

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of July 5, 2022

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday July 5, 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 Hadcock and seconded by Rossknecht to approve the agenda. Vote: Unanimous.

CONSENT AGENDA ITEMS

MOVED by Rossknecht and seconded by Lasseter to approve the Consent Agenda with the removal of items 5 & 6. Vote: Unanimous.

5. Removed for separate consideration.
6. Removed for separate consideration.
7. Approve the renewal of the Retail (on-off sale) Malt Beverage & SD Farm Wine Licenses for Bearded Buffalo Trading Co. LLC and Black Hills Helicopters Inc. and to release license upon payment of appropriate property taxes.
8. Approve the Memorandum of Understanding between the Civil Air Patrol and Pennington County for the Colocation of Communication Equipment.
9. Declare one (1) 1996 International 2574 Truck, Serial Number 1HTGGADT2TH402857, Asset #02857 as surplus for the purpose of disposal.

End of Consent Agenda

5. MINUTES OF THE JUNE 10, 2022, REGULAR MEETING: MOVED by Hadcock and seconded by Rossknecht to approve the minutes of the June 10, 2022 regular meeting. Vote: Unanimous.
6. MINUTES OF THE JUNE 21, 2022, REGULAR MEETING: MOVED by Lasseter and seconded by Rossknecht to approve the amended minutes of the June 21, 2022, meeting amending Planning item O, condition #5. Vote: Unanimous.

ITEMS FROM AUDITOR

- A. REQUEST FOR SPECIAL ON-SALE MALT BEVERAGE RETAILERS LICENSE: MOVED by LaCroix and seconded by Lasseter to approve a special retail on-sale malt beverage retailers license for Rushmore German Club, 14920 E Hwy 44, Rapid City, SD for an event on July 16, 2022, from 9:00 a.m. to 7:00 p.m. Vote: Unanimous.
- B. NEW RETAIL (ON-OFF) SALE WINE & CIDER LICENSE: MOVED by Hadcock and seconded by Lasseter to approve the new retail (on-off sale) wine and cider license for Mackenzie Turner under the Marina at Sheridan Lake LLC. Vote: Unanimous.
- C. TRANSFER OF RETAIL (ON-SALE) LIQUOR LICENSE WITH SUNDAY SALES: MOVED by Rossknecht and seconded by LaCroix to approve the transfer of the retail (on-sale) liquor license with Sunday sales from MoonShine Gulch under Betty Harn to Saint Patrick under Saint Patrick LLC. Vote: Unanimous.
- D. FY2023 PROVISIONAL BUDGET: No action taken.

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ITEMS FROM SHERIFF

A. **REQUEST TO ADD CHARGE NURSE POSITION TO MEDICAL WAGE SCALE:** MOVED by LaCroix and seconded by Hadcock to approve the addition of the Charge Nurse position on the medical wage scale as approved by the Board at the January 4th meeting to be effective July 24, 2022. Vote: Unanimous.

ITEMS FROM BUILDINGS & GROUNDS

A. **CRISIS STABILIZATION FACILITY:** MOVED by LaCroix and seconded by Hadcock to authorize Mike Kuhl, Director of Buildings & Grounds, to execute purchase orders/agreements as necessary to procure furniture for the Crisis Stabilization Facility per Dakota Business Center revisions in the amount of \$165,000 utilizing Crisis Stabilization General FF&E Budget Funds. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATOR

A. **QUINN VOLUNTEER FIRE DEPARTMENT DONATION AGREEMENT:** MOVED by Hadcock and seconded by Lasseter to approve the Agreement between Pennington County and the Quinn Volunteer Fire Department for the donation of \$500,000 to construct a Fire Station and further move to authorize the Auditor's Office to issue payment. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

A. **NEW POSITION TITLE REQUEST:** MOVED by LaCroix and seconded by Drewes to approve the addition of the Legal Secretary 1 position in the Public Defender's Office at DBM B22, \$18.66/hr. effective July 5, 2022, and to update the position listing on file. Vote: Unanimous.

LIEN RELEASE REQUEST (JM): MOVED by Hadcock and seconded by Lasseter to deny the lien release request for JM (name withheld per SDCL 28-13-42) in the amount of \$2,741.70. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded by Drewes 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 \$434,192.37. Vote: Unanimous.

AT&T Mobility, 5,987.70; BH Electric Cooperative Inc, 92.36; BH Energy, 723.43; BH Energy, 39.41; BH Energy, 152.00; BH Energy, 443.26; Bluepeak, 1,542.38; Bluepeak, 297.64; Century Link, 190.02; City Of Rapid City -Water, 7,252.09; Clock Tower Gardens Apartments, 417.00; Denker Rentals, 7,077.82; Executive Mgmt Fin Office, 36.25; First Interstate Bank, 3,844.73; First Interstate Bank, 3,514.61; First Interstate Bank, 1,004.06; First Interstate Bank, 319.87; First Interstate Bank, 116.91; Global Tel'link, 13.86; Midcontinent Communications, 3,128.80; Midcontinent Communications, 1,950.10; Montana Dakota Utilities, 931.83; Montana Dakota Utilities, 2,496.16; Pennington County Housing & Redevelopment, 450.00; Pioneer Bank & Trust, 7,581.71; Pioneer Bank & Trust, 1,578.40; Pioneer Bank & Trust, 5,298.33; Prairie Acres North LLC, 2,170.00; Southern Cross LLC, 3,333.00; Stevenson Jamar Anton, 600.00; The Palms

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Apartments LLC, 6,130.00; Trusted Property Management, 3,370.00; Verizon Wireless, 154.73; Verizon Wireless, 1,311.48; Wellmark, 359,285.58; West River Electric, 1,356.85.

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 10:06 a.m. until 10:47 a.m. MOVED by Hadcock and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 22-16: Judy and John Kinsella. To reduce the front yard setback from 25 feet to 5 feet in a Suburban Residential District in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 11, Graycliff Subdivision, Section 5, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve VA 22-16 with one (1) condition as there is a special condition on the property, which is the topography of the property combined with the floodway restricts the buildable area which creates 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 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 Lasseter and seconded by Rossknecht to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

B. ROAD NAMING: Diane Byram. To name a 40-foot-wide access easement providing access to property located in Sections 4 and 5, T1S, R8E, BHM, Pennington County, South Dakota, to Darnell Road.

Approve the Road Name of Darnell Road.

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C. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 08-10: JKRK Properties / Ryan Kaski. To review the Sunset Ranch Planned Unit Development in accordance with Section 216 of the Pennington County Zoning Ordinance.

Block 1, Lots 1-17; Block 2, Lots 1-19; Block 3, Lots 1-16; Lots 1-10 of Block 7, Lots 1-16 of Block 8, and Lots 9-24 of Block 9 of Sunset Ranch Subdivision; W½ less Sunset Ranch, Less Tipton Properties Subdivision, and Less ROW; Sections 32, 33, 4 and 5, T1N and T2N, R10E, BHM, Pennington County, South Dakota

Approve the extension of PU 08-10 with twenty-two (22) 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).

UNCONTESTED HEARING(S)

D. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-14: Dale Kjerstad; Davis Engineering - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Tract A Less Lot H-2 (Aka MS #433), Reder Placer MS 07905, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve CA 22-14. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 5, 2022, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 22-14 (Dale Kjerstad) to change the Future Land Use from Ranchette District to Rural Residential District.

E. PUBLIC HEARING OF REZONE / RZ 22-20: Dale Kjerstad; Davis Engineering - Agent. To rezone 7.19 acres from Agriculture District to Rural Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Tract A Less Lot H-2 (Aka MS #433), Reder Placer MS 07905, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve RZ 22-20. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

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On July 5, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-20 (Dale Kjerstad) to rezone from Agriculture District to Rural Residential District.

F. PRELIMINARY PLAN / PPL 22-33: No Bad Days Campground, LLC; Rob Livingston. To subdivide and create Lots 1, 2, 3, and 4 and Utility Lot of No Bad Days Subdivision in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28 located in Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, 3, and 4 and Utility Lot of No Bad Days Subdivision, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to continue PPL 22-33 to the July 19, 2022, meeting. Vote: Unanimous.

G. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-15: No Bad Days Campground, LLC; Rob Livingston. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to Rural Residential District in accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

A tract of land being a portion of Tract Lake of the SW1/4SW1/4 of Sec. 27 and SE1/4 of Sec. 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: beginning at the W1/16 corner of Sections 27 and 34, said corner being a U.S.F.S. cap and being the true point of beginning of the herein described Tract, Thence N00°04'02"E a distance of 366.36' to a set pin and cap stamped "LS11918; thence N00°04'02"E a distance of 336.36' to a set pin and cap stamped "LS11918", said pin and cap being in the southerly right-of-way of Highway 44, and from which bears a SDDOT cap S00°04'02"W a distance of 28.41'; thence following said southerly right-of-way N85°01'22"W a distance of 299.74' to a set pin and cap stamped "LS11918; thence S84°11'25"W a distance of 154.88' to a found rebar; thence S83°43'37"W a distance of 101.45' to a set pin and cap stamped "LS11918; thence S76°03'37"W a distance of 101.45' to a found rebar; thence S66°36'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S63°36'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S54°54'13"W a distance of 99.20' to a set pin and cap stamped "LS11918; thence S50°24'26"W a distance of 82.78' to a set pin and cap stamped "LS11918; thence departing said southerly right-of-way S51°32'50"E a distance of 62.23' to a set pin and cap stamped "LS11918; thence S81°34'55"E a distance of 142.01' to a set pin and cap stamped "LS11918; thence S00°30'19"E a distance of 100.84' to a set pin and cap stamped "LS11918; thence N85°22'53"E a distance of 57.21' to a set pin and cap stamped "LS11918; thence N65°24'15"E a distance of 114.81' to a set pin and cap stamped "LS11918; thence S89°33'20"E a distance of 146.23' to a set pin and cap stamped

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"LS11918; thence S00°09'27"E a distance of 197.57' to a set pin and cap stamped
"LS11918; thence S00°00'00"E a distance of 192.37' to a set pin and cap stamped
"LS11918; thence S00°00'00"W a distance of 176.75' to a set pin and cap stamped
"LS11918; thence S89°50'54"E a distance of 285.37' to the point of beginning; the herein
described tract having an area of 9.83 acres more or less; Section 27, T2N, R5E, BHM,
Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to continue CA 22-15 to the July 19, 2022, Board
of Commissioner's meeting. Vote: Unanimous.

H. PUBLIC HEARING OF REZONE / RZ 22-21: No Bad Days Campground, LLC; Rob
Livingston. To rezone 9.83 acres from Highway Service District to Rural Residential District in
accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of
land being a portion of Tract Lake of the SW1/4SW1/4 of Sec. 27 and SE1/4 of Sec. 28,
T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly
described as follows: beginning at the W1/16 corner of Sections 27 and 34, said corner
being a U.S.F.S. cap and being the true point of beginning of the herein described Tract,
Thence N00°04'02"E a distance of 366.36' to a set pin and cap stamped "LS11918; thence
N00°04'02"E a distance of 336.36' to a set pin and cap stamped "LS11918", said pin and
cap being in the southerly right-of-way of Highway 44, and from which bears a SDDOT
cap S00°04'02"W a distance of 28.41'; thence following said southerly right-of-way
N85°01'22"W a distance of 299.74' to a set pin and cap stamped "LS11918; thence
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stamped "LS11918; thence N65°24'15"E a distance of 114.81' to a set pin and cap stamped
"LS11918; thence S89°33'20"E a distance of 146.23' to a set pin and cap stamped
"LS11918; thence S00°09'27"E a distance of 197.57' to a set pin and cap stamped
"LS11918; thence S00°00'00"E a distance of 192.37' to a set pin and cap stamped
"LS11918; thence S00°00'00"W a distance of 176.75' to a set pin and cap stamped
"LS11918; thence S89°50'54"E a distance of 285.37' to the point of beginning; the herein
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Pennington County, South Dakota.

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MOVED by LaCroix and seconded by Hadcock to continue RZ 22-21 to the July 19, 2022, meeting. Vote: Unanimous.

CONTESTED HEARINGS(S)

I. VACATION OF UTILITY AND MAJOR DRAINAGE EASEMENTS / VE 22-01: JKRK Properties, LLC; Ryan Kaski. To vacate 20-foot Utility and Major Drainage Easements in accordance with the Pennington County Zoning Ordinance.

Lots 10, 11, and Lots 14, 15, and 16, Block 9, Sunset Ranch Subdivision, Section 5, T1N, R10E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve VE 22-01 with one (1) condition. 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).

J. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-01: To add Section 321 “Hard Rock Mining” [to add Section 321 “Hard Rock Mining”] to the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by Hadcock to continue this item until the July 19, 2022, meeting. Vote: Unanimous.

PAYROLL

Commissioners, 9,954.51; Elections, 17,918.62; Auditor, 8,610.15; Treasurer, 36,152.05; State's Attorney 190,880.27; Public Defender, 89,678.80; Buildings & Grounds, 65,322.63; Equalization, 40,774.10; Register of Deeds, 12,170.41; IT, 29,514.37; Human Resources, 7,879.20; Sheriff, 291,464.66; Jail, 387,623.41; JSC, 177,956.16; JSC Juvenile Alternative, 2,754.51; CCADP, 111,105.08; Economic Assistance, 36,476.76; Extension, 1,475.20; Natural Resources, 13,015.61; Planning & Zoning, 18,443.97; Road & Bridge, 137,579.85; Fire Administration, 3,992.01; Dispatch, 110,402.12; Emergency Management, 5,531.99; 24-7 Program, 9,320.06; MacArthur Safety & Justice, 9,686.52.

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 June 23, 2022: Total balances of checking/savings accounts 44,681,804.17; Total balance of Treasurer’s Office safe cash, 18,000.00; Wells Fargo Securities Investments, 4,936,417.39; Total Prime Value Investment, 32,856,048.74; Total petty cash, 17,090.00; Total NSF Paid, 1,381.20; Total long/short, (446.24); Total, 82,510,295.26. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.
24/7: Effective 06/27/2022: Sonya Gayton Evans, \$16.67. Effective 07/10/2022: Samantha Nelson, \$16.67.

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Buildings & Grounds: Effective 07/10/2022: Jason Raye, \$18.40.

Care Campus: Effective 07/11/2022: Abbygail Bartlett, \$16.67.

Commission Office: Effective 07/11/2022: Geralyn Sistek, \$16.21.

Equalization: Effective 07/11/2022: Sean Holloway, \$20.65. Effective 08/08/2022: Lisa Nelson, \$20.65.

Highway: Effective 07/10/2022: David Burnette, \$20.65; Chris Hermansen, \$21.18; Dennis Jensen, \$21.18; Dalen Keeney, \$20.65; Clinton Lester, \$21.72; Effective 07/11/2022: Bradley Doerr, \$14.02.

IT: Effective 07/10/2022: Caden Lambert, \$28.85.

Jail: Effective 07/10/2022: Donald Osborne, \$18.66; Zachary Schmidt, \$27.09. Effective 07/11/2022: Diego Manzo, \$23.14

Natural Resources: Effective 06/27/2022: Trevor Norenberg, \$26.13.

State's Attorney: Effective 06/28/2022: Lara Roetzel, \$5,001.60.

Treasurer: Effective 06/27/2022: Jenine Rucker, \$14.68.

WSDJSC: Effective 06/27/2022: Irene Medina, \$24.35.

ADJOURN

MOVED by Drewes and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:50 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: July 20, 2022