The Pennington County Board of Commissioners met at 9:03 a.m. on Thursday November 8, 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. Commissioner George Ferebee joined by teleconference. Pursuant to SDCL 1-25-1, the votes were taken by roll call.

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

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

6. Approve the minutes of the regular meeting – October 16, 2018.
7. Acknowledge the revised notice of intent to conduct a raffle – Team Ellsworth Spouses Club (Selling Timeframe Extension).
8. Acknowledge the revised notice of intent to conduct a raffle – Team Comm Booster Club (Ellsworth AFB).
9. Schedule a hearing at 9:15 a.m. on Tuesday, November 20th, 2018 to supplement the 24/7 Fund budget in the amount of $98,000 from restricted fund balance.
10. Approval of the 2019 Edelweiss Mountain Snow Removal Agreement.

End of consent agenda

**ITEMS FROM AUDITOR**
**CANVAS OF 2018 GENERAL ELECTION RESULTS:** MOVED by Hadcock and seconded by Buskerud to approve the Certificate of the Board of Canvassers of the General Election held on Tuesday November 6, 2018 as provided. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

**APPROVAL OF PAYMENT FOR ELECTION EXPENSES:** MOVED by Hadcock and seconded by DiSanto to authorize payment of all election expenses as listed: Payroll $41,327.48; Travel $56.00; Rent $705.00. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

**ITEMS FROM TREASURER**
**2017 UNCOLLECTIBLE MOBILE HOMES:** MOVED by Hadcock and seconded by Buskerud to declare the mobile home taxes as uncollectible for the following uncollected distress warrants:

**ITEMS FROM BUILDINGS & GROUNDS**

**PENNINGTON COUNTY JAIL EXPANSION AND REMODEL PROJECT**

AUTHORIZATION TO ADVERTISE FOR BIDS: MOVED by DiSanto and seconded by Buskerud to authorize advertising for bids on the Pennington County Jail Expansion and Remodel Project with a bid opening scheduled for December 11th at 2:00 p.m. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

**ITEMS FROM EQUALIZATION**


**ITEMS FROM EXTENSION**


B. PENNINGTON COUNTY 4-H YOUTH PROGRAMMING YEAR IN REVIEW: No action was taken at this time.


**ITEMS FROM HIGHWAY**

MEMORANDUM OF UNDERSTANDING – CITY OF RAPID CITY AND PENNINGTON COUNTY FOR SNOW REMOVAL: MOVED by Hadcock and seconded by Buskerud to approve the 2019-2021 Memorandum of Understanding between the City of Rapid City and the Pennington County Highway Department. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

MOVED by Hadcock and seconded by DiSanto to move up Items 18a, 18b, 19 and 20. The motion carried 4-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – no, Hadcock – yes, LaCroix – yes.

**ITEMS FROM THE CHAIR/COMMISSION**

B. FESTIVAL OF LIGHTS PARADE PARTICIPANT APPLICATION AND PARTICIPANT INDEMNIFICATION, STATEMENT OF FINANCIAL RESPONSIBILITY AND WAIVER FOR PENNINGTON COUNTY AND THE ESCC EMPLOYEE ASSOCIATION: MOVED by Hadcock and seconded by Buskerud to approve the Chair’s signature on participating agreements and waivers for Pennington County and 911 Employees Association to participate in the 2018 Parade of Lights. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock, LaCroix – yes.

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 $398,557.26. The motion carried 3-2 on a roll call vote: Buskerud – yes, DiSanto – no, Ferebee – no, Hadcock – yes, LaCroix – yes.

MOVED by Hadcock and seconded by DiSanto to take a 10 minute break. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.
The meeting reconvened at 10:34 a.m.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 18-14: Burton Dartt. To reduce the minimum required front yard setback on the east property line from 25 feet to a zero (0) foot setback for an attached garage in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

E1/2E1/2NE1/4NE1/4, Section 23, T2N, R15E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by LaCroix to approve Variance / VA 18-14, with the following three (3) conditions. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

1. That this Variance applies only for the existing attached garage. All other structures must maintain the proper setbacks or obtain separate Variance(s);
2. That the applicant obtain a Building Permit for the existing attached garage and the double-wide mobile home, with all applicable fees paid, within thirty (30) days of approval of Variance / VA 18-14; and,
3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Variance / VA 18-14, which is available at the Planning Office.

B. VARIANCE / VA 18-15: Fatter Boys, LLC; Bob Fuchs – Agent. To apply for a Variance to Section 312 of the Pennington County Zoning Ordinance to allow a plane on a pole sign on the subject property in a Highway Service District in accordance with Sections 210, 312, and 509 of the Pennington County Zoning Ordinance.

Lot 9, Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Hadcock to approve Variance / VA 18-15, with the following four (4) conditions. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

1. That this Variance applies only for the unlighted, on-premise Plane on a Pole sign, as indicated on the site plan and Sign Application submitted by the applicant. All other structures must comply with the Pennington County Zoning Ordinance or obtain separate Variance(s);
2. That the applicant pay for and obtain an approved Sign Permit for the proposed work prior to any work being done on the project;
3. That the applicant obtain an approved Floodplain Development Permit for the proposed work prior to any work being done on the project; and,
4. That the applicant signs a Statement of Understanding (SOU) within ten (10) business days of approval of Variance / VA 18-15. The SOU will be available at the Planning Office.

C. VARIANCE / VA 18-16: John and Polly Preston. To reduce the minimum required lot size from 40 acres to 2.00 acres and 6.11 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Tract AR, Preston Subdivision, Section 18, T2S, R8E, BHM, Pennington County, South Dakota.


MOVED by DiSanto and seconded by Hadcock 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, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

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

D. MINOR PLAT / PL 18-31: Perry and Vicki Van Newkirk. To combine two lots to create Lot 47 Revised of Burns Placer MS 697 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 47 and Lot 48, Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 47 Revised, Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / PL 18-31 with the following eleven (11) conditions:
1. That upon filing the Plat with the Register of Deeds, the easement agreement filed in Book 46, Page 8036, which gives ingress/egress across Lots 44, 45, and 46 from Deerfield Road, be noted on the Plat;

2. That upon filing the Plat with the Register of Deeds, the limits of the 100-year Floodplain continue to be shown on the plat in accordance with current FEMA maps;

3. 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;

4. That the existing address (12283 Deerfield Road) be properly posted on the existing residence so it is visible from Deerfield Road, in accordance with Pennington County’s Ordinance #20;

5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

6. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;

7. That the applicant use the existing access for the subject property as no additional approaches will be allowed onto Deerfield Road;

8. That the applicant adhere to the comments submitted by the U.S. Forest Service;

9. That upon filing the Plat with the Register of Deeds, 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;

10. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations; and,

11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-31, which is available at the Planning Office.

E. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY REVIEW / CS 16-02: Cody Schad. To review the construction of a 16-foot-wide graveled road within the Section Line Right-of-Way to provide access to Lots 25-29, Tract B of Copper Oaks #1 in Sections 7 and 8, T1S, R7E, BHM, Pennington County, South Dakota.

Sections 7 and 8, T1S, R7E, BHM, Pennington County, South Dakota.

Approve of the extension of Road Construction within a Section Line Right-of-Way / CS 16-02 with the following ten (10) conditions:

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Ordinance 14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That street signs are posted (for the new road and Wild Turkey Way) in accordance with Ordinance #20 and County Highway Standards, prior to the issuance of any Building Permits for residences or structures taking access off of the newly constructed road;
3. That a portion of Wild Turkey Way connecting to the newly constructed road and the platted cul-de-sac and the platted cul-de-sac is constructed prior to the issuance of a Building Permit on Lots 26, 27, 29 and Tract B of Copper Oaks #1;
4. That the cost of the street signs are the responsibility of the applicant and/or landowners and that Pennington County will not incur any costs associated with the posting and manufacture, to County Highway standards, of the street signs for Wild Turkey Way or the newly constructed road;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
7. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department;
8. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507-A of the Pennington County Zoning Ordinance;
9. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
10. That this Road Construction in a Section Line Right-of-Way / CS 16-02 be reviewed at the December 18, 2018, Board of Commissioners meeting to verify that the road is completed, on a complaint basis, or as directed by the Board of Commissioners to verify that all Conditions of Approval are being met.

End of consent agenda
Removed for Separate Consideration

PLANNING & ZONING REGULAR AGENDA

F. LAYOUT PLAT / PL 18-32: Larry and Lenora Ruland. To create Tract 1 of Ruland Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SW1/4; S1/2NE1/4 SW1/4 and W1/2SE1/4, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of Ruland Ranch Subdivision, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.
MOVED by Hadcock and seconded by Buskerud to approve of Layout Plat / PL 18-32 with the following nine (9) conditions. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

1. That prior to the time of new Plat submittal, the Landowner or Agent hold meetings with and/or have discussion with:
   a. Joe Doran (Pennington County Equalization) 605-394-2175
   b. To discuss Tract vs Subdivision and Ag Status
   c. Matt Schmahl (West River Electric) 605-791-6512
   d. To discuss easements
   e. County Planning Staff to discuss the unpermitted structures

2. That at the time of new Plat submittal, a minimum 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. Additional easements may be requested by West River Electric;

3. That at the time of new Plat submittal, the plat continues 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;

4. 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;

5. 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;

6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

7. 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;

8. That the Landowners sign the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-32. The SOY 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.

G. LAYOUT PLAT / PL 18-33: Steven Scheurer. To create Lot 3 Revised of Seven Oaks Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 less Scheurer Dedicated Right-of-Way, Section 10, T2N, R6E, and Lot 3 of Seven Oaks Subdivision, Section 11, T2N, R6E, BHM, Pennington County, South Dakota.
PROPOSED LEGAL:  Lot 3 Revised of Seven Oaks Subdivision, Sections 10 and 11, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Buskerud to approve of Layout Plat / PL 18-33 with the following fifteen (15) conditions. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

1. That prior to filing the Plat with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;
2. That at the time of new Plat submittal, one of the existing lots be annexed into a different Fire Tax District, so that both lots are within the same Fire Tax District;
3. That at the time of new Plat submittal, the Plat be corrected in accordance with Register of Deeds comments, including: remove landowner names, addresses, phone numbers, and parcel numbers; remove Plat Book and Page references for the existing lots; remove building drawings; and, the solid grey coloring annotating the “Previously Dedicated Public R.O.W.” must be changed;
4. That at the time of new Plat submittal, the Surveyor’s Note #1 at the bottom of Page 1 be corrected, as it currently states, “A ten foot (8”) wide utility and minor drainage easement”; 
5. That at the time of new Plat submittal, the Certificate of the Planning Director be removed from the Plat;
6. 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;
7. That prior to filing the Plat with the Register of Deeds, the addresses be changed to reflect access off of Seven Oaks Trail and a street sign be installed;
8. That prior to filing the Plat with the Register of Deeds, the property be in compliance with Ordinance 106, including, but not limited to, removal of any excess debris and junk;
9. 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;
10. 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;
11. 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;
12. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
13. 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;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-33, which is available at the Planning Office; and,
15. 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
A. Personnel Issue per SDCL 1-25-2(1)
MOVED by Hadcock and seconded by DiSanto to go into Executive session for personnel issue to select the Highway Superintendent Position and make an employment offer. The motion carried unanimously in a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.


MOVED by Hadcock and seconded by Buskerud to appoint Mr. Joseph Miller as the Pennington County Highway Superintendent, with an effective start date of December 1, 2018 at an annual salary of Grade 25, Step 1, at $79,726 annually. The motion carried 3-2 on a roll call vote: Buskerud – yes, DiSanto - no, Ferebee – no, Hadcock – yes, LaCroix – yes.

PAYROLL
Commissioners, 16,206.43; Elections, 18,675.56; Auditor, 31,864.12; Treasurer, 77,475.47; State's Attorney, 276,209.00; Public Defender, 155,909.50; Buildings & Grounds, 146,687.52; Equalization, 102,126.01; Register of Deeds, 31,756.43; IT, 58,387.95; Human Resources, 11,500.95; Sheriff, 616,689.48; Jail, 791,038.79; JSC, 265,365.09; JSC Juvenile Alternative, 12,528.30; CCADP, 214,422.16; Economic Assistance, 71,496.69; Extension, 3,208.00; Weed & Pest, 10,779.48; Mountain Pine Beetle, 9,770.03; Planning and Zoning, 36,158.73; Road & Bridge, 211,957.39; Fire Administration, 7,136.59; Dispatch, 234,013.17; Emergency Management, 10,408.84; 24-7 Program, 29,807.49.

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 October 18, 2018: Total balances of checking/savings accounts, 12,622,097.45; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 3,552,936.12; Total certificates of deposit,
3,279,814.17; Total Prime Value Investment, 30,486,104.29; Total petty cash, 16,270.00; Total long/short, (723.05); Total, 49,969,898.98. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**


Auditor: Effective 10/22/2018 – Mary Israel at $22.04/hr.


State’s Attorney: Effective 10/22/2018 - Karen LittleThunder at $13.20/hr.

**ADJOURN**

MOVED by Hadcock and seconded by Buskerud to adjourn the meeting. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Haddock – yes, LaCroix – yes. There being no further business, the meeting adjourned at 12:13 p.m.

/s/ Julie A. Pearson, Auditor
Published once at an approximate cost of ____.
Publish November 21, 2018