

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of April 6, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, April 6, 2021, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Gary Drewes called the meeting to order with the following Commissioners present: Deb Hadcock, Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by Hadcock and seconded by Lasseter to approve the agenda as presented. Vote: Unanimous.

Board of Equalization Oaths of Office were administered by Auditor Cindy Mohler.

CONSENT AGENDA ITEMS

MOVED by Lasseter and seconded by LaCroix to approve the Consent Agenda as presented. Vote: Unanimous.

7. Approve the minutes of the March 16, 2021, regular meeting.
8. Assign 2021 budgeted long-term reserve accumulations in the General Fund: IT Equipment, \$65,000; Inmate transportation bus, \$125,000; Auditor software, \$40,000; Treasurer software, \$40,000; Human Resources compensation review, \$15,000.
9. Acknowledge the notice of intent to conduct a raffle – Eagle Riders #3555.

End of Consent Agenda Items

PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION

MEMBER APPOINTMENT: MOVED by LaCroix and seconded by Lasseter to appoint Ms. Germaine Little Bear to the Pennington County Housing and Redevelopment Commission to fulfill a vacancy ending April 4, 2022. Vote: The motion carried 3-0 on a roll call vote with Hadcock and Rossknecht abstaining: Lasseter – yes, LaCroix -yes, Drewes – yes.

WICKSVILLE DAM – RESOLUTION & DEED: MOVED by Hadcock and seconded by Rossknecht to approve the resolution for surplus and transfer of the Wicksville Dam property to the State of South Dakota and execution of the deed transferring title thereto. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION
FOR THE TRANSFER OF REAL PROPERTY TO THE STATE OF SOUTH DAKOTA**

WHEREAS, at its meeting on March 4-5, 2021, the South Dakota Game, Fish, and Parks Commission approved Resolution 21-05 expressing the interest of the Department of Game, Fish and Parks (GFP) in acquiring a gift of real property owned by the County of Pennington, South Dakota (County), commonly referred to as the Wicksville Dam having the following legal description:

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The NW¼NE¼ of Section 32 in Township 2 North, Range 13 East of the BHM, Pennington County, South Dakota, containing 40 acres, more or less; and

WHEREAS, the GFP has for the previous 50 years managed the Property as the Wicksville Dam Game Production Area under a long-term Management Agreement with the County; and

WHEREAS, the GFP has evaluated and determined that the Property continues to serve well as a Game Production Area offering wildlife habitat, public hunting and fishing access and other related outdoor recreational opportunities; and

WHEREAS, pursuant to SDCL § 41-2-19, the GFP is authorized to acquire a gift of public property on behalf and in the name of the State of South Dakota for the purposes expressed herein; and

WHEREAS, SDCL § 7-18-30 authorizes the County, by resolution, to make a gift of real property to the State for an authorized public purpose; and

WHEREAS, SDCL § 7-29-25 also authorizes the County to make a gift of its lands to the State of South Dakota for use as parks and recreation areas; and

WHEREAS, for the past 50 years the GFP has managed the Wicksville Dam property for an authorized public purpose as provided in SDCL §§ 41-2-19, 7-18-30 & 7-29-25 and consistent with the desire of the County that the Property remain forever in the public domain and be managed for its natural resources and outdoor recreational opportunities; and

WHEREAS, the County deems it in the best interest of the public to make a gratuitous transfer and conveyance of the Wicksville Dam Property to the State of South Dakota conditioned upon the perpetual use and management of the Property by GFP for the public purposes provided herein and subject to the reversionary interest of the County should the property cease to be used and managed accordingly.

NOW, THEREFORE BE IT RESOLVED, that the Pennington County Board of Commissioners do hereby declare as surplus the Property legally described herein for the purpose of conveying and transferring said Property to the State of South Dakota, at no cost to the State and upon the condition that the Property be used and managed by GFP for the perpetual benefit of the public offering wildlife habitat, public hunting and fishing access and other wildlife related outdoor recreational opportunities – said condition and reversion interest to be reflected in the deed of conveyance.

Dated this 6th day of April, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

ITEMS FROM AUDITOR

A. 9:15 A.M. PUBLIC HEARING: MOVED by LaCroix and seconded by Rossknecht to approve Budget Supplement Resolution SP21-003 for the General Fund Innovations in Reentry Initiatives budget in the amount of \$75,000. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-003

WHEREAS it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

WHEREAS the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 6th day of April, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW THERE FORE BE IT RESOLVED that the following budget supplement is approved:

From the General Fund Current Year Revenue

101-0265 Innovations in Reentry Initiatives \$75,000

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

Dated this 6th day of April, 2021.

/s/ Chair Gary Drewes

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ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

B. TRANSFER OF ALCOHOLIC BEVERAGES LICENSE: MOVED by Rossknecht and seconded by LaCroix to approve the transfer of the Retail (on-off sale) Malt Beverage and SD Farm Wine license from Sheridan Lake Marina under Sheridan Lake Marina LLC to The Marina at Sheridan Lake by Black Hills Outdoor under The Marina at Sheridan Lake LLC. Vote: Unanimous.

C. NEW RETAIL (ON-OFF SALE) MALT BEVERAGES AND SD FARM WINE LICENSE: MOVED by Rossknecht and seconded by LaCroix to approve a new Retail (on-off sale) Malt Beverage and SD Farm Wine License for Bear Country USA under Bear Country USA. Vote: Unanimous.

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D. NEW RETAIL (ON-OFF SALE) WINE AND CIDER LICENSE AND NEW RETAIL (ON-OFF SALE) MALT BEVERAGE AND SD FARM WINE LICENSE: MOVED by Rossknecht and seconded by LaCroix to approve a new Retail (on-off sale) Wine and Cider License and a new Retail (on-off sale) Malt Beverage and SD Farm Wine License for Shelby Woodland under Clay Tile Barn. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. COVID-19 UPDATE

ITEMS FROM EQUALIZATION

A. ABATEMENT APPLICATIONS: MOVED by Hadcock and seconded by Lasseter to approve the abatement application for the 2019 tax year for Melvin or Rosemary Jewell, Parcel #8004179 in the amount of \$11.78. Vote: Unanimous.

B. 2021 PENNINGTON COUNTY ASSESSMENT PRESENTATION: Informational only.

ITEMS FROM HIGHWAY DEPARTMENT

A. FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTIONS: MOVED by LaCroix and seconded by Lasseter to approve Federal Aid Bridge Replacement Program Resolutions: 2021-04-06-1, 2021-04-06-2, 2021-04-06-3, 2021-04-06-4 and 2021-04-06-5 for County and Urban Projects and authorize the grant applications for 2021 Local Federal Bridge Replacement Funds for each bridge. Vote: Unanimous.

FEDERAL AID BRIDGE PROGRAM RESOLUTION 2021-04-06-1
FOR COUNTY AND URBAN PROJECTS

WHEREAS, Pennington County desires the X replacement or ____ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 52-317-313 0.9 mi E, 1.5 mi S of Johnson Siding

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

Audry & Hank Kuhnhauser, 23029 Thunderhead Falls Rd, Rapid City, SD, 57702-8524

Linda Starbuck, 23038 Thunderhead Falls Rd, Rapid City, SD, 57702-8525

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for

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all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route _____, a school bus route X, a mail route X, a field to farm to market route _____, a lake or recreation access route _____, or other (please specify) _____.
5. The load carrying capacity of the existing bridge can _____ or cannot X be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 700,000.00
Federal Share (81.95%): \$ 573,650.00
Local Share (18.05%): \$ 126,350.00

Vote of Commissioners/Council: Yes X No _____

Dated this 6th day of April, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL)
/s/ Cindy Mohler, Auditor

FEDERAL AID BRIDGE PROGRAM RESOLUTION 2021-04-06-2
FOR COUNTY AND URBAN PROJECTS

WHEREAS, Pennington County desires the X replacement or _____ removal of the bridge hereinafter described:

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STRUCTURE NUMBER AND LOCATION: **52-318-318 1 mi E, 2 mi S of Johnson Siding**

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

The Salvation Army, PO Box 3269, Rapid City, SD, 57709-3269

Jeffrey Scherr, 1510 Clipper Pl, Bismarck ND 58504-8815

Teresa Kurylas, 23097 Thunderhead Falls Rd, Rapid City, 57702-8524

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route _____, a school bus route X, a mail route X, a field to farm to market route _____, a lake or recreation access route _____, or other (please specify) _____.
5. The load carrying capacity of the existing bridge can _____ or cannot X be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 700,000.00
Federal Share (81.95%): \$ 573,650.00
Local Share (18.05%): \$ 126,350.00

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Vote of the Commissioners/Council: Yes X No _____

Dated this 6th day of April, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL)
/s/ Cindy Mohler, Auditor

FEDERAL AID BRIDGE PROGRAM RESOLUTION 2021-04-06-3
FOR COUNTY AND URBAN PROJECTS

WHEREAS, Pennington County desires the X replacement or _____ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 52-320-312 1.2 mi E, 1.4 mi S of Johnson Siding

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

Larry & Kimberly Larsen, 11099 Hwy 44, Rapid City, SD 57702-8611

Brian & Hope Specht, 23021 Thunderhead Falls Rd, Rapid City, SD 57702

Wheaton College Facilities Development, 501 College Ave, Wheaton, IL 60187-5593

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route _____, a school bus route X,

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a mail route X, a field to farm to market route _____, a lake or recreation access route _____, or other (please specify) _____.

5. The load carrying capacity of the existing bridge can _____ or cannot X be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 700,000.00
Federal Share (81.95%): \$ 573,650.00
Local Share (18.05%): \$ 126,350.00

Vote of the Commission/Council: Yes X No _____

Dated this 6th day of April, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL)
/s/ Cindy Mohler, Auditor

FEDERAL AID BRIDGE PROGRAM RESOLUTION 2021-04-06-4
FOR COUNTY AND URBAN PROJECTS

WHEREAS, Pennington County desires the X replacement or _____ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: 52-444-270 1.7 mi N, 0.6 mi W of Elk Vale Exit 61

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

Shannon & Patti Tibbets, 3190 Country Road, Rapid City, SD 57701-9709
DTH LLC, PO Box 330, Rapid City, SD 57709-0330

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto

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for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route _____, a school bus route _____, a mail route X, a field to farm to market route X, a lake or recreation access route _____, or other (please specify)_____.
5. The load carrying capacity of the existing bridge can _____ or cannot X be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 700,000.00
Federal Share (81.95%): \$ 573,650.00
Local Share (18.05%): \$ 126,350.00

Vote of the Commission/Council: Yes X No _____

Dated this 6th day of April, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL)
/s/ Cindy Mohler, Auditor

FEDERAL AID BRIDGE PROGRAM RESOLUTION 2021-04-06-5

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FOR COUNTY AND URBAN PROJECTS

WHEREAS, Pennington County desires the X replacement or ___ removal of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: **52-575-383 1.2 mi W, 0.5 mi N of Farmingdale**

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES):

Jerry Hammerquist, PO Box 26, Caputa, SD 57725-0026

Jill & Hewey Clemmons III, PO Box 2213, Rapid City, SD 57709-2213

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project.
4. The bridge is located on a Federal Aid Route_____, a school bus route_____, a mail route X, a field to farm to market route X, a lake or recreation access route _____, or other (please specify)_____.
5. The load carrying capacity of the existing bridge can _____ or cannot X be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

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Estimated Cost of Project Including Engineering: \$ 700,000.00
Federal Share (81.95%): \$ 573,650.00
Local Share (18.05%): \$ 126,350.00

Vote of the Commission/Council: Yes X No _____

Dated this 6th day of April, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL)
/s/ Cindy Mohler, Auditor

B. 2021 BRIDGE IMPROVEMENT GRANT AGREEMENT: MOVED by Rossknecht and seconded by Hadcock to approve the Bridge Improvement Grant Agreement for project number BRO8052(00)21, PCN 08FD, structure 52-316-316. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

A. DRUG FREE WORKPLACE POLICY: MOVED by Hadcock and seconded by Lasseter to continue this item until the April 20, 2021, Commission meeting. Vote: Unanimous.

B. COMPENSATION ADMINISTRATION POLICY ADDITION: MOVED by LaCroix and seconded by Rossknecht to approve the addition of a seasonal employee hiring exception to the New Hire Section of the Compensation Administration Policy and Practices in the Pennington County Employee Handbook effective April 6, 2021. The update/exception reads as follows: Exception to the new hire placement as outlined in this policy – If less than twelve (12) months has passed since the most recent seasonal layoff, returning seasonal employees from the prior season may be rehired at their prior pay level (Grade and Step) with the possibility of one step granted at the point of rehire each year. Vote: Unanimous.

C. EXTENSION OF SOME CORONAVIRUS PAID SICK LEAVE BENEFITS: MOVED by Hadcock and seconded by LaCroix to approve the Temporary Extension of the Expanded FMLA and Paid Sick Leave Policy thru September 30, 2021. Vote: Unanimous.

D. NEW POSITION REQUESTS: MOVED by Hadcock and seconded by LaCroix to approve the Supervisor – Custodial position in the Buildings & Grounds Department at DBM B31 \$22.80/hr. base rate pay and update the position listing on file. Vote: Unanimous.

MOVED by LaCroix and seconded by Lasseter to approve the position title of Paralegal in the Public Defender's Office at DBM B24 \$22.80/hr. base rate pay and update the position listing on file. Vote: Unanimous.

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MOVED by LaCroix and seconded by Lasseter to approve the position of Real Estate Specialist at DBM B21 \$16.42/hr. base rate and Senior Real Estate Specialist in the Register of Deeds Office at DBM B23 \$20.34/hr. base rate pay and update the position listing on file. Vote: Unanimous.

MOVED by Lasseter and seconded by Rossknecht to approve the position of Legal Intern 1 at DBM B22 \$18.38/hr. base rate pay and Legal Intern 2 in the State's Attorney Office at DBM B23 \$20.34/hr. base rate pay and update the position listing on file. Vote: Unanimous.

MOVED by Rossknecht and seconded by Lasseter to take a five-minutes recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-03: Ian Estes and Brad Estes; Fisk Land Surveying - Agent. To allow 77 units on a Dead End Road System in lieu of 40 units in accordance with Sections 204-F and 509 of the Pennington County Zoning Ordinance.

Lot 1, Ridgeland Heights #2 Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue this item until the June 1, 2021, Commission meeting. Vote: Unanimous.

B. SUBDIVISION REGULATIONS VARIANCE / SV 21-03: Grandview Land, LLC (Dan Lewis); Gordon Howie - Agent. To waive the requirement to not construct a second means of ingress/egress, to not submit engineered road plans and to not construct to Ordinance 14 Standards, and to waive the requirement that written authorization is obtained from the local water supplier stating that there is an adequate water supply to serve the proposed subdivision in a Planned Unit Development District in accordance with Sections 213 and 700.1 of the Pennington County Subdivision Regulations and Zoning Ordinance.

Balance of Tract A, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to deny Subdivision Regulations Variance / SV 21-03 and adopt Staff's Finding for the variance request as presented. Vote: Unanimous.

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

REGULAR PLANNING AND ZONING ITEMS

C. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 21-01: Jessica Hessler – 7

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Wonders, LLC; Fisk Land Surveying – Agent. To vacate 402 feet of Section Line Right-of-Way lying along the Lots 1 and 2, Block 1 of Forest Homes Development and Tract 0046 Less Forest Road Right-of-Way, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Lots 1 and 2, Block 1 of Forest Homes Development and Tract 0046 Less Forest Road Right-of-Way, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve of Vacation of Section Line / VS 21-01 with the following one (1) condition. Vote: Unanimous.

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.

D. VACATION OF PLAT / VP 21-02: Allen and Tamera Schmidt. To vacate notes on Lot 4, Block 1 of Mountain Meadows Subdivision in Section 17, T2S, R7E.

Lot 4, Block 1, Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve of Vacation of Plat / VP 21-02 to vacate Notes 7, 9, 13 and 14 on the plat. Vote: Unanimous.

E. LAYOUT PLAN / LPL 21-10: Curtis and Joyce Goehring. To create Lots 1 and 2 of the Mary Jane Lode MS 1944 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All (also in Section 5), Mary Jane Lode MS 1944, Section 4, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of the Mary Jane Lode MS 1944, Section 4, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to approve of Layout Plan / LPL 21-10 with the following eight (8) conditions.

1. That once the plat is filed with the Register of Deeds, the remainder of proposed Lot 2 of Mary Jane Lode MS 1944 located outside of Keystone city limits be annexed into the City of Keystone;
2. That prior to Preliminary Plat submittal, the plat be prepared by a Registered Professional Land Surveyor;
3. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;

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4. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
5. That at the time of Preliminary 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;
6. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Conditional Use Permit for the storage yard located on proposed Lot 1;
7. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
8. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

F. PRELIMINARY PLAT / PPL 21-06: Grandview Land, LLC (Dan Lewis); Gordon Howie. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to send this item back to the Planning Commission. Vote: Unanimous.

G. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-01: Pennington County. To amend the Zoning Ordinance to add Section 323 – Bed and Breakfast Establishments to the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by LaCroix to approve the first reading Ordinance Amendment / OA 21-01. Vote: Unanimous.

H. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-02: Pennington County. To amend the Zoning Ordinance to add Section 324 – Accessory Dwellings to the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by LaCroix to approve the first reading of Ordinance Amendment / OA 21-02. Hadcock and LaCroix withdrew their motion.

MOVED by Lasseter and seconded by Hadcock to continue this item until the April 20, 2021, Commission Meeting. Vote: Unanimous.

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ITEMS FROM COMMISSION MANAGER

A. ANNUAL COUNTY BUDGET PREPARATION: MOVED by Hadcock and seconded by Lasseter to approve the Annual County Budget Preparation – Guiding Principles dated March 2021. Vote: Unanimous.

ITEMS FROM BUILDINGS & GROUNDS

A. CRISIS STABILIZATION FACILITY PROJECT: Informational only.

2021 LEGISLATIVE SESSION

A. UPDATE ON PROPOSED BILLS/SESSION ACTIVITY: Informational only.

APPROVAL OF VOUCHERS: MOVED by Hadcock and seconded by Lasseter 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 \$634,464.52. Vote: Unanimous.

10 Properties LLC, 1,950.00; A&A Professional Property Management, 1,000.00; AT&T Mobility, 1,339.17; AT&T Mobility, 4,735.82; BH Energy, 2,674.45; BH Energy, 516.63; BH Energy, 982.59; BH Energy, 918.86; BH Energy, 709.71; BH Energy, 232.51; CC Property Management LLC, 3,750.00; Centerspace LP, 7,235.95; Century Link, 269.13; City Of Box Elder, 78.67; City Of Hill City, 44.32; City Of Rapid City -Water, 18,461.18; City Of Rapid City -Water, 2,267.32; City Of Rapid City - Water, 1,929.98; City Of Wall, 145.00; Clock Tower Gardens Apartments, 4,111.00; Copper Ridge Phase 2 LLC, 3,795.00; Countryside Property Management LLC, 1,776.23; Easy Enterprises LLC, 4,250.00; Edgewood Estates LP, 4,180.00; Executive Mgmt Fin Office, 53.25; Executive Mgmt Fin Office, 106.50; Fair Value Inn, 440.00; First Interstate Bank, 711.16; First Interstate Bank, 41.93; First Interstate Bank, 47.96; First Interstate Bank, 1,418.90; First Interstate Bank, 404.68; First Interstate Bank, 179.90; First Interstate Bank, 1,167.76; First Interstate Bank, 440.00; First Interstate Bank, 205.62; First Interstate Bank, 81.54; First Interstate Bank, 2,433.71; First Interstate Bank, 233.02; First Interstate Bank, 333.36; First Interstate Bank, 202.00; Haar Group LLC, 2,602.13; Hartshorn Donna, 500.00; Jackson Property Management, 240.00; Kinsella Judy, 100.00; Knollwood Heights Apartments, 2,825.50; KTA Properties, 500.00; Lowe's, 81.61; Mama Bear LLC, 4,350.00; Midcontinent Communications, 1,513.89; Midcontinent Communications, 2,775.14; Midcontinent Communications, 1,848.53; Montana Dakota Utilities, 11,624.49; Montana Dakota Utilities, 4,985.52; Montana Dakota Utilities, 354.42; Mordhorst, Timothy, 3,250.00; Norman, Glenda, 2,700.00; Northern Heights Apartments, 646.00; Northern Lights Apartments, 3,597.00; Pacific Properties LLC, 4,450.00; Pena, Susan, 2,475.00; Pioneer Bank & Trust, 17,837.99; Pioneer Bank & Trust, 9,603.04; Pioneer Bank & Trust, 6,470.14; Pioneer Bank & Trust, 3,833.58; Pioneer Bank & Trust, 2,295.39; Pioneer Bank & Trust, 546.56; Plainsview Mobile Manor, 1,975.00; Prairie Tree Consolidated LLC, 1,880.00; Rainbow Gas Company, 7,676.46; Rapid Valley Sanitary District, 34.23; Reliance Telephone Inc, 5.95; Smith Jr, Darrel F, 9,300.00; Southern Cross LLC, 2,850.00; Spicer, Randolph, 1,091.94; Stoney Creek Highlands, 3,369.98; Sundial Square Apartments, 2,800.98;

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The Palms Apartments LLC, 500.00; Trusted Property Management, 1,050.00; Tzadik Rapid City LLC, 6,154.47; Vast Broadband, 121.64; Vast Broadband, 1,734.49; Vast Broadband, 97.82; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 1,032.89; Verizon Wireless, 956.06; Verizon Wireless, 743.37; Weifenbach, Ronald L, 4,200.00; Wellmark, 407,603.71; West River Electric, 493.64; West River Electric, 1,923.77; Whisper Rock Apartments II, 4,025.00; Wilkinson, Ryan, 4,950.00.

EXECUTIVE SESSION – SDCL 1-25-2

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

B. Contractual/Pending Litigation 1-25-2(3)

MOVED by LaCroix and seconded by Lasseter to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and SDCL 1-25-2(3) to consult with legal counsel. Vote: Unanimous. The Board remained in Executive Session from 1:00 p.m. until 2:08 p.m. MOVED by LaCroix and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

MOVED by Rossknecht and seconded by LaCroix to approve an exception to the wage policy and move Candace Novak to an Accountant II, at a Grade B24, Step 4, \$24.58/hr., effective April 4, 2021. Vote: Unanimous.

PAYROLL

Commissioners, 9,195.64; Elections, 7,082.40; Auditor, 11,623.21; Treasurer, 37,862.68; State's Attorney, 147,731.29; Public Defender, 81,727.20; Buildings & Grounds, 65,387.60; Equalization, 40,650.98; Register of Deeds, 16,605.23; IT, 26,023.65; Human Resources, 7,751.21; Sheriff, 267,632.32; HIDTA Grant, 4,587.14; Jail, 328,162.27; JSC, 113,716.30; JSC Juvenile Alternative, 4,733.37; CCADP, 113,692.30; Economic Assistance, 32,593.36; Extension, 1,436.80; Natural Resources, 5,353.60; Pest Control, 4,423.20; Planning and Zoning, 15,220.01; Road & Bridge, 106,261.76; Fire Administration, 3,630.70; Dispatch, 103,264.36; Emergency Management, 4,989.37; 24-7 Program, 9,341.63; MacArthur Safety & Justice Challenge, 13,153.19.

PAYROLL

Commissioners, 9,195.65; Elections, 7,082.41; Auditor, 11,623.21; Treasurer, 39,150.18; State's Attorney, 143,822.59; Public Defender, 81,709.65; Buildings & Grounds, 64,082.50; Equalization, 40,701.63; Register of Deeds, 11,808.80; IT, 24,563.93; Human Resources, 7,751.21; Sheriff, 269,931.84; HIDTA Grant, 5,263.68; Jail, 323,707.60; JSC, 109,694.55; JSC Juvenile Alternative, 4,725.86; CCADP, 112,416.34; Economic Assistance, 31,439.20; Extension, 1,436.80; Natural Resources, 5,353.60; Pest Control, 4,423.20; Planning and Zoning, 15,220.01; Road & Bridge, 103,718.38; Fire Administration, 3,630.72; Dispatch, 103,759.28; Emergency Management, 4,989.31; 24-7 Program, 8,232.90; MacArthur Safety & Justice Challenge, 13,280.85.

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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 March 16, 2021: Total balances of checking/savings accounts 22,368,076.90; Total balance of Treasurer's Office safe cash, 14,000.00; Total Prime Value Investment, 32,913.430.45; Total petty cash, 17,040.00; Total NSF Paid, 36.00; Total long/short, (273.57); Total, 55,312,309.78. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 04/04/2021: Gabriel Burgoyne, \$19.34; David Scott Jr., \$17.71.

Dispatch: Effective 04/04/2021: Abby Doty, \$20.30.

CCADP: Effective 04/19/2021: Tristan Redleaf, \$16.42; Alvin IronCloud, \$16.42; Jacob Holt, \$16.42; Timothy Montgomery, \$14.46.

HHS: Effective 03/21/2021: Debra Jensen, \$29.09.

Jail: Effective 04/05/2021: Amy Hodge, \$25.74; Mark Steele, \$20.30. Effective 04/11/2021: Matthew Krogen, \$22.80. Effective 04/19/2021: Debra Anthony, \$16.42; Ryley Glick, \$22.80; Brian Harlan, \$22.80; Justen Zbranek, \$22.80; Tavia Zenor, \$22.80.

Planning & Zoning: Effective 03/22/2021: Mindy Pamela Martinez, \$20.30; Madisen Ransom, \$18.38.

Public Defender: Effective 03/21/2021: Randy Decker, \$17.34. Effective 04/04/2021: Janki Sharma, \$2,953.60.

Register of Deeds: Effective 04/18/2021: Kathleen Rice, \$2,363.20.

Sheriff: Effective 04/04/2021: Neal Hofer, \$18.86. Effective 04/18/2021: Brandon Spence, \$19.34; Jacob Mundt, \$22.80. Effective 04/19/2021: Noah Ross, \$22.80.

State's Attorney: Effective 04/04/2021: Jeanne Mann, \$20.34.

ADJOURN

MOVED by Hadcock and seconded by Lasseter to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 2:10 p.m.

/s/ Cindy Mohler, Auditor

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