective during February payroll, as per union

contract.

Motion made by Greenough, seconded by Cope, to approve travel for Bobbie Janis to attend the 2021 Mid-Winter Muster, Public Information Officer Training, Rapid City, March 10, 2021.

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

Bob Evans, Sheriff, met with the board to give the jail count- 12 males and 5 females in the Fall River County Jail, 3 males in the Pennington County Jail, 1 inmate on work release, for a total of 21 inmates.

Motion made by Russell, seconded by Allen, to approve training for Thomas McMillan, Vince Logue, and Isnalawica Belt for Arson Investigation, Rapid City, March 23, 2021.

Law enforcements vehicles were reviewed. Motion made by Greenough, seconded by Cope, to surplus the 2014 Dodge Charger and sell on purplewave.com.

Motion made by Cope, seconded by Allen, to approve repair on the 2013 Ram 1500 ST with the rebuilt engine quote from Wendell's Garage, in the amount of \$4,990.54.

Evans requested the use of the county credit card to be allowed for meals on same day travel. Russell advised to have the employee pay the cost and use the travel voucher for per diem reimbursement.

Frank Maynard, Emergency Management, met with the board. Motion made by Greenough, seconded by Russell, to approve the following resolution:

Fall River County Resolution #2021-15

WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and

WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20A-11; and

WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Fall River County can designate a person (s) with authority to request assistance under this law;

NOW THEREFORE BE IT RESOLVED, that the Fall River County Commissioners hereby designate the following person (s) with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

Franklin W. Maynard
EMERGENCY MANAGEMENT DIRECTOR

605 890-7245 (CELL) or 605 745-7562 (OFFICE)

Robert (Bob) Evans
FALL RIVER COUNTY SHERIFF
605 890-2466 (CELL) or 605 745-4444 (OFFICE)

Joe Falkenberg
COMMISSIONER
307 259-2583 (CELL) or 605 459-2608 (HOME)

Deb Russell
COMMISSIONER
605 890-9796 (CELL) or 605 424-2135 (HOME)

Joe Allen
COMMISSIONER
605 890-0198 (CELL) or 605 745-1890 (HOME)

Heath Greenough
COMMISSIONER
605 890-9488 (CELL)

Les Cope
COMMISSIONER
605 441-4960 (CELL) or 605 535-6910 (HOME)

Dated this 4th day of March 2021

ATTEST:
/s/Sue Ganje
Fall River County Auditor

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

Discussion was held on the Homeland Security Grant that Maynard applied for on behalf of the Sheriff's office, to include vehicle computers and printers, in the amount of \$50,880.00. Maynard noted that he submitted a grant application to the state to update the Hazardous Material Plan, and also spoke of the Bureau of Reclamation exercise, fires and incidents.

Nina Steinmetz, Weed and Pest Supervisor, met with the board to present a power point on 2020 activities, grants and cost share programs. Possible grants for 2021 will be for mosquito surveillance, Common Mullein, Absinth Wormwood and a prairie dog 50/50 reimbursement with use of county funds. Steinmetz also discussed the spraying of road ditches, weed identification and grasshopper control. The board appreciated the review of the weed activities.

Motion made by Allen, seconded by Greenough, to approve wage increases for Raymond Palmer, \$13.00 to \$13.50, and Kenneth Oeschle, \$11.00 to \$11.50.

Motion made by Greenough, seconded by Cope, to approve the county prairie dog 50/50 cost reimbursement program, with a maximum amount to be determined.

Susie Hayes, Director of Equalization, met with the board to provide dates for the equalization timeline. Motion made by Russell, seconded by Cope, to start the County Consolidated Board of Equalization on April 15, 2021, with an additional date of April 20, 2021, if needed.

Discussion was also held on putting an article in the paper or an announcement on the radio for the elderly or disabled freeze form deadline.

Stacey Martin, GIS Director, met with the board to review taxable values, tax distribution and mill levy rates for 2021. Discussion was held on growth, building and sales within the county, and then the discussion turned to the agriculture soil table, which shows Fall River County having crop soils of 40% of ag land in the county. The board discussed the need for all West River Counties to be able to see mapping of the soils, indicating if a county does not have the mapping capability, they could contact our GIS Director. Discussion was also held on factors, which is determined by the State, and even if the county lowers the ag values, tax dollars may still be made up by the State factor for the county. The NCRS can help the county with figures.

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

GENERAL FUND

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$549.16
A-Z SHREDDING INC	SHREDDING	\$90.76
BOB BARKER COMPANY INC	SUPPLY	\$2,823.43
BAUERKEMPERS INC	REPAIR	\$139.17
BLACK HILLS CHEMICAL	SUPPLY	\$236.32
BH COUNCIL OF LOCAL GOV	2021 DUES	\$1,760.00
BRUMBAUGH & QUANDAHL, P.C.	GARNISHMENT	\$36.36
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$3,512.04
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
CAMERON, GEORGE	COURT REPORTER	\$136.80
CENTURY BUSINESS LEASING	COPIER LEASE/USAGE	\$487.59
CHADRON MOTOR CO. INC.	REPAIR	\$299.97
CREDIT COLLECTION BUREAU	COLLECTIONS	\$32.81
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,268.00
EFTPS	EFTPS PAYROLL TAXES	\$40,613.90
EDGEMONT YMCA	2021 BUDGET ALLOTMENT	\$1,500.00
EN-TECH LLC	FUMIGATION	\$110.00
DUDE SOLUTIONS, INC.	GIS SUPPORT CONTRACT	\$313.85
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$2,161.36
FARRELL, FARRELL & GINSBACH	CAAF	\$1,930.14
FALL RIVER COUNTY HERALD	PUBLICATION	\$1,161.08

GALLS	UNIFORM ALLOWANCE	\$270.10
GOLDEN WEST TECHNOLOGIES	SERVICE/NETWORK/SERVER	\$5,169.54
GRAFIX SHOPPE	GRAPHICS NEW SHERIFF	\$453.50
HARRIS, BETSEY	CAAF	\$316.05
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$585.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$353.43
HOT SPRINGS AMBULANCE	FIRST AID COURSE	\$40.00
CITY OF HOT SPRINGS	1ST QTR FIRE SPRINKLER	\$24.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$19,543.50
KIRSCHENMANN, KEVIN	BLOOD DRAW	\$200.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$350.00
LYNN'S DAKOTAMART	INMATE MEDICAL	\$8.94
MASTERCARD	CREDIT CARD	\$1,560.42
MCLEODS OFFICE SUPPLY CO.	SUPPLIES	\$406.56
MEDICAL WASTE TRANSPORT	UTILITY POWER ELECTRIC	\$169.39
MOCIC	2021 MEMBERSHIP	\$100.00
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$500.00
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTON, TINA	CONTRACT NURSE INMATE	\$1,475.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
PENNINGTON COUNTY JAIL	TRANSPORTATION	\$167.02
PRAIRIE HILLS TRANSIT	2021 BUDGET ALLOTMENT	\$13,000.00
PREMIER POLICE TRAINING	TRAINING	\$200.00
QUILL CORPORATION	OFFICE SUPPLIES	\$795.56
RELIANCE STANDARD LIFE	VISION PLAN	\$211.44
SOUTH DAKOTA ST TREASURER	SALES TAX	\$14.53
SDACC	2021 SPRING WORKSHOP	\$30.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$20,050.90
SDAAO	2021 ASSOCIATION MEMBERSHIP	\$225.00
SD SECRETARY OF STATE	VOTER LIST	\$20.00
SERVALL	RUG/UNIFORM SERVICE	\$231.04
SHAGLA, GERALD OR CYNTHIA	REFUND CHECK	\$18.98
SD SUPPLEMENT RETIREMENT	SDRS SUP RETIREMENT	\$800.00
SPITZER CONSTRUCTION INC	SNOW REMOVAL	\$1,500.00
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$60.00
VERIZON WIRELESS	CELL PHONE PLAN	\$837.40
WENDELL'S GARAGE	MAINTENANCE	\$480.38
BEHRENS, DONNA	MILEAGE REIMBURSEMENT	\$27.30
SMITH, VICKY OR ANTHONY	REFUND CHECK	\$11.20
ALLEN, BRANDON	REFUND CHECK	\$92.06
WAGNER, REBECCA	REFUND	\$84.98
COMMISSIONERS	FEBRUARY SALARIES	\$4,100.00
AUDITOR'S OFFICE	FEBRUARY SALARIES	\$19,662.08

AUDITOR'S OFFICE	OVERTIME	\$7.50
TREASURER'S OFFICE	FEBRUARY SALARIES	\$15,422.74
TREASURER'S OFFICE	OVERTIME	\$116.10
STATE'S ATTORNEY'S OFFICE	FEBRUARY SALARIES	\$14,437.02
STATE'S ATTORNEY'S OFFICE	OVERTIME	\$551.64
MAINTENANCE	FEBRUARY SALARIES	\$10,994.09
MAINTENANCE	OVERTIME	\$42.00
ASSESSOR'S OFFICE	FEBRUARY SALARIES	\$17,477.10
ASSESSOR'S OFFICE	OVERTIME	\$90.66
REGISTER OF DEEDS OFFICE	FEBRUARY SALARIES	\$11,048.66
REGISTER OF DEEDS OFFICE	OVERTIME	\$11.08
VETERAN'S SERVICE OFFICE	FEBRUARY SALARIES	\$4,013.36
GIS OFFICE	FEBRUARY SALARIES	\$3,960.15
SHERIFF	FEBRUARY SALARIES	\$33,285.11
SHERIFF	OVERTIME	\$3,472.81
JAIL	FEBRUARY SALARIES	\$23,450.66
JAIL	OVERTIME	\$3,167.30
CORONER	FEBRUARY SALARIES	\$600.00
NURSE'S OFFICE	FEBRUARY SALARIES	\$4,034.65
NURSE'S OFFICE	OVERTIME	\$8.61
EXTENSION OFFICE	FEBRUARY SALARIES	\$2,460.50
EXTENSION OFFICE	OVERTIME	\$10.50
WEED & PEST OFFICE	FEBRUARY SALARIES	\$4,346.69
	TOTAL FOR GENERAL FUND	\$308,069.73

COUNTY ROAD & BRIDGE

A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$34.41
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$350.88
B H ELECTRIC COOP INC.	UTILITY	\$104.55
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$906.51
BLACK HILLS POWER EQUIP	SERVICE	\$479.23
BOMGAARS	SUPPLY	\$306.71
BROSZ ENGINEERING, INC.	ENGINEERING	\$8,760.00
BUILDER'S FIRST SOURCE	SUPPLY	\$50.98
BUTLER MACHINERY CO.	SUPPLIES/REPAIR	\$809.20
DALE'S TIRE & RETREADING	TIRE PARTS/SUPPLY	\$3,767.09
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$471.00
DIAMOND MOWERS INC	INVENTORY	\$262.48
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$569.09
EFTPS	EFTPS PAYROLL TAXES	\$10,233.01
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$264.52
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$87.20
FALL RIVER COUNTY HERALD	PUBLICATION	\$19.84
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$150.00

HOT SPRINGS ACE HARDWARE	SUPPLY	\$89.33
HOT SPRINGS AUTOMOTIVE	AUTO SUPPLY PARTS	\$59.97
RICOH USA INC	CONTRACT SERVICE	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$3,920.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$125.00
LAWSON PRODUCTS	PARTS	\$240.53
NEWMAN TRAFFIC SIGNS	SIGNAGE	\$82.61
HI-D-WAY OIL & GAS	UTILITY	\$1,063.00
RELIANCE STANDARD LIFE	VISION PLAN	\$39.54
RANCHER'S FEED & SUPPLY	SUPPLY	\$20.39
RAPID DELIVERY	DELIVERY	\$14.38
SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$5,175.38
SEILER, RANDY	CELLPHONE REIMBURSEMENT	\$75.00
SUMMIT SIGNS & SUPPLY INC	SIGNAGE	\$108.00
SMITH, VICKY OR ANTHONY	REFUND CHECK	\$1.85
HIGHWAY DEPARTMENT	FEBRUARY SALARIES	\$39,707.47
HIGHWAY DEPARTMENT	OVERTIME	\$3,420.90
	TOTAL COUNTY ROAD & BRIDGE	\$81,969.52

911 SURCHARGE REIMBURSEMENT

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$67.21
CENTURY BUSINESS LEASING	COPIER LEASE/USAGE	\$72.56
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$381.90
EFTPS	EFTPS PAYROLL TAXES	\$5,425.79
GALLS	UNIFORM ALLOWANCE	\$191.84
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$2,301.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$75.00
PORTFOLIO RECOVERY ASSOC.	GARNISHMENT	\$260.93
RELIANCE STANDARD LIFE	VISION PLAN	\$6.33
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$2,686.06
VERIZON WIRELESS	CELL PHONE PLAN	\$42.04
DISPATCH	FEBRUARY SALARIES	\$20,564.46
DISPATCH	OVERTIME	\$1,819.32
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$34,272.80

EMERGENCY MANAGEMENT

EFTPS	EFTPS PAYROLL TAXES	\$1,522.77
GOLDEN WEST TECHNOLOGIES	SERVICE/NETWORK/SERVER	\$8.50
MASTERCARD	CREDIT CARD	\$67.20
NASASP	2021 MEMBERSHIP	\$39.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$616.82
VERIZON WIRELESS	CELL PHONE PLAN	\$84.08

FR EMERGENCY MANAGEMENT OFFICE	FEBRUARY SALARIES	\$5,140.22
	TOTAL FOR EMERGENCY MANAGEMENT	\$7,478.59
24/7 SOBRIETY FUND		
EFTPS	EFTPS PAYROLL TAXES	\$223.64
MASTERCARD	CREDIT CARD	\$27.92
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$28.06
24/7 OFFICE	FEBRUARY SALARIES	\$1,469.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$1,748.62
COURTHOUSE BUILDING FUND		
SHAGLA, GERALD OR CYNTHIA	REFUND CHECK	\$0.83
SMITH, VICKY OR ANTHONY	REFUND CHECK	\$0.49
ALLEN, BRANDON	REFUND CHECK	\$4.08
	TOTAL FOR COURTHOUSE BUILDING FUND	\$5.40
	TOTAL PAID BETWEEN 2/19/21 AND 3/4/21	433,543.3

Break was taken at 10:17 a.m. and the meeting reconvened at 10:23 a.m.

Public comment was heard from Commissioner Falkenburg about President Biden taking action to uphold commitment to restore balance on public lands and waters and investing in clean energy in the future.

Sealed bids were opened for the 2014 Cat 140M2AWDSD Motor Grader. The only bid received was as follows:

Butler Machinery Company, 3601 Deadwood Ave., Rapid City, SD 57702 – bid amount of \$150,000.00

Motion made by Allen, seconded by Russell, to accept the bid from Butler Machinery Company, Rapid City, in the amount of \$150,000.00 for the 2014 Cat 140M2ASDSD motor grader. With Cope and Greenough voting no, all others voting yes, by roll call vote, motion carries.

Jennifer Sietsema, Black Hills Local Council Government, met with the board to discuss funding options for infrastructure for the United Ranchers Cooperative. Funding is available for public projects, not private. If it is private, there is no role for the County. Sietsema noted more information is needed. Russell stated that she felt the board never really thought about a financial route for them but wanted to show support through resolution. Greenough discussed the cooperative and buy in process. Discussion was held on requirements on some programs, making it difficult to get funding for, but not to give up hope.

Sietsema also discussed the dues structure for Black Hills Council of Local Government, with 9 counties in the West River Division. There has not been an increase in dues for the last 10 years, but once the 2020 Census is complete, dues will change. The City of Hot Springs will be separate from the county from now on, which may help with dues in the future. Edgemont and Oelrichs are covered under the county dues, because they are under 1,000 in population.

Randy Seiler, Highway Superintendent, met with the board to discuss what to do with the old Argentine Bridge, advising that the bridge issue can be worked out between the contractor and the township. Motion made by Allen, seconded by Russell, to approve the Agreements for Voluntary Right-of-Way Donation, project no. BRO8024 (00)19-1, between Fall River County and Donald Andersen and Lynda Andersen, and between Fall River County and Peterson and Son, Inc, and authorize the chairman to sign.

Fuel quotes were presented as follows:

2/23/2021 Fuel Quotes	8,000 Gal Gasoline
Nelson's	\$2.50/gallon
Hi-D-Way	No Bid
MG Oil	No Bid

Motion made by Russell, seconded by Allen, to accept the low bid from Nelson's for \$2.50 per gallon for 800 gallons of gasoline, for a total amount of \$2,000.00.

Seiler updated the board that all blades were out blading roads and the possibility of setting up a road tour with commissioners. Greenough commented that County Road 3 is a good road with the ground up asphalt mix. Seiler advised LTAP will put on a road grader class for employees. The board discussed other roads to use the ground asphalt millings.

Eric Hamiel, Mack Truck, met with the board to present a proposal off of Marshall County bid for a 2022 Mack Granite MDrive HD, in the amount of \$119,500. Jeff Cullum, Floyds Truck Center, presented a proposal off Pennington County bid for a Freightliner 114SD Conventional Chassis, in the amount of \$108,692. Motion made by Russell, seconded by Allen, to approve the quote for the Freightliner 114SD Conventional Chassis, in the amount of \$108,692.00.

Motion made by Allen, seconded by Russell, to approve truck attachment from Northern Truck, cost depending on truck, with an estimate of \$77,000.00. With Cope and Greenough voting no, all others voting yes, by roll call vote, motion carries.

Jerry Heiser, Butler Cat Machinery, presented to the board information on the re-purchase agreements for Caterpillar graders, noting the warranty that covers repairs fully for 7 years. If the county stays with the 7-year update cycle, with the warranty and buy back option, it will cost approximately \$26.15 per hour over the course of 7 years. At a 10-year update cycle, it will cost approximately, \$28.12 per hour to run; at a 13-year update cycle, it will cost \$34.58 per hour to run. These are conservative estimates only and not a future guarantee of a machine's performance.

Sue Ganje, Auditor, met with the board. Motion made by Greenough, seconded by Cope to approve the cash transfer # 1, from the General fund to 911 fund in the amount of \$210,790.25 and from the General fund to Highway fund in the amount of \$1,434.13 for COVID funds received in 2020.

Motion made by Greenough, seconded by Russell, to enter executive session, as per SDCL 1-25-2(1) for personnel purposes and SDCL 1-25-2(3) for legal purposes with the highway

superintendent, at 11:20 a.m.

The board came out of executive session at 11:55 a.m.

Discussion continued on road graders and trucks.

Motion made by Allen, seconded by Russell, to adjourn at 11:58 a.m.

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

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor