

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
March 16, 2010**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, March 16, 2010, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Ethan Schmidt called the meeting to order at 9:00 a.m. with the following Commissioners present: Gale Holbrook, Jim Kjerstad, Nancy Trautman and Brenda Young.

REVIEW AND APPROVE AGENDA: MOVED by Holbrook and seconded by Kjerstad to approve the agenda with the following changes: Replace Item 10A under Items from State's Attorney with Spirit of Peace Award; Move Item 13, Hayward Fire & Emergency Services Bingo Request to follow Items from Public and move Item 17, Ellsworth AFB Task Force Presentation, and Item 18, Federal EPA Proposed Revised Ozone Standards, to follow 2011 Pennington County Budget Goals. Vote: Unanimous.

REVIEW MINUTES: MOVED by Young and seconded by Trautman to approve the minutes of the March 2, 2010, Board of Commissioners' meeting as presented. Vote: Unanimous.

ITEMS FROM THE PUBLIC

A. **CLARIFICATION TO PETITION CIRCULATOR CODE OF CONDUCT:** MOVED by Trautman and seconded by Holbrook to clarify the *Petition Circulator Code of Conduct* to allow petition circulators to use a county-owned chair for the convenience of the public, and further moved that the chair not obstruct the exit and be returned to its original location at the end of the day. Vote: The motion carried 3-2 with Young and Schmidt voting no.

B. **CASA PROGRAM SIGN REQUEST – Chad Catron:** MOVED by Holbrook and seconded by Trautman to allow the placement of approximately 200 life-sized signs on the Courthouse lawn for the Forgotten Children Campaign on April 1, 5, 12, 19, 26 and 30, and further moved to revoke approval if there are problems with the sign placement. Vote: The motion failed 3-2 with Schmidt, Trautman and Young voting no.

C. **CANYON SPRINGS PRESERVE COMPLAINT – Todd Hanson:** The Chairman asked that Planning and Zoning provide an update on the concerns regarding Canyon Springs Preserve at the April 6, 2010, Board of Commissioners meeting.

MOVED by Holbrook and seconded by Young to move Item 14, Pennington County Housing and Redevelopment Commission Appointment, after Items From the Public rather than Item 13. Vote: Unanimous.

PENNINGTON COUNTY HOUSING & REDEVELOPMENT COMMISSION APPOINTMENT: MOVED by Holbrook and seconded by Young to re-appoint Sherry A. Nalls to fill an advisory position on the Pennington County Housing and Redevelopment Commission. Vote: Unanimous.

2011 PENNINGTON COUNTY BUDGET GOALS – Chairman Schmidt: The Board of Commissioners recommended that department heads begin putting together 2011 budgets based on the amounts approved in the 2010 budget and review any non-mandated services provided by their departments.

ELLSWORTH AFB TASK FORCE – INFORMATIONAL PRESENTATION (Chris Lien)

FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) PROPOSED REVISED OZONE STANDARDS: MOVED by Young and seconded by Trautman to authorize the Chairman’s signature on a letter opposing the EPA proposal to revise the ozone standards. Vote: Unanimous.

ITEMS FROM THE AUDITOR

A. **MASTER PLAN AND ENERGY STRATEGY BUDGET SUPPLEMENT (SP10-002):** MOVED by Trautman and seconded by Young to approve the supplement to the 2010 Accumulated Building Fund Master Facilities Plan and Energy Strategy budget in the amount of \$123,912 from cash reserves and non-budgeted revenues. Vote: Unanimous.

B. **STATE OF SOUTH DAKOTA LAND & WATER CONSERVATION FUND INSPECTION REPORT – PENNINGTON COUNTY FAIRGROUNDS:** MOVED by Holbrook and seconded by Trautman to approve the Chairman’s signature on the State of South Dakota Land & Water Conservation Fund Report, affirming that all information is correct and is in compliance with grant requirements. Vote: Unanimous.

C. **DISCHARGE LIENS OF DECEASED INDIVIDUALS:** MOVED by Young and seconded by Trautman to authorize the Chairman’s signature on the Resolution to Discharge County Aid Liens of Deceased Persons totaling \$57,239.39. Vote: Unanimous.

RESOLUTION
TO DISCHARGE COUNTY AID LIENS OF DECEASED PERSONS

WHEREAS, the Pennington County Commission has determined that it is in the County’s best interest to discharge county aid liens against deceased persons and those liens deemed uncollectible; and

WHEREAS, there are liens totaling \$57,239.39 on the ORDER TO RELEASE AN INDIGENT LIEN prepared and presented by the Pennington County Auditor; now

THEREFORE BE IT RESOLVED, that the Pennington County Register of Deeds is hereby directed to discharge the liens listed on the attached Order.

DATED this 16th day of March, 2010.
PENNINGTON COUNTY COMMISSION
/s/ Ethan Schmidt, Chairman
ATTEST: /s/ Julie Pearson, Auditor

ITEMS FROM SHERIFF

A. SURPLUS VEHICLES – 2010 VEHICLE PURCHASE: MOVED by Holbrook and seconded by Kjerstad to declare one 2007 Chevy Tahoe, Unit #72, VIN#1GNFK03097R351034, capital asset tag number 5714, as surplus property for the purpose of selling the vehicle through the sealed bid process. Vote: Unanimous.

MOVED by Young and seconded by Trautman to authorize the Sheriff's Office to offer the surplus 2007 Chevy Tahoe for sale through sealed bids. Vote: Unanimous.

MOVED by Young and seconded by Trautman to authorize the Sheriff's Office to purchase one (1) new 2010 Chevy Tahoe from the State Contract #15768. The vendor is Rapid Chevrolet, P.O. Box 1765, Rapid City, SD 57709. Vote: Unanimous.

B. STREET CASE MANAGEMENT PRESENTATION – BRENDA BOETEL

The Board recessed from 10:25 to 10:35 a.m.

ITEMS FROM STATES ATTORNEY

A. SPIRIT OF PEACE AWARD – WAVI: The Pennington County State's Attorney's Office was recognized for receiving the Spirit of Peace Award from WAVI.

ITEMS FROM EQUALIZATION

A. ABATEMENT: MOVED by Young and seconded by Trautman to approve the following abatement/refund as recommended by the Department of Equalization: 2009 – 8010682, CAJ Enterprises, \$749.06. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. ANNUAL BID AWARD RECOMMENDATION: The bid documents and contracts are on file with the Pennington County Highway Department.

Item 1: MOVED by Young and seconded by Holbrook to award the bid for Asphalt Concrete Overlay Project AC 2010-1 (Deerfield Road) in the amount of \$732,914.90 to J & J Asphalt Company, PO Box 7105, Rapid City, SD. Vote: Unanimous.

Item 2: MOVED by Young and seconded by Trautman to award Asphalt Concrete Overlay Project AC 2010-2 (Pink Cabin Road) in the amount of \$144,683.00 to J & J Asphalt Company, PO Box 7105, Rapid City, SD. Vote: Unanimous.

Item 3: MOVED by Young and seconded by Trautman to award Asphalt Concrete Overlay Project 2010-3 (Bombing Range Road) in the amount of \$274,085.70 to Hills Materials Company, PO Box 2320, Rapid City, SD. Vote: Unanimous.

Item 4: MOVED by Kjerstad and seconded by Holbrook to award Aggregate Stockpile Project AGG 2010-4 (Creston Area) in the amount of \$117,600.00 to Western Construction, Inc., PO Box 771, Rapid City, SD. Vote: Unanimous.

Item 5: MOVED by Trautman and seconded by Young to award Aggregate Stockpile Project AGG 2010-5(Copper Mt & Nichols Creek) in the amount of \$249,256.00 to KD Contractors, Inc., PO Box 870, Hot Springs, SD. Vote: Unanimous.

Item 6: MOVED by Young and seconded by Holbrook to award Asphalt Surface Treatment (24 Miles of Various County Roads) in the amount of \$477,668.27 to Bituminous Paving Inc., PO Box 6, Ortonville, MN. Vote: Unanimous.

Item 7: MOVED by Young and seconded by Trautman to award Asphalt Surface Crack Sealing (Various County Roads) in the amount of \$33,640.00 to Highway Improvement Inc., PO Box 1803, Sioux Falls, SD. Vote: Unanimous.

Item 8: MOVED by Young and seconded by Trautman to award the bids for Annual Supplies as listed below per the recommendation of the Highway Department. Vote: Unanimous.

- Aggregate Materials: Rapid City Quarry – Pete Lien & Sons, PO Box 440, Rapid City, SD; Perli Pit Quarry – J & L Gravel, Inc., 24045 Twins Springs Road, Hill City, SD; Wasta Area, Item 21 – Bob Bak Construction, PO Box 159, Pierre, SD
- Asphalt Maintenance Materials: Simon Contractors of SD, Inc., PO Box 397, Rapid City, SD
- Composite Asphalt Concrete: J & J Asphalt Company, PO Box 7105, Rapid City, SD
- Concrete Products: Cretex Concrete Products West, Inc., PO Box 1620, Rapid City, SD
- Corrugated Metal Pipe: Huron Culvert & Tank Co., PO Box 1439, Huron, SD
- Cutback and Emulsified Asphalt: Hills Materials Company, PO Box 2320, Rapid City, SD
- Equipment Rental: Butler Machinery Company, 3601 Deadwood Ave N, Rapid City, SD; Jenner Equipment Company, PO Box 3102, Rapid City, SD; and Sheehan Mack Sales & Equipment, PO Box 1689, Rapid City, SD; based upon availability of equipment.
- Fencing: M & M Fencing, 714 Northridge Drive, Rapid City, SD
- Guardrail: J.H. Hilt Engineering Inc., PO Box 9338, Rapid City, SD
- Magnesium Chloride Solution: Z & S Dust Control System, 22470 Bennett Road, Rapid City, SD
- Seeding, Fertilizing, Mulching and Erosion Control Blanket: M & M Fencing, 714 Northridge Drive, Rapid City, SD
- Timber Bridge Materials: Wheeler Lumber LLC, PO Box 8, Whitewood, SD
- Traffic Control Materials: Lyle Signs Inc., 115 17th Street SW, Jamestown, ND

Commissioner Holbrook left the meeting at 10:45 a.m. and did not return.

B. 3-WAY STOP SIGN AT WEST GATE ROAD & HWY 14/16 INTERSECTION: MOVED by Young and seconded by Trautman to change the intersection of Highway 14/16 and West Gate Road to a three-way stop. Vote: Unanimous.

C. AUTHORIZATION TO BID FOR HAYING CONTRACT: MOVED by Trautman and seconded by Young to authorize the Pennington County Highway Department to advertise for bids for a Haying Contract for a portion of Liberty Boulevard and a portion of Highway 14/16. Vote: Unanimous.

D. TRANSPORTATION IMPROVEMENT PLAN 2011-2015: MOVED by Young and seconded by Trautman to approve the 2011-2015 Transportation Improvement Plan for Pennington County. Vote: Unanimous.

E. PROJECT #P BRF 6403(6), PCN 00CL Rochford Road Update: MOVED by Young and seconded by Trautman to approve the rock faced stamping concrete bridge design for the Rochford Road project. Vote: Unanimous.

HAYWARD FIRE & EMERGENCY SERVICES – BINGO REQUEST: MOVED by Young and seconded by Trautman to authorize the Hayward Fire & Emergency Services request to hold bingo games on Saturday, April 17, 2010, at the fire station located at 13730 Highway 40 in Hayward, SD. Vote: Unanimous.

PENNINGTON COUNTY WEED & PEST BOARD APPOINTMENT: MOVED by Young and seconded by Trautman to appoint Paul Paulsen to fill a Weed & Pest Board vacancy for Area 3. Vote: Unanimous.

CITY OF RAPID CITY – ANNEXATION OF CLEGHORN CANYON ROADS (Karen Bulman): MOVED by Trautman and seconded by Young to authorize the Chairman's signature on the Petition of Annexation for Cleghorn Canyon Roads by the City of Rapid City for the roads legally described as follows: Right of way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, all located in the SW ¼ of Section 8, T1N, R7E, BHM, Pennington County, SD. Vote: Unanimous.

ITEMS FROM THE CHAIRMAN

A. JAMES KJERSTAD EVENT CENTER DEDICATION: Chairman Schmidt invited the public to attend the dedication of the James Kjerstad Event Center at 5:30 p.m. on Friday, March 19, 2010, at 915 E. Centre Street, Rapid City.

MISCELLANEOUS

A. APPROVE VOUCHERS: MOVED by Trautman and seconded by Young to approve the vouchers listed at the end of the minutes for expenditures for insurance, professional services,

publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment, and authorize the chair's signature thereto. Vote: Unanimous.

ITEMS FROM PLANNING AND ZONING

MOVED by Young and seconded by Trautman to convene as the Board of Adjustment. Vote: The motion carried with four (4) voting aye.

A. VARIANCE / VA 10-03: Herman Jones; Fisk Land Surveying – Agent. To reduce the minimum required side yard setback from 30 feet to 13.5 feet to allow for the placement of an old blacksmith shop and also to reduce the front yard setback from 25 feet to 0 feet and to reduce the side yard setback from 30 feet to 23 feet to allow for the construction of a covered storage area on the west side of an existing building in a Highway Service District in accordance with Sections 210 and 509 of the Pennington County Zoning Ordinance.

Lot 1, Fort Hayes Subdivision located in Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Young to approve Variance/ VA 10-03 to reduce the minimum required side yard setback from 30 feet to 13.5 feet to allow for the placement of an old blacksmith shop with the following two (2) conditions of approval, and further moved to deny the request to reduce the front yard setback from 25 feet to 0 feet and to reduce the side yard setback from 30 feet to 23 feet for the construction of a covered building. Vote: The motion carried with four (4) voting aye.

1) That a Building Permit 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; and, 2) That this Variance only applies for the portion of the setback requirements that will be encroached upon by blacksmith shop. All other structures must maintain the proper setback requirements or obtain separate Variance(s) for that structure.

B. VARIANCE / VA 10-06: Joyce Bintliff/Barbara Lee. To reduce the minimum required lot size from 10 acres to 3 acres in a Limited Agriculture District in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

A Parcel of land, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T2S, R5E, BHM, Pennington County, South Dakota. The Point of Beginning of said parcel being common with the intersection of the southerly railroad right-of-way line and the section one-quarter (1/4) line as shown in Plat Book 34, Page 171, at the Pennington County Register of Deeds Office, which is marked by a 5/8" rebar with survey cap marked "Thingelstad SD RLS 4371", said Parcel is more particularly described as follows: THENCE FIRST COURSE: along said section one-quarter line with a bearing of S00°01'00"E and a distance of 386.83 feet to a 5/8" rebar with survey cap marked "Britton LS 3835"; THENCE SECOND COURSE: continuing along said section one-quarter line with a bearing of S00°01'00"E and a distance of 78.79 feet to the southeasterly corner of said parcel; THENCE THIRD COURSE: along a line with a bearing of S89°58'49"W and a distance of 79.46 feet to a point common with the northeasterly corner of Lot A of H.E.S. 336

Revised and marked with a ½” rebar; THENCE FOURTH COURSE: along the northerly line of said Lot A with a bearing of S89°58’49”W and a distance of 199.98 feet to a point coincident with the northwesterly corner of said Lot A and the southwesterly corner of said parcel, marked with a ½” rebar; THENCE FIFTH COURSE: along a line with a bearing of N03°33’41”E and a distance of 528.13 feet to an intersection with the southerly railroad right-of-way line and the northwesterly corner of said parcel; THENCE SIXTH COURSE: along said railroad right-of-way line with a bearing of S76°00’51”E and a distance of 254.03 feet to the Point of Beginning. Basis of Bearings established by solar observation.

MOVED by Trautman to approve Variance / VA 10-06. The motion died for lack of a second. After discussion, it was MOVED by Trautman and seconded by Young to approve Variance VA / 10-06 with no conditions of approval. Vote: The motion carried with four (4) voting aye.

MOVED by Young and seconded by Trautman to adjourn as a Board of Adjustment and reconvene as the Board of Commissioners. Vote: The motion carried with four (4) voting aye.

C. SECOND READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 10-01: Pennington County. To amend Section 500.10 of the Pennington County Subdivision Regulations. MOVED by Trautman and seconded by Young to approve the second reading of Ordinance Amendment / OA 10-01 to amend Section 500.10 of the Pennington County Subdivision Regulations. Vote: Unanimous.

ORDINANCE #34-07

AN ORDINANCE AMENDING THE PENNINGTON COUNTY SUBDIVISION REGULATIONS.

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

SECTION 500.10 – ON-SITE WASTEWATER TREATMENT SYSTEM PRELIMINARY EVALUATION

- 1. Required Soil Information:** Percolation tests and eight (8) foot deep soil profile hole information shall be required for each proposed lot which will utilize an on-site wastewater treatment system. The location and number of percolation tests and soil profiles holes shall be representative of the site and approved by the Environmental Planner.
- 2. Design of On-Site Wastewater Treatment Systems:** When the Environmental Planner observes inadequate soil conditions within a soil profile hole or when percolation test results are deemed insufficient to support a conventional septic system, an alternate type of on-site wastewater treatment system shall be required. In these cases, unconventional, alternative or experimental systems, including, but not limited to, mound systems, evapotranspiration systems, holding tanks and vault privies, may be utilized with the

approval of the Environmental Planner. Some types of alternate systems may also require approval from the South Dakota Department of Environment and Natural Resources. Additionally, the Environmental Planner may require an on-site wastewater treatment system to be designed by a registered, professional engineer.

3. **Existing On-Site Wastewater Treatment Systems:** Lots that contain an existing on-site wastewater treatment system will not be required to submit percolation tests and soil profile hole information unless required by the Environmental Planner. No existing lot shall be altered such that an existing on-site wastewater treatment system or reserve area would be adversely affected.
4. **Lot Configuration:** Upon review by the Environmental Planner, lot sizes larger than the minimum district lot sizes may be required when utilizing on-site wastewater treatment systems in order to protect the public health. Reasons to consider larger minimum lot sizes may include, but are not limited to, the presence of aquifer recharge areas, shallow groundwater, areas of flood hazard, and restrictive soils and/or rock. When there is insufficient lot area or improper soil conditions for adequate on-site wastewater treatment for the land use proposed, the lots may need to be reconfigured or enlarged.
5. **Reserve On-Site Wastewater Treatment Area:** All lots being proposed shall have adequate area for a reserve on-site wastewater treatment area, separate from the primary on-site wastewater treatment area. The Environmental Planner may require additional percolation tests and soil profile information to be provided for the reserve area. Additionally, the Environmental Planner may require the reserve area to be dedicated as an easement on the plat document and/or shown on a site plan for a Building Permit.

Dated this 16th day of March, 2010.

PENNINGTON COUNTY COMMISSION

/s/Ethan Schmidt, Chairman

ATTEST: /s/Julie A. Pearson, Pennington County Auditor

D. LAYOUT PLAT / PL 10-10: Tom Farnsworth; Wesley Buckmaster – Agent. To create Tracts A and B of HES No. 632 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of HES No. 632 of Section 22 and Lot 9 less RTY of Section 27, all located in T1S, R1E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts A and B of HES No. 632 of Sections 22 and 27, T1S, R1E, BHM, Pennington County, South Dakota.

MOVED by Young and seconded by Trautman to approve Layout Plat / PL 10-10 with the following twelve (12) conditions pursuant to Planning Commission recommendation. Vote: Unanimous.

1) That prior to applying for the Minor Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Tract B of HES #632 to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement; 2) That an approved Floodplain Development Permit be obtained prior to any work that is to be done within the boundaries of the 100-year floodplain; 3) That the limits of the 100-year floodplain be shown on the plat in accordance with current FEMA maps; 4) That the proposed legal description be revised in accordance with the Register of Deeds' comments prior to submittal of the Minor Plat; 5) That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot reconfiguration; 6) That a site plan showing the location of all existing structures and associated utilities and identifying the existing and any proposed approaches on proposed Tracts A and B be submitted with the Minor Plat application or else a Subdivision Regulations Variance be obtained waiving this requirement; 7) That an approved Approach Permit from the County Highway Department be obtained prior to the alteration of any existing or construction of any new approaches providing access to the proposed lots; 8) That prior to County Board approval of the Minor Plat, the applicant improve the Section Lines to Ordinance 14 Standards or else obtain a Subdivision Regulations Variance waiving this requirement; 9) That prior to County Board approval of the Minor Plat, the applicant improve the roads providing access to the proposed lots to General Agriculture District Local/Collector Road Standards, a surety be posted for the road improvements, or else an approved Subdivision Regulations Variance be obtained waiving this requirement; 10) That prior to County Board approval of the Preliminary Plat, the applicant provide engineered road construction plans for any road improvements to be made or else a Subdivision Regulations Variance be obtained waiving this requirement; 11) That at the time of submittal for the Minor Plat, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and, 12) That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

E. FINAL PLAT / PL 10-09: Pehrr West Land Company; Robert and Kathryn Pearson – Agent. To create Lots 1-4 and Common Lot A of Block 1; Lots 1-4 of Block 2; Lots 1, 3, and 4 of Block 3; and Common Lot B of Block 5 all of Mountain Meadows Subdivision, Phase 1, in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NW1/4 less Rushmore Ranch Estates less ROW, Section 17; S1/2SW1/4 less Rushmore Ranch Estates Subdivision, Section 8; and Tract 14R of Rushmore Ranch Estates Subdivision, all located in T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4 and Common Lot A of Block 1; Lots 1-4 of Block 2; Lots 1, 3, and 4 of Block 3; and Common Lot B of Block 5 of Mountain Meadows Subdivision, Phase 1, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Young and seconded by Trautman to approve Final Plat / PL 10-09 with the following sixteen (16) conditions pursuant to Planning Commission recommendation and further

moved to amend Condition 5 to specify 95,000 gallons of additional water storage. Vote: Unanimous.

1) That prior to recording the Final Plat, a Certificate of Approval from South Dakota Department of Environment and Natural Resources for the Mountain Meadows drinking water system be provided; 2) That prior to the mylar being submitted, the title heading on the plat be revised to reflect the comments received from the Department of Equalization and Register of Deeds Office; 3) That prior to the mylar being submitted, a note shall be added to the plat that states: "All homes constructed in Mountain Meadows Subdivision shall be equipped with a residential fire sprinkler system. Signed documentation shall be provided by the supplier prior to the issuance of a Building Permit for a single-family residence;" 4) That prior to the mylar being submitted, a note shall be added to the plat that states: "When a total of 65 Building Permits have been issued between Mountain Meadows Subdivision and Rushmore Ranch Estates, no additional Building Permits shall be issued for a single-family residence until the added water storage is guaranteed by surety being posted or improvements under construction;" 5) That prior to the mylar being submitted, a note shall be added to the plat that states: "The additional water storage of 95,000 gallons for Mountain Meadows Subdivision and Rushmore Ranch Estates shall be in place and operational prior to the issuance of the 80th Building Permit (combined between the two aforementioned subdivisions) for a single-family residence;" 6) That prior to County Board approval of the Final Plat, the applicant shall provide documentation identifying where the future reservoir for Mountain Meadows Subdivision and Rushmore Ranch Estates Subdivision will be located. The document shall be filed simultaneously with the mylar for Mountain Meadows Subdivision at the Register of Deeds Office; 7) That prior to the mylar being prepared, the portion of "Eleanor Road" identified on the plat shall be changed to "Eleanor Drive;" 8) That prior to County Board approval of the Final Plat, the applicant shall provide new road name for "Eliza Court" to the Emergency Service Coordinator for review and approval; 9) That the approved Fire Mitigation Plan be implemented and adhered to at all times; 10) That the developer of Mountain Meadows Subdivision work with the Pennington County Environmental Planner, Water Protection Coordinator, and South Dakota Department of Environment and Natural Resources to ensure functionally effective wastewater systems (advanced pre-treatment systems) are installed on each lot; 11) That the advanced treatment units be inspected every three years to ensure they are maintained in accordance to manufacturer's requirements. The inspection reports shall be submitted to the Pennington County Environmental Planner for review; 12) That the advanced treatment systems be maintained in accordance to the manufacturer's guidelines and that each property owner enters into a contract with a certified/approved O&M provider for the type of system installed for the duration the system is utilized; 13) That a Fire Flow of 500 gallons per minute (gpm) be provided if all homes are equipped with residential fire sprinkler systems, per NFPA standards. If all homes are not equipped with such systems, then the 1,000 gpm must be provided; 14) The applicant protects all drainage ways and limit runoff from the subject property by implementing proper Best Management Practices in accordance with the Storm Water Pollution Prevention Plan; 15) That the developer continues to submit erosion and sediment control inspection reports to the Water Coordinator as necessary; and, 16) That all addresses be posted in accordance with Ordinance #20.

F. PRELIMINARY PLAT / PL 10-11 AND SUBDIVISION REGULATIONS VARIANCE / SV 10-03: Joyce Bintliff/Barbara Lee. To create Lot C of HES #336 Revised and to waive road improvements, to waive submittal of engineered road construction plans, and to waive topography at 5 foot contour intervals in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of HES #336 Revised, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot C of HES #336 Revised, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Young to approve Subdivision Regulations Variance 10-03 to waive the requirement to provide topography at a five (5) foot contour intervals, to waive the requirement for the road to be improved to Local/Collector Road Standards, and to waive submittal of engineered road construction plans and to approve of Preliminary Plat 10-11 with the following eight (8) conditions pursuant to Planning Commission recommendation. Vote: Unanimous.

1) That prior to County Board approval of the Final Plat, the proposed lot either be rezoned to Low Density Residential or else the applicant obtain a Lot Size Variance to reduce the minimum lot size requirement in a Limited Agriculture District; 2) That prior to County Board approval of the Final Plat, the applicant improve the road providing access to the proposed lot to Low Density Residential Local/Collector Road Standards, including 66 feet of right-of-way with a 24-foot-wide, 4 inch graveled driving surface, or else a surety be posted for the road improvements or an approved Subdivision Regulations Variance be obtained waiving this requirement; 3) That prior to County Board approval of the Final Plat, the applicant provide engineered road construction plans for the road providing access to the proposed lot or else obtain an approved Subdivision Regulations Variance waiving this requirement; 4) That an approved Floodplain Development be obtained prior to any road improvements being conducted within the boundaries of the 100-year floodplain for Battle Creek; 5) That the addresses for the residences on existing Lots A & B and on proposed Lot C be posted at the approach onto Old Hill City Road in accordance with Pennington County's Ordinance #20 prior to Final Plat approval; 6) That the reserve drainfield easement be dedicated separate from the plat document and recorded at the Register of Deeds and the easement shown on the plat document reference the filing information from the Register of Deeds; 7) That prior to County Board approval of the Preliminary Plat, the site plan show the setback distances from the structures and utilities to the proposed lot lines of Lot C. If it is determined that adequate setbacks are not being maintained, an approved Setback Variance may be required to be obtained prior to Final Plat approval; and, 8) That prior to Final Plat approval, the applicant address all issues regarding the 1880 Train railroad right-of-way.

EXECUTIVE SESSION PER SDCL 1-25-2(1); Personnel

MOVED by Young and seconded by Trautman to convene in Executive Session. Vote: Unanimous. The Board remained in Executive Session from 11:55 a.m. until 12:20 p.m. MOVED by Trautman and seconded by Young to adjourn from Executive Session. Vote: Unanimous.

PERSONNEL

ESCC – Effective 3/2/2010, A. Green \$3274. Jail – Effective 3/1/2010: J. Oatney (Bishop), \$14.80/hr; Effective 3/2/2010: T. Jackson, \$14.80/hr; Effective 3/22/2010: A. McGhee, \$3274; J. Hogue, \$3274; J. Parks, \$3274. CCADP – Effective 3/1/2010: T. Youngbullbear, \$2970; Effective 3/8/2010: V. Smith, \$16.31/hr; Effective 3/3/2010: S. Hudgens, \$18.45/hr. Prevention – Effective 3/8/2010, J. Trythall, \$2827.

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 February 26, 2010: Total balances of checking/savings accounts, \$17,273,277.38; Total balance of Treasurer’s Office safe cash, \$7,100.00; Total certificates of deposit, \$5,722,347.41; Total Prime Value Investment, \$3,129,909.17; Total petty cash, \$111,015.00; Total cash items/net NSF checks, \$318.46; Total **long**/short, \$261.47; Total, \$26,243,705.95. Submitted by Liz Kuehn, Deputy Auditor.

VOUCHERS

A & B Business Equipment, 323.30; A & B Welding Supply Co, 521.29; A To Z Shredding Inc, 430.50; A-1 Sewer & Drain, Inc, 320.00; Abrahamson, Ricky, 30.34; Ace Hardware-East, 120.24; Adams Machining, 2,846.97; Advanced Security Product, 65.00; Aerial Specialists, 353.00; Al Cornella Refrigeration, 153.00; American Institutional, 209.00; American Jail Association, 445.00; American Red Cross, 315.00; American Time & Signal Co, 83.95; Apria Health Care, Inc, 255.18; Armstrong Extinguishers, 2,494.00; Azevedo, Megan, 120.00; Badlands Automotive, 66.10; Bailey JD & MP Merryman, 2,412.47; Bailey JD & MP Merryman, 1,062.50; Banks, Bridgette R, 419.20; Barnier, Greg, 1,513.00; Baukol, Karen, 450.00; Behavior Management, 25,039.57; Best Business Prdcts Inc, 766.53; Best Western Ramkota Inn, 118.00; BH Ammunition Inc, 23,497.50; BH Chemical Company Inc, 3,436.83; BH Oral Maxillofacial Sur, 79.27; BH Pest Control, Inc, 255.00; BH Power Equipment Inc, 153.92; BH Power Inc, 964.29; BH Services Inc, 526.34; BH Wilbert Vault, 295.00; Biegler, Greg LPC,CCDC II, 360.00; Big D Oil Co, 64.69; Blake's Trailer Sales, 80.00; Bob Barker Company Inc, 6,315.26; Brant, Annette, 94.40; Brownells, Inc, 163.21; Bruckner, Kathy, 53.80; Business Equip Finance, 427.19; Career Learning Center, 15.00; Carol Butzman Consulting, 6,878.20; Carquest Auto Parts, 322.32; Carroll's Appliance, 79.95; Cash-Wa Distributing, 291.45; CBM Food Service, 37,729.07; CDW Government Inc, 4,451.13; Central Hills Plumbing, 166.19; Century Business Prod Inc, 110.35; Champion Water Systems, 67.80; Charm-Tex, Inc, 2,775.31; Chemsearch, 323.45; Children's Home Society, 275.00; Chris Supply Co Inc, 141.41; City of Box Elder, 585.92; City of Rapid City, 13,408.33; City of Rapid City -Water, 62.50; Civic Research Institute, 179.95; Clark Printing, 1,924.30; Clark, Tana, 94.35; Coca-Cola Bottling Co Of, 700.00; Colhoff-Glover, Linda, 38.40; Color Mystique, 265.00; Communications Briefing, 139.00; Community Health Center, 281.10; Connelly, Randal E, 500.20; Contractors Insulation, 280.32; Contractors Supply, 42.50; Copy Country, 615.20; Corral Park Apartments, 300.00; Corrections Products Comp, 266.33; Costello, Porter Et Al,

360.80; Cougar Industries, 2,568.49; Countryside Prop Mgmt Inc, 350.00; Cox Communications, Inc, 40.00; Custer County Sheriff, 26.29; D & F Truck And Auto, 87.98; D & R Electronics, Co, 1,520.00; D & R Service Inc, 169.22; Dakota Business Center, 427.64; Dakota Radiator, 80.00; Dakota Supply Group Inc, 1,042.04; Dakotaland Autoglass Inc, 175.00; Dale's Tire, 868.95; Davis, Lester, 564.50; Demersseman Jensen, 779.00; Dennis Supply - RC, 73.78; Dept Of Social Services, 78.00; Diagnostic Imaging, 100.00; Diamond Medical Supply, 40.48; Diamond Pharmacy Services, 15,615.10; Diamond Vogel Paint Cntr, 166.07; Dietrich, Donna, 1,135.46; Diversified Auto, 23.46; Dlorah, Inc, 1,350.00; Dodge Town Inc, 112.30; Doorn, Charlene, 162.80; E & J Specialties, Inc, 669.40; Ecolab Pest Elimination, 235.50; Eddie's Truck Sales, 46.66; Election Systems, 9,510.20; Enviromaster, Inc, 105.00; Epic Outdoor Advertising, 100.00; Evergreen Office Products, 74.35; Excel Truck & Trailer, 3,370.61; Executive Mgmt Fin Office, 64.98; Exxon Mobil Fleet, 184.40; Family Thrift Center Inc, 36.01; Farmer Brothers Coffee, 102.06; Fastenal Company, 77.81; Federal Express, 48.53; Federal Signal Corp, 4,893.35; Feehan & Cline, PC, 3,841.70; Ferguson Enterprises, Inc, 86.32; First Western Insurance, 216.00; Fleet Services, 256.83; Force America Inc, 65.90; Fred Pryor Seminars, 139.00; French, Jean M, 240.50; Frontier Auto Glass, LLC, 54.96; G & H Distributing - RC, 112.51; G4S Justice Services, Inc, 1,090.70; Gardner Denver Nash LLC, 2,705.19; Geib, Elston, Frost PA, 3,225.45; Gikling & Meier, LLC, 190.00; Godfrey Brake Service, 236.12; Golden West Companies, 85.14; Golden West Technologies, 579.14; Google Custodian Of, 25.00; Governors Inn, 490.00; Graffitti's Car Wash, 12.58; Graphics Plus, 197.93; Great Western Tire Co Inc, 1,425.25; Greystone Educational, 18.95; Grimm's Pump Service Inc, 439.89; Grode, William R, 823.54; Guffey, Scott, 92.00; Gustave A Larson Company, 157.00; Halverson, Kyle, 65.72; Hardware Hank, 10.66; Harms Oil Company, 20,112.15; Harveys Lock Shop, 483.06; Hasler Inc, 68.85; Heartland Paper Company, 779.82; Heds, Inc, 84.00; Hein, Cheryl, 770.00; Hendrickson, Kristina, 130.00; Henning, Gerald, 440.00; Hewlett-Packard, 3,311.00; Hocking, Scott, 22.80; Hoffman, Fredrick Dustin, 420.00; Holbrook, Gale, 164.28; Horn, Garrett J, 196.60; Humane Society Of The BH, 2,500.00; IC Solutions, 56.40; Ikon Office Solutions, 198.08; Impressions Rubber Stamp, 9.90; Indoff Inc, 21,317.66; Industrial Electric, 666.90; Industrial Supply Co Inc, 1,514.90; Institutions Services Inc, 5,741.50; Inter-Agency Training Cou, 130.00; Interstate All Battery, 1,067.60; Interstate Batteries, 191.90; Intoximeters Inc, 1,832.40; Janz, Donald A, 425.00; Jefferson Partner Lp, 609.80; Jenner Equipment, 127.05; Jh Hilt Engineering Inc, 2,728.50; Jj's Engraving & Sales, 14.50; Johnson Machine Inc, 1,197.46; Johnson's Carpet, 1,390.00; K & D Appliance Service, 101.15; K-Mart, 316.88; Kabeiseman & Pollard, 340.00; Karl's Appliance, 363.00; Kci Usa Inc, 1,521.00; Kimball Midwest, 674.50; Kinsella, Judy, 190.00; Knecht Home Center Inc, 355.81; Knollwood Development Lp, 381.00; Knology, 1,002.38; Kone Inc, 152.97; Kooistra, Nelva, 75.00; Kreisers, Inc, 139.84; KSL Corporation(Atty Fees, 697.00; KT Connections, 1,382.00; Labcorp Of Am. (Box 2270), 105.43; Lawrence Co Teen Court, 532.50; Lawson Products Inc, 1,680.93; Lewis & Clark Mental Health, 426.00; Lincare Inc, 1,665.43; Linweld, 480.72; Little Print Shop Inc, 623.94; Magazines USA, 776.81; Maher, William, 540.00; Manlove Psychiatric Group, 916.68; Marshall And Swift, 97.95; Masters Awards, 150.78; Matthew Bender & Co Inc, 66.94; Maxon, Theresa, 1,155.00; Mayer, Donna, 149.60; McGowan, Wendy T, 1,058.62; McKie Ford Inc, 625.23; Meade County, 90.00; Medical Waste Transport, 169.99; Medicap Pharmacy, 63.73; Medicap Pharmacy - St Pat, 3,515.72; Medline Industries Inc, 766.09; Menards, 421.97; MG Oil Company, 2,449.36; Mickel, Charles, 1,459.60; Minnehaha County Auditor, 112.50; Molitor, Brittney, 442.83; Moore Medical Corp, 398.47; Moran, Patty, 665.00; Morris, Jerome, 73.14; Morrison, Dustin,

47.00; Morse Watchmans Inc, 470.00; Motel Rapid, 190.00; Motive Parts & Supply Inc, 128.89; Motorola Inc - Chicago, 7,661.00; Mountain Services Group, 376.00; Moyle Petroleum, 10,724.53; MPH Industries, Inc, 1,526.65; MRO Corporation, 24.81; Mueller, Brian, 81.73; NASCO, 48.11; Nat'l Onsite Wastewater, 120.00; Native American Office, 310.94; Neve's Uniforms Inc, 2,097.70; New Underwood Post, 31.50; New World Systems, 5,000.00; Newkirk's Ace Hrdwre-East, 423.21; Newkirk's Ace Hrdwre-West, 302.11; North Central Supply Inc, 204.00; Northeast Wisconsin, 390.00; Northern Hills Reporting, 126.80; Northern Truck Equipment, 99,629.70; Northwest Pipe Fitting In, 2,634.03; Officemax Incorporated, 80.94; Olson Towing Ii, 135.50; Olson, Aaron, 329.23; Oster, David, 161.00; Pacific Steel & Recycling, 10.84; Paradis Properties LLC, 240.00; Parent Teacher Outlet, 14.36; Parkway Spotless Car Wash, 14.00; Penn Co Extension, 12.76; Penn Co Health & Human Sv, 243.74; Penn Co Highway, 30.00; Penn Co JSC, 103.99; Penn Co Juv Diversion, 18.58; Penn Co Revolving Fund, 22.00; Penn Co Sheriff, 1,537.89; Penn Co States Atty, 467.25; Pennington County Courant, 868.45; Pennington County Housing, 587.00; Personnel Evaluation, Inc, 140.00; Phelps, Terri, 1,230.00; Pioneer Enterprises Inc, 1,900.00; Plenty Horse, Sonja, 20.40; Plumbmaster Professional, 129.72; Powder River Office, 1,809.09; PSI Health Care Inc, 15.00; Quality Transmissions Inc, 172.41; Quantum Labs Inc, 448.40; Quill Corporation, 1,025.54; Radiology Associates, 461.43; Rangel, Elisa, 700.00; Rapid Chevrolet Co Inc, 99,979.92; Rapid Collision, 28.96; Rapid Rooter, 305.00; Rapid Tire & Alignment, 229.50; Rapp Sales Company, 119.00; Ray O'Herron Comany Inc, 2,788.51; RC Area School Dist 51-4, 258.17; RC Emergency Services, 277.48; RC Fire & Emergency Srves, 325.98; RC Journal, 1,861.77; RC Police Dept-Evidence, 2,119.00; RC Regional Hospital, Inc, 26,345.15; RC Regional Hospital, Inc, 192.25; RC Regional Hospital, Inc, 168.00; RC Winair, 494.10; RDO Equipment Co, 16,427.14; RE Carlson, Inc, 566.27; Record Storage Solutions, 147.75; Redwood Biotech, Inc, 2,830.58; Redwood Toxicology, 391.50; Rehfuss, Cathryn, 75.00; Repair Shop The, 234.32; Reuer, Allen, 2,555.00; Rhead, Brandy, 943.00; Rhodes Chemical Of The BH, 136.63; Roberts, Judith, 4,173.80; Robinson Textiles, 162.28; Rochester Armored Car, 372.74; Rockmount Research &, 1,019.25; Roger Frye's Paint Supply, 133.96; Romey, Karen, 26.00; Rudolph's, 137.60; Rushmore Communications, 312.50; Sandberg, Ann G, 610.00; Scenic Township, 1,425.00; Scenic VFD, 1,197.00; Schmidt, Ethan, 192.60; Schneller, John Dr, 971.25; Schooley, Donald E, 525.00; Schuft, Scott, 483.50; Scott, Sherry, 21.20; Scotts Bluff County Court, 1.50; SD Dept Of Revenue, 394.00; SD Dept Of Transp-Finance, 150.00; SD Div Of Motor Vehicles, 179.00; SD Federal Prop Agency, 1,897.50; SD Human Services Center, 600.00; SD Society Of Fire, 20.00; SD Teen Court Association, 603.00; SDAAO, 1,100.00; SDML Workers', 195.00; Servall Uniform/Linen Co, 1,221.30; Severson, Chad, 60.00; Sherwin Williams Paints, 664.16; SHI International Corp, 7,980.00; Sign & Trophy/Westex, 94.50; Skc Communication Product, 775.53; Skinner, Matthew L, Pc, 2,415.38; Smith, Craig, 30.00; Sorenson, Jody, 94.40; Sosa, Rosa M, 100.00; South Dakota Rose Inn, 725.00; Southern Hills Publishing, 654.32; Stan Houston Equip Co, 98.65; State Industrial Products, 321.12; State Radio Communication, 5,280.00; Stephens, Matthew, 240.00; Stewart, Cathy L, 90.00; Stonecipher DDS, Carl R, 207.00; Stonefield, Michael, 2,173.91; Sturdevant's Auto Parts, 680.08; Sturdevant's Refinish, 445.39; Swanson Services Corp, 279.59; Tessco, 1,625.15; Tessco Incorporated, 598.70; Thompson, Michael, 756.00; Thurman, Creighton, 318.34; Time Equip Rental & Sales, 156.80; Tire Muffler Alignment, 243.84; Tow Pros, 265.00; Treat America, 76.75; Two Wheeler Dealer, 226.50; US Postal Service, 1,000.00; US Postmaster - Bulk Prmt, 498.72; USD-Center For Disabilities, 130.00; Vanway Trophy & Awards, 12.00; Walker Napa Auto Parts, 186.95;

Walker, Misti, 19.06; Wall Building Center, 4.99; Warne Chem & Equip Co Inc, 29.39; Watson Law Office, P.C., 100.03; Wessel, Al Jr, MD, 10,225.00; West Payment Center, 1,686.68; West River Anesthesiology, 224.00; West River Electric, 327.75; West River Intrntnl Inc, 318.07; Western Communication Inc, 3,881.32; Western Dakota Tech Inst, 140.00; Western Mailers, 46.72; Western Stationers Inc, 3,585.07; Whisler Bearing Co, 242.38; White, Alexa, 35.00; Winner Police Dept, 220.00; Winter, Paul R, 992.88; Wolf, Ione, 322.00; Wood Stock Supply, 2.89; Wood, Kraig, 164.26; Working Against Violence, 4,800.00; Yankton Co Sheriff Office, 179.00; Yankton County Treasurer, 207.50; Yellow Bike Program, 75.00; Youth Today, 29.50; Yuma County Sheriff's, 24.00; Ziggy's, 431.30; Zoller, Amy, 492.30; Knology, 4,511.32; First Interstate Bank, 4,484.88; BH Power Inc, 40,446.39; Golden West Co, 1,136.23; Mt Rushmore Telephone, 100.86; Verizon, 333.84; Fleet Services, 5,977.91; Golden West Technologies, 65.97; City Of Rapid City-Water, 13,832.73; Kieffer Sanitation, 2,597.89; Midcontenent Communications, 55.00; City Of Wall, 117.00; Red River Service Corp, 27.34; Walker Refuse, 99.30; West River Electric, 2,723.37; Executive Management Finance, 6.85; Qwest, 7,096.19; Raibow Gas Co, 14,076.58; FSH Communications, 60.00; State Remittance Center, 12,294.97; Pioneer Bank And Trust, 5,455.53; Orbitcom, Inc, 43.91; First Administrators, 47,378.48; Independent Insurance Agents, 126,626.84.

ADJOURN

There being no further business the meeting was adjourned at 12:20 p.m.

/s/Julie A. Pearson, Auditor

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