

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of July 11, 2017

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, July 11, 2017, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, George Ferebee and Lloyd LaCroix.

REVIEW AND APPROVE AGENDA

MOVED by DiSanto and seconded by LaCroix to approve the agenda as presented. Vote: Unanimous.

CONSENT ITEMS

MOVED by LaCroix and seconded by DiSanto to approve the Consent Agenda as presented with the removal of Item 7 for separate consideration. Vote: Unanimous.

5. Approve the minutes of the regular meeting – June 20, 2017.
6. Approve the minutes of the FY2018 budget hearings – June 21-23, 2017.
7. Removed for separate consideration.

Removed for Separate Consideration

7. Approve the Permit to Occupy Right-of-Way for the Black Hills Back 40 Mountain Bike Race: MOVED by DiSanto and seconded by LaCroix to approve the application for Permit to Occupy Right-Of-Way for the Black Hills Back 40 Mountain Bike Race, and authorize the Pennington County Highway Superintendent to sign the application. Vote: Motion carried 3-1 with Ferebee voting no.

End of Consent Agenda

ON-SITE WASTEWATER TREATMENT ORDINANCE PARTNERSHIP WITH THE TOWN OF KEYSTONE – DAVE HOLLAND, PE, CITY ENGINEER TOWN OF KEYSTONE: MOVED by DiSanto and seconded by LaCroix to give the green light for Brittney Molitor Environmental Planning Supervisor from Planning and Zoning to enter into negotiations with the Town of Keystone to draft a MOU regarding on-site wastewater treatment systems. Vote: Unanimous.

PLANNING COMMISSION MEMBER(S) INTERVIEWS & APPOINTMENTS: MOVED by DiSanto and seconded by LaCroix to hold the interviews today then appoint the new members of the Pennington County Planning Commission at the next Commission meeting on July 18, 2017. Vote: Unanimous.

2018 BUDGET HEARINGS: No action was taken on this item.

- A. COMMUNITY HEALTH CENTER OF THE BLACK HILLS – JAMIE DAHLMAN
- B. BEHAVIOR MANAGEMENT SYSTEMS – ALAN SOLANO
- C. DAKOTA PLAINS LEGAL SERVICES – JOHN BUCHY
- D. AUDITOR’S OFFICE – JULIE PEARSON

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MOVED by DiSanto and seconded by Ferebee to take a five minute recess. Vote: Unanimous.
The Board reconvened at 10:58 a.m.

FY2018 COUNTY PROVISIONAL BUDGET UPDATE – AUDITOR JULIE PEARSON:

No action was taken on this item.

**WAGES IN PENNINGTON COUNTY PRESENTATION – HUMAN RESOURCES
DIRECTOR NICK STROOT:** No action was taken on this item.

FY2018 COUNTY PROVISIONAL BUDGET:

- A. NEW FTE REQUESTS: No action was taken on this item.
- B. ANY OTHER ITEMS RELATING TO BUDGET PREPARATION/DIRECTION: No action was taken on this item.

ITEMS FROM AUDITOR

- A. RETAIL MALT BEVERAGE (ON-OFF SALE) LICENSE RENEWAL PUBLIC HEARING – SIC VIC’S HOUSE OF HORSEPOWER: MOVED by Ferebee and seconded by DiSanto to approve the renewal of the Retail (on-off sale) Malt Beverage License from Sic Vic’s House of Horsepower, Michelle & Victor Furhmann. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

- A. DECLARATION OF LOCAL EMERGENCY: DROUGHT DISASTER RESOLUTION AND PROCLAMATION FOR PENNINGTON COUNTY: MOVED by Ferebee and seconded by DiSanto to approve the Drought Disaster Resolution and Proclamation for Pennington County and authorize the Chair’s signature. Vote: Unanimous.

Declaration of Local Emergency:

Drought Disaster Resolution and Proclamation for Pennington County

WHEREAS the Pennington County Board of Commissioners, at their regular meeting on July 11th 2017, do hereby enact the following resolution;

WHEREAS, the Director of Emergency Management for Pennington County does hereby find with the assistance of the Pennington County Farm Service Agency Executive Director, the United States Department of Agriculture Pennington County Emergency Board, and The National Drought Mitigation Center:

1. That the 2017 growing season for commodity crops and pasture land in Pennington County is experiencing a prolonged period of decreased precipitation and increased temperatures resulting in very low topsoil moisture
2. That the United States Drought Monitor currently shows all of Pennington County in some measure of drought conditions with many prime crop areas classified as moderate or severe as based on the Palmer Drought Severity Index and predicts drought conditions in Pennington County to persist or intensify

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3. That the Farm Service Agency has identified hay crop loss in Pennington County of over 95% and grazing losses between 80 and 90% in addition to abnormally early cattle sales and baling of traditional cash crops as feed, all of which indicate a significant deleterious impact to the agriculture producer in Pennington County

NOW, THEREFORE, IT IS HEREBY RESOLVED AND PROCLAIMED that a drought disaster does now exists throughout said County; and

BE IT FURTHER RESOLVED that the Pennington County Board of Commissioners for, and on behalf of the citizens of Pennington County, request that the Governor of the State of South Dakota petition the Secretary of Agriculture to declare Pennington County a drought disaster area; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said disaster, the powers, functions, and duties of the Emergency Management Office of Pennington County shall be/were those prescribed by State Law and the Ordinances, Resolutions, and approved plans of Pennington County in order to mitigate the effects of said disaster.

DATED this 11th day of July, 2017.

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/s/ Deb Hadcock, Chair

ATTEST:

/s/ Julie Pearson, Auditor

ITEMS FROM HIGHWAY DEPARTMENT

- A. RESOLUTION 2017-07-05; RESOLUTION TO REVISE THE PENNINGTON COUNTY PRIMARY HIGHWAY SYSTEM: MOVED by DiSanto and seconded by Ferebee to approve Resolution 2017-07-05; Resolution to Revise the Pennington County Highway System, and authorize Chair's signature thereupon, for submittal to the Secretary of Transportation, South Dakota Dept. of Transportation. Vote: Unanimous.

RESOLUTION 2017-07-05

WHEREAS, Pennington County desires to revise the County Highway System; and

WHEREAS, the City of Rapid City will annex a portion of South Valley Drive, pursuant to their Resolution 2017-009; and

WHEREAS, South Dakota Codified Law (SDCL 31-19-63) authorizes the Board of Commissioners to determine and transfer the responsibility for highways with any municipality with their consent;

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NOW THEREFORE, BE IT RESOLVED by the Pennington County Board of Commissioners that the portion of South Valley Drive in Rapid City, South Dakota, extending south from the center of East St. Patrick Street, a distance of .25 miles, to the northern boundary with Blanche Drive, located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; and in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, be deleted from the Pennington County Highway System; and

BE IT FURTHER RESOLVED that the Board of Commissioners assigns the responsibility for said portion of South Valley Drive, including the Right-of-Way, to the City of Rapid City, South Dakota.

DATED this 11th day of July, 2017.

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/s/ Deb Hadcock, Chair

ATTEST:

/s/ Julie Pearson, Auditor

- B. RESOLUTION 2017-07-11; AUTHORIZATION TO RAISE THE SPEED LIMIT OF ¼ MILE OF COUNTY RD 161ST AVENUE; MOVED by Ferebee and seconded by DiSanto to authorize the Chair to sign Resolution 2017-07-11, raising the speed limit to 35 MPH of ¼ mile of 161st Ave. north of County Highway 14/16. Vote: Unanimous.

RESOLUTION 2017-07-11

WHEREAS, the Pennington County Board of Commissioners have determined that it would be in the best interest of the residents of Pennington County that the speed zone be established at 35 miles per hour on the portion of 161st Avenue, north of Highway 14/16; and

WHEREAS, the Board has the authority to establish such speed zones on County roads pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2;

THEREFORE, BE IT RESOLVED that the speed zone limiting the maximum speed of travel be established on 161st Avenue, effective August 1, 2017, to 35 MPH on 161st Avenue, beginning at the New Underwood City limits in the SE ¼ of Section 30, T2N, R11E, BHM, South 0.25 miles to the intersection of Highway 14/16 in the NE Corner Section 31, T2N, R11E, BHM.

DATED this 11th day of July, 2017.

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/s/ Deb Hadcock, Chair
ATTEST:
/s/ Julie Pearson, Auditor

REQUEST FOR VARIANCE TO ORDINANCE #14 FOR THE APPROVAL OF ADDITIONAL APPROACH – BRANDON FAEHNRICH: MOVED by DiSanto and seconded by LaCroix to approve a Variance to Ordinance #14 and authorize the request for a second approach for access to a new garage at 5541 Uranus Dr. Vote: Unanimous.

PLANNING & ZONING CONSENT AGENDA

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 LaCroix and seconded by DiSanto to approve the Planning and Zoning consent agenda as presented with the removal of Items A & B. Vote: Unanimous.

- A. Removed for separate consideration.
- B. Removed for separate consideration.
- C. **FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-04:** Kelly Development / Ryan Kelly. To amend the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended to continue Major Planned Unit Development Amendment / PU 17-04 to the July 18, 2017, Board of Commissioner's meeting.

- D. **VACATION OF SECTION LINE / VS 17-02:** Croell, Inc. To vacate the Section Line Right-of-Way lying in the SE1/4NE1/4 and NE1/4SE1/4 of Section 9; and in the SW1/4NW1/4 and the NW1/4 SW1/4 of Section 10, all located in T1S, R7E, BHM, Pennington County, South Dakota.

Section Line Right-of-Way lying in the SE1/4NE1/4 and NE1/4SE1/4 of Section 9; and in the SW1/4NW1/4 and the NW1/4 SW1/4 of Section 10, all located in T1S, R7E, BHM, Pennington County, South Dakota.

Continue to the August 1, 2017, Board of Commissioner's meeting.

Removed for Separate Consideration

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- A. COMPREHENSIVE PLAN AMENDMENT / CA 17-05: Kelly Development / Ryan Kelly. To amend the Pennington County Comprehensive Plan to change the Future Land Use from Heavy Industrial District to Planned Unit Development District in accordance with Sections 212, 213, and 508 of the Pennington County Zoning Ordinance.

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

MOVED by LaCroix and seconded by Ferebee to approve of Comprehensive Plan Amendment / CA 17-05. Vote: Unanimous.

- B. LAYOUT PLAT / PL 17-14: Dave and Nancy Fisher. To combine eight lots in order to Create Tract D Revised of the Circle B Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1, 2, 3, 4, 5, and 6; and Tract C and Tract D of Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract D Revised of the Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by DiSanto continue this item. Vote: Unanimous.

End of Consent Agenda

PLANNING & ZONING REGULAR AGENDA

- E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 17-05: Deborah Munyan. To rezone 31.85 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

GL 1 less Bradsky Road; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by DiSanto to approve Rezone / RZ 17-05. Vote: Unanimous.

- F. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 17-06 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-06: Patrick Foley. To rezone 2.1 acres from General Agriculture District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use to General Commercial District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

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That Portion of Lot 2 of Government Lot 1 lying east of Highway 79; Lot AB-1 of Government Lot 1; and Lot AB-2 of Government Lot 1, all located in Section 5, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by Ferebee and seconded by LaCroix to approve Rezone / RZ 17-06 and Comprehensive Plan Amendment / CA 17-06. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by DiSanto and seconded by LaCroix 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 \$580,823.26. Vote: The motion carried 3-1 with Ferebee voting no.

6.27.2017 Election Expenses, \$3,245.00; Amerigas, \$132.65; AT&T Mobility, \$228.60; BH Power Inc, \$31.96; BH Power Inc, \$500.42; BH Power Inc, \$644.99; BH Power Inc, \$738.70; BH Power Inc, \$1,239.61; BH Power Inc, \$21,782.65; Century Link, \$124.44; Century Link, \$125.53; Century Link, \$7,073.75; City Of Box Elder, \$212.39; City Of Hill City, \$65.86; City Of Rapid City -Water, \$2,053.24; City Of Rapid City-Water, \$2,888.15; City Of Rapid City-Water, \$14,060.75; City Of Wall, \$223.50; Delta Dental Of South Dakota, \$33,325.68; First Interstate Bank, \$176.86; First Interstate Bank, \$305.44; First Interstate Bank, \$1,775.65; First Interstate Bank, \$12,038.02; Golden West Companies, \$1,230.89; Kieffer Sanitation/A Waste Management Co, \$144.20; Medical Waste Transport Inc, \$207.75; Midcontinent Communications, \$778.70; Midcontinent Communications, \$916.04; Midcontinent Communications, \$2,900.58; Montana Dakota Utilities, \$813.27; Montana Dakota Utilities, \$4,258.01; Mt Rushmore Telephone Co, \$105.25; Pioneer Bank & Trust, \$4,796.75; Pioneer Bank & Trust, \$7,470.13; Rainbow Gas Company, \$1,129.03; Reliance Telephone Inc, \$24.00; Sd Dept Of Revenue, \$15,399.30; SDN Communications, \$769.60; Seamor Marine, \$50,000.00; Sun Life Financial, \$99,411.73; The Hartford, \$2,556.91; Vast Broadband, \$200.00; Vast Broadband, \$1,736.04; Verizon Wireless, \$51.95; Verizon Wireless, \$706.73; Verizon Wireless, \$6,484.73; Wellmark, \$74,420.99; Wellmark, \$76,419.12; Wellmark, \$121,881.10; West River Electric, \$410.38; West River Electric, \$1,098.41; Wex Bank, \$1,507.83.

EXECUTIVE SESSION: Not needed at today's session.

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 June 26, 2017: Total balances of checking/savings accounts, \$13,860,918.42; Total balance of Treasurer's Office safe cash, \$13,100; Total certificates of deposit, \$3,548,804.37; Total Prime Value Investment, \$23,350,400.37; Total petty cash, \$16,205; Total long/short, (\$392.02); Total, \$40,789,036.14. Submitted by Lori Wessel, Deputy Auditor.

PAYROLL

Commissioners, \$15,356.07; Elections, \$15,456.88; Auditor, \$40,183.58; Treasurer, \$58,321.42; MacArthur Grant, \$7,914.58; State's Attorney, \$237,940.41; Public Defender, \$150,446.35;

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Buildings & Grounds, \$124,878.33; Equalization, \$79,835.88; Register of Deeds, \$27,298.84; IT, \$53,589.66; Human Resources, \$9,828.41; Sheriff, \$458,532.17; HIDTA Grant, \$8,514.19; Jail, \$700,982.24; JSC, \$212,929.63; JSC Juvenile Alternative, \$9,655.82; CCADP, \$65,136.81; Life Enrichment Center, \$94,097.02; Economic Assistance, \$58,943.71; Extension, \$2,540.80; Weed & Pest, \$24,191.70; Mountain Pine Beetle, \$1,025.28; Planning and Zoning, \$25,403.30; Water Protection, \$6,024.76; Road & Bridge, \$181,694.24; Fire Administration, \$6,754.23; Dispatch, \$174,242.43; Emergency Management, \$9,067.20; 24-7 Program, \$25,141.67.

PERSONNEL

Jail: Effective 7/16/2017 – Nikki Armstrong & William Sutterer at \$21.28/hr & Alyssa Mcghee at \$22.91/hr. Effective 7/31/2017 – Mark Hirsch at \$14.78/hr., David Andrews & Hugh Foreman at \$15.88/hr. and Judy Revier at \$22.93/hr.

JSC: Effective 7/31/2017 – Mariah Emery & Bruce Morrison at \$21.28/hr.

Sheriff: Effective 7/16/2017 – Michelle Fankhauser at \$14.78/hr., Brian Burgner at \$21.28/hr., Jonathan Edwards at \$22.35/hr., & Billy Davis at \$23.19/hr. Effective 7/17/2017 – Jared Cutting at \$21.28/hr. and Randolph Flink at \$22.93/hr. Effective 8/1/2017 – Mark Bartik, Thad Fitch, James Hogue, Donald Lampert, Jason Lind, Alyssa Mcghee, Chris Stickler, Gerad Strong, and Patrick VanLoan at \$21.28/hr. Effective 8/4/2017 – David Adkins, James Davis, Michael Halsne, Gregory Jensen, John Marshall, Rick Rieken, John Sumsion and Cody Sunderland at \$21.28/hr.

Treasurer: Effective July 17, 2017 – Autumn Stricklan at \$15.88/hr.

ADJOURN

MOVED by LaCroix and seconded by DiSanto to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 1:07 p.m.

/s/ Julie A. Pearson, Auditor

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