

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, August 4, 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 DiSanto to approve the agenda as presented with the addition of item 13D under Items from Highway Department for Bogus Jim Road. Vote: Unanimous.

CONSENT AGENDA

MOVED by Rossknecht and seconded by DiSanto to approve the Consent Agenda as presented. Vote: Unanimous.

5. Approve the minutes of the July 21, 2020, meeting.
6. Schedule a hearing at 9:15 a.m. on Tuesday, August 18, 2020 to supplement the MacArthur Fund State's Attorney Budget in the amount of \$25,500, MacArthur Fund Sheriff's Budget in the amount of \$229,500 and Donations/Contributions Revenue in the amount of \$255,000.
7. Declare a 1990 Dodge D250 Pickup, asset #40148, as surplus for the purpose of releasing the vehicle to the insurance company.
8. Acknowledge Disinterment Permit #1348435.
9. Declare the list of leftover items from the Jail Kitchen and Laundry Remodel Project as surplus property to be sold at auction, donated or disposed of based on condition.

EXECUTIVE SESSION – SDCL 1-25-2

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

MOVED by Rossknecht and seconded by DiSanto to go into Executive Session pursuant to SDCL 1-25-2(3) for the purpose of discussing contractual/pending litigations. Vote: Unanimous. The Board remained in Executive Session from 9:06 a.m. until 9:28 a.m. MOVED by Drewes and seconded by DiSanto to come out of Executive Session. Vote: Unanimous.

MACARTHUR SAFETY & JUSTICE CHALLENGE PRESENTATION: Informational only.

ITEMS FROM SHERIFF

A. VEHICLE SURPLUS/BID AUTHORIZATION: MOVED by Rossknecht and seconded by Drewes to declare the following six (6) vehicles as presented as surplus to be turned over to the insurance company: Asset # 92760, 2013 Ford Explorer; Asset #12146, 2014 Ford Focus; Asset #86913, 2014 Chevrolet Malibu; Asset #59766, 2013 Chevrolet Impala; Asset #33938, 2013 Chevrolet Impala and Asset #86756, 2014 Buick Enclave. Vote: Unanimous.

MOVED by Drewes and seconded by Rossknecht to authorize the Sheriff's Office to advertise for bids for 4 four door sedan vehicles. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

ITEMS FROM HIGHWAY DEPARTMENT

- A. **SOUTH ROCHFORD ROAD BRIDGE**: MOVED by LaCroix and seconded by Rossknecht to approve Amendment #3 to Work Order LGA-140-17 for additional right-of-way services provided for the replacement of South Rochford Road Bridge 52-162-272. Vote: Unanimous.
- B. **THUNDERHEAD FALLS ROAD**: MOVED by LaCroix and seconded by Drewes to approve Amendment #1 to the Professional Services Agreement #1903-02237 with KLJ in the amount of \$103,000 for design engineering for the replacement of BR 52-316-316 and BR 52-317-318 on Thunderhead Falls Road. Vote: Unanimous.
- C. **2020 BUDGET STATUS**: MOVED by Drewes and seconded by LaCroix to acknowledge the 2020 Highway Road & Bridge Budget status and to exempt up to \$525,626 in forecasted expenditures as of July 29, 2020 from the 10% budget reduction directive. **SUBSTITUTE MOTION**: MOVED by DiSanto to exempt up to \$515,000 in forecasted expenditures. The motion died for the lack of a second. Vote on the original motion carried 4-1 with DiSanto voting no.
- D. **BOGUS JIM ROAD**: MOVED by DiSanto and seconded by Drewes to allow the Highway Department to repair what needs to be repaired and to temporarily change the speed limit to 25 MPH on Bogus Jim Road. DiSanto withdrew his motion and Drewes agreed. It was determined that a motion was not needed as the work is being completed and special authorization is not required.

ITEMS FROM HUMAN RESOURCES

- A. **NEW POSITION TITLES & DMB RATINGS**: MOVED by Drewes and seconded by DiSanto to approve the new position title and DBM rating for the Department of Equalization for 2021 implementation for the CAMA Specialist at B24. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

- A. **RESOLUTION**: MOVED by DiSanto and seconded by LaCroix to approve the resolution to set the hours of operation for County Offices. Vote: Unanimous.

PENNINGTON COUNTY, SD RESOLUTION
A RESOLUTION TO SET HOURS OF OPERATION FOR COUNTY OFFICES

WHEREAS, SDCL § 7-7-2 requires the Board of County Commissioners to, by resolution, establish the hours of operation for each county government office, except for the offices of the Sheriff and State's Attorney; and

WHEREAS, SDCL § 7-7-2.1 states the Chair of the Board of County Commissioners may close the courthouse in case of emergency or severe weather. The public shall be adequately notified. An emergency for the purpose of this section is an unforeseen occurrence or combination of circumstances that calls for immediate action or remedy; and

WHEREAS, Pennington County Administration is not housed in the Pennington County Courthouse. The Presiding Judge of the 7th Judicial Circuit communicates with Emergency Management Staff in the closing of the Courthouse when an emergency or severe weather

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

circumstances exist. The Chair of the Board of County Commissioners reserves the right to close County Offices in the event of emergency or severe weather; and

NOW, THEREFORE BE IT RESOLVED, The Pennington County Board of Commissioners set the hours of operations for the administration of Pennington County, SD as follows:

The **County Administration Building** (*130 Kansas City Street, Rapid City, SD*) shall be open Monday - Friday from 8:00 a.m. to 5:00 p.m. for the following:

1. *Auditor's Office
2. Treasurer's Office
3. Commission Office
4. Public Defender
5. Register of Deeds
6. Department of Equalization
7. Human Resources
8. Planning and Zoning
9. Information Technology
10. Fire Administration
11. Emergency Management Administration

*The County Auditor's office shall remain open, if requested by the person in charge of an election, until the closing of the polls and the tabulation of votes for that election.

Emergency Services

The Emergency Services Communications Center/911 and the Emergency Operations Center located in the County Administration Building are exempt from this resolution as they conduct 24-hour operations by nature.

Law Enforcement

The offices of the Sheriff including Administration, Jail, Juvenile Services Center, Care Campus, Patrol, Investigations and Transport are exempt from this resolution per SDCL § 7-7-2.

Buildings & Grounds (*302 Kansas City Street, Rapid City, SD*)

The Buildings & Grounds staff work in all complexes from 5:30 a.m. to 11:00 p.m. The administrative office shall be open Monday - Friday from 8:00 a.m. to 5:00 p.m.

4/H Youth Programming (*601 E. Centre Street, Rapid City, SD*)

The standard operating hours for the 4-H Office shall be Monday - Friday from 8:00 a.m. to 5:00 p.m. The 4-H Office follows the State designated closures for holidays including any other day(s) proclaimed as a holiday by the Governor or the President of the United States. The County employee at the office shall follow the County policies for pay guidelines for holidays and benefitted leave time.

Due to a small staff and 4-H programming demands, the office may experience additional closures. Closures will be posted on the door of the Extension Office and communicated ahead of time if possible via email and social media.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

Health & Human Services & Veterans Services Office (321 Kansas City Street, Rapid City, SD)

The lobby shall be open Monday - Friday from 8:00 a.m. to 5:00 p.m. Assistance is available by telephone Monday - Friday from 6:30 a.m. to 5:00 p.m.

Highway (Main Office - 3601 Cambell Street, Rapid City, SD)

The Highway Department Main Office located in Rapid City shall be open as follows:

Summer Hours (Daylight Savings Time) **Winter Hours** (Standard Time)

Monday - Thursday 6:00 a.m. – 4:30 p.m. Monday - Friday 7:00 a.m. – 3:30 p.m.

The other Division Offices located in Hill City, New Underwood and Wall shall operate with the same hours, however, may not be open to the public at all times as their entire staff is often required to be working in the field.

Weed & Pest (Main Office - 3607 Cambell Street, Rapid City, SD)

The Weed & Pest Department may be open Monday - Thursday from 5:30 a.m. – 4:00 p.m. Due to a small staff and no full-time office staff, the building may be closed during business hours.

NOW, THEREFORE BE IT FURTHER RESOLVED, all non-24/7 operations will be closed for holidays (including the day after Thanksgiving) with the exceptions of Martin Luther King Day, President's Day and Native American Day which will be open.

Dated this 4th day of August, 2020.

/s/Deb Hadcock, Chair
Pennington County Board of Commissioners

/s/Cindy Mohler
Pennington County Auditor

APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded by Rossknecht 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 \$542,199.39. Vote: The motion carried 4-0 with Hadcock abstaining from Price LLC in the amount of \$1,100.00.

A & A Professional Property Management, 745.00; AT&T Mobility, 4,567.92; Bailey-Meier Derick, 1,600.00; Bailey-Meier Derick, 902.00; BDH Properties LLC, 700.00; Bear Runner Apalonia, 1,260.00; Bear Runner Apalonia, 440.00; BH Energy, 330.00; BH Energy, 77,103.21; BH Energy, 1,155.27; BH Energy, 741.33; BH Energy, 1,088.75; BH Energy, 294.85; CC Property Management LLC, 950.00; Center Jonathan William, 1,426.00; Center Jonathan William, 490.00; Century Link, 262.91; Charging Eagle Wetu, 2,340.00; Charging Eagle Wetu, 100.00; Chase Alone Adeline, 970.00; Chase Alone Adeline, 580.00; Cimarron Park, 1,370.37; City Of Hill City, 13.40; City Of Rapid City -Water, 1,036.60; City Of Rapid City -Water, 20,124.25; City Of Rapid City -Water, 9,652.89; City Of Wall, 190.00; Clifford Chantel, 1,310.00; Clifford Chantel, 680.00; Conroy Tina, 1,480.00; Conroy Tina, 850.00; Countryside Property Management LLC, 400.00; Cuny Debra, 2,010.00; Eagle Ridge Apartments I, 672.00; Edgewood Estates LP, 280.00; Executive Mgmt Fin Office, 25.00; Executive Mgmt Fin Office, 50.00; Global Tel'link, 7.18;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

Golden West Companies, 307.43; Haas Sharissa, 828.00; Hills Properties, 575.00; Iron Cloud Chelsea, 460.00; K&O Property Management And Rentals LLC, 520.00; Kieffer Sanitation/A Waste Management Co, 3,564.35; Knollwood Townhouse Properties, 800.00; Little Katie Eileen, 1,180.00; Little Katie Eileen, 792.00; Maplewood Townhouses, 199.00; Martinez Edward, 2,150.00; Martinez Edward, 660.00; Medical Waste Transport Inc, 281.22; Midcontinent Communications, 4,467.68; Midcontinent Communications, 2,946.29; Midcontinent Communications, 1,930.25; Montana Dakota Utilities, 2,145.51; Montana Dakota Utilities, 1,569.64; Pioneer Bank & Trust, 6,618.63; Pioneer Bank & Trust, 1,603.32; Pioneer Bank & Trust, 2,821.24; Pioneer Bank & Trust, 2,150.58; Pioneer Bank & Trust, 8,436.35; Pond Samantha, 1,160.00; Poor Bear Shannon Rae, 1,308.00; Poor Bear Shannon Rae, 1,068.00; Price LLC, 1,100.00; Quiver Robert, 1,200.00; Quiver Robert, 780.00; Reliance Telephone Inc, 49.75; Sakura LLC, 185.00; SD Rose Inn, 195.00; Tzadik Rapid City LLC, 2,295.00; Vast Broadband, 1,807.01; Vast Broadband, 97.59; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 741.74; Verizon Wireless, 2,316.87; Wellmark, 340,540.83; West River Electric, 1,366.74; Wex Bank, 750.06.

MOVED by DiSanto and seconded by Drewes to take a five-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. **SUBDIVISION REGULATIONS VARIANCE / SV 20-02**: H & H Land Company #2, LLC; Brian Hammerbeck – Agent. To waive road improvements to Derby Lane and to waive submittal of percolation tests and soil profile information in a General Agriculture District in accordance with Sections 205, 700, and 509 of the Pennington County Subdivision Regulations and Zoning Ordinance.

E1/2SE1/4 and PT GL 1; Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by DiSanto to continue this item to the August 18, 2020, Board of Adjustment 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.

PLANNING & ZONING REGULAR AGENDA

B. **SECOND READING OF REZONE / RZ 20-03**: Richard Sterkel. To rezone 10.01 acres from Limited Agriculture District to Suburban Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Zoning Ordinance.

Lot G, Clemmons Addition, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

MOVED by LaCroix and seconded by DiSanto to approve Rezone / RZ 20-03. Vote: Unanimous.

C. SECOND READING OF REZONE / RZ 20-04 AND COMPREHENSIVE PLAN

AMENDMENT / CA 20-03: James and Marilyn Dean. To rezone 10.00 acres from General Agriculture District to Low Density Residential District and to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, 213, and 508 of the Pennington County Zoning Ordinance.

All of Eddy #1 Lode MS 523, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Rezone / RZ 20-04 and Comprehensive Plan Amendment / CA 20-03. Vote: Unanimous.

D. SECOND READING OF ORDINANCE AMENDMENT / OA 20-03: Pennington County. To amend Section 309-C-6 “Yard, Building Setback Exceptions” [to replace and supersede Section 309-C-6 “Yard, Building Setback Exceptions”] of the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by DiSanto to approve Ordinance Amendment / OA 20-03. Vote: Unanimous.

E. SECOND READING OF ORDINANCE AMENDMENT / OA 20-04: Pennington County. To amend Section 511 “Fees” [to replace and supersede Section 511 “Fees”] of the Pennington County Zoning Ordinance.

MOVED by Drewes and seconded by Rossknecht to approve Ordinance Amendment / OA 20-04. Vote: Unanimous.

F. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by LaCroix to approve the extension of Planned Unit Development / PU 06-07 with the following twenty (20) conditions. Vote: Unanimous.

1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes shall have a minimum 20-foot separation between units;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

4. That decks and/or porches be allowed as accessory structures to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
7. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
9. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
10. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
11. That the mobile home park be provided with an on-site management office;
12. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;
13. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
14. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Planner shall review and approve the work and a Floodplain Development Permit shall be obtained for any work within the 100-year floodplain;
15. That the storage units be used exclusively for storage and not retail business activities;
16. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
17. 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;
18. That a map be submitted to Rapid City's GIS Department showing the addresses for each lot within the mobile home park; and,
19. That the first one hundred feet off of Sturgis Road be hard surfaced; and,
20. That this Planned Unit Development be reviewed in two (2) years or upon a complaint basis.

G. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-02:

Deerfield Park Condominiums Council of Co-Owners. To review an existing Planned Unit Development in accordance with Section 508 of the Pennington County Zoning Ordinance.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

Deerfield Park Condominiums Family Units 1 through 10, Section 2, T1S, R3E, BHM,
Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve the extension of Major Planned Unit Development Amendment / PU 15-02 with the following thirteen (13) conditions. Vote: Unanimous.

1. That the specific uses of this Planned Unit Development continue to be for single-family residences not to exceed ten (10) units located in not more than five (5) structures, of which only Units 5, 7, and 9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. That each residential condominium unit (1-4, 6, 8, and 10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That only Condominium Units 5, 7, and 9 may be used for night/weekly rental or normal residential use;
5. That Condominium Units 5, 7, and 9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;
7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That 2 lb. ABC dry chemical fire extinguishers continue to be accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;
10. That the applicants continually have a Sales Tax License as required by the South Dakota Department of Revenue;
11. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director; and,
13. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

H. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-03: Prairie

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

Valley Development; Bill Freytag. To review an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5 and Lots 22-41, Block 5; Lots 1-19, Block 6, Lots 1-4, Block 7; and Lots 8-15, Block 7; all of Prairiefire Subdivision; NE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way; and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way, all located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota

MOVED by DiSanto and seconded by LaCroix to approve the extension of Major Planned Unit Development Amendment / PU 19-03 with twelve (12) conditions. Vote: Unanimous.

1. That the Planned Unit Development consists of no more than 145 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 7,400 square feet;
2. That a Stormwater Permit be obtained for any land disturbance exceeding 10,000 square feet (including grading, roads, and utility installation) prior to any work being done;
3. That all lots developed after the approval date of Major Planned Unit Development Amendment / PU 19-03 be connected to sewer and water services provided by the City of Rapid City;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. 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;
5. 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;
6. That no off-premise signs be allowed within the Planned Unit Development;
7. That the required setbacks for all structures within the Planned Unit Development be a minimum of twenty (20) foot front yard, eight (8) foot side yard, and twenty-five (25) foot rear yard;
8. That each address must be posted in accordance with Pennington County Ordinance #20;
9. That prior to issuance of any Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City Street Design Standards, or the proper exceptions be obtained from the City of Rapid City, and the applicant must install road signs for the new roads;
10. That the single-family residences must be stick-built or double-wide manufactured or modular homes meeting the requirements of Section 204(I) of the Pennington County Zoning Ordinance;
11. That the recorded easements for the south side ditch be strictly maintained and are not encroached upon; and,
12. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

I. LAYOUT PLAN / LPL 20-17: Jeffery Jamison. To combine lots to create Lot 15R of Oak Meadows Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 15, 16, 17, and 18 of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 15R of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Layout Plan / LPL 20-17 with the following ten (10) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, the applicant obtains an approved County Operating Permit for the single-family residence on Lot 17 to bring the system, into conformance with Pennington County Zoning Ordinance requirements;
2. That at the time of Minor Plat submittal, the address (24472 Oak Meadows Court), for the Guest House on Lot 15, be posted in accordance with Ordinance #20, per County Addressing Coordinator's comments;
3. That at the time of Minor Plat submittal, the applicant obtains an approved Building Permit for the 14' x 27' shed on Lot 16 and pay any associated penalty fees;
4. 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;
5. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That 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;
7. That prior to filing the Plat with the Register of Deeds, an approved Conditional Use Permit be obtained for the Guest House on Lot 15;
8. That all natural drainage ways are maintained and are not blocked;
9. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

J. PRELIMINARY PLAT / PL 20-18: H & H Land Company No. 2, LLC. To create Tract 1 of South Caputa Addition in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2SE1/4 and PT GL 1; Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by DiSanto to continue this item until the August 18, 2020, Commission meeting. Vote: Unanimous.

K. PLANNED UNIT DEVELOPMENT REVIEW / PU 05-18: Gordon Howie. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1; Lots 2A, 3A, 4A, 5A of Block 1 and Lots 2B, 3B, 4B, 5B, 6A and 6B of Block 1; Lot 1 of Block 2; Lots 3-6 of Block 3; Wastewater Lot 1; Balance of Tract A; all located in Gulch No. 2 Subdivision, all located in Section 32, T1N, R9E, and GL 3 Less ROW; and GL 4 located in Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by LaCroix to approve the extension of Planned Unit Development / PU 05-18 with the following ten (10) conditions. **SUBSTITUTE MOTION**: MOVED by Rossknecht and seconded by Drewes to continue this item until the August 18, 2020, Commission meeting. Vote: Unanimous.

L. LAYOUT PLAN / LPL 20-14: Grandview Land, LLC (Dan Lewis); Gordon Howie – Agent. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to continue this item to the August 18, 2020, Commission meeting. Vote: Unanimous.

M. CONDITIONAL USE PERMIT / CU 19-33: Robert Livingston; K.W. Lindsay – Owner. To

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

allow a Recreational Vehicle Park on the subject property to include RV sites, a gas station, a convenience store, and a bar in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Rossknecht to approve Conditional Use Permit / CU 19-33 with thirty-three (33) conditions. Vote: Unanimous.

1. That no more than 22 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 35 feet long by 12-foot-wide;
2. That one convenience store with a bar is allowed;
3. That a gas station with two pumps and underground storage tanks is allowed;
4. That a shop/storage building is allowed;
5. That erosion control measures be implemented to prevent silt from leaving the applicant's property and entering Deer Creek or other bodies of water;
6. That a water right is obtained and the well operational prior to operation of the RV Park;
7. That prior to any disturbance or construction within the Special Flood Hazard Area, a Floodplain Development Permit is obtained by the Planning Department;
8. That if the convenience store/bar is substantially improved, the structure be brought into full compliance with Pennington County's Flood Damage Prevention Ordinance;
9. That each site must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
10. That access to the site is from the approved SDDOT approach. This which includes removal of the existing approach to the southwest and widening of the existing approach to the northeast;
11. That eight (8) parking spaces and an additional one parking space per three employees (minimum 9 spaces) be provided for the convenience store and bar per Section 310 of the PCZO;
12. That the underground fuel storage tanks that service the gas station meet the requirements of South Dakota Administrative Rule 74:56:01 at all times;
13. That the applicant maintains some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
14. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;
15. That the existing sanitary holding tank located east of the garage building be removed or used as a lift station;
16. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);
17. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

18. That each RV site be equipped with water, sewer and electric hook-ups;
19. That each campsite must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite;
20. That a minimum 10-foot separation be provided between each RV site;
21. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
22. That the Recreational Vehicle Park conform to all regulations set forth in Section 306 of the Pennington County Zoning Ordinance;
23. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and the Department of Health;
24. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
25. 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;
26. That all-natural drainage ways be maintained;
27. 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;
28. That no parking is allowed within the Private Road Easement (OMB No. 0596-0082);
29. That the Recreational Vehicle Park be constructed in strict compliance with the final set of Engineered Construction Plans;
30. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;
31. That the switchback trail located on the hillside be gated to restrict access;
32. That the applicant adheres to Section 510(E) regarding the time limit on Conditional Use Permit established uses; and,
33. That this Conditional Use Permit 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.

N. FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 20-06: Pennington County. To amend Section 514 "Violations and Penalties" [to amend and supersede the existing Section 514 "Violations and Penalties"] of the Pennington County Zoning Ordinance.

MOVED by Drewes and seconded by DiSanto to approve the first reading of Ordinance Amendment / OA 20-06 with the following amendments: Section D Abatements - add maximum cost not to exceed \$1,000; and Section A Penalty Fee - change the word tripled to doubled. Vote: Unanimous.

O. ENCROACHMENT AGREEMENT BETWEEN PENNINGTON COUNTY AND FLETCHER AND JULIE MEYER: MOVED by Rossknecht and seconded by LaCroix to approve

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

the Encroachment Agreement between Pennington County and Fletcher and Julie Meyer. Vote: Unanimous.

ITEMS FROM THE PUBLIC

EXECUTIVE SESSION – SDCL 1-25-2

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

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

MOVED by DiSanto and seconded by Rossknecht 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 12:38 p.m. until 1:42 p.m. MOVED by DiSanto and seconded by Drewes to come out of Executive Session. Vote: Unanimous.

PAYROLL

Commissioners, 8,851.79; Elections, 7,903.21; Auditor, 10,249.60; Treasurer, 35,355.59; State's Attorney, 122,747.11; Public Defender, 65,489.12; Buildings & Grounds, 62,482.66; Equalization, 39,720.88; Register of Deeds, 14,391.20; IT, 23,146.05; Human Resources, 6,331.37; Sheriff, 287,271.48; HIDTA Grant, 4,063.68; Jail, 332,751.53; JSC, 107,415.80; JSC Juvenile Alternative, 4,641.88; CCADP, 110,951.87; Economic Assistance, 33,245.36; Extension, 1,409.61; Weed & Pest, 14,902.01; Planning and Zoning, 15,036.95; Road & Bridge, 91,744.61; Fire Administration, 3,476.22; Dispatch, 98,736.52; Emergency Management, 5,198.78; 24-7 Program, 7,389.98.

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 July 27, 2020: Total balances of checking/savings accounts 11,371,871.57; Total balance of Treasurer's Office safe cash, 13,400.00; Total certificates of deposit, 10,581,825.41; Total Prime Value Investment, 19,401,951.50; Total petty cash, 17,040.00; Total Cash Items, 1,259.56; Total long/short, (504.80); Total, 41,386,843.24. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Buildings & Grounds: Effective 07/26/2020: Dawn Danley, \$16.78/hr.; Marie Lehrkamp, \$18.09/hr. Effective 08/09/2020: Mark Miller, \$15.98/hr.; Kyle Clifford, \$15.60/hr.

CCADP: Effective 08/09/2020: Mary Feiner, \$20.67/hr.; Alisha Lascelles, \$17.61/hr.

Dispatch: Effective 07/26/2020: Karaleigh Two Crow, \$19.67/hr.; Tracey Gonzalez, \$19.40/hr.

Highway: Effective 08/10/2020: Zack Hoffman, \$18.48/hr.; Dustin Payne, \$18.48/hr. Effective 08/09/2020: Duane Scott, \$22.77/hr.; Sean Smith, \$2,296.00/bi-wkly.

Human Resources: Effective 08/24/2020: Chelsea Dea-Megan Snyder, \$22.47/hr.

Jail: Effective 07/26/2020: Michelle Mehrer, \$4,038.46/bi-wkly. Effective 08/09/2020: Patricia Brooks, \$19.46/hr.; Matthew Tollison, \$16.77/hr. Effective 08/23/2020: Wade Anderson, \$3,212.80/bi-wkly.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 4, 2020

Sheriff: Effective 07/06/2020: Kraig Wood, \$3,376.00/bi-wkly. Effective 08/09/2020: Chaz Foss, \$24.79/hr.; Scott Hultgren, \$21.70/hr.; Teresa Kenrick, \$21.96/hr.; Dustin Morrison, \$2,920.80/bi-wkly.; Thomas Mossman, \$23.91/hr.; Kurt Weber, \$25.42/hr.; Kristina Weckman, \$25.11/hr.; Donald Lampert, \$22.47/hr. Effective 08/23/2020: Leonard Jacobs, \$23.61/hr.

State's Attorney: Effective 07/27/2020: Tierra Axdahl, \$20.38/hr.; Natalie Gronlund, \$16.77/hr. Effective 08/16/2020: Mickie Little Wolf, \$18.48/hr.

Treasurer: Effective 07/27/2020: Cheryl Fryberger, \$16.77/hr. Effective 08/10/2020: Rainen Amundson, \$16.77/hr.

WSC/JSC: Effective 08/09/2020: Carrie Ackerman, \$19.95/hr.; Sandra Carter, \$22.79/hr.; Darren Patterson, \$30.63/hr.; Philip Rivera Jr., \$25.40/hr. Effective 08/23/2020: Jon Jones III, \$1,552.00/bi-wkly.

ADJOURN

MOVED by LaCroix and seconded by Rossknecht to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 1:43 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: August 19, 2020