

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, December 3, 2019, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, Gary Drewes, Lloyd LaCroix and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

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

CONSENT AGENDA ITEMS

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

6. Minutes of the regular meeting – November 19, 2019.
7. Acknowledge the filing of petitions signed by at least 25% of the eligible voters in the area to be annexed and 25% of the eligible voters in the existing district, and the resolution approving the annexation request by the road district and to set an election date on the question of annexation to the Earth Drive Road District to be held on December 14, 2019.
8. Acknowledge Disinterment Permit #1313015.
9. Confirm the reappointment of Mr. Allen Taylor as Veterans Service Office for the term of January 1, 2020 through the first Monday (2nd) in January 2023 per SDCL § 33A-1-22.

End of Consent Agenda Items

Regular Agenda Items

PETITION TO VACATE PUBLIC RIGHT-OF-WAY OR SECTION LINE HIGHWAY – MS. NANCY DUNHAM, MS. JANELLE FINCK, AGENT: MOVED by Rossknecht and seconded by LaCroix to approve the Chair’s signature to the Petition to Vacate Public Right-of-Way or Section Line Highway as submitted by Ms. Nancy Dunham for the following legal description: ‘That portion of Section Line Right-of-Way in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, SD lying south of Heidiway Lane and north of Heidiway Court.’ Vote: Unanimous.

REQUEST TO ADD PENNINGTON ST. TO COUNTY ROAD SYSTEM – MS. CAROLYN HIEB:

LIEN RELEASE REQUEST (BK): MOVED by Drewes and seconded by DiSanto to deny the lien release request for BK (name withheld per SDCL 28-13-42). Vote: Unanimous.

ITEMS FROM AUDITOR

A. BUDGET SUPPLEMENT PUBLIC HEARING(S) 9:15A.M.:

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

1. SP19-020 - GENERAL FUND ABUSE & NEGLECT BUDGET: MOVED by Rossknecht and seconded by LaCroix to approve Budget Supplement SP19-020 to the General Fund Abuse & Neglect budget in the amount of \$75,000 from unassigned fund balance. Vote: Unanimous.
 2. SP19-021 - GENERAL FUND COURT APPOINTED ATTORNEY BUDGET: MOVED by Drewes and seconded by LaCroix to approve Budget Supplement SP19-021 to the General Fund Court Appointed Attorney budget in the amount of \$120,000 from unassigned fund balance. Vote: Unanimous.
 3. SP19-022 – ACCUMULATED BUILDING 2017A MASTER PLAN REFINANCE BUDGET: MOVED by LaCroix and seconded by Rossknecht to approve Budget Supplement SP19-022 to the 2019 Accumulated Building 2017A Master Plan Refinance Budget in the amount of \$927,850 from Restricted for Debt Service Fund Balance. Vote: Unanimous.
 4. SP19-023 – GENERAL FUND WEED & PEST BUDGET: MOVED by Drewes and seconded by LaCroix to approve Budget Supplement SP 19-023 to the General Fund Weed & Pest in the amount of \$37,000 from current year revenue. Vote: Unanimous.
 5. SP19-024 – 24/7 FUND 24/7 PROGRAM BUDGET: MOVED by LaCroix and seconded by DiSanto to approve Budget Supplement SP19-024 to the 2019 24/7 Fund Program budget in the amount of \$55,000 from current year revenue. Vote: Unanimous.
 6. SP19-025 – GENERAL FUND JAIL BUDGET: MOVED by Drewes and seconded by Rossknecht to approve Budget Supplement SP19-025 to the General Fund Jail budget in the amount of \$50,000 from current year revenue. Vote: Unanimous.
 7. SP19-026 – CAPITAL PROJECT FUND BUDGET: MOVED by LaCroix and seconded by Drewes to approve Budget Supplement SP19-026 to the Capital Project Fund as follows: County Health Facility budget in the amount of \$5,637; Jail Expansion & Remodel budget in the amount of \$3,402,684 and County Health Facility, Phase II budget in the amount of \$2,097,358 from restricted fund balance. Vote: Unanimous.
 8. SP19-027 – ACCUMULATED BUILDING FUND STALLING BARN BUDGET: MOVED by Drewes and seconded by DiSanto to approve Budget Supplement SP19-027 to the 2019 Accumulated Building Fund Stalling Barn budget in the amount of \$395,000 from restricted fund balance. Vote: Unanimous.
- B. PUBLIC HEARING: RENEWAL OF PACKAGE LIQUOR OFF SALE LICENSE – JOHNSON SIDING GENERAL STORE: MOVED by Rossknecht and seconded by Drewes to approve the Package Liquor Off Sale License for the Johnson Siding General Store and release licenses upon payment of appropriate property taxes and sales tax payments. Vote: Unanimous.
- C. PUBLIC HEARING: NEW RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE AND NEW RETAIL (ON-OFF SALE) WINE AND CIDER – MEXICO TIPICO: MOVED by Rossknecht and seconded by DiSanto to approve the new Retail (On-Off Sale) Malt Beverage and SD Farm and Wine License for the Mexico Tipico LLC and release licenses upon payment of appropriate property taxes. Vote: Unanimous.

ITEMS FROM SHERIFF

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

- A. FLEET VEHICLE PURCHASE – BID AWARD: MOVED by LaCroix and seconded by DiSanto to award the bid for the purchase of two used 2019 Chevrolet Malibu's to Denny Menholt Chevrolet, Rapid City SD, for a total purchase price (including trade values) of \$26,480. Vote: Unanimous.

ITEMS FROM EQUALIZATION

- A. ABATEMENT APPLICATION(S) – CARTER, TAX ID #8009309, \$46.26 & BENIKE, TAX ID \$7.48: MOVED by DiSanto and seconded by Drewes to approve the abatement applications for Tax ID #8009309 (Carter) in the amount of \$46.26 and for Tax ID #8011246 (Benike) in the amount of \$7.48 for the Tax Year 2018. Vote: Unanimous.

MOVED by Rossknecht and seconded by LaCroix to recess until 10:30am. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

- A. VARIANCE / VA 19-14: Bret and Jackie Swanson. To reduce the minimum required front yard setback from 25 feet to 11 feet to build a shed on an existing concrete pad in a General Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Lot 1 of Tract AR, Preston Subdivision, Section 18, T2S, R8E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Hadcock to approve Variance / VA 19-14, with the following three (3) conditions be included. Vote: The motion carried 4-1 with Drewes voting no.

1. That this Variance applies only to the proposed 20' x 28' shed on the subject property; all other structures must maintain the proper setbacks and easement distances or obtain separate variances; and,
 2. That the applicant apply for a Building Permit for the partially constructed shed and pay any associated penalty fees.
 3. That the applicant agrees that if the Pennington County Highway Department ever decides to widen the road the applicant will have to pay to move the shed. Owners agree to enter into an Encroachment Agreement with Pennington County.
- B. VARIANCE / VA 19-13: Sema and Allan Rhian. To reduce the minimum required front yard setback from 25 feet to 0 feet; to reduce the western property line from 8 feet to 3 feet; and to allow the carport in the front yard in a Suburban Residential District in accordance with Sections 208, 309-C-6, and 509 of the Pennington County Zoning Ordinance.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

Lot 50, Block 4, Meadow Ridge Subdivision, Section 2, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to continue this item until the January 21, 2020 Commission meeting to allow the applicant time to vacate the 8' Utility and Minor Drainage Easement. Vote: Unanimous.

MOVED by Drewes 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 LaCroix and seconded by DiSanto to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

C. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-01:

Deerfield Cabins, LLC; Deon Wynia. To review an existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

Approve of the extension of Major Planned Unit Development Amendment / PU 18-01 with the following twenty-two (22) conditions.

1. That the Planned Unit Development consist of four (4) lots with one (1) vacation home unit and accessory structure on each lot, with each structure being stick built, and one (1) picnic pavilion.
2. That the setbacks for the Planned Unit Development continue to be 25 feet from all property lines;
3. That each Unit continue to have smoke/heat detectors, fire extinguishers and two means of escape;
4. That each Unit continue to have a minimum of one (1) parking space per bedroom be provided for each Vacation Home Rental measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

6. That prior to construction or dirt work within the 100-year floodplain the applicant must obtain approval of a Floodplain Development Permit;
7. That no drainfield be located within the areas designated as 100-year floodplain;
8. That the internal roads and parking spaces continue to be maintained in a dust free manner;
9. That each Unit continue to have the address properly posted in compliance with County Ordinance #20;
10. That no additional trails shall be constructed onto National Forest Service Lands without obtaining permission from the U.S. Forest Service;
11. That for each Unit the applicants maintain 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 current copy of said plan be kept on file at the Planning Department;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
14. That all Vacation Home Rentals in PU 18-01, be rented as one (1) Vacation Home Rental Unit (Per Lot) to one (1) family at a time and are not occupied by the property owner at the time of rental;
15. That all licenses and permits continue to be obtained and that copies of these licenses be provided to the Planning Department upon request;
16. That the applicant continue to designate the appropriate area and number of parking spaces at each Unit in such a manner that does not block or obstruct any means of ingress or egress to and from the units and that each parking space measures a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
17. That the residence on Lot 43 continues to remain garbage disposal free or the landowner must increase the septic tank capacity to accommodate the increase wastewater;
18. That Lot 43 continues to remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
19. That if encroachments are located on National Forest System lands the landowner of record has the responsibility to remove all personal property and real property from National Forest System lands at the landowners expense;
20. That the number of overnight quests be based on the DENR approval letter and the number of daytime guests be based on PCZO § 319;
21. That interior informational signs continue to be posted in all Units in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

22. That Major Planned Unit Development Amendment / PU 18-01 be reviewed at the September 28, 2020, Planning Commission meeting to ascertain all Conditions of Approval are being met.

End of Consent Agenda

Removed for Separate Consideration

PLANNING & ZONING REGULAR AGENDA

- D. LAYOUT PLAN / LPL 19-41: Gordon Howie. To reconfigure lot lines to create Lot 4R and Lot 5R of Bromegrass Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 and Lot 5, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R and Lot 5R, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by LaCroix to approve of Layout Plan / LPL 19-41 with the following six (6) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, the Plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps;
2. That at the time of Minor Plat submittal, the Plat contain an access easement between Lot 4R and Lot 7 that would not restrict current access from Antelope Creek Road to Lot 5R;
3. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

ITEMS FROM THE COMMISSIONS OFFICE MANAGER

- A. CELL PHONE POLICY: MOVED by LaCroix and seconded by DiSanto to approve the cell phone policy as presented. Vote: Unanimous.
- B. AIR QUALITY BOARD MEMBER POSITION

ITEMS FROM CHAIR/COMMISSION MEMBERS

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

A. COMPREHENSIVE PLAN PUBLIC HEARING REMINDER – DECEMBER 4TH & 18TH @ 9AM

COMMITTEE REPORTS

APPROVAL OF VOUCHERS: MOVED by Drewes and seconded by LaCroix 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 \$313,662.78. Vote: Unanimous.

BH Energy, 40,108.24; City Of Rapid City-Water, 18,744.59; Executive Mgmt Fin Office, 72.00; Medical Waste Transport Inc., 517.48; Midcontinent Communications, 936.03; Montana Dakota Utilities, 9,458.03; Pioneer Bank & Trust, 12,569.16; Rainbow Gas Company, 3,186.14; Vast Broadband, 1,491.25; Verizon Wireless, 7957.96; Wellmark, 218,621.90.

ITEMS FROM THE PUBLIC

EXECUTIVE SESSION – SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1)

B. Contractual / Pending Litigation per SDCL 1-25-2(3)

MOVED by DiSanto and seconded by Drewes 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 the purpose of consulting with legal counsel regarding a contractual/pending litigation matter. Vote: Unanimous.

MOVED by Drewes and seconded by Rossknecht to come out of Executive Session. Vote: Unanimous.

MOVED by LaCroix and seconded by DiSanto to place Mike Kuhl, Buildings & Grounds Director, at Grade 24, Step 26, for a bi-weekly rate of \$4,166.40, effective January 12, 2020. Vote: Unanimous.

MOVED by LaCroix and seconded by Drewes to place Jon Morrill, Human Resource Director, at Grade 24, Step 10, for a bi-weekly rate of \$3,414.40, effective January 12, 2020. Vote: Unanimous.

PAYROLL

Commissioners, 8,077.56; Elections, 10,220.65; Auditor, 7721.79; Treasurer, 31,651.49; State's Attorney, 130,235.18; Public Defender, 78,287.62; Buildings & Grounds, 69,679.53; Equalization, 41,385.63; Register of Deeds, 13,965.62; IT, 26,095.18; Human Resources, 5,342.40; Sheriff, 284,740.11; Jail, 320,057.53; JSC, 111,228.14; JSC Juvenile Alternative, 4,942.44; CCADP, 99,657.27; Economic Assistance, 33,912.81; Extension, 1,343.21; Weed & Pest, 4,917.60; Natural Resource Management, 4,090.40; Planning and Zoning, 15,500.82; Road & Bridge, 99,681.23; Fire Administration, 3,365.30; Dispatch, 105,666.83; Emergency Management, 4,649.12; 24-7 Program, 12,349.66.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

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 November 18, 2019: Total balances of checking/savings accounts 11,477,631.72; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 756,821.94; Total certificates of deposit, 9,589,537.36; Total Prime Value Investment, 75,986,298.69; Total petty cash, 16,815.00; Total Cash Items Paid 27.00; Total NSF Paid, 13.00; Total long/short, (497.58); Total, 97,840,047.13. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

24/7: Effective 12/15/2019 – Roberta Ellis-Stevens at \$22.85/hr. & Kyle McSherry at \$15.60/hr.
Buildings & Grounds: Effective 12/01/2019 – Cindy Chapman at \$2,680.00/bi-wkly, Tyler Horan at \$22.77/hr., Tammera Ring Gjerde at \$15.23/hr., Emmett Vliem at \$29.85/hr., Scott Weyer at \$20.65/hr. & Nate Coats at \$16.38/hr.

CCADP: Effective 12/01/2019 – David Oster at \$2,406.40/bi-wkly. Effective 12/15/2019 – Amy McGlade at \$23.35/hr. & Sammi Tivis at \$18.51/hr.

Dispatch: Effective 12/15/2019 – Jared Schiferl at \$20.90/hr., Marissa Brooks at \$27.37/hr., Terri Callahan at \$22.52/hr., Suzanne Comrie at \$19.67/hr. & Katie O'Bryan at \$19.43/hr.

HHS: Effective 12/15/2019 – Brenda Dahlke at \$32.66/hr.

Highway: Effective 12/02/2019 – Christopher Hermansen at \$18.05/hr. Effective 12/15/2019 – Aaron Eagle at \$23.94/hr., Paul Faiman at \$18.97/hr. & Duane Scott at \$22.02/hr.

IT: Effective 11/4/2019 – Nathan Mertes at \$2,188.00/bi-wkly. Effective 12/15/2019 – Amalia Hertel at \$24.21/hr.

Jail: Effective 12/01/2019 – Kara Gouldin at \$16.79/hr. Effective 12/15/2019 – Jessica Gregory at \$27.35/hr., Jeremy Comrie at \$22.77/hr. & Casey Munsch at \$2,840.00/bi-wkly.

Sheriff: Effective 12/01/2019 – Randy Harkins at \$30.96/hr., Debra Hauer at \$23.94/hr., Thomas Heitsch at \$28.86/hr., Daniel Lewis at \$26.75/hr., Karen Olsen at \$22.62/hr. & Mathew Bowman at \$22.50/hr. Effective 12/15/2019 – Brandon Akley & Eric Fenton at \$24.52/hr., Taylor Sperle at \$29.47/hr., Jesse Kubik at \$21.94/hr. & Aaron Pritzkau at \$24.82/hr.

State's Attorney: Effective 12/15/2019 – Katie Ackerson at \$21.19/hr. Effective 12/29/2019 – Madison Preble & Katrina Williamson at \$21.70/hr. & Timothy Snyder at \$2,779.20/bi-wkly. Effective 12/30/2019 – Tracey Dollison Decker at \$2,908.00/bi-wkly.

Treasurer: Effective 12/29/2019 – Annette Brant at \$2,968.80/bi-wkly & James Cross at \$16.98/hr.

WSDJSC: Effective 12/15/2019 – Michelle Cummings at \$31.83/hr., Timothy Lindblom at \$35.94/hr. & Brooke Haga at \$33.45/hr.

ADJOURN

MOVED by DiSanto and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:29 p.m.

/s/ Cindy Mohler, Auditor

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PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 3, 2019

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