

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of July 20, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, July 20, 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 LaCroix and seconded by Lasseter to approve the agenda with the removal of item 12B. Vote: Unanimous.

CONSENT AGENDA ITEMS

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

5. Approve the minutes of the July 6, 2021, regular meeting.
6. Approve the minutes of the June 24-25, 2021, FY2022 Budget Hearings.
7. Approve the minutes of the June 28, 2021, special work session.
8. Approve of the 3rd Quarter 2021 LEMPG (Local Emergency Management Performance Grant) with the State of South Dakota.
9. Recognize and thank the volunteers for the month of June 2021.

End of Consent Agenda Items

REQUEST FOR FUNDING FOR A NEW CARDIAC MONITOR: MOVED by LaCroix and seconded by Hadcock to approve the funding in the amount of \$14,140.32, out of the contingency fund, for a new Cardiac Monitor for the Eastern Pennington County Ambulance District. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **SPECIAL REQUEST FOR ON-SALE MALT BEVERAGE LICENSE:** MOVED by Hadcock and seconded by LaCroix to approve the Special Retail On-Sale Malt Beverage Retailers License for the Rushmore German Club, for the Antique Auction Sale, to be held July 31, 2021, 10:00 a.m. to 7:00 p.m. Vote: Unanimous.

B. **FY2022 PROVISIONAL BUDGET:** MOVED by Hadcock and seconded by Lasseter to adopt the FY2022 Provisional Budget in the amount of \$115,043,109. Vote: Unanimous.

ITEMS FROM BUILDINGS & GROUNDS

A. **CRISIS STABILIZATION PROJECT:** MOVED by LaCroix and seconded by Hadcock to authorize the advertisement of the Crisis Stabilization Project with a bid opening scheduled for August 31, 2021, at 2:00 p.m. Vote: Unanimous.

B. **CRISIS STABILIZATION UNIT GRANT AWARD AGREEMENT:** Removed.

C. **JAIL STUDY PROJECT:** Informational only.

ITEMS FROM EMERGENCY SERVICES COMMUNICATIONS CENTER

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A. RADIO TOWERS PROJECT: MOVED by Rossknecht and seconded by Lasseter to authorize advertisement of the Pennington County Radio Towers Project with a bid opening August 12, 2021, at 3:15 P.M. MST. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. SOUTH ROCHFORD ROAD RECONSTRUCTION: MOVED by Hadcock and seconded by Lasseter to approve Work Order LGA-89-20 with Interstate Engineering, Inc. and the SDDOT for the completion of design work for South Rochford Road. Vote: Unanimous.

B. RESOLUTION 2021-07-20-01: MOVED by Hadcock and seconded by Rossknecht to approve Resolution 2021-07-20-1. Vote: Unanimous.

RESOLUTION 2021-07-20-1

WHEREAS, the Board of Trustees of the Pine Grove Road District have requested the Pennington County Board of Commissioners to establish a speed zone for a portion of Pine Grove Road in the Pine Grove Road District for the safety of the residents and the traveling public; and

WHEREAS, the Board of Commissioners has the authority to establish such speed zones on streets and highways upon request of any other local authority, including any road district, having charge of the maintenance of the streets and roads pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2; and

WHEREAS, the Board of Commissioners of Pennington County has considered the request of the Pine Grove Road District, and finding good cause to grant that request;

THEREFORE BE IT RESOLVED, that the speed zone limiting the maximum speed of travel to 30 miles per hour be established on Pine Grove Road beginning at the Ruthies Trail intersection south for 0.44 miles, thence commencing at 0.64 miles south of the Ruthies Trail intersection southeast for 1.26 miles.

Dated this 20th day of July, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

C. RESOLUTION 2021-07-20-2: MOVED by Lasseter and seconded by Hadcock to approve Resolution 2021-07-20-2. Vote: Unanimous.

RESOLUTION 2021-07-20-2

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WHEREAS, the Board of Trustees of the Sunset Ranch Road District have requested the Pennington County Board of Commissioners to establish a speed zone for a portion of 229th Street in the Sunset Ranch Road District for the safety of the residents and the traveling public; and

WHEREAS, the Board of Commissioners has the authority to establish such speed zones on streets and highways upon request of any other local authority, including any road district, having charge of the maintenance of the streets and roads pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2; and

WHEREAS, the Board of Commissioners of Pennington County has considered the request of the Sunset Ranch Road District, and finding good cause to grant that request;

THEREFORE BE IT RESOLVED, that the speed zone limiting the maximum speed of travel to 30 miles per hour be established on 229th Street beginning at the 156th Avenue intersection east for 0.21 miles.

Dated this 20th day of July, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

D. RESOLUTION 2021-70-20-3: MOVED by LaCroix and seconded by Lasseter to approve Resolution 2021-07-20-3 authorizing Pennington County to submit Bridge Improvement Grant Preliminary Engineering Application for structure 52-246-298. Vote: Unanimous.

**RESOLUTION 2021-07-20-3 BRIDGE IMPROVEMENT GRANT PROGRAM
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, Pennington County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program: STRUCTURE NUMBER(S) AND LOCATION(S): 52-246-298 Sherman Street

and WHEREAS, Pennington County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*;

and WHEREAS, Pennington County agrees to pay the 30% match on the Bridge Improvement Grant funds;

and WHEREAS, Pennington County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

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That the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners: Yes X No _____

Dated at Rapid City, SD, this 20th day of July, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

DUST ABATEMENT POLICY: MOVED by Rossknecht and seconded by LaCroix to postpone this item indefinitely. Vote: Unanimous.

REESTABLISHMENT OF THE RESTORATION ADVISORY BOARD (RAB) REQUEST LETTER: MOVED by Hadcock and seconded by Lasseter to approve the Chair's signature on a letter requesting the reestablishment of the Restoration Advisory Board for the Air Force Fire Fighting Foam (AFFF) Contamination issue. Vote: Unanimous.

ADAMS COUNTY, CO TRIP UPDATE: Informational only.

ROAD ADVISORY COMMITTEE: MOVED by Hadcock and seconded by Lasseter to change the name of the Road Advisory Committee to Infrastructure Advisory Committee. Vote: Unanimous.

SD ASSOCIATION OF COUNTY COMMISSIONERS ELECTIONS – 2021 ANNUAL CONVENTION: Informational only.

APPROVAL OF VOUCHERS: MOVED by Lasseter and seconded by Hadcock 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 \$2,276,660.41. Vote: Unanimous.

392 Creations, 667.00; 3D Specialties Inc, 5,337.00; A & B Business Inc, 3,366.83; A & B Welding Supply Co, 372.75; A To Z Shredding, 600.32; Adams-ISC LLC, 4,899.99; Adaptamed, LLC, 1,285.00; Amazon.Com Services, 897.89; American Engineering Testing Inc, 10,725.00; Americinn Motel, 1,200.00; Anker Law Group PC, 277.20; AT&T Mobility, 370.15; AT&T Mobility, 306.54; AT&T Mobility, 399.99; Audra Hill Consulting Inc, 14,517.60; Auto Body Specialties Inc, 119.52; Avera Sacred Heart Hospital, 1,519.16; Axon Enterprise Inc, 2,726.00; Balco Uniform Co Inc, 7,553.93; Bangs, Mccullen, Butler, Foye & Simmons, LLP, 468.50; Banks, Bridgette R, 491.25; Bargain Printing, 329.44; Barnier Law Office PC, 1,669.50; Baymont By

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Wyndham, 924.00; Beadle County, 170.00; Beezley, Lawrence D, 90.00; Behavior Management Systems Inc, 900.00; Behrens-Wilson Funeral Home, 3,927.15; BH Chemical Company Inc, 17,065.37; BH Energy, 23,385.35; BH Energy, 462.40; BH Energy, 43,528.79; BH Obstetrics & Gynecology LLC, 105.14; BH Services Inc, 497.50; BH Urgent Care LLC, 910.00; Bi Inc, 4,979.00; Biers Tool Sales LLC, 299.00; Bierschbach Equipment And Supply Co Inc, 429.35; Bishop, Lynn M, 262.50; Black Hawk Marine, 83.98; Blake's Trailer Sales & Repair, 6.00; Bob Barker Company Inc, 8,794.65; Border States Electric, 470.39; Bringswhite, Erik, 5,500.00; Bringswhite, Morgan, 3,600.00; Brosz Engineering Inc, 4,682.50; Butler Machinery Company, 339,317.87; Carquest Auto Parts, 12.06; Cash-Wa Distributing, 1,990.30; Castleberry, James D, 2,992.66; Catholic Social Services, 1,600.00; Cat's Cleaning, 50.00; CDW Government Inc, 18,305.14; Central States Sanitation, 231.44; Charm-Tex Inc, 160.71; Charter Communications Operating, 50.00; Chris Supply Co Inc, 468.98; City Of Hill City, 35,000.00; City Of Keystone, 1,000.00; City Of Rapid City -Water, 93.82; City Of Rapid City -Water, 170.52; City Of Rapid City, 32,710.55; City Of Wall, 142.00; Clark Printing, 87.13; Climate Control Systems And Service LLC, 19,308.33; Cline, Jean M, 376.20; Clinical Laboratory Of The Black Hills, 16,504.61; Colbath Atty PC, Angela M, 20,130.63; Colonial House, 247.03; Connections Inc EAP, 1,125.60; Contractors Supply Inc, 210.00; Copy Country, 784.44; Coremr LC, 1,833.00; Cory Holmes Photography, 250.00; Countryside Property Management LLC, 4,118.61; Croell Redi-Mix Inc, 478.00; Crum Electric Supply, 1,024.00; Culligan Water, 150.00; Dakota Battery & Electric, 390.45; Dakota Fluid Power Inc, 82.46; Dakota Plains Legal Services Inc, 28,750.00; Dakota Radiology Pet/Ct & MRI, 222.70; Dakota Supply Group Inc, 202.18; Dale's Tire & Retreading Inc, 2,534.78; Darby Dental Supply LLC, 121.76; Davis, Jeremiah J, 603.90; Delta Dental Of South Dakota, 39,157.22; Demersseman Jensen Tellinghuisen & Huffman LLP, 947.30; Den Herder Law Office PC, 447.90; Dennis Supply - RC, 525.84; Denny Menholt Chevrolet, 740.47; Dharma Wellness Institute, 190.00; Diamond Mowers Inc, 636.23; Diamond Vogel Paint Center, 171.50; Diesel Machinery Inc, 392.55; Dillon Law Office, 248.10; DLT Solutions LLC, 5,383.25; Dreamdak Holdings LLC, 300.00; Drury, Jessie, 75.00; Duffy Law Firm, Prof. LLC, 40,779.30; Dustbusters Enterprises Inc, 1,425.34; Eastern Penn Conservation, 7,788.75; Election Systems & Software LLC, 12,313.98; Eprovider Solutions, 1,110.44; Evergreen Office Products, 4,249.10; Executive Mgmt Fin Office, 106.50; Fall River County Sheriff's Office, 85.00; Farmer Brothers Coffee, 477.60; Fastenal Company, 396.77; Federal Express, 18.80; Ferguson Enterprises Inc #226, 180.01; Fidelity Security Life, 5,385.97; Fink, Teresa L, 45.60; First Interstate Bank, 1,571.47; First Interstate Bank, 21.20; First Interstate Bank, 1,392.95; First Interstate Bank, 391.33; First Interstate Bank, 97.91; First Interstate Bank, 742.71; First Interstate Bank, 1,391.46; First Interstate Bank, 908.25; First Interstate Bank, 891.59; First Interstate Bank, 153.38; First Interstate Bank, 787.73; First Interstate Bank, 613.24; First Interstate Bank, 380.91; First Interstate Bank, 119.98; Fisk Land Surveying & Consulting Engineers Inc, 975.00; Fitzgerald Law Firm, 2,595.05; Floyd's Truck Center, 4,722.53; Four Seasons Sports Center, 329.98; Fremont Industries Inc, 1,055.07; Fresh Start Carpet Care, 6,775.34; Fried Cora, 99.12; Fruit Of The Loom, 216.52; G & H Distributing - RC, 343.27; G & R Controls Inc, 1,739.80; Global Equipment Company, 92.40; Global Tel'link, 6.09; Glynn Elizabeth, 198.20; Godfrey Brake Service And Supply Inc, 781.82; Golden West Companies, 1,414.68; Great Western Tire Inc, 1,206.90; Grey & Eisenbraun Law, Prof LLC, 3,578.20; Grimm's Pump Service Inc, 270.92; Gust Victor, 205.91; Haakon

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County Auditor, 183.00; Harms Oil Company, 41,800.93; Hartford Life And Accident Insurance Company, 2,651.09; Harveys Lock Shop, 156.18; Heffron Peter, 100.00; Heil Mechanical Inc., 4,044.25; Hennies Holli, 68.88; Henry Schein Inc, 8.50; Hettick Peggy K, 300.00; Hill City Prevailer, 2,200.94; Hillyard/Sioux Falls, 11,322.68; Hilt Construction Inc, 2,928.46; Historic Log Cabins Inc., 231.00; Hobart Sales & Service Inc, 108.00; Holiday Stationstores LLC, 13.00; Honeywell Inc, 7,597.43; Huber, Kerri Cook, 493.90; Huggins Bill, 26.55; Humane Society Of The Black Hills, 4,166.67; IAED, 110.00; Image All LLC, 115.44; Independent Window Tinting LLC, 30.00; Indoff Inc, 1,733.05; Industrial Organizational Solutions Inc, 25.00; Inland Truck Parts, 2,628.38; Interstate All Battery Center, 717.80; Intoximeters Inc, 5,213.75; Is Restaurant Equipment Services LLC, 39.24; Jantech LLC, 550.00; Jefferson Partner LP, 708.00; Jenner Equipment Co, 911.52; Jensen Dennis, 100.00; JJ's Engraving & Sales, 33.75; Johnson Controls, 46,686.60; Johnstone Supply, 89.53; Karen Paige Hunt Prof LLC, 119.40; Katterhagen Mark, 93.00; Keystone Chamber Of, 119.00; Kieffer Sanitation/A Waste Management Co, 3,343.07; Kieffer Sanitation/A Waste Management Co, 136.80; Kimball Midwest, 1,563.72; Kirk Funeral Home, 3,820.00; Kirschenmann, Kevin E, 1,440.00; Klapperich Wyatt J., 2,000.00; KLJ Engineering LLC, 6,478.24; Knecht Home Center Inc, 1,028.38; Koletzky Law Office Prof LLC, 257.40; Konica Minolta Premier Finance, 156.19; KPI Tactical, 1,555.00; KS Statebank, 10,325.82; Laboratory Corporation Of America Holdings, 115.00; Lands' End Business Outfitters, 291.08; Language Line Services, 267.98; Laubach Law Office Prof LLC, 1,955.25; Lewis & Clark Behavioral Health Services, 1,656.00; Lewno Lucille M, 1,087.55; Liberty Chrysler Center, 1,943.52; Lifeways Inc, 375.00; Lingo Communications LLC, 71.03; Lockwood Darcy, 93.00; Loftus, Ronald J., 1,624.50; Love, Todd A, 4,493.65; Lutheran Social Services Of SD, 48,135.37; Lynn Jackson Schultz & Lebrun PC, 9,214.50; Mac Construction Co Inc, 28,718.03; Mader Lee, 100.00; Marco Inc, 1,789.88; Marco Inc, 6,348.46; Maruska, Kayla L, 397.50; Matthew Bender & Co Inc, 1,428.00; McCormick Mike, 243.26; McGas Propane LLC, 1,010.11; McGlade Amy, 200.00; McGowan, Wendy T, 5,090.58; MCI Service Parts Inc, 906.77; McKesson Medical - Surgical Inc, 59.16; McKesson Medical-Surgical Government Solutions LLC, 4,365.44; McKie Ford Inc, 13.58; Medical Waste Transport Inc, 262.04; Medline Industries Inc, 2,049.76; Mehrer Michelle, 210.00; Menards, 318.74; Meyers, Patricia A, 280.00; MG Oil Company, 14,301.16; Mick's Electric, 388.32; Midcontinent Communications, 499.15; Midcontinent Communications, 458.07; Midwest Marketing LLC, 6,845.00; Monument Health Home Plus Pharmacy, 259.72; Monument Health Medical Clinic, 400.00; Monument Health Pharmacy, 3.30; Monument Health Rapid City Hospital Inc., 18,617.30; Morse Watchmans Inc, 244.00; Moss Psy D LLC, William A, 2,025.00; Motorola Solutions Inc, 1,457.76; Moyle Petroleum, 7,292.81; Mt Rushmore Telephone Co, 48.77; Murphy Law Office PC, 5,555.52; Murphy Petroleum Transport LLC, 50.00; Neavill Stephen Troy, 21.28; Nelson Jacquelyn R, 765.00; Nelson Law, 16,650.40; Nohr, Linda J, 1,850.00; North Central International Of Rapid City Inc, 1,495.81; North Central Rental And Leasing LLC, 1,260.00; North Central Supply Inc, 750.00; Northern Truck Equipment, 59.00; Northwest Pipe Fitting Inc, 270.76; Nutrien Ag Solutions Inc, 27,941.40; Oberle's Radiator And Repair, 300.00; O'Connor Company, 425.00; O'Day, Valarie, 2,376.20; Odegard, Amber L, 720.00; Office Depot, 1,661.67; Olson Towing, 426.65; Olson, Carolyn, 8,175.00; Omnitech, Inc., 6,600.00; Osheim & Schmidt Funeral Home, 1,910.00; Paradis Inc, 210.00; Parkway Carwash Inc, 16.00; Parr Law PC, 990.00; Pasqualucci Law Office PC, 1,265.70; Peco Kid LLC, 2,500.00;

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Pederson Law Office LLC, 1,474.20; Penn Co Commissioners Petty Cash, 117.31; Penn Co Extension Petty Cash, 71.58; Penn Co Health & Human Sv Petty Cash, 482.22; Penn Co Jail Petty Cash, 1,440.00; Penn Co Sheriff Petty Cash, 1,637.64; Penn Co Sheriff's Office, 50.00; Penn Co States Atty Petty Cash, 175.80; Penn Co Treasurer Petty Cash, 77.89; Pennington County Courant, 2,283.12; Pennington County Housing & Redevelopment, 768.00; Perrett Jerold M, 325.00; Pete Lien & Sons Inc, 3,794.48; Philly Teds Cheezesteaks, 183.56; Phoenix Supply LLC, 59.30; Pioneer Bank & Trust, 4,710.60; Pioneer Bank & Trust, 4,818.01; Pita Pit, 129.84; Pitney Bowes Reserve Account, 2,632.52; Power House, 538.37; Prairie Auto Parts Inc, 230.00; Precision Eyecare PC, 252.60; Proforma Screening Solutions LLC, 59.50; Quettier Nicolas, 396.00; Quill Corporation, 483.35; Radiation Detection Co, 420.30; Radiology Associates Professional LLC, 204.33; Rapid Delivery Inc, 115.00; Rapid Rooter, 420.00; RC Area School Dist 51-4, 202.49; RC Emergency Services Pa, 265.08; RC Journal - Advertising, 5,351.05; RC Journal - Subscription, 464.99; RC Medical Center LLC, 10,019.85; RC Regional Hospital Inc, 20.00; RC Winsupply, 172.99; RDO Equipment Co, 338.13; Record Storage Solutions, 605.19; Redwood Mediation Services LLC, 89.10; Redwood Toxicology Inc, 1,500.29; Relias LLC, 10,910.71; Riss & Associates Cabinets & Caseworks Inc, 3,197.70; Rochester Armored Car Company Inc, 493.32; Runnings Supply Inc, 484.20; Saicor, 4,050.00; Sakura LLC, 253.51; Sanitation Products Inc, 1,202.16; Sargent Lori, 175.00; Scott Adam, 56.12; Scovel Psychological, 10,000.00; Scull Construction, 185,670.04; SD Dept Health, 5,125.00; SD Dept Of Revenue, 12,877.47; SD Dept Of Transp-Finance, 204.34; SD Dept. Of Military, 1,805.00; SD Federal Property Agency, 60.00; SD One Call Board, 90.30; SDEMA, 240.00; SDN Communications, 316.44; SDN Communications, 648.00; SDSU Extension, 142.36; SDVSO, 200.00; Securus Technologies Inc, 19,471.97; Seifert, Mary Rae, 1,845.00; Servall Uniform/Linen Co, 4,187.97; Sherwin Williams Paints, 287.42; Sign Express, 26.53; Signs Now, 4,281.68; Silver Star Septic LLC, 300.00; Simon Contractors Of South Dakota Inc, 8,597.31; Simpliverified LLC, 1,063.00; Simpson's Printing, 278.71; Sitzes Gretchen, 26.00; Smoot & Utzman, 1,080.00; Solemate Shoes And Uniform Center, 836.91; Sonquist LLC, 262.10; Speck, Jody H, 2,029.50; Stalker Radar, 294.00; Stan Houston Equipment, 938.64; Stephens, Matthew T, 12,600.00; Stevens Paul, 79.88; Street Image Truck & Auto Accessories, 895.57; Street Smart Rentals Inc, 458.85; Sturdevant's Auto Parts, 6,447.09; Summit Fire Protection, 2,996.25; Summit Food Service, 128,920.38; Sunshine Towing & Transport LLC, 517.00; Survival Armor Inc, 16,911.42; Syncb/Amazon, 314.68; Tessier's Inc, 725.00; The Law Office Of Kyle Krause, Prof LLC, 386.10; The Little Print Shop Inc, 210.97; The Medicine Shoppe, 74.95; The Repair Shop, 204.20; Thomson Reuters-West, 5,680.99; Thurman, Creighton, 480.78; TKRS Properties LLC, 2,870.67; Traverse County, 60.00; Trittech Software Systems, 8,285.95; Tru Green LP, 440.95; Tschetter And Adams Law Office PC, 958.73; Tzadik Rapid City LLC, 575.00; Uline, 220.63; United Parcel Services Inc, 52.19; Upper Deck Architects Inc, 12,450.80; US Bank Na Fees, 4,300.00; Van Loan Kristina, 238.00; Vanway Trophy & Awards, 159.60; Vari Sales Corporation, 5,341.50; Vast Broadband, 779.98; Vemco, 7,766.82; Venture Architects, 9,800.00; Verizon Wireless, 448.24; Verizon Wireless, 127.15; Verizon Wireless, 41.98; Vliieger Tom, 69.30; Wall Building Center & Construction, 4.68; Warne Chemical & Equipment Co Inc, 82.00; Watertree Inc, 2,607.15; Weichmann, Cynthia M, 777.45; Wellmark, 132,707.45; Western Communication Inc, 340.00; Western First Aid & Safety LLC, 3,308.04; Western Mailers, 480.27; Western Mobile Home Park, 600.00; Western Stationers Inc,

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1,880.06; Wex Bank, 884.25; Wex Bank, 7,662.89; Wex Bank, 399.75; Whisler Bearing Co, 509.09; White Alexa, 20.22; Whiting, Marcia, 973.00; Windy Flats Rubble Site, 60.00; Yankton Anesthesiology PC, 143.20; Yankton Co Sheriff Office, 350.00; Yankton County Treasurer, 1,279.70; Zep Sales & Service, 428.17; ZMC LLC, 10,415.00.

MOVED by Hadcock and seconded by Lasseter for a 10 minutes recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-16: Pacific Properties, LLC; Tamra Backes - Agent. To reduce the minimum setback requirement between existing mobiles homes in a mobile home park from 20 feet to 6 feet in accordance with Sections 209, 305, and 509 of the Pennington County Zoning Ordinance.

Lot 3 of Lot G of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve VA 21-16 with one (1) condition because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: the mobile homes are already placed, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: mobile homes would have to move, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That this Variance Request only applies existing mobile homes. All other structures must maintain the proper setback or obtain separate Variance(s) for that structure.

B. SUBDIVISION REGULATIONS VARIANCE / SV 21-14: Kathryn Policky. To waive the requirement to dedicate and improve an undeveloped Section Line Right-of-Way in a Rural Residential District in accordance with Sections 207, 500.5.4, and 700 of the Pennington County Subdivision Regulations.

Tract B of E1/2SE1/4 Less Tract B-1, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Subdivision Regulations Variance / SV 21-14 as there currently is an existing improved right-of-way that proposed Lots 1 and 2 of Marshall Gulch No. 2 take access off of. Vote: Unanimous.

C. SUBDIVISION REGULATIONS VARIANCE / SV 21-15: Alvin and Lois Rudd. To waive

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the requirement to dedicate and improve an undeveloped Section Line Right-of-Way in an Agriculture District in accordance with Sections 205, 500.5, and 700 of the Pennington County Subdivision Regulations.

SE1/4SE1/4SW1/4, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Subdivision Regulations Variance / SV 21-15. There are special conditions on the property that would excuse literal enforcement of Pennington County Subdivision Regulation 500.5(4)(a). Vote: Unanimous.

D. SUBDIVISION REGULATIONS VARIANCE / SV 21-16: Bryan and Michelle Lindsey. To waive the requirement to not construct additional water storage for domestic use and fire protection requirements in a Planned Unit Development District in accordance with Sections 216, 500.7, and 700 of the Pennington County Subdivision Regulations and Zoning Ordinance.

Lot 1, Block 3, Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve SV 21-16 with one (1) conditions because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: other exceptions have been made, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That Subdivision Regulations Variance / SV 21-04 only apply to Lot 1, Block 2 of Mountain Meadows.

E. SUBDIVISION REGULATIONS VARIANCE / SV 21-17: Betty Johnson. To waive the requirement to submit percolation tests and soil profile hole information for the subject property in a Rural Residential District in accordance with Sections 207, 400.3.1.p, and 700 of the Pennington County Subdivision Regulations.

Lot 1, Black Metal #4 Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve VA 21-17 with one (1) condition because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: not sure where the home will be, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: the soil profile percolation testing will be done later, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

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1. That this Variance to waive percolation tests and soil profile hole information is only for proposed Lots 1A, 1B, 1C, and 1D of Black Metal No. 4 Lode M.S. 1986 and not for any further development or subdivision.

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

REGULAR PLANNING AND ZONING ITEMS

F. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 21-04: Ken Denke. To construct a road within the Section Line Right-of-Way to provide access to property located in Section 15, T5N, R16E, BHM, Pennington County, South Dakota.

Sections 16 and 21, T5N, R16E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve road construction within the Section Line Right-of-Way / CS 21-04, with the following seven (7) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That the dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties.
5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(N) of the Pennington County Zoning Ordinance; and,
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road.

G. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Ken Denke. MOVED by LaCroix and seconded by Rossknecht to approve the request to waive the requirements to not submit engineered road construction plans and to waive the Ordinance #14 requirements. Vote: Unanimous.

H. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 21-05: Ken Denke. To construct a road within the Section Line Right-of-Way to provide access to property located in Section 15, T5N, R16E, BHM, Pennington County, South Dakota.

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Sections 15 and 16, T5N, R16E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by Rossknecht to approve Road Construction Within the Section Line Right-of-Way / CS 21-05, with the following seven (7) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That the dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties.
5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(N) of the Pennington County Zoning Ordinance; and,
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road.

I. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Ken Denke. MOVED by Rossknecht and seconded by Lasseter to approve the request to waive the requirements to not submit engineered road construction plans and to waive the Ordinance #14 requirements. Vote: Unanimous.

J. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS21-06: Pacific Properties, LLC; Tamra Backes - Agent. To construct a road within the Section Line Right-of-Way to provide access to property located in Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Road Construction Within the Section Line Right-of-Way / CS 21-06, which includes constructing the Section Line Right-of-Way with the following eight (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;

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2. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That the dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties.
5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(N) of the Pennington County Zoning Ordinance; and,
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road. Vote: Unanimous.
8. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

K. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Pacific Properties, LLC; Tamra Backes – Agent. MOVED by Rossknecht and seconded by LaCroix to approve the request to waive the requirements to not submit engineered road construction plans and to waive all requirements to Ordinance #14. Vote: Unanimous.

L. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 21-05: Richard and Lynn Beasley. To vacate 33-feet of the Section Line Right-of-Way located along the west lot line of Lot 1 of Larson Subdivision, Section 30, T1N, R7E, BHM, Pennington County, South Dakota.

Lot 1, Larson Subdivision, Section 30, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to rescind this request for the vacation of Section Line Right-Of-Way / VS 21-05. Vote: Unanimous.

M. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-13 – APPROVAL BY RESOLUTION: Keith Lau. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with Sections 207, 209, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land containing one acre, more or less, situated in Lot 5 of Lau Subdivision, located in the South Half of the Northwest Quarter (S½NW¼) and in the West Half of the Northeast Quarter (W½NE¼) of Section 9, Township 1 North, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown on plat filed November 2, 2012, and recorded as Document No. A201217946, in the office of the Pennington County Register of Deeds; said one acre tract of land being more particularly described as follows, to-wit: BEGINNING at an iron rod with cap stamped “1019” at the Northwest corner of

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said Lot 5 being the Northwest corner of the herein described parcel; Thence, North 89°46'48" East along the North boundary line of Lot 5, a distance of 100.70 feet to a point from which an iron rod with cap stamped "4208" at an angle point in the North boundary line bears North 89°46'48" East a distance of 212.18 feet; Thence, South 04°25'24" East a distance of 430.41 feet to a point in the South boundary line of Lot 5 from which an iron rod at the Southeast corner of Lot 5 bears North 85°55'54" East a distance of 654.58 feet; Thence, South 85°55'54" West along the South boundary line of Lot 5, a distance of 100.43 feet to an iron rod with cap stamped "1019" at the Southwest corner of Lot 5 being the Southwest corner of the herein described parcel; Thence, North 04°25'24" West along the West boundary line of Lot 5, a distance of 437.17 feet to the POINT OF BEGINNING and containing 1.00 acre, more or less, of land; Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Comprehensive Plan Amendment / CA 21-13. Vote: Unanimous.

N. PUBLIC HEARING OF REZONE / RZ 21-16: Keith Lau. To rezone one (1) acre from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land containing one acre, more or less, situated in Lot 5 of Lau Subdivision, located in the South Half of the Northwest Quarter (S½NW¼) and in the West Half of the Northeast Quarter (W½NE¼) of Section 9, Township 1 North, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown on plat filed November 2, 2012, and recorded as Document No. A201217946, in the office of the Pennington County Register of Deeds; said one acre tract of land being more particularly described as follows, to-wit: BEGINNING at an iron rod with cap stamped "1019" at the Northwest corner of said Lot 5 being the Northwest corner of the herein described parcel; Thence, North 89° 46' 48" East along the North boundary line of Lot 5, a distance of 100.70 feet to a point from which an iron rod with cap stamped "4208" at an angle point in the North boundary line bears North 89° 46' 48" East a distance of 212.18 feet; Thence, South 04° 25' 24" East a distance of 430.41 feet to a point in the South boundary line of Lot 5 from which an iron rod at the Southeast corner of Lot 5 bears North 85° 55' 54" East a distance of 654.58 feet; Thence, South 85° 55' 54" West along the South boundary line of Lot 5, a distance of 100.43 feet to an iron rod with cap stamped "1019" at the Southwest corner of Lot 5 being the Southwest corner of the herein described parcel; Thence, North 04° 25' 24" West along the West boundary line of Lot 5, a distance of 437.17 feet to the POINT OF BEGINNING and containing 1.00 acre, more or less, of land; Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Rezone / RZ 21-16. Vote: The motion carried 3-2 with Rossknecht and Drewes voting no.

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O. PUBLIC HEARING OF REZONE / RZ 21-23: Lorraine and Doug Smith; Fisk Land Surveying - Agent. To rezone 19.92 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

E1/2S3/4NE1/4SW1/4; E1/2SE1/4SW1/4 Less That PT Lying S of Highway, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve Rezone / RZ 21-23. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 20, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-23 (Lorraine and Doug Smith) to rezone to Rural Residential District.

P. LAYOUT PLAN / LPL 21-42: Randall Peregrine. To subdivide and create Lots D1, D2, and D3 of Johnson Estates Subdivision of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D, Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Lots D1, D2, and D3 of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County.

MOVED by Hadcock and seconded by Lasseter to approve Layout Plat / LPL 21-42 with the following nine (9) conditions. Vote: Unanimous.

1. That the applicant ensures all natural drainage ways are maintained and are not blocked;
2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That prior to recording the Final Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lots D1, D2, and D3, to be reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That prior to recording the Final Plat, the applicant improves and dedicates the Section Line Right-of-Way or obtains a Subdivision Regulation Variance to waive the requirement;

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7. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
8. That at the time of Preliminary Plat submittal, 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; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Q. PUBLIC HEARING OF REZONE / RZ 21-20: Pink Cabin, LLC; KTM Design Solutions – Agent. To rezone 5.09 acres from Agriculture District to Suburban Residential District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Lot 1 of Buchholz Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Rezone / RZ 21-20. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 20, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-20 (Pink Cabin, LLC) to rezone to Suburban Residential District.

R. PUBLIC HEARING OF REZONE / RZ 21-21: Pink Cabin, LLC; KTM Design Solutions – Agent. To rezone 6.01 acres from Agriculture District to Suburban Residential District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Lot C of NE1/4SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Rezone / RZ 21-21. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 20, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-21 (Pink Cabin, LLC) to rezone to Suburban Residential District.

S. PUBLIC HEARING OF REZONE / RZ 21-22: Pink Cabin, LLC; KTM Design Solutions – Agent. To rezone 4.91 acres from Agriculture District to Suburban Residential District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Lot B of SE1/4NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

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MOVED by LaCroix and seconded by Rossknecht to approve Rezone / RZ 21-22. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 20, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-22 (Pink Cabin, LLC) to rezone to Suburban Residential District.

T. REQUEST FOR REFUND OF PENALTY FEE: Tina Roberts. MOVED by Hadcock and seconded by Rossknecht to deny the request to refund of the penalty fee in the amount of \$300. Vote: Unanimous.

EXECUTIVE SESSION – SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1): MOVED by Hadcock and seconded by Lasseter 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 1:30 p.m. to 1:33 p.m. as it was determined Executive Session was not need for today’s meeting. Hadcock and Rossknecht did not return from Executive Session. A motion was not made to come out of Executive Session.

PAYROLL

Commissioners, 10,352.45; Elections, 7,192.40; Auditor, 11,733.23; Treasurer, 39,589.54; State's Attorney, 152,810.46; Public Defender, 87,736.00; Buildings & Grounds, 66,698.82; Equalization, 42,368.57; Register of Deeds, 12,660.80; IT, 22,066.69; Human Resources, 7,751.20; Sheriff, 264,258.61; HIDTA Grant, 4,339.47; Jail, 333,662.55; JSC, 110,578.82; JSC Juvenile Alternative, 4,806.00; CCADP, 114,958.40; Economic Assistance, 34,241.60; Extension, 1,296.71; Natural Resources, 15,592.18; Planning and Zoning, 18,331.72; Road & Bridge, 92,880.68; Fire Administration, 3,630.70; Dispatch, 104,838.47; Emergency Management, 4,989.30; 24-7 Program, 8,478.04; MacArthur Safety & Justice Challenge, 12,861.30.

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

Auditor: Effective 07/11/2021: Kaycee Island, \$2,970.40.

Buildings & Grounds: Effective 07/12/2021: Kevin Burton, \$2,819.20

Dispatch: Effective 07/11/2021: Levi Woodard, \$21.93.

Highway: Effective 07/25/2021: Lee Mader, \$22.80; Ralph Rice, \$25.74; Robert Sands, \$18.13.

Jail: Effective 07/20/2021: Jack Thomas Jr., \$18.86. Effective 07/26/2021: Chad Casey, \$22.80; Tanner Daly, \$22.80; Damon Waimann, \$22.80.

State’s Attorney: Effective 07/26/2021: Emily Martinez, \$20.34.

Sheriff: Effective 07/26/2021: Max Deslauriers, \$22.80. Effective 08/01/2021: Kyle McSherry, \$22.80; Kevin Sosa, \$22.80; Donald Lampert, \$23.99; Thad Fitch, \$23.99; Mark Bartik, \$23.99. Effective 08/04/2021: Preston Crissey, \$23.99; Cody Sunderland, \$23.99; Rick Rieken, \$23.99;

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James Jackson, \$23.99; James Davis, \$23.99; Jeremiah Wyrick, \$23.99; Tom Elmer, \$23.99; Jamie Tilson, \$23.99. Effective 08/23/2021: David Foster, \$26.36.
WSDJSC: Effective 07/26/2021: Payton Yellowboy, \$15.21.

ADJOURN

MOVED by Lasseter and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:33 p.m.

/s/ Cindy Mohler, Auditor

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