

FALL RIVER COUNTY APPROVED MINUTES OF OCTOBER 20, 2022

The Fall River Board of County Commissioners met in regular session on October 20, 2022. 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 Russell, seconded by Allen, to approve the agenda, with the addition of setting two hearings for cultivation and variance for medical cannabis.

Motion made by Russell, seconded by Greenough, to approve the October 6, 2022 minutes.

Motion made by Greenough, seconded by Russell, to approve a pay raise for Chaela Holmes (Treasurer’s Office), 2080 hours, \$13.00 to \$14.00 per hour, effective October 18, 2022, as per union contract.

Motion made by Russell, seconded by Allen, to approve the Auditor’s Account with the Treasurer for September 2022 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 September 2022.

Total Amount of Deposit in First Interstate Bank, HS:	\$	731,963.92
Total Amount of Deposit in First National Bank, Lead:	\$	1,000.00
Total Amount of Deposit in First National Bank-ARP Checking, Lead:	\$	1,000.00
Total Amount of Cash:	\$	3,085.95
Total Amount of Treasurer's Change Fund:	\$	900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	43,299.10

SAVINGS:

#4) First Interstate Bank, HS:	\$	313,251.69
#10) First National Bank of Lead: ICS Acct	\$	1,049,507.00
#18) First National Bank of Lead-ARP ICS Acct	\$	1,031,935.88
#20) First National Bank of Lead-RAI MM Acct	\$	111,917.62

CERTIFICATES OF DEPOSIT:

#9) First Interstate, HS:	\$	-
#8) Black Hills Federal Credit Union, HS:	\$	250,000.00
#14) Schwab Treasury:	\$	2,022,947.68
#15) First National Bank, Lead:	\$	315,294.45
#16) Black Hills Community, Rapid City:	\$	826,288.29
#17) Liberty National, Sioux Falls:	\$	-
#21) Schwab Treasury 2 Yr:	\$	265,663.75
#22) Schwab Treasury 2 Yr:	\$	970,296.09
#23) Schwab Treasury 2 Yr:	\$	970,937.50
#24) Schwab Treasury 2 Yr:	\$	1,999,500.00

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:

Remedy Ranch/John Rivard	8/29/2022	\$	796.27
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TOTAL \$10,910,120.19

Dated This 30th Day of September 2022.

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

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

County Monies	\$	9,860,287.94
Held for other Entities	\$	829,453.02
Held in Trust	\$	220,379.23
TOTAL	\$	10,910,120.19

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 Russell, to approve to surplus to junk an Office Star Mesh Chair, #01689, Sheriff's Office.

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

Fall River County Proclamation

WHEREAS, Fall River County contains the City of Hot Springs, known as “the Veteran’s Town,” home of the South Dakota State Veterans Home and a five-star V.A. Hospital, and has a large, highly decorated Active Duty and Veteran population, including many *Purple Heart* recipients; and

WHEREAS, Fall River County has great admiration and the utmost gratitude for the men and women who by selflessly serving their country in the Armed Forces have given so much in the defense of the freedoms which we all continue to enjoy; and

WHEREAS, in honor of these dedicated men and women, we pledge the continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of a people dedicated to the principles of freedom and democracy; and

WHEREAS, the *Purple Heart* is the oldest military decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

WHEREAS, the *Purple Heart* was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

WHEREAS, the mission of the Military Order of the Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among the combat-wounded Veteran members and their families, promote patriotism, support legislative initiatives, and most importantly, make sure we “never forget”; and

WHEREAS, Fall River County recognizes the grave sacrifices our *Purple Heart* recipients have made defending our freedoms and believe it is imperative to acknowledge them for their immense courage and selfless service to their Nation.

THEREFORE, we, Fall River County Commissioners, do hereby proclaim Fall River County, South Dakota, as a:

Purple Heart County

And encourage the citizens and residents of Fall River County to show their appreciation for the sacrifices *Purple Heart* recipients have made in defending our freedoms, to recognize their valor,

and to show them the honor and support they have earned for preserving our liberties under the Constitution. Let us all commit ourselves to the great need of fostering a spirit of rededication to the ideals these incredible men and women have defended, the foundation of this great country – “One nation, under God, indivisible, with liberty and justice for all.”

PROCLAIMED this 20th day of October 2022.

/s/Joe Falkenburg
Fall River County Commissioner

Attest:

/s/Sue Ganje, Fall River County Auditor

Motion made by Greenough, seconded by Allen, to set a supplement and contingency hearing for November 10, 2022 at 9:30 a.m.

Motion made by Greenough, seconded by Cope, to amend the September 22, 2022 minutes to reflect Jack Isaacs as the National Grassland Supervisor as opposed to Julie Goodman.

There were no applicants for county assistance.

Erin McGlumphy, Extension, reported to the Board that there are 5 youth enrolled in the dog project area, with 8 youth in Companion Animal, 10 in the Horse project, 24 in 4-H rodeo, 9 in Cloverbuds, 9 in Youth in Action, 33 in livestock projects and 4 participated in the fleece sale. There were 390 static projects this year, with 44 going onto State Fair. 1 youth showed her livestock project at State Fair and 2 participated in the Consumer Decision Making Contest. 10 youth participated in the shotgun project area, with 6 participating at the State fall shoot in Mitchell, with Kyle Sanders placing 1st in the Senior Division. There is 181 members, with 69 volunteers.

Dave Weishaupt, Building Supervisor, met with the Board. Motion made by Russell, seconded by Allen, to approve the Tem-Tech Boiler Quote, with a tank added to the quote, firm, in the total amount of \$82,000.00.

Discussion was held on conflict attorneys for the Oxnard Hotel in Edgemont. Motion made by Allen, seconded by Greenough, to hire the Husted Law firm as conflict attorneys for the Oxnard Hotel and other things as needed.

Brett Blessing, Highway Superintendent, met with the Board and presented fuel and diesel quotes as follows:

10/3/22 Fuel Quotes	8,000 Gallons Gasoline
Nelson’s	\$3.39/gallon
MG Oil	No Bid
PJ’s Hi-D-Way	No Bid
10/12/2022 Fuel Quotes	8,000-Gal Diesel 50/50 Blend
Nelson’s	\$4.80/gallon (average)

MG Oil
PJ's Hi-D-Way

No Bid
No Bid

Motion made by Allen, seconded by Russell, to approve the low and only bid from Nelson's for 8,000 gallons of gasoline, at \$3.39 per gallon, for a total of \$27,120.00.

Motion made by Greenough, seconded by Cope, to approve the low and only bid from Nelson's for 8,000 gallons of diesel, 50/50 blend, at \$4.80 per gallon (average), for a total of \$38,400.00.

Motion made by Russell, seconded by Allen, to approve the September 2022 transfers to reimburse the Highway Department for fuel used or work performed as follows: Sheriff's Department for \$1,215.79; Weed and Pest Office for \$347.66; Building for \$56.43; Emergency Management for \$149.65; Election for \$29.68; Director of Equalization for \$304.52; Auditor for \$15.68; and Commissioners for \$15.67.

Blessing updated the Board that the patching had been done on the Ardmore Bridge, with spraying being completed on the bridge east of Ardmore. There are some concerns about the bridge east of Ardmore; it will need to be addressed. Blessing didn't have updates on the Solar Farm at this time. The Highway Department has been hauling gravel on Old Highway 79.

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

FALL RIVER COUNTY RESOLUTION #2022-47

A Plat of Looyenga Tract, located in the E1/2SE1/4 of Section 32, T8S, R7E, 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 20th day of October, 2022.

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

ATTEST:
/s/Sue Ganje
Fall River County Auditor

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

FALL RIVER COUNTY RESOLUTION #2022-48

**A Plat of Schaller Tract 1 and Schaller Tract 2, located in the SW1/4 of Section 31, T8S,
R8E, BHM, Fall River County, South Dakota**

**Formerly the South 32' of Outlot 9 and the remainder of Outlot 21 of Smithwick, and Hatch
Tract of Gov't Lot 3 of Section 31**

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 20th day of October, 2022.

/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 table the cultivation license application until later in the meeting.

Sue Ganje, Auditor, met with the Board. Motion made by Allen, seconded by Greenough, to approve increases in insurance coverage from \$8,148,751.00 to \$9,771,840.42, and leave the carpools for the Highway and Weed & Pest Office off the insurance.

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

GENERAL FUND

AUDRA HILL CONSULTING, INC	MI QMHP EVALUATION	\$902.01
A-Z SHREDDING INC	SHREDDING	\$150.36
BLACK HILLS CHEMICAL	SUPPLY	\$361.13
BH BUSINESS SOURCE	OFFICE FURNITURE	\$518.00
BH COUNCIL OF LOCAL GOVERNMENT	SUPPORT	\$5,000.00
BIRMINGHAM & CWACH LAW	QMHP/MI	\$380.35
BRIGHTLY SOFTWARE INC.	GIS MAP SOFTWARE	\$329.55

CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$462.06
CHEYENNE SANITATION	SANITATION COLLECTION	\$376.73
CLINICAL LABORATORY	AUTOPSY	\$1,675.00
COLBATH & SPERLICH, PC	CAAF	\$4,699.87
CORRECT RX PHARMACY SERV.	INMATE MEDICAL	\$54.75
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.5
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$42.50
FITZGERALD, JOHN	MILEAGE	\$206.04
FALL RIVER COUNTY HERALD	PUBLICATION	\$23.10
GOFF, GARLAND LEE	QMHP/MI	\$1,234.80
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$6,060.21
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,151.79
HOPE COUNSELING CENTER	QMHP	\$300.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$124.78
CITY OF HOT SPRINGS	CITY WATER BILL	\$1,199.95
HUSTEAD LAW OFFICE, P.C.	CAAF	\$16,251.80
KOLETZKY LAW OFFICE	QMHP/MI	\$212.10
LEWIS & CLARK BEHAVIORAL	QMHP/MI	\$184.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$448.18
MH HOME+ PHARMACY	JUV PHARMACY	\$139.58
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MASTERCARD	COUNTY CREDIT CARD	\$3,189.34
MCGLUMPHY, ERIN	TRAVEL REIMBURSEMENT	\$398.16
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$240.00
MONUMENT HEALTH SERVICES	MORGUE FEE	\$461.00
NELSON'S OIL & GAS INC.	UTILITY	\$12,436.20
QUADIENT FINANCE USA, INC	POSTAGE	\$1,155.47
NEWMAN SIGNS INC.	SIGNAGE	\$2,905.37
NICHOLAS TOWING	REPAIR	\$45.00
PENNINGTON COUNTY JAIL	INMATE HOUSING/TRANSPORT	\$4,637.99
QUALITY INN	HOTEL STATE FAIR - EXTENSION	\$591.36
CITY OF RAPID CITY	BLOOD ANALYSIS	\$160.00
RUSHMORE COMMUNICATIONS	RADIO UPGRADE	\$980.00
SAFETY BENEFITS INC	SAFETY BENEFITS CONFERENCE	\$75.00
SDACC	CATASTROPHIC LEGAL	\$390.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITTANCE	\$2,750.93
SD FEDERAL PROPERTY AG	SUPPLY	\$200.00
SERVALL	RUGS AND MATS SERVICE	\$335.32
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,759.00
SOUTHERN HILLS LAW PLLC	CAAF	\$2,268.51
STEVEN'S AUTOMOTIVE	SERVICE	\$1,367.55
NORTON, MIKAYLA	BLOOD DRAW	\$450.00
WENDELL'S GARAGE	SERVICE	\$79.34

WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$20,590.00
YANKTON CO TREASURER	QMHP/MI	\$127.50
WITNESS	WITNESS FEE	\$822.86
WITNESS	MILEAGE	\$136.58
	TOTAL FOR GENERAL FUND	\$102,299.62

COUNTY ROAD & BRIDGE

CHEYENNE SANITATION	SANITATION COLLECTION	\$79.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
SD DEPT OF LABOR & REG	UNEMPLOYMENT	\$155.03
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$256.52
SIMON CONTRACTORS OF SD	ASPHALT ROAD PROJECT	\$565,123.10
CITY OF HOT SPRINGS	CITY WATER BILL	\$74.99
MASTERCARD	COUNTY CREDIT CARD	\$61.93
NELSON'S OIL & GAS INC.	FUEL	\$60,244.14
POMP'S TIRE SERVICE INC.	SUPPLY	\$451.66
SAFETY-KLEEN SYSTEMS, INC	SUPPLY	\$557.00
SD DEPT OF TRANSPORTATION	2022 BRIDGE INSPECTION	\$2,017.70
SEILER, RANDY	CELL REIMBURSEMENT	\$75.00
	TOTAL COUNTY ROAD & BRIDGE	\$629,188.67

911 SURCHARGE REIMBURSEMENT

GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$25.50
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$774.23
MASTERCARD	COUNTY CREDIT CARD	\$206.18
FLEMING, MELISSA	UNIFORM ALLOWANCE	\$85.16
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$1,091.07

FIRE PROTECTION FUND

ARDMORE FIRE DISTRICT	FIRE INSURANCE DISTRICT	\$1,299.94
BUFFALO GAP FIRE DEPT	FIRE INSURANCE DISTRICT	\$199.75
EDGEMONT FIRE DEPT	FIRE INSURANCE DISTRICT	\$5,034.94
HOT SPRINGS FIRE DEPT	FIRE INSURANCE DISTRICT	\$21,274.83
MINNEKAHTA FIRE	FIRE INSURANCE DISTRICT	\$1,666.94
OELRICHS VOL FIRE DEPT	FIRE INSURANCE DISTRICT	\$1,843.85
ORAL FIRE DEPT	FIRE INSURANCE DISTRICT	\$914.29
SMITHWICK FIRE DEPARTMENT	FIRE INSURANCE DISTRICT	\$495.85
	TOTAL FOR FIRE PROTECTION FUND	\$32,730.39

EMERGENCY MANAGEMENT

GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$154.39
HOT SPRINGS ACE HARDWARE	SUPPLY	\$30.56
MASTERCARD	COUNTY CREDIT CARD	\$6.00
RUSHMORE COMMUNICATIONS	RADIO UPGRADE	\$540.00
	TOTAL FOR EMERGENCY MANAGEMENT	\$739.45

24/7 SOBRIETY FUND

SD DEPARTMENT OF HEALTH	24/7 LABS	\$120.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$120.00

COURTHOUSE BUILDING FUND

HOT SPRINGS ACE HARDWARE	SUPPLY	\$27.31
MASTERCARD	COUNTY CREDIT CARD	\$227.65
	TOTAL FOR COURTHOUSE BUILDING FUND	\$254.96
	TOTAL PAID BETWEEN 10/7/22 AND 10/20/22	\$766,424.20

Break was taken 9:27 a.m. and the meeting reconvened at 9:42 a.m.

Public comment was heard from Commissioner Cope about changing some of the wording in the Memorandum of Understanding with the Forest Service.

Lance Russell, State’s Attorney, was present. Motion made by Greenough, seconded by Russell, to take the cultivation license application off the table.

Motion made by Greenough, seconded by Cope, to set a hearing for the cultivation license application on November 10, 2022, at 9:40 a.m. With Falkenburg voting no, all others voting yes, by roll call vote, motion carried.

Motion made by Russell, seconded by Allen, to set a hearing for the cultivation license variance on November 10, 2022, at 9:35 a.m.

More public comment was heard from, Susan Henderson about concerns with Encore Energy.

Comments were heard from Matt Monfore, Rick Weible, Kim Allen, Vickie Buhr and Tammy McKensee. They spoke about concerns and the fraud that they believed was going on with tabulating machines and how elections are being run. Miriam Martin and Jane Farrell, consistent election help, both feel confident in Fall River County’s election process. Paul Nabholz and Dusty Pence expressed interest in having hand counts. The Board invited everyone with concerns to attend the public test on October 31st at 10:00 a.m. and to go to the legislature to get things changed.

Motion made by Greenough, seconded by Cope, to use the machine count and audit a couple of precincts on a couple of races. With Russell and Allen voting no, all others voting yes, by roll call vote, motion carried.

Motion made by Greenough, seconded by Cope, to enter executive session as per SDCL 1-25-2 (1) for personnel purposes, as per SDCL 1-25-2 (3) for legal purposes and as per SDCL 1-25-2 (4) for negotiation purposes at 10:50 a.m.

The Board came out of executive session at 11:12 a.m.

Motion made by Russell, seconded by Greenough, to approve the DOT Right-of-Way negotiations, including an additional amount for one party.

Motion made by Greenough, seconded by Russell, to adjourn at 11:14 a.m.

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

ATTEST:

/s/Sue Ganje, Auditor
Fall River County Auditor