

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 7, 2018

The Pennington County Board of Commissioners met at 9:00 a.m. on Thursday, June 7, 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 DiSanto and seconded by Buskerud 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. Minutes of the regular meeting – May 15, 2018.
7. Authorize the Chair's signature to the Order of Organization and Incorporation for the Lakota Lake Encampment Road District effective for tax year 2018 and after with the legal description as presented.
8. Authorize the Chair's signature to the Order of Organization and Incorporation for the Woodland Court Road District effective for tax year 2018 and after with the legal description as presented.
9. Approve the request to apply for a grant from the John T. Vucurevich Foundation in the amount of \$75,000.

Ferebee joined the meeting at 9:10 a.m.

ITEMS FROM AUDITOR

A. DISSOLUTION OF LONGVIEW SANITARY DISTRICT BY DISTRICT DIRECTORS:
MOVED by Hadcock and seconded by Buskerud to authorize the Chair's signature to the Order for Dissolution of the Longview Sanitary District by its district directors. Vote: Unanimous.

E330' OF SE1/4SW1/4 INCLUDING LOT 1 OF SE1/4SW1/4; SE1/4SE1/4; LOTS 1-8 INCLUSIVE, LOT 9R, LOT 10R, LOTS 11-1, RESERVOIR LOT OF BLOCK 1 AND LOTS 1-12 INCLUSIVE, WELL LOT OF BLOCK 2, MESA VIEW ESTATES SUBDIVISION #1, OF SECTION 12, T1N-R8E

SW1/4NW1/4; E1/2NW1/4; W1/2NE1/4; SE1/4SW1/4; NE1/4SW1/4; AND E1/2E1/2 OF SECTION 13, INCLUDING LOT 1 OF SW 1/4SE1/4, AND INCLUDING LOT A OF ORIOLE SUBDIVISION, OF T1N-R8E

LOT 1 OF NW1/4NE1/4; LOT1 AND 2 OF LOT B OF NE1/4; LOT P OF NE1/4NE1/4; SE1/4NE1/4 LYING NORTH OF HIGHWAY 44 ROW; AND TRACTS 1-5 OF WILEMAN SUBDIVISION OF SECTION 24, T1N-R8E

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GOV LOT 1 INCLUDING LOT A GOV LOT 1; GOV LOT 2; GOV LOT 3 INCLUDING LOT 5 OF GOV LOT 3, AND INCLUDING LOT 4 OF GOV LOTS 3 AND 4; GOV LOT 4 INCLUDING LOT 1 OF GOV LOT 4, LOTS A AND B OF LOT 3 OF GOV LOT 4, AND LOT 2 OF GOV LOT 4

LESS KANE SUBDIVISION; LOTS A, B AND C OF KANE SUBDIVISION; LOTS A, B AND C OF KRUSE SUBDIVISION, OF SECTION 18, T1N-R9E, AND

LOT 1 AND 2 OF BLOCK 1 OF HECK SUBDIVISION; LOT A OF GOV LOT 1; LOTS B-1 AND B-2 OF LOT B GOV LOT 1; GOV LOT 2; GOV LOT 3 LYING NORTH OF HIGHWAY 44 ROW IN SECTION 19, T1N-R9E,

BHM, PENNINGTON COUNTY, SOUTH DAKOTA

- B. NEW RETAIL (ON-OFF SALE) MALT BEVERAGES, WINE, SD FARM WINE LICENSES: MOVED by Hadcock and seconded by DiSanto to approve the following licenses and to hold the licenses until the property taxes are paid: Black Hills Helicopters – Retail (On-Off Sale) malt beverage; Black Hills Helicopters – Retail (On-Off Sale) Wine; Firehouse Wine Cellars – (On-Off Sale) Malt Beverage License & SD Farm Wine; Firehouse Wine Cellars – Retail (On-Off Sale) Malt Beverage. Vote: Unanimous.
- C. MALT BEVERAGE, WINE, SD FARM WINE LICENSE RENEWALS: MOVED by Hadcock and seconded by DiSanto to approve the following licenses and to hold the licenses until the property taxes have been paid: Johnson Siding General Store – Retail (On-Off Sale) Malt Beverage; Sugar Shack – Retail (On-Off Sale) Malt Beverage; TK Saloon & Grill LLC – Retail (On-Off Sale) Malt Beverage. Vote: Unanimous.
- D. SPECIAL REQUEST FOR RETAIL (ON-OFF SALE) MALT BEVERAGE AND WINE LICENSE – LEVEL WINE BAR (KOEL WEDDING): MOVED by Hadcock and seconded by DiSanto to approve a special retail on-off sale malt beverage and wine license for June 23, 2018. Vote: Unanimous.
- E. CANVASS OF PRIMARY ELECTION RESULTS: MOVED by Hadcock and seconded by Buskerud accept the canvass and declare the results of the June 5, 2018 Primary Election Official and authorize the Commissioners present to sign the Official Canvass and further move to authorize payment of all expenses as listed. Vote: The motion carried 4-1 with DiSanto voting no.

ITEMS FROM EQUALIZATION

- A. ABATEMENT APPLICATION – CITY OF NEW UNDERWOOD: WHITE/GILBERT: MOVED by Buskerud and seconded by DiSanto to approve the abatement application for tax year 2016 for Tax ID 8008356 – Benita White Gilbert in the amount of \$158.82. Vote: Unanimous.

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ITEMS FROM EMERGENCY SERVICES COMMUNICATION CENTER

- A. **APPROVAL OF REVISED JPA BETWEEN SD DPS, PENNINGTON COUNTY AND CITY OF RAPID CITY**: MOVED by DiSanto and seconded by Buskerud to approve the revised Joint Powers Agreement between the Department of Public Safety, Division of State Radio Communications and Pennington County and The City of Rapid City and authorize the Chair's signature. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. **BLACK HILLS BACK 40 MOUNTAIN BIKE RACE; PERMIT TO OCCUPY RIGHT-OF-WAY**: MOVED by Hadcock and seconded by DiSanto to approve the application for Permit to Occupy Right-Of-Way for the Black Hills Back 40 Mountain Bike Race, and authorize the Pennington County Highway Superintendent to sign the application. Vote: The motion carried 4-1 with Ferebee voting no.
- B. **AUTHORIZATION TO PURCHASE TWO 2018 JD 772GP MOTORGRADERS OFF THE MINNESOTA STATE BID**: MOVED by Hadcock and seconded by LaCroix to authorize the Highway Department to purchase two 2018 John Deere 772GP motorgraders off the Minnesota State Bid for the total price of \$444,290.
Substitute motion: MOVED by DiSanto and seconded by Buskerud to continue this item until the June 19, 2018 meeting. Vote: Unanimous.
- C. **ACTION ON THE SOUTH ROCHFORD ROAD PROJECT**: MOVED by Hadcock and seconded by LaCroix to move forward with the Rochford Road project. Vote: The motion carried 3-1 on a roll call vote: Buskerud – yes, DiSanto – no, Ferebee – recused himself, Hadcock – yes; LaCroix – yes.
- D. **EXTENT OF SHERIDAN LAKE ROAD PROJECT**: MOVED by Hadcock and seconded by Buskerud to continue this item until the June 19, 2018 Commission Meeting. Vote: Unanimous.

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

Ferebee did not return to the meeting.

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 18-06**: A&O Enterprises; David Finneman. To reduce the minimum required Section Line setback from 58 feet to 33 feet in order to building a single-family residence on the subject property in a General Agriculture District in accordance with Sections 204-H, 205, and 509 of the Pennington County Zoning Ordinance.

E1/2SE1/4, Section 5, T1N, R9E, BHM, Pennington County, South Dakota.

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MOVED by Hadcock and seconded by Buskerud to approve the applicant's request to withdraw Variance / VA 18-06. Vote: Unanimous.

MOVED by DiSanto and seconded by Hadcock 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 Planning and Zoning consent agenda as presented with the removal of item B & C. Vote: Unanimous.

- B. Removed for separate consideration.
- C. Removed for separate consideration.

D. SUBDIVISION REGULATIONS VARIANCE / SV 18-04: Douglas Norberg; Buckhorn Surveying – Agent. To waive platting requirements in order to create Tract 1 and Tract 2 of Sonquest Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 Revised of GL 3 and Lot 1 of Lot C of GL 2, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 and Tract 2 of Sonquist Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of Subdivision Regulations Variance / SV 18-04. Applicant is now requesting to withdraw Subdivision Regulations Variance / SV 18-04.

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.

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

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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 July 17, 2018, Board of Commissioners meeting to verify that erosion and sediment control correction action has been completed, on a complaint basis, or as directed by the Board of Commissioners to verify that all Conditions of Approval are being met.

- F. 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

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- 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 July 17, 2018, Board of Commissioners meeting to verify that erosion and sediment control correction action has been 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

- B. MINOR PLAT / PL 18-10 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-03: Kerri and Sabrina Johnston. To combine three lots in order to create Lot 1 of Johnston Subdivision and to waive platting requirements in accordance with § 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 20 and 21 of Lot 1 of SW1/4SW1/4 and Lot 22 of Lot 1 of SW1/4SW1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Johnston Subdivision, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

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MOVED by Hadcock and seconded by DiSanto to approve Subdivision Regulations Variance / SV 18-03 to waive the requirement to construct a turnaround; and, approval of Minor Plat / PL 18-10 with the following eleven (11) conditions. Vote: The motion tied 2-2 with Buskerud and LaCroix voting no.

~~With the approval from the seconder, Hadcock withdrew her original motion.~~

~~MOVED by Hadcock and seconded by Buskerud to deny Subdivision Regulations Variance / SV 18-03 to waive the requirement to construct a turnaround; and, approval of Minor Plat / PL 18-10 with the following eleven (11) conditions. Vote: The motion carried 3-1 with DiSanto voting no. See Commission minutes from July 3, 2018.~~

1. That the plat heading, drawing, and certificates be changed in accordance with the Register of Deeds comments, prior to filing the Plat with the Register of Deeds;
2. That prior to filing the Plat with the Register of Deeds, 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;
3. That prior to filing the Plat with the Register of Deeds, the plat meets the 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 a vehicle turnaround that meets the size requirements of the Pennington County Subdivision Regulations be dedicated on the plat, or an approved Subdivision Regulations Variance be obtained;
5. That prior to 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;
6. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
7. That prior to filing the Plat with the Register of Deeds, a Lot Size Variance or a Rezone and Comprehensive Plan Amendment be obtained for proposed Lot 1 of Johnston Subdivision;
8. That the address assigned to the proposed Lot 1 of Johnston Subdivision be posted in accordance with Pennington County Ordinance #20;
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
10. That the applicant adhere to all comments provided by the Forest Service; and,
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-10, which is available at the Planning Office.

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- C. LAYOUT PLAT / PL 18-08: TDG Real Estate; Michael Gennaro – Agent. To create Tracts 1 and 2 of Hermosa Lode MS 1111 and Lots 1 and 2 of Glendale No. 3 Lode MS 1111 in accordance with § 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (also in Sec. 14) of Hermosa Lode MS 1111 and All (in Sec. 14) of Glendale #3 Lode MS 1111, Sections 14 and 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 1 and 2 of Hermosa Lode MS 1111 and Lots 1 and 2 of Glendale No. 3 Lode MS 1111, Sections 14 and 23, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Hadcock to approve of Layout Plat / PL 18-08 with eighteen (18) conditions.

With the approval of the seconder DiSanto withdrew his original motion.

MOVED by DiSanto and seconded by Hadcock to deny Layout Plat / PL 18-08. Vote: Unanimous.

PLANNING & ZONING REGULAR AGENDA

- G. TO REFUND PENALTY FEES: Randy Wirtzefeld.

MOVED by DiSanto and seconded by Hadcock to refund the penalty fees in the amount of \$800. Vote: Unanimous.

- 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.

MOVED by Buskerud and seconded by Hadcock to continue this item until June 19, 2018 Commission Meeting. Vote: Unanimous

- I. PRELIMINARY PLAT / PL 18-09 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-02: Eric and Heidi Henriksen; Sperlich Consulting – Agent. To create Lots 1-10 of Bromegrass Subdivision and to waive platting requirements in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

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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.

MOVED by DiSanto and seconded by Buskerud to approve of the Subdivision Regulations Variance / SV 18-02 to waive submittal of:

1. To not perform percolation tests and provide soil profile information before platting;
2. To not improve the Section Lines located on the southern property line of proposed Lot 7 and the northern property lines of Lot 1, 8, and 9 of proposed Bromegrass Subdivision,

Also approving the preliminary plat with 17 conditions. Vote: Unanimous.

1. That prior to approval for Building Permits for any residential structures larger than 3,600 square feet, that prior to Building Permit approval, a residential sprinkler system design and Fire Mitigation Plan shall be submitted for review and approval by the Planning Director and the County Fire Administrator or jurisdictional entity. They system may need approval after installation by a qualified professional;
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 to the proposed lots;
3. That prior to submittal of a Final Plat, the necessary corrections to the proposed Plat, per comments contained in this Staff Report, be made;
4. That at the time of Final Plat submittal, a minimum of eight (8) foot minor drainage and utility easements 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 Final 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 Variance be obtained waiving this requirement;
6. That at the time of Final 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 the requirements that are not met;
7. That the Certifications on the plat continue to be in accordance with Section 400.3(n) of the Pennington County Subdivision Regulations;
8. That at the time of Final Plat submittal, the plan 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 be 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;

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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 at the time of a Final Plat submittal, access easements(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;
15. 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;
16. That any permits that are determined to be required prior to the submittal of a Final Plat, shall be subject to Section 511(W) of the Pennington County Zoning Ordinance;
17. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Preliminary Plat / PL 18-09. The SOU is available at the Planning Office; and

J. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 18-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-02: Eric and Heidi Henriksen; Sperlich Consulting – Agent. To rezone 15.052 acres and 3.385 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Low Density Residential District and Limited Agriculture District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

To rezone 47.671 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

LEGAL DESCRIPTION: To rezone 15.052 acres from General Agriculture District to Low Density Residential District on the following metes and bounds description more fully described as follows: Commencing at the Southeast Corner of Section 2, T1S, R9E, B.H.M., Pennington County; Thence, N89o56'29" W a distance of 33.09 feet; Thence, N00o04'49" E, a distance of 1767.14 feet; Thence, N00o04'49" E a distance of 637.70 feet; Thence N00o04'49" E a distance of 148.14 feet, to the Point of Beginning; Thence, first course: N89o11'14" W, a distance of 162.53 feet; Thence, second course: S17o33'43" W, a distance of 143.19 feet; Thence, third course: N89o11'14" W, a distance of 264.87 feet; Thence, fourth course: S33o16'24" W, a distance of 295.03 feet; Thence, fifth course: S00o33'47" E, a distance of 260.42 feet; Thence, sixth course: S67o50'06" E, a distance of 87.94 feet; Thence, seventh course: S00o05'25" w, a distance of 252.17 feet; Thence, eighth course: N89o56'29" W, a distance of 525.64 feet; Thence, ninth course: S00o03'31" W, a distance of

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518.77 feet; Thence, tenth course: N89o56'29" W, a distance of 588.00 feet; Thence, eleventh course: N33o06'41" W, a distance of 440.69 feet; Thence, twelfth course: N33o06'41" W, a distance of 43.68 feet; Thence, thirteenth course: along said curve of length 124.86 feet with a Chord Bearing of N24o16'04" W and a Chord Distance of 124.37 feet and a delta angle of 17o41'13" and a radius of 404.49 feet; Thence, fourteenth course: along said curve of length 109.53 feet with a Chord Bearing of N07o40'01" W and a Chord Distance of 109.19 feet and a delta angle of 15o30'53" and a radius of 404.49 feet; Thence, fifteenth course: N00o05'20" E, a distance of 469.66 feet; Thence, sixteenth course: N00o04'49" E, a distance of 83.59 feet to the point of Beginning Said Parcel contains 655,665 square feet or 15.052 acres more or less; and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Low Density Residential District; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

LEGAL DESCRIPTION: To rezone 3.385 acres from General Agriculture District to Low Density Residential District on the following metes and bounds description more fully described as follows: Commencing at the Southeast Corner of Section 2, T1S, R9E, B.H.M., Pennington County; Thence, N89o56'29" W a distance of 33.09 feet; Thence, N00o04'49" E, a distance of 1767.14 feet, to the Point of Beginning; Thence, first course: S89o54'41" E, a distance of 295.34 feet; Thence, second course: S00o05'19" W, a distance of 250.00 feet; Thence, third course: S31o58'23" W, a distance of 294.39 feet; Thence, fourth course: S00o05'19" W, a distance of 137.72 feet; Thence, fifth course: N89o54'41" W, a distance of 139.74 feet; Thence, sixth course: N00o04'49" E, a distance of 637.70 feet to the point of Beginning Said Parcel contains 147,451 square feet or 3.385 acres more or less; and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Low Density Residential District Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

LEGAL DESCRIPTION: To rezone 47.671 acres from General Agriculture District to Limited Agriculture District on the following metes and bounds description more fully described as follows: Commencing at the Northwest Corner of Gov't Lot 2, T1S, R9E, B.H.M., Pennington County, to the Point of Beginning; Thence, first course: N89o56'29" W, a distance of 1681.12 feet; Thence, second course: S00o03'31" W, a distance of 518.17 feet; Thence, third course: N89o56'29" W, a distance of 525.64 feet; Thence, fourth course: S00o05'25" W, a distance of 252.17 feet; Thence, fifth course: S81o19'12" E, a distance of 269.72 feet; Thence, sixth course: N55o06'52" E, a distance of 263.04 feet; Thence, seventh course: N00o00'00" E, a distance of 240 feet; Thence, eighth course: N26o33'09" E, a distance of 363.10 feet; Thence, ninth course: S74o32'32" E, a distance of 127.63 feet; Thence, tenth course: S34o48'11" E, a distance of 160.00 feet; Thence, eleventh course: S00o00'00" W, a distance of 189.12 feet; Thence, twelfth course: N89o43'20" W, a distance of 1348.01 feet; Thence, thirteenth course: S00o03'53" W, a distance of 1086.69 feet to the point of Beginning; Said Parcel contains 2,076,549 square feet or 47.671 acres more or less;

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and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Buskerud to approve the first reading of Rezone / RZ 18-02 and Comprehensive Plan Amendment / CA 18-02.

Substitute motion: MOVED by Hadcock and seconded by DiSanto to continue this item until the June 19, 2018 Commission Meeting. Vote: Unanimous.

K. REQUEST TO WAIVE PENALTY FEES: Mae Heikkinen.

MOVED by Hadcock and seconded by DiSanto to waive the \$800 penalty fee. Vote: Unanimous.

ITEMS FROM THE CHAIR/COMMISSION MEMBERS

A. REQUEST FOR INFORMATION FROM DENR – INVITATION TO SCOTT HIPPLE, ENVIRONMENTAL SCIENTIST III: No action was taken at this time.

COMMITTEE REPORTS

APPROVAL OF VOUCHERS MOVED by Buskerud and seconded by Hadcock 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 434,443.22. Vote: Unanimous.

AT&T Mobility, 1,057.35; BH Energy, 258.71; BH Energy, 1,298.30; BH Energy, 52,644.82; BH Energy, 599.39; BH Energy, 273.82; BH Energy, 476.97; Century Link, 6,951.51; Century Link, 126.98; Century Link, 126.64; City Of Hill City, 54.95; City Of Rapid City -Water, 233.5; City Of Rapid City -Water, 912.42; City Of Rapid City -Water, 17,112.57; City Of Wall, 142.00; Cm Detention Products LLC, 200.00; Executive Mgmt Fin Office, 25.50; First Interstate Bank, 4,291.65; Global Tel'link, 10.01; Marco Inc, 451.52; Midcontinent Communications, 1,825.75; Midcontinent Communications, 2,174.77; Midcontinent Communications, 2,252.38; Montana Dakota Utilities, 374.22; Montana Dakota Utilities, 8,125.53; Montana Dakota Utilities, 29.43; Pioneer Bank & Trust, 23,304.64; Pioneer Bank & Trust, 4,532.99; Rainbow Gas Company, 3,303.56; Reliance Telephone Inc, 24.40; Total, 133,196.28; Vast Broadband, 1703.32; Vast Broadband, 226.59; Vast Broadband, 249.80; Verizon Wireless, 5,998.23; Verizon Wireless, 1,434.53; Wellmark, 289,343.07; West River Electric, 339.31; West River Electric, 130.14; West River Electric, 1,332.44; Wex Bank, 489.51;

ITEMS FROM THE PUBLIC

EXECUTIVE SESSION – SDCL 1-25-2

Executive Session was not needed today.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 7, 2018

PAYROLL

Commissioners, 15,499.23; Elections, 16,643.76; Auditor, 31,344.13; Treasurer, 64,372.31; MacArthur Grant, 10,098.06; State's Attorney, 245,753.53; Public Defender, 144,414.93; Buildings & Grounds, 130,316.85; Equalization, 84,090.18; Register of Deeds, 29,182.03; IT, 47,224.66; Human Resources, 10,350.41; Sheriff, 475,572.83; HIDTA Grant, 9,139.12; Jail, 624,262.02; JSC, 216,383.55; JSC Juvenile Alternative, 10,296.32; CCADP, 140,921.86; Economic Assistance, 65,151.75; Extension, 2,566.40; Weed & Pest, 17,690.68; Planning and Zoning, 32,719.52; Road & Bridge, 187,082.57; Fire Administration, 6,712.39; Dispatch, 194,196.87; Emergency Management, 8,983.01; 24-7 Program, 24,361.26.

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 May 24, 2018: Total balances of checking/savings accounts, 12,093,461.08; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 4,003,027.23; Total certificates of deposit, 2,036,387.42; Total Prime Value Investment, 31,567,887.88; Total petty cash, 16,305.00; Total long/short, (301.10); Total, 49,730,167.51. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

24/7: Effective 06/01/2018 – Michael Sehr at \$15.28/hr.

Equalization: Effective 06/17/2018 – Scott Dressler & Lori Gioia at \$19.49 and Chris Mooney at \$22.57.

ESCC 911: Effective 05/20/2018 – Janice Jenesse at \$19.49/hr., Victoria Sheets-Garcia at \$17.68/hr. and Jeremy Murphy at \$20.47/hr. Effective 06/17/2018 – Dan Felkey at \$20.47/hr.

IT: Effective 06/11/2018 – Kyle Koball at \$16.04/hr. Effective 06/17/2018 – Steve Cales at \$24.31/hr., Cassidy Keyser at \$24.90/hr., and Eric Petro at \$25.53/hr. Effective 7/1/2018 – Mike Iversen at \$5,687/mo.

Jail: Effective 05/21/2018 – Patricia Afraid of Bear at \$19.49/hr. and Tristan Dufrene at \$21.49/hr.

Sheriffs Office: Effective 05/21/2018 – Wendy Johnson at \$13.86/hr.

Weed & Pest: Effective 05/21/2018 – David Holst at \$13.86/hr. and Jeffery Dargatz at \$15.28/hr.

ADJOURN

MOVED by DiSanto and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 12:29 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of ____.

Publish June 22, 2018

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 7, 2018