

## **FALL RIVER COUNTY APPROVED MINUTES OF OCTOBER 21, 2021**

The Fall River Board of County Commissioners met in regular session on October 21, 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 Allen, seconded by Russell, to approve the agenda as written.

Motion made by Russell, seconded by Cope, to approve the minutes for October 7, 2021.

Motion made by Cope, seconded by Allen, to approve the pay raise for Veronica Quintana, \$16.00 to \$16.50 per hour, certified dispatcher, effective October 10, 2021, as per union contract.

Motion made by Russell, seconded by Greenough, to appoint William Husted as the new Chairperson for the Fall River County Board of Mental Health, with Garland Goff as the new Vice Chairperson. Both per order of Craig Pfeifle, Presiding Circuit Court Judge, Seventh District, effective September 2, 2021.

Motion made by Russell, seconded by Allen, to approve the American Rescue Plan Act (ARPA) Advisory Assessment in the amount of \$2,000.00.

Frank Maynard, Emergency Management, met with the board, advising that the county will receive \$9,310.35 for the 3<sup>rd</sup> quarter LEMPG quarterly reimbursement. Maynard also attended two continuing education webinars on Floodplain management, and completed the paperwork for the \$5,000.00 grant to do the 5-year update on the Hazardous Materials plan. Black Hills Council of Local Government has been contracted for the update. Maynard also informed the board that FEMA has re-vamped flood plain maps which may affect insurance policies, and reported on fires and incidents.

Motion made by Russell, seconded by Greenough, to table the solar farm agenda item until later in the meeting due to participants traveling in fog.

Commissioner Russell reported on the Legislative district re-districting meeting she attended with Falkenburg and District 30 Senator Julie Frye-Mueller present. One of the proposed plans is to move the east side of Fall River County out of District 30 and into District 27 (Bennett, Haakon, Jackson and Oglala Lakota Counties, and a portion of Pennington County). This would reduce the voice of Fall River voters and is very concerning. Representative Trish

Ladner stated that Representative Tim Goodwin is meeting with the Senators now and that they are re-considering that option.

Chairman Falkenburg welcomed and thanked Custer County Commissioners Linde, Lintz and Bies for attending the meeting, and also briefly announced that there will be a pre-construction meeting with contractors for the Argentine Bridge on October 28, 2021 at the FR Co Highway Shop. Also, that the accepted low bid for the Chilson Bridge came in at approximately \$1.9 million, the high bid came in at approximately \$2.1 million– project engineers had estimated the project at approximately \$1.7 million.

Richard Olstad appeared before the board for the add-on hearing for property he purchased that went from tax exempt status to taxable in 2022. Motion made by Greenough, seconded by Allen, to reduce the adjusted full and true property value by \$20,000.00 going from \$94,760.00 \$74,760.00, which value will then be pro-rated at 75% due to the purchase date. The reduction is due to complications in getting utilities to the property. Motion passes by roll call vote.

The hearing for an Off-Sale Package Liquor License was held as advertised. Motion made by Greenough, seconded by Cope, to approve the 2022 Package Off-Sale Liquor License for TTT Taverns, LLC DBA Pirates Pub and Convenience Store, Hot Springs, SD.

Chairman Falkenburg also welcomed and thanked Bennett County Commissioners Kirk and Slatterly, and Director of Equalization/Register of Deeds Sisco for attending the meeting. Falkenburg noted a great testimony in Pierre by District 30 Representative Trish Ladner during the Ag Task Force meeting. Commissioner Cope spoke of the importance of staying on top of the possible valuation increases based on the proposed new soil tables, and of writing a letter to Governor Noem on the soil table issue, along with creating a resolution for approval. Discussion was held on publishing the letter to the governor in surrounding community newspapers to bring awareness of the issue.

The Hearing to vacate a portion of a public right-of way section line was held, with Patrick Ginsbach, Attorney, present. Motion made by Russell to approve vacating the portion of the section line, as petitioned. Motion fails for lack of a second.

Motion made by Russell, seconded by Allen, to take the Haul Route Agreement off the table. John Taylor, Attorney, met with the board. Motion made by Cope, seconded by Allen, to approve the Haul Route Agreement, contingent on the addition of continuing an easement for the Fall River Water Users pipeline, and authorize the chairman to sign.

Dave Dunbar and John Bogner were present to discuss fencing around the Solar project, with Taylor presenting a site map and fencing plans for a 10 foot maximum chain link fence, and agreement to continued use of the section line.

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

## **GENERAL FUND**

AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$205.65
A-Z SHREDDING INC	SHREDDING	\$72.28
BLACK HILLS CHEMICAL	SUPPLY	\$464.99
HUB INTERNATIONAL	AIRPLANE INSURANCE	\$598.00
CENTURY BUSINESS LEASING	COPIER LEASE/USAGE/METER	\$647.07
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$74.35
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
CUSTER COUNTY SHERIFF	ANNUAL ZUERCHER CONTRACT	\$12,391.00
FALL RIVER AUTO SUPPLY	SUPPLY	\$10.11
FALL RIVER CO. AUDITOR	PETTY CASH REIMBURSEMENT	\$18.12
FARRELL, FARRELL & GINSBACH	CAAF	\$4,278.18
FALL RIVER COUNTY HERALD	PUBLICATION	\$1,196.32
FOX & YOUNGBERG	MENTAL ILLNESS	\$189.20
GALLS	UNIFORM ALLOWANCE	\$270.57
GOFF, GARLAND LEE	MENTAL ILLNESS	\$3,369.90
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$89.97
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,127.04
HILLS EDGE AUTO SALES	SERVICE	\$78.38
HILLYARD/SIOUX FALLS	SUPPLY	\$318.16
HOT SPRINGS ACE HARDWARE	SUPPLY	\$91.05
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$19.57
CITY OF HOT SPRINGS	CITY WATER BILL	\$1,108.66
JENSEN, LYLE	LOCK REPAIR	\$100.00
JE MARSH CONSULTING	CONSULTING	\$850.00
LADNER, PATRICIA	REIMBURSEMENT	\$83.76
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$1,780.49
MASSA DENTAL OFFICES PC	INMATE MEDICAL	\$129.00
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MCNEMAR, KIM	QMHP/MI	\$300.00
MCGLUMPHY, ERIN	TRAVEL REIMBURSEMENT	\$1,075.74
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$202.50
QUADIENT FINANCE USA, INC	POSTAGE	\$819.92
PENNINGTON COUNTY JAIL	TRANSPORT	\$184.44
QUILL CORPORATION	SUPPLIES	\$138.24
SAGEBRUSH WRANGLERS 4-H	CHRISTMAS WREATH	\$20.00
SD ASSN OF COUNTY COMM.	AMERICAN RESCUE PLAN	\$2,000.00
SD DEPARTMENT OF HEALTH	BLOOD DRAWS	\$495.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$2,742.83
SDML WORKERS COMPENSATION	2022 RENEWAL/WORKERS	\$27,073.30
SERVALL	RUGS AND MATS SERVICE	\$429.15
SMILEMAKERS	SUPPLY	\$19.36
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$2,574.00

WARNE CHEMICAL & EQUIP.	SUPPLY	\$1,295.53
WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$8,320.00
	TOTAL FOR GENERAL FUND	\$78,882.06
<b>COUNTY ROAD &amp; BRIDGE</b>		
B H ELECTRIC COOP INC.	UTILITY	\$35.07
CHEYENNE SANITATION	SANITATION COLLECTION	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
FALL RIVER COUNTY HERALD	PUBLICATION	\$40.92
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$215.34
CITY OF HOT SPRINGS	CITY WATER BILL	\$38.96
LOISEAU CONSTRUCTION INC.	SHEP'S CANYON ROAD PROJECT	\$87,508.00
SDML WORKERS COMPENSATION	2022 RENEWAL/WORKERS	\$16,347.98
	TOTAL COUNTY ROAD & BRIDGE	\$104,344.37
<b>911 SURCHARGE REIMBURSEMENT</b>		
CENTURY BUSINESS LEASING	COPIER LEASE & METER	\$73.23
CUSTER COUNTY SHERIFF	ANNUAL ZUERCHER CONTRACT	\$6,195.50
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$771.51
SDML WORKERS COMPENSATION	2022 RENEWAL/WORKERS	\$271.74
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$7,311.98
<b>EMERGENCY MANAGEMENT</b>		
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$150.72
HOT SPRINGS AUTOMOTIVE	SUPPLIES	\$45.99
SDML WORKERS COMPENSATION	2022 RENEWAL/WORKERS	\$1,298.52
	TOTAL FOR EMERGENCY MANAGEMENT	\$1,495.23
<b>L.E.P.C. GRANT (FED/STATE GRANTS)</b>		
JENSEN, ED	SPOTTER	\$60.00
BASTIAN, TRACY	PILOT	\$100.00
	TOTAL FOR L.E.P.C. GRANT (FED/STATE GRANTS)	\$160.00
<b>24/7 SOBRIETY FUND</b>		
SDML WORKERS COMPENSATION	2022 RENEWAL/WORKERS	\$116.46
	TOTAL FOR 24/7 SOBRIETY FUND	\$116.46
	TOTAL PAID BETWEEN 10/8/21 AND 10/21/21	\$192,310.10

Break was taken at 9:49 a.m. and the meeting reconvened at 9:55 a.m.

Public comment was heard from Sheriff Evans on the current prisoner count – 9 males, 4 females in our jail, 1 male in the Pennington County Jail, a total of 14 inmates; Evans also advised of the resignation of dispatcher Sydney Belt. The Deputy Sheriffs participated in qualifying shoot training in Edgemont.

Representative Ladner noted her testimony in Pierre on agriculture land, and presented a power-point presentation on Draft Bill 50, A Grassland Tax Relief Bill. Ladner is the prime sponsor in the House, and Senator Jessica Castleberry is the prime sponsor in the Senate. This bill provides for the assessment of certain agriculture land as noncrop land, and is a resurrection

version of the 2016 Senate Bill 4. Ladner spoke of the differences between east and west river soil, terrain and rainfall. USDA data was also presented on crops in east river versus west river, along with the difference between average number of acres per cow/calf on each side of the state (5-10 acres east river, 30-60 acres west river). Ladner stated this is not just Fall River County issue, but a statewide issue, and taxes should be fair statewide. Testimonies from Harding County south to Fall River County were noted in the power point.

State's Attorney Russell introduced Ronald Haugen, NDSU to the board, who was available by zoom. Discussion was held on North Dakota's approach to agricultural land values. Haugen presented a flow chart on how North Dakota calculates crop and non-cropland values. The formula is set by legislature, with a 10-year rolling moving average. Haugen would do an analysis to compare systems used in each state, but needs more information. North Dakota utilized information from the FSA (Farm Services of America) and RMA, South Dakota uses NASS data, which is not as effective. Additional comments were held about a possible resolution addressing the issue and a solution to fix the problem.

Russell exited the meeting at 10:41 a.m.

Bill Kluck, Meade County Rancher, also met with the board to discuss his personal objections to valuations and the use of different information that should be used. South Dakota and Montana use a similar formula in calculating values, but Montana uses overall livestock prices, not just calf sales. Kluck has done rental rate surveys, noting the increase in rental rates, and that production and market values have changed. SD needs correct soil types, along with receiving FSA information to. Kluck talked about paying taxes on land in 2 counties, of which one county's value is higher for adjoining land. Acreage in west river doesn't support cattle as well as the State thinks it should. Figures show that it cost \$13.00 per cow unit in North Dakota, \$30.00 per cow unit in Kansas and \$100.00 per cow unit in South Dakota.

Julie Frye-Mueller, South Dakota Senator, spoke of the legislative district re-districting being reconsidered; hopefully District 30 and District 27 will stay as they always have been as neither District wants the change.

Jim Lintz, Custer County Commissioner, spoke of the Department of Revenue working against West River. Lintz has been trying to work on these issues for years, noting the difficulty with corn growers. .

Brett Blessing, Highway Foreman, met with the board. Motion made by Greenough, seconded by Cope, to approve the September 2021 reimbursement to the highway department for fuel used or work performed as follows: Sheriff's Department for \$3,032.47; Weed and Pest Office for \$299.46; Building for \$92.53; Emergency Management for \$74.30; DOE for \$169.05; Auditor for \$12.80 and Treasurer for \$12.80.

Propane quotes for the Edgemont Shop were presented as follows:

10/18/2021 Propane Quotes	500-Gal
Nelson's Oil & Gas	\$1.95/gallon

Dakota Propane  
Hi-D-Way

\$2.49/gallon  
\$1.85/gallon

Motion made by Greenough, seconded by Allen, to approve the low bid from Hi-D-Way at \$1.85 per gallon, for 500 gallons of propane, in the total amount of \$925.00.

Blessing updated the board about the new truck being inspected in Rapid City; it will go to Northern after that for attachments. Discussion was held on overtime and gravel.

Motion made by Allen, seconded by Greenough, to allow Fall River County to participate in the National Opioid Settlement.

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

**FALL RIVER COUNTY RESOLUTION #2021-58**

**A Plat of Bent Pine 2 Tract Revised, located in the SE1/4 of Section 15, the E1/2 of Section 22, and the W1/2 of Section 23, T8S, R5E, BHM, Fall River County, South Dakota**

**Formerly Bent Pine 2 Tract and Lot 45 of Red Rock Ridge Subdivision**

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 21<sup>st</sup> day of October, 2021.

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

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

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

**FALL RIVER COUNTY RESOLUTION #2021-59**

**A Plat of Lot 3A 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 21<sup>st</sup> day of October, 2021.

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

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

Motion made by Greenough, seconded by Allen, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes and as per SDCL 1-25-2 (3) for legal purposes at 11:19 a.m.

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

Motion made by Allen, seconded by Cope, to adjourn at 11:34 a.m.

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

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