

FALL RIVER COUNTY APPROVED MINUTES OF DECEMBER 1, 2022

The Fall River Board of County Commissioners met in regular session on December 1, 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.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 addition of a resolution for the Variance for Medical Cannabis Cultivation.

Motion made by Greenough, seconded by Russell, to approve a pay raise for Charles Dobbs (Certified Deputy), \$17.50 to \$19.50 per hour, effective November 21, 2022, as per union contract.

Motion made by Russell, seconded by Allen, to approve setting a supplement and contingency hearing for December 15, 2022 at 9:30 a.m.

Motion made by Russell, seconded by Greenough, to approve setting a year end meeting for December 29, 2022 at 9 a.m.

Motion made by Greenough, seconded by Allen, to table the \$1,500 essential pay until executive session.

Motion made by Russell, seconded by Greenough, to approve the minutes of November 17, 2022.

There were no applicants for county assistance.

Teresa Pullen, Treasurer, met with the Board. Motion made by Greenough, seconded by Allen, to approve hiring Misty Heronimus, \$14.00 per hour, effective November 28, 2022, as per union contract.

Stacey Martin, GIS, met with the Board. Motion made by Greenough, seconded by Allen, to approve the Vanguard quote for online mapping, with a one-time fee of \$1,000.00 and a yearly fee of \$2,681.25, for 5 years, as long as Oglala Lakota County also signs the 5 year offer and agrees to pay their portion.

A Hearing continuation for the Variance for Medical Cannabis Cultivation License was held. Motion made by Russell, seconded by Cope, to accept State's Attorney Russell's recommendation that 1) the application was denied after evidence presented that no sign was

placed 10 days before the hearing and 2) that the application failed burden of proof on the Variance C 1 – 4 and the Ordinance B 1 – 5 and A 3.

With all voting yes, by roll call vote, motion carried.

Joe Falkenburg, Commissioner, discussed with the Board the possibility of hiring a Public Defender versus continuing with the current Court Appointed Attorneys. Discussion was also held stating that the State’s Attorney’s office has helped to keep the costs down for the fees and collection of fees. Reimbursements were discussed. Concerns were raised about the small size of the county and having to hire conflict attorneys to assist. Husted Law Office would be in touch with the State’s Attorney’s Office to work out concerns and details; further discussion would be held at the next meeting.

Calvin and Cole Romey met with the Board to request maintenance on South Beef Creek Road as it is listed on the SD DOT mapping as a Secondary Road. Discussion was held regarding what services the County provides on minimum maintenance roads. State’s Attorney Russell provided a prior SD Attorney General’s opinion on the subject.

Motion made by Greenough, to approve having the Romeys purchase all of the needed gravel, with the County putting ballast down first and having the County haul the gravel and maintaining. Motion dies for lack of a second.

State’s Attorney Russell recommended to the Board that they take the matter under advisement and to table the discussion until the next meeting so he and Attorney Romey could work on an agreement.

Randy Seiler, Highway Superintendent, reported to the Board that a rancher is requesting a pipeline easement; the Board advised Seiler if he’s comfortable with it, go ahead and proceed with the easement and get firm approval at the next meeting. Commissioner Russell spoke of the need for gravel in areas of the Oral Road.

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

GENERAL FUND

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$866.35
BLACK HILLS CHEMICAL	SUPPLY	\$145.59
BQ & ASSOCIATES, P.C., LLO	GARNISHMENT	\$131.00
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$296.51
CHEYENNE SANITATION	SANITATION COLLECTION	\$376.73
COLBATH & SPERLICH, PC	CAAF/MAG/JUV	\$5,714.94
CREDIT COLLECTION BUREAU	COLLECTIONS	\$604.18
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,543.70
DS SOLUTIONS INC	ELECTION SUPPLY	\$175.00
DIV OF CHILD SUPPORT	CHILD SUPPORT	\$437.50

EFTPS	EFTPS PAYROLL TAXES	\$41,357.42
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$42.50
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$496.30
GALLS	SUPPLY	\$69.23
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,141.64
HEIMGARTNER, PAULA	MILEAGE	\$17.34
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$570.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$493.18
HOT SPRINGS AMBULANCE	CPR TRAINING	\$400.00
CITY OF HOT SPRINGS	CITY WATER BILL/4TH QUARTER FIRE SPRINKLER	\$898.26
HUSTEAD LAW OFFICE, P.C.	CAAF, JUV	\$4,588.52
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$21,263.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$324.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$116.24
MAKE IT HAPPEN COUNSELING	QMHP/MI	\$400.00
MASSA DENTAL OFFICES PC	INMATE MEDICAL	\$130.00
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MEADE COUNTY AUDITOR	INMATE BOARDING	\$480.00
MESSERLI & KRAMER	GARNISHMENT	\$493.84
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$145.00
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$700.00
NELSONS OIL & GAS INC.	UTILITIES	\$809.67
QUADIENT FINANCE USA, INC	POSTAGE	\$1,910.85
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTON, TINA	CONTRACT NURSE INMATE	\$1,400.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
PENNINGTON COUNTY JAIL	INMATE MEDICAL	\$46.49
QUILL CORPORATION	OFFICE SUPPLIES	\$127.88
RELIANCE STANDARD LIFE	VISION PLAN	\$295.11
SDACC	SDACC AND NACO MEMBERSHIP	\$1,996.00
SD ASSOC.OF CO. OFFICIALS	2023 SDACO MEMBERSHIP	\$761.73
DEPT OF AG & NATURAL RES.	SUPPLY	\$3,200.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITTANCE	\$553.25
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$20,521.70
SERVALL	RUG/UNIFORM SERVICE	\$167.67
SONNY'S SUPER FOODS	SUPPLY	\$70.32
SOUTHERN HILLS LAW PLLC	CAAF	\$806.55
STEVENS, LAREE	BLOOD DRAW	\$225.00
NORTON, MIKAYLA	BLOOD DRAW	\$900.00
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$87.00
VANGUARD APPRAISALS INC	NEW LICENSE	\$750.00
VERIZON WIRELESS	CELL PHONE PLAN	\$503.30
WENDELL'S GARAGE	MAINTENANCE	\$66.50

THOMSON REUTERS	SUBSCRIPTION	\$296.00
MILES, SASHA	BLOOD DRAW	\$225.00
MCBRIDE, HEIDI	MILEAGE	\$32.64
COMMISSIONERS	NOVEMBER SALARIES	\$4,100.00
ELECTION HOURS	NOVEMBER SALARIES	\$966.14
AUDITOR'S OFFICE	NOVEMBER SALARIES	\$20,722.75
AUDITOR'S OFFICE	OVERTIME	\$599.44
TREASURER'S OFFICE	NOVEMBER SALARIES	\$16,651.79
TREASURER'S OFFICE	OVERTIME	\$132.54
STATE'S ATTORNEY OFFICE	NOVEMBER SALARIES	\$14,975.39
STATE'S ATTORNEY OFFICE	OVERTIME	\$1,839.35
MAINTENANCE	NOVEMBER SALARIES	\$9,620.47
MAINTENANCE	OVERTIME	\$166.21
ASSESSOR'S OFFICE	NOVEMBER SALARIES	\$16,491.59
ASSESSOR'S OFFICE	OVERTIME	\$144.18
REGISTER OF DEED'S OFFICE	NOVEMBER SALARIES	\$11,585.33
REGISTER OF DEED'S OFFICE	OVERTIME	\$18.22
VETERAN'S SERVICE OFFICE	NOVEMBER SALARIES	\$4,143.36
GIS OFFICE	NOVEMBER SALARIES	\$4,090.15
SHERIFF	NOVEMBER SALARIES	\$30,798.30
SHERIFF	OVERTIME	\$4,945.04
JAIL	NOVEMBER SALARIES	\$26,602.93
JAIL	NOVEMBER SALARIES	\$4,024.59
CORONER	NOVEMBER SALARIES	\$150.00
EXTENSION OFFICE	NOVEMBER SALARIES	\$1,785.00
EXTENSION OFFICE	OVERTIME	\$15.75
WEED & PEST OFFICE	NOVEMBER SALARIES	\$4,378.00
	TOTAL FOR GENERAL FUND	\$302,128.91

COUNTY ROAD & BRIDGE

A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$225.31
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$365.50
BLACK HILLS ELECTRIC	UTILITIES SMITHWICK	\$39.75
BOMGAARS	SUPPLY	\$652.06
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$124.23
CHEYENNE SANITATION	SANITATION COLLECTION	\$79.00
COSTA, SAMUEL	REIMBURSEMENT	\$10.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$523.70
DWARE INC	2023 SOFTWARE LEASE	\$4,350.00
EFTPS	EFTPS PAYROLL TAXES	\$8,509.88
FALL RIVER HEALTH	RANDOM DRUG TESTING	\$112.00
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$66.60
FALL RIVER COUNTY HERALD	SUBSCRIPTION	\$50.00

GOLDEN WEST	PHONE BILL/LONG DIST	\$254.78
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$165.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$9.98
CITY OF HOT SPRINGS	CITY WATER BILL	\$73.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$5,780.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$243.00
MG OIL	INVENTORY/SUPPLY	\$948.20
NEBRASKA SALT & GRAIN	SUPPLY	\$2,675.79
NEWMAN SIGNS INC.	SIGNAGE	\$298.97
POMP'S TIRE SERVICE INC.	SUPPLY	\$152.95
QUILL CORPORATION	OFFICE SUPPLIES	\$144.99
RELIANCE STANDARD LIFE	VISION PLAN	\$40.80
SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
SCHUBBEL, FREDERICK JR	CLOTHING ALLOWANCE	\$150.00
SDACHS	2023 DUES	\$350.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$4,591.44
SEILER, RANDY	CELLPHONE REIMBURSEMENT	\$75.00
SD SUPPLEMENT RETIREMENT	SUPPLEMENTAL RETIREMENT	\$40.00
TEAM LABORATORY CHEMICAL	SUPPLY	\$614.50
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$20.00
HIGHWAY DEPARTMENT	NOVEMBER SALARIES	\$37,810.75
HIGHWAY DEPARTMENT	OVERTIME	\$451.52
	TOTAL COUNTY ROAD & BRIDGE	\$70,207.27

911 SURCHARGE REIMBURSEMENT

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$67.21
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$302.40
EFTPS	EFTPS PAYROLL TAXES	\$5,133.71
GOLDEN WEST	PHONE BILL/LONG DIST	\$744.49
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$60.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$1,804.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$27.00
RELIANCE STANDARD LIFE	VISION PLAN	\$6.33
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$2,474.08
VERIZON WIRELESS	CELL PHONE PLAN	\$41.87
DISPATCH	NOVEMBER SALARIES	\$16,243.43
DISPATCH	OVERTIME	\$4,374.00
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$31,581.38

EMERGENCY MANAGEMENT

EFTPS	EFTPS PAYROLL TAXES	\$1,560.22
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$169.99
QUADIENT FINANCE USA, INC	POSTAGE	\$1.44
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$635.42

VERIZON WIRELESS	CELL PHONE PLAN	\$83.74
FR EMERGENCY MANAGEMENT OFFICE	NOVEMBER SALARIES	\$5,295.22
	TOTAL FOR EMERGENCY MANAGEMENT	\$7,746.03
24/7 SOBRIETY FUND		
EFTPS	EFTPS PAYROLL TAXES	\$320.06
24/7 OFFICE	NOVEMBER SALARIES	\$2,092.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$2,412.06
COURTHOUSE BUILDING FUND		
HOT SPRINGS ACE HARDWARE	SUPPLY	\$139.47
LYLE'S LOCK SERVICE	SERVICE	\$60.00
	TOTAL FOR COURTHOUSE BUILDING FUND	\$199.47
	TOTAL PAID BETWEEN 11/18/22 AND 12/1/22	\$414,275.10

Break was taken 10:04 a.m. and the meeting reconvened at 10:12 a.m.

Public comment was heard. Sheriff Evans reported 10 males and 4 females are being held in the Fall River County Jail, with 2 males and 1 female in the Pennington County Jail, for a total of 17 inmates; further discussion was held on rates being raised at the Pennington County Jail in January. Additional comments were heard from Paul Nabholz, Kim Allen and Dusty Pence with continued concerns about the 2022 General Election. Allen also spoke of research that has been done involving Cannabis processing; she has concerns regarding taxes, water and pesticide use and the carbon footprint. Commissioner Falkenburg spoke of the government no longer being able to control weeds in the Big Horn area of Wyoming, which could affect our county in the future.

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

FALL RIVER COUNTY RESOLUTION #2022-53

A Plat of Lot 30 of Shep's Canyon Estates Subdivision, located in the NW1/4NE1/4 of Section 27, T8S, 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 1st day of December, 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 Cope, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-54

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

Formerly Lot 1C and Lot 1D

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 1st day of December, 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 #2022-55

A Plat of BR Tract Revised and Tract A Revised, located in the SE1/4SW1/4 of Section 27, T7S, R6E, BHM, Fall River County, South Dakota

Formerly BR Tract and Tract A

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 1st day of December, 2022.

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

ATTEST:

/s/Sue Ganje
Fall River County Auditor

Sue Ganje, Auditor, gave a report to the Board on the issue of the 3 precincts that had received 1 to 3 packets of Oglala Lakota County ballots that were mistakenly wrapped and marked as Fall River County ballots, along with their proper Fall River County ballots. The incorrect ballots were opened first in those precincts and they contacted our office. We then contacted precincts in both counties to make sure there were no other ballots that were in the incorrect county, which there were not. The Oglala Lakota County ballots that had been voted in Oelrichs were then considered spoiled ballots. The precinct sealed the ballot box and the Auditor's office staff transported it, along with the remaining incorrect ballots to secure in our vault. At that time, correct ballots and a new ballot box were delivered. The 10 original voters were contacted and asked to come back to the Oelrichs poll to vote on Fall River Ballots, 9 of which returned. Hot Springs #2 had 7 voters and Jackson had 9 voters that were given the incorrect ballots. They immediately located the bundles of correct ballots for use. Those Oglala Lakota County voted ballots remained in the ballot boxes. Going forward, the office is creating a 2-person verification system before the final seal is applied to wrapped ballots, and/or any other election items are sent to the polls. This will be for ballots, totes with precinct specific supplies and other items, as needed. The Oglala Lakota ballots ran thru the tabulator successfully with the Fall River Ballots, counting all the similar races on both county's ballots. ES&S (our ballot printing company) stated that both county ballots were coded Sequence 00001 and both were printed by style, so it did not differentiate between counties.

Ganje reported on a letter from Disability Rights of SD which noted concern on the doors handles and step at the polling place in Oelrichs. Discussion was held on ways to fix those items to increase accessibility to the Community Center. Commissioners Greenough and Cope spoke of the handicap entrance in the back. If that is not sufficient, the polling place could be moved to the new gym at the school.

Ganje also discussed that growth for pay 2023 was incorrect due to the current software conversion to a new vendor, and growth not being entered into the IBM system that converted the tax file to the auditor. Discussion was held on the county and entities that requested the maximum taxes allowable by the revised growth factor. Ganje will bring the item back to the next meeting.

Motion made by Allen, seconded by Greenough, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes and as per SDCL 1-25-2 (4) for negotiations at 10:49 a.m.

The meeting resumed at 1:18 p.m.

Motion made by Greenough, seconded by Allen, to approve \$1,500.00 in essential pay for all employees.

Motion made by Greenough, seconded by Russell, to adjourn at 1:20 p.m.

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

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