

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of June 4, 2019

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, June 4, 2019, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, Gary Drewes, Lloyd LaCroix and Ron Rossknecht.

**REVIEW AND APPROVE AGENDA**

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

**CONSENT AGENDA ITEMS**

MOVED by DiSanto and seconded by Drewes to approve Consent Agenda Items as presented with the removal of items 11, 12 & 13. Vote: Unanimous.

5. Minutes of the regular meeting – May 21, 2019

6. Budget Supplement SP19-012 - Schedule a hearing at 9:15 a.m. on Tuesday, June 18, 2019, to supplement the 2019 Motorola Lease Purchase Interest Budget in the amount of \$21,245 from Assigned Fund Balance.

7. Budget Supplement SP19-013 – Schedule a hearing at 9:15 a.m. on Tuesday, June 18, 2019 to supplement the 2019 E 911 Fund Budget in the amount of \$7,187 from Assigned Fund Balance.

8. Budget Supplement SP19-014 – Schedule a hearing at 9:15 a.m. on Tuesday, June 18, 2019, to supplement the 2019 Accumulated Building Fund Bond Principal Budget in the amount of \$5,000 from Restricted Fund Balance.

9. Acknowledge the filing of petitions signed by at least 25% of the eligible voters within the proposed district and to set an election date on the question of formation of the STONECREST ROAD District to be held on July 21, 2019.

10. Accept the withdrawal of the application for an Isolated Tract by Mr. Robert and Ms. Barbara Steele and terminate any further proceedings regarding the application.

11. Removed for separate consideration.

12. Removed for separate consideration.

13. Removed for separate consideration.

**Removed for Separate Consideration**

11. Acknowledge the recommendation for appointment to the Pennington County Planning Commission: MOVED by LaCroix and seconded by Drewes to acknowledge the recommendation for appointment of Mr. Rich Marsh and Mr. Geoffrey Wiggin to the Pennington County Planning Commission for a term of three (3) years. Vote: Unanimous.

12. Acknowledge the recommendation for review of the Compensation Study: MOVED by LaCroix and seconded by Drewes to acknowledge the recommendation for review of the Compensation Study – Request for Proposal from Gallagher. Vote: Unanimous.

13. Authorize one Glock G17 Gen 4 Duty Weapon, to be declared as surplus: MOVED by Drewes and seconded by DiSanto to authorize one Glock G17 Gen 4 Duty Weapon, Serial Number BCHC542 to be declared as surplus for the purpose of commendation. Vote: Unanimous.

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End of Consent Agenda Items

**UPDATES ON RECENT MAY STORM/LOCAL FLOODING CONDITIONS**

- A. EMERGENCY MANAGEMENT
- B. HIGHWAY DEPARTMENT

**THE FORESTS OF THE BLACK HILLS FROM 1874 TO 1908 PRESENTATION**

**ITEMS FROM AUDITOR**

- A. SPECIAL REQUEST FOR RETAIL ON-SALE MALT BEVERAGE AND WINE LICENSE – PERFORMING ARTS CENTER OF RAPID CITY SD: MOVED by Drewes and seconded by DiSanto to approve the Special Retail On-Sale Malt Beverage and Wine License for the Performing Arts Center of Rapid City. Vote: Unanimous.
- B. UNIFORM GRANT GUIDANCE POLICIES/PROCEDURE: MOVED by LaCroix and seconded by DiSanto to approve the Standards of Conduct covering Conflicts of Interest and Limitation on Purchases from Employee Owned Businesses. Vote: Unanimous.

MOVED by DiSanto and seconded by LaCroix to adopt the proposed Uniform Grant Guidance Policy/Procedure as required for the continuation of receiving federal grants. Vote: Unanimous.

**ITEMS FROM BUILDINGS & GROUNDS**

- A. JAIL EXPANSION AND REMODEL PROJECT CONSTRUCTION BULLETIN (AKA RFP) CB 1- DELETE SEWER LINE: MOVED by DiSanto and seconded by Rossknecht to accept the proposal to remove the installation of a new sanitary sewer line from the Jail Expansion and Remodel Project for a credit of \$31,756.46. Vote: Unanimous.

**ITEMS FROM EQUALIZATION**

- A. ASSESSMENT NOTICE REVISIONS

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. AWARD RECOMMENDATION: BR 2019-1 BRIDGE REPAIRS PROJECT: MOVED by Drewes and seconded by DiSanto to award BR 2019-1 Bridge Repairs; 52-359-325, 52-361-325, (Dark Canyon Road), to J.V. Bailey Co., Inc., Rapid City, SD, in the amount of \$64,123.95. Vote: Unanimous.
- B. P 000S(00)215 PCN 04LU – 2019 COUNTY STRIPING PROGRAM: MOVED by DiSanto and seconded by LaCroix to approve the agreement with the State of South Dakota for the 2019 County Striping Program, P 000S(00)219 PCN 04LU. Vote: Unanimous.
- C. PH 0040(334) PCN 05W5 JOINT POWERS MAINTENANCE AND ENCROACHMENT AGREEMENT: MOVED by Rossknecht and seconded by Drewes to approve PH 0040(334) PCN 05W5 Joint Powers Maintenance and Encroachment agreement with the State of South Dakota. Vote: Unanimous.

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D. JIM STREET INFORMATION

MOVED by Rossknecht and seconded by DiSanto for a five minutes recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 19-04: Keystone Adventures, Inc. / Andrew Busse. To reduce the front yard setback from five (5) feet to zero (0) feet for an on-premise sign in a Highway Service District in accordance with Sections 210, 312, and 509 of the Pennington County Zoning Ordinance.

The Unplatted Balance of GL 16 Less ROW; Lot A of W1/2NE1/4SE1/4; Unplatted Balance of GL 21 Less, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by DiSanto to continue this item until the July 16, 2019 Commission Meeting. Vote: Unanimous.

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

PLANNING & ZONING CONSENT AGENDA ITEMS

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

B. SECOND READING OF REZONE / RZ 19-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-05: John and Ann Hovdenes; Fisk Land Surveying – Agent. To rezone 10.89 acres from General Agriculture District to Limited Agriculture District, for proposed Lot 1, and to rezone 6.22 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District and General Commercial District in accordance with Sections 205, 206, 209, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description for proposed Lot 1: A parcel of land located in the Northeast One-Quarter of the Northeast One-Quarter (NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section Thirty Two (32), Township One South (T1S), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota more fully described as follows:

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Commencing at the northeast corner of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a US Forest Service aluminum cap; thence, westerly along the north line of said Section 32, North 89°55'58" West a distance of 181.57' more or less to the point of beginning, said point being marked by a rebar with survey cap "LS 6565"; thence, South 11°08'29" West 441.61' more or less to the northeast corner of Tract A of the NE ¼ NE ¼ of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a rebar with survey cap "LS 1019"; thence, northwesterly on the northerly line of said Tract A of the NE¼NE¼ of said Section 32, T1S, R6E, BHM, North 78°52'33" West a distance of 361.94 feet more or less to the northwest corner of said Tract A, said point being marked by a rebar with survey cap "LS 1019"; thence, southwesterly along the west line of said Tract A of the NE¼NE¼ of said Section 32, T1S, R6E, BHM and also along the west line of Tract B of the NE¼NE¼ of said Section 32, T1S, R6E, BHM, South 11°09'30" West a distance of 434.30' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 76°05'54" West a distance of 23.01' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the right on a curve with a radius of 73.70', a delta of 41°06'00", an arc length of 52.87' and a chord bearing of North 55°32'54" West and chord distance of 51.74' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 34°59'54" West a distance of 34.10' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the left on a curve with a radius of 391.42', a delta of 15°53'00", an arc length of 108.51' and a chord bearing of North 42°56'24" West with a chord distance of 108.16' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 50°52'54" East a distance of 122.90' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the right on a curve with a radius of 999.42', a delta of 16°32'00", an arc length of 288.39' and a chord bearing of North 42°36'54" West and chord distance of 287.39' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 34°20'54" West a distance of 133.08' more or less to appoint on the southerly line of Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, easterly and on the south line of said Lot 1 of Overby Subdivision, North 74°22'46" East a distance of 56.06 feet more or less to the southeast corner of said Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, northerly and on the east line of said Lot 1 of Overby Subdivision, North 00°03'16" East a distance of 93.29' more or less to a point on the east line of said Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, northeasterly on the east line of said Lot 1 of Overby Subdivision, North 45°03'16" East a distance of 200.06' more or less to the northeast corner of said Lot 1 of Overby Subdivision, said point being located on the north line of said Section 32, T1S, R6E, BHM and marked by a rebar with survey cap "LS 1019"; thence, east along the north line of said Section 32, T1S, R6E, BHM, South 89°55'58" East a distance of 852.10' more or less to the point of beginning. Said tract of land contains 10.89 acres more or less, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

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LEGAL DESCRIPTION: Located on the following metes and bounds description for proposed Lot 2: A parcel of land located in the Northeast One-Quarter of the Northeast One-Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Thirty Two (32), Township One South (T1S), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota more fully described as follows: Commencing at the northeast corner of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a US Forest Service aluminum cap, and the point of beginning; thence, southerly along the east line of said section, South 00°04'53" East a distance of 993.33' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 89 ° 53' 50" West a distance of 254.84 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence , curving to the left on a curve with a radius of 321.20', a delta of 26° 07' 58", an arc length of 146.50' and a chord bearing of North 45°33'43" West with a chord distance of 145.23' more or less to a point on the east line of Tract B of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a rebar with survey cap "LS 6565"; thence, northeasterly along the east line of said Tract B and also along the east line of Tract A of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, North 11°08'29" East a distance of 908.52' more or less to a point on the north line of said Section 32, T1S, R6E, BHM, said point being marked by a rebar with survey cap "LS 6565"; thence, easterly on the north line of said Section 32, T1S, R6E, BHM, South 89°55'58" East a distance of 181.57 more or less to the point of beginning. Said tract of land contains 6.22 acres more or less, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Approve of Rezone / RZ 19-05 and Comprehensive Plan Amendment / CA 19-05.

- C. 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.

End the review of Road Construction Within a Section Line Right-Of-Way Review / CS 16-02.

**REGULAR PLANNING AND ZONING ITEMS**

- D. APPEAL OF CONDITIONAL USE PERMIT / CU 19-06: Big Game Storage, LLC; Chris Peterson. To allow a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE $\frac{1}{4}$ , Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

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MOVED by DiSanto and seconded by Drewes to approve of Conditional Use Permit / CU 19-06 with the following five (5) conditions.

Substitute motion: MOVED by DiSanto and seconded by Hadcock to continue this item until the June 18, 2019 Commission meeting. Vote: The motion carried 4-1 with LaCroix voting no.

- E. ROAD NAMING: Fern and Ross Johnson. To name a proposed 30-foot-wide Section Line Right-of-Way providing access to properties located in Sections 29 and 30, T1N, R8E, BHM, Pennington County, South Dakota, to Providence Way.

MOVED by Hadcock and seconded by LaCroix to approve of the Road Naming of Providence Way adding a stipulation that a sign needs to be put up with an arrow pointing to Providence Way and an arrow pointing to S Highway 79. Vote: Unanimous.

- F. REQUEST TO NOT SUBMIT ENGINEERED ROAD CONSTRUCTION PLANS AND NOT TO BUILD TO ORDINANCE 14 STANDARDS: Lorin Lippert. MOVED by Disanto and seconded by LaCroix to waive the requirement of Ordinance 14 standards to submit engineered road construction plans. Vote: Unanimous.

- G. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 19-02: Lorin Lippert. To construct a road within the Section Line Right-of-Way to provide access to property located in Sections 2 and 11, T1S, R9E.

Sections 2 and 11, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by DiSanto to approve Road Construction in a Section Line Right-of-Way of approximately 1,420 feet of road built to Ordinance 14 standards with ten (10) conditions. Vote: Unanimous.

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 if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained;
3. 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;
4. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;

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5. That culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation and designed in accordance with Ordinance #14;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;
7. That the applicant obtain an Approach Permit for the driveway leading to the future residence;
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road;
9. That the applicant sign a Statement of Understanding within ten business (10) days of approval of CS 18-03, which is available at the Planning Department; and,
10. That Construction within a Section Line Right-of-Way/ CS 19-01 be reviewed six (6) months from approval.

H. LAYOUT PLAT / LPL 19-10: Brad and Colleen Kurtz. To create Lots 8A and 8B of Collins Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 8, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 8A and 8B, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to approve of Layout Plat / LPL 19-10 with the following nine (9) conditions. Vote: Unanimous.

1. That the applicant obtain Approach Permits from the State Highway Department prior to installation of any approaches off of Highway 385;
2. That the applicant adhere to all comments provided by the Forest Service;
3. That prior to the new Plat being recorded with the Register of Deeds, the proposed lots obtain a Lot Size Variance or be Rezoned appropriately;
4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
5. That at the time of new Plat submittal, 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;
6. That at the time of new 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;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plan / LPL 19-10, which is available at the Planning Office; and,

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9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

I. LAYOUT PLAT / LPL 19-11 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-04: Double L Properties, LLC. To create Lot 10, Block 3 of the Ranch at Black Gap and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A (also in Section 8), The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10, Block 3 (also in Section 8), The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Drewes to approve of Subdivision Regulations Variance / SV 19-04 to waive improvements to Black Gap Road and to waive submittal of percolations tests and soil profile hole information; and, approval of Layout Plat / LPL 19-11 with the following ten (10) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, the “located in” portion of the proposed Plat be corrected per Register of Deeds comments to state, “Located in the SE of the NE1/4 and the NE1/4 of the SE1/4 of Section 8, T1S, R8E, B.H.M., and the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 9, T1S, R8E, B.H.M., Pennington County, South Dakota”;
2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 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 at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 10 of Block 3 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of new Plat submittal, the applicant provide engineered road construction plans for road improvements to Black Gap Road, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Building Permit submittal for proposed Lot 10 of Block 3, an address will be assigned and shall be posted so it is clearly visible at all times, in accordance with Pennington County’s Ordinance #20;



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7. That following platting of proposed Lot 10 of Block 3, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

J. LAYOUT PLAT / LPL 19-12: John O’Sullivan; Jim Peterson – Agent. To create Lots 1, 2, and 3 of O’Sullivan Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That PT of the W1/2NE1/4 Lying E of Tract B of Willison B White Homestead, HES #2440 and W of Gold Mountain Subd, and Tract B of Willison B White Homestead HES 2440 Less ROW; Tract 0187 of Willison B White MES #2440, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of O’Sullivan Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by DiSanto to approve of Layout Plat / LPL 19-12 with the following eleven (11) conditions. Vote: Unanimous.

1. That the applicant obtain Approach Permits from the Gold Mountain Road District prior to installation of any approaches off of Burnt Fork Road;
2. That the applicant adhere to all comments provided by the Forest Service;
3. That prior to the Plat being recorded with the Register of Deeds, the proposed lots obtain a Lot Size Variance or be Rezoned appropriately;
4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
5. That at the time of new Plat submittal, 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;
6. That at the time of new 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;
7. That prior to new Plat submittal, the On-site Wastewater System (OSWTS) is repaired and an Operating Permit be obtained for the single-family residence located at 23751 Burnt Fork (proposed Lot 1).
8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance;

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9. That at the time of new Plat submittal, all current power lines be surveyed and included on the new plat;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plan / PL 19-12, which is available at the Planning Office; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

K. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-03: Prairie Valley Development; Bill Freytag. To amend an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

The NE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve of Major Planned Unit Development Amendment / PU 19-03 with the following twelve (12) conditions. Vote: Unanimous.

1. That the Planned Unit Development consists of no more than 145 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 7,400 square feet;
2. That a Construction Permit be obtained for any land disturbance exceeding 10,000 square feet (including grading, roads, and utility installation) prior to any work being done;
3. That all lots developed after the approval date of Major Planned Unit Development Amendment / PU 19-03 be connected to sewer and water services provided by the City of Rapid City;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That no off-premise signs be allowed within the Planned Unit Development;
7. That the required setbacks for all structures within the Planned Unit Development be a minimum of twenty (20) foot front yard, eight (8) foot side yard, and twenty-five (25) foot rear yard;
8. That each address must be posted in accordance with Pennington County Ordinance #20;
9. That prior to issuance of any Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City Street

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- Design Standards, or the proper exceptions be obtained from the City of Rapid City, and the applicant must install road signs for the new roads;
10. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204(I) of the Pennington County Zoning Ordinance;
  11. That the recorded easements for the south side ditch be strictly maintained and are not encroached upon; and,
  12. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

DiSanto left the meeting at 12:49 p.m.

**ITEMS FROM THE CHAIR/COMMISSION MEMBERS**

- A. **DEERFIELD LAKE, SD – CONSIDERATION OF NO WAKE RESTRICTION:** MOVED by LaCroix and seconded by Drewes to approve the letter of opposition for the petition to lift the no-wake restriction on Deerfield Lake and for Mr. Dan Holsworth to deliver the letter to the SD Game Fish and Parks Commission at the public hearing on Thursday June 6, 2019. Vote: Unanimous.
- B. **RESOLUTIONS – BLACK HILLS ASSOCIATION OF COUNTY COMMISSIONERS:** MOVED by LaCroix and seconded by Drewes to direct staff to bring forth two proposed resolutions to support additional mental health services in Western South Dakota and to support the elimination of the two mills local effort requirement of SDCL 34-48A-1(7). Vote: Unanimous.
- C. **PROPOSED ORDINANCE AMENDMENT – SINGLE FAMILY RESIDENCE MINIMUM SIZE REQUIREMENT:** MOVED by Rossknecht and seconded by Drewes to direct staff to conduct research into an Ordinance Amendment addressing § 204(I) and § 304(B) with the understanding that additional zoning ordinances may be required for other sections. Vote: Unanimous.

**COMMITTEE REPORTS**

**APPROVAL OF VOUCHERS:** MOVED by Drewes and seconded by LaCroix 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 618,628.18. Vote: Unanimous.

AT&T Mobility, 1,835.44; BH Energy, 411.54; BH Energy, 590.97; BH Energy, 102.13; BH Energy, 746.45; Century Link, 254.74; City Of Box Elder, 18.61; City Of Box Elder, 83.26; City Of Hill City, 48.16; City Of Rapid City -Water, 19,599.83; City Of Rapid City -Water, 3,688.07; City Of Wall, 142.00; Executive Mgmt Fin Office, 49.50; First Interstate Bank, 1,483.78; First Interstate Bank, 282.00; First Interstate Bank, 250.45; First Interstate Bank, 251.01; First Interstate Bank, 300.00; First Interstate Bank, 158.69; First Interstate Bank, 137.29; IIARC,

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362,604.82; Midcontinent Communications, 2,618.60; Midcontinent Communications, 1,040.32; Montana Dakota Utilities, 4,217.48; Montana Dakota Utilities, 908.65; Pioneer Bank & Trust, 8,634.60; Pioneer Bank & Trust, 2,582.13; Reliance Telephone Inc, 25.70; Vast Broadband, 1,902.86; Vast Broadband, 259.67; Verizon Wireless, 4,813.12; Verizon Wireless, 108.62; Wellmark, 197,828.24; West River Electric, 649.45.

**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 Rossknecht and seconded by Drewes to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel regarding a contractual matter. Vote: Unanimous.

MOVED by LaCroix and seconded by Drewes to come out of Executive Session. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to approve the Chair's signature on the right-of-way acquisition for Parcel #144 in the amount of \$4,034.17. Vote: Unanimous.

**PAYROLL**

Commissioners, 15,825.14; Elections, 21,180.45; Auditor, 16,181.63; Treasurer, 75,631.30; State's Attorney, 234,268.37; Public Defender, 153,814.18; Buildings & Grounds, 125,672.02; Equalization, 80,500.10; Register of Deeds, 29,879.51; IT, 52,208.18; Human Resources, 11,122.82; Sheriff, 536,938.03; HIDTA Grant, 9,641.07; Jail, 638,463.87; JSC, 212,434.37; JSC Juvenile Alternative, 10,680.62; CCADP, 194,017.60; Economic Assistance, 62,129.59; Extension, 2,703.27; Weed & Pest, 18,393.21; Planning and Zoning, 35,119.02; Road & Bridge, 196,308.07; Fire Administration, 7,175.60; Dispatch, 189,111.96; Emergency Management, 9,507.82; 24-7 Program, 24,483.25.

**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, 2019: Total balances of checking/savings accounts 11,222,446.14; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 1,548,344.45; Total certificates of deposit, 5,818,018.56; Total Prime Value Investment, 36,375,155.35; Total petty cash, 16,815.00; Total Cash Items, 768.82; Total long/short, (380.37); Total, 54,994,567.95. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**

24/7: Effective June pay period – Melisa Schoeberl at \$15.99/hr.

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Auditor: Effective June pay period – Lori Severson at \$5,650.56/mo.

Buildings & Grounds: Effective 05/19/2019 Nathan Coats at \$15.60/hr.

CCADP: Effective June pay period – Tonya Lore at \$22.50/hr., Tina Morford at \$20.65/hr. & Dawn Riter at \$18.76/hr.

Dispatch: Effective June pay period – Patricia Bahr at \$20.44/hr.; Carla Buxton at \$20.41/hr., Angela Olsen at \$21.17/hr., Thomas Reese at \$23.96/hr., Theodore Rufledt at \$6,936.67/mo., Jared Schiferl at \$21.43/hr., Richard Schneider at \$20.65/hr. & Candice Wells at \$18.29/hr. Effective 05/19/2019 – Christine Cooper at \$18.05/hr. & April Olivas at \$20.90/hr.

Emergency Management: Effective June pay period – Alexa White at \$4747.51/mo.

Equalization: Effective 06/17/2019 – Daniel Tully at \$18.05/hr.

Highway: Effective June pay period – Ted Forbes, Jeffery Hoffman & Kelly Thurman at \$18.75/hr., Dennis Jensen at \$18.51/hr., Michael Leiby at \$5,047.37/mo. & William Welk at \$5,976.42/mo.

IT: Effective June pay period – Luke Stowers at \$23.63/hr.

Jail: Effective June pay period – Caleb Billings, Tristan Dufrene, Raul Garza, Joseph Lupher, Colton Reichert, Rachael Smith, Robert Snyder & Leo Spear at \$22.50/hr., Dennis Feller at \$28.81/hr., Greg Ferweda at \$24.24/hr., Matthew Sargent at \$33.35/hr. & Teresa Stecher at \$22.77/hr.

Public Defender: Effective June pay period – Thomas Vlieger at \$4,867.11/mo. Effective 05/28/2019 – Ty Jensen at \$16.38/hr.

Sheriff: Effective June pay period – Brian Austin at \$22.50/hr., Kirk Buchholz at \$24.24/hr., Justin Grable at \$22.77/hr., Tana Gajeski at \$23.75/hr., Wendy Johnson at \$14.32/hr., Gordon Larsen at \$22.77/hr., Robert Sanders at \$18.52/hr. & Jack Thomas Jr at \$17.63/hr.

States Attorney: Effective June pay period – Lori Antonsen at \$18.75/hr. & Mikenzi Petersen at \$20.41/hr. Effective 06/03/2019 – Braedon Houdek at \$13.48/hr.

Weed & Pest: Effective June pay period – David Muller at \$16.39/hr.

WSDJSC: Effective June pay period – Aaron Austin & Nicholas Wright at \$22.50/hr., Eric Lindsey at \$29.52/hr., James Reichert at \$15.42/hr., Savanna Starkey at \$22.50/hr. & Jeffrey Taul at \$16.41/hr.

**ADJOURN**

MOVED by LaCroix and seconded by Drewes to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:54 p.m.

/s/ Cindy Mohler, Auditor

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