

**PROCEEDINGS OF THE PENNINGTON COUNTY
BOARD OF COMMISSIONERS
November 3, 2015**

The Pennington County Board of Commissioners met on Tuesday, November 3, 2015, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chairperson Lyndell Petersen called the meeting to order at 9:05 a.m. with the following Commissioners present: George Ferebee, Deb Hadcock and Nancy Trautman. Commissioner Ron Buskerud was not in attendance.

APPROVAL OF THE AGENDA

MOVED by Trautman and seconded by Hadcock to continue Item 16, Suspension of Rules (Policy), to the November 17, 2015, meeting. The motion carried 3-1 with Ferebee opposing.

MOVED by Ferebee to remove Item 17, Ordinance No. 654 - Proposed Wheel Tax Fact Sheet. The motion died for lack of a second.

MOVED by Trautman seconded by Hadcock to approve the agenda as amended. The motion carried 3-1 with Ferebee opposing.

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 remove Items 10 and 14 for separate consideration and approve the consent agenda as amended. Vote: Unanimous.

6. Approve the minutes of the regular Board of Commissioners' meeting held October 20, 2015, as submitted.
7. Approve the vouchers located 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 \$6,854,729.55.
8. Authorize the release of the outstanding balance of \$3,359 from General Fund Promissory Notes not collected since December 31, 2005, as submitted by the Auditor.
9. Authorize Buildings and Grounds to advertise for bids for solid waste collection.
10. Removed for separate consideration.
11. Authorize Health & Human Services to apply for the Bush Foundation Community Innovation Grant in the amount of \$200,000.
12. Approve the 2016 Elected Officials Base Wages as submitted by Human Resources.
13. Approve the Snow Removal Agreement between Pennington County and Edelweiss Mountain Improvement Association for snow removal on certain roads at \$35 per hour, and authorize the Chairperson's signature.
14. Removed for separate consideration.

Removed for Separate Consideration

10. (SP-15-008) MOVED by Hadcock and seconded by Trautman to schedule a hearing at 9:15 a.m. on Tuesday, November 17, 2015, to supplement the General Fund Court Appointed Attorney budget in the amount of \$350,000 from unassigned fund balance. Vote: Unanimous.
14. MOVED by Trautman and seconded by Hadcock to declare surplus for the purpose of trade, five (5) X26 TASERS and the peripheral equipment as requested by the Sheriff. TASER Serial numbers are X00-430885, X00-020003, X00-045419, X00-349297 and X00-657988. Vote: Unanimous.

End of Consent Agenda

APPLICATION FOR CONDEMNATION OF AN EASEMENT FOR AN ISOLATED TRACT PURSUANT TO SDCL CHAPTER 31-22 – ACROPOLIS HOLDINGS LLC:

MOVED by Hadcock to declare Parcel 16142 to be an isolated tract pursuant to SDCL 31-22-1. The motion died for lack of a second.

MOVED by Ferebee and seconded by Trautman to postpone this matter until such time as SDCL 31-22-2 has been complied with. The motion was unanimous on a roll call vote: Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

ORDINANCE NO. 654 – AN ORDINANCE IMPOSING A COUNTY WHEEL TAX AND PROVIDING FOR THE ADMINISTRATION AND COLLECTION THEREOF

- A. PROPOSED WHEEL TAX FACT SHEET: MOVED by Trautman and seconded by Hadcock to acknowledge the Wheel Tax Fact sheet. The motion carried 3-1 on a roll call vote: Ferebee – no, Hadcock – yes, Trautman – yes, Petersen – yes.

ITEMS FROM AUDITOR

- A. PUBLIC HEARING – ALCOHOLIC BEVERAGE RENEWALS: MOVED by Hadcock and seconded by Trautman to approve the renewal applications for retail (on-sale) liquor license with Sunday opening and retail (on-off sale) wine licenses as listed below. Vote: Unanimous.

Renewal Of Retail (On-Sale) Liquor License With Sunday Opening For 2016

Central States Fair Inc., Central States Fair, Inc.
Country Inn Bar & Casino, The Covington Consulting Group, Inc.
Moonshine Gulch Saloon, Betty Harn.
Mount Rushmore National Memorial, Xanterra Parks & Resorts Inc.
Ponderosa Restaurant & Lounge, Jaegyn Enterprises, Inc.
Powder House Lodge, Powder House Lodge LLC.
Rimrock Happy Tavern, Rimrock Holdings LLC.
Sally O’Malleys Pub & Casino, KJL, Inc.
Sweet Grass Bed & Breakfast/Shipwrecked Lee’s, MRH Services.
The Gaslight, Rockin’4 LLC.

Renewal Of Retail (On-Off Sale) Wine License For 2016

Black Forest Inn Bed & Breakfast, Black Forest Inn Bed & Breakfast Lodge, Inc.
Black Hills Receptions & Rentals, Black Hills Receptions & Rentals LLC.
Country Store At The Fork, The Covington Consulting Group, Inc.

Dalcam EZ Mart, Dalcam Oil Company Inc.
High Country Guest Ranch, Blended Arrow LLC.
Mt Rushmore KOA, Recreational Adventures Co.
Powder House Lodge, Powder House Lodge LLC.
Reptile Gardens, Black Hills Reptile Gardens, Inc.
Winery Hill City LLC, Winery Hill City LLC.

ITEMS FROM FIRE ADMINISTRATOR

- A. FIRE ALARM EVACUATION PLANS – NEW COUNTY ADMINISTRATION BUILDING

ITEMS FROM BUILDINGS & GROUNDS

- A. PUBLIC SAFETY BUILDING RE-PURPOSE PROJECT – BID AWARD: MOVED by Hadcock and seconded by Trautman to accept the MAC Construction Inc., bid for a total of \$495,000 as the lowest responsible bid and further moved to authorize the Chairperson's signature to a construction contract with MAC Construction Inc., as required by bid documents for the Public Safety Building Re-Purpose Project. The motion carried 3-1 with Ferebee opposing. Bid documents are available at Buildings & Grounds.

ITEMS FROM BOARD OF ADJUSTMENT

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

- A. VARIANCE / VA 15-25: Teresa Hastings. To reduce the minimum required front yard setback requirement from 25 feet to 10 feet in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 15R, Block 6, Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Hadcock to approve Variance / VA 15-25, reducing the front yard setback to 15 feet instead of the requested 10 feet, and further moved to include three (3) conditions. Substitute motion: MOVED by Ferebee to continue this item until the applicant can meet with an architect. The motion died for lack of a second.

Roll call vote: Ferebee – yes, Hadcock – yes, Trautman – yes, Petersen – yes.

1. That this Variance only applies for the single-family residence to be constructed on the subject property. All other structures must maintain the proper setback and easement requirements or obtain separate Variance(s);
2. That a Building Permit be obtained prior to construction of the single-family residence, which requires a site plan to be reviewed and approved by the Planning Director; and,
3. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Variance / VA 15-25, which is available at the Planning Office.

MOVED by Trautman and seconded by Hadcock to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

PLANNING & 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 Hadcock to approve the Planning & Zoning consent agenda items as presented. Vote: Unanimous.

- A. SECOND READING OF REZONE / RZ 15-12 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-11: Chelsea “Chuck” and Donna Ferguson. To rezone 0.914 acre from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Highway Service District in accordance in accordance with Section 508 of the Pennington County Zoning Ordinance.

ORDINANCE NO. RZ 15-12

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:

Commencing from the southeast corner of Tract G of Guyette Placer M.S.1489 located in SW1/4SW1/4 of Section 18, T2S, R7E, B.H.M. Pennington County, South Dakota. Thence around a right hand curve along the south right-of-way line of Highway 40 with a length of 48.27', a radius of 879.93', a chord bearing of S42°51'20"E and a chord distance of 48.26' to the Point of Beginning and northeast corner of proposed Lot 3 of Rushmore Cave Subdivision. Thence continuing around the same right-hand curve with a length of 131.33', a radius of 879.93', a chord bearing of S37°00'41"E and a chord length of 131.21' to a point on the line between a portion of Govt. Lot 4 and Lot B of Govt. Lot 4 thence N78°43'55"W a distance of 39.24' to the northern corner between Lot B and Tract A of Govt. Lot 4, thence N85°35'07"W along the northern boundary of Tract A a distance of 211.90' to a the northwest corner of Tract A, thence S8°11'00"W along the western boundary of Tract A a distance of 417.20' to a point, thence S4°18'07"E a distance of 200.00' to a point , thence S12°37'03"E a distance of 57.47' to a point, thence N85°17'00"W a distance of 78.20' to the south west corner of Proposed Lot 3 of Rushmore Cave Subdivision, thence N5°50'00"E a distance of 668.30' to a point coinciding with the northwest corner of proposed Lot 3 of Rushmore Cave Subdivision, thence N69°51'11"E a distance of 226.47' to the Point of Beginning. Said Parcel containing 0.914 acres more or less.

The above-described property is hereby rezoned General Agriculture District to Highway Service District.

Dated this 3rd day of November, 2015.

PENNINGTON COUNTY COMMISSION

/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)

/s/ Julie A. Pearson, Auditor

EXECUTIVE SESSION per SDCL 1-25-2

The Chairperson announced there was no need for executive session.

PERSONNEL

Emergency Services Communications Center: Effective 10/19/2015 – Kaley Ricke at \$20.34/hr. and Richard Schneider, at \$18.45/hr.

PAYROLL

Commissioners, 13,703.94; Human Resources, 6,504.30; Elections, 14,843.57; Auditor, 21,060.11; Treasurer, 52,052.25; IT, 44,687.61; State's Attorney, 144,474.73; Public Defender, 126,694.11; VAWA Grant, 28,829.57; Juvenile Diversion, 10,828.78; VOCA, 5,645.36; Buildings & Grounds, 114,057.30; Equalization, 77,516.48; Register of Deeds, 25,273.38; Sheriff, 338,737.99; Service Station, 8,201.87; HIDTA Grant, 8,905.45; Jail, 547,701.51; Jail Work Program, 3,630.96; Jail Medical, 10,400.00; Coroner, 462.01; Hill City Law, 12,422.05; Keystone Law, 5,071.52; New Underwood – Law, 4,594.20; School Liaison, 16,370.11; Wall Law, 12,293.27; JSC Juvenile Alternative, 8,254.39; CCADP, 127,875.08; Adams House, 32,138.68; Economic Assistance, 60,792.31; Mental & Alcohol-SAO, 8,163.60; Mental & Alcohol-HHS, 3,938.06; Extension, 2,430.40; Weed & Pest, 9,140.29; Mountain Pine Beetle, 7,025.60; Planning and Zoning, 19,570.23; Water Protection, 5,863.99; Ordinance, 2,440.00; Juvenile Services Center, 183,090.21; Road & Bridge, 179,621.64; Fire Administration, 6,976.41; Dispatch, 183,045.60; Emergency Management, 8,396.30; 24-7 Program, 22,831.14.

VOUCHERS

AT&T Mobility, 166.02; BH Ammunition Inc, 5,200.00; BH Power Inc, 270.20; BH Power Inc, 487.78; BH Power Inc, 558.03; Boot Barn Inc, 335.01; Century Link, 321.09; Century Link, 3.61; City of Box Elder, 442.78; City of Hill City, 26.74; City of Rapid City -Water, 14,588.07; City of Rapid City -Water, 4538.27; City of Wall, 139; Executive Mgmt Fin Office, 24; First American Title Co, 3,923,244.26; First Interstate Bank, 4671.98; Medical Waste Transport Inc, 129.82; Montana Dakota Utilities, 3,046.86; Montana Dakota Utilities, 625.07; Reliance Telephone Inc, 7.48; US Bank Na, 2,639,785.76; Vast Broadband, 530.90; Vast Broadband, 4601.91; Verizon Wireless, 831.89; Verizon Wireless, 5434.94; Wellmark, 23,828.79; Wellmark, 58,471.12; Wellmark, 97,472.72; Wellmark, 64,619.68; West River Electric, 265.77; Wimactel Inc, 60.00.

ADJOURN

MOVED by Hadcock and seconded by Trautman to adjourn the meeting. Vote: There being no further business, the meeting was adjourned at 11:45 a.m.

Julie A. Pearson, Auditor

Published once at a cost of ____.

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