

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

A meeting of the Pennington County Board of Commissioners was held Tuesday, December 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 Trautman to remove Item 17b, Personnel Issue, under the first executive session, 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 Davis and seconded by Buskerud to remove Item 12, Approval of the Permit to Occupy Right-of-Way, for separate consideration and approve Consent Agenda Items 5-11 and 13-14 as presented. Vote: Unanimous.

5. Approve the minutes of the special Board of Commissioners' meeting held on Monday, November 18, 2013.
6. Approve the minutes of the Board of Commissioners' meeting held on Tuesday, November 19, 2013.
7. 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 \$358,931.25.
8. Approve the Pennington County Logo Use Guidelines as presented.
9. (SP-13-017) Schedule a hearing at 9:15 a.m. on Tuesday, December 17, 2013, to supplement the General Fund Public Defender budget for a total of \$60,000 from unassigned fund balance.
10. Approve the following alcoholic beverage renewals:

Wine Retail (on-off sale)

Black Hills Receptions, Joanne Wagner
Caputa Store, Caputa Store LLC
Country Store at the Forks, The Covington Consulting Group, Inc.
Dalcam EZ Mart, Dalcam Oil Company Inc.
Hart Ranch Golf Course, Hart Ranch Development Co.
Powder House Restaurant, Big Guys LLC/Powder House Restaurant
Prairie Berry Winery, Prairie Berry LLC
Winery Hill City, Winery Hill City LLC

Retail (on-sale) Liquor with Sunday Sales

Central States Fair, Inc., Central States Fair, Inc.

Country Inn Bar & Casino, The Covington Consulting Group, Inc.
Fireside, Saint Patrick LLC
Holy Smoke Resort, Danielle Banks
Horse Creek Inn Restaurant, Castle Creek Enterprises Inc.
Moonshine Gulch Saloon, Betty Harn
Mount Rushmore National Memorial, Xanterra Parks & Resorts Inc.
Ponderosa Restaurant & Lounge, Jaegyn Enterprises Inc.
Powder House Restaurant, Big Guys LLC/Powder House Restaurant
Rimrock Happy Tavern, Rimrock Holdings LLC
Sally O'Mally's Pub & Casino, KJL Inc.
Shipwrecked Lee's Saloon & Casino, Rose Havorka

Package Liquor (off-sale)

Johnson Siding General Store, Patrick S. Shannon

11. Authorize the Highway Department to enter into the Services Contract/Agreement with the South Dakota Department of Game, Fish and Parks for Whitetail Loop Road/236th Street.
12. Removed for separate consideration.
13. Recognize and thank Pennington County volunteers for the month of October 2013. The list of volunteers is on file in the Human Resources office and is posted on the County bulletin board.
14. Approve the 2014 Animal Shelter Control Agreement and authorize the Chairperson's signature thereto.

End of Consent Agenda

MOVED by Holloway and seconded by Buskerud to table Item 12, Approval of the Permit to Occupy Right-of-Way, until the Highway Superintendent is present to answer a question. Vote: Unanimous.

RESOLUTION OF NECESSITY FOR THE PURCHASE OF MEMORIAL PARK APARTMENTS – PENNINGTON COUNTY HOUSING AND REDEVELOPMENT

COMMISSION – JAMES OLSON, ESQ.: MOVED by Holloway and seconded by Buskerud to authorize the publication of the Resolution of Necessity, Memorial Park Apartments Low Rent Housing Project for the Elderly. Vote: Unanimous.

MOVED by Holloway and seconded by Davis to bring Consent Agenda Item 12 off the table. Vote: Unanimous.

12. MOVED by Davis and seconded by Buskerud to continue the application for Permit to Occupy Right-of-Way for RASDak Bike Tour to the December 17, 2013, Board of Commissioners' meeting when more information will be available. Vote: Unanimous.

LIEN RELEASE REQUEST – PK (Names withheld per SDCL 28-13-42)

MOVED by Buskerud and seconded by Petersen to approve the lien release request for PAK in the amount of \$8185.92. The motion failed 3-2 on a roll call vote: Buskerud – yes, Davis – no, Holloway – no, Trautman – no, Petersen – yes.

EXECUTIVE SESSION per SDCL 1-25-2

A. Department Head Performance Review per SDCL 1-25-2(1):

MOVED by Buskerud and seconded by Davis to convene in executive session. Vote: Unanimous. The Board remained in executive session from 9:35 a.m. until 9:43 a.m. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

- A. Facility Closure Policy: MOVED by Holloway and seconded by Davis to approve the Facility Closure Policy as amended. Vote: Unanimous.
- B. Non-Exempt (Hourly) Employee Payroll Processing: MOVED by Trautman and seconded by Buskerud to approve the non-exempt pay switch effective for the July 2014 pay period and allow affected employees to apply any of the options presented. Vote: Unanimous.

ITEMS FROM AUDITOR

- A. Year End Budget Supplement Hearing – 2013 Capital Projects Fund Budgets: MOVED by Trautman and seconded by Holloway to supplement the Capital Projects Fund budgets as follows: 1. Project Administration - \$10,000; 2. Parking Structure - \$100,000; 3. Administration Building - \$9,000,000; 4. Courthouse - \$15,000; 5. Energy Plant - \$700,000; 6. Evidence Building - \$1,500,000 from cash reserves (bond proceeds 2010 A, B, C) for a total of \$11,325,000. It was further moved to supplement the Accumulated Building Fund Tower Project budget in the amount of \$482,004 and the Health & Human Services Building Project budget in the amount of \$8,334 from non-budgeted current year revenues and restricted fund balance for Tower Project and from assigned fund balance for HHS building. Vote: Unanimous.

B. Year End Budget Supplement Hearing

General Fund Jail Medical: MOVED by Buskerud and seconded by Holloway to supplement the General Fund Jail Medical budget for \$99,000 from unassigned fund balance. Vote: Unanimous.

General Fund Budget Supplements From Assigned Reserves: MOVED by Holloway and seconded by Trautman to supplement the General Fund Crisis Care Center budget in the amount of \$20,445 from assigned fund balance for the Crisis Care Center reserve, to be paid to Behavior Management Services. Vote: Unanimous.

MOVED by Buskerud and seconded by Trautman to supplement the Extension budget in the amount of \$6,587 from the assigned equipment reserve. Vote: Unanimous.

2013 General Fund Budgets: MOVED by Trautman and seconded by Petersen to supplement the following General Fund budgets as indicated: 1. Election - \$23,052; 2.

Jail - \$375,000; 4. Weed & Pest - \$37,490; 5. Mountain Pine Beetle - \$251,000, totaling \$686,542 all from over-collected revenues received in 2013. The motion carried 3-2 on a roll call vote: Buskerud – no, Davis – no, Holloway – yes, Trautman – yes, Petersen – yes.

MOVED by Davis and seconded by Buskerud to move Item 21, *2013 4-H Program Annual Update*, ahead of the remaining Auditor's Office items. Vote: Unanimous.

ITEMS FROM EXTENSION

- A. 2013 4-H Program Annual Update

ITEMS FROM AUDITOR (Continued from above)

- C. Winter Storm Atlas Budget Supplement and Funding: Information was provided about the costs incurred by Pennington County from Winter Storm Atlas.
- D. 2013 Insurance Budget – Contingency Supplement Requested: MOVED by Holloway and seconded by Davis to approve a General Fund contingency transfer in the amount of \$6,000 to the General Fund Insurance budget. Vote: Unanimous.
- E. New Retail (on-off sale) Wine License: MOVED by Davis and seconded by Buskerud to approve the Retail (on-off sale) Wine license for the Black Forest Inn Bed & Breakfast, Black Forest Inn Bed & Breakfast Lodge, Inc. Vote: Unanimous.
- F. 2014 Merit Increase Direction: No action was taken.

ITEMS FROM SHERIFF

- A. Vehicle Bid Award: MOVED by Davis and seconded by Buskerud to award the bid for vehicle purchase for six (6) used sedans and one (1) used minivan to Rapid Chevrolet in the amount of \$106,900 less trade of \$9,450 for a difference of \$97,450. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATOR

- A. 2010 Assigned Reserve Funds: MOVED by Buskerud and seconded by Trautman to continue this item to the December 17, 2013, Board of Commissioners' meeting. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. Resolution 2013-12-17 to Revise the Pennington County Highway System: Official action will be taken on December 17, 2013.
- B. Approach Permit – Dollar General Store: MOVED by Holloway and seconded by Trautman to approve the Approach Permit for the proposed Dollar General Store located on Long View Road as recommended by the Pennington County Highway Department. Vote: Unanimous.

REQUEST FROM WEST DAKOTA WATER DEVELOPMENT DISTRICT FOR A SPRING CREEK 319 UPDATE

MOVED by Davis and seconded by Trautman to notify West Dakota Water Development District when the Spring Creek 319 Program update is presented in the spring. Vote: Unanimous.

MOVED by Davis and seconded by Holloway to take a brief recess. Vote: Unanimous. The Board was in recess from 12:28 p.m. to 12:36 p.m.

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 Buskerud and seconded by Davis to approve Planning & Zoning Consent Agenda Items A and B as presented. Vote: Unanimous.

- A. SECOND READING AND PUBLIC HEARING OF REZONE / RZ 13-19: James and Charlette Steele; Fisk Land Surveying – Agent. To rezone 25 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 206 and 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 13-19

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:

NW1/4SE1/4SE1/4; NE1/4SE1/4SE1/4; and S1/2SE1/4NE1/4SE1/4, in Section 25, T2N, R6E, BHM, Pennington County, South Dakota.

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

Dated this 3rd day of December, 2013.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

- B. SECOND READING AND PUBLIC HEARING OF REZONE / RZ 13-15 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-09: Neil Tschetter. To rezone .26 acre from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned

Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 13-15

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:

Lot 10 (of Gov't Lot 9), Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

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

Dated this 3rd day of December, 2013.

PENNINGTON COUNTY COMMISSION

/s/Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

End of Consent Agenda

- C. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 13-03:
Wade Green. To construct a road in the Section Line Highway in order to provide access to the applicant's property.

Beginning at the corner of the intersection of Sections 4, 5, 8 and 9, T1N, R9E, and traversing west for approximately 2,800 feet to the southeast corner of the E1/2SW1/4, Section 5, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Buskerud to approve the request to construct a road within the Section Line Right-of-Way / CS #13-03 with seven (7) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line right-of-way be improved to include a minimum 16-foot-wide driving surface with 4" of gravel and meet all other requirements of Ordinance 14;

2. That if the amount of disturbed area exceeds one acre, a Department of Environment and Natural Resource's Storm Water Construction Permit be obtained prior to the start of any construction and a copy be provided to the Planning Department;
3. That erosion control measures be implemented and maintained and barrier protection measures (ie wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
4. That culverts be installed to allow for the natural drainage ways and paths to be continually maintained;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department; and,
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road.

ITEMS FROM CHAIR

- A. Proposed Changes of Tax Increment Guidelines – Commission Comments

EXECUTIVE SESSION per SDCL 1-25-2

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

MOVED by Buskerud and seconded by Holloway to convene in executive session for personnel issues. Vote: Unanimous. The Board remained in executive session from 1:05 p.m. until 1:46 p.m. MOVED by Davis and seconded by Trautman to adjourn from executive session. 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 November 21, 2013: Total balances of checking/savings accounts, \$36,975,078.70; Total balance of Treasurer's Office safe cash, \$9,700.00; Total certificates of deposit, \$2,594,037.10; Total Prime Value Investment, \$4,718,469.41; Total petty cash, \$111,455.00; Total Cash Items Paid, \$149.00; Total Cash Items: \$683.24; Total long/short, (\$541.02); Total, \$44,409,031.43. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 12,591.71; Human Resources, 4,747.58; Elections, 13,508.40; Auditor - liens, 2,831.12; Auditor, 18,011.48; Treasurer, 49,741.99; Data Processing - General, 46,731.67; State's Attorney, 146,701.53; Public Defender, 111,219.77; Juvenile Diversion, 13,282.37; Victim's Assistance, 5,387.37; Buildings & Grounds, 98,825.42; Equalization, 69,376.05; Register of Deeds, 23,093.28; Sheriff, 342,026.15; Service Station, 8,335.53; HIDTA Grant, 9,994.30; Jail, 463,005.67; Jail Work Program, 4,971.65; Coroner, 419.47; Hill City Law, 11,732.52; Keystone Law, 5,332.91; New Underwood – Law, 4,340.08; School Liaison, 16,782.28; Wall Law, 16,606.49; Home Detention, 11,713.71; Alcohol & Drug, 116,565.80;

Friendship House, 68,815.81; Economic Assistance, 52,203.86; Mental & Alcohol-SAO, 8,049.84; Mental & Alcohol-HHS, 3,632.01; Extension, 2,587.20; Weed & Pest, 9,876.44; Mountain Pine Beetle, 17,386.64; Planning and Zoning, 21,611.24; Water Protection, 5,727.29; Ordinance, 3,632.01; Juvenile Services Center, 194,214.37; Highway, 175,443.30; Drug Seizure, 1,983.36; Fire Administration, 6,707.95; Dispatch, 149,858.40; Emergency Management, 10,120.49; Emergency Management, 3,044.26; 24-7 Program, 16,252.22; PCCCC Building Projects, 3,116.80.

VOUCHERS

BH Power Inc, 1,730.57; BH Power Inc, 69.77; BH Power Inc, 8.77; CBM Food Service, 7,289.38; Century Link, 305.87; Century Link, 3.55; City Of Hill City, 52.70; City Of Rapid City Water, 2,581.77; Executive Mgmt Fin Office, 19.00; First Administrators Inc, 103,928.14; First Administrators Inc, 6,399.00; First Administrators Inc, 85,131.59; IIARC, 131,758.00; Montana Dakota Utilities, 7,641.53; Verizon Wireless, 4,931.75; Verizon Wireless, 287.64; Verizon Wireless, 421.85; Verizon Wireless, 76.04; Verizon Wireless, 58.68; West River Electric, 1,585.06; WOW Internet Cable and Phone, 3,577.39; WOW Internet Cable and Phone, 1,073.20.

ADJOURN

MOVED by Holloway and seconded by Davis to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:46 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: December 18, 2013