

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
August 7, 2012**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, August 7, 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 Davis and seconded by Trautman to continue Planning & Zoning Item 16 H, Appeal of Conditional Use Permit CU 12-17, to the next meeting at the request of Jeff Sughrue of the Silver City VFD. Vote: Unanimous.

MOVED by Buskerud and seconded by Davis to 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 Davis and seconded by Buskerud to approve Consent Agenda Items 5-7 as presented. Vote: Unanimous.

5. Approve the minutes of the July 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 \$521,943.33.
7. Accept the official returns of the organizational election of the Deer Creek Lane Road District and issue the Order for Organization and Incorporation effective with taxing authority for the 2012 tax year and after.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE DEER CREEK LANE ROAD DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, the Official Return from the organizational election indicates the desire of the majority of the qualified voters voting in the proposed area to organize the Deer Creek Lane Road District.

NOW, THEREFORE, BE IT ORDERED, the Pennington County Commissioners declare that

the Deer Creek Lane Road District is organized as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective with taxing authority for the 2012 tax year and after.

BE IT FURTHER ORDERED, that the Deer Creek Lane Road District be described as follows: Lots 3-11 of Melcor Acres subdivision, BHM, Pennington County, SD.

Dated this 7th day of August, 2012.

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

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

End of Consent Agenda

8. Shining Star Recognition – Katria & Monika Hotz: Ray Bubb, Division Chief, SD Department of Agriculture Wildland Fire Suppression Division, presented an award to Katria and Monika Hotz for helping control a fire on Sheridan Lake Road on July 19, 2012.

9. Presentation of a Favorable Petition Regarding the South Rochford Road Reconstruction Project – Representative Mike Verchio

10. Pennington County Campus Expansion Project Update – Mike Kuhl

FY2013 PENNINGTON COUNTY BUDGET - Commissioner Davis

- A. New Employee Requests – LE, ESCC, EM, HHS, ITS
- B. Sheriff Office Employee Moves
- C. Assistant to – Emergency Management/County Fire
- D. Assistant to – Extension
- E. Health Care Trust Fund
- F. County General Levy
- G. Other Commission Requests/Concerns

MOVED by Davis and seconded by Buskerud to not hire any new employees (FTEs) and cut a maximum of \$600,000 out of the FY2013 budget. The motion failed 3-2 on a roll call vote: Buskerud - yes, Davis – yes, Holloway – no, Trautman - no, Petersen – no.

ITEMS FROM SHERIFF

A. Records Management System Contract / Purchase: MOVED by Buskerud and seconded by Trautman to authorize the signing of the contract with Zuercher Technologies for a new records management system. Vote: Unanimous.

ITEMS FROM HEALTH & HUMAN SERVICES

- A. Request by Minnehaha County to Utilize the Pennington County Welfare Software Program through Client Manager: MOVED by Trautman and seconded by Buskerud to cooperate with Minnehaha County by providing a copy of the Pennington County Welfare software program and further moved that no support will be provided. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. Sunset Ranch Road District Request: MOVED by Buskerud and seconded by Davis that the Highway Superintendent and Chief Deputy State's Attorney work with Dustin Born, president of the Sunset Ranch Road District Board of Trustees, on an agreement and resolution for county maintenance of a portion of 156th Avenue that borders the road district boundary. Vote: Unanimous.

MOVED by Buskerud and seconded by Davis to take a short break. Vote: Unanimous. The Board recessed from 10:25 until 10:37 a.m.

PLANNING & 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 Davis and seconded by Buskerud to approve Planning & Zoning Consent Agenda Items A-E as presented. Vote: Unanimous.

- A. The Spring Creek Watershed Management and Project Implementation Plan: Approve the Payment Application for Jeff Liddell, SPC2011PC63, in the amount of \$3,097.40.

- B. The Spring Creek Watershed Management and Project Implementation Plan: Authorize the Chairperson's signature on a cost share letter to the City of Hill City.

- C. Planned Unit Development Review / PU 02-03: James Buchanan: To review a Planned Unit Development to allow 29 residential lots and a day-use retreat center in accordance with Section 213 of the Pennington County Zoning Ordinance.

S1/2S1/2NE1/4, E1/2SE1/4, E1/2NW1/4SE1/4, Section 8 and the S1/2SW1/4NW1/4, SE1/4NW1/4, and the balance of NE1/4SW1/4, W1/2SW1/4 and Lot A of the NE1/4 SW1/4, Section 9, T1S, R6E, BHM, Pennington County, South Dakota.

Approve the Planning Commission recommendation to continue the review of Planned Unit Development / PU 02-03 to the August 21, 2012, Board of Commissioners' meeting.

- D. Minor Plat / PL 12-27 and Subdivision Regulations Variance / SV 12-10: Roger and Debbie Sieck. To combine two lots in order to create Lot 1R of Melchert Ranch Subdivision and to

waive platting requirements in accordance with Sections 700.1 and 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1 and 2, Melchert Ranch Subdivision, Section 15, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Melchert Ranch Subdivision, Section 15, T2N, R3E, BHM, Pennington County, South Dakota.

Approve Subdivision Regulations Variance / SV 12-10 to waive topographic information to be provided at a five (5) foot contour interval, to waive the Section Line to be improved to Ordinance 14 Standards, to waive the dedication of an eight (8) foot utility and minor drainage easement outside of the platted access easement on the south property line of Lot 1R, to waive engineered road construction plans to be provided, and to waive road improvements to be made to Melchert Ranch Road; and, approve Minor Plat / PL 12-27 with the following eight (8) conditions: 1. That prior to Minor Plat approval, the applicant shall improve the Section Line Right-of-Way to Ordinance 14 Standards or else obtain an approved Subdivision Regulations Variance waiving this requirement; 2. That eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement; 3. That prior to Minor Plat approval, 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; 4. That prior to Minor Plat approval, the applicant improve Melchert Ranch Road to Low Density Residential Local/Collector Road Standards, including 66 feet of right-of-way (or easement) with a 24-foot-wide, 4-inch-graveled driving surface, or else a surety be posted for the road improvements or an approved Subdivision Regulations Variance be obtained waiving this requirement; 5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; 6. That an approved Floodplain Development Permit be obtained prior to any work being conducted within the boundaries of the 100-year floodplain for Rapid Creek; 7. That the title of the plat be changed in accordance with the comments received from the Register of Deeds; 8. That at the time of submittal for the Minor 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.

E. Preliminary Plat / PL 12-13: Marv and Chris Matkins. To create Lots 1, 2, and 3 of Matkins Addition #9 in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That Pt of GL 24 Lying S Of Hwy 16 Less Lots 3,4 and 5 Of Mewonitoc Lode Sub., Less Lot 4 Bar Placer MS 824, Less Lot 1R, 4, and 5 of Matkins Addn #6 and Less Row, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Matkins Addition #9, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

To deny without prejudice Preliminary Plat / PL 12-13 pursuant to Planning Commission recommendation.

End of Consent Agenda Items.

ITEMS FROM PLANNING & ZONING

F. The Spring Creek Watershed Management and Project Implementation Plan – Advisory Group: MOVED by Holloway and seconded by Trautman to postpone this item indefinitely. Vote: Unanimous.

G. Appeal of Conditional Use Permit / CU 12-15: Kari Fruechte: To allow for a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Trautman to uphold the Planning Commission decision to deny Conditional Use Permit / CU 12-15 without prejudice. The motion failed 4-1 on a roll call vote: Buskerud – yes, Davis – no, Holloway – no, Trautman – no, Petersen – no.

MOVED by Holloway and seconded by Davis to approve Conditional Use Permit / CU 12-15 with eight conditions recommended by Planning staff, amending Condition #8 so the CUP is reviewed in six months instead of twelve months. The motion carried 4-1 on a roll call vote: Petersen – yes, Trautman – yes, Holloway – yes, Davis – yes, Buskerud – no.

1. That a minimum of three (3) off-street parking spaces be provided and each parking space shall not be less than 162 square feet, nor less than nine feet (9') by eighteen feet (18'), surfaced with gravel, concrete or asphalt and maintained in a dust free manner; 2. That prior to the approval of this Conditional Use Permit, a Building Permit shall be obtained for the deck. A penalty will be assessed to the cost of the permit; 3. That the address be properly posted on both the residence and at the approach so it is visible in both directions in accordance with Pennington County's Ordinance #20; 4. That the applicant complies with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals; 5. That the applicant obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental; 6. That the applicant complies with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; 7. That this Conditional Use Permit not be valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and, 8. That this Conditional Use Permit be reviewed in six (6) months or on a complaint basis to verify that all conditions of approval are being met.

H. Appeal of Conditional Use Permit / CU 12-17: ARC Business Ventures/Penny and Jon Fosheim. To allow for a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance. (This item was continued to the August 21, 2012, meeting during approval of the agenda)

Lots 1-3, Block 11, Silver City, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

EXECUTIVE SESSION per SDCL 1-25-2

- A. Contractual/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 after a ten minute recess. Vote: Unanimous. The Board remained in executive session from 11:55 a.m. until 1:12 p.m. MOVED by Trautman and seconded by Buskerud 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 July 17, 2012: Total balances of checking/savings accounts, \$29,186,471.52; Total balance of Treasurer's Office safe cash, \$9,100.00; Total certificates of deposit, \$2,573,891.97 Total Prime Value Investment, \$2,037,599.54; Total petty cash, \$111,470.00; Total Cash Items Paid, \$5.00; Total Cash Items, \$1,997.30; Total long/short, (483.97); Total, \$33,920,051.36. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 9,411.50; Human Resources, 4,585.67; Elections, 15,117.21; Auditor - liens, 2,739.44; Auditor, 16,056.28; Treasurer, 47,541.87; Data Processing - General, 41,982.77; State's Attorney, 146,986.58; Public Defender, 93,940.19; Juvenile Diversion, 7,576.39; Victim's Assistance, 5,203.66; Buildings & Grounds, 102,515.32; Equalization, 65,717.78; Register of Deeds, 24,429.10; Sheriff, 340,030.02; Service Station, 8,262.78; HIDTA Grant, 8,323.89; Jail, 472,854.66; Jail Work Program, 4,266.46; Hill City Law, 12,430.12; Keystone Law, 5,417.29; New Underwood - Law, 4,342.23; School Liaison, 16,729.20; Wall Law, 12,989.79; JSC Teachers, 22,501.95; Home Detention, 8,389.88; JAIG/JSC, 10,827.87; Alcohol & Drug, 150,760.61; Friendship House, 45,414.99; Economic Assistance, 59,245.67; Mental & Alcohol-SAO, 7,775.38; Mental & Alcohol-HHS, 3,508.25; Extension, 4,280.16; Weed & Pest, 17,991.74; Mountain Pine Beetle, 10,261.25; Planning and Zoning, 25,434.04; Water Protection, 5,849.00; Ordinance, 3,508.25; Juvenile Services Center, 233,474.29; Highway, 189,035.30; Fire Administration, 6,317.22; Dispatch, 168,330.18; Emergency Management, 5,075.92; Emergency Management, 805.28; 24-7 Program, 19,560.47; PCCCC Building Projects, 3,519.34.

PERSONNEL

Health & Human Services: Effective 7/16/2012 - M. Semmler, \$3681.61.
Auditor/Elections: Effective 7/1/2012 - N. Teal, \$14.74/hr.

State's Attorney: Effective 7/27/2012 – K. Groote, \$4696.67.

Public Defender: Effective 8/20/2012 – S. MacNally, \$4696.00.

VOUCHERS

AT&T, 12.81; AT&T Mobility, 1,113.98; B&H Asphalt Maint, Inc, 64,544.00; BH Power Inc, 8,921.89; Carol Butzman, 30,000.00; CBM Food Service, 33,486.30; City Of Box Elder, 261.13; City Of Hill City, 15.50; City Of Rapid City-Water, 2292.07; City Of Wall, 127.00; Executive Mgmt Finance Office, 20.00; First Administrators, 330,338.83; First Interstate Bank, 6,499.65; Golden West Co, 1570.67; Kieffer Sanitation, 1836.15; Knology, 8417.52; Montana Dakota Utilities, 3,124.08; Mt Rushmore Telephone, 102.20; Qwest Communications, 4.25; Qwest Corp, 7,836.67; Rapid Valley Sanitary District, 89.24; Red River Service Corp, 49.48; SD Risk Pool, 967.00; Tessiers, 42,449.98; Verizon, 6,263.16; Walker Refuse, 107.25; Wal-Mart Community, 37.34; West River Electric, 1,328.59; Wright Express FSC, 368.58.

ADJOURN

MOVED by Holloway and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned 1:12 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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