

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of February 6, 2018

The Pennington County Board of Commissioners met at 9:02 a.m. on Tuesday, February 6, 2018, 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 Buskerud and seconded by Hadcock to approve the agenda as presented. Vote: Unanimous.

**CONSENT ITEMS**

MOVED by DiSanto and seconded by Hadcock to approve the Consent Agenda with the removal of Items 5 & 6. Vote: Unanimous.

5. Removed for separate consideration.
6. Removed for separate consideration.
7. Schedule public hearings at 9:15AM on February 20, 2018 for the following:
  - a. Budget Supplement SP18-001 – Supplement the General Fund John T Vucurevich budget in the amount of \$22,969.69 from the restricted fund balance.
  - b. Budget Supplement SP18-002 - Supplement the General Fund State’s Attorney budget in the amount of \$57,390 from current year non-budgeted State’s Attorney revenue.
  - c. Budget Supplement SP18-003 – Supplement the MacArthur Fund State’s Attorney and Sheriff budgets in the amount of \$425,000 from restricted fund balance.
  - d. Budget Supplement SP18-004 – Supplement the Accumulated Building Fund James Kjerstad Event Center Addition budget in the amount of \$250,000 from current year revenues received from Central States Fair.
8. Appoint Ms. Dallas Vos to the 2018 Extension Advisory Board.
9. Approval of the Permit to Occupy Right-of-Way and the request for Road Closure/Traffic Control for the 2018 Deadwood Mickelson Trail Marathon.
10. Acknowledge the notice of intent to conduct a raffle – Team Ellsworth Spouses Club.
11. Acknowledge the notice of intent to conduct a raffle – Run for Ruhl.

End of Consent Agenda

5. Minutes of the regular meeting – January 16<sup>th</sup>, 2018: MOVED by Hadcock and seconded by Buskerud to approve the minutes from January 16, 2018. Vote: 3-2 with DiSanto and Ferebee voting no.
6. Approval to declare the AutoMark assisted ballot-marking devices surplus and used for trade-in: MOVED by Hadcock and seconded by Buskerud to approve to declare the Auto Mark assisted ballot-marking devise surplus and used for trade-in. Vote: Unanimous.

**ITEMS FROM WEED & PEST**

- A. RESOLUTION: SUPPORTING THE BLACK HILLS RESILIENT FOREST STRATEGY: MOVED by Hadcock and seconded by DiSanto to approve the Chair’s signature on the Black Hills Resilient Forest Strategy. Vote: Unanimous.

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**A RESOLUTION SUPPORTING THE “BLACK HILLS RESILIENT FOREST STRATEGY”**

**PENNINGTON COUNTY,  
SOUTH DAKOTA**

WHEREAS, the Black Hills forest ecosystem crosses all land ownerships, thus the responsibility of ensuring a resilient and healthy forest is shared among numerous owners and managers; and

WHEREAS the mountain pine beetle has caused extensive damage throughout the Black Hills over the past 20 years, affecting about 450,000 acres across all landownerships and threatening the socio-economic and ecological values therein; and

WHEREAS wildfires have affected several hundred thousand acres across the Black Hills, damaging watersheds, utility infrastructure, timber, habitat and forage, and property; further an accumulation of forest fuels threatens property and resources; and

WHEREAS the *Black Hills Conservation Leaders* Group was formed to synchronize land management interest and action of the various private, local, state, and federal efforts through a shared vision and strategy; and

WHEREAS, the “*Black Hills Resilient Forest Strategy*” published in December, 2017 was prepared to address the need for a comprehensive, collaborative approach to address forest fuels and threatened communities, invasive plants and an over-grown forest in transition and to move towards a more healthy, resilient forest.

THEREFORE the Pennington County Commissioners endorse the broad principles, goals and objectives of the *Black Hills Resilient Forest Strategy* and authorize inclusion in the participant list contained therein.

Dated this 6<sup>th</sup> day of February, 2018.

/s/ Lloyd LaCroix, Chairman  
Pennington County Board of Commissioners

ATTEST: (SEAL)  
/s/ Julie A. Pearson, Auditor

**ITEMS FROM AUDITOR**

A. NEW (ON-OFF SALE) MALT BEVERAGE LICENSE – BLACK HILLS SPEEDWAY:  
MOVED by DiSanto and seconded by Hadcock to approve an (on-off sale) Malt Beverage & SD Farm Wine License for Black Hills Speedway/Cross Country Real Estate LLC. Vote: Unanimous.

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**ITEMS FROM BUILDINGS & GROUNDS**

- A. **PENNINGTON COUNTY CAMPUS & JAIL EXPANSION AND REMODEL PROJECT – AUTHORITY TO SIGN APPLICATIONS:** MOVED by Hadcock and seconded by Buskerud to authorize Mike Kuhl, Construction Project Manager, to sign applications on behalf of Pennington County related to the Jail Expansion and Remodel Project. Vote: Unanimous.

**ITEMS FROM EQUALIZATION**

- A. **ABATEMENT APPLICATIONS – CITY OF RAPID CITY/DAVIS, 819 CORP, KEIM, BARBER AND WHIPPLE:** MOVED by Buskerud and seconded by Hadcock to approve the 2017 abatement application for the following: Tax ID 66670, Jonathon Davis - \$687.20; Tax ID 23084, 819 Corp - \$596.66; Tax ID 64942, Brian Keim - \$1070.50; Tax ID 27466, Carla Barber - \$1242.38; Tax ID 33681, Wendy Whipple - \$414.46. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. **AUTHORIZATION TO PURCHASE THREE 3/4-TON PICKUPS OFF OF THE STATE BID:** MOVED by Hadcock and seconded by Buskerud to authorize the Highway Department to purchase three 3/4 Ton Crew Cab 4x4 Pickups off of State Bid Contract #17148, from Lamb Motor Company, 109 W Main St., Onida, SD 57564, at a cost of \$31,316 per vehicle, and further move to authorize payment upon delivery.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to continue this item until the next Commission meeting on February 20, 2018 for more information. Vote: Unanimous.

**PETITIONS FOR DECLARATORY RULING TO THE SD DENR WATER MANAGEMENT BOARD FOR ARS 74:53:01:04 (EXISTING ON-SITE WASTEWATER SYSTEMS):** MOVED by Buskerud and seconded by Hadcock to authorize the States Attorney's Office to file a petition in opposition to Mr. Richer's petition.

Substitute motion: MOVED by DiSanto and seconded by Ferebee to continue this item until the next Commission meeting on February 20, 2018. The substitute motion failed 2-3 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, Hadcock – no, LaCroix – no.

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

**REQUEST FOR APPROVAL OF BUILDING PERMIT OUTSIDE OF COUNTY SUBDIVISION REGULATIONS – SHADRACH HOWIE:** MOVED by Hadcock and seconded by Buskerud to table Item 18 until after discussing Item 19. Vote: Unanimous.

**SECOND MEANS OF INGRESS/EGRESS FOR BRADSKY ROAD:** MOVED by Hadcock and seconded by DiSanto to authorize the County Planning & Zoning staff to take this one step further by exploring all options including contacting the National Guard. Vote: Unanimous.

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MOVED by Hadcock and seconded by DiSanto to remove item 18 from the table. Vote: Unanimous.

**REQUEST FOR APPROVAL OF BUILDING PERMIT OUTSIDE OF COUNTY SUBDIVISION REGULATIONS – SHADRACH HOWIE:** MOVED by DiSanto and seconded by Buskerud to continue until the next Commission meeting on February 20, 2018 meeting.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to discuss this item in today's Executive Session.

Substitute motion: MOVED by Hadcock and seconded by Buskerud to table this item. Vote: The motion carried 3-2 with DiSanto and Ferebee voting no.

MOVED by Hadcock and seconded by Buskerud to recess until 10:30 a.m. Vote: Unanimous.

MOVED by Buskerud and seconded by DiSanto to reconvene. Vote: Unanimous with Hadcock absent. The Board reconvened at 10:35 a.m.

**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 approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

A. **SECOND READING OF REZONE / RZ 17-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-10:** Kory Weisbeck. To rezone 20.00 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Suburban Residential District in accordance with Sections 205, 208, and 508 of the Pennington County Subdivision Regulations.

N1/2S1/2SW1/4SW1/4; N83.5 feet of E200 feet and N179.6 feet of W1120 feet in the S1/2S1/2SW1/4SW1/4; and S246.5 feet of E200 feet and S150.4 feet of W1120 feet in the S1/2S1/2SW1/4SW1/4, all located in Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Approve of Rezone / RZ 17-11 and Comprehensive Plan Amendment / CA 17-10.

**ORDINANCE NO. RZ 17-11 & CA 17-10**

AN ORDINANCE AMENDING SECTION 508 OF THE PENNINGTON COUNTY ZONING ORDINANCE, REZONING THE WITHIN DESCRIBED PROPERTY AND AMENDING THE COMPREHENSIVE PLAN:

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BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY COMMISSION THAT THE PENNINGTON COUNTY ZONING ORDINANCE AND COMPREHENSIVE PLAN BE AND HEREBY ARE AMENDED BY AMENDING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY:

N1/2S1/2SW1/4SW1/4; N83.5 feet of E200 feet and N179.6 feet of W1120 feet in the S1/2S1/2SW1/4SW1/4; and S246.5 feet of E200 feet and S150.4 feet of W1120 feet in the S1/2S1/2SW1/4SW1/4, all located in Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Agriculture District to Suburban Residential District and the Comprehensive Plan is amended to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District.

Dated this 6<sup>th</sup> day of February, 2018.

/s/ Lloyd LaCroix, Chairman  
Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

B. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 17-03; Pennington County. To amend Section 312 “Signs, Billboards and Other Advertising Structures” of the Pennington County Zoning Ordinance.

Continue Ordinance Amendment / OA 17-03 to no later than the May 1, 2018, Board of Commissioners meeting.

End of Consent Agenda

Hadcock joined the meeting at 10:37 a.m.

**PLANNING & ZONING REGULAR AGENDA**

C. LAYOUT PLAT / PL 17-49; Eric and Heidi Henriksen. To create Lots 1-10 of Bromegrass Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Gov’t Lot 1 less .73 ac Platted into Hook J Subdivision; Gov’t Lot 2; SE1/4; SE1/4SW1/4; less ROW; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL Lots 1-10, Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

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MOVED by Hadcock and seconded by Buskerud to approve of Layout Plat / PL 17-49 with the following nineteen (19) conditions. Vote: Unanimous.

1. The prior to the submittal of a Preliminary Plat, the landowner schedule a site-visit with the Planning Director and the Addressing Coordinator to discuss the existing structures on the existing property;
2. That prior to the Final Plat being recorded with the Register of Deeds, either Lot Size Variance(s) or Rezone(s) and Comprehensive Plan Amendment(s) are approved for the proposed lots;
3. That prior to submittal of a Preliminary Plat, the necessary corrections to the proposed Plat, per comments contained in this Staff Report, are made;
4. That at the time of Preliminary Plat submittal, the landowner or agent speak to a representative from West River Electric to determine the easement that will be dedicated on the proposed Plat, at a minimum an eight (8) foot minor drainage and utility easements shall be dedicated on the interior sides of all lot lines, or Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for all the proposed lots to be reviewed and approved by the County Environmental Planner, or a Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Preliminary Plat submittal, the plat application meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That the Certifications on the plat be in accordance with Section 400.3(n) of the Pennington County Subdivision Regulations;
8. That at the time of Preliminary Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
9. That the address be properly posted on any future residence(s) constructed on the proposed lots and are posted, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
11. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject properties;
12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
13. That all new construction on the existing and proposed properties be in conformity with FAA Regulations and Section 301 (Airport Height and Hazard Zoning) of the Pennington County Zoning Ordinance;
14. That prior to Final Plat approval, all requirements from 44 CFR 60.3(b) be satisfied;
15. That at the time of a Preliminary Plat submittal, access easement(s) for proposed Lots 9, 10, the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4) be shown on the plat;

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16. That a 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;
17. That Permits that are determined to be required prior to the submittal of a Preliminary Plat, shall be subject to Section 511(W) of the Pennington County Zoning Ordinance;
18. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Layout Plat / PL 17-29. The SOU is available at the Planning Office; and,
19. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

D. APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RAPID CITY AND PENNINGTON COUNTY REGARDING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AND STORM WATER MANAGEMENT PLAN IMPLEMENTATION: MOVED by Hadcock and seconded by Buskerud to authorize the Chair's signature on the memorandum of understanding between the City of Rapid City and Pennington County. Vote: The motion carried 4-1 with Ferebee voting no.

E. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 17-02: Pennington County. To amend Section 103 "Definitions"; Section 205-B-17 "General Agriculture District"; Section 212-B-12 "Heavy Industrial District"; Section 507-B "Mining Permits"; and Section 511 "Fees" and to add Section 320 "Mining Operation" to the Pennington County Zoning Ordinance.

MOVED by Ferebee and seconded by DiSanto to schedule a Special Meeting on Tuesday February 13, 2018 at 5:30 p.m. Vote: Unanimous.

MOVED by DiSanto to approve Ordinance Amendment / OA 17-02. Item died to the lack of a second.

MOVED by Ferebee and seconded by Hadcock to continue the first reading of Ordinance Amendment/OA17-02 until the Tuesday February 13, 2018 Special Meeting. Vote: The motion carried 4-1 with DiSanto voting no.

**ITEMS FROM THE CHAIR/COMMISSION MEMBERS**

**COMMITTEE REPORTS**

**2018 LEGISLATIVE SESSION**

- A. UPDATE ON PROPOSED BILLS
- B. STAFF DIRECTION
- C. COMMISSION POSITIONS

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MOVED by Buskerud and seconded by Hadcock to oppose HB1167. Vote: The motion carried 3-1 with Ferebee voting no and DiSanto abstaining.

MOVED by Buskerud and seconded by Hadcock to oppose HB1180. Vote: The motion carried 3-1 with Ferebee voting no and DiSanto abstaining.

MOVED by Buskerud and seconded by Hadcock to oppose HB1158. Vote: The motion carried 4-0 with DiSanto abstaining.

MOVED by Buskerud and seconded by Hadcock to oppose HB1195 and SB1. Vote: Unanimous.

**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 457,275.48. Vote: The motion carried 4-1 with Ferebee voting no.

BH Energy, 41,411.69; BH Energy, 80.28; BH Energy, 246.26; BH Energy, 5,533.09; BH Energy, 144.95; Century Link, 7,080.71; Century Link, 126.79; City Of Box Elder, 44.50; City Of Hill City, 38.26; City Of Rapid City -Water, 13,263.92; City Of Rapid City -Water, 2,960.26; City Of Rapid City -Water, 460.77; City Of Wall, 190.50; Custer Gas, 60.30; First Interstate Bank, 1,036.79; First Interstate Bank, 255.05; First Interstate Bank, 200.27; First Interstate Bank, 152.15; First Interstate Bank, 375.29; First Interstate Bank, 1,912.49; First Interstate Bank, 64.75; First Interstate Bank, 40.95; First Interstate Bank, 480.00; Kieffer Sanitation/A Waste Management Co, 154.29; Midcontinent Communications, 775.25; Midcontinent Communications, 2,885.59; Midcontinent Communications, 1,017.63; Montana Dakota Utilities, 16,099.25; Pioneer Bank & Trust, 1,065.66; Pioneer Bank & Trust, 5.99; Reliance Telephone Inc, 4.00; Reliance Telephone Inc, 20.00; Vast Broadband, 2,108.02; Vast Broadband, 118.59; Verizon Wireless, 897.47; Verizon Wireless, 5,402.89; Verizon Wireless, 341.95; Wellmark, 91,133.43; Wellmark, 212,461.06; Wellmark, 44,030.37; West River Electric, 108.69; West River Electric, 2,221.60; Wex Bank, 263.73.

**ITEMS FROM THE PUBLIC**

**EXECUTIVE SESSION – SDCL 1-25-2(3)**

A. Pending Litigations SDCL 1-25-2(3)

MOVED by Hadcock and seconded by DiSanto to go into executive session for the purpose of pending litigation issues per SDCL 1-25-2(3). Vote: Unanimous.

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

MOVED by Hadcock and seconded by DiSanto to take item 18 off the table. Vote: Unanimous.

**REQUEST FOR APPROVAL OF BUILDING PERMIT OUTSIDE OF COUNTY SUBDIVISION REGULATIONS – SHADRACH HOWIE:** MOVED by DiSanto and seconded by Hadcock to approve one building permit for lot 3B.



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Substitute motion: MOVED by Ferebee and seconded by DiSanto to approve one building permit for one of the three lots in question. DiSanto withdrew his second. Motion died for the lack of a second.

Original motion carried on a unanimous vote.

MOVED by Buskerud and seconded by DiSanto to direct the State's Attorney's Office to appeal the Circuit Court decision of Post 22 vs. Pennington County to the Supreme Court. Vote: Unanimous.

**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 January 30, 2018: Total balances of checking/savings accounts, 11,990,760.67; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 3,001,387.23; Total certificates of deposit, 3,565,748.83; Total Prime Value Investment, 25,353,822.84; Total petty cash, 16,305; Total long/short, (202.20); Total, 43,941,222.37. Submitted by Lori Wessel, Deputy Auditor.

**PAYROLL**

Commissioners, 16,237.37; Elections, 16,451.02; Auditor, 32,034.11; Treasurer, 67,819.81; MacArthur Grant, 10,658.06; State's Attorney, 277,448.90; Public Defender, 162,864.36; Buildings & Grounds, 152,395.16; Equalization, 100,714.22; Register of Deeds, 33,087.63; IT, 58,592.21; Human Resources, 10,725.93; Sheriff, 573,528.90; HIDTA Grant, 13,584.45; Jail, 742,392.88; JSC, 260,822.73; JSC Juvenile Alternative, 12,021.13; CCADP, 196,737.87; Economic Assistance, 69,513.87; Extension, 1,813.52; Weed & Pest, 10,779.48; Mountain Pine Beetle, 9,770.00; Planning and Zoning, 36,814.25; Road & Bridge, 226,686.54; Fire Administration, 6,611.24; Dispatch, 205,810.89; Emergency Management, 9,620.92; 24-7 Program, 28,975.59.

**PERSONNEL**

Auditor: Effective 02/19/2018 – Sabrina Green at \$21.49/hr.

EMCC: Effective 02/05/2018 – Nichole Farrar at \$21.49/hr. Effective 02/18/2018 – Carla Buxton & Alleah Weygaerts at \$18.56/hr.

IT: Effective 02/18/2017 – Cassidy Keyser at \$24.00/hr & Eric Petro at \$24.59/hr. Effective 03/01/2018 – Jennifer Tyre at \$4,585.00/mo. and Mike Iversen at \$5,477.00/mo.

State's Attorney: Effective 01/22/2018 – Shawnda Scott at \$19.49/hr. & Jessica Afrank at \$19.74/hr. Effective 01/23/2018 – Kaia Carlson at \$19.49/hr.

Treasurer: Effective 01/22/2018 – Joshua Salley at \$16.04/hr. Effective 01/29/2018 – Megan Salisbury at \$16.04/hr.

**ADJOURN**

MOVED by Hadcock and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 12:50 p.m.

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/s/ Julie A. Pearson, Auditor  
Published once at an approximate cost of \_\_\_\_\_.  
Publish February 21, 2018