

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of May 5<sup>th</sup>, 2020

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, May 5<sup>th</sup>, 2020, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, Gary Drewes, Lloyd LaCroix, and Ron Rossknecht.

**REVIEW AND APPROVE AGENDA**

MOVED by Drewes and seconded by LaCroix to approve the agenda as presented. Vote: Unanimous.

**EXECUTIVE PROCLAMATION:** MOVED by Drewes and seconded by DiSanto to approve the Chair's signature on the proclamation declaring May 3-9, 2020 as Pennington County Corrections Week. Vote: Unanimous.

**EXECUTIVE PROCLAMATION:** MOVED by Drewes and seconded by DiSanto to approve the Chair's signature on the proclamation declaring May 3-9, 2020 as Public Service Recognition Week. Vote: Unanimous.

**CONSENT AGENDA**

MOVED by Drewes and seconded by LaCroix to approve the Consent Agenda as presented with the removal of Item 14. Vote: Unanimous.

7. Minutes of the special meeting – April 17, 2020.
8. Minutes of the regular meeting – April 21, 2020.
9. Minutes of the Board of Equalization Hearings – April 2020.
10. Budget Supplement SP20-007 – Schedule a hearing at 9:15 am on Tuesday, May 19, 2020 to supplement the following budgets within the General Fund: Jail budget in the amount of \$345,533; from Proceeds from Long Term Debt; the Principal-Kitchen Equipment Lease budget in the amount of \$72,156; and the Interest-Kitchen Equipment Lease in the amount of \$10,452, from unassigned fund balance.
11. Acknowledge the 2020 Polling Place List as the official polling locations for elections year 2020.
12. Acknowledge the filing of petitions signed by at least 25% of the eligible voters within the proposed district and to set an election date on the question of formation of the BURGESS ROAD District to be held on June 16, 2020.
13. Approve to apply for the following grants: Assistance to Firefighters Grant, Gary Sinise Foundation First Responder Outreach, Fire House Subs Foundation, Farm Credit Services of America and Golden West.
14. Removed for separate consideration.

End of Consent Agenda

14. **BLACK HILLS NATIONAL FOREST ADVISORY BOARD:** MOVED by Rossknecht and seconded by Drewes to authorize Scott Guffey, Natural Resources Director, to apply for an open position on the Black Hills National Forest Advisory Board and have Holli draft a letter in support. Vote: Unanimous.

**ITEMS FROM SHERIFF**

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- A. ADDICTION TREATMENT SERVICES COUNSELOR POSITION FILL: MOVED by Rossknecht and seconded by Drewes to approve the request to fill the Addiction Counselor Position located at the Care Campus. Vote: Unanimous.

**ITEMS FROM ESCC**

- A. HIRING REQUEST: MOVED by DiSanto and seconded by LaCroix to approve the request to hire for three dispatcher positions. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. 2020 COUNTY STRIPING AGREEMENT: MOVED by Rossknecht and seconded by Drewes to approve the agreement with the SD Department of Transportation for the 2020 County Striping Project P000S (00)236 PCN 04LY. Vote: Unanimous.
- B. BLACK HILLS NATIONAL FOREST SERVICE CHALLENGE COST SHARE AGREEMENT: MOVED by Rossknecht and seconded by DiSanto to approve the Challenge Cost Share Agreement – 20-CS-11020306-041 with the Black Hills National Forest Service for the Sheridan Lake Road Right-of-Way Fencing. Vote: Unanimous.
- C. RESOLUTION 2020-05-05-01 – 151<sup>ST</sup> AVENUE SPEED LIMIT: MOVED by LaCroix and seconded by Rossknecht to approve Resolution 2020-05-05-1 to reduce the speed limit on 151<sup>st</sup> Avenue from Highway 1416 north to 250 ft. north of the I-90 overpass to 40 miles per hour. Vote: Unanimous.

**RESOLUTION 2020-05-05-1**

WHEREAS, the Pennington County Board of Commissioners have determined that it would be in the best interest of the residents of Pennington County that a speed limit on 151<sup>st</sup> Avenue be established effective May 20, 2020; and

WHEREAS, this Board has the authority to establish such a speed zone on 151<sup>st</sup> Avenue pursuant to SDCL 32-25-9.1 and SDCL 7-18A-2;

THEREFORE BE IT RESOLVED, that a speed zone limiting the maximum speed of travel to 40 miles per hour be established on 151<sup>st</sup> Avenue beginning in the SW 1/4 of Section 22, T2N, R9E, BHM at the Highway 1416 intersection, thence north to 250 feet north of the Interstate 90 overpass, a distance of 0.57 miles.

Dated this 5th day of May, 2020.

/s/ Chair Deb Hadcock  
Pennington County Board of Commissioners

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

- D. FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTIONS: MOVED by LaCroix and seconded by DiSanto to approve the Federal Aid Bridge Replacement Program Resolutions 20-05-05-2, 2020-05-05-3, and 2020-05-05-4 for County and Urban Projects and authorize the grant application for 2020 Local Federal Bridge Replacement Funds for each bridge. Vote: Unanimous.

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**FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION 2020-05-05-2  
FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Pennington County desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION:

52-896-490 4.0 mi W 5.3 mi N of Conata, SD

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT  
(NAMES & ADDRESSES):

Wayne and Marcia Huether, PO Box 106, Interior, SD 57750-0106

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. The bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route, a school bus route, a mail route, a field to farm to market route, a lake or recreation access route, or other (please specify) section line.
4. The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 700,000  
Federal Share (81.95%): \$ 573,650  
Local Share (18.05%): \$ 126,350

Vote of Commissioners/Council: Yes X No

Dated this 5th day of May, 2020.

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/s/ Chair Deb Hadcock  
Pennington County Board of Commissioners

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

**FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION 2020-05-05-3  
FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Pennington County desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION:

52-952-341 0.6 mi W 2.1 mi N of Quinn, SD

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT  
(NAMES & ADDRESSES):

Mike and Anita Heathershaw, 23301 Quinn Road, Quinn, SD 57775-6004

AND WHEREAS, Pennington County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. The bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route, a school bus route, a mail route, a field to farm to market route, a lake or recreation access route, or other (please specify) 1/16 line.
4. The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

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Estimated Cost of Project Including Engineering: \$ 700,000  
Federal Share (81.95%): \$ 573,650  
Local Share (18.05%): \$ 126,350

Vote of Commissioners/Council: Yes X No

Dated this 5th day of May, 2020.

/s/ Chair Deb Hadcock  
Pennington County Board of Commissioners

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

**FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION 2020-05-05-4  
FOR COUNTY AND URBAN PROJECTS**

WHEREAS, Pennington County desires the replacement of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION:

52-953-340 0.5 mi W 2.2 mi N of Quinn, SD

LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT  
(NAMES & ADDRESSES):

Mike and Anita Heathershaw, 23301 Quinn Road, Quinn, SD 57775-6004

AND WHEREAS, Pennington County is obligated and hereby hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, Pennington County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The condition rating is poor.
2. The bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route, a school bus route, a mail route, a field to farm to market route, a lake or recreation access route, or other (please specify) section line.
4. The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and

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requested to program for construction, in accordance with the “Local Roads Plan” and the State’s “Standard Specifications for Roads and Bridges,” the bridge replacement project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ 700,000  
Federal Share (81.95%): \$ 573,650  
Local Share (18.05%): \$ 126,350

Vote of Commissioners/Council: Yes X No

Dated this 5th day of May, 2020.

/s/ Chair Deb Hadcock  
Pennington County Board of Commissioners

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

E. HIRING REQUEST: MOVED by Rossknecht and seconded by Drewes to approve the request to authorize the HWY Dept. to advertise for and hire one Maintenance Worker for the Hill City Division. Vote: Unanimous.

**ITEMS FROM HUMAN RESOURCES**

- A. REMOVAL OF TEMPORARY POLICY ADDITIONS: MOVED by Drewes and seconded by LaCroix to approve the removal of the temporary provisions in the Facility Closures Policy 2.15 and Sick Leave Policy 4.3. Vote: Unanimous.
- B. EMPLOYEE HANDBOOK UPDATES: MOVED by Drewes and seconded by LaCroix to approve the updated language in the Employee Handbook for Health Insurance Policy 4.10 and Long-Term Employment Healthcare Benefit Policy 4.6. Vote: Unanimous.
- C. PLANNING & ZONING DIRECTOR APPOINTMENT: MOVED by Rossknecht and seconded by Drewes to appoint Brittney Molitor as the Planning & Zoning Director effective April 19, 2020; Grade 24, Step 3 for a bi-weekly salary of \$3,131.20. Vote: Unanimous.

**ITEMS FROM COMMISSION OFFICE MANAGER**

- A. ELLSWORTH AFB SUPPORT LETTER – B-21 MAIN OPERATING BASE 1 BEDDOWN: MOVED by Drewes and seconded by DiSanto to approve the Chair’s signature on the letter of support for Ellsworth AFB to be designated as the Main Operating Base for the B-21 Raider Bomber. Vote: Unanimous.
- B. WALTER TAYLOR 4-H BUILDING USE AGREEMENT: MOVED by LaCroix and seconded by DiSanto to approve the Walter Taylor 4-H Building Use Agreement dated 4-21-2020. Vote: Unanimous.
- C. PROPOSED RESOLUTIONS FOR BHACC/SDACC

**EXECUTIVE SESSION – SDCL 1-25-2**

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

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**B. Contractual / Pending Litigation per SDCL 1-25-2(3)**

MOVED by Drewes and seconded by DiSanto 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 the purpose of consulting with legal counsel regarding a contractual/pending litigation matter. Vote: Unanimous.

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

**ITEMS FROM THE CHAIR/COMMISSION MEMBERS**

**COMMITTEE REPORTS**

**APPROVAL OF VOUCHERS:** MOVED by Drewes and seconded by LaCroix to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$720,741.91. Vote: Unanimous.

AT&T Mobility, 3,744.05; AT&T Mobility, 905.48; BH Energy, 257.72; Century Link, 265.53; City Of Hill City, 38.14; City Of Rapid City -Water, 19,330.19; City Of Rapid City -Water, 3,497.47; Executive Mgmt Fin Office, 50.00; First Interstate Bank, 1,852.07; First Interstate Bank, 768.04; First Interstate Bank, 958.59; First Interstate Bank, 746.85; Lowe's, 100.66; Midcontinent Communications, 3,167.41; Midcontinent Communications, 1,879.07; Montana Dakota Utilities, 9,596.13; Pioneer Bank & Trust, 3,659.15; Pioneer Bank & Trust, 13,746.03; Pioneer Bank & Trust, 3,210.77; US Bank, 463,925.00; Vast Broadband, 1,689.34; Vast Broadband, 224.92; Verizon Wireless, 2,064.46; Verizon Wireless, 1,625.99; Wellmark, 181,507.19; West River Electric, 1,931.66.

**ITEMS FROM THE PUBLIC**

**ITEMS FROM PLANNING & ZONING**

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

- A. **VARIANCE / VA 20-02:** Tom and Pam Troxel. To reduce the side yard setback from 25 feet to 10 feet and to reduce the front yard setback from 25 feet to a zero (0) foot setback and to allow an accessory structure to be placed in the front yard in a Low Density Residential District in accordance with Sections 207, 309, and 509 of the Pennington County Zoning Ordinance.

Lot 6R, Block 1, Mission Hills #2 Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to continue Variance / VA 20-02 to no later than the June 16, 2020, Board of Commissioner's meeting. Vote: Unanimous.

MOVED by Drewes and seconded by DiSanto to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

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**REGULAR PLANNING AND ZONING ITEMS**

B. **REQUEST TO AMEND ORIGINAL CONTRACT TO REMOVE SUBTASK 6.7 – “FOUR CODE EVALUATION” – MATRIX DESIGN GROUP, INC; MOVED by LaCroix and seconded by Drewes to amend the original contract with Matrix Design Group, Inc. as follows:**

“As provided in Section 10.1 of the Agreement, and in consideration of the completion of out of scope items including, but not limited to, additional staff coordination, additional iterations of document revisions and publications, and additional GIS mapping, the Professional Services contract between Pennington County and Matrix Design Group, Inc. dated December 28, 2016 is hereby amended to delete Task 6.7, “Four Code Evaluation” and the associated deliverable.” Vote: Unanimous.

C. **PUBLIC HEARING - AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN - APPROVAL BY RESOLUTION; PENNINGTON COUNTY. COMPREHENSIVE PLAN “VIEW TO 2040” TO AMEND AND SUPERSEDE PENNINGTON COUNTY’S EXISTING COMPREHENSIVE PLAN; MOVED by Drewes and seconded by LaCroix to approve the Resolution approving Pennington County Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan. Vote: Unanimous.**

**RESOLUTION APPROVING PENNINGTON COUNTY  
COMPREHENSIVE PLAN “VIEW TO 2040”**

**WHEREAS**, the Pennington County Planning Commission (hereinafter “Commission”) heard and considered public comment on Pennington County Comprehensive Plan “View to 2040”; and

**WHEREAS**, the Commission recommends the approval of Pennington County Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan “View to 2040” attached to this Resolution is herein adopted and incorporated by reference; and

**WHEREAS**, the Pennington County Board of Commissioners (hereinafter “Board”) heard and considered public comment on Pennington County Comprehensive Plan “View to 2040”; and

**WHEREAS**, the purpose of Pennington County Comprehensive Plan “View to 2040” is to protect and guide the development of Pennington County; and

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

1. That Pennington County Comprehensive Plan “View to 2040” is hereby adopted; and
2. That Pennington County Comprehensive Plan “View to 2040” is to amend and supersede Pennington County’s existing comprehensive plan.

This resolution shall take effect on the twentieth day after publication of Notice of Fact of Adoption.

Dated this 5th day of May, 2020.

/s/ Chair Deb Hadcock



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Pennington County Board of Commissioners

ATTEST: (SEAL)

/s/ Cindy Mohler, Auditor

D. LAYOUT PLAN / LPL 20-07: Robert Schryvers. To reconfigure lot lines to create Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 21 of Morse Subdivision #4; Lot 1 of D-R-J Subdivision and Tract in NE1/4NE1/4; Lot D of NE1/4NE1/4, all located in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve of Layout Plan / LPL 20-07 with the following twelve (12) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, the Plat labels Log Porch Road and either establishes an Easement on proposed Lot D1 or references an existing Easement;
2. That at the time of Minor Plat submittal, previous lot lines be identified on the Plat;
3. That prior to the mylar being filed at the Register of Deeds, proposed Lot D-1 be completely included in the Morse Place Road District, per County Highway comments;
4. That at the time of Minor Plat submittal, a new subdivision be named for the two proposed lots, per County Highway and Register of Deeds comments;
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 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;
7. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
8. That any portion of National Forest Service land lying between the original north property lines of Tax ID 39316 & 42291 and the Section Line be removed from proposed Lot D1;
9. That all-natural drainage ways are maintained and are not blocked;
10. 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; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

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12. At the time of minor plat submittal, action be taken to bring the 8x12 shed located within the section line right-of-way into conformance with Pennington County Zoning Ordinance requirements.

E. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 20-02: Pat Wiederhold. To construct a road within the Section Line Right-of-Way to provide access to property located in Section 32, T1S, R6E and to bring an existing Section Line road into compliance.

Sections 32 and 33, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by DiSanto to approve Road Construction within the Section Line Right-of-Way / CS 20-02, which includes road construction to Ordinance 14 Standards, with (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit be obtained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
8. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

F. REQUEST TO NOT SUBMIT ENGINEERED ROAD CONSTRUCTION PLANS AND NOT TO BUILD TO ORDINANCE 14 STANDARDS: Pat Wiederhold. MOVED by Rossknecht and seconded by LaCroix to approve the request to not submit engineered road construction plans; to have a road width be 16 feet instead of 24 feet; have a gravel surface depth of 4 inches instead of 6 inches; to have slopes greater than 4' to 1' and to not construct a turnaround. Vote: Unanimous.

G. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 20-03: Renee and Randy Voss. To construct a road within the Section Line Right-of-Way to provide access to property located in Section 2, T1S, R5E, BHM, Pennington, South Dakota.

Lot 14 (also in Section 3), Wheel Inn #4 Subdivision Section 2, T1S, R5E, BHM, Pennington County, South Dakota.

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MOVED by Rossknecht and seconded by LaCroix to approve Road Construction within a Section Line Right-of-Way / CS 20-03, which includes road construction to Ordinance 14 Standards, with eight (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained;
3. That a Construction Permit be obtained if the excavation, clearing, or land disturbance is greater than or equal to 10,000 square feet;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
7. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507(A) of the Pennington County Zoning Ordinance; and,
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the driveway.

H. REQUEST TO NOT SUBMIT ENGINEERED ROAD CONSTRUCTION PLANS AND NOT TO BUILD TO ORDINANCE 14 STANDARDS: Renee and Randy Voss. MOVED by LaCroix and seconded by Rossknecht to approve the request to not submit engineered road construction plans; to have a road width be 14 feet instead of 24 feet; have a gravel surface depth of 4 inches instead of 6 inches; to have slopes greater than 4' to 1 and to not construct a turnaround. Vote: Unanimous.

I. SECOND READING OF PLANNED UNIT DEVELOPMENT / PU 19-05: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW;  
E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Drewes to approve of Planned Unit Development / PU 19-05 to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development with the following twenty-three (23) conditions. Vote: Unanimous.

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1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to thirty-two (32) multi-family dwelling units that include duplexes, triplexes, and four-plexes; and neighborhood commercial businesses;
2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;
3. That the commercial businesses be limited to those neighborhood commercial businesses as allowed in Section 302 of the PCZO;
4. That an Engineered Drainage Study is performed by the applicant's engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;
7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;
8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;
9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
10. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;
13. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;
15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;
17. That the Rockerville Fire Protection Plan dated 3-9-2020 be implemented as proposed;
18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the

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PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;
20. That all-natural drainage ways be maintained;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO;
22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,
23. That Planned Unit Development / PUD 19-05, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

- J. COMPREHENSIVE PLAN AMENDMENT / CA 20-01: ROCKERVILLE GOLD TOWN, LLC (PAT HALL); BRIAN HAMMERBECK – AGENT: To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve of Comprehensive Plan Amendment / CA 20-01. Vote: Unanimous.

- K. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by LaCroix to approve of Major Planned Unit Development Amendment / PU 19-06 with the following twenty-three (23) conditions with an amendment to condition 17. Vote: The motion carried 4-1 with DiSanto voting no.

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and neighborhood commercial businesses;
2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;

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3. That the commercial businesses be limited to those neighborhood commercial businesses as allowed in Section 302 of the PCZO;
4. That an Engineered Drainage Study is performed by the applicant's engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;
7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;
8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;
9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
10. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;
13. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;
15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;
17. That the Rockerville Fire Protection Plan dated 3-9-2020 be implemented as proposed;
18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;
19. That all roads be maintained in a dust free manner;
20. That all natural drainage ways be maintained;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,

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22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,
23. That Planned Unit Development / PUD 19-06, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

MOVED by Drewes and seconded by LaCroix to reconsider Item I. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to amend Item I., condition 17 to be consistent with Item K. Vote: The motion carried 4-1 with DiSanto voting no.

**L. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT**

**DEVELOPMENT AMENDMENT / PU 20-01:** Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by DiSanto to deny without prejudice Major Planned Unit Development Amendment / PU 20-01. Vote: Unanimous.

**M. REQUEST FOR REFUND OF PENALTY FEES – CHAD AND KIRSTEN TIMMER.**

MOVED by Drewes and seconded by Hadcock to deny the request for a refund in the amount of \$777 for penalty fees. Vote: The motion carried 3-2 with DiSanto and Rossknecht voting no.

**PAYROLL**

Commissioners, 8,812.61; Elections, 6,161.09; Auditor, 10,701.40; Treasurer, 30,620.08; State's Attorney, 137,042.87; Public Defender, 81,843.22; Buildings & Grounds, 64,743.13; Equalization, 38,775.21; Register of Deeds, 14,353.61; IT, 25,350.31; Human Resources, 5,554.40; Sheriff, 285,437.21; HIDTA Grant, 4,072.86; Jail, 305,445.66; JSC, 105,245.83; JSC Juvenile Alternative, 4,545.05; CCADP, 103,704.19; Economic Assistance, 35,059.93; Extension, 1,409.60; Weed & Pest, 9,388.80; Planning and Zoning, 15,382.40; Road & Bridge, 96,781.18; Fire Administration, 3,408.88; Dispatch, 100,111.75; Emergency Management, 6,818.12; 24-7 Program, 8,609.30.

**PERSONNEL**

**Auditor:** Effective 04/28/2020 – Darlene Fite at \$15.97/hr. Effective 05/17/2020 – Lori Severson at \$2,704.00/bi-wkly.

**Buildings & Grounds:** Effective 05/03/2020 – Dawn Danley at \$15.79/hr.

**Emergency Management:** Effective 04/21/2020 – Robert Holso at \$15.00/hr.

**Equalization:** Effective 06/14/2020 – Christopher Mooney at \$24.48/hr., Scott Dressler at \$21.15/hr. & Linda Peterson at \$28.82/hr. Effective 06/28/2020 – Christine Ackerman at \$23.40/hr. & Daniel Tully at \$18.73/hr.

**Highway:** Effective 05/03/2020 – Bryce Beachem at \$27.85/hr. & Clinton Lester at \$19.20/hr. Effective 05/04/2020 – Sean Smith at \$2,185.60/bi-wkly. Effective 05/17/2020 – Dennis Jensen

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at \$19.20/hr., Mitch Kammerer at \$2,385.60/bi-wkly., Michael Leiby at \$2,416.00/bi-wkly. & Ralph Rice at \$20.15/hr.

IT: Correction from 04/07/2020 – Nathan Mertes should've been at \$2,402.40/bi-wkly.

State's Attorney: Effective 06/14/2020 – Roxanne Erickson at \$3,682.40/bi-wkly. & Brooke Romeo at \$21.42/hr. Effective 06/28/2020 – Jessica A Frank at \$21.42/hr. & Priscilla Borrego at \$21.15/hr.

Weed & Pest: Effective 05/31/2020 – David Muller at \$17.00/hr.

WSDJSC: Effective 05/03/2020 – Jasen Saivong at \$23.32/hr.

**ADJOURN**

**MOVED** by DiSanto and seconded by Rossknecht to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:07 p.m.

/s/ Cindy Mohler, Auditor

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

Publish: May 20, 2020