

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of November 5, 2019

The Pennington County Board of Commissioners met at 8:02 a.m. on Tuesday, November 5, 2019, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, Gary Drewes, Lloyd LaCroix and Ron Rossknecht.

**REVIEW AND APPROVE AGENDA**

MOVED by Drewes and seconded by DiSanto to approve the agenda as presented with splitting out one executive session item for a personnel issue pursuant to SDCL 1-25-2(1) to be moved to item 16B. Vote: Unanimous.

**FIRST READING AND PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 19-01 – PENNINGTON COUNTY. TO AMEND/ADOPT THE PENNINGTON COUNTY COMPREHENSIVE PLAN – MATRIX DESIGN GROUP MR. RICK RUST VICE PRESIDENT**

**CONSENT AGENDA ITEMS**

MOVED by Drewes and seconded by DiSanto to approve the Consent Agenda as presented. Vote: Unanimous.

6. Minutes of the regular meeting – October 15, 2019.
7. Minutes of the special meeting – October 21, 2019.
8. Approve of the 2020 Board of Commissioners Meeting Dates.
9. Declare capital asset #23910 – 1999 Chevrolet Blazer as surplus for the purpose of trade-in.
10. Declare two (2) vehicles, Units 101 and 109, as presented as surplus for the purpose of trade-in towards replacement vehicles and authorize the Sheriff's Office to advertise for bids for two (2) 2019 or newer four door sedans as presented.

End of Consent Agenda Items

**LIEN RELEASE REQUEST (RB-CA):** MOVED by LaCroix and seconded by Rossknecht to bring back any liens that are currently at Credit Collections as long as RB-CA (name withheld per SDCL 28-13-42) agrees to make a \$15 a month payment. Vote: Unanimous.

**VETERANS DAY RECOGNITION – A TIME FOR ALL TO PAY OUR RESPECTS TO THOSE WHO HAVE SERVED. FOR ONE DAY, WE STAND UNITED IN RESPECT FOR YOU OUR VETERANS.**

**EXECUTIVE PROCLAMATION: BOYD “BUTCH” KITTERMAN DAY – MR. JEROME HARVEY, FIRE ADMINISTRATOR:** MOVED by LaCroix and seconded by DiSanto to approve the Chair's signature to the proclamation declaring today, November 5<sup>th</sup>, 2019 as Boyd “Butch” Kitterman Day in Pennington County. Vote: Unanimous.

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**WRN (WEATHER READY NATION) AMBASSADOR RECOGNITION – MR. DAVID HINTZ, METEOROLOGIST IN CHARGE, NATIONAL WEATHER SERVICE**

**CRAZY HORSE SCENIC BYWAY APPLICATION – MS. TONYA HUBER, KLJ ENGINEERING ON BEHALF OF OGLALA SIOUX TRIBE DEPARTMENT OF TRANSPORTATION;** MOVED by DiSanto and seconded by Rossknecht to approve the Chair's signature on the letter of support for the proposed Crazy Horse Scenic Byway Application. Vote: Unanimous.

**TAX DEED PROPERTY LOCATED AT 321 SOUTH STREET, RAPID CITY – OFFER TO PURCHASE – MR. LEONARD WEIMER;** MOVED by LaCroix and seconded by DiSanto to continue this item until the November 19, 2019 Commission meeting. Vote: Unanimous.

**EXECUTIVE SESSION – SDCL 1-25-2**

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

MOVED by Drewes and seconded by DiSanto to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters. Vote: Unanimous.

MOVED by Drewes and seconded by Rossknecht to come out of Executive Session. Vote: Unanimous with DiSanto not present.

DiSanto joined the meeting a 10:20 A.M.

**ITEMS FROM AUDITOR**

A. REPEAL OF RESOLUTION REGARDING SPECIAL PURPOSE REPORTING (MODIFIED CASH BASIS ACCOUNTING); MOVED by Drewes and seconded by DiSanto to repeal the resolution regarding special purpose reporting method of accounting that was approved on October 1, 2019. Vote: Unanimous.

B. 9:15 A.M. PUBLIC HEARING: SUPPLEMENT SP19-019 – SEARCH & RESCUE BUDGET; MOVED by Drewes and seconded by Rossknecht to approve Budget Supplement SP19-019 to the General Fund Search & Rescue budget in the amount of \$121,217 from Assigned Equipment Reserve. Vote: Unanimous.

C. PUBLIC HEARING: TRANSFER OF ALCOHOLIC BEVERAGE LICENSE – HIGH COUNTRY GUEST RANCH; MOVED by Rossknecht and seconded by LaCroix to approve the transfer of a retail (on-off sale) Wine and Cider license from High Country Guest Ranch under Blended Arrow LLC to High Country Guest Ranch under Ventures in the Hills LLC. Vote: Unanimous.

D. PUBLIC HEARING: RENEWAL OF RETAIL (ON SALE) LIQUOR LICENSES WITH SUNDAY SALES; MOVED by Rossknecht and seconded by Drewes to approve the renewals of the Retail (on sale) Liquor Licenses with Sunday Sales as presented and release licenses upon payment of appropriate property taxes. Vote: Unanimous.

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- E. PUBLIC HEARING: RENEWAL OF RETAIL (ON-OFF SALE) WINE & CIDER LICENSES: MOVED by DiSanto and seconded by Drewes to approve the renewals of the Retail (on-off sale) Wine & Cider Licenses as presented and release licenses upon payment of appropriate property taxes. Vote: Unanimous with LaCroix abstaining from the Corner Pantry #21 license.
- F. PUBLIC HEARING: RENEWAL OF PACKAGE LIQUOR OFF SALE LICENSE – JOHNSON SIDING GENERAL STORE: MOVED by DiSanto and seconded by Rossknecht to continue this item until the November 19, 2019 Commission meeting. Vote: Unanimous.

**ITEMS FOR FIRE ADMINISTRATOR**

- A. UPDATE ON THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR TWO-WAY RADIO COMMUNICATIONS EQUIPMENT AND A BREATHING GRADE COMPRESSOR FOR WALL VFD

**ITEMS FROM EQUALIZATION**

- A. ABATEMENT APPLICATION(S) – BOBLETT, PARCEL #8006768, \$18.02 & PEHRINGER, PARCEL #8002994, \$141.60: MOVED by LaCroix and seconded by DiSanto to table this item. Vote: Unanimous.

Drewes left the meeting at 10:33 A.M.

MOVED by LaCroix and seconded by DiSanto to take Item 19A (Abatement applications) off of the table. Vote: Unanimous.

- A. ABATEMENT APPLICATION(S) – BOBLETT, PARCEL #8006768, \$18.02 & PEHRINGER, PARCEL #8002994, \$141.60: MOVED by DiSanto and seconded by Rossknecht to approve the abatement application for Tax ID #8006768 (Boblett) in the amount of \$141.60 for the tax year 2018 and Tax ID 8002994 (Pehringer) in the amount of \$141.60. Vote: Unanimous.

**ITEMS FROM HUMAN RESOURCES**

- A. LONGEVITY PAY – CHECK TIMING: MOVED by Rossknecht and seconded by Hadcock to approve the processing of longevity payments as part of a regular payroll check cycle and further moved that the payment will be included in the paycheck for the pay period following the employee's anniversary date. Vote: Unanimous.

Drewes returned to the meeting at 11:10 A.M.

**AZTEC DRIVE REQUEST (PONDEROSA RIDGE ROAD DISTRICT) MR. DONALD HERRMANN**: MOVED by DiSanto and seconded by Rossknecht to deny the request for the County to repair or pay for repairs on Aztec Dr. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

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- A. SECOND READING AND PUBLIC HEARING OF ORDINANCE 32-1: AN ORDINANCE TO AMEND ORDINANCE 32 “PROHIBITING PLACEMENT OF SNOW ONTO A HIGHWAY OR PUBLIC RIGHT-OF-WAY,” AND INCREASING PENALTY: MOVED by LaCroix and seconded by DiSanto to approve the second reading and adoption of Ordinance 32-1: An Ordinance to Amend Ordinance 32 “Prohibiting Placement of Snow onto a Highway or Public Right-of-Way,” and increasing penalty. 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 Drewes and seconded by DiSanto to approve the Planning and Zoning consent agenda as presented with the removal of Item A. Vote: Unanimous.

- A. Removed for separate consideration.  
B. MINOR PLAT / MPL 19-25: Julie Benson Wilber. To create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of NW1/4SE1/4, Lot A of SW1/4SE1/4, and Lot A of SE1/4SE1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

Approve of Minor Plat / MPL 19-25 with the following eight (8) conditions:

1. 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;
2. That prior to the Plat being recorded with the Register of Deeds, percolation tests and soil profile hole information be submitted for proposed Lot 2 of Thorstenson-Benson Ranch Subdivision for review and approval by the County Onsite Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That the applicant obtains an Approach Permit from Pennington County Highway prior to installation of any approaches off of Nemo Road;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That prior to the Plat being recorded with the Register of Deeds, the Owner’s Certificate notary acknowledgment needs to be in corporation format for the partnership;
6. That all future addresses must be posted in accordance with Pennington County Ordinance #20;

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7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked.

C. MINOR PLAT / MPL 19-28: Brad and Colleen Kurtz. To create Lots 8A and 8B of Collins Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 8, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 8A and 8B, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 19-28 with the following six (6) conditions:

1. That the applicant obtain Approach Permits from the State Highway Department prior to installation of any approaches off of Highway 385;
2. That the applicant ensures all natural drainage ways are maintained and are not blocked;
3. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
4. That all future addresses must be posted in accordance with Pennington County Ordinance #20.
5. That upon filing the Plat with the Register of Deeds, the plat meets all 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; and,
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations.

D. MINOR PLAT / MPL 19-30: Olson Rental Properties LLC / Aaron Olson. To create Lots 1 and 2 of Rand Lode Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

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Approve of Minor Plat / MPL 19-30 with the following seven (7) conditions:

1. That prior to filing the Minor Plat with the Register of Deeds, the Plat Private Access & Utility Easement Notes be corrected, per Register of Deeds comments;
2. That prior to filing the Minor Plat with the Register of Deeds, the Plat Utility and Minor Drainage Easements be clarified, per Black Hills Energy comments;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
5. That all future addresses must be posted in accordance with Pennington County Ordinance #20.
6. That upon filing the Plat with the Register of Deeds, the plat meets all 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; and,
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations.

- E. MINOR PLAT / MPL 19-31: Double L Properties, LLC. To create Lot 10, Block 3 of the Ranch at Black Gap in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10, Block 3, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 19-31 with the following six (6) conditions:

1. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines;
2. That upon filing the Plat with the Register of Deeds, the plat meets all 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 Building Permit submittal for proposed Lot 10 of Block 3, an address will be assigned and shall be posted so it is clearly visible at all times, in accordance with Pennington County's Ordinance #20;
4. That following platting of proposed Lot 10 of Block 3, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;

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5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and also include the appropriate Certifications for the City of Rapid City; and,
6. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.

F. MINOR PLAT / MPL 19-32: Debra Legge; Fisk Land Surveying – Agent. To subdivide and create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 19-32 with the following five (5) conditions:

1. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to state “...(formerly all of Lot A of Lot 1 of Tract B of HES 281 Addition and the Balance of Lot 1 of Tract B of HES 281)”, per comments from the Register of Deeds;
2. That at the time of Minor Plat submittal, a minimum of 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;
3. That upon 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;
4. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

G. MINOR PLAT / MPL 19-34: Jeffrey Scherr. To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 1442; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

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PROPOSED LEGAL: Lot D1 and Lot D2 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 19-34 with the following seven (7) conditions:

1. That prior to filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Variance to Subdivision Regulations be obtained waiving this requirement;
2. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to Subdivision Regulations be obtained waiving any of these requirements that are not met;
3. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Variance to Subdivision Regulations be obtained waiving this requirement;
4. That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That following the platting of proposed Lots D1 and D2, prior to any disturbance in the Special Flood Hazard Area will require an approved Floodplain Development Permit; and,
7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.

End of Consent Agenda

Removed for Separate Consideration

- A. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-06:  
Catherine Sopinski; Rob Livingston – Agent. To review an existing Planned Unit Development to allow the single-family residence to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve of the extension of Major Planned Unit Development Amendment / PU 18-06 with the following fourteen (14) conditions:



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1. That this Major Planned Unit Development Amendment allow for a three (3) bedroom Vacation Home Rental within the existing residence located on Lot 1, Block 1 of The Reserve at Remington Ranch;
2. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of three (3) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-4131 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
8. That the lot address (23801 Placer Place) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Rob Livingston, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s);
13. 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,
14. That this Major Planned Unit Development be reviewed in two (2) years, 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.

**PLANNING & ZONING REGULAR AGENDA**

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- H. PLANNED UNIT DEVELOPMENT REVIEW / PU 01-05: William Anderson, Cliff and Billy Janis, and S-L Holdings LLC. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 1 and Tract 2, of KWA Subdivision and NE1/4SE1/4 Less KWA Subdivision Less Lot H-1 of S1/2NE1/4SE1/4, all located in Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by LaCroix to continue the review of Planned Unit Development / PU 01-05 to no later than the January 7, 2020, Board of Commissioner's meeting to allow time for Staff and the Landowners to meet and address the complaint and possible amendments to PU 01-05. Vote: Unanimous.

- I. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT / PU 19-05 AND FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development and to amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

(Rezone) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Major PUD Amendment) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve of the continuation of the hearing of Planned Unit Development / PU 19-05 and recommended approval of the continuation of the hearing of Major Planned Unit Development Amendment / PU 19-06 with the following one (1) condition. Vote: Unanimous.

1. That when a new hearing date is determined, the applicant will pay for new hearing letters, along with new advertising.

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- J. LAYOUT PLAT / LPL 19-29: Jeremiah and Trista Vlcek. To combine two lots to create Lot 6R, Block 10, The Ranch at Black Gap in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 6 and 7, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 6R, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by LaCroix to approve of Layout Plat / LPL 19-29 with the following six (6) conditions. Vote: Unanimous.

1. That at the time of Minor Plat application submittal, eight (8) foot Minor Drainage Easements are 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 application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. 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;
4. That at the time of the Minor Plat application submittal, the prepared plat has a note stating that prior to obtaining a building permit each lot must identify two (2) Onsite Wastewater Systems with accompanying percolation tests and soil profiles for each location, see book 29, page 164.
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

- K. LAYOUT PLAT / LPL 19-36: Par Properties / Paul Zweifel. To subdivide and create Lots 1, 2, and 3 of Par Properties Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Par Properties Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

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MOVED by Rossknecht and seconded by Drewes to approve of Layout Plat / LPL 19-36 with the following eight (8) 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, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the On-Site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
4. That prior to the Plat being recorded with the Register of Deeds, the proposed Lots 1-3 obtain a Lot Size Variance or be rezoned appropriately;
5. 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.
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

- L. LAYOUT PLAT / LPL 19-37: Battle Creek Fire District. To subdivide and create Lots A and B of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Well, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Drewes to approve of Layout Plan / LPL 19-37 with the following five (5) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, the lot names be corrected, per Register of Deeds' comments;
2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be

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obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;

3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
5. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

- M. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 19-13 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-13: Leslie McGourty. To rezone 3.02 acres from Planned Unit Development to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 207, 213, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Voshall Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve of Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13. Vote: Unanimous.

- N. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 19-15 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-15: Harold Bies. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Limited Agriculture District in accordance with Sections 205, 206, 208, and 508 of the Pennington County Zoning Ordinance.

SW1/4NW1/4, Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to approve of Rezone / RZ 19-15 and Comprehensive Plan Amendment / CA 19-15. Vote: Unanimous.

- O. LAYOUT PLAT / LPL 19-35: Ken Willard; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That PT of W1/2SE1/4 and That PT of SE1/4SE1/4 Located E of Highway 385 Less Forest View Subdivision Less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Willard Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

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MOVED by Rossknecht and seconded by LaCroix to approve of Layout Plan / LPL 19-35 with the following nine (9) conditions. Vote: Unanimous.

1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Willard Ranch Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;
2. 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;
3. That upon filing the Plat with the Register of Deeds, the plat meets all 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 the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from both directions of travel on Merritt School Road, in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. 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;
8. That a Conditional Use Permit is obtained for operation of the cleaning business located on proposed Lot 1 prior to filing the Plat with the Register of Deeds; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

P. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 19-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-14: Ken Willard; Fisk Land Surveying – Agent. To rezone 8.82 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

A parcel of land located in the Northwest One-Quarter of the Southeast One-Quarter (NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>) of Section Twenty-Eight (28), Township Two North (T2N), Range Five East (R5E) of the Black Hills Meridian (BHM), Pennington County, South Dakota and proposed as Lots 1 and 2 of Willard Ranch Subdivision and more particularly described as follows: Beginning at the northeast corner of said NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, said point being marked by a USFS Aluminum Monument marked LS 3491; thence, South 33 degrees 40 minutes 46 seconds West a

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distance of 852.68 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 18 minutes 36 seconds West a distance of 310.54 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 37 degrees 15 minutes 34 seconds West a distance of 349.52 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 12 minutes 53 seconds West a distance of 173.48 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence curving to the left on a curve with a radius of 240.00 feet, a delta of 15 degrees 52 minutes 16 seconds, and arc length of 66.48 feet and a chord bearing and distance of North 50 degrees 09 minutes 01 seconds West 66.27 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 58 degrees 05 minutes 09 seconds West a distance of 59.73 feet more or less to a point on the east-west ¼ section line and said point being marked by a rebar with survey cap “RW Fisk 6565”; thence, easterly along said ¼ section line South 89 degrees 57 minutes 31 seconds East a distance of 1,111.64 feet more or less to the point of beginning. Said tract of land contains 8.82 acres more or less; Section 28, T2N, R5E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

MOVED by Rossknecht and seconded by LaCroix to approve of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14. Vote: Unanimous.

**ITEMS FROM CHAIR/COMMISSION MEMBERS**

A. **INTRODUCTION OF NEW HIRES:** MOVED by Drewes and seconded by Rossknecht to implement the introduction of new employees before a BOC meeting at 8:45 A.M. in the Commissioners conference room as a meet and greet. Vote: Unanimous.

**COMMITTEE REPORTS**

**APPROVAL OF VOUCHERS:** MOVED by Drewes 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 \$363,242.45. Vote: Unanimous.

AT&T Mobility, 1,157.77; AT&T Mobility, 613.09; BH Energy, 1,064.09; BH Energy, 133.01; BH Energy, 285.53; Century Link, 262.03; City Of Box Elder, 555.86; City Of Hill City, 9.06; City Of Rapid City-Water, 2,698.22; City Of Rapid City-Water, 24,671.40; City Of Wall, 142.00; Custer Gas, 98.00; Executive Mgmt Fin Office, 72.00; First Interstate Bank, 298.89; Midcontinent Communications, 1,027.00; Midcontinent Communications, 2,615.47; Midcontinent Communications, 1,941.55; Montana Dakota Utilities, 3,403.67; Montana Dakota Utilities, 52.55; Montana Dakota Utilities, 2,149.32; Pioneer Bank & Trust, 4,572.38; Pioneer Bank & Trust, 4,555.52; Pioneer Bank & Trust, 11,476.07; Pioneer Bank & Trust, 2,336.92; Pioneer Bank & Trust, 4,672.93; Rainbow Gas Company, 27.38; Reliance Telephone Inc, 14.40; Vast Broadband, 1,804.75; Vast Broadband, 384.38; Verizon Connect NWF Inc, 29.37; Verizon

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Wireless, 869.65; Verizon Wireless, 2,813.68; Verizon Wireless, 162.79; West River Electric, 1,552.24; Wellmark, 284,719.48.

**ITEMS FROM THE PUBLIC**

**EXECUTIVE SESSION – SDCL 1-25-2**

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

B. Contractual / Pending Litigation per SDCL 1-25-2(3)

MOVED by Drewes 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 the purpose of consulting with legal counsel regarding a contractual/pending litigation matter. Vote: Unanimous.

MOVED by DiSanto and seconded by Drewes to come out of Executive Session. Vote: Unanimous.

MOVED by Rossknecht and seconded by Drewes to place Joe Miller, Highway Superintendent, at Grade 25, Step 5, for a bi-weekly rate of \$3,291.20, effective December 15, 2019. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to move Kailey Selby to the position of Engineer Technician effective September 22, 2019 at the rate of \$20.90/hr., and also the Auditor's Office to grant back pay to that date for hours worked in the new position. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to grant Debra Grote two additional performance steps outside of the wage policy, placing her at a Grade 17, Step 18, at the rate of \$28.47/hr. effective November 17, 2019. Vote: Unanimous.

**PAYROLL**

Commissioners, 16,597.82; Elections, 21,366.56; Auditor, 15,841.84; Treasurer, 64,668.71; State's Attorney, 263,593.27; Public Defender, 161,089.30; Buildings & Grounds, 130,021.25; Equalization, 84,398.28; Register of Deeds, 28,867.91; IT, 48,784.23; Human Resources, 11,226.80; Sheriff, 558,081.43; Naturl Resource Management, 8,180.80; Jail, 649,678.31; JSC, 218,913.90; JSC Juvenile Alternative, 10,829.85; CCADP, 188,114.33; Economic Assistance, 70,035.76; Extension, 2,703.05; Weed & Pest, 10,338.81; Planning and Zoning, 39,019.50; Road & Bridge, 196,459.88; Fire Administration, 7,201.82; Dispatch, 192,725.00; Emergency Management, 9,663.34; 24-7 Program, 23,791.26.

**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 October 21, 2019: Total balances of checking/savings accounts 14,264,882.00; Total balance of Treasurer's Office safe cash, 13,400.00; Wells Fargo Securities Investments, 1,548,344.45; Total certificates of deposit,



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7,589,537.36; Total Prime Value Investment, 43,196,139.17; Total petty cash, 16,815.00; Total NSF Paid, 219.84; Total long/short, (480.18); Total, 66,628,857.64. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**

24/7: Effective 11/4/2019 – Tamera Pate at \$15.60/hr.

Buildings & Grounds: Effective 11/17/2019 – Steve Luken at \$15.99/hr.

CCADP: Effective 11/4/2019 – Connor Campbell, Peri Decory, Joseph Oberle & Travis Thorn at \$17.20/hr. Effective 11/17/2019 – Nicole Kelly at \$22.50/hr. & Lynn Renville at \$20.46/hr.

Commissioners: Effective 11/17/2019 – Joan Martin at \$20.41/hr.

Dispatch: Effective 11/3/2019 – Janice Jenesse and Jessica Sedlmajer at \$21.43/hr. Effective 11/17/2019 – Marissa Brooks at \$26.05/hr., Matthew Thompson at \$25.77/hr. & Danielle Ellerton at \$29.23/hr.

Equalization: Effective 11/17/2019 – Curtis Westby at \$30.28/hr.

Highway: Effective 10/20/2019 – Doug Horst & Jay Wetzel at \$18.51/hr. & Ronald Stagner at \$23.94/hr. Effective 11/3/2019 – Donald Jones at \$18.97/hr. & Erick Rousselle at \$18.51/hr. Effective 11/17/2019 – Gary Vernon at \$18.97/hr. & Ciara Geppert at \$20.41/hr.

IT: Effective 11/4/2019 – Nathan Mertes at \$2,160.80/bi-wkly.

Jail: Effective 11/4/2019 – Daryl Robinson at \$16.38/hr. & Cody McGuire, Brianna Becher, Travis Tenold & Kyle Heck at \$21.94/hr. Effective 11/17/2019 – Joan Fletcher at \$22.06/hr., Phillip Maxfield at \$26.75/hr., Jerome Morris at \$28.81/hr., Tyler O’Connell at \$22.50/hr., Sean Stecher at \$27.35/hr., David Switzer at \$27.69/hr. & Anna Bingham at \$23.63/hr.

JSC: Effective 11/4/2019 – Maurice Wallum at \$21.94/hr. Effective 11/17/2019 – Sam Brumbaugh at \$32.63/hr. & Anesha Morton at \$23.63/hr.

Public Defender: Effective 11/17/2019 – Shannon Lapp at \$2,219.20/bi-wkly.

Sheriff: Effective 11/3/2019 – Kirk Buchholz & Jodi Glasgow at \$25.14/hr., Glenn Miller at \$25.44/hr. & Thad Mason at \$29.83/hr. Effective 11/4/2019 – Aaron Pritzkau at \$23.04/hr. Effective 11/17/2019 – Trista Dupres, Amanda Swanson & Daniel Rose at \$23.91/hr., Mischelle Boal at \$29.54/hr., Josie Frank at \$14.51/hr. & Joshua Kunde at \$24.52/hr.

State’s Attorney: Effective 11/3/2019 – Stacy Vinberg Wickre at \$3,255.20/bi-wkly. Effective 11/17/2019 – Melanie Theissen at \$28.89/hr. Effective 12/1/2019 – Penny Wetch at \$20.65/hr.

Treasurer: Effective 11/18/2019 – Darsha Nelson at \$17.20/hr., Tina Sun at \$18.51/hr. & Andrea Bossen at \$19.90/hr.

**ADJOURN**

MOVED by Rossknecht and seconded by DiSanto to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:40 p.m.

/s/ Cindy Mohler, Auditor

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