

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, June 1, 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 Hadcock and seconded by Lasseter to approve the agenda as presented with the removal of item 12. Vote: Unanimous.

CONSENT AGENDA ITEMS

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

6. Approve the minutes of the May 18, 2021, regular meeting.
7. Approve the renewals of the Retail (on-off sale) Malt Beverage & SD Farm Wine Licenses and release the licenses upon payment of appropriate property taxes for the following: Clay Tile Barn, Jolly Lane Greenhouse Inc, Moonshine Gulch Saloon, Sugar Shack and Tatanka Trading Post.
8. Acknowledge the resolution for a minor adjustment to road district boundaries of the Kennedyville Loop Road District as described.
9. Acknowledge the resolution for a minor adjustment to road district boundaries of the Cavern Road District as described.
10. Removed for separate consideration.
11. Appoint Commissioner Lloyd LaCroix and Commission Manager Holli Hennies as Pennington County's voting delegates for the 2021 NACo Convention.
12. Removed.
13. Approve the Joint Powers Agreement for weed spraying services between S.D. Dept. of Transportation and Pennington County.

End of Consent Agenda Items

10. ACKNOWLEDGE THE RECOMMENDATION FOR APPOINTMENT TO THE PENNINGTON COUNTY PLANNING COMMISSION: MOVED by Hadcock and seconded by Lasseter to acknowledge the recommendation for appointment of Ms. Sandra Runde and Mr. Jim Coleman to the Pennington County Planning Commission each for a term of three (3) years. Vote: Unanimous.

PROPOSED WALL INDUSTRIAL PARK: Informational only.

RESOLUTION TO SUPPORT THE HOMELESS POPULATION: MOVED by Rossknecht and seconded by Lasseter to approve the resolution recognizing efforts to support the homeless population and encouraging giving to local charities. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

**PENNINGTON COUNTY COMMISSION RESOLUTION RECOGNIZING EFFORTS
TO SUPPORT THE HOMELESS POPULATION AND ENCOURAGING GIVING TO
LOCAL CHARITIES**

WHEREAS, according to the South Dakota Housing Authority, the 2020 annual homeless count concluded that 1058 people were considered homeless in the state of South Dakota, and 353 of these were in Rapid City, Pennington County; and

WHEREAS, homeless individuals often resort to panhandling as a means of support, and

WHEREAS, panhandling can cause public health and safety issues for all involved, and

WHEREAS, Pennington County has resources available to assist the homeless in all aspects of their lives and is committed to taking constructive measures to end homelessness, and

WHEREAS, the Pennington County Care Campus provides quality services to the homeless in partnership with the Rapid City Police Department, the Pennington County Sheriff's Office, Pennington County Health and Human Services, and Behavior Management Systems; and

WHEREAS, local charities are deeply committed to ending homelessness in Pennington County and rely on donations for support; and

WHEREAS, an individual's money will go farther if given to a charity with knowledge, empathy, and purpose in serving the homeless population in Pennington County.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Pennington County Commission encourages all taxpayers, residents and visitors to donate to local charities to help serve the homeless, rather than giving to panhandlers; and

BE IT FURTHER RESOLVED that the Pennington County Commission recognizes and appreciates the work done by the employees of the Pennington County Care Campus as well as local charities, and

BE IT FURTHER RESOLVED that the Pennington County Commission encourages everyone to become familiar with local services where homeless and those in need can be directed for assistance to help keep Pennington County safe for all.

Duly passed and adopted by the Pennington County Commission on the 1st day of June 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

ITEMS FROM EQUALIZATION

A. **ABATEMENT APPLICATIONS:** MOVED by Hadcock and seconded by Lasseter to approve the abatement application for Parcel #8001296 (Hilgemann) in the amount of \$487.74 for tax year 2019. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

MOVED by Hadcock and seconded by Lasseter to approve the abatement application for Parcel #8010153 (Ghost) in the amount of \$98.72 for tax year 2019 and \$104.64 for tax year 2020. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. **PURCHASE BULK DIESEL AND GAS PRODUCTS:** MOVED by Hadcock and seconded by Rossknecht to authorize the Highway Department to purchase bulk diesel and gas products from the State Contract List for Contract #17564 (Harm's Oil, Brookings, SD), Contract #17568 (Moyle Petroleum, Rapid City, SD) and Contract #17567 (MG Oil, Rapid City, SD). Vote: The motion carried 4-0 with LaCroix abstaining.

ITEMS FROM HUMAN RESOURCES

A. **NEW POSITION – TREASURER'S OFFICE:** MOVED by LaCroix and seconded by Lasseter to approve the Administrative Assistant 1 position in the Treasurer's Office at a DBM A13, starting rate of \$14.46/hr. and to authorize Human Resources to update the position listing on file. Vote: Unanimous.

REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVE OF A SECOND APPROACH: MOVED by Hadcock and seconded by Lasseter to approve the request for a variance to Ordinance 14 and approval of a second approach for the property described as the south side of Old Hill City Road for proposed Lots 1 & 2 in the Elkhorn Estates. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

A. **REQUEST FOR SPONSORSHIP/FUNDING FOR THE SDACC CONVENTION SPOUSES' EVENT:** MOVED by Hadcock and seconded by LaCroix to sponsor the 2021 SDACC Annual Convention spouses' event and authorize payment of up to \$1,000 for expenses if necessary. Vote: Unanimous.

B. **A RESOLUTION TO SUPPORT OF AMENDING CURRENT SOUTH DAKOTA CODIFIED LAW § 7-18-A-16:** MOVED by Hadcock and seconded by LaCroix to approve the resolution in support of amending current South Dakota Codified Law § 7-18-A-16 to establish clear guidance for the time of filing referendum petition. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION
A RESOLUTION IN SUPPORT OF AMENDING CURRENT SOUTH DAKOTA
CODIFIED LAW
§ 7-18A-16 TO ESTABLISH CLEAR GUIDANCE FOR THE TIME OF FILING
REFERENDUM PETITION**

WHEREAS, SDCL § 7-18A-16 states “A petition to refer an ordinance or resolution subject to referendum may be filed with the auditor within twenty days after its publication. The filing of such a petition shall require the submission of any such ordinance or resolution to a vote of the qualified voters of the county for its rejection or approval.”; and

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

WHEREAS, the plain language in SDCL § 7-18A-16 creates ambiguities on which publication date is the triggering event to use to calculate the twenty-day period; and

WHEREAS, per SDCL § 17-2-2.1 Requirements for a legal newspaper, no publication is a legal newspaper for publishing legal and other official notices unless... if the publication is a daily, is distributed at least five days each week, or if not a daily, is distributed at least once each week for at least fifty weeks each year; and

WHEREAS, Pennington County has designated 3 legal newspapers under SDCL § 7-18-3, of which 1 is a daily publication and the remaining 2 are deemed weekly publications; and

WHEREAS, Pennington County Board of Commissioners Meeting minutes are published in the Rapid City Journal on Wednesday (daily) and in the Hill City Prevailier and the Pennington County Courant on Thursday (weekly); and

WHEREAS, clarity is sought in SDCL § 7-18A-16 to identify which publication date is the triggering event that starts the calculation of the twenty-day period within which the petition to refer must be filed with the Auditor; and

WHEREAS, by inserting the term **completed** into SDCL § 7-18A-16, it would be clear the last legal newspaper to publish would be the date of completed publication.

NOW, THEREFORE, BE IT RESOLVED by the Pennington County Commission that SDCL § 7-18A-16 be amended to read as follows:

“A petition to refer an ordinance or resolution subject to referendum may be filed with the auditor within twenty days after its **completed** publication. The filing of such a petition shall require the submission of any such ordinance or resolution to a vote of the qualified voters of the county for its rejection or approval.

Approved and adopted this 1st day of June, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded by Hadcock 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 \$558,143.15. Vote: Unanimous.

A & A Professional Property Management, 375.00; AT&T Mobility, 4,665.48; BH Energy, 271.00; BH Energy, 489.65; BH Energy, 602.52; BH Energy, 18.78; Brick LLC, 151.00; Centerspace LP, 1,331.27; Century Link, 235.40; City Of Hill City, 44.58; City Of Rapid City - Water, 17,769.37; City Of Rapid City -Water, 2,540.74; Clock Tower Gardens Apartments, 2,983.00; Copper Ridge Phase 2 LLC, 8,190.00; Custer Gas, 144.18; Dusek Properties LLC, 300.00; Executive Mgmt Fin Office, 159.75; Fazenbaker Carol Ann, 300.00; Georgas, Teri K, 440.00; Ground Control Systems Inc, 64.00; Lowe's, 155.45; McGruder Adam, 4,800.00;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

Meadow Ridge Apartments, 278.00; Medical Waste Transport Inc, 469.79; Midcontinent Communications, 1,316.28; Midcontinent Communications, 4,144.61; Montana Dakota Utilities, 7,907.74; Montana Dakota Utilities, 1,347.07; Northern Heights Apartments, 234.00; NWE Management, 1,410.00; Pennington County Housing & Redevelopment, 1,736.00; Pioneer Bank & Trust, 6,731.72; Pioneer Bank & Trust, 17,079.32; Pioneer Bank & Trust, 2,624.70; Pioneer Bank & Trust, 1,958.80; Quality Inn, 300.00; Rainbow Gas Company, 3,590.28; Reliance Telephone Inc, 23.00; Saicor, 240.00; Sundial Square Apartments, 440.00; Tzadik Rapid City LLC, 3,970.08; Upper Knollwood Townhouse, 300.00; Vast Broadband, 1,684.65; Vast Broadband, 248.84; Verizon Wireless, 918.78; Verizon Wireless, 1,369.13; Wellmark, 449,820.24; West River Electric, 1,568.95; Young Scott R, 400.00.

REQUEST FOR REFUND OF APPLICATION FEE: MOVED by LaCroix and seconded by Hadcock to approve the request for the refund of the application fee in the amount of \$120 for the Swedlund Subdivision Variance. Vote: Unanimous.

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

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-03: Ian Estes and Brad Estes; Fisk Land Surveying - Agent. To allow 77 units on a Dead-End Road System in lieu of 40 units in accordance with Sections 204-F and 509 of the Pennington County Zoning Ordinance.

Lot 1, Ridgeland Heights #2 Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to continue Variance / VA 21-03 to the July 20, 2021, Board of Commissioner's meeting, per the request of the applicant. Vote: Unanimous.

B. VARIANCE / VA 21-09: Shane Swedlund; Fisk Land Surveying - Agent. To reduce the minimum required lot size from 10 acres to 2.38 acres (proposed Lot 1) and 2.38 acres (proposed Lot 2) in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

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

MOVED by Hadcock and seconded by Drewes to approve VA 21-09 because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: change of right of way, that excuses literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: at that time there was not a survey done and the applicant needs

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

the right of way, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

C. VARIANCE / VA 21-10: Randall Wheaton; Natalie Wheaton - Agent. To allow a less than one (1) acre lot size for a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319, and 509 of the Pennington County Zoning Ordinance.

Lot 13, Engberg Subdivision, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to deny Variance / VA 21-10 due to staff's findings but allow the applicant to continue operating for up to 1 year and come into compliance with the 1-acre VHR requirements. Vote: Unanimous.

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

D. MINOR PLAT / MPL 21-29: Shane Swedlund; Fisk Land Surveying – Agent. To subdivide and create Lots 1 and 2 of Marshall Gulch Subdivision No. 2 and Dedicated Right-of-Way in accordance Section 400.3 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lot 1 and Lot 2 of Swedlund Subdivision and Dedicated Right-of-Way, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 21-29 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;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

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.

E. MINOR PLAT / MPL 21-27: TDG Real Estate, Mike Gennaro. To subdivide and create Lots 1 and 2 of Marshall Gulch Subdivision No. 2 and Dedicated Right-of-Way in accordance Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Glendale No. 1 Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A and Tract B of Glendale Lode No. 1 MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 21-27 with the following eight (8) conditions.

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the 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 of these requirements that are not met;
3. That prior to filing the mylar with the Register of Deeds, the owner acknowledgement reflect Michael Gennaro is signing on behalf for TDG Real Estate LLC;
4. 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;
5. That prior to filing the mylar with the Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Tract A and Tract B or obtain an approved Subdivision Regulations Variance to waive these requirements;
6. That prior to the mylar being filed at Register of Deeds, the applicant obtains either an approved Rezone and Comprehensive Plan Amendment or Lot Size Variances for the proposed lots;
7. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
8. 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.

REGULAR PLANNING AND ZONING ITEMS

F. 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.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

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

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

MOVED by Hadcock and seconded by LaCroix to approve Preliminary Plat / PPL 21-17 with (7) conditions. Vote: The motion carried 3-2 with Drewes and Rossknecht voting no.

1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That prior to the mylar being filed at Register of Deeds, the applicant obtain either an approved Rezone or Lot Size Variance for proposed Lot 6;
5. That the applicant ensures all natural drainage ways are maintained and not blocked;
6. That access to both Lots be from the shared approach and the 33' foot wide road easement; and,
7. 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.

G. LAYOUT PLAN / LPL 21-25: Lorraine and Doug Smith; Fisk Land Surveying – Agent. To subdivide and create Lots 1 and 2 of RDS Subdivision in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: 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.

PROPOSED LEGAL: Lots 1 and 2 of RDS Subdivision, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Layout Plan / LPL 21-25 with the following ten (10) 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;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

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;
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 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;
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

H. LAYOUT PLAN / LPL 21-26: Dana Kjerstad. To combine lots to create Tract 35 Revised of Rushmore Ranch Estates Subdivision in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 34 Revised (also in Section 8) and Tract 35 of Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 35 Revised of Rushmore Ranch Estates Subdivision, Section 7, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Layout Plan / LPL 21-26 with the following seven (7) conditions. Vote: Unanimous.

1. That the applicant ensures all natural drainage ways are maintained and are not blocked;
2. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
3. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

4. That prior to recording the Final Plat at Register of Deeds, the applicant must provide adequate percolation test results, which includes eight (8) foot soil profile information, for proposed Tract 2, to be reviewed by the Pennington Environmental Planner or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. 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;
6. 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; and,
7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

I. LAYOUT PLAN / LPL 21-28: Jeff Hermanson. To combine lots to create Lot 8R of Burns Placer MS 697 in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 7, Lot 8, and S1/3 of Lot 9 of Burns Placer MS 697, Section 24, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 8R of Burns Placer MS 697, Section 24, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Layout Plan / LPL 21-28 with the following ten (10) conditions. Vote: Unanimous.

1. That prior to Minor Plat submittal, the applicant works with Staff to identify the shed and carport locations and obtain approved Floodplain Development and Building Permits, if required;
2. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
3. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
4. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
5. That at the time of Minor 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;
6. That at the time of Minor 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;
7. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Approach Permit from County Highway;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

8. That prior to the mylar being filed at Register of Deeds, the applicant obtains either an approved Rezone and Comprehensive Plan Amendment or Lot Size Variances for the proposed lot;
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

J. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-10 – APPROVAL BY RESOLUTION: Lyndon Bolt; Renner Associates- Agent. To amend the Comprehensive Plan to change the Future Land Use to Rural Residential District in accordance Sections 207 and 508 of the Pennington County Subdivision Regulations.

Hare Lippa Tract (aka Pt of Lot 1; Parcel 1 of Lot 4 Less Right-of-Way; and Parcel 3 of Lot 3 Less Right-of-Way, Sections 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to continue Comprehensive Plan Amendment / CA 21-10 to the July 6, 2021, Board of Commissioner's meeting. Vote: Unanimous.

K. PUBLIC HEARING OF REZONE / RZ 21-15: Lyndon Bolt; Renner Associates- Agent. To rezone to Rural Residential District in accordance Sections 207 and 508 of the Pennington County Subdivision Regulations.

Hare Lippa Tract (aka Pt of Lot 1; Parcel 1 of Lot 4 Less Right-of-Way; and Parcel 3 of Lot 3 Less Right-of-Way, Sections 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to continue Rezone / RZ 21-15 to the July 6, 2021, Board of Commissioner's meeting. Vote: Unanimous.

L. PRELIMINARY PLAT / PPL 21-24: Lyndon Bolt; Renner Associates- Agent. To create Lots 1 through 6 of Elkhorn Estates in accordance Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Hare Lippa Tract (aka Pt of Lot 1; Parcel 1 of Lot 4 Less Right-of-Way; and Parcel 3 of Lot 3 Less Right-of-Way, Sections 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 through 6 of Elkhorn Estates, Sections 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve Preliminary Plat / PPL 21-24 with the following nine (9) conditions. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

1. That at the time of Final Plat submittal, the 66' utility and access easement be identified as a named right-of-way on the plat, per Emergency Services comments;
2. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Final 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 Final 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 the Register of Deeds, the applicant obtains an approved Variance to allow two approaches on a single lot (proposed Lot 2);
6. That prior to the mylar being filed at the Register of Deeds, the applicant obtains an approved Rezone for proposed Lots 1-6 and Comprehensive Plan Amendment (as applicable) or obtain an approved Lot Size Variance for the proposed lots;
7. That the applicant ensures all natural drainage ways are maintained and not blocked;
8. That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Conditional Use Permit for the 20' x 80' detached garage on proposed Lot 3; and,
9. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

M. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-09: Pennington County.
To amend Section 508 "Zoning or Rezoning" [to amend and supersede the existing Section 508 "Zoning or Rezoning"] of the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by Lasseter to approve Ordinance Amendment / OA 21-09.
Vote: Unanimous.

NOTICE OF ADOPTION

On June 1, 2021, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-09 - Section 508 (Zoning or Rezoning).

EXECUTIVE SESSION – SDCL 1-25-2

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

MOVED by Lasseter and seconded by LaCroix to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters. Vote: Unanimous. The Board remained in Executive Session from 12:06 p.m. until 12:40 p.m. MOVED by LaCroix and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

MOVED by LaCroix and seconded by Hadcock to place Roxanne Hammond, Senior Deputy State's Attorney at Grade C44 – Step 8, for an hourly rate of \$40.61/hr., effective May 30, 2021. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to move Kenneth Even, Seasonal Enforcement Technician for the Natural Resources Department to a grade A12 - Step 8, \$14.64/hr., effective May 24, 2021. Vote: Unanimous.

MOVED by Lasseter and seconded by LaCroix to move Cora Fried to a Tax and Title Lead, Grade B23 – Step 6, for an hourly rate of \$22.99/hr., effective May 30, 2021. Vote: Unanimous.

MOVED by LaCroix and seconded by Hadcock to move Tina Sun to a Tax and Title Lead, Grade B23 – Step 6, for an hourly rate of \$22.99/hr., effective May 30, 2021.

MOVED by LaCroix and seconded by Lasseter to move Brooke Walker to a Tax and Title Lead, Grade B23 – Step 6, for an hourly rate of \$22.99/hr., effective June 27, 2021.

MOVED by LaCroix and seconded by Lasseter to move Melissa Clem to a Tax and Title Lead, Grade B23 – Step 6, for an hourly rate of \$22.99/hr., effective July 25, 2021.

MOVED by Hadcock and seconded by Lasseter to allow Buildings & Grounds employees to each donate up to 20 hours of their accrued vacation time for a fellow Buildings & Grounds employee to use. The maximum total donated hour to this employee would be 200 hours. Vote: Unanimous.

PAYROLL

Commissioners, 10,366.45; Elections, 7,089.40; Auditor, 11,630.23; Treasurer, 39,228.24; State's Attorney, 144,216.02; Public Defender, 81,537.35; Buildings & Grounds, 64,246.87; Equalization, 66,150.77; Register of Deeds, 12,638.81; IT, 26,663.85; Human Resources, 7,751.20; Sheriff, 273,258.55; HIDTA Grant, 4,510.76; Jail, 328,264.42; JSC, 113,895.50; JSC Juvenile Alternative, 4,761.36; CCADP, 112,243.19; Economic Assistance, 33,132.21; Extension, 1,436.80; Natural Resources, 9,776.80; Planning and Zoning, 16,947.18; Road & Bridge, 92,751.55; Fire Administration, 3,630.71; Dispatch, 104,529.51; Emergency Management, 4,989.30; 24-7 Program, 8,827.50; MacArthur Safety & Justice Challenge, 12,644.21. Vote: Unanimous.

AUDITOR'S ACCOUNT OF THE TREASURER: To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of May 21, 2021: Total balances of checking/savings accounts 22,146,589.93; Total balance of Treasurer's Office safe cash, 14,000.00; Total Prime Value Investment, 58,063.876.61; Total petty cash, 17,040.00; Total NSF Paid, 4,824.08; Total long/short, (525.54); Total, 80,245,805.08. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of June 1, 2021

Buildings & Grounds: Effective 06/02/2021: Kenneth Howard, \$17.28. Effective 06/14/2021: Rhonda Scott, \$13.81.

Dispatch: Effective 05/30/2021: Jennifer Stahl, \$20.30.

Equalization: Effective 06/01/2021: Brenna Williamson, \$20.34. Effective 06/14/2021: Paul Fulton, \$20.34; Shannon Champion, \$20.34.

Highway: Effective 06/14/2021: Jesse Walton, \$17.28; David Burnette, \$18.13.

Jail: Effective 05/16/2021: Matthew Krogen, \$16.42. Effective 05/18/2021: Jeff Boal, \$35.72; Teresa Buerkle, \$27.62; Kurt Clark, \$30.11; Marc Davies, \$28.45; Joseph Edwards, \$30.11; Krystal Gentile, \$29.28; Jessica Gregory, \$28.45; James Hogue, \$29.28; Mathew Johnson, \$27.62; Taylor Muhlbeier, \$30.11; Jason O’Cilka, \$32.60; Joseph Philippe, \$29.28; David Ricke, \$34.68; Tami Rosser, \$28.45; Sean Stecher, \$29.28; David Switzer, \$30.11. Effective 05/30/2021: Megan Meier, \$29.09; Krystin Ragsdale, \$21.40; Addison Weglin, \$12.50. Effective 06/13/2021: Daniel Espinosa-Cariveau, \$25.77.

Natural Resources: Effective 05/24/2021: Kenneth Even, \$13.81; Mark DiSanto, \$13.81.

Public Defender: Effective 06/27/2021: Randy Decker, \$20.34.

Sheriff: Effective 05/18/2021: Kirk Bucholz, \$29.28; Keith Carlson, \$30.94; Ryan Cook, \$30.94; Billy Davis, \$28.45; Randy Harkins, \$33.12; Jesse Huschle, \$32.60; Casey Kenrick, \$31.77; Thad Mason, \$32.60; Jason Mitzel, \$29.28; Edwin Schulz, \$34.68; Scott Sitzes, \$28.45; Jeromey Smith, \$32.60; Paul Stevens, \$30.11. Effective 06/13/2021: Jeremy Milstead, \$28.45; David Switzer, \$32.41. Effective 06/14/2021: Jose Romero, \$25.17. Effective 06/27/2021: Gunner Hanzel, \$21.93.

WSDJSC: Effective 05/18/2021: Tim Lindblom, \$37.27; Jolonda Ricke, \$36.24; Michele Kaiser, \$33.12; Eric Lindsey, \$33.12; Loren Gerry, \$30.94; Jeremy Danley, \$34.68; Philip Rivera, \$27.62.

ADJOURN

MOVED by LaCroix and seconded by Lasseter to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:44 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: June 16, 2021