A meeting of the Pennington County Board of Commissioners was held on Tuesday, May 1, 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: Ron Buskerud, Ken Davis, Don Holloway and Nancy Trautman.

APPROVAL OF THE AGENDA
MOVED by Buskerud and seconded by Holloway to remove Item 8, Recognition of Volunteers – March 2012, from the Consent Agenda and approve the agenda as amended. 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 Trautman and seconded by Holloway to approve Consent Agenda Items 5, 6, 7, 9, 10, 11, 12 as presented. Vote: Unanimous.

5. Approve the minutes of the April 17, 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 $206,998.43 and authorize the Chairperson’s signature.

7. Acknowledge Disinterment Permit 784227 from the South Dakota Department of Health pursuant to SDCL 34-25-38.1.

9. Approve the Sheriff’s request to declare surplus ten (10) duty handguns to use for trade-ins for replacement duty weapons. The weapons are Glock Model 22 – 40 caliber handguns and the serial numbers are CWY 618, DHM 711US, DHM 712US, DHM 713, DHM 714, DZW 789, DZW 790, KFB 456, FDR 277 and DLS 719.

10. Approve the Chairperson’s signature on the Highway Department Agreement with Bradsky Road District.

11. Approve the Pennington County Highway Superintendent’s signature on the Application for Permit to Occupy Right-of-Way for Janet Briggs.

12. Approve the SD DOT Joint Powers Agreement for Weed Spraying Services and authorize the Chairperson’s signature thereto.
End of Consent Agenda.

2011 Financial and Compliance Audit – State of South Dakota, Department of Legislative Audit by Bruce Hintz, Auditor in Charge
MOVED by Holloway and seconded by Trautman to authorize the Chairperson’s signature on the engagement letter for the 2012 audit and direct the Department of Legislative Audit to review the JSC Compact as part of the audit. Vote: Unanimous.

LIEN RELEASE REQUEST (JH)
MOVED by Buskerud and seconded by Davis to continue this item to the May 15, 2012, Board of Commissioners’ meeting. Substitute Motion: MOVED by Holloway and seconded by Trautman to sever the indigent liens in the name of JH (Name withheld per SDCL 28-13-42) DOB 4/18/1968, totaling $3290 from the property at 1022 Racine Street and further moved that the liens remain a debt of the estate. The motion carried 4-1 with Davis opposing.

REQUEST FOR SPONSORSHIP OF SIGN FOR THE 1972 FLOOD 40TH ANNIVERSARY MEMORIAL – D. LARRY LYTLE: MOVED by Buskerud and seconded by Holloway to approve the donation of $1000 to the Black Hills Community Foundation to sponsor a sign commemorating the 40th Anniversary of the Rapid City/Black Hills flood, and further moved that the funds come from the Board of Commissioners’ budget. Vote: Unanimous.

BLACK HILLS SPEEDWAY MALT BEVERAGE LICENSE – BILL KEESTER
MOVED by Davis and seconded by Trautman to postpone action on this item until legal issues can be reviewed by the State’s Attorney. Vote: Unanimous.

RAPID CITY GREENWAY TRAILS & PEDESTRIAN FACILITIES PLAN/PENNINGTON COUNTY FAIRGROUNDS – CETEC ENGINEERING SERVICES INC. MOVED by Buskerud and seconded by Davis to acknowledge the Rapid City Greenway Trails and Pedestrian Facilities Project that will be constructed near the County Fairgrounds. Vote: Unanimous.

RAPID CITY PUBLIC LIBRARY LIAISON UPDATE – Dr. Vera Kowal: Information Item

ITEMS FROM AUDITOR

A. General Fund Supplement Hearing SP12-014 – ITS: MOVED by Trautman and seconded by Holloway to approve the supplement to the 2012 General Fund ITS budget in the amount of $30,858 from the Assigned IT Equipment fund balance. Vote: Unanimous.

B. General Fund Supplement Hearing SP12-015 – Jail Budget: MOVED by Trautman and seconded by Petersen to approve the supplement to the 2012 General Fund Jail budget in the amount of $50,000 from the Assigned Equipment Reserve fund balance. Vote: Unanimous.

C. Scenic Conata Basin Ambulance District: MOVED by Davis and seconded by Trautman to order that an election be held between 2 p.m. and 7 p.m. at the Scenic Community Center for
determination of the organization of the Scenic Conata Basin Ambulance District and that if the question for organization should pass, those present and eligible shall hold an immediate election of the first Board of Trustees for the newly organized district. Vote: Unanimous.

**ITEMS FROM SHERIFF**

A. Black Elk/Mountain Pine Beetle Fire Preparedness Efforts – Chief Deputy Brian Mueller provided an update on a fire disaster exercise that will be held on May 8, 2012.

**ITEMS FROM BUILDINGS & GROUNDS**

A. Expansion Project Update – Mike Kuhl

B. Request to Advertise for Bids for Re-roof Projects: MOVED by Davis and seconded by Trautman to authorize Buildings & Grounds to advertise for bids to re-roof the Storage Building at 517 3rd Street and the Health & Human Services Building at 725 North LaCrosse Street. Vote: Unanimous.

C. Request for Additional FTE: MOVED by Holloway and seconded by Trautman to approve an FTE for administrative and clerical support for the Construction Project Manager with the salary to be paid from construction funds. The motion carried 4-1 with Buskerud opposing.

**ITEMS FROM HIGHWAY DEPARTMENT**

A. Contract for Mowing, Process, and Removing Hay from a Portion of Liberty Boulevard and a Portion of Highway 14-16: MOVED by Davis and seconded by Buskerud to authorize the Highway Department to negotiate an agreement with Garold Shull for mowing a portion of Liberty Boulevard and a portion of Highway 14-16. Vote: Unanimous.

**NOTICE TO CONSIDER A MOTION TO RESCIND ACTION TAKEN ON APRIL 17, 2012, PENNINGTON COUNTY ELECTED OFFICIALS SALARY POLICY BY COMMISSIONER DON HOLLOWAY:** MOVED by Holloway and seconded by Trautman to rescind the following motion that was made during the Board of Commissioners’ meeting on April 17, 2012: MOVED by Davis and seconded by Buskerud to accept the salaries originally proposed by Commissioner Buskerud with the Sheriff at $86,681, the Auditor, Treasurer and Register of Deeds at $65,113, the State’s Attorney $78,802 and County Commissioners at $14,400. Roll call vote on the substitute motion: Trautman – no, Holloway – yes, Buskerud – yes, Davis – yes, Petersen – no. The motion carried 3-2. The motion to rescind carried 3-2 with Davis and Buskerud opposing.

**PENNINGTON COUNTY ELECTED OFFICIALS SALARY POLICY:** MOVED by Holloway and seconded by Petersen to approve the Resolution – Pennington County Elected Officials Wage Policy - as entered below. Substitute motion: MOVED by Davis seconded by Buskerud to approve the Resolution with the salaries approved on April 17, 2012: County Sheriff - $86,681, the Auditor, Treasurer and Register of Deeds at $65,113, the State’s Attorney $78,802. Roll Call Vote – Buskerud – yes, Davis – yes, Holloway – no, Trautman – no, Petersen
A RESOLUTION
Pennington County Elected Officials Wage Policy

WHEREAS, the Pennington County Board of Commissioners establishes a wage policy for elected officials serving the residents of the County of Pennington, South Dakota; and,

WHEREAS, the Pennington County Board of Commissioners is dedicated to attracting citizens of the highest quality to public service by establishing proper salaries for the elected officials, basing those salaries on realistic standards and paying them according to the duties of their office; and,

WHEREAS, South Dakota State Law directs the Board of County Commissioners to establish, by resolution, the salary payable to the County Sheriff, County State’s Attorney, County Treasurer, County Auditor, and County Register of Deeds; and,

WHEREAS, South Dakota State Law directs the Board of County Commissioners to establish, by resolution, the salary payable to the County Sheriff, County State’s Attorney, County Treasurer, County Auditor, and County Register of Deeds; the salary payable may not be less than the defined schedules as based upon the most recent decennial federal census of population for counties per SDCL chapter 7-7-9.1.

WHEREAS, the base annual salaries of the following elected officials of Pennington County are set at; County Sheriff - $100,000; County Coroner - $5,000; County State’s Attorney - $100,000; County Treasurer - $75,000; County Auditor - $75,000; County Register of Deeds - $75,000.

WHEREAS, elected officials in Pennington County are eligible for annual cost of living (COLA) increases as set forth by the Board of County Commissioners. Cost of living increases will not impact the base annual salaries.

WHEREAS, current or sitting elected officials whose compensation is below the base annual salary will be moved to the established base annual salary. Once a new individual is elected to office, the salary will revert back to the base annual salary.

BE IT THEREFORE RESOLVED, by this Pennington County Board of Commissioners hereby establishes a wage policy for elected officials.

DATED this 1st day of May, 2012.
/s/Lyndell Petersen, Chairperson

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

REQUEST FOR SUPPORT OF CONGRESSIONAL BILLS HCR107, HR1489, AND THE NAWAPA WATER PROJECT – LAROCHE PAC: No action was taken on this item.
ITEMS FROM CHAIR

A. Rapid City Master Gardeners Program Location: The Master Gardener program has relocated to the West River Ag Center.

BUILDING PERMIT/FLOODPLAIN ISSUE- Tim and Rhonda Fisher

MOVED by Davis and seconded by Trautman that Pennington County pay up to $1000 toward hiring an engineer for the Floodplain Development Permit for Tim and Rhonda Fisher. Substitute motion: MOVED by Buskerud to waive the $75 penalty fee and further moved to supplement payment for the Floodplain Development Plan up to $500. The substitute motion died for lack of a second. The vote on the original motion failed 4-1 with Buskerud, Holloway, Petersen and Trautman opposing.

MOVED by Trautman and seconded by Holloway to waive the Floodplain Development Permit fee of $75 and penalty fee of $75. MOVED by Trautman and seconded by Holloway to amend the previous motion to waive only the $75 penalty fee. 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 Buskerud to approve Planning Items A-D as presented. Vote: Unanimous.

A. ROAD CONSTRUCTION WITHIN A SECTION LINE HIGHWAY / CS 12-01: Les Tiltrum. To construct approximately 150 feet of roadway within a Section Line Highway located between Section 9, T1S, R8E and Section 10, T1S, R8E, BHM, Pennington County, South Dakota.

To approve the request to construct a road within the Section Line Highway / CS #12-01 with the following eight (8) conditions pursuant to Planning Commission recommendation: 1. That the road be a minimum 16-foot-wide with four (4) inches of gravel, that 4:1 inslopes and backslopes are met, that all ditches are 2.5 feet deep, that the Section Line Road not exceed a 10% grade, that the road be kept in a dust-free manner, and all other requirements of Ordinance 14 be met; 2. That if the amount of disturbed area exceeds one acre, a Department of Environment and Natural Resource’s Storm Water Construction Permit is obtained prior to the start of any construction; 3. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site; 4. That culverts be installed to allow for the natural drainage ways and paths to be continually maintained; 5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s); 6. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department; 7. That any fencing disturbed by construction of the road be moved and replaced as
necessary by the applicant; and, 8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road.

B. PLANNED UNIT DEVELOPMENT REVIEW / PU 09-02: The Salvation Army; Mark Kirkeby – Agent. To review the Salvation Army Camp Planned Unit Development in accordance with Sections 213 and 508 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.

To approve the extension of Planned Unit Development / PU 09-02 with the following nineteen (19) conditions pursuant to Planning Commission recommendation: 1. That the setbacks from property lines be 25 feet from all property lines and 58 feet from Section Lines; 2. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development; 3. That a minimum of one 36-unit first aid kit be provided and accessible to the public at all times; 4. That the internal driveway be a minimum of a 24-foot-wide driving surface and maintained in a dust free manner; 5. That the uses for this Planned Unit Development shall be limited to the existing uses already on the property, which include a bunkhouse with a capacity of 15 people, picnic shelter, two (2) restrooms (male and female) with showers and toilets, church shelter, fire pit with seating, officer’s residence, two (2) wells and drainfields, and the expansion to include a pastor’s prayer retreat cabin, meeting/dining/safety hall, six (6) deck platforms, five (5) cabins, and five (5) RV sites; 6. That approval of a Floodplain Development Permit be obtained prior to any work done within the boundaries of the 100-year floodplain; 7. That the any new wastewater disposal system be designed by an engineer and that all the supporting percolation tests and soil profile information be stamped by the engineer and obtain approval from the South Dakota Department of Environment and Natural Resources; 8. That the applicant ensures the rustic character of the property is maintained; 9. That no open fire shall be permitted, unless approved by the State Wild Land Fire Suppression or Johnson Siding Fire Chief; 10. That barbecue pits, fireplaces and incinerators shall be located, constructed, maintained and used as to minimize fire hazard and smoke nuisance, both on and off the property. The Fire Chief shall approve the facilities before the use is permitted; 11. That any parking areas be maintained in a dust free manner; 12. That each sleeping room have a smoke/heat detector; 13. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure and shall be inspected and tagged annually; 14. That each floor where occupants are sleeping shall have two means of escape; 15. That the applicant works with the Pennington County Fire Coordinator in regards to evacuation, mitigation; building construction, water supplies, safety drills, emergency alerting systems and other safety issues; 16. That the camp be limited to a maximum of 100 overnight total campers at one time; 17. That the new cabins be limited to one story; 18. That all structures be 45 feet from the west ridgeline; and, 19. That the Planned Unit Development be reviewed in two (2) years or upon a complaint basis.

C. MINOR PLAT / PL 12-11 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-03: Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lot 1 of WDRPI-
SD099 Subdivision in accordance with Section 400.3 and to waive plating requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4 of Section 29 and the N1/2NE1/4, SE1/4NE1/4, NW1/4, S1/2 of Section 32, all located in T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of WDRPI-SD099 Subdivision, Sections 29, and 32, T1N, R15E, BHM, Pennington County, South Dakota.

To uphold the Planning Commission’s recommended approval of Subdivision Regulations Variance / SV 12-03 to waive the 8 foot utility and minor drainage easement, Section Line right-of-way improvements, legal access, percolation tests, soil profile information, scale of 1 inch = 100 feet or less, the dedication of major drainage easements and topography at five foot contour intervals and approval of Minor Plat / PL 12-11 with the following one (1) condition: 1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit.

D. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-02: Todd Munyon - Main Street Motors. To rezone .15 acres from Limited Agriculture District and 2.45 acres from General Agriculture District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use Map from Suburban Residential District to General Commercial District in accordance with Sections 209 and 508 of the Pennington County Zoning Ordinance.

Lot D of NE1/4SW1/4 and Lot A of NW1/4SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To continue Rezone / RZ 12-04 and Comprehensive Plan Amendment CA/ 12-02 to the June 7, 2012, Board of Commissioners’ meeting.

End of Consent Agenda

MOVE by Davis and seconded by Buskerud to take a brief recess. Vote: Unanimous. The Board recessed at 11:20 a.m. and reconvened at 11:35 a.m.

ITEMS FROM PLANNING & ZONING

E. SECOND READING OF ORDINANCE AMENDMENT / OA 12-02, Pennington County. To amend Section 204-J-3-r “On-Site Wastewater Treatment System Construction Permit Fees.”

MOVE by Buskerud and seconded by Trautman to approve the second reading of Ordinance Amendment OA 12-02 to amend Section 204-J-3-r “On-Site Wastewater Treatment System Construction Permit Fees.” Vote: Unanimous.

ORDINANCE #34-21
AN ORDINANCE AMENDMENT TO THE PENNINGTON COUNTY ZONING ORDINANCE.

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

SECTION 204-J: Section 204-J-3-r shall be amended to include the following:

r. Construction Permit Fees.

Fees to cover expenses, including, but not limited to: administration, overhead, labor, storage, training, mileage, analytical testing, etc., by the Planning and Zoning Department, shall be set by resolution by the Pennington County Board of Commissioners.

On-Site Wastewater Treatment System Construction Permits:

i. The permit fee of an on-site wastewater treatment system shall be $250.00.

ii. The $250.00 fee allows for two on-site inspections. Any additional inspections will require a fee of $100.00.

iii. For inspections outside normal office hours, the rate shall be $250 in addition to the original fee.

Dated this 1st day of May, 2012.

PENNINGTON COUNTY COMMISSION

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

F. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 12-03. Pennington County. To amend Section 511-W-1 “Late Charges.”

MOVED by Trautman and seconded by Buskerud to approve the first reading of Ordinance Amendment / OA 12-03. Vote: Unanimous.

G. DISCUSSION OF RESOLUTION FOR VACATION HOME RENTALS: MOVED by Buskerud and seconded by Trautman to grant an additional 90 days to apply for a Conditional use Permit through Pennington County. Vote: Unanimous.

A RESOLUTION WAIVING LATE FEES ASSOCIATED WITH SECTION 319 OF THE PENNINGTON COUNTY ZONING ORDINANCE
WHEREAS on April 17, 2012, the Pennington County Board of Commissioners adopted an Amendment to the Pennington County Zoning Ordinance adding Section 319 - Vacation Home Rentals, which becomes effective on May 23, 2012; and,

WHEREAS Section 511 of the Pennington County Zoning Ordinance assesses a doubled application fee and a $500 administration (penalty) fee for any late Conditional Use Permit or Planned Unit Development Amendment application; and,

WHEREAS the Pennington County Board of Commissioners has the authority, under Section 511 of the Pennington County Zoning Ordinance, to waive late fees; and,

WHEREAS in an effort to bring all non-compliant Vacation Home Rentals into compliance, the Pennington County Board of Commissioners grant a 90-day submittal period for Conditional Use Permit and Planned Unit Development Amendment applications for Vacation Home Rentals without being subject to the doubled application fees and administrative (penalty) fees; and,

THEREFORE, BE IT HEREBY RESOLVED that from May 23, 2012, a 90-day extension be allowed to accept applications without requiring doubled application fees and administration (penalty) fees associated with any Conditional Use Permit or Planned Unit Development Amendment applications under Section 319 of the Pennington County Zoning Ordinance; however, the Planning Department shall collect the standard application fees associated with a Conditional Use Permit or Planned Unit Development Amendment.

Dated this 1st day of May, 2012.

PENNINGON COUNTY COMMISSION:
/s/Lyndell Petersen, Chairperson

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

H. DISCUSSION OF VARIANCE RECOMMENDATIONS: MOVED by Buskerud and seconded by Davis that Planning Department staff leave their recommendation out of the staff report on variance requests. Vote: Unanimous.

EXECUTIVE SESSION per SDCL 1-25-2

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

MOVED by Davis and seconded by Buskerud to convene in executive session. Vote: Unanimous. The Board remained in executive session from 12:20 p.m. until 1:00 p.m. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.
PERSONNEL
ESCC: Effective 5/1/12 – M. Childs, $1748/hr.
Highway: Effective 5/1/12 – B. Jannusch, $15.85/hr.
IT/S: Effective 4/17/12: C. Holland, $3505; P. Ottoson, $3683; J. Smith, $3593; M. Maxwell, $4264; S. Sinclair, $3866; L. Wager, $4818; C. Maxwell, $6326.

PAYROLL
Commissioners, 9,402.50; Human Resources, 4,585.67; Elections, 14,589.76; Auditor - liens, 2,697.55; Auditor, 15,817.51; Treasurer, 50,012.52; Data Processing - General, 29,654.81; State's Attorney, 156,308.63; Public Defender, 89,091.68; Juvenile Diversion, 11,894.66; Victim's Assistance, 5,203.66; Buildings & Grounds, 101,370.48; Equalization, 68,730.42; Register of Deeds, 23,879.85; Sheriff, 346,799.55; Service Station, 8,139.43; HIDTA Grant, 9,089.59; Jail, 432,583.30; Jail Work Program, 5,241.29; Hill City Law, 12,082.34; Keystone Law, 5,339.65; New Underwood – Law, 4,170.67; School Liaison, 16,783.70; Wall Law, 11,540.55; JSC Teachers, 20,101.96; Home Detention, 8,028.42; JAIG/JSC, 7,239.12; Alcohol & Drug, 140,077.54; Friendship House, 55,192.25; Economic Assistance, 54,296.43; Mental & Alcohol-SAO, 7,775.38; Mental & Alcohol-HHS, 3,508.25; Extension, 4,280.16; Weed & Pest, 8,550.86; Mountain Pine Beetle, 620.00; Planning and Zoning, 21,541.16; Water Protection, 5,849.00; Ordinance, 3,508.25; Juvenile Services Center, 236,803.89; Highway, 219,646.56; Fire Administration, 6,281.26; Dispatch, 166,371.03; Emergency Management, 5,266.10; Emergency Management, 772.93; 24-7 Program, 19,577.43.

VOUCHERS
AT&T, 638.73; Balding, Mark, 2,501.21; BH Power Inc, 4,035.26; Business Equipment Finance, 6,333.25; CBM Food Service, 33,475.98; City of Hill City, 36.43; City of Rapid City-Water, 3,410.07; City of Wall, 127.00; Executive Mgmt Finance Office, 20.00; First Administrators, 124,910.53; First Interstate Bank, 5,214.43; Knology, 5,434.30; Montana Dakota Utilities, 7,419.36; Qwest Communications, 63.01; Qwest Corporation, 182.71; SD Dept of Labor, 12,257.00; Verizon, 939.16.

ADJOURN
MOVED by Davis and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:00 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: May 16, 2012