

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of March 6, 2018

The Pennington County Board of Commissioners met at 9:01 a.m. on Tuesday, March 6, 2018, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Lloyd LaCroix called the meeting to order with the following Commissioners present: George Ferebee and Deb Hadcock. Commissioner Ron Buskerud joined by videoconference and Commissioner Mark DiSanto by teleconference. Pursuant to SDCL 1-25-1, the votes were taken by roll call.

**REVIEW AND APPROVE AGENDA**

MOVED by Hadcock and seconded by DiSanto to approve the agenda as presented. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

**CONSENT ITEMS**

MOVED by Hadcock and seconded by DiSanto to approve the Consent Agenda as presented. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

5. Minutes of the special meeting – February 13, 2018.
6. Minutes of the regular meeting – February 20, 2018.
7. Minutes of the special meeting – February 23, 2018
8. Minutes of the special meeting – February 27, 2018.

**PRESENTATION OF ADOPT-A-HIGHWAY PROGRAM CERTIFICATES OF APPRECIATION – CONNIE BERTOLOTTO:** No action was taken at this time.

**ITEMS FROM AUDITOR**

A. 9:15a.m. PUBLIC HEARINGS

1. BUDGET SUPPLEMENT SP18-005 GENERAL FUND SHERIFF'S OFFICE BUDGET IN THE AMOUNT OF \$25,067.48: MOVED by Hadcock and seconded by Buskerud to approve a 2018 supplement to the General Fund Sheriff's Office budget in the amount of \$25,067.48 from current year non budgeted revenue. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

**ITEMS FROM TREASURER**

- A. APPROVAL OF THE RESOLUTION ADOPTING THE CREDIT CARD USAGE POLICY & PROCEDURE FOR PENNINGTON COUNTY: MOVED by Hadcock and seconded by LaCroix to approve the Chair's signature on the Pennington County Policy & Procedure Resolution Adopting Credit Card Use Policy. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

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**PENNINGTON COUNTY POLICY & PROCEDURE  
RESOLUTION ADOPTING CREDIT CARD USE POLICY**

**WHEREAS**, SDCL § 4-3-27 authorizes the use of credit cards by local government officials and employees for the purchase of materials, supplies, equipment, or other authorized transactions for the benefit of the local government entity.

**WHEREAS**, before authorizing the use of a credit card or electronic payment, the governing body shall, by resolution, establish policies providing for the use and accountability of credit card purchases or electronic transactions.

**WHEREAS**, The Pennington County Board of Commissioners has determined that the County has a need for credit cards.

**NOW, THEREFORE IT BE RESOLVED**, by the Board of Commissioners that the following policy is adopted to govern the use of a County issued credit card by Elected Officials, Department Heads and County employees:

1. Each Elected Official and/or Department Head will determine how many cards are needed for their department and which employees will be allowed to use them. The credit limit shall be set at \$10,000 unless a lower amount is requested in writing.
2. Each Elected Official and/or Department Head is responsible for the use of the cards by their department and is responsible to make sure that any charges are authorized County expenditures and that adequate monies are available within the department's approved budget.
3. All employees issued a credit card must sign an acknowledgment form recognizing their responsibility to comply with the County's policy regarding credit cards.
4. County issued credit cards may not be used to pay for any item which does not directly benefit Pennington County.
5. Personal use of the credit cards is strictly prohibited. Misuse of a County issued credit card will be considered grounds for disciplinary action up to and including termination. All improper charges are the responsibility of the employee.
6. All transaction must comply with the County's adopted purchasing policy.
7. All purchases made with a County issued credit card shall be accounted for with purchase receipts retained from the point of sale at which the item(s) were purchased. The Elected Official and/or Department Head is responsible for submitting detailed receipts and is responsible to ensure that duplicate receipts are obtained if the original is lost.

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8. The purchaser will advise the vendor that the purchase is tax exempt. Any tax charges will not be removed by the Auditor. If tax is charged, it is the responsibility of the Elected Official and/or Department Head to have the tax removed or reimburse the County.
9. Proper documentation must be submitted to the Auditor when the payment voucher is processed. If proper documentation is not received, the payment of the charge is the responsibility of the employee.
10. It is the responsibility of the Elected Official and/or Department Head for prompt payment of the credit card statement to ensure receipt of payment in a timely manner. Pennington County shall not pay any late fees or finance charges assessed. All assessed late fees and finance charges not removed by the vendor shall be the responsibility of the Elected Official and/or Department Head.
11. The employee shall not allow anyone else to possess and utilize their cards at any time for any reason.
12. Cash advances are prohibited.
13. Purchase of tobacco or any alcoholic beverages is prohibited.
14. County issued credit cards may not be used to pay for meals that qualify for reimbursement through per diem.
15. The credit cards shall be administered by the Treasurer's Office and a designee within each office may be assigned to oversee the usage, limits, and processing for that department.
16. No employees are allowed to set up an online account to view their credit card activities.
17. No employee is allowed to request a new card to be issued or to close an account. All requests must be made in writing to the Treasurer's Office.
18. If the account is flagged by the vendor for potential fraud, the employee must report to the Treasurer's Office within 24 hours of being notified to place a call to the vendor to verify the purchases. The employee must bring all purchase receipts with them to the Treasurer's Office.
19. The employee or official issued a County credit card is responsible for its protection and custody, and shall immediately notify the County Treasurer if a County credit card is lost or stolen.
20. Any County credit card shall be promptly returned to the County Treasurer by the cardholder or the Elected Official or Department Head upon the transfer, resignation or termination of an Elected Official, Department Head or employee.

Dated this 6<sup>th</sup> day of March, 2018.

/s/ Lloyd LaCroix, Chairman  
Pennington County Board of Commissioners

ATTEST: (SEAL)

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/s/ Julie A. Pearson, Auditor

**ITEMS FROM EQUALIZATION**

A. **ABATEMENT APPLICATIONS – CITY OF RAPID CITY:** MOVED by DiSanto and seconded by Hadcock to approve the 2017 abatement application for the following: Tax ID 26901, Church of Saint Therese - \$846.01; Tax ID 26902, Church of Saint Therese - \$1,081.10. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

MOVED by Hadcock and seconded by Buskerud to continue the abatement application for John Feuerbacher until the March 20, 2018 BOC meeting. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

B. **ABATEMENT APPLICATIONS – CITY OF BOX ELDER:** MOVED by Hadcock and seconded by Buskerud to approve the 2017 abatement applications for the following: Tax ID 56253, Kampus Court LLC - \$769.46; Tax ID 5848, Kampus Court LLC - \$325.41; Tax ID 5849, Kampus Court LLC - \$289.82; Tax ID 7782, Keith Brink - \$238.57. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

C. **ABATEMENT APPLICATIONS – LIGHTHOUSE PARTNERSHIP, INC.:** MOVED by Hadcock and seconded by Ferebee to approve the refund for tax years 2014, 2015, 2016, and an abatement application for tax year 2017 for Tax ID 31931, Lighthouse Partnership, Inc. - \$14,730.82 plus interest. Refund and abatement approved in accordance to SDCL 10-4-19 and SDCL 10-18-1(3). The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

**ITEMS FROM HIGHWAY DEPARTMENT**

A. **AUTHORIZATION TO PURCHASE CORRUGATED METAL PIPE OFF OF BEADLE COUNTY BID:** MOVED by Hadcock and seconded by DiSanto to authorize the Highway Department to purchase corrugated metal pipe from True North Steel Company from the bid to Beadle County, awarded January 16, 2018. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

B. **AUTHORIZATION TO BID FOR REPLACEMENT OF FUEL TANKS IN WALL DIVISION:** MOVED by Hadcock and seconded by LaCroix to authorize the Highway Department to let bids for replacing of the fueling station in the Wall Highway Department Facility. The motion carried 4-1 on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – no, Hadcock – yes, LaCroix – yes.

**ITEMS FROM HUMAN RESOURCES**

A. **SICK LEAVE POLICY PROPOSALS:** MOVED by Hadcock and seconded by Buskerud to implement the previously proposed sick leave payout chart in January 2019. The motion

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carried unanimously: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

MOVED by Hadcock and seconded by DiSanto to adopt an updated sick leave payout structure of 50% of the first 960 hours for any future County employee hired in January 2019 or later. The motion carried unanimously on a roll call vote: Buskerud - yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

MOVED by DiSanto and seconded by LaCroix to adopt an expanded Sick Leave Transfer process that will expand the transfer request process to include the immediate family members of the employee; and ensure a consistent review and approval process as presented. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

MOVED by Hadcock and seconded by DiSanto to add a Bereavement benefit for County employees as presented. The motion carried 3-2 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – no, Hadcock – yes, LaCroix – yes.

MOVED by Hadcock and seconded by DiSanto to break until 10:30a.m. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix - yes.

The Board reconvened at 10:30 a.m.

**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 Hadcock and seconded by Buskerud to approve the Planning and Zoning consent agenda as presented. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix - yes.

- A. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 18-01: Deerfield Cabins, LLC; Deon Wynia. To amend the existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Continue Major Planned Unit Development Amendment / PU 18-01 to the March 20, 2018, Board of Commissioner’s meeting.

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- B. CONSTRUCTION PERMIT / CP 18-02: Black Hills Energy. To rebuild an existing 230 kV transmission line. The rebuild will consist of approximately 81 miles of 230 kV transmission line from the south Rapid City area to the Nebraska State Line.

Various Sections (secured land easements with private property owners).

Place Construction Permit / CP 18-02 on the March 6, 2018, Board of Commissioner's Agenda, for proper notice, and recommended approval with the following eight (8) conditions:

1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);
5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
6. That weed free seed or mulch when re-seeding. Any equipment coming onto site is clean of earthen material and noxious weeds;
7. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
8. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

- C. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 18-01: Pennington County. To amend Section 204-J-3-P-Requirements "On-Site Wastewater Treatment Systems" of the Pennington County Zoning Ordinance.

Continue Ordinance Amendment / OA 18-01 to the March 20, 2018, Board of Commissioner's meeting.

- D. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 18-02: Pennington County. To amend Section 204-J-3-P-Service Providers, O&M "On-Site Wastewater Treatment Systems" of the Pennington County Zoning Ordinance.

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Continue Ordinance Amendment / OA 18-02 to the March 20, 2018, Board of Commissioner's meeting.

End of Consent Agenda

**PLANNING & ZONING REGULAR AGENDA**

E. VACATION OF SECTION LINE / VS 18-01: Ann and Tom Slaughter. MOVED by Hadcock to and seconded by Ferebee to approve of vacation of Section Line 18-01 with two conditions. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

1. 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,
2. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Vacation of Section Line / VS 18-01, which is available at the Planning Office.

Section Line Right-of-Way lying along Tract 39 of Rushmore Ranch Estates and Section Line Right-of-Way lying along Tract 32 Revised of Rushmore Ranch Estates; all located in the SE1/4 of Section 7 and the SW1/4 of Section 8, in T2S, R7E, BHM, Pennington County, South Dakota.

F. REQUEST FOR APPROVAL TO AMEND AN APPROVED BUILDING PERMIT (COBP17-0421) OUTSIDE OF COUNTY ZONING ORDINANCE: Shadrach Howie. MOVED by Hadcock and seconded by DiSanto to amend building permit COBP170421 to add a basement. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

Lot 3B, Block 1, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

G. REQUEST FOR APPROVAL FOR A BUILDING PERMIT OUTSIDE OF COUNTY ZONING ORDINANCE: Shadrach Howie. MOVED by DiSanto and seconded by Ferebee to approve a building permit on lot 4B. The motion carried 4-1 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

Lot 4B, Block 1, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

H. REQUEST FOR APPROVAL FOR A BUILDING PERMIT OUTSIDE OF COUNTY ZONING ORDINANCE: Shadrach Howie. MOVED by Hadcock and seconded by DiSanto to approve a building permit for lot 5B. The motion carried 4-1 on a roll call vote: Buskerud – no, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

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Lot 5B, Block 1, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

**ITEMS FROM THE CHAIR/COMMISSION MEMBERS**

MOVED by DiSanto and seconded by Ferebee to schedule for the next Commission meeting on March 20, 2018 to review the current petitioning policy. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix – yes.

**COMMITTEE REPORTS**

**2018 LEGISLATIVE SESSION**

- A. UPDATE ON PROPOSED BILLS
- B. STAFF DIRECTION
- C. COMMISSION POSITIONS

**APPROVAL OF VOUCHERS** MOVED by Hadcock 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 268,012.91. Vote: The motion carried 3-2 with DiSanto and Ferebee voting no.

2.20.2018 City Election, 19,905.46; AT&T Mobility, 380.99; BH Energy, 123.44; BH Energy, 256.62; BH Energy, 178.00; Century Link, 254.11; City Of Hill City, 35.49; City Of Rapid City -Water, 13,738.60; City Of Rapid City -Water, 5,136.55; Executive Mgmt Fin Office, 24.75; First Interstate Bank, 426.92; First Interstate Bank, 307.80; First Interstate Bank, 1,393.39; First Interstate Bank, 482.57; First Interstate Bank, 407.92; First Interstate Bank, 1,793.48; First Interstate Bank, 1,541.01; First Interstate Bank, 50.98; First Interstate Bank, 49.51; First Interstate Bank, 192.12; First Interstate Bank, 780.37; First Interstate Bank, 75.00; Midcontinent Communications, 2,076.67; Midcontinent Communications, 1,542.04; Montana Dakota Utilities, 5,740.11; Pioneer Bank & Trust, 19,289.28; Pioneer Bank & Trust, 29.38; Reliance Telephone Inc, 2.80; Vast Broadband, 1,831.94; Vast Broadband, 307.04; Verizon Wireless, 4,735.68; Verizon Wireless, 2,266.19; Wellmark, 95,707.31; Wellmark, 86,553.01; West River Electric, 396.38.

**ITEMS FROM THE PUBLIC**

**EXECUTIVE SESSION – SDCL 1-25-2(3)**

- A. Pending Litigations SDCL 1-25-2(3)

**PAYROLL**

Commissioners, 15,645.09; Elections, 16,746.70; Auditor, 28,044.33; Treasurer, 63,355.41; MacArthur Grant, 10,658.06; State's Attorney, 241,427.63; Public Defender, 152,501.54; Buildings & Grounds, 128,093.23; Equalization, 83,997.29; Register of Deeds, 28,766.03; IT, 49,809.54; Human Resources, 10,350.41; Sheriff, 470,207.17; HIDTA Grant, 11,012.61; Jail, 615,628.56; JSC, 214,744.98; JSC Juvenile Alternative, 9,558.28; CCADP, 143,185.15;



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Economic Assistance, 60,319.78; Weed & Pest, 16,130.16; Mountain Pine Beetle, 7,816.00; Planning and Zoning, 33,063.95; Water Protection, ; Road & Bridge, 194,415.02; Fire Administration, 6,569.41; Dispatch, 172,362.78; Emergency Management, 8,775.95; 24-7 Program, 23,228.39.

**PERSONNEL**

ESCC: Effective 03/18/2018 – Matthew Ostendorf at \$19.49/hr.

Highway: Effective 03/05/2018 – Richard Lee at \$17.68/hr.

**ADJOURN**

MOVED by Hadcock and seconded by Buskerud to adjourn the meeting. The motion carried unanimously on a roll call vote: Buskerud – yes, DiSanto – yes, Ferebee – yes, Hadcock – yes, LaCroix - yes. There being no further business, the meeting adjourned at 11:18 a.m.

/s/ Julie A. Pearson, Auditor

Published once at an approximate cost of \_\_\_\_\_.

Publish March 21, 2018