

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

A meeting of the Pennington County Board of Commissioners was held on Tuesday, March 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, Don Holloway and Nancy Trautman. Commissioner Davis was not in attendance.

APPROVAL OF THE AGENDA

MOVED by Trautman and seconded by Buskerud 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 Trautman and seconded by Buskerud to approve Consent Agenda Items 5-11 as presented. Vote: Unanimous.

5. Approve the minutes of the February 19, 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 \$320,961.99.
7. Approve the Pennington County Application for Permit to Occupy Right-of-Way for the Deadwood Mickelson Trail Marathon and Marathon Relay to be held on Sunday, June 2, 2013.
8. Approve the appointment of Paul Paulsen to serve a three year term on the Pennington County Weed and Pest Board and authorize the Chairperson's signature on the Warrant of Appointment.
9. (SP13-003) Schedule a hearing at 9:15 a.m. on Tuesday, March 19, 2013, to supplement the 2013 Emergency Management Operations budget in the amount of \$98,433 from Restricted Fund Balance.
10. (SP13-005) Schedule a hearing at 9:15 a.m. on Tuesday, March 19, 2013, to supplement the 2013 General Fund Search & Rescue budget in the amount of \$10,000 from Unassigned Fund Balance.
11. Approve the Adopt-A-Highway Application for the SDSM&T Weather Association for approximately two miles of Silver Mountain Road and authorize the Chairperson's signature on the letter.

End of Consent Agenda

PRESENTATION OF ADOPT-A-HIGHWAY PROGRAM CERTIFICATES OF APPRECIATION: The Highway Department presented Certificates of Appreciation to the

following organizations that participate in the Adopt-A-Highway Program: 28th MXS of Ellsworth AFB, 28th Logistics Readiness Squadron, 28th Security Forces Squadron, 28th Security Forces Squadron S-4 and EAFB Group 56. Certificates for other groups will be mailed.

FY2014 PENNINGTON COUNTY BUDGET DISCUSSION – Auditor Julie Pearson

Auditor Pearson reported CPI information and growth figures for Pennington County.

ITEMS FROM AUDITOR

- A. SPECIAL REQUEST FOR MALT BEVERAGE LICENSE – RUSHMORE HOCKEY ASSOCIATION: MOVED by Buskerud and seconded by Trautman to approve the Special Malt Beverage Retail License for the Rushmore Hockey Association for The End of the Road Hockey Tournament for adult teams, an annual fundraiser that will be held at the Rushmore Hockey Association building on March 22, 23 and 24, 2013. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

- A. PUBLIC EDUCATION CAMPAIGN AWARD – Information Item

ITEMS FROM EQUALIZATION:

- A. ABATEMENT APPLICATIONS: MOVED by Buskerud and seconded by Holloway to approve the following 2012 abatements/refunds: Parcel ID 61991, Dakota Land Trust, \$2757.01; Parcel ID 34049, Donald D. Kechely, \$764.80; Parcel ID 36993, SBP LLC, \$1399.44. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. ANNUAL BID AWARD RECOMMENDATIONS: (Please note that vendor addresses are only listed one time if there are multiple awards)

Item 1: MOVED by Holloway and seconded by Trautman to award Asphalt Concrete Overlay Project AC 2013-1 (Various Roads) to Simon Contractors of SD Inc., PO Box 397, Rapid City, SD, in the amount of \$536,219.40. Vote: Unanimous.

Item 2: MOVED by Trautman and seconded by Holloway to award Asphalt Concrete Overlay Project 2013-2 (Rapid Valley Area) to Simon Contractors of SD Inc., in the amount of \$182,025.70. Vote: Unanimous.

Item 3: MOVED by Buskerud and seconded by Trautman to award Asphalt Surface Treatment Project AST 2013 to Hills Materials Company, PO Box 2320, Rapid City, SD in the amount of \$449,510.50. Vote: Unanimous.

Item 4: MOVED by Trautman and seconded by Buskerud to award Aggregate Stockpile Project AGG 2013-1, Eisenbraun Pit, in the amount of \$83,940.00 and Aggregate Stockpile

Project AGG 2013-1, Shearer Pit, in the amount of \$129,200.00, to KD Contractors, PO Box 870, Hot Springs, SD. Vote: Unanimous.

Item 5: MOVED by Holloway and seconded by Buskerud to award Asphalt Surface Crack Sealing Project ASC 2013 to Highway Improvement Inc., PO Box 1803, Sioux Falls, SD in the amount of \$98,903.00. Vote: Unanimous.

Annual Supplies: MOVED by Holloway and seconded by Trautman to award the bids for annual supplies as listed below to the lowest bidder per the recommendation of the Pennington County Highway Department. Vote: Unanimous.

- Aggregate Materials (Rapid City Area): Award Items No. 1 & 3 to Pete Lien & Sons, 3401 Universal Drive, Rapid City, SD; award Items No. 2 & 5 to J & L Gravel Inc., 24045 Twin Springs Road, Hill City, SD and Pete Lien & Sons Inc., based on location; award Item No. 4 to J & L Gravel Inc., award Item No. 6 to Hills Materials Company.
- Asphalt Maintenance Materials: Award Items No. 1, 2, and 4 to Simon Contractors of SD Inc.; award Item No. 3 to Hills Materials Company.
- Composite Asphalt Concrete: Hills Materials Company.
- Concrete Products: Cretex Concrete Products West Inc., PO Box 1620, Rapid City, SD.
- Corrugated Metal Pipe: True North Steel, PO Box 1439, Huron, SD.
- Cutback and Emulsified Asphalt: Hills Materials Company.
- De-Icing Sand: Pete Lien and Sons Inc.
- Equipment Rental: Sheehan Mack Sales and Equipment, PO Box 1689, Rapid City, SD.
- Fencing: M & M Fencing, 714 Northridge Drive, Rapid City, SD.
- Guardrail: Hilt Construction, PO Box 9338, Rapid City, SD.
- Magnesium Chloride Solution: Z & S Dust Control System, 22470 Bennett Road, Rapid City, SD.
- Seeding, Fertilizing, Mulching and Erosion Control Blanket: M & M Fencing.
- Timber Bridge Materials: Wheeler Lumber LLC, PO Box 8, Whitewood, SD.
- Traffic Control Materials: Lyle Signs Inc., 200 Industrial Park, DeSmet, SD.

Bid documents are available at the Highway Department.

B. AUTHORIZATION TO BID FOR RECONSTRUCTION OF RESERVOIR ROAD PROJECT AND PLATEAU LANE PROJECT: MOVED by Trautman and seconded by Holloway to advertise for bids for the Reservoir Road Reconstruction Project No, 326102(1) 13, and further moved to advertise for bids for the Plateau Lane Reconstruction Project No. 420427-2013. Vote: Unanimous.

C. AUTHORIZATION TO ENTER INTO AGREEMENT FOR ENGINEERING SERVICES: MOVED by Holloway and seconded by Trautman to authorize the Highway Department to enter into an agreement with CETEC Engineering Services for

construction engineering services for the reconstruction of Reservoir Road (East 53rd Street), from Twilight Drive north to North Pitch Court. Vote: Unanimous.

ITEMS FROM PUBLIC DEFENDER

- A. NEW POSITION AND JOB DESCRIPTION – OFFICE MANAGER: MOVED by Buskerud and seconded by Holloway to continue this item until the new Public Defender is appointed. Vote: Unanimous.

ITEMS FROM WEED & PEST

- A. STATE MOUNTAIN PINE BEETLE GRANT APPLICATION: MOVED by Trautman and seconded by Buskerud to authorize the Chairperson's signature on the Grant Application for funds for the Pennington County MPB Initiative in the amount of \$670,000. Vote: Unanimous.

ITEMS FROM COMMISSION ASSISTANT

- A. COUNTY COMMISSION MEETINGS AVAILABLE ONLINE – Information Item: Effective March 6, 2013, video of Board of Commissioners' meetings will be available through a link on the Pennington County website.
- B. COUNTY POLICY – RE-NOTICE OF VACANCY AND APPOINTMENT TO BOARDS – WEED & PEST BOARD EXCEPTION: MOVED by Holloway and seconded by Trautman to amend the County Policy, *Re-Notice of Vacancy and Appointment to Boards*, by adding the following statement: This policy is subject to exception as approved by a vote of the Board of Commissioners on a case by case basis. Vote: Unanimous.
- C. REQUEST FOR PTB TO BE SHARED BETWEEN HR AND COMMISSION: This item will be presented during 2014 budget hearings.

ITEMS FROM CHAIR

Chairman Petersen proposed adding an agenda item to the March 19, 2013, meeting to discuss Rapid City TIF #65, its proposed amendment, and the impact on Pennington County.

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by Trautman and seconded by Holloway to convene as the Board of Adjustment. Vote: Unanimous.

- A. VARIANCE / VA 13-03: Jerry Hammerquist. To reduce the minimum required lot size from 40 acres to 3.75 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

The SE1/4SE1/4SE1/4NW1/4 and the E1/2SW1/4 SE1/4SE1/4NW1/4 of Section 15, T1S, R10E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Holloway to take a ten minute recess. Vote: Unanimous. The Board reconvened at 10:42 a.m.

MOVED by Trautman and seconded by Holloway to approve VA #13-03, to reduce the minimum lot size requirement from 40 acres to 3.75 acres in a General Agriculture District with five (5) conditions. The motion carried on a roll call vote: Buskerud – aye, Holloway – aye, Trautman – aye, Petersen – aye.

1. That an approved Approach Permit be obtained from the County Highway Department prior to the construction of an approach;
2. That all natural drainage ways be maintained on the subject property;
3. That an access easement be dedicated and recorded at the Register of Deeds in accordance with Section 313 of the Zoning Ordinance, if necessary;
4. That an approved Floodplain Development Permit be obtained for any work conducted within the boundaries of the 100-year floodplain; and
5. That the lot address be posted so it is visible from both directions of travel along Hammerquist Road in accordance with Pennington County's Ordinance #20.

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

REGULAR PLANNING ITEMS

- B. APPROVAL OF ANNUAL MS4 STORMWATER REPORT: MOVED by Trautman and seconded by Holloway to approve the MS4 Annual Report and authorize the Chairperson's signature thereto. Vote: Unanimous.
- C. APPROVAL FOR UPDATED STORMWATER MANAGEMENT PLAN: MOVED by Trautman and seconded by Holloway to continue this item to the March 19, 2013, Board of Commissioners' meeting so Planning staff can provide additional information. Vote: Unanimous.
- D. APPEAL OF CONDITIONAL USE PERMIT / CU 13-02 – DAN PULSE: MOVED by Buskerud and seconded by Trautman to overrule the Planning Commissions' approval of Conditional Use Permit / CU 13-02. The motion carried 3-1 on a roll call vote: Buskerud – aye, Holloway – aye, Trautman – aye, Petersen – no.

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 Trautman and seconded by Buskerud to convene in executive session. Vote: Unanimous. The Board remained in executive session from 11:45 a.m. until 12:00 noon.

MOVED by Holloway and seconded by Trautman to adjourn from executive session. Vote: Unanimous.

MOVED by Trautman and seconded by Holloway to authorize the Pennington County State's Attorney to commence litigation on behalf of Pennington County against the Federal Government/Indian Health Services and any relevant county in South Dakota in regard to the reimbursement of fees, costs and expenses incurred by Pennington County as part of the process for emergency commitment of mentally ill persons who are non-residents of Pennington County and further, to authorize the Attorney General for the State of South Dakota to represent Pennington County, at the request of the Pennington County State's Attorney, in any such proceeding. 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 February 20, 2013: Total balances of checking/savings accounts, \$23,852,939.19; Total balance of Treasurer's Office safe cash, \$9,400.00; Total certificates of deposit, \$2,586,173.21; Total Prime Value Investment, \$3,026,705.51; Total petty cash, \$111,470.00; Total Cash Items Paid, \$10.00, Total Cash Items, \$493.13; Total long/short, (\$267.76); Total, \$29,586,923.28. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Auditor: Effective 2/18/2012 – N. Teal, \$16.96/hr.

Information Technology: Effective 4/1/2013 – S. Sinclair, \$4569.00.

State's Attorney: Effective 3/11/2013 – G. Bacon, \$2916.00.

Treasurer: Effective 3/1/2013 – J. Pinkard, \$13.96/hr.

PAYROLL

Commissioners, 10,004.51; Human Resources, 4,747.58; Elections, 12,775.32; Auditor - liens, 2,831.11; Auditor, 20,598.85; Treasurer, 47,651.11; Data Processing - General, 58,096.33; State's Attorney, 163,192.08; Public Defender, 83,196.19; Juvenile Diversion, 10,815.64; Victim's Assistance, 5,387.37; Buildings & Grounds, 103,674.83; Equalization, 67,399.05; Register of Deeds, 23,520.42; Sheriff, 335,891.70; Service Station, 8,554.43; HIDTA Grant, 9,559.15; Jail, 472,614.03; Jail Work Program, 4,666.59; Coroner, 419.47; Hill City Law, 11,759.65; Keystone Law, 5,332.90; New Underwood – Law, 4,340.08; School Liaison, 16,768.87; Wall Law, 11,386.64; JSC Teachers, 18,727.43; Home Detention, 7,839.27; JAIG/JSC, 3,430.42; Alcohol & Drug, 138,566.00; Friendship House, 51,027.09; Economic Assistance, 52,941.23; Mental & Alcohol-SAO, 8,049.84; Mental & Alcohol-HHS, 3,632.01; Extension, 2,587.20; Weed & Pest, 8,838.27; Mountain Pine Beetle, ; Planning and Zoning, 20,747.80; Water Protection, 5,727.29; Ordinance, 3,632.01; Juvenile Services Center, 226,987.94; Highway, 213,710.38; Fire Administration, 6,518.10; Title III MPB, 3,006.00; Dispatch, 161,314.34; Emergency Management, 5,515.85; 24-7 Program, 16,497.46; PCCCC Building Projects, 2,639.54.

VOUCHERS

AT&T, 430.58; BH Power, 6,725.43; CBM Food Service, 8,290.24; City of Hill City, 41.08; City of Rapid City-Water, 15,344.30; City of Wall, 135.00; Executive Mgmt Finance Office, 18.00; First Administrators, 109,851.21; First Interstate Bank, 8,267.22; IIARC, 149,350.86; Knology, 5,721.63; Medical Waste Transport, 159.74; Montana Dakota Utilities, 6,299.46; Qwest Communications, 3.55; Qwest Corp, 243.07; Reliance Telephone Inc, 3.74; South Hyland Pet Hospital, 1,200.12; Verizon, 6,011.07; West River Electric, 2,865.69.

ADJOURN

MOVED by Trautman and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 12:01 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: March 20, 2013