

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
July 2, 2013**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, July 2, 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 and Nancy Trautman. Commissioners Ken Davis and Don Holloway were not in attendance.

APPROVAL OF THE AGENDA

MOVED by Trautman and seconded by Buskerud to remove Item 11, Items From Buildings & Grounds and Item 13, Items From Public Defender, 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 Buskerud and seconded by Trautman to approve Consent Agenda Items 5-13 as presented. Vote: Unanimous.

5. Approve the minutes of the June 18, 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 \$684,205.76.
7. Authorize the budgeted E911 General Fund operating transfer to the Accumulated Building Tower Project in the amount of \$100,000.
8. (SP13-011) Schedule a hearing at 9:15 a.m. on Tuesday, July 16, 2013, to supplement the General Fund Juvenile Alternative Expansion budget in the amount of \$82,275 from non-budgeted revenue received in the current year.
9. Approve the reappointment of Jim Coleman and Karen Hall to serve second terms on the Planning and Zoning Commission.

End of Consent Agenda

ITEMS FROM HIGHWAY DEPARTMENT

- A. DEERFIELD ROAD HIGHWAY EASEMENT DEED: MOVED by Buskerud and seconded by Trautman to approve the Highway Easement Deed for Forest Highway 17 with the US Forest Service and authorize the Chairperson's signature thereto. Vote: Unanimous.

The Board recessed until 10:30 a.m., the advertised time for Planning & Zoning.

PLANNING & ZONING CONSENT AGENDA

The following items have been placed on the Planning & Zoning 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 Trautman and seconded by Buskerud to approve the Consent Agenda as presented.
Vote: Unanimous.

- A. SECOND READING AND PUBLIC HEARING OF REZONE / RZ 13-10: U Lazy Two, LLC (Robert Schmitz); Fisk Land Surveying – Agent. To rezone 10.29 acres from General Agriculture District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 13-10

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 portion of Lot 2 (Two) of U Lazy Two Ranch Estates located in the Northeast One-Quarter of the Northwest One-Quarter (NE¹/₄NW¹/₄) and in the North One-Half of the Northeast One-Quarter (N¹/₂NE¹/₄) of Section Twenty Three (23) of Township Two North (T2N), Range Six East (R6E), of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said Lot 2 (Two) of U Lazy Two Ranch Estates located in the Northeast One-Quarter of the Northwest One-Quarter (NE¹/₄NW¹/₄) and in the North One-Half of the Northeast One-Quarter (N¹/₂NE¹/₄) of Section Twenty Three (23) of Township Two North (T2N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota as shown on the plat recorded on December 10, 2008, and filed in Book 35 of Plats on Page 94, said corner being marked by a rebar with survey cap “RW Fisk 6565”; thence, northeasterly on the westerly line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision and on the easterly right-of-way line of Nemo Road, North 25 degrees 53 minutes 13 seconds East a distance of 9.37 feet more or less to a point of curvature, said point being marked by a rebar with survey cap “RW Fisk 6565”; thence, curving to the left and on the westerly line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision and on the easterly right-of-way line of Nemo Road, on a curve with a radius of 750.00 feet, and delta of 11 degrees 34 minutes 18 seconds, an arc length of 151.47 feet and a chord bearing of North 20 degrees 06 minutes 04 seconds East and chord distance of 151.22 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 90 degrees 00 minutes 00 seconds East a distance of 650.00 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 26 degrees 33 minutes 54 seconds East a distance of 223.61 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 65 degrees 37

minutes 59 seconds East a distance of 505.58 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 83 degrees 38 minutes 54 seconds East a distance of 69.41 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 26 degrees 05 minutes 26 seconds East a distance of 411.99 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 13 degrees 51 minutes 07 seconds East a distance of 53.56 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 16 degrees 45 minutes 15 seconds West a distance of 40.92 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, South 00 degrees 00 minutes 00 seconds East a distance of 101.16 feet more or less to a point located on the south line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision, said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, westerly on the south line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision, North 89 degrees 30 minutes 02 seconds West a distance of 1,222.73 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, continuing westerly on the south line of said Lot 2 (Two) of U Lazy Two Ranch Estates Subdivision, North 89 degrees 56 minutes 00 seconds West a distance of 295.12 feet more or less to the point of beginning. Said tract of land contains 10.29 acres more or less.

The above-described property is hereby rezoned from General Agriculture District to Limited Agriculture District.

Dated this 2nd day of July, 2013.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

- B. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 13-02: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To rezone 7.65 acres from Limited Agriculture District to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land located in the South One-Half of the Northeast One-Quarter of the Southeast One-Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said South One-Half of the Northeast One Quarter of the Southeast One Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said point being located on a 1/16th section line of said Section Thirty-Five (35) and being marked by a US Forest Service Monument; thence, northerly along the 1/16th section line of said Section Thirty-Five (35), North 00 degrees 09 minutes 00 seconds West, a distance of 260.00 feet more or less to a point marked by a rebar with survey cap RW FISK 6565; thence, South 89 degrees 51 minutes 02 seconds East a distance of 1,282.70 feet more or less to a point located on the westerly line of the section line right-

of-way for said Section Thirty-Five (35), said right-of-way being known as Paradise Drive, and said point being marked by a rebar with survey cap RW FISK 6565; thence, southerly on the westerly line of said section line right-of-way and on the westerly line of Paradise Drive right-of-way, South 00 degrees 00 minutes 43 seconds East a distance of 260.00 feet more or less, said point being located on a 1/16th section line and coincident with the northeast corner of Tract 14 of Leisure Hills Estates, and said point being marked by a monument with survey cap LS 2196; thence, westerly on said 1/16th section line and on the north line of said Tract 14 of Leisure Hills Estates, North 89 degrees 53 minutes 45 seconds West a distance of 549.64 feet more or less to the northwest corner of said Tract 14 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 15 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 15 of Leisure Hills Estates, North 89 degrees 43 minutes 18 seconds West a distance of 542.94 feet more or less to the northwest corner of Tract 15 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 21 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 21 of Leisure Hills Estates, South 89 degrees 54 minutes 44 seconds West 189.50 feet more or less to the point of beginning. Said tract of land contains 7.65 acres, more or less.

Approve RZ 13-02.

Annual County Jail Visit per SDCL 24-11-26

MOVED by Buskerud and seconded by Trautman that the Board of Commissioners visit the jail as required per SDCL 24-11-26. Vote: Unanimous. The jail visit lasted from 10:35 a.m. to 11:25 a.m.

EXECUTIVE SESSION per SDCL 1-25-2

Executive Session was not needed.

PERSONNEL

Highway: Effective 7/1/2013, Jason Hanson and Phane Sundquist at \$16.17/hr. The following is a correction to the July 2013 Merit Increases listed in the 6/18/2013 Minutes: Fogelman, Brandon, \$3140; Jannusch, Brian, \$16.41/hr.; Jobgen, Jacob, \$16.41/hr.

PAYROLL

Commissioners, 10,022.51; Human Resources, 4,747.58; Elections, 14,682.63; Auditor - liens, 2,831.11; Auditor, 18,853.35; Treasurer, 47,016.73; Data Processing - General, 46,211.74; State's Attorney, 147,558.97; Public Defender, 97,456.73; Juvenile Diversion, 9,470.02; Victim's Assistance, 5,387.37; Buildings & Grounds, 103,537.92; Equalization, 64,917.22; Register of Deeds, 26,253.38; Sheriff, 336,794.34; Service Station, 8,390.25; HIDTA Grant, 9,363.78; Jail, 506,401.92; Jail Work Program, 5,272.79; Coroner, 419.47; Hill City Law, 11,425.95; Keystone Law, 5,332.91; New Underwood - Law, 4,340.08; School Liaison, 16,838.96; Wall Law, 11,466.77; Home Detention, 12,769.29; Alcohol & Drug, 117,524.59; Friendship House, 65,093.50; Economic Assistance, 55,869.76; Mental & Alcohol-SAO, 8,049.84; Mental &

Alcohol-HHS, 3,632.01; Extension, 3,234.00; Weed & Pest, 20,709.89; Planning and Zoning, 22,097.80; Water Protection, 5,727.29; Ordinance, 3,935.95; Juvenile Services Center, 298,729.32; Highway, 184,233.56; Drug Seizure, 1,983.37; Fire Administration, 6,425.04; Dispatch, 157,834.68; Emergency Management, 6,068.11; 24-7 Program, 16,606.39; PCCCC Building Projects, 3,038.88.

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 June 24, 2013: Total balances of checking/savings accounts, \$32,873,087.13; Total balance of Treasurer's Office safe cash, \$9,400.00; Total certificates of deposit, \$2,586,383.37; Total Prime Value Investment, \$2,735,021.59; Total petty cash, \$111,470.00; Total Cash Items, \$1121.18; Total long/short, (\$382.38); Total, \$38,316,100.89. Submitted by Lori Wessel, Deputy Auditor.

VOUCHERS

Amcon Distributing Co, 407.30; Bh Power Inc, 40,754.50; Bh Power Inc, 1,420.43; CBM Food Service, 5,218.15; City Of Box Elder, 104.00; City Of Rapid City Water, 13,574.80; Executive Mgmt Fin Office, 7.11; First Administrators Inc, 73,700.65; FSH Communications Llc, 60.00; Knology, 250.00; Montana Dakota Utilities, 4,644.25; Orbitcom Inc, 45.86; Qwest Corporation, 7,605.02; Rainbow Gas Company, 659.27; Verizon Wireless, 111.94; Verizon Wireless, 230.34; Walker Refuse, 111.10; West River Electric, 266.12; Wex Bank, 242.41; Wex Bank, 597.95; Wex Bank, 131.24; Wex Bank, 210.55; Wex Bank, 1,087.69; First Administrators Inc, 6,463.80; SD Retirement System, 180.00; Att, 2.20; Bh Power Inc, 635.48; Bh Power Inc, 613.84; City Of Rapid City Water, 1,146.42; Knology, 2,437.18; Montana Dakota Utilities, 241.52; Verizon Wireless, 202.02; Wells Fargo Securities, 236,892.47; First Administrators Inc, 258,377.84; Verizon Wireless, 60.95; ATT Mobility, 217.78; ATT Mobility, 264.82; BH Power Inc, 2067.64; BH Power Inc, 511.78; CBM Food Service, 10074.78; City Of Box Elder, 14.35; City Of Hill City, 45.73; City Of Rapid City Water, 1624.57; City Of Wall, 135.1; Executive Mgmt Fin Office, 21; Knology, 2494.09; Medical Waste Transport Inc, 179.98; Montana Dakota Utilities, 1046.48; Qwest Communications Comp, 3.53; Qwest Corporation, 300.02; Verizon Wireless, 4460.26; Verizon Wireless, 433.29; Verizon Wireless, 413.88; Verizon Wireless, 67.31; Verizon Wireless, 51.29; Verizon Wireless, 85.85; Walmart Community, 120.71; West River Electric, 877.12.

ADJOURN

MOVED by Buskerud and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:25 a.m.

Julie A. Pearson, Auditor
Published once at a cost of ____.
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