

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
July 3, 2012**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, July 3, 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, Don Holloway and Nancy Trautman.

APPROVAL OF THE AGENDA

MOVED by Davis and seconded by Buskerud to approve the agenda as presented. 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 Davis to approve the Consent Agenda Items as presented. Vote: Unanimous.

5. Approve the minutes of the June 19, 2012, Board of Commissioners' meeting.
6. 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 \$175,703.84 and authorize the Chairperson's signature.
7. Auditor: Approve Resolution to Discharge County Liens of Deceased and Unknown Individuals and authorize the Chairperson's signature.

**RESOLUTION TO DISCHARGE COUNTY LIENS
OF DECEASED PERSONS**

WHEREAS, the Pennington County Commission has determined that it is in the County's best interest to discharge county aid liens against deceased persons and those liens deemed uncollectible; and

WHEREAS, Credit Collections Bureau has researched and reported the following liens totaling \$67,514.29, as listed on the ORDER TO RELEASE INDIGENT LIEN(S) as uncollectible;

NOW, THEREFORE BE IT RESOLVED, BY THE Pennington County Board of Commissioners, that the Register of Deeds is hereby directed to discharge these liens.

DATED this 3rd Day of July, 2012.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

Karen McGregor, Deputy Pennington County Auditor

8. Sheriff: Approve the Minnehaha County Jail Bed Per Diem Contract for \$80.20 per prisoner per day and \$35 for work release inmates, and authorize the Chairperson's signature thereto.

9. Supplement SP12-019 – To schedule a public hearing at 9:15 a.m. on Tuesday, July 17, 2012, to supplement the 2012 County Fire Fund operating budget in the amount of \$661,579 from restricted cash reserves (\$273,500) and non-budgeted revenue received in the current year (\$388,079).

10. Weed & Pest: Approve the SD Department of Transportation Railroad Joint Powers Agreement for Weed Spraying Services and authorize the Chairperson's signature thereto.

End of Consent Agenda

DAKOTA POINT FIRE UPDATE

PENNINGTON COUNTY BURN BAN RESOLUTION RELATING TO ORDINANCE #632 – CAMPGROUNDS, CAMPFIRES, ETC.

MOVED by Buskerud and seconded by Holloway to approve the Emergency Resolution Regulating Open Burning in Campgrounds and Use of Fireworks in Pennington County, pursuant to the Pennington County Board of Commissioners' authority to protect the health and safety of the public. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION
AN EMERGENCY RESOLUTION REGULATING OPEN BURNING IN
CAMPGROUNDS AND USE OF FIREWORKS IN PENNINGTON COUNTY**

WHEREAS, pursuant to SDCL § 7-8-20(18) the Board of Commissioners of Pennington County are authorized to prohibit or restrict open burning in order to protect the public health and safety; and

WHEREAS, Pennington County Ordinance # 632 (Section II.C.1.) specifically authorizes the Board of Commissioners, by resolution, to ban open burning in campgrounds that are defined by the ordinance to include permitted commercial campgrounds operated by private individuals or corporations and the State of South Dakota; and

WHEREAS, pursuant to SDCL Chap. 34-37 the Board of Commissioners of Pennington County are authorized to prohibit the use of fireworks outside the boundaries of municipalities in order to protect the public health and safety; and

WHEREAS, with the fire danger index having recently reached the extreme category and with wildfires presently burning in the Black Hills, forest land managers and fire suppression and law enforcement agencies are calling for emergency measures to be enacted to help protect against the ignition and spread of wildfires in the County; and

WHEREAS, the Board of Commissioners of Pennington County find that the persistent extreme weather conditions pose a real danger for the ignition and spread of wildfire and it is necessary for the immediate preservation of the public health and safety that temporary emergency measures be taken at this time to prohibit open burning (open fires) in campgrounds and use of fireworks under such conditions.

NOW, THEREFORE BE IT RESOLVED, that effective immediately and pursuant to SDCL §7-18A-8, SDCL Chap. 34-37 & Ordinance # 632, all open burning (“open fire”) within the boundaries of any private commercial, state or federal campground in Pennington County and the use of fireworks in Pennington County is hereby prohibited when the National Weather Service has declared the Grassland Fire Danger Index to be in the very high or extreme category in Pennington County outside the boundaries of any municipality. The prohibition as provided herein shall automatically be suspended during any time period the Grassland Fire Danger Index falls below the very high category in Pennington County; and

BE IT FURTHER RESOLVED, that a violation of the prohibition against open burning contained herein shall be subject to the penalty provisions as provided in Pennington County Ordinance #632; and

BE IT FURTHER RESOLVED, that a violation of the prohibition against use the fireworks contained herein is punishable as a Class 1 misdemeanor as provided in SDCL § 34-37-14; and

BE IT FURTHER RESOLVED, that this prohibition shall remain in effect until lifted by motion of the Pennington County Board of Commissioners.

Dated this 3rd day of July, 2012.

/s/ Lyndell Petersen, Chairperson
Pennington County Commission

ATTEST: (SEAL)

/s/ Julie A. Pearson, Pennington County Auditor

LAND EXCHANGE PROJECT – MICHAEL McNEIL, USFS

This item will be included on the July 17, 2012, agenda.

ITEMS FROM AUDITOR

A. SCENIC CONATA BASIN AMBULANCE DISTRICT: MOVED by Davis and seconded by Holloway to accept the Official Returns of the organizational election of the Scenic Conata Basin Ambulance District and issue the Order for Organization and Incorporation effective with taxing authority for the 2012 tax year and after. Vote: Unanimous.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE SCENIC CONATA BASIN AMBULANCE DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, the Official Return from the organizational election indicates the desire of the majority of the qualified voters voting in the proposed area to organize the Scenic Conata Basin Ambulance District;

NOW, THEREFORE, BE IT ORDERED, the Pennington County Commissioners declare that the Scenic Conata Basin Ambulance District is organized as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective with taxing authority for the 2012 tax year and after.

BE IT FURTHER ORDERED, that the Scenic Conata Basin Ambulance District be described as follows: SEC 22 GL 6-9; E1/2SE1/4; SEC 23 GL 5-8; S1/2N1/2; S1/2; SEC 24-26 ALL; SEC 27 GL 5-6; SE1/4NE1/4; SE1/4SW1/4; SE1/4; SEC 28 GL 5-7; SE1/4NE1/4; SEC 33 N1/2 LESS GL 1; S1/2 LESS SW1/4SW1/4; SEC 34-36 ALL; IN T1S-R13E; ALL OF T2S-R13E; SEC 4-9 ALL; SEC 16 W1/2; SEC 17-20 ALL; SEC 21 W1/2; SEC 28 W1/2; SEC 29-34 ALL; IN T2S-R14E; SEC 31 S1/2; SEC 32 SW1/4; IN T2S-R16E; SEC 1-23 ALL; SEC 24 NW1/4; W1/2NE1/4; W1/2SW1/4; NE1/4SW1/4; NW1/4SE1/4; SEC 25 W1/2W1/2; SEC 26-33 ALL; SEC 34 N1/2; IN T3S-R13E; SEC 3-10 ALL; SEC 17 N1/2NW1/4; SEC 18 GL 1-2; N1/2NE1/4; E1/2NW1/4; SEC 21 S1/2; SEC 22 SW1/4; W1/2SE1/4; SEC 27 W1/2; W1/2E1/2; SEC 28 ALL; SEC 31 S1/2; SEC 32-36 ALL; IN T3S-R14E; SEC 1-2 ALL; SEC 11 N1/2; NE1/4SW1/4; SE1/4; SEC 12-13 ALL; SEC 14 SE1/4NW1/4; NE1/4; S1/2; SEC 21-36 ALL; IN T3S-R15E; SEC 3 SW1/4; SEC 4-10 ALL; SEC 11 SW1/4 ; SEC 14-36 ALL; IN T3S-R16E; SEC 25-26 ALL; SEC 27 NE1/4; S1/2; SEC 28 S1/2; SEC 29-36 ALL; IN T3S-R17E; ALL THAT PART IN PENN CO OF T4S-R14E; ALL THAT PART IN PENN CO OF T4S-R15E; ALL THAT PART IN PENN CO OF T4S-R16E; ALL THAT PART IN PENN CO IN T4S-R17E, BHM, Pennington County, SD.

/s/Lyndell Petersen, Chairperson
Pennington County Commission

ATTEST: (SEAL)

/s/Julie A. Pearson, Pennington County Auditor

B. RETAIL MALT BEVERAGEL (ON-OFF SALE) LICENSE RENEWAL – BLACK HILLS SPEEDWAY FOR LIEBEN PROMOTIONS LLC (Cont. from 6/19/2012): MOVED by Buskerud and seconded by Davis to acknowledge the withdrawal of this application by the

applicant. Vote: Unanimous.

C. NEW RETAIL MALT BEVERAGE (ON-OFF SALE) LICENSE – BLACK HILLS SPEEDWAY FOR CROSS COUNTRY REAL ESTATE (Cont. from 6/19/2012): MOVED by Holloway and seconded by Buskerud to approve the New Retail Malt Beverage (on-off sale) license for Black Hills Speedway, Cross Country Real Estate. Vote: Unanimous.

D. FY2013 PENNINGTON COUNTY PROVISIONAL BUDGET

MOVED by Holloway and seconded by Trautman to confirm the Search & Rescue General Fund budget of \$42,212 and approve the Title III allocation of \$20,000. Vote: Unanimous.

MOVED by Buskerud and seconded by Trautman to remove Mountain Pine Beetle from the General Fund and move it to Title III with an estimate of current balance plus receipts for 2013 and the remainder to come from Emergency Disaster. Vote: Unanimous.

MOVED by Trautman and seconded by Buskerud to use the 2.1 CPI increase for the Library levy. The motion carried 4-1 with Davis opposing.

Outside Organization Requests

MOVED by Holloway and seconded by Davis to not allocate funds to the Black Hills Workshop. Vote: Unanimous.

MOVED by Trautman and seconded by Buskerud to fund Rapid City Economic Development at \$10,000. Vote Unanimous.

MOVED by Davis and seconded by Buskerud to deny funding for Black Hills Council of Local Governments. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to deny the funding request for the 211 Helpline. The motion carried 4-1 with Trautman opposing.

ITEMS FROM BUILDINGS & GROUNDS

A. PENNINGTON COUNTY CAMPUS EXPANSION EVIDENCE BUILDING EQUIPMENT PACKAGE – BID RESULTS & RECOMMENDATION

MOVED by Holloway and seconded by Trautman to approve bids for the Evidence Building Equipment Package for Items A, B and D as recommended by Mike Kuhl and entered below. Vote: Unanimous. It was noted that no bids were received for Bid Item “C”, Vehicle Lift. Bid documents are on file at Buildings and Grounds.

- To award a contract to Spacesaver Corporation to provide and install evidence processing equipment identified as Bid Item “A” in the Evidence Building Equipment Package for \$79,871.44.

- To award a contract to Spacesaver Corporation to provide and install storage systems identified as Bid Item “B” in the Evidence Building Equipment package for \$200,371.
- To award a contract to Innovative Laboratory Systems Inc., to provide and install fixed lab equipment identified in Bid Item “D” in the Evidence Building Equipment Package for \$60,881.37.
- To award a contract to Innovative Laboratory Systems Inc., to provide and install mobile lab equipment identified in Bid Item “D” in the Evidence Building Equipment Package for \$127,788.

MOVED by Holloway and seconded by Davis to take a brief recess. Vote: Unanimous. The board recessed from 10:30 a.m. to 10:42 a.m.

ITEMS FROM EMERGENCY MANAGEMENT

A. DISTRACTED DRIVING SIMULATOR – INFORMATION ITEM

ITEMS FROM HIGHWAY DEPARTMENT

A. SUNSET RANCH ROAD DISTRICT REQUEST: MOVED by Buskerud and seconded by Davis to continue this item to the July 17, 2012, Board of Commissioners’ meeting at which time a representative of the Sunset Ranch Road District will be in attendance. Vote: Unanimous.

ITEMS FROM INFORMATION TECHNOLOGY SERVICES

A. ITS DEPARTMENT UPDATE – DIRECTOR RUSS TIENSVOLD: The Board of Commissioners will wait until later in the year to address the budget shortfall in this department.

ITEMS FROM WEED AND PEST

A. BLACK HILLS NATIONAL FOREST (BHNF) MOUNTAIN PINE BEETLE RESPONSE PROJECT DRAFT: MOVED by Holloway and seconded by Buskerud to approve the Chairperson’s signature on comments to the BHNF Pine Beetle Response Project Draft (EIS). Vote: Unanimous.

LIEN RELEASE REQUEST (JP)

MOVED by Davis and seconded by Buskerud to deny the lien release request for JP (*Name withheld per SDCL 28-13-42*) for liens totaling \$3979.36. Vote: Unanimous.

PLANNING & ZONING COMMISSIONER INTERVIEWS AND APPOINTMENTS: The Board of Commissioners interviewed applicants William McCollam, Gayle Jorgenson, Joshua Busch, Joyce Sugrue, Lori Litzen, Robert “Jack” Tomac, George Ferebee, and Jeffrey Swett. MOVED by Trautman and seconded by Buskerud to appoint Lori Litzen and William McCollam to serve as Planning & Zoning Commissioners. Vote: Unanimous.

The Board of Commissioners recessed at 12:15 p.m. and reconvened at 12:25 p.m.

ITEMS FROM PLANNING & ZONING

MOVED by Davis and seconded by Buskerud to convene as the Board of Adjustment. Vote: Unanimous.

MOVED by Davis to approve three variances as recommended by the State's Attorney. The motion died for lack of a second. However, the Board agreed to hear testimony and findings regarding Variance / VA 12-04, Variance / VA 12-05, and Variance / VA 12-06 and take action on all three with one motion.

MOVED by Holloway and seconded by Buskerud to approve Variances VA 12-04, VA 12-05 and VA 12-06, authorize the Chairperson's signature on the findings as prepared by Chief Deputy State's Attorney Jay Alderman and further moved to include the staff report as part of the record. Roll Call Vote: Trautman – aye, Holloway – aye, Buskerud – aye, Davis – aye, Petersen – aye.

A. 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.

Conditions: 1. That Lots 1-3 be utilized for the sole purpose of railroad rights-of-way and Outlots A & B be utilized for the realignment of Base Line Road.

B. 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.

Condition: 1. That Lots 3 and 4 be utilized for the sole purpose of railroad rights-of-way.

C. 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.

Condition: 1. That Lots 1 and 3 be utilized for the sole purpose of railroad rights-of-way.

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

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 Davis and seconded by Petersen to remove Planning & Zoning Consent Agenda Items G, H, I, N and O for separate consideration. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to approve Planning & Zoning Consent Agenda Items D, E, F, J, K, L, M as presented. Vote: Unanimous.

D. To approve payment of the Spring Creek Watershed Management and Project Implementation Plan Payment Application for Jeff Liddell SPC2011PC63.

E. To approve the withdrawal of the Spring Creek Watershed Management and Project Implementation Plan Cost Share Funding for Participant Agreement SPC2010PC12A.

F. To approve the request for the Spring Creek Watershed Management and Project Implementation Plan to advertise for Cost Share Funds for BMP Projects.

J. PLAT / PL 12-24: Robert and Cordelia Johnson. To create Tract 8 of Storm Hill Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of GL 4, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 8 of Storm Hill Subdivision, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

To sustain the Planning Commission's recommended approval of Layout Plat / PL 12-24 with the following five (5) conditions: 1. That prior to approval of the Minor Plat, Tract 8 shall either be rezoned to Low Density Residential or else the applicants obtain a Lot Size Variance to reduce the minimum lot size requirement in a General Agriculture District; 2. That prior to Minor Plat submittal, the applicants shall obtain an Operating Permit for the existing wastewater system on proposed Tract 8; 3. That prior to Minor Plat submittal, the applicants shall obtain Building Permits for the existing greenhouse and garage/shop located on the property for which penalty fees will be assessed to both of the permits; 4. That at the time of submittal for the Minor 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, 5. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

K. SUBDIVISION REGULATIONS VARIANCE / SV 12-08: Dakota Mill & Grain; Bart Banks – Agent. To waive platting requirements in order to create Lot 2 of Dakota Mill & Grain in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Railroad Right-of-Way, Section 31, T1N, R16E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Dakota Mill and Grain, Section 31, T1N, R16E, BHM, Pennington County, South Dakota.

To sustain the Planning Commission's recommended approval of Subdivision Regulations Variance / SV 12-08 to waive the 8 foot utility and minor drainage easement.

L. LAYOUT PLAT / PL 12-23: RMS Lode/Matt Keck. To create Lot 2 of Stenson Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: JR #2 Lode less Lot I, less Lot J and less Lot L of JR #2 and JR #5 Lodes and less Lot H2 of JR #2, #3 and #5 Lodes of JR #2 Lode MS 1864 and JR #3 Lode less Lots 1 and 2 of Lot E, less Lot H2 of JR #2, #3, and #5 Lode and less ROW, located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Stenson Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To sustain the Planning Commission's recommended approval of Layout Plat / PL 12-23 with the following eight (8) conditions: 1. That prior to or at the time of Preliminary Plat submittal, the applicant provide adequate percolation test results and soil profile information for review by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement; 2. That prior to Final Plat approval, the 66 foot private access easement be improved to Highway Service road construction standards, including a 32-foot-wide, paved

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 the 66 foot private access easement or else the applicant obtain approval of a Subdivision Regulations Variance to waive this requirement; 4. 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; 5. 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; 6. That the property be rezoned to Highway Service District and the Future Land Use Map be amended from Planned Unit Development Sensitive to Highway Service District; 7. That at the time of Preliminary Plat submittal, the applicant submits a Master Plan and Fire Mitigation Plan for review and approval by the Pennington County Fire Coordinator; and, 8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

M. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-05: RMS Lode/Matt Keck. To rezone 5.13 acres from Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 210 and 508 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: JR #2 Lode less Lot I, less Lot J and less Lot L of JR #2 and JR #5Lodes and less Lot H2 of JR #2, #3 and #5 Lodes of JR #2 Lode MS 1864 and JR #3 Lode less Lots 1 and 2 of Lot E, less Lot H2 of JR #2, #3, and #5 Lode and less ROW, located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Stenson Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To continue Rezone / RZ 12-07 and Comprehensive Plan Amendment / CA 12-05 until the Final/Minor Plat is filed at the Register of Deeds Office.

End of Consent Agenda Items.

ITEMS REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION

MOVED by Holloway and seconded by Buskerud to approve Minor Plat / PL 12-14 and Subdivision Regulations Variance / SV 12-04, Minor Plat / PL 12-15 and Subdivision Regulations Variance / SV 12-05 and Minor Plat / PL 12-16 and Subdivision Regulations Variance / SV 12-06, authorize the Chairperson's signature on the findings as prepared by Chief Deputy State's Attorney Jay Alderman and further moved to include the staff report as part of the

record. Roll Call Vote: Trautman – aye, Holloway – aye, Buskerud – aye, Davis – aye, Petersen – aye.

G. 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.

Planning Staff's recommendation: Approve Subdivision Regulations Variance / SV 12-04 to waive the 8 foot utility and minor drainage easement, to waive the Section Line right-of-way improvements, to waive legal access, to waive percolation tests and soil profile information, to waive the scale of the plat at 1 inch = 100 feet or less, to waive dedication of major drainage easements and topography at five foot contour intervals and approve Minor Plat / PL 12-14 with one condition: 1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit.

H. 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.

Planning Staff's recommendation: Approve Subdivision Regulations Variance / SV 12-05 to waive the 8 foot utility and minor drainage easement, to waive the Section Line right-of-way improvements, to waive legal access, to waive percolation tests and soil profile information, to waive the scale of the plat at 1 inch = 100 feet or less, to waive dedication of major drainage easements and topography at five foot contour intervals and approve Minor Plat / PL 12-15 with the following two (2) conditions: 1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit; and, 2. That prior to filing the Minor Plat, Robert E. and Della J. Hays, signature block and signature must be on the plat.

I. 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.

Planning Staff's recommendation: Approve Subdivision Regulations Variance / SV 12-06 to waive the 8 foot utility and minor drainage easement, to waive the Section Line right-of-way improvements, to waive percolation tests and soil profile information, to waive the scale of the plat at 1 inch = 100 feet or less, to waive dedication of major drainage easements and topography at five foot contour intervals, and approve Minor Plat / PL 12-16 with the following condition:
1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit.

N. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-03: Orvil Davis, Lazy P6 Land Company. To rezone 35.88 acres from Highway Service District and General Agriculture District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use Map from Highway Service District and Low Density Residential District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Unit II, Southgate Condos Phase II, Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Holloway and seconded by Davis to sustain the Planning Commission's recommended approval of Rezone / RZ 12-05 and Comprehensive Plan Amendment / CA 12-03. The motion carried 3-2 with Buskerud and Petersen opposing.

O. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-06 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-04: Orvil Davis, Lazy P6 Land Company. To rezone 24.039 acres from Light Industrial District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use from Light Industrial District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Units 8-10, Units 12-15, Drainage Unit VIII, Unit IX, Unit VII, GL 3 less Right-of-Way and less Southgate Commercial Condominiums, and Common Ground of Sections 19 and 24, T1N, R7E and R8E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Buskerud to deny Rezone / RZ 12-06 and Comprehensive Plan Amendment / CA 12-04 without prejudice. Substitute motion: MOVED by Holloway and seconded by Trautman to deny Rezone / RZ 12-06. Vote: Unanimous.

MOVED by Holloway and seconded by Trautman to approve Comprehensive Plan Amendment CA 12-04. The motion carried 4-1 with Buskerud opposing.

EXECUTIVE SESSION per SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1): MOVED by Davis and seconded by Holloway to convene in executive session. Vote: Unanimous. The Board remained in executive session from 1:30 p.m. until 1:55 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 June 20, 2012: Total balances of checking/savings accounts, \$31,594,597.84; Total balance of Treasurer's Office safe cash, \$9,100.00; Total certificates of deposit, \$2,574,035.23 Total Prime Value Investment, \$2,588,181.47; Total petty cash, \$111,470.00; Total Cash Items Paid, \$3.00; Total NSF Write Off, (\$773.19); Total Cash Items, \$2,919.61; Total long/short, (498.71); Total, \$36,879,035.25. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 7/1/2012 – T. Tibbetts, \$15.09/hr. & J. Enders, \$19.28/hr.

Information Technology: Effective 6/21/2012 – S. Charnes, \$4264.00

PAYROLL

Commissioners, 9,384.50; Human Resources, 4,585.67; Elections, 20,318.65; Auditor - liens, 2,387.59; Auditor, 16,394.95; Treasurer, 43,993.94; Data Processing - General, 37,478.15; State's Attorney, 144,888.98; Public Defender, 93,056.34; Juvenile Diversion, 9,571.46; Victim's Assistance, 5,203.66; Buildings & Grounds, 98,729.98; Equalization, 65,906.98; Register of Deeds, 23,333.90; Sheriff, 412,242.39; Service Station, 8,518.27; HIDTA Grant, 9,442.32; Jail, 434,780.79; Jail Work Program, 4,029.50; Hill City Law, 11,739.66; Keystone Law, 5,941.33; New Underwood – Law, 4,273.60; School Liaison, 16,646.05; Wall Law, 11,929.81; JSC Teachers, 22,200.15; Home Detention, 8,379.25; JAIG/JSC, 10,751.12; Alcohol & Drug, 136,705.24; Friendship House, 48,637.65; Economic Assistance, 51,436.76; Mental & Alcohol-SAO, 7,775.38; Mental & Alcohol-HHS, 3,508.25; Extension, 4,280.16; Weed & Pest, 14,005.88; Mountain Pine Beetle, 7,800.87; Planning and Zoning, 22,874.15; Water Protection, 5,532.01; Ordinance, 3,508.25; Juvenile Services Center, 237,794.58; Highway, 191,138.17; Fire Administration, 6,018.84; Dispatch, 159,137.13; Emergency Management, 4,845.12; Emergency Management, 759.26; 24-7 Program, 16,434.69; PCCCC Building Projects, 602.24.

VOUCHERS

First Interstate Bank, 10,514.09; City of Hill City, 23.25; City of Wall, 127.00; Knology, 5,503.80; Montana Dakota Utilities, 3,384.03; Verizon, 5,585.68; West River Electric, 824.96; City of Rapid City-Water, 1,742.84; CBM Food Service, 4,437.51; Turnkey Corrections, 9,013.43; Qwest Corporation, 7,831.51; Qwest Communications, 6.11; BH Power Inc, 3,500.70; Midcontinent Communication, 55.00; Wright Express FSC, 332.36; First Administrators, 118,751.46; Federal High Risk Pool, 321.00; SD Risk Pool, 2,751.00; AT&T Mobility, 992.53; AT&T, 5.58.

ADJOURN

MOVED by Buskerud and seconded by Davis to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:55 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: July 18, 2012