

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS' MINUTES  
June 2, 2015**

The Pennington County Board of Commissioners met on Tuesday, June 2, 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: Ron Buskerud, George Ferebee, Deb Hadcock and Nancy Trautman.

**APPROVAL OF THE AGENDA**

MOVED by Trautman 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 Hadcock and seconded by Ferebee to approve Consent Agenda Items 6-9 as presented with Item 5 removed for separate consideration. Vote: Unanimous.

5. Removed for separate consideration.
6. Acknowledge the notice of intent to conduct a raffle as submitted by the Silver City Volunteer Fire Department.
7. Stekl Road District: Acknowledge the Order of Organization and Incorporation for the Stekl Road District effective for tax year 2015 and after.

**ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE STEKL ROAD DISTRICT  
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, an election was petitioned to determine if the Stekl Road District should be formed

AND WHEREAS, said election was held on May 18, 2015 and the results were a majority in favor of forming the Stekl Road District.

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Stekl Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2015 pay 2016 tax year and after.

BE IT FURTHER ORDERED that the Stekl Road District legal description is: LOTS

8-14 INCLUSIVE AND LOTS A, B, & C OF LOT 15 OF STEKL SUBDIVISION AND LOT A & B OF LOT 4 OF SE1/4NE1/4, LOT A & B OF LOT 6 OF SE1/4NE1/4, LOT A & B OF LOT 8 OF SE1/4NE1/4, LOT A & B OF LOT 9 OF SE1/4NE1/4, LOT A & B OF LOT 10 OF SE1/4NE1/4, LOT A & B O, BHM Pennington County, SD.

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

Date: June 2, 2015

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

8. Coyote Flat Road District Annexation: Acknowledge the annexation of property described as LOT 20, LOT 21, LOT 24, LOT 25, THAT PART OF LOT 26 LYING NORTH OF COYOTE FLATS ROAD, AND LOT 27 OF KIEFFER RANCH ESTATES to the Coyote Flats Road District effective for the 2015 tax year and after.
9. Approve the Adopt-A-Highway Program application for the Lone Rangers 4-H Club to take responsibility for cleaning a portion of 160<sup>th</sup> Avenue.

Removed for Separate Consideration

5. MOVED by Buskerud and seconded by Hadcock to 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 \$433,725.27. Vote: Unanimous.

End of Consent Agenda

APPROVAL OF MINUTES OF MAY 19, 2015, MEETING

Correction to Item 9: MOVED by Hadcock and seconded by Buskerud approve the minutes of the May 19, 2015, Board of Commissioners meeting with the following corrections to legal descriptions for Item 9 and Item 12. Vote: Unanimous.

Correction to Item 9: To set the election for the question of forming the North Hazel Road District for June 8, 2015, at 6 p.m. at the home of Jake & Julie Schad. The legal description is Lots 1-10 inclusive and Lot 13R of Loveland Canyon Estates Subdivision, BHM, Pennington County SD, and further ordered that if the question for organization passes, then an election for the first board of trustees will be held immediately following the election.

Correction to Item 12: To accept the results of the election to de-annex the following legal description of Lots 1-10 inclusive and Lot 12 & Lot 13R of Loveland Canyon Estates Subdivision, BHM, Pennington County, SD, effective with the 2015 tax year.

**EXECUTIVE SESSION per SDCL 1-25-2**

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

MOVED by Hadcock and seconded by Trautman to convene in executive session. Vote: Unanimous. The Board remained in executive session from 9:10 a.m. until 9:25 a.m. MOVED by Trautman and seconded by Hadcock to adjourn from executive session. Vote: Unanimous.

MOVED by Buskerud and seconded by Hadcock that the future use of any building on the Pennington County Campus is the responsibility of the Pennington County Board of Commissioners and the Building Committee and, therefore, any use that is being suggested by the State of South Dakota or any other agency will be run through the Building Committee prior to anything being done. It was further moved that the State be notified of Pennington County's position. Vote: Unanimous.

**SAFETY AND JUSTICE CHALLENGE GRANT AWARD – MACARTHUR FOUNDATION:** MOVED by Buskerud and seconded by Hadcock to authorize the Chairperson's signature on the acknowledgement and acceptance of the MacArthur Foundation Safety and Justice Challenge Grant. Vote: Unanimous.

**HIGH CREEK LEVELS/FLOODED ROADWAYS/RECORD WATER FLOW UPDATE – EMERGENCY MANAGEMENT DIRECTOR DUSTIN WILLET:** MOVED by Buskerud and seconded by Hadcock that the Highway Department take a look at the flooding in the Spring Creek /Palmer Gulch area and what can be done to resolve the problem. MOVED by Ferebee and seconded by Buskerud to amend motion by adding that the U.S. Corps of Engineers be actively involved. Vote on amendment: Unanimous. Vote on motion as amended: Unanimous.

**ROAD CONCERNS – SCENIC TO WALL/SAGE CREEK ROAD – MRS. MARY JOBGEN CURTIS**

**CENTRAL STATES FAIRGROUNDS UPDATE – RON JEFFRIES**

**ITEMS FROM AUDITOR**

- A. **ANNEX TO LOVELAND CANYON ROAD DISTRICT – LOT 12:** MOVED by Hadcock and seconded by Ferebee to acknowledge the annexation of property to the Loveland Canyon Road District described as Lot 12 of Loveland Canyon Estates effective for the 2015 tax year and after. Vote: Unanimous.
- B. **ANNUAL MALT BEVERAGE LICENSE RENEWALS:** MOVED by Hadcock and seconded by Buskerud to approve the annual renewals for malt beverage and farm wine licenses for the businesses entered below. Vote: Unanimous.

Retail (on-off sale) Malt Beverage: Bear Country USA, Bear Country USA, Inc.; Black Hills Receptions, Black Hills Receptions & Rentals LLC; Black Forest Inn Bed & Breakfast, The B-R Group LLC; Black Hills Speedway, Half Mile Inc.; Caputa General Store, Caputa General Store Inc.; Country Corner, Robin Robertson; Country Store at the Forks, Covington Consulting Group Inc.; Happy Holiday RV Resort, Diamond Trek LP; Hart Ranch Golf Course, Hart Ranch Development Co.; Mt. Meadow Store & Campground, Deerfield Lake Resort LLC; O'Malley's Casino, KJL Inc.; Putz N Glow Inc., Putz N Glow Inc.; Rochford Mall, The Rochford Mall Inc.; Sheridan Lake Marina, Sheridan Lake Marina LLC; Sugar Shack, Sugar Daddy's LLC; Summer

Creek Inn, Summer Creek Inn LLC; Tantanka Trading Post, Kim Sealine; Valley Square Casino; Wall-East Development Inc.; Valley Square Sports Pub, Wall-East Development Inc.; Whispering Pines Campground, Red Sky Enterprise LLC; Winery Hill City, Winery Hill City LLC; Prairie Berry Winery/Miner Brewing Co., Prairie Berry LLC.

Retail (on-off sale) Malt Beverage and SD Farm Wine: Black Hills RV Services Center, Grover Repair Inc.; Hart Ranch Camping Resort, Hart Ranch Camping Resort Club; Moonshine Gulch Saloon, Betty Harn; Mystery Mountain Resort, Black Hills Resort Inc.; Valiant Winery Tasting Room, Valiant Vineyards Inc.

Package (off-sale) Malt Beverage: Corner Pantry-Moon Meadows, MG Oil Company; Dalcam EZ Mart, Dalcam Oil Company Inc.; Dollar General Store #15207, Dolgen Midwest LLC.

Package (off-sale) Malt Beverage and SD Farm Wine: Country Store at the Forks, Covington Consulting Group Inc.; The Gaslight, Rockn'4 LLC; Mount Rushmore National Memorial, Xanterra Parks & Resorts Inc.; Mount Rushmore KOA, Recreational Adventures Co.; Pactola Pines Marina, Pactola Pines Marina Inc.; Rafter J Bar Ranch Campground, Hicow Co.; Stone Faces Winery, Valiant Vineyards Inc.; Horse Thief Campground, Horse Thief Campground & Resort.

- C. NEW RETAIL (ON-OFF SALE) MALT BEVERAGE LICENSE APPLICATIONS: MOVED by Ferebee and seconded by Trautman to approve the applications for Retail (on-off sale) Malt Beverage licenses for Depot Restaurant, R&R Gas-N-More LLC and High Country Guest Ranch, Blended Arrow LLC. Vote: Unanimous.

**ITEMS FROM FIRE ADMINISTRATOR**

- A. PUBLIC FIREWORKS DISPLAY – BLACK HILLS SPEEDWAY: MOVED by Ferebee and seconded by Trautman to approve a public display of fireworks for Black Hills Speedway on Friday, July 3, 2015, with a rainout date of Friday, July 10 or July 17, 2015, provided county requirements are met. Vote: Unanimous.
- B. JOINT POWERS AGREEMENT – SD DEPARTMENT OF AGRICULTURE DIVISION OF WILDLAND FIRE: MOVED by Hadcock and seconded by Buskerud to approve the Joint Powers Agreement with the SD Department of Agriculture Division of Wildland Fire and authorize the Chairperson's signature on the agreement. The motion carried 4-1 with Ferebee opposing.

**LAND COMMONLY KNOWN AS PE SLA**

- A. FIRE AND EMERGENCY RESPONSE AGREEMENTS:  
A motion by Ferebee to continue the discussion indefinitely died for lack of a second.

MOVED by Trautman and seconded by Hadcock that the Commission support the continuation of the pursuit of Fire and Emergency Response Services agreements for Pe Sla. Vote: Unanimous.

- B. DIRECTION REQUESTED FOR PREPARATION OF COMMISSION COMMENTS FOR APPLICATION FOR TRUST STATUS: MOVED by Trautman and seconded by

Hadcock to request an additional 60 day extension for comments on trust status for Pe Sla.  
Vote: Unanimous.

**RURAL LIBRARY SERVICES TOWN HALL MEETING SUMMARY**

**A. ACTIONS/SOLUTIONS FOR MOVING FORWARD**

**REQUEST FOR REFUND OF PENALTY FEES – KEVIN TIEDE**

MOVED by Ferebee and seconded by Petersen to approve the request by Kevin & Ronda Tiede for refund of penalty fees totaling \$800.00. The motion failed on a 3-2 roll call vote: Buskerud – no, Ferebee – yes, Hadcock – no; Trautman – no, Petersen – yes.

**BOARD OF ADJUSTMENT**

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

- A. VARIANCE / VA 15-15: Monte or Nicole Albert. To reduce the minimum required side yard setback from 25 feet to 21 feet for an existing garage and from 25 feet to 15 feet for an existing shed in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance

Lot 2, Loveland Canyon Estates, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Trautman to continue Variance / VA 15-15 to the July 7, 2015, Board of Commissioners' meeting. Vote: Unanimous.

- B. VARIANCE / VA 15-16: Kevin and Ronda Tiede. To reduce the minimum required front yard setback from 25 feet to 9 feet to bring an existing shed and deck into compliance in a Limited Agriculture District in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

Lot 7, Block 4, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Variance / VA 15-16. The motion carried 4-1 with Buskerud opposing.

MOVED by Trautman and seconded by Ferebee 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 Buskerud and seconded by Hadcock to approve Consent Agenda Items C – I as presented. Vote: Unanimous.

- C. SECOND READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 15-02: Deerfield Park Condominiums. To amend an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

ORDINANCE NO. PUD 15-02

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:

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

To amend the existing Planned Unit Development for Deerfield Park Condominiums. The Major Planned Unit Development Amendment use is hereby approved in accordance with the following fourteen (14) conditions:

1. That the specific uses of this Planned Unit Development be for single-family residences not to exceed ten (10) units located in not more than five (5) structures of which only Units #5, #7, and #9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. Each residential Condominium Unit (#1-#4, #6, #8, and #10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That only Condominium Units #5, #7, and #9 may be used for night/weekly rental or normal residential use;
5. Condominium Units #5, #7, and #9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;
7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke

- detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That 2 lb. ABC dry chemical fire extinguishers are accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
  9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;
  10. That prior to County Board approval, the "Residence and Business Automatic Detail Information Form" be submitted to the Planning Department as requested by the Pennington County Fire Coordinator;
  11. That the applicants have a Sales Tax License as required by the South Dakota Department of Revenue;
  12. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
  13. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
  14. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

Dated this 2nd day of June, 2015.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Pennington County Auditor

- D. PLANNED UNIT DEVELOPMENT REVIEW / PU 02-04: Deerfield Park Condominiums. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Continue the review of Planned Unit Development / PUD 02-04 to the July 7, 2015, Board of Commissioners' meeting.

- E. MINOR PLAT / PL 15-12 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-06: Rolland and Laura Willard; Davis Engineering – Agent. To create Lots 12R Revised and Lot 13 of Forest View Addition and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 12R and unplatted portion of SE1/4 of SE1/4 of Section 28 and the SW1/4 of SW1/4 of Section 27, all in T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 12R Revised and Lot 13 of Forest View Subdivision, Sections 28 and 27, T2N, R5E, BHM, Pennington County, South Dakota.

Continue Minor Plat / PL 15-12 and Subdivision Regulations Variance / SV 15-06 to the June 16, 2015, Board of Commissioners' meeting.

- F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-06 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-06: Rolland and Laura Willard; Davis Engineering – Agent. To rezone 2.5 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

(For a portion of Lot 12R Revised) Commencing at the SW corner of Lot 12R, in Forest View Subdivision, a 1" pipe, and the point of beginning. Thence, first course: S34°45'22"E, a distance of 283.89' to a 1" pipe, and the northwesterly corner of Lot 6, in said subdivision; Thence, second course: N49°22'41"E, along the northwesterly lot line of said Lot 6, a distance of 112.16' to a 1" pipe, also being the northeasterly corner of said Lot 6 and the northwesterly corner of Lot 5 in said subdivision; Thence, third course: N48°01'31"E, along the northwesterly lot line of said Lot 5, a distance of 99.32' to a 12" diameter pine tree, also being the northeasterly corner of said lot 5; Thence, fourth course: N46°14'32"W, along a previously dedicated right-of-way for said subdivision, a distance of 203.08' to a 1" pipe, also being the southeast corner of said Lot 12R; Thence, fifth course: S75°00'00"W, along the southerly lot line of said Lot 12R, a distance of 180.27', to the point of beginning; Said Parcel contains 45,474 square feet or 1.044 acres more or less.

(For Lot 13) Commencing at a 1" pipe, also being the southeast corner of Lot 12R, in said Forest View Subdivision, which is the point of beginning. Thence, first course: N43°45'28"E, across a private road, a distance of 40.12', to a survey cap marked "Davis Eng. RLS 3095", which is the true point of beginning; Thence, second course: along a curve to the right, along said private road R.O.W., with a radius of 80.12", a delta angle of 100°43'31", a length of 140.85', a chord bearing of S8°07'29"W, and a chord distance of 123.40', to a survey cap marked "Davis Eng. RLS 3095"; Thence, third course: S70°09'26"E, a distance of 346.40' to a survey cap marked "Davis Eng. RLS 3095"; Thence, fourth course: S51°54'52"W along said private road R.O.W., a distance of 36.55', to a survey cap marked "Davis Eng. RLS 3095"; Thence, fifth course: S15°10'13"W, along said private road R.O.W., a distance of 155.72', to a survey cap marked "Davis Eng. RLS 3095"; Thence, sixth course: along a curve to the right, along said private road R.O.W., with a radius of 45.72', a delta angle of 125°19'08", a length of 95.10', a chord bearing of N74°27'50"E, and a chord distance of 78.86', to a survey cap marked "Davis Eng. RLS 3095"; Thence, seventh course: N46°14'32"W, along said private road R.O.W., a distance



of 273.83', to the true point of beginning; Said Parcel contains 61,758 square feet or 1.42 acres more or less.

Continue Rezone / RZ 15-06 and Comprehensive Plan Amendment / CA 15-06 to the June 16, 2015, Board of Commissioners' meeting.

- G. MINOR PLAT / PL 15-10: Gordon and Carmen Abernathie; Fisk Land Surveying – Agent. To create Lots C1 and C2 of W-M Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot C of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot C1 and Lot C2 of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 15-10 with one (1) condition:

1. That at the time a Building Permit is applied for, for Proposed Lot C2, an address will be assigned and said lot address shall be posted so that it is clearly visible at all times in accordance with Pennington County's Ordinance #20.

- H. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Rapid City MHP, LLC. (Cimarron Mobile Home 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 / PUD 06-07 to the July 7, 2015, Board of Commissioners' meeting.

- I. 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  $06^{\circ}32'53''$  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  $48^{\circ}17'34''$  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  $35^{\circ}53'$ , for an arc distance of 64.51 feet to a point of tangency; Thence, South  $77^{\circ}35'27''$  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  $73^{\circ}13'38''$  West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of  $00^{\circ}29'02''$ , 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  $77^{\circ}35'27''$  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  $84^{\circ}05'03''$ , for an arc length of 102.73 feet to a point of tangency; Thence, North  $06^{\circ}29'36''$  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  $05^{\circ}45'52''$ , 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  $00^{\circ}01'24''$  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  $89^{\circ}48'35''$  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  $00^{\circ}04'45''$  West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North  $89^{\circ}48'35''$  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  $06^{\circ}22'35''$  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  $89^{\circ}36'35''$  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 Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the June 16, 2015, Board of Commissioners' meeting.

End of Consent Agenda

### **REGULAR PLANNING & ZONING ITEMS**

- J. MINOR PLAT / PL 15-11 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-05: William and Nancy Ewing; Davis Engineering – Agent. To create Lots AR and BR 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 A and Lot B of Ewing Addition, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot AR and Lot BR of Ewing Addition, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Buskerud to approve the Planning Commission's recommendation to waive a portion of Subdivision Regulations Variance / SV 15-05 to waive the following requirements: road improvements to Forest Road, including a 24-foot-wide paved driving surface, with curbs and sidewalks; dedication of a 66-foot-wide access easement across Proposed Lot AR providing access to proposed Lot BR; Road improvements for the access easement across proposed Lot AR providing access to proposed Lot BR, including a 24-foot-wide paved driving surface, with curbs and sidewalks; and waive submittal of engineered road construction plans for all required road improvements; and further moved to deny of the portion of Subdivision Regulations Variance / SV 15-05 to waive dedication of additional Right-of-Way for Forest Road, including a 66-foot-wide Right-of-Way; and approval of Minor Plat / PL 15-11 with thirteen (13) conditions. Vote: Unanimous.

1. That the access easement across Proposed Lot AR providing access to Proposed Lot BR be identified on the Plat, prior to being filed at the Register of Deeds;
2. That the access easement providing access to Proposed Lot BR be dedicated as a 66-foot-wide access easement, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
3. That the access easement providing access to Proposed Lot BR be improved to include a 24-foot-wide paved driving surface, with curbs and sidewalks, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
4. That if Subdivision Regulations Variance is approved waiving the required 24-foot-wide paved driving surface for the access easement, that the access easement be a 40-foot-wide access easement with a 22-foot-wide paved driving surface;
5. That the Right-of-Way along Forest Road and the dedicated Right-of-Way shall both be dimensioned on the Plat, prior to being filed with the Register of Deeds;
6. That Forest Road be improved to a 24-foot-wide paved driving surface, with curbs and sidewalks, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
7. That additional Right-of-Way be dedicated for Forest Road, including a 66-foot-wide Right-of-Way, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
8. That engineered road construction plans be submitted for all required road improvements, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
9. That the Plat heading be corrected to read "Formerly: Lot A and Lot B of Ewing Addition", per comments from the Register of Deeds;
10. That an approved Floodplain Development Permit be obtained prior to construction or placement of any structure(s) within the designated 100-year floodplain or floodway;

11. 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;
12. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Rapid Creek; and,
13. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-11 and Subdivision Regulations Variance / SV 15-05, which is available at the Planning Office.

- K. 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.

A motion by Hadcock to deny Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03 and transfer the fees to a new application died for lack of a second.

MOVED by Buskerud and seconded by Trautman to deny Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03. Vote: Unanimous.

L. SPRING CREEK UPDATES

1. Use Attainability Analysis – EPA Decision
2. DENR – Segment 3 Approval of Funding

- M. THE DENR SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – CONTRACT – SEGMENT 3: MOVED by Hadcock and seconded by Trautman to approve the Chairperson’s signature on the Spring Creek Watershed and Implementation Project – Segment 3 Grant Agreement and its submission to the South Dakota Department of Environment and Natural Resources. The motion carried 4-1 with Ferebee opposing.

- N. SECTION 319 – VACATION HOME RENTAL – REVIEW COMMITTEE – REQUEST FOR ACTION: MOVED by Hadcock and seconded by Buskerud to re-advertise for a vacant position plus an alternate for the Section 319 – Vacation Home Rental Review Committee with interviews to be held at a later date. Vote: Unanimous.

**ITEMS FROM CHAIR/COMMISSION MEMBERS**

- A. POLICY/PROCEDURE-APPROVING PERMITS TO OCCUPY THE RIGHT OF WAY – COMMISSIONER FEREBEE: Commissioner Ferebee expressed interested in creating

a policy for the use of county roadways for events other than intended purposes. The Board did not vote to move the proposal forward at this time.

**EXECUTIVE SESSION per SDCL 1-25-2**

- B. Personnel Issue per SDCL 1-25-2(1)
- C. Contractual/Pending Litigation per SDCL 1-25-2(3)

MOVED by Trautman and seconded by Hadcock to convene in executive session. Vote: Unanimous. The Board remained in executive session from 12:10 p.m. until 1:33 p.m. MOVED by Buskerud and seconded by Hadcock 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 May 26, 2015: Total balances of checking/savings accounts, \$22,877,554.30; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,580,814.18; Total Prime Value Investment, \$18,462,359.20; Total petty cash, \$12,205.00; Total Cash Items, \$987.15; Total **long**/short, (\$413.04); Total, \$44,943,506.79. Submitted by Lori Wessel, Deputy Auditor.

**PAYROLL**

Commissioners, 13,963.78; Human Resources, 5,028.30; Elections, 14,856.43; Auditor - liens, 3,956.75; Auditor, 17,469.04; Treasurer, 50,302.33; IT, 5,612.30; State's Attorney, 143,229.33; Public Defender, 149,687.90; VAWA Grant, 23,341.54; Juvenile Diversion, 11,379.20; VOCA, 5,645.36; Buildings & Grounds, 132,241.05; Equalization, 79,056.44; Register of Deeds, 24,632.87; Sheriff, 331,601.67; Service Station, 10,326.16; HIDTA Grant, 7,929.60; Jail, 506,462.38; Jail Work Program, 4,735.52; Jail Medical, 10,400.00; Coroner, 462.01; Hill City Law, 12,376.44; Keystone Law, 5,047.41; New Underwood – Law, 4,068.26; School Liaison, 16,524.37; Wall Law, 11,575.93; JSC Juvenile Alternative, 9,162.18; CCADP, 125,392.22; Adams House, 37,802.07; Economic Assistance, 60,283.54; Mental & Alcohol-SAO, 8,163.60; Mental & Alcohol-HHS, 3,938.06; Extension, 2,779.22; Weed & Pest, 21,421.13; Mountain Pine Beetle, 0.00; Planning and Zoning, 19,877.96; Water Protection, 5,864.00; Ordinance, 3,548.80; Juvenile Services Center, 176,555.57; Road & Bridge, 186,591.03; Drug Seizure, 0.00; Fire Administration, 6,964.22; Dispatch, 158,618.89; Emergency Management, 8,378.06; 24-7 Program, 22,157.39.

**PERSONNEL**

ESCC: Effective 5/17/2015 – M. Heikkinen at \$20.34/hr.

State's Attorney: Effective 6/10/2015 – R. McCormick at \$10.00/hr.; Effective 8/3/2015 – E. Lessin at \$4,960.80/month.

Weed & Pest: Effective 5/18/2015 – D. Saxer at \$15.80/hr.; Effective 5/26/2015 – J. Thovson at \$15.03/hr.

**VOUCHERS**

Avera Health Plans, 408.18; BH Power Inc, 188.31; BH Power Inc, 502.72; BH Power Inc, 185.39; BH Power Inc, 133.07; CBM Food Service, 1,099.26; CBM Food Service, 942.96; Century Link, 400.86; City Of Hill City, 31.23; City Of Rapid City -Water, 491.35; City Of Rapid City -Water,

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1,700.08; Executive Mgmt Fin Office, 24.00; Montana Dakota Utilities, 2,864.35; Rainbow Gas Company, 2,413.11; US Bank, 193,556.25; Vast Broadband, 250.00; Vast Broadband, 2,783.18; Verizon Wireless, 1,011.27; Verizon Wireless, 6,438.69; Wellmark, 108,133.68; Wellmark, 54,188.81; Wellmark, 55,786.05; West River Electric, 132.47; Wimactel Inc, 60.00.

**ADJOURN**

MOVED by Hadcock and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:33 p.m.

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