

**PROCEEDINGS OF THE PENNINGTON COUNTY  
BOARD OF COMMISSIONERS  
April 5, 2016**

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, April 5, 2016, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chairperson Lyndell Petersen called the meeting to order with the following Commissioners present: Ron Buskerud, George Ferebee, Deb Hadcock and Nancy Trautman.

Board of Equalization oaths of office were administered by Judge Jeff Davis.

**REVIEW AND APPROVE AGENDA**

MOVED by Buskerud 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 at the request of a board member or citizen for separate consideration.

MOVED by Hadcock and seconded by Buskerud to remove Items 7, 10 & 12 for separate consideration and approve the Consent Agenda as amended. Vote: Unanimous.

MOVED by Trautman and seconded by Hadcock to move Item 7, Approval of Vouchers, to follow Item 32, Committee Reports. Vote: Unanimous.

6. Approve the minutes of the regular March 15, 2016, Board of Commissioners' meeting as submitted.
7. Removed for separate consideration after Item 32.
8. (SP16-002) Set a public hearing at 9:15 a.m. on Tuesday, April 19, 2016, to supplement the Accumulated Building Fund Capital Improvements budget in the amount of \$279,825 from assigned fund balance (\$155,830.14) and non-budgeted revenue received in the current year (\$123,994.86).
9. Declare one Bobcat Skid Steer, Capital Asset #05150, surplus for donation to the Central States Fair, Inc.
10. Removed for separate consideration.
11. Acknowledge Disinterment Permit #1084338 per SDCL 34-25-38.1 and ARSD 44:09:03:04.
12. Removed for separate consideration.
13. Approve the request for authorization to re-apply for the VOCA Grant for the Victims Assistance Program and the Stop/VAWA Grant for the State's Attorney's Office. Both grant applications are for Fiscal Year 2017.
14. Approve the Chairperson's signature on the SD Department of Transportation Joint Powers Agreement for weed spraying services. (Weed & Pest)

Removed for Separate Consideration

10. MOVED by Hadcock and Trautman to send thank you cards to the 2016 State Legislators representing Pennington County. The motion carried 4-1 with Ferebee opposing.
12. MOVED by Trautman and seconded by Hadcock to approve the Permit to Occupy Right-of-way for the Black Hills Back 40 Mountain Bike Race and authorize the Pennington County Highway Superintendent to sign the application. The motion carried 4-1 with Ferebee opposing.

End of Consent Agenda

**COUNTY CARES PRESENTATION – PENNINGTON COUNTY AND BHNF MYSTIC RANGER DISTRICT STEWARDSHIP AGREEMENT-Scott Guffey**

**PUBLIC HEARING – TITLE III PUBLIC INPUT ON PROPOSED PROJECTS:** MOVED by Hadcock and seconded by Trautman that the Board of Commissioners will take public input on Pennington County’s use of Title III funds for the following proposed projects for 2016: Wildland firefighter equipment and training, increasing the protection of people and property from wildfire and insect infestations, emergency response equipment or vehicles, search & rescue response and training, and other emergency services as allowed by the Secure Rural Schools and Self Determination Act of 2000 and 2008. The total estimated cost of these projects is \$100,000. Vote: Unanimous. No public comments were received.

**ITEMS FROM EMERGENCY SERVICES**

- A. **EXECUTIVE PROCLAMATION – NATIONAL TELECOMMUNICATOR’S WEEK IN PENNINGTON COUNTY:** MOVED by Hadcock and seconded by Buskerud to authorize the Chairperson’s signature on the Executive Proclamation declaring the week of April 10-16, 2016, as National Telecommunicator’s Week. Vote: Unanimous.
- B. **FIRST READING AND PUBLIC HEARING OF ORDINANCE No. 20 – AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A 9-1-1 SYSTEM:**

MOVED by Ferebee and seconded by Buskerud that Section C of the proposed ordinance be amended to include the statutory authority. Vote: Unanimous.

MOVED by Ferebee and seconded by Trautman to adopt the first reading of Ordinance No. 20, an Ordinance Providing for the Establishment and Operation of a 9-1-1 System. Vote: Unanimous.

**ITEMS FROM AUDITOR**

- A. **GENERAL FUND BUDGET SUPPLEMENT SP16-001 – STATE’S ATTORNEY, SHERIFF, JOHN T. VUCUREVICH AND MOUNTAIN PINE BEETLE:** MOVED by Ferebee and seconded by Buskerud to approve budget supplements to the General fund budgets for the Sheriff in the amount of \$113,321.03, John T. Vucurevich in the amount of \$7,115.62 and Mountain Pine Beetle in the amount of \$62,773 from unassigned fund

balance totaling \$158,459.65 and non-budgeted revenue received in 2016 totaling \$24,750. Vote: Unanimous.

MOVED by Buskerud and seconded by Hadcock to supplement the 2016 General fund budget for the States Attorney in the amount of \$593,700 from unassigned fund balance. The motion carried 4-1 with Ferebee voting no.

- B. NEW RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE – SPRING CREEK GRILLE: MOVED by Ferebee and seconded by Buskerud to approve the Retail (on-off sale) Malt Beverage and SD Farm Wine License for the Spring Creek Grille, MRH Services LLC. Vote: Unanimous.
- C. SPECIAL REQUEST FOR RETAIL ON-SALE MALT BEVERAGE AND WINE LICENSE – PERFORMING ARTS CENTER OF RAPID CITY: MOVED by Hadcock and seconded by Buskerud to approve the Special Malt Beverage Retailers License and Special Retail on-off sale Wine Dealer’s License for the Performing Arts Center of Rapid City for an event to be held on July 22, 2016, at 1203 Penny Lane, Rapid City. Vote: Unanimous.
- D. GENERAL FUND BUDGETED RESERVE ESTABLISHMENTS & COMPREHENSIVE PLAN/OVERLAY DISTRICTS LONG TERM RESERVE - GENERAL FUND: MOVED by Trautman and seconded by Buskerud to assign the 2016 budgeted long-term reserve accumulations in the General Fund as follows: IT Equipment - \$20,000; Inmate transportation bus - \$100,000; Election Equipment - \$25,000; and further moved to establish/assign the Comprehensive Plan/Overlay Districts reserve - \$20,000. The motion carried.

MOVED by Trautman and seconded by Petersen to increase the Comprehensive Plan/Overlay Districts long-term reserve accumulation in the General Fund by \$25,756. The motion carried 3-2 with Ferebee and Hadcock opposing.

- E. RESOLUTION TO SURPLUS & CONVEY PROPERTY TO CITY OF RAPID CITY (PARCELS 61720 & 62605): MOVED by Ferebee and seconded by Buskerud to approve the resolution below and authorize the Chairperson’s signature. Vote: Unanimous.

RESOLUTION

Whereas, Pennington county has legally obtained two pieces of property by tax deed for nonpayment of property taxes; and

WHEREAS, both lots are designated as drainage lots and are located within Rapid City limits; and

WHEREAS, SDCL 6-5-2, 6-5-3 & 7-18-30 read that a county may convey and transfer any real property to another government for public use by resolution; and

WHEREAS, Rapid City Common Council accepted the transfer of said property on February 1, 2016; so

THEREFORE BE IT RESOLVED that the Pennington County Board of Commissioners declare Lot 1A Block 1 Catron Crossing Subdivision (ID#61720) and Outlot C Revised Block 2 Northbrook Village (ID#62605) as surplus for conveying and transferring to the City of Rapid City and that the Chair affix his signature to the Quit Claim Deeds.

Dated this 5<sup>th</sup> day of April, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Pennington County Auditor

- F. RESOLUTION TO SURPLUS & CONVEY PROPERTY TO PENNINGTON COUNTY HOUSING & REDEVELOPMENT (PARCEL ID 20149): MOVED by Ferebee and seconded by Hadcock to approve the resolution entered below and authorize the Chairperson's signature. Vote: Unanimous.

### RESOLUTION

WHEREAS, Pennington County has legally obtained a piece of property by tax deed for nonpayment of property taxes; and

WHEREAS, said lot is contiguous to land owned and operated by Pennington County Housing and Redevelopment; and

WHEREAS, SDCL 6-5-2, 6-5-3 & 7-18-30 read that a county may convey and transfer any real property to another government type for public use by resolution; and

WHEREAS, Pennington County Housing and Redevelopment Board of Commissioners acted in favor to accept transfer of said property parcel #20149 on February 17, 2016; so

THEREFORE BE IT RESOLVED that the Pennington County Board of Commissioners declare as surplus the following property legally described as: the East 3.5 feet of Block 49 Airport Addition (parcel ID#20149) for conveying and transferring to the Pennington County Housing and Redevelopment for public use and that the Chair affix his signature to the Quit Claim Deed.

Dated this 5<sup>th</sup> day of April, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Pennington County Auditor

- G. **RESOLUTION TO SURPLUS & CONVEY PROPERTY TO DUFFER DRIVE ROAD DISTRICT (PARCEL ID 48769):** MOVED by Ferebee and seconded by Hadcock to approve the resolution entered below and authorize the Chairperson's signature. Vote: Unanimous.

RESOLUTION

WHEREAS, Pennington County was given a piece of property known commonly as Duffer Drive by quit claim deed on September 22, 2002; and

WHEREAS, said lot is a platted drive being maintained by the Duffer Drive Road District; and

WHEREAS, SDCL 6-5-2, 6-5-3 & 7-18-30 read that a county may convey and transfer any real property to another government type for public use by resolution; and

WHEREAS, Duffer Drive Road District Board of Trustees acted in favor to accept transfer of said property parcel #48769 in February 2016; so

THEREFORE BE IT RESOLVED that the Pennington County Board of Commissioners declare as surplus the following property legally described as: Duffer Drive, a platted private drive of Village on the Green Subdivision (parcel ID#48769) for conveying and transferring to the Duffer Drive Road District for public use and that the Chair affix his signature to the Quit Claim Deed.

Dated this 5<sup>th</sup> day of April, 2016.

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

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

- H. **RESOLUTION TO DISCHARGE COUNTY AID LIENS WITH NO ACTIVITY FOR 30 YEARS:** MOVED by Hadcock and seconded by Trautman to approve the following resolution and list of County Aid Liens with no Activity for 30 or More Years, and further moved to authorize the Chairperson's signature. Vote: Unanimous.

**RESOLUTION TO DISCHARGE COUNTY AID LIENS  
WITH NO ACTIVITY FOR 30 YEARS**

WHEREAS, the Pennington County Commission has determined that it is in the County's best interest to annually discharge those county aid liens with no activity for 30 years, and

WHEREAS, as of April 5, 2016, there are inactive liens totaling \$431,431.38 as listed on

a report that will be on file with the Pennington County Register of Deeds;

NOW, THEREFORE BE IT RESOLVED by the Pennington County Board of Commissioners, that the Register of Deeds is hereby directed to discharge these liens with no activity for 30 years.

Dated this 5th day of April, 2016.

PENNINGTON COUNTY COMMISSION  
/s/ Lyndell Petersen, Chairperson

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

**ITEMS FROM SHERIFF**

- A. REQUEST FOR TWO ADDITIONAL FTES (VOCA GRANT FUNDED): MOVED by Trautman and seconded by Hadcock to authorize the Pennington County Sheriff to hire two Victim's Advocates if the Victims of Crime Act Fund Grant is awarded. The motion carried 4-1 with Buskerud opposing.

**ITEMS FROM BUILDINGS & GROUNDS**

- A. HIGHWAY DEPARTMENT OFFICE & SHOP PROJECT – AUTHORIZATION OF DESIGN SERVICES AGREEMENT (UPPER DECK ARCHITECTS): MOVED by Hadcock and seconded by Trautman to authorize the Chairperson's signature to the AIA Document B101-2007, Standard Form of Agreement Between Owner and Architect, Dated March 21, 2016, between Pennington County and Upper Deck Architects, Inc., for professional services related to the design and construction of the project identified as the Pennington County Highway Department Facility for a lump sum fee of \$447,000 plus reimbursable expenses.

Substitute motion: MOVED by Ferebee and seconded by Buskerud to postpone action on the Highway Department Office & Shop Project until the South Rochford Road consequences are sorted out. The substitute motion failed 3-2 on a roll call vote: Buskerud – yes, Ferebee – yes, Hadcock – no, Trautman – no, Petersen – no.

The vote on the original motion carried 3-2 on a roll call vote: Buskerud – no, Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

Commissioner Buskerud left the meeting.

**ABATEMENT APPLICATIONS**: MOVED by Hadcock and seconded by Trautman to approve the following (2015) abatements/refunds pursuant to the recommendation of the Director of Equalization. Vote: 4-0 (Buskerud out)

<u>TAX ID</u>	<u>OWNER</u>	<u>AMOUNT</u>
<i>Conata Township</i>		
17546	USA	\$59.02
17031	USA	\$48.72
17563	USA	\$65.46
<i>Box Elder</i>		
47376	SD Ellsworth Dev Auth	41.98
417	SD Ellsworth Dev Auth	203.96
63571	SD Ellsworth Dev Auth	132.46
40452	SD Ellsworth Dev Auth	973.48
8567	SD Ellsworth Dev Auth	219.30
63572	SD Ellsworth Dev Auth	82.52
63573	SD Ellsworth Dev Auth	82.52
46556	SD Ellsworth Dev Auth	82.52
46555	SD Ellsworth Dev Auth	82.52
46553	SD Ellsworth Dev Auth	82.52
46554	SD Ellsworth Dev Auth	82.52
6851	SD Ellsworth Dev Auth	52.10
6865	SD Ellsworth Dev Auth	305.62
316	SD Ellsworth Dev Auth	624.64
53310	SD Ellsworth Dev Auth	6.50
53970	SD Ellsworth Dev Auth	63.68
65533	SD Ellsworth Dev Auth	66.10
38901	SD Ellsworth Dev Auth	385.06
<i>Rapid City</i>		
25379	Brown, David L	242.82

Commissioner Buskerud rejoined the meeting.

**B. 2016 PENNINGTON COUNTY ASSESSMENT PRESENTATION – SHANNON RITTBERGER, DIRECTOR OF EQUALIZATION**

**ITEMS FROM FIRE ADMINISTRATOR**

**A. FIRE ADMINISTRATOR TRANSITION PLAN PRESENTATION**

**ITEMS FROM HIGHWAY DEPARTMENT**

**A. RESOLUTION TO DELETE STR. NO 52-530-386 AND 52-638-360 FROM NATIONAL BRIDGE INVENTORY SYSTEM (NBIS):** MOVED by Ferebee and seconded by Hadcock to adopt the following resolution and authorize the Chairperson’s signature. Vote: Unanimous.

RESOLUTION TO DELETE BRIDGE FROM NBIS

The Pennington county Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory System (NBIS) for the following reason(s):

STRUCTURE ID, LOCATION and REASON FOR DELETION

52-530-386 0.8W & 2.3S of Caputa Structure has been replaced with culverts that no longer meet NBIS length requirements.

52-638-360 7.0S & 2.7E of New Underwood Structure has been replaced with culverts that no longer meet NBIS length requirements.

The Commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation, and
2. The structure will only be added to the Inventory following replacement, using County funds.

Upon receipt of this resolution, the above structure(s) will be deleted from inventory.

Vote of Commissioners: Yes X No \_\_\_

Dated at Pennington County, SD, this 5<sup>th</sup> day of April, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

- B. REQUEST FOR PUBLIC HEARING TO REVISE THE OFFICIAL PENNINGTON COUNTY HIGHWAY SYSTEM – 4<sup>TH</sup> AVENUE, WALL, SD: MOVED by Ferebee and seconded by Hadcock to advertise a Public Hearing at 9:30 a.m. on May 3, 2016, to revise the Official Pennington County Highway System. The motion carried.
- C. COSTS AND COMPUTATION FOR THE APPLICATION OF MAGNESIUM CHLORIDE SOLUTION FOR 2016: MOVED by Ferebee and seconded by Buskerud to continue with the current Dust Abatement Policy and set the cost to the landowner at \$1.50 per foot for 2016. Vote: Unanimous.



**REQUEST FOR VARIANCE TO ORDINANCE #14: APPROVAL OF SECOND APPROACH – EMMIT DICKSCHAT:** MOVED by Ferebee and seconded by Hadcock to approve the variance to Ordinance #14 and approve a second approach for the property owned by Emmet Dickshat on 145<sup>th</sup> Avenue. The motion carried.

**FIRST READING AND PUBLIC HEARING OF ORDINANCE #663 – A TEMPORARY ZONING ORDINANCE REGULATING CONSTRUCTION PERMITS AND MINING PERMITS IN ALL PENNINGTON COUNTY ZONING DISTRICTS:** MOVED by Hadcock and seconded by Buskerud to approve Ordinance #663, A Temporary Zoning Ordinance Regulating Construction Permits And Mining Permits In All Pennington County Zoning Districts. The motion carried 4-1 with Ferebee opposing.

**ORDINANCE NO. 663**

**A TEMPORARY ZONING ORDINANCE REGULATING CONSTRUCTION PERMITS AND MINING PERMITS IN ALL PENNINGTON COUNTY ZONING DISTRICTS**

**PURPOSE:** The Pennington County Board of Commissioners has determined that there is a present need to study the impact of mining in all Pennington County Zoning Districts in order to evaluate whether current zoning regulations reasonably address concern for public health, safety and welfare:

**WHEREAS,** SDCL § 11-2-10 authorizes the Board of County Commissioners, in the interest of public health, safety and general welfare, to adopt temporary zoning controls for a reasonable period of time in order to study, identify and consider necessary land use regulations; and

**NOW, THEREFORE, BE IT ORDAINED** that the Pennington County Board of Commissioners hereby authorize a six (6) month moratorium on the issuance of any new construction permits and/or mining permits for proposed mining operations in all Pennington County Zoning Districts. This moratorium shall expire on October 5, 2016 unless otherwise extended by law; and

**IT IS FURTHER ORDAINED** by the Pennington County Board of Commissioners that the provision and adoption of this ordinance constitute an emergency as contemplated in SDCL §§ 11-2-10 & 7-18A-8 and shall therefore take effect immediately upon approval.

Approved this 5<sup>th</sup> day of April, 2016.

PENNINGTON COUNTY BOARD OF COMMISSIONERS

/s/ Lyndell Petersen, Chairman

ATTEST:

/s/ Julie A. Pearson, Pennington County Auditor

**FIRST READING AND PUBLIC HEARING OF ORDINANCE #664 – A TEMPORARY ZONING ORDINANCE REGULATING ALTERNATIVE ENERGY IN ALL PENNINGTON COUNTY ZONING DISTRICTS:** MOVED by Hadcock and seconded by Buskerud to approve Ordinance #664, A Temporary Zoning Ordinance Regulating Alternative

Energy In All Pennington County Zoning Districts. The motion carried 4-1 with Ferebee opposing.

**ORDINANCE NO. 664**

**A TEMPORARY ZONING ORDINANCE REGULATING ALTERNATIVE ENERGY IN ALL PENNINGTON COUNTY ZONING DISTRICTS**

**PURPOSE:** The Pennington County Board of Commissioners has determined that there is a present need to study the impact of alternative energy systems in all Pennington County Zoning Districts in order to evaluate whether current zoning regulations reasonably address concern for public health, safety and welfare:

**WHEREAS,** SDCL § 11-2-10 authorizes the Board of County Commissioners, in the interest of public health, safety and general welfare, to adopt temporary zoning controls for a reasonable period of time in order to study, identify and consider necessary land use regulations; and

**NOW, THEREFORE, BE IT ORDAINED** that the Pennington County Board of Commissioners hereby authorize a six (6) month moratorium on the issuance of any new permits and/or approval of land uses for proposed alternative energy systems, including wind energy systems regulated under Section 317 of the Pennington County Zoning Ordinance, in all Pennington County Zoning Districts. This moratorium shall expire on October 5, 2016 unless otherwise extended by law; and

**IT IS FURTHER ORDAINED** by the Pennington County Board of Commissioners that the provision and adoption of this ordinance constitute an emergency as contemplated in SDCL §§ 11-2-10 & 7-18A-8 and shall therefore take effect immediately upon approval.

Approved this 5<sup>th</sup> day of April, 2016.

PENNINGTON COUNTY BOARD OF COMMISSIONERS

/s/ Lyndell Petersen, Chairman

ATTEST:

/s/ Julie A. Pearson, Pennington County Auditor

**ACTION PLAN FOR CONDUCTING STUDIES FOR CONSTRUCTION PERMIT, MINING PERMITS, AND ALTERNATIVE ENERGY:** MOVED by Buskerud and seconded by Trautman to appoint Commissioner Hadcock to chair the committee to review construction permits, mining permits, alternative energy, and possible ordinances for Pennington County, and further moved that Commissioner Hadcock bring a list of committee members to the next meeting. The motion carried 4-1 with Ferebee opposing.

**CONTINUED APPEAL HEARING FOR THE PLANNING COMMISSION & PLANNING DIRECTOR'S APPROVAL OF CONSTRUCTION PERMIT / CP 15-17; CROELL REDIMIX, INC:** To continue operating the active Perli Quarry as a rock quarry and to expand the current area of disturbance.

- A. SD DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES REPRESENTATIVES: Thomas Cline – Minerals and Mining Program, Kelli Buscher – Administrator of the surface Water Quality Program, Eric Gronlund – Natural Resources Engineer in the Water Rights Program, Mark Mayer – Administrator of the Drinking Water Program, Brian Gustafson – Administrator of the Air Quality Program were present to answer questions from the Board of Commissioners.
- B. NOTICE OF APPEARANCE OF MICHAEL HICKEY AND KELSEY PARKER, BANGS MCCULLEN BUTLER FOYE & SIMMONS LAW FIRM: Michael Hickey spoke for his clients
- C. MOTION FOR CONTINUANCE: The request for continuance was withdrawn, as attorney Michael Hickey had received the requested information.
- D. CROELL REDI MIX: Attorney Tom Brady represented Croell Redi Mix, Inc.

A motion by Ferebee to remand this issue back to the Planning Commission died for lack of a second.

The question before the Board was the review of the approval of Construction Permit CP15-17. Chairperson Petersen called for a roll call vote on sustaining the action taken by the Planning Commission and the Planning Director, with a yes vote to sustain and a no vote to not sustain the action. Roll Call Vote: Buskerud – no, Ferebee – no, Hadcock – no, Trautman – no, Petersen – yes. The vote was 4-1 to not sustain the action.

MOVED by Ferebee seconded by Hadcock to take a ten minute recess at 1:10 p.m. The motion carried.

MOVED by Buskerud and seconded by Ferebee to reconvene. Vote: Unanimous.

### **PLANNING & ZONING ITEMS**

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

- A. VARIANCE / VA 16-01: Jim and Julie Jaeger. To reduce the minimum required front yard setback from 25 feet to 15 feet in order to replace and enlarge an existing carport on the subject property in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 16 Revised and 1/2 Vacated Road, Hisega Subdivision, Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Hadcock to approve Variance / VA 16-01 with four (4) conditions. Vote: Unanimous.

1. That this Variance only applies for the 28' x 22' attached carport to be constructed on the subject property. All other existing and proposed structures must maintain the property setback and easement requirements or obtain separate Variances;

2. That a Building Permit is obtained for the proposed carport, which requires a site plan to be reviewed and approved by the Planning Director and all applicable fees paid;
3. That the applicant either installs a mirror to help with the visibility along Hisega Road or uses reflective tape to make the new post and carport more visible to motorists on Hisega Road; and,
4. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Variance / VA 16-02, which is available at the Planning Office.

B. VARIANCE / VA 16-02: Ken and Melba Delfino. To reduce the minimum required side yard setback from 25 feet to 17 feet in order to construct a storage shed on the subject property in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 2 of Lot A of Government Lot 2 NW1/4NE1/4, Feldman Subdivision, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Variance / VA 16-02 with two (2) conditions. Vote: Unanimous.

1. That this Variance only applies for the 16' x 40' storage shed to be constructed on the subject property. All other existing and proposed structures must maintain the proper setback and easement requirements or obtain separate Variance(s); and,
2. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Variance / VA 16-02, which is available at the Planning Office.

C. REQUEST FOR AN APPROVED BUILDING PERMIT: Tom Hagen, Rushmore Cave, LLC. MOVED by Hadcock and seconded by Ferebee to direct the Planning Director to sign Building Permit BP15-0640 if five (5) conditions are met. The motion carried 4-1 with Trautman voting no.

1. The applicant pays the Penalty Fee of \$11,330.
2. The applicant obtains an approved maximum Height Variance from the Board of Adjustment.
3. The applicant obtain a letter lifting the Stop Work Order from the Planning Director.
4. That SDDENR sign-off on the coaster track/footings going through the existing drainfield.
5. The Planning Director stamp and sign BP15-0640.

MOVED by Hadcock and seconded by Trautman to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried.

### **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 Planning & Zoning Consent Agenda with the exception of Item F. Vote: Unanimous.

- D. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-01: Thomas and Janeane Price. To rezone 3.37 acres from Low Density Residential District to Suburban Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

Approve Rezone / RZ 16-01.

- E. COMPREHENSIVE PLAN AMENDMENT / CA 16-03: Thomas and Janeane Price. To amend the Comprehensive Plan to change the Future Land Use for the southern portion of the subject property from Planned Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

That Portion of Lot 1 of T and J Price Subdivision, located in the N1/2N1/2SE1/4 of Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

Approve Comprehensive Plan Amendment / CA 16-03.

Removed for Separate Consideration.

- F. VACATION OF PLAT / VP 16-01: Rodney Vollmer; Brenda Degen-Whiting – Agent. To vacate the plat of Lot A in the NE1/4 of Section 22, T2N, R8E.

EXISTING LEGAL: Lot A in the NE1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: NE1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Hadcock to approve Vacation of Plat / VP 16-01 with three (3) conditions.

Substitute motion: MOVED by Ferebee and seconded by Buskerud to deny the Vacation of Plat / VP 16-01 and refund \$350 to the applicant. Vote: Unanimous.

End of Consent Agenda

**REGULAR PLANNING & ZONING ITEM**

- G. REQUEST TO NOT SUBMIT ENGINEERED ROAD CONSTRUCTION PLANS AND NOT BUILD TO ORDINANCE 14 STANDARDS: Kevin and Gayle Thom; Fisk Land Surveying – Agent. MOVED by Ferebee and seconded by Hadcock to waive the

requirement to submit engineered road construction plans and not build to Ordinance 14 standards. Vote: Unanimous.

- H. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 16-01: Kevin and Gayle Thom; Fisk Land Surveying – Agent. To construct a 10-foot-wide road within the Section Line Right-of-Way to provide access to proposed Lot C of Dewald’s Subdivision in Section 12, T1N, R6E, BHM, Pennington County, South Dakota.

Sections 11 and 12, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Trautman to approve Road Construction in a Section Line Right-of-Way CS 16-01 with eight (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to include a minimum 24-foot-wide road with a four (4)-inch gravel driving surface and meet all other requirements of Ordinance 14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if the amount of disturbed area exceeds one acre, a Department of Environment and Natural Resource’s Storm Water Construction Permit and Rapid City Air Quality Permit is obtained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
5. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department;
6. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507-A of the Pennington County Zoning Ordinance;
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
8. That the applicant sign a Statement of Understanding within seven (7) days of approval of CS #16-01.

- I. VACATION OF SECTION LINE RIGHT-OF-WAY/ VS 16-01: Rapid City Christian School; Julie Hewitt – Agent. To vacate 1,034 feet of Section Line Right-of-Way lying in Tract B of Spring Creek Arena Parcel of Hart Ranch Development (also in Section 13, T1S, R7E), Section 18, T1S, R8E, BHM, Pennington County, South Dakota.

Section Line Right-of-Way situated in that part of Tract B of Spring Creek Arena Parcel of Hart Ranch Development (also in Section 13, T1S, R7E), Section 18, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Trautman to approve Vacation of Section Line Right-of-Way / VS 16-01 with three conditions. Vote: Unanimous.

1. That prior to the Vacation of Section Line Right-of-Way being filed with the Register of Deeds, "Exhibit A" be changed according to comments received from the Register of Deeds;
2. That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deeds' Office;
3. That the applicant signs a Statement of understanding within ten (10) business days of approval of Vacation of Section Line Right-of-Way / VS 16-01, which is available at the Planning Office.

- J. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-02: Mitch Morris. To rezone 559.68 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

The NE1/4SW1/4 and the SE1/4SW1/4 of Section 33, T1N, R8E; The SE1/4 of Section 33, T1N, R8E; The E1/2NE1/4SE1/4; The W1/2NE1/4SE1/4; The NW1/4SE1/4; GL 1-2 all located in Section 4, T1S, R8E; GL 4 and NW1/4SW1/4 of Section 3, T1S, R8E; The SE1/4NE1/4 of Section 33, T1N, R8E; Lot 2 of SW1/4NW1/4 and Lot 2 of W1/2SW1/4 of Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Buskerud to approve the first reading of Rezone / RZ16-03 and Comprehensive Plan Amendment / CA16-02. The motion carried 3-2 with Ferebee and Trautman opposing.

- K. SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION – STATEMENT OF WORK AND AGREEMENT FOR PROFESSIONAL SERVICES WITH BLACK HILLS RC&D. MOVED by Hadcock and seconded by Trautman to approve the Chairperson's signature on the Agreement for Professional Services and Statement of Work for Agreement for Professional Services to Pennington County. The motion carried 4-1 with Ferebee opposing.

#### **ITEMS FROM CHAIR/COMMISSION MEMBERS**

- A. PE SLA TRUST APPLICATION NOTICE OF DECISION LETTER – PROPOSED CORRECTIONS: MOVED by Buskerud and seconded by Hadcock to approve and authorize the Chairperson's signature on the letter to Mr. Tim LaPointe, Regional Director of the U.S. Department of the Interior, Bureau of Indian Affairs. Vote: Unanimous.
- B. COMMISSION VOUCHER APPROVAL POLICY – PROPOSED REVISIONS – CHAIRMAN PETERSEN: MOVED by Trautman and seconded by Buskerud to approve the Commission Voucher Approval Policy as amended. The motion carried 4-1 with Ferebee opposing.

#### **2016 LEGISLATIVE SESSION**

- A. UPDATE ON SESSION

## **COMMITTEE REPORTS**

### **APPROVAL OF VOUCHERS** (from Consent Agenda)

MOVED by Trautman and seconded by Hadcock to approve the vouchers located below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$618,520.13. The motion passed 4-1 with Ferebee opposing.

### **VOUCHERS**

Amerigas, 47.93; AT&T Mobility, 100.90; BH Power Inc, 63.97; BH Power Inc, 1,225.57; BH Power Inc, 4,886.66; Century Link, 7,834.36; Century Link, 120.60; Century Link, 1.38; Century Link, 120.94; City Of Hill City, 63.68; City Of Rapid City -Water, 12,738.88; City Of Rapid City -Water, 1,421.73; City Of Wall, 139.00; Executive Mgmt Fin Office, 24.00; First Interstate Bank, 4,763.20; Global Tel'link, 21.48; IIARC, 171,814.90; Kieffer Sanitation/A Waste Management Co, 135.80; Midcontinent Communications, 357.64; Montana Dakota Utilities, 10,570.27; Pioneer Bank & Trust, 22,828.44; Rainbow Gas Company, 4,483.59; Reliance Telephone Inc, 27.25; Reliance Telephone Inc, 37.73; Vast Broadband, 1,533.17; Vast Broadband, 4,749.91; Vast Broadband, 2,484.93; Verizon Wireless, 731.52; Verizon Wireless, 6,164.67; Verizon Wireless, 602.25; Wellmark, 90,425.91; Wellmark, 50,889.63; Wellmark, 82,829.48; Wellmark, 56,475.01; Wellmark, 75,931.69; West River Electric, 1,713.15; Wex Bank, 98.91; Wimactel Inc, 60.00.

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

Executive session was not needed at this meeting.

### **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 March 28, 2016: Total balances of checking/savings accounts, \$14,739,446.03; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,547,956.18; Total Prime Value Investment, \$17,194,894.13; Total petty cash, \$14,705.00; Total Cash Items, \$1,083.31; Total long/short, (\$329.93); Total, \$35,507,754.72. Submitted by Lori Wessel, Deputy Auditor.

### **PAYROLL**

Commissioners, 15,002.84; Human Resources, 9,634.68; Elections, 13,458.75; Auditor, 23,751.50; Treasurer, 53,947.36; IT, 41,999.43; State's Attorney, 224,600.73; Public Defender, 139,408.80; Buildings & Grounds, 119,909.07; Equalization, 77,076.70; Register of Deeds, 25,163.64; Sheriff, 441,152.87; HIDTA Grant, 8,705.50; Jail, 564,779.53; JSC, 192,789.57; JSC Juvenile Alternative, 9,999.53; CCADP, 144,660.92; Life Enrichment Center, 31,001.89; Economic Assistance, 61,331.21; Extension, 2,491.20; Weed & Pest, 9,667.69; Mountain Pine Beetle, 7,561.61; Planning and Zoning, 25,422.44; Water Protection, 6,423.91; Road & Bridge, 177,074.86; Fire Administration, 7,195.89; Dispatch, 179,095.76; Emergency Management, 8,872.46; 24-7 Program, 24,254.15.



**PERSONNEL**

Emergency Services Communications Center: Effective 3/20/2016 – Michelle McConnell at \$18.71/hr.; Effective 3/20/2016 - JoAnna Winters, Courtney Wood, Jeremy Murphy at \$17.38/hr.

Highway Department: Effective 4/4/2016 – William Huggins, Barbara Salyers, Deborah Jones and Robert Montez at \$12.81/hr.

Information Technology: Effective 3/21/2016 – Justin Israel and William R. Hamm III at \$20.86/hr.

Treasurer: Effective 3/22/2016 – Hailey Marx at \$15.57/hr.; Effective 4/4/2016 – Sheryl Vaughn at \$15.57/hr.

**ADJOURN**

MOVED by Buskerud and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 3 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of \_\_\_\_\_.

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