

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 3, 2023

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, October 3, 2023, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Lloyd LaCroix called the meeting to order with the following Commissioners present: Gary Drewes, Deb Hadcock, Travis Lasseter and Ron Rossknecht.

**REVIEW AND APPROVE AGENDA**

MOVED by Drewes and seconded by Hadcock to approve the agenda as presented. Vote: Unanimous.

**CONSENT AGENDA ITEMS**

MOVED by Drewes and seconded by Lasseter to approve the Consent Agenda as presented. Vote: Unanimous.

5. Minutes of the regular meeting – September 19, 2023.
6. Approve the Executive Proclamation for Firefighter Appreciation Day.
7. To declare as surplus one (1) 2007 Chevy G25 Express Van, VIN# 1GCGG25U771100800; Asset# 00800 for the purpose of trade.
8. Declare one (1) 2005 Lazer Z Mower, Xmark 60, S/N 528180, Asset# 005573 for the purpose of trade.
9. Removed for separate consideration.

End of Consent Agenda Items

9. MOVED by Drewes and seconded by Hadcock to accept the recommendation of the Compensation Committee to eliminate the DBM A11 positions. Vote: Unanimous.

**ITEMS FROM AUDITOR**

A. TRANSFER OF A RETAIL (ON-SALE) LIQUOR LICENSE WITH SUNDAY SALES FROM RIMROCK EVENT CENTER UNDER SAINT PATRICK, LLC. TO MEXICO TIPICO LLC.: MOVED by Rossknecht and seconded by Drewes to approve the transfer of the Retail (on-sale) Liquor License with Sunday Sales from Rimrock Event Center under Saint Patrick, LLC to Mexico Tipico LLC under Mexico Tipico LLC. Vote: Unanimous.

B. SPECIAL RETAIL ON-SALE MALT BEVERAGE & WINE LICENSE – THE BOX ELDER EVENTS CENTER: MOVED by Lasseter and seconded by Drewes to approve a Special Retail On-Sale Malt Beverage and Wine Retailers License for The Box Elder Events Center, 621 Watiki Way Box Elder, SD, 57719, 2:00 p.m. to 10:00 p.m. on October 14, 2023 as long as they meet Mount Rushmore requirements. Vote: Unanimous.

**ITEMS FROM SHERIFF**

A. 2% WAGE INCREASE PREVIOUSLY APPROVED – CORRECTIVE MOTIONS FOR DETOX TECH POSITIONS: MOVED by Hadcock and seconded by Rossknecht to place Detox Tech I and Detox Tech II to the approved DBM at the step where they receive at least a \$2.10 increase effective September 17, 2023. Vote: Unanimous.

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MOVED by Hadcock and seconded by Rossknecht to reclass Care Campus EMTs to Detox Tech I and place them on the scale where they receive at least a \$2.10 increase effective September 17, 2023. Vote: Unanimous.

B. PURCHASE REQUEST – PRISONER TRANSPORT BUS: MOVED by Hadcock and seconded by Rossknecht to authorize the Sheriff’s Office to order one (1) D4020 ISTV coach from MCI at a set price of \$743,860 to be delivered 480 days after receipt of order. Vote: Unanimous.

**9:15 A.M. PUBLIC HEARING – FIVE YEAR COUNTY TRANSPORTATION PLAN 2024-2028**: MOVED by Drewes and seconded by Rossknecht to adopt the Pennington County Five Year Transportation Plan 2024-2028 and authorize the Chair's signature on the certification form. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

A. LETTING AUTHORIZATIONS, RIGHT-OF-WAY CERTIFICATES AND UTILITIES CERTIFICATES – BRIDGE RECONSTRUCTION FOR HUETHER ROAD AND PAULSEN ROAD: MOVED by Drewes and seconded by Rossknecht to approve the Letting Authorizations, Right-of-Way Certificates and Utilities Certificates for Projects BRO 8052(72) PCN 085R, BRO 8052(73) PCN 085T and BRO 8052(74) PCN 085U for bridge replacements on Huether Road and Paulsen Road. Vote: Unanimous.

B. FIRST READING AND PUBLIC HEARING OF ORDINANCE 14 AMENDMENT – CRITERIA FOR CONSTRUCTING AND ACCEPTING ROADS AND APPROACHES ONTO THE COUNTY HIGHWAY SYSTEM AND THE COUNTY SECONDARY HIGHWAYS, HEREINAFTER REFERRED TO AS “COUNTY ROADS”: MOVED by Lassetter and seconded by Hadcock to approve the first reading and public hearing of Ordinance 14 Amendment. Vote: Unanimous.

**ITEMS FROM BUILDINGS & GROUNDS**

A. ACTION – TSP DESIGN SERVICE CONTRACT FOR CONCOURSE DRIVE ADMINISTRATIVE OFFICES: MOVED by Drewes and seconded by Rossknecht to authorize Kevin Burton, Construction Manager, to have design and administrative decision-making authority for the 900 Concourse Interior Remodel Project, including signing application documents and necessary agreements and expenditures of up to \$48,750 (10% of fixed fee) as Pennington County’s Representative. Vote: Unanimous.

B. BUILDING PROJECTS STATUS UPDATE: Informational only.

C. 14 ST. JOSEPH PURCHASE AGREEMENT AMENDMENT: MOVED by Rossknecht and seconded by Drewes to authorize the Chair’s signature on the First Amendment to Purchase and Sale Agreement for the property located at 14 St. Joseph Street, Rapid City, SD. Vote: The motion carried 4-1 with Hadcock voting no.

**ITEMS FROM COMPENSATION COMMITTEE**

A. RECOMMENDATION – DEPENDENT CARE FSA: Informational only.

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B. RECOMMENDATION – POLICY 4.2 HOLIDAYS: Informational only.

C. RECOMMENDATION – POLICY 4.7 WORKERS’ COMPENSATION INSURANCE: Informational only.

**ITEMS FROM PUBLIC**: Heather Baxter – Election process questions for the Auditor’s Office.

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

**ITEMS FROM PLANNING & ZONING**

**PLANNING & ZONING CONSENT AGENDA ITEMS**

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

A. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 19-01: BRINK CONSTRUCTORS, INC.: BCI Properties, LLC; Zane Brink – Agent. To review an apprenticeship training facility for linemen of Brink Construction in a Planned Unit Development Overlay with eighteen (18) conditions (Full conditions are available on the web at <https://www.pennco.org/boc/agendas> and in person at the Planning & Zoning Office).

B. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-06: Rockerville Gold Town, LLC, Pat Hall. To continue the review of Major Planned Unit Development Amendment / PU 19-06 to the October 17, 2023 meeting.

**UNCONTESTED HEARING(S)**

C. PUBLIC HEARING OF REZONE / RZ 23-12: Richard and Christine Vanness. To rezone 5 acres from Agriculture District to Ranchette District. MOVED by Rossknecht and seconded by Lasseter to approve Rezone / RZ 23-12. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On October 3, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-12 (Richard and Christine Vanness) to rezone from Agriculture District to Ranchette District.

**CONTESTED HEARING(S)**

D. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 23-02: Kyle and Shonna McBride. To vacate approximately 1,170 feet of Section Line Right-of-Way. MOVED by Hadcock and seconded by Lasseter to deny Vacation of Section Line Right-of-Way / VS 23-02 without prejudice. Vote: The motion carried 4-1 with Rossknecht voting no.

E. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 23-03: LB Holdings, LLC; Brent Backhaus. To vacate approximately 700 feet of Section Line Right-of-Way. MOVED by Hadcock

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and seconded by Rossknecht to approve Vacation of Section Line Right-of-Way / VS 23-03. Vote: Unanimous.

F. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Zoning Ordinance. MOVED by Rossknecht and seconded by Drewes to approve Ordinance Amendment / OA 23-01 for discussion.

MOVED by LaCroix and seconded by Drewes to amend Page 2, Item 3.b.ii. to remove, “The main home cannot be used as a VHR.” In addition, to only state, “Only one rental is allowed per lot.” Vote: The motion carried 4-1 with Hadcock voting no.

MOVED by Lasseter and seconded by Hadcock to amend Page 2, Item 3.d. to remove recreational vehicles. Hadcock left the meeting at 12:50 p.m. and was not present during the vote. Vote: The motion failed with Drewes, LaCroix, and Rossknecht voting no.

MOVED by Lasseter and seconded by LaCroix to amend Page 3, Item 6 to remove density cap. Vote: The motion tied 2-2 with LaCroix and Lasseter voting yes, Drewes and Rossknecht voting no. Hadcock was not present during the vote. This item will roll over to the next meeting.

Hadcock returned to the meeting at 12:58 p.m.

MOVED by Lasseter and seconded by LaCroix to amend Page 4, Item 6 to remove liability insurance. Vote: The motion carried 3-2 with Drewes and Rossknecht voting no.

MOVED by LaCroix and seconded by Drewes to amend Page 8, Item K.1. and Item K.2. to include language indicating the \$500 review fee is only applicable upon a substantiated complaint. Vote: The motion carried 4-1 with Hadcock voting no.

MOVED by LaCroix and seconded by Drewes to amend Page 8, Item K.4.c. to include the word “license” for clarification. Vote: The motion carried 4-1 with Hadcock voting no.

MOVED by Drewes and seconded by Hadcock to amend Page 4, Item 5.a.i. and Item 5.a.ii. to include language prohibiting wood burning fire pits and charcoal grills during the Black Hills National Forest banned times. In addition, add language for Page 4, Item 5.a.iii. referencing the ban in the Black Hills National Fire Protection District. Vote: Unanimous.

Substitute motion: MOVED by Hadcock and seconded by Lasseter to reject Ordinance Amendment / OA 23-01 as presented and to send it back to staff to address the amendments and to present the changes at the October 17, 2023 meeting. Vote: The motion carried 3-2 on a roll call: Drewes – no; Hadcock – yes; Lasseter – yes; Rossknecht – yes; LaCroix – no.

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**APPROVAL OF VOUCHERS:** MOVED by Lasseter 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 \$331,914.84. Vote: Unanimous.

A & A Professional Property Management, 360.00; AT&T Mobility, 4,549.47; BH Electric Cooperative Inc, 148.03; BH Energy, 175.04; BH Energy, 244.04; Bluepeak, 1,521.65; Bluepeak, 343.63; Century Link, 152.22; Cherry Ave LLC, 450.00; City Of Rapid City -Water, 27,682.34; City Of Rapid City -Water, 7,945.70; Executive Mgmt Fin Office, 46.50; Gilmore Kevin, 510.00; Global Tel'link, 14.12; Golden West Companies, 59.95; Maplewood Townhouses, 167.00; Medical Waste Transport Inc, 1,237.20; Midcontinent Communications, 1,240.35; Midcontinent Communications, 3,303.47; Montana Dakota Utilities, 3,829.44; Montana Dakota Utilities, 436.80; Pioneer Bank & Trust, 7,622.21; Pioneer Bank & Trust, 4,244.50; Pioneer Bank & Trust, 3,963.08; Rapid Valley Sanitary District, 80.73; The Amaris Group Properties, 450.00; The Palms Apartments, LLC, 350.00; Verizon Connect Inc, 34.90; Verizon Wireless, 1,553.88; Verizon Wireless, 908.65; Wellmark, 258,289.94.

**EXECUTIVE SESSION – SDCL 1-25-2**

MOVED by Lasseter and seconded by LaCroix 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 1:59 p.m. until 3:05 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 rescind the July 3, 2007 Resolution directing the Pennington County Treasurer to commence selling tax certificates currently held by the County and all other certificates eligible to be sold on real property within the County, and for the Treasurer to immediately cease all such sales and have the County remain the holder of all certificates until such time that curative action is taken by S.D. Legislature to address the recent U.S. Supreme Court decision in Tyler v. Hennepin County, Minnesota, 143 S.Ct. 1369 (2023). This motion shall take effect on October 3, 2023. Vote: Unanimous.

MOVED by Hadcock and seconded by Lasseter to extend an offer for the Buildings & Grounds Director position to Davis Purcell, at DBM 61, Step 11, \$96,034 annually. Vote: Unanimous.

**PAYROLL**

Commissioners, 12,152.00; Elections, 8,166.00; Auditor, 14,858.72; Treasurer, 42,953.76; State's Attorney, 161,801.99; Public Defender, 89,959.88; Buildings & Grounds, 63,690.31; Equalization, 46,358.66; Register of Deeds, 15,663.02; IT, 30,976.82; Human Resources, 11,821.60; Sheriff, 304,839.06; Jail, 368,507.23; JSC, 134,535.94; JSC Juvenile Alternative, 3,158.39; CCADP, 119,939.75; Innovation Reentry Grant, 2,200.80; Economic Assistance, 39,598.14; Pivot Point, 3,551.87; Extension, 1,585.61; Natural Resources, 11,583.20; Planning & Zoning, 23,505.02; Road & Bridge, 122,847.48; Fire Administration, 5,734.40; Dispatch,

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108,907.81; Emergency Management, 6,107.22; 24-7 Program, 9,005.91; MacArthur Safety & Justice, 3,255.64.

**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 26, 2023: Total balances of checking/savings account, 15,566,940.08; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 16,787,049.20; Total Prime Value Investment, 34,025,643.09; Total petty cash, 17,690.00; NSF Checks, 00.00; Total long/short, 4,173.67; Total, 66,418,496.04. Submitted by Lori Wessel, Deputy Auditor.

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

Buildings & Grounds: Effective 09/18/2023: Kandy Floyd, \$15.13.

Care Campus: Effective 09/17/2023: Kyle Aubert, \$19.65; Bob Bell, \$23.09; John Brown, \$22.25; Hazel Campbell, \$19.65; Devin Cherry, \$21.70; Dale Cote, \$22.57; Teresa Geibel, \$20.91; Taliyah Green, \$19.65; Elizabeth Hansen, \$23.97; Jacob Holen, \$19.65; Jenna Kautzman, \$22.25; Nicholas Kochutin, \$21.97; Kendra Langdeau, \$22.25; Robert Laymon, \$19.65; Jayden Martin, \$19.65; Timothy Montgomery, \$20.40; Amy Peterson, \$24.93; Lynn Renville, \$26.47; Margaret Rhodes, \$19.65; Carl Sharkey, \$26.20; Bryson Schwartz, \$21.70; Isaiah Shortbull, \$19.65; Donovan Sorenson, \$20.40; Emily Staples, \$19.65; Jesse Stoddard, \$19.65; Princess Thomas, \$19.65; Hailey Thompson, \$19.65; Brendan Waln, \$20.91; Charisa Wilhelm, \$28.23; Nicole Williams, \$25.87.

Dispatch: Effective 10/01/2023: Emielia Larsen, \$21.43.

State's Attorney: Effective 10/16/2023: Tyler Sobczak, \$2,792.00.

Treasurer: Effective 10/01/2023: Delilah Leui, \$15.27; Debra Schubauer, \$15.27. Effective 10/15/2023: Kelly Fetter, \$15.65.

**ADJOURN**

MOVED by Lasseter and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 3:07 p.m.

/s/ Cindy Mohler, Auditor

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