

**PROCEEDINGS OF THE PENNINGTON COUNTY
BOARD OF COMMISSIONERS
October 4, 2016**

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, October 4, 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: Ron Buskerud, George Ferebee, Deb Hadcock and Nancy Trautman.

REVIEW AND APPROVE AGENDA

MOVED by Buskerud and seconded by Trautman to approve the agenda as presented. The motion carried.

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 Buskerud to remove Consent Agenda Items 6 & 7 for separate consideration and approve the remaining Consent Agenda Items as presented. The motion carried.

5. Approve the minutes of the regular September 20, 2016, Board of Commissioners' meeting as presented.
6. Removed for separate consideration.
7. Removed for separate consideration.
8. Approve the Chairman's signature on the 4th Quarter 2016 State and Local Agreement Quarterly Activity Report. (Emergency Management)
9. Approve the Historic Bar-4-Bar Ranch Adopt-a-Highway application for a portion of Reno Gulch Road.
10. Approve Steve Curtis's Adopt-a-Highway application to take responsibility for a portion of Nameless Cave Road.

Removed for Separate Consideration

6. MOVED by Trautman and seconded by Petersen to schedule a hearing at 9:15 a.m. on October 18, 2016, to supplement the 24-7 Fund budget in the amount of \$20,000 from unanticipated current year revenue. (SP16-012) The motion carried 4-1 with Hadcock voting no.
7. MOVED by Buskerud and seconded by Hadcock to approve the Auditor's request to cancel the list of outstanding checks over one year old and remit funds totaling \$5,882.63 to the Office of the State Treasurer. The motion carried.

End of Consent Agenda

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH – KATI SEYMOUR, ADMINISTRATIVE ASSISTANT/RESEARCHER, OFFICE OF U.S. SENATOR MIKE ROUNDS: MOVED by Trautman and seconded by Hadcock to approve the Executive Proclamation for National Disability Employment Awareness Month as presented and affix the commissioners' signatures. The motion carried.

COUNTY CARES PRESENTATION – REBOUND PROGRAM

Director of Health & Human Services, Barry Tice presented Steve Avery, Tyler Snow and Karrie Miller from the Rebound Program, a diversion program within Pennington County Health and Human Services, offering guidance and support to individuals while they are incarcerated and after their release.

LIEN RELEASE REQUEST (RW)

MOVED by Hadcock and seconded by Trautman to deny the lien release request for RW (Name withheld per SDCL 28-13-42). The motion carried.

ITEMS FROM AUDITOR

- A. **SP16-010 PUBLIC HEARING – BUDGET SUPPLEMENT – ACCUMULATED BUILDING FUND DEBT SERVICE BUDGET:** MOVED by Hadcock and seconded by Trautman to approve a budget supplement to the Accumulated Building Fund Debt Service Budget in the amount of \$24,463 from restricted fund balance. The motion carried.
- B. **SP16-011 PUBLIC HEARING – BUDGET SUPPLEMENT – GENERAL FUND HHS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET:** MOVED by Trautman and seconded by Hadcock to approve a supplement to the General Fund HHS Community Development Block Grant budget in the amount of \$28,514 from unanticipated current year revenue. The motion carried.

ITEMS FROM TREASURER

- A. **RECONVEYANCE REQUEST – Jody Pitlick, TAX ID 6178:** MOVED by Hadcock and seconded by Trautman to dismiss this request without action due to lack of response from the applicant. The motion carried.
- B. **MOBILE HOME DISTRESS WARRANTS:** MOVED by Trautman and seconded by Buskerud to deem five mobile home distress warrants uncollectible pursuant to SDCL 10-22-30: DW 192015, Jeff Stygles; DW 932015, Desiree Lockwood/Amber Quasney; DW 1762015, Steven Haraldson; DW 3232015, Exergy Development Group and DW 3492015, Mike/John Diehl. The motion carried.

ITEMS FROM STATES ATTORNEY

- A. **REQUEST TO SURPLUS IDENTIFIED RESIDENCES/GARAGES/OUTBUILDINGS OWNED BY PENNINGTON COUNTY IN BLOCK 107:** MOVED by Trautman and seconded by Hadcock to declare as surplus the residences located at 304 Quincy Street and 717 3rd Street and the garages/outbuildings located at 718 4th Street, 322 Quincy Street, 321 Kansas City Street and 308 Quincy Street for the purpose of authorizing the relocation,

salvage and/or demolition of said property as arranged by the Pennington County Buildings and Grounds Department. The motion carried.

- B. REQUEST TO APPROVE RESOLUTION TO DONATE CERTAIN STRUCTURES OWNED BY PENNINGTON COUNTY IN BLOCK 107 TO THE BLACK HILLS AREA HABITAT FOR HUMANITY: MOVED by Hadcock and seconded by Trautman to approve the Resolution to donate certain structures owned by Pennington County in Block 107 to the Black Hills Area Habitat for Humanity. The motion carried.

RESOLUTION OF THE PENNINGTON COUNTY COMMISSION

WHEREAS, Pennington County is the owner of certain property (structures) located in Block 107 of the Original Townsite of Rapid City, Pennington County, South Dakota; and

WHEREAS, the structures in question (identified on the attached map) with the exception of # (5C) are not being held or needed by Pennington County for a public purpose and will not be used to support the purpose for which the land was acquired; and

WHEREAS, local non-profit, Black Hills Area Habitat for Humanity, has indicated a desire to seek donation of the above-referenced structures from Pennington County in order to further its charitable and humanitarian mission in the community; and

WHEREAS, SDCL §§ 6-5-2 & 6-5-3 authorize Pennington County to donate real or personal property that is not held for a public purpose by the County to a nonprofit corporation for charitable or humanitarian purposes; and

WHEREAS, the Pennington County Commission deem it to be in the best interest of the public to donate the structures identified on the attached Block 107 map (with the exception of # SC & 3A) to Habitat for Humanity to further its charitable and humanitarian mission in the community.

NOW, THEREFORE, BE IT RESOLVED by the Pennington County Commission that each identified structure listed on the attached Block 107 map (with the exception of # 5C & 3A) is hereby donated and transferred to the Black Hills Area Habitat for Humanity with all right, title and interest appurtenant thereto; and

IT IS FURTHER RESOLVED that an Agreement shall be executed between Pennington County and the Black Hills Area Habitat for Humanity that provides a reasonable period of time for removal or salvage of all or any portion of the structures with provision that any structure(s) remaining thereafter shall revert back to the sole ownership of Pennington County and that Pennington County shall not be responsible or liable for any injury, claims or damages that may arise in connection with the removal and salvage operations conducted by or on behalf of the Black Hills Area Habitat for

Humanity.

Passed, adopted and approved by the Pennington County Commission, South Dakota, this 4th day of October, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

- C. REQUEST TO APPROVE AGREEMENT BETWEEN PENNINGTON COUNTY AND THE BLACK HILLS AREA HABITAT FOR HUMANITY: MOVED by Trautman and seconded by Peterson to approve the Agreement between Pennington County and the Black Hills Area Habitat for Humanity regarding the donation and disposition of certain structures owned by Pennington County in Block 107 and to authorize Commissioner Petersen to sign said Agreement. The motion carried.

ITEMS FROM BUILDINGS & GROUNDS

- A. BLOCK 107 DEMOLITION PROJECT – AUTHORIZATION TO ADVERTISE FOR BIDS: MOVED by Trautman and seconded by Peterson to authorize Buildings and Grounds to advertise for bids for the Block 107 Demolition Project. The motion carried.

ITEMS FROM EQUALIZATION DEPARTMENT

- A. ABATEMENT APPLICATIONS: MOVED by Trautman and seconded by Hadcock to approve the abatements (2015) for USA/Fred Tucker: Tax ID 60991 in the amount of \$501.53 and 60992 in the amount of \$501.53. The motion carried.

ITEMS FROM HIGHWAY DEPARTMENT

- A. DESIGN OF STRUCTURE NO. 52-664-309 SHARPE ROAD: MOVED by Hadcock and seconded by Trautman to authorize the Highway Superintendent, as representative of Pennington County, to enter into a contract with Brosz Engineering for the design and plans preparation for Structure Number 52-664-309, Bridge on Sharpe Road. The motion carried.
- B. NEMO ROAD SAFETY PROJECT PH 8041(20) PCN 05F8: MOVED by Trautman and seconded by Hadcock to authorize the Commission Chairperson to sign the Joint Powers Agreement to agree to Pennington County's portion of the design and construction of the State Project PH 8041(20), PCN 05F8. The motion carried with Buskerud voting no.

ITEMS FROM INFORMATION TECHNOLOGY DEPARTMENT

- A. DATA AND PHONE SERVICE SWITCH FROM VAST TO MIDCO: MOVED by Hadcock and seconded by Trautman to approve the change in data and phone provider to Midco and approve the Chairman's signature on contracts as presented, and further moved to authorize the signature by the IT Director on "Letter of Agency" documents and "Carrier Authorization" documents (non-contractual documents). The motion carried.

RENEWAL OF TEMPORARY ZONING CONTROL ORDINANCES – PUBLIC HEARING

- A. ORDINANCE #663: MOVED by Buskerud and seconded by Trautman to extend ORDINANCE #663 – A Temporary Zoning Ordinance Regulating Construction Permits and Mining Permits in All Pennington County Zoning Districts, for one year and authorize the Chairman’s signature. The motion carried.
- B. ORDINANCE #664 MOVED by Trautman and seconded by Buskerud to extend ORDINANCE #664 – A Temporary Zoning Ordinance Regulating Alternative Energy in All Pennington County Zoning Districts, for one year and authorize the Chairman’s signature. The motion carried.

PENNINGTON COUNTY COMPREHENSIVE PLAN UPDATE

MOVED by Trautman and seconded by Hadcock to schedule a special meeting at 9 a.m., October 20, 2016, for presentations by three companies submitting proposals for the updating of Pennington County’s Comprehensive Plan. The motion carried.

MOVED by Trautman and seconded by Buskerud to recess until 10:30 a.m. The motion carried. The meeting reconvened with all commissioners present.

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 as presented. The motion carried.

- A. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 06-03: Prairie Valley Development Company, LLC. To review a Planned Unit Development Amendment to allow for 75 residential lots, 1 well lot, and 1 detention lot with a minimum lot size of 1/2 acre in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5; Lot 1, Block 6, all of Prairiefire Subdivision; NE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW; and SE1/4NE1/4 Less Eisenbraun Sub, Less Winton Sub, Less Prairiefire Sub and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

Approve the extension of Planned Unit Development Amendment / PU 06-03 with the following ten (10) conditions:

1. That the Planned Unit Development consists of no more than 75 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 1/2 acre;
2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That no off-premise signs be allowed within the Planned Unit Development;
4. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the

- use or impacts on adjacent land uses, as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
5. That the required minimum setbacks meet the Suburban Residential Zoning requirements;
 6. That each address must be posted in accordance with Pennington County Ordinance #20;
 7. That prior to any new Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City platting requirements and the applicant must install road signs for the new roads;
 8. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204-I of the Pennington County Zoning Ordinance;
 9. That road widths are 28-feet-wide, with 4-foot to be reserved for pedestrians and non-motorized travel; and,
 10. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

B. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 16-01: Pennington County. To amend Section 103 - Definitions; Section 208 - Suburban Residential District; and Section 319 - Vacation Home Rental Ordinance of the Pennington County Zoning Ordinance.

Continue Ordinance Amendment / OA 16-01 to the October 18, 2016, Board of Commissioners' meeting.

End of Consent Agenda.

PLANNING AND ZONING ITEMS

C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 16-10: Denny Henrikson. To rezone 5.11 acres from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Tract 5, Wileman Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Trautman to approve the first reading of Rezone / RZ 16-10. The motion carried with Buskerud opposing.

D. REQUEST TO WAIVE THE REQUIREMENTS OF ORDINANCE 14 STANDARDS FOR ROAD CONSTRUCTION IN A SECTION LINE RIGHT-OF-WAY: Cody Schad.

Lots 25-29; Tract B of Copper Oaks #1 in Sections 7 and 8, T1S, R7E.

MOVED by Hadcock and seconded by Trautman to approve the request to waive the following Ordinance 14 Standards for road construction in a section line right-of-way: 1)

To have the road surface be gravel in lieu of asphalt; 2) To have slopes greater than 4:1; 3) To have the grade of the road exceed 12 percent but not more than 17 percent for no more than 425 feet; 4) To submit engineered road construction plans; and 5) To construct the road at a width of 16-feet in lieu of 24-feet. The motion carried.

- E. LAYOUT PLAT / PL 16-15: Kelly Development / Ryan Kelly. To create Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B less Sheridan Lake Highlands less ROW, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 3 through 6, Block 4, Sheridan Lake Highlands Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Buskerud and seconded by Hadcock to approve Layout / PL 16-15 with eight (8) conditions. The motion carried.

1. That all the Conditions of Approval from Planned Unit Development / PU 06-09 must be adhered to with special attention to Conditions #14 and Condition #16.
2. That prior to a Final Plat being recorded with the Register of Deeds for the proposed lots, a Major Planned Unit Development Amendment, to address the applicant's changes, must be approved by the Board of Commissioners;
3. That at the time of Preliminary Plat submittal, the applicant shall provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. Prior to the applicant submitting a Preliminary Plat for the subject parcels, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;
5. That at the time of Preliminary Plat submittal, the applicant shall provide water supply information for the proposed lots. If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact on the water supply for the existing platted lots within this development;
6. That at the time of submittal for the Preliminary Plat, the plat meets all applicable requirements of the Pennington County Subdivision Regulations or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-15, which is available at the Planning Office; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

APPROVAL OF VOUCHERS: MOVED by Buskerud and seconded by Trautman to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$214,384.53. The motion carried.

Amerigas, \$47.91; AT&T Mobility, \$217.29; BH Power Inc, \$1,159.13; BH Power Inc, \$746.72; BH Power Inc, \$252.23; BH Power Inc, \$721.48; Century Link, \$250.46; City Of Box Elder, \$70.71; City Of Box Elder, \$764.87; City Of Hill City, \$23.83; City Of Rapid City -Water, \$19,827.95; City Of Rapid City -Water, \$5,261.51; City Of Wall, \$144.00; Executive Mgmt Fin Office, \$27.00; Maxon Llc, \$135.80; Montana Dakota Utilities, \$3,476.56; Montana Dakota Utilities, \$624.47; Pioneer Bank & Trust, \$380.69; Pioneer Bank & Trust, \$11,033.58; Rapid Valley Sanitary District, \$140.04; Reliance Telephone Inc, \$18.78; VAST Broadband, \$1,431.51; VAST Broadband, \$3,247.13; Verizon Wireless, \$6,999.98; Verizon Wireless, \$487.24; Wellmark, \$66,698.29; Wellmark, \$89,559.66; West River Electric, \$330.00; West River Electric, \$305.71; , \$214,384.53.

EXECUTIVE SESSION per SDCL 1-25-2

Executive session was not needed today.

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 September 28, 2016: Total balances of checking/savings accounts, \$14,164,630.27; Total balance of Treasurer's Office safe cash, \$10,600; Total certificates of deposit, \$3,528,663.54; Total Prime Value Investment, \$18,199,877.50; Total petty cash, \$14,705.00; Total Cash Items, \$52.40; Total long/short, (\$432.88); Total, \$35,918,095.83. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 9/19/2016 – Gabe Burgoyne at \$14.83/hr.

Emergency Services Communications Center: Effective 9/18/2016 – Carla Buxton at \$17.16/hr. and Amy Brack at \$18.92/hr.

Register of Deeds: Effective 10/3/2016 – Camillia (Cami) Bloomgren at \$15.57/hr.

Treasurer: Effective 10/7/2016 – Tina Christofferson at \$15.57/hr.

PAYROLL

Commissioners, 15,002.84; Human Resources, 9,634.68; Elections, 17,237.96; Auditor, 26,838.17; Treasurer, 58,784.90; IT, 48,552.77; MacArthur Grant, 6,872.24; State's Attorney, 206,671.82; Public Defender, 128,344.06; Buildings & Grounds, 114,215.67; Equalization, 79,613.57; Register of Deeds, 23,656.91; Sheriff, 426,889.06; HIDTA Grant, 8,974.62; Jail, 597,288.88; JSC, 215,894.71; JSC Juvenile Alternative, 10,224.31; CCADP, 127,851.40; Life Enrichment Center, 45,460.58; Economic Assistance, 64,906.86; Extension, 2,491.20; Weed & Pest, 23,252.12; Mountain Pine Beetle, 0.00; Planning and Zoning, 25,422.46; Water Protection, 6,423.89; Road & Bridge, 183,089.36; Fire Administration, 7,085.57; Dispatch, 178,204.32; Emergency Management, 8,706.98; 24-7 Program, 24,209.40.

ADJOURN

October 4, 2016

MOVED by Hadcock and seconded by Buskerud to adjourn the meeting. The motion carried. There being no further business, the meeting was adjourned at 11 a.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: October 19, 2016