

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
October 7, 2014**

The Pennington County Board of Commissioners held its final meeting in the Commissioners' Meeting Room in the County Courthouse at 315 Saint Joseph Street on Tuesday, October 7, 2014. Future meetings will be held in the new County Administration Building at 130 Kansas City Street, Rapid City, South Dakota. 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 Trautman and seconded by Holloway to approve Consent Agenda Items 5-10 as presented. Vote: Unanimous.

Consent Agenda

5. Approve the minutes of the regular meeting of September 19, 2014.
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 \$310,917.55.
7. Declare surplus one (1) 2006 Ford Crown Victoria, Asset #5659; one (1) 2009 Ford Crown Victoria, Asset #5823; one (1) 2008 Buick Lucerne, Asset #5821; one (1) 2005 Mercury Sable, Asset #5677; one (1) 2006 Dodge Stratus, Asset #5910; one (1) 2007 Chrysler mini-van, Asset #5726; and one (1) 2007 Ford passenger van, Asset # 5805, for the purpose of trade. (Sheriff)
8. Declare surplus one 1986 MCI Motor Coach, Asset #5426 for the purpose of sale as presented (Sheriff).
9. Authorize the Sheriff's Office to advertise for bids for five (5) used sedans, one (1) used mini-van and one (1) used passenger van, all model year 2013 or newer as presented (Sheriff).
10. Schedule a hearing at 9:15 a.m., October 21, 2014, to supplement to the Drug Seizure budget (SP14-006) from non-budgeted revenue received in the current year.

End of Consent Agenda

Pennington County Employee Service Recognition Awards

Pennington County Buildings & Grounds and Pennington County Highway received Gold Level Safety and Loss Control Recognition Awards at the 2014 State Convention. Individual Awards

were presented for years of service. 25 Years: David Oster, Linda Peterson, Denise Peters, Kelly Trenary, Brenda Wood, Ladonna Niemann, Mark Schock, 30 Years: Christopher Wiehl.

Rapid City Public Library Update: 2014 2nd Quarter County Statistics & Library Services Presentation – Dr. Vera Kowal & Jim McShane

Rushmore Regional Rail Authority: Proposed Memorandum of Understanding with Rapid City Economic Development – Ben Snow

ITEMS FROM AUDITOR

- A. General Fund Supplement Hearing SP14-005 – Economic Assistance Budget: MOVED by Trautman and seconded by Holloway to approve the supplement to the General Fund Economic Assistance budget in the amount of \$97,800 from the assigned fund balance for the Crisis Care Center. Vote: Unanimous.
- B. 2013 Annual Report Presentation: Auditor Julie Pearson

MOVED by Davis and second by Trautman to approve Items C and D. Vote: Unanimous.

- C. New Package (off sale) Malt Beverage License – Dollar General Store #15207: Approve the package (off-sale) malt beverage license for Dollar General Store #15207, Dolgen Midwest LLC.
- D. New Retail (on-off sale) Wine License – Dollar General Store #15207: Approve the retail (on-off sale) wine license for Dollar General Store #15207, Dolgen Midwest LLC. Vote: Unanimous.

ITEMS FROM SHERIFF

- A. Adams Street Facility Disposal: MOVED by Buskerud and seconded by Holloway that the Chairperson appoint a representative to contact the City of Rapid City and determine if there is interested in the Adams Street Facility, and further moved that if there is no interest, Pennington County should move forward with plans to dispose of the property. Vote: Unanimous.

ITEMS FROM COMMISSION ASSISTANT

- A. Air Quality Board Liaison Appointment: MOVED by Buskerud and seconded by Holloway to appoint Oliver White to a three-year term on the Air Quality Board representing Pennington County, and further moved to affix the Chairperson's signature to the warrant of appointment. Vote: Unanimous.
- B. County Bulletin Board Resolution: MOVED by Trautman and seconded by Davis to continue this item to the October 21, 2014, Board of Commissioners' meeting. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

- A. Pennington County Americans with Disabilities (ADA) Act of 1990 Compliance Review – Nick Stroot, HR Director: MOVED by Trautman and seconded by Buskerud to continue this item to the October 21, 2014, Board of Commissioners' meeting. Vote: Unanimous.

ITEMS FROM COMPENSATION COMMITTEE

- A. Commission Office Manager/Financial Advisor: MOVED by Davis and seconded by Trautman to change the grade of the Office Manager/Financial Advisor from a Grade 18 to a Grade 22A and change the job title to Commission Office Manager. The motion carried 4-1 on a roll call vote: Buskerud – no, Davis – yes, Holloway – yes, Trautman – yes, Petersen – yes.
- B. Definition of Part-Time Hours: MOVED by Davis and seconded by Buskerud to change the Pennington County Employee Handbook to reflect that 29 hours or fewer per week will be considered Part-Time non-benefitted in Pennington County. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

- A. VARIANCE / VA 14-24: Rob and Stacie Tschetter; Fisk Land Surveying – Agent. To reduce the minimum required front yard setback from 25 feet to 17.8 feet and to reduce the minimum required side yard from 8 feet to 7.6 feet to bring into compliance an existing covered concrete patio in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Lot 2, Dahm Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Variance VA 14-24 with two conditions recommended by Planning staff. Vote: Unanimous.

- 1. That this Variance only applies for the portions of the side-yard and front-yard setbacks 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.
- 2. That an address is posted on the newly created lot in accordance with Ordinance #20.

MOVED by Buskerud 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 Consent Agenda Items B-F as presented. Vote: Unanimous.

- B. MINOR PLAT / PL 14-21 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-08: Harney Mountain, LLC / Jim Scull. To create Lots 1, 2, and 3 of Harney Mountain

Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Government Lot 13 in Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Harney Mountain Subdivision in Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

Continue Minor Plat / PL 14-21 and Subdivision Regulations Variance / SV 14-08 to the October 21, 2014, Board of Commissioners' meeting.

- C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-07: Harney Mountain, LLC / Jim Scull. To rezone 36.94 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A Parcel of land to be rezoned from General Agriculture to Limited Agriculture, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel bears N00o04'50"W and a distance of 329.95 feet from the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, said section corner marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00o04'50"W and a distance of 1,047.70 feet to an intersection with the southerly line of Ida Tin Lode M.S.663; THENCE SECOND COURSE: along said southerly line of M.S. 663 with a bearing of N48o06'40"E and a distance of 1,115.16 feet to corner number three of said M.S. 663 which is coincident with corner 13 of H.E.S. 135 marked with a scribed stone; THENCE THIRD COURSE: along the westerly line of said H.E.S. 135 with a bearing of S16o26'56"E and a distance of 555.18 feet to corner 12 of said H.E.S. 135, marked with a scribed stone; THENCE FOURTH COURSE: continuing along said westerly line of H.E.S. 135 with a bearing of S04o43'23"E and a distance of 805.22 feet to corner 11 of said H.E.S. 135, marked with a standard BLM brass cap; THENCE FIFTH COURSE: continuing along the westerly line of said H.E.S. 135 with a bearing of S00o29'38"W and a distance of 794.30 feet to corner 10 of said H.E.S. 135, marked with a rebar with a USFS aluminum cap, and coincident to an intersection with the section line common to said Section 27 and Section 34; THENCE SIXTH COURSE: along the section line common to said Section 27 and Section 34 with a bearing of N89o37'01"W and a distance of 393.19 feet; THENCE SEVENTH COURSE: along a line with a bearing of N03o02'27"W and a distance of 335.22 feet; THENCE EIGHTH COURSE: along a line with a bearing of S89o57'37"W and a distance of 634.40 feet and the Point of Beginning; Basis of Bearings established by GPS observation. Said Parcel of Land Contains 36.944 acres, more or less.

Continue Rezone / RZ 14-09 and Comprehensive Plan Amendment / CA 14-07 to the October 21, 2014, Board of Commissioners' meeting.

- D. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-08: Harney Mountain, LLC / Jim Scull. To rezone 4.906 acres from General Agriculture District and Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public and Planned Unit Development Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A Parcel of land to be rezoned from General Agriculture to Low Density Residential, located in Government Lot 13 of Section 27, Township One South (T1S), Range Five East (R5E), Black Hills Meridian (BHM), Pennington County, South Dakota. The Point of Beginning of said parcel being common with the section corner common to Sections 27, 28, 33 and 34 of T1S, R5E, marked with a standard BLM Brass Cap, said Parcel is more particularly described as follows: THENCE FIRST COURSE: along the section line common to said Section 27 and Section 28 with a bearing of N00o04'50"W and a distance of 329.95 feet; THENCE SECOND COURSE: along line with a bearing of N89o57'37"E and a distance of 634.40 feet; THENCE THIRD COURSE: along a line with a bearing of S03o02'27"E and a distance of 335.22 feet to an intersection with the section line common to said Section 27 and Section 34; THENCE FOURTH COURSE: along said section line a bearing of N89o37'01"W and a distance of 651.73 feet to the Point of Beginning. Basis of Bearings established by GPS observation. Said Parcel of Land Contains 4.906 acres, more or less.

Continue Rezone / RZ 14-10 and Comprehensive Plan Amendment / CA 14-08 to the October 21, 2014, Board of Commissioners' meeting.

- E. MINOR PLAT / PL 14-20 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-07: Celia Bradley; Jim Peterson – Agent. To create Lots A and B of Black Metal #5 Lode M.S. 1986 and to waive platting requirements in accordance with Sections 400.3 and 700.1 the Pennington County Subdivision Regulations.

EXISTING LEGAL: All Black Metal #5 Lode M.S. 1986 less Lot 1-10 (also in Section 19), Section 20, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Black Metal #5 Lode M.S. 1986, Sections 19 and 20, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Subdivision Regulations Variance / SV 14-07 to waive road improvements for Bradley Gulch Road and Deegan Drive to Local/Collector Road Standards, including a 24-foot-wide paved driving surface with a four (4) inch gravel driving surface; to waive improvement of the Section Line traversing the subject property to Ordinance #14 Standards, which includes a 24-foot-wide, four (4) inch gravel driving surface; to waive engineered road construction plans for all required road improvements; and to waive

percolation test and soil profile information, including inspection of a profile hole by the Environmental Planner, on proposed Lot A; and approve Minor Plat / PL 14-20 with the following four (4) conditions:

1. That proposed Lots A and B be rezoned to Low Density Residential prior to filing the plat at the Register of Deeds;
2. That the heading of the plat be changed to “Lots A and B, Black Metal No. 5, M.S. 1986 (formerly Balance of Black Metal No. 5 M.S. 1986) located in the SW¼ and the NW¼ of Section 20, and in the SE¼ and the NE¼ of Section 19, T1S, R5E, B.H.M., Pennington County, South Dakota” prior to filing the plat at the Register of Deeds;
3. That a note be included on the plat indicating that proposed Lot B has a “no build” stipulation and may not be developed, other than future road improvements to Bradley Gulch Road prior to filing the plat at the Register of Deeds; and,
4. That the plat dedicate all necessary easements, including eight (8) foot utility and minor drainage easements along the interior of all lot lines and a major drainage easement for the location of any existing watercourse, drainage way, channel or stream which traverses the property.

F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-06: Celia Bradley; Jim Peterson – Agent. To rezone 17.9 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Approve Rezone / RZ 14-08 and Comprehensive Plan Amendment / CA 14-06.

End of Consent Agenda

G. ORDINANCE AMENDMENT / OA 14-04: Pennington County. To amend Section 319-C-5 and 319-C-6 (Vacation Home Rental) of the Zoning Ordinance.

MOVED by Buskerud and seconded by Davis to approve the first reading of Ordinance Amendment / OA 14-04. 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 Davis and seconded by Buskerud to convene in executive session. Vote: Unanimous. The Board remained in executive session from 11:51 a.m. until 12:40 p.m. MOVED by Davis and seconded by Buskerud to adjourn from executive session. Vote: Unanimous.

MOVED by Buskerud and seconded by Davis to instruct the State’s Attorney to pursue and settle an appeal in the First Thunder LLC vs Pennington County Commission acting as the Pennington County Board of Equalization case. Vote: Unanimous.

Personnel

Buildings & Grounds: Effective 9/22/2104 – D. Eccleston, \$4898.30/month; Effective 9/29/2014 – G. Burgoyne, \$13.57/hr.

Equalization: Effective 10/20/2014 – M. Lehmann, \$15.71/hr.

Register of Deeds: Effective 9/29/2014 – C. Ackerman, \$14.25/hr.

Weed & Pest: Effective 9/22/2014 – C. Rupert at \$13.25/hr.

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 September 19, 2014: Total balances of checking/savings accounts, \$25,521,659.71; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$2,571,966.84; Total Prime Value Investment, \$2,572,062.84; Total petty cash, \$12,155.00; Total Cash Items: \$113.65; Total long/short, (\$534.64); Total, \$34,296,380.99. Submitted by Lori Wessel, Deputy Auditor.

Payroll

Commissioners, 10,396.72; Human Resources, 8,278.84; Elections, 14,022.85; Auditor - liens, 4,257.24; Auditor, 19,201.85; Treasurer, 54,175.72; Data Processing - General, 56,279.94; State's Attorney, 165,198.52; Public Defender, 113,073.25; Juvenile Diversion, 11,924.64; Victim's Assistance, 5,555.23; Buildings & Grounds, 126,512.22; Equalization, 84,544.61; Register of Deeds, 23,157.84; Sheriff, 402,763.40; Service Station, 10,047.67; HIDTA Grant, 10,793.30; Jail, 546,174.71; Jail Work Program, 4,975.04; Coroner, 455.60; Hill City Law, 14,444.81; Keystone Law, 6,356.78; New Underwood – Law, 4,473.71; School Liaison, 20,103.21; Wall Law, 13,218.51; Home Detention, 10,184.06; CCADP, 155,598.42; Adams House, 77,339.60; Economic Assistance, 60,187.07; Mental & Alcohol-SAO, 9,020.53; Mental & Alcohol-HHS, 3,835.79; Extension, 3,384.00; Weed & Pest, 22,906.12; Planning and Zoning, 30,929.11; Water Protection, 6,950.32; Ordinance, 4,303.80; Juvenile Services Center, 201,599.86; Highway, 207,891.75; Drug Seizure, 2,045.12; Fire Administration, 7,011.65; Dispatch, 183,145.14; Emergency Management, 5,912.75; 24-7 Program, 21,920.78.

Vouchers

AT&T Mobility, 220.65; Avera Health Plans, 808.68; BH Power Inc, 16,985.51; BH Power Inc, 784.24; BH Power Inc, 42,591.24; BH Power Inc, 1,148.98; BH Power Inc, 221.63; BH Power Inc, 483.20; BH Power Inc, 4,695.87; BH Power Inc, 117.97; Cbm Food Service, 1,037.43; CBM Food Service, 4,864.72; CBM Food Service, 1,236.87; CBM Food Service, 2,142.00; Century Link, 7,633.62; Century Link, 119.82; Century Link, 3.54; Century Link, 190.66; City Of Box Elder, 397.91; City Of Hill City, 10.85; City Of Rapid City -Water, 18,236.33; City Of Rapid City -Water, 1,662.43; City Of Rapid City -Water, 2,186.39; City Of Rapid City -Water, 113.98; City Of Wall, 179.50; Delta Dental Of South Dakota, 23948.4; Executive Mgmt Fin Office, 21.00; First Interstate Bank, 19,498.21; First Interstate Bank, 3637.92; Global Tel'link, 51.32; Golden West Companies, 763.08; Midcontinent Communications, 976.43; Montana Dakota Utilities, 1,107.18; Montana Dakota Utilities, 4,396.37; Montana Dakota Utilities, 717.88; Montana Dakota Utilities, 25; Orbitcom Inc, 47.93; Pioneer Bank & Trust, 10,808.16; Rapid Valley Sanitary District, 98.77; Rapid Valley Sanitary District, 78.31; Rapid Valley Sanitary District, 177.56; Rr Waste Solutions, 58.64; Sd Dept Of Labor, 8,535.00; SD Dept Of Legislative Audit, 31,099.10; SD Dept Of

Revenue, 12,190.39; SDN Communications, 754.80; Sun Life Financial, 61504.11; The Hartford, 4567.67; Verizon Wireless, 91.39; Verizon Wireless, 672.97; Verizon Wireless, 3,266.95; Verizon Wireless, 546.45; Verizon Wireless, 101.39; Verizon Wireless, 240.09; Verizon Wireless, 414.58; Verizon Wireless, 127.17; Verizon Wireless, 76.13; Verizon Wireless, 183.41; Verizon Wireless, 51.38; Wellmark BC/BS, 922.92; West River Electric, 226.26; West River Electric, 100.33; West River Electric, 1,185.18; Wex Bank, 2,177.68; Wex Bank, 381.78; Wex Bank, 91.74; Wimactel Inc, 60.00; WOW Internet Cable And Phone, 250.00; WOW Internet Cable And Phone, 539.05; WOW Internet Cable And Phone, 4,337.45; WOW Internet Cable And Phone, 1,598.04; WOW Internet Cable And Phone, 137.96.

Adjourn

MOVED by Davis and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 12:41 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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