

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
May 5, 2015**

The Pennington County Board of Commissioners met on Tuesday, May 5, 2015, in the Commission Chambers 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: George Ferebee, Deb Hadcock and Nancy Trautman. Commissioner Buskerud was not in attendance.

Recognition of Designation as Certified Emergency Manager – Dustin Willett
Recognition of National Corrections Week: May 3, 2015 – May 9, 2015

APPROVAL OF THE AGENDA

MOVED by Trautman and seconded by Hadcock 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 Hadcock and seconded by Trautman to approve Consent Agenda Items 7-14 as presented with 15-17 removed for separate consideration. Vote: Unanimous.

7. Approve the minutes of the regular April 21, 2015, Board of Commissioners' meeting.
8. 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 \$391,263.70.
9. Mesa View Road District: Set the election for June 18, 2015, at 7 p.m. at the Rapid Valley United Methodist Church for the determination of the organizational question of the Mesa View Estates Road District. The legal description is Lots 1-29 Inclusive and Reservoir Lot of Block 1; Lot 1, Lots 3-12 Inclusive and Well Lot of Block 2 of Mesa View Estates, BHM, Pennington County SD. And further order that if the question for organization passes then an election for the first board of trustees be held immediately following the election.
10. Earth Drive Road District: Acknowledge the Order of Organization and Incorporation for the Earth Drive Road District effective for tax year 2015 and after with the following legal description: Lot 7 of Block 1 and Lot 16, Lot A & Lot B of Lot 17 Of Block 2 of Eastern Acres Subdivision BHM, Pennington County, SD.
11. General Fund Budget Supplement SP15-002: Schedule a hearing at 9:15 a.m. on Tuesday, May 19, 2015, to supplement the General Fund Mountain Pine Beetle budget in the amount of \$210,213 from unassigned fund balance (\$59,713) and non-budgeted current year revenues (\$150,500)

12. General Fund Budget Supplement (SP15-003): Schedule a hearing at 9:15 a.m. on Tuesday, May 19, 2015, to supplement the General Fund Sheriff budget in the amount of \$98,823.59 from non-budgeted current year revenues.
13. Declare a 2007 Buick LaCrosse, Capital Asset #5811, surplus to be utilized as trade for a 2012 Chevy Traverse. (Sheriff's Office)
14. Authorize the Sheriff's Office to purchase a 2012 Chevy Traverse from Rapid Chevrolet for a total of \$13,500 including the trade for the Buick LaCrosse. (Sheriff's Office)

Removed for Separate Consideration

15. MOVED by Trautman and seconded by Hadcock to approve the Highway Superintendent's signature on the Permit to Occupy Right-of-Way for the Rapid City Senior Games Cycling Race to take place on June 3, 2015. Vote: Unanimous.
16. MOVED by Trautman and seconded by Ferebee to deny the Permit to Occupy Right-of-Way for Bicycle Race Time Trials on Lower Spring Creek Road, Tuesday nights from 7 p.m. to 8 p.m. from May 12, 2015, through August 25, 2015. The motion carried 3-1 with Hadcock opposing.
17. MOVED by Trautman and seconded by Ferebee to continue the Permit to Occupy Right-of-Way for a bicycle ride & race on 161st Avenue until May 19, 2015. Vote: Unanimous.

End of Consent Agenda

ITEMS FROM AUDITOR

- A. PUBLIC HEARING FOR TRANSFER OF RETAIL (ON-SALE) LIQUOR LICENSE – SHIPWRECK LEES: MOVED by Ferebee and seconded by Hadcock to approve the transfer of the Retail (On-Sale) Liquor License with Sunday Sales from Shipwreck Lee's Saloon & Casino, Calvin Lee Havorka and Sharon Rose, to Shipwreck Lee's Bar & Grill, MRH Services LLC. Vote: Unanimous.
- B. BUDGET SUPPLEMENT HEARING SP15-001: MOVED by Hadcock and seconded by Trautman to approve the General Fund supplement to the CCADP budget in the amount of \$133,000 from unassigned fund balance. Vote: Unanimous.
- C. AUDITOR'S REQUEST TO WRITE-OFF INDIGENT LIENS: MOVED by Hadcock and seconded by Ferebee to authorize the Auditor's Office to file with the Register of Deeds the Order to Discharge Indigent Liens for ML, TB, NMW, WA, TBE and RKC (Names withheld from publication per SDCL 28-13-42). Vote: Unanimous.

ITEMS FROM STATE'S ATTORNEY

- A. AGREEMENT FOR COOPERATIVE LAW ENFORCEMENT AND CROSS DEPUTIZATION FOR THE AREA KNOWN AS PE SLA: A motion by Ferebee to postpone this item to a future Commission meeting to address law enforcement concerns died for lack of a second.

MOVED by Hadcock and seconded by Petersen to approve the Agreement for Cooperative Law Enforcement and Cross Deputization for the Area Known as Pe Sla and further moved to authorize the Chairperson's signature. The motion carried 3-1 on a roll call vote: Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

- B. AGREEMENT FOR CONSTRUCTION AND MAINTENANCE OF COUNTY RIGHT-OF-WAY ROADS WITHIN THE AREA KNOWN AS PE SLA AND FOR PEST CONTROL, INCLUDING BARK BEETLES, AND CONTROL OF INVASIVE SPECIES: MOVED by Trautman and seconded by Hadcock to approve the Agreement for Construction and Maintenance of County Right-of-Way Roads Within the Area Known as Pe Sla and for Pest Control, Including Bark Beetles, and Control of Invasive Species and further moved to authorize the Chairperson’s signature. The motion carried 3-1 on a roll call vote: Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

ITEMS FROM FIRE ADMINISTRATOR

- A. WILDFIRE AWARENESS MONTH RESOLUTION: MOVED by Ferebee and seconded by Hadcock to adopt the Resolution declaring May Wildfire Awareness Month in Pennington County. Vote: Unanimous.

**PENNINGTON COUNTY COMMISSION RESOLUTION
SUPPORTING WILDFIRE AWARENESS MONTH**

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; and,

Whereas, wildfires threaten the environmental, economic, and social well-being of Pennington County residents while challenging firefighter’s efforts to protect life and property; and,

Whereas, the Commissioners of Pennington County have determined that in the interest of public health and safety; and,

Whereas, wildfire suppression costs represent only a small portion of overall economic impacts and do not reflect the total cost of catastrophic fires; and,

Whereas, residents have the responsibility to recognize the high risk of wildfire and institute safe and early evacuation plans, increase their home’s resistance to wildfire, and create fire adapted communities to increase the safety and survivability of the public and emergency personnel; and,

Whereas, Wildfire Awareness Month is an important opportunity for Pennington County residents and all South Dakota’s communities and fire service agencies to reduce the risk of wildfire, increase firefighter safety, and enhance public safety and understanding involvement in the fire ecosystem through education on fire safety, preparation, and prevention;

Now, Therefore be it Resolved that Pennington County supports the month of May 2015 as South Dakota Wildfire Awareness Month; and

Therefore be it Further Resolved that the theme for this year, “Do Your Part Before Wildfires Start” is a call for the residents of Pennington County to educate themselves and to take action

to reduce the wildfire threat to their homes and help their community move toward becoming a fire adapted community.

Duly passed and adopted at a regular meeting of the Pennington County Commission on the 5TH day of May 2015.

PENNINGTON COUNTY COMMISSION:

/s/ Lyndell Petersen, Chairperson

ATTEST: (Seal)

/s/ Julie A. Pearson, Auditor

ITEMS FROM HIGHWAY DEPARTMENT

- A. NORTH ROCHFORD ROAD PROJECT UPDATE – INFORMATION ITEM
- B. WHEEL TAX DISCUSSION – SENATE BILL 1

ITEMS FROM HUMAN RESOURCES

- A. PROPOSED STAFFING STUDY – COMMISSIONER BUSKERUD: MOVED by Trautman and seconded by Hadcock to authorize the Chairperson’s signature on the Memorandum of Agreement for a Staffing Study to be completed by Condrey & Associates at the fixed fee of \$14,000 plus travel expenses not to exceed \$4,000, to be paid using a method that charges each department on a per employee basis. The motion carried 3-1 with Ferebee opposing.

ITEMS FROM COMMISSION OFFICE MANAGER

- A. REQUEST FOR COUNTY SUPPORT OF SOUTH DAKOTA FREIGHT CAPACITY EXPANSION PROJECT – JERRY VEST, SENIOR VP, GENESEE & WYOMING RAILROAD SERVICES, INC: MOVED by Ferebee and seconded by Hadcock to continue to the May 19, 2015, Board of Commissioners’ meeting. Vote: Unanimous.
- B. PROPOSED POLICY/PROCEDURE – TOWNSHIP ROAD SPEED LIMIT COUNTY NOTIFICATION PROCEDURE. MOVED by Trautman and seconded by Hadcock to approve the Pennington County Policy/Procedure: SDCL 32-25-9.2 Township Road Speed Limit County Notification Procedure, and authorize the Chairperson’s signature. Vote: Unanimous.
- C. LEGISLATIVE SUMMER STUDY – A REVIEW OF THE FUNCTIONS OF COUNTY GOVERNMENT

MOVED by Trautman and seconded by Hadcock to take a brief recess. Vote: Unanimous.

BOARD OF ADJUSTMENT

MOVED by Trautman and seconded by Ferebee to convene as the Board of Adjustment. Vote: Unanimous.

MOVED by Hadcock and seconded by Trautman to continue Items A, B, and C to the May 19, 2015, Board of Commissioners’ meeting. Vote: Unanimous.

- A. VARIANCE / VA 15-11: JMF Properties, LLC; Jeff Howe – Agent. To reduce the minimum required lot size from 40 acres to 15.466 acres and 16.201 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot 2, Tramway Subdivision, Section 8, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2A and Lot 2B of Lot 2, Tramway Subdivision, Section 8, T2S, R6E, BHM, Pennington County, South Dakota

- B. VARIANCE / VA 15-12: John and Kim Glodt. To reduce the minimum required front yard setback on the southern property line from 25 feet to 0 feet in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Lot 1R, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota.

- C. VARIANCE / VA 15-13: Greg and Cynthia Andrew; Fisk Land Surveying – Agent. To reduce the minimum required lot size from 3 acres to 1.67 acres and 1.80 acres in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot 6, Block 2, Rolling Hills Estates, Section 10, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 6A and 6B, Block 2, Rolling Hills Estates, Section 10, T1N, R6E, BHM, Pennington County, South Dakota.

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

PLANNING AND ZONING CONSENT AGENDA ITEMS

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 Hadcock and seconded by Trautman to approve Consent Agenda Items D-H as presented. Vote: Unanimous.

- D. SECOND READING OF REZONE / RZ 15-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-04: Victor Fuhrmann. To rezone 0.69 acre from Highway Service District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Highway Service District to

General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 2 of Tract B, Gillespie Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

ORDINANCE NO. RZ 15-04

AN ORDINANCE AMENDING SECTION 508 OF THE PENNINGTON COUNTY ZONING ORDINANCE, REZONING THE WITHIN DESCRIBED PROPERTY:

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY COMMISSION THAT THE PENNINGTON COUNTY ZONING ORDINANCE BE AND HEREBY IS AMENDED BY AMENDING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY:

Lot 2 of Tract B, Gillespie Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from Highway Service District to General Commercial District.

Dated this 5th day of May, 2015.

PENNINGTON COUNTY COMMISSION
/s/ Lyndell Petersen, Chairperson

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

- E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-02: Mitch Morris. To rezone 151.36 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 151.36 acres of land located in the E1/2 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 151.36 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the southwest corner of Lot 1 of the SW1/4 SE1/4 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, on the south line of Section 32 at the intersection of the east right-of-way line of South Dakota Highway 79; Thence, North 06°32'53" West, along the west line of said Lot 1 of the SW1/4 SE1/4 of Section 32 and east right-of-way line of SD Highway 79, a distance of 4310.98 feet to a point on the easterly line of Lot A of the

NW1/4 NE1/4 of Section 32 as shown on plat recorded in Highway Plat Book 9, Page 93, in the office of the Pennington County Register of Deeds, in a curve from which the center of curvature bears North 48°17'34" West a distance of 103.00 feet; Thence, southwesterly, following the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the right having a radius of 103.00 feet, a central angle of 35°53', for an arc distance of 64.51 feet to a point of tangency; Thence, South 77°35'27" West, continuing to follow the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 4.12 feet to a point for corner on the east right-of-way line of SD Highway 79, in a curve from which the center of curvature bears South 73°13'38" West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of 00°29'02", for an arc length of 33.11 feet to point for corner on the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32; Thence, North 77°35'27" East, following the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 6.78 feet to a point of curvature; Thence, northeasterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 70.00 feet, a central angle of 84°05'03", for an arc length of 102.73 feet to a point of tangency; Thence, North 06°29'36" West, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 606.16 feet to a point of curvature; Thence, northwesterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 1432.39 feet, a central angle of 05°45'52", for an arc length of 144.11 feet to point for corner on the west line of the E1/2 of Section 32; Thence, North 00°01'24" East, along the west line of the E1/2 of Section 32, a distance of 206.71 feet to the northwest corner of the E1/2 of Section 32; Thence, South 89°48'35" East, along the north line of the E1/2 of Section 32, a distance of 2656.84 feet to the northeast corner of Section 32; Thence, South 00°04'45" West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North 89°48'35" West, parallel to and 500 feet distant from the north line of the E1/2 of Section 32, a distance of 1514.54 feet to a point for corner; Thence, South 06°22'35" East, a distance of 4844.00 feet to a point for corner on the south line of the E1/2 of Section 32; Thence, North 89°36'35" West, along the south line of the E1/2 of Section 32, a distance of 1088.72 feet to the POINT OF BEGINNING and containing 151.36 acres, more or less, of land.

Continue the first reading of Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the May 19, 2015, Board of Commissioners' meeting.

- F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-03: Mitch Morris. To rezone 424.42 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4; NE1/4SW1/4; NW1/4SW1/4; NW1/4SE1/4; SW1/4SW1/4, SW1/4SE1/4; SE1/4 SE1/4; NE1/4SE1/4; SE1/4NE1/4 in Section 33 and Lot 2 of the

SW1/4NW1/4 and Lot 2 of the W1/2SW1/4 in Section 34, all located in T1N, R8E, BHM, Pennington County, South Dakota.

Continue the first reading of Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03 to the May 19, 2015, Board of Commissioners' meeting.

- G. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 15-01: High Country Guest Ranch; John Majchrzak – Agent. To amend the existing High Country Guest Ranch PUD to reduce the setback from 25 feet to 5 feet to allow for any future structure(s) and to allow for more atvs rentals in accordance with Section 213-E-1 of the Pennington County Zoning Ordinance.

Lot 10, Lot 12, and Lot A in High Country Ranch Subdivision and Tract A Less Highway Country Ranch Subdivision and Less Right-of-Way, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

Approve the first reading of Major Planned Unit Development Amendment / PUD 15-01 with the following twenty-nine (29) conditions.

1. That the permitted uses allowed on Tract A less High Country Ranch Subdivision and less Right-of-Way, Ray Smith Placer MS 995 not exceed six (6) vacation cabins, an eight (8) bedroom bunkhouse, eight (8) campsites, 160 parking spaces, band shell, concession and merchandise building, restroom facility, wood shed and community wastewater disposal system area for the uses on site and lodge;
2. That the retail space in the lodge be limited to 750 square feet, a kitchen for those using the lodge and dining area, guest registration area, and administrative offices are also permitted within the lodge and shall not be included in the 750 square feet of retail space;
3. That the permitted uses allowed on Lot 12 be offices (which shall include guest registration), laundry, outdoor movie screen, commercial trail ride operations, a shop and maintenance building and a commercial kitchen and dining facility;
4. That the permitted uses for proposed Lots 17-20 be for private single-family residences or nightly/weekly rentals;
5. That the permitted uses on Lot 13 include up to a twenty (20) unit lodge not to exceed 21,000 square feet with a commercial kitchen and dining area be used only by those renting the lodge, swimming pool, meeting rooms, bike rentals, and a maximum of twelve (12) guest stables;
6. That prior to any construction work within the 100-year floodplain, a Floodplain Development Permit be obtained;
7. That that if any disturbance would occur on the property that is greater than 10,000 square feet, a Construction Permit be required. The Construction Permit will require erosion control measures to prevent sediment from leaving the site and entering into Newton Fork Creek;
8. The minimum required front setback for Lots 1-9 shall be 20 feet and the minimum side yard setback for Lot 9 shall be 10 feet along the east side with the exception of Lot 3;

9. That the setbacks for Lot 3 be 14 feet for the rear-yard and 23 feet for the side-yard for the existing deck;
10. That all perimeter setbacks for Lot 10 and Lot 12 of High Country Ranch Subdivision be at least five (5) feet; with exception of the existing barn/office to be zero (0) feet; shed (Lot 12), gift shop (Lot 12), and the stable (Lot 12) to be zero (0) feet;
11. That perimeter setbacks for Tract A less High Country Ranch Subdivision and less Right-of-Way of Ray Smith Placer MS 995 be at least five (5) feet on the front yard, rear yard, and west side yard and at least twenty-five (25) feet on the east side yard abutting Lot 15 of High Country Ranch Subdivision; with exception of the wood shed and chapel (Tract A) to be zero (0) feet;
12. The minimum required setbacks for Lots 14, 15 and 17, the residential/vacation cabins sites, shall be a 15 foot front, 25 foot side yard and rear yard;
13. The minimum required setback for Lot 16 be twenty (20) foot front, twenty (25) feet from the north and east property line, and eighteen (18) feet from the west property line;
14. That all residential or resort structures located on Lots 1-9 not exceed 32 feet by 36 feet;
15. That quiet hours be 10:00 p.m. for the concert area;
16. That the maximum size of the outdoor movie screen be 20 feet by 20 feet;
17. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
18. That Ray Smith Drive be maintained in a dust free manner;
19. That any open fires have a permit from South Dakota Wildland Fire;
20. That a second means of ingress/egress be provided;
21. That traffic control, such as (flaggers) on Deerfield Road be provided at the end of each concert;
22. That the ATV rentals not exceed ten (10) vehicles;
23. That all rental ATVs leaving the Planned Unit Development not exceed ten (10) miles per hour on the first 4/10 of a mile of Battle Ax Road off Deerfield Road;
24. That all ground disturbed areas (other than road surface) be seeded with an approved native seed mix in accordance with the U.S. Forest Service;
25. That all traffic for the concert venue be directed / limited to Ray Smith Drive;
26. That an additional sign be allowed on the sign lot to allow a maximum of three signs;
27. That the comments provided by the U.S. Forest Service be adhered to at all times;
28. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Major Planned Unit Development Amendment #15-01, which is available at the Planning Office; and,
29. That this Planned Unit Development shall be reviewed in two (2) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to determine that all conditions are being met.

H. MINOR PLAT / PL 15-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-04: JMF Properties; Jeff Howe – Agent. To create Lot 2A and Lot 2B of Lot 2 of Tramway 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, Tramway Subdivision, Section 8, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2A and Lot 2B of Lot 2, Tramway Subdivision, Section 8, T2S, R6E, BHM, Pennington County, South Dakota.

Sustain the Planning Commission recommendation for Subdivision Regulations / SV 15-04 to waive submittal of Section Line Right-of-Way improvements in accordance with Subdivision Regulation 500.5(4)(a); to waive submittal of an on-site wastewater treatment system preliminary evaluation in accordance with Subdivision Regulation 500.10; and to waive location of utilities in accordance with Subdivision Regulation 500.12(1); and approval of Minor Plat / PL 15-06 with two (2) conditions.

1. That prior to filing the Plat with the Register of Deeds, Proposed Lot 2A and Proposed Lot 2B of Tramway Subdivision are either Rezoned or Lot Size Variances are obtained; and,
2. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-06 and Subdivision Regulations Variance / SV 15-04, which is available at the Planning Office.

End of Consent Agenda

REGULAR PLANNING & ZONING ITEMS

- I. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-05 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-05: Krebs Partnership / Donald Krebs. To rezone 0.65 acre from Suburban Residential District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to General Commercial District in accordance in accordance with Section 508 of the Pennington County Zoning Ordinance.

The South 75 feet of Lot J of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to deny, without prejudice, Rezone / RZ 15-05 and Comprehensive Plan Amendment / CA 15-05. Vote: Unanimous.

MOVED by Hadcock and seconded by Trautman to waive submittal fees for the Conditional Use Permit and Variance applications. Vote: Unanimous.

- J. VACATION OF EASEMENT / VE 15-01: Brandon and Lindsey Noble. To vacate a sixty (60) foot Forest Service Access Easement on Lot 67, Block 1 of Canyon Springs Preserve in accordance with the Pennington County Zoning Ordinance.

Lot 67, Block 1, Canyon Springs Preserve, Section 22, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Vacation of Easement / VE 15-01 with five (5) conditions. The motion carried 3-1 with Ferebee opposing.

1. That the resolution for the Vacation of Forest Service Access Easement for Lot 67 of Canyon Springs Preserve be filed at the Register of Deeds;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
3. That a residential fire sprinkler system is approved by the Doty Fire Chief and installed in any single-family residence constructed or placed on the property;
4. That the comments provided by the U.S. Forest Service be adhered to at all times; and,
5. That the applicant signs the Statement of Understanding within seven (7) business days of approval for Vacation of Easement #15-01, which is available at the Planning Office.

K. APPEAL OF CONDITIONAL USE PERMIT 15-04: Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick – Agent. To allow for a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to affirm the Planning Commission's approval of Conditional Use Permit / CU 15-04 with sixteen (16) conditions. Vote: Unanimous.

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people;
2. That the applicant provide a landline in case of an emergency;
3. That if any additions to the structure and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
4. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;
5. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operating of the Vacation Home Rental;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That the minimum of two (2) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel,

- concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That an interior information sign be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operating of the residence as a VHR;
 9. That the lot address be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;
 10. That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;
 11. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
 12. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
 13. That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
 14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
 15. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-04, which is available at the Planning Office; and,
 16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

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 Hadcock to convene in executive session for personnel matters. Vote: Unanimous. The Board remained in executive session from 12:55 p.m. until 1:49 p.m. MOVED by Trautman and seconded by Ferebee to adjourn from executive session. Vote: Unanimous.

MOVED by Hadcock and seconded by Trautman to make an exception to the wage policy and change the pay of Rich Schuttler from Grade 17 Step 10, to Grade 17 Step 12. Vote: Unanimous.

PAYROLL

Commissioners, 13,963.78; Human Resources, 5,028.30; Elections, 14,203.52; Auditor - liens, 3,920.00; Auditor, 17,103.84; Treasurer, 49,787.58; IT, 50,458.27; State's Attorney, 145,329.41; Public Defender, 124,074.93; VAWA Grant, 23,341.55; Juvenile Diversion, 11,565.88; VOCA, 5,645.36; Buildings & Grounds, 112,572.54; Equalization, 75,190.06; Register of Deeds, 24,632.85; Sheriff, 352,611.05; Service Station, 10,750.94; HIDTA Grant, 8,242.73; Jail, 522,474.26; Jail Work Program, 4,753.44; Jail Medical, 10,400.00; Coroner, 462.01; Hill City

Law, 12,448.65; Keystone Law, 5,047.38; New Underwood – Law, 4,570.06; School Liaison, 16,495.30; Wall Law, 12,163.97; JSC Juvenile Alternative, 7,908.62; CCADP, 125,747.75; Adams House, 38,572.83; Economic Assistance, 59,405.01; Mental & Alcohol-SAO, 8,163.60; Mental & Alcohol-HHS, 3,938.06; Extension, 2,779.23; Weed & Pest, 11,261.64; Mountain Pine Beetle, 4,848.00; Planning and Zoning, 19,877.96; Water Protection, 5,864.00; Ordinance, 3,548.80; Juvenile Services Center, 173,264.54; Road & Bridge, 174,479.33; Fire Administration, 6,966.49; Dispatch, 147,954.09; Emergency Management, 5,709.83; 24-7 Program, 22,209.44.

PERSONNEL

Emergency Services Communications Center: Effective 5/1/2015 at \$16.74/hr. – R. Burgos, P. Holmgren, R. Kopriva, J. Reichert and R. Schneider; Effective 4/19/2015 – B. Torres at \$21.35/hr.
Public Defender: Effective 5/11/2015 – B. Thompson at \$11.88/hr.
Weed & Pest: Effective 4/20/2015 – D. Hensley at \$14.30/hr.; S. Jaure at \$13.61/hr.; B. Bailey at \$13.27/hr.

VOUCHERS

AT&T Mobility, \$255.28; BH Electric Cooperative Inc, \$330.00; BH Power Inc, \$55,032.56; BH Power Inc, \$332.35; BH Power Inc, \$417.27; CBM Food Service, \$4,341.37; CBM Food Service, \$3,034.96; Century Link, \$311.53; Century Link, \$3.59; City Of Box Elder, \$10.30; City Of Hill City, \$48.05; City Of Rapid City -Water, \$11,906.74; City Of Rapid City -Water, \$2,022.58; City Of Wall, \$178.00; Executive Mgmt Fin Office, \$24.00; First Interstate Bank, \$5,865.22; Montana Dakota Utilities, \$704.73; Montana Dakota Utilities, \$1,730.12; Rainbow Gas Company, \$5,683.90; Reliance Telephone Inc, \$4.48; Sun Life Financial, \$23,545.40; Vast Broadband, \$529.60; Vast Broadband, \$3,792.27; Verizon Wireless, \$4,212.07; Verizon Wireless, \$1,213.33; Wellmark, \$262,506.51; West River Electric, \$210.96; West River Electric, \$2,364.34; WEX Bank, \$652.19.

ADJOURN

MOVED by Trautman and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:50 p.m.

Julie A. Pearson, Auditor
Published once at a cost of ____.
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