

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
July 1, 2014**

The Pennington County Board of Commissioners met on Tuesday, July 1, 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, Don Holloway and Nancy Trautman.

APPROVAL OF THE AGENDA

MOVED by Trautman and seconded by Holloway 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 Buskerud to approve Consent Agenda Items 5 - 11 as presented. Vote: Unanimous.

Consent Agenda

5. Approve the minutes of the June 17, 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 \$130,931.96
7. Approve a raffle fundraiser for the Rochford Volunteer Fire Department.
8. Accept the Official Returns of the organizational election of the Cimarron Hill Road District and issue the Order for Organization and Incorporation effective with taxing authority for the 2014 tax year and after.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE CIMARRON HILL 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 CIMARRON HILL ROAD District.

NOW, THEREFORE, BE IT ORDERED, the Pennington County Commissioners declare that the CIMARRON HILL 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 2014 tax year and after.

BE IT FURTHER ORDERED, that the CIMARRON HILL ROAD District be described as follows: LOT 2 LESS LOT A, LOT 4, LOT 5A, LOT 5B, LOT 6, LOT B OF LOT 13,

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LOT DR OF LOT 13, LOT E OF LOT 13, LOT F OF LOT 13, LOT G OF LOT 13, LOT H OF LOT 13, LOT J REVISED OF LOT 13, LOT K REVISED OF LOT 13, LOT M REVISED OF LOT 13, THE WELL LOT OF LOT 13, LOT 23 INCLUDING LOT A OF LOT 23, VACATED PART OF COUNTY ROAD T-2003 DESIGNATED AS KIMBELL PLACE & CUL-DE-SAC BORDERED BY LOTS C REVISED, D REVISED, K, I, J & F OF LOT 13 AND PRIVATE ROAD ADJACENT TO LOTS 5A, B, E, F, G, H, J & M OF LOT 13 OF LAUREL HEIGHTS SUBDIVISION, CIMARRON HILL ROAD, BHM, Pennington County, SD.

Dated July 1, 2014.

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

ATTEST: (SEAL)
/s/ Julie Pearson, Auditor

9. Accept the Official Returns of the organizational election of the Clear Creek #2 Road District and issue the Order for Organization and Incorporation effective with taxing authority for the 2014 tax year and after.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE CLEAR CREEK #2 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 CLEAR CREEK #2 ROAD District.

NOW, THEREFORE, BE IT ORDERED, the Pennington County Commissioners declare that the CLEAR CREEK #2 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 2014 tax year and after.

BE IT FURTHER ORDERED, that the CLEAR CREEK #2 ROAD District be described as follows: TRACT 5; LOTS 1 & 2 OF TRACT 6 LESS ROW; TRACTS 7-15; PLOTS 1-8 OF TRACT 15, 19, & 20; TRACT 17, LOTS A, B, & C OF TRACT 21; LOTS A, B, & C OF TRACT 22; TRACTS 23-30 OF CLEAR CREEK TRACT, CLEAR CREEK #2 ROAD, BHM, Pennington County, SD.

Dated July 1, 2014.

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

ATTEST: (SEAL)
/s/ Julie Pearson, Auditor

10. Authorize the budgeted General Fund Operating Transfers for Road & Bridge in the amount of \$1,005,595.50, E911 in the amount of \$513,307 and Emergency Management in the amount of \$71,400.
11. Authorize the budgeted E911 Fund operating transfer to the General Fund in the amount of \$80,000.

End of Consent Agenda

The Honorable Senator Thune's Speech on the Senate Floor Regarding Overreach in Changes to the Clean Water Act

Tax Deed Auction – Request to Donate Properties to Teton Coalition

MOVED by Buskerud and seconded by Davis to sell four properties identified as ID 7851, ID 7850, ID 18022 and ID 40690, to the Teton Coalition for the costs incurred by Pennington County on each parcel of \$909.50 each. Substitute motion: MOVED by Davis and seconded by Trautman to leave the four properties as part of the tax deed auction and allow Teton Coalition to bid on the properties. The motion carried 3-1 on a roll call vote with Petersen recusing himself: Buskerud – no, Davis yes, Holloway – yes, Trautman – yes.

ITEMS FROM AUDITOR

- A. 2015 Pennington County Provisional Budget Presentation

ITEMS FROM BUILDINGS & GROUNDS – PENNINGTON COUNTY CAMPUS EXPANSION PROJECT

- A. Administration Building High Density Filing/Storage Systems (Haldeman-Homme Inc., Proposal): MOVED by Trautman and seconded by Holloway to authorize the Chairperson's signature to Proposal EM 36617, dated June 12, 2014, for the purchase and installation of Spacesaver carriages and shelving in Archive File Room 3252, Active File Room 3318, Archive File Room 3367, and File Room 3437 in the Administration Building through Haldeman-Homme, Inc., 430 Industrial Boulevard, Minneapolis, MN 55413, for a total price of \$124,369.23 under South Dakota State Contract 052910-KII. Vote: Unanimous.
- B. Authorization to Advertise for Proposals – Administration Building Moving Services: MOVED by Trautman and seconded by Buskerud to authorize Buildings & Grounds to advertise for proposals for moving services. Vote: Unanimous.

PROPOSED RESOLUTIONS – 2015 LEGISLATIVE SESSION

- A. Fireworks Resolution: MOVED by Holloway and seconded Buskerud to adopt the following resolution and authorize the Chairperson's signature thereto, and further moved that the Resolution be presented to Black Hills Association of County Commissioners for consideration. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION:
A RESOLUTION IN SUPPORT OF AMENDING
CURRENT SOUTH DAKOTA STATE LAW TO GRANT COUNTIES
THE SAME AUTHORITY THAT MUNICIPALITIES HAVE
TO REGULATE OR PROHIBIT THE USE OR SALE OF FIREWORKS**

WHEREAS, the Commissioners of Pennington County are charged with protecting the health and safety of the citizens of Pennington County, including all property situated therein within the limits of authority granted by statute; and

WHEREAS, during certain periods of the year warm and dry weather conditions create an environment that is dangerously prone to the threat of wildfire, particularly when the use of fireworks during such periods is ill-advised and unregulated; and

WHEREAS, pursuant to SDCL § 34-37-16.1, the period during which the discharge of fireworks is permitted runs from June 27 through the end of the first Sunday after July 4th and during the period beginning December 28th and extending through January 1st; and

WHEREAS, South Dakota Codified Law (SDCL) § 9-33-1 grants municipalities carte blanche authority to regulate or prohibit the use or sale of fireworks; and

WHEREAS, pursuant to SDCL § 34-37-19 and Atty. Gen. Opinion No.13-01, counties are only authorized, by resolution, to prohibit the use of fireworks outside the boundaries of any municipality under conditions directly related to the South Dakota grassland fire danger index during the periods from June 20 to July 2, inclusive, and from December 28 to January 1, inclusive - *which prohibits the regulation of fireworks by counties during the period from July 3 through the end of the first Sunday after July 4th regardless of the grassland fire danger during that time period;* and

WHEREAS, the Commissioners of Pennington County deem it necessary, in the interest of public health and safety, to adopt this Resolution in an effort to reduce the threat posed to the citizens and property of Pennington County by wildfires; and,

WHEREAS, use of the South Dakota grassland fire danger index to indicate a “one size fits all” state wide fire danger for the purpose of regulating the use of fireworks is unrealistic and not timely for notifying the public as required.

NOW, THEREFORE BE IT RESOLVED by the Pennington County Commission that SDCL § 34-37-19 be amended to read as follows:

34-37-19. County Regulation of fireworks

Every county shall have the power to regulate or prohibit the use or sale of fireworks outside the boundaries of any municipality.

Source: SL 1989, ch 302; SL 2002, ch 252 (Ex. Ord. 02-1), § 17; SL 2003, ch 187, § 1; SL 2004, ch 239, § 1; SL 2011, ch 162, § 4.

Approved and adopted this 1st day of July, 2014 by the Pennington County Commission.

/s/ Lyndell Petersen, Chairperson
Pennington County Commission

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

Supporting Criteria

Justification for the Resolution:

The persistent dry weather conditions typically experienced in the month of July pose a real danger for the ignition and spread of wildfire. Pennington County has experienced grassfires that were directly related to the discharge of fireworks celebrating the Independence Day holiday and had no clear means to regulate or prohibit the use of fireworks beyond the 2nd of July, even when consultation with local fire officials clearly indicate the need to do so. In the interest of balancing the public's health and safety needs with the desire to celebrate our nation's independence, it is the position of Pennington County that each county in this State should be authorized to regulate or prohibit the discharge of fireworks when common sense and experience tell us the public's health and safety is at risk.

Counties Affected by the resolution: 66 Counties

Impact of the Resolution:

Authorizing each County in the State to regulate or prohibit the use of fireworks as deemed appropriate will certainly help reduce the risk of wildfire and reduce the strain on law enforcement, emergency and fire services as a result thereof.

- B. **AG Land Classification Resolution:** MOVED by Buskerud and seconded by Davis to adopt the following Resolution and authorize the Chairperson's signature thereto. It was further moved to present the Resolution to the Black Hills Association of County Commissioners for consideration. Vote: Unanimous.

PENNINGTON COUNTY RESOLUTION:

A RESOLUTION TO SUPPORT THE CONTINUED STUDY OF THE CRITERIA FOR CLASSIFICATION OF LANDS AS AGRICULTURAL IN SDCL 10-6-31.3

WHEREAS, Living and preserving the ranching and farming lifestyle is a deeply held value in South Dakota. A landowner may support this value on a large or small acreage. Due to advances in technology, modern day agricultural practices have changed while SDCL 10-6-31.3 has not; and

WHEREAS, Technology advancement allows for more production with less acreage than in the past. However, if a parcel is less than 20 acres in size it cannot qualify under the acreage criteria in current statute and must meet the remaining two criteria to qualify. This results in smaller parcels having higher production/income per acre requirements than larger parcels which arguably

eliminates Ag classification for landowners trying to meet a growing demand for local “farmer’s market” products; and

WHEREAS, Each year landowners, Equalization Departments and County Commissioners across the State struggle with the ambiguities and lack of definition in the law. Currently, the law provides three criteria to allow a property to be classified as agricultural (Ag) which includes income, principal use and acreage. Land is considered Ag land if it meets two of the three criteria however, two of the three criteria reference the other, leaving the impression that in some circumstances all three criteria must be met. The law also contains terms such as family gross income, principal use, timber and contiguous ownership which, among other provisions in the law, are not defined and arguably outdated given modern day practices. As a result, County Officials and landowners are unnecessarily subject to multiple interpretations and inconsistent application of the law across the State; and

WHEREAS, The need for definition and clarity in the law is evident when considering the application of just a few of the current terms: 1) Principal Use: Without a relevant definition in statute this term is left to an endless number of possibilities leaving little or no consistent direction in the law to determine the actual primary and predominant use of the property as opposed to a mere secondary and incidental use. 2) Contiguous: Under current law, if a single parcel does not meet the minimum acreage criteria, multiple smaller parcels may qualify so long as they are actually touching or share a common boundary. Modern day agricultural practices often require ownership of multiple parcels of land that are not “touching” and are not able to support the whole operation individually. 3) Family Gross Income: The law refers to “family gross income” but in modern times agricultural operations are often not owned by a ‘family’ in the traditional sense. Given the practice of placing Ag land in corporate ownership, how do you determine the “family” gross income of a corporation? 4) Parcel Size: Many of the smaller Ag parcels are mining claims, family homesteads, or have been reduced in size by right-of-ways, National Forest Lands, etc. which may unreasonably eliminate a given parcel from meeting the acreage criteria in statute. 5) Timber: Timber is not an annual crop therefore, it is difficult to determine appropriate harvest criteria and required income profitability as part of identifying a legitimate timber operation. 6) Platted and unplatted land and subdivisions: These terms need to be clarified to recognize estate planning practices and other land management practices that may unreasonably eliminate an otherwise legitimate Ag pursuit; and

WHEREAS, in all applications for Ag classification, it should be clear that in all cases the landowner shall make an actual “Ag use” of the property eliminating the claim that idle land, by default, is agricultural; and

NOW, THEREFORE BE IT RESOLVED, that the Pennington County Board of Commissioners support the continued study of the criteria for classification of lands as agricultural as set forth in SDCL 10-6-31.3.

Dated this 1st day of July, 2014.

/s/ Lyndell Petersen, Chairman
Pennington County Commission

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

Supporting Criteria

Justification for the Resolution:

- Living and preserving the ranching and farming lifestyle is a deeply held value in South Dakota. Agriculture is South Dakota's #1 industry and has a \$20.9 billion economic impact each year.
- SDCL 10-6-31.3 must incorporate modern trends in agriculture and provide clarity to landowners, Equalization Departments and County Commissioners across the State.
- To provide uniform application across the State minimizing multiple applications among the Counties. There is inconsistent application of this statute throughout South Dakota.
- The present law contains terms such as family gross income, principal use, timber, platted and unplatted land and subdivisions and contiguous ownership which, among other provisions in the law, are not well defined and to some extent outdated.

Counties Affected by the resolution: 66 Counties

Impact of resolution: This resolution supports the continued study of the criteria for classification of lands as agricultural as set forth in SDCL 10-6-31.3. An amendment to this outdated and ambiguous law must recognize current trends in agriculture, young South Dakota Ag producers, and preserve the links for citizens, businesses and communities in our state together which are created by the agricultural industry.

EXECUTIVE SESSION per SDCL 1-25-2

- Personnel Issue per SDCL 1-25-2(1)
- Contractual/Pending 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 10:18 a.m. until 10:25 a.m. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

Reclassification

MOVED by Trautman and seconded by Buskerud to reclassify Wes Tschetter to Grade 23 Step 5 on the Pennington County scale, or \$29.65/hr. Substitute motion: MOVED by Holloway to reclassify Wes Tschetter to Grade 23 Step 3. The substitute motion died for lack of a second. The vote on the original motion carried 4-1 with Holloway opposing.

Eligible Department Head Merit Awards: MOVED by Trautman and seconded by Holloway to award merit raises to the next step on the Pennington County wage scale as follows: Eric Whitcher to Step 21 or \$7,881.32/month and Russ Tiensvold to Step 17 or \$6,884.67/month. Vote: Unanimous.

Spring Creek Watershed and Implementation Project Plan Advisory Group Guidelines

MOVED by Davis and seconded by Trautman to change the name of the Spring Creek Watershed Advisory Group to the Spring Creek Watershed Task Force and further moved to approve the Spring Creek Watershed and Implementation Project Plan – Spring Creek Watershed Task Force By-Laws as amended. Vote: Unanimous.

PLANNING & ZONING BOARD OF ADJUSTMENT

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

- A. VARIANCE / VA 14-18: Norris Peak Lodge, LLC (Mark and Amy Larsen); Arleth Land Surveying – Agent. To reduce the minimum required side yard setback requirement from 8 feet to zero (0) feet and to also reduce the minimum required front yard setback requirement from 25 feet to 8 feet in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Lot 1 of Van Vooren Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Buskerud to approve Variance / VA 14-18 with two (2) conditions. Vote: Unanimous.

1. That this Variance only applies for the portion of the front and side yard setback requirement that is being encroached upon by the existing carport on proposed Lot 1B. All other structures must maintain the proper setbacks or obtain separate Variance(s) for that structure; and,
2. That the portion of the carport located on proposed Lot 1A be removed prior to the filing of the applicant's Minor Plat for Lots 1A and 1B of Van Vooren Subdivision at the Register of Deeds.

- B. VARIANCE / VA 14-19: Jim and Susan Nollette. To reduce the minimum required Section Line setback requirement from 25 feet to 5 feet in a Low Density Residential District to allow for the construction of a garage in accordance with Sections 204 and 509 of the Pennington County Zoning Ordinance.

Lot 9 (also in Section 15), Whaley Subdivision, Sections 15 and 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Holloway to approve Variance / VA 14-19 with one (1) condition. Vote: Unanimous.

1. That this Variance only applies for the Section Line setback that is being encroached upon by the detached garage. All other structures must maintain the proper setback requirements or obtain approval of a separate Variance.

MOVED by Davis and seconded by Trautman to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. 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 Trautman and seconded by Davis to approve consent agenda items C-F as presented.
Vote: Unanimous.

- C. SECOND READING OF REZONE / RZ 14-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-03: Lyle and Donna Hartshorn. To rezone 15.00 acres from Suburban Residential District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Limited Agriculture District in accordance with Sections 206 and 508 of the Pennington County Zoning Ordinance.

Tract D of NW1/4SE1/4 less Lot 1, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

ORDINANCE NO. RZ 14-03

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:

Tract D of NW1/4SE1/4 less Lot 1, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

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

Dated this 1st day of July, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Auditor

- D. ROAD NAMING: John Boland. To name a 66-foot-wide access easement providing access to properties located in Section 25, T1S, R5E, and Section 31, T1S, R6E, BHM, Pennington County, to Trixie Lane.

**A RESOLUTION APPROVING THE ROAD NAME:
TRIXIE LANE**

WHEREAS, the Board of County Commissioners of Pennington County, South Dakota, seeks to assign the name of **Trixie Lane** to a road located in a 66-foot-wide private road easement. Said road begins approximately one (1) mile west of the Keystone Wye (intersection of S. Highway 16 and Highway 16A) and traverses southeast for approximately one (1) mile, crossing privately-owned properties and U.S. Forest Service Lands;

Whereas, the above-described road potentially provides access to approximately six (6) privately-owned properties and U.S. Forest Service Land, more fully described as: All Section 25, T1S, R5E, BHM, Pennington County, South Dakota (USA Public Domain); All of Section less part M.S. 2052, Section 30, T1S, R6E, BHM, Pennington County, South Dakota (USA Public Domain); Part of Trixie Lode overlapping Bay State Lode, Trixie Lode M.S. 1525, Section 31, T1S, R6E, BHM, Pennington County, South Dakota (Private Ownership); All Ridge Top Lode M.S. 2072, Section 31, T1S, R6E, BHM, Pennington County, South Dakota (Private Ownership); All Bay State Lode M.S. 2072, Section 31, T1S, R6E, BHM, Pennington County, South Dakota (Private Ownership); All Plainview Lode M.S. 2072, Section 31, T1S, R6E, BHM, Pennington County, South Dakota (Private Ownership); GL 10-11, Section 31, T1S, R6E, BHM, Pennington County, South Dakota (Private Ownership); Balance of Section less part of M.S. 726, Part M.S. 1198, Part M.S. 1257, Part M.S. 1525, Part M.S. 1716, Part M.S. 2072, and less GL 10, GL 11, GL 12, GL 16, and GL 21, Section 31, T1S, R6E, BHM, Pennington County, South Dakota (USA Public Domain);

WHEREAS, due, in particular, to the number of properties provided access via this road, it has been determined there is a need for this road to be named in order to facilitate addressing of these properties;

WHEREAS, this road has not previously been assigned a name on the declaration of easement and road agreement documents recorded at the Register of Deeds (Book 168, Pages 403-412, Document # A201302237, and Document # A201312116) nor is it a “numbered” Forest Service road;

WHEREAS, Mr. John Boland has been required to name this road in conjunction with his request to plat Lot 1 of Boland Subdivision, located in Section 31, T1S, R6E, BHM, Pennington County, South Dakota, and will be responsible for the installation of a road name sign at the intersection of this road and S. Highway 16, in accordance with the standards set forth by the Pennington County Highway Department;

WHEREAS, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name: Trixie Lane is acceptable to use; and,

NOW, THEREFORE, BE IT RESOLVED by the County of Pennington that the above-described road located in a 66-foot-wide private road easement is henceforth named TRIXIE LANE.

Dated, this 1st day of July, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Auditor

- E. ROAD NAMING: Presidio Ranch Road. To name a 66-foot-wide National Forest System Road easement providing access to property located in Section 16, T2S, R6E, BHM, Pennington County, to Presidio Ranch Road.

**A RESOLUTION APPROVING THE ROAD NAME:
PRESIDIO RANCH ROAD**

WHEREAS, the Board of County Commissioners of Pennington County, South Dakota, seeks to assign the name of Presidio Ranch Road to a road located in a 66-foot-wide right-of-way National Forest System Road easement. Said easement begins approximately one eighth (1/8) of a mile south of the intersection of Cemetery Road and Greyhound Gulch Road off of Stanmark Road, traverses south for a distance of approximately one-half (1/2) mile, and is located on Black Hills National Forest Service Property and private property;

WHEREAS, the above-described road potentially provides access to approximately two (2) privately-owned properties, more fully described as: Bal of Sec (Less PT MS #1408, #431, #2018, #429, and #430), Section 16, T2S, R6E, BHM, Pennington County, South Dakota; and, GL 6; SE¹/₄ NW¹/₄; N¹/₂ SW¹/₄, Section 16, T2S, R6E, BHM, Pennington County, South Dakota;

WHEREAS, naming of this road will facilitate future addressing of the lots being provided access by this road and existing lot addresses will be changed accordingly;

WHEREAS, the above-described easement is a numbered National Forest System Road (NFSR) 363.1A, but it was not previously named;

WHEREAS, naming the above-described easement will assist Emergency Services in locating these properties in the event of an emergency and potentially eliminate confusion for mail delivery, property identification, etc.;

WHEREAS, the applicant (Mark Harlow) will be responsible for posting a road name sign in accordance with the standards set forth by the Pennington County Highway Department; and,

WHEREAS, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name: Presidio Ranch Road is acceptable to use; and,

NOW, THEREFORE, BE IT RESOLVED by the County of Pennington that the above-described road located in a 66-foot-wide right-of-way National Forest System Road easement is henceforth named PRESIDIO RANCH ROAD.

Dated, this 1st day of July, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Auditor

- F. LAYOUT PLAT / PL 14-10: Louis and Carol Torres; John Preston – Agent. To create Lots 2A, 2B, and 2C of Battle Creek Mountain Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 less Lot H-1, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2A, 2B, and 2C of Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Approve Layout Plat / PL 14-10 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for the two undeveloped lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
2. That eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That the 40 foot access easement also be an access and utility easement;
4. That at the time of the Minor Plat application, the applicant submit engineered road construction plans for the first 55 feet of road, which provides access to all three lots, or obtain approval of Subdivision Regulations Variance waiving this requirement;
5. That the first 55 feet of road be improved to Local Road Standards with a minimum of four inches of gravel or obtain approval of a Subdivision Regulations Variance waiving this requirement;

6. That at the time of submittal of the Minor Plat, the applicant submit topography for the area or obtain approval of Subdivision Regulations Variance waiving this requirement;
7. That prior to Minor Plat approval, an Operating Permit be obtained for the existing on-site wastewater treatment system; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

End of Consent Agenda

Regular Agenda Items

G. MINOR PLAT / PL 14-09 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-04: Norris Peak Lodge LLC; Arleth Land Surveying – Agent. To create Lot 1A and Lot 1B of Van Vooren Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Van Vooren Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1A and Lot 1B of Van Vooren Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Holloway to approve Subdivision Regulations Variance 14-04 to waive dedication of eight (8) foot utility and minor drainage easement along the interior of proposed Lot 1B where existing structures are located, dedication of additional easement width and improvement of a 40-foot-wide access easement along the west boundary of proposed Lot 1B, road improvements for Norris Peak Road to Minor Arterial Road Design Standards for a Suburban Residential District, and submittal of engineered road construction plans for the required road improvements; and, approval of Minor Plat 14-09 with five (5) conditions. A sixth condition relating to the road improvements was removed at the agreement of the motion maker and second. Vote: Unanimous.

1. That the wording “West of Road” and “East of Road” and associated acreages for proposed Lot 1B be removed from the plat;
2. That the property owner’s name be included on the ownership certificate on the plat;
3. That the note dedicating eight (8) foot utility and minor drainage easements along the interior of all lot lines on the plat be altered to exclude the dedication of these easements where the existing structures are located on the property;
4. That all National Forest System lands boundary markers be maintained, that no septic systems or parking be located on National Forest System lands, and that the provisions for the Norris Peak Road easement be adhered to in accordance with the comments provided by the U.S. Forest Service;
5. That a Setback Variance either be obtained to allow the existing carport to remain within the minimum eight (8) foot setback requirement on proposed Lot 1B, or else the lot lines will need to be reconfigured or an additional portion of the carport will need

to be removed to meet the eight (8) foot setback requirement, prior to filing the plat at the Register of Deeds.

Commissioners Davis and Buskerud left the meeting at this time.

Board of Commissioners' Tour of The New Administration Building

Auditor's Account of the Treasurer

To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of June 26, 2014: Total balances of checking/savings accounts, \$30,327,536.91; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$2,563,901.27; Total Prime Value Investment, \$8,435,154.14; Total petty cash, \$11,455.00; Total Cash Items: \$699.29; Total **long**/short, (\$381.57); Total, \$41,348,365.04. Submitted by Lori Wessel, Deputy Auditor.

Payroll

Commissioners, 13,680.73; Human Resources, 4,894.84; Elections, 18,776.28; Auditor - liens, 4,197.60; Auditor, 18,639.91; Treasurer, 53,070.69; Data Processing - General, 50,894.05; State's Attorney, 163,095.85; Public Defender, 110,864.82; Juvenile Diversion, 11,476.71; Victim's Assistance, 5,555.23; Buildings & Grounds, 100,725.37; Equalization, 80,906.81; Register of Deeds, 22,901.51; Sheriff, 377,238.17; Service Station, 8,593.71; HIDTA Grant, 7,541.80; Jail, 504,062.49; Jail Work Program, 5,950.18; Coroner, 455.60; Hill City Law, 13,034.79; Keystone Law, 5,508.20; New Underwood - Law, 4,473.72; School Liaison, 17,040.25; Wall Law, 12,926.33; Home Detention, 9,001.17; CCADP, 143,362.36; Adams House, 63,865.79; Economic Assistance, 89,912.33; Mental & Alcohol-SAO, 8,299.91; Mental & Alcohol-HHS, 3,835.79; Extension, 3,384.00; Weed & Pest, 26,675.42; Mountain Pine Beetle, 0.00; Planning and Zoning, 22,896.05; Water Protection, 6,243.65; Ordinance, 3,743.93; Juvenile Services Center, 187,149.07; Highway, 222,607.90; Drug Seizure, 2,045.11; Fire Administration, 7,050.95; Dispatch, 170,611.85; Emergency Management, 6,032.92; 24-7 Program, 22,032.72; PCCCC Building Projects, 4,018.00.

Personnel

Highway Department: Effective 6/23/2014 - A. Schulz at \$16.51/hr.; Effective 6/30/2014 at \$16.51/hr. - B. Lippert and J. Delaney.

Vouchers

Amerigas, 53.03; Att, 12.3; BH Power Inc, 40,049.91; BH Power Inc, 295.79; BH Power Inc, 26.41; BH Power Inc, 312.3; BH Power Inc, 2,026.82; BH Power Inc, 780.17; CBM Food Service, 12,271.91; CBM Food Service, 2,682.26; Century Link, 7,626.92; Century Link, 308.99; Century Link, 3.58; City Of Box Elder, 11.52; City Of Hill City, 98.43; City Of Rapid City Water, 14,003.43; City Of Rapid City Water, 1,171.42; City Of Rapid City Water, 2,483.45; City Of Wall, 135; Employee Benefits Corporation, 1,051.56; Executive Mgmt Fin Office, 19.00; First Administrators Inc, 368.50; First Interstate Bank, 3,186.00; Medical Waste Transport Inc, 299.23; Midcontinent Communications, 977.89; Montana Dakota Utilities, 58.01; Montana Dakota Utilities, 5,734.37; Montana Dakota Utilities, 1,740.06; NGS American Inc, 626.52; Orbitcom Inc, 47.93; Pioneer Bank Trust, 10,614.29; Pioneer Bank Trust, 4,483.58; Rainbow Gas

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Company, 2,445.42; Rapid Valley Sanitary District, 72.77; Reliance Telephone Inc, 52.69; RR Waste Solutions, 58.64; Verizon Wireless, 361.14; Verizon Wireless, 492.89; Verizon Wireless, 5,649.99; West River Electric, 244.62; Wex Bank, 530.02; Wex Bank, 106.79; Wex Bank, 365.62; Wex Bank, 206.43; Wex Bank, 1,008.75; Wimactel Inc, 60.00; Wow Internet Cable And Phone, 250.00; Wow Internet Cable And Phone, 1,022.21; Wow Internet Cable And Phone, 4,443.40.

Adjourn

MOVED by Holloway and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:15 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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