

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 7, 2023

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, November 7, 2023, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Lloyd LaCroix called the meeting to order with the following Commissioners present: Gary Drewes, Deb Hadcock, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by Hadcock and seconded by Lasseter to approve the agenda as presented. Vote: Unanimous.

VETERANS RECOGNITION - PENNINGTON COUNTY EMPLOYEES AND PENNINGTON COUNTY VETERANS SERVICE OFFICE: No action taken.

CONSENT AGENDA ITEMS

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

6. Minutes of the special meeting – October 11, 2023
7. Minutes of the regular meeting – October 17, 2023
8. To approve the second half 2023 budgeted operating transfers from the General Fund: E911 Fund \$432,310; Emergency Management Fund \$82,071; Fire Administration Fund \$37,950.
9. To acknowledge the notice of intent to conduct a raffle – A Place for Meow Rescue.
10. To acknowledge the notice of intent to conduct a raffle – Shoppin’ with a Sheriff.
11. To acknowledge disinterment permit #1552464.
12. To approve the FFY24 METWARN Joint-funding Agreement 24NTJFA0037 with the US Geological Survey in the amount of \$44,725.
13. Approval of the Memorandum of Understanding - Lawrence County Snow Removal.
14. Approval of Modification #1 to Black Hills National Forest Livestock Guard Agreement #23-RO-11020300-042.

RAPID CITY AREA AIR QUALITY BOARD MEMBER APPOINTMENT – MS. JACQUELINE CROSS: MOVED by Hadcock and seconded by Lasseter to appoint Ms. Jacqueline Cross to the Rapid City Area Air Quality Board for a term beginning November 7, 2023 and expiring August 31, 2025. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **RETAIL (ON-OFF SALE) WINE & CIDER LICENSE(S) RENEWALS:** MOVED by Drewes and seconded by Rossknecht to approve the renewals of the Retail (on-off sale) Wine and Cider Licenses as presented and release upon payment of appropriate property taxes: BJ’s Country Store Hwy 16, Dvorak Convenience Stores, Inc; Dollar General Store #15207, Dolgen Midwest LLC; Hart Ranch Camping Resort, Hart Ranch Camping Resort Club Inc; Hart Ranch Golf Course, Hart Ranch Development Co; Mexico Tipico, Mexico Tipico LLC; Mt. Rushmore KOA, Recreational Adventures Co; Moonshine Gulch Saloon LLC, Moonshine Gulch Saloon LLC; Powder House

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Lodge, Powder House Lodge LLC; Reptile Gardens, Black Hills Reptile Garden Inc; Sick and Twisted Brewing Co, Winery Hill City LLC; Summer Creek Inn, Summer Creek Inn LLC; Under Canvas Inc, Under Canvas Inc. Vote: Unanimous.

B. RETAIL (ON-OFF SALE) WINE & CIDER LICENSE RENEWALS - MG OIL: MOVED by Hadcock and seconded by Lasseter to approve the renewal of the Retail (on-off sale) Wine and Cider License as presented and release upon payment of appropriate property taxes for Corner Pantry #21, MG Oil Company. Vote: The motion carried 4-0 with LaCroix abstaining.

C. PACKAGE (OFF SALE) LIQUOR LICENSE RENEWAL: MOVED by Rossknecht and seconded by Drewes to approve the renewal of the Package (off sale) Liquor License as presented and release upon payment of appropriate property taxes for Johnson Siding General Store, JSGS LLC. Vote: Unanimous.

D. RETAIL (ON-SALE) LIQUOR WITH SUNDAY SALES LICENSE(S) RENEWALS: MOVED by Drewes and seconded by Rossknecht to approve the renewals of the Retail (on-sale) Liquor with Sunday Sales licenses as presented and release the licenses upon payment of appropriate property taxes: Central States Fair, Central States Fair Inc; Country Store at Three Forks, Stelmach Oil, Inc; Diamond Spur Events LLC, Diamond Spur Events LLC; Mexico Tipico LLC, Mexico Tipico LLC; Moonshine Gulch Saloon LLC, Moonshine Gulch Saloon LLC; Mount Rushmore National Memorial, Xanterra Parks & Resorts Inc.; Pine Haven Venue & Lodging, R&J LLC; Powder House Lodge, Powder House Lodge LLC; Rimrock Happy Tavern, Rimrock Holdings LLC; Sally O'Malleys Pub & Casino, TNH LLC; Silver Dollar Saloon, Etho LLC; Sweet Grass Bed & Breakfast / Shipwreck Bar & Grill, Grade A Enterprises LLC; The Peak Grill & Tap Room; Sass LTD. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATION

A. WASTA VOLUNTEER FIRE DEPARTMENT AGREEMENT AND DONATION DISTRIBUTION: MOVED by Lasseter and seconded by Hadcock to approve the Agreement between Pennington County and the Wasta Volunteer Fire Department for the donation of \$500,000.00 to construct a Fire Station and further move to authorize the Auditor's Office to issue payment. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. SECOND READING AND FINAL HEARING OF ORDINANCE 14 AMENDMENT - CRITERIA FOR CONSTRUCTING AND ACCEPTING ROADS AND APPROACHES ONTO THE COUNTY HIGHWAY SYSTEM AND THE COUNTY SECONDARY HIGHWAYS, HEREINAFTER REFERRED TO AS "COUNTY ROADS": MOVED by Rossknecht and seconded by Hadcock to approve the Second Reading and Final Adoption of Ordinance 14 Amendment as presented. Vote: Unanimous.

ORDINANCE NUMBER FOURTEEN

CRITERIA FOR CONSTRUCTING AND ACCEPTING ROADS AND APPROACHES ONTO
THE COUNTY HIGHWAY SYSTEM AND THE COUNTY SECONDARY HIGHWAYS,
HEREINAFTER REFERRED TO AS "COUNTY ROADS"

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BE IT ORDAINED by Pennington County, South Dakota that Ordinance 14 be amended to read as follows:

Section 101 - Purpose:

- A. To establish the minimum criteria under which roads may be retained as part of or considered for placement on the “County Highway System” and “County Secondary Highways” as defined in Section 500.
- B. To ensure that County Roads serve the greatest number of people in the most equitable way within the County’s resources.
- C. To provide minimum specifications for the construction of County Roads and approaches.

Section 102 - Policy:

- A. Consistent with the purposes stated above, the criteria set forth in Sections 201 and 202 will qualify a road for consideration for acceptance as a County Road but does not guarantee acceptance.
- B. The Board of Commissioners, with recommendations of the County Highway Department, reserves unto itself the determination of whether to add a road as a County Road or not, the appropriate classification of the road, and the priority level of maintenance on the road.

Section 103 - Procedure for Requesting Roads to be Designated as County Roads:

- A. An application requesting roads to be designated as County Roads can be submitted to the County Highway Superintendent. Requests will be complete and include information such as location, length of road, map or plat. Requests will state that the road meets or exceeds the specifications as stated in Sections 201 and 202. The Highway Department may request additional information including certification from contractors, engineers, suppliers and engineered plans that Section 201 and 202 requirements have been met. The request and the Highway Department’s recommendations will then be forwarded to the Board of Commissioners for its consideration.
- B. Each application request requires a fee as defined in Section 700.

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Section 201 - Minimum Construction Standards and Specifications:

- A. Commencing with the effective date of this Ordinance, any road to be considered for acceptance as a County Road will meet the minimum construction standards and specifications as stated below and as shown on Exhibits “A” and “B” attached hereto. The owner(s) and or developer(s) are responsible for all costs associated with the construction of or improvement of roads as required.

- B. In the event the road is also subject to the provisions of the County Subdivision Ordinance, or lies within the extraterritorial area of a municipality, the road will also comply with any and all additional County/City standards and specifications as applicable.

- C. Road design will be consistent with the current published edition of the standards of the “American Association of State Highway Transportation Officials” (AASHTO). Road construction materials and construction methods will conform to the current published edition of the “Standard Specifications for Roads and Bridges” and “Local Roads”, South Dakota Department of Transportation.
 - 1. The minimum dedicated right-of-way width will be sixty-six feet (66’) for minor arterial roads. Minimum dedicated right-of-way for major arterial will be one hundred feet (100’).

 - 2. Maximum grade of any road or portion of road will not exceed twelve percent (12%) without the written permission from the County Highway Superintendent or designee.

Table 5-2. Maximum Grades for Local Roads in Rural Areas

Type of Terrain	U.S. Customary									
	Maximum Grade (%) for Specified Design Speed (mph)									
	15	20	25	30	35	40	45	50	55	60
Level	9	8	7	7	7	7	7	6	6	5
Rolling	12	11	11	10	10	10	9	8	7	6
Mountainous	17	16	15	14	14	13	12	10	10	-
Note: Short lengths of grade in rural areas, such as grades less than 500 ft (150 m) in length, one-way downgrades, and grades on low-volume roads (AADT less than 2,000 veh./day) may be up to 2 percent steeper than the grades shown in this table.										

Table reference: 5.2.1.5 AASHTO 2018 EDITION
GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

- 3. Maximum radius of curvature will follow Table 4-4 specifications.

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Table 4-4. Guidelines for Maximum Side Friction Factor and Minimum Radius
(New Construction, Design Volume \leq 250 veh/day, Limited Proportion of Heavy Vehicle
Traffic)

U.S. Customary					
		Minimum Radius (ft), R_{min}			
		Max. Superelevation Rate (%), e_{max}			
Design Speed (mph)	Reduced Design Speed (mph)	Max. Design Side Friction Factor, f_{max}			
			4	6	8
10	10	.38	25	25	25
15	15	.32	40	40	40
20	15	.32	40	40	40
25	20	.27	85	80	75
30	20	.27	85	80	75
35	25	.23	155	145	135
40	30	.20	250	230	215
45	35	.18	370	340	315
50	40	.16	535	485	445
55	45	.15	710	645	585
60	50	.14	925	835	760

Table reference: 4.4.1.1 AASHTO 2019 Second Edition
Guidelines for Geometric Design of Low-Volume Roads

4. Crown rates will be 0.02 ft/ft on paved surfaces and 0.04 ft/ft on gravel surfaces. Maximum super elevation rate in curves will be 0.06 ft/ft on paved surfaces and 0.08 ft/ft on gravel surfaces.
5. Maximum in slope will be 4 to 1, preferred back slope is 3 to 1. Back slope will, under no conditions, be greater than 1 to 1.
6. Ditches will have a minimum depth of two feet (2') and a minimum flat bottom width of two feet (2').
7. Culverts will be sized to ensure proper drainage. Cross culverts on a roadway will be a minimum diameter of twenty-four inches (24").
8. Culverts will be sized to ensure proper drainage. Approaches to a roadway will use a minimum diameter of eighteen inches (18").
9. Dead end roads will have a turnaround matching minimum dimensions of Figure "2" and Tables "1-3" of Exhibit "A".

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10. Gravel surfacing will meet the requirements of “Part B. Section 260, Granular Bases and Surfacing” and “Section 882” of the current published edition of the “Standard Specification for Roads and Bridges”, South Dakota Department of Transportation.
11. Roads that have or will have 250 ADT (average daily traffic) or more should be paved.

Section 202 - Standards and Specifications for Asphalt Pavement/Concrete Pavement Roads:

- A. The design of pavement will be in compliance with Section 201 and the current published edition of the “AASHTO Guide for Design of Pavement Structures”.
- B. Pavement structure will be designed for the predicted traffic loading over a twenty (20) year performance period (minimum). Traffic can be represented by a number of eighteen thousand pound (18-kip) equivalent single axle loads (ESAL). The ESALs for the performance period represents the cumulative number from the time the roadway is opened to traffic to the time when the serviceability is reduced to a terminal value.
- C. The pavement structure will have a minimum of eight inches (8”) of granular base for residential. Commercial and industrial roads will have a minimum granular base of twelve inches (12”). The granular base will meet the requirements of “Part B. Section 260, Granular Bases and Surfacing” and “Section 882” of the current published edition of the “Standard Specification for Roads and Bridges”, South Dakota Department of Transportation.

In lieu of the above minimum requirements, the recommendations of a geotechnical report or engineered plans from a professional engineer may be considered.

Section 300 - Specifications for Approaches:

- A. Typical Approach Detail as shown on Exhibit “B” and listed below will be followed in the construction of approaches within public rights-of-ways under the jurisdiction of Pennington County. Road construction materials and methods will conform to the current published edition of the "Standard Specifications for Roads and Bridges", South Dakota Department of Transportation.
 1. Maximum grade on an approach will not exceed five percent (5%) within the right-of-way.
 2. Culverts will be sized to ensure proper drainage. The minimum size of culvert will be eighteen inches (18”) in diameter. Fifteen inches (15”) in diameter may

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be allowed under certain conditions with written approval from the County Highway Superintendent or designee. The minimum culvert length will be thirty feet (30').

3. Gravel surfacing will meet the requirements of "Part B. Section 260, Granular Bases and Surfacing" of the current published edition of the "Standard Specifications for Roads and Bridges", South Dakota Department of Transportation. The minimum depth will be four inches (4") with a minimum traveled roadway width of twenty feet (20') for residential and twenty-eight feet (28') for commercial and industrial up to the right-of-way line.
 4. Approaches will be constructed perpendicular, as practical, to the road.
 5. Only one (1) approach per residence will be allowed unless authorized by the County Highway Superintendent or designee.
 6. Additional approaches for commercial, industrial and agriculture will be reviewed on a case by case basis by the County Highway Superintendent or his designee.
 7. Sight distance of approaches will meet the standards in the current published edition of the AASHTO guide.
 8. Ditches and right-of-way will follow specifications set forth in Ordinance 11 for erosion control and seeding.
 9. Temporary approaches must be removed within one year of approach permit approval unless extension authorized by the County Highway Superintendent or designee upon written request of the applicant.
- B. Property owner(s) must obtain a written permit and approval from the County Highway Department for each approach. Property owner(s) must construct approach according to County specification and current policy, and is responsible for all costs associated with construction and maintenance. Refer to Section 700 for approach permit fees and surety deposit related to approach permits.

Section 400 - Exceptions to Standards and Specifications:

- A. The purpose of an exception is to modify strict application of the specific requirements of this Ordinance. An exception will only be granted in the case whereby such strict application would result in practical difficulty.
- B. Standards for granting an exception.

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1. The particular physical surroundings, shape or topographical conditions of the specific road involved would result in a particular hardship upon the owner(s) as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 2. The granting of the exception will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the road is located.
 3. The proposed exception will not increase traffic congestion on the public roads, increase the danger of fire, endanger the public safety, and/or diminish or impair property values within the area.
 4. That because of circumstances or conditions, there is no possibility that the road can be developed in strict conformity with the provisions of the regulations and that the authorization of an exception is therefore necessary.
 5. That the exception, if authorized, will represent the minimum exception that will afford reasonable relief and will represent the least modification desirable of the regulations.
- C. Any person, firm or corporation desiring an exception in accordance with this Ordinance will make application for such request to the Highway Department.
- D. Upon the filing of any application for an exception, the applicant will pay to Pennington County the appropriate fee as defined in Section 700.
- E. All applications for an exception request under this Ordinance will be acted upon at a meeting of the Board of Commissioners. A favorable vote by a majority of the members of the Board of Commissioners will be required to approve each request.
- F. Appeals may be taken to the Circuit Court by any person or persons, jointly or severally, aggrieved by any decision of the Board of Commissioners, or any taxpayer, or any officer, department, board or bureau of the County, aggrieved by any decision of the Board of Commissioners, in the manner and form provided by the statutes of the State of South Dakota, in such cases made and provided.

Section 500 - Road Classifications and Designated Maintenance:

A. County Highway System

Definition:

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The County Highway System will be the principal or primary highway system of roads in Pennington County. This system of roads provides access to the major geographical areas in the County. Roads included in this definition must be designated by resolution or official motion of the Board of Commissioners and approved by the South Dakota Department of Transportation.

B. County Secondary Highways

Definition:

County Secondary Highways are those roads that connect to County Highway System, or in some cases connect to roads on the State Trunk System. Generally, County Secondary Highways provide access to large land areas not served by the County Highway System.

County Secondary Highways may provide access to, but not into, cities, towns, developments and unincorporated residential areas. All roads defined as County Secondary Highways will be designated by resolution or official motion by the Board of Commissioners and recorded in its minutes.

C. Maintenance Levels Defined

Full Maintenance: Roads will be maintained per County Highway Department policy to the best standard possible, within the Highway Department's budget and staffing considerations. All asphalt pavement/concrete pavement roads will be Full Maintenance. Full Maintenance gravel surfaced roads have an average daily traffic (ADT) count, as collected by County Highway Department staff, of more than 30 cars or 10 trucks. All roads with a bridge on the National Bridge Inventory will be Full Maintenance.

Minimum Maintenance: Road maintenance and snow removal will be determined by the Highway Department as budget and staffing allows. In general, gravel surfaces will be maintained twice a year. Mowing operations will occur twice a year. Snow removal will occur when amounts meet a six-inch (6") minimum. Minimum Maintenance roads have an average daily traffic (ADT) count, as collected by County Highway Department staff, of less than 30 cars or 10 trucks.

No Maintenance: Removal of man-made obstructions will occur.

Section 600 - Amendments:

- A. The Amendment of this Ordinance may be initiated by the Board of Commissioners under the provisions of South Dakota Codified Laws, Chapter 7-18A-2, or by

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individual citizens, or groups of citizens under the provisions of South Dakota Codified Laws 7-18A-9.

Section 700 – Schedule of Fees:

- Application request for County Road designation: \$2,500.00 due upon application.
- Approach permit fee: \$250.00 per approach due upon application. The County Highway Superintendent or his designee may waive the approach permit fee for second approach applications if both applications are submitted concurrently for the same parcel of land.
- Approach permit surety deposit: \$2,500.00 cash or cashier's check per approach required following initial inspection, at the time the permit is approved. Surety deposit will be refunded upon approved, final inspection. Temporary logging approaches associated with Black Hills National Forest Service active timber sales are exempt from the surety deposit.
- Exception request fee: \$500.00 due upon application.

Approved on this 7th day of November, 2023.

/s/ Lloyd LaCroix, Chair
Pennington County Board of Commissioners

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

Preliminary Approval: February 5 & 19, 1980
First Reading: March 4, 1980
Second Reading: March 11, 1980
Third Reading: March 25, 1980
Fourth Reading: April 8, 1980
Fifth Reading: April 29, 1980 (adopted)

Amendment 1 First Reading: December 6, 1988
Amendment 1 Second Reading: December 19, 1988
Amendment 1 Effective: January 24, 1989

Amendment 2 First Reading: February 4, 1992
Amendment 2 Second Reading: February 26, 1992
Amendment 2 Third Reading: March 4, 1992
Amendment 2 Published: March 19, 1992
Amendment 2 Effective: April 9, 1992

Amendment 3 First Reading: April 5, 2005

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Amendment 3 Second Reading: May 10, 2005
Amendment 3 Published: May 25, 2005
Amendment 3 Effective: June 13, 2005

Amendment 4 First Reading: May 17, 2022
Amendment 4 Second Reading: June 10, 2022
Amendment 4 Third Reading: June 21, 2022
Amendment 4 Published: July 6 & 7, 2022
Amendment 4 Effective: July 27, 2022

Amendment 5 First Reading: October 3, 2023
Amendment 5 Second Reading: October 17, 2023 (Continued)
Amendment 5 Second Reading and Final Adoption: November 7, 2023
Amendment 5 Published: November 22 & 23, 2023
Amendment 5 Effective: December 13, 2023

ITEMS FROM COMPENSATION COMMITTEE

A. **COUNTY EMPLOYEE WAGE STUDY UPDATE**: Informational Only.

MOVED by Drewes and seconded by Rossknecht to suspend the rules and limit public comment to three minutes for the rest of the meeting. Vote: The motion carried 3-2 with Hadcock and Lasseter voting no.

PUBLIC DEFENDER'S OFFICE FUNDING AND LOCATION(S) – LEGISLATIVE STUDY RESULTS: Informational only.

ITEMS FROM PUBLIC: Jim Hayward – County buildings, taxes, wages, cost of living; James Bialota – Property taxes, civil rights violation, 2nd Amendment, County Administrator, property assessments, corruption, notice of intent to sue; Taffy Howard – County budget, transparency, Elevate Rapid City; Tony Rhodes – County Administrator, county services; Tina Mulally – County Administrator; Matthew Monfore – Voting machine issues, homelessness; Phil Jensen – Roads/bridges, property taxes, notice of future plans; Tonchi Weaver – Public service, County Administrator, separate public and private entities, transparency.

MOVED by Drewes and seconded by Lasseter to take a ten-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING
PLANNING & ZONING CONSENT AGENDA ITEMS

A. Removed for separate consideration.

End of Planning Consent Agenda Items

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A. HARDROCK MINING RESEARCH UPDATE: MOVED by Hadcock and seconded by Lasseter to accept the memo from the State's Attorney Office as presented. Vote: Unanimous.

UNCONTESTED HEARING(S)

B. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review an existing 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.

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 Rossknecht and seconded by Hadcock to approve the review of Major Planned Unit Development Amendment / PU 16-03 with forty-five (45) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

C. PUBLIC HEARING OF REZONE / RZ 23-14: Adam and Jennifer Masters. To rezone from Agriculture District to Rural Residential District.

Unplatted Balance SW1/4SE1/4 in Pennington County, Section 12, T2N, R4E, BHM, Pennington County, South Dakota.

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MOVED by Hadcock and seconded by Lasseter to approve Rezone / RZ 23-14. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-14 (Adam and Jennifer Masters) to rezone from Agriculture District to Rural Residential District.

MOVED by Drewes and seconded by Lasseter to combine Items D and E for discussion purposes and to vote on Items D and E separately. Vote: Unanimous.

D. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 23-10: Tanner and Shannah Loeffen. To change the Future Land Use from Agriculture District to Suburban Residential District.

Lot 6C, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to approve Comprehensive Plan Amendment / CA 23-10. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 23-10 (Tanner and Shannah Loeffen) to change the Future Land Use from Agriculture District to Suburban Residential District.

E. PUBLIC HEARING OF REZONE / RZ 23-15: Tanner and Shannah Loeffen. To rezone from Agriculture District to Suburban Residential District.

Lot 6C, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve Rezone / RZ 23-15. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-15 (Tanner and Shannah Loeffen) to rezone from Agriculture District to Suburban Residential District.

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CONTESTED HEARING(S)

F. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in a Commercial District.

Lot 17 Less Outlot 1 and Right-of-Way (also in Section 3) and Outlot 1 of Lot 17 and 30 feet Right-of-Way, all located in Saxon Placer MS 1250, Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve Planned Unit Development Overlay / PU 23-06 with twenty-four (24) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved a Planned Unit Development Overlay for a Recreational Resort. Planned Unit Development Overlay 23-06 – Horse Creek, LLC; Garret Kuchenbecker.

G. PRELIMINARY PLAN / PPL 23-17: Dakota Land & Cattle. To create Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap.

EXISTING LEGAL: Lot 5, Block 4, The Ranch at Black Gap of Section 8 and Water Lot Revised-2, The Ranch at Black Gap of Section 9, all located in T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Preliminary Plan / PPL 23-17 with eight (8) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

H. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 23-12: Pennington County. To amend Section 313 “Access Easements” [to amend and supersede the existing Section 313 “Access Easements”] of the Pennington County Zoning Ordinance. MOVED by Drewes and seconded by Rossknecht to approve Ordinance Amendment / OA 23-12. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

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On November 7, 2023, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 23-12. To amend Section 313 – Access Easements of the Pennington County Zoning Ordinance.

I. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by Drewes to amend Page 8, Item K.3. to \$250 every three years instead of \$1,000 every two years.

Substitute motion: MOVED by Hadcock and seconded by Lasseter to continue Ordinance Amendment / OA 23-01 to the November 21, 2023 meeting for clarification on conflict of interest. Vote: Unanimous.

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 \$449,972.34. Vote: Unanimous.

A & A Professional Property Management, 1,107.00; AT&T Mobility, 4,299.02; AT&T Mobility, 301.36; AT&T Mobility, 361.54; BH Electric Cooperative Inc, 136.96; BH Energy, 1,344.97; BH Energy, 181.63; BH Energy, 175.93; BH Energy, 529.49; Bluepeak, 119.95; Bluepeak, 1,454.38; Bluepeak, 297.56; Burnette Jr Arthur J., 510.00; Century Link, 162.08; City Of Hill City, 82.99; City Of Rapid City -Water, 25,365.59; City Of Rapid City -Water, 4,643.65; City Of Wall, 209.00; Delta Dental Of South Dakota, 41,255.18; Eagle Ridge Apartments Ii, 450.00; Executive Mgmt Fin Office, 46.50; Fidelity Security Life, 6,290.43; Global Tel'link, 4.34; Golden West Companies, 258.91; Kieffer Sanitation/A Waste Management Co, 4,905.80; Lakota Community Homes Inc, 973.00; Life Insurance Company Of North America, 2,815.88; Maplewood Townhouses, 459.00; Merrill Casey, 500.00; Midcontinent Communications, 2,422.45; Midcontinent Communications, 4,131.87; Midcontinent Communications, 864.34; Montana Dakota Utilities, 4,346.92; Montana Dakota Utilities, 669.20; Pennington County Housing & Redevelopment, 290.00; Pioneer Bank & Trust, 14,245.69; Pioneer Bank & Trust, 5,401.93; Pioneer Bank & Trust, 3,344.26; Pioneer Bank & Trust, 2,309.45; Rapid Valley Sanitary District, 85.31; Reliance Telephone Inc, 14.75; Reliance Telephone Inc, 3.25; Rollin Cash LLC, 510.00; Todd Properties LLC, 510.00; Travelodge - Rapid City, 420.00; Tzadik Lacrosse Apartments LLC, 360.00; Verizon Wireless, 1,149.00; Verizon Wireless, 657.18; Verizon Wireless, 258.82; Wellmark, 308,481.91; West River Electric, 253.87.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Lasseter and seconded by Drewes to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and SDCL 1-25-2(3) for contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from

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12:37 p.m. until 2:57 p.m. MOVED by Rossknecht and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

MOVED by Lasseter and seconded by Rossknecht to authorize J. Anderson Davis to continue to represent Pennington County on legal matters associated with the National Opioid Litigation. Vote: Unanimous.

MOVED by Drewes and seconded by Lasseter to deny Joseph Miller, Highway Superintendent, request movement for DBM D62, Step 27 as HR intends to have all department head salary evaluations completed by end of January 2024. Vote: The motion carried 3-2 on a roll call: Drewes – yes; Hadcock – no; Lasseter – yes; Rossknecht – no; LaCroix – yes.

PAYROLL

Commissioners, 12,146.63; Elections, 8,166.00; Auditor, 14,853.35; Treasurer, 43,479.37; State's Attorney, 165,445.87; Public Defender, 89,428.33; Buildings & Grounds, 66,783.23; Equalization, 46,344.67; Register of Deeds, 15,829.18; IT, 29,876.40; Human Resources, 11,821.60; Sheriff, 303,463.08; Jail, 380,232.26; JSC, 133,140.48; JSC Juvenile Alternative, 3,165.66; CCADP, 124,370.19; Innovation Reentry Grant, 2,200.81; Economic Assistance, 40,124.58; Pivot Point, 5,071.01; Extension, 1,607.91; Natural Resources, 11,583.20; Planning & Zoning, 23,243.11; Road & Bridge, 156,579.06; Fire Administration, 5,734.40; Dispatch, 118,244.41; Emergency Management, 6,128.91; 24-7 Program, 3,795.22; MacArthur Safety & Justice, 3,939.95.

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 October 18, 2023: Total balances of checking/savings account, 16,949,980.51; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 17,815,874.59; Total Prime Value Investment, 68,860,624.60; Total petty cash, 17,690.00; NSF Checks, 1,445.86; Total long/short, (435.54); Total, 103,662,180.02. Submitted by Lori Wessel, Deputy Auditor.

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

Buildings & Grounds: Effective 10/29/2023: Davis Purcell, \$3,693.60; AnnDee Schmidt, \$21.74; Princess Thomas, \$15.13.

Care Campus: Effective 11/13/2023: Julian Gauna, \$19.41. Effective 11/27/2023: James Gentile, \$19.41.

Emergency Management: Effective 11/26/2023: Troy Blevins, \$22.25; Brooke Love, \$17.50.

Jail: Effective 11/13/2023: Natashja Armstrong, \$19.41; Faith Stoddard, \$19.41; Rachel Strom, \$24.30. Effective 11/27/2023: Mitchell Austin, \$24.55; Marcus Walton, \$24.55.

Planning & Zoning: Effective 11/12/2023: Jason Thuenissen, \$3,322.40.

Sheriff: Effective 10/29/2023: Mark Bartik, \$26.36; Ian Bridges, \$26.36; Thad Fitch, \$26.36; Michael Goeringer, \$26.36; Nicholas Kollias, \$26.36; Don Lampert, \$26.36; Jason Lind, \$26.36; Jonathan McCary, \$26.36; Kevin Sosa, \$26.36; Caleb Willard, \$26.36; Levi Woodard, \$26.36;

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Jonathan Zamora, \$26.36. Effective 11/26/2023: Kraig Wood, \$48.96. Effective 12/10/2023: Jason O’Cilka, \$38.11.

State’s Attorney: Effective 10/16/2023: Terri Anderson, \$21.74. Effective 11/27/2023: Robert Bennett, \$27.59.

WSDJSC: Effective 11/13/2023: Bradford Osborn, \$15.27. Effective 11/27/2023: Luke Bourne, \$24.55.

ADJOURN

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 3:05 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

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