

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
December 2, 2014**

The Pennington County Board of Commissioners met on Tuesday, December 2, 2014, in the Commission Chambers in the 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 add an Executive Session after Consent Agenda Item 17 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 Trautman and seconded by Davis to approve Consent Agenda Items 5-17 as presented. Vote: Unanimous.

Consent Agenda

5. Approve the minutes of the regular meeting of November 18, 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 \$310,266.93.
7. Approve the Pennington County Code of Conduct for County Commissioners, Elected and Appointed Department Heads, Members of All Boards, Commissions, Committees, Task Forces or Other Appointed Advisory Groups.
8. Approve the Alcoholic Beverage License Renewals as presented. (Auditor)

Wine Retail (On-Off) Sale

Business Name

Black Forest Inn Bed & Breakfast
Black Hills Receptions
Caputa Store
Country Store at the Forks
Dalcam EZ Mart
Dollar General Store #15207
Hart Ranch Golf Course
Mt. Rushmore KOA
Powder House Restaurant
Prairie Berry Winery
Reptile Gardens

Owner Name

The B-R Group LLC
Joanne Wagner
Caputa Store LLC
The Covington Consulting Group, Inc.
Dalcam Oil Company Inc.
Dolgen Midwest LLC
Hart Ranch Development Co.
Recreational Adventures Co.
Big Guys LLC/Powder House Restaurant
Prairie Berry LLC
Black Hills Reptile Gardens Inc.

Summer Creek Inn	Summer Creek Inn LLC
Winery Hill City	Winery Hill City LLC
<u>Retail (On-Off Sale) Liquor with Sunday Sales</u>	
Central States Fair Inc.	Central States Fair Inc.
Country Inn Bar & Casino	The Covington Consulting Group, Inc.
The Gaslight	Rockin'4 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'Malleys Pub & Casino	KJL Inc.
Shipwrecked Lee's Saloon & Casino	Havorka-Rose
<u>Package Liquor (Off Sale)</u>	
Johnson Siding General Store	Patrick S. Shannon

9. Order that an election be held on January 19, 2015, at 7 p.m. for determination of the organization of the Pine Meadows Court Road District described as: LOTS 1-10 INCLUSIVE OF PINE MEADOWS SUBDIVISION, BHM, Pennington County, SD and if the question for organization should pass, an election for the first Board of Trustees for the newly organized district will be held immediately following the election. (Auditor)
10. Authorize the second half budgeted General Fund operating transfer to the Road and Bridge fund in the amount of \$1,103,377.50.
11. Set a public hearing on December 16, 2014, at 9:15 a.m. to supplement the General Fund Election budget in the amount of \$213,471 and the Weed budget in the amount of \$15,000 from non-budgeted revenues received in 2014.
12. Set a public hearing on December 16, 2014, at 9:15 a.m. to supplement the General Fund Court Appointed Attorney budget in the amount of \$346,088, the Jail Medical budget in the amount of \$170,000, the Planning budget in the amount of \$17,500, the Operating Transfer Out to Fair Fund budget in the amount of \$29,100 all from unassigned fund balances in the General Fund.
13. Set a public hearing on December 16, 2014, at 9:15 a.m. to supplement the County Fair Fund Debt Service Budget for \$29,100 from unassigned fund balance due to newly approved operating transfer from County General Fund, and supplement the E911 Fund Debt Service Budget for \$80,000 from unassigned fund balance due to unspent E911 2014 budget in wrong line item.
14. Set a public hearing on December 16, 2014, at 9:15 a.m. to supplement the Accumulated Building Fund Debt Service budget for \$3,469,310 from Bond Proceeds.
15. Set a public hearing on December 16, 2014, at 9:15 a.m. to supplement the Capital Projects Fund Project Administration for \$5,000, Parking Structure for \$18,200, Administration Building for \$8,600,000, Courthouse for \$15,000, Energy Plant for \$150,000 and the Evidence Building for \$376,000 from assigned fund balance in the Capital Projects fund.

16. Declare surplus five (5) 2010 Chevrolet Tahoes (Capital Asset Numbers 5900, 5901, 5902, 5899, 5922) and one (1) 2010 Chevrolet Suburban (Capital Asset Number 5826) for the purpose of trade as part of the 2015 Patrol Vehicle Replacement Plan.
17. Authorize the Sheriff to order six (6) new Chevrolet Tahoes from Beck Motors, 1905 N. Garfield, Pierre, South Dakota, under State Contract #16674, and authorize the Sheriff to order five (5) Ford Explorers from McKie Ford, 7 Omaha Street, Rapid City, SD, which has agreed to honor the price in State Contract 16677. The purchases are part of the 2015 Patrol Vehicle Replacement Plan.

End of Consent Agenda

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 convene in Executive Session. The Board remained in executive session from 9:06 a.m. until 9:30 a.m. MOVED by Buskerud and seconded by Petersen to adjourn from executive session. Vote: Unanimous.

REGULAR AGENDA ITEMS

18. **South Pitch Drive (Jurisdiction) – Rapid Valley Unclaimed Roads**: MOVED by Holloway and seconded by Trautman to urge the City of Rapid City to annex Big Sky Subdivision and Valley Ridge Subdivision either voluntarily or involuntarily. Vote: Unanimous.

Snow Removal: MOVED by Holloway and seconded Davis to continue the discussion and action regarding snow removal to the December 16, 2014, Board of Commissioners' meeting, when area residents will be invited to discuss annexation, road maintenance and snow removal. It was further moved that if there is a snow event in the next two weeks, County Highway should maintain only Pennington County roads and not plow the roads in the area under discussion. Vote: Unanimous.

19. **Pe Sla Discussion – Mark Van Norman**

20. **Keystone XL Pipeline Project Update – Mark Johnson**

ITEMS FROM COMPENSATION COMMITTEE

- A. **Proposed Wage Study**: MOVED by Buskerud and seconded by Davis to approve the completion of a wage study and further moved to direct the Compensation Committee to review the RFPs, establish the criteria and comparables to be used and to make a recommendation of a vendor at the December 16, 2014, Board of Commissioners' meeting. It was further moved that the implementation date will be January 2016, contingent on finding funding in next budget cycle. Vote: Unanimous.

MOVED by Davis and seconded by Holloway to take a brief recess. Vote: Unanimous.

MOVED by Holloway and seconded by Buskerud to reconvene as the Board of Commissioners.
Vote: Unanimous.

ITEMS FROM EQUALIZATION

- A. Abatement Application: David Lamb – 2013 Mobile Home Tax on ID 6006045 in the amount of \$178.98.
- B. Abatement Application: Mike or John Diehl - 2013 Mobile Home Tax on ID 8011037 in the amount of \$226.60.

MOVED by Trautman and seconded by Davis to approve the abatements/refunds for Diehl and Lamb as presented. Vote: Unanimous.

ITEMS FROM WEED & PEST DEPARTMENT

- A. Comments on the Proposed Listing of the Northern Long-Eared Bat: MOVED by Buskerud and seconded by Davis that Weed & Pest Director Scott Guffey prepare comments for the U.S. Fish & Wildlife Service expressing opposition to the proposal to list the northern long-eared bat as endangered, with the comments to be brought to the Board for approval on December 16, 2014. Vote: Unanimous.

REQUEST FOR APPROVAL OF A SECOND APPROACH (VARIANCE TO ORDINANCE 14) – DON CAREY: MOVED by Buskerud and seconded by Davis to continue the Application for Road Approach Permit to the December 16, 2014, Board of Commissioners' meeting for additional information. Vote: Unanimous.

REQUEST FOR VARIANCE TO CONDITIONAL USE PERMIT PROCESS – LARRY & LENORA RULAND: MOVED by Buskerud and seconded by Davis to approve the variance to the Conditional Use Process as presented by Larry & Lenora Ruland. Vote: Unanimous.

VACATION HOME RENTAL ORDINANCE: TRANSFER OF PROPERTY – CONCERNS WITH DEFINITION

PLANNING AND ZONING CONSENT AGENDA ITEMS

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 Consent Agenda Item A with Items B & C removed for separate consideration. Vote: Unanimous.

- A. VACATION OF PLAT / VP 14-02: Schurgerland, LLC. To vacate that part of Lots 10, 11, and 12 located in Pennington County of Pathfinder 1 Subdivision in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lots 1-12 of Pathfinder 1 Subdivision, all located in the SE1/4, Section 9, T2N, R9E, BHM, Meade County and Pennington County.

PROPOSED LEGAL: W1/2SE1/4 and SE1/4SE1/4, Section 9, T2N, R9E, BHM, Meade County and Pennington County.

Continue the Vacation of Plat / VP 14-02 to the January 20, 2015, Board of Commissioners meeting.

Removed for Separate Consideration

- B. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-11: Larry Teuber; Renner & Associates - Agent. To rezone .815 acres from Limited Agriculture District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Commencing at a corner on the northerly boundary of Lot 2R2, Block 4, Spring Canyon Estates, common to the northeasterly corner of Lot 1R, Block 4, Spring Canyon Estates, common to a point on the southerly edge of Clarkson Road right-of-way, and the point of beginning; Thence, first course: S44°38'45"W, along the westerly boundary of said Lot 2R2, common to the easterly boundary of said Lot 1R, a distance of 423.99 feet, to a corner on the westerly boundary of said Lot 2R2, common to the southeasterly corner of said Lot 1R; Thence, second course: N10°53'21"W, along the southerly boundary of said Lot 1R, a distance of 200.55 feet, to a corner on the southerly boundary of said Lot 1R; Thence, third course: N76°55'43"E, a distance of 231.10 feet; Thence, fourth course: N32°39'12"E, a distance of 107.04 feet, to a point on the northerly boundary of said Lot 1R, common to a point on the southerly edge of Clarkson Road right-of-way; Thence, fifth course: S54°34'25"E, along the northerly boundary of said Lot 1R, common to the southerly edge of Clarkson Road right-of-way, a distance of 65.00 feet, to the said point of beginning. Said Parcel contains 0.815 acres or 35,517 square feet more or less.

MOVED by Davis and seconded by Buskerud to approve Rezone / RZ 14-11 to rezone .815 acres from Limited Agriculture District to Low Density Residential District. Vote: Unanimous.

- C. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-04: James and Janet Mertz. To review an existing Planned Unit Development in accordance with in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 5, Burlington Estates Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Buskerud to continue the review of Planned Unit Development / PU 06-04 to the December 16, 2014, Board of Commissioners' meeting. Vote: Unanimous.

End of Consent Agenda

PLANNING & ZONING REGULAR AGENDA ITEMS

- D. ROAD CONSTRUCTION WITHIN A SECTION LINE ROW / CS 14-03: Robert Taylor Family Trust; Gerry Eckert - Agent. To construct a road within the Section Line Right-of-Way in order to provide access to lots in Sections 27, 33 and 34.

Located between Sections 27, 33, and 34, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Davis and seconded by Trautman to approve Road Construction within a Section Line ROW / CS 14-03 with eight (8) conditions. Vote: Unanimous.

1. That if the amount of disturbed area exceeds one acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained prior to the start of any construction;
2. That erosion control measures be maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed as identified in the construction plans;
3. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
4. That any necessary tracking control measures be implemented at the entrance to Moon Meadows Drive during the period of construction;
5. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department;
6. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507-A of the Pennington County Zoning Ordinance.
7. That any fencing disturbed by construction of the road be moved and replaced as necessary by the applicant; and,
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road.

- E. ROAD CONSTRUCTION WITHIN A SECTION LINE ROW / CS 14-02: TOM TROPLE. To construct a road within the Section Line Right-of-Way in order to provide access to lots in Sections 20, 21, 28 and 29.

Located between Sections 20, 21, 28, and 29, T2S, R13E, BHM, Pennington County, South Dakota.

MOVED by Holloway and seconded by Davis to approve Road Construction within a Section Line Right-of-Way/CS #14-02, which includes constructing the Section Line Right-of-Way to Township standards with ten (10) conditions as recommended by Planning Department. In addition, the engineered road plans should be reviewed by the County Highway Department, and any costs related to the review be negotiated with Scenic Township. Vote: Unanimous.

1. That road be constructed in accordance with the appropriate Township standards per SDCL §31-13-4;

2. That engineered road plans be submitted to the Planning Department prior to commencement of the construction of the road;
3. That the road be named, a road sign posted at the intersection of E. Highway 44 for the newly named road, and the two existing residences be addressed accordingly prior to commencement of construction of the road;
4. That a Department of Environment and natural Resources Storm Water Construction Permit is obtained prior to the start of construction;
5. That disturbed areas be revegetated as required by Section 507-A of the Pennington County Zoning Ordinance;
6. That culverts be installed to allow for the natural drainage ways and paths to be continually maintained;
7. That the applicant pays for any regulatory, warning, and information road signs;
8. That any fencing disturbed by construction of the road be moved and replaced as necessary by the applicant; and,
9. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road;
10. That this Construction within a Section Line Right-of-Way be reviewed in one (1) year.

EXECUTIVE SESSION per SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1)

MOVED by Holloway and seconded by Trautman to convene in executive session. The motion carried 3-2 with Buskerud and Davis voting no. Commissioner Buskerud left at this time. The Board remained in executive session from 1:20 p.m. until 1:47 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 November 21, 2014: Total balances of checking/savings accounts, \$31,538,416.86; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$2,572,248.93; Total Prime Value Investment, \$10,765,464.09; Total petty cash, \$12,155.00; Total **long**/short, (\$638.01); Total, \$44,897,646.87. Submitted by Lori Wessel, Deputy Auditor.

Payroll

Commissioners, 10,909.11; Human Resources, 7,806.84; Elections, 21,171.31; Auditor - liens, 3,362.78; Auditor, 14,987.85; Treasurer, 48,540.10; Data Processing - General, 49,093.99; State's Attorney, 148,425.31; Public Defender, 109,490.98; Juvenile Diversion, 8,537.67; Victim's Assistance, 5,555.23; Buildings & Grounds, 108,156.76; Equalization, 71,109.12; Register of Deeds, 23,837.53; Sheriff, 320,417.24; Service Station, 9,145.47; HIDTA Grant, 16,701.86; Jail, 471,514.40; Jail Work Program, 3,443.80; Coroner, 455.60; Hill City Law, 11,523.39; Keystone Law, 5,215.12; New Underwood - Law, 4,148.33; School Liaison, 16,076.45; Wall Law, 10,423.75; JSC Juvenile Alternative, 8,453.79; CCADP, 134,079.14; Adams House, 37,533.29; Economic Assistance, 55,332.35; Mental & Alcohol-SAO, 7,939.73; Mental & Alcohol-HHS, 3,835.79; Extension, 2,707.20; Weed & Pest, 8,879.91; Mountain Pine Beetle, 7,571.60; Planning and Zoning, 40,804.92; Water Protection, 4,946.08; Ordinance,

3,456.00; Juvenile Services Center, 167,800.89; Highway, 179,030.13; Fire Administration, 6,770.44; Dispatch, 159,707.22; Emergency Management, 5,551.03; 24-7 Program, 19,809.76.

Personnel

State's Attorney: Effective 11/17/2014 – J. Derr, \$15.71/hr.; C. Olson, \$5,671; Effective 12/22/2014 – N. Martin, \$18.20/hr.

Vouchers

Amerigas, 126.03; BH Power Inc, 51,773.69; BH Power Inc, 313.82; BH Power Inc, 471.29; BH Power Inc, 650.10; CBM Food Service, 3,889.73; Cbm Food Service, 1,436.51; Cbm Food Service, 1,346.51; Century Link, 7,632.52; Century Link, 310.66; Century Link, 3.55; City Of Box Elder, 26.27; City Of Hill City, 53.48; City Of Rapid City -Water, 13,434.62; City Of Rapid City -Water, 2,407.94; City Of Rapid City -Water, 250.00; Express Scrips, 2,916.46; Iiarc, 144,958.00; Kieffer Sanitation/A Waste Management Co, 176.34; Medical Waste Transport Inc, 278.99; Midcontinent Communications, 332.89; Midcontinent Communications, 9,000.00; Montana Dakota Utilities, 6,306.07; Montana Dakota Utilities, 207.87; Orbitcom Inc, 47.93; Pioneer Bank & Trust, 15,309.33; Rainbow Gas Company, 1,755.43; Reliance Telephone Inc, 3.74; RR Waste Solutions, 58.64; SDN Communications, 754.80; US Bank, 30,000.00; Verizon Wireless, 774.71; Verizon Wireless, 113.07; Verizon Wireless, 5,284.02; Wellmark Bc/Bs, 922.92; West River Electric, 248.75; WEX Bank, 2,576.68; Wimactel Inc, 60.00; WOW Internet Cable And Phone, 250.00; WOW Internet Cable And Phone, 1,630.27; WOW Internet Cable And Phone, 2,173.30.

Adjourn

MOVED by Holloway and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 1:47 p.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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