

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 1, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, August 1, 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. Vote: Unanimous.

CONSENT ITEMS

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

5. Approve the minutes of the regular meeting – July11, 2017.
6. Approve the minutes of the regular meeting – July18, 2017.
7. Acknowledge disinterment permit #1169256.
8. Acknowledge the annexation of property as described by the Auditor to the Knotty Pines Road District effective for tax year 2017 and after. Legal description: NW1/4 NE ¼; S1/2 NE 1/4 & N1/2 SE ¼ of SECTION 32, T1S, R7E; LOT 1-2 & 30' WIDE PRIVATE RD LYING WITHIN LOT 1 OF BRANDT SUBDIVISION; AND LOT 1 OF BLOCK 4 OF HART RANCH WEST #1 SUBDIVISION, BHM, PENNINGTON COUNTY SD.
9. Acknowledge the annexation of property as described by the Auditor to the Sunset Ranch Road District effective for tax year 2017 and after. Legal description: LOTS 1-16 INCLUSIVE OF BLOCK 4, LOT 9, LOT 12-13, LOT 16 (COMMON LOT), LOT 17-18, LOT 25-27 OF BLOCK 6; LOT 1-7 INCLUSIVE OF BLOCK 8; LOT 1-8 INCLUSIVE, LOT 10-11, LOT 14-16 OF BLOCK 9; LOT 1-6 INCLUSIVE OF BLOCK 10 OF SUNSET RANCH SUBDIVISION; AND GL3; GL4 LESS SUNSET RANCH & LESS ROW; N1/2S1/2NW1/4 OF SECTION 4, GL 1-2 LESS SUNSET RANCH & LESS ROW; SW1/4; N1/2S1/2NE1/4 OF SECTION 5 OF T1N R10E, BHM, PENNINGTON COUNTY SD.
10. Acknowledge the Order of Organization and Incorporation for the Upper Horse Creek Road District effective for tax year 2017 and after.
11. Schedule a hearing (SP17-009) at 9:15 a.m. on Tuesday, August 15, 2017 to supplement the General Fund Operating Transfer budget in the amount of \$2,304.08 from the County General Fund unassigned reserves to the Healthcare Trust fund to properly account for 2016 Interest earnings, and to establish the Interest Distribution for County Funds as follows: Healthcare Trust Fund and E911 Fund will retain their respective interest earnings each year in order to comply with proper financial reporting requirements. All other interest for county funds will remain in the General Fund.
12. Approve the spending policy for non-general government funds as follows: Road & Bridge will spend proceeds from current year revenue from sales of fixed assets first and secondly restricted fund balance and all other non-general government funds will spend restricted fund balance first.
13. Declare 1 PepperFog CS-Tear Smoke Generator and 1 Midland 13-301 Power Megaphone as presented as surplus for the purpose of destruction.

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End of Consent Agenda

COUNTY CARES PRESENTATION: VETERANS SERVICE OFFICE: No action was taken on this item.

CENTRAL STATES FAIR UPDATE – RON JEFFRIES GENERAL MANAGER: No action was taken on this item.

ITEMS FROM AUDITOR

- A. 9:15 A.M. HEARING – GENERAL FUND BUDGET SUPPLEMENT SP17-008 – HHS JOHN T VUCUREVICH BUDGET: MOVED by LaCroix and seconded by DiSanto to approve a supplement to the 2017 General Fund John T Vucurevich Budget in the amount of \$35,000 from current year non budgeted revenues. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. AUTHORIZATION TO PURCHASE OFFICE FURNITURE FOR NEW HIGHWAY OFFICES – SHOP: MOVED by LaCroix and seconded by Buskerud to authorize the Highway Department to proceed with the ordering of office furniture from Dakota Business Center in the amount of \$94,070.99. Vote: 3-2 with Ferebee and DiSanto voting no.
- B. AUTHORIZATION TO PURCHASE TWO POST LIFT OFF STATE BID: MOVED by DiSanto and seconded by Buskerud to authorize the Highway Department to purchase from the State bids, the Stertil/Koni SK2.20 hydraulic vehicle lift from D&J Equipment Sales and Service LLC, for \$33,457.65, per the State of South Dakota bids. Vote: 4-1 with Ferebee voting no.

MOVED by Buskerud and seconded by LaCroix to move to Items 19, 20 and 21. Vote: 2-3 with Buskerud, DiSanto and Ferebee voting no.

EXECUTIVE SESSION – SDCL 1-25-2

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

MOVED by Ferebee and seconded by Buskerud to go into executive session with legal counsel for Personnel pursuant to SDCL 1-25-2(1). Vote: Unanimous.

MOVED by Buskerud and seconded by DiSanto to come out of executive session. Vote: Unanimous.

MOVED by DiSanto and seconded by LaCroix to allow Dispatch Director Kevin Karley to hire Nicole Miller outside of the wage policy up to a Step 12 on Grade 15 of the Pennington County wage scale. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

- A. VARIANCE / VA 17-10: Tracy Spaans. To reduce the minimum required lot size from 10 acres to 2.818 acres in a Limited Agriculture District for proposed Lot 3A in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

BEGINNING at the northwest corner of said Lot 3 of Tract A of Metz Addition; THENCE; along the northerly boundary line of said Lot 3 of Tract A of Metz Addition, North 49°46'39" East, 292.64 feet; THENCE; leaving said northerly boundary line, South 09°06'53" East, 395.82 feet to a point on the northerly line of a 16-foot-wide access easement as shown on the plat filed in Plat Book 12, Page 146; THENCE; along said northerly line of said 16-foot-wide access easement, North 83°56'41" East, 254.41 feet; THENCE; continuing along said northerly line of said 16-foot-wide access easement, South 48°22'03" East, 18.71 feet to a point on the southwesterly boundary line of said Lot 3 of Tract A of Metz Addition; THENCE; along said southwesterly boundary line, South 41°38'00" West, 187.48 feet to an angle point in said southwesterly boundary line of said Lot 3 of Tract A of Metz Addition; THENCE; South 89°17'00" West, 137.65 feet to a point on the northerly Right-of-Way line of South Dakota Highway 40; THENCE; 274.56 feet along a curve to the left of said northerly Right-of-Way line, said curve having a radius of 2939.79 feet, a central angle of 5°21'04" and being subtended by a chord which bears North 70°18'22" East, 274.46 feet; THENCE; leaving said northerly Right-of-Way line, North 11°08'30" West 240.59 feet to the POINT OF BEGINNING; The above-described parcel of real property contains 122,466.1 square feet, 2.818 acres, more or less; Section 10, T2S, R6E, BHM, Pennington County, South Dakota

MOVED by LaCroix and seconded by DiSanto to approve Variance / VA 17-10. Vote: Unanimous.

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

PLANNING & ZONING CONSENT AGENDA

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

MOVED by LaCroix and seconded by DiSanto to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

- B. PLANNED UNIT DEVELOPMENT REVIEW / PU 08-04: Linda Kramer. To review a Planned Unit Development to allow for three (3) additional cabins in a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

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The N1/2 of the NE1/4 lying east of County Road, Section 18, T1N, R3E, BHM, Pennington County, South Dakota.

Approve of the extension of Planned Unit Development / PU 08-04 with the following twelve (12) conditions:

1. That the well and the wastewater disposal system meet the requirements of the South Dakota Department of Health;
2. That the required setbacks for all structures be a minimum of 25 feet from all property lines;
3. That the permitted uses be a three (3) bedroom single-family residence, two (2) bedroom guest cabin, chapel, recreational hall, corral, three (3) one-bedroom cabins, three (3) storage barns, and accessory residential structures;
4. That the day visitor groups be limited to a maximum of 50 occupants;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That a guest list be maintained and a smoke detector be placed in each sleeping room;
7. That each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That the applicant has at least one 2A-BC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure;
9. That the address of the property be posted inside each cabin for the guests and outside each cabin for emergency location purposes;
10. That the applicant maintain a minimum of 24 parking spaces and that each parking space be a minimum of nine feet by eighteen feet and be maintained in dust free manner;
11. That the recreational resort be limited to one sign totaling four square feet in area and be shall be located a minimum of 17 feet from any property line; and,
12. That this Planned Unit Development be reviewed on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.

- C. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

Continue the review of Planned Unit Development / PU 06-07 to the September 5, 2017, Board of Commissioner's meeting.

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- D. VACATION OF PLAT / VP 17-01: Walter Horton. To vacate the plat of Lot 5 (also in Sections 27 and 21) of Moon Ranch Subdivision in Section 28, T1S, R1E, BHM, Pennington County, South Dakota.

EXISTING LEGAL: Lot A in the NE1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: H.E.S. 551 in Sections 21, 27, and 28, T1S, R1E; less Lot 6 of Moon Ranch Subdivision, BHM, Pennington County, South Dakota.

Continue Vacation of Plat / VP 17-01 to the September 5, 2017, Board of Commissioner's meeting.

End of Consent Agenda

PLANNING & ZONING REGULAR AGENDA

- E. REQUEST TO WAIVE BUILDING PERMIT PENALTY FEES: Gabrielle Miller. MOVED by DiSanto and seconded by Ferebee to waive the \$757.00 in penalty fees.

Substitute motion: MOVED by LaCroix and seconded by Buskerud to deny the request to waive the \$757.00 in penalty fees.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to table this item until later in the meeting to be able to speak with The Department of Equalization. Vote: Unanimous.

- F. REQUEST TO WAIVE BUILDING PERMIT PENALTY FEES: Monique Newcomb. MOVED by LaCroix and seconded by Buskerud to table this item until later in the meeting to be able to speak with The Department of Equalization. Vote: Unanimous.

- G. REQUEST FOR APPROVAL OF BUILDING PERMIT OUTSIDE OF COUNTY ZONING ORDINANCE: Al Dial: MOVED by DiSanto and seconded by Ferebee to approve the Planning Director's signature issuing a building permit in a Light Industrial District outside of the County's Ordinance. Vote: Unanimous.

- H. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-04: Kelly Development / Ryan Kelly. To amend the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

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MOVED by DiSanto and seconded by Hadcock to approve of Major Planned Unit Development Amendment / PU 17-04 with the following twenty-one (21) conditions. Vote: Unanimous.

1. That the Planned Unit Development consists of no more than four (4) residential lots;
2. That the minimum size of the residential lots be two (2) acres;
3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That no off-premise signs be allowed within the Planned Unit Development;
6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That no lot is permitted to take access off of Sheridan Lake Road;
9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
11. That subject lots within this PUD remain part of the Sheridan Lake Highlands Road District;
12. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, become part of the Homeowners Association created for Sheridan Lake Highlands, within six (6) months of their creation and that Lots 3 – 6 of Block 4 of Sheridan Lake Highlands remain part of the Homeowner's Association;
13. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
14. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
15. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision;
16. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;

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17. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;
18. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on proposed Lot 3 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would constitute a public nuisance, and that all future structures meet current Pennington County Zoning Ordinance Standards;
19. That no private wells will be drilled on any individual lots; and, Lots 3 – 6 of Block 4 of Sheridan Lake Highlands remain part of the existing water system;
20. That the applicant signs the Statement of Understanding (SOU) for this Major Planned Unit Development Amendment, within ten (10) days of its approval. The SOU is available at the Pennington County Planning Department; and,
21. That this Planned Unit Development be reviewed in one (1) year or upon a complaint basis; or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

I. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-07: Donna and Lyle Hartshorn. To rezone 4.38 acres from Highway Service District to a Planned Unit Development on Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4, and to amend an existing Planned Unit Development to allow a farmer's market to include a maximum of 60 vendors, on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by LaCroix to approve of Major Planned Unit Development Amendment / PU 17-07 with the following twenty-eight (28) conditions. Vote: Unanimous.

1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;

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2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That this Planned Unit Development be considered an overlay zoning district; whereby, the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PU 17-07, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District in their respective locations;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 16-01, may be brought forth for review;
5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;
6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;
7. That the grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the parking areas be large enough for a minimum of one-hundred and twenty-two (122) parking spaces and the arena parking area be large enough for a minimum of seventy (70) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at least eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;
9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;
10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;
11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only;
12. That any music being provided for any activities be shut down by 10 p.m.;
13. That the applicant install directional signs along the interior driveway to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;

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16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;
 17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;
 18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
 19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;
 20. That if another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;
 21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;
 22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;
 23. That the applicant ensure the residential and agricultural character of the property is maintained;
 24. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 25. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
 26. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
 27. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 17-07, which is available at the Planning Office; and,
 28. That Planned Unit Development / PUD 17-07, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- J. APPEAL OF CONDITIONAL USE PERMIT / CU 17-25: Donald Wojciechowski; Lisa Loerzel – Agent. To allow for one (1) pole barn and three (3) greenhouse structures in a Suburban Residential District located on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to allow one (1) pole barn structure in a Suburban Residential District located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

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NW1/4NE1/4SW1/4, and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by DiSanto to approve of Conditional Use Permit / CU 17-25 with the following ten (10) conditions. Vote: Unanimous.

1. That the address, 8374 Miracle Drive, for subject property of lot E1/2 GL3, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
2. That the address, 8368 Miracle Drive, for subject property of lot NW1/4NE1/4SW1/4, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the properties, or the appropriate Variance(s) be obtained;
5. That the subject properties remains free of debris and junk vehicles;
6. That the accessory structures be used for personal-use only and no commercial-type uses and not for living space;
7. That the structures are located on the subject properties in accordance with the submitted Site Plan (Exhibit A – Wojciechowski dated July 10, 2017) with the Conditional Use Permit Application;
8. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-25, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

K. VACATION OF SECTION LINE / VS 17-02: Croell, Inc. To vacate the Section Line Right-of-Way lying in the SE1/4NE1/4 and NE1/4SE1/4 of Section 9; and in the SW1/4NW1/4 and the NW1/4 SW1/4 of Section 10, all located in T1S, R7E, BHM, Pennington County, South Dakota.

Section Line Right-of-Way lying in the SE1/4NE1/4 and NE1/4SE1/4 of Section 9; and in the SW1/4NW1/4 and the NW1/4 SW1/4 of Section 10, all located in T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by LaCroix to approve of Vacation of Section Line / VS 17-02 with the following three (3) conditions.

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Substitute motion MOVED by Ferebee and seconded by DiSanto to delay this item until the Supreme Court gives a ruling on issuing a permit. Vote: 2-3 with Buskerud, LaCroix and Hadcock voting no.

Original motion carried on a 3-2 vote with DiSanto and Ferebee voting no.

1. That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deeds Office;
2. That a Utility Easement is created and filed with the Register of Deeds along or adjacent to the existing Section Line Right-of-Way for future development; and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Section Line / VS 17-02, which is available at the Planning Office.

MOVED by LaCroix and seconded by Ferebee to go back to Items E and F that were tabled. Vote: Unanimous.

E. REQUEST TO WAIVE BUILDING PERMIT PENALTY FEES (GABRIELLE MILLER): MOVED by DiSanto and seconded by Ferebee to waive the penalties. Vote: 3-2 with Buskerud and LaCroix voting no.

F. REQUEST TO WAIVE BUILDING PERMIT PENALTY FEES (MONIQUE NEWCOMB): MOVED by LaCroix and seconded by Buskerud to deny the penalty fee. Substitute motion: MOVED by Ferebee and seconded by DiSanto to waive the penalty fee. Vote: 3-2 with Buskerud and LaCroix voting no.

ITEMS FROM COMMISSION ASSISTANT:

A. 2017 COUNTY ACHIEVEMENT AWARD & OUTSTANDING SERVICE AWARDS: MOVED by LaCroix and seconded by DiSanto to nominate Veteran's Court for the County Achievement Award. Vote: Unanimous.

B. THE ART AND PRACTICE OF COLLABORATIVE LEADERSHIP TRAINING PROPOSAL – MALCOM CHAPMAN. MOVED by DiSanto and seconded by LaCroix to approve the proposal for the Collaborative Leadership Training Program and pay for it out of the Commission Budget. Vote: 4-0 with Ferebee abstaining.

ITEMS FROM THE CHAIR/COMMISSION MEMBERS:

A. REQUEST FOR SUPPORT OF APPOINTMENT TO BLACK HILLS NATIONAL FOREST ADVISORY BOARD: MOVED by Buskerud and seconded by Hadcock to support the appointment of Lloyd LaCroix to the Black Hills National Forest Advisory Board. Vote: 3-0 with Ferebee and LaCroix abstaining.

APPROVAL OF VOUCHERS: MOVED by Buskerud and seconded by LaCroix to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals,

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supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$190,644.90. Vote: The motion carried 4-1 with Ferebee voting no.

AT&T Mobility, 891.59; BH Power Inc, 885.69; BH Power Inc, 1,210.12; BH Power Inc, 455.18; Century Link, 7,086.97; Century Link, 251.68; City Of Hill City, 16.36; City Of Rapid City - Water, 2,505.31; Executive Mgmt Fin Office, 27.00; First Interstate Bank, 1,657.16; Midcontinent Communications, 97.11; Midcontinent Communications, 3,045.92; Montana Dakota Utilities, 686.74; Montana Dakota Utilities, 3,365.03; Pioneer Bank & Trust, 13,500.40; Reliance Telephone Inc, 10.80; Vast Broadband, 1,526.01; Vast Broadband, 431.75; Verizon Wireless, 5,270.61; Verizon Wireless, 1,038.42; Wellmark, 63,533.25; Wellmark, 81,734.93; West River Electric, 1,416.87.

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 July 24, 2017: Total balances of checking/savings accounts, 13,983,552.51; Total balance of Treasurer's Office safe cash, 13,100.00; Total certificates of deposit, 3,548,804.37; Total Prime Value Investment, 20,638,974.08; Total petty cash, 16,205; Total long/short, (362.38); Total, 38,200,273.58. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 15,356.04; Elections, 14,984.88; Auditor, 26,829.91; Treasurer, 61,180.06; MacArthur Grant, 7,914.58; State's Attorney, 235,949.89; Public Defender, 152,281.24; Buildings & Grounds, 125,015.49; Equalization, 81,767.91; Register of Deeds, 27,195.62; IT, 54,748.19; Human Resources, 9,828.41; Sheriff, 449,492.99; HIDTA Grant, 10,168.15; Jail, 620,347.70; JSC, 214,623.16; JSC Juvenile Alternative, 9,486.37; CCADP, 62,706.71; Life Enrichment Center, 91,303.77; Economic Assistance, 58,943.62; Extension, 2,540.80; Weed & Pest, 32,718.34; Mountain Pine Beetle, 1,089.36; Planning and Zoning, 25,889.78; Water Protection, 6,511.24; Road & Bridge, 180,643.68; Fire Administration, 6,754.25; Dispatch, 176,286.02; Emergency Management, 9,067.19; 24-7 Program, 25,615.08.

PERSONNEL

Buildings & Grounds: Effective 7/16/2017 – Scott Weyer at \$19.30/hr.

ESCC: Effective 7/17/2017 – Jared Schifel at \$18.38/hr.

Equalization: Effective 7/17/2017 – Rod Sletten & Trent Gonzalez at \$19.30/hr. and Trevor Abernathie at \$22.35/hr.

IT: Effective 08/08/2017 – Caleb Straub at \$22.91/hr.

PUBLIC DEFENDER: Effective 08/01/2017 – Linton Clarke III at \$5,424.00/mo.

STATES ATTORNEY: Effective 08/01/2017 – Josh Hendrickson at \$6,510.00/mo. & Tracey Dollison Decker at \$6,349.00/mo.

ADJOURN

MOVED by LaCroix and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 12:10 p.m.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 1, 2017

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: August 16, 2017