

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
September 2, 2014**

The Pennington County Board of Commissioners met on Tuesday, September 2, 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 Buskerud and seconded by Davis 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 Davis and seconded by Buskerud to approve Consent Agenda Items 5, 6, 8 & 10 as presented, with Items 7 & 9 removed for separate consideration. Vote: Unanimous.

Consent Agenda

5. Approve the minutes of the regular meeting of August 19, 2014.
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 \$36,596.49.
7. Removed for Separate Consideration
8. Declare surplus Asset #5634, M650 Tabulator for the purpose of transferring ownership to Kingsbury County. (Auditor)
9. Removed for separate consideration.
10. Declare surplus one 2007 Chevrolet Suburban, Asset #6080 for disposal to an insurance company. The vehicle was totaled in an accident and was determined to be a total loss. (Highway)

Removed for Separate Consideration

7. MOVED by Trautman and seconded by Holloway to approve the Auditor's request to surplus In-House Software Programs as presented: Asset 1856, Budget & Mill Levy Program; Asset 1857, County Aid Application Program; Asset 1858, County Property System Program; Asset 1859, Fee Book Program; Asset 1860, General Index Program; Asset 1861, Mobile Home Program; Asset 1863, Real Estate Transfers/Sales Program; Asset 1864, Tax Account Record Program; Asset 1865, Tax Apportioning Program; Asset 1866, Tax Calculation/Reporting Program; Asset 1867, Voucher Program; Asset 2502, Voter Program; Asset 2503, Treasurer's Daily Recon Program; Asset 2506, Planning Program; Asset 2507, Real Estate Tax Receipts Program; Asset 2508, Special Assessment Program; Asset 2510, Sale Certificate Program; Asset 2785, Motor Vehicle Conversion to HP, Asset 2787, Bar Coding Tax & DOE Program; Asset 2818,

Internal To DP Time Project Bluereq; Asset 2819, Misc Receipts Treasurer; Asset 3042, Game Fish and Parks Program; Asset 3043, "Cash Balance Treasurer/Game, Fish & Parks"; Asset 3044, Omitted Assessments; Asset 3052, Soil/Land Reappraisal System – Equalization; Asset 3309, Voucher Program at HHS; Asset 3317, Public Defender Program; Asset 3612, Abatements; Asset 3963, Voucher Program at Building and Grounds. Vote: Unanimous.

9. MOVED by Holloway and seconded by Trautman to declare surplus two M650 Tabulators, Asset #5635 and #5728, for the purpose of trade as requested by the Pennington County Auditor. Vote: Unanimous.

End of Consent Agenda

Pe Sla: Request for Land to be taken into Trust Status – Discussion

MOVED by Buskerud and seconded by Davis to direct the Commission Office Manager to draft a letter for the Board’s approval that expresses concerns regarding the request that has been submitted to the U.S. Department of the Interior to grant trust status for approximately 2,020 acres in the Black Hills, located 20 miles west of Hill City and two miles north of Deerfield Lake. Vote: Unanimous.

ITEMS FROM AUDITOR

MOVED by Davis and seconded by Buskerud to approve the Wine and Malt Beverage License Transfers, Items A & B, as presented. Vote: Unanimous.

- A. Retail (On-Off Sale) Wine License Transfer – Black Forest Inn Bed & Breakfast: Approve the transfer of the retail (on-off) sale wine license from Black Forest Inn Bed & Breakfast Lodge Inc., Black Forest Inn, to Black Forest Inn Bed & Breakfast, The B-R Group.
- B. Retail (On-Off Sale) Malt Beverage License Transfer – Black Forest Inn Bed & Breakfast: Approve the transfer of the retail (on-off) sale malt beverage license from Black Forest Inn Bed & Breakfast Lodge Inc., Black Forest Inn, to Black Forest Inn Bed & Breakfast, The B-R Group.
- C. General Fund Budget Supplement Hearing SP14-004 – Health & Human Services Community Development Block Grant (CDBG) Budget: MOVED by Trautman and seconded by Holloway to approve the General Fund HHS CDBG budget supplement in the amount of \$18,345 from non-budgeted grant revenues received in the current year. Vote: Unanimous.

ITEMS FROM SHERIFF

- A. Update on Adams Street Facility
- B. Update on Modifications to the Public Safety Building

ITEMS FROM TREASURER

- A. Resolution for the Establishment of Monthly Electronic Payment of Real Estate Taxes: MOVED by Buskerud and seconded by Holloway to authorize the Chairperson’s signature on the resolution entered below. Vote: Unanimous.

PENNINGTON COUNTY COMMISSION RESOLUTION FOR THE ESTABLISHMENT OF MONTHLY ELECTRONIC PAYMENT OF REAL ESTATE TAXES

WHEREAS, SDCL 10-21-7.1 allows for ten equal monthly installment payments of property taxes and authorizes the County Commission to establish criteria for such payments; now therefore,

BE IT RESOLVED that the Pennington County Commission does hereby authorize the payment of property taxes under the following established criteria:

1. No one may sign up for the program for a parcel that has existing delinquent taxes.
2. Only real estate and building on lease sites parcels may be included. (This does not include registered mobile homes or public utilities.)
3. Individuals that sign up for the program are continued from one year to the next, unless they notify the Treasurer's Office.
4. If electronic payments are returned for non-sufficient funds, the taxpayers are dropped from the program. Their money that was currently paid will be refunded to them and they will be barred from reentering the program for that year.
5. Taxpayers may only drop out of the program after the first or second half payment has been made or if their property is sold. It is the taxpayer's responsibility to notify the Treasurer's Office if a taxpayer wishes to discontinue the program or if their property is sold.

Duly passed and adopted by the Pennington County Commission on the 2nd day of September, 2014.

PENNINGTON COUNTY COMMISSION:
/s/ Lyndell Petersen, Chairperson

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

ITEMS FROM EQUALIZATION

- A. Introduction of New Deputy Director – Mr. Gordon Wendall
- B. Abatement Application – Kudrna: MOVED by Holloway and seconded by Davis to deny the abatement application for Parcel ID 64490 as submitted by Donald and Shirley Kudrna, pursuant to the recommendation of the State's Attorney. The motion carried 4-1 on a roll call vote: Buskerud – yes, Davis – yes, Holloway – yes, Trautman – yes, Petersen – no.
- C. Abatement Applications: Mountain Shadows Properties LLC and Greentree Servicing LLC: MOVED by Trautman and seconded by Buskerud to approve the 2012 (\$787.16) and 2013 (\$745.08) abatement applications for Mountain Shadows Properties, Mobile Home ID 8011174, and further moved to approve the 2012 abatement application (\$459.04) for Greentree Servicing LLC, for Mobile Home ID 8001529. Vote: Unanimous.
- D. Abatement Application – William Paradis: MOVED by Holloway and seconded by Buskerud to approve the 2012 and 2013 abatement applications for William Paradis, Mobile Home ID 8011544 in the amount of \$374.38 (2012) and \$365.50 (2013). Vote: Unanimous.

- E. Abatement Application – David & Tammy Egermier: MOVED by Buskerud and seconded by Petersen to approve the abatement application for 2013 for David and Tammy Egermier, Parcel ID 61503. Substitute Motion: MOVED by Holloway and seconded by Buskerud to continue the Egermier abatement request for two weeks for the Department of Equalization and Auditor to determine the value of the over-assessment for the 2013 taxes. The motion carried 4-1 with Trautman voting no.
- F. Unimproved Land Parcels that Receive Owner Occupied Classification – Information item

CONSIDERATION OF THE FY2015 PROVISIONAL BUDGET AS THE ANNUAL BUDGET OF APPROPRIATIONS, EXPENDITURES AND REVENUES FOR PENNINGTON COUNTY, SD

- A. Black Hills Vision: MOVED by Buskerud and seconded by Trautman to add \$10,000 to the 2015 budget for Black Hills Vision. Vote: Unanimous.
- B. Front Porch Coalition: MOVED by Buskerud and seconded by Holloway to reduce the Contingency budget by \$5,000 and add \$5,000 to the 2015 budget for the Front Porch Coalition. Vote: Unanimous.
- C. Rapid City Public Library Contract \$ Correction: Auditor Pearson reported that \$11,270 was added for the Rapid City Library Contract adjustment and it is included in the budget total of \$86,268,469.

MOVED by Trautman and seconded by Davis to authorize the Commissioners' signatures on the Resolution to adopt the 2015 Annual Budget for Pennington County, SD, in the amount of \$86,268,469 while still maintaining tax dollar levied amounts for all funds at Provisional Budget approval level except for applying all tax dollars available to the Library fund. Vote: Unanimous.

**Adoption of the 2015 Annual Budget for
Pennington County, South Dakota**

WHEREAS, SDCL 7-21-5 through 13, inclusive, requires the Board of County Commissioners to prepare a Budget for the next calendar year of all estimated expenditures and revenues for the departments of the County, and

WHEREAS, a Provisional Budget was prepared, approved and published with a legal notice to the public of the meeting of the Board of County Commissioners for the consideration of such Budget and all changes have now been made.

NOW THEREFORE BE IT RESOLVED, that such provisional budget as amended shall be approved as the Annual Budget of Appropriations, Expenditures and Revenues for Pennington County for calendar year January 1, 2015 through December 31, 2015. The annual budget so approved is available for public inspection during normal business hours at the office of the County Auditor, Julie A. Pearson, 315 Saint Joseph Street, Rapid City, South Dakota.

PENNINGTON COUNTY BOARD OF COMMISSIONERS

FOR AGAINST

<u>X</u>	/s/ Lyndell Petersen
<u>X</u>	/s/ Ron Buskerud
<u>X</u>	/s/ Ken Davis
<u>X</u>	/s/ Don Holloway
<u>X</u>	/s/ Nancy Trautman

ATTEST: (SEAL)

/s/ Julie A. Pearson, Pennington County Auditor

Date: September 2, 2014

EXECUTIVE SESSION per SDCL 1-25-2

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

MOVED by Davis and seconded by Holloway to take a brief recess and then convene in executive session. Vote: Unanimous. The Board remained in executive session from 11:30 a.m. until 11:55 a.m. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

ITEMS FROM STATES ATTORNEY

A. MOVED by Buskerud and seconded by Trautman to rescind the August 5, 2014, motion denying the abatement application of Mr. Wynn Gunderson and take any further action deemed appropriate in regard to the original application for abatement. Vote: Unanimous.

MOVED by Buskerud and seconded by Trautman to grant the 2013 abatement application for Wynn Gunderson for Parcel ID 64369 in the amount of \$485.53 that was originally denied at the August 5, 2014, Board of Commissioners' meeting. Vote: Unanimous.

FROM HIGHWAY DEPARTMENT

A. Authorization to Sign Off Systems Roads: MOVED by Davis and seconded by Holloway to authorize the Highway Department to expend County monies on road signs for intersections outside the County Highway system. The motion carried 4-1 on a roll call vote: Buskerud – no, Davis – yes, Holloway – yes, Trautman – yes, Petersen – yes.

B. Bid Award Recommendation: MOVED by Davis and seconded by Trautman to award the bid for purchase of three (3) new 12-foot Snow Plows; four (4) new 8-ft Snow Wings; three (3) new 180-in Stainless Steel Sanders; and five (5) new 144-in Stainless Steel Sanders to Sanitation Products, PO Box 86222, Sioux Falls, SD, in the amount of \$179,740. Bid documents are on file at the Highway Department office. Vote: Unanimous.

Request for Change of Representation – Spring Creek Advisory Group – RCAC: MOVED by Buskerud and seconded by Trautman to approve Denise Livingston's continued involvement in the Spring Creek Advisory Committee as a representative of RCAC. Vote: Unanimous.

BOARD OF ADJUSTMENT

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

- A. VARIANCE / VA 14-22: James and Julie Smoragiewicz. To reduce the minimum required lot size from 40 acres to 5.625 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

NW1/4NW1/4SE1/4NE1/4; W1/2NE1/4NW1/4 SE1/4NE1/4; NE1/4NE1/4 NW1/4 SE1/4NE1/4; and N1/2SW1/4NW1/4SE1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Variance / VA 14-22 as presented. Vote: Unanimous.

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

PLANNING & ZONING CONSENT AGENDA

The following 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 Davis and seconded by Buskerud to approve Consent Agenda Items B-E, with the addition of Item I which will be continued to October 7, 2017. Vote: Unanimous.

- B. SECOND READING OF ORDINANCE AMENDMENT / OA 14-06: Pennington County. To amend Sections 103; 204-I-5; 208-D-1a; 208-D-1b; 208-E-3; 210-D-1a; 210-D-1b; 211-E-1a; 211-E-1b; 213-C-4g; 304-C-1; 305-A-3; 305-D-2; 306-B; 306-B-13; 306-B-14; and 307-B-1 of the Pennington County Zoning Ordinance. To replace the word of Health Department with Planning Department.

ORDINANCE #34-29

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 103: Definitions shall be amended to read as follows:

SANITARY SEWER. A municipal community or individual sewage disposal system of a type approved by the Planning Department.

SECTION 204-I-5: Standards for Manufactured Homes, Modular Homes and Site, or Stick-Built Homes shall be amended to read as follows:

5. The domestic water connection to manufactured homes, modular homes, and site or stick-built homes shall be identical to any dwelling in that zoning district. The

waste disposal system shall be installed as required by the Pennington County Planning Department.

SECTION 208-D-1-a and 208-D-1-b: Suburban Residential District “Minimum Lot Requirements” shall be amended to read as follows:

- a. For each dwelling and its accessory buildings served by a central water system approved by the Pennington County Planning Department and a private water carriage waste disposal system, the lot size shall be at least 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- b. For each dwelling and its accessory buildings served by a central water system approved by the Pennington County Planning Department and a private well, the lot size shall be at least 20,000 square feet, exclusive of dedicated public streets or platted private drives.

SECTION 208-E-3: Suburban Residential District “Density Bonus” shall be amended to read as follows:

3. The Planning Department shall approve sewer and water systems for cluster housing.

SECTION 210-D-1-a and 210-D-1-b: Highway Service District “Minimum Lot Requirements” shall be amended to read as follows:

- a. For each principal structure and its accessory buildings served by a central water system approved by the Pennington County Planning Department and a private water carriage waste disposal system, the lot size shall be 20,000 square feet, exclusive of dedicated public streets or platted private drives.
- b. For each principal structure and its accessory buildings served by a central sewer system approved by the Pennington County Planning Department and a private water carriage waste disposal system, the lot size shall be 20,000 square feet, exclusive of dedicated public streets or platted private drives.

SECTION 211-E-1-a and 210-E-1-b: Light Industrial District “Minimum Lot Requirements” shall be amended to read as follows:

- a. Any principal use together with all accessory uses shall be located on a lot having a minimum area of 20,000 square feet, exclusive of dedicated public streets or platted private drives, if served by a central water system or a central sewer system provided approval is obtained from the Pennington County Planning Department.
- b. The lot area, exclusive of dedicated public streets or platted private drives, shall be determined by the private water carriage waste disposal system based on individual requirements and data required by the Pennington County Planning Department. When an individual water system is also to be used, the lot size, exclusive of

dedicated public streets or platted private drives, will be increased to accommodate both the water and waste systems as approved by the Pennington County Planning Department.

SECTION 213-C-4-g: Planned Unit Development District “Area Regulations” shall be amended to read as follows:

- g. That there are adequate provisions for sewer and water systems as approved by the Pennington County Planning Department.

SECTION 304-C-1: Mobile Homes “Water and Wastewater Facilities” shall be amended to read as follows:

- 1. Water

The domestic water connection to a mobile home installed as a dwelling shall be identical to any dwelling in that district. The waste disposal system shall be installed as required by the Pennington County Planning Department.

SECTION 305-A-3: Mobile Home Parks “Property Development Standards” shall be amended to read as follows:

- 3. Water and sewer facilities shall be approved by the County Planning Department.

SECTION 305-D-2: Mobile Home Parks “Application for Conditional Use Permit” shall be amended to read as follows:

- 2. Plans and specifications as required by the County Planning Department for sewer and water facilities.

SECTION 306-B: Recreational Vehicle Parks “Application for a Conditional Use Permit” shall be amended to read as follows:

The application for a recreational vehicle park Conditional Use Permit shall be processed in accordance with Section 510 - Conditional Use Permits. Such application shall be reviewed and approved by the Planning Department, the Planning and Zoning Director, and the Board on recommendation from the Planning Commission. The following information shall be shown:

SECTION 306-B-13 and 306-B-14: Recreational Vehicle Parks “Application for a Conditional Use Permit” shall be amended to read as follows:

- 13. A domestic water system approved by the Pennington County Planning Department.
- 14. A water carriage wastewater disposal system approved by the Pennington County Planning Department.

SECTION 307-B-1: Other Uses “Public and Private Utilities and Services” shall be amended to read as follows:

1. Planning Department Report

Application for permission to operate water works and/or sewage treatment plants shall be accompanied by a report and a recommendation from the County Planning Department. Such recommendations as to design and construction, type of treatment, source of water, standards for testing and sampling, and standards for the quality of effluent shall be incorporated into and made a part of the application.

Due to the unique circumstances of a holding tank, it shall be used as a waste disposal system of last resort. The County Planning Department shall approve in writing, on a form, approved by the Board, to be attached to the Building Permit, the circumstances under which a holding tank will be accepted, including an agreement to pay an inspection fee. Included in said form will be a requirement for periodic inspections by the County Planning Department and the off-site location of waste disposal. A Building Permit will be issued only when these requirements are met.

Dated this 2nd day of September, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

- C. SECOND READING OF ORDINANCE AMENDMENT / OA 14-05: Pennington County. To amend Section 314-B-2 and Section 314-C-2-a “Temporary Campgrounds and Assemblies of People” of the Pennington County Zoning Ordinance. To replace the words of Environmental Health Officer with the words Environmental Planner and/or Water Protection Coordinator.

ORDINANCE #34-30

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 314-B-2: Temporary Campgrounds and Assemblies of People “Permit Required” shall be amended to read as follows:

2. A Conditional Use Permit shall be required for each location of a temporary campground and/or assembly. In addition to the Conditional Use Permit filing charge, the permit fee listed below shall be tendered to the County Planning Department upon filing of the Conditional Use Permit application. The permit fee listed below will be held by the County Planning Department while the Conditional Use Permit application is pending. If the Conditional Use Permit is not approved, the permit fee shall be returned. The purpose of this fee is to pay for inspections by law enforcement agencies, Planning Department personnel, the Pennington County Fire Coordinator, and the Pennington County Environmental Planner, among others. Inspections may be conducted before, during, and after the event.

SECTION 314-C-2-a: Temporary Campgrounds and Assemblies of People “Requirements for Permit” shall be amended to read as follows shall be amended to read as follows:

- a. Potable water is not required to be furnished. If it is, it must meet all federal and state requirements for purity and method of dispensing; sufficient to provide drinking water for the maximum number of people allowed at the rate of one (1) gallon per person per day, and water for washing at the rate of two (2) gallons per person per day. A water quality sample test shall be performed checking for nitrates and coliforms as part of the CUP application process; the results of which must be submitted to the Planning Department a minimum of one week prior to the Planning Commission hearing. The results of a second water quality sample test shall be submitted to the Planning Department approximately one week prior to the opening of the campground/assembly, checking for coliforms only. In addition, proof shall be submitted stating that the applicant will pay for the testing. The water quality sample shall be taken by either the County’s Water Protection Coordinator or a State official.

Dated this 2nd day of September, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

- D. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-06: Mick Harris; Davis Engineering - Agent. To rezone 1.35 acres from Limited Agriculture District to General Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Metes and Bounds description: Beginning at the NW corner of Tract A of Harris Addition which is a 5/8 rebar with a cap marked “Davis Eng-3095” which is the TRUE POINT OF BEGINNING: hence, S 89° 55’ 30” E a distance of 50.00 feet; Thence, S 01° 40’ 28” W a distance of 342.19 feet; Thence, S 25° 48’ 24” E a distance of 353.15 feet; Thence, N 89° 55’ 30” W a distance of 213.00 feet; Thence, N 01° 40’ 28” E a distance of 660.00 feet to

the TRUE POINT OF BEGINNING, containing 1.35 acres “more or less.” Located in Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

Approve the first reading of Rezone / RZ 14-06.

- E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-07: Pacifica Loan Pool, LLC; Davis Engineering – Agent. To rezone 1.64 acres from General Agriculture District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Metes and bounds description: Beginning at the NE corner of Tract A of Harris Addition which is a 5/8 rebar with a cap marked “Davis Eng-3095” which is the TRUE POINT OF BEGINNING: Thence, N 89° 55’ 30” W a distance of 609.68 feet; Thence, N 01° 40’ 28” E a distance of 16.56 feet; Thence, N 71° 55’ 18” E a distance of 647.55 feet; Thence, S 01° 40’ 28” W a distance of 218.39 feet to the TRUE POINT OF BEGINNING, containing 1.64 acres “more or less”. Located in Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

Approve the first reading of Rezone / RZ 14-07.

- 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 Pennington County Zoning Ordinance.

Continued to the October 7, 2014, Board of Commissioners’ meeting.

End of Consent Agenda

PLANNING & ZONING – REGULAR AGENDA ITEMS

- F. MINOR PLAT / PL 14-18 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-06: William and Nancy Ewing; Davis Engineering – Agent. To create Lots A and B of Ewing Addition and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: 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.

PROPOSED LEGAL: Lot A & Lot B of Ewing Addition, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Davis to deny a portion of Subdivision Regulations Variance / SV 14-06 to waive the dedication of additional right-of-way for Forest Road and road improvements to the access easement and approve a portion of Subdivision Regulations Variance / SV 14-06 to waive engineered road construction plans for all required road improvements; to waive road improvements for Forest Road; and to waive

dedication of additional easement width for the access easements across Lot A providing access to Lot B. Vote: Unanimous.

MOVED by Holloway and seconded by Trautman to approve of Minor Plat / 14-18 with the following nine (9) conditions, and further moved to amend Condition 9 to require a 16-foot-wide paved driving surface instead of a 22-foot-wide paved driving surface at the request of the applicant. Vote: Unanimous.

1. That a non-access easement be dedicated on the plat along the entire frontage of W. Highway 44 and the north/south portion of Forest Road, in accordance with the Department of Transportation's comments and submitted drawing;
 2. That a 150-foot setback be designated on the plat from the high water line of Rapid Creek for any on-site wastewater system;
 3. 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;
 4. That a permanent water line easement and/or shared well agreement easement be dedicated on the plat to address the lot size of proposed Lot B;
 5. That a certificate block be included on the plat for the Contract for Deed holders of the subject property (Leroy N. and Linda I. Weisser) unless the Contract for Deed is complete and Ewings obtain full ownership of the property prior to recording the plat at the Register of Deeds;
 6. That a note be included on the plat indicating that a "Replacement Area for Absorption System" is required to be designated on the site plan for application of a Building Permit on the proposed lots and that this area must be kept free of permanent structures, traffic, or adverse soil modification, in accordance with Section 204-J-3-d of the Zoning Ordinance;
 7. That a dimension for both the width of the right-of-way being dedicated and the width of the overall right-of-way for Forest Road be included on the plat;
 8. That additional right-of-way for Forest Road be dedicated to include 33 feet from the centerline of Forest Road; and,
 9. That the private access easement being dedicated on the plat across Lot A to Lot B be improved with a 16-foot-wide paved driving surface.
- G. LAYOUT PLAT / PL 14-17: Josiah Frink / Pamela Frink. To create Lots A, B, and C of Russ Frink Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: The unplatted part of the N1/2SE1/4 located west of Co. Road 318 and the unplatted balance of S1/2NE1/4 located in Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, and C of Russ Frink Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Davis to approve Layout Plat / PL 14-17 with eight (8) conditions pursuant to Planning staff's recommendation. Vote: Unanimous.

1. That the boundaries of the 100-year floodplain as designated by FEMA be drawn on the plat;
2. That percolation tests be conducted for both proposed Lots B and C and the results be submitted to the Planning Department prior to or along with Minor Plat application or else a Subdivision Regulations Variance be obtained;
3. That Mystic Road be improved to Minor Arterial Road Standards for a Limited Agriculture District, including a 32-foot-wide, six (6) inch gravel driving surface, in accordance with Section 500.5-Table 1 of the Subdivision Regulations, and that engineered road construction plans be provided for these improvements, prior to Minor Plat approval, or a surety or bond be posted for these road improvements, or else a Subdivision Regulations Variance be obtained;
4. That if an easement or right-of-way exists for Castle Peak Road, it be demonstrated on the plat in accordance Local/Collector Road Standards for a Limited Agriculture District, including a 66-foot-wide right-of-way, or if any portion of Castle Peak Road is located on the subject property, an appropriate easement or right-of-way be dedicated, or else a Subdivision Regulations Variance be obtained;
5. That the subject property be rezoned to Limited Agriculture District to allow for the smaller lot sizes prior to recording the plat and that the non-compliant lot size of Lot A be addressed either with approval of a Lot Size Variance, alternatively rezoning this lot to Low Density Residential, or increasing its lot size to 10 acres;
6. 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;
7. 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;
8. That approval of this Layout Plat does not constitute approval of any further applications submitted for the above-described property.

H. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-05: Josiah Frink / Pamela Frink. To rezone 59.6 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 Section 508 of the Pennington County Zoning Ordinance.

The unplatted part of the N1/2SE1/4 located west of Co. Road 318 and the unplatted balance of S1/2NE1/4 located in Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Holloway to approve the first reading of Rezone / RZ 14-05 and Comprehensive Plan Amendment / CA 14-05 pursuant to Planning Commission recommendation. Vote: Unanimous.

I. Consent Agenda Item.

- J. SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN - SEGMENT 3: MOVED by Trautman and seconded by Davis to accept the Spring Creek Watershed and Implementation Project – Segment 3 for submission to the South Dakota Department of Environment and Natural Resources for consideration in the 2015 Project §319 funding year. Vote: Unanimous.

EXECUTIVE SESSION per SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1)

MOVED by Davis and seconded by Buskerud to convene in executive session for personnel matters. Vote: Unanimous. The Board remained in executive session from 12:45 p.m. until 1:40 p.m. MOVED by Davis and seconded by Buskerud 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 August 25, 2014: Total balances of checking/savings accounts, \$28,416,365.64; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$2,571,966.84; Total Prime Value Investment, \$4,397,679.70; Total petty cash, \$11,455.00; Total Cash Items: \$25,387.05; Total long/short, (\$462.01); Total, \$35,432,392.22. Submitted by Lori Wessel, Deputy Auditor.

Personnel

Treasurer: Effective 8/16/2014 – Cora Fried, \$16.12/hr.

Vouchers

AT&T, 1.72; AT&T Mobility, 222.65; BH Power Inc, 2,558.53; BH Power Inc, 484.03; BH Power Inc, 450.67; BH Power Inc, 988.54; CBM Food Service, 5,841.65; Century Link, 310.43; Century Link, 3.54; City Of Box Elder, 293.24; City Of Hill City, 31; City Of Rapid City - Water, 914.84; City Of Rapid City -Water, 2,772.51; City Of Rapid City -Water, 55.09; City Of Wall, 177; First Interstate Bank, 2533.31; Midcontinent Communications, 650.00; Montana Dakota Utilities, 4,546.51; Montana Dakota Utilities, 33.50; Pioneer Bank & Trust, 709.00; Verizon Wireless, 4,287.50; Verizon Wireless, 33.01; Verizon Wireless, 76.13; Verizon Wireless, 67.44; Verizon Wireless, 238.9; Verizon Wireless, 86.02; Verizon Wireless, 414.58; Verizon Wireless, 101.39; Verizon Wireless, 51.38; Wal-Mart Community, 15.92; West River Electric, 121.02; West River Electric, 1195.08; Wex Bank, 267.68; Wow Internet Cable and Phone, 4,011.54; Wow Internet Cable and Phone, 2051.14.

September 2, 2014

Adjourn

MOVED by Davis and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:40 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: September 17, 2014