

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS MINUTES  
June 1, 2010**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, June 1, 2010, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Ethan Schmidt called the meeting to order at 9:03 a.m. with the following Commissioners present: De Glassgow, Gale Holbrook, Nancy Trautman and Brenda Young.

**REVIEW AND APPROVE AGENDA:** MOVED by Trautman and seconded by Young to amend the agenda by moving Item 18, Pennington County Space Needs Master Plan Presentation to follow Item 8, Rochford Volunteer Fire Department Raffle Request, and move Item 17, Items From Highway to follow Items From Fire Administrator. MOVED by Trautman and seconded by Young to approve the agenda as amended. Vote: Unanimous.

**REVIEW MINUTES:** MOVED by Trautman and seconded by Glassgow to approve the minutes of the May 18, 2010, Board of Commissioners' meeting. Vote: Unanimous.

**ITEMS FROM EQUALIZATION**

A. **ABATEMENT REQUEST – FIRST EVANGELICAL FREE CHURCH:** Chairman Schmidt asked Vice Chairperson Trautman to take the gavel for this item as he has a conflict of interest. MOVED by Holbrook and seconded by Glassgow to sustain the recommendations of the Director of Equalization and Chief Deputy State's Attorney Jay Alderman to deny the abatement request for 2009 taxes on Parcel ID 60915 for First Evangelical Free Church for the reason that it did not meet the requirements for exempt status. Vote: The motion carried with four affirmative votes (Chairman Schmidt abstained).

B. **ABATEMENT REQUEST – SCHROEDER:** Moved by Holbrook and seconded by Glassgow to approve the following abatements/refunds as recommended by the Director of Equalization: 2008 – Jason Schroeder, ID 8003985, \$183.90 and 2009 – Jason Schroeder, ID 8003985, \$169.39. Vote: Unanimous.

C. **ABATEMENT REQUESTS:** MOVED by Holbrook and seconded by Young to approve the following abatements/refunds as recommended by the Director of Equalization for tax year 2009: Sherry Halls, ID 29509, \$1,386.06; Vincente Tovar, ID 8001185, \$900.48; Silver Springs Limited Partnership, \$2258.98. Vote: Unanimous.

D. **SERVER PURCHASE REQUEST (SP10-009):** MOVED by Young and seconded by Holbrook to hold a public hearing at 9:15 a.m., June 15, 2010, to supplement the General Fund Department of Equalization budget in an amount up to \$7000 from the General Fund Equipment Reserve for the purchase of a new server. Vote: Unanimous.

**ROCHFORD VOLUNTEER FIRE DEPARTMENT – RAFFLE REQUEST:** MOVED by Holbrook and seconded by Young to authorize the Rochford Volunteer Fire Department to conduct a raffle to raise funds for Emergency Medical Services. Vote: Unanimous.

**PENNINGTON COUNTY SPACE NEEDS MASTER PLAN PRESENTATION:** MOVED by Trautman and seconded by Glassgow to adopt the Pennington County Space Needs Master Plan as presented by Fennel Design and BKV Group and to authorize Buildings and Grounds to facilitate the update of the plan every three years to assure that the document remains current for needs, facility utilization and site availability. Substitute motion: MOVED by Schmidt to accept the Pennington County Space Needs Master Plan. The motion died for lack of a second. MOVED by Holbrook and seconded by Trautman to call the question. The vote on the question carried 4-1 with Schmidt voting no. Roll call vote on the original motion: Glassgow – aye, Holbrook – aye, Schmidt – aye, Trautman – aye, Young – no. The motion carried 4-1.

Holbrook left the meeting at this time.

MOVED by Trautman and seconded by Glassgow that the Building Committee be authorized to address the possibilities for funding and cooperating with other government entities to develop a building project, and further moved to present a report at the July 6, 2010, Board of Commissioners' meeting. Vote: Unanimous.

**ITEMS FROM AUDITOR**

A. **ORDER FOR ORGANIZATION AND INCORPORATION – KNOTTY PINE ROAD DISTRICT:** MOVED by Young and seconded by Trautman to acknowledge the Order of Organization and Incorporation for the Knotty Pine Road District, effective for tax year 2010 and thereafter and authorize the Chairman's signature. Vote: Unanimous.

**ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE KNOTTY PINE ROAD DISTRICT  
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, all resident registered voters and property owners that are within the proposed district boundaries have agreed to and petitioned for the organization of the Knotty Pine Road District.

AND WHEREAS, said petitions indicate the desire of all qualified voters and landowners within the proposed boundaries to organize the Knotty Pine Road District.

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commission acknowledge and declare the Knotty Pine Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective as of today's date with taxing authority for the 2010 tax year and after.

BE IT FURTHER ORDERED, that the Knotty Pine Road District be described as follows: LOT A & B OF LOT 1, LOT A OF LOT 2, LOT 3 REVISED AND LOTS 4-6 OF HAPPY HOLIDAY SUBDIVISION, LOTS 1-4, LOT 5 REVISED, LOTS 6-10, LOT 11 REVISED, AND LOTS 12, 13, 14 AND 15 REVISED OF TRACT A OF KNOTTY PINE SUBDIVISION BHM, Pennington County, SD.

Dated this 1<sup>st</sup> day of June, 2010  
/s/Ethan Schmidt, Chair, Pennington County Commission  
ATTEST: Julie A. Pearson, Auditor  
(SEAL)

B. TRANSFER AND RENEWAL OF RETAIL (On-Off Sale) MALT BEVERAGE LICENSE: MOVED by Young and seconded by Trautman to approve the transfer of the Retail (On-Off Sale) Malt Beverage License from Black Hills Speedway, Jim Shaw Rapid Racing LLC, to Lieben Promotions LLC, d.b.a. Black Hills Speedway, Lieben Promotions LLC, and further moved to approve the renewal of the Retail (On-Off Sale) Malt Beverage License for Lieben Promotions LLC d.b.a. Black Hills Speedway, Lieben Promotions LLC. Vote: Unanimous.

Holbrook returned to the meeting at this time.

C. NEW PACKAGE (Off-Sale) MALT BEVERAGE & SD FARM WINE LICENSE: MOVED by Young and seconded by Trautman to approve the application for a new Package (off sale) Malt Beverage and SD Farm Wine License for Rafter J Bar Ranch Campground, HICOW Co. Vote: Unanimous.

D. MALT BEVERAGE LICENSE RENEWALS: MOVED by Young and seconded by Trautman to continue the application of Happy Holiday RV Resort, Diamond Trek LP to the June 15, 2010, Board of Commissioners' meeting and request that the owner be present for questions. Vote: Unanimous.

MOVED by Trautman and seconded by Young to approve the annual renewal of the following retail and package malt beverage and SD farm wine permits as listed below with the exception of Happy Holiday RV Resort, Diamond Trek LP. Vote: Unanimous.

Retail (on-off sale) Malt Beverage: Bear Country USA, Bear Country USA, Inc.; Black Hills Forest Inn, IKENCINDY Inc.; Black Hills Amoco and RV Parts & Repairs, Grover Repair Inc.; Black Hills Receptions, Black Hills Receptions & Rentals LLC; Caputa General Store, Caputa General Store Inc.; Country Corner, Robin Robertson; Country Store at the Forks, Covington Consulting Group Inc.; Deerfield Lake Resort, Deerfield Lake Resort LLC; Depot Restaurant, Patrick S. Shannon; Flying T Chuckwagon, Great American Tour Company Inc.; Fresh Start – Rapid Valley, Fresh Start Convenience Stores Inc.; Hart Ranch Golf Course, Hart Ranch Development Co.; JD's Catering and House of Pizza, Jeff Jundt & Dueene Zoller; Johnny's Billiards & Arcade, Johnny's Billiards & Arcade LLC; Moonshine Gulch Saloon, Betty Harn; Mystery Mountain Resort, Black Hills Resorts Inc.; The Old Longhorn Saloon, Lee Ann Kestrel; O'Malley's Casino, KJL Inc.; Prairie Berry Winery, Prairie Berry LLC; Putz N Glow Inc., Putz N Glow Inc.; Rochford Mall, The Rochford Mall Inc.; Sheridan Lake Marina, Goodwin Inc.; Sugar Shack, Sugar Daddys LLC; Summer Creek Inn; Summer Creek Inn LLC; Ugly Fish Enterprises, Ugly Fish Enterprises LLC; Valley Square Casino, Wall-East Development Inc.; Valley Square Sports Pub, Wall East Development Inc.; Whispering Pines Campground, Flying R LLC.

Package (off-sale) Malt Beverage: Corner Pantry – Moon Meadows, MG Oil Company; Dalcam EZ Mart, Dalcam Oil Company Inc.; Gaslight Restaurant, Big Guys LLC; Holy Smoke Resort, Holy Smoke Inc.; Pactola Pines Marina, David and Nancy Fisher.

Package (off-sale) Malt Beverage & SD Farm Wine: Country Store at the Forks, Covington Consulting Group Inc.; Mt. Rushmore KOA, Recreational Adventures Co.; Mt. Rushmore National Memorial, Xanterra Parks & Resort; Rushmore Cave, Rushmore Cave LLC; Rushmore Cave, Rushmore Cave LLC; Stone Faces Winery, Valiant Vineyards Inc.

E. DEPARTMENT HEAD SALARY SCHEDULE: MOVED by Trautman and seconded by Young to continue this item to the June 15, 2010, Board of Commissioners' meeting. Vote: The motion carried 4-1 with Glassgow voting no.

**ITEMS FROM SHERIFF**

A. LPN WAGE SCALE: MOVED by Young and seconded by Trautman to increase the LPN Wage Scale from Grade 12 to Grade 14 effective June 1, 2010. Vote: Unanimous.

**ITEMS FROM FIRE ADMINISTRATOR**

A. RANGE FIRE SUPPRESSION ASSISTANCE: MOVED by Young and seconded by Trautman to approve and authorize the chairperson's signature to the following Resolution authorizing those persons named to request range fire suppression assistance from the SD Division of Wildland Fire Suppression. Vote: Unanimous.

**PENNINGTON COUNTY COMMISSION RESOLUTION AUTHORIZING A FIRE PROTECTION AGREEMENT AND DESIGNATION OF PERSONNEL WITH AUTHORITY TO REQUEST FIRE SUPPRESSION ASSISTANCE**

WHEREAS, the State of South Dakota may enter into cooperative agreements with counties for the provision of assistance in fire prevention and suppression efforts pursuant to SDCL §§ 41-20-4, 41-20-8, 41-20-8.1 and the Joint Powers provisions of SDCL Chap. 1-24, and

WHEREAS, Pennington County may cooperate with the Secretary of Agriculture for the protection of range, farm and forest lands in Pennington County from fire pursuant to SDCL §§ 34-31-1, 34-31-2 and the Joint Powers provisions of SDCL Chap. 1-24, and

WHEREAS, such cooperative assistance between the State of South Dakota and Pennington County is highly desirable and increases the effectiveness of the protection of range, farm and forest lands in Pennington County from wildfire, and

WHEREAS, pursuant to SDCL § 41-20-8.1, the South Dakota Wildland Fire Coordinator may assist in the suppression of rangeland fires within the county upon request of a Board of County Commissioners or its designee, and

WHEREAS, the South Dakota Wildland Fire Coordinator has requested that a person(s) be officially designated by the Pennington County Commission to make such requests, and

WHEREAS, at the time of a fire emergency there is insufficient time to convene the Board of Pennington County Commissioners to make such requests, and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Pennington County Board of Commissioners that Pennington County enter into a County Rangeland Fire Protection Agreement with the State of South Dakota Department of Agriculture to cooperate in fire prevention and suppression efforts, and

BE IT HEREBY FURTHER RESOLVED, that the list of individuals set forth below are hereby authorized to request assistance, on behalf of Pennington County, for suppression of rangeland fires within Pennington County as specified in SDCL § 41-20-8.1. The authority to request assistance as herein provided shall continue in full force and effect until terminated or modified by resolution of the Pennington County Board of Commissioners.

Pennington County Fire Assistance Authorization  
Effective: June 1, 2010

Dennis Gorton, Fire Administrator; Kendal Kjerstad, Chair, Fire Service Board; Paul Johnson, Vice-chair, Fire Service Board; Ethan Schmidt, Chairperson, County Commission; Anthony Carbajal, Emergency Management Coord.; Alexa White, Asst. Emergency Management Coord.; Don Holloway, Sheriff; Lt. Jay Evenson, Deputy Sheriff; Major Brian Muller, Deputy Sheriff; Lt. Marty Graves, Deputy Sheriff; Lt. Cory Brubakken, Deputy Sheriff; Leandra Hollinshead, Director, ESCC; Ted Ruffedt, Asst. Director, ESCC.

Duly passed and adopted at a regular meeting of the Pennington County Commission on the 1<sup>st</sup> day of June, 2010.

PENNINGTON COUNTY COMMISSION

/s/Ethan Schmidt, Chairperson

ATTEST: /s/Karen McGregor, Deputy Auditor

(SEAL)

**ITEMS FROM HIGHWAY DEPARTMENT**

A. AGREEMENT BE 2010-1: MOVED by Holbrook and seconded by Trautman to approve Agreement BE 2010-1 with the City of Box Elder, in which the City accepts jurisdiction of a portion of County Road 225<sup>th</sup> Street and a portion of 151<sup>st</sup> Avenue, and authorize the Chairman's signature thereon. Vote: Unanimous.

B. MODIFICATION #3 TO COOPERATIVE ROAD AGREEMENT #09-RO-11020300-019; BLACK HILLS NATIONAL FOREST: MOVED by Holbrook and seconded by Young that Pennington County enter into Modification #3 to Cooperative Road Agreement #09-RO-

11020300-019 with the Black Hills National Forest and authorize the Chairman's signature. Vote: Unanimous.

C. LONG VIEW ROAD SIDEWALK: MOVED by Glasgow and seconded by Trautman to approve the addition to the reconstruction contract for sidewalk to the south side of Long View Road. Vote: Unanimous.

D. CHENEY ROAD: MOVED by Holbrook and seconded by Young to authorize the Highway Superintendent to offer the affected landowner \$400 per acre for two acres to reroute Cheney Road. Vote: Unanimous.

### **MISCELLANEOUS**

A. ACKNOWLEDGEMENT OF DISINTERMENT PERMIT: MOVED by Young and seconded by Trautman to acknowledge the Disinterment Permit from the South Dakota Department of Health dated May 17, 2010, Application ID # 594058. Vote: Unanimous.

B. APPROVE VOUCHERS: MOVED by Holbrook 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.

**REQUEST TO WAIVE ADMINISTRATIVE FEES FOR VARIANCE / VA 10-11**: Monte and Barbara Hackens: MOVED by Trautman and seconded by Holbrook to waive the administrative fees totaling \$800 for Variance / VA 10-11. Vote: Unanimous.

### **BOARD OF ADJUSTMENT**

MOVED by Young and seconded by Trautman to convene as a Board of Adjustment. Vote: Unanimous.

A. VARIANCE / VA 10-11: Monty and Barbara Hackens. To reduce the minimum required front yard setback from 25 feet to 22 feet in a Low Density Residential District to allow for an attached garage to be constructed onto an existing residence in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 4, Block 2, Mission Hills Subdivision located in Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Young to approve Variance / VA 10-11 to reduce the minimum front-yard setback from 25 feet to 22 feet to bring the existing residence into compliance with the following three (3) conditions. Vote: Unanimous.

1. That all required setbacks are maintained from the proposed garage addition to the existing on-site wastewater treatment system, including 10 feet to the septic tank and 20 feet to the drainfield; 2. That the address be properly posted so it is visible in both directions off of Mission

Hills Loop in accordance with Pennington County's Ordinance #20 prior to issuance of a Building Permit for the attached garage; and, 3. That approval of this Variance request only applies for the portion of the front-yard setback that is encroached upon by the existing residence. All other structures, including the attached garage, must maintain proper setbacks or obtain separate Variance(s) for that structure.

MOVED by Young and seconded by Trautman to adjourn as a Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

**ITEMS FROM PLANNING AND ZONING**

B. SECOND READING OF REZONE / RZ 09-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 09-06: James Hynes/Aubrey Pope; Frances Aubrey – Agent. To rezone 1.13 acres from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Plan (PUD Sensitive) to Highway Service District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot B of Home Sweet Home Placer MS 804 and Lot B of (Lot 7) Tract 37, all located in Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Glassgow to approve the Second Reading of Rezone / RZ 09-08 and Comprehensive Plan Amendment / CA 09-06. Vote: Unanimous.

**ORDINANCE NO. RZ 09-08**

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 B of Home Sweet Home Placer MS 804 and Lot B of (Lot 7) Tract 37, all located in Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from General Agriculture District to Highway Service District.

Dated this 1<sup>st</sup> day of June, 2010.

PENNINGTON COUNTY COMMISSION

/s/ Ethan Schmidt, Chairperson

ATTEST: /s/ Karen McGregor, Deputy Auditor

(SEAL)

C. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 09-03: James and Marla Simpson, d/b/a Whispering Winds Cottages. To review a Planned Unit Development Amendment to allow an RV Park, tent camping sites, shower house, and to reduce setbacks in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota

MOVED by Holbrook and seconded by Trautman to approve the extension of Planned Unit Development Amendment 09-03 with the following sixteen (16) conditions pursuant to Planning Commission recommendation. Vote: Unanimous.

1. That the uses allowed with this Planned Unit Development be an eight (8) site RV Park, an five (5) site tent camping area, six (6) attached cabins for rental purposes with restroom facilities, a duplex with a residence and rental unit, and one (1) detached rental cabin, and any associated improvements;
2. That eight (8) foot setbacks be allowed along all interior (shared) lot lines of the four (4) subject properties and twenty-five (25) foot setbacks be maintained along all exterior lot lines, which abut properties under different ownership;
3. That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
4. That the interior one way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County Drainage Engineer's comments;
7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;
8. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;
10. That a minimum 10 foot separation be maintained at all times between each RV site;
11. That the internal road network not exceed a maximum of an eight (8) percent grade;
12. That each RV and tent site has a lot number clearly posted;
13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environmental and Natural Resources and Health;
15. That all other conditions of approval of the original PUD are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses and Condition #10 pertaining to setbacks; and,
16. That this Planned Unit Development Amendment be reviewed in three (3) years or upon a complaint basis.

D. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 09-06: Roy and Betty Osborn; Larry Job – Agent. To review a Planned Unit Development Amendment to allow for an accessory structure prior to construction of a primary structure in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 9, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Young to approve the extension of Planned Unit Development Amendment 09-06 with the following six (6) conditions pursuant to Planning Commission recommendation. Vote: Unanimous.

1. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations; 2. That the garage be used for personal use only and no commercial-type uses; 3. That the property remains free of debris and junk vehicles; 4. That all natural drainage paths are maintained; 5. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and, 6. That this Planned Unit Development Amendment be reviewed on a complaint basis only.

E. LAYOUT PLAT / PL 10-16: BJK Land, LLC; Ron Bradeen – Agent. To create Lots 1A and 1B, Block 1, Thovson Subdivision, in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Block 1, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1A and 1B, Block 1, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Glasgow and seconded by Young to approve Layout Plat 10-16 with the following eight (8) conditions pursuant to Planning Commission recommendation. Vote: Unanimous.

1. That prior to applying for the Preliminary Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 1A to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement; 2. That a site plan showing the location of all existing structures and associated utilities on proposed Lots 1A and 1B be submitted with the Preliminary Plat application; 3. That prior to County Board approval of the Final Plat, the applicant improve the Section Line to Ordinance 14 Standards or else obtain a Subdivision Regulations Variance waiving this requirement; 4. 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; 5. That prior to County Board approval of the Final Plat, Thovson Road be improved to Local/Collector road

standards for a Low Density Residential District, including a 66-foot-wide right-of-way with a 24-foot-wide driving surface and four (4) inches of gravel, or else a Subdivision Regulations Variance be obtained waiving this requirement; 6. That prior to County Board approval of the Final Plat, the accessory structure on proposed Lot 1A shall be removed or the applicant obtains a Conditional Use Permit for said structure; 7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and, 8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

F. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 08-04: Linda Kramer. To review a Planned Unit Development Amendment to allow for three (3) additional cabins in accordance with Section 213 of the Pennington County Zoning Ordinance.

The N1/2 of the NE1/4 lying east of County Road, Section 18, T1N, R3E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Young to continue the review of Planned Unit Development Amendment 08-04 to the July 6, 2010, Board of Commissioners' meeting pursuant to Planning Commission recommendation. Vote: Unanimous.

G. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT AMENDMENT / PU 10-01: Tammy Brodie-Gusmano; Leon Brodie – Owner. To amend a Planned Unit Development to allow for additional uses to occur on the property, such as Sunday Brunches, tea parties, a patio area for BBQs, and other special events to be hosted on the property. The applicant is also requesting an on-premise lighted sign and to allow the Rushmore Soccer Club to train once a week with no more than 20 players at a time in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 6 of Tract A, Knights Acres Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Young and seconded by Trautman to continue Planned Unit Development Amendment 10-01 to the July 6, 2010, Board of Commissioners' meeting to allow time for the applicant to provide proper notice to surrounding landowners. Vote: Unanimous.

H. CANYON SPRINGS PRESERVE SURETY UPDATE: MOVED by Holbrook and seconded by Schmidt to continue this item to the June 15, 2010, County Board meeting and to request that the Highway Superintendent review the project and provide an estimate for the cost of the second overlay, and it was further moved to confirm the developer's bank's willingness to extend the letter of credit for the second overlay. Substitute motion: MOVED by Trautman and seconded by Glasgow to require that the second overlay be completed before August 1, 2010. MOVED by Glasgow to call the question. Vote: Unanimous. Roll Call Vote on the substitute motion: Young - no, Schmidt - no, Holbrook - no, Trautman - aye, Glasgow - aye. The

substitute motion failed 3-2. MOVED by Holbrook to call the question. Vote on the question: Unanimous. The vote on the original motion carried 3-2 with Trautman and Glassgow voting no.

I. 319 PROJECT - SPRING CREEK UPDATE

COMMITTEE REPORTS

Holbrook left the meeting at 1:05 p.m.

EXECUTIVE SESSION PER SDCL 1-25-2(1) PERSONNEL

MOVED by Young and seconded by Glassgow to convene in Executive Session. Vote: Unanimous. The Board remained in Executive Session from 1:05 p.m. until 2:14 p.m. MOVED by Young and seconded by Glassgow to adjourn from Executive Session. Vote: Unanimous.

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 28, 2010: Total balances of checking/savings accounts, \$33,803,337.79; Total balance of Treasurer's Office safe cash, \$7,600.00; Total certificates of deposit, \$5,672,031.35; Total Prime Value Investment, \$3,154,197.60; Total petty cash, \$111,015.00; Total cash items/net NSF checks, \$305.15; Total long/short, \$373.86; Total, \$42,748,113.03. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL** : **Dispatch** – Effective 5/3/10: T. Jackson, \$2970; **Jail**: Effective 5/10/10 – D. Carter and E. Perry, \$2565.

**JULY 2010 MERIT INCREASES**: Auditor: McGregor, K, 21.37/Hr; Mohler, C, 3,989.00; Peterson, K, 5,755.00; Severson, L, 3,891.00; Wolf, V, 3,891.00; Treasurer: Brant, A, 4,723.00; Dieball, M, 3,796.00; Faber, L, 2,505.00; Fried, C, 2,444.00; Harlan, L, 2,384.00; Petersen, A, 2,444.00; Sorenson, J, 3,887.00; Tines, K, 2,830.00; Its; Maxwell, C, 5,907.00; Sinclair, S, 3,609.00; Wager, L, 4,499.00; States Attorney: Ackerman, M, 2,565.00; Alderman, J, 6,481.00; Azevedo, M, 3,277.00; Barnier, J, 3,802.00; Canaday, M, 3,360.00; Dollison-Decker, T, 5,210.00; Dulany, A, 4,196.00; Erickson, R, 5,473.00; Haggerty, D, 4,290.00; Hendrickson, J, 5,340.00; Hower, J, 3,530.00; Hyronimus, T, 4,838.00; Kallemeyn, S, 4,977.00; King, T, 2,970.00; Morrison, S, 5,083.00; Moser, C, 3,278.00; Nelson, G, 5,210.00; Redetzke, R, 3,444.00; Roetzel, L, 6,169.00; Shepard, S, 3,530.00; Smith, J, 3,802.00; Theissen, M, 3,897.00; Trimble, L, 3,897.00; Utter, J, 5,340.00; Venhuizen, W, 4,838.00; Willson, H, 2,629.00; Wittman, D, 4,187.00; Yellow Robe, S, 3,999.00; Yellowrobe Robertson, A, 3,120.00; Zellmer, J, 4,838.00; Public Defender: Andersen, B, 5,473.00; Callahan, C, 4,959.00; Celli, K, 3,444.00; Chihak, R, 4,186.00; Davis, J, 5,473.00; Diggins, T, 6,041.00; Harris, B, 6,193.00; Laubach, A, 6,347.00; Niemann, L, 4,196.00; Patterson, J, 4,959.00; Pietz, P, 5,083.00; Shattuck, L, 4,959.00; Yanni, A, 5,340.00; Building And Grounds: Alexander, E, 2,633.00; Anders, D, 3,369.00; Anders, I, 2,699.00; Berg, D, 2,385.00; Blocker, A, 5,217.00; Bohn, J, 3,444.00; Drewitz, G, 2,505.00; Eccleston, D, 3,529.00; Enders, J, 3,044.00; Heupel, R, 2,830.00; Jagim, R, 4,191.00;

Jorgensen, M, 2,505.00; Lehrkamp, M, 2,327.00; Reil, R, 3,800.00; Roberts, J, 3,443.00; Selman, B, 3,124.00; Stough, E, 2,270.00; Wortman, M, 3,364.00; Equalization: Benton, R, 4,187.00; Caster, P, 3,198.00; Kistler, H, 4,841.00; Mareska, R, 4,292.00; Marx, W, 3,611.00; Peters, D, 3,207.00; Puckett, D, 3,120.00; Rieck, R, 5,229.00; Schuttler, R, 3,611.00; Swanson, M, 3,453.00; Thovson, L, 3,709.00; Wendell, G, 3,044.00; Westby, C, 4,085.00; Register Of Deeds: Boal, L, 4,962.00; Fite, D, 2,901.00; LE ITS; Evans, J, 3,525.00; Hocking, S, 4,186.00; Phuntshok, D, 2,897.00; Sheriff's Dept; Battest, T, 3,887.00; Bellew, L, 2,629.00; Bickett, K, 2,973.00; Boal, M, 3,984.00; Dailey, M, 5,221.00; Dalton, D, 4,841.00; Decker, G, 4,502.00; Dennison Jr, R, 2,901.00; Douma, D, 3,339.00; Dove, L, 3,048.00; Erickson, B, 4,403.00; Evenson, J, 5,899.00; Fagerland, J, 3,614.00; Foster, G, 4,392.00; Freeouf, B, 3,792.00; Graves, M, 5,214.00; Hauer, D, 3,989.00; Hislip, C, 3,853.00; Huschle, J, 3,792.00; Kenrick, C, 3,765.00; Koch, P, 2,974.00; Magnavito, F, 6,787.00; Mann, J, 4,398.00; McCool-Deneke, R, 2,831.00; McCoy, S, 2,629.00; McLane, T, 4,969.00; Melvin, K, 3,124.00; Mitzel, J, 3,614.00; Morrison, D, 3,887.00; Myers, F, 3,048.00; Nordell, R, 4,620.00; Olson, D, 3,796.00; Olson, K, 3,048.00; Osborne, M, 4,398.00; Rearick, C, 5,626.00; Rehberg, C, 17.56/Hr; Robertson, T, 3,198.00; Sargent, M, 4,502.00; Schiferl, J, 3,614.00; Schuft, M, 2,762.00; Ulrich, H, 2,831.00; Varcoe, C, 3,765.00; Verchio, A, 4,969.00; Weber, K, 5,485.00; Wilhelm, C, 3,792.00; Wood, K, 4,502.00; Station: Heitsch, T, 3,806.00; Hodges, J, 3,806.00; Hidta; Hughes, M, 4,614.00; Schulz, E, 4,186.00; Jail: Ankele, K, 2,822.00; Banning, D, 3,444.00; Boal, J, 4,502.00; Bray, T, 2,505.00; Carlson, K, 3,525.00; Cheesman, J, 3,203.00; Claussen, K, 2,762.00; Comrie, N, 3,048.00; Damuth, J, 2,694.00; Douthwaite, A, 3,356.00; Fairbanks, R, 3,439.00; Feller, D, 3,887.00; Fischer, L, 3,535.00; Fliginger, T, 4,620.00; Greer, P, 5,339.00; Haga, B, 4,962.00; Hicks, D, 3,614.00; Horinka, J, 2,629.00; Houghton, K, 2,629.00; Houston, K, 4,285.00; Humphrey, A, 3,356.00; Jones, R, 3,891.00; Klock, S, 2,270.00; Luther, K, 3,525.00; Luthy, A, 2,694.00; Marmolejo-Mechaley, J, 2,270.00; Maxfield, P, 3,614.00; McDonald, J, 5,087.00; Meyer, B, 3,704.00; Milliken, F, 3,984.00; Morgan, D, 3,704.00; Olson, R, 3,525.00; Paulin, J, 4,969.00; Pawelski, J, 2,568.00; Popp, G, 2,698.00; Pressley, H, 2,694.00; Prevett, D, 3,796.00; Pritzkau, A, 3,614.00; Pyle, T, 3,525.00; Reckling, M, 2,973.00; Reynolds, W, 4,733.00; Severson, P, 5,351.00; Sigdestad, J, 3,439.00; Smith, C, 4,088.00; Smith, S, 2,822.00; Snipes, J, 4,568.00; Starr, M, 4,180.00; Steele, M, 4,614.00; Trainer, J, 3,887.00; Trenary, K, 4,736.00; Utter, D, 3,439.00; Vivardo, Y, 3,614.00; Williamson, A, 3,185.00; Wilson, K, 3,796.00; Wojcik, M, 3,948.00; Zellar, J, 3,356.00; Hill City LE: Tallon, T, 3,792.00; New Underwood LE: McPherson, R, 3,792.00; School Liaison: Brumbaugh, S, 4,398.00; Halverson, K, 4,620.00; Walker, M, 4,508.00; Wall LE: Damuth, L, 3,525.00; Lange, L, 3,525.00; JSC; Atkinson, D, 4,969.00; Bedard, P, 3,525.00; Braun, K, 3,887.00; Chapman-Holloway, P, 5,344.00; Cummings, M, 4,186.00; Danley, J, 4,246.00; Deneui, K, 3,356.00; Dockter, P, 3,885.00; Guilmett, K, 3,525.00; Guilmett, M, 3,887.00; Guthrie, C, 14.45/Hr; Hall, R, 3,792.00; Hauck, W, 3,792.00; Irvine, S, 3,586.00; Jaure, M, 3,356.00; Leveque, C, 6,192.00; Levy, S, 3,586.00; Lindblom, T, 4,841.00; Luedtke, R, 3,984.00; Maher, J, 3,525.00; Martin, J, 3,356.00; Martina, J, 2,831.00; McMillan, T, 4,398.00; Olson, C, 4,184.00; Olson, M, 3,796.00; Oster, D, 5,478.00; Oyler, L, 3,674.00; Petrik, R, 4,730.00; Philippe, J, 4,398.00; Pinkowski, R, 3,525.00; Ricke, J, 4,614.00; Rogers, F, 4,398.00; Rosendahl, R, 3,525.00; Sehr, B, 3,704.00; Smith, D, 4,398.00; Snow, T, 3,614.00; Standing, R, 2,632.00; Towne, D, 2,762.00; Will, C, 4,184.00; Wood, H, 4,618.00; Ziegler, R, 3,982.00; Detox: Ayers, D, 3,449.00; Bell, R, 2,973.00; Boetel, B, 5,609.00; Colhoff Glover, L, 3,278.00; Cutler, L, 2,444.00; Edinger, D, 3,048.00; Garcia, P, 2,973.00; Gibbons, G, 3,198.00; Gonzalez, T, 3,044.00; Hammond, R, 2,901.00; Jones, P,

19.36/Hr; Kautzman, S, 2,505.00; Kelly, N, 2,761.00; Knapp, T, 3,198.00; Mauch, S, 3,796.00; Nelson, G, 3,278.00; Pratt, L, 3,796.00; Reeves, D, 19.38/Hr; Shelatz, R, 2,897.00; Stahlecker, C, 2,761.00; Vanschoonhoven, T, 4,392.00; 24-7; Burfeindt, L, 2,901.00; Campbell, B, 2,901.00; Ellis-Stevens, R, 2,901.00; Palmier, D, 2,901.00; Zimmer, E, 2,901.00; Dispatch: Adams, J, 3,952.00; Bahr, P, 22.45/Hr; Bitterman, B, 4,049.00; Born, S, 20.34/Hr; Callahan, T, 4,191.00; Colombe, L, 4,508.00; Comrie, S, 3,989.00; Ellerton, D, 4,049.00; Felkey, D, 3,891.00; Geary, P, 4,191.00; Jeffery, W, 21.72/Hr; Kobes, M, 5,358.00; Malcom, M, 3,857.00; Martens, J, 3,891.00; McMahon, T, 3,439.00; Meyers, J, 3,439.00; Neilan, C, 3,704.00; Nicolai, G, 4,741.00; Nilsen, A, 3,439.00; Nordell, D, 4,146.00; Olson, S, 4,398.00; Piscopo, J, 4,460.00; Ruffledt, T, 5,347.00; Scott, A, 3,614.00; Shoemaker, M, 4,398.00; Smith, K, 4,146.00; Sortland, S, 3,439.00; Tomjack, C, 3,586.00; Highway: Anderson, D, 4,618.00; Beachem, B, 3,713.00; Bintliff, G, 5,355.00; Burleson, D, 3,282.00; Casjens, M, 2,830.00; Fogelman, B, 2,901.00; Grable, C, 4,295.00; Hall, D, 3,048.00; Hand, L, 2,761.00; Kirksey, R, 3,124.00; Larson, M, 4,505.00; Nelson, D, 3,448.00; Nelson, J, 3,901.00; Silbernagel, C, 3,444.00; Sutterer, M, 3,901.00; Townley, R, 2,761.00; Walker, R, 4,505.00; Planning: Olson, A, 3,522.00; Zeller, L, 3,522.00; Weed and Pest: Dargatz, J, 14.83/Hr; Saxer, D, 14.11/Hr; Thovson, J, 13.11/Hr; Health & Human Services: Ader, A, 3,444.00; Dahlke, B, 4,290.00; Doorn, C, 5,478.00; Guffey, J, 2,761.00; Harrison, J, 2,761.00; Krebs, T, 3,700.00; Semmler, M, 3,044.00; Tice III, M, 4,180.00; Extension: Bruckner, K, 4,094.00.

**PAYROLL:** Commissioners, 9,109.42; Human Resources, 4,386.08; Elections, 17,806.31; Auditor, 17,677.05; Treasurer, 48,491.26; Data Processing - Law, 9,907.43; Data Processing - General, 33,835.43; State's Attorney, 131,042.75; Public Defender, 90,729.52; Juvenile Diversion, 11,127.93; Victim's Assistance, 11,335.92; Buildings & Grounds, 98,879.99; Equalization, 63,975.65; Register of Deeds, 24,471.90; Sheriff, 263,568.12; Courthouse Security, 6,949.90; Service Station, 8,767.87; Arrest Grant, 11,723.02; HIDTA Grant, 8,790.71; CARE Budget, 12,591.67; Jail, 393,826.15; Jail Work Program, 4,927.92; Jail Medical, 2,969.75; Jail Maintenance, 11,029.51; Hill City Law, 11,379.30; Keystone Law, 5,137.05; New Underwood – Law, 3,949.74; School Liaison, 19,418.98; Wall Law, 11,227.67; JSC Teachers, 26,067.25; Home Detention, 7,405.67; Alcohol & Drug, 145,051.22; Friendship House, 29,534.28; Prevention Program, 6,025.00; Dispatch, 149,430.20; Ordinance, 3,355.50; Economic Assistance, 44,585.72; Mental & Alcohol-SAO, 7,255.54; Mental & Alcohol-HHS, 3,278.09; Extension, 3,994.01; Weed & Pest, 12,341.99; Planning and Zoning, 18,915.90; Water Protection, 4,078.42; Juvenile Services Center, 252,069.61; JSC Maintenance, 5,619.58; Highway, 181,029.46; Drug Seizure, 5,313.08; Fire Administration, 6,469.47; Emergency Management, 9,360.46; 24/7 Program, 16,215.76

**VOUCHERS:** First Interstate Bank, 4,674.13; City of Rapid City-Water, 15,530.00; Executive Mgmt Finance Office, 13.48; Knology, 4,322.30; Montana Dakota Utilities, 8,091.46; Verizon, 5,101.36; Alltel, 1,513.70; BH Power Inc, 8,388.40; Rainbow Gas Co, 3,776.50; CBM Food Service, 35,989.61; Pioneer Bank Visa, 2,382.19; First Administrators, 118,718.76; Qwest-Seattle, 216.56; Wal-Mart Community, 129.54; City of Hill City, 64.33; Red River Service Corp, 44.84; Qwest, 2.50.

**ADJOURN**

MOVED by Glasgow and seconded by Young to adjourn the meeting at 2:14 p.m. Vote: Unanimous.

/s/Julie A. Pearson, Auditor

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

Publish: June 16, 2010