

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
June 7, 2012**

A meeting of the Pennington County Board of Commissioners was held on Thursday, June 7, 2012, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Lyndell Petersen called the meeting to order at 9:00 a.m. with the following Commissioners present: Ron Buskerud, Ken Davis and Nancy Trautman. Commissioner Holloway was absent.

APPROVAL OF THE AGENDA

MOVED by Davis and seconded by Buskerud to remove Item 14, Request for Approval of Shared Access Agreement, from the Consent Calendar for separate consideration and approve the agenda as amended. Vote: Unanimous.

CONSENT AGENDA ITEMS

The following items have been placed on the Consent Agenda for action to be taken by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate consideration.

MOVED by Trautman and seconded by Buskerud to approve Consent Agenda Items 5-13 and 15-20 as presented. Vote: Unanimous.

5. Approve the minutes of the May 1, 2012, Board of Commissioners' meeting.
6. Approve the minutes of the May 15, 2012, Board of Commissioners' meeting.
7. Approve the minutes of the May 22, 2012, special budget meeting.
8. Approve the vouchers listed at the end of the minutes for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$389,286.59 and authorize the Chairperson's signature.
9. Auditor: Approve the Malt Beverage License renewal application listed below and authorize the Chairperson's signature thereto.

Retail (on-off sale) Malt Beverage

Black Forest Inn, IKENCINDY Inc.; Black Hills Receptions, Black Hills Receptions & Rentals LLC; Country Corner, Robin Robertson; Country Store at the Forks, Covington Consulting Group Inc.; Depot Restaurant, Patrick S. Shannon; Happy Holiday RV Resort, Diamond Trek LP; Hart Ranch Golf Course, Hart Ranch Development Co.; JD's Catering and House of Pizza, Jeff Jundt & Dueene Zoller; Mt. Meadow Store & Campground, Deerfield Lake Resort LLC; O'Malley's Casino, KJL Inc.; Prairie Berry, Prairie Berry LLC; Putz N Glow Inc.; Putz N Glow Inc.; Sheridan Lake Marina, Goodwin Inc.; Summer Creek Inn, Summer Creek Inn LLC; Valley

Square Casino, Wall-East Development Inc.; Valley Square Sports Pub, Wall-East Development Inc.; Whispering Pines Campground, Flying R LLC.

Retail (on-off sale) Malt Beverage & SD Farm Wine

Rafter J Bar Ranch Campground; Hicow Co.

Package (off-sale) Malt Beverage

Corner Pantry-Moon Meadows, MG Oil Company; Dalcam EZ Mart, DAlcam Oil Company Inc.; Gaslight Restaurant, Big Guys LLC; Hart Ranch Camping Resort, Hart Ranch Camping Resort Club Inc.; Holy Smoke Resort, Holy Smoke Inc.; Pactola Pines Marina, David & Nancy Fisher.

Package (off-sale) Malt Beverage and SD Farm Wine

Country Store at the Forks, Covington Consulting Group Inc.; Mount Rushmore National Memorial, Xanterra parks & Resort; Mt. Rushmore KOA, Recreational Adventures Co.; Stone Faces, Valiant Vineyards Inc.

10. Auditor: To acknowledge the Order of Organization and Incorporation for the Mansfield Road District effective for tax year 2012 and after and authorize the Chairperson's signature.

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

WHEREAS, all resident registered voters and property owners that are within the proposed district boundaries have agreed to and petitioned for the organization of the Mansfield Road District.

AND WHEREAS, said petitions indicate the desire of all qualified voters and landowners within the proposed boundaries to organize the Mansfield Road District.

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Mansfield Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2012 tax year and after.

BE IT FURTHER ORDERED, that the Mansfield Road District be described as follows: Lots 1, 2, 3 & 50' Private access easement of Kirschenmann Subdivision; Lot 2 of Lot A, Lot B, Lot A of Lot 5 & Lot B of Lot 5 of Miller Subdivision; Lot A & Lot B of Miller Subdivision #2 BHM, Pennington County, SD.

/s/Lyndell Petersen, Chairperson
Pennington County Commission

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

11. Auditor: To acknowledge the Order of Organization and Incorporation for the Sila Place Road District effective for tax year 2012 and after and authorize the Chairperson's signature.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE SILA PLACE ROAD DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, all resident registered voters and property owners that are within the proposed district boundaries have agreed to and petitioned for the organization of the Sila Place Road District.

AND WHEREAS, said petitions indicate the desire of all qualified voters and landowners within the proposed boundaries to organize the Sila Place Road District

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Sila Place Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2012 tax year and after.

BE IT FURTHER ORDERED, that the Sila Place Road District be described as follows: Lots 1, 2 & 3 less Lot H1 of Lot 3 of Sila Subdivision, BHM, Pennington County, SD.

/s/Lyndell Petersen, Chairperson
Pennington County Commission

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

12. Auditor: To order that the election for determination of the organization of the Deer Creek Lane Road District, Legal Description: Lots 3-11, Melcor Acres Subdivision, BHM, Pennington County, SD, be held on July 15, 2012 at 2 p.m. at the Rimrock Tavern and if the question for organization should pass, an election for the first Board of Trustees for the newly organized district will be held at a future date.

13. Buildings & Grounds: To authorize Buildings & Grounds to advertise for bids for the Evidence Building Equipment Package.

15. Fire Administrator: To authorize the Fire Service Board to advertise for bids for up to 536 new pagers for the volunteer fire departments.

16. Fire Administrator: To declare surplus one Fire Portacount Plus Model 8020A, SN 80250824, Asset Tag #05796 for the purpose of trade on a new model.

17. Highway Department: To approve the request by the 28 CPTS of Ellsworth Air Force Base to clean a portion of Highway 14/16 through Pennington County's Adopt-A-Highway program and authorize the Chairperson's signature on a letter.

18. Highway Department: To authorize the Highway Department to purchase tires and tubes from the State Contract List: Contract #16276 - Bridgestone Americas, 535 Marriott Drive, Nashville, TN 37214; Contract #16277 – Goodyear Tire and Rubber Co., 1144 E. Market St. D/709, Akron, OH 44316; Contract #16278 – Michelin North America Inc., One Parkway South, Greenville, SC 29602.

19. Highway Department: To approve Modification #10 to the Cooperative Road Agreement #09-RO-11020300-019 with the Black Hills National Forest and authorize the Chairperson's signature thereto.

20. To approve the request of the Rochford Volunteer Fire Department to hold a raffle on July 7, 2012.

End of Consent Agenda.

ITEM REMOVED FROM CONSENT AGENDA

Commissioner Buskerud stated that he would abstain from voting on this item because his wife helped negotiate the contract.

14. ESCC: MOVED by Davis and seconded by Trautman to approve the Shared Access Agreement with Black Hills Corporation for the west site emergency services communications radio tower and authorize the Chairperson's signature thereto. Vote: Aye – Davis, Petersen and Trautman. Buskerud abstained from voting.

PENNINGTON COUNTY FAIRGROUNDS CRACK SEAL & SEAL COAT PROJECT –

Ron Jeffries: MOVED by Davis and seconded by Trautman to extend the completion date on the Fairgrounds Crack Seal and Seal Coat Project to July 15, 2012, due to conflicts with scheduled events. Vote: Unanimous.

ITEMS FROM AUDITOR

A. GENERAL FUND SUPPLEMENT HEARING SP12-016 – General Fund Title II Mountain Pine Beetle Budget: MOVED by Buskerud and seconded by Trautman to supplement the 2012 General Fund Mountain Pine Beetle budget in the amount of \$32,006 from non-budgeted revenue received in the current year. Vote: Unanimous.

B. CANVASS PRIMARY ELECTION RESULTS: MOVED by Davis and seconded by Trautman to accept the canvass and declare the results of the June 5, 2012, Primary Election official, authorize the Commissioners present to sign the Official Canvass and authorize payment of all election expenses as listed: Payroll \$26,063.69, Travel \$1,516.54, Utilities \$350 and Rent \$830. Vote: Unanimous.

C. NEW RETAIL (ON-OFF SALE) MALT BEVERAGE AND NEW (ON-OFF SALE) WINE LICENSES: MOVED by Davis and seconded by Trautman to approve the applications for new licenses as listed below. Vote: Unanimous.

New Retail (on-off sale) Malt Beverage: Caputa General Store, Caputa General Store Inc.; Johnny's Billiards & Arcade, Johnny's Billiards & Arcade.

New Retail (on-off sale) Wine: Caputa General Store, Caputa General Store Inc.; Johnny's Billiards & Arcade, Johnny's Billiards & Arcade; Flying T Chuckwagon, Great American Tour Co. Inc.

D. MALT BEVERAGE LICENSE RENEWAL – SUGAR DADDY'S LLC DBA SUGAR SHACK: MOVED by Davis and seconded by Trautman to approve the malt beverage license renewal application for Sugar Shack, Sugar Daddy's LLC. Vote: Unanimous.

E. TITLE III FUNDS – OLD & NEW

2012 Title III Search & Rescue Budget: MOVED by Trautman and seconded by Buskerud to approve the previously budgeted 2012 Title III Search & Rescue Budget in the amount of \$20,000 to come from prior 2008 (old) available fund balance. Vote: Unanimous.

Budget Supplement SP12-017 Request – Title III Mountain Pine Beetle Budget: MOVED by Buskerud and seconded by Davis to schedule a hearing at 9:15 a.m. on Tuesday, June 19, 2012, to supplement the 2012 Title III Mountain Pine Beetle budget in the amount of \$143,441.90 from Restricted Fund balance (\$112,000 pre-2008, \$31,441.90 2008 & after). Vote: Unanimous.

ITEMS FROM SHERIFF

A. NEW LOCATION FOR THE 24/7 PROGRAM (24/7 BUDGET SUPPLEMENT SP12-018 REQUEST): MOVED by Trautman and seconded by Buskerud to schedule a hearing at 9:15 a.m. on Tuesday, June 19, 2012, for a supplement to the 2012 24/7 Program operating budget in the amount of \$57,500. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. ABATEMENT APPLICATION – Tyrel Carson: MOVED by Buskerud and seconded by Trautman to approve the abatement application for 2011 taxes for Tyrel or Lacy Carson on parcel ID 8001703 in the amount of \$187.14. Vote: Unanimous.

B. ABATEMENT APPLICATION – FMLC, Inc: MOVED by Buskerud and seconded by Trautman to abate the 2011 taxes on Parcel ID 63635 for the building only in the amount of \$26,094.98. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. PALMER GULCH ROAD: MOVED by Davis and seconded by Trautman to direct the Highway Department to send a letter to Forest Service requesting authority to improve the Forest Service access road for fire access. Vote: Unanimous.

WHOLE LIFE INSURANCE OFFER – EMPLOYEE PRESENTATION SPECIFICATIONS:

MOVED by Davis and seconded by Trautman to put this idea in the trash can and move on to more important business. Substitute motion: MOVED by Buskerud and seconded by Trautman to allow Boston Mutual to schedule meetings at various times and days, provide a location for the 15-20 minute presentations and encourage employees to attend. Davis called the question. Vote: Unanimous. The vote on the substitute motion carried 3-1 with Petersen voting no.

ITEMS FROM COMMISSION ASSISTANT

A. COUNTY POLICY – Re-Notice of Vacancy and Appointments to Boards: MOVED by Trautman and seconded by Buskerud to adopt the policy Re-Notice of Vacancy and Appointments to Boards as revised. Vote: Unanimous.

B. COUNTY POLICY – Video Recording Policy of Commissioners’ Meetings: MOVED by Davis and seconded by Buskerud to remove from Item 3 the \$5.00 service charge if the requester provides a blank DVD, change the retention period in Item 6 to three years and approve the policy as amended. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to take a brief recess. Vote: Unanimous. The Board recessed at 10:40 a.m. and reconvened at 10:50 a.m.

ITEMS FROM PLANNING AND ZONING - CONSENT AGENDA

The following items 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 Buskerud and seconded by Davis to Remove Items D, E, F & G from the Consent Agenda and move to follow the Board of Adjustment items at the request of Planning staff. Vote: Unanimous.

MOVED by Davis and seconded by Trautman to approve the Consent Agenda as amended. Vote: Unanimous.

A. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PROJECT, SEGMENT 2: To approve the grant agreement with the DENR and authorize the Chairperson’s signature thereto.

B. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – APPROVAL OF FOREST SERVICE AGREEMENT: To approve Participating Agreement #12-PA-11020300-04 between Pennington County and the Black Hills National Forest and authorize the Chairperson’s signature thereto.

C. VACATION OF EASEMENT / VE 12-01: Kody and Jessica Mendel. To vacate a septic system drainfield easement to address an easement encroachment in accordance with the Pennington County Zoning Ordinance.

Lot 11, Loveland Canyon Estates, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

To approve Vacation of Easement / VE 12-01 with the following two (2) conditions: 1. That prior to approval of the applicant's Vacation of Easement request by County Board, the shed either be relocated on the property in compliance with the minimum setback requirements or a site plan be provided showing that the location of the shed is meeting the minimum setback requirements; and, 2. That the Vacation of Easement document ("Exhibit A") be filed at the Register of Deeds by the applicant.

H. LAYOUT PLAT / PL 12-18: Arlin Stratmeyer. To create Lots 8R and 9 of A & J Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 8, A & J Subdivision, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 8R and 9, A & J Subdivision, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

To sustain the Planning Commission's recommended approval of Layout Plat / PL 12-18 with the following nine (9) conditions: 1. That prior to or at the time of Preliminary Plat submittal, the applicant provide adequate percolation test results for proposed Lot 9 for review by the Environmental Planner; 2. That prior to Final Plat approval, Adjenty Court and Stratmeyer Court be improved to Low Density Residential Local/Collector Road Standards, including a 24-foot-wide, four (4)-inch graveled driving surface, a surety or bond be posted for the road improvements, or the applicant obtain approval of a Subdivision Regulations Variance to waive this requirement; 3. That prior to Final Plat approval, engineered road construction plans be provided for the required road improvements to Adjenty Court and Stratmeyer Court or else the applicant obtain approval of a Subdivision Regulations Variance to waive this requirement; 4. That prior to Final Plat approval, the applicant provide proof of proposed Lot 9 being incorporated into the Pine Haven Road District; 5. That all Forest Service boundary markers and corners be protected and no personal property be allowed to be stored on Forest Service land; 6. That all existing structures and utilities meet the minimum setback requirements from the proposed lot lines and that a site plan be provided at the time of Preliminary Plat submittal showing the existing structures and utilities and their respective setback distances to the proposed lot lines; 7. That eight (8) foot utility and minor drainage easements be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement; 8. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, topographic information be provided of the subject property at five (5) foot contour intervals, and the proper

certificates and statements be included on the plat or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and, 9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

I. PRELIMINARY PLAT / PL 12-13: Marv and Chris Matkins. To create Lots 1, 2, and 3 of Matkins Addition #9 in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That Pt of GL 24 Lying S Of Hwy 16 Less Lots 3,4 and 5 Of Mewonitoc Lode Sub., Less Lot 4 Bar Placer MS 824, Less Lot 1R, 4, and 5 of Matkins Addn #6 and Less Row, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Matkins Addition #9, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

To continue Preliminary Plat / PL 12-13 to the June 19, 2012, Board of Commissioners' meeting.

J. LAYOUT PLAT / PL 12-19: Chris and Tiffany Hodo/Shawn and Jodi Burke. To create Lot A of Hodo Subdivision and Lot A of Burke Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract L of SE1/4NW1/4 and the SW1/4NE1/4 less RTY and deeded Lot in the SW1/4NE1/4 of Section 14, T1S, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A of Hodo Subdivision and Lot A of Burke Subdivision, Section 14, T1S, R10E, BHM, Pennington County, South Dakota.

To sustain the Planning Commission's recommended approval of Layout Plat / PL 12-19 with the following thirteen (13) conditions: 1. That prior to approval of the Final Plat, both of the proposed lots shall either be rezoned to Low Density Residential or else the applicant obtains a Lot Size Variance for each lot to reduce the minimum lot size requirement in a General Agriculture District; 2. That prior to approval of the Final Plat, the applicant improve the easement providing access to the proposed lots and to Main Street, to Local/Collector Road Standards, including 66 feet of right-of-way (or easement) with a 24-foot-wide, 4 inch graveled driving surface, or else a surety be posted for the road improvements or an approved Subdivision Regulations Variance be obtained waiving this requirement; 3. That prior to approval of the Final Plat, the applicant provide engineered road construction plans for the road providing access to the proposed lots or else obtain an approved Subdivision Regulations Variance waiving this requirement; 4. That at the time of Preliminary Plat submittal, the plat heading shall be revised in accordance with the review comments from the Register of Deeds; 5. That prior to Preliminary Plat submittal, the wastewater system on proposed Lot A of Burke Subdivision shall be repaired; 6. That prior to the recording of the Final Plat, the applicant shall obtain Operating Permits for the wastewater system on proposed Lot A of Burke Subdivision; 7. That a 66-foot-wide access easement be recorded simultaneously with the mylar for the portion of the easement

that crosses Outlot B of Lot 1; 8. That all setbacks from lot lines be maintained for the existing structures and utilities, as a result of the proposed plat; 9. That the addresses for each lot be posted in accordance with Ordinance #20; 10. That a site plan showing the location of all existing structures and associated utilities on the proposed lots be submitted with the Preliminary Plat application or else a Subdivision Regulations Variance be obtained waiving this requirement; 11. That any adjustments to be made to the existing overhead power line will be at the applicant's expense; 12. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and, 13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

End of Consent Agenda

BOARD OF ADJUSTMENT

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

K. VARIANCE / VA 12-04: Canadian Pacific Railroad; Fisk Land Surveying – Agent. To reduce the minimum required lot size from 40 acres to .56 acre, 3.17 acres, 37.42 acres, 6.34 acres, and 37.55 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Portions of the SE1/4SE1/4 of Section 19; Section 20 (less NW1/4); E1/2 of Section 30; and the W1/2NE1/4 of Section 31, T1N, R14E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision, Sections 19, 20, 30, and 31, T1N, R14E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Variance 12-04 with one condition. After discussion, the motion was withdrawn by Davis and Trautman. MOVED by Buskerud and seconded by Davis to continue Variance Items K, L, and M to the June 19, 2012, Board of Commissioners' meeting. Vote: Unanimous.

L. VARIANCE / VA 12-05: Canadian Pacific Railroad; Fisk Land Surveying – Agent. To reduce the minimum required lot size from 40 acres to 3.82 acres and 3.67 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: The NE1/4SE1/4 of Section 13, T1N, R14E, and Government Lot 4 of Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3 and 4 of WDRPI-SD097 Subdivision, Sections 13 and 18, T1N, R14E and R15E, BHM, Pennington County, South Dakota.

M. VARIANCE / VA 12-06: Canadian Pacific Railroad; Fisk Land Surveying – Agent. To reduce the minimum required lot size from 40 acres to 1.55 acres and 1.75 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Portions of Section 2 (less SE1/4) and a Portion of the NW1/4NE1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of WDRPI-SD101 Subdivision, Sections 2 and 10, T1S, R15E, BHM, Pennington County, South Dakota.

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

ITEMS REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION

MOVED by Davis and seconded by Buskerud to continue Items D, E, and F to the June 19, 2012, Board of Commissioners' meeting. Vote: Unanimous.

D. MINOR PLAT / PL 12-14 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-04: Canadian Pacific Railroad; Fisk Land Surveying – Agent. To create Lots 1-4 of WDRPI-SD097 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the NE1/4NE1/4 of Section 20, the E1/2SE1/4 of Section 17, Section 16 (less SE1/4), Section 9 (less NW1/4), Section 10 (less SE1/4), Section 11 (less NE1/4), the SW1/4 of Section 12, the NE1/4SE1/4 of Section 13, T1N, R14E, and Government Lot 4 of Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4 of WDRPI-SD097 Subdivision, Sections 9, 10, 11, 12, 13, 16, 17, 18 and 20, T1N, R14E, and Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

E. MINOR PLAT / PL 12-15 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-05: Canadian Pacific Railroad; Fisk Land Surveying – Agent. To create Lots 1-3 of WDRPI-SD101 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of Section 2 (less SE1/4) and a Portion of the NW1/4NE1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of WDRPI-SD101 Subdivision, Sections 2 and 10, T1S, R15E, BHM, Pennington County, South Dakota.

F. MINOR PLAT / PL 12-16 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-06: Canadian Pacific Railroad; Fisk Land Surveying – Agent. To create Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the SE1/4SE1/4 of Section 19; Section 20 (less NW1/4); E1/2 of Section 30; and the W1/2NE1/4 of Section 31, T1N, R14E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision, Sections 19, 20, 30, and 31, T1N, R14E, BHM, Pennington County, South Dakota.

G. PRELIMINARY PLAT / PL 12-17 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-07: Dean Kelly Construction; Ryan Kelly – Agent. To create Lots 1-3, Block 4, Sheridan Lake Highlands in accordance with Section 400.2 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B less ROW, Boland Placers MS 1252, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3, Block 4, Sheridan Lake Highlands, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Buskerud to approve Subdivision Regulations Variance / SV 12-07 to waive submittal of engineered road construction plans and the scale of the plat to be no greater than one (1) inch equals 100 feet (the prepared plat is drawn at a one (1) inch equals 200 feet) and approval of Preliminary Plat / PL 12-17 with the following six (6) conditions, noting that the date in Condition 3 was corrected to March 1, 2014. Vote: Unanimous.

1. That prior to County Board approval of the Preliminary Plat, the applicant shall provide engineered road construction plans for any road improvements to be made or else a Subdivision Regulations Variance be obtained waiving this requirement;
2. That the proposed development join the existing Homeowner's Association that was created for Sheridan Lake Highland development;
3. That the second layer of asphalt be applied to Sawmill Road no later than March 1, 2014;
4. That prior to Final Plat approval, the accessory structure on proposed Lot 3 shall be removed or the applicant shall amend the PUD to allow for the existing structure to remain as an accessory structure or constructs a single-family residence on the lot;
5. That prior to the plat being recorded, a Road District shall be formed to maintain the roads or the applicant shall incorporate this development into an existing Road District; and,
6. That the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement.

N. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – APPROVAL OF ADVISORY GROUP RECOMMENDATIONS: The following recommendations were presented and action will be taken during the June 19, 2012, Board of Commissioners’ meeting.

1. The Pennington County Board of Commissioners adopts the 2012 Spring Creek monitoring plan.
2. The Pennington County Board of Commissioners approves the following Application Ranking Summaries and 2012 BMP Cost List:

Spring Creek Project Segment 2-Riparian/Streambank Application Ranking Summary
Spring Creek Project Segment 2-Stormwater Application Ranking Summary
Spring Creek Project Segment 2-ManureGrazing Application Ranking Summary
Spring Creek Project Segment 2-Forest Stormwater Application Ranking Summary
Spring Creek Project Segment 2-OWTS Application Ranking Summary
Spring Creek Project 2012 BMP Cost List and Cost Share Rates

3. The Pennington County Board of Commissioners sends a letter to Bob Thompson at the Mystic Ranger Station in support of the dredging and dam repair at Mitchell Lake.

O. REZONE / RZ 12-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-02: Todd Munyon - Main Street Motors. To rezone .15 acres from Limited Agriculture District and 2.45 acres from General Agriculture District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use Map from Suburban Residential District to General Commercial District in accordance with Sections 209 and 508 of the Pennington County Zoning Ordinance.

Lot D of NE1/4SW1/4 and Lot A of NW1/4SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Petersen to continue this item to the June 19, 2012, Board of Commissioners’ meeting to explore other zoning options. Vote: 2-2 with Trautman and Buskerud voting no. The tie vote automatically brings this item forward to the next Board of Commissioners’ meeting.

P. ROAD NAMING: Pennington County. To name a 50-foot-wide access and utility easement providing access to property located in Sections 18 and 19, T1S, R5E, and Sections 13 and 24, T1S, R4E, BHM, Pennington County, to Little Tiger Lane.

MOVED by Buskerud and seconded by Trautman to approve the Road Name of Little Tiger Lane and further moved that Planning staff contact residents along the road and ask them to contribute to the cost of the installation of a road name sign and Pennington County to pay any remaining balance. Vote: Unanimous.

EXECUTIVE SESSION per SDCL 1-25-2

- A. Contractual/Pending Litigation per SDCL 1/25/2(3)
- B. Personnel Issue per SDCL 1-25-2(1)

MOVED by Davis and seconded by Trautman to convene in executive session. Vote: Unanimous. The Board remained in executive session from 12:15 p.m. until 12:36 p.m. MOVED by Davis and seconded by Trautman to adjourn from executive session. Vote: Unanimous.

AUDITOR'S ACCOUNT OF THE TREASURER

To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of May 23, 2012: Total balances of checking/savings accounts, \$35,026,590.73; Total balance of Treasurer's Office safe cash, \$9,100.00; Total certificates of deposit, \$4,571,856.73; Total Prime Value Investment, \$4,968,533.52; Total petty cash, \$111,470.00; Total Cash Items, \$2297.04; Total long/short, (460.05); Total, \$44,689,117.97. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 6/12/2012 – R. Bender, \$18.82/hour.

IT Department: Effective 5/29/2012 – R. Tiensvold, \$6,450.00.

Weed & Pest: Effective 5/14/2012 – D. Saxer \$14.76/hr.; J. Thovson, \$13.70/hr.; Effective 5/22/2012 – W. Sayles and S. Jaure, \$12.73/hr.

PAYROLL

Commissioners, 9,396.50; Human Resources, 4,585.67; Elections, 15,836.01; Auditor - liens, 2,278.68; Auditor, 15,817.53; Treasurer, 65,092.51; Data Processing - General, 30,108.44; State's Attorney, 143,983.66; Public Defender, 93,056.34; Juvenile Diversion, 11,012.99; Victim's Assistance, 5,203.66; Buildings & Grounds, 99,271.05; Equalization, 67,334.02; Register of Deeds, 23,333.90; Sheriff, 335,726.03; Service Station, 8,104.19; HIDTA Grant, 8,613.01; Jail, 431,720.37; Jail Work Program, 4,779.86; Hill City Law, 12,588.56; Keystone Law, 6,445.99; New Underwood – Law, 4,170.67; School Liaison, 17,132.85; Wall Law, 11,912.00; JSC Teachers, 19,800.15; Home Detention, 8,382.29; JAIG/JSC, 10,759.56; Alcohol & Drug, 130,726.28; Friendship House, 54,313.82; Economic Assistance, 53,632.03; Mental & Alcohol-SAO, 7,775.38; Mental & Alcohol-HHS, 3,508.25; Extension, 4,280.16; Weed & Pest, 8,586.35; Mountain Pine Beetle, 4,072.35; Planning and Zoning, 21,224.15; Water Protection, 5,532.01; Ordinance, 3,508.25; Juvenile Services Center, 232,936.27; Highway, 180,364.28; Fire Administration, 6,115.90; Dispatch, 160,516.45; Emergency Management, 4,791.91; Emergency Management, 715.41; 24-7 Program, 17,117.17.

VOUCHERS

BH Power Inc, 12,179.99; City of Rapid City-Water, 13,153.48; Rainbow Gas Co, 916.80; Verizon, 1,898.31; Montana Dakota Utilities, 5,358.23; Knology, 7,648.36; First Administrators Inc, 275,664.30; Office Depot Credit Plan, 430.96; Richardson, Amanda, 3,600.00; Executive Mgmt Fin Office, 20.00; Qwest Corporation, 240.67; Qwest Communications, 6.44; CBM Food Service, 49,859.79; West River Electric, 236.65; Medical Waste Transport, 139.50; First

June 7, 2012

Interstate Bank, 16,157.27; Boon Administrative Services, 676.50; Rapid Valley Sanitary, 54.37; City of Hill City, 30.23; City of Wall, 127.60; AT&T, 5.58; AT&T Mobility, 881.56.

ADJOURN

MOVED by Buskerud and seconded by Davis to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 12:36 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: June 20, 2012