

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of August 3, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, August 3, 2021, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Gary Drewes called the meeting to order with the following Commissioners present: Deb Hadcock, Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

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

CONSENT AGENDA ITEMS

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

5. Approve the minutes of the July 20, 2021, regular meeting.
6. Approve the minutes of the special July 23, 2021, Planning work session.
7. Authorize the Sheriff's Office substitution vehicle purchase of three (3) Dodge Durango's from Liberty Chrysler Center, LLC., Rapid City, SD, State Contract #17345, for a total purchase price of \$104,010 in place of three (3) Chevrolet Tahoe's previously authorized on December 15, 2020, due to manufacturing availability.

End of Consent Agenda Items

ITEMS FROM EMERGENCY MANAGEMENT

A. COVID-19 UPDATE: Informational only.

ELEVATE RAPID CITY, TOM JOHNSON, PRESIDENT AND CEO: Mr. Johnson was not present.

ITEMS FORM AUDITOR

A. NEW RETAIL (ON-SALE) LIQUOR LICENSE WITH SUNDAY SALES: MOVED by Hadcock and seconded by LaCroix to deny a new Retail (on-sale) Liquor License with Sunday Sales for R & J, LLC., as there is not a sufficient structure and there are outstanding Planning & Zoning violations on the property, per section 8 Ordinance 142. Vote: Unanimous.

B. FY2022 COUNTY BUDGET: MOVED by Rossknecht and seconded by LaCroix to increase the FY2022 budget as follows: General Fund Principal – Kitchen Lease budget in the amount of \$118,954; and General Fund Interest – Kitchen Lease Payment budget in the amount of \$4,956. Vote: Unanimous.

MOVED by Rossknecht and seconded by Lasseter to schedule a special meeting on August 13, 2021, at 9:00 a.m. to work on finalizing the FY2022 Budget. Vote: Unanimous.

Hadcock left the meeting at 9:35 a.m. and did not return.

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ITEMS FROM SHERIFF

A. **CORRECTIONAL OFFICER HIRING INCENTIVE:** MOVED by Rossknecht and seconded by LaCroix to approve the Sheriff's Office request to offer a \$4,000 hiring and retention bonus for Adult and Juvenile Correctional Officer positions to be distributed over a period of 18 months as follows: \$1,000 upon hire, and \$1,000 each six months up to the employee's 18-month anniversary. It is further moved this will be a pilot program for a period of 12 months. Vote: The motion carried 3-1 with Lasseter voting no.

B. **FIREARMS SALES BIDDING AWARD:** MOVED by Lasseter and seconded by LaCroix to authorize the Sheriff's Office to award the firearms to Antiques & Art for a total purchase price of \$17,755. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT:

A. **MODIFICATION #2 TO FOREST SERVICE AGREEMENT – SHERIDAN LAKE ROAD:** MOVED by LaCroix and seconded by Lasseter to approve modification #2 to Forest Service Agreement 20-CS-11020306-041. Vote: Unanimous.

B. **AUTHORIZATION TO PURCHASE ROAD SALT:** MOVED by LaCroix and seconded by Lasseter to authorize the Highway Department to purchase road salt from Central Salt, Lyons, KS, off the State of South Dakota Contract #17596. Vote: Unanimous.

C. **2021 COUNTY STRIPING AGREEMENT:** MOVED by LaCroix and seconded by Rossknecht to approve the agreement with the South Dakota Department of Transportation for the 2021 County Striping Project P.000S (00)225 PCN04M3 and PH000S (419) PCN07WU. Vote: Unanimous.

D. **2022 AGREEMENT FOR ELECTRICAL POWER USAGE AT ROCHFORD VOLUNTEER FIRE DEPARTMENT:** MOVED by Rossknecht and seconded by LaCroix to approve the 2022 Agreement for Electrical Power Usage at Rochford Volunteer Fire Department for five years at an annual cost of \$200. Vote: Unanimous.

E. **JOINT POWERS MAINTENANCE AND ENCROACHMENT AGREEMENT FOR SD DOT HIGHWAY 44 PROJECT:** MOVED by LaCroix and seconded by Lasseter to approve the Joint Powers Maintenance and Encroachment Agreement with the SD DOT for Project NH 0044(00)46 PCN 04PD. Vote: Unanimous.

F. **SOUTH DAKOTA VW PROGRAM REBATE AGREEMENT:** MOVED by LaCroix and seconded by Rossknecht to approve the SD VW Program Rebate Agreement and authorize the Highway Department to advertise and let bids for two new tandem axle trucks. Vote: Unanimous.

G. **AMENDMENT #1 TO PROFESSIONAL SERVICES AGREEMENT:** MOVED by Lasseter and seconded by LaCroix to approve Amendment #1 to Professional Services Agreement 2103-00312 with KLJ Engineering, LLC, in the amount of \$61,500 for design engineering for the replacement of BR 52-246-298 on Sherman Street. Vote: Unanimous.

H. **FUNDING AGREEMENTS FOR SOUTH ROCHFORD ROAD AND SHERIDAN LAKE ROAD RECONSTRUCTION PROJECTS:** MOVED by Rossknecht and seconded by Lasseter to approve Amendment Number 1 to Agreement 713097 with the South Dakota Department of Transportation. Vote: Unanimous

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MOVED by LaCroix and seconded by Rossknecht to approve Amendment Number 1 to Agreement 911225 with the South Dakota Department of Transportation. Vote: Unanimous.

MOVED by Rossknecht and seconded by LaCroix to approve Exhibit A / Agreement Number 911225 with the South Dakota Department of Transportation. Vote: Unanimous.

I. WINTER HOURS OF OPERATION TRIAL: MOVED by Rossknecht and seconded by LaCroix to approve the resolution setting the hours of operation for County Facilities reflecting the Highway Department winter hours of 6:00 a.m. to 4:30 p.m. Monday through Thursday. 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 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

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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.

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): Monday – Thursday 6:00 a.m. – 4:30 p.m. Winter Hours (Standard Time): Monday – Thursday 6:00 a.m. – 4:30 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 3rd day of August, 2021.

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/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

MOVED by LaCroix and seconded by Lasseter to reconsider item 10A. Vote: Unanimous.

ITEMS FROM AUDITOR

A. NEW RETAIL (ON-SALE) LIQUOR LICENSE WITH SUNDAY SALES: MOVED by LaCroix and seconded by Lasseter to continue this item until February, 2022. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

A. RESOLUTION 2021-C1, CONTINGENCY FUND REQUEST: MOVED by LaCroix and seconded by Lasseter to approve resolution 2021-C1 in the amount of \$14,141 for the purchase of a Stryker Life Pack (cardiac monitor). Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION 2021-C1
CONTINGENCY TRANSFER
GENERAL FUND CONTINGENCY BUDGET 101-0113**

WHEREAS, through the FY2021 annual budget process, the Pennington County Board of Commissioners allocated \$150,000 to the General Fund Contingency Budget; and

WHEREAS, on Tuesday, July 20th, Carrie Schell, Treasurer of the East Pennington Ambulance District requested \$14,141 for the purchase of a Stryker Life Pack (cardiac monitor); and;

WHEREAS, on Tuesday, July 20th, the Board of Commissioners recognized the need and increase in calls for service and voted unanimously to approve the request for funding;

NOW, THEREFORE, BE IT RESOLVED, the Pennington County Auditor is authorized to transfer \$14,141 from the 2021 General Fund Contingency Budget to the General Fund Emergency Management.

Dated this 3rd day of August, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

Commissioner Drewes left the meeting at 10:24 a.m.

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B. RESOLUTION 2021-C2, CONTINGENCY FUND REQUEST – COMMISSION BUDGET: MOVED by LaCroix and seconded by Lasseter to approve resolution 2021-C2 in the amount of \$32,500 for the installation of technology in the Commissioners Conference Room. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION 2021-C2
CONTINGENCY TRANSFER
GENERAL FUND CONTINGENCY BUDGET 101-0113**

WHEREAS, through the FY2021 annual budget process, the Pennington County Board of Commissioners allocated \$150,000 to the General Fund Contingency Budget; and

WHEREAS, the current balance of the General Fund Contingency Budget is \$135,859; and

WHEREAS, on Tuesday, August 3rd, Holli Hennies, Commission Manager, requested \$32,500 for the installation of technology in the Commissioners Conference Room in the County Administration Building; and;

WHEREAS, on Tuesday, August 3rd, the Board of Commissioners recognized the need and voted unanimously to approve the request for funding;

NOW, THEREFORE, BE IT RESOLVED, the Pennington County Auditor is authorized to transfer \$32,500 from the 2021 General Fund Contingency Budget to the General Fund Commission Budget (101-0111).

Dated this 3rd day of August, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

Commissioner Drewes returned to the meeting at 10:27 a.m.

C. BUILDING COMMITTEE PROPOSED BYLAWS: MOVED by LaCroix and seconded by Lasseter to continue this item until the August 17, 2021 Commission meeting. Vote: Unanimous.

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

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-03: Ian Estes and Brad Estes; Fisk Land Surveying - Agent. To allow

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77 units on a Dead-End Road System in lieu of 40 units in accordance with Sections 204-F and 509 of the Pennington County Zoning Ordinance.

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

MOVED by Rossknecht and seconded by LaCroix to approve Variance VA 21-03 with two (2) conditions. Vote: Unanimous.

1. That the owners enter into covenant agreement to provide wildfire plan.
2. Install sprinkler system in all new residential construction.

B. VARIANCE / VA 21-17: Brandon Faehnrich - Applicant; Clare O’Kane - Owner. To allow an accessory structure, a garage, to be located in the front yard of a residential zoning district less than one (1) acre in size in a Suburban Residential District in accordance with Sections 209, 309-C-6, and 509 of the Pennington County Zoning Ordinance.

Lot A of Lot 3 Less Lot H1, Feay Reder Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Variance VA 21-17 with two (2) conditions because (1) granting the variance doesn’t run counter to the public interest; and (2) special conditions exist to wit: it is not the fault of the property owner, that excuse literal enforcement of the ordinance in that (a) enforcement causes “unnecessary hardship,” to wit: the garage would have to move again, and (b) granting the variance not only observes the ordinance’s spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That within 30 days the applicant pays the applicable penalty fee for constructing the garage without an approved Building Permit; and,
2. That this Variance applies only to the 28’ x 28’ detached garage. All other structures must maintain the proper setbacks or obtain separate Variances.

C. VARIANCE / VA 21-18: Melvin Lutz. To allow an accessory structure, a garage, to be located in the front yard of a residential zoning district less than one (1) acre in size in a Suburban Residential District in accordance with Sections 209, 309-C-6, and 509 of the Pennington County Zoning Ordinance.

Lot 2, Aspen Acres Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Variance VA 21-18 with one (1) condition because (1) granting the variance doesn’t run counter to the public interest; and (2) special conditions exist to wit: fits in with other accessory units, that excuse literal enforcement of

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the ordinance in that (a) enforcement causes “unnecessary hardship,” to wit: there would be hardship to the property owner, and (b) granting the variance not only observes the ordinance’s spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That this Variance applies only to the proposed carport. All other structures must maintain the proper setbacks or obtain separate Variances.

D. VARIANCE / VA 21-19: John and Emily Kolasa. To reduce the minimum required side yard setback from 25 feet to a zero (0) foot setback in an Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Lot M-3, Deer Park Subdivision, Section 10, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Variance VA 21-19 with two (2) conditions because (1) granting the variance doesn’t run counter to the public interest; and (2) special conditions exist to wit: fits in with other accessory units, that excuse literal enforcement of the ordinance in that (a) enforcement causes “unnecessary hardship,” to wit: there would be hardship to the property owner, and (b) granting the variance not only observes the ordinance’s spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That this Variance request only applies to the existing structure.
2. Applicant receives an approved building permit and pays the applicable late fees.

E. VARIANCE / VA 21-20: William and Kristine Barber. To reduce the minimum required side yard setback from 25 feet to 14 feet in an Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

Tract D Revised of Lockhart Tract, Section 13, T1N, R6E, BHM, Pennington County, South Dakota; located off of Dark Canyon Road.

MOVED by LaCroix and seconded by Lasseter to approve Variance VA 21-20 with two (2) conditions as there are special conditions on the property that would excuse literal enforcement of Zoning Ordinance (PCZO) § 205. Vote: Unanimous.

1. That this Variance applies only to the proposed garage. All other structures must maintain the proper setbacks or obtain separate Variances; and,
2. That drainage must be maintained along Dark Canyon Road.

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

PLANNING & ZONING CONSENT AGENDA ITEMS

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The following item(s) have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

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

F. MINOR PLAT / MPL 21-47: Lorraine and Doug Smith; Fisk Land Surveying - Agent. To subdivide and create Lots 1 and 2 of RDS Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2S3/4NE1/4SW1/4; E1/2SE1/4SW1/4 Less That PT Lying S of Highway, Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

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

Approve Minor Plat / MPL 21-47 with the following six (6) conditions.

1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
4. That prior to filing the mylar at Register of Deeds, the map scale on the plat be 1 inch equals 100 feet;
5. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

REGULAR PLANNING AND ZONING ITEMS

G. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 21-07: Travis Green. To construct a road within the Section Line Right-of-Way between Sections 13 and 14, T1N, R8E, to provide access to property located in Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

Sections 13 and 14, T1N, R8E, BHM, Pennington County, South Dakota.

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MOVED by LaCroix and seconded by Lasseter to approve the request for Road Construction within a section Line Right-Of-Way / CS 21-07 which includes constructing the Section Line Right-Of-Way to Ordinance 14 Standards with nine (9) 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 Agriculture 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;
8. That the applicants obtain an approved approach permit from County Highway; and,
9. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

H. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Travis Green. MOVED by LaCroix and seconded by Rossknecht to approve the request by Travis Green to waive the requirements to not submit an engineered road construction plan, to construct a turn around and to construct the road to a width of 24 feet. Vote: Unanimous.

I. CONDITIONAL USE PERMIT / CU 21-39: Paul and Carol Nieman. To allow a Recreational Vehicle Park on the subject property in accordance with Sections 205, 306 and 510 of the Pennington County Zoning Ordinance.

Niemann Trust Land Tract of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Conditional Use Permit / CU 21-39 with the following twenty (21) conditions. Vote: Unanimous.

1. That the Recreational Vehicle (RV) Park shall consist of no more than 6 RV sites;
2. That the RV Park be for personal use only, and no commercial use is allowed, and operate up to 180 days per calendar year;

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3. That the RV Park not be utilized as a nightly, weekly vacation rental, or commercial use;
4. That within 6 months of approval of this Conditional Use Permit, the applicant shall install an On-Site Wastewater Treatment System (OSWTS) and have it inspected and approved by the Pennington County Environmental Planner;
5. That the RV Park can only be operated after the approved OSWTS has been installed;
6. That all RVs dispose of waste through the approved OSWTS;
7. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);
8. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Custer Gulch Road;
9. That each RV site has a lot number clearly posted;
10. That a minimum 10-foot separation be maintained between each RV site;
11. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;
12. That the minimum setback requirements of Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
13. That the minimum 58-foot Section Line setback be maintained on the property;
14. That an approved Approach Permit be obtained from the County Highway Department;
15. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
16. That the subject property remains free of debris and junk vehicles;
17. That the applicant adheres to PCZO § 510;
18. That this Conditional Use Permit be reviewed if the RV Park is no longer utilized for personal use;
19. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
20. That this Conditional Use Permit be reviewed in 6 months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
21. The applicant obtains a Storm Water Permit for the dirt work.

J. LAYOUT PLAN / LPL 21-45: Gerard and Michele Mlinar. To reconfigure lot lines to create Lot 2A-1 and 2B-1 of Battle Creek Mountain Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2A and Lot 2B, Battle Creek Mountain Estates, Section 17, T2S, R7E, BHM, Pennington County.

PROPOSED LEGAL: Lot 2A-1 and 2B-1 of Battle Creek Mountain Estates, Section 17, T2S, R7E, BHM, Pennington County.

MOVED by LaCroix and seconded by Lasseter to approve Layout Plan / LPL 21-45 with the following eight (8) conditions. Vote: Unanimous.

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1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line right-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
6. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
7. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
8. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

K. LAYOUT PLAN / LPL 21-48: Kevin and Jeanette Grover. To subdivide and create Lots 2R1 and 2R2 of Grover Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2R, Grover Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2R1 and 2R2 of Grover Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Layout Plan / LPL 21-48 with the following ten (10) conditions. Vote: Unanimous.

1. That the applicant works with the Planning Department to bring the existing On-Site Wastewater Treatment System into compliance and identify that an adequate means of wastewater disposal exists for the three guest cottages;
2. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
3. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;

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4. That at the time of Minor Plat submittal, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
5. That at the time of Minor Plat submittal, 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, a legal means of access (easements or rights-of-way) to proposed Lot 2R2 be identified on the plat;
7. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line right-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
8. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 2R2 or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

L. VACATION OF EASEMENT / VE 21-01: John and Emily Kolasa; Fisk Land Surveying - Agent. To vacate and relocate a portion of the Water Line Easement on Lot M-3 of Deer Park Subdivision in accordance with the Pennington County Zoning Ordinance.

Lot M-3 of Deer Park Subdivision located in the NW1/4 of Section 10, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Vacation of Easement / VE 21-01 with the following one (1) condition. Vote: Unanimous.

1. That all necessary resolutions and exhibits vacating the easement be recorded by the applicant at the Register of Deed's Office.

M. VACATION OF PLAT / VP 21-04: Bryan and Michelle Lindsey. To vacate plat notes #7, #8, #9, #13, and #14 for Lot 1, Block 3, Mountain Meadows Subdivision.

Lot 1, Block 3, Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota

MOVED by LaCroix and seconded by Rossknecht to approve Vacation of Plat / VP 21-04 with the following two (2) conditions. Vote: Unanimous.

1. That notes #7, #9, #13, and #14 be vacated for only Lot 1, Block 3, of Mountain Meadows Subdivision; and,

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2. That all necessary resolutions for Vacation of Plat / VP 21-04 be recorded by the applicant at the Register of Deeds office.

N. PRELIMINARY PLAT / PPL 21-46: Jess and Kendra Kellogg; Davis Engineering - Agent. To create Lot 12R Revised, Block 5 of Northdale Subdivision and Lot A Revised of Riss Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Riss Subdivision and Lot 12 Revised of Block 5 of Northdale Subdivision, all located in Section 8, T2N, R7E, BHM, Pennington County and Meade County, South Dakota.

PROPOSED LEGAL: Lot A Revised of Riss Subdivision and Lot 12R Revised of Block 5 of Northdale Subdivision, all located in Section 8, T2N, R7E, BHM, Pennington County and Meade County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Preliminary Plat / PPL 21-46 with the following six (6) conditions. Vote: Unanimous.

1. That prior to Final Plat submittal, a Variance be obtained from the Board of Commissioners to allow two approaches;
2. That the certificate for the Register of Deeds be amended to read Pennington County;
3. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
6. 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.

APPROVAL OF VOUCHERS: MOVED by Lasseter 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 \$497,087.14. Vote: Unanimous.

AT&T Mobility, 4,849.14; BH Energy, 418.24; BH Energy, 1,505.40; BH Energy, 34.52; CC Property Management LLC, 4,494.50; Centerspace LP, 455.75; Century Link, 226.74; City Of Hill City, 46.56; City Of New Underwood, 72.60; City Of Rapid City -Water, 2,238.35; City Of Rapid City -Water, 3,289.82; City Of Wall, 175.50; Devaughn's Dream LLC, 2,200.00; Eagle Ridge Apartments II, 300.00; Executive Mgmt Fin Office, 67.00; Executive Mgmt Fin Office, 33.50; Global Tel'link, 12.86; Green Realty LLC, 450.00; Ground Control Systems Inc, 64.00; Lowe's, 75.98; Mama Bear LLC, 4,058.00; Midcontinent Communications, 890.27; Midcontinent

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Communications, 3,969.27; Montana Dakota Utilities, 4,776.33; Montana Dakota Utilities, 565.04; Northern Lights Apartments, 2,001.79; Olive Properties, 300.00; Pennington County Housing & Redevelopment, 3,582.00; Pioneer Bank & Trust, 3,500.28; Pioneer Bank & Trust, 8,964.35; Pioneer Bank & Trust, 2,054.90; Pioneer Bank & Trust, 1,920.79; Plainsview Mobile Manor, 2,625.00; Reliance Telephone Inc, 37.45; Rushmore Real Estate Group, Limited, 340.00; Sundial Square Apartments, 8,410.20; Valley Village Park, 4,116.00; Value Homes And Properties LLC, 340.00; Vast Broadband, 1,434.89; Vast Broadband, 297.56; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 613.28; Verizon Wireless, 1,058.78; Vue At Catron LLC, 3,531.00; Wellmark, 401,403.91; West River Electric, 329.52; West River Electric, 1,342.56; Wex Bank, 1,008.13; Whisper Rock Apartments, 7,623.00; Wilkinson, Ryan, 4,950.00.

EXECUTIVE SESSION – SDCL 1-25-2

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

MOVED by LaCroix and seconded by Lasseter 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 litigations. Vote: Unanimous. The Board remained in Executive Session from 12:28 p.m. until 1:36 p.m. MOVED by Rossknecht and seconded by LaCroix to come out of Executive Session. Vote: Unanimous.

MOVED by LaCroix and seconded by Lasseter to move Audrey Metz from Telecommunicator, Grade B21-Step 7, \$18.99/hr., to Dispatcher 1, Grade B21-Step 9 at \$19.46/hr., effective August 8, 2021. Vote: Unanimous.

MOVED by Lasseter and seconded by LaCroix to approve the right-of-way acquisition for the Nemo Road curve realignment Project PH 8041(20) PCN 05F8 in the amount of \$25,000. Vote: Unanimous.

PAYROLL

Commissioners, 10,398.62; Elections, 7,192.39; Auditor, 11,733.23; Treasurer, 38,577.75; State's Attorney, 147,084.88; Public Defender, 87,520.20; Buildings & Grounds, 66,784.17; Equalization, 43,337.91; Register of Deeds, 12,660.80; IT, 26,130.56; Human Resources, 7,751.20; Sheriff, 267,843.79; HIDTA Grant, 4,358.81; Jail, 343,338.02; JSC, 108,895.55; JSC Juvenile Alternative, 4,915.41; CCADP, 114,174.37; Economic Assistance, 33,988.03; Extension, 1,436.80; Natural Resources, 15,298.90; Planning and Zoning, 18,191.02; Road & Bridge, 93,826.46; Fire Administration, 3,630.73; Dispatch, 102,985.74; Emergency Management, 4,989.28; 24-7 Program, 8,312.07; MacArthur Safety & Justice Challenge, 12,846.17. Vote: Unanimous.

AUDITOR'S ACCOUNT OF THE TREASURER: To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of July 26, 2021: Total balances of checking/savings accounts 22,409,789.18; Total balance of Treasurer's Office safe cash, 14,000.00; Total Prime Value Investment, 49,231,411.87; Total petty cash, 17,040.00; Total long/short, (589.23); Total, 71,671,651.82. Submitted by Lori Wessel, Deputy Auditor.

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

Buildings & Grounds: Effective 07/25/2021: David Scott Jr., \$18.13.

CCADP: Effective 07/25/2021: Nichole Stokes, \$22.46. Effective 08/09/2021: Alexis Miranda, \$25.74.

Public Defender: Effective 08/23/2021: Mikayla Gallagher, \$2,592.80.

Sheriff: Effective 07/26/2021: Tyler O'Connell, \$22.80.

WSCJSC: Effective 08/09/2021: Tandra Tipton, \$22.80; Jonathan Farmakes, \$15.97; Emily Wheaton, \$22.80; Dusti LaPlante, \$2,013.60.

ADJOURN

MOVED by Lasseter and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:38 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: August 18, 2021