

****REVISED****

**PENNINGTON COUNTY BOARD OF COMMISSIONERS
PROPOSED MEETING AGENDA
MARCH 7, 2023
9:00 A.M.
COMMISSION CHAMBERS
COUNTY ADMINISTRATION BUILDING**



*Lloyd LaCroix, Chair, District 2
Ron Rossknecht, Vice Chair, District 1*

*Deb Hadcock, District 3
Travis Lasseter, District 4
Gary Drewes, District 5*

Agenda disclaimer: The preferred practice of the Board is to proceed thru the agenda in the order it is published. From time to time, agenda items may be disposed of quickly leaving a gap in the meeting agenda prior to the next advertised agenda item start time. To utilize time effectively in those circumstances, the Board may move items up on the agenda to fill those gaps.

*Welcome to the March 7th, 2023 Board of Commissioners Meeting.
Please silence cell phones, pagers and other electronic communication devices.
Agendas and speaker request forms are located at the back of the Chambers.*

1. Call to Order
2. Moment of Silent Reflection
3. Pledge of Allegiance
4. Review and Approve Agenda
5. Recognition of New Employees

The Board of Commissioners uses a **Consent Agenda** to act on non-controversial and routine items. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Board member or a Citizen. The consent agenda contains the following items:

6. Minutes of the regular meeting – February 21, 2023
7. To acknowledge the notice of intent to conduct bingo & raffle – A Place for Meow Rescue, Corp. (COM)
8. Approval of the Permit to occupy right-of-way and road closure/traffic control for the 2023 Deadwood Mickelson Trail Marathon – Emily Wheeler (COM)
9. Approval of the Permit to occupy right-of-way for the 2023 RASDak Ride Across South Dakota – Kasey Abbott (COM)
10. To declare two (2) 2011 John Deere 772GP Motor Graders, Asset #005949 & #005950 as surplus for the purpose of trade (HWY)

End of Consent Agenda

Regular Agenda Items:

11. Status hearing for the Application to establish a Right-of-Way to an Isolated Tract pursuant to SDCL § 31-22-1 – Crossed Sabers, LLLP. (Cont. from the 2/21/23 BOC mtg)

Pennington County fully subscribes to the Americans with Disabilities Act. If you desire to attend this public meeting and need accommodations, please notify the Commissioners' Office at (605) 394-2171 at least 24 hours prior to the meeting so that appropriate services and auxiliary aids are available.



Scan the code to access the agenda packet online.

12. Request for authorization to purchase equipment using County allocation – Mr. John Kaiser, Assistant General Manager, Central States Fair
13. Items From Auditor
 - a. Special Request for Retail On-Sale Malt Beverage and Wine License – Rushmore Hockey Association
 - * b. Wild Springs Solar, LLC Utility Permit Application
14. Items From States Attorney
 - a. VOCA and Stop/VAWA Grants
15. Items From Building Committee
 - a. Award Recommendation – Design services for 900 Concourse Interior Remodel for New Administrative Offices
16. Items From Equalization
 - a. Abatement Applications:
 1. Evelyn Cumberworth, Parcel #27092, \$1,012.64
 2. Russell M Moen, Parcel #25713, \$736.60
 3. South Dakota Ellsworth Development, Parcel #71886, \$29.14
 4. City of Box Elder, Parcel #40102, \$1,388.58
17. Items From Fire Administrator
 - a. Presentation - Reference / How-To Project
18. Items From Highway Department
 - a. Authorization to Purchase Corrugated Metal Pipe
 - b. Amendment #1 to Professional Services Agreement – Highway 14/16 Bridge Replacements Design Engineering
 - c. Professional Services Agreement – Bridge Preservation Design Engineering
 - d. Award Recommendation – FNC 2023 Fencing (South Rochford Road)
 - e. Resolution 2023-03-07-1 Designation of No Maintenance Road (153rd Avenue)
 - f. Amendment to Agreement for Accomplishing Rapid City Area Transportation Planning Process (Highway 1416 and Radar Hill Road Corridor Study)
19. Items From Human Resources
 - a. Request for revision of conflicting policies – 2.15 Facilities Closure and 4.3 Sick Leave (*Commissioner Hadcock*)

20. Items From Compensation Committee
- a. Recommendation – Policy 3.18 Compensation Administration (Promotions)
 - b. Action - Policy 3.14 Safe Harbor
21. Eastern Pennington County Ambulance District (Commissioner Lasseter)
- a. Request for funding - Comprehensive Assessment
 - b. Resolution 2023-C1
22. Items From Public (Speaker request form is required)
 (A time for the members of the public to discuss or express concerns to the Board of Commissioners on policies and issues affecting County government and its function. Action will not be taken during this item on any issues brought forth that are not properly noticed. Speakers under this item will be recorded in the minutes by name and area of interest.)
23. Items From Planning & Zoning – 10:30 a.m.
BOARD OF ADJUSTMENT HEARING(S):
- a. Variance / VA 23-03: Katherine Brandiger. To reduce the setback to the north lot line for an existing structure in a Rural Residential District.
 - b. Variance / VA 23-04: Charles and Kimberly Klafka. To reduce the setback to the southwest lot line for an existing structure in a Rural Residential District.
 - c. Variance / VA 23-05: Kevin and Lise Baur; Josh Chamberlain - Agent. To reduce the setback to the north lot line for a proposed garage in a Rural Residential District.

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine Planning and Zoning items. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Board member or a Citizen. The Consent Agenda for Planning and Zoning contains the following items:

CONSENT AGENDA:

- d. Lot Line Adjustment Plan / LAPL 23-02: Maurice and Connie Reiner. To reconfigure lots lines to create Lot AR and Lot 5R2 of Block E of Edelweiss Mountain Development. *(Planning Commission recommended approval of Lot Line Adjustment Plan / LAPL 23-02 with six (6) conditions)*

End of Consent Agenda

Regular Agenda Items:

UNCONTESTED HEARING(S):

- e. Planned Unit Development Overlay Review / PU 21-21: American Buffalo Resort, LLC. To review a Planned Unit Development Overlay for a Recreational Resort. *(Planning Commission recommended approval of the extension of Planned Unit Development Overlay / PU 21-21 with twenty-four (24) conditions)*
- f. Public Hearing of Rezone / RZ 23-01: Jamie Gerlach. To rezone from Agriculture District to Low Density Residential District. *(Planning Commission recommended to continue Rezone / RZ 23-01 to the 3/21/23 BOC meeting)*

CONTESTED HEARING(S):

- g. Mining Permit / MP 23-01: Western Construction. To allow an aggregate mining operation in an Agriculture District
- h. Public Hearing of Ordinance Amendment / OA 23-02: Pennington County. To add Section 331 – On-site Wastewater Treatment (Septic) Systems to the Zoning Ordinance.
- i. Public Hearing of Ordinance Amendment / OA 23-03: Pennington County. To amend Section 204-J - On-Site Wastewater Treatment Systems [to amend and supersede the existing Section 204-J On-Site Wastewater Treatment Systems] of the Zoning Ordinance.
- j. Public Hearing of Ordinance Amendment / OA 23-04: Pennington County. To amend Section 511 - Fees [to amend and supersede the existing Section 511 Fees] of the Zoning Ordinance.
- k. Public Hearing of Ordinance Amendment / OA 23-05: Pennington County. To amend Section 204-F – General District Provisions (Dead End Road System) [to amend and supersede the existing Section 204-F – General District Provisions (Dead End Road System)] of the Zoning Ordinance.
- l. Public Hearing of Ordinance Amendment / OA 23-06: Pennington County. To amend Section 103 – Definitions [to amend and supersede the existing Section 103 – Definitions] of the Zoning Ordinance.
- m. Public Hearing of Ordinance Amendment / OA 23-07: Pennington County. To amend Section 904 – Dead End Roads [to amend and supersede the existing Section 904 – Dead End Roads] of the Subdivision Regulations.
- n. Public Hearing of Ordinance Amendment / OA 23-08: Pennington County. To amend Section 200 – Definitions [to amend and supersede the existing Section 200 – Definitions] of the Subdivision Regulations.

24. 2023 Legislative Session

- a. Update on proposed bills/session activity
 - 1. Any other legislation as deemed necessary

25. Items From Chair/Commission Members

(A time for individual members to bring forth ideas or concerns to the full Board. Official action will not be taken on any items brought forth at this time. Direction may be given to bring items back before the Board for future consideration.)

26. Committee Reports – Scheduled meetings by Commissioner

- TL – Weed & Pest Board, TIF – Tax Increment Finance Project Review Board
- LL – Justice Management Institute Pretrial Training, Community Health Center, BH Association of County Commissioners, NACo Public Lands/WIR
- GD – Healthcare Trust, Justice Management Institute Pretrial, Planning Commission
- RR – Healthcare Trust Board, Community Health Center, NACo Public Lands/WIR, TIF – Tax Increment Finance Project Review Board
- DH – Justice Management Institute Pretrial Training, Compensation Committee, Care Campus Advisory Board
- ALL – Oyate Health Care Center Grand Opening, Hill City Public meeting, Wall City Council meeting, Legislative Crackerbarrel

27. Approval of the Vouchers - \$249,620.98
28. Executive Session per SDCL 1-25-2
 - a. Personnel Issue per SDCL 1-25-2(1)
 - b. Contractual/Pending Litigation per SDCL 1-25-2(3)
29. Adjourn