

FALL RIVER COUNTY APPROVED MINUTES OF NOVEMBER 18, 2021

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

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

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

Motion made by Russell, seconded by Allen, to approve the agenda as written.

Motion made by Russell, seconded by Allen, to approve the minutes for November 4, 2021.

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 31st day of October 2021.

Total Amount of Deposit in First Interstate Bank, HS:	\$	3,617,219.18
Total Amount of Deposit in First National Bank, Lead:	\$	1,000.00
Total Amount of Cash:	\$	5,938.71
Total Amount of Treasurer's Change Fund:	\$	900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	397,283.65
SAVINGS:		
First Interstate Bank, HS:	\$	1,128,651.06
First National Bank of Lead: ICS Acct	\$	1,046,630.29
CERTIFICATES OF DEPOSIT:		
First Interstate, HS:	\$	788,864.24

Black Hills Federal Credit Union, HS:	\$	250,000.00
Bank of the West, HS:	\$	543,287.71
Schwab Treasury:	\$	275,364.22
First National Bank, Lead:	\$	309,081.91
Black Hills Community, Rapid City:	\$	805,786.21
Liberty National, Sioux Falls:	\$	4,047,710.43

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

TOTAL \$13,219,123.98

Dated This 31st Day of October 2021.

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

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

County Monies	\$	10,912,885.11
Held for other Entities	\$	2,096,963.19
Held in Trust	\$	209,275.68
TOTAL	\$	13,219,123.98

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 accept the resignations of Vince Logue and Thomas McMillen as deputy coroners.

Motion made by Greenough, seconded by Cope, to approve Geoff Benway, Joe Hayashi, Bob Evans, Jennifer Mraz and Sydney Belt as deputy coroners.

Motion made by Greenough, seconded by Russell, to approve following the State's Attorney's advice and have the State hold a lottery if more than 1 application is received for a cannabis dispensary.

Motion made by Greenough, seconded by Cope, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes at 9:08 a.m.

The meeting resumed at 9:23 a.m.

Motion made by Greenough, seconded by Allen, to set a supplement and contingency hearing for December 2, 2021 at 9:30 a.m.

Frank Maynard, Emergency Management, met with the board. Motion made by Greenough, seconded by Russell, to approve a contract with the Black Hills Council of Local Governments to update the Hazardous Material Plan, and authorize the chairman to sign.

Maynard gave updates on webinars he completed, and Improvement Recommendations by Safety Benefits, with a recommendation to hire out the job to remove a large tree at the Edgemont Hwy Shop. Maynard also reported on one fire and incident.

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

FALL RIVER COUNTY RESOLUTION #2021-63

A Plat of ETC Tract of Section 24, T8S, R2E, BHM, Fall River County, South Dakota

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

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

Dated this 18th day of November, 2021.

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

ATTEST:
/s/Sue Ganje
Fall River County Auditor

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

FALL RIVER COUNTY RESOLUTION #2021-64

A Plat of Adams Tract of Cobblestone Mountain Estates Subdivision, and Cobblestone Mountain Ranch Tract Revised, all located in the E1/2SE1/4 of Section 2, T7S, R5E, BHM, Fall River County, South Dakota

Formerly Lot 35, Lot 36 of Cobblestone Mountain Estates Subdivision, and Cobblestone Mountain Ranch Tract

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

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

Dated this 18th day of November, 2021.

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

ATTEST:

/s/Sue Ganje
Fall River County Auditor

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

FALL RIVER COUNTY RESOLUTION #2021-65

A Plat of Lot 3R and Lot 8R of Ridgeview Springs Subdivision, located in the NE1/4NE1/4 of Section 1, T7S, R5E, and the NW1/4NW1/4 of Section 6, T7S, R6E, BHM, Fall River County, South Dakota

Formerly Lot 3 and Lot 8

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

complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,

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

Dated this 18th day of November, 2021.

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

ATTEST:

/s/Sue Ganje

Fall River County Auditor

The Hearing for 2022 Liquor – On/Off-sale, Restaurant, and Wine and Cider Licenses renewals was held as advertised. Motion made by Greenough, seconded by Cope, to approve the 2022 renewals for the following establishments: All 5 Gears LLC/Stateline Casino – On sale Liquor; Angostura Den Inc/Angostura Den – On and Off sale Liquor; Angostura Resort Management Inc/Inferno on the Beach – Restaurant Liquor and On and Off sale Wine and Cider; Larry N. Forney/Forney’s Standard Service – Off-Sale Liquor; H & H Enterprises/Coffee Cup Fuel Stop #9 – On and Off sale Liquor, and Wine and Cider; TTT Taverns LLC/Pirates Pub – On and Off-sale Liquor.

Lillian Heidebrink, appointed Director of Equalization, (effective 11-5-21) met with the board to present a Flex Work Schedule Protocol for work outside the normal 8:00 a.m. to 5:00 p.m. hours. After review, the board determined the need to possibly work this into the next contract negotiations.

Motion made by Cope, seconded by Russell, to approve the contract with Susie Hayes to assist with training Heidebrink as new Director of Equalization at \$25.00/hour.

Motion made by Greenough, seconded by Allen, to approve Lillian Heidebrink to start training for her Assessor certification.

Motion made by Greenough, seconded by Allen, to approve the Vanguard 5-year Service Contract renewal, in the amount of \$13,300.00 annually.

Heidebrink provided a copy of the updated SDCL 10-6-112 codified law on Classification of Agricultural Land Criteria, along with an Ag Status Qualification Protocol regarding the new law to the Board, which became effective July 1, 2021. Heidebrink addressed key points in the law, such as the new definition of Principal or Predominant Use. Once use is determined, the law requires that one of two qualifiers to be met, that being Ag income, or Acreage. The Board discussed the manner in confirming income, along with the Ag applications that were sent out to those who have Ag status and what will happen to those who have not turned those forms in.

Break was taken at 10:01 a.m. and the meeting reconvened at 10:06 a.m.

Brett Blessing, Highway Foreman, met with the board. Motion made by Russell, seconded by Allen, to approve hiring Joshua Robistow, full-time, Administrative Assistant, \$14.00 per hour, effective date November 22, 2021, as per union contract.

Motion made by Cope, seconded by Russell, to approve the application for the road approach permit for Brandon and Jessica Luther on the left side of Shep’s Canyon Road (0.2 mile off 71-A) and will serve a residence.

Motion made by Greenough, seconded by Russell, to approve the application for the road approach permit, for Jeremiah Priem, on the North side of Shep’s Canyon Road (0.4 mile off 71-A) and will serve a residence.

Motion made by Cope, seconded by Greenough, to approve the October 2021 reimbursement to the highway department for fuel used or work performed as follows: Sheriff’s Department for \$2,854.51; Weed and Pest Office for \$84.80; Emergency Management for \$91.67; GIS for \$26.98; and DOE for \$213.38.

Motion made by Russell, seconded by Cope, to approve the amendment to agreement #2021-27-1, between Fall River County and SD Game, Fish and Parks, for 5.5 miles of Fall River County Road 71A (Shep’s Canyon Road). The amendment increases the SDGF&P’s 50% portion of the project from \$250,000 to not exceed \$275,000.00.

Blessing updated the board that they are working on road improvement plans, putting a plow and a 5th wheel on the new truck, 4 trucks are running right now and sending a sample of gravel to KD Contractors. Discussion was held on loose gravel on top of the roads and approving additional overtime if needed.

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

GENERAL FUND

AMERA-CHEM INC	SUPPLY	\$56.95
CURA HOSPITALITY	INMATE MEALS	\$11,981.30
BLACK HILLS CHEMICAL	SUPPLY	\$373.57
CENTURY BUSINESS LEASING	COPIER LEASE/METER/USAGE	\$768.27
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
COLBATH & SPERLICH, PC	CAAF	\$2,937.10
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$97.71
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
ENVIRONMENTAL PRODUCTS	SUPPLY	\$170.04
FARRELL, FARRELL & GINSBACH	CAAF/MI	\$4,616.73
FALL RIVER COUNTY HERALD	PUBLICATION	\$822.09
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,130.95
HOPE COUNSELING CENTER	QMHP	\$300.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$77.74
CITY OF HOT SPRINGS	CITY WATER BILL	\$854.70
LINCOLN COUNTY TREASURER	QMHP/MI	\$173.80

LYNN'S DAKOTAMART	SUPPLY	\$39.59
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$2,596.06
QUADIENT LEASING USA, INC	POSTAGE MACHINE LEASE	\$760.80
MARCO	COPIER LEASE	\$176.20
MARTY'S TIRE & AUTO BODY	REPAIR/SERVICE	\$1,000.00
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MCNEMAR, KIM	QMHP/MI	\$300.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$202.50
NELSONS OIL & GAS INC.	UTILITY	\$12,839.22
QUADIENT FINANCE USA, INC	POSTAGE	\$1,771.16
NEWMAN SIGNS INC.	SIGNAGE	\$2,246.71
O'NEILL, JUSTIN	CAAF	\$2,746.66
PENNINGTON COUNTY JAIL	INMATE HOUSING/TRANSPORT	\$3,736.08
QUILL CORPORATION	SUPPLIES	\$16.58
RAMKOTA HOTEL-PIERRE	HOTEL	\$350.00
CITY OF RAPID CITY	BLOOD ANALYSIS	\$160.00
SD DEPARTMENT OF HEALTH	BLOOD DRAWS	\$910.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$217.84
SD FEDERAL PROPERTY AG	EQUIPMENT	\$300.00
SERVALL	RUGS AND MATS SERVIC	\$429.15
SONNY'S SUPER FOODS	SUPPLY	\$69.90
WEISHAUPL, DAVE	TRAVEL REIMBURSEMENT	\$68.00
WENDELL'S GARAGE	SERVICE	\$353.42
WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$14,820.00
NORTON, LYLE	UNIFORM ALLOWANCE	\$417.86
	TOTAL FOR GENERAL FUND	\$72,518.91
COUNTY ROAD & BRIDGE		
CHEYENNE SANITATION	SANITATION COLLECTION	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$211.83
CITY OF HOT SPRINGS	CITY WATER BILL	\$29.81
NELSON'S OIL & GAS INC.	UTILITY	\$21,462.00
NEWMAN SIGNS INC.	SIGNAGE	\$867.82
HI-D-WAY OIL & GAS	UTILITY	\$340.00
SEILER, RANDY	CLOTHING ALLOWANCE	\$150.00
	TOTAL COUNTY ROAD & BRIDGE	\$23,219.56
911 SURCHARGE REIMBURSEMENT		
GOLDEN WEST	PHONE BILL/LONG DISTANCE	787.57
FLEMING, MELISSA	UNIFORM ALLOWANCE	154.20
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	941.77
EMERGENCY MANAGEMENT		
GOLDEN WEST	PHONE BILL/LONG DISTANCE	157.91
MARCO	COPIER LEASE	38.90
QUADIENT FINANCE USA, INC	POSTAGE	\$0.53

SD FEDERAL PROPERTY AG	EQUIPMENT	\$300.00
	TOTAL FOR EMERGENCY MANAGEMENT	\$497.34
L.E.P.C. GRANT (FED/STATE GRANTS)		
JENSEN, ED	SPOTTER	\$60.00
BASTIAN, TRACY	PILOT	\$100.00
	TOTAL FOR L.E.P.C. GRANT (FED/STATE GRANTS)	\$160.00
24/7 SOBRIETY FUND		
DRUG TESTS IN BULK	SUPPLY	\$1,500.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$1,500.00
	TOTAL PAID BETWEEN 11/5/21 AND 11/18/21	\$98,837.60

Public comment was heard from Susan Henderson about how Nebraska calculates property taxes, with Falkenburg noting that taxes paid in Nebraska were higher. Additional comments were heard from Sheriff Evans, stating that there are 9 males and 5 females in Fall River County, with 1 male in Pennington County, for a total of 15 inmates; Evans also noted that they are short staffed in dispatch, with Custer County assisting as needed. Currently, there is no visitation allowed in the jail.

Members of the Hot Springs FFA Chapter met with the board. Members present were Will Kuhl, Vice-President, Megan Sanders, President, Remington Allen, Parliamentarian, Spencer Hagen, Braden Grill and Logan and Brook Halls, along with Tanna White, FFA Advisor. They gave an excellent presentation on MCOOL, (Mandatory County of Origin Labeling), presenting pros and cons on the issue. The law was repealed in 2015 and has yet to be reinstated. The team presented this debate and won at the state level. The commission gave great appreciation to the group.

Erin McGlumphy, Extension, was unable to attend the meeting.

Commissioner Falkenburg gave thanks to the work Representative Ladner has given on Draft Bill 50, with further discussion on sending Resolution 2021-60 concerning property tax reform to surrounding counties, and a press release from the State's Attorney on the issue to area newspapers. The board is interested in the progress from the State in acquiring easements for the Igloo Bridge.

Motion made by Greenough, seconded by Russell, to enter into executive session as per SDCL 1-25-2 (3) for legal purposes at 9:50 a.m.

The Board came out of executive session at 12:19 p.m.

Motion made by Russell, seconded by Cope, to adjourn at 12:20 p.m.

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

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