

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS' MINUTES  
October 6, 2015**

The Pennington County Board of Commissioners met on Tuesday, October 6, 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 remove Item 23A, Purchase of New TOPCON GPS Surveying System, under Items From Highway and amend Item 16 – The Second Reading of the Wheel Tax Ordinance, by adding that the Board of Commissioners may discuss any and all issues that may surround the Wheel Tax Ordinance, and approve the agenda as amended. Vote: Unanimous.

**CONSENT AGENDA ITEMS**

The following items have been placed on the Consent Agenda for action to be taken by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate consideration.

MOVED by Trautman and seconded by Buskerud to remove Item 8 for separate consideration and approve the consent agenda as amended. Vote: Unanimous.

5. Approve the minutes of the regular Board of Commissioners' meeting held September 18, 2015, as submitted.
6. Approve the vouchers located 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 \$848,030.71.
7. Reappoint James Fields as County Constable for Legislative District 34.
8. Removed for Separate Consideration.
9. Postpone indefinitely the approval of the New (on-off sale) Malt Beverage License and New (on-off sale) Wine License for the Hisega Lodge until planning issues are resolved (Auditor).
10. Declare surplus for trade as requested by the Pennington County Sheriff: one (1) 2008 Chevrolet Malibu – Asset Number 5812; one (1) 2010 Dodge Caravan – Asset Number 5947; one (1) 2008 Chevrolet Malibu – Asset Number 5808 and one (1) 2007 Chevrolet Malibu – Asset Number 5734.
11. Authorize the Sheriff to advertise for bids for four (4) used sedans and one (1) used mini-van, all model year 2014 or newer.
12. Approve the Adopt-A-Highway Application for a portion of Lower Spring Creek Road by the Domestiques Bicycle Club as submitted by the Highway Department.
13. Appoint Glenda Robertson as the Director of the Rochford Fire Protection District effective October 1, 2015.

Removed for Separate Consideration

8. MOVED by Buskerud and seconded by Hadcock to approve the Auditor's request to cancel outstanding checks totaling \$3,675.57 and remit that total to the Office of State Treasurer pursuant to SDCL 43-41B-18. Vote: Unanimous.

End of Consent Agenda

**PENNINGTON COUNTY EMPLOYEE SERVICE RECOGNITION & SAFETY**

**AWARDS:** Commissioner Ron Buskerud presented Pennington County Buildings & Grounds with a Safety and Loss Control Achievement Award from the 2015 State Convention. Individual awards were also presented for years of service: 30 years - Doug Sletten; 25 years – Denny Gorton, Barb Erickson, Peggy Severson, Sharon Kallemeyn, Sandy Dulany, Ted Ruffedt and Trent Fliginger.

**RECOGNITION OF DESIGNATION – MS. ALEXA WHITE, CERTIFIED EMERGENCY MANAGER**

**SECOND READING AND PUBLIC HEARING OF ORDINANCE NO 654 – AN ORDINANCE IMPOSING A COUNTY WHEEL TAX AND PROVIDING FOR THE ADMINISTRATION AND COLLECTION THEREOF**

- A. SECOND READING OF ORDINANCE 654: MOVED by Trautman and seconded by Buskerud to approve the second reading of Ordinance No. 654, An Ordinance Imposing a County Wheel Tax and Providing for the Administration and Collection Thereof. A substitute motion by Ferebee to amend Ordinance 654 to read .25 cents per wheel up to four wheels per vehicle died for lack of a second.

The motion carried 4-1 on a roll call vote: Buskerud – yes, Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

**ORDINANCE NO. 654  
AN ORDINANCE IMPOSING A COUNTY WHEEL TAX AND PROVIDING FOR THE  
ADMINISTRATION AND COLLECTION THEREOF**

WHEREAS, the State of South Dakota has statutorily required the adoption of a wheel tax in order for the County to be eligible for receiving funding from the State's Local Bridge Improvement Grant for the construction and maintenance of highways and bridges; and

WHEREAS, pursuant to SDCL, Chapter 32-5A, Pennington County has the authority to impose a wheel tax on all motor vehicles, as defined in SDCL 32-3-1, registered in the County; now therefore,

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS that a wheel tax is imposed in and for Pennington County, SD as follows:

Section 1. Pursuant to SDCL, Chapter 32-5A-5, a wheel tax is hereby imposed upon all motor vehicles as defined by SDCL 32-3-1 registered in the County as follows: 1) at the rate of

three dollars (\$3.00) per wheel for vehicles weighing two thousand pounds or less, inclusive; 2) at the rate of four dollars (\$4.00) per wheel for vehicles weighing 2001 to 6000 pounds, inclusive; and 3) at the rate of (\$5.00) per wheel for vehicles weighing over 6000 pounds with the total wheel tax not to exceed 12 wheels or sixty (\$60.00) dollars per vehicle.

Section 2. Pursuant to SDCL, 32-5A-2, the proceeds from such wheel tax shall be retained by the County, deposited in the county road and bridge fund, and the revenue shall be used only for highway and bridge maintenance and construction. The Board of County Commissioners shall by resolution establish a means of distributing the revenue generated among the county and the municipalities and townships located within the county.

Section 3. Pursuant to SDCL 32-5A-7, if a motor vehicle is licensed for a period of time of less than twelve months, any wheel tax imposed on such motor vehicle pursuant to this Ordinance shall be prorated on a monthly basis.

Section 4. Pursuant to SDCL 32-5A-3, upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this ordinance shall prevent an automobile dealer from licensing the vehicles on their lot without paying any taxes created by this ordinance.

Section 5. This ordinance shall become effective November 12, 2015. Such wheel tax shall be collected by the County commencing on January 1, 2016 with all registrations and renewals herein and for all subsequent months thereafter.

Dated this 6th day of October, 2015.

PENNINGTON COUNTY  
BOARD OF COMMISSIONERS  
/s/ Lyndell Petersen, Chairman

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

A motion by Ferebee to take a brief recess to start the petition circulation process died for lack of a second.

B. ANY AND ALL ISSUES THAT MAY SURROUND THE PASSAGE OF THE WHEEL TAX ORDINANCE

MOVED by Hadcock and seconded by Buskerud to table the Black Hills National Forest Update until after 10 a.m. Vote: Unanimous.

PETITION CIRCULATION POLICY PROPOSED AMENDMENTS – CITIZEN COMPLAINTS: MOVED by Ferebee and seconded by Trautman to appoint Captain Graves to

put together a committee to come forth with recommendation for handling the situation with the petition circulators. Vote: Unanimous.

MOVED by Trautman and seconded by Buskerud to take Item 17, Black Hills National Forest Update, from the table. Vote: Unanimous.

**BLACK HILLS NATIONAL FOREST UPDATE – MYSTIC RANGER RUTH LESPERANCE**

**ITEMS FROM AUDITOR**

- A. PUBLIC HEARING – BUDGET SUPPLEMENT SP15-006 LAW ENFORCEMENT BUDGET: MOVED by Hadcock and seconded by Trautman to supplement the General Fund Law Enforcement budget in the amount of \$161,000 from non-budgeted revenue received in the current year. Substitute motion: MOVED by Buskerud and seconded by Ferebee to continue this item to the October 20, 2015, Board of Commissioners’ meeting to determine if the funds can be applied to the General Fund instead of the Sheriff’s budget. Vote: Unanimous.
- B. INDIGENT LIEN OVERPAYMENTS AND ACCOUNT WITH SMALL BALANCES: MOVED by Hadcock and seconded by Trautman to authorize the Auditor’s Office to zero out indigent lien credit balances less than or equal to \$25 after reasonable research, with the understanding that an account can be reactivated if a refund is requested. Vote: Unanimous.

MOVED by Trautman and seconded by Hadcock to authorize the Auditor’s Office to write off indigent lien account balances less than or equal to \$25 with no activity for two years. Vote: Unanimous.

MOVED by Trautman and seconded by Hadcock to assign accounts to collections only if the entire account balance totals more than \$25. Vote: Unanimous.

**ITEMS FROM SHERIFF**

- A. JAIL SECURITY ELECTRONICS UPGRADE – REQUEST FOR BUDGET SUPPLEMENT (SP15-007): MOVED by Buskerud and seconded by Hadcock to schedule a hearing at 9:15 a.m. on October 20, 2015, to supplement the General Fund Law Enforcement budget (0211) in the amount of \$500,000 from 2015 overcollected revenues from Law Enforcement and the Jail. Vote: Unanimous.
- B. REQUEST AUTHORIZATION TO PURCHASE A BOAT FOR BOAT PATROL & WATER RESCUE TEAM SUPPORT: MOVED by Trautman and seconded by Hadcock to authorize the Pennington County Sheriff to purchase one (1) 2015 1900 Lund Tye with included options from Soo Sports, 7700 S. Minnesota Ave, Sioux Falls, SD, in the amount of \$34,569 from a recent South Dakota Game, Fish, and Parks bid. The motion carried 3-2 with Buskerud and Ferebee opposing.

**ITEMS FROM BUILDINGS & GROUNDS**

- A. PUBLIC SAFETY BUILDING REMODEL PROJECT: MOVED by Trautman and seconded by Hadcock to authorize Buildings & Grounds to advertise for bids for the Public Safety Building Remodel Project. The motion carried 4-1 with Ferebee opposing.

**ITEMS FROM FIRE ADMINISTRATOR**

- A. RECOGNITION OF FIREFIGHTERS WITH YEARS OF SERVICE: MOVED by Ferebee and seconded by Hadcock to approve the resolution declaring October 9, 2015, as “Volunteer Firefighter Appreciation Day in Pennington County.” Vote: Unanimous.

A RESOLUTION

WHEREAS, Pennington County, has shown a consistent dedication to providing a safe place to live and prosper in the beautiful Black Hills; and,

WHEREAS, the fire service of Pennington County has a long and proud tradition of providing protection against the ravages of fires; and,

WHEREAS, the citizens of Pennington County rely on the 20 volunteer fire departments, and the 500 professional volunteer firefighters to respond to their requests for assistance; and,

WHEREAS, the fire departments rely on the dedication and professionalism of their members to respond to over 3,000 requests for assistance annually of all types in all kinds of weather; and,

WHEREAS, it is most fitting and proper to honor the following professional public servants for their many years of dedicated service.

- From the Hill City Volunteer Fire Department: Vic Alexander, 35 years; Howard Schrier, 25 years; Jason Alexander, 20 years; Slade Swedlund and Brian Johnson, 10 years; Jeremy Dalman, 5 years;
- Rockerville Volunteer Fire Department: Gorden Sabo, 30 years;
- Pennington County Search & Rescue: Ray Caldwell, 40 year;
- Hayward Volunteer Fire Department: Dennis McMillin, 30 years; Don Valle and Toni McMillin, 25 years; John Esposti, 15 years; Roger Hutcheson, 10 years; Oliver Stubbs, Cheyenne McMillin and Matt Roder, 3 years;
- Wall Volunteer Fire Department: Boyd “Butch” Kitterman, 60 years; Jerry Johnnesen 40 years; Rick Sutter and John Kitterman, 35 years; Jim Kitterman and Harvey Miller, 30 years; Joel Stephens and Darwin Geigle, 25 years; Jeff Clark, Jeremy Hertel and Joe Steffen, 20 years; Jackie Kusser and Jeff Kitterman, 10 years; Garrett Bryan, 5 years; and,

WHEREAS, these firefighters represent over 664 years of fire service it is only fitting and proper they be recognized for their dedication along with the 500 professional volunteer firefighters serving Pennington County; now,

BE IT THEREFORE RESOLVED, by this Pennington County Board of Commissioners on behalf of the citizens and communities, that the Ninth Day of October, 2015, A.D. be declared and affirmed as

**VOLUNTEER FIREFIGHTER APPRECIATION DAY IN PENNINGTON COUNTY**

AND BE IT FURTHER RESOLVED, that we dedicate ourselves to follow those firefighters' examples in making this County fire safe.

DATED this Sixth day of October, 2015, in session at the Pennington County Administration Building, at Rapid City, South Dakota by:

/s/ Lyndell Petersen, Chairperson

Attest:

/s/ Julie A. Pearson, Auditor

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. This item was removed during approval of the agenda.
- B. **BID REJECTION RECOMMENDATION - ADA RAMP CONCRETE UPGRADES:** MOVED by Buskerud and seconded by Hadcock to reject the bid submitted by Complete Concrete Inc., Black Hawk, SD, for the ADA Ramp Concrete Upgrades project. Vote: Unanimous.
- C. **DUNSMORE AND SHERIDAN LAKE ROAD INTERSECTION TRAFFIC LIGHT DISCUSSION AND DECISION:** MOVED by Hadcock and seconded by Trautman to authorize the Highway Superintendent to hire a consultant for the plans for the traffic light at the intersection of Dunsmore and Sheridan Lake Roads and let the project as soon as plans are completed. Vote: Unanimous.

MOVED by Trautman and seconded by Buskerud to authorize the purchase of the light poles prior to the letting of the project. Vote: Unanimous.

**REQUEST FOR REFUND OF FEES – CHUCK FERGUSON/RUSHMORE CAVE LLC:**

MOVED by Trautman and seconded by Hadcock to deny the request for refund of fees. The motion carried 4-1 with Ferebee opposing.

**DEFINITION OF TRANSFER – SECTION 319 VACATION HOME RENTAL REVIEW COMMITTEE - DISCUSSION**

**PLANNING & 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 the consent agenda items as presented. Vote: Unanimous.

- A. MINOR PLAT / PL 15-18 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-09: Cleon and Adare Diers. To reconfigure lot lines to create Lot 1 Revised of Diers Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1; Diers Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 Revised; Diers Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Approve Subdivision Regulations Variance / SV 15-09 to waive submittal of the following items: 1. Percolation Tests and Profile Hole information; 2. Engineered Road and Construction Plans; 3. Eight (8) foot Minor Drainage and Utility Easements along all interior lot lines; 4. Topographical information at 5-foot contour intervals; 5. Extra Right-of-Way dedication; and, 6. Not to improve the road to a 24-foot driving surface; and approval of Minor Plat / PL 15-18 with seven (7) conditions:

1. That prior to the plat being filed with the Register of Deeds, the Plat heading be corrected per the comments from the Register of Deeds Office;
2. That prior to the plat being filed with the Register of Deeds, the landowner obtain an approved Building Permit, with applicable penalty fees, for the equipment building unless research shows the building was located on the subject property prior to 1994;
3. That prior to the plat being filed with the Register of Deeds, the .17 acre parcel be rezoned to Limited Agriculture District;
4. That prior to the plat being filed with the Register of Deeds, an Operating Permit be obtained for the on-site wastewater treatment system serving the structure located at 24450 Nellie Lane;
5. That an approved Approach Permit be obtained from the Nellie Lane Road District for the additional approach;
6. That the property address be posted in accordance with Pennington County's Ordinance #20; and,
7. That prior to the plat being filed with the Register of Deeds office, the applicants sign the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-18 and Subdivision Regulations Variance / SV 15-09, which is available at the Planning Office.

- B. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-11: Cleon and Adare Diers. To rezone 0.17 acre from General Agriculture District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Commencing from the southwest corner of Lot 1 of Diers Subdivision located in section 19, T2S, R7E, B.H.M. – Pennington County, South Dakota, thence S89°46'38"E a distance of 658.61. to the Point of Beginning, thence N89°49'17"E a distance of 173.64', thence through a right-hand non-tangent curve with a radius of 930.00', a length of 42.33', a chord bearing of S20°44'21"E and a chord length of 42.32', thence S89°06'04"W a distance of

188.76', thence N0°09'32"E a distance of 42.00' to the Point of Beginning. Said parcel containing 0.17 acres more or less.

Approve the first reading of Rezone / RZ 15-11.

- C. 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.

Approve Subdivision Regulations Variance / SV 15-17 to waive submittal of the following: (1) Scale of Plat is 1 inch = 100 feet; (2) To provide percolation test and soil profile hole information on proposed Lot 2; (3) To submit topographical information at five (5) foot contour intervals; (4) To provide Engineered road construction plans for the Easements; (5) To improve roads to Ordinance #14 Standards; and to add three (3) conditions.

1. That the Easement Road granted by the South Dakota Game, Fish, and Parks and the road through the Access and Utility Easement (as shown on Minor Plat / PL 15-13) to access Lots 1 and 2 of Tin City Lode MS 2504, be improved to a minimum eight-foot-wide gravel road and approved by the South Dakota Game, Fish, and Parks prior to issuance of any Building Permits on the lots;
2. That a Floodplain Development Permit be obtained prior to any work, construction, or disturbance within the designated floodplain boundaries; and
3. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Subdivision Regulations Variance / SV 15-17, which is available at the Planning Office.

- D. 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 General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

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.

Approve the First Reading of Rezone / RZ 15-09 and Comprehensive Plan Amendment / CA 15-09.

- E. MINOR PLAT / PL 15-22 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-11: Greg and Cynthia Andrew; Fisk Land Surveying – Agent. To create Lots 6A and 6B, Block 2 of Rolling Hills Estates and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

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.

Approve Subdivision Regulations Variance / SV 15-11 to waive submittal of the following: (1) Percolation and Profile hole information (specifically 400.3.1.P); (2) Road Easements and Improvements (Specifically 500.5.1.a.3.a & b), and (3) Water System Requirements (Specifically 500.7); and approve of Minor Plat / PL 15-22 with nine (9) conditions.

1. That prior to filing the Plat with the Register of Deeds, an eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained;
2. That prior to filing the Plat with the Register of Deeds, major drainage easements for any existing drainage ways be indicated on the plat;
3. That prior to filing the Plat with the Register of Deeds, the following major drainage easement note, "All major drainage easements shown hereon shall be kept free of all obstruction including, but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as it deems expedient to facilitate drainage from any source." be added to the plat;

4. That prior to filing the Plat with the Register of Deeds, engineered road construction plans be submitted for the required improvements or the applicant obtain a Subdivision Regulations Variance waiving this requirement;
5. That prior to the Plat being filed with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment systems on Proposed Lot 6A;
6. That prior to filing the Plat with the Register of Deeds, an address be assigned to the single-family residence structure on Proposed Lot 6A and that the placement of both property addresses, for Proposed Lot 6A and Proposed Lot 6B, meets Pennington County Ordinance #20 standards;
7. That prior to filing the Plat with the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That prior to filing the Plat with the Register of Deeds, the plat meets all necessary requirements of Section 400.2 and/or 400.3 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, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
9. That the property owners sign the Statements of Understanding within seven (7) business days of approval for PL15-22 and SV 15-11.

- F. MINOR PLAT / PL 15-23 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-12: Michael and Diana Day; Fisk Land Surveying – Agent. To combine two lots to create Lot 10R of Deerfield Park Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 10 and 11, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10R, Deerfield Park Subdivision, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Approve Subdivision Regulations Variance / SV 15-12 to waive submittal of the following: (1) Topography at 5-foot contour intervals; and (2) Roadway improvements; and (3) Percolations tests and soil profiles; and approval of Minor Plat / PL 15-23 with six (6) conditions.

1. That prior to filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That prior to filing the Plat with the Register of Deeds, engineered road construction plans be submitted for the required road improvements, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the applicant submits percolations tests and soil profile information to be reviewed and approved by the Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

4. That prior to filing the Plat with the Register of Deeds, the applicant submits topography for the area at five (5) foot contour intervals, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,
6. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-23 and Subdivision Regulations Variance / SV 15-12, which is available at the Planning Office.

End of Consent Agenda

**PLANNING & ZONING REGULAR ITEMS**

G. LAYOUT PLAT / PL 15-20: JerrDonn, LLC; Gerald and Donna Grover. To create Lots 2A, 2B, 2C, and 2D of Strato-Rim Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2, Strato-Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2A, 2B, 2C, and 2D of Strato-Rim Estates, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Layout Plat / PL 15-20 with fourteen (14) conditions. Vote: Unanimous.

1. That at the time of Preliminary Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Lot 1 to be reviewed and approved by the County Environmental Planner, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
3. That at the time of Preliminary Plat submittal, 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, location of access easements, location of Section Line Rights-of-Way, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
4. That at the time of Preliminary Plat submittal, the applicant dedicate a 40-foot-wide access easement to serve Proposed Lots 2B, 2C, and 2D, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
5. That at the time of Preliminary Plat submittal, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;

6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Preliminary Plat submittal, the plat heading be corrected to read Lots 2A, 2B, 2C, and 2D of Strato-Rim Estates (Formerly Lot 2 of Strato-Rim Estates), as directed by the Register of Deeds;
8. That at the time of Preliminary Plat submittal, the title and the annotation on the Section Line in the drawing be corrected to read Section 7 rather than Section 17;
9. That at the time of Preliminary Plat submittal, the applicant provide a certified survey verifying setbacks of the existing structures on the property;
10. That an approved Setback Variance be obtained to resolve any setback issues, prior to submittal for the Preliminary Plat;
11. That prior to filing the Final Plat with the Register of Deeds, proposed Lot 2C be rezoned or the applicant obtain an approved Conditional Use Permit to allow the existing single-family residence in a Highway Service District;
12. 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;
13. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Layout Plat / PL 15-20, which is available at the Planning Office; and,
14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

H. MINOR PLAT / PL 15-19 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-10: Elvira Gillies; Davis Engineering – Agent. To create Tract A of Gillies Addition and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: W1/2NW1/4SW1/4; W1/2E1/2NW1/4SW1/4; E100 feet of N200 feet of S365 feet OF NW1/4SW1/4; S1/2SE1/4SE1/4 NW1/4SW1/4; N200 feet of S365 feet of NE1/4SW1/4; N1/2SE1/4 Less W1/2NW1/4 NW1/4SE1/4, Less S1/2S1/2S1/2N1/2SE1/4, and Less HARRIS ADDN; SW1/4SW1/4 Less S297 feet.

PROPOSED LEGAL: Tract A of Gillies Addition, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Hadcock to approve a portion of Subdivision Regulations Variance / SV 15-10 to waive submittal of the following items: 1. 1" = 100' map scale on plat; 2. Twenty-four (24) foot gravel driving surface, road improvements and engineered road construction plans for Section Line Right-of-Way; 3. Submittal of topographical information at five (5) foot contour intervals; and, 4. Submittal of percolation and profile hole information prior to filing the plat. Vote: Unanimous.

MOVED by Hadcock and second by Buskerud to deny a portion of Subdivision Regulations Variance / SV 15-10 to waive submittal of the following items: 1. Any other requirement for Subdivision Regulations. The motion carried 4-1 with Ferebee opposing.

MOVED by Buskerud and seconded by Hadcock to approve Minor Plat / PL 15-19 with two (2) conditions. Vote: Unanimous.

1. That prior to filing the Plat with the Register of Deeds, the Pennington County Ordinance Officer meet the applicant and/or agent on the property to determine what violations may exist on the subject property and if so, come to an agreement on reconciliation;
2. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-19 and Subdivision Regulations Variance / SV 15-10, which is available at the Planning Office.

Commissioner Hadcock left the meeting.

- I. MINOR PLAT / PL 15-21: Voorhees Hospitality; Charles “Chuck” Voorhees. To combine lots in order to create Lot 1 of Whispering Winds Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT Palmer Gulch Placer #690 - Lot 3 Less Hwy RTY; Lot 4A Less Hwy RTY; Lot D of Lot 7 Less Hwy RTY; and Lot 4B Less Hwy RTY, all located in Palmer Gulch Placer MS 690, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Whispering Winds Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Buskerud to approve Minor Plat / PL 15- 21 with twelve (12) conditions. The motion carried with four affirmative votes. (Hadcock absent)

1. That prior to filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That prior to filing the Plat with the Register of Deeds, the applicant submits topography for the area at five (5) foot contour intervals, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the applicant submits percolations tests and soil profile information to be reviewed and approved by the Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to filing the Plat with the Register of Deeds, the “AB” in the title be corrected to say 4B;
5. That prior to filing the Plat with the Register of Deeds, the surveyor and/or applicant verify that the new acreage listed on the Plat is correct, per the comments from the Department of Equalization;
6. That prior to filing the Plat with the Register of Deeds, Operating Permits be issued for all existing on-site wastewater treatment systems on the property;

7. That prior to any work being done within the 100-year floodplain boundaries, the applicant obtain an approved Floodplain Development Permit;
8. That no tent camping is allowed within the 100-year floodplain boundaries;
9. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
10. That the comments provided by the U.S. Forest Service be adhered to at all times;
11. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-21, which is available at the Planning Office; and,
12. That approval of this Minor Plat does not constitute approval of any further applications submitted for the above-described property.

J. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 15-04: Voorhees Hospitality; Charles "Chuck" Voorhees. To amend the existing Planned Unit Development to add five new cabins, a new residence, a new garage, a low water bridge, and a central pavilion on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

PT Palmer Gulch Placer #690 - Lot 3 Less Hwy RTY; Lot 4A Less Hwy RTY; Lot D of Lot 7 Less Hwy RTY; and Lot 4B Less Hwy RTY, all located in Palmer Gulch Placer MS 690, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Trautman to approve Major Planned Unit Development Amendment / PUD 15-04 with twenty-six (26) conditions. The motion carried with four affirmative votes. (Hadcock absent)

1. That the uses allowed with this Planned Unit Development be an eight (8) site RV Park, a five (5) site tent camping area, six (6) attached cabins for rental purposes with restroom facilities, one (1) duplex with a residence and rental unit, one (1) single-family residence, one (1) garage, one (1) low water bridge, one (1) central pavilion, and twelve (12) detached rental cabins, and any associated improvements;
2. That eight (8) foot setbacks be allowed along all interior (shared) lot lines of the four (4) subject properties and twenty-five (25) foot setbacks be maintained along all exterior lot lines, which abut properties under different ownership;
3. That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
4. That the interior one-way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner;
5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure(s) within the boundaries of the 100-year floodplain;

6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County Drainage Engineer's comments;
7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;
8. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;
10. That a minimum ten (10) foot separation be maintained at all times between each RV site;
11. That the internal road network not exceed a maximum of an eight (8) percent grade;
12. That each RV and tent site has a lot number clearly posted and Guests made aware of the complete address should they need to call 9-1-1;
13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environmental and Natural Resources and Health;
15. That all other conditions of approval of the original PUD are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses and Condition #10 pertaining to setbacks;
16. That Operating Permits be obtained for all existing on-site wastewater treatment systems on the property;
17. That the applicant notify the Pennington County Environmental Planner of which on-site wastewater treatment system will be abandoned and provide an overall plan of the existing and proposed on-site wastewater treatment systems for review and approval by the Pennington County Environmental Planner and South Dakota Department of Environment and Natural Resources (SD DENR);
18. That the property address be posted so that it is visible from both directions of S. Highway 16, in accordance with Pennington County's Ordinance #20;
19. That each existing and new cabin be identified with a unique unit number that is posted on the exterior of the cabin, next to the main entrance door, using characters that are reflective and at least 4" in height by 3" wide. Guests at the cabin should be advised or given a card that lists the complete address in the event they need to call 9-1-1;
20. That the new residence have a separate physical address from the existing house, and the address number be posted on the new house in accordance with County Ordinance #20;
21. That an approved Construction Permit be obtained for any land disturbance greater than 10,000 square feet. Construction must meet all the requirements of the Pennington County Stormwater Quality Manual;
22. That the comments provided by the U.S. Forest Service be adhered to at all times;

23. That prior to installation of the low-water bridge, the applicant obtain the proper permits and approvals from all applicable agencies;
24. That no tent camping is allowed within the 100-year floodplain boundaries;
25. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Major Planned Unit Development Amendment / PUD 15-04, which is available at the Planning Office; and,
26. That this Planned Unit Development Amendment be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Commissioner Hadcock rejoined the meeting.

**MRC REGIONAL RAILROAD AUTHORITY REPRESENTATIVE FROM PENNINGTON COUNTY**: MOVED by Ferebee and seconded by Buskerud to continue this item to the October 20, 2015, Board of Commissioners' meeting. Vote: Unanimous.

**ITEMS FROM CHAIR/COMMISSION MEMBERS**

- A. **COUNTY GOVERNMENT INTERIM COMMITTEE PRESENTATION – COMMISSION FEEDBACK**

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

MOVED by Buskerud and seconded by Hadcock to convene in executive session. Vote: Unanimous. The Board remained in executive session from 12:15 p.m. until 12:46 p.m.

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

Commissioners Buskerud, Hadcock, Petersen and Trautman returned to the meeting. MOVED by Buskerud and seconded by Hadcock to adjourn from executive session. The motion carried with four affirmative votes. (Ferebee absent)

Commissioner Ferebee returned to the meeting.

MOVED by Buskerud and seconded by Hadcock to appoint Laurie Wager as the temporary Interim IT Director at Grade 25 Step 1, and open the position for advertising to fill permanently. 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 September 25, 2015: Total balances of checking/savings accounts, \$14,455,557.63; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,589,574.77; Total Prime Value Investment, \$18,080,929.97; Total petty cash, \$12,205.00; Total Cash Items, \$1,018.12; Total long/short, (\$550.47); Total, \$36,148,735.02. Submitted by Lori Wessel, Deputy Auditor.



**PERSONNEL**

Human Resources: Effective 10/5/2015 – Lisa Clendenin at \$18.45/hr.  
Register of Deeds: Effective 9/28/2015 – Audra Casteel at \$27.95/hr.

**PAYROLL**

Commissioners, 14,264.73; Human Resources, 5,028.30; Elections, 16,597.25; Auditor - liens, 4,704.00; Auditor, 17,936.71; Treasurer, 61,301.61; IT, 51,206.77; State's Attorney, 157,873.47; Public Defender, 132,072.82; VAWA Grant, 30,422.37; Juvenile Diversion, 12,677.34; VOCA, 5,645.36; Buildings & Grounds, 137,524.56; Equalization, 93,821.22; Register of Deeds, 38,663.99; Sheriff, 413,573.58; Service Station, 10,204.00; HIDTA Grant, 10,207.54; Jail, 645,215.99; Jail Work Program, 4,507.03; Jail Medical, 10,400.00; Coroner, 462.01; Hill City Law, 15,948.13; Keystone Law, 6,249.79; New Underwood – Law, 5,654.87; School Liaison, 20,867.65; Wall Law, 14,908.12; JSC Juvenile Alternative, 13,114.86; CCADP, 161,230.00; Adams House, 39,220.67; Economic Assistance, 66,785.96; Mental & Alcohol-SAO, 9,274.80; Mental & Alcohol-HHS, 3,938.06; Extension, 3,038.00; Weed & Pest, 15,643.67; Planning and Zoning, 19,450.61; Water Protection, 7,330.00; Juvenile Services Center, 209,545.30; Road & Bridge, 217,761.90; Fire Administration, 7,200.95; Dispatch, 220,328.54; Emergency Management, 10,314.15; 24-7 Program, 27,221.93.

**VOUCHERS**

BH Power Inc, 1,174.93; BH Power Inc, 325.09; BH Power Inc, 681.79; BH Power Inc, 2,639.16; BH Power Inc, 818.33; Birch Communications Inc, 49.38; Century Link, 7,605.18; Century Link, 3.61; Century Link, 321.34; City Of Box Elder, 1,030.98; City Of Hill City, 39.91; City Of Rapid City, 315.78; City Of Rapid City -Water, 16,565.34; City Of Rapid City -Water, 1,909.66; City Of Rapid City -Water, 2,872.40; City Of Wall, 139.00; Delta Dental Of South Dakota, 27,159.20; Executive Mgmt Fin Office, 24.00; First Interstate Bank, 40.90; First Interstate Bank, 15,469.27; Golden West Companies, 349.68; Kieffer Sanitation/A Waste Management Co, 188.45; Montana Dakota Utilities, 2,920.00; Montana Dakota Utilities, 852.37; Montana Dakota Utilities, 50.42; Pioneer Bank & Trust, 23,247.39; Rapid Valley Sanitary District, 45.00; Reliance Telephone Inc, 8.96; Rr Waste Solutions, 58.64; Sun Life Financial, 82,037.96; The Hartford, 2,531.68; Vast Broadband, 250.00; Vast Broadband, 2,627.27; Vast Broadband, 2,100.07; Verizon Wireless, 599.25; Verizon Wireless, 5,359.56; Verizon Wireless, 856.86; Wellmark, 116,398.52; Wellmark, 191,126.95; Wellmark (Revised 10.01), 334,671.00; West River Electric, 173.02; West River Electric, 1,319.24; Wex Bank, 1,013.17; Wimactel Inc, 60.00.

**ADJOURN**

MOVED by Buskerud and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 12:46 p.m.

Julie A. Pearson, Auditor  
Published once at a cost of \_\_\_\_.  
Publish: October 21, 2015