The Pennington County Board of Commissioners met at 9:05 a.m. on Tuesday, March 1, 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

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.


5. Approve the minutes of the regular February 16, 2016, Board of Commissioners’ meeting as submitted.
6. Removed for separate consideration.
7. Reappoint Paul Paulsen representing Area 3 to the Weed & Pest Board for a three-year term.
8. Removed for separate consideration.

Removed for Separate Consideration
6. MOVED by Hadcock and seconded by Trautman to 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 $472,500.48. The motion carried 4-1 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.
8. MOVED by Trautman and seconded by Hadcock to approve and authorize the Chairperson’s signature to the Bridge Reinspection Program Resolution, requesting the SDDOT to hire Brosz Engineering Inc., Sturgis, SD, to perform Pennington County’s 2016 Bridge Reinspections. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.
BRIDGE REINSPECTION PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Pennington County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire Brosz Engineering, Inc. (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this 1st day of March, 2016, at Rapid City, South Dakota.

BOARD OF COUNTY COMMISSIONERS OF PENNINGTON COUNTY
/s/ Lyndell Petersen, Chairperson

ATTEST: (SEAL)
/s/ Julie A. Pearson, Auditor

End of Consent Agenda

Presentation Of Adopt-A-Highway Program Certificates Of Appreciation
Connie Bertolotto, coordinator of the Adopt-A-Highway program, presented certificates to several organizations that participate in the program: 28th Logistics Readiness Squadron, 28th Security Forces Squadron – Alpha Flight, Cub Scout Pack 74, Phi Eta Signa – SDSM&T, SDSM&T ASME, Western Dakota Insurers, WL Plastics. Other organizations will receive their certificates by mail.

2015 Financial and Compliance Audit – State of South Dakota Department of Legislative Audit – Al Schaefer

County Cares Presentation – Online Property Tax Payment System and Elderly & Disabled Assessment Freezes – Treasurer Janet Sayler

Rapid City Public Library Update – 2015 July, August, September Statistics and End of Year Review

Central States Fair Audit Report – Ron Jeffries, General Manager
PETITION TO REDUCE SPEED LIMIT ON DUNSMORE ROAD – WILLIAM & SALLY KNIGHT: The Board of Commissioners directed the Highway Department to conduct traffic counts and speed checks in the affected area to provide information for future consideration of the request.

ITEMS FROM AUDITOR

ITEMS FROM STATE’S ATTORNEY
A. RESOLUTION – APPOINTMENT OF VICTIM’S ASSISTANCE DIRECTOR FOR PENNINGTON COUNTY: MOVED by Hadcock and seconded by Buskerud to appoint Tracey Dollison Decker as the new Director of Victim’s Assistance and authorize the Chairperson’s signature to the following Resolution. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

PENNINGTON COUNTY RESOLUTION

WHEREAS, the State’s attorney for Pennington County requests that Tracey Dollison Decker be appointed by the Board of County Commissioners to fill the position of Victim’s Assistance Director for Pennington County pursuant to the provisions of SDCL § 23A-28C-7; and

WHEREAS, SDCL § 23A-28C-7 provides that [T]he board of county commissioners may appoint, with the concurrence of the state’s attorney or county sheriff, a victim or witness assistant to assist victims of crime if authorized by the board of county commissioners by resolution entered upon its minutes. The board of county commissioners shall set the compensation for the victim or witness assistant; now

THEREFORE, BE IT RESOLVED by the Pennington County Commission that Tracey Dollison Decker is hereby appointed to the position of Victim’s Assistance Director for Pennington County effective April 1, 2016, at Grade 16 – Step 15 ($4,303 per month).

Duly passed and adopted by the Pennington County Commission on the 1st day of March 2016.

PENNINGTON COUNTY COMMISSION
/s/ Lyndell Peterson, Chairman

ATTEST:
/s/ Julie A. Pearson, Pennington County Auditor
ITEMS FROM EQUALIZATION
A. ABATEMENT APPLICATIONS: MOVED by Trautman and seconded by Hadcock to approve the (2015) abatement applications/refunds as presented by the Director of Equalization. (This motion includes the applications listed under Items A and B). Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

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ITEMS FROM HIGHWAY DEPARTMENT
A. BID AWARD RECOMMENDATIONS - 2016 ANNUAL SUPPLIES: Please note that vendor addresses are only listed one time if there are multiple awards. All bid documents are available at the Highway Department.

MOVED by Trautman and seconded by Buskerud to award annual supplies as recommended by the Highway Department. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

AS 2016-01 Aggregate Materials
- Award Aggregate Materials, Item No. 1, three-inch Ballast (Limestone), to Pete Lien & Sons, Inc., 3401 Universal Drive, Rapid City, SD 57702, and Talley Construction Inc., 24045 Twin Springs Road, Hill City, SD 57745, based on location.
• Award Aggregate Materials – Rapid City Area, Item No. 2, one-inch Base Course Aggregate Material, to Pete Lien & Sons, Inc. and Talley Construction Inc., based on location.
• Award Aggregate Materials - Rapid City Area, Item No. 3, three-quarter inch Base Course Aggregate Material, to Pete Lien & Sons and Talley Construction Inc., based on location.
• Award Aggregate Materials, Item No. 4, Type 2A (3/8 Inch) Bituminous Surface Treatment Aggregate Material, to Pete Lien & Sons, Rapid City, SD.
• Award Aggregate Materials, Item No. 6, Three-quarter Inch Gravel Cushion Aggregate Material, to Pete Lien & Sons, Rapid City, SD.
• Award Aggregate Materials, Item No. 7, three-quarter Inch Gravel Surfacing Aggregate Material, to Talley Construction Inc., Hill City, SD 57745.

AS 2016-02 Asphalt Concrete Composite
• Award Asphalt Concrete Composite to J & J Asphalt, PO Box 7105, Rapid City, SD.
AS 2016-03 Asphalt Maintenance Materials
• Award Asphalt Maintenance Materials to J & J Asphalt, Rapid City, SD.
AS 2016-04 Pre-Cast Concrete and Bridge Products
• Award Pre-Cast Concrete and Bridge Products to Cretex Concrete Products Inc., PO Box 1620, Rapid City, SD. (Only one bid received).
AS 2016-05 Cutback and Emulsified Asphalt
• Award Cutback and Emulsified Asphalt to Hills Materials Company, P.O. Box 2720, Rapid City, SD. (Only one bid received).
AS 2016-06 De-Icing Sand
• Award De-Icing Sand to Pete Lien and Sons, Inc., Rapid City, SD. (Only one bid received).
AS 2016-07 Fencing
• Award Fencing to M & M Fencing, 714 Northridge Drive, Rapid City, SD.
AS 2016-08 Guardrail
• Award Guardrail to Hilt Construction, Inc., PO Box 9338, Rapid City, SD. (Only one bid received)
AS 2016-09 Magnesium Chloride Solution
• Award Magnesium Chloride Solution to Z & S Dust Control System, 22470 Bennett Road, Rapid City, SD 57701. (Only one bid received)
AS 2016-10 Seeding, Fertilizing, Mulching and Erosion Control Blanket
• Award Seeding, Fertilizing, Mulching and Erosion Control Blanket to M & M Fencing.
AS 2016-11 Timber Bridge Materials
• Award Timber Bridge Materials to Wheeler Lumber LLC, PO Box 8, Whitewood, SD. (Only one bid received).
AS 2016-12 Traffic Control Materials
• Award Traffic Control Materials to Newman Signs, Inc., 1606 6th Ave. SW, Jamestown, ND.
B. BID AWARD RECOMMENDATIONS: 2016 ANNUAL CONSTRUCTION PROJECTS

ADA 2016 - ADA Ramp Upgrades (Rapid Valley Area)
• MOVED by Hadcock and seconded by Trautman to award to Tru-Form Construction Inc., PO Box 742, Black Hawk, SD 57718, in the amount of $185,973.00. The motion carried 4-1 on a roll call vote: Buskerud – aye, Ferebee – no, Hadcock - aye, Trautman – aye, Petersen – aye.

AST 2016 – Asphalt Surface Treatment Project

ASC 2016 – Asphalt Surface Crack Sealing Project
• MOVED by Hadcock and seconded by Trautman to award to Highway Improvement Inc., PO Box 1803, Sioux Falls, SD, 57101, in the amount of $208,750.00. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

AGG 2016-1 – Aggregate Haul and Place Project (Big Foot Road and Conata Basin Road)
• MOVED by Trautman and seconded by Buskerud to award Alternative B to Western Construction Inc., PO Box 771, Rapid City, SD 57709, in the amount of $310,175.00. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

AGG 2016-2 Aggregate Stockpile Project (Paulsen Pit)
• MOVED by Trautman and seconded by Buskerud to award to Western Construction Inc., Rapid City, SD, in the amount of $72,500.00. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

BR 530386-16 Bridge Replacement (Antelope Creek Road)
• MOVED by Trautman and seconded by Hadcock to award to Diamond H. Service LLC, PO Box 418, Bowman, ND 58623, in the amount of $65,857.50. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

BR 266397-16 Culvert Replacement (Palmer Gulch Road)
• MOVED by Hadcock and seconded by Trautman to award to Diamond H. Services, Bowman, ND, in the amount of $48,856.00. Roll call vote: Buskerud – aye, Ferebee – aye, Hadcock – aye, Trautman – aye, Petersen – aye.

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.

A. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-01: Thomas and Janeane Price. To rezone 3.37 acres from Low Density Residential District to Suburban Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota.

Continue Rezone / RZ 16-01 to the April 5, 2016, Board of Commissioners’ meeting, with the applicant’s concurrence.

B. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-02: Mitch Morris. To rezone 760.41 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Commencing, for location purposes only, at the northeast corner of Section 32 also being the northwest corner of Section 33, T1N, R8E, of the BHM; Thence, South 00o04'45" West, along the common line between Section 32 and Section 33, a distance of 500.00 feet to the Point of Beginning of the herein described tract; Thence, South 89o51'35" East, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the east line of the NW1/4 of Section 33; Thence, South 00o08'55" West, along the east line of the NW1/4 of Section 33, a distance of 2165.91 feet to a point for corner; Thence, North 89o41'05" West, along the south line of the NW1/4 of Section 33, a distance of 2654.26 feet to the southwest corner of the NW1/4 of Section 33 also being the southeast corner of the NE1/4 of Section 32; Thence, North 89o42'51" West, along the south line of the NW1/4 of Section 32, a distance of 1270.58 feet to a point for corner; Thence, North 06o22'35" West, a distance of 2136.92 feet to a point, 500 feet south of the north line of the NE1/4 of Section 32; Thence, South 89o48'35" East, parallel to and 500 feet distance from the north line of the NE1/4 of Section 32, a distance of 1514.54 feet to the Point of Beginning and containing 200.73 acres, more or less, of land; The NE1/4SW1/4 and the SE1/4SW1/4 of Section 33, T1N, R8E; The SE1/4 of Section 33, T1N, R8E; The E1/2NE1/4SE1/4; The W1/2NE1/4SE1/4; The NW1/4SE1/4; GL 1-2 all located in Section 4, T1S, R8E; GL 4 and NW1/4SW1/4 of Section 3, T1S, R8E; The SE1/4NE1/4 of Section 33, T1N, R8E; Lot 2 of SW1/4NW1/4 and Lot 2 of W1/2SW1/4 of Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

Continue Rezone / RZ 16-03 and Comprehensive Plan Amendment / CA 16-02 to the April 5, 2016, Board of Commissioner’s meeting, with the applicant’s concurrence.

C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-01: Kevin and Gayle Thom; Fisk Land Surveying – Agent. To rezone 22.88 acres from General Agriculture District to
March 1, 2016

Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

A parcel of land located in the Southwest One Quarter of the Northwest One Quarter (SW¼NW¼) of Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, to be known as Lot C of Dewald’s Subdivision and more fully described as follows: Commencing at the northwest corner of said Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said corner being common to the southwest corner of Section One (1), the southeast corner of Section Two (2) and the northeast corner of Section Eleven (11) in said Township One North (T1N), Range Six East (R6E), and said corner being marked with an original stone; Thence, southerly on the common section line of said Sections Twelve (12) and Eleven (11), South 00 degrees 07 minutes 00 seconds East a distance of 1317.33 feet more or less to the point of beginning, said point being located on the 1/16th section line and also known as the north 1/16th corner common to said Sections Eleven (11) and Twelve (12) and said point being marked by a rebar with survey cap LS 1771; Thence, South 77 degrees 00 minutes 38 seconds East a distance of 880.00 feet more or less to a point marked by a rebar with survey cap LS 6565; Thence, South 17 degrees 57 minutes 30 seconds East a distance of 295.31 feet more or less to a point marked by a rebar with survey cap LS 6565; Thence, South 4 degrees 36 minutes 31 seconds West a distance of 193.73 feet more or less to a point marked by a rebar with survey cap LS 6565; Thence, South 30 degrees 35 minutes 14 seconds West a distance of 747.00 feet more or less to a point on the ¼ section line and said point being marked by a rebar with survey cap LS 6565; Thence, westerly on the ¼ section line South 89 degrees 44 minutes 46 seconds West a distance of 550.00 feet more or less to the west ¼ corner of said Section Twelve (12), said point being located on the section line common to said Sections Eleven (11) and Twelve (12) and being marked by a USFS aluminum monument; Thence, northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 0 degrees 07 minutes 10 seconds West a distance of 658.69 feet more or less to a point marked by a rebar with survey cap LS 3835, said point is common to the southeast corner of the North One Half of the Southeast One Quarter of the northeast One Quarter (S½SE¼NE½) and the northeast corner of the South One Half of the Southeast One Quarter of the Northeast One Quarter (S½SE¼NE1/4) of said Section Eleven (11); Thence, continuing northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 00 degrees 07 minutes 46 seconds West a distance of 658.64 feet more or less to the point of beginning. Said tract of land contains 22.88 acres or 996,634 square feet more or less.

Approve Rezone / RZ 16-02 and Comprehensive Plan Amendment / CA 16-01.

End of Consent Agenda

D. APPROVAL OF ANNUAL MS4 STORMWATER REPORT and STORMWATER MANAGEMENT PLAN: MOVED by Hadcock and seconded by Trautman to approve
Pennington County’s MS4 Annual Stormwater Report and Updated Stormwater Management Plan for submission to the DENR and authorize the Chairperson’s signature.

Substitute motion: MOVED by Ferebee and seconded by Hadcock to continue this item for further review. Roll call vote on the substitute motion failed 4-1: Buskerud – no, Ferebee – aye, Hadcock – no, Trautman – no, Petersen – no.

The roll call vote on the original motion carried 4-1: Buskerud – aye, Ferebee – no, Hadcock – aye, Trautman – aye, Petersen – aye.

E. DISCUSSION OF SOLAR ENERGY SYSTEMS: Planning & Zoning will move forward with research on a potential ordinance to regulate solar energy systems in Pennington County.

ITEMS FROM CHAIR/COMMISSION MEMBERS
A. MEETING FORMAT – SPECIAL MEETING ON MARCH 2, 2016: The Board decided on the meeting format for the Croell Redi-Mix Appeal hearing scheduled for March 2, 2016.

2016 LEGISLATIVE SESSION UPDATE

EXECUTIVE SESSION per SDCL 1-25-2
Executive session was not needed this meeting.

PERSONNEL
Emergency Services Communications Center: Effective 3/7/2016 – Lukas Tedford and Matthew Ostendorf at $16.35/hr.; Courtney Arsenault at $17.18/hr.

PAYROLL
Commissioners, 15,689.24; Human Resources, 10,469.08; Elections, 14,815.07; Auditor, 25,629.35; Treasurer, 63,671.60; IT, 55,053.23; State's Attorney, 223,156.62; Public Defender, 145,553.32; Buildings & Grounds, 143,286.89; Equalization, 95,573.40; Register of Deeds, 25,450.92; Sheriff, 521,117.89; HIDTA Grant, 12,499.12; Jail, 670,440.12; JSC, 218,576.79; JSC Juvenile Alternative, 12,343.19; CCADP, 168,838.35; Life Enrichment Center, 36,936.87; Economic Assistance, 69,612.81; Extension, 2,553.48; Weed & Pest, 10,527.60; Mountain Pine Beetle, 9,347.14; Planning and Zoning, 28,893.86; Water Protection, 6,831.29; Road & Bridge, 213,585.09; Fire Administration, 7,446.48; Dispatch, 208,178.25; Emergency Management, 10,005.13; 24-7 Program, 29,531.57.

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 February 24, 2016: Total balances of checking/savings accounts, $14,698,530.84; Total balance of Treasurer’s Office safe cash, $10,000; Total certificates of deposit, $3,547,956.18; Total Prime Value Investment, $18,526,887.16; Total petty cash, $14,705.00; Total Cash Items, $5.00; Total long/short, $2,513.86; Total, $36,800,598.04. Submitted by Lori Wessel, Deputy Auditor.
VOUCHERS
BH Power Inc, 319.86; BH Power Inc, 161.49; Century Link, 396.85; Century Link, 3.68; City Of Box Elder, 71.10; City of Rapid City - Water, 13,704.80; City of Rapid City - Water, 1,826.78; Executive Mgmt Fin Office, 24.00; First American Title Co, 341,445.62; First Interstate Bank, 444.48; Medical Waste Transport Inc, 354.96; Montana Dakota Utilities, 12,421.33; Pioneer Bank & Trust, 22,925.18; Rainbow Gas Company, 7,054.76; RR Waste Solutions, 58.64; Vast Broadband, 1,875.76; Vast Broadband, 3,915.68; Verizon Wireless, 470.54; Verizon Wireless, 6,164.99; Wellmark, 58,597.52; West River Electric, 202.46; Wimactel Inc, 60.00.

ADJOURN
MOVED by Trautman and seconded by Hadcock to adjourn the meeting. Roll call vote:

There being no further business, the meeting was adjourned at 11:45 a.m.

/s/ Julie A. Pearson, Auditor
Published once at an approximate cost of _____.
Publish: March 16, 2016