

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of June 18, 2019

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, June 18, 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 LaCroix to approve the agenda as presented. Vote: Unanimous.

**CONSENT ITEMS**

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

5. Approve the minutes of the regular meeting June 4, 2019.
6. Acknowledge the Resolution for a minor adjustment to road district boundaries of the Cavern Road District described as LOT C OF DEWALD'S SUBDIVISION, BHM, PENNINGTON COUNTY.

**Resolution**

The cavern Road District has voted and we resolve to add the Kevin & Gayle Thom property at 2667 Cavern Road in Rapid City, South Dakota to our road district.

Legal description is as follows.

Lot C of Dewald's Subdivision, Pennington County, South Dakota, as shown on the plat filed in Document No. A201605397, as shown in Exhibit 'B'.

Dated this 18<sup>th</sup> day of June, 2019.

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

ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

7. Acknowledge the notice of intent to conduct a raffle – Silver City Volunteer Fire Department.
8. Recognize and thank the volunteers for the month of May 2019.
9. Approve Board Chair's signature on the SD DOT Railroad Right-of-Way Joint Powers Agreement for weed spraying services

End of Consent Agenda

**APPOINTMENT(S) TO THE PENNINGTON COUNTY PLANNING COMMISSION – 2 POSITIONS:** MOVED by Drewes and seconded by DiSanto to appoint Travis Lasseter to the

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Pennington County Planning Commission for a term of three years running July 1, 2019 thru June 30, 2022. Vote: Unanimous.

MOVED by LaCroix and seconded by DiSanto to appoint Mr. Rich Marsh and to the Pennington County Planning Commission for a term of three years running July 1, 2019 thru June 30, 2022. Vote: Unanimous.

**REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVAL OF SECOND**

**APPROACH:** MOVED by DiSanto and seconded by LaCroix to approve a variance to ordinance 14 standards and approve the 6 approaches with the understanding that the drainage is corrected for the property located at 8300 Dunn Rd, Rapid City, SD. Vote: Unanimous.

**ITEMS FROM AUDITOR**

**A. 9:15 A.M. BUDGET SUPPLEMENT PUBLIC HEARINGS**

- 1) **SP19-012 – MOTOROLA LEASE PURCHASE INTEREST BUDGET:** MOVED by DiSanto and seconded by LaCroix to approve a supplement to the 2019 Motorola Lease Purchase Interest Budget in the amount of \$21,245 from Assigned Fund Balance. Vote: Unanimous.
- 2) **SP19 -013 – E911 FUND BUDGET:** MOVED by Drewes and seconded by LaCroix to approve a supplement to the 2019 E911 fund Budget in the amount of \$7,187 from Assigned Fund Balance. Vote: Unanimous.
- 3) **SP19-014 - ACCUMULATED BUILDING FUND BOND PRINCIPAL BUDGET:** MOVED by DiSanto and seconded by Drewes to approve a supplement in the amount of \$5,000 to the 2019 Accumulated Building Fund Bond Principal budget from Restricted Fund Balance. Vote: Unanimous.

**ITEMS FROM BUILDINGS & GROUNDS**

- A. **PC CARE CAMPUS RESIDENTIAL TREATMENT PROJECT – FF&E PROCUREMENT – AUTHORIZATION TO PURCHASE BUNKBEDS:** MOVED by Rossknecht and seconded by LaCroix to approve the purchase of 32 bunkbeds from American Bedding Mfg. Inc. for the residential treatment space in the Care Campus for a total of \$20,547.06. Vote: Unanimous.
- B. **FAIRGROUNDS STALLING BARN PROJECT –AUTHORIZATION TO SIGN DOCUMENTS:** MOVED by Drewes and seconded by LaCroix to authorize Mike Kuhl as the County's representative to sign documents necessary to executing work associated with the Fairgrounds Stalling Barn Project as it relates to authorities having jurisdiction, utilities, etc. Vote: Unanimous.

**ITEMS FROM EMERGENCY MANAGEMENT**

- A. **DECLARATION OF LOCAL DISASTER: 2019 MAY FLOODING RESOLUTION AND PROCLAMATION FOR PENNINGTON COUNTY:** MOVED by DiSanto and seconded by Rossknecht to authorize the Chair's signature on the disaster declaration as presented. Vote: Unanimous.

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**Declaration of Local Disaster:  
2019 May Flooding Resolution and Proclamation for Pennington County**

WHEREAS the Pennington County Board of Commissioners, at their regular meeting on June 18<sup>th</sup>, 2019, do hereby enact the following resolution;

WHEREAS, the Director of Emergency Management for Pennington County does hereby find with the assistance of the Pennington County Highway Department Superintendent and officials from multiple special taxing districts and municipalities within Pennington County:

1. That from May 21<sup>st</sup> through June 7<sup>th</sup> Pennington County was impacted by successive significant precipitation events which included some measuring stations exceeding their historical records for total precipitation in a 24-hour period
2. That these successive precipitation events in combination with large flood-control water release rates from local reservoirs and soils almost completely saturated with water from previous rain and snow storms resulted flooding conditions on many of the named waterways and unnamed drainages in Pennington County
3. That due to the flooding conditions created throughout Pennington County by these successive precipitation events, significant damage was incurred primarily to transportation infrastructure to include landslides, sinkholes, gravel washouts, culvert washouts, and debris removal resulting in excessive repair and recovery costs

NOW, THEREFORE, IT IS HEREBY RESOLVED AND PROCLAIMED that a flood disaster does now exists throughout said County; and

BE IT FURTHER RESOLVED that the Pennington County Board of Commissioners for, and on behalf of the citizens of Pennington County, request that the Governor of the State of South Dakota recognize Pennington County's disaster declaration and invoke pertinent clauses in State and Federal law to facilitate any relief as may be available; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said disaster, the powers, functions, and duties of the Emergency Management Office of Pennington County shall be/were those prescribed by State Law and the Ordinances, Resolutions, and approved plans of Pennington County in order to mitigate the effects of said disaster.

Duly adopted this 18<sup>th</sup> day of June, 2019.

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

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

**ITEMS FROM FIRE ADMINISTRATOR**

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- A. BLACK HILLS SPEEDWAY FIREWORKS DISPLAY PERMIT: MOVED by DiSanto and seconded by LaCroix to approve a public display of fireworks for Black Hills Speedway on Friday, June 28, 2019 with a rainout date of Friday, July 5, 2019 contingent upon a certificate of insurance being provided and all other requirements are met. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. SOUTH ROCHFORD ROAD PROJECT UPDATE  
B. FLOODING UPDATE

**ITEMS FROM HUMAN RESOURCES**

- A. COMPENSATION STUDY AWARD – GALLAGHER: MOVED by Rossknecht and seconded by Drewes to approve the Chair's signature on the proposal from Gallagher Benefit Services Inc. for the completion of a compensation study not to exceed \$72,000. Vote: Unanimous.
- B. HARTFORD RETIREMENT PLAN CHANGE (NACO): MOVED by Drewes and seconded by LaCroix to approve the Chair's signature and select Option 2 as the change for the Nationwide Stable Value Plan. Vote: Unanimous.

MOVED by DiSanto and seconded by Rossknecht to take a 5 minute recess. Vote: Unanimous.

The Board reconvened at 10:54 a.m.

**ITEMS FROM PLANNING & ZONING**

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

- A. VARIANCE / VA 19-05: Michael and Soraya Pellan. A Variance to Section 319-B-3 of the Pennington County Zoning Ordinance to allow a less than one (1) acre lot size for a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 509 of the Pennington County Zoning Ordinance.

Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Drewes to approve Variance / VA 19-05, with the following two (2) conditions, and in one year bring this item back to the Commissioners for review. Vote: The motion carried 4-1 with DiSanto voting no.

1. That this Variance only applies for the existing single-family residence to be utilized as a Vacation Home Rental; and,
2. That an approved Conditional Use Permit is obtained for the Vacation Home Rental on the subject property within sixty (60) days of approval of Variance / VA 19-05

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MOVED by DiSanto and seconded by Drewes 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 Drewes and seconded by DiSanto to approve the Planning and Zoning consent agenda as presented with the removal of item D. Vote: Unanimous.

B. SECOND READING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-03: Prairie Valley Development; Bill Freytag. To amend an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

The NE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota

Approve of Major Planned Unit Development Amendment / PU 19-03 with the following twelve (12) conditions:

1. That the Planned Unit Development consists of no more than 145 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 7,400 square feet;
2. That a Construction Permit be obtained for any land disturbance exceeding 10,000 square feet (including grading, roads, and utility installation) prior to any work being done;
3. That all lots developed after the approval date of Major Planned Unit Development Amendment / PU 19-03 be connected to sewer and water services provided by the City of Rapid City;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That no off-premise signs be allowed within the Planned Unit Development;
7. That the required setbacks for all structures within the Planned Unit Development be a minimum of twenty (20) foot front yard, eight (8) foot side yard, and twenty-five (25) foot rear yard;
8. That each address must be posted in accordance with Pennington County Ordinance #20;

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9. That prior to issuance of any Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City Street Design Standards, or the proper exceptions be obtained from the City of Rapid City, and the applicant must install road signs for the new roads;
10. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204(I) of the Pennington County Zoning Ordinance;
11. That the recorded easements for the south side ditch be strictly maintained and are not encroached upon; and,
12. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

- C. ROAD NAMING: Lorin Lippert. To name a proposed 24-foot-wide Section Line Right-of-Way providing access to properties located in Sections 2 and 11, T1S, R9E, BHM, Pennington County, South Dakota, to Lippert Ranch Road.

Approve of the Road Naming of Lippert Ranch Road.

- D. Removed for separate consideration.

End of Consent Agenda

- D. LAYOUT PLAT / LPL 19-13: Jeffrey Scherr. To create Lots D1, D2, and D3 of 17 of Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Lot A of Lot 8 of Lot E and Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442 and Lot D of Lot 17 of Fort Mead Placer MS 244, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots D1, D2, and D3 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Drewes to withdraw Layout Plat / LPL 19-13. Vote: Unanimous.

**PLANNING & ZONING REGULAR AGENDA**

- E. TAX INCREMENT FINANCE DISTRICT #4: A Tax Increment Finance District (TIF) has been submitted by the City of Box Elder for the development of Seger Crossing Business Park, including, but not limited to the Box Elder Event Center, streets, curbs, gutter, water and sewer utilities, drainage improvements and other infrastructure elements that would serve proposed commercial and industrial development within the tax increment district on property located south of S. Interstate 90 Service Road and N. Elk Vale Road and on property located north of N. Interstate 90 Service Road and N. Elk Vale Road.

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The TIF District includes That Portion of N1/2NW1/4 LYING North OF Road ROW, Section 26, T2N, R8E; N1/2NE1/4 less Lot H3, less Highway; Tract A OF SE1/4NE1/4; NW1/4 LESS Tract C, LESS Tract H, LESS LOT 1-2 OF Tract K, LESS LOT B OF Tract J Revised, LESS LOT 1-2 OF Tract L, LESS LOT A OF Tract C, LESS SEGER CROSSING Subdivision, LESS LOTS H3 AND H4, Section 27, T2N, R8E; DRAINAGE Tract 1 and Drainage Tract 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E; Lot 1, Lot 2, Lot 3 less Lot H1, Lot 4, Block 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E; Lot 1, Lot 2, Lot 3, Lot 4, less Lot H1, Block 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E; Sign Tract 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E; LOT 1 and Lot 2 OF LOT D OF W1/2 E1/2, Section 27, T2N, R8E; Lot 1 and Lot 2 Less Lot H1, RDO Subdivision, Section 27, T2N, R8E; LOT 1 OF TRACT D, W-Y Addition, Section 27, T2N, R8E; LOT 2 OF TRACT D, W-Y Addition, Section 27, T2N, R8E; LOT 4 OF TRACT D, W-Y Addition, Section 27, T2N, R8E; LOT 1 and Lot 2, DAVIS Subdivision, Section 27, T2N, R8E; Lot 1 Revised, Lot 2a and 2b, Lot 4, ISIS Subdivision, Section 27, T2N, R8E; All Located in the City of Box Elder, Black Hills Meridian, Pennington County, South Dakota including within and adjacent rights-of-ways.

MOVED by Drewes and seconded by Rossknecht to approve the resolution creating Tax Increment Financing District Number Four, County of Pennington, pursuant to SDCL Chapter 11-9. Vote: The motion carried 4-0 with LaCroix abstaining.

- F. BUILDING PERMIT PENALTY FEE: Jeff and Jodi Sugrue. MOVED by Drewes and seconded by DiSanto to approve the request to waive the double building permit penalty fee. Vote: Unanimous.
- G. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 19-06 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-06: Magheramore, LLC, Fisk Land Surveying – Agent. To rezone 111.48 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 206, 209, and 508 of the Pennington County Zoning Ordinance.

That Portion of NE1/4 Lying west of RR ROW Less Darlington Estates Subdivision; SE1/4NW1/4; NE1/4SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06. Vote

- H. LAYOUT PLAT / LPL 19-14: Jerry and Darlene Litzel. To reconfigure lot lines to create Lots 1R and 2R of Monument Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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EXISTING LEGAL: Lot 1 and Lot 2 of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 2R of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Rossknecht to approve of Layout Plat / LPL 19-14 with the following six (6) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures that 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 and maintain an Operating Permit; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

- I. APPEAL OF CONDITIONAL USE PERMIT / CU 19-06: Big Game Storage, LLC; Chris Peterson. To allow a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix to approve of Conditional Use Permit / CU 19-06 with the following five (5) conditions. The motion died to the lack of a second.

MOVED by DiSanto and seconded by LaCroix to approve of Conditional Use Permit / CU 19-06, amending the hours of operation of the sign to be from 6:00 a.m. until one hour after sunset, with the following five (5) conditions.

Substitute motion: MOVED by Drewes and seconded by Rossknecht to approve Conditional Use Permit / CU 19-06 amending the hours of operation of the lighted sign to be from 6:00 a.m. until 12:00 a.m. with the following five (5) conditions.



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Moved by DiSanto and seconded by Drewes to call the question. Vote: Unanimous.

Vote on the substitute motion: Unanimous.

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
2. That a Building Permit be obtained for the sign prior to any work done for the sign.
3. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
5. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.

**ITEMS FROM THE CHAIR/COMMISSION MEMBERS**

- A. **RESOLUTION TO SUPPORT ADDITIONAL MENTAL HEALTH SERVICES IN WESTERN SOUTH DAKOTA:** MOVED by Hadcock and seconded by LaCroix to approve the resolution as amended to support the State's efforts to provide additional mental health services in western South Dakota for submission to the Black Hills Association of County Commissioners. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION  
A RESOLUTION TO SUPPORT ADDITIONAL MENTAL HEALTH SERVICES  
IN WESTERN SOUTH DAKOTA**

**WHEREAS**, South Dakota is experiencing a mental health crisis. South Dakota is one of five states where state law says people experiencing a mental health crisis can be held in a correctional facility; and

**WHEREAS**, mental illness and substance-use disorders are treatable health conditions; but too often people in crisis end up at an emergency room or in the criminal justice system; and

**WHEREAS**, the organizations who deal with this issue in Pennington County strongly recommend the establishment of additional mental health services in Western South Dakota; and

**WHEREAS**, the mental health crisis is much larger than any one person, entity or organization. All stakeholders must come together including private organizations, cities, counties, the State and its Legislature and combine efforts to provide additional mental health services in Western South Dakota; and

**WHEREAS**, Western South Dakota would benefit from additional services that could provide a continuum of care for people in need of mental health services that would be less costly than jails, emergency rooms or traveling outside of the county for services; and

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**WHEREAS**, the current Human Services Center located in Yankton is a significant geographic barrier for anyone needing services who is from West River as it removes them from their core support system and familiar setting; and

**WHEREAS**, additional mental health services in Western South Dakota would fill significant gaps in care, location, resources and services available for the safety and appropriate treatment for persons suffering from mental health issues; and

**NOW, THEREFORE BE IT RESOLVED**, that the Pennington County Board of Commissioners supports the State's efforts to provide additional mental health services Western South Dakota.

Dated this 18<sup>th</sup> day of June, 2019.

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

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

**SUPPORTING CRITERIA**

**JUSTIFICATION FOR RESOLUTION:** The Counties in western South Dakota lack the critical support and resources needed to assist people experiencing a mental health crisis. States with less access to mental health care often times have more individuals who are in the criminal justice system. A systematic change must be made thru a collaboration of all stakeholders to address the mental health crisis and lack of mental health services in Western South Dakota.

**COUNTIES AFFECTED BY THE RESOLUTION:** All counties in the state are impacted with the majority being West River Counties.

**IMPACT OF RESOLUTION:** The resolution will bring attention to the mental health crisis the State of South Dakota is experiencing and the lack of appropriate services and facilities in Western South Dakota.

B. RESOLUTION TO ELIMINATE THE AMOUNT OF LOCAL EFFORT MILLS REQUIRED BEFORE FINANCIAL ASSISTANCE IS AVAILABLE FROM THE STATE:  
MOVED by Drewes and seconded by Rossknecht to approve the resolution as presented to eliminate the amount of local effort mills required for submission to the Black Hills Association of County Commissioners. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION**  
**A RESOLUTION TO ELIMINATE THE AMOUNT OF LOCAL EFFORT MILLS**  
**REQUIRED BEFORE FINANCIAL ASSISTANCE IS AVAILABLE FROM THE STATE**

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**WHEREAS**, SDCL 34-48A-1(7) requires the counties to spend an amount equal to two mills of the assessed valuation, exclusive of capital asset purchases, which is referred to as “local effort”, before they can receive financial assistance from the State for emergency or disasters; and

**WHEREAS**, SDCL 34-48A-32 states that if the local effort is met and the Governor officially declares an emergency or disaster in the requesting county that the State will provide financial assistance for such additional operational costs needed for the particular emergency or disaster situation up to a maximum of sixty percent of the additional local effort; and

**WHEREAS**, House Bill 1160 was introduced in the 2019 legislation session that would have adjusted the two mills to a ½ (.5), eliminated the 60% maximum assistance cap, and added disorderly conduct and protests as potential emergencies or disasters; and

**WHEREAS**, HB 1160 was tabled at the Governor’s request due to other pending legislation regarding disorderly conduct and protests.

**NOW, THEREFORE BE IT RESOLVED**, The Pennington County Board of Commissioners request HB 1160 be reintroduced in the 2020 legislative session to eliminate the two mill requirement in its entirety. Counties and the property taxpayers of our great State simply are unable to afford this extreme requirement.

Dated this 18<sup>th</sup> day of June, 2019.

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

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

**SUPPORTING CRITERIA**

**JUSTIFICATION FOR RESOLUTION:** These laws have not been an issue for several years as most emergencies and disasters that the counties have faced have qualified for Federal FEMA funds. As the FEMA funding gets more difficult to obtain, the costs will fall on the counties, which have a restricted revenue flow, per state laws. Local Governments have an increased risk with the potential for disorderly conduct and protests. The two mills would also be an issue with wildfires, flooding and any emergency or disaster issue. Due to the increase in values since the implementation of the state aid formula, the 2 mills has grown to a significant dollar amount for the counties. With the tax freeze that the counties are subject to, they are not able to keep up with the needed reserve. SDCL 34-48A-1(7) could, and will, bankrupt the counties if applied.

**COUNTIES AFFECTED BY THE RESOLUTION:** All counties in the state are impacted.

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**IMPACT OF RESOLUTION:** The resolution will bring attention to the Legislature the financial impact that emergencies and disasters are having on the counties and the cost that could be encountered by the counties.

**ITEMS FROM COMMISSION OFFICE MANAGER**

A. REQUEST TO RESCHEDULE THE SEPTEMBER 17, 2019 COMMISSION MEETING TO THURSDAY SEPTEMBER 19, 2019: MOVED by DiSanto and seconded by LaCroix to reschedule the Tuesday September 17, 2019 Commission Meeting to Thursday September 19, 2019. Vote: Unanimous.

**COMMITTEE REPORTS**

**APPROVAL OF VOUCHERS:** MOVED by DiSanto 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 \$2,241,784.24. Vote: Unanimous.

A & A Professional Property Management, 600.00; A & B Business Inc, 2,656.32; A & B Welding Supply Co, 280.78; A To Z Shredding, 508.10; Aasen Law Office, 3,537.25; Accela Inc, 262.50; Adams-ISC, 70.60; Adams-ISC LLC, 1,810.69; Affordable Accommodations, 800.00; Aggressive Auto & Salvage, 125.00; Air Works, 32.11; Albertson Engineering Inc, 370.00; Alecia Fuller, 116.00; Allen Reuer, 960.00; Amber L Odegard, 420.00; American Correctional Association, 35.00; American Engineering Testing Inc, 1,879.75; American Solutions For Business, 179.40; Americinn Motel, 1,457.00; Amy Mcglade, 60.00; Angela M Colbath Atty PC, 24,208.15; Angela Shute, 405.38; Anne Fisher, 1,800.00; Annette Brant, 53.00; Aramark Education Services 4,871.00, 186.25; Architectural Specialties LLC, 4,471.04; Arctic Glacier USA Inc, 40.20; Arthur L. Davis Publishing Agency Inc, 205.47; Ashlee May, 518.86; Audra Hill Consulting Inc, 11,240.73; Avesis, 2,206.28; AVI Systems Inc, 1,681.00; Baas 24.00 Hour Towing LLC, 125.00; Badlands Automotive, 893.76; Baker Apartments, 400.00; Balco Uniform Co Inc, 5,135.88; Bangs Mccullen Butler Foye & Simmons LLP, 103.40; Bargain Printing, 319.75; Barnett Vision Healthcare LLL, 75.00; Basler Printing Co, 1,248.25; Beadle Ford Inc. & Beadle's Chrysler Center, 44,066.24; Beadle Ford Inc. & Beadle's Chrysler Center, 44,066.24; Behavior Management Systems Inc, 465.00; Behrens-Wilson Funeral Home, 3,820.00; Betsey Harris, 934.60; Beverly Walker, 141.00; BH Chemical Company Inc, 2,266.53; BH Energy, 19,690.03; BH Energy, 548.72; BH Insurance Agenc Inc, 60.00; BH Orthopedic & Spine Center PC, 797.38; BH Services Inc, 389.81; BH Tent And Awning, 70.00; BH Wilbert Vault, 1,200.00; Biddle Consulting Group Inc, 1,095.00; Bob Barker Company Inc, 2,968.57; Border States Electric, 54.45; Bridgette R Banks, 703.00; Brosz Engineering Inc, 285.00; Burleigh County Sherff, 35.00; Carefree Lawn And Sprinkler, 4,252.34; Carolyn Olson, 7,892.20; Casey Munsch, 86.00; Cash-Wa Distributing, 1,645.52; Cat's Cleaning, 40.00; CBM Food Service, 112,931.07; CDW Government Inc, 44,214.89; Central States Fair Inc, 15,480.74; Central States Sanitation, 180.00; Certified Laboratories, 209.75; Chris Hislip, 97.97; Chris Supply Co Inc, 908.68; Christopher Lee Hoffmann, 575.00; City Of Rapid City, 29,505.89; Claims Associates Inc, 5,000.00; Clark Printing, 479.43; Clayborne Loos & Sabers LLP,

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2,897.70; Climate Control Systems And Service LLC, 6,236.76; Clinical Laboratory Of The Black Hills, 7,206.00; Code Works Inc, 357.50; Community Health Center Of The Black Hills Inc, 107.00; Connections Inc EAP, 1,170.68; Contractors Supply Inc, 63.00; Copy Country, 107.84; Cora Fried, 99.12; Cornerstone Apartments, 350.00; Costello Porter Et Al, 1,034.00; Cottonwood Grove, 240.00; Countryside Property Management LLC, 1,821.32; Credit Collection Bureau, 1,086.00; Crescent Electric Supply, 1,750.91; Crum Electric Supply, 775.82; Cynthia M Weichmann, 1,225.00; Dakota Battery & Electric, 306.44; Dakota Fluid Power Inc, 469.16; Dakota Plains Legal Services Inc, 28,750.00; Dakota Supply Group Inc, 750.45; Dale's Tire & Retreading Inc, 3,276.11; Dan Rose, 139.98; Darcy Lockwood, 45.00; Dash Medical Gloves Inc, 3,512.00; Data Management Inc, 2,499.10; David Brush Breaker, 161.12; Days Inn Pierre, 114.00; DB Sound LLC, 2,180.00; Deanna K Clayborne, 1,023.85; Deanna Nolan, 237.49; Delta Dental Of South Dakota, 35,370.24; Demersseman Jensen Tellinghuisen & Huffman LLP, 5,432.03; Dennis Supply - RC, 361.75; Denny Menholt Chevrolet, 8,678.65; De's Oil Inc, 22.00; Diamond Vogel Paint Center, 80.47; Diann Asher, 250.00; Diesel Machinery Inc, 183.19; Dillon Law Office, 2,815.10; Duffy Law Firm Prof. LLC, 22,946.10; Dyna-Kleen Service Inc, 775.00; Eagle Ridge Apartments II, 375.00; Edwin Schulz, 47.89; Election Systems & Software LLC, 2,893.18; Eprovider Solutions, 428.50; Erik Bringswhite, 2,236.00; Evergreen Office Products, 1,252.09; Executive Mgmt Fin Office, 24.75; Fastenal Company, 1,719.30; Federal Express, 44.62; Ferguson Enterprises Inc #226, 6,519.35; First Interstate Bank, 7,495.97; First Interstate Bank, 479.72; First Interstate Bank, 646.01; First Interstate Bank, 467.46; First Interstate Bank, 456.00; First Interstate Bank, 90.49; First Interstate Bank, 469.88; First Interstate Bank, 1,933.96; Floyd's Truck Center, 3,051.64; Fmg Inc, 2,470.70; Forest Ridge Properties LLC, 240.00; Four Seasons Sports Center, 292.89; Fred Pryor Seminars, 99.00; French's Upholstery, 124.50; Frontier Auto Glass LLC, 210.68; Fruit Of The Loom, 907.20; G & H Distributing - RC, 238.01; Galls LLC, 651.65; Garrett J Horn, 214.00; Gary Drewes, 695.03; Gary H. Walker, 100.00; Genpro Energy Solutions, 863.07; George J Nelson, 2,095.75; George R Cameron, 905.85; Global Tel'link, 17.51; Godfrey Brake Service And Supply Inc, 3,134.95; Golden West Companies, 1,409.06; Golden West Technologies, 375.00; Great Western Tire Inc, 647.84; Grey & Eisenbraun Law Prof LLC, 5,059.62; Grimm's Pump Service Inc, 56.00; H&S Uniforms And Equipment LLC, 76.00; Harveys Lock Shop, 174.77; Heartland Paper Company, 14,687.63; Heavy Constructors Inc, 156,753.96; Hill City Ambulance Service, 127.00; Hill City Area Chamber Of Commerce, 100.00; Hill City Dental, 845.50; Hill City Fire Protection District, 367.00; Hill City Prevailer, 1,867.43; Hillyard/Sioux Falls, 2,185.01; Holli Hennies, 37.80; Honeywell Inc, 7,291.09; Humane Society Of The Black Hills, 4,166.67; Image All LLC, 255.00; Imagene M Biers, 340.00; Independent Window Tinting LLC, 170.00; Indoff Inc, 1,552.57; Industrial Organizational Solutions Inc, 38.00; Inland Truck Parts, 1,169.49; Institute For Psychological Therapies, 4,600.00; Interstate All Battery Center, 432.30; Intoximeters Inc, 3,858.50; Ione Wolf, 455.00; J & J Asphalt Co, 560.56; J & J Mowing And Landscaping, 705.00; J & J Truck And Auto Body, 1,339.20; Jamin Hartland, 315.50; Janet Sayler, 212.60; Jantech LLC, 810.00; Jean M Cline, 2,639.25; Jefferson Lines, 86.80; Jeffries Law Office PC, 1,401.50; Jenner Equipment Co, 1,329.91; Jeremiah J Davis, 642.45; Jessica Mooney, 0.84; JJ's Engraving & Sales, 11.25; Joe Gutierrez, 408.84; Johnstone Supply, 89.89; Josh Satterlee, 137.76; K & D Appliance Service, 195.16; K Lazy M LLLP, 2,846.00; Kaia Sheets Carlson, 143.00; Karl's Appliance, 6.99; Kate Wellensiek, 26.00; Kayla L Maruska, 1,999.40; KCH Law,

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178.52; Kelsey Weber, 198.12; Kennedy Pier Knoff Loftus LLP, 369.00; Kevin E Kirschenmann, 1,050.00; Keystone Ambulance Service, 300.00; Kieffer Family Dental PC, 118.00; Kieffer Sanitation/A Waste Management Co, 136.80; Kimball Midwest, 1,644.76; Kimberly K Johnson, 347.00; Kimberly Suckow, 19.15; Kirk Funeral Home, 4,376.19; Knecht Home Center Inc, 1,517.02; Knight's Quality Welding, 170.00; Knollwood Heights Apartments, 803.00; Knollwood Townhouse Properties, 635.00; Kone Inc, 13,379.00; Konica Minolta Premier Finance, 156.19; Kreislers Inc, 6.99; Kristi L. Andersen, 650.00; Kristina Proietti, 30.00; Lakota Community Homes Inc, 750.00; Lands' End Business Outfitters, 105.37; Language Line Services, 133.67; Lara Roetzel, 132.00; Laubach Law Office Prof LLC, 5,376.50; Law Office Of Kyle Krause Prof LLC, 2,562.74; Lawrence D Beezley, 480.00; Lazy U Motel, 200.00; Lewis & Clark Behavioral Health Services, 1,068.00; Lewis Kirkeby & Hall Management Inc, 728.00; Liberty Chevrolet LLC, 59,611.00; Lighting Maintenance Co, 127.40; Lincoln County Auditor, 67.50; Linda J Nohr, 2,135.00; Lingo Communications LLC, 69.02; Lisha Smith, 115.00; Lloyd Lacroix, 100.34; Lowe's, 448.47; Lucille M Lewno, 528.00; Luther P Yellow Robe, 10,019.00; Lutheran Social Services Of Sd, 46,745.56; Lynn Jackson Schultz & Lebrun PC, 14,635.60; Lynnel Bruemmer, 289.00; Macnally Law Offices Prof LLP, 1,528.90; Malon Insulation Service Inc, 12,025.80; Manlove Psychiatric Group, 18,400.17; Marcia Whiting, 4,598.00; Marco Inc, 382.05; Marco Inc, 5,416.69; Mark Disanto, 1,108.87; Mark Eisenbraun, 116.00; Mark Katterhagen, 45.00; Mary Rae Seifert, 1,605.00; Matthew T Stephens, 6,266.00; Mcgas Propane LLC, 1,010.64; Mci Service Parts Inc, 115.92; Mckesson Medical-Surgical Government Solutions LLC, 2,009.69; Mckie Ford Inc, 955.06; Meadowlark Hill Mobile Estates LLC, 340.00; Medical Waste Transport Inc, 231.10; Medline Industries Inc, 1,079.20; Melissa J Rupert, 1,539.00; Menards, 743.96; Mes Companies, 21,475.50; Mg Oil Company, 42,781.49; Michelle Cummings, 45.00; Midcontinent Communications, 1,073.75; Midcontinent Testing Lab, 300.00; Midwest Auto Chemical, 189.60; Midwest Boiler Inc, 20,294.00; Midwest Card And Id Solutions LLC, 625.12; Midwestern Mechanical-Rapid Inc, 1,429.93; Mike Goetz, 52.00; Mike McCormick, 143.00; Mikelson Law Office, 128.75; Mikki Mogensen, 9.32; Montana Dakota Utilities, 572.40; Moody County Auditor, 774.76; Motorola Solutions Inc, 877.45; Moyle Petroleum, 7,381.52; Mt. Rushmore Telephone Co, 47.39; Murphy Law Office PC, 3,311.50; NAADAC, 110.00; National Compadres Network, 15,000.00; NCRAAO, 260.00; NCS Pearson Inc, 154.50; Nebraska Salt & Grain Co, 8,478.53; Nelson Law, 3,080.60; Nelson's Oil & Gas Inc, 635.27; Nick Nelson, 268.24; Nicolas Quettier, 516.00; North Central International Of Rapid City Inc, 1,952.73; North Central Supply Inc, 2,410.00; Northern Lights Apartments, 300.00; Northern Truck Equipment, 1,784.35; Northwest Pipe Fitting Inc, 3,583.46; Np Holdings, 243.00; Oberle's Radiator And Repair, 150.00; Office Depot, 2,220.70; Openlattice Inc, 1,650.00; Osheim & Schmidt Funeral Home, 441.03; Parr Law PC, 5,762.20; Paul Faiman, 100.00; Pechota Law Office, 3,453.04; Pederson Law Office LLC, 7,031.37; Peggy Beardsley, 30,641.00; Penn Co Health & Human Sv Petty Cash, 704.55; Penn Co Jail Petty Cash, 1,560.10; Penn Co Search & Rescue, 61,000.00; Penn Co Sheriff Petty Cash, 1,055.65; Penn Co States Atty Petty Cash, 344.30; Pennington County Courant, 2,179.97; Pennington County Housing & Redevelopment, 910.77; Pete Lien & Sons Inc, 983.98; Pharmchem Inc, 1,535.05; Phoenix Supply LLC, 669.59; Pillen Optical Inc, 165.00; Pine Lawn Memorial Park Inc, 1,700.00; Pioneer Bank & Trust, 1,816.51; Pioneer Bank & Trust, 1,996.88; Pitney Bowes Reserve Account, 3,085.35; Plainsview Mobile Manor, 340.00; Pleasant Hills Village, 300.00;

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Plumbmaster Inc, 1,595.72; Ponderosa Screen Printing And Embroidery, 513.95; Prairie Auto Parts Inc, 485.13; Pressure Services Inc, 1,048.82; Print Mark-Et, 59.95; Professional Computer Services LLP, 185.00; Promo Direct, 250.07; Propac Inc, 2,884.26; Quality Transmissions Inc, 587.69; Quill Corporation, 169.40; Race Wheels, 848.00; Ramkota Hotel, 207.98; Randal E Connelly, 2,392.60; Randall J Daughenbaugh, 39,300.00; Rapid Collision, 553.03; Rapid Delivery Inc, 126.50; Rapid Rooter, 465.00; Rapid Transit System, 120.00; RC Area School Dist 51-4, 731.74; RC Emergency Services Pa, 232.75; RC Fire & Emergency Services, 520.45; RC Journal - Advertising, 5,132.09; RC Medical Center LLC, 4,622.50; RC Police Dept-Evidence, 5,004.00; RC Regional Hospital Inc, 7,984.54; RC Regional Hospital Inc, 85.00; RDO Equipment Co, 7,189.78; Record Storage Solutions, 361.83; Redwood Toxicology Inc, 985.00; Regional Health Home Plus Pharmacy, 788.29; Regional Health Reference Laboratory, 2,187.37; Regional Pharmacy, 1,426.55; Regional West Medical Center, 538.30; Reliance Telephone Inc, 9.91; Ricoh USA Inc, 227.17; Ricoh USA Inc, 124.36; RO Investigation And Research LLC, 1,980.00; Robin C. Black, 925.00; Rochester Armored Car Company Inc, 439.03; Ron Terviel Jr, 925.00; Ronald L Weifenbach, 400.00; Rosco's Motorcylce & ATV, 59.80; Rudy Mooney, 240.00; Runnings Supply Inc, 385.11; Rushmore Safety Supplies, 152.30; Sand Scripts, 77.00; Sandra Runde Realty Inc, 300.00; Sara Maher, 52.00; Satellite Tracking Of People LLC, 1,205.50; SBC Martin LLC, 340.00; Scott Macdonald, 250.00; Scull Construction, 354,313.87; SD Dept Health, 890.00; SD Dept Of Public Safety, 43.00; SD Dept Of Revenue, 12,410.02; SD Dept Of Revenue, 440.00; SD Dept. Of Military, 1,805.00; SD Div Of Motor Vehicles, 11.20; SD Federal Property Agency, 139.50; SD Law Review, 35.00; SD Rose Inn, 185.00; SDAAO, 700.00; SDML Workers', 15,025.00; SDN Communications, 1,008.80; SDSU Extension, 275.00; SDSU Extension, 15,080.43; Securus Technologies Inc, 19,275.19; Servall Uniform/Linen Co, 3,370.53; Shannon Rittberger, 412.00; Shannon Tibbetts, 450.00; Sheridan County Court, 1.25; Sherwin Williams Paints, 74.20; Shoener Machine & Tool Supply Inc, 3,020.00; Silver City VFD, 35.00; Silver Star Septic LLC, 150.00; Simon Contractors Of South Dakota Inc, 128.75; Simpson's Printing, 300.00; Skinner Law Office PC, 9,210.50; Solemate Shoes And Uniform Center, 28.78; South Creek Village, 600.00; Southern Cross LLC, 925.00; Stan Houston Equipment, 249.99; Stanley Fisher, 400.00; Star Dust Motel, 400.00; Stec's Advertising, 640.44; Stephanie Kroeze, 58.44; Streicher's, 1,571.98; Sturdevant's Auto Parts, 2,302.56; Sturdevant's Refinish, 52.17; Sturgis Atv And Samll Engine, 699.99; Summit Companies, 3,389.00; Summit Signs & Supply Inc, 51.50; Sundial Square Apartments, 131.00; Sunsource, 3,023.63; Survival Armor Inc, 6,237.84; Syncb/Amazon, 89.09; Teresa L Fink, 2,249.25; Tessco Incorporated, 74.01; The Hartford, 2,616.37; The Law Office Of Jamy Patterson LLC, 1,472.50; The Little Print Shop Inc, 224.09; The Medicine Shoppe, 445.12; The Rushmore Hotel, 238.00; Thomson Reuters-West, 3,095.06; Time Equipment Rental & Sales, 59.90; TKRS Properties LLC, 2,917.43; Todd A Love, 8,991.35; Tom Vlieger, 109.20; Tow Pros, 200.00; Tracey R. Dollison Decker, 6,093.75; Treatment And Evaluation Services, 5,189.80; Twilight Inc, 2,563.84; Tyler Broghammer, 115.00; Uline, 240.01; United Parcel Services Inc, 6.24; Unkenholz Family Dental Prof LLC, 1,651.00; Upper Deck Architects Inc, 3,451.61; Upper Knollwood Townhouse, 342.00; US Bank Na Fees, 76.00; Vanway Trophy & Awards, 487.05; Venture Architects, 8,922.50; Verizon Connect Nwf Inc, 37.90; Verizon Wireless, 183.47; Walkenhorst's, 55.00; Wall Building Center & Construction, 113.97; Warne Chemical & Equipment Co Inc, 184.68; Watertree Inc, 26.50; Wellmark, 225,622.96; Wendy T

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Mcgowan, 7,880.20; West River Electric, 1,115.02; Western Communication Inc, 1,117.00; Western Construction Inc, 2,427.16; Western Mailers, 504.25; Western Stationers Inc, 4,518.99; Western Thrifty Inn LLC, 1,085.00; Wex Bank, 238.83; Wex Bank, 11,742.76; Whisler Bearing Co, 1,477.92; Whisper Rock Apartments, 753.00; Whiting Hagg Hagg Dorsey & Hagg LLP, 13,641.27; William A Moss Psy D LLC, 900.00; Winner Police Dept, 287.20; Winter Law Office PC, 8,505.82; Yankton Co Sheriff Office, 150.00; Yankton County Treasurer, 1,070.50; Zmc LLC, 10,441.91.

**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 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.

Commission DiSanto left the meeting before Executive Session started and did not return.

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

MOVED by Drewes and seconded by Rossknecht to move Equalization Director Shannon Rittberger to a Grade 24 Step 11, \$7,316.26/mo. effective August, 2019 pay period. Vote: Unanimous.

**PERSONNEL**

Buildings & Grounds: Effective 06/16/2019 – Shannon Clyde at \$16.38/hr.

CCADP: Effective 05/19/2019 – Christina Faatz at \$18.95/hr. Effective 06/17/2019 – Joanna Koneche at \$25.40/hr. & Lee Sharpfish at \$17.20/hr.

Dispatch: Effective 06/17/2019 – Matthew Booth, Chad Landis & Katie O’Bryan at \$17.20/hr.

Highway: Effective 06/17/2019 – Ciara Geppert & Kailey Selby at \$19.90/hr.

Planning & Zoning: Effective 06/24/2019 – Dwayne Allen at \$19.90/hr.

Sheriff: Effective 06/06/2019 – Harry Martinez at \$21.94/hr.

State’s Attorney: Effective May pay period – Michaele Hofmann at \$6,255.48/mo. Effective 07/22/2019 – Brenna Jackson at \$20.65/hr.

Treasurer: Effective 06/17/2019 – Andrea Bossen at \$18.05/hr. Effective 06/24/2019 – Lauren Stanton at \$16.38/hr.

WSDJSC: Effective 05/20/2019 – Erich Peterson at \$21.94/hr.

**ADJOURN**

MOVED by LaCroix and seconded by Drewes to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 2:00 p.m.



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/s/ Cindy Mohler, Auditor  
Published once at an approximate cost of \_\_\_\_\_.  
Publish April July 3, 2019