

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 1, 2023

The Pennington County Board of Commissioners met at 8:59 a.m. on Tuesday, August 1, 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 as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

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

5. Approve the minutes of the July 18, 2023, regular meeting.
6. To declare Tax Deed ID #7908 as surplus property for the purpose of selling at the Tax Deed Auction scheduled for 10:00 A.M. on Thursday, August 17, 2023.

End of Consent Agenda Items

ITEMS FROM ESCC/FIRE ADMINISTRATION

A. BID AWARD RECOMMENDATION – CREIGHTON RADIO TOWER: MOVED by Rossknecht and seconded by Lasseter to award the Creighton Radio Tower project to the lowest responsible bidder, Sioux Falls Tower Specialists, Inc., doing business as Vikor, in the amount of \$122,450.48. Vote: Unanimous.

ITEMS FROM SHERIFF

A. SWORN LAW ENFORCEMENT AND CORRECTIONAL OFFICER WAGES – 2%: MOVED by Drewes and seconded by Rossknecht to apply a 2% increase to all deputy, sergeant, lieutenant, captain and chief deputy positions on their current pay scale effective September 17, 2023. Vote: Unanimous.

MOVED by Rossknecht and seconded by Drewes to move all correctional officers, sergeants, lieutenants, captains and commanders to the law enforcement pay scale at their current wages and apply a 2% increase to these positions effective September 17, 2023. Vote: Unanimous.

B. DETOX TECHNICIANS POSITIONS – RECLASSIFICATION: MOVED by Rossknecht and seconded by Drewes to move the detox tech I position to a B22 and the detox tech II position to a B23, effective September 17, 2023, and to update the position listing on file. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. ABATEMENT APPLICATIONS: MOVED by Drewes and seconded by Rossknecht to approve the abatement applications for tax year 2022 for the following parcels: Secretary of Housing, Parcel #1017, \$1,316.84, Douglas A. Bury, Parcel #58356, \$1,725.94, Dean G. Thompson, Parcel #71359, \$1,442.00 and Maureen/Gary Gould, Parcel #9257, \$1,725.54. Vote: Unanimous.

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ITEMS FROM HIGHWAY DEPARTMENT

A. SOUTH DAKOTA VW TRUCK PROGRAM REBATE AGREEMENT: MOVED by Lasseter and seconded by Rossknecht to approve the South Dakota VW Truck Program Rebate Agreement. Vote: Unanimous.

9:15 A.M. PUBLIC HEARING: MOVED by Rossknecht and seconded by Lasseter to take public input (written and/or verbal) at 9:15 AM on August 1, 2023 on Pennington County's use of Title III funds for the following proposed projects for 2024: wildland firefighter equipment and training; increasing the protection of people and property from wildfire; emergency response equipment or vehicles; search & rescue response and training; and other emergency services as allowed by the Secure Rural Schools and Self Determination Act of 2000 and 2008. The total estimated cost of these projects is \$29,466.08. Vote: Unanimous. No public comment was received.

ITEMS FROM HIGHWAY DEPARTMENT

B. PURCHASE ROAD SALT: MOVED by Rossknecht and seconded by Drewes to authorize the Highway Department to purchase road salt from Nebraska Salt & Grain, Gothenburg, NE off the State of South Dakota Contract # 17796. Vote: Unanimous.

C. AWARD RECOMMENDATION 2023 BRIDGE REHABILITATION: MOVED by Drewes and seconded by Rossknecht to award the 2023 Bridge Rehabilitation to J.V. Bailey Co. Inc., Rapid City, SD, in the amount of \$890,097.40, contingent upon the South Dakota Department of Transportation's concurrence for bridges 52-316-317 and 52-460-329. Vote: Unanimous.

D. BLACK HILLS NATIONAL FOREST SOUTH ROCKERVILLE ROAD RIGHT-OF-WAY FENCING AGREEMENT: MOVED by Drewes and seconded by Lasseter to approve Agreement #23-CS-11020300-046 with the Black Hills National Forest for South Rockerville Road right-of-way fencing. Vote: Unanimous.

E. LOCAL FEDERAL BRIDGE PROGRAM RESOLUTIONS 2023-08-01-1 AND 2023-08-01-2: MOVED by Drewes and seconded by Lasseter to approve Resolutions 2023-08-01-1 and 2023-08-01-2 authorizing the submission of Local Federal Bridge Grant applications. Vote: Unanimous.

**RESOLUTION 2023-08-01-1
LOCAL FEDERAL BRIDGE PROGRAMS
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, Pennington County wishes to submit an application(s) for consideration of award for the Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

52-199-315	Mystic Road	(federal aid route)
52-444-270	Country Road	(federal aid route)

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and **WHEREAS**, Pennington County agrees to pay the 18.05% match on the Local Federal Bridge funds;

and **WHEREAS**, Pennington County hereby authorizes the Local Federal Bridge 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 Local Federal Bridge application(s).

Dated this 1st day of August, 2023.

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

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

RESOLUTION 2023-08-01-2
LOCAL FEDERAL BRIDGE PROGRAMS
RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Pennington County wishes to submit an application(s) for consideration of award for the Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

52-141-325	Slate Prairie Road	(non-federal aid route)
52-318-318	Thunderhead Falls Road	(non-federal aid route)
52-320-312	Thunderhead Falls Road	(non-federal aid route)
52-590-291	159 th Avenue	(non-federal aid route)
52-909-240	233 rd Street	(non-federal aid route)

and **WHEREAS**, Pennington County agrees to pay the 0.00% match on the Local Federal Bridge funds;

and **WHEREAS**, Pennington County hereby authorizes the Local Federal Bridge 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 Local Federal Bridge application(s).

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Dated this 1st day of August, 2023.

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

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

ITEMS FROM COMPENSATION COMMITTEE

- A. RECOMMENDATION – POLICY 3.18 – OUT OF CLASS PAY: Informational only.
B. WAGE STUDY UPDATE: Informational only.

PROPOSED LETTER OF OPPOSITION: MOVED by Drewes and seconded by Lasseter to continue the letter of opposition to H.R. 471, SHIP IT Act to the August 15, 2023, meeting. Vote: Unanimous.

REQUEST FOR SUPPORT OF HOSTING AN EPA/EAFB PFOS/PFOA TOWN HALL MEETING: MOVED by Lasseter and seconded by Hadcock to continue hosting the community town hall meetings regarding the EAFB PFOS/PFOA activities. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by Drewes 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 \$688,770.58. Vote: Unanimous.

AT&T Mobility, 4,359.79; Bear Property Management LLC, 350.00; BH Electric Cooperative Inc, 124.97; BH Energy, 1,130.81; BH Energy, 38.53; Biers Jason L, 400.00; Bluepeak, 1,533.60; Bluepeak, 246.07; CC Property Management LLC, 450.00; Century Link, 152.00; Cherry Ave LLC, 400.00; City Of Hill City, 56.79; City Of Rapid City -Water, 142.66; City Of Rapid City -Water, 4,663.33; Cornerstone Rescue Mission, 350.00; Eagle Ridge Apartments I, 431.00; Eagle Ridge Apartments II, 124.00; F & M Rentals LLC, 271.00; Golden West Companies, 59.95; Hainesway Apartment, 360.00; Heartland Heights Apartments, 246.00; Hillcrest Investments LLC, 300.00; Life Insurance Company Of North America, 2,826.76; Medical Waste Transport Inc, 664.80; Midcontinent Communications, 1,034.35; Midcontinent Communications, 3,927.78; Montana Dakota Utilities, 795.97; Northern Heights Apartments, 471.00; Pennington County Housing & Redevelopment, 960.00; Pink Cabin LLC, 665.92; Pioneer Bank & Trust, 11,781.50; Pioneer Bank & Trust, 4,167.54; Pioneer Bank & Trust, 3,339.16; Rapid Valley Sanitary District, 80.73; Sirles Warren F, 800.00; Verizon Wireless, 1,373.87; Verizon Wireless, 456.40; Walsh Polygraph LLC, 7,015.00; Wellmark, 630,563.52; West River Electric, 218.84; West River Electric, 254.94; Whisper Rock Apartments II, 162.00; Williams Properties, 510.00; Wood Avenue LLC, 510.00.

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ITEMS FROM PUBLIC: No public comment.

MOVED by Rossknecht and seconded by Lasseter to recess until 10:30 a.m. 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.

MOVED by Drewes and seconded by Lasseter to combine items A, B, and C as one item for discussion. Vote: Unanimous.

A. VARIANCE / VA 23-12: Scott Mohr. To reduce the side yard setback to allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot A of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota

MOVED by Drewes and seconded by Lasseter to approve Variance / VA 23-12 to reduce the side yard setback to the south property line with the following three (3) conditions: (1) this Variance only applies to the side yard setback of a two-story, four-plex; (2) the setback is no less than 8-feet; and, (3) the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements. Vote: The motion carried 4-1 with Hadcock voting no.

B. VARIANCE / VA 23-13: Scott Mohr. To reduce the side yard setback to allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot B of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota

MOVED by Drewes and seconded by Rossknecht to approve Variance / VA 23-13 to reduce the side yard setback to be no less than eight (8) feet with three (3) conditions. Vote: The motion carried 4-1 with Hadcock voting no. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

C. VARIANCE / VA 23-14: Scott Mohr. To reduce the side yard setback to allow for a two-story multi-family residence (4-plex) on the subject property in a Suburban Residential District in accordance with the Pennington County Zoning Ordinance.

Lot C of Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota

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MOVED by Drewes and seconded by Lasseter to approve Variance / VA 23-14 to reduce the side yard setback to the north property line with the following three (3) conditions: (1) this Variance only applies to the side yard setback of a two-story, four-plex; (2) the setback is no less than 8-feet; and, (3) the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements. Vote: The motion carried 4-1 with Hadcock voting no.

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

Hadcock left the meeting at 10:52 a.m.

PLANNING & ZONING CONSENT AGENDA ITEMS

The following item(s) have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

D. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-02: Deerfield Park Condominiums Council of Co-Owners. To review an existing Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Deerfield Park Condominiums Family Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Approve PU 15-02 with thirteen (13) conditions. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

E. ROAD NAMING: Preston Family, Inc./John Preston. To name a 40-foot-wide access easement that provides access to five or six future lots located off of S. Highway 79 located in Section 20, T2S, R8E, BHM, Pennington County, South Dakota, to Blue Heron Road.

F. ROAD NAMING: Preston Family, Inc./John Preston. To name a 40-foot-wide access easement that provides access to one existing lot located off of S. Highway 79 located in Section 20, T2S, R8E, BHM, Pennington County, South Dakota, to Porcupine Road.

G. ROAD NAMING: Preston Family, Inc./John Preston. To name a 40-foot-wide access easement that provides access to five future lots located off of S. Highway 79 located in Section 20, T2S, R8E, BHM, Pennington County, South Dakota, to Marmot Road.

MOVED by Rossknecht and seconded by Drewes to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

CONTESTED HEARING(S)

H. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-07: Black Elk Resort, LLC; Daniel Roth. To amend an existing Planned Unit Development to

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allow an additional Recreational Vehicle site on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Lasseter to approve Major Planned Unit Development Amendment / PU 23-07 with twenty-five (25) 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).

NOTICE OF FACT OF ADOPTION

On August 1, 2023, the Pennington County Board of Commissioners approved a Major Planned Unit Development Amendment. Major Planned Unit Development Amendment 23-07 – Black Elk Resort, LLC; Daniel Roth.

Hadcock returned to the meeting at 10:57 a.m.

I. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 23-06: Adam Weaver / Sharon Holte Weaver; Sarah Tschetter - Agent. 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.

Commencing at the Southeast Corner of Lot 4 of Strato Rim Estates located in Gov't Lot 4 and the SE1/4 of the SW1/4 of Section 7, Township 1 South, Range 7 East of the Black Hills Meridian, which is the POINT OF BEGINNING, POINT NO 1; Thence N 89°15'32" W - a distance of 580.00 feet to Point No. 2 which is the TRUE POINT OF BEGINNING, Thence N 30°14'44" E - a distance of 172.33 feet to Point No. 3; Thence S 89°15'32" E - a distance of 173.89 feet to Point No. 4; Thence S 00°44'28" W - a distance of 149.98 feet to Point No. 5; Thence N 89°15'32" W - a distance of 258.76 feet to the TRUE POINT OF BEGINNING, Point No. 2; Containing 0.740 Acres "more or less", located in Gov't Lot 4 and SE1/4 of SW1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by Hadcock to deny without prejudice Comprehensive Plan Amendment / CA 23-06. Vote: Unanimous.

J. PUBLIC HEARING OF REZONE / RZ 23-09: Adam Weaver / Sharon Holte Weaver; Sarah Tschetter - Agent. To rezone 0.74 acre from Rural Residential District to Low Density Residential District in accordance with the Pennington County Zoning Ordinance.

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Commencing at the Southeast Corner of Lot 4 of Strato Rim Estates located in Gov't Lot 4 and the SE1/4 of the SW1/4 of Section 7, Township 1 South, Range 7 East of the Black Hills Meridian, which is the POINT OF BEGINNING, POINT NO 1; Thence N 89°15'32" W - a distance of 580.00 feet to Point No. 2 which is the TRUE POINT OF BEGINNING, Thence N 30°14'44" E - a distance of 172.33 feet to Point No. 3; Thence S 89°15'32" E - a distance of 173.89 feet to Point No. 4; Thence S 00°44'28" W - a distance of 149.98 feet to Point No. 5; Thence N 89°15'32" W - a distance of 258.76 feet to the TRUE POINT OF BEGINNING, Point No. 2; Containing 0.740 Acres "more or less", located in Gov't Lot 4 and SE1/4 of SW1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to deny without prejudice Rezone / RZ 23-09.
Vote: Unanimous.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Lasseter 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 11:21 a.m. until 11:59 a.m. MOVED by Rossknecht and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

MOVED by Rossknecht and seconded by Hadcock to place Mark Hughes at L6, Step 6, \$4,340.00 bi-weekly, effective July 23, 2023. Vote: Unanimous.

PAYROLL

Commissioners, 12,655.17; Elections, 8,250.01; Auditor, 13,915.43; Treasurer, 39,964.89; State's Attorney, 162,289.90; Public Defender, 94,192.47; Buildings & Grounds, 69,129.48; Equalization, 47,524.37; Register of Deeds, 16,097.55; IT, 29,509.62; Human Resources, 9,718.40; Sheriff, 323,969.66; Jail, 384,540.12; JSC, 118,732.89; JSC Juvenile Alternative, 3,374.55; CCADP, 127,119.77; Innovation Reentry Grant, 2,077.02; Economic Assistance, 38,663.20; Extension, 1,585.60; Natural Resources, 15,487.27; Planning & Zoning, 22,731.54; Road & Bridge, 118,241.63; Fire Administration, 5,734.40; Dispatch, 126,784.89; Emergency Management, 8,355.44; 24-7 Program, 8,556.05; MacArthur Safety & Justice, 4,221.15.

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 July 24, 2023: Total balances of checking/savings account, 14,811,663.33; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 21,575,318.74; Total Prime Value Investment, 31,843,990.00; Total petty cash, 17,690.00; NSF Checks, 3,915.36; Total long/short, (402.89); Total, 68,269,174.54. Submitted by Lori Wessel, Deputy Auditor.

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

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Highway: Effective 07/23/2023: Ciara Geppert, \$26.86. Effective 08/07/2023: Robert Rosales, \$20.76.

Jail: Effective 07/24/2023: Mauritz Venter, \$24.07. Effective 08/06/2023: Jessica Afrank, \$2,332.00. Effective 08/21/2023: Dalia Alonzo, \$27.86; David Ricke, \$21.70.

Public Defender: Effective 08/06/2023: Leslie Adam Bryson, \$2,934.40. Effective 08/20/2023: Breanna Vollan, \$2,656.80.

Treasurer: Effective 08/07/2023: Jill Potter, \$15.27.

ADJOURN

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:00 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: August 17, 2023