

## **FALL RIVER COUNTY APPROVED MINUTES OF DECEMBER 2, 2021**

The Fall River Board of County Commissioners met in regular session on December 2, 2021. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

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

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

Motion made by Russell, seconded by Allen, to approve the agenda, with the following amendments: removal of the Angostura Meadows Subdivision plat, the Whole Note Subdivision plat and the Inman Tract plat, and add a plat of Lots 1 and 2 of Liberty Hills Subdivision, and a 40' Wide Public Access and Utility Easement, located in the SW1/4SE1/4 of Section 27, T7S, R5E.

Motion made by Russell, seconded by Greenough, to approve the minutes for November 18, 2021.

Motion made by Greenough, seconded by Russell, to approve setting a year end meeting for December 30, 2021 at 9:00 a.m.

Motion made by Russell, seconded by Allen, to approve the 3-year County Land Lease Agreement between Fall River County and Benjamin C or Rebecca L. Reutter for 240 acres in SE1/4, Section 19, W1/2SW1/4, Section 20, all in Township 8 South of Range 3 East, BHM, Fall River County, South Dakota.

Motion made by Greenough, seconded by Cope, to approve setting a supplement and contingency hearing on December 16, 2021 at 9:25 a.m.

Motion made by Greenough, seconded by Allen, to designate all employees as essential, retroactive to November 4, 2021.

Motion made by Cope, seconded by Russell, to approve waiving the conflict of interest for Lance Russell, State's Attorney, to draft the Fall River – Oglala Lakota contract for 2022.

Frank Maynard, Emergency Management, met with the board to advise them of the completion and submission of the L.E.P.C. grant application in the amount of \$1,111.96. Maynard noted that Region 4 monthly zoom meetings are resuming, and spoke of shortages in oil, filters, etc. for routine maintenance on vehicles; some counties are beginning to stockpile those items. Fire danger remains in the high and very high category. There were no fires to report, other than 3 unfounded fire alarm calls.

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

**FALL RIVER COUNTY RESOLUTION #2021-68**

**A Plat of Maloney Tract and a Private Access and Utility Easement of Section 23, T9S, R3E, 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 2<sup>nd</sup> 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 Greenough, seconded by Allen, to approve resolution:

**FALL RIVER COUNTY RESOLUTION #2021-69**

**A Plat of Lots 1 and 2 of Liberty Hills Subdivision, and a 40' wide Public Access and Utility Easement, located in the SW1/4SE1/4 of Section 27, T7S, 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 2<sup>nd</sup> day of December, 2021.

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

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

Trish Ladner, District 30 Representative, met with the Board. Motion made by Allen, seconded by Cope, to approve the following resolution:

**FALL RIVER COUNTY RESOLUTION #2021-67**  
**A resolution supporting Draft Bill 50 for 2022 Legislation Session**

Whereas, the current tax system uses data to determine agricultural valuations from a soil survey completed in the 1970's; and

Whereas, the SD Department of Revenue is working on a new proposed soil table. A soil table is a table where every soil in the county is listed and rated. The rating for every soil is determined by comparing a particular soil to the best soil in the county; and

Whereas, Fall River County Commissioners feel that certain considerations need to be given to fairly value agriculture lands in Western South Dakota; and

Whereas, SD District 30 State Representative Trish Ladner and SD District 35 Senator Jessica Castleberry are sponsoring Draft Bill 50 – the Grassland Tax Relief Bill for the 2022 Legislative Session; and

Whereas, Draft Bill 50 is an Act to provide for the assessment of certain agricultural land as noncropland; and

Whereas, Draft Bill 50 recognizes elevation of land that is one thousand nine hundred and fifty feet (1,950) above sea level; land that has been seeded to perennial vegetation for at least twenty years and used for animal grazing or left unharvested, and the agricultural land is native grassland to be noncropland.

Now, Therefore, Be It Resolved, that the Fall River County Commission fully supports Draft Bill 50 as property tax reform to be presented at the 2022 Legislative Session.

Dated this 2<sup>nd</sup> day of December, 2021.

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

ATTEST:  
/s/Sue Ganje  
Fall River County Auditor

Ladner thanked the board for their support on Draft Bill 50 for the 2022 legislative session, spoke of having 100% support from the SD Stockgrowers and other meetings and events she will be attending. Ladner has been requested to meet with Jim Terwilliger, Secretary of the SD Department of Revenue. Farm Bureau committed \$5,000 for expenses. Ladner noted that although rainfall was not written into Draft Bill 50, elevation was included. Discussion was held on circulating petitions to obtaining signatures of those supporting Draft Bill 50, with audience participation. A petition is

located in the County Auditor's office for those interested in signing, and other petitions are located in various locations in the County.

Sue Ganje, Auditor, met with the Board to present a review of the year to date expenses.

The supplement and contingency hearing was held as advertised. Motion made by Allen, seconded by Russell to approve the following resolution:

**FALL RIVER COUNTY RESOLUTION #2021-66**  
**Supplemental Budget 2021, #2**  
**Contingency Transfer 2021, #1**

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget, and whereas, as due and legal notice has been given, the following Supplements to Expenditures and Revenues for December 02, 2021 be approved as follows: Auditor Salaries 10100X4110141, \$17,175.25; St Attorney Salaries 10100X4110151, \$25,000.00; ROD Salaries 10100X4110163, \$17,175.25; Treasurers Salaries 10100X4110142, \$17,175.25; Intergovernmental Expense 10100X4260750, \$17,360.00; Payment to Local Education 10100X4260850, \$38,802.05; Payment to Local Education 20100X4260850, \$7,489.76; Other Charges for Goods and Services 10100R3410900, \$76,525.75; Cares Act 10100R3310400, \$134,225.25; PILT 10100R3330000, \$126,041.00; ROD Fees 10100R3410200, \$40,799.80; Reimb Court Appointed Attorney Fees 10100R3410420, \$41,990.32; Reimb Medical/Prisoner 10100R3420290, \$14,929.26; Contributions and Donations 10100R3650100, \$1,525.00; Sale of County Property 10100R3740100, \$1,513.00; Surface Transportation Fund 20100R3340200, \$46,401.83; HWY Big Fund 20100R3340300, \$36,928.00; 63.75% of 4% 20100R3350110, \$24,886.38; 54.50% 20100R3350250, \$29,790.74; Sale of Hwy County Property 20100R3740100, \$30,000.00; Operating Transfer In 20700R3710000, \$210,790.20; Homeland Security 22600R3310230, \$27,690.55; Operating Transfer In 24800R3710000, \$17,571.93; Means of finance to be cash and cash for revenues received, and

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: DOE Car Maintenance 10100X4272162, \$32,252.30; ROD Salaries 10100X4110163, \$2,992.75; IT (Goldenwest) 10100X4342171, \$29,553.31; Juvenile Care 10100X4272215, \$30,560.00; Fire 21100X4297221, \$5,356.20; COVID-19 10100X4260222, \$457.63; Victim's Assistance 10100X4291434, \$1,552.01; Mental Illness Board 10100X4221445, \$11,231.67; Extension Salaries 10100X4110611, \$311.72;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Supplemental Budget #2 and Contingency Transfer #1 for 2021.

Dated at Fall River County, South Dakota this 2<sup>nd</sup> day of December 2021.

/s/Joe Falkenburg  
Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje

Fall River County Auditor's Office

Brett Blessing, Highway Foreman, met with the board. Motion made by Cope, seconded by Greenough, to approve two Golden West applications for permit to occupy County Highway R-O-W. 1 – from an existing vault on the west side of Horse Creek Loop to the East side of the road, T21448; and 2 – from an existing vault on the south side of Horse Creek Loop to the north side of the road, T21476.

Fuel quotes were presented as follows:

11/22/2021 Quotes	800-Gal Propane
Nelson's Oil & Gas	\$1.86/gallon
CBH Coop	\$2.29/gallon
Hi-D-Way Oil & Gas	\$1.79/gallon

Motion made by Russell, seconded by Allen, to approve the low bid from Hi-D-Way at \$1.79 per gallon, for 800 gallons of propane, for a total amount of \$1,432.00.

Blessing updated the Board that they are working on hauling gravel and working on a culvert project. Discussion was held on gravel PI. Pulling shoulders was also discussed for the wider roads, along with the different types of gravel from the pits.

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

**GENERAL FUND**

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSU	\$456.86
AMAZON CAPITAL SERVICES	SUPPLY	\$158.45
BLACK HILLS CHEMICAL	SUPPLY	\$296.11
BRUMBAUGH & QUANDAHL, P.C.	GARNISHMENT	\$36.36
BOMGAARS SUPPLY	SUPPLY	\$394.33
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
CAMERON, GEORGE	COURT REPORTER	\$140.60
CREDIT COLLECTION BUREAU	COLLECTIONS	\$604.18
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,485.70
DEPT OF ANIMAL SCIENCES	SUPPLY	\$39.00
EFTPS	EFTPS PAYROLL TAXES	\$54,020.57
ELECTION SYSTEMS & SOFT	ELECTION SYSTEM MAIN	\$4,445.00
EN-TECH LLC	FUMIGATION	\$110.00
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$73.25
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$205.10
FARRELL, FARRELL & GINSBACH	MENTAL ILLNESS	\$2,146.68
HAGEMAN, WAYNE	MILEAGE	\$6.30
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$600.00

HOT SPRINGS ACE HARDWARE	SUPPLY	\$130.32
CITY OF HOT SPRINGS	4TH QTR FIRE SPRINKL	\$24.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$19,865.00
JENSEN, LYLE	SERVICE	\$100.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$325.00
MASTERCARD	COUNTY MASTERCARD	\$669.50
MCNEMAR, KIM	MENTAL ILLNESS	\$900.00
MESSERLI & KRAMER	GARNISHMENT	\$591.66
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$500.00
NELSONS OIL & GAS INC.	UTILITIES	\$378.00
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTON, TINA	CONTRACT NURSE INMATE	\$1,250.00
NOVOTNY, ROBERT	MILEAGE	\$37.80
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
QUILL CORPORATION	OFFICE SUPPLIES	\$129.47
RELIANCE STANDARD LIFE	VISION PLAN	\$240.07
SD ASSN OF CO. OFFICIALS	WEBSITE HOSTING	\$150.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$25,834.82
SD RETIREMENT SYSTEM	SPECIAL PAY PLAN	\$6,945.00
SERVALL	RUG/UNIFORM SERVICE	\$429.15
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$60.00
VANGUARD APPRAISALS INC	SOFTWARE LICENSE	\$1,500.00
VERIZON WIRELESS	CELL PHONE PLAN	\$504.25
VISION SOURCE OF HOT SPRINGS	INMATE MEDICAL	\$187.00
WEICHMANN, CYNTHIA	COURT REPORTER	\$106.40
WENDELL'S GARAGE	MAINTENANCE	\$40.00
SIDES, JOHN	MILEAGE	\$201.60
WYATT, JERRY	MILEAGE	\$126.00
MILES, SASHA	BLOOD DRAW	\$75.00
COMMISSIONERS	NOVEMBER SALARIES	\$4,100.00
AUDITOR'S OFFICE	NOVEMBER SALARIES	\$24,601.20
AUDITOR'S OFFICE	OVERTIME	\$391.91
TREASURER'S OFFICE	NOVEMBER SALARIES	\$22,269.46
TREASURER'S OFFICE	OVERTIME	\$173.18
STATE'S ATTORNEY'S OFFICE	NOVEMBER SALARIES	\$17,269.41
STATE'S ATTORNEY'S OFFICE	OVERTIME	\$863.76
MAINTENANCE	NOVEMBER SALARIES	\$12,337.28
MAINTENANCE	OVERTIME	\$19.03
ASSESSOR'S OFFICE	NOVEMBER SALARIES	\$24,713.48
ASSESSOR'S OFFICE	OVERTIME	\$6,953.91
REGISTER OF DEED'S OFFICE	NOVEMBER SALARIES	\$14,286.26
VETERAN'S SERVICE OFFICE	NOVEMBER SALARIES	\$5,013.36
GIS OFFICE	NOVEMBER SALARIES	\$4,960.15
SHERIFF	NOVEMBER SALARIES	\$43,352.82

SHERIFF	OVERTIME	\$2,939.02
JAIL	NOVEMBER SALARIES	\$28,837.84
JAIL	OVERTIME	\$2,925.96
CORONER	NOVEMBER SALARIES	\$450.00
NURSE'S OFFICE	NOVEMBER SALARIES	\$4,972.69
NURSE'S OFFICE	OVERTIME	\$34.45
EXTENSION OFFICE	NOVEMBER SALARIES	\$3,776.00
WEED AND PEST OFFICE	NOVEMBER SALARIES	\$6,853.07
	TOTAL FOR GENERAL FUND	\$360,365.53

**COUNTY ROAD & BRIDGE**

A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$36.27
ADVANCED DRUG TESTING	RANDOM EMPLOYMEE DRUG TEST	\$52.00
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSU	\$326.28
B H ELECTRIC COOP INC.	UTILITY	\$81.98
BLESSING, BRETT	CLOTHING ALLOWANCE	\$150.00
BOMGAARS	SUPPLY	\$343.28
BUCHHOLZ, MARTIN	CLOTHING ALLOWANCE	\$150.00
BUILDER'S FIRST SOURCE	SUPPLY	\$78.54
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$497.84
CUSTER/FALL RIVER	FEES	\$10.00
DALE'S TIRE & RETREADING	TIRE PARTS/SUPPLY	\$28.00
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$476.90
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$5,289.47
EFTPS	EFTPS PAYROLL TAXES	\$13,412.12
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$196.20
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$76.65
FALL RIVER COUNTY HERALD	PUBLICATION	\$124.34
GIBSON, CARLO	CLOTHING ALLOWANCE	\$150.00
GRANGAARD CONSTRUCTION	BRIDGE PROJECT	\$94,691.25
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$165.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$64.88
HOT SPRINGS AUTOMOTIVE	AUTO SUPPLY PARTS	\$414.54
RICOH USA INC	CONTRACT SERVICE	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$4,724.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$150.00
MACIEJEWSKI, CALVIN	CLOTHING ALLOWANCE	\$150.00
MG OIL	INVENTORY/SUPPLY	\$1,657.70
MASTERCARD	COUNTY MASTERCARD	\$78.00
NEBRASKA CHILD SUPPORT	CHILD SUPPORT	\$600.00
NEBRASKA SALT & GRAIN	SUPPLY	\$2,368.58
HI-D-WAY OIL & GAS	UTILITY	\$543.90
RELIANCE STANDARD LIFE	VISION PLAN	\$18.99
RAPID DELIVERY	DELIVERY	\$15.30
RDO EQUIPMENT CO	PARTS	\$1,041.92

SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
SCHUBBEL, FREDERICK JR	CLOTHING ALLOWANCE	\$150.00
SDACHS	NACE AND SDACHS DUES	\$350.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$6,642.64
SEILER, RANDY	CELLPHONE REIMBURSEMENT	\$75.00
HIGHWAY DEPARTMENT	NOVEMBER SALARIES	\$51,801.91
HIGHWAY DEPARTMENT	OVERTIME	\$3,553.24
	TOTAL COUNTY ROAD & BRIDGE	\$190,936.19

**911 SURCHARGE REIMBURSEMENT**

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSU	\$67.21
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$338.80
EFTPS	EFTPS PAYROLL TAXES	\$7,159.95
FALL RIVER HEALTH SERVICE	INMATE MEDICAL/PRE-E	\$197.00
HEIMGARTNER, PAULA	UNIFORM ALLOWANCE	\$111.79
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$1,960.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$25.00
MASTERCARD	COUNTY MASTERCARD	\$219.91
QUINTANA, VERONICA	UNIFORM ALLOWANCE	\$151.09
RELIANCE STANDARD LIFE	VISION PLAN	\$6.33
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$3,300.64
VERIZON WIRELESS	CELL PHONE PLAN	\$41.95
DISPATCH	NOVEMBER SALARIES	\$24,292.94
DISPATCH	OVERTIME	\$4,342.93
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$42,593.40

**EMERGENCY MANAGEMENT**

EFTPS	EFTPS PAYROLL TAXES	\$1,882.55
MASTERCARD	COUNTY MASTERCARD	\$323.27
QUILL CORPORATION	OFFICE SUPPLIES	\$55.49
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$736.82
VERIZON WIRELESS	CELL PHONE PLAN	\$83.90
FR EMERGENCY MANAGEMENT	NOVEMBER SALARIES	\$6,140.22
	TOTAL FOR EMERGENCY MANAGEMENT	\$9,222.25

**24/7 SOBRIETY FUND**

EFTPS	EFTPS PAYROLL TAXES	\$639.65
24/7 OFFICE	NOVEMBER SALARIES	\$3,862.25
	TOTAL FOR 24/7 SOBRIETY FUND	\$4,501.90
	TOTAL PAID BETWEEN 11/19/21 AND 12/2/21	\$607,619.30

Break was taken at 9:55 a.m. and the meeting reconvened at 10:02 a.m.

Public comment was heard from Sheriff Evans, stating that there are 11 males and 5 females in the Fall River County Jail, with 2 females and 1 male in Pennington County Jail, for a total of 15

inmates; Evans also noted that they still have not received the pickup that had been ordered in February 2021 and if he was going to order more, the salesman said there was a short window to do so.

Motion made by Russell, seconded by Allen, to authorize Sheriff Evans to order 2 more vehicles, using state bid. Motion passed by roll call vote.

Cindy Milburn, Edgemont City Council, met with the board. Motion made by Russell, seconded by Allen, to approve the 2022 Law Enforcement Agreement between Fall River County and the City of Edgemont.

Lance Russell, State's Attorney met with the board to discuss the need for possible variances for Medical Cannabis applications, or for future issues. A fee for a variance will also need to be set, and a Waiver has also been created for use. Motion made by Cope, seconded by Russell, to approve setting a hearing for a 1<sup>st</sup> reading on December 30, 2021 at 9:30 a.m. to amend Ordinance #2021-01 to allow for Variances.

Motion made by Greenough, seconded by Cope, to approve setting a fee for Variance applications, in the amount of \$500.00.

Motion made by Russell, seconded by Allen, to approve setting a hearing for the Medical Cannabis Dispensary application for December 16, 2021 at 9:30 a.m. that was received by the December 1, 2021 deadline.

A Hearing was held, as advertised, due to the recent census, on redistricting for election purposes. Randy "Uriah" Luallin spoke in favor of moving to elect commissioners by district, noting all current representation is rural. This would allow all areas, including political minorities, to have a voice within the county in a Democracy. He noted that elections for commissioners by district would be more equitable. Jim Angell finds no benefit for a county the size of Fall River to be elected by district and feels the current Board represents all voters. Rajni Ouroboros also agreed that not all voices are being heard in the current "at large" system. Commissioners noted an equal opportunity for any voter to run for the commission. Ben Tubbs stated that the "at large" system is good and to leave it as is. With no motion for a change to districts, the Board thanked individuals for their comments.

Motion made by Russell, seconded by Allen, 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 10:45 a.m.

The Board came out of executive session at 11:35 a.m.

Motion made by Russell, seconded by Allen, to adjourn at 11:36 a.m.

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

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