

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
February 21, 2012**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, February 21, 2012, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Lyndell Petersen called the meeting to order at 9:00 a.m. with the following Commissioners present: Ron Buskerud, Ken Davis and Don Holloway. Commissioner Trautman joined the meeting after the Pledge of Allegiance.

Approval of the Agenda

MOVED by Davis and seconded by Buskerud to approve the agenda as presented. Vote: Unanimous.

Consent Agenda Items

The following items have been placed on the Consent Agenda for action to be taken by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate consideration.

MOVED by Davis and seconded by Buskerud to approve Consent Agenda Items 5-18 as presented. Vote: Unanimous.

5. Approve the minutes of the February 7, 2012, Board of Commissioners' meeting.
6. Approve the vouchers listed at the end of the minutes for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$1,809,173.78 and authorization for the Chairperson's signature.
7. Approve the 2012 Committee Assignments.
8. State's Attorney and Victim's Assistance - Approve the request for authorization to re-apply for the VOCA and Stop/VAWA grants and authorization of the Chairperson's signature.
9. Fire Administration – Secure Rural Schools and Communities Act Certification. Approve the request to certify the 2011 expenditure of Title III funds and authorize the Chairperson's signature on the *Certification of Title III Expenditures by Participating Agency* report, for submission to the U.S. Secretary of Agriculture.
10. Emergency Management – Fire Administration: Approve the request to declare surplus, one Toshiba E-Studio351C copier, Asset Tag 005744, for disposal to another entity.
11. Planning & Zoning: Approve the request to declare two copiers surplus for trade: Ricoh 3245, Asset Tag #5590 and Ricoh 2022 (no asset tag number).

12. Department of Equalization: Approve request to declare surplus for trade, two 1996 Suzuki vehicles, Asset #004154 and Asset #004155 and approve payment of \$22,499 to Toyota of the Black Hills for a 2012 Toyota vehicle.
13. Approve the 2012 Employee Assistance Program Contract with Behavior Management and authorize the Chairperson's signature thereto.
14. General Fund Supplement (SP12-007) Buildings & Grounds: To schedule a hearing at 9:15 a.m. on Tuesday, March 6, 2012, to supplement the 2012 General Fund Buildings & Grounds budget in the amount of \$13,203 from insurance proceeds received in the current year.
15. General Fund Supplement (SP12-008) Weed & Pest: To schedule a hearing at 9:15 a.m. on Tuesday, March 6, 2012, to supplement the 2012 General Fund Weed & Pest budget in the amount of \$22,217 from unassigned fund balance.
16. Highway Department: Approve the Agreement with the State of South Dakota for the 2012 Pavement Marking Project Number P 000S(00)324 PCN 01ET and authorize the Chairperson's signature thereto.
17. Highway Department: Approve Load Limits Resolution 02-10-2012 and authorize the Chairperson's signature thereto.

**RESOLUTION 02-01-2012
ON-GOING RESOLUTION
ESTABLISHING SPRING THAW LOAD LIMIT RESTRICTIONS
ON PENNINGTON COUNTY HIGHWAYS AND SECONDARY ROADS**

WHEREAS, the Pennington County Board of Commissioners wishes to establish Load Limit Restrictions during the period of time from February 15 to April 30, inclusive, of any year; and

WHEREAS, South Dakota Codified Law 32-22-24 allows the County Board of Commissioners to reduce the maximum weight of the vehicle and the load; and

WHEREAS, the Pennington County Board of Commissioners designates the County Highway Superintendent as the authorized representative of the County and has empowered the Highway Superintendent with the authority to implement and remove the Load Limit Restrictions during this period of time as he so determines, on behalf of the County, for all roads under the jurisdiction of Pennington County;

NOW THEREFORE, BE IT RESOLVED that the Pennington County Board of Commissioners does hereby establish Load Limit Restrictions of seven (7) tons per axle on all bituminous County Highways and Secondary Roads as determined by the Highway Superintendent; and

BE IT FURTHER RESOLVED that Pennington County requests the South Dakota Department of Public Safety and the South Dakota Highway Patrol to enforce the Load Limit Restrictions on

all bituminous County Highways, Secondary Roads, and enforce any and all Bridge Load Limit Restrictions as posted.

Approved This 21st Day of February, 2012.

PENNINGTON COUNTY BOARD OF COMMISSIONERS

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

Karen McGregor, Deputy Auditor

18. Highway Department: Approve request to advertise for bids for one new Tractor-Mower and one new Pneumatic Tire Roller.

End of Consent Agenda.

Recognition Of Rockerville Volunteer Firefighter – Mr. John Parke

MOVED by Trautman and seconded by Holloway to approve the resolution declaring February 21, 2012, as John Parke Firefighter Extraordinaire Appreciation Day. Vote: Unanimous.

A RESOLUTION

WHEREAS, John Parke joined the Rockerville Volunteer Fire Department in 1967, has served as Fire Chief, Assistant Fire Chief, Training Officer, Firefighter and brought new training and equipment to meet the needs of the citizens and Rockerville Volunteer Fire Department; and,

WHEREAS, John served on the Pennington County Fire Advisory Board for the years of 1985 through 1987; and,

WHEREAS, John joined the South Dakota National Guard in 1962 and retired as a Lt. Colonel after 34 years of devoted service; and,

WHEREAS, the citizens of South Dakota, Pennington County and Rockerville Volunteer Fire Department area have relied on John to respond to their requests for assistance; and,

WHEREAS, John has included his family in the fire service with his wife Aletha and children becoming members of the Rockerville Volunteer Fire Department; and,

WHEREAS, John has responded to thousands of request for assistance in all types and kinds of weather and demonstrated his dedication and professionalism against the ravages of fires to provide a safe place to live and prosper in the Beautiful Black Hills; and,

WHEREAS, it is most fitting and proper to honor this professional public servant for his 45 plus years as a volunteer firefighter; then,

BE IT THEREFORE RESOLVED, by this Pennington County Board of Commissioners on behalf of the citizens and communities, that the Twenty-first Day of February, 2012, A.D. be declared and affirmed as

JOHN PARKE
FIREFIGHTER EXTRAORDINAIRE'
APPRECIATION DAY

AND BE IT FURTHER RESOLVED, that we dedicate ourselves to follow John Parke's example in making this County fire safe.

DATED this twenty-first day of February, 2012 in session at the Pennington County Court House, at Rapid City, South Dakota by:

PENNINGTON COUNTY BOARD OF COMMISSIONERS
/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)
/s/Victoria M Wolf, Deputy Auditor

MOVED by Davis and seconded by Trautman that the Board of Commissioners send a letter to John Parke thanking him for his service to the Rockerville Fire Department. Vote: Unanimous.

**Introduction of Canadian Pacific Railroad Platting Project
Letter of Intent From David Drach, Director of Real Estate US for Canadian Pacific**

No action is needed on this item at this time.

Bureau of Land Management Update – Ms. Marian Atkins

Request to Increase Speed Limit on Bombing Range Road – Mayor Sam Kooiker and Alderman John Roberts

MOVED by Davis and seconded by Trautman to continue this item until the Highway Superintendent can contact the Tribal Council for more information regarding the request and gather data regarding traffic counts and average speed on Bombing Range Road. Vote: Unanimous.

Request for Support of HB 1342 (Local Tax Payer Relief Act) From the Wall School District – Dennis Rieckman, Superintendent

MOVED by Petersen and seconded by Davis to authorize the Chairperson's signature on a letter to South Dakota's congressional delegation urging support of House Bill 1342, The Local Tax Payer Relief Act. Vote: Unanimous.

ITEMS FROM AUDITOR

A. Financial Software Package Assigned Reserve: MOVED by Trautman and seconded by Buskerud to establish a special reserve for replacement of the financial software package by

assigning \$100,000 budgeted in the 2012 budget to a special “software” reserve. Vote: Unanimous.

MOVED by Holloway and seconded by Trautman to reserve \$120,000 of over-collected 2011 revenues to the software assigned reserve account, bringing the total to \$220,000. Vote: Unanimous.

B. Budget Supplement Hearing (SP12-003) – Accumulated Building Fund: MOVED by Davis and seconded by Buskerud to supplement the 2012 Accumulated Building Capital Projects Budget in the amount of \$364,548 from restricted fund balance. Vote: Unanimous.

C. Budget Supplement Hearing (SP12-004) – JDAI Budget: MOVED by Holloway and seconded by Trautman to supplement the General Fund JDAI budget in the amount of \$100,000 from non-budgeted grant revenue. Vote: Unanimous.

D. Budget Supplement Hearing (SP12-005) – John T. Vucurevich Budget: MOVED by Holloway and seconded by Trautman to supplement the 2012 General Fund JTV budget in the amount of \$35,000 from non-budgeted revenue. Vote: Unanimous.

E. Budget Supplement Hearing (SP12-006) – Public Defender Budget: MOVED by Trautman and seconded by Buskerud to supplement the 2012 General Fund Public Defender budget in the amount of \$20,950 from the assigned General Fund Equipment Reserve. Vote: Unanimous.

F. Title III Public Hearing Requesting Input on Projects: MOVED by Holloway and seconded by Trautman that the Pennington County Board of Commissioners take public input on Pennington County’s use of Title III funds for the following proposed projects for 2012: wildland firefighter training classes; wildland firefighter training simulator; fire retardant gel application system(s); radio communications equipment; increase the protection of people and property from wildfire and insect infestations; emergency response equipment or vehicles; wildland firefighting equipment; search & rescue and other emergency services as allowed by the Secure Rural Schools and Self Determination Act of 2000 and 2008. Vote: Unanimous.

ITEMS FROM STATE’S ATTORNEY

A. Second Reading and Public Hearing of Pennington County Ordinance No. 631 – Special Alcoholic Beverage Licenses Within Pennington County: MOVED by Davis and seconded by Holloway to increase the daily fee from \$10 per day to \$50 per day in Sections 1, 2, 3, 4 & 5 and approve the second reading of Pennington County Ordinance No. 631, Special Alcoholic Beverages Within Pennington County, with the amendment. Vote: Unanimous.

ORDINANCE NO. 631

AN ORDINANCE ALLOWING THE ISSUANCE OF SPECIAL ALCOHOLIC BEVERAGE LICENSES WITHIN PENNINGTON COUNTY AS AUTHORIZED IN TITLE 35 OF THE SOUTH DAKOTA CODIFIED LAWS.

SECTION 1. Special on-sale malt beverage retailer's license.

- a. A special on-sale malt beverage retailer's license allows the licensee to sell malt beverages, as that term is defined in SDCL 35-1-1, to persons for consumption at the place and during the time period specified on the license.
- b. A special on-sale malt beverage retailers license may be issued to:
 1. A civic, charitable, educational, fraternal, or veterans organization; or
 2. Any person licensed pursuant to SDCL 35-4-2(4), SDCL 35-4-2(6), or SDCL 35-4-2(16).
- c. The fee for a special on-sale malt beverage retailer's license is \$100, plus advertising costs, plus \$50 per day.
- d. A special on-sale malt beverage retailer's license may only be issued in conjunction with a special event in Pennington County.
- e. A special on-sale malt beverage retailer's license may be issued for up to fifteen consecutive days.
- f. A person may be issued a maximum of two special on-sale malt beverage retailer's licenses in the calendar year.

SECTION 2. Special off-sale malt beverage retailer's license.

- a. A special off-sale package malt beverage retailer's license allows the licensee to sell malt beverages, as that term is defined in SDCL 35-1-1, at the place and during the time period specified on the license, for off-premise consumption.
- b. A special off-sale package malt beverage retailers license may be issued to:
 1. A civic, charitable, educational, fraternal, or veterans organization; or
 2. Any person licensed pursuant to SDCL 35-4-2(4), SDCL 35-4-2(6), or SDCL 35-4-2(16).
- c. The fee for a special off-sale package malt beverage retailer's license is \$100, plus advertising costs, plus \$50 per day.
- d. A special off-sale malt beverage retailer's license may only be issued in conjunction with a special event in Pennington County.
- e. A special off-sale package malt beverage retailer's license may be issued for up to fifteen consecutive days.
- f. A person may be issued a maximum of two special off-sale package malt beverage retailer's licenses in the calendar year.

SECTION 3. Special on-sale wine retailer's license.

- a. A special on-sale wine retailer's license allows the licensee to serve wine, as that term is defined in SDCL 35-1-1, on the premises and during the time period specified in the license, for on-premise consumption.
- b. A special on-sale wine retailers license may be issued to:
 1. A civic, charitable, educational, fraternal, or veterans organization; or
 2. Any person licensed pursuant to SDCL 35-4-2(4), SDCL 35-4-2(6), or SDCL 35-4-2(12), or SDCL 35-12.

- c. The fee for a special on-sale wine retailer's license is \$100, plus advertising costs, plus \$50 per day.
- d. A special on-sale wine retailer's license may only be issued in conjunction with a special event in Pennington County.
- e. A special off-sale package malt beverage retailer's license may be issued for up to fifteen consecutive days.
- f. A person may be issued a maximum of two special on-sale wine retailer's licenses in the calendar year.

SECTION 4. Special on-sale license.

- a. A special on-sale license allows the licensee to serve alcoholic beverages, as that term is defined in SDCL 35-1-1, on the premises and during the time period specified in the license, for on-premise consumption.
- b. A special on-sale license may be issued to:
 - 1. A civic, charitable, educational, fraternal, or veterans organization; or
 - 2. Any person licensed pursuant to SDCL 35-4-2(4) or SDCL 35-4-2(6).
- c. The fee for a special on-sale license is \$100, plus advertising costs, plus \$50 per day.
- d. A special on-sale license may only be issued in conjunction with a special event in Pennington County.
- e. A special on-sale license may be issued for up to fifteen consecutive days.
- f. A person may be issued a maximum of two special on-sale licenses in the calendar year.

SECTION 5. Special off-sale package wine dealers license.

- a. A special off-sale package wine dealer's license allows the licensee to serve wine, as that term is defined in SDCL 35-1-1, on the premises and during the time period specified in the license, for off-premise consumption.
- b. A special off-sale package wine dealers license may be issued to:
 - 1. A civic, charitable, educational, fraternal, or veterans organization; or
 - 2. Any person licensed pursuant to SDCL 35-4-2(3), SDCL 35-4-2(5), or SDCL 35-4-2(12), SDCL 35-4-2(17A), SDCL 35-4-2(19), or SDCL 35-12.
- c. The fee for a special off-sale package wine dealer's license is \$100, plus advertising costs, plus \$50 per day.
- d. A special off-sale package wine dealer's license may only be issued in conjunction with a special event in Pennington County.
- e. A special off-sale package wine dealer's license may be issued for up to fifteen consecutive days.
- f. A person may be issued a maximum of two special off-sale package wine dealer's licenses in the calendar year.

SECTION 6. Application.

- a. A person applying for any special alcoholic beverage license under this Ordinance shall apply using a form supplied by the Pennington County Auditor.

- b. This application, along with any supporting documentation required by the Auditor and the fees established in this Ordinance, must be returned to the Pennington County Auditor at least six weeks before the first day the applicant wishes to use the special alcoholic beverage license.
- c. After receiving an application in the proper form, the Auditor shall circulate copies of the application to the Sheriff and Planning Director for review.

SECTION 7. Hearing.

- a. The Pennington County Board of Commissioners shall hold a hearing on the special alcoholic beverage license. At least ten days before the hearing, the Auditor shall publish notice of the hearing in the official newspapers of Pennington County.
- b. If the Commissioners determine that the applicant and premises qualify for the license, that the sale of alcoholic beverages proposed by the applicant would not endanger public health or safety, and that issuance of the license would not be unduly detrimental to surrounding properties, then the Commissioners may issue the applicant a special alcoholic beverage license.
- c. A special alcoholic beverage license may not be issued under the following circumstances:
 - 1. The applicant, or the applicant's employees, have been convicted of violating state or local laws regulating the sale of alcoholic beverages within the past one year.
 - 2. The applicant may not have been convicted of a felony.
 - 3. The premises described in the application are currently in violation of local zoning ordinances.
 - 4. Property taxes on the premises described in the application are delinquent.
- d. Nothing in this Ordinance shall be construed to grant any applicant a right to a special alcoholic beverage license, or to require the Pennington County Board of Commissioners to issue any special alcoholic beverage license if they determine that the proposed sale of alcoholic beverages is, for any reason, not in the public interest.
- e. If the Pennington County Board of Commissioners denies the application for a special alcoholic beverage license, the Auditor shall refund any fees paid by the applicant, less advertising costs.

SECTION 8. Additional requirements.

- a. If the applicant is granted a special alcoholic beverages license, the Chairman of the Pennington County Board of Commissioners shall sign the license. The original license shall be filed with the Auditor, who shall provide one copy to the applicant and one copy to the Sheriff.
- b. Any person granted a license under this Ordinance must comply with all federal, state, and local laws governing the sale of alcoholic beverages.
- c. A person licensed under this Ordinance may not sell alcoholic beverages between the hours of 2 a.m. and 7 a.m.
- d. A person licensed under this Ordinance may not permit any person to become intoxicated on the premises described in the license.

- e. A special alcoholic beverage license may be issued for any day of the week, including Sunday and Memorial Day. However, no special alcoholic beverage license may be issued for Christmas Day.

SECTION 9. Violations.

Pursuant to SDCL 7-18A-2, a violation of this Ordinance may be punished by a fine not to exceed \$500 or by imprisonment not to exceed 30 days or by both a fine and imprisonment, in addition to any applicable state or federal penalties.

Approved this 21st day of February, 2012
PENNINGTON COUNTY COMMISSION
/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)
/s/Julie A. Pearson, Auditor

ITEMS FROM EQUALIZATION

A. Abatement Applications: MOVED by Holloway and seconded by Davis to approve the 2011 abatements/refunds as follows: Parcel ID 31747, Iola Butt, \$890.50; Parcel ID 40002, SM Rushmore Mall, \$1865.20; Parcel ID 23063, Paradis Properties, \$102.48; Parcel ID 1636, Ronald R. Sjodin, \$294.02. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATOR

A. Silver City VFD & US Forest Service Fuel Break Agreement – Information Item: Jeff Sugrue, Silver City Fire Chief and Bob Thompson, District Ranger, explained the Participating Agreement that allows the construction of a fuel break around Silver City for mountain pine beetle mitigation and fire prevention.

Commissioner Davis requested that an item be included on the next agenda to discuss the expenditure of Title III funds for mountain pine beetle mitigation.

ITEMS FROM HIGHWAY DEPARTMENT

A. Award Recommendation – Project 223201: 2012 Long View Road – Curb, Gutter & Sidewalk: MOVED by Buskerud and seconded by Trautman to award Project 223201-2012, Long View Road Curb, Gutter and Sidewalk to the low bidder, Hills Materials Company, Rapid City, SD, in the amount of \$73,138.72. Vote: Unanimous.

B. State of South Dakota Department of Transportation (DOT) Joint Powers Funding Agreement: MOVED by Trautman and seconded by Buskerud that Pennington County enter into the State of South Dakota DOT Joint Powers Funding Agreement and authorize the Chairperson’s signature thereto. Vote: Unanimous.

C. Country Road Speed Limit: MOVED by Davis and seconded by Trautman to approve the resolution to reduce the speed limit on a portion of County Road between 143rd Avenue and Dyess Avenue and authorize the Chairperson's signature thereto. Davis and Trautman amended the motion to reduce the speed limit on Country Road between 143rd Avenue and Dyess Avenue. Vote: Unanimous.

RESOLUTION 02/02/2012

WHEREAS, the Pennington County Board of Commissioners has determined that in the interest of safety to local residents, a speed limit on Country Road be established effective March 1, 2012; and

WHEREAS, this Board has the authority to establish such a speed zone on this County Highway pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2;

THEREFORE BE IT RESOLVED that a speed zone limiting the maximum speed of travel to 40 miles per hour be established on Country Road beginning at the SW Section corner of Section 17, T2N, R8E, BHM, thence east to the SE Section corner of Section 17, T2N, R8E, BHM, a distance of one (1) mile.

Dated this 21st day of February, 2012.

/s/Lyndell Petersen, Chairperson
Pennington County Board of Commissioners

ATTEST: (SEAL)
/s/Julie A. Pearson, Auditor

ITEMS FROM WEED & PEST

A. Discussion Regarding Formation of a Pennington County Mountain Pine Beetle Committee
MOVED by Trautman and seconded by Davis that Commissioner Trautman meet with Weed & Pest Director Scott Guffey to develop a proposal for establishing a formal Mountain Pine Beetle Committee. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to take a brief recess. Vote: Unanimous. The Board recessed from 10:55 a.m. until 11:08 a.m.

Rapid City Public Library Liaison Interviews & Appointment

The Board of Commissioners interviewed Craig DeJager, Jay Pond and Vera Kowal, MD, regarding their interest in serving as the County Trustee Liaison on the Rapid City Public Library Board of Trustees.

The Board chose to vote on paper ballots and Vera Kowal was elected to serve as the Pennington County liaison on the Rapid City Public Library Board of Directors with three votes.

Compensation Committee Appointments

The Board of Commissioners made the following appointments by paper ballot. Elected Officials: Janet Saylor and Kevin Thom; Appointed Department Heads: Hiene Junge and Karen Romey; At Large Employees: Annette Brant and Deb Hauer.

ITEMS FROM COMMISSION ASSISTANT

- A. Extension Advisory Board & Bylaws
- B. 2012 MOU with SDSU Extension

MOVED by Buskerud and seconded by Davis to keep the current Extension Advisory Board structure, approve the Bylaws of the Pennington County Extension Advisory Board as presented, approve the revised Memorandum of Understanding and forward the document to SDSU Extension and the Master Gardeners, approve the Chairperson's signature on the letter to Karla Trautman and the letter to the current Extension Board members. Vote: Unanimous.

Commissioner Davis briefly left the meeting.

- C. NACo Prescription Discount Card Revenue Sharing Program: MOVED By Buskerud and seconded by Trautman that Pennington County continue with the existing NACo Prescription Discount Card Program. Vote: Unanimous.

Commissioner Davis returned to the meeting.

ITEMS FROM CHAIR

- A. Proposed Elected Officials Wage Policy: No action is needed on this information item.

PLANNING & ZONING CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

MOVED by Davis and seconded by Buskerud to approve Planning Items A-J as they appear on the Consent Agenda. Vote: Unanimous.

- A. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 11-02: Albert and Rita Chapman. To add Section 319 – Vacation Home Rentals to the Pennington County Zoning Ordinance.

To accept the Planning Commission's recommendation to continue Ordinance Amendment 11-02 to the March 6, 2012, Board of Commissioners' meeting.

- B. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 11-10. Pennington County. To amend Section 103 "Definitions" and Section 511 "Fees" and to add

Section 320 “Road Naming” to the Zoning Ordinance and to add Section 500.5-5 “Road Naming on Plats” to the Subdivision Regulations.

To accept the Planning Commissions’ recommendation to continue Ordinance Amendment 11-10 to the March 6, 2012, Board of Commissioners’ meeting.

C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-01: Tim Peiper. To rezone 11.23 acres from Low Density Residential District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 1 of W1/2SW1/4 less Tract A of Lot 1, less Blaseg Subdivision and less Right-of-Way, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

To accept the Planning Commission’s recommendation to approve Rezone/ RZ 12-01.

D. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 11-09: William and Nancy Ewing; Davis Engineering – Agent. To rezone 1.70 acres from Low Density Residential District to Suburban Residential District to allow for a new residence in accordance with Section 508 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot B of Lot 3 (NE1/4NW1/4) and Lot 5 of Lot C (Gov’t Lot 2 NW1/4NE1/4) of J.S. Johnson Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Ewing Addition, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

To accept the Planning Commission’s recommendation to continue Rezone / RZ 11-09 to the April 3, 2012, Board of Commissioners’ meeting.

E. LAYOUT PLAT / PL 12-01: Eli and Patricia Rodolph. To create Lots A and B of Brockett Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 1, Brockett Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B, Brockett Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve Layout Plat / PL 12-01 with the following nine (9) conditions: 1. That at the time of Preliminary Plat submittal, the applicant shall obtain an Operating Permit for the existing wastewater systems located on proposed Lot A; 2. That prior to applying for the Preliminary Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot B, to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement; 3. That at the time of

Preliminary Plat submittal, the applicant provide a 66-foot-wide access easement to Lot A, or obtain approval of a Subdivision Regulations Variance waiving this requirement; 4. That at the time of Preliminary Plat submittal, the applicant provide documentation demonstrating how access will be provided to proposed Lot A; 5. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split; 6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; 7. The at the time of Preliminary Plat submittal, the comments received from the County Highway Department and the Department of Equalization be addressed by the applicant's surveyor; 8. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and, 9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

F. SECOND READING OF ORDINANCE AMENDMENT / OA 11-05. Pennington County. Amendment to Section 209-C "General Commercial District" to include RV Parks as a Conditional Use Permit.

To approve the second reading and adoption of Ordinance Amendment / OA 11-05.

ORDINANCE #34-15

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 209-C: Section 209-C shall be amended to add the following:

9. Recreational vehicle parks as regulated in Section 306.

Dated this 21st day of February, 2012.

PENNINGTON COUNTY COMMISSION
/s/Lyndell Peterson, Chairperson

ATTEST: (SEAL)
/s/Julie A. Pearson, Auditor

G. SECOND READING OF ORDINANCE AMENDMENT / OA 11-06. Pennington County. Amendment to Section 103 "Definitions" to include all definitions from Sections 204-J, 312, 316-B, 317-C, and 507-A-2.

To approve the second reading and adoption of Ordinance Amendment / OA 11-06.

ORDINANCE #34-16

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 103: Section 103-Definitions shall be amended to include the following:

SECTION 103 - DEFINITIONS

Unless specifically defined below, words used in these Zoning Ordinances are to be understood in their ordinary sense, except as they may be defined in general in SDCL 2-14.

ACCESSORY: Incidental to a primary use or structure on the same lot.

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE: A commercial establishment which, as one of its principal purposes offers for sale or rental for any form of consideration any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” or,
- b. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.” A principal business purpose is defined as a business that maintains at least 40% of its inventory items for sale or rent that are characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.” The definition under this subsection shall not include a store that, as its principal business purpose, sells or rents films, motion pictures, video cassettes, video reproductions or other visual

representations that contain an official industry rating of G, PG, PG 13, R or NC 17.

ADULT CABARET: A nightclub, bar, juice bar, restaurant, bottle club or similar commercial establishment whether or not alcoholic beverages are served which regularly features persons who appear nude or semi-nude.

ADULT MOTEL: A hotel, motel or similar commercial establishment which offers accommodations to the public in any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, DVD's or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from a public right-of-way which advertises the availability of this adult type of photographic reproductions. A hotel, motel or similar commercial establishment which offers a sleeping room for rent for a period of time that is less than ten (10) hours. A hotel, motel or similar commercial establishment which allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER OR DRIVE-IN THEATER: An enclosed building or outdoor drive in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as herein defined, for observation by patrons therein. The definition under this subsection shall not include a store that, as its principal business purpose, sells or rents or shows films, motion pictures, video cassettes, video reproductions, DVD's or other visual representations that contain an official industry rating of G, PG, PG 13, R, or NC 17.

ADULT ORIENTED BUSINESSES: An adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult photo studio or nude model studio.

ADULT PHOTO STUDIO: An establishment, which, on payment of a fee, provides models for the purpose of photographing "specified anatomical areas."

AIRPORT DEFINITIONS:

AIRPORT: A place from which aircraft operate that usually has paved runways and maintenance facilities.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 301 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in Section 301 of this Ordinance.

CONICAL SURFACE: A surface extending outward and upward from the periphery of

the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 301(D) of this Ordinance.

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 301C of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

TRANSITIONAL SURFACES: These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

ARSD – Administrative Rules of South Dakota.

ASSEMBLY: A gathering together of people at any location, at any single time, for any purpose other than regularly established permanent places of worship, government-sponsored fairs, rodeos, farm sales, auctions, family gatherings, or assemblies licensed under other laws.

AUTOMOBILE REPAIR SHOP: An area of land, including structures thereon, that is used for the repair and servicing of automobiles.

AUTOMOBILE WRECKING: The dismantling, storage, sale, crushing or dumping of used motor vehicles, trailers or parts thereof, or the accumulation of four (4) or more unlicensed vehicles in a residential area.

BAKERY: A place where breads, confections and pastries are produced and sold.

BASEMENT: A story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as one-half story.

BOARD: The Pennington County Board of Commissioners.

BOARD OF ADJUSTMENT: The Pennington County Board of Commissioners.

BUILDABLE AREA OF A LOT: That portion of a lot bounded by the required rear and side yards and front yard of the building setback line.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering designed and used for the shelter or enclosure of any person, animal, or property of any kind.

CHILD CARE CENTER: A facility, by whatever name, in which care is provided on a regular basis for seven (7) or more children under twelve (12) years of age at one time, including children related to the operator or manager thereof. Such facilities include those commonly known as daycare centers, day nurseries, and play groups, but exclude foster homes and family daycare homes.

CLINIC: A facility where medical or dental care is furnished to persons on an outpatient basis only.

COMMERCIAL AUTOMOBILE WRECKING YARD: The dismantling, storage, sale, crushing or dumping of used motor vehicles, trailers or parts thereof.

COMMERCIAL JUNK OR SALVAGE YARD: A structure, lot or premises where junk is bought, sold, exchanged, stored, placed, packed, baled, disassembled, crushed, handled or prepared for recycling. A commercial automobile wrecking yard is classified as commercial junk or salvage yard.

COMMISSION: The Pennington County Planning Commission.

CONSTRUCTION PERMITS DEFINITIONS:

BEST MANAGEMENT PRACTICES (BMP): Non-structural or structural device, measure, facility, or activity which helps to achieve soil erosion and storm water management control objectives at a site.

CLEAN WATER ACT (CWA): The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CLEARING: Any activity that removes the vegetative surface cover.

CONSTRUCTION ACTIVITY: Ground surface disturbing activities, which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction Activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

CONSTRUCTION PERMIT: Permit issued by Pennington County for construction, excavating, clearing, and/or any land disturbing activity.

DISTURBANCE: Any type of activity that involves grading, clearing, moving topsoil, rock, or any other natural surface from property. Includes bringing in fill material on to the site.

DRAINAGE WAY: A channel that conveys surface runoff throughout the site.

EROSION CONTROL: Measures which prevent erosion.

ILLICIT DISCHARGE: Any direct or indirect non-storm water discharge to the storm drain system.

ILLICIT CONNECTION: Either of the following:

- a. Any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the storm drain system, including but not limited to, any conveyance which allows any non-storm water discharge to enter the storm drain system and any connections to the storm drain system from indoor drains, sinks, or toilets, regardless of whether said drain or conveyance had been previously allowed, permitted, or approved; or,
- b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by DENR.

IMPERVIOUS AREA: Impermeable surfaces such as paved driveways, parking areas, sidewalks, or roads which prevent infiltration of water into soil.

INDUSTRIAL DISCHARGE: The discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- a. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- b. Designed or used for collecting or conveying storm water;
- c. Which is not a combined sewer;
- d. Which is not part of a Publicly Owned Treatment Works as defined at 40 CFR §122.2; and,
- e. Determined by the EPA from census data and identified in Attachment A and Attachment B.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT: A permit issued by the Environmental Protection Agency (or DENR under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable to an individual, group, or geographic area.

NON-STORM WATER DISCHARGE: Any discharge to the storm drain system that is not composed entirely of storm water.

PERMITTEE: Person(s) or entity to whom the Construction Permit from Pennington County is issued.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or other industrial, municipal, or agricultural waste discharged into Waters of the State. This term does not mean sewage from watercraft; or water, gas, or other material which is injected into a well to facilitate production of oil or gas; or water derived in association with oil and gas production and disposed of in a well, if the well is used to facilitate production or for disposal purposes and is approved by the appropriate state authority.

SITE PLAN: Plan showing, in detail, the boundaries of a site and the location of all improvements, utilities, drainage, structures, and specific measures, and their location, used to control sediment and erosion, for a specific parcel of land.

STABILIZATION – The use of practices that limit exposed soils from eroding, including but not limited to grass, trees, sod, mulch, or other materials which prevent erosion and maintain moisture.

STORM DRAIN SYSTEM: Refer to “Municipal Separate Storm Sewer System” definition.

STORM WATER: Any surface flow, runoff, and/or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A plan identifying potential sources of storm water pollution at a construction site and specifying structural and non-structural controls that will be in place to minimize negative impacts caused by storm water discharges associated with construction activity. The purpose of these controls is to minimize erosion and run-off of pollutants and sediment.

WATERCOURSE: A natural or artificial channel through which storm water or flood water can flow, either regularly or intermittently.

WATER QUALITY STANDARDS: A water quality standard defines the water quality goals of a water body, or a portion of the water body. The water quality standards regulations establish the use or uses to be made of a water body, set criteria necessary to protect the uses, and establish policies to maintain and protect water quality. South Dakota has developed surface water quality standards for all Waters of the State, as required by the Clean Water Act.

CONTRACTOR’S EQUIPMENT STORAGE YARD: A facility for the storage of equipment, material, and supplies used in conjunction with a contractor’s business.

CORNER LOT: A lot of which at least two adjoining sides abut for their full lengths on a street, providing that the interior angle at the intersection of the two such sides is less than one hundred thirty-five (135) degrees.

COVERAGE: The lot area covered or occupied by all buildings located therein, including the area covered by all overhanging roofs.

DELI: A place where domestic and imported meats, cheeses, wines (with the proper licenses) and prepared foods are sold. Equipment and ingredients for home and/or garden may also be sold.

DENR: Department of Environment and Natural Resources (State of South Dakota).

DEVELOPMENTAL LOT: Two or more lots or portions of lots with continuous frontage in single ownership of record prior to February 1, 1994, where all or part of the lots do not meet the

requirements established for lot width and area, which for the purposes of these Zoning Ordinances shall be considered to be an undivided lot.

DISTRICT: An area of land under the jurisdiction of these Zoning Ordinances for which the regulations governing the use of land are unique and uniformly applied.

DOUBLE FRONTAGE LOT: A lot, which runs through a block from street to street excluding the side dimension of a corner lot.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle.

DWELLING: Any structure, building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, mobile homes, hotels, motels, apartments, business, and industrial establishments.

FAMILY: An individual or a group of two (2) or more persons related by blood, marriage or adoption, including foster children and domestic servants, or a group not to exceed five (5) persons not related by blood, marriage or adoption, living together as a single housekeeping unit and using common cooking facilities.

FAMILY CARE FACILITY: A home approved under SDCL 28-1-40 or licensed under SDCL 34-12-1 which provides resident service, except nursing care to the sick or injured, to a small number of adults determined by the State Department of Social Services, or the Department of Health, not related to the resident household by blood or marriage. These individuals are aged, blind, physically or developmentally disabled and receive care and service according to their individual needs in a family situation.

FAMILY DAYCARE HOME: A facility providing care and supervision of children from more than one unrelated family, in a family home, on a regular basis for part of a day, as a supplement to regular parental care, for no greater than twelve (12) children at any time, including children under the age of six (6) years related to the owners, operators, or managers thereof, without transfer of legal custody or placement for adoption.

FARMERS MARKET: A place where vendors offer the community new/fresh products, including but not limited to: dairy, produce, livestock, meats and all other agriculture products for the home and garden.

FEED LOT, COMMERCIAL: A lot for the concentrated feeding of livestock, fowl, or fur animals where such feeding is not done as an accessory use to the production of crops on the premises of which the feed lot is a part.

FLOOR AREA: The total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and open porches, decks, balconies, and terraces.

FRONT LOT LINE: The line separating said lot from the street.

FRONTAGE: All the property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

GARAGE: A fully enclosed building designed for the storage of motor vehicles.

GOVERNMENT AGENCY: Any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, volunteer fire department, or other governmental unit.

GROUP FACILITIES: A facility, licensed by the appropriate state or local agency, which provides resident service to five or more individuals of whom one or more are unrelated. These individuals are handicapped, aged or disabled, are undergoing rehabilitation and are provided services to meet their needs. This category includes uses, licensed or supervised by any federal, state or county health/welfare agency, such as group homes (all ages), halfway house, resident schools, resident facilities and foster or boarding homes.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the main building for use by guests of the occupants of the premises.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: The vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground. For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HIGHWAY: Every way or place of whatever nature open to the public, as a matter of right, for purposes of vehicular travel, is a highway. The term "highway" shall also include private access easements and roadways.

HISTORICAL MONUMENTS AND/OR STRUCTURES: Any structure or building existing contemporaneously with and/or commonly associated with the outstanding person, event or period of history, and any structure or building in which the relics and/or mementos of such person, event, or period are housed and preserved.

HOME OCCUPATION: A use conducted entirely within an enclosed structure (other than a mobile home), which is clearly incidental and secondary to the residential occupancy and does not change the character of the property.

HOME OFFICE: An occupation, profession, or activity conducted by members of the family residing on the premises and no additional employees which is clearly incidental use of a residential dwelling unit and does not alter the exterior appearance of the property or affect the residential character of the neighborhood. No home office shall be conducted in any accessory structures. A home office shall not allow any storage of materials, stock or equipment, except for product samples stored wholly within the structure and customary office equipment used in the operating of the business; shall not have any customer traffic physically visiting the residential dwelling unit, and shall not allow any signage advertising the home office or activity.

HOTEL: A building designed, used, or offered for temporary residential occupancy, including tourist homes and motels, but not including hospitals or nursing homes.

INTERIOR LOT: A lot other than a corner lot.

ISOLATED CABINS: Isolated recreation cabins located on National Forest Land on sites not planned or designated for recreational cabin purposes. Use of these cabins originated from situations other than occupancy trespassed of invalid mining claims.

JUNK: Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements, appliances or portions thereof, glass, plastic, paper or paper products, building materials, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

KENNEL: A shelter for the breeding and boarding of four (4) or more dogs more than six (6) months of age.

LOADING SPACE: A space within the building or on the same lot therewith, providing for the standing, loading, or unloading of a vehicle.

LOT: A portion of a subdivision, or any other parcel of land intended as a unit for transfer of ownership or for development or both and shall not include any part of the right-of-way of a street or road.

LOT AREA: The total horizontal area included within the lot lines.

LOT DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MANUFACTURED HOME: A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standard Act of 1974, which became effective June 15, 1976, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation.

MOBILE HOME: A transportable, factory-built home, designed to be used as a year-round single-family residential dwelling unit and not constructed to the Federal Manufactured Housing Construction and Safety Standard Act of 1974, which became effective June 15, 1976.

MOBILE HOME PARK: Any parcel of land with a minimum of ten (10) mobile home spaces as herein defined are placed, located or maintained, or intended to be placed, located or maintained, including all accessory buildings used or intended to be used as part of the equipment thereof. In the mobile home park, all land is intended to be held in common ownership, with individual mobile home spaces rented to residents.

MOBILE HOME SPACE: A plot of ground within a mobile home park, which is designed as the location for one (1) mobile home and any customary accessory use thereof.

MOBILE HOME SUBDIVISION: Any parcel of land, subdivided according to County Subdivision Ordinances, which has been issued a Conditional Use Permit to locate mobile homes. The mobile home subdivision is intended to be an area where lots are sold to individual

mobile home owners. Mobile home subdivisions are subject to all restrictions of the district in which they are located.

MODEL HOME AND SALES OFFICE: A dwelling unit used initially for display purposes, which typifies the type of unit that will be sold and constructed, including accessory office space used for the sale of the dwelling units.

MODULAR HOME: A factory fabricated transportable building consisting of units installed on a permanent foundation construction, as per manufacture's recommendation, and used as a single-family residential dwelling unit.

MOTEL: A building or group of buildings used for the temporary residence of motorists or travelers.

MOTOR VEHICLE: Every vehicle which is self-propelled by power other than muscular power.

MULTIPLE-FAMILY DWELLING: A structure designed or used for residential occupancy by two or more families living independently of each other, which may include, but not limited to: condominiums, townhomes, apartments and assisted living/nursing homes.

NONCOMMERCIAL AUTOMOBILE WRECKING YARD: A lot or premises where used motor vehicles, mobile homes, trailers or parts thereof, are dismantled, stored, or dumped where said vehicles, or parts thereof, are to be used by the owner of the property. The presence on any lot or premises of four or more motor vehicles, whether licensed or unlicensed, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power or from which parts have been or are to be removed for reuse shall be classified as a noncommercial automobile wrecking yard. This definition shall not apply to property meeting the criteria for classification of land as agricultural as determined by the County Director of Equalization's Office.

NONCOMMERCIAL JUNK OR SALVAGE YARD: A structure, lot, or premises where junk is stored, placed, packed, baled, disassembled, crushed, handled, or prepared for recycling. A noncommercial automobile wrecking yard is classified as a noncommercial junk or salvage yard.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of these Zoning Ordinances and which does not conform to the regulations of the district in which it is situated. Any preexisting structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Ordinance or an amendment thereto.

NUDE MODEL STUDIO: Any place where a person who appears nude, or who displays "specified anatomical areas" and is provided to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of South Dakota, or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

NURSING HOME: A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental

health center.

ON-SITE WASTEWATER TREATMENT SYSTEMS DEFINITIONS:

ABSORPTION BED: A subsurface absorption system which consists of excavations wider than three feet each, no more than 36 inches deep, containing a minimum depth of 12 inches of clean aggregate, together with a system of absorption lines, through which effluent may seep or leach into surrounding soils.

ABSORPTION FIELD: The soil or soils through which wastewater from an absorption system percolates.

ABSORPTION SYSTEM: A system which utilizes absorption lines (i.e. perforated pipe, gravelless pipe or chambers) in trenches or beds to distribute wastewater to adjacent soils in an absorption field.

ABSORPTION TRENCH: A long, narrow excavation made in soil for the placement of an absorption line.

ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM: A system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method which is not a conventional system; but not including a surface discharge to the waters of the state.

BEDROCK: The rock, usually solid, that underlies soil or other unconsolidated, superficial material.

BEDROOM: Any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. It may include, but is not limited to, a den with a closet or a study with a closet. Estimates of wastewater generated are based on two persons per bedroom.

BUILDING SEWER: A pipe that conveys wastewater from a building to the first on-site wastewater treatment system component or sewer main.

CERTIFICATION: Program to substantiate the capabilities of a service provider by documentation of experience and learning.

CESSPOOL: An underground pit into which raw household wastewater is discharged and from which the liquid seeps into the surrounding soil; may or may not be partially lined; if septic tank effluent is discharged to such a component it is considered a seepage pit.

CHAMBERED TRENCH: A type of absorption system where the media consists of an open bottom, chamber structure of an approved material and design, which may be used as a substitute for the gravel media with a perforated distribution pipe.

CHANGE IN DESIGNATION: Any alteration or modification in the specified zoning, change in use (i.e. Conditional Use Permit), or change to platting for a parcel or property.

CISTERN: A watertight receptacle of nontoxic material designed for the storage of potable water.

CURTAIN DRAIN: Any groundwater interceptor or drainage system that is gravel backfilled and is intended to interrupt or divert the course of shallow groundwater or surface water away from the on-site wastewater treatment system. (Also known as a “french drain”)

DISPERSAL SYSTEM: A system for the distribution of effluent into the final receiving environment by such methods as transpiration, evapotranspiration, soil absorption or other DENR-approved dispersal methods.

DISTRIBUTION BOX: A watertight structure which receives septic tank effluent and distributes it concurrently, in essentially equal portions, into two or more distribution pipes leading to an absorption system.

DISTRIBUTION PIPE: Approved perforated pipe used in the dispersion of septic tank effluent.

DOMESTIC WASTEWATER: Effluent from a septic tank or other treatment device originating from plumbing fixtures and appliances such as sanitary (toilets), bath, laundry, dish washing and garbage disposals.

DROP BOX: A watertight structure which receives septic tank effluent and distributes it into one or more distribution pipes and into an overflow leading to another drop box and absorption system located at a lower elevation.

EFFLUENT: The partially or completely treated liquid waste discharge containing fecal and urinary waste from a wastewater treatment system.

EFFLUENT LIFT PUMP: A pump used to lift septic tank effluent to a disposal area at a higher elevation than the septic tank.

EJECTOR PUMP: A device to elevate or pump untreated sewage to a septic tank, public sewer, or other means of disposal.

EVAPOTRANSPIRATION SYSTEM: An imperviously lined dispersal system that uses a process of evaporation and plant transpiration to withdraw water from the soil.

EXPERIMENTAL ON-SITE WASTEWATER TREATMENT SYSTEM: An on-site wastewater treatment and/or disposal system which is still in experimental use and requires further testing in order to provide sufficient information to determine its acceptability.

GRAYWATER: The wastewater generated by water-using fixtures and appliances which do not discharge garbage or urinary or fecal wastes.

GRAYWATER SYSTEM: A wastewater system designed to recycle or treat wastes from sinks, tubs, showers, washers, or other devices which do not discharge garbage or urinary or fecal wastes. See “graywater” definition.

GREASE INTERCEPTORS: An outdoor unit similar to a septic tank, used to remove, by flotation, excessive amounts of grease and oils which may interfere with subsequent treatment of the waste (also known as “grease traps”).

GROUNDWATER: That portion of subsurface water that is in the zone of soil or rock saturation.

GROUNDWATER TABLE: The surface of a body of unconfined groundwater in which the pressure is equal to that of the atmosphere.

GROUNDWATER TABLE, PERCHED: Unconfined groundwater separated from an underlying body of groundwater by an unsaturated zone. Its water table is a perched water table. It is underlain by a restrictive strata or impervious layer. Perched groundwater may be either permanent, where recharge is frequent enough to maintain a saturated zone above the perching bed, or temporary, where intermittent recharge is not great or frequent enough to prevent the perched water from disappearing from time to time as a result of drainage over the edge of or through the perching bed.

INSTALLER: Service provider who is certified to construct an on-site wastewater treatment system.

INVERT: The lowest portion of the internal cross section of a pipe or fitting.

LIQUID WASTE OPERATION: Any business activity or solicitation by which liquid wastes are collected, transported, stored, or disposed of by a collection vehicle. This shall include, but not be limited to, the cleaning out of septic tanks, sewage holding tanks, chemical toilets, and vault privies.

LIQUID WASTE PUMPER: Service provider who removes the contents of septic tanks, pump tanks, holding tanks, and advanced treatment units and disposes of the waste according to 40 C.F.R. part 503 (October 25, 1995).

MAJOR COMPONENT REPAIR OR REPLACEMENT: Repairs to or replacement of an on-site wastewater treatment system major component include the following:

- a. Septic/holding tank removal/addition.
- b. Addition, expansion or replacement of drainfield area.
- c. Change in type of system (i.e. trench system to mound system).
- d. Movement of system to a replacement area.
- e. Conversion to/from an alternative or experimental system.

MALFUNCTIONING OR FAILING SYSTEM: An on-site wastewater treatment system which is not functioning in compliance with the requirements of this Ordinance includes the following:

- a. Absorption systems which seep or flow to the surface of the ground or into waters of the state.
- b. Systems which have overflow from the absorption system.
- c. Systems which, due to failure to operate in accordance with their designed operation, cause backflow into any portion of a building plumbing system.
- d. Septic tanks or holding tanks which leak.
- e. Absorption systems installed in bedrock or in the groundwater table.
- f. Steel septic tanks or steel holding tanks.
- g. Any other on-site wastewater treatment system not defined as a conventional or alternative system. (i.e.: cesspools, seepage pits, and pit privies).

MAXIMUM GROUNDWATER TABLE: The highest elevation that the top of the “groundwater table” or “groundwater table, perched” is expected to reach for any reason over the full operating life of the on-site wastewater treatment system at that site as determined by the profile hole evaluation.

MOUND SYSTEM: An alternative on-site wastewater treatment system where the bottom of the absorption system is placed above the elevation of the existing site grade, and is contained in a mounded fill body above that grade.

NON-DOMESTIC WASTEWATER: Water or liquid-carried waste, including but not limited to, water or wastes from an industrial process resulting from industry, manufacture, trade, automotive repair, vehicle wash, business or medical, activity; this wastewater may contain toxic or hazardous constituents.

ON-SITE WASTEWATER TREATMENT SYSTEM: A system designed to contain, distribute, or treat wastewater on or near the location where the wastewater is generated, including sewers, septic tanks, absorption fields, mound systems, evaporatranspiration systems, vault privies, holding tanks, subsurface sand filters, graywater systems, pumping stations, dosing chambers, any equipment related to on-site wastewater treatment systems and/or any other approved alternative or experimental system.

OVERLAY DISTRICT: A district that is superimposed over one or more zoning districts or parts of districts and imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.

OWNER: A person or persons who are the owner of record of the land on which an on-site wastewater treatment system is to be or has been designed, constructed, installed, altered, extended, or operated

PERCOLATION RATE: The time expressed in minutes per inch required for water to seep into saturated soil at a constant rate during a percolation test.

PERCOLATION TEST: A soil test at the depth of a proposed absorption system to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which one inch of water is absorbed over an interval of time.

POLLUTION: Any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the state, unless the alteration is necessary for public health and safety.

POTABLE: Water of sufficient quality to serve as drinking water; presumed to meet safe drinking water standards.

PUBLIC HEALTH HAZARD: For the purpose of this Ordinance, a condition whereby there are sufficient types and amounts of biological, chemical, or physical agents relating to water or sewage which are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses and bacteria, parasites, toxic chemicals and radioactive isotopes. A malfunctioning or failing on-site wastewater treatment system constitutes a public health hazard.

REPAIR: Action of fixing or replacing substandard or damaged components; repairs can be categorized as required repairs, recommended repairs, and upgrades.

REPLACEMENT AREA: Sufficient land with suitable soil, excluding streets, roads, and permanent structures, which complies with the setback requirements of these rules, and is intended for the 100 percent replacement of absorption systems.

SEEPAGE PIT: An excavation (deeper than it is wide) which receives septic tank effluent and from which the effluent seeps into the surrounding soil through the bottom and openings in the side of the pit; emphasis is on disposal rather than treatment.

SEPTAGE: The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

SEPTIC TANK: Water-tight, covered receptacle for treatment of sewage; receives the discharge of sewage from a building, separates settleable and floating solids from the

liquid, digests organic matter by anaerobic bacterial action, stores digested solids through a period of detention, allows clarified liquids to discharge for additional treatment and final dispersal, and attenuates flows.

SERVICE PROVIDER: Any person who performs work in relation to on-site wastewater treatment systems; this includes installers, O&M service providers, and liquid waste pumpers.

SEWAGE: Untreated wastes consisting of blackwater and graywater from toilets, baths, sinks, laundries, and other plumbing fixtures in places of human habitation, employment or recreation.

SEWAGE HOLDING TANK: A watertight receptacle which receives water-carried wastes from the discharge of a drainage system and retains such wastes until removal and subsequent disposal at an approved site or treatment facility.

SLUDGE: Accumulated solids and associated entrained water within a pretreatment component, generated during the coagulation, clarification or biological, physical, or chemical treatment of wastewater.

SOIL EXPLORATION PIT: An open pit dug to permit examination of the soil to evaluate its suitability for absorption systems.

SOIL SCIENTIST: An individual qualified to conduct soil surveys. A soil scientist is qualified if:

- a. He or she is certified as a soils scientist/classifier by the ARCPACS (A Federation of Certifying Boards in Agronomy, Biology, Earth and Environmental Sciences); or
- b. He or she has a Bachelor's, Master's or Doctoral degree in soil science.

STATIC WATER LEVEL: Elevation or level of the water table in a well when the pump is not operating or the level or elevation to which water would rise in a tube connected to an artesian aquifer or basin in a conduit under pressure. (USEPA)

VAULT PRIVY: An enclosed non-portable toilet into which non-water-carried human wastes are deposited to a subsurface storage chamber that is water tight.

WASTE OR POLLUTANT: Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

WASTEWATER: Clear water, storm water, industrial waste, sewage (domestic or nondomestic), or any combination thereof, carried by water.

WATER SUPPLY: A system of pipes and other structures through which water is obtained and distributed for consumption from springs, wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks, cisterns, and related appurtenances.

PARKING LOT: An off-street facility, including parking spaces, along with adequate provision for drives and aisles for maneuvering and giving access and for entrance and exit, all laid out in a way to be usable for the parking of more than six (6) automobiles.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred sixty two (162) square feet nor less than nine (9) feet wide by eighteen (18) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or right-of-way.

PENNINGTON COUNTY: Any personnel, including, but not limited to: Pennington County Planning and Zoning Department personnel, the Pennington County Planning Commissioners and/or the Pennington County Board of Commissioners.

PERSON: Responsible party. An individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state.

PLANNING DIRECTOR: Any person appointed by the Pennington County Board of Commissioners to supervise the Pennington County Planning & Zoning Department. The Planning Director and his/her designee charged with the administration and enforcement of this Ordinance.

PLANNED UNIT DEVELOPMENT: A development planned in accordance with the provisions of these Zoning Ordinances.

PLATTED PRIVATE DRIVE: A tract of land delineated on a subdivision plat approved by the governing board for use as a street or road owned for use as a private way.

PRINCIPAL USE: The specific primary purpose for which land or building is used. In any commercial or industrial district, more than one principal industrial or commercial use may be permitted on a single lot. In any zoning district, more than one principal use may be permitted on a single lot if one of the uses is operated by a government agency.

PUBLIC RIGHT-OF-WAY: A strip of land dedicated or required for use as a public way.

REAR LOT LINE: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten (10) feet long and wholly within the lot.

RECREATION RESIDENCES: Residences located on National Forest Land that occupy planned, approved tracts, or those groups established for recreation residence use.

RECREATIONAL VEHICLE: A vehicle:

1. Built on a single chassis;

2. Designed primarily as temporary living quarters for recreational, camping, travel or seasonal use, not to be used as a permanent dwelling; and,
3. That has a minimum of a food preparation area, storage area, bed and table.

RESIDENTIAL DISTRICT: Any lands designated on the official Zoning Map as being either the Low Density Residential District or the Suburban Residential District, pursuant to the provisions of Section 207 or 208 of these Zoning Ordinances.

SANITARY SEWER: A municipal, community or individual sewage disposal system of a type approved by the Health Department.

SEASONAL CABIN\DWELLING: A dwelling that does not meet the South Dakota Department of Environment and Natural Resources minimum absorption area for a residential individual on-site wastewater treatment system. The dwelling unit shall not be occupied for more than one hundred eighty (180) days in each year.

SETBACK: The required distance between every structure and any lot line on the lot on which it is located.

SIDE LOT LINE: Any lot line, which meets the end of a front lot line or any other lot line.

SIGNS/BILLBOARDS DEFINITIONS:

ABANDONED SIGN/BILLBOARD: A sign or sign structure that is blank, obliterated or displays obsolete advertising material for a period in excess of twelve continuous months. The twelve-month period for determining if a sign is abandoned commences upon notification of violation to the offender.

ADVERTISING SIGN: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises, if at all.

BACK-TO-BACK SIGN: An Off-Premise or On-Premise sign consisting of two sign facings oriented in the opposite direction with not more than one face per side.

BUSINESS SIGN: A sign, which directs attention to the business or profession conducted on the premises. A "For Sale," "For Rent," or "Information" sign shall be deemed a business sign.

COMMUNITY SIGN: A sign not exceeding thirty-two (32) square feet in area and approved by the County Board which directs attention to community events that are educational, cultural, or recreational in nature. In no event, however, shall such sign or part thereof contain a commercial advertising message.

DIRECTIONAL SIGN: A sign erected for the convenience of the public, such as directing traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities and bearing no advertising in the message.

DOUBLE-FACED SIGN: An off-premise or on-premise sign with two adjacent faces oriented in the same direction and not more than 10-feet apart at the nearest point between the two faces.

FACING: That portion of a sign structure upon which advertising is affixed or painted and visible in one direction at one time.

OFF-PREMISE SIGN: A sign/billboard that advertises goods or services not available at the location of the billboard or advertising sign.

ON-PREMISE SIGN: A sign identifying an establishment's activities, products or services conducted or available on the property upon which it is located and signs advertising the sale or lease of the property upon which they are located.

SIGNS/BILLBOARDS: Any sign defined in this ordinance which displays or conveys any identification, description, illustration, or device illuminated or non-illuminated, which directs attention to a product, service, business activity, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays.

SIGN STRUCTURE: The sign face and support members that are permanently affixed to the ground or attached to a structure.

TEMPORARY SIGNS: Signs and sign structures that are temporary in nature used in conjunction with a specific event, that are placed or erected in such a manner to be easily removed from the property and are not permanently affixed. All political signs shall be considered temporary signs. Temporary signs shall not exceed 32 square feet in size.

SINGLE-FAMILY DWELLING: A building designed to be occupied exclusively by one family.

SITE OR STICK-BUILT HOME: A dwelling unit constructed on-site with a single kitchen designed for occupancy by only one (1) family for cooking, living, and sleeping purposes.

SPECIFIED ANATOMICAL AREAS: (1) Less than completely and opaquely covered (a) human genitals, pubic region; and (b) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, oral copulation, sexual intercourse, or sodomy; (3) fondling or other erotic touching of another's human genitals, pubic region, buttock, anus or female breast.

STREET: A public or private thoroughfare, which affords the principal means of access to abutting property. May be used interchangeably with "road," "drive," or "highway."

STREET LINE: The legal line between street right-of-way and abutting property.

STRUCTURE: Any material or combination of materials, completely or partially constructed, or erected in or upon the ground, including, but not by way of limitation, buildings; mobile homes; radio towers; sheds; signs; and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, fences, earthwork, wind-breaks, and nonbusiness signs related to farming or ranching operations. An object, including a mobile object, constructed or installed by man, including but without limitation; buildings; towers; cranes; smokestacks; earth formation; and overhead transmission lines.

TELECOMMUNICATIONS FACILITY DEFINITIONS:

ACCESSORY EQUIPMENT: Any equipment servicing or being used in conjunction with a Telecommunication Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, guy wires or other structures.

ADMINISTRATOR: The Planning Director or individual designated by the Planning Commission to conduct the Administrative Review referred to in this Ordinance.

ADMINISTRATIVE APPROVAL: Zoning approval that the Administrator is authorized to grant after Administrative Review.

ADMINISTRATIVE REVIEW: The procedures established in Section 316 of this Ordinance.

ANTENNA: Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional and whip antennas.

CAMOUFLAGED FACILITY: A Telecommunications Facility that resembles a tree or naturally occurring environmental feature, or, if the facility resembles or is a flag pole, antennas are snug or stealth mounted and/or a flag is attached to the pole.

“CARRIER ON WHEELS” OR “CELL ON WHEELS” (COW): A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna Support Structure.

CO-LOCATION: The use of a Telecommunications Facility by more than one wireless telecommunications provider. Co-location also means locating wireless telecommunications facilities on an existing structure (for example: buildings, water tanks, towers, utility poles, etc.) without the need to construct a new Support Structure.

FEDERAL AVIATION ADMINISTRATION (FAA): A Federal agency that is responsible for the safety of civilian aviation.

FEDERAL COMMUNICATIONS COMMISSION (FCC): A Federal agency that regulates interstate and international communications by radio, television, wire, cable, and satellite.

LATTICE TOWER: A Support Structure constructed of vertical metal struts and cross-braces forming a triangular or square structure which often tapers from the foundation to the top.

MAJOR MODIFICATIONS: Improvements to existing Wireless Telecommunication Facilities or Support Structures that result in a “substantial” change to the facility or structure. Major Modifications include any one of the following: (1.) Extending the height of the Support Structure by more than 10 percent of its current height; and, (2.) The Support Structure does not meet the definition of “Replacement” as defined in this Ordinance. Co-location of new Telecommunications Facilities to an existing Support Structure without Replacement or extension of the structure shall be considered a Minor Modification. Major Modifications shall require approval of a Telecommunications Facility Permit.

MINOR MODIFICATIONS: Improvements to existing Wireless Telecommunications Facilities and Support Structures that result in some material change to the facility or Support Structure but of a level, quality, or intensity that is less than a “substantial” change. Such Minor Modifications include, but are not limited to, extending the height of the Support Structure by less than 10 percent of its current height and the expansion of the compound area for additional Accessory Equipment.

MONOPOLE: A Support Structure constructed of a single, freestanding pole-type structure supporting one or more antennas.

ORDINARY MAINTENANCE: Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing, and modifications that maintain functional capacity and aesthetic and structural integrity. For example, the strengthening of a Support Structure’s foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas and Accessory Equipment on a like-for-like basis within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications.

REPLACEMENT: Constructing a new Support Structure of equal height and proportions to a preexisting Support Structure in order to accommodate co-location and removing the preexisting Support Structure.

STEALTH TELECOMMUNICATIONS FACILITY: Any Telecommunications Facility that is designed so that the purpose of the facility is not readily apparent to a casual observer.

SUPPORT STRUCTURE(S): A structure primarily designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers and other freestanding self-supporting structures.

TELECOMMUNICATIONS FACILITY(ies): Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunications Facility can consist of one or more Antennas and Accessory Equipment or one base station.

TELECOMMUNICATIONS FACILITY PERMIT: A Telecommunications Facility Permit is required for all proposed facilities that serve as telecommunication sites for the purpose of providing wireless communications.

TOWER: A lattice-type, guyed or freestanding structure that supports one or more Antennas.

TOWER HEIGHT: The vertical distance measured from the ground to the upper most point of the Telecommunications Tower and/or Antennae and all attachments.

TEMPORARY CAMPGROUND: An area for outdoor overnight accommodations and occupied by twenty (20) or more people.

TOWNHOUSE: Multiple-family or attached single-family dwellings in which the separate dwelling units and the ground they occupy are individually owned while the common areas are jointly owned.

TRAVEL TRAILER: A portable or mobile home living unit designed for human occupancy away from the principal place or residence of the occupants. (See Recreational Vehicle)

VACATION HOME RENTALS: Any building or other structure and property or premises kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay or other consideration for less than thirty (30) consecutive days.

WATERS OF THE STATE: All waters within the jurisdiction of this state, including streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering on the state, but not waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA other than cooling ponds as defined in 40 C.F.R. § 423.11(m) (July 1, 1991).

WIND GENERATOR: A mechanical device designed and operated so as to generate electricity.

YARD: An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in these Zoning Ordinances that a building or structure may be located in a portion of a yard required for a principal structure. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the principal structure shall be used.

YARD, FRONT: An open unoccupied space on the same lot with a principal structure extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

YARD, REAR: A space on the same lot with the principal structure, between the rear line of the structure and the rear line of the lot and extending the full width of the lot, which is unoccupied except for permitted accessory structures.

YARD, SIDE: An open unoccupied space on the same lot with the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line, not a rear line or a front line, is a sideline.

ZERO LOT LINE STRUCTURE: A multi-family dwelling unit located on a single lot line. The unit is constructed as one unit but is intended to be sold as separate home sites and which otherwise meets all requirements of the zone in which it is located.

ZONING DISTRICT: See District.

Dated this 21st day of February, 2012.

PENNINGTON COUNTY COMMISSION

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

H. SECOND READING OF ORDINANCE AMENDMENT / OA 11-07. Pennington County. Amendment to Section 103 “Definitions – Developmental Lot” and to amend Sections 401-G and 401-H to change the April 28, 1982, date to February 1, 1994.

To approve the second reading and adoption of Ordinance Amendment /OA 11-07.

ORDINANCE #34-17

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 103: Section 103 shall be amended to read as follows:

DEVELOPMENTAL LOT: Two or more lots or portions of lots with continuous frontage in single ownership of record prior to February 1, 1994, where all or part of the lots do not meet the requirements established for lot width and area, which for the purposes of these Zoning Ordinances shall be considered to be an undivided lot.

SECTION 401: Section 401-G shall be amended to read as follows:

Where an individual lot was held in separate ownership from adjoining properties or was platted prior to February 1, 1994, in a recorded subdivision, approved by the County Board of Commissioners, and has less area or less width than required in other sections of these Zoning Ordinances, such lot may be occupied according to the permitted uses and conditional uses as provided for in the district in which the lot is located.

SECTION 401: Section 401-H shall be amended to read as follows:

If two or more lots or portion of lots with continuous frontage in single ownership were of record prior to February 1, 1994, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be a developmental lot for the purposes of this title. Where developmental lots are larger than required by these Zoning Ordinances, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by these Zoning Ordinances.

Dated this 21st day of February, 2012.

PENNINGTON COUNTY COMMISSION

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

I. SECOND READING OF ORDINANCE AMENDMENT / OA 11-08. Pennington County. Amendment to Section 204-J "On-Site Wastewater Treatment Systems" to eliminate duplicate section numbers.

To approve the second reading and adoption of Ordinance Amendment / OA 11-08.

ORDINANCE #34-18

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 204-J: Section 204-J shall be amended to read as follows:

J. On-Site Wastewater Treatment Systems.

1. AUTHORIZATION AND JURISDICTION

a. Purpose:

The Pennington County Board of Commissioners adopts Section 204-J stating the procedures, standards, and enforcement which shall be used by the Planning Department, under the authority of the Planning Director, for the design, installation, inspection, and permitting of on-site wastewater treatment systems on any commercial or residential premises to promote clean water, to protect public health and the environment, and to prevent a nuisance.

b. Rules Adopted:

In addition to the requirements set forth in Section 204-J, all on-site wastewater treatment systems shall comply with the provisions of Chapter 74:53:01 (and any amendments thereto) of the Administrative Rules of South Dakota. Pennington County adopts and incorporates herein by this reference, the Administrative Rules of South Dakota, Chapter 74:53:01, as minimum standards relating to public health and environmental quality and said Administrative Rules shall supersede all local minimum standards previously enacted that are inconsistent with Section 204-J.

c. Authority:

This section of the Zoning Ordinance is enacted pursuant to the authority granted in Title 7 of the South Dakota Codified Laws and Chapter 74:53:01 of the Administrative Rules of South Dakota for the protection of public health and the safety and welfare of the citizens of Pennington County.

d. Jurisdiction:

The Pennington County Board of Commissioners shall have the authority to delegate the administration and enforcement of Section 204-J to the Planning Director, as provided herein. Nothing in Section 204-J, however, shall be construed to restrict or abrogate the authority of any sanitary district or township in Pennington County to adopt an On-site

Wastewater Treatment Systems Ordinance that meets or exceeds the standards set by Section 204-J.

e. Public Nuisance:

Any on-site wastewater treatment system that is found by the Planning Department to be malfunctioning or failing, as defined in Section 103 and in accordance with South Dakota Codified Law, is presumed to create an imminent danger to the public health, safety and welfare and is hereby declared to be a nuisance subject to abatement and special assessment as allowed by law. Owners of a malfunctioning or failing on-site wastewater treatment system shall have 72 hours to notify the Planning Department.

f. Administration:

Section 204-J shall apply to all on-site wastewater treatment systems in Pennington County outside the jurisdiction of a municipality. Section 204-J shall be enforceable within the extraterritorial jurisdiction of a municipality to the extent the municipality does not currently regulate such systems or ceases to regulate such systems within its extraterritorial jurisdiction. Section 204-J shall also be enforceable within the boundaries of a sanitary district or township located within Pennington County, if the district or township does not regulate such systems or fails to regulate such systems in conformity with State of South Dakota or Pennington County laws and regulations.

g. Definitions. See Section 103 – Definitions.

2. OPERATING PERMIT

a. Administrative Requirements.

Inspections of existing on-site wastewater treatment systems are required by Pennington County to protect and enhance the quality of the surface water and groundwater resources and to avert adverse impacts upon public health and the environment. All on-site wastewater treatment systems within the jurisdiction of Pennington County shall obtain an Operating Permit.

b. Inspection of Existing On-site Wastewater Treatment Systems.

On-Site Wastewater Treatment System Operating Permit Application Procedure and Requirements.

- i. If an Operating Permit has never been issued to an owner of an on-site wastewater treatment system, Pennington County will, by mail, notify the owner of operating permit requirements, including inspections, schedules and fees. The initial implementation of the Operating Permit program will include prioritization, based upon the proximity of an on-site wastewater treatment system to surface water and/or areas where aquifers are

recharged. Full implementation of the program may take up to six (6) years.

- ii. All owners of an on-site wastewater treatment system shall obtain an On-site Wastewater Treatment System Operating Permit for the operation and maintenance of such a system when notified by Pennington County.
- iii. An administrative fee for the On-site Wastewater Treatment System Operating Permit shall be required for operation and maintenance of any on-site wastewater treatment system in Pennington County.

Procedure for Obtaining An Operating Permit.

- aa. Pennington County will send permit renewal letters at least 60 days prior to the expiration date of an On-site Wastewater Treatment System Operating Permit.
- bb. The septic tank or holding tank shall be pumped. The owner of the on-site wastewater treatment system will be responsible for the scheduling of the pumping with a septic liquid waste pumper of his/her choice. The on-site wastewater treatment system shall be pumped no later than 30 days after actual receipt of the initial or permit renewal notification letter from Pennington County.
- cc. An Observation Form will be filled out by a septic liquid waste pumper and submitted to Pennington County for review. The Observation Form shall include:
 - The name of the owner of the on-site wastewater treatment system.
 - The physical address of the property on which the on-site wastewater treatment system is located.
 - The property identification number (tax ID) and legal description of the property (to be filled out by Pennington County Planning personnel).
 - Date and time of inspection and person(s) who performed inspection.
 - Basic site evaluation.
 - Size and type of septic or holding tank.
 - A description of the current operation status of the system.
 - Any other pertinent observations made by the septic liquid waste pumper.
 - GPS coordinates of septic tank, if possible.

- dd. Pennington County will review the Observation Form and prepare and complete an Inspection Summary Form, if necessary, to determine compliance with Section 204-J.
- iv. If Pennington County determines that the on-site wastewater treatment system is in violation of Section 204-J, notification will be sent to the property owner within 30 days following pumping of the septic tank. Requirements for repair, alteration or replacement will be included in the notification.
 - aa. If repair, replacement, or alteration of any major component(s) is required, an on-site wastewater treatment system Construction Permit Application shall be submitted including the appropriate fees as determined in Section 204-J-3-r-i.
 - bb. Pennington County shall inspect the system for compliance after the repair, replacement, or alteration of any major component(s) of the system.
 - cc. Fees are required for additional inspections, if the system is found to violate Section 204-J.
- v. If Pennington County finds that the on-site wastewater treatment system is in compliance with Section 204-J, the On-site Wastewater Treatment System Compliance Fee will be collected and an Operating Permit will be issued to the owner of the on-site wastewater treatment system.
- vi. The On-site Wastewater Treatment System Operating Permit shall expire six (6) years after the issue date.
- vii. Pennington County may require a different permit frequency for which an on-site wastewater treatment system needs an On-site Wastewater Treatment Systems Operating Permit:
 - aa. For non-residential structures.
 - bb. For unique, unusual or alternative on-site wastewater treatment systems.
 - cc. When the on-site wastewater treatment system is determined by Pennington County to be inadequate for the current use or size of the structure it serves.
 - dd. When a valid On-site Wastewater Treatment Systems Operating Permit has not been issued prior to any sale, transfer or change in designation of the property.
 - ee. When the property is located in close proximity to surface water or within the aquifer recharge area or overlay district.
 - ff. For any other reason that Pennington County considers necessary

- to protect public health and the environment or prevent a nuisance.
 - gg. Commercial on-site wastewater treatment systems.
 - viii. Pennington County may take samples including, but not limited to, soils, surface water and wells on or near the on-site wastewater treatment system to ensure proper function of the system. The results of such testing will be available to the property owner.
 - ix. Pennington County will notify the homeowner 60 days prior to expiration of the Operating Permit.
 - c. Limitations on Sale, Transfer, or Change in Designation.
 - i. Prior to any sale, transfer or change in the designation of a property, all of the following shall occur:
 - aa. Pennington County will have reviewed the request to determine if the property has a current On-site Wastewater Treatment Systems Operating Permit or requires an On-site Wastewater Treatment Systems Operating Permit. A current On-site Wastewater Treatment Systems Operating Permit is transferable up to the last year of the existing term of the permit.
 - bb. Pennington County will have determined that the on-site wastewater treatment system on the parcel or lot is not creating a health hazard, a nuisance and is protective of the environment, and issues the initial On-site Wastewater Treatment Systems Operating Permit.
 - cc. Any necessary repairs, alterations or system upgrades will have been completed and in compliance with this Ordinance.
 - dd. Any property owner or person purchasing a property containing an on-site wastewater treatment system may request to implement the process for issuance of a new On-site Wastewater Treatment Systems Operating Permit.
 - ii. It is the responsibility of the property owner to notify Pennington County prior to the sale or transfer of property.
 - iii. The owner of a property containing an on-site wastewater treatment system shall provide evidence to a prospective buyer or transferee, prior to closure, of compliance with Section 204-J.
 - d. Change in Structure Served by an On-Site Wastewater Treatment System.

When a structure on a property is altered or replaced and is currently served by an on-site wastewater treatment system, Pennington County shall require the owner of the property to obtain an On-site Wastewater Treatment Systems Operating Permit prior to the issuance of a Building Permit, if the newly constructed or altered structure's number of bedrooms increases from the original structure for which the existing on-site wastewater treatment system served, Pennington County shall require:

- i. The on-site wastewater treatment system to be sized correctly for the newly constructed or altered structure; and,
 - ii. An On-site Wastewater Construction Permit.
- e. On-Site Wastewater Treatment System Compliance Fee.

Any person who owns property on which an on-site wastewater treatment system is located shall pay an administrative fee of \$20.00 each time an Operating Permit for the system is issued or renewed. The revenue from these fees will support administration of Pennington County's Clean Water programs.

3. INSTALLATION, ALTERATION AND REPAIR

- a. Legal, Nonconforming On-Site Wastewater Treatment System.

Any on-site wastewater treatment system existing at the time of adoption of Section 204-J, which is not in violation of any Federal, State, or Local Law, rule or regulation, may be continued in use until such time the system is found by Pennington County to be malfunctioning or failing, at which point the entire system, or any portion thereof which is deemed to have malfunctioned or failed, shall be brought into full compliance with the provisions of Section 204-J.

- b. Administrative Requirements.

On-Site Wastewater Treatment System Required - The drainage system of each dwelling, building or premises covered herein shall receive all wastewater (including, but not limited to, bathroom, kitchen, and laundry wastes) and shall have a connection to a public sewer except when such sewer is not available or practicable for use, in which case connection shall be made to an on-site wastewater treatment system found to be adequate and constructed, installed and maintained in accordance with the requirements of Section 204-J.

Repair of A Failing System – Whenever an on-site wastewater treatment system is found by Pennington County to be malfunctioning or failing, or to cause a nuisance, the owner shall take the necessary action to cause the condition to be corrected or eliminated or otherwise to come into compliance. Corrective action shall be completed by the owner of a malfunctioning or failing system in accordance with Section 204-J-5-a.

- c. General Requirements.

Units Required in An On-Site Wastewater Treatment System – The on-site wastewater treatment system shall consist of the following components:

- i. A building sewer.
- ii. A septic tank.
- iii. An absorption system. This may be a standard trench, a chambered trench, an absorption bed, or alternative or experimental systems as specified in Section 204-J, depending on location, topography, soil conditions and groundwater table.
- iv. A holding tank, if a conventional, alternative, or experimental system cannot be used.

Multiple Family Dwelling Units – multiple single-family dwelling units under individual ownership shall not be served by a single on-site wastewater treatment system except where that system is under the sponsorship of a management district or a body politic or in extenuating circumstances, when individual systems are not feasible. Plans and specifications for such systems shall be submitted to and approved by DENR prior to submission to Pennington County.

d. Design Requirements.

Site Location and Installation.

- i. On-site wastewater treatment systems are not suitable for all areas and situations. Location and installation of each system, or other approved means of treatment, shall be such that with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, public health hazard, or endanger the quality of any waters of the state. Systems shall be located on the same lot as the building served whenever possible.
- ii. In determining a suitable location for the system, due consideration shall be given to such factors as: size and shape of the lot; slope of natural and finished grade; location of existing and future water supplies; depth to groundwater and bedrock; soil characteristics and depth; potential flooding or stormwater catchments; possible expansion of the system, and future connection to a public sewer system.
- iii. The depth of a well is determined by the static water level in the well for setback requirements.

Replacement Area For Absorption System - Properties with severe soils (as defined by the United States Department of Agriculture Soil Survey), less than 3 acres in size, located over an aquifer recharge area, contain 100-year floodplain or any other constraint that would restrict the location and installation of an on-site wastewater treatment system will require a replacement area for the absorption system. This may require additional

soil profile and percolation information at the location of the replacement area as determined by the Environmental Planner. This area must be designated on the site plan and kept free of permanent structures, traffic, or adverse soil modification.

Tracer Wire Required – In order to assist in the location of on-site wastewater treatment system components located below ground, all new or replacement absorption systems shall have tracer wire installed. All tracer wire shall be No. 12 solid single strand type TW or THHN, or equivalent. The tracer wire shall be accessible at the tank cleanout and shall extend along the building sewer from the house to the tank, around the septic tank access hole, and from the tank through all system trenches or around the perimeter of any bed, mound or evapotranspiration system. To prevent corrosion, all buried ends of the tracer wire and all wire splices shall be sealed with an approved direct bury splice kit or gel-type connector. All tracer wire installation shall be inspected during the final inspection by Pennington County and prior to back filling. The installer is responsible for ensuring that the tracer wire has conductivity.

e. Housing Subdivisions and Planned Unit Developments.

Review Criteria For Establishing On-Site Wastewater Treatment System Feasibility Of Proposed Housing Subdivisions And Other Similar Developments - On-site Wastewater Treatment systems shall meet the requirements of Pennington County Subdivision Regulations Section 500.10 and Section 204-J.

f. Variances.

Variances to ARSD § 74:53:01 must be approved through DENR prior to submission of an On-site Wastewater Treatment System Construction Permit Application to Pennington County.

g. Exceptions.

Requirements For An Exception To This Ordinance – The purpose of an exception is to modify specific requirements of this Ordinance in the case of exceptionally irregular conditions whereby such application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of their property. Justification for the need of the exception must be provided and is such that they will not cause a violation of any existing water quality standard, cause a health hazard, or create a nuisance.

Application Requirements For Exceptions:

- i. Information demonstrating that connection to a public or community-based sewerage system is not available, there is no other option for sewage treatment, and site conditions prevent construction or use of an on-site wastewater treatment system that is in compliance with Section 204-J.

- ii. A detailed description of the proposed system, including engineering and/or reliability information, if necessary, and information about its proposed location and proposed replacement area.
 - iii. An operation, maintenance and troubleshooting plan to keep the installed system operating as described in the application.
 - iv. A contingency plan describing how a system that cannot meet the requirements of Section 204-J will be replaced.
 - v. Approval letter from DENR, if necessary.
 - vi. Final approval from Pennington County.
- h. Soil and Groundwater Requirements

General Requirements - A suitable soil for absorption systems shall meet the following criteria:

- i. Have the capacity to adequately disperse the designed effluent loading as determined by field percolation rates and/or visual inspection of soil exploration, and;
- ii. Does not exhibit inhibiting swelling or collapsing characteristics, and;
- iii. Does not visually exhibit a jointed or fractured pattern of underlying bedrock, and;
- iv. Meets the requirements of ARSD § 74:53:01:15.

Groundwater Requirements:

- i. The seasonal high groundwater table shall be determined by direct visual observation of the maximum groundwater table in a soil exploration pit. The observation of soil in a soil exploration pit may show evidence of crystals of salt left by the seasonal high groundwater table, or chemically reduced iron in the soil, reflected by a mottled coloring if water is not visible in the soil exploration pit.
- ii. A curtain drain or other effective groundwater interceptor may be required to be installed for an absorption system as a condition for its approval. Pennington County may require that the effectiveness of such devices in lowering the groundwater table be demonstrated, for a period of at least one year, during the season of maximum groundwater table elevation.

Soil Exploration Requirements:

- i. Pennington County will perform a preliminary evaluation of the site. A Preliminary Evaluation form is required for each new soil exploration pit. The form will include:

- aa. The soil exploration log, including a statement of soil explorations to a depth of eight feet or to a depth of at least four feet below the bottom of the proposed absorption system;
 - bb. A statement of the present and anticipated seasonal high groundwater table, and,
 - cc. A field/site evaluation.
- ii. Suitable soil exploration pits, of sufficient size to permit visual inspection by Pennington County (at least a two foot by five foot hole), and to a minimum depth of eight feet, or at least 48 inches below the bottom of proposed on-site wastewater treatment systems, shall be dug near each absorption system site to determine the groundwater table and subsurface soil and bedrock conditions. A log of the soil and bedrock formations encountered must be recorded describing the texture, structure, and depth of each soil type, the depth of the groundwater table encountered, and indications of the seasonal high elevation of the groundwater table. Soil logs should be prepared in accordance with the United States Department of Agriculture Soil Classification System.
 - iii. The preliminary evaluation is valid for two years from the evaluation date.
 - iv. Pennington County may impose stricter requirements as to the depth of absorption system excavation in order to meet the four foot separation requirements set forth in SDAR § 74:53:01:15.
 - v. The Pennington County Planning Department may require that soil evaluations be performed by a licensed or certified soil scientist or a representative from DENR.

Percolation Test Requirements:

At least three stabilized percolation tests for the design flow less than 2,000 gallons per day, or six tests, if the design flow is more than 2,000 gallons per day but less than 5,000 gallons per day, shall be performed on the site of each absorption system to determine minimum required absorption area. More tests may be required where soil structure varies, where limiting geologic conditions are encountered, or where the proposed property improvements will require large treatment systems.

- i. When percolation tests are made, such tests shall be made at points and elevations selected as typical of the area in which the absorption system will be located. Consideration should be given to the finished grades of building sites so that test results will represent the percolation rate of the soil in which absorption systems will be constructed. After the suitability of any area to be used for on-site wastewater treatment systems has been evaluated and approved for construction, no grade changes shall be made

to this area unless Pennington County is notified and a reevaluation of the area's suitability is made prior to the initiation of construction.

- ii. Test results shall be submitted on the On-site Wastewater Treatment System Construction Permit Application. The permit application shall contain the following:
 - aa. The name and signature of the individual conducting the tests;
 - bb. The date of the tests;
 - cc. The location of the property;
 - dd. The depth and rate of each test in minutes per inch;
 - ee. All other factors affecting percolation test results; and,
 - ff. Calculated average percolation rate.
- iii. The percolation test results are valid for two years from the date the tests were performed.

i. Building Sewer and Distribution Pipe:

General Requirements - Building sewer and distribution pipe materials shall be composed of PVC and shall conform to the applicable standards as outlined in Tables in the section, and shall comply with the following:

- i. Pipe, pipe fittings, and similar materials comprising building sewers are listed by material and applicable standard (See Table 1).

Table 1. Standards for Distribution and Building Sewer Pipe(a)(b)

MATERIALS	MINIMUM STANDARDS
Polyvinyl Chloride (PVC)	
PVC - Schedule 40 (foam or cell core is prohibited)	ASTM D 1785-06(c)
SDR-35 PVC (Gravity)	ASTM D 3034-08 (c)
PVC (Pressure)	ASTM D 2241-05 (c)

- ii. The following is a list of solid-wall perforated pipe, approved as distribution pipe in absorption systems. Solid-wall pipe must be perforated in accordance with this Ordinance, and all burrs must be removed from the inside of the pipe. The pipe is listed by material and applicable standard (See Table 2).

Table 2. Standards for Perforated Pipe(a)

MATERIALS	MINIMUM STANDARDS
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SDR-35 PVC	ASTM D 3034-08 (c)
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- (a) Each length of building sewer and absorption system pipe shall be stamped or marked as required by the International Plumbing Code.
- (b) Building sewers include (1) the pipe installed between the building and the septic tank and (2) between the septic tank and the distribution box (or absorption system). The installation of building sewers shall comply with the International Plumbing Code.
- (c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

- iii. Where two different sizes or types of sewer pipes are connected, a proper type of fitting or conversion adapter shall be used.
- iv. They shall have a minimum inside diameter of four inches. They shall have watertight, root-proof joints and shall not receive any groundwater or surface runoff. They shall be laid in straight alignment and on a firm foundation of undisturbed earth.
- v. Building sewers shall be laid on a uniform minimum slope of not less than 1/4 inch per foot (2.08 percent slope).
- vi. The lines shall have cleanouts every 100 feet and at all changes in direction or grade.

j. Septic Tanks

Septic Tank Design and Construction Requirements:

- i. The pipe entering and exiting the septic tank shall be at least six feet in length of Schedule 40 (see Table 1) and unperforated until the first tee, distribution box, or drop box before the absorption field is encountered.
- ii. Some septic tanks may have an effluent filter installed at the outlet of the tank. The filter shall prevent the passage of solid particles larger than a nominal 1/8-inch diameter sphere. The filter should be easily removed for routine servicing through watertight access from the ground surface.

Septic Tank Sizing (Minimum Capacities):

The minimum liquid capacity of septic tanks serving single-family dwellings shall be based on the number of bedrooms in all structures utilizing an on-site wastewater treatment system:

Table 3. Minimum Capacities for Septic Tanks

Number of Bedrooms(a)	Minimum Liquid Capacity(Gallons)(b)(c)
1, 2, 3, or 4 (with or without garbage disposal)	1,500
5 (without garbage disposal)	1,500
For each additional bedroom, add	250

- (a) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling or structure(s) served, including the unfinished space available for conversion as additional bedrooms.
- (b) The liquid capacity is calculated on the depth from the invert of the outlet pipe to the inside bottom of the tank.
- (c) Table 3 provides for the normal household appliances, including automatic sequence washers and dishwashers. Add 20 percent to the total capacity for use of a garbage disposal for a dwelling or structure(s) having five or more bedrooms.

Septic Tank Installation Requirements:

- i. All tanks shall be located in an area which is accessible by a liquid waste pumper truck for the pumping of their contents. There shall be no structure(s) of any kind covering any of the tanks or impeding access to the tank(s) or require the truck to drive over the absorption system.
- ii. Flotation collars, one-piece tanks, or shallow belly tanks shall be used in areas with high groundwater potential.
- iii. Septic tanks installed in sensitive areas, such as an aquifer recharge area, may be required to be double-sealed if constructed of two separate pieces.
- iv. The tank inlet and outlet devices shall consist of baffles or sanitary tees at least four inches in diameter and constructed of PVC.

k. Discharge of Septic Tank Effluent to Absorption Systems.

General Requirements – Septic tank effluent shall be connected to the absorption system through watertight pipe and fittings. Tees, wyes, ells, or other distributing devices may be used as needed.

Tees and Wyes – Tees and wyes shall be installed level and not in line with any distribution pipe to permit equal flow to all branches of the fitting.

l. Absorption Systems

General Requirements - Absorption systems shall be designed and installed at the shallowest practicable depth to maximize elements critical to effective treatment of

effluent in the soil. The maximum depth of the absorption system shall be 36 inches unless an exception is granted by the Pennington County Planning Department. Excavation, grading and/or removal of topsoil are not permitted to meet absorption system depth requirements as it may compromise the integrity of the absorption system.

Determining Required Absorption System Area - Minimum absorption area is equal to the total number of bedrooms times the required absorption area within the applicable percolation rate category.

- i. In every case, sufficient absorption area shall be provided for at least three (3) bedrooms.
- ii. Any unfinished space available for conversion as additional bedrooms, Table 4, shall be determined by:
(Provisions of Table 4 shall apply to new construction and/or additions with unfinished space.)

Table 4. Determination of Additional Absorption System Area Based Upon Unfinished Space

Square Footage of Unfinished Space	Bedrooms
144-1000	Add 1 additional
1001-2000	Add 2 additional
2001+	Add 3 additional

Gravelless Pipe Absorption Trenches and Gravelless Chamber Trenches:

- i. All gravelless pipe and chambers shall be approved by DENR.
 - ii. Gravelless systems (pipe and chambers) shall be installed, according to specified manufacturer’s instructions.
- m. Alternative On-Site Wastewater Treatment Systems.

General Requirements:

- i. The certified installer of any alternative on-site wastewater treatment system must submit the following to DENR prior to submission to Pennington County:
 - aa. Detailed basis of design of all components.
 - bb. Site plan.
 - cc. Operation and maintenance instructions for the system which describe the activities necessary to properly operate, maintain, and troubleshoot the system.

- ii. Upon DENR approval, Pennington County must review and approve sufficient design, installation and operating information prior to installation.
- n. Experimental On-Site Wastewater Treatment Systems.

Administrative Requirements:

- i. Where unusual conditions exist, experimental methods of on-site wastewater treatment and disposal may be employed provided they are approved by DENR and acceptable to Pennington County.
- ii. When considering proposals for experimental on-site wastewater treatment systems, Pennington County shall not be restricted by Section 204-J provided that:
 - aa. The experimental system proposed is attempting to resolve an existing pollution or public health hazard, or when the experimental system proposal is for new construction, it has been predetermined that an acceptable back-up wastewater system will be installed in event of failure of the experimental system.
 - bb. The proposal for an experimental on-site wastewater treatment system must be in the name of and bear the signature of the person who will own the system.
 - cc. The person proposing to utilize an experimental system has the responsibility to maintain, correct, or replace the system in event of failure of the experimental system.

General Requirements:

- i. All experimental systems shall be designed, installed and operated under the following conditions:
 - aa. Pennington County may impose more stringent design, installation, operating and monitoring conditions than those required by DENR.
 - bb. All failures, repairs or alterations shall be reported to Pennington County. All repairs or alterations must be approved by DENR and Pennington County.
 - cc. Pennington County shall require a signed contract between the homeowner and a licensed/certified O&M service provider prior to approval of the experimental on-site wastewater treatment system.

The contract shall be maintained for the duration the on-site wastewater treatment system is utilized. The contract must be filed with the Pennington County Planning Department and updated if any changes are made or a new contract is established.

- ii All experimental systems must be submitted by the applicant to DENR and approved through DENR prior to submission to Pennington County.

o. Sewage Holding Tanks.

Administrative Requirements - Sewage holding tanks are permitted only under the following conditions:

- i. Where an on-site wastewater treatment system, for an existing dwelling, has failed and installation of a replacement on-site wastewater treatment system does not meet the requirements of Section 204-J; or,
- ii. For other extenuating situations where Pennington County agrees that a conventional, alternative or experimental system will not meet the criteria set forth in Section 204-J.

Requests for the use of sewage holding tanks must receive approval from Pennington County prior to installation.

General Requirements:

- i. A statement must be submitted by the owner indicating that, in the event his sewage holding tank is approved, he or she pump the tank periodically, at regular intervals or as needed, and that the wastewater contents will be disposed of in a manner and at a facility meeting approval of 40 C.F.R. Part 503. The agreement shall be filed with the Pennington County Planning Department and updated if any changes are made or a new agreement is established.
- ii. Pumping records, maintenance records and manifests must be kept by the owner for a period of six years for review by Pennington County to ensure pumping of the holding tanks.
- iii. Pennington County may require that sewage holding tanks be filled with water and allowed to stand overnight to check for leaks. Tanks exhibiting obvious defects or leaks shall not be approved unless such deficiencies are repaired.

- iv. Holding tanks that receive both black and gray water (combined) the capacity of the tank must hold a minimum of seven days sewage flow or 1,500 gallons, whichever is greater.
 - v. Holding tanks which receive only gray water, the capacity of the tank must hold a minimum 1,500 gallons.
 - vi. Holding tanks which receive only black water, the capacity of the tank must hold a minimum seven days sewage flow or 1,000 gallons, whichever is greater.
 - vii. All tanks shall be located in an area which is accessible by a pumper truck for the pumping of their contents. There shall be no structure of any kind covering any of the tanks or impeding access to the tank(s).
 - viii. Must be located in an area where it will not tend to float out of the ground due to a high groundwater table or a saturated soil condition, since it will be empty or only partially full most of the time. In areas where the groundwater table may be high enough to float the tank out of the ground when empty or partially full, adequate ground anchoring procedures shall be provided.
 - ix. There shall be no discharge of effluent from a holding tank that receives black water or combined black and gray water.
 - x. Septic tanks and cisterns shall not be allowed to be used as a holding tank.
- p. Service Providers.

Applicability – This section does not apply to a person who is employed by, or performs labor and services for:

- i. A certified installer in connection with the construction, installation, repair, or alteration of an on-site wastewater treatment system performed under the direct and personal supervision of the certified installer.
- ii. A pumper in connection with the pumping of septic tanks, pump tanks, media filters, and ATU's performed under the direct supervision of the pumper.
- iii. An O&M Service Provider in connection with the operation and maintenance of alternative, experimental or unconventional, on-site wastewater treatment systems performed under the direct supervision of the O&M Service Provider.

Requirements For All Service Providers – All service providers operating in Pennington County must:

- i. Have a Sales and/or Excise Tax License Number; and,
- ii. Have general liability insurance.

Proof of these documents must be registered with the Planning and Zoning Department prior to any work on on-site wastewater treatment systems in Pennington County and submitted with any necessary applications. Property Owners and/or homeowners installing an on-site wastewater treatment system on his or her own property that are certified installers of on-site wastewater treatment systems (as described below under INSTALLERS) are exempt from the sales and/or excise tax license and liability insurance requirements of service providers.

Installers:

Installer Certification Required - No person shall construct, install, alter, repair or offer to construct, install, alter or repair an on-site wastewater treatment system in Pennington County without certification from Pennington County.

Requirements – Pennington County shall issue certification to an applicant who satisfies all of the following requirements:

- i. Is at least 18 years of age;
- ii. Has received certification from South Dakota DENR for installation of on-site wastewater treatment systems;
- iii. Submits a properly completed application to Pennington County;
- iv. If the applicant has prior experience providing on-site wastewater treatment system services and has a current DENR installer certification, he or she must complete one of the following:
 - aa. Pass the National Environmental Health Association (NEHA) Certified Installer Examination (Basic or Advanced); or,
 - bb. Attend eight-hour Installer Education Course; or,
 - cc. Obtain Continuing Education Credits (minimum eight hours of contact time); or
- v. If the applicant has no prior experience, he or she must, at a minimum, pass the NEHA Basic On-site Wastewater Installer Certification Exam.

Pennington County shall require continuing education as a condition of certification and renewal. The Board of Commissioners, or its designee, shall determine the number of hours, a minimum of eight contact hours, per year. The Board of Commissioners, or its designee, may approve a continuing education program or course if that program or course provides useful educational information or experience that will enhance the construction, installation, repair, or alteration of on-site wastewater treatment systems.

Certification Renewal - All certifications shall expire two years from the application date. To renew a certification, an installer must submit an application for renewal and meet one of the following conditions:

- i. Attend eight-hour Installer Education Course; or,
- ii. Obtain Continuing Education Credits (minimum eight hours of contact time); or,
- iii. Pass the NEHA Certified Installer Examination (Basic or Advanced)

Liquid Waste Pumpers:

Pumper Certification Required - No person or entity shall pump septic tanks, pump tanks, holding tanks, and ATU's in Pennington County without meeting the requirements set forth in "Requirements for All Service Providers" above.

Requirements – A pumper who fills out an Observation Form for the purposes of the issuance of an Operating Permit, must, at a minimum, obtain the South Dakota DENR certification for installing on-site wastewater treatment systems.

Service Providers, O&M:

O&M Certification Required - No person shall perform operation and maintenance, typically on alternative, experimental or unconventional, on-site wastewater treatment systems in Pennington County without meeting the requirements set forth in "Requirements for All Service Providers" above.

Requirements – An O&M service provider must meet one of the two criteria:

- i. Be certified through manufacturer of equipment to be serviced or maintained, or,
- ii. Pass the NEHA Advanced Certified Installer Examination.

Timeframe For Which To Comply - All service providers operating in Pennington County for the purpose of constructing, installing, repairing, altering, servicing, maintaining or pumping on-site wastewater treatment systems must comply by February 11, 2011.

- q. Inspection of newly installed, altered or repaired on-site wastewater treatment systems.

New Construction, Installation, Alteration Or Repair - A person intending to construct, install, alter or repair a major component of an on-site wastewater treatment system shall, before construction begins, apply to Pennington County for an On-site Wastewater Treatment System Construction Permit. That person shall not begin construction until Pennington County approves the On-site Wastewater Treatment System Construction

Permit Application and the Preliminary Evaluation is complete. The process for obtaining an On-site Wastewater Treatment System Construction Permit will include the following:

- i. The property owner shall submit an On-site Wastewater Treatment System Construction Permit Application, which could include:
 - aa. Type of system.
 - bb. Components of the system.
 - cc. Size of septic tank or holding tank.
 - dd. Size of drainfield.
 - ee. Distance of system to pertinent areas (i.e. setbacks).
 - ff. Site plan.
 - gg. Floor plan of dwelling, including all finished and unfinished areas.
 - hh. Field evaluation.
 - ii. Soil profile log.
 - jj. Percolation test information.
 - kk. Source and location of domestic water supply.
 - ll. Replacement Area for absorption system.
 - mm. Printed name and signature of certified installer.

The On-site Wastewater Treatment System Construction Permit for a new on-site wastewater treatment system shall remain valid for 24 months from the date of issuance. The Planning Director may allow the term of the On-site Wastewater Treatment System Construction Permit to be extended for a 12-month period. The On-site Wastewater Treatment System Construction Permit for a repair, alteration, or replacement to an existing system shall remain valid for 6 months from the date of issuance. If the on-site wastewater treatment systems are not completed within the time limits as listed above, the permit, including any variances or decisions issued through the exception process or by the Planning Director, shall expire

- ii. Pennington County will conduct a Preliminary Evaluation of the proposed system. If the Preliminary Evaluation is acceptable, Pennington County will notify the property owner that construction of the system may begin. If the Preliminary Evaluation is not acceptable, Pennington County will specify changes or additions that must be made to the permit application to make it acceptable. The property owner may not begin construction until the Preliminary Evaluation is complete and acceptable.
- iii. Following construction of the system and before backfill of the system, Pennington County will conduct an on-site wastewater treatment system inspection.
- iv. Pennington County will complete a Final Evaluation Form, which includes:

- aa. System Sizing.
 - bb. Trench or bed configuration, if applicable.
 - cc. Engineered design and DENR approval, if applicable.
 - dd. Setbacks.
 - ee. Final “as-built” drawing of system – must be signed by an Installer certified in Pennington County.
 - ff. GPS coordinate of septic tank.
- v. Following the completion of the final evaluation by Pennington County, the system will then be registered with the County and an Operating Permit issued.
- r. Construction Permit Fees.

Fees to cover expenses, including, but not limited to: administration, overhead, labor, storage, training, mileage, analytical testing, etc., by the Planning and Zoning Department, shall be set by resolution by the Pennington County Board of Commissioners.

On-site Wastewater Treatment System Construction Permits:

- i. The fee for the inspection of an on-site wastewater treatment system shall be \$100 per inspection, with a \$300.00 minimum fee.
 - ii. The original fee (\$300) allows for a maximum three on-site inspections. Any additional inspections will require a fee of \$100.00.
 - iii. For inspections outside normal office hours, the rate shall be \$250 in addition to the original fee.
4. Exemption For Operating Permit
- a. Qualifications For Exemption:

To qualify for the exemption, the following criteria must be met:

- i. The land consists of not less than 40 acres of unplatted land; and,
 - ii. The land is not zoned Commercial, or Industrial.
5. Administration and Enforcement

- a. Notice of Non-Compliance and Corrective Action:

Upon receiving written notice from Pennington County of a violation of this Ordinance, the owner of the property containing such on-site wastewater treatment system shall, within 30 days, submit a proposed corrective action. Pennington County shall review the proposed corrective action and amend it as required to conform to this Ordinance. The

owner shall complete all necessary corrective actions within a maximum of 180 days following approval from Pennington County. Once final approval of the completed corrective action is granted, the system shall be deemed in compliance with this Ordinance.

b. Appeals:

Appeal to the Pennington County Planning Director:

An owner aggrieved by the decision made pursuant to Section 204-J, referencing their on-site wastewater treatment system, may appeal to the Pennington County Planning Director. The appeal must be in writing and must specify the grounds for appeal. The written appeal must be received by the Pennington County Planning Department no later than 30 days after actual receipt of the Notice of Non-Compliance by the owner or after the date of the Notice of Non-Compliance is mailed by the Planning Department, whichever is sooner. The Notice of Decision from the Planning Director, on that appeal, shall be mailed within 30 days after the receipt by the Planning Department of a timely appeal.

If the appeal to the Planning Director is denied, the owner may file a second appeal with the Pennington County Planning Commission. If the owner chooses not to file a second appeal, the owner shall complete all necessary corrective actions within a maximum of 180 days following the date the Notice of Decision was received. If the appeal is granted, the Planning Director will notify the owner with a Notice of Decision by mail.

Appeal to the Planning Commission:

If the appellant is not satisfied with the Pennington County Planning Director's decision, the appellant may file a second written appeal to be heard by the Pennington County Planning Commission. Such an appeal shall be filed with the Pennington County Planning Department no later than 30 days after receipt by the appellant of the Planning Director's decision or 30 days after the date the Notice of the Decision is mailed by the Pennington County Planning Department, whichever is sooner. The Planning Commission meets the second and fourth Monday of each month. The agenda for each meeting is prepared the first and third Monday of each month. A Notice of Hearing will be mailed to the appellant at least 14 days prior to their scheduled hearing date. The Planning Commission's decision and/or recommendation shall be forwarded to the next scheduled Pennington County Board of Commissioners meeting. The Board of Commissioners shall vote to uphold, overrule, or amend the decision and/or recommendation of the Planning Commission. The decision shall be final.

Dated this 21st day of February, 2012.

PENNINGTON COUNTY COMMISSION

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

J. SECOND READING OF ORDINANCE AMENDMENT / OA 11-09. Pennington County. Amendment to Section 512, Section 513, Section 514, and Section 515 to define and clarify established limits on application submittals and to revise section numbers.

To approve the second reading and adoption of of Ordinance Amendment / OA 11-09.

ORDINANCE #34-19

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 512: Section 512 shall be amended to read as follows:

SECTION 512 - AMENDMENTS

The regulations, restrictions, areas, and boundaries set forth in these Zoning Ordinances may, from time to time, be amended, supplemented, revised, or repealed as conditions warrant, subject to the following conditions:

A. Application:

An application for a proposed amendment shall be filed with the Planning Department. Amendments may be initiated by a property owner or his designated representative, by a governmental agency, or by the Commission.

B. Public Hearing:

Upon application, the Commission shall hold a public hearing on the proposed amendment. Notice of the public hearing shall be given at least ten (10) days prior in advance by publication in a newspaper having general circulation in the County. The Commission shall then submit its report to the Board. The proposed amendments shall be acted upon by the Board as other ordinances except that a public hearing shall be held prior to the adoption of such Zoning Ordinance. Notice of the time and place when and where such hearing shall occur shall be given at least ten (10) days in advance of the hearing date in a newspaper having general circulation in the County.

SECTION 513: Section 513 shall be amended to read as follows:

SECTION 513 – RESTRICTIONS ON APPLICATIONS UPON A DECISION OF THE RULING OF THE PLANNING COMMISSION OR COUNTY BOARD

A. Restrictions on Applications:

No more than one application for an Ordinance Amendment, Rezoning, Planned Unit Development, Conditional Use Permit, or Variance, may be submitted by an individual, or his representative, or agent, in any twelve (12) month period concerning the same or similar request except upon a showing by the applicant of a material change of circumstances sufficient to justify reconsideration of the proposed request. This section shall not apply to a governmental agency or the Commission.

If the request is denied without prejudice, the applicant may apply for the same request within a years' time without having to pay the application fees. However, the advertising fee will need to be paid by the applicant and the notice of hearing letters for neighboring property owners must also be completed by the applicant.

SECTION 514: Section 514 shall be amended to read as follows:

SECTION 514 - VIOLATIONS AND PENALTIES

A. In addition to all other remedies available to the County to prevent, correct or abate Ordinance violations, a violation of these Zoning Ordinances is also punishable by a fine and/or imprisonment pursuant to SDCL 7-18A-2 as provided below:

1. A fine not to exceed \$500.00 for each violation or by imprisonment for a period not to exceed 30 days for each violation, or by both the fine and imprisonment. Each day the violation continues shall constitute a separate violation. The date of the first violation shall be the date upon which the property owner first received notice of the violation

SECTION 515: Section 515 shall be amended to read as follows:

SECTION 515 - SEVERABILITY

These Zoning Ordinances and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of these Zoning Ordinances shall not be affected thereby.

SECTION 516: Section 516 shall be amended to read as follows:

SECTION 516 - REPEAL

Any ordinance or regulation or portion thereof in conflict with the provisions contained herein is hereby repealed.

Dated this 21st day of February, 2012.

PENNINGTON COUNTY COMMISSION

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

End of Consent Agenda.

K. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – ADVISORY GROUP RECOMMENDATIONS: (Cont. from 2/7/2012)

MOVED by Trautman and seconded by Buskerud to accept the Spring Creek Watershed and Implementation Project – Segment 2 and authorize the Chairperson’s signature on the letter of submission to South Dakota DENR. Vote: Unanimous.

MOVED by Buskerud and seconded by Trautman to move funds from Segment 1: Objective 1 to perform monitoring in Spring Creek in April, May and June 2012. This will include monitoring and analytical costs at 16 Spring Creek locations and above and below approximately 14 BMP locations. Analysis will include total phosphorus, nitrate as nitrogen, total suspended solids, E. coli, and Enterococcus. Vote: Unanimous.

MOVED by Trautman and seconded by Buskerud to accept the proposed Spring Creek Watershed and Implementation Project Segment 1 – 2012 BMP Cost List and Cost Share rates. Vote: Unanimous.

L. APPROVAL MS4 STORMWATER REPORT AND STORMWATER MANAGEMENT PLAN: MOVED by Trautman and seconded by Holloway to approve the MS4 Storm Water Management annual report and authorize the Chairperson’s signature thereto. Vote: Unanimous.

MOVED by Buskerud and seconded by Holloway to approve the 2012 MS4 Storm Water Management Plan and authorize the Chairperson’s signature thereto. Vote: Unanimous.

M. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-01: Robert Mills/Brandon Mills. To rezone 1.34 acres from Suburban Residential District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use Map from Suburban Residential District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

The N1/2 of Lot E of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Trautman to deny Rezone / RZ 12-02 and Comprehensive Plan Amendment / CA 12-01 pursuant to Planning Staff’s recommendation. MOVED by Davis and seconded by Buskerud to call the question. Vote: Unanimous. Roll call

vote on the motion to deny: Trautman – aye, Holloway – aye, Buskerud – aye, Davis – no, Peterson – no. The motion carried 3-2.

MOVED by Holloway and seconded by Trautman to have the Conditional Use Permit for the Mills property reviewed at an upcoming Planning Commission meeting. Vote: Unanimous.

EXECUTIVE SESSION PER SDCL 1-25-2

MOVED by Davis and seconded by Trautman to take a brief recess and convene in Executive Session at 1:15 p.m. Vote: Unanimous. The Board remained in Executive Session until 1:50 p.m. MOVED by Trautman and seconded by Holloway to adjourn from Executive Session. Vote: Unanimous.

A. Contractual/Pending Litigation Per SDCL 1-25-2(3)

MOVED by Holloway and seconded by Buskerud to authorize the Chairperson's signature on letters to South Dakota's congressional delegation on the Ellsworth Housing issue to seek their input and advice. Vote: Unanimous.

PERSONNEL

ESCC: Effective 3/1/2012 – N. Miller, \$3505.00.

Sheriff: Effective 2/15/2012 – A. Thompson, \$15.85/hr.; Effective 1/31/2012 - K. Mikkonen, \$15.47/hr.; Effective 2/20/2012 – P. Carroll, \$15.47/hr.; Effective 1/30/2012, S. McCoy, \$16.25/hr.

Jail: Effective 2/1/2012 – J. Rowenhorst, \$5865.00; Effective 3/5/2012, B. Bryant, \$15.09/hr.; Effective 1/22/2012, Z. Benton, \$17.91/hr.; Effective 2/13/2012, S. McCune, \$3778.00.

CCADP: Effective 2/3/2012 – V. Baker, \$16.63/hr.

VOUCHERS

A & A Property Management, 790.00; A & B Business Equipment, 18,704.57; A & B Welding Supply Co, 354.34; A To Z Shredding Inc, 1068.35; A-1 Sewer & Drain, Inc, 120.00; Ace Hardware-East, 85.38; Ace Steel And Recycling, 61.81; Ace Steele & Recycling, 5480.00; Active Data Systems Inc, 951.75; Adams-Isc, LLC, 2,914.80; Advanced Drug Testing Inc, 180.00; Al-Asfour, Ahmed, 600.00; Alley, Jason, 4,250.00; American Assoc Of State, 504.00; American Correctional, 300.00; American Correctional, 234.85; American Planning Assoc, 495.00; Americinn Motel, 1144.00; Amerigas, 69.56; Andersen, Norma J, 15.00; Apco International Inc, 552.00; Apria Health Care, Inc, 156.78; Arc International, Inc, 34124.85; Asphalt Institute, 261.60; Asphalt Maintenance, 2408.40; AT&T Services, Inc, 80.00; Atlantic Signal, 150.00; Audio Video Solutions, 174.00; Badlands Automotive, 570.89; Bailey Jd & Mp Merryman, 673.43; Bailey Jd & Mp Merryman, 3125.00; Banks, Bridgette R, 1027.50; Bargain Printing, 2148.09; Barnier, Greg, 1191.76; Behavior Management, 53342.50; Behrens Mortuary, 3400.00; Best Western Ramkota Inn, 252.00; Bh Bagels, 34.05; Bh Chemical Company Inc, 3704.08; Bh Hearing Health, 3973.66; Bh Insurance Agency, Inc, 60.00; Bh Obstetrics And, 154.18; Bh Orthopedic &, 1773.38; Bh Regional Eye Institute, 82.16; Bh Services Inc, 293.92; Bh State University, 133.00; Bh Truck & Trailer Inc, 47.06; Bh Vision, 10000.00; Bh Wilbert Vault, 566.00; Biegler, Greg Lpc,Ccdc Ii, 120.00; Biers, Dallas Q, 46.75; Bierschbach Equipment, 70.48; Big D Oil Co, 127.00; Billion Empire Motors, In, 48340.00; Bob Barker Company Inc, 433.63; Border States Electric, 1695.32; Bormes, Paul A, Md Pc, 91.10; Bortko,

Andrea C, 190.00; Box Butte Co Sheriff, 18.50; Bridger Steel, 52.00; Brimm, Dawn, 139.00; Bringswhite, Erik, 400.00; Business Equip Finance, 427.19; Butler Machinery Company, 213.17; Campbell County Sheriff's, 30.00; Carlson, Jean, 1389.00; Carol Butzman Consulting, 6773.41; Carquest Auto Parts, 247.90; Carroll's Appliance, 39.95; Carson Drug Llc, 49.85; Cash-Wa Distributing, 633.15; Cbcinnovis, Inc, 282.75; CBM Food Service, 52128.86; CDW Government Inc, 2612.10; Cedar Shore Resort, 1013.35; Century Business Prod Inc, 86.90; Certified Laboratories, 318.67; Channing Bete Co Inc, 2566.73; Chemsearch, 2022.58; Chris Supply Co Inc, 2163.95; City Of Rapid City, 2324.47; City Of Rapid City, 9663.33; Civic Research Institute, 179.95; Claims Associates Inc, 2500.00; Clark Printing, 1424.20; Clark, Virginia, 240.00; Coca-Cola Bottling Co Of, 366.00; Colbath, Angela M, 83.04; Commoncents Business, 155.50; Communication Services, 191.00; Contractors Insulation, 986.32; Contractors Supply, Inc, 94.80; Cornerstone Apartments, 750.00; Costello, Porter Et Al, 679.91; Countryside Property, 480.00; Crescent Electric Supply, 1308.77; Crisis Prevention, 125.00; Crop Production Service, 10820.00; Crum Electric Supply, 993.00; Cuny, Lynn, 150.00; Cwd-Aberdeen (Hrs), 754.20; D & F Truck And Auto, 1366.52; D & R Service Inc, 72.86; Daigle, Loretta J, 540.00; Dakota Designs Inc, 1335.00; Dakota Fluid Power Inc, 676.62; Dakota Plains Legal Srvs, 15,500.00; Dakota Radiator, 1815.40; Dakota Supply Group Inc, 553.61; Dakota Typewriter Exchang, 2708.44; Dale's Tire, 2068.68; Darnall-Knowlton, Tammie, 47.76; Davis, Kathy, 1131.45; Davis, Lester, 240.09; Dawson, Robert A, 205.00; De's Oil, Inc, 1160.48; Dell Marketing Lp, 1936.34; Dennis Supply - Rc, 745.50; Diamond Pharmacy Services, 17234.51; Diamond Vogel Paint Cntr, 238.90; Diesel Machinery Inc, 13203.45; Dietrich, Donna, 897.17; Dimaiio, Kathryn E, 216.60; Dlt Solutions Inc, 12675.84; Dodge Town Inc, 88.66; Doi/Blm Nat'l Interagency, 165.41; Doorn, Charlene, 169.00; Dreamdak Holding LLC, 740.00; Eagle Ridge Ii, Lp, 600.00; Eastern Penn Conservation, 8937.50; Eaton Electrical Inc, 4480.00; Ecolab Pest Elimination, 960.00; Ed Roehr Safety Products, 231.43; Eddie's Truck Sales, 303640.34; Eileen's Colossal Cookies, 12.85; Ekeren, Marv, 45.00; Election Systems, 9700.05; Enders, Jason, 25.00; Environmental Chemical, 1247.01; Eprovider Solutions, 399.00; Essential Learning, 98.00; Evergreen Office Products, 619.74; Executive Mgmt Fin Office, 40.00; Farmer Brothers Coffee, 558.34; Fastenal Company, 675.80; Federal Express, 24.40; Feehan & Cline, Pc, 3624.40; Fennell Design, Inc, 9476.95; Fiferman, Leslie, Ph.D., 350.00; Firesteel Technologies, I, 19480.00; First American Title Co, 6480.00; First Western Insurance, 500.00; Fischer Furniture Inc, 199.98; Fogsngal, Llp, 5562.87; Foley's Custom Print, 86.50; Fox, Youngberg & Lewno, 171.16; Francis, Bennie L, 240.00; Frederick, Elizabeth M, 84.82; Fremont Industries Inc, 463.25; French's Upholstery, 625.00; Fresh Start Carpet Care, 485.00; Fried, Cora, 188.80; G & H Distributing - Rc, 316.89; Garcia, Jerry J, 190.00; Geib, Elston, Frost PA, 202.03; Georgas, Paul, 190.00; Gibson, Loveletta Mae, 240.00; Godfrey Brake Service, 2194.71; Golden West Technologies, 1788.45; Gordon, John, 375.00; Gorton, Dennis, 61.00; Great Western Tire, Inc, 1732.86; Green Star Camper Center, 47.67; Grimm's Pump Service Inc, 597.52; Grode, William R, 421.00; Grote, Deb, 355.20; Gunderson,Palmer,Nelson, 2131.19; Gustave A Larson Company, 2597.93; Haggerty, Tiffany, 396.50; Harmelink, Fox &, 131.00; Harms Oil Company, 23552.77; Harris, Betsey, 605.50; Harveys Lock Shop, 500.32; Hauff Mid-America Sports, 1447.05; Haugo Broadcasting Inc, 1200.00; Hautala, Keith A, 200.00; Heartland Paper Company, 5572.44; Heavy Contractors, Inc, 99,713.48; Hein, Cheryl, 1820.00; Hendrickson, Kristina, 100.00; Henning, Gerald, 250.00; Herd's Ribbon & Laser, 523.40; Hewlett-Packard, 18501.00; Hill City Area Chamber Of, 80.00; Hillyard/Sioux Falls, 915.38; Hoffman, Fredrick Dustin, 630.00; Howell, Jack K, 64.60; Hudgens, Sue, 12.00; Hughes County Sheriff, 137.90;

Humane Society Of The Bh, 4166.67; Huron Culvert & Tank Co, 190.80; Ic Solutions, 515.75; Ikon Office Solutions, 802.66; Ikon Office Solutions, 170.00; Independent Optical, 70.00; Indoff Inc, 3203.82; Industrial Electric, 994.30; Interstate All Battery, 1024.91; Interstate Batteries, 848.60; Intoximeters Inc, 4172.25; J & P Industrial Cleaning, 400.00; Janz, Donald A, 2200.00; Jefferson Partner Lp, 812.60; Jenner Equipment Co., 1543.01; Jj's Engraving & Sales, 166.00; Johnson Machine Inc, 3224.58; Johnson's Carpet, 3215.00; Johnston, Nicola L, 190.00; K & D Appliance Service, 60.00; K-Mart, 199.51; Kappedal, Jean, Csr, 2185.00; Kittelson, Joan, 15.00; Klapkin, Aaron, 168.00; Knecht Home Center Inc, 635.68; Knigge, Clark, 240.00; Knollwood Development Lp, 190.00; Knology, 295.81; Kone Inc, 5433.87; Ksl Corporation(Atty Fees, 697.00; Kt Connections, 645.00; Kurylas, Roman, 140.00; Laboratory Corporation Of, 42.00; Lamb Motors, 22217.00; Language Line Services, 50.00; Lattice Incorporated, 31.30; Lawson Products Inc, 471.77; Leo A Daly, 76057.38; Lighting Maintenance Co., 75.00; Lincoln County Auditor, 141.79; Lindquist & Vennum Pllp, 2400.00; Lindstrom, Joan, 625.00; Little Print Shop Inc The, 359.00; Login, 1200.00; Lowe's, 149.66; Lutheran Social Service, 140.00; Magnum Electronics, Inc, 1200.00; Maher, William, 270.00; Makepeace, Sean, 125.00; Manlove Psychiatric Group, 3350.02; Maplewood Townhouses, 617.00; Marco, Inc, 1603.85; Matheson Tri-Gas, Inc, 326.54; Mayer, Donna, 166.60; McGas Propane LLC, 696.90; McGowan, Wendy T, 4003.85; McKie Ford Inc, 30,000.00; McLeod's Printing Inc, 109.80; Meade School District, 30.00; Medical Waste Transport., 701.04; Medicap Pharmacy, 443.20; Medicap Pharmacy - St Pat, 6489.79; Medline Industries Inc, 881.88; Mednansky, Douglas, 1324.50; Memorial Hospital Of Lara, 550.90; Menards, 885.99; Mercy Housing SD2, LLC, 115.00; Meyer, Tiffany, 31.82; Mg Oil Company, 48636.07; Midcontinent Testing Lab, 240.00; Midwest Cooperatives, 25330.71; Midwest Marketing LLC, 635.53; Midwest Motor Supply Co, 1052.01; Mikelson, Gary E, 45.00; Minnehaha County Auditor, 135.00; Minnesota Estates Ii, 40.00; Monte Kahler Rentals, 190.00; Moore Medical Corp, 2750.09; Moran, Patty, 1260.00; Moss, William A, Psyd,LLC, 520.00; Motive Parts & Supply Inc, 301.61; Motor Coach Industries In, 52.95; Motorola Solutions, Inc, 67,300.00; MRO Corporation, 53.21; Mrs Land, LLC, 2500.00; Mt Plains Evaluation LLC, 400.00; NAADAC, 1100.00; NAED, 420.00; Nelson, Diana, 2525.00; Nelsons Oil & Gas Inc, 1732.50; Neve's Uniforms Inc, 890.67; Newkirk's Ace Hrdwre-East, 607.72; Newkirk's Ace Hrdwre-West, 761.42; Nooney Solay & Van Norman, 483.80; North Central Supply Inc, 435.20; North Western Engineering, 190.00; Northwest Pipe Fitting In, 692.65; O'Day, Valarie, 896.80; Officemax Incorporated, 238.49; Orrock, Kenneth Eby, 1902.40; Overhead Door Co Of Rc, 312.37; Pacific Hide & Fur Depot, 17.36; Paikos, Shannon, 240.00; Paradis Properties LLC, 520.00; Parks, Ashlie, 60.00; Pearson, Julie A, 499.96; Peckosh, Thomas F, 150.00; Penn Co Equalization, 38.79; Penn Co Health & Human Sv, 282.33; Penn Co Highway, 187.51; Penn Co Jsc, 71.58; Penn Co Search & Rescue, 173.26; Penn Co Sheriff, 1871.97; Penn Co States Atty, 91.45; Pennington County Courant, 1156.58; Pennington County Housing, 935.00; Pheasant Country Express, 10,976.00; Philip Health Services In, 35.00; Phoenix Supply LLC, 283.31; Pilgrim, Joseph C, 190.00; Pine Lawn Memorial Park, 1290.00; Pioneer Enterprises, Inc, 3705.00; Plumbmaster Inc, 667.02; Pollard, Jerry, 90.00; Ponderosa Sportswear, 20.40; Power House Honda, 208.76; Prairie Acres, LLC, 255.00; Pratt, Linda, 52.00; Pro Windmill, Inc, 98.00; Psychological Assoc. Of, 500.00; Psychological Evaluations, 585.00; Quantum Labs Inc, 318.80; Quill Corporation, 221.76; Rangel, Elisa, 1000.00; Rapid Chevrolet Co Inc, 452.05; Rapid Creek Partners, 240.00; Rapid Diesel, Inc, 1275.42; Rapid Leasing, 490.40; Rapid Rooter, 310.00; Rapid Transit System, 470.00; Rapidcare, 140.00; RC Area School Dist 51-4, 1093.13; RC Chamber Of Commerce, 18.00; RC Economic Development,

10000.00; RC Emergency Services, 369.22; RC Journal, 5098.76; RC Police Dept-Evidence, 2408.80; RC Regional Hospital, Inc, 28581.83; RC Regional Hospital, Inc, 233.00; RC Regional Hospital, Inc, 91.61; RC Regional Hospital, Inc, 123.54; RDO Equipment Co, 1792.10; Record Storage Solutions, 694.80; Redwood Biotech, Inc, 3195.66; Redwood Toxicology, 1212.98; Regional Health Physician, 1935.86; Rehfuss, Cathryn, 15.00; Repair Shop The, 460.82; Reuer, Allen, 1225.00; Rhodes Chemical Of The Bh, 72.00; Rochester Armored Car, 358.40; Roger Frye's Paint Supply, 205.11; Romey, Karen, 17.00; Rooks Works, LLC, 1700.00; Roush Moving & Storage, 3900.00; Royal Wheel Alignment, 45.00; Rugh, Betty, 240.00; Runnings Supply Inc, 194.95; Rushmore Communications, 209.40; Sanford, 145.00; Sargent, Matt, 153.06; Schiley, Buck, 1015.00; Schneller, John Dr, 1601.25; Schreiner Enterprises, In, 75.40; Schwochow, Dale, 25.00; SD Assoc Of Cnty Hwy Supt, 160.00; SD Board Of Technical, 80.00; SD Dept Of Health, 100.00; SD Dept Of Public Safety, 40.00; SD Dept Of Revenue, 241.00; SD Dept Of Transp-Finance, 4246.19; SD Div Of Motor Vehicles, 66.00; SD Engineering Society, 115.00; SD Federal Prop Agency, 444.00; SD Human Services Center, 2433.20; SD Law Review, 33.02; SD Planners Association, 330.00; SD Redbook Fund, 72.00; SD Secretary Of State, 60.00; SD Society Of Fire, 25.00; SDACC, 13703.05; SDSU SNA West River Nursing, 120.00; Sears Commercial One, 184.89; Semloh Property, LLC, 190.00; Semmler, Mia, 17.00; Servall Uniform/Linen Co, 4167.13; Sherwin Williams Paints, 202.93; Shi International Corp, 5092.00; Shrm, 180.00; Sign & Trophy/Westex, 92.00; Simpson's Printing, 85.00; Sjodin, Ronald, 240.00; Skinner & Winter Prof, LLC, 4286.80; Smith, Kendra, 1186.69; Smith, Roman, 52.00; Smoot & Utzman, 1717.00; Sour Lemons, LLC, 190.00; South Creek Village, 300.00; Southern Hills Publishing, 1006.01; Southwest Thermal, 617.58; Spizzirri Press, Inc, 120.00; Stan Houston Equipment, 174.25; State Radio Communication, 5280.00; Steam Cleaning Specialist, 1845.00; Stec's Advertising, 93.16; Stewart, Cathy L, 40.00; Sturdevant's Refinish, 50.66; Sturdevant's-Rapid City, 477.26; Summit Signs & Supply Inc, 287.50; Sundby, Robert T, 240.00; Swanda, Karen, 90.00; Swanson Services Corp, 252.54; T & C Properties, LLC, 240.00; Tessier's Inc, 12000.00; The Center For Public, 360.00; Thiewes, Bruce, 50.10; Thom, Kevin, 1158.80; Tice, Barry, 276.09; Time Equip Rental & Sales, 530.51; Timekeeping Systems, Inc, 965.00; Titan Machinery, 140.99; TNT Homes & Const, LLC, 1270.00; Tomaride LLC, 190.00; Tow Pros, 250.00; Toyota Of The Bh, 11.35; Toyota Of The BH, 22,499.00; Tractor Supply Credit Pla, 11.78; Tractor Supply Credit Pla, 242.99; Treloar, Jolene, 190.00; Twilight First Aid &, 108.70; Twl Billing Service &, 2730.35; Ultimate Office, 361.41; Urban, Katy, 28.00; US Bank Trust Na/Debt Mgt, 2800.00; US Postal Service, 4257.11; US Postmaster - Bulk Prmt, 10000.00; US Postmaster - Bulk Prmt, 10872.23; US Postmaster - Pre-Sort, 190.00; USD School Of Law, 35.00; Vanway Trophy & Awards, 9.20; Vermeer High Plains, 665.68; Von Wald, Lynn, 240.00; Walker Napa Auto Parts, 144.49; Wall Building Center, 127.42; Watertree, Inc, 693.00; Watson Law Office, P.C., 70.11; Weichmann, Cynthia, 119.20; Wellspring, Inc, 3791.02; Wendell Law Office, Pc, 254.20; Wessel, Al Jr, MD, 4800.00; West Payment Center, 4089.11; West River Anesthesiology, 288.00; West River Intrntnl Inc, 518.58; Western Communication Inc, 7390.00; Western Mailers, 22.60; Western Stationers Inc, 1855.44; Westmed Rehab Inc, 400.00; Weyrich Enterprises, Inc, 204.73; Whisler Bearing Co, 681.58; Whispering Pines VFD, 423.13; White, Alexa, 52.00; Wilson, Debra A, 245.00; Wolf, Ione, 386.00; Wood Stock Supply, 62.89; Wood, Brenda, 35.00; Workop SD, LLC, 190.00; Wright Express Fsc, 275.93; Wright Express Fsc, 392.67; Wright Express Fsc, 212.29; Ziggy's, 24.43; 123 Securityproducts.C, 312.78; Karl'S Tv Audio & Appl, 85.00; A A Horwath And Sons, 785.40; All Continent, SD US, 90.00; Allied Time USA Inc, 78.00; Amazon Mktplace Pmts, 78.79; Amazon.Com, 19.02; American Inst

Supply, -419.73; Barcode Commerce Inc., 1,080.00; Best Buy, 1,349.89; Black Hills Chemical, 4,501.14; Black Hills Chemical, (475.00); Black Hills State Univ, 45.00; Bob Barker Company, 4,332.96; Browns Small Engine Repair, 52.30; Chris Supply, 30.95; Clean It Supply, 94.40; Cooks Direct, 80.49; Copy Country, 1,156.50; Corrections Products Comp, 137.15; CPI Us Dollars, 623.78; Cross Border Trans Fee, 1.00; Dash Medical Gloves, 3,853.30; Days Inns Pierre, 46.50; Dharma Trading, Co., 207.95; Diamond Vogel Paint Cent, 282.14; Discount Ramps.Com, 189.99; Dodge Town Inc, 19.26; Fischer Furniture, 1,047.00; G And H Distributing, 86.92; Hillyard Inc Sioux Falls, 648.90; Hobby-Lobby, 807.44; Iacp, 120.00; Indoff Incorporated, 729.89; Infinite Skills Inc., 99.95; JJS Engraving, 9.00; Knecht Home Center Of RC, 47.01; Mckie Ford Lincoln, 452.33; McMaster-Carr, 228.70; Menards, 17.49; Moore Medical LLC Web, 220.85; National Sheriffs Assn, 125.00; Network Solutions, LLC, 80.00; Neve'S Uniforms, 2,371.44; Print Mark-Et, 64.90; Radiation Detection, 140.00; Rapid Chevrolet-Cadillac, 19.57; River Lodge, (50.46); Royal Wheel Alignment, 32.50; SHRM Housing, 207.64; SHRM.Org, (1,495.00); Sign Express, 50.00; South Dakota Career Plann, 250.00; Sturdevant's Auto Parts, 163.19; Sturdevant'S Auto Parts, 1,070.38; Summit Signs & Supply Inc, 15.20; Super Pc LLC, 269.99; Symbol Arts Web, 747.50; The Ups Store, 9.71; Ultimate Office Solution, 132.25; United Air, 937.30; United Air, 937.30; United Air, 467.90; Universal Appliance Parts, 69.85; Vanway Trophy & Award Inc -, 92.45; Verizon Wrls MyAcct Vn, 4,782.06; Western Dakota Vocational, 75.00; Westside Electric Supp, 191.96; Wm Supercenter, 1,351.29; www.Cvs.Com, 74.13; www.Newegg.Com, 305.98; First Interstate Bank, 292.58; SD Dept of Revenue, 13,820.33; Knology, 573.92; Rodney Alexander, 865.00; Wright Express FSC, 7,512.56; Midcontinent Comm, 1,262.00; Orbitcom Inc., 45.75; Golden West Technologie, 52.50; City of RC-Water, 11,673.80; Kieffer Sanitation, 2,720.59; BH Power Inc., 42,337.26; FSH Communications, 60.00; Qwest Corp, 7,591.20; Executive Mgmt Fin Office, 25.33; Red River Service Corp, 45.89; Walker Refuse, 107.25; First Administrators, 103,382.25; Verizon, 472.12; Montana Dakota Utilities, 7,931.11; Rainbow Gas Co, 11,119.12.

ADJOURN

MOVED by Davis and seconded by Holloway to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:50 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: March 7, 2012