

FALL RIVER COUNTY APPROVED MINUTES OF AUGUST 1, 2024

The Fall River Board of County Commissioners met in regular session on August 1, 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.sdcounties.org>, or on Facebook, on the Fall River County's website.

Motion made by Greenough, seconded by Allen, to approve the agenda as written.

Motion made by Russell, seconded by Greenough, to approve the Fall River County Commission Meeting minutes from July 18, 2024.

Motion made by Russell, seconded by Allen, to set a hearing for 2025 PILT distribution for August 15, 2024 at 9:45 a.m.

Motion made by Russell, seconded by Allen, to approve Tony March, Highway Superintendent, Melody Engbretson, Register of Deeds, Sue Ganje, Auditor, Deb Russell, Joe Falkenburg and Joe Allen, Commissioners, to attend the SDACC-ACO Conference in Rapid City, September 17 & 18, 2024.

Motion made by Russell, seconded by Allen, to approve the wage increase for Blaine Wilson, Deputy Sheriff, from \$24.75/hr to \$26.00/hr plus \$25.00/month longevity, effective 08/29/2024.

There were no County Assistance/Death expense applications.

Sue Ganje, Auditor, met with the Board to present the 2025 Auditor and Election budgets request for their consideration.

Lyle Norton, Sheriff, met with the Board.

Motion made by Russell, seconded by Greenough, to approve surplus of the 2017 Chevrolet Tahoe patrol vehicle (VIN 1GNSKDEC5HR300838) to sell.

Motion made by Allen, seconded by Russell, to approve travel for Melissa Fleming to attend the Dakota 911 Conference in Deadwood September 30 through October 2, 2024 with lodging amount to be to be \$129.00 per night,

Norton provided the jail census. There are 17 in house, 13 males and 4 females, noting that 1 male is in Meade County for a total of 18 inmates. He notified the Board that Pennington County is increasing the rate to house inmates from \$95.00/day to \$105.00/day and the Special Management housing will increase from \$120.00/day to \$125.00/day. He also reported that one of the new Durango's is in the process of being updated with the law enforcement package.

Frank Maynard, Emergency Manager, met with the Board to provide updates and report on incidents. He noted that the Ardmore repeater installation process has started. He has been in contact with

Rushmore Communication and Black Hills Electric Cooperative. BHE Coop has agreed to donate the pole and the labor for installation. He wanted to remind everyone that individuals can go into the NWS drought monitoring and upload pictures and comments regarding local drought situations.

Tony March, Highway Superintendent, met with the Board.

Motion made by Greenough, seconded by Allen, to approve the approach permit for Garrison Allen on the west side of Chadron Road (County Road 3S) at approximately ½ mile south of Slim Buttes Road.

Fuel quotes were provided for 8,000 gallons of gasoline from Vollan Oil in the amount of \$2.847/gallon. Nelson's Oil & Gas quoted \$3.039/gallon. MG Oil did not provide a bid.

Motion made by Russell, seconded by Allen, to approve the low bid from Vollan Oil.

Fuel quotes were provided for 8,000 gallons of dyed #2 Diesel fuel from Vollan Oil in the amount of \$2.76/gallon. Nelson's Oil & Gas quoted \$2.89/gallon. MG Oil did not provide a bid.

Motion made by Russell, seconded by Allen, to approve the low bid from Vollan Oil.

March then presented the 2025 Budget request for their consideration noting that he is asking for more in the gravel line item.

March also informed the Board that he will be taking the Highway Superintendent test on August 14, 2024 in Pierre.

Motion made by Cope, seconded by Russell, to approve travel including an overnight stay in Pierre on the day prior to the testing.

The time being 9:30, the hearing for the partial replat and partial vacation of Dedicated Public Highway and rededicate a Public Highway was held. Dean Tinaglia County resident, spoke expressing his opposition to this.

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution #2024-57, contingent upon the acceptance of the forthcoming plat that replats Bailey Tract, as follows:

Prepared By:

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

FALL RIVER COUNTY RESOLUTION #2024-57

A RESOLUTION PARTIALLY REPLATTING AND PARTIALLY VACATING AND REDEDICATE A PUBLIC HIGHWAY:

1. The description of the Plats that are to be partially vacated and replatted with a dedicated public road are as follows:

A partial vacation of Tract Chapel No. 1 and Tract "A" which were filed for record on December 20, 1962, at the Fall River County Register of Deeds in the Plats Book 8, Page 31 and replatted as "Bailey Tract A"; and a partial vacation of Lot 2 of Tract Chapel No. 2, which was filed for record on October 25, 1995, at the Fall River County Register of Deeds in the Plats Book 17, Page 56 and replat as "Bailey Tract A".

And as shown in the survey as attached hereto as **Exhibit B**.

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

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 31 and the Plat filed for record on October 25, 1995, at the Fall River County Register of Deeds in Book 17, Page 56.

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

WHEREAS, the David D. Bailey Trust, whose post office address 13159 Fall River Road, Hot Springs, SD 57747; Gloria A. O'Neill, whose post office address is P.O. Box 629, Hot Springs, SD 57747; and Quality Real Estate, Inc., a South Dakota Corporation, whose post office address is 27535 S. Buffalo Gap Road, Oral, SD 57766, all having heretofore presented to the Fall River County Commissioners, State of South Dakota, a *Petition To Partially Replat And Petition To Partially Vacate Dedicated Public Highway And Rededicate A Public Highway* described as:

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 31 and the Plat filed for record on October 25, 1995, at the Fall River County Register of Deeds in Book 17, Page 56.

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 the *Petition* to replace in part the Plat filed for record on December 20, 1962, at the Fall River County Register of Deeds in Book 8, Page 31 and the Plat filed for record on October 25, 1995, at the Fall River County Register of Deeds in Book 17, Page 56, with a new Plat attached and incorporated by reference as **Exhibit B**, which creates one tract known as "Bailey Tract A" of approximately 34.10 acres +/- was presented simultaneously with the petition to vacate Tract Road, a public dedicated road.

WHEREAS the procedures described above to replat, vacate, and dedicate were brought as one *Petition* as a more efficient and comprehensive means to restructure the roads and property at issue. The road to be vacated, and the road to be dedicated, are both located within the land to be replatted. The

On this the 1st day of August, 2024 before me, Bobbie J Janis, the undersigned officer, personally appeared Joe Falkenburg / Sue Ganje, the Chairman / Auditor 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.

/S/ Bobbie J Janis
Notary Public - South Dakota

My Commission Expires: May 18, 2027

(SEAL)

Roll call was taken. With Greenough voting no, all others voting yes, motion carried.

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

Motion made by Allen, seconded by Russell, to approve Fall River County Resolution #2024-58, contingent on Resolution #2024-57 being recorded to establish book and page numbers, as follows:

FALL RIVER COUNTY RESOLUTION #2024-58

A PLAT OF BAILEY TRACT A, LOCATED IN THE SE1/4 NW1/4 OF SECTION 32, T7S, R6E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA, formerly Tract Chapel No. 1, Lot 2 of Tract Chapel No. 2, the vacated portion of Tract Road, and Tract A

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 1st day of August, 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 #2024-59, contingent on approval from the GIS Coordinator, as follows:

FALL RIVER COUNTY RESOLUTION #2024-59

A PLAT OF LOTS 84, 85 & 86 OF RED ROCK RIDGE SUBDIVISION, LOCATED IN THE SW1/4 OF SECTION 15, 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 1st day of August, 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 Russell, to approve Fall River County Resolution #2024-60, contingent on approval from the GIS Coordinator, as follows:

FALL RIVER COUNTY RESOLUTION #2024-60

A PLAT OF LOT 11 AND TRACT B3 OF ANGOSTURA NORTH SUBDIVISION, LOCATED IN THE SW1/4 SW1/4 OF SECTION 10 AND THE SE1/4 SE1/4 OF SECTION 9, ALL IN T8S, R6E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA, formerly Tract B2

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 1st day of August, 2024.

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

ATTEST:

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

Joe Falkenburg exited the meeting at 9:57 a.m.

Genevieve Osborn and Jade Doerig, Addiction Recovery of the Black Hills, met with the Board to present the 2025 Budget request for their consideration.

Joe Falkenburg reentered the meeting at 10:02

Teresa Pullen, Treasurer met with the Board.

Motion made by Allen, seconded by Greenough, to approve hiring Julie Silvernail, Treasurer Administrative Assistant at \$15.50/hr, effective 08/15/2024.

Pullen then presented the 2025 Budget request for her office for the Board's consideration. She also updated the Board regarding the computer purchase request that she had brought to them at the July 18, 2024 meeting. The quoted amount had gone down. She also provided updates regarding lien collections and the need for additional staffing.

Lance Russell, State's Attorney, met with the Board to present the 2025 Budget request for their consideration. He also provided updates regarding criminal proceedings and caseloads.

Mel Engebretson, Register of Deeds, met with the Board to present the 2025 Budget request for their consideration.

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

GENERAL FUND		
A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$75.60
BLACK HILLS CHEMICAL	SUPPLY	\$532.99
BILBRUCK, TYLER	BLOOD DRAW	\$600.00
BOMGAARS	SUPPLY	\$699.98
CAMERON, GEORGE	COURT REPORTER	\$808.40
COLBATH & SPERLICH, PC	CAAF/MAG/JUV	\$2,385.07
DIAMOND AUTOMOTIVE	REPAIR/MAINTENANCE	\$1,480.90
DIAMOND MOWERS INC	WRONG PAYEE	-\$607.28
ENVIRONMENTAL PRODUCTS	AIR FILTERS	\$62.40
ERICKSON, MORGAN	TRAVEL REIMBURSEMENT	\$102.00
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$71.25
FLEMING, MALACHIAH	REIMBURSEMENT	\$462.19
GALLS	UNIFORMS/SHERIFF SUPPLIES	\$290.89
GOLDEN WEST	INTERNET/PHONE	\$3,766.14
GOLDEN WEST	PHONE BILL 4/15/24 VOID	-\$2,251.14
HEAVY HIGHWAY FRINGE	INSURANCE FEES	-\$15.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$294.01
HUSTEAD LAW OFFICE, P.C.	CAAF	\$2,064.68
IOWA LABORERS DISTRICT	HEALTH INSURANCE	-\$579.00
LUTHER, BRANDON	REIMBURSEMENT	\$82.53
LYNNS DAKOTAMART	SUPPLY	\$100.01
MCNEMAR, KIM	MI/QMHP	\$300.00

NORTON, TINA	CONTRACT NURSE INMATE	\$1,625.00
O'NEILL, JUSTIN	CAAF	\$2,218.13
CITY OF RAPID CITY	BLOOD ANALYSIS	\$440.00
SDSU EXTENSION	4-H ADVISOR SALARY/LOST CHK	\$42,000.00
SERVALL	RUG SERVICE	\$432.91
SIG SAUER INC.	EQUIPMENT/ACCESSORIES	\$549.89
STEVENS, MIKAYLA	BLOOD DRAW	\$900.00
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$27.24
VERIZON WIRELESS	CELL PHONE PLAN	\$835.78
FEES, IRMA	BLOOD DRAW	\$225.00
ROUGH SURFACE, HAYLEY	REIMBURSEMENT	\$97.63
MILES, SASHA	BLOOD DRAW	\$300.00
BEDNAR, BRADFORD W	JURY & WITNESS	\$23.06
BEDNAR, BRADFORD W	WRONG PAYEE	-\$23.06
COMMISSION	WAGES & BENEFITS	\$5,603.94
AUDITOR	WAGES & BENEFITS	\$25,963.78
TREASURER	WAGES & BENEFITS	\$21,639.95
ST ATTY	WAGES & BENEFITS	\$20,778.99
MAINTENANC	WAGES & BENEFITS	\$12,642.13
ASSESSOR	WAGES & BENEFITS	\$19,176.33
REG/DEEDS	WAGES & BENEFITS	\$15,348.06
VET'S	WAGES & BENEFITS	\$5,258.25
GIS	WAGES & BENEFITS	\$5,888.02
SHERIFF	WAGES & BENEFITS	\$63,566.98
JAIL	WAGES & BENEFITS	\$44,601.43
CORONER	WAGES & BENEFITS	\$342.59
EXTENSION	WAGES & BENEFITS	\$2,672.37
WEED	WAGES & BENEFITS	\$6,873.76
	TOTAL FOR GENERAL FUND	\$310,734.78
COUNTY ROAD & BRIDGE		
A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEA	\$38.10
ADVANCED DRUG TESTING	RANDOM EMP DRUG TEST	\$31.20
BLACK HILLS ELECTRIC	UTILITY	\$40.07
BOMGAARS	SUPPLY	\$81.59
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$200.82
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$33.00
GOLDEN WEST	PHONE BILL 4/15/24 VOID	-\$251.39
MG OIL	INVENTORY/SUPPLY	\$937.20
MENARDS	SUPPLY	\$449.26
MIDWAY SERIVCE/VOLLAN OIL	FUEL	\$22,776.00
NEWMAN SIGNS INC.	SIGNAGE	\$441.09
ROSANE CONSTRUCTION LLC	DUST CONTROL/HWY 79	\$2,888.65
SD DEPT OF TRANSPORTATION	STATE COST SHARE ROA	\$1,244.89
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$515.90

VERIZON WIRELESS	CELL PHONE PLAN	\$107.21
CRBR ADMIN	WAGES & BENEFITS	\$11,228.10
CRBR HWY	WAGES & BENEFITS	\$47,625.66
	TOTAL FOR COUNTY ROAD & BRIDGE	\$88,387.35
911 SURCHARGE REIMBURSEMENT		
GOLDEN WEST	PHONE BILL 4/15/24 VOID	-\$813.39
HEAVY HIGHWAY FRINGE	INSURANCE FEES	-\$15.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	-\$579.00
VERIZON WIRELESS	CELL PHONE PLAN	\$42.68
DISPATCH	WAGES & BENEFITS	\$31,445.46
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$30,080.75
EMERGENCY MGT		
GOLDEN WEST	PHONE BILL 4/15/24 VOID	-\$155.49
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$149.99
VERIZON WIRELESS	CELL PHONE PLAN	\$128.04
BAKER, GARY	REIMBURSEMENT	\$12.72
F.R.EMERG.	WAGES & BENEFITS	\$8,499.77
	TOTAL FOR EMERGENCY MGT	\$8,635.03
COURTHOUSE BUILDING FUND		
HOT SPRINGS ACE HARDWARE	SUPPLY	\$82.74
STEVENS SERVICES, INC.	SERVICE	\$91.84
	TOTAL FOR COURTHOUSE BUILDING FUND	\$174.58
24/7 SOBRIETY FUND		
SHERIFF 24/7	WAGES & BENEFITS	\$2,415.69
	TOTAL FOR 24/7 SOBRIETY FUND	\$2,415.69
	TOTAL FOR BILLS PD BETWEEN 07-19 & 08-01-2024	\$440,428.18

Break was taken at 10:32 a.m. The meeting resumed at 10:40 a.m.

Lily Heidebrink, Director of Equalization, met with the Board to present the 2025 Budget request and provide office updates.

Motion made by Allen, seconded by Greenough, to approve the change of classification for Heather Shaffer from Administrative Assistant to Assessor in Training, effective immediately, with no pay increase at this time.

Stacey Martin, GIS Coordinator, was not present but the 2025 Budget request was provided to the Board for their consideration.

Public comment was heard from Joe Falkenburg, Commissioner, who wanted to call attention to an article in the Tri-State Livestock News that reported on a public vote as to whether County

Commissions will be able to vote on CO2 Pipelines. Tammie McKenzie, County resident, spoke regarding her work in the opposition of CO2 Pipelines, along with noting the importance of hand counting; Susan Henderson, County resident, asked if the County had any sort of estimate on the cost to build a Jail/Justice Center, which they don't have at this time.

The Commissioners then reviewed the 2024 Year to Date Budget. Greenough requested that the totals for the budget at the end of 2023 be provided at the next meeting to see what the trends are. Ganje requested that the Board decide what they will levy for the for the pay 2025 taxes. Falkenburg instructed her to do the 3% of CPI and the 1.63% of growth and levy the maximum amount for 2025.

Motion made by Russell, seconded by Allen, to reconsider the motion made at the 07/18/2024 meeting to hand count the ballots for the General Election. After discussion regarding procedures of a Post Election Audit vs. a Recount, roll call was taken. With Cope and Greenough voting no, all others voting yes, motion carried.

At this time, more public comment was heard from Kim Allen, County resident, Faye Baker, Hot Springs resident, Laura Barner, Hot Springs resident, and Susan Henderson, County resident, expressing their support for hand counting General Election Ballots.

Motion made by Russell, seconded by Allen, to utilize the tabulator for counting the General Election ballots with a 100% Post Election Audit within the timeframe allowed by SDCL. After discussion given by Greenough regarding his support for hand counting and being an example for National change, roll call was taken. With Cope and Greenough voting no, all others voting yes, motion carried.

Joe Allen, Commissioner, provided a short update on the Jail/Justice Center noting that he is still waiting on some information from the USDA as to whether the County would qualify for a 4% interest rate loan if the building was built east of the east parking lot. The other options would be, apply for a higher interest rate loan or look elsewhere to potentially get the USDA 4% rate. Currently, he is waiting for a determination.

Motion made by Russell, seconded by Allen, to enter into Executive Session for personnel, legal and negotiations per SDCL 1-25-2 (1), (3) and (4) at 11:21 a.m.

The Board was declared out of Executive Session and adjourned by Chairman Falkenburg at 11:33 a.m.

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

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