

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 7, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, March 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: George Ferebee and Lloyd LaCroix. Mark DiSanto was not present. Commissioner Ron Buskerud joined by videoconference. Pursuant to SDCL 1-25-1, votes were taken by roll call vote.

REVIEW AND APPROVE AGENDA

MOVED by LaCroix and seconded by Buskerud to approve the agenda as presented. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

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 LaCroix and seconded by Buskerud to approve the Consent Agenda with the removal of Items 5, 6, 7 & 12 for separate consideration.

5. Removed for separate consideration.
6. Removed for separate consideration.
7. Removed for separate consideration.
8. Appoint Paulette Schenck as the County Liaison to the Rapid City Public Library Board of Trustees effective 3/7/2017 and approve the Chairman's signature to the warrant of appointment.
9. Reappoint Dennie Mann to the Pennington County Weed & Pest Board for a three year term and approve the Chair's signature on the warrant of appointment.
10. Authorize the Chairperson's signature on the Resolution to Discharge County Aid Liens with no activity for 30 years per SDCL 28-14-15.

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

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

WHEREAS, as of March 7, 2017, there are inactive liens totaling \$292,240.27 as listed on a report that will be on file with the Pennington County Register of Deeds;

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

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Dated this 7th day of March, 2017.

PENNINGTON COUNTY COMMISSION

/s/ Deb Hadcock, Chairman

ATTEST:

/s/ Julie A. Pearson, Auditor

11. Approve the Chairman's signature to the State of South Dakota Land & Water Conservation Fund report affirming all information is correct and is in compliance with grant requirements, as provided by Central States Fair Manager Ron Jeffries.
12. Removed for separate consideration.
13. Declare the twelve (12) Intoximeter Alco-sensor-FST's as surplus property for the purpose of trade-ins towards the purchase of new units.

Removed for separate consideration

5. Approval of the minutes of the regular meeting held February 21, 2017: MOVED by Ferebee and seconded by Buskerud to delete the following from Board of Adjustment Item B for Variance / VA 17-02 (*Four affirmative votes are needed in Board of Adjustment.*) The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.
6. (SP17-004) – General Fund Search and Rescue Supplement: MOVED by Hadcock and seconded by Ferebee to schedule a hearing at 11:15 a.m. on Tuesday April 4, 2017 to supplement to the 2017 General Fund Search & Rescue budget in the amount of \$57,900 from the unassigned fund balance. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.
7. Mitchell Rapid City (MRC) Regional Authority Appointment: MOVED by Buskerud and seconded by LaCroix to appoint Lyndell Petersen as Pennington County's Representative to serve on the Board of Commissioners of the Mitchell Rapid City (MRC) Regional Rail Authority and authorize the reimbursement of expenses incurred. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.
12. Agreement for Maintenance of Hawthorne Ditch Facilities: MOVED by LaCroix and seconded by Buskerud to authorize the Highway Superintendent to enter into and sign an agreement with Dean Klapperich for maintenance of Hawthorne Ditch inlets for 2017. The motion carried 3-1 on a roll call vote: Buskerud – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

End of Consent Agenda Items

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PRESENTATION OF ADOPT-A-HIGHWAY PROGRAM CERTIFICATES OF APPRECIATION – CONNIE BERTOLOTTI.

COUNTY CARES PRESENTATION: ELDERLY & DISABLED ASSESSMENT FREEZES AND ONLINE PROPERTY TAX PAYMENT SYSTEM – ANNETTE BRANT CHIEF DEPUTY TREASURER.

RECONVEYANCE REQUEST – ROLLINS (ID# 14617) (CONT. FROM 2/7/17 BOC MEETING): MOVED by LaCroix and seconded by Ferebee to continue discussion on this item until April 4, 2017 and remove ID 14617 from the county surplus list for tax deed sale to be held on April 5, 2017. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

REQUEST FOR WAIVER OF BUILDING PERMIT FEES AND PENALTY FEES – PEGGY SIELER: MOVED by LaCroix and seconded by Ferebee to waive \$169.00 in building permit fees and \$169.00 in penalty fees for a total of \$338.00. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

PETITION FOR ANNEXATION: SOUTH VALLEY DRIVE – HANI SHAFI: MOVED by LaCroix and seconded by Buskerud to give consent for annexation pursuant to SDCL 9-4-5 of all un-platted territory legally described as that portion of South Valley Drive located outside of the City of Rapid City Corporate Limits more specifically described as that portion of South Valley Drive extending south from the center of East Saint Patrick Street to the northern boundary with Blanche Street, located in Section 8, T1N, R8E, BHM Pennington County, South Dakota; and in Section 9, T1N, R8E, BHM, Pennington County, South Dakota and The N ½ NW ¼ less lot H5 of the NE 1/4NW1/4, N1/2 SE ¼ NW1/4 less lot H1; located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ISOLATED TRACT – ROBERT L & BARBARA STEELE, JODY SPECK, ESQ: MOVED by Ferebee and seconded by Buskerud to follow South Dakota Law SDCL 31-22-2.

Substitute motion: MOVED by LaCroix and seconded by Buskerud to continue this discussion until the March 21, 2017 BOC meeting and request that all landowners be present. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

SD DEPARTMENT OF REVENUE/SD COUNTIES VALUE OF AGRICULTURAL LAND ASSESSMENTS – REQUEST FOR ALIGNMENT WITH TRASK & JORDAN APPEALS SUITS – PAT TRASK: MOVED by LaCroix and seconded by Buskerud to deny Mr. Trask's request for alignment for Trask and Jordan lawsuits. LaCroix and Buskerud later agreed to withdraw their motion and consider this an informational item.

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LED LIGHTING UPDATE IN THE JAMES KJERSTAD EVENTS CENTER AT THE CENTRAL STATES FAIRGROUNDS – JOHN KAISER – OPERATIONS MANAGER:

No action taken.

REQUEST TO BID EVENT CENTER STALL BARN AT THE CENTRAL STATES FAIRGROUNDS – JOHN KAISER OPERATIONS MANAGER:

MOVED by LaCroix and seconded by Hadcock to authorize the building of a stall barn on Pennington County Central States Fairgrounds and further moved that John Kaiser work with the Pennington County staff in the design, engineering and architectural process and come back with authorization to bid with no funding from Pennington County expected.

Substitute motion: MOVED by Ferebee to postpone this discussion until the next Commission meeting. The motion died for a lack of a second.

The motion carried 3-1 on a roll call vote: Buskerud – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

ITEMS FROM THE AUDITOR

- A. 9:15 a.m. PUBLIC HEARING – BUDGET SUPPLEMENT SP17-003 – ROAD & BRIDGE FUND – CAPITAL PROJECTS FUND: MOVED by LaCroix and seconded by Buskerud to approve the supplement to the 2017 Road & Bridge Fund Budget in the amount of \$1,000,000 from the Assigned Fund Balance and to authorize an Operating Transfer from the Road & Bridge fund to the Capital Projects fund for the Highway Office / Shop Building. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ITEMS FROM THE SHERIFF/STATES ATTORNEY/HEALTH & HUMAN SERVICES:

- A. UPDATE ON MENTAL HEALTH CARE EFFORTS WITH RAPID CITY REGIONAL HEALTH FACILITIES AND THE PENNINGTON COUNTY JAIL: MOVED by LaCroix and seconded by Buskerud to continue this discussion until the next commission meeting. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ITEMS FROM EQUALIZATION

- A. ABATEMENT APPLICATIONS – ASH TOWNSHIP #16, CONATA TOWNSHIP #20, CITY OF HILL CITY AND CITY OF RAPID CITY: MOVED by LaCroix and seconded by Ferebee to approve the following abatements: FY 2015, Tax ID 62586, Energy Development Group, \$31.54; FY 2016, Tax ID 9012, SD DOT, \$4.16, FY 2016, Tax ID 60992, Fred Tucker, \$645.78; FY 2016, Tax ID 60991, Fred Tucker, \$645.78, FY 2016, Tax ID 58682, Richard Ludeman, \$272.14; FY 2016, Tax ID 11876, Mitch Morris, \$1,107.38; FY 2016, Tax ID 25047, Dawn Mazzio, \$887.00; FY 2016, Tax ID 66137, Keystone Homes LLC, \$902.40; FY 2016, Tax ID 38335, William DeWall, \$1,216.41; FY 2016, Tax ID 61846, Geraldine Sterkel, \$540.06; FY 2016, Tax ID 20684, SD DOT, \$911.50; FY 2016, Tax ID 39772, City of RC, \$176.06; FY 2016, Tax ID 32828, Tim Shatraw, \$571.58; FY 2016, Tax ID 63725, Northern Finance Corp, \$1.81. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

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ITEMS FROM HIGHWAY DEPARTMENT

A. 2017 ANNUAL SUPPLIES BID AWARD RECOMMENDATIONS: Bid documents for these items are on file at the Highway Department.

MOVED by LaCroix and seconded by Ferebee to award the 2017 annual supply contracts for the following items as recommended by the Highway Department. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

AS 2017-01 AGGREGATE MATERIALS – RAPID CITY AREA: Award AS 2017-01 Aggregate Materials – Rapid City Area, Item No. 1, 3-inch Ballast (Limestone), to Pete Lien & Sons, Inc.,

- Award AS 2017-01 Aggregate Materials – Rapid City Area, Item No. 2, 1-inch Base Course Aggregate Material, to Western Construction, Inc., and Pete Lien & Sons, Inc., based on location.
- Award AS 2017-01 Aggregate Materials – Rapid City Area, Item No. 3, ¾ inch Base Course Aggregate Material, Western Construction, Inc., and Pete Lien & Sons Inc., based on location.
- Award AS 2017-01 Aggregate Materials – Rapid City Area, Item No. 4, Type 2A (3/8 inch) Bituminous Surface Treatment Aggregate Material, to Pete Lien & Sons, Inc.
- Award AS 2017-01 Aggregate Materials – Rapid City Area, Item No. 6, 3/4-inch Gravel Cushion Aggregate Material, to Western Construction, Inc., and Pete Lien & Sons, Inc., based on location.
- Award AS 2017-01 Aggregate Materials – Rapid City Area, Item No. 7, ¾ - inch Gravel Surfacing Aggregate Material, to Western Construction, Inc.
- Award AS 2017-01 Aggregate Materials – Rapid City Area, Item No. 8, Haul, To 5 Miles; Item No. 9, Haul, 5 to 15 Miles; and Item No. 10, Haul, 15 or more Miles to Western Construction, Inc.

AS 2017-02 ASPHALT CONCRETE COMPOSITE: Award AS 2017-02 Asphalt Concrete Composite to Western Construction, Inc.

AS 2017-03 ASPHALT MAINTENANCE MATERIALS: Award AS 2017-03 Asphalt Maintenance Materials to J & J Asphalt.

AS 2017-04 PRE-CAST CONCRETE PIPE AND BRIDGE PRODUCTS: Award AS 2017-04 Pre-Cast Concrete Pipe and Bridge Products to Forterra Concrete Products Inc. Only one bid received.

AS 2017-05 CUTBACK AND EMULSIFIED ASPHALT: Award AS 2017-05 Cutback and Emulsified Asphalt, to Hills Materials Company. Only one bid received.

AS 2017-06 DE-ICING SAND: Award AS 2017-06 De-Icing Sand, to Western Construction, Inc.

AS 2017-07 FENCING: Award AS 2017-07 Fencing to M & M Fencing. Only one bid received.

AS 2017-08 GUARDRAIL: Award AS 2017-08 Guardrail to Hilt Construction, Inc. Only one bid received.

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AS 2017-09 MAGNESIUM CHLORIDE SOLUTION: Award AS 2017-09 Magnesium Chloride Solution, to Z & S Dust Control System. Only one bid received.

AS 2017-10 SEEDING, FERTILIZING, MULCHING & EROSION CONTROL BLANKET: Award AS 2017-10 Seeding, Fertilizing, Mulching & Erosion Control Blanket to M & M Fencing.

AS 2017-11 TIMBER BRIDGE MATERIALS: Award AS 2017-11 Timber Bridge Materials to Wheeler Lumber, LLC. Only one bid received.

AS 2017-12 TRAFFIC CONTROL MATERIALS: Award AS 2017-12 Traffic Control Materials to Newman Signs Inc.

B. AUTHORIZATION FOR LETTING: BRIDGE REPAIRS; 52-313-265 NEMO ROAD, AND 52-319-268 NORRIS PEAK RD: MOVED by Buskerud and seconded by LaCroix to authorize the Highway Department to let bids for project BR 2017-1 Bridge Repairs; 52-313-265 (Nemo Road) and 52-319-268 (Norris Peak Road). The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

C. DESIGN AUTHORIZATION FOR SOUTH ROCHFORD ROAD PROJECT: MOVED by LaCroix and seconded by Buskerud to authorize the Chairman’s signature to the Work Order to Project EM-BRF 6403(06), PCN 00CL.

Substitute motion: MOVED by Ferebee and seconded by Buskerud to delay the decision until next Commission meeting March 21, 2017 and bring in DOT to discuss the bridge and the road. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

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

MOVED by LaCroix and seconded by Ferebee to reconvene. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by Ferebee and seconded by LaCroix to convene as the Board of Adjustment. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

A. VARIANCE / VA 17-01: Delmar and Melissa Nelson. To apply for a Variance to Section 319-B-3 of the Pennington County Zoning Ordinance to allow a less than one (1) acre lot size for a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 509 of the Pennington County Zoning Ordinance.

Lot 2 of Lot A of Lot 3 of Lot G of Lot 2, Reno Placer MS 823, Section 2, T2S, R4E, BHM, Pennington County, South Dakota.

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MOVED by Ferebee and seconded by Buskerud to deny Variance / VA 17-01. Vote: The motion carried 3-1 on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – no, Hadcock – yes.

- B. VARIANCE / VA 17-04: Black Hills Raptor Center; Davis Engineering - Agent. To reduce the minimum required lot size from 40 acres to 5.06 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Beginning at the Northeast corner of the NW1/4 of the SE1/4 of Section 35, T1N, R9E, BHM which is a 5/8 rebar with cap marked LS 2652 which is the point of beginning; Thence Due South 520.00 feet to a 5/8 rebar with cap marked “LS-3095” which is the True Point of Beginning; Thence, S 89° 59’ 22”W a distance of 350.00’ feet to a rebar cap marked LS 3095; Thence, S 00° 00’ 00”W a distance of 545.92 feet to a rebar and cap marked LS 3095; Thence, S 64° 25’ 09”E a distance of 388.04 feet to a rebar cap marked LS 3095; Thence, N 00° 00’ 00” E a distance of 713.54 feet to a rebar cap marked LS 3095 which is the True Point of Beginning, containing 5.06 Acres “more or less” and all located in NW1/4 of the SE1/4 of Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by LaCroix to approve Variance / VA 17-04. Vote: The motion failed 3-1 on a roll call vote: Buskerud – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

- C. VARIANCE / VA 17-05: Black Hills Raptor Center; Davis Engineering - Agent. To reduce the minimum required lot size from 40 acres to 23.00 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Beginning at the Northeast corner of the NW1/4 of the SE1/4 of Section 35, T1N, R9E, BHM which is a 5/8 rebar with cap marked “LS 2652” and is the True Point of Beginning; Thence, S 89° 59’ 22”W a distance of 1292.30’ feet to a rebar cap marked LS 2652; Thence, S 00° 02’ 38”W a distance of 614.44 feet to a rebar and cap marked LS 2652; Thence, S 64° 25’ 09”E a distance of 1045.23 feet to a rebar cap marked LS 3095; Thence, N 00° 00’ 00” E a distance of 545.92 feet to a rebar cap marked LS 3095; Thence, N89° 59’ 22” E a distance of 350.10 feet to a rebar cap marked LS 3095; Thence, N 00° 00’ 00” E a distance of 520.00 feet to a rebar cap marked LS 2652 which is the True Point of Beginning, containing 23 Acres “more or less” and all located in NW1/4 of the SE1/4 of Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve Variance / VA 17-05.

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Substitute motion: MOVED by Buskerud and seconded by Hadcock to continue until the March 21, 2017 meeting. The motion carried 3-1 on a roll call vote: Buskerud – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

MOVED by Ferebee and seconded by Buskerud to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

PLANNING & ZONING CONSENT AGENDA ITEMS

The following item(s) have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

MOVED by Buskerud and seconded by LaCroix to approve the Planning and Zoning consent agenda with the removal of Item H.

- D. SECOND READING OF REZONE / RZ 17-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-02: Laura Pankratz; Ken Nash – Agent. To rezone 38.35 acres from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 205, 210, and 508 of the Pennington County Zoning Ordinance.

On the following metes and bounds description: Beginning at a point N89°31'E 242.04' of the SE corner of Section 22, T1S, R6E, BHM, Pennington County South Dakota, Thence N45°57' 50"E a distance of 504.95'; Thence N42°59' 10"W a distance of 322.16'; Thence N56°50'E a distance of 77.13'; Thence N68°11'E a distance of 288.42'; Thence on an arc to the right whose radius is 2141.83'; N77°10'35"E a chord distance of 666.02'; Thence S80°01'30"E a distance of 287.59'; Thence N89°35'E a distance of 333.93'; Thence S67°03'40"E a distance of 701.65'; Thence S0°01'10"E a distance of 542.78'; Thence S89°30'55"W a distance of 2388.70' to the point of beginning. Said parcel of land containing 38.35 acres more or less, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Approve the Second Reading of Rezone / RZ 17-02 and Comprehensive Plan Amendment / CA 17-02.

ORDINANCE NO. RZ 17-02

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

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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:

Beginning at a point N89°31'E 242.04' of the SE corner of Section 22, T1S, R6E, BHM, Pennington County South Dakota, Thence N45°57' 50"E a distance of 504.95'; Thence N42°59' 10"W a distance of 322.16; Thence N56°50'E a distance of 77.13'; Thence N68°11'E a distance of 288.42'; Thence on an arc to the right whose radius is 2141.83'; N77°10'35"E a chord distance of 666.02'; Thence S80°01'30"E a distance of 287.59'; Thence N89°35'E a distance of 333.93'; Thence S67°03'40"E a distance of 701.65'; Thence S0°01'10"E a distance of 542.78'; Thence S89°30'55"W a distance of 2388.70' to the point of beginning. Said parcel of land containing 38.35 acres more or less, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Agriculture District to Highway Service District.

Dated this 7th day of March, 2017.

PENNINGTON COUNTY COMMISSION
/s/ Deb Hadcock, Chairman

ATTEST:
/s/ Julie A. Pearson, Auditor

- E. MINOR PLAT / PL 17-01 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-01: Deborah Munyan. To create Lots 1 and 2 of Munyan Estates and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1 less Bradsky Road; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 and Lot 2, Munyan Estates, Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

Approve Subdivision Regulations Variance / SV 17-01 to waive the submittal of percolation tests and soil profile hole information for proposed Lot 2, submittal of engineered road construction plans, and Right-of-Way dedication for Bradsky Road. Approve Minor Plat / PL 17-01 with the following ten (10) conditions:

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1. That upon filing the Plat with the Register of Deeds, a Deed Restriction also be filed restricting the residential use of proposed Lot 2 until such time that a second means of ingress and egress is constructed;
2. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 be Rezoned or approved Lot Size Variance(s) be obtained;
3. That prior to filing the Plat 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 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;
5. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to state “Lot 1 and Lot 2 of Munyan Estates, Formerly Government Lot 1 of Section 4...”, as required by the Register of Deeds;
6. That prior to filing the Plat with the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That prior to filing the Plat with the Register of Deeds, a 66-foot-wide Right-of-Way be dedicated along Bradsky Road on the portion outside of the Section Line Right-of-Way, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That addresses be properly posted on the existing residence and any future structures constructed on proposed Lot 2 and at the approaches so they are visible from both directions of travel on Bradsky Road, in accordance with Pennington County’s Ordinance #20; and,
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-01 and Subdivision Regulations Variance / SV 17-01, which is available at the Planning Office.

F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 17-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-03: Tyler Schad; Renner Associates – Agent. To rezone 59.475 acres from General Agriculture District to Heavy Industrial District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Heavy Industrial District in accordance with Sections 205, 207, 212, and 508 of the Pennington County Zoning Ordinance.

To rezone 10.010 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Limited Agriculture District in accordance with Sections 205, 206, 207, and 508 of the Pennington County Zoning Ordinance.

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Commencing at the section 1/4 corner common to Sections 20 and 21, T2N, R8E, BHM, thence S 89°57'28" W, a distance of 33.06 feet, to a point on the westerly edge of section line right-of-way common to said Sections 20 and 21 and the point of beginning; Thence, first course: S 89°52'30" W, along the section 1/4 line, a distance of 2477.26 feet; Thence, second course: N 00°01'41" W, a distance of 1225.19 feet; Thence, third course: N 89°51'47" E, a distance of 1185.70 feet; Thence, fourth course: N 89°52'15" E, a distance of 153.22 feet; Thence, fifth course: S 00°00'26" W, a distance of 391.00 feet; Thence, sixth course: N 89°52'15" E, a distance of 1139.10 feet, to a point on the said westerly edge of section line right-of-way common to Sections 20 and 21; Thence, eighth course: S 00°00'26" W, along the said westerly edge of section line right-of-way, a distance of 834.53 feet, to the said point of beginning. Said Parcel contains 59.475 acres more or less.

Commencing at the northwesterly corner of Lot 1 of Blue Marlin Estates, Section 20, T2N, R8E, BHM., Pennington County, South Dakota, common to a point on the section 1/16th line, and the point of beginning; Thence, first course: S 00°00'26" W, along the westerly boundary of said Lot 1, a distance of 416.00 feet, to the south westerly corner of said Lot 1; Thence, second course: N 89°52'15" E, along the southerly boundary of said Lot 1, a distance of 1047.10 feet, to the southeasterly corner of said Lot 1; Thence, third course: N 89°52'15" E, a distance of 17.00 feet, to a point on the westerly edge of section line right-of-way common to Sections 20 and 21, T2N, R8E, BHM; Thence, fourth course: S 00°00'26" W, along the said westerly edge of section line right-of-way, a distance of 75.00 feet; Thence, fifth course: S 89°52'15" W, a distance of 1139.10 feet; Thence, sixth course: N 00°00'26" E, a distance of 391.00 feet; Thence, seventh course: S 89°52'15" W, a distance of 153.22 feet; Thence, eighth course: S 89°51'47" W, a distance of 1185.70 feet, Thence, ninth course: S 00°01'41" E, a distance of 1225.19 feet; to a point on the section 1/4 line; Thence, tenth course: S 89°52'30" W, along the said section 1/4 line, a distance of 140.00 feet, to the center 1/4 corner of Section 20, T2N, R8E, BHM; Thence, eleventh course: N 00°01'41" W, along the section 1/4 line, a distance of 1325.16 feet, to the section 1/16th line; Thence, twelfth course: N 89°51'47" E, along the said section 1/16th line, a distance of 1325.52 feet, to the section 1/16th corner; Thence, thirteenth course: N 89°52'15" E, along the said section 1/16th line, a distance of 228.46 feet, to the said point of beginning. Said Parcel contains 10.010 acres more or less.

Continue Rezone / RZ 17-03 and Comprehensive Plan Amendment / CA 17-03 to the March 21, 2017, Board of Commissioners' meeting.

- G. MINOR PLAT / PL 17-02 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-02: Dakota Land and Cattle Company, LLC. To create Lot 4 and Lot 5 of Block 4 of The Ranch at Black Gap and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

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EXISTING LEGAL: Balance of Tract B (also in Section 9), The Ranch at Black Gap, Section 8, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4 and Lot 5 of Block 4 of The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

Approve Subdivision Regulations Variance / SV 17-02 to waive submittal of percolation tests and soil profile hole information and road improvements to Vantage Point Court. Approve Minor Plat / PL 17-02 with the following nine (9) conditions:

1. That upon 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;
2. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot 4 of Block 4 and proposed Lot 5 of Block 4 to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That prior to filing the Plat with the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of Building Permit submittal for proposed Lot 4 of Block 4 or proposed Lot 5 of Block 4, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times, in accordance with Pennington County's Ordinance #20;
5. That following platting of proposed Lot 4 of Block 4 and proposed Lot 5 of Block 4, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance and any Plat note(s) relative to on-site wastewater treatment systems;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked;
8. That the following Plat notes be added, per the City Preliminary Subdivision Plan File 16PL111 Stipulations #6 and #11, prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of

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- a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations; and,
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-02 and Subdivision Regulations Variance / SV 17-02, which is available at the Planning Office.

H. Removed for separate consideration.

- I. 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 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 the March 21, 2017, Board of Commissioners’ meeting.

Removed for separate consideration

- H. MINOR PLAT / PL 17-03 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-03: William and Makaley Parsons. To create Lots A, B, and C of Knotty Pine Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 11 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A, Lot B, and Lot C, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Ferebee to approve the withdrawal of Subdivision Regulations Variance / SV 17-03 and Minor Plat / PL 17-03, per the applicant’s request. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

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End of Planning Consent Agenda

PLANNING & ZONING REGULAR AGENDA

- J. VACATION OF EASEMENT / VE 17-01: William Grigg / Jennifer Kozel. To vacate 50 feet of an existing No Access Easement located along the interior of Lot 2 of Kozel Subdivision in accordance with the Pennington County Zoning Ordinance.

Lot 2, Kozel Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve Vacation of Easement / VE 17-01 with five (5) conditions. The motion died on a roll call vote: Buskerud – no, Ferebee – no, LaCroix – no, Hadcock – no.

1. That prior to the Vacation of Easement being filed with the Register of Deeds, the Exhibit Heading be changed to “Lot 2” from Lot2;
2. That prior to the Vacation of Easement being filed with the Register of Deeds, the Exhibit shall be signed by the Registered Professional Surveyor;
3. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed’s Office;
4. That prior to the Vacation of Easement being filed with the Register of Deeds, the applicant obtains approval from the Board of Commissioners for a second approach off of Nemo Road; and,
5. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 17-01, which is available at the Planning Office.

- K. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 17-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-01: Jimmy and Alice Dehaai. To rezone 3.49 acres from Suburban Residential District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Highway Service District in accordance with Sections 208, 210, and 508 of the Pennington County Zoning Ordinance.

Lot H, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Ferebee to approve the First Reading of Rezone / RZ 17-01 and Comprehensive Plan Amendment / CA 17-01. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

- L. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-02: Pennington County. To amend Section 103 “Definitions”; Section 205 “General

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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.

MOVED by Buskerud and seconded by LaCroix to approve the first reading of Ordinance Amendment / OA 16-02. The motion carried 3-1 on a roll call vote: Buskerud – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

M. APPROVAL OF ANNUAL MS4 STORMWATER REPORT and STORMWATER MANAGEMENT PLAN. MOVED by Hadcock and seconded by LaCroix to approve the Annual MS4 Stormwater Report and Stormwater Management Plan.

Substitute motion by Ferebee to postpone discussion until next meeting. The motion died for lack of a second.

The motion carried 3-1 on a roll call vote: Buskerud – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

REQUEST TO APPROVAL OF SECOND APPROACH - WILLIAM GRIGG: MOVED by Buskerud and seconded by LaCroix to deny the variance to Ordinance 14 to allow multiple approaches to 10540 Nemo Rd. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

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 \$265,218.14. The motion carried 3-1 on a roll call vote: Buskerud – yes, Ferebee – no, LaCroix – yes, Hadcock – yes.

Amerigas, \$75.45; AT&T Mobility, \$428.31; BH Power Inc, \$95.94; BH Power Inc, \$6,566.15; BH Power Inc, \$314.95; Century Link, \$249.71; City Of Box Elder, \$58.64; City Of Hill City, \$42.53; City Of Rapid City -Water, \$14,920.74; City Of Wall, \$144.00; Credit Collection Bureau, \$925.81; Executive Mgmt Fin Office, \$27.00; First Interstate Bank, \$22,314.38; First Interstate Bank, \$2,672.46; Midcontinent Communications, \$2,976.33; Midcontinent Communications, \$2,112.26; Montana Dakota Utilities, \$12,398.78; Mt Rushmore Telephone Co, \$58.00; Pioneer Bank & Trust, \$9,970.69; Pioneer Bank & Trust, \$1,730.98; Rainbow Gas Company, \$7,293.30; Reliance Telephone Inc, \$13.30; SDACC, \$300.00; Vast Broadband, \$211.16; Vast Broadband, \$265.66; Verizon Wireless, \$6,147.17; Verizon Wireless, \$1,016.47; Wellmark, \$47,203.93; Wellmark, \$121,932.42; West River Electric, \$2,751.62.

2017 LEGISLATIVE SESSION

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- A. UPDATE ON PROPOSED BILLS- No Action Taken
- B. STAFF DIRECTION- No Action Taken
- C. COMMISSION POSITIONS- No Action Taken

EXECUTIVE SESSION per SDCL 1-25-2:

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

MOVED by LaCroix and seconded by Buskerud to go into executive session with legal counsel for pending litigations and contractual matters pursuant to SDCL 1-25-2 (3). The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

The Board remained in executive session from 12:45 p.m. until 1:25 p.m.

MOVED by LaCroix and seconded by Hadcock to come out of executive session. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

MOVED by LaCroix and seconded by Buskerud to appeal to the Supreme Court the judgement entered on February 16, 2017 in the matter of Croell Redi-Mix, Inc. v. Pennington County Board of Commissioners. The motion carried unanimously on a roll call vote: Buskerud- yes, Ferebee – yes, LaCroix – yes, Hadcock – yes.

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 February 22, 2017: Total balances of checking/savings accounts, \$14,020,602.74; Total balance of Treasurer's Office safe cash, \$12,400.00; Total certificates of deposit, \$3,545,572.45; Total Prime Value Investment, \$17,583,684.45; Total petty cash, \$15,505.00; Total long/short, (\$219.64); Total, \$35,177,545.00. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 15,356.04; Elections, 14,692.64; Auditor, 30,820.87; Treasurer, 62,518.22; MacArthur Grant, 7,914.58; State's Attorney, 230,753.49; Public Defender, 133,375.87; Buildings & Grounds, 125,014.94; Equalization, 81,377.78; Register of Deeds, 28,168.48; IT, 55,093.68; Human Resources, 9,828.41; Sheriff, 440,138.90; HIDTA Grant, 9,183.65; Jail, 622,441.76; JSC, 193,978.93; JSC Juvenile Alternative, 9,481.82; CCADP, 71,415.52; Life Enrichment Center, 105,639.03; Economic Assistance, 73,170.40; Extension, 2,540.80; Weed & Pest, 9,816.95; Mountain Pine Beetle, 8,092.80; Planning and Zoning, 25,930.59; Water Protection, 6,552.03; Road & Bridge, 188,283.50; Fire Administration, 6,421.36; Dispatch, 165,667.13; Emergency Management, 8,567.94; 24-7 Program, 25,387.32.

PERSONNEL

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ESCC: Effective 02/27/2017 – Melissa Frohman-Eades, Natalie Reiman, and April Olivas at \$16.68/hr. Effective 03/13/2017 – Nicole Nelson at \$16.68/hr. Effective 02/9/2017 - 04/15/2017 Bonnie Bitterman at \$29.31/hr.

HIGHWAY: Effective 03/02/2017 – Justin Asher at \$17.50/hr.

STATE ATTORNEY: Effective 03/20/2017 – Shawnda Scott at \$18.63/hr.

ADJOURN

MOVED by LaCroix and seconded by Ferebee to adjourn the meeting. The motion carried unanimously on a roll call vote: Buskerud – yes, Ferebee – yes, LaCroix – yes, Hadcock – yes. The meeting adjourned at 1:26 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: March 22, 2017