

**PROCEEDINGS OF THE PENNINGTON COUNTY
BOARD OF COMMISSIONERS
May 3, 2016**

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, May 3, 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.

REVIEW AND APPROVE AGENDA

MOVED by Trautman and seconded by Buskerud to approve the agenda as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

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

MOVED by Trautman and seconded by Hadcock approve the Consent Agenda as presented. The motion carried.

5. Approve the minutes of the regular April 19, 2016, Board of Commissioners' meeting as submitted.
6. (SP16-003) Schedule a supplemental budget hearing at 9:15 a.m., May 17, 2016, for the General Fund Insurance budget in the amount of \$69,800 from unassigned fund balance.
7. Set and approve the Civil Township Bonds for Treasurers and Clerks as presented by the Pennington County Auditor.

<u>Township</u>	<u>Clerk Bond</u>	<u>Treasurer Bond</u>
Quinn #1	\$5,000	\$45,000
Wasta #2	\$5,000	\$35,000
Cedar Butte #4	\$100,000	\$100,000
Lake Hill #5	\$5,000	\$75,000
Lake Creek #6	\$5,000	\$30,000
Scenic #7	\$5,000	\$195,000
Lake Flat #8	\$100,000	\$100,000
Peno #9	\$100,000	\$100,000
Huron #10	\$200,000	\$200,000
Flat Butte #12	\$17,000	Same Person
Owanka #13	\$5,000	\$55,000
Ash #16	\$5,000	\$60,000
Castle Butte #18	\$50,000	\$50,000
Rainy Creek Cheyenne #19	\$5,000	\$55,000

Conata #20	\$35,000	Same Person
Fairview #22	\$5,000	\$17,000
Imlay #24	\$60,000	Same Person
Crooked Creek #25	\$50,000	\$50,000
Sunnyside #26	\$5,000	\$40,000
Shyne #27	\$5,000	\$31,000

8. Acknowledge disinterment permit #1090006 from the South Dakota Department of Health pursuant to SDCL 34-25-38.1 and ARSD 44:09:03:04.
9. Declare surplus for trade one 2004 Ford Expedition, Capital Asset #5771. (Emergency Services Communications Center)
10. Authorize the purchase of one (1) Chevrolet Tahoe per state contract #16866 from Jerry's Automotive, 306 N. 16th Street, Beresford, SD, in the amount of \$32,200. (Emergency Services Communications Center)

End of Consent Agenda

COUNTY CARES PRESENTATION: PROJECT LIFE SAVER, LT TONY VERCHIO

ITEMS FROM AUDITOR

A. PUBLIC HEARING – ALCOHOLIC BEVERAGE LICENSES

MOVED by Hadcock and seconded by Trautman to approve the transfer of the Retail (on-off sale) Malt Beverage license from Crooked Creek Resort, Crooked Creek Resort Inc. to Crooked Creek Resort, J Bar J Resorts, LLC. The motion carried.

MOVED by Hadcock and seconded by Trautman to approve a new Wine Retail (on-off sale) for Crooked Creek Resort, J Bar J Resorts, LLC. The motion carried.

- B. 2016 GENERAL FUND ELECTION BUDGET NEED: MOVED by Hadcock and seconded by Trautman to approve a transfer of \$20,880 from the contingency fund to the General Fund Election budget detailed line items as presented by the Auditor. The motion carried.

ITEMS FROM STATE'S ATTORNEY

A. REQUEST TO SURPLUS RESIDENCES OWNED BY PENNINGTON COUNTY:

MOVED by Hadcock and seconded by Trautman to declare surplus the residences located at 718 4th Street, 328 Quincy Street, 328 ½ Quincy Street, 322 Quincy Street, and 308 Quincy Street for relocation, salvage and/or destruction as arranged by the Pennington County Buildings and Grounds department. The motion carried 4-1 with Ferebee opposing.

B. MACARTHUR FOUNDATION GRANT AWARD AGREEMENT:

MOVED by Trautman and seconded by Hadcock to approve the addition of two new FTEs which will be completely supported by the MacArthur Grant funds and reevaluated during the FY2018 budget process. The motion carried 4-1 with Ferebee opposing.

(SP16-004) MOVED by Trautman and seconded by Hadcock to schedule a hearing at 9:15 a.m. on May 17, 2016, for a budget supplement to the 2016 General Fund State's Attorney MacArthur Grant budget in the amount of \$250,000 from current year revenue and unassigned fund balance received in 2015 from MacArthur Grant funds. It was further moved to reduce the April 5, 2016, budget supplement to the Sheriff's Office by \$100,000. The motion carried 4-1 with Ferebee opposing.

MOVED by Trautman and seconded by Buskerud to authorize the Chairman's signature on the grant documents with the John D. and Catherine T. MacArthur Foundation for \$150,000. The motion carried 4-1 with Ferebee opposing.

ITEMS FROM COMPENSATION COMMITTEE

- A. REQUEST FOR TITLE CHANGE – WATER PROTECTION COORDINATOR: MOVED by Ferebee and seconded by Buskerud to deny the request for title change of Water Protection Coordinator to Environmental Planning Supervisor. The motion failed 4-1 on a roll call vote: Buskerud – no, Ferebee – yes, Hadcock, no, Trautman – no, Petersen - no.

MOVED by Ferebee and seconded by Buskerud to continue this item to the May 17, 2016, Board of Commissioners' meeting. The motion carried 3-2 with Hadcock and Trautman opposing.

ITEMS FROM EQUALIZATION

- A. ABATEMENT APPLICATION – CITY OF BOX ELDER: MOVED by Hadcock and seconded by Buskerud to approve the (2015) abatement for Ellsworth Development Authority, Parcel ID 6853, in the amount of \$608.27. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. RESOLUTION 2016-05-03; RESOLUTION TO REVISE THE PENNINGTON COUNTY PRIMARY HIGHWAY SYSTEM: MOVED by Ferebee and seconded by Buskerud to approve Resolution 2016-05-03 as entered below, and authorize the Chairperson's signature thereupon for submittal to the Secretary of Transportation, South Dakota Department of Transportation. Vote: Unanimous.

RESOLUTION 2016-05-03
RESOLUTION TO REVISE THE PENNINGTON COUNTY
PRIMARY HIGHWAY SYSTEM

WHEREAS, Pennington County desires to revise the County Primary Highway System; and

WHEREAS, the City of Wall, SD, will accept responsibility for 4th Avenue; and

WHEREAS, South Dakota Codified Law (SDCL 31-19-63) authorizes the Board of Commissioners to determine and transfer the responsibility for highways with any municipality with their consent;

THEREFORE, BE IT RESOLVED by the Pennington County Board of Commissioners that the following road be deleted from the Pennington County Primary Highway System:

4th AVENUE: South Blvd W east to Creighton Rd, for a distance of 0.80 miles

BE IT FURTHER RESOLVED that the Pennington County Board of Commissioners assign the responsibility for the said portion of 4th Avenue, including the right-of-way and railroad crossing signal powered by West River Electric, to the City of Wall, SD.

Dated this 3rd day of May, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

- B. AWARD RECOMMENDATION FOR TS 2016 TRAFFIC SIGNAL PROJECT (SHERIDAN LAKE ROAD AND DUNSMORE ROAD): MOVED by Hadcock and seconded by Trautman to award TS 2016, Traffic Signal Project to Muth Electric Inc., Mitchell, SD in the amount of \$189,952.75. Vote: Unanimous.
- C. AUTHORIZATION TO HIRE HDR ENGINEERING FOR THE TRAFFIC LIGHT AT SHERIDAN LAKE ROAD AND DUNSMORE ROAD: MOVED by Hadcock and seconded by Trautman to authorize the Highway Superintendent to sign the proposal to hire HDR Engineering, Rapid City, SD, for the construction management of the traffic light project at Sheridan Lake Road and Dunsmore Road. The motion carried 4-1 with Ferebee opposing.

LIEN RELEASE REQUEST – R SCOTT ENGMANN, EXECUTIVE DIRECTOR, HABITAT FOR HUMANITY: MOVED by Hadcock and seconded by Trautman to continue this item to the May 17, 2016, meeting and notify Mr. Engmann of the continuance. Vote: Unanimous.

MOVED by Buskerud and seconded by Trautman to take a brief recess. Unanimous. The Board recessed from 10:25 a.m. and reconvened at 10:35 a.m.

ITEMS FROM 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 Buskerud and seconded by Trautman to approve the Planning & Zoning Consent Agenda as presented. The motion carried.

- A. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT / PU 16-01: Donna and Lyle Hartshorn. To rezone 55.26 acres from Limited Agriculture District and General Agriculture District to a Planned Unit Development to allow for a Resort Development to include uses such as weddings, receptions, parties, picnics, small gatherings, a farmer’s market, a pumpkin patch, wagon rides, and to include an indoor riding area and to stable horses on-site in the future, on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

NE1/4SE1/4, Tract D of NW1/4SE1/4 less Lot 1, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

Continue Planned Unit Development / PU 16-01 to the May 17, 2016, Board of Commissioner’s meeting.

- B. SECOND READING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 16-02: Water Company at Rushmore Ranch, LLC; James W. Olson – Agent. To amend the existing Rushmore Ranch Estates Planned Unit Development to change the use of Tract 42 from commercial to residential in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 42, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

ORDINANCE NO. PUD 16-02

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

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

Tract 42, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

To amend the existing Planned Unit Development for Rushmore Ranch Estates to change the use of Tract 42 from commercial to residential. The Major Planned Unit Development Amendment use is hereby approved in accordance with the following fourteen (14) conditions:

1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;

2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a minimum of 73 acres of common area be provided;
6. That Tract 43 be utilized as a Neighborhood Commercial lot and a maximum of two (2) commercial structures, each no more than 5,000 square feet in area, be allowed on this lot;
7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
8. That no structures have wood shakes;
9. That all fire hydrants on the Neighborhood Commercial lot (Tract 43) have adequate flows;
10. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;
12. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
13. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
14. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

Dated this 3rd day of May, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

REGULAR PLANNING & ZONING ITEMS

- C. SECOND READING 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 Trautman and seconded by Hadcock to continue the Second Reading of Rezone / RZ 15-39 and Comprehensive Plan Amendment / CA 16-02 to the May 17, 2016, Board of Commissioner's meeting. The motion carried.

- D. APPEAL OF CONDITIONAL USE PERMIT REVIEW / CU 14-23: Keystone Adventures, Inc.; Andrew Busse – Agent. To review a golf driving range and helipad in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

The Unplatted Balance of Government Lot 16 less Right-of-Way; and the Unplatted Balance of Government Lot 21 less Right-of-Way, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Hadcock to proceed with the Appeal of Conditional Use Permit / CU 14-23 as scheduled today. Vote: Unanimous.

MOVED by Ferebee and seconded by Hadcock to sustain the Planning Commission recommended approval of the extension of Conditional Use Permit / CU 14-23 with thirteen (13) conditions. MOVED by Ferebee and seconded by Hadcock to amend Condition 12 to include the helicopter route. MOVED by Trautman and seconded by Hadcock to amend the motion to add an additional condition that CUP must be reviewed upon transfer.

Ferebee, Trautman and Hadcock agreed to withdraw their motions, seconds and amendments.

MOVED by Hadcock and seconded by Buskerud to approve the extension of Conditional Use Permit / CU 14-23 with thirteen (13) conditions, and further moved to add Condition 14 as entered below. Vote: Unanimous.

1. That this Conditional Use Permit allows for a golf driving range and helipad on the subject property with chartered helicopter tours to be operated from the site;
2. That all conditions of Construction Permit / CP 15-01 be continually met;
3. That an On-site Wastewater Construction Permit be obtained for the installation of any on-site wastewater treatment system on the property, and that this Permit be obtained prior to issuance of a Building Permit for any structure containing plumbing;
4. That off-street parking be provided on-site in accordance with the requirements of Section 310 of the Zoning Ordinance for Commercial recreation uses;
5. That the applicant demonstrate compliance with the Federal Aviation Administration (FAA) and the applicant provide a letter from them that he is in compliance;
6. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;

7. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;
8. That access to the helipad be limited to employees and customers escorted by employees;
9. That the comments provided by the U.S. Forest Service be adhered to at all times;
10. That a Sign Permit be obtained prior to the installation of any signs on the property. All new signs must meet the requirements of Section 312 of the Zoning Ordinance;
11. That the property address be clearly visible from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
12. That prior to operation of the helipad, this Conditional Use Permit be reviewed in order for specifics about the operation of the helipad to be determined, including hours of operation, number of flights per hour, etc.; and,
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met;
14. That prior to transfer of the property, the landowner notify the Planning Director and Conditional Use Permit / CU 14-23 be reviewed.

- E. APPEAL OF CONDITIONAL USE PERMIT / CU 16-05: Spring Creek Hideaway, LLC / Brent and Pam Veurink. To allow for a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Peterson Subdivision MS 622, Section 11, T2S, R4E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Trautman to continue Conditional Use Permit / CU 16-05 to the May 17, 2016, Board of Commissioners' meeting. Vote: Unanimous.

APPROVAL OF VOUCHERS

MOVED by Hadcock and seconded by Buskerud to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$2,304,283.21. The motion carried.

BH Power Inc, 32.40; Montana Dakota Utilities, 8,598.90; West River Electric, 80.07; Verizon Wireless, 1,102.97; Rainbow Gas Company, 3,487.75; Century Link, 7,832.48; Reliance Telephone Inc, 12.33; First Interstate Bank, 1,627.58; BH Power Inc, 471.32; Wex Bank, 111.75; Global Tel'link, 99.34; Vast Broadband, 3,871.62; US Bank, 2,101,054.65; Wellmark, 96,585.46; Wellmark, 60,939.41; BH Power Inc, 215.57; City Of Box Elder, 97.63; City Of Rapid City - Water, 1,535.20; West River Electric, 1,898.95; Verizon Wireless, 5,660.68; City Of Hill City, 56.38; Executive Mgmt Fin Office, 24.00; Century Link, 243.42; City Of Wall, 139.00; First Interstate Bank, 5,510.92; BH Power Inc, 408.81; AT&T Mobility, 184.77; Vast Broadband, 2,399.85.

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 April 15, 2016: Total balances of checking/savings accounts, \$18,768,608.27; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,547,956.18; Total Prime Value Investment, \$18,505,309.42; Total petty cash, \$14,705.00; Total Cash Items, \$74.00; Total long/short, (\$319.48); Total, \$40,846,333.39. Submitted by Lori Wessel, Deputy Auditor.

EXECUTIVE SESSION per SDCL 1-25-2

MOVED by Buskerud and seconded by Hadcock to convene in executive session. The motion carried. The Board remained in executive session from 11:21 a.m. to 11:41 a.m.

A. Personnel Issue per SDCL 1-25-2(1)

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

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

PERSONNEL

Auditor: Effective 5/30/2016 - LaRae Glynn, \$14.83

Health & Human Services: Effective 5/23/2016 – Nanette Parker, \$20.86/hr.

State's Attorney: Effective 5/1/2016 – Emily Lessin, \$18.92/hr.

PAYROLL

Commissioners, 15,002.84; Human Resources, 9,634.68; Elections, 13,538.01; Auditor, 23,652.50; Treasurer, 54,864.41; IT, 47,829.79; State's Attorney, 195,634.37; Public Defender, 139,669.75; Buildings & Grounds, 120,742.61; Equalization, 74,128.82; Register of Deeds, 25,642.44; Sheriff, 440,388.38; HIDTA Grant, 8,251.83; Jail, 570,454.27; JSC, 180,794.12; JSC Juvenile Alternative, 9,411.97; CCADP, 143,334.10; Life Enrichment Center, 28,673.20; Economic Assistance, 64,585.40; Extension, 2,460.06; Weed & Pest, 9,559.96; Mountain Pine Beetle, 7,561.61; Planning and Zoning, 25,422.45; Water Protection, 6,423.91; Road & Bridge, 186,049.55; Fire Administration, 7,202.17; Dispatch, 188,933.16; Emergency Management, 8,881.94; 24-7 Program, 24,272.61.

ADJOURN

MOVED by Hadcock and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:41 a.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: May 18, 2016