

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
January 19, 2010**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, January 19, 2010, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Ethan Schmidt called the meeting to order at 9:00 a.m. with the following Commissioners present: Gale Holbrook, Ethan Schmidt, and Nancy Trautman. Brenda Young by telephone. Jim Kjerstad, absent. Four commissioners were present and participating, with Brenda Young by telephone; three votes were given for each item as unanimous.

REVIEW AND APPROVE AGENDA

MOVED by Trautman and seconded by Young to approve the agenda as presented. Vote: Unanimous.

REVIEW MINUTES

MOVED by Trautman and seconded by Holbrook to approve the minutes of the January 5, 2010 Board of Commissioners' meeting. Vote: Unanimous.

REQUEST FOR FINANCIAL ASSISTANCE (SNOW REMOVAL) – MAYOR DAVE HAHN, CITY OF WALL: MOVED by Young and seconded by Holbrook to approve the request of the City of Wall for the County to provide assistance for snow removal by authorizing the County Highway Department to work up to two 8-hr days to remove snow within the city limits of Wall. Vote: Unanimous.

2010 COMMITTEE ASSIGNMENTS

MOVED by Holbrook and seconded by Young to approve the committee assignments for 2010 the same as 2009, including Commissioner Schmidt as legislative liaison within the scope as described. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **ALCOHOL BEVERAGE LICENSE RENEWAL:** MOVED by Trautman and seconded by Holbrook to approve the renewal application. MOVED by Trautman to withdraw original motion. SUBSTITUTE MOTION by Holbrook and seconded by Young to accept the renewal application as corrected and initialed by the Auditor's Office and to approve the renewal application of the Wine Retail (on-off sale) license: IKENCINDY, INC. d/b/a Black Forest Inn, Inc.; Cynthia D. Hassoun & Isaac Hassoun, owner.

B. **DEPARTMENT HEAD MERIT INCREASE:** MOVED by Trautman and seconded by Holbrook to approve the eligible merit increase for Leandria Hollinshead from Grade 24A to Step B \$4,958 per month, effective January 1, 2010. Vote: Unanimous.

C. BOND RESOLUTION DESIGNATING RECOVERY ZONE: MOVED by Trautman and seconded by Holbrook to continue this item to the February 16, 2010 Board of Commissioner's meeting. Vote: Unanimous.

Recess 9:41 a.m. to 9:46 a.m.

D. REVIEW OF AUDITOR OFFICE MOVE: MOVED by Trautman and seconded by Young that the Commission Office North Conference Room and Assistant's office are dedicated for use by the Commission Office and use of the conference room is to be scheduled by the Commission Office Assistant. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. ABATEMENT APPLICATION: MOVED by Holbrook and seconded by Trautman to approve the following abatement/refund pursuant to the recommendation of the Director of Equalization: 2009 – ID 8008984, Freeman, Clifford, \$25.22; 2009 – ID 5100, Homestake, Forest P., \$1,338.54; 2009 – ID 5101, Homestake, Forest P., \$1,464.92; 2009 – ID 5102, Homestake, Forest P., \$1337.54; 2009 – ID 5103, Homestake, Forest P., \$1,210.14; 2009 – ID 5104, Homestake, Forest P., \$1,337.54; 2009 – ID 5105, Homestake, Forest P., \$1,070.02; 2009 – ID 824, Lukens, Marguerit B., \$1,585.08; 2009 – ID 825, Lukens, Marguerit B., \$1,373.56; 2009 – ID 8001683, Moore, Larry, \$166.20; 2009 – ID 49053, Munoz, Emilio W., \$1,115.26; 2009 – ID 8227, Ortman, Wayne H., \$102.20; 2009 – ID 13545, Our Little Church, \$24.14; 2009 – ID 8006306, Shedeed, Donna D., \$228.72; 2009 – ID 8000209, Taylor, Brent F., \$519.72. Vote: Unanimous.

B. SCHEDULING FOR BOC MEETING ROOM – 40 DAY NOTICE TO COURT SYSTEM: MOVED by Trautman and seconded by Holbrook to authorize that the Board of Equalization hearings will be held at the Equalization Office located at 111 Saint Joseph Street scheduled according to state law. Vote: Unanimous.

ITEMS FROM EXTENSION

A. SDSU/PENNINGTON COUNTY EXTENSION SERVICE ADVISORY BOARD APPOINTMENTS: MOVED by Holbrook and seconded by Young to accept and appoint Janice Morgan, Darrel Kjerstad and Patty Brunner, effective January 19, 2010, to the South Dakota State University/Pennington County Extension Service Advisory Board as at-large representatives for three-year terms which expire December 31, 2013. Vote: Unanimous.

B. COMMUNITY GRANT: MOVED by Holbrook to accept staff recommendation to apply for the *Communities Putting Prevention to Work* Grant funded through the SD Department of Health from February 27, 2010-2012 facilitated by Pennington County Extension Service through the Auditor's Office. Motion died for lack of a second. Future discussion will occur as process evolves.

ITEMS FROM FIRE ADMINISTRATOR

A. SECURE RURAL SCHOOLS TITLE III EXPENDITURE CERTIFICATION: MOVED by Trautman and seconded by Holbrook to certify the 2009 expenditure of funds from Title III and authorize the Chairperson's signature on the Certification of Title III Expenditures by Participating Agency form and submit to the US Secretary of Agriculture prior to February 1, 2010. Vote: Unanimous.

ITEMS FROM HEALTH & HUMAN SERVICES

A. CRISIS CARE CENTER: MOVED by Holbrook and seconded by Young to establish the Crisis Care Center General Fund Reserve in the amount of \$250,000 from the 2009 over collected revenue and unspent budget from Economic Assistance, Jail Medical and Medical Investigations Health & Human Services, Investigations States Attorney. Vote: Unanimous.

ITEMS FROM HIGHWAY

A. KITT PEAK ROAD SAFETY CONCERN (CONT FROM 12-1-09): MOVED by Holbrook and seconded by Young to request the County Highway Department to place a "caution" sign in this area as soon as possible, and to complete a prioritized list of potential dangerous roads, including an estimate of costs, and to readdress these issues at budget hearings. MOVED by Young and seconded by Trautman to call the question. Vote: Yes: Holbrook, Trautman, and Young. No: Schmidt. Passage requires a 4/5 vote. Motion failed. Vote: Unanimous.

Recess 11:33 a.m. to 11:38 a.m.

B. WHITETAIL LOOP ROAD AND NEW TOWN DAMM ROAD PLOWING: MOVED by Holbrook and seconded by Trautman to authorize the Highway Department to enter into the Services Contract/Agreement with the SD Department of Games, Fish & Parks at the hourly rate of \$100 for the period of 1-19-2010 to 4-31-2010. Vote: Unanimous.

C. BID AUTHORIZATION (ANNUAL): MOVED by Holbrook and seconded by Young to authorize the Highway Department to advertise for bids for the following items: (1) Asphalt Concrete Overlay Project AC 2010-1; (2) Asphalt Concrete Overlay Project AC 2010-2; (3) Asphalt Concrete Overlay Project AC 2010-3; (4) Aggregate Stockpile Project AGG 2010-4; (5) Aggregate Stockpile Project AGG 2010-5; (6) Asphalt Surface Treatment; (7) Asphalt Surface Crack Sealing; (8) Aggregate Materials; Asphalt Maintenance Materials; Composite Asphalt Concrete; Concrete Projects; Corrugated Metal Pipe; Cutback and Emulsified Asphalt; Equipment Rental; Fencing; Guardrail; Magnesium Chloride Solution; Seeding, Fertilizing, Mulching, and Erosion Control Blanket; Timber Bridge Materials; Traffic Control Materials. Vote: Unanimous.

D. AUTHORIZATION TO BID (TWO NEW PICKUPS): MOVED by Holbrook and seconded by Trautman to authorize the Highway Department to advertise for bids for two (2) new 2010 2-ton 4x4 Crew Cab Pickups provided for in the 2010 budget. Vote: Unanimous.

E. RECORDS MANAGEMENT POLICY: MOVED by Trautman and seconded by Young to adopt this manual as the Pennington County Highway Superintendent's Records Management Policy in accordance with SDCL 1-27-19. Vote: Unanimous.

MOVED by Trautman and seconded by Holbrook to reconsider the motion to Review and Approve and Agenda. Vote: Unanimous.

MOVED by Holbrook and seconded Trautman to move Request for Road Closure/Traffic Control for Deadwood Mickelson Trail Marathon to follow Items from Highway Department Item E and to add Item F Testimony for Senate Bill #1. Vote: Unanimous.

REQUEST FOR ROAD CLOSURE/TRAFFIC CONTROL FOR DEADWOOD MICKELSON TRAIL MARATHON-EMILY WHEELER: MOVED by Holbrook and seconded by Trautman to authorize the road closure/traffic control for the Rochford area during the morning of June 6, 2010 for the Deadwood Mickelson Trail Marathon. Vote: Unanimous.

F. TESTIMONY FOR SENATE BILL #1: MOVED by Holbrook and seconded by Trautman to authorize the Pennington County Highway Superintendent, Hiene Junge, representing himself, to testify at the Senate Bill #1 hearing on January 27, 2010 at 7:45 a.m. in favor of the license plate fee increase. Vote: Unanimous.

SDACC AND NACO ANNUAL DUES: MOVED by Holbrook and seconded by Trautman to authorize payment to the South Dakota Association of County Commissioners for the 2010 Annual Dues in the amount of \$12,899.10 and to the National Association of Counties for County membership dues for 2010 in the amount of \$1,857.00. Vote: Unanimous.

COUNTY POLICY REGARDING PETITION HOLDERS (CONT FROM 1-5-10)

A. AREA OF COURTHOUSE/WRITTEN POLICY: MOVED by Trautman and seconded by Holbrook to authorize the posting of the Petition Holder Code of Conduct in the area by the front doors designating the acceptable areas for petition holders to gather signatures, to provide a copy of the Code of Conduct to Security personnel so that they may observe any petition holder who might abuse the Code of Conduct and to inform the petition holder that they will be asked to leave the premises unless they abide by the Code of Conduct. Vote: Unanimous.

EPA PROPOSED REVISED OZONE STANDARDS: MOVED by Trautman and seconded by Holbrook to continue this item to the February 16, 2010 Board of Commissioner's meeting. Vote: Unanimous.

MISCELLANEOUS

A. APPROVE VOUCHERS: MOVED by Holbrook and seconded by Young to approve the vouchers listed at the end of the minutes for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment, and authorize the chair's signature thereto. Vote: Unanimous.

BOARD OF ADJUSTMENT

MOVED by Trautman and seconded by Young to convene as a Board of Adjustment. Vote: Unanimous.

A. VARIANCE / VA 10-01: Stan Scheurer. To reduce the minimum lot size requirement in a General Agriculture District from 40 acres to 3.60 acres (proposed Lot 1R) and 3.04 acres (proposed Lot 3R). The purpose of the Variance request is to allow for a lot line reconfiguration between three existing lots, in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Lot 1R - A parcel of land described as Lot 1R of Seven Oaks Subdivision, located in the SE1/4SE1/4 of Section 10 and the SW1/4SW1/4 of Section 11 Township 2 North Range 6 East of the BHM, Pennington and Meade County, South Dakota, The bounds of which are described as follows: Commencing at the Southwest Corner of Section 11, T2N R6E of the BHM, thence N 2°42'57" E a distance of 213.82 feet, thence N 87°58'16" W a distance of 193.79 feet to the Point of Beginning. Thence N 21°01'55" W a distance of 58.06 feet thence N 31°48'46" E a distance of 446.57 feet thence S 87°56'25" E a distance of 395.16 feet thence S 31°56'17" W a distance of 355.62 feet thence S 73°57'13" W a distance of 114.30 feet thence S 64°05'00" W a distance of 80.16 feet thence S 67°15'32" W a distance of 142.02 feet thence S 67°15'33" W a distance of 15.67 feet thence S 88°10'59" W a distance of 89.12 feet thence N 21°01'55" W a distance of 13.63 feet and the Point of Beginning. The above described parcel contains 3.60 acres (156699 sq. ft.). Lot 3R - A parcel of land described as Lot 3R of Seven Oaks Subdivision, located in the SE1/4SE1/4 of Section 10 and the SW1/4SW1/4 of Section 11, T2N R6E of the BHM, Pennington and Meade County, South Dakota, The bounds of which are described as follows: Commencing at the Southwest Corner of Section 11 Township 2 North Range 6 East of the BHM, thence N 2°42'57" E a distance of 213.82 feet, thence N 87°58'16" W a distance of 85.30 feet to the Point of Beginning. Thence N 67°15'32" E a distance of 142.02 feet thence N 64°05'00" E a distance of 80.16 feet thence N 73°57'13" E a distance of 114.30 feet thence N 31°56'17" E a distance of 355.62 feet thence S 87°56'25" E a distance of 20.00 feet thence S 18°34'13" W a distance of 459.81 feet thence S 17°31'16" E a distance of 124.13 feet thence S 2°02'35" W a distance of 63.91 feet thence N 87°57'25" W a distance of 61.96 feet thence N 2°06'09" E a distance of 27.96 feet thence N 88°48'14" W a distance of 167.12 feet thence S 66°58'12" W a distance of 60.22 feet thence N 87°55'36" W a distance of 50.10 feet thence N 89°11'28" W a distance of 113.21 feet thence N 21°01'57" W a distance of 185.49 feet thence N 88°10'59" W a distance of 89.12 feet thence N 67°15'33" E a distance of 15.67 feet and the Point of Beginning. Less the Well Lot1 contained therein. The above described parcel contains 3.04 acres (131820 sq. ft.).

MOVED by Holbrook and seconded by Trautman to accept staff recommendation to approve VA #10-01 to reduce the minimum lot size requirement in a General Agriculture District from 40 acres to 3.00 acres and 3.04 acres to create Lots 3R and 1R of Seven Oaks Subdivision with two (2) conditions: 1. That the lot owned by Stan Schuerer (portion of SW1/4SW1/4) is an illegal, non-conforming lot and no Building Permits will be issued on the said lot until the property

contains at least 40 acres or is rezoned and/or a Lot Size Variance is obtained; and, 2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director. Vote: Unanimous.

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

12:00 noon Commissioner Young leaves meeting.

ITEMS FROM PLANNING AND ZONING:

B. MINOR PLAT / PL 10-01 AND SUBDIVISION REGULATIONS VARIANCE / SV 10-01: Steven Scheurer/Stam Scheurer. To create Lot 3R and Lot 1R of Seven Oaks Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 less Scheurer Dedicated RTY and Lot 3 of Sevens Oaks Subdivision, Sections 10 and 11, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3R and Lot 1R, Seven Oaks Subdivision, Sections 10 and 11, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Trautman to affirm the Planning Commission recommendation to approve SV 10-01 to waive road improvements to Seven Oaks Road, engineered road construction plans, improvements to the Section Line between Sections 11 and 14 and Sections 10 and 11 *and* denial to waive the 40-foot-wide access easement across Lot 3R *and* approval of Minor Plat / PL 10-01 with the following three (3) conditions: 1. That prior to approval of the Minor Plat, the portion of proposed lots located in Pennington County either be rezoned to Low Density Residential District or else the applicants obtains Lot Size Variances to reduce the minimum lot size requirement in a General Agriculture District; 2. That the applicants also work with Meade County to plat the proposed lots and the final plat document be recorded at the Meade County Register of Deeds, in which proof that the proposed lot has been reviewed and approved by Meade County and is ready to be recorded at their Register of Deeds will be required prior to recording the plat at the Pennington County Register of Deeds; and, 3. That at the time of Minor Plat submittal, the plat heading be revised in accordance with the comments received from the Register of Deeds. Vote: Unanimous.

C. MINOR PLAT / PL 10-02: Todd and Lori Hanson. To reconfigure the shared lot line to create Lot 58R and 59R of Block 1 of Canyon Springs Preserve in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 58 and 59, Block 1, Canyon Springs Preserve, Section 22, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 58R and 59R, Block 1, Canyon Springs Preserve, Section 22, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Trautman to accept Planning Commission recommendation to approve PL 10-02 with the following three (3) conditions: 1. That the applicant addresses the comments received from the Register of Deeds prior to the Mylar being submitted; 2. That an approved On-site Wastewater Construction Permit be obtained from the Pennington County Planning Department prior to the replacement or alteration of the on-site wastewater system for either of the lots; and, 3. That the existing septic system on Tract 58R meets the required setbacks from the lot line reconfiguration. Vote: Unanimous.

D. MINOR PLAT / PL 10-03: Virginia Franz. To reconfigure lot lines to create Lots 6R and 7R, Block 7 of Hart Ranch West #1 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 6 and 7, Block 7, Hart Ranch West #1, Section 33, T1S, R7E, BHM, Pennington County.

PROPOSED LEGAL: Lots 6R and 7R, Block 7, Hart Ranch West #1, Section 33, T1S, R7E, BHM, Pennington County.

MOVED by Trautman and seconded by Holbrook to accept Planning Commission recommendation to approve PL 10-03 with one (1) condition: 1. that at the time of filing the plat with Register of Deeds, the flood statement be placed on the plat in accordance with Section 400.3-1-n-8 of the Pennington County Subdivision Regulations. Vote: Unanimous.

E. LAYOUT PLAT / PL 10-04: Tom Farnsworth; Robert and Ada JoAnn Gould - Owners. To create Tracts A and B of HES No. 632 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, HES No. 632, Section 22, T1S, R1E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts A and B of HES No. 632, Section 22, T1S, R1E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Trautman to accept Planning Commission recommendation to deny PL 10-04 without prejudice at the request of the application. Vote: Unanimous.

F. PRELIMINARY PLAT / PL 09-29: Terry Saylor (NMMC, Inc.); Fisk Land Surveying – Agent. To subdivide 10 acres to create Lots A and B of Miller Subdivision No. 2 in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: The North 330 feet of NW1/4SW1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B, Miller Subdivision No. 2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Trautman to affirm Planning Commission recommendation to approve PL 09-29 with the following six (6) conditions: 1. That proper setbacks be maintained as a result of the proposed subdivision, including 25 feet from all property lines for structures and 10 feet for septic systems, or else an approved Setback Variance be obtained for any existing or future structures; 2. That the proposed lots share an approach off of Smokey Ridge Road; 3. That an approved On-Site Wastewater Construction Permit be obtained prior to any wastewater system being installed on either of the proposed lots or alterations being conducted to the existing wastewater systems located on proposed Lot B; 4. That a new address be assigned for the residence on proposed Lot A and both addresses be properly posted at the approach and in accordance with Ordinance #20; 5. That prior to the issuance of an On-Site Wastewater Permit, the applicant shall provide documentation from a liquid waste pumping company confirming that the site is accessible and the location(s) of the black, gray, and pump (if applicable) tanks are proposed to be installed in a location that can be pumped regularly and in inclement weather conditions; and, 6. That the seven (7) conditions outlined in the memorandum dated January 6, 2010, from the Pennington County Water Protection Coordinator and Environmental Planner is addressed by the applicant and adhered to at all times. Vote: Unanimous.

G. PLANNED UNIT DEVELOPMENT REVIEW / PU 03-09: High Country Guest Ranch; Larry McCaskell - Agent. To review a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots A, B, C; Lots 1-10; Well and Sewer Lots; Tract A and Tract 1 (also in Section 14 of 1S-4E), Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Trautman to affirm Planning Commission recommendation to approve PU 03-09 with the following twenty-eight (28) conditions: 1. That prior to the sign being located on the property, a Pennington County Sign Permit be obtained; 2. That prior to any building permits being issued, an improved sewage carriage system be approved by South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Health Inspector; 3. That the retail space in the lodge be limited to 750 square feet, a kitchen for those using the lodge and dining area, guest registration area, and administrative offices are also permitted within the lodge and shall not be included in the 750 square feet of retail space; 4. That all work outlined in the construction schedule be completed by December 31, 2010; 5. That prior to County Board approval, a revised site plan be submitted indicating the location and size of the proposed septic tank and drain field for the community septic tank and drain field systems and an additional back-up system for Lots 1 through 9, Lot 10, and Lot 11; 6. That prior to County Board approval, percolation tests be performed and maximum daily wastewater flows be calculated for each wastewater system submitted to the County Environmental Planner; 7. That prior to any on-site septic system being installed, the applicant obtains all necessary permits from the Department of Environment and Natural Resources and the Pennington County Health Department; 8. That Tract 1 of Tract A

remain part of High County Guest Ranch Planned Unit Development and that no more than one single-family residence be constructed on it or that Lot 15 be described and rezoned to Limited Agriculture Zone; 9. That all residential or resort structures located on Lots 1-9 shall not exceed 32 feet by 36 feet; 10. That a maximum of fifteen (15) bedrooms be allowed per drain field; 11. That one additional sign lot be allowed in the northeast corner of proposed Lot 17. The sign shall not exceed 64 square feet per side and may be located anywhere on the sign lot; 12. That four (4) proposed camping cabins be replaced with four (4) residential/vacation cabins on individual lots. The residential/vacation cabins shall not exceed 32 feet by 36 feet; 13. The minimum required setbacks for proposed Lots 14, 15 and 17, the residential/vacation cabins sites, shall be a 15 foot front, 25 foot side yard and rear yard; 14. The minimum required setback for proposed Lot 16 shall be a twenty (20) foot front, twenty (25) feet from the north and east property line, and eighteen (18) feet from the west property line; 15. The minimum required front setback for Lots 1-9 shall be 20 feet and the minimum side yard setback for Lot 9 shall be 10 feet along the east side; 16. That the maximum size of the outdoor movie screen be 20 feet by 20 feet; 17. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; 18. That all perimeter setbacks be at least twenty-five (25) feet with exception of the existing barn/office to be zero (0) feet and the stable to be ten (10) feet; 19. That the permitted uses to be allowed on proposed Lot 11 shall not exceed six (6) vacation cabins, an eight (8) bedroom bunkhouse, eight (8) campsites, and community wastewater disposal system area for the uses on site and lodge; 20. That the permitted uses to be allowed on proposed Lot 12 are offices (which shall include guest registration), laundry, outdoor movie screen, commercial trail ride operations, a shop and maintenance building and a commercial kitchen and dining facility; 21. The permitted uses to be allowed on proposed Lot 13 shall include up to a twenty (20) unit lodge not to exceed 21,000 square feet with a commercial kitchen and dining area be used only by those renting the lodge, swimming pool, meeting rooms, bike rentals, and a maximum of twelve (12) guest stables; 22. That the permitted uses for proposed Lots 17-20 shall be for private single-family residences or nightly/weekly rentals; 23. That the ATV rentals not exceed seven (7) vehicles; 24. That all rental ATVs leaving the Planned Unit Development not exceed ten (10) miles per hour on the first 4/10 of a mile of Battle Ax Road off Deerfield Road; 25. That a culvert be installed for cross drainage (location to be determined by Forest Service road engineers); 26. That a 1 inch minus surface material be laid over the 4 inch minus base course material in accordance with the U.S. Forest Service; 27. That all ground disturbed areas (other than road surface) be seeded with an approved native seed mix in accordance with the U.S. Forest Service; and, 28. That this Planned Unit Development shall be reviewed upon a complaint basis only. Vote: Unanimous.

H. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 09-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 09-06: James Hynes/Aubrey Pope; Frances Aubrey – Agent. To rezone 1.13 acres from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Plan (PUD Sensitive) to Highway Service District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot B of Home Sweet Home Placer MS 804 and Lot B of (Lot 7) Tract 37, all located in Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Trautman to continue this item to the February 16, 2010, Board of Commissioner's meeting. Vote: Unanimous.

I. 319 GRANT – SPRING CREEK MOVED by Trautman and seconded by Holbrook to move forward with 319 Grant – Spring Creek to approve \$17,050 from the Water Protection Budget for the 319 Grant concerning clean and safe water, and to prepare a contract with RESPEC as the consultant for the 319 Grant. Vote: Unanimous.

EXECUTIVE SESSION PER SDCL 1-25-2(1); PERSONNEL

MOVED by Trautman and seconded by Holbrook to continue the Executive Session/Department Head Annual Performance Evaluations to the February 2, 2010 Board of Commissioner's meeting. Vote: Unanimous

PERSONNEL

Sheriff's Office: Effective February 1, 2010 – Donita Reeves, \$18.91/hr; Effective January 11, 2010 – Darren Patterson, \$3948; Effective January 25, 2010 – Luther Talks, \$2827; Effective January 28, 2010 – Raymond Tapper, \$16.31/hr; Auditor's Office: Effective January 11, 2010 – Lori Wessel, \$14.10/hr; States Attorney: Effective January 25, 2010 – Monica Ackerman, \$2326; Planning: Effective January 1, 2010 – Dan Jennissen, \$5,473; Equalization: Effective January 1, 2010 – Richard Rieck, \$5,102.

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 December 31, 2009: Total balances of checking/savings accounts, \$20,240,020.71; Total balance of Treasurer's Office safe cash, \$7,100.00; Total certificates of deposit, \$5,820,994.45; Total Prime Value Investment, \$3,202,946.59; Total petty cash, \$110,815.00; Total cash items/net NSF checks, \$475.24; Total long/short, \$1,642.53; Total, \$29,380,712.46. Submitted by Liz Kuehn, Deputy Auditor.

VOUCHERS

DECEMBER 2009 ACCOUNTS PAYABLES

911 For Kids, 370.00; A & B Business Equipment, 13,654.00; A & B Welding Supply Co, 174.01; A To Z Shredding Inc, 162.00; Ace Hardware-East, 96.93; Advanced Security Product, 2,478.45; Alcopro, 456.00; Americinn Motel, 960.00; Amick Sound, Inc, 254.87; Amos, Sheldon P Sr, 240.00; Apria Health Care, Inc, 1,347.63; Avera Mckennan Hospital, 28.20; B & L Communications, 14,121.20; Bailey JD & MP Merryman, 1,050.59; Bailey JD & MP Merryman, 937.50; Banks, Bridgette R, 390.00; Barco Products Company, 477.90; Bargain Printing, 4,353.86; Barnier, Greg, 2,482.00; Basler Printing Co, 2,733.25; Bechard, Tamera, 24.00; Behavior Management, 8,255.70; Behavior Management Syste, 270.00; Behrens

Mortuary, 1,660.00; Best Business Prdcts Inc, 15,140.26; BH Chemical Company Inc, 2,295.79; BH Neurology, 30.00; BH Pediatrics, 150.00; BH Pest Control, Inc, 255.00; BH Power Inc, 95.41; BH Power Inc, 3,800.00; BH Services Inc, 526.34; Bierschbach Equipment, 1,500.00; Binder, Sean A, 120.00; Blake's Trailer Sales, 3,500.00; Bob Barker Company Inc, 12,152.60; Boettcher, Ronald, 20.00; Brown, Tawny, 20.00; Bunge, Glenn L, 190.00; Caldwell Commercial Real, 400.00; Career Learning Center, 45.00; Carlson, Jean, 109.40; Carol Butzman Consulting, 12,082.50; Cash-Wa Distributing, 340.65; CBCInnovis, Inc, 37.00; CBM Food Service, 31,106.81; CDW Government Inc, 466.00; Century Business Prod Inc, 1,800.00; Chemsearch, 1,348.51; Chihak, Robert, 40.80; Chris Supply Co Inc, 767.08; City Of Hill City, 3,558.60; City Of Rapid City, 5,116.62; Clark Printing, 350.45; Clay Co Sheriff's Dept, 27.00; Cleveland, Jessica, 20.00; Coca-Cola Bottling Co Of, 378.00; Colbath, Angela M, 3,650.59; Communication Services, 372.00; Community Health Center, 42.62; Condrey & Associate, Inc, 1,225.52; Connelly, Randal E, 1,475.36; Contractors Insulation, 317.63; Copy Country, 38.00; Costello, Porter Et Al, 1,048.04; Crescent Electric Supply, 468.15; Crum Electric Supply, 239.29; Custer Co. Auditor's, 4,790.14; D & F Truck And Auto, 83.57; D & R Service Inc, 143.84; Dale's Tire, 724.44; Dalton, Dawn, 20.82; Dash Medical Gloves, Inc, 7,487.50; Davis, Kathy, 262.80; De's Oil & Propane, 1,069.15; Derby Industries, 1,651.50; Diamond Pharmacy Services, 18,340.30; Dietrich, Donna, 141.76; Door Security Products, 29.98; Douglas Co District Court, 6.10; Eddie's Truck Sales, 1,060.38; Edelweiss Mtn Improv Assc, 1,190.00; Enviromaster, Inc, 105.00; Exxon Mobil Fleet, 52.79; Exxon Mobil Fleet, 142.73; Farmer Brothers Coffee, 284.56; Fastenal Company, 292.94; Federal Express, 54.14; Feehan & Cline, Pc, 1,861.40; Fennell Design, Inc, 28,960.43; Firestone Complete Auto, 270.12; First Interstate Bank, 58.75; Fleet Services, 256.14; Fleet Services, 950.71; Fleet Services, 115.05; Flooring America, 10,866.00; Flowers By Leroy, 50.00; Fransen, Jeffrey J, 574.00; Frederick, Elizabeth M, 1,759.44; French, Jean M, 149.50; Frontier Auto Glass, Llc, 35.00; G & H Distributing - Rc, 409.50; G4S Justice Services, Inc, 931.41; Geib, Elston, Frost PA, 265.00; Godfrey Brake Service, 167.37; Golden West Companies, 80.22; Golden West Technologies, 135,008.16; Goodrich Motors, Inc, 5,049.00; Graffiti's Car Wash, 12.58; Great Western Tire Co Inc, 830.56; Grode, William R, 339.02; Gunderson,Palmer,Goodsell, 165.00; Gustave A Larson Company, 74.44; Hanna, Dana L, 516.60; Hansen, Eric, 237.00; Harmelink, Fox &, 283.58; Harms Oil Company, 18,412.04; Hartman, Joel, 66.02; Harveys Lock Shop, 127.45; Hasler, Inc, 255.00; Hbd, Inc, 578.00; Heartland Paper Company, 1,901.81; Heds, Inc, 28.00; Hein, Cheryl, 1,330.00; Hewlett-Packard, 17,673.00; Hillyard/Sioux Falls, 205.00; Hoffman, Fredrick Dustin, 735.00; Holbrook, Gale, 79.92; Honeywell, Inc, 3,166.63; Horn, Garrett J, 278.60; Horwath Laundry Equipment, 378.76; Ikon Office Solutions, 125.48; Indoff Inc, 5,808.69; Industrial Electric, 170.00; Industrial Supply Co Inc, 693.03; Interstate All Battery, 216.39; Interstate Batteries, 76.95; Intoximeters Inc, 3,246.90; Jefferson Partner LP, 877.26; Jennissen, Daniel, 26.00; Jensen, Dee, 135.00; Johnson Controls, 6,709.50; Johnson Machine Inc, 492.27; Jungck, Scott, 237.00; K-Mart, 184.76; Keep 'N' Cool Window, 435.00; Kieffer Sanitation/A Wste, 497.23; Kinney Law, Pc, 3,376.03; Kirk, Jonathan, 84.10; Kjerstad, James, 362.60; Knecht Home Center Inc, 1,424.53; Knology, 814.94; Kooistra, Nelva, 15.00; Krause, Kyle, 196.80; KT Connections, 109.00; L-3 Communications, 26,608.00; Laminex Inc, 711.68; Language Line Services, 50.17; Lewis & Clark Mental Heal, 284.00; Lewis, Paul A, 17,079.01; Lighting Maintenance Co., 329.21; Lincare Inc, 167.50; Lincoln County Auditor, 483.92; Linweld, 7.75; Lloyd's Inc, 23,508.95; Mackro Byte Tech, Llc, 1,015.00; Maher, William, 190.00; Manlove Psychiatric Group, 816.39; Massey, Jimmy, 237.00; Mattson-Casteel, Cathy, 3,214.50; Maxon, Theresa,

140.00; Mayo Clinic Rochester, 100.00; Mccollar, Steve, 237.00; MCGowan, Wendy T, 492.00; Mckie Ford Inc, 56.47; Meade County, 86.00; Medical Waste Transport, 473.04; Medicap Pharmacy - St Pat, 800.07; Mickel, Charles, 492.00; Molitor, Brittney, 26.00; Moore Medical Corp, 20,575.16; Moran, Patty, 315.00; Motive Parts & Supply Inc, 91.77; Motorola Inc - Chicago, 3,418.00; Moyle Petroleum, 3,230.33; Murphy, John R, 123.00; Neve's Uniforms Inc, 4,125.65; Newkirk's Ace Hrdwre-East, 571.31; Newkirk's Ace Hrdwre-West, 128.93; Noble, Frank James, 240.00; Northern Truck Equipment, 25,086.00; Northwest Pipe Fitting In, 1,223.87; O'Day, Valarie, 41.80; Officemax Incorporated, 82.96; Olson Towing II, 85.00; Orrock, Kenneth Eby, 766.70; Pacific Steel & Recycling, 1,761.96; Paradis Properties Llc, 190.00; Penn Co Firefighters, 5,872.47; Penn Co Health & Human Sv, 55.00; Penn Co Highway, 10.00; Penn Co Jail, 41.00; Penn Co Sheriff, 1,631.12; Penn Co States Atty, 319.99; Pennington County Courant, 1,186.20; Pheasant Country Express, 2,074.89; Phelps Mfg, 53.90; Phelps, Terri, 600.00; Pioneer Bank Visa, 873.45; Powder River Office, 7,504.25; Preferred Systems Maint., 922.69; Pruss, Tina, 143.40; PSI Health Care Inc, 15.00; Psychological Evaluations, 2,340.00; Quill Corporation, 233.49; Radisson Hotel, 350.00; Rangel, Elisa, 700.00; Rapid Rooter, 295.00; Rapid Valley Fire Dept, 3,459.69; Rapid Valley Sanitary, 67.14; RC Area School Dist 51-4, 2,487.86; RC Emergency Services, 217.32; RC Fire & Emergency Srvcs, 445.90; RC Journal, 4,041.83; RC Police Dept-Evidence, 1,442.00; RD Regional Hospital, Inc, 42,256.13; RDO Equipment Co, 280.00; Record Storage Solutions, 634.11; Redwood Biotech, Inc, 2,795.13; Redwood Toxicology, 283.50; Rehfuss, Cathryn, 15.00; Remodel-King Contruction, 2,957.15; Renfro-Fruit Division, 1,665.00; Rensch Law Office, 8,132.70; Reuer, Allen, 2,030.00; Rhead, Brandy, 188.60; Robinson Textiles, 897.96; Roger Frye's Paint Supply, 198.54; Rook, Bruce, 20.00; Rushmore Dental Products, 291.90; Sandberg, Ann G, 410.00; Scenic Township, 427.50; Schmidt Funeral Home, Llc, 1,660.00; Schneller, John Dr, 603.75; Schuft, Scott, 123.20; Schultz, Andrew J, 470.00; SD Dept Of Labor, 5,993.63; SD Dept Of Revenue, 99.00; SD Div Of Motor Vehicles, 17.00; SD Human Services Center, 500.00; Servall Uniform/Linen Co, 551.75; SHI International Corp, 1,154.00; Shopko Optical Center, 335.95; Simplexgrinnell, 224.50; Simpson's Printing, 333.00; Skinner, Matthew L, Pc, 639.94; Slowey, Yavonne, 150.00; Smoot & Utzman, 314.50; Sosa, Rosa M, 100.00; Southern Hills Publishing, 899.61; Sperle, Taylor, 100.29; Stan Houston Equip Co, 1,020.63; State Industrial Products, 37.15; Stephens, Matthew, 13,150.00; Stewart, Cathy L, 40.00; Stonefield, Michael, 877.40; Street Heating Inc, 95.00; Streicher's, 474.11; Sturdevant's Auto Parts, 545.51; Swan, Mario, 20.00; Teal, Nance, 47.20; Technology Center, 2,993.00; Thompson, Michael, 882.00; Thurston, Leon A, 660.00; Totton, Jennifer, 190.00; Tschetter And Adams Law, 1,646.98; Two Wheeler Dealer, 1,393.50; Tyler Technologies, 660.00; US Bank Trust Na/Debt Mgt, 5,136.99; US Chemical Procurement, 375.93; US Postal Service, 1,000.22; Vanway Trophy & Awards, 52.00; Verizon Wireless, 160.10; Walker Napa Auto Parts, 262.94; Walworth Co Sheriff, 77.40; Warne Chem & Equip Co Inc, 405.00; Watson Law Office, P.C., 20.50; Wessel, Al Jr, Md, 3,740.00; West Payment Center, 1,483.74; West River Electric, 311.72; West River Intrntnl Inc, 69.32; Western Communication Inc, 581.60; Western Dakota Tech Inst, 105.00; Western Mailers, 51.71; Western Stationers Inc, 3,116.72; Wheeler Lumber Operations, 15,779.16; Whisler Bearing Co, 80.84; Whiting, Marcia, 24.60; Winner Police Dept, 204.80; Winona Inn Lmted Partnersh, 190.00; Winter, Paul R, 102.71; Wolf, Ione, 384.25; Wood, Camille M DC,PC, 25.00; Working Against Violence, 8,490.00; Yankton Co Sheriff Office, 125.00; Yankton County Treasurer, 103.75; Yankton Medical Clinic, 38.00; Young, Brenda, 291.67; Best Business Prdcts Inc, 62.76; BH Chemical Company Inc, 9.10; Bob Barker Company Inc, 381.28; CBM Food

Service, 3,693.01; D & R Service Inc, 18.80; IC Solutions, 70.00; JJ's Engraving & Sales, 13.00; Karl's Appliance, 193.57; Little Print Shop Inc The, 2.36; Neve's Uniforms Inc, 498.40; PC Rush.Com, 447.54; Penn Co JSC, 44.75; Redwood Toxicology, 20.25; Reliable Office Products, 271.22; Sturdevant's Auto Parts, 4.39; Swanson Services Corp, 97.96; TWL Billing Service &, 79.00; Wessel, Al Jr, MD, 750.00; Western Stationers Inc, 112.24; First Interstate Bank, 3,914.94; BH Power Inc, 35,965.01; Knology, 169.87; Pioneer Bank & Trust, 2,921.03; Fleet Services, 5,423.26; Golden West Technologies, 13.47; City of Rapid City –Water, 2,173.89; State Remittance Center, 9,727.52; Kieffer Sanitation, 2,140.76; Medical Waste Transport, 92.12; Walker Refuse, 94.57.

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3rd Millennium Classrooms, 1,500.00; A & A Property Management, 190.00; A & B Business Equipment, 26.73; A & B Welding Supply Co, 76.64; A To Z Shredding Inc, 123.90; American Correctional, 225.00; Americinn-Apple Valley, 250.57; Architectural Specialties, 1,162.00; Audiss, Frances, 22.40; Badger Plumbing &, 3,073.26; Badlands Automotive, 300.43; Benton, Roger, 26.00; Best Business Prdcts Inc, 205.56; BH Chemical Company Inc, 1,915.93; BH Pediatrics, 1,050.00; BH Power Inc, 210.49; BH RC&D, 100.00; Black Elk, Beth, 22.00; Builders Mgmt & Investme, 190.00; Business Equip Finance, 427.19; Carquest Auto Parts, 116.58; Casey, Dennis A, 350.00; Central Hills Plumbing, 224.63; Chris Supply Co Inc, 973.46; City Of Rapid City, 8,333.33; City Of Rapid City -Water, 387.28; Copy Country, 385.50; Countryside Prop Mgmt Inc, 190.00; Dahlberg, Frank, 100.00; Dakota Business Center, 506.18; Dakota Plains Legal Srvs, 15,500.00; Dale's Tire, 438.00; Dlorah, Inc, 675.00; DLT Solutions Inc, 660.27; Eastern Penn Conservation, 8,875.00; Eaton Electrical Inc, 4,275.00; Environmental Chemical, 1,345.47; Essential Learning, 7,169.00; Evergreen Office Products, 53.00; Family Thrift Center Inc, 16.35; Finkbeiner, Stacy, 12.59; Fisher, Fred, 240.00; Frontier Auto Glass, LLC, 6.50; Godfrey Brake Service, 727.63; Golden West Companies, 123.80; Golden West Technologies, 2,077.31; Greer, Phillip, 197.00; Grimm's Pump Service Inc, 679.64; Hardware Hank, 4.60; Harveys Lock Shop, 100.00; Hasler Inc, 68.85; Hill City Public Library, 6,232.75; Honeywell, Inc, 44,487.25; Hughes Electric, 59.93; Humane Society Of The Bh, 2,271.64; Impressions Rubber Stamp, 44.95; Indoff Inc, 11.48; Industrial Electric, 699.50; Industrial Supply Co Inc, 54.52; Installer Academy 2010, 300.00; International Code Council, 180.00; Interstate All Battery, 14.94; Interstate Batteries, 287.85; Jenner Equipment, 55.35; Jensen, Dee, 240.00; JH Hilt Engineering Inc, 1,068.45; John E Reid & Assoc, Inc, 805.00; Johnson Machine Inc, 522.34; Johnson's Carpet, 1,910.00; Keystone City Hall, 2,253.25; Kimball Midwest, 298.40; King Environmental Prod., 2,425.08; Knecht Home Center Inc, 11.18; Knology, 178.74; Kone Inc, 4,950.00; Laroche, Ellen, 20.60; Laroche, Howard, 20.60; Leadsonline,Llc, 4,194.00; Leveque, Carla, 205.00; Little Print Shop Inc The, 250.00; Manlove Psychiatric Group, 208.34; Maplewood Townhouses, 169.00; Masters Awards, 141.30; McGowan, Wendy T, 604.63; McMillan, Laura, 216.00; Meade County, 121.00; Menards, 40.19; Mg Oil Company, 1,146.06; ML Products, 3,330.00; Mobil Satellite, 1,788.00; Moran, Patty, 315.00; Motorola Inc - Chicago, 8,762.12; Moyle Petroleum, 9,177.39; NACE, 225.00; Nat'l Dist Attys Assoc, 230.00; Nat'l Trust For Historic, 143.60; NAWMA, 65.00; Nelsons Oil & Gas Inc, 2,080.95; New Underwood Post, 33.39; Newkirk's Ace Hrdwre-East, 111.81; Northern Truck Equipment, 377.20; Npc International, 114.75; Pacific Steel & Recycling, 40.80; Paradis Properties LLC, 140.00; Penn Co Health & Human Sv, 149.00; Penn Co JSC, 78.07; Pesek, Dianne, 270.00; Pheasantland

Industries, 3,179.15; Pressure Services Inc, 1,329.52; Pruss, Tina, 34.00; Puckett, Dawn, 81.00; Raco Industries, 888.56; Rangel, Elisa, 100.00; Rapid Chevrolet Co Inc, 115.21; Rapid Leasing, 367.60; RC Area School Dist 51-4, 167.33; RC Chamber Of Commerce, 470.00; RC Journal (Oh), 192.00; RC Journal (Sd), 311.24; RDO Equipment Co, 848.90; Reuer, Allen, 420.00; Richards, Grace Rochelle, 97.60; Rieck, Richard R, 26.00; Rushmore Safety Supplies, 75.00; Schuttler, Richard, 26.00; SD Assoc Of Cnty Hwy Supt, 390.00; SD Federal Prop Agency, 74.05; SD Invasive Species Mgmt, 250.00; SD Risk Pool, 1,094.68; SD Secretary Of State, 30.00; SD Sheriff's Association, 3,006.95; SD Teen Court Association, 3,678.41; SDSU SNA West River Nursi, 120.00; Security Inform Systems, 1,590.00; Servall Uniform/Linen Co, 257.69; Shoemaker, Mary, 569.80; SHRM, 160.00; Sign & Trophy/Westex, 18.00; Simplexgrinnell, 16,884.00; Snap-On Tools - Biers, 503.89; Sosa, Rosa M, 100.00; South Dakota Rose Inn, 135.00; Sperle, Taylor, 172.00; State Bar Of South Dakota, 415.00; Steak Etc Rapid City, 194.96; Stone, Roland D, 16.05; Sturdevant's Auto Parts, 195.28; Sturdevant's Refinish, 80.17; Summit Signs & Supply Inc, 450.00; Trugreen - Chemlawn, 4,109.51; TWL Billing Service &, 3,089.10; United Environmental, 2,149.25; Us Bank Trust Na/Debt Mgt, 2,000.00; Us Postal Service, 10,200.00; Walker Napa Auto Parts, 172.14; Wall Community Library, 3,732.50; Weed & Pest Conference, 205.00; Wegner Auto Company, Inc, 18,655.00; Wessel, Al Jr, MD, 1,150.00; West River Intrntnl Inc, 191.21; Westby, Curt, 26.00; Western Communication Inc, 1,500.00; Western Dakota Insrs Inc, 200.00; Whisler Bearing Co, 188.80; Witt, Matthew Mckenzie, 190.00; Working Against Violence, 4,800.00; Wrighth, Tawnee, 20.40; Zacharias, Jerome C, 130.00; Zoller, Amy, 193.80; Golden West Co, 252.83; Golden West Technologies, 299.10; Knology, 284.68; MidContinent Communications, 55.00.

ADJOURN

MOVED by Trautman and seconded by Holbrook to adjourn the meeting at 12:15 p.m. Vote: Unanimous.

Julie A. Pearson, Auditor

Publish: February 3, 2010