

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, May 16, 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 Rossknecht and seconded by Drewes to approve the agenda as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

MOVED by Rossknecht and seconded by Drewes to approve the Consent Agenda with the removal of item 10. Vote: Unanimous.

5. Minutes of the May 2, 2023, regular meeting.
6. Minutes of the April 2023, Board of Equalization Hearings.
7. Acknowledge the resolution for a minor adjustment to the road district boundaries of the Goodart Road District.
8. Approve the resolution of the Green Valley Sanitary District for annexation.
9. Approve the first half of 2023 budgeted operating transfers from the General Fund: E911 Fund \$432,311; Emergency Management Fund \$82,071; Fire Administration Fund \$37,950.
10. Removed for separate consideration.
11. Approve the Adopt-A-Highway Application for a portion of Bombing Range Road by Jesse Brown Nelson Photography.
12. Approve the permit to Occupy Right-Of-Way – Pine Island Gravel Odyssey Bicycle Race.
13. Recognize and thank the volunteers for the month of April 2023.
14. Approve the South Dakota Department of Agriculture and Natural Resources Joint Powers Agreement for Senate Bill 21 cost share program.
15. Declare one DROBO Server, Model B1200I, Asset #006101 as surplus for the purpose of disposal.

End of Consent Agenda Items

10. **ASSIGN 2023 BUDGETED LONG-TERM RESERVE ACCUMULATIONS:** MOVED by Drewes and seconded by Lasseter to assign 2023 budgeted long-term reserve accumulations in the General Fund: IT Equipment \$80,000; Inmate transportation bus \$125,000; Auditor software \$40,000; Treasurer software \$40,000; Human Resources compensation review \$15,000; Fire long-term reserve \$100,000. Vote: Unanimous.

REQUEST FOR FUNDING – HILL CITY AMBULANCE DISTRICT – RESOLUTION 2023-C2 CONTINGENCY TRANSFER: MOVED by Lasseter and seconded by Hadcock to continue this item until the July 18,2023, meeting. Vote: Unanimous.

ITEMS FROM AUDITOR

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

A. RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSES RENEWALS: MOVED by Hadcock and seconded by Drewes to approve the renewal of the Retail (on-off sale) Malt Beverage & SD Farm Wine Licenses for the following businesses owned by MG Oil Company: Corner Pantry #21B (License No. RB-25294), Corner Pantry #21 (License No. RB-24086), Corner Pantry – Moon Meadows, Valley Square Casino and Valley Square Sports Pub and further move to release the licenses upon payment of appropriate property taxes. Vote: The motion carried 4-0 with LaCroix abstaining.

B. RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSES RENEWALS: MOVED by Lasseter and seconded by Drewes to approve the renewals of the Retail (on-off sale) Malt Beverage & SD Farm Wine Licenses and to release the licenses upon payment of appropriate property taxes for the following businesses: BJ's Country Store Hwy 16, Dvorak Conveniences Stores, Inc.; Black Hills Helicopters Inc, Black Hills Helicopters Inc; Black Hills Speedway, Cross Country Real Estate LLC; Country Corner, Robin Robertson; 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; Johnson Siding General Store, JSGS LLC; Jolly Lane Greenhouse Inc, Jolly Lane Greenhouse Inc; Larsson's Crooked Creek Resort, Larsson's Recreational Properties; Mexico Tipico, Mexico Tipico LLC; Mt. Meadows Store & Campground LLC; A Bar H Store & Campground; Mt. Rushmore Concession, Xanterra Parks and Resorts Inc; Mt Rushmore KOA, Recreational Adventures Co; Pactola Pines Marina, Pactola Pines Marina Inc; Putz N Glo, Carr Industries LLC; Rafter J Bar Ranch Campground, Hicow Co; Reptile Gardens, Black Hills Reptile Gardens Inc; Rochford Mall, The Rochford Mall Inc; Rockerville Lodge & Cabins LLC, Rockerville Lodge & Cabins LLC; Rushmore Cave LLC, Rushmore Cave LLC; Rushmore Candy Company, Rushmore Candy Company LLC; Sick N Twisted Brewing Co, Winery Hill City LLC; The Gaslight, Rockerville Opps LLC; The Marina at Sheridan Lake, The Marina at Sheridan Lake LLC; Under Canvas Inc, Under Canvas Inc; Whispering Pines Campground, Red Sky Enterprise LLC. Vote: Unanimous.

C. TRANSFER OF TAX DEED PROPERTY: MOVED by Hadcock and seconded by Lasseter to approve the resolution declaring tax deed parcel 66122 as surplus for the purpose of conveying and transferring said real property to the City of Rapid City. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. JOINT POWERS FINANCIAL AND MAINTENANCE AGREEMENT: MOVED by Rosknecht and seconded by Drewes to approve the Joint Powers Financial and Maintenance Agreement with the SD Department of Transportation for Project PH 00SW(47) PCN 05GE. Vote: Unanimous.

ITEMS FROM BUILDING COMMITTEE

A. RECOMMENDATION – COURTHOUSE STEAM TUNNEL FOR ASBESTOS ABATEMENT: No action taken.

ITEMS FROM COMPENSATION COMMITTEE

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

A. ACTION – POLICY 2.15 FACILITY CLOSURES (LEAVE BENEFIT): MOVED by Hadcock and seconded by Lasseter to approve the revision to Policy 2.15 Facilities Closures to eliminate the sentence “Facility Closure Leave will not count towards overtime.” Vote: Unanimous.

B. RECOMMENDATION – WORKERS’ COMPENSATION EXCEPTION: No action taken.

LEGISLATIVE UPDATE

A. 2023 COMMITTEE ON COUNTY FUNDING AND SERVICES – RANKING OF PRIORITIES: MOVED by LaCroix and seconded by Hadcock to rank the following items in order of priority: 1) Court Costs 2) Criminal Defense Costs 3) Elections 4) Veteran Service Officers 5) Mental Health Holds 6) Cybersecurity Costs 7) Medical Assistance for Indigent Persons 8) Juror Fees. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

A. EXTENSION BOARD BYLAWS: MOVED by Lasseter and seconded by Hadcock to adopt the revised bylaws for the Extension Board as presented. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by Rossknecht and seconded by Lasseter to approve the voucher for the Rose Inn in the amount of \$204.00. Vote: The motion carried 4-0 with Hadcock abstaining. MOVED by Drewes 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 \$4,395,967.57. Vote: Unanimous.

605 Therapy LLC, 3,550.00; A & B Business Inc, 4,071.67; A & B Welding Supply Co, 465.36; A To Z Shredding, 653.26; Abernathie Trevor, 120.00; Act Holdings LLC, 950.00; Active Data Systems Inc, 11,825.54; Adams-Isc, 1,915.59; Adaptamed, LLC, 1,766.00; Advanced Auto Glass LLC, 760.00; Advanced Drug Testing Inc, 300.00; Affordable Accommodations, 1,400.00; Albertson Engineering Inc, 26,874.00; Alcohol Monitoring Systems Inc, 905.00; All American Roofing & Sales Inc, 190.81; Amazon.Com Services, 41.98; Anker Law Group PC, 2,353.45; Apco International Inc, 940.00; Art House, 321.26; Assn Of SD County Weed & Pest Boards, 200.00; AT&T Mobility, 792.72; Audra Hill Consulting Inc, 13,591.86; Avera Health, 200.00; B-1 Development, Inc, 239,896.85; Badlands Automotive, 254.17; Baker Damon, 1,124.43; Bakley Regina, 134.00; Balancing Professionals Inc, 5,675.00; Balco Uniform Co Inc, 16,085.86; Barnier Law Office PC, 3,568.00; Behrens-Wilson Funeral Home, 7,430.00; Benson, Teresa L, 1,346.70; Best Western Ramkota Inn, 1,970.00; BH Ammunition Inc, 10,875.00; BH Chemical Company Inc, 15,443.52; BH Energy, 104.54; BH Energy, 655.22; BH Energy, 74,364.17; BH Insurance Agency Inc, 240.00; BH Orthopedic & Spine Center PC, 90.52; BH Pediatrics & Neonatology LLP, 120.86; BH Regional Eye Institute LLP, 124.59; BH Roofing Co, 153.00; BH Truck & Trailer Inc, 7,400.83; BH Urgent Care LLC, 7,860.00; BH Wilbert Vault, 400.00; BH Works Inc, 598.00; Bi Inc, 6,188.75; Biers Tool Sales LLC, 60.00; Bierschbach Equipment And Supply Co Inc, 1,347.10; Big D Oil Co, 18.00; Bio-One Of South Dakota, 470.00; Birmingham & Cwach Law Offices PLLC, 274.15; Black Creek Integrated Systems Corp, 2,915.37; Black Hills Portables

PENNINGTON COUNTY BOARD OF COMMISSIONERS

Meeting of May 16, 2023

Inc, 100.00; Blackstrap Inc, 23,686.48; Blake's Trailer Sales & Repair, 181.00; Bluepeak, 200.00; Bluepeak, 776.17; Bob Barker Company Inc, 16,661.70; Border States Electric, 963.93; Brant Annette, 245.80; Bringswhite, Erik, 3,300.00; Bringswhite, Morgan, 2,000.00; Buehler Holly, 32.97; Bushall Anita, 99.96; Cameron, George R, 321.25; Carquest Of Rapid City, 60.01; Castleberry, James D, 2,992.66; Catholic Social Services, 2,200.00; CDW Government Inc, 8,772.80; Central States Fair Inc, 197,834.71; Champion Shannon, 120.00; Charm-Tex Inc, 659.50; Chris Supply Co Inc, 120.40; City Of Box Elder, 175.27; City Of Hill City, 125.42; City Of Rapid City -Water, 220.64; City Of Rapid City -Water, 24,845.03; City Of Rapid City, 39,206.16; City Of Wall, 232.10; City Of Wall, 587.80; City Of Winner, 449.21; Clayborne, Deanna K, 1,198.45; Clemmons Hewey, 70.63; Cliftonlarsonallen LLP, 2,520.00; Climate Control Systems And Service LLC, 158.00; Climate Systems Inc, 1,323.00; Cline, Jean M, 1,096.00; Clinical Laboratory Of The Black Hills, 20,172.00; Colbath & Sperlich PC, 47,676.64; Combined Public Communications, 32,454.76; Commercial Laundry Systems Of The Rockies, 28.13; Community Health Center Of The Black Hills Inc, 27,500.00; Computer Forensic Resources Inc, 2,300.00; Concordance Healthcare Solutions LLC, 20.94; Connections Inc EAP, 1,156.89; Connelly, Randal E, 6,319.00; Contractors Insulation And Drywall Supply, 120.00; Contractors Supply Inc, 130.75; Cooks Correctional, 718.66; Co-Op Architecture, 14,250.00; Copy Country, 802.00; Coremr Lc, 916.50; Cornerstone Apartments, 692.00; Corr Construction Service, 10,143.00; Correct Rx Pharmacy Services Inc, 31,615.86; Correctional Counseling Inc, 3,373.97; Creative Surfaces Inc, 430.08; Crescent Electric Supply, 1,921.37; Crum Electric Supply, 1,014.72; Culligan Water, 63.70; Cummins Sales And Service, 52.98; Custom Truck One Source, 4,951.41; Dahlke Brenda, 75.00; Dakota Battery & Electric, 51.20; Dakota Fluid Power Inc, 14.03; Dakota Plains Legal Services Inc, 40,305.00; Dakota Radiology Pet/Ct & Mri, 480.56; Dalen Derek, 120.00; Darby Dental Supply LLC, 50.50; Dash Medical Gloves Inc, 7,003.50; Delta Dental Of South Dakota, 41,443.70; Dennis Supply - RC, 1,712.68; Denny Menholt Chevrolet, 3,283.89; De's Oil Inc, 2,921.00; Diamond Vogel Paint Center, 67.64; Djwebbie LLC, 1,575.00; DMC Wear Parts, 3,655.00; Dressler Scott, 120.00; Drewes Gary, 629.34; Duffy Law Firm, Prof. LLC, 5,195.58; Eastern Penn Conservation, 8,125.00; Eaton Corporation, 5,601.50; Economic Modeling LLC, 12,107.58; Election Systems & Software LLC, 45,270.53; Electrical Engineering & Equipment Company, 819.84; Elite Fabz & Design, 10,291.05; Evergreen Office Products, 1,073.98; Executive Mgmt Fin Office, 46.50; Executive Mgmt Fin Office, 372.00; F & M Rentals LLC, 281.00; Farmakes Jasmin, 900.00; Farmer Brothers Coffee, 587.40; Fastenal Company, 1,078.13; Ferguson Enterprises Inc #226, 257.94; Fidelity Security Life, 6,088.72; First Interstate Bank, 12,188.09; First Interstate Bank, 317.23; First Interstate Bank, 130.64; First Interstate Bank, 919.00; First Interstate Bank, 96.28; First Interstate Bank, 4,080.00; First Interstate Bank, 765.09; First Interstate Bank, 1,155.73; First Interstate Bank, 940.28; First Interstate Bank, 26.98; First Interstate Bank, 4,416.87; First Interstate Bank, 1,520.59; First Interstate Bank, 11.88; Floyd's Truck Center, 2,226.74; Four Seasons Sports Center, 769.99; Fox Law Firm PLLC, 196.30; Fresh Start Carpet Care, 9,855.04; G & H Distributing - RC, 401.14; Galls LLC, 154.80; Gerbracht Christie, 250.00; Giedd Jamie, 80.00; Glynn Elizabeth, 26.00; Godfrey Brake Service And Supply Inc, 1,955.87; Golden West Companies, 837.41; Golden West Companies, 198.29; Golden West Technologies, 531.10; Great Western Tire Inc, 3,181.64; Grey & Eisenbraun Law, Prof LLC, 406.60; Grimm's Pump Service Inc, 448.24; Hammerquist Jerry, 128.50; Harms Oil Company,

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

28,808.31; Harris, Betsey, 508.25; Hassett Liz, 154.03; Hennies Holli, 233.80; Henry Noni, 647.15; Henry Roy Photography, 30.00; Herra Jayson, 104.49; Hill City Area Chamber Of Commerce, 100.00; Hill City Hardware Inc, 29.64; Hill City Public Library, 15,311.50; Hillyard/Sioux Falls, 225.47; Hobart Sales & Service, 59.00; Holiday Inn Express, 200.00; Holiday Stationstores LLC, 13.00; Holloway Sean, 120.00; Homeslice Media Group LLC, 6,990.00; Hood Sidni, 41.82; Humane Society Of The Black Hills, 4,166.67; IAED, 325.50; Image All LLC, 663.88; Independent Window Tinting LLC, 150.00; Indoff Inc, 521.16; Industrial Organizational Solutions Inc, 243.00; Inland Truck Parts, 186.65; Interstate All Battery Center, 859.30; Intoximeters Inc, 570.00; Inventory Trading Company, 252.00; Jantech LLC, 980.00; Jenner Equipment Co, 2,131.08; Johnson Controls Fire Protection LP, 4,360.00; Johnson Controls Inc / Hvac, 22,068.04; Johnson Controls Security Solutions, 1,632.00; Johnson, Kimberly K, 409.25; Johnstone Supply, 157.98; Kahler Property Management, 700.00; Karl Chevrolet Inc, 122,295.72; Kennedy Pier Loftus & Reynolds LLP, 406.60; Keystone City Hall, 5,165.00; Kieffer Sanitation/A Waste Management Co, 5,047.77; Kimball Midwest, 3,344.87; Kimbell Alisha, 250.00; Kinkade Funeral Chapel, 1,910.00; Kirk Funeral Home, 5,520.00; Kirschenmann, Kevin E, 360.00; KLJ Engineering LLC, 30,951.88; Knecht Home Center Inc, 1,186.90; Knollwood Townhouse Properties, 1,170.00; Koletzky Law Office Prof LLC, 198.60; Kone Inc, 1,457.55; Konica Minolta Premier Finance, 156.19; Kunde Joshua, 308.79; Laboratory Corporation Of America Holdings, 149.40; Laboratory Corporation Of America Holdings, 83.07; Lactal Equipment, 541.73; Language Line Services, 160.77; Larson Valerie J, 54.00; Lasseter, Weldon Travis, 833.85; Lewis & Clark Behavioral Health Services, 552.00; Lewno Lucille M, 620.35; Liberty Chrysler Center, 458.80; Liberty Import Center LLC, 28.52; Liberty Import Center LLC, 34,000.00; Lingo Communications, LLC, 85.70; Lockwood Darcy, 54.00; Love, Todd A, 4,161.27; Lutheran Social Services Of SD, 55,772.30; Lynn Jackson Schultz & Lebrun PC, 9,448.10; Make It Happen Counseling LLC, 108.48; Manlove Psychiatric Group, 16,475.00; Maplewood Townhouses, 526.00; Marco Inc, 1,976.73; Marco Inc, 7,770.73; Maruska, Kayla L, 279.30; Matheson Tri-Gas Inc, 123.78; McGas Propane LLC, 3,208.18; McGowan, Wendy T, 2,386.10; McKesson Medical-Surgical Government Solutions LLC, 741.82; McKie Ford Inc, 168.34; McKinstry Jay, 120.00; McMaster-Carr Supply Company, 228.10; Medical Waste Transport Inc, 494.10; Medline Industries Inc, 3,702.25; Menards, 775.38; MG Oil Company, 36,726.22; Midcontinent Communications, 2,068.29; Midcontinent Communications, 2,701.77; Midwest Auto Chemical-Mac, 491.30; Midwest Marketing LLC, 140.00; Miller Jeremy, 212.08; Miller Joseph, 218.00; Minnehaha County Auditor, 766.52; Mohler Cindy, 233.80; Montana Dakota Utilities, 844.77; Monument Health - Urgent Clinics Rapid City, 600.00; Monument Health Home Plus Pharmacy, 398.77; Monument Health Rapid City Hospital, 341.32; Monument Health Rapid City Hospital Inc., 43,608.27; Monument Health Reference Laboratory, 6,237.19; Mooney Christopher, 120.00; Morse Watchmans Inc, 344.04; Moss Psy D LLC, William A, 6,600.00; Motel 6, 360.00; Motorola Solutions Inc, 2,707.92; MPJ Enterprises Inc, 1,668.59; Mt Rushmore Telephone Co, 49.86; NCRAAO, 325.00; Nelson Jacquelyn R, 1,935.00; Nelson Law, 4,070.08; Nelson Lisa, 120.00; Nelson's Oil & Gas Inc, 1,736.29; Nena, 1,000.00; Newman Signs Inc, 485.00; Newman Valerie, 56.66; Nohr, Linda J, 1,950.00; North Central International Of Rapid City Inc, 1,335.59; Northern Truck Equipment, 247.45; Northwest Pipe Fitting Inc, 3,900.29; Norton, Mikayla, 1,800.00; Nutrien Ag Solutions Inc, 33,872.62; O'Day, Valarie,

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

1,790.50; Odegard, Amber L, 630.00; Office Depot, 2,532.96; Olson Towing, 526.00; Onsite First Aid, 693.95; O'Reilly Auto Parts, 41.92; Osheim & Schmidt Funeral Home, 1,910.00; Otis Elevator Co, 1,225.00; Pacific Steel & Recycling, 282.26; Parr Law PC, 4,323.60; Penn Co Health & Human Sv Petty Cash, 10.00; Penn Co Highway Petty Cash, 87.88; Penn Co Jail Petty Cash, 1,380.00; Penn Co Jsc Petty Cash, 153.54; Penn Co Sheriff Petty Cash, 1,007.98; Penn Co Sheriff's Office, 5.50; Penn Co States Atty Petty Cash, 64.00; Penn Co Treasurer Petty Cash, 100.00; Pennington County Courant, 825.56; Pennington County Housing & Redevelopment, 1,335.00; Pete Lien & Sons Inc, 1,155.99; Pharmchem Inc, 223.65; Pheasantland Industries, 398.00; Phoenix Supply LLC, 314.50; Pioneer Bank & Trust, 5,329.25; Pioneer Bank & Trust, 3,071.95; Pioneer Bank & Trust, 12,757.17; Pitney Bowes Inc, 1,871.14; Pizza Ranch - Luna, 180.28; Pizza Ranch - Stumer, 162.30; Pomp's Tire Service, 4,470.60; Poste Mark, 100.00; Power House, 15.92; Prairie Auto Parts Inc, 2,786.00; Pratt Linda, 900.00; Precision Eyecare PC, 461.37; Price LLC, 360.00; Print Mark-Et, 312.75; Priority Dispatch Corp, 365.00; Professional Computer Services LLP, 379.95; Quettier Nicolas, 510.00; Quill Corporation, 2,076.01; Race Wheels, 5,400.00; Radiology Associates Professional LLC, 448.87; Ramkota Hotel, 928.00; Rapid Collision, 1,101.00; Rapid Delivery Inc, 109.20; Rapid Fire Protection Inc, 7,022.49; Rapid Rooter, 1,630.00; RC Area School Dist 51-4, 2,989.38; RC Emergency Services PA, 5,300.85; RC Fire & Emergency Services, 898.59; RC Journal - Advertising, 1,542.22; RC Medical Center LLC, 872.00; RC Police Dept-Evidence, 6,535.00; RC Public Library, 223,880.00; RC Winsupply, 146.50; RDO Equipment Co, 1,897.86; Record Storage Solutions, 302.03; Redwood Toxicology Inc, 3,528.68; Reliance Telephone Inc, 18.25; Rittberger Shannon, 262.00; RO Investigation And Research LLC, 5,868.82; Rochester Armored Car Company Inc, 421.95; Rocky Mountain Instrumental Laboratories, 1,450.00; Rose Inn LLC, 204.00; Rosenburg Andrea, 109.64; Rossiter Martha, 490.62; Royal Wheel Alignment, 1,540.18; Runnings Supply Inc, 645.94; Sabre Communications Corp., 7,465.00; Salsbury Industries, 30.94; Sand Scripts, 28.00; Sanford Medical Occupational Medicine, 2,019.00; Sanitation Products Inc, 790.84; Scales Erica, 60.18; Scenic Township, 5,890.00; Schaefer, Dean, 366.00; Schaeffer Kiley, 150.00; SD Assoc Of Addiction & Prevention Professionals, 185.00; SD Dept Of Health, 2,866.00; SD Dept Of Public Safety, 114.00; SD Dept Of Revenue, 12,644.19; SD Dept Of Revenue, 40.00; SD Dept Of Social Services, 600.00; SD Dept Of Transp-Finance, 5,967.97; SD Dept. Of Military, 1,805.00; SD One Call Board, 67.20; SD Secretary Of State, 120.00; SD Sheriff's Association, 1,725.00; SDAAO, 2,820.00; SDACO, 400.00; SDN Communications, 4,017.29; Seifert, Mary Rae, 1,575.00; Servall Uniform/Linen Co, 4,853.81; Sherwin Williams Paints, 800.86; Shroll Linda, 600.00; Sign Express, 102.44; Sign Solutions USA, 11,739.19; Signs Now, 6,921.58; Silver Star Septic LLC, 180.00; Simon Contractors Of South Dakota Inc, 4,110.88; Simpliverified LLC, 811.50; Simpson's Printing, 280.00; Sinclair Technologies A Div Of Norsat Int Inc, 12,623.00; Sitzes Gretchen, 26.00; Smith Sean, 302.00; Southern Hills Publishing, 749.20; St Mary Parish, 31.00; Stan Houston Equipment, 1,456.99; Stephens, Matthew T, 6,997.00; Sturdevant's Auto Parts, 1,267.55; Sturdevants Auto Value, 2,001.32; Sturgis Responder Supply LLC, 225.98; Suckow Kimberly, 23.97; Summit Signs & Supply Inc, 122.00; Super Clean Tunnel Wash, 162.00; Survival Armor Inc, 967.06; Swanson Erik T DDS PC, 907.00; Sysco Montana Inc, 672.10; Talkpoint Technologies Inc, 1,817.02; Tessco Incorporated, 500.07; The Hotel Alex Johnson, 1,386.00; The Law Office Of Kyle Krause, Prof LLC, 4,857.80; The Little Print Shop Inc, 243.70; The Lodge At Deadwood, 672.00; The

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

Medicine Shoppe, 114.93; The Rushmore Hotel, 231.00; The Spectacle Shop, 156.00; Thompson, Lori, 2.50; Thomson Reuters-West, 5,794.61; Time Equipment Rental & Sales, 5,879.64; Timeclock Plus, LLC, 948.90; TKRS Properties LLC, 3,436.77; Tout Advertising LLC, 139.40; TR Jewelry Concepts, 68.00; Transource Truck & Equipment Inc, 48.81; Trinity Services Group Inc, 97,529.15; Triple S Industries, 2,397.01; Tru Green LP, 2,944.74; TS Government Solutions LLC, 147.50; Twisted Shears LLC, 165.00; Tyler Technologies, 1,600.00; University Of Cincinnati Research Institute, 4,000.00; US Bank NA, 1,731,032.44; US Geological Survey, 10,732.50; Usic Locating Services, 429.00; USPS-Poc 8100669, 11,501.91; Vanway Trophy & Awards, 213.40; Vargo Mark, 837.21; Verizon Connect Inc, 34.90; Verizon Wireless, 160.06; Verizon Wireless, 225.34; Vermeer High Plains, 270.95; Vlieger Tom, 149.43; Wall Community Library, 9,080.50; Walsh Polygraph LLC, 12,825.00; Warne Chemical & Equipment Co Inc, 800.99; Watertree Inc, 1,243.30; Webstaurantstore, 7,625.13; Weichmann, Cynthia M, 102.60; Wellmark, 120,748.29; Wells Fargo Financial Leasing Inc, 126.35; Wellspring Inc, 1,710.00; Wendell Gordon, 120.00; West River Anesthesiology Consultants PC, 213.73; West River Electric, 2,377.72; West River Electric, 124.20; West River Trailer Sales, 464.89; Western Communication Inc, 1,748.90; Western First Aid & Safety LLC, 1,461.67; Western Mailers, 2,485.31; Western Stationers, 1,379.62; Wex Bank, 8,334.76; Wex Bank, 424.15; Wheeler Abraham, 156.72; Wheeler Lumber Operations, 618.24; Whisler Bearing Co, 7.80; Witcher Eric D, 227.80; Wikle, Leon, 121.00; Willar Christina, 120.00; Willet Chelsey, 120.00; Winter Law Office PC, 10,743.00; Wolf, Ione, 728.25; Wood Stock Supply, 308.45; Working Against Violence, 5,105.00; Wright Tree Service Inc, 7,546.10; Yankton Anesthesiology PC, 233.16; Yankton Co Sheriff Office, 300.00; Yankton County Treasurer, 653.60; ZMC LLC, 8,160.73.

ITEM FROM THE PUBLIC: Ken Raga – Tax increase.

MOVED by Rossknecht and seconded by Drewes to take a ten-minutes recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. **SUBDIVISION REGULATIONS VARIANCE / SV 23-01:** Argyle Properties, LLC; Anita Lee. To waive the requirement to construct the road to Ordinance 14 Road Standards in accordance with the Pennington County Subdivision Regulations.

Lot 5, Baumgartner Subdivision, Section 25, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve SV 23-01 with two (2) conditions because of the topography.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

Substitute motion: MOVED by Lasseter and seconded by Hadcock to approve SV 23-01 with two (2) modified conditions because of topography. The motion failed 3-2 on a roll call vote Hadcock – yes, Rossknecht – no, Drewes – no, Lasseter – yes, LaCroix – yes.

Substitute motion: MOVED by Drewes and seconded by Lasseter to deny without prejudice SV 23-01. Vote: Unanimous.

B. SUBDIVISION REGULATIONS VARIANCE / SV 23-02: Marjorie Helgeson. To waive the requirement to construct the road to Ordinance 14 Road Standards in accordance with the Pennington County Subdivision Regulations.

GL 14 Less Payton Addition and Less ROW; GL 6 Less Lot 1, 2, and 3 and Less ROW, Section 3, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve SV 23-02 because there is no change in density. Vote: The motion failed 3-2 with Hadcock and Lasseter voting no.

MOVED by Hadcock and seconded by Lasseter to reconsider this item. Vote: Unanimous.

MOVED by Rossknecht and seconded Hadcock to approve SV 23-02 because there is no change in density. Vote: Unanimous.

C. SUBDIVISION REGULATIONS VARIANCE / SV 23-04: Par Properties, LLC; Paul Zwiefel. To waive the requirement to construct the road to Ordinance 14 Road Standards in accordance with the Pennington County Subdivision Regulations.

SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Drewes to approve SV 23-07 with two (2) conditions because this has been done in the past: 1) Ditches and culverts to be constructed to Ordinance 14 standards and 2) the road to be widen to 18 feet for the entire length of the subject property. Vote: Unanimous.

D. VARIANCE / VA 23-07: ANCO Developments, LLC. To reduce the setback to the southwest lot line for a Telecommunications Tower in accordance with the Pennington County Zoning Ordinance.

Lot 7, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve VA 23-07 because it is a telecommunications tower. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

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

MOVED by Hadcock and seconded by Lasseter to take a five-minute recess. Vote: Unanimous.

UNCONTESTED HEARING(S)

E. PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-04: Limestone Creek Ranch, LLC; Thomas Stowers - Owner. To allow a Planned Unit Development Overlay for a Specialty Resort in accordance with the Pennington County Zoning Ordinance.

Lot 4 Revised, Oak Meadows Estates Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Hadcock to approve the withdrawal of PU 23-04. Vote: Unanimous.

CONTESTED HEARING(S)

F. REQUEST TO RELEASE SURETY – LETTER OF CREDIT: Ryan Kaski. MOVED by Hadcock and seconded by Lasseter to continue this item until the June 6, 2023, meeting.

G. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 23-02: Par Properties, LLC / Paul Zweifel; All Aspects – Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District.

SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Lasseter to approve CA 23-02. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On May 16, 2023, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 23-02 (Par Properties, LLC / Paul Zweifel) to change the Future Land Use from Ranchette District to Rural Residential District.

H. PUBLIC HEARING OF REZONE / RZ 23-03: Par Properties, LLC / Paul Zweifel; All Aspects – Agent. To rezone from Agriculture District to Rural Residential District in accordance with the Pennington County Zoning Ordinance.

SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Lasseter to approve RZ 23-03. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

NOTICE OF FACT OF ADOPTION

On May 16, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-03 (Par Properties, LLC / Paul Zweifel) to rezone from Agriculture District to Rural Residential District.

I. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 23-05: ANCO Developments, LLC. To amend an existing Planned Unit Development to allow a Telecommunications Tower in the Planned Unit Development in accordance with the Pennington County Zoning Ordinance.

Lot 7, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve PU 23-05 with six (6) 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 16, 2023, the Pennington County Board of Commissioners approved a Major Planned Unit Development Amendment. Major Planned Unit Development Amendment 23-05 – ANCO Developments, LLC.

J. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT OVERLAY AMENDMENT / PU 23-02: Katie Smirnova and Brett Walfish. To amend an existing Planned Unit Development Overlay to allow a single-family residence to be used as a music school and a Bed and Breakfast, to include accessory structures in accordance with 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 approve PU 23-02 with thirty (30) conditions: 1) That the approved uses include: practice cabins to be used for daily practices, music rehearsals and music coaching, an educational music school/camp, a single-family residence to also be used as a Bed and Breakfast or lodging facility for music camp attendees and performance/showcase events for the Rushmore Music Festival Board of Directors; 2) That there be no more than 10 practice cabins; 3) That there be no more than two music camps per calendar year not to exceed 30 people including the residents; 4) That there be no more than 10 events per calendar year and that: no more than one event occurs per month; no more than two fundraiser performances/showcase events occur per year with attendance limited to 100 individuals; and, no

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

more than eight performance/showcase events per year with attendance limited to 50 individuals; 5) That the number of guests staying in the Bed and Breakfast is not to exceed 20 guests from no more than three separate groups; 6) That at the time of sale or transfer of the property, the PUD would only transfer to the current applicant, their heirs, or the Rushmore Music Festival, with Rushmore Music Festival being the only organization allowed to use the property through the PUD. Otherwise, the PUD will automatically end; 7) That if the Rushmore Music Festival ceases the property's use and the PUD is ended, all accessory structures (practice cabins) will be removed from the property prior to closing; 8) That the unit numbers be assigned to each individual practice cabin and be posted on the cabin and inside the cabin; 9) That the address for the main house continue to be posted on the residence, so that it is visible from both directions of travel on Klondike Road, in accordance with Pennington County's Ordinance #20; 10) That the Bed and Breakfast meet § 323 (PCZO); 11) That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance (PCZO) §310 and that a parking plan is submitted to the Planning Department prior to operation of the music camp or Bed and Breakfast; 12) That the applicant maintains all necessary permits from other governing bodies for the operation of the Bed and Breakfast, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue; 13) That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be provided to the Planning Department; 14) That the property remains free of debris and junk vehicles and all structures be well-maintained; 15) That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures and that the existing turn outs and work be stabilized and replanted to prevent continued erosion, soil movement and damage to the surrounding property and the road; 16) That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 17) That prior to a second music camp, performances, or the operation of the Bed and Breakfast, the road improvements to widen Klondike Road to 18-feet wide be completed and verified by the applicant's engineer that it was constructed in accordance to the engineered design; 18) That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors; 19) That smoke detectors be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor; 20) That portable fire extinguishers be placed on each floor level so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually; 21) That quiet hours be between 10 p.m. and 8 a.m.; 22) That daily operations be conducted by the owners, on-site manager, and staff of the Rushmore Music Festival or their heirs or subsidiaries; 23) That the applicants comply with South Dakota Codified Law 34-18; 24) That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01; 25) That setbacks for all

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

structures shall be a minimum of 25 feet from exterior lot lines; 26) That there is legal access to the property for the requested uses unless otherwise determined by a court; 27) That any “significant change”, including but not limited to, the use or impacts on adjacent land or access road, the increase in the number of guests permitted to stay at the bed and breakfast, an increase in the number of attendees or the frequency of music camps or performances/showcases, the increase in the number of structures, and/or as required by PCZO §216, shall require an amendment to this Planned Unit Development Overlay; 28) That this Planned Unit Development Overlay is reviewed annually; 29) That this Planned Unit Development be reviewed in 6 months, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met and; 30) That the library only be used by the owners and the participants of Rushmore Music Festival. Vote: The motion carried 3-2 with Drewes and Rossknecht voting no.

NOTICE OF FACT OF ADOPTION

On May 16, 2023, the Pennington County Board of Commissioners approved a Major Planned Unit Development Overlay Amendment. Major Planned Unit Development Overlay Amendment 23-02 – Katie Smirnova and Brett Walfish.

K. REQUEST TO REFUND PENALTY FEES: Suzette Wasvick. MOVED by Lasseter and seconded by Hadcock to deny the request by Suzette Wasvick for a refund in the amount of \$288 for Building Permit Penalty Fees. Vote: The motion carried 3-2 with Drewes and Rossknecht voting no.

MOVED by Hadcock and seconded by Drewes to approve the following reclassifications effective May 28, 2023: Stephanie Olson, Assistant Director C42 to Deputy Director C44, Step 22, \$3,712/bi-wkly., Ted Ruffedt, Assistant Director C42 to Deputy Director C44, Step 24, \$3,805.60/bi-wkly., and Chad Landis, Operations Director C41 to Operations Coordinator C42, Step 3, \$2,556.80/bi-wkly and further move to update the position listing on file. Vote: Unanimous.

PAYROLL

Commissioners, 12,649.87; Elections, 5,906.80; Auditor, 17,208.72; Treasurer, 43,423.63; State's Attorney 160,684.15; Public Defender, 94,848.51; Buildings & Grounds, 67,972.98; Equalization, 44,298.20; Register of Deeds, 12,771.20; IT, 30,976.82; Human Resources, 8,718.40; Sheriff, 306,629.74; Jail, 364,127.94; JSC, 117,868.52; JSC Juvenile Alternative, 3,398.18; CCADP, 128,270.17; Innovation Reentry Grant, 2,200.81; Economic Assistance, 38,665.12; Extension, 1,585.62; Natural Resources, 11,583.20; Planning & Zoning, 21,865.10; Road & Bridge, 121,281.74; Fire Administration, 5,734.40; Dispatch, 116,455.56; Emergency Management, 6,312.83; 24-7 Program, 9,701.35; MacArthur Safety & Justice, 3,459.87.

PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.
Care Campus: Effective 04/30/2023: Alisha Kimbell, \$27.18.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 16, 2023

Dispatch: Effective 05/15/2023: Madisen Hankins, \$19.41; Dawsyn Kahler, \$19.41; Tyler Reurink, \$21.17.

Highway: Effective 05/15/2023: Haley Lambert, \$16.07.

Jail: Effective 05/28/2023: Sheila Shaffer, \$19.41. Effective 05/30/2023: Mandy Schmidt, \$24.30. Effective 06/12/2023: Branden Dobbs, \$24.07; Maya Pi, \$19.41; Monique Poorbear, \$19.65; Brooke Kruse, \$17.34; Kasi Bostwick, \$24.07; Peter Cucci, \$24.07; Teri Seabolt, \$19.41; Kobe Davis, \$24.07; Christopher Green, \$24.07; Justin Calderon, \$24.07; Christine Scott, \$19.41.

Natural Resources: Effective 05/15/2023: Jeff Dargatz, \$18.69; Nicolas Koehler, \$15.90; Jonathan DeRuyter, \$15.90.

State's Attorney: Effective 05/28/2023: Alicia Dowling, \$21.48.

Treasurer: Effective 05/28/2023: Christopher Weisbeck, \$24.07; Andrea Crossman, \$2,332.00; Laura Dowdy, \$2,859.20; Denmarie Barawell, \$19.41; Nick Yetz, \$21.48; Erica Sceales, \$21.48.

ADJOURN

MOVED by Drewes and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 2:23 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: May 31, 2023