

FALL RIVER COUNTY APPROVED MINUTES OF AUGUST 15, 2024

The Fall River Board of County Commissioners met in regular session on August 15, 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; Falkenburg noted conflict regarding property in Canyon Springs. Cope noted conflict regarding PILT distribution. 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 Fall River County Commission Meeting minutes from August 1, 2024.

Motion made by Cope, seconded by Allen, to approve the wage increase, per Union Contract, for Jay Miles, Heavy Equipment Operator, Highway Department, from \$23.00/hr to \$23.75/hr, effective 09/07/2024.

Motion made by Russell, seconded by Allen, to approve travel for Heather Shaffer, Assessor in Training, to attend Basics Class in Pierre September 30 through October 4, 2024, at a cost of \$400.00 plus lodging and meal per diem.

Motion made by Allen, seconded by Russell, to approve the quote from Golden West Technologies and authorize payment for 25 Genetec Advantage Omnicast Cameras and 10 Synergis Readers for 1 year in the amount of \$892.50.

Greenough entered the meeting at 9:05 a.m.

Notice of a raffle was provided from EMPOWER Coalition of the Southern Hills, Inc., to be held on August 17, 2024 at the American Legion in Hot Springs.

There were no County Assistance/Death expense applications.

Lyle Norton, Sheriff, met with the Board.

Motion made by Russell, seconded by Cope, to approve 72 hours of LWOP which exceeds the 40 hours allowed in the FRC Employee Handbook Guideline 6.3.6 by 32 hours for Katy Howard, Jailer.

Norton provided the jail census. There are 21 in house, 16 males and 5 females, noting that 1 male is in Meade County for a total of 22 inmates. He notified the Board that he has been updating the Law Enforcement Contract with Edgemont, will present to the board for review prior to passing it on to the City.

Frank Maynard, Emergency Manager, met with the Board.

Motion made by Russell, seconded by Allen, to approve the purchase of radio programming

software for Bendix King in the amount of \$361.99 and Kenwood radios in the amount of \$784.80.

Maynard then provided updates and reported on incidents.

Tony March, Highway Superintendent, met with the Board.

Motion made by Russell, seconded by Greenough, to approve the approach permit for Garrett Weinreis to service a residence on the east side of Horse Creek Road at approximately Lat. 43.1603452, Long. -103.64189291.

March then presented updates that included his attendance at the Superintendent Certification, Training and Test. Shep's Canyon will get mag water on it soon. They are blading as they can to coincide with the moisture we've received. He also learned that if a vehicle is under \$50,000.00 that it does not have to be bid so he wants to pursue purchasing a new pickup truck.

It was noted that Erin McGlumphy, 4H Advisor/Extension had supplied the 4H and County Fair 2025 Budget request for the Board's consideration but was unable to be at the meeting.

The time being 9:30 a.m., the hearing for the partial vacation of Canyon Springs Estates. Mike Ortner, Attorney for the petitioners, Joe Falkenburg and Lillian Witte, was present to answer any questions.

Motion made by Cope, seconded by Greenough, to approve Fall River County Resolution #2024-61, with Falkenburg abstaining, as follows:

Fall River County Resolution #2024-61

Resolution and Order Vacating Remaining Plat of Canyon Springs Estates in Fall River County, South Dakota.

WHEREAS, Joe A. Falkenburg and Lillian Witte, husband and wife, have heretofore presented to the Fall River County Commission, pursuant to SDCL 11-3-21.1, a petition for vacation of the remainder of a Plat described as follows:

Lots 1 through 7 and Homesite Tract in the E1/2NE1/4NE1/4 of Section 15 and the SE1/4SE1/4SE1/4 of Section 10, all located in Canyon Springs Estates, Township 7 South, Range 5 East, BHM, Fall River County, South Dakota as recorded in the plat thereof in Book 23 of Plats, page 63 in the office of the Register of Deeds.

Which petition was made by the Owners of all the property of the Plat proposed to be vacated sets out that Joe A. Falkenburg and Lillian Witte have requested the Fall River County Commissioners to vacate the remainder of the Plat to the above-described real property described as Canyon Springs Estates.

WHEREAS, the Fall River County Commission at a meeting of said Commission held July 18, 2024, 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 the regular meeting of the Commission on Thursday, August 15, 2024, at 9:30 a.m. and directed that notice of said hearing be published once at least 10 days prior to the hearing in the official newspaper of said County; 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 the

public interest will be better served by such proposed vacation of the remainder of the requested Plat and the plat property proposed to be vacated has only been used for residential purposes and the only public highway located on any of the Plat proposed to be vacated is County Highway 11B, also known as Hot Brook Road which has existed since prior to 1957 and is not dependent on this Plat for its continued existence, ALSO REFERRED TO ON SAID Plat as Lot H1.

BE IT RESOLVED AND ORDERED by the Fall River County Commission, that the Plat described as follows is hereby partially vacated:

Lots 1 through 7 and Homesite Tract in the E1/2NE1/4NE1/4 of Section 15 and the SE1/4SE1/4SE1/4 of Section 10, all located in Canyon Springs Estates, Township 7 South, Range 5 East, BHM, Fall River County, South Dakota as recorded in the plat thereof in Book 23 of Plats, page 63 in the office of the Register of Deeds.

Such vacation to take effect after the 20th day after the publication of this Resolution.

Dated at Hot Springs, Fall River County, South Dakota, this 15th day of August, 2024.

APPROVED:

Deborah Russell
DEBORAH RUSSELL, VICE CHAIRMAN
FALL RIVER COUNTY COMMISSION

ATTEST:

/S/ Sue Ganje
Sue Ganje, County Auditor

Andersen Engineers met with the Board to present a plat for approval.

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution #2024-62 as follows:

FALL RIVER COUNTY RESOLUTION #2024-62

A PLAT OF HUBREGTSE TRACT OF SNOW'S PONDEROSA SUBDIVISION, LOCATED IN THE S1/2 NW1/4 OF SECTION 26, T7S, R5E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA, formerly Lot 4 and Lot 5

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 15th 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

The time being 9:45 a.m., the hearing for 2025 PILT Distribution occurred.

Motion made by Falkenburg, seconded by Greenough, to keep the 2025 PILT distribution the same as 2023's and 2024's distribution as follows: Schools to receive 10% of the total amount received (distributed by federal acres in each school district) and to allow distribution of 50% of the allocation (after the school portion) to the Townships, Ambulance and Fire Districts. Roll call was taken. With Cope abstaining, all others voting yes, motion carried.

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

GENERAL FUND		
BLACK HILLS CHEMICAL	SUPPLY	\$443.38
BIRMINGHAM & CWACH LAW	MENTAL ILLNESS	\$316.16
BOMGAARS	SUPPLY	\$29.75
CAMERON, GEORGE	COURT REPORTER	\$224.95
CORRECT RX PHARMACY SERV.	INMATE PHARMACY	\$10.00
EN-TECH LLC	FUMIGATION	\$450.00
ERICKSON, MORGAN	TRAVEL REIMBURSEMENT	\$94.00
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$272.18
FED EX	EVIDENCE SHIPPING	\$29.04
FALL RIVER COUNTY HERALD	PUBLICATION	\$697.48
HEIDEBRINK, LILY	TRAVEL REIMBURSEMENT	\$94.00
HOPE COUNSELING CENTER	QMHP/MI	\$300.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$233.56
HUSTEAD LAW OFFICE, P.C.	CAAF/MI	\$6,256.21
JOHNSON, CAROL	COURT REPORTER	\$14.70
LEWIS & CLARK BEHAVIORAL	QMHP	\$213.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$147.09
QUADIENT LEASING USA, INC	POSTAGE MACHINE LEAS	\$918.00
MARCO	COPIER LEASE	\$292.88
MASTERCARD	COUNTY CREDIT CARD	\$865.86
MAVERICK TIRE & AUTO	REPAIR/MAINTENANCE	\$68.26
MCGLUMPHY, ERIN	REIMBURSEMENT	\$1,077.49
NORTHWEST PIPE FITTINGS	SUPPLY	\$569.30
ONSITE FIRST AID, LLC	FIRST AID	\$176.69
PENN CO STS ATTNYS OFFICE	MENTAL ILLNESS	\$215.00
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNINGTON	\$1,520.00
US POSTAL SERVICE	POSTAGE	\$219.00

RADIOLOGY ASSOCIATES	INMATE MEDICAL	\$27.50
RAMKOTA HOTEL-PIERRE	LODGING/HOTEL	\$196.00
RUSSELL, LANCE	TRAVEL REIMBURSEMENT	\$203.96
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$1,075.00
SERVALL	RUGS AND MATS SERVIC	\$432.91
SIG SAUER INC.	EQUIPMENT/ACCESSEORIES	\$874.48
SOFTWARE SERVICES INC	SOFTWARE SERVICES	\$5,605.00
SOUTHERN HILLS LAW PLLC	CAAF	\$2,201.80
STEVENS AUTOMOTIVE	SERVICE	\$2,628.45
ROMEY, COLE	RURAL ATTORNEY PROGRAM	\$4,379.76
BASTIAN, TRACY	SOUTHERN HILLS AVIATIATION	\$4,935.38
	TOTAL FOR GENERAL FUND	\$38,308.22
COUNTY ROAD & BRIDGE		
BOMGAARS	SUPPLY	\$248.52
BROSZ ENGINEERING, INC.	ENGINEERING	\$525.00
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$3,608.01
FLOYD'S TRUCK CENTER	REPAIR/PARTS	\$388.38
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$29.95
FALL RIVER COUNTY HERALD	PUBLICATION	\$86.00
KD CONTRACTORS INC	GRAVEL	\$20,279.38
MASTERCARD	COUNTY CREDIT CARD	\$110.63
MIDWAY SERVICE/VOLLAN OIL	FUEL	\$22,080.00
PACIFIC STEEL & RECYCLING	SUPPLY	\$210.79
POMP'S TIRE SERVICE INC.	PARTS	\$814.00
RAPID DELIVERY	DELIVERY	\$16.00
RUSHMORE COMMUNICATIONS	EQUIPMENT/REPAIR	\$162.02
STURDEVANT'S AUTO VALUE	PARTS/SUPPLY	\$239.39
TEAM LABORATORY CHEMICAL	SUPPLY	\$1,047.50
	TOTAL FOR COUNTY ROAD & BRIDGE	\$49,845.57
911 SURCHARGE REIMBURSEMENT		
MASTERCARD	COUNTY CREDIT CARD	\$27.91
PENNINGTON COUNTY ESCC	24' 911 SD CONFERENCE	\$150.00
POWERPHONE INC	SOFTWARE/SERVICE	\$1,622.70
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$1,800.61
EMERGENCY MANAGEMENT		
HOT SPRINGS ACE HARDWARE	SUPPLY	\$15.28
MARCO	COPIER LEASE	\$146.43
MASTERCARD	COUNTY CREDIT CARD	\$18.00
	TOTAL FOR EMERGENCY MANAGEMENT	\$179.71
	TOTAL FOR BILLS PAID BETWEEN 08/02/2024 AND 08/15/2024	\$90,134.11

Break was taken at 10:07 a.m. The meeting resumed at 10:14 a.m.

Public comment was heard from Dale Buse, Meade County resident, who expressed his support of hand counting ballots and questioned the amount of money paid to ES&S for services, stating that he believes that the County could discontinue use of the equipment. Bobbie Janis, employee of the Auditor's Office, (on leave time for this discussion), explained the purchase of ES&S equipment using federal HAVA Grant funds, and that all equipment (Express Vote and the Tabulator) are certified by the South Dakota State Board of Elections. The law mandates the use of the ExpressVote at each polling place for any election with candidates running for federal office to provide a way for disabled voters to vote independently and privately. All counties must get the required biannual maintenance because this equipment is what the State of South Dakota recognizes. Cindy Cooke, Meade County resident, also expressed her opinion that the County could independently stop using the ES&S equipment. Kim Allen, County resident, reiterated her points of view regarding hand counting ballots expressed at prior meetings. Faye Baker, County resident, provided her opinion of Cast Vote Records methods and informed the Board of a group of individuals that formed a task force regarding ES&S equipment and practices and asked that they do some research regarding the task force. Heath Greenough, Commissioner, questioned the method of Robert's Rules that allowed Commissioner Russell to initiate reconsideration of the vote to use the tabulator instead of hand counting the General Election ballots at the last meeting. State's Attorney Russell informed the Board that the method that was used was proper due to the circumstances.

The Commissioners then reviewed the draft 2025 Provisional Budget to send to the paper.

Joe Allen, Commissioner, noted that he did not have any Justice Center/Jail updates at this time.

Motion made by Russell, seconded by Allen, to enter into Executive Session for legal and negotiations per SDCL 1-25-2 (3) and (4) at 11:09 a.m.

The Board was declared out of Executive Session and recessed by Chairman Falkenburg at 11:45 a.m.

Greenough and Russell reconvened in Executive Session at 1:40 p.m. Executive Session was declared out and meeting was declared adjourned by Vice Chairwoman Russell at 2:50 p.m.

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

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