

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

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

REVIEW AND APPROVE AGENDA

MOVED by Trautman and seconded by Hadcock to approve the agenda as presented. 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 at the request of a board member or citizen 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 July 19, 2016, Board of Commissioners' meeting as presented.
6. Schedule a hearing at 9:15 a.m. on Tuesday, August 16, 2016, to supplement to the General Fund Weed & Pest budget in the amount of \$25,000 from unanticipated current year revenue.

End of Consent Agenda

COUNTY CARES PRESENTATION - Assistant Emergency Management Director Alexa

White: Alexa White provided information about the Specific Needs Registry and the Community Emergency Response Team (CERT) Program.

**RAPID CITY DOWNTOWN AREA MATER PLAN DRAFT PRESENTATION / Q & A –
Ms. Sarah Hanzel, Project Manager**

**REQUEST FOR AUTHORITY FOR ADOPTION OF PENNINGTON COUNTY CODE
OF CONDUCT – KENNETH E. (CHUCK) JASPER:** No action was taken.

ITEMS FROM AUDITOR

- A. **ACCOUNTS RECEIVABLE POLICY:** MOVED by Buskerud and seconded by Hadcock to approve the Pennington County Receivable Policy as presented by the County Auditor: All governmental fund types are accounted for using the modified accrual basis of accounting. Revenues, including property taxes, are recognized when they become measurable and available. "Available" means resources are collected or to be collected soon enough after the end of the fiscal year that they can be used to pay the bills of the current period. The accrual period for Pennington is 60 days. The revenues which are

accrued at the end of each fiscal year are federal grants, state shared revenues, and various charges for goods and services. The motion carried 4-1 with Ferebee opposing.

- B. RESOLUTION TO SURPLUS & CONVEY PROPERTY TO MILLER RIDGE ROAD DISTRICT: MOVED by Hadcock and seconded by Trautman to approve the following resolution and authorize the Chairman's signature. Vote: Unanimous.

RESOLUTION

WHEREAS, Pennington County has legally obtained a piece of property by Quit Claim Deed from Frank & Patricia Stolle on February 2, 1995, and

WHEREAS, said Miller Ridge Road District now exists and the lot is totally encompassed within the organized boundaries of the Miller Ridge Road District, and

WHEREAS, SDCL 6-5-2, 6-5-3 & 7-18-30 read that a county may convey and transfer any real property to another government type for public use by resolution, and

WHEREAS, the Miller Ridge Road District Board of Trustees acted in favor to accept transfer of said Miller Drive property parcel #6227 on July 15, 2016, so

THEREFORE, BE IT RESOLVED that the Pennington County Board of Commissioners declare as surplus the following property legally described as: the "*a Road Easement in the NE1/4SW1/4 AND IN THE SE1/4SW1/4 SECTION 15 T2N R6E*" commonly known as Miller Drive (Parcel ID#6227) for conveying and transferring to the Miller Ridge Road District for continued public use and that the Chair affix his signature to the Quit Claim Deed.

Dated this 2nd Day of August, 2016.

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

ATTEST:

/s/ Julie A. Pearson, Auditor

- C. RESOLUTION TO SURPLUS & CONVEY PENNINGTON COUNTY'S INTEREST IN PROPERTY TO THE CITY OF RAPID CITY: MOVED by Trautman and seconded by Hadcock to approve the following resolution and authorize the Chairman's signature. The motion carried.

RESOLUTION

WHEREAS, Pennington County and the City of Rapid City coordinated in the purchase of properties after the flood of 1972 for public safety reasons and public use; and

WHEREAS, said all such properties were then deeded in shared ownership naming both Pennington County and the City of Rapid City; and

WHEREAS, the City of Rapid City has solely maintained the property since the flood of 1972; and

WHEREAS, SDCL 6-5-2, 6-5-3 & 7-18-30 read that a county may convey and transfer any real property to another government type for public use by resolution; and

WHEREAS, on February 16, 2016 the City of Rapid City acted in favor to accept transfer and sole ownership of all the properties listed in both government names.

THEREFORE BE IT RESOLVED that the Pennington County Board of Commissioners declare as surplus the following described legal descriptions: Braeburn Addn, Lots 1, 2, 3, 4, and 5 for conveying and transferring sole ownership to the City of Rapid City for public safety and use and that the Chair affix his signature to the Quit Claim Deed.

Dated this 2nd day of August, 2016.

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

ATTEST:

/s/ Julie A. Pearson
Pennington County Auditor

- D. TAX DEED PROPERTY ID 41352: MOVED by Hadcock and seconded by Trautman to authorize the Pennington County Auditor to contact the SD School of Mines and Technology for possible acceptance, transferal and conveyance of this parcel for the continued use by a government. The motion carried 4-1 with Ferebee opposing.

ANY AND ALL BUSINESS RELATING TO THE FY2017 COUNTY BUDGET: No action was taken.

APPROVAL OF VOUCHERS

MOVED by Hadcock and seconded by Buskerud 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 \$157,424.42. The motion carried 4-1 with Ferebee opposing.

BH Electric Cooperative Inc, \$236.25; BH Power Inc, \$106.70; BH Power Inc, \$880.96; BH Power Inc, \$271.01; BH Power Inc, \$1,439.88; Century Link, \$250.40; City Of Hill City, \$17.70; City Of Rapid City -Water, \$490.15; City Of Rapid City -Water, \$5,810.12; Montana Dakota

Utilities, \$2,858.23; Montana Dakota Utilities, \$628.86; Motorola Solutions Credit Co, \$4,221.00; Pioneer Bank & Trust, \$4,705.37; Pioneer Bank & Trust, \$1,658.11; Rainbow Gas Company, \$19.10; Rapid Valley Sanitary District, \$100.64; Rapid Valley Sanitary District, \$79.40; Reliance Telephone Inc, \$11.54; Vast Broadband, \$4,255.01; Vast Broadband, \$2,024.02; Verizon Wireless, \$5,637.84; Verizon Wireless, \$998.13; Wellmark, \$53,861.53; Wellmark, \$65,198.97; West River Electric, \$250.00; West River Electric, \$1,413.50.

It was not yet 10:30 a.m., the advertised time for Planning & Zoning; therefore, the Board proceeded to *Items From Chair/Commission Members and Committee Reports*.

MOVED by Buskerud and seconded by Hadcock to recess until 10:30 a.m. Vote: Unanimous. The Board reconvened with all members present.

BOARD OF ADJUSTMENT

MOVED by Buskerud and seconded by Hadcock to convene as the Board of Adjustment. The motion carried.

- A. VARIANCE / VA 16-10: Wade and Sharon Reynolds. To reduce the minimum required side yard setback from 25 feet to 7 feet for a garage in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Tract B, River Ranch Addition, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Hadcock to approve Variance / VA 16-10 with three (3) conditions. The motion carried 4-1 with Trautman opposing.

- 1. That this Variance only applies for the proposed 26' x 26' garage to be located on the subject property. All other existing and proposed structures must maintain the proper setback and easement requirements or obtain separate Variance(s);
- 2. That the applicants obtain an approved Building Permit for the 26' x 26' garage, with all applicable fees paid, prior to resuming construction of the garage; and,
- 3. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Variance / VA 16-10, which is available at the Planning Office.

MOVED by Hadcock and seconded by Buskerud to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried.

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 Buskerud and seconded by Hadcock to approve Planning & Zoning Consent Agenda Item B as presented. The motion carried.

- B. 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 Subdivision and Less ROW; and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

Continue the review of Planned Unit Development Amendment / PU 06-03 to the September 6, 2016, Board of Commissioner's meeting.

End of Consent Agenda Items

PLANNING & ZONING REGULAR ITEMS

- C. VACATION OF SECTION LINE RIGHT-OF-WAY/ VS 16-05: Craig and Joan Hyde. To vacate that portion of Section Line Right-of-Way lying along Lot JR and Lot K of Brechtel #1 Subdivision and along Lot 3 of Harney Mountain Subdivision, located in Section 27 and Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

Section Line Right-of-Way lying along Lot JR and Lot K of Brechtel #1 Subdivision and along Lot 3 of Harney Mountain Subdivision, located in the SW1/4 of Section 27 and in the NW1/4 of Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by Trautman to approve Vacation of Section Line Right-of-Way / VS 16-05 with four (4) conditions. The motion carried.

1. That prior to the Vacation of Section Line Right-of-Way being filed with the Register of Deeds, the owners of Lot JR obtain the required Building Permits necessary to bring their property into compliance, with all applicable fees paid;
2. If VS 16-05 is approved, that prior to the Vacation of Section Line Right-of-Way being filed with the Register of Deeds, the landowner for Lot JR submit to Planning Staff a signed and stamped Boundary Survey from a Professional Registered Engineer to ascertain the location of the existing structures to the lot lines. If encroachments are found to exist, the landowner will need to bring the property into compliance through the applicable permits and penalty fees;
3. That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deeds Office; and,
4. That all affective landowners sign a Statement of Understanding within ten (10) business days of approval of Vacation of Section Line Right-of-Way / VS 16-05, which is available at the Planning Office.

- D. VACATION OF EASEMENT / VE 16-01: Brad and Colleen Kurtz; Fisk Land Surveying – Agent. To vacate six (6) foot Utility Easements in Lot 8R, Block 2, Norris Peak Subdivision in accordance with the Pennington County Zoning Ordinance.

Lot 8R, Block 2, Norris Peak Subdivision, Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Buskerud to approve Vacation of Easement / VE 16-01 with two (2) conditions. Vote: Unanimous.

1. That all necessary resolutions and exhibits be recorded by the applicant or agent at the Register of Deeds; and,
2. That the applicant sign a Statement of Understanding within ten (10) business days of approval of this Vacation of Easement.

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 July 27, 2016: Total balances of checking/savings accounts, \$17,636,253.07; Total balance of Treasurer’s Office safe cash, \$10,600; Total certificates of deposit, \$3,552,570.82; Total Prime Value Investment, \$18,534,839.02; Total petty cash, \$14,705.00; Total Cash Items Paid, \$102.80; Total Cash Items, \$982.99 Total long/short, (\$367.56); Total, \$39,749,686.14. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 8/22/2016 – Russ Heupel at \$24.76/hr.

Emergency Services Communications Center: Effective 7/17/2016 – Michelle McConnell, \$18.92/hr. and JoAnna Winters, \$18.02/hr. Effective 8/1/2016 – Sarah Smith, \$19.66/hr.

Public Defender: Effective 7/25/2016 – Matt Laidlaw at \$5,317/month.

State’s Attorney: Effective 8/15/2016 – Elizabeth Heidelberger at \$4,295/month. Effective 9/6/2016 – Edgar Larios at \$21.65/hr.

PAYROLL

Commissioners, 15,002.84; Human Resources, 9,634.68; Elections, 13,458.75; Auditor, 26,155.70; Treasurer, 60,954.80; IT, 59,273.46; State's Attorney, 198,478.18; Public Defender, 134,737.79; Buildings & Grounds, 114,678.66; Equalization, 79,613.57; Register of Deeds, 24,365.65; Sheriff, 419,614.75; HIDTA Grant, 8,800.40; Jail, 594,831.63; JSC, 216,858.08; JSC Juvenile Alternative, 10,704.01; CCADP, 133,869.35; Life Enrichment Center, 47,311.75; Economic Assistance, 64,864.03; Extension, 2,491.22; Weed & Pest, 28,936.34; Planning and Zoning, 26,897.44; Water Protection, 6,423.91; Road & Bridge, 185,129.77; Fire Administration, 6,979.98; Dispatch, 180,436.40; Emergency Management, 8,548.59; 24-7 Program, 24,359.52;

August 2, 2016

ADJOURN

MOVED by Hadcock and seconded by Buskerud to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting was adjourned at 10:51 a.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of _____.

Publish: August 17, 2016