

## FALL RIVER COUNTY MINUTES OF JUNE 6, 2017

The Fall River Board of County Commissioners met in regular session on June 6, 2017. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz, Deb Russell and Sue Ganje, Auditor. Absent none.

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 BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Allen, seconded by Nabholz, to approve the agenda as written.

Motion made by Russell, seconded by Nabholz, to approve the minutes of June 6, 2017.

Motion made by Nabholz, seconded by Abbott, to approve the May 16, 2017 minutes with the correction to the wheel tax discussion, noting Nabholz advised 6,000 pounds, not tons, was needed to qualify for the grant funding.

Motion made by Russell, seconded by Nabholz to approve the county burial, CP 2017-06.

Motion made by Russell, seconded by Abbott to set the first meeting in July (due to the 4<sup>th</sup> of July being on the normal meeting day) for July 6, 2017.

Motion made by Nabholz, seconded by Abbott to deny CP 2017-07, due to no hospital notice being received by the County.

Motion made by Russell, seconded by Nabholz to set a date to tour the jail on June 20, 2017 at 8:30 a.m.

Motion made by Abbott, seconded by Russell to approve travel for officials to go to the Budget Training workshop in Pierre on June 28, 2017.

Motion made by Russell, seconded by Abbott to approve pay raises for Mardoqueo Harrington to \$11 per hour on May 15, then to \$13 per hour on May 21 (certified assessor); Nancy Whiting to \$11 per hour on May 21; Caitlin Turner to \$11 per hour on May 22; and Ashley Madrid to \$13.50 (retroactive pay) started December 21, 2016, then to \$14.56 as per union contract.

Motion made by Russell, seconded by Abbott, to approve the appointment of William (Willy) Marks to the Oral Fire District Board of Directors as per SDCL 34-31A-15.1.

Motion made by Russell, seconded by Abbott to approve paying the electric bill in the amount of \$309.00 for CP 2017-08, with the repayment of \$50 per month. With Nabholz voting no, all others voting yes, motion passes.

Susie Simkins, Director of Equalization, met with the board to present abatements. Motion made by Abbott, seconded by Russell to approve the abatement for Leona Brown, parcel #751400070002200, in the amount of \$226.95 for '16 pay '17 taxes; and, abatement for Richard M.

O'Dea, parcel #100000070401130, in the amount of \$66.05 for '16 pay '17 taxes. With Nabholz voting no, all others voting yes, motion carries.

Simkins requested flex time for reappraisal in Oglala Lakota County. Motion made by Allen, seconded by Nabholz to approve flex time (10-12 hour days) for the Appraisers and assistants from the Director of Equalization's office during the OL County reappraisal, approximately 14 days.

Simkins presented the final 2017 pay 2018 values, reductions for various tax relief programs and the 7-year re-assessment plan.

Frank Maynard, Emergency Management, met with the board to present several items. Motion made by Abbott, seconded by Russell to approve the County Rangeland Fire Protection agreement and authorize the chair to sign.

Motion made by Russell, seconded by Abbott, to approve Resolution 2017-16 as follows:

**Fall River County Resolution #2017-016**

WHEREAS, the Fall River County Commission is charged with protecting the health and safety of the citizens of Fall River County, including all property situated therein; and due to the potential extreme change in the fire index and couple with the limited fire resource available to respond to wildfire; and

WHEREAS, the potential for large wildfire exists based on fuels and past history of fires in Fall River County, and the need for additional resource has been essential; and

BE IT HEREBY RESOLVED, that the list of individuals set forth below, are hereby authorized to request rangeland fire assistance, on behalf of the County of Fall River as specified in SDCL 41-20A-11. The authority to request assistance as provided shall continue in full force and effect until terminated or modified by resolution of the County of Fall River Board of Commissioners.

County Fire Assistance Authorization List: Effective Date: June 6, 2017.

Joe Falkenburg	Chairman
Deb Russell	Vice Chairman
Joe Allen	Commissioner
Ann Abbott	Commissioner
Paul Nabholz	Commissioner
Bob Evans	Sheriff
Frank Maynard	Emergency Management

BE IT HEREBY RESOLVED, that Frank Maynard, Emergency Management is appointed County Fire Coordinator for the County of Fall River. The County Fire Coordinator is hereby authorized to act as a single point of contact, on behalf of the County of Fall River, in dealing with administrative matters such as burn bans, billings, or questions about this Rangeland Fire Agreement specific to the County. This authority shall continue in full force and effect until

terminated or modified by resolution of the County of Fall River Board of Commissioners.

Dated this 6<sup>th</sup> day of June 2017.

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

ATTEST:

/s/Sue Ganje, Fall River County Auditor

Maynard met to present costs of blankets and pillows for the Town of Oelrich's emergency shelter. He has checked with the state and this is an allowed reimbursable project. Motion made by Russell, seconded by Abbott, to order 24 blankets at \$7 and 24 pillows at \$2, with a 50% reimbursement from the State of SD Emergency Management. With Nabholz voting no, all others voting yes, motion carried.

Maynard presented a copy of the request sent for a Courthouse Security Grant. This was submitted after the Vulnerabilities and Security Assessment was completed on the courthouse. A request was made for a medical rescue unit to be mounted in the back of an UTV. Allen questioned the need for the equipment. Motion made by Russell, seconded by Abbott to approve purchase of a MEDLITE Transport medical transport unit in the amount of \$3,200 plus shipping and further authorize use of Title III funds, with the needed publications. May fires and incidents were reported to the board.

Motion made by Nabholz, seconded by Russell to approve the purchase of a PowerLite 1264 Wireless HD WXGA 3LCD Projector in the amount of \$649.99.

Dustin Ross, Andersen Engineers, presented two plats. Motion made by Nabholz, seconded by Abbott, to approve the plat for Cobblestone Mountain Estates Subdivision.

#### **FALL RIVER COUNTY RESOLUTION #2017-17**

#### **A Plat of Lots 42 and 45 of Cobblestone Mountain Estates Subdivision, located in the SE1/4SE1/4 of Section 2 and the SW1/4SW1/4 of Section 1 all in 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 6<sup>th</sup> day of June 2017.

/s/Joe Falkenburg  
Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje, Fall River County Auditor

Motion made by Russell, seconded by Allen to approve the plat for Sieg Tract #3.

**FALL RIVER COUNTY RESOLUTION #2017-18**

**A Plat of Sieg Tract #3 Revised and Sieg Tract Revised of Section 12, T7S, R5E, BHM, Fall River County, South Dakota, Containing All Sieg Tract #3 and Sieg Tract Located in Section 12**

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 6<sup>th</sup> day of June 2017.

ATTEST:

/s/Sue Ganje, Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

Lyle Jensen, Building Supervisor, met with the board to request hire approval to assist in the possible remodeling in part of the new building and janitorial work in county buildings. Motion made by Nabholz, seconded by Abbott to hire Carl Neisner, on a part time, temporary basis, effective immediately at \$12 per hour, as per union contract. With Allen voting no, all others voting yes, motion carries.

Motion made by Abbott, seconded by Nabholz to approve the Golden West Technology quote of \$1,668 for phones and internet at the Jensen Highway property.

Jensen also thanked the board for the county health insurance provided. A recent illness with a large cost still resulted in a low out of pocket cost and no lost wages.

Paul Nabholz, County Commissioner, requested a change to the wheel tax and explained the benefits to both county residents by a decrease in the wheel tax and to the county in qualifying for Bridge Improvement Grants (BIG) for bridges. Nabholz stated that what would be required is to drop the wheel tax on vehicles less than 6,000 pounds to \$1 rather than \$2, and increase wheel tax on vehicles 6,000 pounds and over to \$5 per wheel, with a \$20 cap per vehicle. Nabholz made a motion to approve the first reading of Ordinance 2017-1 on a revised wheel tax. Falkenburg stated that he likes the existing version of the wheel tax for the county and there are only two other bridges that qualify for the grant funds; both are already approved on the state system. Motion died for a lack of a second. Concerns were heard from the public about wanting to change the wheel tax to what Nabholz had stated and would like to hear more discussion and Commissioner's comments held on the topic, and for the motion to have a second to allow for discussion. Russell stated that she doesn't want to take the chance on it being referred and taken to a vote; this would make them eventually lose out on much needed funding. Russell did second Nabholz's original motion after much discussion. With Nabholz voting yes, all others voting no, motion failed.

Joe Allen presented information on a proposed excessive engine noise ordinance, including information such as noise decibel level, \$250 fine and sign locations Motion made by Allen, seconded by Russell to approve the first reading of the excessive engine noise ordinance. Concerns were heard from the audience against the noise ordinance and asked Allen to recuse himself because of conflict of interest. Allen did recuse himself, but noted he was not the one who initiated the ordinance. That made the original motion null and void. Russell stated that she didn't want to make a new motion; she no longer felt she could vote for the ordinance. No further motions were made.

Alan Solano and Kim McNemar from Behavior Management Systems met with the board to submit a budget request for 2018, and spoke of the benefits they provide to county residents.

Randy Seiler, Highway Department, presented fuel transfers to the board. Motion made by Russell, seconded by Nabholz to approve May 2017 fuel transfers to reimburse the highway department for fuel used or work performed as follows: Weed & Pest for \$440.48; Sheriff's Department for \$2,057.00; Emergency Management for \$66.92; and Director of Equalization \$71.41.

Motion made by Nabholz, seconded by Abbott to approve three (3) Golden West Telecommunications Right of Way applications: from Paradise Road from intersection with Old Hwy 18 to the terminus; from 18 Cutacross Road from intersection with Old HWY 18 to approximately 275 feet south of intersection with US Hwy 18; and from Old Hwy 18 from intersection with SD Hwy 18P north of Edgemont/Dewey to approximately 2.75 miles southwest of intersection with US Hwy 18.

Motion by Russell, seconded by Abbott, to approve Bridge Improvement Grant Program Resolution Authorizing Submission of Applications for Argentine Township as follows:

#### **FALL RIVER COUNTY RESOLUTION #2017-19**

##### **Bridge Improvement Grant Program Resolution Authorizing Submission of Applications**

WHEREAS, Fall River County wishes to submit an application/applications for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOACATION(S):

24-020-020 Located 1.1 miles S of Burdock, SD on Argentine Road over Beaver Creek

and WHEREAS, Fall River county certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan;

and WHEREAS, Fall River County agrees to pay that 20% match on the Bridge Improvement Grant Funds;

and WHEREAS, Fall River County hereby authorizes the Bridge Improvement Grant application(s) and any requited funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and herby is requested to accept the attached Bridge Improvement Grant application(s)

Dated this 6<sup>th</sup> day of June 2017.

ATTEST:

/s/Sue Ganje, Fall River County Auditor

/s/Joe Falkenburg

Fall River County Board of Commissioners

Seiler recommended closing Chilson Bridge as concrete pieces are falling from under the bridge onto the trail below. Brosz will contact Game, Fish and Parks to close the Mickelson Trail. Falkenburg asked Seiler to contact Game, Fish and Parks as well. Motion made by Russell, seconded by Allen to completely close Chilson Bridge on the inspection and recommendation of Brosz Engineers and the Highway Superintendent.

Seiler will be meeting with the State DOT on June 7, 2017. He will have the bridge closed today, June 6, 2017. Maynard and Evans would help Seiler get the word out about the bridge closing. Falkenburg complimented Seiler on the purchase of the Gravel Retriever as it is working great, and he thanked the board for approving the purchase.

Break was taken at 10:50 a.m. Meeting resumed at 10:59 a.m.

Hearing was held at 11:00 a.m. as advertised for the vacation of a street for Holland and Fees. Michael P. Ortner was representing the petitioners. Motion made by Nabholz, seconded by Allen to approve the resolution to vacate street for Holland and Fees.

### **Resolution 2017-15**

#### **Resolution and Order vacating certain street in Fall River County, South Dakota.**

Whereas, Bryan J. Holland (a.k.a. Brian J. Holland), Bonnie C. Holland and Kevin L. Fees and Irma J. Fees, heretofore presented to the Fall River County Commission, pursuant to SDCL 31-3-23, a petition for vacation of a street described as follows:

that part of Germond Avenue running East of Lot Two (2) of Block Five (5) and West of Lot One (1) of Block Twelve (12), in W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds, subject to any easements and right-of-way presently existing for public utility or drainage purposes.

Which petition made by the Owners of all the property adjoining both sides of the said street proposed to be vacated sets out that said street has not been constructed or used as a highway at any time during the past 100 years and which petition was verified by petitioners Bryan J. Holland (a.k.a. Brian J. Holland), Bonnie C. Holland and Kevin L. Fees and Irma J. Fees, and said street is less than one mile in total length and that the character and use of the plat is residential lots and that no public highway is part of the street to be vacated; AND

WHEREAS, the Fall River County Commission at a meeting of said Commission held May 16, 2017, deemed it expedient that said matter should be proceeded with, ordered said petition filed with the Auditor of said County, fixed a time for hearing on the petition at the regular meeting of the Commission on Tuesday, June 6, 2017, at 11:00 a.m. and directed that notice of said hearing be published once a week for two consecutive weeks in the Hot Springs Star, an official newspaper of said County; and

WHEREAS, due and legal notice of the hearing on said petition has been given and the Commission has investigated and considered the matter and it being established that the street to be vacated has not been constructed or used as a highway at any time during the last 100 years:

BE IT RESOLVED AND ORDERED by the Fall River County Commission, the street described as follows:

that part of Germond Avenue running East of Lot Two (2) of Block Five (5) and West of Lot One (1) of Block Twelve (12), in W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds, be, and the same hereby is vacated, reserving, however, any easement and right-of-way presently existing for public utility or drainage purposes and that the public interest will be better served by said vacation.

Such vacation to take effect after the 30<sup>th</sup> day after the second publication of this Resolution unless the action has been appealed according to law.

Dated at Hot Springs, Fall River County, South Dakota, this 6th day of June, 2017.

Approved:

/s/Joe Falkenburg, Chairman  
Fall River County Commission

/s/Sue Ganje, County Auditor

No public comment was heard at 11:02 a.m.

Jackie Waldner, County Health Nurse, met for her quarterly report. In June the new EWIC benefit cards will be used, replacing the previous vouchers (checks).

Pat Logue met with the board about blankets and cots for the Oelrich's emergency shelter, touching briefly on the time to get the quotes and approval.

The board discussed the reorganization of offices since the purchase of the Jensen highway property. Lyle Jensen, Building Supervisor noted that one of the bays would be used to build the secure evidence storage room needed by the Sheriff. Pennington County would like to return the items they are holding after the Turnquist murder trial. There was also discussion on the need to store the Turnquist car. Motion made by Russell, seconded by Abbott to move the County Nurse, Extension, and Weed and Pest, to the new south annex (old ambulance building on Jensen

Highway).

The following organizations – people met with the board to present their budget requests for 2018: Kehala Two Bulls, CASA; Amanda Allen, Edgemont YMCA; Gloria Bennett, Edgemont Senior Center; Georgejean Anthony Walker, Edgemont Senior Meals; Milton Berg, Hot Springs Senior Center; Amanda Allen, Director, Edgemont Library; Dawn Johnson, Hot Springs Library; Barb Cline, Prairie Hills Transit; Andrea Powers, SHEDCO and the Hydrothermal Project.

Sheriff Bob Evans met with the board to seek hire approval. Motion made by Russell, seconded by Allen to hire deputy sheriff Drew Lamoureux at \$14.50 per hour, effective June 5, 2017.

Motion made by Nabholz, seconded by Allen to adjourn the meeting at 12:17 p.m.

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

ATTEST:

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