

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS' MINUTES
February 3, 2015**

The Pennington County Board of Commissioners met on Tuesday, February 3, 2015, 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: George Ferebee, Deb Hadcock and Nancy Trautman; Commissioner Ron Buskerud joined by teleconference. Pursuant to SDCL 1-25-1.2, votes were taken by roll call.

APPROVAL OF THE AGENDA

MOVED by Trautman and seconded by Hadcock to remove Item 20, Request for Adjustment to Building Permit Fee for Hart Ranch, and approve the agenda as amended. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

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 Hadcock and seconded by Ferebee to approve Consent Agenda Items 6-10, 14 and 16 as presented with Items 5, 11, 12, 13, and 15 removed for separate consideration. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

5. Removed for separate consideration.
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 \$193,247.21.
7. Approve the Chairperson's signature on the Agreement for Indigent Representation with Dakota Plains Legal Services.
8. Approve the revision of the price list for GIS services and data.
9. Approve the Pennington County Application for Permit to Occupy Right-of-Way for the Deadwood Mickelson Trail Marathon and Marathon Relay on June 7, 2015.
10. Accept the official returns of the organizational election of the Pine Meadows Court Road District and issue the Order for Organization and Incorporation of the Pine Meadows Court Road District effective with the approval of the following resolution:

**ORDER FOR ORGANIZATION AND INCORPORATION
OF THE PINE MEADOWS COURT ROAD DISTRICT
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, the Official Returns from the organizational election indicate the desire of the majority of the qualified voters voting in the proposed area to organize the Pine Meadows Court Road District;

NOW, THEREFORE, BE IT ORDERED, that the Pennington County Commissioners declare that the Pine Meadows Court Road District is organized as a governmental subdivision of the State of South Dakota and a public body, corporate and political to be effective with taxing authority for the 2015 tax year and after.

BE IT FURTHER ORDERED, that the Pine Meadows Court Road District be described as follows: LOTS 1-10 INCLUSIVE OF PINE MEADOWS SUBDIVISION BHM, Pennington County, SD.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

11. Removed for Separate Consideration.
12. Removed for Separate Consideration.
13. Removed for Separate Consideration.
14. Declare surplus the 1000 gallon fuel tank and the 500 gallon gasoline tank, Capital Asset #004698, from the old New Underwood Shop for the purpose of resale.
15. Removed for Separate Consideration.
16. Approve the SD DOT Railroad Joint Powers Agreement for Weed Spraying Services and authorize the Chairperson's signature.

Removed for Separate Consideration

5. *MOVED* by Ferebee and seconded by Hadcock to approve the minutes of the regular meeting of January 20, 2015, with a correction which will reflect that Commissioner Ferebee's motion approving Planning & Zoning Item G, Minor Plat / PL 14-34 and Subdivision Regulations Variance / SV 14-17 should have read: "*MOVED by Ferebee and seconded by Hadcock to approve Minor Plat / PL 14-34; and approve the waiving of Subdivision Regulation Requirements...*" Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

Items 11 and 12 were considered together.

MOVED by Ferebee and seconded by Hadcock to authorize the Pennington County Sheriff to advertise for bids to purchase one (1) used 2013 or newer Ford F-550 Chassis crew or extended cab dually truck for Search and Rescue and surplus the 1993 Chevrolet 3500 Chassis single cab after receiving a favorable bid for the 2013 or newer replacement vehicle. The motion carried 4-1 on a roll call vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – no, Petersen - yes.

13. MOVED by Hadcock and seconded by Ferebee to approve the Chairperson's signature on the 2015 Advertising Agreement with the Rapid City Journal as submitted by Human Resources. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

15. MOVED by Hadcock and seconded by Ferebee to approve the request for authorization to re-apply for the VOCA and Stop/VAWA Grants for Fiscal Year 2016. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

Trautman left the meeting.

ITEMS FROM EQUALIZATION

- A. **ABATEMENT APPLICATIONS (RAPID CITY BATCH):** MOVED by Ferebee and seconded by Hadcock to approve the 2014 abatements/refunds as follows: Tax ID 43097, Enterprise Rent-A Car, \$303.06; Tax ID 43098, Budget Rent-A-Car, \$899.76; Tax ID 11874, Hertz Rental Car Wash, \$874.29; Tax ID 56902, Peder Torgerson, \$2037.80; Tax ID 22505, Kevin H. Malon, \$654.86; Tax ID 39359, Jon E. Ziegler, \$5535.39; Tax ID 64242, Brian S. Lewis, \$1025.53; Tax ID 63191, Jennifer A. Rollins, \$745.26; Tax ID 59197, Jeremy J. Rogers, \$1022.54; Tax ID 29319, Nickolas J. Morey, \$663.42; Tax ID 24419, Dawn S. Barbeau, \$676.55; Tax ID 59202, Michael D. Evans, \$1026.81; Tax ID 30980, Pamela K. Kennedy, \$635.72; Tax ID 56157, Southside Investments LLC, \$16.96; Tax ID 37597, South Dakota Department of Transportation, \$1436.28; Tax ID 37598, South Dakota Department of Transportation, \$1871.30. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – no response, Petersen – yes.

- B. **ABATEMENT APPLICATIONS (CITY OF BOX ELDER BATCH):** MOVED by Hadcock and seconded by Ferebee to approve the abatements as follows:

Tax Year 2013 – Tax ID 8001598, Chris M. or Jannie Srstla, \$231.20.

Tax Year 2014 – Tax ID 62252, Timothy R. Bricker, \$1010.39; Tax ID 61930, City of Box Elder, \$782.70; Tax ID 60378, Andrew L. Wahlin, \$1160.47; Tax ID 8003284, Amanda Lynn Lewison, \$59.30; Tax ID 18022, Teton Coalition Inc., \$1855.37; and the following abatements for South Dakota Ellsworth Development Authority, Tax ID 62288 - \$233.50; Tax ID 62289 - \$235.24; Tax ID 44307 - \$109.66; Tax ID 42614 - \$720.87; Tax ID 41848 - \$13.16; Tax ID 7779 - \$197.39; Tax ID - 44594 \$48.61; Tax ID 2416 - \$140.74; Tax ID 2415 - \$110.72; Tax ID 2414 - \$140.74; Tax ID 2425 - \$488.01; Tax ID 2424 - \$208.35; Tax ID 2432 – \$180.95; Tax ID 2433 - \$185.88; Tax ID 41847 - \$1257.48. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – no response, Petersen – yes.

Commissioner Trautman returned to the meeting.

ITEMS FROM FIRE ADMINISTRATOR

- A. **TITLE III PUBLIC INPUT ON PROJECTS:** MOVED by Ferebee and seconded by Hadcock that the Board of Commissioners will take public input on Pennington County's use of Title III funds for the following proposed projects for 2015: Wildland firefighter equipment and training, increasing the protection of people and property from wildfire and

insect infestations, emergency response equipment or vehicles, search & rescue response and training and other emergency services as allowed by the Secure Rural Schools and Self Determination Act of 2000 and 2008. The total estimated cost of these projects is \$100,000. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

- B. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000-FAILURE OF CONGRESS TO REAUTHORIZE: MOVED by Trautman and seconded by Hadcock that a letter be created on behalf of the Pennington County Commission urging the South Dakota Congressional Delegation to support the reauthorization of the Secure Rural Schools and Community Self-Determination Act. It was further moved to authorize the Chairperson’s signature. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

ITEMS FROM HIGHWAY

- A. AUTHORIZATION TO PURCHASE CORRUGATED METAL PIPE: MOVED by Hadcock and seconded by Ferebee to authorize the Highway Department to purchase corrugated metal pipe from True North Steel Company, 220 4th Street NW, Huron, SD, 57350 at the same price as the Beadle County bid that was awarded January 6, 2015. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes. Documentation is on file at the Highway Department.

HISTORY OF HAROLD J. MARLOW’S ON-SITE WASTEWATER TREATMENT SYSTEM – (COMMISSIONER TRAUTMAN)

COMMISSION AGENDA ITEM SUBMISSION PROCEDURE FOR COMMISSIONERS, ELECTED OFFICIALS AND DEPARTMENT HEADS (COMMISSIONER HADCOCK)

MOVED by Buskerud and seconded by Hadcock to approve the Procedure for Agenda Item Submission for Commissioners, Elected Officials and Department Heads. The motion carried 4-1 on a roll call vote: Buskerud – yes, Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

CONDUCTING COMMISSION MEETINGS AT NIGHT (COMMISSIONER HADCOCK)

MOVED by Hadcock and seconded by Trautman to postpone this item for discussion during budget hearings. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

2015 LEGISLATIVE SESSION

A. UPDATE ON PROPOSED BILLS

HB 1112 & SB161 Fire Administrator

SB152 – Mountain Pine Beetle Funding

B. STAFF DIRECTION

- C. COMMISSION POSITIONS: Commissioner Buskerud will contact legislative committee members with concerns regarding HB 1167.

MOVED by Ferebee and seconded by Hadcock to take a brief recess. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

Moved to Ferebee and seconded by Hadcock to reconvene. Roll Call Vote: Ferebee – yes, Hadcock – yes, Petersen – yes.

Commissioners Buskerud and Trautman returned to the meeting after the vote.

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 Ferebee to approve Consent Agenda Items A-C as presented. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

- A. MINOR PLAT / PL 14-37 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-19: George Adrian / Lloyd Hill. To combine three lots to create Chief of the Hills Common Day Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Common Day Lode MS 1654 and All (also in Section 1, T1N, R3E) of Common Day #1 Lode MS 1654 of Section 36, T2N, R3E, and Chief of The Hills MS 159 of Section 1, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Chief of the Hills Common Day Tract, Sections 1 and 32, T1N and T2N, R3E, BHM, Pennington County, South Dakota.

Continue Minor Plat / PL 14-37 and Subdivision Regulations Variance / SV 14-19 to the February 17, 2015, Board of Commissioners' meeting.

- B. LAYOUT PLAT / PL 14-36: Robert Drew / Mills Family Limited Partnership. To create Tract Dean and Tract Drew of HES #303 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract A and B of HES #303 and Government Lot 5, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract Dean and Tract Drew of HES #303, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Approve Layout Plat/ PL 14-36 with the following nine (9) conditions:

1. Proposed Tract Dean be rezoned to Limited Agriculture District or a Lot Size Variance be obtained prior to recording of the plat at the Register of Deed's Office;

2. That at the time of Preliminary Plat submittal, the 66-foot-wide Access Easement be designated on the Plat as a “66-foot-wide Private Access Easement”;
3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Tract Dean to be reviewed and approved by the Environmental Planner or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That an eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, the on-site wastewater treatment system that once served the single-wide mobile home located at 12584 Old Hill City Road (Remainder of H.E.S. 303) be abandoned in accordance with South Dakota Administrative Rule 74:53:01:11;
7. That prior to recording of the plat at the Register of Deed’s Office, an Approach Permit be acquired for the 66-foot-wide Private Access Easement prior to being constructed. The access easement described above shall meet Local/Collector Road Standards with engineered construction plans or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 14-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-09: Gordon and Carmen Abernathie. To rezone 3.5 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use Map from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot C of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Continue Rezone / RZ 14-12 and Comprehensive Plan Amendment / CA 14-09 to the March 3, 2015, Board of Commissioners’ meeting.

End of Consent Agenda

PLANNING & ZONING REGULAR ITEMS

- D. VACATION OF EASEMENT / VE 14-01: Chris and Rebecca Lowe. To vacate a portion of the non-access easement located along the interior of Tract 38 of Spring Creek Acres in accordance with the Pennington County Zoning Ordinance.

Tract 38 of Spring Creek Acres, Section 3, T2S, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Vacation of Easement / VE 14-01 to vacate 50-feet of a non-access easement with four (4) conditions. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

1. That the Partial Vacation of Non-Access Easement Document for Tract 38 of Spring Creek Acres be filed at the Register of Deeds;
2. A new Approach Permit be submitted to the Planning Director within 30 days of approval of this request for the existing approach off of Dewey Lane;
3. That the approach and driveway be constructed within the 50 foot portion of the non-access easement that has been vacated; and,
4. That the remainder of non-access easement dedicated on the plat of the subject property continues to be respected.

- E. VACATION OF SECTION LINE RIGHT-OF-WAY/ VS 15-01: Brad Polenz. To vacate 757 feet of Section Line Right-of-Way located in All of Tract Polenz.

Section Line Right-of-Way situated in that part of All of Tract Polenz in Sections 23 and 24, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve Vacation of Section Line #15-01 with two (2) conditions. Roll Call Vote: Buskerud – yes, Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

1. That the words “Burns Placer” be added to the legal description on the vacation document and exhibits; and,
2. That all necessary resolutions and exhibits vacating the Section Line Right-of Way be recorded by the applicant at the Register of Deed’s Office.

Commissioner Buskerud left the meeting.

EXECUTIVE SESSION per SDCL 1-25-2: Executive Session was not needed.

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 27, 2015: Total balances of checking/savings accounts, \$28,424,616.72; Total balance of Treasurer’s Office safe cash, \$10,000; Total certificates of deposit, \$2,572,444.93; Total Prime Value Investment, \$4,801,266.01; Total petty cash, \$15,105.00; Total **long**/short, (\$215.33); Total, \$35,823,217.33. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Weed & Pest: Effective 1/26/2015 – M. Bailey at \$13.27/hr.

PAYROLL

Commissioners, 13,963.78; Human Resources, 5,028.30; Elections, 15,635.94; Auditor - liens, 3,724.00; Auditor, 17,834.24; Treasurer, 49,857.90; IT, 52,203.35; State's Attorney, 168,513.57; Public Defender, 125,331.74; VAWA Grant, 23,258.52; Juvenile Diversion, 10,490.62; VOCA, 5,555.23; Buildings & Grounds, 111,300.96; Equalization, 71,985.80; Register of Deeds, 24,263.65; Sheriff, 320,279.12; Service Station, 6,595.00; HIDTA Grant, 4,043.69; Jail, 501,335.06; Jail Work Program, 3,169.20; Coroner, 462.01; Hill City Law, 12,738.83; Keystone Law, 5,047.38; New Underwood – Law, 4,570.05; School Liaison, 16,221.60; Wall Law, 15,045.47; JSC Juvenile Alternative, 8,437.89; CCADP, 131,789.58; Adams House, 37,560.50; Economic Assistance, 56931.70.; Mental & Alcohol-SAO, 8,163.60; Mental & Alcohol-HHS, 3,938.06; Extension, 3,159.37; Weed & Pest, 9,054.03; Mountain Pine Beetle, 6,648.66; Planning and Zoning, 13,405.60; Water Protection, 4,897.42; Ordinance, 3,548.80; Juvenile Services Center, 176,499.74; Road & Bridge, 183,968.84; Drug Seizure, 2,101.73; Fire Administration, 6,930.79; Dispatch, 162,144.31; Emergency Management, 5,649.50; 24-7 Program, 21,897.52.

VOUCHERS

Amerigas, 110.40; BH Power Inc, 58,288.23; BH Power Inc, 64.50; BH Power Inc, 105.75; Century Link, 7,634.11; City of Rapid City -Water, 239.72; City Of Rapid City -Water, 11,792.00; Delta Dental of South Dakota, 25,909.20; Global Tel'link, 48.79; Golden West Companies, 274.01; Midcontinent Communications, 332.62; Montana Dakota Utilities, 118.43; Montana Dakota Utilities, 11,052.90; Orbitcom Inc, 47.93; Rainbow Gas Company, 8,207.63; Reliance Telephone Inc, 4.85; RR Waste Solutions, 58.64; SDN Communications, 754.80; Sun Life Financial, 65,180.29; The Hartford, 2,108.05; Verizon Wireless, 526.29; West River Electric, 78.07; Wimactel Inc, 60.00; WOW Internet Cable And Phone, 250.00.

ADJOURN

MOVED by Ferebee and seconded by Hadcock to adjourn the meeting. Roll Call Vote: Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes. There being no further business, the meeting was adjourned at 11:55 a.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

Publish: February 18, 2015