

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS' MINUTES  
February 4, 2014**

A meeting of the Pennington County Board of Commissioners was held Tuesday, February 4, 2014, in the Commissioners' Meeting Room in 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 13, Public Hearing for Non-compliance with County Ordinance #137, 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 5-9 and Item 12 as presented with Items 10 and 11 removed for separate consideration. Vote: Unanimous.

**Consent Agenda**

5. Approve the minutes of the special Board of Commissioners' meeting held on Tuesday, January 14, 2014.
6. Approve the minutes of the Board of Commissioners' meeting held on Tuesday, January 21, 2014.
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 \$265,173.30.
8. Approve the request to change the liaison assigned for the Spring Creek Advisory Committee representing Black Hills RC&D to the new Executive Director Dennie Mann.
9. Approve the Request for Road Closure and Permit to Occupy Right of Way in the Rochford Area for the Deadwood Mickelson Trail Marathon which is to be held June 1, 2014.
10. Removed for separate consideration.
11. Removed for separate consideration.
12. Acknowledge Receipt of the 2013 Annual Report from Pennington County Highway Department.

**End of Consent Agenda**

10. MOVED by Trautman and seconded by Buskerud to approve the County Policy/Procedure, Public Agenda Item Submission, as presented. Vote: Unanimous.

11. MOVED by Trautman and seconded by Holloway to move the budget hearings scheduled for June 10 & 11, 2014, to the morning of June 18, all day June 19 and the morning of June 20, 2014. Vote: Unanimous.

### **ITEMS FROM AUDITOR**

- A. Request for Tax Deed Property – Parcel ID 60112: MOVED by Buskerud and seconded by Davis to surplus Property ID 60112, legally identified as Lot 14 Block 5, Original town of Quinn. Vote: Unanimous.

MOVED by Buskerud and seconded by Holloway that Lyndell Petersen, the Commissioner representing the Quinn area, appoint three property owners to assess the parcel in question. Vote: Unanimous.

### **ITEMS FROM SHERIFF**

- A. WSDJSC Joint Powers Agreement: MOVED by Holloway and seconded by Trautman to authorize the Chairperson's signature on the Western South Dakota Juvenile Services Center Joint Powers Agreement between Pennington County, Butte County, Custer County, Fall River County, Harding County and Lawrence County. Vote: Unanimous.
- B. 2014 Patrol Vehicle Order and Surplus Authorization: MOVED by Holloway and seconded by Davis to declare the following vehicles surplus for the purpose of trade: 2006 Ford Crown Vic, Capital Asset Number 5662; 2009 Ford Crown Vic, Asset Number 5825; 2008 Ford Crown Vic, Asset Number 5781; 2008 Chevy Suburban, Asset Number 5776; two (2) 2009 Chevy Suburbans, Asset Numbers 5824 and 5825. Vote Unanimous.

MOVED by Holloway and seconded by Buskerud to authorize the Sheriff's Office to order the following vehicles from McKie Ford 21 E. Omaha Street, Rapid City, which has agreed to match the specifications and price under State Bid #5A/Contract #16546: Three (3) 2014 Ford Police Interceptors at \$27,075 each and One (1) 2014 Ford Explorer SUV at \$26,883. Vote: Unanimous.

### **ITEMS FROM BUILDINGS & GROUNDS**

- A. Pennington County Expansion Project (Block 99) – Administration Building Furniture Procurement Package: MOVED by Holloway and seconded by Trautman to authorize Buildings and Grounds to advertise for Prequalification and Bids for the Administration Building Furniture Procurement Package. Vote: Unanimous.

### **ITEMS FROM EQUALIZATION**

- A. Abatement Application: MOVED by Davis and seconded by Buskerud to approve the following abatements/refunds for 2013: 8000832, Frank Gerbracht, \$899.04; 31931 – Drew Purdy, \$2846.92; 30275, Steven Kendall, \$3416.06 and take no action on 8000567 for Curtis Rising & Shirley Walz-Rising. Vote: Unanimous.

### **ITEMS FROM WEED & PEST**

- A. 2013-2014 Mountain Pine Beetle Update

- B. 2014 Mountain Pine Beetle Supplement SP14-001: MOVED by Holloway and seconded by Davis to schedule a hearing at 9:15 a.m. on Tuesday, February 18, 2014, to supplement the 2014 General Fund Mountain Pine Beetle budget in the amount of \$169,558.75 from unassigned fund balance and \$268,000 from current year revenues. Vote: Unanimous.

**REQUEST TO WAIVE ADMINISTRATIVE FEES – DANIEL HUNTER**

MOVED by Trautman and seconded by Davis to approve Daniel Hunter's request to waive the doubled application fee and penalty fee totaling \$800 for the property located at 23225 S. Prairie Creek Road. Vote: Unanimous.

Commissioner Holloway left the meeting.

MOVED by Davis and seconded by Buskerud to postpone Planning and Zoning until the advertised time of 10:30 a.m. and proceed with Item 21, Items From Chair. Vote: Unanimous.

**ITEMS FROM CHAIR**

- A. Special Meeting: MOVED by Trautman and seconded by Buskerud to schedule a special Board of Commissioners' meeting at 10 a.m. on Thursday, February 6, 2014, to review two FEMA submissions for Winter Storm Atlas. Vote: Unanimous.

Commissioner Holloway returned.

MOVED by Davis and seconded by Buskerud to add the Hawthorne Ditch issue to the agenda for the February 6, 2014, special meeting. Vote: Unanimous.

**2014 LEGISLATIVE SESSION**

- A. Review of Proposed Bills: MOVED by Davis and seconded by Trautman that the Commissioners' Office Manager send emails to appropriate committee members to support HB1097, SB135 and HB1069. Vote: Unanimous

MOVED by Davis and seconded by Buskerud that email messages be sent to appropriate committee members in opposition to HB1179, HB1006 and HB1177, and further moved to send email messages to Senate committee members and the entire House of Representatives in opposition to HB1086. Vote: Unanimous.

**ITEMS FROM PLANNING & ZONING**

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

- A. VARIANCE / VA 13-18: Ronald and Cheryl Loftus. Renner & Associates - Agent. To reduce the minimum required side yard setback from eight (8) feet to zero (0) feet in a Suburban Residential District to bring an existing shed building into compliance in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

The NE1/4NW1/4 less right-of-way and less Loftus Subdivision and 100 x 150 foot Tract in the NW Corner, and Tract M-3 of NW1/4NW1/4, all of Section 17, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Variance / VA 13-18 with two conditions. Vote: Unanimous.

1. That this Variance only applies for the portion of the side-yard setback requirement that is being encroached upon by the existing shed/gymnasium. All other structures must maintain the proper setback requirements or obtain separate Variance(s) for that structure; and,
2. That an easement be filed and recorded with Register of Deeds for the encroachment onto Mr. Hill's property.

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 item(s) 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 Trautman and seconded by Buskerud to approve Planning & Zoning Consent Agenda Item B as presented. Vote: Unanimous.

B. SECOND READING OF REZONE / RZ 13-20: Phyllis Gilbert Trust and Charles Halverson; Lorraine Smith - Agent. To rezone 42.1 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 13-20**

**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:**

Located on the S3/4NE1/4SW1/4; SE1/4SW1/4 less part lying south of highway; and, that part of the SW1/4SW1/4 and vacated Section Line lying East of County Road #C2337; Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

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

Dated this 4th day of February, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

**End of Consent Agenda**

**Regular Agenda Items**

C. Discussion Of The Pennington County Comprehensive Plan: MOVED by Trautman and seconded by Davis to appoint the Planning Commission as the committee to determine the criteria for obtaining a cost estimate from Clarion Inc. to update the Pennington County Comprehensive Plan and review and recommend changes to the Pennington County Zoning Ordinance. Vote: Unanimous.

D. Discussion Of Commercial Building Permit Fees And Drainage Fees

E. Discussion To Adopt A Building Inspection Program

**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 Davis and seconded by Trautman to take a ten minute recess and then convene in executive session for contractual and personnel issues. Vote: Unanimous. The Board remained in executive session from 11:40 a.m. until 1:40 p.m. MOVED by Davis and seconded by Holloway to adjourn from executive session. Vote: Unanimous.

MOVED by Davis and seconded by Holloway to reluctantly accept the resignation/retirement of Highway Superintendent Hiene Junge, with a date not determined at this time. 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 January 28, 2014: Total balances of checking/savings accounts, \$29,994,410.89; Total balance of Treasurer's Office safe cash, \$9,700.00; Total certificates of deposit, \$2,594,333.05; Total Prime Value Investment, \$4,928,020.59; Total petty cash, \$111,455.00; Total long/short, (\$192.11); Total, \$37,637,727.42. Submitted by Lori Wessel, Deputy Auditor.

**PAYROLL**

Commissioners, 13,020.32; Human Resources, 4,894.84; Elections, 13,780.42; Auditor - liens, 3,243.60; Auditor, 19,777.83; Treasurer, 49,697.45; Data Processing - General, 48,316.89;

State's Attorney, 154,806.00; Public Defender, 123,601.24; Juvenile Diversion, 10,096.89; Buildings & Grounds, 116,822.15; Equalization, 71,134.73; Register of Deeds, 24,162.27; Sheriff, 349,609.41; Service Station, 8,593.71; HIDTA Grant, 9,615.51; Jail, 486,891.04; Jail Work Program, 4,852.46; Coroner, 455.60; Hill City Law, 12,255.92; Keystone Law, 5,744.84; New Underwood – Law, 4,473.72; School Liaison, 17,040.23; Wall Law, 10,688.26; Home Detention, 8,622.38; Alcohol & Drug, 129,776.28; Friendship House, 64,474.51; Economic Assistance, 54,045.24; Mental & Alcohol-SAO, 8,299.91; Mental & Alcohol-HHS, 3,835.80; Extension, 2,707.20; Weed & Pest, 9,285.86; Mountain Pine Beetle, 10,300.90; Planning and Zoning, 21,880.86; Water Protection, 5,905.25; Ordinance, 4,722.32; Juvenile Services Center, 209,706.44; Highway, 183,881.01; Drug Seizure, 2,045.11; Fire Administration, 7,070.15; Dispatch, 156,549.79; Emergency Management, 6,231.97; 24-7 Program, 19,068.41; PCCCC Building Projects, 1,424.18.

### **PERSONNEL**

Highway Department: Effective 2/3/2014 – C. Kelly, \$16.51/hr.

Treasurer: Effective 1/29/2014, K. Tibbetts, \$14.25/hr.; Effective 2/10/2014, M. Crumb, \$14.25/hr.

Weed & Pest: Effective 1/22/2014, B. Bailey, \$12.93/hr.

### **VOUCHERS**

ATT Mobility, 218.13; BH Power Inc, 33.47; BH Power Inc, 127.37; BH Power Inc, 7743.58; CBIZ Payroll Inc, 525.78; CBM Food Service, 1817.84; CBM Food Service, 7654.87; Century Link, 306.46; Century Link, 3.57; City Of Box Elder, 64.31; City Of Box Elder, 93.61; City Of Hill City, 35.65; City Of New Underwood, 156.8; City Of Rapid City, 131.07; City Of Rapid City Water, 1182.73; City Of Rapid City Water, 156.14; City Of Wall, 135; Delta Dental Of South Dakota, 21927.6; Executive Mgmt Fin Office, 19; First Administrators Inc, 71906.72; First Administrators Inc, 28475.3; First Administrators Inc, 74183.41; First Interstate Bank, 13127.82; Hanratty Administrators, 2395.98; Montana Dakota Utilities, 15298.5; Montana Dakota Utilities, 1243.11; Verizon Wireless, 5516.3; Verizon Wireless, 423.74; West River Electric, 570.31; West River Electric, 2819.52; Wimactel Inc, 60; Wow Internet Cable And Phone, 4333.46; Wow Internet Cable And Phone, 2486.15.

### **ADJOURN**

MOVED by Trautman and seconded by Holloway to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:41 p.m.

Julie A. Pearson, Auditor

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

Publish: February 19, 2014