

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of April 7, 2020

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, April 7th, 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: Mark DiSanto, Gary Drewes, Lloyd LaCroix, and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

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

Board of Equalization Oaths of Office were administered by Auditor Cindy Mohler.

CONSENT AGENDA

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

6. Minutes of the regular meeting – March 17, 2020.
7. Minutes of the special meetings – March 21, 2020 & March 27, 2020.
8. Acknowledge the resolution for a minor adjustment to road district boundaries of the Woodland Court Road District described as Lot 12 and Lot 19 of Block 6 of Forest Homes Development, BHM, Pennington County.
9. Approve the revised Joint Powers Agreement between Pennington County, the City of Rapid City, and the South Dakota Department of Public Safety for the State Radio Dispatch services, effective July 1, 2019.
10. Declare the following six (6) vehicles surplus property for the purpose of trading them in conjunction with the new vehicle purchase: 1) Unit 300, 2013 Chevrolet Tahoe, VIN 1GNSK2E06DR286789, Asset #86789; 2) Unit 500, 2015 Ford Explorer PI, VIN 1FM5K8AT5FGC07874, Asset #07874; 3) Unit 501, 2015 Ford Explorer PI, VIN 1FM5K8AT0FGC07877, Asset #07877; 4) Unit 503, 2015 Ford Explorer PI, VIN 1FM5K8AT9FGC07876, Asset #07876; 5) Unit 54, 2015 Chevrolet Tahoe, VIN 1GNSK3KC2FR609744, Asset #09744; 6) Unit 72, 2017 Dodge Charger, VIN 2C3CDXKTXHH682038, Asset #82038.
11. Approve of the Joint Powers Agreement regarding the operation of the Unified Narcotics Enforcement Team.
12. Approve of the amendment to the Joint Powers Agreement with the Pennington County and the City of Box Elder.
13. Approve the Joint Powers Agreement for Weed Spraying Services between S.D. Dept. of Transportation and Pennington County.

End of Consent Agenda

ITEMS FROM AUDITOR

- A. LIQUOR LICENSE TRANSFER: MOVED by Rossknecht and seconded by Drewes to approve the transfer of the Retail (On-Off Sale) Malt Beverage License and the Package (Off-

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sale) Liquor License from Johnson Siding General Store under R & R Gas-N-More LLC to Johnson Siding General Store under Austin E. Dahl. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. COVID-19 UPDATE: MOVED by DiSanto and seconded by LaCroix to table this item. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. SHERIDAN LAKE ROAD RECONSTRUCTION P 6480(04) PCN 5777 BID RESULTS

COMMITTEE REPORTS

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

ITEMS FROM CHAIR/COMMISSION MEMBERS

A. PROPOSED PUBLIC COMMENT POLICY: MOVED by Drewes and seconded by Rossknecht to approve the public comment policy with an amendment to read, "all comments received will be provided to each Commissioner." Vote: Unanimous.

MOVED by LaCroix and seconded by Drewes to take Item 15A off the table. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. COVID-19 UPDATE: MOVED by LaCroix and seconded by Drewes to postpone this Item indefinitely. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by DiSanto 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 \$476,982.32. Vote: Unanimous.

AT&T Mobility, 270.92; BH Energy, 38.34; BH Energy, 1,132.27; Century Link, 259.69; City Of Rapid City -Water, 2,002.12; City Of Rapid City -Water, 18,430.96; City Of Rapid City, 1,291.21; Executive Mgmt Fin Office, 24.00; Executive Mgmt Fin Office, 48.00; Medical Waste Transport Inc, 384.06; Midcontinent Communications, 504.43; Midcontinent Communications, 3,213.76; Montana Dakota Utilities, 11,199.94; Montana Dakota Utilities, 1,816.44; Pioneer Bank & Trust, 2,159.02; Pioneer Bank & Trust, 13,781.35; Pioneer Bank & Trust, 11,912.55; Pioneer Bank & Trust, 1,320.40; Rainbow Gas Company, 5,332.51; Vast Broadband, 124.71; Vast Broadband, 2,463.55; Verizon Wireless, 2,543.46; Verizon Wireless, 1,417.24; Wellmark, 395,311.39.

EXECUTIVE SESSION – SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1)

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. Vote: Unanimous.

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MOVED by DiSanto and seconded by LaCroix to come out of Executive Session. Vote: Unanimous.

REGULAR PLANNING AND ZONING ITEMS

A. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT

DEVELOPMENT AMENDMENT / PU 20-01: Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Rossknecht to continue Major Planned Unit Development Amendment / PU 20-01 to the May 5, 2020, Board of Commissioner's meeting to allow staff time to address concerns with the State's Attorney's Office. Vote: Unanimous.

B. LAYOUT PLAN / LPL 20-04: Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 2 of Lot B and C and Lot 1, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve of Layout Plan / LPL 20-04 with the following eight (8) conditions. Vote: Unanimous.

1. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;
4. That access for Lot 1R is taken from the existing approach for the subject property;
5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;

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6. That the applicant ensures all-natural drainage ways are maintained and are not blocked;
7. 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,
8. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

C. LAYOUT PLAN / LPL 20-05: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve of Layout Plan / PL 20-05 with the following eleven (11) 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 plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
5. 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;
6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property;
7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;
8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;
9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;

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10. 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,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

D. PUBLIC HEARING - AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN: MOVED by DiSanto and seconded by Lacroix approve the recommended change on page 7-2 to remove the sentence “Through Section 204-J, all on-site wastewater treatment systems are required to obtain an operating permit showing the system does not have an adverse impact upon public health and the environment”. Vote: Unanimous.

MOVED by DiSanto and seconded by Rossknecht to approve the recommended change on page 8-7 altering the first line to “trails such as those in the Black Elk Wilderness and Norbeck Wildlife Preserve leading to the Black Elk Peak, ranging ...”. Vote: Unanimous.

MOVED by DiSanto and seconded by Rossknecht to approve the recommended change on page 10-5 removing the words “fiscally possible”. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to approve of Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan with three recommended changes. Vote: Unanimous.

ITEMS FROM THE PUBLIC

MOVED by Drewes and seconded by DiSanto to move Public Defender Eric Witcher to a grade 26, step 21, \$4,315.20/bi-wkly., effective 5/17/2020. Vote: Unanimous.

PAYROLL

Commissioners, 17,899.55; Elections, 15,811.66; Auditor, 21,144.19; Treasurer, 59,498.18; State's Attorney, 278,965.20; Public Defender, 160,964.62; Buildings & Grounds, 131,829.49; Equalization, 82,734.53; Register of Deeds, 28,464.05; IT, 54,101.44; Human Resources, 11,108.80; Sheriff, 590,567.09; HIDTA Grant, 9,146.34; Jail, 684,645.45; JSC, 219,773.79; JSC Juvenile Alternative, 9,150.15; CCADP, 201,134.85; Economic Assistance, 69,940.81; Extension, 2,750.43; Weed & Pest, 11,183.56; Natural Resource Management, 8,452.81; Planning and Zoning, 31,500.82; Road & Bridge, 193,427.31; Fire Administration, 7,037.80; Dispatch, 198,440.89; Emergency Management, 9,522.24; 24-7 Program, 24,487.26.

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 March 20, 2020: Total balances of checking/savings accounts 11,565,764.61; Total balance of Treasurer’s Office safe cash, 13,400.00; Total certificates of deposit, 10,522,808.22; Total Prime Value Investment, 11,693,193.01; Total petty

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cash items, 17,040.00; Total NSF Paid 200.00; Total long/short, (273.35); Total, 33,812,132.49.
Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

24/7: Effective 04/19/2020 – Jackie Truax at \$19.00/hr.

Auditor: Effective 04/19/2020 – Kara Tines at \$26.75/hr.

CCADP: Effective 04/05/2020 – Carl Sharkey at \$21.18/hr.

Dispatch: Effective 04/19/2020 – Ashlin Wickham at \$18.48/hr. & Levi Woodard at \$20.90/hr.

Equalization: Effective 05/31/2020 – Katie Roe at \$18.95/hr.

IT: Effective 04/19/2020 – Steven Cales at \$26.72/hr. & Nathan Mertes at \$2,424.00/bi-wkly.

Jail: Effective 04/05/2020 – Rhonda Fairbanks at \$26.75/hr., James Hogue at \$28.70/hr., Laura Anderson at \$27.32/hr. & Joel Kirst at \$28.72/hr. Effective 04/19/2020 – Colt Bentley, Megan Hutmacher, Kevin Poliszuk & Ethan Schulz at \$16.16/hr., Jason Boyd at \$23.91/hr., Katie Gillaspie at \$17.41/hr. & Taylor Jacot at \$22.75/hr. Effective 05/18/2020 – Ryan McMurray at \$22.47/hr.

Public Defender: Effective 04/19/2020 – Martha Rossiter at \$2,980.80/bi-wkly.

Sheriff: Effective 04/05/2020 – Helene Duhammel Duffy at \$2,169.60/bi-wkly., Jeremy Miller at \$27.04/hr., James Waldrop at \$26.39/hr., Christopher Hislip at \$2,642.40/bi-wkly. & Justin Grable at \$24.20/hr. Effective 04/19/2020 – Robin McCool-Deneke at \$22.55/hr. & Glenn Miller at \$26.72/hr.

Treasurer: Effective 04/05/2020 – Cora Fried at \$19.92/hr. Effective 04/19/2020 – Laura Dowdy at \$2,244.00/bi-wkly. Effective 04/20/2020 – Jessica Wheeler at \$16.77/hr.

WSDJSC: Effective 04/05/2020 – Mary McDonald at \$25.11/hr. & Jolonda Ricke at \$35.90/hr. Effective 04/19/2020 – Joseph Gutierrez at \$3,173.60/bi-wkly.

ADJOURN

MOVED by DiSanto and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 10:49 a.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: April 22, 2020