

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

The Pennington County Board of Commissioners met at 9:03 a.m. on Tuesday, October 2, 2018, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Lloyd LaCroix called the meeting to order with the following Commissioners present: Ron Buskerud, Mark DiSanto, and Deb Hadcock.

REVIEW AND APPROVE AGENDA

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

CONSENT ITEMS

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

5. Approve the minutes of the regular meeting – September 18, 2018.
6. Acknowledge the notice of intent to conduct a raffle – Team Ellsworth Spouses Club.
7. Approve the SD Game, Fish & Parks Services Contract/Agreement – Hill Top Parking Lot.

End of consent agenda

EXECUTIVE PROCLAMATION – Black Hills Powwow Appreciation Days: MOVED by Hadcock and seconded by DiSanto to approve the executive proclamation for Black Hills Powwow Appreciation Days October 5-7, 2018 and to affix the Chair's signature. Vote: Unanimous.

ITEMS FROM SHERIFF

A. SCHOOL LIASION FOR HILL CITY SCHOOL DISTRICT: MOVED by Hadcock and seconded by Buskerud to add one FTE, including \$44,500 of funding, to the 2019 Sheriff's Office budget to support the additional school liaison deputy for the Hill City School District. Vote: The motion carried 3-1 with DiSanto voting no.

ITEMS FROM HIGHWAY

A. CHANGE ORDER NO. 1 TO PROJECT BR 2018-1 BRIDGE REPAIRS: 52-359-325, 52-361-325, AND 52-363-326: MOVED by Hadcock and seconded by Buskerud to approve of Change Order No. 1 to Project BR 2018-1, Bridge Repairs 52-359-325, 52-361-325 and 52-363-326 in the amount of \$17,847.87. Vote: Unanimous.

PETITION FOR DECLARATORY RULING TO THE SD DENR WATER MANAGEMENT BOARD FOR ARSD 74:53:01:04 (EXISTING ON-SITE WASTEWATER SYSTEMS) – WEST DAKOTA WATER DEVELOPMENT DISTRICT: MOVED by Hadcock and seconded by Buskerud to authorize the States Attorney's Office to file a petition in opposition of the request for declaratory ruling by West Dakota Water Development District. Vote: The motion carried 3-1 with DiSanto voting no.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

MOTION TO DIRECT PLANNING COMMISSION CHAIRPERSON TO CALL A SPECIAL MEETING TO HEAR CROELL REDI-MIX, INC'S APPLICATIONS FOR CONSTRUCTION AND MINING PERMITS: MOVED by Buskerud and seconded by LaCroix to direct Planning Commission Chair Travis Lasseter to schedule a special meeting of the Planning Commission to consider Croell Redi-Mix Inc's applications for construction and mining permits. Vote: Unanimous.

ITEMS FROM THE CHAIR/COMMISSION

A. **CONDUCT OF COMMISSIONER GEORGE FEREBEE, DISTRICT 1 AND QUESTION OF VACANCY OF OFFICE PER SDCL 7-8-2:** MOVED by LaCroix and seconded by Buskerud to draft a letter to Commissioner Ferebee asking for his resignation and support the States Attorney's Office in filing a Quo Warranto action.

Substitute motion: MOVED by DiSanto to send a letter to Commissioner Ferebee requesting him to show up to the next meeting and answer questions. The motion died due to the lack of a second.

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

B. **GOVERNMENT SAFETY DAYS TRIP TO IL BY COMMISSIONER MARK DISANTO:** No action was taken on this item.

C. **QUARTERLY MEETINGS WITH THE COUNTY AND THE FOREST SERVICE:** MOVED by DiSanto and seconded by Buskerud to conduct quarterly meetings between Pennington County and The Forest Service. Vote: Unanimous

COMMITTEE REPORTS

APPROVAL OF VOUCHERS MOVED by Hadcock and seconded by Buskerud 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 336,206.64. Vote: The motion carried 3-1 with DiSanto voting no.

BH Energy, 36,296.76; BH Energy, 962.90; BH Energy, 18,109.29; BH Energy, 95.67; Century Link, 6,969.57; Century Link, 129.98; Century Link, 128.10; City Of Box Elder, 529.34; City Of Hill City, 9.15; City Of Rapid City -Water, 14,688.72; City Of Rapid City -Water, 7,464.32; Dakota Business Center, 29,618.40; Executive Mgmt Fin Office, 24.75; First Interstate Bank, 62.99; Midcontinent Communications, 963.26; Midcontinent Communications, 4,408.06; Montana Dakota Utilities, 3,473.45; Montana Dakota Utilities, 411.67; Pioneer Bank & Trust, 8,456.08; Pioneer Bank & Trust, 14,505.97; Reliance Telephone Inc, .80; Vast Broadband,

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

398.19; Vast Broadband, 1,773.49; Verizon Wireless, 952.44; Verizon Wireless, 4,535.19; Wellmark, 180,079.73; West River Electric, 1,158.37.

ITEMS FROM PLANNING & ZONING
PLANNING & ZONING CONSENT AGENDA

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

MOVED by DiSanto and seconded by Buskerud to remove both Items A and B. Vote: Unanimous.

- A. Removed for separate consideration.
- B. Removed for separate consideration.

End of consent agenda

Removed for Separate Consideration

- A. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-07: Donna and Lyle Hartshorn. To review an existing Planned Unit Development to allow a Resort Development and events, and 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 Hadcock and seconded by Buskerud to approve of the extension of Major Planned Unit Development Amendment / PU 17-07 with the following twenty-seven (27) 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;
2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District and Limited Agriculture

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

- District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PUD 17-07, the zoning reverts back to General Agriculture District and Limited Agriculture District assuming the same lot configuration;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 17-07, may be brought forth for review;
 5. That any changes to an the emergency plan be discussed with the Pennington County Fire Coordinator and submitted to Planning Director;
 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. Grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
 8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at a minimum eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, and in accordance with Section 310 of the Pennington County Zoning Ordinance;
 9. That the internal driveway continue to be eighteen (18) feet wide;
 10. 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; and that any music being provided for any activities be shut down by 10 p.m.;
 11. That the applicant maintain directional signs along the interior driveway to direct visitors;
 12. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
 13. 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;
 14. That the applicant maintain 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;
 15. 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;
 16. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

17. 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;
18. If another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;
19. 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;
20. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;
21. That the applicant ensure the residential and agricultural character of the property is maintained;
22. 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;
23. That the applicant obtain a Building Permit for an existing shed structure by October 31, 2018;
24. 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;
25. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
26. That the applicant signs the Statement of Understanding within ten (10) business days of approval of the extension of Major Planned Unit Development Amendment/ PU 17/07, which is available at the Planning Office; and,
27. That Planned Unit Development / PUD 17-07 be reviewed in two (2) years, 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.

- B. SECOND READING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-06: Catherine Sopinski; Rob Livingston – Agent. To amend an existing Planned Unit Development to allow the single-family residence to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Planning Commission recommended denial of Major Planned Unit Development Amendment / PU 18-06. Motion failed on a 3:3 tie vote.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

MOVED by Hadcock and seconded by DiSanto to continue this item until the October 16, 2018 Commission meeting.

Hadcock withdrew her motion with the approval of DiSanto the seconder.

MOVED by Hadcock and seconded by Buskerud for a five minute break. Vote: Unanimous.

MOVED by Hadcock and seconded by DiSanto to continue this item until the October 16, 2018 Commission Meeting. The motion carried 3-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Hadcock – yes, LaCroix – no.

PLANNING & ZONING REGULAR AGENDA

C. LAYOUT PLAT / PL 18-27: Paul and Carol Niemann. To combine two lots in order to create Niemann Trust Land Tract in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot O of SE1/4SE1/4; Lot A of SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Niemann Trust Land Tract, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Buskerud to approve of Layout Plat / PL 18-27 with the following eleven (11) conditions. Vote: Unanimous.

1. That prior to filing the Plat with the Register of Deeds, the proposed lot obtain an approved Lot Size Variance or be Rezoned appropriately;
2. That at the time of new Plat submittal, the required changes are made to the proposed Plat, if necessary, per comments from the Department of Equalization and the Register of Deeds;
3. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of new Plat submittal, the plat meets all requirements of § 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 the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That at the time of new Plat submittal, the plat meets all requirements of § 500.4 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
9. That at the time of new Plat submittal, percolation test and soil profile information is provided for proposed Niemann Trust Land Tract, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-27, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

D. LAYOUT PLAT / PL 18-28: Gerald and Judith Schmidt. To combine two lots in order to create Lot 1 of Schmidt Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Bertha Lode and Aurora Lode Patented Mining Claims (also in Section 19 and 20), Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Schmidt Subdivision, Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Hadcock to approve of Layout Plat / PL 18-28 with the following nine (9) conditions. Vote: Unanimous.

1. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of new Plat submittal, the plat meets all requirements of § 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;
3. That the Certifications on the plat be in accordance with § 400.3(1)(n) 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 new Plat submittal, the plat meets all requirements of § 500.4 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 the applicant ensures that all natural drainage ways are maintained and are not blocked;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
7. That at the time of new Plat submittal, percolation test and soil profile information is provided for the proposed consolidated lot, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-28, which is available at the Planning Office; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

ITEMS FROM THE PUBLIC

EXECUTIVE SESSION – SDCL 1-25-2

Executive Session was not needed today.

PAYROLL

Commissioners, 15,499.23; Elections, 14,066.34; Auditor, 28,446.57; Treasurer, 65,770.31; State's Attorney, 242,124.35; Public Defender, 145,142.41; Buildings & Grounds, 121,053.41; Equalization, 83,854.18; Register of Deeds, 27,850.83; IT, 48,682.95; Human Resources, 10,562.95; Sheriff, 490,350.15; Jail, 636,150.34; JSC, 211,043.80; JSC Juvenile Alternative, 9,585.05; CCADP, 167,006.98; Economic Assistance, 63,731.52; Extension, 2,674.67; Weed & Pest, 22,503.94; Planning and Zoning, 32,582.17; Road & Bridge, 169,594.23; Fire Administration, 6,879.93; Dispatch, 191,817.63; Emergency Management, 9,234.30; 24-7 Program, 24,650.45.

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 September 25, 2018: Total balances of checking/savings accounts, 11,308,550.32; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 4,794,549.74; Total certificates of deposit, 2,044,814.17; Total Prime Value Investment, 21,267,434.96; Total petty cash, 16,270.00; Total NSF paid, 283.00; Total long/short, (368.87); Total, 39,444.933.32. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 09/24/2018 – Shannon Clyde at \$15.28/hr.

CCADP: Effective 09/16/2018 – Michelle Kindt at \$17.05/hr., Michelle Teeslink & Kate Wellensiek at \$21.49/hr.

ESCC 911: Effective 09/16/2018 – Carla Buxton at \$19.49/hr., Angela Olsen & Jessica Sedlmajer at \$20.47/hr.

Sheriff's Office: Effective 10/01/2018 – Dawn Danley at \$13.86/hr.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 2, 2018

State's Attorney: Effective 10/01/2018 – Marty Krause at \$4,425.20/mo., Kim Morsching at \$4,591.60/mo. & Adam Shiffermiller at \$6,026.80/mo.

ADJOURN

MOVED by Hadcock and seconded by DiSanto to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 12:18 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of ____.

Publish October 17, 2018