

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
November 7, 2014**

The Pennington County Board of Commissioners met on Friday, November 7, 2014, in the Commissioners' Meeting Room in the County Administration Building at 130 Kansas City Street, Rapid City, South Dakota. 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 Trautman 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 Holloway to approve Consent Agenda Items 5-10 as presented. Vote: Unanimous.

Consent Agenda

5. Approve the minutes of the regular meeting of October 21, 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 \$126,691.11.
7. Declare surplus two 2004 VXR660 Rhino UTVs for the purpose of trade. The Asset numbers are 5456 and 5455. (Sheriff)
8. Declare surplus fifteen (15) Glock duty weapons for the purpose of trade for new duty weapons. (Sheriff)
9. Declare surplus five (5) M26 TASERs and associated peripheral equipment for donation to interested South Dakota law enforcement agencies. (Sheriff)
10. Approve the Web Accessibility Policy as presented by the IT Director.

End of Consent Agenda

ITEMS FROM HIGHWAY

- A. MOVED by Trautman and seconded by Holloway to approve Resolution 11-07-2014, Jolly Lane Speed Limit and authorize the Chairperson's signature thereto. Vote: Unanimous.

11-07-2014 RESOLUTION
JOLLY LANE SPEED LIMIT

WHEREAS, the Pennington County Board of Commissioners have determined that it would be in the best interest of the residents of Pennington County that the speed zone be established at 35 miles per hour on Jolly Lane between Twilight Drive and South Dakota Highway 44; and

WHEREAS, the Board has the authority to establish such speed zones on County roads pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2;

THEREFORE, BE IT RESOLVED that the speed zone limiting the maximum speed of travel at 35 mph be established on Jolly Lane beginning at the intersection with Twilight Drive, at the NE corner of, Section 9, T1N, R8E, BHM, and ending at the intersection of Jolly Lane and South Dakota Highway 44, along the east line of the NE ¼ SE 1/4, Section 9, T1N, R8E, BHM, for a total distance of 3,133 feet.

Dated this 7th day of November 2014.

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

ITEMS FROM AUDITOR

- A. Canvass Election Results: MOVED by Holloway and seconded by Davis to accept the canvass and declare the results of the November 4, 2014, General Election official and to authorize the Commissioners present to sign the Official Canvass and further moved to authorize payment of all election expenses as listed: Payroll, \$29,701.30; Travel, \$2,134.24; Utilities, \$390.00; Rent, \$840.00 Vote: Unanimous.
- B. General Fund Supplement Hearing SP14-007 – Home Detention Budget: MOVED by Holloway and seconded by Trautman to approve the General Fund Home Detention budget supplement in the amount of \$200,000 from unassigned fund balance. 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 Trautman and seconded by Buskerud to convene in executive session. Vote: Unanimous. The Board remained in executive session from 9:20 a.m. until 10:36 a.m. MOVED by Trautman and seconded by Davis to adjourn from executive session. Vote: Unanimous.

ITEMS FROM 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 A-E as presented. Vote: Unanimous.

- A. SECOND READING OF REZONE / RZ 14-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-07: Harney Mountain, LLC / Jim Scull. To rezone 36.94 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 14-09

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:

A Parcel of land to be rezoned from General Agriculture to Limited Agriculture, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel bears N00°04'50"W and a distance of 329.95 feet from the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, said section corner marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00°04'50"W and a distance of 1,047.70 feet to an intersection with the southerly line of Ida Tin Lode M.S.663; THENCE SECOND COURSE: along said southerly line of M.S. 663 with a bearing of N48°06'40"E and a distance of 1,115.16 feet to corner number three of said M.S. 663 which is coincident with corner 13 of H.E.S. 135 marked with a scribed stone; THENCE THIRD COURSE: along the westerly line of said H.E.S. 135 with a bearing of S16°26'56"E and a distance of 555.18 feet to corner 12 of said H.E.S. 135, marked with a scribed stone; THENCE FOURTH COURSE: continuing along said westerly line of H.E.S. 135 with a bearing of S04°43'23"E and a distance of 805.22 feet to corner 11 of said H.E.S. 135, marked with a standard BLM brass cap; THENCE FIFTH COURSE: continuing along the westerly line of said H.E.S. 135 with a bearing of S00°29'38"W and a distance of 794.30 feet to corner 10 of said H.E.S. 135, marked with a rebar with a USFS aluminum cap, and coincident to an intersection with the section line common to said Section 27 and Section 34; THENCE SIXTH COURSE: along the section line common to said Section 27 and Section 34 with a bearing of N89°37'01"W and a distance of 393.19 feet; THENCE SEVENTH COURSE: along a line with a bearing of N03°02'27"W and a distance of 335.22 feet; THENCE EIGHTH COURSE: along a line with a bearing of S89°57'37"W and a distance of 634.40 feet and the Point of Beginning; Basis of Bearings established by GPS observation. Said Parcel of Land Contains 36.944 acres, more or less.

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

Dated this 7th day of November, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

- B. SECOND READING OF REZONE / RZ 14-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-08: Harney Mountain, LLC / Jim Scull. To rezone 4.906 acres from General Agriculture District and Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public and Planned Unit Development Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 14-10

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:

A Parcel of land to be rezoned from General Agriculture to Low Density Residential, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel being common with the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00°04'50"W and a distance of 329.95 feet; THENCE SECOND COURSE: along line with a bearing of N89°57'37"E and a distance of 634.40 feet; THENCE THIRD COURSE: along a line with a bearing of S03°02'27"E and a distance of 335.22 feet to an intersection with the section line common to said Section 27 and Section 34; THENCE FOURTH COURSE: along said section line a bearing of N89°37'01"W and a distance of 651.73 feet to the Point of Beginning. Basis of Bearings established by GPS observation. Said Parcel of Land Contains 4.906 acres, more or less.

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

Dated this 7th day of November, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie Pearson, Pennington County Auditor

- C. 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.

Continue the review of Planned Unit Development / PU 06-07 to the January 20, 2015, Board of Commissioners' meeting.

- D. MINOR PLAT / PL 14-28 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-13: Josiah Frink / Pamela A. Frink (Life Estate); Davis Engineering – Agent. To create Lots A, B, and C of Russ Frink Addition and to waive platting requirements in accordance with Section 400.3 and 700.1 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.

Approve Subdivision Regulations Variance / SV 14-17 to waive submittal of percolation test and soil profile hole information; to waive required road improvements and engineered road construction plans for Mystic Road; waive submittal of the scale of the plat to be no greater than one (1) inch equals 100 feet; and, waive submittal of topographical information at five (5) foot contour intervals; and also approve Minor Plat / PL 14-28 with no conditions.

- E. PLANNED UNIT DEVELOPMENT REVIEW / PU 05-09: Richard Sterkel. To review an existing Planned Unit Development in accordance with Sections 213 and 508 of the Pennington County Zoning Ordinance.

Lots 1, 2, and 3 of Morrison Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Approve the extension of Planned Unit Development / PU 05-09 with the following fourteen (14) conditions:

1. That the Planned Unit Development consists of three (3) residential lots;
2. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That no off-premise signs be allowed within the Planned Unit Development;
4. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
5. That the required minimum setbacks for all structures be the same as allowed in a Suburban Residential District;
6. That all single-family residences will be stick-built and accessory structures complement and area compatible with the single family residence;
7. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
8. That prior to any Building Permits being issued to the property, the applicant will submit a septic system designed and signed by a professional engineer for review and approval by the Pennington County Environmental Planner;
9. That if any of the lots cannot support a conventional septic system, that a unconventional septic system, designed by a professional engineer, will need to be submitted and approved by the South Dakota Department of Environment and Natural Resources (DENR);
10. That as soon as a public sewer system is within 400 feet of the Planned Unit Development, or any residence within the Planned Unit Development the residences, existing or proposed must connect to the public sewer system;
11. That all natural drainage, irrigation ditches and laterals must be maintained. Any changes must be done by a professional engineer and reviewed and approved by the Pennington County Drainage Engineer;
12. That any disturbance within the Floodway and/or 100-year floodplain will require that an approved Floodplain Development Permit be obtained;
13. That approval is obtained through the City of Rapid City for the on-site wastewater system, prior to applying for a Building Permit; and,
14. That this Planned Unit Development be reviewed in two (2) years or as deemed necessary by either the Planning Commission, Board of Commissioners, or upon a complaint basis.

End of Consent Agenda

PLANNING & ZONING REGULAR AGENDA ITEMS

- F. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 14-03: Neil Tschetter; Fisk Land Surveying - Agent. To vacate the Section Line Right-of-Way located in Lots 8, 9, 10, 11, 19 and 20 of Berry Development and Lot 1 of Black Berry Development.

Section Line Right-of-Way situated in that part of Lots 8, 9, 10, 11, 19 and 20 of Berry Development in Section 15 and Lot 1 of Black Berry Development, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Holloway to approve Vacation of Section Line Right-of-Way / VS 14-03 with two conditions: 1) That if facilities are found to exist including and/or contrary to Black Hills Corporation's mapping, an easement is established for those facilities. The applicants shall record a utility easement within 90 days of notice from Pennington County and/or Black Hills Corporation; and, 2) That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deed's Office. Vote: Unanimous.

- G. SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – ADVISORY GROUP / STAFF RECOMMENDATIONS: Recommendations were presented today and action will be taken during the Board of Commissioners' meeting to be held November 18, 2014.

Personnel

Highway Department: Effective 10/27/2014 – D. Jones, \$16.51/hr.; Effective 11/3/2014 – G. Vernon, \$16.51/hr.

Payroll

Commissioners, 10,945.11; Human Resources, 7,602.04; Elections, 19,980.23; Auditor - liens, 3,625.21; Auditor, 14,992.35; Treasurer, 48,501.08; Data Processing - General, 49,094.03; State's Attorney, 153,368.46; Public Defender, 109,219.13; Juvenile Diversion, 7,777.27; Victim's Assistance, 555.23; Buildings & Grounds, 102,530.45; Equalization, 68,418.63; Register of Deeds, 23,574.72; Sheriff, 326,879.52; Service Station, 8,760.19; HIDTA Grant, 8,275.07; Jail, 449,998.65; Jail Work Program, 3,289.60; Coroner, 455.60; Hill City Law, 12,006.11; Keystone Law, 5,226.96; New Underwood – Law, 4,148.33; School Liaison, 16,918.39; Wall Law, 10,423.75; JSC Juvenile Alternative, 8,228.22; CCADP, 140,003.31; Adams House, 47,494.42; Economic Assistance, 55,373.59; Mental & Alcohol-SAO, 7,939.73; Mental & Alcohol-HHS, 3,835.79; Extension, 2,707.20; Weed & Pest, 9,883.79; Mountain Pine Beetle, 7,107.69; Planning and Zoning, 17,781.20; Water Protection, 5,555.21; Ordinance, 3,456.00; Juvenile Services Center, 170,336.77; Highway, 166,111.29; Drug Seizure, 2,045.11; Fire Administration, 6,780.91; Dispatch, 157,079.32; Emergency Management, 5,566.76; 24-7 Program, 19,727.89.

Vouchers

Amerigas, 165.68; At&T, 3.45; At&T Mobility, 220.81; Avera Health Plans, 606.68; BH Power Inc, 44,370.99; BH Power Inc, 312.45; BH Power Inc, 332.93; BH Power Inc, 3,936.58; BH Power Inc, 745.24; CBM Food Service, 5,353.81; CBM Food Service, 2,255.38; CBM Food Service, 2,903.84; Century Link, 119.94; Century Link, 191.02; Century Link, 3.55; City Of Box Elder, 160.02; City Of Hill City, 20.15; City Of Rapid City -Water, 17,511.35; City Of Rapid City -Water, 1,718.21; City Of Rapid City -Water, 348.75; City Of Wall, 139.00; Executive Mgmt Fin Office, 21.00; First Interstate Bank, 7,117.81; First Interstate Bank, 259.73; First Western Insurance, 3,257.00; Medical Waste Transport Inc, 438.73; Midcontinent

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Communications, 650.00; Montana Dakota Utilities, 5,509.28; Montana Dakota Utilities, 262.83; Office Depot Credit Plan, 19.99; Orbitcom Inc, 47.93; Pioneer Bank & Trust, 11,532.48; Rainbow Gas Company, 424.31; RR Waste Solutions, 58.64; Verizon Wireless, 395.86; Verizon Wireless, 4,570.72; Verizon Wireless, 287.87; Verizon Wireless, 80.23; Verizon Wireless, 101.39; Verizon Wireless, 1,078.43; West River Electric, 249.35; Wex Bank, 3,033.22; WOW Internet Cable And Phone, 114.16; WOW Internet Cable And Phone, 2,955.43; WOW Internet Cable And Phone, 2,804.89.

Adjourn

MOVED by Buskerud and seconded by Davis to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:09 a.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: November 19, 2014