

**FALL RIVER COUNTY  
COUNTY COMMISSIONERS  
COURTHOUSE**

**906 NORTH RIVER ST**

**HOT SPRINGS, SOUTH DAKOTA 57747**

**PHONE: (605) 745-5130 FAX: (605) 745-6835**

**FALL RIVER BOARD OF COUNTY COMMISSIONERS**

**Second Floor Courtroom**

**Tuesday, May 16, 2017**

- 8:00 Commission review of bills
- 9:00 Call Meeting to Order  
Pledge of Allegiance  
Conflict Of Interest Items for Board Members  
**Action Items for Consideration:**  
\*Agenda  
\*Minutes of April 11 and April 18, 2017 equalization minutes  
\* Correction to the April 18, 2017 Minutes:  
WSD Community Action commissioner's representative. Motion should be seconded by Allen, not Abbott.  
\*County assistance; death expense applications  
\*April 30<sup>th</sup>, 2017 Auditor's Account with the County Treasurer  
\*Agreement between County and SD Department of Health – WIC Services
- (Move any unfinished business to the end of the meeting if needed)
- 9:10 Lyle Jensen, Maintenance – Quote for Vipre Antivirus – 3 year in the amount of \$2,218.40  
Level, gravel parking lot across the street  
Phone Modification to work with new 911 system
- 9:15 Brian Ahrendt , Deputy State's Attorney – Jensen Highway Building inspection results; possible action
- 9:20 Paul Nabholz, Commissioner – Code of the West, suggestions for approval; updates on Wheel Tax information
- 9:30 Mike Ortner – Present petition to vacate plat for Bryan and Bonnie Holland and Kevin and Irma Fees; set hearing for June 6, 2017 at 11:00 a.m.
- 9:35 Joe Allen, Commissioner – Discussion on a proposed Engine Brake Ordinance
- 9:45 Angel Cope – City of Edgemont variance for property near fairgrounds; chairman to sign
- 9:55 2017 – 2018 Malt Beverage Renewal Hearing
- 10:00 Randy Seiler, Highway Superintendent – Equipment purchase Gravel Retriever \$16,500; Gene and Deb Russell – Pipeline Easement; Travel for Ken Martin to Oacoma on June 21 and June 22, 2017 Dware training; travel for Seiler to Summer Meeting on June 7 and June 8, 2017 in Pierre
- 10:15 Request approval of bills; break
- 10:25 Public Comment

- 10:35 Frank Maynard, Emergency Management – Advise of County Rangeland Fire Protection Agreement; resolution designating individuals to act on the County’s behalf on matters pertaining to agreement; Continuity of operation
- 10:40 Sue Ganje – Review budget; Hire approval of Tiffany Brophy at \$12 per hour, effective May 10, 2017, as per union contract
- 10:45 Discuss and determine needs for security grant application
- 11:00 Joe Allen – Resolution opposing the proposed deep injection wells by Azarga/Powertech
- 12:00 Executive Session as per SDCL 1-25-2 (1), personnel matters (1); SDCL 1-25-2 (3), legal  
Adjourn

Official agendas are set 24 hours prior to a meeting, any items added at the meeting will be heard for informational purposes only. If any items require action, such action will be deferred to the next meeting. \*\*Note, Preliminary shut off for agendas is Thursday at 5:00 pm for Tuesday meetings to allow information to be sent out to Commissioners. Fall River County fully subscribes to the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of accommodations, please notify the commissioners’ office, (605) 745-5132, 24 hours prior to the meeting so that appropriate services and auxiliary aids are available.

**FALL RIVER CONSOLIDATED BOARD OF EQUALIZATION UNAPPROVED**  
**MINUTES OF APRIL 11, 2017**

The Fall River Consolidated Board of Equalization met in regular session on April 11, 2017. Present: Joe Falkenburg, Ann Abbott, Joe Allen, Paul Nabholz, Frances Denison, Deputy Assessor, Susie Simkins, Director of Equalization and Sue Ganje, Auditor. Georgia Holmes, City of Hot Springs Councilwoman and Heath Greenough, Oelrichs School Board member were also present. Deb Russell was absent. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

The meeting was called to order at 9:00 a.m. and the Oath of Office was taken by the members and placed on file. The responsibilities of the Board, as set by the South Dakota Dept. of Revenue, were reviewed. Local Board minutes were reviewed.

Motion made by Nabholz, seconded by Abbott to approve the Argentine Township, Oelrichs Town and Provo Township local board minutes. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

The 2017 exempt listing was reviewed. Discussion was held on the American Legion, the IOOF Hall and a new application on Selah Mission. Motion made by Allen, seconded by Abbott to approve the American Legion, 75410-03400-00100, to stay at 75% exempt, 25% taxable. With Greenough abstaining, and all others voting yes, the motion carried.

Motion made by Nabholz, seconded by Allen, to approve the SD Grand Lodge of the IOOF Hot Springs Lodge Hall #112, 75410-00800-00900, to stay at 75% exempt and 25% taxable. With Greenough abstaining, and all others voting yes, the motion carried.

Motion made by Allen, seconded by Holmes to approve the new Selah Mission, 75220-00400-00010 at 100% exempt, as per Director of Equalization Simkin's recommendation. With Greenough abstaining, and all others voting yes, the motion carried.

Simkins spoke of entities with permanent exempt status that, if approved, will no longer need to file yearly reports. Motion made by Holmes, seconded by Greenough, to approve the permanent exempt listing, which includes certain districts, housing commissions, etc.

Motion made by Abbott, seconded by Holmes to approve the owner occupied/class code changes listing as recommended by Director of Equalization Simkins.

Motion made by Nabholz, seconded by Allen to approve the remainder of the 2017 Exempt list as per Director of Equalization Simkins recommendation.

Director of Equalization Simkins presented her stipulations list. Motion made by Allen, seconded by Nabholz, to approve stipulation for Northern Improvement Co, 72000-00902-01100 (Edgemont City), as per Director Simkins' recommendation. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Motion by Holmes, seconded by Nabholz, to approve stipulation for Thomas and Christina Swett, 75280-00000-00400 (Hot Springs City), as per Director Simkins' recommendation. With

Greenough abstaining, all others voting yes, the motion carried.

Motion by Allen, seconded by Abbott, to approve the Hot Springs Rural stipulations, as per Director Simkins' recommendation. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Motion made by Greenough, seconded by Abbott to approve the Oelrichs Rural stipulations, as per Director Simkins' recommendation. With Holmes abstaining, all others voting yes, the motion carried.

Director of Equalization Appraiser Frances Denison presented her stipulation list. Motion made by Abbott, seconded by Nabholz to approve Edgemont City and Edgemont Rural stipulations as recommended by Denison. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Motion by Holmes, seconded by Allen to approve the Hot Springs City stipulations as recommended by Denison. With Greenough abstaining, all others voting yes, the motion carried.

Motion made by Nabholz, seconded by Allen to approve the Hot Springs Rural stipulations as recommended by Denison. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Director of Equalization Appraiser Mardoqueo Harrington presented his stipulation list. Motion made by Holmes, seconded by Nabholz to approve the Hot Springs City stipulations as recommended by Harrington. With Greenough abstaining, all others voting yes, the motion carried.

A hearing was held with Simkins presenting add-ons for Shawn and Tanna White and the White Ranch LLC. Motion made by Nabholz, seconded by Abbott to approve Shawn and Tanna White's tax add-ons, 37000-01009-17100, \$539.02; 3700-01009-17400, \$219.63; 37000-01009-19100, \$451.61; 37000-01009-20100, \$233.15 and 37000-01009-20310, \$235.71, as presented by the Director of Equalization.

Motion made by Greenough, seconded by Allen to approve the White Ranch LLC add-on, 45000-01109-18200, \$492.28, as presented by the Director of Equalization. Tom White, with White Ranch LLC, thought that there may be one parcel missing. Simkins would double check. White was advised to return at 1:15 pm if the issue was not resolved.

Mark Beideck met due to valuation increase. Motion by Nabholz, seconded by Abbott, to approve #2017-01, parcel 11000-00705-12310 for Beideck, agreeing to the offered stipulated land value of \$22,050. With Holmes and Greenough abstaining and all others voting yes, the motion carried.

Jimmy and Patricia Dalton, met to discuss high value of acres not used and discussed replatting, combining or giving excess land to the county. Simkins does not have a recommendation. Motion made by Nabholz, seconded by Abbott to make no change to appeal #2017-02, parcel 11000-00705-14100 and appeal #2017-03, parcel 11000-00705-14120, but approve combining the 2 parcels. With Holmes and Greenough abstaining, and all others voting yes, the motion carried.

Richard O'Dea, met with the board on increased values. Motion made by Nabholz, seconded by Allen to follow recommendation by Appraiser Denison to make no change to Richard O'Dea, appeal #2017-04, parcel #11000-00705-06210. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Motion made by Abbott, seconded by Allen to make building grade change for Richard O'Dea, appeal #2017-05, parcel #11000-00704-01130, to \$23,950, as per recommendation of Appraiser Dennison. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Motion made by Nabholz, seconded by Allen, to make no change to Richard O'Dea, appeal #2017-06, parcel number #11000-00704-00110, as per recommendation of Appraiser Dennison. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Arron Marston met with the board to discuss increased property values. Motion made by Nabholz, seconded by Allen to make no change to Arron Marston, appeal #2017-07, parcel #03000-00908-06210. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Mike Ortner met with the board to discuss his commercial property value. Simkins explained how his valuation has been computed. Motion made by Nabholz, seconded by Holmes, to make no change for Ortner, appeal #2017-08, parcel #75410-02200-00591. With Greenough abstaining, all others voting yes, the motion carried.

Terrence Kizer and Attorney Lance Russell met with the board. Motion made by Nabholz to reduce building value by 50% because of no sewer, electricity or permanent hookup on parcel #75410-04300-00200. Motion failed. Allen asked to table. Motion made by Nabholz, seconded by Holmes to table appeal #2017-09, parcel #75410-04300-00200 until April 18, 2017. With Greenough abstaining, all others voting yes, the motion carried.

Maureen McManus met with the board to discuss increased value and rock ridge on property. Motion made by Nabholz, seconded by Allen to make no changes to Tuma/McManus, appeal #2017-10, parcel #1200-00706-30140, as recommended by Appraiser Denison. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Jim and Vickie Nekuda met with the board to discuss value on lots that have been used for rubble fill. There was some drainage issue that Holmes stated that the City corrected. Director of Equalization noted that property already has an 85% to 90% obsolescence factor applied. Motion made by Abbott, seconded by Holmes to make no change to Jim and Vickie Nekuda, appeal #2017-11, parcel #75390-03000-02100 and appeal #2017-12, parcel #7590-03000-02500, as per Director of Equalization recommendation. With Greenough abstaining, all others voting yes, the motion carried.

Renee Priem met with the board to request agricultural status. The Priem's do qualify for ag status, but one parcel is in a subdivision and State law prohibits ag land in subdivision. Nabholz stated the Priem's qualified for two of the three needed criterias (use and income), believing that the 2 criteria should qualify them. Motion made by Allen, seconded by Abbott to table the Priem's appeal, #2017-13, parcel #20000-00805-16360 and appeal #2017-14, parcel #65170-00000-00700,

until they talked with State's Attorney, Jim Sword, and discuss on April 18, 2017. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

John Scheltens met with the board to discuss increase of values and taxes. Motion made by Nabholz, seconded by Abbott, to make no change for John Scheltens, appeal #2017-15, parcel #20000-00805-04300, as per Appraiser Denison's recommendation. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Motion made by Nabholz, seconded by Allen to adjourn for lunch at 12:25 p.m.

Meeting resumed at 1:15 p.m. Deb Russell was present and her oath was taken.

Frank Hogue was contacted by phone by the board for his request for agricultural status due to an upcoming forestry plan. Motion made by Allen, seconded by Abbott to make no change to Hogue, appeal #2017-16, parcel #65091-00000-01500 and leave at non-ag until the timber plan is up and running. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Joel Milbrandt appealed the increase of his value by phone. Motion made by Abbott, seconded by Nabholz, to make no change to Joel Milbrandt, appeal #2017-17, parcel #65234-00000-00200. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Darwin Voegele met to appeal value as he feels property is valued higher than surrounding properties. Discussion was held on Horse Camp road properties. Motion made by Nabholz to lower value for Darwin Voegele, appeal #2017-18, parcel #21000-00806-21134, to \$43,000 total. Motion died for a lack of a second.

Motion made by Nabholz to lower the value for Darwin Voegele, appeal 2017-18, parcel #21000-00806-21134, to \$52,360. Motion died for a lack of a second.

Motion made by Russell to leave the value for Darwin Voegele, appeal #2017-18, parcel #21000-00806-21134, as is at \$57,360. Motion died for lack of a second.

Motion made by Allen, seconded by Abbott to lower land value for Darwin Voegele, appeal #2017-18, parcel #21000-00806-21134, to land at \$20,000 for a total value of \$52,360. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Byron Eberle met with the board. Eberle's parcel, #02000-00902-04110, is land locked and has no utilities. Motion made by Russell, seconded by Abbott to reduce value for Byron Eberle, appeal #2017-19, parcel #02000-00902-04110, by 40% on the land, for a total land value of \$13,200. With Holmes and Greenough abstaining, all others voting yes, the motion carried.

Motion made by Russell, seconded by Nabholz, to leave building values on appeal #2017-19, parcel #02000-00902-04110 at \$2,540. With Holmes and Greenough abstaining, Falkenburg voting no, all others voting yes, the motion carried.

Tom Swett appealed owner occupied status. Motion made by Russell, seconded by Holmes, to make no change to Tom Swett, appeal #2017-20, parcel #75280-00000-002-00.

Motion made by Nabholz, seconded by Abbott to adjourn as the Consolidated Equalization Board at 2:36 p.m.

Motion made by Russell, seconded by Abbott, to reconvene as the Board of County Commissioners at 2:37 p.m.

Bob Engebretson met with the board to discuss the purchase of the old ambulance building. Engebretson questioned why the board bid an additional \$80,000. Falkenburg talked of needing to build for years and this is move in ready. More discussion was held about the pros and cons of each. Abbott felt that with the new building they can now discuss options and a better possibility for jail plans. Engebretson was concerned that it would affect taxes, while Falkenburg didn't think it would. Engebretson asked the Board to table or reconsider purchase.

Allen stated that a plan of action will be presented at the next meeting. There will possibly be relocation of some county offices, discussion on courthouse security and a new jail or addition. Motion made by Abbott, seconded by Nabholz to approve the purchase of the old ambulance building, with the State's Attorney's advice, in the amount of \$330,000. With Allen voting no, all others voting yes, motion carried.

Motion made by Russell, seconded by Nabholz to adjourn at 3:07 p.m.

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

ATTEST:

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

**FALL RIVER CONSOLIDATED BOARD OF EQUALIZATION UNAPPROVED**  
**MINUTES OF APRIL 18, 2017**

The Consolidated Board of Equalization met on April 18 at 1:10 p.m. Present Ann Abbott, Joe Allen, Joe Falkenburg, Paul Nabholz and Sue Ganje, County Auditor. Also present was Georgia Holmes, City of Hot Springs Council representative. Absent none. ALL MOTIONS RECORDED IN THESE MINUTES WERE BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Renee Priem met again with the board to continue discussion on whether their property in Hoffman subdivision can be classified as agriculture. Simkins recommended denial with possible abatement. Nabholz reiterated his feelings that Priem meets two of three requirements (use and income) and should be classified as ag. Denison was attempting to contact the Department of Revenue.

Terrence Kizer, along with Attorney Lance Russell, met again to continue discussion on whether portable buildings are taxable as real estate. Kizer read a letter referring to the history of his business. Russell thanked board for any consideration. Kizer stated that he was going to close up. Simkins presented a value by building breakdown.

Motion made by Nabholz, seconded by Russell to reduce value for Terrence Kizer, appeal #2017-09, parcel #75410-04300-00200 on building #1, by 40% with no change to other buildings or land, for a total value of \$27,940.

The Director of Equalization got a response from the SD Department of Revenue on Priem's land. They agreed that if acreage was not one of the 3 criteria used to determine agriculture classification, there should be no concern with agriculture land in a subdivision. Motion made by Nabholz, seconded by Abbott, to approve agriculture classification for Priem, appeal #2017-13, parcel #20000-00805-16360, ag land value at \$7,160, and appeal #2017-14, parcel #65170-00000-00700, ag land value at \$20,430. With Holmes abstaining and all others voting yes, the motion carried.

Dennison advised appeal by Waymon and Ollie Williams was for taxes, not valuation. Motion made Russell, seconded by Nabholz to make no change to A. Waymon and Ollie Williams, appeal #2017-27, parcel #65055-00000-00900, property values. With Holmes abstaining, and all others voting yes, the motion carried.

Steve Wynia met to appeal the value due to structural issues with the adjoining building. Holmes suggested a \$102,400 building value. Motion made by Holmes, seconded by Allen to reduce building value for appeal #2017-21, parcel #75520-05600-00800 by 5%, for a building value of \$101,920, total land and building value of \$119, 570.00.

Mark Van Orman, Attorney; Denise Mesteth, OST Land Director; Karla Larive, Wild Horse Sanctuary and Lisa Cummings, OST Attorney met with the board to request agriculture status. Dave Pourier, Land committee Chairman and Dayton Hyde and Susan Watts from the



Wild Horse Sanctuary were also present. Five parcels are valued at non-ag, with a value of \$1,176,580. Van Orman stated this is used primarily for livestock. Their lease is now for one year, due to fencing concerns, but they are getting grants to help with fencing. Falkenburg asked for the Director of Equalization's timeline review. The response was for 2017 pay in 2018, the appeal documents were received within the required timeline, and all documents appear to be in order. Motion made by Nabholz, seconded by Allen to approve agriculture classification for appeal #2017-22, parcel #19000-00804-18200, ag land value \$11,280; appeal #2017-23, parcel #19000-00804-20100, ag land value \$46,070; appeal #2017-24, parcel #19000-00804-20300, ag land value \$41,480; appeal #2017-25, parcel #19000-00804-21200, ag land value \$13,660 and appeal #2017-26, parcel #19000-00804-28100, ag land value \$36,970. With Holmes abstaining, and all others voting yes, the motion carried.

Motion made by Abbott, seconded by Nabholz to adjourn at 2:45 p.m.

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

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF FALL RIVER COUNTY:

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 30<sup>th</sup> day of April, 2017.

Total Amt of Deposit in First Interstate Bank: \$3,364,635.38

Total Amount of Cash: \$ 8,335.22

Total Amount of Treasurer's Change Fund: \$ 900.00

Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days: \$163,758.62

SAVINGS:

First Interstate Bank: \$1,742,496.23

CERTIFICATES OF DEPOSIT:

First Interstate-Hot Springs: \$3,656,247.76

Black Hills Federal Credit Union: \$250,000.00

Bank of the West \$500,000.00

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:


Greenia, Ann - \$107.00, 04/10/17

Iverson, Thomas - \$438.91, 04/24/17

Hillman, K - \$638.43, 04/24/17

TOTAL \$9,688,092.55

Dated This 30<sup>th</sup> Day of April, 2017.

  
Sue Ganje, County Auditor of Fall River County.

*Kelli Knox*

County Monies: \$6,941,140.91

Held for other Entities: \$2,559,363.05

Held in Trust: \$187,588.59

TOTAL: \$9,688,092.55

The Above Balance Reflects County Monies, Monies Held in Trust, and Monies Collected for and to be remitted to Other ENTITIES: SCHOOLS, TOWNS, TOWNSHIPS, FIRE AND AMBULANCE DISTRICTS, AND STATE.

STATE OF SOUTH DAKOTA  
SUBRECIPIENT CONTRACT  
FOR SUBRECIPIENT SERVICES  
BETWEEN

Fall River County  
C/O County Auditor  
906 North River St.  
Hot Springs SD 57747-1398

South Dakota Department of Health  
Division of Family & Community Health  
600 East Capitol Avenue  
Pierre, SD 57501  
(605) 773-3361

Referred to as "Subrecipient"

Referred to as "State"

State and Subrecipient hereby enter into a contract. This is an agreement for an award of Federal financial assistance to a subrecipient.

I. SUBRECIPIENT INFORMATION:

- A. The Subrecipient's City, State and Zip + 4 for primary place of performance is Hot Springs SD 57747-1390.  
The Subrecipient's DUNS/unique entity identifier number is 627758915.  
The Subrecipient's Fiscal year begins January 1 and ends December 31.
- B. This agreement is made for the purpose of providing clerical services for the Woman, Infants and Children (WIC) Program in Fall River County. The purpose of the WIC Program is to provide supplemental foods and nutrition education, including breastfeeding promotion and support, through payment of cash grants to State agencies which administer the Program through local agencies at no cost to eligible persons. This award is not for research and development.

Amount provided by State is	\$7,883.00
Amount matched by Subrecipient is	\$ 0.00
Total Contract Amount	\$7,883.00

Dollars provided by State consist of the following:

Non-Federal State dollars	\$ 0.00
Federal dollars	\$2,594.00

Identification of Federal dollars awarded  
CFDA Title:Special Supplemental Nutrition Program for Women, Infants and Children  
CFDA Number: 10.557  
Award Name: Women Infants and Children  
Award Number (FAIN): 173SD708W1003  
Award Date: 10/01/2016  
Federal Agency Name: USDA Food and Nutrition Services

Emily.Paulsen@state.sd.us  
Period of Performance: 06/01/2017 to 05/31/2018  
Pass Through Entity: South Dakota Department of Health  
Amount of Federal Funds obligated to Subrecipient in this action for this period of performance: \$2,594.00  
Total Amount of Funds Obligated to Subrecipient prior to this action for this period of performance: \$0.00  
Total Amount of Federal Award to the subrecipient for this period of performance: \$2,594.00  
Department of Health Indirect Cost Rate: 4.9% 06/01/2017-06/30/2017  
4.5% 07/01/2017-05/31/2018

Dollars provided by State consist of the following:

Non-Federal State dollars	\$ 0.00
Federal dollars	\$5,189.00

Identification of Federal dollars awarded

CFDA Title: Special Supplemental Nutrition Program for Women, Infants and Children

CFDA Number: 10.557

Award Name: Women Infants and Children

Award Number (FAIN): 183SD708W1003

Award Date: 10/01/2017

Federal Agency Name: USDA Food and Nutrition Services

Awarding Official Contact Information: Emily Paulsen-

Emily.Paulsen@state.sd.us

Period of Performance: 06/01/2017 to 05/31/2018

Pass Through Entity: South Dakota Department of Health

Amount of Federal Funds obligated to Subrecipient in this action for this period of performance: \$5,189.00

Total Amount of Funds Obligated to Subrecipient prior to this action for this period of performance: \$0.00

Total Amount of Federal Award to the Subrecipient for this period of performance: \$5,189.00

Department of Health Indirect Cost Rate: 4.9% 06/01/2017-06/30/2017  
4.5% 07/01/2017-05/31/2018

Dollars provided by State consist of the following:

Non-Federal State dollars	\$ 0.00
Federal dollars	\$100.00

Identification of Federal dollars awarded  
CFDA Title: WIC Grants to States  
CFDA Number: 10.578  
Award Name: WIC EBT IAPD  
Award Number (FAIN): 14143SD745W5241  
Award Date: 07/09/2014  
Federal Agency Name: USDA Food and Nutrition Services  
Awarding Official Contact Information: Emily Paulsen-  
Emily.Paulsen@state.sd.us  
Period of Performance: 06/01/2017 to 05/31/2018  
Pass Through Entity: South Dakota Department of Health  
Amount of Federal Funds obligated to Subrecipient in this action for this period of performance: \$100.00  
Total Amount of Funds Obligated to Subrecipient prior to this action for this period of performance: \$0.00  
Total Amount of Federal Award to the Subrecipient for this period of performance: \$100.00  
Department of Health Indirect Cost Rate: 4.9% 06/01/2017-06/30/2017  
4.5% 07/01/2017-05/31/2018

II. SUBRECIPIENT ATTESTATION:

By signing this Agreement, Subrecipient attests to the following requirements as set forth in SDCL § 1-56-10:

- A. A conflict of interest policy is enforced within Subrecipient's organization;
- B. The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on the Subrecipient's website;
- C. An effective internal control system is employed by the Subrecipient's organization; and
- D. If applicable, the Subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the Subrecipient's website.

III. PERIOD OF PERFORMANCE:

- A. The term of this Contract shall begin June 1, 2017 and end May 31, 2018.

#### IV. SUBRECIPIENT

- A. Subrecipient is not a full or part-time employee of State or any agency of the state of South Dakota.
- B. Subrecipient, as an independent contractor, is solely responsible for the withholding and payment of applicable income and Social Security taxes due and owing from money received under this contract.
- C. Subrecipient may use the following equipment, supplies and/or facilities owned by the State of South Dakota:

The Subrecipient will use a state owned personal computer and, if the Subrecipient is able to demonstrate to the State's satisfaction that general office equipment and general office supplies are not available, the State will provide such office equipment and supplies, including but not limited to, a desk, chair, filing cabinet and general office supplies. No State facilities will be used by the Subrecipient in fulfillment of this contract.

- D. Subrecipient will not purchase capital assets or equipment using State funds.
- E. Subrecipient agrees to:
  - 1. Assist and support State in complying with Federal Funding Accountability and Transparency Act (FFATA) requirements by providing any and all information the State must report to be compliant with FFATA. More information about FFATA reporting requirements can be found at [www.fsr.gov](http://www.fsr.gov).
  - 2. Indemnify and hold harmless State for any amount of costs for non-compliance with FFATA requirements due to Subrecipient non-compliance or failure to comply with provision IV. (E)(1) above. Subrecipient understands and agrees that it is liable to State for any costs determined to be not allowed by the United States government for non-compliance with FFATA requirements due to Subrecipient's failure to supply State with any requested information necessary to comply with FFATA.
  - 3. Provide clerical services for the Women, Infants, and Children (WIC) Program in compliance with federal regulations and State's WIC Policy and Procedure Manual, including ongoing WIC Program memo and policy revisions.
  - 4. Hire and manage employees to complete the job roles and responsibilities outlined in this contract.

5. Provide fiscal and administrative management, including participating in the supervision and evaluation of county staff provided by the contract, to ensure efficient utilization of the resources of both parties.
6. Allow all new WIC clerical employees to attend and participate in new employee training, as stipulated by the WIC Program. This will include overnight travel for the SDWIC-IT Training.
7. Allow WIC clerical employees to attend and participate in required annual training to remain effective/efficient in their current roles.
8. Make appropriate facilities available for WIC services to participants within the county.
9. Refer potential applicants to the WIC Program and inform applicants of health services available.
10. Safeguard and maintain the confidentiality of applicants and participants and protect records from loss or use by unauthorized persons.

Subrecipient further agrees that the contents of WIC records shall not be disclosed to anyone other than person directly connected with the administration or enforcement of the program. Person's directly connected with the administration or enforcement of the program whom the state agency determines has a need to know the information for program purposes is outlined in the SD WIC Policy and Procedure Manual 1.09. The manual is located at <http://sdwic.org/knowledge/policy-and-procedure-manual>.

11. Maintain complete, accurate, documented and current accounting of all program funds received and expended as specified in Attachment A.
12. Provide by the 7th of month the Monthly Expenditure Report for expenses incurred (when applicable). (See attachment B)
13. Maintain and have available for the State's review and audit, all documentation associated with administering this contract. All WIC participants files are property of the State.
14. In the absence of clerical staff, workout scheduling and reimbursement with another county.
15. Agree and adhere to the USDA FNS required provisions listed in Attachment C.
16. Per executive Order 2014-11, all employees providing WIC services must have a flu vaccination by December 1st of each year.

17. Use State funds exclusively for:

a. WIC Clerical Services

- Funding is based on number of WIC participants receiving WIC benefits each month. Budget in Attachment A is based on the participation rates from January 2016 to December 2016.
- Per participant rate is set by the Central Office (FY2018 rate - \$4.42). This rate is reviewed annually with yearly budget determination.
- The Central Office will generate payment and send to the Subrecipient based on WIC issued benefits per month.

b. WIC Clerical Training

- Funding for training time and travel time to training is based on State average clerical rate, including benefits (FY2018- \$15.73). This rate is reviewed annually with yearly budget determination.
- Per diem, mileage and lodging for clerical staff attending WIC training, according to county policy, but not exceeding State rates.
- The Central Office will generate payment based on completed Monthly Expenditure Reports submitted by the Subrecipient.

F. **INSURANCE:** Subrecipient agrees, at its sole cost and expense, to maintain the following insurance:

1. Commercial General Liability Insurance:

Subrecipient shall maintain occurrence based commercial general liability insurance or equivalent form with a limit of not less than \$1,000,000 each occurrence. If such insurance contains a general aggregate limit it shall apply separately to this contract or be no less than two times the occurrence limit.

2. Worker's Compensation Insurance:

Subrecipient shall procure and maintain workers' compensation and employers' liability insurance as required by South Dakota law.

3. Certificates of Insurance:

Before beginning work under this Contract, Subrecipient shall furnish State with properly executed Certificates of Insurance which shall clearly evidence all insurance required in this Contract. In the event of a substantial change in insurance, issuance of a new policy, cancellation or nonrenewal of the policy, Subrecipient agrees to provide immediate notice to the State and provide a new certificate of insurance showing continuous coverage in the amounts required. Subrecipient shall furnish copies of insurance policies if requested by State.





2727 N Plaza Dr.  
Rapid City, SD 57702

Phone 605-348-6529 Fax 605-342-1160

**Quote**

No.: **55497**

Date: 4/17/2017

Prepared for:

Fall River Co Auditor  
906 N River Street  
Hot Springs, SD 57747 U.S.A.

Account No.: 1889  
Phone: (605) 745-5145  
Fax: (605) 745-3530

Qty	Description	UOM	Sell	Total
59	VIPRE Antivirus Business Subscription Renewal - 3 Years	EA	\$37.60	\$2,218.40
	<b>Start Date: 07-12-2017</b>			
	<b>End Date: 07-11-2020</b>			

Your Price:                       
\$2,218.40

Total:                       
                      
\$2,218.40

Prices are firm until 5/1/2017

**Prepared by:** Eric Eisenbraun, ericeisenbraun@goldenwest.com

**Date:** 4/17/2017

**Accepted by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Disclaimer**

Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply.  
Applicable taxes and/or additional freight charges may be added on to the invoice.  
Terms: 30% down payment required for sales of \$ 5,000.00 or more, with the balance due Net 15 days of invoicing.

# FALL RIVER COUNTY CODE OF THE WEST

*The Code of the West* was first chronicled by the famous western writer, Zane Grey. The men and women who came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self-reliance guided their decisions, actions and interactions. In keeping with that spirit, we offer this information to help the citizens of Fall River County who wish to follow in the footsteps of those rugged individualists by living outside city limits.

## **Introduction**

It is important for you to know that life in the country is different from life in the city. County governments are not able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision to purchase rural land.

## **Access**

The fact that you can drive to your property does not necessarily guarantee that you, your guests and emergency service vehicles can achieve that same level of access at all times. Please consider:

- 1.1 - Emergency response times (Sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow and expensive.
- 1.2 - There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easements that may be necessary when these types of questions arise.
- 1.3 - You can experience problems with the maintenance and cost of maintenance of your road. Fall River County maintains 500 miles of roads, but many rural properties are served by roads which are maintained by private road associations. There are even some county roads that are not maintained by the county - no grading or snow plowing. There are even some public roads that are not maintained by anyone! Make sure you know what type of maintenance to expect and who will provide that maintenance. Even if you have road frontage, you may require a permit to approach from the county or state to build a drive way off that road.
- 1.4 - Extreme weather conditions can destroy roads. It is wise to determine whether or not your road was properly engineered and constructed.
- 1.5 - Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.
- 1.6 - School buses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest county road so they can get to school.

1.7 - In extreme weather, even county maintained roads can become impassable. You may need a four wheel drive vehicle with chains for all four wheels to travel during those episodes, which could last for several days.

1.8 - Natural disasters, especially floods, can destroy roads. Fall River County will repair and maintain county roads; however, subdivision roads are the responsibility of the landowners who use those roads.

1.9 - Unpaved roads generate dust. As a general rule Fall River County does not treat county system roads to suppress the dust and dust is a fact of life for most rural residents.

1.10 - If your road is unpaved, it is highly unlikely that Fall River County will pave it in the foreseeable future. Check carefully with the Fall River County Road Department when any statement is made by the seller of any property that indicates any unpaved roads will be paved!

1.11 - Unpaved roads are not always smooth and are often slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.

1.12 - Mail/newspaper delivery is not available to all areas of the county. Ask the postmaster/newspaper to describe the system for your area.

1.13 - Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the service providers as to your status.

## **Utility Services**

Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities. Please review your options from the non-exhaustive list below.

2.1 - Telephone communications can be a problem, especially in the mountain areas of Fall River County. If you have a private line, it may be difficult to obtain another line for fax or computer modem uses. Even cellular phones will not work in all areas.

2.2 - If sewer service is available to your property, it may be expensive to hook into the system. It also may be expensive to maintain the system you use.

2.3 - If sewer service is not available, you will need to use an approved on-site septic system or other treatment process. The type of soil you have available for a leach field will be very important in determining the cost and function of your system. For installation you will require a state/county certified septic installer or call 1-800-GET-DENR for the rules for installation.

2.4 - If you have access to a supply of treated domestic water, the tap fees can be expensive. You may also find that your monthly cost of service can be costly when compared to municipal systems.

2.5 - If you do not have access to a supply of treated domestic water, you will have to locate an alternative supply. The most common methods are hauling water or drilling a well. The cost for drilling and pumping can be considerable and generally requires hiring a SD licensed well driller. The quality and quantity of well water can vary considerably from location to location and from season to season. It is strongly advised that you research this issue very carefully.

2.6 - Not all wells can be used for watering of landscaping and/or livestock. If you have other needs, make certain that you have the proper approvals before you invest. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permit.

2.7 - Electric service is not available to every area of Fall River County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.

2.8 - It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to be built to your property.

2.9 - Electric power may not be available in two phase and three phase service configurations. If you have special power requirements, it is important to know what level of service can be provided to your property.

2.10 - If you are purchasing land with the plan to build at a future date, there is a possibility that electric lines (and other utilities) may not be large enough to accommodate you if others connect during the time you wait to build.

2.11 - The cost of electric service is usually divided into a fee to hook into the system and then a monthly charge for energy consumed. It is important to know both costs before making a decision to purchase a specific piece of property.

2.12 - Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may also lose food in freezers or refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.

2.13 - Trash removal can be much more expensive in a rural area than in a city. In some cases, your trash dumpster may be several miles from your home. It is illegal to create your own trash dump, even on your own land. It is good to know the cost for trash removal as you make the decision to move into the country. In some cases, your only option may be to haul your trash to the landfill yourself. Recycling is more difficult because pick-up is not available in most rural areas.

2.14 - The State of South Dakota has laws which prohibit/restrict open burning of trash and yard debris. You will need to contact the local volunteer fire department to check the laws and permits that apply to your location of Fall River County.

## **The Property**

There are many issues that can affect your property. It is important to research these items before purchasing land.

3.1 - Most, but not all, lots are buildable. Smaller lots may not meet state requirements for septic system installations. Generally a state electrical inspection of new construction is required before your power will be turned on.

3.2 - Easements may require you to allow construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that are not of record. Check these issues carefully.

3.3 - Many property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the surface characteristics in order to extract their minerals. It is very important to know what minerals may be located under the land and who owns them. Much of the rural land in Fall River County can be used for mining. Be aware that adjacent mining uses can expand and cause negative impacts.

3.4 - You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate. The Fall River County Register of Deeds may have copies of filed plats.

3.5 - Fences that separate properties are often misaligned with the property lines. A survey of the land is the only way to confirm the location of your property lines. South Dakota law may require that you pay one-half the cost of a fence installed by your neighbor on a common border.

3.6 - Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.

3.7 - Road taxing districts and homeowners associations are sometimes used to take care of common elements, roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.

3.8 - Dues are almost always a requirement for those areas with a HOA. The by-laws of the HOA will tell you how the organization operates and how the dues are set.

3.9 - The surrounding properties will probably not remain as they are indefinitely. The view from your property may change.

3.10 - If you have a water ditch or powerline running across your property there is a good possibility that the owners of the ditch/line have the right to come onto your property with heavy equipment to maintain the ditch/or cut trees away from their powerline.

3.11 - Water rights that are sold with the property may not give you the right to use the water from any ditches crossing your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the oversizing or other improving of the ditch.

3.12 - It is important to make sure that any water rights you purchase with the land will provide enough water to maintain fruit trees, pastures, gardens or livestock.

3.13 - The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it.

3.14 - Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family.

3.15 - The development of lots may be affected by geological hazards, flooding, wetlands, streams, rivers, and lakes. Additionally, priority fish and/or wildlife habitats and species may limit the type and location of development you may perform on your property. Development constraints, extra costs, special studies and permits may be required for the development of lots.

3.16 - South Dakota does not have a personal income tax and as a result property taxes are often much higher than other states. It is worthwhile to visit with the Fall River Tax Assessor before buying property to determine whether a large increase in assessments and hence taxes on the property is expected. In particular, agricultural land that is subdivided and no longer meets the requirements for being agricultural can result in taxes that are many multiple times more than previous taxes.

## **Mother Nature**

Residents of the country usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

4.1 - The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Defensible perimeters are very helpful in protecting buildings from forest fire and inversely can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. For further information, you can contact Fall River Emergency Management or the local volunteer fire district.

4.2 - Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.

4.3 - Expansive soils, can buckle concrete foundations and twist steel I-beams. You can determine the soil conditions on your property by reviewing the Fall River County Soil Survey.

4.4 - North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.

4.5 - The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their house.

4.6 - A flash flood can occur, especially during the summer months, and turn a dry gully into a river. It is wise to take this possibility into consideration when building. FEMA flood maps are available through Emergency Management for most of the county and help determine whether you will be able to purchase flood insurance.

4.7 - Nature can provide you with some wonderful neighbors. Most, such as deer and eagles are positive additions to the environment. However, even "harmless" animals like deer can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, mosquitoes and other animals that can be dangerous and you need to know how to deal with them. In general, it is best to enjoy wildlife from a distance and know that if you do not handle your pets and trash properly, it could cause problems for you and the wildlife.

4.8 - Many areas of Fall River County are open for hunting. Hunting, while providing recreational opportunities, is a tool for managing wildlife populations. It also involves individuals who may trespass, litter, or fire guns. Don't automatically assume your property is in a no hunting area.

## **Agriculture**

Owning rural land means knowing how to care for it. There are a few things you need to know:

5.1 - Farmers often work around the clock, especially during planting and harvest time, and hay is often swathed or baled at night. It is possible that adjoining agriculture uses can disturb your peace and quiet.

5.2 - Land preparation and other operations can cause dust, especially during windy and dry weather.

5.3 - Farmers occasionally burn their ditches to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.

5.4 - Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have severe allergic reactions. Many of these chemicals are applied by airplanes that fly early in the morning.

5.5 - Animals and their manure can cause objectionable odors. What else can we say?

5.6 - Agriculture is an important business in Fall River County. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agri-business neighbors.

5.7 - Portions of Fall River County are open range. This means if you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out. In those areas, it is not the responsibility of the rancher to keep his/her livestock off your property.

5.8 - Before buying land you should know if it has noxious weeds that may be expensive to control and you may be required to control. Some plants are poisonous to horses and other livestock.

5.9 - Animals can be dangerous. Bulls, stallions, rams, boars, etc. can attack human beings. Children need to know that it is not safe to enter pens where animals are kept.

5.10 - Much of Fall River County receives less than 17 inches of precipitation per year. As a result, we have a problem with overgrazing, and fugitive dust. Without irrigation, grass does not grow very well. There is a limit to the amount of grazing the land can handle. The Fall River County Cooperative Extension office can help you with these issues.

## **In Conclusion**

Even though you pay property taxes to the county, the amount of tax collected does not cover the cost of the services provided to rural residents. In general, those living in the cities subsidize the lifestyle of those who live in the country by making up the shortfall between the cost of services and the revenues received from rural dwellers.

This information is by no means exhaustive. There are other issues that you may encounter that we have overlooked and we encourage you to be vigilant in your duties to explore and examine those things that could cause your move to be less than you expect.

We have offered these comments in the sincere hope that it can help you enjoy your decision to reside in the country. It is not our intent to dissuade you, only inform you.

Fall River County Commission

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Joe Falkenberg, Chairman



PETITION

TO THE COUNTY COMMISSION, FALL RIVER COUNTY, SOUTH DAKOTA:

The petition of Bryan J. Holland (a.k.a. Brian J. Holland) and Bonnie C. Holland, husband and wife, whose post office address is 12906 Evans Loop, Hot Springs, South Dakota 57747 and Kevin L. Fees and Irma J. Fees, husband and wife, whose post office address is 12904 Evans Loop, Hot Springs, South Dakota 57747, respectfully shows:

1. THAT the original plat of W.U. Germond's Cold Brook Addition was recorded on the 13<sup>th</sup> day of May, 1891, at 9:00 a.m., in Book I of Plats, page 21, in the Office of the Register of Deeds, Fall River County, South Dakota, a copy of which is attached hereto as Exhibit A. That said plat shows Germond Avenue running between and adjacent to property belonging to the above-described petitioners.
2. THAT the following described real estate is located within Fall River County, South Dakota:

Lot Two (2) in Block Five (5), W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota; AND

Lot One (1) in Block Twelve (12), W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota.
3. THAT a North-South street, Germond Avenue, runs East of said Lot Two (2) of Block Five (5) and West of said Lot One (1) of Block Twelve (12).
4. THAT Your petitioners seek to have vacated that part of Germond Avenue running runs East of said Lot Two (2) of Block Five (5) and West of said Lot One (1) of Block Twelve (12), in W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds. Said street has never been constructed and has not been used as a highway at any time during the past 100 years. Said street totals in length less than 1 mile.

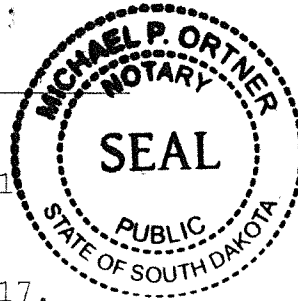


Bryan J. Holland (a.k.a. Brian J. Holland) and Bonnie C. Holland, being first duly sworn, depose and say that they are petitioners herein, and have read the above and foregoing and know the contents thereof and that the same are true of their own knowledge, except as to matters alleged therein on information and belief, and as to those matters, they believe them to be true.

Bryan J. Holland Bonnie C. Holland  
Bryan J. Holland Bonnie C. Holland

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of May, 2017.

Michael P. Ortner  
NOTARY PUBLIC - SOUTH DAKOTA  
(SEAL)



My commission expires: June 15, 2021

Dated this 10<sup>th</sup> day of May, 2017.

Kevin L. Fees  
Kevin L. Fees

Irma J. Fees  
Irma J. Fees

STATE OF SOUTH DAKOTA )  
) ss.  
COUNTY OF FALL RIVER )

Kevin L. Fees and Irma J. Fees, being first duly sworn, depose and say that they are petitioners herein, and have read the above and foregoing and know the contents thereof and that the same are true of their own knowledge, except as to matters alleged therein on information and belief, and as to those matters, they believe them to be true.

Kevin L. Fees Irma J. Fees  
Kevin L. Fees Irma J. Fees

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of May, 2017.

Michael P. Ortner  
NOTARY PUBLIC - SOUTH DAKOTA  
(SEAL)



My commission expires: June 15, 2021

Just vacated of that alley  
 See Book 75 Page 1012  
 Vacation of Part of Moore St. & Alley BK 181m-3  
 Vacation of Part of Moore St. & Alley BK 11+12 BK 181m-695  
 Vacation of Alley W of lot 1 BK 4, Moore St. & lots 4, 5, 6, 7, 8 BK 3  
 BK: 181m  
 PG: 2

Walter Scott County Surveyor of Fall River County South Dakota  
 hereby certify that I have seen and with the said Walter Scott and  
 alleges as shown by the annexed map the following described real  
 estate situated in the County of Fall River State of South Dakota  
 to wit The South West quarter of the South West quarter of the  
 Section Twelve (12) Township 20 North Range 5 East 19th  
 The same as is known as W. U. Germond's Cold Brook Addition  
 to the town of Hot Springs South Dakota. That annexed plat  
 is an accurate description of said W. U. Germond's Cold Brook Addition  
 that all streets and alleys are of the width marked on said plat  
 that the lots and blocks are laid out and designated by  
 progressive numbers and all of them proper sizes marked on  
 said plat

**W. U. GERMOND'S**  
**COLD BROOK**  
 ADDITION TO THE  
 TOWN OF

**HOT SPRINGS**  
 FALL RIVER, C.

S. D.

Scale 200 feet 1 inch

Subscribed and sworn to before me this 24<sup>th</sup> day of June 1891  
 C. E. Sawyer  
 Register of Deeds

Know all men by these presents that W. U. Germond a single  
 man of the County of Fall River State of South Dakota has caused the  
 above certificate of Walter Scott County Surveyor to be surveyed laid out  
 and plotted as set forth in and by the above map and that in the  
 presence of Walter Scott who was present, staked out and plotted the same to be  
 known and called W. U. Germond's Cold Brook Addition in the  
 town of Hot Springs Fall River County South Dakota that I  
 am the duly authorized agent in and on behalf of the above described  
 and plotted land and that said tract was plotted as shown by  
 my free consent and in accordance with my desire

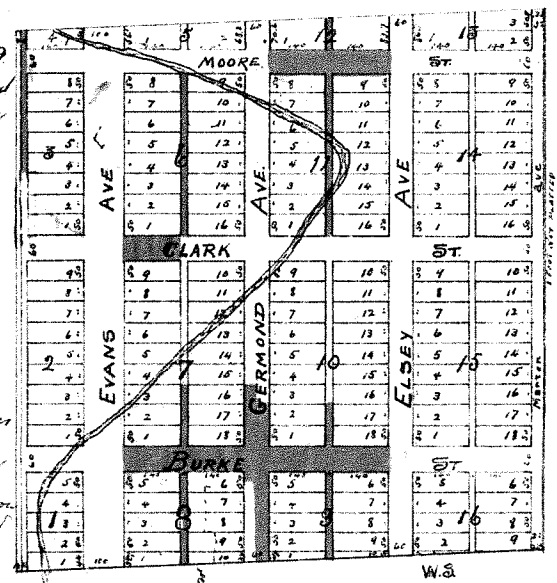
The streets and alleys herein described are hereby dedicated  
 to the public use forever

In Testimony whereof I have hereunto set my hand  
 and seal this 24<sup>th</sup> day of June 1891  
 W. U. Germond

Walter Scott  
 County Surveyor

Let it be remembered that on this 24<sup>th</sup> day of June in the year  
 one thousand eight hundred and ninety one C. E. Sawyer Register of Deeds  
 within and for said county and state personally appeared W. U. Germond  
 a single man known to me to be the person whose name appears above  
 and who is described in and who executed the foregoing instrument and  
 duly acknowledged to me that same are valid and lawful

In Witness Whereof I have hereunto set my hand  
 and official seal at said county the day and date last  
 above mentioned  
 C. E. Sawyer  
 Register of Deeds



State of South Dakota  
 Fall River County  
 Filed for record this 13<sup>th</sup> day of May A.D. 1891  
 at 9 am and recorded in Book 19 of Deeds page 2  
 C. E. Sawyer  
 Register of Deeds

NOTICE OF HEARING PETITION FOR VACATION  
OF STREET AND ALLEY IN FALL RIVER COUNTY,  
SOUTH DAKOTA

NOTICE IS HEARBY GIVEN THAT Bryan J. Holland (a.k.a. Brian J. Holland), Bonnie C. Holland and Kevin L. Fees and Irma J. Fees have presented to the Fall River County Commission a petition for vacation of a street described as: that part of Germond Avenue, a North-South Street, running between Lot One (1) of Block Twelve (12) and Lot Two (2) of Block Five (5), in W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds. Said property in not located within the boundaries of Hot Springs, South Dakota.

The adjoining property, said Lot One (1) of Block Twelve (12), IN W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, is owned by Petitioners Bryan J. Holland (a.k.a. Brian J. Holland) and Bonnie C. Holland.

The adjoining property, said Lot Two (2) of Block Five (5), IN W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, is a owned by Petitioners Kevin L. Fees and Irma J. Fees.

The petition shall be considered at the regular meeting of the Fall River County Commission in the Commission Chambers of the Fall River County Courthouse, 906 North River Street, Hot Springs, South Dakota on Tuesday, June 6, 2017, at 11:00 a.m., and that the notice of time and place when such petition will be considered be published once each week for two (2) consecutive weeks in the Hot Springs Star, an official newspaper of said County. Any person unable to attend the hearing may present their information, opinions and arguments in writing at any time prior to said hearing by delivering them to the County Auditor at the Fall River County Courthouse.

Dated at Hot Springs, South Dakota this 16th day of May, 2017.

Sue Ganje  
County Auditor

Resolution 2017- \_\_\_\_\_

Resolution and Order vacating certain street in Fall River County, South Dakota.

Whereas, Bryan J. Holland (a.k.a. Brian J. Holland), Bonnie C. Holland and Kevin L. Fees and Irma J. Fees, heretofore presented to the Fall River County Commission, pursuant to SDCL 31-3-23, a petition for vacation of a street described as follows:

that part of Germond Avenue running East of Lot Two (2) of Block Five (5) and West of Lot One (1) of Block Twelve (12), in W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds, subject to any easements and right-of-way presently existing for public utility or drainage purposes.

Which petition made by the Owners of all the property adjoining both sides of the said street proposed to be vacated sets out that said street has not been constructed or used as a highway at any time during the past 100 years and which petition was verified by petitioners Bryan J. Holland (a.k.a. Brian J. Holland), Bonnie C. Holland and Kevin L. Fees and Irma J. Fees, and said street is less than one mile in total length and that the character and use of the plat is residential lots and that no public highway is part of the street to be vacated; AND

WHEREAS, the Fall River County Commission at a meeting of said Commission held May 16, 2017, 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 Tuesday, June 6, 2017, at 11:00 a.m. and directed that notice of said hearing be published once a week for two consecutive weeks in the Hot Springs Star, an 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 street to be vacated has not been constructed or used as a highway at any time during the last 100 years:

BE IT RESOLVED AND ORDERED by the Fall River County Commission, the street described as follows:

that part of Germond Avenue running East of Lot Two (2) of Block Five (5) and West of Lot One (1) of Block Twelve (12), in W.U. Germond's Cold Brook Addition to the Town, now City, of Hot Springs, Fall River County, South Dakota, as shown on the plat filed in Book I of Plats, page 21 in the Office of the Fall River County Register of Deeds, be, and the same hereby is vacated, reserving, however, any easement and right-of-way presently existing for public utility or drainage purposes and that the public interest will be better served by said vacation.

Such vacation to take effect after the 30<sup>th</sup> day after the second publication of this Resolution unless the action has been appealed according to law.

Dated at Hot Springs, Fall River County, South Dakota, this 6th day of June, 2017.

APPROVED:

\_\_\_\_\_  
Joe Falkenberg, CHAIRMAN  
FALL RIVER COUNTY COMMISSION

\_\_\_\_\_  
Sue Ganje, County Auditor

*Signature of neighbors*

APPLICATION FOR VARIANCE FROM ZONING ORDINANCE

Date May 2nd 2017

Permit No. \_\_\_\_\_

CITY OF EDGEMONT  
STATE OF SOUTH DAKOTA

TO: Edgemont Planning and Zoning Commission

The undersigned do hereby request a variance from the Edgemont Zoning Ordinance.

R E A S O N   F O R   V A R I A N C E :

\_\_\_\_\_  
\_\_\_\_\_

Owner's Signature Angel B Cope

Planning Commission Action \_\_\_\_\_

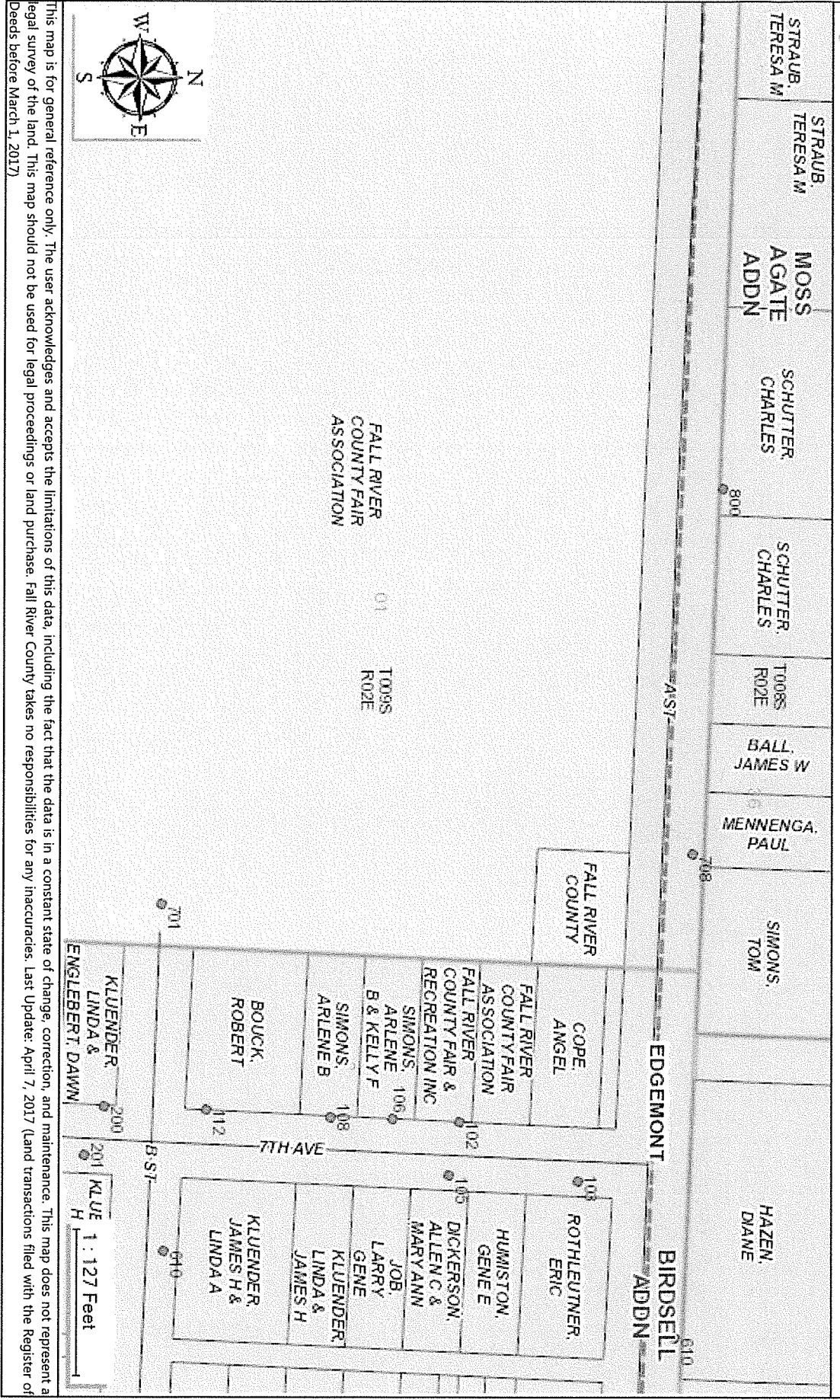
\_\_\_\_\_

Date \_\_\_\_\_

Permit No. \_\_\_\_\_







**FALL RIVER COUNTY RESOLUTION #2017-15**

WHEREAS, the underlying water aquifers that are located below Fall River County and the southern Black Hills are being threatened by the Powertech/Azarga mining company. This company has applied to the Environmental Protection Agency seeking permits to drill 4 Class IV and 4000 Class III deep injection wells; and

WHEREAS these wells target the Minnelusa and Inyan Kara aquifers for use to deposit hazardous waste materials. This action will contaminate these aquifers and compromise water quality; and

WHEREAS Powertech/Azarga has also petitioned the Environmental Protection Agency for an Aquifer exemption; and

WHEREAS this exemption would allow the company to bypass the guidelines set forth in the provisions of the 'Clean Water Act'; and

WHEREAS the result of these permits will endanger the livelihood and safety of the citizens of Fall River County and the southern Black Hills; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Fall River County Commissioners opposes the issuance of these permits.

Dated this 16<sup>th</sup> day of May, 2017.

ATTEST:

\_\_\_\_\_  
Sue Ganje, Fall River County Auditor

\_\_\_\_\_  
Joe Falkenburg  
Fall River County Board of Commissioners

# Emergency Management Institute



## FEEMIA

This Certificate of Achievement is to acknowledge that

**FRANKLIN W MAYNARD**

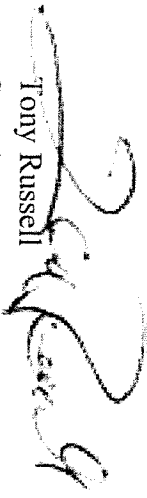
has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the independent study course:

**IS-00546.a**

**Continuity of Operations (COOP) Awareness Course**

*Issued this 1st Day of May, 2017*



  
Tony Russell  
Superintendent  
Emergency Management Institute

## Sample Resolution Form

Below is an example of verbiage that may be used in your resolution designating individuals to act on the county's behalf on matters pertaining to this Agreement:

### **Section for selecting designees authorized to request firefighting resources on behalf of the County Board of Commissioners:**

"BE IT HEREBY RESOLVED, that the list of individuals set forth below, are hereby authorized to request rangeland fire assistance, on behalf of the County of \_\_\_\_\_ as specified in SDCL 41-20A-11. The authority to request assistance as provided shall continue in full force and effect until terminated or modified by resolution of the County of \_\_\_\_\_ Board of Commissioners."

County Fire Assistance Authorization list:			
Effective Date:			
Name of Individual	Position	Daytime Phone	Emergency or Cell Phone

(Some examples of county designees from other counties are County Emergency Managers, local Fire Chiefs, County Sheriff, Sheriff's Deputy, or a Commissioner.)

### **Section for selecting a single point of contact for business matters pertaining to the agreement:**

"BE IT HEREBY RESOLVED, that \_\_\_\_\_, \_\_\_\_\_, is appointed County Rural Fire Coordinator for the County of \_\_\_\_\_<sup>Print name</sup>. \_\_\_\_\_<sup>Position title</sup>. The County Rural Fire Coordinator is hereby authorized to act as a single point of contact, on behalf of the County of \_\_\_\_\_, in dealing with administrative matters such as burn bans, billings, or questions about this Rangeland Fire Agreement specific to the County. This authority shall continue in full force and effect until terminated or modified by resolution of the County of \_\_\_\_\_ Board of Commissioners."

(Some examples of a County Rural Fire Coordinator from other counties are County Emergency Managers, County Auditor or Deputy Auditors, a BOC member, or already designated County Fire Coordinator.)

If you have any questions about these suggestions please call or email Jillian Jez @ 605-393-8011 or [Jillian.Jez@state.sd.us](mailto:Jillian.Jez@state.sd.us).

## COUNTY RANGELAND FIRE PROTECTION AGREEMENT

THIS AGREEMENT is made and entered into by and between the South Dakota Department of Agriculture, Wildland Fire Division, an agency of the State of South Dakota, 3305 W. South Street, Rapid City, SD 57702 ("State"), and \_\_\_\_\_ County of South Dakota, ("County").

Cooperative assistance between the State and the County is highly desirable and increases the effectiveness of rural farm, range, and forest lands protection from wildland fire. Thus, the State agrees to provide rangeland fire suppression assistance to the County, subject to and upon the following terms and conditions.

### I. GENERAL PROVISIONS

1. This Cooperative Agreement is entered into by the State and County for fire prevention and suppression assistance (pursuant to the Joint Powers Act, SDCL chapter 1-24, and the provisions of SDCL 41-20A and 34-35), and for the protection of rural farm, range, and forest lands (pursuant to SDCL 34-31-1 and 34-31-2.)
2. This Agreement represents the entire agreement between State and County and supersedes all prior negotiations and agreements.
3. This Agreement shall begin on this 1st day of July, 2017. **It will automatically renew each year on the anniversary of the beginning date unless terminated by either party pursuant to the terms of the Agreement.**
4. County agrees to indemnify and hold harmless the State of and from any and all claims, demands, losses, causes of action, damage, lawsuits, judgments, including attorneys' fees and costs, to the extent caused by or arising out of or relating to performing the services of this Agreement. This section does not require the County to be responsible for or defend against claims or damages arising solely from errors or omissions of the State, its officers, agents or employees.
5. This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.
6. Invalidity or unenforceability of one or more provisions of this Agreement shall not affect any other provision of this Agreement.
7. While performing services under this Agreement, County is an independent contractor and not an officer, agent, or employee of the State of South Dakota.
8. County agrees to report to the State any event encountered in the course of performance of this Agreement which results in injury to the person or property of third parties, or which may otherwise subject the County or the State to liability. County shall report any such event to the State immediately upon discovery.

County's obligation under this section shall only be to report the occurrence of any event to the State and to make any other report provided for by their duties or applicable law. County's obligation to report shall not require disclosure of any information subject to privilege or confidentiality under law (e.g., attorney-client communications). Reporting to the State under this section shall not excuse or satisfy any obligation of County to report any event to law enforcement or other entities under the requirements of any applicable law.

9. This Agreement may not be assigned without the express prior written consent of the State. This Agreement may only be amended in writing and must be signed by an authorized representative of each of the parties to be valid and enforceable.

10. County shall comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this Agreement, and will be solely responsible for obtaining current information on such requirements.

11. County may not use subcontractors to perform the services of this Agreement without the express prior written consent of the State. County will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the State, and to provide insurance coverage for the benefit of the State in a manner consistent with this Agreement. County will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance.

12. County agrees to, by resolution of the Board of Commissioners, designate a person(s) as a **County Rural Fire Coordinator**. The County Rural Fire Coordinator shall have the authority to request rangeland fire suppression assistance on behalf of the County, as provided in SDCL 41-20A-11, and to work with the State in other rural fire protection matters. The Fire Coordinator will also serve as the contact person, referenced in Section I (Paragraph 14.) It is the responsibility of the County to notify the State within ten (10) days following County Rural Fire Coordinator designation changes.

13. **PROOF OF AUTHORITY TO SIGN:** If the contracting party is not a natural person, evidence of authority granted by the legal entity to the natural person who signs this Agreement on behalf of the legal entity **must be attached** as a condition precedent to any obligation by the State of South Dakota under this Agreement. A copy of a resolution of the governing body or minutes of a regular meeting showing approval of the Agreement or an ordinance approving the agreement and authorizing a named person to sign the Agreement may be used as adequate proof of authority.

14. Any notice or other communication required under this Agreement shall be in writing. Notice(s) shall be sent by and to the **Business Manager, South Dakota Department of Agriculture, Wildland Fire Division, 3305 W. South Street, Rapid City, SD 57702, by fax (605)393-8044, or by email Firemail@state.sd.us on behalf of the STATE, and by and to \_\_\_\_\_, on behalf of the County, or such authorized designees as either party may from time to time designate in writing.** Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

## II. JOINT POWERS PROVISIONS

The State and County mutually agree:

1. To coordinate and communicate the issuance and termination of State and County burn bans and other temporary fire restrictions that affect both parties. The County will fax or email notice of the burn ban issuance or termination to the State, contact information contained in Section I, (Paragraph 13.)
2. This Agreement does not establish a separate legal entity as contemplated by SDCL 1-24-5. The cooperative undertaking described herein will be financed and conducted under the provisions of this Agreement by the State and County, respectively. Each party has responsibilities under the terms of this Agreement and no joint board or administrator will be used. Purchase and maintenance of equipment used to fulfill this Agreement will be undertaken by the respective parties. No real property will be purchased to use for this Agreement.
3. The State will file a copy of this Agreement with the Attorney General and the Legislative Research Council not more than 14 days after execution as required by SDCL 1-24-6.1.
4. Financing required by this Agreement for the State will come from regular department budgets and the state fire suppression fund. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If purchase expenditure authority, or funds become unavailable by operation of law or federal funds reductions, this Agreement can be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.
5. This Agreement may be terminated without cause by either party after giving sixty (60) days written notice.
6. All parties must comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 42 U.S.C. 2000d) and, in accordance with Title VI of that act, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.



**III.**  
**COUNTY RANGELAND PROVISIONS**

1. State agrees to provide advisory technical assistance and training, at the discretion of the Director, Wildland Fire Division, regarding wildfire management issues in the County.
2. Requests to the STATE by the COUNTY for emergency assistance under this Agreement must be activated by one of the processes below:
  - a) Calling Great Plains Dispatch in Rapid City at (605)399-3160 (24 hours.)
  - b) Hailing Great Plains Dispatch on State Digital Radio Network system talk groups: STATE FIRE1, BLACK HILLS FIRE 1, BLACK HILLS FIRE 2, or BLACK HILLS FIRE 3. (This works only when the center is staffed, if after hours use the phone number listed above.)
  - c) Contacting the local emergency management office, Department of Public Safety Regional Coordinator or OEM State Duty Officer. (Your county emergency manager would know that contact information.)
  - d) Using your local Public Safety Answering Point (PSAP or 911 Center) to contact Great Plains Dispatch as a relay point for the COUNTY.
3. State agrees to provide rangeland fire suppression assistance, pursuant to SDCL 41-20A-11. At the request of a Board of County Commissioners (BOC) or a person(s) designated by the BOC for such purpose, the State Wildland Fire Coordinator may assist in the suppression of any range fire within the county. If the Coordinator provides the assistance, the county to which the assistance is given shall reimburse the coordinator for the reasonable expenses incurred in giving the assistance if the assistance includes the use of more than one state vehicle and more than two state employees.
4. State agrees to provide the appropriate forms to the County Rural Fire Coordinator for reporting fire occurrences, causes, and cost information; during times of declared fire emergency.
5. State agrees to compile the information and provide the County Rural Fire Coordinator a map showing the location of reported fires annually.
6. State agrees to furnish a cost statement to the County within 60 working days for all fire related expenditures incurred by the State for wildfire suppression activities specifically requested by the County under this Agreement to the following address:

County Address:

\_\_\_\_\_  
\_\_\_\_\_

7. County agrees to prepare a South Dakota Department of Labor (1<sup>st</sup> report of injury) report when an accident on a wildland fire in the county results in death, serious injury or illness relating to the incident within 10 days of said event and send the report to the State at the following address:

South Dakota Department of Agriculture  
Wildland Fire Division  
3305 W. South Street  
Rapid City, SD 57702

8. County agrees to pay reasonable costs for the direct fire suppression assistance from the State specifically requested by the county on any range fire, as set forth in SDCL 41-20A-11.

9. County agrees to provide to any Incident Management Team (IMT), which is managing a large fire within the county, with a point of contact (POC) (in most cases the County Emergency Manager or County Rural Fire Coordinator) to work with the IMT on fire related issues. These issues may include, but are not limited to, the following: life safety concerns such as subdivision evacuations, road closures, damage to county and township roads and bridges, damage to county infrastructure, location of evacuation centers, and facilitation of public meetings concerning fire information.

10. County agrees to cooperate and work with the State during times of large rangeland fire emergency by being available to provide timely information on fire size; direction of fire movement and spread; values and resources at risk; public infrastructure damage or threats; and any other information that Department of Public Safety or Department of Agriculture would need in support of state declared or federal declared disaster declarations.

IN WITNESS WHEREOF, the parties signify their agreement by signing below.

COUNTY OF \_\_\_\_\_

BY: \_\_\_\_\_

Printed Name, Title: \_\_\_\_\_

\_\_\_\_\_

Date

STATE OF SOUTH DAKOTA

BY: \_\_\_\_\_

Director, Wildland Fire Division or his designee

\_\_\_\_\_

Date

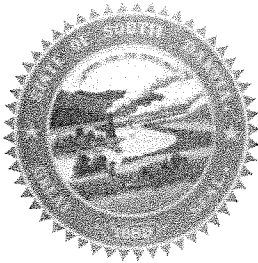
APPROVED BY:

\_\_\_\_\_  
Mike Jaspers, Secretary,  
South Dakota Department of Agriculture

\_\_\_\_\_

Date





## SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

### WILDLAND FIRE DIVISION

3305 West South Street

Rapid City, SD 57702

Phone: 605-393-8011 / Fax: 605-393-8044

<http://wildlandfire.sd.gov/>

May 4, 2017

Dear Board of County Commissioners,

In October of 2016, we saw the Cottonwood fire in Jackson County quickly grow to over 40,000 acres on a hot, windy afternoon and threaten the livelihoods of area farmers and ranchers. Then in February 2017, another rangeland fire started only miles from the same location and rapidly burned 2500 acres before it was controlled while devastating wildfires, also burned, in Kansas, Oklahoma and Texas. These fire incidents give our Division a sense of urgency to prompt our county governments to review and sign a new County Rangeland Fire Agreement.

Enclosed you will find the updated Agreement and a sample resolution form. Please read it carefully, sign and return the original signed Agreement with the following:

- A copy of the resolution or minutes authorizing the signing of the Agreement.
- A list of people authorized by the Commission to request assistance.
- The name of the individual selected as the Coordinator for the Agreement.

Please mail to:

Jillian Jez

SDDA Wildland Fire Division

3305 West South Street

Rapid City, SD 57702

If you have any questions about the Agreement or the process, please contact:

Business Manager, Joannah Tornow, at [Joannah.Tornow@state.sd.us](mailto:Joannah.Tornow@state.sd.us) or by phone at 605-393-8120 or Senior Secretary, Jillian Jez at [Jillian.Jez@state.sd.us](mailto:Jillian.Jez@state.sd.us) or by phone at 605-393-8011

If the Board of Commissioners would like to have a Wildfire Division employee attend a commission meeting either in person or telephonically to discuss this Agreement, please let us know as soon as possible for scheduling purposes.

Sincerely,

Jay T. Esperance

Division Director/State Wildland Fire Coordinator

Enclosures: 2

General Fund (10100)	Contingency/				Total Budget with Transfers & Supplements	Year to Date Expenses	% used	Balance
	Approved Budget	Contingency Transfer Out	Supplement Transfer In					
111 Commissioners	\$148,265.00				\$ 148,265.00	\$ 30,817.84	21%	\$117,447.16
120 Elections	\$40,326.00				\$ 40,326.00	\$ 5,397.26	13%	\$34,928.74
130 Judicial System	\$20,300.00				\$ 20,300.00	\$ 2,692.41	13%	\$17,607.59
141 Auditor	\$197,236.00				\$ 197,236.00	\$ 75,138.49	38%	\$122,097.51
142 Treasurer	\$181,614.00				\$ 181,614.00	\$ 62,830.17	35%	\$118,783.83
143 Data Processing	\$49,742.00				\$ 49,742.00	\$ 5,980.00	12%	\$43,762.00
151 States Atty	\$190,666.00				\$ 190,666.00	\$ 55,005.22	29%	\$135,660.78
153 Crt Appt'd Attorney	\$145,000.00				\$ 145,000.00	\$ 57,969.92	40%	\$87,030.08
154 Abuse & Neglect	\$20,000.00				\$ 20,000.00	\$ 11,688.04	58%	\$8,311.96
159 CASA	\$0.00				\$ -	\$ -	0%	\$0.00
161 General Bdlg	\$218,752.00				\$ 218,752.00	\$ 69,030.61	32%	\$149,721.39
162 Dir of Equal	\$200,635.00				\$ 200,635.00	\$ 79,642.25	40%	\$120,992.75
163 Reg of Deeds	\$127,405.00				\$ 127,405.00	\$ 42,467.73	33%	\$84,937.27
165 Vet Svc Officer	\$49,335.00				\$ 49,335.00	\$ 16,062.01	33%	\$33,272.99
166 Predator Animal	\$5,513.00				\$ 5,513.00	\$ -	0%	\$5,513.00
169 FEMA (Cold Brook)	\$300.00				\$ 300.00	\$ -	0%	\$300.00
170 GIS	\$61,118.00				\$ 61,118.00	\$ 18,389.30	30%	\$42,728.70
<b>Total General Govmtn</b>	<b>\$ 1,656,207.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,656,207.00</b>	<b>\$ 533,111.25</b>	<b>32%</b>	<b>\$1,123,095.75</b>
211 Sheriff	\$649,760.00				\$ 649,760.00	\$ 165,896.51	26%	\$483,863.49
212 Jail	\$710,401.00				\$ 710,401.00	\$ 179,629.01	25%	\$530,771.99
213 Coroner	\$23,439.00				\$ 23,439.00	\$ 10,066.29	43%	\$13,372.71
215 Juvenile Detention	\$50,000.00				\$ 50,000.00	\$ 2,800.00	6%	\$47,200.00
216 Airplane	\$5,000.00				\$ 5,000.00	\$ 1,399.88	28%	\$3,600.12
219 Battle Mtn Humane Society	\$6,000.00				\$ 6,000.00	\$ 2,500.00	42%	\$3,500.00
224 Search & Rescue	\$1,500.00				\$ 1,500.00	\$ -	0%	\$1,500.00
225 Communications (Dispatch)					\$ -	\$ -	0%	\$0.00
229 Civil Air Patrol					\$ -	\$ -	0%	\$0.00
<b>Total Public Safety</b>	<b>\$ 1,446,100.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,446,100.00</b>	<b>\$ 362,291.69</b>	<b>25%</b>	<b>\$1,083,808.31</b>
411 County Poor	\$20,000.00				\$ 20,000.00	\$ 1,058.18	5%	\$18,941.82
421 County Nurse	\$54,767.00				\$ 54,767.00	\$ 19,333.21	35%	\$35,433.79
429 Public Health Threat	\$200.00				\$ 200.00	\$ -	0%	\$200.00
433 Care of Aged	\$22,300.00				\$ 22,300.00	\$ 1,500.00	7%	\$20,800.00
437 Edgemont YMCA	\$1,000.00				\$ 1,000.00	\$ -	0%	\$1,000.00
438 2-1-1 Helpline	\$1,500.00				\$ 1,500.00	\$ -	0%	\$1,500.00
439 Boys & Girls Club	\$6,000.00				\$ 6,000.00	\$ 6,000.00	100%	\$0.00
441 Mentally ill	\$30,000.00				\$ 30,000.00	\$ 235.97	1%	\$29,764.03
443 Drug Center	\$12,000.00				\$ 12,000.00	\$ 12,000.00	100%	\$0.00
444 Mental Health Center	\$7,500.00				\$ 7,500.00	\$ 7,500.00	100%	\$0.00



161 Fund 30100		\$	50,000.00					\$	50,000.00		\$	3,041.28				6%		\$	46,958.72	
<b>Total General Govmt.</b>		\$	<b>50,000.00</b>		\$	-		\$	<b>50,000.00</b>		\$	<b>3,041.28</b>				<b>6%</b>		\$	<b>46,958.72</b>	
221 Fund 21100	Fire	\$	7,500.00					\$	7,500.00		\$	1,050.00				14%			\$	6,450.00
225 Fund 20700	911 surcharge	\$	242,755.00					\$	242,755.00		\$	80,000.09				33%			\$	\$162,754.91
226 Fund 20700	911 salary							\$	-		\$	-				0%			\$	\$0.00
234 LEPC		\$	1,000.00					\$	1,000.00		\$	320.00				32%			\$	\$680.00
248 24/7 Fund		\$	40,714.00					\$	40,714.00		\$	9,245.07				23%			\$	\$31,468.93
<b>Total Public Safety</b>		\$	<b>291,969.00</b>		\$	-		\$	<b>291,969.00</b>		\$	<b>90,615.16</b>				<b>31%</b>			\$	<b>201,353.84</b>
310 Fund 20100	Hwy	\$	144,510.00					\$	144,510.00		\$	42,645.05				30%			\$	\$101,864.95
311 Fund 20100	Hwy	\$	2,245,214.00					\$	2,245,214.00		\$	221,858.18				10%			\$	\$2,023,355.82
750 Pymt to Local Agencies								\$	-		\$	-				0%			\$	\$0.00
<b>Total Public Works</b>		\$	<b>2,389,724.00</b>		\$	-		\$	<b>2,389,724.00</b>		\$	<b>264,503.23</b>				<b>11%</b>			\$	<b>2,125,220.77</b>
M & P Fund 22500		\$	9,400.00					\$	9,400.00		\$	290.00				3%			\$	\$9,110.00
222 Fund 226	Emer Mgt	\$	126,810.00					\$	126,810.00		\$	43,613.51				34%			\$	\$83,196.49
225 Fund 216	Title III	\$	-					\$	-		\$	-				0%			\$	\$0.00
<b>Total Public Safety</b>		\$	<b>136,210.00</b>		\$	-		\$	<b>136,210.00</b>		\$	<b>43,903.51</b>				<b>32%</b>			\$	<b>92,306.49</b>
434 Fund 229	Dom Abuse	\$	7,000.00					\$	7,000.00		\$	-				0%			\$	\$7,000.00
<b>Total Health &amp; Welfare</b>		\$	<b>7,000.00</b>		\$	-		\$	<b>7,000.00</b>		\$	-				<b>0%</b>			\$	<b>\$7,000.00</b>
615 Fund 23405	Weed Control	\$	-					\$	-		\$	-				0%			\$	\$0.00
616 Fund 23401	Weed Control	\$	-					\$	-		\$	-				0%			\$	\$0.00
<b>Total Weed Control</b>		\$	-		\$	-		\$	-		\$	-				<b>0%</b>			\$	-
<b>Total without Contingency Transfers Out</b>		\$	<b>6,781,462.00</b>		\$	-		\$	<b>6,781,462.00</b>		\$	<b>1,438,622.29</b>				<b>21%</b>			\$	<b>\$5,342,839.71</b>
<b>Contingency Balance</b>			<b>\$150,000.00</b>																	<b>\$150,000.00</b>
<b>Total Remaining</b>		\$	<b>6,931,462.00</b>		\$	-		\$	<b>6,931,462.00</b>		\$	<b>1,438,622.29</b>				<b>21%</b>			\$	<b>\$5,492,839.71</b>

# Position Statement

## SOUTH DAKOTA

ISL Dewey-Burdock EPA Class 3  
and Class 5 UIC injection wells  
for mining and other hazardous  
waste deposition - March 2017

[Help Us Stop This!](#)

### Summary:

<https://knowmining.org/#portfolio>

639 The Hong Kong/China based uranium mining company, Powertech/Azarga that has been pursuing ISL (in situ leach recovery) mining permits in the Dewey-Burdock, Edgemont area of the Black Hills, is currently requesting permits from the EPA for waivers from the Clean Water Act for the Inyan Kara aquifer in order to implement UIC injection wells for mining, and for hazardous waste permanent deposition from mining activity in the Minnelusa aquifer.

We are opposed to both the mining activity, which would contaminate the Inyan Kara aquifer permanently for agricultural use, for which it is currently being used, and also contaminate other aquifers in the area as well, because of the many fissures, fractures, breccia pipes and sinkholes that are naturally occurring, and the 7,650 unclosed old exploratory boreholes that allow the mixing of aquifers at the site.

We are opposed to the permanent deposition of any mining wastes, including hazardous and radioactive metals and/or metal salts thereof into any aquifers in the Black Hills which would effectively render the Black Hills a permanent hazardous waste dump-site - and with the ability of the permit holder to take in mining waste from other regional sites, and also sell that permit to other polluters.

We are opposed to injection of chemical lixivients that would dissolve rock and free up toxic metals to pollute the groundwater aquifers in the mining process, that cannot be effectively cleaned up.

## Background of Powertech/Azarga:

The Issue of the 12 Requested Hazardous Deep Injection Wells by Powertech/Azarga at Edgemont, vs the 4 That Would be Permitted

### COMPANY HISTORY

**1.)** Powertech/Azarga is a Chinese foreign owned company that is essentially bankrupt. The partners took over a bankrupt refrigerator manufacturing company shell and then declared themselves a uranium mining company, though to date, this company has never mined anything anywhere. As a foreign owned company, they are free to mine and then bankrupt the company when mining reserves are gone, leaving the hazardous and radioactive mess for the taxpayers to clean up. This is the most common scenario with foreign owned mining companies in the U.S. Further, no aquifer has ever been restored anywhere in the world after ISL uranium mining. For this reason, ISL mining is banned in Europe, where numerous mines have completely ruined many aquifers.

**2.)** Evidence was presented to the NRC and ASLB in hearings appealing the mining permit issued by the NRC. It was disclosed in these hearings that the Tennessee Valley Assoc. thoroughly explored the area in question for more mine-able uranium deposits after the roll front of uranium was mined out in the 1950's by surface mining. TVA came to the area several times, years apart, and drilled a total of 7650 boreholes looking for more mine-able/extractable uranium, but failed to find any. TVA subsequently abandoned the site, leaving those boreholes not properly closed for the most part, that then allowed further mixing of the aquifers even more than the already naturally existing numerous fractures, fissures, breccia pipes and sinkholes that are common in this continuing uplift region. This was when uranium yellow-cake was in high demand during the Cold War and the spot price was \$100.00 per lb. Today, the spot price for yellow-cake is currently \$18.00 per lb, with the production break even cost of \$63.00 per lb. Powertech/Azarga was ordered by NRC/ASLB to find and properly close all of those boreholes before they would be able to actively mine, as ISL mining requires aquifers to be contained properly for



bankrupt going in to this project. See the toxicology testimony by Linsey McLean, expert witness for Consolidated Intervenor, to the Nuclear Regulatory Commission and Atomic Safety and Licensing Board on the birth deformities found in wildlife and domestic farm animals studied in ISL mining sites contaminated by toxic waste water and radioactive metals.

<https://www.nrc.gov/docs/ML1513/ML15132A507.pdf> (<https://www.nrc.gov/docs/ML1513/ML15132A507.pdf>)

<https://www.nrc.gov/docs/ML1513/ML15132A506.pdf> (<https://www.nrc.gov/docs/ML1513/ML15132A506.pdf>)

The business model for this Chinese owned company at Dewey-Burdock is most likely to never start uranium mining to begin with, as by their own admission, the price of uranium is far too low for profitability. They intend to use these injection wells for importing hazardous toxic mining wastes from other mining sites for profit, making the Black Hills an everlasting toxic waste dump. They state that they need two deep injection wells for hazardous wastes *right away*.

## What is an Injection well/UIC?

An injection well is a device that places fluid deep underground into porous rock formations, such as sandstone or limestone, or into or below the shallow soil layer. The fluid may be water, wastewater, brine (salt water), or water mixed with chemicals.

In waste water disposal, treated waste water is injected into the ground between impermeable layers of rocks to avoid polluting fresh water supplies or adversely affecting quality of receiving waters.

**\*\***In the case of this EPA permit, the injection will go directly into the Minnelusa aquifer and not in rock formations where injections typically are directed.

Injection wells are usually constructed of solid walled pipe to a deep elevation in order to prevent toxic injections from mixing with the surrounding environment.

[http://en.wikipedia.org/wiki/Injection\\_well](http://en.wikipedia.org/wiki/Injection_well) ([http://en.wikipedia.org/wiki/Injection\\_well](http://en.wikipedia.org/wiki/Injection_well))

Until the 1960s, drillers could just dump this stuff wherever they wanted. Being extremely salty and full of chemicals, this is obviously a bad idea. The 1960s saw the introduction of deep injection wells. The idea was that if you could inject fluids into rocks thousands of feet underground, the toxic waste would stay there forever. In order for this to work, the rock layers have to be porous, like a sponge, and the waste has to be injected under pressure to force its way into the rocks.

## Regulatory Requirements of Deep Injection Wells

In the United States, injection well activity is regulated by the United States Environmental Protection Agency (EPA) and state governments under the Safe Drinking Water Act ([http://en.wikipedia.org/wiki/Safe\\_Drinking\\_Water\\_Act](http://en.wikipedia.org/wiki/Safe_Drinking_Water_Act)) (SDWA). EPA has issued Underground Injection Control (UIC) regulations in order to protect drinking water sources. The EPA has defined six classes of injection wells.

**Class I** wells are used for the injection of municipal and industrial wastes beneath underground sources of drinking water.

**Class II** wells are used for the injection of fluids associated with oil and gas production, including waste from hydraulic fracturing.

**Class III** wells are used for the injection of fluids used in mineral solution mining ([en.wikipedia.org/wiki/Solution\\_mining](http://en.wikipedia.org/wiki/Solution_mining)) beneath underground sources of drinking water. (ISL Uranium mining falls in here)

**Class IV** wells, like Class I wells, are used for the injection of hazardous wastes but inject waste into or above underground sources of drinking water instead of below.

**Class V** wells are those used for all non-hazardous injections that are not covered by Classes I through IV. Examples include storm-water drainage wells and septic system leach fields ([en.wikipedia.org/wiki/Septic\\_drain\\_field](http://en.wikipedia.org/wiki/Septic_drain_field)).

**Class VI** wells are used for the injection of carbon dioxide for sequestration, or long term storage. Currently, there are no Class VI wells in operation, but 6 to 10 wells are expected to be in use by 2016.

<http://people.uwec.edu/piercech/HazwasteWebsSp04/>

<http://people.uwec.edu/piercech/HazwasteWebsSp04/DeepWellInjection/DeepWellInjection.htm>

## Injection Wells Don't Just Pollute

that is not able to be cleaned up as it soaks into the ground. In this case, toxic and heavy metals and radiation.

## 2008-2010 Cases of Water Contamination Violations

CLASS-2 WELLS: 22

OTHER WELLS: 77

Cases of Unauthorized Injection = 859

Cases of Pressurized Injection = 1,199

Test Failures for Significant Leaks = 6,723

Total Wells with Violations = 60,467

<http://projects.propublica.org/graphics/underground-injection-wells> (<http://projects.propublica.org/graphics/underground-injection-wells>)

### STRUCTURAL FAILURES

A ProPublica review of well records, case histories, and government summaries of more than 220,000 well inspections from October 2007 to October 2010 found that structural failures inside injection wells are routine. From late 2007 to late 2010, one well integrity violation was issued for every six deep injection wells examined — more than 17,000 violations nationally. More than 7,000 wells showed signs that their walls were leaking. Records also showed wells are frequently operated in violation of safety regulations and under conditions that greatly increase the risk of fluid leakage and the threat of water contamination. ProPublica's analysis showed that, when an injection well fails, it is most often because of holes or cracks in the well structure itself.

### UNAUTHORIZED INJECTION

Basically illegal dumping, EPA officials describe this as the most serious of all violations. It means waste was dumped into a well without a permit or without being legally approved for a certain location. State regulators say most violations are for bad paperwork, but in some cases, oil and gas companies have dumped dangerous waste meant for Class 1 wells into Class 2 wells to avoid fees and tighter regulations.

### MECHANICAL INTEGRITY VIOLATION

Mechanical Integrity testing, or MIT, is the primary way of checking the condition of injection wells. All Class 1 and Class 2 deep injection wells are required to be tested regularly, often by pressurizing the well and waiting to see if any of the pressure escapes, indicating a crack in one of the well's layers. Regulators say most violations indicate a small problem that, caught early, prevents a larger failure in the future. But some failures noted in federal records do describe "significant" leaks and migration of waste.

### OVER PRESSURIZED INJECTION

When waste is injected at higher pressure than is allowed on an injection well permit, it can either break out of the well or fracture the rock underground, creating new pathways for that waste to migrate into, and pollute, water supplies. A violation means that the pressure caused waste to move outside of its intended zone and endanger drinking water.

### TEST FAILURES FOR SIGNIFICANT LEAKS

This means that a well failed a mechanical integrity test and "caused the movement of fluids outside of the authorized zone," because either its cement or steel structure, or the tubing that lines the inside of the well, had a crack.

A recent study led by scientists at the Department of Energy's SLAC National Accelerator Laboratory helps describe how the contaminant cycles through the environment at former uranium mining sites and why it can be difficult to remove. Contrary to assumptions that have been used for modeling uranium behavior, researchers found the contaminant binds to organic matter in sediments. The findings provide more accurate information for monitoring and remediation at the sites.

The results were published in the Proceedings of the National Academy of Sciences.

In 2014, researchers at SLAC's Stanford Synchrotron Radiation Lightsource (SSRL) began collaborating with the DOE Office of Legacy Management, which handles contaminated sites associated with the legacy of DOE's nuclear energy and weapons production activities. Through projects associated with the Uranium Mill Tailings Radiation Control Act, the DOE remediated 22 sites in Colorado, Wyoming and New Mexico where uranium had been extracted and processed during the 1940s to 1970s.

Uranium was removed from the sites as part of the cleanup process, and the former mines and waste piles were capped more than two decades ago. Remaining uranium deep in the subsurface under the capped waste piles was expected to leave these sites due to natural groundwater flow. However, uranium has persisted at elevated levels in nearby groundwater much longer than predicted by scientific modeling.

In an earlier study, the SLAC team discovered that uranium accumulates in the low-oxygen sediments near one of the waste sites in the upper Colorado River basin. These deposits contain high levels of organic matter—such as plant debris and bacterial communities.

During this latest study, the researchers found the dominant form of uranium in the sediments, known as tetravalent uranium, binds to organic matter and clays in the sediments. This makes it more likely to persist at the sites. The result conflicted with current models used to predict movement and longevity of uranium in sediments, which assumed that it formed an insoluble mineral called uraninite.

Different chemical forms of the element vary widely in how mobile they are—how readily they move around—in water, says Sharon Bone, lead author on the paper and a postdoctoral researcher at SSRL, a DOE Office of Science User Facility.

Since the uranium is bound to organic matter in sediments, it is immobile under certain conditions. Tetravalent uranium may become mobile when the water table drops and oxygen from the air enters spaces in the sediment that were formerly filled with water, particularly if the uranium is bound to organic matter in sediments rather than being stored in insoluble minerals.

"Either you want the uranium to be soluble and completely flushed out by the groundwater, or you just want the uranium to remain in the sediments and stay out of the groundwater," Bone says. "But under fluctuating seasonal conditions, neither happens completely."

This cycling in the aquifer may result in the persistent plumes of uranium contamination found in groundwater, something that wasn't captured by earlier modeling efforts.

"For the most part, uranium contamination has only been looked at in very simple model systems in laboratories," Bone says. "One big advancement is that we are now looking at uranium in its native environmental form in sediments. These dynamics are complicated, and this research will allow us to make field-relevant modeling predictions."

The study combined the expertise of researchers at SLAC, Pacific Northwest National Laboratory and the Canadian Light Source. The research team used a blend of techniques to analyze samples of sediments in the experiment. They performed X-ray spectroscopy at SSRL to identify the chemical form of uranium. Capabilities at the Canadian Light Source and at the Environmental Molecular Science Laboratory (EMSL) at Pacific Northwest National Laboratory were used to map the locations of the elements in the samples at the nanometer scale. This additional information allowed the researchers to determine whether or not the uranium was bound to carbon-containing, or organic, materials. SSRL and EMSL are DOE Office of Science User Facilities.

The DOE Office of Science funded the project.

SLAC is a multi-program laboratory exploring frontier questions in photon science, astrophysics, particle physics and accelerator research. Located in Menlo Park, Calif., SLAC is operated by Stanford University for the U.S. Department of Energy's Office of Science. For more information, please visit [slac.stanford.edu](http://slac.stanford.edu) ([slac.stanford.edu](http://slac.stanford.edu)).

SLAC National Accelerator Laboratory is supported by the Office of Science of the U.S. Department of Energy. The Office of Science is the single largest supporter of basic research in the physical sciences in the United States, and is working to address some of the most pressing challenges of our time. For more information, please visit [science.energy.gov](http://science.energy.gov) ([science.energy.gov](http://science.energy.gov)).

## The Bottom Line on Leaky Injection Wells, ISR/L Recovery and the Stabilization of Plumes:

EPA is also proposing an aquifer exemption approval in connection with the draft UIC Class III Area Permit. Specifically, this approval would exempt the uranium-bearing portions of the Inyan Kara Group aquifers from protection under the Safe Drinking Water Act. Such an exemption must be in place before ISR activities within these aquifers can occur.

Under its obligation to comply with the National Historic Preservation Act and under EPA's Tribal Policy on Consultation and Coordination with Indian Tribes, EPA has been consulting and coordinating with several interested Tribes to identify the potential effects of the proposed project on traditional cultural places, historic and sacred sites. EPA will continue to consult and coordinate with Tribes as necessary throughout the public comment period concerning these proposed permitting actions.

The public is encouraged to provide comment on these draft permits and the aquifer exemption by midnight mountain time, May 19, 2017. EPA's final permit decision will be based on an evaluation of comments received and a determination of whether underground sources of drinking water are protected. The draft permits can be found at the EPA Region 8 UIC Program website:

<https://www.epa.gov/uic/uic-epa-region-8> (<https://www.epa.gov/uic/uic-epa-region-8>)

<https://www.epa.gov/uic/administrative-record-dewey-burdock-class-iii-and-class-v-injection-well-draft-area-permits> ([https://www.epa.gov/sites/production/files/2017-03/documents/class\\_v\\_draft\\_area\\_permit\\_fact\\_sheet.pdf](https://www.epa.gov/sites/production/files/2017-03/documents/class_v_draft_area_permit_fact_sheet.pdf))

### How to Comment:

Written comments must be received by email, fax or mailed to:

**Valois Shea**

[shea.valois@epa.gov](mailto:shea.valois@epa.gov) ([shea.valois@epa.gov](mailto:shea.valois@epa.gov))

fax: 303-312-6741

U.S. EPA Region 8 Mail Code: 8WP-SUI

1595 Wynkoop Street

Denver, CO 80202-1129

## Public Information Sessions and Hearing Information (The public may also provide written and/or verbal comments during the following EPA public hearings):

**Thursday, April 27, 2017** from 4:00 to 8:30 p.m. (with a break from 5:00 to 6:00 p.m.)

*Niobrara Lodge*, 803 US Highway 20, Valentine, Nebraska 69201

**Monday-Tuesday, May 8-9, 2017**, 1:00 to 8:00 p.m. (with a break from 5:00 to 6:00 p.m.)

*The Best Western Ramkota Hotel*, 2111 N. LaCrosse Street, Rapid City, South Dakota 57701

**Wednesday, May 10, 2017**, from 1:00 to 8:00 pm (with a break from 5:00 to 6:00 p.m.)

*The Mueller Center*, 801 S 6th Street, Hot Springs, South Dakota 57747

**Thursday, May 11, 2017**, from 1:00 to 8:00 pm (with a break from 5:00 to 6:00 pm)

*St. James Catholic Church*, 310 3rd Avenue, Edgemont, South Dakota 57735

### From the Permit:

Powertech USA submitted an application for a UIC Program Class V Area Permit proposing to construct and operate up to eight (8) deep injection wells within the Dewey-Burdock Project Boundary to be used for the disposal of treated uranium ISR process wastewater into the Minnelusa and Deadwood Formations. At the time the Class V Area Permit Application was submitted, Powertech anticipated that the two (2) Minnelusa and the two (2) Deadwood injection wells proposed in the Class V Permit Application would provide adequate disposal capacity for the Permit SD52173-000006 Dewey-Burdock Class V Draft Area Permit Fact Sheet volume of uranium ISR process wastewater that is expected to be generated at the site. As further explained below in Section 2.3, Powertech did not intend to request additional injection wells to be added under the Class V Area Permit unless the first four (4) wells did not provide adequate disposal capacity. However, Powertech withdrew the permitting request for the two Deadwood injection wells in a letter dated December 9, 2016.

This Class V Area Permit authorizes up to four (4) wells for injection into the Minnelusa Formation only. Powertech originally proposed the construction of the two (2) Minnelusa Formation injection wells listed in Table 1, but may elect to construct up to two (2) additional injection wells allowed under this Class V Area Permit. If Powertech decides that more than four (4) injection wells are needed to provide enough capacity to disposed of the treated ISR waste

injection into Deadwood Formation are classified as Class I wells under UIC regulation 40 CFR § 144.6(a)(2), Powertech submitted a letter to the EPA withdrawing the request for authorization for construction and operation of wells injecting into the Deadwood Formation. Because there is no longer an active application for injection into the Deadwood Formation, there is no agency action related to injection into this formation.

[https://www.epa.gov/sites/production/files/2017-03/documents/class\\_v\\_draft\\_area\\_permit\\_fact\\_sheet.pdf](https://www.epa.gov/sites/production/files/2017-03/documents/class_v_draft_area_permit_fact_sheet.pdf) ([https://www.epa.gov/sites/production/files/2017-03/documents/class\\_v\\_draft\\_area\\_permit\\_fact\\_sheet.pdf](https://www.epa.gov/sites/production/files/2017-03/documents/class_v_draft_area_permit_fact_sheet.pdf))

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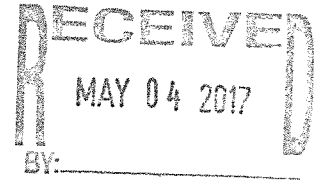
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3 May 2017

Fall River County  
906 N River Street  
Hot Springs SD 57747



Dear Commissioners:

We are pleased to inform you that the Board of Trustees of the State Historical Society approved the nomination of the following property to the National Register of Historic Places:

**Colgan House, 407 3<sup>rd</sup> Street, Edgemont, Fall River, South Dakota**

The documentation will now be forwarded to the National Park Service in Washington D.C., for review and possible listing on the National Register. This final review will take two to four months. If you have any comments about this nomination that you would like to direct to the Federal reviewers, contact: Keeper of the National Register, U. S. Department of the Interior, National Park Service, National Register of Historic Places, main Department of Interior building, 1849 C Street NW, Washington, D.C., 20240.

If you have any further questions for our office please contact Kate Nelson at [kate.nelson@state.sd.us](mailto:kate.nelson@state.sd.us) or at 605-773-6005.

Jay D. Vogt

State Historic Preservation Officer

JOINT AGENDA  
HOT SPRINGS & FALL RIVER COUNTY  
HOUSING AND REDEVELOPMENT COMMISSION  
Wednesday, May 17, 2017  
1:30 pm

Call To Order

Attendance Roll Call

Approval / Additions to Agenda

Reports

Minutes                      Joint Meeting of April 12, 2017

Financial                    Balance Sheets – 03/31/17  
Income Statements – 03/31/17  
Cash Flow Reports – 04/17  
Check Registers – 04/17  
Loan Amortization Schedule – 05/17

Communications

Executive Director      Occupancy Report  
Brookside Modernization Project Progress  
Nepotism Exclusion for Occupancy  
Employee Evaluations

Old Business

Fair Housing Compliance Review – nothing to update

Purchase Agreement update

Sales Purchase Agreement deadline – 05/01/17 – 45-day extension effectuated  
Request to extend Amendment #2 to 01/01/18

New Business

Resolution #315 - Adopt Smoke-Free Public Housing Policy by 07/30/2018

(A)

JOINT MEETING OF THE HOT SPRINGS AND FALL RIVER  
HOUSING COMMISSIONS  
Wednesday, April 12, 2017

CALL TO ORDER

Chairman Mark Crossman called the meeting to order at 2:05 PM.

ROLL CALL

Members answering roll call were Linda Cobb, Mark Crossman, Mike McNeill, Connie Gerard, Terry Slagel and Jim Stevens

OTHERS PRESENT

Greg Foust and Caroline Standen.

AGENDA

The agenda stands approved as written.

SECRETARY'S REPORT

Jim moved to accept the minutes from the March 15, 2017 Joint Housing Commission meeting. Mike seconded the motion. No discussion. Unanimous.

FINANCIAL REPORT

The cash flow report for all three properties were included in the commissioners' packet. Mike moved to accept the cash flow reports for March 2017. Terry seconded the motion. No discussion. Unanimous.

COMMUNICATIONS:

None

EXECUTIVE DIRECTOR'S REPORT

Occupancy Report: Greg reviewed the occupancy information with the commissioners. As of the date of the occupancy report there had been a net loss of one (1) tenant at Brookside. This past month there were four (4) move-outs at Brookside and three (3) move-ins. There are four (4) notices to vacate at Brookside, with several applications pending. This past month there were three (3) move-outs and three (3) move-ins at the Evans. The Evans has three (3) notices to vacate, with two leases being signed within the next week. Hillcrest occupancy remains the same as last month.

Greg pointed out that four (4) of the eleven (11) vacant units at Brookside are currently being re-modeled. The re-model includes removing the pantry and putting in new cabinets, installing new countertops and a breakfast bar, and painting a contrast wall. Greg stated that he would be contacting HUD/Denver regarding taking these four units off the vacant list while they are under construction.

Site Visit: Greg informed the commissioners that three (3) staff from Denver/HUD will be making a site visit to Brookside on April 25, 2017. They will be reviewing tenant files, our annual plan and five-year plan and marketing efforts.



OLD BUSINESS

Fair Housing Compliance Review: Nothing new to report.

Purchase Agreement Update: Greg reported that he has heard nothing further from CCI regarding the purchase of the Evans. Greg did e-mail Eric at CCI regarding their intent to close on May 1 or whether they will be exercising the 30-day extension options. As of today, Eric has not responded to this email. There has been no further communication regarding due diligence activities.

Greg provided the commissioners with a copy of his most recent communication (e-mail dated March 23, 2017) with Capital Realty Group. Greg has heard nothing further since this date. The commissioners agreed that there should be limited communication with Capital until the negotiations with CCI are completed. The commissioners further stated that they would like Greg to continue to push CCI for a response to his most recent e-mail regarding closure. It was the consensus of the commissioners that Greg let Capital know that we remain interested but would not entertain further discussion until there is resolution to CCI's offer.

Hillcrest Vacancies: Connie brought up a discussion regarding ideas to address the vacancy problems at Hillcrest. One suggestion that the commissioners discussed was hosting a public awareness event in the gazebo to include making an apartment available for viewing. Connie suggested that this could possibly be done in conjunction with a Senior Citizen event or with a city event. It was noted that there is a new editor of the Edgemont Herald and it might be an appropriate time to have them do an interview and put an article in the paper.

NEW BUSINESS

There was no new business.

ADJOURNMENT

The meeting adjourned at 2:45 PM.  
The next Housing Commission meeting will be Wednesday, May 17. After that date, Mark will be on sabbatical through the summer.

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Chairman

Date

---

Executive Director

Date