

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 7, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, November 7, 2017, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Ron Buskerud, George Ferebee and Lloyd LaCroix. Commissioner DiSanto joined the meeting at a later time.

REVIEW AND APPROVE AGENDA

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

CONSENT ITEMS

MOVED by LaCroix and seconded by Buskerud to approve the Consent Agenda as presented. Vote: Unanimous.

5. Minutes of the regular meeting – October 17, 2017.

6. To Schedule public hearings at 9:15 a.m. on November 21, 2017 for the following:

a. Budget Supplement SP17-013: Supplement to the 2017 General Fund Jail budget in the amount of \$75,000 from non-budgeted revenues received in the current year.

b. Budget Supplement SP17-014: Supplement to the 2017 General Fund Emergency Management Met Warn budget in the amount of \$1,800 from Unassigned fund Balance.

c. Budget Supplement SP17-015: Supplement to the County Building Expansion Fund budgets in the amount of \$13,705,507 as outlined – Courthouse Remodel \$2,381,379, County Health Facility \$5,739,296, Highway Building \$5,522,182 and Jail/Laundry and Kitchen \$62,650 from restricted fund balance in the County Building Expansion Fund.

d. Budget Supplement SP17-016: Supplement to the County Healthcare Trust Fund budget in the amount of \$300,000 from over collected stop loss reimbursement revenue in the current year.

e. Budget Supplement SP17-017: Supplement to the 24-7 Fund program budget in the amount of \$8,750 from restricted fund balance.

f. Budget Supplement SP17-018: Supplement to the General Fund Search & Rescue budget in the amount of \$50,350 from non-budgeted revenue received in the current year.

g. Budget Supplement SP17-019: Supplement to the General Fund Jail budget in the amount of \$889,000 from non-budgeted revenue received in the current year.

h. Budget Supplement SP17-020: Supplement to the General Fund Court Appointed Attorney budget in the amount of \$75,000 and the Abuse & Neglect budget in the amount of \$75,000 from unassigned fund balance.

i. Budget Supplement SP17-021: Supplement to the Accumulated Building 2017A Master Plan Refinance budget in the amount \$565,010 from bond proceeds received in the current year.

7. To acknowledge the annexation of property described as TRACT A LOCATED IN THE SW1/4 OF SW1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 7 EAST OF THE BLACK HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA, COMPRISING 18.141 ACRES to the Rapid Canyon Sanitary Sewer District effective for 2018 tax year pay 2019.

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8. To approve the 4th Quarter 2017 SLA(State and Local Agreement) with the State of South Dakota.

End of Consent Agenda

VOLUNTEER COMMITTEE APPOINTMENTS – SPECIAL ANIMAL KEEPING

REGULATIONS COMMITTEE: MOVED by LaCroix and seconded by Buskerud to continue this item until the December 5th Commission meeting and re-advertise for more applicants.

Substitute motion MOVED by Ferebee to vote on this issue today. The motion died due to the lack of a second.

The original motion carried 3-1 with Ferebee voting no.

LIEN RELEASE REQUEST – JF: MOVED by LaCroix and seconded by Buskerud to release the liens to JF (Name withheld per SDCL 28-13-42) in the amount of \$739.39. Vote: Unanimous.

LIEN RELEASE REQUEST – MW: MOVED by Ferebee and seconded by LaCroix to continue this item until November 21, 2017. Vote: Unanimous.

COMPENSATION PRACTICES/PROPOSED REVISIONS PRESENTATION – COMPENSATION COMMITTEE: No action taken on this item.

ITEMS FROM THE AUDITOR

A. 9:15 a.m. Public Hearing: Budget Supplement SP17-012 – General Fund Planning Budget: MOVED by Buskerud and seconded by LaCroix to approve a supplement to the 2017 General Fund Planning budget in the amount of \$60,000 from assigned fund balance for the Comprehensive Plan. Vote: The motion carried 3-1 with Ferebee voting no.

B. Alcoholic Beverage License Renewals: MOVED by Ferebee and seconded by Buskerud to approve the following alcoholic beverage license renewal applications. Vote: Unanimous

Business Name	Owner Name
<i>Wine Retail (on-off sale)</i>	
Black Forest Inn Bed & Breakfast	The B-R Group LLC
Caputa Store	Caputa Store
Country Store at the Forks	The Covington Consulting Group, Inc.
Dalcam EZ Mart	Dalcam Oil Company Inc.
Dollar General Store #15207	Dolcam Oil Company Inc.
Hart Ranch Golf Course	Hart Ranch Development Co.
Hart Ranch Camping Resort	Hart Ranch Camping Resort Club
Hisega Lodge	Danger Girl Endeavors LLC
Mt. Rushmore KOA	Recreational Adventures Co.
Prairie Berry Winery	Prairie Berry LLC.
Powder House Restaurant	Big Buys LLC/Powder House Restaurant
Reptile Gardens	Black Hills Reptile Gardens Inc.
Winery Hill City	Winery Hill City LLC

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Liquor Retail On Sale With Sunday Sales

Caputa Store	Caputa Store
Central States Fair, Inc.	Central States Fair, Inc.
Country Inn Bar & Casino	The Covington Consulting Group, Inc.
Horse Creek Inn Restaurant	Castle Creek Enterprises Inc.
Moonshine Gulch Saloon	Betty Harn
Mount Rushmore Nat'l. Memorial	Xanterra Parks & Resorts Inc.
Powder House Restaurant	Big Guys LLC/Powder House Restaurant
Rimrock Happy Tavern	Rimrock Holdings LLC
Sally O'Malleys Pub & Casino	KJL Inc.
Sweet Grass Bed & Breakfast/ Shipwrecked Lee's	MRH Services LLC
The Gaslight	Rockin' 4 LLC

ITEMS FROM STATE ATTORNEY:

- A. PENNINGTON COUNTY MACARTHUR SAFETY AND JUSTICE CHALLENGE (SJC) OVERVIEW: No action was taken on this item.
- B. BUDGET SUPPLEMENTS SP17-022 – GENERAL FUND OPERATING TRANSFER OUT BUDGET AND THE MACARTHUR GRANT FUND OPERATIONS BUDGETS: MOVED by Buskerud and seconded by LaCroix to schedule a hearing at 9:15 a.m. on Tuesday, November 21, 2017 to supplement to the General Fund Operating Transfer out budget in the amount \$29,940.75 from remaining Assigned MacArthur Grant funds and to supplement the MacArthur Grant Fund operations budgets in the amount of \$75,000 from restricted fund balance. Vote: Unanimous
- C. MACARTHUR SAFETY AND JUSTICE CHALLENGE COMMITTEE – REQUEST FOR APPROVAL OF 7 FULL TIME EMPLOYEES (FTE'S): MOVED by LaCroix and seconded by Buskerud to approve the request for seven FTE's, which will be paid for with the MacArthur funding. Vote: The motion carried 3-0 with Ferebee abstaining.

ITEMS FROM THE TREASURER

- A. PROPERTY TAX AUTO PAY PROGRAM: No action was taken on this item at this time.

ITEMS FROM HEALTH & HUMAN SERVICES

- A. EXECUTIVE PROCLAMATION – HUNGER & HOMELESSNESS AWARENESS WEEK NOVEMBER 11-19 ,2017:

ITEMS FROM HIGHWAY DEPARTMENT

- A. AUTHORIZATION TO PURCHASE USED ELECTRIC FORKLIFT: MOVED by Buskerud and seconded by LaCroix to authorize the Highway Department to purchase from Federal Surplus, an Electric Cat Forklift and charger for \$3,300. Vote: Unanimous.
- B. AUTHORIZATION TO PURCHASE OIL HOSE REELS AND METERS: MOVED by LaCroix and seconded by Buskerud to authorize the Highway Department to purchase from Grimm's Pump & Industrial Supply, six dispensing reels and preset meters, for a total of \$7,492.33. Vote: Unanimous.

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REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVAL OF A SECOND APPROACH – MR. DANIEL ESPERICUETA: MOVED by Ferebee and seconded by Buskerud to approve the variance to Ordinance 14 and approve a second approach at 23264 Radar Hill Rd. Rapid City, SD 57703. Vote: Unanimous.

MOVED by Buskerud and seconded by LaCroix for a five minute recess. Vote: Unanimous.

The Board reconvened at 11:31 a.m.

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by Ferebee and seconded by Buskerud to convene as the Board of Adjustment. Vote: Unanimous.

11:40 a.m. DiSanto joined the meeting.

A. VARIANCE / VA 17-17: Aanenson Four, LLC (Dennis Aaneson); Richard Huffman - Agent. To reduce the side yard setback from 25 feet to 22 feet on the east property line to bring an existing fireplace into compliance on the subject property in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 18 and the W40 feet of Lot 19, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota

MOVED by DiSanto and seconded by Ferebee to deny Variance / VA17-17.

Substitute motion: MOVED by Buskerud and seconded by LaCroix to approve the Variance / VA 17-17, with four (4) conditions to be included:

1. That the applicant complete the platting process to consolidate the existing four (4) lots into one (1) lot and obtain Building Permits for the existing structures that have not been permitted, with all applicable fees paid;
2. That this Variance applies only to the east property line and for the existing fireplace/pizza oven on the subject property. All other structures must maintain the proper setbacks or obtain separate Variance(s); and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Variance / VA 17-17, which is available at the Planning Office.
4. To move the location of the propane tank.

MOVED by Buskerud and seconded by DiSanto to table this item. Vote: Unanimous.

MOVED by Buskerud and seconded by LaCroix to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

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PLANNING & ZONING CONSENT AGENDA

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 DiSanto and seconded by LaCroix to approve the Planning and Zoning consent agenda with the removal of item G. Vote: Unanimous.

- B. VACATION OF EASEMENT / VE 17-04: Dana Rogers. To vacate an existing 66-foot-wide access easement and to add a 40-foot-wide private access easement.

Tract 6 (also in Section 32), Summit Peak Estates Subdivision, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Vacation of Easement / VE 17-04 with the following three (3) conditions:

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deeds Office;
2. That all necessary exhibits and documents dedicating the 40-foot-wide access easement to Sunrise Fraction Lode M.S. 531 be recorded by the applicant simultaneously with the vacation of easement documents at the Register of Deeds Office; and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 17-04, which is available at the Planning Office.

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

Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Major Planned Unit Development Amendment / PUD 15-04 with the following twenty-five (25) conditions:

1. That the uses allowed with this Planned Unit Development be an eight (8) site RV Park, a five (5) site tent camping area, six (6) attached cabins for rental purposes with restroom facilities, one (1) duplex with a residence and rental unit, one (1) single-family residence, one (1) garage, one (1) low water bridge, one (1) central pavilion, and six (6) detached rental cabins;
2. That twenty-five (25) foot setbacks be maintained along all exterior lot lines, or an appropriate Setback Variance be obtained;

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3. That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
4. That the interior one-way road shall continue to be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches) or concrete or asphalt and maintained in a dust free manner;
5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure(s) within the boundaries of the Special Flood Hazard Area;
6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County's comments;
7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;
8. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;
10. That a minimum ten (10) foot separation be maintained at all times between each RV site;
11. That the internal road network not exceed a maximum of an eight (8) percent grade;
12. That each RV and tent site has a lot number clearly posted and Guests made aware of the complete address should they need to call 9-1-1;
13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance, or separate variances waiving these requirements be obtained;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environmental and Natural Resources and Health;
15. That all other conditions of approval of the original PUD (04-06) are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses;
16. That Operating Permits be obtained for all existing on-site wastewater treatment systems on the property;
17. That the applicant notify the Pennington County Environmental Planner of which on-site wastewater treatment system will be abandoned and provide an overall plan of the existing and proposed on-site wastewater treatment systems for review and approval by the Pennington County Environmental Planner and South Dakota Department of Environment and Natural Resources (SD DENR);
18. That the property address be posted so that it is visible from both directions of S. Highway 16, in accordance with Pennington County's Ordinance #20;

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19. That each existing and new cabin be identified with a unique unit number that is posted on the exterior of the cabin, next to the main entrance door, using characters that are reflective and at least 4" in height by 3" wide. Guests at the cabin should be advised or given a card that lists the complete address in the event they need to call 9-1-1;
20. That the new residence have a separate physical address from the existing house, and the address number be posted on the new house in accordance with County Ordinance #20;
21. That an approved Construction Permit be obtained for any land disturbance greater than 10,000 square feet. Construction must meet all the requirements of the Pennington County Stormwater Quality Manual;
22. That the comments provided by the U.S. Forest Service be adhered to at all times;
23. That prior to installation of the low-water bridge, the applicant obtain the proper permits and approvals from all applicable agencies;
24. That no tent camping is allowed within the 100-year floodplain boundaries; and,
25. That this Planned Unit Development Amendment be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

D. MINOR PLAT / PL 17-32 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-11:
Tom or Stephanie Hill. To create Lots A and B of Lot 1 of Becher Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Becher Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Lot 1, Becher Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of Subdivision Regulations Variance / SV 17-11 to waive submittal of percolation test and soil profile hole information for proposed Lot A of Lot 1; and, to recommend approval of Minor Plat / PL 17-32 with the following ten (10) conditions:

1. That prior to filing the Plat with the Register of Deeds, the Ownership Certificate be corrected to state Stephanie J. Hill fka Stephanie J. Becher, per Register of Deeds and Department of Equalization comments;
2. That prior to filing the Plat with the Register of Deeds, the number "2" under the References section be removed or an additional reference be noted after the number, per Register of Deeds comments;
3. That prior to filing the Plat with the Register of Deeds, the access easement through proposed Lot A be labeled as Windsong Road, per Emergency Services (9-1-1) comments;
4. That prior to filing the Plat with the Register of Deeds, the eight (8) foot minor drainage and utility easements along the northern boundary of proposed Lots A and B be relocated adjacent to the Section Line Right-of-Way. In addition, eight (8) foot minor drainage and

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utility easements must continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

5. That upon filing the Plat with the Register of Deeds, the existing 40-foot-wide access easement (Misc. Book 51, Page 2857) remain;
6. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot A, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That at the time of new Plat submittal, the plat meets all requirements of Section 400.3 of the Pennington County Subdivision Regulations, or additional Subdivision Regulations Variances be obtained waiving any of these requirements that are not met;
8. That current and future addresses be properly posted in accordance with Pennington County's Ordinance #20;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-32 and Subdivision Regulations Variance / SV 17-11, which is available at the Planning Office.

- E. PLANNED UNIT DEVELOPMENT REVIEW / PU 08-01: Clair Voshall. To review a Planned Unit Development to allow for three existing mobile homes and outbuildings in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1, Voshall Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Planned Unit Development / PUD 08-01 with the following nine (9) conditions:

1. That this Planned Unit Development allows for a 3.02 acre parcel with no more than three mobile homes and existing outbuildings;
2. That if, at any time, one of the mobile homes becomes uninhabitable, the property owner must remove it immediately;
3. That approval of this Planned Unit Development does not hold Pennington County liable for any damages and/or losses during the event of a flood;
4. That this Planned Unit Development be valid only for the current existing uses; any expansion or change that requires a Building Permit, the property must be rezoned;
5. That each mobile home be addressed and the addresses must be posted per Ordinance 20 Standards at both the road and driveway;
6. That a Floodplain Development Permit be obtained prior to the placement of any structure within the boundaries of the 100-year floodplain;
7. That the property remains free of debris and junk vehicles;
8. That a minimum of four (4) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, nor nine feet by eighteen

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feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use; and,

9. That the Planned Unit Development be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington county planning Commission or Board of Commissioners to ensure all Conditions of Approval are being met.

- F. MINOR PLAT / PL 17-34: Chase and Loni Phillips; D.C. Scott Surveyors – Agent. To combine three lots to create Lots 1 and 2 of Wicksville Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots A, B, and C of NW1/4NW1/4, Section 32, T2N, R13E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Wicksville Addition, Section 32, T2N, R13E, BHM, Pennington County, South Dakota.

To approve of Minor Plat / PL 17-34 with the following ten (10) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Wicksville Addition obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time the Plat is recorded with the Register of Deeds, the eight (8) foot minor drainage and utility easements continue be dedicated on the interior sides of all lot lines up through, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time the Plat is recorded with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 2 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to filing the Plat with the Register of Deeds, notes be included on that Plat to identify the old Lot lines for Lots A, B, and C;
5. That prior to filing the Plat with the Register of Deeds, 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;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That address be properly posted on the existing residences and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from Highway 1416, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all Access, Utility, and Drainage Easements be added to the Plat as necessary;

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9. Any on-site wastewater treatment system(s) will be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-34, which is available at the Planning Office.

G. Removed for separate consideration.

End of Consent Agenda

G. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – SEGMENT 3 – CLOSURE LETTER: MOVED by Buskerud and seconded by LaCroix to approve the Chair's signature on the Spring Creek Watershed and Implementation Project – Segment 3 and submit it to the South Dakota Department of Environment and Natural Resources.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to have the Planning Director prepare a letter for the next meeting to send to the South Dakota Department of Environment and Natural Resources to terminate the 319 project on Spring Creek. The motion failed 2-3 with Buskerud, LaCroix and Hadcock voting no.

The original motion carried 3-2 with DiSanto and Ferebee voting no.

PLANNING & ZONING REGULAR AGENDA

H. APPEAL OF CONDITIONAL USE PERMIT / CU 17-36: Garrett and Katelyn Shields (Hinterwood, LLC). To allow a Recreational Resort to include the use of the existing Bed and Breakfast and to rent the lower portion of it and the addition of a maximum of 4 seasonal guest cabins on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

MOVED by Ferebee and seconded by DiSanto to approve Conditional Use Permit / CU 17-36 with the following twenty-three (23) conditions. Vote: Unanimous.

1. That the uses of the Conditional Use Permit be limited to four (4) rental cabins with a maximum of 2-bedrooms per cabin, and the existing single-family residence to be used partially as the property owners' residence (2-bedroom unit) and partially as a rental unit (4-bedroom unit);
2. That upon approval of Conditional Use Permit / CU 17-36, the existing Conditional Use Permits on the subject property (CU 78-14 and CU 93-46) be ended, as they will no longer be necessary;

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3. That an approved Building Permit be obtained for each cabin prior to construction and for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That prior to Building Permits being issued for the rental cabins, the applicants contact the County Fire Coordinator to discuss the proposed internal roadway system and any turnarounds that may be required to accommodate traffic and emergency vehicles;
5. That a Removal Permit be obtained prior to removing the single-wide mobile home from the subject property;
6. That the minimum required setbacks of a Limited Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the northern border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
7. That an address be assigned to each individual cabin upon submittal of a Building Permit and that each address be posted on the cabin, inside the cabin, and so they are visible from the interior road way and Leaky Valley Road, in accordance with Pennington County's Ordinance #20;
8. That the address for the main house (24110 Leaky Valley Road) be posted on the residence and so that it is visible from Leaky Valley Road, in accordance to Pennington County's Ordinance #20;
9. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
10. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for each cabin;
11. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior to renting any portion of the existing structures, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water, per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

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16. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That a hard-wired smoke detector be placed in each sleeping room, with a minimum of at least one (1) hard-wired smoke detector per floor;
18. That portable fire extinguishers be placed on each floor level of each cabin and on each floor of the single-family residence so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
19. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
20. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;
21. That the applicant is aware of and adheres to all Forest Service requirements;
22. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-36, which is available at the Planning Office; and,
23. 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 or Board of Commissioners to verify that all Conditions of Approval are being met.

- I. PLANNED UNIT DEVELOPMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review a Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2

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of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by LaCroix to approve moving the review date of the Planned Unit Development / PU 16-03 to the November 21, 2017, Board of Commissioner's meeting. Vote: Unanimous

MOVED by DiSanto and seconded by LaCroix to bring Item A off of the table. Vote: Unanimous.

MOVED by DiSanto and seconded by LaCroix to convene as the Board of Adjustment. Vote: Unanimous.

A. VARIANCE / VA 17-17: Aanenson Four, LLC (Dennis Aanenson); Richard Huffman - Agent. To reduce the side yard setback from 25 feet to 22 feet on the east property line to bring an existing fireplace into compliance on the subject property in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 18 and the W40 feet of Lot 19, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota

MOVED by DiSanto to continue this item until there is verification that the propane tank has been moved. The motion died for lack of a second.

MOVED by Ferebee and seconded by Hadcock to deny Variance VA / 17-17. The motion carried on a roll call vote – Buskerud – no, Ferebee – yes, DiSanto – yes, LaCroix – no, Hadcock – yes. A variance must have four affirmative votes to pass.

MOVED by Ferebee and seconded by DiSanto to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

J. LAYOUT PLAT / PL 17-30: Aanenson Four, LLC; Richard Huffman – Agent. To combine four lots to create Aanenson Lot A in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 18 and the W40' of Lot 19 in Big Bend Placer MS 1442; The W40' of Lot A of Lot 19 in Fort Meade Placer MS 244; Lot 17 Revised of Lot A of Big Bend Placer MS 1442; and Tract 0010 less Lot 1 of Rehwaldt Subdivision, all located in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Aanenson Lot A, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

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MOVED by Buskerud and seconded by LaCroix to approve Layout Plat / PL 17-30 with the following fourteen (14) conditions:

Substitute motion: MOVED by Ferebee to deny the layout plat. The motion died due to the lack of a second.

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

1. That prior to new Plat submittal, the applicant obtain an approved Setback Variance for the existing fireplace/pizza oven;
2. That prior to new Plat submittal, an Operating Permit must be obtained for the existing on-site wastewater treatment system;
3. That prior to new Plat submittal, the applicant meet with the appropriate authority to develop a Hazardous Fuels Mitigation Plan and a Wildland Fire Suppression Plan, as requested by the County Fire Administrator;
4. That at the time of new Plat submittal, the Plat heading be corrected, in accordance with Register of Deeds comments, and the proposed lot be relabeled as Lot A of Aanenson Subdivision on the Plat, rather than Aanenson Lot A;
5. That at the time of new Plat submittal, the landowner or agent obtain Building Permits, with all applicable fees paid, for existing structures that have not yet been permitted;
6. That at the time of new 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;
7. That at the time on new Plat submittal, the Owner information identified on the Plat for the existing and surrounding lots be removed;
8. That at the time of new 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;
9. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
10. That the address (23069 Thunderhead Falls Road) be properly posted on the existing residence so it is visible from Thunderhead Falls Road, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
12. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-30, which is available at the Planning Office; and,
14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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- K. LAYOUT PLAT / PL 17-31: Perry and Vicki Van Newkirk. To combine two lots to create Lot 47 Revised of Burns Placer MS 697 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 47 and Lot 48 (includes 48A), Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 47 Revised, Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Ferebee to approve Layout Plat / PL 17-31 with the following fourteen (14) conditions. Vote: 3-2 with Buskerud and LaCroix voting no.

1. That the existing address (12283 Deerfield Road) be properly posted on the existing residence so it is visible from Deerfield Road, in accordance with Pennington County's Ordinance #20;
2. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
3. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;
4. That the limits of the 100-year Floodplain be shown on the plat in accordance with current FEMA maps;
5. That the applicant use the existing access for the subject property as no additional approaches will be allowed onto Deerfield Road;
6. That the applicant adhere to the comments submitted by the U.S. Forest Service;
7. That at the time of Minor Plat submittal, the mylar Plat be prepared by a Registered and/or Licensed Professional Engineer or Surveyor;
8. That at the time of new 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;
9. That at the time of Minor Plat submittal, the plat meets 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;
10. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
11. That the proposed legal description be changed in accordance with the Register of Deeds comments, prior to the submittal of the Minor Plat;
12. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-31, which is available at the Planning Office; and,
14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

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- L. LAYOUT PLAT / PL 17-35: Tom and Ann Slaughter. To reconfigure lots lines in order to create Tracts 30 Revised-A, Tract 32 Revised-A, and Tract 40 Revised-A of Rushmore Ranch Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 30 Revised, Tract 32 Revised, Tract 39, and Tract 40 Revised, Rushmore Ranch Estates Subdivision, located in Sections 7 and 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 30 Revised-A, Tract 32 Revised-A, and Tract 40 Revised-A of Rushmore Ranch Estates Subdivision, located in Sections 7 and 8, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by DiSanto to approve of Layout Plat / PL 17-35 with the following fourteen (14) conditions. Vote: Unanimous.

1. That prior to a Minor Plat submittal, the existing garage on existing Tract 32-Revised be shown to be in compliance with County Ordinances or the proper permits be obtained to allow the existing garage to remain in its current location;
2. 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;
3. That at the time of Minor Plat submittal, the new proposed plat reflect the changes as recommended per Register of Deeds and County Highway comments;
4. That prior to recording the Plat with the Register of Deeds, the Planned Unit Development be amended to reflect the changes;
5. That at the time of Minor Plat submittal the new proposed plat continue to show the "20' Access & Water Line Esmt" to the Water Tank Tract;
6. That at the time of Minor Plat submittal the new proposed plat continue to show the "66' Wide USFS Access Esmt";
7. That at the time of a Minor Plat submittal the North/South dotted line located within proposed Tract 30 REV-A be identified or removed;
8. That at the time of a Minor Plat submittal, the old lot lines for the existing Tracts be labeled;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. That existing and future addresses be properly posted on structures in accordance with Pennington County's Ordinance #20;
11. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
12. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

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13. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 17-35. The SOU is available at the Planning Office; and,
14. That approval of this Layout Plat does not constitute approval of any further applications or permits.

M. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY REVIEW / CS 16-02: Cody Schad. To construct a 16-foot-wide graveled road within the Section Line Right-of-Way to provide access to Lots 25-29, Tract B of Copper Oaks #1 in Sections 7 and 8, T1S, R7E, BHM, Pennington County, South Dakota. MOVED by Ferebee and seconded by DiSanto to continue this item until the November 21, 2017 Commission meeting. Vote: Unanimous.

Lots 25-29, Tract B of Copper Oaks #1, Sections 7 and 8, T1S, R7E, BHM, Pennington County, South Dakota.

ITEMS FROM THE CHAIR/COMMISSION MEMBERS

A. PROPOSED REVISIONS TO THE PENNINGTON COUNTY POLICY & PROCEDURES – APPOINTMENT PROCESS FOR COMMITTEES, BOARDS ETC: MOVED by Ferebee and seconded by DiSanto to continue this item until the November 21, 2017 Commission meeting. Vote: Unanimous.

COMMITTEE REPORTS

APPROVAL OF VOUCHERS: MOVED by Buskerud and seconded by LaCroix 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 \$533,044.94. Vote: The motion carried 4-1 with Ferebee voting no.

AT&T Mobility, \$380.12; BH Energy, \$349.10; BH Energy, \$262.68; BH Energy, \$316.67; BH Energy, \$270.59; Century Link, \$7,080.05; Century Link, \$253.24; City Of Box Elder, \$305.65; City Of Hill City, \$8.39; City Of Rapid City -Water, \$124.31; City Of Rapid City -Water, \$21,315.48; City Of Rapid City -Water, \$339.56; City Of Wall, \$142.00; Executive Mgmt Fin Office, \$27.00; First Interstate Bank, \$12,331.13; Kieffer Sanitation/A Waste Management Co, \$154.29; Midcontinent Communications, \$209.30; Midcontinent Communications, \$2,968.23; Midcontinent Communications, \$758.06; Montana Dakota Utilities, \$5,145.95; Mt. Rushmore Telephone Co, \$58.00; Pioneer Bank & Trust, \$5,779.92; Pioneer Bank & Trust, \$11,031.62; Pioneer Bank & Trust, \$5,159.40; Rainbow Gas Company, \$820.01; Rapid Valley Sanitary District, \$119.67; Reliance Telephone Inc, \$14.00; Vast Broadband, \$2,180.76; Vast Broadband, \$118.59; Verizon Wireless, \$952.58; Verizon Wireless, \$5,606.55; Verizon Wireless, \$258.83; Wellmark, \$122,756.47; Wellmark, \$158,747.16; Wellmark, \$165,066.74; West River Electric, \$1,222.65; Wex Bank, \$410.19.

ITEMS FROM THE PUBLIC

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EXECUTIVE SESSION – SDCL 1-25-2

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

MOVED by Buskerud and seconded by DiSanto to go into executive session for the purpose of considering a personnel issue per SDCL 1-25-2(1). Vote: Unanimous.

MOVED by LaCroix and seconded by Buskerud to come out of executive session. Vote: Unanimous with Ferebee not present.

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 October 13, 2017: Total balances of checking/savings accounts, 12,575,514.46; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 1,998,435.56; Total certificates of deposit, 3,555,710.26; Total Prime Value Investment, 22,172,761.82; Total petty cash, 16,205; Total long/short, (411.43); Total, 40,331,615.67. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 12,556.04; Elections, 16,011.51; Auditor, 28,797.99; Treasurer, 69,362.13; MacArthur Grant, 8,797.78; State's Attorney, 256,739.74; Public Defender, 160,340.18; Buildings & Grounds, 147,026.55; Equalization, 101,663.72; Register of Deeds, 32,762.04; IT, 65,381.18; Human Resources, 25,207.13; Sheriff, 609,924.37; HIDTA Grant, 6,549.54; Jail, 768,887.59; JSC, 258,431.85; JSC Juvenile Alternative, 11,733.38; CCADP, 76,114.36; Life Enrichment Center, 99,443.91; Economic Assistance, 70,910.08; Extension, 3,176.00; Weed & Pest, 10,540.82; Mountain Pine Beetle, 9,531.60; Planning and Zoning, 29,420.39; Water Protection, 6,916.64; Road & Bridge, 213,290.41; Fire Administration, 7,006.68; Dispatch, 208,396.41; Emergency Management, 10,225.17; 24-7 Program, 29,841.00.

PERSONNEL

Buildings & Grounds: Effective 11/01/2017 – Shaun Woolett at \$15.13/hr. Effective 11/20/2017 – Tammy Ring-Gjerde at \$14.40/hr.

CCADP: Effective 10/23/2017 – Zachariah Little Moon at \$16.68/hr.

Commission Office: Effective 11/06/2017 – Joan Martin at \$17.50/hr.

ESCC: Effective 10/30/2017 – Janice Jenness at \$16.68/hr. and Jessica Sedlmajer at \$17.31/hr. Effective 11/19/2017 – Lukas Tedford at \$19.30/hr.

Health & Human Services: Effective 11/08/2017 – Thomas Vallette at \$22.08/hr.

Jail: Effective 10/23/2017 – Katie Gillaspie at \$15.50/hr. Effective 11/06/2017 – Stephen Climis at \$15.88/hr. and Tyler O'Connell, Jesse Prestjohn & Jonathan Reichel at \$21.28/hr.

Sheriffs Office: Effective 10/22/2017 – Kurt Weber at \$23.19/hr. and Jesse Huschle at \$26.59/hr. Effective 11/19/2017 – Debra Hauer at \$22.93/hr.

WSDJSC: Effective 11/06/2017 – Allyson Crespo at \$21.28/hr.

ADJOURN

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MOVED by DiSanto and seconded by Buskerud to adjourn the meeting. Vote: Unanimous.
There being no further business, the meeting adjourned at 2:02 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: November 22, 2017