

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of October 4, 2022

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, October 4, 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 Lassetter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by Lassetter and seconded by Rossknecht to approve the agenda as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

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

5. Removed for separate consideration.
6. Authorization to cancel the list of outstanding checks over 1 year old and remit funds totaling \$8,532.34 to the Office of the State Treasurer.
7. Approve the renewal of the Retail (on-off sale) Malt Beverage & SD Farm Wine License for Mexico Tipico LLC. and to release the license upon payment of appropriate property taxes.
8. Approve the Amendment to the Joint Powers Agreement between SD Department of the Military and Pennington County for the installation of an improved cooling system in the backup 911 Dispatch Room.
9. Approve the operating transfer from the General Fund to the E911 Fund in the amount of \$351,170 for the 2022 budgeted operating transfer.
10. Approve the resolution for Firefighter Appreciation Day.

A RESOLUTION

WHEREAS, Pennington County, has shown a consistent dedication to providing a safe place to live and prosper in the beautiful Black Hills and grasslands; and,

WHEREAS, the fire service of Pennington County has a long and proud tradition of providing protection against the ravages of structure, wildland and grassland fires; and,

WHEREAS, the citizens of Pennington County rely on the 20 fire departments and 650 career and professionally trained volunteer firefighters to respond to their requests for assistance; and,

WHEREAS, the fire departments rely on the dedication and professionalism of their members to respond to over 37580 requests for assistance in all kinds of weather between January 1, 2021 and December 31, 2021, performing a true public service; and,

WHEREAS, it is most fitting and proper to honor these public servants for their combined 481 plus years of dedicated service:

40 Years – John Kitterman ▪ 35 Years – Vic Alexander, Darwin Geigle, Damon Hartmann ▪

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30 Years – Craig Comer, Rusty Lytle, Herculano “Herky” Solano ▪
25 Years – Lawrence Karsky, Jeremy Hertel ▪ 20 Years – Gary Sortland
15 Years – Garrett Bryan, Brad Lindblom, Tony Pritzkau, Kyle Schell, Phil Schlieff ▪
10 Years – Chris Burlison, Caleb Dustman, Riley Kammerer, Paul Rossum ▪
5 Years – Chris Brickey, Tyrel Clark, John Evans, Jake Julson, Clancy Lytle, Zeb Lytle,
Jonathan Pahkamaa, Jenifer Traux ▪
3 Years – Candice Bruns, Amy Caringi, Kris Commerford, Seth Knutson, Braden Kuenkel,
Joshua Miller, Karrie Nickel; and,

WHEREAS, it is most fitting and proper to honor and recognize these public servants for their dedication and commitment to their departments and citizens with the following awards:

Lifetime Achievement – James Lintz, Battle Creek VFD;
Fire Officer of the Year – Garrett Dixon, Battle Creek VFD;
Firefighter of the Year – Adam Musselman, Box Elder VFD;
Firefighter Rookie of the Year – Andrew Hodges, Rapid Valley VFD;
Dispatcher of the Year – Matt Thompson; and,

BE IT THEREFORE RESOLVED, by the Pennington County Board of Commissioners on behalf of the citizens and communities, that the Fourth Day of October, 2022, A.D. be declared and affirmed as

FIREFIGHTER APPRECIATION DAY IN PENNINGTON COUNTY

AND BE IT FURTHER RESOLVED, we dedicate ourselves to follow those firefighter’s examples in making this County fire safe.

Dated this 4th day of October, 2022.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

11. Declare six (6) sanders surplus for the purpose of disposal, including one 2002 Monroe Sander, S/N 02-08-7253, Asset #005406.

12. Approve the revised 2021-2026 Memorandum of Understanding with the City of Rapid City for the exchange of snow removal routes.

End of Consent Agenda Items

5. APPROVE THE MINUTES OF THE SEPTEMBER 20, 2022, REGULAR MEETING:
MOVED by LaCroix and seconded by Rossknecht to approve the minutes of the September 20, 2022, regular meeting. Vote: Unanimous.

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ELECTIONS AND MACHINES IN PENNINGTON COUNTY – MR. MATTHEW MONFORE: MOVED by Rossknecht and seconded by LaCroix to schedule a special meeting. Vote: Unanimous.

REQUEST FOR PERMISSION TO BORE A WATERLINE UNDER BASELINE ROAD FOR AGRICULTURAL AND RESIDENTIAL PURPOSES – JUSTIN UHRIG, DEAN KLAPPERICH AND R & R TRENCHING: MOVED by Lasseter and seconded by LaCroix to authorize the States Attorney’s Office to develop an encroachment agreement and bring it back to be finalized at the October 18, 2022, meeting. Vote: Unanimous.

MOVED by LaCroix and seconded by Lasseter to suspend the rules to comment for item 5. Vote: Unanimous.

9:15 A.M. PUBLIC HEARING – FIVE YEAR COUNTRY TRANSPORTATION PLAN 2023-2027: MOVED by LaCroix and seconded by Lasseter to adopt Pennington County’s Five-Year Transportation Plan 2023-2027 and authorize the Chair’s signature on the certification form. Vote: Unanimous.

ITEMS FROM HIGHWAY

A. **NOTICE OF INTENT TO AMEND SOMETHING PREVIOUSLY ADOPTED:** MOVED by Rossknecht and seconded by LaCroix to amend the motion previously adopted on September 20, 2022 to award AGG 2022-3 Aggregate Stockpile (Nichols Creek) to Timberline Services, Inc. in the amount of \$425,850.00. Vote: Unanimous.

B. **AWARD RECOMMENDATION:** MOVED by LaCroix and seconded by Rossknecht to award the Sherman Street Bridge 52-246-298 Replacement to Corr Construction Services Inc., Hermosa, SD, in the amount of \$1,041,295.00 contingent upon the South Dakota Department of Transportation’s concurrence. Vote: Unanimous.

C. **JOINT POWERS MAINTENANCE, ENCROACHMENT AND FINANCIAL AGREEMENT – DEADWOOD AVENUE PH 1757(02) PCN 092U:** MOVED by LaCroix and seconded by Hadcock to approve the Joint Powers Maintenance, Encroachment and Financial Agreement with the South Dakota Department of Transportation and the City of Rapid City for Project PH 1757(02) PCN 092U. Vote: Unanimous.

D. **PROFESSIONAL SERVICES AGREEMENT #1903-02237 CONSTRUCTION ADMINISTRATION THUNDERHEAD FALLS ROAD BRIDGES:** MOVED by LaCroix and seconded by Rossknecht to approve Professional Services Agreement #1903-02237 with KLJ Engineering, LLC for construction administration of Thunderhead Falls Road Bridges 52-316-316 and 52-317-318. Vote: Unanimous.

ITEMS FROM HEALTH & HUMAN SERVICES

A. **OPERATIONAL FUNDING OF PIVOT POINT:** MOVED by LaCroix and seconded by Hadcock to authorize Pennington County to receive the donation to support the operational expenses for Pivot Point (Crisis Stabilization Unit) in the amount of \$2,000,000, to authorize the

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Chair to sign the sub-recipient agreement and to authorize the Auditor's Office to issue payment of the donation to Behavior Management Systems. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

A. **RESOLUTION TO APPOINT TO THE SDACC BOARD OF DIRECTORS:** MOVED by LaCroix and seconded by Hadcock to approve the Resolution electing Ron Rossknecht to serve as the Voting Director on the SDACC Board of Directors and electing Travis Lasseter to serve as the Proxy. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION
APPOINTMENT OF COUNTY COMMISSIONER TO THE
SOUTH DAKOTA ASSOCIATION OF COUNTY COMMISSIONERS BOARD OF
DIRECTORS**

WHEREAS, Pennington County is a member of the South Dakota Association of County Commissioners whose mission is to promote and improve county government in South Dakota through the Association; and

WHEREAS, the amended and restated bylaws of the South Dakota Association of County Commissioners provides for one person from each county with a population greater than 65,000 and that is otherwise in good standing with the Association, elected by the board of county commissioners of such county to be a "Voting Director" on the Association's Board of Directors; and

WHEREAS, Pennington County has a population of 109,222 according to the 2020 United States Census Bureau; and

NOW, THEREFORE BE IT RESOLVED, by the Pennington County Board of Commissioners that

Ron Rossknecht is elected to serve as Pennington County's Voting Director on the South Dakota Association of County Commissioners Board of Directors and is hereby authorized to vote on behalf of the majority position of the Pennington County Board of Commissioners; and

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Pennington County Board of Commissioners that Travis Lasseter is elected to serve as Pennington County's Proxy in the event the Voting Director is unable to the South Dakota Association of County Commissioners Board of Director's meeting.

The elected Voting Director and Proxy will each hold the office until his or her successors are elected or appointed.

Dated this 4th day of October, 2022.

/s/ Chair Gary Drewes

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Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

B. RESOLUTION 2022-C1 CONTINGENCY TRANSFER – NATURAL RESOURCES MANAGEMENT BUDGET: MOVED by Rossknecht and seconded by LaCroix to approve Resolution 2022-C1 and authorize the Auditor’s Office to issue payment to the Black Hills Council of Local Governments in the amount of \$50,000. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION 2022-C1
CONTINGENCY TRANSFER
GENERAL FUND CONTINGENCY BUDGET 101-0113**

WHEREAS, through the FY2022 annual budget process, the Pennington County Board of Commissioners allocated \$100,000 to the General Fund Contingency Budget; and

WHEREAS, the current balance of the General Fund Contingency Budget is \$100,000; and

WHEREAS, The Black Hills National Forest is in the process of revising its current Forest Plan (FP) which was first released in 1983, revised in 1997 and amended in 2006. The revised FP will provide guidance for the implementation of management activities across the 1.2 million-acre Black Hills National Forest for the next 15 years; and

WHEREAS, there are several west river South Dakota Counties in conjunction with several Wyoming Counties who desire to pool their resources together and support the Black Hills Council of Local Government to represent the Counties interests as key stakeholders in the Black Hills National Forest Revision Plan process; and

WHEREAS, the Board of Commissioners recognizes the importance in protecting the timber industry for future generations through responsible management and hereby commit to funding in the amount of \$50,000. Additional funding amounts may be requested in the future based on need as the Revision Plan progress; and

NOW, THEREFORE, BE IT RESOLVED, the Pennington County Auditor is authorized to transfer \$50,000 from the 2022 General Fund Contingency Budget to the General Fund Natural Resources Management Budget (101-0165) and make payment to the Black Hills Council of Local Government for their representation of Counties in the Black Hills National Forest Plan Revision process.

Dated this 4th day of October, 2022.

/s/ Chair Gary Drewes

Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

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C. PUBLIC COMMENT PERIOD POLICY UPDATE: MOVED by LaCroix and seconded by Rossknecht to approve the Public Comment Period Policy update with the following changes – 2) Comments must be directed to the County Commission and not to individual Board members or employees and 5) Individuals who engage in repetitive or threatening comments will be asked to refrain and/or yield the floor. It was further moved to direct the States Attorney’s office review the policy. Vote: Unanimous.

D. RECORDINGS OF PUBLIC MEETING AND OTHER PROCEEDINGS POLICY UPDATE: MOVED by LaCroix and seconded by Rossknecht to approve the Recordings of Public Meetings and other Proceedings Policy update. Vote: Unanimous. Hadcock not present at time of vote.

APPROVAL OF VOUCHERS: MOVED by Lasseter 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 \$255,166.62. Vote: Unanimous.

A & A Professional Property Management, 3,928.90; Amerigas Propane LP, 86.29; AT&T Mobility, 255.51; AT&T Mobility, 4,806.02; Baker Apartments, 670.00; BH Electric Cooperative Inc, 132.77; BH Energy, 551.78; BH Energy, 1,460.60; BH Energy, 190.51; Bluepeak, 1,570.68; Bluepeak, 297.59; Brick LLC, 3,600.00; Century Link, 132.28; Churchill Apartments, 930.00; City Of Rapid City -Water, 6,536.30; Clock Tower Gardens Apartments, 4,250.00; Eagle Ridge Apartments II, 485.00; Executive Mgmt Fin Office, 36.25; G2 Enterprises, LLC, 1,605.00; Heartland Heights Apartments, 1,285.00; Lowe's, 126.60; M&M Management, 300.00; Maher William J, 2,516.00; Maplewood Townhouses, 221.00; Midcontinent Communications, 3,515.54; Midcontinent Communications, 919.17; Montana Dakota Utilities, 623.88; Montana Dakota Utilities, 214.92; Pennington County Housing & Redevelopment, 818.19; Pioneer Bank & Trust, 11,126.18; Pioneer Bank & Trust, 3,350.63; Rapid Valley Sanitary District, 168.33; Reliance Telephone Inc, 9.50; SDN Communications, 2,701.30; The Amaris Group Properties, 3,890.00; The Palms Apartments LLC, 500.00; Verizon Wireless, 154.81; Verizon Wireless, 617.25; Wellmark, 190,070.99; West River Electric, 511.85.

ITEMS FROM THE PUBLIC: Chet Ellsworth – Access to Public Records.

MOVED by Drewes and seconded by Hadcock to take a ten-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT: MOVED by LaCroix and seconded by Hadcock to convene as the Board of Adjustment. Vote: Unanimous. Rossknecht not present at time of vote.

A. VARIANCE / VA 22-20: Brent and Denise Tjeerdsma; Jared Ahlstrom - Agent. To reduce the setbacks to the property line in an Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

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All Less Lot A and Less ROW, Little Tiger Lode No. 1 MS 1251, Section 13, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve VA 22-20 with two (2) conditions.

Substitute motion: MOVED by Hadcock and seconded by Lasseter to continue this item the October 18, 2022, meeting. Vote: Unanimous.

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)

B. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-18: TDG Real Estate; Mike and Lisa Gennaro. KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

All of President Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve CA 22-18. Vote: Unanimous. Hadcock not present at time of vote.

NOTICE OF FACT OF ADOPTION

On October 4, 2022, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 22-18 (TDG Real Estate; Mike and Lisa Gennaro) to change the Future Land Use from Ranchette District to Rural Residential District.

C. PUBLIC HEARING OF REZONE / RZ 22-24: TDG Real Estate; Mike and Lisa Gennaro. KTM Design Solutions - Agent. To rezone 10.69 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

All of President Lode MS 1111, Section 14, T2S, R6E, and All Less S360 feet, Less Glendale Subdivision and Less ROW (also in Section 14), Hermosa No. 2 Lode MS 1111, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve RZ 22-24. Vote: Unanimous. Hadcock not present at time of vote.

NOTICE OF FACT OF ADOPTION

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On October 4, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-24 (TDG Real Estate; Mike and Lisa Gennaro) to rezone from Agriculture District to Rural Residential District.

D. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-19: Free Range Rentals, LLC; Davis Engineering - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District and Rural Residential District to Low Density Residential District in accordance with Sections 206, 207, 208, and 508 of the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440 and That PT of the W1/2NE1/4 lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue CA 22-19 to the October 18, 2022, meeting. Vote: Unanimous.

E. PUBLIC HEARING OF REZONE / RZ 22-25: Free Range Rentals, LLC; Davis Engineering - Agent. To rezone 7.2 acres from Agriculture District to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440 and That PT of the W1/2NE1/4 lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by Hadcock to continue RZ 22-25 to the October 18, 2022, meeting. Vote: Unanimous.

CONTESTED HEARING

F. VACATION OF RIGHT-OF-WAY / VR 22-02: Scott Mohr; Davis Engineering - Agent. To vacate a portion of platted public right-of-way on Apple Tree Road, adjacent to Tract H of Murphy Ranch Estates Subdivision and the SW1/4NE1/4 in accordance with the Pennington County Zoning Ordinance.

Tract H, Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve VR 22-02 with (3) 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). Commissioner LaCroix not present at time of vote.

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MOVED by Hadcock and seconded by Lasseter to schedule a special meeting October 26, 2022, 4:00 p.m. until 6:00 p.m. regarding election information. Vote: Unanimous.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Hadcock 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. The Board remained in Executive Session from 12:24 p.m. until 1:13 p.m. MOVED by Lasseter and seconded by Hadcock to come out of Executive Session. Vote: Unanimous.

PAYROLL

Commissioners, 11,710.25; Elections, 10,062.39; Auditor, 13,695.49; Treasurer, 36,555.43; State's Attorney 162,723.05; Public Defender, 89,749.78; Buildings & Grounds, 66,847.89; Equalization, 46,068.88; Register of Deeds, 12,512.80; IT, 30,239.97; Human Resources, 8,348.81; Sheriff, 302,224.97; Jail, 372,046.98; JSC, 111,264.05; JSC Juvenile Alternative, 4,370.89; CCADP, 120,563.14; Economic Assistance, 40,143.75; Extension, 1,492.81; Natural Resources, 12,198.48; Planning & Zoning, 18,352.51; Road & Bridge, 108,195.71; Fire Administration, 4,082.44; Dispatch, 112,150.87; Emergency Management, 5,554.38; 24-7 Program, 8,956.40; MacArthur Safety & Justice, 10,078.51.

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 September 23, 2022: Total balances of checking/savings accounts 24,950,344.08; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 10,886,441.13; Total Prime Value Investment, 37,498,667.96; Total petty cash, 17,990.00; Total NSF Checks, 618.00; Total long/short, (600.43); Total, 73,370,260.64. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.
Buildings & Grounds: Effective 10/02/2022: Joshua Hill, \$15.23. Effective 10/03/2022: Joseph Smith, \$17.98.

Care Campus: Effective 10/03/2022: Brendan Waln, \$17.54.

Dispatch: Effective 09/19/2022: Esta Dibley, \$19.14; Artesia Robinson, \$19.14; Sierra Schwandt, \$19.14; Elizabeth Scott, \$19.14. Effective 10/02/2022: Shannon Brewer, \$23.14; Samantha Gustafson, \$23.14.

Highway: Effective 10/02/2022: Ginny Merrill, \$16.21; Robert Sands, \$18.40.

Jail: Effective 10/02/2022: Jasmine Hiatt, \$19.14. Effective 10/16/2022: James Gentile, \$17.18; Kisha Thompson, \$14.34; Chantel Kaski, \$16.88; Cayley Hislip, \$16.88. Effective 11/14/2022: Miliria Mix, \$23.14; Christian Cifuentes, \$23.14; Shane Supulver, \$18.66.

Sheriff: Effective 10/16/2022: Jennifer Frisk, \$16.21. Effective 11/13/2022: Jared Doyle, \$25.48; Brian Harlan, \$24.85; Riley Glick, \$24.85; Philip Rivera, \$26.12.

Treasurer: Effective 10/03/2022: Kara Shangreaux, \$14.68.

WSDJSC: Effective 11/13/2022: Dylan Kortan, \$23.14. Effective 11/14/2022: Lynette Duddy-Lang, \$18.40.

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ADJOURN

MOVED by Lasseter and seconded by Rossknecht to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:13 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: October 19, 2022