

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of February 7, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, February 7, 2017, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chairman Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, George Ferebee and Lloyd LaCroix. Commissioner Ron Buskerud joined by videoconference and telephone several minutes into the meeting. Pursuant to SDCL 1-25-1, votes were taken by roll call vote.

REVIEW AND APPROVE AGENDA

Chairman Deb Hadcock called for motion to approve the agenda.

Point of Order: Commissioner DiSanto stated that changes in the agenda format require a 2/3 majority vote pursuant to Roberts Rules of Order: *When the adoption of a proposed agenda is pending, it is subject to amendment by majority vote. After an agenda has been adopted by the assembly, no change can be made in it except by a 2/3 vote, a vote of a majority of the entire membership, or unanimous consent.*

Chairman Hadcock ruled against Commissioner DiSanto's Point of Order.

MOVED by Ferebee and seconded by DiSanto to appeal the Chair's ruling on the Point of Order.

Commissioner Ron Buskerud joined by telephone at this time.

Roll call vote on the appeal: Buskerud – no, DiSanto – no, Ferebee – no, LaCroix – no, Hadcock – no.

The appeal of the Chairman's ruling on the Point of Order was clarified to say that a yes vote supports the Chairman's ruling and a no vote is against the Chairman's ruling. Roll Call Vote on the appeal: Buskerud – yes, DiSanto – no, Ferebee – no, LaCroix – no, Hadcock – yes.

MOVED by LaCroix to approve the agenda as published and presented. The motion died for lack of a second. MOVED by DiSanto and seconded by Buskerud to accept the agenda as presented and published today and include discussion of the agenda format on the next meeting agenda. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

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 DiSanto and seconded by LaCroix to approve the Consent Agenda as presented. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

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5. Approve the minutes of the regular meeting held January 17, 2017.
6. Approve the following resolution to acknowledge the Order of Organization and Incorporation for the WRINKLE VALLEY ROAD District.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE WRINKLE VALLEY 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 WRINKLE VALLEY ROAD District

AND WHEREAS, said petitions indicate the desire of all landowners of record within the proposed boundaries to organize the WRINKLE VALLEY ROAD District to maintain 10/6/2016 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 WRINKLE VALLEY 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 2017 pay 2018 tax year and after.

BE IT FURTHER ORDERED that the WRINKLE VALLEY ROAD District which legal description is: LOTS 1-8 INCLUSIVE OF WHEEL INN SUBDIVISION BHM, Pennington County, SD.

/s/ Deb Hadcock, Chairman
Pennington County Commission

Date: February 7, 2017

ATTEST:

/s/ Julie A. Pearson
Pennington County Auditor

7. Schedule a hearing at 9:15 am on Tuesday, February 21, 2017, to supplement the Accumulated Building Fund budget for the Event Center Lighting Upgrade in the amount of \$285,235 from restricted fund balance (SP17-002).
8. Approve the Permit to Occupy Right-Of-Way and the request for Road Closure/Traffic Control for the 2017 Deadwood Mickelson Trail Marathon – Ms. Emily Wheeler.

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End of Consent Agenda Items

Public Comment was taken on Items 9-21.

MOVED by LaCroix and seconded by DiSanto to close public comment. The motion carried 4-0 on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – abstained, LaCroix – aye, Hadcock – aye.

9:15 a.m. PUBLIC HEARING – TITLE III PUBLIC INPUT ON PROJECTS (SCOTT GUFFEY, NATURAL RESOURCES DIRECTOR): MOVED by LaCroix and seconded by DiSanto to accept public input, if any, on Title III projects. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

No public comment was received.

RECONVEYANCE REQUEST – ROLLINS (ID#14617)

MOVED by LaCroix and seconded by Buskerud to continue this item to the March 7, 2017, Board of Commissioners’ meeting at the request of the State’s Attorney. The motion carried 4-1 on a roll call vote: Buskerud – no, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

ITEMS FROM THE AUDITOR

- A. **9:15 A.M. PUBLIC HEARING – GENERAL FUND BUDGET SUPPLEMENTS SP17-001-STATES ATTORNEY & JOHN T. VUCUREVICH BUDGETS:** MOVED by LaCroix and seconded by DiSanto to approve supplements to the following General Fund budgets: State’s Attorney in the amount of \$118,130.00 and Health & Human Services John T Vucurevich in the amount of \$203.22 from the restricted fund balance. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.
- B. **TAX DEED AUCTION:** MOVED by LaCroix and seconded by Buskerud to authorize the Chairman’s signature to the “WR#582865 Electric Easement – Underground” prepared by Black Hills Power.

MOVED by LaCroix and seconded by DiSanto to amend the previous motion and declare the following properties as surplus for sale to the highest bidder at a public auction set for April 5th, 2017, at 10 a.m. in the Pennington County Commissioner’s Meeting Room and to authorize the Chairman’s signature on the Quit Claim Deeds.

Substitute motion: MOVED by DiSanto and seconded by LaCroix to declare the following properties as surplus for non-payment of taxes and to allow the auction to go forward without minimum bids. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

PROPERTY ID: 65, PIN: 21-15-227-018

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LEGAL DESCRIPTION: S100' OF E60' OF LOT H OF LOT 3 BLOCK 2 ASHLAND SUBD

PROPERTY ID: 2000, PIN: 35-20-202-011

LEGAL DESCRIPTION: LOT 17 BLOCK D EDELWEISS MOUNTAIN DEVELOPMENT

PROPERTY ID: 6178, PIN: 38-09-354-022

LEGAL DESCRIPTION: LOT 8 MELODY ACRES #2

PROPERTY ID: 6514, PIN: 38-05-278-003

LEGAL DESCRIPTION: THE EAST 20 FEET (E20") OF THE NORTH 140 FEET (N140") OF LOT 13 IN MARSHALL SUBDIVISION, PENNINGTON COUNTY, SOUTH DAKOTA

PROPERTY ID: 7373, PIN: 43-29-101-006

LEGAL DESCRIPTION: LOT 9-10 BLOCK 10 OWANKA

PROPERTY ID: 14617, PIN: 20-07-400-004

LEGAL DESCRIPTION: LOT A OF SE 1/4SE1/4, SECTION 7 T2N R07E

PROPERTY ID: 19339, PIN: 57-14-405-001

LEGAL DESCRIPTION: LOT 7-8 AND PT LOT 13 LESS HWY #44 IN BLOCK 4; LOT 1-3 HWY #44 IN BLOCK 9 FARMINGDALE EXCEPTING THEREFROM LOT H2 AND THAT PORTION OF LOY Y OF THE SE 1/4 OF SECTION 14, R1S, R10E, BHM, PENNINGTON COUNTY, SOUTH DAKOTA

PROPERTY ID: 19563, PIN: 52-30-256-003

LEGAL DESCRIPTION: TRACT SIGN LESS LOT H1 HILYO ADDN #1 (ID # 19563)

PROPERTY ID: 25789, PIN: 20-36-203-003

LEGAL DESCRIPTION: LOT 5-6 BLOCK 5 MILLARD ADDITION, TO THE CITY OF RAPID CITY

PROPERTY ID: 25902, PIN: 20-36-207-012

LEGAL DESCRIPTION: LOT 24 BLOCK 11 MILLARD ADDITION, TO THE CITY OF RAPID CITY

PROPERTY ID: 31177, PIN: 20-35-231-013

LEGAL DESCRIPTION: LOT 5 BLOCK 20 SCOTTS ADDITION, TO THE CITY OF RAPID CITY

PROPERTY ID: 31178, PIN: 20-35-231-014

LEGAL DESCRIPTION: LOT 6 BLOCK 20 SCOTTS ADDITION, TO THE CITY OF RAPID CITY

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PROPERTY ID: 38107, PIN: 37-01-429-016
LEGAL DESCRIPTION: LOT 9B, BLOCK 5, SIGNAL HEIGHTS ADDITION, TO THE CITY OF RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

PROPERTY ID: 44367, PIN: 57-14-406-001
LEGAL DESCRIPTION: LOT 14 BLOCK 8 FARMINGDALE

PROPERTY ID: 45646, PIN: 37-12-429-022
LEGAL DESCRIPTION: 10' DRAINAGE EASEMENT LOCATED BETWEEN LOTS 1-10 AS SHOWN ON REPLAT OF BLK 1 IN STEEL FILE PLATS IN REGISTER OF DEED'S RECORDS BLOCK 1 ROBBINSDALE TERRACE #2, TO THE CITY OF RAPID CITY

PROPERTY ID: 51417, PIN: 63-06-229-016
LEGAL DESCRIPTION: W50' OF S10' OF LOT 5 BLOCK 1 ORIGINAL TOWN OF WALL

PROPERTY ID: 55342, PIN: 38-10-451-017
LEGAL DESCRIPTION: BALANCE OF LOT SW-4 BLOCK 1 TRAILWOOD VILLAGE

PROPERTY ID: 56571, PIN: 37-24-126-004
LEGAL DESCRIPTION: LOT 4 BLOCK 2 EASTRIDGE ESTATES SUBD, TO THE CITY OF RAPID CITY

PROPERTY ID: 57005, PIN: 38-10-479-009
LEGAL DESCRIPTION: DRAINAGE LOT A TRAILWOOD VILLAGE

PROPERTY ID: 57856, PIN: 38-10-408-010
LEGAL DESCRIPTION: DRAINAGE LOT B TRAILWOOD VILLAGE

PROPERTY ID: 57858, PIN: 38-10-405-03
LEGAL DESCRIPTION: BALANCE OF TRACT A TRAILWOOD VILLAGE (ID #57858)

PROPERTY ID: 58199, PIN: 38-03-327-056
LEGAL DESCRIPTION: TRACT H BIG SKY

PROPERTY ID: 61843, PIN: 70-04-326-025
LEGAL DESCRIPTION: BALANCE OF FOUSE PLACER M.S. 1087 LESS A.I. JOHNSON TRACT AND LESS ROCKY GULCH ADDITION, PENNINGTON COUNTY, SOUTH DAKOTA

PROPERTY ID: 62629, PIN: 37-04-206-015
LEGAL DESCRIPTION: LOT 25 LESS E6.7' BLOCK 11 HALL SUBD, TO THE CITY OF RAPID CITY

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ITEMS FROM BUILDINGS & GROUNDS

- A. **HIGHWAY DEPARTMENT OFFICE & SHOP PROJECT – BLACK HILLS POWER EASEMENT:** MOVED by LaCroix and seconded by Buskerud to authorize the Chairman’s signature to the “WR#582865 Electric Easement – Underground” prepared by Black Hills Power. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

ITEMS FROM EQUALIZATION

A. **ABATEMENT LAWS AND POLICY/PROCEDURE REVIEW**

B. **ABATEMENT APPLICATION- FULL CURL LLC, REX J CALDWELL, GLENN LEPP, MSQUARED LLC:**

1. **Full Curl LLC:** MOVED by DiSanto and seconded by LaCroix to approve the (2016) abatement/refund for Full Circle LLC, Tax ID 62129 in the amount of \$3022.72. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.
2. **Rex J Caldwell:** MOVED by LaCroix and seconded by DiSanto to approve the (2016) abatement/refund for Tax ID 8001130 in the amount of \$50.40. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.
3. **Glenn Lepp:** MOVED by LaCroix and seconded by DiSanto to approve the (2016) abatement/refund for Tax ID 11853 in the amount of \$812.09. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.
4. **MSQUARED LLC:** MOVED by DiSanto and seconded by LaCroix to approve the (2016) abatement/refund for Tax ID 8004964 in the amount of \$99.56. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.
5. **Zweifel Properties:** MOVED by Buskerud and seconded by LaCroix to deny the abatement applications for Paul Zweifel as the assessment date for 2016 taxes was November 1, 2015, and the properties were purchased in July of 2016. Substitute motion: MOVED by Ferebee and DiSanto to postpone action on this item to the next meeting to allow more time for review. The motion carried 3-2 on a roll call vote: Buskerud – no, DiSanto – aye, Ferebee – aye, LaCroix – no, Hadcock – aye.

ITEMS FROM HIGHWAY DEPARTMENT

- A. **SHERIDAN LAKE ROAD DESIGN AUTHORIZATION:** MOVED by LaCroix and seconded by Buskerud to authorize the Commission Chairperson to sign the three original work orders to authorize Ferber Engineering to proceed with the design. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

- B. **UPDATE ON THE BRADSKY ROAD BRIDGE:** MOVED by LaCroix to acknowledge the report from the Highway Department and suggest that a report be presented at every commission meeting. The motion died for lack of a second.

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MOVED by Ferebee and seconded by DiSanto to direct Commissioners LaCroix and DiSanto to work on the Bradsky Road problem. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

ITEMS FROM WEED & PEST: MOVED by LaCroix and seconded Buskerud by to approve the purchase of a 2017 Dodge Ram 3500 4x4 pickup from Wegner Auto Co., 330 E. Sioux Ave., Pierre SD, State Contract #16998, at a cost of \$27,286. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

2017 LEGISLATIVE SESSION

A. **UPDATE ON PROPOSED BILLS**

B. **STAFF DIRECTION**

C. **COMMISSION POSITIONS:** MOVED by Ferebee and seconded by DiSanto that the Pennington County Commission go on record opposing HB1079 and SB169. The motion carried 4-0 on a roll call vote: Buskerud - no response, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

MOVED by Ferebee and seconded by DiSanto to take a brief recess. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

The Board reconvened with all members present.

APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded Buskerud by 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 \$585,490.08. The motion carried 4-1 on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – no, LaCroix – aye, Hadcock – aye.

Amerigas, \$95.65; AT&T Mobility, \$260.31; BH Power Inc, \$44,911.71; BH Power Inc, \$39.30; BH Power Inc, \$1,169.37; BH Power Inc, \$153.79; BH Power Inc, \$6,232.54; Century Link, \$7,069.23; Century Link, \$249.71; City of Hill City, \$48.50; City of Rapid City - Water, \$14,952.57; City of Wall, \$146.00; First Interstate Bank, \$9,946.42; First Interstate Bank, \$2,539.24; Medical Waste Transport Inc, \$306.40; Midcontinent Communications, \$1,959.47; Midcontinent Communications, \$998.19; Montana Dakota Utilities, \$16,680.08; Mt Rushmore Telephone Co, \$58.00; Pioneer Bank & Trust, \$4,830.55; Pioneer Bank & Trust, \$329.93; Pioneer Bank & Trust, \$1,952.30; Rainbow Gas Company, \$9,567.54; Reliance Telephone Inc, \$8.00; Sean Woods, \$4,550.00; Vast Broadband, \$1,203.15; Vast Broadband, \$1,455.22; Vast Broadband, \$200.00; Verizon Wireless, \$6,184.06; Verizon Wireless, \$307.84; Wellmark, \$83,346.51; Wellmark, \$291,221.98; Wellmark, \$69,727.94; West River Electric, \$2,788.58.

REQUEST FOR UTILITY EASEMENT – GOLDEN WEST TELECOMMUNICATIONS COOP INC. MOVED by LaCroix and seconded by Buskerud to grant the easement to Golden

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West Telecommunications with the addition of adding Pritchards 1st Addn. to the legal description, and authorize chairs signature. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

REQUEST FOR WAIVER OF BUILDING PERMIT FEES AND PENALTY FEES – PEGGY SIELER: MOVED by DiSanto and seconded by Ferebee to assign two members to investigate, report and suggest a permanent resolution. DiSanto later withdrew his motion.

MOVED by Ferebee and seconded by DiSanto to investigate this issue and come back to the Board of Commissioners with a recommendation of how to proceed with the request. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

REQUEST FOR REFUND OF PENALTY FEES – TONI SCHMIDT: MOVED by Ferebee and seconded by DiSanto to approve the request for refund of penalty fees for Toni Schmidt. The motion carried 3-2 on a roll call vote: Buskerud – no, DiSanto – aye, Ferebee – aye, LaCroix – no, Hadcock – aye.

FIRST READING AND PUBLIC HEARING OF ORDINANCE NO. 675 – A TEMPORARY ZONING ORDINANCE SUSPENDING NEW AMENDMENT APPLICATIONS TO THE PENNINGTON COUNTY ZONING ORDINANCE, FLOOD DAMAGE PREVENTION ORDINANCE, AND SUBDIVISION REGULATIONS ORDINANCE: MOVED by Buskerud and seconded by LaCroix to approve the first reading of Ordinance No. 675. Substitute motion: MOVED by Ferebee and seconded by DiSanto to deny the request for a moratorium on ordinance amendments. The motion carried 4-1 on a roll call vote: Buskerud – no, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

ITEMS FROM PLANNING & ZONING

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 LaCroix and seconded by DiSanto to approve the Planning and Zoning consent agenda items. The motion carried unanimously on a roll call vote: Buskerud – aye, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

A. LAYOUT PLAT / PL 16-33: Granite Point, LLC; Gene Quinn – Agent. To reconfigure lot lines to create Lots 15, 16, and 17 of Granite Point Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots A and B of Lot 6 and Lots A and B of Lot 7, Granite Point Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

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PROPOSED LEGAL: Lots 15, 16, and 17 of Granite Point Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota

Approve Layout Plat / PL 16-33 with the following eight (8) conditions:

1. 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;
2. That at the time of new Plat submittal, the applicant submits topography at five (5) foot intervals, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. 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;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, 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;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-33, which is available at the Planning Office; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

- B. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-02: Pennington County. To amend Section 103 “Definitions”; Section 205 “General Agriculture District”; Section 206 “Limited Agriculture District”; Section 207 “Low Density Residential District”; Section 208 “Suburban Residential District”; Section 209 “General Commercial District”; Section 210 “Highway Service District”; Section 211 “Light Industrial District”; Section 212 “Heavy Industrial District”; Section 213 “Planned Unit Development District”; Section 317 “Wind Energy Systems” and Section 511 “Fees” of the Pennington County Zoning Ordinance.

Continue Ordinance Amendment / OA 16-02 to the February 21, 2017, Board of Commissioner’s meeting.

- C. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-03: Pennington County. To amend Section 103 “Definitions”; Section 204-C “General District Provisions”, Section 205-B and C “General Agriculture District”; Section 206-B “Limited Agriculture District”; Section 207-B “Low Density Residential District”; Section 208-B “Suburban Residential District”; Section 209-B “General Commercial District”; Section 210-B “Highway Service District”; Section 211-B “Light Industrial District”; Section 212-B “Heavy Industrial District”; Section 213-D “Planned Unit Development District”; Section 312 “Signs, Billboards and Other Advertising Structures”; Section 314-C “Temporary

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Campgrounds and Assemblies of People”; Section 316-H-3 “Telecommunications Facility”; Section 508-B-4 “Zoning or Rezoning”; Section 509-D-3 “Variance”; Section 510-A-3 “Conditional Use Permits”; and Section 511-B “Fees” and Section 511-W-2 “Fees” of the Pennington County Zoning Ordinance.

Continue Ordinance Amendment / OA 16-03 to the March 7, 2017, Board of Commissioner’s meeting.

- D. SECOND READING OF PLANNED UNIT DEVELOPMENT / PU 16-07: Karen Moore. To rezone 2.54 acres from Suburban Residential District to a Planned Unit Development District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Planned Unit Development District in accordance with Sections 208, 508, and 213 of the Pennington County Zoning Ordinance.

Parcel A, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

ORDINANCE NO. PUD 16-07

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:

Parcel A, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To rezone 2.54 acres from Suburban Residential District to a Planned Unit Development District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Planned Unit Development District with the following four (4) conditions:

1. That Planned Unit Development / PU 96-39 be amended to add the subject property and its allowed uses, prior to the existing single-family residence on the subject property being lived in or utilized as a Vacation Home Rental;
2. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
3. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 16-07, which is available at the Planning Office; and,
4. That this Planned Unit Development 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.

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Dated this 7th day of February, 2017.

PENNINGTON COUNTY COMMISSION
/s/ Deb Hadcock, Chairman

ATTEST:

/s/ Julie A. Pearson, Auditor

End of Planning & Zoning Consent Agenda

EXECUTIVE SESSION per SDCL 1-25-2:

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

MOVED by LaCroix and seconded by DiSanto to go into executive session Pursuant to SDCL 1-25.2 (3) to consult with legal counsel on contractual matters. The motion was amended by LaCroix and DiSanto to add discussion of a personnel issue pursuant to SDCL 1-25-2 (1). The motion carried 4-0 on a roll call vote: Buskerud – no response, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

The Board remained in executive session from 12:05 p.m. until 12:41 p.m.

MOVED by LaCroix and seconded by DiSanto to come out of executive session. The motion carried 4-0 on a roll call vote: Buskerud – no response, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

Moved by LaCroix and seconded by DiSanto to direct the State's Attorney's Office and Buildings & Grounds to continue negotiations for the purchase of property in Block 107. The motion carried 4-0 on a roll call vote: Buskerud – no response, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye.

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 January 27, 2017: Total balances of checking/savings accounts, \$16,629,409.71; Total balance of Treasurer's Office safe cash, \$12,100.00; Total certificates of deposit, \$3,530,738.85; Total Prime Value Investment, \$20,763,518.02; Total petty cash, \$15,505.00; Total long/short, (\$221.85); Total, \$40,951,049.73. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 16,056.04; Elections, 16,011.51; Auditor, 33,926.00; Treasurer, 69,400.64; MacArthur Grant, 8,797.78; State's Attorney, 264,942.22; Public Defender, 140,057.01; Buildings & Grounds, 151,397.06; Equalization, 99,063.49; Register of Deeds, 29,097.64; IT, 62,380.12; Human Resources, 10,679.61; Sheriff, 564,039.37; HIDTA Grant, 11,110.54; Jail, 758,657.67;

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JSC, 235,668.40; JSC Juvenile Alternative, 11,676.03; CCADP, 85,993.22; Life Enrichment Center, 131,162.92; Economic Assistance, 72,691.94; Extension, 3,176.00; Weed & Pest, 10,795.95; Mountain Pine Beetle, 10,116.00; Planning and Zoning, 29,471.42; Water Protection, 6,967.64; Road & Bridge, 263,209.10; Fire Administration, 6,921.44; Dispatch, 239,043.62; Emergency Management, 10,056.31; 24-7 Program, 30,994.75.

PERSONNEL

ESCC: Effective 2/01/17 – James Adams at \$29.31/hr. and Leslie Hall at \$26.25/hr.

HIGHWAY: Effective 2/01/2017 – Ronald “Cody” Cornelison at \$26.87/hr.

PUBLIC DEFENDER: Effective 2/27/2017 – Jennifer de Hueck at \$31.29/hr. Effective 3/06/2017 – Janki Sharma at \$31.29/hr.

ADJOURN

MOVED by DiSanto and seconded by LaCroix to adjourn the meeting. The motion carried 4-0 on a roll call vote: Buskerud – no response, DiSanto – aye, Ferebee – aye, LaCroix – aye, Hadcock – aye. There being no further business, the meeting was adjourned at 12:43 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

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