

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

The Pennington County Board of Commissioners met at 9:01 a.m. on Tuesday, July 3, 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 Hadcock to approve the agenda as presented.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to move Item 16A before Item 15. Vote: Unanimous.

**CONSENT ITEMS**

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

5. Removed for separate consideration.

6. Approve of the resolution establishing speed zones on all roads within the jurisdiction of the Valley View Road District.

**RESOLUTION**

WHEREAS, the Board of Trustees of the Valley View Road District have requested the Pennington County Board of Commissioners to establish a speed zone for the streets and roads in the Valley View Road District for the safety of the residents and the traveling public; and

WHEREAS, the Board of Commissioners has the authority to establish such speed zones on streets and highways upon request of any other local authority, including any road district, having charge of the maintenance of the streets and roads pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2; and

WHEREAS, the Board of Commissioners of Pennington County has considered the request of the Valley View Road District described as: Lots 1-48 inclusive, Lot 49R, Lot 51R and Lots 52-98 inclusive of Valley View Estates located in Section 12, T1N R8E and Tracts 1-2 of Valley View Estates located in Section 7, T1N R9E, Black Hills Meridian, in Pennington County, South Dakota, and finding good cause to grant that request;

NOW, THEREFORE BE IT RESOLVED that the speed zone on all roads within the jurisdiction of the Valley View Road District, including Buckskin Lane, Quarter Horse Drive, Mustang Lane, Connemara Lane, Shetland Lane and Palamino Lane, shall be and is hereby established at twenty-five (25) miles per hour.

Dated this 3<sup>rd</sup> day of July 2018.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

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

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

7. Assign 2018 budgeted, long-term reserve accumulations in the General Fund as follows: IT Equipment \$50,000; Inmate transportation bus \$100,000; Auditor software \$40,000.
8. Authorize the Chair's signature to the Order of Organization and Incorporation for the Twisted Oak Trail Road District effective for tax year 2018 and after with the following legal description: LOT 1-3AND LOT 5-6 OF FORTY OAKS RANCH SUBDIVISION BHM, Pennington County, SD.
9. Schedule a hearing at 9:15 a.m. on Tuesday July 17, 2018, to supplement the General Fund Planning and Zoning budget in the amount of \$104,328 from assigned fund balance.
10. Declare Toshiba Model 4540C copier (Asset# 006045) as surplus for the purpose of trade.
11. Declare the 2013 Yamaha Rhino UTV (Asset# 006117) as surplus for the purpose of trade and authorize to purchase a 2018 Kubota RTV-X900 UTV from Jenner Equipment, Rapid City, SD.

Removed for separate consideration

5. Minutes of the regular meeting – June 19, 2018: MOVED by Hadcock and seconded by Buskerud to approve the regular meeting minutes of June 19, 2018. Vote: The motion carried 3-2 with DiSanto and Ferebee voting no.

End of consent agenda

**LIEN RELEASE REQUEST – KL**: MOVED by Buskerud and seconded by Hadcock to continue this item until the July 17, 2018 Commission Meeting. Vote: Unanimous.

**PLANNING COMMISSION MEMBER(S) RECOMMENDATION & APPOINTMENTS**: MOVED by Hadcock and seconded by DiSanto to do a paper ballot vote. DiSanto rescinded his second.

Substitute motion: MOVED by Ferebee and seconded by DiSanto for each Commissioner to write down two names, the names get read and majority wins. Vote: Unanimous.

Vote: Buskerud - Ronald Smith Jr. & Jim Coleman; DiSanto - Sandra Runde & Ronald Smith Jr.; Ferebee – Ronald Smith Jr. & Sandra Runde; Hadcock - Jim Coleman & Sandra Runde; LaCroix - Jim Coleman & Sandra Runde. Sandra Runde received 4 votes and both Jim Coleman and Ronald Smith Jr received 3 votes.

Second vote to break tie: Buskerud – Jim Coleman; DiSanto – Ronald Smith Jr.; Ferebee - Ronald Smith Jr.; Hadcock –Jim Coleman; LaCroix – Jim Coleman.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

MOVED by Hadcock and seconded by Buskerud to appoint Sandra Runde and Jim Coleman to the Pennington County Planning Commission for a three year term, effective July 1, 2018. Vote: The motion carried 4-1 with Ferebee voting no.

**ITEMS FROM AUDITOR**

A. NEW (ON-OFF SALE) MALT BEVERAGE LICENSE – ROCKERVILLE LODGE & CABIN LLC: MOVED by Hadcock and seconded by DiSanto to approve the following license: Rockerville Lodge & Cabin LLC – (On-Off Sale) Malt Beverage. Vote: Unanimous.

**ITEMS FROM BUILDINGS & GROUNDS**

A. COUNTY HEALTH FACILITY, PHASE II – RESIDENTIAL TREATMENT PROJECT – AUTHORIZATION OF A/E CONTRACT (UPPER DECK ARCHITECTS, INC.): MOVED by Hadcock and seconded by LaCroix to authorize the Chair’s signature on the contract with Upper Deck Architect for Phase II Residential Treatment of the second floor in-field project in the amount of \$137,600 for the design and construction of a second floor residential treatment program. Vote: The motion carried 3-2 with DiSanto and Ferebee voting no.

**ITEMS FROM SHERIFF**

A. CCADP NEW FACILITY STAFF REQUEST: MOVED by Hadcock and seconded by LaCroix to approve of 2 additional FTE’s for CCADP funded by the Mac Arthur Grant.

Substitute motion: MOVED by Ferebee and seconded by DiSanto that prior to increasing the CCADP staff, the Pennington County Board of Commissioners request a resolution from the Rapid City Council setting forth its recommendation regarding staffing. Specifically, the Pennington County Board of Commissioners desires the Rapid City Council’s recommendation as to numbers and timing of any increases to the current CCADP staffing. Vote: The motion failed 2-3 on a roll call vote: Buskerud – no; DiSanto – yes, Ferebee – yes, Hadcock – no, LaCroix – no.

Original motion carried 4-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee - no, Hadcock – yes, LaCroix – yes.

**ITEMS FROM BUILDINGS & GROUNDS**

B. PENNINGTON COUNTY JAIL EXPANSION AND REMODEL PROJECT – AUTHORIZATION TO ADVERTISE FOR BIDS: MOVED by DiSanto and seconded by Hadcock to authorize advertising for bids on the Pennington County Jail Expansion and Remodel project and schedule a bid opening for the August 21<sup>st</sup> Board meeting at 11:00 a.m. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

- A. 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 motor graders off the Minnesota State bid for the total price of \$444,290.

Substitute motion: MOVED by Ferebee and seconded by DiSanto to approve one motor grader. Vote: The motion failed 2-3 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, Hadcock – no, LaCroix – no.

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

- B. HYDRAULIC STUDY FOR SN 52-305-300 ON SONQUIST LANE IN JOHNSON SIDING: MOVED by Hadcock and seconded by Buskerud to authorize the Highway superintendent to enter into a contract for a hydraulic survey and analysis for structure number 52-305-3000, with limiting amount of \$17,290. Vote: Unanimous.
- C. HYDRAULIC STUDY FOR SN 52-909-240 ON 223<sup>RD</sup> ST. NORTH OF WALL: MOVED by Hadcock and seconded by Buskerud to authorize the Highway Superintendent to enter into a contract for a hydraulic survey and analysis for structure number 52-909-240, with a maximum limiting amount of \$16,490. Vote: Unanimous.

MOVED by Buskerud and seconded by Hadcock to take a 5 minute recess. Vote: Unanimous.  
The Board reconvened at 10:39 a.m.

**ITEMS FROM PLANNING & ZONING**

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

- A. VARIANCE / VA 18-07: Mae Heikkinen. To reduce the minimum required side yard setback from 8 feet to a zero (0) foot setback on the southern property line in order to replace a deck on the subject property in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Lot 8A of Lot 8, Meadow Ridge Subdivision, Section 2, T1N, R8E, BHM, Pennington County, South Dakota

MOVED by Hadcock and seconded by Buskerud to continue Variance / VA 18-07 to the July 17, 2018, Board of Commissioners meeting, at the request of the applicant. Vote: Unanimous.

MOVED by Buskerud and seconded by DiSanto to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

**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.

B. SECOND READING 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.

Approve of Major Planned Unit Development Amendment / PU 18-01 with the following twenty-nine (29) conditions:

**ORDINANCE NO. PUD 18-01**

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

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

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To amend the existing Planned Unit Development to allow for the existing single-family residence on Lot 43 to be used as a Vacation Home Rental. The Major Planned Unit Development Amendment is hereby approved in accordance with the following twenty-nine (29) conditions:

1. That the Planned Unit Development consist of four (4) lots with one (1) vacation home and accessory structure on each lot, and one (1) picnic pavilion on Lot 43, with all structures being stick built;
2. That the setbacks for the planned Unit Development be 25 feet from all property lines;

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

3. That each unit has smoke/heat detectors, fire extinguishers and two means of escape;
4. That a minimum of one (1) parking space per bedroom be provided for each Vacation Home Rental measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That prior to construction or dirt work within the 100-year floodplain the applicant must obtain approval of a Floodplain Development Permit;
7. That no drainfield be located within the areas designated as 100-year floodplain;
8. That the internal roads and parking spaces be maintained in a dust free manner;
9. That the applicant properly posts the addresses in compliance with Ordinance No. 20;
10. That prior to operation, the applicant provide proof showing that only five (5) bedrooms are accessible for the Vacation Home Rental Unit on Lot 43;
11. That the dwelling on Lot 43 is rented as one (1) Vacation Home Rental Unit to one (1) family at a time and is not occupied by the property owner at the time of rental, and if both units are utilized separately as Vacation Home Rental Units, an additional Major Planned Unit Development Amendment must be obtained to allow a multi-family Vacation Home Rental Unit prior to operation;
12. That prior to operation, the applicant and/or landowner of the Lot 43 obtain a license from the Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department;
13. That prior to operation, the Vacation Home Rental, on Lot 43, designate five (5) off-street parking spaces in such a manner that does not block or obstruct any means of ingress or egress to and from the residence and subject property, with each parking space measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
14. That the residence on Lot 43 remain garbage disposal free or the landowner must increase the septic tank capacity to accommodate the increase wastewater;
15. That Lot 43 remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
16. That if encroachments are located on National Forest System lands and adjacent to Lot 43, the landowner of record has the responsibility to remove all personal property and real property from National Forest System lands at the landowners' expense per the email from the U.S. Forest Service;
17. That no additional trails shall be constructed onto National Forest Service Lands without obtaining permission from the U.S. Forest Service;
18. That, for Lot 43, the number of nightly guests shall not exceed fourteen (14) people per § 319(F)(1), with the number of day guests at a maximum of eighteen (18) people, based on the DENR approval letter;

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

19. That the Lot 43 address (112293 Deerfield Road) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Deerfield Road, in accordance with Pennington County's Ordinance #20;
20. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
21. That the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a current copy of said plan be kept on file at the Planning Department;
22. That an interior informational sign be posted in the residence on Lot 43, in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
23. That the applicants ensure the Vacation Home Rental on Lot 43 is operated in accordance with the requirements of PCZO § 319-F (Performance Standards) at all times;
24. That if the person designated as the Local Contact for Lot 43 is ever changed from Sheralin Groves, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
25. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
26. That prior to operation, a Fire Mitigation Plan shall be submitted for review and approval by the Planning Director and the County Fire Administrator or jurisdictional entity;
27. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
28. That the landowner of Lot 43 signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Major Planned Unit Development Amendment / PU 18-01; and,
29. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Dated this 3<sup>rd</sup> day of July, 2018.

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

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

C. SECOND READING OF REZONE / RZ 18-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-02: Eric and Heidi Henriksen; Sperlich Consulting – Agent. To

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

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 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:



PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

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; 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.

**ORDINANCE NO. RZ 18-02 & CA 18-02**

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

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:

Commencing at the Southeast Corner of Section 2, T1S, R9E, B.H.M., Pennington County; Thence, N89°56'29" W a distance of 33.09 feet; Thence, N00°04'49" E, a distance of 1767.14 feet; Thence, N00°04'49" E a distance of 637.70 feet; Thence N00°04'49" E a distance of 148.14 feet, to the Point of Beginning; Thence, first course: N89°11'14" W, a distance of 162.53 feet; Thence, second course: S17°33'43" W, a distance of 143.19 feet; Thence, third course:

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

N89°11'14" W, a distance of 264.87 feet; Thence, fourth course: S33°16'24" W, a distance of 295.03 feet; Thence, fifth course: S00°33'47" E, a distance of 260.42 feet; Thence, sixth course: S67°50'06" E, a distance of 87.94 feet; Thence, seventh course: S00°05'25" W, a distance of 252.17 feet; Thence, eighth course: N89°56'29" W, a distance of 525.64 feet; Thence, ninth course: S00°03'31" W, a distance of 518.77 feet; Thence, tenth course: N89°56'29" W, a distance of 588.00 feet; Thence, eleventh course: N33°06'41" W, a distance of 440.69 feet; Thence, twelfth course: N33°06'41" W, a distance of 43.68 feet; Thence, thirteenth course: along said curve of length 124.86 feet with a Chord Bearing of N24°16'04" W and a Chord Distance of 124.37 feet and a delta angle of 17°41'13" and a radius of 404.49 feet; Thence, fourteenth course: along said curve of length 109.53 feet with a Chord Bearing of N07°40'01" W and a Chord Distance of 109.19 feet and a delta angle of 15°30'53" and a radius of 404.49 feet; Thence, fifteenth course: N00°05'20" E, a distance of 469.66 feet; Thence, sixteenth course: N00°04'49" 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; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Agriculture District to Low Density Residential District and the Comprehensive Plan is amended to change the Future Land Use from General Agriculture District to Low Density Residential District.

Commencing at the Southeast Corner of Section 2, T1S, R9E, B.H.M., Pennington County; Thence, N89°56'29" W a distance of 33.09 feet; Thence, N00°04'49" E, a distance of 1767.14 feet, to the Point of Beginning; Thence, first course: S89°54'41" E, a distance of 295.34 feet; Thence, second course: S00°05'19" W, a distance of 250.00 feet; Thence, third course: S31°58'23" W, a distance of 294.39 feet; Thence, fourth course: S00°05'19" W, a distance of 137.72 feet; Thence, fifth course: N89°54'41" W, a distance of 139.74 feet; Thence, sixth course: N00°04'49" 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; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Agriculture District to Low Density Residential District and the Comprehensive Plan is amended to change the Future Land Use from General Agriculture District to Low Density Residential District.

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: N89°56'29" W, a distance of 1681.12 feet; Thence, second course: S00°03'31" W, a distance of 518.17 feet; Thence, third course: N89°56'29" W, a distance of 525.64 feet; Thence, fourth course: S00°05'25" W, a distance of 252.17 feet; Thence, fifth course: S81°19'12" E, a distance of 269.72 feet; Thence, sixth course: N55°06'52" E, a distance of 263.04 feet; Thence, seventh course: N00°00'00" E, a distance of 240 feet; Thence, eighth course: N26°33'09" E, a distance of 363.10 feet; Thence, ninth course: S74°32'32" E, a distance of 127.63 feet; Thence, tenth course: S34°48'11" E, a distance of 160.00 feet; Thence,

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

eleventh course: S00°00'00" W, a distance of 189.12 feet; Thence, twelfth course: N89°43'20" W, a distance of 1348.01 feet; Thence, thirteenth course: S00°03'53" 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; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Agriculture District to Limited Agriculture District and the Comprehensive Plan is amended to change the Future Land Use from General Agriculture District to Limited Agriculture District.

Dated this 3rd day of July, 2018.

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

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

End of Consent Agenda  
Removed for Separate Consideration

**PLANNING & ZONING REGULAR AGENDA**

- D. **REQUEST TO REFUND BUILDING PERMIT PENALTY FEES**: Rick Johnson.  
MOVED by DiSanto and seconded by Ferebee to refund the building permit penalty in the amount of \$508. Vote: The motion failed 2-3 with Buskerud, Hadcock & LaCroix voting no.
- E. **MINOR PLAT / PL 18-10 AND SUBDIVISION REGULATIONS VARIANCE / SV 18-03**:  
Kerri and Sabrina Johnston. Carried Over Due To Tie Vote On June 7, 2018. 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.

MOVED by Hadcock and seconded by LaCroix to strike from the minutes of June 7, 2018, the request of Hadcock and the seconder to withdraw the original motion and the subsequent motion denial of Subdivision Regulations Variance / SV 18-03 and the approval of Minor Plat / PL 18-10. Vote: The motion carried 4-0 with Ferebee abstaining.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

MOVED by Hadcock and seconded by Buskerud to approve of Minor Plat / PL 18-10 with the following eleven (11) conditions. Vote Unanimous.

MOVED by Hadcock and seconded by DiSanto to approve of Subdivision Regulations Variance / SV 18-03 to waive the requirement to construct a turnaround on the plat. Vote: Unanimous.

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.

**FY2019 COUNTY PROVISIONAL BUDGET**

**B.PROVISIONAL BUDGET UPDATE:** MOVED by Hadcock and seconded by Buskerud to reduce tax burden of budgets by 1.97% to raise Cash Reserve goals to 19%. Vote: Unanimous.

MOVED By Hadcock and seconded by Buskerud to table Item 19A. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

19A.SEVENTH JUDICIAL CIRCUIT – THE HONORABLE JUDGE CRAIG PFEIFLE:  
MOVED by Hadcock and seconded by Buskerud to table this Item until after Item 20A. Vote:  
Unanimous.

**ITEMS FROM THE CHAIR/COMMISSION MEMBERS**

A. MYSTIC ROAD DUST ISSUES – MR. KENNETH HARGENS: No action was taken at this  
time.

MOVED by Hadcock and seconded by Buskerud to bring Item 19A off of the table. Vote:  
Unanimous.

19A.SEVENTH JUDICIAL CIRCUIT – THE HONORABLE JUDGE CRAIG PFEIFLE: 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 239,020.72. Vote: The motion carried 4-1 with Ferebee voting no.

AT&T Mobility, 389.83; BH Energy, 1,053.13; BH Energy, 718.67; BH Energy, 317.70; BH  
Energy, 1,550.29; Century Link, 7,079.84; Century Link, 126.98; Century Link, 126.64; City Of  
Box Elder, 375.48; City Of Rapid City -Water, 17,072.02; City Of Rapid City -Water, 5,615.28;  
Executive Mgmt Fin Office, 25.50; First Interstate Bank, 6,867.27; Marco Inc, 31.84;  
Midcontinent Communications, 520.92; Midcontinent Communications, 4,099.95; Montana  
Dakota Utilities, 3,798.18; Montana Dakota Utilities, 948.93; Pioneer Bank & Trust, 17,667.50;  
Pioneer Bank & Trust, 4,402.89; Rainbow Gas Company, 788.82; Reliance Telephone Inc, 0.80;  
Total, 73,578.46; Utility Management Solutions LLC, 72.93; Vast Broadband, 1,815.44; Vast  
Broadband, 412.35; Verizon Wireless, 5,588.44; Verizon Wireless, 417.54; Wellmark,  
155,087.77; West River Electric, 210.52; West River Electric, 1,350.41; Wex Bank, 486.86.

**ITEMS FROM THE PUBLIC**

**EXECUTIVE SESSION – SDCL 1-25-2**

A. Personnel Issue per SDCL 1-25-2(1)

B. Contractual/Pending Litigation per SDCL 1-25-2(3)

MOVED by Hadcock and seconded by DiSanto to go into Executive Session for the purpose of  
considering a personnel issue per SDCL 1-25-2(1) & contractual/pending litigation per SDCL 1-  
25-2(3). Vote: Unanimous.

MOVED by Hadcock and seconded by Buskerud to come out of Executive Session. Vote:  
Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018

MOVED by Buskerud and seconded by Hadcock to raise HR Director Jon Morrill from a Grade 24, Step 2 to Grade 24, Step 4, effective July 1, 2018. Vote: Unanimous.

**PAYROLL**

Commissioners, 15,499.23; Elections, 18,523.79; Auditor, 83,743.47; Treasurer, 64,359.54; State's Attorney, 240,281.99; Public Defender, 162,954.05; Buildings & Grounds, 182,595.85; Equalization, 84,090.06; Register of Deeds, 27,850.83; IT, 46,634.36; Human Resources, 10,350.41; Sheriff, 491,468.69; HIDTA Grant, 10,327.68; Jail, 642,931.73; JSC, 220,342.71; CCADP, 139,174.54; Life Enrichment Center, 10,287.31; Economic Assistance, 58,799.67; Extension, 2,566.40; Weed & Pest, 25,572.55; Planning and Zoning, 30,235.13; Road & Bridge, 210,936.49; Fire Administration, 6,886.91; Dispatch, 187,945.99; Emergency Management, 9,244.77; 24-7 Program, 24,737.52.

**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 June 25, 2018: Total balances of checking/savings accounts, 11,929,313.93; 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, 28,974,880.38; Total petty cash, 16,305.00; Total NSF paid, 1,342.31; Total long/short, (359.24); Total, 46,974,297.03. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**

Auditor: Effective 06/17/2018 – Sabrina Green at \$22.04/hr. Effective 07/01/2018 – Kaycee Island at \$4,370/mo. & Cindy Mohler at \$6,230/mo. Effective 07/23/2018 – Mary Israel at \$21.49/hr.

Human Resources: Effective 06/17/2018 – Sandra Sortland at \$24.95/hr.

Planning & Zoning: Effective 07/23/2018 – Kristina Proietti at \$17.68/hr.

Public Defender: Effective 07/01/2018 Erin Jensen-Mills at \$23.45/hr.

Weed & Pest: Effective 06/17/2018 Jeffery Dargatz at \$16.45/hr.

**ADJOURN**

MOVED by DiSanto and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 12:24 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of \_\_\_\_.

Publish July 18, 2018

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of July 3, 2018