

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
September 4, 2012**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, September 4, 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 Ron Buskerud was not in attendance.

APPROVAL OF THE AGENDA

MOVED by Davis and seconded by Trautman 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.

Auditor Julie Pearson asked that Item 5, Approval of the Minutes of the August 21, 2012, Board of Commissioners' Meeting, be removed from the consent agenda for individual action.

MOVED by Trautman and seconded by Holloway to approve the Consent Agenda as presented with the exception of Item 5. Vote: Unanimous.

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 \$190,622.07.

End of Consent Agenda

Item Removed for Separate Consideration

5. Minutes of the August 21, 2012, Board of Commissioners' meeting.

MOVED by Holloway and seconded by Trautman to correct the August 21, 2012, minutes to reflect that the budget supplement for the Crisis Care Center will be from assigned reserves rather than unassigned reserves. Vote: Unanimous.

2011 Audit Exit Report: Department of Legislative Audit – Bruce Hintz, Auditor in Charge: MOVED by Davis and seconded by Trautman to authorize the Chairperson's signature on the letter accepting the 2011 financial audit by Department of Legislative Audit. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **BUDGET SUPPLEMENT HEARING SP12-020-GENERAL FUND AUDITOR'S BUDGET**: MOVED by Trautman and seconded by Holloway to supplement the Auditor's General Fund budget by \$220,000 from assigned software reserve dollars and \$40,870 from over collected revenues collected in the current year, for a total of \$260,870. Vote: Unanimous.

B. **BUDGET SUPPLEMENT HEARING SP12-021 – GENERAL FUND CRISIS CARE CENTER BUDGET**: MOVED by Holloway and seconded by Trautman to supplement the General Fund Crisis Care Center budget in the amount of \$28,295 from the assigned Crisis Care reserve. Vote: Unanimous.

C. **REQUEST TO DECLARE PROPERTY SURPLUS AND SET MINIMUM BID PRICE**: MOVED by Trautman and seconded by Holloway to proceed with the sale of Parcel ID 57890, described as the NW1/4 NW1/4 of Section 24, T1N, R1E, BHM, Pennington County, South Dakota, since several parties have expressed interested in its purchase. The motion failed on a 2-2 vote with Petersen and Davis voting no. This item will be brought back at next meeting due to the tie vote.

LIEN RELEASE REQUEST FROM REAL ESTATE – TODD SCHWEIGER, ATTORNEY: MOVED by Trautman and seconded by Davis to continue this item to the next County Board meeting so the Chief Deputy State's Attorney can determine if any of the liens found in the title search for the property described as Lots 17, 18, 19, 20 & 21, in Block 8 of Mallow Addition to the City of Rapid City, Pennington County, SD, are valid against the property. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. **AWARD RECOMMENDATION – PLAYHOUSE ROAD REPAIRS**: MOVED by Davis and seconded by Trautman to award Playhouse Road Repair Project 1 330 01 – 2012, to the low bidder, Site Work Specialists Inc., 803 Industrial Avenue, Rapid City, SD, in the amount of \$172,803.50. Vote: Unanimous. The bid tabulations are on file at the Highway Department office.

MOVED by Davis and seconded by Trautman to recess from 9:45 a.m. until 10 a.m. Vote: Unanimous.

10:00 AM: CONSIDERATION OF THE FY2013 PROVISIONAL BUDGET AS THE ANNUAL BUDGET OF APPROPRIATIONS, EXPENDITURES, AND REVENUES FOR PENNINGTON COUNTY, SD

MOVED by Holloway and seconded by Trautman to continue approval of the FY2013 budget to the September 21, 2012, County Board meeting when all commissioners will be present. Vote: Unanimous.

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 Trautman to convene in executive session. Vote: Unanimous. The Board remained in executive session from 10:15 a.m. until 10:25 a.m. MOVED by Davis and seconded by Trautman to adjourn from executive session. Vote: Unanimous.

MOVED by Davis and seconded by Trautman to authorize the overhire of one FTE in the Public Defender's Office paid for with existing budget. Vote: Unanimous.

BOARD OF ADJUSTMENT

MOVED by Davis and seconded by Trautman to convene as the Board of Adjustment. Vote: Unanimous.

A. VARIANCE / VA 12-09: Lin and Ann Thompson. To reduce the minimum required front-yard setback from 25 feet to 1 foot and to reduce the minimum required side-yard setback from 8 feet to 3 feet for an existing carport. In addition, the applicant is also requesting to reduce the side yard setback from 8 feet to 6 feet for the existing garage in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Lot A of Lot 1, Block 6, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to continue Variance VA / 12-09 to the September 21, 2012, County Board meeting. Vote: Unanimous.

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

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 Trautman to remove Item B, The Spring Creek Watershed Management and Project Implementation Plan Payment Application for Alton or Barbara Bertschinger (SPC2011PC54), from the Consent Agenda and continue it to the September 21, 2012, County Board meeting at the request of Planning staff. Vote: Unanimous.

MOVED by Davis and seconded by Trautman to approve Planning & Zoning Consent Agenda Items C-F as presented. Vote: Unanimous.

C. SECOND READING OF REZONE / RZ 12-09: Robert and Cordelia Johnson. To rezone 4.106 acres from General Agriculture District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A parcel of land located in Government Lot 4 of Section 28, T1S, R5E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at NE corner of said parcel from whence the C1/4 corner of said Section 28 bears N 0°17'52" W a distance of 351.13 feet; thence S 0°17'52" E a distance of 504.09 feet; thence S 58°24'43" W a distance of 223.90 feet; thence N 50°54'22" W a distance of 167.20 feet; thence N 22°02'14" W a distance of 245.80 feet; thence N 39°53'27" E a distance of 283.47 feet; thence N 66°57'59" E a distance of 163.19 feet; thence N 85°03'58" E a distance of 78.41 feet to the Point of Beginning. Said parcel of land contains 4.106 acres more or less.

Approve the second reading of Rezone / RZ 12-09 to rezone 4.106 acres from General Agriculture District to Low Density Residential District.

ORDINANCE NO. RZ 12-09

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:

A parcel of land located in Government Lot 4 of Section 28, T1S, R5E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at NE corner of said parcel from whence the C1/4 corner of said Section 28 bears N 0°17'52" W a distance of 351.13 feet; thence S 0°17'52" E a distance of 504.09 feet; thence S 58°24'43" W a distance of 223.90 feet; thence N 50°54'22" W a distance of 167.20 feet; thence N 22°02'14" W a distance of 245.80 feet; thence N 39°53'27" E a distance of 283.47 feet; thence N 66°57'59" E a distance of 163.19 feet; thence N 85°03'58" E a distance of 78.41 feet to the Point of Beginning. Said parcel of land contains 4.106 acres more or less.

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

Dated this 4th day of September, 2012.

PENNINGTON COUNTY COMMISSION
/s/Lyndell Petersen, Chairperson

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

D. SECOND READING OF ORDINANCE AMENDMENT / OA 12-04: Pennington County. To amend Section 401-Intent of the Pennington County Zoning Ordinance.

Approve the second reading of Ordinance Amendment / OA 12-04.

ORDINANCE #34-23

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 401: Section 401 - Intent shall be amended to include the following:

- I. Alterations may be made to a nonconforming structure, if the building or structure is legally conforming as to use, but legally nonconforming as to setbacks or height. The building or structure may be enlarged or added to, provided that the enlargement or addition complies with the requirements of the district in which the building or structure is located.

Dated this 4th day of September, 2012.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Pennington County Auditor

E. 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.

To sustain the Planning Commission recommendation to rezone the property from Planned Unit Development to General Agriculture.

F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 12-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-06: Shane Geidel. To rezone 80.00 acres from General Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to

Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

To sustain the Planning Commission's recommendation to deny without prejudice Rezone / RZ 12-08 and Comprehensive Plan Amendment / CA 12-06.

End of Consent Agenda Items.

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 August 21, 2012: Total balances of checking/savings accounts, \$27,313,022.56; Total balance of Treasurer's Office safe cash, \$9,100.00; Total certificates of deposit, \$2,574,226.03; Total Prime Value Investment, \$2,580,753.03; Total petty cash, \$111,470.00; Total Cash Items Paid, \$5.00; Total Cash Items, \$1,860.12; Total long/short, (552.03); Total, \$32,589,879.71. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

ESCC: Effective 1/1/2012, J. Ricke, \$3423.00.

VOUCHERS

BH Power Inc, 3,015.13; CBM Food Service, 30,768.67; City Of Box Elder, 174.06; City Of Rapid City-Water, 17,670.95; Executive Mgmt Finance Office, 29.18; First Administrators, 109,691.81; First Interstate Bank, 2,771.38; FSH Communications, 60.00; Knology, 5,149.06; Liddell, Jeff, 3,097.40; Medical Waste Transport, 139.50; Montana Dakota Utilities, 3,069.09; Penn Co So-NW Shuttle, 350.00; Qwest Communications, 8.24; Qwest Corp, 897.40; Reliance Telephone Inc, 4.11; SD Risk Pool, 5,427.00; SDACC, 165.00; Verizon, 5,169.24; West River Electric, 607.79; Wright Express FSC, 2,357.06.

PAYROLL

Commissioners, 9,393.50; Human Resources, 4,585.67; Elections, 14,762.95; Auditor - liens, 2,144.64; Auditor, 15,817.52; Treasurer, 46,184.34; Data Processing - General, 41,696.04; State's Attorney, 150,019.20; Public Defender, 87,742.51; Juvenile Diversion, 5,693.17; Victim's Assistance, 5,203.66; Buildings & Grounds, 99,645.80; Equalization, 65,092.77; Register of Deeds, 23,333.90; Sheriff, 371,286.65; Service Station, 8,913.97; HIDTA Grant, 8,072.00; Jail, 434,665.16; Jail Work Program, 5,095.81; Hill City Law, 12,352.47; Keystone Law, 5,543.45; New Underwood - Law, 4,170.66; School Liaison, 16,750.24; Wall Law, 12,341.21; JSC Teachers, 27,112.60; Home Detention, 8,395.94; JAIG/JSC, 10,888.14; Alcohol & Drug, 137,240.98; Friendship House, 48,333.10; Economic Assistance, 48,843.44; Mental & Alcohol-SAO, 7,775.38; Mental & Alcohol-HHS, 3,508.25; Extension, 4,280.16; Weed & Pest, 16,208.03; Mountain Pine Beetle, 8,461.50; Planning and Zoning, 17,541.43; Water Protection, 5,531.99; Ordinance, 3,508.25; Juvenile Services Center, 230,679.38; Highway, 184,172.62; Fire Administration, 6,087.14; Dispatch, 161,551.49; Emergency Management, 5,039.97; Emergency Management, 496.11; 24-7 Program, 16,141.93; PCCCC Building Projects, 2,239.58.

September 4, 2012

ADJOURN

MOVED by Davis and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 10:55 a.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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