

**PROCEEDINGS OF THE PENNINGTON COUNTY
BOARD OF COMMISSIONERS
December 1, 2015**

The Pennington County Board of Commissioners met at 9 a.m. on Tuesday, December 1, 2015, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chairperson Lyndell Petersen called the meeting to order with the following Commissioners present: Ron Buskerud, George Ferebee, Deb Hadcock and Nancy Trautman.

APPROVAL OF THE AGENDA

MOVED by Buskerud seconded by Trautman to remove Item 19 A under Items From Auditor, *Resolution Relating to Lease-purchase of County Buildings*, 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 Buskerud to approve the consent agenda as presented. Vote: Unanimous.

5. Approve the minutes of the regular Board of Commissioners' meeting held November 17, 2015, as submitted.
6. 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 \$420,553.67.
7. Year End Budget Supplements Supported by Revenues: Set a public hearing on December 15, 2015, at 9:15 a.m. to supplement the General Fund Election budget in the amount of \$217,363, the Juvenile Diversion budget in the amount of \$34,000, Jail budget in the amount of \$170,000 and the Weed & Pest budget in the amount of \$10,000 from non-budgeted revenues received in 2015.
8. Year End General Fund/Emergency Management Budget Supplements: Set a public hearing on December 15, 2015, at 9:15 a.m. to supplement the General Fund Jail budget in the amount of \$20,000 the Jail Medical budget in the amount of \$64,000, the JSC Juvenile Alternatives budget in the amount of \$70,000 from unassigned fund balance in the General Fund, to supplement the General Fund Economic Assistance Budget in the amount of \$250,000 from the assigned Emergency and Indigent Care reserve, and the Emergency Management Fund Operating budget in the amount of \$35,000 from restricted fund balance.
9. Year End Capital Projects Fund Budget Supplements: To set a public hearing on December 15, 2015 at 9:15 a.m. to supplement the Capital Projects Building Fund Admin budget in the amount of \$50,000 and the 300 Block of Kansas City Street/Quincy Street building and land acquisition in the amount of \$4,325,000 from Bond Proceeds.

10. Year End Capital Projects Fund Budget Supplements: Set a public hearing on December 15, 2015 at 9:15 a.m. to supplement the Capital Projects Fund Administration Building for \$69,826 from restricted fund balance (2010 A BAB) in the Capital Projects Fund.
11. Approve the increase in the Sheriff's Office Training Officer Differential Pay to \$.75 per hour effective December 20, 2015.
12. Authorize the Chairperson's signature to the Waste Disposal Services Contract dated November 20, 2015, with Waste Connections of South Dakota d/b/a Kieffer Sanitation as submitted by Buildings and Grounds.
13. Acknowledge the purchase of Courthouse Water Cooled Chiller utilizing The Cooperative Purchasing Network (TCPN), Contract No. 32-260687-15-001, from Trane U.S. Inc., 3500 First Avenue, Suite 150, Sioux Falls, SD 57105, in the amount of \$74,537.
14. Approve the County Meeting Recording Policy as amended.
15. Approve the Commission Cell Phone Stipend Policy as presented.
16. Declare surplus for the purpose of trade, one Sharp Copier Model AR-350U, Capital Asset #5572 as submitted by the Department of Equalization.

End of Consent Agenda

COUNTY CARES PRESENTATION

Pennington County Direct Payment Plan for Taxes – Treasurer Janet Saylor

EXECUTIVE PROCLAMATION

MADD'S Law Enforcement Officer Appreciation, Candlelight Vigil and Red Ribbon Campaign: MOVED by Trautman and seconded by Buskerud to approve the Chairperson's signature to the Executive Proclamation in support of MADD's Law Officer Appreciation, Candlelight Vigil and Red Ribbon Campaign. Vote: Unanimous.

ITEMS FROM AUDITOR

- A. RESOLUTION RELATING TO LEASE-PURCHASE OF COUNTY BUILDINGS AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND AUTHORIZING CERTIFICATES OF PARTICIPATION – This item as removed during approval of the agenda.
- B. PUBLIC HEARING – WINE RETAIL (ON-OFF SALE) LICENSE RENEWAL: MOVED by Hadcock and seconded by Trautman to approve the renewal of the Wine Retail (On-Off Sale) licenses for Dollar General Store #15207, Dolgen Midwest LLC, and Prairie Berry Winery, Prairie Berry LLC. Vote: Unanimous.
- C. PUBLIC HEARING - LIQUOR RETAIL (ON SALE WITH SUNDAY SALES) LICENSE RENEWAL: MOVED by Trautman and seconded by Hadcock to approve the renewal of the Liquor Retail (On Sale with Sunday Sales) license for the Rimrock Event Center. Vote: Unanimous.
- D. PUBLIC HEARING – NEW WINE RETAIL (ON-OFF SALE): MOVED by Trautman and seconded by Hadcock to approve the application for a new Wine Retail (On-Off Sale) license for the Gaslight, Rockin'4 LLC. Vote: Unanimous.

ITEMS FROM BUILDING COMMITTEE

- A. A PROPOSED AGREEMENT FOR PENNINGTON COUNTY TO PURCHASE THE PROPERTY AT 328 AND 328 ½ QUINCY STREET: MOVED by Hadcock and seconded by Trautman to approve the Purchase Agreement between Pennington County and Jerry and Patricia Johnson in the amount of \$160,000 and to authorize the Commission Chairman to sign said agreement and the County Auditor to issue a check for the purchase price plus the County's obligation for any additional fees/costs associated with closing. It was further moved to authorize the Chairman and Auditor to sign any and all additional documents necessary to carry out the purpose and intent of the Agreement. The motion carried 3-2 with Buskerud and Ferebee opposing.

ITEMS FROM EQUALIZATION

- A. ABATEMENT APPLICATION – SD ELLSWORTH DEVELOPMENT AUTHORITY: MOVED by Hadcock and seconded by Trautman to approve the (2014) abatement for South Dakota Ellsworth Development Authority, Tax ID 15310, in the amount of \$1540.72. Vote: Unanimous.
- B. ABATEMENT APPLICATION – MS. BARBARA MACY: MOVED by Hadcock and seconded by Trautman to approve the (2014) abatements for Barbara K. Macy, Tax ID 21471, in the amount of \$1063.98 and Tax ID 21468 in the amount of \$3.90. Vote: Unanimous.
- C. ABATEMENT APPLICATION – CHASE MANHATTAN: MOVED by Trautman and seconded by Hadcock to approve the (2014) abatement for Chase Manhattan, Tax ID 8010527, in the amount of \$798.36. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. FIVE YEAR CONSTRUCTION PLAN: MOVED by Trautman and seconded by Hadcock to adopt the Highway Department's Five-Year Plan with corrections and authorize the Chairperson's signature. The motion carried 4-1 with Ferebee opposing.

ITEMS FROM WEED & PEST

- A. USFS STEWARDSHIP AGREEMENT UPDATE AND REQUEST FOR SIGNATURE AUTHORITY: MOVED by Hadcock and seconded by Trautman that Scott Guffey be an authorized signature representative on the Supplemental Project Agreements under the Forest Service Master Stewardship Agreement (FS Agreement No. 15-SA-11020306-037). Vote: Unanimous.

Planning & Zoning items are advertised for 10:30 a.m.; therefore, the Board of Commissioners moved Executive Session ahead on the agenda.

EXECUTIVE SESSION per SDCL 1-25-2

MOVED by Hadcock and seconded by Trautman to convene in executive session. Vote: Unanimous. The Board remained in executive session from 9:35 a.m. until 10:29 a.m.

- A. Personnel Issue per SDCL 1-25-(1)
Annual Department Head Evaluations (2)
- B. Contractual/Pending Litigation per SDCL 1-25-2(3)

MOVED by Trautman and seconded by Hadcock to adjourn from executive session. 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 Buskerud to approve the Planning & Zoning consent agenda items A-D as presented. Vote: Unanimous.

- A. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-14 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-13: David and Lora Moore. To rezone 7.82 acres (Lot 5) from General Agriculture District to Low Density Residential District and to rezone 2.00 acres (Lot 6) from General Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Light Industrial District to Low Density Residential District and Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 5 and Lot 6, G-S Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

Approve Rezone / RZ 15-14 and Comprehensive Plan Amendment / CA 15-13.

- B. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 15-13 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-12: Larry Teuber; Renner Associates – Agent. To rezone 1.309 acres from Limited Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban 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: S54°32'59"E, along the northerly boundary of said Lot 2R2, common to the southerly edge of said right-of-way, a distance of 76.84 feet; Thence, second course: S03°31'20"E, a distance of 78.16 feet; Thence, third course: S40°44'38"W, a distance of 159.24 feet; Thence, fourth course: S55°09'16"W, a distance of 191.40 feet; Thence, fifth course: S26°00'20"W, a distance of 33.00 feet, a point on the southerly boundary of said Lot 2R2; Thence, sixth course: N63°59'40"W, along the southerly boundary of said Lot 2R2, a distance of 116.10 feet, to a corner on the westerly boundary of said Lot 2R2; Thence, seventh course: N26°00'15"E, along the westerly boundary of said Lot 2R2, a distance of 33.00 feet, to a corner on the westerly boundary of said Lot 2R2, common to the southeasterly corner of said Lot 1R; Thence, eighth course:

N44°38'45"E, along the westerly boundary of Lot 2R2, common to the easterly boundary of said Lot 1R, a distance of 423.99 feet, to the said point of beginning. Said Parcel contains 1.309 acres more or less.

Approve Rezone / RZ 15-13 and Comprehensive Plan Amendment / CA 15-12.

- C. MINOR PLAT / PL 15-26: Stacey Titus. To reconfigure lot lines to create Lots 4R, 5R, and 6R of Morse Subdivision #4 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5, and 6 less the South 180 feet thereof, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4R, 5R, and 6R, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

Approve Minor Plat / PL 15-26 with four (4) conditions.

1. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
2. That prior to filing the Plat with the Register of Deeds, the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the requirements of SDAR 74:53:01:16 for the on-site wastewater treatment system on proposed Lot 4R;
3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
4. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-26, which is available at the Planning Office.

- D. SUBDIVISION REGULATIONS VARIANCE / SV 15-15: Stacey Titus. To waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5, and 6 less the South 180 feet thereof, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4R, 5R, and 6R, Morse Subdivision #4, Section 8, T1N, R6E, BHM, Pennington County, South Dakota

Approve a portion of Subdivision Regulations Variance / SV 15-15 to waive submittal of: (1.) Requirement for street paving improvements; (2.) Requirement for sewer and water main design and construction; and, (3.) Requirement for installation of utility conduits and sidewalks.

Deny a portion of Subdivision Regulations Variance / SV 15-15 to waive submittal of the following requirement, based on approval being needed from the South Dakota Department of Environment and Natural Resources for the requirements of SDAR 74:53:01:16 for proposed Lot 4R: (4.) Minimum lot size requirements.

PLANNING & ZONING REGULAR AGENDA ITEMS

E. VACATION OF SECTION LINE RIGHT-OF-WAY/ VS 15-02: Hart Ranch Camping Resorts. To vacate that portion of Section Line Right-of-Way lying in Hart Ranch Camping Resort Parcel of Hart Ranch Development Subdivision located between Sections 18 and 19, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Trautman to approve Vacation of Section Line Right-of-Way / VS 15-02 with six (6) conditions. Vote: Unanimous.

1. That prior to the Vacation of Section Line Right-of-Way being filed with the Register of Deeds, "Exhibit A" be changed to reflect the comments of the Register of Deeds;
2. That the applicant submits an original Vacation Instrument prepared by a registered professional engineer or surveyor, stamped and marked as "Exhibit A";
3. That approval of this vacation of Section Line Right-of-Way does not constitute a setback variance to lot lines on the subject property;
4. 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;
5. That prior to the Vacation of Section Line Right-of-Way being filed with the Register of Deeds, the applicant will enter into discussions and reach an agreement with the affected landowners when a road is to be constructed between the affected portions of Section 18 and Section 19; and,
6. That the applicant signs the Statement of Understanding (SOU) for vacation of Section Line Right-of-Way / VS 15-02 within ten (10) business days of approval. The SOU is available at the Planning Department.

F. THE SPRING CREEK WATERSHED MANAGEMENT AND PROJECT IMPLEMENTATION PLAN – SEGMENT 3 – AMENDED GRANT AGREEMENT: MOVED by Hadcock and seconded by Trautman to approve the Chairperson's signature on the Spring Creek Watershed and Implementation Project – Segment 3 Amended Grant Agreement and its submission to the South Dakota Department of Environment and Natural Resources. A substitute motion by Ferebee to give the Spring Creek Watershed funds back to the State and end the project died for lack of a second. The motion carried 4-1 with Ferebee opposing.

G. DISCUSSION OF ORDINANCE AMENDMENTS

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 20, 2015: Total balances of checking/savings accounts, \$26,942,891.42; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,589,742.73; Total Prime Value

Investment, \$19,354,058.67; Total petty cash, \$12,205.00; Total Cash Items, \$20.00; Total long/short, (\$586.24); Total, \$49,908,331.58. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Emergency Services Communications Center: Effective 11/22/2015 – Caitlin Vander Heide, \$18.45/hr.; Effective 11/30/2015 at \$16.74/hr. – Kyla Bauer, JoAnna Winters, Courtney Wood and Alleah Weygaerts.

Highway Department: Effective 12/1/2015 – Robert Emme, \$5,106.40/month and Raymond Kirksey, \$4567.33/month.

Information Technology: Effective 11/22/2015 – Nathan Mertes, \$23.56/hr.; Effective 11/30/2015 – Ryan Howard, \$17.57/hr.

PAYROLL

Commissioners, 14,381.91; Human Resources, 8,718.30; Elections, 16,322.59; Auditor, 22,703.52; Treasurer, 51,928.37; IT, 41,199.05; State's Attorney, 158,048.44; Public Defender, 131,037.29; VAWA Grant, 30,422.37; Juvenile Diversion, 13,371.26; VOCA, 5,645.36; Buildings & Grounds, 142,282.88; Equalization, 93,885.04; Register of Deeds, 27,767.42; Sheriff, 419,679.00; Service Station, 12,875.17; HIDTA Grant, 11,289.80; Jail, 658,474.79; Jail Work Program, 4,348.68; Jail Medical, 10,400.00; Coroner, 462.01; Hill City Law, 15,784.23; Keystone Law, 6,303.51; New Underwood – Law, 5,654.87; School Liaison, 20,170.72; Wall Law, 14,688.12; JSC Juvenile Alternative, 10,584.76; CCADP, 161,293.28; Adams House, 39,432.59; Economic Assistance, 63,405.50; Mental & Alcohol-SAO, 9,274.80; Mental & Alcohol-HHS, 3,938.06; Extension, 3,038.00; Weed & Pest, 10,031.28; Mountain Pine Beetle, 8,782.00; Planning and Zoning, 22,798.61; Water Protection, 7,330.00; Ordinance, 3,742.56; Juvenile Services Center, 211,939.17; Road & Bridge, 221,467.73; Fire Administration, 7,222.43; Dispatch, 215,919.65; Emergency Management, 9,418.27; 24-7 Program, 27,450.63.

VOUCHERS

BH Power Inc, 47.69; City Of Rapid City -Water, 89.75; Montana Dakota Utilities, 248.59; Verizon Wireless, 467.85; Rainbow Gas Company, 945.76; Pioneer Bank & Trust, 13,259.85; Executive Mgmt Fin Office, 24.00; Century Link, 7,831.84; Kieffer Sanitation/A Waste Management Co, 1,858.08; RR Waste Solutions, 58.64; WEX Bank, 1,105.03; SDN Communications, 769.60; Vast Broadband, 893.96; Boot Barn Inc, 119.36; Wellmark, 13,427.90; Wellmark, 72,016.97; Wellmark, 74,391.23; Wellmark, 72,551.57; IIARC, 160,446.00.

ADJOURN

MOVED by Buskerud and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 10:55 a.m.

Julie A. Pearson, Auditor
Published once at a cost of ____.
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