

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
March 2, 2010**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, March 2, 2010, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Ethan Schmidt called the meeting to order at 9:00 a.m. with the following Commissioners present: Gale Holbrook, Jim Kjerstad, Nancy Trautman and Brenda Young.

REVIEW AND APPROVE AGENDA

MOVED by Young and seconded by Trautman to amend the agenda by adding Special Voucher Approval under MISCELLANEOUS. Vote: Unanimous. MOVED by Young and seconded by Trautman to approve agenda as amended. Vote: Unanimous.

REVIEW MINUTES: MOVED by Trautman and seconded by Young to approve the minutes of the February 16, 2010, Board of Commissioners' meeting as written. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. **ADOPT-A-HIGHWAY CERTIFICATES OF APPRECIATION:** The Pennington County Highway Superintendent recognized 34 organizations' efforts in keeping right-of-ways clean.

B. **AWARD RECOMMENDATIONS –TRUCKS:** MOVED by Holbrook and seconded by Trautman to award the purchase of two (2) new 2010 19,500 GVWR 4X4 crew cab pickups to McKie Ford, 21 E. Omaha Street, Rapid City, SD, in the amount of \$69,574.00. Vote: Unanimous.

C. **2010 COUNTY PAVEMENT MARKING PROJECT AGREEMENT:** MOVED by Kjerstad and seconded by Holbrook to approve the Agreement with the State of South Dakota for the 2010 Pavement Marking Project Number P 000S(00)304, PCN 00QV and authorize the Chairperson's signature thereon. Vote: Unanimous.

D. **2010 BRIDGE INSPECTION:** MOVED by Holbrook and seconded by Young to approve the Resolution naming NJS Engineering of Spearfish, SD, to perform Pennington County's 2010 bridge re-inspections and authorize the Chairperson's signature thereon. Vote: Unanimous.

**RESOLUTION
BRIDGE REINSPECTION PROGRAM
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 NJS Engineering, Spearfish, SD (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer to 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 2nd day of March, 2010, at Rapid City, South Dakota.

PENNINGTON COUNTY COMMISSION

/s/ Ethan Schmidt, Chairperson

ATTEST: /s/Julie Pearson, Auditor

E. APPRAISAL REVIEW: MOVED by Trautman and seconded by Holbrook to authorize the Chairman's signature on the Agreement for Appraisal Review Work with the South Dakota Department of Transportation, Right-of-Way Division. Vote: Unanimous.

F. AGREEMENT FOR APPRAISAL AND APPRAISAL REVIEW: MOVED by Holbrook and seconded by Young to approve the Agreement for Appraisal and Appraisal Review, Negotiation and Relocation Work for Project P 6480(4), PCN 5777, Sheridan Lake Road and authorize the Chairman's signature thereon. Vote: Unanimous.

MOVED by Young and seconded by Trautman to approve Resolution 03-02-2010 and authorize the Chairman's signature. Vote: Unanimous.

RESOLUTION 03-02-2010

WHEREAS, the Pennington County Board of Commissioners have the authority to authorize the County Highway Superintendent to negotiate and personally approve the acquisition of right-of-way and easements on behalf of the County for the purpose of road and bridge construction under the jurisdiction of Pennington County; and

WHEREAS, the Pennington County Highway Superintendent is in charge of road and bridge maintenance and construction for roads under the jurisdiction of Pennington County; now therefore,

BE IT HEREBY RESOLVED that the Pennington County Board of Commissioners has designated the County Highway Superintendent as the authorized representative of the County and has empowered the County Highway Superintendent with the authority to approve agreements for right-of-way and easements on behalf of the County for the purpose of road and bridge construction under the jurisdiction of Pennington County.

Dated this 2nd day of March, 2010.

PENNINGTON COUNTY COMMISSION

/s/ Ethan Schmidt, Chairperson

ATTEST: /s/Julie Pearson, Auditor

ITEMS FROM THE AUDITOR

A. MASTER PLAN AND ENERGY STRATEGY BUDGET SUPPLEMENT (SP10-002): MOVED by Trautman and seconded by Young to schedule a hearing to supplement the 2010 Accumulated Building Fund Master Facilities Plan and Energy Strategy budget in the amount of \$123,912 from cash reserves and non-budgeted revenues, at 9:15 a.m., Tuesday, March 16, 2010. Vote: Unanimous.

B. MOTION SUPPLEMENT (SP10-003): MOVED by Trautman and seconded by Young to approve a General Fund budget supplement in the amount of \$1,000 from non-budgeted revenue to the Drug & Alcohol Prevention budget. Vote: Unanimous.

ITEMS FROM SHERIFF

A. COOPERATIVE LAW ENFORCEMENT AGREEMENT: MOVED by Trautman and seconded by Holbrook to authorize the Chairperson's signature on the Cooperative Law Enforcement Agreement #01-LE-11020300-027 between the Pennington County Sheriff's Office and the U.S. Forest Service, Black Hills Area. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. ABATEMENTS: MOVED by Holbrook and seconded by Trautman to approve the following abatements/refunds listed on the memo dated February 18, 2010, as recommended by the Department of Equalization: 2008 - J. Priebe, Parcel ID 8011244, \$170.14. 2009 - C. Buckingham, Parcel ID 5607, \$572.54; L. Peterson, Parcel ID 8011274, \$1334.20; S. Tryner, Parcel ID 59247, \$1710.96; T. White, Parcel ID 8000823, \$402.52; Windsor Block LLC, Parcel ID 37547, \$2385.64. Vote: Unanimous.

MOVED by Young and seconded by Trautman to approve two abatements listed on the memo dated February 25, 2010, as recommended by the Department of Equalization: 2008 - L. Matt, Parcel ID 8001864, \$181.32. 2009 - L. Matt, Parcel ID 8001864, \$171.28. Vote: Unanimous.

ITEMS FROM THE FIRE ADMINISTRATOR

A. TITLE III PUBLIC INPUT ON PROJECTS: MOVED by Young and seconded by Trautman that the Board of Commissioners will now take public input on Pennington County's use of Title III funds for the following proposed projects: Wildland firefighter training classes; wildland firefighter training simulator; fire retardant gel applications systems(s); radio communications equipment; increasing the protection of people and property from wildfire; Search & Rescue and other emergency services, including firefighting and miscellaneous wildland firefighting equipment. Vote: Unanimous.

B. DESIGNATED TITLE III RESERVES: MOVED by Trautman and seconded by Young to designate the balance of \$172,745.41 in Title III funds received after January 1, 2008, from the 2008 Reauthorization of the Secure Rural Schools and Community Self-Determination Act, and further moved to adjust the balance of the reserve as funds are received and spent in compliance with the authorized uses. Vote: Unanimous.

The Board recessed from 9:50 a.m. to 10:00 a.m.

PENNINGTON COUNTY FAIR BUILDING – CHAIRMAN SCHMIDT: MOVED by Young and seconded by Holbrook to name the Event Center at the Pennington County Fairgrounds the James Kjerstad Event Center and erect a sign forthwith. Substitute motion: MOVED by Trautman that the Fine Arts Building be named for Commissioner Kjerstad. The motion died for lack of a second. Vote on the original motion: Unanimous.

ITEMS FROM CHAIR:

A. 2010 COUNTY BOARDS OF EQUALIZATION COMMISSIONER SCHEDULE: Board of Equalization hearings will be held at the Department of Equalization's new office building located at 111 Saint Joseph Street between April 19 - 28, 2010.

MISCELLANEOUS

A. APPROVE VOUCHERS: MOVED by Young and seconded by Trautman to approve the vouchers listed at the end of the minutes for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment, and authorize the chair's signature thereto. Vote: Unanimous.

B. SPECIAL VOUCHER APPROVAL: MOVED by Young and seconded by Trautman to authorize immediate payment of Commissioner Holbrook's \$100 registration fee to the South Dakota Association of County Commissioners (SDACC) for the Spring Conference. Vote: Unanimous.

ITEMS FROM PLANNING AND ZONING

MOVED by Trautman and seconded by Young to convene as the Board of Adjustment. Vote: Unanimous.

A. VARIANCE / VA 10-02: Paul and Julieta Stroud. To reduce the minimum required side yard setback from 8 feet to 5.5 feet to allow for an addition onto the garage in a Suburban Residential District in accordance with Sections 208 and 509 of the Pennington County Zoning Ordinance.

Lot 3, Block 17, Valley Heights Estates Subdivision located in Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Trautman and seconded by Young to deny Variance / VA 10-02 pursuant to Planning Department staff recommendation. Substitute motion: MOVED by Holbrook and

seconded by Kjerstad to approve Variance / VA 10-02 with the following two (2) conditions of approval: 1) That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director; and, 2) That this Variance only applies for the portion of the side yard setback requirement that will be encroached upon by construction of the proposed addition onto the garage. All other structures must maintain the proper setback requirements or obtain separate Variance(s) for that structure. Vote on the substitute motion: The motion failed on a 3-2 vote with Young, Trautman and Schmidt voting no. Vote on original motion: The motion passed 4-1 with Holbrook voting no.

B. VARIANCE / VA 10-04: Lois and Wayne Koester; Mark Walters – Agent. To reduce the minimum required front yard setback from 25 feet to 24 feet in a Suburban Residential District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Lot 8, Block 2, Hillsview Haven Subdivision, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Trautman to approve Variance / VA 10-04 to reduce the minimum required side yard setback from 25 feet to 24 feet for the existing garage and storage shed with the following three (3) conditions. Vote: Unanimous.

1) That this Variance allows for the existing encroachment and the proposed addition and that any other additions or structures must meet the minimum required setbacks for a Suburban Residential District; 2) That the Vacation of Easement be filed and recorded with Register of Deeds; and, 3) That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director.

C. VARIANCE / VA 10-05: Curtis Schweitzer. To reduce the Section Line setback from 58 feet to 33 feet to allow a single-family residence to be constructed in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot A of Lot 1, Schweitzer Subdivision, located in Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Kjerstad to approve Variance / VA 10-05 with the following five (5) conditions. Vote: Unanimous.

1) That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director; 2) That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain; 3) That the wastewater system not be located within the Section Line Right-of-Way; or within the boundaries of the 100-year floodplain; 4) That this Variance only applies for the portion of the setback requirement that will be encroached upon by construction of the proposed single-family

residence. All other structures must maintain the proper setback requirements or obtain separate Variance(s) for that structure; and, 5) That no encroachments be placed within the section line right-of-way.

MOVED by Young and seconded by Trautman to adjourn as a Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

D. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 09-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 09-06: James Hynes/Aubrey Pope; Frances Aubrey – Agent. To rezone 1.13 acres from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Plan (PUD Sensitive) to Highway Service District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot B of Home Sweet Home Placer MS 804 and Lot B of (Lot 7) Tract 37, all located in Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Young and seconded by Trautman to continue the first reading of Rezone / RZ 09-08 and Comprehensive Plan Amendment / CA 09-06 to the May 4, 2010, County Board meeting pursuant to the request of the Planning Department. Vote: Unanimous.

E. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 10-01: Pennington County. To amend Section 500.10 of the Pennington County Subdivision Regulations. MOVED by Holbrook and seconded by Trautman to approve the first reading of Ordinance Amendment / OA 10-01 to amend Section 500.10 of the Pennington County Subdivision Regulations. Vote: Unanimous.

EXECUTIVE SESSION PER SDCL 1-25-2(1); Personnel

MOVED by Young and seconded by Trautman to convene in Executive Session. Vote: Unanimous. The Board remained in Executive Session from 11:20 a.m. until 11:35 a.m. MOVED by Young and seconded by Trautman to adjourn from Executive Session. Vote: Unanimous.

PERSONNEL: Auditor Election Staff - Effective 4/12/2010: I. Butt, \$14.45/hr.; M. Hunt, \$14.10/hr.; J. Davenport, \$13.42/hr. Buildings & Grounds - Effective 3/1/2010: S. Anderson, \$2215. ESCC – Effective 3/1/2010: N. Miller - \$3274; B. Reindl, \$3274.

VOUCHERS

Executive Mgmt Finance, 23.55; City of Rapid City – Water, 1,034.54; Montana Dakota Utilities, 15,490.53; Alltel, 1,141.69; City of Hill City, 38.21; Knology, 4,089.17; Qwest-Seattle, 216.04; Verizon, 4,582.56; Cardmember Services, 930.09; Rapid Leasing, 490.40; Qwest, 2.30; Pioneer Bank & Trust, 1,710.92; First Interstate Bank, 1,357.36; BH Power Inc, 1,379.91; First Administrators, 165,068.11; A & B Business Equipment, 89.17; A To Z Shredding Inc, 33.00; Ace Hardware-East, 9.78; Ace Steel And Recycling, 61.19; Air Works, 6.21; Alcopro, 685.00; Alderman, Jay, 169.00; Apria Health Care, Inc, 224.19; Arcom, 1,110.00; Audio Video

Solutions, 186.15; B & B Auto Salvage, 600.00; Badger Plumbing &, 4,677.26; Badlands Automotive, 466.99; Bangs, McCullen, Butler, 49.20; Banks, Bridgette R, 908.25; Bargain Barn Tire-East, 1,428.00; Bargain Printing, 95.00; Basener, Jacqueline, 60.00; Behavior Management, 35,000.00; Bell, Shirley J, 190.00; Best Business Prdcts Inc, 2,069.72; Best Western Ramkota Inn, 59.00; BH Chemical Company Inc, 1,790.79; BH Pest Control, Inc, 255.00; BH Power Inc, 594.28; BH Wilbert Vault, 295.00; Bob Barker Company Inc, 141.18; Boetel, Brenda, 86.00; Budget Signs, 143.50; Candlewood Place Apts, 240.00; Carbajal, Anthony, 265.00; Carquest Auto Parts, 86.32; Cash-Wa Distributing, 672.15; CBCInnovis, Inc, 338.25; CBM Food Service, 35,320.66; Central Hills Car Clinic, 166.19; Chadron State Foundation, 50.00; Chris Supply Co Inc, 357.68; City Of Box Elder, 179.05; City Of Rapid City, 7,739.98; City Of Rapid City - Water, 649.78; Clark Printing, 395.69; Coca-Cola Bottling Co Of, 674.00; Colhoff-Glover, Linda, 35.00; Colombe, Leslie, 52.00; Communication Services, 116.07; Community Health Center, 388.88; Contractors Insulation, 331.20; Cortez, LLC, 114.90; Countryside Prop Mgmt Inc, 545.00; County Down USA LLC, 270.00; Creative Ironworks, 1,720.00; Crescent Electric Supply, 580.76; Dakota 9-1-1 Conference, 600.00; Dakota Business Center, 365.95; Dakota Plains Legal Svcs, 15,500.00; Dakotaland Autoglass Inc, 47.59; Dale's Tire, 1,304.25; Dawson, Robert A, 351.98; Dennis Supply - Rc, 911.63; Dlorah, Inc, 190.00; Dodge Town Inc, 102.68; Environmental Chemical, 1,201.98; Farmer Brothers Coffee, 390.08; Fastenal Company, 495.92; Fenner, Norm, 100.00; Fishback Financial Corp, 240.00; Force America Inc, 22.63; Gardner Denver Nash LLC, 1,141.22; Godfrey Brake Service, 893.70; Golden West Technologies, 454.62; Gonzalez, Talona, 60.00; Green Star Camper Center, 26.72; Greer, Phillip, 116.00; Grimm's Pump Service Inc, 494.32; Gunderson,Palmer,Goodsell, 1,452.00; Gustafson, Heath J, 190.00; Gustave A Larson Company, 1,869.72; Harveys Lock Shop, 61.11; Heartland Paper Company, 2,984.36; Henning, Gerald, 490.00; Herd's Ribbon & Laser, 51.25; Hewlett-Packard, 42.00; Hill City School Dst 51-2, 300.00; Hillyard/Sioux Falls, 1,179.50; Hoepfner, Douglas, 220.00; Indoff Inc, 431.71; Industrial Electric, 79.40; Industrial Supply Co Inc, 443.91; Interstate All Battery, 20.80; Intoximeters Inc, 2,070.00; Investors Real Estate Tru, 638.50; Ipromoteu, Inc, 434.06; Jefferson Partner Lp, 859.36; Jenner Equipment, 415.24; JH Hilt Engineering Inc, 2,142.00; JJ's Engraving & Sales, 13.00; Johnson Machine Inc, 765.50; Johnson's Carpet, 1,864.00; Junge, Hiene, 26.00; K & D Appliance Service, 50.00; K-Mart, 964.74; Kimball Midwest, 564.00; Kistler, Harvey, 87.00; Knecht Home Center Inc, 30.46; KT Connections, 92.00; Labcorp Of America, 375.00; Lakota Community Homes Inc., 25.00; Language Line Services, 185.86; Lawson Products Inc, 240.48; Linweld, 120.41; Lion Properties LLC, 190.00; Marshall, Larry, 575.00; Mauch, Stephen, 60.00; McGowan, Wendy T, 893.80; Medical Waste Transport, 234.79; Meyers Nau, Rebecca, 60.00; MG Oil Company, 996.60; Midcontinent Testing Lab, 30.00; Montana Dakota Utilities, 355.58; Moyle Petroleum, 21,208.33; MRO Corporation, 21.22; Murphy, John R, 346.90; NAED, 515.00; Native American Office, 256.99; Nelson, Gary, 60.00; Neve's Uniforms Inc, 29.85; New Underwood Ambulance, 500.00; Newkirk's Ace Hrdwre-East, 186.31; Newkirk's Ace Hrdwre-West, 42.02; North Central Supply Inc, 25.00; Northern Truck Equipment, 693.22; Northwest Pipe Fitting In, 590.74; Officemax Incorporated, 659.79; Orrock, Kenneth Eby, 1,541.60; Otis Elevator Co, 1,352.81; Paradis Properties LLC, 510.00; Penn Co Bldgs & Grds, 65.91; Penn Conservation Dist, 6,534.50; Peterson, Patricia, 60.00; Pioneer Enterprises Inc, 3,100.00; Plantronics Inc, 571.34; Pleasant Hill Village Apt, 117.00; Ponderosa Sportswear, 8.00; Power House Honda, 305.92; Pruss, Tina, 163.40; R.L. Polk & Co, 10.00; Radiology Associates, 199.34; Rangel, Elisa, 600.00; Rapid Valley Sanitary, 78.18; Rapidcare, 53.00; RC Area School Dist 51-4, 154.90; RC Journal,

1,677.52; RC Public Library, 106,911.50; RC Winair, 112.54; RDO Equipment Co, 89.95; RDO Equipment Co, 4,924.09; Record Storage Solutions, 567.25; Reed, Jami, 60.00; Repair Shop The, 292.54; Ri-Tec Industrial Prodcnts, 390.00; Roger Frye's Paint Supply, 394.44; Rooks Works, LLC, 3,110.00; Runnings Supply Inc, 59.99; Rushmore Dental Products, 291.90; Sandtrap, 241.52; Sargent, Lori, 60.00; Scovel Psychological, 995.00; SD Dept Of Transp-Finance, 10,238.36; SD Federal Prop Agency, 26.75; SDACC, 300.00; SDEMA, 60.00; Servall Uniform/Linen Co, 2,871.23; Sherwin Williams Paints, 113.96; SHI International Corp, 238.00; Sign & Trophy/Westex, 16.00; Simplexgrinnell, 580.00; Smith, Kelly, 52.00; Solar Sound, 237.03; Stan Houston Equip Co, 100.13; Stan Houston Equipment, 579.94; Steam Cleaning Specialist, 1,660.00; Sturdevant's Auto Parts, 76.34; Sturdevant's Refinish, 234.74; Summit Signs & Supply Inc, 84.00; Super-Holdings, Inc, 197.70; Tessco, 108.62; Three-D Specialties Inc, 4,380.00; Tire Muffler Alignment, 12.75; Titan Machinery, 71.04; Trane U.S. Inc, 549.27; Twl Billing Service &, 1,010.00; United Rentals, 80.38; US Postal Service, 75.00; US Postmaster - Pre-Sort, 185.00; Verizon Wireless, 144.21; Walker Napa Auto Parts, 140.86; Wall Building Center, 91.53; Warne Chem & Equip Co Inc, 29.90; West Payment Center, 213.00; West River Electric, 135.66; West River Intrntnl Inc, 703.42; Western Dakota Insrs Inc, 2,661.00; Weyer Creations, Inc, 789.69; Whisler Bearing Co, 128.55; Winter, Paul R, 66.04; Workop Sd, LLC, 90.00; Wyn Rentals, 270.00; Zoller, Amy, 338.80.

ADJOURN

MOVED by Young and seconded by Trautman to adjourn the meeting. Vote: Unanimous. There being no further business the meeting was adjourned at 11:35 a.m.

Julie A. Pearson, Auditor

Published once at total approximate cost of _____.

Publish: March 17, 2010