

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of April 4, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, April 4, 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, Mark DiSanto, George Ferebee and Lloyd LaCroix.

REVIEW AND APPROVE AGENDA

MOVED by DiSanto and seconded by LaCroix to approve the agenda as presented. The motion carried.

CONSENT ITEMS

MOVED by LaCroix and seconded by Buskerud to approve the Consent Agenda as presented. The motion carried.

6. Approve the minutes of the regular meeting – March 21, 2017.
7. Approve the request for continuance until April 18, 2017 for the re-conveyance request – Rollins (ID #14617).
8. Acknowledge the notice of intent to conduct a raffle – The Run for Ruhl Committee.
9. Approve the Adopt-A-Highway Application for an approximate 1.5 mile portion of 143rd Avenue by Rapid City Community Conversations – Mitakuye Oyasin (We are all related).

End of Consent Items

COUNTY CARES PRESENTATION – PENNINGTON COUNTY SEARCH & RESCUE: KRAIG WOOD, OPERATIONS LIEUTENANT SHERIFF’S OFFICE.

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

Substitute motion: MOVED by Ferebee and seconded by DiSanto to approach the Congressional Delegation in an effort to redirect the funds to a different project. DiSanto later withdrew his second.

Substitute motion: MOVED by DiSanto and seconded by LaCroix to postpone this discussion until the next commission meeting on April 18, 2017 to gather information for the repurpose of the funds. The motion carried 4-1 with Ferebee voting no.

PENNINGTON COUNTY HOUSING & REDEVELOPMENT COMMISSION

APPOINTMENT: MOVED by Ferebee and seconded by DiSanto to appoint Deborah DuBray to the Pennington County Housing and Redevelopment Commission Board. The motion carried with Buskerud voting no and Hadcock abstaining.

REQUEST FOR WAIVER OF BUILDING PERMIT FEES AND PENALTY FEES –

GABE ELLERTON: MOVED by DiSanto and seconded by Ferebee to waive the building permit and penalty fees.

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Substitute motion: MOVED by LaCroix and seconded by Buskerud to waive only the penalty fees. The motion carried 4-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – no LaCroix – yes, Hadcock – yes.

REQUEST FOR WAIVER OF PENALTY FEES – KEN HARGENS: MOVED by Buskerud and seconded by LaCroix to deny the refund of \$153.00 for the penalty fee. The motion carried 3-2 with Ferebee and DiSanto voting no.

ITEMS FROM THE AUDITOR

A. FY 2018 PENNINGTON COUNTY BUDGET (CPI AND NEW GROWTH FIGURES PRESENTED).

B. BOARD DIRECTION FOR 2018 BUDGET PREPARATION: MOVED by LaCroix and seconded by Hadcock to approve the Suggested Budget Preparation Guidelines for 2018:

- Match State Authorized CPI of 1% for COLA adjustment to wage scale.
- Authorize up to 2 steps (1 in January and 1 in July) for all employees employed at least 1 year.
- No increase in Health Insurance Rates for either the County or the employee
- Prepare conservative yet realistic budgets funding only existing services, levels of services and number of FTE's as approved for 2017.
- Prepare a separate budget for new programs and/or additional FTE's, indicating any new revenues.

Substitute motion: MOVED by DiSanto and seconded by Buskerud to remove merit steps from the budget discussion. The motion carried 3-2 with Hadcock and LaCroix voting no. MOVED by DiSanto and seconded by Buskerud to see how the merit increases would affect the budget. The motion carried 4-1 with Ferebee voting no.

C. 11:15 a.m. PUBLIC HEARING – BUDGET SUPPLEMENT SP17-004 – GENERAL FUND SEARCH & RESCUE: MOVED by LaCroix and seconded by DiSanto to approve the supplement to the 2017 General Fund Search and Rescue budget in the amount of \$57,900 from the unassigned fund balance. The motion carried 4-1 with Ferebee voting no.

D. 11:15 a.m. PUBLIC HEARING – BUDGET SUPPLEMENT SP17-005– ACCUMULATED BUILDING FUND BUDGET SUPPLEMENT: MOVED by Buskerud and seconded by LaCroix to approve the supplement to the 2017 Accumulated Building Fund Black Creek Capital Projects budget in the amount of \$278,582 from assigned and restricted fund balance. The motion carried 4-1 with Ferebee voting no.

ITEMS FROM EQUALIZATION:

A. BLACK HILLS POWER ABATEMENT APPLICATIONS: MOVED by Buskerud and seconded by LaCroix to approve the 2016 abatement application for Black Hills Corp., Tax ID 62389, \$13,250.72 and Black Hills Corp., Tax ID 65001, \$64,827. The motion carried 3-2 with Ferebee and DiSanto voting no.

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ITEMS FROM HIGHWAY DEPARTMENT

- A. **AWARD RECOMMENDATION: AC 2017-01 ASPHALT CONCRETE OVERLAY PROJECT (SOUTH VALLEY DRIVE):** MOVED by Buskerud and seconded by Hadcock to award AC 2017-1 Asphalt Concrete Overlay Project (South Valley Drive) to Western Construction, Inc., Rapid City, SD, in the amount of \$98,186.30.
Substitute motion: MOVED by Ferebee and seconded by DiSanto to postpone this discussion until the City decides what they are going to do with South Valley Drive. The motion carried.
- B. **BRIDGE INSPECTIONS 2017 AND BRIDGE RE-INSPECTION PROGRAM RESOLUTION:** MOVED by Ferebee and seconded by DiSanto to approve and authorize the Chair's signature to the Bridge Re-inspection Program Resolution, requesting the SDDOT to hire Brosz Engineering, Inc., Sturgis, SD, to perform our 2017 Bridge Inspections. The motion carried.

**BRIDGE REINSPECTION
PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS**

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Pennington County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Brosz Engineering, Inc. (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 4th day of April, 2017 at Rapid City, South Dakota.

/s/ Deb Hadcock, Chair Pennington County Board of Commissioners

ATTEST:

/s/ Julie A. Pearson, Auditor

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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 \$219,239.71. The motion carried 4-1 with Ferebee voting no.

BH Power Inc, \$26.30; City Of Rapid City -Water, \$12,861.93; Montana Dakota Utilities, \$8,551.83; Verizon Wireless, \$568.40; Rainbow Gas Company, \$4,658.03; Executive Mgmt Fin Office, \$27.00; Century Link, \$249.71; Reliance Telephone Inc, \$11.20; Midcontinent Communications, \$2,817.59; Vast Broadband, \$431.75; Pioneer Bank & Trust, \$19,398.26; City Of Rapid City -Water, \$2,894.07; Montana Dakota Utilities, \$3,804.69; Verizon Wireless, \$5,460.91; City Of Hill City, \$39.69; SDML Workers', \$13,613.00; City Of Wall, \$142.00; First Interstate Bank, \$1,688.65; Midcontinent Communications, \$470.40; BH Power Inc, \$177.45; Vast Broadband, \$5.36; Pioneer Bank & Trust, \$4,536.86; Konica Minolta Premier Finance, \$312.38; Wellmark, \$60,425.83; Wellmark, \$76,066.42.

MOVED by DiSanto and seconded by LaCroix to take a five minute recess. The motion carried.
MOVED by Buskerud and seconded by LaCroix to reconvene. The motion carried.

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by Buskerud and seconded by DiSanto to convene as the Board of Adjustment. The motion carried.

- A. VARIANCE / VA 17-06: Deborah Munyan; D.C. Scott Surveyors - Agent. To reduce the minimum required lot size from 40 acres to 11.85 acres and 20.00 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

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

MOVED by LaCroix and seconded by DiSanto to approve Variance / VA 17-06 with no conditions or concerns. The motion died 3-2 with Buskerud and Ferebee voting no.

MOVED by Buskerud and seconded by DiSanto to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried.

PLANNING & ZONING CONSENT 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 DiSanto and seconded by Buskerud to approve the Planning and Zoning consent agenda with the removal of item C. The motion carried.

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B. MINOR PLAT / PL 17-04: Granite Point, LLC / Gene Quinn. To reconfigure lot lines to create Lots 15, 16, and 17 of Granite Point Subdivision in accordance with Section 400.3 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.

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

1. That prior to filing the Plat with the Register of Deeds, an additional Owners Certificate be added for Allen Schmidt and Tammy Schmidt, as they have an interest in Lot B of Lot 7 per Contract for Deed;
2. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. 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;
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; and,
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-04, which is available at the Planning Office.

C. Removed for separate consideration.

D. MINOR PLAT / PL 17-05 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-04: Cindy Dickmeyer (Robins Roost Cabins, LLC). To create Lot 1R and Lot 3 of Boyum Subdivision and to waive platting requirements in accordance with Section 400.3 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 3 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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1. That prior to the plat being recorded at the Register of Deeds, the applicant meet with the Planning Director and bring the proposed completed plat for review. If further changes are necessary at this time, the Final Plat process may be necessary;
2. That prior to the plat being recorded at the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines;
3. That prior to the plat being recorded at the Register of Deeds, the plat continue to meet 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 prior to the plat being recorded at the Register of Deeds, the applicant provide engineered road construction plans for road improvements, including width and surface requirements that meet Pennington County's Ordinance #14 standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to the plat being recorded at the Register of Deeds, the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the Plat heading read "Lots 1R and 3 of Boyum Subdivision (formerly Lot 1 of Boyum Subdivision) all located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota" as stated by the Register of Deeds;
7. That the address for Lot 1R be changed before the Plat is filed with the Register of Deeds;
8. That within six (6) months of the Plat being recorded with the Register of Deeds, the applicant applies for a Planned Unit Development Amendment to reflect the changes resulting from the subdivision of the lot;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-05; the SOU will be available at the Planning Office.

E. MINOR PLAT / PL 17-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 17-05: Kelly Development / Ryan Kelly. To create Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision and to waive platting requirements in accordance with Section 400.3 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B less Sheridan Lake Highlands less ROW, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

End of Planning Consent Items

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- C. VACATION OF EASEMENT / VE 17-02: Aaron Olson. To vacate a portion of the Utility and Access Easements located along the interior of Lots 12, 13, and 18 of Tract A of Sunnyside Acres Subdivision in accordance with the Pennington County Zoning Ordinance. Lots 12, 13, and 18 of Tract A, Sunnyside Acres Subdivision, Sections 25 and 30, T2N, R4E and R5E, BHM, Pennington County, South Dakota.
MOVED by LaCroix and seconded by Buskerud to approve vacation of easement / VE 17-02 with three conditions. The motion carried.

1. That prior to filing the Exhibit with the Register of Deeds, "Exhibit A" be corrected to show that the "Existing 34' wide Utility Easement as indicated on Miscellaneous Document A201315349. 26' wide strip to be vacated and 8' wide strip to remain as Utility Easement with the recording of this document as shown hereon" also applies to Lot 18, as necessary;
2. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office; and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Easement / VE 17-02, which is available at the Planning Office.

PLANNING & ZONING REGULAR AGENDA

- F. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 17-01: Pennington County. To amend to Section 316-F-5-c-7 "Telecommunications Facility" of the Pennington County Zoning Ordinance.
MOVED by Buskerud and seconded by LaCroix to approve of Ordinance Amendment / OA 17-01. The motion carried.

- G. LAYOUT PLAT / PL 17-07: Fred Whiting. To create Lot H1 and Lot H2 and Well Easement of Rushmore Ranch Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot H of Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot H1 and Lot H2 and Well Easement of Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Buskerud to approve of Layout Plat / PL 17-07 with the following eight (8) conditions. The motion carried.

1. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots of Rushmore Ranch Estates

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Subdivision to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor Plat submittal, the applicant address the Register of Deeds requirement to change the lot designations of Lot H1 and Lot H2;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That the Certificate of Ownership should read “Fred C. Whiting, Calvin E. Johnson, Cynthia A. Johnson, Kenneth E. Shilling and Carleen E. Shilling”;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-07, 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.

H. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-01: Karen Moore. To amend the existing Planned Unit Developments to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

MOVED by LaCroix and seconded by Buskerud to approve Planned Unit Development Amendment / PU 17-01 with the following forty-three (43) conditions. The motion carried 4-1 with Ferebee voting no.

1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;
2. That the number of guests be limited to 25 people;
3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;

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4. That prior to operation of the Specialty / Recreational Resort, the applicant submits a Parking Plan to the Planning Department for review to ensure its compliance with the Minimum Off-Street Parking requirements as outlined in Section 310 of the Pennington County Zoning Ordinance;
5. That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;
6. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty 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;
7. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
8. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the existing means of wastewater disposal servicing the residence prior to operation of the Bed and Breakfast;
10. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
11. That Parcel B include a new request for five (5) RV sites;
12. That a minimum 10 foot separation be maintained at all times between each RV site;
13. That each RV site has a lot number clearly posted;
14. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
16. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
17. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1)

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bathroom and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;

18. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
19. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
20. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
21. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
22. That, for Parcel C, the private well located on the property serve as the water source to the property;
23. That an approved Building Permit be obtained 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;
24. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
25. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
26. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
27. That no future drainfield be located within the areas designated as floodway;
28. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
29. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the

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- Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;
30. That the address assigned to each property be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
 31. That the physical address for the residence be posted in each guest room utilized for the Guest House / Bed and Breakfast;
 32. That a guest list is maintained and smoke detectors placed in each sleeping room;
 33. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
 34. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
 35. Quiet hours shall be from 10 p.m. until 7 a.m.;
 36. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace or the burning of any flammable material. All authorized open fires shall be extinguished by 10 p.m.;
 37. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;
 38. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
 39. That the subject property remains free of debris and junk vehicles;
 40. That all single-family residences must meet the standards for stick-built as outlined in Section 204;
 41. That a Building Permit is obtained for the 14' x 30' (approximate) shed;
 42. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-01, which is available at the Planning Office; and,
 43. 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.

- I. 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.

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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.

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.

MOVED by Ferebee to postpone this discussion until the Rapid City Council makes a recommendation. The motion died for lack of a second.

MOVED by LaCroix and seconded by DiSanto to approve Rezone / RZ 17-03 and Comprehensive Plan Amendment / CA 17-03. The motion carried 3-1 with Buskerud voting no and Ferebee abstaining.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of April 4, 2017

EXECUTIVE SESSION per SDCL 1-25-2:

- A. Annual Conference of Commissioners and Director of Equalization per SDCL 10-3-14
MOVED by DiSanto and seconded by LaCroix to go into executive session for personnel matters pursuant to SDCL 1-25-2(1). The motion carried.

MOVED by Buskerud and seconded by DiSanto to come out of executive session. The motion carried.

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 March 29, 2017: Total balances of checking/savings accounts, \$14,103,691.00; Total balance of Treasurer's Office safe cash, \$12,900.00; Total certificates of deposit, \$3,545,572.45; Total Prime Value Investment, \$18,956,859.18; Total petty cash, \$15,205.00; Total long/short, (\$299.33); Total, \$36,635,755.61. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 15,356.04; Elections, 14,692.61; Auditor, 30,010.65; Treasurer, 62,645.38; MacArthur Grant, 7,914.58; State's Attorney, 227,176.30; Public Defender, 170,338.13; Buildings & Grounds, 124,775.84; Equalization, 81,705.49; Register of Deeds, 27,837.00; IT, 50,490.68; Human Resources, 9,828.41; Sheriff, 454,122.97; HIDTA Grant, 8,711.10; Jail, 626,420.68; JSC, 202,553.48; JSC Juvenile Alternative, 9,423.21; CCADP, 71,152.46; Life Enrichment Center, 106,222.34; Economic Assistance, 58,943.87; Extension, 2,540.80; Weed & Pest, 9,802.66; Mountain Pine Beetle, 8,184.68; Planning and Zoning, 27,017.38; Water Protection, 7,638.82; Road & Bridge, 180,775.45; Fire Administration, 6,754.25; Dispatch, 175,098.29; Emergency Management, 9,067.81; 24-7 Program, 25,170.48.

PERSONNEL

ESCC: Effective 09/18/2016 – Nichole Dubbs at \$21.32/hr.

ADJOURN

MOVED by Buskerud and seconded by LaCroix to adjourn the meeting. The motion carried. The meeting adjourned at 2:17 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: April 19, 2017