

**Perkins County Commission
Regular Meeting**

Date: March 8, 2016

Present: Commissioners Besler, Henderson, Ottman and Schweitzer and Finance Officer Chapman

Others present: Penfield, Holtgard, Gerbracht, Hulm, press

Absent: Commissioner Foster

Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

Call to Order

Chairman Besler called the regular March meeting to order at 10:00 am.

Approval of Agenda

Henderson moved, Schweitzer seconded to approve the agenda as presented.

Minutes

Ottman moved, Henderson seconded to approve the minutes of the February 9, 2016 Commissioner Meeting.

Correspondence

- Raffle letter received from First Presbyterian Church for March 12 through April 10, 2016.
- A letter was received on the Emergency Management and Facility Security Program, Shadehill Dam Emergency Action Plan.

Monthly Reports

- Finance Officer's Account with the Deputy Finance Officer - To the Honorable Board of County Commissioners Perkins County: I hereby submit the following report of my examination of the cash and cash items in the hands of the Deputy Finance Officer of this County as of February 29, 2016, Sylvia Chapman, Finance Officer, Perkins County. Total amount of deposits in banks \$6,315.91, Total amount of actual cash \$200.00; Insured Money Market \$2,026,736.68; Dakota Plains Federal Credit Union membership fee \$10.04; Certificates of Deposit \$500,331.90.80; Total \$2,533,594.53. The total represents state, county, schools, cities and township funds, which will be transferred to each entity of government after being apportioned.
- Motor Vehicle fees for the month February 2016 were reviewed.
- Register of Deed's fees in the amount of \$7,064.00 were reviewed.
- Sheriff's Fees in the amount of \$491.21 were reviewed.

Ordinance 2016-1

Henderson moved, Schweitzer seconded to introduce and approve the first reading of Ordinance 2016-1 Perkins County Beekeeping Ordinance "An Ordinance to Regulate the Beekeeping in Perkins County, motion carried. The second reading of Ordinance 2016-01 will be held on Tuesday, April 12, 2016 at the regular Commissioner Meeting.

**Ordinance #2016-01
PERKINS COUNTY
BEEKEEPING ORDINANCE**

An Ordinance to Regulate the Beekeeping in Perkins County

Be it Ordained by the Perkins County Board of Commissioners, Perkins County, South Dakota that:

Section

- 1. Purpose**
- 2. Definitions**
- 3. Compliance with All Applicable Laws**
- 4. Location of Hives**

5. **Apiary Management**
6. **Nuisances Prohibited**
7. **Penalties**

1. Purpose

This Ordinance establishes regulations intended to ensure that beekeepers maintain apiaries in a responsible manner so as to protect the health, safety, and welfare of the general public and citizens of Perkins County.

2. Definitions

Apiary: Any place where one or more colonies of bees are kept.

Beekeeper: Any person or entity who raises bees.

Bees: Any stage of the common honeybee, *Apis mellifera* L.

Colony: The bees in any hive, including queens, workers, and drones.

Hive: Any frame hive, box hive, box, barrel, log gum, skep, or any other container which may be used as a domicile for bees.

3. Compliance with All Applicable Laws

A beekeeper shall:

1. Register all apiaries with the State of South Dakota as required by SDCL Chapter 38-18; and,
2. Comply with all applicable federal and state laws, including, but not limited to, the provisions of SDCL Chapter 38-18, and all other relevant County Ordinances. Whenever the requirements of this Ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinance, the most restrictive, or that imposing the higher standard, shall govern.

4. Location of Hives

- A. Distance to Property Lines. All hives shall be located a minimum of 25 feet from the nearest property line of any adjacent neighbor(s). No setback distance is required for adjacent properties under the same property ownership.
- B. Distance to Roads. All hives shall be located a minimum of 100 feet from all roads located in public right-of-ways (the distance will be measured from the nearest edge of the road surface).
- C. Distance to Neighboring Residences. All hives shall be located a minimum of 50 feet from a neighboring dwelling (the distance will be measured from the nearest portion of the neighboring dwelling). No setback distance is required for dwellings located on the same lot as the hive(s).
- D. Hive Placement. All hives shall be placed appropriately on the lot so as to inhibit access to the hive from adjacent properties and to prevent interference with the movement of persons on adjacent properties or in the public right-of-way. When possible, the front of the hive(s) shall face away from the closest property line and/or right-of-way, whichever is closest.

5. Apiary Management

A beekeeper shall:

1. Provide an adequate and convenient source of water at all times to the bees on the property on which the apiary is located in order to prevent the bees from congregating at other water sources where they may come into contact with humans and animals, and the water shall be maintained so as not to become stagnant; and,
2. Maintain and manage all hives so as not to create a public nuisance.

6. Nuisances Prohibited

Notwithstanding compliance with the requirements of this Ordinance, it shall be unlawful for any person to keep any colony or colonies in such a manner, or of such a disposition, as to create a nuisance to others. A public nuisance shall be determined to exist when beekeeping: 1) creates any unhealthy condition; 2) interferes with the normal use and enjoyment of human or animal life of others; or, 3) interferes with the normal use and enjoyment of any public property or property of others. The County Commission shall have the authority to declare a public nuisance, in which case:

1. The beekeeper must relocate or destroy all hives within 30 days of the property owner first receiving notice of the nuisance determination. Failure to comply shall enable the County to abate the public nuisance; or,
2. If there is an immediate need to protect public safety, the County may elect to destroy the hive(s) and/or relocate the colony. Such circumstances shall be present when there is: 1) a colony not residing in a hive structure intended for beekeeping; 2) a dangerous swarm of bees that poses an immediate risk to the safety of humans; or, 3) a colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

7. Penalties

Any person found to be in violation of this Ordinance shall be subject to a maximum fine of \$500 or 30 days imprisonment, or both, in accordance with the provisions of SDCL 7-18A-2. Each day any violation of this Ordinance continues shall constitute a separate offense.

2015 Annual Meeting

Schweitzer moved, Ottman seconded to publish the 2015 Annual Report in the legal newspapers, motion carried.

Set Meeting Dates

- Schweitzer moved, Henderson seconded to set the regular meeting April 12th at **9:00 a.m.** and set the Board of Equalization Meeting for 1:00 p.m. on Tuesday April 12, 2016, motion carried.
- Henderson moved, Schweitzer seconded to hold the May regular meeting in Lemmon, SD and the June meeting to be moved to June 8, due to the need to canvas the June Primary, motion carried.

County Land Lease Auction

Schweitzer moved, Henderson seconded to set the County Land Lease Auction at 10:30 a.m. on Tuesday April 12, 2016, motion carried.

Amended WIC Contract

Henderson moved, Ottman seconded to approve the amended WIC agreement to include clerical services in Meade County at the Faith office, motion carried.

Highway Superintendent

- Discussion was held on the lease contracts with Dakota Farm Equipment, Inc in Lemmon, SD. Ottman moved, Schweitzer seconded to enter into lease contract with Dakota Farm Equipment for the lease of one John Deere 6135E Cab Tractor (600 hours) at \$13,898.43 per year and one John Deere 6135E Cab Tractor (800 hours) at \$16,273.93, motion carried.
- The Monthly Maintenance & Project Report was reviewed.
- Discussion was held on Bridge Repair needs.
- Discussion was held on the need to address the secondary road policy.

Financing Courthouse Repairs Project

Discussion was held on the financing of the courthouse repair project. Schweitzer moved, Ottman seconded to grant Finance Officer Chapman the authority to negotiate interest rates for the project, motion carried.

Claims

The following claims were presented and approved for payment, February payroll: 101,533.37; IRS, fica, 7,042.73; SD Retirement, retirement, 5,617.47; Delta Dental, insurance, 1,345.76; Medico Life, insurance, 146.88; Wellmark, insurance, 20,910.16, SDPEF, insurance, 96.00; A&B Business,

supplies, 271.89; Alcopro, Inc, supplies, 514.00; Avera Queen of Peace, blood test, 92.90; Best Western, travel, 439.95; BH Family Practice, jail medical, 10.00; Bison Courier, publishing, 440.23; Bison Food, supplies, 87.56; Bison Implement, repairs/supplies, 2,262.24; BL Contracting, repairs, 4,566.33; Black Strap, Inc, supplies, 1,998.07; Brosz Engineering, prof fees, 882.50; Butler Machinery, repairs, 7,376.84; Cedar Shore Resort, travel, 183.90; S Chapman, supplies, 37.59; Current Connection, supplies, 1,604.76; Dakota Business, supplies, 73.19; Dakota Farm Equipment, Inc, repairs, 68.41; Dakota Fluid Power, repairs, 50.24; Datamaxx Applied, repairs, 2,232.00; EMC Insurance, insurance, 403.00; G&O Paper, supplies, 242.95; R Gerbracht, travel/registration, 593.11; Grand Electric, utilities/repairs, 1,522.95; Intab, LLC, supplies, 61.77; Jim Grothe Electric, supplies, 129.78; John's Repair, maintenance, 92.30; KBJM, registration, 150.00; Lar-Jo's, supplies, 838.70; Fire Extinguisher Sales, supplies, 121.34; Lemmon EMT, travel, 452.16; Lewis & Clark, MH physician, 320.00; Lincoln County, MH board, 45.00; LIVE, subsidy, 1,500.00; Lodgepole Store, propane, 704.88; Matheson Tri-Gas, supplies, 149.00; McLeod's Printing, supplies, 283.71; Meade County, jail board, 5,720.00; NAPA Auto, supplies, 6.55; B Nelson, travel, 108.01; Neve's Uniforms, supplies, 80.00; Newman Signs, supplies, 5,581.98; Northern Improvement, supplies, 280.00; Northern Truck Equipment, repairs, 14.02; NW Farm & Home, supplies, 21.98; S Penfield, rent, 400.00; Postoffice, box rent, 90.00; Prairie Community Health, prof fees, 368.00; Print Shop, supplies, 377.16; Rapid City Hospital, jail medical, 220.32; Runnings, supplies, 1,215.09; SBM, maintenance, 229.07; SD Dept of Health, blood testing, 170.00; SD DOT, contracts, 125.39; SD Human Services, patient care, 1,025.96; SDACC, registration, 200.00; Servall Uniform, supplies, 35.65; Sheehan Mack, repairs, 1,113.65; Shopko, jail meds, 64.33; Stateline Designs, supplies, 62.00; Steinley Real Estate, registration, 780.00; Town of Bison, utilities, 220.40; Truenorth Steel, supplies, 796.48; Uline, supplies, 104.29; Verizon, repairs, 240.06; VISA, travel/supplies, 248.09; Assn SD Co Weed & Pest Board, registration, 150.00; West Group, law books, 840.71; West River Telephone, utilities, 1,339.23; Yankton County, MH board, 232.50, John Deere Equipment, tractor lease, \$16,273.93.

Adjournment

Henderson moved, Schweitzer seconded to adjourn the meeting at 11:44 a.m. The next regular meeting of the Perkins County Commission will be held on Tuesday, April 12, 2016 at **9:00 a.m.** at the Perkins County Courthouse, motion carried.

ATTEST:

APPROVED:

Sylvia Chapman, Finance Officer

Brad W. Besler, Chairman