

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 5, 2020

The Pennington County Board of Commissioners met at 9:00 a.m. on Thursday, November 5, 2020, 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, Gary Drewes, Lloyd LaCroix & Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by Drewes and seconded by LaCroix to approve the agenda as presented with an addition to item 13A. Vote: Unanimous.

VETERANS DAY RECOGNITION – A TIME FOR ALL TO PAY OUR RESPECTS TO THOSE WHO HAVE SERVED. FOR ONE DAY, WE STAND UNITED IN RESPECT FOR YOU OUR VETERANS.

CONSENT AGENDA

MOVED by DiSanto and seconded by Drewes to approve the Consent Agenda as presented. Vote: Unanimous.

6. Approve the minutes of the October 20, 2020, regular meeting.
7. Acknowledge the notice of intent to conduct a raffle – Rockerville Volunteer Fire Department.
8. Authorize the Chair’s signature on the State Local Agreement (SLA) Personnel Action Forms (PAF).
9. Declare asset #5390 – a Motorola Spectra Radio Console as surplus for the purpose of disposal.

EXECUTIVE SESSION – SDCL 1-25-2

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

MOVED by DiSanto and seconded by Rossknecht to go into Executive Session pursuant to SDCL 1-25-2(3) for contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from 9:12 a.m. until 9:51 a.m. MOVED by DiSanto and seconded by Rossknecht to come out of Executive Session. Vote: Unanimous.

REQUEST TO REDUCE THE SPEED LIMIT AND INSTALL A CATTLE GUARD ON MYSTIC ROAD – MR. KENNETH HARGENS:

MOVED by Drewes and seconded by LaCroix to deny the request for the installation of a cattle guard on Mystic Road at Pennington County’s expense. Vote: Unanimous.

MOVED by Drewes and seconded by DiSanto to continue the speed limit reduction request for the future. Vote: Unanimous.

ITEMS FOR AUDITOR

A. CANVASS OF 2020 GENERAL ELECTION RESULTS: MOVED by Drewes and seconded by DiSanto to approve the Certificate of the Board of Canvassers of the General Election held on Tuesday November 3, 2020 as provided. Vote: Unanimous.

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- B. APPROVAL OF PAYMENTS FOR ELECTION EXPENSES: MOVED by LaCroix and seconded by DiSanto to authorize the payment of \$725 for polling place rent. Vote: Unanimous.
C. CORONAVIRUS RELIEF FUND (CRF) UPDATE: Informational only.

ITEMS FROM EMERGENCY MANAGEMENT

- A. COVID-19 UPDATE: MOVED by DiSanto and seconded by LaCroix to approve to add the position of Facility Sanitation Worker at a Grade 6, DBM A11, \$13.80/hr., effective 11/15/2020. Vote: Unanimous.

ITEMS FROM HEALTH & HUMAN SERVICES

- A. SPECIAL APPROVAL TO PAY CARES ACT VOUCHERS EARLY: MOVED by DiSanto and seconded by Drewes to authorize special payment for the CARES Act assistance vouchers completed by Health and Human Services. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

- A. EXTENSION OF APPROVED LEAVE PAY FOR ESSENTIAL POSITIONS: MOVED by LaCroix and seconded by Drewes to approve payment of up to 80 hours of additional leave time for employees in essential positions. It is further moved to amend the retroactive effective date approved on October 20th from September 6, 2020, to April 1, 2020. Vote: Unanimous.
B. ANIMALS IN THE WORKPLACE POLICY: MOVED by LaCroix and seconded by Drewes to accept the changes and to update the Employee Handbook for the Animals in the Workplace Policy as presented. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. SD GAME, FISH & PARKS GENERAL SERVICES CONTRACT – WHITETAIL LOOP ROAD: MOVED by Rossknecht and seconded by LaCroix to authorize the Highway Dept. to enter into the General Services Contract with SD Game, Fish and Parks for snow removal and fall mowing on Whitetail Loop Road for the 2020 – 2021 season. Vote: Unanimous.
B. AMENDMENT #1 TO WORK ORDER BI-46-20 – BRIDGE INSPECTIONS: MOVED by LaCroix and seconded by DiSanto to approve Amendment #1 to Work Order BI-46-20 for additional costs associated with 2020 bridge inspections. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

- A. RESIGNATION ACKNOWLEDGEMENT & APPOINTMENT – PC HOUSING & REDEVELOPMENT COMMISSION: MOVED by DiSanto and seconded by LaCroix to acknowledge the resignation of Mr. William Podhradsky from the Pennington County Housing & Redevelopment Commission effective October 26, 2020. Vote: Unanimous.
MOVED by Drewes and seconded by LaCroix to appoint Commissioner Deb Hadcock to fill the remaining term expiring March 19, 2024. Vote: The motion carried 4-0 with Hadcock abstaining.
B. WEST RIVER ELECTRIC ASSOCIATION – REQUEST FOR ASSIGNMENT OF

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CAPITAL CREDITS & MEMBERSHIP APPLICATION: MOVED by LaCroix and seconded by DiSanto to approve the Chair's signature on the Request for Assignment of Capital Credits & the Membership Application for West River Electric Association. Vote: Unanimous.

MOVED by Drewes and seconded by Rossknecht for a five-minute recess. Vote: Unanimous.
MOVED by Drewes and seconded by LaCroix to reconvene. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by Drewes and seconded by Rossknecht to convene as the Board of Adjustment. Vote: Unanimous.

A. VARIANCE / VA 20-11: Tim and Teresa Ripley. To reduce the minimum required lot size from 40 acres to 4.70 acres in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Tract C of Lot 1 NW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota

MOVED by DiSanto and seconded by Rossknecht to approve Variance / VA 20-11 due to LaCroix's oral findings in section 5. Vote: Unanimous.

B. VARIANCE / VA 20-12: Shane and Kimberly Geidel. To reduce the minimum required lot size from 40 acres to 11.796 acres and 27.516 acres in a General Agriculture District to create proposed Lots A and B of Jundt Subdivision in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Lot 1, Jundt Subdivision, Section 33, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Hadcock to deny Variance / VA 20-12 due to staff's findings in Section 5. Vote: The motion carried 3-2 with LaCroix and Drewes voting no.

MOVED by LaCroix and seconded by DiSanto to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

PLANNING & ZONING REGULAR AGENDA

C. SECOND READING OF REZONE / RZ 20-05: CMR, LLC; Dale Froehlich – Agent. To rezone 240 acres from Planned Unit Development District to General Agriculture District in accordance with Sections 205, 213, and 508 of the Pennington County Zoning Ordinance.

SE1/4SW1/4; SW1/4SE1/4; SE1/4SE1/4 of Section 26, T1S, R3E; and SW1/4SW1/4 of Section 25, T1S, R3E; and N1/2NW1/4 Less ROW of Section 36, T1S, R3E, BHM, Pennington County, South Dakota.

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MOVED by Rossknecht and seconded by LaCroix to approve the second reading of RZ 20-05.
Vote: Unanimous.

D. LAYOUT PLAN / LPL 20-31: Ronald and Susan Johnson. To subdivide and create Lot 1-R2 of Jones Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1R of Jones Ranch Subdivision and SE1/4 Less 9.93 AC in SE1/4 and Less Jones Ranch Subdivision and Less Caputa Community Cemetery and Less Dedicated ROW, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1-R2 of Jones Ranch Subdivision and a portion of the SW1/4 of SE1/4, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Layout Plan / LPL 20-31 with the following seven (7) conditions. Vote: Unanimous.

1. That at the time of Preliminary Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That at the time of Preliminary Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
4. That prior to the Mylar being filed at Register of Deeds, the applicant obtains approval of a rezone and Comprehensive Plan amendment.
5. That access for Lot 1-R2 is taken from the existing approach for the subject property;
6. That the applicant ensures all natural drainage ways are maintained and are not blocked; and,
7. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

E. LAYOUT PLAN / LPL 20-32: Dean and Jennifer Karschnik. To reconfigure lots lines to create Lot 2R of Lot 2 of Marshall Gulch Subdivision and Tract CR of Tract C of Lot 1 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract C of Lot 1 NW1/4NW1/4; and Lot 2 of Marshall Gulch Subdivision, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R of Lot 2 of Marshall Gulch Subdivision and Tract CR of Tract C of Lot 1, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

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MOVED by DiSanto and seconded by LaCroix to approve Layout Plan / LPL 20-32 with the following ten (10) conditions. Vote: Unanimous.

1. That the owners of proposed Tract CR, Timothy and Teresa Ripley, work with The Planning and Zoning Department in order to resolve the Section Line setback violation;
2. That prior to the new Plat being recorded with the Register of Deeds, the owners of proposed Tract CR, Timothy and Teresa Ripley, obtain an approved Lot Size Variance for proposed Tract CR or it be Rezoned appropriately;
3. That the applicant ensures all natural drainage ways are maintained and not blocked;
4. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
5. That at the time of Minor Plat submittal, the proposed lot names be corrected per Register of Deeds comments (Tract CR of Lot 1; and Lot 2R of Marshall Gulch Subdivision);
6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
9. That prior to the new Plat being recorded with the Register of Deeds, the applicant and/or land owner obtain an approved Lot Size Variance for proposed Tract CR or it be Rezoned appropriately; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

APPROVAL OF VOUCHERS: MOVED by DiSanto and seconded by Drewes 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 \$400,234.12. Vote: Unanimous.

AT&T Mobility, 5,011.45; BH Energy, 2,192.32; BH Energy, 31.18; BH Energy, 234.94; Century Link, 265.85; City Of Hill City, 46.13; City Of Rapid City - Water, 19,985.90; City Of Rapid City -Water, 6,461.18; City Of Wall, 202.50; Clock Tower Gardens Apartments, 645.00; Cornerstone Apartments, 500.00; Countryside Property Management LLC, 800.00; Custer Gas, 56.20; Eagle Apts LLC., 1,000.00; Eagle Ridge Apartments I, 829.00; Eagle Ridge Apartments II, 853.00; Edgewood Estates LP, 388.00; Estes Park Apartments, 650.00; Executive Mgmt Fin Office, 87.75; G2 Enterprises, LLC, 400.00; Gateway Apartments LLC, 1,100.00; Georgas, Teri K, 1,000.00; Harmony Heights, 1,369.00; Hensley Property Management LLC, 1,600.00; Kahler Property Management, 1,000.00; Kavanaugh's Weed & Pest LLC, 275.00; Lakota Community Homes Inc,

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300.00; Lewis Kirkeby & Hall Management Inc, 900.00; Lowe's, 116.15; Medical Waste Transport Inc, 616.72; Midcontinent Communications, 3,231.38; Midcontinent Communications, 2,050.63; Montana Dakota Utilities, 3,559.47; Montana Dakota Utilities, 438.44; Mountain View Village Apartments, 240.00; Muth Holdings LLC, 700.00; NWE Management, 1,150.00; Paradis Inc, 420.00; Pioneer Bank & Trust, 1,917.80; Pioneer Bank & Trust, 2,681.53; Prairie Acres LLC, 342.32; Premier Real Estate Mgmt LLC, 648.00; Rainbow Gas Company, 432.97; Reliance Telephone Inc, 15.20; Sakura LLC, 285.00; Sundial Square Apartments, 1,440.60; Valley Village Park, 702.00; Vast Broadband, 1,614.35; Vast Broadband, 333.44; VB Rapid Creek, 887.92; Verizon Wireless, 1,653.43; Verizon Wireless, 1,646.20; Wellmark, 323,644.73; West River Electric, 323.44; Western Thrifty Inn LLC, 190.00; Whisper Rock Apartments, 768.00.

EXECUTIVE SESSION – SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1)

B. Contractual/Pending Litigations per SDCL 1-25-2(3)

MOVED by DiSanto and seconded by Drewes to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters. Vote: Unanimous. The Board remained in Executive Session from 1:08 p.m. until 2:06 p.m. MOVED by DiSanto and seconded by LaCroix to come out of Executive Session. Vote: Unanimous.

MOVED by DiSanto and seconded by LaCroix to approve the annual step for Fire Administrator Jerome Harvey. Vote: Unanimous.

MOVED by DiSanto and seconded by LaCroix to approve the annual and performance step for Highway Superintendent, Joe Miller, effective December 13, 2020. Vote: Unanimous.

MOVED by Drewes and seconded by DiSanto to go into Executive Session pursuant to SDCL 1-25-2(3) for Contractual/pending litigation. Vote: Unanimous. Hadcock did not go back into Executive Session. The Board remained in Executive Session from 2:08 p.m. until 2:12 p.m. MOVED by LaCroix and seconded by Drewes to come out of Executive Session. Vote: Unanimous.

MOVED DiSanto and seconded by LaCroix to approve Jerome Harvey, Fire Administrator his annual step increase at a Grade 21, Step 19, for a bi-weekly rate of \$3,005.60, effective December 13, 2020. Vote: Unanimous.

MOVED by DiSanto and seconded by Drewes to approve the annual and performance step for Highway Superintendent, Joe Miller, at Grade 25, Step 7, for a bi-weekly rate of \$3,454.40, effective December 13, 2020. Vote: Unanimous.

MOVED by Drewes and seconded LaCroix to go into Executive Session pursuant to SDCL 1-25-2(3) for Contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from 2:14 p.m. until 2:25 p.m. MOVED by LaCroix and seconded by Drewes to come out of Executive Session. Vote: Unanimous.

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MOVED by Drewes and seconded by LaCroix to authorize the Commission Vice-Chair's signature on an agreement for Pennington County to purchase the real property located at 27 Saint Joseph Street, Rapid City, SD and legally described as: Lots Nine (9) Through Sixteen (16) Inclusive in Block One Hundred (100) Of the Original Townsite of The City Of Rapid City, Pennington County, South Dakota in the amount of \$1,250,000 and to authorize the Pennington County Auditor to issue a check made payable to Pennington Title Company in the amount of \$1,238,751.30 and to further authorize the Vice-Chair, Auditor or legal counsel for the County to sign any and all additional documentation necessary to complete said transaction. Vote: The motion carried 4-0 with Hadcock abstaining.

PAYROLL

Commissioners, 8,812.60; Elections, 13,362.49; Auditor, 10,327.40; Treasurer, 33,866.73; State's Attorney, 136,129.12; Public Defender, 77,272.80; Buildings & Grounds, 60,473.44; Equalization, 41,478.72; Register of Deeds, 14,358.64; IT, 23,441.76; Human Resources, 7,404.81; Sheriff, 274,919.32; Jail, 339,409.35; JSC, 108,910.26; JSC Juvenile Alternative, 4,529.86; CCADP, 110,862.50; Economic Assistance, 33,773.13; Extension, 1,409.62; Weed & Pest, 5,162.40; Planning and Zoning, 13,952.45; Road & Bridge, 92,712.77; Fire Administration, 3,532.62; Natural Resource Management, 4,292.80; Dispatch, 103,328.82; Emergency Management, 4,881.80; 24-7 Program, 9,116.42.

PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.

24/7: Effective 11/15/2020: Tamara Pate, \$16.16.

Buildings & Grounds: Effective 11/01/2020: Zachry Lawson, \$20.90.

CCADP: Effective 10/4/2020: Lisa Fredsall, \$2,185.60. Effective 11/15/2020: Bruce Seumanutafa, \$18.96; Peri Decory, \$18.05; Nicole Kelly, \$23.61; Lynn Renville, \$21.47. Effective 11/16/2020: Bailey Quinn, \$17.61. Effective 11/29/2020: Colleena Abbott, \$18.95; Beth Bachand, \$16.16; Michael Bay, \$16.16; Jacob Mundt, \$16.16; Benjamin Parrow, \$16.16; Tanah Oestmann, \$18.05; David Oster, \$2,526.40.

Dispatch: Effective 11/01/2020: Janice Jenness, \$22.21; Jessica Sedlmajer, \$22.49; Tracey Gonzalez, \$19.67; Bryce Hoven, \$21.94; Selena Parce, \$20.90; Jennifer Stahl, \$18.95; Karaleigh Two Crow, \$20.14; Heather Neal, \$27.04; Ashlin Wickham, \$19.40. Effective 11/15/2020: Jennifer Stahl, \$19.40; Marissa Brooks, \$28.72; Matthew Thompson, \$27.04.

Equalization: Effective 10/23/2020: Jay McKinstry, \$18.48.

Highway: Effective 11/15/2020: Gary Vernon, \$19.92.

Jail: Effective 11/15/2020: Sheila Shaffer, \$15.61; Anna Bingham, \$24.79; Jeremy Comrie, \$24.48; Joan Fletcher, \$23.16; Kyle Heck, \$23.04; Steven Klock, \$22.00; Jerome Morris, \$30.25; Daryl Robinson, \$17.19; Sean Stecher, \$28.70; David Switzer, \$29.06; Travis Tenold, \$23.04. Effective 11/16/2020: Brennan Culverhouse, \$22.47; Alyssa Francik, \$22.47; Sam Halverson, \$22.47; Travis Hovell, \$22.47; Kendrick Larson, \$22.47; Sidni Murphy, \$16.77. Effective 11/29/2020: Shawn Ankeney, \$23.32; Kalandus Hunt, \$23.04; Eric Pearson, \$24.22; Brett Casey, \$18.05; Kara Gouldin, \$17.62.

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JSC: Effective 11/15/2020: Samantha Brumbaugh, \$34.25; Anesha Morton, \$24.79; Travis Thorn, \$23.04; Maurice Wallum, \$23.04. Effective 11/16/2020: Cheyenne Royer, \$22.47.

Planning & Zoning: Effective 11/29/2020: Cody Sack, \$21.40.

Public Defender: Effective 11/15/2020: Joseph Juenger, \$2,710.40; Shannon Lapp, \$2,358.40.

Register of Deeds: Effective 11/30/2020: Virginia Merrill, \$16.77.

Sheriff: Effective 11/01/2020: Neal Hofer, \$22.47. Effective 11/15/2020: Tyrel Minor, \$23.32; Joshua Fresquez, \$18.96; Rio Shearer, \$22.47; Mischelle Boal, \$31.01; Trista Dupres, \$25.11; Josie Frank, \$15.22; Joshua Kunde, \$25.74; Aaron Pritzkau, \$26.05; Kent Przymus, \$29.50; Daniel Rose, \$25.11; Amanda Swanson, \$25.11. Effective 11/29/2020: Randy Harkins, \$32.50; Debra Hauer, \$24.82; Thomas Heitsch, \$30.30; Daniel Lewis, \$28.08.

State's Attorney: Effective 10/19/2020: Bailey Wickre, \$14.49.

ADJOURN

MOVED by Hadcock and seconded by Rossknecht to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 2:27 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: November 18, 2020