

## FALL RIVER COUNTY APPROVED MINUTES OF JULY 2, 2024

The Fall River Board of County Commissioners met in regular session on July 2, 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 amendments to reflect removal of the Fall River Conservation 2025 Budget request and to add motion to approve Resolution #2024-54, Order of Incorporation for Clearwater Lake Estates Subdivision Road District.

Motion made by Russell, seconded by Allen, to approve the Fall River County Commission Meeting minutes from June 20, 2024.

Motion made by Allen, seconded by Russell, to approve the Auditor's Account with the Treasurer for May 2024 as follows:

### **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 31st day of May 2024.

<b>Total Amount of Deposit in First Interstate Bank, HS:</b>	\$ 2,815,632.04
<b>Total Amount of Cash:</b>	\$ 5,699.74
<b>Total Amount of Treasurer's Change Fund:</b>	\$ 900.00
<b>Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:</b>	\$ 349,386.96
<b>SAVINGS:</b>	
#4) First Interstate Bank, HS:	\$ 1,280,330.96
<b>CERTIFICATES OF DEPOSIT:</b>	
#8) Black Hills Federal Credit Union, HS:	\$ 250,000.00
#14) Schwab Treasury:	\$ 1,202,992.59
#15) First National Bank, Lead:	\$ 328,114.47
#21) Schwab Treasury 2 Yr:	\$ 276,392.81

#22) Schwab Treasury 2 Yr:	\$	999,032.81
#23) Schwab Treasury 2 Yr:	\$	-
#24) Schwab Treasury 2 Yr:	\$	2,128,835.94
#25) Schwab Treasury 3 Yr:	\$	1,954,062.50
#26) Schwab Treasury 4 Yr:	\$	1,039,644.38
#27) Schwab Treasury 2 Yr:	\$	992,003.91

**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
Akeem, Stephani	\$	109.33

**TOTAL \$ 13,624,099.45**

Dated This 31st Day of May 2024.

/S/ Sue Ganje

Sue Ganje, County Auditor of  
of Fall River County

/S/ Teresa Pullen

Teresa Pullen, County  
Treasurer  
of Fall River County

County Monies	\$	11,988,246.63
Held for other Entities	\$	1,411,111.71
Held in Trust	\$	224,741.11
<b>TOTAL</b>		<b>\$ 13,624,099.45</b>

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.

Motion made by Russell, seconded by Allen, to appoint Deputy Sheriff Riley Christie and Officer Thomas McMillan from the HSPD as Deputy Coroners.

Motion made by Russell, seconded by Allen, to approve longevity pay increase for Brett Blessing, Highway Foreman, from \$75.00/month to \$100.00/month per Union Contract, effective 06/14/2024.

Motion made by Cope, seconded by Russell, to approve the pay increase for Cindy Burns, Auditor's Office Administrative Assistant, from \$15.50/hr to \$16.25/hr as per Union Contract, effective 07/05/2024.

Motion made by Allen, seconded by Russell, to approve COP 2024-2 for burial assistance in the amount of \$2,150.00 payable to Chamberlain/McColley's Funeral Home.

Lyle Norton, Sheriff, met with the Board. He updated the Board regarding the status of the jail meals. He reported that, with the new company (HSCG), the cost was going from \$6.84/meal to \$8.00/meal. Norton also provided the jail census. There are 17 males and 6 females, noting that 1 male was in Pennington County for a total of 24 inmates.

Frank Maynard, Emergency Manager, met with the Board to state that he was notified by the Corp of Engineers that they would be doing a draw down exercise for Cold Brook Reservoir where they will be releasing water for a period of time. He also informed the Board that there are 2 single engine air tanker seat planes staged outside of the Black Hills National Forest boundaries and Wildland Fire can be called in for fires. Maynard and Gary Baker, Assistant Emergency Manager, will be attending the 2024 Sturgis Rally meeting for preparedness. He is waiting to hear from FEMA regarding the Fall River/Oglala Sioux Tribe mitigation plan, stating that there is not a date or amount for reimbursement set yet. Lastly, he reported on drought conditions in Fall River County noting that we are trending to be abnormally dry moving forward. Commissioner Chairman Falkenburg asked that Maynard would prepare a drought resolution for the future.

Brett Blessing, Highway Foreman and acting Superintendent, met with the Board. He reported that, the grinding is finished on Old Hwy 79, however, there was some damage done by someone that the grinding company tried to smooth out. He also suggested that some Mag Water be applied to part of it. He informed them that there are roads that are designated as No Maintenance that have inhabited houses on them. Falkenburg asked that the Highway department ask individuals to come to the Board with their concerns.

Motion made by Allen, seconded by Russell, to apply Mag Water on the last 3/10ths of a mile of Old Hwy 79 in the area adjoining Hwy 18.

Motion made by Cope, seconded by Allen, to approve the permit to occupy County Highway Right-of-Way from Golden West Telecommunications from the intersection of Hwy 18 and Angostura Road to the intersection of Angostura Road and Bunny Drive.

Motion made by Russell, seconded by Allen, to approve the permit to occupy County Highway Right-of-Way from Golden West Telecommunications from the intersection of N Angostura Rd and Horse Camp Road to the intersection of N Angostura Road and Recreation Road.

Motion made by Russell, seconded by Allen, to approve the permit to occupy County Highway Right-of-Way from Black Hills Energy from west of driveway for 12795 Hot Brook Canyon Road that is marked with a stake wrapped with orange ribbon.

Sandy Swenson, Spring Senior Center, met with the Board to present the 2025 Budget request in the amount of \$5,000.00 (the same amount as last year) for the Board's consideration.

Jennifer Gray, Aspire, met with the Board via telephone to present a new 2025 Budget request. She noted that Aspire is asking for \$60.00 per month throughout the next fiscal year to support the individual from Fall River County that is utilizing services in a State Developmental Residential facility.

Andrea Powers, SHEDCO, met with the Board to present the 2025 Budget request in the amount of \$15,000.00 (an increase of \$5,000.00 over last year's amount) for the Board's consideration.

Kehala Two Bulls, Seventh Circuit CASA, met with the Board to present the 2025 Budget request in the amount of \$2,250 (the same amount as last year) for the Board's consideration.

Kelsey Trotter, Edgemont YMCA, met with the Board to present the 2025 Budget request in the amount of \$5,000.00 (an increase of \$2,000.00 over last year's amount) for the Board's consideration.

Barb Cline, Prairie Hills Transit, met with the Board via telephone to present the 2025 Budget request in the amount of \$25,000.00 (an increase of \$12,000.00 over last year's amount) for the Board's consideration.

Gail Bethel, Edgemont Public Library, met with the Board to present the 2025 Budget request in the amount of \$6,000.00 (an increase of \$2,000.00 over last year's amount) for the Board's consideration.

Uriah Luallin, Fall River County Museum, met with the Board to present the 2025 Budget request in the amount of \$6,000.00 (the same amount as last year) for the Board's consideration.

Mary Terrones, Hot Springs Public Library, met with the Board to present the 2025 Budget request in the amount of \$25,000.00 (the same amount as last year) for the Board's consideration.

Lisa Sagdalen, Hot Springs Boys and Girls Club, met with the Board to present the 2025 Budget request in the amount of \$10,000.00 (the same amount as last year) for the Boards consideration.

Andersen Engineers met with the Board.

Motion made by Allen, seconded by Russell, to accept Fall River County Resolution #2024-53 as follows:

**FALL RIVER COUNTY RESOLUTION #2024-53**

**A PLAT OF LOT 31 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 2nd day of July, 2024.

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

ATTEST:

/S/ Sue Ganje

Sue Ganje, Auditor

Joe Allen, Commissioner, presented his report regarding the proposed Jail/Justice Center. He reported that the Engineering Company that he had requested do a survey on the property east of the east parking lot will be here on July 18, 2024. The site has had an archeological survey done. He also reported that the County Highway Department had gotten the culvert installed for drainage and that the company doing the work on the highway will begin dumping fill dirt in the area.

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

<b>GENERAL FUND</b>		
AMAZON CAPITAL SERVICES	SUPPLY	\$3,114.10
ANGEL ARMOR, LLC	SUPPLY	\$988.00
BH REGIONAL EYE INSTITIUT	INMATE MEDICAL	\$144.20
CAMERON, GEORGE	COURT REPORTER	\$15.70
COLBATH & SPERLICH, PC	CAAF/MAG/JUV	\$3,976.70
CHAMBERLAIN MCCOLLEY'S	COUNTY BURIAL ASSIST	\$2,150.00
DIAMOND AUTOMOTIVE	REPAIR/MAINTENANCE	\$607.28
ENGBRETSON, ROBERT	24 PRIMARY ELECTION	\$30.38
ENGBRETSON, MELODY	24 PRIMARY ELECTION	\$65.50
ERICKSON, MORGAN	TRAVEL REIMBURSEMENT	\$48.00
FARRELL, JANE	24 PRIMARY ELECTION	\$517.50
FOX LAW FIRM, PLLC	MENTALL ILLNESS	\$90.75
GINSBACH, PATRICK M.	24 PRIMARY ELECTION	\$265.50
GOVERNMENT FORMS & SUPPLY	SUPPLY	\$268.00
SILVERNAIL, JULIE	24 PRIMARY ELECTION	\$158.63
HEIDEBRINK, LILY	TRAVEL REIMBURSEMENT	\$48.00
HILLS EDGE AUTO SALES	MAINTENANCE	\$1,176.72
HOT SPRINGS ACE HARDWARE	SUPPLY	\$111.09
CITY OF HOT SPRINGS	HANGER RENT JULY-DEC	\$1,350.00
HUSTEAD LAW OFFICE, P.C.	CAAF	\$1,878.30
JOHNSON, CAROL	COURT REPORTER	\$14.70
KATTERHAGEN, MARK	MENTAL ILLNESS	\$15.00
LARSON, VAL	MENTALL ILLNESS	\$15.00
LEWNO, LUCY	MENTAL ILLNESS	\$72.64
MARTY'S TIRE & AUTO BODY	SERVICE	\$3,130.00
MASSA DENTAL OFFICES PC	INMATE MEDICAL	\$170.00
MAVERICK TIRE & AUTO	REPAIR/MAINTENANCE	\$121.25
MONUMENT HEALTH	INMATE MEDICAL	\$99.30
MOTOROLA SOLUTIONS INC	EQUIPMENT	\$17,624.20
NORTON, TINA	CONTRACT NURSE INMAT	\$1,538.00
O'DAY, VALARIE	COURT REPORTER	\$1,166.20
OTIS ELEVATOR COMPANY	SERVICE CONTRACT	\$483.27
PENNINGTON COUNTY JAIL	INMATE MEDICAL	\$62.22
CITY OF RAPID CITY	BLOOD ANALYSIS	\$360.00
RUSSELL, DEBORAH	24 PRIMARY ELECTION	\$335.14
SCHAEFER, AUSTIN	CAA CONTRACT SERVICE	\$4,379.76

SDPAA	INSURANCE	\$86,878.68
SDAO	2024 ASSESSOR SCHOOL	\$500.00
SERVALL	RUG SERVICE	\$432.91
SONNY'S SUPER FOODS	SUPPLY	\$46.73
SOUTHERN HILLS LAW PLLC	CAAF	\$3,626.24
STURGIS RESPONDER SUPPLY	SUPPLY	\$29.95
TWO BEAR, LYNN	24 PRIMARY ELECTION	\$65.50
VERIZON WIRELESS	CELL PHONE PLAN	\$874.53
WAXLER, MARY SUE	24 PRIMARY ELECTION	\$200.00
WEICHMANN, CYNTHIA	COURT REPORTER	\$32.85
LAVERN & SONJA WILCOX	CREDITS/OVERPAYMENT	\$56.57
OEHLERKING, KATHRYN	24 PRIMARY ELECTION	\$54.00
HOLLENBECK, MARY	24 PRIMARY ELECTION	\$175.00
CAMPBELL, JENNIFER	24 PRIMARY ELECTION	\$200.00
FLOCK, KATHRYN	24 PRIMARY ELECTION	\$252.00
RHOE, KELLI	24 PRIMARY ELECTION	\$54.00
TONSAGER, GAYLE	24 PRIMARY ELECTION	\$54.00
CRAWFORD, VAL	24 PRIMARY ELECTION	\$79.00
PENCE, DOROTHY J	24 PRIMARY ELECTION	\$54.00
MULLER, KAREN	24 PRIMARY ELECTION	\$72.25
BOWKER, ROBERTA	24 PRIMARY ELECTION	\$200.00
BURROWS, MARY	24 PRIMARY ELECTION	\$79.00
MEADOWS, OWEN	24 PRIMARY ELECTION	\$200.00
STEARNS, FLORA	24 PRIMARY ELECTION	\$72.25
FARRELL, JOYCE	24 PRIMARY ELECTION	\$87.75
VARICK, MARILYN	24 PRIMARY ELECTION	\$72.25
MESSINIO, JOSEPH	24 PRIMARY ELECTION	\$220.25
CORBETT, KATHLEEN	24 PRIMARY ELECTION	\$250.50
INMAN, LAURA	24 PRIMARY ELECTION	\$129.70
THEILMANN, LAURIE	24 PRIMARY ELECTION	\$94.50
ANDERSON, PAM J.	24 PRIMARY ELECTION	\$200.00
BAKER, GARY	24 PRIMARY ELECTION	\$225.00
BATCHELOR, LAURA ANN	24 PRIMARY ELECTION	\$225.00
SPILLANE, CHRISTA	24 PRIMARY ELECTION	\$200.00
BROWN, DEANNE	24 PRIMARY ELECTION	\$175.00
MILES, SASHA	BLOOD DRAW	\$150.00
BILBRUCK, WENDY	24 PRIMARY ELECTION	\$77.63
PORTER, PEGGY J	24 PRIMARY ELECTION	\$175.00
MARTIN, MIRIAM	24 PRIMARY ELECTION	\$300.40
ADELONA, EBUN	24 PRIMARY ELECTION	\$119.50
ENGELBRECHT, BARBARA	24 PRIMARY ELECTION	\$230.10
MCDANIEL, PRISCILLA	24 PRIMARY ELECTION	\$109.38
PENCE, JOHN	24 PRIMARY ELECTION	\$54.00
FOUST, GREGORY	24 PRIMARY ELECTION	\$65.50

BRADLEY-THOMPSON, BO	24 PRIMARY ELECTION	\$229.59
CARR, NANCY	24 PRIMARY ELECTION	\$108.08
DALTON, NANCY	24 PRIMARY ELECTION	\$200.00
HOLMES, GEORGIA M	24 PRIMARY ELECTION	\$200.00
SPEAECT, ANNA	24 PRIMARY ELECTION	\$227.00
MEISTER, JENNY	24 PRIMARY ELECTION	\$175.00
ADLER, KRISTINE	24 PRIMARY ELECTION	\$200.00
PETERSON, SARAH	24 PRIMARY ELECTION	\$200.00
ROWE, PATRICIA	24 PRIMARY ELECTION	\$65.50
ROSE, DENNIS	24 PRIMARY ELECTION	\$81.01
HARNED, DONNA	24 PRIMARY ELECTION	\$252.00
MOLITOR, ANNA	24 PRIMARY ELECTION	\$252.00
SHARP, BEN	24 PRIMARY ELECTION	\$398.80
MCKENZIE, TAMMIE	24 PRIMARY ELECTION	\$333.00
RUSSELL, PATRICK	24 PRIMARY ELECTION	\$254.00
WALKER, RAYMOND	24 PRIMARY ELECTION	\$94.50
HUBREGTSE, ROGER	24 PRIMARY ELECTION	\$119.50
ROGERS, RICHARD	24 PRIMARY ELECTION	\$119.50
BIRKHOLT, KAY	24 PRIMARY ELECTION	\$79.00
MULLER, JOSEPH	24 PRIMARY ELECTION	\$54.00
RITTERBUSH, NATHAN	24 PRIMARY ELECTION	\$47.25
SHAFFER, HEATHER	24 PRIMARY ELECTION	\$200.00
WINETEER, CYNTHIA	24 PRIMARY ELECTION	\$225.00
STRAUSER, GARRY	24 PRIMARY ELECTION	\$200.00
SWIFT, ARIANNA	24 PRIMARY ELECTION	\$200.00
NILSEN, DAVID T	24 PRIMARY ELECTION	\$200.00
WEISSER, KIMBERLY	24 PRIMARY ELECTION	\$200.00
COOK, BETHANY	24 PRIMARY ELECTION	\$200.00
HOTZ, MONIKA	24 PRIMARY ELECTION	\$175.00
TWISS, T'MARA	24 PRIMARY ELECTION	\$307.21
DAVIDSON, SUZANNE	24 PRIMARY ELECTION	\$220.25
HERRERA, LEONARD	24 PRIMARY ELECTION	\$258.75
BURDETTE, JOHN	24 PRIMARY ELECTION	\$245.25
FISCHER, DENNIS	24 PRIMARY ELECTION	\$50.63
PORTER, JUDY	24 PRIMARY ELECTION	\$200.00
CORBETT, SCOTT	24 PRIMARY ELECTION	\$92.50
HUMISTON, SUSAN	24 PRIMARY ELECTION	\$92.50
ANDERSEN, DON	24 PRIMARY ELECTION	\$92.50
STEVENS, LINDA	24 PRIMARY ELECTION	\$92.50
WHITE, DEB	24 PRIMARY ELECTION	\$92.50
JANIS, LINDALL	24 PRIMARY ELECTION	\$50.40
COMMISSION	WAGES & BENEFITS	\$5,564.50
AUDITOR	WAGES & BENEFITS	\$29,613.83

TREASURER	WAGES & BENEFITS	\$20,880.93
ST ATTY	WAGES & BENEFITS	\$21,554.43
MAINTENANCE	WAGES & BENEFITS	\$13,018.57
ASSESSOR	WAGES & BENEFITS	\$19,194.85
REG/DEEDS	WAGES & BENEFITS	\$16,056.37
VET'S	WAGES & BENEFITS	\$5,258.23
GIS	WAGES & BENEFITS	\$5,888.02
SHERIFF	WAGES & BENEFITS	\$66,242.40
JAIL	WAGES & BENEFITS	\$45,723.21
CORONER	WAGES & BENEFITS	\$1,151.50
EXTENSION	WAGES & BENEFITS	\$3,978.19
WEED	WAGES & BENEFITS	\$6,723.86
	<b>TOTAL FOR GENERAL FUND</b>	<b>\$411,975.56</b>
<b>COUNTY ROAD &amp; BRIDGE</b>		
A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEA	\$39.37
AMAZON CAPITAL SERVICES	SUPPLY	\$82.92
BLACK HILLS ELECTRIC	UTILITY	\$45.43
BOMGAARS	SUPPLY	\$44.16
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$522.37
FLOYD'S TRUCK CENTER	REPAIRS/PARTS	\$266.99
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$633.83
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$56.15
GRIMM'S PUMP SERVICE INC	PARTS/SUPPLY	\$34,785.78
HOT SPRINGS ACE HARDWARE	SUPPLY	\$15.97
MG OIL	INVENTORY/SUPPLY	\$917.99
MCDANIEL	REPAIR/MAINTENANCE	\$3,537.83
RDO EQUIPMENT CO	REPAIR/PARTS	\$479.35
ROSANE CONSTRUCTION LLC	DUST CONTROL	\$20,783.84
SOUTHERN HILLS SEPTIC	#61224/SEPTIC PUMPIN	\$333.44
SAFETY-KLEEN SYSTEMS, INC	PARTS WASHER LEASE	\$248.94
SDPAA	INSURANCE	\$24,788.31
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$5.49
WHITMORE INC.	LOADER PAPER	\$193.92
LAVERN & SONJA WILCOX	CREDITS/OVERPAYMENT	\$10.21
CRBR ADMIN	WAGES & BENEFITS	\$5,130.98
CRBR HWY	WAGES & BENEFITS	\$56,313.62
	<b>TOTAL FOR COUNTY ROAD &amp; BRIDGE</b>	<b>\$149,236.89</b>
<b>911 SURCHARGE REIMB</b>		
POWERPHONE INC	SERVICE PLAN	\$116.08
SDPAA	INSURANCE	\$297.50
VERIZON WIRELESS	CELL PHONE PLAN	\$41.91
DISPATCH	WAGES & BENEFITS	\$36,629.86
	<b>TOTAL FOR 911 SURCHARAGE REIMBURSEMENT</b>	<b>\$37,085.35</b>



<b>FIRE PROTECTION FUND</b>		
SDPAA	INSURANCE	\$264.21
	<b>TOTAL FOR FIRE PROTECTION FUND</b>	<b>\$264.21</b>
<b>TOTAL FOR EMERGENCY MGT</b>		
MIDWEST CARD & ID LLC	EQUIPMENT/REPAIR	\$486.57
SDPAA	INSURANCE	\$1,635.48
VERIZON WIRELESS	CELL PHONE PLAN	\$125.73
F.R.EMERG.	WAGES & BENEFITS	\$8,352.82
	<b>TOTAL FOR EMERGENCY MGT FUND</b>	<b>\$10,600.60</b>
<b>24/7 SOBRIETY FUND</b>		
24/7	WAGES & BENEFITS	\$2,639.55
	<b>TOTAL FOR 24/7 SOBRIETY FUND</b>	<b>\$2,639.55</b>
	<b>TOTAL FOR BILLS PD BETWEEN 06/21 AND 07/02/2024</b>	<b>\$611,802.16</b>

Break was taken at 10:09 a.m. The meeting resumed at 10:15 a.m.

Chairman Falkenburg called for any public comment. Paul Nabholz, County resident, indicated that he wanted to speak but would prefer to wait until after the State’s Attorney had spoken regarding updated election information.

Lance Russell, State’s Attorney, met with the Board to provide updates and discuss the determination from the Deputy Secretary of State, Thomas Deadrick regarding election counting boards. He summarized that; the opinion of the Deputy SOS is that there can be multiple counting boards for larger precincts, as per SDCL 12-15-1.

Motion made by Cope, seconded by Allen, to allow the State’s Attorney to advertise and hire 2 part-time summer intern positions at \$12.00/hr.

The second reading was held of Fall River County Ordinance #2024-01 as follows:

**FALL RIVER COUNTY ORDINANCE # 2024-01**  
**AN ORDINANCE TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION**  
**OF FIRE HAZARDS IN PROVO TOWNSHIP, FALL RIVER COUNTY, SOUTH DAKOTA**

**WHEREAS**, the Fall River County Commission is charged with protecting the health and safety of the citizens of Fall River County including all property situated therein; and

**WHEREAS**, the Fall River County Commission has consulted with local fire officials, law enforcement and emergency management officials concerning the threat posed by wildfires; and

**WHEREAS**, the threat of wildfires in Fall River County is such so as to pose a significant danger to the health and safety of the citizens of Fall River County including property situated therein; and

**WHEREAS**, the Edgemont Fire Chief has provided photographic evidence of burning of trash at the former Black Hills Army Depot in Provo Township (Township 10 South, Range 2 East) and/or the adjacent Unorganized Township (Township 10 South, Range 1 East), Fall River County, South Dakota; and

**WHEREAS**, the Federal Government has previously identified a Chemical Burning Pit, and other Burning Grounds previously used by the Federal Government in said Townships, and although efforts have been made to reclaim said areas, the County Commission finds that burning during June, July, August and September in Provo Township (Township 10 South, Range 2 East) and the adjacent Unorganized Township (Township 10 South, Range 1 East) both in Fall River County, South Dakota, poses a significant danger to the health and safety of the citizens of Fall River County, and of Provo Township in particular; and

**WHEREAS**, the Fall River County Commission has deemed it necessary to enact certain temporary controls to reduce the threat posed to the citizens and property of Provo Township and of Fall River County by wildfires.

**NOW THEREFORE BE IT ORDAINED BY THE FALL RIVER COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

**SECTION 1:** That pursuant to SDCL 7-8-20 (18) the Fall River County Commission does hereby enact this ordinance to ensure public safety on an emergency basis, effective immediately and impose a ban on all open burning and fireworks except for petroleum fueled or charcoal briquette fueled grills used for preparing food. This burn ban applies to any individual in Provo Township (Township 10 South, Range 2 East) and the adjacent Unorganized Township (Township 10 South, Range 1 East), located in southwestern Fall River County, South Dakota, outside any municipality or land within the Black Hills Fire Protection District, and is in effect when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the **MODERATE, HIGH, VERY HIGH or EXTREME** level. Individuals will be allowed to use gas fueled or charcoal fired BBQ grills and will be allowed open burning when the fire index is at the **LOW** level. Campfires will **NOT** be allowed on private land or licensed commercial campgrounds. Campgrounds operated by the State of South Dakota or US Government must follow the established laws and regulations.

**SECTION 2:** That this open burning ban will remain in effect until repealed by the Fall River County Commission. Pursuant to SDCL 7-18A-2 the penalty for violating this ordinance shall include a fine not to exceed two hundred dollars for each violation and/or imprisonment for a period not to exceed thirty days for each violation: or both such fine and imprisonment. Additionally, person(s) in violation of this burn ban may be responsible for any and all suppression costs pursuant to South Dakota Law.

**SECTION 3:** That the Fall River County Commission declares an emergency and this ordinance shall be in effect immediately in order to protect the peace, health and safety of the citizens of Fall River County.

Dated this \_\_\_\_ day of July, 2024.

\_\_\_\_\_  
Joe Falkenburg  
Chairman, Fall River Commission

ATTEST:

\_\_\_\_\_  
Sue Ganje, Fall River/Oglala Lakota County Auditor

Kelly Anderson, County resident, spoke regarding the ordinance. He assured the Board that, before they burn, they inform Fall River County Dispatch and the Edgemont Fire Chief. They also watch fire

conditions and don't burn when fire danger is high. He also stated that they will have a water tanker soon.

Motion made by Cope, seconded by Falkenburg, to adopt Fall River County Ordinance 2024-01. With Russell and Allen voting no, Cope and Falkenburg voting yes, motion died due to a tie vote.

Motion made by Cope, seconded by Russell, to table Ordinance #2024-01 until the next meeting and would like the Edgemont Fire Chief and concerned neighbors to attend to voice their concerns.

After a brief discussion by State's Attorney Russell, he informed the Board that their duties regarding approval of Orders of Incorporation for Road Districts states they "shall" approve the Order of Incorporation for Road Districts.

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution #2024-54 as follows:

**FALL RIVER COUNTY RESOLUTION #2024-54**

ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE CLEARWATER LAKE ESTATES SUBDIVISION ROAD DISTRICT  
FALL RIVER COUNTY, SOUTH DAKOTA

WHEREAS, all voting property owners that are within the proposed district have agreed to and petitioned for the organization of the Clearwater Lake Subdivision Road District, and

WHEREAS, an Election was held on June 12, 2024 asking the voters to accept or reject the formation of the Clearwater Lake Estates Subdivision Road District, with 7 voters accepting and 0 voter rejecting the formation of the Clearwater Lake Estates Sub Road District, and

NOW, THEREFORE, BE IT ORDERED, that the Fall River County Commissioners shall declare the Clearwater Lake Estates Subdivision Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political, effective as of today's date, with taxing authority for the 2024 tax year payable in 2025 and after, and

BE IT FURTHER ORDERED, that the Clearwater Lake Estates Subdivision Road District be described as follows:

Lots 2A, 2B, 3A, 3B, 4A, 4B, 8A, 8B, 8C, 9A, 9B, 10A, 10B, 10C, 11A, 11B, 11C, 12A, 12B, 13A, 13B, 14A, 14B, 16A, 16B, 17A, 17B, 18A, 18B, 19, 20A Revised, 20B Revised, 21A, 21B, 22A, 22B, and a private access and utility easement of Clear Water Lake Estates, located in the N ½ of section 16 T8S, R6E, BHM, Fall River County, South Dakota Formerly Lots 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, and 22, of Clearwater Lake Estates.

Dated this 2<sup>nd</sup> day of July, 2024

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

Commissioner  
ATTEST:

/s/ Sue Ganje

Sue Ganje

Fall River County Auditor

Paul Nabholz spoke in favor of hand counting ballots for the General Election in November, 2024.

Motion made by Cope, seconded by Allen, to table determining what form of counting ballots will be used in the General Election until the next meeting to allow more research.

Lily Heidebrink, Director of Equalization, met with the Board.

Motion made by Russell, seconded by Allen, to approve travel for Morgan Erickson, Assessor in Training, to attend the USPAP Course, July 22 through 25, 2024 in Pierre.

Motion made by Allen, seconded by Cope, to approve travel for Morgan Erickson, Assessor in Training, to attend Equalization Basics Training, September 29 through October 4, 2024 in Pierre.

Cole Romey, Attorney, met with the Board to present a petition to partially replat and partially vacate a dedicated public highway and rededicate a public highway.

Motion made by Russell, seconded by Cope, to accept the petition and set a hearing for the August 1, 2024 Commissioner meeting at 9:30 a.m. for that 66' ft. wide road dedicated to the public known as "Tract Road" generally running in a northeast and southwest direction located between what would be formerly known as Tract Chapel No. 1 and Lot 2 of Tract Chapel No. 2 to the west and Tract "A" to the east, Located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Thirty-two (32), Township Seven (7) South, Range Six (6) East of the Black Hills Meridian; according to the Plat filed for record on December 20, 1962, at the Fall River County Register of Deeds in Book 8, Page 3;1 and the Plat filed for record on October 25, 1995, at the Fall River County Register of Deeds in Book 17, Page 56.

Motion made by Russell, seconded by Falkenburg, to go into executive session to discuss personnel as per SDCL 1-25-2 (1) at 10:48 a.m.

The Board came out of executive session at 11:17 a.m.

Motion made by Cope, seconded by Allen, to approve hiring Tony March as County Highway Superintendent at \$72,500.00 per year, effective July 3, 2024.

Commission Chairman Falkenburg declared the meeting adjourned at 11:18 a.m.

/s/ Joe Falkenburg

Joe Falkenburg, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Auditor

Fall River County