

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
September 3, 2013**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, September 3, 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 Davis 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 Davis and seconded by Trautman to approve Consent Agenda Items 5-10 as presented. Vote: Unanimous.

5. Approve the minutes of the August 20, 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 \$159,860.88.
7. Approve request to amend 'something previously adopted', to correct an error to the Red Neck Road District Annexation Legal Description. The corrected legal description is GL3, GL4, S1/2NW1/4 SEC 5 1NR9E AND SW1/4SW1/4 SEC 32 2NR9E AND SE1/4SW1/4, S1/2SE1/4, SEC 32 2NR9E AND W1/2SW1/4 SEC 5 1NR9E LESS LOT 1 OF RC AIRPORT SUB #4 for tax year 2013 pay 2014 and thereafter. (Auditor)
8. Authorize the Chairperson and County Auditor's signatures on the addendum to Emergency Management's State and Local Agreement, which reduces the grant funding from \$138,031.11 to \$128,886.89 due to sequestration.
9. Declare one Trimble GPS Pathfinder Pro XT Receiver surplus for the purpose of trade. (Highway Department)
10. Approve Amendment #1 to Grant Agreement 2013-MPB-001 and authorize the Chairperson's signature. (Weed and Pest)

End of Consent Agenda

Proposed Cain Creek And Kelly Land Exchanges Update – Alan Anderson

First Reading And Public Hearing – Ordinance #106 – An Ordinance For The Declaration And Abatement Of Public Nuisances (To Prohibit Texting While Driving): MOVED by Buskerud and seconded by Davis to approve the first reading of the amendment of Ordinance #106 – An Ordinance for the Declaration and Abatement of Public Nuisances, with the penalty

in Section 4A changed to \$200. The motion carried on a roll call vote: Buskerud – aye, Davis – aye, Holloway – no, Trautman – no, Petersen – aye.

ITEMS FROM AUDITOR

- A. Alcoholic Beverage License Transfer – Rimrock Tavern: MOVED by Davis and seconded by Buskerud to approve the retail on-sale Retail Liquor license from Rimrock Tavern, Harley R. Scovel to Rimrock Happy Tavern, Rimrock Holdings LLC. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. State Contract List – Road Salt: MOVED by Buskerud and seconded by Holloway to purchase road salt from Blackstrap, Inc., Box 258, Neligh, NE 68756, per State Contract #16513. Vote: Unanimous.

EXECUTIVE SESSION per SDCL 1-25-2

- A. Contractual/Pending Litigation per SDCL 1-25-2(3): MOVED by Trautman and seconded by Holloway to convene in executive session. Vote: Unanimous. The Board remained in executive session from 9:40 a.m. until 9:55 a.m.

Davis, Petersen, Buskerud returned to the meeting. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

ITEMS FROM COMMISSION ASSISTANT

- A. Appointment of Jake Smith to Air Quality Board: MOVED by Davis and seconded by Buskerud to appoint Jake Smith to a one-year extension on the Air Quality Board and authorize the Chairperson's signature on the warrant of appointment. Vote: Unanimous.

CONSIDERATION OF THE FY2014 PROVISIONAL BUDGET AS THE ANNUAL BUDGET OF APPROPRIATIONS, EXPENDITURES AND REVENUES FOR PENNINGTON COUNTY, SOUTH DAKOTA

MOVED by Davis and seconded by Buskerud to not take final action on the FY2014 budget until September 20, 2013.

Holloway and Trautman returned to the meeting.

Davis and Buskerud agreed to withdraw their motion.

MOVED by Davis and seconded by Buskerud to add \$25,000 for the Ellsworth Task Force, \$10,000 for Greater Rapid City Economic Development Partnership and approve the FY2014 budget in the amount of \$83,500,856. The motion carried on a roll call vote: Buskerud – aye, Davis – aye, Holloway – no, Trautman – no, Petersen – aye.

MOVED by Holloway and seconded by Buskerud to freeze the levies at 2013 levels. Vote: Unanimous.

MOVED by Davis and seconded by Buskerud to authorize the Commissioners' signatures on the Resolution to adopt the 2014 Annual Budget for Pennington County, SD. Vote: Unanimous.

Adoption of the 2014 Annual Budget for Pennington County, South Dakota

WHEREAS, SDCL 7-21-5 through 13, inclusive, requires the Board of County Commissioners to prepare a Budget for the next calendar year of all estimated expenditures and revenues for the departments of the County, and

WHEREAS, a Provisional Budget was prepared, approved and published with a legal notice to the public of the meeting of the Board of County Commissioners for the consideration of such Budget and all changes have now been made.

NOW THEREFORE BE IT RESOLVED, that such provisional budget as amended shall be approved as the Annual Budget of Appropriations, Expenditures and Revenues for Pennington County for calendar year January 1, 2014 through December 31, 2014. The annual budget so approved is available for public inspection during normal business hours at the office of the County Auditor, Julie A. Pearson, 315 St. Joseph Street, Rapid City, South Dakota.

PENNINGTON COUNTY BOARD OF COMMISSIONERS

FOR AGAINST

X		/s/ Ron Buskerud, Commissioner
X		/s/ Ken Davis, Commissioner
	X	/s/ Don Holloway, Commissioner
X		/s/ Lyndell Petersen, Commissioner
	X	/s/ Nancy Trautman, Commissioner

ATTEST: (SEAL)

/s/ Julie A. Pearson, Pennington County Auditor

September 3, 2013

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 Holloway to approve Planning & Zoning Consent Agenda Item A as presented. Vote: Unanimous. Item B was removed for separate consideration.

- A. MINOR PLAT / PL 13-16: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Olson Park Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2NE1/4SE1/4, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Olson Park Subdivision, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 13-16 with two (2) conditions:

1. That prior to filing the plat with Register of Deeds, the 30-foot emergency access easement be marked as emergency access only; and,
2. That there are no encumbrances onto U.S. Forest Service Lands, now or in the future.

End of Consent Agenda

Item removed for Separate Consideration

- B. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Black Hills Resorts, Inc. (Cimarron Park); Art Janklow – Agent. To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Davis to continue the review of Planned Unit Development / PU 06-07 to the November 8, 2013, Board of Commissioners' meeting.
Vote: Unanimous.

Regular Agenda Item

- C. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 13-02: Patrick Breen. To construct a road within the right-of-way between Blocks 3 and 6 of Silver City Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Holloway to approve CS 13-02 with seven (7) conditions, amending Condition 1 to include a minimum 12 foot wide graveled driving surface. Commissioners Davis and Holloway agreed to amend the previous motion and Condition 1 to include a 14 foot wide clear cut with a 12 foot wide graveled driving surface.
Vote: Unanimous.

1. That the roadway located within the public right-of-way be improved to include a minimum of a 12-foot-wide graveled driving surface with a 14 foot wide clear cut buffer;

2. That if the amount of disturbed area exceeds one acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained prior to the start of any construction;
3. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
4. That the silt fence located on site be properly installed which includes being trenched 6-8 inches in depth and staked every 4-6 feet;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
7. That all costs incurred in the construction of the proposed road be the applicant's responsibility.

D. ADMINISTRATIVE BUILDING PERMIT REVIEW: Brett and Shawna Hanson. MOVED by Buskerud and seconded by Davis to grant the Administrative Permit Review for Building Permit #13-0336 and have staff draft a proposed ordinance amendment to accommodate severing right-of-way from lots that would otherwise meet minimum lot size requirements. Vote: Unanimous.

EXECUTIVE SESSION per SDCL 1-25-2

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

MOVED by Davis and seconded by Holloway to convene in executive session. Vote: Unanimous. The Board remained in executive session from 11:00 a.m. until 11:26 a.m. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

MOVED by Trautman and seconded by Buskerud that the Pennington County Board of Commissioners retain Todd Meierhenry as a consultant to explain the New Markets Tax Credit Program with the cost not to exceed \$5,000. 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 August 21, 2013: Total balances of checking/savings accounts, \$28,451,097.29; Total balance of Treasurer's Office safe cash, \$9,400.00; Total certificates of deposit, \$2,590,083.76 Total Prime Value Investment, \$2,395,111.14; Total petty cash, \$111,470.00; Total Cash Items, \$518.13; Total long/short, (\$453.94); Total, \$33,557,226.38. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 10,004.51; Human Resources, 4,747.58; Elections, 12,629.52; Auditor - liens, 2,747.84; Auditor, 19,332.96; Treasurer, 48,829.94; Data Processing - General, 51,550.63;

State's Attorney, 146,479.81; Public Defender, 107,900.57; Juvenile Diversion, 9,111.64; Victim's Assistance, 5,387.37; Buildings & Grounds, 104,963.45; Equalization, 69,376.05; Register of Deeds, 23,024.79; Sheriff, 337,960.09; Service Station, 8,536.19; HIDTA Grant, 9,257.22; Jail, 476,379.68; Jail Work Program, 5,479.72; Coroner, 419.47; Hill City Law, 12,261.28; Keystone Law, 5,332.91; New Underwood – Law, 4,340.09; School Liaison, 17,535.61; Wall Law, 11,488.62; JSC Teachers, ; Home Detention, 11,800.14; JAIG/JSC, ; Alcohol & Drug, 114,955.51; Friendship House, 71,458.82; Economic Assistance, 56,059.70; Mental & Alcohol-SAO, 8,049.83; Mental & Alcohol-HHS, 3,632.01; Extension, 2,587.20; Weed & Pest, 25,118.39; Mountain Pine Beetle, ; Planning and Zoning, 16,984.85; Water Protection, 5,727.30; Ordinance, 3,632.01; Juvenile Services Center, 234,787.55; Highway, 188,657.21; Drug Seizure, 1,983.37; Fire Administration, 6,778.68; Dispatch, 159,126.81; Emergency Management, 6,885.43; 24-7 Program, 16,139.84; PCCCC Building Projects, 2,615.19.

PERSONNEL

Buildings & Grounds: Effective 9/1/2013 – M. Lehrkamp, \$2645.19 and E. Stough, \$2089.74.
Public Defender: Effective 8/26/2013 – L. Crosswait, \$16.17/hr.

VOUCHERS

Amcon Distributing Co, 407.30; Att, 20.03; ATT Mobility, 478.92; BH Power Inc, 2,652.06; BH Power Inc, 1,232.18; BH Power Inc, 2,780.76; BH Power Inc, 269.42; CBIZ Payroll Inc, 1,577.34; Cbm Food Service, 4,688.01; Century Link, 7,952.44; City Of Hill City, 20.15; City Of Rapid City Water, 4,939.19; City Of Rapid City Water, 645.02; City Of Wall, 135.00; Executive Mgmt Fin Office, 20.00; First Administrators Inc, 53,401.32; First Administrators Inc, 6,463.80; First Administrators Inc, 44,979.68; First Interstate Bank, 5,536.09; First Interstate Bank, 279.00; Green Tree Servicing Llc, 918.00; Medical Waste Transport Inc, 167.33; Medical Waste Transport Inc, 159.74; Montana Dakota Utilities, 3,981.24; Montana Dakota Utilities, 99.68; Rapid Valley Sanitary, 70.94; Rapid Valley Sanitary, 87.31; Sdacc, 660.00; SDACO, 330.00; South Hyland Pet Hospital, 1,600.16; Verizon Wireless, 4,461.24; Verizon Wireless, 122.05; Verizon Wireless, 414.23; Verizon Wireless, 67.37; Verizon Wireless, 76.01; Verizon Wireless, 900.68; West River Electric, 87.69; West River Electric, 1,168.44; Wex Bank, 328.65; WOW Internet Cable And Phone, 4,215.56; WOW Internet Cable And Phone, 1,466.85.

ADJOURN

MOVED by Davis and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:28 a.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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