

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
March 6, 2012**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, March 6, 2012, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Lyndell Petersen called the meeting to order at 9:00 a.m. with the following Commissioners present: Ken Davis, Don Holloway and Nancy Trautman. Commissioner Buskerud was not present.

Approval of the Agenda

MOVED by Trautman and seconded by Holloway to approve the agenda as presented. Vote: Unanimous.

Consent Agenda Items

The following items have been placed on the Consent Agenda for action to be taken by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate consideration.

MOVED by Davis and seconded by Trautman to approve Consent Agenda Items 5-11 as presented. Vote: Unanimous.

5. Approve the minutes of the February 21, 2012, Board of Commissioners' meeting.
6. 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 totaling \$317,907.12 and authorize the Chairperson's signature.
7. Approve the Request for Road Closure/Traffic Control for the Deadwood Mickelson Trail Marathon on Sunday, June 3, 2012 – Ms. Emily Wheeler.
8. Approve the Cooperative Law Enforcement Agreement between Pennington County Sheriff's Office and the U.S. Department of Agriculture/Black Hills National Forest and authorize the Chairperson's signature.
9. Approve the Chairperson's signature on the Resolution for the Discharge of Liens of Deceased and Unknown Individuals.
10. Approve the Pennington County Highway Department Adopt-A-Highway Application for True North Steel to clean a portion of Neck Yoke Road and authorize the Chairperson's signature on a letter thanking True North Steel.
11. Acknowledge Receipt of the 2011 Annual Report from Pennington County Highway.

End of Consent Agenda.

Presentation of Adopt-A-Highway Program Certificates of Appreciation: The following groups were recognized for participating in the Pennington County Adopt-A-Highway program. Certificates will be mailed to groups not able to attend the meeting.

1. Hart Ranch Resort
2. SDSM&T Student Members of the American Chemical Society

Lien Release Request (CM)

MOVED by Holloway and seconded by Davis to deny the lien release for CM (*Name withheld per SDCL 28-13-42*) for liens totaling \$240.00, and further moved to bring the account back from collections. Vote: Unanimous.

Lien Release Request (KC)

MOVED by Davis and seconded by Holloway to deny the lien release request for KC (*Name withheld per SDCL 28-13-42*) for liens totaling \$934.49. Vote: Unanimous.

FY2013 Pennington County Budget Discussion

A. CPI and New Growth Figures: Auditor Julie Pearson reported that for the 2013 budget, CPI will be set at 3%, the maximum allowed under state statute, and the new growth figure for Pennington County is approximately \$180,609,834 which will be finalized after City and County equalization hearings.

ITEMS FROM AUDITOR

A. Budget Supplement Hearing (SP12-007) General Fund Buildings & Grounds Budget: MOVED by Davis and seconded by Trautman to approve the supplement to the 2012 General Fund Buildings & Grounds budget in the amount of \$13,203 from insurance proceeds received in the current year. Vote: Unanimous.

B. Budget Supplement Hearing (SP12-008) General Fund Weed & Pest Budget: MOVED by Trautman and seconded by Petersen to approve the supplement to the 2012 General Fund Weed budget in the amount of \$22,217 from unassigned fund balance. Vote: Unanimous.

Contract Award for the Pennington County Campus Expansion Project

MOVED by Holloway and seconded by Trautman to award the contract to J. Scull Construction Services for the Pennington County Campus Expansion and accept Alternates 3 & 4 for a contract value of \$22,506,000, and further moved to authorize the Chairperson's signature on contracts once they are prepared. Vote: Unanimous.

Commissioner Davis left the meeting at 9:27 a.m.

ITEMS FROM HEALTH CARE TRUST BOARD

A. Whole Life Insurance Offer for County Employees from Boston Mutual: MOVED by Holloway and seconded by Trautman to allow Boston Mutual to offer Pennington County

employees whole life insurance, to be made available through payroll deduction. Vote: The motion failed on a 2-1 vote with Petersen opposing. *

**Per Attorney General Opinion No. 94-15, three members of the county's five member board must be present to form a quorum and three must vote in agreement in order to take any official action. Any motions that do not receiving three affirmative votes will be placed as a new item on the agenda of the March 20, 2012, Board of Commissioners' meeting.*

ITEMS FROM HEALTH & HUMAN SERVICES

A. Crisis Care Center Progress Update – Karen Romey

B. Crisis Care Center General Fund Reserve: MOVED by Holloway and seconded by Petersen to allow \$250,000 of the 2011 over-collected revenue and unspent funds from Health & Human Services (H&HS) Economic Assistance, Jail Medical, H&HS Mental Health Investigations and the State's Attorney's Medical Investigations budgets to be set aside in the Crisis Care Center General Fund Reserve. Vote: The motion failed on a 2-1 vote with Trautman opposing. This item will be placed on the agenda of the March 20, 2012, Board of Commissioners' meeting.

C. Establish a Reserve for the Department of Health & Human Services Facility Move – Discussion Item

ITEMS FROM HIGHWAY DEPARTMENT

A. Annual Award Recommendations:

Item 1. MOVED by Trautman and seconded by Holloway to award Asphalt Concrete Overlay Project AC 2012-1 (Sage Creek Road, Golf Course Road, Elm Springs Road) to Simon Contractors of SD Inc., PO Box 397, Rapid City, SD, in the amount of \$1,050,349.60. Vote: Unanimous.

Item 2. MOVED by Holloway and seconded by Trautman to award Asphalt Concrete Overlay Project 2012-2 (Rapid Valley Area) to Simon Contractors of SD Inc., PO Box 397, Rapid City, SD, in the amount of \$305,013. Vote: Unanimous.

Item 3. MOVED by Holloway and seconded by Trautman to award Asphalt Surface Treatment Project AST 2012 to Jensen Rock and Sand Inc., PO Box 609, Mobridge, SD, in the amount of \$450,797.50. Vote: Unanimous.

Item 4. MOVED by Trautman and seconded by Holloway to award Aggregate Stockpile Project AGG 2012-1 to Western Construction Inc., PO Box 771, Rapid City, SD, in the amount of \$128,200. Vote: Unanimous.

Item 5. MOVED by Holloway and seconded by Trautman to award Aggregate Stockpile Project AGG 2012-2 to Western Construction Inc., PO Box 771, Rapid City, SD, in the amount of \$145,073.28. Vote: Unanimous.

Item 6. MOVED by Holloway and seconded by Trautman to award Asphalt Surface Crack Sealing Project ASC 2012 to Highway Improvements Inc., PO Box 1803, Sioux Falls, SD, in the amount of \$72,734. Vote: Unanimous.

Annual Supplies: MOVED by Trautman and seconded by Holloway to award the bids for Annual Supplies as listed below to the lowest bidder per the recommendation of the Pennington County Highway Department. Vote: Unanimous.

- Aggregate Materials: Rapid City Quarry, Items No. 2 & 5 to Hills Materials Company, Rapid City, SD; Perli Pit Quarry, Items No. 2, 5 & 6 to J & L Gravel Inc., 24045 Twin Springs Road, Hill City, SD; Rapid City Quarry, Items No. 1 & 3 to Pete Lien & Sons. Rapid City, SD.
- Asphalt Concrete Composite: Hills Materials Company, PO Box 2320, Rapid City, SD
- Asphalt Maintenance Materials: Simon Contractors of SD Inc., PO Box 397, Rapid City, SD
- Concrete Products: Cretex Concrete Products West Inc., PO Box 1620, Rapid City, SD
- Corrugated Metal Pipe: True North Steel, PO Box 1439, Huron, SD
- Cutback and Emulsified Asphalt: Hills Materials Co., PO Box 2320, Rapid City, SD
- De-Icing Sand: Pete Lien & Sons, PO Box 440, Rapid City, SD
- Equipment Rental: Bierschbach Equipment and Supply, 3030 N. Plaza Drive, Rapid City, SD and Jenner Equipment Co., PO Box 3102, 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 Systems, 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 St. SW, Jamestown, ND

B. Bridge Rehabilitation Projects: MOVED by Trautman and seconded by Petersen to approve Resolution 03-06-2012, substituting Project BRF 6220 PCEM 02ES and Project BRF 6654(01) PCEM 02ET with the rehabilitation of Bridge 52-316-316 and Bridge 52-317-314. Vote: Unanimous.

RESOLUTION 03-06-2012

A RESOLUTION TO PROGRAM A BRIDGE REPLACEMENT PROJECT ON THE SOUTH DAKOTA TRANSPORTATION IMPROVEMENT PLAN

WHEREAS, Pennington County has Structure Rehabilitation Project BRF 6220 PCEM 02ES, for Bridge 52-399-370, located .03 south and 0.5 east of Reptile Gardens and Structure Rehabilitation Project BRF 6654(01) PCEM 02ET, For Bridge 52-395-367, located 0.1 south

and 0.1 east of Reptile Gardens, scheduled for Rehabilitation in 2017, on the current South Dakota Transportation Improvement Plan (STIP); and

WHEREAS, the Pennington County 2011 Bridge Inspection Report for Bridge 52-316-316, located 0.8 east and 1.8 south of Johnson Siding, recommends that this bridge be considered for replacement due to deterioration of the wood abutments and wood cap, and recommends that Bridge 52-317-314, located 0.9 east and 1.6 south of Johnson Siding should be rehabilitated; and

WHEREAS, Pennington County rehabilitated Bridge 52-399-370, Project BRF 6220 PCEM 02ES, and rehabilitated Bridge 52-395-367, Project BRF 6654(01) PCEM 02ET in 2011 with local funds, and

WHEREAS, the Pennington County Commissioners have determined that it is in the best interest of the citizens of Pennington County that Bridge 52-316-316, located 0.8 east and 1.8 south of Johnson Siding be replaced, and Bridge 52-317-314, located 0.9 east and 1.6 south of Johnson Siding be rehabilitated, now

THEREFORE, BE IT RESOLVED that Bridge 52-316-316, located 0.8 east and 1.8 south of Johnson Siding and Bridge 52-317-314, located 0.9 east and 1.6 south of Johnson Siding be scheduled for replacement/rehabilitation in 2017 in substitution of Project BRF 6220 PCEM 02ES, and Project BRF 6654(01) PCEM 02ET; and

BE IT FURTHER RESOLVED that Project BRF 6220 PCEM 02ES and Project BRF 6654(01) PCEM 02ET be removed from the South Dakota Transportation Improvement Plan (STIP).

Dated this 6th day of March, 2012.

/s/Lyndell Petersen, Chairperson
Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

MOVED by Trautman and seconded by Petersen to approve Federal Aid Bridge Replacement or Rehabilitation Program Resolution for County and Urban Projects, for Bridge 52-316-316 and Bridge 52-317-314 (two resolutions). Vote: Unanimous.

**FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM
RESOLUTION FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Pennington County desires the rehabilitation of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: Bridge number 52-316-316, located 0.8 east and 1.8 south of Johnson Siding on Thunderhead Falls Road;

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements;

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds;

AND WHEREAS, the bridge is in need of replacement/rehabilitation for the following reasons:

1. The sufficiency rating is 58.2.
2. The bridge is _____ or is not X located on a County or Township designated Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route _____, a school bus route X, a mail route X, a field to farm to market route _____, a lake or recreation access route X, or other (please specify) _____.
4. The load carrying capacity of the existing bridge can X or cannot _____ be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement or rehabilitation project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$ 400,000.00
Federal Share (80%):	\$ <u>320,000.00</u>
Local Share (20%):	\$ <u>80,000.00</u>

Proposed Year of Construction: 2017

Dated at Pennington County, SD, this 6th day of March, 2012.

/s/ Lyndell Petersen, Chairperson
Pennington County Board of Commissioners

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

**FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM
RESOLUTION FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Pennington County desires the rehabilitation of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: Bridge number 52-317-314, located 0.9 east and 1.6 south of Johnson Siding on Thunderhead Falls Road

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction

is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds;

AND WHEREAS, the bridge is in need of replacement/rehabilitation for the following reasons:

1. The sufficiency rating is 76.1.
2. The bridge is _____ or is not X located on a County or Township designated Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route _____, a school bus route X, a mail route X, a field to farm to market route _____, a lake or recreation access route X, or other (please specify) _____.
4. The load carrying capacity of the existing bridge can X or cannot _____ be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement or rehabilitation project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$ 300,000.00
Federal Share (80%):	\$ <u>240,000.00</u>
Local Share (20%):	\$ <u>60,000.00</u>

Proposed Year of Construction: 2017.

Dated at Pennington County, SD, this 6th day of March, 2012.

/s/Lyndell Petersen, Chairperson
Pennington County Board of Commissioners

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

MOVED by Trautman and seconded by Petersen to approve Federal Aid Surface Transportation Program Delete Resolution for County and Urban Projects, for Project BRF 6220 PCEM 02ES and Project BRF 6654(01) PCEM 02ET. Vote: Unanimous.

**FEDERAL AID SURFACE TRANSPORTATION PROGRAM
DELETE RESOLUTION FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Pennington County wishes to delete the referenced Projects from the Statewide Transportation Improvement Program (STIP);

LOCATION AND LENGTH:

- Project BRF 6220 PCEM 02ES, for Bridge 52-399-370, located 0.3 south and 0.5 east of Reptile Gardens; and
- Project BRF 6654(01) PCEM 02ET, for Bridge 52-395-367, located 0.1 south and 0.1 east of Reptile Gardens;

NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the STIP those Projects described above.

Dated at Pennington County, SD, this 6th day of March, 2012.

/s/Lyndell Petersen, Chairperson
Pennington County Board of Commissioners

ATTEST:

/s/Julie A Pearson, Auditor

C. 2013-2017 Transportation Improvement Plan: MOVED by Holloway and seconded by Trautman to approve the 2013 – 2017 Transportation Improvement Plan for Pennington County. Vote: Unanimous.

MOVED by Trautman and seconded by Petersen to designate \$942,000 in Road and Bridge Reserves for future projects as listed on the 2013-2017 Transportation Improvement Plan for Pennington County. Vote: Unanimous.

ITEMS FROM WEED & PEST

A. 2011-2012 Pennington County Mountain Pine Beetle Suppression Project Update - Scott Guffey

B. Black Hills Regional Mountain Pine Beetle Strategy Plan – Information Item

C. Pennington County Mountain Pine Beetle Working Group: MOVED by Trautman and seconded by Holloway to form a Pennington County Mountain Pine Beetle Working Group that will consist of a Pennington County Commissioner and a member from each of the following county departments – Emergency Management, County Fire, Sheriff and Weed & Pest. This group will develop a Mountain Pine Beetle annual action plan until the current epidemic population of mountain pine beetles and the elevated risk of catastrophic wildfire due to mountain pine beetle activity in Pennington County subsides. Vote: Unanimous.

D. Possible Pennington County Mountain Pine Beetle Tree Spraying Reimbursement Program: MOVED by Trautman and seconded by Holloway to have Pennington County Weed & Pest develop a mountain pine beetle preventative tree spraying reimbursement program for Pennington County landowners in the highest infested areas of the county according to the state and county mountain pine beetle 2011-2012 survey and bring the proposal to the BOC for approval. Vote: Unanimous.

Expenditure of Title III Funds for Mountain Pine Beetle Mitigation: No action was taken on this item.

ITEMS FROM CHAIR

A. Compensation Committee Commission Liaison Appointment: MOVED by Petersen and seconded by Holloway to appoint Commissioner Buskerud as the liaison to the Compensation Committee. Vote: Unanimous.

Commissioner Davis returned at this time.

“Road Naming” Ordinance Amendment Discussion – Commissioner Trautman

MOVED by Davis and seconded by Holloway to send Item A, First Reading and Public Hearing of Ordinance Amendment / OA 11-10, back to the Planning Commission. Substitute motion: MOVED by Holloway and seconded by Trautman that the Planning Department make a presentation to the Board of Commissioners regarding the need for Ordinance Amendment / OA 11-10. Vote: Unanimous.

ITEMS FROM PLANNING AND ZONING - CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

MOVED by Trautman and seconded by Holloway to remove Item A from the Consent Agenda. Vote: Unanimous. Item A will be discussed at the end of the Consent Agenda items.

MOVED by Trautman and seconded by Holloway to approve Planning Items B-H as they appear on the Consent Agenda. Vote: Unanimous.

B. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-03: Kenneth and Candice Bruns. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 206 and 508 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

To accept the Planning Commission’s recommendation to continue Rezone / RZ 12-03 to the April 3, 2012, Board of Commissioners’ meeting.

C. SECOND READING OF REZONE / RZ 12-01: Tim Peiper. To rezone 11.23 acres from Low Density Residential District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 1 of W1/2SW1/4 less Tract A of Lot 1, less Blaseg Subdivision and less Right-of-Way, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the second reading of Rezone / RZ 12-01 and authorize the Chairperson's signature on the resolution.

ORDINANCE NO. RZ 12-01

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

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

Lot 1 of W1/2SW1/4 less Tract A of Lot 1, less Blaseg Subdivision and less Right-of-Way, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

The above-described property is hereby rezoned from Low Density Residential District to Limited Agriculture District.

Dated this 6th day of March, 2012.

PENNINGTON COUNTY COMMISSION

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

D. VACATION OF RIGHT-OF-WAY / VR 12-01: Hugh and Helen Miner. To vacate the north 1/2 of an undeveloped 20-foot-wide alley right-of-way adjoining Lots 3 and 4 of Silver City in accordance with the Pennington County Zoning Ordinance.

Lots 3 and 4, Block 5, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To accept the Planning Commission's recommended approval of Vacation of Right-of-Way / VR 12-01 with two (2) conditions. 1. That the Vacation of Right-of-Way document (Exhibit A) be filed at Register of Deeds; and, 2. That no structures are placed within the portion of the vacated right-of-way unless an approved Setback Variance and/or Conditional Use Permit is obtained.

E. LAYOUT PLAT / PL 12-02: Rushmore Cave, LLC/Tom Hagen and Bobby Sundby. To combine lots in order to create Lot 1R of Rushmore Cave Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Rushmore Cave Subdivision; the Balance of Government Lot 5 less Rushmore Cave Subdivision; and a portion of the Balance of Government Lot 4 less Right-of-Way, all located in Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Rushmore Cave Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To accept the Planning Commission's recommendation to continue Layout Plat / PL 12-02 to the March 20, 2012, Board of Commissioners' meeting.

F. LAYOUT PLAT / PL 12-03: Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lot SD100-Lot 1 of WDRPI-SD100 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the S1/2 of Section 3; Section 4; and the NW1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot SD100 - Lot 1 of WDRPI-SD100 Subdivision, Sections 3, 4, and 10, T1S, R15E, BHM, Pennington County, South Dakota.

To accept the Planning Commission's recommended approval of Layout Plat / PL 12-03 with ten (10) conditions: 1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement; 2. That prior to Minor Plat Submittal, the applicant rename the plat to: "Plat of Lot 1 of WDRPI-SD100 Subdivision;" 3. That prior to Minor Plat submittal, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement; 4. That prior to Minor Plat submittal, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement; 5. That prior to Minor Plat submittal, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement; 6. That prior to Minor Plat submittal, the plat should be rescaled to a scale of not more than 1 inch = 100 feet or obtain approval of a Subdivision Regulations Variance waiving this requirement; 7. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement; 8. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit; 9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement; and, 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

G. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – PROJECT PLAN CHANGES. To authorize the Pennington County Planning Director to make minor operational changes to the Spring Creek Watershed Management and Project Implementation for all subsequent Segments.

H. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – GRANT PAYMENT REQUISITIONS (VOUCHER). To grant authority to the Planning Director or Water Protection Coordinator to submit and sign payment

requisitions (vouchers) for all subsequent Segments of the Spring Creek Watershed Management and Project Implementation Plan and to authorize the Chairperson's signature on a letter to the South Dakota DENR confirming this action.

End of Consent Agenda.

Items Removed From Consent Agenda

A. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 11-10. Pennington County. To amend Section 103 "Definitions" and Section 511 "Fees" and to add Section 320 "Road Naming" to the Zoning Ordinance and to add Section 500.5-5 "Road Naming on Plats" to the Subdivision Regulations.

MOVED by Trautman and seconded by Davis to continue the First Reading and Public Hearing of Ordinance Amendment / OA 11-10 indefinitely. Vote: Unanimous.

PLANNING & ZONING REGULAR AGENDA ITEMS

I. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 11-02: Pennington County. To add Section 319 – Vacation Home Rentals to the Pennington County Zoning Ordinance.

MOVED by Davis and seconded by Trautman to take a brief recess. Vote: Unanimous. The Board recessed from 1:20 to 1:34 p.m.

MOVED by Davis and seconded by Trautman to approve the first reading of Ordinance Amendment / OA 11-02 as presented. Commissioner Davis called the question. The vote on the question carried 3-1 with Holloway opposed. The vote on the first reading carried 3-1 with Holloway opposed.

MOVED by Davis to schedule the second reading of Ordinance Amendment / OA 11-02 on April 3, 2012. The motion died for lack of a second.

MOVED by Trautman and seconded by Davis to schedule the second reading of Ordinance Amendment / OA 11-02 on April 17, 2012. Vote: Unanimous.

EXECUTIVE SESSION per SDCL 1-25-2

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

MOVED by Davis and seconded by Holloway to convene in executive session. Vote: Unanimous. The Board remained in executive session from 2:05 p.m. until 2:46 p.m. MOVED by Davis and seconded by Holloway to adjourn from executive session. Vote: Unanimous.

PERSONNEL

Buildings & Grounds: Effective 3/1/12 – T. Tibbetts, \$14.03/hr.; Effective 3/26/12 – K. Pomplum, \$17.91/hr.; Effective 4/1/12 – M. Jorgensen, \$14.74/hr.

State's Attorney: Effective 3/2/12 – K. Morsching, \$16.65/hr.

Treasurer's Office: Effective 3/5/12 – D. Koehn, \$13.69/hr.; Effective 3/7/12 – K. Rice, \$13.69/hr.

PAYROLL

Commissioners, 9,384.50; Human Resources, 4,585.67; Elections, 14,416.27; Auditor - liens, 2,144.65; Auditor, 15,914.96; Treasurer, 44,991.26; Data Processing - General, 29,545.75; State's Attorney, 147,693.63; Public Defender, 88,874.91; Juvenile Diversion, 8,238.32; Victim's Assistance, 5,203.66; Buildings & Grounds, 94,264.95; Equalization, 67,334.02; Register of Deeds, 22,784.65; Sheriff, 329,230.37; Service Station, 8,051.33; HIDTA Grant, 8,941.47; Jail, 431,458.15; Jail Work Program, 4,977.33; Hill City Law, 11,444.62; Keystone Law, 5,475.52; New Underwood – Law, 4,170.67; School Liaison, 16,646.06; Wall Law, 11,465.76; JSC Teachers, 18,845.18; Home Detention, 8,309.76; JAIG/JSC, 7,942.98; Alcohol & Drug, 126,621.93; Friendship House, 57,313.66; Economic Assistance, 52,164.53; Mental & Alcohol-SAO, 7,775.38; Mental & Alcohol-HHS, 3,508.25; Extension, 4,280.16; Weed & Pest, 8,941.97; Mountain Pine Beetle, 7,937.35; Planning and Zoning, 22,492.16; Water Protection, 4,264.00; Ordinance, 3,508.25; Juvenile Services Center, 233,827.32; Highway, 183,994.80; Fire Administration, 6,322.54; Dispatch, 161,551.58; Emergency Management, 4,790.19; Emergency Management, 564.42; 24-7 Program, 16,674.43.

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 17, 2012: Total balances of checking/savings accounts, \$25,520,321.94; Total balance of Treasurer's Office safe cash, \$7,600.00; Total certificates of deposit, \$4,561,929.54; Total Prime Value Investment, \$3,279,498.05; Total petty cash, \$111,570.00; Total Cash Items, \$650.88; Total long/short, (302.33); Total, \$32,481,268.08. Submitted by Lori Wessel, Deputy Auditor.

VOUCHERS

First Administrators, 258,097.57; Office Depot Credit Plan, 151.29; Verizon, 962.63; City Of Rapid City-Water, 1,021.34; Knology, 6,721.74; Medical Waste Transport, 139.50; MDU, 6,380.54; Bh Power Inc, 6,677.45; First Interstate Bank, 11,489.25; Midcontinent Communications, 55.00; Qwest Corporation, 240.59; CBM Food Service, 20,497.68; Qwest Communications Co, 2.99; Federal High Risk Pool, 172.00; Wellmark BC/BS, 486.09; SDACC, 300.00; Mt Rushmore Telephone, 101.26; Golden West Co, 1,180.14; AT&T Mobility, 847.23; City Of Hill City, 55.03; City Of Wall, 127.00; West River Electric, 2,200.80.

ADJOURN

MOVED by Davis and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 2:46 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

March 6, 2012

Publish: March 21, 2012