

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS' MINUTES  
August 6, 2013**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, August 6, 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 and Nancy Trautman. Commissioner Don Holloway was not in attendance.

**APPROVAL OF THE AGENDA**

MOVED by Trautman and seconded by Buskerud to add Items From Public after Consent Agenda Items and remove Item 22, Request by Sun Never Sets Productions, 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 Davis and seconded by Trautman to approve Consent Agenda Items 5-13 as presented. Vote: Unanimous.

5. Approve the minutes of the July 16, 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 \$415,182.73.
7. Order that an election be held on October 1, 2013, starting at 7 p.m. at the residence of Dallas Dietrich, 13380 Greyhound Road, Keystone, SD 57751-2031, to determine the question of the organization of the Greyhound Gulch Road District, and that if the question for organization should pass, those present and eligible shall hold an immediate election of the first Board of Trustees for the newly organized district. (Auditor)

Legal description for the proposed district is Otho Lode, Otho #1 Lode, Otho #2 Lode, Longmont Lode, And Longmont #1 Lode of MS 2067, Lot 1 of Tract A & Tract B of Glendale Placer MS 634 And Tract A of HES #281, BHM, Pennington County, SD.

8. Acknowledge the Order of Organization and Incorporation for the formation of the Dugger Road District with taxing authority for tax year 2013 and after. (Auditor)

**ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE DUGGER 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 DUGGER ROAD

District.

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

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the DUGGER 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 2013 pay 2014 tax year and after.

BE IT FURTHER ORDERED, that the DUGGER ROAD District be described as follows: LOT 8 OF TRACT 2, LOT 9 OF TRACT 2, LOT AR OF LOT 10 OF TRACT 2, LOT B OF LOT 10 OF TRACT 2, AND LOT 11R OF TRACT 2 OF DUGGER SUBDIVISION AND LOTS A & B OF LOT 2 OF TRACT 2, LOT 3 OF TRACT 2, LOTS 5,6, AND 7 OF TRACT 2, AND THE W1/2NE1/4SW1/4 OF SECTION 31, T1N, R 7E BHM, Pennington County, SD.

Dated this 6<sup>th</sup> day of August, 2013.

/s/ Lyndell Petersen, Chairperson  
Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

9. To accept the Official Returns of the organizational election of the Lois Lane Road District and issue the Order of Organization and Incorporation with taxing authority for the 2013 tax year and after. (Auditor)

**ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE LOIS LANE ROAD 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 Lois Lane Road District.

NOW, THEREFORE, BE IT ORDERED, the Pennington County Commissioners declare that the Lois Lane Road 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 2013 tax year and after.

BE IT FURTHER ORDERED, that the Lois Lane Road District be described as follows: LITTLE TIGER LODGE MS 1251 INCLUDING LOT A; LITTLE TIGER LODGE #1 MS 1251 INCLUDING LOT A; LITTLE TIGER LODGE #2 MS 1251; LITTLE TIGER LODGE #3 MS 1251; EMPIRE LODGE MS 1251; MAMMOTH LODGE MS 1251; GOLD CROWN LODGE MS

August 6, 2013

1251; AND ROYAL BENGAL TIGER LODGE MS 203; LOT B OF LOT 4, LOT CR OF LOT 4 AND LOT DR OF LOT 4 OF MARSHALL GULCH SUBDIVISION, AND TRACT C OF LOT 7 OF SW1/4SW1/4 OF SECTION 18, T1S, R5E AND TRACT C OF LOT 1 OF NW1/4NW1/4 OF SECTION 19, T1S R8E BHM, Pennington County, SD.

Dated this 6<sup>th</sup> day of August, 2013.

/s/ Lyndell Petersen, Chairperson  
Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

10. Acknowledge the annexation to the Red Neck Road District as approved by its Board on June 25, 2013. Legal description of property annexed is GL3, GL4, S1/2NW1/4 SEC 5 2NR9E AND SW1/4SW1/4 SEC 32 2NR9E AND SE1/4SW1/4, S1/2SE1/4, SEC 32 2NR9E AND W1/2SW1/4 SEC 5 1NR9E LESS LOT 1 OF RC AIRPORT SUB #4 for tax year 2013 pay 2014 and thereafter. (Auditor)
11. Schedule a hearing at 9:15 a.m. on Tuesday, August 20, 2013, to supplement the General Fund Juvenile Diversion budget in the amount of \$20,000 and the General Fund Juvenile Detention budget in the amount of \$6,035 from non-budgeted revenue received in the current year.
12. Approve the Chairperson's signature on the Resolution to Discharge County Aid Liens submitted by the Auditor and totaling \$170,236.50.

**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, Health & Human Services and the Pennington County Auditor have determined through burial assistance, notification from Credit Collections Bureau and other sources that the individuals on the attached Order to Discharge Indigent Liens are deceased;

NOW, THEREFORE BE IT RESOLVED, BY THE Pennington County Board of Commissioners, that the Register of Deeds is hereby directed to discharge liens totaling \$170,236.50.

DATED this 6<sup>th</sup> DAY OF AUGUST, 2013.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

SEAL: (ATTEST)

/s/ Karen McGregor, Deputy Auditor

13. Approve the request by the Highway Department to declare one HP DesignJet800 Plotter, Asset Number 005407, surplus for the purpose of trade for a Ricoh cs2200sp.

End of Consent Agenda

ITEMS FROM PUBLIC

**2012 Audit Exit Report: SD Department of Legislative Audit. Bruce Hintz, Auditor-in-Charge:** MOVED by Davis and seconded by Buskerud to accept the 2012 Exit Report and authorize the Chairperson's signature on the document. Vote: Unanimous.

**Rapid City Public Library Update – Dr. Vera Kowal**

**Joint Use Facility Proposal With Community Health Center and PC Health & Human Services:** MOVED by Trautman and seconded by Buskerud that Pennington County proceed with an agreement to participate in a building project with the Community Health Center of the Black Hills. Vote: Unanimous.

**EXECUTIVE SESSION per SDCL 1-25-2:** MOVED by Davis and seconded by Trautman to dispose of this item since an executive session was not needed. Vote: Unanimous.

**ITEMS FROM AUDITOR**

- A. Letter to Courts Regarding New Odyssey Program: MOVED by Buskerud and seconded by Davis to authorize the Chairperson's signature on the letter to Presiding Judge Jeff Davis asking for his support of Pennington County's request for special programming by the UJS. Vote: Unanimous.

**ITEMS FROM SHERIFF**

- A. Request for Approval of Teacher I and Teacher II Job Descriptions: MOVED by Buskerud and seconded by Trautman to approve the job description for a Teacher I at Grade 12 and Teacher II at Grade 13 and further moved to place current employees on the wage scale as appropriate. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. Joint Powers Financial and Maintenance Agreement for Project PH 0041(148) PCN 049T; Norris Peak Road and Nemo Road: MOVED by Trautman and seconded by Davis to approve the State of South Dakota Joint Powers Financial and Maintenance Agreement between the Department of Transportation and Pennington County and authorize the Chairperson's signature thereto. Vote: Unanimous.

- B. Modification #12 to the Forest Road Cooperative Agreement #09-RO-11020300-019 with BHNF: MOVED by Davis and seconded by Trautman to approve Modification #12 to Cooperative Road Agreement #09-RO-11020300-019 with the Black Hills National Forest and authorize the Chairperson's signature thereto. Vote: Unanimous.

**ITEMS FROM PUBLIC DEFENDER**

- A. Approval of Reclassification Outside of Wage Policy: MOVED by Buskerud and seconded by Petersen to approve an out-of class increase from 16LB to 18J for the Office Manager in the public Defender's Office. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to take a 10 minute recess. Vote: Unanimous. The Board was in recess from 10:35 a.m. until 10:42 a.m.

**FIRST READING AND PUBLIC HEARING - AMENDMENTS TO PENNINGTON COUNTY PUBLIC NUISANCE ORDINANCE #106**

MOVED by Buskerud and seconded by Davis to request that the State's Attorney's office continue with drawing up an amendment to add texting to the Pennington County Public Nuisance Ordinance and continue to research to see if there is some other method to accomplish what the Board is trying to accomplish. The motion carried 3-1 with Trautman opposing.

**2013 Outstanding Service award Nominations**: MOVED by Trautman and seconded by Buskerud to nominate Weed and Pest Director Scott Guffey for the South Dakota Counties Service Award. Vote: Unanimous.

**Request to Waive Engineered Road Construction Plans – Patrick Breen**: MOVED by Davis and seconded by Buskerud to waive the engineered road constructions plans to relocate a road within the right-of-way in Silver City. Vote: Unanimous.

**Discussion of Building Permit Fee – Independence Hall Project (COBP13-280)**: MOVED by Buskerud and seconded by Trautman to continue this item for more research into fees charged by the City of Rapid City and to determine if the Planning & Zoning Ordinance allows the Board of Commissioners to take action on building fees. Vote: Unanimous.

**ITEMS FROM PLANNING & ZONING**

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

- A. VARIANCE / VA 13-09: Rochford Community Club; Anna Burleson – Agent. To reduce the minimum lot size and setback requirements in a Suburban Residential District and to waive the minimum off-street parking requirements for the subject property in accordance with Sections 208, 310, and 509 of the Pennington County Zoning Ordinance.

Lot 4, Block 2 of Dakota Lode M.S. 2109, and Part of Lot 1 (26' x 60' in NE Corner), Block 3 of Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Buskerud to approve Variance / VA 13-09 with one condition: 1) That approval of the Setback Variance portion of this request only applies to the existing structures and proposed addition. All other structures must maintain the proper setback requirements or obtain approval of a separate Variance. Vote: Unanimous.

- B. VARIANCE / VA 13-10: Larry Teuber / School House, LLC; Renner & Associates – Agent. To allow a Guesthouse to exceed the maximum square footage requirement specified in Section 318 in a Limited Agriculture District / Suburban Residential District in accordance with Sections 206, 208, 318, and 509 of the Pennington County Zoning Ordinance.

Lots 2 and 3 (inclusive of one-half vacated Clarkson Road adjacent to said lots), Block 4 of Spring Canyon Estates, and Lot 4, Block 4 of Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Variance / VA13-10 with one condition: 1) That this Variance allows for the maximum square footage requirement for a Guest House to be exceeded by the size of existing structure. Any additions or increases in the overall square footage of the living space or covered decking would require a separate Variance to be obtained. Vote: Unanimous.

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

### **Planning & 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 Buskerud that Consent Agenda Items C through I be approved as presented. Vote: Unanimous.

- C. SECOND READING 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.

ORDINANCE NO. RZ 13-11

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:

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

The above-described property is hereby rezoned from Low Density Residential District to Highway Service District.

Dated this 6th day of August, 2013.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

- D. SECOND READING 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.

ORDINANCE NO. RZ 13-12

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:

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, with the exclusion of the portion of Jolly No. 3 Lode

M.S. 529 lying south of Old Hill City Road; all of Sections 32 and 33, T1S, R5E, BHM, Pennington County, South Dakota.

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

Dated this 6th day of August, 2013.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

- E. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Black Hills Resorts, Inc. (Cimarron Park); Art Janklow – Agent. To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

Continue the review of Planned Unit Development / PU 06-07 to the September 3, 2013, Board of Commissioners' meeting.

- F. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 13-02: Pennington County. To amend Section 103 "Construction Permit Definitions" and Section 507(A) "Construction Permits" of the Pennington County Zoning Ordinance.

Approve the first reading of Ordinance Amendment / OA 13-02.

- G. MINOR PLAT / PL 13-13 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-06: Rochford Community Club; Anna Burleson – Agent. To combine two lots in order to create Lot 4A, Block 2 of Dakota Lode M.S. 2109 and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4, Block 2 of Dakota Lode M.S. 2109, and Part of Lot 1 (26' x 60' in NE Corner), Block 3 of Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4A, Block 2 of Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.



Approve Subdivision Regulations Variance 13-06 to waive the road improvement requirements and associated road plans for Rochford Road and the 16-foot alleyway, the requirement to submit topography information at a five (5) foot contour interval, and a portion of the requirement to dedicate eight (8) foot utility and drainage easements along the interior of all lot lines with one (1) condition: 1. That eight (8) foot utility and drainage easements be dedicated on the plat in accordance with Black Hills Electric Cooperative's forthcoming comments, and to approve of Minor Plat 13-13 with five (5) conditions.

1. That a Variance be obtained to allow the proposed .12 acre lot size and the existing setbacks to the lots lines for the Rochford Community Center in a Suburban Residential District;
2. That information regarding the portable toilet located on-site be made available to the Planning Department upon request, including the name of facility handling the waste, the schedule of the pumping, and pumping receipts;
3. That an Observation Form be completed and submitted to the Planning Department when the holding tank is next pumped and that an Operating Permit be obtained prior to filing of the plat at the Register of Deeds;
4. That the proper certificates be included on the plat to be recorded at the Register of Deeds in accordance with Section 400.3-1-n of the Pennington County Subdivision Regulations; and,
5. That an easement or additional right-of-way be dedicated on the plat for Rochford Road in accordance with the Pennington County Highway Department's comments, including a permanent easement or right-of-way preferably to the 33 foot right-of-way line, or at a minimum, to the 20 foot right-of-way line from the center of Rochford Road.

H. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 13-13 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-07: Mitch Morris. To rezone 151.36 acres and 30.49 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 151.36 acres of land located in the E1/2 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 151.36 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the southwest corner of Lot 1 of the SW1/4 SE1/4 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, on the south line of Section 32 at the intersection of the east right-of-way line of South Dakota Highway 79; Thence, North 06°32'53" West, along the west line of said Lot 1 of the SW1/4 SE1/4 of Section 32 and east right-of-way line of SD Highway 79, a distance of 4310.98 feet to a point on the easterly line of Lot A of the NW1/4 NE1/4 of Section 32 as shown on plat recorded in Highway Plat Book 9, Page 93, in the office of the Pennington County Register of Deeds, in a curve from which

the center of curvature bears North  $48^{\circ}17'34''$  West a distance of 103.00 feet; Thence, southwesterly, following the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the right having a radius of 103.00 feet, a central angle of  $35^{\circ}53'$ , for an arc distance of 64.51 feet to a point of tangency; Thence, South  $77^{\circ}35'27''$  West, continuing to follow the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 4.12 feet to a point for corner on the east right-of-way line of SD Highway 79, in a curve from which the center of curvature bears South  $73^{\circ}13'38''$  West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of  $00^{\circ}29'02''$ , for an arc length of 33.11 feet to point for corner on the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32; Thence, North  $77^{\circ}35'27''$  East, following the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 6.78 feet to a point of curvature; Thence, northeasterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 70.00 feet, a central angle of  $84^{\circ}05'03''$ , for an arc length of 102.73 feet to a point of tangency; Thence, North  $06^{\circ}29'36''$  West, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 606.16 feet to a point of curvature; Thence, northwesterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 1432.39 feet, a central angle of  $05^{\circ}45'52''$ , for an arc length of 144.11 feet to point for corner on the west line of the E1/2 of Section 32; Thence, North  $00^{\circ}01'24''$  East, along the west line of the E1/2 of Section 32, a distance of 206.71 feet to the northwest corner of the E1/2 of Section 32; Thence, South  $89^{\circ}48'35''$  East, along the north line of the E1/2 of Section 32, a distance of 2656.84 feet to the northeast corner of Section 32; Thence, South  $00^{\circ}04'45''$  West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North  $89^{\circ}48'35''$  West, parallel to and 500 feet distant from the north line of the E1/2 of Section 32, a distance of 1514.54 feet to a point for corner; Thence, South  $06^{\circ}22'35''$  East, a distance of 4844.00 feet to a point for corner on the south line of the E1/2 of Section 32; Thence, North  $89^{\circ}36'35''$  West, along the south line of the E1/2 of Section 32, a distance of 1088.72 feet to the POINT OF BEGINNING and containing 151.36 acres, more or less, of land.

Being 30.49 acres of land located in the N1/2 NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 30.49 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South  $89^{\circ}51'35''$  East, along the north line of the NW1/4 of Section 33, a distance of 2656.84 feet to the northeast corner of the NW1/4 of Section 33; Thence, South  $00^{\circ}08'05''$  West, along the east line of the NW1/4 of Section 33, a distance of 500.00 feet to a point for corner; Thence, North  $89^{\circ}51'35''$  West, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the west line of the NW1/4 of Section 33; Thence, North  $00^{\circ}04'45''$  East, a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.49 acres, more or less, of land.

Continue Rezone 13-13 and Comprehensive Plan Amendment 13-07 to the August 20, 2013, Board of Commissioners' meeting.

- I. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 13-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-08: Mitch Morris. To rezone 200.73 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 200.73 acres of land located in the NE1/4 of Section 32 and in the NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 200.73 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; COMMENCING, for location purposes only, at the northeast corner of Section 32 also being the northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South 00°04'45" West, along the common line between Section 32 and Section 33, a distance of 500.00 feet to the POINT OF BEGINNING of the herein described tract; Thence, South 89°51'35" East, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the east line of the NW1/4 of Section 33; Thence, South 00°08'05" West, along the east line of the NW1/4 of Section 33, a distance of 2165.91 feet to a point for corner; Thence, North 89°41'05" West, along the south line of the NW1/4 of Section 33, a distance of 2654.26 feet to the southwest corner of the NW1/4 of Section 33 also being the southeast corner of the NE1/4 of Section 32; Thence, North 89°42'51" West, along the south line of the NW1/4 of Section 32, a distance of 1270.58 feet to a point for corner; Thence, North 06°22'35" West, a distance of 2169.92 feet to a point for corner, 500 feet south of the north line of the NE1/4 of Section 32; Thence, South 89°48'35" East, parallel to and 500 feet distant from the the north line of the NE1/4 of Section 32, a distance of 1514.54 feet to the POINT OF BEGINNING and containing 200.73 acres, more or less, of land.

Continue Rezone 13-14 and Comprehensive Plan Amendment 13-08 to the August 20, 2013, Board of Commissioners' meeting.

### **End of Consent Agenda**

### **Regular Agenda Item**

- J. Discussion of Tattoo Inspections: MOVED by Davis and seconded by Buskerud to continue this item to the next meeting for additional research. Vote: Unanimous.

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

- A. 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 11:40 a.m. until 12:06 p.m. MOVED by Buskerud and seconded by Davis 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 July 24, 2013: Total balances of checking/savings accounts, \$29,838,102.88; Total balance of Treasurer’s Office safe cash, \$9,400.00; Total certificates of deposit, \$2,586,378.91; Total Prime Value Investment, \$6,247,951.77; Total petty cash, \$111,470.00; Total Cash Items Paid, \$20.00, Total NSF Write Off, \$24.50; Total Cash Items, \$567.36; Total long/short, (\$383.64); Total, \$38,793,531.78. Submitted by Lori Wessel, Deputy Auditor.

**PAYROLL**

Commissioners, 10,004.51; Human Resources, 4,747.58; Elections, 12,913.10; Auditor - liens, 3,663.79; Auditor, 18,849.94; Treasurer, 51,529.97; Data Processing - General, 55,984.63; State's Attorney, 151,577.10; Public Defender, 99,598.34; Juvenile Diversion, 10,561.04; Victim's Assistance, 5,387.37; Buildings & Grounds, 105,628.44; Equalization, 70,714.05; Register of Deeds, 24,722.51; Sheriff, 359,519.32; Service Station, 8,335.53; HIDTA Grant, 9,443.82; Jail, 546,326.50; Jail Work Program, 5,385.19; Coroner, 419.47; Hill City Law, 12,808.31; Keystone Law, 5,332.91; New Underwood – Law, 4,340.08; School Liaison, 16,933.00; Wall Law, 12,792.24; JSC Teachers, 2,400.00; Home Detention, 14,056.82; JAIG/JSC, ; Alcohol & Drug, 122,038.14; Friendship House, 74,894.14; Economic Assistance, 59,612.23; Mental & Alcohol-SAO, 8,049.84; Mental & Alcohol-HHS, 3,632.01; Extension, 3,234.00; Weed & Pest, 27,423.41; Planning and Zoning, 24,109.14; Water Protection, 6,055.50; Ordinance, 3,632.01; Juvenile Services Center, 242,807.22; Highway, 191,183.59; Drug Seizure, 1,983.37; Fire Administration, 6,722.84; Dispatch, 168,177.92; Emergency Management, 8,110.87; 24-7 Program, 19,446.04; PCCCC Building Projects, 3,822.95.

**PERSONNEL**

Sheriff’s Office: Effective 1/1/2013 - Chris Hislip, \$4243.17  
State’s Attorney: Effective 8/5/2013 – Heather Sazama, \$4790.60  
Treasurer: Effective 8/1/2013 – Taylor Arrington, \$13.96/hr.

**VOUCHERS**

Amcon Distributing Co, 407.30; ATT, 3.64; ATT Mobility, 257.49; BH Power Inc, 269.48; BH Power Inc, 1077.82; BH Power Inc, 581.01; BH Power Inc, 44358.20; BH Power Inc, 850.37; CBM Food Service, 2882.63; CBM Food Service, 8059.79; CBM Food Service, 6455.21; City Of Box Elder, 51.34; City Of Rapid City Water, 1786.27; City Of Rapid City Water, 325.69; City Of Rapid City Water, 16775.72; Conexis Benefit Adminstra, 838.02; First Administrators Inc, 118128.44; First Administrators Inc, 58342.59; First Administrators Inc, 68285.79; First Interstate Bank, 94.92; FSH Communications Llc, 60.00; Golden West Companies, 938.89; Kieffer Sanitation Waste Management Co, 419.96; Knology, 860.98; Knology Inc, 4442.38; Medical Waste Transport Inc, 123.05; Midcontinent Communications, 969.88; Montana Dakota Utilities, 65.67; Montana Dakota Utilities, 327.36; Montana Dakota Utilities, 5397.65; Mt

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Rushmore Telephone Co, 102.73; Office Depot Credit Plan, 26.37; Orbitcom Inc, 45.86; Qwest Communications Comp, 3.53; Qwest Corporation, 7606.22; Qwest Corporation, 306.89; Rainbow Gas Company, 287.00; Rapid Valley Sanitary, 125.08; SD Dept Of Labor, 9224.99; Verizon Wireless, 91.30; Verizon Wireless, 111.92; Verizon Wireless, 4044.27; Verizon Wireless, 181.52; Verizon Wireless, 75.93; Verizon Wireless, 67.30; Verizon Wireless, 413.81; Verizon Wireless, 60.94; Verizon Wireless, 230.31; West River Electric, 146.68; West River Electric, 219.36; WEX Bank, 5278.48; WEX Bank, 895.20; WEXBank, 453.11; WEX Bank, 401.82; WEX Bank, 774.33; WEX Bank, 649.12; WEX Bank, 418.38; WOW, 250.00; WOW, 425.00.

**ADJOURN**

MOVED by Buskerud and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 12:06 p.m.

Julie A. Pearson, Auditor

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

Publish: August 21, 2013