

**PROCEEDINGS OF THE PENNINGTON COUNTY
BOARD OF COMMISSIONERS
October 18, 2016**

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, October 18, 2016, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chairperson Lyndell Petersen called the meeting to order with the following Commissioners present: Ron Buskerud, George Ferebee, Deb Hadcock and Nancy Trautman.

REVIEW AND APPROVE AGENDA

MOVED by Trautman and seconded by Hadcock to approve the agenda as presented. The motion carried.

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 at the request of a board member or citizen for separate consideration. The motion carried.

MOVED by Trautman and seconded by Hadcock to remove Consent Agenda Items 7, 10 & 12 for separate consideration and approve the remaining Consent Agenda Items as presented.

6. Approve the minutes of the regular October 4, 2016, Board of Commissioners' meeting as presented.
7. Removed for separate consideration.
8. (SP16-013) Schedule a hearing at 9:15 a.m. on November 1, 2016, to supplement the Health Care Trust Fund 2016 operating budget in the amount of \$500,000 from over collected current year revenues.
9. (SP16-014) Schedule a hearing at 9:15 a.m. on November 1, 2016, to supplement the Jail budget in the amount of \$191,000 from unexpected revenues.
10. Removed for separate consideration.
11. To declare surplus 76 obsolete cellular phones assigned to the Pennington County Sheriff's Office to be recycled through E-Cycle Company. (Sheriff)
12. Removed for separate consideration.
13. Approve the Snow Removal agreement with the Edelweiss Mountain Improvement Association and authorize the Chairperson's signature thereupon. (Highway)
14. Recognize and thank the volunteers for the month of September 2016. The list of volunteers is on file in the Human Resources office and is posted on the County Bulletin Board. (Human Resources)
15. Approve the resolution dissolving Tax Increment District Number Three (Planning Department)

**A RESOLUTION DISSOLVING
TAX INCREMENT DISTRICT NUMBER THREE**

WHEREAS, Pennington County created Tax Increment District Number Three on September 5, 2006; and,

WHEREAS, no expenses have accrued and no expenditures have been made in accordance with adopted project plan for Tax Increment District Number Three adopted on September 5, 2006; and,

WHEREAS, the County Board of Commissioners are authorized to dissolve the Tax Increment District pursuant to SDCL 11-9-46(2);

NOW, THEREFORE, BE IT RESOLVED by Pennington County that Tax Increment District Number Three be and is hereby dissolved; and,

BE IT FURTHER RESOLVED that any funds which are deposited in the Tax Increment District Number Three Special Fund, be distributed as provided SDCL 11-9-45.

Dated this 18th day of October, 2016.

PENNINGTON COUNTY COMMISSION

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

ATTEST:

/s/ Julie A. Pearson, Auditor

Removed for Separate Consideration

7. MOVED by Trautman and seconded by Hadcock to approve the minutes of the Special Meeting held October 11, 2016, correcting the votes on two motions to reflect that four commissioners voted, not five. The motion carried. It was also noted that roll was not called for the motion to adjourn.
10. MOVED by Hadcock and seconded by Trautman to declare surplus one (1) Snap-On Scanner to be used as trade toward the purchase of a replacement scanner. The motion carried.
12. MOVED by Hadcock and seconded by Buskerud to authorize the Highway Department to enter into the Services Contract/Agreement with the South Dakota Game, Fish, and Parks for snow removal at the Hill Top Parking Lot, with a change recommended by Commissioner Ferebee. The motion carried.

End of Consent Agenda Items

LIEN RELEASE REQUEST (RW) Denied at the 10/4/2016 meeting

MOVED by Trautman and seconded by Buskerud to rescind the motion from October 4, 2016, to deny the lien release request for (RW). The motion carried.

MOVED by Trautman and seconded by Buskerud to deny the lien release request for RW (Name withheld per SDCL 28-13-42). A substitute motion by Ferebee to approve the lien release request

failed for lack of a second. The vote on the original motion carried 4-1 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

ITEMS FROM AUDITOR

- A. BUDGET SUPPLEMENT HEARING (SP16-012) 24/7 FUND: MOVED by Trautman and seconded by Petersen to approve a supplement to the 24/7 Fund 2016 operating budget in the amount of \$20,000 from over collected current year revenue. The motion carried on a roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

ITEMS FROM BUILDINGS & GROUNDS

- A. HIGHWAY OFFICE AND SHOP BIDS RESULTS AND CONTRACT AWARD: MOVED by Trautman and seconded by Hadcock to authorize the Chairman’s signature to the A1A Document A101-2007, Standard Form of Agreement Between Owner and Contractor, dated October 13, 2016, between Pennington County and RCS Construction, Inc., for construction of the project identified as the Pennington County Highway Department Office and Shop for a lump sum fee of \$5,458,100 which includes the base bid and bid alternates #1, #2, and #3. A substitute motion by Ferebee to delay the decision until such time as we look at the feasibility of finding some property outside Rapid City for a Highway Shop and parking for all equipment and materials died for lack of a second. The motion carried 3-2 on a roll call vote: Buskerud – no, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.
- B. COUNTY HEALTH FACILITY PROJECT – AUTHORIZATION TO ADVERTISE & SCHEDULE BID OPENING: MOVED by Trautman and seconded by Hadcock to authorize Buildings & Grounds to advertise for bids for the County Health Facility Project and schedule a Special Board Meeting for the bid opening at 2 p.m. on November 22, 2016. The motion carried 3-2 on a roll call vote: Buskerud – no, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

ITEMS FROM HIGHWAY DEPARTMENT

- A. UTILITY, RIGHT-OF-WAY AND LETTING CERTIFICATES FOR BRO 8052(61) PCN 033L; BRADSKY ROAD BRIDGE: MOVED by Trautman and seconded by Hadcock to authorize the Chairman to sign the Utility Certificate, the Right-of-Way Certificate and the Letting Authorization for Project BRO 8052(61): PCN 033L, Bradsky Road Bridge. The motion carried 4-1 with Ferebee opposing.
- B. I-90 NORTH SERVICE ROAD JOINT POWERS AGREEMENT: MOVED by Hadcock and seconded by Buskerud to authorize the Chairperson’s signature on the Joint Powers Agreement for the I-90 North Service Road, which removes Pennington County from all responsibilities for the roadway. The motion carried.

ITEMS FROM CHAIR AND COMMISSION MEMBERS

County Fire Administrator Denny Gorton reported on the Pennington County VFD Banquet. Fire Fighter of the year award was presented to Jeremy Cook from the Wall VFD, the Fire Officer of the year award went to John Kitterman and Jim Kitterman from Wall VFD. Garrett Nelson, Box Elder VFD, was selected as rookie of the year.

APPROVAL OF VOUCHERS

MOVED by Hadcock and seconded by Trautman to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$2,612,308.94. The motion carried 4-1 with Ferebee opposing.

A & A Professional Property Management, \$1,428.00; A & B Business Inc, \$2,550.95; A & B Welding Supply Co, \$2,212.66; A to Z Shredding, \$517.74; A-1 Sewer & Drain Inc, \$320.00; Aaron Klapkin, \$588.00; Adams-ISC Llc, \$12,320.00; Advanced Drug Testing Inc, \$36.00; ALB Unlimited Llc, \$945.00; Alexander Purcell, \$103.32; Allen Reuer, \$1,960.00; Al's Metal Work Inc, \$138.95; American Correctional Association, \$5,000.00; American Correctional Association, \$70.00; American Hotel Register Company, \$388.75; American Planning Assoc, \$189.00; Americinn Lodge & Suites, \$57.00; Americinn Motel, \$1,316.00; Amick Sound Inc, \$511.95; Amos Armijo Jr, \$132.00; Angela M Colbath Atty Pc, \$4,324.00; Apria Health Care Inc, \$272.00; Argus Leader, \$808.50; Arman Zeljkovic, \$573.82; Armstrong Extinguishers, \$40.00; Armstrong Medical Industries Inc, \$283.42; Aspc Llc, \$2,310.00; Aspen Park Apartments, \$275.00; ATB Tel Llc, \$340.00; Atlas Business Solutions, \$1,770.00; Audra Malcomb Consulting, \$10,659.76; Avanti Motel, \$190.00; Badlands Automotive, \$1,410.11; Baffuto Architecctura, \$962.50; Bangs McCullen Butler Foye & Simmons Llp, \$3,283.02; Bargain Barn Tire Center, \$15.00; Bargain Printing, \$895.55; Barnier Law Office Pc, \$1,743.00; Basler Printing Co, \$195.00; Behavior Management Systems Inc, \$444.04; Behrens-Wilson Funeral Home, \$1,910.00; Best Western Ramkota Inn, \$7,419.23; BH Amateur Radio Club Inc, \$20.00; BH Chemical Company Inc, \$4,119.25; BH Fiberglass & Plastics And Hofer Fire Stuff, \$2,466.00; BH Insurance Agenc Inc, \$60.00; BH Oral & Maxillofacial Surgery Pc, \$491.27; BH Orthopedic & Spine Center Pc, \$1,940.36; BH Patrol, \$144.00; BH Power Equipment Inc, \$171.93; BH Power Inc, \$362.71; BH Power Inc, \$1,171.57; BH Power Inc, \$72,055.78; BH Power Inc, \$716.31; BH Powersports, \$121.98; BH Regional Eye Institute Llp, \$987.70; BH Regional Eye Surgery Center Llc, \$1,567.26; BH Regional Surgery Anesthesia, \$223.60; BH Services Inc, \$259.39; BH Surgical Hospital Llc, \$5,110.55; BH Urgent Care Llc, \$502.00; BH Wilbert Vault, \$65.00; Bi Inc, \$2,100.00; Bierschbach Equipment And Supply Co Inc, \$8,245.25; Birch Communications Inc, \$55.36; BituminoUS Paving Inc, \$3,742.70; Black Hawk Vfd, \$537.50; Blue Book, \$24.95; Bob Barker Company Inc, \$10,803.05; Bowman Tire Service, \$15.00; Box Elder Vfd, \$500.00; Brevik Law Office Pllc, \$439.72; Bridgette R Banks, \$453.55; Brosz Engineering Inc, \$7,137.50; Brown's Small Engine Repair, \$36.66; Budget Inn, \$190.00; Butler Machinery Company, \$5,369.74; Capital Holdings Llc, \$240.00; Carlos Colon, \$100.00; Carol Butzman Consulting Services Llc, \$150.00; Carol Prentice, \$47.04; Cash-Wa Distributing, \$2,390.89; Cassondra Bolstad, \$156.90; Cathy A Labor, \$270.00; Cat's Cleaning, \$50.00; Cbm Food Service, \$116,174.57; Cdw Government Inc, \$22,664.96; Central States Sanitation, \$180.00; Chad Maxon, \$79.00; Charm-Tex Inc, \$78.90; Chemsearch, \$375.00; Chris Supply Co Inc, \$530.53; Cindy Mohler, \$79.98; City Of Box Elder, \$299.00; City Of Box Elder, \$223.27; City Of Rapid City, \$39,731.15; City Of Rapid City -Water, \$164.40; City Of Rapid City -Water, \$2,205.46; Clark Printing, \$2,232.22; Climate Control Systems And Service Llc, \$4,072.88; Clinical Laboratory Of The Black Hills, \$7,411.00; Colonial Motel, \$180.00; Community Health Center Of The Black Hills Inc, \$1,661.00; Computer Forensic Resources Inc, \$300.00; Connections Inc Eap, \$974.39; Cooks Correctional, \$166.89; Copy Country, \$155.00; Coremr Lc, \$909.00; Cornerstone Apartments, \$300.00; Corral Motel, \$360.00; Countryside Property Management Llc, \$620.00; Craig Robertson, \$3,096.00;

Creative Surfaces Inc, \$150.00; Creighton Thurman, \$348.78; Crescent Electric Supply, \$1,726.17; Crisis Prevention Institute Inc, \$343.21; Crop Production Service, \$1,385.00; Cummins Central Power Llc, \$17,361.39; Cynthia M Weichmann, \$53.20; Dakota Battery & Electric, \$75.54; Dakota Business Center, \$10,845.36; Dakota Fluid Power Inc, \$987.39; Dakota Mill & Grain Inc, \$171.66; Dakota Plains Legal Services Inc, \$17,666.66; Dakota Supply Group Inc, \$142.73; Dale's Tire & Retreading Inc, \$5,904.05; Dash Medical Gloves Inc, \$1,843.60; Dawn Riter, \$79.00; Deanna K Clayborne, \$5.20; Deanna Nolan, \$64.00; Delilah Ayers, \$55.44; Delta Dental Of South Dakota, \$31,305.62; Den Herder Law Office Pc, \$168.05; Dennis Supply - Rc, \$86.19; De's Oil Inc, \$71.62; Diamond Vogel Paint Center, \$127.34; Diann Asher, \$475.00; Diesel Machinery Inc, \$595.37; Dillon Law Office, \$345.00; Don Sawvell, \$400.02; Donald A Janz, \$3,225.00; Dot Fhwa, \$194,727.12; Doty Vfd, \$387.50; Dougherty & Company Llc, \$41,287.50; Driftwood Estates, \$240.00; Dustin L Livermore, \$408.00; Dustin Willett, \$530.96; Eagle Point Software Corporation, \$750.00; Eagle Ridge Apartments I, \$270.00; Eastern Penn Conservation, \$9,225.00; Eddie's Truck Sales Inc, \$2,842.25; Edgewood Estates Lp, \$300.00; Electrical Engineering & Equipment Company, \$400.00; Eprovider Solutions, \$200.40; Eric D Whitcher, \$579.70; Estes Park Apartments, \$240.00; Evergreen Office Products, \$1,049.37; Executive Mgmt Fin Office, \$81.00; F & M Rentals Llc, \$50.00; Fall River County Sheriff's Office, \$73.00; Farmer Brothers Coffee, \$283.46; Fastenal Company, \$103.59; Federal Express, \$69.95; Fennell Design Inc, \$54,482.75; Ferguson Enterprises Inc #226, \$155.22; First Interstate Bank, \$9,473.87; First Interstate Bank, \$357.00; First Interstate Bank, \$3,089.64; First Interstate Bank, \$4,080.07; First Interstate Bank, \$181.38; Flooring America, \$10,736.83; Foley's Custom Print, \$135.00; Foothills East Apartments, \$750.00; Four Seasons Sports Center, \$196.95; Fox Youngberg & Lewno, \$564.76; Frontier Commercial Glass, \$7,074.00; G & H Distributing - Rc, \$216.51; Gina Nelson, \$360.00; Gj Holsworth & Sons Inc, \$550.00; Global Equipment Company, \$372.50; Global Tel'link, \$12.72; Godfrey Brake Service And Supply Inc, \$2,364.23; Golden West Companies, \$1,436.11; Golden West Technologies, \$1,509.52; Grainger - 829245489, \$492.40; Great Western Tire Inc, \$1,202.60; Grimm's Pump Service Inc, \$122.61; Gumbo Drive Llc, \$500.00; Gunderson Palmer Nelson And Ashmore Llp, \$380.00; Harveys Lock Shop, \$3,278.14; Hdr Engineering Inc, \$6,742.50; Health Education Design Solutions Inc, \$176.00; Heartland Paper Company, \$9,810.77; Henry J Sinkie, \$38.99; Hill City Hardware Inc, \$25.98; Hill City Prevailor, \$475.44; Hills Materials Company, \$283,470.55; Hills Septic Service, \$180.00; Hillyard/Sioux Falls, \$2,907.35; Holiday Inn Express, \$91.00; Holli Hennies, \$21.00; Honeywell Inc, \$23,651.78; Horwath Laundry Equipment, \$78.00; Howes Oil Company Inc, \$25,853.07; Humane Society Of The Black Hills, \$4,166.67; Independent Window Tinting Llc, \$320.00; Indoff Inc, \$775.95; Intab Llc, \$196.87; Integrity International Investigations & Training, \$1,083.44; Interior Vfd, \$4,000.00; Interstate All Battery Center, \$98.95; Intoximeters Inc, \$801.50; Inventory Trading Company, \$112.00; Ione Wolf, \$545.25; Jacqueline K Perli Reporting Inc, \$708.75; Jamie Guffey, \$382.56; Jana M Bielmaier, \$1,470.00; Janet Saylor, \$350.16; Jantech Llc, \$940.00; Jbs Vending, \$638.91; Jd's Equipment Service Llc, \$810.00; Jean M Cline, \$2,018.15; Jeff Andrews, \$132.28; Jeff Boal, \$22.00; Jeff Rohrich, \$170.00; Jeffries Law Office Pc, \$1,118.26; Jenner Equipment Co, \$1,737.96; Jerri Harn, \$99.12; Jessica Gerlach, \$20.00; Jessie Hudson, \$75.00; Jody H Speck, \$1,564.00; Joe Guttierrez, \$90.00; Joel Kirst, \$121.00; John Gordon, \$300.00; Johnson Machine Inc, \$1,664.30; Johnstone Supply, \$969.72; Joseph Ashley Parr, \$128.94; Joseph M Jackson, \$350.00; Josey Sittig, \$240.00; Josh Hendrickson, \$212.60; Julio Castillo, \$20.00; K & D Appliance Service, \$168.32; K T Property Llc, \$500.00; Kahler Property Management, \$138.00; Karen Swanda, \$42.00; Karl's Appliance, \$125.00; Kathy Davis, \$1,560.20; Kayla L Maruska,

\$587.75; Kevin E Kirschenmann, \$910.00; Kevin Thom, \$198.04; Kherdine Weber, \$90.00; Kieffer Family Dental Pc, \$2,234.00; Kieffer Sanitation/A Waste Management Co, \$250.34; Kieffer Sanitation/A Waste Management Co, \$2,359.48; Kimball Midwest, \$985.06; Kimberly K Johnson, \$646.00; Kirk Funeral Home, \$1,910.00; K-Mart, \$432.35; Knecht Home Center Inc, \$595.88; Knollwood Heights Apartments, \$132.00; Laboratory Corporation Of America Holdings, \$271.75; Laboratory Corporation Of America Holdings, \$218.00; Lakota Community Homes Inc, \$519.00; Language Line Services, \$72.65; Lara Roetzel, \$615.80; Law Enforcement Targets Inc, \$454.27; Lawrence D Beezley, \$120.00; Lewis & Clark Behavioral Health Services, \$480.00; Liberty Emblem Company Llc, \$1,231.75; Lift Pro Equipment Co Inc, \$876.16; Lighting Maintenance Co, \$99.00; Linda J Nohr, \$1,225.00; Lindquist & Vennum Pllp, \$35,035.00; Lisa Schafer, \$1,470.00; Little Luxuries, \$100.00; Lori Sargent, \$160.14; Louisiana State University In Shreveport, \$30.00; Lowe Roofing Incorporated, \$34,953.00; Lucille M Lewno, \$606.34; Lutheran Social Service, \$26,419.77; M & W Towing & Recover Inc, \$529.50; Mac Construction Co Inc, \$86,868.00; Macnally Law Offices Prof Llp, \$1,816.40; Mahala Bach, \$95.90; Manlove Psychiatric Group, \$3,933.35; Marcia Whiting, \$2,626.60; Marco Inc, \$728.83; Marco Inc, \$3,576.04; Mark Katterhagen, \$64.00; Mark S Gruetzmacher, \$350.00; Marvin R Ekeren, \$22.00; Masters Awards, \$176.05; Matco Tools, \$31.50; Matheson Tri-Gas Inc, \$554.96; Matthew Adams, \$81.00; Matthew Bender & Co Inc, \$285.18; Matthew Properties Llc, \$270.00; Matthew Stephens, \$8,700.00; Mci Service Parts Inc, \$78.72; Mckie Ford Inc, \$40,035.90; Mcleod's Printing Inc, \$69.80; Meadowlark Place Llc, \$100.00; Medical Waste Transport Inc, \$281.22; Medline Industries Inc, \$1,920.48; Melissa J Rupert, \$2,949.75; Menards, \$1,626.73; Mg Oil Company, \$706.47; Michael Powell, \$375.00; Michaele Hofmann, \$159.60; Michelle M Veneklasen, \$250.00; Michelle Mehrer, \$169.00; Midcontinent Communications, \$527.25; Midwest Marketing Llc, \$3,669.42; Mikelson Law Office, \$649.93; Minnehaha County Auditor, \$81.00; Mischelle Boal, \$250.80; Mobile Electronic Service, \$957.26; Monica D Colbath, \$2,042.40; Moody's Investors Service Inc, \$13,500.00; Moore Medical Corp, \$5,444.28; Motel Rapid, \$175.00; Moyle Petroleum, \$11,177.54; Mt Rushmore Telephone Co, \$104.67; Murphy Law Office Pc, \$629.60; Muth Electric Inc, \$20,000.47; Native Sun News, \$200.00; Nelson Center Pc, \$975.00; Nena, \$675.00; Networkfleet Inc, \$37.90; Neve's Uniforms Inc, \$4,823.79; Newkirk's Ace Hardware-East, \$1,026.87; Newkirk's Ace Hardware-West, \$322.58; Nicolas Quetter, \$276.00; North Central Supply Inc, \$6,052.46; North Haines Vfd, \$4,274.05; Northern Truck Equipment, \$606.25; Northwest Pipe Fitting Inc, \$269.12; Notable Corporation, \$1,341.10; Office Depot, \$12.99; Officemax Incorporated, \$1,941.01; Olson Construction Inc, \$24,992.15; Olson Towing, \$242.00; Osheim & Schmidt Funeral Home, \$1,910.00; Oster Consulting, \$176.00; Otis Elevator Co, \$15,387.26; Pacific Steel & Recycling, \$553.14; Patricia A Meyers, \$310.00; Paul A Bormes Md Pc, \$430.00; Paul A Lewis, \$3,348.80; Paul Paulsen, \$330.00; Pederson Law Office Llc, \$5,640.17; Penn Co Council On Aging, \$9,723.00; Penn Co Equalization Petty Cash, \$30.24; Penn Co Health & Human Sv Petty Cash, \$29.13; Penn Co Highway Petty Cash, \$15.00; Penn Co Jail Petty Cash, \$1,490.00; Penn Co Juv Diversion, \$118.26; Penn Co Sheriff Petty Cash, \$1,674.97; Penn Co States Atty Petty Cash, \$190.00; Penn Co Treasurer Petty Cash, \$80.00; Pennington County Courant, \$875.33; Pennington County Housing, \$1,358.00; Pete Lien & Sons Inc, \$91,889.96; Pharmchem Inc, \$275.00; Phoenix Investigations, \$700.98; Pillen Optical Inc, \$60.00; Pioneer Bank & Trust, \$1,481.84; Pitney Bowes Reserve Account, \$11,573.83; Ponderosa Screen Printing And Embroidery, \$2,003.91; Power House, \$78.42; Pressure Services Inc, \$5,583.51; Price Motel, \$510.00; Print Mark-Et, \$33.95; Proforma Screening Solutions Llc, \$195.50; Pts Solutions Inc, \$637.50; Quill Corporation, \$2,261.05; Rachel Waddell, \$121.00; Radiology

Associates Professional Llc, \$82.37; Ramkota Hotel, \$182.00; Rapid Delivery Inc, \$120.75; Rapid Leasing, \$883.81; Rapid Rooter, \$75.00; Rapid Tire & Alignment, \$386.25; Rapid Towing Llc, \$100.00; Rapid Transit System, \$60.00; RC Area School Dist 51-4, \$2,569.48; RC Emergency Services Pa, \$699.35; RC Fire & Emergency Services, \$434.42; RC Journal, \$4,080.31; RC Medical Center Llc, \$31.20; RC Police Dept-Evidence, \$4,018.00; RC Regional Hospital Inc, \$2,096.96; RC Regional Hospital Inc, \$393.96; RC Winair, \$59.00; RC Winsupply, \$301.50; RDO Equipment Co, \$22,150.00; RDO Equipment Co, \$1,525.60; Record Storage Solutions, \$527.15; Redwood Toxicology Inc, \$3,900.00; Regional Health Reference Laboratory, \$1,870.99; Regional Hospital Longterm Care Pharmacy, \$17,516.31; Regional Pharmacy, \$1,771.08; Reliance Telephone Inc, \$8.34; Rhonda Fairbanks, \$22.00; Richard Schuttler, \$479.95; Ricoh Usa Inc, \$227.17; Ricoh Usa Inc, \$60.53; Rochester Armored Car Company Inc, \$408.40; Rockerville Volunteer Fire Department, \$914.28; Rockmount Research & Alloys Inc, \$606.84; Roger Frye's Paint Supply, \$109.64; Runnings Supply Inc, \$90.03; Rush Funeral Home Inc, \$100.00; Rushmore Communications, \$152.89; Safety Benefits Inc, \$65.00; Sand Scripts, \$98.00; Satellite Tracking Of People Llc, \$4,767.75; Savanna Starkey, \$175.00; Scenic Township, \$3,060.00; Scheels, \$479.96; SD Chapter Iaai, \$100.00; SD Dept Of Ag. (Rodent), \$1,200.00; SD Dept Of Labor, \$3,246.07; SD Dept Of Public Safety, \$73.00; SD Dept Of Revenue, \$11,956.34; SD Dept Of Revenue, \$1,620.00; SD Dept Of Transp-Finance, \$4,890.83; SD Div Of Motor Vehicles, \$31.20; SD Ltap, \$500.00; SD One Call Board, \$50.40; SD Planners Association, \$280.00; SD Public Assurance Alliance, \$336.88; SD Rose Inn, \$185.00; Sdsu Sna West River Nursing, \$150.00; Servall Uniform/Linen Co, \$2,360.88; Shawen Stolz, \$48.00; Shawna Roth, \$97.94; Sheehan Mack Sales And Equipment Inc, \$2,176.15; Sherwin Williams Paints, \$490.90; Shirley J Bell, \$190.00; Signs Now, \$192.70; Simpson's Printing, \$199.00; Sioux Falls Sheraton, \$165.00; Skinner Law Office Pc, \$7,743.52; Snap On Tools, \$131.50; Solemate Shoes And Uniform Center, \$21.59; Sour Lemons Llc, \$240.00; Southern Cross Llc, \$240.00; Stardust Motel, \$380.00; Stephanie Mccoy, \$296.94; Street Smart Rentals Inc, \$33,028.00; Sturdevant's Auto Parts, \$2,525.79; Sturdevant's Refinish, \$129.99; Summit Signs & Supply Inc, \$58.20; Sun Life Financial, \$98,392.69; Sundial Square Apartments, \$400.00; Swanston Equipment, \$409.74; Swiftec Inc, \$1,946.13; Talona Gonzalez, \$104.00; Taser International, \$1,294.48; Teresa L Fink, \$1,110.75; Terri Phelps, \$140.00; Tessco Incorporated, \$252.15; The Hartford, \$2,568.68; The Law Office Of Jamy Patterson Llc, \$3,964.00; The Little Print Shop Inc, \$1,145.57; The Medicine Shoppe, \$1,187.23; Thomas Auto Service & Towing, \$255.00; Thomas Braun Bernard & Burke Llp, \$1,974.20; Thomson Reuters-West, \$4,607.25; Time Equipment Rental & Sales, \$1,357.98; Todd A Love, \$1,306.89; Tom Vlieger, \$52.92; Tony Harrison, \$124.76; Total Security Concepts, \$800.00; Tracey Decker, \$754.91; Trail King Ind. Inc, \$1,933.78; Truck Utilities Inc, \$469.24; Twilight Inc, \$1,138.61; Uline, \$246.49; Upper Deck Architects Inc, \$183,380.65; Ups Store #5010, \$59.95; US Bank Na, \$2,294.00; US Corrections Llc, \$3,120.70; US Geological Survey, \$10,150.00; Vanessa Skaare, \$95.85; Vanway Trophy & Awards, \$317.45; Vast Broadband, \$2,321.79; Vast Broadband, \$325.38; Vemco, \$400.96; Venture Architects, \$32,355.13; Verizon Wireless, \$240.34; Verizon Wireless, \$132.01; Victor Gust, \$45.00; Video Service Of America, \$357.40; Vugate Inc, \$596.76; Wall Building Center & Construction, \$326.68; Wall Vfd, \$4,300.00; Warne Chemical & Equipment Co Inc, \$56.24; Warren F Sirles, \$240.00; Watertree Inc, \$386.46; Wayne Venhuizen, \$146.58; Wellmark, \$102,110.71; Wellmark, \$116,373.68; Wendy T McGowan, \$3,153.58; West River Electric, \$1,460.66; West River International Inc, \$4,517.77; Western Communication Inc, \$1,317.98; Western Dakota Tech Inst, \$2,778.42; Western Detention, \$234.60; Western Mailers, \$1,043.08; Western Stationers Inc, \$14,204.71;

Western Thrifty Inn Llc, \$994.99; WEX Bank, \$286.46; WEX Bank, \$8,600.42; Whisler Bearing Co, \$596.02; Whisper Rock Apartments, \$377.00; Wiege Sanitation, \$190.00; William A Moss Psy D Llc, \$750.00; Williams Properties, \$270.00; Winner Police Dept, \$412.80; Winter Law Office Pc, \$6,755.20; Wood Stock Supply, \$57.22; Working Against Violence, \$10,414.24; Yankton Co Sheriff Office, \$200.00; Yankton County Treasurer, \$376.35; Zetron Inc, \$288.89; Zuercher Technologies Llc, \$17,448.31.

PLANNING & 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 Buskerud to approve the Planning & Zoning Consent Agenda as presented. The motion carried.

- A. MINOR PLAT / PL 16-17: Russell or Kimberly Johnson. To reconfigure lot lines to create Tracts 7R and 8R of Storm Hill Subdivision in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 7 and Tract 8, Storm Hill Subdivision; Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 7R and Tract 8R, Storm Hill Subdivision; Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 16-17 with (7) conditions.

1. That prior to filing the Plat with the Register of Deeds, the plat meets all of the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
2. That the eight (8) foot minor drainage and utility easements continue to be shown on the plat when recorded with the Register of Deeds, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That prior to filing the Plat with the Register of Deeds, the plat meets all of the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, location of access easements, location of Section Line Rights-of-Way, and topographic information be provided of the subject properties at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
5. That prior to filing the Plat with the Register of Deeds, the Certificate of Director of Equalization be correctly spelled;

6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 16-17, which is available at the Planning Office.

- B. LAYOUT PLAT / PL 16-24: Deborah Munyan. To create Lots 1-3 of Munyan Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1 less Bradsky Road; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1, Lot 2, and Lot 3, Munyan Addition; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

Continue Ordinance Amendment / OA 16-01 to the November 1, 2016, Board of Commissioner's meeting.

- C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-09: Pacifica Loan Pool, LLC; Davis Engineering – Agent. To rezone 45.00 acres from General Agriculture District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NW1/4NE1/4; N1/2SE1/4 NW1/4 NE1/4; NW1/4SW1/4NE1/4NE1/4; E1/2SW1/4 NE1/4NE1/4; SE1/4NE1/4NE1/4; E1/2W1/2SE1/4 NE1/4; NE1/4SE1/4 NE1/4, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

Approve Rezone / RZ 16-09.

- D. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-01: Pennington County. To amend Section 103 - Definitions; Section 208 - Suburban Residential District; and Section 319 - Vacation Home Rental Ordinance of the Pennington County Zoning Ordinance.

Continue Ordinance Amendment / OA 16-01 to the November 1, 2016, Board of Commissioners' meeting.

End of Consent Agenda Items

PLANNING AND ZONING ITEMS

- E. SECOND READING OF REZONE / RZ 16-10: Denny Henrikson. To rezone 5.11 acres from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Tract 5, Wileman Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Hadcock to approve the second reading of Rezone / RZ 16-10. The motion carried.

ORDINANCE NO. RZ 16-10

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:

Tract 5, Wileman Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from Low Density Residential District to Suburban Residential District.

Dated this 18th day of October, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

- F. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 16-02:
Cody Schad. To construct a 16-foot-wide graveled road within the Section Line Right-of-Way to provide access to Lots 25-29, Tract B of Copper Oaks #1 in Sections 7 and 8, T1S, R7E.

Lots 25-29, Tract B of Copper Oaks #1, Sections 7 and 8, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve/ Road Construction within a Section Line Right-of-Way / CS 16-02 with eleven (11) conditions. The motion carried 4-1 with Ferebee opposing.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Ordinance 14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That the road be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building permits for residences or structures taking access off of the Section Line Road or within 90 days of CS 16-02; whichever is sooner,
3. That if the amount of disturbed area exceeds one acre, the Department of Environment and Natural Resource's Storm Water Construction Permit is obtained;

4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department;
7. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507-A of the Pennington County Zoning Ordinance;
8. That a survey from a South Dakota Registered Land Surveyor be performed to determine the location of the Section Line Right-of-Way;
9. That a deed restriction be placed on Lots 26-29 of Copper Oaks #1 to allow a maximum of two Building permits for lots that take access off of the improved Section Line Road within 90 days of approval of CS 16-02;
10. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
11. That the applicant sign a Statement of Understanding within ten (10) business days of approval of CS 16-02.

- G. VACATION OF SECTION LINE / VS 16-06: Bellwether Limited Partnership / Roger and Janice Knutsen. To vacate 102.1 feet of Section Line Right-of-Way lying across Lot 11 of Tract 12 of National Placer MS 668, Section 34, T2N, R4E, BHM.

Section Line Right-of-Way lying across Lot 11 of Tract 12 of National Placer MS 668 located in Section 34, T2N, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Vacation of Section Line / VS 16-06 with three (3) conditions. The motion carried 3-2 with Ferebee and Buskerud opposing.

1. That prior to the Vacation of Section Line Right-of-Way being filed with the Register of Deeds, the statement "Plat Book 11 Page 104" be added to "Exhibit A";
2. That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deeds' Office; and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Section Line right-of-Way / VS 16-06, which is available at the planning office.

- H. APPEAL OF CONDITIONAL USE PERMIT / CU 16-31: Black Hills Raptor Center; Maggie Engler - Agent. To allow a bird education and health facility on a portion of the subject property located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT NW1/4SE1/4 less RTY, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Buskerud to uphold the Planning Commission's approval of Conditional Use Permit / CU 16-31 with thirteen (13) conditions. A substitute motion by Ferebee to send this item back to the Planning Commission failed for lack of a second. The motion carried 3-2 on a roll call vote: Buskerud – yes, Ferebee – no, Hadcock – no, Trautman – aye, Petersen – aye.

1. That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;
2. That prior to the approval of any Building Permit(s), the applicant obtain written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;
3. The prior to the approval of a Building Permit, the applicant meet with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for CU 16-31;
4. That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed a total of 3,000 square feet); Semi-heated mews (not to exceed a total of 1,120 square feet); Unheated mews (not to exceed a total of 1,120 square feet); Storage and hallway to exterior of mews (not to exceed a total of 840 square feet); Cold storage (not to exceed a total of 1,000 square feet); Heated Storage / workshop (not to exceed a total of 500 square feet); Three (3) Rehab pods (not to exceed a total of 1,600 square feet total); Pole Barn used for flights (not to exceed a total of 6,000 square feet); Residence (not to exceed 1300 square feet); Garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;
5. That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction Storm Water Quality Best Management Practices (Section 203);
6. That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;
7. That the applicant obtains an approved On-Site Wastewater Construction Permit for a septic system designed to handle the Conditional Use prior to the issuance of a Building Permit and that the means of wastewater disposal also be approved by the South Dakota Department of Environment and Natural Resources;
8. That the applicant adheres to all necessary County, State and Federal regulations and maintains the necessary permits to conduct the organization's activities;
9. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;

10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance. An approved Sign Permit will need to be obtained prior to the installation of the sign;
11. That a minimum of twenty-eight (28) off-street parking spaces be provided Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
13. That Conditional Use Permit / CU 16-31 be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met and that the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-31, which is available at the Planning Office.

Commissioner Trautman left the meeting.

- I. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT / PU 16-03: Dan and Nancy Evangelisto. To rezone 12.91 acres from General Agriculture District to a Planned Unit Development to allow for a Specialty Resort Development to include uses such as vacation home rentals, weddings, receptions, picnics, family reunions, satellite church for 100-150 people, church functions, parties, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot;

Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Hadcock to continue Planned Unit Development / PU 16-03 to the November 1, 2016, meeting at the request of the applicant. The motion carried.

Commissioner Trautman rejoined the meeting.

EXECUTIVE SESSION per SDCL 1-25-2

Executive session was not needed today.

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 October 13, 2016: Total balances of checking/savings accounts, \$14,371,133.55; Total balance of Treasurer's Office safe cash, \$10,600; Total certificates of deposit, \$3,528,663.54; Total Prime Value Investment, \$17,625,579.23; Total petty cash, \$14,705.00; Total Cash Items, \$5.00; Total long/short, (\$438.56); Total, \$35,550,247.76. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

CCADP. Effective Date: 10/16/2016 - Feiner, Mary, \$18.04/hr; Effective Date: 09/18/2016 - Knapp, Thomas, \$18.04/hr; Effective Date: 11/01/2016 - Nolan, Deanna, \$4,395/mo.

Jail. Effective Date: 09/26/2016 - Boschker, Tanya, \$14.12/hr; Effective Date: 09/18/2016 - Clark, Kurt, \$25.36/hr; Effective Date: 09/26/2016 - Gray, Gunner, \$14.12/hr; Effective Date: 10/31/2016 - Koel, Brandon, \$20.86/hr; Effective Date: 10/31/2016 - McCallister, Corey, \$20.86/hr; Effective Date: 10/17/2016 - Pecora, Maria, \$13.45/hr.

Law Enforcement. Effective Date: 10/31/2016 - Scharn, Matthew, \$20.86/hr; Effective Date: 10/03/2016 - Verchio, Anthony, \$4,510/mo; Effective Date: 09/18/2016 - Visan, Carmen, \$20.86/hr.

WSDJSC. Effective Date: 09/26/2016 - Keys, Darryl, \$16.16/hr; Effective Date: 10/16/2016 - Rodgers, Michael, \$25.09/hr.

ADJOURN

MOVED by Buskerud and seconded by Ferebee to adjourn the meeting. The motion carried. There being no further business, the meeting was adjourned at 12:20 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: November 2, 2016