

## **FALL RIVER COUNTY UNAPPROVED MINUTES OF APRIL 1, 2021**

The Fall River Board of County Commissioners met in regular session on April 1, 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 Allen, to approve the agenda with the addition of a plat from Andersen Engineers, and an agreement with Argentine Township.

Motion made by Cope, seconded by Russell, to approve longevity pay for Dave Weishaupl (Building Supervisor), \$25 per month, effective for March payroll; and Austin Zimiga (Jailer), \$25 per month, effective for March payroll, as per union contract.

Motion made by Cope, seconded by Greenough, to approve sending a letter to our SD Congressional Delegation, Governor, State Senator and Representatives concerning the closure of Nieman Sawmill, in Hill City, SD, and authorize all commissioners as signers.

Motion made by Greenough, seconded by Allen, to approve designating Fall River County as a militia county.

Motion made by Russell, seconded by Cope, to set a hearing for 2021-2022 retail (on-off sale) Malt Beverage and SD Farm Wine Licenses, May 6, 2021, at 9:30 a.m.

Motion made by Russell, seconded by Greenough, to approve surplus to junk a ball chair, #02248, from the treasurer's office.

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

### **FALL RIVER COUNTY RESOLUTION #2021-21**

#### **Disaster Declaration Resolution**

WHEREAS, Fall River County, South Dakota on March 15, 2021 through still ongoing has suffered severe storm damage caused by a heavy wet snowstorm resulting in widespread flooding issues, and

WHEREAS, this severe storm caused road damage, property flooding and loss of access, loss of livestock, and

WHEREAS, the roads, bridge damage and culverts damaged, severe flooding has isolated some residents, and caused livestock losses, and

WHEREAS, Fall River County has incurred expenses as they endeavor to provide road repair and access to residents of the county, and

NOW IT BE RESOLVED THAT the Fall River County Commissioners do hereby declare a disaster for the population of the area impacted.

The Fall River County Commissioners respectfully request that any and all assistance that may be available from State and Federal agencies be provided to all local governments to include Fall River County and to the local businesses and the general population as we work to overcome this disaster.

BE IT ALSO RESOLVED THAT the Fall River County Commissioners do hereby declare a flooding and winter storm disaster and respectfully request the Governor of the State of South Dakota to declare a disaster area and to request a Presidential Declaration of Disaster to insure that the maximum amount of assistance is made available to local governments, business and residents affected.

Dated this 1<sup>st</sup> day of April, 2021.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners

**Fall River County Resolution 2021-22  
Drought Disaster Resolution**

**Whereas**, Fall River County is suffering from widespread drought conditions, low humidity, high wind, and high temperatures that create serious peril for Fall River County; and,

**Whereas**, the entirety of Fall River County is suffering from abnormally dry, or moderate and severe drought conditions, with nearly all of Fall River County being in moderate and severe drought conditions; and,

**Whereas**, Drought conditions threaten life, livestock, property, and the livelihood of our citizens, and resultant fires, worsened by these conditions, cause significant damage to infrastructure and cause unexpected costs; and,

**Whereas**, Substantial state and local government resources may need to be committed to help alleviate the efforts of this severe weather and dangerous fire conditions, and local workforce and firefighting resources may be depleted for firefighting efforts; and,

**Whereas**, State, local and federal government activities and resources may be required to contain and control wildfire activity throughout Fall River County:

**NOW, IT BE RESOLVED THAT** the Fall River County Commissioners do hereby declare a state of emergency to exist in Fall River County during this fire incident and drought period.

**BE IT ALSO RESOLVED THAT** the Fall River County Commissioners do hereby commit all local, state and federal resources to provide assistance in preventing large wildfires and producer losses due to the existing drought conditions and assistance be made available to local governments, businesses and residents affected.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners

Frank Maynard, Emergency Management spoke briefly on SD Wildfires, and the resources that are very minimal.

Motion made by Allen, seconded by Greenough, to approve CP2021-01. With Russell and Falkenburg voting no as the income was above the county guidelines, and all others voting yes, motion carries.

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

**FALL RIVER COUNTY RESOLUTION #2021-23**

**A Plat of Lot 13A 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 1<sup>st</sup> day of April, 2021.

ATTEST:

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners



/s/Sue Ganje

Fall River County Auditor

Teresa Pullen, Treasurer, met with the board. Motion made by Russell, seconded by Allen, to approve the low bid from Sanders Sanitation, in the amount of \$434.00 for 30 days, for a roll off container for the cleanup of the storage unit.

Pullen gave an update on the clean-up progress at the storage building, and that when completed, a list will be compiled to surplus items. The remaining items will be put up for auction. Purplewave.com only wants big equipment; they are not interested in office equipment.

Pullen spoke of the non-sufficient funds checks process - after 30 days the Treasurer's office turns it over to the State's Attorney's office, where they have up to 6 months to collect. Discussion was also held on an upcoming tax deed sale, noting a few properties she needs advice on from State's Attorney Russell.

Stacey Martin, GIS, met with the board to present a power point on the Riparian Buffer Strip Tax Incentives. 2021 Legislature passed House Bill 1042, which amended SDCL 10-6.-31.7 & 10-6-31.8. Martin noted qualifications – location, size, management and the October 16<sup>th</sup> deadline to submit their application to the Director of Equalization. If the application is approved, it is good for a 10-year period or until a change in use or ownership of land. The amendment included the increase to 10 years for the tax incentive, and the value reduction that will now be 50%. Martin provided a list of agriculture deedholders that could apply.

Agricultural soil tables were briefly discussed; this will also be addressed at the May 14, 2021 Black Hills Association of County Commissioners meeting at Prairie Wind Casino.

Joe Messino, Mayor of the Town of Oelrichs, met with the board to ask about plans for repairs to Oelrichs Main Street (Old HWY 79). Grant applications for repair have yet to be approved, patching problem areas do not seem to work, and there are issues during snowstorms. Bituminous Paving, Inc. has the bid for the Highway 385 project that will end at Oelrichs, so Seiler will meet with them and see if they will give a quote for asphalt paving. Messino will take that plan to his town board.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Greenough, seconded by Russell, to approve the Golden West Telecommunication's Application for Permit to Occupy County Highway Right-of-Way from an existing vault near 28558 Old HWY 18 to approximately 2.6 miles east to another existing vault to replace a section of bad cable.

Seiler updated the board on the Chilson Bridge, noting that the tribe wants to do another walk over, but bid letting is still set for May. It has not yet been found that the bridge at Igloo belongs to the county. A 404 Permit is still needed for the Argentine Bridge project, but it is also set to be bid in May. Seiler also advised that there will be LTAP training on road graders for employees, later in April, that commissioners can attend as well.



Seiler provided a map on county roads and spoke of snow removal after winter storms, noting that school bus routes in the Oral and lake area have priority. With the recent storm, although all roads were cleared for travel in two days, there were challenges that included the amount of snow, blading while no frost was in the ground, road graders getting stuck, a family emergency that took away one operator, and the white out they experienced. Employees worked fourteen-hour days after that storm. The highway department followed up on Wednesday and Thursday. Commissioners spoke of phone call complaints and the need for better planning. Russell and Allen noted the Code of the West previously adopted, and discussion was also on additional training for the newer operators. Falkenburg also was hopeful that additional training and the upcoming LTAP class would help.

Public comment was heard from Sheriff Evans reporting that there are 16 males and 3 females in the Fall River County Jail and 3 males and 1 female in the Pennington County Jail, with 1 inmate on work release, for a total of 24 inmates. Mike Ortner reported that prior county commissioner Anne Cassens is now a 4<sup>th</sup> grade teacher in Utah, and Charity Mantis would like the board to consider designating March 29, 2022 as Welcome Home Vietnam Veterans Day, Mantis will remind them in February of 2022. Falkenburg spoke about the 30X30 Federal Land Plan, registering firearms, wealth tax, and other current issues in the country. Russell encourages people to look beyond the titles of bills.

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

#### **GENERAL FUND**

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$549.16
BRUMBAUGH & QUANDAHL, P.C.	GARNISHMENT	\$36.36
BLACK HILLS ORTHO & SPINE	INMATE MEDICAL	\$74.30
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$507.12
CREDIT COLLECTION BUREAU	COLLECTIONS	\$32.81
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,304.40
EFTPS	EFTPS PAYROLL TAXES	\$36,933.70
FARRELL, FARRELL & GINSBACH	CAAF	\$1,715.25
GOFF, GARLAND LEE	QMHP/MI	\$1,864.60
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$600.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$90.92
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$11.98
HOT SPRINGS MEAL SITE	2021 BUDGET ALLOTTMENT	\$2,800.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$20,327.50
KATTERHAGEN, MARK	QMHP/MI	\$12.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$350.00
LEWNO, LUCY	QMHP/MI	\$155.01
LOCKWOOD, DARCY	QMHP/MI	\$12.00
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MCNEMAR, KIM	QMHP/MI	\$900.00

MENARD'S	SUPPLY	\$61.80
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
OECHSLE, KEN	REIMBURSEMENT	\$175.73
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
OLSON'S PEST TECHNICIANS	PEST CONTROL	\$350.00
OTIS ELEVATOR COMPANY	SERVICE CONTRACT	\$437.04
QUILL CORPORATION	OFFICE SUPPLIES	\$160.26
RELIANCE STANDARD LIFE	VISION PLAN	\$196.73
RAMKOTA HOTEL-PIERRE	HOTEL ROOMS CONFERENCE	\$808.00
CITY OF RAPID CITY	RESULTS	\$80.00
RUSSELL, DEBORAH	TRAVEL REIMBURSEMENT	\$160.08
SDACO	2021 SPRING WORKSHOP	\$370.00
SDSU WEST RIVER AG CENTER	1/2 MILEAGE REIMBURSEMENT	\$148.52
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$18,526.01
SDAAO	ANNUAL CONFERENCE	\$600.00
SERVALL	RUG/UNIFORM SERVICE	\$169.74
SONNY'S SUPER FOODS	SUPPLY	\$96.87
SD SUPPLEMENT RETIREMENT	SDRS SUP RETIREMENT	\$800.00
SPITZER CONSTRUCTION INC	SNOW REMOVAL	\$1,750.00
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$60.00
VAN DIEST SUPPLY	SUPPLY	\$1,110.90
VERIZON WIRELESS	CELL PHONE PLAN	\$418.83
WENDELL'S GARAGE	MAINTENANCE	\$123.05
BEHRENS, DONNA	MILEAGE REIMBURSEMENT	\$2.52
MILES, SASHA	BLOOD DRAW	\$75.00
	TOTAL FOR GENERAL FUND	\$98,720.95
<b>COUNTY ROAD &amp; BRIDGE</b>		
A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$32.76
ADVANCED DRUG TESTING	RANDOM DRUG TEST	\$26.00
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$350.88
BOMGAARS	SUPPLY	\$12.99
BROSZ ENGINEERING, INC.	ENGINEERING	\$29,630.00
BUILDER'S FIRST SOURCE	SUPPLY	\$48.18
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$15,349.76
DAKOTA FLUID POWER INC	SUPPLY	\$22.27
DALE'S TIRE & RETREADING	TIRE PARTS/SUPPLY	\$206.03
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$471.00
DIESEL MACHINERY, INC	SUPPLY	\$169.33
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$269.42
EFTPS	EFTPS PAYROLL TAXES	\$9,611.76
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$38.35

HEISINGER, GERARD	CLOTHING ALLOWANCE	\$150.00
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$150.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$49.12
HOT SPRINGS AUTOMOTIVE	AUTO SUPPLY PARTS	\$253.73
RICOH USA INC	CONTRACT SERVICE	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$3,920.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$125.00
NELSONS OIL & GAS INC.	UTILITES	\$20,490.24
NEWMAN SIGNS INC.	SIGNAGE	\$414.20
RELIANCE STANDARD LIFE	VISION PLAN	\$39.54
RANCHERS FEED & SUPPLY	SUPPLY	\$20.39
RAPID CITY JOURNAL (THE)	PUBLICATION	\$34.28
RAPID DELIVERY	DELIVERY	\$14.38
RDO EQUIPMENT CO	SUPPLY	\$132.68
RUSHMORE COMMUNICATIONS	HWY RADIOS	\$1,028.11
SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
SD DEPT OF TRANSPORTATION	STATE COST SHARE ROA	\$129.46
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$4,901.66
SEILER, RANDY	CELLPHONE REIMBURSEMENT	\$129.00
SHULL, ERIC	REIMBURSEMENT	\$18.30
	TOTAL COUNTY ROAD & BRIDGE	\$88,438.29
<b>911 SURCHARGE REIMBURSEMENT</b>		
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$67.21
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$418.30
EFTPS	EFTPS PAYROLL TAXES	\$5,347.07
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$90.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$2,301.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$75.00
PORTFOLIO RECOVERY ASSOC.	GARNISHMENT	\$333.95
RELIANCE STANDARD LIFE	VISION PLAN	\$6.33
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$2,707.80
VERIZON WIRELESS	CELL PHONE PLAN	\$42.04
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$11,692.06
<b>EMERGENCY MANAGEMENT</b>		
EFTPS	EFTPS PAYROLL TAXES	\$1,522.73
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$616.82
VERIZON WIRELESS	CELL PHONE PLAN	\$84.08
	TOTAL FOR EMERGENCY MANAGEMENT	\$2,223.63
<b>DOMESTIC ABUSE FUND</b>		
W.E.A.V.E.	2021 BUDGET ALLOTMENT	\$7,000.00
	TOTAL FOR DOMESTIC ABUSE FUND	\$7,000.00
<b>24/7 SOBRIETY FUND</b>		



EFTPS	EFTPS PAYROLL TAXES	\$261.50
HOT SPRINGS ACE HARDWARE	SUPPLY	\$17.96
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$24.97
	TOTAL FOR 24/7 SOBRIETY FUND	\$304.43
	TOTAL PAID BETWEEN 3/26/21 AND 4/1/21	\$208,379.40

Break was taken at 10:25 a.m. and the meeting reconvened at 10:30 a.m.

Motion made by Greenough, seconded by Cope, to enter executive session, as per SDCL 1-25-2 (1) - Annual Conference of Commissioners and Director of Equalization, as per SDCL 10-3-14 at 10:31 a.m.

The board came out of executive session at 11:06 a.m.

Motion made by Russell, seconded by Greenough, to adjourn at 11:07 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 APRIL 15, 2021**

The Fall River Board of County Commissioners met in regular session on April 15, 2021. Present: Joe Allen, Les Cope (via phone), 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 Allen, to approve the agenda as written.

Motion made by Russell, seconded by Allen, to approve the minutes for March 25, 2021. Minutes for April 1, 2021 were not available.

Motion made by Greenough, seconded by Russell, to surplus to sell the 1990 Chevrolet maroon pickup. The 2001 Honda Foreman 5 4X4 four-wheeler with a 24.5-gallon Jackrabbit sprayer with handgun will be retained until an appraisal is done and a minimum bid set.

Frank Maynard, Emergency Management, met with the board. Motion made by Greenough, seconded by Allen, to approve the OEM single signature form for the 2<sup>nd</sup> quarter, and authorize the chairman to sign.

The South Dakota Severe Weather Week is April 19<sup>th</sup> through April 23<sup>rd</sup>, with the tornado drill on April 21<sup>st</sup>.

Motion made by Russell, seconded by Greenough, to approve the Emergency Management Performance Grant – Covid-19 Supplemental grant funding for \$570.57, and authorize the chairman to sign.

Maynard spoke of being awarded \$1,111.96 for the 2021 Local Emergency Planning Committee Grant (LEPC); a letter of support for the Wildfire and Forest Pest Mitigation project in the area surrounding Hot Springs; NWS weather spotter training; the Kawasaki ATV being repaired; and the SD OEM Shelter Trailer was inventoried on April 13<sup>th</sup>. Maynard advised that water is being tested at the South Annex and reported on fires and incidents. Discussion was held on possible signs or ways to notify traffic during storms when the road is closed, or alternative routes are available, Maynard will pursue the sign issue.

Bob Evans, Sheriff, met with the board and reported that there are 4 females and 9 males in the Fall River County Jail, with 3 males in the Pennington County Jail, with 1 inmate on work release, for a total of 17 inmates.

Motion made by Allen, seconded by Greenough, to authorize an additional credit card and change the credit card policy to include the administrative assistant position for the sheriff department as a card holder, with a log to keep track of who has it and only for fuel use purposes.

Evans updated the board that there will be bills coming in from the Hot Springs Ambulance service for law enforcement training re-certification. Russell asked Evans to continue investigating barking dogs north of the Coffee Cup and work with the state's attorney.

Erin McGlumphy, Extension, met with the board for her quarterly report, advising that the 4-H program is growing, and participants are increasing. 19 youth are involved in shooting sports, horse safety and quality assurance training are coming up, 8 kids are involved in clover buds, Achievement Days will be held at the end of July, in conjunction with fair. The fair board has asked that livestock sale will be held a day later than normal, but the rest should be close to the same.

Dave Weishaupl, Building Supervisor, met with the board. Motion made by Russell, seconded by Allen, to approve the Kohler quote for a radiator on the jail generator, in the amount of \$3,020.00.

Motion made by Greenough, seconded by Russell, to approve the Golden West quote for the SonicWall Advanced Gateway Security Suite Bundle for TZ500 Series – 1 year, in the amount of \$917.90.

Sue Ganje, Auditor, met with the board to report on 2018 – 2019 Department of Legislative Audit discrepancies, reported on the monies collected on liens, and gave a review of the 2020 annual report.

Lance Russell, State's Attorney, met with the board to follow-up on the solar farm. There is no regulatory authority, and it is the general rule that counties and cities only have powers that are granted by statute. There is no enforcement of bond, (unlike wind power), legislation is needed for solar power. Concerns were raised about batteries, etc. that could be left behind after the farm left. The board would like the State's Attorney to draft a written letter for the next meeting with their concerns and request for legislation.

Motion made by Allen, seconded by Russell, to approve the agreement between Fall River County and Argentine Township for Project BRO 8024(00)19-1, and authorize the chairman to sign.

Lance Russell advised the board that Edie Jenniges will be retiring in May and asked for hire approval. Motion made by Greenough, seconded by Russell, to approve hiring Lynn Two Bear, as a legal assistant, \$16.00 per hour, effective April 21, 2021 as per union contract.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Allen, seconded by Greenough, to approve hiring Tyson Tuma, equipment operator with CDL, \$17.05 per hour, effective May 3, 2021, as per union contract.



Motion made by Greenough, seconded by Russell, to approve the March 2021 reimbursement to the highway department for fuel used or work performed as follows: Sheriff's Department for \$2,449.21; Weed and Pest Department for \$118.04; Building for \$58.72; Emergency Management for \$67.43; and Director of Equalization for \$74.63.

Motion made by Greenough, seconded by Russell, to approve the application by Jennifer Thompson for a road approach permit on the north side of Pilger Mountain Rd., CR#12.

Motion made by Falkenburg, seconded by Greenough, to approve the proposal from Bituminous Paving Inc. to pave Main Street (Old Hwy 79) in Oelrichs, with 3" asphalt, for a total amount of \$99,250.00.

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

**GENERAL FUND**

AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$828.63
CURA HOSPITALITY	INMATE FEES	\$14,549.42
A-Z SHREDDING INC	SHREDDING	\$90.30
BANKS, BRIDGETTE	COURT REPORTER	\$57.00
BEESLEY LAW OFFICE	CAAF	\$2,109.15
BLACK HILLS CHEMICAL	SUPPLY	\$461.03
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$3,623.65
CENTURY BUSINESS LEASING	COPIER LEASE & METER	\$479.31
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$90.36
CHAMBERLAIN MCCOLLEY'S	COUNTY BURIAL ASSISTANCE	\$1,900.00
DEAN SCHAEFER COURT REP	COURT REPORTER	\$48.00
EN-TECH LLC	FUMIGATION	\$110.00
DUDE SOLUTIONS, INC.	GIS SUPPORT CONTRACT	\$313.85
FALL RIVER HEALTH	PRE-EMPLOYMENT PHYSICAL	\$161.00
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$758.10
FARRELL, FARRELL & GINSBACH	CAAF	\$2,017.84
FR CONSERVATION DISTRICT	2021 BUDGET ALLOTMENT	\$20,000.00
FALL RIVER COUNTY HERALD	PUBLICATION	\$676.35
FREY, GREGORY	MI BOARD	\$35.00
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$6,059.51
HOT SPRINGS ACE HARDWARE	SUPPLY	\$399.79
HUNT, KAREN PAIGE	QMHP/MI	\$489.25
LEWIS & CLARK BEHAVIORAL	QMHP	\$184.00
LYNN'S DAKOTAMART	SUPPLY	\$4.90
MARCO	COPIER LEASE	\$170.33
MASTERCARD	COUNTY CREDIT CARD	\$3,134.30
MAYER, DAN	QMHP/MI	\$35.00
NELSONS OIL & GAS INC.	UTILITY	\$613.60
O'NEILL, JUSTIN	CAAF	\$1,563.15

PENNINGTON COUNTY JAIL	INMATE HOUSING PENNINGTON/TRANSPORT	\$11,108.33
RADIOLOGY ASSOCIATES	INMATE MEDICAL	\$28.90
SCOVEL PSYCHOLOGICAL	COURT ORDERED MI EVALUATION	\$4,000.00
SD DEPARTMENT OF HEALTH	BLOOD DRAWS	\$380.00
SERVALL	RUGS AND MATS SERVICE	\$231.04
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,660.00
STEVENS AUTOMOTIVE	SERVICE	\$194.30
WENDELL'S GARAGE	SERVICE	\$59.69
YANKTON CO TREASURER	QMHP/MI	\$115.10
STREMLER, MATTHEW	WITNESS FEE	\$94.28
HELGESON, PAIGE	WITNESS FEE	\$149.72
	TOTAL FOR GENERAL FUND	\$78,984.18
<b>COUNTY ROAD &amp; BRIDGE</b>		
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$789.01
MASTERCARD	COUNTY CREDIT CARD	\$465.75
	TOTAL COUNTY ROAD & BRIDGE	\$1,254.76
<b>911 SURCHARGE REIMBURSEMENT</b>		
FALL RIVER HEALTH	PRE-EMPLOYMENT PHYSICAL	\$60.00
MASTERCARD	COUNTY CREDIT CARD	\$105.99
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$165.99
<b>EMERGENCY MANAGEMENT</b>		
BUILDER'S FIRST SOURCE	SUPPLY	\$80.35
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
HOT SPRINGS ACE HARDWARE	SUPPLY	\$19.42
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$41.96
MARCO	COPIER LEASE	\$38.90
MASTERCARD	COUNTY CREDIT CARD	\$50.57
ONSOLVE, LLC	CODE RED	\$2,982.00
ELECTRICAL ENGINEERING	SERVICE	\$395.00
WENDELL'S GARAGE	SERVICE	\$63.36
	TOTAL FOR EMERGENCY MANAGEMENT	\$3,680.06
<b>24/7 SOBRIETY FUND</b>		
MASTERCARD	COUNTY CREDIT CARD	\$30.98
SD DEPARTMENT OF HEALTH	24/7 LABS	\$170.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$200.98
	TOTAL PAID BETWEEN 4/2/21 AND 4/15/21	\$84,286.00

Break was taken at 9:50 a.m. and the meeting reconvened at 10:00 a.m.

Public comment was heard from Commissioner Falkenburg on a federal law change on capital gains, with a possible resolution at the next meeting, and on the number of counties that have approved sanctuary designations, and that our governor needs to declare SD as a sanctuary state. Jim Angell spoke of bonding through DENR.

District 30 Senator Julie Frye-Mueller, and Representative Trish Ladner, met with the board to continue the discussion on the new soil map. Discussion was held on examples of places that were not tillable croplands, and that West River cannot be classified like East River. Greenough noted that even the National Grasslands had portions of land designated as crop. Frye-Mueller spoke of ranchers attempting to litigate to make a change, without being successful. Frye-Mueller and Ladner are willing to amend, re-write or draft a bill for the upcoming special session to help the issue. Hayes will visit with other equalization directors when the appeal process is completed to see how soil tables have affected other counties

Frye-Mueller spoke of her discussion with a federal representative on the closure of the Hill City sawmill, noting a push to decrease forest products. The effect to the community was unknown to the representative. Discussion was held on the loss of revenue, taxes and conservation issues, and Frye-Mueller noted the US Congressional Delegates have all the power on the issue.

Susie Hayes, Director of Equalization, met with the board to discuss HB 1085, and of the Agriculture forms that will be going out this summer to confirm agriculture status. Forms will be required to be filed with the Director of Equalization's office.

Motion made by Greenough, seconded by Allen, to approve 2 temporary full-time help for the Director of Equalization office to assist with ag applications and field work.

Motion made by Russell, seconded by Greenough, to adjourn at 10:57 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 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 this 31st day of March 2021.

<b>Total Amount of Deposit in First Interstate Bank, HS:</b>	\$	1,653,412.90
<b>Total Amount of Deposit in First National Bank, Lead:</b>	\$	1,000.00
<b>Total Amount of Cash:</b>	\$	1,533.46
<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>	\$	57,072.51

## SAVINGS:

First Interstate Bank, HS:	\$	309,900.73
First National Bank of Lead: ICS Acct	\$	1,044,642.25

## CERTIFICATES OF DEPOSIT:

First Interstate, HS:	\$	772,669.12
Black Hills Federal Credit Union, HS:	\$	250,000.00
Bank of the West, HS:	\$	538,178.84
Schwab Treasury:	\$	273,871.98
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:

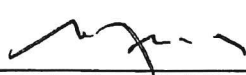
Register of Deeds Change Fund:	\$	500.00
Highway Petty Cash:	\$	20.00
Election Petty Cash:	\$	15.00

## RETURNED CHECKS:

Brun, Cyril	9/2/2020	\$	806.60
Schmit, Troy	10/20/2020	\$	85.60
Caveye, Russell	10/26/2020	\$	64.77

**TOTAL \$ 10,016,506.57**

Dated This 31st Day of March 2021.

  
Sue Ganje, County Auditor of Fall River County

  
Teresa Pullen, County Treasurer of Fall River County

County Monies	\$	9,277,112.05
Held for other Entities	\$	539,776.92
Held in Trust	\$	199,617.60
<b>TOTAL</b>	<b>\$</b>	<b>10,016,506.57</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.

04/14/2021

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

Re: NOTICE OF DISINTERMENT PERMIT AFFECTING FALL RIVER COUNTY

DEAR FALL RIVER COUNTY COMMISSIONERS

I am writing to notify you that the Department of Health issued a Disinterment Permit regarding a dead body or fetus in your county. South Dakota law, SDCL 34-25-38.1 and ARSD 44:09:03:04, requires that the affected cemetery board of directors or board of county commissioners be notified in writing upon the Department of Health issuing a Disinterment Permit.

The Disinterment Permit takes effect 15 days after issuance, by receiving a state file number, unless the circuit court orders otherwise. We would appreciate you providing prompt notice of this Disinterment Permit to the affected cemetery board of directors and/or any affected family members of the deceased, as you determine appropriate.

Name of the Deceased person to be Disinterred:	KEITH DEBOER
Name and Location of the Disinterment Cemetery:	HILLSIDE CEMETERY OELRICHS SOUTH DAKOTA
Name and Location of the Reinterment Cemetery:	FAIRVIEW CEMETERY ORAL SOUTH DAKOTA
Name, Address and Phone Number of the Requesting Funeral Director:	CHAMBERLAIN WILLIAM PO BOX 812 HOT SPRINGS SOUTH DAKOTA 57747 605-745-5172
Name, Address, and Relation to Deceased of the Person Requesting the Disinterment:	CRAIG A DEBOER 14008 E ORAL RD ORAL SOUTH DAKOTA 57766 FATHER
Name, Address, and Relation to Deceased of the Person Requesting the Disinterment:	LAURA J DEBOER 14008 E ORAL RD ORAL SOUTH DAKOTA 57766 MOTHER

Please contact me if you have any additional questions. Thank you for your assistance.

Sincerely,



Mariah Pokorny  
State Registrar

### **Applicable Law**

**SDCL 34-25-38.1 Issuance of disinterment permit.** A disinterment permit shall be issued by the department upon receipt of a written or electronic application from a person licensed by the State Board of Funeral Service or upon receipt of an order of a court of competent jurisdiction directing the disinterment. If the disinterment is not directed pursuant to a court order, the department may not issue a disinterment permit without the written consent of the surviving spouse, or in the case of a spouse's absence, death, or incapacity, the next of kin within the same degree of kinship. In the case of a minor, if the disinterment is not directed pursuant to a court order, the department may not issue a disinterment permit for the minor without the written consent of the surviving parents. The Department of Health may promulgate rules pursuant to chapter 1-26 to establish the process for issuing a disinterment permit that is not directed pursuant to a court order. The disinterment permit becomes effective as provided in this section. Unless the disinterment permit was issued as the result of a court order, the department shall, upon issuance of the disinterment permit, notify the affected cemetery board of directors appointed pursuant to § 7-26-7 or 9-12-18 or the board of county commissioners of the county in which the disinterment is to occur on the issuance of the permit. The cemetery board of directors or the board of county commissioners may request the circuit court to prevent the disinterment. The disinterment permit shall take effect within fifteen days after its issuance unless the circuit court has ordered otherwise. The disinterment permit authorizes disinterment, transportation, and reinterment of a dead body or fetus. Authorities in charge of a cemetery may not transfer bodies buried in one part of the cemetery to another part without the authority of a disinterment permit.

**ARSD 44:09:03:04 Disinterment Permits.** Upon issuance of a disinterment permit by the Department of Health, the department shall notify in writing the affected cemetery board of directors or the board of county commissioners. The notice must be postmarked no later than two business days after the receipt of the application for a disinterment permit.





# SOUTH DAKOTA DEPARTMENT OF HEALTH

## OFFICE OF VITAL RECORDS

---

CENTRAL LOCATION 207 E MISSOURI AVE, STE 1A PIERRE SD 57501

<b>Applicant:</b>	*	<b>Total Application Fee:</b>	\$0.00
<b>Application Date:</b>	04/14/2021	<b>Total Remitted:</b>	\$0.00
<b>Application ID:</b>	1393430	<b>Total Refunded:</b>	\$0.00
<b>Application Status:</b>	COMPLETED 04/14/2021	<b>Total Returned:</b>	\$0.00
		<b>Total Waived:</b>	\$0.00

### Services Requested:

Event	Service Type	Name (First Last)		Copies	Fee	Waived
DISINTERME	PERMIT	KEITH	DEBOER	1	\$0.00	\$0.00

Please take a moment to fill out a quick  
survey to help us improve our service:  
[vitalrecords.sd.gov/survey](https://vitalrecords.sd.gov/survey)

SHIP TO: FALL RIVER COUNTY COMMISSIONERS  
\*

906 N RIVER STREET  
HOT SPRINGS SD 57747

April 27, 2021

Fall River County Commissioners  
906 N River St  
Hot Springs, SD 57747

Honorable Commissioners:

The Hot Springs Rural Fire District has recently had a resignation and our next election is in January 2022. SD Statutes (below) provide for the Commissioner to appoint a replacement:

**SD 34-31A-15.1. Filling of vacancy on board of directors.**

The board of county commissioners shall fill a vacancy on the board of directors of a rural fire protection district by appointing a voter of the district who meets the requirements in § 34-31A-13 to complete the unexpired term.

The District Board of Directors have met and voted to recommend Jerry Shagla for that vacancy. Jerry meets the requirements of § 34-31A-13 and is willing to serve.

We appreciate your consideration of this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott Harkless", written in a cursive style.

Scott Harkless  
President  
Hot Springs Rural Fire District



**FALL RIVER COUNTY  
COMMISSIONERS OFFICE  
COURTHOUSE  
906 NORTH RIVER ST  
HOT SPRINGS, SOUTH DAKOTA 57747  
PHONE: (605) 745-5130 FAX: (605) 745-6835**

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May 6, 2021

The Honorable Kristi Noem  
Governor of South Dakota  
500 E. Capitol Ave.  
Pierre, SD 57501

Re: Financial Security for decommissioning of solar infrastructure

Dear Governor Noem:

A solar energy facility is proposed for construction in eastern Fall River County near the Town of Oelrichs. The proposed facility will inhabit the majority of two sections with considerable infrastructure designed to capture solar energy and transmit the energy via adjacent Black Hills Energy power lines.

The reason for this writing is our concern about the future decommissioning of the significant solar infrastructure. The future expense of decommissioning hundreds of acres of solar infrastructure will be expensive and cost prohibitive for Fall River County landowners if not completed by the solar company or secured by a bond or other financial security. Although South Dakota Codified Law 49-41B-39, enacted in 2019, provides for financial security for the decommissioning of wind turbines, there is no corresponding financial security provision for solar infrastructure. The Fall River County Commission believes this loophole should be closed.

Governor, the Fall River County Commission respectfully requests that you give serious consideration to fixing this loophole in South Dakota law by adding solar energy facilities to financial security requirements for decommissioning wind turbines in SDCL 49-41B-39. The simple addition of solar energy facilities to that statute's requirements would be an easy fix, as solar energy facilities are also mentioned and provided for in SDCL Chapter 49-41B. We believe this fix is not only simple but would assure that adjacent landowners and the local governmental agencies will not be responsible for any adverse consequences of failure of solar energy companies to fully decommission developed sites.

Thank you in advance for your consideration of our request and please do not hesitate to contact us should you have any questions or concerns. We look forward to your response.

Sincerely,

Joe Falkenburg, Chairman  
Fall River Board of County Commissioners





*Emergency Management  
Fall River County*

*Franklin W. Maynard CEM CFM  
906 N. River St.  
Hot Springs, SD 57747*

605 745-7562 605 890-7245 em@frcounty.org



Date: May 6, 2021

Subj: Commission Update

1. \* MOU for Cooperative Frequency Use: I am requesting approval to have the Chairman sign the MOU with the USDA Forest Service for use of the county owned radio frequencies.
2. SD State Wide Tornado Drill: The SD Severe Weather Week is scheduled for April 19<sup>th</sup> – 23<sup>RD</sup>, with the Tornado Drill on the 21<sup>st</sup>. During the test, one of the sirens in Edgemont, and the one in Oelrichs did not function. Rushmore Communications has been notified, and they are working to correct the issue.
3. 2<sup>nd</sup> Qtr. Work Plan and Reports: The required paperwork was submitted to OEM on April 29<sup>th</sup>.
4. Planning Information Exchange (PIE): I attended the FEMA Community Rating System webinar on April 15, 2021. (attachment)
5. Kawasaki ATV: Repairs are complete: \$755.82 total cost.
6. South Annex Water: Water samples analysis has been completed, and the test results have been received. Water quality is good.
7. Fires & Incidents:
  1. 4/21/2021: Sig. 1, Hwy 385: Fall River Sheriff's Office, Oelrichs Fire Dept. Oelrichs and Hot Springs Ambulance, SD DOT.
  2. 4/28/2021: Fire, BNSF South Crossing: Edgemont Fire.
  3. 4/30/2021: Sig. 2: Fall River Rd. Fall River Sheriff, Hot Springs Ambulance, Hot Springs Police.

*Franklin W. Maynard, CEM, CFM  
Emergency Manager  
Fall River County  
906 N. River Street  
Hot Springs, SD 57747*

**em@frcounty.org**

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**From:** training@floods.org  
**Sent:** Monday, April 26, 2021 3:56 PM  
**To:** em@frcounty.org  
**Subject:** PIE Webinar Certificate Of Attendance



# Certificate of Attendance

## PLANNING INFORMATION EXCHANGE (PIE)

This is to certify attendance of

**Franklin Maynard**

at

Linking Conservation and the FEMA Community Rating System: Tools to Protect Habitat, Enhance Coastal Resilience and Reduce  
Flood: PIE Webinar

4/15/2021, 1 hour

1.00 CEC for CFMs

**NOTICE OF HEARING UPON APPLICATION FOR MALT BEVERAGE AND SD FARM WINE  
LICENSE RENEWALS OUTSIDE OF MUNICIPALITIES**

NOTICE IS HEREBY GIVEN THAT the Fall River Board of County Commissioners in and for the County of Fall River, South Dakota, on the 6<sup>th</sup> day of May, 2021, at the hour of 9:30 A.M. will meet in regular session to consider the following applications for Malt Beverage & SD Farm Wine License renewals, all located outside of municipalities, to operate within the County of Fall River, South Dakota, for the 2021/2022 licensing period, which have been presented to the governing body and filed with the County Auditor's Office.

<b>FOR LICENSE PERIOD <u>2021-2022</u></b>	<b>TYPE OF LICENSE</b>
<b>RENEWALS:</b>	
All 5 Gears Stateline Casino 30387 Hwy 385 Oelrichs, SD 57763	Retail (On-Off Sale) Malt Beverage & SD Farm Wine Lic RB#2373
Angostura Den INC 28041 Hwy 385 Hot Springs, SD 57747	Retail (On-Off Sale) Malt Beverage & SD Farm Wine LIC #RB-2628
Angostura Resort Management, Inc Common Cents Food Store PO BOX 2860 Rapid City, SD 57709	Retail (On-Off Sale) Malt Beverage & SD Farm Wine Lic #RB-2695
Angostura Resort Management, Inc Inferno On The Beach PO BOX 2860 Rapid City, SD 57709	Retail (On-Off Sale) Malt Beverage & SD Farm Wine Lic #RB-2690
Larry N. & Twila Forney Forney's Standard Service 29098 Hwy 385 Oelrichs, SD 57763-0153	Retail (On-Off Sale) Malt Beverage & SD Farm Wine Lic #RB-2322
H&H Enterprises Coffee Cup Fuel Stop #9 27638 US HWY 385 Hot Springs SD 57747	Retail (On- Off Sale) Malt Beverage & SD Farm Wine Lic #RB-2632
Hidden Lake Campground & Resort LLC 2214 Jennings Ave. Hot Springs, SD 57747	Retail (On-Off Sale) Malt Beverage & SD Farm Wine Lic #RB-2632



TTT Taverns  
Pirates  
13393 Lake Vista Dr.  
Hot Springs, SD 57747-9701

Retail (On-Off Sale)  
Malt Beverage & SD Farm Wine  
Lic #RB-2283

Zest, LLC  
Hot Springs, SD KOA  
27585 SD Hwy 79  
Hot Springs SD 57747

Retail (On-Off sale)  
Malt Beverage & SD Farm Wine  
Lic #RB-25315

NOTICE IS FURTHER GIVEN THAT any person, persons or their attorney may appear at said scheduled public hearing and present objections, if any objections there be.

Dated this 29<sup>th</sup> day of April 2021, at Hot Springs, South Dakota.

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Sue Ganje  
County Auditor  
Fall River County

# COMMUNITY

## American Legion baseball

Post 22 opens season at Cheyenne Post 6 Sports, Page D1

PARTLY CLOUDY

79 • 51

FORECAST, E4

SATURDAY, MAY 1, 2021

rapidcityjournal.com

**COVID-19 update**  
US vaccination number hits 100M  
NATION & WORLD, PAGE A10

**Spring wheat**

Prices climb  
FARM & RANCH, PAGE C1

## Proposed uranium mine resumes permit process

ABBY WARGO  
Journal staff

A Canadian corporation spearheading a controversial uranium mining project near Edgemont is re-initiating the permit process with South Dakota so it can progress with the project, which will be the company's first.

Powertech Industries Inc., a subsidiary of Azarga Uranium

based in British Columbia, Canada, first began applying for permits and licensing for its Dewey Burdock Project in 2013. The project is the company's initial development priority.

The project will use "in situ leach" mining, a process similar to fracking in which injection wells are used to pump groundwater fortified with oxygen and

carbon dioxide into the ore deposits to dissolve uranium. The production wells are then used to pump the uranium-laden fluids to the surface for recovery. For the Dewey Burdock Project, fluids from the production wells will be processed at two separate facilities at the mine site to extract and concentrate the uranium, according to a project de-

scription on the DANR website. In situ mining requires large amounts of water, which Powertech needs permission from the state to use. The company plans to appropriate 9,051 to 10 million gallons per minute of water from two underground aquifers which also supply water to communities in Fall River and Custer counties, including Edgemont

and Hot Springs. In comparison, the entire city of Rapid City uses around 6,500 gallons of water per minute — 2,551 gallons per minute less than Powertech wants.

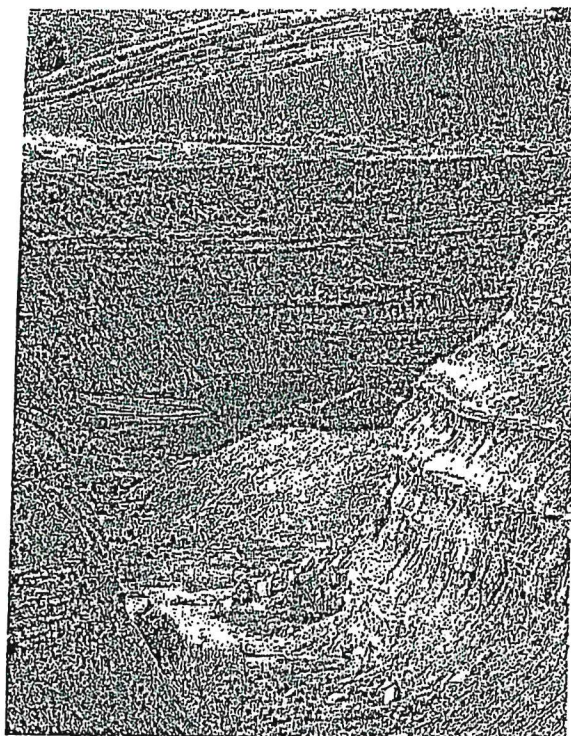
Over the 16 years the project is proposed to last, the company will use over 52 million gallons of water. The project is anticipated

Please see MINE, Page A3



**Noem files  
lawsuit for  
fireworks  
show**





JOURNAL FILE

Uranium was mined decades ago in the southern hills but ceased when the mill was closed in the 1970s. Powertech Uranium Corp. now plans to resume uranium mining in Fall River and Custer counties.

## Mine

From A1

to produce over 14 million pounds of uranium.

According to Powertech and Azarga, in situ uranium mining is environmentally friendly and has less impacts than other kinds of mining like open pit mining — there's minimal surface disturbance, reduced water usage, aquifers' water quality is restored, and there is no additional solid waste generated from the process.

Interveners in the project's permit applications, however, oppose the mining project on the basis that it will destroy the water supply for the southwestern portion of the state, where water scarcity is already an issue. Fall River County's biggest economic draw is agriculture, so having an ample water supply is important for community members who depend on farming or ranching.

the mineral and surface rights for 12,613 surface acres and 16,962 net mineral acres, and now they are seeking a water rights permit from the state Water Management Board — the next step in the permitting process. The WMB can grant water rights for available water in an area. The water itself belongs to the state, but other parties can be granted rights if they meet the criteria.

The three permits Powertech has left to obtain before they can begin operations are all from the state Department of Agriculture and Natural Resources: the Ground Water Discharge Plan, the Water Rights Permit, and the Large Scale Mine Plan Permit.

The first license Powertech received, the source and by-product materials license, was issued by the Nuclear Regulatory Commission in April 2014, despite a lawsuit brought by the Oglala Sioux Tribe re-

Susan Henderson, a rancher from Edgemont and an intervener in the Powertech case, said the project won't have any benefit to anyone in South Dakota and will "probably destroy" Fall River County. Henderson said no mining company has ever sufficiently restored an aquifer's water quality after contaminating it and she does not have faith that Powertech would be the first.

"Once they extract the uranium they turn around and dump the slag containing lixivates back into the water. The next thing you know, they've contaminated the aquifers. We'll never get back out of this," Henderson told the Journal. "The acids stay there and keep dissolving stuff. [These chemicals] move once you inject [them] into the ground. It doesn't stop."

Henderson said by the time Powertech obtains all its permits and begins its work, the contamination will begin soon after and create irreversible damage.

"You can't put [water quality] back together; this is not Humpty Dumpty," she said. "This isn't ever going to be workable, and it's going to happen quickly — the minute they start drilling it will affect the water and we

lating to the identification and preservation of historical and cultural resources.

The U.S. Atomic Safety and Licensing Board granted them the license despite the company's failure to complete a cultural resources survey of the mining area. The three judges on the board sided with Powertech, but the Oglala Sioux Tribe has appealed the decision.

Powertech was also issued two permits by the Environmental Protection Agency in November 2020, which were then appealed to the Environmental Appeals Board. However, the company does not expect either appeal to be successful, so they are moving ahead with the other permits.

When the company first submitted the applications to the then-Department of Environment and Natural Resources in 2013, the two federal permits had not yet been issued. Now that the federal regulatory approvals have been completed, the company's focus is on resuming hearings related to the three state permits.

The Journal reached out to Powertech/Azarga for comment but did not receive a response.

The WMB hearing for Powertech will take place during the Board's regular meeting on May 5, begin-





ACCEPTED  
4/19/21

km

FAXED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX # 745-5912  
PHONE # 745-5137

DATE:

4-19-21

FROM:

Nelson's Oil & Gas, Inc.

PHONE:

745-4189

BID FOR:

~~7500~~ gallons

#1 / #2

50/50 Blend

Red Diesel

AMOUNT OF BID:

\$ 2.64 / gallon

(This bid includes all appropriate taxes and fees)

Signed By:

Richard Nelson

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number by 4:00 p.m. to be considered unless otherwise stated by the caller for bids.

If declining to bid please fax back this form with the words; "Decline today's bid." On the line designated for the Bid Amount.

Thank You

**FAXED BID:**

**TO: FALL RIVER COUNTY HIGHWAY DEPT.**

**FAX # 745-5912**

**PHONE # 745-5137**

**DATE:** 4/19/2021

**FROM:** H1-D-WAY **PHONE:** 890-1010

**BID FOR:** 7500 GAL 1/2 & 1/2 #1 & #2 DSL

**AMOUNT OF BID:** NO BID - NOT PLACING TANKER ORDERS

(THIS BID INCLUDES ALL APPROPRIATE TAXES AND FEES)

**Signed By:** Bill TANNER BY PHONE  
Km

**NOTE:** all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 9:00 a.m. to be considered, unless otherwise stated by the caller for bids.

If declining to bid please fax back this form with the words; "**Decline todays bid**" on the line designated for the Bid Amount.

**THANK YOU**

Subject **Seeking bids on 3750 gal dyed #2 dsl and 3750 gal dyed #1 dsl to be blended in our #1 tank**  
From <hwyofficemgr@gwtc.net>  
To Dispatch <dispatch@MGOIL.com>  
Date 2021-04-19 06:58

---

Seeking bids on 3750 gal dyed #2 dsl and 3750 gal dyed #1 dsl to be blended in our #1 tank, to be delivered to 27518 Cascade Rd., Hot Springs, SD.

For Questions, call Ken at (605) 745-5137.

Please respond by 9am today.

Ken Martin  
Fall River County HWY Dept Office MGR

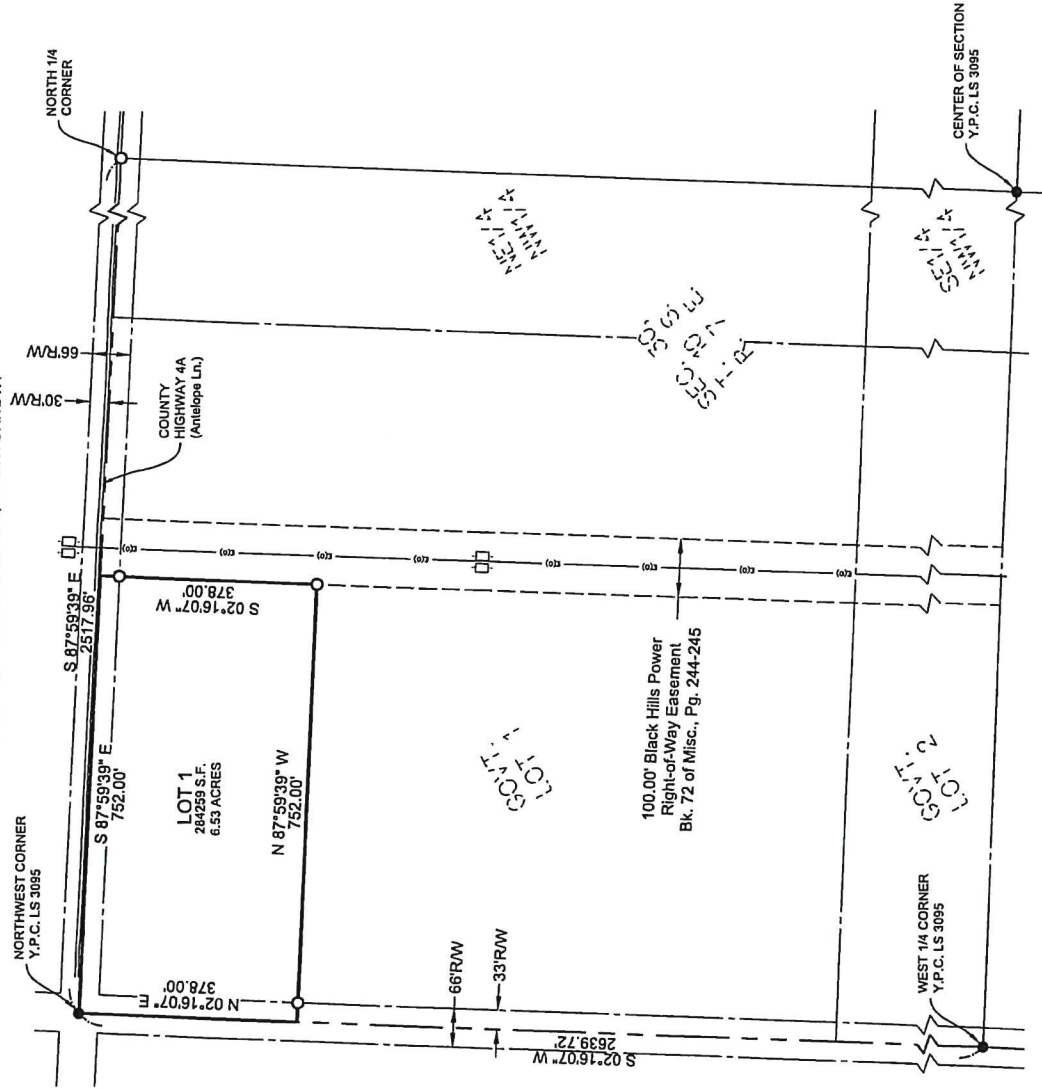
NO RESPONSE,  
NO BID AS OF 9:AM CLOSING.  
Km





# FALL RIVER SOLAR ADDITION

A TRACT OF LAND LOCATED IN GOVERNMENT LOT 1 OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 7 EAST,  
BLACK HILLS MERIDIAN, FALL RIVER COUNTY, SOUTH DAKOTA



NO.	DATE	REVISION
1	2020-01-20	INITIAL
2	2020-01-20	REVISED
3	2020-01-20	REVISED
4	2020-01-20	REVISED
5	2020-01-20	REVISED
6	2020-01-20	REVISED
7	2020-01-20	REVISED
8	2020-01-20	REVISED
9	2020-01-20	REVISED
10	2020-01-20	REVISED

**PLAT**

A TRACT OF LAND LOCATED IN GOVERNMENT LOT 1 OF SECTION 30, TOWNSHIP 10 SOUTH,  
RANGE 7 EAST, BLACK HILLS MERIDIAN, FALL RIVER COUNTY, SOUTH DAKOTA



# FALL RIVER SOLAR ADDITION

A TRACT OF LAND LOCATED IN GOVERNMENT LOT 1 OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 7 EAST,  
BLACK HILLS MERIDIAN, FALL RIVER COUNTY, SOUTH DAKOTA

## OWNER'S CERTIFICATE

DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF GOVERNMENT LOT 1 OF SECTION THIRTY (30), TOWNSHIP TEN (10) SOUTH, RANGE SEVEN (7) EAST OF THE BLACK HILLS MERIDIAN, FALL RIVER COUNTY, SOUTH DAKOTA, AND THAT I/WE HAVE CAUSED A PORTION OF THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREINAFTER KNOWN AND DESCRIBED AS "FALL RIVER SOLAR ADDITION" IN NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN, FALL RIVER COUNTY, SOUTH DAKOTA, AND THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

GB LANDCO LLC DATE \_\_\_\_\_

STATE OF \_\_\_\_\_ : SS  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, APPEARED, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC

COUNTY PLANNING COMMISSION APPROVAL  
I, CHAIRMAN OF THE COUNTY COMMISSION OF FALL RIVER COUNTY, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN REVIEWED BY ME OR MY AUTHORIZED AGENT AND HAS BEEN APPROVED.  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

JOE FALKENBURG - CHAIRMAN OF THE COUNTY COMMISSION

TREASURER'S CERTIFICATE  
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ATTACHED PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

TERESA PULLEN - TREASURER

## REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED AS HANGING PLAT No. \_\_\_\_\_

MELODY ENGEBRETSON - REGISTER OF DEEDS

## COUNTY AUDITOR CERTIFICATE

I DO HEREBY CERTIFY THAT THE ABOVE CERTIFICATE OF APPROVAL IS TRUE AND CORRECT INCLUDING THE SIGNATURE THEREON. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

SUE GANJE - AUDITOR

DIRECTOR OF EQUALIZATION CERTIFICATE  
I DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

SURVEYOR'S CERTIFICATE  
I, DANIEL C. WAGNER, A REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I DID ON OR BEFORE DECEMBER 1, 2020, SURVEY THAT PARCEL OF LAND DESCRIBED AS FALL RIVER SOLAR ADDITION CONTAINING 6.81 ACRES (AND IT IS IN ALL RESPECTS CORRECT).



DANIEL C. WAGNER  
REGISTERED LAND SURVEYOR  
SOUTH DAKOTA NO. 11953

HIGHWAY APPROVAL  
THE LOCATION OF THE IN PLACE ACCESS ROAD(S), IS HEREBY APPROVED. ANY CHANGE IN THE IN PLACE ACCESS SHALL REQUIRE ADDITIONAL APPROVAL

RANDY SELLER - HIGHWAY SUPERINTENDENT



REVISION NO. DATE

FILED JMD  
2005-07720  
4/27/21

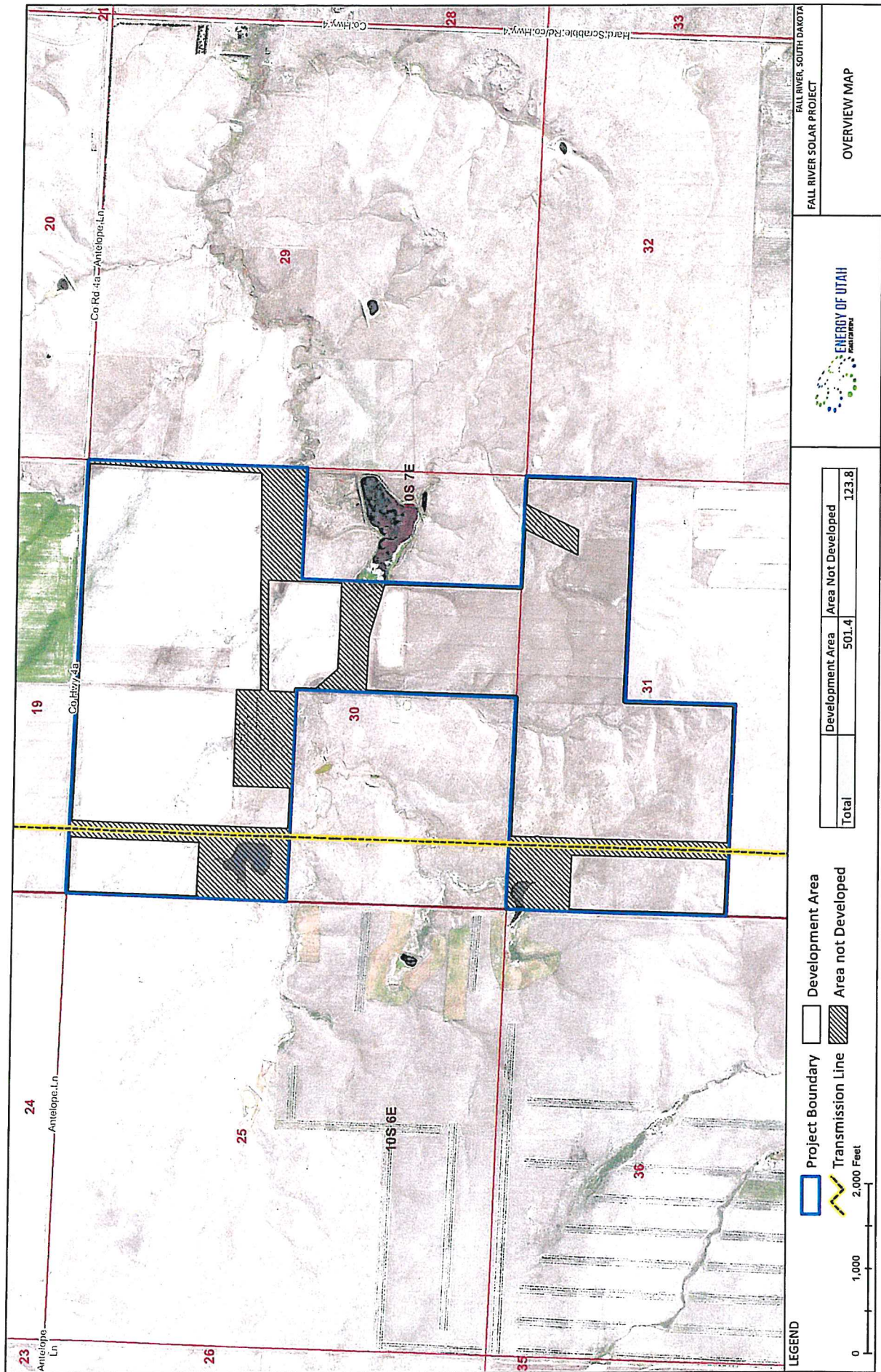
FALL RIVER SOLAR ADDITION

A TRACT OF LAND LOCATED IN GOVERNMENT LOT 1 OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 7 EAST, BLACK HILLS MERIDIAN, FALL RIVER COUNTY, SOUTH DAKOTA

2

2







**SECTION 00100**  
**INVITATION TO BID**

Notice is hereby given, that FIRM sealed bids for the construction of BRO 8024(00)19-1, PCN 075T will be received by the Fall River County Commission, Hot Springs, South Dakota at the office of Fall River County Commission, 906 N River Street, Hot Springs, South Dakota until 10:20 A.M., local time on June 3rd, 2021, and then publicly opened and read aloud.

The project consists of: Structure Replacement and Approach Grading.

The complete set of Contract Documents, including drawings and specifications, is on file with the Owner at the Fall River County Highway Department and the office of Brosz Engineering, Inc., 3561 Whitewood Service Road, Sturgis, SD 57717. Digital Contract Documents are also available from QuestCDN and can be accessed from the Brosz Engineering website at www.broszeng.com under the "Bid Information" page. The cost for downloaded (electronic) plans is \$20. The official Plan Holders list can be viewed for the project on the QuestCDN website. Only electronic plan holders downloaded via QuestCDN will receive addendum notifications. Contractors using any other means for obtaining plans and specifications must periodically check the QuestCDN website for any addenda.

In addition, the Drawings and Project Manual may also be examined at the following locations:  
Construction Industry Center

Each bid must contain a certified check, a Cashier's check or Draft, for five percent (5%) of the amount of the bid; such check to be certified or issued by either a State or National Bank and payable to Fall River County or in lieu thereof a Bid Bond for Ten percent (10%) of the amount of this bid, such bond to be issued by a Surety authorized to do business in the State of South Dakota and payable to Fall River County as a guarantee that such bidder will enter into a contract with said Fall River County, it's Commission thereof in accordance with the terms of such letting and bid in case such bidder is awarded the contract. The Certified Check or other guarantee, or bid bond of the successful bidder will be returned to him forthwith upon the execution of the contract and surety hereafter provided for.

At the time the successful bidder enters into a contract for the construction of public improvement or the furnishing of any material or labor thereof, the Contractor will be required, before commencing such work, to furnish surety in an amount not less than the contract price, for the faithful performance of such contract, with additional obligation that such performance of such contractor will promptly pay all persons supplying him with labor or material in the prosecution of the work provided for in such contract. The Contractor shall also provide proof of liability insurance and workman's compensation insurance, as per Article 5 of the General Conditions.

The Fall River County Commission reserves the right to reject any or all Bids and waive any defects therein.

Dated at Fall River County, South Dakota 3rd Day of May, 2021

County Commission  
Fall River County  
Hot Springs, South Dakota

Publish: May 13, 2021 and May 20, 2021

Published twice at the total approximate cost of \_\_\_\_\_.

4/20/21	FALL RIVER COUNTY	3+ YEAR BUDGET WORKSHEET	SPRINGS SR CITIZENS	HS	AS OF MARCH	21	21 YTD	LPRDWM	PAGE	91
ACCOUNT DESCRIPTION	GL#	18 ACTUAL	19 ACTUAL	3-YEAR AVERAGE	21 BUDGET	21 ACTUAL	%	22 REQUESTED	22 APPROVED	
1280.526 HS SENIOR CITIZENS EX 10100X4280526		4,100.00	4,100.00	4,100.00	4,100.00	4,100.00	100	\$ 4,100.00		
ACCOUNT TYPE TOTALS	42	4,100.00	4,100.00	4,100.00	4,100.00	4,100.00	100			
FUND TOTALS	10100	4,100.00	4,100.00	4,100.00	4,100.00	4,100.00	100			
DEPT TOTALS	526	4,100.00	4,100.00	4,100.00	4,100.00	4,100.00	100			

\* = BUDGET INCLUDES TRANSFERS AND/OR SUPPLEMENTS

Sandra Swenson  
206 S. Chicago  
Hot Springs, SD  
605-350-5961 (P.O.C)

**FALL RIVER COUNTY  
GENERAL FUND SURPLUS ANALYSIS  
DATE: Estimated Jan 31 2021**

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1 which states: "The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year. The total unreserved, undesignated fund balance of the general fund of the county as of March thirty-first and September thirtieth shall be published in the minutes of the proceedings of the board of county commissioners and reported to the Department of Legislative Audit. The report shall be on forms prescribed by the Department of Legislative Audit."

The following analysis should be completed as of March thirty-first and September thirtieth of each year. Thereafter, the unreserved, undesignated fund balance amount should be published in the minutes of the governing board. This analysis should also be filed with the Department of Legislative Audit.

**ASSETS:**

10100 Cash	3,735,962.38
10800 Taxes Receivable--Current	2,767,144.83
11000 Taxes Receivable--Delinquent	24,360.36
<b>TOTAL ASSETS</b>	<b>6,527,467.57</b>

**GENERAL FUND SURPLUS ANALYSIS**

**LIABILITIES AND EQUITY:**

22400 Deferred Revenue	2,791,505.19
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**FUND BALANCES:**

27500 Committed (list)	
Bridge #24-135113	50,000.00
New Boiler	450,000.00
Jail	325,000.00
New Election Equipment	53,000.00
Need to Designate	547,000.00
27600 Assigned (one of the following)	
March - 3/4 of the current year	447,314.25
December - Subsequent Year	
27700 Unassigned	1,863,648.13
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>6,527,467.57</b>

Following Year's General Fund Budget (use current year for March analysis)	4,658,849.00
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The unassigned fund balance, account 27700, divided by the following year's General Fund budget resulting in the fund balance percentage	40.00%
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4/20/21	FALL RIVER COUNTY	3+ YEAR BUDGET WORKSHEET	HISTORICAL MUSEUM			AS OF MARCH	21	21 YTD	22	22	PAGE	87
ACCOUNT DESCRIPTION	GL#	18 ACTUAL	19 ACTUAL	20 ACTUAL	3-YEAR AVERAGE	21 BUDGET	ACTUAL	REQUESTED	APPROVED			
1210.512 MUSEUM INSURANCE	10100X4210512	6,000.00	6,000.00	.00	4,000.00	6,000.00	.00					
1250.512 MUSEUM REPAIRS	10100X4250512	.00	.00	.00	.00	.00	.00					
1260.512 MUSEUM SUPPLIES	10100X4260512	.00	.00	6,000.00	2,000.00	.00	.00					
1280.512 MUSEUM UTILITIES	10100X4280512	.00	.00	.00	.00	.00	.00					
ACCOUNT TYPE TOTALS	42	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	.00					
FUND TOTALS	10100	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	.00					
DEPT TOTALS	512	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	.00					

\* = BUDGET INCLUDES TRANSFERS AND/OR SUPPLEMENTS

*Spence*

Call Carol Sides if  
Avian not available



**FALL RIVER COUNTY  
GENERAL FUND SURPLUS ANALYSIS  
DATE: March 31, 2021**

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1 which states: "The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year. The total unreserved, undesignated fund balance of the general fund of the county as of March thirty-first and September thirtieth shall be published in the minutes of the proceedings of the board of county commissioners and reported to the Department of Legislative Audit. The report shall be on forms prescribed by the Department of Legislative Audit."

The following analysis should be completed as of March thirty-first and September thirtieth of each year. Thereafter, the unreserved, undesignated fund balance amount should be published in the minutes of the governing board. This analysis should also be filed with the Department of Legislative Audit.

**ASSETS:**

10100 Cash	3,504,518.26
10800 Taxes Receivable--Current	<u>2,502,640.51</u>
11000 Taxes Receivable--Delinquent	<u>40,002.93</u>
<b>TOTAL ASSETS</b>	<u><u>6,047,161.70</u></u>

**GENERAL FUND SURPLUS ANALYSIS**

**LIABILITIES AND EQUITY:**

22400 Deferred Revenue	<u>2,542,643.44</u>
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**FUND BALANCES:**

27500 Committed (list)	
New Boiler	450,000.00
Jail	325,000.00
Need to Designate	418,500.00
27600 Assigned (one of the following)	
March - 3/4 of the current year	<u>447,314.25</u>
December - Subsequent Year	
27700 Unassigned	<u>1,863,704.01</u>
<b>TOTAL LIABILITIES AND EQUITY</b>	<u><u>6,047,161.70</u></u>

Following Year's General Fund Budget (use current year for March analysis)	<u>4,658,849.00</u>
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The unassigned fund balance, account 27700, divided by the following year's General Fund budget resulting in the fund balance percentage	<u>40.00%</u>
--	---------------

After removal of Bridge and Election Equipment  
will need to designate \$418,500

5-6-21

To: Fall River Commission

From: Sue Ganje, Auditor

SB 152 – County's Issuance of off-sale liquor licenses.

Fall River County will have 4 off-sale licenses to issue, to be effective 7-1-21.

After consulting with State's Attorney Russell, the Board will need to do the following items to be effective 7-1-21:

1) Set a fee between \$300.00 to \$500.00 for these licenses.

2) Determine if the applicant meets the requirement of SDCL 35-2-6.2 (Character requirements for licensees. Any licensee under this title shall be a person of good moral character, never convicted of a felony, and, if a corporation, the managing officers of the corporation shall meet the same qualifications).

3) Determine how licenses will be allocated to applicants

Currently, Fall River County issues 4 Liquor Licenses, and 1 Restaurant – Liquor license holders are as follows:

1) Angostura Den (Angostura Den Inc.) 28041 Hwy 385 S

2) Coffee Cup Travel Plaza (H & H Enterprises) 27638 US HWY 385

3) Pirates Pub (TTT Taverns, LLC) 27679 Hwy 385

4) Stateline Casino (All 5 Gears LLC), 30387 Hwy 385, Oelrichs

1) Inferno On The Beach, Angostura Resort Management, Inc 30387 Hwy 385

Fall River County also issues Malt Beverage and SD Wine licenses to the 5 liquor licenses holders noted above, plus to Common Cents Food, Forney's Standard, Hidden Lake Campground and Resort, and the Hot Springs KOA.

All current Liquor License/Malt Beverage & SD wine License holders, plus the 4 other Malt Beverage & SD Wine licenses holders are eligible to apply for the Liquor off-sale License, plus any other interested parties.



## 2021 South Dakota Legislature

# Senate Bill 152

Introduced by: Senator Johns

1 **An Act to authorize counties to issue off-sale liquor licenses.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 35-4-6 be AMENDED.

4 **35-4-6. Off-sale licenses--County, municipality, or improvement district.**

5 ~~Except as provided in subdivisions 35-4-2(12) and (16), off-sale~~ Off-sale licenses  
6 may ~~only be~~ issued under this chapter to operate within a county, municipality or an  
7 improvement district created pursuant to chapter 7-25A.

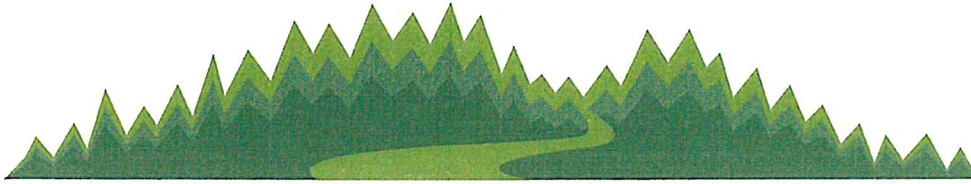
8 **Section 2.** That § 35-4-11.1 be AMENDED.

9 **35-4-11.1. Counties--Number of licenses and amount of fees--Number**  
10 **restricted by population--Denial of reissuance.**

11 If not previously fixed by ordinance or continuing resolution, the board of county  
12 commissioners shall, before the second of September in each year, determine the number  
13 of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees  
14 to be charged for the various classifications of licenses. The number of licenses issued  
15 pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of  
16 population and may not exceed one for each additional fifteen hundred of population or  
17 fraction thereof. The number of licenses issued pursuant to subdivisions 35-4-2(3) and  
18 35-4-2(12) may not exceed two for the first one thousand of population and may not  
19 exceed one for each additional fifteen hundred of population or fraction thereof. The  
20 population includes only those residing within the county, but outside the incorporated  
21 municipalities and improvement districts, created pursuant to chapter 7-25A, within the  
22 county. No licensee regularly licensed to do business on July 1, 1981, may be denied  
23 reissuance of a license in subsequent years solely by reason of any limitations, based upon  
24 population quotas, of the number of licenses authorized or established under the  
25 provisions of this title. Licenses issued to concessionaires, and lessees of the State of



- 1 South Dakota, within the boundaries of state parks, prior to January 1, 1983, may be
- 2 subtracted when calculating the total number of licenses permitted in this section.



## Black Hills Regional Multiple Use Coalition

P.O. Box 9496 • Rapid City, SD 57709 • 605-341-0875 • Fax 605-341-8651

April 15, 2021

TO: BOARD OF DIRECTORS

SUBJECT: MEETING NOTICE

The next Black Hills Regional Multiple Use Coalition, Board of Directors meeting will be April 23<sup>rd</sup>, 4:00 pm, at the Spearfish Holiday Inn. The draft minutes from the March Board of Directors meeting are attached for your review.

The tentative agenda items are:

- Old Business – Tie vote on motion
- Revising Bylaws
- Continue OHV Discussion
- 30x30
- Black Hills Timber
- Directors' Round Robin

Please feel free to call me at 605-341-0875 if you have any questions or comments.

Ben Wudtke  
Executive Secretary

## **Black Hills Regional Multiple Use Coalition- March 26, 2021**

The March 2021 BHRMUC meeting was called to order at 4:00 pm at the Holiday Inn in Spearfish, SD. Those in attendance were Jean Kennedy, Dave Kennedy, Eric Jennings, Frank Bloom, Druse Kellogg, Rich Eddy, Bill Coburn, Kevin Forrester, Kwinn Neff, Sandor Ringhoffer, Larry Mann, Kristopher Jensen, Ron Rossknecht, Patty Brown, Butch Oien, Aaron Thompson, Hugh Thompson, Randy Diebert, Don Hausle, Ben Wudtke, Nathan Alexander, and Matt Lottes.

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The new Black Hills Forest Supervisor Jeff Tomac was in attendance to talk with the group about the following:

The Black Hills Forest Plan revision process is planned to begin around the end of July 2021. Jeff says he does not intend to “drag out” the revision process and thinks that a revision can be completed within 3 years.

OHV Summit – One of Jeff’s key concerns is determining vehicle width restrictions on trails. Don Hausle commented on how revenue from OHV trail stickers does not go towards road system maintenance despite OHV’s causing significant damage to the road system. An OHV Working Group will be formed to expedite decision making. Bill Coburn commented on the need for more diversity in stakeholder representation in the proposed working group committee. Jeff said he’d take a look at that. Randy Diebert has a list of 12 stakeholders (instead of the proposed 20) to making up the working group. Jeff stated that the OHV Working Group should NOT be a Forest Service-led group.

Randy asked Jeff how much the NFAB recommendation to the Forest Service will affect the decision on the timber sale program. Jeff said he’d “heavily” rely on the NFAB recommendation.

Ben commented on how past Forest Supervisors have “kicked the can down the road” in regards to addressing trail issues. Jeff apologized for the lack of action of previous Supervisors and does not intend to follow suit.

Larry Mann of F3 Gold addressed how the mining permitting process in the absence of a categorical exclusion has been ongoing for three years now and has cost F3 Gold hundreds of thousands of dollars in the meantime.

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Ben spoke on how the OHV Summit didn’t result in many answers to trail issues besides the decision to form an OHV Working Group. Ben also mentioned the BHRMUC should consider using funds to help pay for a leader/director of the Working Group if it’s truly not Forest Service-led.

Hugh made a motion for the group to donate \$500 dollars to the Halverson family who lost their home in a recent fire. James Halverson has been a member of the BHRMUC and his wife Jessica is the coordinator for Wyoming Project Learning Tree. Eric was concerned that such a donation from the coalition would set the wrong precedent. The motion went to a vote and the room was split 6-6, so Hugh withdrew his motion.

Ben spoke on the recent announcement by Neiman Timber Company that its Hill City Sawmill, Rushmore Forest Products, is scheduled to close at the end of May 2021. Ben passed out copies of the press release.

Randy commented that the “forest belongs to us,” and that has been obstructed by the lack representation in the decision-making process regarding timber sales.

Eric passed out copies of the treasurer’s report. Balance of \$15,438.36 as of 3/26/2021. Report was approved.

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Meeting adjourned at 6:16 PM

Minutes by Matt Lottes



## Taxes, Taxes, Taxes

An informational meeting will be held on taxation and valuation on May 26, 2021, 3:00 – 5:30 pm at the Mueller Center. County Commissioners, District 30 Senator and Representatives will be available to answer questions and provide information.

Bob,

I have taken the opportunity to provide the following:

1. Sample County Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses
2. County Adoption Process for counties with or without zoning regulations
3. Public Hearing Notices for counties with or without a planning commission
4. Notice of Adoption
5. Sample Agendas for counties with or without a planning commission
6. Sample Decision Process for counties with or without a planning commission

I plan on sending this information to the following:

South Dakota Planners Association, Planning Districts, and the counties within the First District.

I would suggest that SDACC send this information to all of its members with the caveat that they should have their attorney review the temporary ordinance prior to adoption. Further, if the county is interested there is a timeline that needs to be adhered to:

1. Public hearing notice to be published 10 days prior to public hearing
2. Hold Public Hearing and 1<sup>st</sup> reading of the ordinance
3. Wait at least 5 days and then hold 2<sup>nd</sup> reading and adopt
4. Publish notice of adoption
5. Ordinance in effect on date of publication

The timeline assumes a weekly newspaper publication, so from the cutoff date of sending the public hearing notice to the newspaper to the notice of adoption being published in the newspaper, a conservative estimate is that it could take up to 28 days, depending on publication cutoffs, to complete the process.

A lot of good work has gone into this. However, the heavy lift is still ahead of us. I anticipate some form of a model zoning, zoning/licensing, or licensing ordinances will be developed in May. I hope to follow the same format that SDML, SDPAA, Jack Hieb, Zach Peterson, Sam Trebilcock, and myself utilized in developing this temporary ordinance. I hope to have the ordinances vetted in June with a possible dissemination to cities and counties in July. Cities and counties will not have a lot of time to review the models and pick what they like or don't like because the adoption process for these ordinances can take up to 45 to 60 days, depending on the newspaper.

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS  
ESTABLISHMENT PERMITS AND/OR LICENSES.**

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, \_\_\_\_\_ County, SD ("County"), makes a preliminary finding that the County's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;



WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY \_\_\_\_\_ County, SD:

*Section 1. Temporary Ordinance – Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

\_\_\_\_\_  
County Commissioner Chair

ATTEST:

\_\_\_\_\_  
County Auditor

**County Adoption Process**  
**Temporary Ordinance Adoption Process (SDCL 11-2-10)**

**County has existing Zoning Regulations**

1. Publish a notice of Joint public hearing of the County's Planning Commission and Board of County Commissioners – Notice to be published at least 10 days prior to Public Hearing
2. Hold Joint Hearing
  - a. After Public Hearing - Planning Commission makes recommendation to approve temporary ordinance
  - b. County Commission receives recommendation, holds 1<sup>st</sup> reading by title and sets 2<sup>nd</sup> reading date
3. County Commission has 2<sup>nd</sup> reading and adopts temporary ordinance (must be at least 5 days after 1<sup>st</sup> reading)
4. If adopted, Notice of Adoption is published
5. Ordinance goes into effect on date of publication

**County does not have existing zoning regulations**

1. Publish a notice of public hearing of the Board of County Commissioners – Notice to be published at least 10 days prior to Public Hearing
2. Hold Hearing
  - a. After Public Hearing - County Commission has 1<sup>st</sup> reading by title and sets 2<sup>nd</sup> reading date
3. County Commission has 2<sup>nd</sup> reading and adopts temporary ordinance (must be at least 5 days after 1<sup>st</sup> reading)
4. If adopted, Notice of Adoption is published
5. Ordinance goes into effect on date of publication

**PUBLIC HEARING NOTICE FOR COUNTIES WITH PLANNING COMMISSION**

**PUBLISH NOTICE – 10 DAYS PRIOR TO PUBLIC HEARING**

\_\_\_\_\_ COUNTY PLANNING COMMISSION AND \_\_\_\_\_ COUNTY BOARD OF COUNTY  
COMMISSIONERS

**NOTICE OF JOINT PUBLIC HEARING**

**ORDINANCE # \_\_\_\_\_**

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS  
ESTABLISHMENT PERMITS AND/OR LICENSES**

The \_\_\_\_\_ County Planning Commission and the Board of \_\_\_\_\_ Grant County Commissioners will hold a joint public hearing on \_\_\_\_\_, 2021 at \_\_\_\_\_ a.m. at the \_\_\_\_\_ County Courthouse located at \_\_\_\_\_, \_\_\_\_\_, SD. All interested persons are encouraged to attend in person and comment on Ordinance # \_\_\_\_\_, A temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. After the public hearing, the Planning Commission may pass a resolution recommending approval of Ordinance# \_\_\_\_\_, with or without amendment, to the Board of County Commissioners. The Board of County Commissioners may have first reading of Ordinance # \_\_\_\_\_ by title and set a 2<sup>nd</sup> reading date.

The proposed Ordinance # \_\_\_\_\_ will be made available for public inspection at the \_\_\_\_\_ County Auditor's Office at \_\_\_\_\_, \_\_\_\_\_ SD and on-line at \_\_\_\_\_ pursuant to SDCL Section 11-2 and amendments thereto.

Written comments may be filed by emailing the Auditor at \_\_\_\_\_ or by mailing them to the Auditor at \_\_\_\_\_, \_\_\_\_\_, SD, SD 57\_\_\_ on or before noon on \_\_\_\_\_, 2021.



**PUBLIC HEARING NOTICE FOR COUNTIES WITHOUT PLANNING COMMISSION**

**PUBLISH NOTICE – 10 DAYS PRIOR TO PUBLIC HEARING**

**BOARD OF \_\_\_\_\_ COUNTY COMMISSIONERS**

**NOTICE OF PUBLIC HEARING**

**ORDINANCE # \_\_\_\_\_**

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS  
ESTABLISHMENT PERMITS AND/OR LICENSES**

The Board of \_\_\_\_\_ County Commissioners will hold a public hearing on \_\_\_\_\_, 2021 at \_\_\_\_\_ a.m. at \_\_\_\_\_ located at \_\_\_\_\_, \_\_\_\_\_, SD. All interested persons are encouraged to attend in person and comment on Ordinance #\_\_\_\_\_, A temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. After the public hearing, the Board of County Commissioners may have first reading of Ordinance #\_\_\_\_\_ by title and set a 2<sup>nd</sup> reading date.

The proposed Ordinance #\_\_\_\_\_ will be made available for public inspection at the \_\_\_\_\_ County Auditor's Office located at \_\_\_\_\_, \_\_\_\_\_ SD and on-line at \_\_\_\_\_ pursuant to SDCL Section 11-4 and amendments thereto.

Written comments may be filed by emailing the Auditor at \_\_\_\_\_ or by mailing them to the Auditor at \_\_\_\_\_, \_\_\_\_\_, SD, SD 57\_\_\_\_ on or before noon on \_\_\_\_\_, 2021.

**NOTICE OF ADOPTION- TO BE PUBLISHED ONCE**

ORDINANCE # \_\_\_\_\_

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS  
ESTABLISHMENT PERMITS AND/OR LICENSES**

BE IT ORDAINED by the Board of \_\_\_\_\_ County Commissioners:

*Section 1. Temporary Ordinance – Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Passed and adopted this \_\_\_\_\_ 2021.

\_\_\_\_\_  
\_\_\_\_\_, Chairperson

ATTEST:

\_\_\_\_\_

Auditor

This ordinance shall become effective upon the date of publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

Adopted:

Published:

Effective:

### **Sample Agenda Items (For County with Planning Commission)**

#### **Meeting #1**

- Convene Jointly as Planning Commission and Board of County Commissioners
- Ordinance # \_\_ A Temporary Ordinance Regarding the Issuance of Local Cannabis Establishment Permits and/or Licenses
  - Public Hearing: Planning Commission and Board of County Commissioners
  - Planning Commission Resolution Recommending approval of Ordinance #\_\_
  - First Reading of Ordinance #\_\_.
- Adjourn Planning Commission/Convene only as Board of County Commissioners

#### **Meeting #2**

- Ordinance #\_\_ A Temporary Ordinance Regarding the Issuance of Local Cannabis Establishment Permits and/or Licenses
  - Second Reading of Ordinance #\_\_.
  - Board of County Commissioners action on Ordinance #\_\_



## Decision Process (For County with Planning Commission)

### Meeting #1

1. Make motion to convene jointly as the Planning Commission and Board of County Commissioners.
  - a. Chairperson announces the Board of County Commissioners and Planning Commission will meet jointly [for this portion of the meeting].
  - b. Planning Commission makes **Motion to Recommend Approval of the Temporary Ordinance. (Chairperson should say, "Which member of the Planning Commission member will make a motion recommending approval of the ordinance to the Board of County Commissioners so we can begin discussion?")**
  - c. Open Public Hearing:
    - i. Allow proponents to comment on the Temporary Ordinance
    - ii. Allow opponents to comment on the Temporary Ordinance
  - d. Close Public Hearing:
  - e. Planning Commission/Board of County Commissioners discussion on Temporary Ordinance.
  - f. Planning Commission acts (votes) on Resolution to recommend approval of the Temporary Ordinance the described property to the Board of County Commissioners.
  - g. Board of County Commissioners first reading, by title, of Temporary Ordinance. (Just read the title of the document – no need for a vote here.)
  - h. Chairperson notes the date, time, and place of the 2<sup>nd</sup> reading as scheduled.
  - i. Motion to Adjourn as Planning Commission and resume acting solely as the Board of County Commissioners (if necessary for regular business).

## Meeting #2

1. Board of County Commissioners 2<sup>nd</sup> Reading of Temporary Ordinance (title only).
2. Motion to Approve the Temporary Ordinance. (**Chairperson asks for a motion of the Board of County Commissioners Approving the Ordinance**)
3. Board of County Commissioners discussion on Temporary Ordinance (the Commissioners may ask for public input but is not obligated to allow input at this time).
4. Board of County Commissioners action (vote) to approve/deny the Ordinance Amending the Zoning Ordinance. (Requires simple majority to pass)

### **Sample Agenda Items (For County without Planning Commission)**

#### **Meeting #1**

- Ordinance # \_\_ A Temporary Ordinance Regarding the Issuance of Local Cannabis Establishment Permits and/or Licenses
  - Public Hearing and First Reading of Ordinance #\_\_.

#### **Meeting #2**

- Ordinance #\_\_ A Temporary Ordinance Regarding the Issuance of Local Cannabis Establishment Permits and/or Licenses
  - Second Reading of and action on Ordinance #\_\_.



## Decision Process (For County without Planning Commission)

### Meeting #1

- a. Board of County Commissioners first reading, by title, of Temporary Ordinance. (Just read the title of the document – no need for a vote here.)
- b. Open Public Hearing (Chairperson announces this is the time and place for a public hearing on Ordinance #\_\_.)
  - i. Allow proponents to comment on the Temporary Ordinance
  - ii. Allow opponents to comment on the Temporary Ordinance
- c. Close Public Hearing:
- d. Board of County Commissioners discussion on Temporary Ordinance. (They can defer all Commission discussion until second reading.)
- e. Chairperson notes the date, time, and place of the 2<sup>nd</sup> reading as scheduled.

### Meeting #2

1. Board of County Commissioners 2<sup>nd</sup> Reading of Temporary Ordinance (title only).
2. Motion to Approve the Temporary Ordinance. (**Chairperson asks for a motion of the Board of County Commissioners Approving the Ordinance**)
3. Board of County Commissioners discussion on Temporary Ordinance (the Commissioners may ask for public input but is not obligated to allow input at this time).
4. Board of County Commissioners action (vote) to approve/deny the Ordinance Amending the Zoning Ordinance. (Requires simple majority to pass)