

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS' MINUTES  
July 16, 2013**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, July 16, 2013, 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 Trautman 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 Holloway to approve Consent Agenda Items 5-10 as presented. Vote: Unanimous.

5. Approve the minutes of the July 2, 2013, 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 \$2,626,233.32.
7. Approve the 3<sup>rd</sup> Quarter State and Local Agreement for Emergency Management and authorize the Chairperson's signature.
8. Approve Permit to Occupy Right-of-Way for a Black Hills Back 40 Mountain Bike Race to be held on July 27, 2013. The race will take place on Sheridan Lake Road.
9. Declare surplus one 2005 Solus Elite Diagnostic Scanner for the purpose of trade for a 2013 Solus Ultra Diagnostic Scanner – Highway Department.
10. Recognize and thank Pennington County volunteers for the month of June 2013. The list of volunteers is on file in the Human Resources office and is posted on the County bulletin board.

End of Consent Agenda

**ITEMS FROM CHAIR**

- A. Citizen Group Questions Request Regarding Ag Exemption Change

**TIMBER TAXATION CLASSIFICATION INFORMATION – Commissioner Trautman**

**FY2014 PENNINGTON COUNTY PROVISIONAL BUDGET – Auditor Pearson**

MOVED by Trautman and seconded by Davis that \$182,500 will come from County General cash reserves instead of Accumulated Building cash reserves. Vote: Unanimous.

A. Outside Funding Requests

MOVED by Trautman and seconded by Holloway to not fund the \$25,000 request for Rapid City Economic Development. Vote: Unanimous.

MOVED by Holloway and seconded by Buskerud to not fund the \$25,000 request for the Ellsworth Task Force. Substitute motion: MOVED by Davis to authorize the \$25,000 request for the Ellsworth Task Force. The substitute motion died for lack of a second. The vote on the original motion carried 4-1 with Davis opposing.

MOVED by Trautman and seconded by Buskerud to not fund the \$10,000 request for Black Hills Vision. Vote: Unanimous.

MOVED by Holloway and seconded by Trautman to not fund the \$25,000 request for Black Hills Works. Vote: Unanimous.

MOVED by Buskerud and seconded by Davis to not fund the requests from LIVE Inc. and OAHE Inc. Vote: Unanimous.

MOVED by Buskerud to not fund WAVI. The motion died for lack of a second.

MOVED by Holloway and seconded by Trautman to fund WAVI at \$25,000 under the State's Attorney Victim Witness budget. Vote: Unanimous.

B. New Employee Requests - 2014

1. Treasurer: MOVED by Buskerud and seconded by Davis to approve the Treasurer's request for one seasonal part time employee. Vote: Unanimous.
2. Extension: MOVED by Trautman and seconded by Petersen to authorize one half time employee for Extension. Substitute motion: MOVED by Davis to not fund the employee request for Extension. The motion died for lack of a second. The vote on the original motion passed 4-1 with Davis opposing.
3. Public Defender: MOVED by Holloway and seconded by Buskerud to approve an additional staff assistant at \$51,180 and two additional attorneys. Vote: Unanimous.
4. Buildings & Grounds: MOVED by Trautman and seconded by Buskerud to authorize the four FTEs for B&G as presented. Vote: Unanimous.
5. Equalization: MOVED by Trautman and seconded by Holloway to authorize two FTEs as presented. Vote: Unanimous.
6. H&HS: MOVED by Buskerud and seconded by Trautman to authorize one FTE for the H&HS John T. Vucurevich budget. Vote: Unanimous.

MOVED by Holloway and seconded by Buskerud to table action on the provisional budget until later in the meeting. Vote: Unanimous.

Commissioner Buskerud left the meeting at this time.

### **ITEMS FROM AUDITOR**

- A. General Fund Budget Supplement Hearing (SP13-011) Juvenile Alternative Expansion Budget: MOVED by Davis and seconded by Trautman to approve the supplement to the 2013 General Fund Juvenile Alternative Expansion budget in the amount of \$82,275 from non-budgeted revenue received in the current year. Vote: Unanimous.
- B. New Package (Off Sale) Malt Beverage & SD Farm Wine License: MOVED by Holloway and seconded by Trautman to approve the application for a new package malt beverage and SD farm wine license for High Country Guest Ranch, Blended Arrow LLC. Vote: Unanimous.

Commissioner Buskerud returned at this time.

MOVED by Davis and seconded by Buskerud to approve Item C, a new retail (on-off sale) malt beverage license for Cousins Big Chair, Reynolds & Livingston LLC, and Item D, the renewal of a retail malt beverage (on-off sale) license for Sic Vic's House of Horsepower, Michelle Fuhrmann, as presented. Substitute motion: MOVED by Buskerud and seconded by Trautman to approve Item C, a new retail (on-off sale) malt beverage license for Cousins Big Chair, Reynolds & Livingston LLC. Vote: Unanimous.

- C. New Retail (on-off sale) Malt Beverage License – Cousin's Big Chair, Reynolds & Livingston LLC.
- D. Retail Malt Beverage (on-off sale) License Renewal – Sic Vic's House of Horsepower, Michelle Fuhrmann: MOVED by Buskerud and seconded by Trautman to continue the renewal of a retail malt beverage (on-off sale) license for Sic Vic's House of Horsepower, Michelle Fuhrmann to the next meeting until the State's Attorney can do additional research regarding a lien against the property. Vote: Unanimous.

MOVED by Holloway and seconded by Buskerud to take a 10 minute recess. Vote: Unanimous. The board recessed at 11:16 a.m. and reconvened at 11:26 a.m.

### **ITEMS FROM TREASURER**

- A. Request Approval of Temporary Over-hire FTE: MOVED by Davis and seconded by Trautman to authorize the over hire of 1 FTE in the Treasurer's Office. Vote: Unanimous.

**ITEMS FROM BUILDINGS & GROUNDS**

- A. Authorization to Bid – Public Health Building Re-Roof: MOVED by Holloway and seconded by Trautman to authorize Buildings & Grounds to advertise for bids for the re-roof of the Public Health Building located at 725 North LaCrosse Street. Vote: Unanimous.
- B. PC Campus Expansion Project (Block 99) Change Order #2: MOVED by Buskerud and seconded by Holloway to authorize the Chairperson's signature to Change Order #2 dated June 18, 2013, which increases the Contract Sum by \$36,861.18 to \$22,557,297.81, with no change to the Contract Time, for the J. Scull Construction Services contract for the construction of the Pennington County Campus Expansion project. Vote: Unanimous.
- C. PC Campus Expansion Project Update

**ITEMS FROM EMERGENCY MANAGEMENT**

- A. Pre-Disaster Mitigation Plan Promulgation Statement: MOVED by Davis and seconded by Trautman to authorize the Chairperson's signature on the Pre-Disaster Mitigation Plan Promulgation. Vote: Unanimous.

**ITEMS FROM FIRE ADMINISTRATOR**

- A. Public Fireworks Display – Black Hills Speedway: MOVED by Trautman and seconded by Davis to approve a public display of fireworks for Black Hills Speedway on July 19, 2013, with alternative dates of July 26 or August 2, 2013, provided all requirements are met. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. Approval of Bid Letting Documents For Deerfield Road Project: MOVED by Davis and seconded by Buskerud to approve the Chairperson's signature on the Utilities Certificate, Letting Authorization and a Right-of-Way Certificate for Deerfield Road Project P 6403(08), Pennington County, PCN 02DP. Vote: Unanimous.
- B. Approval of Letter: MOVED by Trautman and seconded by Holloway to authorize the Chairperson's signature on a letter to Superintendent Eric Brunnemann at Badlands National Park regarding the blowing soil and land erosion that are affecting Sage Creek Road, and further moved to CC the letter to the EPA. Vote: Unanimous.

**ITEMS FROM PUBLIC DEFENDER**

- A. Approval of Reclassification Outside of Wage Policy: MOVED by Davis and seconded by Buskerud to continue this item to the August 6, 2013, Board of Commissioner's meeting so the Public Defender and Human Resources Director can discuss the proposed wage and impact on other county departments. Vote: Unanimous.
- B. Additional Staff and Notice of Inability to Accept Appointments: MOVED by Trautman and seconded by Holloway to authorize the Public Defender to hire two attorneys and a

legal secretary effective August 1, 2013, and further moved that the budget be reviewed at the end of the year for a possible supplement. Vote: Unanimous.

**APPROVAL OF THE PROVISIONAL BUDGET**

MOVED by Trautman and seconded by Buskerud to take from the table the approval of the provisional budget. Vote: Unanimous.

MOVED by Trautman and seconded by Holloway to approve the Provisional Budget and Means of Finance in the amount of \$83,465,856 with frozen levies and set the required annual budget hearing for September 3, 2013, at 9:30 a.m. MDT. Vote: Unanimous.

**ITEMS FROM WEED & PEST**

- A. 2012-2013 Pennington County Fire Protection and Mountain Pine Beetle Suppression Project Final Report

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

- A. Contractual/Litigation per SDCL 1-25-2(3)

MOVED by Davis and seconded by Trautman to convene in executive session at 12:50 p.m. Vote: Unanimous. The Board remained in executive session until 1:10 p.m.

Commissioner Petersen did not return immediately; therefore, Vice Chairperson Trautman called for the motion to come out of executive session. MOVED by Holloway and seconded by Davis to adjourn from executive session. Vote: Unanimous.

**PLANNING & ZONING CONSENT AGENDA**

The following items have been placed on the Planning & Zoning 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 Buskerud to approve the Consent Agenda as presented. Vote: Unanimous.

- A. SECOND READING OF REZONE / RZ 13-02: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To rezone 7.65 acres from Limited Agriculture District to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

**ORDINANCE NO. RZ 13-02**

AN ORDINANCE AMENDING SECTION 508 OF THE PENNINGTON COUNTY ZONING ORDINANCE, REZONING THE WITHIN DESCRIBED PROPERTY:

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY COMMISSION THAT THE PENNINGTON COUNTY ZONING ORDINANCE BE AND HEREBY IS AMENDED BY AMENDING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY:

Located on a parcel of land located in the South One-Half of the Northeast One-Quarter of the Southeast One-Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said South One-Half of the Northeast One Quarter of the Southeast One Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said point being located on a 1/16th section line of said Section Thirty-Five (35) and being marked by a US Forest Service Monument; thence, northerly along the 1/16th section line of said Section Thirty-Five (35), North 00 degrees 09 minutes 00 seconds West, a distance of 260.00 feet more or less to a point marked by a rebar with survey cap RW FISK 6565; thence, South 89 degrees 51 minutes 02 seconds East a distance of 1,282.70 feet more or less to a point located on the westerly line of the section line right-of-way for said Section Thirty-Five (35), said right-of-way being known as Paradise Drive, and said point being marked by a rebar with survey cap RW FISK 6565; thence, southerly on the westerly line of said section line right-of-way and on the westerly line of Paradise Drive right-of-way, South 00 degrees 00 minutes 43 seconds East a distance of 260.00 feet more or less, said point being located on a 1/16th section line and coincident with the northeast corner of Tract 14 of Leisure Hills Estates, and said point being marked by a monument with survey cap LS 2196; thence, westerly on said 1/16th section line and on the north line of said Tract 14 of Leisure Hills Estates, North 89 degrees 53 minutes 45 seconds West a distance of 549.64 feet more or less to the northwest corner of said Tract 14 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 15 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 15 of Leisure Hills Estates, North 89 degrees 43 minutes 18 seconds West a distance of 542.94 feet more or less to the northwest corner of Tract 15 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 21 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 21 of Leisure Hills Estates, South 89 degrees 54 minutes 44 seconds West 189.50 feet more or less to the point of beginning. Said tract of land contains 7.65 acres, more or less.

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

Dated this 16th day of July, 2013.

PENNINGTON COUNTY COMMISSION  
/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson  
Pennington County Auditor

- B. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 09-03: Simpson Inc. (James and Marla Simpson). To review a Planned Unit Development Amendment to allow a RV Park, tent camping sites, shower house, and to reduce setbacks in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 4A less Hwy RTY; Lot 4B less Hwy RTY; Lot D of Lot 7 less Hwy RTY; Part of Palmer Gulch Placer #690 – Lot 3 less Hwy RTY, all of Palmer Gulch Placer MS 690, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

Approve the extension of Planned Unit Development Amendment / PU 09-03 with the following sixteen (16) conditions:

1. That the uses allowed with this Planned Unit Development be an eight (8) site RV Park, an five (5) site tent camping area, six (6) attached cabins for rental purposes with restroom facilities, a duplex with a residence and rental unit, and one (1) detached rental cabin, and any associated improvements;
2. That eight (8) foot setbacks be allowed along all interior (shared) lot lines of the four (4) subject properties and twenty-five (25) foot setbacks be maintained along all exterior lot lines, which abut properties under different ownership;
3. That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
4. That the interior one way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County Drainage Engineer's comments;
7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;
8. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;
10. That a minimum 10 foot separation be maintained at all times between each RV site;
11. That the internal road network not exceed a maximum of an eight (8) percent grade;
12. That each RV and tent site has a lot number clearly posted;
13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of

Environmental and Natural Resources and Health; 15. That all other conditions of approval of the original PUD are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses and Condition #10 pertaining to setbacks; and, 16. That this Planned Unit Development Amendment be reviewed in four (4) years or upon a complaint basis.

- C. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 08-04: Linda Kramer. To review a Planned Unit Development to allow for three (3) additional cabins in a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

The N1/2 of the NE1/4 lying east of County Road, Section 18, T1N, R3E, BHM, Pennington County, South Dakota.

Approve the extension of Planned Unit Development Amendment / PU 08-04 with the following twelve (12) conditions:

1. That the well and the wastewater disposal system meet the requirements of the South Dakota Department of Health;
2. That the required setbacks for all structures be a minimum of 25 feet from all property lines;
3. That the permitted uses be a three (3) bedroom single-family residence, two (2) bedroom guest cabin, chapel, recreational hall, corral, three (3) one-bedroom cabins, three (3) storage barns, and accessory residential structures;
4. That the day visitor groups be limited to a maximum of 50 occupants;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That a guest list be maintained and a smoke detector be placed in each sleeping room;
7. That each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That the applicant has at least one 2A-BC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure;
9. That the address of the property be posted inside each cabin for the guests and outside each cabin for emergency location purposes;
10. That the applicant maintain a minimum of 24 parking spaces and that each parking space be a minimum of nine feet by eighteen feet and be maintained in dust free manner;
11. That the recreational resort be limited to one sign totaling four square feet in area and be shall be located a minimum of 17 feet from any property line; and,
12. That this Planned Unit Development be reviewed in four (4) years or upon a complaint basis.

- D. LAYOUT PLAT / PL 13-11: Holy Smoke, Inc. / Danielle Banks. To create Tract 1 of Holy Smoke Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A Revised of Holy Smoke Addition and The Unplatted Balance of GL 16 less ROW and The Unplatted Blance of GL 21 less ROW in Section 31, T1S, R6E; Lot C (also in Section 31, T1S, R6E) and Lot D (also in Section 5, T2S, R6E and Sections 31 and 32, T1S, R6E) of Holy Smoke Addition; and All of Ben Bolt Lode, MS, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.



PROPOSED LEGAL: Tract 1 of Holy Smoke Addition, Sections 31 and 32, T1S, R6E, BHM, Pennington County, South Dakota.

Approve Layout Plat / PL 13-11 with the following eight (8) conditions:

1. That prior to County Board approval of the Minor Plat, Ben Bolt Lode M.S. 1525 be rezoned from Low Density Residential District to Highway Service District; 2. That prior to County Board approval of the Minor Plat, a Comprehensive Plan Amendment be approved to amend the Future Land Use Map from PUD Sensitive to Highway Service District; 3. That the Section Line Highway be improved to Ordinance 14 Standards, which includes 24 foot-wide driving surface with a minimum of four inches of gravel or obtain approval of a Subdivision Regulations Variance waiving this requirement; 4. That the applicant submits engineered road construction plans for the Section Line Highway and the access easement or obtains approval of a Subdivision Regulations Variance waiving this requirement; 5. That prior to County Board approval of the Minor Plat, the applicant obtain Operating Permits for all the onsite wastewater treatment systems on the property; 6. That the access easements are built to Local Road Standards in a Highway Service District, which includes a 32-foot paved driving surface or obtain approval of a Subdivision Regulations Variance be obtained waiving this requirement; 7. That the 20 foot and 40 foot access easements be widened to a 66-foot-wide access easement or obtain approval of a Subdivision Regulations Variance waiving this requirement; and, 8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 13-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-05: Holy Smoke, Inc. / Danielle Banks. To rezone 11.85 acres from Low Density Residential District to Highway Service District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Section 508 of the Pennington County Zoning Ordinance.

All of Ben Bolt Lode, MS; Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

Approve the first reading of Rezone / RZ 13-11 and Comprehensive Plan Amendment / CA 13-05.

F. PRELIMINARY PLAT / PL 13-12 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-05: William or Lark Bennett; Renner & Associates – Agent. To create Tracts 3R, 5, and 6 of Summit Peak Estates Subdivision and to waive platting requirements in accordance with Sections 400.2 of 700.1 the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 3 of Summit Peak Estates Subdivision; Less Tract 2, 3, and 4 of Summit Peak Estates Subdivision and Less ROW (Also in Section 33) of Jolly No. 1 Lode MS 527; Less Tract 2 and 3 of Summit Peak Estates Subdivision and ROW (Also in Section 32) of Jolly No. 2 Lode MS 528; and Less Tract 1, 2, and 4 of Summit Peak Estates

Subdivision and ROW (Also in Section 33) of Jolly No. 3 lode MS 529, located in NE¼ of Section 32 and in the NW¼ of Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 3R, 5, and 6 of Summit Peak Estates Subdivision, Sections 32 and 33, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Preliminary Plat / PL 13-12 and Subdivision Regulations Variance / SV 13-05 with the following two (2) conditions:

1. That prior to County Board approval of the Preliminary Plat, the soil profile holes on each of the proposed lots be dug to a depth of eight (8) feet and the location of the soil profile on proposed Tract 5 be moved further to the west, away from the creek, and that these soil profile holes be inspected by the Environmental Planner. If there are any issues identified with the soils on-site, additional holes may be required to be dug in alternative locations, or conditions may be included on the Final Plat regarding the type and location of on-site wastewater treatment that will be permitted for each of the proposed lots; and, 2. That the ownership of Tract 3 be clarified and addressed by either including an additional Certificate of Ownership on the plat for Ray T. Flack and E.C. Murray or else a deed be recorded for Lark L. and William C. Bennett, in accordance with the Department of Equalization's comments.

G. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 13-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-06: William or Lark Bennett; Renner & Associates – Agent. To rezone 12.54 acres from Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Jolly No. 1 Lode M.S. 527, less Tracts 2, 3, and 4 of Summit Peak Estates Subdivision and less right-of-way; Jolly No. 2 Lode M.S. 528, less Tracts 2 and 3 of Summit Peak Estates Subdivision and less right-of-way; and, Jolly No. 3 Lode M.S. 529, less Tracts 1, 2 and 4 of Summit Peak Estates Subdivision and less right-of-way; all of Sections 32 and 33, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Rezone / RZ 13-12 and Comprehensive Plan Amendment / CA 13-06 with the exclusion of the portion of Jolly No. 3 Lode M.S. 529 lying south of Old Hill City Road.

End of Consent Agenda

Regular Planning & Zoning Items

Chairperson Petersen returned at this time.

- H. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – APPROVAL OF PARTICIPANT AGREEMENT SPC2012PC77: MOVED by Trautman and seconded by Davis to approve the Chairperson’s signature on Spring Creek Watershed Management and Project Implementation Plan Cost Share Participant Agreement SPC2012PC77 in the amount of \$24,219. The motion carried 4-1 with Buskerud opposing.

MOVED by Trautman that there be no more public comment on these items. The motion died for lack of a second.

- I. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – AMENDMENT TO THE SPRING CREEK MONITORING PLAN NOT TO EXCEED AMOUNT: MOVED by Trautman and seconded by Holloway to amend the Spring Creek Monitoring Plan budget from a “not to exceed” amount of \$74,000 to a “not to exceed” amount of \$84,000 in order to perform additional water quality analyses and add additional monitoring sites. Buskerud called the question. Vote on calling the question: Unanimous. The vote on the motion carried 4-1 with Buskerud opposing.
- J. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – RE/SPEC INC. CONSULTING CONTRACT MODIFICATION: MOVED by Holloway and seconded by Buskerud to amend the contract with RESPEC to \$322,000 from current value of \$282,000. Vote: Unanimous.

Retail Malt Beverage (On-Off Sale) License Renewal: MOVED by Buskerud and seconded by Davis to reconsider the motion to continue the retail malt beverage renewal for Sic Vic’s House of Horsepower. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to approve the retail malt beverage renewal for Sic Vic’s House of Horsepower, Michelle Fuhrmann. Vote: Unanimous.

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

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

MOVED by Davis and seconded by Trautman to convene in executive session. Vote: Unanimous. The Board remained in executive session from 2:03 p.m. until 2:18 p.m. MOVED by Davis and seconded by Trautman to adjourn from executive session. Vote: Unanimous.

**PERSONNEL**

State’s Attorney: Effective 7/22/2013 – M. Slanina, \$16.17/hr.; Effective 7/29/2013 – A. Garcia, \$17.83/hr.

Law Enforcement: Effective 6/21/2013 – J. Gray, \$16.17/hr.

Jail: Effective 7/1/2013 – B. Kulm, \$19.65/hr.; 7/1/2013 at \$13.29/hr. - K. Johnson, T. Holmquist, T. Mohny, H. Hanzlik, V. Johnson, K. Standing Cloud, Effective 7/22/2013 – D. Kuriga, \$19.65/hr.

CCADP: Effective 7/22/2013 – P. Nason, \$19.65/hr.

WSDJSC: Effective 7/1/2013 – J. Buhler, \$3,945.33; Effective 7/22/2013 – B. Vaughn, \$15.39/hr.; D. Atkinson, \$19.20/hr.; D. Smith, \$21.16/hr.

## **VOUCHERS**

123Securityproducts.Co, 154.12; A A Property Management, 510.00; A B Business Equipment, 1,117.75; A B Welding Supply Co, 1,179.72; A To Z Shredding Inc, 159.45; A1 Sewer Drain Inc, 320.00; Aaron Klapkin, 540.00; Ace Steel And Recycling, 115.46; Active Data Systems Inc, 6,221.40; Adorama Inc, 3,850.00; Advanced Drug Testing Inc, 72.00; Advanced Security Product, 1,344.49; Ahmed Alasfour, 100.00; Air Works, 10.00; Al Cornella Refrigeration, 270.76; Al Jr Md Wessel, 1,150.00; Alcohol Monitoring, 609.50; Allen Reuer, 1,540.00; Amanda Mailloux, 180.00; Amazon Mktplace Pmts, 715.84; Amazon.Com, 80.57; American Hotel Register, 388.75; American Inst Supply, 233.00; American Jail Association, 340.00; American Technical Services Inc, 2,764.00; Americas Best Value Inn, 255.96; Americinn Motel, 1,269.00; Amerigas, 61.73; Amy A Ragsdale, 146.25; Angela M Colbath, 1,380.92; Ann G Sandberg, 680.00; Arc International Inc, 5,875.30; Arc Services/Training, 171.00; Ashlie Parks, 40.00; Atrix International Inc, 319.45; Audra Malcomb Consulting, 7,606.84; Avenet Llc, 3,000.00; Badger Plumbing Heating Inc, 338.73; Badlands Automotive, 1,471.09; Bailey Jd Mp Merryman, 707.50; Baker Timber Products, 59.88; Bargain Printing, 540.15; Batteries Plus, 7.96; Behavior Management Systems Inc, 60,129.00; Best Western Fargo Doublewood Inn, 340.36; Best Western Ramkota Inn, 269.98; Bestchem Llc, 32.68; Betsey Harris, 2,609.76; Bettmann Hogue Diedrich, 588.33; Bh Chemical Company Inc, 3,323.21; Bh Orthopedic Spine Center Pc, 122.30; Bh Power Inc, 14,780.51; Bh Powersports, 516.98; Bh Rcd, 5,000.00; Bh Reg Eye Institute Llp, 890.59; Bh Services Inc, 259.39; Bh State University, 72.00; Bh Surgical Hospital Llc, 190.50; Bh Wilbert Vault, 330.00; Bh Window Cleaning Inc, 2,145.04; Bhp Inc, 1,940.88; Biegler Greg Lpc Ccdc Ii, 180.00; Bierschbach Equipment, 301.89; Big D Oil Co, 141.65; Black Hills Chemical, 2,053.97; Bob Barker Company, 2,264.18; Bob Barker Company Inc, 472.97; Border States Electric, 509.90; Brenda Wood, 69.00; Bridgette R Banks, 753.75; Bureau Of Human Resources, 252.00; Burger King, 45.67; Butler Machinery Company, 27.70; Career Learning Center, 30.00; Carol Livermont, 240.00; Carquest Auto Parts, 45.29; Cashwa Distributing, 641.31; Cathy L Stewart, 50.00; Cbm Food Service, 56,409.42; Cdw Government Inc, 16,007.90; Central States Fair Inc, 34,500.00; Cetec Engineering, 10,047.55; Champion Water Systems, 75.60; Chemsearch, 4,309.20; Childrens Home Society, 2,000.00; Childrens Home Society, 325.00; Chivukula Venkata Aditya, 1,744.96; Chris Supply Co Inc, 772.94; Chronicle Guidance Public, 2,786.38; City Of Hill City, 114.00; City Of Rapid City, 28,560.85; City Of Rapid City Water, 1,626.90; CocaCola Bottling Co Of The Black Hills, 560.00; Communication Services For The Deaf, 5,955.96; Contractors Supply Inc, 72.00; Copy Country, 25.00; Cora Fried, 141.60; Cornerstone Apartments, 440.00; Correctional Counseling, 518.28; Countryside Property Management Llc, 810.00; Creative Surfaces Inc, 1,090.20; Crescent Electric Supply, 1,361.61; Cretex Concrete Products West Inc, 32,844.00; Crop Production Service, 368.00; CRS Inc, 105.00; CSRX Inc, 215.99; Cynthia Weichmann, 95.00; D R Service Inc, 2,654.66; Dakota Plains Legal Services, 16,333.33; Dakota Security Systems Inc, 15,067.99;

Dakota Typewriter Exchange, 2,021.62; Dales Tire Retreading Inc, 5,073.10; Dallas Q Biers, 2,850.00; Danko Emergency Equipment, 2,650.20; Dash Medical Gloves, 1,425.00; Datel Software Solutions, 267.00; Davison County, 198.44; Dc Scott Surveyors Inc, 2,392.65; Deanna Young, 69.00; Delta Air, 25.00; Delta Air, 25.00; Denise Cody, 22.50; Denise Hoekstra, 81.60; Dennis Gorton, 308.17; Dennis Hanson, 300.00; Dennis Prue, 172.00; Dennis Supply Rc, 115.13; Dept Of Health Human Services, 150.00; Des Oil Inc, 168.57; Dhd Construction Inc, 99.52; Diamond Medical Supply, 60.63; Diamond Pharmacy Services, 36,163.77; Diesel Machinery Inc, 131.03; Dillon Law Office, 747.60; Dodge Town Inc, 99.20; Doiblm Natl Interagency, 16.82; Don Holloway, 327.82; Donald A Janz, 1,100.00; Douglas K Sletten, 240.00; Douglas Mednansky, 3,402.50; Dustin Willett, 248.80; Earl W Buck, 300.00; Ecolab Pest Elimination, 372.00; Ed Roehr Safety Products, 1,140.85; Eddies Truck Sales Inc, 396.48; Edgewood Estates Lp, 510.00; Eileens Colossal Cookies, 11.85; Election Systems, 1,476.95; Elizabeth Glynn, 423.23; Enterprise Rent-A-Car - San Antonio, Tx, 30.39; Environmental Chemical Enterprises Inc, 836.91; Eprovider Solutions, 232.60; Evergreen Office Products, 4,586.10; Executive Mgmt Fin Office, 48.32; Fall River Co Auditors Office, 138.00; Family Thrift Center Inc, 85.40; Farmer Brothers Coffee, 504.16; Fastenal Company, 452.31; Fbi National Academy Assoc, 265.00; First Administrators Inc, 43,092.24; First American Title Co, 6,480.00; First Interstate Bank, 11,306.24; First Interstate Bank, 138.00; First Interstate Bank, 27.47; Four Seasons Sports Center, 294.37; Franz Reprographics Inc, 150.00; Fresh Start Carpet Care, 485.00; Fruit Of Loom / Jerzeesc, 285.12; G H Distributing Rc, 1,330.81; Geib Elston Frost Pa, 9,063.99; Godfrey Brake Service And Supply Inc, 628.28; Golden West Companies, 401.95; Golden West Technologies, 2,122.92; Grainger 829245489, 36.18; Great Western, 39.95; Great Western Tire Inc, 744.34; Greg Barnier, 1,335.80; Grimms Pump Service Inc, 4,039.27; Harveys Lock Shop, 15.89; Harveys Lock Shop, 64.50; HBD Inc, 301.41; Headlines Academy Inc, 50.00; Health Education Design, 49.00; Heartland Paper Company, 5,160.25; Helpline Center Inc, 4,500.00; Herds Ribbon Laser Service, 229.75; Hewlettpackard, 8,456.54; Hills Materials Co, 4,549.33; HillyardSioux Falls, 2,635.03; Hilton Hotels - Atlanta, Ga, - 184.44; Holiday Inn Express, 200.00; Holiday Inns Riverwalk Sa - San Antonio, Tx, 267.02; Holly L Gittings, 405.00; Honeywell Inc, 37,632.75; Howes Oil Company Inc, 28,967.15; Humane Society Of The Black Hills, 4,166.67; Huron Culvert Tank Co, 772.40; Icehouseartic Glacier, 26.13; Ilisja Moreland, 974.20; Imogene M Biers, 190.00; Independent Stationers Inc, 495.60; Indoff Inc, 1,164.65; Inflatable Technologie, 70.39; Inforad Inc, 548.00; Innocorp, Ltd, 1,418.80; Innovative Products Inc, 69.90; Interagency Training Council, 120.00; Interstate All Battery Center, 236.84; Interstate Batteries, 623.70; Intoximeters Inc, 4,000.00; Ione Wolf, 366.00; Isi Llc, 2,754.08; J L Gravel Inc, 145.11; J Scull Construction, 1,067,236.70; Jackson Lewis Llp, 1,292.50; James L Jeffries, 1,468.44; Jamy Patterson, 54.47; Jay Alderman, 216.00; Jc Supply Co, 1,721.20; Jean Kappedal, 1,021.60; Jean M Cline, 2,184.00; Jefferson Partner Lp, 726.30; Jeffrey J Fransen, 1,194.90; Jenner Equipment Co, 24,418.26; Jeremy Kendall, 69.00; Jerri Harn, 47.20; Jerry's Cakes & Donuts, 33.64; Jimmy Johns Catering, 149.18; Jjs Engraving Sales, 30.00; Joan Kittelson, 15.00; Jody H Speck, 924.00; John Ashley, 360.00; John Gordon, 250.00; Johnson Machine Inc, 3,641.03; Johnsons Carpet Cleaning Service, 4,120.00; Jolly Lane Greenhouse, 788.07; Joshua D Friedman Dr, 2,025.00; Jrs Logging Inc, 13,500.00; Karen McGregor, 5.00; Karen Swanda, 37.50; Karls Appliance, 1,059.96; Kathy Davis, 2,101.40; Kayla L Glasshoff, 420.00; Kelly Thomas, 16.00; Kennedy Pier Knoff Loftus Llp, 138.40; Ketel Thorstenson Llp, 370.00; Kevin E Kirschenmann, 175.00; Kieffer Sanitation Waste Management Co, 2,314.76; Kieffer Sanitationa Waste Management Co, 57.00; Kim Callies, 26.00; Kmart,

311.13; Knecht Home Center Inc, 2,237.51; Knecht Home Center Of Rap, 40.50; Knollwood Townhouse, 240.00; Knology, 1,285.45; Knology, 351.14; Kreislers Inc, 44.00; Kristina Hendrickson, 370.00; Kristine M Downs, 2,935.00; KSL Corporation Atty Fees, 861.00; L3 Communications, 83.65; Laboratory Corporation Of America Holdings, 9.00; Lakota Community Homes Inc, 185.00; Lam Nguyen, 100.00; Language Line Services, 9.33; Larry D Fuss, 190.00; Lawrence D Beezley, 70.00; Leo A Daly, 9,758.90; Leslie Phd Fiferman, 1,875.00; Lester Davis, 229.89; Linda J Nohr, 1,295.00; Linda Pratt, 69.00; Lisa Ball, 630.00; Lisa Barndt, 21.60; Little Caesars, 56.89; Little Wound School, 2,066.84; Loaf N Jug, 10.22; Lonnie Arneson, 1,750.00; Lori Benson, 17.60; Lori Red Paint, 101.84; Lori Sargent, 69.00; Lowes, 846.69; Lowes, 9.07; Lucille M Lewno, 395.76; Lundy Bros Inc, 69.00; Luther P Yellow Robe, 8,884.00; Lyle Signs Inc, 6,092.92; Lynn Von Wald, 170.00; Main Street Square Inc, 28.30; Mainline Contracting Inc, 3,375.00; Manlove Psychiatric Group, 4,166.78; Marco Inc, 970.36; Mary Anderson, 16.00; Mathison Company, 219.75; Matthew L Skinner, 5,280.90; Matthew Stephens, 1,120.00; Mckie Ford Lincoln, 58.16; McMaster-Carr, 36.13; Medical Waste Transport Inc, 590.49; Medicap Pharmacy St Pat, 131.00; Medline Industries Inc, 2,986.70; Megan Faouz, 20.00; Menards, 161.22; Mercy Housing Sdillc, 246.00; Mg Oil Company, 4,418.19; Michael K Kissinger, 240.00; Michael Powell, 270.00; Midwest Motor Supply Co, 1,224.20; Mona G Weiger, 78.20; Moore Medical Corp, 2,490.01; Mountain View Village Apartments, 240.00; Moyle Petroleum, 25,282.69; Naadac, 110.00; Nada Appraisal Guides, 140.00; Naed, 30.00; Natl Medical Services, 1,385.00; Neopost Usa Inc, 255.00; Network Solutions, Llc, 80.00; Neves Uniforms Inc, 18,333.05; Newfields Companies Llc, 97.90; Newkirks Ace Hrdwreast, 690.09; Newkirks Ace Hrdwreast, 766.88; North Central Supply Inc, 1,019.00; Northern Truck Equipment, 1,107.00; Northwest Pipe Fitting Inc, 2,287.86; Notable Corporation, 936.79; Office Max, 252.19; Office Of Attorney General, 129.75; Officemax Ct, 648.80; Officemax Ct, 39.19; Officemax Ct, 424.30; Officemax Incorporated, 2,011.65; Onlinefabricstore.Net, 162.50; Otis Elevator Co, 4,249.95; Outlaw Fencing Llc, 4,831.00; Pacific Hide Fur Depot, 14.56; Paradis Properties Llc, 1,405.00; Parr Law Pc, 873.60; Patricia J Hartsel, 20.40; Patrick Grode, 64.00; Paul A Lewis, 715.40; Pederson Law Office Llc, 647.30; Penn Co Equalization Petty Cash, 19.46; Penn Co Health Human Sv Petty Cash, 316.66; Penn Co Highway Petty Cash, 100.00; Penn Co Jail, 49.29; Penn Co Juv Diversion, 117.27; Penn Co Public Defender, 57.03; Penn Co States Atty Petty Cash, 166.00; Pennington County Housing, 478.53; Pete Lien Sons Inc, 290.83; Phoenix Supply Llc, 824.94; Pine Lawn Memorial Park, 1,320.00; Pioneer Enterprises Inc, 3,895.00; Power House Honda, 641.52; Psi Health Care Inc, 30.00; Quality Transmissions Inc, 444.25; Quill Corporation, 649.91; Quinn Construction Inc, 7,232.82; Radiology Assoc Prof Ll, 263.60; Rapid Chevrolet Co Inc, 63.62; Rapid City Pizza Ranch, 167.00; Rapid Creek Partners, 240.00; Rapid Delivery Inc, 208.00; Rapid Leasing, 860.49; Rapid Transit System, 90.00; Rapidcare, 79.00; Ravellette Publications, 2,927.53; RC Area School Dist 514, 252.95; RC Emergency Services, 282.82; RC Fire Emergency Services, 749.74; RC Journal, 5,134.89; RC Physical Therapy Inc, 305.35; RC Police Dept Evidence, 2,983.38; RC Regional Hospital Inc, 4,129.99; RC Regional Hospital Inc, 57.34; RC Regional Hospital Inc, 1,502.56; RC Regional Hospital Inc, 3,694.82; RC Regional Hospital Inc, 131.16; RC Winsupply, 661.92; RCS Construction Inc, 146,952.77; RDO Equipment Co, 58.36; RDO Equipment Co, 9,409.96; Record Storage Solutions, 641.35; Red River Service Corp, 54.22; Redwood Toxicology Inc, 2,812.50; Redwood Toxicology Laboratory Inc, 122.72; Regency Midwest Ventures Lp, 645.00; Regional Health Network, 30.23; Regional Health Physician, 2,970.50; Relias Learning Llc, 10,619.92; Renee S Kennedy, 40.80; Renfro Fruit Of The Loom,

897.75; Respec Inc, 94,000.00; Rhodes Chemical Of The Black Hills, 43.75; Ricoh Usa Inc, 170.00; Rochester Armored Car Company Inc, 408.40; Roger Braunstein, 4,583.33; Roger Fryes Paint Supply, 521.64; Roman Kurylas, 540.00; Runnings Farm & Fleet, 132.04; Runnings Supply Inc, 65.07; Rushmore Communications, 55.00; Rushmore Safety Supplies, 49.98; Sand Scripts, 36.00; Scott Guffey, 84.00; SD Dept Of Labor, 9,224.99; SD Dept Of Public Safety, 40.00; SD Dept Of Revenue, 10,824.42; SD Dept Of Revenue, 623.00; SD Dept Of Transpfinance, 50,915.31; SD Div Of Motor Vehicles, 51.00; SD Federal Property Agency, 79.00; SD Human Services Center, 670.20; SD Network Against Family, 200.00; SD Secretary Of State, 30.00; SDAAO, 2,100.00; SDAAPP, 625.00; Sentinel Offender Service, 1,692.26; Servall Uniformlinen Co, 3,706.89; Shannon Rittberger, 227.00; Sheila Lasleyhall, 40.72; Shepherd Reporting Llc, 55.00; Shiloh Buffington, 28.98; Shreves Law Office, 210.00; Sign Trophywestex, 39.60; Simon Contractors, 177,060.45; Simpsons Printing, 1,427.00; Smoot Utzman, 512.40; Sour Lemons Llc, 240.00; Southern Hills Publishing, 1,531.01; Spacesaver Storage System, 20,037.00; Spizzirri Press Inc, 50.00; Springbrook Software Inc, 16,775.00; Sq Altos Transportation, 25.00; Stan Houston Equipment, 88.10; Stanley Convergent Security, 1,255.81; State Of South Dakota, 2,000.00; Stath S Mantzeoros, 240.00; Stecs Advertising, 559.39; Stephanie Mccoy, 21.40; Sturdevant's Auto Part, 537.17; Sturdevants Rapid City, 630.20; Subway, 54.83; Summit Signs Supply Inc, 149.50; Tactical Command Industries Inc, 30.00; Tammie Darnallknowlton, 18.56; Ted J Norman, 85.00; Teresa L Fink, 877.20; The Imaging Center Llc, 475.30; The Repair Shop, 114.34; The Ups Store, 150.69; The Vacuumcenter.Com, 67.96; Think Toner And Ink, 431.97; Thomas F Peckosh, 465.00; Thomas F Peckosh, 675.00; Tiffany Meyer, 139.69; Time Equipment Rental, 173.80; Titan Access Account, 49.98; Tma Downtown, 114.21; Todd Schweiger, 1,211.41; Tom Vlieger, 146.80; Tomaride Llc, 190.00; Tractor Supply, 12.99; Trane Us Inc, 2,196.99; Tristate Tire Auto, 31.79; Ts Government Solutions Llc, 295.00; Tw Vending Inc, 9,809.29; Twl Billing Service Supplies, 1,980.66; Uline, 117.05; Uline Ship Supplies, 33.55; Universal Languages Provider, 2,262.40; Upper Knollwood Townhouse, 171.00; US Bank Na, 1,000.00; US Merchant Systems Llc, 270.00; US Postal Service, 4,309.59; Valarie Oday, 133.00; Vanway Trophy Awards, 99.50; VB Rapid Creek, 240.00; Vemco, 6,895.64; Verizon Wireless, 372.10; Vugate Inc, 310.77; Walgreens, 39.98; Walker Refuse, 111.10; Wal-Mart #1604, 264.55; Wal-Mart #3872, 567.87; Warne Chemical Equipment Co Inc, 123.08; Wellspring Inc, 6,381.61; Wendy T McGowan, 2,032.70; West Payment Center, 5,354.53; West River International Inc, 1,456.46; Western Communication Inc, 1,549.75; Western Dakota Insurors Inc, 50.00; Western Mailers, 700.66; Western Stationers Inc, 1,810.26; Western Thrifty Inn Llc, 1,100.00; Wex Bank, 96.34; Wex Bank, 293.65; Whisler Bearing Co, 120.31; Whiting Hagg Hagg Dorsey Hagg Llp, 976.98; William Atyeo, 160.44; William D Stratford Jr MD Pc, 8,802.58; William R Grode, 125.50; Wilma Kurylas, 240.00; Winner Police Dept, 285.78; Winter Law Office Pc, 3,846.61; Witmer Public Safety, 182.36; Yankton Co Sheriff Office, 104.00; Yankton County Treasurer, 425.00; Z S Dust Control System, 1,737.21; Zep Sales Service, 129.40; Ziegler Building Center Inc, 178.47; Zoro Tools Inc, 92.16.

**ADJOURN**

MOVED by Davis and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 2:18 p.m.

Julie A. Pearson, Auditor

July 16, 2013

Published once at a cost of \_\_\_\_.

Publish: July 31, 2013