The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, September 1, 2020, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Gary Drewes, Lloyd LaCroix & Ron Rossknecht. Commissioner Mark DiSanto joined by videoconference. Pursuant to SDCL 1-25-1.5, all applicable votes were taken by roll call. All motions were unanimous unless otherwise stated.

REVIEW AND APPROVE AGENDA
MOVED by Drewes and seconded by LaCroix to approve the agenda as presented. Vote: Unanimous.

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

6. Approve the minutes of the August 18, 2020, meeting.

ITEMS FROM SHERIFF
A. FLEET VEHICLE PURCHASE: MOVED by LaCroix and seconded by Drewes to award the bid for the purchase of four new 2021 Chevrolet Malibu 4-door sedans to Denny Menholt Chevrolet, Rapid City, SD, for a total purchase price of $77,032. Vote: Unanimous.

ITEMS FROM BUILDINGS & GROUNDS
A. IONIZATION EQUIPMENT FOR HVAC SYSTEMS: MOVED by LaCroix and seconded by Rossknecht to authorize Mike Kuhl, Director of Buildings & Grounds, to accept O’Connor Company Quote P20-138DR dated August 24, 2020, totaling $315,088 to install air purification equipment in HVAC air handling units at the Jail, Jail Annex, Public Safety Building, Building & Ground’s Building & Juvenile Services Center. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT
A. 2021 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG): MOVED by Drewes and seconded by LaCroix to approve the 2021 LEMPG agreement and to authorize the Chair’s signature thereto. Vote: Unanimous.
B. LOCAL EMERGENCY OPERATIONS PLAN REVIEW: Informational only.
C. 2021 US GEOLOGICAL SURVEY JOINT-FUNDING AGREEMENT (FLOOD WARNING SYSTEM): MOVED by LaCroix and seconded by Drewes to approve the 2021 Joint-Funding Agreement #21NTJFASD0017 and to authorize the Chair’s signature thereto. Vote: Unanimous.
D. COVID-19 UPDATE: Informational only.

ITEMS FROM EMERGENCY SERVICES COMMUNICATIONS CENTER
A. DISPATCHER 4 POSITION IN 2020: MOVED by DiSanto and seconded by LaCroix to approve the addition of the Dispatcher 4 position at a Grade 16/DBM B24 to the current position listing on file in the Human Resources Office. Vote: Unanimous.
ITEMS FROM HIGHWAY DEPARTMENT
A. SD GAME, FISH & PARKS GENERAL SERVICE CONTRACT – HILL TOP PARKING LOT: MOVED by DiSanto and seconded by LaCroix to authorize the Highway Department to enter into the General Services Contract with South Dakota Department of Game, Fish and Parks for snow removal and fall mowing at Hill Top Parking Lot for the 2020-2021 season. Vote: Unanimous.
B. LETTING AUTHORIZATION SOUTH ROCHFORD ROAD BRIDGE: MOVED by Rossknecht and seconded by Drewes to approve the letting authorization on Project BRF 6403(09) PCN02JT for the reconstruction of the South Rochford Road Bridge 52-162-272. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES
A. EXCLUDED POSITION LIST – TREASURER’S OFFICE POSITIONS (ESSENTIAL POSITIONS TO BE EXCLUDED UNDER FFCRA HR 6201): MOVED by Drewes and seconded by Rossknecht to include the following positions in the Treasurer’s Office on the excluded/exempt positions list: Accountant, Tax and Title Assistant 1,2 and 3. Vote: Unanimous.

REQUEST FOR REDUCTION IN THE SPEED LIMIT ON 159TH AVE – CHARLES SCHAAF: Discussion only.

10:00 A.M. PUBLIC HEARING PER SDCL 7-21-8 CONSIDERATION OF THE FY2021 PROVISIONAL BUDGET AS THE ANNUAL BUDGET OF APPROPRIATIONS, EXPENDITURES AND REVENUES
MOVED by LaCroix and seconded by Drewes to increase the Operating Transfer from General Fund to E911 Fund in the amount of $9,666. Vote: Unanimous.

MOVED by Drewes and seconded by Rossknecht to keep $50,000 in the Public Defender’s 2021 budget for software needs but not designate it as an assigned long-term reserve. Vote: Unanimous.

MOVED by LaCroix and seconded by Drewes to reduce the Treasurer’s budget by $150,000. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to increase the Human Resource’s budget by $15,000 which is to be budgeted as a long-term reserve for a future wage scale review. Vote: Unanimous.

MOVED by Rossknecht and seconded by Drewes to approve moving the Drug Diversion FTE to the State’s Attorney’s General Fund Budget, to approve a Pre-Trial Investigator position and new FTE for an Attorney effective in 2021 for a total increase of 3 FTE’s and further move to increase the State’s Attorney 2021 budget by $125,827. Vote: The motion carried 4 to 1 with Hadcock voting no.
MOVED by LaCroix and seconded by Rossknecht to combine the State’s Attorney, Law Enforcement and Health and Human Services budgets into a new budget in the MacArthur Fund called the Safety and Justice Challenge budget. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to continue the final approval of the 2021 Budget to the September 17, 2020, Board of Commissioners’ meeting. Vote: Unanimous. No public comment was received.

MOVED Rossknecht and seconded by LaCroix for a five-minute recess. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to reconvene. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING BOARD OF ADJUSTMENT: MOVED by Drewes and seconded by LaCroix to convene as the Board of Adjustment. Vote: Unanimous.

A. SUBDIVISION REGULATIONS VARIANCE / SV 20-03: David and Kari Kelting; Fisk Land Surveying - Agent. To waive submittal of road improvements and to waive submittal of percolation tests and soil profile information in a Low Density Residential District in accordance with Sections 207, 700, and 509 of the Pennington County Subdivision Regulations and Zoning Ordinance.

EXISTING LEGAL: Lot 4 of Tract 3, Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4A and 4B of Tract 3 of Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Subdivision Regulations Variance / SV 20-03, with the following two (2) conditions. Vote: Unanimous.

1. That this Variance is to waive road construction plans and road improvements to Tigerville Road only for proposed Lot 4B of Tigerville Subdivision and not for any further development or subdivision that accesses Tigerville Road; and,
2. That this Variance is to waive percolation tests and soil profile hole information only for proposed Lot 4B of Tigerville Subdivision and not for any further development, subdivision, or rezoning of this lot.

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

PLANNING & ZONING REGULAR AGENDA
B. SECOND READING OF ORDINANCE AMENDMENT / OA 20-05: Pennington County.
To amend Section 510 “Conditional Use Permits” [to amend and supersede the existing Section 510 “Conditional Use Permits”] of the Pennington County Zoning Ordinance. MOVED by Drewes and seconded by LaCroix to approve the second reading and final adoption of Ordinance Amendment / OA 20-05. Vote: Unanimous.

C. PLANNED UNIT DEVELOPMENT REVIEW / PU 08-01: Leslie McGourty. To review a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

MOVEd by Rossknuecht and seconded by Drewes to end Planned Unit Development / PU 08-01 as it is no longer needed. Vote: Unanimous.

D. ROAD NAMING: Richard and Lorayna Papousek. To name a 20-foot-wide Section Line road providing access to properties located in Sections 25 and 36, T1N, R16E, BHM, South Dakota, to Papousek Road. MOVED by DiSanto and seconded by LaCroix to approve the Road Naming of Papousek Road. Vote: Unanimous.

E. PRELIMINARY PLAT / PPL 20-21: David Grover. To create Lots A, B, C, and D of Buzmar Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

MOVEd by Rossknuecht and seconded by LaCroix to approve Preliminary Plat / PPL 20-21 with the following five (5) conditions. Vote: Unanimous.

1. That the applicant ensures all natural drainage ways are maintained and are not blocked;
2. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
3. That prior to filing the plat with the Register of Deeds, all the requirements of Pennington County Subdivision Regulations are met, or approved Variances to the Subdivision Regulations be obtained waiving any of these requirements that are not met;
4. That following plating of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance; and,
5. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director.

F. LAYOUT PLAN / LPL 20-23: Link SD Ranches, LLC; Dwight Gubbrud - Agent. To create Tract A, Tract B, Tract C, Tract D, and Tract E of Denke Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT NW1/4SW1/4 Lying S and E of Hwy ROW; PT NE1/4NW1/4 Lying S and W of Hwy ROW; S1/2SW1/4; PT SE1/4 Lying S and W of HWY ROW and PT SW1/4 Lying S and W of Hwy ROW, Sections 21 and 22, T5N, R16E, BHM, Pennington County, South Dakota.


MOVED by LaCroix and seconded by DiSanto to approve Layout Plan / LPL 20-23 with the following eight (8) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the Notary Certificate for the Acknowledgement of Owner be corrected;
4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of the requirements that are not met. A Variance request for the Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
7. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
8. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

G. LAYOUT PLAN / LPL 20-22: David and Kari Kelting; Fisk Land Surveying – Agent. To
subdivide and create Lots 4A and 4B of Tract 3 of Tigerville Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 of Tract 3, Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4A and 4B of Tract 3 of Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve Layout Plan / LPL 20-22 with the following nine (9) conditions. Vote: Unanimous.

1. That the applicants obtain approved Approach Permits from the Tigerville Road District prior to installation of any approaches off of Tigerville Road;
2. That prior to Minor Plat submittal, the applicant improve Tigerville Road to Pennington County Road Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;
3. That prior to Minor Plat submittal, the applicant provide percolation tests and soil profile hole information or obtain an approved Subdivision Regulations Variance to waive these requirements;
4. That the applicant ensures all natural drainage ways are maintained and not blocked;
5. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

ITEMS FROM CHAIR/COMMISSION MEMBERS
A. REMINDER – NEXT COMMISSION MEETING – THURSDAY, SEPTEMBER 17, 2020 DUE TO SDACC ANNUAL CONVENTION
B. 2020 PROPOSED RESOLUTIONS AND POLICY STATEMENT CHANGES – SOUTH DAKOTA ASSOCIATION OF COUNTY COMMISSIONERS: MOVED by LaCroix and seconded by Drewes to support the three resolutions proposed which will be voted upon at convention. Vote: Unanimous.
APPROVAL OF VOUCHERS: MOVED by Drewes and seconded by LaCroix 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 $450,414.78. Vote: Unanimous.

A & A Professional Property Management, 500.00; Affordable Accommodations, 340.00; Ashley, John W, 200.00; AT&T Mobility, 4,629.20; Bailey-Meier Derick, 800.00; Bear Runner Apalonia, 800.00; BH Energy, 351.69; BH Energy, 75,195.18; BH Energy, 445.88; BH Energy, 415.99; BH Energy, 338.05; BH Energy, 315.60; Center Jonathan William, 800.00; Century Link, 270.21; Chase Alone Adeline, 800.00; City Of Hill City, 40.89; City Of Rapid City -Water, 1,060.98; City Of Rapid City -Water, 20,792.71; City Of Rapid City -Water, 5,754.03; Clifford Chantel, 800.00; Conroy Tina, 800.00; Cornerstone Apartments, 500.00; Custer Gas, 86.58; Driftwood Estates, 677.00; Eagle Ridge Apartments I, 211.00; Evenson, Barbara L., 875.00; Executive Mgmt Fin Office, 87.75; Fancy Fox LLC, 500.00; Freedom Mortgage Corporation, 900.00; G2 Enterprises LLC, 400.00; Green Realty, 300.00; Harmony Heights, 1,958.00; Iron Cloud Chelsea, 800.00; Kieffer Sanitation/A Waste Management Co, 3,984.56; Knight Norma, 500.00; Kraig Blomme Rentals, 390.00; Lacrosse Investors, 541.04; Lazy U Motel, 300.00; Lingo Communications LLC, 74.59; Little Katie Eileen, 880.00; Martinez Edward, 800.00; Medical Waste Transport Inc, 562.44; Midcontinent Communications, 4,431.45; Midcontinent Communications, 530.47; Midcontinent Communications, 4,080.66; Montana Dakota Utilities, 330.00; Montana Dakota Utilities, 3,083.04; Montana Dakota Utilities, 170.74; Northern Heights Apartments, 305.00; Paradis Inc, 210.00; Pennington County Housing & Redevelopment, 1,873.94; Pioneer Bank & Trust, 8,487.21; Pioneer Bank & Trust, 5,114.75; Pioneer Bank & Trust, 14,457.82; Pioneer Bank & Trust, 1,806.23; Pioneer Bank & Trust, 1,489.59; Poor Bear Shannon Rae, 960.00; Quiver Robert, 800.00; Randash James M, 300.00; Reliance Telephone Inc, 11.00; Rushmore Real Estate Group Limited, 340.00; Sakura LLC, 213.00; Sd Rose Inn, 370.00; SDN Communications, 648.00; SDRC Terra Kennedy Mhp2 LLC, 288.00; Simpson & Associates Appraisal Services, 5,150.00; The Palms Apartments LLC, 306.00; Tzadik Rapid City LLC, 1,918.60; Vast Broadband, 120.15; Vast Broadband, 1,618.30; VB Rapid Creek, 1,011.00; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 771.73; Verizon Wireless, 1,616.87; Wellmark, 254,639.00; West Park Ltd, 221.00; West River Electric, 314.03; West River Electric, 1,036.45; Whisper Rock Apartments, 240.00; Willy's Saw Shop LLC, 340.00.

EXECUTIVE SESSION – SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1)
B. Contractual/Pending Litigations per SDCL 1-25-2(3)

MOVED by Drewes and seconded by LaCroix to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and SDCL 1-25-2(3) for contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from 12:18 p.m. until 1:02 p.m. MOVED by LaCroix and seconded by Drewes to come out of Executive Session. Vote: Unanimous.

Commissioner Rossknecht did not return right away after Executive Session.
MOVED by LaCroix and seconded by DiSanto to approve back Out-of-Class differential pay for Correctional Officer Caleb Billings, in the amount of $885.47, for regular and overtime hours between January 27, 2020, and August 15, 2020. Vote: Unanimous.

Commissioner Rossknecht returned to the meeting at 1:04 p.m.

MOVED by LaCroix and seconded by DiSanto to approve back Out-of-Class differential pay for Correctional Officer Robert Snyder, in the amount of $905.02, for regular and overtime hours between January 27, 2020, and August 22, 2020. Vote: Unanimous.

**PAYROLL**
Commissioners, 8,812.60; Elections, 7,839.00; Auditor, 10,327.42; Treasurer, 35,299.48; State's Attorney, 139,729.80; Public Defender, 74,198.40; Buildings & Grounds, 63,226.49; Equalization, 40,390.21; Register of Deeds, 14,391.21; IT, 23,200.72; Human Resources, 5,607.22; Sheriff, 276,098.28; HIDTA Grant, 4,348.26; Jail, 314,823.13; JSC, 105,607.89; JSC Juvenile Alternative, 4,554.78; CCADP, 106,417.91; Economic Assistance, 33,148.00; Extension, 1,409.60; Weed & Pest, 14,615.68; Planning and Zoning, 18,294.67; Road & Bridge, 90,747.90; Fire Administration, 3,532.60; Dispatch, 97,528.16; Emergency Management, 4,881.82; 24-7 Program, 8,599.45.

**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 24, 2020: Total balances of checking/savings accounts 13,483,172.02; Total balance of Treasurer’s Office safe cash, 13,400.00; Total certificates of deposit, 8,559,017.19; Total Prime Value Investment, 17,448,106.65; Total petty cash, 17,040.00; Total long/short, (530.69); Total, 39,520,205.17. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL:** Amounts listed are hourly, bi-weekly or per meeting depending on position.
CCADP: Effective 09/06/2020: Brenda Sehr, $29.53; Austin Sorensen, $19.43; Amanda Whelchel, $2,240.80.
Equalization: Effective 09/08/2020: Joseph Hedrick, $18.48; Christina Willar, $18.48; Megan Premer, $18.48.
HHS: Effective 09/20/2020: Michael Goetz, $22.47.
Jail: Effective 09/06/2020: Cassandra Paulson, $15.21; Trevor Grueb, $25.11; Kathleen Houston, $2,848.80; Andrew Diro, $28.08; Eric Mendez, $18.05.
JSC: Effective 09/06/2020: Rebecca MacLanders, $2,014.40.
Planning & Zoning: Effective 09/20/2020: Jeri Ervin, $24.82.
Sheriff: Effective 09/06/2020: Corey Brubakken, $2,136.00; Michael Bock, $19.70; Matthew Bowman, $23.61; Christopher Plawman, $28.08; Jeromey Smith, $31.70.

Weed & Pest: Effective 10/04/2020: Peter Heffron, $16.78.

**ADJOURN**

MOVED by Drewes and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 1:05 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of ______.

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