

FALL RIVER COUNTY MINUTES OF JANUARY 3, 2018

The Fall River Board of County Commissioners met in special session on January 3, 2018 at the South Annex. Present: Joe Allen, Joe Falkenburg, Paul Nabholz and Sue Ganje, Auditor. Absent: Ann Abbott and Deb Russell.

The Pledge of Allegiance was stated and the meeting called to order at 2:00 p.m.

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

Attending the meeting from the South Dakota DOT were Laurie Schultz, Administration Program Manager, and Doug Kinniburgh, Local Government Assistance. Rich Zacher, SD DOT, Area Engineer in Custer and Ross Eberle, Brosz Engineering, were also present.

Schultz started the discussion on how to proceed with the Chilson Bridge. The road is currently closed due to pieces of the bridge falling on to the Mickelson Trail below the bridge. On a project like this, normal DOT policy is that if an alternate route is to be used, it is the county's responsibility to acquire the right of way. On this project, the state is willing to change their policy.

Schultz stated that a new bridge is not a good use of taxpayer's dollars as a bridge requires perpetual maintenance, but the DOT would be willing to discuss an at grade crossing. Kinniburgh stated that the federal highway system also wants an at grade crossing. The goal is to determine how to make that a viable option.

Falkenburg stated that at one point in the Chilson bridge history, the board had approved an at grade crossing, and attempted to negotiate the purchase of the needed land. At that time, the verbal offers were refused. State's Attorney Sword has advised that the county should not take right of way by eminent domain. Russell joined the meeting at 2:07 pm.

Kinniburgh advised that with a revised agreement, the DOT could do the appraisals and negotiating for the right of way for an at grade crossing, and an amendment to the work order for Brosz Engineering would be initiated. If condemnation is needed, that would be the responsibility of the county. Schultz also noted that the DOT could participate at 80% in these costs, as the cost of an at grade crossing, appraisals and negotiations for right of ways would still be less expensive than replacement of a bridge. Nabholz wondered if at the state level an old plat from 1924 on the highway route could be found; they didn't believe they had it.

Falkenburg asked what the progress is on the Provo to Igloo road project. Kinniburgh stated that the ROW office was doing additional investigation to determine the ownership of the bridges, noting the possibility that the county may not own the smaller bridge. They have determined that the bridge over the railroad track was paid for by the state (9 sections) and CORPS of Engineers (2 sections). Kinniburgh noted that since Brosz Engineering is still working on plans, they will have a better idea on costs when they are done.

Comments from the public were accepted, with Cindy Brunson saying there is a lack of maintenance on the Igloo bridge, plus weight restrictions and a lack of an alternate route for medical

issues. Susan Henderson requested an estimate on the two projects. When these two projects started, estimates were at \$1.1 million for the Chilson Bridge and \$800,000 for the Provo to Igloo road. Kinniburgh reiterated that when right of way negotiations were complete on the Igloo to Provo bypass road, they would move forward. Schultz also noted that the removal of the bridges may not be as expensive as the county thinks. Falkenburg asked to please get the Chilson Bridge done.

Schultz stated that they will have information for the county's February 6, 2018 meeting. That will include an amended agreement between the State DOT and County for the Chilson Bridge, a list of available consultants for right of way negotiations and an amended work order for Brosz Engineering.

Motion made by Russell, seconded by Nabholz, to adjourn at 3:03 p.m.

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

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