

FALL RIVER COUNTY MINUTES OF MAY 16, 2017

The Fall River Board of County Commissioners met in regular session on May 16, 2017. Present: Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz, Deb Russell and Sue Ganje, Auditor.

The Pledge of Allegiance was given and the meeting called to order at 9:00 a.m.

The agenda was reviewed for conflicts; Russell had a conflict with the pipeline easement; Allen had a conflict on the malt beverage license; Falkenburg had a conflict with the resolution opposing the proposed deep injection wells by Azarga/Powertech. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Russell, seconded by Nabholz, to approve the agenda as written.

Motion made by Nabholz, seconded by Abbott, to approve the minutes of April 11 and April 18, 2017 Consolidated Equalization minutes.

Motion made by Nabholz, seconded by Russell, to approve the April 18, 2017 minutes, with the correction to reflect motion seconded by Allen, not Abbott on the action on the WSD Community action commissioner's representative.

Motion made by Russell, seconded by Nabholz to defer the county burial to another meeting.

Motion made by Nabholz, seconded by Abbott to approve the April 30th, 2017 Auditor's Account with County Treasurer.

Motion made by Russell, seconded by Nabholz to approve the Agreement between the County and SD Department of Health for 2017 – 2018 WIC Services, and authorize the chairman to sign.

Lyle Jensen, Maintenance, presented a quote from Golden West. Motion made by Abbott, seconded by Allen to approve the Vipre Antivirus through Golden West Telecom for three years, in the amount of \$2,218.40.

Jensen reported on leveling gravel for the parking lot across the street, discussed drain access and wanted to talk to the neighbors. Motion made by Nabholz, seconded by Russell to authorize Jensen to spend \$3,000 or less for gravel and the Highway department to spread and level.

Jensen spoke of the phone system and the new 911 system and the upgrades needed, anticipating a cost of less than \$3,500. Motion made by Russell, seconded by Nabholz to approve up to \$3,000 to upgrade the phone system to be compatible with the 911 system.

Nabholz questioned if the county should be buying from the Ambulance Service rather than the District. Jensen spoke of the building inspection.

Nabholz presented suggestions for changes to the Code of the West. Motion made by

Nabholz, seconded by Abbott to adopt the Code of the West, with changes addressing high speed internet and road miles.

Jim Sword, State's Attorney, met with the board to discuss the building inspection on the old Ambulance building. One window is cracked, three windows are without seals and the furnace igniter needs to be fixed, with the Ambulance Service agreeing to fix those issues. The closing date was discussed. Motion made by Russell, seconded by Nabholz to defer the closing for two weeks.

Nabholz advised he is continuing to get DOT updates dealing with the wheel tax; he hopes for an ordinance in June. With his proposed changes, there will be an increased chance to get bridge improvement grants. Falkenburg stated that he and other commissioners do not support a change. Nabholz stated that the DOT did not tell counties that a wheel tax on only 6,000 tons was needed to qualify for the grant funding.

Michael P. Ortner, Attorney, met to present a petition. Motion made by Allen, seconded by Abbott, to set a hearing for a petition to vacate a street for Brian and Bonnie Holland and Kevin and Irma Fees on June 6, 2017 at 11:00 a.m.

Joe Allen spoke of the recent proposed noise ordinances, wanting board agreement on prior issues addressed, including fines, locations, need for maximum 80 DB pulse meter and enforcement. Motion made by Russell, seconded by Abbott to defer discussion on Jake brakes until the June meeting.

Angel Cope, of Edgemont, met to ask for a signature for a variance, as the county highway shop is a neighbor. Falkenburg wondered why at the county level. Mayor Jerry Dibble had sent Cope to the County. Motion made by Nabholz, seconded by Russell to approve signing the application for the variance from the zoning ordinance for the City of Edgemont and authorizes the chairman to sign.

Motion made by Nabholz, seconded by Abbott, to approve all malt beverage licenses, with the exception of Forney's. With Allen abstaining, all others voting yes, motion carried.

Motion made by Abbott, seconded by Nabholz, to approve Forney's malt beverage license, including the addition of Twila Forney's name on the application. With Allen abstaining, all others voting yes, motion carried.

Randy Seiler, Highway Superintendent, met with the board and requested purchase of a gravel retriever to assist with pulling back gravel from the side of the roads. Motion made by Russell, seconded by Abbott to approve the purchase of a Gravel Retriever in the amount of \$16,500.

Motion made by Nabholz, seconded by Abbott to approve the pipeline easement for Gene and Deb Russell, in that area adjacent to the SW Quarter of Section 25 in Township 7, Range 7, and the NE Quarter of Section 36 in Township 7, Range 7, of the Black Hills Meridian, Fall River County, South Dakota and the pipeline to run from the NE Quarter of Section 36 in Township 7, Range 7, to the WSW Quarter of Section 25 in Township 7, Range 7 of the Black Hills Meridian, Fall River County, South Dakota. With Russell abstaining, all others voting yes, motion carried.

Motion made by Abbott, seconded by Russell, to approve travel for Ken Martin to attend DWare training in Oacoma, on June 21 and June 22, 2017.

Motion made by Nabholz, seconded by Russell, to approve travel for Randy Seiler to attend the summer highway meeting on June 7 and June 8, 2017 in Pierre.

The board asked Seiler to check status on Chilson Bridge and the Argentine Township Bridge. Susan Henderson questioned if the Igloo Bridge will hold up if 500 people visit, which it will.

Seiler spoke of meeting with Brosz and Simons on the Igloo road, discussing fencing requests. Falkenburg referred to the state’s attorney; Sword asked for the highway superintendent’s recommendation. A portion of the road on the Igloo road may be a state issue (by the auto gate).

Break was taken at 10:10 a.m. Meeting resume at 10:19 a.m.

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

GENERAL FUND

A'VIANDS LLC	INMATE FOOD/SUPPLY	\$8,010.00
BEESLEY LAW OFFICE	CAAF	\$272.00
BLACK HILLS CHEMICAL	SUPPLY	\$188.79
BLACK HILLS ENERGY	UTILITY POWER ELECTR	\$3,828.63
CHEYENNE SANITATION	SANITATION COLLECTIO	\$280.00
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DAKOTA LEASING COMPANY	LEASE	\$155.00
DALE'S REPAIR	REPAIR/MAINT.	\$206.50
DEPARTMENT OF REVENUE	ALCOHOL BEVERAGE LIC	\$75.00
EDGEMONT HERALD TRIBUNE	PUBLICATION	\$530.61
EMPOWER COALITION OF THE	2017 BUDGETED ALLOTM	\$2,500.00
EVANS, ROBERT	TRAVEL REIMBURSEMENT	\$205.34
DUDE SOLUTIONS	GIS SUPPORT	\$226.80
FALKENBURG, JOE	MILEAGE REIMBURSEMEN	\$218.40
FALL RIVER CLINIC	INMATE MEDICAL	\$493.50
FALL RIVER CLINIC	INMATE MEDICAL	\$167.30
FARRELL,FARRELL &GINSBACH	CAAF	\$1,759.40
GEIB, ELSTON, FROST PA	AUTOPSY	\$1,824.00
GOFF, GARLAND LEE	MENTAL ILLNESS	\$328.00
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	\$3,111.94
GOLDEN WEST	PHONE BILL/LONG DIST	\$1,333.77
HARRINGTON, MARDOQUEO	TRAVEL REIMBURSEMENT	\$217.16
HARRIS, BETSEY	CAAF	\$125.60
HILLYARD/SIOUX FALLS	SUPPLY	\$101.24
CITY OF HOT SPRINGS	CITY WATER BILL	\$269.75
KEIZER, BRAD	MILEAGE REIMBURSEMEN	\$278.13

MANLOVE PSYCHIATRY GROUP	MI	\$59.90
MARTY'S AUTO BODY	REPAIR	\$1,674.60
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MATTHEW BENDER & CO INC	COURT RULES	\$49.44
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$185.00
NORTONS SINCLAIR	AUTO REPAIR	\$115.43
O'NEILL, JUSTIN	A&N	\$2,881.08
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNI	\$4,875.00
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	\$642.00
QUILL CORPORATION	OFFICE SUPPLIES	\$871.30
RAPID CITY JOURNAL (THE)	ADVERTISING/PROCEEDI	\$182.75
REGIONAL PHARMACY	PRISONER MEDICATION	\$390.74
SANICHEM	SUPPLIES	\$416.00
SDACO	2017 SPRING WORKSHOP	\$370.00
SERVALL	RUG/UNIFORM SERVICE	\$495.18
SHOPKO STORES OPERATING	INMATE PHARMACY/SUPP	\$188.62
SOFTWARE SERVICES INC	DATA PROCESSING BOSA	\$560.00
VERIZON WIRELESS	VERIZON WIRELESS	\$740.60
WARNE CHEMICAL & EQUIP.	SPRAYER SUPPLIES	\$497.57
WEGNER AUTO SALES	STATE BID SHERIFF PI	\$27,915.00
BASTIAN, TRACY	LEPC	\$100.00
	TOTAL FOR GENERAL FUND	\$70,175.57

COUNTY ROAD & BRIDGE

ADVANCED DRUG TESTING	RANDOM DRUG TEST	\$52.00
BLACK HILLS ENERGY	UTILITY POWER ELECTR	\$545.18
BROSZ ENGINEERING, INC.	CONTRACT SERVICE	\$100.00
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$2,399.15
CHEYENNE SANITATION	SANITATION COLLECTIO	\$74.00
CITY OF EDGEMONT	CITY OF EDGEMONT WAT	\$80.60
DIAMOND MOWERS INC	SUPPLY	\$122.76
DIESEL MACHINERY, INC	SUPPLY/PARTS	\$961.84
DWARE INC	D-WARE CONFERENCE	\$125.00
FALL RIVER AUTO SUPPLY	AUTO PARTS/REPAIR	\$10.94
FALL RIVER HEALTH	DRUG TEST	\$40.00
GODFREY BRAKE SERVICE	PARTS	\$6.42
GOLDEN WEST	PHONE BILL/LONG DIST	\$257.39
HOT SPRINGS ACE HARDWARE	SUPPLY	\$154.89
HOT SPRINGS AUTOMOTIVE	AUTO SUPPLY PARTS	\$534.86
CITY OF HOT SPRINGS	CITY WATER BILL	\$18.78
LYLE SIGNS	SIGNAGE	\$1,260.27
MG OIL	INVENTORY/SUPPLY	\$16,198.87
MARTIN, KEN	UNIFORM ALLOWANCE	\$150.00
NELSONS OIL & GAS INC.	FUEL	\$15,907.95
QUILL CORPORATION	OFFICE SUPPLIES	\$10.29

RAPID CITY JOURNAL (THE)	ADVERTISING/PROCEEDI	\$109.05
RAPID DELIVERY	DELIVERY	\$103.50
RUSHMORE OFFICE SUPPLY	SUPPLY	\$105.98
SAFETY KLEEN	SUPPLIES	\$660.72
SEILER, RANDY	CELLPHONE/TRAVEL REI	\$176.00
SIoux CITY FOUNDRY	SUPPLY	\$1,400.00
	TOTAL FOR COUNTY ROAD & BRIDGE	\$41,566.44
911 SURCHARGE REIMB		
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	\$480.00
GOLDEN WEST	PHONE BILL/LONG DIST	\$694.81
POWERPHONE INC	TRAINING	\$129.00
CENTURY LINK	DISPATCH TRANSFER LI	\$11.82
	TOTAL FOR 911 SURCHARGE REIMB	\$1,315.63
EMERGENCY MGT		
GOLDEN WEST TECHNOLOGIES	TECHNOLOGY/SERVER/MA	\$240.00
GOLDEN WEST	PHONE BILL/LONG DIST	\$105.54
RESERVE ACCOUNT	POSTAGE PITNEY BOWES	\$10.00
QUILL CORPORATION	OFFICE SUPPLIES	\$44.54
RAPID CHEVROLET CADILLAC	CAR MAINTENANCE	\$129.37
VERIZON WIRELESS	VERIZON WIRELESS	\$198.38
	TOTAL FOR EMERGENCY MGT	\$727.83
L.E.P.C. GRANT (FED/STATE GRANTS)		
PUDWILL, NORMAN	LEPC	\$60.00
	TOTAL FOR L.E.P.C. GRANT (FED/STATE GRANTS)	\$60.00
	TOTAL PAID BETWEEN 5/02/17 AND 5/15/17	\$113,845.77

No public comment was heard. Brief discussion was held on agendas. Nabholz got a copy of an easement from the City of Hot Springs and looked at the 1958 minutes and found that the Kiwanis has asked the City to gravel for a campground on Battle Mountain Road; no agreement was found. Frank Maynard thought the state was responsible but they ran out of money; other options could be explored on getting to the towers.

Maynard, Emergency Management, met with the board to advise of a County Rangeland Fire Protection Agreement; would like to review further and get a resolution together. Motion made by Abbott, seconded by Nabholz, to defer the County Rangeland Fire Protection Agreement to the next meeting.

Maynard spoke of need for a continuity of operations. He will be working with each office to determine needs and alternative temporary sites in the event of an emergency. Maynard said the county received \$9,868 for reimbursement for panic buttons; the Parker Peak Fire burned 5 acres; a property had a propane leak and there was a gas spill.

Falkenburg asked about the courthouse security assessment. There are changes that can be made immediately, and policies needed. Motion made by Allen, seconded by Russell, to approve

Maynard to write a grant for Courthouse Security needs after hearing from the Court System.

Sue Ganje, Auditor, presented a ytd budget for review and requested hire approval. Motion made by Russell, seconded by Abbott to approve hire of Tiffany Brophy at \$12 per hour, as per union contract, effective immediately.

The Commission continued discussion on the security assessment. Falkenburg questioned Sheriff Evans about what it would take to bring in local firearm training. John Taylor, Hot Springs Star, believes that there could be a couple in the gun club who could give training. Falkenburg will set up a tour of the jail for the next meeting.

Joe Allen presented a resolution for consideration to oppose the issuing of permits for deep injection wells by Azarga/Powertech. Falkenburg announced that people would get five minutes each to comment after the speakers, that there would be no recording devices and an orderly discussion would be held during the 11 a.m. portion of the meeting. Hollenbeck requested equal time at a later date.

Lindsey McLean, federally approved expert and bio chemist in toxicology, gave an overview of heavy metals and toxins. McLean also spoke of deformities that could happen in animals and health effects, even below the legal levels. Falkenburg added that deformities could happen in animals from other causes than uranium. McClean added that metals cannot be detoxified and believes that we could get sick from eating the plants and animals that have been exposed to uranium. McClean also asked the commissioners to pass the resolution.

Dr. Legary, Oglala Lakota College professor and also an approved federal expert, discussed research done by college students and other research he has done. He is a representative for the Native Americans.

John Davis, John Sides, Marlene Akhtar, Gardner Gray, Debra Johnston, Sarah Peterson, Michael Valandra and others spoke against the possibility of mining the uranium. All were concerned about the hazards that could occur by mining the uranium and hazards to the water, as well as effects on tourism.

Kurt Barker was concerned about McLean and other presenters showing up to a commissioner meeting. If the NRC board and EPA have already cleared things and are considering issuing permits, why were the presenters there?

Mark Hollenbeck, chemical engineer and Fall River County resident, gave a short presentation on the pros of having the uranium mined. Hollenbeck stated facts matter and the rights of the minority can't rule. The water near the site in Edgemont is not drinkable; good wells hug the boundary of Black Hills. The EPA has studied this issue for seven years, with scientists. Hollenbeck invited the commissioners to see the site near Edgemont and felt a hearing in Edgemont could be a good thing. Hollenbeck would also like to see studies from the opposition.

Nabholz stated the water was staying within the reservoir and that wells remove hazard from Inyan Kara, and again noted that nobody opposed to the mining was present at the Hydrology Conference. Russell and Abbott spoke of not being scientists or hydrologists, and even with concerns of the water are not qualified to make that decision.

Falkenburg tried to close the meeting and call for a vote on this. Abbott questioned if she should recuse herself since she sat on the NRCS board. Falkenburg thought she would be fine.

Allen has not heard anything about mining to keep water safe and there are no safe guards as a county or guidelines assurances. Allen read a resolution to oppose uranium mining. Motion made by Allen to approve said resolution. Motion died for a lack of a second. Numerous comments were directed to the board.

Allen left the meeting at 12:09 p.m.

Motion made by Russell, seconded by Abbott to enter into executive session for personnel as per SDCL 1-25-2 (1) at 12:12 p.m.

Meeting resumed at 12:19 p.m. Motion made by Abbott, seconded by Russell to adjourn the meeting at 12:20 p.m.

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

ATTEST:

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