

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 5, 2023

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, December 5, 2023, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Lloyd LaCroix called the meeting to order with the following Commissioners present: Gary Drewes, Deb Hadcock, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by Drewes and seconded by Lasseter to approve the agenda with Item 21 to follow Item 14. Vote: Unanimous.

RECOGNITION OF NEW EMPLOYEES: No action taken.

CONSENT AGENDA ITEMS

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

6. Minutes of the regular meeting – November 21, 2023
7. Approval of the Lease Agreement for a room at the Pierre Ramkota Hotel for the 2024 Legislative Session.
8. To reappoint Mr. Daniels Fields as County Constable for a two-year term – Legislative District 34.
9. To declare HP DesignJet Z5400ps printer, Serial Number CN47H4H01M, as surplus for the purpose of disposal.
10. Approval of the 2024 Memorandum of Understanding between SDSU Extension and Pennington County.
11. To declare surplus for the purpose of trade, one 1994 JCB Backhoe, Serial Number 418667, Asset # 003425.
12. To approve the Marketing Manager position at DBM C52, base rate pay of \$3,103.20/bi-weekly and to update the position listing on file.
13. To authorize one Glock 17, serial number BCHC548 to be declared as surplus for the purpose of commendation.

ITEMS FROM AUDITOR

A. **NEW RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE – BLACK HILLS RECEPTIONS AND RENTALS:** MOVED by Drewes and seconded by Rossknecht to approve the new Retail (on-off sale) Malt Beverage & SD Farm Wine License for Black Hills Receptions and Rentals. Vote: Unanimous.

B. **NEW RETAIL (ON-OFF SALE) WINE & CIDER LICENSE – BLACK HILLS RECEPTIONS AND RENTALS:** MOVED by Drewes and seconded by Rossknecht to approve the new Retail (on-off sale) Wine & Cider License for Black Hills Receptions and Rentals. Vote: Unanimous.

C. **TRANSFER OF RETAIL (ON-SALE) LIQUOR LICENSE WITH SUNDAY SALES AND RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE – HORSE CREEK LLC:** MOVED by Rossknecht and seconded by Drewes to approve the transfer of the

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Retail (on-sale) Liquor License with Sunday Sales and the Retail (on-off sale) Malt Beverage & SD Farm Wine License from The Humble Hoo-Dek LLC to Horse Creek LLC. Vote: Unanimous.

ITEMS FROM COMPENSATION COMMITTEE

A. RECOMMENDATION: POLICY 4.1 – VACATION BENEFITS & POLICY 4.3A – SICK LEAVE: Informational only.

ITEMS FROM BUILDINGS & GROUNDS

A. LEASE AGREEMENT - 14 ST. JOSEPH STREET PURCHASE: MOVED by Drewes and seconded by Rossknecht to approve, as part of the previously approved purchase of 14 St. Joseph Street, the Lease Agreement between Pennington County and First Interstate Bank effective as of December 22, 2023, and to authorize the Board Chair's signature thereto. Vote: The motion carried 3-2 with Hadcock and Lasseter voting no.

ITEMS FROM EMERGENCY MANAGEMENT

A. LEASE AGREEMENT WITH THE U.S. FOREST SERVICE - BEAR MOUNTAIN COMMUNICATION SITE: MOVED by Hadcock and seconded by Lasseter to authorize the Director of Emergency Management to enter into a lease application with the US Forest Service to operate an existing telecommunication tower at the Bear Mountain Communication Site. Vote: Unanimous.

ITEMS FROM EMERGENCY SERVICES (911/DISPATCH)

A. AMENDMENT TO JOINT POWERS AGREEMENT WITH THE SOUTH DAKOTA NATIONAL GUARD (SDNG) FOR CAMP RAPID BACKUP 911 CENTER REMODEL: MOVED by Drewes and seconded by Lasseter to approve Amendment #2 to the Joint Powers Agreement between South Dakota Department of the Military and Pennington County. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. ABATEMENT APPLICATIONS - SHACKLETT, PARCEL# 57630, \$999.20; BARRETT, PARCEL# 8006474, \$82.66: MOVED by Lasseter and seconded by Rossknecht to approve the abatement applications for tax year 2022 for the following parcels: Jennifer Shacklett, #57630, \$999.20 and Linda Barrett, #8006474, \$82.66. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. 2023 BRIDGE INSPECTION OVERVIEW BY KLJ ENGINEERING, LLC: Informational only.

B. RESOLUTION 2023-12-05-1 BIG GRANT PROGRAM APPLICATIONS: MOVED by Hadcock and seconded by Lasseter to approve Resolution 2023-12-05-1 authorizing Pennington County to submit Bridge Improvement Grant Program Applications for bridges 52-310-306, 52-314-432, 52-318-318, 52-319-268, 52-320-312, 52-457-406, 52-511-280 and 52-512-280. Vote: Unanimous.

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RESOLUTION 2023-12-05-1
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):

52-310-306 Forest Road
52-314-432 Old Hill City Road
52-318-318 Thunderhead Falls Road
52-319-268 Norris Peak Road
52-320-312 Thunderhead Falls Road
52-457-406 Lower Spring Creek Road
52-511-280 Highway 14/16
52-512-280 Highway 14/16

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 20% 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:

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

Dated at Rapid City, SD, this 5th day of December, 2023.

/s/ Lloyd LaCroix, Chair
Pennington County Board of Commissioners

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

ITEMS FROM BUILDING COMMITTEE

A. ACTION: HIGHWAY AND JUVENILE DEPARTMENT DRAINAGE – REQUEST TO BID:
MOVED by Rossknecht and seconded by Drewes to authorize the advertisement for bid for the

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Highway and Juvenile Department Drainage Project with the understanding that a not to exceed amount of \$120,000 could be utilized from the Accumulated Building Fund in addition to Buildings and Grounds project funds to complete the project. Vote: Unanimous.

B. ACTION: JAIL INFRASTRUCTURE AND TOWER PROJECT DESIGN SERVICES AGREEMENT: MOVED by Rossknecht and seconded by Hadcock to authorize the Chair's signature to the AIA Document B133-2019, Standard Form of Agreement Between Owner and Architect (Construction Manager as Constructor Edition), dated November 28, 2023, between Pennington County and The BKV Group, Inc. for professional services related to the design and construction of the project identified as the Pennington County Jail Infrastructure & Tower Project for a total fixed fee of \$1,782,002, plus reimbursable expenses that shall not exceed \$100,000. Vote: Unanimous.

ITEMS FROM PUBLIC: Patrick Baumann, Dean Marshall, Florence Thompson, Tonchi Weaver (via email), Brian Feiler – Central States Fair weapon restrictions; Taffy Howard – Central States Fair weapon restrictions, County buildings, Marketing Manager DBM, wheel tax.

MOVED by Drewes and seconded by Lasseter to take a ten-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 23-16: Pactola Heights, LLC. To allow a .04 acre lot in a Residential District in accordance with the Pennington County Zoning Ordinance.

Lot W, Block 1, Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve Variance / VA 23-16 to allow a .04 acre lot in a Residential District with one (1) condition that the lot maintains setbacks of the current Zoning District. Vote: Unanimous.

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

PLANNING & ZONING CONSENT AGENDA ITEMS

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

B. HARDROCK MINING RESEARCH UPDATE

UNCONTESTED HEARING(S)

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C. PRELIMINARY PLAN / PPL 23-24: Marjorie Helgeson; Davis Engineer - Agent. To reconfigure lot lines in order to create Tract A Revised and Tract B Revised of Alma Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL14 Less Payton Addition and Less ROW; GL 6 Less Lot 1, 2, and 3 and Less ROW; Lot 3 of SE1/4SW1/4, NE1/4NW1/4 (Also in Section 10); and Tract A of Alma Subdivision, all located in Section 3, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A Revised and Tract B Revised of Alma Subdivision, Sections 3 and 10, T1S, R6E, BHM, Pennington County, South Dakota

MOVED by Rossknecht and seconded by Drewes to approve Preliminary Plan / PPL 23-24 with seven (7) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office)

MOVED by Hadcock and seconded by Drewes to combine Items D and E for discussion purposes and to vote on Items D and E separately. Vote: Unanimous.

D. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 23-11: Pactola Heights. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Block 1; Lot W of Block 1; and Lots 1, 2, 3, 4, 5 and 6 of Block 2, and all located in Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to deny without prejudice Comprehensive Plan Amendment / CA 23-11, as the roads do not support Low Density Residential. Vote: The motion carried 4-1 with Rossknecht voting no.

E. PUBLIC HEARING OF REZONE / RZ 23-16: Pactola Heights. To rezone from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Block 1; Lot W of Block 1; and Lots 1, 2, 3, 4, 5 and 6 of Block 2, and all located in Pactola Heights Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to deny without prejudice Rezone / RZ 23-16, as the roads do not support Low Density Residential. Vote: The motion carried 4-1 with Rossknecht voting no.

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F. MARIJUANA BUSINESS LICENSE / ML 22-01: M & M Medical Solutions; Timothy McMahon. To allow the reapplication of a previously approved Marijuana Business License in a Heavy Industrial District in accordance with the Pennington County Zoning Ordinance.

NE1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve Marijuana Business License / ML 22-01 with three (3) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office)

APPROVAL OF VOUCHERS: MOVED by Lasseter and seconded by Rossknecht 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 \$266,786.22. Vote: Unanimous.

AT&T Mobility, 4,338.90; AT&T Mobility, 774.89; AT&T Mobility, 361.54; BH Electric Cooperative Inc, 126.92; BH Energy, 39.20; BH Energy, 528.35; BH Energy, 363.73; Bluepeak, 46.07; Bluepeak, 1,680.01; Century Link, 162.13; City Of Hill City, 68.22; City Of Rapid City - Water, 184.27; City Of Rapid City -Water, 1,781.56; City Of Wall, 218.90; Dakota Flats LLC, 1,450.08; Davignon Ivan B, 275.00; Discovery Village Apartments, LLLP, 500.00; Eagle Ridge Apartments II, 450.00; Estes Park Apartments, 450.00; Global Tel'link, 18.40; Golden West Companies, 29.98; Hillcrest Investments LLC, 500.00; Liebelt Investments LLC, 660.00; Life Insurance Company Of North America, 2,837.64; Midcontinent Communications, 2,302.66; Midcontinent Communications, 2,140.24; Montana Dakota Utilities, 963.05; Montana Dakota Utilities, 961.23; Pennington County Housing & Redevelopment, 302.00; Pioneer Bank & Trust, 5,437.92; Pioneer Bank & Trust, 4,754.40; Reliance Telephone Inc, 13.50; Travelodge - Rapid City, 420.00; Tzadik Lacrosse Apartments LLC, 255.00; Tzadik Rapid City LLC, 400.00; Verizon Wireless, 812.03; Verizon Wireless, 707.99; Wellmark, 229,272.13; West River Electric, 198.28.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Rossknecht 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 11:49 a.m. (Commissioner Hadcock joined Executive Session at 11:57 a.m.) until 1:04 p.m. MOVED by Hadcock and seconded by Rossknecht to come out of Executive Session. Vote: Unanimous.

MOVED by Rossknecht and seconded by Drewes to place Teshia Larsen at DBM M4, Step 4, \$29.67/hr. effective November 26, 2023. Vote: Unanimous.

PAYROLL

Commissioners, 12,412.00; Elections, 8,166.00; Auditor, 16,173.56; Treasurer, 45,367.78; State's Attorney, 168,139.35; Public Defender, 97,502.67; Buildings & Grounds, 73,840.15;

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Equalization, 47,167.49; Register of Deeds, 15,824.14; IT, 30,976.81; Human Resources, 11,821.60; Sheriff, 317,357.64; Jail, 389,420.74; JSC, 131,431.54; JSC Juvenile Alternative, 3,232.56; CCADP, 131,172.13; Innovation Reentry Grant, 2,200.80; Economic Assistance, 39,384.48; Pivot Point, 5,147.16; Extension, 1,585.63; Natural Resources, 3,881.60; Pest Control, 7,701.64; Planning & Zoning, 22,754.05; Road & Bridge, 114,263.51; Fire Administration, 5,734.40; Dispatch, 110,515.49; Emergency Management, 6,107.22; 24-7 Program, 3,301.85; MacArthur Safety & Justice, 3,313.51.

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 October 18, 2023: Total balances of checking/savings account, 15,241,177.99; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 18,834,900.90; Total Prime Value Investment, 41,248,458.30; Total petty cash, 17,690.00; NSF Checks, 1,951.52; Total long/short, (494.20); Total, 75,360,684.51. Submitted by Lori Wessel, Deputy Auditor.

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

24/7: Effective 12/11/2023: Chad Armstrong, \$17.34; Alyssa Francik, \$17.34.

Buildings & Grounds: Effective 11/26/2023: Sean Smith, \$17.34.

Care Campus: Effective 12/11/2023: Jacob Penning, \$19.41.

Jail: Effective 12/11/2023: Ciarra Castleman, \$19.41; Daunte Farmer, \$19.41; Alberta Olson, \$19.41.

Sheriff: Effective 12/10/2023: Kelsey Schwartz, \$29.11.

State's Attorney: Effective 11/27/2023: Kara Barnes, \$23.72; Cynthia Bittner, \$28.23; Jade Decker, \$22.85; Natalie Gronlund, \$2,934.40; Megan Krueger, \$3,360.80; Ginger Martin, \$23.72; Elliot Newman, \$23.14; Madison Preble, \$30.01; Chelsie Rostad, \$30.01; Bernadette Schlepp, \$28.58; Pamela Smallwood, \$23.14; Jason Thomas, \$3,360.80; Penny Wetch, \$30.01; Cristina Zelfer Dowling, \$30.01.

WSDJSC: Effective 11/12/2023: Chantel Kaski, \$24.86.

ADJOURN

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:06 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

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