**FALL RIVER COUNTY UNAPPROVED MINUTES OF JUNE 20, 2024**

The Fall River Board of County Commissioners met in regular session on June 20, 2024. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Stacy Schmidt, Deputy 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.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 Revised Fire Resolution and add the first reading of Fall River County Ordinance to provide for temporary emergency regulation of fire hazards in Provo Township, Fall River County, South Dakota and to add accepting a petition regarding the vacation of a plat from A. Waymon Williams and Ollie Bea Williams.

Motion made by Russell, seconded by Allen, to approve the Fall River County Commission Meeting minutes from June 6, 2024.

The Auditor’s Account with the Treasurer for May 2024 was not available to be presented at this meeting.

Motion made by Russell, seconded by Allen, to tabulator count the General Election ballots. There was some discussion regarding laws and sizes of precincts and election boards. No vote occurred.

Motion made by Allen, seconded by Cope, to table the determination of the General Election tabulation procedure until the next meeting on July 2, 2024 to allow for Sue Ganje, Auditor to be present and for State’s Attorney Russell to check on various SDCL election laws and Administrative Rules.

Motion made by Russell, seconded by Allen, to approve and authorize the Chairman to sign the Rural Attorney Program Grant contract amendment and to pay $4,379.76 to Austin Schaefer, Attorney.

Motion made by Cope, seconded by Allen, to table the approval of Resolution #2024-53, Order of Incorporation for Clearwater Lake Estates Subdivision Road District until the next meeting on July 2, 2024 to allow for the State’s Attorney to look into the laws regarding road districts.

There were no County Assistance applications.

Lyle Norton, Sheriff, met with the Board. He provided the current jail census of 15 total inmates, 13 are males, 2 are females.

Motion made by Russell, seconded by Allen, to approve the purchase of Total Response Site Licensed Training Service Plan, prorated from July 31 to September1, 2024 at a rate of $116.08 at which time the annual renewal of $1,393.00 will be paid along with the annual software maintenance plan of $299.70. The total amount paid annually will be $1,692.70 in subsequent years.

Norton then presented an equipment purchase proposal, noting that the approval was given last year to purchase needed equipment, but spare equipment was not included. He would like to purchase Taser 10’s, which are cheaper than the Taser 7’s were when they were purchased.

Motion made by Russell, seconded by Allen, to approve the FRCSO request to purchase equipment, noting that the Board would like Taser 10’s to be purchased instead of the Taser 7’s listed on the Equipment Request. Roll call was taken, with Greenough and Cope voting no, all others voting yes, motion carried. Norton will bring the quote back to the next meeting as it will be less than the $15,357.18 listed on the submitted request.

Norton notified the Board that CURA Hospitality did not renew the meal contract with the South Dakota State Veteran’s Home, which is where the meals are delivered from for the inmates of the jail. A new company, HCGA, will be contracting with the State Home and willing to provide the meals for the jail. He said that the Fall River Health Services and Pine Hills Retirement Home had both expressed interest in providing meals but weren’t sure. HCGA will provide meals and will be preparing a contract for continued service that Norton will bring to the Board when he receives it.

Lastly, Norton updated the Board regarding Deputy Michael Close’s Law Enforcement Certification status. Close participated in a Zoom meeting and his certification was reinstated from the State of South Dakota.

Frank Maynard, Emergency Manager, met with the Board to report on fires and incidents. He also briefed the Board regarding HMP, LEOP and HAZ MAT Plan Updates. Maynard stated that the Fall River Hazard Mitigation Plan project application has been approved by the SD Hazard Mitigation Team and has been forwarded to FEMA for review and funding approval. He updated the Board that the internal alert for Angostura was cancelled on June 13, 2024, the elevation was 3185.5 with inflows at approximately 20 cfs. He then reminded the Board that the County will be receiving a payment, dating back to 03/04/2014 of $6,813.92 from the State of SD for DR4155 Winter Storm Atlas.

Mike Ortner, Attorney, met with the Board.

Motion made by Greenough, seconded by Allen, to accept the petition and to approve setting a hearing for vacating the Plat of Canyon Springs Estates, Lots 1 through 7, Homesite Tract and Nature Tract in the E1/2NE1/4NE1/4 of Section 15 and the SE1/4SE1/4SE1/4 of Section 10, all located in Township 7 South, Range 5 East of the Black Hills Meridian, Fall River County, South Dakota as recorded in the plat thereof in Book 23 of Plats, page 63 in the Register of Deeds Office on July 18, 2024 at 9:30 a.m.

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

Motion made by Russell, seconded by Cope, to approve payment in lieu of vacation for 24.75 hours for Brett Blessing due to being short-staffed.

Motion made by Russell, seconded by Greenough, to approve the Approach Permit application for Mark Harned on the west side of WG Flat Loop Road at approximately Oral Loop Rd to service a residence.

Motion made by Greenough, seconded by Russell, to approve the Approach Permit application for Ronald Owens on the east side of Old Hwy 79; Lots 1 & 2 & E1/2NW1/4 Section 30, Twp 9S, Rng 7E, BHM, Fall River County, South Dakota. And for an Approach Permit application for Ronald Owens on the east side of Old Hwy 79; Lots 3 & 4 & E1/2SW1/4, S1/2SE1/4, Section 19, Twp 9S, Rng 7E,   
BHM, Fall River County, South Dakota.

Motion made by Russell, seconded by Allen, to approve the purchase of a 2024 Caterpillar Model 150Joy-BR, 140 14A AWD Motor Grader and to trade in the 2016 140M Caterpillar Motor Grader, SN 0N9J00365 valued at $155,000.00 leaving a difference of $293,117.39 to be paid to Butler Machinery Company. Roll call was taken. With Greenough and Cope voting no, all others voting yes, motion carried.

Motion made by Russell, seconded by Allen, to approve the gravel purchase for next year that will be billed out of this year’s budget up to $500,000.00.

Blessing informed the Board that the Mag Water projects for next year need to be directed to approximately 5.2 miles of Smithwick Road and that Mag Water is approximately $3,800.00 to $4,000.00 per mile. He then reported regarding the chip sealing proposal for next year. It will need an inspection by Brosz Engineering before proceeding. The suggested roads to work on are East Oral Road and 18B going to Hot Brook. It is suggested that 18S going to Edgemont be postponed. The Highway Department does not currently have an Oil Tanker. He briefly mentioned the Invoice from the Highway Department for the Commissioners for the work done east of the east parking lot. Lastly, he reported that the Feedlot Rd will be patched for now, hot mix is $70.00/ton and that the Smithwick railroad track crossing will be closed ½ to 3 days for repairs.

Joe Allen, Commissioner, provided an update regarding the proposed Justice Center/Jail. He advised that he had looked at a map of the flood plain of the area east of the east parking lot. He spoke to a surveying company in Rapid City and received an estimate of $2,500.00 to do a survey. It was suggested to get a quote from Andersen Engineers. The fill dirt that needs to be dumped in the area cannot be dropped until the area is surveyed to make sure there are no archaeological findings in the area. He plans to get information about a 500-year flood plain as well.

Motion made by Allen, seconded by Russell, to pay the engineering company out of Rapid City $2,500.00 to do the survey of the area east of the east parking lot of the Courthouse.

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

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| **GENERAL FUND** |  |  |
| A & B WELDING SUPPLY CO. | SUPPLY | $230.64 |
| AMAZON CAPITAL SERVICES | SUPPLY | $736.11 |
| AXON ENTERPRISE, INC. | EQUIPMENT | $12,239.34 |
| BLACK HILLS CHEMICAL | SUPPLY | $634.88 |
| BLACK HILLS OBSTETRICS | INMATE MEDICAL | $303.14 |
| CENTURY BUSINESS LEASING | COPIER LEASE & USAGE | $1,379.45 |
| CHEYENNE SANITATION | SANITATION COLLECTIO | $379.50 |
| CORRECT RX PHARMACY SERV. | INMATE PHARMACY | $61.26 |
| COVENANT TACTICAL LLC | AMMUNITION | $605.00 |
| CULLIGAN SOFT WATER | RENTAL/SUPPLY | $223.50 |
| DECKED LLC | EQUIPMENT | $1,599.99 |
| DIAMOND MOWERS INC | REPAIR/MAINTENANCE | $607.28 |
| ELEVATUS ARCHITECTURE | JUSTICE STUDY | $288.00 |
| EN-TECH LLC | FUMIGATION | $125.00 |
| ERICKSON, MORGAN | TRAVEL REIMBURSEMENT | $130.00 |
| EXECUTIVE MGMT FINANCE | BIT NETWORK FEES | $69.25 |
| FALL RIVER COUNTY HERALD | PUBLICATION | $2,499.94 |
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | $6,831.87 |
| HEIDEBRINK, LILY | TRAVEL REIMBURSEMENT | $130.00 |
| HOPE COUNSELING CENTER | QMHP/MI | $300.00 |
| HOT SPRINGS ACE HARDWARE | SUPPLY | $150.01 |
| CITY OF HOT SPRINGS | CITY WATER BILL | $777.13 |
| CITY OF HOT SPRINGS | QTRLY FIRE SPRINKLER | $24.00 |
| HUSTEAD LAW OFFICE, P.C. | CAAF | $2,959.84 |
| ILLAHEE CONSULTING LTD | MENTAL EVAL | $287.50 |
| LOGUE VINCE | CLOTHING ALOWANCE | $157.45 |
| MARCO | COPIER LEASE S ANNEX | $326.40 |
| MARTY'S TIRE & AUTO BODY | REPAIR/MAINTENANCE | $213.00 |
| MASTEL, BRUCE | DATABASE SETUP & MON | $35.00 |
| MASTERCARD | COUNTY CREDIT CARD | $2,242.30 |
| MCGLUMPHY, ERIN | TRAVEL REIMBURSEMENT | $1,018.73 |
| MEDICAL WASTE TRANSPORT | MEDICAL WASTE TRANSP | $189.30 |
| MICROFILM IMAGING SYSTEMS | SCANNING EQUIP LEASE | $140.00 |
| QUADIENT FINANCE USA, INC | POSTAGE | $999.48 |
| NICHOLAS TOWING | SERVICE | $990.00 |
| ONSITE FIRST AID, LLC | FIRST AID | $237.15 |
| PENNINGTON COUNTY JAIL | INMATE HOUSING PENNI | $5,605.00 |
| PENNINGTON COUNTY JAIL | TRANSPORT | $120.92 |
| FALL RIVER CO FAIR-BOOTHS | FALL RIVER COUNTY FA | $95.00 |
| QUINTANA, VERONICA | CLOTHING ALLOWANCE | $47.78 |
| QUILL CORPORATION | SUPPLY | $182.54 |
| QUILL CORPORATION | SUPPLIES | $18.29 |
| RAMKOTA HOTEL-PIERRE | HOTEL | $77.00 |
| REDWOOD TOXICOLOGY LAB | INVESTIGATIONS | $394.00 |
| RUSHMORE COMMUNICATIONS | EQUIPMENT/REPAIR | $28.50 |
| SD DEPARTMENT OF HEALTH | BLOOD DRAW ANALYSIS | $825.00 |
| SD DEPT OF REVENUE | AUTO/MI STATE REMITT | $60.00 |
| SD NETWORK AGAINST FAMILY | 2024 MEMBERSHIP DUES | $200.00 |
| SD OFFICE OF CHILD&FAMILY | QUARTERLY PUBLIC HEA | $1,774.44 |
| SOFTWARE SERVICES INC | SOFTWARE SERVICES | $5,355.00 |
| STRYKER SALES LLC | EQUIPMENT | $1,289.20 |
| STURDEVANT'S AUTO VALUE | PARTS/SUPPLY | $50.34 |
| THOMSON REUTERS | SUBSCRIPTION | $155.40 |
| MILES, SASHA | BLOOD DRAW | $150.00 |
| BURGESS, DEAN | LOST CHECK REIMBURSE | $33.34 |
| MARKVE, KENNETH | LOST CHECK REIMBURSE | $659.26 |
|  | **TOTAL FOR GENERAL FUND** | **$57,242.45** |
| **COUNTY ROAD & BRIDGE** |  |  |
| AMAZON CAPITAL SERVICES | SUPPLY | $153.80 |
| BLESSING, BRETT | REIMBURSEMENT | $79.67 |
| BUTLER MACHINERY CO. | EQUIPMENT REPAIR | $136.75 |
| CHEYENNE SANITATION | SANITATION COLLECTIO | $79.00 |
| CITY OF EDGEMONT | CITY OF EDGEMONT WAT | $87.40 |
| FORWARD DISTRIBUTING | SUPPLIES/PARTS | $101.05 |
| FALL RIVER COUNTY HERALD | PUBLICATION | $107.50 |
| FALL RIVER CTY TREASURER | EQUIPMENT | $26.70 |
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | $8.50 |
| HOT SPRINGS ACE HARDWARE | SUPPLY | $154.92 |
| CITY OF HOT SPRINGS | CITY WATER BILL | $28.23 |
| MASTERCARD | COUNTY CREDIT CARD | $14.77 |
| NEWMAN SIGNS INC. | SIGNAGE | $433.29 |
| ONSITE FIRST AID, LLC | FIRST AID | $72.75 |
| POMP'S TIRE SERVICE INC. | PARTS | $1,595.24 |
|  | **TOTAL FOR COUNTY ROAD & BRIDGE** | **$3,079.57** |
| **911 SURCHARGE REIMBURSEMENT** |  |  |
| CENTURY BUSINESS LEASING | COPIER LEASE & USAGE | $111.00 |
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | $17.00 |
| MASTERCARD | COUNTY CREDIT CARD | $12.00 |
|  | **TOTAL FOR 911 SURCHARGE REIMBURSEMENT** | **$140.00** |
| **EMERGENCY MGT** |  |  |
| GOLDEN WEST TECHNOLOGIES | IT SUPPORT/CONTRACT | $17.00 |
| MARCO | COPIER LEASE S ANNEX | $163.00 |
| MASTERCARD | COUNTY CREDIT CARD | $405.70 |
| RUSHMORE COMMUNICATIONS | EQUIPMENT/REPAIR | $468.00 |
|  | **TOTAL FOR EMERGENCY MGT** | **$1,053.70** |
| **M & P RELIEF** |  |  |
| MICROFILM IMAGING SYSTEMS | SCANNING EQUIP LEASE | $75.00 |
| TRIMIN SYSTEM, INC. | SOFTWARE MAINTENANCE | $7,375.00 |
| TSCHACHER, AMBER | TRAVEL REIMBURSEMENT | $54.00 |
|  | **TOTAL FOR M & P RELIEF** | **$7,504.00** |
| **COURTHOUSE BUILDING FUND** |  |  |
| ACTION MECHANICAL INC | REPAIR/MAINTENANCE | $3,500.00 |
| HOT SPRINGS ACE HARDWARE | SUPPLY | $55.09 |
|  | **TOTAL FOR COURTHOUSE BUILDING FUND** | **$3,555.09** |
|  | **TOTAL FOR BILLS PAID BETWEEN 06-07 & 06-20-2024** | **$72,574.81** |

Break was taken at 10:16 a.m. The meeting resumed at 10:25 a.m.

Public comment was heard at this time. George Larson, Hot Springs Meals, presented the 2025 Budget Request to the Board noting that the request is higher than 2024 due to increasing costs and that they will be asking for more from the City of Hot Springs as well. Lance Russell, State’s Attorney, noted that Oglala Lakota County Commissioners had requested statistical information from various offices so he wanted to provide that to Fall River County Commissioners He stated that, in the last year, there have been 410 Class 1 misdemeanors. Joe Falkenburg, Commissioner, wanted the public to know about the Summer Study on Property Taxes in South Dakota. South Dakota is 1/3 highest.

Lance Russell, State’s Attorney, met with the Board to explain that the Burn Ban needs to be in Ordinance form and not Resolution form. He then provided a draft of the 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 insure 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.

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Joe Falkenburg

Chairman, Fall River Commission

ATTEST:

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Sue Ganje, Fall River/Oglala Lakota County Auditor

Kelly Anderson was present and explained that they have an incinerator in one of the Igloo area bunkers. He stated that he always calls in and informs dispatch when they burn. It was suggested that he speak directly to the Edgemont area Fire Chief. He will also talk to the lessor/owner of the properties to inquire about insurance. He also noted that they have purchased a water tanker to have on hand.

Motion made by Cope, seconded by Greenough, to pass the 1st Reading of Fall River County Ordinance #2024-01. With Allen voting no, all others voting yes, motion carried.

The Board reviewed the Recount Canvass. Sandra Wahlert was still the 3rd highest Commissioner Candidate by one vote.

Motion made by Allen, seconded by Russell, to approve and certify the Fall River County Recount Canvass.

Motion made by Russell, seconded by Falkenburg, to go into executive session to discuss personnel as per SDCL 1-25-2 (1) at 10:55 a.m.

The Board came out of executive session at 12:05 p.m.

Commission Chairman Falkenburg declared the meeting adjourned at 12:05 p.m.

/s/ Joe Falkenburg

Joe Falkenburg, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/ Stacy Schmidt, Deputy Auditor

Stacy Schmidt, Deputy Auditor

Fall River County