

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 4, 2018

The Pennington County Board of Commissioners met at 9:03 a.m. on Tuesday December 4, 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, George Ferebee and Deb Hadcock.

REVIEW AND APPROVE AGENDA

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

CONSENT ITEMS

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

6. Approve the minutes of the regular meeting – November 20, 2018.

7. Schedule a hearing at 9:15 a.m. on Tuesday, December 18, 2018 to supplement the General Fund Jail budget in the amount of \$75,000 from non-budgeted revenues received in the current year.

End of consent agenda

LIEN RELEASE REQUEST – CH: MOVED by Hadcock to not send this lien to credit collections and to pay \$5.00 a month. The motion died to the lack of a second.

MOVED by Hadcock and seconded by DiSanto to deny the lien release request in the amount of \$640.34. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **ALCOHOLIC BEVERAGE LICENSES RENEWALS:** MOVED by Hadcock and seconded by DiSanto to approve the alcoholic beverage license renewals as presented and release licenses upon payment of appropriate property taxes. Vote: Unanimous.

Business Name

Owner Name

Wine Retail (on-off sale)

Black Hills Helicopters Inc.

Black Hills Helicopters Inc.

TK Saloon & Grill LLC

TK Saloon & Grill LLC

Under Canvas Inc.

Under Canvas Inc.

Liquor Retail On Sale With Sunday Sales

Moonshine Gulch Saloon

Betty Harn

Rimrock Event Center

Saint Patrick LLC

Silver Dollar Saloon

Etho LLC

TK Saloon & Grill LLC

TK Saloon & Grill LLC

B. **9:15 A.M. PUBLIC HEARINGS:**

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- 1) Budget Supplement SP18-012 – General Fund Abuse and Neglect Budget: MOVED by Hadcock and seconded by LaCroix to approve a supplement to the General Fund Abuse and Neglect budget in the amount of \$75,000 from the unassigned fund balance. Vote: Unanimous.
- 2) Budget Supplement SP18-013 – General Fund Election Budget: MOVED by DiSanto and seconded by LaCroix to approve a supplement to the General Fund Election budget, in the amount of \$60,000 from current year revenue. Vote: Unanimous.
- 3) Budget Supplement SP18-014 – General Fund SP18-014 – General Fund IT budget: MOVED by Hadcock and seconded by Buskerud to approve a supplement to the General Fund IT budget, in the amount of \$130,000 from Assigned IT Equipment reserves. Vote: Unanimous.
- 4) Budget Supplement SP18-015 – Accumulated Building 2017A Master Plan Refinance Budget: MOVED by Hadcock and seconded by Buskerud to approve to a supplement to the 2018 Accumulated Building 2017A Master Plan Refinance Budget in the amount of \$927,850 from Restricted for Debt Service fund balance. Vote: Unanimous.
- 5) Budget Supplement SP18-016 – County Building Expansion Fund budgets: MOVED by Hadcock and seconded by LaCroix to approve to a supplement to the County Building Expansion Fund budgets as follows: Courthouse Remodel, \$315,000; County Health Facility, \$4,800,000; Jail Expansion and Remodel, \$911,000; County Health Facility Phase II, \$150,000 from Restricted Fund Balance. Vote: Unanimous.

ITEMS FROM BUILDINGS & GROUNDS

- A. AUTHORIZATION TO ADVERTISE BID OPENING – PC CARE CAMPUS, RESIDENTIAL TREATMENT PROJECT: MOVED by Hadcock and seconded by LaCroix to authorize advertisement of the Pennington County Care Campus Residential Treatment Project with a bid opening scheduled for January 8, 2019 @ 2:00 p.m. Vote: The motion carried 4-0 with Ferebee abstaining.

ITEMS FROM EQUALIZATION

- A. ABATEMENT APPLICATION – LYNN GLOWCHESKI TAX ID 65900 AND JEFF SCHRETER TAX ID 20774: MOVED by Hadcock and seconded by DiSanto to approve an abatement for Lynn Glowcheski, Tax ID 65900, in the amount of \$221.78 and abatement for Jeff Schreter, Tax ID 20774, in the amount of \$542.72. Vote: Unanimous.

ITEMS FROM HIGHWAY

- A. SHERIDAN LAKE ROAD RECONSTRUCTION PROJECT: MOVED by LaCroix and seconded by Hadcock to approve the Highway Department to move forward with the current plans on the Sheridan Lake Road reconstruction project. Vote: The motion carried 4-1 with Ferebee voting no.

ITEMS FROM HUMAN RESOURCES

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- A. DEPARTMENT HEAD ANNUAL EVALUATION POLICY AND PROCEDURE: MOVED by Hadcock and seconded by LaCroix to approve the Department Head Annual Evaluation Policy and Procedure as presented. Vote: The motion carried 4-0 with Ferebee abstaining.

ITEMS FROM THE CHAIR/COMMISSION

- A. 2018 FESTIVAL OF LIGHTS PARADE – COUNTY ENTRY (WINNER OF THE CREATIVE SPARKLE – MOST ORIGINAL THERE FOR THE NON-BUSINESS OR NON-PROFIT CATEGORY): No action was taken at this time.

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 \$275,502.19. Vote: The motion carried 4-1 with Ferebee voting no.

AT&T Mobility, 400.30; BH Energy, 16.73; BH Energy, 68.11; BH Energy, 236.19; Century Link, 7,352.69; Century Link, 130.94; Century Link, 128.87; City Of Box Elder, 106.90; City Of Hill City, 33.90; City Of Rapid City -Water, 2,578.74; City Of Rapid City -Water, 15,819.36; Custer Gas, 115.29; Executive Mgmt Fin Office, 24.75; First Interstate Bank, 377.39; First Interstate Bank, 559.15; First Interstate Bank, 465.64; First Interstate Bank, 132.29; Midcontinent Communications, 2,803.97; Midcontinent Communications, 1,207.27; Montana Dakota Utilities, 6,902.47; Montana Dakota Utilities, 53.54; Pioneer Bank & Trust, 6,463.28; Pioneer Bank & Trust, 4,101.58; Pioneer Bank & Trust, 3,208.74; Rainbow Gas Company, 2,767.34; Vast Broadband, 1,774.81; Vast Broadband, 348.96; Verizon Wireless, 5,587.91; Verizon Wireless, 374.63; Wellmark, 209,682.09; West River Electric, 1,678.36;

MOVED by DiSanto and seconded by Hadcock to take a 10 minute break. Vote: Unanimous.

The meeting reconvened at 10:35 a.m.

ITEMS FROM PLANNING & ZONING

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

- A. VARIANCE / VA 18-18: Borglum Historical Center, Inc. / Duane Pankratz; Ken Nash – Agent. To reduce the minimum required lot size from 40 acres to 19.419 acres (proposed Lot 1) and 1.953 acres (proposed Lot 2) in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

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Located on the following metes and bounds description for proposed Lot 1: Commencing at the Section ¼ Corner common to Sections 13 and 14, T1S, R6E, BHM, common to the northeasterly corner of Lot 13 of Stratmeyer Addition, and common to the southwesterly corner of Lot 4 Revised of Stratmeyer Addition, and the point of beginning; Thence, first course: N 89°28'35" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 4 Revised, a distance of 788.89', to the southeasterly corner of said Lot 4 Revised, common to the southwesterly corner of Lot 9 of Stratmeyer Addition; Thence, second course: N 89°16'43" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 9, a distance of 150.29', to the southeasterly corner of said Lot 9, common to the southwesterly corner of Lot 5 of Stratmeyer Addition; Thence, third course: N 89°27'28" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 5, a distance of 378.55', to the southeasterly corner of said Lot 5, common to a point on the Section 1/16th Line, common to a point on the westerly boundary of Lot 1 of BTP Subdivision; Thence, fourth course: S 00°05'41" E, along the said Section 1/16th line, common to the westerly boundary of said Lot 1, a distance of 107.12, to the southwesterly corner of said Lot 1, common to a point on the northerly edge of US Highway 16 right-of-way; Thence, fifth course: S 40°55'54" W, along the northerly edge of said right-of-way, a distance of 176.94'; Thence, sixth course: N 49°04'06" W a distance of 57.00'; Thence, seventh course: S 40°55'54" W a distance of 252.61'; Thence, eighth course: S 47°32'31" W a distance of 471.73'; Thence, ninth course: S 58°43'08" W a distance of 359.10'; Thence, tenth course: S 62°31'10" W a distance of 383.76', to a point on the section line common to said Sections 13 and 14, common to a point on the easterly boundary of Tract A Revised of Hull Subdivision; Thence eleventh course: N 00°07'28" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Tract A Revised, a distance of 402.40, to the northeasterly corner of said Tract A Revised; Thence twelfth course: N 00°01'51" W, along the section line common to said Sections 13 and 14, a distance of 150.60', to the southeasterly corner of said Lot 13; Thence thirteenth course: N 00°08'21" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Lot 13, distance of 510.62', to the said point of beginning. Said Parcel contains 19.419 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Located on the following metes and bounds description for proposed Lot 2: Commencing at the southwesterly corner of Tract A Revised of Hull Subdivision, common to a point on the section line common to Sections 13 and 14, T1S, R6E, BHM, and the point of beginning; Thence, first course: N 00°07'28" E, along easterly boundary of said Tract A Revised, common to said section line, a distance of 64.32'; Thence, second course: N 62°31'10" E a distance of 383.76'; Thence, third course: N 58°43'08" E a distance of 359.10'; Thence, fourth course: N 47°32'31" E a distance of 471.73'; Thence, fifth course: N 40°55'54" E a distance of 252.61'; Thence, sixth course: S 49°04'06" E a distance of 57.00', to a point on the northerly edge of US Highway 16 right-of-way; Thence, seventh course: S 40°55'54" W, along the northerly edge of said right-of-way, a distance of 255.91'; Thence, eighth course: S

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47°32'31" W, along the northerly edge of said right-of-way, a distance of 480.60'; Thence, ninth course: S 58°43'08" W, along the northerly edge of said right-of-way, a distance of 366.57'; Thence, tenth course: S 62°31'10" W, along the northerly edge of said right-of way, a distance of 415.46', to the said point of beginning. Said Parcel contains 1.953 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by DiSanto to approve Variance / VA 18-18. Vote: The motion failed 3-1-0 with Buskerud voting no and Ferebee abstaining.

- B. VARIANCE / VA 18-19: 7 Wonders, LLC; Jessica Hessler. To reduce the minimum required front yard setback from 25 feet to 17 feet for an existing detached garage in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, Forest Homes Development and dedicated Right-of-Way, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by DiSanto to continue Variance / VA 18-19 to December 18, 2018. Vote: Unanimous.

- C. VARIANCE / VA 18-20: Fred Johnson. To reduce the minimum required front yard setback on the east property line from 25 feet to 5 feet for an existing detached garage in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

Lot D, Enos Placer MS 1024, Section 29, T2N, R4E, BHM, Pennington County, South Dakota

MOVED by Hadcock and seconded by Ferebee to approve Variance / VA 18-20 with the following two (2) conditions. The motion carried 4-1 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix - yes.

1. That this Variance applies only for the existing detached garage. All other structures must maintain the proper setbacks or obtain separate Variance(s); and,
2. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Variance / VA 18-20, which is available at the Planning Office.

- D. VARIANCE / VA 18-21: Jolly Lane Greenhouse; Tim Sime – Agent. To reduce the minimum required side yard setback on the east property line from 10 feet to a zero (0) foot setback for a proposed addition in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 1, Parkers Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

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MOVED by DiSanto and seconded by Hadcock to continue Variance / VA 18-21 to the March 19, 2019, Board of Adjustment meeting to allow the landowner time to work with the City of Rapid City and the County. Vote: Unanimous.

MOVED by Hadcock and seconded by DiSanto 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 Hadcock and seconded by Buskerud to approve the Consent Agenda with the removal of Item F. Vote: Unanimous.

E. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-09: Big Horn Canyon Ministries, Inc. / Perry Lewis. To review the existing Planned Unit Development to allow a church/place of worship in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 6 of Tract A, Knights Acres Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Approve of the extension of Major Planned Unit Development Amendment Review / PU 17-09 with the following twenty-two (22) conditions:

1. That the purpose of this Planned Unit Development continue to be, as requested by the applicant, to allow traditional Christian meetings and events, such as weddings, funerals, conferences, youth and children's activities, seminars, Bible teaching and discipleship;
2. That the pond may be used for activities such as kayaking, swimming, skating, fishing, and ice fishing by occupants of the property and their guests;
3. That the pond be lined with a geomembrane/bentonite composite liner and continue to be walled or fenced to prevent uncontrolled access, in accordance with Section 307-F of the Pennington County Zoning Ordinance;
4. That a minimum of 200 parking spaces continue to be provided on the property;
5. That the parking areas be continually maintained in a dust free manner;
6. That the internal driveway be a minimum of 24-foot-wide gravel driving surface, maintained in a dust free manner;
7. That recreational fields/sites for volleyball, soccer, softball, basketball, football, and picnics for fellowship and community outreach be allowed on the property;
8. That the setbacks from property lines be the same as required in a Limited Agriculture District and 58 feet from Section Lines;

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9. That structures do not exceed thirty-five feet in height;
10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
11. 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;
12. That the applicant ensure the residential character of the property is maintained;
13. That all music being provided for outdoor activities be shut down by 10:00 p.m. and quiet hours be observed from 10:00 p.m. to 7:00 a.m.;
14. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level and shall be inspected and tagged annually;
15. That all primary exits that lead to the exterior of the structure shall be unlocked, free from obstruction and clearly marked;
16. That the applicant ensures that all natural drainage ways must be maintained and are not blocked;
17. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require a Construction Permit;
18. That the physical address for both existing residences and any future addresses that are assigned, continue to be posted in accordance with Pennington County Ordinance #20;
19. That tents be erected only when needed and not on a permanent basis and temporary Building Permits be obtained when necessary;
20. That all exterior lighting be directed away from neighboring property owners, which does not result in excessive glare upon surrounding property;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit; and,
22. That the Planned Unit Development be reviewed in three (3) years, 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.

F. Removed for separate consideration.

End of consent agenda

Removed for Separate Consideration

F. MINOR PLAT / PL 18-38 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-09:
Borglum Historical Center, Inc. / Duane Pankratz; Ken Nash – Agent. To create Lot 1 and Lot 2 of Borglum Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT NW1/4SW1/4, and Balance of Lot C of NW1/4SW1/4 all of N of HWY, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

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PROPOSED LEGAL: Lot 1 and Lot 2 of Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by DiSanto to approve of Subdivision Regulations Variance / SV 18-09 to waive submittal of the following: (1) Percolations tests and soil profile hole information; and, (2) Engineered road construction plans and road improvements; and, approval of Minor Plat / PL 18-38 with the following ten (10) conditions. Vote: Unanimous.

1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
2. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to include the “formerly” sentence, per Register of Deeds comments;
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 upon filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for the proposed lots, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
8. That upon filing the Plat with the Register of Deeds, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-38. The SOU is available at the Planning Office; and,
10. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.

PLANNING & ZONING REGULAR AGENDA

G. REQUEST TO WAIVE PENALTY FEE - Fred Johnson: MOVED by Hadcock and seconded by Buskerud to deny the request to waive \$800 in penalty fees.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to approve the request to waive \$800 in penalty fees. The motion failed 2-3 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, Hadcock – no, LaCroix – no.

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

H. REQUEST TO REFUND REZONE APPLICATION FEE - Rustlers Ranch / David Way:
MOVED by Buskerud and seconded by DiSanto to approve the request to refund the rezone application fee in the amount of \$370. Vote: Unanimous.

ITEMS FROM THE PUBLIC

EXECUTIVE SESSION – SDCL 1-25-2

Executive Session was not needed today.

PAYROLL

Commissioners, 15,057.23; Elections, 17,026.21; Auditor, 29,957.47; Treasurer, 63,580.91; State's Attorney, 242,417.86; Public Defender, 152,431.54; Buildings & Grounds, 122,506.36; Equalization, 84,548.40; Register of Deeds, 29,182.03; IT, 51,474.06; Human Resources, 10,562.95; Sheriff, 519,669.00; Jail, 624,916.23; JSC, 204,365.67; JSC Juvenile Alternative, 9,933.05; CCADP, 180,854.59; Economic Assistance, 61,101.52; Extension, 2,566.23; Weed & Pest, 9,874.68; Natural Resource Management, 7,816.01; Planning and Zoning, 32,956.02; Road & Bridge, 177,241.74; Fire Administration, 6,879.93; Dispatch, 205,757.31; Emergency Management, 9,234.31; 24-7 Program, 25,048.69.

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 November 29, 2018: Total balances of checking/savings accounts, 11,358,944.16; 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, 30,987,958.54; Total petty cash, 16,315.00; Total NSF Check, 79.00; Total long/short, (415.81); Total, 49,209,031.18. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Auditor: Effective 12/1/2018 – Lori Severson at \$5,073.00/mo., Kaycee Island at \$4,947.00/mo. & Cindy Mohler at \$6,795.00/mo.

Dispatch: Effective 11/18/2018 – Courtney Wood at \$20.73/hr. Effective 12/16/2018 – Beverly Walker at \$27.83/hr. & Donna Nordell at \$30.73/hr.

Highway: Effective 12/03/2018 – Paul Faiman at \$17.68/hr.

Public Defender: Effective 11/18/2018 – Dylan Kotnour at \$19.49/hr. Effective 12/01/2018 – Evan Hoel at \$5477.00/mo.

Treasurer: Effective 11/09/2018 – Josh Salley at \$17.68/hr.

ADJOURN

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MOVED by Hadcock and seconded by Buskerud to adjourn the meeting. Vote: Unanimous.
There being no further business, the meeting adjourned at 11:29 a.m.

/s/ Julie A. Pearson, Auditor
Published once at an approximate cost of _____.
Publish December 19, 2018