

**PENNINGTON COUNTY BOARD OF COMMISSIONERS
PROPOSED MEETING AGENDA
MAY 17, 2022
9:00 A.M.
COMMISSION CHAMBERS
COUNTY ADMINISTRATION BUILDING**



*Gary Drewes, Chair, District 5
Lloyd LaCroix, Vice Chair, District 2*

*Ron Rossknecht, District 1
Deb Hadcock, District 3
Travis Lasseter, District 4*

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 May 17th, 2022 Board of Commissioners Meeting.
Please silence cell phones, pagers and other electronic communication devices.
Agendas 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

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:

5. Minutes of the special meeting – April 27, 2022
6. Minutes of the regular meeting – May 3, 2022
7. To authorize the chair's signature to the Annexation to the Murphy Ranch Road District with the following legal description: Lot 1 of Buchholz Subdivision and Lot B of SE1/4NW1/4; Lot C OF NE1/4SW1/4; Tract G of NW1/4 & SW1/4, less W175' of N90'; all located in T1N, R8E, SEC 14 BHM, Pennington County, South Dakota (AUD)
8. Recognize and thank the volunteers for the month of April 2022 (HR)(Fire Admin)
9. To authorize one Glock Model 17, Serial Number BCHF979 to be declared as surplus for the purpose of commendation (SO)
10. To authorize one Glock Model 17, Serial Number BNB732 to be declared as surplus for private sale to the retiring Deputy (SO)

End of Consent Agenda

Regular Agenda Items:

11. Items From Auditor
 - a. Retail (on-off sale) Malt Beverage & SD Farm Wine Licenses Renewals

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.

- b. New Retail (on-off sale) Malt Beverage & SD Farm Wine License – Mountain View Lodge & Cabins
 - c. Transfer of Retail (on-off sale) Malt Beverage & SD Farm Wine – O’Malley’s Casino
 - d. Transfer of Retail (on-sale) Liquor License – Sally O’Malley’s Pub & Casino
12. Items From Health & Human Services
- a. Bureau of Justice Innovations in Reentry Grant – request for two (2) full time Transition Coordinator positions
13. Items From Highway Department
- a. Authorization to advertise and let one new Tandem Axle Truck
 - b. Hours of Operation
 - c. First Reading 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”
14. Exception to Ordinance 14 for Second Approaches on Covington Street – Mr. Don Behrens, Rodshop LLC.; KTM Design Solutions, Inc. - Agent
15. Items From Human Resources
- a. New Position Title Request – Operations Manager (Natural Resources)
16. Items From Commission Manager
- a. Proposed resolutions for BHACC/SDACC
 - 1. A resolution in support of amending current South Dakota Codified Law § 32-5-127 to update additional charges allowed for mailing decals and plates
 - b. Request for donation of tax deed parcel #65319 to the Black Hills National Forest
17. Approval of the Vouchers - \$4,348,909.25
18. Items From Public
(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.)
19. Dispute regarding application of Section 204-J (Septic Tank Installation Requirements) – Mr. John Talley, Talley Construction Inc.
20. Items From Planning & Zoning – 10:30 a.m.
- REQUEST AGENDA:**
- a. Request to refund Building Permit Penalty Fee: Tina Bechly

BOARD OF ADJUSTMENT HEARING(S):

- b. Subdivision Regulations Variance / SV 22-04: Little Guys, LLC (Ben Brink); KTM Design Solutions – Agent
- c. Variance / VA 22-07: Isaac Almanza; Renner Associates – Agent
- d. Variance / VA 22-08: ZirKiss, Inc.-Breawna Ventura Nylen

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:

- e. Minor Plat / MPL 22-12: Little Guys, LLC/Benjamin Brink; KTM Design Solutions - Agent. To create Lots 1 and 2 of Powder House Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations. *(Planning Commission recommended approval of Minor Plat / MPL 22-12 with seven (7) conditions.)*
- f. Minor Plat / MPL 22-14: Allan Knutson; D.C. Scott Surveyors. To reconfigure lot lines to create Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations. *(Planning Commission recommended approval of Minor Plat / MPL 22-14 with six (6) conditions.)*
- g. Minor Plat / MPL 22-13: Martha Washington Place, LLC / Rodney Johnson. To subdivide and create Lot A of Lot 1 of Martha Washington Place Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations. *(Planning Commission recommended approval of Minor Plat / MPL 22-13 with five (5) conditions.)*
- h. Layout Plan / LPL 22-15: Isaac Almanza; Renner Associates - Agent. To subdivide and create Lot 1 of JV Subdivision and Lot 2R of HES #563 in accordance with Section 400.1 of the Pennington County Subdivision Regulations. *(Planning Commission recommended to continue Layout Plan / LPL 22-15 indefinitely, per the request of the applicant and surveyor.)*

End of Consent Agenda

Regular Agenda Items:

UNCONTESTED HEARING(S):

- i. Public Hearing of Rezone / RZ 22-09: Isaac Almanza; Renner Associates - Agent. To rezone 7.137 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance. *(Planning Commission recommended to continue Rezone / RZ 22-09 indefinitely, per the request of the applicant and surveyor.)*
- j. Road Naming: Edward and Tonya Mandy. To name a proposed 66-foot-wide Public Right-of-Way providing access to property located in Section 6, T1S, R7E, BHM, Pennington County, South Dakota, to Viridian Way. *(Planning Commission recommended approval of the road naming of Viridian Way.)*
- k. Road Name Change: Tyrel Eisenbraun. To rename a 66-foot-wide Public Right-of-Way providing access to property located in Sections 1, 2, 12, 13, 24, 25, 35, and 36 of T1N, R14E; Sections 11, 12, 13, 14, 23, 25, 26, 35, and 36 of T2N, R14E, and Section 1, T1S, R14E, BHM, Pennington County, South Dakota, from Jensen Road to Crooked Creek Road. *(Planning Commission recommended approval of the road name change from Jensen Road to Crooked Creek Road.)*

- l. Public Hearing of Planned Unit Development Overlay / PU 22-08: Black Hills Tiny Resort, LLC / Joleen Zoller. To allow a Recreational Resort to include a Recreational Vehicle Park, Vacation Home Rentals, and a caretaker/manager's residence on the subject property in accordance with Sections 205, 212, 306, 319, and 216 of the Pennington County Zoning Ordinance. (*Planning Commission recommended approval of Planned Unit Development Overlay / PU 22-08 with twenty-three (23) conditions.*)

CONTESTED HEARING(S):

- m. 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. (*Cont. from the 5/3/22 BOC mtg*)
- n. Public Hearing of Ordinance Amendment / OA 22-04: Pennington County. To amend Section 304 "Mobile Homes" [to amend and supersede the existing Section 304 "Mobile Homes"] of the Pennington County Zoning Ordinance.
- o. Public Hearing of Ordinance Amendment / OA 22-05: Pennington County. To amend Section 316 "Telecommunications Facility" [to amend and supersede the existing Section 316 "Telecommunications Facility"] of the Pennington County Zoning Ordinance.
- p. Public Hearing of Ordinance Amendment / OA 22-06: Pennington County. To amend Section 511 "Fees" [to amend and supersede the existing Section 511 "Fees"] of the Pennington County Zoning Ordinance.
- q. 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.

21. 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.)

22. Committee Reports – Scheduled meetings by Commissioner

TL – Healthcare Trust Board, RC Public Library Board of Trustees
LL – Building Committee, Extension Advisory Board
GD – BHACC District Meeting, Planning Commission, Central States Fair Board
RR – BHACC District Meeting, Building Committee
DH – Fire Service Board

23. 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)

24. Adjourn