

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of June 10, 2022

The Pennington County Board of Commissioners met at 9:00 a.m. on Friday, June 10, 2022, 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: Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

**REVIEW AND APPROVE AGENDA**

MOVED by LaCroix and seconded by Lasseter to approve the agenda with the removal of items 5, 15b and 17a and move Executive Session to after the Consent Agenda. Vote: Unanimous.

RECOGNITION OF NEW EMPLOYEES: Removed

**CONSENT AGENDA ITEMS**

MOVED by LaCroix and seconded by Lasseter to approve the Consent Agenda with the removal of item 12. Vote: Unanimous.

6. Approve the minutes of the May 17, 2022, regular meeting.
7. Approve the minutes of the May 25, 2022, special meeting.
8. Acknowledge the Resolution for a minor adjustment to road district boundaries of the National Guard Road District in total described as: TWIN OAKS SUB: BLOCK 2; LOT 10, BHM, PENNINGTON COUNTY.
9. Declare the Asset 005923, Lazer Z Advantage Mower, Vin# 879998 surplus for the purpose of trade-in as part of purchase of a new mower.
10. Acknowledge the notice of intent to conduct bingo – Rochford Community Hall.
11. Acknowledge the notice of intent to conduct a raffle – Rochford Chapel.
12. Removed for separate consideration.
13. Move to declare surplus Tax Deed Property #65319 for the purpose of donation and transfer to the United States Department of Agriculture (Black Hills National Forest) as allowed pursuant to SDCL §7-29-16.
14. Declare surplus for the purpose of trade, two 2011 John Deere 772 GP motor graders, Serial Numbers 1DW772GPKA0633146, asset #005951 and 1DW772GPCA0633045, asset #005952.

End of Consent Agenda

12. REAPPOINT MS. KAREN MCGREGOR: MOVED by LaCroix and seconded by Rossknecht to reappoint Ms. Karen McGregor to the Planning Commission for a term of three (3) years effective July 1<sup>st</sup>, 2022. Vote: Unanimous.

**EXECUTIVE SESSION – SDCL 1-25-2**

MOVED by LaCroix and seconded by Rossknecht to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and SDCL 1-25-2(3) for contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from 9:06 a.m. until 9:29 a.m. MOVED by Rossknecht and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

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**ITEMS FROM AUDITOR**

- A. CANVASS OF PRIMARY ELECTION RESULTS: MOVED by Rossknecht and seconded by Lasseter to accept the results of the June 7, 2022 Primary Election official and authorize the Commissioners present to sign the Official Canvass and further move to authorize payment of all expenses as listed. Vote: Unanimous.
- B. REQUEST FOR SPECIAL ON-SALE LICENSE: Removed

**ITEMS FROM BUILDINGS & GROUNDS**

- A. CRISIS STABILIZATION FACILITY: MOVED by LaCroix and seconded by Rossknecht to authorize Mike Kuhl, Director of Pennington County Buildings and Grounds, to execute purchase orders/agreements as necessary to procure furniture for the Crisis Stabilization Facility per Dakota Business Center Sales Quote SQ22546 dated May 12, 2022 in the amount of \$143,975.81 utilizing Crisis Stabilization General FF&E Budget Funds. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to authorize Mike Kuhl, Director of Pennington County Buildings and Grounds, to have spending authority for Crisis Stabilization General FF&E Budget Funds up to \$106,024 to execute FF&E purchase agreements less than \$25,000. Vote: Unanimous.

**ITEMS FROM FIRE ADMINISTRATOR**

- A. UPDATE ON WILDLAND FIRE FUELS: Removed

**ITEMS FROM HIGHWAY**

- A. MODIFICATION #3 TO FOREST SERVICE AGREEMENT: MOVED by Rossknecht and seconded by LaCroix to approve Modification #3 to Forest Service Agreement 20-CS-11020306-041. Vote: Unanimous.
- B. AUTHORIZATION TO PURCHASE BULK DIESEL AND GAS PRODUCTS: MOVED by Rossknecht and seconded by Lasseter to authorize the Highway Department to purchase bulk diesel and gas products from the State Contract List for Contract #17673, Harm's Oil, Brookings, SD and Contract #17676, MG Oil, Rapid City, SD. Vote: The motion carried 3-0 with LaCroix abstaining.
- C. AUTHORIZATION TO PURCHASE TWO (2) NEW MOTOR GRADERS: MOVED by LaCroix and seconded by Lasseter to authorize the Highway Department to purchase two new 2023 John Deere 7720 Motor Graders from RDO Equipment Company, Rapid City, SD, in the amount of \$730,365.44 from the State of Minnesota Cooperative Purchasing Venture Program Contract #201142. Vote: Unanimous.
- D. AWARD RECOMMENDATION 2022 BRIDGE PRESERVATION PROJECTS: MOVED by LaCroix and seconded by Lasseter to award the 2022 Bridge Preservation Projects to Holloway Bridge & Culvert, Inc., Parker, SD in the amount of \$1,210,448.85, contingent upon the SD Dept. of Transportation's concurrence. Vote: Unanimous.
- E. AUTHORIZATION TO ADVERTISE AND LET BIG RECONSTRUCTION PROJECTS: MOVED by Lasseter and seconded by Rossknecht to authorize the Highway Department to

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advertise and let bids for Bridge Improvement Grant reconstruction work for bridges 52-316-316 and 52-317-318. Vote: Unanimous.

**F. SECOND READING AND PUBLIC HEARING OF ORDINANCE 14 AMENDMENT – CRITERIA FOR CONSTRUCTING AND ACCEPTING ROADS AND APPROACHES ONTO THE COUNTY HIGHWAY SYSTEM AND THE COUNTY SECONDARY HIGHWAYS, HEREINAFTER REFERRED TO AS “COUNTY ROADS”:** MOVED by Rossknecht and seconded by LaCroix to approve the second reading of Ordinance 14 Amendment as presented.

Substitute motion: MOVED by Lasseter and seconded by LaCroix to approve the seconded reading of Ordinance 14 Amendment as presented. It was further moved to schedule a third reading on June 21, 2022. Vote: Unanimous.

**ITEMS FROM COMMISSION MANAGER**

**A. PROPOSED RESOLUTIONS FOR BH ASSOCIATION OF COUNTY COMMISSIONERS (BHACC)/SD ASSOCIATION OF COUNTY COMMISSIONERS (SDACC):** No action taken.

MOVED by LaCroix and seconded by Rossknecht to move item 20 to after item 23. Vote: Unanimous.

**APPROVAL OF VOUCHERS:** MOVED by LaCroix and seconded by Rossknecht to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$751,226.59. Vote: Unanimous.

Affordable Accommodations, 375.00; Amerigas Propane LP, 162.67; AT&T Mobility, 3,941.07; AT&T Mobility, 1,382.95; BH Electric Cooperative Inc, 99.46; BH Energy, 928.95; BH Energy, 889.27; BH Energy, 151.03; BH Energy, 233.08; Cc Property Management LLC, 4,020.00; Century Link, 224.39; City Of Hill City, 82.16; City Of Rapid City -Water, 621.06; City Of Rapid City -Water, 3,075.49; City Of Wall, 175.90; Delta Dental Of South Dakota, 39,772.78; Executive Mgmt Fin Office, 36.25; Fidelity Security Life, 5,741.21; First Interstate Bank, 487.58; First Interstate Bank, 72.89; First Interstate Bank, 75.00; First Interstate Bank, 19.77; Foothills East Apartments, 2,095.00; G&S Rentals, 2,600.00; Global Tel'link, 16.29; Hartford Life And Accident Insurance Company, 2,707.50; Heartland Heights Apartments, 600.00; Hensley Property Management LLC, 3,600.00; Lowe's, 54.64; Maher William J, 2,090.00; Meadowlark Hill Mobile Estates LLC, 2,057.00; Medical Waste Transport Inc, 365.01; Medical Waste Transport Inc, 186.30; Midcontinent Communications, 1,375.58; Midcontinent Communications, 2,481.22; Midcontinent Communications, 1,725.84; Montana Dakota Utilities, 12,212.59; Northern Heights Apartments, 500.00; Olive Properties, 4,445.00; Paradis Inc, 220.00; Pennington County Housing & Redevelopment, 671.43; Pioneer Bank & Trust, 14,474.55; Pioneer Bank & Trust, 3,978.17; Pioneer Bank & Trust, 4,283.39; Rainbow Gas Company, 8,512.77; Reliance Telephone Inc, 20.01; Reliance Telephone Inc, 9.75; Sanford Janice, 4,800.00; Tzadik Rapid City LLC, 4,808.53; Vast Broadband, 1,485.02; Vast Broadband, 246.07; Vast Broadband, 97.72; Verizon Wireless,

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955.19; Verizon Wireless, 570.03; Verizon Wireless, 360.30; Wellmark, 601,942.43; West River Electric, 216.56; West River Electric, 1,594.74; Western Thrifty Inn LLC, 300.00.

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

**ITEMS FROM PLANNING & ZONING**

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

A. VARIANCE / VA 22-09: Tube Air Racing, LLC / Larry Teuber; Renner Associates - Agent. To exceed more than 40 dwelling units on a dead-end road system in a Rural Residential District in accordance with Sections 204-F, 207, and 509 of the Pennington County Zoning Ordinance.

Lots 4 and 5, Block 5, Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Lasseter to approve VA 22-09 with two (2) conditions because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship" and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

B. VARIANCE / VA 22-10: Tube Air Racing, LLC / Larry Teuber; Renner Associates - Agent. To exceed more than 40 dwelling units on a dead-end road system in a Rural Residential District in accordance with Sections 204-F, 207, and 509 of the Pennington County Zoning Ordinance.

Lot 1 Revised (also located in Section 5), Block 5, Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve VA 22-10 with two (2) conditions because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship" and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

C. VARIANCE / VA 22-11: Susan Murray; KTM Design Solutions, Inc. - Agent. To exceed more than 40 dwelling units on a dead-end road system in a Suburban Residential District in accordance with Sections 204-F, 209, and 509 of the Pennington County Zoning Ordinance.

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Lot B, Murray Subdivision No. 2, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve VA 22-11 with one (1) condition because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

D. VARIANCE / VA 22-12: Michael and Kathryn Cruse. To reduce the rear yard setback (Section Line) add an addition to the single-family residence in a Suburban Residential District in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 2, Block 2, Highland Hills Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to approve VA 22-12 with two (2) conditions because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship" and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

E. VARIANCE / VA 22-13: Ed and Linda Weber. To allow an accessory structure, a detached garage, to be located in the front yard of a residential zoning district less than one (1) acre in size in accordance with Sections 209, 309-C-6, and 509 of the Pennington County Zoning Ordinance.

Lot 2 of Lot D of SE1/4SE1/4, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to continue this item until the June 21, 2022, meeting. Vote: Unanimous.

F. SUBDIVISION REGULATIONS VARIANCE / SV 22-05: Larry and Nancy Van Overschelde; KTM Design Solutions - Agent. To waive the requirement for a 24-foot-wide paved road on Bear Gulch Road in a Low Density Residential District in accordance with Sections 500 and 700 of the Pennington County Subdivision Regulations.

Lots 10 and 11, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

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MOVED by LaCroix and seconded by Lasseter to approve SV 22-05 because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship" and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

G. SUBDIVISION REGULATIONS VARIANCE / SV 22-06: Larry and Nancy Van Overschelde; KTM Design Solutions - Agent. To waive the requirements of Table 1 Road Standards (Dead End Road) in a Low Density Residential District in accordance with Sections 500 and 700 of the Pennington County Subdivision Regulations.

Lots 10 and 11, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve SV 22-06 because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship" and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

H. VARIANCE / VA 22-08: ZirKiss, Inc./Breawna Ventura Nylen. To exceed the maximum height requirement of 35 feet to 50 feet to allow a temporary 50-foot-tall tent on the subject property in a Highway Service District in accordance with Sections 212 and 509 of the Pennington County Zoning Ordinance.

S1/2SW1/4 Less RFD Subdivision, Less Lot A and Less ROW, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve SV 22-08 because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship" and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

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

**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.

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

I. MINOR PLAT / MPL 22-22: Larry and Nancy Van Overschelde. To reconfigure lot lines to create Lot 10R and Lot 11R of Bears Den Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 10 and 11, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 10R and 11R, Bears Den Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Approve MPL 22-22 with seven (7) conditions. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

J. PRELIMINARY PLAT / PPL 22-20: Rockerville Gold Town, LLC; D.C. Scott Surveyors - Agent. To reconfigure lot lines to create Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Tract 1, Tract 2, Tract 3 and Tract 4 of Rockerville Gold Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

Approve PPL 22-20 with eleven (11) conditions. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

K. PRELIMINARY PLAT / PPL 22-21: Dale and Jillian Siemonsma. To subdivide and create Lots 1, 2, 3, and 4 of Oak Draw Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SW1/4 Less Brockett Sub and Less ROW; NE1/4NE1/4 SE1/4SW1/4; SW1/4SE1/4 except the NE1/4NE1/4 SW1/4SE1/4 and Less HWY 16 ROW; NE1/4NE1/4 SW1/4SE1/4; and Lot 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

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PROPOSED LEGAL: Lots 1, 2, 3, and 4, Oak Draw Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Approve PPL 22-21 with nine (9) conditions. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

**UNCONTESTED HEARING(S)**

L. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-12: Mary Dietrich; Howe Land Surveying - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Low Density Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Otho Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to continue CA 22-12 to the June 21, 2022, meeting. Vote: Unanimous.

M. PUBLIC HEARING OF REZONE / RZ 22-13: Mary Dietrich; Howe Land Surveying - Agent. To rezone 4.9 acres from Agriculture District to Low Density Residential District in accordance with Sections 205, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Otho Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to continue RZ 22-13 to the June 21, 2022, meeting. Vote: Unanimous.

N. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-09: Justin Kistler; KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Tract 2, Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve CA 22-09. Vote: Unanimous.

**NOTICE OF FACT OF ADOPTION**

On June 10, 2022, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan



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Amendment 22-09 (Justin Kistler) to change the Future Land Use from Agriculture District to Rural Residential District.

O. PUBLIC HEARING OF REZONE / RZ 22-10: Justin Kistler; KTM Design Solutions - Agent. To rezone 9.6 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Tract 2, Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve RZ 22-10. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-10 (Justin Kistler) to rezone from Agriculture District to Rural Residential District.

P. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-11: Russell and Kimberly Johnson. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District to Rural Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

The Balance of Government Lot 4, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Lasseter to approve CA 22-11. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 22-11 (Russell and Kimberly Johnson) to change the Future Land Use from Ranchette District to Rural Residential District.

Q. PUBLIC HEARING OF REZONE / RZ 22-12: Russell and Kimberly Johnson. To rezone 10.47 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

The Balance of Government Lot 4 and that PT of Snowbird Lode MS #526 lying in NE1/4SW1/4 less Storm Hill Subdivision, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

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MOVED by Rossknecht and seconded by LaCroix to approve RZ 22-12. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-12 (Russell and Kimberly Johnson) to rezone from Agriculture District to Rural Residential District.

R. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-13: Dale and Jillian Siemonsma. To amend the Comprehensive Plan to change the Future Land Use from Rural Residential District to Highway Service District in accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Beginning at NE Corner of the SW1/4 SW1/4 of Section 22, T1S, R6E, BHM, Pennington County, South Dakota, the Point of Beginning. Thence N1°49'52"E a distance of 75.88 feet to the south Right-of-Way line of Silver Mountain Road. Thence northeasterly along the south Right-of-Way line of Silver Mountain Road along a curve concave to the south, with an arc distance of 535.18 feet, a radius of 1399.42 feet, a chord bearing of N78°19'00"E and chord distance of 531.92' to the end of the curve. Thence N89°16'21"E a distance of 13.58 feet along the south Right-of-Way line of Silver Mountain Road to a point. Thence S5°50'32"E a distance of 197.91 feet to the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line). Thence N88°38'49"W a distance of 557.21 feet along the north lot line of Lot 5 of Pankratz Subdivision to the Point of Beginning. Area of Metes and Bounds No. 1 = 1.942 Acres +/- ; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve CA 22-13. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan "View to 2040" – Comprehensive Plan Amendment 22-13 (Dale and Jillian Siemonsma) to change the Future Land Use from Rural Residential District to Highway Service District.

S. PUBLIC HEARING OF REZONE / RZ 22-14: Dale and Jillian Siemonsma. To rezone 1.942 acres from Agriculture District to Highway Service District in accordance with Sections 205, 212, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Beginning at NE Corner of the SW1/4 SW1/4 of Section 22, T1S, R6E, BHM, Pennington County, South Dakota, the Point of Beginning. Thence N1°49'52"E a distance of 75.88 feet to the south Right-of-Way line of Silver Mountain Road. Thence northeasterly along the south Right-of-Way

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line of Silver Mountain Road along a curve concave to the south, with an arc distance of 535.18 feet, a radius of 1399.42 feet, a chord bearing of N78°19'00"E and chord distance of 531.92' to the end of the curve. Thence N89°16'21"E a distance of 13.58 feet along the south Right-of-Way line of Silver Mountain Road to a point. Thence S5°50'32"E a distance of 197.91 feet to the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line). Thence N88°38'49"W a distance of 557.21 feet along the north lot line of Lot 5 of Pankratz Subdivision to the Point of Beginning. Area of Metes and Bounds No. 1 = 1.942 Acres +/- ; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve RZ 22-14. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-14 (Dale and Jillian Siemonsma) to rezone from Agriculture District to Highway Service District.

T. PUBLIC HEARING OF REZONE / RZ 22-15: Dale and Jillian Siemonsma. To rezone 2.099 acres from Highway Service District to Rural Residential District in accordance with Sections 207, 212, and 508 of the Pennington County Zoning Ordinance.

Beginning at NE Corner of Lot 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota, the Point of Beginning. Thence S1°43'17"W a distance of 278.69 feet along the east lot line of Lot 5 of Pankratz Subdivision to the north lot line of Lot 4 of Pankratz Subdivision. Thence northwesterly along the north lot line of Lot 4 of Pankratz Subdivision, along a curve concave to the south, with an arc distance of 418.66 feet, a radius of 2441.83 feet, a chord bearing of N74°13'25"W and chord distance of 418.15' to a point. Thence N5°50'32"W a distance of 175.92 feet to the north lot line of Lot 5 of Pankratz Subdivision. Thence S88°38'49"E a distance of 428.80 feet along the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line) to the Point of Beginning. Area of Metes and Bounds No. 2 = 2.099 Acres +/-; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve RZ 22-15. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-15 (Dale and Jillian Siemonsma) to rezone from Highway Service District to Rural Residential District.

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U. PUBLIC HEARING OF REZONE / RZ 22-16: Dale and Jillian Siemonsma. To rezone 26.690 acres from Agriculture District to Rural Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Beginning at NE Corner of Lot 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, SD, the Point of Beginning. Thence N88°38'49"W a distance of 428.80 feet along the north lot line of Lot 5 of Pankratz Subdivision (a 1/16th line) to a point. Thence N5°50'32"W a distance of 197.91 feet to the south Right-of-Way line of Silver Mountain Road. Thence N89°16'21"E a distance of 380.26 feet along the south Right-of-Way line of Silver Mountain Road. Thence northeasterly along the south Right-of-Way line of Silver Mountain Road along a curve concave to the north, with an arc distance of 404.64 feet, a radius of 391.08 feet, a chord bearing of N59°37'52"E and chord distance of 386.83 feet to the end of the curve. Thence northeasterly along the south Right-of-Way line of Silver Mountain Road along a curve concave to the north, with an arc distance of 240.39 feet, a radius of 706.87 feet, a chord bearing of N20°19'04"E and chord distance of 239.29 feet to the west lot line of Lot 4 of Back Road Subdivision (a 1/4 line). Thence S1°48'36"W a distance of 640.22 feet along the west lot line of Lot 4 of Back Road Subdivision. Thence S88°37'27"E a distance of 1302.54 feet along the south lot lines of Lot 4 and Lot 3 of Back Road Subdivision to the NW corner of the SE1/4 SE1/4 of Section 22 (also the SE corner of Lot 3 of Back Road Subdivision). Thence S1°46'07"W a distance of 796.15 feet along the west line of the SE1/4 SE1/4 of Section 22 to the north Right-of-Way line of US Highway 16. Thence S83°23'40"W a distance of 9.76 feet along the north Right-of-Way line of US Highway 16. Thence westerly along the north Right-of-Way line of US Highway 16, along a curve concave to the north, with an arc distance of 145.98 feet, a radius of 2191.83 feet, a chord bearing of N88°41'16"W and chord distance of 145.96 feet to a point. Thence westerly along the north Right-of-Way line of US Highway 16, along a curve concave to the north, with an arc distance of 253.90 feet, a radius of 2191.83 feet, a chord bearing of N83°27'40"W and chord distance of 253.76 feet to a point. Thence N66°03'12"W a distance of 795.28 feet along the north Right-of-Way line of US Highway 16 to a point. Thence N75°07'57"W a distance of 161.69 feet along the north Right-of-Way line of US Highway 16 to southeast corner of Lot 4 of Pankratz Subdivision. Thence N2°00'50"E a distance of 102.75 feet along the east lot line of Lot 4 of Pankratz Subdivision to the northeast corner of said Lot 4. Thence N88°33'20"W a distance of 328.70 feet along the north lot line of Lot 4 of Pankratz Subdivision to a point. Thence N1°59'31"E a distance of 50.35 feet along the east lot line of Lot 4 of Pankratz Subdivision to the southeast corner of Lot 5 of Pankratz Subdivision. Thence N1°43'17"E a distance of 278.69 feet along the east lot line of Lot 5 of Pankratz Subdivision to the Point of Beginning. Area of Metes and Bounds No. 3 = 26.690 Acres +/-; Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve RZ 22-16. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

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On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-16 (Dale and Jillian Siemonsma) to rezone from Agriculture District to Rural Residential District.

**CONTESTED HEARINGS(S)**

V. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-03: Skyview Ranchettes, LLC; Jack Corr. To construct 66 feet of road within the Section Line Right-of-Way between Sections 10 and 11, T2S, R8E to provide access to property located in Section 11, T2S, R8E, BHM, Pennington County, South Dakota.

Section 11, T2S, R8E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve CS 22-03 with nine (9) conditions. Vote: Unanimous. (Full conditions are available on the web at [https://www.pennco.org/boc\\_agendas](https://www.pennco.org/boc_agendas) and in person at the Pennington County Planning & Zoning Office).

W. REQUEST TO NOT BUILD TO ORDINANCE 14 ROAD STANDARDS: Skyview Ranchettes, LLC; Jack Corr. MOVED by Lasseter and seconded by LaCroix to approve the request to waive the requirements to not submit engineered road construction plan and to waive the requirements to construct a turnaround, 2-foot-deep ditches, less than 6 inches of gravel and a road width of 24 feet. It is further MOVED to approve the 66 feet of road within the Section Line Right-of-Way to be built 16' feet wide and with a 6-inch gravel base. Vote: Unanimous.

X. CONDITIONAL USE PERMIT / CU 22-16: Dawn and Troy Richter. To allow a Recreational Vehicle Park on the subject property in an Agriculture District in accordance with Sections 205, 306, and 510 of the Pennington County Zoning Ordinance.

NE1/4, NE1/4NW1/4, Section 8, T1S, R17E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to continue CU 22-16 to the June 21, 2022, Board of Commissioner's meeting. Vote: Unanimous.

Y. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-10: Lowell Pflieger; D.C. Scott Surveyors - Agent. To amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Commercial District in accordance with Sections 208, 211, and 508 of the Pennington County Zoning Ordinance.

Being 1.10 acre of land in the NE1/4 NW1/4 of Section 23, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 1.10 acre of land being more particularly described by metes and bounds as follows, to-wit: COMMENCING, for location purposes only, at an iron rod with aluminum cap marking

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the Northwest corner of Lot 54 of Block 4 of Green Valley Estates, on the Western boundary of said Green Valley Estates and on the Southerly right-of-way line of Green Valley Drive, a 66-foot wide public street, as shown on plat filed in Plat Book 11, Page 190, in the office of the Pennington County Register of Deeds; Thence, North 54°36'50" West, along the Southerly right-of-way line of Green Valley Drive, a distance of 493.8 feet to an angle point in said right-of-way line; Thence, North 54°33'54" West, continuing along the Southerly right-of-way line of Green Valley Drive, a distance of 196.4 feet to the POINT OF BEGINNING of the herein described 1.10 acre of land; Thence, South 35°26'06" West, a distance of 160.0 feet to a point for corner; Thence, North 54°33'54" West, a distance of 300.0 feet to a point for corner; Thence, North 35°26'06" East, a distance of 160.0 feet to a point for corner on said Southerly right-of-way line of Green Valley Drive, from which a point of curvature in said right-of-way line bears North 54°33'54" West a distance of 500.4 feet; Thence, from said point for corner, South 54°33'54" East along said Southerly right-of-way line of Green Valley Drive, a distance of 300.00 feet to the POINT OF BEGINNING and containing 1.10 acre, more or less.

MOVED by Lasseter and seconded by Rossknecht to deny without prejudice CA 22-10. Vote: Unanimous.

Z. PUBLIC HEARING OF REZONE / RZ 22-11: Lowell Pflieger; D.C. Scott Surveyors - Agent. To rezone 1.10 acres from Agriculture District to Commercial District in accordance with Sections 205, 211, and 508 of the Pennington County Zoning Ordinance.

Being 1.10 acre of land in the NE1/4 NW1/4 of Section 23, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 1.10 acre of land being more particularly described by metes and bounds as follows, to-wit: COMMENCING, for location purposes only, at an iron rod with aluminum cap marking the Northwest corner of Lot 54 of Block 4 of Green Valley Estates, on the Western boundary of said Green Valley Estates and on the Southerly right-of-way line of Green Valley Drive, a 66-foot wide public street, as shown on plat filed in Plat Book 11, Page 190, in the office of the Pennington County Register of Deeds; Thence, North 54°36'50" West, along the Southerly right-of-way line of Green Valley Drive, a distance of 493.8 feet to an angle point in said right-of-way line; Thence, North 54°33'54" West, continuing along the Southerly right-of-way line of Green Valley Drive, a distance of 196.4 feet to the POINT OF BEGINNING of the herein described 1.10 acre of land; Thence, South 35°26'06" West, a distance of 160.0 feet to a point for corner; Thence, North 54°33'54" West, a distance of 300.0 feet to a point for corner; Thence, North 35°26'06" East, a distance of 160.0 feet to a point for corner on said Southerly right-of-way line of Green Valley Drive, from which a point of curvature in said right-of-way line bears North 54°33'54" West a distance of 500.4 feet; Thence, from said point for corner, South 54°33'54" East along said Southerly right-of-way line of Green Valley Drive, a distance of 300.00 feet to the POINT OF BEGINNING and containing 1.10 acre, more or less.

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MOVED by Lasseter and seconded by LaCroix to deny without prejudice RZ 22-11. Vote: Unanimous.

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

AA. PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-06: Katie Smirnova and Brett Walfish. To allow a Planned Unit Development Overlay to allow a single-family residence to be used as a summer/winter educational music camp, to allow off-season musical performance concerts each year, to allow shed/cabins to be used for classes and rehearsals, and a Bed and Breakfast on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot C2, Brassfield Subdivision, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Lasseter and seconded by LaCroix to approve PU 22-06 with twenty-eight (28) conditions with condition #26 amended as requested by legal staff.

Substitute motion: MOVED by Drewes and seconded by Rossknecht to continue this item until the June 21, 2022, meeting. Vote: The motion carried 3-1 with Lasseter voting no.

BB. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-22: Pennington County. To add Section 330 “Efficiency Dwellings” to the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by Lasseter to approve of OA 21-22. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-22 – To add Section 330 – Efficiency Dwellings to the Pennington County Zoning Ordinance.

CC. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-23: Pennington County. To amend Section 205-A “Agriculture District” of the Pennington County Zoning Ordinance.

MOVED by Lasseter and seconded by Rossknecht approve OA 21-23. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-23 – To amend Section 205-A – Agriculture District of the Pennington County Zoning Ordinance.

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DD. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 21-24: Pennington County. To amend Section 210-A “Urban Residential District” of the Pennington County Zoning Ordinance.

MOVED by Rossknecht and seconded by Lasseter to deny OA 21-24. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On June 10, 2022, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 21-24 – To amend Section 210-A – Urban Residential District of the Pennington County Zoning Ordinance.

EE. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-07: Pennington County. To amend the Subdivision Regulations [to amend and supersede the existing Subdivision Regulations] of the Pennington County Subdivision Regulations.

MOVED by LaCroix and seconded by Rossknecht to approve OA 22-07. Vote: Unanimous.

FF. REQUEST TO NOT PAY BUILDING PERMIT PENALTY FEE: Kathy Pool. MOVED by Rossknecht and seconded by Lasseter to deny the request to waive the penalty fee of \$441. Vote: Unanimous.

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

MOVED by Lasseter and seconded by Drewes to continue item EE until the June 21, 2022, meeting. Vote: Unanimous.

**ITEMS FROM CHAIR/COMMISSION MEMBERS**

A. REQUEST FOR PROPOSAL – 2025 WESTERN INTERSTATE REGION/NATIONAL ASSOCIATION OF COUNTIES (NACO) CONFERENCE SPONSORSHIP: MOVED by LaCroix and seconded by Lasseter to support the request to hold the Western Interstate Region/National Association of Counties Conference in Pennington County, SD in 2025 and to send the request for proposal to Visit Rapid City and Elevate Rapid City for their assistance in completing the submission. Vote: Unanimous.

**EXECUTIVE SESSION MOTIONS**

MOVED by Drewes and seconded by Lasseter direct the States Attorney’s Office to create a letter, authorize the Chair’s signature and send the letter to Mr. Scott Reiman, President of First Interstate Bank, expressing the County’s interest in acquiring the property located at 14 St. Joseph St, Rapid City, SD. Vote: Unanimous.

MOVED by Rossknecht and seconded by LaCroix to place Cristin Gossens at DBM B23, Step 8, \$24.17/hr., effective June 12, 2022. Vote: Unanimous.



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**PAYROLL**

Commissioners, 9,954.51; Elections, 11,004.30; Auditor, 11,082.68; Treasurer, 35,879.67; State's Attorney, 146,841.58; Public Defender, 86,124.02; Buildings & Grounds, 65,418.67; Equalization, 38,969.52; Register of Deeds, 12,039.60; IT, 29,523.83; Human Resources, 7,879.21; Sheriff, 300,640.73; Jail, 355,250.61; JSC, 115,328.33; JSC Juvenile Alternative, 5,180.79; CCADP, 113,103.30; Economic Assistance, 36,485.30; Extension, 1,475.20; Natural Resources, 8,412.80; Planning & Zoning, 18,741.35; Road & Bridge, 108,080.16; Fire Administration, 3,992.05; Dispatch, 106,155.35; Emergency Management, 5,531.99; 24-7 Program, 9,605.45; MacArthur Safety & Justice, 9,672.26.

**PAYROLL**

Commissioners, 9,954.51; Elections, 13,827.96; Auditor, 9,582.88; Treasurer, 45,908.36; State's Attorney, 175,870.83; Public Defender, 88,276.01; Buildings & Grounds, 65,198.22; Equalization, 38,811.76; Register of Deeds, 12,170.40; IT, 29,026.99; Human Resources, 7,879.22; Sheriff, 305,868.13; Jail, 354,246.90; JSC, 117,340.75; JSC Juvenile Alternative, 4,997.28; CCADP, 110,519.93; Economic Assistance, 36,670.43; Extension, 1,475.20; Natural Resources, 11,788.80; Planning & Zoning, 19,187.14; Road & Bridge, 102,251.40; Fire Administration, 3,992.05; Dispatch, 104,891.29; Emergency Management, 5,531.97; 24-7 Program, 9,292.31; MacArthur Safety & Justice, 9,485.39.

**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 May 24, 2022: Total balances of checking/savings accounts 44,348,230.90; Total balance of Treasurer's Office safe cash, 18,000.00; Wells Fargo Securities Investments, 3,963,085.06; Total Prime Value Investment, 29,944,426.37; Total petty cash, 17,090.00; Total long/short, (429.33); Total, 78,290,403.00. Submitted by Lori Wessel, Deputy Auditor.

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

**Buildings & Grounds:** Effective 05/29/2022: Nathan Udell, \$18.40; James Petersen 13.35.

**Dispatch:** Effective 05/29/2022: Shannon Brewer, \$20.65; Tracey Gonzalez, \$23.14. Effective 05/31/2022: Brandee Maier, \$18.66; Isabella Whitehouse, \$18.66. Effective 06/12/2022: Abby Carlson, \$23.14.

**Equalization:** Effective 05/29/2022: Bree-Ann Long, \$20.65.

**HHS:** Effective 06/12/2022: Gretchen Sitzes, \$28.17.

**Highway:** Effective 05/29/2022: David Way, \$18.40.

**IT:** Effective 06/12/2022: Daniel Leetch, \$20.12; Darren Moore, \$20.12.

**Jail:** Effective 05/15/2022: Robert Snyder, \$26.16. Effective 05/29/2022: Amanda Strickland, \$30.21. Effective 05/30/2022: Jeri Kost, \$29.53. Effective 06/12/2022: Megan Meier, \$30.58. Effective 06/13/2022: Kyle Thomson, \$24.95.

**Natural Resources:** Effective 05/31/2022: James Thovson, \$17.40. Effective 06/08/2022: John Wheeler, \$15.04.

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Planning & Zoning: Effective 05/29/2022: Cody Sack, \$23.74.

Public Defender: Effective 07/10/2022: Michael Butler, \$3,808.00.

Register of Deeds: Effective 06/13/2022: Claudia Uecker, \$17.98.

Sheriff: Effective 05/16/2022: Destri Fagerland, \$15.44; Candy Alexander, \$15.44. Effective 05/23/2022, Felicia Sauceman, \$15.44. Effective 05/30/2022, Justice Showman, \$14.68. Effective 06/12/2022, Gordon Larsen, \$28.03.

State's Attorney: Effective 06/13/2022: Martin Ginger, \$20.65. Effective 07/25/2022: Brandy Rhead, \$2,554.40.

WSCJSC: Effective 06/12/2022: Kayla Wickerd, \$23.14. Effective 06/13/2022: Irene Medina-Ramirez, \$24.35, Jacob Person, \$23.14; Matthew Sedlacek, \$23.14.

**ADJOURN**

MOVED by Lasseter and seconded by Rossknecht to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 3:17 p.m.

/s/ Cindy Mohler, Auditor

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

Publish: June 29, 2022