

**PENNINGTON COUNTY
BOARD OF COMMISSIONERS MINUTES
May 4, 2010**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, May 4, 2010, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Ethan Schmidt called the meeting to order at 9:05 a.m. with the following Commissioners present: Nancy Trautman and Brenda Young. Gale Holbrook joined the meeting at 9:10 a.m.

REVIEW AND APPROVE AGENDA: MOVED by Trautman and seconded by Young to approve the agenda with the following amendments: move Items From Sheriff to follow Items From the Public; add to Items from Chair, Item E - Recognition from Rapid City Council & Item F - Letter of Support for New EAFB Mission; remove Item 21E, Black Hills Speedway from Items from Planning. Vote: Unanimous.

REVIEW MINUTES: MOVED by Trautman and seconded by Young to approve the minutes of the April 20, 2010, Board of Commissioners' meeting. Vote: Unanimous.

ITEMS FROM SHERIFF

A. **NATIONAL CORRECTIONAL OFFICER APPRECIATION WEEK:** MOVED by Trautman and seconded by Young to adopt the Proclamation celebrating Pennington County Corrections Week during May 2-8, 2009, honoring all Corrections staff working in Pennington County Correctional Facilities. Vote: Unanimous.

SD DEPARTMENT OF LEGISLATIVE AUDIT - BRUCE HINTZ, AUDITOR IN CHARGE: MOVED by Trautman and seconded by Young to authorize the Chairman's signature on the letter of engagement from the South Dakota Department of Legislative Audit. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **2011 PROVISIONAL BUDGET PRESENTATION**

B. **MOTION SUPPLEMENT SP10-006:** MOVED by Trautman and seconded by Young to approve a supplement to the General Fund Lien Collections Budget in the amount of \$56,050 from over collected current year lien collections revenue. Vote: Unanimous.

C. **DESIGNATED ELECTION RESERVE:** MOVED by Trautman and seconded by Young to designate \$284.11 from General Fund Cash Reserves to the General Fund Designated Election Reserve for future spending in compliance with the Help America Vote Act. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. HOMELAND SECURITY EQUIPMENT TRANSFER: MOVED by Young and seconded by Trautman to authorize the Chairman's signature to the equipment transfer agreements in order to fulfill the requirements of the Homeland Security Grant Program. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. ABATEMENTS: MOVED by Holbrook and seconded by Young to approve the following abatements/refunds: Garry, Dennis, 2007, 453.64; 2008, 446.78; 2009, 431.58; Vote: Unanimous.

MOVED by Holbrook and seconded by Young to sustain The Director of Equalization's recommendation to deny the 2009 abatement for First Evangelical Church in the amount of 17,275.08. MOVED by Holbrook and seconded by Young to call the question. The motion failed 3-1 with Schmidt voting no (2/3 majority required). The vote on the motion to deny the abatement was 2-2 with Schmidt and Trautman voting no. This item will be carried over to the May 18, 2010, meeting.

MOVED by Trautman and seconded by Young to approve the abatements/refunds for Mauna Towers, LLC, 2008, 790.42, 2009: 695.50. Vote: Unanimous.

ITEMS FROM EXTENSION

A. COURTHOUSE ENTRANCE BEAUTIFICATION PROJECT-RICK ABRAHAMSON: MOVED by Holbrook and seconded by Young to move forward with Phase I of the Courthouse entrance beautification project with expenditures estimated between \$1500 and \$2000. Substitute motion: MOVED by Young and seconded by Trautman to continue this item to the June 1, 2010, meeting to develop alternative plans for Board approval. Substitute motion: MOVED by Holbrook and seconded by Trautman to continue this item to the May 18, 2010, meeting to develop alternative plans and cost estimates for Board review. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATOR

A. BID AWARD FOR PAGING REPEATERS: MOVED by Holbrook and seconded by Young to award the bid for three paging repeaters to Western Communications, 3106 Campbell Street, Rapid City, SD, in the amount of \$42,737. Vote: Unanimous.

Holbrook left the meeting at 11:00 a.m.

ITEMS FROM HIGHWAY

A. ADOPT-A-HIGHWAY PROGRAM – DEERFIELD ROAD: MOVED by Trautman and seconded by Young to approve the request from Hill City Junior National Honor Society to volunteer to take responsibility for cleaning approximately two miles of Deerfield Road. Vote: Unanimous.

**RAPID CITY AREA ECONOMIC DEVELOPMENT PARTNERSHIP
INFORMATIONAL REPORT – BEN SNOW, PRESIDENT**

Holbrook rejoined the meeting at 11:05 a.m.

KEYSTONE LIBRARY COUNTY REPRESENTATIVE APPOINTMENT

MOVED by Trautman and seconded by Young to appoint Diane Rhode as the Pennington County representative on the Keystone Town Library Board for a term of three years beginning in May 2010. Vote: Unanimous.

LIEN RELEASE REQUEST*(Names withheld per SDCL 28-13-42)*

MOVED by Trautman and seconded by Holbrook to release the lien in the amount of \$95 for DFH, date of birth 01/30/44, and MLH, date of birth 09/12/51. Vote: Unanimous.

ITEMS FROM CHAIR

A. 2011 BUDGET HEARING DATES – SCHEDULING CONFLICT: MOVED by Trautman and seconded by Young to move the 2011 budget hearings scheduled for June 8, 2010, to the Department of Equalization Conference Room. Vote: Unanimous.

B. PREAPPROVAL FOR OUT-OF-STATE TRAVEL: No action taken.

C. BH ASSOCIATION OF COUNTY COMMISSIONERS RESOLUTION SUPPORTING LOCAL VA FACILITIES: MOVED by Holbrook and seconded by Young to approve the Chairman's signature on the following Resolution. Vote: Unanimous.

RESOLUTION

WHEREAS, the Black Hills Association of County Commissioners (BHACC), representing 13 counties, met in Sturgis, South Dakota on March 26, 2010; and

WHEREAS, there ensued a discussion of the ongoing issues regarding the V.A. Black Hills Healthcare System and the future of its facilities and services at Fort Meade, Hot Springs and Rapid City; and

WHEREAS, Veterans throughout western South Dakota, eastern Wyoming and northwest Nebraska depend upon these facilities for medical and other services which they have earned because of their past service to this nation and its citizens in defending our precious freedom; and

WHEREAS, it is important to keep strong healthcare services in each of these areas to serve our resident Veterans and never forgetting our Native American Veterans without them having to drive often well over a hundred miles to get those services; and

WHEREAS, these long time facilities and employees have been an integral and necessary part of the lifeblood of their local communities; and

WHEREAS, the Pennington County Commissioners wish to show their continued support for our Veterans and their deserved receipt of quality medical services;

NOW, THEREFORE, BE IT RESOLVED, that we strongly urge the Veterans Administration to take a long and careful look at the needs of our area Veterans before making any decisions shifting or cutting back on our area care facilities; and

BE IT FURTHER RESOLVED; that we urge our Congressional delegations from South Dakota, Nebraska and Wyoming as well as the American Legion, VFW, DAV and their auxiliaries to pay close attention to the Veterans Administration and its short-term and long-term plans for the Veterans served in all three states.

Dated this 4th day of May, 2010

/s/Ethan Schmidt, Chairperson

ATTEST: /s/Karen McGregor, Deputy Auditor

D. STATUS OF PROPOSED ON-SITE WASTEWATER TREATMENT SYSTEM ORDINANCE – Planning Commission

E. **CITY OF RAPID CITY RECOGNITION:** Commissioner Trautman reported that Pennington County Commission received the Norman E. Nelson Preservation Certificate of Appreciation for developing a preservation plan for the Pennington County Courthouse.

F. **LETTER OF SUPPORT FOR NEW ELLSWORTH AIR FORCE BASE MISSION:** MOVED by Trautman and seconded by Young to authorize the Chairman’s signature on a letter on behalf of the Board of Commissioners to the Secretary of the Air Force in support of the new Ellsworth Air Force Base mission. Vote: Unanimous.

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.

PENNINGTON COUNTY NUISANCE ABATEMENT AT 4850 AND 4884 ALBERT LANE: MOVED by Trautman and seconded by Young to declare 4850 and 4884 Albert Lane to be nuisances for the purpose of abatement and further moved to have the structures removed and the lots cleared. 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 10-10: Michelle Nelin-Maruani. To reduce the minimum required setbacks from 25 feet to 3 feet along the south property line and from 25 feet to 16 feet along the north property line in a General Agriculture District to allow for a residential addition to be constructed in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance

The S1/2 of Lot 9, Cleghorn Canyon, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Young to approve VA 10-10 to bring the existing residence into compliance and for the setbacks to be reduced for the proposed addition to 16 feet from the north property line and eight (8) feet from the south property line with four (4) conditions.

Substitute motion: MOVED by Trautman and seconded by Holbrook to approve VA 10-10 as requested by the applicant to bring the existing residence into compliance and for the setbacks to be reduced for the proposed addition to 16 feet from the north property line and three (3) feet from the south property line with the following four (4) conditions. 1. That it be determined when the shed was placed on the property and if it was following the adoption of the Zoning Ordinance in 1994, it be removed prior to the issuance of a Building Permit for the proposed addition onto the residence; 2. That all construction activities for the proposed addition remain on the applicant's property and no encroachments be made onto the neighbor's property without permission; 3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and, 4. That this Variance only applies for the portion of the setback requirements that are encroached upon by the existing residence and will be encroached upon by construction of the proposed addition. All other structures must maintain the proper setback requirements or obtain separate Variance(s) for that structure. Vote: Unanimous.

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

MOVED by Trautman and seconded by Young that Item B, Relocation of Section Line Highway / RS 03-02, and Item C, Petition for Location of a Public Highway / RS 10-01, be withdrawn with the applicants' concurrence. Vote: Unanimous.

B. RELOCATION OF SECTION LINE HIGHWAY / RS 03-02: Pat Foley and Lyle Johnson.

C. PETITION FOR LOCATION OF A PUBLIC HIGHWAY / RS 10-01: Lloyd and Diane Byram.

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 Holbrook and seconded by Young to continue the first reading of RZ 09-08 and CA 09-06 to the May 18, 2010, Board of Commissioners' meeting. Vote: Unanimous.

E. BLACK HILLS SPEEDWAY – removed from agenda

F. CANYON SPRINGS PRESERVE SURETY UPDATE: Reservoir filling with water and is currently being tested to make sure it is potable. Hanson's section of road is scheduled to be completed on Friday, May 7, 2010, weather permitting.

Holbrook left the meeting at 11:55 a.m. and returned at 12:00.

MOVED by Schmidt and seconded by Young to continue this item to the May 18, 2010, meeting for further updates, and further moved the following: 1) That the Planning Director be provided with the a construction schedule for the completion of all roads in the development and a copy of the water test results; 2) That the developer continue to meet once weekly with the Planning Director and continue the email notifications spelled out during the March 16, 2010, County Board meeting.

Vote: Unanimous.

G. 319 PROJECT SPRING CREEK – APPROVAL OF REQUESTS TO HILL CITY AND WDWDD AND FORMATION OF AN ADVISORY GROUP: MOVED by Young and seconded by Trautman to approve letters to West Dakota Water District and the City of Hill requesting payment of funds for the 319 Project. Vote: Unanimous.

MOVED by Young and seconded by Trautman to form a thirteen-member advisory group for the Spring Creek Project, with the membership to include two landowners. Vote: Unanimous.

PENNINGTON COUNTY COMMISSION DISTRICT 4 – VACANCY INTERVIEWS AND SELECTION

The Board of Commissioners including Gale Holbrook, Ethan Schmidt, Nancy Trautman, Brenda Young and the Pennington County Auditor, Julie Pearson, interviewed Lyndell Peterson, Cody Champion and DeWayne Glassgow to fill the Commission District 4 vacancy.

DeWayne Glasgow was selected as the Commissioner for District 4 by written ballot and was sworn in as a Pennington County Commissioner by Auditor Pearson.

The Board recessed from 12:45 p.m. until 12:52 p.m.

EXECUTIVE SESSION PER SDCL 1-25-2(1)- PERSONNEL ISSUES

MOVED by Young and seconded by Trautman to convene in Executive Session. Vote: Unanimous. The Board remained in Executive Session from 12:52 p.m. p.m. until 1:56 p.m. MOVED by Trautman and seconded by Young to adjourn from Executive Session. Vote: Unanimous.

PAYROLL

Commissioners, 9,109.42; Human Resources, 4,386.08; Elections, 12,708.84; Auditor, 20,813.03; Treasurer, 47,516.42; Data Processing - Law, 9,800.43; Data Processing - General, 33,835.43; State's Attorney, 130,846.44; Public Defender, 89,879.43; Juvenile Diversion, 10,911.84; Victim's Assistance, 11,335.92; Buildings & Grounds, 98,041.99; Equalization, 63,698.34; Register of Deeds, 24,471.90; Sheriff, 260,591.37; Courthouse Security, 6,848.87; Service Station, 8,784.47; Arrest Grant, 11,570.62; HIDTA Grant, 8,815.62; CARE Budget, 11,375.02; Jail, 408,630.19; Jail Work Program, 4,814.61; Jail Medical, 2,969.75; Jail Maintenance, 11,029.51; Hill City Law, 19,866.67; Keystone Law, 7,379.01; New Underwood – Law, 3,869.70; School Liaison, 19,382.63; Wall Law, 10,729.79; JSC Teachers, 26,067.25; Home Detention, 7,405.67; Alcohol & Drug, 141,150.72; Friendship House, 27,913.15; Prevention Program, 6,025.00; Dispatch, 146,238.05; Ordinance, 3,355.50; Economic Assistance, 39,333.69; Mental & Alcohol-SAO, 7,255.55; Mental & Alcohol-HHS, 3,278.09; Extension, 3,994.01; Weed & Pest, 8,191.44; West Nile, ; Planning and Zoning, 18,915.90; Water Protection, 4,078.42; Juvenile Services Center, 251,695.25; JSC Maintenance, 5,619.58; Highway, 181,575.05; Drug Seizure, 2,913.82; Fire Administration, 6,469.46; Emergency Management, 8,108.01; Emergency Management, 1,252.46; 24-7 Program, 16,073.48.

PERSONNEL

Weed & Pest: Effective 4/19/10 – J. Dargatz, 14.47/hr; Effective 4/29/10 – D. Hensley, 12.47/hr.; Effective 5/3/10 – S. Jaure, E. Treloar, E. Neubauer at 12.17/hr.

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 April 20, 2010: Total balances of checking/savings accounts, \$19,176,879.68; Total balance of Treasurer's Office safe cash, \$7,600.00; Total certificates of deposit, \$5,671,511.90; Total Prime Value Investment, \$12,704,253.50; Total petty cash, \$111,015.00; Total cash items/net NSF checks, \$194.52; Total long/short, \$322.42; Total, \$37,671,132.18. Submitted by Lori Wessel, Deputy Auditor.

VOUCHERS

May 4, 2010

First Administrators, 161568.49; US Bank, 100.00; Pioneer Bank Visa, 1,122.28; First Interstate Bank; 89.00; Mt Rushmore Telephone, 101.09; Red River Service Corp, 44.84; City of Hill City, 41.08; Wal-Mart Community, 18.42; CBM Food Service, 30,904.57; Qwest, 3.08; City of Rapid City-Water, 1,594.59; BH Power Inc, 5,627.30; Executive Mgmt Fin. Office, 15.00; Cardmember Services, 51.39; Qwest, 217.00; Montana Dakota Utilities, 11,804.33; Alltel, 1,468.13; Office Depot Credit Plan, 87.92; Verizon, 5,182.74; Knology, 4,770.28; Toyota of the BH, 23,999.00; First Interstate Bank, 2,126.90.

ADJOURN

There being no further business the meeting was adjourned at 1:56 p.m.

/s/Julie A. Pearson, Auditor

Published once at total approximate cost of _____.

Publish: May 19, 2010