

FALL RIVER COUNTY MINUTES OF NOVEMBER 7, 2017

The Fall River Board of County Commissioners met in regular session on November 7, 2017. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz, Deb Russell, and Sue Ganje, Auditor.

The Pledge of Allegiance was recited and the meeting was called to order at 9:00 a.m. by the Chairman.

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Russell, seconded by Abbott, to approve the agenda as written.

Motion made by Nabholz, seconded by Russell, to approve the minutes of October 17, 2017.

Motion made by Russell, seconded by Nabholz, to approve the indigent county burial, CP 2017-19, in the amount of \$1,900.00.

Motion made by Russell, seconded by Abbott to table another county burial application until they had more information.

Motion made by Nabholz, seconded by Russell to table the item addressing ten-hour days for the deputies until they could talk to the sheriff.

Motion made by Nabholz, seconded by Abbott, to amend the County Site Analysis Program (CSAP) Agreement and add Joe Allen, Commissioner and Andrea Powers, Director of the Southern Hills Economic Development Corporation (SHEDCO) as additional designees.

Motion made by Abbott, seconded by Nabholz, to set a hearing for supplements, contingency and cash transfers on November 21, 2017 at 9:50 a.m.

Motion made by Russell, seconded by Nabholz, to approve a pay raise for Darwyn Ulberg, from \$14.05 to \$15.05 for 2080 hours, effective 11/7/17, as per union contract.

Motion made by Russell, seconded by Abbott, to approve a pay raise for Stephen Yenulonis, from \$17.50 to \$18.56 for 4160 hours, effective 11/7/17, as per union contract.

Motion made by Russell, seconded by Nabholz, to approve a pay raise for Tiffany Brophy, from \$12.00 to \$12.50 for six months, effective 11/10/17, as per union contract.

Jackie Waldner, County Nurse, met with the board to present her quarterly report. Numbers of clients are not where they would like to see them at, but the new electronic card for food was working well. Waldner will get information to the Hot Springs Star on vaccines, and she noted her appreciation in moving her office to the S. Annex building.

Donna Behrens, Coroner, met with the board to discuss the possible sale of items that had been removed from an individual's home to recoup county lien expenses as the county paid the indigent rate for his burial. Brian Ahrendt, Deputy State's Attorney, was present and after discussion the board requested legal advice on the issue. Motion made by Nabholz, seconded by Abbott, to table discussion until the next meeting to allow the Deputy State's Attorney to research and return with an opinion for commissioners on indigent burials.

Sheriff Evans met with the board to tell them that he believed that all deputies had been approved for 10 hour days. Motion made by Russell, seconded by Allen that regardless of clean up all language from previous motions and authorize all deputies to work ten-hour days.

Frank Maynard, Emergency Management, met with the board, noting a new requirement on the SLA agreements that his time sheets needed to be signed by the chairman of the board, and noted that the PDM plan is good for two more years. He also advised that the disaster declaration has been denied for Fall River County because there is not enough crop loss reported as per federal guidelines. Maynard will keep working on the grass vs. crop loss issue.

Maynard stated that meetings will be held January 1, 2018 thru February of 2018 for Homeland Security grant requests. Tires were replaced on his vehicle. Maynard requested purchase of a trailer and Honda ATV tracks, as approved for 2017. Motion made by Russell, seconded by Abbott, to approve the Homeland Security Grant purchase of a 14X7 enclosed trailer for \$5,500.00 and Tracks to be put on the Honda Pioneer for \$4,999.00, with reimbursement from the State.

Maynard updated the board on DOT and landowner meeting for Highway 18 and will get a date and time for the next meeting. Maynard updated the board on the Safety Benefits workshop in Mitchell. Nabholz had questions on the lights on Battle Mountain, Maynard will check on this.

Lyle Jensen, Building Supervisor, and Stacey Martin, GIS, met with the board to present a request for rooms to be built in the building across the street. The Director of Equalization and GIS offices will be moved over there soon and individual rooms will allow for better work abilities and privacy when needed. The board reviewed the plan, and advised they will consider this request later in the meeting.

Jensen presented quotes to finish the meeting room at the South Annex. Motion made by Nabholz, seconded by Russell, to approve cabinets, electric work, outlets, etc. to complete the meeting room, in the amount \$1,048.92.

Falkenburg requested that Jensen work with Maynard on a meeting room policy and discussion was held on possible users of the meeting room and fees or deposits.

Jensen presented quotes on signs for the new building. Motion made by Abbott, seconded by Allen to approve the Mammoth Signs quote for the Veteran Service Office, Weed and Pest Office and a South Annex sign in the amount of \$1,184.00.

Paul Nabholz, Commissioner, initiated discussion on the possible purchase of Star Academy from the state for a minimum-security jail, noting available square footage and acreage, along with costs per square foot, as compared to other jail proposals. Nabholz spoke that if Pennington and other surrounding counties entered a compact, it could be an option, but also noted disinterest from

one Pennington County Commissioner. A mental health facility is also an option. Nabholz like the possibility of the Academy or a building at the State Home because the buildings could be purchased for 5% of new jail costs. No action was taken on this.

Nabholz also discussed attending the Black Hills Council of Local Government meeting in Rapid City with Deb Russell. Nabholz thinks that being a member of the BHCLG is a waste of tax payer dollars and they should drop their membership in it. The rest of the board felt it was a good organization and would like to continue the membership.

Nabholz talked about the Scenic Road Bridge. He had voted yes at the last meeting to remove the asphalt as per Brosz Engineering’s recommendation. Now they will have to grind asphalt off rather than remove it by using a loader. Nabholz now thinks that it may be opening the door to more expenses. Randy Seiler mentioned they could rent the state milling machine for approximately \$2,000. Discussion was held on when and how to resurface the bridge. Jim Nesti didn’t understand why the discussion kept coming up and believes the board should follow the recommendations of the engineers that they voted on at the last meeting.

Randy Seiler, Highway Superintendent, met with the board. Motion made by Abbott, seconded by Nabholz to approve the October 2017 fuel transfers to reimburse the highway department for fuel used or work performed as follows: Weed & Pest for \$205.58; Sheriff’s Department for \$2,404.70; Emergency Management for \$60.92; Director of Equalization \$137.24; Building for \$75.96, GIS for 35.41; and Dispatch for \$17.07.

Motion made by Russell, seconded by Abbott, to approve the application for road approach permit for Garret Weinreis on the west side of Horse Creek Loop, road #71F, approximately 200 yards south of the house that will serve as a business.

Seiler stated that the \$2,000 mentioned earlier for the state milling machine will go towards teeth to grind costs and they will close the bridge when grinding.

Seiler talked about the possibility of an approach permit on Hot Brook Road. He was headed there that afternoon to check it out. Falkenburg and Nabholz would go with Seiler.

Motion made by Abbott, Russell, to approve bills as follows:

GENERAL FUND

FIDELITY SEC. LIFE INS CO	EYE INSURANCE	\$121.33
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$731.65
BEESLEY LAW OFFICE	CAAF	\$4325.20
BLACK HILLS CHEMICAL	SUPPLY	\$430.94
BLACK HILLS ENERGY	COUNTY ASSITANCE/UTILITY POWER ELECTRIC	\$1,069.61
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
COLBATH, ANGELA M	A&N/CAAF	\$1,147.60
CREDIT COLLECTION BUREAU	COLLECTIONS	\$593.20
DAKOTA BUSINESS CENTER	SUPPLY	\$817.66
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,294.50

DEMERSSEMAN JENSEN	CAAF	\$319.60
EFTPS	PAYROLL TAXES	\$31,699.39
EDGEMONT HERALD TRIBUNE	PUBLICATION	\$676.56
EDGEMONT PUBLIC LIBRARY	2017 BUDGETED ALLOTMENT	\$3,500.00
EN-TECH LLC	FUMIGATION	\$325.00
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$140.00
DUDE SOLUTIONS	GIS SUPPORT	\$226.80
FALL RIVER CLINIC	INMATE MEDICAL	\$2,381.40
FARRELL,FARRELL &GINSBACH	CAAF	\$3,318.46
FINK, TERESA L.	COURT REPORTER	\$15.20
FR COUNTY TREASURER	FR TREASURER	\$36.65
GOFF, GARLAND LEE	MI/CAAF	\$3,779.60
GOLDEN WEST TECHNOLOGIES	JAIL CAMERA INSTALL	\$10,883.16
HARRINGTON, MARDOQUEO	TRAVEL REIMBURSEMENT	\$184.25
SIMKINS, SUSIE	TRAVEL REIMBURSEMENT	\$160.00
HEARTLAND REAL ESTATE	GARNISHMENT	\$100.00
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$555.00
HILLYARD/SIOUX FALLS	SUPPLY	\$343.85
HOT SPRINGS ACE HARDWARE	SUPPLIES	\$719.60
HOT SPRINGS AUTOMOTIVE	SUPPLY	\$11.16
HOT SPRINGS STAR	SIGNAGE	\$15.60
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$14,727.00
JOHNSON, KIMBERLY K	COURT REPORTER	\$119.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$250.00
LONE STAR HEATING & AIR	REPAIR/SUPPLY	\$232.60
LYNNS DAKOTA MART	SUPPLY	\$9.95
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$936.09
MANLOVE PSYCHIATRY GROUP	MI	\$168.39
MCLEODS OFFICE SUPPLY CO.	SUPPLY	\$278.15
MEDICAL WASTE TRANSPORT	UTILITY	\$147.20
NATIONWIDE RETIREMENT SOI	NATIONWIDE RETIREMENT	\$29.42
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTONS SINCLAIR	AUTO REPAIR	\$72.11
NORTON,TINA	CONTRACT NURSE INMATE	\$1,075.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$1,259.00
PENNINGTON COUNTY AUDITOR	MI HEARING	\$28.00
PENNINGTON COUNTY JAIL	INMATE HOUSING	\$3,675.00
US POSTAL SERVICE	POSTAGE	\$246.00
QUILL CORPORATION	OFFICE SUPPLIES	\$1,076.48
RAMKOTA HOTEL-PIERRE	HOTEL	\$930.00
RAPID CITY JOURNAL (THE)	ADVERTISING/PROCEEDINGS	\$263.06
SOUTH DAKOTA ST TREASURER	STATE TREASURER	\$93.53
SDACC	2018 SDACC DUES & NA	\$2,014.00
SDACO	2018 SDACO MEMBERSHIP	\$759.08

SDSU	SUPPLY	\$36.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$15,200.47
SERVALL	RUG/UNIFORM SERVICE	\$339.72
SKINNER, MATTHEW L. PC	CAAF/A&N	\$3,587.40
SD SUPPLEMENT RETIREMENT	SDRS SUP RETIREMENT	\$850.00
SPOT WRANGLERS	CONTRACT SERVICE	\$200.00
STEVENS, MIKAYLA	BLOOD DRAW	\$75.00
STEVENS PLUMBING	PART	\$11.46
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$38.00
VAN DIEST SUPPLY	SUPPLY	\$757.50
BEHRENS, DONNA	MILEAGE REIMBURSEMENT	\$18.48
	TOTAL FOR GENERAL FUND	\$120,523.82

COUNTY ROAD & BRIDGE

ADVANCED DRUG TESTING	RANDOM DRUG TESTING	\$26.00
FIDELITY SEC. LIFE INS CO	EYE INSURANCE	\$61.10
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$448.60
BLACK HILLS ENERGY	UTILITY POWER ELECTRIC	\$500.47
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$1,723.57
CROWLEY, GARY	UNIFORM ALLOWANCE	\$104.34
DAKOTA FLUID POWER INC	SUPPLY	\$66.69
DALE'S TIRE & RETREADING	TIRE PARTS/SUPPLY	\$2,043.31
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$444.95
SD DEPARTMENT OF REVENUE	SEVERENCE TAX OVERPA	\$18,739.80
EDDIES TRUCK SALES	REPAIRS/PARTS	\$32.61
EFTPS	PAYROLL TAXES	\$8,075.18
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$47.99
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$198.25
GRIMM'S PUMP SERVICE INC	SUPPLY	\$37.02
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$150.00
HILLS MATERIALS CO.	GRAVEL/ASPHALT	\$4,668.19
HOT SPRINGS ACE HARDWARE	SUPPLY	\$87.73
HOT SPRINGS AUTOMOTIVE	AUTO SUPPLY PARTS	\$884.97
RICOH USA INC	HWY DEPT COPIER LEAS	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$3,648.00
KIMBALL MIDWEST	SUPPLIES	\$306.88
LIUNA LABORERS LOCAL 620	UNION DUES	\$150.00
LYLE SIGNS	SIGNAGE	\$395.58
MG OIL	INVENTORY/SUPPLY	\$703.55
MIDCONTINENT TESTING	OIL ANALYSIS	\$402.00
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$73.53
NELSONS OIL & GAS INC.	FUEL	\$15,975.12
NORTONS SINCLAIR	AUTO REPAIR	\$53.08
RAPID CITY JOURNAL (THE)	ADVERTISING/PROCEEDINGS	\$193.00
RAPID DELIVERY	DELIVERY	\$117.87

SAFETY KLEEN	SUPPLIES	\$124.47
SD DEPT OF TRANSPORTATION	COST SHARE	\$3,107.01
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$4,031.10
	TOTAL FOR COUNTY ROAD & BRIDGE	\$67,696.96
911 SURCHARGE REIMB		
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$337.55
EFTPS	PAYROLL TAXES	\$4,434.64
FALL RIVER CLINIC	INMATE MEDICAL	\$161.00
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$1,973.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$50.00
MESSERLI & KRAMER	COLLECTIONS	\$117.24
CENTURY LINK	DISPATCH TRANSFER LICENSE	\$8.84
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$2,104.95
SIMUNEK, TRINA	UNIFORM REIMBURSEMENT	\$265.32
	TOTAL FOR 911 SURCHARGE REIMB	\$9,830.4
EMERGENCY MGT		
EFTPS	PAYROLL TAXES	\$1,567.74
PUDWILL, NORMAN	LEPC	\$60.00
RUSHMORE COMMUNICATIONS	EM RADIO	\$213.69
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$613.78
	TOTAL FOR EMERGENCY MGT	\$2,455.21
L.E.P.C. GRANT (FED/STATE GRANTS)		
BASTIAN, TRACY	PILOT/LEPC	\$100.00
	TOTAL FOR L.E.P.C. GRANT (FED/STATE GRANTS)	\$100.00
24/7 SOBRIETY FUND		
EFTPS	PAYROLL TAXES	\$116.86
GEN DIAGNOSTICS INC	DIAGNOSTIC SUPPLIES	\$2,076.50
	TOTAL FOR 24/7 SOBRIETY FUND	\$2,193.36
COURTHOUSE BUILDING FUND		
HAGEN	SUPPLY	\$135.00
HOT SPRINGS ACE HARDWARE	SUPPLIES	\$142.42
MENARDS	SUPPLY	\$533.18
SOUTHERN HILLS CARPET	FLOORING	\$1,851.42
	TOTAL COURTHOUSE BUILDING FUND	\$2,662.02
	TOTAL PAID BETWEEN 10/11/17 AND 10/17/17	\$205,461.80

Break was taken at 10:30 a.m. Meeting resumed at 10:37 a.m.

No public comment was heard.

John Taylor, Taylor Law Firm, along with Brison Ellinghaus of 174 Power Global, met for the hearing to vacate section line right of ways. Adjoining landowners Scott Phillips and Levi and

Jeff Collins were also present. Taylor presented information on the petition request, noting this was the final portion of the project. Nabholz questioned if Taylor had talked to State's Attorney Sword and if public access could be given around the perimeter of the property. Taylor noted 174 Power Global was leasing the property, and landowners would have to give permission on that. A short presentation was giving on solar plant development and other information. Russell called for the question. Motion made by Russell, seconded by Abbott to approve to vacation of the section line right a ways and resolution. With a roll call vote, and all voting yes, the resolution was approved as follows:

**RESOLUTION #2017-35
RESOLUTION TO VACATE HIGHWAYS**

WHEREAS, a public hearing was held on November 7, 2017, pursuant to the provisions of SDCL 31-3-6 and SDCL 31-3-7 to consider a petition to vacate highways; and

WHEREAS, said hearing was for the purpose of determining whether the public interest will be better served by such proposed vacation; and

WHEREAS, the Board finds that the proposed highways to be vacated are not part of the State Trunk or County Highway System, are not located within the corporate limits of any municipality and do not provide access to public lands; and

WHEREAS, the Board finds the public interest will be better served by such proposed vacation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Fall River County Board of Commissioners that the following described highways, are hereby declared vacated:

The 66-foot-wide section line highway of 119th Avenue, beginning at the northwest corner of the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Seven (7) South, Range Four (4) East of the Black Hills Meridian, then South along the section line, terminating at the southwest corner of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section Twenty (20), Township Seven (7) South, Range Four (4) East of the Black Hills Meridian, excluding the US Highway 18 right of way.

The 66-foot-wide section line highway of 274th Street, beginning at the northwest corner of the Northeast Quarter (NE ¼) of Section Nineteen (19), Township Seven (7) South, Range Four (4) East of the Black Hills Meridian, then East along the section line, terminating at the northeast corner of the Northwest Quarter (NW ¼) of Section Twenty (20), Township Seven (7) South, Range Four (4) East of the Black Hills Meridian, excluding the US Highway 18 right of way.

AND BE IT FURTHER RESOLVED, that this resolution be placed on file with the Fall River County Auditor, and recorded with the Fall River County Register of Deeds.

Dated this 7th day of November, 2017.

/s/ Joe Falkenburg
Joe Falkenburg, Chair

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

A hearing was held to vacate streets and alleys in Smithwick, with Lance Russell, Attorney and Ken Kindred were present to answer questions. Motion by Nabholz, seconded by Abbott to approve vacation of streets and alleys, and the following resolution:

FALL RIVER COUNTY RESOLUTION #2017-36

WHEREAS, Kenneth E. and Kathryn Kindred; Leona B. Fleming (aka Berline Fleming and nka Leona B Greenough) and Monty Fleming Estate; Jerry and Peggy Anderson; Mandy L. Fleming; Ronald J, Kari and Sue A Olofson have presented to the Fall River County Commission, pursuant to SDCL 31-3-6 and SDCL 11-3-21.1, a petition for vacation of alleys and streets located within T8S, R8E, BHM, Fall River County South Dakota described as follows:

The legal description of the first plat is: the annexed plat of Robins' Addition to Smithwick, located upon and comprises a portion of the SE1/4 of the SW1/4 of Section 31, T8S, R8E, BHM, which said plat was filed in the office of the Register of Deeds of Fall River County on the 30th day of April, 1910 at 1:00 p.m., and recorded in Book 2 of Plats, page 3.

The legal description of the second plat is: a plat of Outlots 1, 2, and 4 of McKirahan's Addition to Smithwick, located in SE1/4 of SW1/4, and the NE1/4 of the SW1/4, and Lot 3 all in Section 31, T8S, R8E, BHM, which said plat was filed in the office of the Register of Deeds of Fall River County on the 7th day of June, 1913 at 4:50 p.m., and recorded in Book II of Plats, page 34.

The legal description of the third plat is: the annexed plat of Hussong's Addition to Smithwick, located in SW1/4 of the SW1/4 of Section 31, T8S, R8E, BHM, which said plat was filed in the office of the Register of Deeds of Fall River County on the 21 day of January, 1915 at 9:30 a.m. and recorded in Book 2 of Plats, page 33.

The legal description of the fourth plat is: the annexed plat of Out Lots numbered from Five to Fifteen inclusive to Robins Addition to Smithwick, located upon and comprise a portion of the West Half of the Southwest Quarter, and the East Half of the Southwest Quarter, and Lot Three all in Section 31, T8S, R8E, BHM, which said plat was filed in the office of the Register of Deeds of Fall River County on the 14th day of April, 1916 in Book 2 of Plats, page 3.

The legal description of the fifth plat is: the annexed plat of Reaser's Addition to Smithwick, located upon and comprises a portion of the SE1/4 of the SW1/4 of Section 31, T8S, R8E, BHM, which said plat was filed in the office of the Register of Deeds of Fall River County on the 11th day of September, 1916, at 9:00 a.m., and recorded in Plat Book 2, on page 5 1/2.

The legal description of the sixth plat is: a plat of Outlots to Smithwick, located upon and comprise a portion of the West Half of the Southwest Quarter, and the East Half of the

Southwest Quarter, and Lot Three all in Section 31, T8S, R8E, BHM, which said plat was filed in the office of the Register of Deeds of Fall River County on the 25th day of June, 1946, at 4:00 p.m., and recorded in Book 5 of Plats, page 22.

WHEREAS, the following described streets and alleys are located within the above-described real estate:

All of the North-South street formerly known as Second Street from Smithwick Road (formerly known as US HWY 18 and Ridge Road) to Outlot 12 lying adjacent to Lots 10 & 11 of Block 1, Lots 10 & 11 of Block 2, Lots 10 & 11 of Block 5, Lot 10 of Block 6, and Outlot 13, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book II of Plats, page 3, and in Plat of Smithwick, in Book 5 of Plats, page 22.

All of North-South street formerly known as First Street (now known as (n.k.a.) Second Street) from Smithwick Road (formerly known as US HWY 18 and Ridge Road) to Outlot 12 lying adjacent to Lots 1 & 20 of Block 1, Lots 1 & 20 of Block 2, Lots 1 & 20 of Block 5, Lot 1 of Block 6, Lot 1 of Block 7, Lots 19 & 20 of Block 4, Lots 19 & 20 of Block 3, Outlots 14 & 15, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book II of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley north of Lots 1 thru 10 of Block 6, and adjacent to Outlot 12, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley North of Lots 1 thru 7 of Block 7, and adjacent to Outlot 12, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the North-South alley adjacent to Lot 7 of Block 7, and Lots 8 thru 11 of Block 7, and Outlots 5, 6, & 12 in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West street Tucker Avenue from Main Street (a.k.a. Sand Creek Road, n.k.a. Third Street) to Outlot 13, lying adjacent to Lots 1 thru 8 of Block 7, Lots 12 thru 19 of Block 4, Lots 1 thru 10 of Block 6, Lots 11 thru 20 of Block 5, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the North-South alley adjacent to Lots 1 thru 13 & Lot 26 of Block 4, and all of the East-West Alley in Block 4 adjacent to Lots 13 thru 26 of Block 4, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from

Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West street Lancaster Avenue to Outlot 13, adjacent to Lots 20 thru 24 of Block 4, Lots 15 thru 19 of Block 3, Lots 1 thru 10 of Block 5, Lots 11 thru 20 of Block 2, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book II of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 15 thru 24 of Block 3 in Plat of Robins' Addition to Smithwick, in Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 1 thru 20 of Block 2, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West street Reaser Avenue (a.k.a. First Street) to Outlot 13, adjacent to Outlot 15, and Part of Lot 20 of Block 3, Lots 1 thru 10 of Block 2, and Lots 11 thru 20 of Block 1, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 11 thru 13 and Lots 8 thru 10 of Block 1, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Outlot 14, Outlot 15 and Reasers Addn in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the North-South Main Street (n.k.a. Third Street) North and East of Sand Creek Road, adjacent to Block 1 in Plat of Hussongs Addition, and Outlots 4, 5, and 7, and Lots 8 thru 11 of Block 7, in Plat of in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of McKirahan's Addition to Smithwick, in Book II of Plats, page 34, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Hussongs Addition to Smithwick, Book 2 of Plats, page 33, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 1 thru 20 of Block 5, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

WHEREAS, said petitioners seek to have vacated, pursuant to the provisions of SDCL 31-3-6 and SDCL 11-3-21.1, the following described alleys and streets:

All of the North-South street formerly known as Second Street from Smithwick Road (formerly known as US HWY 18 and Ridge Road) to Outlot 12 lying adjacent to Lots 10 & 11 of Block 1, Lots 10 & 11 of Block 2, Lots 10 & 11 of Block 5, Lot 10 of Block 6, and Outlot 13, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Smithwick, in Book 5 of Plats, page 22. This street to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred.

All of North-South street formerly known as First Street (now known as (n.k.a.) Second Street) from Smithwick Road (formerly known as US HWY 18 and Ridge Road) to Outlot 12 lying adjacent to Lots 1 & 20 of Block 1, Lots 1 & 20 of Block 2, Lots 1 & 20 of Block 5, Lot 1 of Block 6, Lot 1 of Block 7, Lots 19 & 20 of Block 4, Lots 19 & 20 of Block 3, Outlots 14 & 15, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This street to be vacated is adjacent to land owned by Mandy L. Fleming, Monty and Berline Fleming, Jerry and Peggy Anderson and Kenneth E and Kathryn Kindred.

All of the East-West alley north of Lots 1 thru 10 of Block 6, and adjacent to Outlot 12, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book II of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Jerry and Peggy Anderson, and Kenneth E and Kathryn Kindred.

All of the East-West alley North of Lots 1 thru 7 of Block 7, and adjacent to Outlot 12, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Jerry and Peggy Anderson, and Kenneth E and Kathryn Kindred.

All of the North-South alley adjacent to Lot 7 of Block 7, and Lots 8 thru 11 of Block 7, and Outlots 5 & 6, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred.

All of the East-West street Tucker Avenue from Main Street (a.k.a. Sand Creek Road, n.k.a. Third Street) to Outlot 13, lying adjacent to Lots 1 thru 8 of Block 7, Lots 12 thru 19 of Block 4, Lots 1 thru 10 of Block 6, Lots 11 thru 20 of Block 5, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of

Outlots of Smithwick, in Book 5 of Plats, page 22. This avenue to be vacated is adjacent to land owned by Jerry and Peggy Anderson, and Kenneth E and Kathryn Kindred.

All of the North-South alley adjacent to Lots 1 thru 13 & Lot 26 of Block 4, and all of the East-West Alley in Block 4 adjacent to Lots 13 thru 26 of Block 4, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Jerry and Peggy Anderson, and Kenneth E and Kathryn Kindred.

All of the East-West street Lancaster Avenue to Outlot 13, adjacent to Lots 20 thru 24 of Block 4, Lots 15 thru 19 of Block 3, Lots 1 thru 10 of Block 5, Lots 11 thru 20 of Block 2, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This avenue to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred.

All of the East-West alley adjacent to Lots 15 thru 24 of Block 3, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred.

All of the East-West alley adjacent to Lots 1 thru 20 of Block 2, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred, Mandy L. Fleming, and Monty L Fleming and Leona B. Fleming Greenough.

All of the East-West street Reaser Avenue (a.k.a. First Street) to Outlot 13, adjacent to Outlot 15, and Part of Lot 20 of Block 3, Lots 1 thru 10 of Block 2, and Lots 11 thru 20 of Block 1, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This avenue to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred, Mandy L. Fleming, and Monty L Fleming and Leona B. Fleming Greenough.

All of the East-West alley adjacent to Lots 11 thru 13 and Lots 8 thru 10 of Block 1, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred.

All of the East-West alley adjacent to Outlot 14 and Reasers Addn & Outlot 15 and Reasers Addn, in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred, and Ronald J , Kari S and Sue A Olofson.

All of the North-South Main Street (n.k.a. Third Street) North and East of Sand Creek Road, adjacent to Block 1 in Plat of Hussongs Addition, and Outlots 4, 5, and 7, and Lots 8 thru 11 of Block 7, in Plat of in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of McKirahan's Addition to Smithwick, in Book II of Plats, page 34, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Hussongs Addition to Smithwick, Book 2 of Plats, page 33, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This street to be vacated is adjacent to land owned by Kenneth E and Kathryn Kindred.

All of the East-West alley adjacent to Lots 1 thru 20 of Block 5, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22. This alley to be vacated is adjacent to land owned by Jerry and Peggy Anderson, and Kenneth E and Kathryn Kindred.

WHEREAS, the petition certified that the petitioners represent all of the adjoining landowners of the above-described streets and alleys, and further certified that many of the streets to be vacated are of platted streets that are impassable, traverse water bodies, and/or dangerous for vehicular travel; petitioners further certified in said petition that many of the streets and alleys to be vacated have not been used in the past twenty-one years; and the petitioners assert that the vacation of the above-described streets and alleys is in the public interest and public safety; and

WHEREAS, the Fall River County Commission at a meeting of said Commission held October 17, 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, November 7, 2017, at 10:40 a.m. and directed that notice of said hearing be published one a week for two consecutive weeks in the Hot Springs Star and the Edgemont Herald Tribune, the official newspapers of Fall River County, South Dakota; 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 petition contains the required number of signatures of registered voters; that all the adjoining landowners of the petitioned streets and alleys to be vacated have signed the petition; that none of the portions of streets or alleys to be vacated exceed one mile in length; and that the public interest will be better served by the proposed vacations.

THEREFORE, BE IT RESOLVED AND ORDERED by the Fall River County Commission, that the streets and alleys described as follows:

All of the North-South street formerly known as Second Street from Smithwick Road (formerly known as US HWY 18 and Ridge Road) to Outlot 12 lying adjacent to Lots 10 & 11 of Block 1, Lots 10 & 11 of Block 2, Lots 10 & 11 of Block 5, Lot 10 of Block 6, and Outlot 13, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book II of Plats, page 3, and in Plat of Smithwick, in Book 5 of Plats, page 22.

All of North-South street formerly known as First Street (now known as (n.k.a.) Second Street) from Smithwick Road (formerly known as US HWY 18 and Ridge Road) to Outlot 12 lying adjacent to Lots 1 & 20 of Block 1, Lots 1 & 20 of Block 2, Lots 1 & 20 of Block 5, Lot 1 of Block 6, Lot 1 of Block 7, Lots 19 & 20 of Block 4, Lots 19 & 20 of Block 3,

Outlots 14 & 15, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book II of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley north of Lots 1 thru 10 of Block 6, and adjacent to Outlot 12, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley North of Lots 1 thru 7 of Block 7, and adjacent to Outlot 12, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the North-South alley adjacent to Lot 7 of Block 7, and Lots 8 thru 11 of Block 7, and Outlots 5, 6, & 12 in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West street Tucker Avenue from Main Street (a.k.a. Sand Creek Road, n.k.a. Third Street) to Outlot 13, lying adjacent to Lots 1 thru 8 of Block 7, Lots 12 thru 19 of Block 4, Lots 1 thru 10 of Block 6, Lots 11 thru 20 of Block 5, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the North-South alley adjacent to Lots 1 thru 13 & Lot 26 of Block 4, and all of the East-West Alley in Block 4 adjacent to Lots 13 thru 26 of Block 4, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West street Lancaster Avenue to Outlot 13, adjacent to Lots 20 thru 24 of Block 4, Lots 15 thru 19 of Block 3, Lots 1 thru 10 of Block 5, Lots 11 thru 20 of Block 2, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book II of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 15 thru 24 of Block 3 in Plat of Robins' Addition to Smithwick, in Book 2 of Plats, Page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 1 thru 20 of Block 2, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West street Reaser Avenue (a.k.a. First Street) to Outlot 13, adjacent to Outlot 15, and Part of Lot 20 of Block 3, Lots 1 thru 10 of Block 2, and Lots 11 thru 20 of Block 1, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 11 thru 13 and Lots 8 thru 10 of Block 1, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Outlot 14, Outlot 15 and Reasers Addn in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in the annexed plat of Reaser's Addition to Smithwick, Book 2 of Plats, page 5 1/2, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the North-South Main Street (n.k.a. Third Street) North and East of Sand Creek Road, adjacent to Block 1 in Plat of Hussongs Addition, and Outlots 4, 5, and 7, and Lots 8 thru 11 of Block 7, in Plat of in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of McKirahan's Addition to Smithwick, in Book II of Plats, page 34, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Hussongs Addition to Smithwick, Book 2 of Plats, page 33, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

All of the East-West alley adjacent to Lots 1 thru 20 of Block 5, in Plat of Robins' Addition to Smithwick, Book 2 of Plats, Page 3, and in Plat of Out Lots Numbered from Five to Fifteen Inclusive to Robins' Addition to Smithwick, Book 2 of Plats, page 3, and in Plat of Outlots of Smithwick, in Book 5 of Plats, page 22.

be, and the same hereby are 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 vacations.

Such vacations to take effect after the 30th 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 7th day of November, 2017.

APPROVED:
/s/Joe Falkenburg, Chairman
Fall River County Commission

ATTEST
/s/Sue Ganje, County Auditor

Motion made by Russell, seconded by Nabholz to enter executive session for personnel purposes at 11:21 a.m. as per SDCL 1-25-2 (2).

The board came out of executive session at 11:40 a.m.

Discussion was held about possibilities with the old veteran's service office, but nothing would be finalized until the next meeting.

Motion made by Nabholz, seconded by Allen, to remove Stacey Martin's plans for DOE and GIS off the table.

Motion made by Nabholz, seconded by Allen, to allow Lyle Jensen and crew to fix the building for DOE and GIS as previous quoted by Stacey Martin.

Motion made by Russell, seconded by Abbott to adjourn the meeting at 11:45 a.m.

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

ATTEST:

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