

FALL RIVER COUNTY UNAPPROVED MINUTES OF MARCH 7, 2024

The Fall River Board of County Commissioners met in regular session on March 7, 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 Allen seconded by Russell, to approve the agenda as written.

Motion made by Russell, seconded by Allen, to approve the meeting minutes from February 15, 2024.

Motion made by Allen, seconded by Russell, to set the Minimum Maintenance Road hearing for the SE area of Fall River County at 9:30 a.m. on March 21, 2024

Motion made by Greenough, seconded by Cope, to set 2024 Property Tax Appeal hearings for the afternoon of April 18, 2024 and, if needed, at 9:00 a.m. on April 19, 2024.

Motion made by Russell, seconded by Allen, to surplus the following items to junk: Hoover Fold away Vacuum, asset tag #1515; computer monitor, asset tag #02093; 3 backup batteries, asset tag #'s 02024, 02025 & 02027; office chairs (black, 2 maroon, blue and silver) asset tag #'s 01959, 1039, 1031, 1306, and 1748.

There were no County Assistance applications.

Lyle Norton, Sheriff, met with the Board. He reported the jail census, 13 males and 4 females for a total of 17 in house with 1 female in Pennington County. Norton reported that there was a good turnout for the Justice Center Townhall Meeting at the Mueller Center. Discussion regarding the proposed Justice Center and meeting occurred at this time.

Frank Maynard, Emergency Manager, met with the Board to provide updates.

Joe Allen, Commissioner, met with the Board to provide his updates on the Justice Center/Jail plans that he has been working on.

The No Maintenance Road Hearing took place as advertised with Randy Seiler, Highway Superintendent, presenting each resolution.

Motion made by Russell, seconded by Cope, to approve Fall River County Resolution #2024-23 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-23

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 Jordal Road (County Road 79H) in Township Ten (10) South, Range Six (6) East of the Black Hills Meridian starting at the intersection with Old Highway 79 (County Road 79) then west for a distance of one (1) mile along the section line between Section One (1) and Section Twelve (12) 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.

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 7th day of March, 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 #2024-24 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-24

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 Lonewell Road (County Road 79D) in Township Ten (10) South, Range Six (6) East of the Black Hills Meridian starting at the intersection with Old Highway 79 (County Road 79) then west for at distance of one and one half (1 ½) miles along the section line between Section Twelve (12) and Section Thirteen (13) and Section Eleven (11) and Section (14) 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.

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.

By roll call, with Greenough and Cope voting no, all others voting yes, moved, passed and adopted this 7th day of March, 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 #2024-25 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-25

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 Stagecoach Road in Township Ten (10) South, Range Six (6) East of the Black Hills Meridian starting at the intersection with Lonewell Rd (County Road 79D) then south two (2) miles on the section line between Section Thirteen (13) and Section Fourteen (14) and Section Twenty-Three (23) and Section Twenty-Four (24) to the intersection with Antelope Lane (County Road 4A) 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.

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.

With Greenough and Allen voting no, all others voting yes, moved, passed and adopted this 7th day of March, 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 Allen, to approve Fall River County Resolution #2024-26 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-26

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 Antelope Road (County Road 4A) in Township Ten (10) South, Range Six (6) and Township Ten (10) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with Stagecoach Road then east two (2) miles along the section line between Section Twenty-Four (24) and Section Twenty-Five (25) of Township Ten (10) South, Range Six (6) East and Section Nineteen (19) and Section Thirty (30) of Township Ten (10) South, Range Seven (7) East 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 7th day of March, 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 approve Fall River County Resolution #2024-27 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-27

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 Shabram Road (County Road 4B) in Township Ten (10) South, Range Seven (7) East of the Black Hills Meridian starting from the intersection with Hard Scrabble Rd (County Road 4S) then west one (1) mile along the section line between Section Seventeen (17) and Section Twenty (20)) 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.

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 7th day of March, 2024.

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

ATTEST:

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

Motion made by Cope, seconded by Greenough, to approve Fall River County Resolution #2024-28 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-28

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 Sagebrush Road (County Road 79J) in Township Ten (10) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with US Highway 385 then south approximately two and three-fourths (2 $\frac{3}{4}$) miles along section line between Sections Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Twenty-Three (23), and Twenty-Four (24) to intersection with Antelope Rd (County Road 4A) 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.

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 7th day of March, 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 #2024-29 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-29

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 Milligan Road (County Road 79E) in Township Ten (10) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with US Highway 385 then west along the section line between Section Thirteen (13) and Section Twenty-four (24) and Section Fourteen (14) and Section Twenty-three (23) for a distance of one and one half (1 ½) miles 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.

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 7th day of March, 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 Russell, to approve Fall River County Resolution #2024-30 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-30

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 Milligan Road (County Road 79E) in Township Ten (10) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with South Butte Road (County Road 2K) then east one half (1/2) mile on the section line between Section Seventeen (17) and Section Twenty (20) 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.

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 7th day of March, 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 Allen, to approve Fall River County Resolution #2024-31 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-31

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 Limestone Road (County Road 2K) in Township Ten (10) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with South Butte Road (County Road 2K) then east one half (1/2) mile on the section line between Section Twenty (20) and Section Twenty-nine (29) 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.

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 7th day of March, 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 Russell, to approve Fall River County Resolution #2024-32 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-32

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 South Butte Road (County Road 2K) in Township Ten (10) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with Limestone Road the south one (1) mile along the section line between Section Twenty-nine (29) and Section Thirty (30) 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.

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 7th day of March, 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 to deny Fall River County Resolution #2024-33 and move it to the Minimum Maintenance Road hearing, motion died due to the lack of a second.

Lora A Waeckerle, Attorney for Calvin and Tracy Romey, spoke in opposition of Fall River County Resolution #2024-33 for her clients.

Motion made by Cope, seconded by Allen, to approve Fall River County Resolution #2024-33 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-33

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 South Beef Creek Road (County Road 4D) in Township Eleven (11) South, Range Seven (7) East of the Black Hills Meridian starting at the

intersection with Hard Scrabble Road (County Road 4S) then west along the section line between Section Eight (8) and Section Seventeen (17) for a distance of one 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.

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.

By roll call, with Greenough voting no, all others voting yes, moved, passed and adopted this 7th day of March, 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 #2024-34 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-34

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 Wilcox Road (County Road 385D) in Township Eleven (11) South, Range Eight (8) East of the Black Hills Meridian starting at a point one quarter (1/4) mile east of the intersection with US Highway 385 then east about one and one quarter (1 1/4) mile east along the section line between Section Seven (7) and Section Eighteen (18) and Section Eight (8) and Section (17) 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.

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.

By roll call, with Greenough voting no, all others voting yes, moved, passed and adopted this 7th day of March, 2024.

/S/ Joe Falkenburg
Joe Falkenburg, Chairman

Fall River County Commissioners

ATTEST:

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

Motion made by Cope, seconded by Russell, to approve Fall River County Resolution #2024-35 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-35

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 Unnamed Road (County Road 3A) in Township Eleven (11) South, Range Nine (9) East of the Black Hills Meridian starting at the intersection with Chardon Road (County Road 3S) then meandering northwest through Section Sixteen(16) for a distance of about one (1) mile to the western section line of said Section 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.

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 7th day of March, 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 #2024-36 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-36

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 Hill Crest Road (County Road 5H) in Township Eleven (11) South, Range Seven (7) East & Twelve (12) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with East Ardmore Road (County Road 5) then south along the section line between Section Thirty-one (31) and Section Thirty-two (32) of Township Eleven (11) South and Section Five (5) and Section (6) of Township Twelve (12) South for a distance of approximately one and one quarter (1 ¼) 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.

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 7th day of March, 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 Russell, to approve Fall River County Resolution #2024-37 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-37

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 Harmony Road (County Road 5I) in Township Eleven (11) South, Range Seven (7) East & Twelve (12) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with East Ardmore Road (County Road 5) then southwest approximately one-tenth (1/10) mile to the section line, then south along the section line between Section Thirty-three (33) and Section Thirty-four (34) of Township Eleven (11) South then meandering southwesterly through Section Four (4) of Township Twelve (12) South to a point near the center of the northwest quarter of the southeast quarter (NW1/4SE1/4) of said section. The total distance of the described road being approximately 2 miles 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 7th day of March, 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 Fall River County Resolution #2024-38 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-38

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 Unnamed Road in Township Twelve (12) South, Range Six (6) East of the Black Hills Meridian starting at the intersection with Black Banks Road (County Road 20S) then west along the section line between Section Twelve (12) and Section Thirteen (13) for a distance of about one quarter (1/4) 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.

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 7th day of March, 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 Fall River County Resolution #2024-39 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-39

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 Unnamed Road (County Road 385C) in Township Twelve (12) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with US Highway 385 then west along the section line between Section One (1) and Section Twelve (12) for a distance of approximately eight hundred (800) feet 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.

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.

With Cope voting no, all others voting yes, moved, passed and adopted this 7th day of March, 2024.

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

ATTEST:

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

After the No Maintenance Road hearing, Joe Allen, Commissioner, continued with his report. He stated that the large propane tank could be relocated and that the previous springs under the north parking lot were no longer a concern for building purposes.

The hearing for Vacation of Public Right-of-Way in South Shore Yacht Club Estates Subdivision took place as advertised.

Motion made by Allen, seconded by Cope to approve the proposed Vacation. After some public input and discussion, Allen and Cope retracted their motion.

Motion made by Allen, seconded by Russell to move the Vacation of Public Right-of-Way in South Shore Yacht Club Estates Subdivision to the next meeting. Cole J Romey, Attorney for the petitioner, was asked to bring more descriptive maps of the area back to the next meeting for more clarification.

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

GENERAL FUND		
ACTION MECHANICAL INC	MAINTENANCE/REPAIR	\$1,945.63
BAUERKEMPERS INC	REPAIR/MAINTENANCE	\$169.13
BLACK HILLS CHEMICAL	1692/264032 TOWELS &	\$1,349.93
BQ & ASSOCIATES,P.C.,LLO	GARNISHMENT	\$284.13
BILBRUCK, TYLER	BLOOD DRAW	\$375.00

BLACK HILLS ENERGY	UTILITY POWER ELECTR	\$3,483.63
BOMGAARS	SUPPLY	\$46.97
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$623.14
CENTURY BUSINESS LEASING	COPIER LEASE AND USA	\$850.72
CHADRON MOTOR CO. INC,	REPAIR/MAINTENACE	\$594.86
COLBATH & SPERLICH, PC	JUV	\$1,908.00
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$447.00
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,893.94
EDGEMONT, CITY OF	2024 BUDGET ALLOTMEN	\$3,000.00
ELEVATUS ARCHITECTURE	JUSTICE STUDY	\$144.00
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$7,779.80
FALL RIVER COUNTY HERALD	PUBLICATION	\$50.00
FARMAKES, JASMIN	JURY TRIAL TESTIMONY	\$1,200.00
SCHMIDT, STACY	TRAVEL REIMBURSEMENT	\$60.00
GLASS PRO +	REPAIR	\$388.69
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$6,841.37
GOLDEN WEST	PHONE BILL/INTERNET/	\$3,244.59
GOLDEN WEST	PHONE BILL/ INTERNET	\$3,225.78
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$630.00
HOLIDAY INN	ACCOMMODATIONS	\$367.96
HOPE COUNSELING CENTER	QMHP/MI	\$300.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$134.59
CITY OF HOT SPRINGS	CITY WATER BILL	\$639.68
CITY OF HOT SPRINGS	2ND QTR FIRE SPRINKL	\$24.00
HUSTEAD LAW OFFICE, P.C.	CAAF/MI	\$2,990.32
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$30,719.50
JUENGER LAW FIRM LLC	CAAF	\$1,648.20
KULM, ARICA	MILEAGE REIMBURSEMEN	\$403.92
LIGHTING MAINTENANCE CO.	SUPPLY	\$63.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$43.11
MARCO	COPIER LEASE S.ANNEX	\$163.14
MARTY'S TIRE & AUTO BODY	SERVICE	\$170.00
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MAVERICK TIRE & AUTO	REPAIR/MAINTENACE	\$3,177.61
MCLEODS OFFICE SUPPLY CO.	SUPPLIES	\$149.90
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$140.00
QUADIANT FINANCE USA, INC	POSTAGE	\$1,115.75
NICHOLAS TOWING	SERVICE	\$175.00
NORTON,TINA	CONTRACT NURSE INMAT	\$1,325.00
O'NEILL, JUSTIN	CAAF	\$1,877.04
ONSITE FIRST AID, LLC	FIRST AID SUPPLIES	\$53.63
QUALIFIED PRESORT SERVICE	MAILING	\$4,320.44
RAMKOTA HOTEL-PIERRE	HOTEL	\$114.00
SDACC	CATASTROPHIC LEGAL 1	\$584.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$2,075.00

SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$216.40
SDSU EXTENSION	4-H ADVISOR SALARY	\$42,000.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$26,025.54
SERVALL	RUG SERVICE	\$426.22
OGLALA LAKOTA COUNTY	CREDITS/OVERPAYMENTS	\$13.86
SKINNER, MATTHEW L. PC	CAAF/MAG	\$5,831.05
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$2,800.00
SOUTHERN HILLS LAW PLLC	CAAF	\$7,889.23
SD DEPT OF PUBLIC SAFETY	1ST HALF TELETYPE SE	\$3,340.00
STEVENS AUTOMOTIVE	SERVICE	\$126.08
STEVENS AUTOMOTIVE	SERVICE	\$88.89
STEVENS, MIKAYLA	BLOOD DRAW	\$375.00
VANGUARD APPRAISALS INC	SERVICE	\$87.50
VERIZON WIRELESS	CELL PHONE PLAN	\$844.11
THOMSON REUTERS	SUBSCRIPTION	\$155.40
FEES, IRMA	BLOOD DRAW	\$75.00
MILES, SASHA	BLOOD DRAW	\$75.00
TWO BEAR, JOSEPH PATRICK	SERVICE	\$273.74
COMMISSIONERS	FEBRUARY SALARIES	\$4,350.00
AUDITOR'S OFFICE	FEBRUARY SALARIES	\$21,156.66
TREASURER'S OFFICE	FEBRUARY SALARIES	\$19,691.58
STATE'S ATTORNEY'S OFFICE	FEBRUARY SALARIES	\$17,319.54
MAINTENANCE DEPARTMENT	FEBRUARY SALARIES	\$11,758.46
DOE OFFICE	FEBRUARY SALARIES	\$18,743.76
REGISTER OF DEEDS OFFICE	FEBRUARY SALARIES	\$13,254.96
VET SERVICE OFFICE	FEBRUARY SALARIES	\$4,626.70
GIS DEPARTMENT	FEBRUARY SALARIES	\$4,623.49
NURSE	FEBRUARY SALARIES	\$2,744.97
EXTENSION	FEBRUARY SALARIES	\$2,816.00
WEED & PEST	FEBRUARY SALARIES	\$4,870.66
SHERIFF DEPARTMENT	FEBRUARY SALARIES	\$53,842.31
JAIL	FEBRUARY SALARIES	\$35,367.85
CORONER	FEBRUARY SALARIES	\$350.00
	TOTAL FOR GENERAL FUND	\$400,506.06
COUNTY ROAD & BRIDGE		
A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEA	\$37.51
ADVANCED DRUG TESTING	RANDOM EMPLOYEE DRUG	\$31.20
BLACK HILLS ELECTRIC	UTILITIES SMITHWICK	\$96.62
BLACK HILLS ENERGY	UTILITY POWER ELECTR	\$956.70
BOMGAARS	SUPPLY	\$366.02
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$3,010.09
CITY OF EDGEMONT	CITY OF EDGEMONT WAT	\$87.40
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$579.70
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$5,824.47
EDGEMONT, CITY OF	HWY DEPT WATER	\$87.40

FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$170.25
FALL RIVER HEALTH	URINE DRUG SCREEN CO	\$159.00
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$22.95
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.25
GOLDEN WEST	PHONE BILL/INTERNET/	\$301.16
GRIMM'S PUMP SERVICE INC	PART	\$64.71
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$150.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$76.92
CITY OF HOT SPRINGS	CITY WATER BILL	\$25.51
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$6,224.00
MG OIL	INVENTORY/SUPPLY	\$2,830.30
MCDANIEL	REPAIR/MAINTENANCE	\$4,360.73
NELSONS OIL & GAS INC.	FUEL	\$22,244.65
ONSITE FIRST AID, LLC	FIRST AID SUPPLIES	\$601.15
POMP'S TIRE SERVICE INC.	PARTS	\$4,205.96
RELIANCE STANDARD LIFE	VISION PLAN	\$177.44
RAPID DELIVERY	DELIVERY	\$75.40
SAFETY-KLEEN SYSTEMS, INC	PARTS WASHER LEASE	\$151.47
SD DEPT OF TRANSPORTATION	STATE COST SHARE ROA	\$413.02
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$6,134.70
SEILER, RANDY	CELLPHONE REIMBURSEM	\$75.00
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$69.91
TEAM LABORATORY CHEMICAL	SUPPLY	\$1,039.00
CRBR ADMIN	FEBRUARY SALARIES	\$10,012.22
CRBR ADM	FEBRUARY SALARIES	\$41,110.53
	TOTAL FOR COUNTY ROAD & BRIDGE	\$111,781.34
911 SURCHARGE REIMBURSEMENT		
CENTURY BUSINESS LEASING	COPIER LEASE AND USA	\$98.15
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$372.44
GOLDEN WEST	PHONE BILL/INTERNET/	\$678.98
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$75.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$2,661.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$54.00
RELIANCE STANDARD LIFE	VISION PLAN	\$22.44
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$3,277.88
VERIZON WIRELESS	CELL PHONE PLAN	\$41.93
DISPATCH	FEBRUARY SALARIES	\$27,315.64
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$34,900.32
EMERGENCY MANAGEMENT		
BAUERKEMPERS INC	REPAIR/MAINTENANCE	\$238.22
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$16.50
GOLDEN WEST	PHONE BILL/INTERNET/	\$271.59

MARCO	COPIER LEASE S.ANNEX	\$81.56
NASASP	2024 ASSOCIATION DUE	\$39.00
QUADIENT FINANCE USA, INC	POSTAGE	\$0.63
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$922.42
VERIZON WIRELESS	CELL PHONE PLAN	\$125.79
EMERGENCY MANAGEMENT	FEBRUARY SALARIES	\$7,686.89
	TOTAL FOR EMERGENCY MANAGEMENT	\$9,382.60
DOMESTIC ABUSE FUND		
W.E.A.V.E.	2024 BUDGET ALLOTMEN	\$7,000.00
	TOTAL FOR DOMESTIC ABUSE FUND	\$7,000.00
24/7 SOBRIETY FUND		
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$50.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$50.00
	TOTAL FOR BILLS PD BETWEEN 02-16 & 03-08-2024	\$563,620.32

Break was taken at 10:20 a.m. The meeting resumed at 10:28 a.m.

Randy Seiler, Hwy Superintendent, met with the Board. An update was given that they are still graveling roads.

Motion made by Russell, seconded by Allen, to approve the Approach Permit for Omar McClure, located approximately 3.1 miles from Hwy 385 on Argyle Road.

The Board presented Seiler with a plaque, thanking him for his nearly 24 years of service with Fall River County.

Public comment was heard. Paul Nabholz, County resident, had presented the Board a cost analysis that he had prepared and asked if there were any questions on it. He then presented a letter of opposition to building a Justice Center from another County resident. Kim Allen, County resident, informed the Board that she, as well as others, are circulating petitions to repeal Medical Marijuana in South Dakota. She also reported about some Legislative activities in South Dakota and talked regarding elections. Tammy McKenzie, County resident, reiterated what Kim Allen had reported. Rachel Hosterman, Sheriff's Office Manager, spoke regarding the different opinions expressed about the proposed Jail/Justice Center. She suggests that all parties need to remain civil and work together. Pat Baumann, Custer County resident, then spoke in agreement with Kim Allen and Tammy McKenzie regarding election integrity. Lance Russell, State's Attorney, reminded and thanked the Board for being judicious. He also reported that BNSF employees are concerned that there may be 30-40% lay-off happening April 1, 2024. Amber Hulse, County resident thanked the Board for voting to hand count ballots in the Primary Election. Tom Conger, County resident, spoke in agreement of appointing a board or committee and staying well within the open meetings laws to protect the County.

Jeff Janis, Surveyor for Longbranch Civil Engineering, Inc. met with the Board to present 2 plats.

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

FALL RIVER COUNTY RESOLUTION #2024-40

PLAT OF LOT 5R AND LOT 6R OF BLOCK 1, WATER'S EDGE SUBDIVISION (FORMERLY LOT 5 AND LOT 6 OF WATER'S EDGE SUBDIVISION) LOCATED IN THE NW ¼ OF THE NE ¼ SECTION 30, T8S, 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 7th day of March, 2024.

/S/ 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 Greenough to approve the following plat:
FALL RIVER COUNTY RESOLUTION #2024-41

PLAT OF TRACT A AND TRACT B OF LAKE HILLS WEST OF ANGOSTURA RANCH TRACT (FORMERLY LAKE HILLS WEST OF ANGOSTURA RANCH TRACT) LOCATED IN THE E ½ OF SECTION 25, T8S, R5E, AND IN THE W ½ OF SECTION 30, T8S, R6E, AND IN GOVERNMENT LOT 4 OF SECTION 19, T8S, R6E, B.H.M., 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 7th day of March, 2024.

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

ATTEST:

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

The Commissioners discussed the vacancy on Provo Area Water System Board. They asked Sue Ganje, Auditor, to work with the existing Board to bring a nomination forward at the next Commissioner meeting. The Board also wanted to clarify that, in compliance with the Help America Vote Act, the County will be using Express Vote machines at each polling location to provide a voting device equipped to allow voters with disabilities the means to vote independently and privately.

Joe Falkenburg, Commissioner, presented a resolution.

Motion made by Allen, seconded by Cope, to approve and authorize the Chairman to sign the following resolution:

FALL RIVER COUNTY RESOLUTION #2024-42

RESOLUTION IN OPPOSITION TO A MERCHANT CODE TO TRACK GUN AND AMMO SALES IN THE US

WHEREAS: The second amendment to the United States constitution guarantees the people the right to keep and bear arms.

WHEREAS: In September 2022, the world's three largest payment card networks publicly announced they would assign a unique merchant category code to firearms retailers accepting payment cards for purchases, after twenty-eight members of Congress sent a public letter to networks, pressuring them to adopt the new code. This would enable credit card companies to track, surveil and record lawful activities by customers;

WHEREAS: There is no federal or state law authorizing financial institutions to surveil and track lawful activities by customers in cooperation with law enforcement;

WHEREAS: The creation and maintenance of records of purchase of firearms or ammunition or the tracking of sales made by a retailer of firearms or ammunition by a nongovernmental entity, including a credit card processor, without a substantial and historical business need or a requirement imposed by law, may frustrate the right to keep and bear arms and violate the reasonable privacy rights of lawful purchasers of firearms or ammunition;

THEREFORE BE IT RESOLVED: It is the intent of the Fall River County Commission to strongly encourage the Legislators of South Dakota to prohibit the misuse of payment card processing system to surveil, report or otherwise discourage constitutionally protected firearm and ammunition purchase and sales within this state.

Dated this 7th day of March, 2024.

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

ATTEST:

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

Dan Cullen, Veteran Service Officer, met with the Board to present the 2023 4th Quarter/End of the

Year Report.

Nina Steinmetz, Weed and Pest Supervisor, met with the Board to present a report on the State Weed and Pest Conference in Spearfish and to present a general review of 2023 Weed and Pest Department's activities.

Motion made by Russell, seconded by Greenough, to enter into executive session at 11:30 a.m. as per SDCL 1-25-2 (1) personnel, (3) legal.

The Board was declared out of executive session at 11:37 a.m. The board then took a break for lunch.

The meeting resumed at 1:25 p.m. Motion by Russell, seconded by Cope to enter into executive for personnel. The board came out of executive session at 1:53 p.m.

Commission Chairman Falkenburg declared the meeting adjourned at 1:55 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

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF FALL RIVER COUNTY COMMISSIONERS:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 29th day of February 2024.

Total Amount of Deposit in First Interstate Bank, HS:	\$	1,406,709.39
Total Amount of Cash:	\$	1,198.50
Total Amount of Treasurer's Change Fund:	\$	900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	18,385.18

SAVINGS:

#4) First Interstate Bank, HS:	\$	1,276,948.44
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CERTIFICATES OF DEPOSIT:

#8) Black Hills Federal Credit Union, HS:	\$	250,000.00
#14) Schwab Treasury:	\$	176,342.27
#15) First National Bank, Lead:	\$	324,874.62
#21) Schwab Treasury 2 Yr:	\$	273,960.31
#22) Schwab Treasury 2 Yr:	\$	991,424.22
#23) Schwab Treasury 2 Yr:	\$	992,968.75
#24) Schwab Treasury 2 Yr:	\$	2,102,632.81
#25) Schwab Treasury 3 Yr:	\$	1,952,500.00
#26) Schwab Treasury 4 Yr:	\$	1,036,979.53
#27) Schwab Treasury 2 Yr:	\$	989,149.22

Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:


Register of Deeds Change Fund:	\$	500.00
Highway Petty Cash:	\$	20.00
Election Petty Cash:	\$	15.00

RETURNED CHECKS:

Hannah Thomas	\$	426.01
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TOTAL \$ 11,795,934.25

Dated This 29th Day of February 2024.


Sue Ganje, County Auditor of
of Fall River County


Teresa Pullen, County Treasurer
of Fall River County

County Monies	\$	10,914,756.52
Held for other Entities	\$	595,070.75
Held in Trust	\$	286,106.98
TOTAL	\$	11,795,934.25

The Above Balance Reflects County Monies, Monies Held in Trust, and Monies Collected for and to be remitted to Other ENTITIES: SCHOOLS, TOWNS AND STATE.



2727 N Plaza Dr.
Rapid City, SD 57702

Phone 605-348-6529 Fax 605-342-1160

Quote

No.: **71335**

Date: 3/18/2024

Prepared for:

Dave Weishaupl (605) 891-1151
Fall River County Auditor
906 N River Street
Hot Springs, SD 57747 USA

Account No.: 1889

Phone: (605) 745-5145

Fax: (605) 745-3530

Qty	Description	UOM	Sell	Total
1	HP Elite 600 G9 Small Form Factor Computer - i5-13500 Tetradeca-core 14-Core - 16GB RAM - 512GB SSD - 1x HDMI/1x Display Port - Win11 Pro - 1yr warr	EA	\$1,159.00	\$1,159.00
1	HP Care Pack Active Care Hardware Support - Extended Warranty - 3 Year - Warranty - 9 x 5 x Next Business Day - On-site - Maintenance - Parts & Labor	EA	\$36.00	\$36.00
1	PC Configuration	EA	\$540.00	\$540.00

Your Price: \$1,735.00

Total: \$1,735.00

Prices are valid for 30 days from quote date.

Prepared by: Chris Bernard, chrisbernard@goldenwest.com

Date: 3/18/2024

Accepted by: _____ **Date:** _____

Disclaimer

Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply.

Any quoted cable runs assume that there is an available cable pathway; if not, additional charges may apply.

Applicable taxes and/or shipping charges may be added to the invoice.

Terms: A 30% down payment may be required for sales of \$10,000 or more, with the balance due 15 days from the invoice date.

Large, long-term projects are subject to progress billing.



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-548494-45363.735RP

Issued: 03/12/2024

Quote Expiration: 03/29/2024

Estimated Contract Start Date: 06/01/2024

Account Number: 505454

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Fall River County Sheriff's Office 906 N RIVER ST HOT SPRINGS, SD 57747-1309 USA	Fall River County Sheriff's Office - SD 906 N RIVER ST HOT SPRINGS SD 57747-1309 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Riley Pladson Phone: Email: rpladson@axon.com Fax:	Isnawica Belt Phone: (605) 745-4444 Email: deputy.belt@frcounty.org Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	\$61,196.70
ESTIMATED TOTAL W/ TAX	\$61,196.70

Discount Summary

Average Savings Per Year	\$1,475.68
TOTAL SAVINGS	\$7,378.40

Payment Summary

Date	Subtotal	Tax	Total
May 2024	\$18,984.06	\$0.00	\$18,984.06
May 2025	\$10,553.16	\$0.00	\$10,553.16
May 2026	\$10,553.16	\$0.00	\$10,553.16
May 2027	\$10,553.16	\$0.00	\$10,553.16
May 2028	\$10,553.16	\$0.00	\$10,553.16
Total	\$61,196.70	\$0.00	\$61,196.70

Quote Unbundled Price: \$68,575.10
 Quote List Price: \$63,212.30
 Quote Subtotal: \$61,196.70

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
BWCamTAP	Body Worn Camera TAP Bundle	8	60	\$40.35	\$33.80	\$33.80	\$16,224.00	\$0.00	\$16,224.00
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	1	60	\$73.05	\$36.07	\$36.07	\$2,164.20	\$0.00	\$2,164.20
A la Carte Hardware									
H00001	AB4 Camera Bundle	8			\$849.00	\$849.00	\$6,792.00	\$0.00	\$6,792.00
H00002	AB4 Multi Bay Dock Bundle	1			\$1,638.90	\$1,638.90	\$1,638.90	\$0.00	\$1,638.90
A la Carte Software									
73680	AXON RESPOND PLUS - LICENSE	8	60		\$21.48	\$21.48	\$10,310.40	\$0.00	\$10,310.40
73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	8	60		\$27.12	\$27.12	\$13,017.60	\$0.00	\$13,017.60
Pro license	Pro License Bundle	2	60		\$43.40	\$43.33	\$5,199.60	\$0.00	\$5,199.60
Basic license	Basic License Bundle	6	60		\$16.27	\$16.25	\$5,850.00	\$0.00	\$5,850.00
A la Carte Services									
80146	AXON BODY - PSO - VIRTUAL STARTER	1			\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00
Total							\$61,196.70	\$0.00	\$61,196.70

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Shipping Location	Estimated Delivery Date
AB4 Camera Bundle	100147	AXON BODY 4 - CAMERA - NA US FIRST RESPONDER BLK RAPIDLOCK	8	1	05/01/2024
AB4 Camera Bundle	100466	AXON BODY 4 - CABLE - USB-C TO USB-C	9	1	05/01/2024
AB4 Camera Bundle	74028	AXON BODY - MOUNT - WING CLIP RAPIDLOCK	9	1	05/01/2024
AB4 Multi Bay Dock Bundle	100206	AXON BODY 4 - DOCK - EIGHT BAY	1	1	05/01/2024
AB4 Multi Bay Dock Bundle	70033	AXON - DOCK WALL MOUNT - BRACKET ASSY	1	1	05/01/2024
AB4 Multi Bay Dock Bundle	71019	AXON BODY - DOCK POWERCORD - NORTH AMERICA	1	1	05/01/2024
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	AXON BODY - TAP REFRESH 1 - DOCK MULTI BAY	1	1	11/01/2026
Body Worn Camera TAP Bundle	73309	AXON BODY - TAP REFRESH 1 - CAMERA	8	1	11/01/2026
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	AXON BODY - TAP REFRESH 2 - DOCK MULTI BAY	1	1	05/01/2029
Body Worn Camera TAP Bundle	73310	AXON BODY - TAP REFRESH 2 - CAMERA	8	1	05/01/2029

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	AXON EVIDENCE - STORAGE - 10GB A LA CARTE	6	06/01/2024	05/31/2029
Basic License Bundle	73840	AXON EVIDENCE - ECOM LICENSE - BASIC	6	06/01/2024	05/31/2029
Pro License Bundle	73683	AXON EVIDENCE - STORAGE - 10GB A LA CARTE	6	06/01/2024	05/31/2029
Pro License Bundle	73746	AXON EVIDENCE - ECOM LICENSE - PRO	2	06/01/2024	05/31/2029
A la Carte	73680	AXON RESPOND PLUS - LICENSE	8	06/01/2024	05/31/2029
A la Carte	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	8	06/01/2024	05/31/2029

Services

Bundle	Item	Description	QTY
A la Carte	80146	AXON BODY - PSO - VIRTUAL STARTER	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera Multi-Bay Dock TAP Bundle	80465	AXON BODY - TAP WARRANTY - MULTI BAY DOCK	1	05/01/2025	05/31/2029
Body Worn Camera TAP Bundle	80464	AXON BODY - TAP WARRANTY - CAMERA	8	05/01/2025	05/31/2029

Shipping Locations

Location Number	Street	City	State	Zip	Country
1	906 N RIVER ST	HOT SPRINGS	SD	57747-1309	USA

Payment Details

May 2024					
Invoice Plan	Item	Description	Qty	Subtotal	Total
Upfront Hardware	H00001	AB4 Camera Bundle	8	\$6,792.00	\$6,792.00
Upfront Hardware	H00002	AB4 Multi Bay Dock Bundle	1	\$1,638.90	\$1,638.90
Year 1	73680	AXON RESPOND PLUS - LICENSE	8	\$2,062.08	\$2,062.08
Year 1	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	8	\$2,603.51	\$2,603.51
Year 1	80146	AXON BODY - PSO - VIRTUAL STARTER	1	\$0.00	\$0.00
Year 1	BasicLicense	Basic License Bundle	6	\$1,170.00	\$1,170.00
Year 1	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	1	\$432.85	\$432.85
Year 1	BWCamTAP	Body Worn Camera TAP Bundle	8	\$3,244.80	\$3,244.80
Year 1	ProLicense	Pro License Bundle	2	\$1,039.92	\$1,039.92
Total				\$18,984.06	\$18,984.06

Jun 2024					
Invoice Plan	Item	Description	Qty	Subtotal	Total
Invoice Upon Fulfillment	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	1	\$0.00	\$0.00
Invoice Upon Fulfillment	BWCamTAP	Body Worn Camera TAP Bundle	8	\$0.00	\$0.00
Total				\$0.00	\$0.00

May 2025					
Invoice Plan	Item	Description	Qty	Subtotal	Total
Year 2	73680	AXON RESPOND PLUS - LICENSE	8	\$2,062.08	\$2,062.08
Year 2	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	8	\$2,603.51	\$2,603.51
Year 2	80146	AXON BODY - PSO - VIRTUAL STARTER	1	\$0.00	\$0.00
Year 2	BasicLicense	Basic License Bundle	6	\$1,170.00	\$1,170.00
Year 2	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	1	\$432.85	\$432.85
Year 2	BWCamTAP	Body Worn Camera TAP Bundle	8	\$3,244.80	\$3,244.80
Year 2	ProLicense	Pro License Bundle	2	\$1,039.92	\$1,039.92
Total				\$10,553.16	\$10,553.16

May 2026					
Invoice Plan	Item	Description	Qty	Subtotal	Total
Year 3	73680	AXON RESPOND PLUS - LICENSE	8	\$2,062.08	\$2,062.08

May 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	8	\$2,603.51	\$0.00	\$2,603.51
Year 3	80146	AXON BODY - PSO - VIRTUAL STARTER	1	\$0.00	\$0.00	\$0.00
Year 3	BasicLicense	Basic License Bundle	6	\$1,170.00	\$0.00	\$1,170.00
Year 3	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	1	\$432.85	\$0.00	\$432.85
Year 3	BWCamTAP	Body Worn Camera TAP Bundle	8	\$3,244.80	\$0.00	\$3,244.80
Year 3	ProLicense	Pro License Bundle	2	\$1,039.92	\$0.00	\$1,039.92
Total				\$10,553.16	\$0.00	\$10,553.16

May 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	73680	AXON RESPOND PLUS - LICENSE	8	\$2,062.08	\$0.00	\$2,062.08
Year 4	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	8	\$2,603.51	\$0.00	\$2,603.51
Year 4	80146	AXON BODY - PSO - VIRTUAL STARTER	1	\$0.00	\$0.00	\$0.00
Year 4	BasicLicense	Basic License Bundle	6	\$1,170.00	\$0.00	\$1,170.00
Year 4	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	1	\$432.85	\$0.00	\$432.85
Year 4	BWCamTAP	Body Worn Camera TAP Bundle	8	\$3,244.80	\$0.00	\$3,244.80
Year 4	ProLicense	Pro License Bundle	2	\$1,039.92	\$0.00	\$1,039.92
Total				\$10,553.16	\$0.00	\$10,553.16

May 2028

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	73680	AXON RESPOND PLUS - LICENSE	8	\$2,062.08	\$0.00	\$2,062.08
Year 5	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	8	\$2,603.51	\$0.00	\$2,603.51
Year 5	80146	AXON BODY - PSO - VIRTUAL STARTER	1	\$0.00	\$0.00	\$0.00
Year 5	BasicLicense	Basic License Bundle	6	\$1,170.00	\$0.00	\$1,170.00
Year 5	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	1	\$432.85	\$0.00	\$432.85
Year 5	BWCamTAP	Body Worn Camera TAP Bundle	8	\$3,244.80	\$0.00	\$3,244.80
Year 5	ProLicense	Pro License Bundle	2	\$1,039.92	\$0.00	\$1,039.92
Total				\$10,553.16	\$0.00	\$10,553.16

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

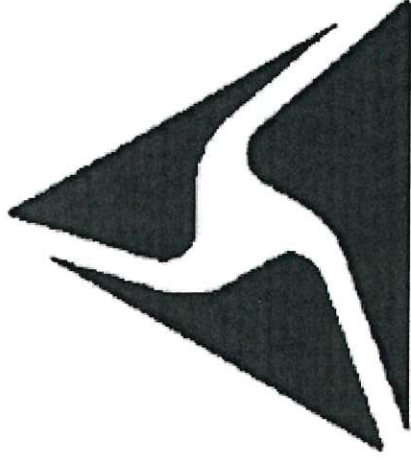
Acceptance of Terms:

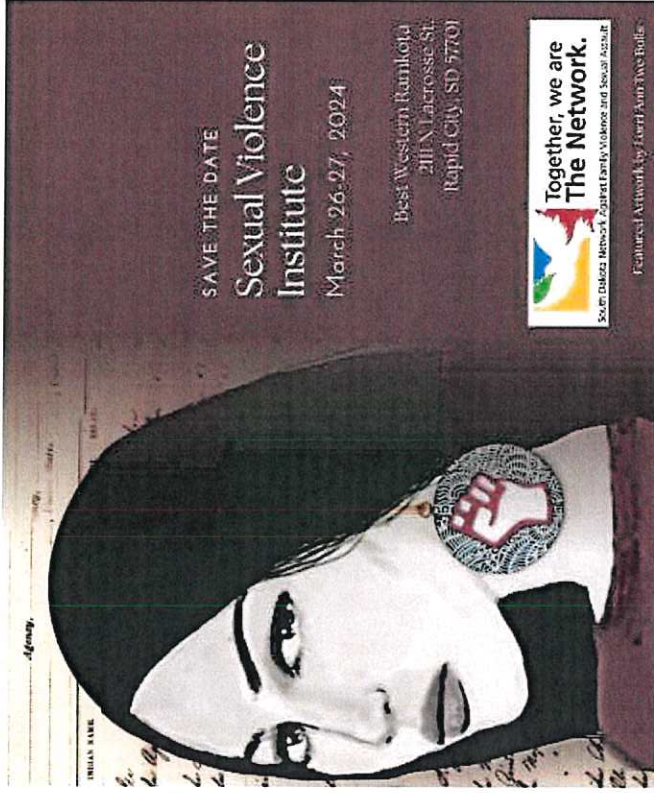
Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

3/12/2024





Sexual Violence Institute

March 26 - 27, 2024

08: 00 AM - 05: 00 PM

Central Standard Time

 GOOGLE CALENDAR

 EXPORT CALENDAR

Description

The Sexual Violence Institute will be offered in Rapid City on March 26th and 27th. Topics include MIMP, a case study, amber alerts and vulnerable adult abduction, and much more!



*Emergency Management
Fall River County*

*Franklin W. Maynard CEM CFM
906 N. River St.
Hot Springs, SD 57747*

605 745-7562 605 890-7245 em@frcounty.org



Date: March 21, 2024

Subj: Commission Update

1. Angustura Dam Annual Exercise: Gary Baker attended the Bureau of Reclamation exercise held on Tuesday, March 19th. Updated the call down listing and participated in the drill.
2. Silver Jacket Mapping Project: The onsite meeting was held on Wednesday, March 20th with the representatives from the Corp of Engineers and the City of Hot Springs. The meeting consisted of the project scope and timeline, concluded with field tours of the Fall River and Cottonwood Springs Creek.
3. Oglala Lakota County/Oglala Sioux Tribe Mitigation Plan: We participated in a zoom call on Monday with FEMA regarding the beginning of the planning process for the development of the plan.
4. Homeland Security Meeting: Lyle Norton and I attended the HLS Regional meeting in Rapid City on Tuesday, March 19th. The purpose of this meeting is to prioritize the projects submitted by each county within the region.
5. Fires & Incidents:
 - a. 3/17/2024: Sig. 1 Vehicle Rollover: Hwy 385 mm 3: Oelrichs Fire, Oelrichs First Responders, Hot Springs Ambulance and Fall River Sheriff.
 - b. 3/18/2024: Two Vehicle Accident: Hwy 18/385: Hot Springs Police, Hot Fire Dept. and Hot Springs Ambulance.

*Franklin W. Maynard, CEM, CFM
Emergency Manager*

*Fall River County
906 N. River Street
Hot Springs, SD 57747*

Roads Proposed for Minimum Maintenance				
COUNTY			Current County	Current State
HWY#	911 STREET NAME	EXHIBIT	Status	Status
79J	Unnamed	E	SECONDARY	SECONDARY
1F	South Fork Rd	F	SECONDARY	SECONDARY
4A	Antelope Lane	G	SECONDARY	SECONDARY
4A	Unnamed	H	SECONDARY	NOT
385D	Wilcox Rd	I	MINIMUM	SECONDARY
385B	Shirk Creek Rd	J	SECONDARY	NOT
385E	Unnamed	K	SECONDARY	SECONDARY
5C	Unnamed	L	SECONDARY	SECONDARY
2L	Short Grass Rd	M	SECONDARY	SECONDARY

— COUNTY

1000

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 (County Road 79J) in Township Ten (10) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with US Highway 18/385 then northwesterly a distance of approximately 1000 feet to the section line between Section one (1) and Section Two (2) in said Township and Range, then north along said section line approximately 700 feet is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

43
(E)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 South Fork Road (County Road 1F) in Township Ten (10) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with US Highway 18 then south along the section line between Section Thirteen (13) and Section Fourteen (14) for a distance of three-fourths (3/4) of a mile in said Township and Range is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

44
(F)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 Antelope Lane (County Road 4A) in Township Ten (10) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with old Highway 79 then east along the section line between Section Nineteen (19) and Section Thirty (30) for approximately one-fourth (1/4) of a mile in said Township and Range is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

45
(G)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 in Township Ten (10) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with Antelope Road (County Road 4A) then south along the west quarter-quarter line of Section Twenty-six (26) for a distance of three-fourths (3/4) of a mile in said Township and Range is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

46
(H)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 Wilcox Road (County Road 385D) in Township Eleven (11) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with US Highway 385 then east along the section line between Section Seven (7) and Section Eighteen (18) for a distance of approximately one-fourth (1/4) of a mile in said Township and Range is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

47
(I)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 Shirk Creek Road (County Road 385B) in Township Eleven (11) South, Range Seven (7) East of the Black Hills Meridian starting at the intersection with US Highway 385 then west on a line running parallel to the section line between Section Twelve (12) and Section Thirteen (13) at an offset of approximately 900 feet to the south. Total length of road approximately 2000 feet is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

48

(J)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 in Township Twelve (12) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection with Pleasant Ridge Road (County Road 385E) then south along the section line between Section Three (3) and Section Four (4) for a distance of approximately one half (1/2) mile in said Township and Range is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

49
(K)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 (County Road 5C) in Township Twelve (12) South, Range Six (6) East of the Black Hills Meridian starting at the intersection with East Ardmore Road (County Road 5) then south along the section line between Section Ten (10) and Section Eleven (11) for a distance of approximately three-fourths (3/4) of a mile in said Township and Range is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

50
(L)

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-_____

WHEREAS, SDCL 31-12-46 allows the Fall River County Board of Commissioners to designate secondary highways as minimum maintenance after conducting a hearing pursuant to SDCL 31-12-46; and

WHEREAS, the Board of Commissioners finds that the hearing required by SDCL 31-12-44 has been completed; and

WHEREAS, the Board of Commissioners has determined that the following secondary highway is used only 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 Short Grass Road (County Road 2L) between Township Nine (9) South, Range Eight (8) East and Township Ten (10) South, Range Eight (8) East of the Black Hills Meridian starting at the intersection of North Butte Road (County Road 2) then east one half (1/2) mile on the township line between Section Thirty-two (32) of Township Nine (9) South Range Eight (8) East and Section Five (5) of Township Ten (10) South Range Eight (8) East to the end of the road in said Townships and Range is designated minimum maintenance.

BE IT FURTHER RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that the Fall River County Highway Superintendent shall post signs required by SDCL 31-12-47 as soon as practicable on said highway.

Moved, passed and adopted this 21st day of March, 2024.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje, Auditor
Fall River County

51
(M)

**NOTICE OF HEARING FOR CONSIDERATION OF
VACATION OF PUBLIC RIGHT-OF-WAY**

NOTICE IS HEREBY GIVEN that the Fall River County Board of Commissioners, pursuant to the provisions of SDCL 31-3-6 and SDCL 31-3-7, will hold a public hearing at 9:45 o'clock a.m. on March 7, 2024, in the Fall River County Courthouse, Second Floor, Courtroom, 906 N. River St., Hot Springs, South Dakota, to consider a Petition to vacate a public right-of-way, having been proposed to be vacated:

1. That 40' wide portion of Lot 7 of the South Shore Yacht Club Estates Subdivision Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; running on the south and western boundary of Lot 7 of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian.

Interested persons may present an oral testimony at the hearing. Written comments will be received at the office of the County Auditor, 906 N. River St., Hot Springs, South Dakota, 57747, up until the date and time set for the public hearing.

Dated: February 1, 2024

/S/ Sue Ganje
Sue Ganje, County Auditor

Published twice at the total of approximate cost of \$_____

Prepared By:
Hustead Law Office, P.C.
145 N. Chicago St.
Hot Springs, SD 57747
605-745-5161

40

FALL RIVER COUNTY RESOLUTION #2024-____

RESOLUTION VACATING:

The 40' wide public access and utility easement dedicated with Plat filed in Book XXIV of Plats on Page 64 to be vacated on Lot 7 of the South Shore Yacht Club Estates Subdivision Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; running on the south and western boundary of Lot 7 of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian;

And as shown in the survey as attached hereto as Exhibit A.

WHEREAS, Revco, LLC, a Nebraska Limited Liability Company, whose post office address 218 Main Street, Chadron, Nebraska 69337, Amanda Vogl and Korey Vogl, whose post office address is 3581 Highway 20, Crawford, NE 69339, and Terry Garton and Juli Garton, whose post office address is 13126 Cool Breeze Road, Hot Springs, SD 57747, all having heretofore presented to the Fall River County Commissioners, State of South Dakota, a Petition for vacation of the following:

The 40' wide portion of Lot 7 of the South Shore Yacht Club Estates Subdivision Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; running on the south and western boundary of Lot 7 of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian;

Which Petition, made by the Owners of all the property abutting both sides of the said portions of the public road to be vacated, sets out that none of the public road described above has been used or traveled as a street, driveway, or highway at any time and

WHEREAS Revco, LLC and Amanda Vogl and Korey Vogl have granted a private access and utility easement according to Exhibit A, but is recorded as a separate easement in the Fall River County Register of Deeds.

WHEREAS, the Fall River County Commissioners did on June 15, 2023, reviewed and directed that said Petition be considered, at 10:25 o'clock a.m. deeming it expedient that said matter should be proceeded with and ordered said Petition filed with the Auditor of said County, and fixed a time for hearing the Petition at the regular meeting of the Fall River County Commissioners on March 7, 2024 at 9:45 o'clock a.m. and directed that notice of said hearing be published once a week for two consecutive weeks in *Fall River County Herald Star*, the official newspaper of said County; and

WHEREAS, due and legal notice of the hearing on said Petition has been given and the Fall River County Commissioners have carefully investigated and considered the matter,

BE IT RESOLVED by the Fall River County Commissioners of Hot Springs, South Dakota, that the vacation of the public road described as follows:

The 40' wide public access and utility easement dedicated with Plat filed in Book XXIV of Plats on Page 64 to be vacated on Lot 7 of the South Shore Yacht Club Estates Subdivision Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; running on the south and western boundary of Lot 7 of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian.

Be, and the same hereby is Vacated, Reserving, however, Any Easements and Rights of Way presently existing in said street for Public Utility.

Such vacation to take effect on the 20th day after publication of this Resolution unless suspended by the operation of Referendum.

Dated at Hot Springs, Fall River County, South Dakota this 7th day of March, 2024.

APPROVED:

Joe Falkenburg, Chairman
Fall River County Commission

ATTEST:

Sue Ganje, Fall River County Auditor

SIGN HERE

[illegible]

On this the _____ day of _____, 2024 before me, _____, the undersigned officer, personally appeared _____, the _____ of the County of Fall River, South Dakota, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Notary Public - South Dakota

My Commission Expires:

(SEAL)

EXHIBIT A

Prepared by:
Cole J. Romey
Hustead Law Office, P.C.
145 N. Chicago St.
Hot Springs, SD 57747
(605) 745.5161



Filed for Record - Fall River County SD
Filed On 01/04/2024 2:45 PM 5 pg
Document# A67311
Book 192M Page 644 Fee \$30.00
Melody Engebretson, Register of Deeds
By AT EASE

PRIVATE ACCESS EASEMENT

This access easement is made and entered into by and between Amanda Vogl and Corey Vogl, (hereinafter "Vogls"), whose post office address is 3581 Highway 20, Crawford, NE 69339, Grantors, and Revco, LLC, a Nebraska Limited Liability Company, whose post office address 218 Main Street, Chadron, Nebraska 69337, (hereinafter "Revco"), Grantee.

WHEREAS the parties wish to provide the for an easement on the real estate situated in Fall River County, South Dakota, described respectively as follows:

Revco's property (the dominant tenement) is legally described as:

Garton Tract 1 of Tract 7 of the South Shore Yacht Club Estates Subdivision
Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven
(7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; All
located in Fall River County, South Dakota, as shown on Plat filed in Book
XXVII of Plats, Page 247.

Vogls' property (the servient tenement) is legally described as:

Lot 2 of Tract 6, all in the South Shore Yacht Club Estates Subdivision,
located in SE1/4 of Section 7, Township Nine South, Range Six East, of the
Black Hills Meridian (BHM), Fall River County, South Dakota.

NOW, THEREFORE, IT IS HERBY AGREED AS FOLLOWS:

For good and valuable consideration, the parties agree that there shall be a permanent access and utility easement across the servient tenement for the benefit of the dominant tenement as shown on the attached Exhibit A, for ingress, egress, and utilities. The parties further agree

that the dominant and servient tenements each have the equal right to construct, operate, and maintain the easement.

Grantors reserve the right to use the easement roadway in a manner which will not interfere with the Grantee's use of the easement. The maintenance on the easement will be shared equally between the dominant and servient tenements, and their successors in interest until such time as this easement is abandoned or a road district is established.

The parties further agree that this Easement shall be binding upon Grantors, its heirs, successors, and assigns, and shall inure to the benefit of and run with the property described above.

The parties agree that this is a private access easement and is for the exclusive use of the Grantee, its agents, employees, and guests, and is not for use by the public or any third party.

The parties further agree that if the Grantors, Vogls, or its successor(s) in interest wish to subdivide the Grantors' land for residential or commercial development, and if such individuals or entities, who are grantees of the Grantors' subdivision, desire to use the Easement contained herein and described on Exhibit A, that Revco specifically and expressly agrees that this Easement described in Exhibit A provides ingress and egress to those individuals or entities who have been granted parcels of real estate in such subdivision and to their respective agents, employees and guests, and is not for use by the public.

Grantors specifically reserves the future right to dedicate to the public the Easement contained herein and on Exhibit A and Grantee agrees to this.

[The remainder of this page is intentionally left blank. Signature pages follow on the next two pages].

GRANTORS:

Dated this 4th day of September, 2023.

BY Amanda Vogl
Amanda Vogl

VOGL

BY Korey Vogl
Korey Vogl

STATE OF NEBRASKA)
)ss
COUNTY OF Dawes)

On this 19th day of December, 2023, before me,
Alivia Hamady, the undersigned officer, personally appeared Korey Vogl and
Amanda Vogl, (marital status) Single persons, known to me to be the persons whose
names are subscribed to the foregoing instrument, and acknowledged to me that they executed
the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal

ALIVIA M HAMADY
Notary Public - State of Wyoming
Commission ID 162661
My Commission Expires APRIL 23, 2029

My commission expires: April 23, 2029
(SEAL)

Alivia M Hamady
Notary Public

GRANTEE:

Dated this 18th day of December, 2023.

REVCO, LLC

BY: Senna B Reeves *Senna B Reeves*

ITS: Secretary/Treasurer

STATE OF NEBRASKA)
)ss
COUNTY OF Dawes)

On this the 18 day of December, 2023, before me,
Senna Reeves, the undersigned officer, personally appeared SENNA REEVES, who
acknowledged herself to be managing member of Revco, LLC, a Nebraska Limited Liability
Company, and that she, as such being authorized so to do, executed the foregoing instrument for
the purposes therein contained, by signing the name of the corporation by herself as Senna
Reeves, Member-manager.



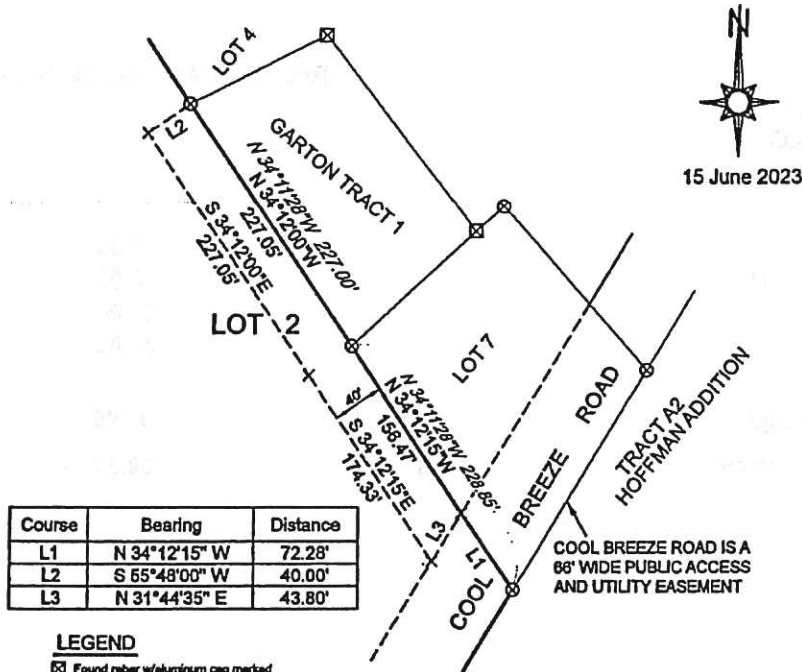
[Signature]

Notary Public

My Commission Expires: August 1, 2027
(SEAL)

EXHIBIT "A"

A 40' WIDE PRIVATE ACCESS AND UTILITY EASEMENT IN LOT 2 OF TRACT 6, SOUTH SHORE YACHT CLUB ESTATES SUBDIVISION, LOCATED IN THE SE1/4 OF SECTION 7, T9S, R6E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA



Course	Bearing	Distance
L1	N 34°12'15" W	72.28'
L2	S 65°48'00" W	40.00'
L3	N 31°44'35" E	43.80'

LEGEND

- Found rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
- Blank lettering denotes record calls

X angle point not monumented
----- easement row line



BASIS OF BEARING - GPS OBSERVATION
taken N 20°43'10" E 688.31' from the SE corner of Lot 2 of Tract 6.
OPUS STATIC SOLUTION NAD83(2011)
LAT: 43°16'54.64477"
LONG: -103°26'58.46291"

CERTIFICATION OF SURVEYOR

I, John D. McBride, SDRLS No. 5906, do hereby certify that this drawing represents a survey made by me or under my direct personal supervision in accordance with the laws of the State of South Dakota and accepted engineering practice, and that the same is, to the best of my knowledge and belief, true and correct.

5906
JOHN D. MCBRIDE
SOUTH DAKOTA
6-15-23

John D. McBride, SDRLS No. 5906

EASEMENT DESCRIPTION

Commencing at the SE corner of Lot 2, said point being marked by an aluminum cap marked "ANDERSEN PLS 2842"; Thence N 34°12'15" W a distance of 72.28' along the East lot line of Lot 2 to the Northern R.O.W. of Cool Breeze Road, said point being the point of beginning of this easement; Thence N 34°12'15" W a distance of 166.47' along the Eastern lot line of Lot 2 to a point of tangency, said point being marked with an aluminum cap marked "ANDERSEN PLS 2842"; Thence N 34°12'00" W a distance of 227.05' along the Eastern lot line of Lot 2 to a point of intersection with an aluminum cap marked "ANDERSEN PLS 2842"; Thence S 55°48'00" W a distance of 40.00' along the Northern edge of this easement; Thence S 34°12'15" E a distance of 227.05' to a point of tangency; Thence S 34°12'15" E a distance of 174.33' to a point of intersection with the Northern R.O.W. of Cool Breeze Road, Thence N 31°44'35" E a distance of 43.80' along the Northern R.O.W. of Cool Breeze Road to a point of intersection with the Eastern lot line of Lot 2, said point being the point of termination of this easement, said point being N 34°12'15" W a distance of 72.28' from the SE corner of Lot 2.

Said easement is 40' wide and contains 0.36 acres, more or less. The easement lines shall be lengthened or shortened as required to conform to existing ROW and/or property lines.

Prepared by ANDERSEN ENGINEERS Land Surveyors	
Drawn by RW	Date 6/15/2023
Approved by JCB	Date 6/15/2023
Scale 1"=100'	Sheet 1 of 1
P.O. Box 646 Edgemont, SD 57735 (605)-862-6600 andersenengineers@gmail.com	
File Name: L8_TR9_EAST_BSYCE	

.RECEIPT
Fall River County Register of Deeds Office
Melody Engebretson - Register of Deeds

906 N River St
Hot Springs, SD 57747
605-745-5139

HUSTEAD LAW OFFICE PC
145 N CHICAGO STREET
HOT SPRINGS SD 57747

Receipt #: 202400000029
Issued Date: 01/04/2024
Account #: 3275

Document #: A 67311
Instrument: EASEMENT
On Behalf of: REVCO LLC
Comments:

Recorded Date: 1/4/24 2:45:00PM

Services:

M&P FILING	3.00
M&P SDACO FLOW THRU	2.00
ROD FEES	25.00
Transaction Total	30.00

Total Amount this Receipt	30.00
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Payment Method	CHECK	3086	30.00
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Petition to Commission -
accept + set Hearing
Notice of Hearing
3-7-24 Publ 2/22 + 2/29

Re: [EXT] Revco Petition to Vacate

Ganje, Sue <Sue.Ganje@state.sd.us>

Tue 1/23/2024 2:04 PM

To: cromej@husteadlaw.com <cromej@husteadlaw.com>; Auditor's Office <agenda@frcounty.org>

Hi Cole, thanks for reaching out today. This petition to vacate will go on the next agenda on 2-1-24. Looking back, I do have a petition, but with no signatures. Can you get me that?

I will have them accept the petition and set a hearing date on 2-1-24. I believe the hearing date will need to be 3-7-24. To try and get it on the 2-15-24 agenda, the second publication would be the same date as the hearing. I will get a time for the hearing.

Thank you for the hearing and resolution forms. Let me know on the petition.

I will forward this to Lance to start his review.

Let me know if I am missing anything, or you have any other questions.

Thanks,

Sue Ganje
County Auditor
Fall River/Oglala Lakota County
605-745-5130

From: cromej@husteadlaw.com <cromej@husteadlaw.com>

Sent: Thursday, January 18, 2024 1:00 PM

To: Ganje, Sue <Sue.Ganje@state.sd.us>


Subject: Re: [EXT] Revco Petition to Vacate

Hi Sue,

Circling back on this, I have attached the easement which was signed and filed at the ROD just for your reference. This complies with FRC Ordinance 2012-02 now—which is why I held this process up. Took quite a while to garner those signatures.

Anyway, I have attached the notice of hearing and resolution. I think the only other thing necessary is a set hearing date with the commissioners for after publication.

Thanks,

 A green and white sign with white text
Description automatically generated

Cole J. Romey

Associate Attorney

Licensed in South Dakota | Nebraska

Tel: (605) 745-5161 | Fax: (605) 745-3154

145 N Chicago St, Hot Springs, SD 57747

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From: Ganje, Sue <Sue.Ganje@state.sd.us>
Date: Wednesday, June 7, 2023 at 11:46 AM
To: cromey@husteadlaw.com <cromey@husteadlaw.com>
Subject: Re: Revco Petition to Vacate

Hi Cole, I received your petition by email on June 1. The Board of Commissioners met that morning, so they have not had a chance to review the petition yet. I am taking it to the board on 6-15 to set the hearing date. I am recommending the hearing date to be 7-6, which allows for 2 publications.

I will reach out to you as we get closer to give you a time to be there.

Let me know if you have any questions. I will be out this afternoon.

Thanks Cole,

Sue Ganje
County Auditor
Fall River/Oglala Lakota County
605-745-5130

From: cromey@husteadlaw.com <cromey@husteadlaw.com>
Sent: Wednesday, June 7, 2023 11:03 AM
To: Ganje, Sue <Sue.Ganje@state.sd.us>
Subject: [EXT] Revco Petition to Vacate

Dear Sue:

Could I trouble you for date and time that the County reviewed the petition and the date and time that it will be set on for a hearing? I think you told me at our meeting on Monday and I forgot to write it down.

All the best,

Cole J. Romey

Associate Attorney

HUSTEAD LAW OFFICE, P.C.

145 North Chicago Street

Hot Springs, SD 57747

Tel: (605) 745-5161

Fax: (605) 745-3154

Email: cromey@husteadlaw.com

www.husteadlaw.com

Licensed in South Dakota | Nebraska

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Prepared by:
Hustead Law Office, P.C.
145 N. Chicago Street
Hot Springs, SD 57747
605-745-5161

PETITION TO VACATE DEDICATED PUBLIC HIGHWAY

TO THE FALL RIVER COUNTY COMMISSIONERS:

WE, THE UNDERSIGNED adjacent owners of the real property in Fall River County in the State of South Dakota, pursuant to SDCL 31-3-6, petition the Fall River County Commission to vacate the below listed dedicated public highway, as the public interest will be better served by the proposed vacating of the dedicated public highway:

1. The beginning, course, and termination of the dedicated public highway to be vacated are as follows:

That 40' wide portion of Lot 7 of the South Shore Yacht Club Estates Subdivision
Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7),
Township Nine (9) South, Range Six (6) East of the Black Hills Meridian;

dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of
Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black
Hills Meridian;

running on the south and western boundary of Lot 7 of Section Seven (7),
Township Nine (9) South, Range Six (6) East of the Black Hills Meridian;

And as shown in the survey as attached hereto as Exhibit A.

2. Two-thirds of the landowners adjacent to the location of the dedicated public highway are:

Terry and Juli Garton
13126 Cool Breeze Rd
Hot Springs, SD 57747

Korey and Amanda Vogl
3581 Highway 20
Crawford, NE 69339

Revco, LLC
218 Main Street,
Chadron, Nebraska, 69337

3. That the petitioners seek to vacate the said highway as it has never been used as a highway nor is it needed for access and is undeveloped.

WHEREFORE, your Petitioners pray that notice of the time and place when and where this Petition will be considered be published once a week for two successive weeks in the *Hot Springs Herald Star*, and at that hearing, that portion of the highway as described in this Petition be vacated subject to any easements of record.

[SIGNATURES FOLLOW ON THE NEXT THREE PAGES. PAGE IS INTENTIONALLY LEFT BLANK]

Re: [EXT] Petition to Vacate a Public Road

Ganje, Sue <Sue.Ganje@state.sd.us>

Thu 6/1/2023 3:48 PM

To: cromeey@husteadlaw.com <cromeey@husteadlaw.com>

Hi Cole. Just a couple questions....I normally get an original signature petition; can we do that? I noted the misspelling on the Exhibit A, but that should be fine.

We do require petitioners to also create the Resolution if you can do that it. I am assuming the hearing will be the first meeting in July to meet publication requirements, but I can confirm that with you.

I will let you know if I have any other questions but will get the process going.

Thanks Cole!

Sue Ganje
County Auditor
Fall River/Oglala Lakota County
605-745-5130

From: cromeey@husteadlaw.com <cromeey@husteadlaw.com>

Sent: Thursday, June 1, 2023 2:18 PM

To: Ganje, Sue <Sue.Ganje@state.sd.us>

Cc: auditor@frcounty.org <auditor@frcounty.org>

Subject: [EXT] Petition to Vacate a Public Road

Dear Sue:

Please see attached petition, exhibit, and proposed notice to be published. I can also draft a proposed resolution, unless that is something the County does.

I would welcome any corrections or additions.

All the best,

Cole J. Romey

Associate Attorney

HUSTEAD LAW OFFICE, P.C.

145 North Chicago Street

Hot Springs, SD 57747

Tel: (605) 745-5161

Fax: (605) 745-3154

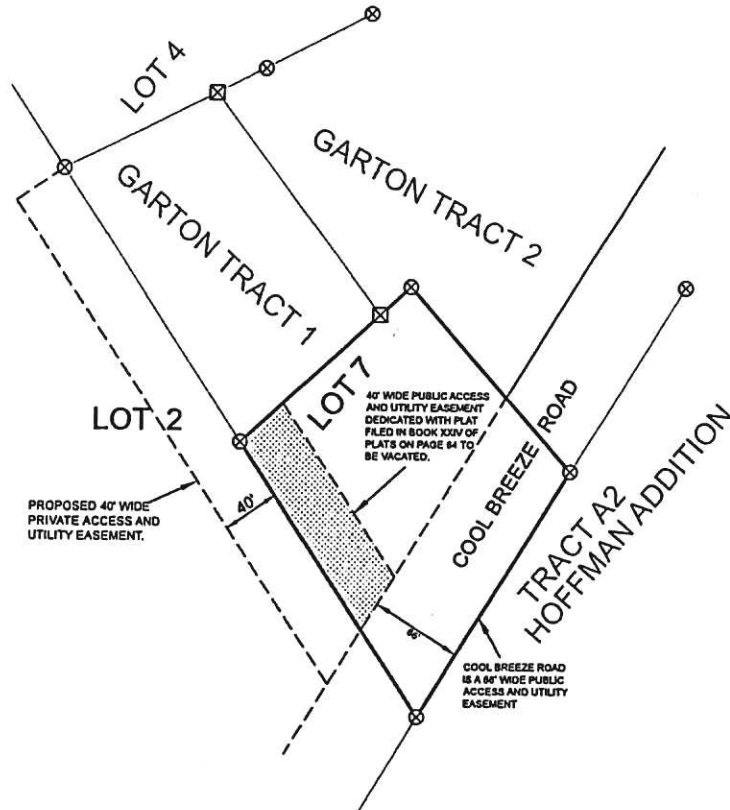
Email: cromeey@husteadlaw.com

www.husteadlaw.com

Licensed in South Dakota | Nebraska

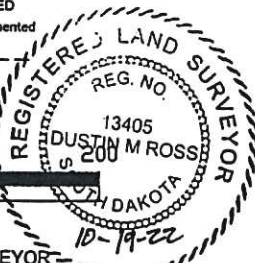
EXHIBIT "A"

SHOWING A 40' WIDE PUBLIC ACCESS AND UTILITY EASEMENT TO BE VACATED IN LOT 7 OF TRACT 7, AND SHOWING THE PROPOSED 40' WIDE PRIVATE ACCESS AND UTILITY EASEMENT IN LOT 2 OF TRACT 6, ALL IN SOUTH SHORE YACHT CLUB ESTATES SUBDIVISION, LOCATED IN THE SE1/4 OF SECTION 7, T9S, R6E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA



LEGEND

- ⊗ Found rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- ⊗ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
- 522.06' Slant lettering denotes record calls
- ⊗ AREA TO BE VACATED
- × angle point not monumented
- easement row line




CERTIFICATION OF SURVEYOR

I, Dustin M. Ross, SDRLS. No. 13405 do hereby certify that this drawing represents a survey made by me or under my direct personal supervision in accordance with the laws of the State of South Dakota and accepted surveying practice, and that the same is, to the best of my knowledge and belief, true and correct.

Dustin M. Ross

Dustin M. Ross, SDRLS No. 13405

BASIS OF BEARING - GPS OBSERVATION
taken N 36°06'29" E 429.51' from the NE corner of Lot 7, Tract 7.
OPUS STATIC SOLUTION NAD83(2011)
LAT: 43°16'54.64477"
LONG: -103°26'58.46291"

 Prepared by ANDERSEN ENGINEERS <i>Land Surveyors</i>		
Drawn by RW	Date 8/24/2022	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 andersenengineers@gwtc.net
Approved by DR	Date 10/19/2022	
Scale 1"=100'	Sheet 1 of 1	File Name: L8_TR6_ESMT_SSUYE

Re: [EXT] Petition to Vacate a Public Road

Ganje, Sue <Sue.Ganje@state.sd.us>

Thu 6/1/2023 3:48 PM

To: cromej@husteadlaw.com <cromej@husteadlaw.com>

Hi Cole. Just a couple questions....I normally get an original signature petition; can we do that? I noted the misspelling on the Exhibit A, but that should be fine.

We do require petitioners to also create the Resolution if you can do that it. I am assuming the hearing will be the first meeting in July to meet publication requirements, but I can confirm that with you.

I will let you know if I have any other questions but will get the process going.

Thanks Cole!

Sue Ganje
County Auditor
Fall River/Oglala Lakota County
605-745-5130

From: cromej@husteadlaw.com <cromej@husteadlaw.com>

Sent: Thursday, June 1, 2023 2:18 PM

To: Ganje, Sue <Sue.Ganje@state.sd.us>

Cc: auditor@frcounty.org <auditor@frcounty.org>

Subject: [EXT] Petition to Vacate a Public Road

Dear Sue:

Please see attached petition, exhibit, and proposed notice to be published. I can also draft a proposed resolution, unless that is something the County does.

I would welcome any corrections or additions.

All the best,

Cole J. Romey

Associate Attorney

HUSTEAD LAW OFFICE, P.C.

145 North Chicago Street

Hot Springs, SD 57747

Tel: (605) 745-5161

Fax: (605) 745-3154

Email: cromej@husteadlaw.com

www.husteadlaw.com

Licensed in South Dakota | Nebraska

31-3-6. Petition to locate, change, or vacate a highway.

Upon receiving a petition signed by two or more voters of an organized civil township, the board of supervisors, having jurisdiction, shall provide for a public hearing, as required by § 31-3-7, and after consideration of all information, opinions, and arguments presented, may, except as provided in §§ 31-3-12 and 31-3-44, vacate, change, or locate a highway in the township, if the public interest will be better served by the action.

Upon receiving a petition signed by voters of the county, at least equal in number to one percent of those who cast ballots in the county during the last gubernatorial election, the board of county commissioners, having jurisdiction, shall provide for a public hearing, as required by § 31-3-7, and after consideration of all information, opinions, and arguments presented, may, except as provided in §§ 31-3-12 and 31-3-44, vacate, change, or locate a highway in the county, if the public interest will be better served by the action.

Upon receiving a petition signed by two thirds of the adjacent landowners or all adjacent landowners if there are fewer than three, the board of county commissioners, having jurisdiction, shall provide for a public hearing, as required by § 31-3-7, and after consideration of all information, opinions, and arguments presented, may vacate the highway, if the public interest will be better served by the action.

The petition must set forth the beginning, course, and termination of the highway proposed to be located, changed, or vacated and, if applicable, the name of each person owning the land through which the proposed highway may pass.

Source: SDC 1939, § 28.0410; SL 1984, ch 208, § 2; SL 1985, ch 233, § 1; SL 2021, ch 122, § 1.

31-3-6.1. Access to public lands or public waters.

Notwithstanding any other provisions of this chapter, no county or township may vacate a highway which provides access to public lands or public waters embracing an area of not less than forty acres.

Source: SL 1989, ch 253, § 1; SL 2012, ch 154, § 1; SL 2018, ch 170, § 1.

31-3-7. Public hearing--Notice--Affirmative resolution of board--Order.

In case of the filing of a petition described in § 31-3-6, the board shall, after giving notice of a public hearing, hold a public hearing called for the purpose of receiving public testimony about the action proposed by the petition. The board shall give notice of the public hearing by publication in the official newspaper of said township, if any, otherwise in the nearest legal newspaper of said county, once each week for at least two consecutive weeks. The notice of the public hearing shall state the purpose, date, time, and location of the hearing and a legal description of the location of the highway and the action proposed by the petition and how information, opinions, and arguments may be presented by any person unable to attend the hearing. The board shall, by resolution, determine whether the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located.

Source: SDC 1939, § 28.0411; SL 1951, ch 138, § 1; SL 1985, ch 233, § 2.

Prepared By:
Hustead Law Office, P.C.
145 N. Chicago St.
Hot Springs, SD 57747
605-745-5161



FALL RIVER COUNTY RESOLUTION #2024-_____

RESOLUTION VACATING:

The 40' wide public access and utility easement dedicated with Plat filed in Book XXIV of Plats on Page 64 to be vacated on Lot 7 of the South Shore Yacht Club Estates Subdivision Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; running 40 feet wide along the western boundary of Lot 7 of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian, excluding Cool Breeze Road;

And as shown in the survey as attached hereto as Exhibit A.

WHEREAS, Revco, LLC, a Nebraska Limited Liability Company, whose post office address 218 Main Street, Chadron, Nebraska 69337, Amanda Vogl and Corey Vogl, whose post office address is 3581 Highway 20, Crawford, NE 69339, and Terry Garton and Juli Garton, whose post office address is 13126 Cool Breeze Road, Hot Springs, SD 57747, all having heretofore presented to the Fall River County Commissioners, State of South Dakota, a Petition for vacation of the following:

The 40' wide portion of Lot 7 of the South Shore Yacht Club Estates Subdivision Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; running 40 feet wide along the western boundary of Lot 7 of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian;

Which Petition, made by the Owners of all the property abutting both sides of the said that portions of the public road to be vacated, sets out that none of the public road described above has been used or traveled as a street, driveway, or highway at any time and

WHEREAS Revco, LLC and Amanda Vogl and Korey Vogl have granted a private access and utility easement according to Exhibit A, but is recorded as a separate easement in the Fall River County Register of Deeds on Book 192M, Page 644.

WHEREAS, the Fall River County Commissioners did on June 15, 2023, reviewed and directed that said Petition be considered, at 10:25 o'clock a.m. deeming it expedient that said matter should be proceeded with and ordered said Petition filed with the Auditor of said County, and fixed a time for hearing the Petition at the regular meeting of the Fall River County Commissioners on Thursday, March 7, 2024 at 9:30 o'clock a.m. and directed that notice of said hearing be published once a week for two successive weeks in *Fall River County Herald Star*, the official newspaper of said County; and

WHEREAS, due and legal notice of the hearing on said Petition has been given and the Fall River County Commissioners has carefully investigated and considered the matter,

BE IT RESOLVED by the Fall River County Commissioners of Hot Springs, South Dakota, that the vacation of the public road described as follows:

The 40' wide public access and utility easement dedicated with Plat filed in Book XXIV of Plats on Page 64 to be vacated on Lot 7 of the South Shore Yacht Club Estates Subdivision Located in the North Half of the Southeast Quarter (N1/2SE1/4) of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; dividing Lot 7 and Lot 2 to the west and dividing Lot 7 and Garton Tract 1 to the north of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian; running 40 feet wide along the western boundary of Lot 7 of Section Seven (7), Township Nine (9) South, Range Six (6) East of the Black Hills Meridian.

Be, and the same hereby is Vacated, Reserving, however, Any Easements and Rights of Way presently existing in said street for Public Utility.

Such vacation to take effect on the 20th day after publication of this Resolution unless suspended by the operation of Referendum.

Dated at Hot Springs, Fall River County, South Dakota this 18th day of March, 2024.

APPROVED:

Joe Falkenburg, Chairman
Fall River County Commission

ATTEST:

Sue Ganje, Fall River County Auditor

[illegible]

On this the _____ day of _____, 2024 before me, _____, the undersigned officer, personally appeared _____, the _____ of the County of Fall River, South Dakota, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Notary Public - South Dakota

My Commission Expires:

(SEAL)

Prepared By:

Advanced Design Engineering & Surveying, Inc.

18 E Kansas City Street – Suite 3

Rapid City, SD 57701

(p) 605-791-5866

PETITION TO VACATE SECTION LINE RIGHT-OF-WAY

TO: FALL RIVER COUNTY COMMISSIONERS

I, the undersigned adjacent landowner and Petitioner of Fall River County in the State of South Dakota, pursuant to SDCL 31-3-6, do hereby petition the Fall River County Commission to vacate the below listed and described section line highway (right-of-way) as a public interest that will be served by the proposed vacation of said section line highway (right-of-way):

1. The section line highway (right-of-way) to be vacated is described as follows:

That portion of the section line highway (right-of-way) on the west side (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-Seven (27) and on the east side (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-Eight (28) in Township Eight South (T8S), Range Six East (R6E) of the Black Hills Meridian (BHM), Fall River County, South Dakota and that is located within and adjoining Lots 4, 5, 13, 20, 21, 25 and 26 of Davis Subdivision as shown on the plat of said lots recorded in Book 27 of Plats on Page 378 in the Office of the Fall River County Register of Deeds.

2. The beginning, course and termination of the section line highway to be vacated is as follows:

Beginning forty feet (40") south of the north lot lines of said Lots 4 and 5 of Davis Subdivision and running south and on the west line of Section 27 and the east line of Section 28 through and adjoining Lots 4, 5, 13, 20, 21, 25 and 26, terminating thirty-three feet (33') north of the south lot lines of said Lots 25 and 26 of Davis Subdivision and as shown on the attached EXHIBIT A.

3. The Petitioner and landowner of all of the adjacent property (Lots 4, 5, 13, 20, 21, 25 and 26 of Davis Subdivision) is:

Casey J. Davis - Member
Davis Land Development, LLC
650 Flormann Street
Rapid City, SD 57701

4. That the landowner and Petitioner seeks to vacate the said section line highway that has never been used as a street, is undeveloped, is not needed for access, and the section line is located within and adjoining platted property known and described as Lots 4, 5, 13, 20, 21, 25 and 26 of Davis Subdivision, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T8S, R6E, BHM, Fall River County, South Dakota

Wherefore, your Petitioner asks that notice of the time and place when and where this Petition will be considered, be published once per week for two successive weeks in the Hot Springs Herald Star and that at said hearing, that portion of the section line highway (right-of-way) as described in this petition and shown on the attached Exhibit be vacated subject to any easements of record.

Dated this 8 day of March, 2024



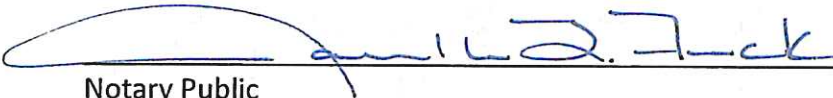
Casey J. Davis (Member) Davis Land Development LLC – Owner

State of South Dakota

ss

County of Pennington

On this 8TH day of MARCH, 2023, before me a Notary Public, personally appeared Casey J. Davis, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.



Notary Public

9-18-2024

My Commission Expires

(Seal)

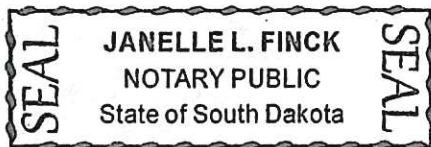


EXHIBIT A

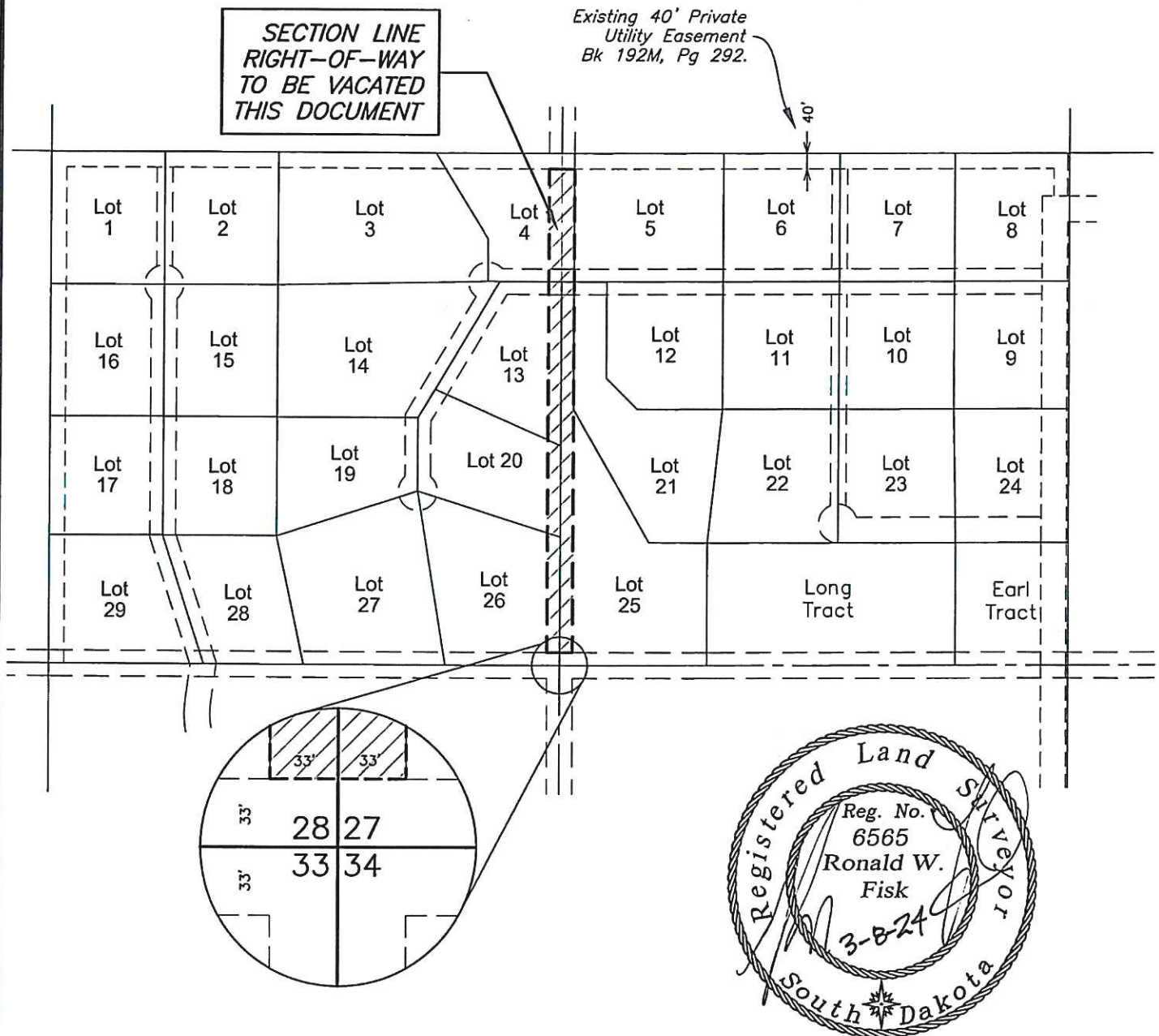
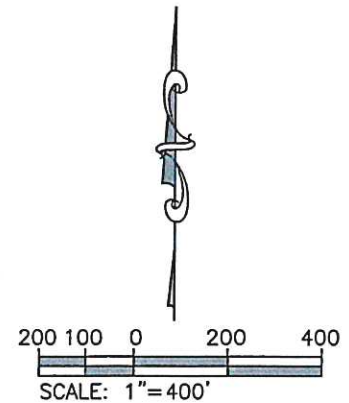
VACATION OF SECTION LINE RIGHT-OF-WAY

Lots 4, 5, 13, 20, 21, 25 and 26 of Davis Subdivision

located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 28, T8S, R6E, BHM,

FALL RIVER COUNTY, SOUTH DAKOTA



23-1419