

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May17, 2022

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, May 17, 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, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

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

CONSENT AGENDA ITEMS

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

5. Removed for separate consideration.
6. Removed for separate consideration.
7. Authorize the Chair's signature to the Annexation to the Murphy Ranch Road District with the following legal description: LOT 1 OF BUCHHOLZ SUBDIVISION AND LOT B OF SE1/4NW1/4; LOT C OF NE1/4SW1/4; TRACT G OF NW1/4 & SW1/4, LESS W175' OF N90'; ALL LOCATED IN T1N, R8E, SEC 14 BHM, PENNINGTON COUNTY, SOUTH DAKOTA.
8. Recognize and thank the volunteers for the month of April 2022.
9. Authorize one Glock Model 17, Serial Number BCHF979 to be declared as surplus for the purpose of commendation.
10. Authorize one Glock Model 17, Serial Number BNBM732 to be declared as surplus for private sale to the retiring Deputy.

End of Consent Agenda Items

5. MINUTES OF THE APRIL 27, 2022, SPECIAL MEETING: MOVED by Hadcock and seconded by Lasseter to approve the minutes of the April 27, 2022, special meeting. Vote: Unanimous.
6. MINUTES OF THE MAY 3, 2022, REGULAR MEETING: MOVED by Hadcock and seconded by Lasseter to approve the minutes of the May 3, 2022, regular meeting. Vote: Unanimous.

ITEMS FROM AUDITOR

A. RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSES

RENEWALS: MOVED by Rossknecht and seconded by Hadcock to approve the renewals of the Retail (On-Off Sale) Malt Beverage & SD Farm Wine Licenses as presented, as listed below, and release licenses upon payment of appropriate property taxes. Vote: Unanimous.

Bear Country USA Inc, Bear Country USA Inc; BJ's Country Store Hwy 16, Dvorak Conveniences Stores Inc; Black Elk Resort, Black Elk Resort; Black Hills Speedway, Cross Country Real Estate LLC; Corner Pantry #21 (license #RB-25294), MG Oil Company; Corner

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Pantry #21 (license #RB-24086), MG Oil Company; Corner Pantry Moon Meadows, MG Oil Company; Country Corner, Robin Robertson; Country Store at Three Forks, Three Forks C-Store Inc; Dollar General Store #15207, Dolgen Midwest LLC; Firehouse Wine Cellars, Fat Boys Inc; Happy Holiday RV Resort, Diamond Trek LP; Hart Ranch Camping Resort, Hart Ranch Camping Resort Club, Inc; Hart Ranch Golf Course, Hart Ranch Development Co; High Country Guest Ranch, Ventures in the Hills Inc; Jolly Lane Greenhouse Inc., Jolly Lane Greenhouse Inc.; Larsson's Crooked Creek Resort, Larsson Recreational Properties; Mt Rushmore Concession, Xanterra Parks and Resorts Inc; Mt. Rushmore KOA, Recreational Adventures Co; O'Malleys Casino, KJL Inc; Pactola Pines Marina, Pactola Pines Marina Inc; Prairie Berry Winery/Miner Brewery Co, Prairie Berry LLC; Putz N Glo, Putz N Glo Inc; Rafter J Bar Ranch Campground, Hicow Co; Reptile Gardens, Black Hills Reptile Garden Inc; Rochford Mall, The Rochford Mall Inc; Rockerville Lodge & Cabins LLC, Rockerville Lodge & Cabins LLC; Rushmore Cave LLC, Rushmore Cave LLC; Tatanka Trading Post, Kimberly Sealine; The Gaslight, Rockerville Opps LLC; Under Canvas Inc, Under Canvas Inc; Valley Square Casino, MG Oil Company; Valley Square Sports Pub, MG Oil Company; Whispering Pines Campground, Red Sky Enterprise LLC.

B. NEW RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE: MOVED by Hadcock and seconded by Lasseter to approve a new Retail (on-off sale) Malt Beverage & SD Farm Wine License for Carey & Melissa Franco under Mountain View Lodge & Cabins. Vote: Unanimous.

C. TRANSFER OF RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE: MOVED by Hadcock and seconded by Rossknecht to approve the transfer of the Retail (on-off sale) Malt Beverage and SD Farm Wine License from O'Malleys Casino under KJL, Inc. into O'Malley's Casino under TNH LLC. Vote: Unanimous.

D. TRANSFER OF RETAIL (ON-SALE) LIQUOR LICENSE: MOVED by Hadcock and seconded by Lasseter to approve the transfer of the Retail (on-sale) Liquor License with Sunday Sales from Sally O'Malley's Pub & Casino under KJL, Inc. into Sally O'Malley's Pub & Casino under TNH LLC. Vote: Unanimous.

ITEMS FROM HEATH & HUMAN SERVICES

A. BUREAU OF JUSTICE INNOVATIONS IN REENTRY GRANT: MOVED by Hadcock and seconded by Rossknecht to approve the addition of the new Transition Coordinator position in the Health & Human Services Department at a DBM of B25, \$26.13/hr. and to authorize Human Resources to update the position listing on file. It is further moved to approve two (2) new FTE's filling the Transition Coordinator positions to be paid for by the Innovations in Reentry Grant through the end of the grant period in 2024. Vote: Unanimous.

ITEMS FROM HIGHWAY

A. AUTHORIZATION TO ADVERTISE AND LET ONE NEW TANDEM AXLE TRUCK: MOVED by Rossknecht and seconded by Lasseter to authorize the Highway Department to advertise and let bids for one new tandem axle truck. Vote: Unanimous.

B. HOURS OF OPERATION: Informational only.

C. FIRST READING OF ORDINANCE 14 AMENDMENT – CRITERIA FOR CONSTRUCTION AND ACCEPTING ROADS AND APPROACHES ONTO THE COUNTY

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HIGHWAY SYSTEM AND THE COUNTY SECONDARY HIGHWAYS, HEREINAFTER REFERRED TO AS "COUNTY ROADS: MOVED by Rossknecht and seconded by Hadcock to approve the first reading of Ordinance 14 Amendment as presented. Vote: Unanimous.

EXCEPTION TO ORDINANCE 14 FOR SECOND APPROACHES ON COVINGTON ST: MOVED by Hadcock and seconded by Rossknecht to approve the exception request for two approaches, in their current locations, for 2051 Covington Street and 2121 Covington Street. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

A. NEW POSITION TITLE REQUEST: MOVED by Hadcock and seconded by Rossknecht to approve the addition of the Operations Manager position in the Natural Resources Department at a DBM of B32, \$26.13/hr., effective May 15, 2022, and to authorize Human Resources to update the position listing on file. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

A. PROPOSED RESOLUTIONS FOR BHACC/SDACC: MOVED by Hadcock and seconded by Lasseter to approve the resolution in support of amending current South Dakota Codified Law § 32-5-127 to update additional charges allowed for mailing decals and plates. Vote: Unanimous.

PENNINGTON COUNTY RESOLUTION

**A RESOLUTION IN SUPPORT OF AMENDING CURRENT SOUTH DAKOTA STATE
LAW § 32-5-127 TO UPDATE ADDITIONAL CHARGES ALLOWED FOR MAILING
DECALS AND PLATES**

WHEREAS, SDCL § 32-5-127 states "In addition to the registration fees required by this chapter, the department or county treasurer shall collect from the owner one dollar per decal or set of decals and five dollars per license plate or set of plates when decals and plates are sent to the owner through the mail."; and

WHEREAS, SDCL § 32-5-127 was last amended by the Legislature in 2009 and the cost of sending decals and plates thru the United States Postal Service has increased significantly since; and

WHEREAS, as an example, the cost of mailing out a flat rate priority envelope has increased by 81% since 2009. The Postal Service generally receives no tax dollars for operating expenses and relies on the sale of postage, products, and services to fund its operations; and

WHEREAS, in November 2020, the Postal Regulatory Commission (PRC) completed its years-long review and deemed the existing rate-setting system inadequate. The recent PRC ruling provides the Postal Service more rate authority when establishing prices for mailing services, providing them the ability to adjust prices based on declining mail volumes and growing logistics costs; and

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WHEREAS, the Postal Service proposed dominant price changes were developed in light of the recent ruling and are a major component of the Delivering for America 10-year plan which allows for a review and adjustment of market dominant prices twice per year in January and July; and

WHEREAS, the COVID-19 pandemic has changed the way citizens conduct business in general which has also resulted in an increase in the number of decals and plates being mailed to owners; and

WHEREAS, South Dakota is an open registration state therefore the number of decals and plates being mailed out to owners each year continues to steadily increase; and

WHEREAS, the current charges allowed per SDCL § 32-5-127 are not sufficient enough to cover the actual cost of the mailing (postage), the cost of the envelopes, labels, ink, etc. and the difference is being passed on to the other property tax payers in the Counties; and

WHEREAS, at the end of 2021, Pennington County had 193,481 registrations which includes non-commercial vehicles, recreational vehicles, motorcycles, trailers, etc.; and

WHEREAS, South Dakota will be issuing new license plates in 2023 and the numbers of plates that will be sent to the owners thru the mail will continue to further the negative financial impact on Counties and taxpayers; and

NOW, THEREFORE, BE IT RESOLVED by the Pennington County Commission that SDCL § 32-5-127 be amended to read as follows:

“In addition to the registration fees required by this chapter, the department or county treasurer shall collect from the owner two dollars per decal or set of decals plus a one dollar handling fee and ten dollars per license plate or set of plates plus a two dollar handling fee when decals and plates are sent to the owner through the mail in order to cover the actual cost of postage and handling.”

Dated this 17th day of May, 2022.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

Supporting Criteria

Justification for the resolution: Mailing fees thru the USPS have increased since the statute was last amended in 2009. The citizen registering the vehicle should be responsible for paying an amount that covers the actual cost of the mailing (postage) and the supplies used.

Counties affected by the resolution: The statute applies to all 66 South Dakota Counties.

Impact of the resolution: The ability to collect monies in an amount that is sufficient to cover the actual cost of providing the mailing (postage) and the supplies used.

B. REQUEST FOR DONATION OF TAX DEED PARCEL #65319 TO THE BLACK HILLS NATIONAL FOREST: MOVED by Hadcock and seconded by Rossknecht to rescind the motion

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made on May 3, 2022 and to move forward with the request for donation of tax deed parcel #65319 to the Black Hills National Forest as allowed pursuant to SDCL § 7-29-16. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by Lasseter and seconded by Rossknecht to approve the voucher for the Rose Inn in the amount of \$220. Vote: The motion carried 3-0 with Hadcock abstaining.

MOVED by Lasseter and seconded by Rossknecht to approve the remaining vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$4,348,689.25. Vote: Unanimous.

BH Energy, 17,455.57; 392 Creations, 349.00; 4Imprint, 648.18; A & A Professional Property Management, 600.00; A & B Business Inc, 3,778.35; A & B Welding Supply Co, 288.70; A & M Transport Service LLC, 2,345.00; A To Z Shredding, 867.86; Aamold Edward Thomas, 384.00; Abl Inc, 2,690.00; Ace Steel And Recycling, 935.56; Action Mechanical Inc, 75.00; Active Data Systems Inc, 10,641.77; Adams-ISC, 1,505.34; Advanced Auto Glass LLC, 300.00; Advanced Drug Testing Inc, 232.00; Alcohol Monitoring Systems Inc, 1,230.00; Allison, Elizabeth A., 480.00; Amazon.Com Services, 931.21; American Engineering Testing Inc, 4,400.00; Americinn Motel, 1,200.00; Anchortex Corporation, 2,211.84; Anker Law Group PC, 1,619.30; AT&T Mobility, 4,320.22; Audra Hill Consulting Inc, 15,967.34; Avera Health, 200.00; AVI Systems Inc, 24,042.00; B-1 Development, Inc, 140,371.70; Badlands Automotive, 76.65; Bakley Regina, 134.00; Balco Uniform Co Inc, 5,116.03; Bangs, Mccullen, Butler, Foye & Simmons, LLP, 1,508.90; Bargain Barn Tire Center, 522.37; Barnier Law Office PC, 378.00; Batteries Plus Bulbs #934, 380.32; Behavior Management Systems Inc, 405.00; Behrens-Wilson Funeral Home, 7,220.00; Benson, Teresa L, 866.00; BH Ammunition Inc, 10,800.00; BH Chemical Company Inc, 11,599.80; BH Energy, 59,990.29; BH Energy, 316.00; BH Funeral Home & Cremation Service Inc, 1,910.00; BH Insurance Agency Inc, 180.00; BH Overhead Doors, 402.18; BH Pediatrics & Neonatology LLP, 948.00; BH Roofing Co, 638.00; BH Wilbert Vault, 800.00; BI Inc, 4,705.55; Biers Tool Sales LLC, 77.50; Bierschbach Equipment And Supply Co Inc, 88.42; Bio-One Of South Dakota, 150.00; BKV Group, 17,457.82; Bloom Law Office Prof LLC, 2,988.55; Bob Barker Company Inc, 8,072.05; Bob's Auto Service, 261.85; Border States Electric, 652.37; Boston Patrick, 1,090.00; Brant Annette, 211.60; Briarwood Products LLC, 151.37; Bringswhite, Erik, 5,500.00; Bringswhite, Morgan, 4,066.60; Brosz Engineering Inc, 852.50; Buehler Holly, 80.00; Butler Machinery Company, 1,147.18; Cameron, George R, 1,934.20; Carquest Of Rapid City, 878.18; Cass County Sheriff's Office, 37.00; Casteel Audra, 234.70; Castleberry, James D, 2,992.66; Catholic Social Services, 900.00; Cat's Cleaning, 50.00; CDW Government Inc, 6,904.00; Charm-Tex Inc, 368.40; Chris Supply Co Inc, 6,115.07; City Of Box Elder, 775.64; City Of Hill City, 111.06; City Of Hill City, 406.50; City Of Rapid City -Water, 24,730.16; City Of Rapid City, 22,446.89; City Of Wall, 175.00; Clayborne, Deanna K, 407.20; Climate Control Systems And Service LLC, 1,258.60; Cline, Jean M, 1,510.20; Clinical Laboratory Of The Black Hills, 7,527.61; CM Detention Products LLC, 170.48; Colbath & Sperlich PC, 5,829.92; Colonial House, 1,631.14; Commercial Laundry Systems Of The Rockies, 476.33; Computer Forensic Resources Inc, 501.61; Connections Inc Eap, 1,172.16; Connelly, Randal E, 7,276.60; Contractors

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Insulation And Drywall Supply, 51.00; Convergent Technologies LLC, 270.00; Cook Ryan, 179.86; Copy Country, 682.50; Coremr LC, 916.50; Correct Rx Pharmacy Services Inc, 15,332.92; Crescent Electric Supply, 321.65; Dakota Battery & Electric, 1,072.18; Dakota Business Center, 18,708.55; Dakota Fluid Power Inc, 44.10; Dakota Hills Pest Service, 50.00; Dakota Plains Legal Services Inc, 31,625.00; Dakota Radiology Pet/Ct & MRI, 2,360.02; Dakota Supply Group Inc, 2,984.87; Dannenbring Jason, 75.00; Darby Dental Supply LLC, 38.27; Dash Medical Gloves Inc, 9,513.00; Datagain Inc, 16,800.00; Delta Dental Of South Dakota, 40,533.04; Dennis Supply - RC, 607.59; Denny Menholt Chevrolet, 658.78; Diamond Vogel Paint Center, 25.77; Dillon Law Office, 520.15; Djwebbie LLC, 1,500.00; Dockter Paul, 340.63; Door Security Products Inc, 857.14; Eastern Penn Conservation, 8,125.00; Eaton Corporation, 10,776.00; Election Source, 1,123.03; Election Systems & Software LLC, 430.00; Electrical Engineering & Equipment Company, 955.68; Elevate Rapid City, 25.00; Ertz, Dewey J, 1,400.00; Evergreen Office Products, 2,066.47; Executive Mgmt Fin Office, 72.50; Fair Value Inn, 220.00; Farmer Brothers Coffee, 618.73; Fastenal Company, 10,218.66; Federal Express, 6.62; Ferber Engineering Company, 3,732.50; Ferguson Enterprises Inc #226, 474.68; Fidelity Security Life, 5,922.25; First Interstate Bank, 191.92; First Interstate Bank, 1,886.76; First Interstate Bank, 1,321.72; First Interstate Bank, 1,872.21; First Interstate Bank, 2,090.00; First Interstate Bank, 854.57; First Interstate Bank, 4,622.35; First Interstate Bank, 629.26; First Interstate Bank, 689.90; First Interstate Bank, 4,372.02; First Interstate Bank, 173.90; First Interstate Bank, 1,282.79; First Interstate Bank, 2,773.08; Flooring America, 4,307.71; Floyd's Truck Center, 1,310.95; FMG Inc, 1,391.90; Forensic Medicine And Pathology PLLC, 2,115.00; French's Upholstery, 1,198.00; Fried Cora, 148.68; Fulcrum Biometrics LLC, 749.00; G & H Distributing - RC, 80.64; Gednalske Jeromy L, 330.00; Godfrey Brake Service And Supply Inc, 1,400.72; Golden West Companies, 1,037.09; Golden West Companies, 79.95; Golden West Technologies, 75.00; Governor's Inn, 308.00; Great Western Tire Inc, 2,058.30; Grey & Eisenbraun Law, Prof LLC, 1,918.60; Grimm's Pump Service Inc, 1,884.05; Gust Victor, 362.60; Hagen Glass Company, 391.64; Hall Leslie, 242.00; Harmelink & Fox Law Office PLLC, 237.34; Harms Oil Company, 71,159.45; Harris, Betsey, 2,541.65; Hartford Life And Accident Insurance, 2,707.50; Harveys Lock Shop, 88.79; Hebron Brick Supply Co, 351.75; Heeren-Graber, Krista, 500.00; Helpline Center Inc, 30.00; Hennies Holli, 97.20; Hill City Area Chamber Of Commerce, 100.00; Hill City Public Library, 14,866.00; Hills Septic Service, 237.50; Hillyard/Sioux Falls, 575.20; Hobart Sales & Service, 533.78; Holiday Inn Express, 154.00; Holiday Stationstores LLC, 6.50; Horwath Laundry Equipment, 304.84; Humane Society Of The Black Hills, 4,166.67; Indoff Inc, 217.66; Industrial Organizational Solutions Inc, 75.00; Innovative Office Solutions LLC, 7,975.23; Interstate Batteries, 51.80; Intoximeters Inc, 3,750.00; J Gardner & Associates LLC, 1,010.00; Jantech LLC, 1,080.00; Jenner Equipment Co, 888.72; Jims Private Utility Locating, 75.00; JJ's Engraving & Sales, 40.00; Johnson Controls, 43,129.71; Johnson, Kimberly K, 178.60; Johnstone Supply, 26.67; K & D Properties, 1,425.00; Keltek Inc., 2,385.00; Keystone City Hall, 5,014.00; Kieffer Sanitation/A Waste Management Co, 145.30; Kieffer Sanitation/A Waste Management Co, 4,461.40; Kimball Midwest, 1,345.48; Kirk Funeral Home, 1,910.00; Kirschenmann, Kevin E, 1,035.00; KLJ Engineering LLC, 68,911.00; Knecht Home Center Inc, 1,360.18; Knollwood Townhouse Properties, 165.00; Kocanda Martin, 281.25; Konica Minolta Premier Finance, 156.19; KS Statebank, 10,325.82; Laboratory Corporation Of America Holdings, 46.00; Lacroix Heather M, 179.14; Lakota Contracting Inc,

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2,756.00; Lands' End Business Outfitters, 138.48; Language Line Services, 86.12; Lasseter, Weldon Travis, 194.25; Lewis & Clark Behavioral Health Services, 368.00; Lexipol - Praetorian Digital, 16,120.00; Liberty Chrysler Center, 2,861.18; Lifeways Inc, 375.00; Lift Pro Equipment Co Inc, 1,689.01; Lindstrom, Joan, 150.00; Lingo Communications LLC, 80.03; Love, Todd A, 5,211.48; Lowe's, 198.54; Lumen Technologies Group, 790.00; Lutheran Social Services Of SD, 58,742.85; Lynn Jackson Schultz & Lebrun PC, 10,267.30; M & M Fencing, 1,400.26; Macqueen Emergency Group, 1,015.41; Marco Inc, 1,844.18; Marco Inc, 6,092.89; Matheson Tri-Gas Inc, 48.55; May, Ashlee, 604.30; McGas Propane LLC, 605.30; McGowan, Wendy T, 3,945.03; MCI Service Parts Inc, 351.64; McKesson Medical-Surgical Government Solutions LLC, 2,788.57; McKie Ford Inc, 55.47; Medical Waste Transport Inc, 696.04; Medline Industries Inc, 4,424.19; Menards, 360.75; Meyers Tractor Salvage, 4,112.51; MG Oil Company, 12,160.51; Midcontinent Communications, 2,584.47; Midcontinent Communications, 2,644.46; Midwest Connect, 46.00; Miller Joseph, 154.00; Mindys Custom Embroidery & More, 82.50; Mohler Cindy, 199.60; Montana Dakota Utilities, 1,316.41; Montana Dakota Utilities, 156.71; Monument Health - Urgent Clinics Rapid City, 200.00; Monument Health Home Plus Pharmacy, 227.73; Monument Health Rapid City Hospital, 217.22; Monument Health Rapid City Hospital Inc., 2,646.81; Monument Health Reference Laboratory, 7,433.26; Moss Psy D LLC, William A, 3,050.00; Motorola Solutions Inc, 4,395.16; Mt Rushmore Telephone Co, 49.36; Nelson Jacquelyn R, 270.00; Nelson Law, 4,233.94; Nelson, George J, 667.63; NMS Labs, 52.00; Nohr, Linda J, 1,500.00; North Central International Of Rapid City Inc, 1,218.40; North Central Supply Inc, 6,540.00; Northern Truck Equipment, 1,127.31; Northwest Pipe Fitting Inc, 316.04; Norton, Mikayla, 2,475.00; Nutrien Ag Solutions Inc, 30,530.48; O'Day, Valarie, 1,972.60; Odegard, Amber L, 540.00; Office Depot, 2,427.99; Olson Towing, 75.00; Olson, Carolyn, 8,175.00; Onsite First Aid, 130.30; Osheim & Schmidt Funeral Home, 3,820.00; Overhead Door Of Rapid City, 2,315.55; Pacific Steel & Recycling, 132.00; Paradis Inc, 220.00; Parkway Carwash Inc, 16.00; Parts Town LLC, 137.39; Pederson Law Office LLC, 5,027.97; Penn Co Health & Human Sv Petty Cash, 151.93; Penn Co Highway Petty Cash, 48.25; Penn Co Jail Petty Cash, 1,444.00; Penn Co Sheriff Petty Cash, 758.20; Penn Co States Atty Petty Cash, 110.04; Penn Co Treasurer Petty Cash, 213.34; Pennington County Courant, 1,530.05; Pharmchem Inc, 283.05; Pheasantland Industries, 3,670.72; Phoenix Supply LLC, 3,284.78; Pillen Optical Inc, 80.00; Pine Lawn Memorial Park Inc, 1,900.00; Pioneer Bank & Trust, 4,854.17; Pioneer Bank & Trust, 3,894.57; Pioneer Bank & Trust, 4,111.89; Pitney Bowes Reserve Account, 856.10; Pomp's Tire Service, 1,797.84; Power House, 107.82; Prairie Auto Parts Inc, 1,466.81; Pratt Linda, 775.00; Precision Eyecare PC, 318.66; Print Mark-Et, 3,633.60; Proforma Screening Solutions LLC, 127.99; QR Rushmore LLC, 1,200.00; Quettier Nicolas, 510.00; Quill Corporation, 99.44; Radiant Heat Of South Dakota LLC, 167.73; Radiology Associates Professional LLC, 1,183.12; Raka, 362.50; Rapid Collision, 1,542.00; Rapid Delivery Inc, 136.50; Rapid Transit System, 30.00; RC Area School Dist 51-4, 1,037.87; RC Emergency Services PA, 585.85; RC Journal - Advertising, 184.50; RC Medical Center LLC, 7,596.40; RC Police Dept-Evidence, 6,635.00; RC Public Library, 217,359.50; RC Winsupply, 304.07; RCS Construction Inc, 347,194.89; RDO Equipment Co, 243,860.00; RDO Equipment Co, 4,530.88; Record Storage Solutions, 438.36; Redwood Toxicology Inc, 6,313.61; Reese Thomas, 158.00; Regional West Medical Center, 1,076.60; Renfro Corporation, 1,071.35; Rensch Law Office, 403.98; Rh Financial Management LLC, 2,750.00; Rh LLC, 2,400.00; Rj Lee

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Group Inc, 410.93; Rochester Armored Car Company Inc, 493.47; Rose Inn LLC, 220.00; Rossknecht Ron, 427.98; Runnings Supply Inc, 836.12; Rushmore Communications, 703.68; Sanford Medical Occupational Medicine, 70.00; Saylor Janet, 52.00; Schaefer, Dean, 300.00; Scovel Psychological, 3,000.00; SD Association Of Extension 4-H Educators, 65.00; SD Association Of School Resource Officers, 150.00; SD Dept Of Health, 1,890.00; SD Dept Of Public Safety, 61.00; SD Dept Of Revenue, 9,090.66; SD Dept Of Transp-Finance, 182,511.11; SD Dept. Of Military, 1,805.00; SD Federal Property Agency, 385.00; SD Human Services Center, 10.00; SD One Call Board, 51.45; SD Overhead Doors, 816.77; SDEMA, 225.00; SDN Communications, 316.44; SDN Communications, 648.00; SDSU Extension, 21,220.77; Securus Technologies Inc, 22,677.56; Seifert, Mary Rae, 1,575.00; Servall Uniform/Linen Co, 2,433.70; Servpro Of Rapid City, 400.00; Sherwin Williams Paints, 236.21; Silver Star Septic LLC, 160.00; Simon Contractors Of South Dakota Inc, 3,017.80; Simpliverified LLC, 585.00; Simpson's Printing, 125.91; Skinner Law Office PC, 1,005.10; Smith Sean, 447.16; Smoot & Utzman, 624.75; Solemate Shoes And Uniform Center, 32.29; Sortland Sandra, 216.00; Southern Hills Publishing, 1,656.62; Stan Houston Equipment, 131.33; Stephens, Matthew T, 4,014.00; Stevens Paul, 171.18; Sturdevant's Auto Parts, 3,944.67; Sturdevant's Refinish, 96.68; Summit Food Service, 143,358.36; Summit Signs & Supply Inc, 91.05; Survival Armor Inc, 10.00; Swanson Erik T DDS PC, 747.50; Synch/Amazon, 348.98; Tessco Incorporated, 95.78; The Law Office Of Kyle Krause, Prof LLC, 6,278.60; The Little Print Shop Inc, 132.46; The Medicine Shoppe, 343.54; The Palms Apartments LLC, 934.00; The Repair Shop, 236.07; The Rushmore Hotel, 504.00; Thompson Matt, 242.00; Thomson Reuters-West, 7,158.89; Timeclock Plus, LLC, 936.60; Tindall Bartels & Associates LLC, 4,000.00; Titan Machinery, 62.00; TKRS Properties LLC, 3,048.06; Tout Advertising LLC, 106.40; Tow Pros, 600.00; Travelodge - Rapid City, 3,000.00; Trusted Property Management, 300.00; Turbiville Industrial Electric Works LLC, 1,777.10; Tyler Technologies, 5,049.45; Tzadik Rapid City LLC, 96.00; Uline, 281.23; Upper Deck Architects Inc, 2,961.61; US Bank Na, 1,629,459.02; US Geological Survey, 10,607.50; USPS-POC 8100669, 8,655.81; Vallette Tools Inc, 66.75; Vanway Trophy & Awards, 185.08; Vast Broadband, 771.43; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 324.42; Verizon Wireless, 127.00; Vermeer High Plains, 117.98; Visan Carmen, 307.32; Vlieger Tom, 80.22; Walker John K, 325.00; Wall Building Center & Construction, 26.97; Wall Community Library, 8,816.00; Warne Chemical & Equipment Co Inc, 195.00; Watertree Inc, 1,161.44; Webstaurantstore, 1,971.18; Weichmann, Cynthia M, 1,159.20; Weifenbach, Ronald L, 4,500.00; Wellmark, 92,009.54; Wells Fargo Financial Leasing Inc, 126.35; West River Anesthesiology Consultants PC, 164.97; West River Electric, 1,619.09; West River Electric, 73.50; West River Trailer Sales, 330.72; Western Mailers, 1,610.59; Western States Fire, 1,650.00; Western Stationers, 1,745.94; Wex Bank, 10,949.18; Wex Bank, 492.77; Wheatland Memorial Healthcare, 84.98; Wolf, Ione, 417.25; Wood Stock Supply, 375.52; Yankton Co Sheriff Office, 150.00; ZMC LLC, 10,474.62.

DISPUTE REGARDING APPLICATION OF SECTION 204-J (SEPTIC TANK INSTALLATION REQUIREMENTS): No action taken.

MOVED by Hadcock and seconded by Lasseter to take a ten-minutes recess. Vote: Unanimous.

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ITEMS FROM PLANNING & ZONING REQUEST AGENDA:

A. REQUEST TO REFUND BUILDING PERMIT PENALTY FEE: Tina Bechly. MOVED by Hadcock and seconded by Lasseter to approve the request from Tina Bechly for the \$259 Penalty Fee to be refunded and applied to the reapplication of a building permit. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

B. SUBDIVISION REGULATIONS VARIANCE / SV 22-04: Little Guys, LLC (Ben Brink); KTM Design Solutions - Agent. To waive the requirement to dedicate and improve the undeveloped Section Line Right-of-Way in a Planned Unit Development District in accordance with Sections 500, and 700 of the Pennington County Subdivision Regulations.

Also in Section 6, T2S, R6E of Main Lode MS 1715 of Section 5 and Less Lot H1, H2, and H3 of West State Lode MS 1533, all located in Section 5, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve SV 22-04. Vote: Unanimous.

C. VARIANCE / VA 22-07: Isaac Almanza; Renner Associates - Agent. To reduce the minimum required lot size from 5 acres to 2.079 acres in a Ranchette District in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

Commencing at the northeasterly corner of Lot 2, common to a point the section corner common to Sections 14, 15, 22, and 23 of T1S, R5E, BHM and the point of beginning. Thence, first course: S 52°53'24" W, along the along the southeasterly boundary of said Lot 2, a distance of 659.47 feet; Thence, second course: N 82°24'21" W, a distance of 237.69 feet; Thence, third course: N 20°35'01" W, a distance of 188.00 feet, to a point on the southeasterly edge of US Highway 385 right-of-way; Thence, fourth course: along the southeasterly edge of said US Highway 385 right-of-way, curving to the right, on a curve with a radius of 1016.35 feet, a delta angle of 13°45'10", a length of 243.95 feet, a chord bearing of N 85°11'26" E, and chord distance of 243.37 feet to a point on the section line common to said Sections 15 and 22; Thence, fifth course: S 89°44'27" E, along the along the section line common to said Sections 15 and 22, a distance of 338.36 feet; to the said point of beginning. All less Lot H3 of Lot 2 of HES #563. Said Parcel contains 2.079 acres more or less; Pennington County, South Dakota.

MOVED by Lasseter and seconded by Rossknecht to continue VA 22-07 indefinitely, at the applicant and surveyor's request. Vote: Unanimous.

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D. VARIANCE / VA 22-08: ZirKiss, Inc.-Breawna Ventura Nylen. To exceed the maximum height requirement of 35 feet to 50 feet to allow a temporary 50-foot tall tent on the subject property in a Highway Service District in accordance with Sections 212 and 509 of the Pennington County Zoning Ordinance.

S1/2SW1/4 Less RFD Subdivision, Less Lot A and Less ROW, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Lasseter to continue this item until the June 10, 2022, meeting. Vote: Unanimous.

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

E. MINOR PLAT / MPL 22-12: Little Guys, LLC/Benjamin Brink; KTM Design Solutions - Agent. To create Lots 1 and 2 of Powder House Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Also in Section 6 2S-6E, Maine Lode MS 1715; Less Lot H1, H2 and H3, West State Lode MS 1533; Less Lot H1 – Lot H6 and Less Beckman Sub #2, State Lode MS 1533, all of Section 5, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2, Powder House Subdivision, Sections 5 and 6, T2S, R6E, BHM, Pennington County, South Dakota.

Approve MPL 22-12 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).

F. MINOR PLAT / MPL 22-14: Allan Knutson; D.C. Scott Surveyors. To reconfigure lot lines to create Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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EXISTING LEGAL: Lot A of Lot 1; Lot B of Lot 1 and Lot C of Lot 1, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

Approve MPL 22-14 with six (6) 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).

G. MINOR PLAT / MPL 22-13: Martha Washington Place, LLC / Rodney Johnson. To subdivide and create Lot A of Lot 1 of Martha Washington Place Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 (also in Section 2), Martha Washington Place Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A of Lot 1, Martha Washington Place Subdivision, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

Approve MPL 22-13 with five (5) 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).

H. LAYOUT PLAN / LPL 22-15: Isaac Almanza; Renner Associates - Agent. To subdivide and create Lot 1 of JV Subdivision and Lot 2R of HES #563 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 Less Lots H2 and H3 (also in Section 14) of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of JV Subdivision and Lot 2R of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Continue LPL 22-15 indefinitely, per the request of the applicant and surveyor.

UNCONTESTED HEARING

I. PUBLIC HEARING OF REZONE / RZ 22-09: Isaac Almanza; Renner Associates - Agent. To rezone 7.137 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

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Lot 2 Less Lots H2 and H3 of HES #563, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by Rossknecht to continue RZ 22-09 indefinitely, per the request of the applicant and surveyor. Vote: Unanimous.

J. ROAD NAMING: Edward and Tonya Mandy. To name a proposed 66-foot-wide Public Right-of-Way providing access to property located in Section 6, T1S, R7E, BHM, Pennington County, South Dakota, to Viridian Way.

MOVED by Lasseter and seconded by Rossknecht to approve of the Road Naming of Viridian Way. Vote: Unanimous.

K. ROAD NAME CHANGE: Tyrel Eisenbraun. To rename a 66-foot-wide Public Right-of-Way providing access to property located in Sections 1, 2, 12, 13, 24, 25, 35, and 36 of T1N, R14E; Sections 11, 12, 13, 14, 23, 25, 26, 35, and 36 of T2N, R14E, and Section 1, T1S, R14E, BHM, Pennington County, South Dakota, from Jensen Road to Crooked Creek Road.

MOVED by Rossknecht and seconded by Lasseter to approve of the Road Name Change from Jensen Road to Crooked Creek Road. Vote: Unanimous.

L. PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-08: Black Hills Tiny Resort, LLC / Joleen Zoller. To allow a Recreational Resort to include a Recreational Vehicle Park, Vacation Home Rentals, and a caretaker/manager's residence on the subject property in accordance with Sections 205, 212, 306, 319, and 216 of the Pennington County Zoning Ordinance.

Lot 1, BHTR Subdivision, Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve PU 22-08 with twenty-three (23) 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).

NOTICE OF FACT OF ADOPTION

On May 17, 2022, the Pennington County Board of Commissioners approved a Planned Unit Development Overlay to allow a Recreational Resort: Planned Unit Development Overlay 22-08 – Black Hills Tiny Resort, LLC; Joleen Zoller.

CONTESTED HEARING(S)

M. PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-06: Katie Smirnova and Brett Walfish. To allow a Planned Unit Development Overlay to allow a single-

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family residence to be used as a summer/winter educational music camp, to allow off-season musical performance concerts each year, to allow shed/cabins to be used for classes and rehearsals, and a Bed and Breakfast on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot C2, Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to deny without prejudice Planned Unit Development Overlay / PU 22-06.

Substitute motion: MOVED by Lasseter and seconded by Rossknecht to continue this item until the June 10, 2022, meeting. Vote: Unanimous.

N. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-04: Pennington County. To amend Section 304 “Mobile Homes” [to amend and supersede the existing Section 304 “Mobile Homes”] of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve of Ordinance Amendment / OA 22-04. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On May 17, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 22-04 – To amend Section 304 Mobile Homes in the Pennington County Zoning Ordinance.

O. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-05: Pennington County. To amend Section 316 “Telecommunications Facility” [to amend and supersede the existing Section 316 “Telecommunications Facility”] of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve OA 22-05. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On May 17, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 22-05 – To amend Section 316 Telecommunications Facility in the Pennington County Zoning Ordinance.

P. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-06: Pennington County. To amend Section 511 “Fees” [to amend and supersede the existing Section 511 “Fees”] of the Pennington County Zoning Ordinance.

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MOVED by Rossknecht and seconded by Hadcock to approve OA 22-06. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On May 17, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 22-06 – To amend Section 511 Fees in the Pennington County Zoning Ordinance.

Q. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-07: Pennington County. To amend the Subdivision Regulations [to amend and supersede the existing Subdivision Regulations] of the Pennington County Subdivision Regulations.

MOVED by Hadcock and seconded by Lasseter to continue this item until the June 10, 2022, meeting. Vote: Unanimous.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Lasseter and seconded by Rossknecht 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) for contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from 2:37 p.m. until 2:50 p.m. MOVED by Hadcock and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

MOVED by Hadcock and seconded by Lasseter to approve the \$1,000 retention bonus for medical personnel Dr. Nathan Long, CNP Rachel Waddell, CNP Michelle Mehrer and Dr. Roger Belisle, effective June 26, 2022. Vote: Unanimous.

MOVED by Lasseter and seconded by Hadcock to authorize the Highway Superintendent to sign the Addendum “A” to the agreement for right-of-way acquisition for Parcel #22 and #24 in the amount of \$23,671.19. Vote: Unanimous.

PAYROLL

Commissioners, 9,954.51; Elections, 9,339.86; Auditor, 13,289.22; Treasurer, 39,132.82; State's Attorney, 144,543.27; Public Defender, 85,942.74; Buildings & Grounds, 75,512.70; Equalization, 39,047.27; Register of Deeds, 13,526.98; IT, 29,107.29; Human Resources, 7,879.21; Sheriff, 302,495.98; Jail, 356,127.99; JSC, 117,403.03; JSC Juvenile Alternative, 5,367.34; CCADP, 112,312.10; Economic Assistance, 34,819.22; Extension, 1,475.20; Natural Resources 15,083.57; Planning and Zoning, 19,118.25; Road & Bridge, 114,438.55; Fire Administration, 3,992.04; Dispatch, 107,739.48; Emergency Management, 5,531.99; 24-7 Program, 8,694.29; MacArthur Safety & Justice, 9,556.79.

PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.
Buildings & Grounds: Effective 05/16/2022: Joshua Hill, \$13.35.

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Dispatch: Effective 05/15/2022: Kuwaaupe Morris, \$17.10; Jaerek Thorn, \$17.10. Effective 05/29/2022: Alleah Weygaerts, \$23.74.

Jail: Effective 05/16/2022: Jeremiah McKnight, \$23.14; Weston Bettelyoun, \$23.14; David Stevenson, \$23.14; Brayden Gilbert, \$23.14. Effective 05/29/2022: Kayla Wickerd, \$14.34; Christine Hickox, \$29.53; Adam Johnson, \$23.74.

Natural Resources: Effective 05/16/2022: Jeff Dargatz, \$17.76; Nicolas Koehler, \$15.04; Jonathan DeRuyter, \$15.04.

Sheriff: Effective 05/29/2022: Samantha Nelson, \$15.44.

State's Attorney: Effective 05/31/2022: Bahar Sallae, \$20.65; Aliyah Jackson, \$18.66; Michael Smith, \$2,554.40; Elliott Newman, \$20.65; Kara Barnes, \$20.65.

Treasurer: Effective 05/30/2022: Jade Witt, \$18.66.

WSCJSC: Effective 05/16/2022: Chance Kerner, \$23.14. Effective 05/29/2022: Jacob Holt, \$23.74.

ADJOURN

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 2:51 p.m.

/s/ Cindy Mohler, Auditor

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