

## FALL RIVER COUNTY UNAPPROVED MINUTES OF JULY 15, 2021

The Fall River Board of County Commissioners met in regular session on July 15, 2021. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

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

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

Motion made by Greenough, seconded by Allen, to approve the agenda with the change of moving the auditor - budget and tax items, to the end of the meeting.

Motion made by Russell, seconded by Greenough, to approve the minutes for July 1, 2021.

Motion made by Greenough, seconded by Allen, to provide retro pay for Eric Shull, Highway Department – \$1.00 per hour, to \$19.05, effective December 21, 2020, as per union contract.

Motion made by Russell, seconded by Greenough, to approve the Auditor's Account with the Treasurer 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 this 30th day of June 2021.

<b>Total Amount of Deposit in First Interstate Bank, HS:</b>	\$ 2,324,258.88
<b>Total Amount of Deposit in First National Bank, Lead:</b>	\$ 1,000.00
<b>Total Amount of Cash:</b>	\$ 2,236.09
<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>	\$ 21,759.39

**SAVINGS:**

First Interstate Bank, HS:	\$	326,057.82
First National Bank of Lead: ICS Acct	\$	1,045,572.85

**CERTIFICATES OF DEPOSIT:**

First Interstate, HS:	\$	774,429.17
Black Hills Federal Credit Union, HS:	\$	250,000.00
Bank of the West, HS:	\$	540,727.24
Schwab Treasury:	\$	274,327.74
First National Bank, Lead:	\$	309,081.91
Black Hills Community, Rapid City:	\$	805,786.21
Liberty National, Sioux Falls:	\$	4,023,703.80

**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
Caveye, Russell	10/26/2020	\$	64.77
Remedy Ranch	5/18/2021	\$	637.47

**TOTAL      \$ 10,701,884.94**

Dated This 30th Day of June 2021.

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

/s/Teresa Pullen, County Treasurer of Fall River County

County Monies	\$	10,384,071.63
Held for other Entities	\$	129,212.89
Held in Trust	\$	188,600.42
<b>TOTAL</b>	<b>\$</b>	<b>10,701,884.94</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.



Motion made by Greenough, seconded by Allen, to approve surplus to junk one office chair, #02307, Director of Equalization.

Frank Maynard, Emergency Management, met with the board. Motion made by Russell, seconded by Cope, to approve the 3<sup>rd</sup> quarter Single Signature form, as required by the L.E.M.P.G., and authorize the chairman to sign.

Maynard reported that we will receive \$9,310.00 for the 3<sup>rd</sup> quarter reimbursement, and that he completed the annual Pre-Award Risk Assessment Questionnaire required by OEM for grant awards. The Safety Benefits conference will be November 3 and November 4, 2021, he is working on the application, and that the Region 4 EOC Exercise will be July 21<sup>st</sup>. The 2021 Rally Meeting was conducted on July 7, 2021 where the upcoming annual rally was discussed. Maynard also reported on fires and incidents.

Discussion was held on the continuation of the lease of the County land near Edgemont. Motion made by Cope, seconded by Allen, to continue with the lease of the County land.

Teresa Pullen, Treasurer, met with the board. Motion made by Cope, seconded by Greenough, to approve holding a tax deed sale on August 19, 2021 at 2:00 p.m., in the Fall River County Courthouse Courtroom, with Falkenburg being the auctioneer.

Pullen spoke of a property she feels should be deeded to the Edgemont School, and advised of an additional property that will be added to the sale.

Commissioner Falkenburg presented a letter to the board for review and approval. Motion made by Allen, seconded by Greenough, to approve a letter opposing the 30 x 30 Presidential Executive Order, and table signing the letter until after break to allow the letter to be amended to include all commission signatures. This letter will be sent to Governor Noem and our Congressional Representatives in Washington.

The hearing for off-sale liquor license fee and application outside of municipalities was held as advertised. Motion made by Allen, seconded by Russell, to approve the retail (off-sale) liquor license for Coffee Cup Fuel Stop #9.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Russell, seconded by Greenough, to approve the June 2021 reimbursement to the highway department for fuel used or work performed as follows: Sheriff's Department for \$2,904.14; Weed and Pest Office for \$1,050.65; Building for \$71.05; Emergency Management for \$117.78; and DOE for \$115.26.

Fuel quotes were presented as follows:

6/15/2021 Fuel Quotes	8,000 Gal Diesel
Nelson's	\$2.74/gallon
Hi-D-Way	No Bid
MG Oil	No Bid

Motion made by Cope, seconded by Allen, to accept the low bid from Nelson's for \$2.74 per gallon for 8,000 gallons of diesel, for a total amount of \$21,920.00.

Motion made by Cope, seconded by Greenough, to award the July 1, 2021 gravel bid for crushing and stockpiling of 45,000 ton of crushed gravel or stone surfacing to KD Contractors, Inc, Hot Springs, SD, in the amount of \$5.49 per ton, from the Limestone pit.

Motion made by Greenough, seconded by Cope, to approve the revised Staking Sheet on the Application for Permit to Occupy County Highway R-O-W by Golden West Telecommunications on Valley Road (approved in May of 2021), and the Application for Permit to Occupy County Highway Right-of-way by Golden West Telecommunications from an existing vault near approximately 913 feet west of HWY 89 to a post near 27097 SD HWY 89.

Motion made by Russell, seconded by Allen, to approve the Haul Route Agreement between Fall River County and Fall River Solar, LLC.

Motion made by Allen, seconded by Russell, to approve hiring an individual for part-time mowing.

The following quotes for loading and hauling approximately 14,000 ton of millings were as follows:

Barker Concrete and Construction, Inc., Edgemont, SD	\$111,855.67
Simon Contracting, Hot Springs, SD	\$91,000.00

Motion by Allen, seconded by Russell to approve Simon Contracting as low bid for loading and hauling approximately 14,000 ton of millings from Simon's Pit at Maverick Junction to Shep's Canyon Road, approximately 17.5 miles haul.

Motion made by Allen, seconded by Russell, to approve the Shep's Canyon Road project, with a 50/50 split on cost with the SD Game Fish and Parks. With Cope and Greenough voting no, all others voting yes, by roll call vote, motion carries.

Motion made by Cope, seconded by Greenough, to reject Floyd's Truck Center Truck Purchase, in the amount of \$19,500.00.

Seiler updated the board that the Highway Department had been approved for the Volkswagen rebate program for approximately \$60,000.00. They are currently working on Shep's Canyon Road. Discussion was held on the possibility of having a water truck available when mowing.

John Taylor, Fall River Solar, LLC and Daniel Wagner (via phone), KLJ Engineering met with the board. Motion made by Cope, seconded by Russell to approve the following resolution:

**FALL RIVER COUNTY RESOLUTION #2021-35**

**Fall River Solar Tract**  
**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**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,

BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 15<sup>th</sup> day of July, 2021.

ATTEST:

/s/Sue Ganje

Fall River County Auditor

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners

Public comment was heard from Susie Hayes, Director of Equalization, who noted that the Vanguard program is now working well with the installation of the new server, and that the State is waiting for Dr. Elliott to make a final decision on Ag Soil Table, noting that the new table will not be applied until 2022 pay 2023. Hayes provided a list of volunteers to Les Cope for creation of an Ag Coalition and advised that the new Ag forms are getting done. Falkenburg recommended that Hayes put an article in the paper to explain that the county is working with legislators not only on agriculture taxes but also on the increased sales ratio and market value.

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

**GENERAL FUND**

A & B WELDING SUPPLY CO.	SUPPLY	\$33.10
AMAZON CAPITAL SERVICES	SUPPLY	\$125.20
ARROWWOOD RESORT & CONFER	HOTEL	\$211.90
AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$270.68
CURA HOSPITALITY	INMATE MEALS	\$12,099.33
A-Z SHREDDING INC	SHREDDING	\$62.60
BEESLEY LAW OFFICE	CAAF	\$1,337.85
BLACK HILLS CHEMICAL	SUPPLY	\$742.21
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$3,995.6
BUSINESS MANAGEMENT DAILY	SUPPLY	\$143.00
CASTER, PATTY	TRAVEL REIMBURSEMENT	\$66.00
CENTURY BUSINESS LEASING	COPIER LEASE/USAGE/METER	\$435.58
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73



CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$70.12
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DEAN SCHAEFER COURT REP	COURT REPORTER	\$96.00
EAGLE ENTERPRISES LLC	SUPPLY	\$288.00
EN-TECH LLC	FUMIGATION	\$110.00
ENVIRONMENTAL PRODUCTS	SUPPLY	\$263.40
DUDE SOLUTIONS, INC.	GIS SUPPORT CONTRACT	\$313.85
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$410.90
FARRELL, FARRELL & GINSBACH	CAAF	\$9,227.53
FALL RIVER COUNTY HERALD	PUBLICATION	\$621.27
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$5,248.01
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,186.39
HAYES, SUSIE	TRAVEL REIMBURSEMENT	\$105.00
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$43.98
CITY OF HOT SPRINGS	CITY WATER BILL	\$778.06
LEWIS & CLARK BEHAVIORAL	MI/QMHP	\$184.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$2,904.67
MARCO	COPIER LEASE	\$170.33
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MCLEODS OFFICE SUPPLY CO.	SUPPLY	\$119.90
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$202.50
QUADIENT FINANCE USA, INC	POSTAGE	\$1,239.90
O'NEILL, JUSTIN	CAAF	\$1,976.40
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNINGTON/TRANSPORT	\$9,959.80
POWELL, DEBRA J	BLOOD DRAW	\$75.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW	\$160.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$908.39
SERVALL	RUGS AND MATS SERVICE	\$429.15
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,200.00
STEPHENS LAW OFFICE	CAAF	\$380.00
WENDALL'S GARAGE	SERVICE	\$61.69
WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$2,600.00
YANKTON CO TREASURER	MENTAL ILLNESS HEARING	\$125.00
MILES, SASHA	BLOOD DRAW	\$150.00
IRON BLOOD, JANA	WITNESS FEES	\$46.88
	TOTAL FOR GENERAL FUND	\$62,809.40
<b>COUNTY ROAD &amp; BRIDGE</b>		
BH ELECTRIC COOP INC.	UTILITY POWER ELECTRIC	\$35.07
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$468.51
CHEYENNE SANITATION	SANITATION COLLECTION	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$12.00
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$257.70



CITY OF HOT SPRINGS	CITY WATER BILL	\$31.77
	TOTAL COUNTY ROAD & BRIDGE	\$963.15
<b>911 SURCHARGE REIMBURSEMENT</b>		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.25
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$816.44
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$824.69
<b>EMERGENCY MANAGEMENT</b>		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.25
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$141.95
MARCO	COPIER LEASE	\$38.90
	TOTAL FOR EMERGENCY MANAGEMENT	\$189.10
<b>24/7 SOBRIETY FUND</b>		
SD DEPARTMENT OF HEALTH	24/7 LAB ANALYSIS	\$440.00
	TOTAL 24/7 SOBRIETY FUND	\$440.00
	TOTAL PAID BETWEEN 7/8/21 AND 7/15/21	\$65,226.30

Break was taken at 10:13 a.m. and the meeting reconvened at 10:24 a.m.

Seiler advised the board that Game, Fish and Parks will pay up to \$250,000.00 for Shep's Canyon Road.

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

#### **FALL RIVER COUNTY RESOLUTION #2021-36**

#### **A Plat of Lot 16A of Shep's Canyon Estates Subdivision, located in Section 22, T8S, R5E, BHM, Fall River County, South Dakota**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,

BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 15<sup>th</sup> day of July, 2021.

ATTEST:  
/s/Sue Ganje  
 Fall River County Auditor

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

The board reviewed the Public Participation at Commissioner Meetings Policy. Discussion was held on comments of a repetitious nature and speaking into the microphone for better clarity during the meeting and for the video.

Sue Ganje, Auditor, met with the board to present a budget timeline and a property tax guideline. The board reviewed 2022 budget requests, and reviewed taxes and allowed increases for pay '22. Additional discussion was held on Prairie Hills Transit in Edgemont, the Hot Springs Meals site and the Edgemont YMCA.

Motion made by Allen, seconded by Greenough, to enter executive session, as per SDCL 1-25-2(1) for personnel purposes at 11:08 a.m.

The Board came out of executive session at 11:39 a.m.

Motion made by Allen, seconded by Russell, to allow Seiler to carry over one week of vacation time.

Motion made by Greenough, seconded by Allen, to adjourn at 11:40 a.m.

/s/Joe Falkenburg

Joe Falkenburg, Chairman

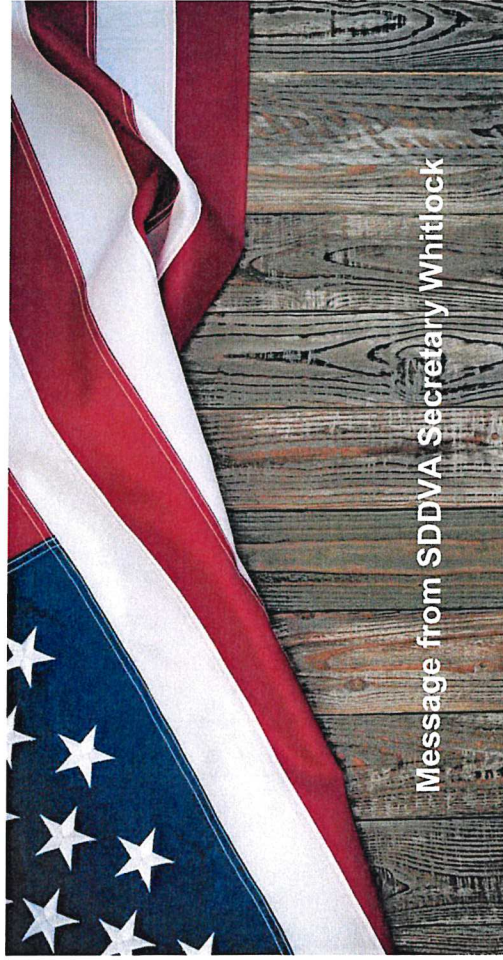
Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor





### Message from SDDVA Secretary Whitlock

Welcome to the 2021 SDDVA Annual Benefit School. We believe our conference will provide opportunities for professional development, networking, and mentoring.

This year's conference has been designed with two pathways. The first pathway is created for intermediate CTVSOs. It will assist them in onboarding and will provide the basic information needed to jumpstart them in their new role.

The second pathway is for the advanced CTVSOs to keep skills sharp, stay up to date on industry trends and learn about the ever-changing federal rules and regulations.

We believe this conference provides lots of opportunities to network with other CTVSOs, SDDVA staff, vendors, and etc.

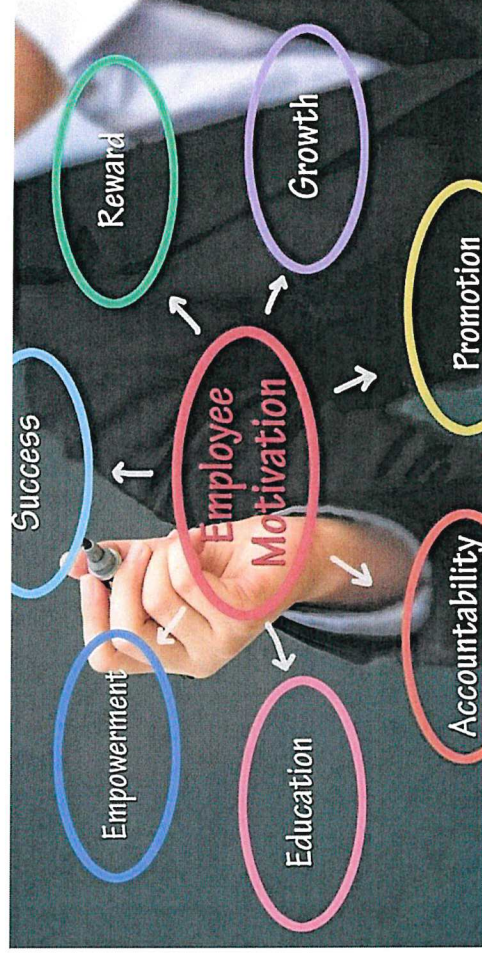
We appreciate your participation and your continued commitment to creating a welcoming environment for our veterans.

Greg Whitlock, Secretary  
South Dakota Department of Veterans Affairs



# South Dakota Department of Veterans Affairs

Annual Benefit School - August 16-18, 2021  
Ramkota Conference Center - Pierre, SD  
Amphitheater I





# Monday—August 16

1:00 pm SDDVA Update—Secretary Whitlock and Deputy Secretary Pollard  
 1:30 pm VABHCS Update—Associate Director Spencer Mion  
 2:15 pm VA Regional Office Update—Director Shawn Bohn  
 2:45 pm Break  
 3:00 pm SFVAHC Update—Director Lisa Simoneau  
 4:00 pm Medicaid 101—Laura Ellenbecker (SD Dept. of Social Services)  
 4:30 pm SDVSO Association Meeting

**6:00 pm Steak fry—American Legion Post 8 Cabin (520 S. Pierre Street)**

# Tuesday—August 17

8:00 am State Cemetery and Burial Benefits—Erin Brown (SDDVA)  
 9:00 am Incarcerations and Apportionments—Cody Trapp (SDDVA)  
 9:30 am Break  
 9:45 am Accreditations and PIV Cards—Bridget Poore (SDDVA)  
 10:30 am Break  
 10:45 am New 4138 VA Forms—Thomas Skinner (SDDVA)  
 11:15 am Education/OJT/Apprenticeship Benefits—Shane Olivier and Ryan Fowler (SDDVA)  
 12:00 Lunch on Your Own

## BREAKOUTS

**Intermediate: Amphitheater I**

1:00 pm VetraSpec Basics—Mike Judy (SDDVA)  
 2:00 pm Obtaining Records—Dan Cullen (Fall River VSO)  
 2:45 pm Break  
 3:00 pm How to Complete Forms—Will Huffman (SDDVA)

**Advanced: Gallery D&E**

1:00 pm SAH, SHA, HISA & Auto Allowance—Shannon Phillips (SDDVA)  
 2:00 pm Presumptive & Secondary Conditions—Kevin Swanson (SDDVA)  
 3:00 pm Break  
 3:15 pm Pension scenarios & UMEs—Jerry Lemme (SDDVA)

**5:30 pm**

**Vendor Night—Gallery AB&C**

# Wednesday—August 18

## BREAKOUTS

**Intermediate: Amphitheater I**

8:00 am Pension 101—Guy Arnold (SDDVA)  
 9:30 am Break  
 9:45 am Appeals Basics—Heather Bullerman (SDDVA)  
 10:45 am Break  
 11:00 am DIC—Brett Dickerson (SDDVA)

**Advanced: Gallery D&E**

8:00 am BVA Level Appeals—Krystal Taylor (SDDVA)  
 9:30 am Break  
 9:45 am TBI Ratings—Tim Reisch (SFVAHCS)  
 10:45 am Break  
 11:00 am Case Study Discussions—Kevin Bowen (SDDVA)

12:00 Lunch on Your Own

**Amphitheater 1**

1:00 pm Wounded Warrior Personal Insights/Post Traumatic Growth—Ken Korkow (Vietnam Veteran)  
 2:30 pm Break  
 2:45 pm Test





COUNTY TRAVEL REQUEST FORM

NAME(s): Dan Cullen VSO

CONFERENCE/WORKSHOP: SDDVA Annual workshop / training

DESTINATION: Ramkota Pierre, SD

DATE: 16-18 AUG 2020

REGISTRATION FEE: \$50 County paid

CONFERENCE FEE: \$50 County paid

LODGING: \$78.40 x 2 \$156.80 Confirmation# 260197

MON 24 L,D

TUE 25 B,L&D

WED 26 B,L&D

MEALS: Total = \$114.00

TRAVEL EXPENSES: 450 miles x \$.23 = \$103.50 (personal vehicle)

TOTAL COUNTY EXPENSE: \$374.30

BENEFIT TO ATTEND: Learn about new procedures and updated VA policies

# 2021 County Convention Registration

September 13 - 14, 2021

RAPID CITY RAMKOTA HOTEL



**Pre-Registration Fee is \$185.00 per person**

if you are paid by **August 27, 2021**.

This fee includes all program materials, breaks, and meals.

**Registration after August 27 will be \$225.00.**

**QUESTIONS: Call 1-605-224-4554**

**Cancellation Policy:** Full refund if canceled by August 27, 2021  
**NO REFUND** after August 27.

Return this form with payment by **August 27** to:

**SD Association of County Commissioners (SDACC)**

**211 E Prospect Ave**

**Pierre SD 57501**

**County / Company:** \_\_\_\_\_

**Name**

**Title**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

**Spouse/Guest Registration**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**Spouse/Guest Registration**

☐ **Meals \$50.00** (Includes Spouse Events, Opening Luncheon, Tuesday Breakfast, Tuesday Lunch)

**\*\*\*Area Motels\*\*\* BLOCK NAME – “SD Counties”**

**BLOCKS RELEASE AUGUST 13, 2021**

**Rooms are available at the following hotels:**

**AmericInn – 605-343-8434 - \$69.00/Sunday, \$79.00/Monday CODE-CGSDCC**

**Country Inn & Suites – 605-394-0017 - \$99.00**

**TRU by Hilton – 605-863-9844 - \$84.00**

**Casual/theme attire is a MUST!**

**2021 SD Counties Convention TENTATIVE Timeline**  
**September 12-14, 2021 – Rapid City Ramkota Hotel**

**Sunday, September 12, 2021**

2:00 pm      **2<sup>nd</sup> ANNUAL GOLF TOURNAMENT**  
Meadowbrook Golf Course (tentative)

**Monday, September 13, 2021**

7:00 am – 10:00 am    **VENDOR SET UP**  
Exhibit Hall

8:00 am – 5:00 pm    **REGISTRATION DESK OPEN**  
Grand Rushmore Hall

8:00 am – 9:00 am    **SDACC EXECUTIVE BOARD / RESOLUTION MEETING**  
Room  
U-Shape – 22

8:30 am – 9:30 am    **SDACO EXECUTIVE BOARD MEETING**  
Room  
U-Shape - 22

8:30 am – 9:45 am    **SDACHS EXECUTIVE BOARD MEETING**  
Room - Serve Breakfast  
U-Shape - 14

**COMMISSION ASSISTANTS/ HR ROUNDTABLE**  
Room

8:30 am – 9:45 am    **SDACWO EXECUTIVE BOARD MEETING**  
Room  
Theatre - 30

9:00 am – 9:45 am    **SDACO RESOLUTION COMMITTEE**  
Room  
Classroom - 45  
Speaker Podium  
A/V table

**SDACC NOMINATING COMMITTEE**  
Room

**SDACO CONTINUING EDUCATION COMMITTEE**  
Room  
Classroom – 45  
Speaker Podium  
A/V table

10:00 am      **VENDOR FAIR • OPEN**  
Exhibit Hall & Annex

10:00 – 10:45 am    **MEDIA PROTOCOL (C,A,T)**  
Room  
*Senator Helene Duhamel, Pennington County PIO*

**VITAL RECORDS**  
Room  
*Shawna Flax, Deputy Registrar*

**SDACHS OPEN BUSINESS MEETING**  
Room

10:00 – 11:45 am    **VETERANS BENEFITS 101**  
Room  
*Michele Anderson, VA Survivor's Outreach Services*

*Will Huffman, State VSO Field Officer*

11:00 – 11:45 am

**KEYNOTE** - Jim Olson

12:00 – 1:00 pm

**OPENING SESSION • LUNCHEON**

Exhibit Hall  
Rounds - 400

- National Anthem and Pledge of Allegiance
- Welcome by Association Presidents  
SDACC President – Deb Russell, Fall River County  
SDACO President – Susan Kiepke, Davison County  
SDACHS President – Brian Gustad, Brookings County  
SDACWO President – Debbie Emme, Davison County
- Recognition of Past Presidents
- Memorial – moment of silence in respect

1:15 – 2:00 pm

**PARLIAMENTARY PROCEDURE (C,A)**

Room  
*Mike Bartley, Parliamentarian*

**ITS ALL ABOUT THE SCAMS! WILL IT EVER END?**

Room  
*Jody Gillespie, Attorney Generals office, Division of Consumer Protection*

**RURAL ACCESS INFRASTRUCTURE INVENTORY TRAINING**

Room  
*Greg Vavra, Program Manager*  
*Andrew Peterson, Field Service Manager*

**SDACWO LEGISLATIVE DISCUSSION**

Room  
*SDACWO Board of Directors*

2:15 – 3:00 pm

**PARLIAMENTARY PROCEDURE (C,A)**

Room  
*Mike Bartley, Parliamentarian*

**TREASURER PRESENTATION**

Room  
*Wendy Semmler, SD Dept of Revenue*

**PLATS - tentative**

Room  
*Sandra Frasier-Shaffer, Bon Homme County Register of Deeds*

**LOCAL FEDERAL BRIDGE REPLACEMENT & REMOVAL PROGRAMS**

Room  
*Tammy Williams, SD DOT*  
*Doug Kinniburgh, SD DOT LGA*

**ONE HEART MISSION**

Room  
*Charity Doyle*

3:00 – 3:30 pm

**VENDOR FAIR • BREAK**

Exhibit Area

3:45 – 4:30 pm

**FUTURE WATER ASSESSMENT NEEDS**

Room  
*Cheryl Chapman, PhD, PE Banner & Assoc.*

**LEVIES (A)**

Room  
*Wendy Semmler, SD Dept of Revenue*



## **TREASURERS ROUNDTABLE DISCUSSION**

Room

## **E-RECORDING - tentative**

Room

## **STEEL BRIDGE SOLUTIONS**

Room

Dan Snyder,

3:45 – 5:00 pm

## **MENTAL HEALTH STATUTES**

Room

*Michael Moore, Beadle County States Attorney*

4:45 – 5:30 pm

## **SDACO 1<sup>st</sup> GENERAL MEMBERSHIP MEETING**

Room

## **SDACWO BUSINESS MEETING**

Room

## **SDACC CAUCUS MEETINGS & 1<sup>st</sup> READING of SDACC RESOLUTIONS**

- Randall Reservoir – Amphitheatre I
- Southeast Central – Lincoln Room
- Upper Missouri Valley – Amphitheatre I
- Black Hills – Roosevelt Room
- Lake Region – Jefferson Room
- Oahe – Amphitheatre II
- Sioux Valley – Maple Room
- South East – Amphitheatre II

5:30 – 6:30 pm

## **VENDOR SOCIAL**

Exhibit Hall

(Deb Russell singing group)

## **Tuesday, September 14, 2021**

7:00 – 8:15 am

## **ATTENDEE AND VENDOR BREAKFAST**

Exhibit Hall

8:30 – 9:15 am

## **HR ISSUES AS THEY PERTAIN TO THE NEW MARIJUANA LAWS (C,A)**

Room

*Sara Frankenstein, Attorney GPNA*

## **DRIVERS LICENSING**

Room

*Jeannelle Yitagesu, Deputy Director Drivers Licensing program*

## **REGISTER OF DEEDS ROUNDTABLE DISCUSSION**

Room

## **HIGHWAY SUPERINTENDENT ROUNDTABLE**

Room

## **SDACWO TRIVIA GAME**

Room

*SDACWO Board of Directors*

9:15 – 9:45 am

## **VENDOR FAIR • BREAK**

Exhibit Area

10:00 – 10:45 am

## **COUNTY ZONING**

Room

*Todd Kays, First Planning District*

*Luke Muller, First Planning District*

**SDACO GENERAL MEMBERSHIP MEETING**

Room

**404 PERMITTING AND WETLAND MITIGATION**

Room

Jeffrey L. Breckenridge, P.E. Regulatory Project Manager, U.S. Army Corps of Engineers

**HORIZON HEALTHCARE CENTER**

Room

11:00 – 11:45 am

**SDACC GENERAL MEMBERSHIP MEETING**

Room

**SECRETARY OF STATE**

Room

*Kea Warne, Elections*

**SD DEPT OF MOTOR VEHICLES**

Room

*Monica Weischedel, Motor Vehicles*

**BUSINESS SERVICES**

Room

*Jason Lutz, Kyle Holt – Sec of State office*

**SDACHS CLOSING MEETING**

Room

**SDACWO CASE DISCUSSION**

Room

12:00 – 1:00 pm

**SAFETY AWARDS LUNCHEON**

Exhibit Area

1:00 – 1:30 pm

**VENDOR FAIR**

Exhibit Area

- Award vendor prizes

1:30 – 2:15 pm

**CYBERSECURITY**

Room

*Arica Kulm, PhD Lead Digital Forensic Analyst, DigForCE Lab*

**SD DEPT OF MOTOR VEHICLES**

Room

*Monica Weischedel, Motor Vehicles*

**RAPID CITY HUMAN SERVICES COMPLEX TOUR**



Auditor Office &lt;aud@frcounty.org&gt;

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**Greater Northwest Working Group Visit Follow-up**

8 messages

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**Dan Bilka** <dan@allaboardnw.org>  
To: auditor@frcounty.org

Thu, Jul 8, 2021 at 1:29 PM

Good Morning Sue,

Thank you for meeting with me impromptly yesterday and taking my materials for the Commissioners. I am sorry I cannot make an in-person meeting on July 15th; I look forward to arranging another in-person meeting in the future.

The Senate and House are anticipated to work on these infrastructure related bills during July so time is limited for us.

Again, the bottom line is, that section 2214 of the Senate Surface Transportation Bill, as it currently stands, does not have enough funds to look at the full system as now requested. Without adequate funds and local interest, it will be a massive uphill battle to get South Dakota included in these studies.

Information on the Senate Commerce version of the Surface Transportation Bill can be found here:

<https://www.commerce.senate.gov/2021/6/committee-approves-six-bills-and-four-nominations>

<https://www.commerce.senate.gov/services/files/80216EC4-2273-4A8A-A07B-9FC476BC38E3>

Attached are the materials I left with you yesterday and my working Slide deck for South Dakota.

Please let me know if you have any questions. Senators Thune's and Rounds' offices have this information along with Representative Johnson's, they would like to hear more about what the communities of the state think about this project proposal.


--  
Dan Bilka  
"Dakota Dan"  
*Rail Passengers Association Board Member - Former South Dakota Representative*  
*- ColoRail Board Member*  
[dan@allaboardnw.org](mailto:dan@allaboardnw.org)  
Cell: (605) 480-2532

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**4 attachments**

 **Greater NW Rail Coordination\_ SD Area\_July 2021.pdf**  
2477K

 **S. 2016 Tester\_001 (as modified) Current Language.pdf**  
25K

 **GNWWG\_Enabling\_Legislation\_210416 - Original Language.pdf**  
55K

 **Greater Northwest background and policy request\_210522.pdf**  
156K

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**Auditor Office** <auditor@frcounty.org>  
To: Sue Ganje <Sue.Ganje@state.sd.us>





Thu, Jul 8, 2021 at 3:50 PM

FYI

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**4 attachments**

-  **Greater NW Rail Coordination\_ SD Area\_July 2021.pdf**  
2477K
-  **S. 2016 Tester\_001 (as modified) Current Language.pdf**  
25K
-  **GNWWG\_Enabling\_Legislation\_210416 - Original Language.pdf**  
55K
-  **Greater Northwest background and policy request\_210522.pdf**  
156K

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**Auditor Office** <auditor@frcounty.org>  
To: Dan Bilka <dan@allaboardnw.org>

Fri, Jul 9, 2021 at 10:13 AM

Hi Dan. Sorry for the slow response. I am actually the person you talked to recently, not Sue. My name is Aaron and I'm an administrative assistant to Sue, the Auditor, and the commissioners. Thanks so much for sharing the information with us. I can forward to the commissioners and like I said at the counter I can certainly notify you if they would like to pursue more.

Sorry that you can make the July 15th meeting. Their next regularly scheduled meeting will be August 5th. Hope something works out.

Aaron Eberle  
Auditor's Office  
Fall River/Oglala Lakota County Courthouse  
906 N River St.  
Hot Springs, SD 57747  
Administrative Assistant  
(605) 745-5130  
[Quoted text hidden]

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**Dan Bilka** <dan@allaboardnw.org>  
To: Auditor Office <auditor@frcounty.org>

Fri, Jul 9, 2021 at 10:27 AM

My apologies Aaron; thank you for taking the information and getting the gist of what we are working with.

Please let me know what the commissioners think and if they'd like to pursue anything with this and we can try to find the scheduling arrangements that will work for all.

Bests,

Dan  
[Quoted text hidden]

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**Auditor Office** <auditor@frcounty.org>

Fri, Jul 9, 2021 at 10:48 AM

To: Deborah Russell <deb.debk Russell@gmail.com>, Heath Greenough <hgreenoughfrcc@gmail.com>, Joe Allen <allenranch@gwtc.net>, Joe Falkenburg <joe falkenburg@hotmail.com>, Les Cope <coperanch1979@gmail.com>

Forwarding this out to all of you, a copy will be in your packet. I'll let you decide if you want to meet with him at another date.

Thanks.

Aaron

----- Forwarded message -----  
From: **Dan Bilka** <dan@allaboardnw.org>  
Date: Thu, Jul 8, 2021 at 1:29 PM







**Subject:** Greater Northwest Working Group Visit Follow-up  
**To:** <auditor@frcounty.org>

[Quoted text hidden]

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**4 attachments**

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55K
-  **Greater Northwest background and policy request\_210522.pdf**  
156K

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**Ganje, Sue** <Sue.Ganje@state.sd.us>

Fri, Jul 9, 2021 at 2:18 PM

To: Dan Bilka <dan@allaboardnw.org>, Auditor Office <agenda@frcounty.org>

Hi Dan, ok will admit I had not gotten to that last page. Do you have any sample letters of support that you have received from others that we can look at, rather than re-inventing the wheel? With your documentation, a letter to the board and a possible sample, we may be able to get a letter of support from you next week, unless they want you to come to a meeting.

Thanks Dan, let me know if you have any questions. Have a great weekend too! Sue

Sue Ganje

County Auditor

Fall River/Oglala Lakota County

605-745-5130

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**From:** Dan Bilka <dan@allaboardnw.org>

**Sent:** Friday, July 9, 2021 11:23 AM

**To:** Ganje, Sue <Sue.Ganje@state.sd.us>

**Subject:** Re: [EXT] Fw: Greater Northwest Working Group Visit Follow-up

Hi Sue,

Sure thing, I'll work up a shorter introduction and ask request (resolution or letter of support for the project) to the commission, although it's summed up in the Policy Request Document.

Unfortunately, I will not be able to make the next commission meeting on July 15th and I will have a conflict with the August date as well ( I am presenting at the Pacific Northwest Economic Conference). I could do a zoom meeting with them but understand they would prefer an in-person meeting. Regardless, we'll work something out if the commissioners are interested in this project.

Dan

On Fri, Jul 9, 2021 at 10:41 AM Ganje, Sue <Sue.Ganje@state.sd.us> wrote:

Good morning Dan. I will apologize for the confusion; I was out the other morning and you spoke to one of the gals in the office about getting materials etc to the Fall River Board of County Commissioners.

I wonder, in looking at your materials, if you could write to the board a letter of introduction, and an explanation on what you are seeking from them? You indicated you could perhaps could to a different meeting to meet with them in person, shall we hold on getting them this information until you can meet with them, rather than putting the information in their packets, and without you there to answer questions they may have?

Let me know your thoughts so we can decide the best process forward for what you need. Thank you, Sue

Sue Ganje

County Auditor

Fall River/Oglala Lakota County

605-745-5130

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**From:** Auditor Office <[auditor@frcounty.org](mailto:auditor@frcounty.org)>

**Sent:** Thursday, July 8, 2021 3:50 PM

**To:** Ganje, Sue <[Sue.Ganje@state.sd.us](mailto:Sue.Ganje@state.sd.us)>

**Subject:** Fwd: [EXT] Greater Northwest Working Group Visit Follow-up

[Quoted text hidden]

[Quoted text hidden]

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**Dan Bilka** <[dan@allaboardnw.org](mailto:dan@allaboardnw.org)>  
To: "Ganje, Sue" <[Sue.Ganje@state.sd.us](mailto:Sue.Ganje@state.sd.us)>  
Cc: Auditor Office <[agenda@frcounty.org](mailto:agenda@frcounty.org)>

Fri, Jul 9, 2021 at 2:58 PM

Hi Sue,

Here attached is a letter of support we received from Pennington County on the project (before we had our full policy requests developed) and a draft template our partners have used with the city of Boise and other municipalities. I'll also edit it for what it can mean for South Dakota and a South Dakota connection. Attached is my own person aspirations for a South Dakota connection I would like to see the FRA explore under section 2214 of the Senate Surface Transportation Bill; this addition is my own personal opinion and does not reflect the working team for the Greater Northwest Working Group as a whole.

If it comes up as a topic for the Commissioners, I will note my next task is to approach the Native nations and inform them of this project.

Thank you! I hope you have a great weekend as well!

Dan

[Quoted text hidden]

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### 3 attachments



**Resolution of passenger rail support template.docx**  
25K



**FRA - Greater Northwest Passenger Rail Working Group Stmt of Support 5-18-2021.pdf**  
515K



**Surface Transportation Reauthorization - SD ROute Study Language.pdf**  
185K

7/14/2021

Fall River County Mail - Greater Northwest Working Group Visit Follow-up

**Ganje, Sue** <Sue.Ganje@state.sd.us>  
To: Dan Bilka <dan@allaboardnw.org>  
Cc: Auditor Office <agenda@frcounty.org>

Fri, Jul 9, 2021 at 3:20 PM

Thank you Dan for this information. I will talk to the chair to see how he would like this done and will be in touch with you next week. Thanks, Sue

Sue Ganje

County Auditor

Fall River/Oglala Lakota County

605-745-5130

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**From:** Dan Bilka <dan@allaboardnw.org>  
**Sent:** Friday, July 9, 2021 2:58 PM  
**To:** Ganje, Sue <Sue.Ganje@state.sd.us>  
**Cc:** Auditor Office <agenda@frcounty.org>

[Quoted text hidden]

[Quoted text hidden]





Auditor Office &lt;aud@frcounty.org&gt;

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**Rail/Transportation Policies**

3 messages

**Brett Sebastian** <bsebastian@gorail.org>

Tue, Jul 27, 2021 at 2:02 PM

To: "commissioners@frcounty.org" &lt;commissioners@frcounty.org&gt;

Good afternoon Commissioner Falkenburg,

My name is Brett Sebastian and I am the South Dakota State Director for GoRail, a freight rail advocacy organization that works with organizations like BNSF, Union Pacific and the Association of American Railroads. I am reaching out today because a number of policy issues have arisen in Washington as a result of ongoing infrastructure discussions that I believe would adversely impact rail service and safety in South Dakota.

Chiefly there are concerns that inequitable policies between modes of transportation would result in unsafe roads in western South Dakota and inhibit the smooth operation of the freight rail supply chain. I was wondering if you had a few minutes sometime in the near future to discuss some of these issues in more detail? If nothing else I'd be thrilled to make an introduction to the county and see if there may be opportunities for cross-collaboration on any number of rail/economic development related issues.

Best Regards,

**Brett Sebastian**

South Dakota State Director

**GORAIL**

mobile: 713.927.3083

www.gorail.org

**GORAIL** unites a coalition of public officials, civic & business organizations, community leaders and stakeholders to support rail solutions for tomorrow's transportation challenges.

**Connect With Us On**

---

**Auditor Office** <commissioners@frcounty.org>

Tue, Jul 27, 2021 at 3:22 PM

To: Joe Falkenburg &lt;joe.falkenburg@hotmail.com&gt;

Forwarding this on - up to you.

Aaron Eberle

Auditor's Office

Fall River/Oglala Lakota County Courthouse

906 N River St.

Hot Springs, SD 57747

Administrative Assistant

(605) 745-5130

[Quoted text hidden]

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**Auditor Office** <agenda@frcounty.org>

Wed, Jul 28, 2021 at 10:02 AM

To: Sue Ganje &lt;Sue.Ganje@state.sd.us&gt;

This is the one I sent Joe yesterday.

Aaron Eberle  
Auditor's Office  
Fall River/Oglala Lakota County Courthouse  
906 N River St.  
Hot Springs, SD 57747  
Administrative Assistant  
(605) 745-5130

----- Forwarded message -----

From: **Brett Sebastian** <[bsebastian@gorail.org](mailto:bsebastian@gorail.org)>  
Date: Tue, Jul 27, 2021 at 2:02 PM  
Subject: Rail/Transportation Policies  
To: [commissioners@frcounty.org](mailto:commissioners@frcounty.org) <[commissioners@frcounty.org](mailto:commissioners@frcounty.org)>

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# Resolution #2021-37

Whereas, the Fall River County Board of Commissioners have designated August 5<sup>th</sup> through August 12<sup>th</sup>, 2021, as a week to honor Eric Shull, former Highway Department employee, who passed away on July 25<sup>th</sup>, 2021. The Commission requests that in his honor, the American flag on at the courthouse be lowered to half-staff; and

Whereas, Eric Shull began his employment with Fall River County on July 8<sup>th</sup>, 2019 as a truck driver, hauling gravel to all locations in the County. He took personnel initiative when needed, at one time purchasing and installing parts on his own time, he was diligent to ensure that the safety of the County was a priority. His call sign, 27C18, has now been retired;

Whereas, the Fall River County Board of Commissioners give thanks to the service Shull rendered unto Fall River County; and

Now, therefore, be it resolved that the Fall River Board of County Commissioners calls upon all citizens of Fall River County to observe the week of August 5<sup>th</sup> through August 12<sup>th</sup>, 2021, in recognition of the service of Eric Shull, who by his devotion to duties, had rendered invaluable service to the County, and we further call upon the citizens of Fall River County to pay respect and offer their deepest sympathy to the family and friends of Eric.

Dated this 5<sup>th</sup> day of August, 2021.

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Randy Seiler, Fall River County  
Highway Superintendent

---

Joe Falkenburg, Chairman  
Fall River County Commission

ATTEST:

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Sue Ganje, Auditor  
Fall River County





*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: August 5, 2021

Subj: Commission Update

1. Parttime Position: I am postponing this until the next meeting.
2. SD Dept. of Emergency Management: I completed all required paperwork for the 3<sup>rd</sup>. quarter per the LEMPG Agreement.
3. Safety Benefits: I am working to complete the applications for the annual awards. The conference will be in Pierre on Nov. 3 & 4, 2021 at the Ramkota Inn.
4. Region 4 EOC Exercise: I participated in the required Emergency Operations Center Exercise on Wednesday, July 21<sup>st</sup> in Rapid City. This exercise is a LEMPG requirement.
5. Coal Canyon Fire 10<sup>th</sup> Anniversary: The ceremony will be on August 11<sup>th</sup>, 2021 at 10am.  
Attachment
6. Fire Potential for Southwestern SD: Attachment
  
7. Fires & Incidents:
  1. 7/17/2021: Power Pole Fire: Edgemont Fire.
  2. 7/17/2021: Lightning Strike Fire: Tree on Fred Walker's Residence: Ardmore Fire.
  3. 7/18/2021: Grass Fire: Beaver Creek Rd. Oral Fire, Hot Springs Fire, Buffalo Gap Fire, SD WFS.
  4. 7/25/2021: Boat & Grass Fire: Hwy 18/385: Oral Fire, Oeldrichs Fire, SD WFS, Hot Springs Fire and Fall River Sheriff. (8.2 acres)
  5. 7/31/2021: Hay Truck Overheating: Hwy 18: Hot Springs Fire and Fall River Sheriff.
  6. 8/2/2021: Grass Fire (5) Hwy 18: Edgemont Fire, Hot Springs Fire, Minnekahta Fire, SD WFS and USFS Grasslands. (41.4 acres)

  
Franklin W. Maynard, CEM, CFM

Emergency Manager

Fall River County

906 N. River Street

Hot Springs, SD 57747



SOUTH DAKOTA  
DEPARTMENT  
OF PUBLIC SAFETY

prevention — protection — enforcement



**WILDLAND FIRE**  
3305 West South Street  
Rapid City, SD 57702  
Phone: 605.393.8011  
Fax: 605.393.8044  
wildlandfire.sd.gov

July 17, 2021

South Dakota Wildland Fire, in conjunction with United States Forest Service – Black Hills National Forest, are hosting a memorial for the 10<sup>th</sup> anniversary of the Coal Canyon Fire on August 11, 2021. The purpose of the memorial is to honor and remember Trampus Haskvitz and show our support for his family.

Please join us in honoring Trampus by participating in a truck line-up to show your support for his family.

The memorial will take place at the intersection of Elbow Canyon Road and Coal Canyon Road, weather permitting. If we have inclement weather, the memorial will take place at the Mueller Civic Center in Hot Springs, SD. **If we can have the event along Elbow Canyon Road, I would like to ask everyone attending to come up Elbow Canyon Rd. from Edgemont traveling North, so that we are all pointed the same direction.**

The memorial is scheduled to begin at 1000, but we would like to have all engines there by 0900 so that they are parked when the family and other guests arrive. We will have trucks lined up along Elbow Canyon Road so that the guests will be able to see who is participating as they make their way to the memorial site. The times and locations are tentative, but we will do everything in our power to notify if any changes arise due to the weather or fire activity within the Black Hills.

We realize that participation will be determined by fire activity and personnel availability, and that it may change, but ask that you estimate how many trucks you will have participating so that we can have enough help to get everyone lined up in an orderly fashion. Please respond to James Bachelor either by email or phone by August 8<sup>th</sup>, 2021 if your department is interested in participating in the truck line-up:

James Bachelor  
[james.bachelor@state.sd.us](mailto:james.bachelor@state.sd.us)  
25292 Badger Clark Rd  
Custer, SD 57730  
Office: 605.255.4217  
Cell: 605.431.3121

Thank-you for your consideration in participating in this event to honor one of our fallen. Feel free to contact me if you have any questions or concerns.

Sincerely,

James Bachelor



## Important Factors for Large Fire Growth in August for Southwestern SD

### Climate Considerations (preconditioning)

- Precipitation deficits from 1 month to 1 year
- Drought conditions
- Above average temperatures in July and August

### Weather Considerations (triggers)

- Frontal passages and associated strong winds
- Breakdown of the upper level ridge (ignition through lightning)
- Extreme Temperatures

### Notable August Fires and Weather Conditions on Day of Fire Start

Date	Name	Cause	Acres	HT/AT	MinRH	PW	USDM	PMDI	30DAP	DSLWR	10DATD
8.12.2006	Red Water	L	7500	91/89	20%	S @ 24	D4	-4.19	0	42	44.2
8.18.2002	Loneman	L	5500	86/88	18%	NNW @ 28	D4	-4.45	2.07	7	-47.6
8.13.2003	Papa	U	4990	94/89	17%	SE @ 29	D2	-3.57	0.96	4	50.8
8.23.2001	Wild Stallion	U	2510	104/87	8%	NW @ 29	None	7.84	0.51	23	36.9
8.10.2006	Thompson	H	2000	99/90	13%	NNE @ 18	D4	-4.19	0.08	35	21.1

*Cause:* L = Lightning, H = Human, U = Unknown; *HT/AT:* Day's High Temperature/Historical average high temperature for that day; *MinRH:* Day's minimum RH value; *PW:* Peak wind speed and direction; *USDM:* U.S. Drought Monitor; *PMDI:* Palmer Modified Drought Index; *30DAP:* 30 day prior accumulated precipitation (in inches); *DSLWR:* number of Days Since Last Wetting Rain; *10DATD:* 10 day accumulated degree departure from normal

**Southwestern SD Overview:** Fires are very common across southwestern SD during the month of August and large fires frequently occur. Precipitation deficits from 1 month to 1 year as well as corresponding drought conditions are the month prevalent climate-related factors. Above average temperatures are also critical to large fire growth. Red Flag or near-Red Flag conditions have been seen on the day of ignition for all of the largest fires in this climate division. Wind direction does not play a role but wind strength does. Lightning causes 55% of all fires across southwestern SD during August.

## Southwestern SD August 2021 Outlook:

### Fire Potential is Very High\*

- D0 Abnormally Dry to D3 Extreme Drought conditions present
- Temperatures were well-above average in July
- Look for large fire growth during the passage of a dry cold front

\* Fire potential is relative to historical August fires across Southwestern SD.





## QUOTATION

\*\*Prices on quote are guaranteed for 30 days\*\*

Newman Signs Inc.  
PO Box 1728  
Jamestown, ND 58402  
Phone: 800-437-9770

Quote #: TRFQTE044690

Quote Date: 7/14/2021

Customer Number: FAL-03-010

Ship Via: SPEE DEE

Sales Rep: Cara Allbee

FOB: ORIGIN

Payment Terms: Net 30

## Bill To:

FALL RIVER COUNTY  
PO BOX 939  
HOT SPRINGS SD, 57747

## Ship To:

FALL RIVER COUNTY  
27518 CACASDE RD  
HOT SPRINGS SD, 57747

Header Note: THANK YOU STACEY (JAMIE)

SEQ	Item Number/Cost Code/Description/Note	Quantity	Unit Price	Extended Price
1	SPECIALTRAFFIC T-DP018006D 2Z3A 18X6 - DOUBLE FACED - 0.080 - FLAG MOUNT PUNCH/RADIUS- HIP - WH/GRE - W/BDR - SEE ATT 70EA) [SEE ATT LIST]	70.00	21.58	1,510.60
2	SPECIALTRAFFIC T-DP024008D 2Z3A 24X8 - DOUBLE FACED - 0.080 - FLAG PUNCH/RADIUS- HIP - WH/GRE - W/BDR - SEE ATT 1EA) 27849 1EA) 27863	2.00	34.10	68.20
3	SPECIALTRAFFIC T-DP030009/2M3A 30X9 - S/F - 0.080 - 1 POST STD PUNCH/STD RADIUS - HIP - WH/GRE - W/BDR - SEE ATT 2EA) HARGINS RD	2.00	27.50	55.00
4	SPECIALTRAFFIC T-DP036009/2M3A 36X9 - S/F - 0.080 - 1 POST STD PUNCH/STD RADIUS - HIP - WH/GRE - W/BDR - SEE ATT 2EA) WILD SAGE RD 2EA) HIGHWAY 89 3EA) OLD HWY 18 2EA) PARADISE RD	9.00	27.35	246.15

7/15/2021 9:56:12 AM



## QUOTATION

Newman Signs Inc.  
PO Box 1728  
Jamestown, ND 58402  
Phone: 800-437-9770

\*\*Prices on quote are guaranteed for 30 days\*\*

Quote #: TRFQTE044690

Quote Date: 7/14/2021

Customer Number: FAL-03-010

Ship Via: SPEE DEE

Sales Rep: Cara Allbee

FOB: ORIGIN

Payment Terms: Net 30

## Bill To:

FALL RIVER COUNTY  
PO BOX 939  
HOT SPRINGS SD, 57747

## Ship To:

FALL RIVER COUNTY  
27518 CACASDE RD  
HOT SPRINGS SD, 57747

Header Note: THANK YOU STACEY (JAMIE)

5	SPECIALTRAFFIC T-DP042009/2M3A 42X9 - S/F - 0.080 - 1 POST STD PUNCH/STD RADIUS - HIP - WH/GRE - W/BDR - SEE ATT 2EA) ROCKY FORD RD 1EA) <- MUSTANG RD	3.00	32.18	96.54
6	SPECIALTRAFFIC T-DP048009/2M3A 48X9 - S/F - 0.080 - 1 POST STD PUNCH/STD RADIUS- HIP - WH/GRE - W/BDR - SEE ATT 2EA) BEAVER CREEK RD 1EA) S BUFFALO GAP RD	3.00	35.14	105.42
7	SPECIALTRAFFIC T-DP048012/2M3A 48X12 - S/F - 0.080 - 1 POST STD PUNCH/STD RADIUS - HIP - WH/GRE - W/BDR - SEE ATT 2EA) CHEYENNE DR	2.00	44.25	88.50
8	FREIGHT-TRAFFIC FREIGHT TRAFFIC SALES	1.00	76.30	76.30

Subtotal: 2,246.71

Tax: 0.00

Total: \$2,246.71

Total subject to any applicable tax and freight charges. Additional freight charges for residential delivery, inside delivery, liftgate delivery, limited access delivery, or other charges incurred will be invoiced to the customer.

7/15/2021 9:56:12 AM

**Fall River County Resolution No. 2020 – 24 Revised**  
**Discretionary Formula SDCL 10-6-137**

WHEREAS, the County of Fall River, State of South Dakota has deemed it in the best interest of the County to adopt a Resolution implementing a Discretionary Formula for the reduced taxation of new structures and additions and partially constructed structures pursuant to SDCL 10-6-137.

NOW, THEREFORE, BE IT RESOLVED, that the following properties shall be, and hereby are, specifically classified for the purpose of taxation pursuant to SDCL § 10-6-137:

- ☒ Any new industrial or commercial structure, or any addition, renovation, or reconstruction to an existing structure, located within a designated urban renewal area as defined in SDCL § 11-8-4, if the new structure, addition, renovation, or reconstruction has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(1));
- ☐ Any new industrial structure, including a power generation facility, or an addition to an existing structure, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(2));
- ☒ Any new nonresidential agricultural structure, or any addition to an existing structure, if the new structure or addition has a full and true value of ten thousand dollars or more (SDCL § 10-6-137(3));
- ☐ Any new commercial structure, or any addition to an existing structure, except a commercial residential structure as described in SDCL § 10-6-137(5), if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(4));
- ☒ Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(5));
- ☐ Any new affordable housing structure containing four or more units with a monthly rental rate of the units at or below the annually calculated rent for the state's sixty percent area median income being used by the South Dakota Housing Development Authority, for a minimum of ten years following the date of first occupancy, if the structure has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(6));
- ☐ Any new residential structure, or addition to or renovation of an existing structure, located within a redevelopment neighborhood established pursuant to SDCL § 10-6-141 if the new structure, addition, or renovation has a full and true value of five thousand dollars or more. The structure shall be located in an area defined and designated as a redevelopment neighborhood based on conditions provided in SDCL § 11-7-2 or 11-7-3 (SDCL § 10-6-137(7)); or



Any commercial, industrial, or nonresidential agricultural property which increases more than ten thousand dollars in full and true value as a result of reconstruction or renovation of the structure (SDCL § 10-6-137(8)); and be it

FURTHER RESOLVED, that any structure classified pursuant to this Resolution shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to in this Resolution as the "Pre-Adjustment Value"; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to this Resolution shall, following construction, be calculated as follows:

- a. For the first tax year following construction,   0   % of the Pre-Adjustment Value;
- b. For the second tax year the following construction,   0   % of the Pre-Adjustment Value;
- c. For the third tax year following construction,   0   % of the Pre-Adjustment Value;
- d. For the fourth tax year following construction,   0   % of the Pre-Adjustment Value;
- e. For the fifth tax year following construction,   0   % of the Pre-Adjustment Value;

and be it

FURTHER RESOLVED, that the Board of County Commissioners may, if requested by the owner of any of the above described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner; and be it

FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the five years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction; and be it

FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction; and be it

FUTHER RESOLVED, that following the five-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

Approved this 5<sup>th</sup> day of August, 2021

Fall River County Commission

\_\_\_\_\_  
Joe Falkenberg, Chairman

Attest:

\_\_\_\_\_  
Sue Ganje, County Auditor

(Seal)

## Public Participation at Commissioner Meetings Policy

Purpose: The Fall River County Commission, as well as committees under the County's purview are considered public bodies that are subject to open meeting laws. SDCL 1-25-1 states that **"the public body shall reserve at every regularly scheduled official meeting a period for public comment, limited at the public body's discretion, but not so limited as to provide for no public comment."** These guidelines have been adopted to provide for clarity and consistency in the application of this statutory requirement for public comment amongst all the county board and committee meetings that are subject to open meeting laws.

The following are guidelines that will assist in the orderly conduction of County Commission meetings, which are meetings held in public, but not meetings of the public.

Commissioner meetings will be held using Robert's Rules of Order. The Chairman, Vice Chairman or their designee will conduct the meeting.

The agenda will be approved at the beginning of the meeting. During the approval process items may be added or removed from the agenda and no comments will be taken on removed items. All agendas are published 24-hours prior to the meeting.

During discussion of business brought before the Commission, Commissioner's opinions will be solicited first and then if time allows, other comments may be acknowledged. **If other comments are allowed, the commission asks the individual step to the microphone, introduce themselves and speak their concerns clearly.**

Comments must be presented using a civil and professional demeanor. Threatening, profane, vulgar, or abusive language will not be tolerated.

A time is set aside for public comment. This should be limited to five minutes **per individual** and can be related to agenda items or other pertinent business. If there are large groups seeking to make comments, the Chair may ask for a spokesperson to be designated for those within the group with similar opinions. **The Board may wish to schedule a time or a public hearing to allow for all individuals to be able to give their comments.** **If comments are a repeat of things the Commission has heard before, the board requests that the comments are not brought forward again.**

The period for public comment is intended for the public body to receive comments. Members of the public body are not required to respond to a comment, answer any questions, or engage in any dialogue with the individual making the comments.

During regular Commission discussion, comments regarding what the current speaker is saying should be withheld until after the speaker is finished if time allows or during the designated time for public comment. Comments from the general audience during any speaker presentation will not be acknowledged.

7/7/21 Changes in yellow

7/15/21 Changes in green



## **AGREEMENT #2021-27-1**

This **AGREEMENT** by and between the State of South Dakota, acting by and through the South Dakota Department of Game, Fish and Parks, hereinafter referred to as "**SDGFP**", and Fall River County, South Dakota, acting by and through the Fall River county board of County commissioners, hereinafter referred to as "**COUNTY**".

WHEREAS, **SDGFP** and the **COUNTY** have mutually agreed that **Fall River County Road 71A** (5.5 miles), from SD Hwy. 71 to the Sheps Canyon Recreation Area (Angostura Reservoir) boat ramp parking lot, shall receive an application of asphalt millings, gravel and "Base One" stabilizer, herein referred to as "**PROJECT**" in 2021.

WHEREAS, **SDGFP** and **COUNTY** agree to share in the cost of the total **PROJECT**.

NOW THEREFORE, **SDGFP** and **COUNTY** agree as follows:

A: **COUNTY** shall perform the following activities:

1. **COUNTY** shall pay for 50% of the total **PROJECT**, estimated to cost \$500,000.
2. **COUNTY** shall arrange for the administration of the contract and construction over site of the **PROJECT**.
3. **COUNTY** will continue to maintain **PROJECT** in a satisfactory manner at **COUNTY'S** own expense and shall make adequate provision each year for such maintenance.
4. **COUNTY** will keep records for audit purposes for three (3) years after completion of the **PROJECT**.

B: **SDGFP** shall perform the following activities:

1. **SDGFP** shall pay for 50% of the total **PROJECT** cost and make payment directly to the **COUNTY** upon satisfactory completion, final inspection and receipt of billing from the **COUNTY**.
2. **SDGFP** payment to the **COUNTY** for this **PROJECT** shall not exceed \$250,000.

This **AGREEMENT** is binding upon the signatories hereto not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of **SDGFP** and **COUNTY** to enter into it.

IN WITNESS WHEREOF, the parties hereto have caused the **AGREEMENT** to be executed by their respective and duly authorized representatives upon the latest date all parties to this **AGREEMENT** have signed below.

**SOUTH DAKOTA DEPARTMENT  
OF GAME FISH AND PARKS**

**FALL RIVER COUNTY BOARD  
OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Director, Parks and Recreation

By: \_\_\_\_\_  
Chairman

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Assurances, Terms, and Conditions

The recipient entering into this agreement with DANR must follow the specific performance criteria as specified in this agreement to ensure compliance with statutory and audit requirements. All services or work carried out under this agreement must be completed within the scope, time frames, and funding limitations specified by the agreement. Upon signing of the agreement by DANR, a copy of the executed agreement will be returned to the applicant, at which time the agreement will be considered awarded.

The eligibility criteria for existing trucks to be **replaced** are as follows:

- The existing truck to be replaced must be an in-use class 4-8 diesel-powered local freight truck engine model year 1992-2009 owned by any South Dakota state or local governmental agency.
- The existing truck being replaced will be scrapped or rendered permanently disabled within ninety (90) days of the replacement.

The eligibility criteria for **new replacement** trucks are as follows:

- **Recipient should receive the new truck by December 1, 2022.**
- Any new diesel or alternate fueled or all-electric vehicle, with the engine model year 2020 or newer. The replacement must be of the same type and class.

### REPLACEMENT TRUCKS REQUIREMENTS

- Purchase of new trucks may not occur prior to both parties signing the agreement. Submit a copy of the purchase order to DANR when the truck has been ordered. Rebates will be made on a reimbursement basis for eligible expenses incurred and paid by the recipient. A cost may not be considered incurred until the replacement truck has been received and accepted by the recipient.
- The recipient must ensure that the replaced truck is permanently disabled or scrapped and maintain documentation on how the replaced truck was permanently disabled or scrapped. This should include drilling a hole in the engine block and cutting the chassis rails in half. Please keep a written record signed by both the recipient and the party disabling or scrapping the truck.
- Applicant submits invoice or receipts, record of truck being disabled or scrapped (Certificate of Disposal Form) and colored photos, the DANR Request for Reimbursement Form, and engine certificate if needed. DANR will review the information for compliance with all rebate requirements.
- Payment will be issued upon verification (documentation and/or DANR staff site visit).
- DANR maintains the right to monitor the project periodically and to do on-site verification.

**South Dakota  
VW Program  
Rebate Agreement**

<b>Recipient</b>	Fall River County Highway Dept 906 River St Hot Springs SD 57747	<b>Establishment of Trust</b> MDL No. 2672 CRB (JSC) (Dkt. No. 2103-1) and (Dkt. No. 3228-1)	<b>ID Number</b> VW1 0020
<b>Type</b>	tractor	<b>Spending Authority</b> SDCL 34A-1-64	<b>Date of Offer</b> 7/14/21
<b>Contact</b>	Randy Seiler 605.890.9090		<b>Maximum Rebate Amount</b> \$56,918.00
<b>Project Title/Description</b> South Dakota VW Truck Program This agreement provides a rebate to Fall River County Highway Dept under the VW Trust Fund Program. This project will help replace old diesel trucks. The primary goal of the project is to facilitate the improvement and protection of the ambient air quality throughout South Dakota.			
<b>Rebate Conditions</b> The recipient covenants and agrees that it will expeditiously initiate and timely complete the project above described in accordance with this agreement by December 30, 2022. The recipient warrants, represents, and agrees that it will comply: (1) with any special conditions set forth in the guidelines and (2) with the attached Assurances, Terms, and Conditions which is incorporated herein by reference.			
<b>Offer</b> The State of South Dakota hereby offers a rebate to Fall River County Highway Dept in an amount up to <u>0.5</u> of all approved costs incurred up to and not exceeding \$56,918.00 for the support of the approved project as described above. Such rebate may be terminated by DANR without further cause if the recipient fails to provide timely affirmation of the agreement by signing under the Acceptance section and returning this page of the signed agreement to the email or mailing address listed below by August 13, 2021.			
<b>Signature of Award Official</b>		<b>Typed Name and Title</b> Hunter Roberts, Secretary	<b>Date</b>
<b>Please check if you are Accepting or Declining this Rebate Agreement</b>  <p><u>      </u> <b>Accepting</b> In accepting this agreement and any rebate made pursuant thereto, (1) the undersigned represents that he/she is duly authorized to act on behalf of the recipient, and (2) the recipient agrees (a) to comply with the provisions of this agreement, and (b) any rebates found by the State of South Dakota to have been overpaid will be refunded or credited in full to the State. To the best of my knowledge and belief, data in this agreement are true and correct.</p> <p><u>      </u> <b>Declining</b> In declining this agreement, the undersigned represents that he/she is duly authorized to act on behalf of the recipient. To the best of my knowledge and belief, data in this agreement are true and correct.</p>			
<b>Signature of Designated Official</b>		<b>Typed Name and Title</b>	<b>Date</b>

Submit this page of signed agreement to project manager at:

Barb.regynski@state.sd.us or  
 VW Rebate Program  
 Barb Regynski  
 SD DANR – AQ Program  
 523 E Capitol  
 Pierre, SD 57501



## **STATE CONDITIONS**

### **TERM**

The recipients' services under this Agreement shall commence on the signing of the agreement by the State and ends December 30, 2022, unless sooner terminated or extended pursuant to the terms hereof.

### **HOLD HARMLESS AND INDEMNIFICATION**

The recipient agrees to indemnify and hold the State of South Dakota, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder. This section does not require the recipient to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.

### **FUNDING**

This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law, this Agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.

### **COMPLIANCE WITH EXECUTIVE ORDER 2020-01 (Only Applicable to Agreements in Excess of \$100,000)**

By entering into this Agreement, Sub-Recipient certifies and agrees that it has not refused to transact business activities, it has not terminated business activities, and it has not taken other similar actions intended to limit its commercial relations, related to the subject matter of this Agreement, with a person or entity that is either the State of Israel, or a company doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel to do business, or doing business in the State of Israel, with the specific intent to accomplish a boycott or divestment of Israel in a discriminatory manner. It is understood and agreed that, if this certification is false, such false certification will constitute grounds for the State to terminate this Agreement. Sub-Recipient further agrees to provide immediate written notice to the State if during the term of this Agreement it no longer complies with this certification and agrees such noncompliance may be grounds for termination of this Agreement.

### **GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota, without regard to any conflicts of law principles, decisional law, or statutory provision which would require or permit the application of another jurisdiction's substantive law. Venue for any lawsuit pertaining to or affecting this Agreement shall be in the Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

### **LICENSING AND STANDARD COMPLIANCE**

The recipient will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this Agreement, and will be solely responsible for obtaining current information on such requirements.

## NOTICES

Any notice or other communication required under this Agreement shall be in writing and sent to the contact listed on the signature page of this agreement. Notices shall be given by and to the VW Truck Program on behalf of the State, and by the Recipient, or such authorized designees as either party may from time to time designate in writing. Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

## SEVERABILITY

In the event that any court of competent jurisdiction shall hold any provision of this Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof.

## SUPERCESSION

All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

## ASSIGNMENT AND AMENDMENT

This Agreement may not be assigned without the express prior written consent of the State. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof and be signed by an authorized representative of each of the parties hereto.

## CLAIMS AND PAYMENT

By December 30, 2022, the end date of this agreement, the grantee shall submit all claims for rebates due and payable under this agreement.

## **REBATE CONDITIONS**

- A. **Emissions Control Technologies** - Emissions Reduction Projects funded by the recipient pursuant to this assistance agreement must use verified technologies and/or must use engines and engine configurations certified by EPA and, if applicable, CARB. Technologies are verified under EPA or California's Retrofit Technology Verification Programs.
- B. **Semi-Annual Reporting and Environmental Results** – Semi-annual progress reports will be required from DANR. Semi-annual reports are considered project status reports and will address the progress made achieving the work plan goals. In general, semi-annual reports will include summary information on technical progress and expenditures, and planned activities for next reporting period. Semi-annual reports are due according to the following schedule. If a due date falls on a weekend or holiday, the report will be due on the next business day.
  - Jan 1 – June 30 Reporting Period: report due date July 30
  - July 1 – December 31 Reporting Period: report due date January 30If a project start date falls within a defined Reporting Period, DANR must report for that period by the given due date. This semi-annual reporting schedule shall be repeated for the duration of the award agreement.



**C. Use of Funds Restriction –**

1. **Expenses Incurred Prior to the Budget Period:** Recipient agrees that funds under this award cannot be used to cover expenses incurred prior to the budget period defined in this assistance agreement.
2. **Fleet Expansion:** Recipient agrees that funds under this award cannot be used for the purchase of vehicles to expand a fleet. Vehicle replacement projects are eligible for funding on the condition that the following criteria are satisfied:
  - a. The vehicle being replaced must be fully operational and in current, regular service.
  - b. The replacement vehicle will continue to perform the same function and operation as the vehicle that is being replaced.
  - c. The replacement vehicle will be of the same type and similar gross vehicle weight rating or horsepower as the vehicle being replaced.

Highway: The replacement vehicle must not be in a larger weight class than the existing vehicle (Class 4, 5, 6, 7, or 8). The engine's primary intended service class must match the vehicle's weight class. The vehicle, equipment, and/or engine being replaced must be scrapped or rendered permanently disabled within ninety (90) days of being replaced.

- i. Cutting a three-inch by three-inch hole in the engine block (the part of the engine containing the cylinders) is the preferred scrapping method.
  - ii. Disabling the chassis may be completed by cutting through the frame/frame rails on each side at a point located between the front and rear axles.
  - iii. Evidence of appropriate disposal is required in a final assistance agreement report submitted to DANR and includes a signed certificate of disposal and colored digital photos of the engine tag (showing serial number, engine family number, and engine model year), the destroyed engine block, and cut frame rails or other cut structural components as applicable.
  - iv. Scrapped engines and equipment and vehicle components may be salvaged from the unit being replaced (e.g. plow blades, shovels, seats, tires, etc.). If scrapped or salvaged engines, vehicles, equipment, or parts are to be sold, program income requirements apply.
3. **Highway Model Year:** Recipient agrees that funds under this award cannot be used to replace a medium-duty, or heavy-duty highway vehicle with engine model year 1991 and older or 2010 and newer.

**D. Delays or Favorable Developments -** The recipient agrees that it will promptly notify the VW Truck Project Officer of any problems, delays, or adverse conditions which may materially impair its ability to deliver on the outputs/outcomes specified in the work plan. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation. The recipient agrees that it will also notify the VW Truck Project Officer of any favorable developments which may enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.

**E. Program Income -** Program income means gross income received by the recipient that is directly generated by a rebate supported activity or earned as a result of the award during the period of performance. Under the VW Truck Program, program income is generally limited to the sale of scrapped vehicle/equipment. "Period of performance" is the time between the start and end dates of the period of performance as included in the rebate award.



Program income earned during the project period shall be retained by the recipient and is authorized to be used to meet the cost-sharing or matching requirement of the rebate award. The recipient will maintain records adequate to document the extent to which transactions generate program income and the disposition of program income.

- F. **Equipment Use, Management, and Disposition** - The equipment use, management, and disposition instructions are applicable to rebate agreement recipients acquiring vehicles under this award. State and local governmental agencies may use, manage and dispose of equipment acquired in accordance with state laws and procedures.

Equipment is defined as tangible personal property having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds \$5,000. Certified or verified technologies, vehicles, engines and nonroad equipment are considered to be equipment to the extent they fall within this definition.

Recipient agrees that at the end of the project period the recipient will continue to use the equipment purchased under this rebate agreement in the project or program for which it was acquired as long as needed. When acquiring replacement equipment, the recipient may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

- G. **Procurement Procedures** - The recipient must follow applicable procurement procedures.

1. **Public Notification** - Not later than 60 days after the date of the award of a rebate by DANR, DANR shall publish on the Web site of the State the total number and dollar amount of rebates provided, as well as a breakdown of the technologies funded through the rebates.

- H. **Mandatory Cost-Share Requirement** - This award is based on estimated costs requested in the recipient's application. While actual total costs may differ from those estimates, the recipient may not use rebate funds to provide more than the cost-share percentages outlined below, as applicable, of the final equipment costs. DANR's participation shall not exceed the total amount of funds awarded or the maximum cost-share percentages of the estimated equipment costs as outlined below, as applicable. Recipients must satisfy any applicable cost-share requirements. The cost-share requirements are as follows:

1. **Certified Vehicle/Equipment Replacement:**
  - a. VW trust funds can cover up to 50% of the cost of an eligible replacement vehicle powered by a 2020 model year or newer certified engine; recipients are responsible for the mandatory cost-share of at least 50% of the cost of an eligible replacement vehicle or piece of equipment.
  - b. Low-NOx : VW trust funds can cover up to 60% of the cost of an eligible highway replacement vehicle powered by a 2020 model year or newer engine certified to meet CARB's Optional Low-NOx Standards of 0.1 g/bhp-hr, 0.05 g/bhp-hr, or 0.02 g/bhp-hr NOx. Engines certified to CARB's Optional Low NOx Standards may be found by searching CARB's Executive Orders for Heavy-duty Engines and Vehicles, found at: [www.arb.ca.gov/msprog/onroad/cert/cert.php](http://www.arb.ca.gov/msprog/onroad/cert/cert.php). Recipients are responsible for the mandatory cost-share of at least 40% of the cost of an eligible replacement vehicle.

- c. All-Electric: VW trust funds can cover up to 70% of the cost of an eligible all-electric replacement vehicle or equipment. Recipients are responsible for the mandatory cost-share of at least 30% of the cost of an eligible all-electric replacement vehicle or piece of equipment.

The eligible acquisition cost for equipment means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in transit insurance and freight may be included in or excluded from the acquisition cost in accordance with the non-Federal entity's regular accounting practices.

- I. **Leveraging** - The recipient agrees to provide the proposed leveraged funding that is described in its application. If the proposed leveraging does not materialize during the period of award performance, and the recipient does not provide a satisfactory explanation, DANR may consider this factor in evaluating future proposals from the recipient. In addition, if the proposed leveraging does not materialize during the period of award performance then DANR may reconsider the legitimacy of the award.

**NOTICE TO BIDDERS**  
**FOR**  
**ONE (1) NEW 2023 FREIGHTLINER 114SD TRACTOR**

To Be Furnished To  
County of Fall River  
Hot Springs, South Dakota

Sealed bids will be received by the Fall River County Highway Department on behalf of the Board of Commissioners for the above-referenced item at the Fall River County Highway Department, PO Box 939, Hot Springs, SD, 57747, until 8:00 AM (MDT) on Wednesday, September 1st, 2021. Any bids received after 8:00 AM (MDT) will be returned unopened.

Copies of the minimum specifications are on file at the Fall River County Highway Department, 27518 Cascade Road, Hot Springs, SD. For questions and comments, please contact the Fall River County Highway Department at (605) 745-5137.

By virtue of statutory authority, preference will be given to materials, products, and supplies found or produced within the State of South Dakota.

The Board of Commissioners will consider the bids at their Thursday, September 2nd, 2021 meeting, reserves the right to reject any or all bids and to waive any irregularities therein and reserves the right to award the contract to the lowest responsible bidder as they so determine.

Sue Ganje, Auditor  
Fall River County

Publish: August 12, 2021 and August 19, 2021



**FALL RIVER COUNTY HIGHWAY DEPARTMENT  
APPROACH PERMIT  
APPLICATION FOR ROAD APPROACH PERMIT**

On this date Aug 3, 2021, the Applicant hereby applies to the Fall River County Highway Department for permission to construct an approach road connection to the North side of (road name) Erskin Rd, Co #17 (road #) #17 approximately at 43.437112 103.587299°N. The road approach will serve a business and will be (residence, church, business, etc.) constructed between Aug 5, 2021 and Aug 6, 2021 at (beginning date) (completion date) applicant's expense.

Applicant acknowledges that approach and culverts shall meet County specifications, which are on file at the County Highway Department. Please attach a drawing or sketch showing the proposed location of the approach and set stakes in the ground to enable the Superintendent/Foreman to locate the proposed approach.

Name: KD Contractors Address: P.O. Box 870

Phone # 605-890-3090 Signed: Kelly T. Amundson, Pres.  
(Property Owner)  
Tam M. McClure - Property Owner

**TO BE COMPLETED BY FALL RIVER COUNTY HIGHWAY DEPARTMENT**

Permit # : \_\_\_\_\_  
MO/DY/YR

PRELIMINARY INSPECTION: Date \_\_\_\_\_ By: \_\_\_\_\_

Culvert Diameter \_\_\_\_\_ Culvert Length \_\_\_\_\_

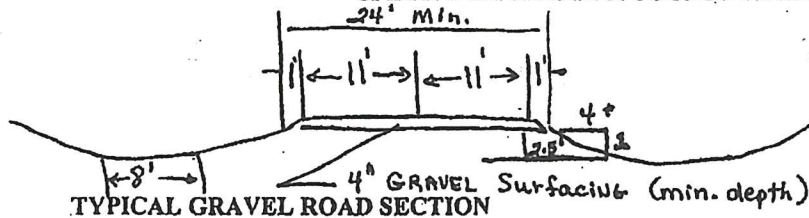
The crown of the presently traveled surface, including shoulder, to be continued at a distance of 20 feet from the nearest edge of the traveled surface of the road-shoulder facing the property.

Remarks: \_\_\_\_\_

PERMIT: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_  
Superintendent/Foreman Date: \_\_\_\_\_

**FALL RIVER COUNTY HIGHWAY DEPARTMENT  
SPECIFICATIONS FOR COUNTY ROADS AND APPROACHES**

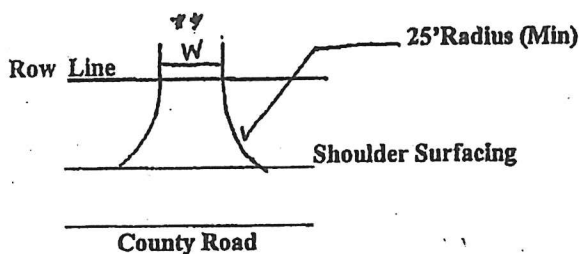


\* Maximum slope is 4 to 1 (current Standard of the South Dakota DOT Steeper slopes are subject to the Approval of Fall River County

The above Typical Road Section and Typical Approach Detail (below) shall be followed in the construction of roads to be placed on the County Road System. Road design shall be consistent with published Standards of the American Association of State Highway Transportation Officials. Road construction materials and methods shall conform to the current published edition the "Standard Specifications for Roads and Bridges" of the South Dakota Department of Transportation, when referenced in the Standards below. Copy of these Specifications is on file at the County Highway Department Office.

The following are standards which shall be met:

1. Maximum Grade of any road or portion of road shall not exceed ten percent (10%)
2. Maximum Degree of Curvature shall not exceed twenty one degrees (21 degrees)
3. Crown rates shall be between 0.02 11/11 to 0.06 11/11. Maximum Super elevation rate in curves shall be 0.07 11/11.
4. Culverts shall be sized to assure proper drainage. The minimum size of culvert shall be eighteen inches (18") in diameter. Although fifteen inch (15") diameter will be allowed under certain conditions.
5. Gravel Surfacing shall meet the requirements of Part B of the Standard Specifications.
6. Asphalt and Concrete construction methods and materials shall meet the requirements of Part C and Part D of the "Standard Specifications".
7. All Dead-End Roads shall have Cul-De-Sacs with a minimum constructed radius of fifty feet (50').
8. Approaches shall be constructed perpendicular as practical to the County Road.
9. The Minimum dedicated Right-Of-Way width shall be sixty six feet (66').



W Is Surface Width at Right-Of-Way line  
W - 16' Min. for Single Residences  
W - 20' Min for Multiple Residences  
W - 28' Min. for Commercial

Maximum W - 50'

**TYPICAL APPROACH DETAIL**

1. Only one approach shall be allowed to each tract or parcel of land.
2. Existing roadway drainage will be maintained. Culverts shall be sized to assure proper drainage. The maximum size of culvert shall be eighteen Inches (18") in diameter, although fifteen Inch (15") diameter will be allowed under certain conditions. The minimum length of approach culvert shall be thirty-two feet (32')
3. Sight distance of approaches shall meet published Standards of the American Association of State Highway Transportation Officials.

APPROVED By: \_\_\_\_\_  
(Chairman ) FALL RIVER COUNTY COMMISSIONERS DATE

RECOMMENDED BY: \_\_\_\_\_  
FALL RIVER COUNTY HIGHWAY SUPERINTENDENT DATE



Greetings,

If your County adopted the temporary medical cannabis facilities ordinance earlier this year, you may recall that the ordinance would only prohibit the zoning or licensing of medical cannabis facilities until the State promulgated rules. To date the Department of Health has drafted proposed rules ([https://medcannabis.sd.gov/docs/4490-medicalcannabis-drafrules\\_06-23-21.pdf](https://medcannabis.sd.gov/docs/4490-medicalcannabis-drafrules_06-23-21.pdf)). It is my understanding that there will be a public hearing on the proposed rules on or about September 13, 2021. The rules could be adopted shortly thereafter and become effective sometime after October 4, 2021.

This leaves little time for counties to adopt more comprehensive zoning and licensing ordinances related to cannabis. SDACC is providing a licensing ordinance related to cannabis establishments for communities without zoning ordinances. This ordinance will continue to act as a stop gap to cannabis establishments until your County can do the necessary due diligence in discussing and adopting the appropriate policy for your County. The ordinance is based upon similar regulations in Spearfish and Watertown. Basically, the ordinance would restrict the development of cannabis cultivation, cannabis manufacturing and cannabis testing establishments. Your County will have to decide how many cannabis dispensaries to allow. You are required to have at least one.

The Licensing Ordinance is pretty straightforward. You will need to:

1. Determine the number of cannabis dispensary establishments
2. Determine a fee (we suggest \$5,000 – same as the State)
3. Determine the hours of operation
4. Determine the setback/separation distances from specific uses

If you are interested in these regulations, it is crucial that your County follows the suggested timeline below. If the County has not adopted some form of cannabis zoning/licensing regulations by the time the State's promulgated rules go into effect, your County will not be able to prohibit cultivation, manufacturing, or testing facilities or the number and location of dispensaries.

**July 26, 2021** – SDACC provides template

**July 26, 2021 – August 24, 2024** – County Develops Ordinance

**August 31, 2021** – 1<sup>st</sup> Reading

**September 7, 2021** – 2<sup>nd</sup> reading

**September 14, 2021** – Publish Ordinance

**October 4, 2021** – Ordinance in effect

As common practice, before adoption, we suggest you share this information with your States Attorney.



## ORDINANCE 2021 – 02

### AN ORDINANCE ADDING CHAPTER [REDACTED] TO THE REVISED ORDINANCES OF THE [REDACTED] COUNTY CREATING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS

BE IT ORDAINED by the Board of County Commissioners of Fall River County that Title [REDACTED] of the Revised Ordinances of Fall River County is hereby amended by adding new Chapter [REDACTED] as follows:

#### XX.01: PURPOSE AND INTENT

The Board of County Commissioners of Fall River County enacts the following licensing ordinances in order to ensure that cannabis establishments within the unincorporated areas of the County operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

#### XX.02: DEFINITIONS

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

**Cannabis (or Marijuana):** all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

**Cannabis Cultivation Facility:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

**Cannabis Dispensary:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

**Cannabis Establishment:** cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

**Cannabis Product Manufacturing Facility:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

**Cannabis Products:** any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures

**Cannabis Testing Facility:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

**Department:** the South Dakota Department of Health

### **XX.03: LICENSE REQUIRED**

- (a) No cannabis establishment may be located or operate in the unincorporated area of the county without the appropriate valid and current cannabis establishment license issued by the County pursuant to this article. A violation of this provision is subject to the general penalty provision in Chapter [REDACTED]. Each day of the violation constitutes a separate offense.
- (b) No cannabis establishment may be located or operate in the unincorporated area of the county without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-20G. A violation of this provision is subject to the general penalty provision in Chapter [REDACTED]. Each day of the violation constitutes a separate offense.

### **XX.04: LICENSE APPLICATION**

- (a) An application for a cannabis establishment license must be made on a form provided by the County. No other application form will be considered.
- (b) The applicant must submit the following:
  - 1. Application fee of [REDACTED] (Suggest \$5,000). The County will reimburse \$2,500 for applicants who fail to obtain a registration certificate from the South Dakota Department of Health.
  - 2. An application that will include, but is not limited to, the following:
    - i. The legal name of the prospective cannabis establishment;
    - ii. The physical address of the prospective cannabis establishment that meets the location requirements in XX.07, as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
    - iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.

- iv. A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.
- v. Any additional information requested by the County.

#### **XX.05: ISSUANCE OF LICENSE**

(a) The County will issue a license unless:

1. The applicant has made a false statement on the application or submits false records or documentation; or
2. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
3. Any owner, principal officer, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction;
4. The proposed location does not meet the applicable location requirements found in XX.07 and under SDCL 34-20G;
5. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
6. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
7. Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the County or a registration certificate revoked by the state; or
8. An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or
9. The applicant will not be operating the business for which the license would be issued.

(b) In the case of an application for a cannabis dispensary license, the County will reject the application if the limit on the number of cannabis dispensaries has been reached.

(c) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.



## **XX.06: COUNTY NEUTRALITY AS TO APPLICANTS**

- (a) Upon request from the Department as to the County's preference of applicants, the County will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the County will abstain from endorsing any application as beneficial to the community.

## **XX.07: LOCATIONS**

### **(a) Cannabis Dispensary**

1. Dispensary shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the dispensary is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis dispensary establishment application. (34-20G-55)
  - ii. Shall not be located within \_\_\_\_\_ feet from a nonresidential daycare facility
  - iii. Shall not be located within \_\_\_\_\_ feet from a public park, public pool or public recreational facility or library
  - iv. Shall not be located within \_\_\_\_\_ feet of a religious institution
  - v. Shall not be located within \_\_\_\_\_ feet of a residence.
  - vi. No future development will cause a dispensary to become nonconforming due to the establishment of a protected use within the distance prescribed herein.
2. Other location standards are as follows:
  - i. No cannabis dispensary shall share premises with or permit access directly from another cannabis establishment, business that sells alcohol or tobacco, or if allowed by law, other cannabis establishment. (44:90:04:14)
  - ii. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.
3. General Provisions and Performance Standards for Dispensaries are shown below:
  - i. No more than \_\_\_\_\_ cannabis dispensaries shall be allowed to operate in the unincorporated area of the County at any time.
  - ii. No dispensary shall allow access entry to anyone under 21 years of age
  - iii. Access control methods shall be installed pursuant to state requirements
  - iv. Shall be located within a completely enclosed permanent structure. Mobile dispensaries are prohibited.
  - v. Drive-through dispensaries are prohibited.
  - vi. No cannabis dispensary may operate between the hours of \_\_\_\_\_ and \_\_\_\_\_ any day of the week.
  - vii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
  - viii. Retail products, storage, sales, and display areas shall be kept out of the public view and shall not be visible from the exterior of the building.

- ix. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

(b) Cannabis Cultivation Facility

1. Cannabis Cultivation Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the cultivation facility is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis cultivation establishment application. (34-20G-55)
  - ii. Shall not be located within \_\_\_\_\_ feet from a nonresidential daycare facility
  - iii. Shall not be located within \_\_\_\_\_ feet from a public park, public pool or public recreational facility or library
  - iv. Shall not be located within \_\_\_\_\_ feet of a religious institution
  - v. Shall not be located within \_\_\_\_\_ feet of a residence.
  - vi. No future development will cause a cultivation facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.

2. General Provisions and Performance Standards for Cannabis Cultivation Facilities

- i. All cultivation operations shall be within a completely enclosed permanent building.
- ii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
- iii. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
- iv. Security measures shall be installed as required by state regulations.
- v. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.
- vi. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

(c) Cannabis Testing Facility

1. Cannabis Testing Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the testing facility is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis testing establishment application. (34-20G-55).
  - ii. Shall not be located within \_\_\_\_\_ feet from a nonresidential daycare facility.
  - iii. Shall not be located within \_\_\_\_\_ feet from a public park, public pool or public recreational facility or library.
  - iv. Shall not be located within \_\_\_\_\_ feet of a religious institution.
  - v. Shall not be located within \_\_\_\_\_ feet of a residence.



- vi. No future development will cause a testing facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.

## 2. General Provisions and Performance Standards for Cannabis Testing Facilities

- i. All testing operations shall be within a completely enclosed permanent building.
- ii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
- iii. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
- iv. Security measures shall be installed as required by state regulations.
- v. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.
- vi. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

### (d) Cannabis Product Manufacturing Facility

- 1. Cannabis Product Manufacturing Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the manufacturing facility is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis testing establishment application. (34-20G-55).
  - ii. Shall not be located within \_\_\_\_\_ feet from a nonresidential daycare facility.
  - iii. Shall not be located within \_\_\_\_\_ feet from a public park, public pool or public recreational facility or library.
  - iv. Shall not be located within \_\_\_\_\_ feet of a religious institution.
  - v. Shall not be located within \_\_\_\_\_ feet of a residence.
  - vi. No future development will cause a manufacturing facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.

## 2. General Provisions and Performance Standards for Cannabis Testing Facilities

- i. All manufacturing operations shall be within a completely enclosed permanent building.
- ii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
- iii. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
- iv. Security measures shall be installed as required by state regulations.
- v. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.



- vi. Extraction processes utilizing flammable liquefied gas shall not be located in any building containing Group A, E, I, or R occupancies as defined by the International Building Code.
- vii. Exit doors from extraction rooms shall swing in the direction of egress and be self-closing. Panic hardware shall be provided on door and where latching door hardware is provided panic hardware shall also be provided.
- viii. Extraction rooms, booths, or hoods, including ductwork where required for hazardous exhaust systems shall be protected by an approved automatic fire extinguishing system.
- ix. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

#### **XX.08: BUILDING CODE**

All Cannabis Establishments are required to be constructed in conformance with the 2021 Edition of the International Building Code and International Fire Code.

#### **XX.09: EXPIRATION OF LICENSE AND RENEWAL**

- (a) Each license expires one year from the date of issuance and may be renewed only by making application as provided in Section XX.04. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.
- (b) The renewal fee is (Suggest \$5,000). The County will reimburse \$2,500 for applicants who fail to obtain a renewal of their registration certificate from the Department.
- (c) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the County may order closure of the cannabis establishment.
- (d) If a license holder has not operated an establishment for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

#### **XX.10: SUSPENSION**

- (a) A license may be suspended if the license holder or an employee or agent of the license holder:
  - 1. Violates or is otherwise not in compliance with any section of this article.
  - 2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.
  - 3. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.
- (b) A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.

- (c) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

#### **XX.11: REVOCATION**

- (a) A license may be revoked if the license is suspended under Section XX.11 and the cause for the suspension is not remedied.
- (b) A license may be revoked if the license is subject to suspension under Section XX.11 because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.
- (c) A license is subject to revocation if a license holder or employee of a license holder:
  - 1. Gave false or misleading information in the material submitted during the application process;
  - 2. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
  - 3. Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;
  - 4. Repeated violations of Section XX.12;
  - 5. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
  - 6. A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
  - 7. A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G; or
  - 8. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
  - 9. The license holder allows a public nuisance to continue after notice from the County.

#### **XX.12. SUSPENSION AND REVOCATION PROCESS**

- (a) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the County's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.



- (b) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the County Commission Chairperson, Auditor, Sheriff, and \_\_\_\_\_
- (c) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (d) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (e) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

#### **XX.13: APPEAL**

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the Board of County Commissioners by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to \_\_\_\_\_ County Courthouse (address), \_\_\_\_\_, South Dakota, 57 \_\_\_\_\_. The appeal will be considered by the Board of County Commissioners at a regularly scheduled meeting within one month of the receipt of the appeal.

#### **XX.14: LICENSES NOT TRANSFERABLE**

No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.

#### **XX.15: LIABILITY FOR VIOLATIONS**

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

#### **XX.16: PENALTIES**

Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.



**Severability.** The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

DRAFT

## CHAPTER 31-22

### CONDEMNATION OF EASEMENTS FOR ISOLATED TRACTS

- [31-22-1](#) Right to access from isolated tract to highway.  
[31-22-2](#) Inability to agree with servient landowner--Application to board of county commissioners--Contents of application--Notice to servient landowner--Contents of notice--Service of notice.  
[31-22-3](#) Visit to land--Width of right-of-way--Convenience of parties--Use of section line or governmental fractional subdivision.  
[31-22-4](#) Assessment of damages--Report to county auditor--Destruction of records.  
[31-22-5](#) Appeal by servient landowner--Trial de novo--Procedure for appeal--Costs.  
[31-22-6](#) Right to easement complete upon payment of damages or refusal thereof--Payment of costs of proceedings--Fees and mileage of county commissioners.  
[31-22-7](#) Responsibility for erecting fence--Easement separating farms--Easement through one farm--Gates--Law of partition fences applicable.  
[31-22-8](#) Maintenance of right-of-way by dominant landowner.
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#### **[31-22-1](#). Right to access from isolated tract to highway.**

Every owner of an isolated tract of land containing at least ten acres not touched by a passable public highway or smaller tract of land containing at least five acres used or intended to be used in good faith in whole or in part for residential purposes is entitled to an easement or right-of-way across adjacent lands to reach a public highway, which easement or right-of-way may be secured as provided in this chapter. An isolated tract is further defined as an area which is either inaccessible by motor vehicle because of natural barriers from all other land owned by the owner of the isolated tract or is such an area which is not touched by a passable public highway, which is in use or reasonably usable for motor vehicles. A tract of land adjoining a section line right-of-way for at least sixty-six feet is not an isolated tract if a passable road can be built within the adjoining section line to connect to a passable public highway.

**Source:** SL 1935, ch 179, § 1; SDC 1939, § 28.0801; SL 1955, ch 101; SL 1970, ch 161; SL 2004, ch 198, § 1.

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#### **[31-22-2](#). Inability to agree with servient landowner--Application to board of county commissioners--Contents of application--Notice to servient landowner--Contents of notice--Service of notice.**

If the owner of such an isolated tract is unable to agree with the owner of surrounding lands for purchase of a right-of-way from such isolated tract of land to a public highway, he may apply to the board of county commissioners for relief, making his application in writing and describing the isolated tract and the surrounding land over which a right-of-way is desired. The county commissioners shall thereupon cause to be served upon the owner or owners of such surrounding land a notice in writing of a time when such board will visit such land and lay out one right-of-way across such surrounding land, and assess the damages therefor, which notice shall be served at least five days prior to the date set for such visit and appraisal.

**Source:** SL 1935, ch 179, § 2; SDC 1939, § 28.0802.

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#### **[31-22-3](#). Visit to land--Width of right-of-way--Convenience of parties--Use of section line or governmental fractional subdivision.**

Upon the day set for such visit to such land for the purpose of laying out such right-of-way and appraising the damages to the owner of the surrounding land therefor, the county commissioners shall proceed to the place named, shall lay out a right-of-way not less than twenty-five nor more than sixty-five feet in width



from such isolated tract of land across surrounding lands to a public highway, and in so doing shall consider the convenience of the parties. Wherever it is practicable to do so, such board shall lay such right-of-way along a section line or the line of a government fractional subdivision of a section.

**Source:** SL 1935, ch 179, § 3; SDC 1939, § 28.0803; SL 1977, ch 243.

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**31-22-4. Assessment of damages--Report to county auditor--Destruction of records.**

The county commissioners shall assess and determine the damage which the right-of-way is to the owner of the land across which it is laid, and they shall file with the county auditor a full report of all their proceedings in the premises, and the county auditor shall record the same in his record of highways. However, the county auditor may destroy any record which the records destruction board, acting pursuant to § 1-27-19, declares to have no further administrative, legal, fiscal, research, or historical value.

**Source:** SL 1935, ch 179, § 3; SDC 1939, § 28.0803; SL 1981, ch 45, § 21.

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**31-22-5. Appeal by servient landowner--Trial de novo--Procedure for appeal--Costs.**

The owner of the land over which such right-of-way is laid may appeal from the decision and assessment of damages by such county commissioners to the circuit court for the county where such land or some part thereof is located, and upon such appeal the trial shall be de novo. Such appeal shall be taken within the time and in the manner as other appeals from the board of county commissioners, but the appellant shall not recover costs upon such appeals unless he is awarded judgment for a greater sum than the sum awarded by such board of county commissioners.

**Source:** SL 1935, ch 179, § 6; SDC 1939, § 28.0807.

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**31-22-6. Right to easement complete upon payment of damages or refusal thereof--Payment of costs of proceedings--Fees and mileage of county commissioners.**

Upon payment of the sum assessed to the owner of the land over which such right-of-way is laid or upon his refusal to accept the same upon the deposit of such sum with the clerk of courts of the county in which such lands are located, the right of the owner of such isolated tract to the free use of said right-of-way shall be complete; provided the owner of such isolated tract shall have paid all of the costs of the proceedings in laying out and assessing the damages of said right-of-way, and the commissioners shall each be entitled to a fee of three dollars per day and five cents for each mile necessarily traveled in going to and returning from the lands where such right-of-way is located.

**Source:** SL 1935, ch 179, § 4; SDC 1939, § 28.0804.

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**31-22-7. Responsibility for erecting fence--Easement separating farms--Easement through one farm--Gates--Law of partition fences applicable.**

If the right-of-way be laid along the line separating two farms, then the owner of the isolated tract for which such right-of-way was laid shall erect and maintain one-half of the fence along both sides of such right-of-way, but if it be laid through a farm and not along the border thereof, no fence will be deemed necessary unless requested by the owner of land through which such road passes, in which cases the owner of the isolated tract shall erect and maintain the fence along both sides of such right-of-way and shall locate at a point to be described by the owner of the land gates at least sixteen feet wide in each of such fences. But if no fence is requested the owner of such isolated land shall construct, maintain, and keep closed substantial and suitable gates in all fences which such roadway may cross. The laws of this state pertaining to the erection and



maintenance of partition fences shall apply to the fencing of such right-of-way wherever not in conflict with this section.

**Source:** SL 1935, ch 179, § 5; SDC 1939, § 28.0805.

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**31-22-8. Maintenance of right-of-way by dominant landowner.**

Whenever such right-of-way has been laid out as provided by this chapter, the owner of such isolated tract of land shall keep and maintain such right-of-way at his or her own expense.

**Source:** SL 1935, ch 179, § 7; SDC 1939, § 28.0806.

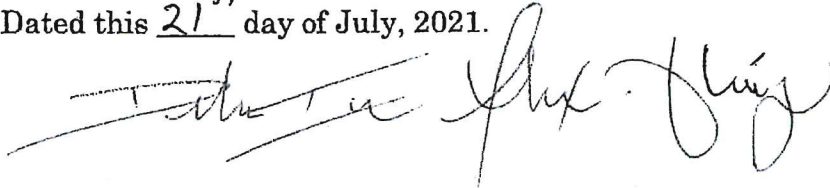
**AFFIDAVIT OF DEBRA IRENE ALEXIOU-FLEMING**

I, Debra Irene Alexiou-Fleming ("Irene"), being first duly sworn upon my oath, state and aver as follows:

1. That I am the owner of approximately 90 acres of real property located in Fall River County, South Dakota as two separate tracts: County Line Tract consisting of ten or more acres, Irene Tract consisting of approximately 80 acres, and Harry Tract consisting of approximately 70 acres.
2. That Harry Fleming ("Harry") and I previously owned the real property together as husband and wife.
3. That when Harry and I divorced, the real property was allocated with Harry retaining the Harry Tract and I received the County Line Tract and Irene Tract.
4. That the above-referenced real property is considered an isolated tract as it consists of "at least ten acres", is "not touched by a passable public highway", and is "intended to be used in good faith in whole or in part for residential purposes. . ." SDCL §31-22-1.
5. That the above-referenced real property is an area which is either inaccessible by motor vehicle because of natural barriers from all other land owned by the owner of the isolated tract or is such an area which is not touched by a passable public highway, which is in use or reasonably usable for motor vehicles. *Id.*

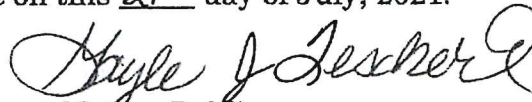
Further your affiant sayeth naught.

Dated this 21<sup>st</sup> day of July, 2021.



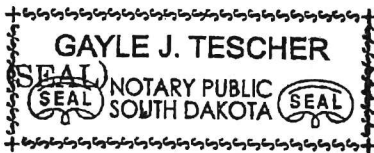
Debra Irene Alexiou-Fleming

Subscribed and sworn to before me on this 21<sup>st</sup> day of July, 2021.



Notary Public

My comm. Expires: 4/20/2022







Auditor Office &lt;aud@frcounty.org&gt;

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**Request for letter of support for wind energy on USFS lands south of Hot Springs**7 messages

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**rmueller@gridinc.biz** <rmueller@gridinc.biz>

Mon, Aug 2, 2021 at 4:39 PM

To: auditor@frcounty.org

Hello,

I am working as the "point man" for wind energy developers to penetrate the US Forest Service toward putting wind energy projects on USFS land. Under the Biden Administration, the USFS has stated to me their intent to bring wind (and potentially solar) projects on line, which is a significant variation from their previous "preservationist" (i.e., anti-wind) position.

The USFS point of contact told me it would be important to secure a letter of support from the local community. Since your county commissioners are meeting this Thursday, it would be very helpful to get approval of a letter from the County supporting implementing wind or solar generation from the USFS grasslands south of Hot Springs on that agenda.

I attach a draft letter for their consideration.

Thank you in advance for your help with this.

Best regards,

Richard I. Mueller, P.E. (CA, TX, NM, OK)

COO, CFO, Executive Vice President



GRID Logistics, Inc.

Cell: 909-226-3286



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](https://www.avast.com)

**Draft letter of support for energy projects on USFS lands.docx**

21K

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**Auditor Office** <auditor@frcounty.org>  
To: Sue Ganje <Sue.Ganje@state.sd.us>

Mon, Aug 2, 2021 at 4:41 PM

FYI

He is interested in visiting with the commissioners.

~Julie

[Quoted text hidden]

**Draft letter of support for energy projects on USFS lands.docx**

21K

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**Auditor Office** <auditor@frcounty.org>

Mon, Aug 2, 2021 at 4:49 PM

To: Deborah Russell &lt;deb.debk Russell@gmail.com&gt;, Heath Greenough &lt;hgreenoughfrcc@gmail.com&gt;, Joe Allen &lt;allenranch@gwtc.net&gt;, Joe Falkenburg &lt;joe falkenburg@hotmail.com&gt;, Les Cope &lt;coperanch1979@gmail.com&gt;, Sue Ganje &lt;Sue.Ganje@state.sd.us&gt;

Julie spoke with this gentleman this afternoon. Sounds like a wind turbine is being considered and in the early stages yet, but he was looking for commissioner support. Julie expressed concerns you may have with cleanup and kind of encouraged him to send information and he could talk at public comment if he so chose, since things were still in the early stages.

The attached letter is what we got. He also would like some sort of response soon, if at all possible.

[Quoted text hidden]

Aaron Eberle

Auditor's Office

Fall River/Oglala Lakota County Courthouse

906 N River St.

Hot Springs, SD 57747

Administrative Assistant

(605) 745-5130

**Draft letter of support for energy projects on USFS lands.docx**

21K

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**Deb Russell** <deb.debk Russell@gmail.com>

Tue, Aug 3, 2021 at 8:57 AM

To: Auditor Office &lt;auditor@frcounty.org&gt;

Cc: Joe Falkenburg &lt;joe falkenburg@hotmail.com&gt;, Joe Allen &lt;allenranch@gwtc.net&gt;, Heath Greenough &lt;hgreenoughfrcc@gmail.com&gt;, Les Cope &lt;coperanch1979@gmail.com&gt;

I hope he brings a map of where this is planned and if they have done their research as to the efficiency of the project. Others who looked into wind farms around here decided it wasn't a realistic financially viable project. I don't think the federal government really cares about that though. I am willing to listen but am not excited about supporting it.

[Quoted text hidden]

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**Auditor Office** <auditor@frcounty.org>

Tue, Aug 3, 2021 at 10:57 AM

To: rmueller@gridinc.biz

Richard,

The commissioners have asked that you be at the meeting on Thursday. They are requesting that you provide a map to them as well. They will give you ten minutes to talk about the project.

Please email the map to me today so I can include it in their packet as well.

I have you down at 10:35 a.m. on Thursday.

If you have any questions, please let us know.

Aaron Eberle  
Auditor's Office  
Fall River/Oglala Lakota County Courthouse  
906 N River St.  
Hot Springs, SD 57747  
Administrative Assistant  
(605) 745-5130  
[Quoted text hidden]

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**rmueller@gridinc.biz** <rmueller@gridinc.biz>  
To: Auditor Office <auditor@frcounty.org>  
Cc: scott Debenham <scott@debenhamenergy.com>

Tue, Aug 3, 2021 at 12:45 PM

Hi, Aaron,

First of all, I greatly appreciate the commissioners providing me the opportunity to present regarding this issue. However, I am unable to get there for Thursday's meeting. I live in Idaho, so it will take a trip for me to get there.

I am providing a map that shows the general location south of Hot Springs.

We are in a VERY preliminary stage for this. The circumstance is that the Forest Service has not allowed any wind energy developments on "their" lands. Now with the Biden Administration's push for green energy, USFS is supposedly actively seeking such developments. At this time, I cannot tell if their efforts are real or just a façade. So, there are no developers currently looking at this location.

If having a wind farm in Fall River County is viewed by the local residents as being a positive development, a letter of support would be helpful. If it is not seen as a positive by you who live there, I do want to know that and I will not pursue it.

Getting a letter of support is by no means any assurance that a wind farm will be built. The history of such projects with USFS is riddled with USFS roadblocks. But if the County provides some support, we will push for it.

Best regards,

Richard

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



8/3/2021

Fall River County Mail - Request for letter of support for wind energy on USFS lands south of Hot Springs

This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)



**Map of potential wind energy locations.docx**

355K

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**Auditor Office** <auditor@frcounty.org>

To: Richard Mueller <rmueller@gridinc.biz>

Cc: scott Debenham <scott@debenhamenergy.com>

Tue, Aug 3, 2021 at 1:43 PM

Is there any way we could have you meet by phone? We realize it is in the early stages, but someone to speak with on the phone would be greatly appreciated and then you can hear their response.

Aaron Eberle

Auditor's Office

Fall River/Oglala Lakota County Courthouse

906 N River St.

Hot Springs, SD 57747

Administrative Assistant

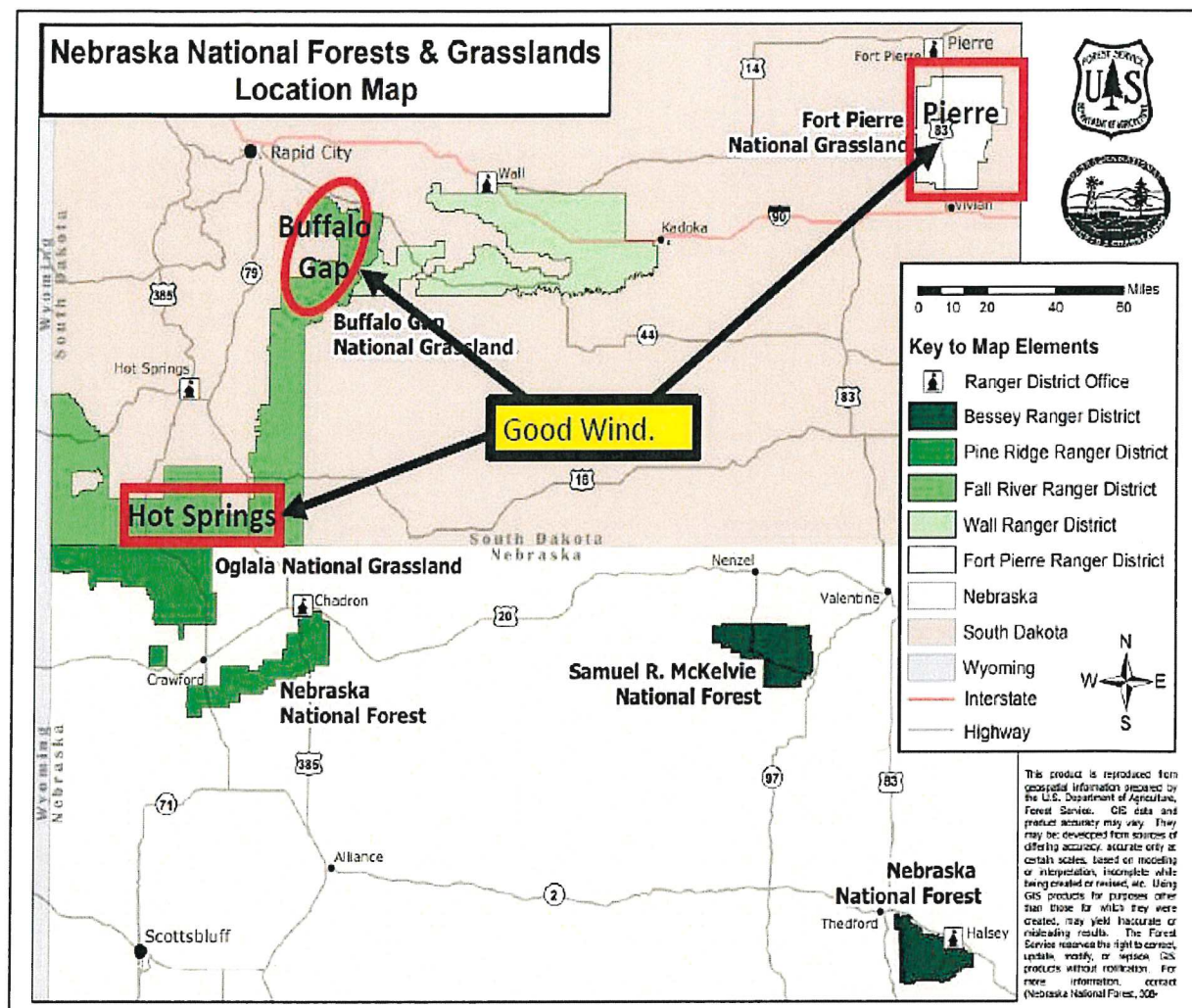
(605) 745-5130

[Quoted text hidden]

My thoughts related to Wind Farms on Forest Service land.

The development of wind farms on Forest Service land deprives private land owners of royalties received from electricity generated from these turbines. Wind farms do have an effect on the environment and a detrimental effect on the esthetics of the natural beauty of the land that is taken up by a wind farm. Much of the land administered by the Forest Service is beautiful and serves as incentive for tourists to visit Fall River County and spend money here. If the wind farm is developed on Forest Service land, the inhabitants of Fall River County will be forced to accept the altered views and landscapes with no recourse. It is questionable that Fall River County would receive any tax revenue from a wind farm located on Forest Service property. For these reasons, it is important to know the proposed location of the wind farm and what effect it might have on the topography of that area. I have some concern of the road development and general use of the affected area. Having seen what happened in an area with 90 of these wind turbines, it's important to be fully informed of all aspects of this proposed wind farm. We support development of various aspects of business ventures in our County, but, without additional information, it would be difficult to offer blanket support since, roads, grazing leases, esthetics, and the loss on private land need to be included before a learned decision could be made.

Joe Falkenburg





Fall River County, South Dakota (Letterhead)  
906 N. River Street  
Hot Springs, SD 57747

Re: Support for Development of Wind or Solar Power Generation on USFS Lands

To Whom It May Concern:

Please be advised that Fall River County Commissioners support the development of wind and/or solar energy generation on land managed by the US Forest Service provided two issues are adequately addressed.

- 1) Contractors and operators of any energy "farm" to be installed have earnings retained sufficient to disassemble and remove all system components once the farm or individual towers have reached the end of their useful or economic life.
- 2) Any energy systems be built with provisions to assist in ground-based fire-fighting.

Fall River County is in general support of development of reliable energy sources, including harnessing wind and solar power.

Sincerely,

Joe Falkenburg, Ph.D.  
Chair – Fall County Commissioners

RE: [EXT] budget for '22

Software Services Inc <software@alliancecom.net>

Fri 7/16/2021 1:09 PM

To: Ganje, Sue <Sue.Ganje@state.sd.us>

Here are some preliminary numbers for budget and to Reserve fund balance for future software needs:

Fall

River	2022	SSI support	20,000	
	2022	SSI data convert & assistance tx rv trs to Ttech	20,000	
	2022	Ttech annual support fee & hosting	35,000	
		subtotal	75,000	
	2023	SSI Support for financials GL AP PR CL	10,000	
	2023	SSI assistance with new Ttech applications	15,000	
		SSI data convert & assistance Real Property, ,		
	2023	Discretenary,Soils	13,000	
	2023	Ttech annual support fee & hosting	37,000	
		subtotal	75,000	
	2024	SSI Support for financials GL AP PR CL	10,000	
	2024	SSI data convert GL AP PR to ??? Someones Fund accounting	15,000	
	2024	Ttech annual support fee & hosting	40,000	
	2024	Someones Fund Accounting install, training 1-time fees	40,000	
	2024	Someones Fund Accounting annual fees & hosting	20,000	?
		subtotal	125,000	
	2025	Ttech annual support fee & hosting	42,000	
	2025	Someones Fund Accounting annual fees & hosting	20,000	?
		subtotal	62,000	
		Ttech annual support fee & hosting quote is preliminary.		
		Not sure how they will charge for Oglala Lakota		
		4 year estimated budget needs	337,000	

**Patti Guthrie**  
**Software Services Inc**  
25854 471st Ave  
Sioux Falls SD 57107  
605.543.5623

**From:** Ganje, Sue [mailto:Sue.Ganje@state.sd.us]  
**Sent:** Tuesday, July 13, 2021 12:30 PM  
**To:** Patti G  
**Subject:** budget for '22

Also, can you give a figure to budget for next year for you?

Sue Ganje  
County Auditor  
Fall River/Oglala Lakota County

**TAX COLLECTION WORKSHEET FALL RIVER CO  
2021 pay 2022**

General Fund	
Value pay 22	\$ 795,127,670
Pr Yr Levied	\$ 2,899,653
Allowable CPI @ 1.7%	\$ 49,294
Allowable Growth @1.91%	\$ 55,383
Tot allowable tax to levy	\$ 3,004,330
Difference	\$ 104,677
Estimated Mill Levy	\$ 3.779
Current levy	\$ 3.953
Levy decrease	\$ (0.17)

Fire Fund	
Value pay 22	\$ 8,400,375
Pr Yr Levied	\$ 1,135
Allowable CPI @ 1.7%	\$ 19
Allowable Growth @0.31%	\$ 4
Tot allowable tax to levy	\$ 1,158
Difference	\$ 23
Estimated Mill levy	\$ 0.138
Current levy	\$ 0.140
Levy decrease/Increase	\$ (0.002)

Sec Rd Fund	
Value pay 22	\$ 459,171,804
Pr Yr Levied	\$ 274,875
Allowable CPI @ 1.7%	\$ 4,673
Allowable Growth @1.62%	\$ 4,453
Total allowable tax to levy	\$ 284,001
Difference	\$ 9,126
Estimated Mill Levy	\$ 0.619
Current Levy	\$ 0.638
Levy Decrease	\$ (0.019)

Library Fund	
Value pay 22	\$558,220,425
Pr Yr Levied	\$ 7,393
Allowable CPI @ 1.7%	\$ 126
Allowable Growth @1.88%	\$ 139
Total allowable to levy	\$ 7,658
Difference	\$ 265
Estimated Mill Levy	\$ 0.014
Current Levy	\$ 0.014
Levy Decrease/Increase	\$ -

BLDG FUND	
Value pay 22	\$ 795,127,670
Pr Yr Levied	\$ 126,609
Allowable CPI @ 1.7%	\$ 2,152
Allowable Growth @1.91%	\$ 2,418
Total allowable tax to levy	\$ 131,180
Difference	\$ 4,571
Estimated Mill Levy	\$ 0.165
Current Levy	\$ 0.173
Levy Decrease	\$ (0.008)

CPI for pay '22 is 1.2%

Total CPI available

\*Note, CPI can be stored for 3 yrs

CPI for pay '21 was 1.7% used pay '22

CPI for pay '20 was 2.4% used pay '21

CPI for pay '19 was 2.1% used pay '21

1.2 NOTE\* all levies at this time are an estimate,  
1.2 values may change with the certification of  
centrally assessed utilities the 1st week in Sep,  
which could change mill levies. Rounding could  
also affect mill levy

7/1/2021

Board asked to use stored CPI 1.7  
and keep current CPI 1.2



## **Increase in staff request for Director of Equalization - August 5, 2021**

### **Current Staff Positions:**

- 1 – Director (Certified Assessor)
- 3 – Certified Assessors (one left July 9, and one is leaving Aug 20)
- 1 – Administrative Assistant
- 1 or 2 – Seasonal Field Workers – (we usually request help every summer/fall)

### **Proposed Staff Positions:**

- 1 – Director
  - 3 – Certified Assessors
  - 2 – Administrative Assistants
- (there would no longer be a need for the Seasonal help)

Proposal is to hire three full time permanent positions right now.

Two of those positions will be for future Certified Assessors, one is for an additional Administrative Assistant.

The two Certified Assessor positions will be hired as Admin Asst, and after 3 – 6 months of satisfactory review, they will begin the certification process. This process takes a full year. After completion of the certification process, they advance to Certified Assessor at the higher wage bracket per union contract.

The other Administrative Assistant position is an addition to the office staff. Due to our current influx of sales, new plats, and new construction, we are unable to keep up with the workload. This person could also be used to help with field work throughout the year, thus eliminating the need for a seasonal field work position.

The DOE office respectfully requests the approval of the Fall River County Commission to approve the addition of one more full time staff and allow us to move forward with the hiring process for all three full time positions.



# Election Notice

**SDML WORKERS' COMPENSATION FUND**

**NOTICE OF BOARD OF TRUSTEES ELECTION**

**WEDNESDAY, OCTOBER 6, 2021**

**SPEARFISH HOLIDAY INN AND CONVENTION CENTER, SPEARFISH, SD**

The SDML Workers' Compensation Fund Board of Trustees election will be held Wednesday, October 6, 2021, at the annual membership meeting during the SDML Annual Conference in Spearfish, SD.

Two city seats are up for election. The positions are currently held by:

- Jodi Mathis, Human Resource Director, Spearfish
- Brittany Smith, City Administrator, Philip

If you are interested in a position on the SDML Workers' Compensation Fund or would like to nominate someone who is a Member of the SDML Workers' Comp Fund and is either an elected or appointed official, please send a letter of application by the deadline date of September 6, 2021 to:

Sandi Larson  
SDML Director of Risk Sharing Services  
208 Island Drive  
Ft. Pierre, South Dakota 57532  
Phone: 1-800-658-3633  
E-mail: [sandi@sdmunicipalleague.org](mailto:sandi@sdmunicipalleague.org)

Positions on the Board of Trustees are for three years and the successful candidates will be seated on January 1, 2022. All nominations for the election will be forwarded to the Nominating Committee.

## Mission Statement

The SDML Workers' Compensation Fund has a strong commitment to providing a competitive workers' compensation program for the public entities in South Dakota through administrative, loss control and technical services.

As a risk-sharing pool the SDML Workers' Compensation Fund was created for its Members and is controlled by its Members.

## Board of Trustees

Karl Alberts  
Chairman  
Finance Officer, Aberdeen

Bob Wilcox  
Vice Chairman

SDACC Executive Director, Pierre

Yvonne Taylor  
Secretary

SDML Executive Director, Ft. Pierre

Laurie Gronlund  
Human Resources Director, Pierre

Jodi Mathis  
Human Resource Officer, Spearfish

Brittany Smith  
City Administrator, Philip

Brenda Bode  
Davison County Commissioner, Mt. Vernon

Jim Schmidt  
Lincoln County Commissioner,  
Sioux Falls

Mike Grosek  
Mayor, Webster

## CREATED, SPONSORED, AND ENDORSED BY

South Dakota Municipal League  
Yvonne Taylor, Executive Director  
800-658-3633

## ENDORSED BY

South Dakota Association of  
County Commissioners  
Bob Wilcox, Executive Director  
605-224-4554

## Service Providers

**Administration & Marketing**  
Insurance Benefits, Inc.  
4901 Isabel Place, Suite 210  
Sioux Falls, SD 57108  
800-233-9073

**Actuarial Services**  
AON Risk Solutions  
17875 Von Karman Avenue, Suite 300  
Irvine, CA 92614  
949-608-6332

**Claims Administration**  
Claims Associates, Inc.  
4901 Isabel Place, Suite 100  
Sioux Falls, SD 57108  
888-654-6495

**Claims Audit**  
Northshore International Insurance  
Services  
76 Lafayette Street  
Salem, MA 01970

**Financial Audit**  
RSM US LLP  
110 S. Phillips Avenue, Suite 300  
Sioux Falls, SD 57104  
605-336-0753

**Investment Manager**  
Bankwest Trust  
PO Box 998  
Pierre, SD 57501  
605-224-7392

**Loss Control**  
Safety Benefits, Inc.  
PO Box 522  
Plankinton, SD 57368  
888-313-0839

**Re-Insurance**  
Safety National Casualty Corporation  
2043 Woodland Parkway  
St. Louis, MO 63146

# 2020 Annual Financial Report

SDML Workers' Compensation Fund

## To the Membership

**SDML**

Workers • Compensation • Fund



**SDML Workers' Compensation Fund**  
Selected Financial Data

Assets	As of December 31,			
	2020	2019	2018	2017
Cash and cash equivalents	\$ 3,227,724	\$ 2,927,988	\$ 4,418,344	\$ 3,185,786
Investments	32,969,906	32,518,939	29,431,409	29,471,002
Receivables	712,239	553,445	659,456	561,643
Prepaid expenses	1,000	1,000	-	3,795
Contributed surplus and member equity in NLC Mutual	2,180,585	2,106,846	2,029,717	1,960,132
<b>Total assets</b>	<b>\$ 39,091,454</b>	<b>\$ 38,108,218</b>	<b>\$ 36,538,926</b>	<b>\$ 35,182,358</b>
<b>Liabilities and Net Position</b>				
<b>Liabilities</b>				
Estimated liability for reported and unreported claims and claims adjustment expenses	\$ 8,668,233	\$ 9,173,790	\$ 9,655,594	\$ 8,516,916
Other liabilities, primarily advance member contributions	3,347,423	3,125,733	3,131,159	3,187,059
<b>Total liabilities</b>	<b>12,015,656</b>	<b>12,299,523</b>	<b>12,786,753</b>	<b>11,703,975</b>
<b>Net position</b>	<b>27,075,798</b>	<b>25,808,695</b>	<b>23,752,173</b>	<b>23,478,383</b>
<b>Total liabilities and net position</b>	<b>\$ 39,091,454</b>	<b>\$ 38,108,218</b>	<b>\$ 36,538,926</b>	<b>\$ 35,182,358</b>
<b>Income</b>				
<b>Operating revenues:</b>				
Member contributions earned, net of renewal and loss control credits and reinsurance *	\$ 7,131,986	\$ 7,200,709	\$ 7,094,033	\$ 6,723,867
<b>Operating expenses:</b>				
Claims and claims adjustment expenses incurred, net	5,013,357	4,393,127	5,715,189	4,471,036
General and administrative expenses	1,137,473	1,122,608	1,088,769	1,062,642
Dividends to members, return on equity credits	677,054	624,467	598,330	546,040
<b>Total operating expenses</b>	<b>6,827,884</b>	<b>6,140,202</b>	<b>7,402,288</b>	<b>6,079,718</b>
<b>Operating income (loss)</b>	<b>304,102</b>	<b>1,060,507</b>	<b>(308,255)</b>	<b>644,149</b>
<b>Nonoperating revenues:</b>				
Net investment income	889,262	918,886	512,460	395,835
Earned member equity, NLC Mutual	73,739	77,129	69,585	66,285
<b>Total nonoperating revenues</b>	<b>963,001</b>	<b>996,015</b>	<b>582,045</b>	<b>462,120</b>
<b>Change in net position</b>	<b>\$ 1,267,103</b>	<b>\$ 2,056,522</b>	<b>\$ 273,790</b>	<b>\$ 1,106,269</b>
<b>* Renewal and loss control credits</b>	<b>\$ 2,507,580</b>	<b>\$ 2,166,598</b>	<b>\$ 2,118,792</b>	<b>\$ 2,025,552</b>
				<b>\$ 2,041,657</b>



# Election Notice

The South Dakota Public Assurance Alliance (SDPAA) Board of Directors election will be held Wednesday, October 6, 2021, at the SDPAA Annual Membership meeting during the SDML Annual Conference in Spearfish, SD. The election shall be determined by a majority of those SDPAA Member entities present and voting with each Member entity having one vote. Election winners will be seated on the Board of Directors starting January 1, 2022 to serve a three year term. A copy of the Board of Directors Election Policy Resolution is available upon request.

If you are interested in a position on the SDPAA Board of Directors, you must meet the following qualifications:

Article V – Paragraph 2 - Qualifications of Members of the Board.

Members of the Board shall be either:

- a. Elected officials of an Alliance Member, provided the governing Board of the Member in question has supported their appointment or candidacy by Resolution; or
- b. Representatives, employees or appointed officials of an Alliance Member, provided the governing Board of the Member in question has supported their appointment or candidacy by Resolution.

SDPAA Board of Directors positions up for election are currently held by:

- Mike Wiese, Brown County Commissioner, Aberdeen
- Jim Borszich, President and CEO, Greater Huron Development Corp., retired, Huron
- Bill O'Toole, Director of Human Resources, Sioux Falls

Please send a letter of application and supporting Resolution by the deadline date of August 31, 2021 to:

Lisa Nold, SDML Administrative Coordinator  
208 Island Drive  
Ft. Pierre, South Dakota 57532  
Phone: 1-800-658-3633  
Email: [Lisa@sdmunicipalleague.org](mailto:Lisa@sdmunicipalleague.org)

All applications will be forwarded to the SDPAA Nominating Committee.

# SENIOR COMPANIONS

OF SOUTH DAKOTA

2040 West Main Street, Suite 213 • Rapid City, South Dakota 57702

Phone: (605) 721-8884 or Toll-Free (888) 239-1210 • cmerbach@good-sam.com

*"Sharing Friendship At Home!"*

July 21, 2021

Fall River County Commissioners  
906 N. River Street  
Hot Springs, SD 57747

Dear County Commissioners:

I am writing to invite a designated member of the Pennington County Commission to join us for the recognition event of the Senior Companions of South Dakota. In your busy schedules, we know that not everyone can attend, but we would like your designee to attend as it means so much to our volunteers.

On Friday, August 20, 2021, we will be recognizing the Senior Companions that serve in Pennington, Butte, Lawrence, Fall River, and Hughes Counties. The event will be held at the Journey Museum, 222 New York Street, 2<sup>nd</sup> Floor, in Rapid City, South Dakota, starting at 10:30 a.m. Our volunteers will be honored for their National Service.

Senior Companions of South Dakota provides a unique and needed service to the elderly. The Senior Companions are healthy older adults who help other adults live independently. They provide respite care to family caregivers. They assist others with grocery shopping, meal preparation, light housekeeping, transportation to doctor appointments, and various daily tasks necessary to maintaining independence. This service is provided free of charge. Without the help of Senior Companions, many older adults would not be able to continue living in their own home and might require placement in a nursing home or assisted living facility. The Senior Companions are limited income volunteers 55 years or older who receive a small stipend of \$3 per hour. They volunteer 15-40 hours per week.

In 2019, we had 68 Senior Companions statewide who served 316 clients, providing 58,462 hours of assistance and friendship. Due to the COVID-19 pandemic, services were suspended from March 17, 2020 through March 31, 2021. During the suspension, our Companions were unable to visit clients in their homes or provide other in-person services. In an effort to



AN EQUAL OPPORTUNITY EMPLOYER/SERVICE PROVIDER



July 8, 2021/Page 2

continue contact and provide companionship, Companions would regularly telephone their clients in place of regular services. Unfortunately, we have had a number of volunteers and clients resign from the program due to the suspension of services. Currently, we have 33 Senior Companions and 192 clients.

The Evangelical Lutheran Good Samaritan Society has been our sponsor since the Program began in 1978. We have grown from serving just Sioux Falls to serving much of eastern South Dakota and several communities in the Black Hills, as well as Pierre. This growth would not have been possible without the funding received from AmeriCorps (formerly the Corporation for National and Community Service - CNCS).

We also receive funding from the various Black Hills Area United Way funds, including Rapid City, Northern Hills, and Southern Hills United Ways. We are grateful for the support of all these funding sources.

We hope that you are able to attend our event. If you cannot attend but would like to write a letter recognizing and thanking the volunteers for their dedication to the Program and the community, we would share this at the recognition event.

If you would like to attend the recognition event, please call the Senior Companion Office at (605) 721-8884 or email me at [cmerbach@good-sam.com](mailto:cmerbach@good-sam.com) by **August 13, 2021** to make a reservation.

Thank you for your interest and support of the Senior Companions of South Dakota.

Sincerely,

*Carol*

Carol Merbach  
Program Coordinator



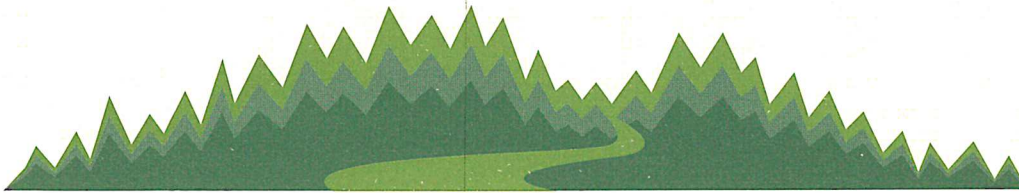
*"Sharing Friendship At Home!"*

## You are invited to a Picnic!

Please join us as we recognize our  
Senior Companions for their years of  
National Service and the many hours of  
service to their communities!

**WHEN:** Friday, August 20, 2021 at 10:30 am  
**WHERE:** The Journey Museum, 2nd Floor  
222 New York Street, Rapid City  
**RSVP:** Please call 605-721-8884 or email  
Cmerbach@good-sam.com by August 13.





## **Black Hills Regional Multiple Use Coalition**

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

July 13, 2021

**TO: BOARD OF DIRECTORS**

**SUBJECT: MEETING NOTICE**

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

The tentative agenda items are:

- We will have a presentation, in a format yet to be determined, from F3 Gold – the group that has proposed gold exploration near Silver City.
- Elk Management Plan
- 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- June 24, 2021**

The June 2021 BHRMUC meeting was called to order at 4:05 pm at the Holiday Inn in Spearfish, SD. Those in attendance were David Moline, Eric Jennings, Don Hausle, Ben Wudtke, Druse Kellogg, Frank Bloom, Randy Diebert, Matt Lottes, Butch Oien, and Patty Brown.

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Minutes from the May 2021 meeting will be reviewed next meeting (July 2021).

Treasurer's report – motion to approve report passes

Ben mentions a change to the order of tentative agenda items, Randy makes motion to approve amended tentative agenda, motion carries.

Discussion on OHV working groups. Randy explained that the Black Hill Council was asked by the USFS to fund a Coordinator for the Policy Committee, but the USFS wants to appoint members. An Action Group has already been formed by the Forest Service – discussion on the need for the two groups to be cooperative/"married." The Policy Group needs to have good representation of user groups and all in the room share concern that a USFS-appointed group may not provide that.

Eric makes motion to develop plan on forming an OHV Policy Group & ten propose said plan to the USFS... Butch 2<sup>nd</sup>s the motion, motion carries.

BH Timber – current pause on all BH timber sales while further environmental analysis is being done.

USFS is projecting only 150,000 ccf of timber will be sold this fiscal year.

Discussion of "treating the stands that need treated." Currently the Bear Lodge is ~90% comprised of sawtimber-sized stands, with ~73% of those being high risk for bugs and fire. In the Northern Black Hills, ~75% of forested area is made up of sawtimber-sized stands with ~50% of those deemed at high risk for bugs and fire.

August field trip discussion – group decides "forestry education" would be in order, to see in person, what the issues look like on the ground. Ben will take the lead on planning the trip.

30X30 Update (aka America the Beautiful) – still very unclear what this will be. Current working to define what America the Beautiful means.

Endangered Species Act – Currently, threatened species are not treated like endangered species, but Biden plans to reinstate the protocol that was in place with the Obama Administration where threatened species receive much of the same precautions given to endangered species.

Waters of the United States (WOTUS) – Feds wish to open it up for re-evaluation. This is alarming for all the restrictions re-evaluation could impose.

The SENR recently wrote a good bi-partisan letter to Biden administration promoting Forest management.

Round Robin – Ben informed the group that the Senate Committees are doing good work on Forest management reform

- Randy discussed 1,000% increase in emergency calls in Lawrence County over the last 2 years

Meeting adjourned @ 6:04 pm

Minutes by Matt Lottes

MIKE ROUNDS

U.S. SENATOR  
SOUTH DAKOTA

WWW.ROUNDS.SENATE.GOV

United States Senate  
WASHINGTON, DC 20510-4106

COMMITTEES:  
ARMED SERVICES  
BANKING, HOUSING, AND  
URBAN AFFAIRS  
ENVIRONMENT AND PUBLIC WORKS  
VETERANS' AFFAIRS

July 23, 2021

Fall River Country Commissioners  
906 North River Street  
Hot Springs, SD 57747-1309

Dear Fall River Country Commissioners,

Thank you for contacting me about the Keystone XL Pipeline (KXL Pipeline). I appreciate hearing from you about this issue.

On January 19, 2021, I joined Senator John Thune and Representative Dusty Johnson in sending a letter to then President-elect Biden regarding the KXL Pipeline. In our letter, we stated that failing to construct the project would negatively impact economic activity in South Dakota, decrease our nation's energy security and damage our bilateral relationship with Canada.

The following day, President Biden signed an executive order revoking the cross-border permit for the KXL Pipeline. This permit was originally issued by President Trump and allowed TC Energy (formerly TransCanada) to construct, connect, operate and maintain pipeline facilities at the international border of the United States and Canada.

President Biden made a mistake when he revoked this cross-border permit. The federal government has an obligation to take a fact-based approach to decision making. Research on this subject indicates that transporting crude oil via pipeline is both a safer and more environmentally friendly alternative to road or rail transportation. In addition, requiring our agricultural producers to compete against energy companies for increasingly scarce rail space will raise transportation costs for farmers, which is yet another negative side effect of this decision.

The consequences of President Biden's energy agenda are clearly detrimental to our nation's economic development. We will continue to try and educate this administration and those supporting this decision about the need for this pipeline. Unfortunately, we do not have the votes in the Senate or in the House of Representatives to pass legislation correcting this damaging executive order.

Again, thank you for your concerns. Hearing from you and other South Dakotans is important to me as I work to make the best legislative decisions for our state and nation.

Sincerely,



Mike Rounds  
United States Senator