

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS MINUTES  
April 17, 2012**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, April 17, 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, Don Holloway and Nancy Trautman.

**APPROVAL OF THE AGENDA**

MOVED by Davis and seconded by Trautman to remove Item 20, Request Approval of the Joint Powers Agreements (City and State) and Additional FTEs, at the request of the director of the Emergency Services Communications Center and approve the agenda as amended. 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 Buskerud and seconded by Davis to approve Consent Agenda Items 5-14 as presented. Vote: Unanimous.

5. Approve the minutes of the April 3, 2012, special 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 \$2,220,816.12 and authorize the Chairperson's signature.
7. Recognize and thank the Pennington County volunteers for the month of March 2012. The list of volunteers is on file in the Human Resources office.

**Auditor's Office**

8. To set and approve the Civil Township Bonds for the Treasurers and Clerks pursuant to the recommendation of the Pennington County Auditor.

<u>Township</u>	<u>Clerk Bond</u>	<u>Treasurer Bond</u>
Quinn #1	\$15,000	\$15,000
Wasta #2	\$5,000	\$15,000
Cedar Butte #4	\$5,000	\$20,000
Lake Hill #5	\$5,000	\$25,000
Lake Creek #6	\$5,000	\$15,000
Scenic #7	\$5,000	\$55,000
Lake Flat #8	\$5,000	\$20,000
Peno #9	\$50,000	\$50,000

Huron #10	\$50,000	\$50,000
Flat Butte #12	Same Person	\$17,000
Owanka #13	\$5,000	\$20,000
Ash #16	\$5,000	\$20,000
Castle Butte #18	\$50,000	\$50,000
Rainy Creek Cheyenne #19	\$5,000	\$25,000
Conata #20	Same Person	\$35,000
Fairview #22	\$5,000	\$17,000
Imlay #24	Same Person	\$20,000
Crooked Creek #25	\$50,000	\$50,000
Sunnyside #26	\$10,000	\$15,000
Shyne #27	Same Person	\$10,000

9. Budget Supplement SP12-014 - To schedule a hearing for 9:15 a.m. on May 1, 2012, to supplement the 2012 General Fund ITS budget in the amount of \$30,858 from Assigned IT Equipment fund balance.

Emergency Management

10. Approve the 2<sup>nd</sup> Quarter (SLA) State and Local Agreement Report and authorize the Chairperson’s signature.

Buildings and Grounds

11. PC Campus Expansion Project – To authorize the Chairperson’s signature to the “Electric Easement – Underground” prepared by Black Hills Power.

Highway Department

12. Approve the request to declare the following vehicles and equipment surplus to sell at auction.

<u>DESCRIPTION</u>	<u>VIN</u>	<u>ASSET NUMBER</u>
1991 Chevy Suburban	1GNFK16K6NJ32436	005095
1994 Chevy Suburban	1GNGK26N6RJ376451	005096
1992 Chevy K2500 Pickup	1GCFK24H6NZ162301	005120
1997 Chevy 4X4 S10 Pickup	1GCDT14X9V8191402	005255
1988 Freightliner Tractor	1FUNZXYB2JH405830	050029
1988 Freightliner Tractor	1FUPZXYB0JH406813	050036
1993 Freightliner Tractor	1FUYFXYP4PP491229	002698
1981 Galion Roller	6196	050067
1978 Warner & Swasey Hydroscopic Badger	147499	050081
1986 Trail King Trailer	1TKA04433GM057319	050117
1997 Zimmerman Patching Unit	4848EHF412DD121KDV	004354
1991 Dakota Extended Cab S10 Topper	1B7GG23XXMS353399	N/A

13. To authorize the Highway Department to advertise for bids for Nemo Road Bridge repairs for STR 52-324-266, STR 52-321-266, and STR. 52-306-261.

14. To approve the Highway Department request to hire Bill Anderson on a part-time basis at an hourly rate of \$37.53/hr.

**End of Consent Agenda.**

**REQUEST TO USE PREVIOUSLY ALLOCATED FUNDS FOR 70<sup>TH</sup> ANNIVERSARY OF ELLSWORTH AIR FORCE BASE – ELLSWORTH TASK FORCE – Pat McElgunn:**

MOVED by Davis and seconded by Holloway to approve the concept of using \$1,000 budgeted for the Ellsworth Task Force for the 70<sup>th</sup> anniversary of Ellsworth Air Force Base celebration. Vote: Unanimous.

**RESOLUTION FORMING THE EASTERN PENNINGTON COUNTY AMBULANCE DISTRICT:**

MOVED by Holloway and seconded by Buskerud to deny the request to approve the resolution to form the Eastern Pennington County Ambulance District. Substitute motion: MOVED by Davis and seconded by Petersen to approve the resolution forming the Eastern Pennington County Ambulance District but excluding Imlay, Scenic, Castle Butte, and Conata Townships. Roll call vote on the substitute motion: Trautman – no, Holloway – no, Buskerud – no, Davis – yes and Peterson – yes. The vote failed 3-2. The roll call vote on the motion to deny passed unanimously: Petersen - aye, Buskerud - aye, Davis - aye, Holloway - aye, Trautman – aye.

**SDSU/PENNINGTON COUNTY EXTENSION – Dr. Barry Dunn**

A. Proposed 4-H Promotions and Expansion Committee/Extension Advisory Board

B. Memorandums of Understanding

MOVED by Trautman and seconded by Holloway to approve the Chairperson’s signature on the *Memorandum of Understanding Between SDSU Extension and Counties of South Dakota 2012* pursuant to approval of language by the Commission Assistant and Deputy State’s Attorney. Vote: 4-1 with Davis voting no.

MOVED by Holloway and seconded by Petersen to approve the Chairperson’s signature on the *Memorandum of Understanding Between Pennington County and South Dakota State University Extension Expanded Food and Nutrition Education Program (EFNEP)*. Vote: The motion carried 3-2 with Davis and Trautman voting no.

MOVED by Holloway and seconded by Trautman to authorize the Commission Assistant to advertise to fill vacancies on the Pennington County Extension Advisory Board. Vote: Unanimous.

**ITEMS FROM AUDITOR**

A. General Fund Supplement SP12-012 – Senior Citizen’s Budget: MOVED by Buskerud and seconded by Trautman to approve a supplement to the 2012 General Fund Senior Citizen budget in the amount of \$2,290 from unassigned fund balance. Vote: Unanimous.

B. General Fund Supplement SP12-013 – Search and Rescue Budget: MOVED by Holloway and seconded by Trautman to approve a supplement the 2012 General Fund Search & Rescue budget in the amount of \$6,722 from unassigned fund balance. Vote: Unanimous.

**ITEMS FROM SHERIFF**

A. Request for Equipment Reserve Funds – Virtual Server and Supplement Hearing (SP12-015): MOVED by Buskerud and seconded by Holloway to approve the request for \$50,000 from the County Equipment Reserve Fund to replace 17 servers with one virtual server and further moved to schedule a hearing at 9:15 a.m. on May 1, 2012, to supplement the General Fund Jail budget in the amount of \$50,000 from assigned Equipment Reserves. Vote: Unanimous.

MOVED by Davis and seconded by Trautman to take a brief recess. Vote: Unanimous. The Board recessed at 11:10 a.m. and reconvened at 11:22 a.m.

**ITEMS FROM HEALTH CARE TRUST BOARD**

A. Request for Funds for Stop Loss Premium Increase: MOVED by Holloway and seconded by Trautman to include an additional \$181,387 in the 2013 budget for the Stop Loss Premium increase, and further moved that the additional funds not be handled as a supplement from General Fund reserves. The motion carried 4-1 with Buskerud opposing.

B. Premium Increase: MOVED by Holloway and seconded by Trautman, for 2013 budgeting purposes, to accept the recommendation of the Health Care Trust Board for a 5% premium increase. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

A. Award Recommendation for Structure Rehabilitation of Bridge 52-940-159 near Creighton, SD: MOVED by Davis and seconded by Trautman to approve Resolution 04-17-2012, awarding project BRO 8052(51) H117, Pennington County Structure Rehabilitation, to J.V. Bailey Company Inc., in the amount of \$52,816. Vote: Unanimous.

**RESOLUTION 04-17-2012**

WHEREAS, Abstract of Bids furnished by the South Dakota Department of Transportation for Project BRO8052(51), PCN H117, Structure Rehabilitation Bridge Deck Replacement, Pennington County, Item 2, April 4, 2012. Letting reflects J.V. Bailey Co., Inc., of Rapid City, South Dakota, to be the low bidder of four (4) bidders with a proposal of \$52,816;

WHEREAS, the bid is \$10,256 or 16.3% below the South Dakota Department of Transportation Engineer’s estimate of \$63,072;

WHEREAS, the South Dakota Transportation Commission on April 4, 2012, awarded the contract to J.V. Bailey Co., of Rapid City, South Dakota, subject to the approval of the Board of County Commissioners of Pennington County;

WHEREAS, the South Dakota Department of Transportation needs to have a Resolution passed by the Pennington County Board of Commissioners either awarding the contract or rejecting all bids;

THEREFORE, the Pennington County Board of Commissioners recommends the awarding of the contract to J.V. Bailey Co., Inc., Rapid City, South Dakota, in the amount of \$52,816.

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

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

Dated this 17<sup>th</sup> day of April, 2012.

**ITEMS FROM INFORMATION TECHNOLOGY SERVICES**

A. Request for Approval of New Job Description – Programmer II: MOVED by Buskerud and seconded by Davis to create the Programmer II Job Description at Grade 17. Vote: Unanimous.

B. Request for Approval to Re-Grade Current IT/S Positions: MOVED by Trautman and seconded by Holloway to approve the proposed new grades for the following positions: Programmer I, Grade 17; Programmer II, Grade 19; Systems Analyst, Grade 20; Network Technician, Grade 19; IT Systems Engineer, Grade 21; IT/S Chief Deputy, Grade 22; IT/S Director, Grade 25. Vote: Unanimous.

**SECOND READING & PUBLIC HEARING OF PENNINGTON COUNTY ORDINANCE #632 – ORDINANCE REGULATING OPEN BURNING**

MOVED by Holloway and seconded by Trautman to approve the second reading of Pennington County Ordinance #632 – Ordinance Regulating Open Burning: Vote: Unanimous.

**PENNINGTON COUNTY ORDINANCE NO. 632  
AN ORDINANCE REGULATING OPEN BURNING IN PENNINGTON COUNTY**

**WHEREAS**, the Commissioners of Pennington County are charged with protecting the health and safety of the citizens of Pennington County, including all property situated therein; and

**WHEREAS**, South Dakota Codified Law (SDCL) § 7-8-20(18) authorizes the Pennington County Commission to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

**WHEREAS**, the Fire Administrator of Pennington County has consulted with local fire officials and law enforcement officials concerning the threat of wildfire from open burning under certain climatic conditions; and

**WHEREAS**, the Commissioners of Pennington County have determined that in the interest of public health and safety, it is prudent to prohibit open burning (open fire) when climatic conditions indicate the threat of wildfire in Pennington County; and

**WHEREAS**, the Commissioners of Pennington County, pursuant to SDCL § 7-18A-8, hereby deem it necessary for the immediate preservation of the public health and safety to adopt the restrictions set forth in this Ordinance and it is the intent of the Pennington County Board of Commissioners that the provisions of this Ordinance shall take effect immediately upon passage by the Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

**SECTION I. DEFINITIONS:**

- A. **Open Fire:** Means any outdoor fire, including a campfire, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. Open Fire shall not include Charcoal Grills, Liquid Fuel Grills, Outdoor Fireplaces, Branding Iron Burners or Burn Barrels as defined herein.
- B. **Charcoal Grill:** Means a metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.
- C. **Liquid Fuel Grill:** Means a metal or stone device designed to cook food using liquefied or gaseous combustible fuel.
- D. **Burn Barrel:** Means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal. Burn Barrels must have a metal grate covering at any time when being used. Burn Barrels must be located in a safety zone devoid of all combustible materials 15 feet in radius from the center of the Burn Barrel.
- E. **Outdoor Fireplace:** Means a manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, including a screen, chimney or other device placed above the fuel area, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually attended.
- F. **Branding Iron Burner:** A stove, furnace or device used to heat irons for the purpose of branding livestock, heated by wood, liquid fuel or other means and constructed so

that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the open atmosphere.

- G. **Campground:** Means any permitted commercial campground operated by private individuals or corporations, State of South Dakota or United States Forest Service.

SECTION II. **REGULATIONS:**

A. **Open Fire:**

1. No person shall set any open fire in Pennington County, outside the boundaries of any municipality, when the National Weather Service has declared the Grassland Fire Danger Index to be in the very high or extreme category in Pennington County. The prohibition against Open Fire as provided herein shall automatically be suspended during any time period the Grassland Fire Danger Index falls below the very high category in Pennington County.

B. **Burn Barrels:**

1. Special regulation: No person may ignite a fire in a burn barrel when the National Weather Service has declared the Grassland Fire Danger Index to be in the extreme category in Pennington County. Use of burn barrels as defined herein is allowed only when the Grassland Fire Danger Index falls below the extreme category in Pennington County.

C. **Campgrounds:**

1. The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any permitted commercial, state or federal campgrounds unless otherwise specifically banned by resolution of the Pennington County Board of Commissioners.

SECTION III. **PENALTY:**

- A. The penalty for each violation of this ordinance shall be a fine of \$500.00 or 30 days in jail or both.
- B. Any violator of this ordinance is subject to the suppression costs of extinguishing the fire.
- C. Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.
- D. The permissibility of the ignition of any fire as specified herein shall not operate to relieve the ignitor of any duty of care otherwise imposed by law; nor shall this

ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire.

Adopted this 17<sup>th</sup> day of April, 2012 by the  
PENNINGTON COUNTY COMMISSION:  
/s/ Lyndell Petersen, Chairman

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

**PENNINGTON COUNTY ELECTED OFFICIALS SALARY POLICY**

MOVED by Trautman and seconded by Holloway to adopt the Resolution, Pennington County Elected Officials Wage Policy, with the salaries recommended by Gayle Jorgenson, the Sheriff at \$95,000, State's Attorney at \$90,000, Treasurer and Auditor at \$80,000 and Register of Deeds at \$70,000.

Substitute motion: MOVED by Davis and seconded by Buskerud to accept the salaries originally proposed by Commissioner Buskerud with the sheriff at \$86,681, the Auditor, Treasurer and Register of Deeds at \$65,113, the State's Attorney \$78,802 and County Commissioners at \$14,400. Roll call vote on the substitute motion: Trautman – no, Holloway – yes, Buskerud – yes, Davis – yes, Petersen – no. The motion carried 3-2.

**APPOINTMENT OF PENNINGTON COUNTY WEED & PEST BOARD MEMBERS – UNITS 1 & 2**

MOVED by Buskerud and seconded by Trautman to appoint Judy Haas to the Pennington County Weed & Pest Board in Unit 2. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to appoint Mark Kieffer to the Pennington County Weed & Pest Board in Unit 1. Vote: Unanimous.

**ITEMS FROM CHAIR**

A. May 15, 2012, Commission Meeting Date – SD Homeland Security Conference Conflict: No action was taken on this item.

**REQUEST FOR REFUND OF PENALTIES & FEES – GLENN & DELLA WISHARD**

MOVED by Trautman and seconded by Davis to approve the request to waive the conditional use permit penalty fees totaling \$800 and the doubled building permit fee of \$415 for Glenn and Della Wishard. Vote: Unanimous.

**ITEMS FROM PLANNING AND 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 – L as presented.  
Vote: Unanimous.

A. ROAD NAME CHANGE: Pennington County. To change the road name of Saturn Street and Saturn Court to Saturn Drive for the right-of-way located in Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the road name change to Saturn Drive.

B. MINOR PLAT / PL 12-07 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-02: Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lot SD100-Lot 1 of WDRPI-SD100 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the S1/2 of Section 3; Section 4; and the NW1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot SD100 - Lot 1 of WDRPI-SD100 Subdivision, Sections 3, 4, and 10, T1S, R15E, BHM, Pennington County, South Dakota.

To approve, pursuant to Planning Commission recommendation, Subdivision Regulations Variance / SV 12-02 to waive submittal of the 8 foot utility and minor drainage easements, to waive improvements to the Section Line Right-of-Way, to waive legal access, to waive percolation tests and soil profile information, to waive the scale of the plat at 1 inch = 100 feet, and major drainage easements and topography at 5 foot contours with approval of Minor Plat / PL 12-07 with (1) condition: 1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit.

C. LAYOUT PLAT / PL 12-08: Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lots 1-3 of WDRPI-SD101 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of Section 2 (less SE1/4) and a Portion of the NW1/4NE1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of WDRPI-SD101 Subdivision, Sections 2 and 10, T1S, R15E, BHM, Pennington County, South Dakota.

To approve Layout Plat / PL 12-08 with ten (10) conditions pursuant to Planning Commission recommendation:

1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;
2. That prior to County Board approval of the Minor Plat, Lot Size Variances must be obtained for the two lots that are less

than 40 acres; 3. That prior to Minor Plat submittal, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement; 4. That prior to Minor Plat submittal, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement; 5. That prior to Minor Plat submittal, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement; 6. That prior to Minor Plat submittal, the plat should be rescaled to a scale of not more than 1 inch = 100 feet or obtain approval of a Subdivision Regulations Variance waiving this requirement; 7. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement; 8. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit; 9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement; and, 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

D. LAYOUT PLAT / PL 12-09: Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lots 1-4 of WDRPI-SD097 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the NE1/4NE1/4 of Section 20, the E1/2SE1/4 of Section 17, Section 16 (less SE1/4), Section 9 (less NW1/4), Section 10 (less SE1/4), Section 11 (less NE1/4), the SW1/4 of Section 12, the NE1/4SE1/4 of Section 13, T1N, R14E, and Government Lot 4 of Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4 of WDRPI-SD097 Subdivision, Sections 9, 10, 11, 12, 13, 16, 17, and 20, T1N, R14E, and Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

To approve Layout Plat / PL 12-09 with the following ten (10) conditions pursuant to Planning Commission recommendation: 1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement; 2. That prior to County Board approval of the Minor Plat, Lot Size Variances must be obtained for the two lots that are less than 40 acres; 3. That prior to Minor Plat submittal, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement; 4. That prior to Minor Plat submittal, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement; 5. That prior to Minor Plat submittal, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement; 6. That prior to Minor Plat submittal, the plat should be rescaled to a scale of not more than 1 inch = 100 feet or obtain approval of a Subdivision Regulations Variance waiving this requirement; 7. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement; 8. That at the time of construction of the

railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit; 9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement; and, 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

E. LAYOUT PLAT / PL 12-10: Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the SE1/4SE1/4 of Section 19; Section 20 (less NW1/4); E1/2 of Section 30; and the W1/2NE1/4 of Section 31, T1N, R14E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision, Sections 19, 20, 30, and 31, T1N, R14E, BHM, Pennington County, South Dakota.

To approve Layout Plat / PL 12-10 with eleven (11) conditions pursuant to Planning Commission recommendation.

1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;
2. That prior to County Board approval of the Minor Plat, Lot Size Variances must be obtained for all the lots less than 40 acres;
3. That prior to Minor Plat submittal, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement;
4. That the floodplain be shown on the plat and Floodplain Statement be on the plat;
5. That prior to Minor Plat submittal, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement;
6. That prior to Minor Plat submittal, the plat should be rescaled to a scale of not more than 1 inch = 100 feet or obtain approval of a Subdivision Regulations Variance waiving this requirement;
7. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement;
8. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit;
9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement;
10. That prior to any work within the 100-year floodplain, a Floodplain Development Permit be obtained; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

F. PRELIMINARY PLAT / PL 12-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-01: William and Nancy Ewing; Davis Engineering – Agent. To create Lots A and B of Ewing Addition and to waive platting requirements to allow for a new residence in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

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

To accept the applicants' request to withdraw Preliminary Plat / PL 12-06 and Subdivision Regulations Variance / SV 12-01 applications at this time.

G. 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 applicants' request to withdraw Rezone / RZ 11-09 at this time.

H. SECOND READING OF REZONE / RZ 12-03: Kenneth and Candice Bruns. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 206 and 508 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the second reading of Rezone / RZ 12-03.

### ORDINANCE NO. RZ 12-03

AN ORDINANCE AMENDING SECTION 508 OF THE PENNINGTON COUNTY ZONING ORDINANCE, REZONING THE WITHIN DESCRIBED PROPERTY:

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY COMMISSION THAT THE PENNINGTON COUNTY ZONING ORDINANCE BE AND HEREBY IS AMENDED BY AMENDING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY:

The SE1/4SW1/4, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Agriculture District to Limited Agriculture District.

Dated this 17th day of April, 2012.

PENNINGTON COUNTY COMMISSION  
/s/Lyndell Petersen, Chairperson

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

I. DISCUSSION OF VARIANCE RECOMMENDATIONS

To continue this item to the May 1, 2012, Board of Commissioners' meeting.

J. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – APPROVAL OF PAYMENT APPLICATION – MARK BALDING SPC2010PC27. To approve the payment to Mark Balding, SPC2010PC27 in the amount of \$2501.21.

K. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – APPROVAL OF SEGMENT 1 EXTENSION REQUEST TO DENR. To authorize the Chairperson's signature on the letter to Mr. Lee Baron, South Dakota DENR, requesting a deadline extension for the Spring Creek 319 Watershed Management and Implementation Project – Segment 1 to December 31, 2012.

L. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – NEW OWNER PARTICIPANT AGREEMENT. To approve the transfer of the Spring Creek Watershed Cost Share Agreement SPC2010PC24 to Jonathon M. and Desirae Bourne.

End of Consent Agenda.

**ITEMS FROM PLANNING & ZONING**

MOVED by Davis and seconded by Buskerud to convene as a Board of Adjustment. Vote: Unanimous.

M. VARIANCE / VA 12-03: Tim or Rhonda Fisher. To reduce the minimum required side-yard setback from 25 feet to 15 feet in a Limited Agriculture District to allow for the construction of a detached garage in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

Lot E of Coulson Placer MS 746, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Holloway to deny Setback Variance 12-03 to reduce the minimum setback from 25 feet to 15 feet along the east property line of the subject property.

Roll call vote: Petersen – no; Davis – no; Buskerud – yes, Holloway – yes, Trautman – yes. The Chief Deputy State’s Attorney requested a few minutes to research the votes on a variance request. He later noted that four affirmative votes would be needed to approve a variance request. However in this case, the variance was denied on a 3-2 vote.

Commissioner Trautman left the meeting.

MOVED by Davis and seconded by Buskerud to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried with four affirmative votes.

N. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 12-02. Pennington County. To amend Section 204-J-3-r “On-Site Wastewater Treatment System Construction Permit Fees.”

MOVED by Holloway and seconded by Buskerud to approve the first reading of Ordinance Amendment / OA 12-02. Vote: The motion carried with four affirmative votes.

O. SECOND READING OF ORDINANCE AMENDMENT / OA 11-02: Pennington County. To add Section 319 – Vacation Home Rentals to the Pennington County Zoning Ordinance.

Commissioner Trautman returned to the meeting at this time.

MOVED by Holloway and seconded by Buskerud to remove Item C-5, which revokes the CUP if the property is sold. Holloway and Buskerud later agreed to amend the motion so that C-5 states that the CUP should be reviewed within one year of sale. Roll call vote: Trautman – no, Holloway – yes, Buskerud – yes, Davis – no, Petersen – no. The motion failed on a 3-2 vote.

MOVED by Holloway to remove Items F-10, F-11, F-12 and F-13. The motion died for lack of a second.

MOVED by Holloway and seconded by Buskerud to remove item G-2, Exterior Information Sign. Substitute motion: MOVED by Buskerud and seconded by Holloway to delete G-2, with the exception that when notices are mailed for the CUP for a Vacation Home Rental, the notice will include contact information for the local contact. The motion carried 3-2 with Trautman and Davis voting no.

MOVED by Davis and seconded by Buskerud to add a condition that in granting or denying a Conditional Use Permit for a Vacation Home Rental, the Planning Commission and/or Board of Commissioners shall uphold any restrictive covenants applicable to the property. Davis called the question. Vote on the question was unanimous. Vote: Unanimous.

MOVED by Buskerud and seconded by Davis to amend Section 319-B to state that Vacation Home Rentals are not allowed in Suburban Residential districts. Roll call vote: Trautman – yes, Holloway - no, Buskerud - yes, Davis - yes, Petersen – no. The motion carried 3-2.

MOVED by Buskerud and seconded by Davis to approve the ordinance as amended. Trautman left the meeting before the vote. Roll call vote: Petersen – no, Davis - yes, Buskerud – yes, Holloway – no. The vote tied 2-2.

The Board discussed the vote with Jay Alderman, Chief Deputy State’s Attorney, and he explained that an item can be brought later in the day as long as the meeting has not been adjourned.

MOVED by Holloway and seconded by Buskerud to recess for the groundbreaking for the Pennington County Campus Expansion Project. Vote: Unanimous. The Board recessed from 2:25 p.m. and reconvened at 3:15 p.m.

MOVED by Davis and seconded by Trautman to reconsider the motion to disallow Vacation Home Rentals in Suburban Residential Zoning districts. The motion carried 4-1 with Buskerud opposing.

MOVED by Holloway and seconded by Trautman to amend 319-B by deleting the last sentence in the paragraph and adding Suburban Residential District to the prior sentence. Substitute motion: MOVED by Davis and seconded by Buskerud to leave 319-B in its entirety. Roll call vote: Petersen – no, Davis – yes, Buskerud – yes, Holloway – no, Trautman – yes. The motion carried 3-2.

MOVED by Davis and seconded by Buskerud to approve the second reading of the Vacation Home Rental Ordinance #34-20 as amended. Roll call vote: Buskerud – yes, Holloway – no, Trautman - yes, Petersen – no, Davis – yes. The motion carried 3-2.

**ORDINANCE #34-20**

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 add the following:

SECTION 103 - DEFINITIONS

LOCAL CONTACT: A local property manager, owner or agent of the owner, who is authorized to respond to questions, concerns, and emergencies.

OWNER: The person or entity that holds legal and/or equitable title to a private property.

VACATION HOME RENTAL (VHR): Any dwelling unit that is rented for pay or other consideration, leased, or furnished in its entirety to the public on a daily or weekly basis for more

than 14 days in a calendar year and is not occupied by an owner or manager during the time of rental. This term does not include a bed and breakfast establishment as defined in SDCL 34-18-9.1(1). [ref. SDCL 34-18-1(21)]

SECTION 205-C: Section 205-C shall be amended to add the following:

31. Vacation Home Rental.

SECTION 206-C: Section 206-C shall be amended to add the following:

27. Vacation Home Rental.

SECTION 207-C: Section 207-C shall be amended to add the following:

19. Vacation Home Rental.

SECTION 213-B: Section 213-B shall be amended to include the following:

2. Uses permitted in the Planned Unit Development may include single-family dwellings, duplexes, triplexes, four-plexes, apartments, townhouses, patio-houses, mobile homes, neighborhood commercial, school sites, parks, Wind Energy Systems in accordance with Section 317, Vacation Home Rentals in accordance with Section 319, and open space uses as necessary and as part of a general plat and plan.

SECTION 310-A: Section 310-A-9-z shall be amended to include the following:

- gg. Vacation Home Rental: One per bedroom.
- hh. Wholesale establishments and business services: One for every 50 square feet of customer service area, plus two per three employees based on the design capacity of the largest shift.

SECTION 511-F: Section 511-F shall be amended to add the following:

3. Vacation Home Rental Conditional Use Permit Review Fee: \$100.00 per review.

**SECTION 300: Section 300 shall be amended to include the following:**

**SECTION 319 – VACATION HOME RENTALS (VHRs)**

A. Purpose:

To establish regulations and standards for owners of Vacation Home Rental (VHR) properties in Pennington County for the protection of the public health, safety and welfare, and to minimize the impacts of such use.



B. Zoning Requirements:

VHRs are allowed uses in Highway Service and General Commercial Zoning Districts and may be allowed in Planned Unit Developments (see Section 213). VHRs are permitted with approval of a Conditional Use Permit in General Agriculture, Limited Agriculture, and Low Density Residential Zoning Districts. VHRs are permitted with approval of a Conditional Use Permit in a Suburban Residential Zoning District, if the applicant has a permit from the State of South Dakota to operate a VHR at the date of passage of this Ordinance Amendment, or if the applicant has applied for such permit at the date of passage of this Ordinance Amendment.

C. Permit Requirements:

1. A Conditional Use Permit is required for a VHR prior to operation in those zoning districts designated in accordance with the Zoning Requirements of this Section.
2. A Conditional Use Permit is not required for VHRs of 14 days or less (cumulative) in a calendar year in any zoning district. [ref. SDCL 34-18-1(21)]
3. The Owner must have applied for a South Dakota Vacation Home Rental License from the South Dakota Department of Health. A copy of the application or license must be provided to the Planning Department prior to operation. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.
4. The Owner must obtain a South Dakota Sales Tax License from the South Dakota Department of Revenue. A copy of the License must be provided to the Planning Department prior to operation.
5. The Conditional Use Permit shall be revoked upon sale or transfer of ownership of the property.
6. Permits required by this Section are in addition to any license, permit, or fee required elsewhere in this Ordinance or required by State Law. Any person holding a CUP issued under this Section must also comply with all applicable federal, state, and local laws and regulations.

D. Local Contact:

An Owner may retain a Local Contact to comply with the requirements of this Section, including, without limitation, the filing of an application for a Conditional Use Permit, the management of the VHR, and compliance with the conditions of the Conditional Use Permit. The Conditional Use Permit shall be issued only to the Owner of the VHR. The Owner of the VHR is ultimately responsible for compliance with the provisions of this

Section. The failure of the Local Contact to comply with this Section shall be deemed as non-compliance by the Owner.

E. Application for Vacation Home Rental Conditional Use Permit:

The following information must be provided:

1. Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.
2. An interior diagram/plan of the VHR.
3. The maximum number of overnight occupants.
4. Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with SDCL 34-18-22.3.
5. Specifications of the existing wastewater treatment system.

F. Performance Standards:

All Conditional Use Permits issued, pursuant to this Section, are subject to the following standards:

1. The maximum occupancy allowed in a VHR shall be no greater than two (2) persons per bedroom, plus four (4) additional persons, but may be fewer based on the capacity of the wastewater system. Children age 5 and under are not counted as occupants.
2. VHRs are limited to a maximum of five (5) bedrooms.
3. The number of on-site parking spaces as determined in accordance with Section 310.
4. The Owner shall ensure that occupants and/or guests of the VHR do not create a Nuisance, per Pennington County Ordinance 106. It is not intended that the Owner or Local Contact act as a peace officer or be placed in harm's way through implementation of this directive.
5. Where the Owner does not reside full-time within 50 miles driving distance of the VHR, a Local Contact shall be designated. The Local Contact shall reside within 50 miles driving distance of the VHR. The Owner or Local Contact shall be responsible for responding in a reasonable time to complaints about the VHR. The name, address, and telephone contact number of the Owner and/or Local

Contact shall be kept on file at the Planning Department. The Notice of Hearing Letter shall also contain the name and phone number of the Local Contact.

6. The wastewater system utilized by the VHR must be approved by the South Dakota DENR and/or must comply with Section 204-J.
7. The Owner shall keep records as required per SDCL 34-18-21. The report shall be provided to the Planning Department upon request.
8. Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
9. Occupancy of recreational vehicles (RVs), camper trailers and tents shall not be allowed. Children under the age of 13 are allowed to "camp out" in a tent on the premises, but count toward the maximum occupancy.
10. The minimum age allowed for the principal renter of a VHR is 21 years of age.
11. Quiet hours shall be from 10 p.m. until 7 a.m. No outside activities shall be allowed after 10 p.m.
12. The use of open fires, fire pits, fireworks, charcoal-burning grills or other devices (as applicable) shall be the responsibility of the Owner or Local Contact. All authorized open fires shall be extinguished by 10 p.m. (refer to Section 319-G-1-e.).
13. The maximum number of day guests allowed shall be 50 percent of the maximum occupancy of the VHR.
14. In granting or denying a Conditional Use Permit for a Vacation Home Rental, the Planning Commission and/or Board of Commissioners shall uphold any restrictive covenants applicable to the property.

G. Sign and Notification Requirements:

1. Interior Informational Sign. Each VHR shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
  - a. The name of the Local Contact or Owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
  - b. The maximum number of occupants permitted to stay in the unit;
  - c. The maximum number of day guests permitted to visit the unit;
  - d. The number and location of on-site parking spaces;

- e. A statement that: “The use of open fires, fire pits, fireworks, charcoal-burning grills, or other devices (as applicable) shall not be allowed without permission from the Local Contact or Owner to ensure compliance with all federal, state and county laws and regulations;”
- f. The rules/regulations for pets and applicable leash laws;
- g. The quiet hours;
- h. The trash pick-up day and location of trash disposal;
- i. Notification that the renter and occupants are responsible for the creation of any disturbances or for violating any other provisions of this Section;
- j. Notification that failure to conform to the parking and occupancy regulations of the VHR unit is a Violation of County Ordinance;
- k. A statement that: “Guests are expected to be courteous to all neighbors and to respect property boundaries;”
- l. Local emergency and law enforcement contact information; and,
- m. The property address.

**Dated this 17th day of April, 2012.**

PENNINGTON COUNTY COMMISSION

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

**EXECUTIVE SESSION per SDCL 1-25-2**

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

B. Personnel Issue per SDCL 1-25-2(1)

MOVED by Davis and seconded by Trautman to convene in executive session. Vote: Unanimous. The Board remained in executive session from 3:55 p.m. until 4:05. MOVED by Holloway and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

MOVED by Holloway and seconded by Trautman to authorize Pennington County legal counsel to negotiate a settlement in the case Pennington County vs Dlorah. Vote: Unanimous.

**PERSONNEL**

Highway Department: Effective 4/16/2012 – W. Huggins and B. Salyers, \$11.26/hr.; Effective 5/1/2012 – M. Peterson, \$4,483.00.

Treasurer: Effective 4/11/2012 – S. Curtis, \$13.69/hr.

Jail: Effective 4/23/12 – B. Sachs, \$15.09/hr.; N. Hofer, \$15.09/hr.; B. Kulm, \$19.26/hr.; K. Clark, \$19.26/hr.; K. Frisk, \$15.09/hr.; S. Elshere, \$19.26/hr.; Effective 3/26/12 – P. Boland, \$23.41/hr.

JSC: Effective 4/8/2012 – K. Deneui, \$3508.25.

**AUDITOR’S ACCOUNT OF THE TREASURER**

To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of April 6, 2012: Total balances of checking/savings accounts, \$23,837,812.58; Total balance of Treasurer’s Office safe cash, \$9,100.00; Total certificates of deposit, \$4,571,181.11; Total Prime Value Investment, \$5,054,879.74; Total petty cash, \$111,570.00; Total Cash Items, \$350.52; Total long/short, (393.12); Total, \$33,585,885.23. Submitted by Lori Wessel, Deputy Auditor.

**GENERAL FUND SURPLUS ANALYSIS**

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1 which states: “The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year. The total unreserved, undesignated fund balance of the general fund of the county as of March thirty-first and September thirtieth shall be published in the minutes of the proceedings of the board of county commissioners and reported to the Department of Legislative Audit. The report shall be on forms prescribed by the Department of Legislative Audit.”

The following analysis should be completed as of March thirty-first and September thirtieth of each year. Thereafter, the unreserved, undesignated fund balance amount should be published in the minutes of the governing board. This analysis should also be filed with the Department of Legislative Audit.

**PENNINGTON COUNTY  
March 31, 2012**

**ASSETS:** 10200 Cash Change, 544,227.20; 10300 Petty Cash, 111,570.00; 10400 Interest Bearing Accounts, 4,318,366.25; 10800 Taxes Receivable—Current, 25,681,935.92; 11000 Taxes Receivable—Delinquent, 415,875.16; 11700 Accounts Receivable, 1,425,427.24; 12800 Notes Receivable, 3,359.00; 13200 Due from Other Government, 210,277.50; 14100 Deposits for Insurance, 521,482.22; 15100 Investments, 4,571,181.11. **TOTAL ASSETS:** 37,803,701.60.

**LIABILITIES AND EQUITY:** 20200 Accounts Payable, 563,603.30; 22400 Deferred Revenue, 26,311,447.58.

**FUND BALANCES:** 27300 Nonspendable 521,482.00; 27600 Assigned: ITS Equipment, 44,498.00; Catastrophic Healthcare, 375,000.00; Equipment Reserve, 196,522.00; Crisis Care Center, 750,000.00; Software Reserve, 220,000.00; Election Grant, 284.11; 27601 Subsequent Year’s Budget – December of Subsequent Year, 3,747,107.25; 27700 Unassigned, 4,552,375.14. **TOTAL LIABILITIES AND EQUITY:** 37,282,219.38.

Following Year General Fund Budget (use current year for March analysis) 47,697,987.00. The unassigned fund balance, Account 27700, divided by the following year General Fund budget resulting in the fund balance percentage, 9.54%.

**VOUCHERS**

5205 Limited Partnership, 469.55; A & A Property Management, 240.00; A & B Business Equipment, 211.80; A & B Welding Supply Co, 1128.90; A To Z Shredding Inc, 147.90; Ace Hardware-East, 31.43; Ace Steel And Recycling, 310.75; Active Data Systems Inc, 11416.35; Adams, Jim, 209.29; Adams-Isc, LLC, 90.03; Adtech Incorporated, 165.00; Advanced Drug Testing Inc, 72.00; Al-Asfour, Ahmed, 600.00; Alyea, Laura, 60.00; Amark Exhibits, 2209.00; American Correctional, 780.00; Americinn Motel, 1628.00; Amerigas, 121.66; Amick Sound, Inc, 199.51; Anderson, Mary, 14.40; Arc International, Inc, 24027.79; Arlaud, Chandra, 59.00; Armstrong Extinguishers, 1518.04; Asphalt Conference, 400.00; Audio Video Solutions, 1011.55; Badlands Automotive, 42.19; Bailey Jd & Mp Merryman, 320.94; Bailey Jd & Mp Merryman, 3315.00; Banks, Bridgette R, 1613.95; Barnier, Greg, 1721.70; Beachem, Kelly, 23.00; Beezley, Lawrence D, 160.00; Behavior Management, 11343.25; Behavior Management Syste, 240.00; Behrens Mortuary, 1910.00; Best Western Ramkota Inn, 1047.92; BH Area Multi-Housing, 25.00; BH Chemical Company Inc, 4574.73; BH Insurance Agency, Inc, 60.00; BH Orthopedic &, 1719.96; BH Regional Homeless Coal, 20.00; BH Services Inc, 293.92; BH Society For Human, 60.00; BH Surgical Hospital, LLC, 2364.47; BH Wilbert Vault, 284.00; Biegler, Greg Lpc,Ccdc Ii, 180.00; Biers, Dallas Q, 49.99; Bierschbach Equipment, 1329.00; Big D Oil Co, 159.00; Black Horn, Lance, 56.00; Border States Electric, 1263.00; Box Butte Co Sheriff, 18.50; Bringswhite, Erik, 350.00; Brownells, Inc, 80.19; Building Cost Consultants, 6000.00; Business Equip Finance, 427.19; Butler Machinery Company, 1252.81; Cabela's Retail, Inc, 79.65; Career Learning Center, 60.00; Carol Butzman Consulting, 9610.99; Carquest Auto Parts, 222.91; Cash-Wa Distributing, 35.85; Cbm Food Service, 3857.19; Cdw Government Inc, 4457.55; Cedar Shore Resort, 652.25; Cellebrite Usa Corp, 1499.00; Central States Fair Inc, 17250.00; Century Business Prod Inc, 205.39; Certified Laboratories, 276.75; Chemsearch, 781.30; Children's Home Society, 325.00; Chris Supply Co Inc, 348.34; City Of Rapid City, 18976.24; Civic Research Institute, 149.95; Clark Printing, 93.35; Coca-Cola Bottling Co Of, 457.00; Cody, Denise, 15.00; Colombe, Leslie, 318.38; Commercial Tree Care LLC, 3600.00; Communication Services, 176.00; Communications-Applied, 112.25; Community Health Center, 20667.00; Connelly, Randal E, 2034.20; Contractors Supply, Inc, 645.85; Copy Country, 91.63; Correctional Counseling, 522.10; Costello, Porter Et Al, 784.30; Countryside Property, 860.00; County Down Usa LLC, 240.00; Courtesy Subaru Inc, 1043.61; Crescent Electric Supply, 903.09; Crop Production Service, 6053.60; Crum Electric Supply, 181.96; Csr, Inc, 40.00; Cuny, Lynn, 200.00; Cwd-Aberdeen (Hrs), 73.40; Dahn, Kenneth, 100.00; Dakota Fluid Power Inc, 4140.21; Dakota Industrial Hygiene, 2200.00; Dakota Plains Legal Srvs, 15500.00; Dakota Supply Group Inc, 220.00; Dakota Typewriter Exchang, 2333.93; Dakotamart, Inc, 152.25; Dale's Tire, 1920.04; Daly, Timothy M, 450.00; Darnall-Knowlton, Tammie, 18.20; Davis, Kathy, 697.50; De's Oil, Inc, 31.10; Dell Marketing Lp, 1044.05; Dennis Supply - Rc, 67.67; Diagnostic Imaging, 18.00; Diamond Pharmacy Services, 21869.11; Diamond Vogel Paint Cntr, 103.00; Diesel Machinery Inc, 748.12; Dietrich, Donna, 243.10; Doi/Blm Nat'l Interagency, 121.88; Door Security Products, 535.72; Eagle Tail, Tashina, 40.00; Eastern Penn Conservation, 8937.50; Eccleston, Dave, 125.00; Ecolab Pest Elimination, 288.50; Ed Roehr Safety Products, 682.92; Eddie's Truck Sales Inc, 7574.76; Evergreen Office Products, 1265.95; Executive Mgmt Fin Office, 40.00; Fagerland, Jesse, 374.15; Fairbanks, Rhonda, 193.00; Family Thrift Center Inc, 22.95; Farmer Brothers Coffee, 854.56; Fastenal Company, 507.33; Federal Express, 25.85; Feehan & Cline, Pc, 3708.10; Feiler, Dawn, 8.10; Fiferman, Leslie, Ph.D., 450.00; Fink, Teresa L, 577.30; Firesteel Technologies, I, 15553.00; First Western Insurance, 1530.00; Fogsngal, Llp, 5648.55; Foley's Custom Print, 1989.00; Fremont Industries Inc, 849.00; French, Brenda,

100.00; Fresh Start Carpet Care, 485.00; Fried, Cora, 188.80; Frontier Auto Glass, LLC, 9.36; G & H Distributing - Rc, 207.60; G4s Justice Services, Inc, 1469.16; Gallup, Edgar, 240.00; Gardner Denver Nash LLC, 846.16; Geary, Patricia, 59.00; Geib, Elston, Frost Pa, 3603.00; Geiman, Dale, 3600.00; Godfrey Brake Service, 5009.41; Golden West Technologies, 2122.03; Good-Mitzel, Melissa, 133.00; Great Western Tire, Inc, 693.40; Grimm's Pump Service Inc, 763.19; Grode, William R, 981.25; Groff, Dennis A, 2132.00; Gunderson,Palmer,Nelson, 423.50; Gunderson,Palmer,Nelson, 87.50; Gustave A Larson Company, 3862.59; Guthrie, Cynthia L, 500.00; Haggerty, Tiffany, 234.00; Hainesway Limited Partner, 150.00; Hanna, Dana L, 5297.61; Harms Oil Company, 27996.65; Harnden, Joyce O, 39.00; Harper Industrial Brushes, 177.88; Harris, Betsey, 1959.00; Harveys Lock Shop, 139.78; Hasler, Inc, 255.00; Hauser, Ken, 26.00; Health Education Design, 364.00; Heartland Paper Company, 2877.68; Heiman Inc, 2851.65; Hein, Cheryl, 1295.00; Hendrickson, Kristina, 440.00; Henning, Gerald, 190.00; Herd's Ribbon & Laser, 1603.93; Hewlett-Packard, 9691.00; Highway Safety Zone, LLC, 255.00; Hill City Hardware, Inc, 66.97; Hill City Public Library, 6357.50; Hills Materials Co, 27162.45; Hillyard/Sioux Falls, 1521.39; Hollinshead, Leann, 190.00; Holloway, Don, 231.62; Horwath Laundry Equipment, 1074.70; Hosmer, David M, Law Offi, 90.67; Hot Springs Ambulance Inc, 8925.00; Hudgens, Sue, 60.00; Hughes County Sheriff, 14.30; Humane Society Of The BH, 4166.67; Huron Hospitality Ii, 186.00; Ic Solutions, 405.20; Ikon Office Solutions, 170.00; Indoff Inc, 2265.27; Industrial Electric, 554.80; Intab Inc, 1531.96; Inter-Agency Training Cou, 910.00; Interstate All Battery, 370.16; Interstate Batteries, 785.39; Iret Properties, A Nd Lp, 240.00; J & D Precast, 4000.00; J & J Truck And Auto Body, 1915.33; Janz, Donald A, 425.00; Jefferson Partner Lp, 857.56; Jenner Equipment Co., 173.11; Jensen Rock Sand & Gravel, 4058.11; Jensen, Cathy, 3042.00; Jh Hilt Engineering Inc, 450.00; Jimmy John's Catering, 145.42; Jj's Engraving & Sales, 7.00; Johnson Machine Inc, 3102.13; Johnson's Carpet, 4200.00; Johnson, Paul, 450.00; Junge, Hiene, 140.00; K-Mart, 69.96; Kallemeyn, Sharon, 30.00; Kappedal, Jean, Csr, 440.80; Kellem, Kelly, 240.00; Keystone City Hall, 2275.00; Kittelson, Joan, 15.00; Kivi, Daniel, 24.00; Klapkin, Aaron, 222.00; Kleingartner, Leon, 3600.00; Knecht Home Center Inc, 1009.46; Knight's Quality Welding, 160.00; Knollwood Townhouse, 277.00; Knology, 306.44; Koser Enterprises LLC, 28.67; Koupal, Shannon, 20.00; Kroells, Jessica, 30.00; Ksl Corporation(Atty Fees, 2137.35; Kt Connections, 4305.00; L & L Insulation Inc, 5780.00; L-3 Communications, 135.00; Laboratory Corporation Of, 60.50; Lakota Community Homes In, 25.00; Lattice Incorporated, 13.22; Lcm Pathologists, Pc, 1900.00; Lee, Celeste, 20.00; Lessin, Tracy R, 270.00; Lewis & Clark Mental Heal, 298.00; Lewis, Paul A, 940.50; Lincare Inc, 747.95; Little Print Shop Inc The, 149.89; Lowe's, 668.98; Lyle Signs Inc, 4163.30; M.C. Rentals, 385.00; Makepeace, Sean, 75.00; Manlove Psychiatric Group, 3375.03; Maple Green LLC, 200.00; Maplewood Townhouses, 240.00; Marco, Inc, 1680.08; Marcoe, Pierre, 200.00; Matheson Tri-Gas, Inc, 793.71; Matthew Bender & Co Inc, 1900.89; Mauch, Stephen, 60.00; Mcgas Propane LLC, 338.30; Mcgowan, Wendy T, 2785.86; Mcintosh, Michelle, 60.00; Mckee, Michael, 9684.00; Mckelvey, Shilou, 20.00; Mckie Ford Inc, 446.20; Mcperson, Richard, 296.04; Meadow Ridge Apartments, 240.00; Medical Arts Press, 158.94; Medical Waste Transport., 490.31; Medicap Pharmacy, 1992.25; Medicap Pharmacy - St Pat, 3540.25; Medline Industries Inc, 1837.06; Mednansky, Douglas, 1699.00; Menards, 388.46; Merchen Properties LLC, 240.00; Mercy Housing SD2, LLC, 155.89; Meyer, Tiffany, 76.59; Mg Oil Company, 8637.87; Midwest Cooperatives, 11906.93; Midwest Marketing LLC, 205.00; Midwest Motor Supply Co, 1015.22; Midwest Tire & Mfflr Inc, 374.13; Minnehaha County Auditor, 135.00; Minnehaha County Sheriff, 25.00; Minnesota Estates Ii, 100.00; Mitzel, Jason,

447.34; Monte Kahler Rentals, 190.00; Moran, Patty, 1680.00; Moss, William A, Psyd,LLC, 650.00; Motive Parts & Supply Inc, 404.07; Motorola Solutions, Inc, 1764.00; Mro Corporation, 55.70; Mrs Land, LLC, 2500.00; Mullenix, Carrie, 51.00; Naadac, 162.50; Nat'l Forest Counties &, 223.68; Nat'l Sheriff's Assoc, 100.00; Nat'l Tactical, 18455.00; Nationwide Chemical, 3115.80; Native Sun News, 504.00; Nelson, Diana, 1547.00; Neve's Uniforms Inc, 3079.55; Newkirk's Ace Hrdwre-East, 872.59; Newkirk's Ace Hrdwre-West, 179.60; Nicolai, Geri, 59.00; Nooney Solay & Van Norman, 2168.90; North Central Supply Inc, 730.00; Northern Truck Equipment, 2947.80; Northwest Pipe Fitting In, 1716.29; Officemax Incorporated, 403.19; Olson, Stephanie, 59.00; Orrock, Kenneth Eby, 1541.60; Otis Elevator Co, 4126.20; Overhead Door Co Of Rc, 2910.80; Pacific Hide & Fur Depot, 1565.41; Paradis Properties LLC, 140.00; Parker, Nanette, 20.40; Parks, Ashlie, 60.00; Peckosh, Thomas F, 482.75; Peckosh, Thomas F, 190.00; Penn Co Health & Human Sv, 460.24; Penn Co Highway, 64.19; Penn Co Jsc, 56.28; Penn Co Sheriff, 1487.13; Penn Co States Atty, 156.90; Pennington County Courant, 4975.17; Peterson, Patricia, 133.00; Pheasant Country Express, 9409.75; Phoenix Supply LLC, 185.19; Pierre Police Dept, 693.00; Pine Lawn Memorial Park, 1290.00; Pioneer Enterprises, Inc, 3232.80; Power House Honda, 99.80; Pratt, Linda, 60.00; Precision Mapping &, 499.50; Pro Windmill, Inc, 98.00; Project Lifesaver Int'l, 223.08; Pruss, Tina, 1364.20; Psi Health Care Inc, 63.71; Psychological Evaluations, 630.00; Quill Corporation, 447.61; Radiology Assoc. Prof. Ll, 149.59; Radke, Eric, 26.00; Rangel, Elisa, 400.00; Rapid Chevrolet Co Inc, 278.70; Rapid Creek Partners, 240.00; Rapid Leasing, 490.40; Rapid Rooter, 1550.00; Rapid Tire & Alignment, 191.00; Rapid Transit System, 473.50; Rapidcare, 53.00; Rc Area School Dist 51-4, 1615.60; Rc Chamber Of Commerce, 13.00; Rc Emergency Services, 140.46; Rc Fire & Emergency Svcs, 211.31; Rc Journal, 5886.54; Rc Public Library, 98541.00; Rc Regional Hospital, Inc, 59128.99; Rc Regional Hospital, Inc, 519.00; Rc Regional Hospital, Inc, 1631.97; Rc Regional Hospital, Inc, 1244.42; Rc Winnelson, 107.00; Rdo Equipment Co, 1129.63; Re/Spec Inc, 47890.09; Reckling, Melissa, 127.00; Record Storage Solutions, 529.14; Redwood Toxicology, 1015.10; Regency Of South Dakota, 240.00; Reil, Robert, 125.00; Rensch Law Office, 3087.60; Reuer, Allen, 770.00; Rhodes Chemical Of The BH, 144.00; Robert Sharp & Associates, 931.60; Rochester Armored Car, 358.40; Rockerville Vfd, 150.00; Roger Frye's Paint Supply, 565.02; Rooks Works, LLC, 3704.00; Ruffedt, Ted Jr, 59.00; Runnings Supply Inc, 909.38; Rushmore Communications, 625.00; Same Day Surgery Cntr LLC, 7338.32; Sandberg, Ann G, 280.00; Sanitation Products, Inc, 1871.80; Sargent, Lori, 60.00; Sargent, Matt, 69.00; Scenic Township, 877.50; Schiley, Buck, 910.00; Schneller, John Dr, 945.00; Schock, Mark, 58.00; Schreiner Enterprises, In, 911.61; Schuft, Scott, 711.07; SD Assoc Of Conservation, 50.00; SD Assoc Of Defense Lawye, 140.00; SD Continuing Legal, 50.00; SD Dept Of Homeland Secur, 300.00; SD Dept Of Public Safety, 70.00; SD Dept Of Revenue, 195.00; SD Dept Of Transp-Finance, 3346.44; SD Div Of Motor Vehicles, 49.00; SD Federal Prop Agency, 119.00; SD Human Services Center, 38.20; SD Police Chief's Associa, 130.00; SD Transportation Safety, 100.00; SDAapp, 625.00; SDaco, 300.00; SDml Workers', 4491.00; Sears Commercial One, 79.98; Servall Uniform/Linen Co, 2703.89; Setcan Corporation, 49.50; Sheehan Mack Sales, 2632.54; Shepherd Reporting LLC, 25.00; Sherwin Williams Paints, 301.09; Shi International Corp, 1454.00; Shoemaker, Mary, 59.00; Shoener Machine & Tool, 74.69; Sign & Trophy/Westex, 8.50; Simon Contractors, 5152.50; Skc Communication Product, 773.51; Skinner & Winter Prof, Ll, 5277.96; Skyline Engineering, LLC, 1950.00; Smith Land Corp, 102.00; Smoot & Utzman, 2125.00; Snap-On-Tools (Loof), 999.00; Solar Sound, 86.30; Southern Hills Publishing, 3263.85; Spizzirri Press, Inc, 25.00; Srs Enterprises, Inc, 505.00; Stadel, Tammy, 868.72; Stan



Houston Equip Co, 419.00; State Of South Dakota, 124349.85; Stephens, Matthew, 300.00; Stewart, Cathy L, 50.00; Stratmeyer, Arlin, 486.00; Sturdevant's- Rapid City, 317.72; Summit Signs & Supply Inc, 33.75; Sutterer, Mike, 23.00; Swanson Services Corp, 233.10; Talley Construction Inc, 3600.00; Taylor, Justin, 51.00; Tessier's Inc, 323349.00; The Imaging Center, LLC, 932.50; The Rivett Group LLC, 691.95; Think Toner And Ink, 579.76; Three M Pak8283 - Rl, 1470.00; Thundercloud, LLC, 63.95; Tice, Barry, 228.30; Tnt Homes & Const, LLC, 1353.60; Tractor Supply Credit Pla, 210.91; Treloar, Jolene, 240.00; Truax, Denise, 21.15; Tschetter And Adams Law, 315.91; Tschetter, Wesley, 23.00; Twilight First Aid &, 444.87; Twl Billing Service &, 1418.50; Tyler Technologies, 607.20; University Products Inc, 35.42; Us Postal Service, 5065.05; Uz Engineered Products, 1114.99; Vemco, 6530.05; Vugate, Inc, 1054.36; Walker Napa Auto Parts, 529.60; Wall Building Center, 71.86; Wall Community Library, 3807.25; Wall Health Services Inc, 4900.00; Walworth Co Sheriff, 77.40; Warne Chem & Equip Co Inc, 180.47; Washington County Court, 2.00; Watertree, Inc, 71.00; Watson Law Office, P.C., 125.99; Weichmann, Cynthia, 684.85; Wellspring, Inc, 3823.31; Wessel, Al Jr, Md, 5050.00; West Payment Center, 4803.37; West River Anesthesiology, 167.02; West River Intrntnl Inc, 726.08; Western Communication Inc, 8048.00; Western Dakota Tech Inst, 60.00; Western Mailers, 1237.18; Western Stationers Inc, 3174.49; Whisler Bearing Co, 330.36; Wiege, David, 140.00; Wkc Enterprises, 205.00; Wolf, Ione, 417.50; Wood Stock Supply, 70.14; Wood, Brenda, 159.00; Working Against Violence, 7287.00; Wright Express Fsc, 372.27; Yankton Co Sheriff Office, 152.00; Yankton County Treasurer, 187.00; Yellow Robe, Luther P, 8625.00; Youth & Family Services, 150.00; Zacharias, Jerome C, 145.00; Ziggy's, 68.92; First Interstate Bank, 100.00; Verizon, 1,104.65; Knology, 3,310.91; SD Dept Of Revenue, 10,129.53; Wright Express Fsc, 9,212.28; Golden West Technologies, 92.90; Cbm Food Service, 69,524.95; City Of Rapid City-Water, 15,902.10; FSH Communications, 60.00; Kieffer Sanitation, 2,671.16; Rainbow Gas Co, 4,476.53; Midcontinent Communcations, 965.36; Mt Rushmore Telephone, 101.23; Golden West Co, 1,304.39; Walker Refuse, 107.25; West River Electric, 1,904.79; irst Administrators, 81,758.31; Bh Power, 43,188.00; Federal High Risk Pool, 291.00; Qwest Corp, 7,587.39; Montana Dakota Utilities, 169.11; US Bank, 437,330.00; Orbitcom, 45.36; Red River Service Corp, 45.89; Wells Fargo Credit Card Purchases: 4imprint, 257.98; Aed Superstore, 60.62; Agent Fee - All Continent, SD US, 90.00; Amazon Mktplace Pmts, 630.54; Americinn Lodge & Suites - Chamberlain, SD US, 247.96; Americinn Motel & Suites - Sioux Falls, SD US, 176.00; B & B Auto Salvage Inc, 240.00; Black Hills Chemical, 5,843.58; Bob Barker Company, 2,972.28; Brenny's Motorcycle, 1,995.00; Charm-Tex, 219.60; Chimney Canyon 4x4, Inc, 280.00; Congress Plaza Hotel Conv - Chicago, IL US, -323.60; Copy Country, 133.00; D & F Truck & Auto Electr, 128.95; D And R Service, 1,980.19; Days Inns Pierre, 46.50; Enterprise Rent-A-Car - HoUSton, Tx US, 116.81; Express Supply Worldwide, 135.24; Federal Supply USA, 320.00; Harveys Lock Shop, 189.21; Hillyard Inc Sioux Falls, 41.91; Holiday Inn-Galv (Hotel - Galveston, Tx US, 262.20; Honeywell-Acs-Hbs, 700.00; Indoff Incorporated, 193.05; Institutions Services Inc, 204.54; Int InteliUS Cm, 4.99; Jerry's Cakes & Donuts, 38.00; JJs Engraving, 18.00; Knecht Home Center, 14.40; Linweld, 100.00; McMaster-Carr, 69.83; Menards, 123.02; Moore Medical Llc, 124.57; National Pblc Sfty Inf, 199.00; Network Solutions, Llc, 80.00; Neve's Uniforms-Denver, 114.65; Neve's Uniforms-Rapid, 516.44; Newegg.Com, 821.41; Office Max, 77.02; Online Tax Product, 21.15; Paypal Cama, 150.00; Pizza Hut, 98.44; Print Mark-Et, 69.91; Que Bueno Mexican Grill - Denver, Co US, 11.61; Rapid Chevrolet-Cadillac, 390.49; Robinson Textiles, 801.14; Rockhurst Univers, 745.00; Royal Wheel Alignment, 75.00; RUSHmore Civic Center, 538.50; Shell Oil- HoUSton, Tx US, 35.10;

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Sheraton Hotels - Sioux Falls, SD US, 324.66; Sturdevant's Atuo Parts, 228.21; Sturdevant's Atuo Parts, 1,092.66; Target, 75.25; The Ups Store, 0.00; Tma Downtown, 84.35; TMA West, 61.68; United Air, 1,169.70; United Air, 1,169.70; United Air, 584.10; United Air, 455.20; USPS, 15.30; Verizon Wrls Myacct, 4,280.15; Vinyl Graphics, 8.67; Wm Supercenter, 2,332.60.

**ADJOURN**

MOVED by Holloway and seconded by Davis to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 4:06 p.m.

Julie A. Pearson, Auditor

Published once at a cost of \_\_\_\_.

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