

FALL RIVER COUNTY APPROVED MINUTES OF DECEMBER 16, 2021

The Fall River Board of County Commissioners met in regular session on December 16, 2021. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

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

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

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

The minutes of December 2, 2021 were not available at this time.

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

Motion made by Russell, seconded by Allen, to clarify that the December 1st deadline was for cannabis dispensary licenses only.

Motion made by Greenough, seconded by Russell, to table a motion clarifying the Essential employee designation until after executive session.

Motion made by Russell, seconded by Allen, to approve the Agreement between Fall River County Commission and South Dakota Department of Health, Family and Community Health, Child and Family Services for community health nursing services in 2022.

Motion made by Cope, seconded by Greenough, to approve setting a hearing for the transfer of Liquor (on and off sale), Malt Beverage and SD Wine Licenses from Bob Azarski to Billie Besco for the Angostura Den, Inc., on January 6, 2022 at 9:30 a.m.

Motion made by Greenough, seconded by Allen, to approve supporting the VA Historical Building proposal for IT rooms.

An applicant for county assistance met with the Board. Motion made by Allen, seconded by Greenough, to approve CP 2021 – 06 in the amount of \$203.30 with repayment on this assistance, plus continued repayment on other liens in the applicant's name.

Bob Evans, Sheriff, met with the Board to state that there are 3 females and 9 males in the Fall River County Jail, with 1 male and 2 females in the Pennington County Jail, for a total of 15 inmates.

Motion made by Greenough, seconded by Allen to approve the SD Department of Public Safety funding from the 9-1-1 Coordination Board for the purchase of equipment and payment for the CAD maintenance fees for the Fall River County Public Safety Answering Point (PSAP) Communications/Dispatch Center, in the amount of \$35,630.61.

Motion made by Cope, seconded by Russell, to approve the 2022 Pennington County Sheriff's Office Prisoner Housing Contract in the amount of \$85.00 per inmate day.

Discussion was held on having a jail tour on December 30, 2021.

Frank Maynard, Emergency Management, met with the Board to advise that the LEMPG Reimbursement for Fall River County, 4th quarter, will be \$9,479.68. The Mine Safety Health Act (MSHA) Safety Benefits training will be held in Hot Springs on February 1, 2022 for the Highway Department employee's annual training. Maynard stated that the SD Office of Emergency Management has purchased new Rapid Tag Printers for all counties. Fires and incidents were reported to the board.

Dan Cullen, Veteran's Services Officer and Val Hirst, met with the Board. Motion made by Allen, seconded by Cope, to approve a Veteran's Exemption refund for pay '20 and pay '21 in the amount of \$4,204.66. Motion passes by roll call vote.

Lily Heidebrink, Director of Equalization, met with the Board to report that applications were sent to 81 Agriculture producers; of those sent, 64 applications have been received, 13 have reached out and are getting needed information, and 4 have not responded.

Motion made by Greenough, seconded by Russell, to table the Supplement and contingency transfer hearing and resolution.

Lance Russell, State's Attorney, met with the Board. Motion made by Allen, seconded by Cope, to approve the Consulting Agreement between Ronald Haugen and Dwight Aakre and Fall River County, at \$40.00 per hour, with an estimation at 80 hours of work. The purpose of the agreement is to compare the ND Agricultural Land Valuation Model to the SD Agriculture Land Valuation Model.

The Hearing to accept the application for Medical Cannabis Dispensary – D27, LLC was held as advertised. Motion made by Russell, seconded by Allen, to accept the application by D27 LLC for a medical cannabis dispensary, as all the ordinance requirements have been met.

Brett Blessing, Highway Foreman, met with the Board. Motion made by Russell, seconded by Allen, to approve the October 2021 reimbursement to the highway department for fuel used or work performed as follows: Sheriff's Department for \$2,670.56; Weed and Pest Office for \$192.17; Emergency Management for \$59.19; GIS for \$67.45; Building for \$13.50; and DOE for \$51.20.

Discussion was held on an invoice from KD Contractors and the quality of gravel that was produced in that run.

Blessing presented the Board with a map of county roads - primary, secondary and no maintenance; a report on traffic counts on the highest used roads, and soil sample results from the cottonwood gravel pit. Blessing also brought a quote from one-way plows; it will be put on the January 6, 2021 agenda. Falkenburg thanked Blessing and the highway crew for opening 550 miles of roads after the recent blizzard.

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

GENERAL FUND

ADVANCED ENT & ALLERGY	INMATE MEDICAL	\$175.90
AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$825.73
A-Z SHREDDING INC	SHREDDING	\$65.88
BLACK HILLS CHEMICAL	SUPPLY	\$268.52
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$4,443.45
BOMGAARS SUPPLY	UNIFORM ALLOWANCE	\$49.97
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$1,081.51
CHEYENNE SANITATION	SANITATION COLLECTION	\$371.73
COLBATH & SPERLICH, PC	CAAF	\$1,904.90
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$50.02
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DUDE SOLUTIONS, INC.	GIS SUPPORT CONTRACT	\$313.85
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$1,264.90
FARRELL, FARRELL & GINSBACH	CAAF	\$35,174.84
FALL RIVER COUNTY HERALD	PUBLICATION	\$916.62
GOFF, GARLAND LEE	MI	\$285.00
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$5,178.04
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,182.12
HILLS EDGE AUTO SALES	SERVICE	\$97.35
HOPE COUNSELING CENTER	MI/QMHP	\$600.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$278.47
CITY OF HOT SPRINGS	CITY WATER BILL	\$637.87
JUSTICE FIRE & SAFETY, INC	SERVICE	\$776.75
LYNNS DAKOTAMART	SUPPLY	\$14.19
MARCO	COPIER LEASE	\$238.88
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$202.50
MONUMENT HEALTH	MORGUE FEE	\$461.00
NELSON'S OIL & GAS INC.	UTILITY	\$324.00
QUADIANT FINANCE USA, INC	POSTAGE	\$672.40
O'NEILL, JUSTIN	CAAF	\$6,125.99
PENNINGTON COUNTY JAIL	INMATE HOUSING/TRANSPORT	\$3,546.68
QUILL CORPORATION	SUPPLIES	\$163.93
RUSHMORE TREE-N-TURF, LLC	SUPPLY	\$1,864.50
SDACC	2022 MEMBERSHIP DUES	\$1,996.00

SDACO	2022 SDACO MEMBERSHIP	\$753.76
SD DEPARTMENT OF HEALTH	BLOOD DRAWS	\$120.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$60.00
SD OFFICE OF CHILD & FAMILY	QUARTERLY PUBLIC HEARING	\$1,634.75
SERVALL	RUGS AND MATS SERVICE	\$429.15
SKINNER, MATTHEW L. PC	CAAF	\$4,639.95
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,232.00
SONNY'S SUPER FOODS	SUPPLY	\$148.28
STEVEN'S AUTOMOTIVE	SERVICE	\$760.78
WENDELL'S GARAGE	SERVICE	\$40.00
WESTERN FIRST AID & SAFETY	FIRST AID SUPPLY	\$246.70
WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$10,920.00
LOCKHART, GRADY	GRANT REIMBURSEMENT	\$2,000.00
KINDRED, MIKE	GRANT REIMBURSEMENT	\$425.00
HENRY, GALE	GRANT REIMBURSEMENT	\$298.63
TANNER, JOHN	GRANT REIMBURSEMENT	\$101.00
BAUER, TAMI	GRANT REIMBURSEMENT	\$84.57
LAMONT, TIM	GRANT REIMBURSEMENT	\$548.63
ANDERSON, KEITH	GRANT REIMBURSEMENT	\$29.79
FISH, DON	GRANT REIMBURSEMENT	\$72.00
THOMPSON, SCOTT	GRANT REIMBURSEMENT	\$28.50
KOEHLER, MARK	GRANT REIMBURSEMENT	\$175.13
SCHAACK, TIM	GRANT REIMBURSEMENT	\$2,000.00
SPEARHEAD RANCH LLC	GRANT REIMBURSEMENT	\$907.25
EMICK, JOHN	GRANT REIMBURSEMENT	\$322.85
HESPEN EXCAVATING	GRANT REIMBURSEMENT	\$70.46
HUFFMAN, TOM	GRANT REIMBURSEMENT	\$45.46
SWIFT, TROY	GRANT REIMBURSEMENT	\$2,000.00
WILLIAMS, MARY OR JAMES	GRANT REIMBURSEMENT	\$301.25
	TOTAL FOR GENERAL FUND	\$103,207.88
COUNTY ROAD & BRIDGE		
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$613.11
CHEYENNE SANITATION	SANITATION COLLECTION	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$247.41
CITY OF HOT SPRINGS	CITY WATER BILL	\$29.15
KD CONTRACTORS INC	GRAVEL	\$137,250.00
HI-D-WAY OIL & GAS	UTILITY	\$1,432.00
SAFETY-KLEEN SYSTEMS, INC	SERVICE	\$536.25
	TOTAL COUNTY ROAD & BRIDGE	\$140,274.52
911 SURCHARGE REIMBURSEMENT		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GOLDEN WEST	PHONE BILL/LONG DIST	\$748.66

	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$757.16
EMERGENCY MANAGEMENT		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GOLDEN WEST	PHONE BILL/LONG DIST	\$124.94
MARCO	COPIER LEASE	\$70.24
QUADIENT FINANCE USA, INC	POSTAGE	\$1.56
	TOTAL FOR EMERGENCY MANAGEMENT	\$205.24
24/7 SOBRIETY FUND		
SD DEPARTMENT OF HEALTH	24/7 LABS	\$50.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$50.00
M & P RELIEF		
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$616.00
	TOTAL FOR M & P RELIEF	\$616.00
COURTHOUSE BUILDING FUND		
WILSON ELECTRIC	SERVICE	\$184.62
	TOTAL FOR COURTHOUSE BUILDING FUND	\$184.62
	TOTAL PAID BETWEEN 12/2/21 AND 12/16/21	\$245,295.4

Break was taken at 9:58 a.m. and the meeting reconvened at 10:06 a.m.

No public comment was heard.

Larry David and Forrest Fanning, Dakota Kind, LLC, (also partnering with Bill Rentz) met with the Board to note they submitted a cultivation and a dispensary application for cannabis establishment licenses to the Auditor's office. Discussion was held on the cultivation application, which will need a variance. The dispensary application could not be accepted as it was not received by the deadline, and the Ordinance only allows one dispensary. Their \$5,000.00 check was returned for the dispensary application. David and Fanning presented their proposal for both license applications. The county will be amending the ordinance to allow for variance applications, with a 1st reading on December 30, 2021.

A proposed resolution was presented to the Board, which would address homes and commercial buildings, and the increasing value of properties sold. Motion made by Cope, seconded by Allen, to approve the following resolution and incorporate it into a petition with a signature page for people to sign:

**RESOLUTION #2021-71
FALL RIVER COUNTY PROPERTY TAX REMEDY RESOLUTION**

WHEREAS, Fall River County, in conjunction along with other South Dakota counties, have experienced a drastic increase in sales, far and above our normal market sales. This has benefited our local economy and those selling properties; however, it has caused a deleterious outcome regarding property valuations, and

WHEREAS, currently all sales are utilized in the calculation of property valuations; and

WHEREAS, Fall River County had 552 sales between November of 2018 – October of 2019, and 843 sales between November of 2020 and October of 2021; and

WHEREAS, Fall River County's Sales Ratio analysis has seen an increase of 8 to 10% each year since 2018. Each year beginning between 80-84% and being increased to 92-94%. This year the beginning number for the sales ratio is 69.14%; and

WHEREAS, with a beginning Sales Ratio of 69.14%, an increase to 92-94% will result in a horrendous increase of approximately 25% in valuation under the current tax valuation system; and

WHEREAS, the codified law on the calculation of valuations does not allow for any deviation from the inflated sales currently occurring, the result will be adverse to the average taxpayer; and

WHEREAS, County, Municipalities, Townships, Fire Districts, Ambulance Districts and Road Districts would see a reduction in their mill levies with an increase of value; and

WHEREAS, there is concern about school taxes as those taxes represent approximately 50% of all taxes collected; and

WHEREAS, SD Legislators annually set the mill levies for the School General Fund – Ag, Owner Occupied and Other, along with Special Education; and

WHEREAS, unless schools have the ability to raise enough taxes to fund their budgets, those schools are forced to levy the maximum in order to receive state aid; and

WHEREAS, currently there are Property Tax Relief Programs to assist residents - the Homestead Exemption, Disabled Veteran Exemption, Paraplegics programs and the Assessment Freeze for the Elderly and Disabled individuals, and

WHEREAS, Fall River County has individuals who do not qualify for these relief programs, and who are caught in these spiraling property valuations, which will create higher taxes; and

WHEREAS, Fall River County seeks to have an allowable manner through Legislation to be able to keep valuations fair; and

NOW, THEREFORE, BE IT RESOLVED, Fall River County asks our Governor and SD State Senators and Representatives to determine a solution to keep property taxes at a level that residents can pay, and not lose their home; and

BE IT FURTHER RESOLVED, that the Fall River County Commission respectfully requests that the South Dakota Legislature draft and adopt legislation to allow for sky rocketing values, which will result in taxes that residents may not be able to pay, and be able to remain in their homes.

Motion passed and Resolution #2021 – 71 adopted this 16th day of December, 2021.

/s/Joe Falkenburg, Chairman

/s/Deborah Russell, Vice-Chairwoman

/s/Joe Allen, Commissioner

/s/Les Cope, Commissioner

ATTEST:

/s/Heath Greenough, Commissioner

/s/Sue Ganje, Fall River County Auditor

Dustin Ross, Andersen Engineers, met with the Board. Motion made by Allen, seconded by Russell, to approve the following resolution, pending a signature from the SD DOT:

FALL RIVER COUNTY RESOLUTION #2021-72

A Plat of Lot 1A, Lot 1B, Lot 1C, Lot 1D, and Lot 1E of Whole Note Subdivision, located in the NE1/4 of Section 1, T7S, R5E, BHM, Fall River County, South Dakota

Formerly Lot 1

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 16th day of December, 2021.

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

ATTEST:

/s/Sue Ganje
Fall River County Auditor

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

FALL RIVER COUNTY RESOLUTION #2021-73

A Plat of Lot 9, Lot 10, Tract B2, and a private access easement of Angostura North Subdivision, located in the SW1/4SW1/4 of Section 10 and the SE1/4SE1/4 of Section 9, all in T8S, R6E, BHM, Fall River County, South Dakota

Formerly Tract BR

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 16th day of December, 2021.

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

ATTEST:

/s/Sue Ganje
Fall River County Auditor

Stacey Martin, GIS, met with the Board, to discuss that Next Gen 911 for dispatch. This will be implemented by January 24, 2022. Martin stated that she wanted the commissioners to be aware that the 3G cell phones and other devices, would no longer be in service in 2022.

Martin also discussed that she would like to go into further detail at the January 6, 2022 meeting about the road naming procedure and Ordinance 2006-01, with the possibility of implementing certain things and making certain changes.

Motion made by Russell, seconded by Allen, to take the supplement and contingency hearing off the table.

Sue Ganje, Auditor, met with the Board. Motion made by Russell, seconded by Allen, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2021-70
Contingency Transfer 2021, #2

WHEREAS, SDCL 7-21-32.2 provides that the Board of County Commissioners may adopt a transfer appropriation from the contingency budget to other appropriations, which are insufficient, a contingency transfer shall be approved and adopted to the following Departments: Abuse and Neglect 10100X4260154, \$8,229.82; DOE Salaries 10100X4110162, \$2,162.33; ROD Salaries 10100X4110163, \$904.37; IT (Goldenwest) 10100X4342171, \$4,913.30; Juvenile Care 10100X4272215, \$10,920.00; Mental Illness Board 10100X4221445, \$4,757.41; Extension Salaries 10100X4110611, \$350.77; Court Appointed Attorney 10100X4260153, \$3,494.41

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Contingency Transfer #2 for 2021.

Dated at Fall River County, South Dakota this 16th day of December 2021.

/s/Joe Falkenburg

Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje
Fall River County Auditor's Office

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

**Appendix D4: Adopted Budget Levies & Resolution
ANNUAL BUDGET FOR FALL RIVER COUNTY, SD
For the Year January 1, 2022 to December 31, 2022**

COUNTY TAX LEVIES	Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	3,004,330.00	3.803
Library	7,658.00	0.014
LIMITED LEVY (10-12-21) -		
SUB TOTAL		
OUTSIDE LIMITED LEVY:	3,011,988.00	3.817
County Snow Removal Fund (34-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)	131,180.00	0.166
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	131,180.00	0.166
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	3,143,168.00	3.983
OTHER SPECIAL LEVIES		

ADOPTION OF ANNUAL BUDGET FOR FALL RIVER County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR FALL RIVER County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2022 and ending December 31, 2022 and the same is hereby approved and adopted by the Board of County Commissioners of Fall River County, South Dakota, the 16th day of September, 2021.
The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Fall River, County, South Dakota. The accompanying taxes are levied by Fall River County for the year January 1, 2022 through December 31, 2022.

BOARD OF COUNTY COMMISSIONERS OF
Fall River County, South Dakota

/s/ Joe Falkenburg Chairman

Secondary Road (Unorg. PT-76) (31-12-27)	284,000.00	0.627
Fire Protection (34-31-3)	1,160.00	0.138
TOTAL TAXES LEVIED BY COUNTY	3,428,328.00	4.748

/s/ Joe Allen Commissioner

/s/ Les Cope Commissioner

/s/ Heath Greenough Commissioner

/s/ Deborah Russell Commissioner

ATTEST /s/ Sue Ganje County Auditor

* These Amounts include the 25% to be distributed to cities.

As of 9/16/21, these levies are not approved by the Department of Revenue

Motion made by Allen, seconded by Russell, to approve the CPS Technology Solutions quote in the amount of \$3,953.40 for IBM software and hardware maintenance.

Motion made by Russell, seconded by Greenough, to enter into executive session as per SDCL 1-25-2 (1) for personal purposes and as per SDCL 1-25-2 (3) for legal purposes at 11:01 a.m.

The Board came out of executive session at 11:33 a.m.

Motion made by Russell, seconded by Allen, to approve all full-time employees, past the 6-month probation period, an American Rescue Plan Act essential pay in the amount of \$4,000.00, part-time employees pay in the amount of \$2,000, and when those current employees complete their six months' probation period satisfactorily a \$4,000.00 payment. This excluded those departments that are under the Oglala Lakota Contract. With everyone voting yes, by roll call vote, motion passes.

Motion made by Russell, seconded by Allen, to adjourn at 11:37 a.m.

/s/Joe Falkenburg

Joe Falkenburg, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/Sue Ganje

Sue Ganje, Fall River County Auditor