

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of December 7, 2021

The Pennington County Board of Commissioners met at 9:03 a.m. on Tuesday, Dec. 7, 2021, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Gary Drewes called the meeting to order with the following Commissioners present: Deb Hadcock, Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

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

EXECUTIVE PROCLAMATION

MOVED by LaCroix and seconded by Lasseter to approve the Chair's signature on the proclamation declaring December 7th, 2021, as Marcella LeBeau Day. Vote: Unanimous.

CONSENT AGENDA ITEMS

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

7. Approve the minutes of the Nov. 16, 2021, regular meeting.
8. Approve the renewals of the Retail (on-off sale) Wine and Cider licenses: Mexico Tipico, Summer Creek Inn, and Dollar General Store #15207 and to release licenses upon payment of appropriate property taxes.
9. Acknowledge the Resolution for a minor adjustment to road district boundaries of the Miller Ridge Road District in total described as: Lot 1, Thorstenson-Benson Ranch Subdivision Number 2, located in the W1/2 of SE1/4 of Section 15, T2N, R6E, BHM, Pennington County, South Dakota.
10. Acknowledge the filing of petitions as application for incorporation of the proposed Mills Ranch Road District by the voters within the proposed district boundaries.
11. Approve of the 2022 Memorandum of Understanding between SDSU Extension and Pennington County.
12. Approve the 2022 Scenic Township Maintenance and Snow Removal Agreement.
13. Declare a diesel engine surplus for the purpose of donation to the Western Dakota Technical College Diesel Technology program.
14. Approve of the 2022 Resolution for the Drug-Free Workplace Act Certification for a Public Entity.

2022 RESOLUTION

DRUG-FREE WORKPLACE ACT CERTIFICATION FOR A PUBLIC ENTITY

1. The County of Pennington, SD certifies that it will provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that unlawfully manufacturing, distributing, dispensing, possessing or using a controlled substance in the recipient's workplace is prohibited and specifying the actions that will be taken against employees for violation or such prohibition.

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- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The recipient's policy of maintaining a drug-free workplace;
 - 3. Any drug counseling, rehabilitation and employee assistance programs that are available; and
 - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - c. Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (a).
 - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant or cooperative agreement, the employee will:
 - 1. Abide by the terms of the statement; and,
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.
 - e. Notifying the federal sponsoring agency within ten days after receiving notice under subparagraph (d) (2), with respect to any employee so convicted;
 - 1. Taking appropriate personnel action against such an employee, up to and including termination; or
 - 2. Requiring such an employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.
 - f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee so convicted;
 - 1. Taking appropriate personnel action against such an employee, up to and including termination; or
 - 2. Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other agency.
 - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
2. The recipient's headquarters is located at the following address. The addresses of all other workplaces maintained by the recipient are provided on an accompanying list.

Pennington County Administration Building, 130 Kansas City St., Rapid City, SD 57701

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

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The addresses of all other workplaces maintained by the recipient are as follows:

1. 24/7 Program – 111 New York Street, Rapid City, SD 57701
2. Buildings & Grounds - 302 Kansas City Street, Rapid City SD 57701
3. Care Campus – 321 Kansas City Street, Rapid City, SD 57701
 - a. Health & Human Services (Economic Assistance, Veterans Service Office)
 - b. Addiction Treatment Services (Detox Services, Safe Solutions, Residential/Outpatient Treatment)
 - c. Crisis Care Center
4. Central States Fairgrounds - 800 San Francisco Street, Rapid City, SD 57701
5. City/County Evidence Building – 625 1st Street, Rapid City, SD 57701
6. Extension Office - 601 E Centre Avenue, Rapid City SD 57701
7. Highway Department - 3601 Cambell Street, Rapid City SD 57701
 - a. Hill City Location - 24032 Highway 385, Hill City, SD 57745
 - b. New Underwood Location – 16101 229th Street, New Underwood, SD 57761
 - c. Wall Location – 20 North Creighton Rd, Wall, SD 57790
8. Pennington County Administration Building – 130 Kansas City Street, Rapid City, SD
9. Pennington County Courthouse – 315 St. Joseph Street, Rapid City, SD 57701
10. Pennington County Jail - 307 Saint Joseph Street, Rapid City SD 57701
11. Pennington County Sheriff's Office - 300 Kansas City Street, Rapid City SD 57701
12. Pennington County Sheriff's Office Fleet Station – 840 Centre Street, Rapid City, SD 57701
13. Wall Treasurers Satellite Office - 411 Main Street, Wall SD 57790
14. Western SD Juvenile Services Center & the Life Enrichment Center - 3505 Cambell Street, Rapid City SD 57701
15. Natural Resources (Weed & Pest) Office - 3607 Cambell Street, Rapid City SD 57701

15. Declare the Microfilm Reader, asset #005813, as surplus for the purpose of disposal.

16. Approve of the 2022 Humane Society Contract.

17. Declare the Philips Convenio Portable X-Ray Machine, asset #006168, and the Philips Elva Reader (X-Ray), Asset #006170, as surplus property for the purpose of destruction or disposal.

18. Acknowledge the change in vendor from Liberty Chrysler Center LLC, Rapid City, SD to Wegner Auto Company, Pierre, SD for the purchase of eight (8) new vehicles previously authorized on November 16, 2021.

End of Consent Agenda Items

PENNINGTON COUNTY HOUSING & REDEVELOPMENT ENVIRONMENTAL REVIEW FOR PRAIRIE VILLAGE APARTMENTS IN WALL, SD: MOVED by Hadcock

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and seconded by Lasseter to approve the Chair's signature to the Environmental Review for the Prairie Village Apartments in Wall, SD as the responsible entity for the Pennington Housing and Redevelopment Commission. Vote: Unanimous.

ITEMS FROM AUDITOR

A. 9:15 PUBLIC HEARINGS BUDGET SUPPLEMENT RESOLUTION:

SP21-009: MOVED by LaCroix and seconded by Hadcock to approve Budget Supplement SP21-009. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-009

WHEREAS it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

WHEREAS the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 7th day of December, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW THEREFORE BE IT RESOLVED that the following budget supplement is approved:

From the Rural Access Infrastructure Fund Current Year Revenue to
295-0311 Rural Access Infrastructure Budget \$62,485.77

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

SP21-010: MOVED by Hadcock and seconded by Rossknecht to approve Budget Supplement SP21-010. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-010

WHEREAS it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

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WHEREAS the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 7th day of December, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW THEREFORE BE IT RESOLVED that the following budget supplement is approved:

From the General Fund Restricted Fund Balance to
101-0411 Health and Human Services Budget \$120,978.93
From the General Fund Current Year Revenue to
101-0411 Health and Human Services Budget \$920,000.00
From the General Fund Unassigned Fund Balance to
101-0411 Health and Human Services Budget \$12,421.00

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

SP21-011: MOVED by LaCroix and seconded by Hadcock to approve Budget Supplement SP21-011. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-011

WHEREAS, it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

WHEREAS, the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 7th day of December, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW, THEREFORE, BE IT RESOLVED that the following budget supplement is approved:

From the General Fund Unassigned Fund Balance to
101-0211 Sheriff's Office Law Enforcement Budget \$28,444

From the General Fund Current Year Revenue to
101-0211 Sheriff's Office Law Enforcement Budget \$88,013

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From the General Fund Current Year Revenue to
101-0232 Jail Budget \$50,541

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

SP21-012: MOVED by Rossknecht and second by LaCroix to approve Budget Supplement SP21-012. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-012

WHEREAS it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

WHEREAS the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 7th day of December, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW THEREFORE BE IT RESOLVED that the following budget supplement is approved:
From the Pennington County TIF #4 Fund Current Year Revenue to
251-0729 Pennington County TIF #4 Budget \$250,000

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

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SP21-013: MOVED by Hadcock and seconded by Rossknecht to approve Budget Supplement SP21-013. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-013

WHEREAS, it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

WHEREAS, the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 7th day of December, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW, THEREFORE, BE IT RESOLVED that the following budget supplement is approved:
From the General Fund Unassigned Fund Balance to
101-0111 Commissioner's Budget - \$30,000

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

SP21-014: MOVED by Hadcock and seconded by LaCroix to approve Budget Supplement SP21-014. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-014

WHEREAS it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

WHEREAS the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 7th day of December, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW THEREFORE BE IT RESOLVED that the following budget supplement is approved:
From the General Fund Current Year Revenue to
101-0616 Pest Control Budget \$20,000

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From the General Fund Current Year Revenue to
101-0615 Natural Resources Budget \$35,000

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

SP21-015: MOVED by Rossknecht and seconded by LaCroix to approve Budget Supplement SP21-015. Vote: Unanimous.

RESOLUTION
BUDGET SUPPLEMENT SP21-015

WHEREAS, it is necessary to supplement the 2021 Annual Budget for the support of Pennington County and its existing public institutions; and

WHEREAS, the adoption of the proposed budget supplement was duly considered by the Pennington County Commission on the 7th day of December, 2021, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice;

NOW, THEREFORE, BE IT RESOLVED that the following budget supplement is approved:

From the Accumulated Building Fund Restricted Fund Balance to
233-0160 Capital Improvement Budget \$76,200

From the Capital Project Fund Restricted Fund Balance to
303-1609 Jail Laundry and Kitchen Remodel Budget \$23,973

From the Capital Project Fund Current Year Revenue to
303-1611 Crisis Stabilization Budget \$760,000

BE IT FURTHER RESOLVED that this supplement is necessary for the support of the county government and its existing public institution, therefore this Resolution shall become effective immediately upon publication.

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Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

B. LIQUOR LICENSE RENEWAL: MOVED by Rossknecht and seconded by Lasseter to approve the renewals of the Retail (on-sale) Liquor with Sunday Sales Licenses and Package (off-sale) Liquor License as presented and release licenses upon payment of appropriate property taxes: Johnson Siding General Store, JS GS LLC; Moonshine Gulch Saloon, Betty Harn; Bearded Buffalo Trading Co., Bearded Buffalo Trading Co. LLC; TK Saloon & Grill LLC, TK Saloon & Grill LLC; Silver Dollar Saloon, Etho LLC. Vote: Unanimous.

ITEMS FROM SHERIFF

A. JOINT POWERS AGREEMENT FOR PSYCHOLOGIST SERVICES: MOVED by Rossknecht and seconded by Lasseter to approve the Joint Powers Agreement between the South Dakota Office of the Attorney General Division of Criminal Investigations, the County of Pennington, the Pennington County Sheriff's Office and the City of Rapid City for psychologist services to be in place by January 1, 2022. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. COVID-19 UPDATE: Informational only.

ITEMS FROM HIGHWAY

A. 2021 BRIDGE INSPECTION OVERVIEW: Informational only.

B. AMENDMENT TO FIVE YEAR TRANSPORTATION PLAN 2022-2026: MOVED by LaCroix and seconded by Rossknecht to approve the amended Five-Year Transportation Plan 2022-2026 which includes the addition of bridge structure numbers 52-395-367, 52-511-280, 52-512-280, and 52-608-298. Vote: Unanimous.

C. RESOLUTION 2021-12-07-1: MOVED by Rossknecht and seconded by Lasseter to approve Resolution 21-12-07-1 to change the speed limit on Sheridan Lake Road from Spring Canyon Trail west to SD Highway 385, for a distance of 10.5 miles to 50 miles per hour. Vote: Unanimous.

RESOLUTION 2021-12-07-1

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 Sheridan Lake Road be established effective December 20, 2021; and

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WHEREAS, this Board has the authority to establish such a speed zone on Sheridan Lake Road 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 50 miles per hour be established on Sheridan Lake Road beginning at the Spring Canyon Trail intersection, thence west to SD Highway 385 intersection, for a distance of 10.5 miles.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

D. 2022 FTE REQUEST: MOVED by Hadcock and seconded by LaCroix to approve one new FTE for an Administrative Assistant 1, DBM A13, for the Highway Department in 2022. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

A. COMPENSATION ADMINISTRATION POLICY UPDATE – FISCAL YEAR 2022: MOVED by LaCroix and seconded by Rossknecht to approve the updated Compensation Administration Policy for the 2022 fiscal year and to update the employee handbook to reflect the changes. Vote: Unanimous.

B. ELECTED OFFICIAL COMPENSATION RESOLUTION: MOVED by LaCroix and seconded by Rossknecht to approve the Pennington County Elected Officials Wage Policy Resolution for 2022. Vote: Unanimous.

RESOLUTION

Pennington County Elected Officials Wage Policy

WHEREAS, the Pennington County Board of County Commissioners establishes a wage policy for Elected Officials serving the residents of the County of Pennington, South Dakota; and,

WHEREAS, the Pennington County Board of County Commissioners are dedicated to attracting citizens of the highest quality to public service by establishing proper salaries for the elected officials, basing those salaries on realistic standards and paying them according to the duties of their office; and,

WHEREAS, South Dakota State Law directs the Board of County Commissioners to establish, by resolution, the salary payable to the County Sheriff, County State's Attorney, County Treasurer, County Auditor, and County Register of Deeds; and,

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WHEREAS, South Dakota State Law directs the Board of County Commissioners to establish, by resolution, the salary payable to the County Sheriff, County State's Attorney, County Treasurer, County Auditor, and County Register of Deeds; the salary payable may not be less than the defined schedules as based upon the most recent decennial federal census of population for counties per SDCL Chapter 7-7-9.1.

WHEREAS, the minimum base annual salaries of the following Elected Officials of Pennington County are set at:

County Auditor - \$ 85,000
County Register of Deeds - \$ 85,000
County Sheriff/Coroner- \$ 125,000
County State's Attorney - \$125,000
County Treasurer - \$ 85,000

IN ADDITION, effective December 26, 2021, the first day of the 2022 payroll year, the current or sitting elected official salaries, shall be established as follows:

County Auditor - \$ 94,329.87
County Register of Deeds - \$ 87,559.89
County Sheriff/Coroner- \$ 130,043.68
County State's Attorney - \$ 130,043.68
County Treasurer - \$ 105,111.50

WHEREAS, Elected Officials in Pennington County are eligible for annual cost of living (COLA) increases as set forth by the Board of County Commissioners. Cost of living (COLA) increases will not impact the base annual salaries.

WHEREAS, current or sitting elected official's whose compensation is below the base annual salary will be moved to the established base annual salary. Once a new individual is elected to office, the salary will revert back to the base annual salary.

BE IT THEREFORE RESOLVED, by this Pennington County Board of Commissioners, do hereby establish a wage policy for Elected Officials.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

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REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVAL OF A SECOND APPROACH: MOVED by Hadcock and seconded by Lasseter to continue this item until the Dec 21, 2021, meeting. Vote: Unanimous.

MOVED by Hadcock and seconded by Lasseter to take a five-minute recess. Vote: Unanimous.

SILVER CITY DUMPSTER ISSUE: MOVED by Rossknecht and seconded by LaCroix to allow the first community dumpster (1971) at its current (General) location with the following three (3) conditions: 1) It is situated out of clear zone; 2) It is situated out of roadway; 3) It does not impede snow plowing. Furthermore, move to approve the commercial dumpster to be located in the county right-of-way once County Highway Department has verified that it does not impede snow plowing and gravel maintenance, is located outside of the roadway and is located outside of the clear zone.

Substitute motion: MOVED by Rossknecht to allow the community dumpster to remain at its current location with the following three conditions: 1) that it is situated out of the clear zone; 2) that it is situated out of the roadway and does not impede plowing; 3) any additional dumpster to be located in County right-of-way would have to be approved by the Highway Department and meet the same three criteria.

Second substitute motion: MOVED by Hadcock and seconded by LaCroix to allow the community dumpster (1971) at its current (General) location with the following three conditions: 1) It is situated out of Clear Zone; 2) It is situated out of roadway; 3) It does not impede snow plowing or gravel maintenance. Furthermore, move to allow the second dumpster to be located in county ROW once county highway has verified that it does not impede snow plowing or gravel maintenance, is located outside of the roadway and is located outside of the clear zone. Vote: Unanimous

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-36: Elevated Towers; Jonah Snyder - Agent. To reduce the rear yard setback to an Agriculture Zoning District for a cell tower from 330 feet to 220 feet in accordance with Sections 205, 316, and 509 of the Pennington County Zoning Ordinance.

Tract 2, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve Variance / VA 21-36 with the following one (1) condition: 1) That this Variance applies only to the telecommunications support structure. All other structures must maintain the proper setbacks. Vote: Unanimous.

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B. SUBDIVISION REGULATIONS VARIANCE / SV 21-25: Don and Laura Elliott; KTM Design Solutions - Agent. To waive road improvements in a Suburban Residential District in accordance with Sections 209, 500, and 700 of the Pennington County Subdivision Regulations.

Lot 26-29 and E10 feet of Vacated Alley Adjacent to Lots and Lots 23-25; E1/2 VAC Alley Adjacent to said lots, all located in Block 3, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Subdivisions Regulations Variance / SV 21-25. Vote: Unanimous.

C. SUBDIVISION REGULATIONS VARIANCE / SV 21-27: H & H Land Company No. 2, LLC – Brian Hammerbeck - Agent. To waive the submittal of percolation tests and soil profile hole information in a Rural Residential District in accordance with Sections 207, 400.3.1.p, and 700 of the Pennington County Subdivision Regulations.

Lot X located in GL 1 and E1/2SE1/4 Less S553.09 feet of SE1/4SE1/4 and Less South Caputa Add; PT GL1 Less South Caputa, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve Subdivision Regulations Variance / SV 21-27 with one condition: 1) That this Variance to waive the submittal of percolation tests and soil profile hole information is only for proposed Tracts 2-11 of South Caputa Addition and not for any further development or subdivision because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: the percolation test will be done at the time of a building permit and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

D. SUBDIVISION REGULATIONS VARIANCE / SV 21-28: JKRK Properties, LLC / Laredo Holdings, LLC. To waive the submittal of percolation tests and soil profile hole information in a Planned Unit Development District in accordance with Sections 216, 400.3.1.p, and 700 of the Pennington County Subdivision Regulations.

GL 3; GL 4 Less Sunset Ranch and Less ROW; N1/2S1/2NW1/4; SW1/4; N1/2S1/2NE1/4; GL 1-2 Less Sunset Ranch and Less ROW; Lots 10, 11, 14, 15 and 16 of Block 9 of Sunset Ranch Subdivision, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Subdivision Regulations Variance / SV 21-28 with one condition: 1) That this Variance to waive submittal of percolation tests and soil profile hole information is only for the proposed lots of Sunset Ranch Subdivision and not for any further development, subdivision, or rezoning of these lots because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: the percolation

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test will be done at the time of the building permit and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

E. SUBDIVISION REGULATIONS VARIANCE / SV 21-29: JKRK Properties, LLC / Laredo Holdings, LLC. To waive the requirement to dedicate and improve the Section Line Right-of-Way in a Planned Unit Development District in accordance with Sections 216, 500.5, and 700 of the Pennington County Subdivision Regulations.

GL 3; GL 4 Less Sunset Ranch and Less ROW; N1/2S1/2NW1/4; SW1/4; N1/2S1/2NE1/4; GL 1-2 Less Sunset Ranch and Less ROW; Lots 10, 11, 14, 15 and 16 of Block 9 of Sunset Ranch Subdivision, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve Subdivision Regulations Variance / SV 21-29 to waive dedication and improvement of the Section Line Right-of-Way for the portion of the Section Line Right-of-Way north of High Bluff Drive to 226th Ave with the following one (1) condition: 1) That the portion of the Section Line Right-of-Way located south of High Bluff Drive between Sections 4 and 5 to the south property lines of proposed Lots 10 and 11 of Sunset Ranch Subdivision, be dedicated and improved to Ordinance 14 Standards.

Substitute motion: MOVED by Hadcock and seconded by LaCroix to continue this item until the Dec. 21, 2021, meeting. Vote: Unanimous.

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

UNCONTESTED HEARING(S)

F. MINOR PLAT / MPL 21-75: Kevin and Jeanette Grover. To subdivide and create Lots 2R1 and 2R2 of Grover Subdivision in accordance with Section 400.3 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 Minor Plat / MPL 21-75 with the following five (5) conditions: 1) That prior to filing the mylar with the Register of Deeds, the Certifications on the 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 of these requirements that

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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 the applicant ensures all natural drainage ways are maintained and not blocked; and, 5) 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. Vote: Unanimous.

G. LAYOUT PLAN / LPL 21-76: Rockerville Gold Town, LLC. To reconfigure lot lines to create Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That part of the SE1/4 SE1/4 of Section 14, T1S, R6E, BHM lying South of the U.S. Highway 16 Westbound R.O.W., Less Lot 1 thereof and less highway R.O.W.; Common Lot B, Lots 6-15, Lot 17, and Tract B-1 and Tract B-2 all of Rockerville Ghost Town Subdivision, Section 13, T1S, R6E; and Lot A of Lot H-2 (aka Lot H2) in the SW1/4 SW1/4 of Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 1, 2, 3 and 4 of Rockerville Gold Town Subdivision, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Layout Plan / LPL 21-76 with the following nineteen (19) conditions: 1) That at the time of Preliminary Plat submittal, the applicant shall provide percolation test results to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement; 2) That at the time of submittal of the Preliminary Plat, the applicant shall either provide information to the Fire Coordinator for review on the proposed water system, including the source of water, storage capacity of any above ground or below ground tanks, appropriate elevation of above ground tanks, gallons per minute flow, and proposed location of fire hydrants as required in Section 400.2.2.e of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance waiving this requirement; 3) That at the time of submittal of the Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 400.2.2.n of the Subdivision Regulations or obtain an approved Subdivision Regulations Variance be obtained waiving this requirement; 4) That at the time of submittal of the Preliminary Plat, the Section Line Right-of-Ways must either be improved to Local Road Standards or obtain an approved Subdivision Regulations Variance waiving this requirement; 5) That at the time of submittal of the Preliminary Plat, a drainage study be submitted to verify that post development flows do not exceed pre-development flows as required in Section 400.2.2.s; 6) That at the time of submittal of the Preliminary Plat, 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; 7) That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; 8) That the Certifications on the plat be in accordance with

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Section 400.3.1.n of the Pennington County Subdivision Regulations; 9) That prior to Final Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor; 10) That drainage improvements be made to address post development storm water flows prior to issuance of any further Building Permits; 11) That at the time of Final Plat submittal, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.); 12) That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet; 13) That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Agriculture and Natural Resources; 14) That at the time of Final Plat submittal, the water system serving Rockerville Gold Town Planned Unit Development be approved by the South Dakota Department of Agriculture and Natural Resources; 15) That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat; 16) That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; 17) That prior to Preliminary Plat submittal, Lot A of Lot H2 must be added to the formally description in the plat heading; 18) That the roads within the development be built to Ordinance 14 Standards; and, 19) That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property. Vote: Unanimous.

H. PRELIMINARY PLAT / PPL 21-77: JKRK Properties, LLC / Laredo Holdings, LLC; Ryan Kaski. To create Lots 1-21 of Block 7, Lots 8-16 of Block 8, and Lots 9-17 of Block 9 of Sunset Ranch Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 3; GL 4 Less Sunset Ranch and Less ROW; N1/2S1/2NW1/4; SW1/4; N1/2S1/2NE1/4; GL 1-2 Less Sunset Ranch and Less ROW; Lots 10, 11, 14, 15 and 16 of Block 9 of Sunset Ranch Subdivision, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-21 of Block 7, Lots 8-16 of Block 8, and Lots 9-17 of Block 9 of Sunset Ranch Subdivision, Sections 4 and 5, T1N, R10E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Preliminary Plat / PPL 21-77 with the following fourteen (14) conditions: 1) That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; 2) That at the time of submittal of the Final Plat, 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; 3) That drainage improvements be made to address post development storm water flows prior to issuance of any Building Permits for Phase 1 or Phase 2; 4) That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or an approved Subdivision Regulation Variance is obtained waiving

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this surety requirement; 5) That prior to County Board approval of the Preliminary Plat, surety must be posted for installation of all utilities (including, but not limited to water system distribution lines, wastewater system collection lines, electrical service, lift stations, hydrants, etc.); 6) That the signage for the subdivision must include speed limits that reflect the designed speed of the roads, intersection control and other warning signs as necessary. All signage must meet the sign standards of the Pennington County Highway Department. All signs must be installed by the applicant or surety posted; 7) That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet; 8) That any construction involving disturbance of more than one (1) acre requires the applicant to obtain all necessary permits from the Department of Agriculture and Natural Resources; 9) That at the time of submittal of the Final Plat, the Road District is amended to include the new roads in the subdivision and a Resolution be approved by the Board of Commissioners for maintenance of roads within the Subdivision; 10) That prior to filing the mylar with the Register of Deeds, Planned Unit Development / PU 08-10 is updated to include the new lots; 11) That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat; 12) That at the time of submittal of the Final Plat, a new road name is approved by Emergency Services for Ironwood Court and the new name indicated on the mylar; 13) That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and, 14) That the roads within the development must be built to Ordinance 14 Standards. Vote: Unanimous.

CONTESTED HEARING(S):

I. PUBLIC HEARING OF REZONE / RZ 21-30: Paul HH Reinke Family Trust; Renner Associates - Agent. To rezone 9.541 acres from Suburban Residential District to Agriculture District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Commencing at the northeasterly corner of Lot 1 of Block 2 of Copper Oaks #3 Subdivision, common to a point on the southerly edge of Wild Turkey Way right-of-way, and the point of beginning. Thence, first course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the left, on a curve with a radius of 133.00 feet, a delta angle of 26°46'38", a length of 62.16 feet, a chord bearing of N 35°11'46" E, and chord distance of 61.59 feet; Thence, second course: along the southerly edge of said Wild Turkey Way right-of-way, N 22°44'38" E, a distance of 207.70 feet; Thence, third course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 117.00 feet, a delta angle of 37°56'31", a length of 77.48 feet, a chord bearing of N 41°46'05" E, and chord distance of 76.07 feet; Thence, fourth course: along the southerly edge of said Wild Turkey Way right-of-way, N 60°46'34" E, a distance of 176.79 feet; Thence, fifth course: along the southerly edge of said Wild Turkey Way right-of-way, curving to the right, on a curve with a radius of 158.90 feet, a delta angle of 29°09'51", a length of 80.88 feet, a chord bearing of N 75°14'28" E, and chord distance of 80.01 feet, to a point on the section line common to Sections 7 and 8, T1S, R7E, BHM; Thence, sixth course: along the said section line, S 00°13'31" W, a distance of 1317.71

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feet, to a point on the section ¼ line of said Section 7; Thence, seventh course: along the said section ¼ line, N 89°59'36" W, a distance of 66.80 feet, to a point on the northerly edge of Wilderness Canyon Road right-of-way; Thence, eighth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the left, on a curve with a radius of 560.13 feet, a delta angle of 13°14'06", a length of 129.39 feet, a chord bearing of N 41°13'32" W, and chord distance of 129.10 feet; Thence, ninth course: along the northerly edge of said Wilderness Canyon Road right-of-way, N 47°50'42" W, a distance of 218.98 feet; Thence, tenth course: along the northerly edge of said Wilderness Canyon Road right-of-way, curving to the right, on a curve with a radius of 410.94 feet, a delta angle of 10°17'55", a length of 73.86 feet, a chord bearing of N 42°40'14" W, and chord distance of 73.76 feet; Thence, eleventh course: along the northerly edge of said Wilderness Canyon Road right-of-way, N 37°29'10" W, a distance of 49.76 feet, to the southeasterly corner of said Lot 1; Thence, twelfth course: along the easterly boundary of said Lot 1, N 00°09'14" E, a distance of 574.59 feet, to the said Point of Beginning. Said Parcel contains 9.541 acres more or less.

MOVED by Lasseter and seconded by LaCroix to continue this item until the Feb. 1, 2022, meeting. Vote: Unanimous.

J. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 21-15: Douglas Schlabach. To amend an existing Planned Unit Development to reduce the Common Area from 73 acres to 9.67 acres in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract Tank; Tract 40 Rev-2; Tract 36A; Tract 41; Tract 37, Tract 38, Tract 32 Rev-2; Tract 36B; Tract 35; Tract 34-Rev; Tract 30 Rev-2; Tract 31 Revised; Tract 28; Tract 29; Tract 27; Tract 25; Tract 24; Tract 26 Revised; Tract 22; Tract 20; Tract 18; Tract 16; Tract 12R; Tract 9; Tract 6; Tract 2; Lot J of Tract Well; Lot K of Tract Well; That Part of Tract 23 Located in Section 17 (Custer School District); Tract 21; Tract 19; Tract 17R; Tract 15; Tract 13; Tract 11; Tract 10; Tract 8; Tract 7; Tract 5; Tract 4; Tract 3; Tract 1; Tract 78R; Tract 77; Tract 76; Tract 75; Tract 64; Tract 73; Tract 72; Tract 71; Tract 70; Tract 69; Tract 68; Tract 67; Tract 66; Tract 65R; and Tract 64R; Tract 63; Tract 62; Tract 61; Tract 60; Tract 58; Tract 59; Tract 42; Lots A-G; Lot J; Lot K; Lots 1, 2, 3, and 4 of Tract 57; Tract 56; Tract 55 Revised; Tract 53; Tract 52; Tract 49; Tract 50; Tract 51; Tract 48; Tract 47; Tract 46 Revised; Tract 43; Tract 44; Tract 45 Revised all located in Rushmore Ranch Estates Subdivision in Sections 7, 8, and 17, T2S, R7E, and SE1/4 Less Rushmore Ranch Estates; NE1/4 Less Tract B.R.C. of Rushmore Ranch Estates Subdivision; Tract B.R.C. of Rushmore Ranch Estates; and Lot 4 of Block 2 of Mountain Meadows Subdivision; NW1/4 Less Rushmore Ranch Estates Subdivision Less Mountain Meadows Subdivision Less ROW; NE1/4SW1/4 Less Rushmore Ranch Estates Subdivision and Less Row; Lot 3 of Block 3; Lot 3 of Block 2; Lot 2 of Block 2; Lot 1 of Block 2; Lot 2 of Block 3; Lot 1 of Block 3; Common Lot B of Block 5; of Mountain Meadows Subdivision; Lot 4 of Block 1; Common Lot A of Block 1; Lot 3 of Block 1; Lot 2 of Block 1; and Lot 1 of Block 1 all

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located in Mountain Meadows Subdivision; Sections 7, 8, 17, and 18, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Major Planned Unit Development Amendment / PU 21-15 with the following twelve (12) conditions: 1) That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station; 2) That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase III of Rushmore Ranch Estates; 3) That all single-family residences be constructed on lots containing three acres or more; 4) That a minimum of 9.67 acres of common area be provided; 5) That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met; 6) That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan; 7) That no structures have wood shakes; 8) That all fire hydrants in the Neighborhood Commercial area in Phase III have adequate flows; 9) That all lot widths be a minimum of 100 feet and that all setbacks be 25 feet from all property lines; 10) That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III; 11) That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and, 12) The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On December 7, 2021, the Pennington County Board of Commissioners approved an amendment to an existing Planned Unit Development: Major Planned Unit Development Amendment 21-15 – Douglas Schlabach.

K. TAX INCREMENT FINANCE DISTRICT #6 BY RESOLUTION: A Tax Increment Finance District (TIF) has been submitted by Pink Cabin, LLC for the purpose of developing infrastructure improvements along Anderson Road between E. Highway 44 and Long View Road to support the Apple Valley Affordable Housing Development.

SW1/4NW1/4; NW1/4SW1/4; and NW1/4NW1/4 (including Lot A) Less ROW all located in Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to approve of the resolution creating Tax Increment Financing District Number Six, County of Pennington, pursuant to SDCL Chapter 11-9. Vote: The motion carried 3-2 on a roll call vote: Hadcock – no, LaCroix – yes, Lasseter – no, Rossknecht yes, Drewes - yes.

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**A RESOLUTION CREATING TAX INCREMENT FINANCING DISTRICT
NUMBER SIX, COUNTY OF PENNINGTON**

WHEREAS, Pink Cabin LLC requests the creation of a tax increment financing district for the purpose of developing Apple Valley Affordable Housing, which will consist of lots and homes less than \$300,000 for primary homeowners, which is based on South Dakota Housing Development Authority's guidelines; and

WHEREAS, the aggregate assessed value of the proposed tax increment financing district plus the tax increment base of all other existing districts does not exceed ten percent of the total assessed value of all taxable property in Pennington County; and

WHEREAS, the South Dakota Department of Revenue preliminarily classified TIF District #6 as an Affordable Housing TIF district for purpose of the state-aid to education formula; and

WHEREAS, Pink Cabin LLC submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #6; and

WHEREAS, the Pennington County Planning Commission has adopted and submits the project plan for TIF #6 for consideration by the Pennington County Board of Commissioners; and

WHEREAS, the Pennington County Planning Commission recommends the creation of TIF District #6 and submits its recommendation for further action by the Pennington County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the PENNINGTON COUNTY BOARD OF COMMISSIONERS HEREBY:

1. Creates a tax increment financing district for purpose of developing Apple Valley Affordable Housing Subdivision located in Pennington County; and
2. Assigns for identification purposes the following name to the created tax increment financing district: TAX INCREMENT FINANCING DISTRICT NUMBER SIX, COUNTY OF PENNINGTON ("TIF District #6"); and
3. Designates the real property to be located within TIF District #6 legally described as follows:
 - a. SW¹/₄NW¹/₄; NW¹/₄SW¹/₄; NW¹/₄NW¹/₄ (including Lot A) Less ROW; Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

and

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4. Makes the following findings:
- a. That the aggregate assessed value of the taxable property in TIF District #6 plus the tax increment base of all other existing districts does not exceed ten percent of the total assessed value of all taxable property in Pennington County; and
 - b. Not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources; and
 - c. That the improvement of the area is likely to significantly enhance the value of substantially all other real property in TIF District #6.

This resolution shall take effect on the twentieth day after publication.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

MOVED by LaCroix and seconded by Drewes to approve the resolution for the Project Plan for Tax Increment Financing District Number Six, County of Pennington. Vote: The motion carried 3-2 with Hadcock and Lasseter voting no.

**RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENT
FINANCING DISTRICT NUMBER SIX, COUNTY OF PENNINGTON**

WHEREAS, the Pennington County Commission has determined that it is in the best interest of the County to implement plans that promote development of affordable housing in the County; and

WHEREAS, the Commission deems it desirable to promote development of affordable housing in the corporate limits of the Pennington County; and

WHEREAS, the Commission embraces the concept of Tax Incremental Financing as a tool to encourage this affordable housing development; and

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WHEREAS, the Commission has created Tax Increment Financing District Number Six, County of Pennington, (hereinafter TIF #6) by resolution of today's date for the purpose of developing Apple Valley Affordable Housing, which will consist of lots and homes less than \$300,000 for primary homeowners, which is based on South Dakota Housing Development Authority's guidelines; and

WHEREAS, Pink Cabin LLC submitted a Project Plan attached as Exhibit A, complying with the requirements of SDCL Chapter 11-9 for the creation of TIF #6; and

WHEREAS, the Pennington County Planning Commission has adopted and submits this Project Plan for TIF #6 for consideration by the Pennington County Board of Commissioners; and

WHEREAS, the Commission has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for TIF #6 is economically feasible; and

WHEREAS, the Commission has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Pennington County that the Project Plan for Pennington County Tax Incremental District Number Six, as recommended and adopted by the Pennington County Planning and Zoning Commission on October 25, 2021, and attached as Exhibit A, is hereby approved.

Dated this 7th day of December, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

MOVED by LaCroix and seconded by Hadcock to take a ten-minute recess. Vote: Unanimous.

ITEMS FROM COMMISSION MANAGER

A. COMMISSION MEETING START TIME: No action was taken.

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 \$1,119,133.66. Vote: Unanimous.

A & A Professional Property Management, 1,700.00; ABL Inc, 3,280.00; Ace Property Management LLC, 2,325.00; Ashley, John W, 220.00; AT&T Mobility, 3,985.52; AT&T

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Mobility, 1,080.14; BH Energy, 1,131.86; BH Energy, 37.12; BH Energy, 1,824.60; BH Energy, 454.53; BH Energy, 1,884.23; BH Energy, 19.66; BH Energy, 116.00; BH Energy, 19,447.63; BH Property Management, 1,750.00; Brick LLC, 1,200.00; Bridgewood Estates LP, 600.00; CC Property Management LLC, 1,810.00; Century Link, 137.76; Century Link, 88.68; City Of Box Elder, 664.32; City Of Hill City, 44.24; City Of Rapid City -Water, 4,499.93; City Of Rapid City -Water, 578.29; City Of Rapid City -Water, 2,318.43; City Of Rapid City -Water, 917.88; City Of Wall, 142.00; Clock Tower Gardens Apartments, 5,211.05; Complete Property Solutions, 3,649.50; Custer Gas, 125.80; Delta Dental Of South Dakota, 39,549.82; Edgewood Estates LP, 1,136.00; Executive Mgmt Fin Office, 67.00; Executive Mgmt Fin Office, 33.50; Fidelity Security Life, 5,387.54; First Interstate Bank, 763.38; First Interstate Bank, 4,588.53; First Interstate Bank, 481.62; First Interstate Bank, 176.84; First Interstate Bank, 708.41; First Interstate Bank, 1,436.00; First Interstate Bank, 2,130.86; First Interstate Bank, 653.57; First Interstate Bank, 112.98; First Interstate Bank, 444.32; First Interstate Bank, 20.00; First Interstate Bank, 387.01; First Interstate Bank, 1,307.83; Global Tel'link, 14.80; Golden West Companies, 79.95; Hartford Life And Accident Insurance Company, 2,707.50; Ketel Thorstenson LLP, 246,428.70; Kieffer Sanitation/A Waste Management Co, 3,484.95; Kuhn Properties LLC, 3,000.00; Lewis Kirkeby & Hall Property Management, 8,658.00; Lingo Communications LLC, 75.35; Lowe's, 1,044.03; Lund Donald L, 1,200.00; Maple Green LLC, 400.00; Medical Waste Transport Inc, 568.10; Midcontinent Communications, 2,111.43; Midcontinent Communications, 1,628.11; Midcontinent Communications, 4,554.92; Midcontinent Communications, 1,470.81; Montana Dakota Utilities, 267.17; Montana Dakota Utilities, 8,340.09; Montana Dakota Utilities, 2,836.02; Montana Dakota Utilities, 71.22; Pennington County Housing & Redevelopment, 1,746.00; Pines At Rapid LLC, 2,664.71; Pioneer Bank & Trust, 8,999.43; Pioneer Bank & Trust, 4,658.54; Pioneer Bank & Trust, 7,818.49; Pioneer Bank & Trust, 2,504.97; Pioneer Bank & Trust, 2,059.54; Powell, Michael, 2,700.00; Rainbow Gas Company, 4,631.69; Reliance Telephone Inc, 38.40; Reliance Telephone Inc, 30.00; SDN Communications, 648.00; Shelton Alana, 4,800.00; Southern Cross LLC, 2,525.00; STL Properties LLC, 2,694.00; Stoney Creek Highlands, 6,320.00; Tzadik Rapid City LLC, 1,610.13; Vast Broadband, 776.91; Vast Broadband, 120.57; Vast Broadband, 1,476.01; Vast Broadband, 299.12; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 124.61; Verizon Wireless, 987.84; Verizon Wireless, 694.83; Verizon Wireless, 480.16; Vue At Catron LLC, 1,197.00; Weifenbach, Ronald L, 1,050.00; Wellmark, 644,214.97; West River Electric, 447.18; West River Electric, 187.37; Wex Bank, 1,025.28.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Hadcock and seconded by Lasseter to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and SDCL 1-25-2(3) to consult with legal counsel. Vote: Unanimous. The Board remained in Executive Session from 3:11 p.m. until 3:46 p.m. MOVED by LaCroix and seconded by Hadcock to come out of Executive Session. Vote: Unanimous.

MOVED by Hadcock and seconded by Rossknecht to approve the right-of-way acquisition for the Sonquist Lane bridge replacement project in the amount of \$2,571.27. Vote: Unanimous.

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MOVED by Rossknecht and seconded by Lasseter to place Alexa White, at Grade C-42, Step 7 for a pay rate of \$2,788.80/bi-wkly., effective Dec. 26, 2021. Unanimous.

PAYROLL

Commissioners, 10,398.60; Elections, 8,953.61; Auditor, 11,327.22; Treasurer, 41,618.75; State's Attorney, 143,784.85; Public Defender, 86,135.22; Buildings & Grounds, 71,528.04; Equalization, 41,171.02; Register of Deeds, 13,033.60; IT, 25,340.32; Human Resources, 5,912.00; Sheriff, 286,680.27; Jail, 364,804.98; JSC, 112,464.29; JSC Juvenile Alternative, 5,861.99; CCADP, 113,856.02; Economic Assistance, 33,572.03; Extension, 1,436.80; Natural Resources, 5,759.53; Pest Control, 4,695.36; Planning and Zoning, 16,714.02; Road & Bridge, 95,571.65; Fire Administration, 3,630.70; Dispatch, 99,657.21; Emergency Management, 4,989.30; 24-7 Program, 8,993.95; MacArthur Safety & Justice, 13,184.70.

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 November 15, 2021: Total balances of checking/savings accounts 50,336,434.80; Total balance of Treasurer's Office safe cash, 18,000.00; Total Prime Value Investment, 74,743,767.48; Total petty cash, 17,040.00; Total NSF paid, 2,062.28; Total long/short, (216.85); Total, 125,117,087.71. Submitted by Lori Wessel, Deputy Auditor.

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

Equalization: Effective 11/29/2021: Deborah Larson, \$18.13.

IT: Effective 11/29/2021: Cristin Gossens, \$23.52.

Jail: Effective 12/12/2021: Yovonna Estrella-Johnson, \$25.17. Effective 12/13/2021: Dallas Dodge, \$30.50; Kyler Bruce, \$14.46.

Public Defender: Effective 12/12/2021: Mathew Laidlaw, \$3,204.80.

Sheriff: Effective 12/12/2021: Neal Hofer, \$18.86; Austin Sorensen, \$20.78.

State's Attorney: Effective 12/13/2021: Mara Ronfeldt, \$20.34; Micki Littlewolf, \$18.86.

WSDJSC: Effective 12/12/2021: Paetyn Swigart, \$27.62.

ADJOURN

MOVED by Hadcock and seconded by Lasseter to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 3:48 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: December 22, 2021