

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS MINUTES  
August 3, 2010**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, August 3, 2010, in the Commissioners' meeting room of the Pennington County Courthouse. Chairman Ethan Schmidt called the meeting to order at 9:00 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 remove Item 21, Request for Street Closure, at the request of the applicant and approve the agenda as amended. Vote: Unanimous.

**REVIEW MINUTES**

MOVED by Holbrook and seconded by Young to approve the minutes of the July 20, 2010, Board of Commissioners' meeting. Vote: Unanimous.

**ITEMS FROM THE PUBLIC**

Donna Olson shared concerns about drainage problems on Longview and Reservoir Road. Glenn Lakner spoke of Canada thistle problems with a neighboring landowner.

**ITEMS FROM AUDITOR**

A. 90<sup>TH</sup> ANNIVERSARY OF DEMOCRACY FOR WOMEN - INFORMATION

**ITEMS FROM REGISTER OF DEEDS**

A. REQUEST FOR LANDLINK APPLICATION & LANDSHARK MODULE SOFTWARE AND EQUIPMENT PURCHASE: MOVED by Holbrook and seconded by Trautman to authorize the Register of Deeds to purchase TriMin Software and computer equipment for a total of \$40,900 with the funds coming from the 2010 Contingency fund. Substitute motion: MOVED by Glassgow to continue this item to the August 17, 2010, County Board meeting. The motion died for lack of a second. Substitute Motion: MOVED by Trautman and seconded by Holbrook to transfer \$77,975 from the 2010 Contingency Fund to the Register of Deeds budget to cover the 2010 and 2011 expenses for the TriMin Software purchase and implementation. Vote: The motion carried 4-1 with Glassgow voting no.

**RECONSIDER AGENDA**

MOVED by Glassgow and seconded by Young to reconsider the agenda. Vote: Unanimous.  
MOVED by Glassgow and seconded by Trautman to move Item 20, the Reauthorization of the Secure Rural Schools and Community Self-Determination Act, before Item 9 and renumber the remainder of the agenda. Vote: Unanimous.

**REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT – Commissioner Glassgow**

MOVED by Young and seconded by Trautman to authorize Chairman’s signature on a letter thanking South Dakota’s congressional delegation for their support of the Reauthorization of the Secure Rural Schools and Community Self-Determination Act, and urging their continued support in the future. Vote: Unanimous.

Commissioners Holbrook and Glassgow left the meeting at 10:25 a.m.

**ITEMS FROM SHERIFF**

A. **SURPLUS PROPERTY**: MOVED by Trautman and seconded by Young to remove one Glock Model 22 / .40 caliber handgun / Serial EEW911 from the surplus list approved on June 15, 2010, and declare one Glock Model 22 / .40 caliber handgun / Serial DHM710 surplus to use as trade. Vote: Unanimous.

**EXECUTIVE SESSION PER SDCL 1-25-2**

MOVED by Trautman and seconded by Young to convene in Executive Session. Vote: Unanimous. The Board of Commissioners remained in Executive Session from 10:25 a.m. to 11 a.m. when Commissioners Holbrook, Schmidt, Trautman and Young returned. MOVED by Young and seconded by Trautman to adjourn from Executive Session. Vote: Unanimous. Commissioner Glassgow returned at this time.

**LOCAL COUNSEL CONTRACT – Mr. Todd Meierhenry**: MOVED by Trautman and seconded by Holbrook to enter into a contract with Meierhenry Sergeant LLP to act as Local Counsel for bonding issues and authorize the Chairman’s signature to the letter of engagement dated July 27, 2010. Vote: Unanimous.

MOVED by Trautman and seconded by Young to request that local counsel, Todd Meierhenry, send a letter to bond counsel, Betsey Aby, asking her to communicate directly with him on all bonding issues and copy those communications to the Commission Office, Chairman Schmidt and Commissioner Trautman. Vote: Unanimous.

**AUTHORIZATION OF RESOLUTION FOR CERTIFICATES OF PARTICIPATION:**

MOVED by Trautman and seconded by Holbrook to adopt the Resolution Relating to Lease-Purchase of County Buildings Authorizing the Execution and Delivery of a Lease-Purchase Agreement and Approving and Authorizing Execution of Related Documents and Authorizing Certificates of Participation, inserting the words “the Vice Chair” after Chairman and before County Auditor in the second sentence of Section 2. Vote: Unanimous.

RESOLUTION

RESOLUTION RELATING TO LEASE-PURCHASE OF COUNTY BUILDINGS AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF

RELATED DOCUMENTS AND AUTHORIZING CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Board of Commissioners of Pennington County, South Dakota (the “County”), as follows:

Section 1. Recitals.

1.01. The County is authorized by South Dakota Codified Laws, Chapter 7-25, inclusive, as amended (the “Act”), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to issue Certificates of Participation (Limited Tax General Obligation), in one or more series to pay all or a portion of the costs of acquisition, construction, renovating, furnishing and equipping of county buildings as described in the Facilities Master Plan Report dated June 1, 2010 (the “2010A Project”).

1.02. The County has agreed with U.S. Bank National Association (the “Trustee”) that the Trustee has, pursuant to a Ground Lease Agreement, dated as of March 1, 2003, between the County and the Trustee (the “Ground Lease”), acquired certain interests in real property (the “Land”) from the County, and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities, as defined in the Lease-Purchase Agreement, dated as of March 1, 2003 (the “Original Lease”), as amended and supplemented by the First Amendment to Lease-Purchase Agreement, dated as of March 1, 2008 (the “First Amendment to Lease”), between the County and the Trustee, to be acquired, renovated, constructed and equipped thereon to the County pursuant to the Original Lease, as amended and supplemented by the First Amendment to Lease.

1.03. The Trustee will execute and deliver one or more Supplemental Declarations of Trust (the “Supplemental Trusts”), which will supplement and amend the Declaration of Trust, dated as of March 1, 2003 (the “Original Trust”), as amended and supplemented by the First Supplemental Declaration of Trust, dated as of March 1, 2008 (the “First Supplemental Trust”), pursuant to which the Trustee will (i) issue one or more Certificates of Participation (the “Certificates”) in the lease payments to be made by the County under the Original Lease, as amended and supplemented by the First Amendment to Lease and one or more Amendments to Lease between the County and the Trustee (the Original Lease, as amended and supplemented by the First Amendment to Lease and one or more Amendments to Lease is referred to herein as the “Lease”) and (ii) receive, hold and invest the proceeds of the sale of the Certificates and disburse such proceeds to pay for the 2010A Project and costs of issuance of the Certificates.

1.04. The Certificates will be purchased by Dougherty & Company LLC (the “Original Purchaser”) pursuant to one or more Certificate Purchase Agreements between the County and the Original Purchaser (the “Certificate Purchase Agreements”) and the Original Purchaser will offer the Certificates for sale to the public by one or more Official Statements (the “Official Statements”).

1.05. Forms of the following documents relating to the Facilities (the “Documents”) are directed to be prepared by Lindquist & Vennum P.L.L.P. as Bond Counsel, and submitted to the County and are hereby directed to be filed with and approved by the County Auditor and the Deputy State’s Attorney: (a) the Amendments to Lease; (b) the Supplemental Trusts; (c) the Certificate Purchase Agreements; (d) the Amendments to Ground Lease (the “Amendments to Ground Lease”) between the County and the Trustee; and (e) the Official Statements.

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Chairman, the Vice Chair and County Auditor are authorized to approve the principal amount of the Amendments to Lease, the Certificates, not exceeding \$43,550,000, the term thereof not exceeding thirty (30) years, the interest rate or rates thereon not exceeding an average yield of eight percent (8%) per annum and the price not less than 99.4% of par (exclusive of original issue discount) and at which the Certificates are to be sold to the Original Purchaser, and are directed to enter into Certificate Purchase Agreements with the Original Purchaser and their execution of the Certificate Purchase Agreements shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein. The forms of Documents to be prepared are hereby approved if the County Auditor deems them appropriate and the Documents are approved by the Deputy State’s Attorney. The Chairman and the County Auditor are directed to execute the Documents if approved by the County Auditor. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Chairman and the County Auditor and the Deputy State’s Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions therein contemplated. The County will cooperate in the issuance of the Certificates and the Chairman, the County Auditor and the Deputy State’s Attorney shall execute such other instruments as are necessary to the issuance of the Certificates.

Section 3. Modification, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Deputy State’s Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the County herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Chairman or the County Auditor, any of the Documents authorized by this resolution to be executed may be executed by such officer as, in the opinion of the Deputy State’s Attorney, may execute documents in their stead.

Section 4. Payment of Lease Payments. The County will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease. The County’s current tax levy is sufficient to make Lease Payments (as defined in the Lease) and other amounts required by the Lease, without increasing the current levy above any amount which would require an opt out or other increase under South Dakota Codified Laws Section 10-13-35.

Section 5. Arbitrage Certification. The Chairman and the County Auditor, being the officers of the County charged with the responsibility for issuing the Certificates pursuant to this

Resolution, are authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code and Sections 1.148-1 et al of the Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates which make it reasonable to expect that the proceeds of the Certificates will not be used in a manner that would cause the Lease or the Certificates to be arbitrage bonds within the meaning of the Code and Regulations.

Section 6. Official Statements. The County will participate in the preparation of the Preliminary Official Statements and the final Official Statements relating to the Certificates and hereby authorizes the County Auditor to consent to the distribution of the Official Statements by the Original Purchaser in connection with the sale of the Certificates. The Preliminary Official Statements, except for Permitted Omissions, will be deemed final by the County when authorized by the County Auditor as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934. As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, rating, if any, and other terms of the Certificates depending on such matters.

Section 7. Bank Qualification. In order to qualify any of the series of the Certificates as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code, the County hereby makes the following representations:

A. The County hereby designates one or more series of the Certificates as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(C) of the Code;

B. The reasonably anticipated amount of tax-exempt obligation (other than obligations described in clause (ii) of Section 265(b)(3)(C) of the Code which will be issued by the County (and all subordinate entities whose obligations will be aggregated with those of the County) during the calendar year the series of Certificates are issued will not exceed \$30,000,000; and

C. Not more than \$30,000,000 of tax-exempt obligations issued by the County during the calendar year the series of the Certificates are issued have been designated as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

Section 8. Build America Bonds and/or Recovery Zone Economic Development Bonds and/or Energy Conservation Bonds. Any series of the Certificates may be designated at or before such series of Certificates are issued as Build America Bonds under Section 54AA of the Code or as Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code or as Energy Conservation Bonds under Section 54D of the Code. Any designation of Recovery Zone Economic Development Bonds shall require a volume cap allocation of the County and shall be subtracted from the \$7,930,000 allocation provided to the County pursuant to 1400U-1 of the Code. The officers of the County are authorized to make application for the Energy Conservation Bond volume cap.

Section 9. Amendment. This resolution may be amended from time to time, prior to the

issuance of the Certificates, by an administrative resolution adopted by this Board.

Section 10. Partial Invalidity. If any one or more of the provisions of this Resolution shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Adopted this 3rd day of August, 2010.

/s/ Ethan Schmidt, Chairman  
Pennington County Board of Commissioners

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

#### CERTIFICATE

The undersigned, being the duly qualified and acting County Auditor of Pennington County, South Dakota, hereby certifies that the above resolution is a true and correct copy of the resolution as adopted by the Board of Commissioners on August 3, 2010.

WITNESS my hand officially as such County Auditor and seal this 3<sup>rd</sup> day of August, 2010.

/s/Julie A. Pearson  
County Auditor

(SEAL)

#### **RESOLUTION DESIGNATING RECOVERY ZONE**      [Link to Recovery Zone Map](#)

MOVED by Trautman and seconded by Glassgow to approve the Resolution Designating Pennington County, South Dakota, Recovery Zone for Purposes of Sections 1400U-1, 1400U-2 and 1400U-3 of the Internal Revenue Code of 1986, as Amended, and authorize the Chairman's signature thereto. Vote: Unanimous.

#### RESOLUTION

A RESOLUTION DESIGNATING PENNINGTON COUNTY, SOUTH DAKOTA, RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U-1, 1400U-2, AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE").

WHEREAS, Section 1400U-1 of the Code authorizes Pennington County, South Dakota (the "County") to designate a "recovery zone" for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code and for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code; and

WHEREAS, the term “recovery zone” means (1) any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the County as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect;

NOW, THEREFORE, BE IT RESOLVED BY PENNINGTON COUNTY, SOUTH DAKOTA:

The County’s “recovery zone” for purposes of Sections 1400U-1, 1400U-2, and 1400U-3 of the Code is hereby designated to be the area denoted on the map attached hereto as Exhibit A.

The Pennington County Commission hereby finds that the “recovery zone” described above meets the requirements of Sections 1400U-1 of the Code, in that the area therein is an area having significant poverty, unemployment, rate of home foreclosures, or general distress.

Dated this 3<sup>rd</sup> day of August, 2010

PENNINGTON COUNTY COMMISSION

/s/Ethan Schmidt, Chairperson

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

**RECONSIDER AGENDA**

MOVED by Young and seconded by Glasgow to reconsider the agenda. Vote: Unanimous.

MOVED by Young and seconded by Glasgow to consider Planning & Zoning Item E, Appeal of Conditional Use Permit / CU 10-08, as the next item. Vote: Unanimous.

**ITEMS FROM PLANNING AND ZONING**

Commissioner Trautman recused herself from this item and left the meeting at 12:10 p.m.

E. APPEAL OF CONDITIONAL USE PERMIT / CU 10-08: Chris and Jolene Hinckley. To allow for an Adult Foster Care Home in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Block 1, Palmer Subdivision Addition, Section 14, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Young and seconded by Holbrook to approve Conditional Use Permit / CU 10-08 with 14 conditions that are to be met within 4 months. MOVED by Holbrook to call the question. The motion died for lack of a second.

Young and Holbrook agreed to amend their motion to add a fifteenth condition stating that once the Hinkleys no longer reside on the property, the CUP is revoked, and to change Condition #1

to specify that the clients must be 65 years or older. Vote: The motion carried with 4 affirmative votes.

1. That a maximum of two (2) clients, 65 years or older, not related to the owners of the property, be allowed to stay at the home at one time;
2. That the business be conducted by members of the family residing on the premises;
3. That a Building Permit, for which Administrative Fees will be applied, be obtained for the basement finish;
4. That prior to the continued operation of the proposed use, the existing septic system shall be upgraded to handle the increase in use which will require that the applicants obtain an On-Site Wastewater Construction Permit from the Pennington County Planning Office;
5. That the applicants obtain approval from the South Dakota Department of Environment and Natural Resources for the existing means of wastewater disposal servicing the residence prior to operation of the Adult Foster Care;
6. That the applicants identify the location of a reserve drainfield area on a site plan for the property;
7. That the applicants ensure the residential character of the property is maintained;
8. That a minimum of three (3) off-street parking spaces be provided; and that each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
9. That the applicants comply with South Dakota Administrative Rules 44:04:19 which regulates Adult Foster Care Homes and requires a license to be maintained;
10. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation that includes the necessary site plans to be reviewed and approved by the Planning Director;
11. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
12. That if the home is to have handicapped clients the applicants provide for handicapped accessibility, which would include a handicapped ramp;
13. That once the applicants, Chris and Jolene Hinckley, no longer reside on the property, the Conditional Use Permit will be revoked;
14. That this Conditional Use Permit not be valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in four (4) months.

Trautman rejoined to the meeting at 12:40

#### **ITEMS FROM EMERGENCY MANAGEMENT**

A. 2010 HOMELAND SECURITY CONDITIONAL GRANT AWARD: MOVED by Glasgow and seconded by Young to approve the Pennington County, Region 1, 2010 Homeland Security Conditional Grant Award in the amount of \$697,433.11, and authorize the Chairman's signature thereto. Vote: Unanimous.

#### **ITEMS FROM EQUALIZATION**

A. ABATEMENT REQUEST: MOVED by Glasgow and seconded by Young to approve the 2009 abatement/refund for Jeffery Nettleton/City of Rapid City, Parcel ID 40167, \$81.36. Vote: Unanimous.

**ITEMS FROM FIRE ADMINISTRATOR**

A. SECURE RURAL SCHOOLS & COMMUNITY SELF DETERMINATION ACT: MOVED by Young and seconded by Glasgow that 7% of the 2010 payment under the Secure Rural Schools & Community Self Determination Act be designated for Title II and 8% designated for Title III. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

A. ADOPT-A-HIGHWAY PROGRAM – CLEGHORN CANYON ROAD: MOVED by Holbrook and seconded by Young to approve the application from Friends of Cleghorn Canyon to adopt approximately one miles of Cleghorn Canyon Road. Vote: Unanimous.

**REQUEST FOR TRANSFER OF PROPERTY – CITY OF BOX ELDER**

MOVED by Trautman and seconded by Young to transfer the ownership of Tax ID 43426, 614 Sunnydale Road, from Pennington County to the City of Box Elder. Trautman and Young withdrew their motion.

MOVED by Trautman and seconded by Young to continue the request for transfer of property to the August 17, 2010, County Board meeting at the request of the Pennington County Treasurer. Vote: Unanimous.

**ITEMS FROM CHAIR:**

A. MEETING CHANGE: MOVED by Trautman and seconded by Young to move the regular meeting scheduled for the third Tuesday in September to the fourth Tuesday, September 28, 2010, and further moved to hold a special meeting on September 21, 2010, for approval of vouchers. Vote: Unanimous.

**PENNINGTON COUNTY TRAVEL POLICY – Commissioner Holbrook**

Commissioner Holbrook will meet with Pennington County’s Human Resources Director, Nick Stroot, to develop a proposal for a travel policy.

**MISCELLANEOUS**

A. APPROVE VOUCHERS: MOVED by Young and seconded by Trautman 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 & ZONING**

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

A. VARIANCE / VA 10-15: Cheryl and Todd Bachman/Betty Sanders/Sanders Family Trust. To reduce the minimum required lot size from 40 acres to 10.01 acres and 10.53 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Adonis No. 3 Lode M.S. 1068 in Section 23 and Sunshine No. 8 Lode M.S. 1068 in Section 26, all located in T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract Adonis located in Section 23 and Tract Sunshine in Section 26, all located in T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Young to approve Variance / VA 10-15. Vote: Unanimous.

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

B. LAYOUT PLAT / PL 10-25: Dale Brassfield. To reconfigure lot lines to create Lots A, B, and C of Brassfield Subdivision in accordance with Sections 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1A, 1B, and Lot 2 of Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, and C of Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Young to approve Layout Plat / PL 10-25 with the following fourteen (14) conditions, pursuant to Planning Commission recommendation. Vote: Unanimous.

1. That at the time of Preliminary Plat submittal, engineered road construction plans be submitted for Klondike Road and the access roads or a Subdivision Regulations Variance be obtained waiving this requirement;
2. That prior to Final Plat approval, both Klondike Road and the two access roads be improved to Local Road Standards, which include a 66 foot public right-of-way, 24-foot driving surface with a minimum of 4 inches of gravel or submit a surety for the improvements or obtain approval of a Subdivision Regulations Variance waiving this requirement;
3. That prior to Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for the proposed lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
4. That an easement be created for the power lines traversing through the property acceptable to Black Hills Electric Cooperative;
5. That at the time of Preliminary Plat submittal, a site plan be submitted showing all existing structures and on-site wastewater disposal systems;
6. That prior to filing the plat with Register of Deeds, the proposed five acre lot either be rezoned to Low Density Residential District or a Lot Size Variance obtained waiving the 10 acre

minimum lot size; 7. That at the time of submittal of the Preliminary Plat, the applicant submits topography at 5 foot contour intervals or obtains approval of a Subdivision Regulations Variance waiving this requirement; 8. That at the time of submittal of the Preliminary Plat, the applicant must submit information in regards to water supply or letter from the Community Water System allowing hookup for all of the proposed lots; 9. That all structures be a minimum of 25 feet from all property lines; 10. That the second "Certificate of Director of Equalization" be changed to "Certification on Plat by County Auditor;" 11. That a drainage easement be required across the platted parcels; 12. That the bearing on the north east boundary be changed to N43°22'42"W; 13. That prior to Final Plat approval, a signature block be created for the Planning Director; and, 14. That the owners' signature blocks be corrected to include Trudy Brassfield as owner with Dale Brassfield.

**C. 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 Trautman and seconded by Holbrook to deny Planned Unit Development Amendment / PU 10-01 without prejudice pursuant to Planning Commission recommendation. Vote: Unanimous.

**D. UPDATE – CROOKED CREEK CAMPGROUND/RESORT:** The Planning Director reported that the wastewater concerns have been turned over to the South Dakota Department of Environment and Natural Resources.

**EXECUTIVE SESSION PER SDCL 1-25-2**

MOVED by Young and seconded by Trautman to convene in Executive Session. Vote: The motion carried 4-1 with Holbrook voting no. The Board remained in Executive Session from 1:15 p.m. until 1:25 p.m. MOVED by Trautman and seconded by Young to adjourn from Executive Session. Vote: Unanimous.

**PAYROLL**

Commissioners, 9,217.66; Human Resources, 4,495.75; Elections, 14,057.48; Auditor, 17,782.42; Treasurer, 48,063.95; Data Processing - Law, 9,985.65; Data Processing - General, 34,259.19; State's Attorney, 133,323.41; Public Defender, 92,774.55; Juvenile Diversion, 10,664.02; Victim's Assistance, 11,541.25; Buildings & Grounds, 103,033.46; Equalization, 65,178.53; Register of Deeds, 23,609.22; Sheriff, 273,217.83; Courthouse Security, 6,519.96; Service Station, 9,031.16; Arrest Grant, 11,235.02; HIDTA Grant, 9,477.21; Jail, 416,626.59; Jail Work Program, 5,210.83; Jail Medical, 3,044.01; Jail Maintenance, 11,574.08; Hill City Law, 12,017.81; Keystone Law, 5,640.23; New Underwood – Law, 3,962.21; School Liaison,

19,722.45; Wall Law, 11,147.47; JSC Teachers, 29,644.38; Home Detention, 7,679.10; Alcohol & Drug, 146,182.01; Friendship House, 28,502.90; Prevention Program, 6,104.92; Dispatch, 149,696.18; Ordinance, 3,355.50; Economic Assistance, 42,917.99; Mental & Alcohol-SAO, 7,436.91; Mental & Alcohol-HHS, 3,278.09; Extension, 5,034.99; Weed & Pest, 21,777.76; Planning and Zoning, 19,224.57; Water Protection, 4,078.42; Juvenile Services Center, 261,353.15; JSC Maintenance, 5,683.75; Highway, 181,781.95; Drug Seizure, 5,357.76; Fire Administration, 6,631.22; Emergency Management, 9,594.53; 24-7 Program, 15,958.54.

**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 July 20, 2010: Total balances of checking/savings accounts, \$22,881,985.09; Total balance of Treasurer’s Office safe cash, \$7,600.00; Total certificates of deposit, \$5,657,986.77; Total Prime Value Investment, \$1,745,989.36; Total petty cash, \$111,015.00; Total cash items/net NSF checks, \$398.35; Total long/short, \$431.16; Total, \$30,404,543.41. Submitted by Lori Wessel, Deputy Auditor.

**VOUCHERS**

Executive Mgmt Finance Office, 28.96; Knology, 7,025.58; Montana Dakota Utilities, 4,019.43; CBM Food Service, 21,822.22; Verizon, 5,132.56; First Interstate Bank, 7,573.38; Alltel, 960.88; Qwest, 7,332.44; Fleet Services, 132.74; BH Power Inc, 2,387.43; City of Rapid City-Water, 1,555.95; City of Hill City, 23.25; Red River Service Corp, 44.84; First Administrators, 23,592.08; Mt Rushmore Telephone, 100.98; Pioneer Bank Visa, 981.79.

**ADJOURN**

There being no further business, the meeting adjourned at 1:30 p.m.

/s/Julie A. Pearson, Auditor

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

Publish: August 18, 2010