

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
August 5, 2014**

The Pennington County Board of Commissioners met on Tuesday, August 5, 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 Davis and seconded by Buskerud to approve the agenda as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

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

MOVED by Trautman and seconded by Buskerud to approve Consent Agenda Items 6 - 7 as presented with Item 5 removed for separate consideration. Vote: Unanimous.

Consent Agenda

5. The approval of the minutes was removed for separate consideration.
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 \$337,529.08.
7. Approve the 2015 Emergency Management State and Local Agreement and authorize the Chairperson's signature thereto.

Removed for Separate Consideration

5. Approval of Minutes: MOVED by Trautman and seconded by Holloway to approve the minutes of the July 15, 2014, Board of Commissioners' meeting as presented. Vote: Unanimous.

End of Consent Agenda

South Dakota Ag Development – Ty Littau, Development Representative, SD Department of Agriculture

- A. Introduction of Ag Development
- B. County Site Analysis Program

ITEMS FROM AUDITOR

MOVED by Davis and seconded by Trautman to approve the applications for transfer of the retail (on-sale) liquor license (Item A) and the new package malt beverage license (Item B). Vote: Unanimous.

- A. Alcoholic Beverage License Transfer: To transfer a Retail (on-sale) Liquor License with Sunday Sales from The Fireside (Rimrock Event Center), Saint Patrick LLC, to Grizzly's Pub & Grill, Larry & Carrie Marquette.
- B. New Package Malt Beverage License: Approve the new Package (off-sale) Malt Beverage License for Grizzly's Pub & Grill, Larry & Carrie Marquette.

ITEMS FROM BUILDINGS & GROUNDS

- A. Moving Services Contract: MOVED by Trautman and seconded by Davis to authorize the Chairperson's signature to a county-prepared contract with AAction Movers, dated July 28, 2014, for time and material work with not-to-exceed department limits and an estimated overall value of \$47,828.00, for moving services related to the new Administration Building. Vote: Unanimous.
- B. Commission Authority as Backup During Move Period: The Board of Commissioners requested that this item be included on the August 19, 2014, agenda with specific language for emergency decisions to be made during the move to the New Administration Building.

ITEMS FROM EQUALIZATION

- A. Owner Occupied Classification on Unimproved Land Parcels – Information Item
- B. Abatement Application – Wynn Gunderson: MOVED by Holloway and seconded by Buskerud to deny the 2013 abatement for Parcel ID 64369, Wynn Gunderson, in the amount of \$485.53 (SDCL 10-13-39). The motion carried 4-1 with Petersen opposing.

MOVED by Holloway and seconded by Buskerud to have the Department of Equalization review the 307 unimproved parcels that currently receive Owner Occupied classification and report back to the Board of Commissioners with an explanation for each of the 307 parcels, including the acreage, and the reason the Department of Equalization believes the unimproved parcel is part of the yard. Vote: Unanimous.

- C. Abatement Application – Mavis Iverson: The Director of Equalization informed the Board that Ms. Iverson's concern would not be considered a clerical error and should have been handled through the Equalization process. MOVED by Trautman and seconded by Davis to deny the abatement application and refund for Parcel ID 51389, Mavis Iverson. Vote: Unanimous.
- D. Abatement Application – Michael Evans: MOVED by Buskerud and seconded by Trautman to approve the 2013 abatement/refund for Michael D. Evans in the amount of \$949.61. Vote: Unanimous.

Items From Fire Service Board

- A. County Fire Service Project Update – Commissioner Trautman

Edelweiss Mountain Improvement Association – Road Stabilization Issue – Dan Brosz

The Highway Department was directed to follow current policy for mag water requests.

Spring Creek Watershed Management and Project Implementation Project Plan

- A. Project Structure
- B. Proposed §319 Cost Share Funding Procedure and Advisory Group Guidelines: MOVED by Trautman and seconded by Davis to approve the § 319 Cost Share Funding Procedure as presented and adopt the revised Advisory Group Guidelines. The motion carried 4-1 on a roll call vote: Buskerud – no, Davis – yes, Holloway – yes, Trautman – yes, Petersen – yes.

MOVED by Davis and seconded by Holloway to take a 10 minute recess. 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 Buskerud to approve Consent Agenda Items A through G as presented. Vote: Unanimous.

- A. MINOR PLAT / PL 14-13: Dakota Land & Cattle Company, LLC. To combine two lots to create Lot 5R, Block 11, The Ranch at Black Gap in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 and Lot 6, Block 11, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5R, Block 11, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 14-13 with three (3) conditions.

1. That prior to filing the plat with the Register of Deeds, the applicant have the eight (8) foot wide utility and minor drainage easement vacation note changed from, “8” wide utility and minor drainage easement to be vacated this plat” to read “8” wide utility and minor drainage easements to be vacated this plat;
2. That prior to filing the plat with the Register of Deeds, the applicant provide written documentation from all the affected utility companies indicating concurrence with the Vacation request of the eight (8) foot wide minor drainage and utility easements on the proposed plat to the Pennington County Planning Department; and,
3. That prior to filing with the Register of Deeds, the Certificate of Planning Director for Pennington County be removed or crossed off the plat document.

- B. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Black Hills Resorts, Inc. (Cimarron Park). 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.

Sustain the Planning Commission recommendation that a Building Permit shall be obtained in two weeks for the carport or the item will be turned over to the State's Attorney's Office and continue the review of Planned Unit Development / PU 06-07 to the November 7, 2014, Board of Commissioners' meeting.

- C. LAYOUT PLAT / PL 14-14: Celia Bradley; Jim Peterson – Agent. To create Lots A and B of Black Metal #5 Lode MS #1986 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All Black Metal #5 Lode MS #1986 less Lot 1-10 (also in Section 19), Section 20, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Black Metal #5 Lode MS #1986, Sections 19 and 20, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Layout Plat / PL 14-14 with the following nine (9) conditions.

1. That proposed Lots A and B be rezoned to Limited Agriculture District and Low Density Residential, respectively, or both to Low Density Residential, or else Lot Size Variances be obtained to allow for the proposed lot sizes;
2. That Bradley Gulch Road and Deegan Drive be improved to Low Density Residential/Limited Agriculture District Local/Collector Road Standards, including a 24-foot-wide, four (4) inch gravel driving surface, prior to filing the plat at the Register of Deeds or a surety or bond be posted for these improvements, or else a Subdivision Regulations Variance be obtained waiving this requirement;
3. That the Section Line traversing the subject property be improved to Ordinance #14 Standards, including a 24-foot-wide, four (4) inch gravel driving surface, prior to filing the plat at the Register of Deeds or a surety or bond be posted for these improvements, or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. That engineered road construction plans be submitted for all required road improvements to Bradley Gulch Road, Deegan Drive, and the Section Line, at the time of Minor Plat submittal, or else a Subdivision Regulations Variance be obtained waiving this requirement;
5. That percolation test results and soil profile information, including an inspection of a profile hole by the Environmental Planner, be provided for proposed Lot A at the time of Minor Plat submittal, or else a Subdivision Regulations Variance be obtained waiving this requirement;
6. That a note be included on the plat indicating that proposed Lot B has a "no build" stipulation and may not be developed, other than future road improvements to Bradley Gulch Road;
7. That the plat be drawn in accordance with the requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications (for all owners) and the scale of the plat to be no greater than one (1) inch equals 100 feet, or else approval of a Subdivision Regulations Variance be obtained;

8. That the plat dedicate all necessary easements, including eight (8) foot utility and minor drainage easements along the interior of all lot lines and a major drainage easement for the location of any existing watercourse, drainage way, channel or stream which traverses the property, or else approval of a Subdivision Regulations Variance be obtained; and,
9. That approval of this Layout Plat request does not constitute approval of any further applications to be submitted for the above-described property.

D. LAYOUT PLAT / PL 14-15: Dallas and Mary Dietrich. To create Lot 1 of Otho Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Longmont Lode MS #2067 less Tract A of HES #281 and All of Otho #2 Lode MS #2067, all located in Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Otho Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Approve Layout Plat / PL 14-15 with the following seven (7) conditions.

1. 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;
2. That engineered road construction plans be submitted for the required improvements to Greyhound Gulch Road or obtain a Subdivision Regulations Variance waiving this requirement;
3. That Greyhound Gulch Road be improved to Local Road Standards, which include a 24 foot wide graveled driving surface or obtain a Subdivision Regulations Variance waiving this requirement;
4. That prior to County Board approval of the Minor Plat, the property is either rezoned to Low Density Residential District or a Lot Size Variance obtained to allow a 4.895 acre lot in a General Agriculture District;
5. That at the time of submittal of the Minor Plat, the applicant submit topography for the area or obtain a Subdivision Regulations Variance waiving this requirement;
6. That prior to Minor Plat approval, an Operating Permit be obtained for the existing on-site wastewater treatment systems; and,
7. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

E. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 06-03: BankWest, Inc. To review a Planned Unit Development Amendment to allow for 75 residential lots, 1 well lot, and 1 detention lot with a minimum lot size of 1/2 acre in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5; Lot 1, Block 6, all of Prairiefire Subdivision; NE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW; and SE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

Approve the extension of Planned Unit Development Amendment / PU 06-03 with the following eleven (11) conditions.

1. That the Planned Unit Development consists of no more than 75 residential lots, 1 well lot and 1 detention lot with a minimum lot size of 1/2 acre;
2. That prior to any Building Permits being issued, the roads providing access to the lots must be improved to city platting requirements;
3. That no off-premise signs be allowed within the Planned Unit Development;
4. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property, significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
5. That the required minimum setbacks meet the Suburban Residential Zoning requirements;
6. That each address must be posted in accordance with Pennington County Ordinance Amendment #20;
7. That prior to any new Building Permits located within newly platted areas of the subdivision, the applicant installs road signs for the new streets;
8. That the Terracotta Homeowner's Association maintains the Central Water System;
9. That the single-family residences must be stick-built or double-wide manufactured or modular homes meeting the requirements of Section 204-I of the Pennington County Zoning Ordinance;
10. That road widths are 28-feet-wide, with 4-foot to be striped and to be used by pedestrians and non-motorized travel; and,
11. That this Planned Unit Development be reviewed in one (1) year or on a complaint basis.

- F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-04: Kendra Larson; Fisk Land Surveying – Agent. To rezone 38.6 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District in accordance with Sections 206 and 508 of the Pennington County Zoning Ordinance.

Government Lot 3 (NW1/4SW1/4), Section 30, T1N, R7E, BHM, Pennington County, South Dakota.

Approve Rezone / RZ 14-04 and approval of Comprehensive Plan Amendment / CA 14-04.

G. MINOR PLAT / PL 14-16 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-05: Louis and Carol Torres; John Preston – Agent. To create Lots 2A, 2B, and 2C of Battle Creek Mountain Estates Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 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 Subdivision Regulations Variance / SV 14-05 to waive Section Line Highway improvements, to waive engineered road construction plans and cul-de-sac improvements and approval of Minor Plat / PL 14-16 with the following five (5) conditions:

1. That that prior to County Board approval of the Minor Plat, percolation tests be submitted for review and approval;
2. That that prior to filing the plat with Register of Deeds the T-turnaround be dimensioned;
3. That prior to filing the plat with Register of Deeds, Lot “2D” be changed on the Plat to Lot “2C”;
4. That prior to filing the plat, with Register of Deeds, an Operating Permit be obtained of the existing on-site wastewater system; and,
5. That prior to filing the plat, with Register of Deeds, the top “Battle Creek Mountain Estates Subdivision” be removed from the plat heading.

End of Consent Agenda

PLANNING AND ZONING REGULAR AGENDA ITEMS

H. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT / PU 14-02: Lynne Kinsley / Venard, Inc. To rezone 5.42 acres from Low Density Residential District to a Planned Unit Development to allow for a Vacation Home Rental in accordance with Sections 207, 319, and 508 of the Pennington County Zoning Ordinance.

Lot 2, Sun Country Estates, Section 26, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Buskerud to sustain the Planning Commission recommendation and deny Planned Unit Development / PU 14-02. The motion carried 4-1 on a roll call vote: Buskerud – yes, Davis – yes, Holloway – yes, Trautman – yes, Petersen – no.

- I. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 14-04: Pennington County. To amend Section 319-C-5 (Vacation Home Rental) of the Zoning Ordinance.

MOVED by Buskerud and seconded by Trautman to continue this item to a later date to give the State's Attorney and the Planning Department an opportunity to make the Ordinance Amendment more specific. Vote: Unanimous.

- J. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 14-03: Pennington County. To amend sections in Section 204-J (On-Site Wastewater Treatments Systems) of the Zoning Ordinance.

MOVED by Buskerud and seconded by Davis to approve the first reading of Ordinance Amendment / OA 14-03. Vote: Unanimous.

- K. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – PARTICIPANT AGREEMENTS. (Continued from the 7/15/2014 BOC Meeting)

MOVED by Trautman and seconded by Davis that the agreements listed below be handled according to the process adopted during Item 14. The motion carried 4-1 with Buskerud opposing.

1. Agreement SPC2014PC109 – Larsen (OWTS)
2. Agreement SPC2014PC113 – Krueger (OWTS)
3. Agreement SPC2014PC108 – Grosz (OWTS)
4. Agreement SPC2014PC106 – Rust (OWTS)
5. Agreement SPC2014PC114 – Bourne (OWTS)
6. Agreement SPC2014PC111A – Dean (Riparian)
7. Agreement SPC2014PC107 – McIntyre (Riparian)
8. Agreement SPC2014PC110A – Livingston (Riparian)
9. Agreement SPC2014PC111B – Dean (Stormwater)
10. Agreement SPC2014PC110B – Livingston (Stormwater)

ITEMS FROM CHAIR

- A. 2014 Outstanding Service & County Achievement Award Nominations
- B. SDACC Elections – 2014 Convention

2015 RESOLUTIONS

- A. Meade County Resolution – To Designate New Underwood Road as a State Highway:
MOVED by Davis and seconded by Buskerud to urge the Highway Superintendent to prepare a resolution to designate the Pennington County portion of New Underwood Road as a State Highway. Vote: Unanimous.

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 Buskerud and seconded by Davis to convene in executive session. Vote: Unanimous. The Board remained in executive session from 12:50 p.m. until 1:20 p.m. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

MOVED by Trautman and seconded by Davis to authorize Chief Deputy States Attorney Jay Alderman and Human Resources Director Nick Stroot to implement the personnel decision plan as discussed in executive session. The motion carried 4-1 on a roll call vote: Buskerud – no, Davis – yes, Holloway – yes, Trautman – yes, Petersen – yes.

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 14, 2014: Total balances of checking/savings accounts, \$28,384,153.94; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$2,563,999.01; Total Prime Value Investment, \$7,160,042.43; Total petty cash, \$11,455.00; Total Cash Items: \$417.79; Total **long**/short, (\$380.28); Total, \$38,129,697.89. Submitted by Lori Wessel, Deputy Auditor.

Payroll

Commissioners, 10,405.72; Human Resources, 7,376.12; Elections, 11,913.92; Auditor - liens, 3,243.61; Auditor, 18,928.01; Treasurer, 44,235.11; Data Processing - General, 49,094.02; State's Attorney, 150,039.49; Public Defender, 109,480.82; Juvenile Diversion, 8,679.66; Victim's Assistance, 5,555.23; Buildings & Grounds, 97,524.97; Equalization, 66,952.68; Register of Deeds, 20,635.91; Sheriff, 330,196.34; Service Station, 9,056.02; HIDTA Grant, 8,595.68; Jail, 451,234.58; Jail Work Program, 4,578.40; Coroner, 455.60; Hill City Law, 11,987.85; Keystone Law, 5,409.44; New Underwood – Law, 4,148.33; School Liaison, 15,869.70; Wall Law, 10,647.34; Home Detention, 8,420.29; CCADP, 126,647.23; Adams House, 59,182.80; Economic Assistance, 60,919.97; Mental & Alcohol-SAO, 7,939.73; Mental & Alcohol-HHS, 3,835.79; Extension, 2,707.20; Weed & Pest, 25,399.81; Planning and Zoning, 23,254.50; Water Protection, 5,555.19; Ordinance, 3,456.00; Juvenile Services Center, 172,143.01; Highway, 180,432.54; Drug Seizure, 2,045.11; Fire Administration, 7,088.58; Dispatch, 177,154.06; Emergency Management, 5,823.24; 24-7 Program, 18,515.34.

Personnel

Buildings & Grounds: Effective 8/18/2014 – R. Hatzenbeller and D. Freidel at \$13.57/hr.

Fire Administration & Emergency Management: Effective august 4, 2014 – C. Prentice at \$14.98/hr.

Treasurer: Effective 7/28/2014 – Li T Sun at \$14.25/hr.; Effective August 8, 2014 – K. Drust at \$14.25/hr.

Weed & Pest: Effective 7/14/2014 – M. Behlke at \$12.93/hr.

Vouchers

Amerigas, 107.12; Att, 73.21; ATT Mobility, 218.17; ATT Mobility, 220.65; BH Power Inc, 244.00; BH Power Inc, 347.37; BH Power Inc, 254.69; BH Power Inc, 400.41; BH Power Inc, 18,626.26; BH Power Inc, 834.32; Cbm Food Service, 10,791.22; Century Link, 7,627.15; Century Link, 120.07; Century Link, 3.54; Century Link, 189.69; City Of Box Elder, 49.12; City Of Box Elder, 47.53; City Of Box Elder, 270.00; City Of Hill City, 24.03; City Of Rapid City Water, 209.08; City Of Rapid City Water, 15,816.66; City Of Wall, 159.40; Dakota Business Center, 142,182.93; Delta Dental Of South Dakota, 23,032.00; Executive Mgmt Fin Office, 19.00; First Interstate Bank, 169.04; First Interstate Bank, 13,954.90; Golden West Companies, 763.08; Golden West Technologies, 40.40; Medical Waste Transport Inc, 322.00; Montana Dakota Utilities, 46.85; Montana Dakota Utilities, 5,033.27; Montana Dakota Utilities, 342.37; Mt Rushmore Telephone Co, 58.00; Ngs American Inc, 77.10; Pioneer Bank Trust, 7,203.15; Rapid Valley Sanitary District, 261.13; Reliance Telephone Inc, 7.81; RR Waste Solutions, 58.64; SDN Communications, 754.80; Sun Life Financial, 66,800.28; The Hartford, 2,284.06; Verizon Wireless, 287.98; Verizon Wireless, 4,794.10; Verizon Wireless, 76.16; Verizon Wireless, 201.07; Verizon Wireless, 414.86; Verizon Wireless, 67.48; Verizon Wireless, 312.72; Verizon Wireless, 101.42; Verizon Wireless, 137.50; Walmart Community, 7.96; West River Electric, 271.97; West River Electric, 55.69; West River Electric, 1,395.34; Wex Bank, 855.15; Wex Bank, 1,705.80; Wimactel Inc, 60.00; Wow Internet Cable And Phone, 4,796.56; Wow Internet Cable And Phone, 1,942.82.

Adjourn

MOVED by Buskerud and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:23 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: August 20, 2014