

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
April 1, 2014**

A meeting of the Pennington County Board of Commissioners was held Tuesday, April 1, 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.

OATHS OF OFFICE – COUNTY BOARD OF EQUALIZATION: Judge Jeff Davis administered the Board of Equalization Oaths of Office to Commissioners Buskerud, Davis, Holloway, Petersen and Trautman.

APPROVAL OF THE AGENDA

MOVED by Trautman and seconded by Holloway 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 6 & 8 as presented, with Item 7 removed for separate consideration. Vote: Unanimous.

Consent Agenda

6. Approve the minutes of the March 18, 2014, Board of Commissioners' meeting. With a motion language correction as requested by the Auditor's Office. The original motion stated, "*MOVED by Buskerud and seconded by Trautman to authorize the expenditure of up to \$230,000 additional for the CHCBH/HHS Joint Facility.*" The correction will clarify that the \$230,000 is to be added to the HHS Joint Facility Restricted fund balance in the Accumulated Building Fund.
8. To acknowledge the Order for Organization and Incorporation of the Trailwood Village Road District effective for tax year 2014 and after with the following legal description: The Unplatted Balance of Tract 1 of Trailwood village, BHM, Pennington County, SD.

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE TRAILWOOD VILLAGE ROAD DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, all resident registered voters and property owners that are within the proposed boundaries have agreed to and petitioned for the organization of the Trailwood Village Road District; and

WHEREAS, said petitions indicate the desire of all qualified voters and landowners within the proposed boundaries to organize the Trailwood Village Road District.

NOW, THEREFORE BE IT ORDERED that the Pennington County Commission acknowledge and declare the Trailwood Village Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political, to be effective as of today's date with taxing authority for the 2014 pay 2015 tax year and after.

BE IT FURTHER ORDERED that the Trailwood Village Road District be described as follows: The Unplatted Balance of Tract 1 of Trailwood village, BHM, Pennington County, SD.

Dated April 1, 2014

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

ATTEST: (SEAL)
/s/ Julie A. Pearson, Auditor

Removed for Separate Consideration

7. Approval of Vouchers: MOVED by Davis and seconded by Holloway to approve the vouchers totaling \$128,430.46 and continue approval of the voucher to Hart Ranch Camping Resort in the amount of \$307.64 to the April 15, 2014, Board of Commissioners' meeting for additional information. Vote: Unanimous.

2013 BUILD SOUTH DAKOTA AWARD – PLATEAU LANE RECONSTRUCTION

Pennington County Highway Superintendent Hiene Junge and Project Engineer Wesley Tschetter received the 2013 Build South Dakota Award from the Associated General Contractors of South Dakota for the reconstruction of Plateau Lane.

LIEN RELEASE REQUEST (MS)

MOVED by Buskerud and seconded by Holloway to release the liens totaling \$533.00 for attorney fees for court file AN11-00580 recorded in the name of MS (Name withheld per SDCL 28-13-42) pursuant to SDCL 26-7A-32. Vote: Unanimous.

MOVED by Buskerud and seconded by Davis to deny the lien release request for the remaining balance of \$459.20. Vote: Unanimous.

FY2015 BUDGET VALUATION PRESENTATION – EQUALIZATION DIRECTOR SHANNON RITTBERGER

FY2015 PENNINGTON COUNTY BUDGET DISCUSSION

- A. Budget Preparation Guidelines - Discussion
- B. Drainage Fee Reserve - Discussion

ITEMS FROM AUDITOR

- A. General Fund Supplement Hearing SP14-002: MOVED by Trautman and seconded by Holloway to supplement the 2014 General Fund Jail budget in the amount of \$521,000 (from assigned fund balance for transport bus in the amount of \$472,000 and assigned equipment reserve in the amount of \$49,000) and the General Fund CCADP budget in the amount of \$40,000 from assigned equipment reserve. Vote: Unanimous.

ITEMS FROM BUILDINGS AND GROUNDS

- A. Administration Building Furniture Package – Prequalified Vendor Recommendation: MOVED by Trautman and seconded by Holloway to approve ARC International's recommendations as outlined in the letter dated March 27, 2014, and authorize the Bidding Phase of the Administration Building Furniture Package. Vote: Unanimous.

ITEMS FROM HEALTH CARE TRUST BOARD

- A. Procedure Change for Health Care Trust Board: MOVED by Holloway and seconded by Trautman to recognize and accept the vote of the Pennington County Health Care Trust Board to not consider changes to Pennington County's benefit package in 2014, but consider any possible changes in 2015 to take effect in 2016. It was further moved to direct the Human Resources Department to develop a procedure for considering new benefit products and/or vendors. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. State Contract – Bulk Diesel and Gas Products: MOVED by Davis and seconded by Buskerud to authorize the Highway Department to purchase Bulk diesel and Gas Products from the State Contract List, effective April 1, 2014, as follows: Contract #16589 - Harms Oil, 337 22nd Ave South, Brookings, SD 57006; Contract #16590 – Howe's Oil Company, 823 E. 14th Street, Sioux Falls, SD 57104; Contract #16595 – Moyle Petroleum, 2504 West Main Street, Rapid City, SD 57702. Vote: Unanimous.
- B. Master Cooperative Road Agreement #14-RO-11020300-019 – USDA Forest Service Region 2: MOVED by Buskerud and seconded by Davis to approve Cooperative Road Agreement #14-RO-11020300-019 with the Black Hills National Forest pursuant to the recommendation of Highway Superintendent Hiene Junge and authorize the Chairperson's signature thereto. Vote: Unanimous.

ITEMS FROM COMMISSION OFFICE MANAGER

- A. Proposed policy/Procedure – Department Head Annual Evaluations: MOVED by Trautman and seconded by Buskerud to approve the proposed policy, Department Head Annual Evaluations. Vote: Unanimous.
- B. Proposed Policy/Procedure – Public Meeting Packet: MOVED by Trautman and seconded by Holloway to approve the proposed policy, Public Meeting Packet. Vote: Unanimous.
- C. Proposed Policy/Procedure – Commission Use of Technology: MOVED by Buskerud and seconded by Davis to approve the proposed policy, Commission Use of Technology. Vote: Unanimous.

CHANGES TO THE RAPID CITY DRAFT COMPREHENSIVE PLAN – COMMISSION COMMENTS - Patsy Horton, Rapid City Growth Management

MOVED by Davis and second by Buskerud to take a brief recess. Unanimous. The Board recessed from 10:47 a.m. until 10:57 a.m.

ITEMS FROM PLANNING & ZONING

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

- A. VARIANCE / VA 14-01: Larry Shorb, Clifford and Mary Shorb; John Preston – Agent. To reduce the minimum required lot size from 40 acres to 11 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance. (Cont. from February 28, 2014)

Located on the following metes and bounds description: Commencing from the South 1/4 corner of section 18, T2S, R8E, B.H.M., an original stone found in place, thence N89°46'13"W a distance of 1316.37' to a point, thence N0°05'55"E a distance of 873.53' to the southwest corner of proposed Lot 1 of John Deere Subdivision and Point of Beginning, thence N0°05'55"E along the 1/16 line a distance of 699.11' to the northwest corner of proposed Lot 1, thence S86°27'33"E a distance of 738.76' to the northeast corner of proposed Lot 1, thence S12°25'38"E a distance of 513.73' to the southeast corner of proposed Lot 1, thence S79°51'55"W along the north right of way of Murphy Road a distance of 862.57' to the Point of Beginning. Said Parcel containing 11.000 acres more or less; 14220 Murphy Road, in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

MOVED by Davis and seconded by Trautman to approve Variance VA 14-01. Vote: Unanimous.

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

- B. MINOR PLAT / PL 14-05: Larry Shorb, Clifford and Mary Shorb; John Preston – Agent. To create Lot 1 of John Deere Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: A portion of Tract N and the NE1/4SW1/4 located in the E1/2SW1/4 of Section 18, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1, John Deere Subdivision, Section 18, T2S, R8E, BHM, and Pennington County, South Dakota.

Approve Minor Plat / PL 14-05 with the following seven (7) conditions:

8. That prior to County Board approval of this Minor Plat, a Lot Size Variance for proposed Lot 1 of John Deere Subdivision be obtained;
9. That the lot address be posted so it is clearly visible at all times in accordance with Pennington County's Ordinance #20;
10. That prior to County Board approval, the 1,200 square foot feeder barn, currently located on the parcel owned by Clifford and Mary Shorb, which will be located within the proposed Lot 1 of John Deere Subdivision, either have a Building Permit obtained with a Setback Variance or it be removed from the property prior to this plat being recorded with the Register of Deeds;
11. That prior to recording this plat at the Register of Deeds, the following changes be made to the Minor Plat: Under Certificate of Ownership the name Mary Shob be corrected to read Mary Shorb, plat heading be changed from Shorb Subdivision to Lot 1 of John Deere Subdivision; and Under Certificate of Surveyor, the Surveyor's name follow the word, "I" in the Certification;
12. That prior to County Board approval of this Minor Plat, an Operating Permit be obtained, for the on-site wastewater treatment system currently located on proposed Lot 1 of John Deere Subdivision;
13. That prior to County Board approval of this Minor Plat, the following be added to the Plat or a Subdivision Regulations Variance be obtained: An 8' wide utility and minor drainage easement along all interior lot lines; and Major drainage easements for any existing drainage easements be indicated; and,
14. The approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described properties.

- C. SECOND READING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 14-01: Granite Point, LLC; Gene Quinn – Agent. To amend the existing Granite Point Planned Unit Development to reduce the number of townhome sites and to reconfigure lots in accordance with Section 213 of the Pennington County Zoning Ordinance.

ORDINANCE NO. PUD 14-01

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:

Lots 1, 2A, 3R, and 4; Lot A of Lot 5; Lot B of Lot 5; Lot C of Lot 5; Lot D of Lot 5; Lot 6; Lot 7; Lot 8; Lot 9; Lot 10; Lot 11; Lot 12; Lot 13; Lot 14; Common Area 1 and 2; and Well Lot Revised of Granite Point Subdivision, all located in Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

To amend the existing Planned Unit Development for Granite Point. The Major Planned Unit Development Amendment use is hereby approved in accordance with the following fifteen (15) conditions:

1. That the Planned Unit Development consists of a total of 23 units for a total of up to 10 townhomes and up to 15 single-family residential lots, and Common Lots;
2. That each proposed lot have areas for a single-family residence or townhome, as shown on the site plan;
3. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That no off-premise signs be allowed within the Planned Unit Development;
5. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses, as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
6. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
7. That the required minimum setbacks for all structures on Lots 1, 10, 11R, 12R and 14 be a minimum of 25 feet from the front property lines, eight (8) feet side yard setbacks and 25 foot rear yard setback, also that there be a zero foot side yard setback between the town home lots, and a 20 foot front yard setback for the town home lots and Lots A and B of Lots 3R, 4, 6, 7, 8, and 9 ; and the front setback for proposed Lot A of Lot 4 shall be eight (8) feet from the north property line adjacent to the cul-de-sac and the front yard setback for Lots 2A and 2B be 19 feet;
8. That a zero foot setback only applies to Lots 8 and 9, if townhomes are built on the lots;
9. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
10. That all roads be paved with curb and gutter with a minimum 24-foot-wide driving surface and a minimum Right-of-Way of 50 feet or obtain a Subdivision Regulations Variance waiving this requirement;
11. That a Road District be formed to maintain the roads;

12. That the Homeowner's Association or Water Association maintains the water reservoir and the engineered water system be continued to be maintained for both water and fire protection;
13. That all homes within the development be hooked up to the Keystone sewer system;
14. That the townhome lot adjacent to South Dakota Highway 40 right-of-way have a zero foot setback from the property line adjacent to Highway 40; and,
15. That this Planned Unit Development be reviewed on a complaint basis only.

Dated this 1st day of April, 2014.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/Julie A. Pearson, Auditor

- D. VACATION OF PLAT / VP 14-01: Robert Crisman and Faith Lewis. To vacate Tracts 5, 6, and 7 of Bear Mountain Ranch Subdivision.

EXISTING LEGAL: A portion of Tracts 5, 6, and 7 of Bear Mountain Ranch Subdivision, Section 24, T2S, R3E, and Section 19, T2S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: The unplatted portion of SE¹/₄NE¹/₄, less Tracts 2, 3, 4, 8A, and 8B of Bear Mountain Ranch Subdivision and less SW¹/₄SW¹/₄SE¹/₄NE¹/₄, Section 24, T2S, R3E, BHM, Pennington County, South Dakota; and, The unplatted portion of Government Lot 2, less Tracts 1, 8B and 8C of Bear Mountain Ranch Subdivision and less Lots 6 and 10, Lost Acres Addition #1, Section 19, T2S, R4E, BHM, Pennington County, South Dakota.

Approve Vacation of Plat / VP 14-01 with one (1) condition:

1. That the Vacation of Plat Resolution be filed and recorded at the Register of Deeds Office.

- E. SUBDIVISION REGULATIONS VARIANCE / SV 14-02: John and Jenny Boland. To waive platting requirements in accordance with Section 700.1 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Government Lots 10-11, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Boland Subdivision and unplatted balance of Government Lot 11, Section 31, T1S, R6E, BHM, Pennington County, South Dakota

Sustain the Planning Commission recommendation to approve Subdivision Regulations Variance / SV 14-02 to waive percolation tests and soil profile information; to waive topography at five foot intervals; to waive Section Line Highway improvements; to waive submittal of engineered road construction plans; and to waive required road improvements to the 66-foot-wide access easement.

End of Consent Agenda Items

Planning & Zoning Regular Agenda Items

- F. The Spring Creek Watershed Management and Project Implementation Plan – Advisory Group Recommendations: MOVED by Buskerud and seconded by Trautman to acknowledge three recommendations from the Spring Creek Advisory Group. Vote: Unanimous. The recommendations will be voted upon during the April 15, 2014, Board of Commissioners’ meeting.

ITEMS FROM CHAIR

COMMITTEE REPORTS

ITEMS FROM PUBLIC

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)
C. Annual County Conference of Director of Equalization and Commissioners per SDCL 10-3-14

MOVED by Davis and seconded by Trautman to convene in executive session. Vote: Unanimous. The Board remained in executive session from 11:10 a.m. until 1:38 p.m. MOVED by Davis and seconded by Holloway 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 March 27, 2014: Total balances of checking/savings accounts, \$24,311,836.73; Total balance of Treasurer’s Office safe cash, \$10,000; Total certificates of deposit, \$2,563,724.25; Total Prime Value Investment, \$5,903,139.017; Total petty cash, \$11,455.00; Total Cash Items: \$0.00; Total **long**/short, (\$262.72); Total, \$32,799,892.27. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, 13,020.32; Human Resources, 4,461.04; Elections, 12,769.97; Auditor - liens, 3,243.60; Auditor, 18,639.91; Treasurer, 49,396.80; Data Processing - General, 50,724.07; State's Attorney, 155,236.94; Public Defender, 108,509.64; Juvenile Diversion, 10,295.69; Victim's Assistance, 5,555.23; Buildings & Grounds, 99,934.84; Equalization, 71,325.93; Register of Deeds, 24,403.60; Sheriff, 351,656.20; Service Station, 8,593.71; HIDTA Grant, 8,752.72; Jail, 469,632.13; Jail Work Program, 4,806.60; Coroner, 455.60; Hill City Law, 12,004.91; Keystone Law, 5,508.20; New Underwood – Law, 4,473.72; School Liaison, 17,447.51; Wall Law,

10,710.08; Home Detention, 8,978.60; Alcohol & Drug, 129,210.44; Friendship House, 65,904.80; Economic Assistance, 54,491.24; Mental & Alcohol-SAO, 8,299.91; Mental & Alcohol-HHS, 3,835.79; Extension, 2,707.20; Weed & Pest, 9,735.54; Mountain Pine Beetle, 7,620.60; Planning and Zoning, 21,880.86; Water Protection, 5,905.24; Ordinance, 3,743.93; Juvenile Services Center, 178,062.94; Highway, 201,111.08; Drug Seizure, 2,045.11; Fire Administration, 7,050.95; Dispatch, 166,866.81; Emergency Management, 5,357.52; 24-7 Program, 18,562.88.

PERSONNEL

Jail: Effective 3/1/2014 – R. VanBerkum, \$24.41/hr.; Effective 3/24/2014 – M. Stevens, \$20.06/hr. and S. Good at \$12.93/hr.

CCADP: Effective 3/24/2014 – B. Van Lent, \$16.51/hr.

Law Enforcement: Effective 3/24/2014 – T. (William) Harrison, \$28.99/hr.

VOUCHERS

Amerigas, 91.71; ATT, 28.06; BH Power Inc, 43792.57; BH Power Inc, 16.80; BH Power Inc, 452.8; CBM Food Service, 4788.03; CBM Food Service, 1790.46; Century Link, 7626.44; City Of Rapid City Water, 12659.31; City Of Rapid City Water, 1130.56; Executive Mgmt Fin Office, 19.00; First Administrators Inc, 9469.02; Green Tree, 1897.20; Hanratty Administrators, 798.66; Montana Dakota Utilities, 16,788.11; NGS American Inc, 1253.04; Orbitcom Inc, 47.93; Pioneer Bank Trust, 12,511.20; Rainbow Gas Company, 7772.61; RR Waste Solutions, 58.64; SDN Communications, 754.80; Verizon Wireless, 91.41; Verizon Wireless, 385.56; Verizon Wireless, 462.59; Wex Bank, 368.73; Wex Bank, 123.95; Wex Bank, 124.69; Wex Bank, 118.83; Wex Bank, 1073.38; Wimactel Inc, 60.00; Wow Internet Cable And Phone, 307.20; Wow Internet Cable And Phone, 1567.17.

ADJOURN

MOVED by Davis and seconded by Holloway to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:39 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: April 16, 2014