

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of February 2, 2021

The Pennington County Board of Commissioners met at 9:02 a.m. on Tuesday, February 2, 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.

**CONSENT AGENDA ITEMS**

MOVED by LaCroix and seconded by Lasseter to approve the Consent Agenda as presented with the removal of Item 9. Vote: Unanimous.

6. Approve the minutes of the January 25, 2021 meeting.
7. Correct the minutes of December 15, 2020, to include the three resolutions for Tax Increment Finance District #5 in their entirety as approved.

**RESOLUTION APPROVING THE CONTRACT FOR PRIVATE DEVELOPMENT  
TAX INCREMENT FINANCING DISTRICT NUMBER FIVE**

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

**WHEREAS**, the Commission has created a Tax Increment Financing District Number Five, County of Pennington, by resolution of today's date for the purpose of development of Liberty Plaza which will consist of single family, multi-family, commercial and retail space, and Liberty Center. Liberty Center will replace the Pride Hangar and serve as the Ellsworth Air Force Base community center located in the City of Box Elder; and

**WHEREAS**, there has been developed a Contract for Private Development, Tax Increment Financing District Number Five County of Pennington, South Dakota, for this Tax Increment Financing District which is attached hereto as Exhibit A; and

**WHEREAS**, the Contract for Private Development, Tax Increment Financing District Number Five, County of Pennington, South Dakota articulates the duties and obligations of the respective parties in bringing the Project Plan for Tax Increment Financing District Number Five to fruition; and

**WHEREAS**, the use of Tax Incremental Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and

**NOW, THEREFORE, BE IT RESOLVED** by the County of Pennington that the Contract for Private Development, Tax Increment Financing District Number Five County of Pennington, South Dakota, attached to this Resolution as Exhibit A, is hereby approved.

Dated this 15th day of December, 2020.

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/s/ Chair Deb Hadcock  
Pennington County Board of Commissioners

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

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

**WHEREAS**, the City of Box Elder requests the creation of a tax increment financing district for the purpose of developing Liberty Plaza that will consist of single family, multi-family, commercial and retail space, and Liberty Center. Liberty Center will replace Pride Hangar and serve as an Ellsworth Air Force Base community center located in the City of Box Elder; and

**WHEREAS**, the aggregate assessed value of the proposed tax increment financing district plus the tax increment base of all other existing districts would exceed ten percent of the total assessed value of all taxable property in the City of Box Elder; and

**WHEREAS**, the City of Box Elder passed a resolution consenting to Pennington County creating "Tax Increment Financing District Number Five, County of Pennington" (hereinafter "TIF District #5") for purpose of developing Liberty Plaza and Liberty Center located in the City of Box Elder; and

**WHEREAS**, the South Dakota Department of Revenue preliminarily classified TIF District #5 as an Economic Development TIF district for purpose of the state-aid to education formula; and

**WHEREAS**, the City of Box Elder submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #5; and

**WHEREAS**, the Pennington County Planning Commission has adopted and submits the project plan for TIF #5 for consideration by the Pennington County Board of Commissioners; and

**WHEREAS**, the Pennington County Planning Commission recommends the creation of TIF District #5 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 Liberty Plaza and Liberty Center located in the City of Box Elder; and
2. Assigns for identification purposes the following name to the created tax increment financing district: TAX INCREMENT FINANCING DISTRICT NUMBER FIVE, COUNTY OF PENNINGTON ("TIF District #5"); and

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3. Designates the real property to be located within TIF District #5 legally described as follows:
  - a. Lot B Less Lot 1 of the Box Elder DSDP Subdivision and the adjacent N. Ellsworth Road Right of Way, adjacent Constitution Ave Right of Way and adjacent Liberty Blvd Right of Way all located in Section 17, T2N, R9E, BHM, Box Elder, Pennington County, South Dakota and

Makes the following findings:

- a. That the aggregate assessed value of the taxable property in TIF District #5 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. That not less than fifty percent, by area, of the real property within TIF District #5 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 development; and
- c. That the improvement of the area is likely to significantly enhance the value of substantially all other real property in TIF District #5; and

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

Dated this 15th day of December, 2020.

/s/ Chair Deb Hadcock  
Pennington County Board of Commissioners

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

**RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENT  
FINANCING DISTRICT NUMBER FIVE, 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 economic development and growth in the County; and

**WHEREAS**, the Commission deems it desirable to promote economic development and create jobs 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 desirable growth and redevelopment; and

**WHEREAS**, the Commission has created Tax Increment Financing District Number Five, County of Pennington, (hereinafter TIF #5) by resolution of today's date for the purpose of developing Liberty Plaza, which will consist of single family, multi-family, commercial and retail

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space, and Liberty Center. Liberty Center will replace the Pride Hangar and serve as an Ellsworth Air Force Base community center located in the City of Box Elder; and

**WHEREAS**, the City of Box Elder submitted a Project Plan attached as Exhibit A, complying with the requirements of SDCL Chapter 11-9 for the creation of TIF #5; and

**WHEREAS**, the Pennington County Planning Commission has adopted and submits this Project Plan for TIF #5 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 #5 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 Five, as recommended and adopted by the Pennington County Planning and Zoning Commission on December 7, 2020, and attached as Exhibit A, is hereby approved.

Dated this 15th day of December, 2020.

/s/ Chair Deb Hadcock  
Pennington County Board of Commissioners

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

8. Acknowledge the notice of intent to conduct a raffle – Wasta Volunteer Fire Department.

9. Removed for separate consideration.

10. Declare the following items as surplus equipment for trade or sale: 1985 Harley Davidson FXRP, Model 1340cc Motorcycle, Asset #13807; 1993 International Truck/SUV, Asset #74992; 2013 Chrysler Town & Country, Asset #84073; 2015 Polaris Ranger, 900 Crew, Asset #75522; 2004 Yamaha 660 Grizzly, Asset #40083; 2006 Thor Four Winds, Asset #14449; 2003 DIAC 10' Trailer, Asset #84656; 2006 Forest River Wildwood 27', Asset #37282; 40' 4<sup>th</sup> wheel hydraulic trailer, Asset #006100.

11. Correct an error in the hourly pay rates previously approved on 1/5/2021: Corporal Eric Lindsey currently at B32 Step 12, \$31.60 to Sergeant at B32 Step 15, \$32.71/hr.; Corporal Loren Gerry currently at B32 Step 6, \$29.09 to Sergeant at B32 Step 8, \$30.13/hr.; Corporal Phillip Rivera Jr. currently at B32 Step 1, \$25.74 to Sergeant at B32 Step 3, \$27.08/hr., effective January 10, 2021.

End of Consent Agenda Items

9. PENNINGTON COUNTY WEED AND PEST BOARD APPOINTMENT: MOVED by LaCroix and seconded by Rossknecht to appoint Mr. Bert Jocks (Unit 1) and Mr. Mark DiSanto (Unit 2) to the Pennington County Weed and Pest Board for a term of three (3) years. Vote: Unanimous.

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**ITEMS FROM AUDITOR**

A. TRANSFER OF ALCOHOLIC BEVERAGE LICENSE: MOVED by Rossknecht and seconded by Lasseter to approve the transfer of the Retail (on-sale) Liquor License from Horse Creek Inn Restaurant under Castle Creek Enterprises Inc. to Horse Creek Inn under Bearded Buffalo Trading Co., LLC. Vote: Unanimous.

**ITEMS FROM BUILDINGS & GROUNDS**

A. REQUEST FOR 2 NEW FTE'S: PROJECT MANAGER AND ADMINISTRATIVE ASSISTANT: MOVED by Hadcock and seconded by Rossknecht to approve two (2) new FTE's in the Buildings & Grounds Department: one (1) Project Manager (to be defined) and one (1) Administrative Assistant 1 (DBM-A13). Vote: Unanimous.

**ITEMS FROM EMERGENCY MANAGEMENT**

A. COVID-19 UPDATE: Informational only.

**ITEMS FROM EQUALIZATION**

A. ABATEMENT APPLICATIONS: MOVED by Hadcock and seconded by Rossknecht to approve the abatement applications for the 2020 tax year for the following: Parcel #8003, Zachari B. Greager, \$1,548.22; Parcel #19369, Wheaton College Facilities Development, \$30,655.38; Parcel #64692, Duane A. Nickle Trustee, \$1,418.82; Parcel #11656, Rapid Valley Sanitary District, \$148.64; Parcel #5231, Wheaton College Facilities Development, \$3,687.56; Parcel #50905, Grant A. Parsons, \$1,183.36 & Parcel #8009739, Angel Gerald, \$65.84. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

A. 2021 ANNUAL SUPPLIES AND MATERIALS: MOVED by Hadcock and seconded by LaCroix to authorize the Highway Department to advertise and let bids for the 2021 annual supplies and materials as follows: Aggregate Materials, Asphalt Concrete Composite, Asphalt Maintenance Materials, Pre-Cast Concrete Pipe and Bridge Products, Cutback and Emulsified Asphalt, De-Icing Sand, Fencing, Guardrail, Magnesium Chloride Solution, Seeding, Fertilizing, Mulching and Erosion Control Blanket & Timber Bridge Materials. Vote: Unanimous.

B. 2021 ANNUAL CONSTRUCTION PROJECTS: MOVED by Hadcock and seconded by LaCroix to authorize the Highway Department to advertise and let bids for the 2021 annual construction projects as follows: AST 2021 Asphalt Surface Treatment; ASC 2021 Asphalt Surface Crack Sealing; GR 2021-1 Gravel Haul and Place (Wall Area); BR 2021-2 Bridge Repair 52-312-433 (Old Hill City Road); BR 2021-3 Bridge Repair 52-326-320 (Hisega Road); BR2021-4 Bridge Repairs 52-306-261, 52-311-263, 52-313-265, 52-321-266, 52-324-266 and 52-344-276 (Nemo Road). Vote: Unanimous.

C. UTILITIES CERTIFICATES: MOVED by Hadcock and seconded by Lasseter to approve the Utilities Certificates for anticipated Bridge Improvement Grant Projects on Thunderhead Falls Road for 52-316-316 and 52-317-318. Vote: Unanimous.

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**ITEMS FROM HUMAN RESOURCES**

A. EMPLOYEE HANDBOOK UPDATE NOTICE: Informational only.

**KEYSTONE XL PIPELINE PROJECT SUPPORT**: MOVED by Hadcock and seconded by Lasseter continue support of the Keystone XL Pipeline Project and send letters to Governor Noem and Congressional Delegation urging their continued support. Vote: The motion carried 4-0 with LaCroix abstaining.

**ITEMS FROM COMMISSION MANAGER**

A. PURCHASE OF THANK YOU CARDS: MOVED by Rossknecht and seconded by LaCroix to postpone this item indefinitely. Vote: Unanimous.

B. COMMISSIONER RECOMMENDED FUNCTIONS: MOVED by Hadcock and seconded by Lasseter to approve the County Commissioners recommended functions guiding document dated February 2, 2021. Vote: Unanimous.

C. PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION POSITION: MOVED by Drewes and seconded by Hadcock to place on the agenda for the February 16, 2021, Commission meeting, the appointment of Ron Rossknecht to the Pennington County Housing and Redevelopment Commission. Vote: The motion carried 4-1 with LaCroix voting no.

D. HIGHWAY US16 CORRIDOR STUDY PUBLIC INPUT COMMENTS: MOVED by Drewes and seconded by LaCroix to direct staff to prepare comments for submission for the US16 Corridor Study with the County's position being supportive of the Highway Department's review. Vote: Unanimous.

E. OPPORTUNITY TO COMMENT ON POTENTIAL REVISIONS TO THE METROPOLITAN STATISTICAL AREAS: MOVED by LaCroix and seconded by Lasseter to direct staff to prepare comments for submission for proposed revisions to the Metropolitan Statistical Areas Program with the County's position being opposed. Vote: Unanimous.

MOVED by Rossknecht and seconded by Hadcock for a five-minute recess. Vote: Unanimous.

**2021 LEGISLATIVE SESSION**

A. UPDATE ON PROPOSED BILLS/SESSION ACTIVITY: Informational only.

Commissioner Drewes left the meeting at 10:55 a.m. and did not return.

**APPROVAL OF VOUCHERS**: MOVED by Hadcock and seconded by LaCroix to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$1,269,047.11. Vote: Unanimous.

Aarms, 510.00; Affordable Living Property Management LLC, 800.00; Alcohol Monitoring Systems Inc, 900.00; Amazon.Com Services, 700.56; Anker Law Group PC, 8,752.40; AT&T Mobility, 4,830.89; Bangs, Mccullen, Butler, Foye & Simmons, LLP, 3,114.80; Barnier Law

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Office PC, 4,315.50; Beardsley Jensen & Lee Prof. LLC, 2,215.60; Beshara Mary J., 900.00; BH Energy, 93.19; BH Energy, 31,052.90; BH Energy, 336.45; BH Energy, 199.72; BH Funeral Home & Cremation Service Inc, 3,820.00; BH Services Inc, 389.81; BH Urgent Care LLC, 605.00; BH Wilbert Vault, 1,200.00; Bi Inc, 5,402.25; Bob Barker Company Inc, 234.47; Borge Bradley T, 9,291.50; Bounce Imaging Inc, 3,850.00; Burroughs Counseling and Consultation LLC, 550.00; Cameron, George R, 18.40; Cawelch LLC, 1,375.00; CDW Government Inc, 3,426.00; Century Link, 268.13; Children's Home Society, 5,000.00; Churchill Apartments, 1,098.00; City Of Chamberlain, 600.00; City Of Hill City, 21.48; City Of Rapid City -Water, 18,441.73; City Of Rapid City -Water, 2,368.95; City Of Wall, 145.00; Clayborne, Deanna K, 306.00; Clinical Laboratory Of The Black Hills, 2,005.00; Colbath Atty PC, Angela M, 114,353.11; Community Health Center Of The Black Hills Inc, 220.70; Connelly, Randal E, 10,074.65; Correct Rx Pharmacy Services Inc, 14,410.30; D & J Mobile Home Est, 1,360.00; Dakota Law Firm Prof. LLC, 4,773.60; Dale's Tire & Retreading Inc, 180.00; Dillon Law Office, 1,146.05; Duffy Law Firm, Prof. LLC, 76,719.70; Eagle Ridge Apartments I, 3,293.84; Enders Jason, 207.90; Ertz, Dewey J, 320.00; Estes Park Apartments, 360.00; Excel Truck & Trailer, 2,351.35; Executive Mgmt Fin Office, 53.25; Executive Mgmt Fin Office, 106.50; Fastenal Company, 514.59; Ferguson Enterprises Inc #226, 117.02; Fink, Teresa L, 350.20; Fitzgerald Law Firm, 16,029.15; GFOA, 640.00; Great Western Bank, 6,552.50; Grey & Eisenbraun Law, Prof LLC, 17,839.86; H&S Uniforms and Equipment LLC, 4.00; Hainesway Apartment, 240.00; Harris, Betsey, 658.90; Homeloanserv, 1,989.06; Hopkins Johnny L., 741.70; Huber, Kerri Cook, 100.00; Hyke Funeral Service, 1,557.43; Intoximeters Inc, 78.75; J & J Asphalt Co, 5,225.34; Jerry's Cakes And Bakes, 24.50; Johnstone Supply, 80.64; Katterhagen Mark, 54.00; Kieffer Sanitation/A Waste Management Co, 136.80; Kirk Funeral Home, 1,910.00; Knecht Home Center Inc, 33.74; Laboratory Corporation Of America Holdings, 46.00; Lagge Joshua, 75.00; Language Line Services, 69.97; Laubach Law Office Prof LLC, 19,422.00; Lewis & Clark Behavioral Health Services, 1,104.00; Lewno Lucille M, 518.25; Lifeways Inc, 675.00; Lincoln County Auditor, 126.10; Lockwood Darcy, 54.00; Love, Todd A, 33,096.29; Lutheran Social Services Of SD, 48,583.83; Lynn Jackson Schultz & Lebrun PC, 5,544.10; Marco Inc, 963.84; Maruska, Kayla L, 1,425.00; Medical Waste Transport Inc, 281.22; Medical Waste Transport Inc, 635.91; Midcontinent Communications, 228.98; Midcontinent Communications, 4,733.19; Montana Dakota Utilities, 965.16; Montana Dakota Utilities, 11,275.88; Monument Health Medical Clinic, 85.00; Monument Health Rapid City Hospital Inc., 29,212.46; Monument Health Reference Laboratory, 6,551.77; Moss Psy D LLC, William A, 1,500.00; Motorola Solutions Inc, 7,087.83; Moyle Petroleum, 95.56; Murphy Law Office PC, 9,875.52; Nelson Law, 7,195.88; Nelson, George J, 1,175.12; Northern Heights Apartments, 278.00; Parr Law PC, 7,959.90; Paulsen, Paul, 500.00; Pederson Law Office LLC, 16,810.93; Penn Co Health & Human Sv Petty Cash, 15.00; Penn Co Highway Petty Cash, 464.20; Pennington County Housing & Redevelopment, 513.00; Pharmchem Inc, 57.10; Pioneer Bank & Trust, 764.09; Pioneer Bank & Trust, 1,980.71; Pioneer Bank & Trust, 1,289.63; Pioneer Bank & Trust, 732.49; Pioneer Bank & Trust, 3,522.37; Pioneer Bank & Trust, 74.76; Pitney Bowes Reserve Account, 114.55; Proforma Screening Solutions LLC, 85.00; Rainbow Gas Company, 5,751.32; RC Emergency Services PA, 153.53; RC Journal - Advertising, 1,947.27; RC Medical Center LLC, 5,357.65; Record Storage Solutions, 128.13; Redwood Mediation Services LLC, 114.70; Redwood Toxicology Inc, 5,681.12; Regional West

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Medical Center, 538.30; Reliance Telephone Inc, 24.60; Rensch Law Office, 5,420.31; Ricoh USA Inc, 70.52; Robert Overturf LLC, 873.00; Schaefer, Dean, 561.00; Schlimgen Law Firm Prof. LLC, 815.30; Schurger Richard L., 875.00; Scovel Psychological, 875.00; SD Dept Health, 2,109.00; SD Dept Of Public Safety, 28.00; SD Dept Of Revenue, 660.00; SD One Call Board, 59.85; Shagla Gabriel, 234.61; Skinner Law Office PC, 69,446.15; Speck Jody H, 6,338.95; State Of South Dakota, 106.50; Stephens, Matthew T, 16,051.00; Sturdevant's Auto Parts, 6.87; The Medicine Shoppe, 23.19; The Rushmore Hotel, 655.16; Thompson Lori, 45.00; Thomson Reuters-West, 6,460.36; Tzadik Rapid City LLC, 745.00; Vast Broadband, 1,453.41; Vast Broadband, 492.10; Verizon Wireless, 690.38; Verizon Wireless, 2,390.52; Vermeer High Plains, 9,217.90; Wall Building Center & Construction, 28.55; Wellmark, 483,541.12; Wesolick Law Firm / Aspen Legacy Planning, 922.50; West River Electric, 2,398.66; Western Pathology Consultants PC, 2,000.00; Western Stationers Inc, 541.42; Winner Police Dept, 134.40; Wolf, Ione, 200.00; Working Against Violence, 967.33; Yankton Co Sheriff Office, 150.00; ZMC LLC, 49.98.

**ITEMS FROM PUBLIC**

**PLANNING & ZONING CONSENT AGENDA ITEMS**

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

A. PLANNED UNIT DEVELOPMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review a Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29



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and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Continue the review of Planned Unit Development / PU 16-03 to no later than the October 5, 2021, Board of Commissioner's meeting to allow the applicants time submit a Major Planned Unit Development Amendment or meet the current Conditions of Approval, specifically Condition #28.

**REGULAR PLANNING AND ZONING ITEMS**

**B. SECOND READING OF REZONE / RZ 20-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-05:** David Spear; Fisk Land Surveying – Agent. To rezone 12.8 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Ranchette Residential District to Rural Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Lot A of Lots 1 and 2, Section 3, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve the second reading of Rezone / RZ 20-07 and Comprehensive Plan Amendment / CA 20-05. Vote: Unanimous.

**C. VACATION OF RIGHT-OF-WAY / VR 20-03:** Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying – Agent. To vacate a portion of the Right-of-Way adjoining Lots 1, 2, and 7 of Replatted Lots 7 and 8 of Clear Creek Placer MS 1184 in accordance with the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve Vacation of Right-of-Way / VR 20-03 with the following one (1) condition. Vote: Unanimous.

1. That all necessary resolutions and exhibits vacating the public Right-of-Way be recorded by the applicant at the Register of Deeds Office.

**D. LAYOUT PLAN / LPL 20-47:** Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying – Agent. To combine two lots to create Lot 1R of Lots 7 and 8 of Clear Creek Placer MS 1184 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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EXISTING LEGAL: Lot 1 and Lot 2 of Lots 7 and 8 of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Lots 7 and 8 of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Layout Plan / LPL 20-47 with the following six (6) conditions. Vote: Unanimous.

1. That prior to Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. 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;
3. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to the mylar being filed at Register of Deeds, the applicant obtain an approved Rezone and Comprehensive Plan Amendment;
5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 20-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-06: Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying – Agent. To rezone 1.01 acres from General Agriculture District (minimum 40 acre lot size) to Suburban Residential District (minimum 20,000 square foot lot size) and to amend the Comprehensive Plan to change the Future Land Use from Rural Residential District (minimum 3 acre lot size) to Suburban Residential District (minimum 6,500 square foot lot size) in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 1 and 2 of Lots 7 and 8 of Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve of Rezone / RZ 20-08 and Comprehensive Plan Amendment / CA 20-06. Vote: Unanimous.

F. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 21-01: Keith Kuchenbecker. To construct a road within the Section Line Right-of-Way to provide access to property located in Sections 22 and 23, T1S, R5E.

Sections 22 and 23, T1S, R5E, BHM, Pennington County, South Dakota.

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MOVED by Lasseter and seconded by Hadcock to construct a Road Within the Section Line Right-of-Way / CS 21-01, which includes constructing the Section Line Right-of-Way to County Ordinance 14 Standards, with the following eight (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource's Storm Water Construction Permit 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 Section 507(A) of the Pennington County Zoning Ordinance;
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
8. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

**G. REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS** Keith

Kuchenbecker: MOVED by Hadcock and seconded by Lasseter to continue this item until the February 16, 2021 Commission meeting. Vote: Unanimous.

**EXECUTIVE SESSION – SDCL 1-25-2**

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

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

MOVED by 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 11:27 a.m. until 12:11 p.m. MOVED by LaCroix and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

MOVED by LaCroix and seconded by Lasseter to approve an exception to the wage policy and move Health & Human Services Director, Barry Tice to a Grade D62, Step 5, \$3,658.40/bi-wkly., effective February 7, 2021. Vote: Unanimous.

**PAYROLL**

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of February 2, 2021

Commissioners, 9,195.66; Elections, 7,082.40; Auditor, 11,623.24; Treasurer, 39,663.28; State's Attorney, 143,244.22; Public Defender, 79,011.21; Buildings & Grounds, 64,814.71; Equalization, 53,350.48; Register of Deeds, 13,420.00; IT, 23,899.16; Human Resources, 7,751.21; Sheriff 276,462.49; Jail, 323,651.62; JSC, 113,486.50; JSC Juvenile Alternative, 4,756.07; CCADP, 119,617.62; Economic Assistance, 32,191.57; Extension, 1,436.80; Weed & Pest, 6,035.17; Natural Resource Management, 4,423.20; Planning and Zoning, 15,157.00; Road & Bridge, 102,758.45; Fire Administration, 3,630.70; Dispatch, 101,214.94; Emergency Management, 4,989.30; 24-7 Program, 11,048.08; Macarthur 217 Safety & Justice Challenge, 14,564.68.

**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 January 25, 2021: Total balances of checking/savings accounts 19,803,708.21; Total balance of Treasurer's Office safe cash, 14,000.00; Total certificates of deposit, 2,526,462.69; Total Prime Value Investment, 32,328,946.77; Total petty cash, 17,040.00; NSF Checks, \$173.20; Total long/short, (224.76); Total, 54,690,106.11. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**

IT: Effective 02/08/2021: Rory Stone, \$18.86; Tara Marie Bruce, \$18.86.

Jail: Effective 02/07/2021: Mikki Mogensen, \$22.80.

State's Attorney: Effective 01/25/2021: Brooke Romeo, \$21.93; Kristen Clanton, \$20.34.

**ADJOURN**

MOVED by LaCroix and seconded by Lasseter to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:13 p.m.

/s/ Cindy Mohler, Auditor

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

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