

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of September 5, 2023

The Pennington County Board of Commissioners met at 8:59 a.m. on Tuesday, September 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, and Ron Rossknecht. Commissioner Travis Lasseter was absent.

REVIEW AND APPROVE AGENDA

MOVED by Rossknecht and seconded by Drewes 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.

6. Minutes of the regular meeting – August 15, 2023
7. Approval of the Health Care Trust Board Bylaws from 2018.
8. Approval of the 2024 Local Emergency Management Performance Grant Sub-Recipient Agreement.
9. Approval of the Adopt-A-Highway Application for a portion of Old Folsom Road by the Hardrocker Cheer organization.
10. To declare one (1) Glock 9MM, S/N BCHC539 as surplus for the purpose of sale.

**PENNINGTON COUNTY HOUSING & REDEVELOPMENT COMMISSION –
REPOSITIONING RESOLUTION NO. 944 – PENNINGTON COUNTY RESOLUTION:**

MOVED by Hadcock and seconded by Rossknecht to approve the resolution approving Pennington County Housing and Redevelopment Commission Resolution No. 944. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION
RESOLUTION APPROVING PENNINGTON COUNTY HOUSING AND
REDEVELOPMENT COMMISSION RESOLUTION NO. 944**

WHEREAS, on July 19, 2023 the Pennington County Housing and Redevelopment Commission (“PCHRC”) determined a need for a low-income housing project as indicated in the study it authorized by Dominion Due Diligence Group (“D3G”) pursuant to SDCL § 11-7-34; and

WHEREAS, the PCHRC passed Resolution No. 944 indicating that need and adopting the plan proposed by D3G; and

WHEREAS, this Body finds there is a need for this low-income housing project and finds that this project also meets the requirements of a redevelopment project.

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NOW, THEREFORE, BE IT RESOLVED, the Pennington County Board of Commissioners approves PCHRC Resolution No. 944 for all purposes consistent with Chapter 7 of Title 11 of the South Dakota Codified Law.

PASSED AND ADOPTED this 5th day of September, 2023.

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

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

ITEMS FROM THE SHERIFF

- A. FOLLOW-UP TO THE 2% WAGE INCREASE PREVIOUSLY APPROVED: Informational only.
- B. EMERGENCY VEHICLE PURCHASE REQUEST: MOVED by Drewes and seconded by Rossknecht to authorize the emergency purchase of five (5) new vehicles from Karl Chevrolet as follows: five (5) 2023 Chevrolet Tahoe, State Contract # 17619 from Karl Chevrolet, Des Moines, IA for a total of \$207,474.60 paid for out of the planned vehicle replacement budget. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

- A. LOCAL EMERGENCY OPERATIONS PLAN (LEOP) ANNUAL REVIEW: MOVED by Drewes and seconded by Rossknecht to approve the Local Emergency Operations Plan. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. AUTHORIZATION TO ADVERTISE AND LET AGGREGATE STOCKPILES FOR NICHOLS CREEK AND ROBERTSON: MOVED by Hadcock and seconded by Rossknecht to authorize the Highway Department to advertise and let bids for aggregate stockpiles AGG 2023-1 (Nichols Creek) and AGG 2023-2 (Robertson). Vote: Unanimous.
- B. AGREEMENT BE 2023-1 (228TH STREET): MOVED by Drewes and seconded by Hadcock to approve Agreement BE 2023-1 to transfer jurisdiction of a portion of 228th Street to the City of Box Elder. Vote: Unanimous.
- C. AGREEMENT RC 2023-1 (143RD AVENUE, COUNTRY ROAD AND SEGER DRIVE): MOVED by Hadcock and seconded by Rossknecht to approve Agreement RC 2023-1 to transfer jurisdiction of a portion of 143rd Avenue, Country Road and Seger Drive to the City of Rapid City. Vote: Unanimous.
- D. RESOLUTION 2023-09-05-1 VEHICLE WEIGHT AND THROUGH TRUCK RESTRICTIONS: MOVED by Drewes and seconded by Rossknecht to approve Resolution 2023-09-05-1 to establish load limit restrictions on portions of Long View Road, Old Folsom Road and South Valley Drive and through truck restrictions on South Valley Drive. Vote: Unanimous.

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RESOLUTION 2023-09-05-1

WHEREAS, the Pennington County Board of Commissioners have determined that it would be in the best interest of the residents of Pennington County that perpetual load limit restrictions and restricted truck traffic be established on certain roads effective September 25, 2023; and

WHEREAS, this Board has the authority to establish restriction to the weight of vehicles on highways under their jurisdiction pursuant to SDCL 32-14-6 and SDCL 32-22-25; and

WHEREAS, this Board has the authority to prohibit the operation of trucks on designated highways under their jurisdiction pursuant to SDCL 32-14-7;

THEREFORE BE IT RESOLVED, that the Pennington County Board of Commissioners does hereby establish a perpetual load limit restriction of six (6) tons per axle on the following county highways:

Long View Road from East Highway 44 east to Radar Hill Road for a distance of 2.46 miles;

Old Folsom Road from Lower Spring Creek Road to Lamb Road for a distance of 4.94 miles;

South Valley Drive from East Minnesota Street east then north to Blanche Drive, for a distance of 1.43 miles;

BE IT FURTHER RESOLVED, that the Pennington County Board of Commissioners does hereby establish South Valley Drive from East Minnesota Street east then north to Blanche Drive as a no through truck zone for trucks over 12,000 pounds GVW; and

BE IT FURTHER RESOLVED, that the Pennington County Highway Department install and maintain appropriate signs designating the limitations and prohibitions set forth in this resolution; and

BE IT FURTHER RESOLVED, that Pennington County requests the South Dakota Department of Public Safety and the South Dakota Highway Patrol to enforce the load limit restrictions and no through trucks zone as posted.

Dated this 5th day of September, 2023.

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

ATTEST: (SEAL)

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/s/ Cindy Mohler, Auditor

Rossknecht left the meeting at 9:50 a.m.

ITEMS FROM HUMAN RESOURCES

A. NEW POSITION REQUEST – ADMINISTRATIVE ASSISTANT 2: MOVED by Hadcock and seconded by Drewes to approve an Administrative Assistant 2 position in the Buildings & Grounds Department at DBM B23, base rate pay of \$21.48/hr. and to update the position listing on file. Vote: Unanimous.

Rossknecht returned to the meeting at 9:52 a.m.

ITEMS FROM COMPENSATION COMMITTEE

- A. RECOMMENDATION – POLICY 4.17 SEPARATION BENEFITS: Informational only.
B. RECOMMENDATION – COMPENSATION PHILOSOPHY: Informational only.

ITEMS FROM COMMISSION MANAGER

- A. 2023 PROPOSED RESOLUTIONS AND POLICY STATEMENT CHANGES – SOUTH DAKOTA ASSOCIATION OF COUNTY COMMISSIONERS (SDACC): MOVED by Drewes and seconded by Rossknecht to support the SDACC 2023 Proposed Resolutions. Vote: Unanimous.
B. RESCHEDULE THE SPECIAL BOARD OF COMMISSIONERS PLANNING WORK SESSION: The Board recommends rescheduling the Special Board of Commissioners Planning Work Session in 2023.

2023 INTERIM STUDY COMMITTEE ON COUNTY FUNDING AND SERVICES – UPDATE: Informational only.

10:00 A.M. PUBLIC HEARING PER SDCL § 7-21-8

A. CONSIDERATION OF THE FY2024 PROVISIONAL BUDGET AS THE ANNUAL BUDGET OF APPROPRIATIONS, EXPENDITURES AND REVENUES – ANY AND ALL ITEMS TO THE PREPARATION OF THE FY2024 BUDGET – RESOLUTION FOR THE ADOPTION OF ANNUAL BUDGET FOR PENNINGTON COUNTY, SD: MOVED by LaCroix and seconded by Drewes to approve the resolution adopting the 2024 Annual Budget in the amount of \$125,291,350.00. Vote: Unanimous.

**ANNUAL BUDGET FOR PENNINGTON COUNTY, SD
For the Year January 1, 2024 to December 31, 2024**

**RESOLUTION
ADOPTION OF ANNUAL BUDGET FOR PENNINGTON COUNTY, SOUTH
DAKOTA**

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WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law and,

WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, that such Provisional Budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set for, shall be approved and adopted as the Annual Budget of the appropriation and expenditures for Pennington County, South Dakota, and all its institutions and agencies for calendar year beginning January 1, 2024 and ending December 31, 2024, and the same is hereby approved and adopted by the Board of County Commissioners of Pennington County, South Dakota, this 5th day of September, 2023.

The Annual Budget, in the amount of \$125,291,350, so adopted is available for public inspection during normal business hours at the office of the County Auditor Pennington County, South Dakota. The accompanying taxes are levied by Pennington County for the year 2023 and are payable in the year 2024.

/s/ Lloyd LaCroix, Chair
/s/ Ron Rossknecht, Vice Chair
/s/ Gary Drewes, Commissioner
/s/ Deb Hadcock, Commissioner
/s/ Travis Lasseter, Commissioner
Pennington County Board of Commissioners

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

COUNTY TAX LEVIES	DOLLARS	\$'s/1,000
General Fund	\$46,042,053	3.221
Accumulated Building Fund	\$6,691,704	0.468
Fair Fund	\$469,205	0.033
COUNTY CONSOLIDATED LEVY	\$53,202,962	3.722

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County Fire Fund	\$265,109	0.060
Library Fund	\$546,284	0.123
Unorganized Road Fund	\$2,177,501	0.797

As of September 5, 2023, these amounts and mill levies have not been approved by the Department of Revenue.

ITEMS FROM PUBLIC: No public comment.

MOVED by Rossknecht and seconded by Drewes to take a 25-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

PLANNING & ZONING CONSENT AGENDA ITEMS

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

A. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 22-04: John and Tracy Wiebe. To review a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence.

B. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 19-01: Brink Constructors, Inc.; BCI Properties, LLC; Zane Brink – Agent. To review an apprenticeship training facility for linemen of Brink Construction in a Planned Unit Development Overlay.

C. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-06: Rockerville Gold Town, LLC, Pat Hall. To review an amendment to an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses.

CONTESTED HEARING(S)

D. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in accordance with the Pennington County Zoning Ordinance. MOVED by Drewes and seconded by Rossknecht to continue Planned Unit Development Overlay / PU 23-06 to the September 19, 2023 meeting. Vote: Unanimous.

E. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 23-04: Scott Ferguson. MOVED by Rossknecht and seconded by Hadcock to approve Road Construction within a Section Line Right-of-Way / CS 23-04 with eight (8) 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).

F. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 23-02: Kyle and Shonna McBride. MOVED by Hadcock and seconded by Drewes to continue Vacation of Section Line / VS 23-02

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to the October 3, 2023 meeting to allow the applicants time to address Staff concerns. Vote: Unanimous.

MOVED by Drewes and seconded by Hadcock to combine items G and H as one item for discussion purposes and to vote on items G and H as two separate items. Vote: Unanimous.

G. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 23-07: Aren Wells. MOVED by Hadcock and seconded by Rossknecht to approve Comprehensive Plan Amendment / CA 23-07. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On September 5, 2023, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 23-07 (Aren Wells) to change the Future Land Use from Agriculture District to Suburban Residential District.

H. PUBLIC HEARING OF REZONE / RZ 23-10: Aren Wells. To rezone from Agriculture District to Suburban Residential District. MOVED by Hadcock and seconded by Rossknecht to approve Rezone / RZ 23-10. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On September 5, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-10 (Aren Wells) to rezone from Agriculture District to Suburban Residential District.

MOVED by Drewes and seconded by Rossknecht to combine items I and J as one item for discussion purposes and to vote on items I and J as two separate items. Vote: Unanimous.

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. MOVED by Hadcock and seconded by Drewes to approve Comprehensive Plan Amendment / CA 23-06. Vote: The motion carried 3-1 with Rossknecht voting no.

NOTICE OF FACT OF ADOPTION

On September 5, 2023, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 23-06 (Adam Weaver) to change the Future Land Use from Rural Residential District to Low Density Residential District.

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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. MOVED by Hadcock and seconded by Drewes to approve Rezone / RZ 23-09. Vote: The motion carried 3-1 with Rossknecht voting no.

NOTICE OF FACT OF ADOPTION

On September 5, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-09 (Adam Weaver) to rezone from Rural Residential District to Low Density Residential District.

K. REQUEST TO REFUND PENALTY FEE: Joy Johnson. MOVED by Hadcock and seconded by LaCroix to approve the request by Joy Johnson to refund the penalty fee in the amount of \$300.00. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by Drewes and seconded by Rossknecht to approve the voucher for the Rose Inn LLC in the amount of \$220.00. Vote: The motion carried 3-0 with Hadcock abstaining. MOVED by Drewes and seconded by Rossknecht to approve the remaining vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$502,202.17. Vote: Unanimous.

731 Gold Street LLC, 850.00; A & A Professional Property Management, 600.00; Ash Park Holdings LLC, 660.00; AT&T Mobility, 4,314.78; AT&T Mobility, 984.10; Baker Apartments, 500.00; BH Electric Cooperative Inc, 138.31; BH Energy, 3,115.28; BH Energy, 168.74; BH Energy, 179.23; BH Energy, 416.67; BH Energy, 497.21; Bluepeak, 119.82; Bluepeak, 1,458.77; Bluepeak, 297.56; CB Rapid City Housing Limited Partnership, 1,000.00; CC Property Management LLC, 510.00; Centerspace LP, 500.00; Century Link, 152.22; City Of Hill City, 81.96; City Of Rapid City -Water, 22,777.84; City Of Rapid City -Water, 2,706.50; City Of Rapid City -Water, 4,465.48; City Of Wall, 223.40; Driftwood Estates, 214.04; Eagle Ridge Apartments I, 593.00; Executive Mgmt Fin Office, 46.50; Executive Mgmt Fin Office, 46.50; Global Tel'link, 25.39; Golden West Companies, 129.90; Green View Apartments, 510.00; Hainesway Apartment, 510.00; Hainesway Apartment, 360.00; Kahler Property Management, 504.50; Lakota Community Homes Inc, 510.00; Life Insurance Company Of North America, 2,783.92; Lowe's, 212.18; Midcontinent Communications, 1,695.58; Midcontinent Communications, 3,675.18; Midcontinent Communications, 1,161.07; Montana Dakota Utilities, 3,916.69; Montana Dakota Utilities, 784.96; Mulally Tina L, 360.00; Pennington County Housing & Redevelopment, 983.63; Pioneer Bank & Trust, 12,094.13; Pioneer Bank & Trust, 7,235.80; Pioneer Bank & Trust, 4,681.92; Rapid City MHC LLC, 435.00; Rapid Valley Sanitary District, 80.73; Reliance Telephone Inc, 13.75; Reliance Telephone Inc, 13.75; Rose Inn LLC, 220.00; Sundial Square Apartments, 418.66; The Palms Apartments LLC, 239.00; Tzadik Lacrosse Apartments LLC, 950.00; Tzadik Rapid City LLC, 360.00; Verizon Wireless, 418.20; Verizon Wireless, 1,412.07; Verizon Wireless, 160.08; Wellmark, 407,948.17.

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EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Drewes and seconded by Rossknecht 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 11:38 a.m. until 11:53 a.m. MOVED by Rossknecht and seconded by Drewes to come out of Executive Session. Vote: Unanimous.

MOVED by Drewes and seconded by Rossknecht to grant an exception to the new hire pay policy and start Michael Harrison at Grade B23, Step 14, \$25.24/hr. effective September 18, 2023. Vote: Unanimous.

PAYROLL

Commissioners, 12,152.00; Elections, 8,166.00; Auditor, 15,408.72; Treasurer, 40,306.64; State's Attorney, 166,615.59; Public Defender, 93,561.47; Buildings & Grounds, 63,346.48; Equalization, 48,668.16; Register of Deeds, 15,192.56; IT, 30,963.87; Human Resources, 11,821.60; Sheriff, 306,575.39; Jail, 366,518.72; JSC, 119,673.50; JSC Juvenile Alternative, 3,196.30; CCADP, 120,380.09; Innovation Reentry Grant, 1,980.72; Economic Assistance, 38,266.40; Pivot Point, 3,944.03; Extension, 1,585.60; Natural Resources, 15,634.33; Planning & Zoning, 23,254.22; Road & Bridge, 121,888.35; Fire Administration, 5,734.40; Dispatch, 118,648.19; Emergency Management, 4,371.22; 24-7 Program, 8,248.23; MacArthur Safety & Justice, 3,946.81.

PAYROLL

Commissioners, 12,152.00; Elections, 8,166.00; Auditor, 14,858.73; Treasurer, 42,535.06; State's Attorney, 151,805.34; Public Defender, 94,881.15; Buildings & Grounds, 66,050.95; Equalization, 42,949.75; Register of Deeds, 15,097.30; IT, 30,629.62; Human Resources, 11,821.60; Sheriff, 327,726.78; Jail, 369,005.59; JSC, 119,518.28; JSC Juvenile Alternative, 3,534.10; CCADP, 115,488.84; Innovation Reentry Grant, 2,200.80; Economic Assistance, 40,684.69; Pivot Point, 3,879.60; Extension, 1,605.53; Natural Resources, 14,350.40; Planning & Zoning, 24,554.25; Road & Bridge, 116,855.09; Fire Administration, 5,734.40; Dispatch, 117,126.67; Emergency Management, 4,371.21; 24-7 Program, 8,362.21; MacArthur Safety & Justice, 3,854.65.

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 August 28, 2023: Total balances of checking/savings account, 14,947,038.37; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 19,571,952.65; Total Prime Value Investment, 32,730,407.10; Total petty cash, 17,690.00; NSF Checks, 00.00; Total long/short, (396.09); Total, 67,283,692.03. Submitted by Lori Wessel, Deputy Auditor.

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

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Care Campus: Effective 08/21/2023: Hazel Campbell, \$17.34. Effective 09/18/2023: Dawn Danley, \$19.88.

Dispatch: Effective 08/20/2023: Cameron Halterman, \$20.40; Madisen Hankins, \$20.40; Dawsyn Kahler, \$20.40; Emielia Larsen, \$20.91; Tyler Reurink, \$22.25. Effective 09/03/2023: Isabella Whitehouse, \$21.48.

Emergency Management: Effective 08/21/2023: Troy Blevins, \$21.70.

Highway: Effective 09/03/2023: Jody Sorenson, \$21.48.

Jail: Effective 08/20/2023: Tiffany Davies, \$24.07; Logan Hale, \$27.25; Kyle Heck, \$27.25; Selah Mor, \$19.41. Effective 09/05/2023: Roberto Sanchez, \$24.07. Effective 09/18/2023: Kacy Diaz, \$19.41; Michial Pozorski, \$15.27.

State's Attorney: Effective 09/05/2023: Katy Urban, \$2,673.60.

Treasurer: Effective 09/05/2023: Rebecca Tate, \$19.41.

WSDJSC: Effective 08/21/2023: Amanda Neis, \$24.07. Effective 09/05/2023: Isaac Simmons, \$24.07.

ADJOURN

MOVED by Hadcock and seconded by Drewes to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 11:54 a.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: September 21, 2023