

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS' MINUTES  
July 7, 2015**

The Pennington County Board of Commissioners met on Tuesday, July 7, 2015, in the Commission Chambers in the County Administration Building at 130 Kansas City Street, Rapid City, South Dakota. Chairperson Lyndell Petersen called the meeting to order at 9:00 a.m. with the following Commissioners present: Ron Buskerud, George Ferebee, Deb Hadcock and Nancy Trautman.

**APPROVAL OF THE AGENDA**

MOVED by Trautman and seconded by Buskerud to remove Executive Session Item B for Contractual and Pending Litigation 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 Hadcock and seconded by Buskerud to remove Items 10-13 for separate consideration and approve the remainder of the Consent Agenda Items as presented. Vote: Unanimous.

5. Approve the minutes of the regular Board of Commissioners' meeting held June 16, 2015.
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 \$595,790.58.
7. Acknowledge the notice of intent to conduct a raffle – Performing Arts Center of Rapid City.
8. Acknowledge the Order of Organization and Incorporation for the Mesa View Estates Road District effective for tax year 2015 and after.

**ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE MESA VIEW ESTATES ROAD DISTRICT  
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, an election was petitioned to determine if the Mesa View Estates Road District should be formed

AND WHEREAS, said election was held on June 18, 2015 and the results were a majority in favor of forming the Mesa View Estates Road District.

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Mesa View Estates Road District to

July 7, 2015

be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2015 pay 2016 tax year and after.

BE IT FURTHER ORDERED that the Mesa View Estates Road District legal description is: LOTS 1-29 INCLUSIVE AND RESERVOIR LOT OF BLOCK 1; LOT 1, LOTS 3-12 INCLUSIVE AND WELL LOT OF BLOCK 2 OF MESA VIEW ESTATES, BHM, Pennington County, SD.

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

July 7, 2015

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

9. Acknowledge the Order of Organization and Incorporation for the Osprey Trail Road District effective for tax year 2015 and after.

**ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE OSPREY TRAIL ROAD DISTRICT  
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, all property owners of record that are within the proposed district boundaries have agreed to and petitioned for the organization of the Osprey Trail Road District

AND WHEREAS, said petitions indicate the desire of all landowners of record within the proposed boundaries to organize the Osprey Trail Road District

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Osprey Trail Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2015 pay 2016 tax year and after.

BE IT FURTHER ORDERED that the Osprey Trail Road District legal description is: LOT 1, 2 & 3 OF HARNEY MOUNTAIN SUBDIVISION AND GOVERNMENT LOT 12 LOCATED IN SECTION 28, OF T1S, R5E, BHM, Pennington County, SD.

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

July 7, 2015

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

10. Removed for separate consideration.
11. Removed for separate consideration
12. Removed for separate consideration
13. Removed for separate consideration
14. Declare surplus 40 computer monitors for the purpose of disposal and one (1) server – Asset Number 06052 - for the purpose of donation to the City of Rapid City.

Removed for Separate Consideration

10. MOVED by Trautman and seconded by Hadcock to continue the acknowledgement of the Kinsley Road District to the July 21, 2015, Board of Commissioners' meeting. Vote: Unanimous.
11. MOVED by Trautman and seconded by Ferebee to meet with Veteran Service Officer Neal Lutke in executive session on July 21, 2015.

Substitute motion: MOVED by Buskerud and seconded by Hadcock to confirm the reappointment of Neal D. Lutke as Veteran Service Officer for the term January 2016 through the first Monday in 2019 per SDCL 33A-1-22. The motion carried 4-1 on a roll call vote: Buskerud – yes, Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

12. MOVED by Trautman and seconded by Hadcock to approve the Chairperson's signature on the Highway Department's agreement with the Bradsky Road District. The motion carried 4-1 with Ferebee opposing.  
MOVED by Trautman and seconded by Buskerud to recognize the legal practice of substituting scheduled work hours between employees as allowed in the Fair Labor Standards Act and note the exception in the Pennington County Employee Handbook. Vote: Unanimous.

End of Consent Agenda

**CENTRAL STATES FAIR UPDATE– RON JEFFRIES**

**SOUTH VALLEY DRIVE ROAD ISSUE – RAPID CITY COUNCILMAN RON WEIFENBACH:** This item was postponed to later in the meeting.

**CURRENT BOARD OPENINGS – INTERVIEWS AND APPOINTMENT**

MOVED by Ferebee and seconded by Hadcock to appoint David Reinhart and Tina Mullally to fill two positions on the Planning Commission. Hadcock withdrew her second and the motion died for lack of a second.

Planning Commission Appointments

Applicants for the appointment were Lori Litzen, William McCollam, Tina Mullally, David Reinhardt and Angela Vancas.

On a ballot vote, Lori Litzen and William McCollam each received three votes and were appointed to serve on the Planning Commission.

Vacation Home Rental Committee

Applicants for the appointment were Mark Ruddeforth, Bob Brandt, Doyle Stern, J. Kelly Lane and Aaron Olson.

On a ballot vote, Mark Ruddeforth received three votes and was appointed to serve as a member of the Vacation Home Rental Committee. Aaron Olson received three votes and was appointed as alternate.

**BUREAU OF LAND MANAGEMENT UPDATE – CHIP KIMBALL:** Ms. Chip Kimball replaces the recently retired Marian Atkins.

**ITEMS FROM AUDITOR**

- A. **RETAIL MALT BEVERAGE LICENSE RENEWAL:** MOVED by Ferebee and seconded by Hadcock to approve the retail (on-off sale) malt beverage license renewal for Sic Vic’s House of Horsepower. Vote: Unanimous.
- B. **NEW RETAIL MALT BEVERAGE AND SD FARM WINE LICENSE HEARING:** MOVED by Hadcock and seconded by Buskerud to approve the application for a new retail (on-off sale) malt beverage and SD farm wine license for the Lodge at Mount Rushmore, contingent upon property taxes being paid. Vote: Unanimous.
- C. **RESOLUTION – SALE OR TRANSFER OF SOLID WASTE OR BY-PRODUCTS, RECYCLABLE MATERIALS OR SCRAP:** MOVED by Hadcock and seconded by Trautman to authorize the Chairperson’s signature on the following resolution. Vote: Unanimous.

**RESOLUTION  
SALE OR TRANSFER OF SOLID WASTE OR BY-PRODUCTS,  
RECYCLABLE MATERIALS OR SCRAP**

WHEREAS, Pennington County regularly collects solid waste or byproducts, recyclable materials, and scrap materials (hereinafter “such materials”); and

WHEREAS, at times such materials have value, although often only slight value; and

WHEREAS, it would be in the best interest of Pennington County to sell or transfer such materials without the formality required of SDCL Chapter 6-13, for the disposal of surplus property; and

WHEREAS, SDCL 34A-6-63.1 allow such disposal.

NOW THEREFORE BE IT RESOLVED, that Pennington County departments shall be authorized to sell or transfer all such excess materials to any interested party. The Pennington County Board of Commissioners may attempt to identify additional prospective buyers and may negotiate the conditions of such transactions with prospective buyers, including price, delivery, transport, quantity, and length of contract, to obtain the price or conditions most advantageous to the governing body, all as allowed by SDCL 34A-6-63.1.

No member of the Pennington County Board of Commission or other officer of the County may purchase or acquire the materials described in this resolution, unless such materials are available for sale to or acquisition by the general public.

Dated this 7<sup>th</sup> day of July, 2015.

/s/ Lyndell Petersen, Chairperson  
Pennington County board of Commissioners.

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

**ITEMS FROM SHERIFF**

- A. SECOND READING AND PUBLIC HEARING OF ORDINANCE 4 – AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF ANIMALS WITHIN PENNINGTON COUNTY. MOVED by Trautman and seconded by Hadcock to approve the second reading of Ordinance 4, An Ordinance Providing for the Licensing and Control of Animals Within Pennington County. The motion carried 4-1 on a roll call vote: Buskerud – yes, Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

**ORDINANCE 4**

**AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF ANIMALS WITHIN PENNINGTON COUNTY**

BE IT ORDAINED by the Pennington County Commission that Ordinance 4 of the Ordinances of Pennington County be amended to read as follows:

PURPOSE: Public health, safety and welfare is the primary concern of the Pennington County Commission. This Ordinance is enacted to replace all previous ordinances relating to animal control and licensing within Pennington County other than planning and zoning ordinances. Although the first and primary responsibility for animal control belongs to the owner, this Ordinance is intended to address the situations where owners of animals covered by this Ordinance fail to take proper responsibility for their animals.

**SECTION 1. DEFINITIONS**

For purposes of this Ordinance, the following words and phrases shall have the meanings herein ascribed to them:

- A. **ANIMAL.** Any mammal, bird, reptile, amphibian or fish, except humans.

B. **ANIMAL CONTROL OFFICER.** Any person employed or appointed by the county's designated animal control authority who is authorized and granted police power to investigate and enforce violations relating to animal control or cruelty under the provision of this Ordinance. Any law enforcement officer may act as an animal control officer.

C. **ANIMAL SHELTER.** A suitable shelter provided by the county for the impounding of animals. The county may either construct and operate the shelter or enter into a contract with a veterinarian, organization (including the Humane Society of the Black Hills), or government agency for the supplying and operation of the same.

D. **AT LARGE.** Any animal, not including livestock, that is off the property of its owner and not under restraint of a competent person.

E. **COUNTY'S DESIGNATED ANIMAL CONTROL AUTHORITY.** That organization or agency charged with enforcement of the county's animal ordinance. **COUNTY'S DESIGNATED ANIMAL CONTROL AUTHORITY** shall include any contracted agent.

F. **CONTRACTED AGENT.** The person, organization, or governmental agency with whom the county contracts to perform animal control functions.

G. **DANGEROUS ANIMAL.** An animal that presents such a severe risk of serious physical harm or death to human beings or other animals that it should not be allowed to live.

**DANGEROUS ANIMAL** includes any animal that has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
2. Been found to be a potentially dangerous animal, and, after such finding, aggressively bites, attacks, or endangers the safety of humans or domestic animals.

H. **DIRECT CONTROL.** Immediate, continuous physical control of an animal such as by means of:

1. A leash, cord, secure fence or chain of the strength to restrain the animal and controlled by a person capable of restraining the animal;
2. Safe and secure restraint within a vehicle; or
3. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the animal, voice control shall be considered direct control when the animal is actually participating in training or in an official showing, obedience or field event.

I. Any animal has been **EXPOSED TO RABIES** within the meaning of this Ordinance if it has been bitten by or exposed to any animal known to be or suspected of being infected with rabies.

J. **IMPOUNDMENT.** The taking or picking up and confining of an animal by any animal control officer.

K. **KEEP.** To hold or retain in one's possession, to take responsibility for, or to hold as one's own.

L. **KENNEL.** Any pet store or any lot or premises or portion thereof where 4 or more dogs, cats, rabbits or other household/domesticated animals, 6 months of age or older, are maintained, boarded, bred or cared for, in return for any compensation, or are kept for the purpose of sale. This definition does not include 4H Club member projects nor fowl.

M. **LIVESTOCK.** Any agricultural or commercial animal owned, bred, or kept for purposes of receiving compensation, but not including dogs, cats, rabbits, or other household pets.

N. **MUZZLE.** A device constructed of strong, soft material or of metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

O. **NEUTERED DOG/CAT.** Any male dog/cat which has undergone surgery to prevent reproduction, whose owner can provide proof of surgery.

P. **OWNER.** Any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of 18, that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for 3 or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

Q. **POTENTIALLY DANGEROUS ANIMAL.** Any animal that, because of its aggressive nature, training or characteristic behavior, presents a risk of substantial physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. The term **POTENTIALLY DANGEROUS ANIMAL** includes any animal that, according to the records of the county's designated animal control authority or any law enforcement agency:

1. Has, when unprovoked, bitten, attacked, endangered or inflicted injury on a human being on public or private property, or, when unprovoked, has chased or approached a person upon the street, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by 1 or more persons and dutifully investigated and substantiated by any of the above-referenced authorities;
2. Has severely injured or killed a domestic animal or livestock while off the owner's property; or
3. Has been used primarily or in part for the purpose of animal fighting, or is an animal trained for animal fighting.

R. **PROPER SHELTER.** A structure that an animal may enter to escape exposure to the elements.

S. **SANITARY CONDITION.** A condition of good order and cleanliness to minimize the possibility of disease transmission.

T. **SHELTER MANAGER.** The owner and/or supervisor of the Animal Shelter. The individual is charged, together with the Pennington County Sheriff's Office, with the overall enforcement of this Ordinance, and performs the professional services required in the care, treatment or euthanization of the animals being handled.

U. **SPAYED DOG/CAT.** Any female dog/cat which has undergone surgery to prevent conception, whose owners can provide suitable proof of the surgery.

V. **SUBSTANTIAL BODILY HARM.** Any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or cosmetic surgery.

W. **UNDER RESTRAINT.** An animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, enclosed within a vehicle being driven or parked on the streets, or securely enclosed within the real property limits of the owner's premises.

X. **UNPROVOKED.** That the dog was not hit, kicked, or struck by a person with any object or part of a person's body nor was any part of the dog's body pulled, pinched or squeezed by a person.

Y. **WILD ANIMAL.** Any animal(s) other than domestic dogs and cats, which in a wild state are carnivorous or which because of their nature or physical makeup are capable of inflicting serious physical harm or death to human beings, including, but not limited to: feral cats, snakes which are poisonous or otherwise present a risk of serious physical harm or death to

human beings as a result of their nature or physical makeup, and all raccoons, skunks, foxes, bears, coyotes, wolverines, badgers, lions and tigers.

**SECTION 2. RECORDKEEPING REQUIREMENTS.**

It shall be the duty of the Shelter Manager and the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the licensing, finding, impoundment and disposition of all animals and owners coming into his or her custody. It shall be the duty of the Animal Control Officer and Shelter Manager to keep, or cause to be kept, accurate and detailed records of all bite cases provided to him or her and his or her investigation of the same. It shall be the duty of the Shelter Manager to keep, or cause to be kept, accurate and detailed records of all moneys belonging to the county. In January of each year, the Shelter Manager shall provide the Pennington County Board of Commissioners with a report of the licenses issued, fees collected, and any other information requested by the Commission.

**SECTION 3. ENFORCEMENT AUTHORITY.**

- A. The provisions of this Ordinance shall be enforced by the Animal Control Officer.
- B. The Animal Control Officer may issue a citation for a violation of any section of this Ordinance or may issue warning tickets requiring correction of a violation.
- C. This Ordinance shall apply to all of Pennington County, State of South Dakota, except for those areas within any municipality.

**SECTION 4. NO OBSTRUCTING ANIMAL CONTROL OFFICER.**

No person may hinder, delay or obstruct any Animal Control Officer in the lawful performance of any duty under this Ordinance.

**SECTION 5. VIOLATION—PENALTY.**

Any person, firm or corporation violating any provision of this Ordinance, unless otherwise stated, shall be subject to all applicable civil and criminal remedies allowed under the laws of the State of South Dakota in addition to a fine of not more than \$200 or by confinement not to exceed 30 days in the County Jail, or both the fine and imprisonment.

**SECTION 6. ANIMAL SHELTER REQUIREMENTS.**

The county shall provide and maintain a suitable shelter for the impounding of animals. The shelter may be either constructed and operated by the county, or the county may enter into a contract with a veterinarian, organization (including the Humane Society of the Black Hills), or government agency for the supplying and operation of the same. The shelter shall be constructed so that animals of different kinds and of different sizes and sexes may be segregated, and shall be maintained in a safe and sanitary condition. All animals confined in the shelter shall be regularly fed, regularly watered, and treated in a humane manner.

**SECTION 7. KENNELS.**

Every person, group of persons, or organization, operating a kennel as defined in this Ordinance shall pay annual license fee of \$100. Licenses will be issued by the Animal Shelter provided the use is in compliance with the county zoning ordinances and animal control ordinance. No kennel license shall be issued until the property has been inspected by an Animal Control Officer and that individual has reported to the Animal Shelter, in writing, that the kennel meets the



requirements of all county ordinances, state statutes and is being operated in a humane manner. Persons operating the kennel are not required to license individual animals as provided in this Ordinance. Kennel licenses shall be issued for one year beginning January 1. Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of animals are exempt from the provisions of this section.

**SECTION 8. WILD ANIMALS.**

No wild animal may be kept within the county, except under such conditions as shall be fixed by the county. However, a wild animal may be kept if the owner is licensed or permitted by a governmental agency to own the animal. A wild animal may also be kept pursuant to South Dakota Administrative Rule 41:08:05:01.

**SECTION 9. ANIMAL DISTURBING THE PEACE.**

A. It is unlawful for any person to own, harbor or keep any animal which disturbs the peace. An animal disturbs the peace by persistently, habitually, constantly or continuously barking, howling, growling or making other unreasonably loud noises. Animals disturbing the peace are hereby declared a public nuisance.

B. It shall be a defense to a violation of this section if the animal was provoked by teasing, tormenting, abusing or taunting.

C. Upon the first violation of this section, the Animal Control Officer responding to the complaint shall issue a written warning, which may be posted on the animal owner's door. The owner of the animal shall have 3 days to correct a violation, during which period, no enforcement action may be taken pursuant to this section. If the violation persists or reoccurs after the 3-day period expires, a summons and complaint may be issued. If the violation does not persist or reoccur for a period of 1 year from the violation, no enforcement action may be taken until another 3-day warning is issued.

D. An animal that is disturbing the peace may be impounded pursuant to Section 21 under one of the following circumstances:

1. The owner cannot be found;
2. The owner refuses to take remedial action to quiet the animal; or
3. After the 3-day warning provided by subsection C., the Animal Control Officer responding determines impoundment is warranted.

**SECTION 10. DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.**

A. Purpose and Intent. The purposes of this section are to promote the public health, safety and general welfare of the citizens of Pennington County. It is intended to be applicable to dangerous and potentially dangerous animals, as defined herein, by ensuring responsible handling by their owners through registration, confinement and destruction.

B. Procedure for Initiating an Investigation into an Animal's Dangerousness.

1. An Animal Control Officer may initiate an investigation into the dangerousness of an animal based on the Animal Control Officer's own observations.
2. Any adult person may request under oath that an animal be investigated as to its dangerousness by submitting to the county's designated animal control authority a sworn, written complaint on a form approved by the county's designated animal control authority.

3. At any time during the course of an investigation, the Animal Control Officer may impound the animal being investigated if the Animal Control Officer determines that the public safety so requires.

C. Investigation.

1. The Animal Control Officer shall thoroughly investigate each complaint to find whether the animal is dangerous or potentially dangerous. The Animal Control Officer shall consider all relevant factors, including, but not limited to severity of injury to the victim, statements from witnesses/victims, previous aggressive history of the animal, observable behavior of the animal, and circumstances of the incident.

2. At the conclusion of an investigation, the Animal Control Officer may:

a. Find that the animal is neither dangerous nor potentially dangerous and, if the animal is impounded and not quarantined pending a rabies evaluation, release the animal to its owner upon payment of any impoundment fees; or

b. Find that the animal is potentially dangerous and order the owner to comply with the requirements for keeping potentially dangerous animals set forth in subsection J. of this section, and, if the animal is impounded and not quarantined pending a rabies evaluation, release the animal to its owner after the owner has paid all fees incurred for the impoundment and complied with the relevant parts of subsection J. of this section. If all impoundment fees have not been paid and conditions met within 10 business days after the owner receives notice that the Animal Control Officer has found the animal to be potentially dangerous, the Animal Control Officer shall cause the animal to be destroyed. However, if the owner has in writing requested a hearing by the Dangerous Animal Review Board, the animal may not be destroyed before the Dangerous Animal Review Board has made its determination. The destruction shall not relieve the owner of the responsibility for payment of impoundment fees.

c. Find that the animal is dangerous and order the animal destroyed in accordance with subsection K. of this section.

D. Notification of Dangerous or Potentially Dangerous Animal Finding.

1. Within 3 business days after finding an animal dangerous or potentially dangerous, the Animal Control Officer shall notify the owner by certified mail of the animal's designation as a dangerous or potentially dangerous animal. In the case of a potentially dangerous animal, the notice shall state any specific restrictions and conditions for keeping the animal, as set forth in subsection J. of this section. The Animal Control Officer also shall notify the Pennington County State's Attorney and the Sheriff's Office of the designation of any animal as a dangerous or potentially dangerous animal. The notification shall describe the animal and specify any requirements or conditions placed upon the animal or owner.

2. The notice shall inform the owner that he or she may request, in writing, within 5 business days after delivery of the notice, a hearing to contest the Animal Control Officer's finding and designation and shall contain instructions on how to appeal the finding and designation.

E. *Notification to complainant.* In all cases, the Animal Control Officer shall notify the complainant of the Animal Control Officer's finding and designation within 3 days of making the finding and designation. Notice to the complainant shall be made by certified mail and shall contain instructions on how to appeal the finding and designation.

F. *Destruction of unclaimed animal.* If the animal control officer cannot with due diligence locate the owner of an animal that has been seized pursuant to this section, the Animal Control Officer shall cause the animal to be impounded for not less than 5 business days. If, after 5

business days, the owner fails to claim the animal, the Animal Control Officer may cause the animal to be destroyed.

*G. Dangerous Animal Review Board.*

1. There is established a Dangerous Animal Review Board that shall have the authority to review findings and designations made by the Animal Control Officer. The Dangerous Animal Review Board shall be chaired by the head of the county's designated animal control authority. The head of the county's designated animal control authority shall be a non-voting member, and shall serve as a hearing administrator only. The Dangerous Animal Review Board shall also consist of a local physician, a local veterinarian, and a resident of the county. The Pennington County Board of Commissioners shall appoint one individual from each of the above categories to serve as primary members of the Dangerous Animal Review Board. The Pennington County Board of Commissioners shall also appoint two local physicians, two local veterinarians, and two residents of the county to serve as alternates in their respective category.
2. The Dangerous Animal Review Board shall convene as necessary to hear appeals from an Animal Control Officer's findings and designations. In no event shall any member of the Dangerous Animal Review Board hear any case in which that member has a personal or professional interest.
3. In the event the head of the county's designated animal control authority is unable to perform his or her duties as a member of the Dangerous Animal Review Board, he or she shall select an alternate to act in his or her stead. The alternate shall be a local physician or animal trainer. The alternate shall chair the hearing.
4. In the event that a primary member is not available for a hearing, the head of the county's designated animal control authority shall select an alternate from the unavailable primary member's respective category to take the place of the unavailable member.
5. Membership on the Dangerous Animal Review Board shall be voluntary and no additional compensation shall be paid to the members thereof by the county.

*H. Hearing on dangerous or potentially dangerous animal designation.*

1. If the owner or complainant disagrees with the Animal Control Officer's finding and designation, he or she may request, in writing to the head of the county's designated animal control authority, a hearing before the Dangerous Animal Review Board within 5 business days after sending the certified mail the Animal Control Officer's finding and designation. Failure of either the owner or the complainant to request a hearing with the Dangerous Animal Review Board within the prescribed time shall result in the Animal Control Officer's designation being a final designation. The Dangerous Animal Review Board shall hold a hearing not less than 3 nor more than 10 business days after receiving the owner's or complainant's written request for such a hearing. However, if a quorum cannot be established within the required timeframe, the hearing may be continued for up to another 10 business days in order to sit a quorum of the Board. The purpose of the hearing shall be to uphold, overturn or modify the Animal Control Officer's finding and designation. The Chair of the Dangerous Animal Review Board shall provide notice of the date, time and location of the hearing to the animal owner by certified mail and to the complainant by first-class mail. Notice must be received by the owner and complainant a minimum of 2 calendar days prior to the hearing.

2. At the hearing, all interested persons shall be given the opportunity to present evidence on the issue of the animal's dangerousness or potential dangerousness. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:

- a. Provocation;
- b. Severity of attack or injury to a person or domestic animal;
- c. Previous aggressive history of the animal;
- d. Observable behavior of the animal;
- e. Site and circumstances of the incident; and
- f. Statements from interested parties.

3. The Dangerous Animal Review Board shall issue a decision upholding or overturning the Animal Control Officer's designation. Any decision shall be made with at least two of the Board members' concurrence. The decision may be issued at the hearing, but in any case shall be issued within 3 calendar days after the hearing.

4. A determination by the Dangerous Animal Review Board that the animal is a potentially dangerous animal shall subject the animal and its owner to the provisions of subsection J. of this section. A determination that the animal is a dangerous animal shall result in the dangerous animal being destroyed on the sixth business day after the owner receives notice of the Dangerous Animal Review Board's determination.

*I. Appeal from dangerous or potentially dangerous animal determination.* If the Dangerous Animal Review Board determines that an animal is dangerous or potentially dangerous after a hearing conducted under subsection H. of this section, that decision shall be final unless the owner or complainant, within 5 business days after receiving notice that the animal has been determined to be dangerous or potentially dangerous, applies to the Circuit Court for any remedies that may be available.

*J. Keeping of potentially dangerous animals.* No owner of a potentially dangerous animal may keep within the boundaries of the county any potentially dangerous animal, unless the following conditions are met:

1. *Leash and muzzle.* No owner of a potentially dangerous animal shall allow the animal to exit its kennel, pen or other proper enclosure unless the animal is securely attached to a leash not more than 4 feet in length. The animal shall also wear a properly fitted muzzle to prevent it from biting humans or other animals. The muzzle shall not interfere with the animal's breathing or vision. No owner shall permit a potentially dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person capable of controlling the animal is in physical control of the leash.

2. *Confinement.* Except when leashed and muzzled as provided in this section, a potentially dangerous animal shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the animal from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- a. The structure must have secure sides and a secure top;
- b. The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than 1 foot into the ground; and
- c. The structure must be of a material and closed in a manner that the animal cannot exit the enclosure on its own.

3. *Indoor confinement.* No potentially dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit the building on its own volition. In addition, no potentially dangerous animal shall be kept in a house or structure when screen windows or doors are the only obstacle preventing the animal from exiting the structure.

4. *Signs.* All owners of potentially dangerous animals shall display in a prominent place on any entrance to their premises a sign easily readable by the public using the words “Beware of [type of animal].”

5. *Sterilization of potentially dangerous animals.* All potentially dangerous animals shall be permanently altered so that they are unable to reproduce. The alteration shall occur prior to the issuance of the potentially dangerous animal permit. For male animals, sterilization shall mean castration.

6. *Obedience class.* The owner of a potentially dangerous animal shall, with the potentially dangerous animal, attend an obedience training course of a duration not less than 4 weeks. This must be completed within 8 weeks of the initial issuance of a potentially dangerous animal permit, and proof of attendance shall be submitted to the county’s designated animal control authority within that time.

7. *Permit.* The owner of a potentially dangerous animal shall, within 5 business days after the classification of the animal as potentially dangerous, and prior to the animal’s release to its owner if the animal is impounded, or upon acquisition of such an animal, obtain an annual permit from the county’s designated animal control authority to harbor the animal. The fee for the permit shall be \$100 per year. The permit for maintaining a potentially dangerous animal shall be presented to an Animal Control Officer upon demand.

8. *Tag.* At the time the permit is issued, a red circular tag shall be issued to the owner of the potentially dangerous animal by the county’s designated animal control authority. The tag shall be worn at all times by the animal, if biologically possible.

9. *Collar.* At the time the permit is issued, a colorfast, fluorescent green colored vest of sufficient and standard design as to easily identify the animal as a potentially dangerous animal shall be issued to the owner of the potentially dangerous animal. The vest shall be worn whenever the animal is outside of the owner’s house to clearly and easily identify it as a potentially dangerous animal.

10. *Notification of escape.* The owner of a potentially dangerous animal shall notify the county’s designated animal control authority immediately if the animal escapes from its enclosure or restraint and is at large. The immediate notification shall also be required if the animal bites or attacks a person or domestic animal or livestock.

11. *Microchip.* Prior to the issuance of a permit, the animal shall have an identifying microchip implanted, if biologically possible.

12. *Failure to comply.* As provided in Section 5, any owner of a potentially dangerous animal who fails to comply with the requirements and conditions set forth in this section is subject to the penalties as stated in Section 5. Furthermore, any animal observed by an Animal Control Officer to be in violation of this section may be immediately seized and destroyed. If a person observes a violation and submits a sworn, written statement, the animal alleged to be in violation may be seized and destroyed if the facts of the violation are corroborated by an Animal Control Officer. Upon the third violation by one owner, the county’s designated animal control authority shall refuse to issue that owner any future potentially dangerous

animal permits and shall revoke all outstanding potentially dangerous animal permits issued to that owner.

K. *Destruction of dangerous animals.* As provided in Section 5, it is unlawful to be an owner of any dangerous animal in the county and any person who is an owner of an animal that has been finally designated, found, determined, or declared to be dangerous is subject to the penalties as stated in Section 5. All animals finally designated, found, determined, or declared dangerous shall be destroyed.

L. *Change of ownership or residence.*

1. Any owner of a potentially dangerous animal who sells or otherwise transfers ownership or residence of the animal shall, within 10 business days after the change of ownership or residence, provide written notification to the county's designated animal control authority of the name, address and telephone number of the new owner or (in the case of just a new residence) the new address. It also shall be the responsibility of the person transferring ownership of the animal to provide written notification of the animal's classification as potentially dangerous to the person receiving the animal. The previous owner shall furnish a copy of the notification to the county's designated animal control authority along with written acknowledgment by the new owner of his or her receipt of the notification. The new owner shall confirm the new owner's name, address and telephone number with the county's designated animal control authority and the Sheriff's Office within 3 business days after receiving the required information from the previous owner. Furthermore, the new owner shall be bound by the notification requirements for selling or otherwise transferring ownership or residence of the animal.

2. Any person receiving an animal classified as potentially dangerous must obtain the required permit, tag and enclosure prior to acquisition of the animal. The new owner shall comply fully with the provisions of this section pertaining to obtaining bond, payment of fees and maintenance, control and ownership of a potentially dangerous animal.

M. *Continuation of potentially dangerous animal designation or determination.* Any animal that has been finally designated, found, determined, or declared potentially dangerous by any agency or department of the county, another county, a municipality or state shall be subject to the provisions of this section for the remainder of its life. An owner of any animal finally designated, found, determined, or declared as a potentially dangerous animal by any municipality, county or state government shall notify Pennington County's designated animal control authority of the animal's address and conditions of maintenance within 10 days of moving the animal into Pennington County. The restrictions and conditions of maintenance of any animal finally designated, found, determined, or declared potentially dangerous by another county, a municipality, or a state shall remain in force while the animal remains in Pennington County.

N. *Police and military animals.* Nothing in this section shall be construed to limit, affect or apply to the use of animals by law enforcement, military or rescue organizations.

O. *Retroactivity.* No animal may be designated or determined dangerous or potentially dangerous based solely on the animal's activity prior to the effective date of this Ordinance; however, the activity, including, but not limited to substantiated reports of bites or aggressive behavior, may be considered during a current investigation.

## **SECTION 11. PACKS.**

Any Animal Control Officer authorized under this Ordinance to enforce the terms hereof shall have authority to relocate or destroy animals in packs which are actively chasing, harassing or

attacking any animal or human if, in his or her opinion, all other means of controlling or subduing the pack would fail. Two or more animals shall constitute a pack.

**SECTION 12. CARE AND TREATMENT.**

A. No owner may fail to provide for his or her animal sufficient good, wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

B. If shelter with a tie-out is used for a dog kept outdoors, the tie-out shall be so placed or attached so as it cannot become entangled with the tie-outs of other dogs or any other objects. The tie-out shall be at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to shelter. The size of the tie-out should not be such as to weight the dog down or pull excessively on the neck.

C. Dogs and cats shall be fed at least once each day, except as otherwise required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and in sufficient quantity providing enough nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

D. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination and to reduce disease hazards and odors.

**SECTION 13. MAINTENANCE OF PLACES WHERE KEPT.**

No person may cause or allow any place where any animal, besides livestock, is or may be kept, to become unclean by allowing feces or garbage to build up creating an unwholesome environment.

**SECTION 14. TEASING.**

No person may tease, molest, bait or, in any way, bother any animal not belonging to him or her or not legally under his or her control.

**SECTION 15. ANIMALS LEFT IN VEHICLES.**

No owner may leave a dog, cat or other small animal unattended in a standing or parked vehicle in a manner that endangers the health or safety of the animal. Reasonable force may be used to remove the animal by any Animal Control Officer. The animal may be impounded in the Animal Shelter pursuant to Section 21, and the owner shall be responsible for any impoundment fees. No such person may be held civilly or criminally liable for any damage caused by removing the animal from a vehicle.

**SECTION 16. STRIKING WITH VEHICLE.**

Any person who, as the operator of a motor vehicle, strikes an animal, except a wild animal, shall stop at once and attempt to locate the animal's owner. In the event the owner cannot be ascertained and located, the operator shall at once report the accident to the appropriate law enforcement agency or the Animal Shelter.

**SECTION 17. ANIMALS HAVING BITTEN OR ATTACKED A PERSON—  
IMPOUNDMENT, QUARANTINE AND OBSERVATION—DISPOSITION.**

A. All impound procedures will be in accordance with the current *Compendium of Animal Rabies Prevention and Control* promulgated by the National Association of State Public Health Veterinarians, Inc.

B. Whenever any dog, cat or other animal bites or attacks a person, the owner of the animal shall immediately report the same to an Animal Control Officer or contracted agent.

C. Any animal which bites or attacks a person, shall be quarantined at the direction of an Animal Control Officer or authorized personnel of the contracted agent for a period of not less than 10 days, and shall not be released from quarantine except by written permission of the Animal Control Officer or authorized personnel of the contracted agent during quarantine, the animal shall be securely confined and kept from contact with any other animal or humans other than the caretaker. If the animal has bitten or attacked while on the premises of the owner and the owner has a current rabies vaccination for the animal, the Animal Control Officer or contracted agent may, if it is determined that the facilities are adequate and the owners are responsible persons, quarantine the animal on the owner's premises. The quarantined animal must, at all times, be available for inspection during the quarantine period. If other confinement is required, the owner shall surrender the animal for the quarantine period to the Animal Shelter or shall, at his or her own expense, place it in a veterinary hospital.

D. Any quarantined animal may be reclaimed by the owner if it is showing no signs known to exist or be present in rabid animals. Upon physical examination of animal by a licensed veterinarian, to be conducted within 5 days after release from quarantine, the quarantine period will be considered complete; however, the animal will not be declared free of rabies, only that it is showing no clinical signs or symptoms known to be present in active cases of rabies.

E. If an animal suspected of having rabies or exposed to rabies or an animal which has bitten a human dies while under quarantine, its head shall be sent to a competent laboratory for a pathological examination. The carcass of any such dead animal shall, upon demand, be surrendered to the Animal Control Officer or contracted agent who shall also direct the disposition of any animal found to be infected with rabies or found in violation of Section 10 of this section. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when a demand is made therefor by the Animal Control Officer.

F. When reports give a positive diagnosis of rabies, the Animal Control Officer or authorized personnel of the contracted agent may designate an area as quarantined for a period of 30 days, and upon the indication of the quarantine no animal capable of transmitting rabies shall be taken into the area or be permitted to be taken out of the area during the period of quarantine.

G. Any animal that has bitten any person may be euthanized by order of the Health Officer or a physician or a veterinarian from the Board of Health unless proof of a current rabies vaccination effected not less than 30 days prior to the bite is provided within 24 hours of the bite. Any animal that has bitten any person may be euthanized by order of the Health Officer if in the Health Officer's opinion, based on sound medical judgments, a greater risk to human life exists by not so doing. In making such a determination, the Health Officer shall take into consideration the following facts:

1. The history of the animal, including the possibility of its exposure to rabies;
  2. The vaccination record of the animal;
  3. The health of the animal;
  4. The nature, location and seriousness of the bite;
  5. The circumstances surrounding the bite, including whether or not the bite was provoked;
- and



6. The tolerance of the person bitten to the vaccines used for treatment.

**SECTION 18. ANIMALS HAVING BITTEN A PERSON–RELEASE REQUIRED PRIOR TO DISPOSITION.**

No owner of an animal involved in a biting incident may euthanize, sell, give away or otherwise dispose of the animal until a full release of the incident has been issued by the Animal Control Officer.

**SECTION 19. PHYSICIAN’S DUTY TO REPORT BITE CASES.**

It shall be the duty of every physician, or other practitioner, to report to the Animal Control Officer or authorized personnel of the contracted agent, the names and addresses of persons treated for bites inflicted by animals, together with the information as will be helpful in rabies control.

**SECTION 20. VETERINARIAN’S DUTY TO REPORT SUSPECTED RABIES CASES.**

It shall be the duty of every licensed veterinarian to report to the Animal Control Officer or contracted agent his or her diagnosis of any animal observed by him or her as a rabies suspect. If a veterinarian, during a routine office examination, discovers a rabies suspect animal, the animal is to be immediately contained on the premises and the Animal Control Officer or contracted agent is to be immediately notified. All quarantined animals shall be reported to the Animal Control Officer or authorized personnel of the contracted agent.

**SECTION 21. IMPOUNDMENT–AUTHORITY.**

The Animal Control Officer, the Shelter Manager, or any other persons of proper authority is authorized to impound any animal within the county which is in violation of any provision of this Ordinance.

**SECTION 22. ANIMALS RUNNING AT LARGE– IMPOUNDMENT–NOTICE.**

A. All dogs and other animals found running at large in violation of any provision of this Ordinance may be taken by the Animal Control Officer and impounded in the Animal Shelter, and there confined in a humane manner for a period of not less than 3 days, except as otherwise provided in Section 23 and except that, when dogs or other animals are found running at large, and their ownership is known to the Animal Control Officer, the dogs or other animals need not be impounded, but the Animal Control Officer may, at his or her discretion, cite the owners of the dogs or other animals to appear in court to answer charges of violations of this Ordinance.

B. Immediately upon impounding any animal, the Animal Control Officer shall make every reasonable effort to notify the owner of the animal and inform him or her of the conditions whereby he or she may regain possession of the animal. If a dog or other animal wearing a license tag is impounded, the Animal Control Officer shall, immediately after impounding the dog or other animal, and before the same is destroyed or otherwise disposed of, ascertain the name of the owner from the records of the Animal Control Officer and inform the owner of the conditions whereby he or she may regain possession of the dog or other animal. Any animal impounded and subsequently returned to its owner shall be implanted with a microchip prior to its release from the custody of animal control, with the cost of implantation to be borne by the owner.

**SECTION 23. IMPOUNDMENT–REDEMPTION AND DESTRUCTION.**

A. Subject to the provisions of subsection C. of this section, the owner shall be entitled to regain possession of any dog or cat impounded under Section 22, upon compliance with the vaccination and licensing provisions contained in this Ordinance, and upon payment of the fees and charges provided for in subsection B. of this section. Any other animal impounded under the provisions of Section 22 may be reclaimed by the owner upon payment of fees and charges provided for in subsection B. of this section.

B. Any animal impounded under Section 22 may be reclaimed as provided for in this section upon payment by the owner to the Animal Shelter of an impoundment fee for each animal reclaimed, the fee for microchip implantation, any charges for veterinarian services rendered and an additional sum for each day (beyond the initial 24 hour period) each animal has been kept in the Animal Shelter. In the case of a contracted Animal Control Officer, fees shall be handled in accordance with the guidelines set forth by the mutually agreed upon contract or binding instrument.

C. If an animal is surrendered, the owner shall pay a surrender fee. Any animal impounded under Section 22 and not reclaimed by its owner within 3 days may be humanely destroyed by the Animal Control Officer or sold. The Animal Control Officer may destroy any sick or injured or feral animal which has been impounded without holding it for 3 days, if its condition is such as to make its earlier destruction necessary or desirable. All animals destroyed shall be destroyed by a humane procedure.

**SECTION 24. LICENSING.**

It is the purpose of this Ordinance to promote the safety, health and general welfare, by requiring that all dogs and cats owned by, or under the care of, residents of the county be inoculated against rabies to ensure ease of identification of any dog or cat in the event of loss, theft, impoundment or the biting of persons or other animals, and to recover the costs of administration of this Ordinance.

A. No owner of a dog or cat shall fail to obtain a license as specified herein. A violation of this provision is subject to a maximum fine of \$150 and court costs, if applicable.

B. Every owner of a dog or cat shall cause such animal to be licensed as herein provided. The requirements of a license shall not apply if the owner establishes that the dog or cat has been owned for a period of less than 30 days or has not yet reached the age of 6 months.

C. An application for license must be completed for each dog or cat and a renewal application must be completed within 1 year from the month of the first license. Written application provided by the Animal Shelter shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat. Applications for license certificates must be accompanied by a rabies immunization certificate or other satisfactory evidence that the dog or cat for which the license is to be issued has been vaccinated for rabies, and the appropriate fees as shown in subsection D. of this section.

D. The license fee shall be as follows:

1. Neutered/spayed dog: \$8 per year;
2. Unneutered/unspayed dog: \$16 per year;
3. Neutered/spayed cat: \$5 per year; and
4. Unneutered/unspayed cat: \$10 per year.

E. The expiration date of the license shall coincide with the expiration date of the most recent rabies vaccination.

F. Upon acceptance of the license application and fee, a numbered metal or plastic license tag shall be issued to the person paying the fee. The tag shall be stamped with the number and year for which issued. The tag shall be affixed to the licensed animal in conjunction with the rabies tag in a secure manner anytime the animal is outside. The owner shall contact the Animal Shelter to report change in ownership, loss or death of a licensed animal.

G. In the event that licensed tag issued for a dog or cat shall be lost, the owner may obtain a duplicate tag upon the payment of \$2 to the Animal Shelter.

H. If there is a change of ownership of a dog or cat or kennel during the licensed year, the new owner may have the current license transferred in his or her name upon application to the Animal Shelter.

I. The licensing and vaccination requirements of this Ordinance shall not apply to any animal belonging to a nonresident of the county and kept within the county for not longer than 30 days; provided, all such animals shall at all times while in the county, be kept within a building, enclosure or vehicle, or be under restraint by the owner.

#### **SECTION 25. RABIES VACCINATION.**

No dog, cat, or ferret over 6 months of age may be owned, kept or harbored within the county without having a current rabies vaccine designated for the species by the United States Department of Agriculture and recommended in the current *Compendium of Animal Rabies Prevention and Control* prepared by the National Association of State Public Health Veterinarians. The vaccination shall be administered by or under the supervision of a qualified veterinarian.

#### **SECTION 26. RESTRAINT.**

No owner may allow any dog or cat to run at large. The owner of any animal shall at all times keep his or her animal under restraint in a manner which avoids bodily injury to the animal. Service animals and animals used in parades are exempt from the provisions of this section.

#### **SECTION 27. CONFINEMENT OF FEMALES IN HEAT.**

Every female dog or cat in heat shall be confined in a building or secure enclosure, or in a veterinary hospital, or in a boarding kennel, in such a manner that the animal cannot come into contact with a male animal of the same species except for planned breeding purposes.

#### **SECTION 28. DESTROYING AT OWNER'S REQUEST.**

If any owner requests in writing his or her dog or cat be destroyed by the county, or contracting agent, the same shall be humanely destroyed and, under no circumstances, shall it be sold or given to any person. Any owner requesting the Animal Control Officer to destroy his or her dog or cat shall be charged a fee set by resolution of the Pennington County Board of Commissioners.

#### **SECTION 29. SEVERABILITY AND SAVING CLAUSE.**

Each provision of this Ordinance is separate and severable. If any provision or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Ordinance and applicability thereof to other persons and circumstances shall not be affected thereby and shall remain in full force and effect.

Approved this 7th day of July, 2015.

PENNINGTON COUNTY BOARD OF COMMISSIONERS

/s/ Lyndell Petersen, Chairman

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

**SOUTH VALLEY DRIVE ROAD ISSUE – RAPID CITY COUNCILMAN RON WEIFENBACH**: MOVED by Hadcock and seconded by Buskerud that the Highway Department do emergency repairs on South Valley Drive between East Fairmont Blvd and Elk Vale Road.

Substitute motion: MOVED by Ferebee and seconded by Trautman to request that the Highway Superintendent come back with some estimated costs for repairing South Valley Drive between East Fairmont Boulevard and Elk Vale Road. Vote: Unanimous.

**ITEMS FROM TREASURER**

- A. **ADDITIONAL FTE REQUEST**: MOVED by Trautman and seconded by Hadcock to authorize the Treasurer's Office to hire one additional FTE in 2015. The vote was unanimous on a roll call vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

**ITEMS FROM EMERGENCY MANAGEMENT**

- A. **POSSIBLE DISASTER DECLARATION – PENNINGTON COUNTY**: MOVED by Trautman and seconded by Hadcock to authorize the Chairperson to affix his signature on the following resolution. The motion carried 4-1 with Ferebee opposing.

**RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER  
JUNE 2015 SEVERE WEATHER**

**Pennington County, South Dakota**

**WHEREAS**, On July 7<sup>th</sup>, 2015, the Pennington County Board of Commissioners do hereby enact the following resolution; and,

**WHEREAS**, from June 17<sup>th</sup> through June 24<sup>th</sup>, 2015, publically-owned infrastructure within Pennington County, SD was significantly damaged or destroyed during severe weather events; and,

**WHEREAS**, the Pennington County Emergency Management Director and other Officials of Pennington County, SD do hereby find that:

1. The severe weather (including record-setting precipitation) that impacted Pennington County, SD from June 17<sup>th</sup> through June 24<sup>th</sup> caused significant damage to transportation and electrical distribution infrastructure, disrupting utility service and endangering the health and safety residents and visitors within the disaster area;
2. All appropriate local resources have been engaged in response and recovery activities;
3. Costs associated with the recovery efforts are expected to create a significant and unanticipated financial burden to Pennington County and its political subdivisions.

***NOW THEREFORE, IT IS HEREBY RESOLVED AND PROCLAIMED***, that a severe weather disaster does now exist throughout Pennington County, SD; and, ***BE IT FURTHER RESOLVED***, the Pennington County Board of County Commissioners for, and on behalf of its citizens, request the Governor of the State of South Dakota to declare Pennington County a disaster area; and, ***IT IS FURTHER PROCLAIMED AND ORDERED***, during the existence of this emergency/disaster; the powers, functions and duties of the Emergency Management Office of Pennington County, SD shall be those prescribed by state law and the ordinances, resolutions, and approved plans of Pennington County, SD in order to mitigate the effects of this emergency/disaster.

Dated this 7th day of July, 2015.

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

ATTEST: (SEAL)

/s/ Julie A. Pearson  
Pennington County Auditor

**ITEMS FROM EQUALIZATION**

A. **ABATEMENT APPLICATIONS**: MOVED by Buskerud and seconded by Hadcock to grant the following abatements/refunds: 2015 abatement for Msquared LLC, Tax ID 8004964, in the amount of \$82.30; 2013 abatement for Bernard R. Rogers, Tax ID 8006860, in the amount of \$120.14 and 2014 abatement in the amount of \$125.02; 2014 abatement for Rapid City Peace Officers, Tax ID 44526, in the amount of \$7779.92; 2014 abatements for Catholic Social Services, Tax ID 6486, in the amount of \$14,444.82 and Tax ID 64884 in the amount of \$717.50. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. **BLACK HILLS NATIONAL FOREST MODIFICATION #4 TO COOPERATIVE ROAD AGREEMENT #14-RO-11020300-019**. MOVED by Hadcock and seconded by Trautman to approve Modification #4 to Cooperative Road Agreement #14-RO-11020300-019 with the Black Hills National Forest and authorize the Chairperson's signature. Vote: Unanimous.
- B. **ESTABLISHMENT OF 35 MPH SPEED LIMIT ON 225<sup>TH</sup> STREET**: MOVED by Buskerud and seconded by Trautman to approve Resolution 07-07-2015 and authorize the Chairperson to affix his signature. Vote: Unanimous.

**RESOLUTION 07-07-2015  
225<sup>TH</sup> STREET SPEED LIMIT**

WHEREAS, the Pennington County Board of Commissioners have determined that in the interest of safety to local residents that a speed limit on 225<sup>th</sup> Street be established effective July 13, 2015; and

WHEREAS, this Board has the authority to establish such a speed zone on 225<sup>th</sup> Street 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 35 miles per hour be established on 225<sup>th</sup> Street, beginning at the NW Section corner of Section 15, T2N, R8E, BHM (Elk Vale Road), thence east 2200 feet, a distance of 0.41 miles.

Dated this 7<sup>th</sup> day of July, 2015.

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

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

**BOARD OF ADJUSTMENT**

MOVED by Buskerud and seconded by Trautman to convene as the Board of Adjustment. Vote: Unanimous.

- A. VARIANCE / VA 15-15: Monte or Nicole Albert. To reduce the minimum required side yard setback from 25 feet to 21 feet for an existing garage and from 25 feet to 3 feet for an existing shed in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 2, Loveland Canyon Estates, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Buskerud to continue Variance / VA 15-15 to the July 21, 2015, Board of Commissioners' meeting. Vote: Unanimous.

- B. VARIANCE / VA 15-17: Sean or Julie Delaney. To reduce the minimum required side yard setback from 8 feet to 5 feet in a Suburban Residential District to bring an existing garage into compliance in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Block 1, Lot 16, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Trautman to approve Variance / VA 15-17 with two (2) conditions. Vote: Unanimous.

1. That this Variance only applies for the existing 30' x 48' detached garage. All other structures must maintain the proper setback and easement requirements or obtain separate Variance(s); and,

2. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Variance / VA 15-17, which is available at the Planning Office.

C. VARIANCE / VA 15-18: Kyle or Chelsey Watson. To reduce the minimum required front yard setback from 25 feet to 15 feet in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Lots J, K, and L of SE1/4NW1/4, Section 17, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Trautman to approve Variance / VA 15-18 with four (4) conditions.

Substitute motion: MOVED by Buskerud and seconded by Hadcock to reduce the minimum required front yard setback from 25 feet to 18 feet and approve Variance / VA 15-18 with 4 conditions. The motion failed 1-4 on a roll call vote: Buskerud – yes, Ferebee – no, Hadcock – no, Trautman – no, Petersen – no.

Vote on the original motion: Unanimous.

1. That this Variance only applies for the proposed 26' x 38' detached garage. All other structures must maintain the proper setback and easement requirements or obtain separate Variance(s);
2. That a Removal Permit be obtained prior to demolition or removal of the existing detached garage and a Building Permit be obtained prior to construction of the proposed 26' x 38' detached garage, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the applicant obtain an approved Floodplain Development Permit prior to any work being done in the designated 100-year floodplain or floodway; and
4. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Variance / VA 15-18, which is available at the Planning Office.

MOVED by Hadcock and seconded by Trautman to reconsider Item B, Variance / VA 15-17. Vote: Unanimous.

- B. MOVED by Ferebee and seconded by Hadcock to approve Variance / VA 15-17 with two (2) conditions. The motion carried 4-1 on a roll call vote: Buskerud – no, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

MOVED by Trautman and seconded by Hadcock to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

### **PLANNING AND ZONING CONSENT AGENDA ITEMS**

The following item(s) 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 Trautman and seconded by Ferebee to remove Item E and approve Consent Agenda Items D and F-I as presented. Vote: Unanimous.

- D. SECOND READING OF REZONE / RZ 15-06 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-06: Rolland and Laura Willard; Davis Engineering – Agent. To rezone 2.5 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 15-06

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:

(For a portion of Lot 12R Revised) Commencing at the SW corner of Lot 12R, in Forest View Subdivision, a 1" pipe, and the point of beginning. Thence, first course: S34°45'22"E, a distance of 283.89' to a 1" pipe, and the northwesterly corner of Lot 6, in said subdivision; Thence, second course: N49°22'41"E, along the northwesterly lot line of said Lot 6, a distance of 112.16' to a 1" pipe, also being the northeasterly corner of said Lot 6 and the northwesterly corner of Lot 5 in said subdivision; Thence, third course: N48°01'31"E, along the northwesterly lot line of said Lot 5, a distance of 99.32' to a 12" diameter pine tree, also being the northeasterly corner of said lot 5; Thence, fourth course: N46°14'32"W, along a previously dedicated right-of-way for said subdivision, a distance of 203.08' to a 1" pipe, also being the southeast corner of said Lot 12R; Thence, fifth course: S75°00'00"W, along the southerly lot line of said Lot 12R, a distance of 180.27', to the point of beginning; Said Parcel contains 45,474 square feet or 1.044 acres more or less.

(For Lot 13) Commencing at a 1" pipe, also being the southeast corner of Lot 12R, in said Forest View Subdivision, which is the point of beginning. Thence, first course: N43°45'28"E, across a private road, a distance of 40.12', to a survey cap marked "Davis Eng. RLS 3095", which is the true point of beginning; Thence, second course: along a curve to the right, along said private road R.O.W., with a radius of 80.12", a delta angle of 100°43'31", a length of 140.85', a chord bearing of S8°07'29"W, and a chord distance of 123.40', to a survey cap marked "Davis Eng. RLS 3095"; Thence, third course: S70°09'26"E, a distance of 346.40' to a survey cap marked "Davis Eng. RLS 3095"; Thence, fourth course: S51°54'52"W along said private road R.O.W., a distance of 36.55', to a survey cap marked "Davis Eng. RLS 3095"; Thence, fifth course: S15°10'13"W, along said private road R.O.W., a distance of 155.72', to a survey cap marked "Davis Eng. RLS 3095"; Thence, sixth course: along a curve to the right, along said private road R.O.W., with a radius of 45.72', a delta angle of 125°19'08", a length of 95.10', a chord bearing of N74°27'50"E, and a chord distance of 78.86', to a survey cap marked "Davis Eng. RLS 3095"; Thence, seventh course:



N46°14'32"W, along said private road R.O.W., a distance of 273.83', to the true point of beginning; Said Parcel contains 61,758 square feet or 1.42 acres more or less.

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

Dated this 7th day of July, 2015.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

E. Removed for Separate Consideration

F. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

Approve Planned Unit Development / PU 06-07 with twenty (20) conditions.

1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
3. That upon removal of the camper from Lot 127, a camper not be allowed to replace it, and any future homes moved onto the property shall be in compliance with Condition #2;
4. That the mobile homes shall have a minimum twenty (20) foot separation between living spaces;
5. That decks and/or porches be allowed with a Building Permit as accessory structures to each mobile home;
6. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
7. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
8. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and be maintained in such a manner that no dust will result from continuous use;

9. That 13 visitor parking spaces are provided. Each space must measure a minimum of nine (9) feet by eighteen (18) feet, be surfaced in gravel, concrete or asphalt and be maintained in a dust free manner;
10. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
11. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
12. That the mobile home park continue to be provided with an on-site management office;
13. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305 of Pennington County's Zoning Ordinance;
14. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
15. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Floodplain Development Permit shall be obtained for any work within the 100-year floodplain;
16. That the storage units be used exclusively for storage and not retail business activities;
17. That each unit has an individual address that must be posted so it is clearly visible in accordance with Pennington County's Ordinance #20;
18. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
19. That the first 100 feet off of Sturgis Road be continually hard surfaced; and,
20. That this PUD be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

G. PLANNED UNIT DEVELOPMENT REVIEW / PU 02-04: Deerfield Park Condominiums. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Sustain the Planning Commission recommendation to end PU 02-14.

H. MINOR PLAT / PL 15-14: David and Sela Nagelhout; Fisk Land Surveying – Agent. To reconfigure lot lines to create Lots 7R and 9R of Deerfield Park Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 7, 8, and 9, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 7R and 9R, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 15-14 with three (3) conditions:

1. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of addresses are meeting Pennington County Ordinance #20 standards and an approved Building Permit is obtained for the 16.3' x 12.3' shed located on Lot 9 (Proposed Lot 9R);
2. That any additions to existing structures on Lot 7R and Lot 9R will require a new assessment of the existing On-site Wastewater Treatment Systems, including new percolation tests and profile hole information and all rules of Pennington County Zoning Ordinance 204-J must be met; and,
3. That the property owners sign Statements of Understanding within seven (7) business days of approval for Minor Plat / PL 15-14.

- I. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-08 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-08: Mitch Morris. To rezone 30.49 acres from General Agriculture District and to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 30.49 acres of land located in the N1/2 NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 30.49 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South 89°51'35" East, along the north line of the NW1/4 of Section 33, a distance of 2656.84 feet to the northeast corner of the NW1/4 of Section 33; Thence, South 00°08'05" West, along the east line of the NW1/4 of Section 33, a distance of 500.00 feet to a point for corner; Thence, North 89°51'35" West, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the west line of the NW1/4 of Section 33; Thence, North 00°04'45" East, a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.49 acres, more or less, of land.

Continue Rezone / RZ 15-08 and Comprehensive Plan Amendment / CA 15-08 to the July 21, 2015, Board of Commissioners' meeting.

Removed for Separate Consideration

- E. SECOND READING OF REZONE / RZ 15-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-02: Mitch Morris. To rezone 151.36 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from

Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

MOVED By Hadcock and seconded by Trautman to approve the Second Reading of Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02.

Substitute motion: MOVED by Ferebee and seconded Buskerud to deny the Second Reading of Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02. The substitute motion failed 2-3 on a roll call vote: Buskerud – yes, Ferebee – yes, Hadcock – no, Trautman – no, Petersen – no.

The original motion carried 3-2 on a roll call vote: Buskerud – no, Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

#### ORDINANCE NO. RZ 15-02

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:

Being 151.36 acres of land located in the E1/2 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 151.36 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words “more or less”; BEGINNING at the southwest corner of Lot 1 of the SW1/4 SE1/4 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, on the south line of Section 32 at the intersection of the east right-of-way line of South Dakota Highway 79; Thence, North 06°32'53" West, along the west line of said Lot 1 of the SW1/4 SE1/4 of Section 32 and east right-of-way line of SD Highway 79, a distance of 4310.98 feet to a point on the easterly line of Lot A of the NW1/4 NE1/4 of Section 32 as shown on plat recorded in Highway Plat Book 9, Page 93, in the office of the Pennington County Register of Deeds, in a curve from which the center of curvature bears North 48°17'34" West a distance of 103.00 feet; Thence, southwesterly, following the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the right having a radius of 103.00 feet, a central angle of 35°53', for an arc distance of 64.51 feet to a point of tangency; Thence, South 77°35'27" West, continuing to follow the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 4.12 feet to a point for corner on the east right-of-way line of SD Highway 79, in a curve from which the center of curvature bears South 73°13'38" West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of 00°29'02", for an arc length of 33.11 feet to point for corner on the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32; Thence, North 77°35'27" East, following the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 6.78 feet to a point of curvature; Thence, northeasterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 70.00 feet, a central angle of 84°05'03", for an arc

length of 102.73 feet to a point of tangency; Thence, North 06°29'36" West, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 606.16 feet to a point of curvature; Thence, northwesterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 1432.39 feet, a central angle of 05°45'52", for an arc length of 144.11 feet to point for corner on the west line of the E1/2 of Section 32; Thence, North 00°01'24" East, along the west line of the E1/2 of Section 32, a distance of 206.71 feet to the northwest corner of the E1/2 of Section 32; Thence, South 89°48'35" East, along the north line of the E1/2 of Section 32, a distance of 2656.84 feet to the northeast corner of Section 32; Thence, South 00°04'45" West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North 89°48'35" West, parallel to and 500 feet distant from the north line of the E1/2 of Section 32, a distance of 1514.54 feet to a point for corner; Thence, South 06°22'35" East, a distance of 4844.00 feet to a point for corner on the south line of the E1/2 of Section 32; Thence, North 89°36'35" West, along the south line of the E1/2 of Section 32, a distance of 1088.72 feet to the POINT OF BEGINNING and containing 151.36 acres, more or less, of land.

The above-described property is hereby rezoned from General Agriculture District and Light Industrial District to General Commercial District.

Dated this 7th day of July, 2015.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

End of Consent Agenda

**REGULAR PLANNING & ZONING ITEMS**

- J. **REQUEST FOR CONTRACT MODIFICATION FOR THE SPRING CREEK PROJECT:**  
MOVED by Hadcock and seconded by Trautman to approve the contract modification for the Spring Creek Project. The motion carried 3-2 with Buskerud and Ferebee opposing.
- K. **PENNINGTON COUNTY COMPREHENSIVE PLAN - UPDATE**

Moved by Trautman and seconded by Buskerud to take a 10 minute recess. 12:15 p.m. Vote: Unanimous. The Board reconvened at 12:25 p.m. with all members present.

**REQUEST FOR PENNINGTON COUNTY TO TAKE RESPONSIBILITY FOR A 1 MILE PORTION OF RESERVOIR ROAD (FROM SOUTH PITCH DRIVE NORTH TO STACY STREET) – JEFF SLATHAR:** MOVED by Trautman and seconded by Buskerud that Pennington County not take on responsibility for the portion of Reservoir Road between South Pitch Road and Stacy Street. Vote: Unanimous.

**2015 LIBRARY SERVICES COUNTY FUNDING – COMMISSIONER HADCOCK:**

MOVED by Hadcock and seconded by Trautman to pay the quarterly payment totaling \$13,202 to Keystone, Wall and Hill City Libraries and further moved to pay any remaining available balance of library collections to the Rapid City Public Library. Vote: Unanimous.

**FY2016 COUNTY PROVISIONAL BUDGET DISCUSSION**

- A. DRAFT 2
- B. WHEEL TAX
- C. WAGE STUDY
- D. SUBSIDY REQUESTS
- E. NEW FTE REQUESTS
- F. LIBRARY LEVY FUNDING
- G. OTHER ITEMS – HEALTH INSURANCE: MOVED by Trautman and seconded by Buskerud that Human Resources and the Auditor prepare a report showing the changes in health insurance for the departments between last year’s approved budget and the 2016 proposed budget. Vote: Unanimous.

**ITEMS FROM CHAIR/COMMISSIONERS**

- A. FORMAL POLICY FOR HANDLING CITIZEN COMPLAINTS/ISSUES: No direction was given at this time.
- B. EXCEPTION TO ROBERTS RULES OF ORDER – ROTATION OF ROLL CALL VOTE ORDER: MOVED by Trautman and seconded by Buskerud to continue with roll call votes as they have been handled since the first of the year.

Substitute motion: MOVED by Ferebee and seconded by Hadcock to change the policy on Roberts Rules of Order and make an additional exception to rotate roll call votes alphabetically. The substitute motion failed 2-3 on a roll call vote: Buskerud – no, Ferebee – yes, Hadcock – yes, Trautman – no, Petersen – no.

Commissioners Trautman and Buskerud withdrew the original motion.

**REQUEST FOR SUPPORT FROM JACKSON COUNTY FOR PROPOSED LEGISLATION TO IMPLEMENT A COUNTY SALES TAX:**

MOVED by Ferebee and seconded by Buskerud to support the resolution brought forward by Jackson County for implementation of a County sales tax. Vote: Unanimous.

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

MOVED by Trautman and seconded by Ferebee to convene in executive session. Vote: Unanimous. The Board remained in executive session from 2:05 p.m. until 2:33 p.m.

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

MOVED by Buskerud and seconded by Hadcock to adjourn from executive session. Vote: Unanimous.

**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 June 25, 2015: Total balances of checking/savings accounts, \$17,953,574.77; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,580,790.85; Total Prime Value Investment, \$20,912,128.79; Total petty cash, \$12,205.00; Total Cash Items, \$77.60; Total **long**/short, (\$424.26); Total, \$42,468,352.75. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**

**Public Defender:** Effective 6/29/2015 – Jeff Fransen, \$5,213.75/month.

**Treasurer:** Effective 7/6/2015 – Jessica Foster, \$14.45/hr.

**PAYROLL**

Commissioners, 15,742.03; Human Resources, 5,028.30; Elections, 22,607.73; Auditor - liens, 5,194.00; Auditor, 23,965.21; Treasurer, 55,512.37; IT, 56,730.52; State's Attorney, 164,547.45; Public Defender, 126,819.95; VAWA Grant, 24,923.74; Juvenile Diversion, 12,561.89; VOCA, 5,645.36; Buildings & Grounds, 131,070.13; Equalization, 113,264.47; Register of Deeds, 26,357.65; Sheriff, 405,427.42; Service Station, 10,977.40; HIDTA Grant, 10,538.52; Jail, 659,474.50; Jail Work Program, 5,888.12; Jail Medical, 10,400.00; Coroner, 462.01; Hill City Law, 15,655.74; Keystone Law, 6,352.45; New Underwood – Law, 5,650.10; School Liaison, 20,204.70; Wall Law, 11,806.79; JSC Juvenile Alternative, 10,565.39; CCADP, 160,949.02; Adams House, 47,729.45; Economic Assistance, 66,621.78; Mental & Alcohol-SAO, 9,274.80; Mental & Alcohol-HHS, 3,938.06; Extension, 3,591.42; Weed & Pest, 31,178.15; Planning and Zoning, 21,750.36; Water Protection, 7,330.00; Ordinance, 4,436.00; Juvenile Services Center, 203,784.78; Road & Bridge, 222,649.01; Fire Administration, 7,205.75; Dispatch, 200,699.78; Emergency Management, 9,409.93; 24-7 Program, 27,111.96.

**VOUCHERS**

06/23/2015 Election Expenses, \$3,325.00; Adair Asset Management/Bmo Harris, \$97.18; Amerigas, \$62.62; BH Power Inc, \$52,259.13; BH Power Inc, \$208.34; BH Power Inc, \$321.42; BH Power Inc, \$482.31; BH Power Inc, \$16,316.97; CBM Food Service, \$8,330.08; Century Link, \$9,332.49; Century Link, \$3.59; City Of Box Elder, \$13.04; City Of Hill City, \$54.79; City Of Rapid City -Water, \$14,395.13; City Of Rapid City -Water, \$1,112.38; City Of Rapid City -Water, \$446.71; City Of Wall, \$139.00; Delta Dental Of South Dakota, \$28,146.40; Executive Mgmt Fin Office, \$24.00; First Interstate Bank, \$10,385.23; First Interstate Bank, \$2,617.86; Golden West Companies, \$247.11; Kieffer Sanitation/A Waste Management Co, \$2,727.20; Marco Inc, \$320.57; Medical Waste Transport Inc, \$323.19; Montana Dakota Utilities, \$6,072.45; Orbitcom Inc, \$47.93; Pioneer Bank & Trust, \$21,869.98; Rainbow Gas Company, \$1,634.80; Sun Life Financial, \$80,048.25; The Hartford, \$2,554.84; Vast Broadband, \$250.00; Vast Broadband, \$3,388.79; Vast Broadband, \$1,781.30; Verizon Wireless, \$467.27; Verizon Wireless, \$6,058.54; Verizon Wireless, \$350.32; Verizon Wireless - Lert B, \$51.86; Wellmark, \$79,745.40; Wellmark, \$71,921.95; Wellmark, \$58,630.98; Wellmark, \$107,510.46; West River Electric, \$62.34; West River Electric, \$1,177.73; Wex Bank, \$413.65; Wimactel Inc, \$60.00.

July 7, 2015

**ADJOURN**

MOVED by Buskerud and seconded by Trautman to adjourn the meeting. Vote: Unanimous.  
There being no further business, the meeting was adjourned at 2:33 p.m.

Julie A. Pearson, Auditor

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

Publish: July 22, 2015