

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
June 6, 2014**

The Pennington County Board of Commissioners met on Friday, June 6, 2014, in the Commissioners' Meeting Room in 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 Don Holloway. Commissioner Trautman was not in attendance.

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 Holloway and seconded by Buskerud to approve Consent Agenda Items 5-12 as presented. Vote: Unanimous.

Consent Agenda

5. Approve the minutes of the May 20, 2014, 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 \$39,070.51.
7. To acknowledge the Order of Organization and Incorporation of the Golden Slipper Road District (Auditor).

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE GOLDEN SLIPPER 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 Golden Slipper Road District.

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

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Golden Slipper 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 2014 pay 2015 tax year and after.

BE IT FURTHER ORDERED, that the Golden Slipper Road District be described as follows: LOT D & LOT E OF COULSON PLACER MS #746 ALONG WITH THAT PART OF COULSON PLACER MS #746 LYING SOUTH OF RESERVE AT REMINGTON RANCH AND LOT A & B OF LOT 7 OF PALMER GULCH PLACER MS #690 BHM, Pennington County, SD.

Dated: June 6, 2014

/s/ Lyndell Petersen, Chairperson

ATTEST:

/s/ Julie A Pearson, Auditor

8. To endorse the action of the Board of Trustees of the Canyon Springs Road District to de-annex property from its district with property legal description of Lot 89 Block 1 of Canyon Springs Preserve, BHM, Pennington County, for 2014 and thereafter.
9. To approve the application for Permit to Occupy Right-Of-Way for the Deerfield Triathlon to be held July 12 & 13, 2014, and authorize the Highway Superintendent's signature thereto.

End of Consent Agenda

10. EPA Proposed Definition of Waters of the U.S. That is Subject to the Clean Water Act: This item was moved to follow the Provisional Budget Presentation.
11. Rapid City Public Library Liaison Quarterly Update – Dr. Vera Kowal

2015 Provisional Budget Presentation – Auditor Pearson

10. EPA Proposed Definition of Waters of the U.S. That is Subject to the Clean Water Act: Congresswoman Kristi Noem presented information on this item and thanked the Board of Commissioners for its support.

ITEMS FROM AUDITOR

- A. New Retail (on-off sale) Malt Beverage & SD Farm Wine: MOVED by Holloway and seconded by Buskerud to approve the applications for New Retail (on-of sale) Malt Beverage & SD Farm Wine License for Hart Ranch Camping & Resort Club and Valiant Winery Tasting Room, Valiant Vineyards, Inc. Vote: Unanimous.
- B. Annual Malt Beverage License Renewals: MOVED by Davis and seconded by Buskerud to approve the annual renewals for malt beverage and farm wine licenses for the businesses entered below. Vote: Unanimous.

Retail (on-off sale) Malt Beverage: Bear Country USA, Bear Country USA Inc.; Black Forest Inn, Black Forest Inn Bed & Breakfast Lodge Inc.; Black Hills Receptions, Black Hills Receptions & Rentals LLC; Caputa General Store, Caputa General Store Inc.; Country Corner, Robin Robertson; Country Store at the Forks, Covington Consulting Group Inc.; Depot Restaurant, Patrick S. Shannon; Happy Holiday RV Resort, Diamond Trek LP; Hart Ranch Golf Course, Hart Ranch Development Co.; Mt. Meadow Store &

Campground, Deerfield Lake Resort LLC; O'Malley's Casino, KJL Inc.; Prairie Berry Winery/Miner Brewing Co., Prairie Berry LLC; Putz N Glow, Putz N Glow Inc.; Rochford Mall, The Rochford Mall Inc.; Sheridan Lake Marina, Sheridan Lake Marina LLC; Sic Vics House of Horsepower, Michelle & Victor Fuhrmann; Summer Creek Inn, Summer Creek Inn LLC; Sugar Shack, Sugar Daddy's LLC; Tatanka Trading Post, Kim Sealine; Valley Square Casino, Wall-East Development Inc.; Valley Square Sports Pub, Wall-East Development Inc.; Whispering Pines Campground, Red Sky Enterprise LLC; Winery Hill City, Winery Hill City LLC.

Retail (on-off sale) Malt Beverage & SD Farm Wine: Black Hills RV Services Center, Grover Repair Inc.; High Country Guest Ranch, John Majchrzak; Moonshine Gulch Saloon, Betty Harn; Mystery Mountain Resort, Black Hills Resort Inc.

Package (off-sale) Malt Beverage & SD Farm Wine: Country Store at the Forks, Covington Consulting Group Inc.; Horse Thief Campground, Horse Thief Campground & Resort Inc.; Mount Rushmore National Memorial, Xanterra Parks & Resorts Inc.; Mt. Rusmore KOA, Recreational Adventures Co.; Pactola Pines Marina; Pactola Pines Marina Inc.; Rafter J Bar Ranch Campground, Hicow Co.; Stone Faces Winery, Valiant Vineyards Inc.

Package (off-sale) Malt Beverage: Corner Pantry – Moon Meadows, MG Oil Company; Dalcam EZ Mart, Dalcam Oil Company Inc.

- C. Bonding and/or Lease Purchase Agreement Authority – Standard & Poor's Letter: MOVED by Buskerud and seconded by Davis to withdraw any power the Board of Commissioners has granted to anyone or group doing business under the County's financial responsibility or name, and further moved that any agreement that contains such language be ordered to be rewritten immediately and presented for the Board of Commissioners' approval. Vote: Unanimous.
- D. Refinance 2008 Bond Issue: MOVED by Buskerud and seconded by Holloway to approve and authorize the Chairperson's signature on the Resolution Relating to Lease-Purchase of County Buildings Authorizing the Execution and Delivery Of a Lease-Purchase Agreement and Approving and Authorizing Execution of Related Documents and Authorizing Certificates Of Participation. Vote: Unanimous.

RESOLUTION 2014A

RESOLUTION RELATING TO LEASE-PURCHASE OF COUNTY BUILDINGS
AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE
AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED
DOCUMENTS AND AUTHORIZING CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Board of Commissioners of Pennington County, South Dakota (the "County"), as follows:

Section 1. Recitals.

1.01. The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation), in one or more series to advance refund all or a portion of the Certificates of Participation (Limited Tax General Obligation) Series 2008A (the "2008A Certificates") (the "2014A Project").

1.02. The County has agreed with U.S. Bank National Association (the "Trustee") that the Trustee has, pursuant to a Ground Lease Agreement, dated as of March 1, 2003, between the County and the Trustee (the "Ground Lease") as amended and supplemented, acquired certain interests in real property (the "Land") from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities, as defined in the Lease-Purchase Agreement, dated as of March 1, 2003 (the "Original Lease"), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of March 1, 2008 (the "First Amendment to Lease"), the Second Amendment to Lease-Purchase Agreement, dated as of December 1, 2010 (the "Second Amendment to Lease"), and the Third Amendment to Lease-Purchase Agreement, dated as of December 1, 2011 (the "Third Amendment to Lease"), between the County and the Trustee, to be acquired, renovated, constructed and equipped thereon to the County pursuant to the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease and the Third Amendment to Lease.

1.03. The Trustee will execute and deliver one or more Supplemental Declarations of Trust (the "Supplemental Trusts"), which will supplement and amend the Declaration of Trust, dated as of March 1, 2003 (the "Original Trust"), as amended and supplemented by the First Supplemental Declaration of Trust, dated as of March 1, 2008 (the "First Supplemental Trust"), the Second Supplemental Declaration of Trust, dated as of December 1, 2010 (the "Second Supplemental Trust"), and the Third Supplemental Declaration of Trust, dated as of December 1, 2011 (the "Third Supplemental Trust"), pursuant to which the Trustee will (i) issue one or more Certificates of Participation (the "Certificates") in the lease payments to be made by the County under the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, and the Third Amendment to Lease and one or more Amendments to Lease between the County and the Trustee (the Original Lease, as amended and supplemented by the First Amendment to Lease, Second Amendment to Lease and Third Amendment to Lease and one or more Amendments to Lease is referred to herein as the "Lease") and (ii) receive, hold and invest the proceeds of the sale of the Certificates and disburse such proceeds to pay for the 2014A Project and costs of issuance of the Certificates.

1.04. The Certificates will be purchased by Dougherty & Company LLC (the "Original Purchaser") pursuant to one or more Certificate Purchase Agreements between the County and the Original Purchaser (the "Certificate Purchase Agreements") and the

Original Purchaser will offer the Certificates for sale to the public by one or more Official Statements (the "Official Statements").

1.05. Forms of the following documents relating to the 2014A Project (the "Documents") are directed to be prepared by Lindquist & Vennum LLP as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State's Attorney: (a) the Amendments to Lease; (b) the Supplemental Trusts; (c) the Certificate Purchase Agreements; (d) the Amendments to Ground Lease (the "Amendments to Ground Lease") between the County and the Trustee; and (e) the Official Statements.

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Chairman, the Vice Chair and County Auditor are authorized to approve the principal amount of the Amendments to Lease, the Certificates, not exceeding \$3,500,000, the term thereof not exceeding eleven (11) years, the interest rate or rates thereon not exceeding an average yield of three percent (3%) per annum and the price not less than 99.05% of par (exclusive of original issue discount) and at which the Certificates are to be sold to the Original Purchaser, and are directed to enter into Certificate Purchase Agreements with the Original Purchaser and their execution of the Certificate Purchase Agreements shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State's Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State's Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the Certificates and the Chairman, the County Auditor and the Deputy State's Attorney shall execute such other instruments as are necessary to the issuance of the Certificates.

Section 3. Modification, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State's Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 4. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease. The County's current tax levies are sufficient to make Lease Payments (as defined in the Lease) and other amounts required by the

Lease, without increasing the current levy above any amount which would require an opt out or other increase under South Dakota Codified Laws Section 10-13-35.

Section 5. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the Certificates pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates which make it reasonable to expect that the proceeds of the Certificates will not be used in a manner that would cause the Lease or the Certificates to be arbitrage bonds within the meaning of the Code and Regulations.

Section 6. Official Statements. The County will participate in the preparation of the Preliminary Official Statements and the final Official Statements relating to the Certificates and hereby authorizes the County Auditor to consent to the distribution of the Official Statements by the Original Purchaser in connection with the sale of the Certificates. The Preliminary Official Statements, except for Permitted Omissions, will be deemed final by the County when authorized by the County Auditor as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934. As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, rating, if any, and other terms of the Certificates depending on such matters.

Section 7. Bank Qualification. In order to qualify any of the series of the Certificates as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code, the County hereby makes the following representations:

A. The County hereby designates one or more series of the Certificates as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(C) of the Code;

B. The reasonably anticipated amount of tax-exempt obligation (other than obligations described in clause (ii) of Section 265(b)(3)(C) of the Code which will be issued by the County (and all subordinate entities whose obligations will be aggregated with those of the County) during the calendar year the series of Certificates are issued will not exceed \$10,000,000; and

C. Not more than \$10,000,000 of tax-exempt obligations issued by the County during the calendar year the series of the Certificates are issued have been designated as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

Section 8. Amendment. This resolution may be amended from time to time, prior to the issuance of the Certificates, by an administrative resolution adopted by this Board.

Section 9. Partial Invalidity. If any one or more of the provisions of this Resolution shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as

the case may be.

Adopted this 6th day of June, 2014.

By /s/ Lyndell Petersen
Its Chairman

ATTEST: (SEAL)

By /s/ Julie Pearson
Its County Auditor

CERTIFICATE

The undersigned, being the duly qualified and acting County Auditor of Pennington County, South Dakota, hereby certifies that the above resolution is a true and correct copy of the resolution as adopted by the Board of Commissioners on June 6, 2014.

WITNESS my hand officially as such County Auditor and seal this 6th day of June, 2014.

/s/ Julie A Pearson, County Auditor

(SEAL)

- E. Canvass of Primary Election Results: MOVED by Davis and seconded by Buskerud to accept the canvass and declare the results of the June 3, 2014, Primary Election official and authorize the Commissioners present to sign the Official Canvass. Vote: Unanimous.

MOVED by Buskerud and seconded by Davis to authorize payment of all election expenses including salaries in the amount of \$26,384.43; rent in the amount of \$865.00 and travel in the amount of \$2,036.56. Vote: Unanimous.

ITEMS FROM BUILDINGS & GROUNDS

- A. Pennington County Campus Expansion – Administration Building Audio/Visual Contract (AVI) Systems: MOVED by Holloway and seconded by Buskerud to authorize the Chairperson’s signature to the AVI Retail Sales Agreement for the purchase and installation of audio/visual equipment for the Administration Building, as described in the agreement, for a sum of \$400,236. The motion carried 3-1 with Davis opposing.

ITEMS FROM FIRE ADMINISTRATOR

- A. Public Fireworks Display – Black Hills Speedway: MOVED by Buskerud and seconded by Holloway to approve a public display of fireworks for Black Hills Speedway on Friday, July 4, 2014, with a rainout date of Saturday, July 5 or Friday, July 11, 2014, provided Black Hills Speedway meets the requirements specified by the Pennington County Fire Administrator. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. Award Recommendations for Bridge Repairs; STR. No. 52-314-432 and STR. No. 52-341-445: MOVED by Holloway and seconded by Buskerud to award Bridge Repairs Str. No. 52-314-432 and STR. No. 52-341-445 to the low bidder, J.V. Bailey Co. Inc., PO Box 1825, Rapid City, SD, in the amount of \$65,466. Vote: Unanimous. Bid documents are available at the Highway Department..
- B. Award Recommendation for Bridge Repairs; Str. No. 52-206-308: MOVED by Buskerud and seconded by Holloway to award Bridge Repairs Str. No. 52-206-308 to the low bidder, J.V. Bailey Co. Inc., PO Box 1825, Rapid City, SD, in the amount of \$49,816. Vote: Unanimous. Bid documents are available at the Highway Department.
- C. 2015-2019 Transportation Improvement Plan: MOVED by Davis and seconded by Buskerud to approve the 2015-2019 Transportation Improvement Plan for Pennington County with the correction noted by the Highway Superintendent. Vote: Unanimous.
- D. Modification #3 to Cooperative Road Agreement #14-RO-11020300-019: MOVED by Buskerud and seconded by Holloway to approve Modification #3 to Cooperative Road Agreement #14-RO-11020300-019 with the Black Hills National Forest and authorize the Chairperson's signature thereto. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

- A. Proposed Changes to the Grade Listing: MOVED by Buskerud and seconded by Holloway to re-grade the position of Correctional Case Manager from a Grade 18 to a Grade 14 on the Pennington County Wage Scale. Vote: Unanimous.

MOVED by Holloway and seconded by Buskerud to add the title of Staff Assistant I to the Wage Scale at a Grade 7 and change the titles of the Grade 9, 10, and 12 administrative positions to Staff Assistant II, III and IV respectively. Vote: Unanimous.

HAWTHORNE DITCH – Harold Bies

MOVED by Davis and seconded by Buskerud to authorize the Chairperson to appoint interested stakeholders, including County Planning and Zoning, County Highway, the City of Rapid City, a Commission liaison and any others deemed appropriate, to serve on a task force for discussions regarding the Hawthorne Ditch. Vote: Unanimous.

PLANNING & ZONING CONSENT AGENDA

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

MOVED by Buskerud and seconded by Holloway to approve Planning & Zoning Consent Agenda Items A, B, D and E as presented with Item C removed for separate consideration. Vote: Unanimous.

- A. SECOND READING OF REZONE / RZ 14-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-02: Chad Gollnick. To rezone 3.76 acres from General Commercial District and Limited Agriculture District to Light Industrial and to change the Future Land Use from General Commercial District and Limited Agriculture District to

Light Industrial in accordance with Section 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 14-02

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:

Lot A; Lot 1 of Lot A; and Vacated Road in NE Corner between Old County Road and Railroad less H-1, all in Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Commercial District and Limited Agriculture District to Light Industrial District.

Dated this 6th day of June, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

- B. SECOND READING OF ORDINANCE AMENDMENT / OA 14-02: Rich Jensen / Corey Bruning. To amend Section 210-B “Highway Service District” to add medical facilities as an allowed use in a Highway Service Zoning District.

ORDINANCE #34-27

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 210-B: Highway Service District shall be amended to include:

17. Medical and/or Dental Clinics or offices and hospitals.

Dated this 6th day of June, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

- C. This item was removed for separate consideration.
- D. MINOR PLAT / PL 14-08: Neil Tschetter; Fisk Land Surveying – Agent. To reconfigure lot lines to create Lots 1 and 2 of Black Berry Development in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 10 (of Government Lot 9) in Black Forest Village and Lot 10 (also in Section 15) of Tract A less a Portion of Lot 3R of Black Forest Village in Berry Development all located in Sections 15 and 22, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Black Berry Development, Sections 15 and 22, T1N, R5E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 14-08 with the following one condition: 1. That prior to Building Permit issuance, the applicant have an acceptable Fire Mitigation Plan from the Pennington County Fire Coordinator.

- E. SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – AMEND RESPEC CONTRACT: Approve the amendment to the Master Services Agreement between RESPEC and Pennington County for the Spring Creek Watershed Management and Implementation Project Segment 2 to \$440,681 from \$332,681.

Removed for Separate Consideration

C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-01: William and Nancy Ewing; Davis Engineering – Agent. To rezone 2.49 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot G, including the Former Railroad Right-of-Way within Said Lot G, in the SW1/4SE1/4, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Buskerud to approve Rezone / RZ 14-01 and Comprehensive Plan Amendment / CA 14-01 as long as it is outside the 100 year floodplain. Vote: Unanimous.

End of Consent Agenda

BOARD OF ADJUSTMENT

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

- F. VARIANCE / VA 14-16: William and Martina Pugh. To reduce the minimum required 25 foot front-yard and year-yard setbacks to 8 feet in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

The E60 feet of N115 feet of Lot 4 of Lot 13, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Holloway to grant a 15 foot setback for Variance #14-16. Substitute motion: MOVED by Holloway and seconded by Buskerud to grant an 8 foot setback from the east property line and a 15 foot setback from the west property line. The motion carried on a roll call vote. Buskerud – yes, Davis – yes, Holloway – yes, Petersen – yes.

- G. VARIANCE / VA 14-17: John Donahue; Fisk Land Surveying – Agent. To reduce the minimum required 25 foot side-yard setback to a zero (0) foot setback in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Tract A of Blocks 7 and 8, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Holloway and seconded by Petersen to approve Variance VA14-17 with one condition, pursuant to the recommendation of the State’s Attorney, and further moved to refund \$320 in fees. The motion carried on a roll call vote. Buskerud – yes, Davis – yes, Holloway – yes, Petersen – yes.

1. That the zero (0) foot setback only apply to that portion of the existing outhouse/shed which is on Mr. Donahue’s property and that the eight (8) foot minimum required setback apply for the remaining portion of the subject lot line.

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

Regular Agenda Items

- H. VACATION OF SECTION LINE / VS 14-01: J. Alan Johnson. To vacate 2,000 feet of Section Line Right-of-Way between Sections 4 and 5 in Palmer Gulch Campground.

Section Line Right-of-Way situated in that part of Lot Sharon and Lot Cutler of Cutler Subdivision and Tract B less Tract 1 of Home Sweet Home Placers MS 804 and Lot B of Tract 3 of Tract 39, all located in Sections 4 and 5, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Holloway to approve Vacation of Section Line #14-01 with three (3) conditions. Vote: Unanimous.

1. That prior to the Exhibit being recorded for the Vacation of Section Line, the applicant shall dedicate and record a utility easement for the existing overhead power lines located in the Section Line right-of-way;
2. That prior to the Exhibit being recorded for the Vacation of Section Line, the referenced book and page and legal descriptions be added to final recorded documents; and,
3. That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deed's Office.

Proposed Resolutions – 2015 Legislative Session: Information Item Only

EXECUTIVE SESSION per SDCL 1-25-2

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

MOVED by Davis and seconded by Buskerud to convene in executive session. Vote: Unanimous. The Board remained in executive session from 11:30 a.m. until 11:54 a.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 May 28, 2014: Total balances of checking/savings accounts, \$36,339,517.25; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$2,563,892.37; Total Prime Value Investment, \$6,693,460.44; Total petty cash, \$11,455.00; Total Cash Items: \$4.00; Total long/short, (\$324.45); Total, \$45,618,004.61. Submitted by Lori Wessel, Deputy Auditor.

VOUCHERS

ATT Mobility, 218.17; BH Power Inc, 1,611.89; BH Power Inc, 1,296.05; BH Power Inc, 185.37; BH Power Inc, 345.02; CBM Food Service, 6,739.60; Century Link, 308.31; Century Link, 3.58; City Of Hill City, 7.75; City Of Rapid City Water, 4,102.85; City Of Wall, 135.00; Employee Benefits Corporation, 525.78; Executive Mgmt Fin Office, 19.00; First Interstate Bank, 5,259.35; Midcontinent Communications, 650.00; Montana Dakota Utilities, 3,639.45; Pioneer Bank Trust, 381.39; Reliance Telephone Inc, 13.44; Rr Waste Solutions, 58.64; Verizon Wireless, 5,101.22; Verizon Wireless, 18.21; Verizon Wireless, 417.89; Verizon Wireless, 86.14; Verizon Wireless, 67.51; Verizon Wireless, 101.43; Walmart Community, 3.98; West River Electric, 1,793.19; WOW Internet Cable And Phone, 4,278.60; WOW Internet Cable And Phone, 1,701.70.

PAYROLL

Commissioners, 13,020.32; Human Resources, 4,894.84; Elections, 14,262.02; Auditor - liens, 3,434.40; Auditor, 20,346.79; Treasurer, 50,634.92; Data Processing - General, 48,638.69; State's Attorney, 154,712.39; Public Defender, 107,751.13; Juvenile Diversion, 10,290.77; Victim's Assistance, 5,555.23; Buildings & Grounds, 97,826.56; Equalization, 72,155.01; Register of Deeds, 24,855.15; Sheriff, 348,276.04; Service Station, 8,687.76; HIDTA Grant, 8,562.95; Jail, 456,304.82; Jail Work Program, 4,643.08; Coroner, 455.60; Hill City Law, 11,973.29; Keystone Law, 5,508.20; New Underwood – Law, 4,473.72; School Liaison, 17,040.25; Wall Law, 10,667.21; Home Detention, 8,866.88; CCADP, 128,937.84; Adams House, 62,248.41; Economic Assistance, 55,907.24; Mental & Alcohol-SAO, 8,299.91; Mental & Alcohol-HHS, 3,835.79; Extension, 2,707.20; Weed & Pest, 9,318.73; Mountain Pine Beetle, 0.00; Planning and Zoning, 22,059.46; Water Protection, 5,905.25; Ordinance, 3,743.93; Juvenile Services Center, 185,620.24; Highway, 225,449.00; Drug Seizure, 2,045.11; Fire Administration, 6,805.19; Dispatch, 165,733.43; Emergency Management, 5,603.28; 24-7 Program, 18,699.40; PCCCC Building Projects, 3,214.40; Elections \$4183.80.

PERSONNEL

Highway Department: Effective 4/19/2014, J. Grable at \$11.72/hr.

Public Defender: Effective 6/2/2014 – D. Patton at \$4891.37

Weed & Pest: Effective 4/21/2014 – J. Dargatz at \$16.55/hr.; Effective 5/19/2014 – D. Hensley at \$13.93/hr.; D. Muller at \$13.25/hr.; E. Neubauer at \$13.58/hr.; R. Milburn at \$12.93/hr.

ADJOURN

MOVED by Davis and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:54 a.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: June 11, 2014