

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of July 6, 2021

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, July 6, 2021, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Gary Drewes called the meeting to order with the following Commissioners present: Deb Hadcock, Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

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

CONSENT AGENDA ITEMS

MOVED by Rossknecht and seconded by Lasseter to approve the Consent Agenda with the removal of item 8. Vote: Unanimous.

5. Approve the minutes of the June 15, 2021, regular meeting.
6. Authorize the Chair's signature to the Order of Organization and Incorporation for the Hardesty Road District, with the following legal description: Lot 1-3 inclusive, Lot B of Lot 4, balance of Lot 4, Lot 5-8 inclusive of Hardesty Acres located in Township 1S, Range 5E, Section 36, BHM, Pennington County, South Dakota.
7. Acknowledge the Resolution for a minor adjustment to road district boundaries of the Summer Creek Inn Road District in total described as: Lot 8 & that ½ of Platted Private Dr. adj to said Lot, Custer Trails Subdivision #1, BHM, Pennington County.
8. Removed for separate consideration.
9. Acknowledge the notice of intent to conduct a raffle – Ellsworth AFB Maintenance Group Without Weapons It's Just Another Airline.
10. Acknowledge disinterment permit #1406458.
11. Approve the Adopt-A-Highway Application for a portion of Deerfield Road by Ketel Thorstenson LLP.
12. Declare Agile Mesh Camera System equipment, asset #'s 06050, 05994 and 05993, as surplus property for the purpose of donation.
13. Declare the firearms on the list presented as surplus property to be sold at auction.
14. Declare E-Studio 657 copier, asset #6351 as surplus property for the purpose of destruction or disposal.

End of Consent Agenda Items

8. **ACKNOWLEDGE THE NOTICE TO CONDUCT A RAFFLE:** MOVED by Lasseter and seconded by LaCroix to acknowledge the notice of intent to conduct a raffle for Silver City Volunteer Fire Department. Vote: Unanimous.

APPOINTMENT TO THE PLANNING COMMISSION: MOVED by Hadcock and seconded by LaCroix to appoint Sandy Brockhouse to the Planning Commission and approve the Chair's signature on the Warrant of Appointment. Vote: Unanimous.

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2020 FINANCIAL AND COMPLIANCE AUDIT – STATE OF SOUTH DAKOTA DEPARTMENT OF LEGISLATIVE AUDIT – MR. ALLEN SCHAEFER, AUDITOR IN CHARGE: MOVED by Rossknecht and seconded by LaCroix to authorize the Chair’s signature on the Engagement Letter from the South Dakota Department of Legislative Audit for the 2020 Audit. Vote: Unanimous.

AGREEMENT FOR OPERATION AND USE OF FAIRGROUNDS PROPERTY AND BUILDINGS: MOVED by LaCroix and seconded by Rossknecht to approve the Agreement for Operation and use of Fairgrounds Property and Buildings between Pennington County and the Central States Fair Inc. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **FY2022 PROVISIONAL BUDGET:** MOVED by Rossknecht and seconded by Hadcock to continue the FY2022 budget until the July 20, 2021, Commission meeting. Vote: Unanimous.

ITEMS FROM EQUALIZATION

A. **ABATEMENT APPLICATIONS:** MOVED by Rossknecht and seconded by LaCroix to approve the abatement application for Parcel #62343 (Boland, Leo & Bernice) in the amount of \$1,273.22 for tax year 2019 & 2020. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to approve the abatement application for Parcel #8002387 (Alverson, Denise) in the amount of \$23.50 for tax year 2019 & 2020. Vote: Unanimous.

REQUEST TO ESTABLISH A SPEED LIMIT: MOVED by Hadcock and seconded by Lasseter to approve the request to set the speed limit to 30 mph for a section of gravel road east of intersection 156th and 229th and to direct the Highway Department to prepare the necessary resolution for approval. Vote: Unanimous.

REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVE OF A SECOND APPROACH: MOVED by Hadcock and seconded by Rossknecht to approve a variance to Ordinance 14 Standards and allow a second approach to the property located at 2834 Crane Dr, Rapid City, SD. Vote: Unanimous.

REQUEST FOR VARIANCE TO ORDINANCE 14 AND APPROVE OF A SECOND APPROACH: MOVED by Hadcock and seconded by Lasseter to approve a variance to Ordinance 14 Standards and allow a second approach to the property located at 12628 Mitchell Lake Rd, Hill City, SD. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. **WORK ORDERS FOR SURVEY & HYDRAULICS:** MOVED by Hadcock and seconded by Lasseter to approve Work Order LGA-77-20 and LGA-78-20 with KLJ Engineering and the SDDOT for survey and hydraulics for Thunderhead Falls Road bridge 52-317-313 and Hammerquist Road bridge 52-575-383. Vote: Unanimous.

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B. WILSEY ROAD RECONSTRUCTION AGREEMENT: MOVED by Hadcock and seconded by Lasseter to approve the Ferber Engineering Company, Inc. agreement in the amount of \$28,845 for the design of the Wilsey Road washout repairs. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES

A. POSITION RATING ADJUSTMENT: MOVED by Hadcock and seconded by LaCroix to approve the recommended DBM of C43 with the base rate of \$31.46/hr. for the Chief Deputy Auditor position effective July 11, 2021 and authorize Human Resources to update the position listing. 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 10:01 a.m. until 10:30 a.m. MOVED by Rossknecht and seconded by LaCroix to come out of Executive Session. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to authorize a Grant Manager position in the Auditor's Office, to transfer one FTE from the Sheriff's Office to the Auditor's Office and to move Liz Hassett to DBM C41, step 7, \$32.60/hr., effective July 25, 2021. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

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

A. VARIANCE / VA 21-13: Pennington County Emergency Services Communication Center. To reduce the setback for a telecommunications tower from 500 feet to 30 feet to an Agriculture District less than 40 acres in accordance with Sections 205, 212, 316 and 509 of the Pennington County Zoning Ordinance.

Lot 1R, RFD Subdivision, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve VA21-13 with one condition because a special condition exists on the property. Vote: Unanimous.

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

B. VARIANCE / VA 21-14: Jeff DeVeny. To allow for an off-premise sign to be located 1,500 feet from a residential district/dwelling unit in accordance with Sections 312-A-2 and 509 of the Pennington County Zoning Ordinance.

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Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve VA 21-14 with three (3) conditions because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: it conforms to the topography, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: the use of the property, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That Variance / VA 21-14 only applies to the 24' x 28' proposed sign identified in the site plan, included as part of this Staff Report;
2. That the applicant obtains an approved Conditional Use Permit for the proposed off-premise sign prior to application of a Sign Permit; and,
3. That the applicant obtains an approved Sign Permit prior to construction or placement of the sign on the subject property.

C. VARIANCE / VA 21-15: Michael and Angela Holmberg; Renner Associates - Agent. To allow for an additional dwelling unit(s) in excess of 40 units on a Dead End Road system in an Agriculture District in accordance with Sections 205, 204-F and 509 of the Pennington County Zoning Ordinance.

Lot 1 Less Dedicated Right-of-Way, Lovell Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve VA 21-15. Vote: Unanimous.

D. SUBDIVISION REGULATIONS VARIANCE / SV 21-13: Kathryn Policky. To waive the requirement to submit percolation tests and soil profile hole information for the subject property in a Rural Residential District in accordance with Sections 207, 400.3.1.p, and 700 of the Pennington County Subdivision Regulations.

Tract B of E1/2SE1/4 Less Tract B-1, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve VA 21-13 with one (1) conditions because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: not sure where the home will be located, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: would have to get percolation test twice, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

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1. That this Variance to waive percolation tests and soil profile hole information is only for proposed Tract 2 of Policky Subdivision and not for any further development, subdivision, or rezoning of this lot.

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

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 LaCroix to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

E. MINOR PLAT / MPL 21-34: Jessica Hessler – 7 Wonders, LLC; Fisk Land Surveying – Agent. To combine three lots to create Lot 1 Revised of Block 1 of Forest Homes Development and Dedicated Right-of-Way in a Suburban Residential District in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1 and 2 of Block 1 of Forest Homes Development and Tract 0046 all located in Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 Revised of Block 1 of Forest Homes Development and Dedicated Right-of-Way, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 21-34 with the following seven (7) conditions:

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

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REGULAR PLANNING AND ZONING ITEMS

F. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 21-02:

Lyndon Bolt. To construct a road within the Section Line Right-of-Way to provide access to property located in Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve the request for Road Construction within a Section Line Right-Of-Way / CS 21-02 which includes constructing the Section Line Right-of-Way to Ordinance 14 Standards with eight (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all
2. 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;
3. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;
4. 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;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
7. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
9. 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:** Lyndon Bolt. MOVED by Hadcock and seconded by Lasseter to approve the request to not submit engineered road construction plans. Vote: Unanimous.

H. **CONDITIONAL USE PERMIT / CU 21-35: RMS Lode, LLC: Matt Keck.** To allow a Recreational Vehicle Park on the subject property in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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MOVED by LaCroix and seconded by Lasseter to approve Conditional Use Permit / CU 21-35 with the following nineteen (19) conditions. Vote: The motion carried 3-2 with Hadcock and Lasseter voting no.

1. That the Private Recreational Vehicle (RV) Park uses shall consist of 11 RV from April 1st to October 31st, and no tent camping is allowed;
2. That the RV sites only be used by employees of RMS Lode, LLC and/or its tenants;
3. That all RVs dispose of waste through an approved Waste Water Treatment System;
4. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Stenson Meadows Rd;
5. That the interior one-way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
6. That a minimum 10-foot separation be maintained at all times between each RV site;
7. That each RV has a lot number clearly posted;
8. That the RV Park conforms to all regulations in § 306 of the Pennington County Zoning Ordinance;
9. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Agriculture and Natural Resources and Health;
10. That any new On-site Wastewater systems be installed in accordance with all South Dakota Department of Agriculture and Natural Resources regulations;
11. That the property remains free of debris and junk vehicles;
12. That the minimum setback requirements of a Highway Service District be maintain on the subject property, or approved Setback Variance(s) be obtained;
13. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
14. That an approved Approach Permit be obtained;
15. That the applicant maintains all-natural drainage and pathways.
16. That parking is allowed within the road easement in designated parking spots (per the site plan of June 28, 2021);
17. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Pennington County Zoning Ordinance Section 312;
18. That the applicant adheres to Pennington County Zoning Ordinance Section 510; and,
19. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

I. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT/ PU 21-10: Rapid City MHP, LLC; Joseph Mailander-Agent. To amend the existing Planned Unit Development to allow for an additional six mobile home sites on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

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

MOVED by Hadcock and seconded by Lasseter to approve Major Planned Unit Development Amendment / PU 21-10 with the following twenty-one (21) conditions. Vote: Unanimous.

1. That the PUD has a maximum of 57 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes shall have a minimum 20-foot separation between units;
4. That decks and/or porches be allowed as accessory structures to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
7. That each mobile home space has a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
9. Prior to the issuance of a Building Permit the existing On-Site Wastewater Treatment System be pumped and inspected and any repairs completed;
10. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
11. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
12. That the mobile home park be provided with an on-site management office;
13. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;
14. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
15. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Flood Plain Development Permit shall be obtained for any work within the 100-year floodplain;
16. That the storage units be used exclusively for storage and not retail business activities;
17. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;

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18. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
19. That a map be submitted to Rapid City's GIS Department showing the new addresses within the mobile home park;
20. That the first one hundred feet off of Sturgis Road be hard surfaced; and,
21. That this PUD be reviewed in six (6) months, on a complaint basis, or deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to an existing Planned Unit Development: Major Planned Unit Development Amendment 21-10 (Rapid City MHP, LLC).

J. LAYOUT PLAN / LPL 21-30: Edward and Tammy Davis. To combine three lots to create Lot 7R-2 of Forest View Subdivision in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 5, 6, and 7R (also located in Section 27), Forest View Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 7R-2 (also located in Section 27), Forest View Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve Layout Plan / LPL 21-30 with the following nine (9) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
4. 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;
5. 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;

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6. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line right-of-way be dedicated and improved by the developer or a Variance be obtained, waiving this requirement;
7. That prior to the mylar being filed at Register of Deeds, the applicant obtains either an approved Rezone and Comprehensive Plan Amendment or Lot Size Variance for the proposed lot;
8. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

K. LAYOUT PLAN / LPL 21-31: Timothy and Marjorie Schwab. To combine two lots to create 14R of Double Diamond Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 13 and Lot 14 of Double Diamond Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 14R, Double Diamond Ranch Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Layout Plan / LPL 21-31 with the following eleven (11) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being Recorded at Register of Deeds, the applicant obtains a Rezone or a Lot size Variance for the proposed lots;
4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
5. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of §400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the Certifications on the plat be in accordance with §400.3(1)(n) of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
8. That at the time of the Minor Plat submittal, the proposed Plat contain the Floodway floodplain limits in accordance with current FIRM Panel;

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9. 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;
10. 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,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

L. PRELIMINARY PLAT / PPL 21-32: David Stone. To create Lot B of Guy Davis Homestead in accordance Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 1 (also in Section 14) of Guy Davis Homestead and S1/2NE1/4; GL 2-4 Less Lot A of GL 4; SE1/4 all located in Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot B of Guy Davis Homestead, Section 11, T6N, R17E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Preliminary Plat / PPL 21-32 with the following five (5) conditions. Vote: Unanimous.

1. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That at the time of Final 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 the applicant ensures all natural drainage ways are maintained and not blocked; and,
5. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

M. PRELIMINARY PLAT / PPL 21-33: Betty Johnson. To subdivide and create Lot 1A, Lot 1B, Lot 1C and Lot 1D of Black Metal No. 4 Lode M.S. 1986 in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Black Metal #4 Lode MS 1986, Sections 19, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1A, Lot 1B, Lot 1C and Lot 1D of Black Metal No. 4 Lode M.S. 1986, Sections 2 and 3, T2S, R5E, BHM, Pennington County, South Dakota.

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MOVED by LaCroix and seconded by Rossknecht to approve Preliminary Plat / PPL 21-33 with the following seven (7) conditions. Vote: Unanimous.

1. That prior to Final Plat submittal, the applicant identifies the existing On-site Wastewater Treatment System on proposed Lot 1D and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;
2. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Final Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for proposed Lot 1A, Lot 1B, Lot 1C, and Lot 1D, or obtain an approved Subdivision Regulations Variance to waive these requirements;
6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
7. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

N. PUBLIC HEARING OF REZONE / RZ 21-04: Mike Cimino, Nicarly Properties, LLC. To rezone from Rural Residential District to Agriculture District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Blocks 2-5 in NE1/4SE1/4; that PT of Unplat PT of N1/2SE1/4 Lying E of CO RD #318 Less RR ROW, Section 8, T1N, R4E, BHM, Pennington County, South Dakota

MOVED by Lasseter and seconded by LaCroix to approve Rezone/ RZ 21-04. Vote: Unanimous.

NOTICE OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-04 (Mike Cimino) to rezone to Agriculture District.

O. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-08
APPROVAL BY RESOLUTION: TDG Real Estate, LLC; Mike Gennaro. 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.

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All of Glendale #1 Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Drewes to continue Comprehensive Plan Amendment / CA 21-08 to the August 3, 2021, Commission meeting. Vote: Unanimous.

P. PUBLIC HEARING OF REZONE / RZ 21-14: TDG Real Estate, LLC; Mike Gennaro. To rezone 8.79 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

All of Glendale #1 Lode MS 1111, Section 14, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to continue Rezone / RZ 21-14 to the August 3, 2021, Commission meeting. Vote: Unanimous.

Q. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-10 APPROVAL BY RESOLUTION: Lyndon Bolt / GL Development Co. LLC. 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.

Hare Lippa Tract (aka Pt of Lot 1) of Section 3, T2S R5E, BHM; and Parcel 1 of Lot 4 Less Right-of-Way and Parcel 3 of Lot 3 Less Right-of-Way of Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by Rossknecht to approve Comprehensive Plan Amendment / CA 21-10. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 21-10 (Lyndon Bolt) to change the Future Land Use to Rural Residential District.

R. PUBLIC HEARING OF REZONE / RZ 21-15: Lyndon Bolt / GL Development Co. LLC. To rezone to Rural Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Hare Lippa Tract (aka Pt of Lot 1) of Section 3, T2S R5E, BHM; and Parcel 1 of Lot 4 Less Right-of-Way and Parcel 3 of Lot 3 Less Right-of-Way of Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

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MOVED by Rossknecht and seconded by LaCroix to approve Rezone / RZ 21-15. Vote: Unanimous.

NOTICE OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-15 (Lyndon Bolt) to rezone to Rural Residential District.

S. PRELIMINARY PLAT / PPL 21-39: Alvin and Lois Rudd. To subdivide and create Rudd Tract in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SE1/4SW1/4 and 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, Less SE1/4SE1/4SW1/4; 50 ft 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, Less Aforementioned 50 ft wide strip; That PT SW1/4NE1/4 Lying S and E of RR ROW, Less AF, Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Rudd Tract, located in the S1/2 of Section 8, T2S, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Preliminary Plat / PPL 21-39 with the following six (6) conditions. Vote: Unanimous.

1. That prior to Final Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That at the time of Final 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 Section Lines on proposed Rudd Tract be dedicated and improved or an approved Subdivision Regulations Variance be obtained, waiving any of the requirements that are not met;
5. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
6. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

T. LAYOUT PLAN / LPL 21-41: Sudbury Ranch Land Holding, LLC; Casey Skyberg. To subdivide and create Lots 2 through 11 of Sudbury Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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EXISTING LEGAL: Lot 2 of Sudbury Ranch and S396 feet of NW1/4SE1/4; S1/2SE1/4, Section 21, T1S, R7E, BHM, Pennington County.

PROPOSED LEGAL: Lots 2 through 11 of Sudbury Ranch Subdivision, Section 21, T1S, R7E, BHM, Pennington County.

MOVED by LaCroix and seconded by Rossknecht to approve Layout Plan / LPL 21-41 with the following twenty-one (21) conditions. Vote: Unanimous.

1. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
2. 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;
3. That at the time of submittal of the Preliminary Plat, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;
4. That at the time of the Preliminary Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
5. That at the time of Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, proposed Lot 2 be renamed (Lot 2R, Lot 2 Revised, etc.) per Register of Deeds comments contained in this report;
7. That at the time of Preliminary Plat submittal, the plat meets the requirements of § 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That at the time of Preliminary Plat submittal, a Fire Mitigation Plan be developed and presented to the Pennington County Fire Coordinator for review, as required in § 500.8 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
9. That at the time of Preliminary Plat submittal, the applicant 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 § 400.2.2.e of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
10. That at the time of Preliminary Plat submittal, the applicant provide engineered road plans and construction plans to the Planning staff as required in § 400.2.2.q and § 400.2.2.s of the Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving these requirements;
11. That at the time of Preliminary 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;

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12. That at the time of Preliminary Plat submittal, a drainage study be submitted to verify that post development flows do not exceed pre-development flows;
13. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement;
14. 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.);
15. 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;
16. 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;
17. That prior to the mylar being filed at Register of Deeds, the Section Line Right-of-Ways must either be improved to Local Road standards or a Subdivision Regulations Variance obtained to waiving this requirement;
18. That prior to the mylar being filed at the Register of Deeds, the applicant obtains an approved Rezone and Comprehensive Plan Amendment for proposed Lot 3 or an approved Lot Size Variance be obtained waiving these requirements;
19. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
20. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
21. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

U. PUBLIC HEARING OF REZONE / RZ 21-16: Keith Lau. To rezone one (1) acre from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

The subject property is located on the following metes and bounds description: A tract of land containing one acre, more or less, situated in Lot 5 of Lau Subdivision, located in the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) and in the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 9, Township 1 North, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown on plat filed November 2, 2012, and recorded as Document No. A201217946, in the office of the Pennington County Register of Deeds; said one acre tract of land being more particularly described as follows, to-wit: BEGINNING at an iron rod with cap stamped "1019" at the Northwest corner of said Lot 5 being the Northwest corner of the herein described parcel; Thence, North 89° 46' 48" East along the North boundary line of Lot 5, a distance of 100.70 feet to a point from which an iron rod with cap stamped "4208" at an angle point in the North boundary

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line bears North 89° 46' 48" East a distance of 212.18 feet; Thence, South 04° 25' 24" East a distance of 430.41 feet to a point in the South boundary line of Lot 5 from which an iron rod at the Southeast corner of Lot 5 bears North 85° 55' 54" East a distance of 654.58 feet; Thence, South 85° 55' 54" West along the South boundary line of Lot 5, a distance of 100.43 feet to an iron rod with cap stamped "1019" at the Southwest corner of Lot 5 being the Southwest corner of the herein described parcel; Thence, North 04° 25' 24" West along the West boundary line of Lot 5, a distance of 437.17 feet to the POINT OF BEGINNING and containing 1.00 acre, more or less, of land; Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to continue Rezone / RZ 21-16 until the July 20th Commission meeting. Vote: Unanimous.

Hadcock left the meeting at 11:59 a.m.

V. PRELIMINARY PLAT / PPL 21-38: Kathryn Policky. To subdivide and create Tracts 1 and 2 and Well Lot of Policky Subdivision in accordance Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B of E1/2SE1/4 Less Tract B-1, Section 9, T1N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Tracts 1 and 2 and Well Lot of Policky Subdivision, Section 9, T1N, R6E, BHM, Pennington County.

MOVED by Rossknecht and seconded by LaCroix to approve Preliminary Plat / PPL 21-38 with the following six (6) conditions. Vote: Unanimous.

1. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That the applicant obtain approval of a Subdivision Regulation Variance for the Percolation test, profile hole, and Improvement of the Section Line Right-of-Way;
4. That prior to Final Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
5. That the applicant ensures all natural drainage ways are maintained a not blocked; and,
6. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

W. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-11

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APPROVAL BY RESOLUTION: Thomas Berry. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 6 and 7, Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Comprehensive Plan Amendment / CA 21-11. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 21-11 (Thomas Berry) to change the Future Land Use to Low Density Residential District.

X. PUBLIC HEARING OF REZONE / RZ 21-18: Thomas Berry. To rezone 2.35 acres from Rural Residential District to Low Density Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lots 6 and 7, Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Rezone / RZ 21-18. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-18 (Thomas Berry) to rezone to Low Density Residential District.

Y. MINOR PLAT / MPL 21-37: Thomas Berry. To reconfigure lot lines to create Lots 6R and 7R of Pine Meadow Subdivision in accordance Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 6 and Lot 7 of Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County.

PROPOSED LEGAL: Lot 6R and Lot 7R of Pine Meadow Subdivision, Section 31, T2N, R6E, BHM, Pennington County.

MOVED by LaCroix and seconded by Lasseter to approve Minor Plat / MPL 21-37 with the following eight (8) conditions. Vote: Unanimous.

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1. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
2. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
3. That the properties be Rezoned or a Lot size Variance be obtained prior to the Mylar being recorded at the Register of Deeds;
4. That Prior to Filing that Mylar at Register of Deeds, the applicant submits percolation test and soil profile information or obtain a Variance to waive this requirement;
5. 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;
6. That the applicant ensures all-natural drainage ways are maintained and not blocked;
7. That prior to filing the mylar with the Register of Deeds approval for a second approach be obtained,
8. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Z. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-12

APPROVAL BY RESOLUTION: Prairie Acres General, LLC; Ty Pollman – Applicant. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Suburban Residential District in accordance with Sections 207, 209, and 508 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Comprehensive Plan Amendment / CA 21-12. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 21-12 (Prairie Acres General, LLC) to change the Future Land Use to Suburban Residential District.

AA. PUBLIC HEARING OF REZONE / RZ 21-19: Prairie Acres General, LLC; Ty Pollman – Applicant. To rezone 40 acres from Agriculture District to Suburban Residential District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

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MOVED by Rossknecht and seconded by LaCroix to approve Rezone / RZ 21-19. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-19 (Prairie Acres General, LLC) to rezone to Suburban Residential District.

Hadcock rejoined the meeting at 12:11 p.m.

BB. MINING PERMIT/ MP 21-01: Pete Lien & Sons, Inc.; Cheyenne River Ranch, LLC – Owner. To expand the existing Creston Sand & Gravel Mine, to include mining operations for sand and gravel and reclamation activities, in accordance with Sections 205 and 320 of the Pennington County Zoning Ordinance.

GL 9-12; S1/2SW1/4; SW1/4SE1/4 of Section 1, T2S, R12E; GL 8-10; SE1/4SE1/4 LESS RTY of Section 2, T2S, R12E; GL 8-10 of Section 3, T2S, R12E; GL 1-2 of Section 11, T2S, R12E; N1/2 LESS RTY of Section 12, T2S, R12E; GL 7; GL 9-10; E1/2SW1/4; W1/2SE1/4 of Section 6, T2S, R13E; GL 4; S1/2SE1/4; SE1/4SW1/4 of Section 31, T1S, R13E; GL 1-7; S1/2NE1/4; SW1/4NW1/4 of Section 1, T2S, R12E; GL 1; NE1/4NW1/4; NW1/4NE1/4 of Section 7, T2S, R13E; N1/2NE1/4; GL 1-5; N1/2NW1/4 of Section 6, T2S, R13E; E1/2NE1/4, GL 3 LESS RTY of Section 11, T2S, R12E; NW1/4NE1/4, NW1/4 of Section 10, T2S, R12E; GLT 1-7; S1/2N1/2; NE1/4SW1/4; N1/2SE1/4; SE1/4SE1/4 LESS RTY of Section 3, T2S, R12E; GL 1-7; S1/2N1/2; SW1/4 LESS ROW; NW1/4SE1/4 LESS ROW of Section 2, T2S, R12E, all located in BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve Mining Permit / MP 21-01 with the following nine (9) conditions. Vote: Unanimous.

1. That the conditions of approval of the South Dakota Department of Agriculture and Natural Resources Mine License be continually met;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
3. That the site meets § 320(H) of the Pennington County Zoning Ordinance;
4. That the applicants follow the reclamation plan that was submitted to the SDDANR to reclaim the site when work is completed;
5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Agriculture and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;

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6. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
7. That prior to any disturbance within the floodplain, the applicants obtain an approved Floodplain Development Permit;
8. That if there is a change in the floodplain or the work within the floodplain, the applicant submits a new Floodplain Development Permit; and,
9. That this Mining Permit be reviewed in six (6) months from approval date, on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

CC. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT/ PU 21-07: Nothing Doing, LLC; Dannie Davis - Agent. To remove the subject property from the Planned Unit Development to rezone to Ranchette Residential District in accordance with Sections 216 and 508 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Major Planned Unit Development Amendment / PU 21-07 to remove the subject property from the Planned Unit Development. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to an existing Planned Unit Development: Major Planned Unit Development Amendment 21-07 (Nothing Doing, LLC).

DD. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 21-06 - APPROVAL BY RESOLUTION: Nothing Doing, LLC; Dannie Davis - Agent. To amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development District to Ranchette Residential District in accordance with Sections 206, 216, and 508 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve Comprehensive Plan Amendment / CA 21-06. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

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On July 6, 2021, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 21-06 (Nothing Doing, LLC) to change the Future Land Use to Ranchette Residential District.

EE. PUBLIC HEARING OF REZONE / RZ 21-13: Nothing Doing, LLC; Dannie Davis - Agent. To rezone 30 acres from a Planned Unit Development District to Ranchette Residential District in accordance with Sections 206, 216, and 508 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Rezone / RZ 21-13. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-13 (Nothing Doing, LLC) to rezone to Ranchette Residential District.

FF. PUBLIC HEARING OF REZONE / RZ 21-17: Pink Cabin, LLC; KTM Design Solutions - Agent. To rezone 24.56 acres from Agriculture District to Suburban Residential District in accordance with Sections 205, 209, and 508 of the Pennington County Zoning Ordinance.

Tract G of NW1/4 and SW1/4, Less W175 feet of N90 feet, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve Rezone / RZ 21-17. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 21-17 (Pink Cabin, LLC) to rezone to Suburban Residential District.

GG. LAYOUT PLAN / LPL 21-40: H & H Land Company #2, LLC; Brian Hammerbeck - Agent. To subdivide and create Lots 1 through 11 of South Caputa Addition in accordance Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot X located in GL1 and E1/2SE1/4 Less S553.09 ft of SE1/4SE1/4 and Less South Caputa Add; PT GL1 Less South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County.

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PROPOSED LEGAL: Lots 1 through 11 of South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County.

MOVED by LaCroix and seconded by Lasseter to approve Layout Plan / Lasseter with the following eighteen (18) conditions. Vote: Unanimous.

1. That at the time of Preliminary Plat submittal, the 50' access easement be identified as a named right-of-way on the plat;
2. That the proposed road name for the 50' access easement be approved prior to Final Plat submittal;
3. That prior to Preliminary Plat submittal, the Certifications on the Preliminary Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That prior to Preliminary Plat submittal, the applicant obtains an approved Building Permit for the 14' x 48' lean-to attached to the 40' x 60' pole structure on proposed lot 6 and pay any associated penalty fees;
5. That at the time of Preliminary Plat submittal, the plat meets the requirements of Section 400.2 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That at the time of Preliminary 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;
7. That at the time of Preliminary Plat submittal, the Plat heading needs to contain a formerly statement including Lot X located in GL 1 along with the E $\frac{1}{2}$ SE $\frac{1}{4}$ followed by located in statement reading E $\frac{1}{2}$ SE $\frac{1}{4}$ & GL 1 per Register of Deeds comments;
8. That at the time of Preliminary Plat submittal, 100-year SFHA, per FEMA Map Panel 4610C1275H will need to be identified on the plat;
9. That at the time of Preliminary Plat submittal, shared access easements should be shown as platted access easements on the plat;
10. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for the proposed lots or obtain an approved Subdivision Regulations Variance to waive these requirements;
11. That prior to the mylar being filed at Register of Deeds, the applicant obtains an approved Rezone for proposed Lots 1-11 or obtain an approved Lot Size Variance for the proposed lots;
12. That a Fire Mitigation Plan is submitted for approval by the Fire Administrator prior to the mylar being filed at Register of Deeds;
13. That prior to the mylar being filed with the Register of Deeds, Approach Permits for all three existing approaches will need to be filed (Lots 4, 6 & 7) with the Highway Department;
14. That prior to the mylar being filed with the Register of Deeds, a Variance is obtained from the Board of Commissioners for two approaches, both an existing approach and a shared access approach on proposed Lot 7.
15. That the applicant ensures all natural drainage ways are maintained and not blocked;

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16. That prior to Final Plat submittal, the applicant identifies the existing Onsite Wastewater Treatment System on proposed Lot 7 and obtains an Operating Permit to ensure compliance with the Pennington County Zoning Ordinance;
17. That within 60 days of the mylar being filed at the Register of Deeds, the applicant applies for a Conditional Use Permit for the 40' x 60' pole structure with proposed lean-to on proposed Lot 6; and,
18. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

HH. LAYOUT PLAN / LPL 21-35: JKRK Properties, 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 Sections 400.1 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 LaCroix and seconded by Hadcock to approve Layout Plan / LPL 21-35 with the following twenty-six (26) conditions. Vote: Unanimous.

1. That at the time of submittal the Preliminary Plat, 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, road names, which have been reviewed and approved by the Emergency Services Communication Center/9-1-1, shall be shown on the Preliminary Plat as required in Section 400.2.2.k of the Subdivision Regulations;
4. 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 a Subdivision Regulations Variance waiving this requirement;

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5. That at the time of submittal of the Preliminary Plat, the applicant shall provide engineered road plans and construction plans to the Planning staff as required in Section 400.2.2.q and Section 400.2.2.r of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
6. 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 a Subdivision Regulations Variance obtained to waiving this requirement;
7. 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;
8. 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;
9. 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;
10. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
11. That at the time of the Preliminary Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
12. 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;
13. That prior to County Board approval of the Preliminary Plat, surety must be posted for the construction of roads within the Subdivision, or obtain a Subdivision Regulation Variance waiving this surety requirement;
14. 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.);
15. 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;
16. That a Storm Water Permit is obtained from the Planning Department prior to any grading or land disturbance exceeding 10,000 square feet;
17. 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;
18. That at the time of submittal of the Final Plat, the water system serving Sunset Ranch Subdivision be approved by the South Dakota Department of Agriculture and Natural Resources;
19. 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;

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20. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
21. 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;
22. That the roads within the development must be built to Ordinance 14 Standards;
23. That site distance concerns are addressed by the applicant for proposed Lots 8 and 9 of Block 8 and proposed Lots 19, 20, 21 of Block 7 and that the applicant works with the County Highway Department to mitigate concerns;
24. That improvements to 229th Street from the current eastern boundary of Sunset Ranch Road District, east to the 1/4 line in Sections 33 & 4 must be made before Phase 2 is complete unless Sunset Ranch Road District takes over maintenance of that section of 229th Street;
25. That the lot line for Lots 10 and 11 in Block 7 line up with the Section Line as this will prevent potential issues if 156th Avenue is improved to the south; and,
26. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

II. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-10: Pennington County. To amend Section 400 “Nonconforming Buildings, Structures and Uses of Land” [to amend and supersede the existing Section 400 “Nonconforming Buildings, Structures and Uses of Land”] of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve Ordinance Amendment / OA 21-10.
Vote: Unanimous.

NOTICE OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-10 - Section 400 (Nonconforming Buildings, Structures and Uses of Land).

JJ. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-11: Pennington County. To repeal Section 502 “Planning and Zoning Director” [to repeal the existing Section 502 “Planning and Zoning Director”]; Section 503 “Pennington County Planning & Zoning Commission” [to repeal the existing Section 503 “Pennington County Planning & Zoning Commission”]; Section 504 “Pennington County Zoning Board of Adjustment” [to repeal the existing Section 504 “Pennington County Zoning Board of Adjustment”]; and, Section 505 “Pennington County Board of Commissioners” [to repeal the existing Section 505 “Pennington County Board of Commissioners”] of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve Ordinance Amendment / OA 21-11.
Vote: Unanimous.

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NOTICE OF FACT OF ADOPTION

On July 6, 2021, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-11 - Section 502 (Planning and Zoning Director), Section 503 (Pennington County Planning & Zoning Commission), Section 504 (Pennington County Zoning Board of Adjustment), and Section 505 (Pennington County Board of Commissioners).

KK. REQUEST FOR REFUND OF PENALTY FEE: Tina Roberts. MOVED by LaCroix and seconded by Hadcock to continue this until the July 20, 2021, Commission meeting. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded by Lasseter 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 \$444,016.92. Vote: Unanimous.

Abl Inc, 510.00; AT&T Mobility, 4,249.40; BH Energy, 1,052.49; BH Energy, 182.78; BH Energy, 297.00; BH Energy, 350.10; CC Property Management LLC, 728.00; Century Link, 139.53; Century Link, 87.59; Cherry Ave LLC, 2,760.00; City Of Hill City, 30.58; City Of Rapid City -Water, 25,579.67; City Of Rapid City -Water, 1,734.59; City Of Rapid City -Water, 3,653.23; City Of Wall, 164.00; Daniel Shane M, 9,750.00; Executive Mgmt Fin Office, 159.75; First Interstate Bank, 700.22; First Interstate Bank, 50.82; First Interstate Bank, 453.89; First Interstate Bank, 3,404.00; First Interstate Bank, 296.84; First Interstate Bank, 667.84; First Interstate Bank, 2,704.76; First Interstate Bank, 1,392.36; First Interstate Bank, 1,819.55; First Interstate Bank, 75.60; First Interstate Bank, 495.80; First Interstate Bank, 109.34; Global Tel'link, 13.82; Golden West Companies, 243.23; Ground Control Systems Inc, 64.00; Kieffer Sanitation/A Waste Management Co, 141.88; Knollwood Heights Apartments, 4,375.28; Knollwood Townhouse Properties, 212.00; Lewis Kirkeby & Hall Property Management, 300.00; Lowe's, 681.60; Medical Waste Transport Inc, 543.26; Midcontinent Communications, 4,293.99; Midcontinent Communications, 3,263.45; Midcontinent Communications, 2,108.81; Montana Dakota Utilities, 6,810.58; Montana Dakota Utilities, 237.23; Montana Dakota Utilities, 1,185.57; Muth Holdings LLC, 3,580.00; Norman Ted, 612.00; Northern Lights Apartments, 3,369.00; Pennington County Housing & Redevelopment, 450.00; Pioneer Bank & Trust, 6,583.68; Pioneer Bank & Trust, 9,118.90; Pioneer Bank & Trust, 3,774.94; Pioneer Bank & Trust, 2,097.91; Rainbow Gas Company, 1,819.96; Rapid City MHP, 25.00; Reliance Telephone Inc, 28.25; Reliance Telephone Inc, 53.28; SBAM LLC, 3,150.00; Silver Leaf Property Management LLC, 535.00; Smith, Darrel F, 240.00; T3r3 Enterprises LLC, 400.00; Tzadik Rapid City LLC, 1,644.00; Vast Broadband, 151.12; Vast Broadband, 1,442.54; Vast Broadband, 200.00; VB Rapid Creek, 332.00; Verizon Connect NWF Inc, 32.38; Verizon Wireless, 410.60; Verizon Wireless, 750.36; Verizon Wireless, 1,208.54; Wellmark, 301,146.76; West River Electric, 87.81; West River Electric, 1,438.46; Westridge Apartments, 3,690.00; Whisper Rock Apartments II, 3,820.00; Young, William, 3,750.00.

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PAYROLL

Commissioners, 10,352.46; Elections, 26,761.59; Auditor, 11,623.21; Treasurer, 39,118.76; State's Attorney, 152,733.90; Public Defender, 86,191.34; Buildings & Grounds, 64,681.55; Equalization, 39,241.27; Register of Deeds, 12,660.80; IT, 25,869.33; Human Resources, 7,751.20; Sheriff, 272,199.28; HIDTA Grant, 4,457.13; Jail, 342,061.25; JSC, 110,658.52; JSC Juvenile Alternative, 4,744.80; CCADP, 117,664.69; Economic Assistance, 33,520.52; Extension, 1,436.80; Natural Resources, 13,950.78; Planning and Zoning, 18,058.31; Road & Bridge, 93,429.22; Fire Administration, 3,630.71; Dispatch, 103,686.24; Emergency Management, 4,989.31; 24-7 Program, 8,489.77; MacArthur Safety & Justice Challenge, 12,721.57. Vote: Unanimous.

AUDITOR'S ACCOUNT OF THE TREASURER: To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of June 25, 2021: Total balances of checking/savings accounts 22,421,534.42; Total balance of Treasurer's Office safe cash, 14,000.00; Total Prime Value Investment, 53,249,051.89; Total petty cash, 17,040.00; Total NSF Paid, 465.00; Total long/short, (513.44); Total, 75,701,577.87. Submitted by Lori Wessel, Deputy Auditor.

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

Care Campus: Effective 07/11/2021: Nicholas Kochutin, \$18.13.

Dispatch: Effective 07/11/2021: Karaleigh TwoCrow, \$21.40.

Highway: Effective 06/28/2021: David Anthony Miller, \$14.46. Effective 07/12/2021: William Keester, \$15.97.

IT: Effective 07/06/2021: Tyler Holinka, \$25.74.

Jail: Effective 06/27/2021: Tyra Austin, \$13.81; Sean Stecher, \$27.67. Effective 07/11/2021: Krystin Ragsdale, \$21.93; Megan Meier, \$30.13; Bernard Retzlaff, \$18.38. Effective 07/12/2021: Melissa Pierson, \$24.10.

Sheriff: Effective 06/27/2021: Fred Bennett, \$25.17; Caleb Dirksen, \$21.26. Effective 07/11/2021: Nichole Dubbs, \$20.03. Effective 07/12/2021: Tanner Heiser, \$23.39; Michelle Byrum, \$15.97.

State's Attorney: Effective 08/09/2021: Marit Lhotzky, \$2,516.80; Natalie Gronlund, \$2,516.80.

Treasurer: Effective 06/21/2021: Tiffany Schmoll, \$14.46. Effective 06/22/2021: Erica Sceales, \$18.38.

ADJOURN

MOVED by Lasseter and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:10 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: July 21, 2021

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