

FALL RIVER COUNTY APPROVED MINUTES OF APRIL 18, 2024

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

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.sdcounties.org>, or on Facebook, on the Fall River County's website.

Motion made by Russell seconded by Allen, to approve the agenda with the change of Les Madsen speaking at 9:45 a.m. and the hearing for vacation of Section Line Right-of-Way in Davis Subdivision occurring at 10:00 a.m. Also, the addition of an emergency action to close the Courthouse and Director of Equalization Office on Tuesday, April 23, 2024, due to the road construction replacement of the water main.

Motion made by Russell, seconded by Allen, to approve the meeting minutes from April 4, 2024.

Motion made by Greenough, seconded by Russell, to approve the Auditor's Account with the Treasurer for March 2024.

Motion made by Russell, seconded by Greenough, to approve pay increases for Charles Dobbs, Sheriff Deputy, from \$24.75/hr to \$26.00/hr, plus \$25.00/month longevity, effective 04/21/2024 and for Lynn Two Bear, State's Attorney Legal Assistant, \$50.00/month longevity, effective 04/21/2024.

Motion made by Greenough, seconded by Allen, to approve travel for Teresa Pullen, Treasurer, Melody Engebretson, Register of Deeds, and Stacy Schmidt, Deputy Auditor to attend the SDACO Spring Workshop in Pierre on May 15 & 16, 2024.

Motion made by Russell, seconded by Greenough, to appoint Stephen Heimgartner as Deputy Coroner and to remove Bob Evans and Jordan Hanson (Stevens) as Deputy Coroners.

There were no County Assistance applications.

Frank Maynard, Emergency Manager, met with the Board. Updates were given regarding the road construction.

Motion made by Russell, seconded by Cope, to approve and authorize the Chairman to sign the LEMPG 2nd Quarter Single Signature Form.

He informed the Board that Gary Baker, Assistant Emergency Manager and Anna Maciejewski, Highway Office Manager will be attending the Crisis Track Training in Rapid City on May 23, 2024.

Motion made by Russell, seconded by Cope, for an emergency action of Courthouse and Director of Equalization Office closure on Tuesday, April 23, 2024, due to the road construction water main replacement, causing the water line to be inoperable.

Isnalawica Belt, Chief Deputy Sheriff, met with the Board for various items The jail census was given as follows: 11 males and 3 females in house, with 2 females in Pennington County and 1 female in Meade County. He also informed the Board that the Sheriff's Department had set up an agreement with

Winner, SD in case the water/sewer construction took longer than expected, for inmate housing.

Motion made by Greenough, seconded by Allen, to approve travel for Deputy Blaine Wilson to attend Criminal Interdiction training at the Pennington County Sheriff's Office May 21 through May 23, 2024 paying per diem only.

Motion made by Greenough, seconded by Russell, to approve and authorize the Chairman to sign the 2024 USFS Cooperative Agreement (Keith Park, Cascade Falls, and Antelope patrol). The agreement authorizes USFS to pay Fall River County \$7,200.00.

Motion made by Greenough, seconded by Russell, to approve hiring Meghan Swaney-Boschetti as an Uncertified Dispatcher at \$18.50/hr, effective 04/22/2024.

Motion made by Greenough, seconded by Allen, to approve hiring Michael Close as a Certified Deputy at \$24.50/hr, effective 04/22/2024.

Brett Blessing, Highway Foreman, and acting Supervisor, met with the Board.

Motion made by Cope, seconded by Greenough, to accept the low bid from Nelson's Oil & Gas in the amount of \$2.999/gallon for 8,000 gallons of gasoline. The other bid from Vollan Oil was \$3.0420/gallon. MG Oil did not submit a bid.

Motion made by Greenough, seconded by Russell, to accept the low bid from Nelson's Oil & Gas in the amount of \$1.60/gallon for 900 gallons of propane in the West tank and 800 gallons of propane in the East tank. The other bid from Hi-D-Way was \$1.79/gallon. Dakota Propane did not submit a bid.

Motion made by Russell, seconded by Greenough, to approve the Approach Permit from Dennis Janssen for the North side of Argyle Road, just West of Hwy 385.

Motion made by Allen, seconded by Russell, to approve the repair on the motor grader in the amount of approximately \$40,000.00 to \$50,000.00.

Motion made by Greenough, seconded by Cope, to purchase off of Harding County bids for the grinding of Old Hwy 79.

Andersen Engineers met with the Board to present 2 plats for approval.

Motion made by Allen, seconded by Russell, to approve Fall River County Resolution #2024-44 as follows:

FALL RIVER COUNTY RESOLUTION #2024-44

A PLAT OF LOT 27 OF SHEP'S CANYON ESTATES SUBDIVISION, LOCATED IN THE NW 1/4 NE1/4 OF SECTION 27, T8S, R5E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special

assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,

BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 18th day of April, 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 Russell, seconded by Allen, to approve Fall River County Resolution #2024-45 as follows:

FALL RIVER COUNTY RESOLUTION #2024-45

A PLAT OF LOT 7R AND A 50' WIDE PRIVATE ACCESS EASEMENT, OF PINE HAVEN SUBDIVISION, LOCATED IN THE NW1/4 NW1/4 OF SECTION 23, T7S, R5E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA FORMERLY LOT 7 OF PINE HAVEN SUBDIVISION

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 18th day of April, 2024.

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

ATTEST:

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

Erin McGlumphy, 4H Youth Advisor, met with the Board to provide the quarterly report, updates and request staffing changes.

Motion made by Russell, seconded by Allen, to approve the transfer of Christina Porter from Health Nurse Administrative Assistant to 4H Program/Extension Administrative Assistant at \$16.25/hr effective 04/17/2024 and to have Cassidy March provide 20 hours of training at \$16.00/hr to Porter. With Greenough voting no, all others voting yes, motion carried.

Les Madsen, County resident, met with the Board to discuss the status of Wild Sage Road as his residence is located on this road.

Motion made by Russell, seconded by Allen, to rescind Fall River County Resolution #2024-11 stating that Wild Sage Road in Township Seven (7) South, Range Three (3) East of the Black Hills Meridian starting at the intersection with South Dakota Highway 89 west for a distance of one-half (½) mile along the section line between Section thirteen (13) and Section twenty-four (24) to the end of the road in said Township and Range is designated no maintenance. This road will now be designated as a secondary road.

Cole Romey, Husted Law Office, met with the Board and asked that they approve an amended resolution to correct the legal description within the document.

Motion made by Greenough, seconded by Allen, to approve Resolution #2024-43 Amended as follows:

Prepared By:

Husted Law Office, P.C.
145 N. Chicago St.
Hot Springs, SD 57747
605-745-5161

FALL RIVER COUNTY RESOLUTION NO. 2024- 43 AMENDED

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 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; dividing Lot 7 of Tract 7 and Lot 2 of Tract 6 to the west; and dividing Lot 7 of Tract 7 and Garton Tract of Tract 7 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 Tract 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 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 public access and utility easement dedicated with Plat filed in Book XXIV of Plats on Page 64 to be vacated on Lot 7 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; dividing Lot 7 of Tract 7 and Lot 2 of Tract 6 to the west; and dividing Lot 7 of Tract 7 and Garton Tract of Tract 7 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 Tract 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 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; dividing Lot 7 of Tract 7 and Lot 2 of Tract 6 to the west; and dividing Lot 7 of Tract 7 and Garton Tract of Tract 7 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 Tract 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 April, 2024.

APPROVED:

/S/ Joe Falkenburg

day of March , deemed it expedient that said matter should be proceeded with, ordered said petition filed with the Auditor of said County, fixed a time for hearing on the petition at its regular meeting of April 18, 2024, and directed that notice of said hearing be published once a week for two consecutive weeks in the Hot Springs Herald Star, the official newspapers of said County, and

WHEREAS, the Board held a public hearing on said Petition at the Fall River County Courthouse, 906 North River Street, Hot Springs, South Dakota, on April 18th, 2024, at 10:00 a.m. in the Commissioners Room for the purpose of receiving public testimony about the action proposed in the Petition, and

WHEREAS, due and legal notice of the hearing on said petition has been given and the Commission has investigated and considered the matter and it being established that it is in the best interest of said County;

NOW THEREFORE, BE IT RESOLVED, that the following section line highway (right-of-way) description:

That portion of the section line highway (right-of-way) on the west side (SW ¼ SW ¼) of Section Twenty-Seven (27) and on the east side (SE ¼ SE ¼) 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, commencing 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.

Be, and the same hereby is vacated.

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

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

APPROVED

/S/ Joe Falkenburg

Chairman

Board of County Commissioners

Fall River County

ATTEST:

/S/ Sue Ganje

Sue Ganje

County Auditor

Fall River County

Quentin L Riggins of Gunderson, Palmer, Nelson Associates, met with the Board to present an application to establish a Right-of-Way to an isolated tract owned by Don Fish. Jane Farrell, the attorney for one of the potentially affected landowners, was also present. Farrell indicated that her clients are opposed to allowing a Right-of-Way across their property. She will visit with her clients and will also keep in touch with Riggins. She anticipates that her clients won't be able to attend a site visit until late summer or early fall. Riggins will bring this back to the Board when they have a timeline worked out. No action was taken

at this time.

Dan Cullen, Veteran Service Officer, met with the Board to provide a monthly report and provide updates. Chairman Falkenburg expressed his appreciation to Cullen for everything that he does for Fall River County Veterans.

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

GENERAL FUND		
AUDRA HILL CONSULTING,INC	MI QMHP EVALUATION	\$1,686.83
CURA HOSPITALITY	INMATE MEALS	\$15,464.82
BLACK HILLS CHEMICAL	SUPPLY	\$1,035.17
BOMGAARS	SUPPLY	\$43.34
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$547.82
CHEYENNE SANITATION	SANITATION COLLECTIO	\$379.50
COLBATH & SPERLICH, PC	CAAF	\$3,372.11
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
EDGEMONT PUBLIC LIBRARY	2024 BUDGET ALLOTMEN	\$4,000.00
FALL RIVER COUNTY HERALD	PUBLICATION	\$92.66
FALL RIVER CTY TREASURER	EQUIPMENT	\$16.70
FALL RIVER CTY TREASURER	EQUIPMENT	\$86.80
GALLS	SUPPLY	\$72.26
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$6,913.59
GOLDEN WEST	PHONE BILL/INTERNET/	\$2,251.14
HOPE COUNSELING CENTER	QMHP/MI	\$600.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$253.22
CITY OF HOT SPRINGS	CITY WATER BILL	\$611.55
HUSTEAD LAW OFFICE, P.C.	CAAF	\$12,437.40
LEWIS & CLARK BEHAVIORAL	QMHP	\$213.00
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MCGLUMPHY, ERIN	TRAVEL REIMBURSEMENT	\$1,188.53
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$90.00
QUADIENT FINANCE USA, INC	POSTAGE	\$1,383.98
NUTRIEN AG SOLUTIONS	SUPPLY	\$1,056.78
O'NEILL, JUSTIN	CAAF	\$3,143.06
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNI	\$3,705.00
QUILL CORPORATION	SUPPLIES	\$35.99
QUALIFIED PRESORT SERVICE	MAILING	\$608.29
RADIOLOGY ASSOCIATES	INMATE MEDICAL	\$107.82
CITY OF RAPID CITY	BLOOD ANALYSIS	\$240.00
RUSSELL, LANCE	TRAVEL REIMBURSEMENT	\$30.80
SDACC	CATASTROPHIC LEGAL P	\$584.00
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$2,100.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$60.00
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$2,150.00
TRUGREEN COMMERCIAL	SERVICE	\$49.11

WEICHMANN, CYNTHIA	COURT REPORTER	\$24.50
WEGNER AUTO SALES	NEW SHERIFF VEHICLES	\$87,272.00
THOMSON REUTERS	SUBSCRIPTION	\$155.40
MILES, SASHA	BLOOD DRAW	\$225.00
	TOTAL FOR GENERAL FUND	\$154,546.67
COUNTY ROAD & BRIDGE		
A & B WELDING SUPPLY CO.	SUPPLY	\$148.99
BOMGAARS	SUPPLY	\$926.42
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$6,617.14
CHEYENNE SANITATION	SANITATION COLLECTIO	\$79.00
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$367.58
FALL RIVER AUTO SUPPLY	SUPPLY	\$172.80
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GOLDEN WEST	PHONE BILL/INTERNET/	\$251.39
HOT SPRINGS ACE HARDWARE	SUPPLY	\$34.97
CITY OF HOT SPRINGS	CITY WATER BILL	\$27.88
KD CONTRACTORS INC	GRAVEL	\$15,653.85
MG OIL	INVENTORY/SUPPLY	\$636.90
NELSONS OIL & GAS INC.	UTILITY	\$232.00
POMP'S TIRE SERVICE INC.	PARTS	\$756.48
THE LODGE AT DEADWOOD	LODGING HWY CONVENTI	\$210.00
	TOTAL FOR COUNTY ROAD & BRIDGE	\$26,123.90
911 SURCHARGE REIMB		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$17.00
GOLDEN WEST	PHONE BILL/INTERNET/	\$813.39
	TOTAL FOR 911 SURCHARGE REIMB	\$830.39
EMERGENCY MANAGEMENT		
BLACK HILLS POWERSPORTS	EQUIPMENT REPAIR	\$1,374.98
FALL RIVER CTY TREASURER	EQUIPMENT	\$16.70
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$17.00
GOLDEN WEST	PHONE BILL/INTERNET/	\$155.49
HOT SPRINGS ACE HARDWARE	SUPPLY	\$53.07
OECHSLE, KEN	REIMBURSEMENT	\$62.00
	TOTAL FOR EMERGENCY MANAGEMENT	\$1,679.24
M & P RELEIF		
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$75.00
	TOTAL FOR M & P RELEIF	\$75.00
	TOTAL FOR BILLS PAID BETWEEN 04/05/2024 & 04/18/2024	\$183,255.20

Break was taken at 10:05 a.m. The meeting resumed at 10:14 a.m.

Public comment was heard at this time. Susan Henderson, County resident, let the Board know that there was information sent out from the Army Corps of Engineers regarding the former Black Hills Ordinance Depot information. She wanted to warn every one of the dangers of buried munitions, etc. The public can visit the US Army Corps of Engineers website for further information. She also questioned the Board regarding the proposed Justice Center and current jail. Sue Ganje, Auditor, informed the Board that she will be bringing a Road District formation petition to the next meeting to set a meeting date for the election. Joe Falkenburg, Chairman, informed the Board that he wanted to bring awareness to June as Men's Health Month and will have a proclamation regarding it at a future meeting.

Dave Weishaupl, Maintenance Supervisor, met with the Board to present a quote from Golden West Technologies for internet switches.

Motion made by Cope, seconded by Russell, to approve Golden West Technologies quote for Ruckus ICX 1750-C1OP, Ruckus ICX 1750 Switch, Ruckus ICX7150-48PF Switch, Ruckus Watchdog Remote Support, Slim Patch 7 ft cables, and project installation and configuration in the amount of \$12,209.14.

Joe Allen, Commissioner, provided his report to the Board regarding the proposed Justice Center/Jail. He has been working on collecting information, regarding the property that is East of the Courthouse and current jail. He asked that the Board consider some items that need to be addressed immediately regarding propane lines and water lines, due to the construction of the highway.

Motion made by Russell, seconded by Cope, to approve the emergency action to approve funds for installation of a water line and a sewer line sufficient for a larger facility and a propane line under the highway to the East that will cost approximately \$10,000.00 to \$12,500.00.

Motion made by Russell, seconded by Greenough, to enter executive session to discuss personnel and legal, as per SDCL 1-25-2 (1) and (3) at 10:47 a.m.

The Board came out of executive session at 11:00 a.m.

Motion made by Russell, seconded by Allen, to increase Brett Blessing's wages by \$1,000.00 per month, beginning April 1, 2024 until a new Highway Superintendent has been hired.

Commission Chairman Falkenburg declared the meeting adjourned at 11:00 a.m.

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

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