

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
August 4, 2015**

The Pennington County Board of Commissioners met on Tuesday, August 4, 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 Ron Buskerud was not in attendance.

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 remove Items 6, 7 and 9 for separate consideration and approve Consent Agenda Items 5 and 8 as presented. Vote: Unanimous.

5. Approve the minutes of the regular Board of Commissioners' meeting held July 21, 2015.
6. Removed for separate consideration.
7. Removed for separate consideration.
8. Acknowledge the Order of Organization and Incorporation for the Kinsley Road District, effective for tax year 2015 and after.

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

WHEREAS, all property owners of record that are within the proposed district boundaries have agreed to and petitioned for the organization of the Kinsley Road District

AND WHEREAS, said petitions indicate the desire of all landowners of record within the proposed boundaries to organize the Kinsley Road District

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Kinsley 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 Kinsley Road District legal description is: LOT 1R, LOT 5-6, LOT 7R AND LOT 12R OF FOREST VIEW SUBDIVISION; THE UNPLATTED BALANCE OF GOV LOT 5 IN SE1/4SW1/4 LYING NORTH OF HIGHWAY 44 ROW IN SECTION 27, T2N R5E; AND THAT PART OF W1/2SE1/4 AND THAT PART OF SE1/4SE1/4 LYING EAST OF HIGHWAY 385 ROW LESS FOREST VIEW SUBDIVISION IN SECTION 28, T2N R5E, BHM, Pennington County, SD.

DATE: August 4, 2015

/s/ Lyndell Petersen, Chairperson
Pennington County Commission

ATTEST:

/s/ Julie A. Pearson, Auditor

9. Removed for separate consideration.

Removed for Separate Consideration

6. MOVED by Trautman 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 \$341,001.39. Vote: Unanimous.
7. Supplement SP15-005: MOVED by Trautman and seconded by Ferebee to schedule a hearing at 9:15 a.m. on Tuesday, August 18, 2015, to supplement the General Fund State's Attorney Witness budget in the amount of \$60,000 from unassigned fund balance. Vote: Unanimous.
9. MOVED by Hadcock and seconded by Trautman to authorize the Chairperson's signature on the Addendum to the 2015 Emergency Management State and Local Agreement. The motion carried 3-1 with Ferebee opposing.

End of Consent Agenda

CLARIFICATION OF MOTION – ACROPOLIS HOLDINGS LLC: MOVED by Trautman and seconded by Hadcock to reaffirm that the Board of Commissioners would like to have a month from today's date to have both parties exhaust all options for resolving this matter, and further moved that until such time as other options are exhausted, there will be no site visits. Vote: Unanimous.

REQUEST FOR APPROACH VARIANCE TO ORDINANCE 14 – TOM WOODDEN: MOVED by Ferebee and seconded by Hadcock to approve the request for a variance to Ordinance 14 to allow Thomas Woodden to apply for an approach permit from the Highway Department. Vote: Unanimous.

CITIZEN CONCERNS – ANNETTE BISSINGER

- A. TAX DEED PROPERTY IN RED ROCKS MEADOWS (DRAINAGE LOT):
Commissioner Hadcock abstained from this item. MOVED by Ferebee and seconded by Petersen that the Chairperson meet with the Mayor of Rapid City to discuss issues of City/County responsibility for tax deed properties within the city limits of Rapid City and maintenance on a portion of South Valley Drive (Items From Highway Department). Vote: Unanimous.
- B. REQUEST FOR STOP LIGHT – DUNSMORE ROAD AND SHERIDAN LAKE ROAD

The Land Known as Pe Sla: Any and All Business Related to the Request for Commission Support of the Land to be Taken Into Trust Status - Update

ITEMS FROM AUDITOR

- A. GENERAL FUND BUDGET SUPPLEMENT SP15-004 HEARING – SHERIFF’S BUDGET: MOVED by Ferebee and seconded by Hadcock to approve a supplement to the General Fund Sheriff budget in the amount of \$150,000 from non-budgeted current year revenues. Vote: Unanimous.
- B. BONDING RESOLUTION RELATING TO LEASE-PURCHASE OF COUNTY BUILDINGS: MOVED by Hadcock and seconded by Trautman to approve the Chairperson’s signature on the Resolution Relating to Lease-Purchase of County Buildings. The motion carried 3-1 with Ferebee opposing.

RESOLUTION

RESOLUTION RELATING TO LEASE-PURCHASE OF COUNTY BUILDINGS
AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE
AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED
DOCUMENTS AND AUTHORIZING CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Board of Commissioners of Pennington County, South Dakota (the “County”), as follows:

Section 1. Recitals.

1.01. The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the “Act”), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation), in one or more series to construct, remodel and equip the existing County Court House; renovate and equip the existing Public Safety Building; construct and equip an addition to the existing Jail and renovate and equip the existing Jail; acquire land and construct or remodel and equip one or more buildings for Health and Human Services and various alcohol treatment programs; construct and equip a highway office, shop and fueling station; acquire land, construct and equip a vehicle maintenance shop and dispatch radio shop; construct, renovate and equip one or more buildings on the County Fairgrounds; acquire land, construct and equip a building and grounds maintenance shop and cold storage building;

acquire land and construct parking facilities for County purposes; and construct and equip a weed and pest storage building (the “2015A Project”).

1.02. The County has agreed with U.S. Bank National Association (the “Trustee”) that the Trustee has, pursuant to a Ground Lease Agreement, dated as of March 1, 2003, between the County and the Trustee (the “Ground Lease”) as amended and supplemented, acquired certain interests in real property (the “Land”) from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities, as defined in the Lease-Purchase Agreement, dated as of March 1, 2003 (the “Original Lease”), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of March 1, 2008 (the “First Amendment to Lease”), the Second Amendment to Lease-Purchase Agreement, dated as of December 1, 2010 (the “Second Amendment to Lease”), the Third Amendment to Lease-Purchase Agreement, dated as of December 1, 2011 (the “Third Amendment to Lease”) and the Fourth Amendment to Lease-Purchase Agreement, dated as of July 1, 2014 (the “Fourth Amendment to Lease”) between the County and the Trustee, to be acquired, renovated, constructed and equipped thereon to the County pursuant to the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease and the Fourth Amendment to Lease.

1.03. The Trustee will execute and deliver one or more Supplemental Declarations of Trust (the “Supplemental Trusts”), which will supplement and amend the Declaration of Trust, dated as of March 1, 2003 (the “Original Trust”), as amended and supplemented by the First Supplemental Declaration of Trust, dated as of March 1, 2008 (the “First Supplemental Trust”), the Second Supplemental Declaration of Trust, dated as of December 1, 2010 (the “Second Supplemental Trust”), the Third Supplemental Declaration of Trust, dated as of December 1, 2011 (the “Third Supplemental Trust”) and the Fourth Supplemental Declaration of Trust, dated as of July 1, 2014 (the “Fourth Supplemental Trust”), pursuant to which the Trustee will (i) issue one or more Certificates of Participation (the “Certificates”) in the lease payments to be made by the County under the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease and the Fourth Amendment to Lease between the County and the Trustee (the Original Lease, as amended and supplemented by the First Amendment to Lease, the Second Amendment to Lease, the Third Amendment to Lease and the Fourth Amendment to Lease is referred to herein as the “Lease”) and (ii) receive, hold and invest the proceeds of the sale of the Certificates and disburse such proceeds to pay for the 2015A Project and costs of issuance of the Certificates.

1.04. The Certificates will be purchased by Dougherty & Company LLC (the “Original Purchaser”) pursuant to one or more Certificate Purchase Agreements between the County and the Original Purchaser (the “Certificate Purchase Agreements”) and the Original Purchaser will offer the Certificates for sale to the public by one or more Official Statements (the “Official Statements”).

1.05. Forms of the following documents relating to the 2015A Project (the “Documents”) are directed to be prepared by Lindquist & Venum LLP as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State’s Attorney: (a) the Amendments to Lease; (b) the Supplemental Trusts; (c) the Certificate Purchase Agreements; (d) the Amendments to Ground Lease (the “Amendments to Ground Lease”) between the County and the Trustee; and (e) the Official Statements.

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Chairman, the Vice Chair and County Auditor are authorized to approve the principal amount of the Amendments to Lease, the Certificates, not exceeding \$10,000,000, the term thereof not exceeding twenty (20) years, the interest rate or rates thereon not exceeding an average yield of four and one half percent (4.50%) per annum and the price not less than 99% of par (exclusive of original issue discount) and at which the Certificates are to be sold to the Original Purchaser, and are directed to enter into Certificate Purchase Agreements with the Original Purchaser and their execution of the Certificate Purchase Agreements shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State's Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State's Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the Certificates and the Chairman, the County Auditor and the Deputy State's Attorney shall execute such other instruments as are necessary to the issuance of the Certificates.

Section 3. Modification, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State's Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State's Attorney, may execute documents in their stead.

Section 4. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease. The County's current tax levies are sufficient to make Lease Payments (as defined in the Lease) and other amounts required by the Lease, without increasing the current levy above any amount which would require an opt out or other increase under South Dakota Codified Laws Section 10-13-35.

Section 5. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the Certificates pursuant to this Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates which make it reasonable to expect that the proceeds of the Certificates will not be used in a manner that would cause the Lease or the Certificates to be arbitrage bonds

within the meaning of the Code and Regulations.

Section 6. Official Statements. The County will participate in the preparation of the Preliminary Official Statements and the final Official Statements relating to the Certificates and hereby authorizes the County Auditor to consent to the distribution of the Official Statements by the Original Purchaser in connection with the sale of the Certificates. The Preliminary Official Statements, except for Permitted Omissions, will be deemed final by the County when authorized by the County Auditor as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934. As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, rating, if any, and other terms of the Certificates depending on such matters.

Section 7. Bank Qualification. In order to qualify any of the series of the Certificates as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code, the County hereby makes the following representations:

A. The County hereby designates one or more series of the Certificates as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(C) of the Code;

B. The reasonably anticipated amount of tax-exempt obligation (other than obligations described in clause (ii) of Section 265(b)(3)(C) of the Code which will be issued by the County (and all subordinate entities whose obligations will be aggregated with those of the County) during the calendar year the series of Certificates are issued will not exceed \$10,000,000; and

C. Not more than \$10,000,000 of tax-exempt obligations issued by the County during the calendar year the series of the Certificates are issued have been designated as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

Section 8. Amendment. This resolution may be amended from time to time, prior to the issuance of the Certificates, by an administrative resolution adopted by this Board.

Section 9. Partial Invalidity. If any one or more of the provisions of this Resolution shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Adopted this 4th day of August, 2015.

By /s/ Lyndell Petersen
Its Chairman

ATTEST: (SEAL)

By /s/Julie A Pearson

Its County Auditor

CERTIFICATE

The undersigned, being the duly qualified and acting County Auditor of Pennington County, South Dakota, hereby certifies that the above resolution is a true and correct copy of the resolution as adopted by the Board of Commissioners on August 4, 2015.

WITNESS my hand officially as such County Auditor and seal this 4th day of August 2015.

/s/ Julie A. Pearson
Pennington County Auditor

ITEMS FROM HIGHWAY DEPARTMENT

- A. **PROPOSAL FOR BRIDGE REPLACEMENT**: Str. No. 52-530-386 Antelope Creek Road: MOVED by Hadcock and seconded by Trautman to accept the proposal from Brosz Engineering, Inc., and further moved to enter into a contract in the amount of \$33,925 for the survey and design for the replacement of Bridge Str. No. 52-530-386, Antelope Creek Road. The motion carried 3-1 with Ferebee opposing.
- B. **RESOLUTION 2015-08-04: ADDITION OF PORTION OF SOUTH VALLEY DRIVE TO SECONDARY ROAD SYSTEM**: MOVED by Trautman and seconded by Ferebee to continue this item to the September 18, 2015, Board of Commissioners' meeting. The motion carried 3-1 with Hadcock opposing.
- C. **BLACK HILLS NATIONAL FOREST MODIFICATION #5 TO COOPERATIVE ROAD AGREEMENT #14-RO-1102030-019**: MOVED by Trautman and seconded by Ferebee to approve Modification #5 to Cooperative Road Agreement #14-RO-1102030-019 with the Black Hills National Forest and authorize the Chairperson's signature. Vote: Unanimous.
- D. **MODIFICATION #003 – NORRIS PEAK ROADWAY RECONSTRUCTION**: MOVED by Trautman and seconded by Hadcock to accept Modification #003 and authorize the Highway Superintendent to sign the Grant Agreement. The motion carried 3-1 with Ferebee opposing.
- E. **SOUTH ROCHFORD ROAD EIS UPDATE** – The total spent to date on the EIS is \$1,416,356.41.

COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLANS AND THE BRIDGE IMPROVEMENT GRANT (BIG) FUND – COMMISSION COMMENTS ON ADMINISTRATIVE RULES: MOVED by Trautman and seconded by Hadcock to continue this discussion until the August 18, 2015, Board of Commissioners' meeting. Vote: Unanimous.

ITEMS FROM COMPENSATION COMMITTEE

- A. **INCENTIVE BENEFIT PROGRAM**: MOVED by Ferebee and seconded by Hadcock to accept the recommendation of the compensation Committee and revive the practice of awarding incentive benefits to current employees for the successful referral of a candidate into Pennington County. It was further moved that the document be amended to exclude

department heads and elected officials from receiving incentives for candidates referred to their own departments. 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 Trautman and seconded by Hadcock to approve Consent Agenda Items A-D as presented. Vote: Unanimous.

- A. SUBDIVISION REGULATIONS VARIANCE / SV 15-17: Rodney Alexander; Renner & Associates – Agent. To waive platting requirements in order to create Lots 1 and 2 of Tin City Lode MS 2504 in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Tin City Lode MS 2504, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2, Tin City Lode MS 2504, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

Continue Subdivision Regulations Variance / SV 15-17 to the September 1, 2015, Board of Commissioners' meeting.

- B. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-09 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-09: Rodney Alexander; Renner & Associates – Agent. To rezone 7.615 acres from Highway Service District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Highway Service District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds descriptions: Commencing at the northwesterly corner of the Tin City Lode, M.S. 2504, located in Section 22, T2S, R4E, BHM, common to a corner on the southerly boundary of Lot 1 of the NW1/4 of the NE1/4 of Section 22, T2S, R4E, BHM, and the point of beginning; Thence, first course: S 76°20'56" E, along the northerly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 299.56 feet, to the northeasterly corner said Tin City Lode; Thence, second course: S 13°46'22" W, along the easterly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 613.03 feet, to a corner on the southerly boundary of said Lot 1, common to a corner on the northerly boundary of Lot 2 of the W1/2 of the NE1/4 of Section 22, T2S, R4E, BHM; Thence, third course: S 13°39'24" W, along the easterly boundary of said Tin City Lode, common to the northerly boundary of said Lot 2, a distance of 392.89 feet; Thence, fourth course: S 45°00'00" W, a distance of 122.46 feet; Thence, fifth course: S 90°00'00" W, a distance of 134.00 feet; Thence, sixth course: N 48°00'00" W, a distance of 120.00 feet, to a point on the westerly

boundary of said Tin City Lode, common to a point on the northerly boundary of said Lot 2; Thence, seventh course: N 13°40'34" E, along the westerly boundary of said Tin City Lode, common to the northerly boundary of said Lot 2, a distance of 744.97 feet, to a corner on the northerly boundary of said Lot 2, common to a corner on the southerly boundary of said Lot 1; Thence, eighth course: N 13°49'06" E along the westerly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 340.17 feet, to the point of beginning. Said parcel contains 7.615 acres, more or less.

Continue Rezone / RZ 15-09 and Comprehensive Plan Amendment / CA 15-09 to the September 1, 2015, Board of Commissioners' meeting.

- C. MINOR PLAT / PL 15-17 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-08: Jeffrey and Elizabeth Hallen; Heald Land Surveying – Agent. To create Lot 4R of Black Forest Village and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 (of Gov't Lot 9); Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R; Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Approve Subdivision Regulations Variance / SV 15-08 to waive submittal of the following requirements: 1. Road improvements to include, curb, gutters and sidewalks; 2. A 66-foot-wide platted Right-of-Way; 3. A 24-foot-wide drivable surface; 4. Submittal of engineered road construction plans; 5. Submittal of topographical maps of the subdivision; 6. The requirement for a paved roadway surface in a Suburban Residential District, and approve Minor Plat / PL 15-17 with the removal of the original Condition #1 and to include erosion language in Condition #4, with the following five (5) conditions:

1. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of addresses are meeting Pennington County Ordinance #20 standards;
2. That prior to the plat being filed with the Register of Deeds, existing Lot 4 be rezoned to Suburban Residential District.
3. 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;
4. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Prairie Creek, and culverts, rock checks, and water bars be installed with measures taken to prevent future erosion; and,
5. That the property owners sign Statements of Understanding within seven (7) business days of approval for Minor Plat / PL 15-17 and Subdivision Regulations Variance / SV 15-08.

- D. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-10 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-10: Jeffrey and Elizabeth Hallen; Heald Land Surveying – Agent. To rezone 0.17 acre 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.

Lot 4 (of Gov't Lot 9); Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Approve the First Reading of Rezone / RZ 15-10 and Comprehensive Plan Amendment / CA 15-10.

End of Consent Agenda

REGULAR PLANNING ITEMS

- E. MINOR PLAT / PL 15-16: Chelsea “Chuck” and Donna Ferguson. To create Lot 3 of Rushmore Cave Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Gov't Lot 4 less Right-of-Way, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3, Rushmore Cave Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to sustain Planning staff's recommendation to approve Minor Plat / PL 15-16. Vote: Unanimous.

1. That prior to filing the Plat with the Register of Deeds, proposed Lot 3 of Rushmore Cave Subdivision be rezoned or an approved Lot Size Variance is obtained;
2. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals, road improvements to Ordinance #14 Standards, engineered road construction plans, and percolation and profile hole information for proposed Lot 3 of Rushmore Cave Subdivision, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That an approved Floodplain Development Permit be obtained prior to any work, construction or disturbance within the designated 100-year floodplain or floodway;

5. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
6. That the addition of a septic system on Lot 3 of Rushmore Cave Subdivision will require an On-site Wastewater Construction Permit approved by the County Environmental Planner and all rules of Pennington County Zoning Ordinance Section 204-J must be met;
7. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property; and,
8. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-16, which is available at the Planning Office.

- F. ROAD NAMING ORDINANCE, ROAD SIGN ORDINANCE, AND ORDINANCE #20:
No action was taken on this item.

MOVED by Trautman and second by Hadcock to take a 10 minute recess. Vote: Unanimous. The Board reconvened with four members present.

ANY AND ALL BUSINESS RELATING TO THE FY2016 COUNTY BUDGET

MOVED by Hadcock and seconded by Ferebee to continue the discussion of publishing minutes in the Native Sun Times to the next meeting. Vote: Unanimous.

The Board scheduled a budget work session for Tuesday, August 11, 2015, at 10:00 a.m. to discuss highway funding, wheel tax, South Rochford Road EIS, new employees, subsidies, fairgrounds, the implementation of the wage study and any other concerns.

REQUEST TO PURCHASE TAX DEED PROPERTY PRIOR TO TAX DEED SALE

MOVED by Hadcock and seconded by Ferebee to set the minimum bid for Property ID 7373 at \$1500.00 and sell by sealed bid with public notice. Vote: Unanimous.

ITEMS FROM CHAIR OR COMMISSION MEMBERS

- A. CHAIR APPOINTMENTS TO RESEARCH PROVIDING RURAL LIBRARY SERVICES: Chairperson Petersen appointed Commissioners Ferebee, Commissioner Hadcock and Chief Deputy State's Attorney Jay Alderman.
- B. RAPID CITY CHAMBER OF COMMERCE – COUNTY LIAISON: Commissioner Trautman will serve as County liaison to the Chamber of Commerce.
- C. SUMMER STUDY DISCUSSION

EXECUTIVE SESSION per SDCL 1-25-2

MOVED by Trautman and seconded by Hadcock to convene in executive session for contractual matters. Vote: Unanimous. The Board remained in executive session from 1 p.m. until 1:39 p.m.

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

MOVED by Ferebee and seconded by Hadcock to adjourn from executive session. Vote: Unanimous.

MOVED by Trautman and seconded by Hadcock to authorize the Pennington County Building Committee to pursue negotiations to purchase and sell real estate as deemed necessary to meet the county facility space needs into the future. The motion carried 3-1 with Ferebee opposing.

PERSONNEL

Equalization: Effective 8/10/2015 – Candace Novak, \$15.93/hr.

Emergency Services Communications Center: Effective 8/17/2015 at \$16.74/hr.: Amy Brack, Kirsten Foster, Caitlin VanderHeide, Michelle McConnell, Jeremy Murphy; Effective 7/27/2015 – Thomas McMahon at \$21.91/hr.

State's Attorney: Effective 7/27/2015 – Debra Estes at \$19.88/hr.

Treasurer: Effective 8/10/2015 – Sue Smith at \$14.45/hr.

PAYROLL

Commissioners, 11,033.91; Human Resources, 5,028.30; Elections, 15,211.35; Auditor - liens, 3,662.75; Auditor, 17,433.49; Treasurer, 49,659.20; IT, 50,486.04; State's Attorney, 143,186.95; Public Defender, 127,908.24; VAWA Grant, 23,484.07; Juvenile Diversion, 8,992.44; VOCA, 5,645.36; Buildings & Grounds, 111,604.00; Equalization, 71,372.58; Register of Deeds, 23,417.65; Sheriff, 342,136.33; Service Station, 9,829.57; HIDTA Grant, 9,381.75; Jail, 528,568.25; Jail Work Program, 5,301.40; Jail Medical, 10,400.00; Coroner, 462.01; Hill City Law, 12,667.82; Keystone Law, 5,087.01; New Underwood – Law, 4,573.87; School Liaison, 12,760.06; Wall Law, 12,203.19; JSC Juvenile Alternative, 8,377.72; CCADP, 12,583.69; Adams House, 39,272.46; Economic Assistance, 60,422.77; Mental & Alcohol-SAO, 8,163.60; Mental & Alcohol-HHS, 3,938.06; Weed & Pest, 25,774.19; Planning and Zoning, 19,111.43; Water Protection, 5,863.99; Ordinance, 3,548.80; Juvenile Services Center, 175,099.30; Road & Bridge, 183,219.85; Fire Administration, 6,976.41; Dispatch, 163,207.27; Emergency Management, 8,396.33; 24-7 Program, 22,374.58.

VOUCHERS

AT&T Mobility, 462.12; BH Power Inc, 297.55; BH Power Inc, 445.07; BH Power Inc, 392.07; BH Power Inc, 480.93; Century Link, 571.20; Century Link, 58.94; Century Link, 3.61; City Of Box Elder, 71.27; City Of Hill City, 15.04; City Of Rapid City -Water, 15,261.73; City Of Rapid City -Water, 1,649.06; City Of Wall, 174.50; Montana Dakota Utilities, 2,969.59; Montana Dakota Utilities, 665.26; Rainbow Gas Company, 108.35; Rapid Valley Sanitary District, 202.10; Vast Broadband, 2,103.69; Vast Broadband, 2,892.31; Verizon Wireless, 5,109.29; Verizon Wireless, 662.23; Wellmark, 76,073.89; Wellmark, 82,432.98; Wellmark, 70,889.53; Wellmark, 75,710.74; West River Electric, 127.10; West River Electric, 187.06; Wex Bank, 924.18; Wimactel Inc, 60.00.

ADJOURN

MOVED by Trautman and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:44 p.m.

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

August 4, 2015

Publish: August 19, 2015