

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 2, 2022

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, August 2, 2022, 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 LaCroix and seconded by Lasseter to approve the agenda as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

MOVED by Rossknecht and seconded by Lasseter to approve the Consent Agenda with the removal of item 5. Vote: Unanimous.

5. Removed for separate consideration.
6. Approve the renewal of the Retail (on-off sale) Malt Beverage & SD Farm Wine Licenses for Rushmore Candy Company and Moonshine Gulch Saloon, LLC., and to release the licenses upon payment of appropriate property taxes.
7. Acknowledge disinterment permit #1472400.

End of Consent Agenda Items

5. MINUTES OF THE JULY 19, 2022, REGULAR MEETING: MOVED by LaCroix and seconded by Rossknecht to approve the minutes of the July 19, 2022, regular meeting. Vote: Unanimous.

BONDING DISCUSSION: No action taken.

ELEVATE RAPID CITY UPDATE: No action taken.

REQUEST TO REDUCE THE SPEED LIMIT: MOVED by LaCroix and seconded by Rossknecht to approve the request to reduce the speed limit on East Slate Road and Gillette Prairie Road to 35 mph and further moved to direct the Highway Department to prepare the required resolution. Vote: The motion carried 4-1 with Hadcock voting no.

MOVED by LaCroix and seconded by Lasseter to take a ten-minute recess. Vote: Unanimous.

SECOND READING AND PUBLIC HEARING OF ORDINANCE: MOVED by Hadcock and seconded by Rossknecht to approve the second reading and final adoption of Ordinance NO. 737. Vote: The motion carried 4-1 with Lasseter voting no.

PENNINGTON COUNTY RESOLUTION FOR DISTRIBUTION OF THE WHEEL TAX REVENUE: MOVED by Hadcock and seconded by Rossknecht to approve the resolution for the distribution of the wheel tax revenue retaining 100% for the County Road and Bridge Fund to be

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used for highway bridge maintenance and construction. Vote: The motion carried 4-1 with Lasseter voting no.

PENNINGTON COUNTY RESOLUTION

WHEREAS, Pursuant to SDCL 32-5A-1, Pennington County has adopted an ordinance imposing a wheel tax on all motor vehicles as defined in SDCL 32-3-1 and registered in the county; and

WHEREAS, pursuant to SDCL 32-5A-2, Pennington County is required to establish, by resolution, a means of distributing the revenue generated by the wheel tax among the county and the municipalities and townships located within the county.

NOW, THEREFORE BE IT RESOLVED, that the proceeds from the wheel tax shall be deposited in the county road and bridge fund for highway and bridge maintenance and construction and shall be distributed as follows: 100 % to Pennington County; 0 % to municipalities and townships located within Pennington County; and

BE IT FURTHER RESOLVED THAT, a resolution is required following the adoption of any wheel tax ordinance and this resolution will serve as the same until specifically repealed or amended, and in furtherance thereof, this resolution is deemed necessary for the support of the county government and its existing public institutions and an emergency is hereby declared to exist. This resolution shall take effect upon publication.

Implementation and collection of the Wheel Tax will commence January 1, 2023.

Dated this 2nd day of August, 2022.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

ITEMS EMERGENCY SERVICES COMMUNICATIONS:

A. **SECURITY CAMERAS FOR RADIO TOWER SITES:** MOVED by Hadcock and seconded by Lasseter to authorize the expenditure of \$63,370.00 to Ghost Global Security, LLC for five (5) Axis M5525 dual purpose, modular, infrared security camera systems, to be paid from the Radio Towers budget. Vote: Unanimous.

ITEMS FROM HIGHWAY

A. **PURCHASE ROAD SALT:** MOVED by Hadcock and seconded by Lasseter to authorize the Highway Department to purchase road salt from Blackstrap, Inc., Neligh, NE off the State of South Dakota Contract #17706. Vote: Unanimous.

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B. AWARD RECOMMENDATION BIG REPLACEMENT PROJECTS: MOVED by LaCroix and seconded by Lasseter to award the Thunderhead Falls Road St 52-316-316 and 52-317-318 Replacements to Corr Construction Services, Inc., Hermosa, SD, in the amount of \$1,632,705.10, contingent upon the South Dakota Department of Transportation's concurrence. Vote: Unanimous.

ITEMS FROM NATURAL RESOURCES

A. RESOLUTION REQUESTING THE BLACK HILLS NATIONAL FOREST SERVICE RESPOND TO THE BLACK HILLS NATIONAL FOREST COUNTIES' CALL FOR A SECOND DRAFT OF ASSESSMENTS: MOVED by LaCroix and seconded by Rossknecht to adopt and approve the Chairman's signature on the Resolution requesting the Black Hills National Forest Service respond to Black Hills National Forest Counties' Call for a Second Draft of Assessments. Vote: Unanimous.

RESOLUTION NO. _____

RESOLUTION REQUESTING THE BLACK HILLS FOREST SERVICE RESPOND TO BLACK HILLS NATIONAL FOREST COUNTIES' CALL FOR A SECOND DRAFT OF ASSESSMENTS

WHEREAS, the Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston have determined it necessary to address deficiencies in the Forest Service Draft Assessments for the Forest Plan Revision; and

WHEREAS, the Counties of the Black Hills National Forest have reviewed the draft assessments, and have determined that the 2012 Forest Planning Rule, has not been followed; and

WHEREAS, the 2012 Planning Rule requires the Forest Service to "document and summarize how the universe of best available scientific information" has been utilized however best available scientific information has not been included in the draft assessments; and

WHEREAS, the Counties of the Black Hills National Forest have determined that the assessments have multiple data gaps and therefore cannot properly inform the Forest Service on their planning process or properly inform development of the Plan Revision; and

WHEREAS, the Forest Service is rushing the process to meet a pre-determined schedule rather than encouraging a process that properly engages stakeholders or properly assesses the current resources of the Black Hills National Forest.

NOW THEREFORE BE IT RESOLVED:

1. The Counties of Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston are calling for a second draft of the assessments be completed by the Forest Service which address data gaps, utilize best available scientific information, refrain

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from including obsolete data, and omit or acknowledge conflicting statements between assessments, refrain from bias and/or unsupported statements.

2. The Counties of Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston are requesting that the Forest Service properly engage all stakeholders and local governments.
3. The Counties of Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston are calling on the Forest Service to expedite the process of approving the Memorandum of Understanding and Cooperating Agency Status.

Dated this 2nd day of August, 2022.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

FY2023 FINAL BUDGET

A. INFORMATION TECHNOLOGY BUDGET INCREASE REQUEST BACKUP SDN LINE:
Informational only.

B. ANY AND ALL OTHER ITEMS RELATING TO THE FINAL PREPARATION OF THE
FY 2023 BUDGET: Informational only.

APPROVAL OF VOUCHERS: MOVED by Hadcock 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 \$293,700.01. Vote: Unanimous.

Ashley, John W, 220.00; Avanti Motel, 408.75; BH Electric Cooperative Inc, 119.86; BH Energy, 1,136.47; BH Energy, 659.03; Bluepeak, 1,586.60; Centerspace LP, 2,449.33; City Of Rapid City -Water, 3,479.07; Clock Tower Gardens Apartments, 780.00; Complete Property Solutions, 2,047.50; Cornerstone Apartments, 500.00; Dressen, Christopher J, 3,457.00; Driftwood Estates, 397.00; First Focus Property Management LLC, 3,150.00; Harney Lumber Company, 3,055.00; Heartland Heights Apartments, 861.00; K&R Holdings, 5,950.00; Midcontinent Communications, 1,026.10; Montana Dakota Utilities, 894.97; Muth Holdings LLC, 2,755.00; Pennington County Housing & Redevelopment, 2,201.09; Pioneer Bank & Trust, 12,374.79; Pioneer Bank & Trust, 16,745.27; Premier Real Estate Mgmt LLC, 300.00; Rainbow Gas Company, 1,247.64; The Palms Apartments, LLC, 1,558.00; VB Rapid Creek, 1,760.60; Verizon Wireless, 155.05; Weifenbach, Ronald L, 440.00; Wellmark, 221,984.89.

MOVED by LaCroix and seconded by Lasseter for a ten-minutes recess. Vote: Unanimous.

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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 22-07: Rex and Cheryl Roseland. To reduce the setback from 8 feet to 7 feet to bring an existing structure into compliance in a Suburban Residential District in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 3B, Block 11, Ashland Subdivision No. 3, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve VA 22-07 with one (1) condition because it would create a hardship. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Pennington County Planning & Zoning Office).

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

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.

MOVED by LaCroix and seconded by Rossknecht to approve the Planning and Zoning consent agenda. Vote: The motion carried 4-0 with Hadcock abstaining.

B. PRELIMINARY PLAN / PPL 22-35: Caputa Acres LLC; Milton Gutknecht. To subdivide and create Tract 2 of Caputa Acres Addition in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1-2 and Tract 1 of NE1/4SE1/4 Less S Lazy U Subdivision and Less ROW, both in Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

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

Approve PPL 22-35 with seven (7) conditions. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Pennington County Planning & Zoning Office).

End of Consent Agenda Items

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UNCONTESTED HEARING

C. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-16: Frank Baldwin. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

That PT of Lot 4 located in Pennington County Less ROW, D A Subdivision, Section 11, T2N, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve CA 22-16. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On August 2, 2022, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 22-16 (Frank Baldwin) to change the Future Land Use from Agriculture District to Ranchette District.

D. PUBLIC HEARING OF REZONE / RZ 22-22: Frank Baldwin. To rezone 3.56 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

That PT of Lot 4 located in Pennington County Less ROW, D A Subdivision, Section 11, T2N, R9E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve RZ 22-22. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On August 2, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-22 (Frank Baldwin) to rezone from Agriculture District to Ranchette District.

CONTESTED HEARING(S)

E. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Kevin Quinn. MOVED by Rossknecht and seconded by Lasseter to continue this item until the August 16, 2022, meeting. Vote: Unanimous.

F. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-11: Richard Beasley. To construct 850 feet of road within the Section Line Right-of-Way between Sections 25 and 30, T1N, R6E to provide access to property located in Section 30, T1N, R6E, BHM, Pennington County, South Dakota.

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Section 30, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve CS 22-11 with (9) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Pennington County Planning & Zoning Office).

G. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Richard Beasley. MOVED by Hadcock and seconded by Lasseter to approve the request to waive the requirements of Ordinance 14 to submit engineered road construction plans. Vote: Unanimous.

H. CONDITIONAL USE PERMIT / CU 19-28: R & J, LLC: Juston Eisenbraun - Agent. To allow a Recreational Vehicle Park on the subject property in a Highway Service District in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to approve CU 19-28 with seventeen (17) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Pennington County Planning & Zoning Office).

I. CONDITIONAL USE PERMIT / CU 22-30: Larsson Recreational Properties / Paschal Perrotte. To allow a Recreational Vehicle Park on the subject property in a Highway Service District in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 7, Block 2, Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve CU 22-30 with twenty-four (24) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Pennington County Planning & Zoning Office).

LETTER OF CONCERN TO BLACK HILLS NATIONAL FOREST SUPERVISOR'S OFFICE: MOVED by Rossknecht and seconded by LaCroix to authorize the Chair's signature to the letter expressing concerns regarding the Jenny Gulch Gold Exploration Drilling Project. Vote: The motion carried 4-1 with Hadcock voting no.

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. Vote: Unanimous. The Board remained

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in Executive Session from 2:46 p.m. until 3:35 p.m. MOVED by Lasseter and seconded by Hadcock to come out of Executive Session. Vote: Unanimous.

MOVED by Hadcock and seconded by LaCroix to place Sean Smith at DBM C44, Step 5, \$38.50/hr., effective August 7, 2022. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to place Cynthia Bittner at DBM B23, Step 10, \$24.77/hr., effective July 24, 2022. Vote: Unanimous.

MOVED by LaCroix and seconded by Lasseter to place Alexandra Weiss at DBM C44, Step 8, \$3,297.60/bi-wkly., effective July 24, 2022. Vote: Unanimous.

MOVED by LaCroix and seconded by Lasseter to place the Custodians as follows: Kyle Clifford, A12, Step 19, \$16.86/hr., Carey Heinz, A12, Step 9, \$15.04/hr., Joshua Hill, A12, Step 8, \$14.86/hr., Mark Miller, A12, Step 21, \$17.21/hr., James Petersen, A12, Step 7, \$14.68/hr., effective August 7, 2022. Vote: Unanimous.

MOVED by Lasseter and seconded by LaCroix to place Jody Sorenson, Admin Assistant 1, A13, Step 9, \$17.39/hr., effective August 7, 2022. Vote: Unanimous.

MOVED by Lasseter and seconded by LaCroix to place the Custodial Maintenance Technicians as follows: Rhonda Scott, B21, Step 6, \$18.84/hr., Nate Udell, B21, Step 6, \$18.84., effective August 7, 2022. Vote: Unanimous.

MOVED by Lasseter and seconded by LaCroix to place the Building Technicians 2 as follows: Joe Queriapa, B21, Step 4, \$17.98/hr., Jason Raye, B21, Step 6, \$18.84/hr., James Wickre, B21, Step 10, \$20.00/hr. effective August 7, 2022.

MOVED by LaCroix and seconded by Lasseter to place Scott Weyer, Building Specialist 2, at B22, Step 15, \$23.72/hr., effective August 7, 2022. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to place the Building Specialist 3 as follows: Tyler Horan, B23, Step 15, \$26.24/hr., Kenneth Pomplun, B23, Step 15, \$26.24/hr., effective August 7, 2022. Vote: Unanimous.

MOVED by Rossknecht and seconded by LaCroix to place David Scott Jr., Building Technician 2, B21, Step 11, \$20.23/hr., Gabriel Burgoyne, Building Technician 3, B22, Step 8, \$21.84/hr., and Zachary Lawson, Building Specialist 2, B22, Step 15, \$23.72/hr., effective August 7, 2022. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to place the following Foreman and Supervisor as follows: Jason Enders, B31, Step 18, \$30.40/hr., Russel Heupel, B31, Step 20, \$31.06/hr., Steven Luken, B31, Step 4, \$24.95/hr., effective August 7, 2022. Vote: Unanimous.

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MOVED by Rossknecht and seconded by LaCroix to place Rita Bender, Office Manager, C42, Step 13, \$3,101.60/bi-wkly., Kevin Burton, Senior Construction Project Manager, C43, Step 6, \$2,938.40/bi-wkly., Cindy Chapman, Construction Project Manager, C41, Step 16, \$3,026.40/bi-wkly., Dave Eccleston, Assistant Director, C41, Step 19, \$3,152.80/bi-wkly., effective August 7, 2022. Vote: Unanimous.

PAYROLL

Commissioners, 10,413.46; Elections, 7,550.40; Auditor, 14,695.46; Treasurer, 36,254.04; State's Attorney 148,763.77; Public Defender, 86,150.75; Buildings & Grounds, 70,592.24; Equalization, 43,704.28; Register of Deeds, 13,723.61; IT, 30,459.04; Human Resources, 8,176.80; Sheriff, 302,541.81; Jail, 372,023.61; JSC, 121,856.83; JSC Juvenile Alternative, 4,707.88; CCADP, 116,210.20; Economic Assistance, 38,053.35; Extension, 1,492.80; Natural Resources, 17,045.65; Planning & Zoning, 21,834.11; Road & Bridge, 104,270.05; Fire Administration, 4,082.44; Dispatch, 119,209.95; Emergency Management, 5,554.39; 24-7 Program, 9,149.55; MacArthur Safety & Justice, 10,127.53.

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

Auditor: Effective 08/08/2022: Elaine Jensen, \$2,512.00.

Dispatch: Effective 07/10/2022: Jennifer Stahl, \$23.14.

HHS: Effective 08/08/2022: Stacey Wehrle, \$26.13.

Highway: Effective 08/07/2022: Jakob Wolf, \$21.72.

Jail: Effective 07/24/2022: Christopher Brown, \$25.55. Effective 08/15/2022: Jordan Nelson, \$30.36.

Public Defender: Effective 08/08/2022: Ericka Duenas, \$15.06. Effective 09/06/2022: Michael Butler, \$3,080.00.

Sheriff: Effective 08/03/2022: Kevin Jones, \$24.85; Jeremiah Wyrick, \$24.85; Cody Sunderland, \$24.85; Tom Elmer, \$24.85; James Davis, \$24.85; James Jackson, \$24.85; Rick Rieken, \$24.85; Jacob Mayberry, \$24.85; Jason Lind, \$24.85; Ian Bridge, \$24.85; Mark Bartik, \$24.85; Don Lampert, \$24.85; Kevin Sosa, \$24.85. Effective 08/07/2022; Nichole Farrar, \$29.98; Anthony Combs, \$24.85. Effective 08/22/2022: Niki Kruse, \$15.82.

WSCJSC: Effective 08/08/2022: David Cherry, \$23.14; Julie Callahan, \$25.55.

ADJOURN

MOVED by LaCroix and seconded by Lasseter to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 3:41 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: August 17, 2022