

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
October 2, 2012**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, October 2, 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 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 Buskerud to approve the Consent Agenda Items 5 - 10 as presented. Vote: Unanimous.

5. Approve the minutes of the September 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 \$195,518.80.
7. Approve and authorize the Chairperson's signature on the following Resolution.

RESOLUTION

WHEREAS, the Board of Trustees of the Ranch at Black Gap Road District have requested the Pennington County Board of Commissioners to establish a speed zone for the streets and roads in the Ranch at Black Gap Road District for the safety of the residents and the traveling public; and

WHEREAS, the Board of Commissioners has the authority to establish such speed zones on streets and highways upon request of any other local authority, including any road district, having charge of the maintenance of the streets and roads pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2; and

WHEREAS, the Board of Commissioners of Pennington County has considered the request of the Ranch at Black Gap Road District described as the Ranch at Black Gap and Tract A Revised of Black Gap Subdivision, located in Section 9, Township 1 South, Range 8 East, Black Hills Meridian, in Pennington County, South Dakota, and finding good cause to grant that request;

NOW, THEREFORE BE IT RESOLVED that the speed zone on all roads within the jurisdiction of the Ranch at Black Gap Road District, including Black Gap Road, Ambush Ranch Road, Black Saddle Road and Wildhorse Drive, shall be and is hereby established at twenty-five (25) miles per hour.

Dated this 2nd day of October 2012.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

8. Approve the Users Agreement between Pennington County and the South Dakota Division of Criminal Investigation in order to conduct background checks.

9. Declare five county-owned vehicles as surplus property to be used as trade-ins for the Sheriff's Office's 2012 planned vehicle replacement and authorize the Sheriff's Office to advertise for bids to purchase four (4) used, 2011 or newer passenger cars and two (2) used, 2011 or newer passenger mini vans. Surplus Vehicles: 2001 Chrysler Mini Van, VIN 2C8GP44G31R139764, Capital Asset Number 5449; 2002 Ford Taurus, VIN 1FAFP53U72G102204, Capital Asset Number 5409; 2005 Chevrolet Impala, VIN 2G1WF52E159307343, Capital Asset Number 5542; 2006 Dodge Caravan, 1D4GP24E06B67322, Capital Asset Number 5663; 2008 Ford Crown Vic, VIN 2FAFP71V68X151467; Capital Asset Number 5750.

10. General Fund Search and Rescue Supplement (SP12-024): Schedule a hearing at 9:15 a.m. on Tuesday, October 16, 2012, to supplement the 2012 General Fund Search and Rescue budget in the amount of \$64,666.00 from non-budgeted revenues received in the current year.

End of Consent Agenda

11. Pennington County Service Recognition Awards

The following individuals were recognized for years of service during County Convention: Michael Dailey, 25 years; Julie Pearson, 35 years; Kathy Bruckner, 36 years; Frank Dahlberg, 25 years and Janet Saylor, 25 years.

12. Pennington County Fairgrounds Update – Ron Jeffries: MOVED by Davis and seconded by Trautman to include on the October 16, 2012, agenda, the Fair Board's request to place a digital sign or signs on the Campbell Street side of the Fairgrounds. The motion carried 4-1 with Buskerud voting no.

ITEMS FROM AUDITOR

A. GENERAL FUND SUPPLEMENT (SP12-022): MOVED by Holloway and seconded by Buskerud to supplement the 2012 General Fund John Vucurevich budget in the amount of \$5,000 from non-budgeted revenues received in the current year. Vote: Unanimous.

B. GENERAL FUND SUPPLEMENT (SP12-023): MOVED by Holloway and seconded by Davis to supplement the 2012 General Fund Water Protection budget in the amount of \$5,450 from non-budgeted revenues received in the current year. Vote: Unanimous.

C. SURPLUS 40 ACRES PARCEL – PUBLIC AUCTION AND MINIMUM BID: MOVED by Trautman and seconded by Holloway to schedule the auction for Parcel ID 57890, described as the NW1/4 NW1/4 of Section 24, T1N, R1E, BHM, Pennington County, South Dakota, on November 1, 2012. Vote: Unanimous.

MOVED by Trautman and seconded by Holloway to authorize extra advertising expenditures up to \$2,300. Vote: Unanimous.

MOVED by Trautman and seconded by Buskerud to conduct the sale of the property as an absolute auction. Vote: Unanimous.

ITEMS FROM TREASURER

A. TAX NOTICE MAILING PROCEDURES – INFORMATION ITEM

ITEMS FROM EMERGENCY MANAGEMENT

A. JOINT POWERS AGREEMENT FOR THE FORMATION OF THE PENNINGTON COUNTY AREA EMERGENCY MANAGEMENT: MOVED by Holloway and seconded by Trautman to authorize the Chairperson's signature on the amended Joint Powers Agreement for the Formation of the Pennington County Area Emergency Management. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. GREEN VALLEY ESTATES APPROACHES (Cont. from 9/21/2012): MOVED by Davis and seconded by Trautman to direct the Highway Superintendent to inform the contractor working in the Green Valley Subdivision that Pennington County is not installing culverts at this time, and further moved to set up a special meeting with area residents to discuss drainage issues. Davis and Trautman agreed to amend the motion to state that the Highway Superintendent will notify Green Valley residents and hold a meeting to discuss drainage issues. Vote: Unanimous.

B. PRIMARY COUNTY HIGHWAY SYSTEM: MOVED by Holloway and seconded by Trautman to set a hearing for 9:30 a.m., October 16, 2012, regarding revisions to the Pennington County Highway System. Vote: Unanimous.

ROAD GRADING AND DITCH MOWING – COMMISSIONER DAVIS

LIEN RELEASE REQUEST (LAR)

MOVED by Buskerud and seconded by Trautman to deny the lien release request for LAR (*Names withheld per SDCL 28-13-4*) in the amount of \$3,000. Vote: Unanimous.

ITEMS FROM CHAIR

MOVED by Holloway and seconded by Davis that Chairperson Petersen and Holli Hennies complete the performance review for Tiffany Meyer, Pennington County 4-H Youth Advisor. Vote: Unanimous.

Appeal Regarding Property Located On Lots 22-23 In Block 8 In Silver City As well As Penalties and Fees Associated With – Beverly Sears & David Allard: MOVED by Buskerud to table this item. The motion died for the lack of the second. MOVED by Davis and seconded by Buskerud to postpone this item until a decision is reached as it is currently being litigated in the courts. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to take a recess. Vote: Unanimous. The Board of Commissioners remained in recess from 10:47 a.m. until 10:57 a.m. and reconvened without Commissioner Trautman.

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 B-E with Item A removed for separate consideration. Commissioner Trautman returned during the motion and prior to the vote. Vote: Unanimous.

B. PLANNED UNIT DEVELOPMENT REVIEW / PU 04-08: 6S Properties, LLC. To review the existing Planned Unit Development which allows for up to five (5) residential lots and a neighborhood commercial area in accordance with Section 213 and Section 508 of the Pennington County Zoning Ordinance.

The unplatted portion of the SE1/4 south of Highway 44, Section 14, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Planned Unit Development / PU 04-08 with eight (8) conditions.

1. That the approved uses of the Planned Unit Development shall be for up to five (5) stick-built, single-family residences with accessory structures and a neighborhood commercial area not to exceed four (4) acres in area; 2. Any new wastewater disposal systems installed after September 1, 2004, shall be an evapotranspiration system and any platting that may occur after September 1, 2004, shall include a note indicating this requirement; 3. That prior to a Building Permit being issued for a single-family residence or neighborhood commercial use, the applicant shall submit an engineered individual wastewater disposal system for review and approval by the Pennington County Environmental Planner; 4. That prior to any Building Permit being issued on the subject property, the applicant shall submit an Approach Permit to the S.D. Department of Transportation for review and approval; 5. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all exterior property lines, fifty-eight (58) feet from all Section Lines, and ten (10) feet from any interior lot lines; 6. That the neighborhood

commercial uses shall be limited to: medical doctor, dentist, optometrist, chiropractor, retail such as a food market, gift shop, pharmacy, bakery, video rental/sales, computer, etc., bank, barber/beauty shop, laundry and cleaning services including collection stations, shoe repair, professional and business offices and other uses providing those services will be conducted to the local community as determined by the Planning Director; 7. That all residences must meet the standards for stick-built as outlined in Section 204 and all commercial structures shall be stick-built; and, 8. That this Planned Unit Development be reviewed in five (5) years to determine that all conditions of approval are being met.

C. ROAD NAMING: Marv Matkins. To approve the naming of a 66-foot-wide access easement, providing access to properties located in Section 30, T1S, R5E, BHM, Pennington County, South Dakota, as Gordon Collins Road.

D. LAYOUT PLAT / PL 12-34: Parker Properties. To create Revised Lot 2R of Tract A of Home Sweet Home Placer MS 804 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2R of Tract A (also in Section 34), Home Sweet Home Placer MS 804, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Revised Lot 2R of Tract A, Home Sweet Home Placer MS 804, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

To approve Layout Plat / PL 12-34 with twelve (12) conditions.

1. That at the time of Minor Plat submittal, engineered road construction plans be submitted for Watson Parker Road or a Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for all three lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
3. That at the time of submittal of the Minor Plat, Watson Parker Road be shown on the Plat document;
4. That prior to any work being done within the boundaries of the 100-year floodplain, a Floodplain Development Permit must be obtained;
5. That the Section Line Highway be improved to Ordinance 14 standards, or a Subdivision Regulations Variance obtained waiving this requirement;
6. That Watson Parker Road be improved to Local Road Standards, which includes 66 feet of right-of-way and 24 foot graveled driving surface with a minimum of four (4) inches of gravel or a Subdivision Regulations Variance be obtained waiving this requirement;
7. That at the time of Minor Plat submittal, the applicants submit topography at a five foot contour interval or a Subdivision Regulations Variance be obtained waiving this requirement;
8. That a cul-de-sac be installed on Watson Parker Road or a Subdivision Regulations Variance be obtained waiving this requirement;
9. That prior to filing the plat with Register of Deeds, an Operating Permit be obtained for proposed Revised Lot 2R;
10. That at the time of Minor Plat submittal, the Plat Heading be changed to either "Lot 2RA of Tract A..." or "Lot 2R Revised of Tract A...";
11. That the applicant submits information on the water system that will be supplying water to the proposed lot or acquire approval of a Subdivision Regulations Variance waiving this requirement; and,
12. That approval of this Layout Plat does

not constitute approval of any further applications to be submitted for the above-described property.

E. LAYOUT PLAT / PL 12-33: Nina McBride. To create Lot 1 of Chase Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SE1/4; Unplatted portion of Lot B; NW1/4SE1/4; and Lot B of SE1/4SE1/4 less Right-of-Way, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Chase Subdivision located in Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve Layout Plat / PL 12-33 with ten (10) conditions.

1. That prior to Final Plat approval, proposed Lot 1 either be rezoned to Low Density Residential or Suburban Residential District, depending on the lot size, or else a Lot Size Variance be obtained to allow the proposed lot to remain zoned General Agriculture District; 2. That a site plan be provided of the proposed lot at the time of Preliminary Plat submittal showing the location of all existing structures and utilities, including the on-site wastewater treatment system and well, in relation to the proposed lot lines to verify compliance with setback requirements and to determine if any easements need to be dedicated; 3. That a well easement be dedicated prior to Final Plat approval, if the proposed lot will continue to utilize a well located on the remainder of the larger parcel; 4. That an Operating Permit be obtained for the existing on-site wastewater treatment system prior to Final Plat approval; 5. That all junk and debris, including tires and pallets, located on the proposed lot be cleaned up to the satisfaction of the Ordinance Officer prior to Final Plat approval; 6. That seven (7) feet of additional right-of-way be dedicated for Nemo Road in accordance with the requirements for Minor Arterial Roads in the Subdivision Regulations or else a Subdivision Regulations Variance be obtained waiving this requirement; 7. That all changes to the plat, as identified by the Register of Deeds' and Department of Equalization's comments, be made by the surveyor prior to Preliminary Plat submittal; 8. That a Conditional Use Permit be obtained to allow the existing single-wide mobile home to be utilized as the primary residence on the proposed lot prior to Final Plat approval; 9. That the plat meet all requirements of Section 400.2 of the Subdivision Regulations, including the dedication of eight (8) foot utility and minor drainage easements along the interior of all lot lines and topographic information to be provided of the proposed lot at five (5) foot contour intervals, or else a Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and, 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

End of Consent Agenda

Items Removed for Separate Consideration

A. The Spring Creek Watershed Management and Project Implementation Plan – Approval of Payment of the Application for Gail A. Mayer. MOVED by Holloway and seconded by

Buskerud to approve payment of application PC13-1 for Gail A. Mayer in the amount of \$2,650.68. 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)

The Chairperson announced that the executive session was not required.

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 September 25, 2012: Total balances of checking/savings accounts, \$23,668,981.50; Total balance of Treasurer's Office safe cash, \$9,100.00; Total certificates of deposit, \$2,579,718.08; Total Prime Value Investment, \$4,498,647.93; Total petty cash, \$111,470.00; Total Cash Items, \$87.69; Total long/short, (589.13); Total, \$30,867,416.07. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Jail: Effective 9/1/2012 – B. Haga, \$5,722.42

PAYROLL

Commissioners, 9,384.50; Human Resources, 4,585.67; Elections, 15,594.12; Auditor - liens, 2,161.40; Auditor, 15,817.53; Treasurer, 46,190.01; Data Processing - General, 41,561.96; State's Attorney, 152,680.51; Public Defender, 94,606.92; Juvenile Diversion, 7,372.02; Victim's Assistance, 5,203.66; Buildings & Grounds, 100,034.35; Equalization, 63,917.82; Register of Deeds, 23,333.90; Sheriff, 336,036.39; Service Station, 8,051.33; HIDTA Grant, 8,561.55; Jail, 443,417.24; Jail Work Program, 4,779.88; Hill City Law, 11,342.16; Keystone Law, 5,766.66; New Underwood – Law, 4,170.66; School Liaison, 17,111.53; Wall Law, 12,057.42; JSC Teachers, 15,647.10; Home Detention, 8,426.30; JAIG/JSC, 6,894.38; Alcohol & Drug, 142,407.65; Friendship House, 46,944.35; Economic Assistance, 51,312.75; Mental & Alcohol-SAO, 7,775.38; Mental & Alcohol-HHS, 3,508.25; Extension, 4,280.16; Weed & Pest, 11,194.84; Mountain Pine Beetle, ; Planning and Zoning, 17,541.41; Water Protection, 5,532.01; Ordinance, 3,508.25; Juvenile Services Center, 242,587.08; Highway, 186,045.47; Fire Administration, 6,065.56; Dispatch, 164,792.95; Emergency Management, 5,377.90; Emergency Management, 179.56; 24-7 Program, 16,704.12; PCCCC Building Projects, 2,691.26.

VOUCHERS

BH Power Inc., \$3,344.88; City of Rapid City-Water, \$929.90; Federal High Risk Pool, \$321.00; First Administrators, \$180,671.37; Knology, \$1,675.82; Montana Dakota Utilities, \$2,917.07; SD Risk Pool, \$967.00; Verizon, \$4,368.20; West River Electric, \$323.56.

ADJOURN

MOVED by Davis and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:40 a.m.

October 2, 2012

Julie A. Pearson, Auditor

Published once at a cost of ____.

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