

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of May 18, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, May 18, 2021, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Gary Drewes called the meeting to order with the following Commissioners present: Deb Hadcock, Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by LaCroix and seconded by Rossknecht to approve the agenda with the removal of item 18A. Vote: Unanimous.

CONSENT AGENDA

MOVED by Hadcock and seconded by LaCroix to approve the Consent Agenda with the removal of items 5 & 8. Vote: Unanimous.

5. Removed for separate consideration.
6. Approve the April 2021, Board of Equalization Hearings.
7. Declare the items on the list presented, plus any last-minute items, as surplus for the purpose of being auctioned, to authorize Buildings and Grounds to solicit quotes and sign an agreement for auctioneer services for the surplus sale, and to authorize advertisement of the surplus sale.
8. Removed for separate consideration.
9. Declare one Kenwood UHF repeater Asset#4679 as surplus for the purpose of disposal or donation.
10. Recognize and thank the volunteers for the month of April 2021.

End of Consent Agenda

5. MINUTES OF THE MAY 4, 2021, REGULAR MEETING: MOVED by LaCroix and seconded by Hadcock to approve the minutes of the May 4, 2021, regular meeting. Vote: Unanimous.

8. ACKNOWLEDGE RESIGNATION FROM THE PLANNING COMMISSION: MOVED by Rossknecht and seconded by Hadcock to acknowledge Dr. Kathryn Johnson's resignation from the Planning Commission effective June 30, 2021. Vote: Unanimous.

RAPID CITY, PIERRE & EASTERN RAILROAD – STATEMENT OF SUPPORT:

MOVED by Rossknecht and seconded by LaCroix to approve that the Pennington County Board of Commissioners sign the Statement of Support for the RAISE Grant application being made by the SD Dept. of Transportation to complete the upgrades of the Rapid City, Pierre and Eastern Railroad main line between Fort Pierre and Rapid City, South Dakota. Vote: Unanimous.

GREATER NORTHWEST (PASSENGER RAIL) WORKING GROUP – CONGRESSIONAL LANGUAGE SUPPORT:

MOVED by Hadcock and seconded by LaCroix to approve the Chair's signature on a letter of support for the proposed Federal Railroad Administration Working Groups efforts to further the economic and social wellbeing of rural

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America by working to connect the national long-distance passenger rail system. Vote: Unanimous.

ITEMS FROM AUDITOR

A. RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSES

RENEWALS: MOVED by Hadcock and seconded by Rossknecht to approve the renewals of the Retail (On-Off Sale) Malt Beverage and SD wine Licenses as presented, as listed below, and release licenses upon payment of appropriate property taxes. Vote: The motion carried 4-0 with LaCroix abstaining from all Corner Pantry renewals.

Bear Country USA Inc, Bear Country USA Inc; BJ's Country Store Hwy 16, Dvorak Conveniences Stores, Inc; Black Elk Resort, Black Elk Resort; Black Hills Helicopters Inc, Black Hills Helicopters Inc; Black Hills Speedway, Cross Country Real Estate LLC; Corner Pantry #21 (license #RB-25294), MG Oil Company; Corner Pantry #21 (license #RB-24086), MG Oil Company; Corner Pantry Moon Meadows, MG Oil Company; Country Corner, Robin Robertson; Country Store at Three Forks, Three Forks C-Store Inc; 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; Larsson's Crooked Creek Resort, Larsson Recreational Properties; Mexico Tipico, Mexico Tipico LLC; Mt. Meadow Store and Campground, A Bar H Store and Campground, LLC; Mt Rushmore Concession, Xanterra Parks and Resorts Inc; Mt. Rushmore KOA, Recreational Adventures Co; O'Malleys Casino, KJL Inc; Pactola Pines Marina, Pactola Pines Marina Inc; Prairie Berry Winery/Miner Brewery Co, Prairie Berry LLC; Putz N Glo, Putz N Glo Inc; Rafter J Bar Ranch Campground, Hicow Co; Reptile Gardens, Black Hills Reptile Garden Inc; Rochford Mall, The Rochford Mall Inc; Rockerville Lodge & Cabins LLC, Rockerville Lodge & Cabins LLC; Rushmore Cave LLC, Rushmore Cave LLC; Summer Creek Inn, Summer Creek Inn LLC; The Gaslight, Rockin' 4 LLC; Under Canvas Inc, Under Canvas Inc; Valley Square Casino, MG Oil Company; Valley Square Sports Pub, MG Oil Company; Whispering Pines Campground, Red Sky Enterprise LLC; Winery Hill City LLC, Winery Hill City LLC.

B. NEW RETAIL (ON-OFF SALE) WINE AND CIDER LICENSE AND MALT BEVERAGE & SD FARM WINE LICENSES: MOVED by Rossknecht and seconded by Hadcock to approve the new Retail (on-off sale) Wine and Cider license for Black Hills Helicopters and to approve the Retail (on-off sale) Malt Beverage and SD Farm Wine license for the Horse Thief Campground. Vote: Unanimous.

C. SPECIAL RETAIL ON- SALE MALT BEVERAGE RETAILERS LICENSE AND SPECIAL ON-SALE LICENSE: MOVED by LaCroix and seconded by Lasseter to approve the Special Retail On-Sale Malt Beverage Retailers License for the Rushmore German Club. Vote: Unanimous.

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MOVED by LaCroix and seconded by Lasseter to approve the Special On-Sale License for YPO Twin Cities. Vote: Unanimous.

ITEMS FROM SHERIFF

A. NEW HIRE PAY DISCRETION REQUEST: MOVED by LaCroix and seconded by Hadcock to authorize the Sheriff's Office additional discretion to place new employees up to a step 9 on the pay scale for the Deputy Sheriff I, Correctional Officer I, Licensed Practical Nurse and Registered Nurse positions to remain competitive with the current market. Vote: Unanimous.

ITEMS FROM TREASURER

A. REQUEST FOR 3 NEW FULL-TIME EMPLOYEES: MOVED by LaCroix and seconded by Rossknecht to add three (3) new positions in the Treasurer's Office effective immediately as follows: two (2) Tax and Title Assistants, DBM B22, and one (1) Administrative Assistant 1, DBM A13, with the acknowledgment that a budget supplement may be necessary at the end of 2021. Vote: The motion carried 4-1 with Hadcock voting no.

ITEMS FROM BUILDINGS & GROUNDS/BUILDING COMMITTEE

A. LAMPLIGHTER INN PROPERTY DEMO & PARKING LOT PROJECT DESIGN SERVICES PROPOSAL: MOVED by Hadcock and seconded by Lasseter to approve the design contract for the Lamp Lighter Inn Property Demo & Parking Lot Project with Renner Associates, LLC in the amount of \$14,057 and further move to authorize Buildings & Grounds Director Mike Kuhl to have project design and administrative decision-making authority to include signing documents related to land use or similar project matters and to have expenditure authority up to \$50,000 as Pennington County's representative. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. COVID-19 UPDATE

ITEMS FROM EQUALIZATION

A. ABATEMENT APPLICATIONS: MOVED by Rossknecht and seconded by LaCroix to approve the abatement application for the tax year 2019 for Kay & Phyllis Boblett, Parcel #8006768 in the amount \$19.54. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATION

A. SECOND READING OF ORDINANCE 726: MOVED by Hadcock and seconded by Lasseter to approve the second reading and final adoption of Ordinance 726 - An Ordinance Regulating Open Burning in Pennington County. Vote: Unanimous.

PENNINGTON COUNTY ORDINANCE NO. 726

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AN ORDINANCE REGULATING OPEN BURNING IN PENNINGTON COUNTY

WHEREAS, within the limits of their jurisdiction, the Commissioners of Pennington County are charged with protecting the health and safety of the citizens of Pennington County, including all property situated therein; and

WHEREAS, South Dakota Codified Law (SDCL) § 7-8-20(18) authorizes the Pennington County Commission to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

WHEREAS, the Fire Administrator of Pennington County has consulted with local fire officials and law enforcement officials concerning the need to regulate open burning under certain climatic conditions that pose a threat of fire; and

WHEREAS, the Commissioners of Pennington County deem it necessary to adopt the restrictions set forth in this Ordinance in order to reduce the threat posed by fire to the citizens and property of Pennington County.

NOW, THEREFORE, BE IT ORDAINED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION I. **APPLICATION:**

This Ordinance applies to all areas in Pennington County except: (1) the Black Hills Forest Fire Protection District; (2) any municipality and, (3) any land in Pennington County that is under the ownership or jurisdiction of the Federal Government or State of South Dakota.

SECTION II. **DEFINITIONS:**

- A. **Open Fire:** Any outdoor fire that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. Open Fire shall not include Charcoal Grills, Liquid Fuel Grills, Outdoor Fireplaces, Branding Iron Burners, Campfires or Burn Barrels (see special regulation) as defined herein.
- B. **Charcoal Grill:** A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.
- C. **Liquid Fuel Grill:** A metal or stone device designed to cook food using liquefied or gaseous combustible fuel.

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- D. **Burn Barrel:** A metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal. Burn Barrels must have a metal grate covering at any time when being used. Burn Barrels must be located in a safety zone devoid of all combustible materials 15 feet in radius from the center of the Burn Barrel.
- E. **Outdoor Fireplace:** A manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, including a screen, chimney or other device placed above the fuel area, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually attended.
- F. **Branding Iron Burner:** A stove, furnace or device used to heat irons for the purpose of branding livestock, heated by wood, liquid fuel or other means and constructed so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the open atmosphere.
- G. **Campfire:** A designated and contained location in any permitted commercial campground operated by private individuals or corporations established specifically for the safe use of campfires by campers.

SECTION III. **REGULATIONS:**

A. **Open Fire:**

- 1. No person shall set any open fire when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the very high or extreme category in Pennington County. The prohibition against Open Fire as provided herein shall automatically be suspended during any time period the Grassland Fire Danger Index falls below the very high category in Pennington County.

B. **Burn Barrels:**

- 1. Special regulation: No person may ignite a fire in a burn barrel when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the very high or extreme category in Pennington County. Use of burn barrels as defined herein is allowed only when the Grassland Fire Danger Index falls below the very high category in Pennington County.

SECTION IV. **PENALTY:**

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- A. The penalty for each violation of this ordinance shall be a fine of \$500.00 or 30 days in jail or both.
- B. Any violator of this ordinance may also be subject to other criminal penalties and civil damages for injury, suppression and extinguishment costs associated with a fire as provided in SDCL Chap. 34-35.
- C. Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.
- D. The permissibility of the ignition of any fire as specified herein shall not operate to relieve the ignitor of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire.
- E. Nothing herein shall be construed to supersede any federal or state authority to issue burn permits on land owned or under the jurisdiction of the Federal Government or State of South Dakota.

BE IT FURTHER ORDAINED, that Pennington County Ordinance No. 632 along with any other ordinances and resolutions regulating open burning in Pennington County are hereby repealed; and

BE IT FURTHER ORDAINED, that pursuant to SDCL § 7-18A-8, this Ordinance is necessary for the immediate preservation of public health and safety and shall take effect immediately upon passage and publication.

Dated this 18th day of May, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

ITEMS FROM HIGHWAY

A. BLACK HILLS NATIONAL FOREST SERVICE LIVESTOCK GUARD REMOVAL, CLEANING AND REPAIR AGREEMENT: MOVED by Rossknecht and seconded by Lasseter to approve Agreement #21-RO-11020300-045 with the Black Hills National Forest for livestock guard removal, cleaning and repairs. Vote: Unanimous.

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ITEMS FROM HUMAN RESOURCES

A. POSITION RATING ADJUSTMENT – SHERIFF’S OFFICE SERGEANT POSITIONS:

MOVED by Hadcock and seconded by LaCroix to approve the recommended DBM pay grade of C41 for all Sergeant positions and to authorize Human Resources to upgrade the position listing on file. Vote: Unanimous.

B. ELECTED OFFICIALS COMPENSATIONS STUDY: MOVED by Drewes and seconded by Hadcock to delay and combine a compensation study of Pennington County elected official positions until the County engages in the compensation study for the entire county employee position list. Vote: Unanimous.

CONCERNS WITH CHANGES BEING MADE WITHIN THE PLANNING DEPARTMENT RELATIVE TO ORDINANCES, POLICIES AND PROCEDURES:

MOVED by Drewes and seconded by Rossknecht to table this issue until later in the meeting. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to recess for a ten-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-07: Dalton Kelly-Richter and Jennifer Richter. To reduce the minimum required lot size from 10 acres to 5 acres in an Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

N1/2NW1/4NW1/4NE1/4, Section 8, T2N, R17E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve VA 21-07 because (1) granting the variance doesn’t run counter to the public interest based on staff’s findings; and (2) special conditions exist, to wit: land locked to the north, west, and southeast that inhibits the ability to meet the setback requirements, that excuse literal enforcement of the ordinance in that (a) enforcement causes “unnecessary hardship,” to wit: not able to use their property, and (b) granting the variance not only observes the ordinance’s spirit but also ensures substantial justice is done. Vote: Unanimous.

B. VARIANCE / VA 21-08: Teresa and David Abrahamson. To reduce the setback on the northern property line from 25 feet to 6 feet in a Ranchette Residential District in accordance with Sections 206 and 509 of the Pennington County Zoning Ordinance.

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Lot 3, Seven Hills Subdivision, Section 32, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to approve VA 21-08 based on staff's findings with the following (1) condition be included. Vote: Unanimous.

1. That this Variance applies only to the 28' x 42' garage. All other structures must maintain the proper setbacks or obtain separate Variances.

C. SUBDIVISION REGULATIONS VARIANCE / SV 21-06: Lorraine and Doug Smith; Fisk Land Surveying - Agent. To waive the submittal requirement of percolation tests and soil profile hole information in a Rural Residential District in accordance with Sections 207, 400.3.1.p, and 700.1 of the Pennington County Subdivision Regulations.

E1/2S3/4NE1/4SW1/4; E1/2SE1/4SW1/4 Less That PT Lying S of Highway, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve SV 21-06 with 1 condition because (1) granting the variance doesn't run counter to the public interest based on staff's findings; and (2) special conditions exist, to wit: not knowing where the structure is going to be built, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: by doing this they would be performing multiple percolation tests, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That this Variance to waive percolation tests and soil profile hole information is only for proposed Lots 1 and 2 of RDS Subdivision and not for any further development, subdivision, or rezoning of this lot.

D. SUBDIVISION REGULATIONS VARIANCE / SV 21-07: David Stone; Davis Homestead Reserve, LLC. To waive the submittal requirement of percolation tests and soil profile hole information in an Agriculture District in accordance with Sections 207, 400.3.1.p, and 700.1 of the Pennington County Subdivision Regulations.

Tract 1 (also in Section 14), Guy Davis Homestead, and the S1/2NE1/4; GL 2-4 Less Lot A of GL 4; SE1/4 all located in Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve SV 21-07 with 1 condition because (1) granting the variance doesn't run counter to the public interest based on staff's findings; and (2) special conditions exist, to wit: not knowing where the structure will be built, that excuse literal

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enforcement of the ordinance in that (a) enforcement causes “unnecessary hardship,” to wit: the percolation test will be done with the building permit, and (b) granting the variance not only observes the ordinance’s spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That this Variance to waive percolation tests and soil profile hole information is only for proposed Lot B of Guy Davis Homestead and not for any further development or subdivision of this lot.

E. SUBDIVISION REGULATIONS VARIANCE / SV 21-08: David Stone; Davis Homestead Reserve, LLC. To waive the requirement to dedicate and improve the undeveloped Section Line Right-of-Way in an Agriculture District in accordance with Sections 205, 500.5, and 700.1 of the Pennington County Subdivision Regulations.

Tract 1 (also in Section 14), Guy Davis Homestead, and the S1/2NE1/4; GL 2-4 Less Lot A of GL 4; SE1/4 all located in Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve SV 21-08 with 1 condition because (1) granting the variance doesn’t run counter to the public interest based on staff’s findings; and (2) special conditions exist, to wit: on the section line they wouldn’t be using the road, that excuse literal enforcement of the ordinance in that (a) enforcement causes “unnecessary hardship,” to wit: the standards wouldn’t need to be improved, and (b) granting the variance not only observes the ordinance’s spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That the Section Line be dedicated and improved to Ordinance 14 Standards, if a habitable structure is ever placed or constructed on proposed Lot B.

F. SUBDIVISION REGULATIONS VARIANCE / SV 21-09: Shane Swedlund; Fisk Land Surveying - Agent. To waive the requirement to submit percolation tests and profile hole information in a Rural Residential District in accordance with Sections 207, 400.3.1.p, and 700.1 of the Pennington County Subdivision Regulations.

Tract 2 B West Sub-Div of Lot 2 of SW1/4NW1/4; Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve SV 21-09 with 1 condition because (1) granting the variance doesn’t run counter to the public interest; and (2) special conditions exist, to wit: not knowing where the structure is going to be built, that excuse literal enforcement of the ordinance in that (a) enforcement causes “unnecessary hardship,” to wit: they would have to have multiple profile tests done, and (b) granting the variance not only observes the ordinance’s spirit but also ensures substantial justice is done. Vote: Unanimous.

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1. That this Variance to waive percolation tests and soil profile hole information is only for proposed Lot 1 and 2 of Swedlund Subdivision and not for any further development, subdivision, or rezoning of this lot.

G. SUBDIVISION REGULATIONS VARIANCE / SV 21-10: Shane Swedlund; Fisk Land Surveying - Agent. To waive the requirement to dedicate and improve an undeveloped Section Line Right-of-Way in a Rural Residential District in accordance with Sections 207, 500.5, and 700.1 of the Pennington County Subdivision Regulations.

Tract 2 B West Sub-Div of Lot 2 of SW1/4NW1/4; Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve Subdivision Regulations Variance / SV 21-10, due to staff's findings. Vote: Unanimous.

H. SUBDIVISION REGULATIONS VARIANCE / SV 21-11: Lyndon Bolt; GL Development Co., LLC; Renner Associates - Agent. To waive the requirement to dedicate and improve an undeveloped Section Line Right-of-Way in a Ranchette Residential District in accordance with Sections 206, 500.5, and 700.1 of the Pennington County Subdivision Regulations.

Hare Lipa Tract (aka Part of Lot 1) of Section 3, T2S, R5E, BHM; and Parcel 1 of Lot 4 Less Right-of-Way of Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve Subdivision Regulations Variance / SV 21-11 based on staff's findings, with the 1 condition. Vote: Unanimous.

1. That this Variance only apply to the north and south portion of the Section Line, separating Sections 2 and 3. The east and west portion of the Section Line, providing access to proposed Lots 1 and 2, shall be dedicated and improved to Ordinance 14 Standards.

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

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I. MINOR PLAT / MPL 21-20: Dale and Luanne Russell. To reconfigure lot lines to create Lots 1 and 2 of Russell Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A, Lot B, Lot C, and Lot D of Lot 1 of NW1/4SW1/4 and Tract A of NW1/4SW1/4, Section 5, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Russell Subdivision, Section 5, T1N, R6E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 21-20 with the following five (5) conditions.

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
5. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

PLANNING & ZONING REGULAR AGENDA

J. SECOND READING OF ORDINANCE AMENDMENT / OA 21-06: Pennington County. To amend Section 507-I-5-b “Construction Permits - Permit Requirements” of the Zoning Ordinance [to amend and supersede the existing Section 507-I-5-b “Construction Permits - Permit Requirements”].

MOVED by Hadcock and seconded by Lasseter to approve the second reading and final adoption of Ordinance Amendment / OA 21-06. Vote: Unanimous.

K. SECOND READING OF ORDINANCE AMENDMENT / OA 21-07: Pennington County. To amend Section 202 “Official Zoning Map” of the Zoning Ordinance [to amend and supersede the existing Section 202 “Official Zoning Map”].

MOVED by Hadcock and seconded by Lasseter to approve the second reading and final adoption of Ordinance Amendment / OA 21-07. Vote: Unanimous.

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L. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 21-02: City of Rapid City.

To vacate 1,251.51 feet of Section Line Right-of-Way lying across Sections 24 and 25, T1N, R8E, BHM, Pennington County, South Dakota.

SE1/4NW1/4SE1/4 Less PT Lot A and PT Lying North of Creek; SW1/4SE1/4; SW1/4NW1/4SE1/4 LESS N210 feet and Less W100 feet of Section 24, T1N, R8E, BHM; and NW1/4NE1/4 Less W66 feet of Section 25, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue indefinitely Vacation of Section Line Right-of-Way / VS 21-02, per the applicant's request. Vote: Unanimous.

M. RELOCATION OF SECTION LINE RIGHT-OF-WAY / RS 21-01: Lyndon Bolt; GL Development Co., LLC; Renner Associates - Agent. To relocate a portion of the Section Line Right-of-Way lying along Sections 2 and 3, T2S, R5E, to bring an existing pole barn/shop building into compliance.

Hare Lipka Tract (aka Part of Lot 1) of Section 3, T2S, R5E, BHM; and Parcel 1 of Lot 4 Less Right-of-Way of Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to approve of Relocation of Section Line / RS 21-01 with the following one (1) condition. Vote: Unanimous.

1. That all necessary resolutions and exhibits relocating the Section Line Right-of-Way be recorded by the applicant at the Register of Deeds Office.

N. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 21-02:

Hadly Eisenbeisz and Kristin Brost. To construct a road within the Section Line Right-of-Way to provide access to property located in Sections 25 and 36, T2N, R4E, BHM, Pennington County, South Dakota.

Sections 25 and 36, T2N, R4E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve of Road Construction Within the Section Line Right-of-Way / CS 21-02, which includes constructing the Section Line Right-of-Way to County Ordinance 14 Standards, with the following conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;

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2. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit be obtained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
8. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

O. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Hadly Eisenbeisz and Kristin Brost: MOVED by LaCroix and seconded by Lasseter to approve the request to waive the requirements to not submit engineered road construction plans and to waive all requirements to Ordinance #14. Vote: Unanimous.

P. LAYOUT PLAN / LPL 21-16: Jess and Kendra Kellogg; Davis Engineering – Agent. To create Lot 12R Revised, Block 5 of Northdale Subdivision and Lot A Revised of Riss Subdivision in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Riss Subdivision and Lot 12 Revised of Block 5 of Northdale Subdivision, all located in Section 8, T2N, R7E, BHM, Pennington County and Meade County, South Dakota.

PROPOSED LEGAL: Lot A Revised of Riss Subdivision and Lot 12R Revised of Block 5 of Northdale Subdivision, all located in Section 8, T2N, R7E, BHM, Pennington County and Meade County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve Layout Plan / LPL 21-16 with the following eleven (11) conditions. Vote: Unanimous.

1. That prior to Preliminary Plat submittal, approach permits must be obtained by Pennington County Highway for the approaches off of Merritt Road and Saratoga Road;
2. That a Variance be obtained from the Board of Commissioners to allow two approaches;
3. That the concern of creating an isolated tract by the creation of Lot A Revised is addressed by Meade County prior to Preliminary Plat submittal;

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4. That at the time of Preliminary Plat submittal, that bearings, dimensions and acreage specific to the Pennington County portion of proposed Lot 12R Revised be included on the plat document;
5. That at the time of Preliminary Plat submittal, the Certifications on the Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, the Plat be prepared by a South Dakota Registered Land Surveyor;
7. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
9. That at the time of Preliminary Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
10. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Q. LAYOUT PLAN / LPL 21-18: Alvin and Lois Rudd. To create Rudd Tract in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SE1/4SW1/4 and SE1/4NE1/4; That PT NE1/4NE1/4 Lying S and E of RR ROW; That PT SE1/4SW1/4 LYING S and E of RR ROW, Less SE1/4SE1/4SW1/4; 50 ft wide strip in W1/2NE1/4 Lying S and E of RR ROW; That PT NW1/4NE1/4 Lying S and E of RR ROW, Less Aforementioned 50 ft wide strip; That PT SW1/4NE1/4 Lying S and E of RR ROW, Less AF, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Rudd Tract, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Layout Plan / LPL 21-18 with the following seven (7) conditions. Vote: Unanimous.

1. That at the time of Preliminary Plat submittal, the Certifications on the Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That at the time of Preliminary Plat submittal, the Plat be prepared by a South Dakota Registered Land Surveyor;

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3. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Preliminary Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to the mylar being filed at Register of Deeds, the Section Lines on proposed Rudd Tract be dedicated and improved or an approved Subdivision Regulations Variance be obtained, waiving any of the requirements that are not met;
6. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

R. LAYOUT PLAN / LPL 21-23: David Stone. To create Lot B of Guy Davis Homestead in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 1 (also in Section 14) of Guy Davis Homestead and S1/2NE1/4; GL 2-4 Less Lot A of GL 4; SE1/4 all located in Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot B of Guy Davis Homestead, Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Layout Plan / LPL 21-23 with the following eight (8) conditions. Vote: Unanimous.

1. That at the time of Preliminary Plat submittal, the Certifications on the Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That at the time of Preliminary Plat submittal, a legal means of access (easements or rights-of-way) to proposed Lot B be identified on the plat;
3. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Preliminary Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Preliminary Plat submittal, the applicant provides percolation tests and soil profile hole information for proposed Lot B or obtain an approved Subdivision Regulations Variance to waive these requirements;

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6. That prior to the mylar being filed at Register of Deeds, the Section Line adjoining proposed Lot B be dedicated and improved or an approved Subdivision Regulations Variance be obtained to waive these requirements;
7. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
8. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

S. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 21-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 21-02: Mike Cimino, Nicarly Properties, LLC: To rezone 24.08 acres from Ranchette District and Rural Residential District to Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Agriculture District.

Blocks 2-5 in NE1/4SE1/4; that PT of Unplat PT of N1/2SE1/4 Lying E of CO RD #318 Less RR ROW, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue Rezone / RZ 21-04 and Comprehensive Plan Amendment / CA 21-02 to the July 6, 2021, Board of Commissioner's meeting. Vote: Unanimous.

T. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 21-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 21-08: Mike Gennaro, TDG Real Estate, LLC. To rezone 8.79 acres from Ranchette Residential to Rural Residential and to amend the Comprehensive Plan to change the Future Land Use from Ranchette Residential District to Rural Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

All of Glendale #1 Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue Rezone / RZ 21-14 and Comprehensive Plan Amendment / CA 21-08 to the July 6, 2021, Board of Commissioner's meeting. Vote: Unanimous.

U. PRELIMINARY PLAT / PPL 21-17: Keith Lau. To subdivide and create Lots 5R and 5B of Lau Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5 of Lau Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

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PROPOSED LEGAL: Lot 5R and Lot 5B of Lau Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Preliminary Plat / PPL 21-17 with seven conditions. Vote: Unanimous.

Substitute motion: MOVED by Hadcock and seconded by Lasseter to continue this item until the June 1, 2021 Commission meeting. Vote: Unanimous.

V. LAYOUT PLAN / LPL 21-19: Thomas Berry. To reconfigure lots lines to create Lots 6R and 7R of Pine Meadow Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 6 and Lot 7 of Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Lot 6R and Lot 7R of Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County.

MOVED by Hadcock and seconded by LaCroix to approve Layout Plan / LPL 21-19 with the following sixteen (16) 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 at Register of Deeds, the applicant obtains a Rezone or a Lot size Variance for the proposed lots;
4. 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;
5. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;

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8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
9. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
10. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard Area;
11. That at the time of the Minor Plat submittal, the proposed Plat contain the Floodway floodplain limits in accordance with current FIRM Panel;
12. That both lots use the existing approach off of Forest Road;
13. 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;
14. That the applicant obtains an approved Building Permit for the tool shed and guest cottage prior to filing the Plat at Register of Deeds,
15. That the applicant obtains a Conditional Use Permit for the Guest Cottage prior filing the Plat at Register of Deeds; and,
16. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

W. LAYOUT PLAN / LPL 21-21: Kathryn Policky. To subdivide and create Tracts 1 and 2 and Well Lot of Policky Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B of E1/2SE1/4 Less Tract B-1, Section 9, T1N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Tracts 1 and 2 and Well Lot of Policky Subdivision, Section 9, T1N, R6E, BHM, Pennington County.

MOVED by LaCroix and seconded by Lasseter to approve of Layout Plan / LPL 21-21 with the following nine (9) conditions. Vote: Unanimous.

1. That the applicant ensures all natural drainage ways are maintained and are not blocked;
2. That all setbacks from lot lines be maintained for the existing structures and utilities as a result of the proposed lot split;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That prior to applying for the Preliminary Plat, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Lot 6, to be

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- reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
 7. That at the time of Preliminary Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 8. That an approved Approach Permit is obtained from the County Highway Department; and,
 9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

X. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-06 – APPROVAL BY RESOLUTION: Nothing Doing, LLC; Dannie Davis - Agent. To amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development District to Ranchette Residential District in accordance with Sections 206, 216, and 508 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue Comprehensive Plan Amendment / CA 21-06 to the July 6, 2021, Board of Commissioner’s meeting. Vote: Unanimous.

Y. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-09 – APPROVAL BY RESOLUTION: Pennington County. To amend the existing Comprehensive Plan “View to 2040” Section 3.1 “Land Use Designations and Standards” Figure 3-1 Future Land Use Map, page 3-15.

**RESOLUTION AMENDING THE PENNINGTON COUNTY
COMPREHENSIVE PLAN “VIEW TO 2040”**

WHEREAS, SDCL § 11-2-28 authorizes a county to amend the Comprehensive Plan; and

WHEREAS, the Pennington County Board of Commissioners (“Board”) adopted the Comprehensive Plan “View to 2040” (“Plan”) on May 5, 2020; and

WHEREAS, the Plan is incorporated by this reference and available at www.pennco.org; and

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WHEREAS, the Board has implemented the Plan with the amendment to Section 202 of the Pennington County Zoning Ordinance (“PCZO”), which became effective on February 24, 2021; and

WHEREAS, the Board has concluded that with the amendment to Section 202 of the PCZO that was adopted on February 24, 2021, the errors in the Future Land Use Map of Pennington County is incongruous with the original intent of the Plan; and

WHEREAS, the Board has concluded that an amendment to the Future Land Use Map of Pennington County contained in the Plan is necessary to implement the Plan’s original intent; and

WHEREAS, the Board has concluded that the best way to accomplish that is to amend the Plan by amending the Future Land Use Map of Pennington County that implements the original intent of the Plan (labeled as Figure 3-1) in Section 3, page 15; and

NOW, THEREFORE, BE IT RESOLVED BY THE PENNINGTON COUNTY BOARD OF COMMISSIONERS:

1. That the Future Land Use Map of Pennington County contained in section 3, page 15 of the Plan be amended to implement the original intent with the map incorporated by this reference and on file at the Planning Department.

Dated this 18th day of May, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

Z. ROAD ADVISORY COMMITTEE – PROPOSED MEMBER COMPOSITION AND MEETING DATE(S): MOVED by Drewes and seconded by Rossknecht to approve the Road Advisory Committee composition and to recommend Commissioner Rossknecht to serve on behalf of the Commissioners. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

A. SPECIAL PLANNING WORK SESSION SCHEDULE: MOVED by LaCroix and seconded by Lasseter to schedule the July Planning Work Session for Friday July 23, 2021 starting at 8:00 a.m. Vote: Unanimous.

B. PROPOSED RESOLUTIONS FOR BHACC/SDACC: MOVED by LaCroix and seconded by Rossknecht to direct staff to prepare a resolution to support legislation to amend SDCL 7-18A-16 to clarify the time of filing for referendum petition and a resolution to support legislation

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allowing electors of a county to consider up to a one cent temporary sales tax for specific infrastructure project(s). Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by Lasseter and seconded by Rossknecht to approve the voucher in the amount of \$200 for the Rose Inn LLC. The Motion carried 4-0 with Hadcock abstaining.

MOVED by Lasseter and seconded by LaCroix to approve the remainder of the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$4,008,260.52. Vote: Unanimous.

A & B Business Inc, 4,351.81; A & B Welding Supply Co, 194.75; A To Z Shredding, 617.76; Active Data Systems Inc, 5,025.22; Adams-Isac LLC, 1,785.39; Adaptamed, LLC, 13,180.00; Advanced Drug Testing Inc, 300.00; Al Cornella Refrigeration, 38.27; Alcohol Monitoring Systems Inc, 780.00; Amazon.Com Services, 480.67; American Jail Association, 60.00; American Planning Assoc, 99.00; Americinn Motel, 1,350.00; Amick Sound Inc, 104.16; Apco International Inc, 419.00; Architectural Specialties LLC, 4,581.13; Arctic Glacier USA Inc, 45.30; Armijo Jr Amos, 204.00; Assured Partners Aerospace, 4,878.00; AT&T Mobility, 306.54; Atlas PLLC, 75.00; Audra Hill Consulting Inc, 13,806.47; Aurora County, 2,817.00; Autoclear LLC, 20,229.00; Avera Health, 200.00; Avera McKennan Hospital, 575.29; Axon Enterprise Inc, 6,105.40; Bakley Regina, 134.00; Balancing Professionals Inc, 7,118.38; Balco Uniform Co Inc, 6,311.70; Bangs, McCullen, Butler, Foye & Simmons, LLP, 1,634.70; Banks, Bridgette R, 1,072.90; Batteries Plus Bulbs #934, 163.90; Beachem Bryce, 100.00; Beardsley Jensen & Lee Prof. LLC, 158.40; Beezley, Lawrence D, 640.00; Behrens-Wilson Funeral Home, 7,430.00; Best Black Hills Rentals, LLC, 9,300.00; BH Chemical Company Inc, 14,343.93; BH Electric Cooperative Inc, 100,000.18; BH Energy, 831.72; BH Energy, 64,926.02; BH Energy, 735.56; BH Flooring, 4,515.63; BH Obstetrics & Gynecology LLC, 250.60; BH Pediatrics & Neonatology LLP, 2,565.69; BH Regional Eye Institute LLP, 126.30; BH Services Inc, 497.50; BH Tent And Awning, 130.00; BH Wilbert Vault, 400.00; Bi Inc, 5,408.00; Bierschbach Equipment And Supply Co Inc, 225.00; Bishop, Lynn M, 137.50; Blake's Trailer Sales & Repair, 56.00; Bloom Law Office Prof LLC, 1,567.40; Bob Barker Company Inc, 8,174.14; Bob's Auto Service, 302.83; Border States Electric, 396.29; Box Elder VFD, 320.00; Brant Annette, 185.60; Brick LLC, 100.00; Bringswhite, Erik, 5,500.00; Bringswhite, Morgan, 3,500.00; Brownells Inc, 760.04; Bruscher Optometric PC, 75.00; Buesing Keely L., 750.00; Burroughs Counseling And Consultation LLC, 580.00; Burton Kevin W., 1,253.63; Butler Machinery Company, 309.92; Cameron, George R, 1,500.30; Cash-Wa Distributing, 1,856.80; Casteel Audra, 211.60; Castleberry, James D, 2,992.66; Cat's Cleaning, 40.00; CDW Government Inc, 17,219.06; Cedar Face Ruth L, 2,000.00; Central States Fair Inc, 18,969.00; Charm-Tex Inc, 199.60; Children's Home Society, 500.00; Chris Supply Co Inc, 1,187.15; Ciox Health, 18.30; City Of Box Elder, 247.07; City Of Rapid City -Water, 4,242.21; City Of Rapid City, 25,017.17; Clark Printing, 295.73; Clayborne, Deanna K, 636.30; Clean Sweep Industries Inc, 258.00; Climate Control Systems And Service LLC,

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27,670.88; Cline, Jean M, 772.20; Clinical Laboratory Of The Black Hills, 4,014.55; Clock Tower Gardens Apartments, 2,745.00; Colbath Atty PC, Angela M, 12,318.25; Colonial House, 1,071.63; Community Health Center Of The Black Hills Inc, 700.70; Connections Inc EAP, 1,125.60; Construction Specialties Inc, 552.00; Contractors Insulation And Drywall Supply, 72.32; Contractors Supply Inc, 26.00; Cook Ryan, 278.38; Cooks Correctional, 2,920.44; Co-Op Architecture, 978.75; Copy Country, 143.65; Correct Rx Pharmacy Services Inc, 23,758.71; Cortech, 503.49; Crescent Electric Supply, 774.28; Crum Electric Supply, 121.21; Cummins Central Power LLC, 613.41; Dakota Business Center, 4,482.69; Dakota Fluid Power Inc, 32.11; Dakota Plains Legal Services Inc, 28,750.00; Dakota Radiology Pet/Ct & MRI, 527.33; Dakota Supply Group Inc, 5,352.74; Dale's Tire & Retreading Inc, 1,450.74; Darby Dental Supply LLC, 5,212.95; Davis, Jeremiah J, 495.00; Delta Dental Of South Dakota, 40,006.94; Den Herder Law Office PC, 203.70; Denny Menholt Chevrolet, 7,387.77; Diamond Vogel Paint Center, 256.81; Dillon Law Office, 248.01; Doran Joe, 18.00; Drury, Jessie, 75.00; DS Solutions Inc, 525.00; Dyna-Kleen Service Inc, 13,125.00; Edge Tech Service, 715.00; Eide Brook M, 3,000.00; Eprovider Solutions, 532.68; Ertz, Dewey J, 800.00; Evergreen Office Products, 226.29; Executive Mgmt Fin Office, 106.50; Farmer Brothers Coffee, 716.40; Fastenal Company, 676.35; Faulkton Area Medical Center, 82.99; Federal Express, 123.57; Ferguson Enterprises Inc #226, 1,178.43; Fidelity Security Life, 5,456.37; Fink, Teresa L, 1,085.35; First Interstate Bank, 1,743.89; First Interstate Bank, 1,083.05; First Interstate Bank, 125.62; First Interstate Bank, 488.43; First Interstate Bank, 650.26; First Interstate Bank, 931.56; First Interstate Bank, 786.38; First Interstate Bank, 1,528.02; First Interstate Bank, 163.61; First Interstate Bank, 366.72; First Interstate Bank, 4,169.26; First Interstate Bank, 159.65; First Interstate Bank, 348.35; First Interstate Bank, 208.42; Fisk Land Surveying & Consulting Engineers Inc, 4,392.50; Floyd's Truck Center, 585.05; Foster Brandon W, 1,409.44; French's Upholstery, 545.00; Fresh Start Carpet Care, 484.00; Fried Cora, 99.12; Frontier Auto Glass LLC, 900.00; Fruit Of The Loom, 3,357.92; Full Circle Martial Arts Academy LLC, 100.00; G & H Distributing - RC, 314.04; G & R Controls Inc, 777.82; Global Equipment Company, 721.90; Godfrey Brake Service And Supply Inc, 335.12; Golden West Companies, 1,560.43; Golden West Technologies, 202.50; Grainger - 829245489, 725.15; Great Western Tire Inc, 2,286.02; Grey & Eisenbraun Law, Prof LLC, 649.40; Grimm's Pump Service Inc, 1,835.88; Ground Control Systems Inc, 64.00; H&S Uniforms And Equipment LLC, 6.00; Hansen Justin, 100.00; Hardy Reynolds Law Group LLC, 1,634.30; Harms Oil Company, 18,177.83; Harris, Betsey, 344.15; Harveys Lock Shop, 81.00; Haven Technology Corporation, 3,335.18; Hazelden Publishing, 567.10; HBD Inc, 1,375.00; Heil Mechanical Inc., 650.10; Hill City Area Chamber Of Commerce, 100.00; Hill City Hardware Inc, 92.45; Hill City Prevailer, 797.84; Hill City Public Library, 14,689.50; Hills Septic Service, 200.00; Hillyard/Sioux Falls, 6,375.21; Hoffman Zack, 100.00; Holiday Inn Express, 616.00; Hub International Mountain States Limited, 691.95; Humane Society Of The Black Hills, 4,166.67; Indiana Safety \$ Supply Co, 16,867.20; Indoff Inc, 713.51; Industrial Organizational Solutions Inc, 125.00; Infogroup Inc, 495.00; Interstate All Battery Center, 308.05; Interstate Engineering Inc., 4,143.00; Intoximeters Inc, 334.25; Island Kaycee, 199.60; Jantech LLC, 960.00; Jefferson Partner LP, 76.50; Jenner Equipment Co, 965.93; Jims Private Utility Locating, 300.00; JJ's Engraving & Sales, 136.00;

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Johnson Controls, 20,560.79; Johnson Spencer, 46.20; Johnson, Kimberly K, 1,813.45; Johnstone Supply, 54.27; Karl Chevrolet Inc, 38,272.00; Katterhagen Mark, 123.00; Keltek Inc., 8,680.46; Kennedy Pier Loftus & Reynolds LLP, 544.50; Keystone City Hall, 4,954.50; Kieffer Sanitation/A Waste Management Co, 3,546.33; Kieffer Sanitation/A Waste Management Co, 136.80; Kimball Midwest, 1,271.29; Kirk Funeral Home, 3,820.00; Kirschenmann, Kevin E, 1,305.00; KLJ Engineering LLC, 6,697.88; Knecht Home Center Inc, 2,305.26; Kolbach John, 650.00; Komes David, 1,600.00; Konica Minolta Premier Finance, 156.19; Kraig Blomme Rentals, 725.00; KS Statebank, 10,325.82; Kuenkel Adam L, 1,000.00; Lacal Equipment, 1,349.70; Language Line Services, 97.64; Laubach Law Office Prof LLC, 1,434.75; Lewno Lucille M, 1,221.07; Liberty Chrysler Center, 81,038.40; Lingo Communications LLC, 70.03; Lockwood Darcy, 123.00; Loftus, Ronald J., 855.00; Love, Todd A, 4,190.05; Lutheran Social Services Of Sd, 46,491.58; Lynn Jackson Schultz & Lebrun PC, 11,868.30; Macrander Christian, 20.00; Marco Inc, 1,169.13; Marco Inc, 6,578.70; Maruska, Kayla L, 967.65; Matheson Tri-Gas Inc, 77.12; McGowan, Wendy T, 5,219.28; McKesson Medical - Surgical Inc, 387.65; McKesson Medical-Surgical Government Solutions LLC, 2,821.62; Medical Waste Transport Inc, 412.24; Medline Industries Inc, 2,858.92; Melone PC Lorie D, 2,960.22; Menards, 974.69; MG Oil Company, 10,683.83; Mick's Electric, 1,327.35; Midcontinent Communications, 500.96; Midcontinent Communications, 4,176.65; Midwest Auto Chemical-Mac, 645.60; Midwest Card And Id Solutions LLC, 875.00; Minnehaha County Sheriff, 141.39; Mohler Cindy, 40.00; Monument Health, 18.30; Monument Health Home Plus Pharmacy, 282.17; Monument Health Medical Clinic, 200.00; Monument Health Rapid City Hospital Inc., 15,134.82; Mooney Christopher, 18.00; Morrill County, 18.59; Moss Psy D LLC, William A, 6,575.00; Moyle Petroleum, 9,895.87; Mt Rushmore Telephone Co, 48.77; Mueller Brian, 392.20; Myers Enterprises Inc, 2,025.00; National Restaurant Association Solutions LLC, 173.85; Neavill Stephen Troy, 283.36; Neilan Chandra, 40.00; Nelson Jacquelyn R, 135.00; Nelson, George J, 828.63; Nelson's Oil & Gas Inc, 564.38; Nohr, Linda J, 2,150.00; Nordell Donna, 141.08; North Central International Of Rapid City Inc, 1,213.34; North Central Supply Inc, 1,660.00; Northern Lights Apartments, 1,630.00; Northwest Pipe Fitting Inc, 1,793.61; Novus Glass Kevin Hoffman, 262.00; NSG Logistics LLC, 2,257.43; O'Day, Valarie, 1,072.80; Office Depot, 1,468.35; Olson Towing, 333.00; Olson, Carolyn, 7,387.50; Omnitech, Inc., 3,312.50; Openlattice Inc, 12,500.00; Ostendorf Matthew, 48.06; Overhead Door Of Rapid City, 2,161.74; Pacific Steel & Recycling, 41.48; Parr Law PC, 888.70; Pasqualucci Law Office PC, 479.85; Pederson Law Office LLC, 2,175.90; Penn Co Health & Human Sv Petty Cash, 355.00; Penn Co Highway Petty Cash, 422.74; Penn Co Jail Petty Cash, 1,710.00; Penn Co Sheriff Petty Cash, 1,674.61; Penn Co States Atty Petty Cash, 237.22; Penn Co Treasurer Petty Cash, 66.37; Penn Conservation Dist, 15,909.50; Pennington County Courant, 1,498.14; Pennington County Housing & Redevelopment, 1,971.00; Pharmchem Inc, 371.15; Pheasantland Industries, 9,941.51; Phoenix Investigations, 2,194.12; Phoenix Supply LLC, 355.29; Pillen Optical Inc, 185.00; Pine Lawn Memorial Park Inc, 5,100.00; Pioneer Bank & Trust, 1,968.00; Pioneer Bank & Trust, 8,918.85; Pitney Bowes Reserve Account, 4,183.00; Prairie Auto Parts Inc, 515.49; Priority Dispatch Corp, 550.00; Proforma Screening Solutions LLC, 187.00; Quettier Nicolas, 384.00; Quill Corporation, 210.13; Radiology Associates Professional LLC, 698.84; Ramkota Hotel, 202.00; Rapid Collision,

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5,971.20; Rapid Delivery Inc, 120.75; Rapid Rooter, 1,000.00; Rapid Transit System, 30.00; RC Area School Dist 51-4, 1,080.38; RC Emergency Services Pa, 2,868.48; RC Journal - Advertising, 5,411.63; RC Medical Center LLC, 425.44; RC Police Dept-Evidence, 11,460.00; RC Public Library, 214,782.00; RC Winsupply, 114.50; RDO Equipment Co, 321,600.00; RDO Equipment Co, 5,648.29; Record Storage Solutions, 342.06; Redwood Toxicology Inc, 260.00; Redwood Toxicology Laboratory Inc, 5,467.08; Reliance Telephone Inc, 23.65; Rhoden Cody, 248.15; Rittberger Shannon, 18.00; RJ Lee Group Inc, 2,400.00; Ro Investigation And Research LLC, 4,967.17; Rochester Armored Car Company Inc, 493.32; Rockerville Volunteer Fire Dept, 25,000.00; Rollin Cash LLC, 4,750.00; Rose Inn LLC, 200.00; Rossknecht Ron, 154.00; Runnings Supply Inc, 434.70; Sakura LLC, 572.00; Sand Scripts, 96.25; Sanitation Products Inc, 648.87; Sargent Matt, 50.00; Saylor Janet, 225.60; Scenic Township, 1,762.50; Scheels, 3,999.93; Schneider Richard, 26.00; Scovel Psychological, 400.00; Scull Construction, 59,371.20; SD Association Of Extension 4-H Educators, 60.00; SD Board Of Examiners Of Psychologists, 300.00; SD Council Of Community Behavioral Health, 3,020.89; SD Dept Health, 3,630.00; SD Dept Of Health, 150.00; SD Dept Of Labor, 14,088.24; SD Dept Of Revenue, 11,874.74; SD Dept Of Transp-Finance, 27,519.93; SD Dept. Of Military, 1,805.00; SD Federal Property Agency, 6,196.50; SD Gov Human Resources Association, 125.00; SD Human Services Center, 10.40; SD One Call Board, 91.35; SD Public Assurance Alliance, 565.41; SD Sheriff's Association, 255.00; SDACC, 375.00; SDN Communications, 964.44; Securus Technologies Inc, 25,929.37; Seifert, Mary Rae, 3,105.00; Servall Uniform/Linen Co, 2,411.97; Sherwin Williams Paints, 1,040.47; Sign Express, 119.00; Silver Star Septic LLC, 150.00; Simon Contractors Of South Dakota Inc, 1,402.43; Simpliverified LLC, 255.00; Simpson's Printing, 478.50; Sioux Falls Ford Inc., 51,967.00; Sletten Rod, 18.00; Smith Craig, 100.00; Smoot & Utzman, 2,022.86; Sonnel Technologies LLC, 19,493.76; Speck, Jody H, 2,787.50; Spencer David Chissie, 2,000.00; Stan Houston Equipment, 505.23; Stephens, Matthew T, 8,039.00; Stonefield, Michael S, 3,989.70; Streicher's, 5,388.00; Sturdevant's Auto Parts, 3,441.60; Sturdevant's Refinish, 247.32; Suckow Kimberly, 6.51; Summit Companies, 45.00; Summit Food Service, 135,673.51; Summit Signs & Supply Inc, 163.00; Sundial Square Apartments, 4,598.47; Supboon Chutima, 26.04; Survival Armor Inc, 1,612.16; Synch/Amazon, 94.95; The Hartford, 2,651.09; The Law Office Of Kyle Krause, Prof LLC, 6,301.35; The Lodge At Deadwood, 972.00; The Medicine Shoppe, 48.68; The Palms Apartments LLC, 2,640.00; The Repair Shop, 1,806.50; Thompson Lori, 115.00; Thomson Reuters-West, 5,647.69; Thorne Richard, 2,950.00; Thurman Kelly, 100.00; Tieman Aaron, 10.01; Timeclock Plus, LLC, 2,818.44; TKRS Properties LLC, 2,900.71; TR Jewelry Concepts, 3,792.00; Transource Truck & Equipment Inc, 5,977.22; Tru Green LP, 1,390.02; Truenorth Steel, 14,244.20; Tzadik Rapid City LLC, 4,317.02; Uline, 379.22; United Parcel Services Inc, 7.45; Unkenholz Family Dental Prof LLC, 509.00; Upper Deck Architects Inc, 49,637.59; US Bank Na, 1,516,507.55; US Geological Survey, 10,507.50; Vanway Trophy & Awards, 754.10; Vari Sales Corporation, 477.00; Vast Broadband, 98.85; Vast Broadband, 779.98; Venture Architects, 19,357.05; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 127.20; Vermeer High Plains, 22.56; Video Service Of America, 721.11; Vlieger Tom, 65.52; Voet John, 5,600.00; Wall Building Center & Construction, 28.94; Wall Community Library, 8,711.50; Wall VFD, 240.00;

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Warne Chemical & Equipment Co Inc, 39.60; Watertree Inc, 1,032.76; Watkins Amber, 20.43; Weichmann, Cynthia M, 646.50; Weiss Alexandra, 23.94; Wellmark, 76,893.93; Wendell Gordon, 18.00; West River Anesthesiology Consultants PC, 217.10; Western Communication Inc, 3,015.14; Western Detention, 2,417.40; Western First Aid & Safety LLC, 211.87; Western Mailers, 1,592.17; Western States Fire, 4,030.00; Western Stationers Inc, 1,235.14; Wex Bank, 407.24; Wex Bank, 10,194.25; Wex Bank, 229.77; Wheeler Lumber Operations, 3,907.02; Whisler Bearing Co, 831.81; Whisper Rock Apartments, 2,505.00; Whiting, Marcia, 1,488.95; Wickre Stacy, 40.00; Wikle, Leon, 300.00; Windy Flats Rubble Site, 175.00; Winner Police Dept, 67.60; Wojtanowicz Terrance, 4,550.00; Wolf, Ione, 432.50; Working Against Violence, 5,752.41; Yankton Co Sheriff Office, 350.00; Yankton Medical Clinic PC, 711.74; Zimney, Maureen A, 300.00; ZMC LLC, 10,601.35.

ITEMS FROM HIGHWAY

A. AMENDMENT #2 TO WORK ORDER #LGA-36-17: MOVED by Hadcock and seconded by Lasseter to approve the Amendment #2 to work order #LGA-36-17 under Agreement Number 410651 Project EM 6403(06), PCN 00CL. Vote: Unanimous.

MOVED by Hadcock and seconded by Lasseter to take item 23 off of the table. Vote: Unanimous.

CONCERNS WITH CHANGES BEING MADE WITHIN THE PLANNING DEPARTMENT RELATIVE TO ORDINANCES, POLICIES AND PROCEDURES:

MOVED by LaCroix and seconded by Lasseter to appoint Commissioner Lasseter and Commissioner Rossknecht to serve on a Committee along with Janelle Finck, from Fisk Land Surveying, Cale McNaboe from Longbranch Civil Engineering and the staff from Planning and Zoning regarding Planning Departments policies, ordinances and procedures. Vote: Unanimous.

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 Rossknecht and seconded by LaCroix to go into Executive Session pursuant to SDCL 1-25-2(1) for personnel issues and SDCL 1-25-2(3) to consult with legal counsel. Vote: Unanimous. The Board remained in Executive Session from 12:59 p.m. until 1:16 p.m.

Commissioners Hadcock and Lasseter did not come back right after Executive Session was over.

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

MOVED by LaCroix and seconded by Rossknecht to move Christina RunsAgainst to a B25, Step 8, \$30.13/hr. and Lisha Smith to B25 Step 8, \$30.13/hr. effective May 16, 2021. Vote: Unanimous.

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Commissioners Hadcock and Lasseter joined the meeting.

MOVED by LaCroix and seconded by Hadcock to move Joanna Konechne to B25, Step 10, \$30.87/hr., Nichole Winckler to B25, Step 10, \$30.87/hr., Jordan Nelson to B 25, Step 9, \$30.50/hr. & Laura Anderson to C42, Step 3, \$31.31/hr., effective May 16, 2021. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to request for the Board of Commissioners signature on right-of-way acquisition for Parcel #58 in the amount of \$31,000. Vote: Unanimous.

PAYROLL

Commissioners, 9,195.65; Elections, 7,082.40; Auditor, 12,330.41; Treasurer, 39,783.17; State's Attorney, 141,900.91; Public Defender, 81,845.90; Buildings & Grounds, 64,422.01; Equalization, 40,526.48; Register of Deeds, 12,624.81; IT, 26,315.78; Human Resources, 7,751.20; Sheriff, 266,419.48; HIDTA Grant, 2,148.61; Jail, 330,915.03; JSC, 112,122.89; JSC Juvenile Alternative, 4,755.63; CCADP, 115,522.06; Economic Assistance, 33,617.60; Extension, 1,436.80; Natural Resources, 5,353.60; Pest Control, 4,423.20; Planning and Zoning, 17,709.63; Road & Bridge, 89,981.36; Fire Administration, 3,630.71; Dispatch, 103,668.65; Emergency Management, 4,989.30; 24-7 Program, 8,269.85; MacArthur Safety & Justice Challenge, 12,864.58.

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

24/7: Effective 05/02/2021: Jaerek Thorn, \$16.42. Effective: 05/17/2021: Samantha Nelson, \$16.42; Kailey Stanton, \$16.42.

Buildings & Grounds: Effective 05/16/2021: Nancy Northcutt, \$17.28.

Dispatch: Effective 05/16/2021: Ashlin Wickham, \$20.87. Effective 05/17/2021: Shontel Mousseau, \$18.13; Haylee Waldrop, \$17.71.

Highway: Effective 05/30/2021: Nikolas Larson, \$15.97.

Jail: Effective 05/17/2021: Kayla Wickerd, \$13.81; Allison Hogman, \$12.83.

Natural Resources: Effective 05/17/2021: Jeff Dargatz, \$17.32; Ben Bailey, \$15.00.

Public Defender: Effective 06/01/2021: Callie Pospishil, \$18.38; Emily Easton, \$18.38; Jill Swanson, \$20.34.

Sheriff: Effective 05/17/2021: Jason Welsh, \$24.58; Parker Frederick, \$23.39.

States Attorney: Effective 05/16/2021: Tyler Bradley, \$20.34.

ADJOURN

MOVED by LaCroix and seconded by Lasseter to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 1:18p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: June 2, 2021

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