

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, November 1, 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 Rossknecht and seconded by LaCroix to approve the agenda as presented. Vote: Unanimous.

**EXECUTIVE PROCLAMATION – SERGEANT COLTON LEVI ‘DELTA DERR’ DAY:**

MOVED by Lasseter and seconded by LaCroix to approve the Chair’s signature on the proclamation declaring October 1, 2022 as Sergeant Colton Levi ‘Delta Derr’ Day. Vote: Unanimous.

**CONSENT AGENDA ITEMS**

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

7. Approve the minutes of the October 18, 2022, regular meeting.
8. Acknowledge disinterment permit #1491751.
9. Approve of Hill City’s Olde Tyme Christmas Lighted Parade Entry Form.
10. Approve the Memorandum of Understanding – Lawrence County Snow Removal.

End of Consent Agenda Items

**ITEMS FROM HIGHWAY**

A. WORK ORDER FOR ENGINEERING SERVICES: MOVED by Lasseter and seconded by Hadcock to approve Work Order PD-19-21 with FMG Engineering, Inc. and the SDDOT for engineering services for the Reservoir Road and Lamb Road intersection. Vote: Unanimous.

B. AUTHORIZATION TO PURCHASE ONE NEW TRAVELING AXLE LOWBOY TRAILER: MOVED by LaCroix and seconded by Hadcock to authorize the Highway Department to purchase one new 2023 Landoll 455B-48 traveling axle lowboy from Midwest Diesel Service, Inc., Blaine, MN, in the amount of \$145,004.45 plus delivery at \$3.00 per loaded mile from the State of Minnesota Cooperative Purchasing Venture Program Contract #206480. Vote: Unanimous.

**ITEMS FROM BUILDING COMMITTEE**

A. COURTHOUSE ENTRY ADDITION 3<sup>RD</sup> FLOOD BUILDOUT – DESIGN SERVICES PROPOSAL: MOVED by LaCroix and seconded by Rossknecht to authorize Mike Kuhl, Director, to execute an AIA Standard Form of Agreement between Pennington County and CO-OP Architecture Inc. for professional services outlined in Co-Op Architecture Inc. proposal, dated September 23, 2022, for the Courthouse Entry Addition 3<sup>rd</sup> Floor Buildout project with a lump

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

sum fee of \$25,000 plus any applicable reimbursable expenses, utilizing Accumulated Building Funds. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to authorize Mike Kuhl, Director, to have design and administrative decision-making authority for the Courthouse Entry Addition 3<sup>rd</sup> Floor Buildout Project, including signing application documents and necessary agreements, and expenditure authority up to \$30,000 (includes CO-OP contract) as Pennington County's Representative. Vote: Unanimous.

B. PROPERTY ACQUISITION: No action taken.

**ITEMS FROM COMPENSATION COMMITTEE**

A. 2023 WAGE SALE IMPLEMENTATION: MOVED by LaCroix and seconded by Hadcock to rescind the motion to approve the use of the 2023 pay structure with elevated start rates for Grade A and B positions as presented, and further move for placement on the scale where the employee will receive a 1.5% adjustment plus one step, and the application of an additional single pay step as required to avoid new compression, which was passed on April 19, 2022. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to approve the proposed 2023 wage scale with a 4% COLA increase and 1.25% steps and further move to place employees on this wage scale at a place where they receive at least a 4% increase plus one step effective December 25, 2022. The 4% COLA increase is also to be applied to the Law Enforcement and Medical wage scales and employees on the Law Enforcement, Medical and Highway wage scales will receive one step effective December 25, 2022. Vote: Unanimous.

**ITEMS FROM COMMISSION MANAGER**

A. RESOLUTION FOR FUNDING FOR THE WESTERN DAKOTA REGIONAL WATER SYSTEM: MOVED by LaCroix and seconded by Hadcock to approve Resolution 2022-C2. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION 2022-C2  
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 (101-0113); and

**WHEREAS**, the current balance of the General Fund Contingency Budget is \$50,000; and

**WHEREAS**, access to a reliable and plentiful water source is critically important from a public health and safety standpoint, especially in western South Dakota, which has a more arid climate and limited water supplies. This critical need is compounded by population and industrial growth; and

**WHEREAS**, the Western Dakota Regional Water System (WDRWS) is a non-profit organization formed in 2021 to explore the use of Missouri River Water via a proposed pipeline

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

that will bring the water to various communities, Tribes, and water systems in western South Dakota; and

**WHEREAS**, the Pennington County Board of Commissioners recognizes the importance in securing a water supply from the Missouri River to meet the current and future needs of western South Dakota; and

**WHEREAS**, on October 18, 2022, the Pennington County Board of Commissioners approved a request for funding in the amount of \$50,000 for the Western Dakota Regional Water System (WDRWS) to be used as matching funds for services not allowable under their current funding sources such as public information, legal and administrative services; and

**NOW, THEREFORE, BE IT RESOLVED**, the Pennington County Auditor is authorized to transfer \$50,000 from the 2022 General Fund Contingency Budget (101-0113) to the General Fund Commission Office Budget Miscellaneous Fees (101-0111-0422-2058-10) and make payment to the Western Dakota Regional Water System.

Dated this 1<sup>st</sup> day of November, 2022.

/s/ Chair Gary Drewes  
Pennington County Board of Commissioners

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

**REQUEST FOR AGENDA PRESENTATION – MR CHET ELLSWORTH**

A. COMMISSION ITEM SUBMISSION RULES, 2/4/2014: Item withdrawn verbally by Mr. Ellsworth prior to the start of the meeting.

B. REGISTER OF DEEDS – REJECTION OF DOCUMENTS: Item withdrawn verbally by Mr. Ellsworth prior to the start of the meeting.

**APPROVAL OF VOUCHERS**: MOVED by LaCroix and seconded by Rossknecht 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 \$566,215.09. Vote: Unanimous.

A & A Professional Property Management, 440.00; Amerigas Propane LP 85.53; BH Electric Cooperative Inc, 121.56; BH Energy, 362.92; BH Energy, 4,028.28; BH Energy, 504.98; BH Energy, 856.59; Bluepeak, 1,505.64; Bluepeak, 346.74; Casaco Rentals, 1,000.00; Century Link, 88.25; Cittadella Asset Management & Investment LLC, 2,800.00; City Of Hill City, 39.53; City Of Rapid City -Water, 2,614.37; City Of Rapid City -Water, 4,317.18; City Of Wall, 175.00; Executive Mgmt Fin Office, 36.25; First Focus Property Management LLC, 1,060.00; Global Tel'link, 18.31; Golden West Companies, 380.87; Kieffer Sanitation/A Waste Management Co, 222.33; Livermont Carol, 355.00; Midcontinent Communications, 1,832.06; Midcontinent Communications, 3,167.94; Montana Dakota Utilities, 322.20; Montana Dakota Utilities, 1,632.39; Pennington County Housing & Redevelopment, 685.00; Pioneer Bank & Trust,

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

15,219.65; Ponderosa Mountain Properties LLC, 3,206.00; Rainbow Gas Company, 884.69; Tzadik Lacrosse Apartments LLC, 2,204.74; Verizon Wireless, 1,059.87; Verizon Wireless, 611.59; Welmark, 512,784.05; West River Electric, 334.70; Wex Bank, 910.88.

**ITEMS FROM THE PUBLIC:** Roger Thompson - Elections

**ITEMS FROM PLANNING & ZONING**

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

MOVED by Rossknecht and seconded by Lasseter for a ten-minute recess. Vote: Unanimous.

A. VARIANCE / VA 22-21: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback to a residential zoning district from 500 feet to 105 feet for a telecommunications tower in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota

MOVED by Hadcock and seconded by LaCroix to approve VA 22-21 with three (3) conditions based on the State's Attorney's review and deed restrictions and to make sure it gets filed with the Register of Deeds. Vote: Unanimous. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

B. VARIANCE / VA 22-22: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback from 1.1 times the height of the telecommunications tower to a non-residential zoning district in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve VA 22-22 with three (3) conditions based on the State's Attorney's review and deed restrictions and to make sure it gets filed with the Register of Deeds. Vote: Unanimous. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

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

**UNCONTESTED HEARING(S)**

**C. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-20:** Brian Schroeder; Davis Engineering – Agent. 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.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Lasseter to continue CA 22-20 to the December 20, 2022, Board of Commissioner's meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system. Vote: Unanimous.

**D. PUBLIC HEARING OF REZONE / RZ 22-27:** Brian Schroeder; Davis Engineering - Agent. To rezone 14.17 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

MOVED by Rossknecht and seconded by Lasseter to continue RZ 22-27 to the December 20, 2022, Board of Commissioner's meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system. Vote: Unanimous.

**CONTESTED HEARING**

E. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-13: Blue Wing Recreation Corporation; Ron Rossknecht. To amend the existing Planned Unit Development to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 0129A; All Less the North 10 acres and Less Tract 0129C of Malory Lode MS 1483; Part of Hudson Lode MS 1483; Part of Just Lode MS 1483; and Lot 1 Less Right-of-Way of Boulder #3 Lode MS 1483 all located in Section 13, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve PU 22-13 with nine (9) conditions. Vote: The motion carried 4-0 with Rossknecht abstaining. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

NOTICE OF FACT OF ADOPTION

On November 1, 2022, the Pennington County Board of Commissioners approved a Major Planned Unit Development Amendment to reduce the required building setback to Blue Wing Road: Major Planned Unit Development Amendment 22-13 – Blue Wing Recreation Corporation.

F. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-09: Pennington County. To add Section 517 “Special Permitted Uses” [to add Section 517 “Special Permitted Uses”] to the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve OA 22-09. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 1, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 22-09 – To add Section 517 – Special Permitted Uses to the Pennington County Zoning Ordinance.

G. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-10: Pennington County. To amend Section 204 “General District Provisions” [to amend and supersede the existing 204 “General District Provisions”] of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve OA 22-10. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

NOTICE OF FACT OF ADOPTION

On November 1, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 22-10 – To amend Section 204 – General District Provisions of the Pennington County Zoning Ordinance.

H. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-11: Pennington County. To amend Section 103 “Definitions” [to amend and supersede the existing 103 “Definitions”] of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve OA 22-11. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 1, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 22-11 – To amend Section 103 – Definitions of the Pennington County Zoning Ordinance.

I. REQUEST FOR RELEASE OF SURETY / FINAL PLAT 21-91: Sudbury Ranch Land Holding, LLC / Casey Skyberg. Improvements for the roads and utilities have been completed for Lot 2R and Lots 3 through 11, Sudbury Ranch Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota, in the amount of \$155,000.00.

MOVED by Hadcock and seconded by Lasseter to release the surety bond in the amount of \$155,000 to Sudbury Ranch Holding LLC for Final Plat 21-91. 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 11:56 a.m. until 12:19 p.m. MOVED by Hadcock and seconded by Rossknecht to come out of Executive Session. Vote: Unanimous.

MOVED by Hadcock and seconded by Lasseter to place Valerie Newman at B23, step 5, \$22.80/hr. effective June 26, 2022, and to backpay in the amount of \$345.44 to be split from the Fire Admin Budget (211-0271) and the Emergency Management Budget (226-0285).

**PAYROLL**

Commissioners, 11,710.27; Elections, 10,070.33; Auditor, 13,725.45; Treasurer, 38,841.16; State's Attorney 144,425.27; Public Defender, 89,591.92; Buildings & Grounds, 67,965.98; Equalization, 42,067.91; Register of Deeds 11,036.00; IT, 29,666.32; Human Resources, 8,348.82; Sheriff, 293,018.82; Jail, 365,571.77; JSC, 111,967.91; JSC Juvenile Alternative, 4,088.46; CCADP, 125,341.45; Innovation Reentry Grant, 1,881.36; Economic Assistance, 38,053.34;

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 1, 2022

Extension, 1,492.81; Natural Resources, 5,842.40; Planning & Zoning, 18,734.47; Road & Bridge, 106,197.12; Fire Administration, 4,082.44; Dispatch, 116,679.42; Emergency Management, 5,554.38; 24-7 Program, 10,028.96; MacArthur Safety & Justice, 2,190.94.

**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 October 19, 2022: Total balances of checking/savings account 27,218,045.61; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 10,886,441.03 Total Prime Value Investment, 49,667,839.62; Total petty cash, 17,890.00; Total NSF Checks, 1,533.84; Total long/short, (672.98); Total, 87,808,077.12. Submitted by Lori Wessel, Deputy Auditor.

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

Auditor: Effective 10/24/2022: Darlene Fite, \$18.66; Deb Hauer, \$18.66.

Buildings & Grounds: Effective 10/30/2022: Zoe Moore, \$15.04; Jeremiah Kendall, \$15.41.

Care Campus: Effective 10/16/2022: Tessa Ford, \$17.10. Effective 11/14/2022: Bryson Schwartz, \$18.40.

CCADP: Effective 11/27/2022: Brandon Mattson, \$27.20.

Highway: Effective 10/30/2022: Erick Rousselle, \$25.15; Charles Hunt, \$26.96.

IT: Effective 12/11/2022: Cristin Gossens, \$24.46; Daniel Leetch, \$20.60.

Jail: Effective 10/30/2022: Kelvin Masur, \$25.55. Effective 11/13/2022: Stephanie DeLong, \$17.10; Anthony Colon, \$23.74. Effective 12/11/2022: Donovan Dykes, \$23.74. Effective 12/25/2022: Kyler Bruce, \$17.10.

Register of Deeds: Effective 10/31/2022: Patsy Laubach, \$17.98.

Sheriff: Effective 10/16/2022: Mike Walsh, \$25.55. Effective 11/13/2022: Taylor Sperle, \$42.30; Mark Hughes, \$49.02; Christopher Hislip, \$42.30; David Olson, \$34.18.

State's Attorney: Effective 11/14/2022: Bryan Gillieron, \$20.65; Nikita Heinert, \$20.65. Effective 12/12/2022: Alexandra Sterling, \$2,512.00.

WSCJSC: Effective 11/13/2022: Alejandro Rivera, \$23.74; Curtis Stahlecker \$24.35. Effective 12/11/2022: Tara Bohlmann, \$23.74.

**ADJOURN**

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:20 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of \_\_\_\_\_.

Publish: November 16, 2022