

**PROCEEDINGS OF THE PENNINGTON COUNTY
BOARD OF COMMISSIONERS
February 2, 2016**

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, February 2, 2016, 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: George Ferebee, Deb Hadcock and Nancy Trautman. Commissioner Ron Buskerud joined by videoconference. Pursuant to SDCL 1-25-1, votes were taken by roll call vote.

REVIEW AND APPROVE AGENDA

MOVED by Trautman and seconded by Hadcock to approve the agenda as presented. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

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 at the request of a board member or citizen for separate consideration.

MOVED by Hadcock and seconded by Ferebee to remove Item 8 & 9 and approve the Consent Agenda as amended. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

5. Approve the minutes of the regular Board of Commissioners' meeting held January 19, 2016, 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 \$243,368.37.
7. Formalize and approve the suspension and debarment procedure as presented. (Auditor)
8. Removed for separate consideration.
9. Removed for separate consideration.
10. Approve the request from Health & Human Services to apply for the John T. Vucurevich Foundation Grant in the amount of \$50,000.

Removed for Separate Consideration

8. MOVED by Hadcock and seconded by Trautman to approve the budgeted purchase of one new 2016 Chevrolet Tahoe using the State bid list Contract #16866, Billion Auto, PO Box 91440, Sioux Falls, SD 57109, in the amount of \$34,948. A substitute motion by Ferebee to delay the purchase of the new vehicle at least one year died for lack of a second. The motion carried 4-1 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.
9. MOVED by Trautman and seconded by Buskerud to approve the resolution authorizing a fire protection agreement and designation of personnel with authority to request fire suppression assistance from the SD Department of Agriculture. A substitute motion

by Ferebee to reduce the number of positions allowed to commit funds from the fire administration fund be pared down to no more than four positions died for lack of a second. The main motion carried 4-1 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

**PENNINGTON COUNTY COMMISSION RESOLUTION - AUTHORIZING A
FIRE PROTECTION AGREEMENT AND DESIGNATION OF PERSONNEL
WITH AUTHORITY TO REQUEST FIRE SUPPRESSION ASSISTANCE**

WHEREAS, the State of South Dakota may enter into cooperative agreements with counties for the provision of assistance in fire prevention and suppression efforts pursuant to SDCL §§ 41-20A-10, 41-20A-11, 41-20A-12 and the Joint Powers provisions of SDCL Chap. 1-24, and

WHEREAS, Pennington County may cooperate with the Secretary of Agriculture for the protection of range, farm and forest lands in Pennington County from fire pursuant to SDCL §§ 34-31-1, 34-31-2 and the Joint Powers provisions of SDCL Chap. 1-24, and

WHEREAS, such cooperative assistance between the State of South Dakota and Pennington County is highly desirable and increases the effectiveness of the protection of range, farm and forest lands in Pennington County from wildfire, and

WHEREAS, pursuant to SDCL § 41-20A-11 the South Dakota Wildland Fire Coordinator may assist in the suppression of rangeland fires within the county upon request of a Board of County Commissioners or its designee, and

WHEREAS, the South Dakota Wildland Fire Coordinator has requested that a person(s) be officially designated by the Pennington County Commission to make such requests, and

WHEREAS, at the time of a fire emergency there is insufficient time to convene the Board of Pennington County Commissioners to make such requests, and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Pennington County Board of Commissioners that Pennington County enter into a County Rangeland Fire Protection Agreement with the State of South Dakota Department of Agriculture to cooperate in fire prevention and suppression efforts, and

BE IT HEREBY FURTHER RESOLVED, that the list of individuals set forth below are hereby authorized to request assistance, on behalf of Pennington County, for suppression of rangeland fires within Pennington County as specified in SDCL § 41-20A-11. The authority to request assistance as herein provided shall continue in full force and effect until terminated or modified by resolution of the Pennington County Board of Commissioners.

Pennington County Fire Assistance Authorization:			
Effective: February 2, 2016			
Individual	Position	Office Phone	Emergency Phone
Dennis Gorton	Fire Administrator	394-5367	394-4139
Jeremy Walla Whispering Pines Asst. Chief	Chair, Fire Service Board	390-2619	394-4139
Todd Tobin Silver City Asst. Chief	Vice-chair, Fire Service Board	484-5795	394-4139
Lyndell Petersen	Chair, County Commission	394-2171	394-4139
Dustin Willett	Emergency Management Coord.	394-2185	394-4139
Alexa White	Asst. Emergency Management Coord.	394-2185	394-4139
Kevin Thom	Sheriff	394-6113	394-2151
Capt. Jay Evenson	Deputy Sheriff	394-6113	394-2151
Chief Deputy Brian Mueller	Deputy Sheriff	394-6113	394-2151
Capt. Marty Graves	Deputy Sheriff	394-6113	394-2151
Capt. Cory Brubakken	Deputy Sheriff	394-6113	394-2151
Chief Deputy Willie Whelchel	Deputy Sheriff	394-6113	394-2151
Ted Ruffedt	Asst. Director, ESCC	394-6794	394-4139

Duly passed and adopted at a regular meeting of the Pennington County Commission on the 2nd day of February, 2016.

PENNINGTON COUNTY COMMISSION:

ATTEST:

/s/ Lyndell Petersen, Chairperson

/s/ Julie A. Pearson
Pennington County Auditor

End of Consent Agenda

COUNTY CARES PRESENTATION – THE CRISIS CARE CENTER – Barry Tice

LIEN REQUEST (IW)

- A. MOVED by Hadcock and seconded by Trautman to remove IW from the joint lien account for AGW and IW (Names withheld per SDCL 28-13-42). The total of the account is \$2824.00. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

ITEMS FROM AUDITOR

- A. TAX DEED PROPERTY ID 58801 – LOT 5 BLOCK 2 FOUNTAIN SPRINGS SUB:
MOVED by Trautman and seconded by Hadcock to declare Parcel ID 58801, described as Lot 5 Block 2, Fountain Springs Subdivision as surplus for sale. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

MOVED by Trautman and seconded by Hadcock to publish the sale of the property for two weeks and sell by sealed bids, with the opening of the bids to be held March 15, 2016. A substitute motion by Ferebee to appoint a person licensed by the state to do appraisals to appraise the property and file the report with the County Auditor died for lack of a second.

Commissioners Trautman and Hadcock agreed to amend the original motion to add that the Chairperson will appoint three property owners to appraise the property and file their report with the County Auditor. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

- B. PROPERTIES OWNED JOINTLY WITH CITY OF RAPID CITY

MOVED by Hadcock and seconded by Trautman to request that the City of Rapid City review the list of jointly owned properties in the area along Highway 44 for possible acceptance and transfer of Pennington County’s ownership interest. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

- C. PARLIAMENTARY PROCEDURE AND RECORDING OF VOTES:

MOVED by Ferebee to make no change to the method used for tallying and recording votes for the minutes. The motion died for lack of a second.

MOVED by Hadcock and seconded Trautman that the Chair will state the vote tally including “no vote heard from (Commissioner’s name)” and report the vote of the others, with any disagreement discussed immediately after the Chairperson announces the vote. It was further moved to approve an exception to *Robert’s Rules of Order* that a Commissioner wishing to abstain, should make a statement of his/her intention prior to the discussion and vote on an issue. The motion carried 4-1 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

COMMISSION POLICY/PROCEDURE ON VOUCHER APPROVAL

MOVED by Hadcock and seconded by Trautman to adopt the Commission Policy/Procedure on Voucher Approval as presented. A substitute motion by Ferebee to defer action on this item to a later meeting died for lack of a second. The original motion carried 4-1 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

ITEMS FROM STATE’S ATTORNEY

- A. COUNTY PURCHASE OF REAL ESTATE LOCATED AT 718 4TH STREET AND 322 QUINCY STREET – This information item will be brought back for a vote on February 16, 2016.

ITEMS FROM BUILDINGS & GROUNDS

- A. **COUNTY DONATION OF CERTAIN GYMNASIUM EQUIPMENT LOCATED IN THE OLD NAU BUILDING PURSUANT TO SDCL 7-29-26:** MOVED by Trautman and seconded by Hadcock to donate the basketball court and equipment in the old NAU building to St. Pauls Lutheran Church with the condition that Buildings & Grounds supervise the removal of the property, including setting the time and manner of removal. Commissioners Trautman and Hadcock agreed to withdraw the motion for clarification.

MOVED by Trautman and seconded by Hadcock to declare the basketball court and equipment in the old NAU building as surplus for donation to St. Pauls Lutheran Church and further moved that Buildings and Grounds oversee the removal of the gymnasium equipment, including setting the time and manner of removal. Roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye. The motion failed because SDCL 7-29-26 requires a unanimous vote of the Commissioners to allow the donation of County property.

MOVED by Ferebee to surplus the gymnasium equipment and flooring for auction. The motion died for lack of a second.

MOVED by Trautman and seconded by Hadcock to postpone this item to next meeting and have the State’s Attorney, Buildings & Grounds and Commission Office provide a report of the potential costs for advertising, staff time, auctioneer, removal, and fees at the landfill. The motion carried 3-2 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – no. (This motion was rescinded later in the meeting.)

MOVED by Buskerud and seconded by Hadcock to declare surplus the gymnasium equipment located in the old NAU building and schedule an auction to sell all items as one lot on March 15, 2016, and further moved that the required legal notices state that the removal of the equipment will be done by the buyer by the deadline provided by Buildings & Grounds. The motion carried 4-1 on roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

ITEMS FROM HIGHWAY DEPARTMENT

- A. **NORRIS PEAK – RESPONSE TO MS. GLORINE HUNT - INFORMATION ITEM**

UNITED STATES BOARD ON GEOGRAPHIC NAMES – COMMENTS REQUESTED ON PROPOSED NAME CHANGE OF HARNEY PEAK: MOVED by Trautman and seconded by Buskerud to authorize the Chairperson’s signature on a letter to the United States Board of Geographic Names stating that the Board of Commissioners opposes any name change for Harney Peak. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

PLANNING & ZONING

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 consent agenda as presented.
Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

- A. SECOND READING OF REZONE / RZ 15-16: Donald Karras. To rezone 0.994 acres from Low Density Residential District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A portion of Lot AR of Lot 2 Revised of Block 2 of Thovson Subdivison located in the SE1/4 of NE1/4 of Section 19, T2S, R7E, BHM, Pennington County, South Dakota, Beginning at the SW corner of said Lot AR; thence N 57°54'43"W, a distance of 175.99'; thence N 88°15'E; a distance of 521.95'; thence S25°03'19"W; a distance of 109.80'; thence S 88°15'W; a distance of 326.26' to the point of beginning. Said parcel of land contains 0.994 acres more or less.

ORDINANCE NO. RZ 15-16

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:

A portion of Lot AR of Lot 2 Revised of Block 2 of Thovson Subdivison located in the SE1/4 of NE1/4 of Section 19, T2S, R7E, BHM, Pennington County, South Dakota, Beginning at the SW corner of said Lot AR; thence N 57°54'43"W, a distance of 175.99'; thence N 88°15'E; a distance of 521.95'; thence S25°03'19"W; a distance of 109.80'; thence S 88°15'W; a distance of 326.26' to the point of beginning. Said parcel of land contains 0.994 acres more or less.

The above-described property is hereby rezoned Low Density Residential District to Limited Agriculture District.

Dated this 2nd day of February, 2016.

/s/ Lyndell Petersen, Chairperson
Pennington County Board of Commissioners

ATTEST:

/s/ Julie A. Pearson, Auditor

ITEMS FROM CHAIR/COMMISSION MEMBERS

MOVED by Trautman and seconded by Hadcock to rescind the following motion related to the Item, **County Donation of Certain Gymnasium Equipment Located in the Old NAU Building**: *MOVED by Trautman and seconded by Hadcock to postpone this item to next meeting and have the State's Attorney, Buildings & Grounds and Commission Office provide a report of the potential costs for advertising, staff time, auctioneer, removal, and fees at the landfill.* Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

EXECUTIVE SESSION per SDCL 1-25-2

MOVED by Trautman and seconded by Hadcock to convene in executive session. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye. The Board remained in executive session from 11:35 a.m. until 12:15 p.m.

MOVED by Hadcock and seconded by Trautman to adjourn from executive session. Roll call vote: Buskerud – no response, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

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

MOVED by Hadcock and seconded by Trautman to appoint Laurie Wager as the IT Director at \$6,785/month effective 2/2/2016. Roll call vote: Buskerud – no response, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

MOVED by Trautman and seconded by Hadcock to move interim ESCC Director Ted Ruffedt temporarily to Grade 21 Step 23 or \$6932/month effective 2/2/2016 until the ESCC Director is hired. Roll call vote: Buskerud – no response, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

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, 2016: Total balances of checking/savings accounts, \$16,806,898.21; Total balance of Treasurer's Office safe cash, \$10,000; Total certificates of deposit, \$3,589,052.37; Total Prime Value Investment, \$18,346,004.47; Total petty cash, \$12,205.00; Total Cash Items, \$0.00; Total long/short, (\$283.04); Total, \$38,763,877.01. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Health & Human Services: Effective 2/1/2016 – Debi Harding, \$17.60/hr.

State's Attorney: Effective 1/12/2016 – Rheider McCormick, \$17.16/hr.

PAYROLL

Commissioners, 15,002.84; Human Resources, 9,551.24; Elections, 17,097.42; Auditor, 23,944.03; Treasurer, 55,269.94; IT, 44,463.38; State's Attorney, 203,195.78; Public Defender, 138,189.95; Buildings & Grounds, 118,732.23; Equalization, 78,837.17; Register of Deeds, 25,450.92; Sheriff, 437,311.09; HIDTA Grant, 9,033.47; Jail, 546,982.25; JSC, 184,251.96; JSC Juvenile Alternative, 9,458.26; CCADP, 147,396.62; Life Enrichment Center, 29,817.41; Economic Assistance, 66,453.08; Extension, 2,491.20; Weed & Pest, 9,625.37; Mountain Pine Beetle, 6,565.47; Planning and Zoning, 25,276.14; Water Protection, 6,423.91; Road & Bridge,

186,637.33; Fire Administration, 7,206.91; Dispatch, 175,480.27; Emergency Management, 8,889.02; 24-7 Program, 24,999.08.

VOUCHERS

BH Power Inc, 41,586.12; BH Power Inc, 42.00; BH Power Inc, 330.73; Century Link, 7,833.34; Century Link, 321.92; Century Link, 3.67; City Of Box Elder, 91.88; City Of Hill City, 55.29; City Of Rapid City -Water, 110.83; City Of Rapid City-Water, 15,465.91; City Of Wall, 144.50; Kieffer Sanitation/A Waste Management Co, 121.25; Medical Waste Transport Inc, 193.97; Medical Waste Transport Inc, 347.17; Montana Dakota Utilities, 1,374.08; Montana Dakota Utilities, 12,844.64; Rainbow Gas Company, 6,721.84; Vast Broadband, 1,492.05; Vast Broadband, 4,320.92; Verizon Wireless, 480.17; Verizon Wireless, 68.16; Verizon Wireless, 5,455.98; Wellmark, 97,243.43; Wellmark, 33,029.85; Wellmark, 11,072.23; West River Electric, 154.42; West River Electric, 2,402.02; Wimactel Inc, 60.00.

ADJOURN

MOVED by Trautman and seconded by Hadcock to adjourn the meeting. Roll call vote: Buskerud – no response, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye. There being no further business, the meeting was adjourned at 12:16 p.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

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