

FALL RIVER COUNTY APPROVED MINUTES OF NOVEMBER 10, 2022

The Fall River Board of County Commissioners met in regular session on November 10, 2022. Present: Joe Allen, Les Cope, Joe Falkenburg, Deb Russell and Sue Ganje, Auditor. Heath Greenough was absent.

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 Allen, to approve the agenda as written.

Motion made by Russell, seconded by Cope, to approve the minutes of October 20, 2022, with the correction on conflict attorneys to remove 'the other things as needed' line.

Motion made by Russell, seconded by Allen, to approve the Hustead Law Office Conflict attorney agreement for Oxnard Hotel and authorize the chairman to sign.

Motion made by Russell, seconded by Allen, to approve the Memorandum of Understanding between SDSU Extension and Fall River County and authorize the chairman to sign.

There were no applicants for county assistance.

Jackie Waldner, Community Health Nurse, reported to the Board about activities going on at the nurse's office in the last quarter. They have also filled the vacancy for an administrative assistant; Waldner will bring the candidate back for official hire approval.

Frank Maynard, Emergency Management, met with the Board. Motion made by Cope, seconded by Allen, to approve the Diamond Quote for tires and alignment, in the amount of \$1,120.99.

Maynard reported that 23 employees attend the Defensive Driving Training that was conducted by Safety Benefits on October 19 and October 20, 2022; he also attended the Region 4, the Homeland Security and the Blizzard meetings in Rapid City on October 26. Maynard reported on incidents.

Teresa Pullen, Treasurer, met with the Board. Motion made by Allen, seconded by Russell, to approve the abatement for the Owner of Merchens Mobile Home Park, parcel #65203-00000-01100, Mobile home on leased site Merchens MH Park Lot 11 1986 Champion 16 X 80, as follows: abatement in the amount of \$177.08 for pay 2016; abatement in the amount of \$151.52 for pay 2018; abatement in the amount of \$156.46 for pay 2019; abatement in the amount of \$160.26 for pay 2020; abatement in the amount of \$187.80 for pay 2021; and abatement in the amount of \$186.74 for pay

2022, for a total of \$1,019.86. Re: Mobile Home was abandoned and the real property owner of the mobile home park took all the required steps to have the mobile home destroyed.

Motion made by Russell, seconded by Allen, to only advertise in the newspaper only the current delinquent taxes as per SDCL 10-23-2.3. With Falkenburg voting no, all others voting yes, motion carried.

Stacey Martin, GIS, reported to the Board about the need for to change the counties online mapping company. The current mapping service will no longer be available after the first of the year. She will bring back quotes to the next meeting.

Sheriff Evans reported that there are 10 males and 4 females in the Fall River County Jail, with 1 male and 1 female in the Pennington County Jail, for a total of 16 inmates.

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

FALL RIVER COUNTY RESOLUTION #2022-49
Supplemental Budget 2022, #3
Contingency Transfer 2022, #4

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 for November 10, 2022 be approved as follows: Hwy Fund: Hwy Road Projects 20100X4251311, \$524,105.00; Means of finance to be cash, 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: Juvenile Care 10100X4272215, \$27,400.00; Court Appointed Attorney Fees 10100X4260153, \$2,945.00

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Supplemental Budget #3 and Contingency Transfer #4 for 2022.

Dated at Fall River County, South Dakota this 10th day of November 2022.

/s/Joe Falkenburg
Fall River County Board of Commissioners

ATTEST:

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

Sheriff Evans reported that they are down two dispatchers and one of the current dispatchers couldn't attend training, due to the fact that they are short staffed.

The Hearing for 2023 Liquor – on and off sale and wine licenses were held as advertised. Motion made by Cope, seconded by Allen, to approve the 2023 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.

The Hearing for Variance for Cultivation License was held as advertised. Discussion was held on distance between the neighbors and other things that would qualify under the variance.

Greenough joined the meeting at 9:47 a.m.

Motion made by Russell, seconded by Greenough, to table the variance decision and cultivation hearing until December 1, 2022, to allow State’s Attorney Russell to review the contract between Clark Bergeson and Lynda Davis to see if it has any bearing on the variance. With Cope voting no, all others voting yes, motion carried.

Brent White, Edgemont City Council, met with the Board. Motion made by Russell, seconded by Cope, to approve the 2023 Edgemont Law Enforcement Contract.

Randy Seiler, Highway Superintendent, met with the Board. Motion made by Allen, seconded by Russell, to approve the pipeline easement for Horsehead Creek Ranch, LLP, Dale Anderson, adjacent to the SW Quarter of Section 10 in Township 7S, Range 8E, and the NW Quarter of Section 15 in Township 7S, Range 8E of the Black Hills Meridian, Fall River County, South Dakota and the pipeline to run from the NW Quarter of Section 15 in Township 7S, Range 8E, to the SW Quarter of Section 10, in Township 7S, Range 8E, of the Black Hills Meridian, Fall River County, South Dakota.

Seiler updated the Board that they have been graveling the Smithwick Road with gravel from the Angostura Pit. More binder is needed in that gravel; the Highway Department has been working on getting a better mix. The trucks were out sanding and three trucks are being outfitted with plows. Discussion was held on Doug Kinniburgh, SD DOT, and a benefit for his health issues.

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

GENERAL FUND

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$866.35
AUDRA HILL CONSULTING, INC	MI/CONSULTING	\$815.36
CURA HOSPITALITY	INMATE FOOD/SUPPLY	\$12,666.86
A-Z SHREDDING INC	SHREDDING	\$68.98
BEST WESTERN RAMKOTA INN	CONFERENCE HOTEL	\$154.00
BLACK HILLS CHEMICAL	SUPPLY	\$481.88
BQ & ASSOCIATES, P.C., LLO	GARNISHMENT	\$131.00
BILL'S HEATING	REPAIR	\$2,542.50
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$4,368.92

BOMGAARS SUPPLY	SUPPLY	\$205.96
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
BRIGHTLY SOFTWARE INC.	GIS SUPPORT CONTRACT	\$329.55
HUB INTERNATIONAL	AIRPLANE INSURANCE	\$760.00
CAMERON, GEORGE	COURT REPORTER	\$364.00
CENTURY BUSINESS LEASING	COPIER LEASE AND USAGE	\$938.53
COLBATH & SPERLICH, PC	CAAF/MAG/JUV	\$4,931.29
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$75.32
CREDIT COLLECTION BUREAU	COLLECTIONS	\$604.18
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,580.10
EFTPS	EFTPS PAYROLL TAXES	\$41,358.44
EN-TECH LLC	FUMIGATION	\$325.00
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$42.50
FALL RIVER COUNTY HERALD	PUBLICATION	\$1,557.57
GALLS	UNIFORM ALLOWANCE	\$65.44
GOLDEN WEST TECHNOLOGIES	SERVICE/NETWORK/SERVER	\$5,970.24
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$600.00
HILLYARD/SIOUX FALLS	SUPPLY	\$625.80
HOPE COUNSELING CENTER	QMHP/MI	\$900.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$634.90
HUSTEAD LAW OFFICE, P.C.	CAAF, MI	\$6,750.25
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$22,575.00
JACQUELINE K PERLI	COURT REPORTER	\$76.20
LIUNA LABORERS LOCAL 620	UNION DUES	\$324.00
LYNN'S DAKOTAMART	SUPPLY	\$91.05
MARCO	COPIER LEASE	\$570.00
MARTY'S TIRE & AUTO BODY	SERVICE	\$2,043.00
MCGLUMPHY, ERIN	TRAVEL REIMBURSEMENT	\$512.73
MEADE COUNTY AUDITOR	INMATE HOUSING	\$160.00
MEDICAL WASTE TRANSPORT	UTILITY	\$189.30
MONUMENT HEALTH	INMATE MEDICAL	\$183.96
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$700.00
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTON, TINA	CONTRACT NURSE INMATE	\$1,475.00
NUTRIEN AG SOLUTIONS	SUPPLY	\$60.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
OTIS ELEVATOR COMPANY	SERVICE CONTRACT	\$125.00
PENN CO STS ATTNY OFFICE	QMHP/MI	\$215.00
PENNINGTON COUNTY JAIL	INMATE HOUSING/TRANSPORTATION	\$7,409.44
PENNINGTON COUNTY	TREATMENT CENTER	\$1,356.00
RELIANCE STANDARD LIFE	VISION PLAN	\$301.44
RAMKOTA HOTEL-PIERRE	SAFETY BENEFITS CONFERENCE	\$101.00
SAGEBRUSH WRANGLERS 4-H	SUPPLY	\$20.00

SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$1,045.00
SDML WORKERS COMPENSATION	2024 WORK COMP RENEW	\$22,852.68
SDPAA	LIABILITY INSURANCE	\$80,263.70
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION/SPECIAL PAY PLAN	\$25,251.52
SEACHANGE PRINT INNOVATION	PUBLICATION	\$185.00
SERVALL	RUG/UNIFORM SERVICE	\$618.39
SKINNER, MATTHEW L. PC	CAAF/A&N	\$8,379.10
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$242.00
SONNY'S SUPER FOODS	SUPPLY	\$103.08
SOUTHERN HILLS LAW PLLC	CAAF	\$4,052.11
STEVEN'S PLUMBING	SERVICE	\$217.34
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$87.00
VAN DIEST SUPPLY	SUPPLY	\$3,275.00
VERIZON WIRELESS	CELL PHONE PLAN	\$547.28
WENDELL'S GARAGE	MAINTENANCE	\$20.00
WESTERN SD JUV SERV CTR	JUVENILE SERVICES	\$14,500.00
WILSON ELECTRIC	SERVICE	\$150.00
ZIMIGA, AUSTIN	UNIFORM ALLOWANCE	\$94.60
MRAZ, JENNIFER	MILEAGE	\$23.46
COPE, LESLIE	TRAVEL REIMBURSEMENT	\$128.52
NORTON, LYLE	UNIFORM ALLOWANCE	\$244.93
YELLOW ROBE, LUKE	EXPERT WITNESS	\$1,500.00
MILES, SASHA	BLOOD DRAW	\$75.00
	TOTAL FOR GENERAL FUND	\$294,811.51

COUNTY ROAD & BRIDGE

A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$36.30
ADVANCED DRUG TESTING	RANDOM EMPLOYEE DRUG TEST	\$26.00
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$365.50
BLACK HILLS ELECTRIC	UTILITY	\$35.07
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$450.14
BOMGAARS	SUPPLY	\$11.48
BROSZ ENGINEERING, INC.	ENGINEERING	\$3,632.50
BUCHHOLZ, MARTIN	CLOTHING ALLOWANCE	\$150.00
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$1,143.95
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$523.70
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$296.87
EFTPS	EFTPS PAYROLL TAXES	\$9,842.43
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$132.95
GOLDEN WEST TECHNOLOGIES	SERVICE/NETWORK/SERVER	\$8.50
GROSSENBURG IMPLEMENT, INC	PART	\$767.73
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$165.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$219.92
RICOH USA INC	CONTRACT SERVICE	\$4.75

IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$5,780.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$243.00
NELSON'S OIL & GAS INC.	FUEL	\$36,950.00
NEWMAN SIGNS INC.	SIGNAGE	\$221.49
POMP'S TIRE SERVICE INC.	SUPPLY	\$569.54
RELIANCE STANDARD LIFE	VISION PLAN	\$40.80
RDO EQUIPMENT CO	PART	\$313.88
SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
SD DEPT OF TRANSPORTATION	STATE COST SHARE ROA	\$916.82
SDML WORKERS COMPENSATION	2024 WORK COMP RENEW	\$15,724.12
SDPAA	LIABILITY INSURANCE	\$18,544.64
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$5,182.24
SEILER, RANDY	CELLPHONE REIMBURSEMENT	\$201.00
SD SUPPLEMENT RETIREMENT	SUPPLEMENTAL RETIREMENT	\$40.00
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$20.00
	TOTAL COUNTY ROAD & BRIDGE	\$102,684.79

911 SURCHARGE REIMBURSEMENT

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$67.21
CENTURY BUSINESS LEASING	COPIER LEASE AND USAGE	\$65.75
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$302.40
EFTPS	EFTPS PAYROLL TAXES	\$5,584.93
GOLDEN WEST TECHNOLOGIES	SERVICE/NETWORK/SERVER	\$25.50
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$60.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$1,804.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$27.00
QUINTANA, VERONICA	UNIFORM ALLOWANCE	\$219.06
RELIANCE STANDARD LIFE	VISION PLAN	\$6.33
SDML WORKERS COMPENSATION	2024 WORK COMP RENEWAL	\$492.24
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$2,592.32
SIMUNEK, TRINA	UNIFORM ALLOWANCE	\$170.26
VERIZON WIRELESS	CELL PHONE PLAN	\$41.87
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$11,761.73

FIRE PROTECTION FUND

SDPAA	LIABILITY INSURANCE	\$228.40
	TOTAL FOR FIRE PROTECTION FUND	\$228.40

EMERGENCY MANAGEMENT

EFTPS	EFTPS PAYROLL TAXES	\$1,560.24
GOLDEN WEST TECHNOLOGIES	SERVICE/NETWORK/SERVER	\$8.50
MARCO	COPIER LEASE	\$38.90
RAMKOTA HOTEL-PIERRE	SAFETY BENEFITS CONFERENCE	\$101.00
SDML WORKERS COMPENSATION	2024 WORK COMP RENEW	\$1,100.00
SDPAA	LIABILITY INSURANCE	\$1,411.93

SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$635.42
VERIZON WIRELESS	CELL PHONE PLAN	\$83.74
	TOTAL FOR EMERGENCY MANAGEMENT	\$4,939.73
24/7 SOBRIETY FUND		
EFTPS	EFTPS PAYROLL TAXES	\$392.78
SDML WORKERS COMPENSATION	2024 WORK COMP RENEW	\$210.96
	TOTAL FOR 24/7 SOBRIETY FUND	\$603.74
	TOTAL PAID BETWEEN 10/21/22 AND 11/10/22	\$415,029.90

Break was taken 10:19 a.m. and the meeting reconvened at 10:28 a.m.

Public comment was heard from Alex Nelson, Fall River Health Services about a Communities That Cares Program they provide. It is a coalition that helps with prevention and helps kids on every level and whatever particular needs they may have. Nelson has talked to schools, other programs throughout the community and Lyle Norton in the Sheriff’s Department and everyone is in support and willing to work together.

Motion made by Greenough, seconded by Allen, to participate in the Communities That Care Program.

Further public comment was heard from the Board about YouTube editing meetings; Stacey Martin will discuss it at the next meeting.

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

FALL RIVER COUNTY RESOLUTION #2022-50

A Plat of Lot 10R, Lot 11R, and Well Lot 3 of Red Rock Ridge Subdivision, located in Sections 15 and 22, T8S, R5E, BHM, Fall River County, South Dakota

Formerly Lot 10 and Lot 11

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 10th day of November, 2022.

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje

Fall River County Auditor

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

FALL RIVER COUNTY RESOLUTION #2022-51

**A Plat of HP Tract Revised and WR Tract, located in the E1/2 of Section 9, T8S, R5E, BHM,
Fall River County, South Dakota**

Formerly HP 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 10th day of November, 2022.

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje

Fall River County Auditor

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

FALL RIVER COUNTY RESOLUTION #2022-52

**A Plat of Cabin Tract and Swain Tract, located in the NE1/4 of Section 4, 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 10th day of November, 2022.

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

ATTEST:

/s/Sue Ganje
Fall River County Auditor

Les Cope, Commissioner, reported to the Board about the Forest Service Plan meeting in Spearfish. Concerns were raised about loggers being out of business, with South Dakota becoming like California with the catastrophic fires and the damaging effects of the smoke on individuals' health. Discussion was held in relation to half of Fall River County being federal lands and having very little influence on the decisions of the Forest Service Plan. Further concerns were raised about the possibility of grazing leases being affected in the future.

Motion made by Cope, seconded by Greenough, to approve the Black Hills National Forest Plan Memorandum of Understanding and authorize the chairman to sign.

Sue Ganje, Auditor, reported to the Board about the Safety Benefits recommendations for the Jail regarding mock fire drills and an annual fire inspection be conducted by ACA standards.

Ganje followed up on the 2022 General Election Hand Count Audit. The Governor race, Secretary of State Race and the Initiate Measure on Uranium Race were counted in Beaver and Oelrichs Precincts. 331 ballots were cast between the precincts. In Oelrichs, one ballot had a mark that was not in the oval on one ballot race. The board didn't count it, but the tabulator did, as it was in the channel the tabulator reads on each side of the oval. In Beaver, the voter started to fill in the yes on 1 ballot race, then filled in the no entirely. The board counted the no vote as instructed to determine the voter's intent, the machine did not count it. It took 2.5 hours to hand count 331 ballots between the 2 precincts.

The Official Canvass for the 2022 General Election was conducted. Motion made by Russell, seconded by Cope, to approve the Official 2022 General Election Canvass.

Motion made by Russell, seconded by Cope, to adjourn at 11:44 a.m.

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

ATTEST:

/s/Sue Ganje, Auditor
Fall River County Auditor