

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS' MINUTES  
February 5, 2013**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, February 5, 2013, 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 reverse the order of Item B and C under Items from Emergency Management 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 Davis to approve Consent Agenda Items 5-14 as presented. Vote: Unanimous.

5. Approve the minutes of the January 15, 2013, 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 \$356,494.27.
7. Reappoint Mr. John Glodt as County Constable for Legislative District 33 and authorize the Chairperson's signature on the Warrant of Appointment.
8. Reappoint Mr. Aaron Klapkin as County Constable for Legislative District 35 and authorize the Chairperson's signature on the Warrant of Appointment.
9. Reappoint Ann Sandberg, Terri Phelps, Larry Beezley, Lynn Von Wald and Kristina Hendrickson to a second term on the Pennington County Board of Mental Illness and County Review Board and authorize the Chairperson's signature on the Warrants of Appointment.
10. Emergency Management: Approve the First Quarter State and Local Agreement Report.
11. County Fire: Approve the Secure Rural Schools and Communities Self-Determination Act Certification of Title III Expenditures for 2012.
12. Acknowledge receipt of the 2012 Annual Report from Pennington County Highway.
13. Recognize and thank Pennington County volunteers for the month of December 2012. The list of volunteers is on file in the Human Resources office and is posted on the County Bulletin Board.
14. Approve the request from Pennington County Victim's Assistance to reapply for the VOCA Grant and the Stop/VAWA Grant for Fiscal Year 2014.

**End of Consent Agenda**

**FIRST READING AND PUBLIC HEARING; THE NEW REVISED PENNINGTON COUNTY ORDINANCE NO. 12 – AIR QUALITY ORDINANCE**

MOVED by Davis to not approve the first reading of county Ordinance No. 12 to give the State's Attorney time to respond to concerns by the Board of Commissioners. The motion died for lack of a second.

MOVED by Buskerud and seconded by Trautman to continue this item to the February 19, 2013, Board of Commissioners' meeting. Vote: Unanimous.

**ITEMS FROM AUDITOR**

- A. BUDGET SUPPLEMENT HEARING SP13-002: MOVED by Trautman and seconded by Holloway to approve the supplement to the 2013 Modernization and Preservation Fund ROD Equipment budget in the amount of \$48,000 from non-budgeted revenue received in the current year. Vote: Unanimous.
- B. TO ACKNOWLEDGE THE ORDER FOR ORGANIZATION AND INCORPORATION OF THE SAWMILL ROAD DISTRICT (Cont from 1/15/2013): According to Auditor Julie Pearson, no action is needed on this item. The petition was invalid because it included property included in another road district.

**ITEMS FROM EMERGENCY MANAGEMENT**

- A. TRANSFER AND SALE OF TWO VEHICLES: MOVED by Holloway and seconded by Trautman to transfer a 2008 Dodge Ram (VIN#3DKS19D98G170787 / Capital Asset # 05832) from Emergency Management to County Highway and authorize a transfer of \$17,000 from County Highway to Emergency Management revenue, and further moved to transfer a 2003 Jeep Liberty (VIN# 1J4GL48K93W679894 / Capital Asset # 05684) from Emergency Management to County IT and authorize a transfer of \$3500 from County IT to Emergency Management revenue. Vote: Unanimous.
- B. AUTHORIZATION TO PURCHASE VEHICLES: MOVED by Holloway and seconded by Trautman to authorize the purchase of two (2) 2013 Chevrolet Tahoes from Rapid Chevrolet, 2090 Deadwood Avenue, Rapid City, State Contract #16415 in the amount of \$32,414.00 (each). Vote: Unanimous.
- C. GENERAL FUND SUPPLEMENT SP13-003: The Board of Commissioners asked that that the supplement request be brought back for action on February 19, 2013, with totals for the vehicles, equipment and any other associated costs related to the vehicle purchase.

**ITEMS FROM EMERGENCY SERVICES COMMUNICATIONS USERS BOARD**

- A. OPERATING TRANSFER FOR TOWER CAPITAL PROJECT FUND: MOVED by Holloway and seconded by Buskerud to authorize an operating transfer in the amount of \$19,800 from the County Fire Fund to the Communications Tower Capital Project Fund. Vote: Unanimous.

- B. ESC TOWER PROJECT WEST SITE CONSTRUCTION CHANGE ORDERS: MOVED by Holloway and seconded by Buskerud to approve Emergency Services Communication Services Communications Tower Project West Site Construction Change Order PR#, Electrical Trenching Cost Change, in the amount of \$5,947.66 and PR#2, Telecom Conduit Cost Change, in the amount of \$1,499.87. Vote: Unanimous.

**ITEMS FROM EQUALIZATION**

- A. ABATEMENTS: MOVED by Buskerud and seconded by Trautman to approve the following abatements/refunds for tax year 2012: ID 8094, Dale Brumbaugh, \$705.42; ID8005975, Joel or Rebecca L. Anderson, \$108.53; ID 3993, Curtis J. Tuhy, \$1327.90; ID 4034, Duane Lamb, \$585.00. Vote: Unanimous.

**ITEMS FROM EXTENSION**

- A. APPOINTMENT OF 2013 EXTENSION ADVISORY BOARD MEMBER: MOVED by Davis and seconded by Trautman to appoint Laura Lawrence to serve as a member of the 2013 Pennington County Extension Advisory Board. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. 2013 COUNTY STRIPING PROGRAM AGREEMENT: MOVED by Davis and seconded by Buskerud to approve the Agreement with the State of South Dakota for the 2013 Pavement Marking Project Number P 000S(00) PCN 01XM and authorize the Chairperson's signature thereto. Vote: Unanimous.

**ITEMS FROM INFORMATION TECHNOLOGY SERVICES**

- A. PENNINGTON COUNTY WEBSITE REDESIGN: MOVED by Holloway and seconded by Trautman that the IT Department move forward with the Pennington County website redesign utilizing Midwest Marketing and further moved that County Departments share equally in the cost of the project. The initial project will not include votepennco.com, penningtoncountysheriff.com, springcreekblackhills.com and rcpcem.com. Vote: Unanimous.

**ITEMS FROM WEED & PEST**

- A. 2012-2013 PENNINGTON COUNTY FIRE PROTECTION AND MOUNTAIN PINE BEETLE SUPPRESSION PROJECT UPDATE

(SP13-004) Moved by Buskerud and seconded by Trautman to schedule a hearing at 9:15 a.m. on February 19, 2013, to supplement the Emergency Disaster Fund MBP budget in the amount of \$80,303 from restricted fund balance. Vote: Unanimous.

**ITEMS FROM THE BOARD OF ADJUSTMENT**

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

- A. VARIANCE / VA 13-01: Tim or Vickie Griffin. To reduce the minimum required side yard setback from 25 to 6 feet in a Limited Agriculture District in order to construct a pole barn on the subject property in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 6 and the E1/2 of Lot 5, Harms Tract, Section 8, T1N, R7E, BHM, Pennington County, SD.

MOVED by Buskerud and seconded by Holloway to deny Variance / VA 13-01. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud 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 approve Consent Calendar Item B. Vote: Unanimous.

- B. VACATION OF SECTION LINE / VS 13-01: John Preston. To vacate 900 feet of Section Line Right-of-Way located between Sections 18 and 19, T2S, R7E, BHM, Pennington County, South Dakota.

Approve Vacation of Section Line #13-01 with two conditions. 1) That prior to the Exhibit being recorded for the Vacation of Section Line the applicant shall dedicate and record a utility easement for the existing overhead power lines located in the Section Line Right-of-Way; and 2) That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deeds' Office.

**ITEMS FROM PLANNING & ZONING**

- C. ASSISTANT PLANNING DIRECTOR JOB DESCRIPTION: MOVED by Trautman and seconded by Buskerud to accept the job description for the Assistant Planning Director. Vote: Unanimous.

MOVED by Holloway and seconded by Davis to take a brief recess. Vote: Unanimous. The Board recessed at 11:12 a.m. and reconvened at 11:25 a.m. Vote: Unanimous.

**SPRING CREEK WATERSHED AND IMPLEMENTATION PROJECT**

- A. PROJECT PRESENTATION: Brittney Molitor, Pennington County Water Protection Coordinator and Justin Krajewski, Project Coordinator with RESPEC Consulting.
- B. DENR CONTRACTS: MOVED by Trautman and seconded by Davis to approve the Chairperson's signature on the Third Amendment to Grant Agreement for the Spring Creek Management & Implementation Project Segment 1. Vote: Unanimous.  
  
MOVED by Trautman and seconded by Petersen to approve the Chairperson's signature on the First Amendment to Grant Agreement for the Spring Creek Management & Implementation Project Segment 2. Vote: Unanimous.
- C. UPDATED SEGMENT 2 BUDGET TABLES: MOVED by Buskerud and seconded by Davis to approve the updated Spring Creek Management and Implementation Project Segment 2 Budget Tables 6-1, 6-2 and 6-3 obligating the \$160,606 of unspent Segment 1 funds. Vote: Unanimous.
- D. PROJECT COORDINATOR RESPONSIBILITIES: MOVED by Davis and seconded by Buskerud to approve the Project Coordinator responsibilities with the recommended changes. Vote: Unanimous.
- E. INTERGOVERNMENTAL AGREEMENT: MOVED by Buskerud and seconded by Davis to approve the Intergovernmental Agreement Format with the edits recommended by Commissioner Trautman. Vote: Unanimous.
- F. ADVISORY BOARD MEMBER GUIDELINES: MOVED by Buskerud and seconded by Davis to continue Advisory Board Guidelines to the February 19, 2013, Board of Commissioners' meeting so the Chief Deputy State's Attorney can provide clarification and different language on authority. Vote: Unanimous.
- G. ADVISORY BOARD MEMBERSHIP APPOINTMENTS: MOVED by Trautman and seconded by Buskerud to continue the advisory group appointments to the February 19, 2013, Board of Commissioners' meeting. Vote: Unanimous.

Commissioner Buskerud left the meeting at this time.

**EXECUTIVE SESSION per SDCL 1-25-2**

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

MOVED by Davis and seconded by Trautman to take a five minute break and then convene in executive session. Vote: Unanimous. The Board remained in executive session from 12:50 p.m. until 1:01 p.m. MOVED by Holloway and seconded by Trautman to adjourn from executive session. Vote: Unanimous.

**PERSONNEL**

Buildings & Grounds: Effective 1/1/2013 – J. Enders, \$3460.

Health & Human Services: Effective 2/1/2013 – J. Guffey, \$3405.95; N. Parker, \$17.83/hr.

Highway Department: Effective 2/4/2013 – Aditya Chivukula Venkata, \$11.48/hr.

ESCC: Effective 1/20/2013 – B. Blackwell and J. Gion, \$17.83/hr.

Public Defender: Effective 1/30/2013 – C. Duffy, \$4791.00; Effective 2/11/2013 – D. Leon, \$4791.00.

State's Attorney: Effective 1/22/2013 – J. LaCroix, \$10.00/hr.

**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 January 29, 2013: Total balances of checking/savings accounts, \$26,395,383.72; Total balance of Treasurer's Office safe cash, \$9,400.00; Total certificates of deposit, \$2,581,020.60; Total Prime Value Investment, \$6,050,652.10; Total petty cash, \$111,470.00; Total Cash Items, \$621.08; Total long/short, (254.79); Total, \$35,148,709.24. Submitted by Lori Wessel, Deputy Auditor.

**VOUCHERS**

AT&T Mobility, 652.42; BH Power, 9234.87; CBM, 3297.23; City of Box Elder – Water, 70.57; City of Hill City – Water, 54.25; City of Rapid City-Water, 12,435.49; City of Wall-Water, 135.00; Executive Mgmt Fin Office, 18.00; First Administrators, 290,993.24; First Interstate Bank, 7362.04; Fish Communications LLC, 60.00; Knology, 6933.08; Lattice Inc., 16.29; Medical Waste Transport, 139.50; Midcontinent Communications, 55.00; Montana Dakota Utilities, 15,053.01; Q-West, 246.73; Verizon, 6361.12; West River Electric, 2467.66; WEX Bank, 908.77.

**ADJOURN**

MOVED by Holloway and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:01 p.m.

Julie A. Pearson, Auditor

Published once at a cost of \_\_\_\_.

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