

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 2, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, Nov. 2, 2021, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Gary Drewes called the meeting to order with the following Commissioners present: Deb Hadcock, Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by Hadcock and seconded by Lasseter to approve the agenda as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

MOVED by LaCroix and seconded by Lasseter to approve the Consent Agenda. Vote: Unanimous.

6. Approve the minutes of the Oct. 19, 2021, regular meeting.

End of Consent Agenda Items

APPLICATION TO ESTABLISH A RIGHT-OF-WAY TO AN ISOLATED TRACT PURSUANT TO SDCL§ 31-22-1: MOVED by Rossknecht and seconded by Lasseter to continue this item until the Nov. 16, 2021, meeting. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **NEW RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE:** MOVED by Rossknecht and seconded by LaCroix to approve the Retail (on-off sale) Malt Beverage & SD Farm Wine License – for Jeremy & Ashleigh Roeman under Bearded Buffalo Trading Co., LLC. Vote: Unanimous.

ITEMS FROM SHERIFF

A. **JOHN T. VUCUREVICH FOUNDATION GRANT AGREEMENT:** MOVED by Rossknecht and seconded by LaCroix to approve the Grant Agreement with the John T. Vucurevich Foundation in the amount of \$300,000 for the construction of the Crisis Stabilization Unit. Vote: Unanimous.

B. **VEHICLE EMERGENCY PURCHASE EXCEPTION AUTHORIZATION:** MOVED by Hadcock and seconded by LaCroix to declare the following three vehicles surplus property for the purpose of trade in conjunction with the new vehicle purchase: Unit #43: 2015 Ford Explorer PI, VIN: 1FM5K8AR1FGA04212, Asset #04212; Unit #55: 2015, Chevrolet Tahoe, VIN: 1GNSK3KC3FR613009, Asset #13009; Unit #58: 2015, Chevrolet Tahoe, VIN: 1GNSK3KC4FR610426, Asset #10426. Vote: Unanimous.

MOVED by Hadcock and seconded by Rossknecht to authorize an emergency purchase exception to the State Bid Law (SDCL 5-18A-9) for the Sheriff's Office to purchase three (3) 2021 Chevrolet Tahoes, 4-door PPV (4x4 Pursuit) from Karl Emergency Vehicles, Des Moines, IA, for a total price of \$115,041. Vote: Unanimous.

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C. CORRECTIONAL OFFICER TEMPORARY OVERTIME RATE: MOVED by LaCroix and seconded by Lasseter to approve an overtime rate increase from one and a half to double time for Correctional Officer I, Correctional Officer II, and Sergeants assigned to the County Jail and Western South Dakota Juvenile Services Center effective with the start of the Oct. 31st pay period for up to a 12-month period. Vote: Unanimous.

ITEMS FROM BUILDINGS & GROUNDS

A. PENNINGTON COUNTY LAMPLIGHTER INN DEMOLITION PROJECT: MOVED by Rossknecht and seconded by Hadcock to award the Pennington County Lamplighter Inn Demolition Project to Heavy Constructors, Inc. dba Gustafson Builders for a base bid amount of \$84,334. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. COVID-19 UPDATE: Informational only.

APPROVAL OF VOUCHERS: MOVED by Hadcock and seconded by Lasseter 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 \$516,368.28. Vote: Unanimous.

AT&T Mobility, 5,322.07; BH Energy, 371.76; BH Energy, 2,771.02; BH Energy, 49,953.00; CC Property Management LLC, 1,295.00; Century Link, 137.76; City Of Rapid City -Water, 1,288.15; City Of Rapid City -Water, 905.91; Clock Tower Gardens Apartments, 1,555.00; Complete Property Solutions, 2,278.04; Copper Ridge Phase 2 LLC, 1,850.00; Custer Gas, 166.28; Eagle Ridge Apartments I, 2,435.60; Executive Mgmt Fin Office, 100.50; First Focus Property Management LLC, 4,634.00; G2 Enterprises, LLC, 1,200.00; Golden West Companies, 79.95; Kahler Property Management, 1,470.00; Knight Norma, 2,450.00; Knollwood Heights Apartments, 231.00; KTA Properties, 3,000.00; Lowe's, 85.80; Midcontinent Communications, 1,208.18; Midcontinent Communications, 3,266.94; Montana Dakota Utilities, 5,110.93; Montana Dakota Utilities, 202.07; Nelin-Maruani Michelle, 3,875.00; Pennington County Housing & Redevelopment, 461.00; Pioneer Bank & Trust, 6,511.91; Pioneer Bank & Trust, 4,431.17; Reliance Telephone Inc, 54.40; Steinlicht, Gary L, 2,025.00; Sundial Square Apartments, 4,335.06; The Palms Apartments LLC, 7,335.00; Vast Broadband, 1,532.66; Vast Broadband, 371.02; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 1,223.66; Wellmark, 386,262.79; West River Electric, 245.27; Whisper Rock Apartments II, 2,737.00; Whisper Rock Apartments, 1,566.00.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Rossknecht and seconded by Lasseter 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) to consult with legal counsel. Vote: Unanimous. The Board remained in Executive Session from 10:14 a.m. until 10:46 a.m. MOVED by LaCroix and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

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REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVAL OF A SECOND APPROACH: MOVED by Hadcock and seconded by Rossknecht to approve the request for a variance to Ordinance 14 and authorization for a second approach at the property at 12645 Campfire Drive. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-34: Randy and Janice Wilson. To allow an accessory structure, a garage, to be located in the front yard of a residential zoning district less than one (1) acre in size in a Rural Residential District in accordance with Sections 207, 309-C-6, and 509 of the Pennington County Zoning Ordinance.

PT NW1/4 E of HWY Less Circle B Ranch Subdivision and Less ROW, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve of Variance / VA 21-34 with the following one (1) condition: 1) That the applicant provides a site survey stamped by a registered surveyor to show that the proposed garage will meet the required 25-foot setback from all property lines prior to obtaining a Building Permit. Vote: Unanimous.

B. VARIANCE / VA 21-35: Jane Patnoe; Don Patnoe - Agent. To allow a 12 foot by 32 foot structure that is less than 20 feet x 20 feet to be used as a single-family residence on the subject property in an Agriculture District in accordance with Sections 204-I-5, 205, and 509 of the Pennington County Zoning Ordinance.

All of Climax Lode MS 942, Section 12, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve the withdrawal of Variance / VA 21-35, with the applicant's concurrence. Vote: Unanimous.

C. SUBDIVISION REGULATIONS VARIANCE / SV 21-24: Dana Kjerstad; KTM Design Solutions - Agent. To waive the requirement to dedicate and improve an undeveloped Section Line Right-of-Way in a Rural Residential District in accordance with Sections 500 and 700 of the Pennington County Subdivision Regulations.

Tract 35 and Tract 34 Revised (also in Section 8), Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve Subdivision Regulations Variance / SV 21-24, as there currently is an existing improved right-of-way (Hermosa Court) that provides access to the existing subdivision and the proposed lot. Vote: Unanimous.

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

UNCONTESTED HEARING(S)

D. MINOR PLAT / MPL 21-65: Dana Kjerstad. To combine two lots to create Tract 35 Revised of Rushmore Ranch Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 34 Revised (also in Section 8) and Tract 35 of Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 35 Revised of Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve of Minor Plat / MPL 21-65 with the following five (5) conditions: 1) That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations; 2) That prior to filing the mylar with the Register of Deeds, 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 requirements that are not met; 3) That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines; 4) That the applicant ensures all-natural drainage ways are maintained and not blocked; and, 5) 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. Vote: Unanimous.

CONTESTED HEARING(S):

E. PUBLIC HEARING OF REZONE / RZ 21-28: Caputa Acres, LLC; D.C. Scott Surveying - Agent. To rezone 5.46 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206 and 508 of the Pennington County Zoning Ordinance.

Being 5.46 acres of land situated in Government Lot 3 of Section 6, Township 1 South, Range 10 East of the Black Hills Meridian, Pennington County, South Dakota, said 5.46 acres of land being more particularly described by metes and bounds as follows: COMMENCING, for location purposes only, at the Northwest corner of said Section 6, in the center of Dawkins Road, a public Section line highway occupying the statutory 66-foot wide right-of-way of the Black Hills Base Line; Thence, North 89° 57' 00" East, along said Black Hills Base Line and center line of Dawkins Road and North line of Section 6, a distance of 1274.20 feet to the POINT OF BEGINNING of the herein described tract; Thence, North 89° 57' 00" East, continuing along said Black Hills Base Line and center line of Dawkins Road and North line of Section 6, a distance of 614.59 feet to a point for corner from which the Southeast corner of adjacent Section 36, Township 1 North, Range

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9 East of the Black Hills Meridian bears North 89° 57' 00" East, a distance of 446.39 feet; Thence resuming from the aforementioned point for corner, South 13° 20' 00" East, a distance of 222.58 feet to a point for corner; Thence, South 24° 00' 00" East, distance of 314.01 feet to a point for corner; Thence, South 66° 00' 00" West, distance of 224.08 feet to a point for corner; Thence, North 32° 45' 00" West, distance of 261.28 feet to a point for corner; Thence, North 80° 00' 00" West, distance of 76.75 feet to a point for corner; Thence, North 64° 20' 00" West, distance of 167.01 feet to a point for corner; Thence, North 37° 30' 00" West, a distance of 363.81 feet to the POINT OF BEGINNING and containing 5.46 acres, more or less, of land, including 0.46 acre within Section line right-of-way; Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve of Rezone / RZ 21-28. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 2, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-28 (Caputa Acres, LLC) to rezone from Agriculture District to Ranchette District.

F. LAYOUT PLAN / LPL 21-67: Caputa Acres, LLC. To create Tracts 1 and 2 of Caputa Acres in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3, Tract 1 of Lot 4 Less RTY (2.17 AC), Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 and Tract 2 of Caputa Acres, Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Layout Plan / LPL 21-67 with the following eleven (11) conditions: 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 at Register of Deeds, the applicant obtains a Rezone or a Lot size Variance for the proposed lots; 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 these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations; 5) That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of § 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; 6) That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County

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Subdivision Regulations; 7) That the applicant ensures that all-natural drainage ways are maintained and are not blocked; 8) 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; 9) That prior to filing the mylar at Register of Deeds, the septic for the existing house be pumped and inspected and an approved Operating Permit be obtained; 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. Vote: Unanimous.

G. PRELIMINARY PLAT / PPL 21-66: H & H Land Co. No. 2, LLC – Brian Hammerbeck - Agent. To create Tracts 2-11 of South Caputa Addition in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot X located in GL 1 and E1/2SE1/4 Less S553.09 feet of SE1/4SE1/4 and Less South Caputa Addition; PT GL1 Less South Caputa; Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 2-11 of South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Preliminary Plat / PPL 21-66 with the following sixteen (16) conditions: 1) That prior to the Final Plat Submittal, that a 50' access easement be dedicated, 2) That the proposed road name for the 50' access easement be approved prior to Final Plat submittal; 3) That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations; 4) That prior to Final Plat submittal, the applicant obtains an approved Building Permit for the 14' x 48' lean-to attached to the 40' x 60' pole structure on proposed Lot 6 and pay any associated penalty fees; 5) That at the time of Final Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; 6) That at the time of Final Plat submittal, shared access easements should be shown as platted access easements on the plat or approval of individual approaches by county highway; 7) That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for the proposed lots or obtain an approved Subdivision Regulations Variance to waive these requirements; 8) That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lots 1-11 or obtain an approved Lot Size Variance for the proposed lots; 9) That prior to Final Plat submittal, a Fire Mitigation Plan is submitted and approved by the County Fire Coordinator; 10) That prior to the mylar being filed with the Register of Deeds, Approach Permits for all three existing approaches will need to be filed (Lots 4, 6 and 7) with the County Highway Department; 11) That prior to the mylar being filed with the Register of Deeds, a Variance is obtained from the Board of Commissioners for two approaches, both an existing

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approach and a shared access approach on proposed Lot 7; 12) That the applicant ensures all-natural drainage ways are maintained and not blocked; 13) That prior to Final Plat submittal, the applicant identifies the existing Onsite Wastewater Treatment System on proposed Lot 7 and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance; 14) That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Building Permit for the 40' x 60' single-family residence and proposed lean-to on proposed Tract 6; 15) That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement; and, 16) That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property. Vote: Unanimous.

H. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-21: Pennington County. To add Ordinance No. 735 - Pennington County Building Code and Construction Ordinance.

MOVED by Lasseter and seconded by Hadcock to approve of Ordinance Amendment / OA 21-21. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 2, 2021, the Pennington County Board of Commissioners approved Ordinance Amendment 21-21 – To add Ordinance 735 - Pennington County Building Code and Construction Ordinance.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Hadcock and seconded by Lasseter 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) to consult with legal counsel. Vote: Unanimous. The Board remained in Executive Session from 11:16 a.m. until 12:25 p.m. MOVED by LaCroix and seconded by Hadcock to come out of Executive Session. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to authorize the IT department to hire a prospective applicant as a Sr. Desktop Analyst at a DBM B23, Step 7, \$23.52/hr., with an effective date to be determined upon acceptance and once the applicant accepts and provides a start date, the new hire notice will contain the name, title, amount and effective date. Vote: Unanimous.

PAYROLL

Commissioners, 10,398.61; Elections, 8,953.59; Auditor, 11,327.21; Treasurer, 38,963.33; State's Attorney, 149,094.14; Public Defender, 86,135.25; Buildings & Grounds, 66,292.49; Equalization, 41,805.81; Register of Deeds, 12,868.81; IT, 24,903.68; Human Resources, 7,548.89; Sheriff, 273,829.66; Jail, 343,106.11; JSC, 124,980.56; JSC Juvenile Alternative, 4,594.62; CCADP, 114,878.50; Economic Assistance, 33,617.61; Extension, 1,531.09; Natural Resources, 9,776.80; Planning and Zoning, 18,215.51; Road & Bridge, 100,282.41; Fire

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Administration, 3,630.70; Dispatch, 102,071.00; Emergency Management, 4,989.31; 24-7 Program, 8,380.96; MacArthur Safety & Justice, 11,985.00.

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 Oct. 18, 2021: Total balances of checking/savings accounts 52,578,056.85; Total balance of Treasurer's Office safe cash, 18,000.00; Total Prime Value Investment, 27,991,185.39; Total petty cash, 17,040.00; Total long/short, (515.54); Total, 80,603,766.70. Submitted by Lori Wessel, Deputy Auditor.

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

Dispatch: Effective 11/14/2021: Bryce Hoven, \$23.39.

Human Resources: Effective 11/28/2021: Priscilla Massey, \$20.34.

IT: Effective 10/31/2021: Caden Lambert, \$27.08. Effective 11/15/2021: Darren Moore, \$18.86.

Jail: Effective 11/01/2021: Stephanie DeLong, \$16.42; Christian Evans, \$25.77; Hazel Lowery, \$23.52; Cassandra Paulsen, \$16.42; Mark Hirsch, \$2,363.20.

Register of Deeds: Effective 10/31/2021: Cindy Ackerman, \$18.56; Leslie Beck, \$18.38; Virginia Merrill, \$18.38.

Sheriff: Effective 11/01/2021: Richard Felix Jr., \$22.80.

WSDJSC: Effective 11/01/2021: Curtis Stahlecker, \$23.39; Zachariah Littlemoon, \$22.80.

ADJOURN

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:26 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: November 17, 2021