

## **FALL RIVER COUNTY UNAPPROVED MINUTES OF JANUARY 18, 2024**

The Fall River Board of County Commissioners met in regular session on January 18, 2024. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

The Pledge of Allegiance was given, and the meeting was 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 on Facebook, on the Fall River County's website.

Motion made by Russell, seconded by Allen, to approve the agenda as with the addition of consideration of purchase of a new laptop computer for Commissioner meeting video feed and to move the No Maintenance Road hearing time to 10:00 a.m. as published in the newspaper and move items that were on the agenda later up to fill the 9:30 a.m. time.

Motion made by Russell, seconded by Allen, to approve the meeting minutes from December 28, 2023 and January 4, 2024.

Motion made by Russell, seconded by Allen, to approve the Auditor's Account with the Treasurer for December 2023.

Motion made by Russell, seconded by Greenough, to approve hiring Morgan Erickson, Director of Equalization Administrative Assistant, effective January 22, 2024 at \$15.00/hr.

Motion made by Russell, seconded by Allen to approve the Abatement request for tax reduction program for Ebun Adelona Trust, parcel #200000080503202 in the amount of \$2,228.38. The application was received after the deadline but is still eligible.

Motion made by Cope, seconded by Russell, to approve and authorize the Chairman to sign the 2024 Combined Election Agreement.

Motion made by Allen, seconded by Greenough, to approve the pay increase for Amber Tschacher from \$15.50/hr to \$16.25/hr effective 01/17/2024 as per Union Contract.

There were no County assistance/death expense applications.

Lyle Norton, Sheriff met with the Board to provide updates and the jail census of 6 male and 2 female, for a total of 8 inmates in house.

Motion made by Russell, seconded by Allen, to approve paying \$2,415.00 for the 2024-2025 Idemia LiveScan Fingerprint Machine Printer Maintenance and Support.

Motion made by Greenough, seconded by Russell, to approve hiring Shelley Harris, Uncertified Dispatcher, effective 01/08/2024 at \$19.25/hr.

Motion made by Greenough, seconded by Russell, to approve the purchase of 8 Lifepak CR2 Defibrillator lithium batteries and replacement pads from Stryker in the amount of \$1,289.20.

Frank Maynard, Emergency Manager, met with the Board.

Motion made by Russell, seconded by Allen, to approve and authorize the Chairman to sign the LEMPG 1<sup>st</sup> Quarter Single Signature form.

Motion made by Greenough, seconded by Cope, to approve the list of volunteers that may be utilized during events within Fall River County to be covered under the County's Workman's Comp insurance as follows: Tracy Bastian, Kevin Fees, Les Madsen, Phil Knapp, Ed Jensen, Lyle Jensen, Tim Hammel, Marc Lamphere, Jan Speirs, Sally Park Hageman, Loren Seegrist, Bob Beninati, Willard Rome, Richard Ball and Hot Springs Radio Club members. The list is not all-inclusive and may be expanded during an actual event. If individuals are needed, a sign-in sheet will be provided to allow coverage under the County Workman's Compensation Insurance.

Motion made by Greenough, seconded by Russell, to approve Fall River County Resolution #2024-04 as follows:

**Fall River County  
RESOLUTION #2024-04**

WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and

WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20A-11; and

WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Fall River County can designate a person (s) with authority to request assistance under this law;

NOW THEREFORE BE IT RESOLVED, that the Fall River County Commissioners hereby designate the following person (s) with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

Franklin W. Maynard  
EMERGENCY MANAGEMENT DIRECTOR  
605 890-7245 (CELL) or 605 745-7562 (OFFICE)

Lyle Norton  
FALL RIVER COUNTY SHERIFF  
605 890-1931 (CELL) or 605 745-4444 (OFFICE)

Joe Falkenberg  
COMMISSIONER  
307 259-2583 (CELL) or 605 459-2608 (HOME)

Deb Russell  
COMMISSIONER  
605 890-9796 (CELL) or 605 424-2135 (HOME)

Joe Allen  
COMMISSIONER  
605 745-1890 (HOME)

Heath Greenough

COMMISSIONER  
605 890-9488 (CELL)

Les Cope  
COMMISSIONER  
605 441-4960 (CELL) or 605 535-6910 (HOME)

Dated this 18<sup>th</sup> day of January, 2024

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

ATTEST:

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

Maynard then informed the Board that the 2024 Homeland Security Grant applications are still open for non-profits until February 15<sup>th</sup>. He also noted that the SDPA Pipeline Training will be held on February 5, 2024 at 5:30 p.m. at the Catholic Church in Hot Springs and Commissioners are welcome to attend. He reported on a Black Hills Energy power outage that occurred for 7 hours on January 13<sup>th</sup> that commissioned a combined effort from Custer County, Fall River County and Black Hills Energy to coordinate assistance to individuals that needed support for life-sustaining equipment. Commissioner Falkenburg inquired about getting a special blanket that can be put on fires that involve electric cars, Maynard will look into it. Gary Baker, Assistant Emergency Manager then reported on the ICS 300 training that he attended in Rapid City. Fires and incidents were reported.

Randy Seiler, Highway Superintendent, met with the Board.

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution 2024-05 as follows:

**FALL RIVER COUNTY RESOLUTION #2024-05**

**WHEREAS**, the Fall River County Board of Commissioners did adopt the following 2024 ANNUAL LOAD RESTRICTIONS:

Fall River County will impose load limits as follows in coordination with the State Highway's Annual Load Restrictions:

All oil roads will be posted at 7 ton and 40 mph, with the exception of County Road 6N aka as Look Out Road to be posted at 10 ton. These are seasonal Spring Load Limits and the restrictions will take effect when the signs are in place.

**NOW THEREFORE BE IT RESOLVED**, this resolution was approved and passed on this 18<sup>th</sup> day of January, 2024.

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

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

After discussion regarding the request for an approach permit for Donna Lee, no motion was made so the request was denied. It was also noted that no more approach permits will be issued for Smithwick Road.

Motion made by Allen, seconded by Russell, to approve the travel request for Randy Seiler to attend the 2024 Short Course in Deadwood at The Lodge March 19-21, 2024 at a cost of \$100.00 plus lodging.

Joe Allen, Commissioner, presented a proposal from the American Legion to request a small portion of land on the hill by the Fall River County Museum be donated to erect a large pole for an American Garrison flag. After discussion regarding agreement possibilities, all were agreeable to consider an official proposal in the future.

Lance Russell, State's Attorney, met with the Board.

Motion made by Cope, seconded by Russell to authorize the State's Attorney to begin the eviction process on Laura Sedlacek at the physical address of 406 6<sup>th</sup> Ave, Edgemont, SD/legal description of the N50' of Lots 1, 2 & 3, Block 9, Stewart's Addition to Edgemont, Fall River County, South Dakota, which is owned by Fall River County. With Falkenburg abstaining, all others voting yes, motion carried.

The Board would like discretion to be used as to the time of year and weather conditions for the actual eviction.

Melody Engebretson, Register of Deeds, met with the Board.

Motion made by Russell, seconded by Allen, to appoint Amber Tschacher as Deputy Register of Deeds, with an increase of \$.35/hr as per Union Contract, effective immediately.

A discussion was held regarding the letter from KD Contractors, Inc. that included a letter from SD DANR to licensed mine operators about the proposed legislation amending SDCL Chapter 45-6, Sand, Gravel, and Construction Aggregate Mining

Motion made by Greenough, seconded by Cope, to approve writing a letter to the SD DANR opposing the proposed legislation amendment.

State's Attorney Russell came back to the Board to request that they approve opposing a rule from the SEC that would affect the BLM lands.

Motion made by Greenough, seconded by Allen, to approve Fall River County Resolution 2024-16 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION NUMBER 2024-16**

WHEREAS, on October 4, 2023, the U.S. Securities and Exchange Commission ("SEC") published in the Federal Register a public notice entitled: "Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change to Amend the NYSE Listed Company Manual To Adopt Listing Standards for Natural Asset Companies" (NAC)(Proposed Rule); and

WHEREAS, The proposed rule allows for federal lands, including national parks and other publicly owned lands, to be included in private investment portfolios; and

WHEREAS, The proposed rule appears to allow NACs to have management authority over assets held in the portfolio, including our public lands; and

WHEREAS, The proposed rule appears to create a new incentive for non-government corporate control over our publicly shared lands; and

WHEREAS, The proposed rule will likely facilitate a preservationist-only approach to federal land management instead of an “all-of-the-above” working lands approach as intended by the creation of our federal land laws and programs; and

WHEREAS, The proposed rule appears to allow foreign investment in these uniquely U.S. assets, creating national security threats; and

WHEREAS, The proposed rule prioritizes conservation over the multiple-use approach on our federal lands in tandem with financial incentives for corporate management; and

WHEREAS, The proposed rule is most likely intended to serve as the funding mechanism for the BLM’s recent proposed rule: “Conservation and Landscape Health” that authorizes the granting of “conservation leases” for public land; and

WHEREAS, The BLM rule states that “once the BLM has issued a conservation lease, the BLM shall not authorize any other uses of the leased lands that are inconsistent with the authorized conservation use” thereby prohibiting productive economic uses like grazing, logging or mining; and

WHEREAS, The BLM rule restrictions on productive economic uses are contrary to FLPMA’s multiple use and sustained yield provisions; and

WHEREAS, The proposed rule provides a device that entities can facilitate the funding to pay for leases that have little or no economic value; and

WHEREAS, The proposed rule is designed to implement BLM’s violation of its Organic Act, the Federal Land Policy and Management Act (FLPMA); and

WHEREAS, The SEC was created to regulate markets by preventing fraudulent and manipulative practices, just like this ponzi scheme, in order to prevent stock market crashes.

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the proposed rule should not be adopted as it is extremely dangerous and violates federal law.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the SEC review the Securities Exchange Act of 1934, as an “agency must point to clear congressional authorization for the power it claims.” West Virginia v. EPA, 142 S. Ct. 2587, 2609 (2022).  
Moved, passed and adopted this 18th day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

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

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

<b>GENERAL FUND</b>		
ASSN OF SD COUNTY W&P BDS	SUPPLY	\$137.50
CURA HOSPITALITY	INMATE MEALS	\$11,046.51
BLACK HILLS CHEMICAL	SUPPLY	\$1,041.63
BILBRUCK, TYLER	BLD DRW	\$225.00
CAMERON, GEORGE	COURT REPORTER	\$186.20
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$313.23
CENTURY BUSINESS LEASING	COPIER LEASE & METER	\$686.83
CHEYENNE SANITATION	SANITATION COLLECTIO	\$376.73
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DEAN SCHAEFER	COURT REPORTER	\$42.00
ELEVATUS ARCHITECTURE	JUSTICE STUDY	\$300.00
EN-TECH LLC	FUMIGATION	\$125.00
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$69.25
FALL RIVER COUNTY HERALD	PUBLICATION	\$767.96
GALLS	SUPPLY	\$195.79
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$6,466.65
GOLDEN WEST	PHONE BILL/INTERNET/	\$2,251.35
CITY OF HOT SPRINGS	CITY WATER BILL	\$670.23
HUSTEAD LAW OFFICE, P.C.	CAAF/MI	\$3,179.55
LEWIS & CLARK BEHAVIORAL	QMHP	\$213.00
LINCOLN COUNTY TREASURER	QMHP/MI	\$64.20
MARCO	COPIER LEASE	\$163.14
MARTY'S TIRE & AUTO BODY	REPAIR/SERVICE	\$920.00
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MCLEODS OFFICE SUPPLY CO.	SUPPLY	\$297.90
MEDICAL WASTE TRANSPORT	MEDICAL WASTE	\$189.30
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$140.00
NELSONS OIL & GAS INC.	UTILITY	\$36.00
QUADIENT FINANCE USA, INC	POSTAGE	\$3,171.98
OECHSLE, KEN	REIMBURSEMENT	\$42.47
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNI	\$665.00
PENNINGTON COUNTY JAIL	TRANSPORT	\$316.68
QUILL CORPORATION	SUPPLIES	\$715.96
RUSSELL, LANCE	TRAVEL REIMBURSEMENT	\$14.00
SOUTHERN HILLS ECONOMIC	2024 BUDGET ALLOTMEN	\$10,000.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$1,015.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$60.00
SD SHERIFF'S ASSOCIATION	SD SHERIFF ASSOCIATI	\$709.19
SERVALL	RUGS AND MATS SERVIC	\$388.15
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$1,725.00
SONNY'S SUPER FOODS	SUPPLY	\$28.47
STEVENS, MIKAYLA	BLOOD DRAW	\$825.00
WEED & PEST CONFERENCE	2024 WEED & PEST CON	\$550.00
THOMSON REUTERS	SUBSCRIPTION	\$155.40

MILES, SASHA	BLOOD DRAW	\$150.00
SMITH, TALEN	LOST CHECK REIMBURSE	\$19.58
BLACK HILLS TOWERS	LOST CHECK REIMBURSE	\$102.50
	<b>TOTAL FOR GENERAL FUND</b>	<b>\$51,017.83</b>
<b>COUNTY ROAD &amp; BRIDGE</b>		
A & B WELDING SUPPLY CO.	SUPPLY	\$102.83
CHEYENNE SANITATION	SANITATION COLLECTIO	\$79.00
CITY OF EDMONT	CITY OF EDMONT WAT	\$87.40
FLOYD'S TRUCK CENTER	REPAIR/PARTS	\$113.01
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$49.65
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.25
GOLDEN WEST	PHONE BILL/INTERNET/	\$256.71
HILLYARD/SIOUX FALLS	SUPPLY	\$73.16
CITY OF HOT SPRINGS	CITY WATER BILL	\$32.29
US POSTAL SERVICE	HWY POST OFFICE BOX	\$186.00
RAPID DELIVERY	SHIPPING	\$19.50
SAFETY-KLEEN SYSTEMS, INC	SUPPLY	\$554.03
	<b>TOTAL FOR COUNTY ROAD &amp; BRIDGE FUND</b>	<b>\$1,561.83</b>
<b>911 SURCHARGE REIMBURSEMENT</b>		
CENTURY BUSINESS LEASING	COPIER LEASE & METER	\$77.23
FALL RIVER HEALTH	PRE-EMPLOYMENT HEALTH	\$65.00
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$16.50
GOLDEN WEST	PHONE BILL/INTERNET/	\$820.72
RAPID CITY MEDICAL CENTER	PRE-EMPLOYMENT HEALT	\$172.00
	<b>TOTAL FOR 911 SURCHARGE REIMBURSEMENT FUND</b>	<b>\$1,151.45</b>
<b>EMERGENCY MANAGEMENT</b>		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$16.50
GOLDEN WEST	PHONE BILL/INTERNET/	\$158.00
MARCO	COPIER LEASE	\$81.56
QUADIENT FINANCE USA, INC	POSTAGE	\$0.63
BAKER, GARY	TRAVEL REIMBURSEMENT	\$19.99
	<b>TOTAL FOR EMERGENCY MANAGEMENT</b>	<b>\$276.68</b>
<b>24/7 SOBRIETY FUND</b>		
SD DEPARTMENT OF HEALTH	24/7 LABS	\$100.00
	<b>TOTAL FOR 24/7 SOBRIETY FUND</b>	<b>\$100.00</b>
<b>M &amp; P RELIEF</b>		
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$75.00
	<b>TOTAL FOR M &amp; P RELIEF FUND</b>	<b>\$75.00</b>
<b>COURTHOUSE BUILDING FUND</b>		
CHRISTENSEN ELECTRIC, LLC	REPAIR&MAINTENANCE	\$142.80
CONSOLIDATED ELECTRICAL	SUPPLIES	\$109.62
RUSHMORE COMMUNICATIONS	LABOR	\$1,322.50

WILSON ELECTRIC	INSTALLATION	\$1,375.18
	<b>TOTAL FOR COURTHOUSE BUILDING FUND</b>	<b>\$2,950.10</b>
<b>24/7 PARTICIPATION FEE</b>		
SD ATTORNEY GENERAL	STATE PBT DISBURSEME	\$47.00
SD ATTORNEY GENERAL	SCRAM DISBURSEMENT	\$65.00
	<b>TOTAL FOR 24/7 PARTICIPATION FEE FUND</b>	<b>\$112.00</b>
	<b>TOTAL FOR BILLS PAID BETWEEN 01/05 &amp; 01/18/2024</b>	<b>\$57,244.89</b>

Break was taken at 9:43 a.m. The meeting resumed at 9:50 a.m.

Public comment was heard from Patrick Schubert Sr informing the Board that he is still circulating a First Amendment petition to have Senator Julie Frye-Mueller's rights be reinstated.

The No Maintenance Road hearing regarding roads in the NW area of the County was held at 10:00 a.m.

Motion made by Russell, seconded by Greenough, to approve Fall River County Resolution #2024-06 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-06**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the unnamed secondary highway on the section line between sections four (4) and five (5) in Township Eight (8) South, Range One (1) East of the Black Hills Meridian starting at the intersection from Moss Agate Road north for a distance of one mile to the Township Boundary is designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the United States Forest Service is hereby respectfully requested to add said unnamed road to the Buffalo Gap National Grassland Travel Management Map, as SDCL 31-12-50 requires that said unnamed highway shall remain open to public access.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:



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

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution #2024-07 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-07**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the unnamed road on the section line between sections twenty-three (23) and twenty-six (26) in Township Eight (8) South, Range Two (2) East of the Black Hills Meridian starting at the intersection from Dewey Road (County Highway 6463) west for a distance of one-half (1/2) mile to the end of the road is designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

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

Motion made by Russell, seconded by Cope, to approve Fall River County Resolution #2024-08 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-08**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that a portion of Highland Road (County Road 71B) in Township Eight (8) South, Range Four (4) East of the Black Hills Meridian starting at where Highland Road leaves the section line in Section thirty-six (36) continuing northwest for a distance of one-half (½) miles to the section line between Section thirty-five (35) and thirty-six (36) in said Township and Range is

designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:

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

Motin made by Russell, seconded by Allen, to approve Fall River County Resolution #2024-09 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-09**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that Tall Grass Road in Township Nine (9) South, Range Three (3) East of the Black Hills Meridian starting at the intersection with Plumb Creek Road (County Road 6S) east for a distance of one (1) mile along the section line between Section twenty-seven (27) and Section thirty-four (34) to the end of the road in said Township and Range is designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:

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

Motion made by Russell, seconded by Greenough, to approve Fall River County Resolution #2024-10 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-10**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary

highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that Tall Grass Road in Township Nine (9) South, Range Three (3) East of the Black Hills Meridian starting at the intersection with Plumb Creek Road (County Road 6S) west for a distance of one-half ( $\frac{1}{2}$ ) mile along the section line between Section Twenty-Eight (28) and Section thirty-three (33) to the end of the road in said Township and Range is designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:

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

Motion made by Russell, seconded by Cope, to approve Fall River County Resolution #2024-11 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-11**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that Wild Sage Road in Township Seven (7) South, Range Three (3) East of the Black Hills Meridian starting at the intersection with South Dakota Highway 89 west for a distance of one-half ( $\frac{1}{2}$ ) mile along the section line between Section thirteen (13) and Section twenty-four (24) to the end of the road in said Township and Range is designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman

ATTEST:

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

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution #2024-12 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-12**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the a portion of Moss Agate Road (County Road 9A) in Township Eight (8) South, Range One (1) East of the Black Hills Meridian starting at the Wyoming Border east for a distance of four and one-half (4 ½) miles to the center of Section 11 in said Township and Range is designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:

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

Motion made by Allen, seconded by Greenough, to approve Fall River County Resolution #2024-13 as follows:

**FALL RIVER COUNTY COMMISSION RESOLUTION #2024-13**

WHEREAS, SDCL 31-12-48 allows the Fall River County Board of Commissioners to designate secondary highways as no maintenance after conducting a hearing noticed by publication pursuant to SDCL 31-12-48; and

WHEREAS, the Board of Commissioners finds that the notice required by SDCL 31-12-48 has been completed by publication in the Fall River County Herald Star; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used less than occasionally or intermittently for passenger and commercial travel pursuant to SDCL 31-12-46; and

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the portion of Coal Creek Road (County Road 8S) in Township Nine (9) South, Range Two (2) East of the Black Hills Meridian starting

at the northeast corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Twenty-One (21) south for a distance of one and a quarter (1 1/4) miles and then west for a distance of one-half (1/2) mile to the end of the road in said Township and Range is designated no maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-49 as soon as practicable on said highway.

Moved, passed and adopted this 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:

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

Motion made by Greenough, seconded by Cope to leave a portion of Rocky Ford Road (County Road 11S) in Township Nine (9) South, Range Five (5) East and Township Nine (9) South, Range Four (4) East of the Black Hills Meridian starting at the intersection of Highland Road then meandering south and west across the Cheyenne River for an approximate distance of two and one-half (2 ½) miles, then south on the section line between Section Eleven (11) and Section Twelve (12) for an approximate distance of three-quarters (3/4) of a mile, then west for approximately three-eighths (3/8) of a mile on the section line between Section Eleven (11) and Section Fourteen (14) in said Township and Range. It will be brought back to the Minimum Maintenance Road Hearing.

A brief presentation regarding what will be on the Minimum Maintenance Road Hearing was reviewed.

A discussion took place regarding the configuration/reconstruction of the current jail or proposed Justice Center. Presiding Judge Pfeifle spoke about security issues and staff and public safety. He informed the Board that the Unified Judicial System has put together a committee to address some of these issues and advised that the State of SD has authorized grant funding to help with some of these concerns. He urged the County to watch for and apply for these grants. He feels that the best option would be to move forward with new construction so that we can start fresh with up-to-date safety measures, etc. in mind, instead of trying to retrofit the current aging facilities. Kent Hanson, Chief US Probation/Pretrial Service Officer (retired), met with the Board to offer some insight into the Federal Court System. Federal detainees are no higher risk, no greater danger, and not much different than the detainees that Fall River County Jail has had over the years. Court currently has a lot of congestion, defendants and witnesses have to intermingle with the public due to the configuration of the buildings. John Runner, US Marshall's Service met with the Board to report on the need for more space to house inmates in Western South Dakota and to answer questions from the Commissioners and the public. Contracts between the US Marshall's Service and the counties are in 3-year increments. He said that any inmate requiring medical treatment, etc. would be paid for by the US Marshall, the only requirement is submitting paperwork from a medical provider for the need. There would not be the same costs to the County as with County detainees. The County would provide housing to include feeding; any special provisions are paid for by the US Marshall. They would also prefer to house prisoners at more of closer proximity to where they have court and not have to defer to out-of-state facilities. Rachel Hosterman, Sheriff's Department Office Manager provided a slide show of an overview regarding questions that have been raised. Cory Miller, President of Elevatus Architecture then came in front of the Board to answer questions. He stated that

projects are a work in progress, things change. They work with those changes as things move forward. The Board also heard questions and comments from various audience members.

Break was taken at 12:13 p.m. The meeting resumed at 12:20 p.m.

Andersen Engineers met with the Board for approval of 2 plats.

Motion made by Allen, seconded by Cope to approve the following plat:

**FALL RIVER COUNTY RESOLUTION #2024-14**

**VHHP TRACT AND ACKERMAN TRACT, LOCATED IN THE S1/2 OF GOVERNMENT LOT 6 OF SECTION 6, T7S, R6E, 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 18<sup>th</sup> day of January, 2024.

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

ATTEST:

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

Motion made by Allen, seconded by Cope, to approve the following plat:

**FALL RIVER COUNTY RESOLUTION #2024-15**

**TRACT NW, LOCATED IN THE SW1/4NW1/4 OF SECTION 23, AND TRACT TW, LOCATED IN SE1/4NE1/4 OF SECTION 22 AND SW1/4NW1/4 OF SECTION 23, ALL IN T7S, R5E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA  
FORMERLY TRACT D SW1/4NW1/4 (LESS LOT H1) AND TRACT D SE1/4NE1/4 (LESS LOT H1)**

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 18<sup>th</sup> day of January, 2024.

/S/ Joe Falkenburg

Joe Falkenburg, Chairman

Fall River County Board of Commissioners

ATTEST:

/S/ Sue Ganje

Sue Ganje, Auditor

Fall River County Auditor

Erin McGluphy, 4-H Youth Program Advisor, met with the Board to provide her quarterly report, including programming opportunities, and to request mobile hotspot and service.

Motion made by Russell, seconded by Allen, to approve ordering a mobile hot spot and subscribe to the service in the amount of approximately \$40.00/mo.

Joe Falkenburg, Chairman declared the meeting adjourned at 12:24 p.m.

/s/ Joe Falkenburg

Joe Falkenburg, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje, Auditor

Sue Ganje, Auditor

Fall River County