

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

A meeting of the Pennington County Board of Commissioners was held Tuesday, March 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 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 Davis and seconded by Buskerud to approve Consent Agenda Items 5 – 9 as presented. Vote: Unanimous.

Consent Agenda

5. Approve the minutes of the February 14, 2014, special Board of Commissioners' meeting.
6. Approve the minutes of the February 18, 2014, Board of Commissioners' meeting.
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 \$214,909.79.
8. Approve the Permit to Occupy Right-of-Way for the Black Hills Back 40 Mountain Bike Race on July 26, 2014.
9. Accept payment of \$8,000 and release the remaining lien balance of \$18,796.22 for CE. (Names withheld per SDCL 28-13-42)

End of Consent Agenda

PENNINGTON COUNTY BOARD OF MENTAL ILLNESS APPOINTMENT – Greg Barnier: MOVED by Davis and seconded by Buskerud to appoint Ms. Robin Page to a three year term on the Pennington County Board of Mental Illness. Vote: Unanimous.

PRESENTATION OF ADOPT-A-HIGHWAY PROGRAM CERTIFICATES OF APPRECIATION: The Highway Department presented certificates of appreciation to the following participants in the Adopt-a-Highway program: 28th Security Forces Squadron, Alpha Flight; Rushmore Hockey Association; Silver City Fire Department; an, WL Plastics.

RAPID CITY PUBLIC LIBRARY LIAISON REPORT - Dr. Vera Kowal: Dr. Kowal introduced the new director of the Rapid City Public Library, Jim McShane.

LIEN RELEASE REQUEST: (Name withheld per SDCL 28-13-42) MOVED by Trautman and seconded by Davis to continue the lien release request for JH to the March 18, 2014, County Board meeting. The motion carried 4-1 with Buskerud opposing.

ITEMS FROM EQUALIZATION

- A. Abatement Requests: MOVED by Trautman and seconded by Holloway to approve the abatements/refunds for Brent Goehring, Tax ID 8005985, \$102.42; John Witherspoon College, Tax ID 47065, \$552.00 and Stephanie A. Seljeskog, Parcel ID 64002, \$657.75. Vote: Unanimous.

Commissioner Buskerud left the meeting.

ITEMS FROM EXTENSION

- A. Memorandum of Understanding – SDSU and Pennington County: MOVED by Trautman and seconded by Petersen to authorize the Chairperson’s signature on the Memorandum of Understanding between SDSU Extension and Pennington County. Vote: Unanimous.

Commissioner Buskerud returned.

- B. Introduction of New Military Program Assistant – Craig Alberty

ITEMS FROM HEALTH CARE TRUST BOARD

- A. Flexible Benefits Plan – Adoption of the Flexible Benefits Plan Document and Summary Plan Description: MOVED by Trautman and seconded by Holloway to accept the changes to the Flexible Benefits Plan and Summary Plan Description documents and approve the Chairperson’s signature on the Flexible Benefits Plan Adopting Resolution. Vote: Unanimous.

FLEXIBLE BENEFITS PLAN ADOPTING RESOLUTION

The undersigned authorized representative of Pennington County (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on March 4, 2014, and that such resolutions have not been modified or rescinded as of the date hereof.

RESOLVED, that the form of amended Cafeteria Plan including a Health Flexible Spending Account and the Dependent Care Flexible Spending Account effective January 1, 2014, presented to this meeting, is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of Pennington County Flexible Benefits Plan as amended and restated, and the Summary Plan Description approved and adopted in the foregoing resolutions.

Dated this 4th day of March, 2014.

/s/ Lyndell Petersen, Chairperson
Pennington County Board of Commissioners

ITEMS FROM HIGHWAY DEPARTMENT

- A. Permit To Occupy Right-Of-Way – SD State Senior Games Road Bicycle Race (Cont. from 2/18/2014): MOVED by Trautman and seconded by Buskerud to approve the Application for Permit to Occupy Right-Of-Way for the South Dakota State Senior Games Road Bicycle Race to be held on Friday, September 5, 2014, and authorize the Highway Superintendent's signature thereto. Vote: Unanimous.
- B. Annual Bid Award Recommendations: *(Please note that vendor addresses are only listed one time if there are multiple awards)*. All bid documents are available at the Highway Department.

Project AC 2014-1 Asphalt Concrete Overlay Project: MOVED by Holloway and seconded by Trautman to award AC 2014-1 to J & J Asphalt, PO Box 7105, Rapid City, SD, in the amount of \$290,885.93. Vote: Unanimous.

Project AC 2014-2 Asphalt Concrete Overlay Project: MOVED by Trautman and seconded by Holloway to award AC 2014-2 to Hills Materials Company, PO Box 2320, Rapid City, SD, in the amount of \$984,938.98. Vote: Unanimous.

Project AST 2014 Asphalt Surface Treatment Project: MOVED by Buskerud and seconded by Holloway to award AST 2014 to Bituminous Paving Inc., PO Box 6, Ortonville, MN 56278, in the amount of \$794,292.00. Vote: Unanimous.

Project ASC 2014 Asphalt Surface Crack Sealing Project: MOVED by Holloway and seconded by Davis to award ASC 2014 to Highway Improvement Inc., PO Box 1803, Sioux Falls, SD 57101, in the amount of \$134,207.00. Vote: Unanimous.

Project AGG 2014-1 Aggregate Stockpile Project (Howie Pit): MOVED by Trautman and seconded by Buskerud to award AGG 2014-1 to Western Construction, PO Box 771, Rapid City, SD, in the amount of \$120,400.00. Vote: Unanimous.

Project AGG 2014-2 Aggregate Stockpile Project (Paulsen Pit): MOVED by Trautman and seconded by Holloway to award AGG 2014-2 to Western Construction Inc., Rapid City, in the amount of \$139,050.00. Vote: Unanimous.

Project AGG 2014-3 Aggregate Stockpile Project (New Underwood Area): MOVED by Davis and seconded by Holloway to award AGG 2014-3 to Western Construction Inc., Rapid City, in the amount of \$102,000.00. Vote: Unanimous.

Project AGG 2014-4 Aggregate Stockpile Project (Copper Mountain Pit): MOVED by Trautman and seconded by Holloway to award AGG 2014-4 to KD Contractors, PO Box 870, Hot Springs, SD 57747 in the amount of \$122,200.00. Vote: Unanimous.

Annual Supplies: MOVED by Davis and seconded by Trautman to award annual supplies as recommended by the Highway Department. MOVED by Buskerud and seconded by Holloway to amend the previous motion to continue the bid award for Aggregate Materials to the March 18, 2014, Board of Commissioners' meeting to allow time for review by the State's Attorney. Vote on the amendment: Unanimous. Vote on motion as amended: Unanimous.

- Asphalt Composite Concrete: J & J Asphalt.
- Asphalt Maintenance Materials:
 - Award Items No. 1 and 4 to Simon Contractors of SD Inc., PO Box 397, Rapid City, SD.
 - Award Item No. 2 to J & J Asphalt, PO Box 7105, Rapid City, SD.
 - Award Item No. 3 to 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.
- 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.

C. Award Recommendations - Used Elevating Scraper: MOVED by Davis and seconded by Buskerud to award the bid for one (1) used 2007 CAT 615CII Elevating Scraper to Butler Machinery Co., 3601 Deadwood Ave N, Rapid City, SD 57702, in the amount of \$296,110.00. Vote: Unanimous.

D. Award Recommendations - New Skid Steer Loader: MOVED by Davis and seconded by Buskerud to award the bid for one (1) new Skid Steer Loader to Jenner Equipment, PO Box 3102, Rapid City, SD 57709 in the amount of \$42,076.00. Vote: Unanimous.

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 Trautman and seconded by Buskerud to convene in executive session for contractual and personnel issues. Vote: Unanimous. The Board remained in executive session from 10 a.m. until 10:40 a.m. MOVED by Buskerud and seconded by Davis to adjourn from executive session. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

- A. VARIANCE / VA 14-03: Shawn and Jodi Burke. To reduce the minimum required lot size from 40 acres to 8.518 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Formerly Lot 1 of Outlot B, that portion of Vacated Fifth Street, all of Block 2 of Farmingdale, including the 20' Alley and a portion of Tract L of the SE1/4NW1/4 and SW1/4NE1/4 located in the SE1/4NW1/4, SW1/4NE1/4 and NW1/4SE1/4 of Section 14, T1S, R10E, BHM, Pennington County, South Dakota; more particularly described as follows: Commencing at the Southeast corner of Lot 6 Block 2 Original Town of Farmingdale, being the "POINT OF BEGINNING": Thence N 89°43'13" W 300.00' Feet; Thence N 00°16'47" E 300.00 Feet; Thence N 89°43'13"W 99.25 Feet; Thence N 00°14'28" E 365.31 Feet; Thence N 28°37'57" E 422.56 Feet; Thence S 47°45'28" E 321.18 Feet; Thence S 00°10'31" W 522.42' Feet; Thence S 89°43'13" W 40.95' Feet; Thence S 00°16'47" W 300.00' Feet to the "POINT OF BEGINNING" containing 8.518 ACRES more or less.

MOVED by Davis and seconded by Buskerud to approve Variance #14-03. Vote: Unanimous.

- B. VARIANCE / VA 14-04: Dan and Stephanie Hunter. To reduce the minimum required side yard setback requirement from 25 feet to 17.5 feet in a Limited Agriculture District, in order to bring an existing single-family residence into compliance, in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

Tract 23, Clear Creek Tracts Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Variance 14-04 with one (1) condition: 1) That this Variance only applies for the portion of the side-yard setback requirement that is being encroached upon by the existing residence. All other structures must maintain the proper setback requirements or obtain separate Variance(s) for that structure. Vote: Unanimous.

- C. VARIANCE / VA 14-05: Adam and Stephanie Newman; Brad Jensen – Agent. To reduce the minimum required easement width from 66 feet to 30 feet for an access easement providing access to two lots in a Suburban Residential District in accordance with Sections 208, 313, and 509 of the Pennington County Zoning Ordinance.

NW1/4NE1/4SW1/4 and the SW1/4NE1/4SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Variance 14-05. Vote: Unanimous.

Commissioner Buskerud left the meeting.

MOVED by Davis and seconded by Trautman 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 Davis and seconded by Trautman to approve Planning & Zoning Consent Agenda Items D & E as presented. Vote: Unanimous.

- D. MINOR PLAT / PL 14-01 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-01: Shawn and Jodi Burke. To create Tract 1 of Burke Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Outlot B and Vacated 5th Street, Block 2, Farmingdale, and a portion of Tract L of SE1/4NW1/4 and SW1/4NE1/4 less right-of-way, all in Section 14, T1S, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of Burke Subdivision, Section 14, T1S, R10E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 14-01 and Subdivision Regulations Variance / SV 14-01 with three (3) conditions:

1. That prior to recording this plat at the Register of Deeds, proposed Tract 1 either be rezoned or a Lot Size Variance be obtained to allow the 8.518 acre lot to remain zoned General Agriculture District;
2. That the lot address be posted so it is clearly visible at all times in accordance with Pennington County's Ordinance #20; and,
3. That the wording in the heading indicating that Tract 1 of Burke Subdivision is located in the SE¹/₄NW¹/₄ be removed prior to recording this plat at the Register of Deeds.

- E. MINOR PLAT / PL 14-02: Lariat Log Cabin; Doug & Carol Willoughby. To create Lot 3R of Double Diamond Ranch Subdivision in accordance with Sections 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3 and Lot 4, Double Diamond Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3R, Double Diamond Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 14-02 with four (4) conditions:

1. That prior to filing of the plat with Register of Deeds, the Certificate of Planning Director be removed or crossed off;
2. That prior to filing of the plat with Register of Deeds, an Operating Permit, for the existing on-site wastewater treatment system, be obtained;
3. That prior to filing of the plat with the Register of Deeds, the penalty fees either be paid, or waived by the County Board; and,
4. That the property address be clearly and continuously posted per Pennington County Ordinance # 20.

End of Consent Agenda Items.

Commissioner Buskerud returned to the meeting.

- F. APPROVAL OF ANNUAL MS4 STORMWATER REPORT: MOVED by Trautman and seconded by Buskerud to authorize the Chairperson's signature on the Stormwater Management Plan and MS4 Annual Report with the amendments recommended by the Planning Department. Vote: Unanimous.
- G. APPROVAL OF UPDATED STORMWATER MANAGEMENT PLAN: MOVED by Buskerud and seconded by Trautman to approve the updated Stormwater Management Plan. Vote: Unanimous.
- H. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – ADVISORY GROUP RECOMMENDATIONS (Cont. from 11/5/13 meeting): MOVED by Trautman and seconded by Petersen to approve two riparian applications, SPC2013PC98A for \$11,250 and SPC2013PC105 for \$19,900, and allow the applications that are not funded to remain pending to be considered with the next round of applications. Vote: Unanimous.
- I. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN PARTICIPANT AGREEMENTS (Cont. from 11/5/13 meeting): MOVED by Trautman and seconded by Buskerud to approve the Chairperson's signature on Spring Creek Watershed Management and Project Implementation Plan Cost Share Participant Agreements SPC2013PC98A in the amount of \$11,250 and SPC2013PC105 in the amount of \$19,900. Vote: Unanimous.
- J. DISCUSSION OF VACATION HOME RENTAL ORDINANCE

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 26, 2014: Total balances of checking/savings accounts, \$25,636,341.84; Total balance of Treasurer's Office safe cash, \$9,700.00; Total certificates of deposit, \$2,563,507.79; Total Prime Value Investment, \$4,294,997.67; Total petty cash, \$111,455.00; Total Cash Items: \$1,986.00; Total **long**/short, (\$239.90); Total, \$32,617,748.40. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Public Defender: Effective 2/1/2014 – A. Fuller, \$5,265.77; Effective 3/1/2014 – L. Niemann, \$27.68/hr.

PAYROLL

Commissioners, 13,020.32; Human Resources, 4,894.84; Elections, 12,582.02; Auditor - liens, 3,243.60; Auditor, 18,639.91; Treasurer, 53,493.44; Data Processing - General, 48,316.87; State's Attorney, 155,441.60; Public Defender, 106,043.25; Juvenile Diversion, 10,295.68; Victim's Assistance, 5,555.23; Buildings & Grounds, 99,152.40; Equalization, 71,325.93; Register of Deeds, 24,219.27; Sheriff, 339,732.87; Service Station, 8,668.95; HIDTA Grant, 6,740.82; Jail, 4,522,670.61; Jail Work Program, 4,546.40; Coroner, 455.60; Hill City Law, 11,795.87; Keystone Law, 5,508.20; New Underwood – Law, 4,473.72; School Liaison, 17,040.25; Wall Law, 10,774.97; Home Detention, 8,622.39; Alcohol & Drug, 130,729.66; Friendship House, 64,709.80; Economic Assistance, 56,462.56; Mental & Alcohol-SAO, 8,421.50; Mental & Alcohol-HHS, 3,835.79; Extension, 2,707.20; Weed & Pest, 12,181.80; Mountain Pine Beetle, 15,390.69; Planning and Zoning, 21,880.86; Water Protection, 5,905.25; Ordinance, 3,743.93; Juvenile Services Center, 180,983.30; Highway, 193,327.73; Drug Seizure, 2,045.11; Fire Administration, 7,216.07; Dispatch, 169,302.78; Emergency Management, 5,192.40; 24-7 Program, 18,588.04; PCCCC Building Projects, 3,214.40.

VOUCHERS

ATT, 7.02; BH Power Inc, 31.24; BH Power Inc, 323.73; BH Power Inc, 2211.29; CBM Food Service, 9762.76; Century Link, 306.87; Century Link, 3.57; City Of Hill City, 66.65; City Of Rapid City Water, 11853.45; City Of Wall, 135.00; Executive Mgmt Fin Office, 19.00; First Administrators Inc, 120698.46; First Administrators Inc, 24837.88; First Interstate Bank, 6966.50; First Interstate Bank, 1781.00; Medical Waste Transport Inc, 351.72; Montana Dakota Utilities, 12662.22; Montana Dakota Utilities, 1051.78; Office Depot Credit Plan, 126.44; Rainbow Gas Company, 8062.27; Verizon Wireless, 76.18; Verizon Wireless, 5397.72; West River Electric, 117.25; West River Electric, 2663.37; Wimactel Inc, 60.00; Wow Internet Cable And Phone, 3483.01; Wow Internet Cable And Phone, 1853.41.

ADJOURN

MOVED by Davis and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 11:40 a.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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