

**PROCEEDINGS OF THE PENNINGTON COUNTY  
BOARD OF COMMISSIONERS  
June 21, 2016**

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, June 21, 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 Ferebee to remove Item 17, Petitions for Declaratory Rulings – SD DENR Water Management Board. The motion failed for lack of second.

MOVED by Ferebee to remove Item 11C, Pennington County Resolution and Notice to Taxpayers of Property Tax Increase in the amount of \$2,500,000 for Road and Bridge. The motion failed for lack of a second.

MOVED by Ferebee to remove Item 21F, Spring Creek Watershed Management and Project Implementation Advisory Group Member Changes. The motion failed for lack of a second.

MOVED by Trautman and seconded by Hadcock to approve the agenda as presented. The motion carried 4-1 with Ferebee opposing.

**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.

MOVED by Hadcock and seconded by Buskerud to approve the Consent Agenda as presented. The motion carried.

6. Approve the minutes of the regular June 10, 2016, Board of Commissioners' meeting as submitted.
7. Acknowledge the notice of intent to conduct a raffle submitted by the West River Pink Ladies Dart League.
8. Approve the Adopt-a-Highway Application for a portion of Neck Yoke Road by the 89<sup>th</sup> Attack Squadron Ellsworth AFB.
9. Recognize and thank Pennington County volunteers for the month of May 2016. The list of volunteers is on file in the Human Resources office and is posted on the County Bulletin Board. (Human Resources)

End of Consent Agenda

**PE SLA UPDATE – MARK VAN NORMAN, ESQ. & KURT BLUE DOG, ESQ.**

**ITEMS FROM AUDITOR**

- A. 2016B BONDING REISSUE RESOLUTION: MOVED by Hadcock and seconded by Trautman to adopt the Resolution Relating to Lease-Purchase of County Buildings Authorizing the Execution and Delivery of a Lease-Purchase Agreement and Approving

and Authorizing Execution of Related Documents and Authorizing Certificates of Participation and authorize the Chairman's signature. Vote: Unanimous.

RESOLUTION

RESOLUTION RELATING TO LEASE-PURCHASE OF COUNTY BUILDINGS AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND AUTHORIZING CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Board of Commissioners of Pennington County, South Dakota (the "County"), as follows:

Section 1. Recitals.

1.01. The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation), in one or more series to currently refund the outstanding Certificates of Participation (Limited Tax General Obligation) Series 2011 (the "2011 Certificates") (the "2016B Project").

1.02. The County has agreed with U.S. Bank National Association (the "Trustee") that the Trustee has, pursuant to a Ground Lease Agreement, dated as of March 1, 2003, between the County and the Trustee (the "Ground Lease") as amended and supplemented, acquired certain interests in real property (the "Land") from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities, as defined in the Lease-Purchase Agreement, dated as of March 1, 2003 (the "Original Lease"), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of March 1, 2008 (the "First Amendment to Lease"), the Second Amendment to Lease-Purchase Agreement, dated as of December 1, 2010 (the "Second Amendment to Lease"), the Third Amendment to Lease-Purchase Agreement, dated as of December 1, 2011 (the "Third Amendment to Lease"), the Fourth Amendment to Lease-Purchase Agreement, dated as of July 1, 2014 (the "Fourth Amendment to Lease"), the Fifth Amendment to Lease-Purchase Agreement, dated as of October 1, 2015 (the "Fifth Amendment to Lease") and the Sixth Amendment to Lease-Purchase Agreement, dated as of February 1, 2016 (the "Sixth Amendment to Lease") between the County and the Trustee, to be acquired, renovated, constructed and equipped thereon to the County pursuant to the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease, the Fourth Amendment to Lease, the Fifth Amendment to Lease and the Sixth Amendment to Lease.

1.03. The Trustee will execute and deliver one or more Supplemental Declarations of Trust (the "Supplemental Trusts"), which will supplement and amend the Declaration of Trust, dated as of March 1, 2003 (the "Original Trust"), as amended and supplemented by the First Supplemental Declaration of Trust, dated as of March 1, 2008 (the "First Supplemental Trust"), the Second Supplemental Declaration of Trust, dated as of December 1, 2010 (the "Second

Supplemental Trust”), the Third Supplemental Declaration of Trust, dated as of December 1, 2011 (the “Third Supplemental Trust”), the Fourth Supplemental Declaration of Trust, dated as of July 1, 2014 (the “Fourth Supplemental Trust”), the Fifth Supplemental Declaration of Trust, dated as of October 1, 2015 (the “Fifth Supplemental Trust”) and the Sixth Supplemental Declaration of Trust, dated as of February 1, 2016 (the “Sixth Supplemental Trust”) pursuant to which the Trustee will (i) issue one or more Certificates of Participation (the “Certificates”) in the lease payments to be made by the County under the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease, the Fourth Amendment to Lease, the Fifth Amendment to Lease and the Sixth Amendment to Lease between the County and the Trustee (the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease, the Fourth Amendment to Lease, the Fifth Amendment to Lease and the Sixth Amendment to Lease is referred to herein as the “Lease”) and (ii) receive, hold and invest the proceeds of the sale of the Certificates and disburse such proceeds to pay for the 2016B Project.

1.04. The Certificates will be purchased by Dougherty & Company LLC (the “Original Purchaser”) pursuant to one or more Certificate Purchase Agreements between the County and the Original Purchaser (the “Certificate Purchase Agreements”) and the Original Purchaser will offer the Certificates for sale to the public by one or more Official Statements (the “Official Statements”).

1.05. Forms of the following documents relating to the 2016B Project (the “Documents”) are directed to be prepared by Lindquist & Venum LLP as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State’s Attorney: (a) the Amendments to Lease; (b) the Supplemental Trusts; (c) the Certificate Purchase Agreements; and (d) the Official Statements.

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Chairman, the Vice Chair and County Auditor are authorized to approve the principal amount of the Amendments to Lease, the Certificates, not exceeding \$5,530,000, the term thereof not exceeding eight (8) years, the interest rate or rates thereon not exceeding an average yield of two and 25/100 percent (2.25%) per annum and the price not less than 99% of par (exclusive of original issue discount) and at which the Certificates are to be sold to the Original Purchaser, and are directed to enter into Certificate Purchase Agreements with the Original Purchaser and their execution of the Certificate Purchase Agreements shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein. The Certificate Purchase Agreement will provide that the County pay from other available funds all of the costs of issuance including the underwriter’s fee. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State’s Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State’s Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the Certificates and the

Chairman, the County Auditor and the Deputy State's Attorney shall execute such other instruments as are necessary to the issuance of the Certificates.

Section 3. Modification, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State's Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 4. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease. The County's current tax levies are sufficient to make Lease Payments (as defined in the Lease) and other amounts required by the Lease, without increasing the current levy above any amount which would require an opt out or other increase under South Dakota Codified Laws Section 10-13-35.

Section 5. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the Certificates pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates which make it reasonable to expect that the proceeds of the Certificates will not be used in a manner that would cause the Lease or the Certificates to be arbitrage bonds within the meaning of the Code and Regulations.

Section 6. Official Statements. The County will participate in the preparation of the Preliminary Official Statements and the final Official Statements relating to the Certificates and hereby authorizes the County Auditor to consent to the distribution of the Official Statements by the Original Purchaser in connection with the sale of the Certificates. The Preliminary Official Statements, except for Permitted Omissions, will be deemed final by the County when authorized by the County Auditor as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934. As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, rating, if any, and other terms of the Certificates depending on such matters.

Section 7. Bank Qualification. The Certificates which currently refund the 2011 Certificates are deemed to be a "qualified tax-exempt obligation" for purposes of

Section 265(b)(3)(C) of the Code because the 2011 Certificates were “qualified tax-exempt obligations” for purposes of Section 265(b)(3)(C) of the Code.

Section 8. Amendment. This resolution may be amended from time to time, prior to the issuance of the Certificates, by an administrative resolution adopted by this Board.

Section 9. Partial Invalidity. If any one or more of the provisions of this Resolution shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Adopted this 21st day of June, 2016

By /s/ Lyndell Petersen  
Its Chairman

ATTEST:

By /s/ Julie A. Pearson  
Its County Auditor

#### CERTIFICATE

The undersigned, being the duly qualified and acting County Auditor of Pennington County, South Dakota, hereby certifies that the above resolution is a true and correct copy of the resolution as adopted by the Board of Commissioners on June 21, 2016.

WITNESS my hand officially as such County Auditor and seal this 21st day of June, 2016.

/s/ Julie A. Pearson  
County Auditor

(SEAL)

B. 2017 COUNTY PROVISIONAL BUDGET PRESENTATION – Auditor Julie Pearson

C. PENNINGTON COUNTY RESOLUTION AND NOTICE TO TAXPAYERS OF PROPERTY TAX INCREASE IN THE AMOUNT OF \$2,500,000 FOR ROAD AND BRIDGE: MOVED by Buskerud and seconded by Hadcock to table the resolution. Buskerud withdrew the motion to table. Hadcock initially declined to withdraw her second; however, after discussion she agreed to withdraw.

MOVED by Buskerud and seconded by Ferebee to not enter into the Resolution and Notice to Taxpayers of Property Tax Increase in the Amount of \$2,500,000. The motion carried

3-2 on a roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – no, Petersen – no.

- D. PUBLIC HEARING – BUDGET SUPPLEMENT SP16-006: ACCUMULATED BUILDING FUND CAPITAL PROJECTS: MOVED by Trautman and seconded by Hadcock to supplement the 2016 Accumulated Building Fund Capital Projects budget in the amount of \$410,400 from Restricted Fund Balance to pay for the Black Creek Integrated Systems at the Pennington County Jail. Vote: Unanimous.

**ITEMS FROM STATE’S ATTORNEY**

- A. REAL ESTATE PURCHASE AGREEMENT BETWEEN PENNINGTON COUNTY AND JEROME & MARY BAUER: MOVED by Trautman and seconded by Hadcock to approve the Real Estate Purchase Agreement between Pennington County and Jerome F. Bauer and Mary V. Bauer in the amount of \$190,000.00 for the property legally described as the: N60’ and S80’ of Lots 31 & 32 in Block 107 of the Original Townsite of Rapid City, Pennington County, South Dakota (known as 717 3<sup>rd</sup> Street and 304 Quincy Street) and to authorize the Commission Chairman to sign said Agreement and the County Auditor to issue a check for the purchase price plus the County’s obligation for any additional fees/costs associated with Closing and to further authorize the Chairman, Auditor and/or State’s Attorney to sign any and all additional documents necessary to carry out the purpose and intent of the Agreement. The motion carried 3-2 with Buskerud and Ferebee opposing.

**ITEMS FROM BUILDINGS & GROUNDS**

- A. COUNTY HEALTH FACILITY (FORMER NAU BUILDING) – AUTHORIZATION OF DESIGN SERVICES AGREEMENT WITH UPPER DECK ARCHITECTS: MOVED by Trautman and seconded by Hadcock to authorize the Chair’s signature to the AIA Document B101-2007, Standard Form of Agreement Between Owner and Architect, dated June 1, 2016, between Pennington County and Upper Deck Architects, Inc., for professional services related to rezoning and preparing a planned development overlay of acquired properties and the design and construction of the project identified as the Pennington County Health Facility for a total lump sum fee of \$753,000 plus reimbursable expenses. A substitute motion by Ferebee to sharpen the pencil on reimbursable expenses failed 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.

**ITEMS FROM EQUALIZATION**

- A. ABATEMENT APPLICATION – JOHN KOR: MOVED by Hadcock and seconded by Trautman to approve the 2015 abatement/refund for John Kor, Parcel ID 30684 in the amount of \$282.11. The motion carried.

**ITEMS FROM COMPENSATION COMMITTEE**

- A. CHANGES IN SHERIFF’S OFFICE: MOVED by Hadcock and seconded by Buskerud to approve the position modifications requested by the Sheriff’s Office and recommended by the Compensation Committee. The motion carried.

**ITEMS FROM WEED AND PEST**

- A. **RUSHMORE CONNECTOR TRAIL COMMENTS**: MOVED by Trautman and seconded by Hadcock to direct Scott Guffey, Pennington County's Natural Resources Director, to draft a letter expressing the Commissioners' concerns regarding the Rushmore Connector Trail. Vote: Unanimous.

**PETITIONS FOR DECLARATORY RULINGS – SD DENR WATER MANAGEMENT**

**BOARD**: MOVED by Buskerud and seconded by Trautman to direct the State's Attorney's Office to file a petition in opposition to the two Declaratory Ruling Petitions regarding Administrative Rule. It was further moved to authorize the Chairman's signature and request an automatic continuance. The motion carried 4-0 on a roll call vote: Buskerud – aye, Ferebee – abstained, Hadcock – aye, Trautman – aye, Petersen – aye.

**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 \$1,881,569.02. The motion carried 4-1 with Ferebee opposing.

4imprint, 405.64; A & A Professional Property Management, 1,266.21; A & B Business Inc, 1,844.67; A & B Welding Supply Co, 614.24; A To Z Shredding, 541.05; A-1 Sewer & Drain Inc, 320.00; Aaron Klapkin, 602.00; Advanced Drug Testing Inc, 72.00; Alb Unlimited Llc, 997.50; Alcohol Monitoring Systems Inc, 116.60; Alexander Purcell, 61.74; All About Curbs Inc, 933.30; Allen Reuer, 1,400.00; American Correctional Association, 35.00; American Floor Mats, 149.00; Americinn Motel, 1,128.00; Amerigas, 31.08; Amos Armuo Jr, 72.00; Angela M Colbath Atty Pc, 2,891.05; Apco International Inc, 660.00; Architectural Specialties Llc, 332.00; Arctic Glacier Usa Inc, 66.54; Armstrong Extinguishers, 1,781.22; At&T Mobility, 215.80; ATB Tel Llc, 50.00; Atrix International Inc, 167.00; Audra Malcomb Consulting, 14,702.29; Avenet Llc, 1,650.00; Avera Mckennan Hospital, 2,157.17; B & H Asphalt Maint Inc, 14,974.74; Badlands Automotive, 312.09; Baffuto Architettura, 1,250.73; Baker Timber Products, 63.00; Barnier Law Office Pc, 798.00; Bear Graphics Inc, 192.50; Behavior Management Systems Inc, 202.08; Behrens-Wilson Funeral Home, 1,910.00; Bennie L Francis, 550.00; Betsey Harris, 1,195.78; BH Ammunition Inc, 250.00; BH Chemical Company Inc, 3,698.63; BH Doors, 628.00; BH Obstetrics And Gynecology Llp, 335.99; BH Oral & Maxillofacial Surgery Pc, 430.00; BH Orthopedic & Spine Center Pc, 700.43; BH Pediatrics & Neonatology Llp, 218.00; BH Power Inc, 64,188.65; BH Power Inc, 586.18; BH Power Inc, 965.27; BH Power Inc, 517.31; BH Services Inc, 259.39; BH Surgical Hospital Llc, 420.74; BH Urgent Care Llc, 429.00; Bi Inc, 3,940.20; Bierschbach Equipment And Supply Co Inc, 54.65; Big D Oil Co, 81.29; Birch Communications Inc, 53.01; Black Creek Integrated Systems Corp, 114,267.50; Blake's Trailer Sales & Repair, 40.00; Bob Barker Company Inc, 3,813.42; Bob's Shoe Repair, 100.00; Brad E Junek, 600.00; Bradley J Berens, 75.00; Brenda Sehr, 32.00; Brenda Wood, 64.00; Bridgette R Banks, 1,345.35; Bridgewood Estates Lp, 287.58; Broker Fund Dividend Llc, 141.00; Brosz Engineering Inc, 1,375.00; Brown & Saenger Inc, 24,396.00; Bubba's Auto, 650.00; Budget Inn, 380.00; Butler Machinery Company, 304.01; Carol Butzman Consulting Services Llc, 525.00; Carquest Auto Parts, 28.95; Cash-Wa Distributing, 414.03; Cassandra Bolstad, 350.00; Catherine E Mattson-Casteel, 9,313.44; Cat's Cleaning, 40.00;

Cbm Food Service, 114,858.23; Cdw Government Inc, 13,613.55; Cedar Shore Resort, 631.90; Central States Fair Inc, 18,495.00; Central States Sanitation, 180.00; Century Link, 7,836.34; Champion Water Systems, 101.25; Chanice Clough, 91.82; Charm-Tex Inc, 25.08; Chemsearch, 375.00; Cheryl Shockey, 80.00; Chris Supply Co Inc, 945.20; Churchill Apartments, 575.00; City Of Box Elder, 330.00; City Of Rapid City, 15,924.93; City Of Rapid City -Water, 166.95; City Of Rapid City -Water, 1,295.79; Clark Printing, 4,112.30; Climate Control Systems And Service Llc, 20,357.41; Climate Systems Inc, 36.00; Clinical Laboratory Of The Black Hills, 4,868.00; Cody N Rose, 250.00; Colonial Motel, 683.00; Connections Inc Eap, 917.40; Contractors Insulation And Drywall Supply, 24.00; Copy Country, 27.00; Coremr Lc, 1,006.50; Cornerstone Apartments, 240.00; Corral Motel, 715.00; Countryside Property Management Llc, 1,271.50; Creative Surfaces Inc, 297.65; Crescent Electric Supply, 1,031.05; Crum Electric Supply, 676.15; Cummins Central Power Llc, 1,618.54; Curtis W Smith, 240.00; CWD-Aberdeen (Hrs), 1,335.90; Cynthia Ferguson, 80.00; Cynthia M Weichmann, 98.20; D & F Truck And Auto, 12.95; Dakota Business Center, 273.91; Dakota Plains Legal Services Inc, 17,666.66; Dale's Tire & Retreading Inc, 1,329.83; Dan Wardle, 339.98; Darren Patterson, 222.47; DbA Jefferson Lines, 305.00; Dean J Klapperich, 2,000.00; Debra Harding, 22.68; Decatur Electronics Inc, 776.50; Delilah Ayers, 66.36; Demersseman Jensen Tellinghuisen & Huffman Llp, 1,407.60; Denise Cody, 37.50; Dennis Supply - RC, 637.21; Dental Urgent Care Joseph Jeinze DDS Ms Pc, 85.00; De's Oil Inc, 116.65; Desert Snow Llc, 590.00; Dewey J Ertz Ed D, 1,950.00; Dharma Trading Co, 201.86; Diamond H Service Llc, 60,114.20; Diamond Vogel Paint Center, 149.08; Diann Asher, 462.50; Diesel Machinery Inc, 2,582.36; Dillon Law Office, 18.40; Dodge Town Inc, 153.45; Donald A Janz, 425.00; Donna Mayer, 314.28; Driftwood Estates, 863.00; Eagle Ridge Apartments I, 240.00; Eaton Corporation, 7,090.20; Eddie's Truck Sales Inc, 1,591.26; Edgewood Estates Lp, 240.00; Election Systems, 2,541.42; Eprovider Solutions, 179.00; Evergreen Office Products, 647.53; Executive Mgmt Fin Office, 72.00; Fall River County Sheriff's Office, 219.00; Farmer Brothers Coffee, 501.82; Fast Health Corporation, 668.00; Fastenal Company, 132.71; Federal Express, 38.19; Fennell Design Inc, 8,400.00; Ferguson Enterprises Inc #226, 346.47; First Interstate Bank, 2,223.55; First Interstate Bank, 1,769.90; First Interstate Bank, 35.97; First Interstate Bank, 339.74; First Interstate Bank, 422.80; Forterra Pipe & Precast, 74,454.50; Fox Youngberg & Lewno, 191.32; Frank Dahlberg, 100.00; Fremont Industries Inc, 466.78; Fresh Start Carpet Care, 1,300.42; Frontier Commercial Glass, 963.75; Fruit Of The Loom, 610.50; G & H Distributing - Rc, 351.10; George J Nelson, 1,214.55; George S Smith, 190.00; Global Tel'link, 24.86; Godfrey Brake Service And Supply Inc, 5,306.81; Golden West Companies, 318.37; Golden West Companies, 763.08; Golden West Technologies, 832.52; Great Western Tire Inc, 3,262.80; Grey & Eisenbraun Law Prof Llc, 855.60; Grimm's Pump Service Inc, 766.34; GRW Llc, 450.00; Gumbo Drive Llc, 540.00; Gustave A Larson Company, 1,111.37; Harveys Lock Shop, 116.48; Hdr Engineering Inc, 2,225.78; Heartland Paper Company, 10,348.14; Henry Schein Inc, 144.42; Hill City Prevailer, 1,768.82; Hills Materials Company, 11,601.61; Hillyard/Sioux Falls, 418.06; Honeywell Inc, 10,906.27; Howes Oil Company Inc, 43,486.78; Humane Society Of The Black Hills, 4,166.67; Indoff Inc, 3,421.70; International Public Management Association, 109.00; Interpretcorps Llc, 90.00; Interstate Batteries, 677.70; Ione Wolf, 286.50; Isi Llc, 925.50; J & J Asphalt Co, 8,433.25; James D Castleberry, 2,410.10; James D Reilly, 301.82; James Fast Horse, 20.00; Jamie Miller, 20.00; Janet Saylor, 372.20; Jantech Llc, 380.00; Jay Alderman, 39.00; Jd's Equipment Service Llc, 75.00; Jean Carlson, 353.75; Jean M Cline, 2,718.70; Jeff Andrews, 118.38; Jeff Rohrich, 104.00; Jenner Equipment Co, 25,097.22; Jeremiah J Davis, 819.60; Jerri Harn, 198.24; Jessie Hudson, 150.00; Jims Private Utility Locating, 337.50; JJ's Engraving &



Sales, 46.00; Jody H Speck, 2,162.00; Joe Doran, 32.00; Joe Gutierrez, 766.00; John Gordon, 300.00; John Martin, 102.43; Johnson Machine Inc, 2,801.49; Johnstone Supply, 1,509.92; Joseph C Tjaden, 250.00; Josh Hendrickson, 39.00; Julie A Pearson, 2,712.69; Karen Swanda, 15.00; Karl's Appliance, 114.89; Karrie Miller, 213.24; Kayla L Maruska, 1,101.80; Keith's Repair Service, 250.00; Kelly Inn & Suites, 113.00; Ken Wilson, 270.00; Kenneth Hawki, 200.00; Kevin E Kirschenmann, 525.00; Kieffer Family Dental Pc, 2,152.00; Kieffer Sanitation/A Waste Management Co, 2,588.93; Kieffer Sanitation/A Waste Management Co, 144.20; Kimball Midwest, 996.52; Kimberly K Johnson, 789.70; Kirk Funeral Home, 3,820.00; Kit L Cline, 316.82; K-Mart, 638.69; Knecht Home Center Inc, 585.75; Knight's Quality Welding, 240.00; Knollwood Heights Apartments, 221.00; Koln Fink, 210.46; Kristina Hendrickson, 340.00; L & L Insulation Inc, 555.00; Laboratory Corporation Of America Holdings, 325.00; Lacial Equipment, 7,168.00; Lands' End Business Outfitters, 47.45; Language Line Services, 65.45; Lann Shorb, 90.56; Lattice Incorporated, 1,417.05; Lawrence D Beezley, 280.00; Lawson Products Inc, 632.48; Lewis & Clark Behavioral Health Services, 160.00; Lighting Maintenance Co, 81.14; Lincoln Parish Clerk Of Court, 27.00; Linda J Nohr, 1,610.00; Lindquist & Vennum Pllp, 1,950.00; Lisa Schafer, 1,155.00; Lori Sargent, 64.00; Lowe's, 31.29; Lucille M Lewno, 347.92; Luther P Yellow Robe, 9,727.50; Lutheran Social Service, 28,078.52; Lynn Jackson Schultz & Lebrun Pc, 1,791.10; M & M Fencing, 2,376.92; Macnally Law Offices Prof Llp, 2,116.50; Manlove Psychiatric Group, 7,391.75; Marcia Whiting, 4,775.80; Marco Inc, 955.60; Marco Inc, 4,001.96; Mark J Enright, 235.20; Mark Katterhagen, 22.50; Mark Perrenoud Phd Inc, 800.00; Marlow White Uniforms Inc, 435.50; Marshall And Swift, 2,539.85; Mary Anderson, 15.54; Matthew Olson, 46.96; Matthew Properties Llc, 190.00; Matthew Stephens, 3,102.00; Mci Service Parts Inc, 773.08; McKie Ford Inc, 778.87; McLeod's Printing Inc, 219.42; Medical Waste Transport Inc, 335.18; Medical Waste Transport Inc, 560.04; Medline Industries Inc, 1,050.74; Melissa J Rupert, 3,163.50; Melissa Reckling, 266.00; Menards, 496.68; Mg Oil Company, 4,889.53; Midcontinent Communications, 172.27; Midcontinent Communications, 352.78; Midcontinent Testing Lab, 276.00; Midwest Marketing Llc, 4,050.00; Midwest Tire & Muffler Inc, 42.23; Mike McCormick, 159.60; Montana Dakota Utilities, 83.76; Montana Dakota Utilities, 261.98; Moore Medical Corp, 3,665.06; Morse Watchmans Inc, 426.00; Moyle Petroleum, 12,453.67; Mt Rushmore Telephone Co, 46.12; Mt Rushmore Telephone Co, 58.00; Murphy Law Office Pc, 659.76; Nada Appraisal Guides, 294.00; Nathan A Barton, 207.66; National Child Safety Council, 495.00; Native Sun News, 240.00; Neptune Melted Llc, 240.00; Networkfleet Inc, 75.80; Neve's Uniforms Inc, 19,671.14; Newkirk's Ace Hardware-East, 1,387.68; Newkirk's Ace Hardware-West, 118.54; Nicholas Stroot, 122.00; Nicolas Quetter, 396.00; Nioa, 575.00; North Central Supply Inc, 525.00; North East SD Area Health Education Center, 130.00; Northwest Pipe Fitting Inc, 7,044.39; Nwe Management, 240.00; Oberle's Radiator And Repair, 547.90; O'connor Company, 3,557.82; Office Depot, 970.97; Office Of Attorney General, 86.50; Officemax Incorporated, 2,015.32; Osheim & Schmidt Funeral Home, 1,700.00; OTG Alerting, 250.00; Otis Elevator Co, 2,818.92; Pacific Steel & Recycling, 83.95; Parr Law Pc, 841.78; Patricia A Meyers, 80.00; Paul Johnson, 250.00; Pederson Law Office Llc, 4,741.88; Penn Co Equalization Petty Cash, 56.64; Penn Co Health & Human Sv Petty Cash, 213.77; Penn Co Jail Petty Cash, 1,326.12; Penn Co Jsc Petty Cash, 181.84; Penn Co Juv Diversion, 103.11; Penn Co Search & Rescue, 603.64; Penn Co Sheriff Petty Cash, 2,798.71; Penn Co States Atty Petty Cash, 285.57; Penn Co Treasurer Petty Cash, 135.34; Pennington County Courant, 1,721.29; Pennington County Housing, 1,058.00; Peoplefacts Llc, 347.00; Pharmchem Inc, 200.00; Pheasantland Industries, 2,184.39; Phoenix Supply Llc, 697.53; Pillen Optical Inc, 130.00; Pine Lawn Memorial Park Inc, 1,525.00; Pioneer Bank & Trust, 358.33;

Pioneer Bank & Trust, 21,626.76; Pitney Bowes Inc, 248.50; Pitney Bowes Reserve Account, 5,748.81; Pj Conover, 724.14; Plumdone Llc, 609.89; Pm Service And Repair, 4,360.00; Pollard Law Pc, 232.00; Ponderosa Sportswear, 162.90; Power House, 408.84; Pressure Services Inc, 72.90; Price Motel, 180.00; Print Mark-Et, 276.21; Quill Corporation, 1,225.94; Radiology Associates Professional Llc, 503.63; Rainbow Gas Company, 567.13; Ramkota Hotel, 118.98; Randal E Connelly, 921.46; Randy Muilenburg, 240.00; Rapid Chevrolet Co Inc, 293.42; Rapid Creek Apartments, 350.00; Rapid Delivery Inc, 120.75; Rapid Leasing, 883.81; Rapid Reporting, 1,980.00; Rapid Rooter, 1,235.00; Rapid Transit System, 100.00; RC Area School Dist 51-4, 2,267.29; RC Emergency Services Pa, 1,275.02; RC Fire & Emergency Services, 1,351.60; RC Journal, 7,245.12; RC Medical Center Llc, 19,062.48; RC Pizza Ranch, 124.92; RC Police Dept-Evidence, 3,768.00; RC Regional Hospital Inc, 15,574.49; RC Regional Hospital Inc, 2,453.06; RC Winair, 285.33; RC Winsupply, 38.00; Rdo Equipment Co, 3,058.08; Record Storage Solutions, 556.90; Redwood Toxicology Inc, 3,900.00; Regional Health Reference Laboratory, 3,901.07; Regional Hospital Longterm Care Pharmacy, 17,837.88; Regional Pharmacy, 1,896.27; Reliance Telephone Inc, 21.62; Renfro Corporation, 784.80; Rensch Law Office, 40.00; Rf Tax Services, 90.00; Ricoh Usa Inc, 397.70; RobbinSD ale Heights Apartments, 560.00; Robert C Fairey, 162.50; Robert D Lowrey, 7,335.93; Robert Emme, 100.00; Rochester Armored Car Company Inc, 408.40; Rosco's Motorcycle & ATV, 897.51; Runnings Supply Inc, 32.99; Safety Kleen Systems Inc, 563.86; Sand Scripts, 36.00; Sandra Lee, 20.00; Sanford Chamberlain, 1,065.92; Sanford Labs, 697.17; Sarah Morrison, 39.00; Satellite Tracking Of People Llc, 1,397.25; SBC Martin Llc, 182.00; Scovel Psychological, 2,400.00; SD Dept Of Public Safety, 142.53; SD Dept Of Public Safety, 84.00; SD Dept Of Revenue, 11,754.89; SD Dept Of Revenue, 2,990.00; SD Dept Of Revenue, 880.00; SD Dept Of Social Services, 150.00; SD Dept Of Transp-Finance, 289.00; SD Div Of Motor Vehicles, 11.20; SD Housing Development Authority, 30.00; SD Human Services Center, 21.60; SD Law Review, 33.02; SD Network Against Family, 400.00; SD One Call Board, 74.55; SD Rose Inn, 520.00; SD n Communications, 769.60; SD su West River Ag Center, 35.09; Sean Makepeace, 21.00; Sentinel Offender Services Llc, 727.52; Serenity Springs Funeral Chapel, 1,910.00; Servall Uniform/Linen Co, 3,610.16; Sheehan Mack Sales And Equipment Inc, 372.96; Sign Express, 190.47; Silver City Vfd, 200.00; Sioux Funeral Home, 1,100.00; Skinner Law Office Pc, 12,438.40; Smoot & Utzman, 735.00; Snap-On-Tools (Loof), 42.25; Solemate Shoes And Uniform Center, 281.48; Sour Lemons Llc, 240.00; Southern Cross Llc, 620.00; Spearfish Holiday Inn Convention Center, 2,080.00; Spiral Manufacturing Co Inc, 2,262.21; Stacey A Fielder, 125.00; Stan Houston Equipment, 325.99; Stardust Motel, 430.00; Sturdevant's Auto Parts, 2,796.25; Summit Signs & Supply Inc, 45.00; Swanston Equipment, 148.29; Talley Construction Inc, 752.31; Taser International, 247.38; Tawsha Y Bricker, 301.82; Teresa L Fink, 983.75; Terri Phelps, 380.00; Tessco Incorporated, 959.17; Tessier's Inc, 2,022.00; The Election Center, 150.00; The Family Inn & Suites, 190.00; The Hotel Alex Johnson, 91.00; The Law Office Of Jamy Patterson Llc, 1,324.80; The Little Print Shop Inc, 1,066.39; The Medicine Shoppe, 271.36; The Repair Shop, 385.38; Thomas Braun Bernard & Burke Llp, 1,301.19; Thomson Reuters-West, 7,400.13; Time Equipment Rental & Sales, 145.90; Timekeeping Systems Inc, 190.00; Timothy L Cleveland, 3,420.00; Timothy M Daly, 250.00; Todd A Love, 4,339.05; Tom Vlieger, 126.42; Tracy Lynn Binder, 3,337.60; Trevor R Schmelz, 180.00; Trevor Thielen, 78.00; Truenorth Steel, 1,575.00; Tru-Form Construction Inc, 81,334.93; Turbiville Industrial Electric Works Llc, 325.28; Twilight Inc, 53.70; Upper Knollwood Townhouse, 270.00; Us Corrections Llc, 1,512.00; Van Norman Law Office, 2,344.00; Vanway Trophy & Awards, 2,062.15; Vast Broadband, 398.28; Vast Broadband, 1,528.55; Vemco,

4,573.83; Verizon Wireless, 131.99; Verizon Wireless, 469.99; Victor Gomez, 100.00; Victor Gust, 70.00; Wall Building Center & Construction, 230.72; Warne Chemical & Equipment Co Inc, 1,182.40; Wasta Vfd, 2,825.00; Watertree Inc, 393.75; Wellmark, 124,724.05; Wellmark, 85,549.92; Wells Fargo Securities, 236,892.47; Wells Fargo Vendor Financial Services Ll, 2,033.16; Wendy T Mcgowan, 3,081.06; Wesley Tschetter, 80.00; West River Electric, 246.94; West River International Inc, 738.34; Western Communication Inc, 681.20; Western Dakota Tech Inst, 2,778.42; Western Detention, 4,860.50; Western Mailers, 483.81; Western Stationers Inc, 2,706.93; Western Thrifty Inn Llc, 1,040.00; Western Truck & Equipment Sales, 2,277.00; Wex Bank, 281.70; Wex Bank, 96.84; Wex Bank, 3,365.67; Wex Bank, 300.30; Wex Bank, 2,757.51; Wex Bank, 83.32; Wex Bank, 349.21; Wex Bank, 655.63; Wex Bank, 675.96; Wex Bank, 168.44; Whisler Bearing Co, 289.01; Whisper Rock Apartments, 300.00; Wiege Sanitation, 190.00; Wilde Built Tactical Nylon Fabrication Llc, 385.00; William A Moss Psy D Llc, 3,125.00; Willy's Saw Shop Llc, 160.00; Winner Police Dept, 286.00; Winter Law Office Pc, 5,121.20; Wood Stock Supply, 568.58; WRC Property Management, 350.00; Yankton Co Sheriff Office, 100.00; Yankton County Treasurer, 371.75; Yorleny Alfaro Barrios, 300.00; Z & S Dust Control System, 1,070.16; Zep Sales & Service, 845.63.

**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. **SECOND READING OF REZONE / RZ 16-04 AND COMPREHENSIVE PLAN**

**AMENDMENT / CA 16-04:** Rich and LeeAnn Jensen. To rezone 21.57 acres from Low Density Residential District and Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive and Low Density Residential District to Highway Service District in accordance with Sections 206, 207, 210, 213, and 508 of the Pennington County Zoning Ordinance

Lot 1R, Jensen Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

**ORDINANCE NO. RZ 16-04**

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:

Lot 1R, Jensen Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from Low Density Residential District and Limited Agriculture District to Highway Service District.

Dated this 21st day of June, 2016.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST:

/s/ Julie A. Pearson, Auditor

- B. LAYOUT PLAT / PL 16-08: William or Lila Kozel; Sperlich Consulting – Agent. To reconfigure lot lines to create Lots 1, 2, and 3 of Kozel Subdivision in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 1 of Corbin Subdivision, Lot D of W-M Subdivision, and That Pt of NE1/4NW1/4 Lying N and E of Nemo Road Less Tract 1, Corbin Sub; Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Kozel Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

Approve Layout Plat / PL 16-08 with eleven (11) conditions.

1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots 2 and 3 of Kozel Subdivision to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the plat meets all 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;
4. That at the time of Minor Plat submittal, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the Certificate of Ownership should read "William J. Kozel & Lila M. Kozel, as Co-Trustees of the William J. Kozel Family Land Trust";

7. That proposed Lots 2 and 3 of Kozel Subdivision be Rezoned and a Comprehensive Plan Amendment obtained or an approved Lot Size Variance is obtained prior to filing the Plat with the Register of Deeds;
8. That the structure that appears to be an outhouse on Proposed Lot 1 is removed or verified to be a tool shed or similar structure;
9. That prior to a Building Permit being issued for Proposed Lots 2 and/or 3, the landowner meet with the Pennington County Fire Coordinator to develop a Wildland Fire Mitigation Plan, and said plan be submitted at the time of a Building Permit application;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-08, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

C. 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.

Continue Planned Unit Development / PU 16-03 to the July 5, 2016, Board of Commissioners' meeting.

**PLANNING & ZONING REGULAR ITEMS**

D. LAYOUT PLAT / PL 16-07: Raymond and Shirley Darrough; Fisk Land Surveying – Agent. To create Lots A and B of Loveland Canyon Estates #2 in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SE1/4SW1/4, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Loveland Canyon Estates #2, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Layout Plat / PL 16-07 with thirteen (13) conditions. The motion carried.

1. That at the time of submittal of a new Plat, the applicant submits topography at five foot intervals or a Subdivision Regulation Variance be obtained waiving this requirement;
2. That the plat continue to be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
3. That prior to a Building Permit being issued for Proposed Lot B, the landowner meet with the Pennington County Fire Coordinator to develop a Wildland Fire Mitigation Plan, and said plan be submitted at the time of a Building Permit application;
4. That the labeling of all proposed Lot designations continue to be consistent throughout all future documents submitted by the applicant, up to and including (if necessary) documents for Final Plat approval;
5. That the landowner be made aware of the above-mentioned comments from the United States Forest Service;
6. That prior to a plat being recorded with the Register of Deeds, the powerlines and easement (if applicable) for Black Hills Electric Cooperative be shown on the plat;
7. That at the time of submittal of a new Plat, in addition to the note for the Utility and Minor Drainage easement, a note for the Proposed Major Drainage Easement be added to the Plat to read, "Any major drainage easement show hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source."
8. That the addresses for Proposed Lot A and Proposed Lot B (when applicable), be clearly posted on the residence and so that it is visible from both Nemo Road and Hazel Lane, respectively, in accordance with Pennington County's Ordinance #20;

9. That at the time of a new plat submittal, the plat continue to show an eight (8) foot minor drainage and utility easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  10. The prior to a plat being filed with the Register of Deeds, either a Lot Size Variance for both Proposed Lot A and Proposed Lot B be obtained or a Rezone and Comprehensive Plan Amendment for Proposed Lot A and Proposed Lot B be obtained;
  11. That any new septic systems for Proposed Lot B and additions to any existing structures for Proposed Lot A, will require the existing system to be reassessed and approved by the Pennington County Planning Department;
  12. That prior to a new plat application or within ten (10) business days of approval of PL 16-07 (whichever comes first), the Landowner signs a Statement of Understanding (SOU) for PL 16-07; the SOU is available at the Planning Department.
  13. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.
- E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-05: Raymond and Shirley Darrough; Fisk Land Surveying – Agent. To rezone 10.00 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

NE1/4SE1/4SW1/4 of Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Rezone / RZ 16-05 and Comprehensive Plan Amendment / CA 16-05. The motion carried 4-1 with Ferebee opposing.

- F. SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION – ADVISORY GROUP MEMBER CHANGES: MOVED by Trautman and seconded by Buskerud to remove Black Hills Resource Conservation and Development and Rural Community Assistance Corporation as members of the Spring Creek Advisory Group and change the United States Forest Services representative to David Venezuela. The motion carried 4-1 with Ferebee opposing.

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

MOVED by Trautman and seconded by Buskerud to convene in executive session for the purpose of discussing the qualifications, competence, performance, character or fitness of any public officer or employee. A substitute motion by Ferebee that the matter does not fall under SDCL 1-25-2(1) and is not executive session material, failed for lack of a second.

The motion carried 4-1: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

When it became apparent that Commissioner Ferebee and his attorney planned to attend and participate in the executive session discussion, the Board remained in the Commission Chambers and considered the following two additional motions:

MOVED by Trautman and seconded by Hadcock pursuant to SDCL 6-1-17 to declare and identify that Commissioner Ferebee has a conflict of interest with regard to the topic of today's executive session and possible action resulting therefrom involving a discussion of the qualifications, competence, performance, character or fitness of any public officer or employee in that Commissioner Ferebee is the subject of the personnel matter involved. The motion carried 4-0 on a roll call vote: Buskerud – aye, Ferebee – Abstain, Hadcock – aye, Trautman – aye, Petersen – aye.

MOVED by Hadcock and seconded by Trautman to go into executive session for the purpose of discussing the qualifications, competence, performance, character or fitness of any public officer or employee and to specifically exclude Commissioner Ferebee and/or his attorney from attending the executive session and from participating in any subsequent vote for action arising therefrom. Roll call vote: Buskerud – aye, Ferebee – no response, Hadcock – aye, Trautman – aye, Petersen – aye.

Commissioner Ferebee's attorney Chuck Jasper objected to the actions of the Board of Commissioners.

The Board remained in executive session from 11:45 a.m. to 1 p.m.

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

MOVED by Trautman and seconded by Buskerud to adjourn from executive session. The motion carried 4-0 with Ferebee not participating.

MOVED by Trautman and seconded by Buskerud to enter into the record a public reprimand of Commissioner George Ferebee.

A complaint was filed by Planning Director P.J. Conover against Commissioner George Ferebee. Commissioner Ferebee was given the opportunity to address or refute the claim and chose not to do so.

Therefore, Commissioner George Ferebee is hereby publically reprimanded for violating Pennington County's Code of Conduct adopted on December 2, 2014. The Board of Commissioners finds he has violated Section 3 (Members Conduct with County Employees) for continued harassment, intimidation, ridicule, mockery, workplace bullying and for continued misconduct and use of a public position to harass and create a hostile work environment for Planning Staff. The Board of Commissioners further moves to suspend Commissioner George Ferebee from sitting as the Board of Commissioners' representative on the Planning Commission effective immediately. Roll call vote: Buskerud – aye, Hadcock – aye, Trautman – aye, Petersen – aye.



**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 15, 2016: Total balances of checking/savings accounts, \$20,512,271.01; Total balance of Treasurer's Office safe cash, \$10,600; Total certificates of deposit, \$3,552,570.82; Total Prime Value Investment, \$16,723,201.63; Total petty cash, \$14,705.00; Total Cash Items, \$52.40; Total long/short, (\$392.86); Total, \$40,813,008.00. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**

Auditor: Effective 6/27/2016 – Kaycee Brimm at \$20.86/hr.

Emergency Services Communications Center: Effective 6/19/2016 – Courtney Arseneault at \$17.38/hr. and Matthew Ostendorf at \$17.16/hr.

CCADP: Effective 06/20/2016 - Dimond, Heather at 16.35.; Effective 06/19/2016 - Jackson, Emily at \$16.35/hr.; Effective 06/20/2016 - Nelson, Jordan at \$18.92/hr.; Effective 06/20/2016 - Ohman, Gerald at \$16.35/hr.; Effective 06/20/2016 - Oyler, Lucas at \$16.76/hr.

Jail: Effective 06/20/2016 - Bach, S. Mahala at \$19.89/hr.; Effective 06/20/2016 - Cole, Corinna at \$15.57/hr.; Effective 06/20/2016 - Cole, Michael at \$21.91/hr.; Effective 06/20/2016 - Cresalia, Sarah at \$24.15/hr.; Effective 06/20/2016 - Fankhauser, Michelle at \$14.83/hr.; Effective 06/20/2016 - Fredericksen, Jacob at \$20.86/hr.; Effective 06/20/2016 - Grueb, Trevor at \$21.91/hr.; Effective 06/20/2016 - Hirsch, Ryan at \$20.86/hr.; Effective 06/20/2016 - Orose, Jessica at \$20.86/hr.; Effective 06/20/2016 - Orr, Nikki at \$15.57/hr.; Effective 06/20/2016 - Runsagainst, Christina at \$18.92/hr.; Effective 06/20/2016 - Sinclair, Brock at \$20.86/hr.; Effective 06/20/2016 - Smith, Kari at \$20.86/hr.; Effective 07/17/2016 - Stombaugh, Kalli at \$15.39/hr.; Effective 06/20/2016 - Trevillyan, Cole at \$21.91/hr.; Effective 06/18/2016 - Weber, Kherdine at \$25.38/hr.

Law Enforcement: Effective 06/20/2016 - Akley, Brandon at \$21.91/hr.; Effective 06/20/2016 - Dressler, Cory at \$21.91/hr.; Effective 06/20/2016 - Fenton, Eric at \$21.91/hr.; Effective 06/01/2016 - Morrison, Dustin at \$5,520/month; Effective 06/20/2016 - Rehberg, Courtney at \$21.12/hr.; Effective 06/20/2016 - Schoeberl, Robert at \$21.91/hr.; Effective 06/20/2016 - Sitzes, Scott at \$21.91/hr.; Effective 06/20/2016 - Stevens, Paul at \$23.02/hr.; Effective 06/20/2016 - Stolz, Shawen at \$16.35/hr.; Effective 06/06/2016 - Visan, Carmen at \$20.86/hr.; Effective 06/20/2016 - Waldrop, James at \$23.02/hr.; Effective 06/20/2016 - Weckman, Kristina at \$21.91/hr.; Effective 06/03/2016 - Wenande, John at \$23.00/hr.

Western South Dakota JSC: Effective 06/20/2016 - Carter, Sandra at \$19.89/hr.; Effective 06/20/2016 - Dauwen, Deidra at \$16.36/hr.; Effective 06/20/2016 - Huitema, Michael at \$20.86/hr.; Effective 06/06/2016 - Jaure, Miranda at \$20.86/hr.; Effective 06/20/2016 - Saivong, Jasen at \$20.86/hr.; Effective 06/20/2016 - Scherr, Gerald at \$14.12/hr.; Effective 6/20/2016 - Quinn, Paul at \$20.86/hr.

**ADJOURN**

MOVED by Buskerud and seconded by Hadcock to adjourn the meeting. The motion carried. There being no further business, the meeting was adjourned at 1:05 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of \_\_\_\_\_.

Publish: July 6, 2016

June 21, 2016