

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, March 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 Lacroix to approve the agenda as presented. Vote: Unanimous.

CONSENT AGENDA ITEMS

MOVED by LaCroix and seconded by Lasseter to approve the Consent Agenda with the removal of item 11. Vote: Unanimous.

6. Approve the minutes of the February 16, 2021, meeting.
7. Approve the Order for Organization and Incorporation for the Pine Cone Avenue Road District, with the following legal description: Lots B, C, D, E, F, G, & H of Emerald Park Subdivision, BHM, Pennington County, South Dakota.
8. Acknowledge the filing of petitions as application for organization of the proposed Valley Heights Estates Sanitary District by the voters within the proposed district boundaries.
9. Declare Asset #005571 work station as surplus for the purpose of disposal.
10. Accept the recommendation for appointment of Erik Bringswhite to the Public Defender Advisory Committee.
11. Removed for separate consideration.

End of Consent Agenda Items

11. **ACKNOWLEDGEMENT OF RESIGNATION:** MOVED by LaCroix and seconded by Rossknecht to acknowledge the resignation of Deborah Dubray from the Pennington County Housing and Redevelopment Commission, effective February 17, 2021. Vote: Unanimous.

PRESENTATION OF ADOPT-A-HIGHWAY PROGRAM CERTIFICATES OF APPRECIATION: Informational only.

REQUEST FOR PERMIT TO OCCUPY THE RIGHT-OF-WAY AND FOR ROAD CLOSURE/TRAFFIC CONTROL: MOVED by Hadcock and seconded by Lasseter to approve the permit to occupy the right-of-way and for road closure/traffic control for the 2021 Deadwood Mickelson Trail Marathon. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **TRANSFER OF ALCOHOLIC BEVERAGE LICENSE:** MOVED by Rossknecht and seconded by LaCroix to approve the transfer of the Retail (on-off sale) Malt Beverage and SD Farm & Wine License from Mt. Meadow Store and Campground, LLC. under Mt. Meadow Store and Campground, LLC. to A Bar H Store and Campground, LLC. dba Mt. Meadow Store and Campground under Kevin McNitt – A Bar H Store and Campground LLC. Vote: Unanimous.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

B. HISTORICAL DOCUMENTS: Informational only.

ITEMS FROM SHERIFF

A. OVERVIEW OF BUREAU OF JUSTICE GRANT FOR THE INNOVATIONS IN REENTRY INITIATIVE: BUILDING SYSTEM CAPACITY AND TESTING REENTRY STRATEGIES TO REDUCE RECIDIVISM AND REQUEST TWO (2) FTE CASE MANAGERS: MOVED by Rossknecht and seconded by Hadcock to approve two (2) full time Case Managers to be paid for by the Innovations in Reentry Grant through the end of the grant period in 2024. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. ABATEMENT APPLICATIONS: MOVED by Hadcock and seconded by Lasseter to approve the abatement applications for the 2020 tax year for the following: Parcel #56026, Michael Ramsey, \$881.02; Parcel #63545, City of Box Elder, \$617.74; Parcel #8007545, Justin Kistler, \$188.48; Parcel #8008791, Ellsworth Development, \$19.20; Parcel #7781, Ellsworth Development, \$157.06; Parcel #6868, Ellsworth Development, \$100.06. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. RESOLUTION 2021-03-02-1: MOVED by LaCroix and seconded by Lasseter to approve Resolution 2021-03-02-1 temporarily reducing the speed limit on Sheridan Lake Road to 35 miles per hour from Norsemen Lane to Rockwood Road. Vote: Unanimous.

RESOLUTION 2021-03-02-1

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 March 31, 2021; and

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 35 miles per hour be established on Sheridan Lake Road beginning at the Norsemen Lane intersection, thence west to the Rockwood Road intersection, for a distance of 2.34 miles.

Dated this 2nd day of March, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

B. REQUEST TO RELOCATE CATTLE GUARD ON BABCOCK ROAD: MOVED by Lasseter and seconded by Rossknecht to continue this item until a future Board of Commissioner's meeting. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

A. NEW POSITION REQUEST: MOVED by LaCroix and seconded by Rossknecht to approve the position and title of Heavy Equipment Mechanic Intern in the Highway Department at a DBM rating B21, \$16.42/hr. and authorize Human Resources to update the position listing. Vote: Unanimous.

2021 LEGISLATIVE SESSION

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

APPROVAL OF VOUCHERS: MOVED by Rossknecht and seconded by Lasseter to approve the voucher in the amount of \$425.00 to Price, LLC. Vote: The motion carried 4-0 with Hadcock abstaining. MOVED by Lasseter and seconded by Rossknecht to approve the remainder of the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$593,963.48. Vote: Unanimous.

A & A Professional Property Management, 975.00; BH Energy, 1,513.55; BH Energy, 39.96; Bridgewood Estates LP, 300.00; CC Property Management LLC, 500.00; Century Link, 130.27; City Of Rapid City -Water, 18,370.00; City Of Rapid City -Water, 3,348.90; Custer Gas, 122.63; Eagle Ridge Apartments I, 245.00; Executive Mgmt Fin Office, 159.75; Matthew Properties LLC, 775.00; Medical Waste Transport Inc, 524.07; Midcontinent Communications, 1,984.24; Midcontinent Communications, 3,592.93; Montana Dakota Utilities, 8,978.09; Montana Dakota Utilities, 3,708.33; Pennington County Housing & Redevelopment, 1,378.00; Pioneer Bank & Trust, 5,066.65; Pioneer Bank & Trust, 1,904.15; Pioneer Bank & Trust, 13,458.35; Pioneer Bank & Trust, 2,279.51; Pioneer Bank & Trust, 2,042.12; Price LLC, 425.00; Rainbow Gas Company, 6,418.36; Reliance Telephone Inc, 18.70; Sakura LLC, 664.00; Vast Broadband, 120.46; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 709.86; Verizon Wireless, 1,750.16; Wellmark, 512,392.06; West River Electric, 161.00; Whisper Rock Apartments, 300.00.

MOVED by Rossknecht and seconded by Lasseter to take a five-minutes recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. SUBDIVISION REGULATIONS VARIANCE / SV 21-01: Allen and Tamera Schmidt. To waive the requirement to not construct additional water storage for domestic use and fire protection requirements in a Planned Unit Development District in accordance with Sections 213, 500.7, and 700.1 of the Pennington County Subdivision Regulations and Zoning Ordinance.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

Lot 4, Block 1, Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue this item until the March 16, 2021, Board of Adjustment meeting. Vote: Unanimous.

B. SUBDIVISION REGULATIONS VARIANCE / SV 21-02: Allen and Tamera Schmidt. To waive submittal of the Fire Mitigation requirements to not install fire sprinklers in a single-family residence in a Planned Unit Development District in accordance with Sections 213, 500.8, and 700.1 of the Pennington County Subdivision Regulations and Zoning Ordinance.

Lot 4, Block 1, Mountain Meadows Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to continue this item until the March 16, 2021, Board of Adjustment meeting. Vote: Unanimous

C. SUBDIVISION REGULATIONS VARIANCE / SV 21-03: Grandview Land, LLC (Dan Lewis); Gordon Howie - Agent. To waive the requirement to not construct a second means of ingress/egress, to not submit engineered road plans and to not construct to Ordinance 14 Standards, and to waive the requirement that written authorization is obtained from the local water supplier stating that there is an adequate water supply to serve the proposed subdivision in a Planned Unit Development District in accordance with Sections 213 and 700.1 of the Pennington County Subdivision Regulations and Zoning Ordinance.

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

MOVED by Lasseter and seconded by Hadcock to continue this item to no later than April 6, 2021, Board of Adjustment meeting, per the applicant's request. Vote: Unanimous.

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

REGULAR PLANNING AND ZONING ITEMS

D. SECOND READING OF REZONE / RZ 21-01: Ron and Susan Johnson. To rezone 10.473 acres from Low Density Residential District and General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, 207, and 508 of the Pennington County Zoning Ordinance.

Metes and bounds description more fully described as follows: Commencing at the northwesterly corner of Lot 1-R of Jones Ranch subdivision, and the point of beginning.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

Thence, first course: N 89°56'58" E, along the northerly boundary of said Lot 1-R, a distance of 609.94 feet, to the northeasterly corner of said Lot 1-R; Thence, second course: S 00°01'10" E, along the easterly boundary of said Lot 1-R, a distance of 117.09 feet; Thence, third course: N 89°56'22" E, a distance of 394.64 feet, to the northwesterly corner of Lot 3 of Jones Ranch Subdivision; Thence, fourth course: S 00°03'38" E, along westerly boundary of said Lot 3, a distance of 383.04 feet, to the southwesterly corner of said Lot 3, common to a point on the northerly edge of said Dawkins Road right-of-way; Thence, fifth course: S 89°56'08" W, along the northerly edge of said Dawkins Road right-of-way, a distance of 394.91 feet, to the southeasterly corner of said Lot 1-R; Thence, sixth course: S 89°57'57" W, along the southerly boundary of said Lot 1-R, common to the northerly edge of said Dawkins Road right-of-way, a distance of 609.86 feet, to the southwesterly corner of said Lot 1-R, common to a point on the easterly edge of Caputa Loop right-of-way; Thence, seventh course: N 00°01'44" W, along the westerly boundary of said Lot 1-R, common to the easterly edge of said Caputa Loop right-of-way, a distance of 499.98 feet, to the said Point of Beginning. Said Parcel contains 10.473 acres more or less, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve the second reading of Rezone / RZ 21-01. Vote: Unanimous.

E. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT (OVERLAY) / PU 21-03: Yardley and Co., Inc.; Shelby Woodland. To rezone 40 acres from General Agriculture District to a Planned Unit Development (Overlay District) to allow for a Seasonal Event Venue / Specialty Resort on the subject property in accordance with Sections 205, 213, and 508 of the Pennington County Zoning Ordinance.

SE1/4SW1/4, Section 21, T2N, R17E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by LaCroix to approve the first reading of Planned Unit Development (Overlay) / PU 21-03 with the following twenty-nine (29) conditions. Vote: Unanimous.

1. That the purpose of this Planned Unit Development (Overlay) be to allow a Seasonal Event Venue/Specialty Resort and events, such as: live music, weddings, caterers/food trucks, markets, community events, beer and wine sales, rental space, overnight rental camper, canvas wall tent(s), primitive tent camping, and dry RV camping and other types of small gatherings similar in nature;
2. That the maximum capacity of guests be limited to 200 people;
3. That this Planned Unit Development be considered an overlay district; whereby, the provisions of the underlying General Agriculture District still apply, and, if the property is no longer being utilized as an Event Venue / Specialty Resort, the zoning revert back to Agriculture, assuming the same lot configuration;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

4. That prior to operation of the Seasonal Event Venue/Specialty Resort, the applicant create an Emergency Plan to evacuate guests from the property in the event of an emergency. The Emergency Plan must be posted in the event structure (Barn) and rental camper at all times. Copies of the plan shall also be provided to all overnight guests in case there is a need to evacuate and that a copy of said plan be submitted to the Planning Department and be kept on file;
5. That the Seasonal Event Venue/Specialty Resort operate only May 1st to January 1st of each year;
6. That the hours of operation for the events be 9 a.m. to 12:00 a.m. on Friday and Saturday, and 9 a.m. to 10 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday;
7. That quiet hours be 10:00 p.m. to 9:00 a.m., Sunday through Thursday and from 12:00 a.m. to 9:00 a.m., Friday and Saturday;
8. That the RV rental be hooked to an approved onsite wastewater treatment system;
9. That port-a-potties be provided to the primitive tent camping and dry RV camp sites (one per 50 guests);
10. That a smoke detector be placed on each level of the event structure (Barn);
11. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the event structure (Barn) and overnight rental camper, so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
12. That daily and event operations of the Seasonal Event Venue/Specialty Resort be conducted by owners, on-site manager, and staff as necessary;
13. That the maximum occupancy for both primitive tent camping and dry RV camping be 20 tent sites and 20 dry RV camping sites, not to exceed 40 sites total;
14. That use of the overnight rental camper, canvas wall tent(s), primitive tent camping, and dry RV camping is only allowed during the operation of the Seasonal Event Venue/Specialty Resort from May 1st to January 1st of each year and no permanent living is allowed on the property at any time;
15. That the intensity and duration of sound from any and all sources follow South Dakota Codified Law 22-18-35;
16. That prior to operation of the Seasonal Event Venue/Specialty Resort, the address be properly posted on both the event structure (Barn) and at the approach so it is visible in both directions of travel along Kelly Hill Road, accordance with Pennington County's Ordinance #20;
17. That the applicant continually works with the Quinn Volunteer Fire Department and the Pennington County Fire Administrator on an Emergency Plan;
18. That no open pit fire places or fire pits are allowed on the property at any time;
19. That a minimum of 46 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
20. That no on-street vehicular parking shall be permitted along Kelly Hill Road;
21. That temporary structures, such as tents, only be erected for a period not to exceed three (3) continuous months in any calendar year, after the approval of a Temporary Building Permit, or the applicant obtain a regular approved Building Permit for a tent or a more permanent structure;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

22. That temporary port-a-potties only be placed on the subject property when needed, not to exceed three (3) continuous months in any calendar year;
23. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
24. That prior to placement of any on-premise sign(s), the applicant obtain approval of a Sign Permit;
25. That the applicants obtain all necessary permits from other governing bodies for operation of the Seasonal Event Venue/Specialty Resort including, but not limited to, approval from the South Dakota Department of Health, Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
26. That the onsite wastewater system be pumped every three (3) years and that a current Operating Permit is obtained;
27. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
28. That the applicants ensure the agriculture character of the property is maintained at all times and is kept free of junk and debris;
29. That this Planned Unit Development be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

F. VACATION OF PLAT / VP 21-01: Neugebauer Brothers Dairy; Stanley Neugebauer. To vacate the plat of Lots 2, 4, 6, 8 and 10 of Lots 1 through 10 in Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

Lots 2, 4, 6, 8 and 10 of Lots 1 through 10 in Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Vacation of Plat / VP 21-01 with the following two (2) conditions. Vote: Unanimous.

1. That all necessary resolutions for the Vacation of Plat / VP 21-01 be recorded by the applicant at the Register of Deeds' Office; and,
2. That after the resolution is filed, the new legal descriptions should read per Department of Equalization's comments contained in this report.

RESOLUTION APPROVING VACATION OF PLAT

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PENNINGTON COUNTY, SOUTH DAKOTA, THAT WHEREAS

A PETITION FOR VACATION OF PLAT OF

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

Lots 2, 4, 6, 8 and 10 of Lots 1 through 10 in Section 8, T2S, R8E, BHM, Pennington County, South Dakota,

was duly filed with the County Auditor for the purpose of examination and approved by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Petition for Vacation of Plat of the above, now to be known as

SE1/4NE1/4; THAT PT NE1/4NE1/4 LYING S and E OF RR ROW; THAT PT SE1/4SW1/4 LYING S and E OF RR ROW and LESS SE1/4SE1/4SW1/4; 50' WIDE STRIP IN W1/2NE1/4 LYING S and E OF RR ROW; THAT PT NW1/4NE1/4 LYING S and E OF RR ROW and LESS AFOREMENTIONED 50' WIDE STRIP; THAT PT SW1/4NE1/4 LYING S and E OF RR ROW and LESS AFOREMENTIONED 50' WIDE STRIP; THAT PT NE1/4SW1/4 LYING S and E OF RR ROW; SE1/4 LESS S1/2S1/2SE1/4SE1/4, Section 8, T2S, R8E, BHM, Pennington County, South Dakota,

be, and the same is hereby approved by the Board of County Commissioners of Pennington County, South Dakota, on the 2nd day of March, 2021.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

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

G. PRELIMINARY PLAT / PPL 21-06: Grandview Land, LLC (Dan Lewis); Gordon Howie. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

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

MOVED by Hadcock and seconded by Lasseter to continue this item to no later than the April 6, 2021, Board of Commissioner's meeting to address concerns of the Planning Commission and for the applicant's Subdivision Regulations Variance to be heard. Vote: Unanimous.

H. APPROVAL OF THE ANNUAL MS4 STORMWATER REPORT: MOVED by Hadcock

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021

and seconded by Lasseter to continue the Annual Stormwater MS4 Report to the March 16, 2021, Board of Commissioners meeting and to request the State allow an extension to submit until March 19, 2021. Vote: Unanimous.

EXECUTIVE SESSION – SDCL 1-25-2

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

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. Vote: Unanimous. The Board remained in Executive Session from 11:27 a.m. until 12:05 p.m. MOVED by Hadcock and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

PAYROLL

Commissioners, 9,195.67; Elections, 7,082.39; Auditor, 11,659.81; Treasurer, 37,497.30; State's Attorney, 149,801.20; Public Defender, 81,895.92; Buildings & Grounds, 66,132.86; Equalization, 40,640.88; Register of Deeds, 13,420.00; IT, 23,944.97; Human Resources, 7,751.20; Sheriff, 268,624.56; Jail, 322,579.25; JSC, 115,162.54; JSC Juvenile Alternative, 4,713.43; CCADP, 109,697.17; Economic Assistance, 31,424.80; Extension, 1,436.80; Weed & Pest, 5,353.60; Natural Resource Management, 4,423.20; Planning and Zoning, 15,318.01; Road & Bridge, 108,471.26; Fire Administration, 3,630.70; Dispatch, 101,580.10; Emergency Management, 4,989.35; 24-7 Program, 10,468.77; MacArthur Safety & Justice Challenge, 13,113.95.

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 February 22, 2021: Total balances of checking/savings accounts 19,797,778.90; Total balance of Treasurer's Office safe cash, 14,000.00; Total certificates of deposit, 2,526,462.69; Total Prime Value Investment, 28,766,916.53; Total petty cash, 17,040.00; Total long/short, (245.82); Total, 51,121,952.30. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL

Dispatch: Effective 03/07/2021: Ashlin Wickham, \$20.30.

HHS: Effective 03/22/2021: Lisa Gruhn, \$25.74.

Treasurer: Effective 03/09/2021: Christopher Weisbeck, \$18.38.

ADJOURN

MOVED by LaCroix and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 12:05 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: March 17, 2021

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 2, 2021