

**PROCEEDINGS OF THE PENNINGTON COUNTY
BOARD OF COMMISSIONERS
June 10, 2016**

The Pennington County Board of Commissioners met at 9:00 a.m. on Friday, June 10, 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 and Nancy Trautman. Commissioner Deb Hadcock was not in attendance.

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 Buskerud and seconded by Ferebee to approve the Consent Agenda with the exception of Item 10. The motion carried.

5. Approve the minutes of the regular May 17, 2016, Board of Commissioners' meeting as submitted.
6. Acknowledge the notice of intent to conduct a raffle – Rochford Rural Fire Association (VFD)
7. Acknowledge the notice of intent to conduct a raffle/duck race – Rochford Chapel.
8. Acknowledge the Order of Organization and Incorporation for the Gold Mountain Loop Road District.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE GOLD MOUNTAIN LOOP ROAD DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

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

AND WHEREAS, said petitions indicate the desire of all landowners of record within the proposed boundaries to organize the Gold Mountain Loop Road District to maintain at the level as determined by the elected Board of Trustees;

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Gold Mountain Loop Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2016 pay 2017 tax year and after.

BE IT FURTHER ORDERED that the Gold Mountain Loop Road District which legal description is: LOTS 1-6 INCLUSIVE, LOTS 8AR & LOT 8BR OF LOT 8, AND LOTS 9-26 INCLUSIVE OF GOLD MOUNTAIN SUBDIVISION AND TRACTS A,B,C & D OF WILLISON B WHITE HES #2440 AND THOSE PARTS OF THE W1/2NE1/4 LYING EAST OF TRACT A & OF TRACT B OF WILLISON B WHITE HOMESTEAD, HES #2440 AND WEST OF GOLD MOUNTAIN SUBD; TRACT 1087 IN SECTION 14, T1S, R04E, BHM, Pennington County, SD.

Dated this 10th day of June, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

9. Acknowledge the Order for Organization and Incorporation for the Martin Ranch Trail Road District.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE MARTIN RANCH TRAIL ROAD DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, all property owners of record that are within the proposed district boundaries have agreed to and petitioned for the organization of the MARTIN RANCH TRAIL ROAD District;

AND WHEREAS, said petitions indicate the desire of all landowners of record within the proposed boundaries to organize the MARTIN RANCH TRAIL ROAD District to maintain NONE SHOWN ON MAP at the level as determined by the elected Board of Trustees;

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the MARTIN RANCH TRAIL ROAD District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2016 pay 2017 tax year and after.

BE IT FURTHER ORDERED that the MARTIN RANCH TRAIL ROAD District which legal description is: E1/2NE1/4; SE1/4 OF SECTION 8 AND W1/2SW1/4 OF SECTION 9, T2S, R7E, BHM, Pennington County, SD.

Dated this 10th day of June, 2016.

/s/ Lyndell Petersen, Chairperson

Pennington County Board of Commissioners

ATTEST:

/s/ Julie A. Pearson, Auditor

10. Removed for separate consideration.
11. Correct the 2015 Sale of County Property at 703 Adams Street to Accumulated Building Assigned Fund balance and use the Assigned Fund Balance to support the 2016 approved budget.
12. Approve the Adopt-A-Highway Application for a portion of Sheridan Lake Road by the 28 Munitions Squadron of Ellsworth Air Force Base.

Removed for Separate Consideration

10. GENERAL FUND OPERATING TRANSFERS: MOVED by Buskerud and seconded by Ferebee to approve the budgeted General Fund operating transfers to the E911 Fund in the amount of \$339,419 and the Emergency Management Fund in the amount of \$100,095. The motion carried.

End of Consent Agenda

COUNTY CARES CAMPAIGN: Jail Gardens – Chief Deputy Brian Mueller

RAPID CITY PUBLIC LIBRARY UPDATE

- A. 2016 1st Quarter Pennington County Statistics

ITEMS FROM AUDITOR

- A. PUBLIC HEARING – BUDGET SUPPLEMENT SP16-005: EMERGENCY MANAGEMENT FUND: MOVED by Trautman and seconded by Buskerud to approve a supplement to the Emergency Management Fund operating budget in the amount of \$22,673 from unanticipated current year revenues. The motion carried 3-1 with Ferebee opposing.
- B. NEW RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE – BLACK HILLS SPEEDWAY: MOVED by Trautman and seconded by Buskerud to approve the new retail (on-off sale) Malt Beverage & SD Farm Wine License for Black Hills Speedway, Half Mile Inc. Vote: Unanimous.
- C. MALT BEVERAGE LICENSE RENEWALS: MOVED by Trautman and seconded by Buskerud to approve the Retail (on-off sale) Malt Beverage renewal for Depot Restaurant, R & R Gas-N-More LLC and the Package (off-sale) Malt Beverage and SD Farm Wine renewals for Horse Thief Campground, Horse Thief Campground & Resort Inc. and Stone Faces Winery, Valiant Vineyards, Inc. Vote: Unanimous.
- D. CANVASS OF PRIMARY ELECTION RESULTS: MOVED by Trautman and seconded by Buskerud to accept the canvass and declare the results of the June 7, 2016, Primary Election official and authorize the Commissioners present to sign the Official Canvass and further moved to authorize payment of all election expenses as listed: Payroll, \$29,645.42; Travel, \$1,908.36; Utilities, \$360.00; Rent, \$980.00. Vote: Unanimous.
- E. RESOLUTION TO SURPLUS & CONVEY PENNINGTON COUNTY'S INTEREST IN PROPERTY TO THE CITY OF RAPID CITY: MOVED by Trautman and seconded by

Buskerud to approve the following Resolution and authorize the Chairman's signature.
Vote: Unanimous.

RESOLUTION

WHEREAS, Pennington County and the City of Rapid City coordinated in the purchase of properties after the flood of 1972 for public safety reasons and public use, and

WHEREAS, all such properties were then deeded in shared ownership naming both Pennington County and the City of Rapid City, and

WHEREAS, the City of Rapid City has solely maintained the property since the flood of 1972, 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, on February 16, 2016, the City of Rapid City acted in favor to accept transfer and sole ownership of said properties as listed in Exhibit A (listed below), so

THEREFORE BE IT RESOLVED that the Pennington County Board of Commissioners declares as surplus the properties listed in Exhibit A for conveying and transferring sole ownership to the City of Rapid City for public safety and use, and that the Chairman affix his signature to the Quit Claim Deeds.

Dated this 10th day of June, 2016.

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

ATTEST:
/s/ Julie A. Pearson, Auditor

EXHIBIT A

Braeburn Addn, LOT 1 OF TRACT B, AND LOT 2 OF TRACT B
Braeburn Addn, LOT 3 OF TRACT B
Braeburn Addn, LOT 4 OF TRACT B
Braeburn Addn, LOT 5 OF TRACT B
Braeburn Addn, LOT F
Braeburn Addn, Lot 9
Braeburn Addn, Lot A
Braeburn Addn, Lot B
Braeburn Addn, TRACT C
Braeburn Addn, LOT C
Braeburn Addn, TRACT D LESS RTY
Braeburn Addn, LOT D AND LOT 31B

Braeburn Addn, TRACT E
Braeburn Addn, LOTS E AND E1
Braeburn Addn, Lot F-1
Braeburn Addn, LOT 10
Braeburn Addn, LOT 11
Braeburn Addn, LOTS 17A AND 18A
Braeburn Addn, LOTS 17 AND 18
Braeburn Addn, LOTS 19A AND 20A
Braeburn Addn, LOTS 19 AND 20
Braeburn Addn, LOTS 1A, 2A, 3A, 4A, 5A, 6A, 7A AND 8A
Braeburn Addn, LOTS 21A, 22A, 23A, 24A, AND 25A
Braeburn Addn, LOT 21, 22, 23, 24, AND 25
Braeburn Addn, LOTS 26, 27, AND 28-1
Braeburn Addn, LOTS 26A, 27A, AND 28A-1
Braeburn Addn, LOTS 28-2 AND 28A-2
Braeburn Addn, LOTS 29, 29A, 30, AND 30A
Braeburn Addn, LOTS 36 Revised, 36A, AND 37A
Braeburn Addn, LOTS 36B, 37B, 38A, 38B, 39A, 39B, 40A, 40B, 41A, AND 41B
Braeburn Addn, LOTS 42 - 52, INCLUSIVE
Braeburn Addn, LOTS 9A, 10A, AND 11A
Braeburn Addn, BLOCK 1, LOT 1 OF TRACT A
Braeburn Addn, BLOCK 1, LOT 2 OF TRACT A
Braeburn Addn, BLOCK 1, LOT 3 OF TRACT A
Braeburn Addn, BLOCK 1, LOT 5 OF TRACT A
Braeburn Addn, BLOCK 2, LOT 2 OF TRACT A
Braeburn Addn, BLOCK 2, LOT 3 OF TRACT A
Braeburn Addn, BLOCK 2, LOT 4 OF TRACT A
Braeburn Addn, BLOCK 2, LOT 5 OF TRACT A, AND LOT 7B OF TRACT A
Braeburn Addn, BLOCK 2, LOT 6 OF TRACT A
Braeburn Addn, BLOCK 2, LOT 7A OF TRACT A, AND LOT 8 OF TRACT A
Braeburn Addn, BLOCK 2, LOT 9 OF TRACT A
Camp Dakota, UNPLATTED BALANCE OF PARCEL 3
Camp Dakota, LOT 5 OF PARCEL 3 AND OF TRACT 5
Camp Dakota, Lot 6 OF PARCEL 3 AND OF TRACT 5; AND LOT 6A OF PARCEL 3
Camp Dakota, LOT 7A OF PARCEL 3 AND OF TRACT 5; AND LOT 8A OF PARCEL 3
Camp Dakota, LOT 9 OF PARCEL 3
Camp Dakota, LOT 10 OF PARCEL 3
Camp Dakota, LOT 17 OF PARCEL 3
Canyon Park, W1/2 OF LOT 9
Canyon Park, LOT A OF LOT 3
Canyon Park, LOT B OF LOT 3
Canyon Park, LOT C OF LOT 3
Canyon Park, LOT E AND E1 OF LOT 3
Canyon Park, LOT F OF LOT 3

Canyon Park, LOT G OF PARCEL 1 LESS LOT 1 OF LOT G OF PARCEL 1 AND
LESS RTY AND HWY ROW
Canyon Park, LOT L OF PARCEL 1
Canyon Park, LOT 10
Canyon Park, LOT 11 OF LOT K OF PARCEL 1
Canyon Park, LOT 17
Canyon Park, LOT 17A OF LOT 17
Canyon Park, TRACT O OF PARCEL 1 AND PARCEL 3
Cliffside Subd, LOT 2 OF LOT Y
Cliffside Subd, LOT 3 OF LOT Y
Cliffside Subd, LOT 4 OF LOT Y
Cliffside Subd, LOT 6 OF LOT X
Cliffside Subd, LOT 6 OF LOT Y
Cliffside Subd, LOT 7 OF LOT X
Cliffside Subd, LOT 8 OF LOT X
Cliffside Subd, LOT 9 OF LOT X
Cliffside Subd, LOT 10 OF LOT X
Cliffside Subd, LOT 11 OF LOT X
Craglands, WEST 20' OF LOT 1
Craglands, LOT 2
Craglands, LOT 3, LESS THE W10' AND LESS LOT 3A OF LOT 3
Daniel Tract, LOTS 8, 9, AND 10
Daniel Tract, LOT B
Daniel Tract, LOT 11 AND LOT 12
Daniel Tract, E1/2 OF LOT 13
Jackson Park, BLOCK 2, Lot 3
Jackson Park, BLOCK 2, Lot 4
Jackson Park, BLOCK 2, Lot 5
Jackson Park, BLOCK 2, Lot 6
Jackson Park, BLOCK 2, Lot 7
Jackson Park, BLOCK 2, Lot 8
Jackson Park, BLOCK 2, Lot 9
Jackson Park, BLOCK 2, Lot 10
Jackson Park, BLOCK 2, Lot 11
Jackson Park, BLOCK 2, Lot 12
Jackson Park, BLOCK 2, Lot 13
Jackson Park, BLOCK 2, Lots 14, 15, and 16
Jackson Park, BLOCK 2, Lot 17
Jackson Park, BLOCK 2, Lot 18A
Jackson Park, BLOCK 2, Lot 18B
Jackson Park, BLOCK 3, Lot 3A
Jackson Park, BLOCK 3, Lot 4
Jackson Park, BLOCK 3, Lot 5
Jackson Park, BLOCK 3, Lot 6
Jackson Park, BLOCK 3, Lot 7
Jackson Park, BLOCK 3, Lot 8

Jackson Park, BLOCK 3, Lot 9
Jackson Park, BLOCK 3, Lot A OF LOT 2A, AND LOT B OF LOT 2A
Jackson Park, BLOCK 3, Lot 10
Jackson Park, BLOCK 3, Lot 11
Jackson Park, BLOCK 3, LOT A OF LOT 12
Jackson Park, BLOCK 3, LOT A OF LOT 13
Jackson Park, BLOCK 3, LOT B OF LOT 13
Jackson Park, BLOCK 3, LOT 14B
Jackson Park, BLOCK 3, Lot 15
Jackson Park, BLOCK 3, Lot 16
Jackson Park, BLOCK 3, Lot 17
Jackson Park, BLOCK 3, LOT 1A OF LOT 1
Jackson Park, BLOCK 3, Lot 2B
Jackson Park, BLOCK 3, Lot 3B
Jackson Park, ALL OF BLOCK 4, LESS THAT PORTION WHICH IS PLATTED AS
LOT 7 REVISED OF BLOCK 1 OF JACKSON PARK
Tittle Springs, W1/2 OF LOT 1
Tittle Springs, LOT 7, 8, AND 9
Tittle Springs, LOT 17 AND 18
Tittle Springs, LOT 19
Woodland Hills, BLOCK 1, LOT 1
Woodland Hills, BLOCK 1, LOT 2
Woodland Hills, BLOCK 1, LOT 3
Woodland Hills, BLOCK 1, LOT 4
Woodland Hills, BLOCK 2, LOT 2
Woodland Hills, BLOCK 2, LOT 3
Woodland Hills, BLOCK 2, Lot 5, LESS RTY
Tract M-1 of the NW1/4NW1/4 OF Sec 17 T1N, R7E
LOT Z OF NE1/4NE1/4 Sec 18, T1N, R7E PER PLAT BOOK 10 PAGE 231
PARCEL 5 OF THE SE1/4NE1/4 SEC 18, T1N, R7E, PER PLAT BOOK 10 PAGE 70
(AKA CANYON PARK)

- F. GENERAL FUND SHORTFALL – COMMISSION BUDGET: MOVED by Buskerud and seconded by Trautman to authorize a General Fund contingency transfer to the Commission budget in the amount of \$15,800. The motion carried 3-1 with Ferebee opposing.
- G. REQUEST TO WRITE OFF COUNTY LIENS WITH NO IDENTIFICATION: MOVED by Trautman and seconded by Buskerud to grant the Auditor's Office permission to discharge county lien accounts totaling \$53,128.62 because Pennington County no longer has records to identify the lien clients. Vote: Unanimous.
- H. RESOLUTION TO DISCHARGE COUNTY AID LIENS OF DECEASED PERSONS: MOVED by Trautman and seconded by Buskerud to authorize the discharge of county liens of deceased persons totaling \$1,601,246.06. Vote: Unanimous.

**RESOLUTION TO DISCHARGE COUNTY LIENS
OF DECEASED PERSONS**

WHEREAS, the Pennington County Commission has determined that it is in the County's best interest to discharge county aid liens against deceased persons and those liens deemed uncollectible; and

WHEREAS, Health & Human Services and the Pennington County Auditor have determined through burial assistance, notification from Credit Collections Bureau and other sources that the individuals on the attached Order to Discharge Indigent Liens are deceased;

NOW, THEREFORE BE IT RESOLVED, BY THE Pennington County Board of Commissioners, that the Register of Deeds is hereby directed to discharge liens totaling \$1,601,246.06.

DATED this 10th day of June, 2016.
PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST:
/s/ Julie A. Pearson, Auditor

ITEMS FROM SHERIFF'S OFFICE

- A. SECURITY ELECTRONIC SYSTEMS AT THE PC JAIL (SP16-006): MOVED by Trautman and seconded by Buskerud to schedule a hearing at 9:15 a.m. on Tuesday, June 21, 2016, to supplement the Accumulated Building Fund Capital Projects budget in the amount of \$410,400 from Restricted Fund Balance. Vote: Unanimous.
- B. 2016 PATROL VEHICLE ORDER – AMENDMENT REQUESTED: MOVED by Trautman and seconded by Buskerud to authorize the Pennington County Sheriff's Office to purchase seven (7) Chevrolet Tahoes from Jerry's Chevrolet, PO Box 664, Beresford, SD, off State Contract #16866 Addendum #3, and further moved to authorize the Sheriff's Office to utilize the eight (8) vehicles, previously declared surplus on November 17, 2015, as trade-ins on this purchase for a total cost of approximately \$257,786 to be paid from the 2016 Sheriff's Office budgets. The motion carried 3-1 with Ferebee opposing.

ITEMS FROM STATE'S ATTORNEY

- A. REAL ESTATE PURCHASE AGREEMENT BETWEEN PENNINGTON COUNTY AND JEROME & MARY BAUER: The Building Committee recommendation was presented for review. Action will be taken at the June 21, 2016, Board of Commissioners' meeting.
- B. DISCUSSION FOR POSSIBLE RECISSION OF MARCH 15, 2016, APPROVAL OF LIEN RELEASE REQUEST FOR LPB IN THE AMOUNT OF \$2,696.31: MOVED by Trautman and seconded by Petersen to table this item until the guardian is present, with action to be taken during today's meeting. Vote: Unanimous.

ITEMS FROM TREASURER

- A. ZCC Inc. (Parcel ID 56571) RECONVEYANCE REQUEST: MOVED by Buskerud and seconded by Trautman to continue this item to the July 5, 2016, Board of Commissioners’ meeting as requested by the Pennington County Treasurer. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATOR

- A. PUBLIC FIREWORKS DISPLAY – BLACK HILLS SPEEDWAY: MOVED by Buskerud and seconded by Trautman to approve a public display of fireworks for Black Hills Speedway on Friday, July 1, 2016, with a rainout date of Friday, July 8 or Friday, July 15, 2016, provided all requirements are met. Vote: Unanimous.
- B. VEHICLE PURCHASE VENDOR & PRICE CHANGE: MOVED by Trautman and seconded by Buskerud to authorize the County Fire Administrator to purchase one new 2016 Chevrolet Tahoe SSV through Jerry’s Automotive, PO Box 664, Beresford, SD, under State Contract 16868 for \$36,878.00. The motion carried 3-1 with Ferebee opposing.
- C. SECURE RURAL SCHOOLS AND COMMUNITIES ACT CERTIFICATION FOR 2015: MOVED by Trautman and seconded by Buskerud to certify the 2015 expenditure of funds from Title III and authorize the Chairman’s signature on the Certification of Title III Expenditures by Participating Agency and submit the form to the US Secretary of Agriculture. The motion carried.

10:00 Public Hearing – FRANCHISE/PERMIT APPLICATION FOR BLACK HILLS ELECTRIC COOPERATIVE, INC., PURSUANT TO SDCL 31-26: MOVED by Buskerud and seconded by Trautman to approve the resolution Granting Permit/Franchise for Black Hills Electric Cooperative, Inc., and authorize the Chairman’s signature. Vote: Unanimous.

The Chairman realized the item had not been taken off the table; therefore the previous motion was not valid.

MOVED by Buskerud and seconded by Trautman to take Item 16 off the table. Vote: Unanimous.

MOVED by Buskerud and seconded by Trautman to approve the resolution Granting Permit/Franchise for Black Hills Electric Cooperative, Inc., and authorize the Chairman’s signature. Vote: Unanimous.

STATE OF SOUTH DAKOTA :	THE HONORABLE BOARD
:SS	OF COUNTY COMMISSIONERS
COUNTY OF PENNINGTON :	OF PENNINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF BLACK HILLS ELECTRIC COOPERATIVE, INC., FOR APPROVAL OF THE PERMIT / FRANCHISE PURSUANT TO SDCL 31-26.	RESOLUTION GRANTING PERMIT/FRANCHISE
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WHEREAS on the 10th day of June, 2016, Black Hills Electric Cooperative, Inc., a South Dakota corporation, with its principal place of business at Custer, South Dakota, applied to the Board of County

Commissioners of Pennington County, South Dakota, for the right and privilege of maintain a franchise for electric power lines constructed on certain highways and roadways in said County, as more particularly set out in the Petition for franchise on file in the Auditor's office of said County, which Petition is hereby made a part of this resolution; and

WHEREAS, the electric Transmission, Telegraph and Telephone companies operating lines in, near adjacent to said highways and roadways were duly notified by the County Auditor for Pennington County that a hearing would be held pursuant to the Application in accordance with SDCL §-31-26; and

WHEREAS, the Board of Commissioners of Pennington County have examined said Petition and found:

1. That said Petition is in the form and contains the information required by law.
2. That the Petition was appropriately filed with the Pennington County Auditor and that all persons, firms or corporations owning transmission, telegraph, and telephone lines with Pennington County were notified by registered or certified mail at least ten (10) days prior to the Pennington County Board of Commissioner's hearing on said Application and that Notice stated the time and place when and where such Petition would be heard.
3. That the Pennington County Board of Commissioners has considered the complaints of all parties appearing and has adjusted all differences between Black Hills Electric Cooperative, Inc., and the owner or owners of any transmission, telegraph or telephone lines affected by the Board's decision upon said petition.
4. That the operation, maintenance and construction (if and when found necessary by Applicant) of said lines will be in the public interest, and that said permit / franchise should be granted, subject to the conditions hereinafter set forth.

THEREFORE BE IT RESOLVED by the Board of County Commissioners of Pennington County, South Dakota, that Black Hills Electric Cooperative, Inc., a corporation organized and existing under and by virtue of the laws of the State of South Dakota, qualified and authorized to operate and transact business in the State of South Dakota, its successors and assigns hereinafter called the grantee be and hereby are authorized and granted a right-of-way permit/franchise to construct, operate, maintain as wherever necessary, electric transmission and distribution lines on and along all public highways in Pennington County, South Dakota. That this permit/franchise is granted specifically pursuant to SDCL §31-26-12, authorizing a general grant as to all public highways for rural electrification purposes; and it is found and resolved hereby that the grantee, Black Hills Electric Cooperative, Inc., is operating its entire system primarily and principally for rural electrification purposes.

BE IT FURTHER RESOLVED that this permit is subject to the following conditions and such other reasonable conditions and regulations as the South Dakota legislature may hereinafter prescribe:

1. The grantee shall not have the exclusive right to use such highway(s) for the conducting of electricity.

2. The poles, fixtures and transmission line shall be constructed so as not to prevent the public use of any road or the navigation of any stream.
3. When any highway along which such a line has been constructed shall be changed, grantee shall, upon ninety (90) days' notice in writing, remove such line to the highway as changed.
4. Grantee shall construct and maintain said poles, wires and line in accordance with the National Electric Safety Code adopted by the Bureau of Standards of the United States Department of Commerce.
5. This right-of-way permit/franchise shall be effective and in full force for a period of twenty (20) years from the date hereof.
6. That the grantee shall notify the County in writing at least thirty (30) days prior to the construction of any additional transmission or distribution lines along and on all public highways in Pennington County, South Dakota, and apply for a permit and approval with the Pennington County Highway Superintendent to complete the proposed construction.

Approved at the regular meeting of the Pennington County Board of County Commissioners held on the 10th day of June, 2016.

BOARD OF COUNTY COMMISSIONERS,
PENNINGTON COUNTY, SOUTH DAKOTA

BY: Lyndell Petersen, Chairman

ATTEST:

/s/ Julie A Pearson, Auditor

ITEMS FROM HIGHWAY DEPARTMENT

- A. MODIFICATION #6 TO FOREST ROAD COOPERATIVE AGREEMENT 14-RO-11020300-019: MOVED by Ferebee and seconded by Trautman to approve Modification #6 to Cooperative Road Agreement #14-RO-11020300-019 with the Black Hills National Forest and authorize Chairperson's signature. Vote: Unanimous.

LIEN RELEASE REQUEST – CF

MOVED by Ferebee and seconded by Trautman to deny the lien release request from CKF (Name withheld per SDCL 28-13-42) for liens totaling \$13,956.72. Vote: Unanimous.

MOVED by Ferebee and seconded by Buskerud to take item 18B off the table.

18 B. DISCUSSION FOR POSSIBLE RECISSION OF MARCH 15, 2016, APPROVAL OF LIEN RELEASE REQUEST FOR LPB IN THE AMOUNT OF \$2,696.31: MOVED by Ferebee and seconded by Buskerud to rescind the March 15, 2016, motion by the Board of Commissioners approving the lien release request for LPB (Name withheld per SDCL 28-13-42) in the amount of \$2,696.31. Vote: Unanimous.

MOVED by Ferebee and seconded by Buskerud to deny the Lien Release Request for LPB in the amount of \$2,696.31. Vote: Unanimous.

MOVED by Trautman and seconded by Ferebee to amend the agenda to consider Item 24 - Items from Chair & Commission Members, and Item 25 - Committee Reports, before Planning & Zoning since it is not yet 10:30 a.m. Vote: Unanimous.

**ITEMS FROM CHAIR/COMMISSION MEMBERS
COMMITTEE REPORTS**

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 Trautman and seconded by Buskerud to removed Items D & E and approve the Planning & Zoning Consent Agenda as amended. Vote: Unanimous.

- A. SECOND READING 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.

ORDINANCE NO. PUD 16-01

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:

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

To rezone 55.26 acres from Limited Agriculture District and General Agriculture District to a Planned Unit Development. This Planned Unit Development use is hereby approved in accordance with the following twenty-nine (29) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;
2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That this Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District and Limited Agriculture District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PUD 16-01, the zoning reverts back to General Agriculture District and Limited Agriculture District assuming the same lot configuration;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 16-01, may be brought forth for review;
5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;
6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;
7. Grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at least eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;
9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;
10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;
11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only;
12. That any music being provided for any activities be shut down by 10 p.m.;
13. That the applicant install directional signs along the interior driveway to direct visitors;

14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;
17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;
18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;
20. If another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;
21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;
22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;
23. That the applicant ensure the residential and agricultural character of the property is maintained;
24. That prior to operation, the application obtain a Building Permit (with applicable fees) for the unpermitted existing 11' x 19' structure;
25. That an approved 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;
26. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
27. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
28. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 16-01, which is available at the Planning Office; and,
29. That Planned Unit Development / PUD 16-01, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

DATED THIS 10TH DAY OF JUNE, 2016.
PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST:

/s/ Julie A. Pearson, Auditor

- B. LAYOUT PLAT / PL 16-03: Wyoming Dakota Railroad Properties / David Drach. To create Lot SD103-Lot 1 of WDRPI-SD103 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Located in the N1/2 of Section 36; T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot SD103-Lot 1 of WDRPI-SD103, Section 36; T1N, R15E, BHM, Pennington County, South Dakota.

Approve Layout Plat / PL 16-03 with thirteen (13) conditions:

1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;
2. That prior to filing the plat with Register of Deeds, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement;
3. That prior to filing the plat with Register of Deeds, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement;
4. That prior to filing the plat with Register of Deeds, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement;
5. That the plat be drawn in accordance with the requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications (for all owners) and the scale of the plat to be no greater than one (1) inch equals 100 feet, or obtain approval of a Subdivision Regulations Variance waiving this requirement;
6. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement;
7. That at the time of construction of the railroad, the applicant obtains a Construction Permit from Pennington County if the disturbance is equal to or greater than 10,000 square feet;
8. That at the time of construction of the railroad, the applicant obtains a General Permit for Storm Water Discharges Associated with Construction Activities from the South Dakota Department of Environment and Natural Resources if the disturbance is greater than one (1) acre;

9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement;
10. That prior to any work within the Special Flood Hazard Area, a Floodplain Development Permit be obtained;
11. That prior to submittal of the Preliminary Plat, that the Plat heading read “Lot 1 of WDRPI-SD103 Subdivision” as requested by the Register of Deeds;
12. That prior to filing the plat with Register of Deeds, setbacks are verified for the silos; and,
13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

C. LAYOUT PLAT / PL 16-01: Donald Brassfield. To create Lot C1 and Lot C2 of Brassfield Subdivision in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot C of Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot C1 and Lot C2 of Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

Approve Layout Plat / PL 16-01 with seven (7) conditions.

1. That at the time of Minor 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 Minor Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Lots C1 and C2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor 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 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;
6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-01, which is available at the Planning Office; and,
7. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Removed for Separate Consideration.

- D. LAYOUT PLAT / PL 16-02: Darlene Hutchinson; Fisk Land Surveying - Agent. To combine four lots to create Lot 8 Revised, Block 4 of Silver City Addition in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 5, 6, 7, and 8, Block 4, Silver City Addition, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 8 Revised, Block 4, Silver City Addition, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Buskerud to approve Layout Plat / PL 16-02 with twelve (12) conditions. Vote: Unanimous.

1. That at the time of a new Plat submittal, engineered road construction plans be submitted for St. Joseph Street or a Subdivision Regulations Variance be obtained waiving this requirement;
2. That St. Joseph Street be improved, per Table 1 of the Subdivision Regulations, or approval of a Subdivision Regulations Variance be obtained waiving this requirement;
3. That the applicant is not required to submit percolation tests and soil profile hole information unless he / she obtains a Variance from the State to allow an on-site system on a lot less than 20,000 square feet;
4. That at the time of submittal of a new Plat, the applicant submits topography at five foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of submittal of a new Plat, the heading be changed per the comments from the Register of Deeds and the Department of Equalization;
6. That at the time of submittal of a new Plat, the existing Carport and Shed be brought into compliance by the landowner;
7. That prior to a Plat being recorded with the Register of Deeds, Case COEV13-0083 be researched by staff and if necessary, the proper steps taken to bring the parcel into compliance;
8. That the plat be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
9. That the labeling of all proposed Lot designations be consistent throughout all future documents submitted by the applicant, up to and including documents for Final Plat approval;
10. That prior to a Plat being recorded with the Register of Deeds, all necessary Building Permits, as determined by staff, be applied for and approved;
11. That any new septic systems or additions to any existing structures will require the existing system to be reassessed and approved by the Pennington County Planning Department; and,
12. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

- E. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-01: Pennington County. To amend Section 103 - Definitions; Section 208 - Suburban Residential District; and Section 319 - Vacation Home Rental Ordinance of the Pennington County Zoning Ordinance.

MOVED by Trautman and seconded by Buskerud to continue Ordinance Amendment / OA 16-01 to a later date when all concerns have been discussed and resolved by the Vacation Home Rental Committee. Vote: Unanimous.

End of Consent Agenda

PLANNING & ZONING REGULAR AGENDA ITEMS

- F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-04: Rich and LeeAnn Jensen. To rezone 21.57 acres from Low Density Residential District and Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive and Low Density Residential District to Highway Service District in accordance with Sections 206, 207, 210, 213, and 508 of the Pennington County Zoning Ordinance.

Lot 1R, Jensen Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Trautman to approve Rezone / RZ 16-04 and Comprehensive Plan Amendment / CA 16-04. Vote: Unanimous.

APPROVAL OF VOUCHERS

MOVED by Trautman 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 \$781,387.76. Vote: Unanimous.

BH Power Inc, 109.92; City Of Rapid City - Water, 71.09; Montana Dakota Utilities, 319.14; West River Electric, 138.42; Verizon Wireless, 558.53; Pioneer Bank & Trust, 4,700.20; Kieffer Sanitation/A Waste Management Co, 144.20; Reliance Telephone Inc, 13.44; BH Power Inc, 688.70; Vast Broadband, 1,548.38; BH Power Inc, 279.96; City Of Rapid City -Water, 1,685.15; Montana Dakota Utilities, 4,133.79; West River Electric, 69.57; Verizon Wireless, 6,232.24; City Of Hill City, 42.46; Rainbow Gas Company, 1,468.21; Executive Mgmt Fin Office, 24.00; Century Link, 243.42; BH Power Inc, 706.78; Vast Broadband, 3,246.34; BH Power Inc, 3,320.36; City Of Box Elder, 55.02; City Of Rapid City -Water, 1,170.61; Golden West Companies, 353.45; Montana Dakota Utilities, 1,251.30; West River Electric, 1,235.26; Verizon Wireless, 511.38; City Of Wall, 142.20; Reliance Telephone Inc, 10.48; First Interstate Bank, 7,220.25; The Hartford, 2,538.04; BH Power Inc, 543.09; Delta Dental Of South Dakota, 30,275.48; Sun Life Financial, 94,267.84; Vast Broadband, 3,694.99; Wellmark, 50,952.93; Wellmark, 206,474.15; Wellmark, 104,862.26; Wellmark, 113,718.91; Wellmark, 132,365.82.

EXECUTIVE SESSION per SDCL 1-25-2

MOVED by Trautman and seconded by Buskerud to convene in executive session for personnel and contractual matters. The motion carried. A substitute motion by Ferebee that the personnel matter does not qualify under SDCL 1-25-2(1) was determined by the Chairman to have been after the vote. The Board remained in executive session from 10:45 a.m. to 11:16 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 Trautman to adjourn from executive session. The motion carried.

MOVED by Trautman and seconded by Buskerud to continue the personnel issue discussed during executive session to the June 21, 2016, Board of Commissioners' meeting. A substitute motion by Ferebee stating that the issue does not qualify as a personnel matter in accordance with state statute died for lack of a second. The motion carried 3-1 with Ferebee opposing.

AUDITOR'S ACCOUNT OF THE TREASURER

To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of May 26, 2016: Total balances of checking/savings accounts, \$24,058,516.15; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,552,570.82; Total Prime Value Investment, \$20,543,374.11; Total petty cash, \$14,705.00; Total Cash Items, \$295.68; Total long/short, (\$340.11); Total, \$48,179,121.65. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 5/25/2016 – Erin Bender, \$12.81/hr.

E911: Effective 5/22/2016 – Kirsten Foster at \$18.71/hr.

Equalization: Effective 6/2/2016 – Scott Dressler and Lori Gioia at \$17.16/hr.

Highway Department: Effective 5/23/2016 – Riley Finck at \$12.81/hr.

Information Technology: Effective 7/1/2016 – Nathan Mertes at \$4,395/month. Effective 6/19/2016 – Daniel de Jesus at \$21.91/hr.; Ryan Howard at \$20.86/hr.; and Luke Stowers at \$21.91/hr.

Public Defender: Effective 6/1/2016 – Tammy Valdez at \$18.92/hr.

State's Attorney: Effective 6/2/2016 – Breann Wessel at \$20.64/hr.; effective 6/1/2016 – Brooke Romeo at \$18.92/hr.; effective 8/1/2016 – Alexandra Weiss at \$5,318/month; effective 8/22/2016 – Arman Zeljkovic at \$5,318/month.

Treasurer: Effective 6/1/2016 – Kristen Klassen at \$15.57/hr.

PAYROLL

Commissioners, 15,689.24; Human Resources, 10,469.08; Elections, 20,355.53; Auditor, 25,546.09; Treasurer, 66,224.59; IT, 56,669.66; State's Attorney, 219,247.84; Public Defender, 146,857.33; Buildings & Grounds, 177,921.80; Equalization, 89,675.62; Register of Deeds, 28,483.64; Sheriff, 536,635.15; HIDTA Grant, 11,366.30; Jail, 708,915.11; JSC, 228,887.62; JSC Juvenile Alternative, 12,048.83; CCADP, 166,287.09; Life Enrichment Center, 42,612.38; Economic Assistance, 75,192.85; Extension, 3,075.08; Weed & Pest, 10,585.31; Mountain Pine

June 10, 2016

Beetle, 9,452.00; Planning and Zoning, 28,893.86; Water Protection, 6,831.30; Road & Bridge, 214,590.25; Fire Administration, 7,433.85; Dispatch, 215,762.60; Emergency Management, 9,986.24; 24-7 Program, 28,625.24.

ADJOURN

MOVED by Buskerud and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:20 a.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: June 22, 2016