

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, October 5, 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. Vote: Unanimous.

**EXECUTIVE PROCLAMATION**

MOVED by Hadcock and seconded by Lasseter to approve the Chair's signature on the proclamation declaring October 5, 2021 as Kimberly Schmidt Day in Pennington County, SD. Vote: Unanimous.

**CONSENT AGENDA ITEMS**

MOVED by LaCroix and seconded by Lasseter to approve the Consent Agenda. Vote: Unanimous.

6. Approve the minutes of the September 21, 2021, regular meeting.
7. Approve the second half of the budgeted operating transfers from the General Fund to the following funds: E911 Fund, in the amount of \$402,303; and Fire Administration Fund, in the amount of \$5,579.
8. Approve the operating transfer from the General Fund to the Emergency Management Fund, in the amount of \$9,073.
9. Acknowledge the filing of petitions as application for incorporations of the proposed Blake 2 Road District by the voters within the proposed district boundaries.
10. Approve the South Dakota Game Fish & Parks Services Contract for snow removal at the Hill Top Parking Lot.
11. Approve of the Memorandum of Understanding – City of Rapid City Snow Removal.

End of Consent Agenda Items

**RESIGNATION ACKNOWLEDGEMENT & MEMBER APPOINTMENT – PLANNING COMMISSION:**

MOVED by LaCroix and seconded by Lasseter to accept the resignation of Sandy Brockhouse from the Planning Commission effective September 26, 2021. Vote: Unanimous.

MOVED by Rossknecht and seconded by Lasseter to appoint Mikal Lewis to the Planning Commission effective October 5, 2021 and approve the Chair's signature on the warrant of appointment. Vote: Unanimous.

**9:15 A.M. PUBLIC HEARING:** MOVED by LaCroix and seconded by Lasseter to take public input (written and/or verbal), to adopt Pennington County's Five-Year Transportation Plan 2022-2026 and authorize the Chair's signature on the certification form. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

**ITEMS FROM STATES ATTORNEY**

A. **RESOLUTION AND DONATION AGREEMENT**: MOVED by Lasseter and seconded by LaCroix to approve the resolution for the grant of financial assistance to the City of Wall. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION FOR THE GRANT OF FINANCIAL ASSISTANCE TO THE CITY OF WALL, SOUTH DAKOTA**

**WHEREAS**, the City of Wall, South Dakota (City) has requested financial assistance from Pennington County to assist with the construction of a wastewater system that will connect the “Wall Industrial Park” to the City of Wall’s water system; and

**WHEREAS**, it is critical for the City to have essential public infrastructure and facilities necessary to generate or retain private sector jobs and investments, attract private sector capital, and promote regional competitiveness; and

**WHEREAS**, the Pennington County Board of Commissioners (Board) support the efforts of the City to create an industrial area and residential housing area within the community to achieve certification as a Light Industrial Certified Site thru the State of South Dakota Governor’s Office of Economic Development; and

**WHEREAS**, SDCL § 6-5-5 and § 7-8-38 authorize the Board, by resolution, to allocate funds for a public purpose in support of economic development within the County; and

**NOW, THEREFORE BE IT RESOLVED**, in the interest of promoting economic development within the City, Pennington County will donate \$661,900 to the City for the purpose of constructing a wastewater system from the Industrial Park to connect with the City’s water system; the terms and conditions of which shall be set forth in an Agreement entered into between Pennington County and the City for said purpose.

Dated this 5<sup>th</sup> October, 2021.

/s/ Chair Gary Drewes  
Pennington County Board of Commissioners

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

MOVED by Lasseter and seconded by Hadcock to approve the agreement with the City of Wall for the donation of \$661,900 to be used for the construction of a wastewater system from the Industrial Park to connect with the City’s wastewater system to support economic development. It is further moved to authorize the Auditor’s office to process the payment thru the October voucher cycle. Vote: Unanimous.

B. **RESOLUTION AND DONATION AGREEMENT**: MOVED by Rossknecht and seconded by Hadcock to approve the resolution for the grant of financial assistance to the Pennington County Housing and Redevelopment Commission. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

**PENNINGTON COUNTY RESOLUTION FOR THE GRANT OF FINANCIAL ASSISTANCE TO THE PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION**

**WHEREAS**, the Pennington County Housing and Redevelopment Commission (Housing Commission) has requested financial assistance from Pennington County (County) for the construction of a 65-unit apartment complex comprised of one and two-bedroom apartments to be constructed on land already owned by the Housing Commission on Champion Drive in Rapid City, SD; and

**WHEREAS**, there is a critical need within Pennington County for affordable housing units and this 65-unit development would add to the supply of workforce housing and be limited to families at or below 80% area median income (AMI); and

**WHEREAS**, the Housing Commission is a public corporation as provided in SDCL 11-7-17 and is authorized to accept contributions, grants, gifts, services, or other assistance from the federal government, state public bodies, or from any other public or private sources as provided in SDCL 11-7-28; and

**WHEREAS**, the Pennington County Board of Commissioners support the efforts of the Housing Commission to provide safe and sanitary housing for eligible low-income families, the elderly and persons with disabilities; and

**WHEREAS**, SDCL 6-5-5 authorizes the County to give money to a public corporation to be used by such grantee for a public purpose; and

**NOW, THEREFORE BE IT RESOLVED**, that based on the need and public purpose served by affordable housing in Pennington County, the County will donate \$2,000,000 to the Housing Commission for the purpose of constructing a 65-unit apartment complex on Champion Drive in Rapid City, SD; the terms and conditions of which shall be set forth in an Agreement entered into between the County and Housing Commission for said purpose.

Dated this 5<sup>th</sup> October, 2021.

/s/ Chair Gary Drewes  
Pennington County Board of Commissioners

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

MOVED by LaCroix and seconded by Hadcock to approve the agreement with the Pennington County Housing and Redevelopment Commission for the donation of \$2,000,000 to be used for the construction of a 65-unit apartment complex. It is further moved to authorize the Auditor's office to process the payment thru the October voucher cycle. Vote: Unanimous.

**ITEMS FROM EQUALIZATION**

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

A. ABATEMENT APPLICATIONS: MOVED by Hadcock and seconded by Lasseter to approve the abatement application for the tax year 2020 for Tanglewood Properties LLC, Parcel #37602 in the amount \$1,442.12. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

A. SAND SALT STORAGE BUILDING CHANGE ORDER #4: MOVED by LaCroix and seconded by Hadcock to approve the Change Order #4 in the amount of \$17,448.56 for the Sand Salt Storage Facility. Vote: Unanimous.

**REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVAL OF SECOND APPROACH**: MOVED by LaCroix and seconded by Rossknecht to approve the request for a variance to Ordinance 14 Standards and the authorization of a second approach for the property located at 22941 Forest Road by Denny Kaemingk. Vote: The motion carried 3-2 with Hadcock and Lasseter voting no.

**EXECUTIVE SESSION – SDCL 1-25-2**

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

MOVED by Hadcock and seconded by Lasseter 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 10:08 a.m. until 10:35 a.m. MOVED by Lasseter and seconded by LaCroix to come out of Executive Session. Vote: Unanimous.

**ITEMS FROM PLANNING & ZONING**

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

A. VARIANCE / VA 21-31: Dennis and Wyonne Kaemingk; Fisk Land Surveying – Agent. To reduce the minimum required lot size from 3 acres to 2.25 acres in a Rural Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

Lots 4, 5, and 6 of Block 8 of Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota

MOVED by Rossknecht and seconded by Hadcock to approve Variance / VA 21-31 because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: based on topography, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: a plan that never should have been approved, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: The motion failed 3-2 with LaCroix and Lasseter voting no.

B. VARIANCE / VA 21-32: Timothy Torpey. To reduce the minimum required front yard setback from 25 feet to 10 feet in a Rural Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

Lot 2R of Combined Placer Subdivision No. 2, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve Variance / VA 21-32 with the following two (2) conditions: 1) That this Variance allows for a 10-foot setback to the proposed 8.5' x 20' addition to the existing single-family residence. All other structures must meet the minimum setback requirements or obtain separate Variance(s); and, 2) That the applicant obtains an approved Building Permit for the proposed 8.5' x 20' addition from the Planning Department for the proposed addition. Vote: Unanimous.

C. VARIANCE / VA 21-33: Kevin and DiAnn Killion. To reduce the setback on the north property line from 25 feet to 10 feet to build a single-family residence on the subject property in an Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

That Part of NE1/4SW1/4NE1/4 lying North of Rochford Road, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve of Variance / VA 21-33 with the following two (2) conditions: 1) That this Variance is only for the proposed single-family residence; and, 2) That all other structures must meet the required setbacks or obtain separate variance(s). 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.

**REGULAR PLANNING AND ZONING ITEMS**

D. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-13: Pennington County. To add Section 325 - Marijuana Ordinance Definition of Terms to the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve Ordinance Amendment / OA 21-13. Vote: Unanimous.

**NOTICE OF FACT OF ADOPTION**

On October 5, 2021, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-13 – to add Section 325 - Marijuana Ordinance Definition of Terms to the Pennington County Zoning Ordinance.

E. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-14: Pennington County. To add Section 326 - Marijuana Businesses to the Pennington County Zoning Ordinance.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

MOVED by LaCroix and seconded by Hadcock to approve of Ordinance Amendment / OA 21-14. Vote: Unanimous.

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

NOTICE OF FACT OF ADOPTION

On October 5, 2021, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-14 – to add Section 326 - Marijuana Businesses to the Pennington County Zoning Ordinance.

Commissioner Drewes did not return after the break.

F. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-15: Pennington County. To add Section 327 - Marijuana Business Development Plan Standards to the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by Hadcock to approve Ordinance Amendment / OA 21-15. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On October 5, 2021, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-15 – to add Section 327 - Marijuana Business Development Plan Standards to the Pennington County Zoning Ordinance.

G. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-16: Pennington County. To add Section 328 - Marijuana Business License to the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by LaCroix to approve Ordinance Amendment / OA 21-16. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On October 5, 2021, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-16 – to add Section 328 - Marijuana Business License to the Pennington County Zoning Ordinance.

H. PUBLIC HEARING OF REZONE / RZ 21-26: Pink Cabin, LLC; KTM Design - Agent. To rezone 6.68 acres from Suburban Residential District to Urban Residential District in accordance with Sections 209, 210, and 504 of the Pennington County Zoning Ordinance.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

Commencing at the Northeast corner of Lot 1, Block 2, of Colvins Subdivision, located in Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; THENCE (1) with the easterly boundary of said Colvins Subdivision, South 2°04'19" West, 18.48 feet to the point of beginning; THENCE (2) leaving said easterly boundary, South 88°28'10" East, 59.99 feet to a point on the westerly boundary of Murphy Ranch Estates Subdivision; THENCE (3) with said westerly boundary, South 1°54'07" West, 89.16 feet to the beginning of a curve; THENCE (4) with said westerly boundary, on a curve turning to the left with an arc length of 70.79 feet, with a radius of 70.00 feet, with a chord bearing of S27°04'07"E, with a chord length of 67.81 feet; THENCE (5) with said westerly boundary, South 56°02'22" East, 119.62 feet to the beginning of a non-tangent curve; THENCE (6) with said westerly boundary, on a curve turning to the left with an arc length of 98.43 feet, with a radius of 52.00 feet, with a chord bearing of N81°29'18"E, with a chord length of 84.38 feet to the beginning of a curve; THENCE (7) with said westerly boundary, on a curve turning to the right with an arc length of 16.64 feet, with a radius of 40.00 feet, with a chord bearing of N39°01'47"E, with a chord length of 16.53 feet; THENCE (8) with said westerly boundary, South 2°24'46" West, 100.20 feet; THENCE (9) with said westerly boundary, South 2°03'13" West, 76.79 feet; THENCE (10) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (11) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (12) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (13) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (14) with said westerly boundary, South 2°03'13" West, 76.00 feet; THENCE (15) with said westerly boundary, South 6°29'19" East, 78.79 feet to the beginning of a non-tangent curve; THENCE (16) with said westerly boundary, on a curve turning to the left with an arc length of 29.14 feet, with a radius of 450.36 feet, with a chord bearing of S27°38'35"E, with a chord length of 29.13 feet to the beginning of a curve; THENCE (17) with said westerly boundary, on a curve turning to the left with an arc length of 228.15 feet, with a radius of 834.33 feet, with a chord bearing of S22°07'33"E, with a chord length of 227.44 feet; THENCE (18) with said westerly boundary, South 13°04'11" East, 52.14 feet; THENCE (19) leaving said westerly boundary, South 81°11'31" West, 14.98 feet to the beginning of a curve; THENCE (20) on a curve turning to the left with an arc length of 98.15 feet, with a radius of 174.00 feet, with a chord bearing of S65°01'54"W, with a chord length of 96.86 feet; THENCE (21) North 41°09'45" West, 52.00 feet; THENCE (22) North 48°43'36" West, 60.36 feet; THENCE (23) North 88°02'33" West, 233.61 feet to a point on the easterly boundary of Colvins Subdivision; THENCE (24) with said easterly boundary, North 1°47'44" East, 161.22 feet; THENCE (25) with said easterly boundary, North 1°53'35" East, 234.91 feet; THENCE (26) with said easterly boundary, North 1°58'44" East, 114.92 feet; THENCE (27) with said easterly boundary, North 1°54'11" East, 115.99 feet; THENCE (28) with said easterly boundary, North 1°49'45" East, 115.95 feet; THENCE (29) with said easterly boundary, North 1°42'12" East, 116.43 feet; THENCE (30) with said easterly boundary, North 2°04'19" East, 212.15 feet to the point of beginning; Said parcel contains 6.68 acres more or less; Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

MOVED by LaCroix and seconded by Lasseter to approve Rezone / RZ 21-26. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On October 5, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-26 (Pink Cabin, LLC) to rezone to Urban Residential District.

I. LAYOUT PLAN / LPL 21-60: Dennis and Wyonne Kaemingk; Fisk Land Surveying - Agent. To combine three lots to create Lot 4R, Block 8 of Forest Home Development Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 4, 5 and 6, Block 8, Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R, Block 8, Forest Homes Development Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Layout Plan / LPL 21-60 with the following eleven (11) conditions: 1) That prior to submittal of the Minor Plat, the applicant obtains an approved Rezone for proposed Lot 4R; 2) 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; 3) That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor; 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 at the time of Minor Plat submittal, the formally in the Plat heading be corrected and a new lot designation be made; 6) 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; 7) That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations; 8) That the applicant ensures that all-natural drainage ways are maintained and are not blocked; 9) 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; 10) 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; and, 11) That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property. Vote: Unanimous.



PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

J. LAYOUT PLAN / LPL 21-61: PDQ Construction Inc.; Justin DeVeny. To combine two lots to create Lot 7R of The Forks at Remmington Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 7 and Lot 8, The Forks at Remmington Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 7R, The Forks at Remmington Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by Hadcock to approve Layout Plan / LPL 21-61 with the following nine (9) conditions: 1) That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement; 2) That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor; 3) That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations; 4) That 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; 5) That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations; 6) That the applicant ensures that all-natural drainage ways are maintained and are not blocked; 7) 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; 8) 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; and, 9) That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property. Vote: Unanimous.

K. PUBLIC HEARING OF REZONE / RZ 21-27: Bret and Sandra Estes; Ferber Engineering - Agent. To rezone 14.82 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206 and 504 of the Pennington County Zoning Ordinance.

Tract 4 of NW1/4 Less Lot H1, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve Rezone / RZ 21-27. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

L. LAYOUT PLAN / LPL 21-62: Jack and Marie Ziemer. To combine two lots to create Lot 8A of Block 3 of Pactola Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 8 and Lot 10, Block 3, Pactola Estates Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 8A, Block 3, Pactola Estates Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to approve Layout Plan / LPL 21-62 with the following eleven (11) conditions: 1) That at the time of Minor Plat submittal, the Plat be prepared by a South Dakota Registered Land Surveyor; 2) 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; 3) 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; 4) That at the time of Minor Plat submittal, the plat heading be corrected, per Register of Deeds comments contained in this report; 5) 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; 6) That at the time of Minor Plat submittal, the existing Access Easement be dedicated on the plat or be vacated; 7) That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone and Comprehensive Plan Amendment; 8) That the applicant ensures drainage ways are maintained and not blocked; 9) 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; 10) 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; and, 11) That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property. Vote: Unanimous.

M. PUBLIC HEARING OF REZONE / RZ 21-10: Ian Estes and Brad Estes; Fisk Land Surveying - Agent. To rezone 10.95 acres from Agriculture District and Rural Residential District to Rural Residential District in accordance with Sections 205, 207, and 504 of the Pennington County Zoning Ordinance.

Lot 1, Ridgeland Heights No. 2 Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Rezone / RZ 21-10. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

N. PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review a Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage, gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue the review of Planned Unit Development / PU 16-03 to the Oct. 19, 2021, meeting. Vote: Unanimous.

O. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-17: Pennington County. To amend Section 324-B-5-a “Accessory Dwellings” [to amend and supersede the existing Section 324-B-5-a “Accessory Dwellings”] of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve Ordinance Amendment / OA 21-17. Vote: Unanimous.

**REQUEST FOR UPDATED LETTER OF SUPPORT FOR THE COLD SPRINGS CREEK PROPERTY ACQUISITION – JIM GUBBELS, DISTRICT RANGER, BH NATIONAL FOREST MYSTIC DISTRICT**: MOVED by Hadcock and seconded by LaCroix to approve the

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

Chair's signature on an updated letter of support for the Cold Springs Creek Property Acquisition.  
Vote: Unanimous.

**ITEMS FROM EMERGENCY MANAGEMENT**

- A. COVID-19 UPDATE: Informational only.
- B. AUBURN HILLS FIRE UPDATE: Informational only.

**ITEMS FROM CHAIR/COMMISSION MEMBERS**

- A. PLANNING AGENDA ITEMS/PRESENTATION DISCUSSION: Informational only.
- B. COMPENSATION COMMITTEE: Informational only.

**APPROVAL OF VOUCHERS**: MOVED by Hadcock and seconded by Lasseter 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 \$318,667.75. Vote: Unanimous.

AT&T Mobility, 5,484.90; BH Energy, 210.84; BH Energy, 100.21; BH Energy, 353.44; Brick LLC, 3,100.00; Century Link, 235.78; City Of Hill City, 40.80; City Of Rapid City -Water, 47.30; City Of Rapid City -Water, 7,377.02; City Of Wall, 186.50; Custer Gas, 146.57; Executive Mgmt Fin Office, 100.50; First Interstate Bank, 1,115.57; First Interstate Bank, 2,499.54; First Interstate Bank, 20.00; First Interstate Bank, 570.75; First Interstate Bank, 471.35; First Interstate Bank, 261.95; First Interstate Bank, 3,290.05; First Interstate Bank, 509.28; First Interstate Bank, 447.06; First Interstate Bank, 1,439.47; First Interstate Bank, 17.98; Foothills East Apartments, 1,340.00; Global Tel'link, 10.87; Golden West Companies, 79.95; Knollwood Townhouse Properties, 273.00; Krell Phyllis J, 3,000.00; Lewis Kirkeby & Hall Property Management, 750.00; Lowe's, 332.74; Midcontinent Communications, 1,343.81; Midcontinent Communications, 4,465.02; Montana Dakota Utilities, 658.85; Pennington County Housing & Redevelopment, 900.00; Pike Alice Ann, 11,000.00; Pioneer Bank & Trust, 2,283.85; Pioneer Bank & Trust, 7,296.31; Pioneer Bank & Trust, 3,362.14; Pioneer Bank & Trust, 1,805.94; Prairie Tree Consolidated LLC, 3,930.00; Reliance Telephone Inc, 50.50; Silver Leaf MHP, 2,514.00; Sjodin Ronald R, 900.00; Sundial Square Apartments, 5,319.27; Tennant Shana L, 3,600.00; Vast Broadband, 272.07; Vast Broadband, 1,557.93; VB Rapid Creek, 1,665.50; Verizon Wireless, 1,224.10; Verizon Wireless, 632.47; Wellmark, 224,494.89; West River Electric, 1,456.68; Whisper Rock Apartments, 4,121.00.

**PAYROLL**

Commissioners, 10,398.63; Elections, 7,230.54; Auditor, 13,088.43; Treasurer, 39,866.95; State's Attorney, 147,384.45; Public Defender, 82,880.67; Buildings & Grounds, 68,503.03; Equalization, 42,526.42; Register of Deeds, 12,734.00; IT, 25,865.72; Human Resources, 7,751.21; Sheriff, 275,734.78; Jail, 351,988.26; JSC, 135,589.88; JSC Juvenile Alternative, 4,701.40; CCADP, 116,776.52; Economic Assistance, 33,572.00; Extension, 1,436.80; Natural Resources, 12,108.49; Planning and Zoning, 18,219.00; Road & Bridge, 95,602.62; Fire

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of October 5, 2021

Administration, 3,630.70; Dispatch, 101,460.04; Emergency Management, 4,989.30; 24-7 Program, 8,394.37; MacArthur Safety & Justice Challenge, 11,989.49.

**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 September 24, 2021: Total balances of checking/savings accounts 50,570,444.18; Total balance of Treasurer's Office safe cash, 18,000.00; Total Prime Value Investment, 18,360,753.86; Total petty cash, 17,040.00; Total long/short, (652.42); Total, 68,965,585.62. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.**  
**Highway:** Effective 10/18/2021: Michael Bausell, \$18.13; Effective 10/18/2021: Jesse Watson, \$18.13.  
**Jail:** Effective 10/03/2021: Jason Bruns, \$22.80. Effective 10/04/2021: Kisha Thompson, \$13.81.  
**Public Defender:** Effective 10/03/2021: Ole Olesen, \$2,953.60.  
**State's Attorney:** Effective 10/03/2021: Anna Lindrooth, \$3,034.40; Aaron Lougheed, \$3,034.40; Rachel Snyder, \$3,034.40.

**ADJOURN**

MOVED by Hadcock and seconded by Lasseter to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 2:36 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of \_\_\_\_\_.

Publish: October 20, 2021