The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, May 1, 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: 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 DiSanto and seconded by Hadcock to approve the Consent Agenda as presented. Vote: Unanimous.

7. Minutes of the regular meeting – April 17, 2018.
9. Set and approve the Civil Township Bonds for Treasurers and Clerks as presented.
10. Acknowledge the notice of intent to conduct a raffle – Rochford Volunteer Fire Department.
11. Appoint Mr. Fred Eisenbraun to the Pennington County Housing and Redevelopment Commission for a term of 5 years.
12. Approve a public display of fireworks for Black Hills Speedway on Friday June 29, 2018 with a rainout date of Friday July 6, 2018 provided they meet the requirements.

ITEMS FROM AUDITOR
A. DISSOLUTION OF LONGVIEW SANITARY DISTRICT BY DISTRICT DIRECTORS:
   MOVED by Hadcock and seconded by DiSanto to continue this item until the May 15, 2018 Commission Meeting. Vote: Unanimous

ITEMS FROM SHERIFF
A. DOUGLAS SCHOOL DISTRICT LIAISON OFFICER REQUEST: MOVED by Ferebee to continue this item until the budget cycle. The motion died for the lack of a second.

   MOVED by DiSanto and seconded by Hadcock to add one FTE to the Sheriff’s Office to support the additional School Liaison Deputy at the Douglas School District and acknowledge that the Sheriff will be adding approximately $44,000 to the law enforcement division budget in 2019 for the additional liaison.

   MOVED by Hadcock and seconded by DiSanto to call the question. Vote: The motion carried 3-1 with Ferebee voting no.

   The original motion carried 3-1 with Ferebee voting no.

ITEMS FROM BUILDINGS AND GROUNDS
A. COUNTY HEALTH FACILITY – FURNITURE PROPOSALS: MOVED by Ferebee and seconded by DiSanto to continue this item until the May 15, 2018 Commission meeting. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. AUTHORIZATIONS FOR LETTING OF AGG 2018-1 AGGREGATE STOCKPILE PROJECT – KJERSTAD PIT: MOVED by Hadcock and seconded by DiSanto to authorize the Highway Department to go to bid for AGG 2018-1 Aggregate Stockpile Project, Kjerstad Pit. Vote: Unanimous.

B. RESOLUTION 2018-5-01: EXTENSION OF AUTHORIZATION FOR 2018 SEASONAL LOAN LIMITS TO MAY 31, 2018: MOVED by Hadcock and seconded by DiSanto to authorize the Chair’s signature on the attached Resolution 2018-05-01, as required by SDCL 32-22-24. Vote: Unanimous.

RESOLUTION 2018-05-01

EXTENSION OF AUTHORIZATION FOR 2018 SEASONAL LOAD LIMITS TO MAY 31, 2018

WHEREAS, the Pennington County Board of Commissioners wishes to extend the authorization of Seasonal Load Limits for the year 2018 to May 31, 2018; and

WHEREAS, South Dakota Codified Law 32-22-24 allows the County Board of Commissioners to reduce the maximum weight of the vehicle and the load; and

WHEREAS, the Pennington County Board of Commissioners designates the County Highway Superintendent as the authorized representative of the County to determine when the Load Limits may be safely removed, on behalf of the County for all asphalt roads west of Highway 79 under the jurisdiction of Pennington County;

NOW, THEREFORE, BE IT RESOLVED that the Pennington County Board of Commissioners does hereby authorize Load Limit Restrictions of seven tons per axle on all bituminous County Highways and Secondary Roads west of Highway 79, until such time that it is safe to remove them as determined by the Highway Superintendent; and

BE IT FURTHER RESOLVED that the time period shall not exceed May 31, 2018; and

BE IT FURTHER RESOLVED that Pennington County requests the South Dakota Department of Public Safety and the South Dakota Highway Patrol to enforce the Load Limit Restrictions on said bituminous County Highways, Secondary Roads, and enforce all Bridge Load Limit Restrictions as posted.
REQUEST FOR VARIANCE TO ORIDINANCE 14 AND APPROVAL OF A SECOND APPROACH: MOVED by Hadcock and seconded by DiSanto to approve the variance to Ordinance 14 and approve of a second approach at 19840 Kelly Hill Rd., with a 28 foot wide approach, 15 inch culverts, and repair the smashed ends of the culverts located of the eastern end. Vote: Unanimous.

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

The Board Reconvened at 10:30 a.m.

ITEMS FROM PLANNING & ZONING BOARD OF ADJUSTMENT: MOVED by DiSanto and seconded by Hadcock to convene as the Board of Adjustment. Vote: Unanimous.

A. VARIANCE / VA 18-02: Mary Alexander, Dallas Alexander - Agent. To reduce the minimum required east side yard setback and west side yard setback from 25 feet to 12 feet to allow a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 38-40, Tract Spring Creek, Section 29, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by DiSanto to continue this item until the May 15, 2018 Commission Meeting. Vote: Unanimous.

B. VARIANCE / VA 18-03: Deerfield Cabins, LLC; Deon Wynia – Agent. To allow a single-family residence with seven (7) bedrooms to be used as a Vacation Home Rental in a Planned Unit Development District in accordance with Sections 213, 319-F-2, and 509 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.
MOVED by Hadcock and seconded by DiSanto to approve Variance / VA 18-03, with the following three (3) conditions. Hadcock later withdrew her motion and DiSanto as the seconder agreed.

MOVED by Ferebee and seconded by DiSanto to deny the Variance / VA 18-03. Vote: Unanimous.

1. That this Variance only applies for the existing single-family residence located on Lot 43 of Burns Placer MS 697;
2. That the applicant obtain approval of Major Planned Unit Development Amendment / PU 18-01 prior to operation of the Vacation Home Rental; and,
3. That the applicant signs the Statement of Understanding, which is available in the Planning Office, within ten (10) business days of approval of Variance / VA 18-03.

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

C. **SECOND READING OF ORDINANCE AMENDMENT / OA 18-03**: Pennington County.
   To amend Sections 205-B and 205-C “General Agriculture District and Section 212-C “Heavy Industrial District” of the Pennington County Zoning Ordinance.

   Planning Commission recommended approval of Ordinance Amendment / OA 18-03.

**ORDINANCE #34-38**

AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

BE IT HEREBY ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS THAT THE PENNINGTON COUNTY ORDINANCE #34 BE AMENDED AS FOLLOWS:

SECTION 205: Section 205-B General Agriculture District shall be removed as follows:

B. Permitted Uses:
13. Temporary quarries.

16. Drilling for oil or natural gas or the extraction of sand, gravel, or minerals, provided that a Construction Permit is obtained in accordance with these Zoning Ordinances.

SECTION 205: Section 205-C General Agriculture District shall be amended to include:

C. Conditional Uses:

32. Temporary quarries provided a Mining Permit is obtained in accordance with Section 320.
33. Drilling for oil or natural gas.
34. Extraction of minerals as defined in Section 507-B Minerals.

SECTION 212: Section 212 District shall be amended to include:

C. Conditional Uses

4. Extraction of minerals as defined in Section 507-B Minerals

Dated this 1st day of May, 2018.

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

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

D. LAYOUT PLAT / PL 17-38: Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To create Lots A, B, C, and D of Johnson Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Continue Layout Plat / PL 17-38 to the August 21, 2018, Board of Commissioner’s meeting.

E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 17-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-09: Dorothy Johnson Estate; Great
Western Bank - Personal Representative for Dorothy Johnson Estate. To rezone 21.39 acres from Limited 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 206, 208, and 508 of the Pennington County Subdivision Regulations.

Balance of Lot 1 of NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the August 21, 2018, Board of Commissioner’s meeting.

F. LAYOUT PLAT / PL 18-07: Kenneth Smith. To reconfigure lots lines to create Lot AR, Lot C, and Lot D of Block 2 in the Original Townsite of Caputa in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1-3; Lot A (replat of Lot 4-8 of Block 2); Lot 9-12; and Lot 1-3 RTY all located in Block 2, Original Townsite of Caputa, Section 9, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot AR; Lot C; and Lot D all located in Block 2, Original Townsite of Caputa, Section 9, T1S, R9E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION: Planning Commission recommended to continue Layout Plat / PL 18-07 to the June 19, 2018, Board of Commissioner’s meeting.

G. MINOR PLAT / PL 18-06: Edelweiss Mtn. Lodging; Fisk Land Surveying - Agent. To combine two lots to create Lot 31 Revised in Block E of MS 1016, Edelweiss Mountain Development in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 31 and Lot 32, Block E of MS 1916, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 31 Revised, Block E of MS 1916, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / PL 18-06 with the following six (6) conditions:

1. That prior to the mylar plat being recorded with the Register of Deeds, the applicant make corrections to the Plat, per comments received by the Register of Deeds;
2. That prior to the mylar plat being recorded with the Register of Deeds, that all necessary requirements from the Subdivision Regulations are met, or Subdivision Regulations Waivers are obtained;
3. That the existing address continue to be properly posted in accordance with Pennington County’s Ordinance #20;
4. That the applicant continues to ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
5. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
6. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of Board of Commissioner approval of Minor Plat / PL 18-06. The SOU is available at the Planning Office.

H. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-01: Deerfield Cabins, LLC; Deon Wynia. To amend the existing Planned Unit Development to allow the existing single-family residence on Lot 43 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 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Continue Major Planned Unit Development Amendment / PU 18-01 to June 7, 2018, Board of Commissioner’s meeting.

I. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY REVIEW / CS 16-02: Cody Schad. To construct 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.

Continue the review of Road Construction within A Section Right-of-Way / CS 16-02 to the June 7, 2018, Board of Commissioner’s meeting.

End of Consent Agenda

PLANNING & ZONING REGULAR AGENDA

J. LAYOUT PLAT / PL 18-05: Laura Pankratz; Ken Nash – Agent. To create Lots 2, 3, 4, and 5 of Pankratz Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.
EXISTING LEGAL: S1/2SW1/4 Less NE1/4NE1/4SE1/4SW1/4, less Lot A of SW1/4SW1/4, less Lot 1 Pankratz Subd, less that PT of SW1/4SW1/4 lying N and W of Hwy Lots, less Lots H1, H2, H3 and ROW; NE1/4 NE1/4SW1/4SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2, 3, 4, and 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Ferebee to approve Layout Plat / PL 18-05 with the following ten (10) conditions. Vote: Unanimous.

1. That at the time of Minor 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 Minor Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots and the unplatted remainder, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of a Minor Plat submittal, the indicated “66’ Access Easement(s)” continue to appear on the Plat;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That at the time of Minor Plat submittal, 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;
8. That prior to the time of Minor Plat submittal, the applicant or landowner meet with the Pennington County Fire Coordinator to discuss the comment regarding the “turn-offs”;
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Layout Plat / PL 18-05. The SOU is available at the Planning Office; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

K. CONDITIONAL USE PERMIT / CU 18-05: Harry and Rosina Hilgemann; Bret Hilgemann – Agent. To allow for a caretaker’s residence on the subject property in a Suburban Residential District in accordance with Sections 204-D, 208, and 510 of the Pennington County Zoning Ordinance.

Parcel C less Lots H1 and H2 and less 40-foot-wide dedicated right-of-way, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.
MOVED by Hadcock and seconded by DiSanto to approve Conditional Use Permit / CU 18-04 with the following twelve (12) conditions. Vote: Unanimous.

1. That one of the recommended emergency vehicle turn-arounds, be constructed at each residence, prior to the issuance of the Building Permit for the caretaker’s residence;
2. That the addresses for both the existing single-family residence and the proposed caretaker’s residence be posted, in accordance with Pennington County’s Ordinance #20;
3. That a new operating permit be obtained for the existing Onsite Wastewater Treatment System, no later than July 1, 2018;
4. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System to serve the caretaker’s residence and prior to construction or installation of the proposed caretaker’s residence;
5. That use of the outhouse, if existing, cease and the hole be filled in and verified by Planning and Zoning Staff, or a Vault privy be placed underneath the outhouse structure which would require approval from the County Environmental Planner;
6. That an approved Building Permit be obtained for the caretaker’s residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
8. That the subject property remains free of debris and junk vehicles;
9. That an updated doctor’s note be provided during each review of Conditional Use Permit / CU 18-05;
10. That once care is no longer needed for Rosina Hilgemann and Harry Hilgemann, either the existing residence or the caretaker’s residence be removed from the subject property or the subject property be subdivided so that each residence is on a separate lot;
11. That the applicant and landowners sign the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-05, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, 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.

L. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 18-04: Ernest Getty / Tina Mulally. To amend Section 204-J-2 “Operating Permit”; Section 204-J-3-P “Service Providers/Liquid Waste Pumpers/Requirements”; Section 204-J-3-Q-v “Following the completion of the final evaluation by Pennington County, the system will then be registered with the County and an Operating Permit issued”; and Section 204-J-4 “Exemption for Operating Permit” of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Ferebee to continue this item until the May 15, 2018 Commission meeting. Vote: Unanimous.
M. **2020 CENSUS BUREAU UPDATE:** No action was taken on this item.

N. **FORMATION OF MINERAL MINING COMMITTEE:** MOVED by Hadcock and seconded by Ferebee to postpone this item indefinitely. Vote: Unanimous.

**ITEMS FROM THE CHAIR/COMMISSION MEMBERS**

A. **2018 COUNTY CANDIDATE FORUM:** MOVED by LaCroix and seconded by DiSanto to direct the completion of the facility use policy for the Pennington County Administration Building. Vote: Unanimous.

   MOVED by LaCroix and seconded by Hadcock to allow the Candidate forum in the Commission Chambers. Vote: The motion carried 3-1 with Ferebee voting no.

B. **COMMISSION AGENDA PREPARATION:** No action was taken on this item.

C. **COMMISSION TRAVEL (NACO – NATIONAL ASSOCIATE OF COUNTIES CONFERENCE):** No action was taken on this item.

**COMMITTEE REPORTS**

**APPROVAL OF VOUCHERS** MOVED by Hadcock and seconded by DiSanto 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 $274,474.12. Vote: The motion carried 3-1 with Ferebee voting no.

BH Energy, 54.16; BH Energy, 231.05; BH Energy, 814.90; Century Link, 253.53; City Of Rapid City - Water, 12,615.64; City Of Rapid City - Water, 3,737.50; Executive Mgmt Fin Office, 25.50; Midcontinent Communications, 171.81; Midcontinent Communications, 3,085.78; Montana Dakota Utilities, 7,480.98; Montana Dakota Utilities, 4,827.84; Pioneer Bank & Trust, 20,535.95; Pioneer Bank & Trust, 2,519.10; Rainbow Gas Company, 7,115.49; Vast Broadband, 124.71; Vast Broadband, 2,029.87; Verizon Wireless, 6,345.89; Verizon Wireless, 417.54; Wellmark, 201,011.83; West River Electric, 127.96.

**ITEMS FROM THE PUBLIC**

**EXECUTIVE SESSION – SDCL 1-25-2**

Executive Session was not needed today.

**PAYROLL**

Commissioners, 16,111.40; Elections, 16,664.75; Auditor, 33,813.73; Treasurer, 73,791.53; MacArthur Grant, 10,768.06; State's Attorney, 264,734.89; Public Defender, 151,461.79; Buildings & Grounds, 153,302.02; Equalization, 101,549.55; Register of Deeds, 32,571.79; IT, 53,683.82; Human Resources, 11,336.01; Sheriff, 595,559.16; HIDTA Grant, 12,839.08; Jail, 771,637.07; JSC, 262,831.63; JSC Juvenile Alternative, 12,077.93; CCADP, 171,859.69; Economic Assistance, 69,513.86; Extension, 1,721.57; Weed & Pest, 10,779.48; Mountain Pine Beetle, 9,770.00; Planning and Zoning, 37,070.33; Road & Bridge, 222,208.10; Fire Administration, 7,115.96; Dispatch, 234,390.59; Emergency Management, 10,358.23; 24-7 Program, 28,853.83.
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 April 23, 2018: Total balances of checking/savings accounts, 16,288,721.30; Total balance of Treasurer’s Office safe cash, 13,400.00; Wells Fargo Securities Investments, 4,003,027.23; Total certificates of deposit, 2,028,185.58; Total Prime Value Investment, 59,985,629.43; Total petty cash, 16,305.00; Total long/short, (189.78); Total, 82,335,078.76. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL
Buildings & Grounds: Effective 05/01/2018 – Rita Bender at $5,011/mo.
ESCC 911: Effective 04/22/2018 – Kelsey Davis, Chad Hamilton, Stefanie Jenks, Levi Woodard & Anthony VanderTweel at $17.68/hr. Effective 04/22/2018 – Kathryn Kaiser at $19.49/hr., Courtney Wood at $20.47/hr., Joseph Gion at $22.60/hr. & Bonnie Bitterman at $27.92/hr.
HHS: Effective 05/01/2018 – Alexander Purcell at $5,477/mo.
Highway: Effective 05/07/2018 – Dennis Jensen at $17.68/hr.

ADJOURN
MOVED by Hadcock and seconded by DiSanto to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 1:04 p.m.

/s/ Julie A. Pearson, Auditor
Published once at an approximate cost of ____.
Publish May 16, 2018