

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of April 2, 2019

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, April 2, 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: Gary Drewes, Lloyd LaCroix and Ron Rossknecht.

Board of Equalization Oaths of Office were administered by Auditor Cindy Mohler.

REVIEW AND APPROVE AGENDA

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

CONSENT AGENDA ITEMS

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

7. Minutes of the regular meeting – March 19, 2019.
8. Authorize the chair's signature to the Order of Organization and Incorporation for the Twin Rock Road District effective for tax year 2019 and after.
9. Schedule a hearing at 9:15 a.m. on Tuesday, April 16, 2019, to supplement the General Fund Health & Human Services Community Development Block Grant Budget in the amount of \$24,848 from current year revenue.
10. Removed for separate consideration.
11. Approve the Permit to Occupy Right-of-Way Black Hills Back 40 Mountain Bike Race.
12. Continue the TransCanada Keystone XL Pipeline Haul Road Agreement to the April 16, 2019 BOC Meeting.

Removed for Separate Consideration

10. Approve the letter of support of the Waters of the United States: MOVED by Drewes and seconded by Rossknecht to approve the letter of support regarding the revised definitions of the Waters of the United States. Vote: Unanimous.

End of Consent Agenda Items

2018 FINANCIAL AND COMPLIANCE AUDIT – STATE OF SOUTH DAKOTA, DEPARTMENT OF LEGISLATIVE AUDIT – MR. BRUCE HINTZ, AUDITOR IN CHARGE: MOVED by Drewes and seconded by LaCroix to authorize the Chair's signature on the Engagement Letter from the South Dakota Department of Legislative Audit for the 2018 Audit. Vote: Unanimous

LIEN RELEASE REQUEST - BK: MOVED by LaCroix and seconded by Drewes to table this item. Vote: Unanimous.

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REQUEST TO PUT ON HOLD THE STEELE ISOLATED TRACT MRS. BARBARA STEELE: MOVED by Drewes and seconded by Rossknecht to cancel the site visit for the Steele Isolated Tract scheduled on Wednesday April 10, 2019 @ 10:00 a.m. and further move to postpone indefinitely the Steele Isolated Tract item per the applicant's request. Vote: Unanimous.

ITEMS FROM SHERIFF

A. **CREATION OF A POLICY FOR A HOUSING ALLOWANCE FOR DEPUTIES ASSIGNED TO THE WALL DIVISION:** MOVED by LaCroix and seconded by Rossknecht to authorize the Sheriff's Office to create a policy establishing a housing allowance for deputies assigned to Wall. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. **ABATEMENT APPLICATIONS – MARTIN DIGLER, PARCEL #54748, \$4,398:** MOVED by LaCroix and seconded by Drewes to deny the abatement application for Martin Digler, Parcel #54748 for tax years 2016, 2017, and 2018 in the amount of \$4,398. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

- A. **AWARD RECOMMENDATION: FIVE NEW 2019 TANDEM AXLE TRUCKS:** MOVED by LaCroix and seconded by Drewes to authorize the Highway Department to purchase five new 2020 Tandem Axle Trucks from Eddie's Truck Center, Rapid City, SD, in the amount of \$109,983 per unit, for a total of \$549,915. Vote: Unanimous.
- B. **STATE CONTRACT LIST – TIRES AND TUBES PURCHASES:** MOVED by Rossknecht and seconded by LaCroix to approve the Highway Department's purchases of Tires and Tubes from the State Contract as follows: Goodyear Master Agreement 19101 – State of SD Contract #17285 and Bridgestone Master Agreement 19102 – State of SD Contract #17279. Vote: Unanimous.
- C. **STATE CONTRACT LIST –BULK DIESEL AND GAS PRODUCTS PURCHASES:** MOVED by Rossknecht and seconded by Drewes to approve the Highway Department's purchases of Bulk Diesel and Gas Products from the State Contract List as follows: Contract #17301 – Moyle Petroleum, 2504 West Main St, Rapid City, SD 57702 and Contract #17300 – MG Oil, PO Box 1006, Rapid City, SD 57709. Vote: The motion carried 3-0 with LaCroix abstaining.
- D. **MAILBOX POLICY UPDATE:** MOVED by Rossknecht and seconded by LaCroix to approve the Pennington County Highway Department Mailbox Policy. Vote: Unanimous.
- E. **SEASONAL LOAD LIMITS –PARTIAL WEST OF HWY 79**
- F. **164TH AVENUE BRIDGE:** MOVED by Rossknecht and seconded by Drewes to continue this item until the April 16th, 2019 Commission meeting. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

A. **2019 ELECTED OFFICIALS COMPENSATION SURVEY**

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REQUEST FOR VARIANCE TO ORDINANCE 14 STANDARDS AND APPROVAL OF A SECOND APPROACH – MR RODNEY SATHER: MOVED by LaCroix and seconded by Rossknecht to approve a variance to Ordinance 14 standards and approve a second approach for the property located at 13621 Battleview Rd, Keystone, SD. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht for a five minutes recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

- A. VARIANCE / VA 18-21: Jolly Lane Greenhouse; Tim Sime – Agent. To reduce the minimum required setback along the east property line from 25 feet to a zero (0) foot setback for a proposed addition in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 1, Parkers Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to continue Variance / VA 18-21 to the April 16, 2019, Board of Adjustment meeting to allow the landowner time to work with the City of Rapid City. Vote: Unanimous.

- B. VARIANCE / VA 19-02: Timothy and Amanda Hutton. To reduce the side yard setback from 25 feet to 5 feet in a Low Density Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lot 6 Block 1; Lot 6A Block 2, of Block 1, Mountain Park Subdivision, Section 5, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Variance / VA 19-02 with the following one (1) condition. Vote: Unanimous.

1. That this Variance applies only for the proposed third stall garage addition. All other structures must maintain the proper setbacks or obtain separate Variance(s).

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

REGULAR PLANNING AND ZONING ITEMS

- C. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 19-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-01: Fatter Boys, Inc.; Bob Fuchs – Agent. To rezone 6.94 acres from Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit

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Development Sensitive to Highway Service District in accordance with Sections 206, 210, and 508 of the Pennington County Zoning Ordinance.

Lot 1-3 less Lot 1A, Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve of Rezone / RZ 19-01 and Comprehensive Plan Amendment / CA 19-01. Vote: Unanimous.

ITEMS FROM THE CHAIR/COMMISSION MEMBERS

- A. **RESOLUTION OF SUPPORT FOR THE NEW B-21 BOMBER AND TRAINING SITE AT ELLSWORTH AIR FORCE BASE:** MOVED by Drewes and seconded by Rossknecht to approve the Chair's signature to the resolution of support for the new B-21 bomber and training site at Ellsworth Air Force Base. Vote: Unanimous.

PENNINGTON COUNTY RESOLUTION

A RESOLUTION OF SUPPORT FOR THE NEW B-21 BOMBER AND TRAINING SITE AT ELLSWORTH AIR FORCE BASE

WHEREAS, on March 27, 2019, U.S. Air Force Secretary Heather Wilson announced that Ellsworth Air Force Base in South Dakota will be home to the B-21 Formal Training Unit and be the first base to receive an operational squadron of B-21 Raider Bombers; and

WHEREAS, the B-21's are currently being developed as part of the Air Force's Long Range Strike Bomber program and will be capable of delivering conventional or thermonuclear weapons; and

WHEREAS, the announcement reaffirms the vital role Ellsworth will play in our nation's defense strategy for years to come; and

WHEREAS, the selection of Ellsworth for such a momentous and critical mission will provide for significant growth and stimulate our local economies for years to come; and

WHEREAS, the Pennington County Board of Commissioners are proud of the dedication and commitment by our Congressional Representatives, local communities and their leadership and the Ellsworth Development Authority in their actions to make Ellsworth a next generation Air Base; and

WHEREAS, the Pennington County Board of Commissioners wish to thank all Federal Congressional Delegates involved, Secretary Wilson, South Dakota State Government, the Ellsworth Development Authority and the citizens of Rapid City and Box Elder for their commitment to making Ellsworth Air Force Base and surrounding communities a desirable military station; and

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NOW THEREFORE BE IT RESOLVED, the Pennington County Board of Commissioners are proud to support the selection of Ellsworth Air Force Base as the new home to the B-21 Formal Training Unit. We will continue to offer support of the Ellsworth Air Force Base, its missions, its leadership and its military members and their families now and for years to come.

Dated this 2nd day of April, 2019.

/s/ Deb Hadcock, Chair
Pennington County Board of Commissioners

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

B. SPEAKER REQUEST FORMS: MOVED by LaCroix and seconded by Hadcock to approve Speaker request form Version #2. Vote: Unanimous.

COMMITTEE REPORTS

2018 LEGISLATIVE SESSION

- A. UPDATE ON PROPOSED BILLS/SESSION ACTIVITY
B. ANY OTHER LEGISLATION AS DEEMED NECESSARY

APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded by Rossknecht 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 \$264,416.97. Vote: Unanimous.

BH Energy, 1,426.44; BH Energy, 251.59; BH Energy, 586.52; Black Creek Integrated Systems Corp, 7,840.00; Century Link, 267.77; City Of Hill City, 12.08; City Of Rapid City -Water, 15,422.95; City Of Rapid City -Water, 4,022.51; City Of Wall, 155.50; Executive Mgmt Fin Office, 49.50; Meperson Propane, 253.47; Midcontinent Communications, 322.88; Midcontinent Communications, 4,047.82; Montana Dakota Utilities, 9,992.71; Montana Dakota Utilities, 5,240.89; Pioneer Bank & Trust, 3,505.29; Pioneer Bank & Trust, 10,714.32; Pioneer Bank & Trust, 794.26; Pioneer Bank & Trust, 8,244.19; Rainbow Gas Company, 8,606.31; Reliance Telephone Inc, 12.40; Vast Broadband, 1,599.94; Vast Broadband, 538.48; Verizon Wireless, 5,882.63; Wellmark, 174,026.58; West River Electric, 599.94.

ITEMS FROM THE PUBLIC

MOVED by LaCroix and seconded by Drewes to take item 14 off of the table. Vote: Unanimous.

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LIEN RELEASE REQUEST BK: MOVED by Drewes and seconded by Rossknecht to continue this item until the April 16, 2019 Commission meeting. Vote: Unanimous.

EXECUTIVE SESSION – SDCL 1-25-2

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

B. Personnel per SDCL 1-25-2(1)

MOVED by Rossknecht and seconded by LaCroix to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel regarding a contractual matter. Vote: Unanimous.

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

MOVED by LaCroix and seconded by Rossknecht that Pennington County hereby give notice to the current owner of certain real property in Block 108 of the Original Townsite of Rapid City, South Dakota that Pennington County will not exercise its first right of refusal to purchase said property which is the subject of a pending option agreement dated May 15, 2018; and that Pennington County, by contract, reserves its first right of refusal as to any subsequent agreement(s) for the purchase of property in Block 108. Vote: Unanimous.

MOVED by Drewes and seconded by Rossknecht to move Public Defender Director Eric Whitcher to a Grade 26 Step 20, \$9,018.36/mo. effective June, 2019 pay period. Vote: Unanimous.

PAYROLL

Commissioners, 15,595.01; Elections, 11,417.77; Auditor, 26,017.11; Treasurer, 69,666.71; State's Attorney, 240,093.83; Public Defender, 152,168.99; Buildings & Grounds, 123,762.55; Equalization, 84,844.15; Register of Deeds, 29,660.93; IT, 53,455.08; Human Resources, 11,122.80; Sheriff, 540,105.92; HIDTA Grant, 8,202.26; Jail, 649,784.57; JSC, 214,520.30; JSC Juvenile Alternative, 10,002.04; CCADP, 187,662.02; Economic Assistance, 65,047.29; Extension, 2,888.87; Weed & Pest, 10,177.61; Mountain Pine Beetle, 8,054.40; Planning and Zoning, 35,790.87; Road & Bridge, 211,623.26; Fire Administration, 7,175.62; Dispatch, 184,470.72; Emergency Management, 9,427.83; 24-7 Program, 23,606.98.

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 March 20, 2019: Total balances of checking/savings accounts, 11,569,050.39; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 1,548,344.45; Total certificates of deposit, 5,806,000.51; Total Prime Value Investment, 19,537,219.67; Total petty cash, 16,315.00; NSF Checks, 1,060.42; Total long/short, (249.83); Total, 38,490,580.19. Submitted by Lori Wessel, Deputy Auditor.

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PERSONNEL

Buildings & Grounds: Effective April pay period – Dave Eccleston at \$5,952.15/mo., Ross Niemann at \$24.88/hr., Kent Pomplun at \$23.06/hr. & Tyler Tibbetts at \$20.41/hr.

CCADP: Effective April pay period – Linda Pratt at \$28.14/hr. & Carl Sharkey at \$19.68/hr.

Dispatch: Effective March pay period – April Olivas at \$20.41/hr. Effective April pay period - Matthew Ostendorf at \$21.43/hr. & Lukas Tedford at \$21.17/hr. Effective 3/17/2019 – Bonnie Bitterman at \$28.86/hr. & Chandra Neilan at \$29.17/hr.

HHS: Effective April pay period – Elizabeth Glynn at \$22.50/hr., Gretchen Sitzes at \$4519.00/mo. & Charlene Doorn at \$7,084.00/mo.

Highway: Effective 4/01/2019 – Brandon Fried at \$5,083.77/mo. Effective April pay period – Jonathan Arnio at \$19.45/hr. & Heremy Hertel at \$31.86/hr.

IT: Effective April pay period – Justin Israel at \$23.91/hr., Cassidy Keyser at \$4,799.51/mo. & Jennifer Tyre at \$4,799.51/mo.

Jail: Effective April pay period – Rhonda Fairbanks at \$25.47/hr., James Hogue at \$26.07/hr., Jacob LaPlante at \$22.50/hr., Steven Little at \$14.51/hr. & Jessica Mutschelknaus at \$20.65/hr.

Public Defender: Effective April pay period – Dylan Kotnour at \$20.41/hr. & Janki Sharma at \$5,735.49/mo.

Sheriff: Effective April pay period – Helene Duhammel-Duffy at \$4,477.11/mo., Casey Kenrick at \$29.47/hr., Jeremy Miller at \$26.09/hr., Courtney Rehberg at \$23.06/hr. & James Waldrop at \$25.14/hr.

State's Attorney: Effective April pay period – Kim Morsching at \$4,808.17/mo. & Jill Hower at \$26.44/hr. Effective 4/01/2019 – Strider Jacobson at \$13.48/hr.

WSDJSC: Effective April pay period – Kelly Braun at \$28.81/hr., Ryan Hupp at \$28.10/hr., Mary McDonald at \$23.91/hr., Michelle Mehrer at \$29.47/hr., James Muhlbeier at \$22.50/hr., Melissa Reckling at \$23.94/hr. & Jolonda Ricke at \$34.19/hr.

ADJOURN

MOVED by Drewes and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:39 p.m.

/s/ Cindy Mohler, Auditor

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