PENNINGTON COUNTY BOARD OF COMMISSIONERS PROPOSED MEETING AGENDA NOVEMBER 1, 2022 9:00 A.M. COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

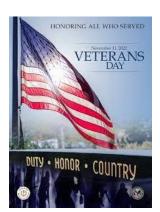


Gary Drewes, Chair, District 5 Lloyd LaCroix, Vice Chair, District 2 Ron Rossknecht, District 1 Deb Hadcock, District 3 Travis Lasseter, District 4

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 <u>November 1st, 2022</u> 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 To the men and women in uniform and their families... past, present and future; <u>THANK YOU</u> for your service to our great Country!
- 3. Pledge of Allegiance
- 4. Review and Approve Agenda
- 5. Veterans Recognition:
 - Pennington County Employees
 - Pennington County Veterans Service Office
 - Secretary of the South Dakota Department of Veterans Affairs, Mr. Greg Whitlock
- 6. Executive Proclamation Sergeant Colton Levi 'Delta Derr' Day



The Board of Commissioners uses a <u>Consent Agenda</u> 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:

- 7. Minutes of the regular meeting October 18, 2022
- 8. To acknowledge disinterment permit #1491751 (COM)
- 9. Approval of Hill City's Olde Tyme Christmas Lighted Parade Entry Form (COM)
- 10. Approval of the Memorandum of Understanding Lawrence County Snow Removal (*HWY*)

End of Consent Agenda

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.



Regular Agenda Items:

11. <u>Items From Highway Department</u>

- a. Work Order for Engineering Services Reservoir Road & Lamb Road Intersection
- b. Authorization to Purchase one new Traveling Axle Lowboy Trailer

12. Items From the Building Committee

- a. Courthouse Entry Addition 3rd Floor Buildout Design Services Proposal
- b. Property Acquisition (Recommendation)

13. Items From the Compensation Committee

a. 2023 Wage Scale Implementation

14. Items From Commission Manager

- a. Resolution for funding for the Western Dakota Regional Water System
- 15. Request for Agenda Presentation Mr. Chet Ellsworth
 - a. Commission Item Submission Rules, 2/4/2014
 - b. Register of Deeds Rejection of Documents
- 16. Approval of the Vouchers \$566,215.09

17. <u>Items From Public</u> (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.)

18. Items From Planning & Zoning – 10:30 a.m.

BOARD OF ADJUSTMENT HEARING(S):

- a. Variance / VA 22-21: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback to a residential zoning district from 500 feet to 105 feet for a telecommunications tower in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance
- b. Variance / VA 22-22: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback from 1.1 times the height of the telecommunications tower to a non-residential zoning district in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance

UNCONTESTED HEARING(S):

- c. Public Hearing of Comprehensive Plan Amendment / CA 22-20: Brian Schroeder; Davis Engineering Agent. To amend the Comprehensive Plan to change the Future Land Use 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 Comprehensive Plan Amendment / CA 22-20 to the 12/20/22 BOC meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system)
- d. Public Hearing of Rezone / RZ 22-27: Brian Schroeder; Davis Engineering Agent. To rezone 14.17 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 22-27 to the 12/20/22 BOC meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system)

CONTESTED HEARING(S):

- e. Public Hearing of Major Planned Unit Development Amendment / PU 22-13: Blue Wing Recreation Corporation; Ron Rossknecht. To amend the existing Planned Unit Development to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet in accordance with Section 216 of the Pennington County Zoning Ordinance. (Planning Commission recommended approval of Major Planned Unit Development Amendment / PU 22-13 with nine (9) conditions)
- f. Public Hearing of Ordinance Amendment / OA 22-09: Pennington County. To add Section 517 "Special Permitted Uses" [to add Section 517 "Special Permitted Uses"] to the Pennington County Zoning Ordinance. (*Planning Commission recommended approval of Ordinance Amendment / OA 22-09*)
- g. Public Hearing of Ordinance Amendment / OA 22-10: Pennington County. To amend Section 204 "General District Provisions" [to amend and supersede the existing 204 "General District Provisions"] of the Pennington County Zoning Ordinance. (Planning Commission recommended approval of Ordinance Amendment / OA 22-10)
- h. Public Hearing of Ordinance Amendment / OA 22-11: Pennington County. To amend Section 103 "Definitions" [to amend and supersede the existing 103 "Definitions"] of the Pennington County Zoning Ordinance. (*Planning Commission recommended approval of Ordinance Amendment / OA 22-11*)
- Request for Release of Surety / Final Plat 21-91: Sudbury Ranch Land Holding, LLC / Casey Skyberg. Improvements for the roads and utilities have been completed for Lot 2R and Lots 3 through 11, Sudbury Ranch Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota, in the amount of \$155,000.00

19. 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.)

20. Committee Reports – Scheduled meetings by Commissioner

- TL Community Health Center Board
- LL BH Council of Local Governments, Community Health Center Board
- GD MPO Executive Policy Committee, City/County, BH Council of Local Gov't
- RR PC Housing & Redevelopment, MPO Executive Policy, Planning Commission, City/County
- DH PC Housing & Redevelopment, Compensation Committee, JSC Advisory Board
- ALL North Central Regional Local Road Conference

21. Executive Session per SDCL 1-25-2

- a. Personnel Issue per SDCL 1-25-2(1)
 - Department Head Annual Review(s)
- b. Contractual/Pending Litigation per SDCL 1-25-2(3)

22. Adjourn

Revised Veteran/Employee List

Pennington County Employee Veterans

Thank you for your service to our Country and to our County!

Dave Eccleston	BG
Mike Kuhl	BG
Steve Luken	BG
Travis Lasseter	COM
Dustin Willett	EM
Sean Holloway	EQ
Gordon Wendell	EQ
Jim Adams	ESCC
Shannon Brewer	ESCC
Paul Dockter	ESCC
Dani Ellerton	ESCC
Sam Gustafson	ESCC
Ming Ng	ESCC
Ted Rufledt	ESCC
Adam Scott	ESCC
Elizabeth Scott	ESCC
Lee Borries	HHS
Heather Funk	HHS
Alex Purcell	HHS
Tom Vallette	HHS
Sandy Sortland	HR
David Burnette	HWY
William Huggins	HWY
Dennis Jensen	HWY
Mitchell Kammerer	HWY
John Paulin	HWY
Jeffrey Sorensen	HWY

Curtis Southwick HWY

Garland Spears HWY

Ronald Stagner HWY

Michael Sutterer HWY

David Way HWY

Jay Wetzel HWY

Daniel Leetch IT

Nathan Mertes IT

Bryan Andersen PDO

Randy Decker PDO

Thomas Vlieger PDO

Dwayne Allen PZ

Jason Theunissen PZ

Darryl Keys SAO

Allison Morrisette SAO

Elliott Newman SAO

Jack Smith SAO

Craig Smith WP

Brandon Akley SO

Wade Anderson SO

Kim Anthony SO

William Atyeo SO

Brian Austin SO

Damon Baker SO

Aubrey Ballard SO

Mark Bartik SO

Anna Bingham SO

Jason Boyd SO

Aaron Bridges SO

Patricia Brooks SO

Paul Brosz	SO
Isaac Broussard	SO
Daniel Buscemi	SO
Andrew Butchart	SO
Richard Cameron	SO
Casey Carr	SO
Sandra Carter	SO
Brett Casey	SO
Matthew Chalk	SO
Jane Cheeseman	SO
Kurt Clark	SO
Anthony Combs	SO
Jeremy Comrie	SO
Ryan Cook	SO
Dale Cote	SO
Aaron Cox	SO
Aaron Cox Christopher Daniel	SO SO
Christopher Daniel	SO
Christopher Daniel Marc Davies	SO SO
Christopher Daniel Marc Davies Jared Doyle	SO SO SO
Christopher Daniel Marc Davies Jared Doyle Jonathan Edwards	SO SO SO
Christopher Daniel Marc Davies Jared Doyle Jonathan Edwards Jay Evenson	so so so so
Christopher Daniel Marc Davies Jared Doyle Jonathan Edwards Jay Evenson Greg Ferweda	so so so so so
Christopher Daniel Marc Davies Jared Doyle Jonathan Edwards Jay Evenson Greg Ferweda Mark Fischer	so so so so so
Christopher Daniel Marc Davies Jared Doyle Jonathan Edwards Jay Evenson Greg Ferweda Mark Fischer David Foster	so so so so so so
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Randy Harkins	SO
Gary Hassell	SO
Christine Heying	SO
Christopher Hislip	SO
James Hogue	SO
Kathleen Houston	SO
Baron Juhl	SO
Casey Kenrick	SO
William Kimball	SO
Matthew Krogen	SO
Don Lanpher	SO
Gene Lansdowne	SO
Gordon Larson	SO
Joshua Lavene	SO
Ethan McManigal	SO
Weston McPherson	SO
Weston Michierson	30
Eric Mendez	SO
Eric Mendez	SO
Eric Mendez Glenn Miller	SO SO
Eric Mendez Glenn Miller Jeremy Miller	SO SO
Eric Mendez Glenn Miller Jeremy Miller Jeremy Milstead	SO SO SO
Eric Mendez Glenn Miller Jeremy Miller Jeremy Milstead Adam Mooney	so so so so
Eric Mendez Glenn Miller Jeremy Miller Jeremy Milstead Adam Mooney Kristopher Moore	SO SO SO SO SO
Eric Mendez Glenn Miller Jeremy Miller Jeremy Milstead Adam Mooney Kristopher Moore Julius Morris	SO SO SO SO SO
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Eric Mendez Glenn Miller Jeremy Miller Jeremy Milstead Adam Mooney Kristopher Moore Julius Morris Anesha Morton Nick Novak	SO SO SO SO SO SO SO SO
Eric Mendez Glenn Miller Jeremy Miller Jeremy Milstead Adam Mooney Kristopher Moore Julius Morris Anesha Morton Nick Novak Jason O'Cilka	SO SO SO SO SO SO SO SO SO
Eric Mendez Glenn Miller Jeremy Miller Jeremy Milstead Adam Mooney Kristopher Moore Julius Morris Anesha Morton Nick Novak Jason O'Cilka Tyler O'Connell	SO

Eric Petersen	SO
Christopher Plawman	SO
James Reichert	SO
Cody Rhoden	SO
David Ricke	SO
David Riley	SO
Jose Romero	SO
Patrick Rose	SO
Benjamin Roth	SO
David Rubins	SO
Jorge Salas	SO
Twila Santiago	SO
Matthew Scharn	SO
Thadius Schmit	SO
Robert Snyder	SO
Kasey Spaur	SO
Taylor Sperle	SO
Mark Steele	SO
David Switzer	SO
Travis Tenold	SO
Jack Thomas	SO
Michael Tilus	SO
Krystal Tysdal	SO
Matthew Veal	SO
Anthony Verchio	SO
James Waldrop	SO
Abraham Wheeler	SO
Anthony White	SO
Kayla Wickerd	SO
Charisa Wilhelm	SO

Kenneth WilsonSOKraig WoodSOKyle WordenSO



Pennington County Human Services

321 Kansas City St., Suite 100, Rapid City, SD 57701 Economic and Diversion Programs 605-394-2156 Veterans Services 605-394-2266

Fax: 605-394-6990 www.pennco.org



October 26, 2022

To: Pennington County Board of Commission

From: Barry Tice, Director of Pennington County Human Services and the Veterans Services Office

RE: Pennington County Veteran Services Office and Veteran's Day

As we approach the 67th Anniversary of Veterans Day occurring on Friday, November 11th, it is important we celebrate the veterans of Pennington County and this great Nation. The Pennington County Veteran Services Office under the leadership of Alex Purcell, (United States Army Veteran) and three exceptional Veteran Services Officers (VSO) including Heather Funk (United States Air Force), Thomas Vallette (United States Air Force) and Lee Borries (United States Air Force) and all veterans are recognized on this day.

The Pennington County Veteran Service Office strives to achieve the best outcomes for veterans and their families. As we enter the 4th Quarter of 2022, this year will be a record setting year with one of the busiest offices in the State of South Dakota. The Pennington County Veteran Services Office has filed over 1,200 monetary generating claims to the Veterans Administration over the past 10 months. Our VSOs continue to meet the increased demand of appointments and continuing to provide community outreach to Ellsworth Air Force Base, local colleges, retirement communities, American Legion, VFW, Disabled American Veterans and the Department of Veterans Affairs.

The Pennington County Veteran Services Office works in cooperation with the South Dakota Department of Veterans Affairs providing comprehensive care to veterans and their families assisting thousands of veterans a year in accessing healthcare, education, disability benefits, long-term care, and burial honors.

November 11 not only preserves the historical significance of the date but helps focus attention on the important purpose of Veterans Day: A celebration to honor America's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good.

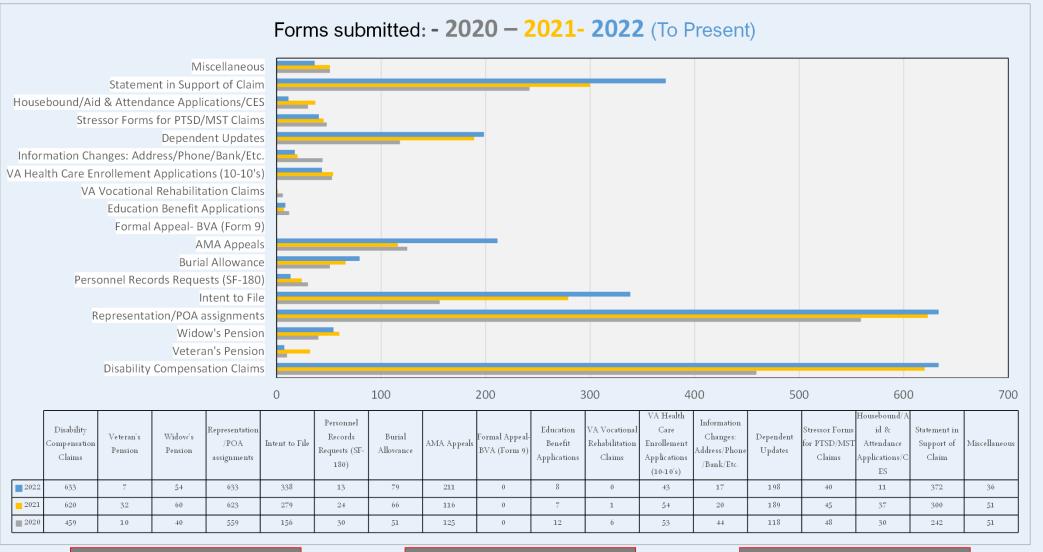
Greg Whitlock, Secretary of the South Dakota Department of Veterans Affairs has joined us today to share a few words regarding Veterans Day and the Pennington County Veteran Services Office.

Pennington County Veterans Service Office

10/5/2022

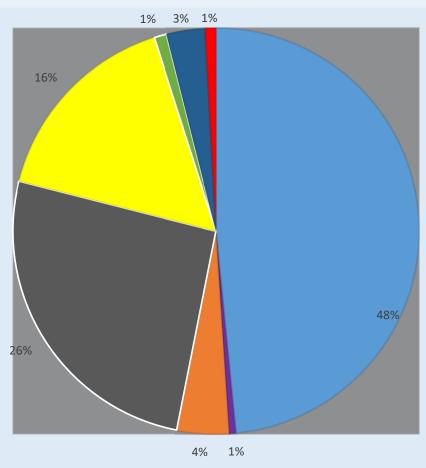
Statistical Data

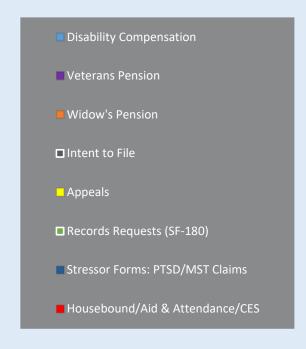
- Year Over Year (YOY) Forms Submitted: 2020, 2021 & 2022
- Monthly Claims- Monetary Generating Submissions
- Monthly Awards- Amount Awarded From Claims Each Month
- Monthly Retroactive Awards- Back Dated/Retroactive Award Amounts
- Overall Financial Impact (NOT INCLUDING ON-GOING AWARDS).



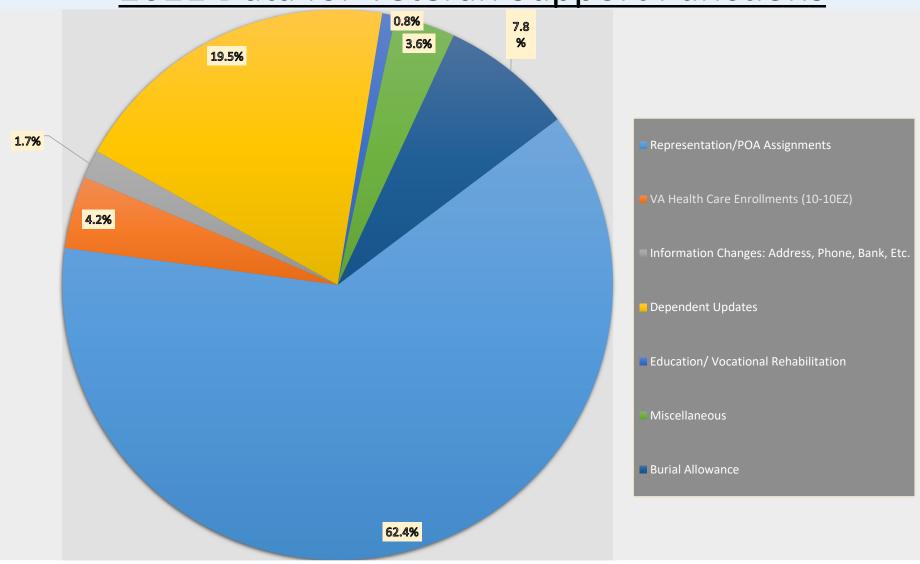
2022 Total: 2,315 2021 Total: 2,524 2020 Total: 1,689

2021 Compensation Claim Functions





2021 Data for Veteran Support Functions

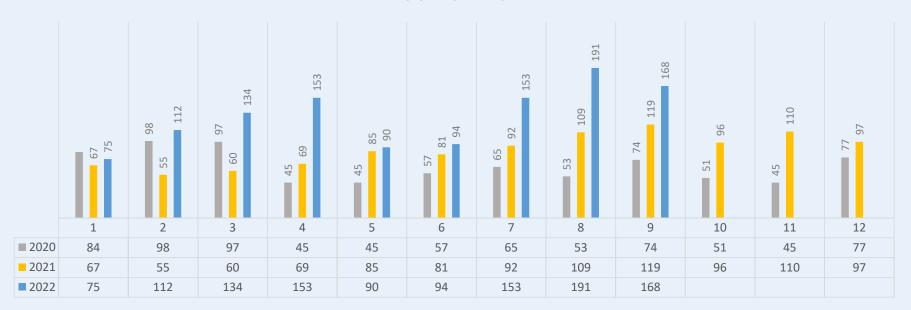


Monthly Data: Claim Totals

TOTAL MONETARY GENERATING CLAIMS:

DISABILITY COMPENSATION, VETERANS PENSION, SURVIVORS PENSION, INTENT TO FILE & APPEALS

2020 2021 2022

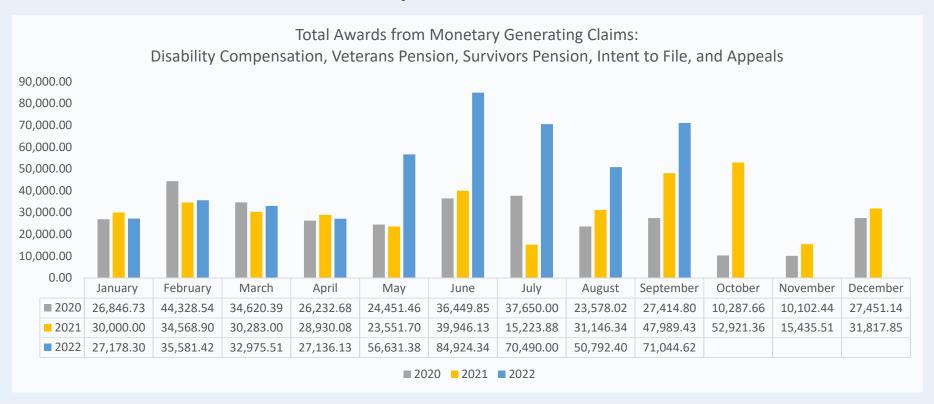


2022: 1,170

2021: 1,040

2020: 791

Monthly Data: Awards

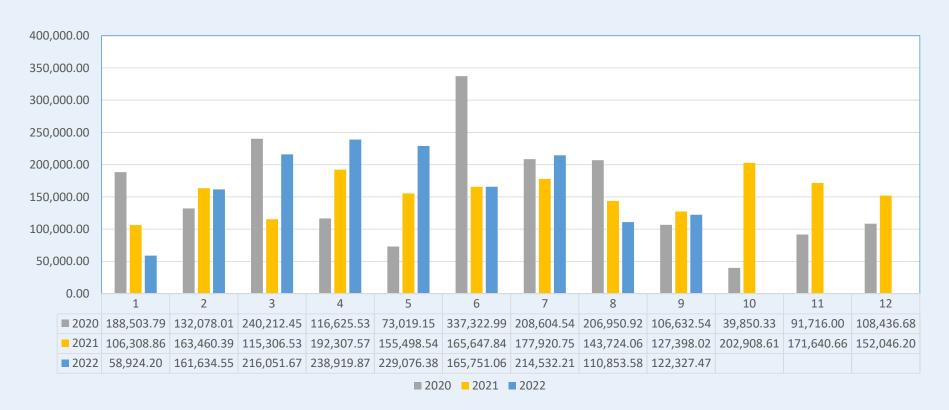


2022 Awards: \$ 456,754

2021 Awards: \$381,814

2020 Awards: \$329,414

Monthly Data: Retroactive Awards



2022 Awards: \$1,518,071

2021 Awards: \$1,874,168

2020 Awards: \$1,849,953

Financial Impact-SDDVA VETS

Y.O.Y Stats:

Monthly + Retroactive Awards

Disability Compensation, Pension, Favorable Appeals

2022

Total Monthly Awards

• \$ 456,754

Total Retro Awards

• \$ 1,518,071

2021

Total Monthly Awards

• \$381,814

Total Retro Awards

• \$1,874,168

2020

Total Monthly Awards

• \$329,414

Total Retro Awards

• \$1,849,953

\$1,974,825

\$2,255,982

\$2,179,367

^{*}Education & DAV Claims provide additional awards Not Accounted for.*

Pennington County, SD Executive Proclamation Sergeant Colton Levi 'Delta Derr' Day

WHEREAS, Sergeant Colton Levi Derr was a native South Dakotan who grew up on his family's ranch near Farmingdale and attended high school in New Underwood; and

WHEREAS, Sergeant Derr joined the Army Reserves after high school, and upon graduating from basic training he switched over to the Active Duty Army to pursue a career in Intelligence; and

WHEREAS, while on active duty, Sergeant Derr deployed to Iraq in support of Operation Iraqi Freedom (First Cavalry Division) and subsequently deployed to Afghanistan in support of Operation Enduring Freedom (Tenth Mountain Division); and

WHEREAS, Throughout the course of Sergeant Derr's military career, his military leadership nicknamed him 'Delta Derr' because they had never seen a tougher solider. Colton successfully completed over 500 combat missions, 300 of which he served as the Scout Team Leader for mounted and dismounted cavalry platoon combat missions in the Kandahar Province; and

WHEREAS, Sergeant Derr returned home from his last deployment in March of 2012 while silently suffering from the aftermath of combat in support of America's War on Terror in Iraq and Afghanistan, and on April 28, 2012 Sergeant Derr succumbed to Post-Traumatic Stress Disorder by taking his own life; and

WHEREAS, it is estimated that on average 20 Service Members and Veterans succumb to suicide every day as the invisible wounds of war can be more deadly than the battlefield. Suicide is a public health challenge that causes immeasurable pain to individuals, families and communities across our State and Country; and

WHEREAS, our military veterans and their families demonstrate true courage and sacrifice in defense of the truths, values and freedoms our great nation holds dear; and

WHEREAS, War does not end at the battlefield. The Sergeant Colton Levi Derr Foundation was established in 2012 to assist military service members and their families in positively navigating the mental health battles related to Post Traumatic Stress Disorder. The Foundations offers resources and services to Colton's fellow brothers/sisters who battle the demons of PTSD.

NOW, THEREFORE BE IT RESOLVED the Pennington County Board of Commissioners do hereby proclaim October 1, 2022 as:

Sergeant Colton Levi 'Delta Derr' Day

and ask our community to support the efforts in taking the lead on the path to hope, to never give in - never quit, and to help carry the load of life for our military service members and veterans.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the seal of Pennington County, SD this 1st day of November, 2022.

THE PENNINGTON COUNTY BOARD OF COMMISSIONERS

-____

COMMISSIONER GARY DREWES, CHAIR
COMMISSIONER LLOYD LACROIX, VICE CHAIR
COMMISSIONER DEB HADCOCK
COMMISSIONER TRAVIS LASSETER
COMMISSIONER RON ROSSKNECHT



The Pennington County Board of Commissioners met at 9:03 a.m. on Tuesday, October 18, 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: Deb Hadcock, Lloyd LaCroix, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

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

CONSENT AGENDA ITEMS

MOVED by LaCroix and seconded by Rossknecht to approve the Consent Agenda. Vote: Unanimous.

- 5. Approve the minutes of the September 27, 2022, special meeting.
- 6. Approve the minutes of the October 4, 2022, regular meeting.
- 7. Approve a letter of support for the Hill City Ambulance District.
- 8. Set the 2023 Board of Commissioners meeting dates.
- 9. Approve the Festival of Lights Parade Participant Application and Participant Indemnification, Statement of Financial Responsibility, and Waiver.
- 10. Approve of the 4th Qtr. LEMPG (Local Emergency Management Planning Grant) with the State of SD.
- 11. Approve the Adopt-A-Highway Application for a portion of Highway 1416 by the Ellsworth AFB Airman Leadership School.
- 12. Recognize and thank the volunteers for the month of September 2022.

End of Consent Agenda Items

ITEMS FROM HIGHWAY

- A. <u>LETTING AUTHORIZATION:</u> MOVED by Rossknecht and seconded by LaCroix to approve the Letting Authorization on Project P 6403(10) PCN 08P3 for the reconstruction of South Rochford Road. Vote: Unanimous.
- B. <u>AGREEMENT FOR SERVICES</u>: MOVED by Hadcock and seconded by Rossknecht to approve the Agreement for Services with Ferber Engineering Company, Inc. to perform 2023 construction administration services in a not to exceed amount of \$21,600. Vote: Unanimous.

2020 ELECTION CHAOS PRESENTATION – WHAT HAPPENED AND WHERE DO WE GO FROM HERE – MS. SARA FRANKENSTEIN ATTORNEY AT LAW: No action taken.

REQUEST FOR FUNDING FROM THE WESTERN DAKOTA REGIONAL WATER SYSTEM – DR. CHERYL CHAPMAN, EXECUTIVE DIRECTOR: MOVED by LaCroix and seconded by Hadcock to approve funding for the Western Dakota Regional Water System in the amount of \$50,000 and to direct staff to prepare a Contingency Resolution for placement on the November 1, 2022, meeting agenda. Vote: Unanimous.

ITEMS FROM SHERIFF'S OFFICE

A. <u>FLEET VEHICLE PURCHASE – 2023 ANNUAL REPLACEMENT:</u> MOVED by LaCroix and seconded by Hadcock to approve the purchase of three (3) vehicles through Wegner Auto, Pierre, SD, under State Bid Contract #17620 as follows: Two (2) 2023 Dodge Charger AWD V6, for a total price of \$70,194; One (1) 2023 Dodge Charger AWD V6, for a total purchase price of \$34,933. Vote: Unanimous.

ITEMS FROM EMERGENCY MANAGEMENT

A. <u>2023 US GEOLOGICAL SURVEY JOINT-FUNDING AGREEMENT (FLOOD WARNING SYSTEM:</u> MOVED by LaCroix and seconded by Lasseter to approve the Chair's signature on the joint funding agreement #23NTJFA0030 between Pennington County and the United States Geological Survey (USGS) for the operation and maintenance of the METWARN flood warning system. Vote: Unanimous.

B. <u>PRE-DISASTER MITIGATION GRANT AWARD ACCEPTANCE</u>: MOVED by LaCroix and seconded by Hadcock to approve the Chair's signature on the Pre-Disaster Mitigation (PDM) Grant Award #EMD-2021_BR-061-0009 for the development of the Pennington County Multijurisdictional Pre-Disaster Mitigation Plan. Vote: Unanimous.

ITEMS FROM HEALTH & HUMAN SERVICES

A. <u>NEW NAME AND LOGO OF HEALTH AND HUMAN SERVICES</u>: MOVED by Hadcock and seconded by Rossknecht to approve the new name, mission statement and logo for Pennington County Health and Human Services to be referred to as Pennington County Human Services, Economic, Veterans, Diversion, Connecting you with resources and support. Vote: Unanimous.

ITEMS FROM BUILDING COMMITTEE

A. <u>COURTHOUSE ENTRY ADDITION 3RD FLOOR BUILDOUT – DESIGN SERVICES PROPOSAL:</u> No action taken.

ITEMS FROM THE COMPENSATION COMMITTEE

A. 2023 WAGE SCALE IMPLEMENTATION: No action taken.

ITEMS FROM THE COMMISSION MANAGER

A. RESOLUTION 2022-C1 CONTINGENCY TRANSFER – NATURAL RESOURCES MANAGEMENT BUDGET: MOVED by Rossknecht and seconded by Lasseter to approve Resolution 2022-C1 correcting the fund number of the Natural Resources Management Budget to (101-0615) and authorize the Auditor's office to issue payment to the Black Hills Council of Local Governments in the amount of \$50,000. Vote: Unanimous.

PENNINGTON COUNTY RESOLUTION 2022-C1 CONTINGENCY TRANSFER GENERAL FUND CONTINGENCY BUDGET 101-0113

WHEREAS, the Pennington County Board of Commissioners approved Resolution 2022-C1 authorizing a contingency transfer in the amount of \$50,000 to the Natural Resources Management Budget; and

WHEREAS, a typographical error was made in transposing two numbers identifying the correct fund number for the Natural Resources Management Budget; and

WHEREAS, a correction needs to be made to Resolution 2022-C1 to reflect the correct General Fund Budget for the Natural Resources Management Budget to be (101-0615); and

WHEREAS, the Pennington County Board of Commissioners hereby approve resolution 2022-C1 correcting the fund account number. The original resolution is included below as adopted reflecting the correct fund number.

WHEREAS, through the FY2022 annual budget process, the Pennington County Board of Commissioners allocated \$100,000 to the General Fund Contingency Budget; and

WHEREAS, the current balance of the General Fund Contingency Budget is \$100,000; and

WHEREAS, The Black Hills National Forest is in the process of revising its current Forest Plan (FP) which was first released in 1983, revised in 1997 and amended in 2006. The revised FP will provide guidance for the implementation of management activities across the 1.2 million-acre Black Hills National Forest for the next 15 years; and

WHEREAS, there are several west river South Dakota Counties in conjunction with several Wyoming Counties who desire to pool their resources together and support the Black Hills Council of Local Government to represent the Counties interests as key stakeholders in the Black Hills National Forest Revision Plan process; and

WHEREAS, the Board of Commissioners recognizes the importance in protecting the timber industry for future generations through responsible management and hereby commit to funding in the amount of \$50,000. Additional funding amounts may be requested in the future based on need as the Revision Plan progress; and

NOW, THEREFORE, BE IT RESOLVED, the Pennington County Auditor is authorized to transfer \$50,000 from the 2022 General Fund Contingency Budget to the General Fund Natural Resources Management Budget (101-0615) and make payment to the Black Hills Council of Local Government for their representation of Counties in the Black Hills National Forest Plan Revision process.

Dated this 18th day of October, 2022.

/s/ Chair Gary Drewes
Pennington County Board of Commissioners

ATTEST: (SEAL) /s/ Cindy Mohler, Auditor

MOVED by Hadcock and seconded by Lasseter to move Item 28 up on the agenda to be discussed next. Vote: Unanimous. (After the motion, the State's Attorney Office staff asked the Board to go into Executive Session to discuss the agreement for Item 28 first.)

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Hadcock and seconded by Lasseter to go into Executive Session pursuant to SDCL 1-25-2-(3) for contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from 11:27 a.m. until 11:47 a.m. MOVED by Hadcock and seconded by LaCroix to come out of Executive Session. Vote: Unanimous.

REQUEST FOR PERMISSION TO BORE A WATERLINE UNDER BASELINE ROAD FOR AGRICULTURAL AND RESIDENTIAL PURPOSES: MOVED by Hadcock and seconded by Lasseter to approve the Chair's signature on the Encroachment Agreement between Pennington County and Klapperich Ranch, LLLP for a private utility installed under the public right-of-way on Baseline Road. Vote: Unanimous.

ITEMS FROM THE PUBLIC: No public comment.

ITEMS FROM PLANNING & ZONING

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

A. <u>VARIANCE / VA 22-20:</u> Brent and Denise Tjeerdsma; Jared Ahlstrom - Agent. To reduce the setbacks to the property line in an Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

All Less Lot A and Less ROW, Little Tiger Lode No. 1 MS 1251, Section 13, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht to deny VA 22-20. The motion died from the lack of a second.

MOVED by Hadcock and seconded by Lasseter to approve VA 22-20 with two (2) conditions. Vote: The motion failed 3-2 on a roll call vote: Hadcock – yes, Rossknecht – no, Drewes – no, LaCroix – yes, Lasseter – yes.

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

PLANNING & ZONING CONSENT AGENDA ITEMS

The following item(s) have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

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

B. MINOR PLAT / MPL 22-46: Jack and Marie Ziemer. To combine two lots to create Lot 8A, Block 3 of Pactola Estates in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 8 and 10, Block 3, Pactola Estates Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 8A, Block 3 of Pactola Estates Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Approve MPL 22-46 with six (6) conditions. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Pennington County Planning & Zoning Office).

C. <u>ROAD NAMING:</u> Nate and Alexis Sobolewski. To name an existing 66-foot-wide Section Line Right-of-Way providing access to properties located in Sections 20, 21, 28, 29, 32, and 33, T2S, R13E, BHM, Pennington County, South Dakota, to Sobos Road.

Approve the Road Name of Sobos Road.

End of Consent Agenda Items

UNCONTESTED HEARING(S)

D. <u>PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 21-03:</u> Yardley and Co., Inc.; Shelby Woodland. To review a seasonal event venue / specialty resort on the subject property in accordance with Sections 205, 213, and 508 of the Pennington County Zoning Ordinance.

SE1/4SW1/4, Section 21, T2N, R17E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to end PU 21-03 with the applicant's concurrence. Vote: Unanimous. Hadcock not present at time of vote.

E. <u>PUBLIC HEARING OF REZONE / RZ 22-26:</u> Glenn and Michelle Bintliff; KTM Design Solutions - Agent. To rezone 15.2 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot S and Lot C of the E1/2SW1/4NE1/4; Parcel 4 of SW1/4NE1/4 Less Lot 3R of Lot A of Feldman Subdivision, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve RZ 22-26. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On October 18, 2022, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 22-26 (Glenn and Michelle Bintliff) to rezone from Agriculture District to Ranchette District.

CONTESTED HEARING(S)

F. <u>VACATION OF EASEMENT / VE 22-02:</u> Jack and Marie Ziemer. To vacate a 40-foot-wide access easement on the subject property in accordance with the Pennington County Zoning Ordinance.

Lot 10, Bock 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Lasseter to approve VE 22-02 with one (1) condition. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Pennington County Planning & Zoning Office).

G. <u>PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-19:</u> Free Range Rentals, LLC; Davis Engineering - Agent. To amend the Comprehensive Plan to change the Future Land Use from Ranchette District and Rural Residential District to Low Density Residential District in accordance with Sections 206, 207, 208, and 508 of the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440 and That PT of the W1/2NE1/4 lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to deny without prejudice CA 22-19. Vote: Unanimous.

H. <u>PUBLIC HEARING OF REZONE / RZ 22-25:</u> Free Range Rentals, LLC; Davis Engineering - Agent. To rezone 7.2 acres from Agriculture District to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Tract A of Willison B White HES No. 2440 and That PT of the W1/2NE1/4 lying E of Tract A of Willison B White Homestead, HES #2440 and W of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to deny without prejudice RZ 22-25. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by Lasseter and seconded by Rossknecht to approve the voucher for the Rose Inn LLC, in the amount of \$940. Vote: The motion carried 4-0 with Hadcock abstaining. MOVED by Lasseter and seconded by Rossknecht to approve the remaining vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$5,178,673.85. Vote: Unanimous.

392 Creations, 75.00; 605 Therapy LLC, 6,700.00; A & A Professional Property Management, 1,280.00; A & B Business Inc, 3,547.52; A & B Welding Supply Co, 176.14; A & M Transport Service LLC, 1,398.00; A To Z Shredding, 899.20; Aca Properties, 8,050.00; Adams-Isc, 1,718.83; Adaptamed, LLC, 1,766.00; Advanced Auto Glass LLC, 275.00; Advanced Drug Testing Inc, 164.00; Aggressive Auto & Salvage, 180.00; Alderman Jay, 435.98; Alexander Dallas, 650.00; Allison, Elizabeth A., 430.00; Amazon.Com Services, 1,691.41; American Engineering Testing Inc, 1,296.25; American Screening LLC, 249.88; American Motel, 1,755.00; Anker Law Group PC, 1,414.00; Apco International Inc, 525.00; Architectural Specialties LLC, 5,377.53; AT&T Mobility, 541.12; Audra Hill Consulting Inc, 15,158.57; Auto Body Specialties Inc, 24.15; Axon Enterprise Inc, 1,800.00; Badlands Automotive, 61.28; Balco Uniform Co Inc, 5,261.53; Bangs, Mccullen, Butler, Foye & Simmons, LLP, 606.00; Banks, Bridgette R, 1,079.20; Bargain Barn Tire Center, 1,468.69; Barnaud Law Firm Prof. LLC, 745.71; Basler Printing Co, 494.00; Beezley, Lawrence D, 140.00; Behavior Management Systems Inc, 50,939.00; Behrens-Wilson Funeral Home, 7,430.00; Benson, Teresa L, 562.80; BH Chemical Company Inc, 12,885.12; BH Energy, 633.99; BH Energy, 70,066.33; BH Energy, 720.42; BH Home Builders Association, 245.00; BH Insurance Agency Inc, 60.00; BH Overhead Doors, 738.01; BH Oxford House, 372.00; BH Regional Eye Institute LLP, 83.86; BH Roofing Co, 128.00; BH Urgent Care LLC, 650.00; BH Works Inc, 1,196.00; Bi Inc, 5,915.00; Biers Tool Sales LLC, 203.75; Bierschbach Equipment And Supply Co Inc, 5,389.24; Birdwell Tyler, 154.32; BKV Group, 6,614.56; Black Creek Integrated Systems Corp, 347.52; Blackstrap Inc, 7,325.88; Bluepeak, 775.97; BN Rentals, 400.00; Bob Barker Company Inc, 4,312.59; Border States Electric, 1,089.00; Boston, Patrick, 4,695.00; Brankin Paul John, 6,508.50; Brant Annette, 222.70; Briarwood Products LLC, 291.53; Bringswhite, Erik, 5,280.00; Bringswhite, Morgan, 4,574.72; Brooks Marissa, 52.00; Brosz Engineering Inc, 23,910.00; Brownells Inc, 252.49; Brubakken Corey, 428.40; Butler Machinery Company, 741.86; Cameron, George R, 2,958.50; Carlson, Jean, 1,520.00; Carquest Of Rapid City, 1,593.45; Casteel Audra, 268.90; Castleberry, James D, 2,992.66; Cat's Cleaning, 40.00; CDW Government Inc, 27,192.21; Central States Fair Inc, 137,750.88; Century Link, 89.08; Chris Supply Co Inc, 400.14; City Of Box Elder, 193.32; City Of Hill City, 81.33; City Of Rapid City -Water, 713.87; City Of Rapid City -Water, 29,750.60; City Of Rapid City, 19,370.50; City Of Wall, 192.00; City Of Wall, 1,283.80; Clark Printing, 976.75; Clayborne, Deanna K, 1,583.70; Climate Control Systems And Service LLC, 9,852.94; Cline, Jean M, 971.25; Clinical Laboratory Of The Black Hills, 17,287.00; Colbath & Sperlich PC, 25,979.89; Colonial House, 265.41; Community Lutheran Church, 100.00; Connections Inc EAP, 1,163.52; Connelly, Randal E, 13,459.58; Contractors Supply Inc, 279.42; Cooks Correctional, 155.55; Copy Country, 212.35; Coremr LC, 916.50; Corr Construction Service, 206,163.36; Corral Park Apartments LLC, 500.00; Creative Culture Insignia LLC, 1,830.00;

Crescent Electric Supply, 997.64; Crisis Prevention Institute Inc, 200.00; Croell Redi-Mix Inc, 1,327.00; Crum Electric Supply, 966.36; Culligan Water, 761.00; Dakota Battery & Electric, 238.32; Dakota Business Center, 11,589.27; Dakota Fluid Power Inc, 129.94; Dakota Plains Legal Services Inc, 31,625.00; Dakota Radiology Pet/Ct & MRI, 431.13; Dakota Supply Group Inc, 245.87; Dakotaland Autoglass Inc, 120.00; Delta Dental Of South Dakota, 39,628.60; Den Herder Law Office PC, 151.50; Dennis Supply - RC, 1,135.16; Denny Menholt Chevrolet, 450.19; Denny Menholt Toyota, 29,487.00; Dharma Wellness Institute, 140.00; Diesel Machinery Inc, 883.16; Dillon Law Office, 797.40; Discovery Village Apartments LLLP, 340.00; Diwebbie LLC, 1,500.00; Dollison Decker Tracey R., 166.99; Door Security Products Inc, 214.28; Doreff Thomas J, 30.00; Doty Abby, 60.00; Doud Counseling LLC, 125.63; Drewes Gary, 51.54; Duffy Law Firm, Prof. LLC, 17,468.90; Dyna-Kleen Service Inc, 1,170.00; Eastern Penn Conservation, 8,125.00; Eizinger Jonathan Dicks, 23.32; Election Systems & Software LLC, 29,728.10; Electrical Engineering & Equipment Company, 400.00; Enright Mark J, 276.08; Evergreen Office Products, 1,699.92; Executive Mgmt Fin Office, 1,839.29; Farmer Brothers Coffee, 587.40; Fastenal Company, 1,758.80; Federal Express, 22.78; Ferber Engineering Company, 20,975.00; Ferguson Enterprises Inc #226, 458.41; Fidelity Security Life, 5,858.22; First Interstate Bank, 596.88; First Interstate Bank, 3,087.00; First Interstate Bank, 261.42; First Interstate Bank, 257.76; First Interstate Bank, 2,984.53; First Interstate Bank, 1,334.01; First Interstate Bank, 4,396.03; First Interstate Bank, 6,918.89; First Interstate Bank, 625.00; First Interstate Bank, 258.17; First Interstate Bank, 1,030.64; First Interstate Bank, 7,751.30; First Interstate Bank, 793.78; Fitzgerald Law Firm, 3,321.35; Floyd's Truck Center, 2,572.87; FMG Inc, 918.00; Forensic Medicine And Pathology PLLC, 6,345.00; Four Seasons Sports Center, 164.99; Fresh Start Carpet Care, 9,382.50; Frey, Gregory L., 35.00; Frontier Auto Glass, 370.18; G & H Distributing - Rc, 576.03; G & R Controls Inc, 1,183.29; Galls LLC, 367.12; Gateway Autoplex, 37,799.00; Geddings Blake, 427.60; Gion Joe, 202.00; Global Equipment Company, 660.89; Godfrey Brake Service And Supply Inc, 247.64; Golden West Companies, 400.00; Golden West Companies, 327.96; Golden West Technologies, 450.00; Governor's Inn, 348.00; Grainger, 1,682.53; Great Western Tire Inc, 11,687.27; Grey & Eisenbraun Law, Prof LLC, 484.80; Grimm's Pump Service Inc, 1,190.46; Gust Victor, 63.90; Gustafson Samantha, 66.00; H&S Uniforms And Equipment LLC, 222.00; Hainesway Apartment, 500.00; Harms Oil Company, 26,316.03; Harris, Betsey, 1,204.70; Hassett Liz, 202.99; Hennies Holli, 196.70; Highland Park Cemetery Association Of Hermosa, 200.00; Highway Improvement Inc, 391,500.00; Hillyard/Sioux Falls, 77.47; Hilpert & Hale Prof LLC, 105.20; Hilt Construction Inc, 4,380.37; Hobart Sales & Service, 1,065.89; Holiday Inn Express, 6,945.00; Holiday Stationstores LLC, 26.00; Horn Law Office Prof LLC, 242.40; Humane Society Of The Black Hills, 4,166.67; Iaed, 194.50; Image All LLC, 915.88; Indoff Inc, 2,376.60; Inland Truck Parts, 633.52; Innovative Office Solutions LLC, 8,288.01; Intab LLC, 105.69; Interstate All Battery Center, 60.00; Interstate Batteries, 433.60; Intoximeters Inc, 4,500.00; Is Restaurant Design Equipment & Supply, 10,150.00; J & J Asphalt Co, 782.60; Jacqueline K Perli Reporting Inc, 1,760.60; Jantech LLC, 950.00; Jefferson Partner LP, 2,700.00; Jenner Equipment Co, 1,594.18; Jims Private Utility Locating, 340.00; Johnson, Kimberly K, 555.40; Karen Paige Hunt Prof LLC, 489.85; Karley Kevin, 128.00; Kennedy Pier Loftus & Reynolds LLP, 353.50; Keystone Ambulance Service, 300.00; Kieffer Sanitation/A Waste Management Co. 146.11; Kieffer Sanitation/A Waste Management Co, 4,219.02; Kiesler Police Supply Inc, 141.40; Kimball

Midwest, 851.61; Kirk Funeral Home, 5,679.60; Kirschenmann, Kevin E, 900.00; KLJ Engineering LLC, 3,929.85; Knecht Home Center Inc, 1,693.59; Knight's Quality Welding, 415.00; Knollwood Townhouse Properties, 2,297.00; Kone Inc, 10,785.72; Konica Minolta Premier Finance, 156.19; Krueger Megan, 132.00; KS Statebank, 10,325.82; KT Connections, 438.00; Kurita America Inc, 4,888.75; LaCroix Lloyd, 759.55; Lake County, 50.00; Landis Chad, 66.00; Lands' End Business Outfitters, 1,120.11; Language Line Services, 344.98; Larson Dana J, 50.00; Larson Valerie J, 42.00; Lasseter, Weldon Travis, 217.57; Lawrence County Auditor, 549.84; Lewis Mikal, 300.30; Lewno Lucille M, 435.71; Liberty Chrysler Center, 3,620.80; Lighting Maintenance Co, 310.29; Lincoln County Auditor, 588.50; Lingo Communications LLC, 87.62; Lockwood Darcy, 42.00; Love, Todd A, 9,093.64; Lynn Jackson Schultz & Lebrun PC, 8,928.40; M&M Sales LLC, 67.20; Maple Green LLC, 3,293.00; Marco Inc, 902.42; Marco Inc, 10,053.39; Maruska, Kayla L, 2,874.80; Mayer Dan, 35.00; McCool-Deneke Robin, 279.12; McGowan, Wendy T, 3,832.95; McKesson Medical-Surgical Government Solutions LLC, 745.30; McKie Ford Inc, 151.61; Meadowlark Hill Mobile Estates LLC, 1,690.71; Meadowood Lanes, 120.00; Medical Waste Transport Inc, 687.90; Medline Industries Inc, 3,339.76; Menards, 1,025.13; MG Oil Company, 24,948.32; Midcontinent Communications, 2,572.45; Midcontinent Communications, 2,016.08; Midwest Auto Chemical-Mac, 1,498.20; Midwest Marketing LLC, 2,967.50; Midwest Tire & Muffler Inc, 231.75; Molitor Brittney, 132.00; Montana Dakota Utilities, 506.23; Montana Dakota Utilities, 6,652.63; Monument Health - Urgent Clinics Rapid City, 400.00; Monument Health Home Plus Pharmacy, 476.97; Monument Health Rapid City Hospital, 217.42; Monument Health Rapid City Hospital Inc., 7,179.07; Monument Health Reference Laboratory, 31.61; Moss Psy D LLC, William A, 7,300.00; Mountain Plains Audiology Inc, 85.00; Mountain View Estates LLC, 1,620.00; Mousseau Shontel, 56.00; Mt Rushmore Telephone Co, 49.85; Murphy Law Office PC, 1,343.84; Myplace - Fort Pierre, 462.00; National Restaurant Association Solutions LLC, 144.00; Neal Heather, 202.00; Nelson Jacquelyn R, 990.00; Nelson, George J, 429.25; Newman Valerie, 66.06; Noble Corey, 14.00; Nohr, Linda J, 1,250.00; Norman Ted, 2,845.00; North Central International Of Rapid City Inc, 2,409.34; Northern Truck Equipment, 27,715.76; Northwest Pipe Fitting Inc. 3,869.06; Norton, Mikayla, 1,215.00; Not Help Him Sheri L., 266.75; Novus Glass Kevin Hoffman, 65.00; Nutrien Ag Solutions Inc, 1,600.00; NWE Management, 1,585.00; O'Day, Valarie, 289.62; Office Depot, 1,148.59; Olson Stephanie, 675.80; Olson, Carolyn, 6,300.00; Onsite First Aid, 84.92; O'Reilly Auto Parts, 35.46; Ostendorf Matthew, 294.00; Otis Elevator Co, 7,911.68; Overhead Door Of Rapid City, 180.46; Pacific Properties LLC, 900.00; Pacific Steel & Recycling, 368.23; Parr Law PC, 1,636.20; Pasqualucci Law Office PC, 957.45; Penn Co Commissioners Petty Cash, 175.08; Penn Co Council On Aging, 7,500.00; Penn Co Health & Human Sv Petty Cash, 507.54; Penn Co Jail Petty Cash, 1,647.03; Penn Co Search & Rescue, 20,000.00; Penn Co Sheriff Petty Cash, 768.70; Penn Co States Atty Petty Cash, 94.16; Pennington County Courant, 1,044.48; Pennington County Housing & Redevelopment, 4,225.00; Pharmchem Inc, 534.65; Phoenix Supply LLC, 751.07; Pi Abigail, 127.50; Pillen Optical Inc, 120.00; Pioneer Bank & Trust, 5,354.22; Pioneer Bank & Trust, 2,883.69; Pioneer Bank & Trust, 5,196.28; Pioneer Bank & Trust, 4,444.60; Pomp's Tire Service, 448.12; Power House, 595.40; Prairie Auto Parts Inc, 1,416.83; Pratt Linda, 1,800.00; Print Mark-Et. 1.083.56; Priority Dispatch Corp. 879.00; Proforma Screening Solutions LLC. 48.50; Puckett Dawn, 216.05; Quadient Inc, 890.79; Quettier Nicolas, 495.00; Quill Corporation,

86.04; Quincy Street LLC, 3,500.00; Radiology Associates Professional LLC, 480.20; Ramkota Hotel, 198.00; Rapid Collision, 880.20; Rapid Delivery Inc, 163.80; Rapid Fire Protection Inc, 865.99; Rapid Rooter, 360.00; Rausch Kelsey, 30.00; RC Emergency Services PA, 980.31; RC Fire & Emergency Services, 581.40; RC Journal - Advertising, 4,233.95; RC Journal -Subscription, 584.99; RC Medical Center LLC, 90.08; RC Pizza Ranch, 497.80; RC Police Dept-Evidence, 12,905.00; RCS Construction Inc, 358,402.18; RDO Equipment Co, 206.00; RDO Equipment Co, 1,025.80; Record Storage Solutions, 299.96; Reese Thomas, 666.27; Reliance Telephone Inc, 14.75; Renfro Corporation, 995.15; Rensch Law Office, 14,652.51; Renz John A, 1,468.00; Rittberger Shannon, 851.54; Roadway Asset Services LLC, 4,144.50; Rochester Armored Car Company Inc, 495.08; Roetzel Lara, 258.60; Romero Jose, 209.00; Rossknecht Ron, 744.06; Roth Shawna, 225.00; Rufledt Jr Ted, 99.96; Runnings Supply Inc, 527.21; Rushmore Ob/Gyn, 60.60; Sack Cody, 25.00; Satterwhite Therapy Services LLC, 125.63; Sayler Janet, 46.00; Scenic Township, 1,312.50; Schaefer, Dean, 210.00; Scott Elizabeth, 233.80; Scovel Psychological, 4,245.00; SD Council Of Community Behavioral Health, 3,763.93; SD Dept Of Health, 1,743.00; SD Dept Of Public Safety, 22,000.00; SD Dept Of Public Safety, 45.00; SD Dept Of Revenue, 8,712.54; SD Dept Of Social Services, 1,800.00; SD Dept Of Transp-Finance, 1,467,732.02; SD Dept. Of Military, 1,805.00; SD Federal Property Agency, 28,621.25; SD Ltap, 1,250.00; SD One Call Board, 77.70; SD Secretary Of State, 210.00; SDN Communications, 1,105.39; SDN Communications, 2,701.30; SDSU West River Ag Center, 83.60; Securus Technologies Inc, 16,643.89; Seifert, Mary Rae, 1,620.00; Servall Uniform/Linen Co, 2,626.59; Sharma Janki, 148.50; Sherwin Williams Paints, 78.79; Shoemaker Mary, 145.96; Shoener Machine & Tool Supply Inc, 40.74; Sign Solutions USA, 9,652.00; Signs Now, 5,008.85; Simon Contractors Of South Dakota Inc, 122,910.74; Simpliverified LLC, 455.00; Simpson's Printing, 695.00; Smith Nikki, 150.00; Smith Sarah, 56.00; Smoot Law Office, 1,237.70; Solemate Shoes And Uniform Center, 160.56; Sortland Sandra, 395.98; Southern Cross LLC, 1,230.00; Southern Hills Publishing, 937.78; St Mary Parish, 61.00; Stan Houston Equipment, 219.00; Steam Cleaning Specialist, 2,000.00; Stephens, Matthew T, 8,817.00; Stevens Paul, 117.13; Street Image Truck & Auto Accessories, 964.66; Sturdevant's Auto Parts, 4,059.92; Sturdevant's Refinish, 557.70; Suckow Kimberly, 10.05; Summit Food Service, 31,999.35; Summit Signs & Supply Inc, 182.50; Super Clean Tunnel Wash, 56.00; Svalstad Darrell K, 100.00; Swanson Erik T DDS PC, 1,341.75; Swedin Victoria, 56.00; Syncb/Amazon, 335.74; Sysco Montana Inc, 915.73; Talmage Megan, 132.00; Team Laboratory Chemical Co, 158,125.00; The Little Print Shop Inc, 2,202.65; The Lodge At Deadwood, 738.00; The Medicine Shoppe, 2,946.47; The Rehab Doctors PC, 59.26; Thomas Auto Service & Towing, 175.00; Thompson, Lori, 58.50; Thomson Reuters-West, 7,162.01; Thurman, Creighton, 556.35; Tice Barry, 262.58; Time Equipment Rental & Sales, 59.74; Timeclock Plus, LLC, 938.70; Titan Machinery, 1,717.00; TKRS Properties LLC, 3,196.70; Tomi Environmental Solutions Inc., 602.40; Trinity Services Group Inc, 90,924.08; Turbiville Industrial Electric Works LLC, 718.26; Twisted Shears LLC, 204.00; Two Crow Karaleigh, 56.00; Tyler Technologies, 1,796.00; Tzadik Lacrosse Apartments LLC, 4,577.06; Tzadik Rapid City LLC, 440.00; Upper Deck Architects Inc, 2,940.00; US Geological Survey, 10,607.50; USPS-POC 8100669, 5,901.37; Vanway Trophy & Awards, 138.42; Vari Sales Corporation, 614.25; VB Rapid Creek, 6,117.88; Verizon Connect Inc, 34.90; Verizon Wireless, 2,110.06; Verizon Wireless, 126.92; Virtual Academy, 2,597.00; Vlieger Tom, 78.12; Waeckerle

Law Prof LLC, 673.20; Walker Beverly, 56.00; Walker John K, 350.00; Wall Building Center & Construction, 92.51; Warne Chemical & Equipment Co Inc, 449.84; Watertree Inc, 2,293.38; Watson Furniture Group, 2,379.08; Webstaurantstore, 6,405.21; Weichmann, Cynthia M, 516.20; Wellmark, 120,102.64; Wells Fargo Financial Leasing Inc, 126.35; West River Anesthesiology Consultants PC, 155.44; West River Electric, 930.66; West River Welding & Machine, 180.00; Western Communication Inc, 548.10; Western Construction Inc, 623,477.62; Western Mailers, 387.30; Western Stationers, 2,607.52; Wex Bank, 10,339.19; Wex Bank, 478.13; Whitcher Eric D, 346.16; Willett Dustin, 132.00; Winter Law Office PC, 1,853.87; Wolf, Ione, 630.00; Wood Stock Supply, 645.13; Woods Casey, 175.00; Working Against Violence, 12,693.14; Yankton Co Sheriff Office, 50.00; ZMC LLC, 10,481.39.

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 12:55 p.m. until 1:23 p.m. MOVED by Hadcock and seconded by Rossknecht to come out of Executive Session. Vote: Unanimous.

PAYROLL

Commissioners, 11,710.26; Elections, 10,086.22; Auditor, 13,695.46; Treasurer, 37,834.39; State's Attorney 140,588.76; Public Defender, 89,741.96; Buildings & Grounds, 66,293.90; Equalization, 78,386.49; Register of Deeds, 12,567.20; IT, 30,776.83; Human Resources, 8,348.81; Sheriff, 293,983.81; Jail, 366,172.02; JSC, 111,009.38; JSC Juvenile Alternative, 4,336.12; CCADP, 114,406.04; Economic Assistance, 39,931.28; Extension, 1,492.81; Natural Resources, 10,946.40; Planning & Zoning, 18,345.24; Road & Bridge, 106,812.33; Fire Administration, 4,082.43; Dispatch, 111,397.33; Emergency Management, 5,554.38; 24-7 Program, 9,058.48; MacArthur Safety & Justice, 10,015.05.

<u>PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.</u> Care Campus: Effective 10/16/2022: Kiley Schaeffer, \$18.40.

Highway: Effective 10/02/2022: Dustin Hall, \$28.17. Effective 10/16/2022: Bradley Doerr, \$16.27; William Huggins, \$16.47; Barbara Salyers, \$16.27; Curtis Southwick, \$16.27; Bill Keester, \$18.51; Lance Creviston, \$21.02; Mark Gohsman, \$21.02; Steven Halone, \$21.02; Jeff Hoffman, \$22.09; Doug Horst, \$21.55; John Paulin, \$21.02; Chad Reber, \$21.02; Robert Sands, \$21.02; Garland Spears, \$21.02; Jesse Watson, \$21.02; David Way, \$21.02; Bryce Beachem, \$30.29; David Burnette, \$25.15; Ted Forbes, \$25.15; Matthew Harvey, \$25.15; Christopher Hermansen, \$25.15; Zack Hoffman, \$25.15; Charles Hunt, \$25.15; Dennis Jensen, \$25.15; Dalen Keeney, \$25.15; Clinton Lester, \$25.15; Michael Sutterer, \$30.29; Kelly Thurman, \$25.15; Jakob Wolf, \$25.15; Joseph Delaney, \$27.30; Aaron Eagle, \$31.69; Dustin Hall, \$30.27; James McGuire, \$28.34; Thomas Morrell, \$31.30; Cody Olson, \$27.30; Erick Rousselle, \$27.30; Jeffrey Sorensen, \$27.30; Ronald Stagner, \$31.69; Jay Wetzel, \$27.30; Mitchell Kammerer, \$33.43; Melvin Larson, \$38.80; Michael Leiby, \$34.70; Dustin Linstrom, \$30.27; Eric Radke, \$33.43; Ralph Rice, \$30.27. Effective 10/31/2022: Mark Poste, \$20.76.

<u>Jail:</u> Effective 11/14/2022: Kaitlyn Davis, \$16.67; Alex Taylor-Kenzy, \$16.67; Tate Birdinground, \$18.66.

<u>Planning & Zoning:</u> Effective 10/16/2022: Thomas Doreff, \$23.14. <u>Public Defender:</u> Effective 10/17/2022: Brandon Barrett, \$2,554.40.

Sheriff: Effective 11/13/2022: Mandy Schmidt, \$24.85.

Treasurer: Effective 10/17/2022: Denmarie Barawel, \$14.68; Heidi HighElk, \$18.66.

WSDJSC: Effective 11/13/2022: Eddie Moua, \$23.14; Chantel Kaski, \$23.14; Payton Yellowboy,

\$23.14. Effective 11/14/2022: Lily Hof, \$14.68.

ADJOURN

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 1:25 p.m.

/s/ Cindy Mohler, Auditor	
Published once at an approximate cost of	
Publish: November 2, 2022	



CENTRAL LOCATION 221 W CAPITOL AVE PIERRE SD 57501

RECEIVED OCT 24 2022

00 24 2022

Applicant:

COMMISSIONER'S OFFICE Total Application Fee:

COMMISSIONER'S OFFICE \$0.00

Application Date:

10/20/2022

Total Remitted:

\$0.00

Application ID:

Total Refunded:

\$0.00

Application Status:

1491751 COMPLETED

10/20/2022

Total Returned:

\$0.00

Total Waived:

\$0.00

Services Requested:

Event

DISINTERME PERMIT

Service Type

Name (First Last)

KATELYN

Copies

Fee \$0.00 Waived

GRIFFITH

1

\$0.00

Please take a moment to fill out a quick survey to help us improve our service: vitalrecords.sd.gov/survey

SHIP TO: PENNINGTON COUNTY COMMISSIONERS

> 130 KANSAS CITY STREET RAPID CITY SD 57701 UNITED STATES OF AMERICA



207 E Missouri Ave #1A | Pierre SD 57501 P605.773.4961 F605.773.2680

Vital Records

10/20/2022

PENNINGTON COUNTY COMMISSIONERS 130 KANSAS CITY STREET RAPID CITY SD 57701

Re: NOTICE OF DISINTERMENT PERMIT AFFECTING PENNINGTON COUNTY

DEAR PENNINGTON COUNTY COMMISSIONERS

I am writing to notify you that the Department of Health issued a Disinterment Permit regarding a dead body or fetus in your county. South Dakota law, SDCL 34-25-38.1 and ARSD 44:09:03:04, requires that the affected cemetery board of directors or board of county commissioners be notified in writing upon the Department of Health issuing a Disinterment Permit.

The Disinterment Permit takes effect 15 days after issuance, by receiving a state file number, unless the circuit court orders otherwise. We would appreciate you providing prompt notice of this Disinterment Permit to the affected cemetery board of directors and/or any affected family members of the deceased, as you determine appropriate.

Name of the Deceased person

to be Disinterred:

KATELYN GRIFFITH

Name and Location of the Disinterment Cemetery:

MOUNTAIN VIEW CEMETERY RAPID CITY SOUTH DAKOTA

Name and Location of the Reinterment Cemetery:

MT CALVARY CEMETERY
RAPID CITY SOUTH DAKOTA

Name, Address and Phone Number

BRODERICK ROBERT H

of the Requesting Funeral Director:

2700 JACKSON BLVD RAPID CITY SOUTH DAKOTA 57702

6053430077

Name, Address, and Relation to Deceased of the Person

Requesting the Disinterment:

JEFFREY NEIL GRIFFITH

2601 BURLOOD DR BILLINGS MONTANA 59106

FATHER

Name, Address, and Relation to Deceased of the Person

PATRICIA JANE GRIFFITH

2601 BURLWOOD DR BILLINGS MONTANA 59106

Requesting the Disinterment: MOTHER

wannaflax for MP

Please contact me if you have any additional questions. Thank you for your assistance.

Sincerely,

Mariah Pokorny State Registrar

Applicable Law

SDCL 34-25-38.1 Issuance of disinterment permit. A disinterment permit shall be issued by the department upon receipt of a written or electronic application from a person licensed by the State Board of Funeral Service or upon receipt of an order of a court of competent jurisdiction directing the disinterment. If the disinterment is not directed pursuant to a court order, the department may not issue a disinterment permit without the written consent of the surviving spouse, or in the case of a spouse's absence, death, or incapacity, the next of kin within the same degree of kinship. In the case of a minor, if the disinterment is not directed pursuant to a court order, the department may not issue a disinterment permit for the minor without the written consent of the surviving parents. The Department of Health may promulgate rules pursuant to chapter 1-26 to establish the process for issuing a disinterment permit that is not directed pursuant to a court order. The disinterment permit becomes effective as provided in this section, Unless the disinterment permit was issued as the result of a court order, the department shall, upon issuance of the disinterment permit, notify the affected cemetery board of directors appointed pursuant to § 7-26-7 or 9-12-18 or the board of county commissioners of the county in which the disinterment is to occur on the issuance of the permit. The cemetery board of directors or the board of county commissioners may request the circuit court to prevent the disinterment. The disinterment permit shall take effect within fifteen days after its issuance unless the circuit court has ordered otherwise. The disinterment permit authorizes disinterment, transportation, and reinterment of a dead body or fetus. Authorities in charge of a cemetery may not transfer bodies buried in one part of the cemetery to another part without the authority of a disinterment permit.

ARSD 44:09:03:04 Disinterment Permits. Upon issuance of a disinterment permit by the Department of Health, the department shall notify in writing the affected cemetery board of directors or the board of county commissioners. The notice must be postmarked no later than two business days after the receipt of the application for a disinterment permit.



Entry Form: Hill City's Olde Tyme Christmas Lighted Parade - Friday, Nov. 25, 2022 6pm

NEW & OPTIONAL: Parade Entry Donation to Lane of Lights (\$25.00 payable to Hill City Chamber)

PARADE LINE UP on MUSEUM DRIVE. <u>Line-up begins 5pm. Parade begins 6p sharp.</u>

INDIVIDUAL/BUSINESS/ORGANIZATION NAME:

- STAGING & ENTRY: Enter Parade Route Line-up at Museum Drive at Major Lake Drive.

 Staff will direct you. All entrants must be in place by 5:45pm.
- PARADE ROUTE: QUILT TIME AT MUSEUM DRIVE SOUTH TO MAIN STREET THROUGH TO LIGHT AT INTERSECTION JUNCTION US Hwy 16/385 & MAIN ST.

Contact Person:	Cell Phone (REQUIRED):	
Email Address (REQUIRED):		
Mailing Address (REQUIRED):		
Approx. float dimensions (esp. length):	Number of vehicles:	# of walkers
Mark the category that best describes your entry:		
Community/Non-profit Commercial/Business		
Military/Veterans, etc Equestrian (Must provide		
DESCRIBE HOW YOU WILL DECORATE YOUR ENTRY:		
NOTE: IF YOU ARE A GROUP, SUCH AS A CAR CLUB OR	HAVE MULTIPLE PEOPLE ON YO	OUR FLOAT—EVERYONE MUST GATHER
AS A GROUP OF BE ON YOUR FLOAT FIRST PRIOR TO LII		
the group during staging on Museum Drive. Entrants		
PARTICIPATION IN Hill City's Olde Tyme Christma		llowing stinulations and regulations:
NEW in 2022: ALL PARADE PARTICIPANTS ARE RE		
GENERAL AUTO LIABILITY INSURANCE ALONG WI		
To ensure the safety of parade spectators, NO car		
stationary parade float or vehicle along the parad		
parade entry is sufficiently staffed if you intend to	• •	·
the line of traffic and away from the float such that		
Each parade participating group must be responsible.	•	·
of their float and its participants. An adult or adult		
Each float/truck/motor vehicle or ATV driver is sole Add as a figure of a linear and as a through linear and a through line		
holder of a valid driver's license and must have vali with the float/entry/vehicle at all times, including		A float/truck/venicle or ATV driver must stay
 Animals participating in the parade must have a te 		excitement. Entrants with animals of any
kind are responsible for immediately curbing/clear		
Drugs and alcohol are not permitted on any parade	• .	
participant on parade route.		,
 Parade participants shall not spray liquids of any ki 	ind at or into the crowd.	
 IN CASE OF EMERGENCY, which may require sheriff 	f or fire vehicles, all entries are requ	uired to move to the far right.
INDEMNIFICATION:		
Participant expressly assumes all risks incident to or in conn	ection with participation in the eve	ent. Participant agrees to and shall indemnify,
defend and hold the Hill City Area Chamber of Commerce a	•	
costs, expenses, judgments or settlements whatsoever incu		
from any claim, demand, action, cause of action or suit arisi		
participant, or its volunteers, employees and others acting of	on behalf of, or for the benefit of, pa	articipant.
As a participant or representative of a participating group, will inform all members of my participating group with reg		
	-	ation requirements.
Signature of Participant or Participant Group Penrecentati	ívo'	

_____ Cell Phone:_____

If signatory is a representative of a participating group, name and title of representative:



Pennington County Highway Department

3601 Cambell Street • Rapid City, SD 57701-0124 Phone: (605) 394-2166 • Fax: (605) 394-2168 www.pennco.org

CONSENT AGENDA

MEMO

TO:

BOARD OF COMMISSIONERS

DATE:

NOVEMBER 1, 2022

FROM:

JOSEPH MILLER

SUPERINTENDENT

RE:

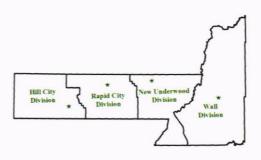
MEMORANDUM OF UNDERSTANDING - LAWRENCE COUNTY

Lawrence County has again agreed to provide snow removal for the asphalt portion of Rochford Road and North Rochford Road in exchange for a portion of Nemo Road north of the county boundary. This agreement was first approved in 2020 and has been beneficial for our Hill City Division as there are no other asphalt roads in the Rochford area and it is not practical for our snow plow to travel to this area due to the distance from the Hill City shop. Our Hill City Division motor graders will continue to provide snow removal for the gravel roads in this area.

We anticipate this area changing to a new asphalt snow route for the Hill City Division upon the completion of the South Rochford Road reconstruction project.

Motion is requested to approve the Memorandum of Understanding with Lawrence County for exchanging snow removal routes.

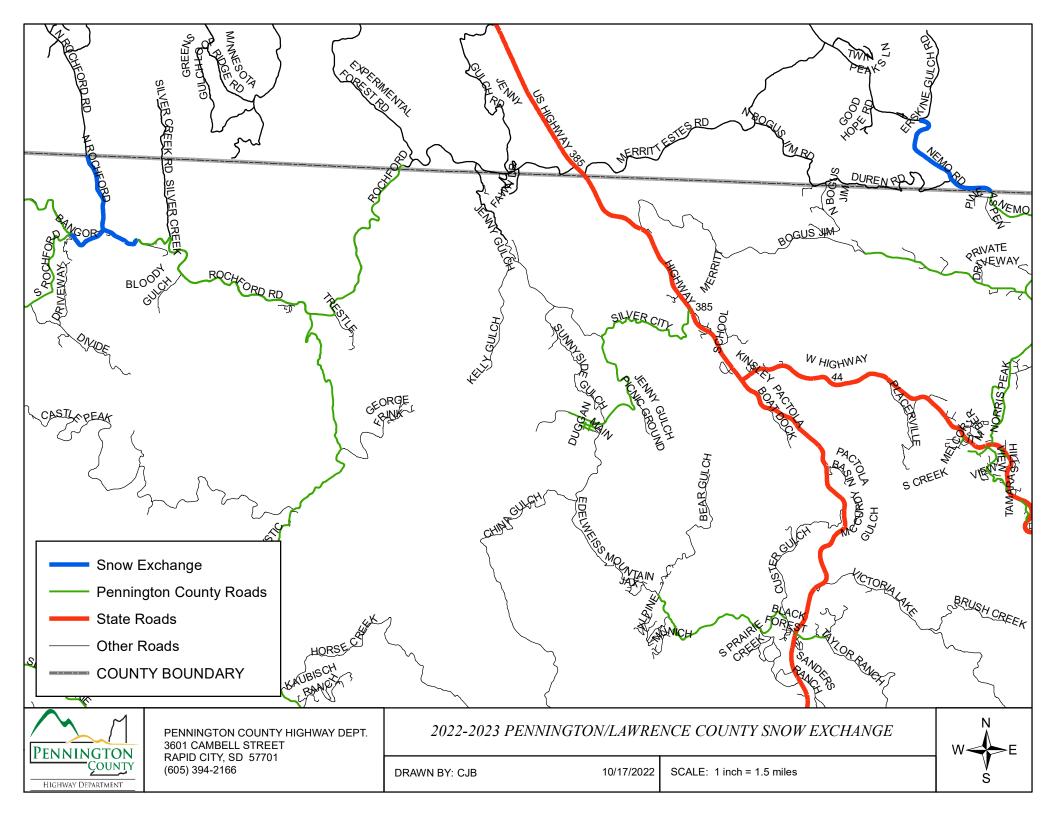
JM:cjb Attachment



MEMORANDUM OF UNDERSTANDING November 1, 2022

The following is a summary of the exchange of snow routes, as shown on the attached map, between the Lawrence County Highway Department and the Pennington County Highway Department, for the period of November 1, 2022 to May 15, 2023. The level of service provided by each agency shall be consistent with the policy of the agency providing the service.

To Be Completed by Lawrence County:		<u>Ap</u>	prox. Miles
North Rochford Road Rochford Road			1.23 1.30
	TOTAL		2.53
To Be Completed by Pennington County:		<u>Ap</u>	prox. Miles
Nemo Road			<u>2.11</u>
	TOTAL		2.11
Lawrence County		Date	
Chairperson, Pennington County Commission	oners	Date	





Pennington County Highway Department

3601 Cambell Street • Rapid City, SD 57701-0124 Phone: (605) 394-2166 • Fax: (605) 394-2168 www.pennco.org

MEMO

TO:

BOARD OF COMMISSIONERS

DATE:

NOVEMBER 1, 2022

FROM:

JOSEPH MILLER

SUPERINTENDENT

RE:

WORK ORDER PD-19-21 FOR ENGINEERING SERVICES

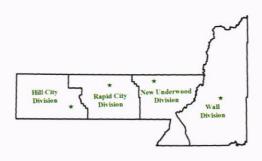
RESERVOIR ROAD AND LAMB ROAD INTERSECTION

Due to a high number of accidents with vehicles leaving the roadway and colliding with guardrail at the intersection of Reservoir and Lamb Road, we submitted the intersection to the South Dakota Department of Transportation as a possible safety project. They've reviewed the project scope and approved it as a Roadway Safety Improvement project which utilizes federal funding.

As such, the attached work order has been drafted to allow for preliminary and final design engineering. Pennington County will be responsible for 10% (\$11,500) of the maximum limiting amount of \$115,000. Funds are available in our 2022 and 2023 budgets for this work. The proposed project will regrade a crest vertical curve to increase sight distance, regrade the intersection to a T-intersection with an all-way stop control and the addition of rumble strips and signing. Currently, the project is projected to be ready for bid letting and construction in 2024.

Motion is requested to approve Work Order PD-19-21 with FMG Engineering, Inc. and the SDDOT for engineering services for the Reservoir Road and Lamb Road intersection.

JM:cjb Attachment



	Wo		CONSULTANT SERVION NMENT PROJECTS	CES			
GENERAL		LOCAL GOVEN	MINERI PROJECTS				DOT 917-
1 Work Order N	o. PD-19-21	2 Agr. No	410747	3	Date	10/14/2022	4/5/202
4 Amendment No	D.						
5 Consulta	nt					FMG, Inc.	
PROJECT INFORM	ATION						
6 Project N	o. PH 6637(01)	7 PCN	08W0	8 County	//City	Pennington	
9 Project Description	n		***************************************	Reservior Rd	Modiry Intersec	tion with Lamb Rd.	
10 Project Locatio	n			Rese	rvior Rd. and Lan	nb Rd. Intersection	
11 Work Typ		l. C AHl		Prelim	ninary and Final I	Design Engineering	
	For Specifics on the Scope of W	ork, See Attachn	ient I				
12 MAXIMUM LIMITIN	G AMOUNT	\$115,000.00]	13 FIXED	FEE	\$12,093.55	
14 Amendment Amo	unt]	15 FIXED	FEE		
16 New Maximum Li	miting Amount	\$115,000.00]	17 FIXED	FEE	\$12,093.55	
18 COMPLETION DATE	6 4	12/31/2027	,				
19 CONTACT PERSON	***						
	Consultant	Richard Sudmeie	r .				
	City or County J	oe Miller					
	SDDOT	Oustin Witt					
INSURANCE REQUI	REMENTS						
20 Type of Insurance			Expiration Date			On File	
General Liability	THE STATE OF THE S		12/20/2022		Yes		
Automobile Liability			12/20/2022		Yes		
Workers Compensat	ion		12/20/2022		Yes		
Professional Liability			3/1/2023		Yes		
21 ATTACHMENTS							
	Services Required Reimbursement for Travel						
	A.	/					
APPROVAL BY:					10/	/	
Consultant	Marin	el	-	/	10/14	122	
City or County:					/ Date/		
DOT:	Concurrence				Date		
					Date		
DISTRIBUTION:	(1) Original - Audits (1) Copy - Consultant						
	(1) Copy - Local Government Age (1) Copy - Originating Office	ncy					

ATTACHMENT I – SCOPE OF WORK

PROJECT DESCRIPTION

The purpose of this project is to regrade a crest vertical curve to increase the sight distance at the intersection of Reservoir Road and Lamb Road and to regrade the intersection to a T-intersection with an all-way stop control to increase the safety of the traveling public at this location. The current intersection configuration has a 15 mph horizontal curve with a no-stop condition. The improvement was identified du to vehicles running off the road and crashing into the guardrail shielding a large transmission pole at the west approach of the intersection. The work included in the project will be minor grading, AC surfacing, transverse rumble strips and signing.

Project limits are as follows:

Reservoir Road - Fm Lamb Road north to the required grading limits that will meet 55 mph design speed.

Lamb Road – Fm Reservoir Road west to required grading limits to improve the intersection into a T-Intersection plus distance for rumble strip approaching the intersection. Project work description includes:

- Posted Speed is 50 mph Design Speed is 55 mph
- Rural Section per SDDOT Local Roads Plan
- AC Surfacing
- Transverse Rumble Strips
- Roadside Safety
- Traffic Control
- Erosion and Sediment Control
- Pavement Markings
- Permanent Signing

The approximate location of the project is illustrated on the graphic on the following page.



DESCRIPTION OF CONSULTANT WORK TASKS

Scope Overview

As requested by the SDDOT, the consultant shall complete the following tasks identified in this work order, an overview of the scope items is as follows:

- Coordinate with Pennington County for ROW acquisition, County to acquire ROW
- Schedule, facilitate, and prepare follow-up meeting notes for one design inspection meeting
- Provide Topographic Survey
- Complete the design of the project and plans preparation (Non-Section method):
- Coordination with SDDOT Environmental Office
- Coordinate with SDDOT Pavement Engineer for surfacing recommendation
- Coordination activities with County staff for Utility Coordination which will be done internally by County staff.

Consultant shall utilize material linked on the SDDOT web site (https://dot.sd.gov/doing-business) for Plan Preparation (e.g. Road Design Manual, Survey Manual, CADD Procedures Manual), Downloadable Files (e.g. Form Letters, Microstation and InRoads files, Plan Notes) and other info as necessary to design and prepare plans.

Specific Tasks

Detailed tasks associated with the scope are described as follows:

Task 1: Project Management – tasks will include but are not limited to:

- Prepare invoices and required paperwork to comply with the SDDOT Audits Office.
- Preparation of Monthly Status Report.
- Respond to project related phone calls, emails, and /or any version of communication deemed necessary during the course of the project.
- Time required to adequately manage staff internally for the basis of project coordination (this time would be for internal progress and coordination meetings).
- Time required to adequately coordinate with the Pennington County planning and engineering staff for respective project items.
- Perform internal QC/QA of deliverables prior to providing any submittal to SDDOT.

Task 2: Topographic Survey – tasks will include but are not limited to:

- Permission to Survey DOT will supply forms if needed.
- Set control
- Full topographic survey of the project area. At a minimum the survey limits will comply with the SDDOT Survey Manual.

Task 3: Geotechnical Evaluation – tasks will include but are not limited to:

 Geotechnical Evaluation shall include adequate borings to determine the underlying strata. Insitu soil evaluation shall include a determination of suitability for embankment construction and surfacing design. Project plans shall include procedures for evaluating in place soil suitability for embankment construction and recommendations and qualifications for imported embankment, if necessary.

Task 4: Design inspection – tasks will include but are not limited to:

- Coordinate meeting time and location with SDDOT and Pennington County
- Prepare and distribute agenda.
- Attend and facilitate meeting; CONSULTANT will have up to 2 representatives at the meeting.
- Prepare follow-up notes and Summary of design inspection.

Task 5: Utility coordination meeting tasks will include:

- Coordinate meeting time and location with SDDOT, Pennington County, and utility companies
- Send invitation and preliminary plans to utility companies prior to meeting
- Prepare and distribute agenda
- Attend and facilitate meeting, CONSULTANT will have up to 2 representatives at the meeting
- Prepare follow-up notes

Discussion items at the utility meeting to include:

- Existing utilities in the project area
- Impacts to existing utilities
- Utility installation/improvement plans to consider in the roadway design

Task 6: Preliminary Design Plans – to include the following items:

- Preliminary Plans including:
 - Title Sheet
 - Typical Grading Sections
 - o Control Data
 - Legend
 - o Plan and Profile Sheets
 - Cross Sections
- Provide required right of way needs
- Drainage Calculations
- Sight Distance Calculations
- Estimated Earthwork
- Construction Cost Estimate

Task 7: Final Design Plans – to include the following items:

- Final Design Plans to include:
 - o Title Sheet
 - Estimates of Quantities CONSULTANT to create Estimates of Quantities using the SDDOT Contracting Estimating System.
 - Environmental Commitments to be provided to the CONSULTANT by SDDOT for insertion into the plans.
 - Grading notes and tables (Use master plan notes from dot.sd.gov website that are applicable to project)
 - o Utility coordination notes
 - Earthwork summary (CONSULTANT will also compute earthwork quantities)
 - o Table of Pipe quantities
 - Table of Fence quantities
 - Typical Grading Sections
 - Horizontal Alignment Data and Control Data sheets
 - Legend
 - Construction plan sheets and profile sheets
 - Overall Traffic Control Fixed Signing Layout
 - Traffic Control Layout Sheets
 - Erosion Control Layout Sheets
 - Typical Surfacing Sections
 - Surfacing plan sheets
 - Pavement Marking Layouts (will comply to both SDDOT design manual and MUTCD current version)
 - Permanent Signing Layouts
 - Sign Face Layouts
 - Special Sign Support Details
 - Erection Details for Fixed and Breakaway Supports
 - Miscellaneous detail layouts (as necessary)
 - Standard plate list will be developed by CONSULTANT and CONSULTANT will print the standard Plate sheets.
 - Fully annotated roadway cross sections compiled in reverse order as directed in the SDDOT design manual.
 - Culverts to be shown in the cross sections (and profile drawings)

- Address Review Comments from SDDOT and County Review
- Address Comments from Bid Letting
- Provide services for Q&A during Bid Letting Process
- Provide Addenda if necessary, during Bid Letting Process

Task 8: Prepare Construction Deliverables – to include the following for machine control grading operations:

- Earthwork Calculations Report
- · LandXML files for machine control grading
- · CAD files for machine control grading

Task 9: Coordination Activities

- Coordination with Pennington County for Right of Way Acquisition. The county will acquire
 the ROW. FMG will provide services for meeting with the county and landowners for
 engineering drawings interpretation.
- Coordination with SDDOT Environmental Office for clearances that may be required.

Task 10: Additional Services

- Provide additional plans preparation and design services during the bid letting process and during construction. Services may be needed to analyze and assess design issues not addressed based on field conditions and other unforeseen issues resulting during the bid letting process or during construction. Services requested will be on an as needed basis and the CONSULTANT will be required to respond in a timely manner based on the urgency of the request. In some cases, plan revisions from the original section of plans which the CONSULTANT was responsible for will need to be made. Revised plan sheets with a cover letter noting a summary of changes including quantity revisions is to be provided for SDDOT Bid Letting personnel to revise the project Engineer's Estimate or for field personnel to process necessary Construction Change Orders.
- · Review shop drawings.

Project deliverables will include the following: Files to be transferred via Microsoft SharePoint or Bluebeam project (link to be provided by SDDOT)

- Non-Section Construction plans to include;
 - o Estimate of Quantities and Environmental Commitments
 - General Notes and Tables
 - Grading Plan
 - Traffic Control
 - Erosion Control
 - Pavement Markings
 - Permanent Signing
 - Cross Sections
- Summary of Design Inspection (.docx)
- Summary of Utility Meeting
- Files necessary for Machine Control Grading (i.e. CAD and LandXML files etc. per special provisions to be written by the SDDOT
- Truck Turning Analysis (pdf and dgn format)

WORK ORDER COMPLETION DATE December 31, 2027

PROJECT SCHEDULE

Complete Topographic Survey	December 31, 2022
Submit Preliminary Gradeline	April 14, 2023
Design Inspection	May 2023
Submit Final Gradeline	June 2023
Submit construction plans for DOT/FHWA review	
Submit construction plans to Bid Letting	December 15, 2023
Project Ready Date	February 16, 2024
Bid Letting Date	TBD (2024)

Remaining days from "Submit plans to Bid Letting" to "Work Order Completion Date" to be used for potential plan revisions, addendums and to review/address issues that occur during construction of highway.

As a basis for this scope of work, the following information will be provided as noted below:

Task	Consult	State	Comments				
	INFORMATION						
Scope		\boxtimes					
Survey							
Land Ties							
Traffic Data		\boxtimes					
Title Certificates							
ROW Photos							
Drainage Areas							
Wetland Delineation and Design		\boxtimes	Wetlands are not anticipated				
		RECOMM	ENDATIONS				
Surfacing Design		\boxtimes					
Hydraulic Data	\square						
Geotechnical							
Borrow			If borrow is required, it will be Contractor furnished				
	AGF	REEMENT	S and PERMITS				
Environmental		\boxtimes					
404 Permit		\boxtimes					
Maintenance		\boxtimes					
Encroachment		\boxtimes					
		P	LANS				
ROW Plats							
Construction Plans	\square						

ATTACHEMENT 2 - SERVICES REQUIRED FMG ENGIENERING FEE CALCULATION SHEET FOR TASK SCHEDULE-ESTIMATED FEES PH 6637(01), PCN 08W0

October 13, 2022

	T			Direct	T	
		Estimated		Salary		
Person	Title	Hours		ate/Hr		Total
Jerry Foster	Principal	36	\$	56.00	\$	2,016.00
Alex Fisher		4	\$	50.00	\$	200.00
Richard Sudmeier	Senior Engineer	310	\$	50.00	\$	15,500.00
	Senior Engineer				\$	
John Lucas	EIT	22	\$	36.00		792.00
Sam Irwin	EIT	511	\$	27.00	\$	13,797.00
Kurt Schweiss	CAD Technician	24	\$	33.00		792.00
Michael Schille	CAD Technician	334	\$	33.00	\$	11,022.00
Melvin Lamke	RLS	24	\$	36.00	\$	864.00
Eric Kloehn	Survey Technician	40	\$	28.00	\$	1,120.00
Joseph Brown	Drilling Manager	10	\$	28.00	\$	280.00
Joseph Blanchard	Engineering Technician	4	\$	24.00	\$	96.00
Cameron Reed	Engineering Technician	4	\$	26.50	\$	106.00
Logan Dore	Materials Technician	12	\$	20.00	\$	240.00
Serena Heger	Admin	37	\$	31.00	\$	1,147.00
Subtotal-Labor Costs	Subtotal-Labor Costs					47,972.00
Overhead and Benefits (110.0	8%)				\$	52,807.58
SubTotal					\$	100,779.58
Fixed Fee (12%)					\$	12,093.55
Subtotal					\$	112,873.13
Mileage	miles	510	\$	1.250	\$	637.50
Equipment	hours	4	\$	50.00	\$	200.00
Subtotal					\$	113,710.63
2% Continency (potential raise	es by project end, direct labor)				\$	959.44
Sub-Consultant	,				\$	-
Total Before Rounding					\$	114,670.07
MAXIMUM LIMITING AMOUN	IT (ROUNDED TOTAL)					115,000.00
MAXIMOM EMITING AMOUNT (NOUNDED TOTAL)						

Provisional Rates approved by SDDOT based on calendar year 2021



Pennington County Highway Department

3601 Cambell Street • Rapid City, SD 57701-0124 Phone: (605) 394-2166 • Fax: (605) 394-2168 www.pennco.org

MEMO

TO:

BOARD OF COMMISSIONERS

DATE:

NOVEMBER 1, 2022

FROM:

JOSEPH MILLER

SUPERINTENDENT

RE:

AUTHORIZATION TO PURCHASE ONE NEW TRAVELING AXLE

LOWBOY TRAILER

The Equipment Purchase Plan approved on May 3, 2022 allows for one new lowboy trailer purchase in 2023. The current lead time for trailers is approximately 12 months. Midwest Diesel Service, Inc. holds a contract with the State of Minnesota for trailers and has agreed to extend the bid pricing to Pennington County.

Our department is a member of the State of Minnesota, Office of State Procurement, Cooperative Purchasing Venture program which allows us to purchase off of their competitively sealed bids/proposals, similar to Sourcewell. The proposal from Midwest Diesel Service, Inc. is attached for your review.

In order to save on advertising, administrative costs and to avoid any projected price increases for equipment, we propose ordering one new traveling axle lowboy trailer off of the Minnesota State Contract, which expires January 31, 2023. The new trailer will not be delivered until 2023 and is allowed for in our 2023 budget.

Motion is requested to authorize the Highway Department to purchase one new 2023 Landoll 455B-48 traveling axle lowboy from Midwest Diesel Service, Inc., Blaine, MN, in the amount of \$145,004.45 plus delivery at \$3.00 per loaded mile from the State of Minnesota Cooperative Purchasing Venture Program Contract #206480.

JM:cjb Attachments





Pennington County Highway Department

3601 Cambell Street • Rapid City, SD 57701-0124 Phone: (605) 394-2166 • Fax: (605) 394-2168 www.pennco.org

2023-2033 EQUIPMENT PLAN NARRATIVE

This plan assists the Highway Department with fleet management and budgetary forecasting for equipment which requires bid letting or purchase from a government cooperative purchasing program. Our equipment budget is estimated at approximately \$1,100,000 per year.

MOTOR GRADERS (Estimated Unit Cost \$360,000)

- 10 units in current fleet
- Warranty is 7 years on new purchases
- Purchase one unit every other year and two units in opposite years. This would keep motor graders under warranty and newer than 7 years which shifts the risk from us to the manufacturer.
- Plan would also retain about \$50,000 dollars more equity for an estimated trade in value of approximately \$130,000.
- Average equipment use is 800 Hours/Year

TRUCKS (Estimated Unit Cost \$200,000)

- 35 units in current fleet 17 snow routes with 3 backups, as well as 8 trucks used for gravel. We will be able to
 reduce the number of trucks in the fleet as we get new units set up with the Kybato system.
- First 200k miles as gravel haul trucks (approx. first 7 years), and would also use as backup snow plows as needed
- Next 10 years as plow trucks
- · Ideally keep fleet newer than 20 years by replacing one unit per year

VACUUM BROOMS (Estimated Unit Cost \$325,000)

- 2 units in current fleet
- Replace one unit every 5 years on a year with only 1 motor grader purchase.

TRAILERS (Estimated Unit Cost \$100,000)

- 8 Belly Dumps and 3 Side Dumps in current fleet
- Replace 1 every other year on the year with only 1 motor grader purchase
- Average equipment use is 30,000 Miles/Year

MOWERS (Estimated Unit Cost \$150,000)

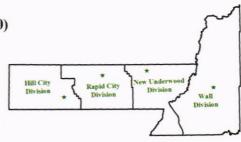
- 9 units in current fleet
- Expect a 20-year life
- Purchase 1 every 4 years on the year with only 1 motor grader purchase
- Average equipment use is 800 Hours/Year

LOADERS (Estimated Unit Cost \$280,000)

- Buy one every 10 years or as needed
- Generally, our loaders are in pretty good condition; we have some older ones we would like to replace.
- Average equipment use is 250 Hours/Year

LOWBOY (Estimated Unit Cost \$150,000)

Purchase one every 10 years



Pennington County Highway Department Equipment Plan

			2023		2024		2025		2026		2027		2028		2029		2030		2031		2032		2033
Equipment	Unit Cost	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount
Motor Graders	\$360,000	2	\$720,000	1	\$360,000	2	\$720,000	1	\$360,000	2	\$720,000	1	\$360,000	2	\$720,000	1	\$360,000	2	\$720,000	1	\$360,000	2	\$720,000
Trucks	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000	1	\$200,000
Vacuum Brooms	\$325,000		\$0	1	\$325,000		\$0		\$0		\$0		\$0	1	\$325,000		\$0		\$0		\$0		\$0
Trailers	\$100,000			1	\$100,000			1	\$100,000			1	\$100,000			1	\$100,000			1	\$100,000		
Mowers	\$150,000		\$0	1	\$150,000		\$0		\$0		\$0	1	\$150,000		\$0		\$0		\$0	1	\$150,000		\$0
Pickups (New)	\$70,000	2	\$140,000			2	\$140,000			2	\$140,000			2	\$140,000			2	\$140,000			2	\$140,000
Loaders	\$280,000		\$0		\$0		\$0	1	\$280,000				\$0		\$0		\$0		\$0		\$0		\$0
Low Boy	\$150,000	1	\$150,000																	1	\$150,000		
Other Equip Purchases			\$50,000		\$50,000		\$50,000		\$50,000		\$50,000		\$50,000		\$50,000		\$50,000		\$50,000		\$50,000		\$50,000
			\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0
Cost Before Trades			\$1,260,000		\$1,185,000		\$1,110,000		\$990,000		\$1,110,000		\$860,000		\$1,435,000		\$710,000		\$1,110,000		\$1,010,000		\$1,110,000
Est Trade-In out of warranty (Motor Grader)	\$80,000		\$160,000																				
Est Trade-In 7 year plan (Motor Grader)	\$130,000				\$130,000		\$260,000		\$130,000		\$260,000		\$130,000		\$260,000		\$130,000		\$260,000		\$130,000		\$260,000
Budget Requirement			\$1,100,000		\$1,055,000		\$850,000		\$860,000		\$850,000		\$730,000		\$1,175,000		\$580,000		\$850,000		\$880,000		\$850,000

PENNINGTON COUNTY BOARD OF COMMISSIONERS Meeting of May 3, 2022

A. **EQUIPMENT PURCHASE PLAN:** MOVED by Hadcock and seconded by LaCroix to approve the Highway Department ten-year equipment purchase plan from 2023-2033. Vote: Unanimous.

OHOTE

	QUUI	L					
	2.]		10/25/2022				
		Bonnington Co.	Date				
		Pennington Cou					
MIDWEST DIES	EL SERVICE	Purchaser's Name	•				
		Street Address					
3041 82nd	l Lane	City State	Zip				
Blaine, MN	55449	605-391-9370					
763-780-		Phone					
This Quote is Not A	~	State Contract #206480	D: 1 00/				
Until Signed By		State Contract #206480	Discount 8%				
Trailer Information	New		Landoll				
4550 40	New or Used	Year 	Make				
455B-48 Model or Series	School Bus Yello	OW TBD VIN#					
Rod Ja		VIIV#					
Salesper		Stock #					
Landoll 455B-48 Length 47' 10"		Base Sale Price	\$119,015.00				
Bulkhead - 16"/24" x 102" 2 position	on Bulkhead/Front Extension ((Solid, 3000lb Distributed Cap)	\$0.00				
Bulkhead Painted to match Trailer	: Dupont LFG8112AW School	l Bus Yellow, Davis #4-5582	\$2,130.00				
Top Opening Toolboxes			STE				
(2) Extra Tool Boxes 1 Each Side	Of Winch (42"W x 28" D x 9"h	Ⅎ)	\$2,170.00				
Winch 20K Braden Worm Gear			\$2,985.00				
Wireless Remote Control (6 functi	on:Tilt, Travel, and Winch)		\$1,935.00				
Upper Deck Slope Wear Protection	•		\$655.00 \$775.00				
Main Beams On Lower Deck 1/4" In Lieu Of Standard							
(18) D Rings On Each Side Of Bed (6) Min. On Upper Deck Equally Spaced (36) Total \$4,8 Folding Step, Street Side Painted Safety Yellow \$3							
Folding Step, Street Side Painted Safety Yellow							
Landoll Traction Plate on Approach Plate (Bolt-On) (Painted Trailer Color) \$795							
Air Dump Valve \$345.0							
Scale System - Liquid Filled Air Pi			\$495.00				
Special Paint Color to Match: Dup		Yellow, Davis #4-5582	\$3,800.00				
(1) Spare Tire: Double Coin 235/7		ICHT DEC CENTRALIZED	\$735.00				
ADD'L CROSSMEMBERS, TWO GREASE, HEAVY DUTY LOWER		· · · · · · · · · · · · · · · · · · ·	STD STD				
SPRING BRAKES ON ALL AXLE		SIT VIOADILIT I DECAL FACRAC	STE				
FINING DRAKES ON ALL AXLES							

FOB: FACTORY	H	O	В	:	L	4	ان	(ノト	۲)	
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BUYER IS RESPONSIBLE FOR ALL STATE AND LOCAL TAXES AND FEES

(2) PARTS AND OPERATIONS MANUALS

			Total Due	\$145,004.45
			Delivery Fee	\$0.00
		Trade Value	Trade Equity	\$0.00
VIN#			FET Tire Credit	(\$307.71)
			FET	\$15,569.16
Year:	Make:	Model:	Sub-Total	\$129,743.00
			DISCOUNT	(\$11,282.00)
Trade-In	Information		Sale Price	\$141,025.00

STD

Rod Jauert	
Salesperson	Customer Signature



Buildings and Grounds

302 Kansas City Street, Rapid City, SD 57701 Phone (605) 394.2172, Fax (605) 394.1916

www.pennco.org

MEMO

Date: November 01, 2022

To: Pennington County Board of Commissioners **From:** Mike Kuhl, Director of Buildings & Grounds

Re: Courthouse Entry Addition 3rd Floor Buildout

Design Services Proposal (CO-OP Architecture) Building Committee Project Recommendation

Remarks:

At the October 18th Board Meeting, I presented the Building Committee's recommendation that the Courthouse Entry Addition 3rd Floor Buildout A&E Design Contract be allowed to move forward for the project. As committee recommendations require two meetings prior to Board action, I have placed this item on your agenda for the second time. A copy of documents previously submitted have been attached for reference.

Estimating costs of construction will be included in the design process. The full scope and needs cannot be fully defined without further investigation and therefore makes it difficult to create an accurate construction cost estimate. Included with the design proposal is an estimated cost for construction of this project stated as \$182,417. Refinement of those costs will be provided as design elements are finalized.

Given Board support, I seek authorization to execute a design contract with Co-op Architecture Inc. and design/administrative decision-making authority for this project.

Motion:

To authorize Mike Kuhl, Director of Pennington County Buildings and Grounds Department, to execute an AIA Standard Form of Agreement between Pennington County and Co-op Architecture Inc. for professional services outlined in Co-op Architecture Inc. Proposal, dated September 23, 2022, for the Courthouse Entry Addition 3rd Floor Buildout project with a lump sum fee of \$25,000.00 plus any applicable reimbursable expenses, utilizing Accumulated Building Funds.

Motion:

To authorize Mike Kuhl, Director of Pennington County Buildings and Grounds Department, to have design and administrative decision-making authority for the Courthouse Entry Addition 3rd Floor Buildout project, including signing application documents and necessary agreements, and expenditure authority up to \$30,000 (includes CO-OP contract) as Pennington County's Representative.

Thank you for your time and consideration.



To: Mike Kuhl, Director

Project: Pennington County Courthouse – 3rd Floor Buildout

Location: 302 Kansas City St.

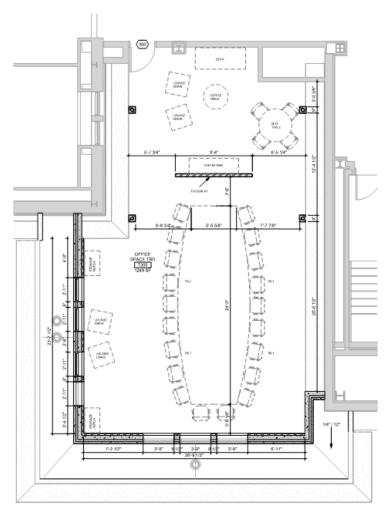
Rapid City, SD 57701

Date: September 27th, 2022

RE: Proposal for AE Services – 3rd Floor Buildout at Courthouse Entrance Addition

Dear Mr. Kuhl,

CO-OP Architecture is pleased to submit a proposal for design services for this project. After completing a review, the committee concluded starting a buildout project that turns the existing shell space of the 3rd Floor into a larger conference room. Initial concepts are shown below of the approximately 1,250 SF space. Some other limited work with finishes and layout updates is expected. Current estimate and schedule are attached, but with current market volatility the numbers are subject to change. Our proposal will be based off current building design/floorplan as shown below.



Schematic Floor Plan



Scope of Services:

We will provide as basic services, the following:

- Architecture CO-OP Architecture
 Structural Engineering (if needed) Albertson Engineering
 Mechanical & Electrical Engineering Skyline Engineering
 - o Commission or Building Committee Meetings as required
 - o Construction Drawings to meet code
 - o Finish and material selections
 - Coordinate bidding, answer bid questions and issue addendas
 - o Construction Administration- shop drawing review, RFIs, RFPs
 - o Construction progress meetings (2 per month), punchlist review, final walk-thru

Preliminary Schedule:

Completed: Schematic Design-verify program, site visits

Sep – Oct 2022: Design Development

November 2022: Review final Construction Drawings and Board approval to issue building documents

December 2022: Bidding & Negotiation January 2023 – May 2023: Construction

<u>Proposed Base Fee:</u> CO-OP Architecture proposes to provide these services for a lump sum fee of **\$25,000** plus any applicable reimbursables. This fee was calculated based off a building budget of \$115,000 for Professional Design Services and includes Construction Administration.

MEP - \$12,500 Arch - \$12,500 Total - \$25,000

<u>Basis for proposal:</u> Lump Sum fee, billed monthly as a progress payment submittal. Services required over and above this proposal will be billed on an hourly basis, after approval from owner. Sales tax will be added if applicable.

Acceptance of Proposal and Authorization to Proceed

If this proposal is acceptable, please return one signed original as our authorization to proceed. An additional AIA contract will be prepared to be included as part of this contract. Owner is responsible for existing site survey costs, asbestos abatement costs, permitting. Proposal is good for 45 days. We look forward to continuing to work with you,

CO-OP Architecture	Pennington County Buildings & Grounds
Sand Larda	
Jared Carda, AIA Associate Principal Architect	Representative



Pennington County 3rd Floor Courthouse E	ntry Buil	dout		
PRELIMINARY STATEMENT OF PROBABLE COST				
September 27, 2022				
Addition and Remodel				
Space Description	UNIT	QUANTITY	\$/UNIT	COST
Mobilization	EACH	1	\$12,500.00	\$12,500.00
Wall Infill @ Exterior (approx 10' ceiling)	SQFT	600	\$10.00	\$6,000.00
Full Wall - Separation	SQFT	84	\$11.00	\$924.00
Flooring & Prep	SQFT	1,249	\$10.00	\$12,490.00
Ceiling - ACT & Soffits	SQFT	1,249	\$15.00	\$18,735.00
MEP Casework - Coffee Credenza	SQFT LF	1,249	\$40.00	\$49,960.00
	EACH	9	\$350.00 \$8,500.00	\$3,150.00
HM Door & Demo	EACH	1	\$8,500.00	\$8,500.00
SUB-TOTALS				\$112,259.00
Geotechnical/Testing/Miscellaneous				\$2,500.00
FF & E			0%	\$0.00
Overhead & Profit			20%	\$22,451.80
Professional Services				\$25,000.00
Construction Environment			3%	\$3,367.77
Construction Bid Contingency			5%	\$5,612.95
Construction Contingency		T	10%	\$11,225.90
TOTAL ESTIMATE COST				<u>\$182,417.42</u>
COLLEGIA				
SCHEDULE DATE	TIME	SUBJECT		
TBD on Phasing	IIIVIE	Project Kick-Of	f I	
on masing		Toject Nick-Of		
TBD on Phasing		Programming &	DD Meeting	S
TBD on Phasing		Design Develor	 ment Reviev	W
The off Fridoling		Design Develop		V
TBD on Phasing	1	100% DD (BOF	R Submittal)	
TBD on Phasing		50% CD Review	w (BOR Subr	nittal)
The off flashing		- Need Final F		
		1100a i mai i		di di i ilionos
TBD on Phasing		95% CD Review	N	
TDD on Dhooing		1000/ 0	tion Document	242
TBD on Phasing		100% Construction - Building Com		
		- Building Com	militee Appro	Ival
TBD on Phasing		Bidding		
TBD on Phasing		Contracts - NTI		
	-	- Building Com	mittee Bids A	Approval
TBD on Phasing		Begin Construc	tion	
100 on Finding		Dogin Sonstitut		
TBD on Phasing	1	Substantial Cor	mpletion	



Buildings and Grounds

302 Kansas City Street, Rapid City, SD 57701 Phone (605) 394.2172, Fax (605) 394.1916

www.pennco.org

MEMO

Date: November 01, 2022

To: Pennington County Board of Commissioners **From:** Mike Kuhl, Director of Buildings & Grounds

Re: Property Acquisition Recommendation (1st Notice)

Remarks:

As a result of the Facilities Needs Assessment and recommendation of the Building Committee, the facility located at 900 Concourse was authorized for purchase at a special meeting held 9/27/2022.

There is a 2.78-acre parcel just north of that building that the Building Committee feels would also be a good investment for long term County needs. At \$2.20 per square foot the total asking price equates to \$266,413. Supporting logic for this acquisition include:

- Ability add support functions or consolidate future facility needs adjacent to a County facility.
- Ability to manage line of sight to the new home of County Administrative Offices from the main connector road Homestead Street.
- County could decide to sell the property in the future with the ability to negotiate site usage in front of County Administrative Offices.

Chris Long is the listing agent for this property. There is an offer on it, but it has many contingencies and a long timeline for approvals. The closing date on their agreement is December 18th.

More of what we do and don't know:

- A full price offer would be needed to kick in a 10 day first right of refusal from the first offeror giving them the option to purchase the property without their contingencies.
- It is felt that the first offeror would not purchase without those contingencies being met.
- We <u>don't know</u> what they hope to place at this location.

Since the Building Committee is making a recommendation to the Board, this item will be placed on two Board Meeting agendas for discussion. Recommended motions will be prepared for Board action at the second meeting based on feedback from the first. A sales brochure is attached for your reference.

Thank you for your consideration.

LIGHT INDUSTRIAL ZONING • NEAR ELK VALE & I-90



Highlights

- Ideally located light industrial parcels off of Elk Vale Road
 1.5 miles from I-90. Perfect for distribution, warehouse or manufacturing facilities
- Minutes from Ellsworth Air Force Base in Box Elder and quick access to truck routes Hwy 44, Hwy 16, and Hwy 79
- Parcels are mostly flat and shovel-ready
- City plans E Anamosa St to connect from Elk Vale Rd to E North St, making E Anamosa a future major artery
- Seller to replat upon sale. Actual lot sizes to be verified during replat. Lot sizes are approximate.
- Ideal opportunity for light industrial lots with visibility



Exclusively listed by:
Chris Long, SIOR, CCIM
Commercial Broker
605.939.4489
chris@rapidcitycommercial.com

Your Property...
Our PrioritySM

PROPERTY DETAILS

Rushmore Business Park, Rapid City, SD 57703

per SF
\$2.80
\$2.20
\$2.20

Property Details

Zoning: Light Industrial

Tax ID & Legal Description*: 68361 - 1 NORTH; 8 EAST; SEC 4; GL 2 LESS

RUSHMORE BUSINESS PARK LESS LOTS H3, H7, H8 & ROW; W660' OF GL 1 LESS RUSHMORE BUSINESS PARK & LESS LOTS H6 & H8; N1081.18' OF SW1/4NE1/4 LESS RUSHMORE BUSINESS PARK LESS

LOTS H2, H3, H4, H9 & ROW

Real Estate Taxes*: TBD

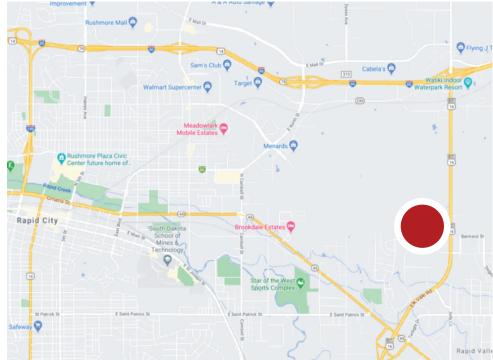
Special Assessment (2021)*: \$365.03

Utilities: Electricity - West River Electric Gas - Montana Dakota Utility Co.

Water & Sewer - Rapid City

*Replatting required







Your Property...Our PrioritySM

Keller Williams Realty Black Hills | 2401 West Main Street, Rapid City, SD 57702 | 605.343.7500 | www.RapidCityCommercial.com

ZONING & INFRASTRUCTURE

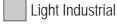
Rushmore Business Park, Rapid City, SD 57703



Future Street Plan



Zoning





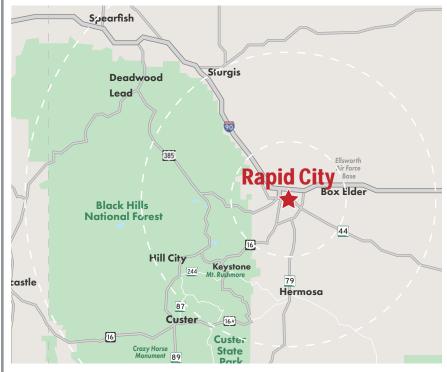
Water & Sewer



Your Property...Our PrioritySM

Keller Williams Realty Black Hills | 2401 West Main Street, Rapid City, SD 57702 | 605.343.7500 | www.RapidCityCommercial.com

DEMOGRAPHICS *Rapid City, SD*



	Rapid City	Rapid City MSA	Rapid City PUMA
Total Households	29,700	58,000	75,000
Total Population	72,841	143,711	183,168
Population % Growth (2016-2017)	0.552%	0.79%	0.637%
Median Household Income	\$48,895	\$52,683	\$51,964
Income % Growth (2016-2017)	3.37%	2.32%	2.73%
Median Property Value	\$170,700	\$172,600	\$170,400
Property Value % Growth (2016-2017)	2.83%	2.68%	2.59%
Average Age	37.1	38.3	39.1
Total Employees	35,487	71,933	87,227
Employees % Growth (2016-2017)	1.07%	1.21%	1.33%

Welcome to South Dakota and Rapid City!

The Mount Rushmore State of South Dakota has carved a solid reputation for business friendliness. It is consistently ranked in the top five states for setting up and conducting business. Small and big companies alike are discovering South Dakota's central location and progressive business climate.

Rapid City is a gem of a city in the state. Located in the west, it is situated on I-90 with direct access to the Black Hills and the surrounding energy fields and is the regional economic and medical hub for a 200 mile radius containing 470,000 people. Rapid City has a diverse economy of many thriving small businesses boosted by the area's major industries of tourism, healthcare, Ellsworth Air Force Base, and financial call centers.

National Rankings

#1	South Dakota—Best State to Start a Business Fortune, 2018
"1	Fortune, 2018

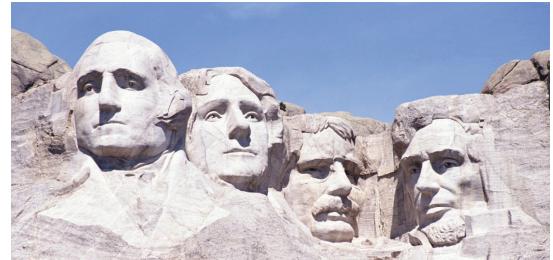
- South Dakota—Friendliest State for Small Business
 Inc., 2018
- South Dakota—Best Business Climate in the US
 Wall Street 24/7, 2018
- South Dakota—Best State for Quality of Life U.S. News & World Report, 2019
- #3 South Dakota—Fiscal Stability
 U.S. News & World Report, 2019

Rapid City Area Key Stats

Total Work Force	71,933
Unemployment Rate	3.2%
Right-to-work Law	Yes

Employment by Sector:

Employment by Sector.	
Retail	0
Heathcare & Social Assistance15%	0
Professional & Administrative Services 10%	0
Construction9%	ó
Education Services7%	0
Manufacturing6%	0
Transportation, Warehousing, & Utilities 4%	0





Your Property...Our PrioritySM

Keller Williams Realty Black Hills | 2401 West Main Street, Rapid City, SD 57702 | 605.343.7500 | www.RapidCityCommercial.com



See revised motion on next page

Pennington County Auditor's Office

Cindy Mohler, Auditor

Pennington County Administration Building • PO Box 6160 Rapid City, SD 57709 • Phone: (605) 394-2153 • www.pennco.org

DATE: October 21, 2022

TO: Board of Commissioners

FROM: Cindy Mohler, Auditor

RE: Proposed 2023 Wage Scale

As was presented at the October 18th meeting it is the recommendation of the Compensation Committee that the board adopt the proposed 2023 wage scale which applies a 4% COLA increase to the 2022 scale.

I've attached a spreadsheet to show the anticipated increases for each department and which departments may need a supplement and which ones believe the increase can be absorbed. The amount that may need to be supplemented is estimated at \$653,000 for the General Fund. With the \$1,094,839 of unanticipated revenue in 2023 from the Local Assistance and Tribal Consistency Fund I am estimating that the Unassigned Fund Balance at the end of 2023 will be 19.73%. This is more than what was estimated in the final 2023 budget, that estimate was 19.36%.

SUGGESTED MOTIONS:

- 1) To rescind the motion to approve the use of the 2023 pay structure with elevated state rates for Grade A and B positions as presented, and further move for placement on the scale where the employee will receive a 1.5% adjustment plus one step, and the application of an additional single pay step as required to avoid new compression, which was passed on April 19, 2022.
- 2) To approve the proposed 2023 wage scale with a 4% COLA increase and 1.25% steps and further move to place employees on this wage scale at a place where they receive at least a 4% increase plus one step effective December 25, 2022.



#13 updated motion

Pennington County Auditor's Office

Cindy Mohler, Auditor

Pennington County Administration Building • PO Box 6160 Rapid City, SD 57709 • Phone: (605) 394-2153 • www.pennco.org

DATE:

October 21, 2022

TO:

Board of Commissioners

FROM:

Cindy Mohler, Auditor

RE:

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SUGGESTED MOTIONS:

- 1) To rescind the motion to approve the use of the 2023 pay structure with elevated start rates for Grade A and B positions as presented, and further move for placement on the scale where the employee will receive a 1.5% adjustment plus one step, and the application of an additional single pay step as required to avoid new compression, which was passed on April 19, 2022.
- 2) To approve the proposed 2023 wage scale with a 4% COLA increase and 1.25% steps and further move to place employees on this wage scale at a place where they receive at least a 4% increase plus one step effective December 25, 2022. The 4% COLA increase is also to be applied to the Law Enforcement and Medical wage scales and employees on the Law Enforcement, Medical and Highway wage scales will receive one step effective December 25, 2022.

IMPACT OF 4% COLA WAGE SCALE

IIVIPACT OF 4% C	OLA WAGE	SCALE	Supplement
		Able to	May Be
Department		Absorb	Necessary
111 BOC	5,592	7103010	5,600
111 BGC 120 & 141 Auditor	15,000	VAS	3,000
142 Treasurer	23,610	•	
151 States Attorney	21,000	•	
152 Public Defender	60,000	20,000	40,000
161 Building & Grounds	100,000	•	100,000
162 Equalization	11,000		100,000
163 Register of Deeds	7,600	-	
171 IT	23,120	•	
172 Human Resources	5,700	•	
211 Law Enforcement	171,883	,	171,883
232 Jail	251,560	150,000	151,560
251 Juvenile Services	88,000	,	88,000
263 Detox (ATS)	88,200		88,200
411 Health & Human Services	21,100	yes	
611 Extension	1,068	yes	
615 Conservation	8,000		8,000
711 Planning	7,200	yes	
TOTAL GENERAL FUND	909,633		653,243
E911	206,000	yes	
FIRE	5,700		5,700
Hwy	15,340	yes	
24/7	8,751	yes	
Emg Mgmt	1,340	yes	

GRAND TOTAL 1,146,764

2023 Schedule - FIXED RATE & RANGE

color have 4.0% color have color only

+ 1.5%

2.5% + 1.5% have 1.5%

1.50%

Approved 4-19-2022

DBM Rating	Step Increase %	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A11	Fixed	\$11.29	\$11.43	\$11.57	\$11.72	\$11.86	\$12.01	\$12.16	\$12.31	\$12.47	\$12.62	\$12.78	\$12.94	\$13.10	\$13.27	\$13.43	\$13.60	\$13.77	\$13.94	\$14.12	\$14.29
A12	Fixed	\$13.39	\$13.56	\$13.72	\$13.90	\$14.07	\$14.25	\$14.42	\$14.60	\$14.79	\$14.97	\$15.16	\$15.35	\$15.54	\$15.73	\$15.93	\$16.13	\$16.33	\$16.54	\$16.74	\$16.95
A13	Fixed	\$15.49	\$15.68	\$15.88	\$16.08	\$16.28	\$16.48	\$16.69	\$16.89	\$17.11	\$17.32	\$17.54	\$17.76	\$17.98	\$18.20	\$18.43	\$18.66	\$18.89	\$19.13	\$19.37	\$19.61
B21	Fixed	\$17.59	\$17.81	\$18.03	\$18.25	\$18.48	\$18.71	\$18.95	\$19.18	\$19.42	\$19.67	\$19.91	\$20.16	\$20.41	\$20.67	\$20.93	\$21.19	\$21.45	\$21.72	\$21.99	\$22.27
B22	Fixed	\$19.69	\$19.93	\$20.18	\$20.43	\$20.69	\$20.95	\$21.21	\$21.47	\$21.74	\$22.02	\$22.29	\$22.57	\$22.85	\$23.14	\$23.43	\$23.72	\$24.02	\$24.32	\$24.62	\$24.93
B23	Fixed	\$21.79	\$22.06	\$22.33	\$22.61	\$22.90	\$23.18	\$23.47	\$23.76	\$24.06	\$24.36	\$24.67	\$24.98	\$25.29	\$25.60	\$25.92	\$26.25	\$26.58	\$26.91	\$27.24	\$27.59
B24	Fixed	\$24.07	\$24.37	\$24.67	\$24.98	\$25.29	\$25.61	\$25.93	\$26.25	\$26.58	\$26.91	\$27.25	\$27.59	\$27.93	\$28.28	\$28.64	\$28.99	\$29.36	\$29.72	\$30.10	\$30.47
B25	Fixed	\$27.18	\$27.51	\$27.86	\$28.21	\$28.56	\$28.92	\$29.28	\$29.64	\$30.01	\$30.39	\$30.77	\$31.15	\$31.54	\$31.94	\$32.34	\$32.74	\$33.15	\$33.57	\$33.98	\$34.41
B31	Fixed	\$24.07	\$24.37	\$24.67	\$24.98	\$25.29	\$25.61	\$25.93	\$26.25	\$26.58	\$26.91	\$27.25	\$27.59	\$27.93	\$28.28	\$28.64	\$28.99	\$29.36	\$29.72	\$30.10	\$30.47
B32	Fixed	\$27.18	\$27.51	\$27.86	\$28.21	\$28.56	\$28.82	\$29.28	\$29.64	\$30.01	\$30.39	\$30.77	\$31.15	\$31.54	\$31.94	\$32.34	\$32.74	\$33.15	\$33.57	\$33.98	\$34.41
C41	Fixed	\$28.45	\$28.81	\$29.17	\$29.53	\$29.90	\$30.27	\$30.65	\$31.04	\$31.42	\$31.82	\$32.21	\$32.62	\$33.02	\$33.44	\$33.85	\$34.28	\$34.71	\$35.14	\$35.58	\$36.02
C42	Fixed	\$30.43	\$30.81	\$31.20	\$31.59	\$31.98	\$32.38	\$32.78	\$33.19	\$33.61	\$34.03	\$34.45	\$34.89	\$35.32	\$35.76	\$36.21	\$36.66	\$37.12	\$37.58	\$38.05	\$38.53
C43	Fixed	\$32.41	\$32.81	\$33.22	\$33.64	\$34.06	\$34.49	\$34.92	\$35.35	\$35.80	\$36.24	\$36.70	\$37.15	\$37.62	\$38.09	\$38.57	\$39.05	\$39.54	\$40.03	\$40.53	\$41.04
C44	Fixed	\$34.89	\$35.32	\$35.76	\$36.21	\$36.66	\$37.12	\$37.59	\$38.05	\$38.53	\$39.01	\$39.50	\$39.99	\$40.49	\$41.00	\$41.51	\$42.03	\$42.56	\$43.09	\$43.63	\$44.17
C45	Fixed	\$37.86	\$38.33	\$38.81	\$39.30	\$39.79	\$40.29	\$40.79	\$41.30	\$41.82	\$42.34	\$42.87	\$43.40	\$43.95	\$44.49	\$45.05	\$45.61	\$46.18	\$46.76	\$47.35	\$47.94
C51	Fixed	\$34.89	\$35.32	\$35.76	\$36.21	\$36.66	\$37.12	\$37.59	\$38.05	\$38.53	\$39.01	\$39.50	\$39.99	\$40.49	\$41.00	\$41.51	\$42.03	\$42.56	\$43.09	\$43.63	\$44.17
C52	Fixed	\$37.86	\$38.43	\$38.91	\$39.39	\$39.89	\$40.39	\$40.89	\$41.40	\$41.92	\$42.44	\$42.97	\$43.51	\$44.05	\$44.60	\$45.16	\$45.73	\$46.30	\$46.88	\$47.46	\$48.06
D61	Fixed	\$39.80	\$40.30	\$40.80	\$41.31	\$41.83	\$42.35	\$42.88	\$43.41	\$43.96	\$44.51	\$45.06	\$45.63	\$46.20	\$46.77	\$47.36	\$47.95	\$48.55	\$49.16	\$49.77	\$50.39
D62	Fixed	\$41.45	\$41.97	\$42.50	\$43.03	\$43.56	\$44.11	\$44.66	\$45.22	\$45.78	\$46.36	\$46.94	\$47.52	\$48.12	\$48.72	\$49.33	\$49.94	\$50.57	\$51.20	\$51.84	\$52.49
D63	Fixed	\$43.39	\$43.93	\$44.48	\$45.04	\$45.60	\$46.17	\$46.75	\$47.33	\$47.93	\$48.52	\$49.13	\$49.74	\$50.37	\$51.00	\$51.63	\$52.28	\$52.93	\$53.59	\$54.26	\$54.94
D64	Fixed	\$45.82	\$46.39	\$46.97	\$47.56	\$48.15	\$48.75	\$49.36	\$49.98	\$50.60	\$51.24	\$51.88	\$52.53	\$53.18	\$53.85	\$54.52	\$55.20	\$55.89	\$56.59	\$57.30	\$58.01
Mkt	YOS	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Adjustment	Cells in this	Cells in this	Cells in this																		

Range Max

																	_	
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37		DBM Rating
\$14.47	\$14.65	\$14.84	\$15.02	\$15.21	\$15.40	\$15.59	\$15.79	\$15.98	\$16.18								\$33,663.21	A11
\$17.16	\$17.38	\$17.60	\$17.82	\$18.04	\$18.26	\$18.49	\$18.72	\$18.96	\$19.19								\$39,923.94	A12
\$19.86	\$20.10	\$20.35	\$20.61	\$20.87	\$21.13	\$21.39	\$21.66	\$21.93	\$22.20								\$46,184.66	A13
\$22.55	\$22.83	\$23.11	\$23.40	\$23.70	\$23.99	\$24.29	\$24.60	\$24.90	\$25.21								\$52,445.39	B21
\$25.24	\$25.55	\$25.87	\$26.20	\$26.52	\$26.86	\$27.19	\$27.53	\$27.88	\$28.22								\$58,706.12	B22
\$27.93	\$28.28	\$28.63	\$28.99	\$29.35	\$29.72	\$30.09	\$30.47	\$30.85	\$31.23								\$64,966.84	B23
\$30.85	\$31.24	\$31.63	\$32.02	\$32.42	\$32.83	\$33.24	\$33.66	\$34.08	\$34.50								\$71,765.54	B24
\$34.84	\$35.28	\$35.72	\$36.16	\$36.61	\$37.07	\$37.54	\$38.00	\$38.48	\$38.96								\$81,038.61	B25
\$30.85	\$31.24	\$31.63	\$32.02	\$32.42	\$32.83	\$33.24	\$33.66	\$34.08	\$34.50								\$71,765.54	B31
\$34.84	\$35.28	\$35.72	\$36.16	\$36.61	\$37.07	\$37.54	\$38.00	\$38.48	\$38.96								\$81,038.61	B32
\$36.47	\$36.93	\$37.39	\$37.86	\$38.33	\$38.81	\$39.30	\$39.79	\$40.29	\$40.79	\$41.30	\$41.82	\$42.34	\$42.87				\$89,163.79	C41
\$39.01	\$39.50	\$39.99	\$40.49	\$41.00	\$41.51	\$42.03	\$42.56	\$43.09	\$43.63	\$44.17	\$44.72	\$45.28	\$45.85				\$95,366.77	C42
\$41.55	\$42.07	\$42.59	\$43.13	\$43.67	\$44.21	\$44.76	\$45.32	\$45.89	\$46.46	\$47.05	\$47.63	\$48.23	\$48.83				\$101,569.74	C43
\$44.72	\$45.28	\$45.85	\$46.42	\$47.00	\$47.59	\$48.19	\$48.79	\$49.40	\$50.02	\$50.64	\$51.27	\$51.91	\$52.56				\$109,331.41	C44
\$48.54	\$49.14	\$49.76	\$50.38	\$51.01	\$51.65	\$52.29	\$52.95	\$53.61	\$54.28	\$54.96	\$55.64	\$56.34	\$57.04				\$118,651.78	C45
\$44.72	\$45.28	\$45.85	\$46.42	\$47.00	\$47.59	\$48.19	\$48.79	\$49.40	\$50.02	\$50.64	\$51.27	\$51.91	\$52.56				\$109,331.41	C51
\$48.66	\$49.27	\$49.88	\$50.50	\$51.14	\$51.78	\$52.42	\$53.08	\$53.74	\$54.41	\$55.09	\$55.78	\$56.48	\$57.18				\$118,944.75	C52
\$51.02	\$51.66	\$52.31	\$52.96	\$53.62	\$54.29	\$54.97	\$55.66	\$56.35	\$57.06	\$57.77	\$58.49	\$59.22	\$59.97	\$60.71	\$61.47	\$62.24	\$129,463.51	D61
\$53.14	\$53.81	\$54.48	\$55.16	\$55.85	\$56.55	\$57.26	\$57.97	\$58.70	\$59.43	\$60.17	\$60.93	\$61.69	\$62.46	\$63.24	\$64.03	\$64.83	\$134,845.44	D62
\$55.63	\$56.32	\$57.03	\$57.74	\$58.46	\$59.19	\$59.93	\$60.68	\$61.44	\$62.21	\$62.99	\$63.77	\$64.57	\$65.38	\$66.20	\$67.02	\$67.86	\$141,151.87	D63
\$58.74	\$59.47	\$60.22	\$60.97	\$61.73	\$62.50	\$63.28	\$64.08	\$64.88	\$65.69	\$66.41	\$67.34	\$68.18	\$69.03	\$69.90	\$70.77	\$71.66	\$149,043.17	D64
20	21	22	23	24	25	26	27	28	29									

Proposed by the Compensation Committee

2023 Schedule - 4% COLA and FIXED RATE & RANGE

		Range Min																			
DBM Rating	tep Increase 9	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A11	Fixed	\$11.13	\$11.27	\$11.41	\$11.55	\$11.69	\$11.84	\$11.99	\$12.14	\$12.29	\$12.44	\$12.60	\$12.76	\$12.92	\$13.08	\$13.24	\$13.41	\$13.57	\$13.74	\$13.92	\$14.09
A12	Fixed	\$13.20	\$13.36	\$13.53	\$13.70	\$13.87	\$14.04	\$14.22	\$14.40	\$14.58	\$14.76	\$14.94	\$15.13	\$15.32	\$15.51	\$15.70	\$15.90	\$16.10	\$16.30	\$16.50	\$16.71
A13	Fixed	\$15.27	\$15.46	\$15.65	\$15.85	\$16.04	\$16.25	\$16.45	\$16.65	\$16.86	\$17.07	\$17.29	\$17.50	\$17.72	\$17.94	\$18.17	\$18.39	\$18.62	\$18.86	\$19.09	\$19.33
B21	Fixed	\$17.34	\$17.55	\$17.77	\$18.00	\$18.22	\$18.45	\$18.68	\$18.91	\$19.15	\$19.39	\$19.63	\$19.88	\$20.12	\$20.38	\$20.63	\$20.89	\$21.15	\$21.41	\$21.68	\$21.95
B22	Fixed	\$19.41	\$19.65	\$19.89	\$20.14	\$20.40	\$20.65	\$20.91	\$21.17	\$21.43	\$21.70	\$21.97	\$22.25	\$22.53	\$22.81	\$23.09	\$23.38	\$23.67	\$23.97	\$24.27	\$24.57
B23	Fixed	\$21.48	\$21.74	\$22.02	\$22.29	\$22.57	\$22.85	\$23.14	\$23.43	\$23.72	\$24.02	\$24.32	\$24.62	\$24.93	\$25.24	\$25.56	\$25.87	\$26.20	\$26.53	\$26.86	\$27.19
B24	Fixed	\$24.07	\$24.37	\$24.67	\$24.98	\$25.29	\$25.61	\$25.93	\$26.25	\$26.58	\$26.91	\$27.25	\$27.59	\$27.93	\$28.28	\$28.64	\$28.99	\$29.36	\$29.72	\$30.10	\$30.47
B25	Fixed	\$27.18	\$27.51	\$27.86	\$28.21	\$28.56	\$28.92	\$29.28	\$29.64	\$30.01	\$30.39	\$30.77	\$31.15	\$31.54	\$31.94	\$32.34	\$32.74	\$33.15	\$33.57	\$33.98	\$34.41
B31	Fixed	\$24.07	\$24.37	\$24.67	\$24.98	\$25.29	\$25.61	\$25.93	\$26.25	\$26.58	\$26.91	\$27.25	\$27.59	\$27.93	\$28.28	\$28.64	\$28.99	\$29.36	\$29.72	\$30.10	\$30.47
B32	Fixed	\$27.18	\$27.51	\$27.86	\$28.21	\$28.56	\$28.92	\$29.28	\$29.64	\$30.01	\$30.39	\$30.77	\$31.15	\$31.54	\$31.94	\$32.34	\$32.74	\$33.15	\$33.57	\$33.98	\$34.41
C41	Fixed	\$29.15	\$29.52	\$29.88	\$30.26	\$30.64	\$31.02	\$31.41	\$31.80	\$32.20	\$32.60	\$33.01	\$33.42	\$33.84	\$34.26	\$34.69	\$35.12	\$35.56	\$36.01	\$36.46	\$36.91
C42	Fixed	\$31.18	\$31.57	\$31.96	\$32.36	\$32.77	\$33.18	\$33.59	\$34.01	\$34.44	\$34.87	\$35.30	\$35.74	\$36.19	\$36.64	\$37.10	\$37.57	\$38.04	\$38.51	\$38.99	\$39.48
C43	Fixed	\$33.21	\$33.62	\$34.04	\$34.47	\$34.90	\$35.34	\$35.78	\$36.22	\$36.68	\$37.14	\$37.60	\$38.07	\$38.55	\$39.03	\$39.52	\$40.01	\$40.51	\$41.02	\$41.53	\$42.05
C44	Fixed	\$35.74	\$36.19	\$36.64	\$37.10	\$37.57	\$38.04	\$38.51	\$38.99	\$39.48	\$39.97	\$40.47	\$40.98	\$41.49	\$42.01	\$42.53	\$43.07	\$43.60	\$44.15	\$44.70	\$45.26
C45	Fixed	\$38.79	\$39.28	\$39.77	\$40.26	\$40.77	\$41.28	\$41.79	\$42.32	\$42.85	\$43.38	\$43.92	\$44.47	\$45.03	\$45.59	\$46.16	\$46.74	\$47.32	\$47.91	\$48.51	\$49.12
C51	Fixed	\$35.74	\$36.19	\$36.64	\$37.10	\$37.57	\$38.04	\$38.51	\$38.99	\$39.48	\$39.97	\$40.47	\$40.98	\$41.49	\$42.01	\$42.53	\$43.07	\$43.60	\$44.15	\$44.70	\$45.26
C52	Fixed	\$38.79	\$39.28	\$39.77	\$40.26	\$40.77	\$41.28	\$41.79	\$42.32	\$42.85	\$43.38	\$43.92	\$44.47	\$45.03	\$45.59	\$46.16	\$46.74	\$47.32	\$47.91	\$48.51	\$49.12
D61	Fixed	\$40.78	\$41.29	\$41.80	\$42.33	\$42.86	\$43.39	\$43.93	\$44.48	\$45.04	\$45.60	\$46.17	\$46.75	\$47.33	\$47.93	\$48.52	\$49.13	\$49.75	\$50.37	\$51.00	\$51.63
D62	Fixed	\$42.47	\$43.00	\$43.54	\$44.09	\$44.64	\$45.20	\$45.76	\$46.33	\$46.91	\$47.50	\$48.09	\$48.69	\$49.30	\$49.92	\$50.54	\$51.17	\$51.81	\$52.46	\$53.12	\$53.78
D63	Fixed	\$44.46	\$45.02	\$45.58	\$46.15	\$46.73	\$47.31	\$47.90	\$48.50	\$49.11	\$49.72	\$50.34	\$50.97	\$51.61	\$52.25	\$52.91	\$53.57	\$54.24	\$54.91	\$55.60	\$56.30
D64	Fixed	\$46.95	\$47.53	\$48.13	\$48.73	\$49.34	\$49.95	\$50.58	\$51.21	\$51.85	\$52.50	\$53.16	\$53.82	\$54.49	\$55.17	\$55.86	\$56.56	\$57.27	\$57.98	\$58.71	\$59.44
	YOS	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
	% to next	Α	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%
Scale +	step	В	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%
4.00%		С	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%
	1	D	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%

	Range Max							_										
										Range Max								
DBM Rating		37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
A11	\$32,404.74									\$15.76	\$15.56	\$15.37	\$15.18	\$14.99	\$14.81	\$14.63	\$14.44	\$14.27
A12 18.4704	\$38,418.43									\$18.69	\$18.46	\$18.23	\$18.00	\$17.78	\$17.56	\$17.35	\$17.13	\$16.92
A13 21.3616	\$44,432.13									\$21.62	\$21.35	\$21.09	\$20.83	\$20.57	\$20.32	\$20.07	\$19.82	\$19.57
B21 24.2632	\$50,467.46									\$24.55	\$24.25	\$23.95	\$23.65	\$23.36	\$23.07	\$22.79	\$22.50	\$22.23
B22 27.1752	\$56,524.42									\$27.48	\$27.14	\$26.80	\$26.47	\$26.15	\$25.82	\$25.51	\$25.19	\$24.88
B23 30.0664	\$62,538.11									\$30.41	\$30.03	\$29.66	\$29.30	\$28.94	\$28.58	\$28.23	\$27.88	\$27.53
B24 33.6856	\$70,066.05									\$34.08	\$33.66	\$33.24	\$32.83	\$32.42	\$32.02	\$31.63	\$31.24	\$30.85
B25 38.0328	\$79,108.22									\$38.48	\$38.00	\$37.54	\$37.07	\$36.61	\$36.16	\$35.72	\$35.28	\$34.84
B31 33.6856	\$70,066.05									\$34.08	\$33.66	\$33.24	\$32.83	\$32.42	\$32.02	\$31.63	\$31.24	\$30.85
B32 38.0328	\$79,108.22			_						\$38.48	\$38.00	\$37.54	\$37.07	\$36.61	\$36.16	\$35.72	\$35.28	\$34.84
C41 43.732	\$90,962.56				\$43.92	\$43.38	\$42.85	\$42.32	\$41.79	\$41.28	\$40.77	\$40.26	\$39.77	\$39.28	\$38.79	\$38.31	\$37.84	\$37.37
C42 46.7688	\$97,279.10				\$46.98	\$46.40	\$45.83	\$45.26	\$44.70	\$44.15	\$43.60	\$43.07	\$42.53	\$42.01	\$41.49	\$40.98	\$40.47	\$39.97
C43 49.816	\$103,617.28				\$50.03	\$49.42	\$48.81	\$48.20	\$47.61	\$47.02	\$46.44	\$45.87	\$45.30	\$44.74	\$44.19	\$43.64	\$43.11	\$42.57
C44 53.6224	\$111,534.59				\$53.86	\$53.19	\$52.54	\$51.89	\$51.25	\$50.61	\$49.99	\$49.37	\$48.76	\$48.16	\$47.57	\$46.98	\$46.40	\$45.83
C45 58.188	\$121,031.04				\$58.45	\$57.73	\$57.01	\$56.31	\$55.62	\$54.93	\$54.25	\$53.58	\$52.92	\$52.27	\$51.62	\$50.98	\$50.35	\$49.73
C51 53.6224	\$111,534.59				\$53.86	\$53.19	\$52.54	\$51.89	\$51.25	\$50.61	\$49.99	\$49.37	\$48.76	\$48.16	\$47.57	\$46.98	\$46.40	\$45.83
C52 58.188	\$121,031.04				\$58.45	\$57.73	\$57.01	\$56.31	\$55.62	\$54.93	\$54.25	\$53.58	\$52.92	\$52.27	\$51.62	\$50.98	\$50.35	\$49.73
D61 62.7536	\$130,527.49	\$63.78	\$62.99	\$62.21	\$61.44	\$60.68	\$59.93	\$59.19	\$58.46	\$57.74	\$57.03	\$56.32	\$55.63	\$54.94	\$54.26	\$53.59	\$52.93	\$52.28
D62 65.8424	\$136,952.19	\$66.43	\$65.61	\$64.80	\$64.00	\$63.21	\$62.43	\$61.66	\$60.89	\$60.14	\$59.40	\$58.67	\$57.94	\$57.23	\$56.52	\$55.82	\$55.13	\$54.45
D63 68.9104	\$143,333.63	\$69.53	\$68.67	\$67.83	\$66.99	\$66.16	\$65.35	\$64.54	\$63.74	\$62.96	\$62.18	\$61.41	\$60.65	\$59.90	\$59.16	\$58.43	\$57.71	\$57.00
D64 72.7584	\$151,337.47	\$73.42	\$72.51	\$71.62	\$70.73	\$69.86	\$69.00	\$68.15	\$67.31	\$66.47	\$65.65	\$64.84	\$64.04	\$63.25	\$62.47	\$61.70	\$60.94	\$60.19
								Step Rates	29	28	27	26	25	24	23	22	21	20
								1.2500%	-100.00%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%
								1.2500%	-100.00%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%

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Martin Joan

From: NoReply

Sent: Thursday, October 27, 2022 9:00 AM

To: Martin Joan; Hennies Holli

Subject: WEBFORM: Board Of Commissioners - Contact Us

The following information was submitted from a web form on the Pennington County website.

DO NOT click reply. To reply, copy and paste the e-mail address below into the "To" field of an outgoing message.

>>>>>>>>>>>>

Submitted Information:

Your name: Chris Mooney

Your e-mail address: mustang_gt_sd@yahoo.com

Your phone number: 6053900934

Who would you like to send your message to? All 5 Commissioners

Message: Hello Commissioners,

I'm a District 2 taxpayer and an appraiser in the Pennington Co Equalization Department and I'm concerned about what the upcoming cost of living increase could be for next year. The 4% increase plus the step raise is well below what comparable counties are doing in regards to inflation. Minnehaha County approved a 12% raise mid-year raise and another 5% raise in 2023. Lincoln County approved a 10% mid-year raise and a 7.5% raise in 2023. Rapid City employees were approved to get a 7.9% raise this year and the State of South Dakota approved an 8.5% raise. Meade County is currently looking at approving a raise between 7-10%.

I believe our county employees should receive, at a minimum, a 10% increase to the cost of living to at least be competitive with what similar sized counties are doing. Not doing so would cause further problems with attracting potential future employees and retaining current ones. Our housing market has increased significantly over the last couple years and is still increasing. Rents at apartments have increased drastically this year. The county is seeing a lot of new homes and apartments being built and it doesn't look to be slowing down, which is a good thing for the growth of the county. The total property value for the county has increased by hundreds of millions of dollars, if not billions of dollars, over the past couple years so the county is bringing in more money in taxes just like the other counties I've mentioned and they have given larger cost of living increases than Pennington County is proposing.

In closing, in the end it is your call as to what county employees would be getting for a cost of living adjustment and I only ask that it be fair. Thanks for hearing my concerns.

Sincerely,

Chris Mooney

PENNINGTON COUNTY RESOLUTION 2022-C2 CONTINGENCY TRANSFER

GENERAL FUND CONTINGENCY BUDGET (101-0113)

WHEREAS, through the FY2022 annual budget process, the Pennington County Board of Commissioners allocated \$100,000 to the General Fund Contingency Budget (101-0113); and

WHEREAS, the current balance of the General Fund Contingency Budget is \$50,000; and

WHEREAS, access to a reliable and plentiful water source is critically important from a public health and safety standpoint, especially in western South Dakota, which has a more arid climate and limited water supplies. This critical need is compounded by population and industrial growth; and

WHEREAS, the Western Dakota Regional Water System (WDRWS) is a non-profit organization formed in 2021 to explore the use of Missouri River Water via a proposed pipeline that will bring the water to various communities, Tribes, and water systems in western South Dakota; and

WHEREAS, the Pennington County Board of Commissioners recognizes the importance in securing a water supply from the Missouri River to meet the current and future needs of western South Dakota; and

WHEREAS, on October 18, 2022, the Pennington County Board of Commissioners approved a request for funding in the amount of \$50,000 for the Western Dakota Regional Water System (WDRWS) to be used as matching funds for services not allowable under their current funding sources such as public information, legal and administrative services; and

NOW, THEREFORE, BE IT RESOLVED, the Pennington County Auditor is authorized to transfer \$50,000 from the 2022 General Fund Contingency Budget (101-0113) to the General Fund Commission Office Budget Miscellaneous Fees (101-0111-0422-2058-10) and make payment to the Western Dakota Regional Water System.

Dated this	day of		, 2022.	
				Pennington County Board of Commissioners
Attest:				Gary Drewes, Chair
Auditor		(SEAL)		

RECEIVED OCT 26 2022

COMMISSIONER'S OFFICE

3:41pm

OCTOBER 26, 2022 C.J. ELLSWORTH 3910 DORAL DR RAPID CITY, SD 57702 321-652-6967 cjells@msn.com

REQUEST FOR AGENDA PRESENTATION

TO:

PENNINGTON COUNTY COMMISSIONERS HOLLI HENNIES, COMMISSION MANAGER 130 KANSAS CITY ST., STE 100 RAPID CITY, SD 57701

Undersigned requests confirmation of Agenda placement for presentation as follows:

- 1. AGENDA For Commission Meeting November 1, 2022.
- 2. AGENDA ITEM: Commission Item Submission Rules, 2/4/2014.
- 3. PRESENTATION ISSUE: Official Misconduct on item submitted 10/12/22.
- 4. PRESENTER: Chet Ellsworth
- 5. REQUIRED INFORMATION: attached.
- 6. EXH A: Item requested 10/12/22 5:57 pm EST.(copy) attached.
- 7. EXH B: Agenda Item Procedure-Public (Rules) (copy).attached.
- 8. EXH C: Affidavit of Official Misconduct. (copy)Attached.

Please confirm,

CHET/ELLSWORTH

Please	complete the following required information:
1.	Name: Chet Ellsworth
2.	Address: 3910 Doral Dr
	Rapid City, SD
3.	Telephone: 321 - 652 - 6967
4.	Email Address: <u>cjells @ msn.com</u>
5.	A brief explanation of the situation/issue: Properly noticed item was
	timely submitted to the commission affice.
	On Wed, Och 12, 2022 for agenda Consideration
	on the next meeting agendo. To date no natice,
	commission meeting date and approximate time has What action you are requesting of the Board: Request and been received.
6.	What action you are requesting of the Board: Request and
	accept the resignation of Mary Drewes, Deb Harlcock,
	Lloyd La Croix, Ron Rossknecht for official misconoluch-failur
	to allow active participation in Plennington Country government
	peresucut to commission agenda Item Submission Bules
7.	Supporting documentation included: Yes or No
	(Description of documentation):
	Exh A - (Copy) Written request dated Oct 12, 2022, 5:51 pm (esh)
	E+h B- agenda Item Procedure - Public (Rules) - Copy
	Exh C- affidavit of Official Misconduct - Copy

Request for Agenda Status at next BOC Meeting

Chet ELLSWORTH < cjells@msn.com> Wed 10/12/2022 5:57 PM To: Holli Hennies < hollih@pennco.org>

8 attachments (26 MB)

_2022-10-12 Information Form Pennco Request.pdf; _2022-10-12 #1 Copy of Rejection Envelope.pdf; _2022-10-12 #2 Copy of ROD Rejection Form.pdf; _2022-10-12 #3 Affid of Order Requiring Pennington County To Preserve Records.pdf; _2022-10-12 #4 Affidavit Of Denial Of Access To Public Records.pdf; _2022-10-12 #5 Copy Of ROD Referral To State Bar.pdf; _2022-10-12 #6 Copy of State Bar Publication Lisa Marso President.pdf; _2022-10-12 #7 Copy of Order recently signed by Marso as representing Pennco.pdf;

Holli, Please place the attached request on the Next Meeting Agenda.

Exh A

Please	complete the following required information:
1.	Name: CLET ELLS WORTH
2,	Address: 3910 CuraL Dor
	Rapid City, SA 57702
3.	Telephone: 321-652-6967
	Email Address: C-SELLS WORTE (JELLS @ WSN. COW
5.	A brief explanation of the situation/issue:
	ROB office AFTER ACCEPTING TWO Affidavils
	an submitted sejected short The dry after
	failing to cite a violation in statutes.
6.	What action you are requesting of the Board:
	Appeare The documents for Recording
	and order the ROD Custeal to do
	her duity.
7.	Supporting documentation included: (Yes) or No
	(Description of documentation): 1. COPY of REJECTS ON ENVELOPE
	2. Copy of ROD rejections toem.
	3, Copy of submitted Affidourit of DRDER RAPIGIRIA
	4. Copy of sabonited Attidocit of BERIAL of Acres
	5. Copy of ROD referral To State BAR,
	6. Copy of State Boar publications identifying MARSS HI President of STATE BAR.
	7 Copy of Oaks signed by Maseso for Pennight

TEAUTH RETURN SERVICE REQUESTES

CHESTER ELLSWORTH 3910 DORAL DR RAPID CITY SD 57702

IAIASMM 57702

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about:blank



Pennington County Register of Deeds P.O. Box 6160 Rapid City, SD 57709 (605)394-2177

Date: 10-4-2022

The enclosed document is not recorded. The reasons are checked or noted.

() Land is not in Pennington County.
() "Prepared By" legend is missing or incomplete. SDCL: 7-9-1
() Document is not sufficiently legible to reproduce a readable copy.
() Document is a photo copy. Need original, wet ink document.
() Recording fee is needed.
() Transfer fee is needed.
() Need an additional \$ to record.
() Grantee's mailing address is missing or incomplete. SDCL: 7-9-7
() Legal description is (needed) (incorrect)
() Deed needs completed, dated and signed "Certificate of Real Estate Value" form.
() Deed must have Exempt from Transfer Fee, if exempt, on front page. See SDCL: 43-4-23 "Exempt from transfer fee 43-4-22 ()" – this statement needs to be typed onto the deed if exemption from transfer fee applies.
() Mortgagor(s) name is missing.
() Mortgagee's address is missing or incomplete.
() Book and/or Page number OR <u>document number</u> (on documents recorded after 7-1-2011) of the original mortgage is (missing) (incorrect)
() Document number (on documents recorded as of July 1, 2011) is (incorrect) (missing)
() Please complete the notary public acknowledgement and/or notarizing.
() Missing Certified Letters of Personal Representative, Guardianship, and/or Conservatorship.
() No exhibit attached as stated in the body of the document.
Not a proper document to be recorded or filed in this office.
() Other, indicated above right in red.

Thank You.

Summary of document standards: SDCL: 43-28-23

- 1. Paper size is no smaller than 8 ½ inches by 11 inches & no larger than 8 ½ inches by 14 inches. No sheet may be attached or affixed to a page that covers up any information or printed material on the document.
- 2. Be printed, typewritten or computer generated in black ink & the print type of the document may not be smaller than 10-point type. However, signatures and dates may be in black or blue ink, and notarial acknowledgments may be completed in black or blue ink, with the blue ink dark enough to be reproducible. Be on white paper of not less than twenty pound weight.
- 3. Contain a blank space at the top measuring no less than three inches as measured from the top of the first page. The right half shall be the Register of Deeds for recording information and the left half shall be used by the document preparer as required pursuant to SDCL: 7-9-1 & may include other document information. All other margins shall be a minimum of one inch.
- 4. Have a title prominently displayed at the top of the first page below the blank space referred to in subdivision (4) of SDCL: 43-28-23
- 5. Be sufficiently legible to reproduce a readable copy using the Register of Deed's current method of reproduction.
- Per SDCL 7-9-15: A real estate document recorded with the register of deeds shall conform to 43-28-23, but may
 not be rejected for recording if the document does not comply with 43-28-23 unless it is not sufficiently legible or
 cannot be reproduced as a readable copy.

Any affidavit of publication, corner record, survey, certified court or governmental document and UCC form recorded against real estate is exempt from the provisions of 43-28-23. The provisions of SDCL 43-28-23 do not apply to any real estate document prepared and executed prior to July 1, 2002.

COPY

Submitted to Register of Deeds for recording on:

122 OCT 3 PH4:00

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF PENNINGTON)

AFFIDAVIT OF ORDER REQUIRING PENNINGTON COUNTY, SD TO PRESERVE RECORDS

Chester Ellsworth ("Affiant") being first duly sworn, states that he is a resident of Pennington County, SD and over the age of 21, and further states the following:

- 1. On or before September 13, 2022 Affiant came into possession of Order Requiring Preservation of Records. ("ORDER") (Copy attached). And, THAT
- 2. ORDER on its face requires Pennington County to preserve certain records. And, THAT
- 3. The Court's ORDER is in force and effect until any superseding Order may be heard, considered and subsequently entered ... And, THAT
- 4. The ORDER clearly fails to display a document # and time stamp indicating judicial obstruction.

In WITNESS WHEREOF, Affiant has executed this Affidavit OF Order Requiring Penninington County, SD To Preserve Records this ______ day of October, 2022.

AFFIANT

Chester Ellsworth

Before me, a Notary Public in and for the State of South Dakota, personally appeared Chester Ellsworth, a resident of Pennington County, South Dakota, who having been first duly sworn, acknowledged the execution of the foregoing Affidavit Of Order Requiring Pennington county, SD to Preserve Records and stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 3 day of October, 2022.

printed name

My Commission Expires:

I am a resident of

Lincoln County, South Dakota

Depty Auditor

Prepared By:

Chester J. Ellsworth

3910 Doral Dr

Rapid City, SD 57022

STATE OF SOUTH DAKOTA	IN CIRCUIT COURT
COUNTY OF LINCOLN)	SECOND JUDICIAL CIRCUIT
*************	伊拉斯特格格格格格格格格格格格格格格格格格格格格格格格格格格格格格格格格格格格格
WE THE PEOPLE for FREE, FAIR and	* 41CFV22-00D463
TRANSPARENT BLECTIONS, LLC,	•
Plaintiff,	*
2	t .
vs.	* ORDER REQUIRING
107	* PRESERVATION OF RECORDS
SHERI LUND, LINCOLN COUNTY	*
AUDITOR and LINCOLN COUNTY	th .
AUDITOR'S OFFICE, IN and for	攻
LINCOLN COUNTY, SOUTH DAKOTA,	*
Defendant(′s). *
* 冷存海市南市专参南市南市华南市安部水市华南北市	\$*************************************

In this recently filed action and, in light of the similar and/or parallel public records denial appeal file 41CIV22-000298, with good cause appearing herein especially given the representative repeated responses offered by numerous county auditors or local election-related officials, it is hereby,

ORDERED, ADJUDGED, AND DECREED that: (1) each County Auditor in the State shall now and hereafter preserve the machine logs from the automatic tabulation machines in such County on and after the November 3, 2020, election and after through the conclusion of this proceeding and any potential appeal thereof; (2) each County Auditor in the State shall now and hereafter preserve, to the extent such existed, the Cast Vote Records ("CVR") of the ballots counted, including any and all electronic or data storage drive(s) that such information has been or is stored on, for the November 3, 2020, election and after through the conclusion of this proceeding and any potential appeal thereof; (3) each County Auditor in the State shall now and hereafter preserve any and all election-related documents, data or other related election information as outlined and envisioned under and as a required part of \$2 USC § 20701, including any and all electronic or data storage drive(s) that any such information has been or is stored on, for the November 3, 2020, election and after through the conclusion of this proceeding and any potential appeal thereof. The Court's Order shall now remain in force and effect until any superseding Order may be heard, considered and subsequently entered in and for this matter.

BY THE COURT

Honorable John Pekas

Circuit Court Judge, Second Judicial Circuit

nva' gues' Oteuk ol conula

RECEIPT	DATE 10-3-2020 NO. 297616
RECEIVED FROM	Chester Ellsworth
ADDRESS	
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FOR <u>PCL</u>	Will Tell Tell Tell Tell Tell Tell Tell T
AMT OF ACCOUNT AMT. OF ACCOUNT	PENNINGTON CO. ADMINISTRATION BLDG OCHECK PO BOX 6160
PAID UALANCE OUE	MONEY PAPID CITY, SD 57709
	€1001 REDECKI ⊗ 8183

COPY

Submitted to Register of Deeds for recording on:

'22 0CT 3 px3:59

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF PENNINGTON)

AFFIDAVIT OF DENIAL OF ACCESS TO PUBLIC RECORDS

Chester Ellsworth ("Affiant") being first duly sworn, states that he is a resident of Pennington County, SD and over the age of 21, and further states the following:

- 1. At 9:00 A.M. MT on September 23, 2022 Affiant approached the Pennington County Office of the Auditor at 315 St. Joseph St, Ste 230, Rapid City, SD and stated that I wanted to submit Public Records Request #092322 PENNCO PUBLISHER AGREEMENTS (Copy Attached exh A.), and, that I wanted to pay additional deposit on a July 20, 2022 Public Records Request for Transcript of the June 29, 2022 Hearings (copy attached exh B.)
- 2. At 9:00 A.M. MT Lori Severson, Dayna Kiewel and a third party presumed to be Elaine Jensen rejected the submittals, and further rejected my request for a rejection signature... (Severson stating that "You have a verbal rejection from three present.") To which I responded, "and what is that worth?" to which Severson responded "nothing".
- 3. This affidavit is for the purpose of providing public record of the fact that under the existing commissioners public records are not accessible to the public.

In WITNESS WHEREOF, Affiant has executed this Affidavit OF Denial Of Access To Public Records this 3 day of October, 2022.

Before me, a Notary Public in and for the State of South Dakota, personally appeared Chester Ellsworth, a resident of Pennington County, South Dakota, who having been first duly sworn, acknowledged the execution of the foregoing Affidavit Of Denial Of Access To Public Records and stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 3 day of October, 2022.

printed name

My Commission Expires:

term

I am a resident of

Lancoln_, County, South Dakota

Prepared By:

Chester J. Ellsworth

3910 Doral Dr

Rapid City, SD 57022

SEPTEMBER 23, 2022 C.J. ELLSWORTH 3910 DORAL DR. RAPID CITY, SD 57702 321-652-6967 cjells@msn.com EXL A

PUBLIC RECORDS REQUEST # 092322 PENNCO PUBLISHER AGREEMENTS

TO: CINDY MOHLER
CUSTODIAN OF THE PUBLIC RECORDS FOR:
PENNINGTON COUNTY OFFICE OF AUDITOR, AND
CINDY MOHLER, AUDITOR
315 ST. JOSEPH ST, STE 230
RAPID CITY, SD 57701

Undersigned requests to inspect or receive copies of the following public records in your possession:

- Current publishing agreement with The Rapid City Journal, The Rapid City Media Group and RapidCityJournal. Com
- 2. Current publishing agreement with The PENN. CO COURANT..
- 3. Current publishing agreement with The Hill City Prevailer News, SHP Holdings, LLC and Jerry Lenander.

CHET ELLSWORTH

EXL R

RECE
TO Holli Heart EZ

JUL 20

CI il by Mak Ler PENNINGTON O

Re: Public Ry next for documents

JUL 20 2022

1. Transcript of 6/28 3 6/29 Heavings

ps per 7/19/22 action adjanent by

GORT CHAIR.

2. Copy of man to Vango correspondent referenced by Tunchi Werever on 7/19/22 and read ale The proceedings ty Gary Down of CHAPE.

> I Agree to pay for well costs I MENRALD

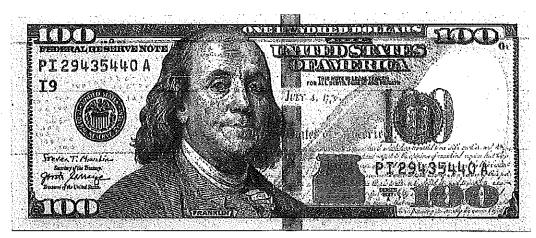
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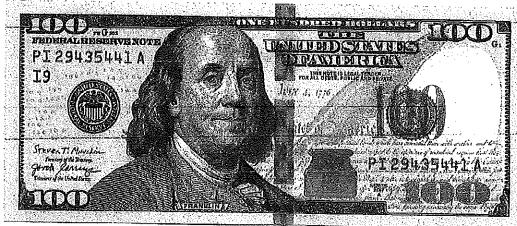
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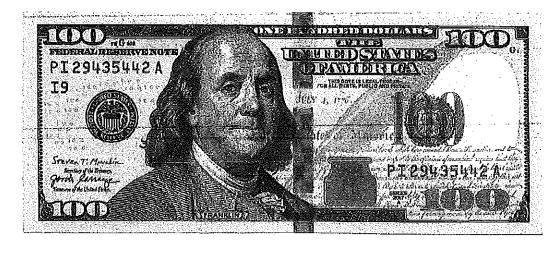
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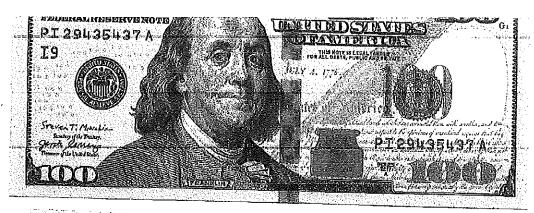
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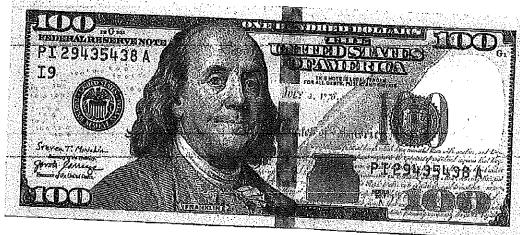
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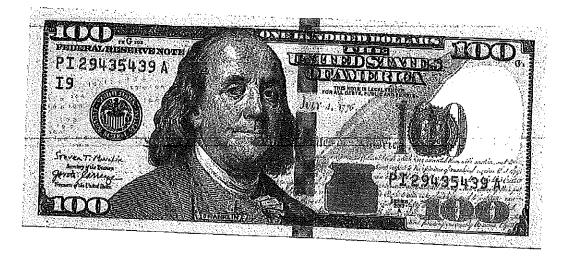












RECEIPT RECEIVED FROM .	DATE 10-3-2020 NO. 297616 Chester Elloworth
ADDRESS	ordma foos, 60.00
ACCOUNT ANT, OF ACCOUNT	REGISTER OF DEEDS PENNINGTON CO. ADMINISTRATION BLDG OCHECK PO BOX 6160
PAID SALANCE OUE	MONEY PAPID CITY, SD 57709

STATE BAR OF SOUTH DAKOTA CASTAR

LAWYER REFERRAL SERVICE

https://findalawverinsd.com

800-952-2333

Search



(https://www.statebarofsouthdakota.com/)

Leadership

Officers

The State Bar elected officers are President and President Elect. Only Active Members may be elected to either of these offices. The President will install the President Elect as President before the Annual Meeting adjourns each year. The Active Members at the Annual Meeting will then, by majority vote, elect the next President Elect. The President will serve a one-year term. The President Elect will serve in that capacity until installed as President the following year.

President

The President may (1) preside at all State Bar and Bar Commission meetings; (2) execute contracts and instruments as authorized by the Bar Commission; (3) appoint Members to committees; (4) be an ex-officio, non-voting Member of committees; (5) perform all duties incident to the office of President and such other duties as may be assigned by the Bar Commission; and, (6) perform the duties of the Executive Director in the event the Executive Director is unable to perform. The President may appoint someone to serve as the Executive Director if the President is unwilling or unable to perform those duties.

President Elect

The President Elect will perform and be vested with all the powers and duties of the President in the event the President is absent or otherwise unwilling or unable to perform. The President Elect may perform such duties as may be assigned by the President and Bar Commission.

Executive Director & Secretary/Treasurer

The Executive Director will have general charge and control of day-to-day State Bar affairs subject to Bar Commission and State Bar Officer direction and Supreme Court

10/12/2022, 1:30 AM

rule. The Executive Director is the State Bar's Secretary/Treasurer.

Officers

President - **Lisa K. Marso** (https://members.statebarofsouthdakota.com /MIC/10033335/9298870/#/Directory/4815/1990685/DirectoryItem), Sioux Falls Term Ends June 2023

President Elect - Heather Lammers Bogard

(https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory /4815/1990533/DirectoryItem), (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1681695/DirectoryItem) Rapid City/Spearfish Term Ends June 2023

Secretary-Treasurer - Andrew L. Fergel

(https://members.statebarofsouthdakota.com/MIC/10033335/9298870 /#/Directory/4815/1678492/DirectoryItem), Pierre

Bar Commission

An elected Board of Bar Commissioners will govern and manage the business and affairs of the State Bar. The Board has all the power and authority necessary or appropriate for the administration of State Bar affairs consistent with Supreme Court rule, South Dakota Law, and these Bylaws. The Board may adopt rules, regulations, policies, and directives necessary for efficient State Bar operation. The Bar Commission will perform the acts necessary to locate and hire the Executive Director and determine the Executive Director's salary and benefits.

Board Composition

The Bar Commission is composed of one Active Member from each of South Dakota's judicial circuits and six at-large Active Members. The Bar Commission also includes the State Bar President and President Elect. A Commissioner candidate must be an Active Member at the time of election and reside in the judicial circuit that the candidate is seeking to represent. No two at-large Commissioners may reside within the same judicial circuit.

Commission Election Cycle

Active Members will elect Commissioners to represent each judicial circuit and the at-large positions according to the following election cycle:

- Circuits 1, 2, 3, 6, and 7, 2022, 2025, 2028, and every third year thereafter.
- Circuits 4 and 5 and two At Large. 2023, 2026, 2029, and every third year thereafter.

2 of 5 10/12/2022, 1:30 AM

• Four At Large. 2024, 2027, 2030, and every third year thereafter.

Commission Petition or Nomination

To qualify as a Commissioner candidate, the Member must either complete a nominating petition containing the requisite number of signatures or be orally nominated by an Active member from the floor at the Business Meeting, provided the nominee's name and position sought was submitted to the Executive Director or other State Bar employee at least 40 hours before the beginning of the Business Meeting.

Nominating petitions for bar commission should be submitted to the State Bar Office by May 1st, for printing in the Annual Meeting Program.

At Large Petition (https://statebarofsouthdakota.growthzonesites.com/leadership/nominating-petition-for-state-bar-of-south-dakota-bar-commissioner-at-large/) - 15 signatures required

Circuit Petition (https://statebarofsouthdakota.growthzonesites.com/leadership/nominating-petition-for-state-bar-of-south-dakota-bar-commissioner-circuit/) - 5 signatures required

Commissioner Term

Upon election, Commissioners will hold office for a three-year term beginning at the close of the Annual Meeting in the year of election. No Commissioner may hold office for successive terms.

If you have questions about what the Bar Commission does, contact your local Commissioner for more information.

Bar Commissioners

lst Circuit - **Tyler P. Matson** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1992092/DirectoryItem), Term Ends June 2025

2nd Circuit - **Caroline A. Srstka** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1991622/DirectoryItem), Term Ends June 2025

3rd Circuit - **David R. Strait** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1990197/DirectoryItem), Term Ends June 2025

4th Circuit - **Drew Skjoldal (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1683759/DirectoryItem)** Term Ends June 2023

5th Circuit - Stacy Johnson (https://members.statebarofsouthdakota.com

3 of 5 10/12/2022, 1:30 AM

Leadership - State Bar of South Dakota

/MIC/10033335/9298870/#/Directory/4815/1682062/DirectoryItem) Term Ends June 2023

6th Circuit - **Justin L. Bell** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1991288/DirectoryItem), Term Ends June 2025

7th Circuit - **Erika Olson** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1990865/DirectoryItem), Term Ends June 2025

At Large:

Tim Dougherty (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1680538/DirectoryItem) Term Ends June 2023

Hon. Francy E. Foral (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1679876/DirectoryItem) Term Ends June 2024

Rory King (https://members.statebarofsouthdakota.com/MIC/10033335/9298870 /#/Directory/4815/1681011/DirectoryItem) Term Ends June 2024

Eric Pickar (https://members.statebarofsouthdakota.com/MIC/10033335/9298870 /#/Directory/4815/1681998/DirectoryItem) Term Ends June 2023

John T. Richter (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1682729/DirectoryItem) Term Ends June 2024

Jacob W. Tiede (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1680055/DirectoryItem) Term Ends June 2024

Get In Touch!

- J 605-224-7554 (tel:605-224-7554)
- III W Capitol Ave. #1 | Pierre, SD 57501 (https://goo.gl/maps/a7vwPjAK3fosgWA29)
- ☐ info@sdbar.net (mailto:info@sdbar.net)

Additional Resources

Helpful Links (https://statebarofsouthdakota.growthzonesites.com/helpful-links/)

10/12/2022, 1:30 AM

https://www.statebarofsouthdakota.com/leadership/

Privacy policy (https://statebarofsouthdakota.growthzonesites.com/privacy-policy/)

Terms and conditions (https://statebarofsouthdakota.growthzonesites.com/terms-conditions/)

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5 of 5

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

:\$8

COUNTY OF LINCOLN

SECOND JUDICIAL CIRCUIT

IN THE MATTER OF THE REVIEW OF PUBLIC RECORDS REQUESTS OF JESSICA POLLEMA AND CINDY MEYER OF THE LINCOLN COUNTY AUDITOR, MINNEHAHA COUNTY AUDITOR, and PENNINGTON COUNTY AUDITOR,

41CIV22-000298

STIPULATION FOR ORDER REQUIRING PRESERVATION OF REQUESTED RECORDS

JESSICA POLLEMA,

Appellant.

IT IS HEREBY STIPULATED, by and between Appellant, Jessica Pollema; Lincoln County; Minnehaha County, and Pennington County, through their respective attorneys, that the Court shall enter an order requiring: (1) the Lincoln County Auditor to preserve the machine logs from the automatic tabulation machines in Lincoln County for the November 3, 2020, election through the conclusion of this proceeding and any appeal thereof; (2) the Lincoln County Auditor to preserve, to the extent such existed, the Cast Vote Records ("CVR") of the ballots counted, including any and all data storage drive(s) such information may be stored on, for the November 3, 2020 election through the conclusion of this proceeding and any appeal thereof; (3) the Minnehaha County Auditor to preserve, to the extent such existed, the CVR of the ballots counted, including any and all data storage drive(s) such information may be stored on, for the November 3, 2020 election through the conclusion of this proceeding and any appeal thereof; and (4) the Pennington County Auditor to preserve, to the extent such existed, the CVR of the ballots counted for the November 3, 2020 election through the conclusion of this proceeding and any appeal thereof.

1



Filed: 8/25/2022 4:14 PM CST Lincoln County, South Dakota 41ClV22-000298 Filed: 9/13/2022 4:11 AM CST Lincoln County, South Dakota 41ClV22-000483

Dated this Aday of August, 2022.

Lisa Hansen Marso David J. Hieb

BOYCE LAW FIRM, L.L.P.

300 South Main Avenue

P.O. Box 5015

Sioux Falls, SD 57117-5015

Ikmarso@boycelaw.com
djhieb@boycelaw.com
Attorneys for Minnehaha County
and Pernington County

Filed: 8/25/2022 4:14 PM CST Lincoln County, South Dakota 41CIV22-000298 Filed: 9/13/2022 4:11 AM CST Lincoln County, South Dakota 41CIV22-000463

Dated this 12nd day of August, 2022.

Joseph A. Meader

Lincoln County Deputy State's Attorney 104 N. Main Street, Suite 200 Canton, SD 57013 imeader@lincolncounty.org

Attorney for Lincoln County

3

Filed: 8/25/2022 4:14 PM CST Lincoln County, South Dakota 41CIV22-000298 Filed: 9/13/2022 4:11 AM CST Lincoln County, South Dakota 41CIV22-000463

Dated this 19th day of August, 2022.

R. Shawn Tornow TORNOW LAW OFFICB, P.C. P.O. Box 90748 Sioux Falls, SD 57109-0748

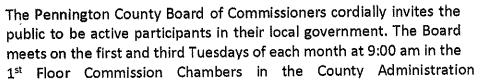
rst.tlo@midconetwork.com

Attorneys for Appellant, Jessica Pollema

Filed: 8/25/2022 4:14 PM CST Lincoln County, South Dakota 41ClV22-000298 Filed: 9/13/2022 4:11 AM CST Lincoln County, South Dakota 41ClV22-000463

Pennington County Commission Agendas

130 Kansas City Street, Rapid City, SD.





n Building located at

The Board of Commissioners wishes to provide a formal opportunity for citizens' to address their concerns with the County. Action will not be taken at a Commission meeting on issues not properly noticed on the agenda. Any individual shall be entitled to be placed on the official agenda of a regular meeting of the Commission and be heard concerning matters within the scope of the Commission's jurisdiction. All agenda submissions are subject to approval by the Board Chairman.

To submit an item for a County Commission Agenda, a written request must be submitted to the Commission Office. Requests may be hand delivered, emailed or mailed thru the postal service. Each request must include the following items:

- 1. Name
- 2. Address
- 3. Telephone
- 4. Email Address
- 5. A brief explanation of the situation/issue
- 6. What action you are requesting of the Board
- 7. Supporting documentation

Supporting documentation must be included with the original request. Late submission of such material may result in deferral of the speaking opportunity to a future meeting, in order to allow the Board an opportunity to review the material before the discussion.

All requests must be received <u>no later than 4:00pm on the Wednesday prior</u> to the meeting. If your request is not in by this time it will be considered for the next available Commission meeting.

You will be notified either by email or telephone of the scheduled Commission Meeting date and approximate time. On the preceding Thursday afternoon, hard copies of the agenda will be available on the County bulletin board or electronic copies are available at www.pennco.org.

On the Commission Meeting Day:

Meeting agendas are located in the back of the Commission Chambers. Once your item is announced by the Chairperson, please stand and approach the podium. State your name for the record before making your comments. All hearings are recorded and televised. Discussion is limited to the subject being discussed, as listed on the Agenda.

If you have any additional questions or concerns, please contact the Commission Office at (605) 394-2171.

EXG E

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF PENNINGTON)

AFFIDAVIT OF OFFICIAL MISCONDUCT

Chester Ellsworth ("Affiant") being first duly sworn, states that he is a resident of Pennington County, SD and over the age of 21, and further states the following:

- On October 12, 2022 at 5:57 EST Affiant emailed his Request For Agenda Status At Next BOC Meeting (October 18, 2022) (Request) to the Commission Office (Copy attached). And, THAT
- 2. Request met all the criteria pursuant to Commission Agenda Item Submission (Rules) approved 2/4/14. And, THAT
- 3. The Rules provide that "You will be notified either by email or telephone of the scheduled Commission meeting date and approximate time., And That
- 4. To date, herenow, (10/26/2022) the Commission has failed to notice either by email or telephone any scheduled Commission meeting
- 5. Further, without timely submission of required documents and devoid of public notice and disclosure agenda status was granted to Sara Frankenstein for the 10/18/22 BOC meeting.
- 6. Therefore Affiant asserts that Commission and Sara Frankenstein violated the Agenda submission rules to effectively censure and conceal Affiant's agenda item.
- 7. It cannot be disputed that here the Commission's omissions and admissions (Frankenstein) were arbitrary and with malice demonstrating the prejudice and bias elements of official misconduct.

In W	ITNESS	WHEREOF,	Affiant has e	xecuted t	his Affic	lavit OF	Official	Misconduct
this	26	day of	October, 202	22.				

AFFIANT Z Chester Ellsworth

Before me, a Notary Public in and for the State of South Dakota, personally appeared Chester Ellsworth, a resident of Pennington County, South Dakota, who having been first duly sworn, acknowledged the execution of the foregoing Affidavit Of Official Misconduct and stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 26 that of October, 2022.

Mangueste V. Mc PHILLIP

printed name

MARGUERITE V. Mc PHILLIP

My Commission Expires:

I am a resident of FENNINGTON, County, South Dakota

Prepared By:

Chester J. Ellsworth

3910 Doral Dr

Rapid City, SD 57022

I is 'guerite V. McPhillips

SEAL NOTARY PUBLIC SEAL SOUTH DAKOTA

Request for Agenda Status at next BOC Meeting

Chet ELLSWORTH <cjells@msn.com>

Wed 10/12/2022 5:57 PM

To: Holli Hennies <hollih@pennco.org>

8 attachments (26 MB)

_2022-10-12 Information Form Pennco Request.pdf; _2022-10-12 #1 Copy of Rejection Envelope.pdf; _2022-10-12 #2 Copy of ROD Rejection Form.pdf; _2022-10-12 #3 Affid of Order Requiring Pennington County To Preserve Records.pdf; _2022-10-12 #4 Affidavit Of Denial Of Access To Public Records.pdf; _2022-10-12 #5 Copy Of ROD Referral To State Bar.pdf; _2022-10-12 #6 Copy of State Bar Publication Lisa Marso President.pdf; _2022-10-12 #7 Copy of Order recently signed by Marso as representing Pennco.pdf;

Holli, Please place the attached request on the Next Meeting Agenda.

Please	Please complete the following required information:				
1.	Name: Chet ELLS WORTH				
2.	Address: 3910 CURRL DOR				
	Rapid City, 51 57702				
3.	Telephone: 321-652-6967				
4.	Emall Address: CJELLS WOOTK (JELLS @ WISN. COW				
5.	A brief explanation of the situation/issue:				
	ROD office ASTER ACCEPTING Two Affidacits				
	an submittal & EJECTED SHORE The chay after				
	failing to cite a violation in statutes.				
6.	What action you are requesting of the Board:				
	Appare The documents for Recording and order The ROL Custeal to do				
	and order the ROD Crester to do				
	her duity.				
7.	Supporting documentation included: (Yes) or No				
	(Description of documentation): 1. copy of Rejections ENCRETORE				
	2. Copy of ROD rejections toem.				
	3. Copy of submitted assident of DRSER Regulation				
	4. Copy of sabanital Addidocat of Staxia L of Acres.				
	5, Copy of ROD referral To State BOR,				
	5. Copy of ROD referral to State BAR. 6. Copy of State BAR publication identifying MARSO MS PRESIDENTES STATE BAR.				
	7 Copy of Oaks signed by Marso for Pennylog				
Can	Approved 2/4/2014				



XXAUTO RETURN SERVICE REQUESTED

RAPID CITY, SD 57709

CHESTER ELLSWORTH 3910 DORAL DR RAPID CITY SD 57702

IAIASMM 57702

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'HCIOX

Pennington County Register of Deeds P.O. Box 6160 Rapid City, SD 57709 (605)394-2177

Date: 10-4-2022

The enclosed document is not recorded. The reasons are checked or noted.
() Land is not in Pennington County.
() "Prepared By" legend is missing or incomplete. SDCL: 7-9-1
() Document is not sufficiently legible to reproduce a readable copy.
() Document is a photo copy. Need original, wet ink document.
() Recording fee is needed.
() Transfer fee is needed.
() Need an additional \$ to record. () Grantee's mailing address is missing or incomplete. SDCL: 7-9-7
() Grantee's mailing address is missing or incomplete. SDCL: 7-9-7
() Legal description is (needed) (incorrect)
() Deed needs completed, dated and signed "Certificate of Real Estate Value" form.
() Deed must have Exempt from Transfer Fee, if exempt, on front page. See SDCL: 43-4-23 "Exempt from transfer fee 43-4-22 ()" – this statement needs to be typed onto the deed if exemption from transfer fee applies.
() Mortgagor(s) name is missing.
() Mortgagee's address is missing or incomplete.
() Book and/or Page number OR <u>document number (on documents recorded after 7-1-2011)</u> of the original mortgage is (missing) (incorrect)
() Document number (on documents recorded as of July 1, 2011) is (incorrect) (missing)
() Please complete the notary public acknowledgement and/or notarizing.
() Missing Certified Letters of Personal Representative, Guardianship, and/or Conservatorship.
() No exhibit attached as stated in the body of the document.
Not a proper document to be recorded or filed in this office.
() Other, indicated above right in red.

Thank You.

Summary of document standards: SDCL: 43-28-23

- 1. Paper size is no smaller than 8 ½ inches by 11 inches & no larger than 8 ½ inches by 14 inches. No sheet may be attached or affixed to a page that covers up any information or printed material on the document.
- 2. Be printed, typewritten or computer generated in black ink & the print type of the document may not be smaller than 10-point type. However, signatures and dates may be in black or blue ink, and notarial acknowledgments may be completed in black or blue ink, with the blue ink dark enough to be reproducible. Be on white paper of not less than twenty pound weight.
- 3. Contain a blank space at the top measuring no less than three inches as measured from the top of the first page. The right half shall be the Register of Deeds for recording information and the left half shall be used by the document preparer as required pursuant to SDCL: 7-9-1 & may include other document information. All other margins shall be a minimum of one inch.
- 4. Have a title prominently displayed at the top of the first page below the blank space referred to in subdivision (4) of SDCL: 43-28-23
- 5. Be sufficiently legible to reproduce a readable copy using the Register of Deed's current method of reproduction.
- 6. Per SDCL 7-9-15: A real estate document recorded with the register of deeds shall conform to 43-28-23, but may not be rejected for recording if the document does not comply with 43-28-23 unless it is not sufficiently legible or cannot be reproduced as a readable copy.

Any affidavit of publication, corner record, survey, certified court or governmental document and UCC form recorded against real estate is exempt from the provisions of 43-28-23. The provisions of SDCL 43-28-23 do not apply to any real estate document prepared and executed prior to July 1, 2002.

about:blank

COPY

122 007 3 Page 00

Submitted to Register of Deeds for recording on:

STATE OF SOUTH DAKOTA)) \$8
COUNTY OF PENNINGTON)

AFFIDAVIT OF ORDER REQUIRING PENNINGTON COUNTY, SD TO PRESERVE RECORDS

Chester Ellsworth ("Affiant") being first duly sworn, states that he is a resident of Pennington County, SD and over the age of 21, and further states the following:

- 1. On or before September 13, 2022 Affiant came into possession of Order Requiring Preservation of Records. ("ORDER") (Copy attached). And, THAT
- 2. ORDER on its face requires Pennington County to preserve certain records. And, THAT
- 3. The Court's ORDER is in force and effect until any superseding Order may be heard, considered and subsequently entered ... And, THAT
- 4. The ORDER clearly fails to display a document # and time stamp indicating judicial obstruction.

In WITNESS WHEREOF, Affiant has executed this Affidavit OF Order Requiring Penninington County, SD To Preserve Records this _____ day of October, 2022.

AFFIANT

Chester Ellsworth

Before me, a Notary Public in and for the State of South Dakota, personally appeared Chester Ellsworth, a resident of Pennington County, South Dakota, who having been first duly sworn, acknowledged the execution of the foregoing Affidavit Of Order Requiring Pennington county, SD to Preserve Records and stated that any representations contained therein are true.

Witness my hand and Notarial Scal this 3 day of October, 2022.

printed name

I am a resident of

Lincoln County, South Dakota

Depty Auditor

Prepared By:

Chester J. Ellsworth

3910 Doral Dr

Rapid City, SD 57022

ly Commission Expires:

IN CIRCUIT COURT STATE OF SOUTH DAKOTA) :SS BECOND JUDICIAL CIRCUIT COUNTY OF LINCOLN) 41CIV22-000463 WE THE PEOPLE for FREE, FAIR and TRANSPARENT BLECTIONS, LLC. Plaintiff. ORDER REQUIRING ٧8, PRESERVATION OF RECORDS SHERI LUND, LINCOLN COUNTY AUDITOR and LINCOLN COUNTY AUDITOR'S OFFICE, IN and for LINCOLN COUNTY, SOUTH DAKOTA, Defendant(s).

In this recently filed action and, in light of the similar and/or parallel public records denial appeal file 41CIV22-000298, with good cause appearing herein especially given the representative repeated responses offered by numerous county auditors or local election-related officials, it is hereby,

ORDERED, ADJUDGED, AND DECREED that: (1) each County Auditor in the State shall now and hereafter preserve the machine logs from the automatic tabulation machines in such County on and after the November 3, 2020, election and after through the conclusion of this proceeding and any potential appeal thereof; (2) each County Auditor in the State shall now and hereafter preserve, to the extent such existed, the Cast Vote Records ("CVR") of the ballots counted, including any and all electronic or data storage drive(s) that such information has been or is stored on, for the November 3, 2020, election and after through the conclusion of this proceeding and any potential appeal thereof; (3) each County Auditor in the State shall now and hereafter preserve any and all election-related documents, data or other related election information as cutlined and envisioned under and as a required part of \$2 USC § 20701, including any and all electronic or data storage drive(s) that any such information has been or is stored on, for the November 3, 2020, election and after through the conclusion of this proceeding and any potential appeal thereof. The Court's Order shall now remain in force and effect until any superseding Order may be heard, considered and subsequently entered in and for this matter.

BY THE COURT

Honorable John Pekas

Circuit Court Judge, Second Judicial Circuit

ATTEST
APOPLIAM, GRIES, QUERK OF GOURTE
AND THE STATE OF THE STATE OF

SEP 0 1 2022

At Minnehaba County, 8.D.

Or Lineala County, 8.D.

RECEIPT	DATE 10-3-2020 NO. 297616 Chester Elloworth
RECEIVED FROM	Lhester Ellsworth
ADDRESS	
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OR PEC	pordma teos
ACCOUNT	REGISTER OF DEEDS
AME OF ACCOUNT	PENNINGTON CO. ADMINISTRATION BLDG
FAID	O CHRCK PO BOX 6160
BALANCE '	O MONEY RAPID CITY, SD 57709
L PUL	©2601 (\$23555) @ 61/

COPY

Submitted to Register of Deeds for recerding on:

"22 00T 3 pk8:59

STATE OF SOUTH DAKOTA)
) \$8
COUNTY OF PENNINGTON	Ś

AFFIDAVIT OF DENIAL OF ACCESS TO PUBLIC RECORDS

Chester Ellsworth ("Affiant") being first duly sworn, states that he is a resident of Pennington County, SD and over the age of 21, and further states the following:

- 1. At 9:00 A.M. MT on September 23, 2022 Affiant approached the Pennington County Office of the Auditor at 315 St. Joseph St, Ste 230, Rapid City, SD and stated that I wanted to submit Public Records Request #092322 PENNCO PUBLISHER AGREEMENTS (Copy Attached exh A.), and, that I wanted to pay additional deposit on a July 20, 2022 Public Records Request for Transcript of the June 29, 2022 Hearings (copy attached exh B.)
- 2. At 9:00 A.M. MT Lori Severson, Dayna Kiewel and a third party presumed to be Elaine Jensen rejected the submittals, and further rejected my request for a rejection signature... (Severson stating that "You have a verbal rejection from three present.") To which I responded, "and what is that worth?" to which Severson responded "nothing".
- 3. This affidavit is for the purpose of providing public record of the fact that under the existing commissioners public records are not accessible to the public.

In WITNESS WHEREOF, Affiant has executed this Affidavit OF Denial Of Access To Public Records this 3 day of October, 2022.

Before me, a Notary Public in and for the State of South Dakota, personally appeared Chester Ellsworth, a resident of Pennington County, South Dakota, who having been first duly sworn, acknowledged the execution of the foregoing Affidavit Of Denial Of Access To Public Records and stated that any representations contained therein are true.

Witness my hand and Notarial Seal this _____ day of October, 2022.

printed name

My Commission Expires:

term

I am a resident of

Lincoln County, South Dakota

Prepared By:

3910 Doral Dr

Rapid City, SD 57022

SEPTEMBER 23, 2022 C.J. ELLSWORTH 3910 DORAL DR. RAPID CITY, SD 57702 321-652-6967 ciells@msn.com EXT A

PUBLIC RECORDS REQUEST # 092322 PENNCO PUBLISHER AGREEMENTS

TO: CINDY MOHLER
CUSTODIAN OF THE PUBLIC RECORDS FOR:
PENNINGTON COUNTY OFFICE OF AUDITOR, AND
CINDY MOHLER, AUDITOR
315 ST. JOSEPH ST, STE 230
RAPID CITY, SD 57701

Undersigned requests to inspect or receive copies of the following public records in your possession:

- Current publishing agreement with The Rapid City Journal, The Rapid City Media Group and RapidCityJournal. Com
- 2. Current publishing agreement with The PENN. CO COURANT...
- 3. Current publishing agreement with The Hill City Prevailer News, SHP Holdings, LLC and Jerry Lenander.

CHET ELLSWORTH

EXL R

RECEIVED

TO Hollie Heart For Spennington CO. AUDITOR of M.

Ra: Public Ray und for Specularians

1. Transcript of 6/28 3 6/29 Heavings

po per 7/19/22 acknowledgement by GARY CHAIR.

2. Com mante Vango correspondente
To Commission sont 1/13 8-5

Neferensed by Tuncki Wester on 7/19/22 and read of The proceedings they Garay Down of CHAIR.

> I agree to pay for well cost 5 INCHERCED .

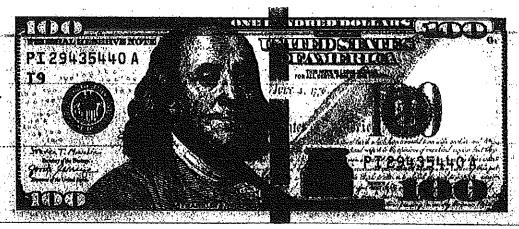
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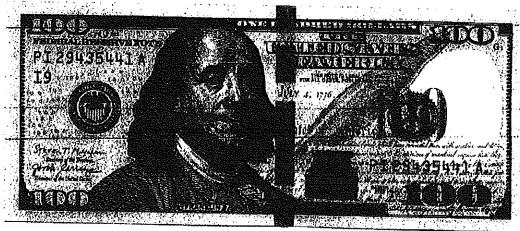
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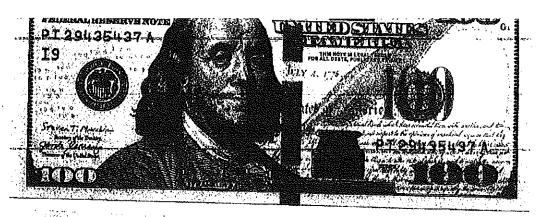
SEP 01 2022

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DAUE	C1001 WEXCEST @ 618

STATE BAR OF SOUTH DAKOTA CASTAL

LAWYER REFERRAL SERVICE

https://findalawyerinsd.com

800-952-2333

4:00 pin unt





(https://www.statebarofsouthdakota.com/)

Leadership

Officers

The State Bar elected officers are President and President Elect. Only Active Members may be elected to either of these offices. The President will install the President Elect as President before the Annual Meeting adjourns each year. The Active Members at the Annual Meeting will then, by majority vote, elect the next President Elect. The President will serve a one-year term. The President Elect will serve in that capacity until Installed as President the following year.

President

The President may (1) preside at all State Bar and Bar Commission meetings; (2) execute contracts and instruments as authorized by the Bar Commission; (3) appoint Members to committees; (4) be an ex officio, non-voting Member of committees; (5) perform all duties incident to the office of President and such other duties as may be assigned by the Bar Commission; and, (6) perform the duties of the Executive Director in the event the Executive Director is unable to perform. The President may appoint someone to serve as the Executive Director if the President is unwilling or unable to perform those duties.

President Elect

The President Elect will perform and be vested with all the powers and duties of the President in the event the President is absent or otherwise unwilling or unable to perform. The President Elect may perform such duties as may be assigned by the President and Bar Commission.

Executive Director & Secretary/Treasurer

The Executive Director will have general charge and control of day-to-day State Bar affairs subject to Bar Commission and State Bar Officer direction and Supreme Court

1 of 5 10/12/2022, 1;30 AM

rule. The Executive Director is the State Bar's Secretary/Treasurer.

Officers

President - **Lisa K. Marso** (https://members.statebarofsouthdakota.com /MIC/10033335/9298870/#/Directory/4815/1990685/DirectoryItem), Sioux Falls Term Ends June 2023

President Elect - Heather Lammers Bogard

(https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory /4815/1990533/DirectoryItem), (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1681695/DirectoryItem) Rapid City/Spearfish Term Ends June 2023

Secretary-Treasurer - Andrew L. Fergel

(https://members.statebarofsouthdakota.com/MIC/10033335/9298870 /#/Directory/4815/1678492/DirectoryItem), Pierre

Bar Commission

An elected Board of Bar Commissioners will govern and manage the business and affairs of the State Bar. The Board has all the power and authority necessary or appropriate for the administration of State Bar affairs consistent with Supreme Court rule, South Dakota Law, and these Bylaws. The Board may adopt rules, regulations, policies, and directives necessary for efficient State Bar operation. The Bar Commission will perform the acts necessary to locate and hire the Executive Director and determine the Executive Director's salary and benefits.

Board Composition

The Bar Commission is composed of one Active Member from each of South Dakota's judicial circuits and six at-large Active Members. The Bar Commission also includes the State Bar President and President Elect. A Commissioner candidate must be an Active Member at the time of election and reside in the judicial circuit that the candidate is seeking to represent. No two at-large Commissioners may reside within the same judicial circuit.

Commission Election Cycle

Active Members will elect Commissioners to represent each judicial circuit and the at-large positions according to the following election cycle:

- Circuits 1, 2, 3, 6, and 7. 2022, 2025, 2028, and every third year thereafter.
- Circuits 4 and 5 and two At Large. 2023, 2026, 2029, and every third year thereafter.

2 of 5 10/12/2022, 1:30 AM

• Four At Large. 2024, 2027, 2030, and every third year thereafter.

Commission Petition or Nomination

To qualify as a Commissioner candidate, the Member must either complete a nominating petition containing the requisite number of signatures or be orally nominated by an Active member from the floor at the Business Meeting, provided the nominee's name and position sought was submitted to the Executive Director or other State Bar employee at least 40 hours before the beginning of the Business Meeting.

Nominating petitions for bar commission should be submitted to the State Bar Office by May 1st, for printing in the Annual Meeting Program.

At Large Petition (https://statebarofsouthdakota.growthzonesites.com/leadership/nominating-petition-for-state-bar-of-south-dakota-bar-commissioner-at-large/) - 15 signatures required

Circuit Petition (https://statebarofsouthdakota.growthzonesites.com/leadership /nominating-petition-for-state-bar-of-south-dakota-bar-commissioner-circuit/) - 5 signatures required

Commissioner Term

Upon election, Commissioners will hold office for a three-year term beginning at the close of the Annual Meeting in the year of election. No Commissioner may hold office for successive terms.

If you have questions about what the Bar Commission does, contact your local Commissioner for more information.

Bar Commissioners

1st Circuit - **Tyler P. Matson** (https://members.statebarofsouthdakota.com /MIC/10033335/9298870/#/Directory/4815/1992092/DirectoryItem), Term Ends June 2025

2nd Circuit - **Caroline A. Srstka** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1991622/DirectoryItem), Term Ends June 2025

3rd Circuit - **David R. Strait** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1990197/DirectoryItem), Term Ends June 2025

4th Circuit - **Drew Skjoldal (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1683759/DirectoryItem)** Term Ends June 2023

5th Circuit - Stacy Johnson (https://members.statebarofsouthdakota.com

10/12/2022, 1:30 AM

/MIC/10033335/9298870/#/Directory/4815/1682062/DirectoryItem) Term Ends June 2023

6th Circuit - **Justin L. Bell** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1991288/DirectoryItem), Term Ends June 2025

7th Circuit - **Erika Olson** (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1990865/DirectoryItem), Term Ends June 2025

At Large:

Leadership - State Bar of South Dakota

Tim Dougherty (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1680538/DirectoryItem) Term Ends June 2023

Hon. Francy E. Foral (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1679876/DirectoryItem) Term Ends June 2024

Rory King (https://members.statebarofsouthdakota.com/MIC/10033335/9298870 /#/Directory/4815/1681011/DirectoryItem) Term Ends June 2024

Eric Pickar (https://members.statebarofsouthdakota.com/MIC/10033335/9298870 /#/Directory/4815/1681998/DirectoryItem) Term Ends June 2023

John T. Richter (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1682729/DirectoryItem) Term Ends June 2024

Jacob W. Tiede (https://members.statebarofsouthdakota.com/MIC/10033335/9298870/#/Directory/4815/1680055/DirectoryItem) Term Ends June 2024

Get In Touch!

- . 605-224-7554 (tel:605-224-7554)
- III W Capitol Ave. #1 | Pierre, SD 57501 (https://goo.gl/maps/a7vwPjAK3fosgWA29)
- ☐ info@sdbar.net (mailto:info@sdbar.net)

Additional Resources

Helpful Links (https://statebarofsouthdakota.growthzonesites.com/helpful-links/)

4 of 5

10/12/2022, 1:30 AM

https://www.statebarofsouthdakota.com/leadership/

Privacy policy (https://statebarofsouthdakota.growthzonesites.com/privacy-policy/)

Terms and conditions (https://statebarofsouthdakota.growthzonesites.com/terms-conditions/)

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(https://www.facebook.com/StateBarPrez) (https://twitter.com/StateBarOfSD)

(https://www.youtube.com/user/SDStateBar)

1.0022.5 are 3anot south Debots. ATH I has the controller by Collect Make 4 April and Machine and

Sof 5

10/12/2022, 1:30 AM

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT :SS :SECOND JUDICIAL CIRCUIT

IN THE MATTER OF THE REVIEW OF PUBLIC RECORDS REQUESTS OF JESSICA POLLEMA AND CINDY MBYER OF THE LINCOLN COUNTY AUDITOR, MINNEHAHA COUNTY AUDITOR, and PENNINGTON COUNTY AUDITOR,

41CIV22-000298

STIPULATION FOR ORDER REQUIRING PRESERVATION OF REQUESTED RECORDS

JESSICA POLLEMA,

Appellant.

TI IS HEREBY STIPULATED, by and between Appellant, Jessica Pollema; Lincoln County; Minnehaha County, and Pennington County, through their respective attorneys, that the Court shall enter an order requiring: (1) the Lincoln County Auditor to preserve the machine logs from the automatic tabulation machines in Lincoln County for the November 3, 2020, election through the conclusion of this proceeding and any appeal thereof; (2) the Lincoln County Auditor to preserve, to the extent such existed, the Cast Vote Records ("CVR") of the ballots counted, including any and all data storage drive(s) such information may be stored on, for the November 3, 2020 election through the conclusion of this proceeding and any appeal thereof; (3) the Minnehaha County Auditor to preserve, to the extent such existed, the CVR of the ballots counted, including any and all data storage drive(s) such information may be stored on, for the November 3, 2020 election through the conclusion of this proceeding and any appeal thereof; and (4) the Pennington County Auditor to preserve, to the extent such existed, the CVR of the ballots counted for the November 3, 2020 election through the conclusion of this proceeding and any appeal thereof.

1



Filed: 8/25/2022 4:14 PM CST Lincoln County, South Dakota 416 Filed: 9/13/2022 4:11 AM CST Lincoln County, South Dakota 4

41CIV22-000298 41CIV22-000483 Dated this day of August, 2022.

Lisa Hanson Marso

David J. Hieb

BOYCB LAW FIRM, L.L.P.

BOYCE LAW PIRM, L.L.P.
300 South Main Avenue
P.O. Box 5015
Sioux Palls, SD 57117-5015
Ikmarso@boycelaw.com
dihieb@boycelaw.com
Attorneys for Minnehaha County
and Pennington County

Filed: 8/25/2022 4:14 PM CST Lincoln County, South Dakota 41ClV22-000298 Filed: 8/13/2022 4:11 AM CST Lincoln County, South Dakota 41ClV22-000483

Dated this 22rd day of August, 2022.

Joseph A. Mender

Lincoln County Deputy State's Attorney 104 N. Main Street, Suite 200

Canton, SD 57013

imeader@lincolncounty.org Attorney for Lincoln County

3

Filed: 8/25/2022 4:14 PM CBT Lincoln County, South Dakota 41CIV22-000298 Filed: 9/13/2022 4:11 AM CST Lincoln County, South Dakota 41CIV22-000463

Dated this 19th day of August, 2022.

R. Shawn Tornow TORNOW LAW OFFICE, P.C.

P.O. Box 90748

Sioux Falls, SD 57109-0748

rst.tlo@midconctwork.com

Attorneys for Appellant, Jessica Pollema

Filed: 8/25/2022 4:14 PM CST Lincoln County, South Dakota 41CIV22-000298 Filed: 9/13/2022 4:11 AM CST Lincoln County, South Dakota 41CIV22-000463



MEMORANDUM

DATE: November 1, 2022

FROM: Holli Hennies, Commission Manager

TO: Board of Commissioners

RE: Item 15.a Commission Item Submission Rules, 2/4/2014

Commissioners – Shortly prior to the start of the special meeting on Wednesday October 26, 2022, Mr. Ellsworth submitted in-person to Staff a request for an agenda presentation.

Included in the documentation is a claim that a 'properly noticed item was timely submitted to the Commission Office on Wed. Oct 12, 2022 for agenda consideration on the next meeting agenda.'

In reviewing the documentation submitted the next morning, I noticed the copy of the email Mr. Ellsworth sent on 10/12/2022 at 5:57PM. I did not recall receiving this email. I immediately had our IT Department check to see if we indeed did receive the email and I missed it or if something else had happened. Attached for your reference is the email from IT explaining that our system rejected the email as our system is able to receive messages of 25MB in size or smaller and Mr. Ellsworth's attachments exceeded the limit allowed.

The reason Mr. Ellsworth was not placed on the October 18th agenda is because I did not receive his email and he did not follow-up with our office when the meeting agenda was published to find out why he was not placed on the agenda. There was no Official Misconduct and there was no violation of the policy in place.

I would be happy to answer any additional questions.

Thank you. Holli Hennies Commission Manager

Hennies Holli

From: Hennies Holli

Sent: Thursday, October 27, 2022 12:09 PM

To: cjells@msn.com
Subject: FW: Lost email

Attachments: Screenshot 2022-10-27 092915.png

Mr. Ellsworth - Here is the information from my IT Department in regards to the email I did not receive on 10/12/2022.

Holli

-----Original Message-----From: Iversen Mike

Sent: Thursday, October 27, 2022 9:58 AM

To: Hennies Holli Subject: RE: Lost email

Good Morning Holli,

Our spam filter did in fact see the below message. It was allowed through the spam detection, but was rejected due to size.

We are able to receive messages of 25Mb in size, anything larger will not be accepted.

I've attached a screenshot from our spam filter with the message, and a list of the attachments that do add up to over 25Mb. The yellow highlights the reason for rejected delivery, the red was just IP/network information we don't want to hand out for security reasons.

Please let me know if there is anything else you may need or if you have any questions.

Thanks

Michael Iversen
Pennington County I.T. Department

----Original Message-----From: Hennies Holli

Sent: Thursday, October 27, 2022 9:15 AM

To: Iversen Mike

Subject: FW: Lost email

Mike - Can you check on this email? This gentleman is claiming misconduct on me that I didn't place him on the agenda. I never received this email on the 12th. Can we tell that something came in or it didn't?

Thanks!

Holli

----Original Message-----

From: hollih@co.pennington.sd.us <hollih@co.pennington.sd.us>

Sent: Thursday, October 27, 2022 7:31 AM

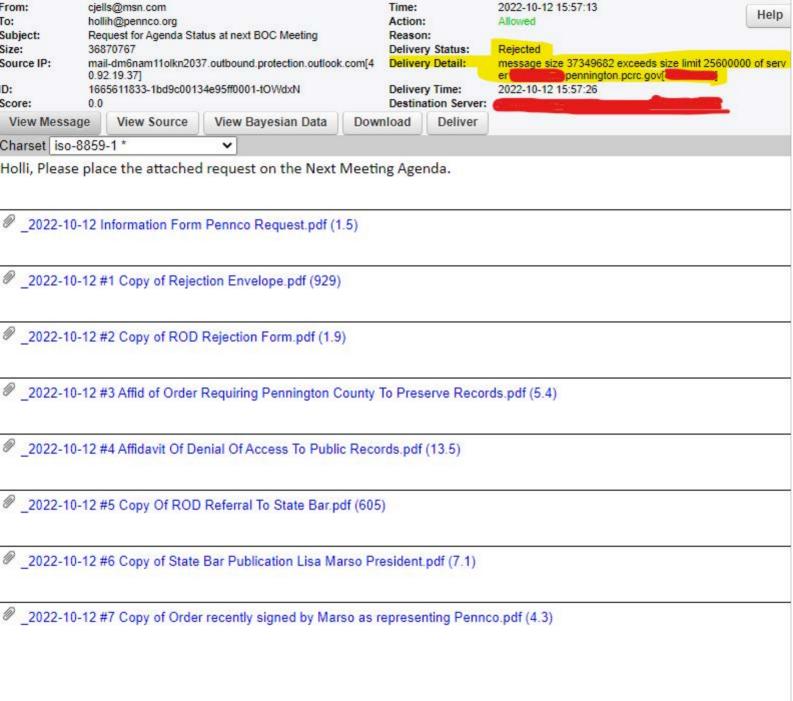
To: Hennies Holli

Subject: Message from "RNP5838794879E8"

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

This E-mail was sent from "RNP5838794879E8" (IM C4500).

Scan Date: 10.27.2022 09:31:11 (-0400) Queries to: hollih@co.pennington.sd.us



Pennington County Commission Agendas

130 Kansas City Street, Rapid City, SD.

The Pennington County Board of Commissioners cordially invites the public to be active participants in their local government. The Board meets on the first and third Tuesdays of each month at 9:00 am in the 1st Floor Commission Chambers in the County Administration



on Building located at

The Board of Commissioners wishes to provide a formal opportunity for citizens' to address their concerns with the County. Action will not be taken at a Commission meeting on issues not properly noticed on the agenda. Any individual shall be entitled to be placed on the official agenda of a regular meeting of the Commission and be heard concerning matters within the scope of the Commission's jurisdiction. All agenda submissions are subject to approval by the Board Chairman.

<u>To submit an item for a County Commission Agenda, a written request must be submitted to the Commission Office.</u> Requests may be hand delivered, emailed or mailed thru the postal service. Each request must include the following items:

- 1. Name
- 2. Address
- 3. Telephone
- 4. Email Address
- 5. A brief explanation of the situation/issue
- 6. What action you are requesting of the Board
- 7. Supporting documentation

Supporting documentation must be included with the original request. Late submission of such material may result in deferral of the speaking opportunity to a future meeting, in order to allow the Board an opportunity to review the material before the discussion.

All requests must be received <u>no later than 4:00pm on the Wednesday prior</u> to the meeting. If your request is not in by this time it will be considered for the next available Commission meeting.

You will be notified either by email or telephone of the scheduled Commission Meeting date and approximate time. On the preceding Thursday afternoon, hard copies of the agenda will be available on the County bulletin board or electronic copies are available at www.pennco.org.

On the Commission Meeting Day:

Meeting agendas are located in the back of the Commission Chambers. Once your item is announced by the Chairperson, please stand and approach the podium. State your name for the record before making your comments. All hearings are recorded and televised. Discussion is limited to the subject being discussed, as listed on the Agenda.

If you have any additional questions or concerns, please contact the Commission Office at (605) 394-2171.

1.	Name:
2.	Address:
3.	Telephone:
4.	Email Address:
5.	A brief explanation of the situation/issue:
-	
6.	What action you are requesting of the Board:
7.	Supporting documentation included: Yes or No
	(Description of documentation):

Please complete the following required information:



Pennington County Auditor
County Administration Building • PO Box 6160 Rapid City, SD 57709 130 Kansas City Street Suite 230 Rapid City, SD 57701 Phone: (605) 394-2153 • Fax: (605) 394-6840

October 26, 2022

I, Gary	Drewes,	the Cl	nair of	the	Pennington	County	Board	of
Commissi	oners, au	thorize	payment	t for	the invoice	lists pre	esented	to
the Boar	d of Comr	nissione	rs for a	pprov	al on Novem	ber 1, 20	022, wh	ich
have a gr	and total	of \$566	,215.09) .				

Chair			

VOUCHERS FOR 11-1-2022

NAME	AMOUNT
A & A PROFESSIONAL PROPERTY MANAGEMENT	440.00
AMERIGAS PROPANE LP	85.53
BH ELECTRIC COOPERATIVE INC	121.56
BH ENERGY,	362.92
BH ENERGY,	4,028.28
BH ENERGY,	504.98
BH ENERGY,	856.59
BLUEPEAK	1,505.64
BLUEPEAK	346.74
CASACO RENTALS,	1,000.00
CENTURY LINK	88.25
CITTADELLA ASSET MANAGEMENT & INVESTMENT LLC,	2,800.00
CITY OF HILL CITY,	39.53
CITY OF RAPID CITY -WATER,	2,614.37
CITY OF RAPID CITY -WATER,	4,317.18
CITY OF WALL	175.00
EXECUTIVE MGMT FIN OFFICE	36.25
FIRST FOCUS PROPERTY MANAGEMENT LLC	1,060.00
GLOBAL TEL'LINK	18.31
GOLDEN WEST COMPANIES	380.87
KIEFFER SANITATION/A WASTE MANAGEMENT CO	222.33
LIVERMONT CAROL	355.00
MIDCONTINENT COMMUNICATIONS	1,832.06
MIDCONTINENT COMMUNICATIONS	3,167.94
MONTANA DAKOTA UTILITIES	322.20
MONTANA DAKOTA UTILITIES	1,632.39
PENNINGTON COUNTY HOUSING & REDEVELOPMENT,	685.00
PIONEER BANK & TRUST	15,219.65
PONDEROSA MOUNTAIN PROPERTIES LLC	3,206.00
RAINBOW GAS COMPANY	884.69
TZADIK LACROSSE APARTMENTS LLC	2,204.74
VERIZON WIRELESS	1,059.87
VERIZON WIRELESS	611.59
WELMARK	512,784.05
WEST RIVER ELECTRIC,	334.70
WEX BANK	910.88
AMOUNT	566,215.09

Invoices Submitted For Approval

Printed: 10/19/2022 - 8:27 AM
Date Range: 10/19/2022 to 10/19/2022



Report Total: 29,364.77

Department	Check Date	Invoice Date	Invoice No	Amount	Description
00153 - BH ENERGY (A	СН)				
BG	10/19/2022	10/11/2022	0578 4389 33OCT	706.67	Electric Service - EXT SAR WED
HWY	10/19/2022	9/28/2022	6010842238	3,189.50	ELECTRICITY
911	10/19/2022	10/11/2022	9843549455	132.11	Hill City Tower Electric
Total for Vendor 00153 - I	BH ENERGY (AC	CH):		4,028.28	1
00278 - CITY OF RAPID	CITY -WATER	(ACH)			
BG	10/19/2022	10/12/2022	507377/70045910	2,414.86	Water & Sewer - CMP
BG	10/19/2022	10/17/2022	509270/70020310	65.94	Water & Sewer - EVD
BG	10/19/2022	10/17/2022	511029/70045711	133.57	Water & Sewer - EVD
Total for Vendor 00278 - 0	CITY OF RAPID	CITY -WATER	(ACH):	2,614.37	•
00513 - GOLDEN WEST	COMPANIES				
HWY	10/19/2022	10/1/2022	13907755	128.33	NU INTERNET TELEPHONE FAX
HWY	10/19/2022	10/1/2022	13911065	172.59	WALL INTERNET TELEPHONE FAX
HWY	10/19/2022	10/10/2022	30692274	39.98	HC INTERNET 50/50 SHARE WITH SHERIFF
SO	10/19/2022	10/10/2022	30692274	39.97	OCTOBER 2022
Total for Vendor 00513 - 0	GOLDEN WEST	COMPANIES:	-	380.87	. ,
00875 - MONTANA DAK	KOTA UTILITIE	S			
BG	10/19/2022	10/11/2022	325 420 1000 7O	119.16	Natural Gas - EXT
BG	10/19/2022	10/11/2022	411 420 1000 2O	57.56	Natural Gas - BGS
BG	10/19/2022	10/12/2022	456 530 1000 4O	17.06	Natural Gas - WED
BG	10/19/2022	10/11/2022	615 320 1000 8O	41.80	Natural Gas - SAR
BG	10/19/2022	10/11/2022	725 420 1000 3O	32.24	Natural Gas - OHB
PCJ	10/19/2022	10/11/2022	875 942 2802 2	27.19	OCTOBER 2022
SO	10/19/2022	10/11/2022	875 942 2802 2	27.19	OCTOBER 2022
Total for Vendor 00875 - N	MONTANA DAK	OTA UTILITIES	- S:	322.20	
28924 - VERIZON WIRI	ELESS				
BG	10/19/2022	10/4/2022	9917432396	418.80	Cell Phone Service
HWY	10/19/2022	10/12/2022	9918050730	641.07	CELLULAR SERVICES
Total for Vendor 28924 - V	VERIZON WIRE	LESS:	-	1,059.87	<u>.</u>
51012 - RAINBOW GAS					
BG	10/19/2022	10/1/2022	SLSINV01598	884.69	NATURAL GAS - CTH CDF BG PSB
Total for Vendor 51012 - I	RAINBOW GAS	COMPANY:	-	884.69	<u>.</u> 1
54372 - EXECUTIVE MO					
DOE	10/19/2022	9/30/2022	192	36.25	BIT RESOURCE BILLING SEPT 2022 ACCESS FEES
Total for Vendor 54372 - I	EXECUTIVE MG	MT FIN OFFIC	- E:	36.25	- ;
59680 - MIDCONTINEN					
HWY	10/19/2022	10/4/2022	11520420112934	461.81	TELEPHONE SERVICES
					Phone Service - PSB

Department	Check Date	Invoice Date	Invoice No	Amount]	Description
59680 - MIDCONTINENT	T COMMUNIC	ATIONS			
BG	10/19/2022	10/16/2022	156656001OCT	71.00	Phone Service - CTH Parking Ramp
BG	10/19/2022	10/16/2022	156656101OCT	34.19	Phone Service - CTH
BG	10/19/2022	10/16/2022	156787001OCT	407.20	Phone Service - BG CDF CTH PSB
BG	10/19/2022	10/16/2022	156939401OCT	171.32	Phone Service - CAB
SO	10/19/2022	10/6/2022	16455360112938	76.95	OCTOBER 2022
JSC	10/19/2022	10/4/2022	16458840112934	66.89	DISPATCH PHONE
BG	10/19/2022	10/13/2022	171410801OCT	82.94	Phone Service - CTH
SO	10/19/2022	10/9/2022	19382280112943	98.39	OCTOBER 2022
BG	10/19/2022	10/9/2022	701336603OCT	252.92	Phone Service - CHF
otal for Vendor 59680 - M	IIDCONTINEN'	Γ COMMUNICA	TIONS:	1,832.06	
)466 - BH ENERGY (AC	CH)				
HHS	10/19/2022	10/19/2022	1040 1063 07	232.04	CA-ERA2 Utilities; Tonya Pew
HHS	10/19/2022	10/19/2022	6322277373	130.88	JV-Utility past due; Stephany Joanne Hedlund
otal for Vendor 60466 - B	H ENERGY (AC	CH):		362.92	
1628 - WEX BANK					
BG	10/19/2022	10/1/2022	84004410	910.88	Vehicle/Equip. Fuel
otal for Vendor 61628 - W	EX BANK:			910.88	
2478 - BH ELECTRIC C	COOPERATIVE	E INC			
911	10/19/2022	10/11/2022	3335600	121.56	Rockerville Tower Electric
otal for Vendor 62478 - B	H ELECTRIC C	OOPERATIVE II	NC:	121.56	
8893 - PIONEER BANK	& TRUST				
SO	10/19/2022	10/19/2022	5476 OCT 2022	30.00	LUMBAR SUPPORT
SO	10/19/2022	10/19/2022	5476 OCT 2022	431.75	MISC SUPPLIES
SO	10/19/2022	10/19/2022	5476 OCT 2022	1,290.00	TRAINING REGISTRATIONS
SO	10/19/2022	10/19/2022	5476 OCT 2022	370.00	EMS TRAINING
SO	10/19/2022	10/19/2022	5476 OCT 2022	245.90	RADIOS
SO	10/19/2022	10/19/2022	5476 OCT 2022	939.75	OFFICE SUPPLIES
SO	10/19/2022	10/19/2022	5476 OCT 2022	900.97	COMPUTER EQUIPMENT
SO	10/19/2022	10/19/2022	5476 OCT 2022	4,400.98	TRAINING TRAVEL
SO	10/19/2022	10/19/2022	5476 OCT 2022	25.00	HR REGISTRATION
SO	10/19/2022	10/19/2022	5476 OCT 2022	208.07	TONER
SO	10/19/2022	10/19/2022	5476 OCT 2022	338.00	PSYCH TESTING SUPPLIES
SO	10/19/2022	10/19/2022	5476 OCT 2022	-16.19	MEMBERSHIPS
SO	10/19/2022	10/19/2022	5476 OCT 2022	214.05	AGENCY 360
SO	10/19/2022	10/19/2022	5476 OCT 2022	115.98	DIGITAL VOICE RECORDER
SO	10/19/2022	10/19/2022	5476 OCT 2022	249.90	STATION SOFTWARE, ZOOM
SO	10/19/2022	10/19/2022	5476 OCT 2022	4,980.22	EXTRADITIONS
SO	10/19/2022	10/19/2022	5476 OCT 2022	8.27	POSTAGE
SO	10/19/2022	10/19/2022	5476 OCT 2022	270.00	SATELLITE INTERNET
SO	10/19/2022	10/19/2022	5476 OCT 2022	217.00	OFFICE CHAIR
otal for Vendor 63893 - Pl	ONEER BANK	& TRUST:	-	15,219.65	
1479 - AMERIGAS PRO					
BG	10/19/2022	10/1/2022	805490973	85.53	Floor Care
otal for Vendor 64479 - A	MERIGAS PRO	PANE LP:	-	85.53	
6375 - BLUEPEAK					

Department	Check Date	Invoice Date	Invoice No	Amount	Description
66375 - BLUEPEAK BG	10/19/2022	10/12/2022	015204201OCT	119.93	PHONE SERVICE - EVD
Total for Vendor 66375 - I	BLUEPEAK:			1,505.64	
Report Total:				29,364.77	

Invoices Submitted For Approval

Printed: 10/25/2022 - 4:41 PM
Date Range: 10/26/2022 to 10/26/2022



Report Total: 12,315.53

Department	Check Date	Invoice Date	Invoice No	Amount	Description
00153 - BH ENERGY (A	СН)				
EM	10/26/2022	10/21/2022	0572 1431 05	18.80	Siren, 517 San Marco Blvd
EM	10/26/2022	10/20/2022	3307 0018 00	19.60	Siren, 4009 W. St. Louis
911	10/26/2022	10/20/2022	6449169852	125.20	Keystone Radio Tower electric
SO	10/26/2022	10/11/2022	8678 1608 86	170.69	OCTOBER 2022
PCJ	10/26/2022	10/11/2022	8678 1608 86	170.69	OCTOBER SHOP ELECTRIC
Total for Vendor 00153 -	BH ENERGY (AC	CH):		504.98	
00278 - CITY OF RAPII	O CITY -WATER	(ACH)			
HWY	10/26/2022	10/17/2022	509268	322.39	WATER
HWY	10/26/2022	10/17/2022	509269	70.85	WATER
JSC	10/26/2022	10/17/2022	509272	194.82	9/6-10/06
JSC	10/26/2022	10/17/2022	509272	779.27	9/6-10/06
JSC	10/26/2022	10/17/2022	509273	2,177.04	9/6-10/06
JSC	10/26/2022	10/17/2022	509273	544.26	9/6-10/06
HWY	10/26/2022	10/17/2022	509605	199.62	WATER
HWY	10/26/2022	10/17/2022	511560	28.93	WATER
Total for Vendor 00278 - CITY OF RAPID CITY -WATER (ACH):				4,317.18	
00875 - MONTANA DAI	KOTA UTILITIE	S			
HHS	10/26/2022	10/26/2022	07481010002	424.94	CA-ERA2 Utilities; Stacey G Low Dog
HWY	10/26/2022	10/12/2022	23265805756	54.46	NATURAL GAS
JSC	10/26/2022	10/12/2022	256 530 1000 6	612.92	9/13-10/11
JSC	10/26/2022	10/12/2022	256 530 1000 6	153.23	9/13-10/11
HWY	10/26/2022	10/12/2022	44074589142	295.53	NATURAL GAS
HWY	10/26/2022	10/12/2022	65653010002	51.02	NATURAL GAS
pdo	10/26/2022	10/10/2022	97380797924	22.68	Gas bill (Satellite office - Oct)
911	10/26/2022	10/12/2022	99185070580	17.61	Rockerville Tower Gas
Total for Vendor 00875 - MONTANA DAKOTA UTILITIES:				1,632.39	
01399 - WEST RIVER E	ELECTRIC (ACH	I)			
911	10/26/2022	10/21/2022	10200600	275.72	RC East Electric
FR	10/26/2022	10/21/2022	10616800	58.98	Wall Tower
Total for Vendor 01399 - WEST RIVER ELECTRIC (ACH):				334.70	
28924 - VERIZON WIRELESS					
TRS	10/26/2022	10/10/2022	9917907472	102.62	SEP 11 - OCT 10
HR	10/26/2022	10/10/2022	9917930847	52.03	
HHS	10/26/2022	10/26/2022	9918072749	41.88	A-Utilities - Cell Phone;
HHS	10/26/2022	10/26/2022	9918072749	415.06	A-Utilities - Cell Phone;
Total for Vendor 28924 - VERIZON WIRELESS:				611.59	
37419 - CITY OF HILL	CITY (ACH)				
HWY	10/26/2022	10/21/2022	24032001	39.53	WATER & SEWER

Department	Check Date	Invoice Date	Invoice No	Amount	Description
Total for Vendor 37419 - C	ITY OF HILL CI	TY (ACH):		39.53	
57474 - CITY OF WALL					
HWY	10/26/2022	10/20/2022	0200000410003	87.50	WATER & SEWER
HWY	10/26/2022	10/20/2022	0200000420006	87.50	WATER & SEWER
Total for Vendor 57474 - C	ITY OF WALL:			175.00	1
57815 - KIEFFER SANIT	ATION/A WAS	ΓE MANAGEN	IENT CO		
HWY	10/26/2022	10/1/2022	13209606T035	126.28	WL GARBAGE
HWY	10/26/2022	10/1/2022	13210581T035	96.05	HC GARBAGE
Total for Vendor 57815 - K	IEFFER SANITA	ATION/A WAST	TE MANAGEME	222.33	}-
59130 - CENTURY LINK					
HWY	10/26/2022	10/13/2022	6055742711543	88.25	TELEPHONE -
Total for Vendor 59130 - CENTURY LINK:				88.25	5
59680 - MIDCONTINENT					
SO	10/26/2022	10/20/2003	10994530212964	103.39	
PCJ	10/26/2022	10/16/2022	15665770112956	193.84	OCTOBER PHONE JAIL
AUD	10/26/2022	10/16/2022	156939001	435.04	October Charges
AUD	10/26/2022	10/16/2022	156939001	32.28	October Charges
AUD	10/26/2022	10/16/2022	156939001	28.68	October Charges
AUD	10/26/2022	10/16/2022	156939001	134.21	October Charges
AUD	10/26/2022	10/16/2022	156939001	7.84	October Charges
AUD	10/26/2022	10/16/2022	156939001	34.59	October Charges
AUD	10/26/2022	10/16/2022	156939001	422.34	October Charges
AUD	10/26/2022	10/16/2022	156939001	26.74	October Charges
AUD	10/26/2022	10/16/2022	156939001	28.68	October Charges
AUD	10/26/2022	10/16/2022	156939001	37.19	October Charges
AUD	10/26/2022	10/16/2022	156939001	126.41	October Charges
AUD	10/26/2022	10/16/2022	156939001	104.65	October Charges
AUD	10/26/2022	10/16/2022	156939001	9.63	October Charges
AUD	10/26/2022	10/16/2022	156939001	337.58	October Charges
AUD	10/26/2022	10/16/2022	156939001	46.47	October Charges
AUD	10/26/2022	10/16/2022	156939001	216.31	October Charges
AUD	10/26/2022	10/16/2022	156939001	55.62	October Charges
AUD	10/26/2022	10/16/2022	156939001	79.13	October Charges
AUD	10/26/2022	10/16/2022	156939001	40.48	October Charges
PCJ	10/26/2022	10/20/2022	15693920112964	38.04	OCTOBER JS PHONE
SO	10/26/2022	10/20/2003	16738700112964	425.38	HIDTA-OCTOBER 2022
DET	10/26/2022	10/11/2003	17153690112951	38.11	ACCOUNT 171536901 OCT
jsc	10/26/2022	10/18/2022	23415660112960	74.19	INTERNET SPLIT W/ HWY
HWY	10/26/2022	10/18/2022	23415660112960	74.20	TELEPHONE SERVICES
pdo	10/26/2022	10/20/2022	339999550112964	16.92	Midco bill (Satellite office - Nov)
Total for Vendor 59680 - M	IIDCONTINENT	COMMUNICA	ATIONS:	3,167.94	- L
60466 - BH ENERGY (AC	СН)				
HHS	10/26/2022	10/26/2022	05010036124	856.59	CA-ERA2 Utilities; Barbara L Hernandez
Total for Vendor 60466 - B	H ENERGY (AC	CH):		856.59	- 1
62977 - GLOBAL TEL'LI	NK				
pdo	10/26/2022	10/3/2022	605394218100395	18.31	Long distance phone charges

Department	Check Date	Invoice Date	Invoice No	Amount	Description
Total for Vendor 62977 - 0	GLOBAL TEL'LI	NK:	-	18.31	
66375 - BLUEPEAK					
EM	10/26/2022	10/14/2022	010553601	46.07	10.18-11.17 Charges
PCJ	10/26/2022	10/16/2022	015766201	200.00	OCTOBER INTERNET
SO	10/26/2022	10/20/2022	016205001	100.67	OCTOBER 2022-STATION
Total for Vendor 66375 - I	BLUEPEAK:		-	346.74	
Report Total:			-	12,315.53	•
			=		

Invoices Submitted For Approval

Printed: 10/25/2022 - 4:46 PM
Date Range: 11/01/2022 to 11/01/2022



Report Total: 11,750.74

Vendor

Department	Check Date	Invoice Date	Invoice No	Amount	Description
00988 - PENNINGTON COUNTY HOUSING & REDEVELOPMENT (ACH)					
HHS	11/1/2022	11/1/2022	Sherman 62228	445.00	JV-Rent Past Due; Amy L Sherman
HHS	11/1/2022	11/1/2022	Usera 62262	240.00	E-Rent; Brittany Denae Usera
Total for Vendor 00988 - PENNINGTON COUNTY HOUSING & REDEVE				685.00	
27103 - A & A PROFESSIONAL PROPERTY MANAGEMENT					
HHS	11/1/2022	11/1/2022	Nelson 62244	440.00	E-Rent; Leon Ashton PrizMindy Lynn Nelson
Total for Vendor 27103 - A	& A PROFESSI	ONAL PROPERT	ΓY MANAGEM	440.00	
48984 - CASACO RENTA	ALS (ACH)				
HHS	11/1/2022	11/1/2022	Duenas 62283	1,000.00	JV-Rent Past Due; Ericka Isela Duenas
Total for Vendor 48984 - C	ASACO RENTA	LS (ACH):		1,000.00	
61896 - CAROL LIVERN	IONT				
HHS	11/1/2022	11/1/2022	Lockyear 62079	355.00	JV-Rent Past Due; Scott Evan Lockyear
Total for Vendor 61896 - C	AROL LIVERM	ONT:		355.00	
65619 - FIRST FOCUS P	ROPERTY MAN	NAGEMENT LL	LC .		
HHS	11/1/2022	11/1/2022	Rivera 60690	1,060.00	CA-ERA2 Rent; Mia Danielle Rivera
Total for Vendor 65619 - F	IRST FOCUS PR	OPERTY MANA	AGEMENT LLC	1,060.00	
65947 - TZADIK LACRO	SSE APARTME	ENTS, LLC			
HHS	11/1/2022	11/1/2022	Pew 62247	2,204.74	CA-ERA2 Rent; Tonya Pew
Total for Vendor 65947 - T	ZADIK LACRO	SSE APARTMEN	NTS, LLC:	2,204.74	
66270 - PONDEROSA M	OUNTAIN PRO	PERTIES LLC			
HHS	11/1/2022	11/1/2022	Lewis 62285	3,206.00	CA-ERA2 Rent; Brittni Ann Lewis
Total for Vendor 66270 - PONDEROSA MOUNTAIN PROPERTIES LLC:				3,206.00	
66517 - CITTADELLA A	SSET MANAGE	MENT & INVE	STMENT LLC (ACH)	
HHS	11/1/2022	11/1/2022	Campbell 62214	2,800.00	CA-ERA2 Rent; Brianne Dawn Campbell
Total for Vendor 66517 - C	ITTADELLA AS	SET MANAGEN	MENT & INVES	2,800.00	
Report Total:			_	11,750.74	•
			=		:

Israel Mary

From:

Wellmark Billing <wellmark@billerpayments.com>

Sent:

Friday, October 14, 2022 8:24 AM

To:

Island Kaycee; Israel Mary

Subject:

One Time Payment Scheduled for Employer Number 496

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

A one-time payment of \$280,760.53 has been scheduled with a date of 10/31/2022. The unique confirmation number for this payment is IP2NPSTPBT.

To view and pay your billing statement or view data referenced in this email, please visit https://ebusiness.wellmark.com/FederationServices/eBillingExternal/

If you have any questions regarding your account, please contact the billing contact identified on your billing statement or email us at SelfFundedBilling@wellmark.com

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Israel Mary

From:

Wellmark Billing <wellmark@billerpayments.com>

Sent:

Monday, October 17, 2022 11:31 PM

To:

Bloomenrader Kimberly; Island Kaycee; Sortland Sandra; Morrill Jon; Israel Mary;

CostPlus@wellmark.com

Subject:

Your billing statement for Employer Number 496 is now available online.

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Your Wellmark Inc. Self Funded Weekly statement is now available.

Employer Number: 496

Billing Date: 10/14/2022

Due Date: 10/20/2022

Amount Due: \$129793.29

To view and pay your billing statement or view data referenced in this email, please visit https://ebusiness.wellmark.com/FederationServices/eBillingExternal/

If you have any questions regarding your account, please contact the billing contact identified on your billing statement or email us at SelfFundedBilling@wellmark.com

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Israel Mary

From:

Wellmark Billing < wellmark@billerpayments.com>

Sent:

Monday, October 24, 2022 11:31 PM

To:

Bloomenrader Kimberly; Island Kaycee; Sortland Sandra; Morrill Jon; Israel Mary;

CostPlus@wellmark.com

Subject:

Your billing statement for Employer Number 496 is now available online.

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Your Wellmark Inc. Self Funded Weekly statement is now available.

Employer Number: 496

Billing Date: 10/21/2022

Due Date: 10/27/2022

Amount Due: \$102230.23

To view and pay your billing statement or view data referenced in this email, please visit https://ebusiness.wellmark.com/FederationServices/eBillingExternal/

If you have any questions regarding your account, please contact the billing contact identified on your billing statement or email us at SelfFundedBilling@wellmark.com

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AGENDA PENNINGTON COUNTY BOARD OF COMMISSIONERS

November 1, 2022 @ 10:30 a.m.

County Commissioners' Meeting Room – Pennington County Administration Building

BOARD OF ADJUSTMENT

A. <u>VARIANCE / VA 22-21</u>: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback to a residential zoning district from 500 feet to 105 feet for a telecommunications tower in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

B. <u>VARIANCE / VA 22-22</u>: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback from 1.1 times the height of the telecommunications tower to a non-residential zoning district in accordance with Sections 212, 316, and 509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

UNCONTESTED HEARING

- C. <u>PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 22-20</u>: Brian Schroeder; Davis Engineering Agent To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.
 - Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

Planning Commission recommended to continue Comprehensive Plan Amendment / CA 22-20 to the December 20, 2022, Board of Commissioner's meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

- D. <u>PUBLIC HEARING OF REZONE / RZ 22-27</u>: Brian Schroeder; Davis Engineering Agent. To rezone 14.17 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.
 - Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

Planning Commission recommended to continue Rezone / RZ 22-27 to the December 20, 2022, Board of Commissioner's meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

CONTESTED HEARING

E. <u>PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-13</u>: Blue Wing Recreation Corporation; Ron Rossknecht. To amend the existing Planned Unit Development to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 0129A; All Less the North 10 acres and Less Tract 0129C of Malory Lode MS 1483; Part of Hudson Lode MS 1483; Part of Just Lode MS 1483; and Lot 1 Less Right-of-Way of Boulder #3 Lode MS 1483 all located in Section 13, T1S, R5E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of Major Planned Unit Development Amendment / PU 22-13 with nine (9) conditions.

- F. <u>PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-09</u>: Pennington County. To add Section 517 "Special Permitted Uses" [to add Section 517 "Special Permitted Uses"] to the Pennington County Zoning Ordinance.
 - Planning Commission recommended approval of Ordinance Amendment / OA 22-09.
- G. <u>PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-10</u>: Pennington County. To amend Section 204 "General District Provisions" [to amend and supersede the existing 204 "General District Provisions"] of the Pennington County Zoning Ordinance.
 - Planning Commission recommended approval of Ordinance Amendment / OA 22-10.
- H. <u>PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-11</u>: Pennington County. To amend Section 103 "Definitions" [to amend and supersede the existing 103 "Definitions"] of the Pennington County Zoning Ordinance.
 - Planning Commission recommended approval of Ordinance Amendment / OA 22-11.
- I. <u>REQUEST FOR RELEASE OF SURETY / FINAL PLAT 21-91:</u> Sudbury Ranch Land Holding, LLC / Casey Skyberg. Improvements for the roads and utilities have been completed for Lot 2R and Lots 3 through 11, Sudbury Ranch Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota, in the amount of \$155,000.00.

DRAFT MINUTES PENNINGTON COUNTY PLANNING COMMISSION

October 24, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Charlie Johnson, Karen McGregor, Kevin Kuehn, Jim Coleman,

Mikal Lewis, Kevin Burton, and Ron Rossknecht.

STAFF PRESENT: Cody Sack, Megan Talmage, Christine Phillip, Jason Theunissen,

and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE OCTOBER 11, 2022, MINUTES

Moved by Rossknecht and seconded by McGregor to approve the Minutes of the October 11, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by Lewis and seconded by Kuehn to approve the Agenda of the October 24, 2022, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Rossknecht and seconded by Burton to approve the Consent Agenda of the October 24, 2022, Planning Commission meeting, with the removal of Items #4 and #6. Vote: unanimous 7 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 16-30: Paul and Carol Niemann. To review an accessory structure, pole barn, prior to a primary structure on the subject property in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Niemann Trust Land Tract of the SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-30 with the following eight (8) conditions.

1. That the property address be posted on the structure and so it is visible from both directions of Custer Gulch Road in accordance with Pennington County's Ordinance #20;

- 2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
- 3. That the minimum setback requirements of an Agriculture District and the Section Line Right-of-Way be continually maintained on the property, or a Setback Variance be obtained;
- 4. That the subject property remains free of debris and junk vehicles;
- 5. That the accessory structure be used for personal use only and no commercial-type uses;
- 6. That an approved Onsite Wastewater Treatment System (OSWTS) Construction Permit be obtained prior to any alteration of the OSWTS on the property;
- 7. That the property owner is aware of the U.S. Forest Service requirements at all times; and,
- 8. That this Conditional Use Permit be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. <u>CONDITIONAL USE PERMIT REVIEW / CU 21-16</u>: Kyle Brown. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 9 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 21-16 with the following eight (8) conditions:

- 1. That the addresses for both the proposed single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
- 2. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner;
- 3. That a 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;

- 4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or a setback Variance be obtained;
- 5. That the caretaker's residence use the existing approach off of Country Road and no new approaches are allowed;
- 6. That the subject property remains free of debris and junk vehicles;
- 7. That once care is no longer needed, the caretaker's residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
- 8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-08: Joel and Elizabeth Morris. To review living in a Recreational Vehicle as temporary living quarters, while building a single-family residence on the subject property, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 10, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

To end Minor Planned Unit Development Amendment / PU 19-08 with the applicant's concurrence.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

4. <u>CONDITIONAL USE PERMIT REVIEW / CU 18-13</u>: Randy Wirtzfeld. To review a 12 x 12 cabin to be occupied on a seasonal basis on the subject property, not to be occupied more than 180 days per calendar year, in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Brule Lode MS 993, Section 36, T2N, R3E, BHM, Pennington County, South Dakota.

(Continued from the October 11, 2022, Planning Commission meeting.)

Commissioner Burton asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 18-13 with seven (7) conditions.

Discussion followed.

Moved by Burton and seconded by McGregor to approve the extension of Conditional Use Permit / CU 18-13 with the following seven (7) conditions:

- 1. That the lot address assigned to the property (11730 Divide Road) be properly posted in accordance with Pennington County's Ordinance #20;
- 2. That the seasonal cabin may not be occupied more than 180 days per calendar year;
- 3. That a port-a-potty continue to be present on the subject property while the cabin is occupied and the port-a-potty be pumped and maintained as needed to prevent effluent and "blue juice" from reaching the ground. Pump records must be provided to the Planning Department upon request;
- 4. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
- 5. That the minimum setback requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
- 6. That the cabin continue to be used for personal use only. No commercial activity or renting shall be permitted; and,
- 7. That this Conditional Use Permit be reviewed in 6 months, 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.

All voting aye, the Motion carried 7 to 0.

6. <u>CONDITIONAL USE PERMIT REVIEW / CU 21-39</u>: Paul and Carol Niemann. To review 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.

Niemann Trust Land Tract of the SE1/4SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

Commissioner Lewis asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 21-39 with conditions.

Discussion followed.

Moved by Lewis and seconded by Kuehn to approve the extension of Conditional Use Permit / CU 21-39 with the following eighteen (18) conditions:

- 1. That the Recreational Vehicle (RV) Park shall consist of no more than 6 RV sites;
- 2. That the RV park be for personal use only, and no commercial use is allowed, and operate up to 180 days per calendar year;
- 3. That the RV park not be utilized as a nightly, weekly vacation rental, or commercial use;
- 4. That the RV Park can only be operated after the approved OSWTS has been installed;
- 5. That all RVs dispose of waste through the approved OSWTS;
- 6. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and/or South Dakota Department of Agriculture and Natural Resources (SD DANR);
- 7. That the address be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Custer Gulch Road:
- 8. That each RV site has a lot number clearly posted;
- 9. That a minimum 10-foot separation be maintained between each RV site;
- 10. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306;
- 11. That the minimum setback requirements of Agriculture District be maintained on the subject property, or approved Setback Variance(s) be obtained;
- 12. That the minimum 58-foot Section Line setback be maintained on the property;
- 13. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
- 14. That the subject property remains free of debris and junk vehicles;

- 15. That the applicant adheres to PCZO § 510;
- 16. That this Conditional Use Permit be reviewed if the RV park is no longer utilized for personal use;
- 17. That upon sale or transfer of the subject property, this Conditional Use Permit shall end; and,
- 18. That this Conditional Use Permit be reviewed in 6 months, 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.

All voting aye, the Motion carried 7 to 0.

8. <u>CONDITIONAL USE PERMIT / CU 22-44</u>: Rodney Alexander. To allow an Accessory Dwelling Unit on the subject property in a Rural Residential District in accordance with Sections 207, 324, and 510 of the Pennington County Zoning Ordinance.

Lot 15R, Burns Placer MS 697, Section 24, T1S, R4E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has appled for a Conditional Use Permit to allow an Accessory Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-44 with the following sixteen (16) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;
- 2. That the applicants obtain an approved Building Permit for the ADU;
- 3. That prior to the submittal of a building permit, the applicant obtain an Approach Permit from the County Highway Department.
- 4. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
- 5. That the ADU has a residential appearance and cannot be a Recreational Vehicle;
- 6. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Deerfield Road so they are clearly visible, in accordance with Pennington County Ordinance #20;
- 7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
- 8. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;

- 9. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
- 10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
- 11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
- 12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
- 13. That at least 1 off-street parking space be provided for the ADU;
- 14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
- 15. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
- 16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by McGregor to approve of Conditional Use Permit / CU 22-44 with the following sixteen (16) conditions:

- 1. That only one Accessory Dwelling Unit (ADU) be allowed;
- 2. That the applicants obtain an approved Building Permit for the ADU;
- 3. That prior to the submittal of a building permit, the applicant obtain an Approach Permit from the County Highway Department.
- 4. That the ADU *not* exceed two stories, two bedrooms, or 700 square feet;
- 5. That the ADU has a residential appearance and cannot be a Recreational Vehicle;
- 6. That the addresses assigned to the ADU and the primary residence be posted on each residence and at the end of the driveway where it intersects Deerfield Road so they are clearly visible, in accordance with Pennington County Ordinance #20;

- 7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
- 8. That all necessary permits are obtained prior to any additions and/or alterations to the ADU or upgrades/alterations to the OSWTS;
- 9. That all utilities for the ADU be extended from the primary residence and be on one (1) meter, unless the utility provider requires otherwise and proof of that requirement is provided to the Planning Director;
- 10. That home occupations, Vacation Home Rentals, and nightly rentals of the ADU are prohibited;
- 11. That if the ADU is rented or leased, it must be done so for a period of 28 consecutive days or more;
- 12. That the principal dwelling on the property be owner occupied or utilized as a long-term rental;
- 13. That at least 1 off-street parking space be provided for the ADU;
- 14. That the ADU be continually utilized and maintained in accordance with all requirements of § 324 of the Pennington County Zoning Ordinance;
- 15. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
- 16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

- 9. <u>CONDITIONAL USE PERMIT / CU 22-46</u>: Brian Baxter; KPJP, LLC. To allow a Vacation Home Rental in a Suburban Residential District in accordance with Sections 209, 319, and 510 of the Pennington County Zoning Ordinance.
 - Lot 1, Baxter Subdivision, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Talmage reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 22-46 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six (6) people and the maximum

- daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
- 2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from DANR;
- 3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
- 4. That prior to operation of the Vacation Home Rental, the applicant obtain an Approach Permit from County Highway;
- 5. That the applicant continually maintains 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 prior to operation of the Vacation Home Rental;
- 6. That the applicant maintains 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;
- 7. That a minimum of one off-street parking space per bedroom be provided on-site, per PCZO Section 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;
- 8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
- 9. That the lot address (7601 Pioneer Drive) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Pioneer Drive, in accordance with Pennington County Ordinance #20;
- 10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
- 11. That if the person designated as the Local Contact is ever changed from Brian Baxter, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
- 12. 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;

- 13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
- 14. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
- 15. That an approved Building Permit be obtained for any future 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,
- 16. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Conditional Use Permit / CU 22-46, with amended language in Condition #3, with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy, based on the Department of Agriculture and Natural Resources (DANR), be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
- 2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from DANR;
- 3. That no open fires, fireworks, or sparklers be allowed on the property;
- 4. That prior to operation of the Vacation Home Rental, the applicant obtain an Approach Permit from County Highway;
- 5. That the applicant continually maintains 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 prior to operation of the Vacation Home Rental;
- 6. That the applicant maintains 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;
- 7. That a minimum of one off-street parking space per bedroom be provided on-site, per PCZO Section 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:

- 8. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff's Office, during operation of the Vacation Home Rental;
- 9. That the lot address (7601 Pioneer Drive) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Pioneer Drive, in accordance with Pennington County Ordinance #20;
- 10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
- 11. That if the person designated as the Local Contact is ever changed from Brian Baxter, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
- 12. 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;
- 13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
- 14. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
- 15. That an approved Building Permit be obtained for any future 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,
- 16. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

10. <u>CONDITIONAL USE PERMIT / CU 22-47</u>: Travis Crisman. To allow a contractor's storage yard in an Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Also in Section 32, T1S, R4E, HES #306 of Section 5, T2S, R4E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a contractor's storage yard on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-47 with the following fourteen (14) conditions:

- That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
- 2. That an address be posted at the entrance to the storage yard in accordance with Ordinance #20:
- 3. That prior to operation, the applicant's obtain an Operating License for the Onsite Wastewater Treatment System for the single-family residence;
- 4. That dust control measures be implemented to reduce the amount of dust from trucks and equipment leaving and entering the storage yard;
- 5. That any bulk chemicals, fuel, and liquid refuse stored on the site have secondary containment;
- 6. That any lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
- 7. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance (PCZO) § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift;
- 8. That erosion control measures be implemented to prevent sediment leaving the site;
- 9. That the property remains free of junk and debris at all times;
- 10. That upon completion of the project, all equipment, structures, and stockpiles associated with the storage yard be removed;
- 11. That the site be revegetated as required by PCZO § 507(N);
- 12. That all natural drainage paths be continually maintained;
- 13. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,

14. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO and Conditions of Approval.

Discussion followed.

Moved by Kuehn and seconded by McGregor to approve of Conditional Use Permit / CU 22-47 with the following fourteen (14) conditions:

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
- 2. That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;
- 3. That prior to operation, the applicant's obtain an Operating License for the Onsite Wastewater Treatment System for the single-family residence;
- 4. That dust control measures be implemented to reduce the amount of dust from trucks and equipment leaving and entering the storage yard;
- 5. That any bulk chemicals, fuel, and liquid refuse stored on the site have secondary containment;
- 6. That any lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
- 7. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance (PCZO) \S 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift;
- 8. That erosion control measures be implemented to prevent sediment leaving the site;
- 9. That the property remains free of junk and debris at all times;
- 10. That upon completion of the project, all equipment, structures, and stockpiles associated with the storage yard be removed;
- 11. That the site be revegetated as required by PCZO § 507(N);
- 12. That all natural drainage paths be continually maintained;

- 13. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
- 14. That this Conditional Use Permit be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO and Conditions of Approval.

All voting aye, the Motion carried 7 to 0.

Moved by Lewis and seconded by Coleman to wave rules to discuss directly related and similar Agenda Items #11 and #12 at the same time. All voting aye, the Motion carried 7 to 0.

Commissioner Burton left the meeting at 9:42 a.m. Commissioner Burton returned to the meeting at 9:43 a.m.

11. <u>COMPREHENSIVE PLAN AMENDMENT / CA 22-20</u>: Brian Schroeder; Davis Engineering - Agent To amend the Comprehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Comprehensive Plan Amendment to change the Future Land Use from Agriculture District to Ranchette District.

Staff recommended to continue Comprehensive Plan Amendment / CA 22-20 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

Discussion followed.

Moved by McGregor and seconded by Lewis to continue Comprehensive Plan Amendment / CA 22-20 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

All voting aye, the Motion carried 7 to 0.

12. <u>REZONE / RZ 22-27</u>: Brian Schroeder; Davis Engineering - Agent. To rezone 14.17 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone from Agriculture District to Ranchette District.

Staff recommended to continue Rezone / RZ 22-27 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

Discussion followed.

Moved by Rossknecht and seconded by Coleman to continue Rezone / RZ 22-27 to the December 12, 2022, Planning Commission meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

All voting aye, the Motion carried 7 to 0.

13. MINOR PLAT / MPL 22-52: Lynn Hanson. To subdivide and create Lots 2A and 2B, Block 2, Thovson Subdivision in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2 Revised Less Lot AR and Lot B of Lot 2 Revised, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2A and 2B, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Minor Plat to subdivide and create Lots 2A and 2B, Block 2, Thovson Subdivision.

Staff recommended approval of Minor Plat / MPL 22-52, with the following six (6) conditions:

- 1. That prior to the filing the mylar with the Register of Deeds, the applicant addresses the Register of Deeds comments;
- 2. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
- 3. That prior to filing the mylar at Register of Deeds, the certificate on the Plat for the Planning Commission be fixed;

- 4. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
- 5. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 303 of the Pennington County Subdivision Regulations; and,
- 6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to approve of Minor Plat / MPL 22-52, with the following six (6) conditions:

- 1. That prior to the filing the mylar with the Register of Deeds, the applicant addresses the Register of Deeds comments;
- 2. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
- 3. That prior to filing the mylar at Register of Deeds, the certificate on the Plat for the Planning Commission be fixed;
- 4. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
- 5. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with § 303 of the Pennington County Subdivision Regulations; and,
- 6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met.

All voting aye, the Motion carried 7 to 0.

14. <u>CONDITIONAL USE PERMIT / CU 22-45</u>: Lynn Hanson. To allow an Efficiency Dwelling Unit on the subject property in an Agriculture District in accordance with Sections 205, 330, and 510 of the Pennington County Zoning Ordinance.

Lot 2 Revised Less Lot AR and Lot B of Lot 2 Revised, Block 2, Thovson Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an Efficiency Dwelling Unit on the subject property.

Staff recommended approval of Conditional Use Permit / CU 22-45 with the following conditions:

- 1. That only 1 efficiency dwelling be allowed;
- 2. That the applicant obtains an approved Building Permit for the efficiency dwelling;
- 3. That prior to operation, the efficiency dwelling be permanently anchored to the ground, with the wheels removed;
- 4. That prior to operation, the efficiency dwelling be skirted to have a residential appearance and *not* be converted back to a Recreational Vehicle;
- 5. That the efficiency dwelling *not* exceed 400 square feet;
- 6. That the address assigned to the efficiency dwelling be posted on the residence and at the end of the driveway where it intersects Highway 40 so it is clearly visible, in accordance with Pennington County Ordinance #20;
- 7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
- 8. That all necessary permits are obtained prior to any additions/ alterations to the efficiency dwelling or additions/alterations to the OSWTS;
- 9. That at least 2 off-street parking spaces be provided for the efficiency dwelling;
- 10. That the efficiency dwelling be continually utilized and maintained in accordance with all requirements of § 330 of the PCZO;
- 11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
- 12. That if the property is ever transferred or sold, the efficiency dwelling be removed from the property and this CUP end; and,
- 13. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Burton and seconded by Coleman to approve of Conditional Use Permit / CU 22-45 with the following conditions:

- 1. That only 1 efficiency dwelling be allowed;
- 2. That the applicant obtains an approved Building Permit for the efficiency dwelling;
- 3. That prior to operation, the efficiency dwelling be permanently anchored to the ground, with the wheels removed;
- 4. That prior to operation, the efficiency dwelling be skirted to have a residential appearance and *not* be converted back to a Recreational Vehicle;
- 5. That the efficiency dwelling *not* exceed 400 square feet;
- 6. That the address assigned to the efficiency dwelling be posted on the residence and at the end of the driveway where it intersects Highway 40 so it is clearly visible, in accordance with Pennington County Ordinance #20;
- 7. That the On-site Wastewater Treatment System (OSWTS) complies with § 204(J) of the Pennington County Zoning Ordinance (PCZO);
- 8. That all necessary permits are obtained prior to any additions/ alterations to the efficiency dwelling or additions/alterations to the OSWTS;
- 9. That at least 2 off-street parking spaces be provided for the efficiency dwelling;
- 10. That the efficiency dwelling be continually utilized and maintained in accordance with all requirements of § 330 of the PCZO;
- 11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
- 12. That if the property is ever transferred or sold, the efficiency dwelling be removed from the property and this CUP end; and,
- 13. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 4 to 3. Commissioners Coleman, Burton, Rossknecht, and Kuehn voted yes. Commissioners McGregor, Lewis and Johnson voted no.

15. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-13: Blue Wing Recreation Corporation; Ron Rossknecht. To amend the existing Planned Unit Development to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 0129A; All Less the North 10 acres and Less Tract 0129C of Malory Lode MS 1483; Part of Hudson Lode MS 1483; Part of Just Lode MS 1483; and Lot 1 Less Right-of-Way of Boulder #3 Lode MS 1483 all located in Section 13, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the October 11, 2022, Planning Commission meeting.)

Commissioners Rossknecht and Burton stated they would abstain from voting on this item.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment / PU 22-13 to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet.

Staff recommended approval of Major Planned Unit Development Amendment / PU 22-13, with the following nine (9) conditions:

- 1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;
- 2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
- 3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;
- 4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;
- 5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Bluewing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;
- 6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;

- 7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
- 8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,
- 9. That this Planned Unit Development be reviewed on a complaint basis only.

Discussion followed.

Moved by McGregor and seconded by Lewis to approve of Major Planned Unit Development Amendment / PU 22-13, with the following nine (9) conditions:

- 1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;
- 2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
- 3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;
- 4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;
- 5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Bluewing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;
- 6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;

- 7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
- 8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,
- 9. That this Planned Unit Development be reviewed on a complaint basis only.

All voting, the Motion carried 5 to 0. Commissioners Rossknecht and Burton abstained.

16. <u>CONDITIONAL USE PERMIT REVOCATION / CU 71-04</u>: David Allard. To revoke a mobile home park in a Commercial District in accordance with Sections 211, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR Right-of-Way Across Lot 1, Subdivision of Section 31, 2N-6E, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating this is a Revocation Hearing of the applicant's Conditional Use Permit to allow a mobile home park.

Staff recommended to end Conditional Use Permit / CU 71-04.

Discussion followed.

Moved by Rossknecht and seconded by Kuehn to continue Conditional Use Permit / CU 71-04 to the November 14, 2022, Planning Commission meeting in order for the applicant to address Ordinance Violations on the property.

All voting aye, the Motion carried 7 to 0.

Moved by Burton and seconded by McGregor to wave rules to discuss directly related and similar Agenda Items #17, #18, and #19 at the same time. All voting aye, the Motion carried 7 to 0.

17. ORDINANCE AMENDMENT / OA 22-09: Pennington County. To add Section 517 "Special Permitted Uses" [to add Section 517 "Special Permitted Uses"] to the Pennington County Zoning Ordinance.

Theunissen reviewed the Staff Report indicating this is an Ordinance Amendment to add Section 517 Special Permitted Uses to the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-09.

Discussion followed.

Moved by Lewis and seconded by Coleman to approve of Ordinance Amendment / OA 22-09.

All voting aye, the Motion carried 7 to 0.

18. <u>ORDINANCE AMENDMENT / OA 22-10</u>: Pennington County. To amend Section 204 "General District Provisions" [to amend and supersede the existing 204 "General District Provisions"] of the Pennington County Zoning Ordinance.

Theunissen reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 204 General District Provisions of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-10.

Discussion followed.

Moved by McGregor and seconded by Burton to approve of Ordinance Amendment / OA 22-10.

All voting aye, the Motion carried 7 to 0.

19. ORDINANCE AMENDMENT / OA 22-11: Pennington County. To amend Section 103 "Definitions" [to amend and supersede the existing 103 "Definitions"] of the Pennington County Zoning Ordinance.

Theunissen reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 103 Definitions of the Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 22-11.

Discussion followed.

Moved by Burton and seconded by Lewis to approve of Ordinance Amendment / OA 22-11.

All voting aye, the Motion carried 7 to 0.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 11th meeting.

21. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

22. <u>ITEMS FROM THE STAFF</u>

A. Planning Department. The unissen stated that TJ Doreff has been hired for the Environemental Planner position and the Building Inspection position is now open.

23. <u>ITEMS FROM THE MEMBERSHIP</u>

Chairman Johnson spoke of Robert Rules of Order.

24. <u>ADJOURNMENT</u>

Moved by Lewis and seconded by McGregor to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:14 a.m.

Charlie Johnson, Chairperson	





PLANNING DEPARTMENT MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: <u>VARIANCE / VA 22-21</u>: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback to a residential zoning district from 500 feet to 105 feet

for a telecommunications tower in accordance with Sections 212, 316, and

509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota

Staff recommended denial of Variance / VA 22-21, as there are no special conditions that would excuse literal enforcement of Pennington County Zoning Ordinance (PCZO) § 316.

If the Board of Adjustment disagrees and approves the request, Staff recommended the following three (3) conditions be included:

- 1. That the applicant submits a survey stamped by a registered surveyor which shows that the telecommunications tower will be at least 105 feet from the property line.
- 2. That prior to the mylar being filed at Register of Deeds, the applicant files a permanent deed restriction at Register of Deeds stating that no dwelling units be allowed within 340 feet of the telecommunications tower; and;
- 3. That the State's Attorney review the deed restriction before it is filed at Register of Deeds.

STAFF REPORT

I. Introduction

DECLIECT.	VADIANCE / VA 22 21.	
REQUEST:	• To reduce the setback to a residential zoning district from 500 feet to 105 feet for a telecommunications tower.	
OWNER:	No Bad Days Campground, LLC • 23851 Highway 385, Hill City, SD 57745	
AGENT:	Rob Livingston • 23851 Highway 385, Hill City, SD 57745	
EXISTING LEGAL DESCRIPTION(S):	The subject property is located on the following metes and bounds description: A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.	
LOCATION:	16001 W. Highway 44	
TAX ID:	51321	
LOT SIZE:	1.00 acres	
PHYSICAL DESCRIPTION:	Forested / Hills	
CURRENT ZONING:	Highway Service District	
EXISTING LAND USE:	Telecommunications Tower	
SURROUNDING ZONING:	North and West Rural Residential District Suburban Residential District Agriculture District South and East Open Space	

ACCESS:	W Highway 44
FLOOD HAZARD:	100-year
ZONING ORDINANCE REFERENCE:	§§ 212, 315, and 509
REPORT BY:	Cody Sack

II. RECOMMENDATION

- A. Staff recommends denial as there are no special conditions that would excuse literal enforcement of Pennington County Zoning Ordinance (PCZO) § 316.
- B. *However*, if the Board of Adjustment disagrees and approves the request, Staff recommends the following condition be included:
 - 1. That the applicant submits a survey stamped by a registered surveyor which shows that the communications tower will be at least 105 feet from the property line.
 - 2. That prior to the mylar being filed at Register of Deeds, the applicant files a permanent deed restriction at Register of Deeds stating that no dwelling units be allowed within 340' feet of the telecommunications tower; and;
 - 3. That the States Attorney review the deed restriction before it is filed at Register of Deeds.

III. CRITERIA REVIEWED

III. CRITERIA REVIEWED					
	Prong One				
	Whether granting the Variance runs counter to the public interest?				
Consider the entire public— <i>not</i> just the neighbors		Findings			
1.	Does it injure the neighborhood?	Yes	No 🗸	The request appears to be a threat of safety to the neighborhood. The proposed support structure is 307-feet-tall. There currently are no residences surrounding the communications tower.	
2.	Does it conform to the neighborhood?	Yes 🗸	No	The communications tower is existing on a subject property zoned Highway Service District	
3.	Does it conform to the general purpose of the Zoning Ordinance?	Yes	No 🗸	Communications tower require a setback of 500 feet to residential zoning districts.	
4.	Does it conform to the Comprehensive Plan currently in place?	Yes 🗸	No	Future Land Use is identified as Highway Service District. Communication towers are allowed in this zoning designation.	
5.	Does it harm the public safety, health, or general welfare of the community?	Yes 🗸	No	If a residence is placed within the fall zone it could harm the public safety, health, and general welfare of the community.	

III. CRITERIA REVIEWED (CONTINUED)

Prong Two Whether special conditions exist to grant a Variance?				
Physical conditions— <i>not</i> money or econ hardship		Findings		
1. Does a special condition— exceptional narrowness, topography, siting, or the like— exist on the property?		No 🗸	The applicant has the option to plat the property in a way that does not require a Variance.	
a. If a special condition exists, does enforcing the Ordinance create an unnecessary hardship?	Yes	No _	No special condition exists.	
b. If a special circumstance exists, does granting the Variance observe the Ordinance's spirit while doing substantial justice.	Yes	No —	No special condition exists.	

IV. PROPERTY HISTORY

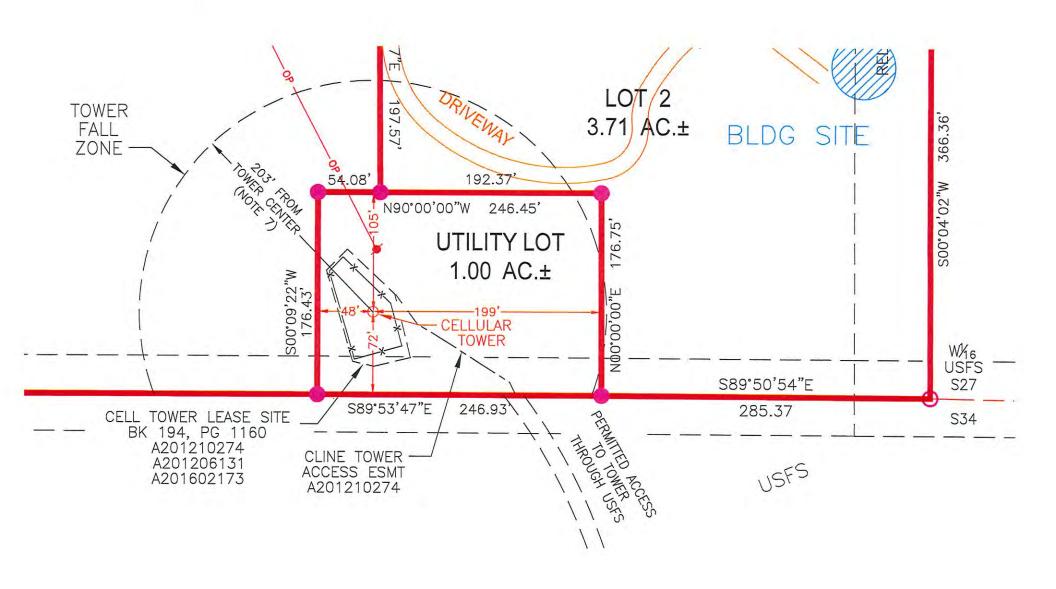
- A. Conditional Use Permits:
 - 1. CU 08-10 was approved by the Planning Commission on August 24, 2015 for a telecommunications tower.
 - 2. CU 19-33 was approved by the Board of Commissioners on August 4, 2020 for an RV park, to include:
 - a. 22 RV sites.
 - b. 1 gas station.
 - c. 1 convenience store.
 - d. 1 bar to serve beer and wine.
 - 3. CU 21-40 was approved by the Planning Commission on July 12, 2021 to allow UTV rentals.
- B. Floodplain Development Permit (FDP):
 - 1. FP 20-40 was approved for an RV park on the subject property.
- C. Building Permits.
 - 1. Convenience store structure built in 1960, per Department of Equalization records.
 - 2. Telecommunications Tower 2010COBP-0412.
- D. On-site Wastewater Treatment System (OSWTS).
 - 1. South Dakota Department of Environment and Natural Resources approved an OSWTS plan for 22 RV sites and resort store on December 10, 2019.
 - 2. The size of the existing onsite wastewater treatment system is unknown.

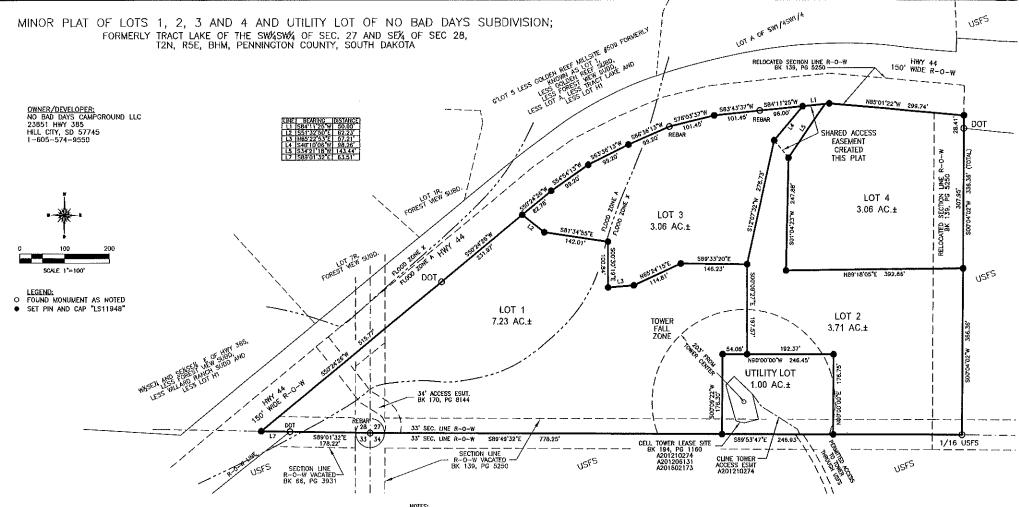
V. INTERDEPARTMENTAL REVIEW

- A. County Highway Department, County Fire Administrator, County Planning, Emergency Services (911), County Ordinance Enforcement, Register of Deeds, Sheriff's Office, and Department of Equalization, SD DOT:
 - 1. No objections or concerns were received.

VI. ANALYSIS

- A. June 5th, 2022 the Board of Commissioners approved:
 - 1. Preliminary Plat / PPL 22-33 to subdivide the property into five (5) lots.
 - 2. Comprehensive Plan Amendment / CA 22-15 and Rezone / RZ 22-21 to rezone three of the proposed lots to Rural Residential.
- B. PCZO § 316(C) states: The minimum distance from the property which a telecommunications facility is to be located on must be at least 500 feet from any residential zoning district, dwelling unit, or agriculture district containing less than 40 acres.
- C. In all other instances, the minimum distance from the property which a telecommunications facility is to be located on must be at least 1.1 times the support structure's height from property lines.
 - 1. The telecommunications tower is 307-feet-tall. Therefore, 338 feet should be the minimum distance allowed from the tower to any residential dwelling unit on the proposed lots.
 - 2. A deed restriction should be filed stating that no future residential dwelling units be allowed within 340' of the telecommunication tower.





SURVEYOR'S CERTIFICATE

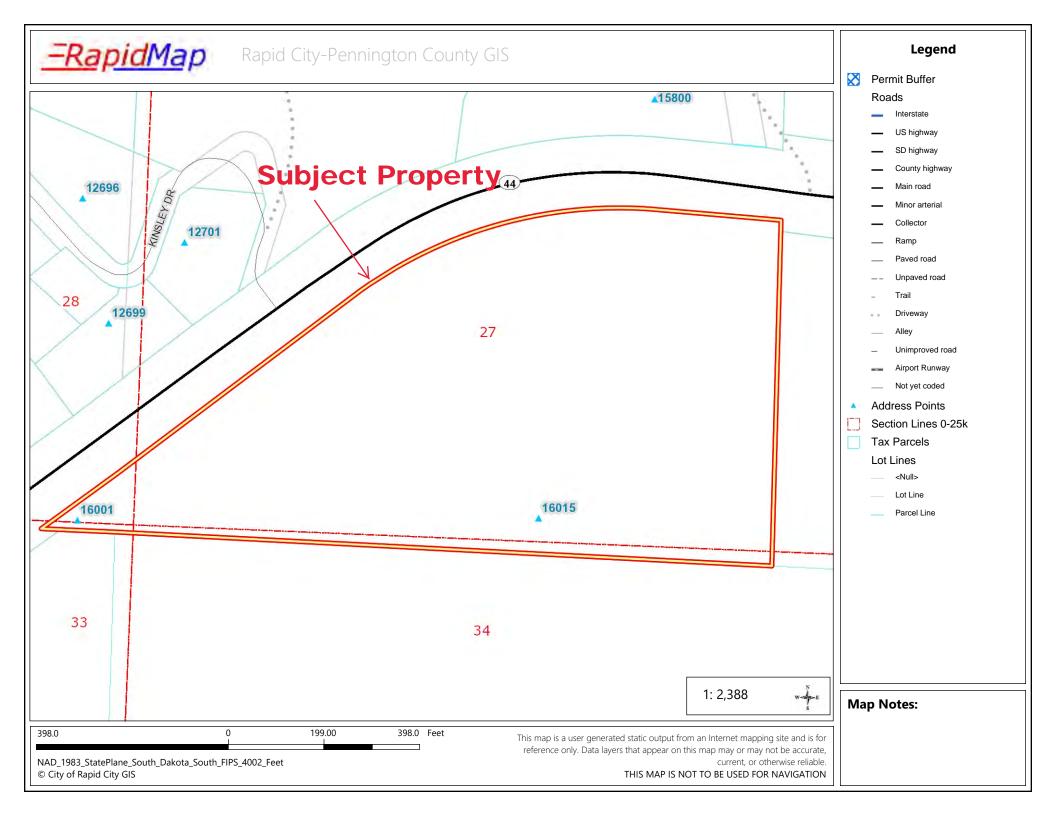
I, BRADLEY LIMBO, A REGISTERED LAND SURVEYOR IN THE STATE OF
SOUTH DAKOTA, ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND
BELIEF, CERTIFY TO THE OWNER(S), THAT AT THE REQUEST OF SAID
OWNER(S), THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY
SUPERVISION, ON THE GROUND TO THE NORMAL STANDARDS OF CARE OF
PROFESSIONAL LAND SURVEYORS PRACTICING IN THE STATE OF SOUTH
DAKOTA. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH TO
DETERMINE OWNERSHIP OR EASEMENTS OF RECORD AS PERFORMED BY
ALL ASPECTS INC LAND SURVEYING.

NAME RLS # 11918 DATE

NOTES:

1. PROPOSED NOT AREA = 18.25 ACRES±;
PROPOSED NOT AREA = 0.00 ACRES±;
PROPOSED ROW AREA = 0.00 ACRES±;
AMERICA DENSITY PER LOT = 0.08 ACRES±;
AMERICA DENSITY PER LOT = 0.08 ACRES±;
MINDRO RANINGE AND UTILITY EXEMENTS ON INTERIOR OF ALL LOT LINES.
2. INACT LAKE RECORDED IN BOOK OF PLATS & PAGE 20.
2. IRACT LAKE RECORDED IN BOOK OF PLATS & PAGE 20.
2. IRACT LAKE RECORDED IN BOOK OF PLATS & PAGE 20.
3. IRACT LAKE RECORDED IN BOOK OF PLATS & PAGE 20.
4. RESPRESANT OR SOCIECTION MY WATERS OF THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONDED FOR PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONDED FOR WITHIN SUCH PLATTED AREA RESPONDED FOR WITHIN PROPERTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REQUALITIONS OF THE SOUTH DAKKTA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES REATING TO SAME.
4. WE HEREBY GRANT EASEMENTS TO RUM WITH THE LAWN FOR WATER, RUMANGE, EXPER, CAS, ELECTION, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OF OVER THOSE PORTIONS OF LAND DESIGNATED HEREON AS EASEMENTS.
5. THE 100-YEAR PLOOPOURM, AS SHOWN HEREON, IS BOSED ON THE ELEVATIONS EDITINED ON FERM AND MAINTH-PAREL NUMBER ASSOURCES REASONED FOR THE SUBJECT PROPERTY, THE SHOWN AND PROPERTY OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNICATION TOWER.

SHEET 1 OF ALL ASPECTS IN(Project: A4-21-264 All Aspects INC.
Date: WN. 4, 2022
Rev. FTB. 17, 2012
Surveyed by: BII.
Umboplsaoi@gmoil.co

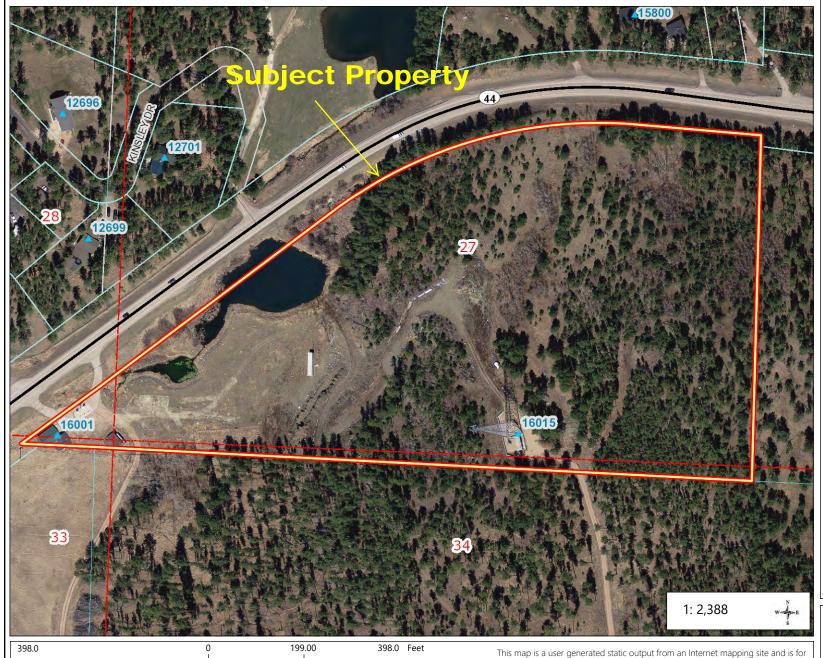




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© City of Rapid City GIS

Rapid City-Pennington County GIS



Legend

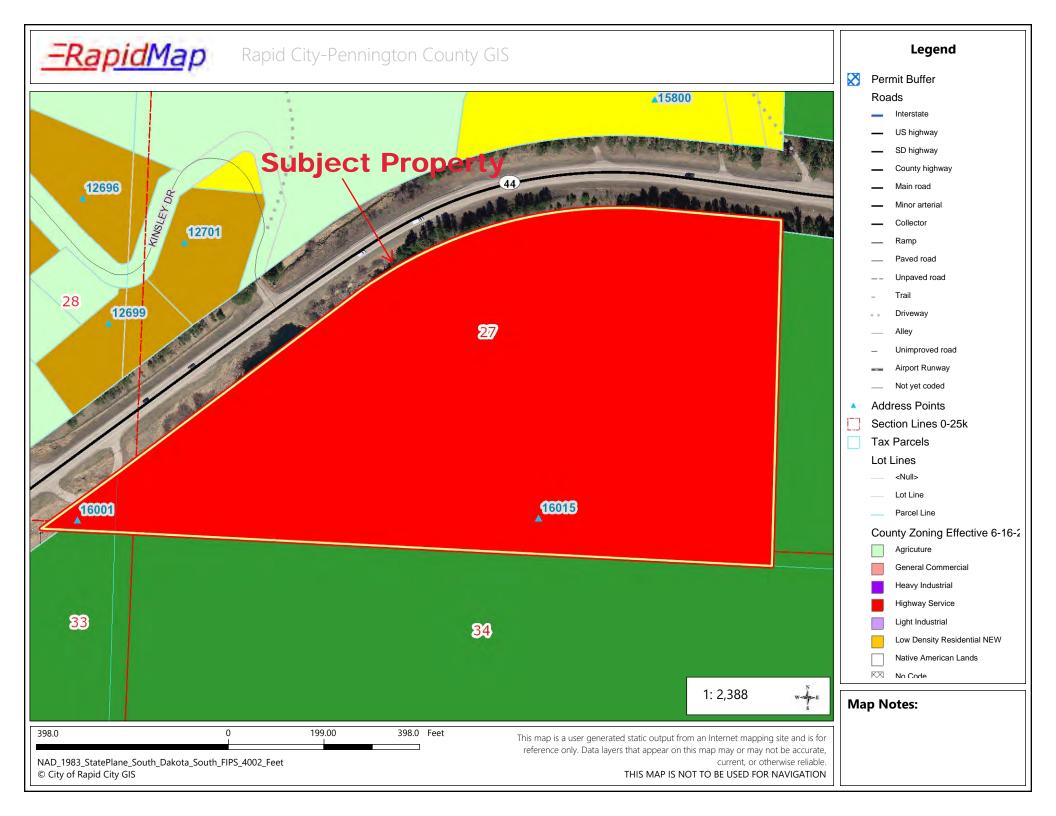
Permit Buffer Roads

- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- __ Ramp
- ___ Paved road
- ___ Faveu ioac
- – Unpaved road
- Trail
- Driveway
- ___ Alle
- Unimproved road
- Airport Runway
- Not yet coded
- Address Points
- Section Lines 0-25k
- Tax Parcels
 Lot Lines
 - <Null>
 - _ Lot Line
 - Parcel Line

Map Notes:

current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

reference only. Data layers that appear on this map may or may not be accurate,



Submitted by the applicant - added to packet



110 N. Minnesota Ave., Suite 400 Sioux Falls, SD 57104 Phone (605) 332-5999 • Fax (605) 332-4249 909 Saint Joseph Street, Suite 800 Rapid City, SD 57701 Phone (605) 342-2592 · Fax (605) 342-5185 311 N. 27th Street, Suite 4 Spearfish, SD 57783 Phone (605) 722-9000 • Fax (605) 722-9001

REPLY TO: Rapid City Office From the offices of Jeffery D. Collins e-mail address: jcollins@lynnjackson.com

Sender's Direct Line: 605-791-6491

November 1, 2022

Pennington County Commissioners 130 Kansas City St., Suite 100 Rapid City, SD 57701

Re:

No Bad Days Campground, LLC

Our File No. 060037-00013 Agenda Items: A & B

Dear Pennington County Commissioners:

I represent Mr. Livingston and No Bad Days Campground, LLC, with regards to its legal issues. I have reviewed the issues regarding the Cell Tower and the staff's recommendation that a permanent Deed restriction be filed with the Register of Deeds to address concerns regarding the Telecommunications Tower upon the property as part of the variance review and approval. In addition, the staff recommends a discussion and approval with the Pennington County State's Attorney with regard to the Deed restriction.

This letter should be accepted as an agreement by No Bad Days Campground, LLC and Mr. Livingston to present a permanent Deed restriction or covenant upon the property with the recommended restrictions being from the staff. I will coordinate with the Pennington County State's Attorney's office to ensure that the proper language and filing consistent with this recommendation is met.

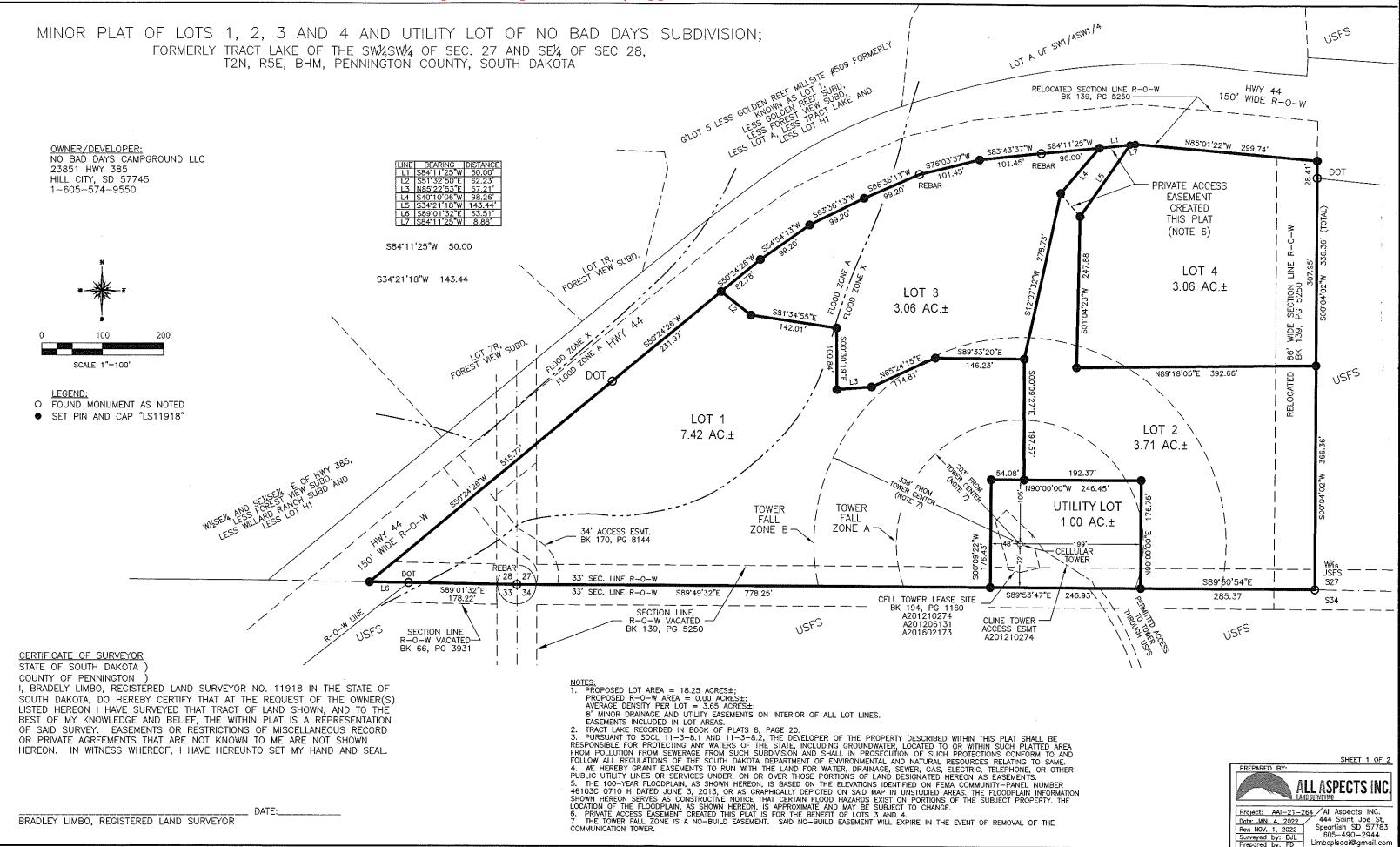
Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

Jeffery D. Collins

JDC:sar

Updated map submitted by Applicant







PLANNING DEPARTMENT MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: <u>VARIANCE / VA 22-22</u>: No Bad Days Campground, LLC; Rob Livingston. To reduce the setback from 1.1 times the height of the telecommunications tower to a non-residential zoning district in accordance with Sections 212,

316, and 509 of the Pennington County Zoning Ordinance.

A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Staff recommended denial of Variance / VA 22-22, as there are no special conditions that would excuse literal enforcement of Pennington County Zoning Ordinance (PCZO) § 316.

If the Board of Adjustment disagrees and approves the request, Staff recommended the following three (3) conditions be included:

- 1. That the applicant submits a survey stamped by a registered surveyor which shows that the telecommunications tower will be at least 48 feet from the property line.
- 2. That prior to the mylar being filed at Register of Deeds, the applicant files a permanent deed restriction at Register of Deeds stating that no dwelling units, including Recreational Vehicle, be allowed within 340' feet of the telecommunications tower; and;
- 3. That the State's Attorney review the deed restriction before it is filed at Register of Deeds.

STAFF REPORT

I. Introduction

REQUEST:	VARIANCE / VA 22-22:			
ILLQUEST.	To reduce the setback from 1.1 times the height of the telecommunications tower to a non-residential zoning district.			
OWNER:	No Bad Days Campground, LLC			
OWINER.	• 23851 Highway 385, Hill City, SD 57745			
AGENT:	Rob Livingston • 23851 Highway 385, Hill City, SD 57745			
EXISTING LEGAL DESCRIPTION(S):	The subject property is located on the following metes and bounds description: A tract of land known as Utility Lot of No Bad Days Subdivision; formerly Tract Lake of the SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, and being more particularly described as follows: Commencing at the southwest corner of said Section 27, said corner being a found rebar, Thence following the southerly line of said Section 27 S89°49'32"E a distance of 778.25' to a set pin and cap stamped "LS11918", said pin and cap being the southwest corner of the herein described lot and the true point of beginning of said lot; Thence continuing along said southerly line S89°53'47"E a distance of 246.93' to a set pin and cap stamped "LS11918"; Thence departing said southerly line N00°00'00"E a distance of 176.75' to a set pin and cap stamped "LS11918"; Thence N90°00'00"W a distance of 246.45' to a set pin and cap stamped "LS11918"; Thence S00°09'22"W a distance of 176.43' to the point of beginning; The herein described lot having an area of 1.00 acre more or less; Section 27, T2N, R5E, BHM, Pennington County, South Dakota.			
LOCATION:	16001 W. Highway 44			
TAX ID:	51321			
LOT SIZE:	1.00 acres			
PHYSICAL DESCRIPTION:	Forested / Hills			
CURRENT ZONING:	Highway Service District			
EXISTING LAND USE:	Telecommunications Tower			
SURROUNDING	North and West			
ZONING:	Rural Residential District			
	Suburban Residential District			
	Agriculture District			
	South and East			
	Open Space			
	o pen opnee			

ACCESS:	W. Highway 44
FLOOD HAZARD:	100-year
ZONING	§§ 212, 315, and 509
ORDINANCE	
REFERENCE:	
REPORT BY:	Cody Sack

II. RECOMMENDATION

- A. Staff recommends denial as there are no special conditions that would excuse literal enforcement of Pennington County Zoning Ordinance (PCZO) § 316.
- B. *However*, *if* the Board of Adjustment disagrees and approves the request, Staff recommends the following conditions be included:
 - 1. That the applicant submits a survey stamped by a registered surveyor which shows that the communications tower will be at least 48 feet from the property line.
 - 2. That prior to the mylar being filed at Register of Deeds, the applicant files a permanent deed restriction at Register of Deeds stating that no dwelling units, including Recreational Vehicle, be allowed within 340' feet of the telecommunications tower; and;
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III. CRITERIA REVIEWED

	Prong One					
	Whether granting the Variance runs counter to the public interest?					
Consider the entire public— <i>not</i> just the neighbors		Findings				
	Does it injure the neighborhood?	Yes	No 🗸	The request appears to be a threat of safety to the neighborhood. The proposed support structure is 307-feet-tall. There currently are no residences surrounding the communications tower.		
2.	Does it conform to the neighborhood?	Yes 🗸	No	The communications tower is existing on a subject property zoned Highway Service District		
3.	Does it conform to the general purpose of the Zoning Ordinance?	Yes	No 🗸	Communications tower require a setback of 1.1 times the tower height to non-residential zoning districts.		
4.	Does it conform to the Comprehensive Plan currently in place?	Yes 🗸	No	Future Land Use is identified as Highway Service District. Communication towers are allowed in this zoning designation.		
5.	Does it harm the public safety, health, or general welfare of the community?	Yes 🗸	No	If a structure is placed within the fall zone it could harm the public safety, health, and general welfare of the community.		

III. CRITERIA REVIEWED (CONTINUED)

Prong Two Whether special conditions exist to grant a Variance?						
Physical conditions— <i>not</i> money or econ hardship		Findings				
1. Does a special condition— exceptional narrowness, topography, siting, or the like— exist on the property?		No 🗸	The applicant has the option to plat the property in a way that does not require a Variance.			
a. If a special condition exists, does enforcing the Ordinance create an unnecessary hardship?	Yes	No _	No special condition exists.			
b. If a special circumstance exists, does granting the Variance observe the Ordinance's spirit while doing substantial justice.	Yes	No —	No special condition exists.			

IV. PROPERTY HISTORY

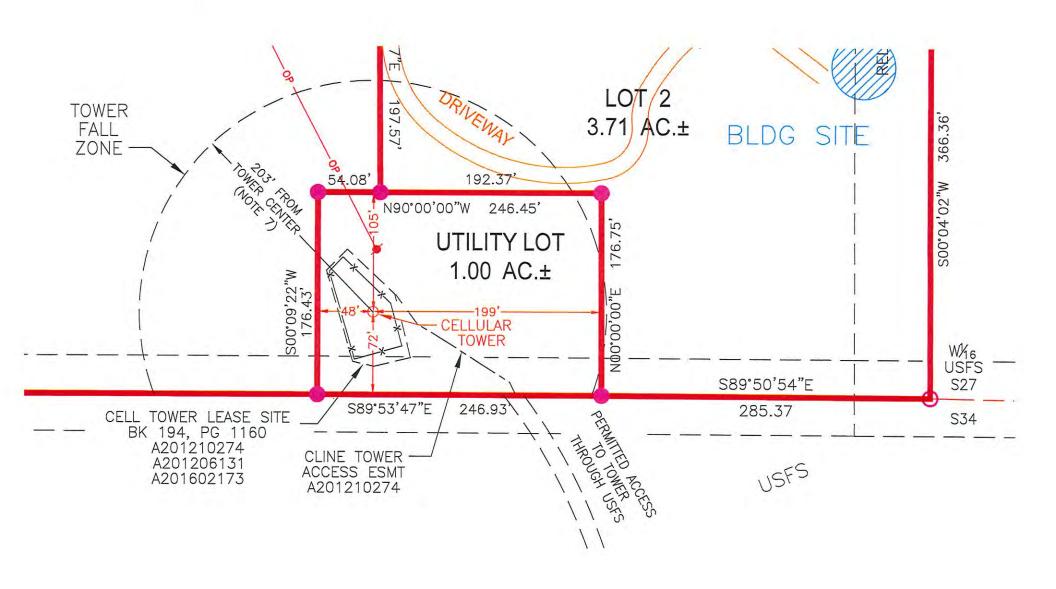
- A. Conditional Use Permits:
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 - 2. CU 19-33 was approved by the Board of Commissioners on August 4, 2020 for an RV park, to include:
 - a. 22 RV sites.
 - b. 1 gas station.
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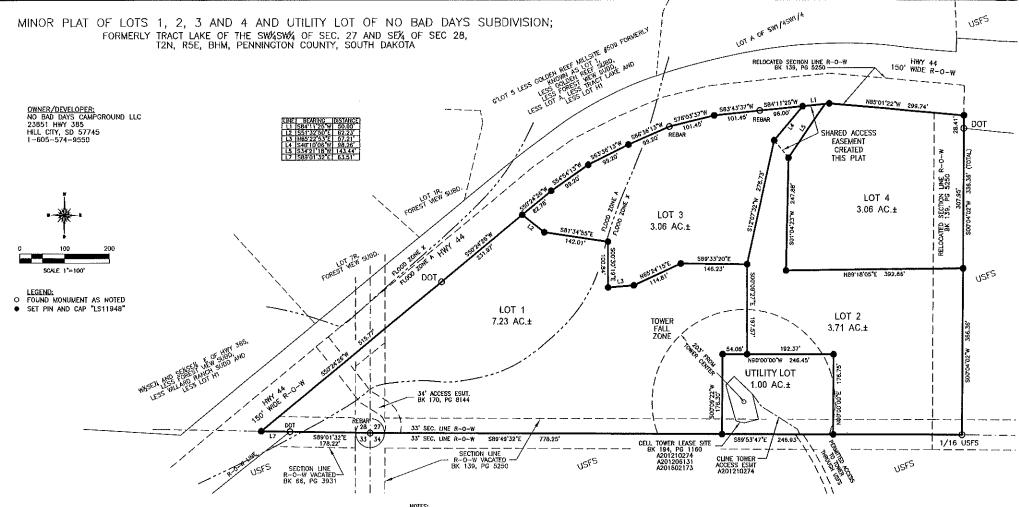
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- A. County Highway Department, County Fire Administrator, County Planning, Emergency Services (911), County Ordinance Enforcement, Register of Deeds, Sheriff's Office, and Department of Equalization, SD DOT:
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VI. ANALYSIS

- A. June 5th, 2022 the Board of Commissioners approved:
 - 1. Preliminary Plat / PPL 22-33 to subdivide the property into five (5) lots.
 - 2. Comprehensive Plan Amendment / CA 22-15 and Rezone / RZ 22-21 to rezone three of the proposed lots to Rural Residential.
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SURVEYOR'S CERTIFICATE

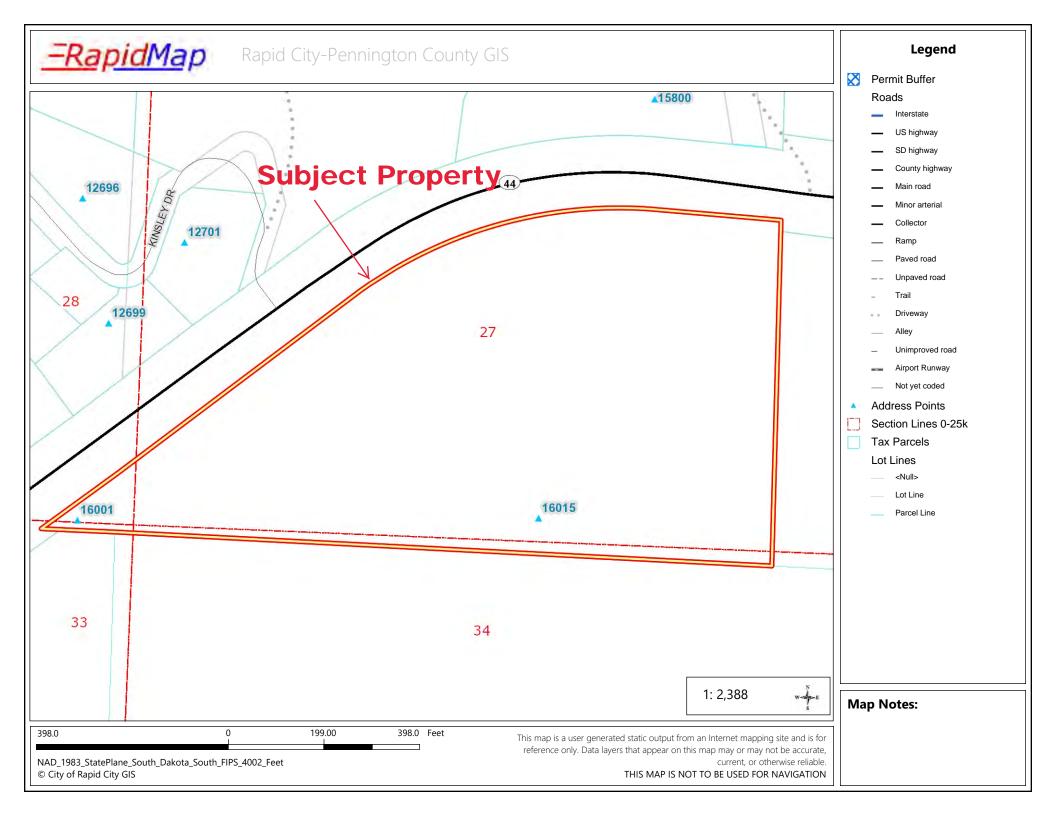
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SOUTH DAKOTA, ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND
BELIEF, CERTIFY TO THE OWNER(S), THAT AT THE REQUEST OF SAID
OWNER(S), THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY
SUPERVISION, ON THE GROUND TO THE NORMAL STANDARDS OF CARE OF
PROFESSIONAL LAND SURVEYORS PRACTICING IN THE STATE OF SOUTH
DAKOTA. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH TO
DETERMINE OWNERSHIP OR EASEMENTS OF RECORD AS PERFORMED BY
ALL ASPECTS INC LAND SURVEYING.

NAME RLS # 11918 DATE

NOTES:

1. PROPOSED NOT AREA = 18.25 ACRES±;
PROPOSED NOT AREA = 0.00 ACRES±;
PROPOSED ROW AREA = 0.00 ACRES±;
AMERICA DENSITY PER LOT = 0.08 ACRES±;
AMERICA DENSITY PER LOT = 0.08 ACRES±;
MINDRO RANINGE AND UTILITY EXEMENTS ON INTERIOR OF ALL LOT LINES.
2. INACT LAKE RECORDED IN BOOK OF PLATS & PAGE 20.
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3. IRACT LAKE RECORDED IN BOOK OF PLATS & PAGE 20.
4. RESPRESANT OR SOCIECTION MY WATERS OF THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONDED FOR PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONDED FOR WITHIN SUCH PLATTED AREA RESPONDED FOR WITHIN PROPERTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REQUALITIONS OF THE SOUTH DAKKTA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES REATING TO SAME.
4. WE HEREBY GRANT EASEMENTS TO RUM WITH THE LAWN FOR WATER, RUMANGE, EXPER, CAS, ELECTION, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OF OVER THOSE PORTIONS OF LAND DESIGNATED HEREON AS EASEMENTS.
5. THE 100-YEAR PLOOPOURM, AS SHOWN HEREON, IS BOSED ON THE ELEVATIONS EDITINED ON FERM AND MAINTH-PAREL NUMBER ASSOURCES REASONED FOR THE SUBJECT PROPERTY, THE SHOWN AND PROPERTY OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNITY-PAPIEL NUMBER AND IN PORTIONS OF THE SUBJECT PROPERTY, THE COMMUNICATION TOWER.

SHEET 1 OF ALL ASPECTS IN(Project: A4-21-264 All Aspects INC.
Date: WN. 4, 2022
Rev. FTB. 17, 2012
Surveyed by: BII.
Umboplsaoi@gmoil.co

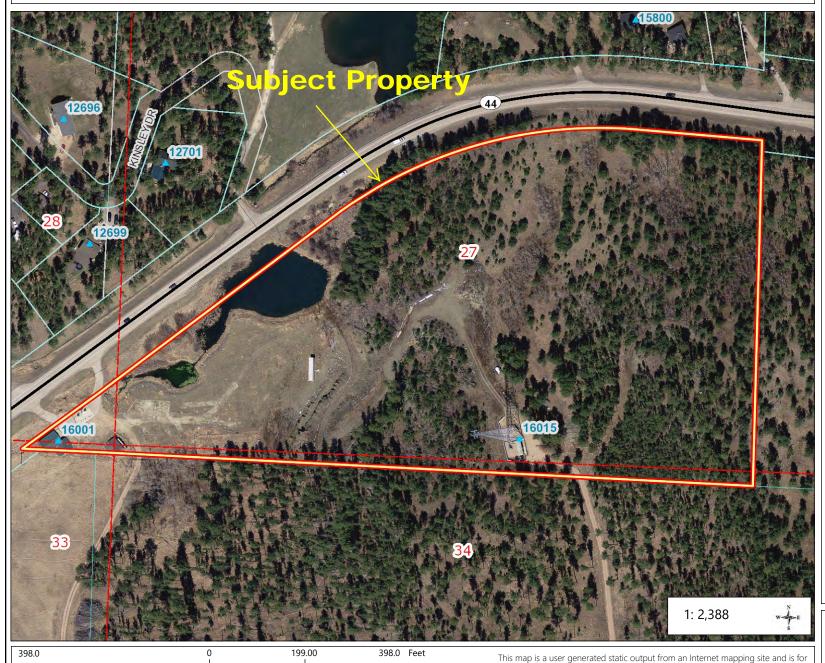




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Rapid City-Pennington County GIS



Legend

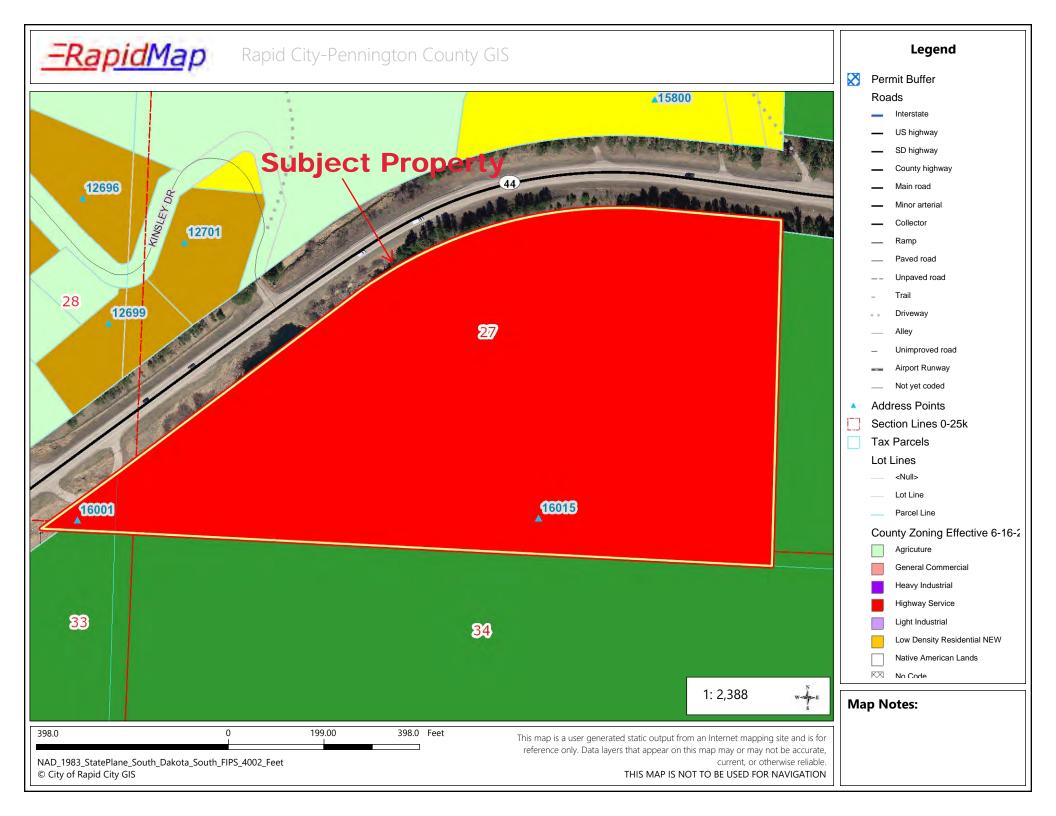
Permit Buffer Roads

- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- ___ Ramp
- Paved road
- _ Unpaved road
- _ Trail
- Driveway
- ___ Alle
- Unimproved road
- Airport Runway
- Not yet coded
- Address Points
- Section Lines 0-25k
- Tax Parcels
 Lot Lines
 - <Null>
 - _ Lot Line
 - Parcel Line

Map Notes:

current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

reference only. Data layers that appear on this map may or may not be accurate,



Submitted by the applicant - added to packet



110 N. Minnesota Ave., Suite 400 Sioux Falls, SD 57104 Phone (605) 332-5999 • Fax (605) 332-4249 909 Saint Joseph Street, Suite 800 Rapid City, SD 57701 Phone (605) 342-2592 · Fax (605) 342-5185 311 N. 27th Street, Suite 4 Spearfish, SD 57783 Phone (605) 722-9000 • Fax (605) 722-9001

REPLY TO: Rapid City Office From the offices of Jeffery D. Collins e-mail address: jcollins@lynnjackson.com

Sender's Direct Line: 605-791-6491

November 1, 2022

Pennington County Commissioners 130 Kansas City St., Suite 100 Rapid City, SD 57701

Re:

No Bad Days Campground, LLC

Our File No. 060037-00013 Agenda Items: A & B

Dear Pennington County Commissioners:

I represent Mr. Livingston and No Bad Days Campground, LLC, with regards to its legal issues. I have reviewed the issues regarding the Cell Tower and the staff's recommendation that a permanent Deed restriction be filed with the Register of Deeds to address concerns regarding the Telecommunications Tower upon the property as part of the variance review and approval. In addition, the staff recommends a discussion and approval with the Pennington County State's Attorney with regard to the Deed restriction.

This letter should be accepted as an agreement by No Bad Days Campground, LLC and Mr. Livingston to present a permanent Deed restriction or covenant upon the property with the recommended restrictions being from the staff. I will coordinate with the Pennington County State's Attorney's office to ensure that the proper language and filing consistent with this recommendation is met.

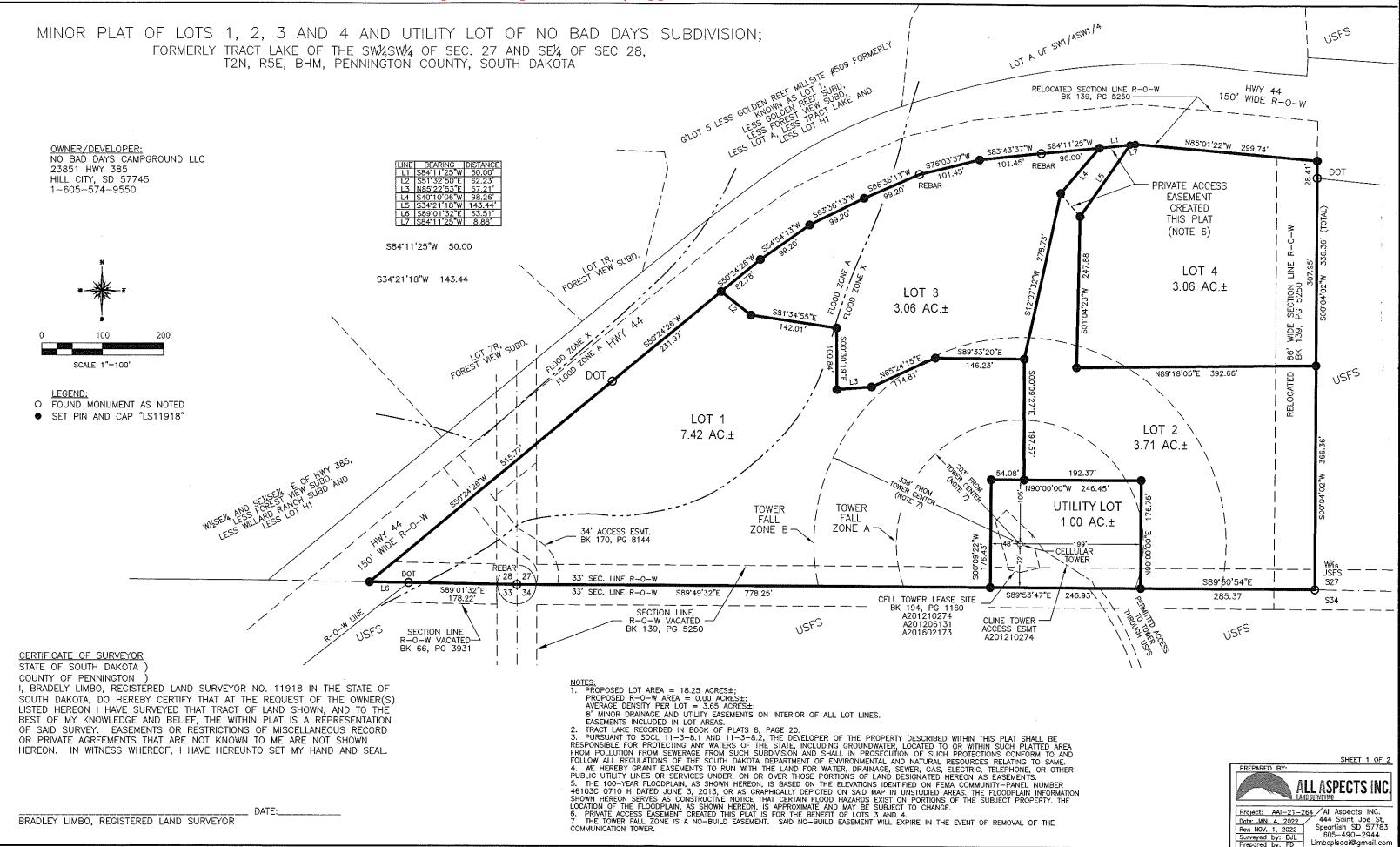
Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

Jeffery D. Collins

JDC:sar

Updated map submitted by Applicant







PLANNING DEPARTMENT

MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA

<u>22-20</u>: Brian Schroeder; Davis Engineering - Agent To amend the Compehensive Plan to change the Future Land Use from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the

Pennington County Zoning Ordinance.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended to continue Comprehensive Plan Amendment / CA 22-20 to the December 20, 2022, Board of Commissioner's meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

STAFF REPORT

I. Introduction

REQUEST:	COMPREHENSIVE PLAN AMENDMENT / CA 22-20:			
	To amend the Comprehensive Plan to change the Future			
	Land Use from Agriculture District to Ranchette District.			
APPLICANT:	Brian Schroeder			
	• 2985 Caminito Niquel, San Diego, CA 92117			
AGENT:	Davis Engineering			
	• 1060 Kings Road, Rapid City, SD 57702			
EXISTING LEGAL	Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E,			
DESCRIPTION(S):	BHM, Pennington County, South Dakota.			
LOCATION:	24075 Barney Road			
SIZE:	14.17 acres			
TAX ID:	46026			
PHYSICAL	Forested / Hills			
DESCRIPTION:				
CURRENT	Agriculture District			
ZONING:				
EXISTING LAND	Vacant			
USE:	N. 4			
SURROUNDING	North			
ZONING:	Agriculture District			
	Planned Unit Development District South Foot and West			
	South, East, and West			
	Agriculture District			
ACCESS:	Barney Road			
FLOOD HAZARD:	None			
ZONING	§§ 205, 206, and 508			
ORDINANCE				
REFERENCE:				
REPORT BY:	Cody Sack			

II. RECOMMENDATION

A. Staff recommends to continue Comprehensive Plan Amendment / CA 22-20 to the December 12, 2022, Planning Commission meeting to allow the applicant time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

-RapidMap Legend Rapid City-Pennington County GIS Permit Buffer KNOTTY PINE CT Roads Interstate US highway SD highway County highway Main road Minor arterial Collector Ramp Paved road Unpaved road Trail Driveway Unimproved road Airport Runway Not yet coded 33 Section Lines 0-25k Tax Parcels Lot Lines <Null> Lot Line Parcel Line 1: 3,214 **Map Notes:** 535.7 267.83 535.7 Feet This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet current, or otherwise reliable. © City of Rapid City GIS THIS MAP IS NOT TO BE USED FOR NAVIGATION



Rapid City-Pennington County GIS



Legend

Permit Buffer Roads

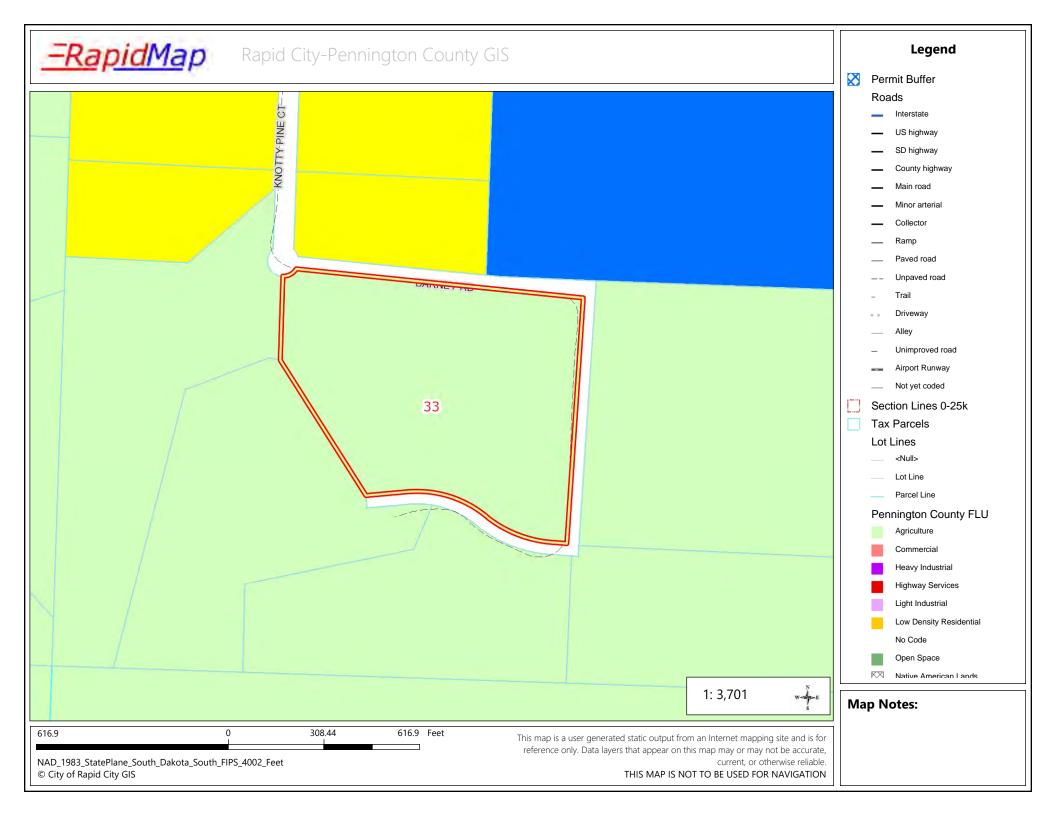
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- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- ___ Ramp
- Paved road
- __ Unpaved road
- Trail
- Driveway
- ___ Alle
- Unimproved road
- Airport Runway
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- Tax Parcels
- Lot Lines
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- Parcel Line

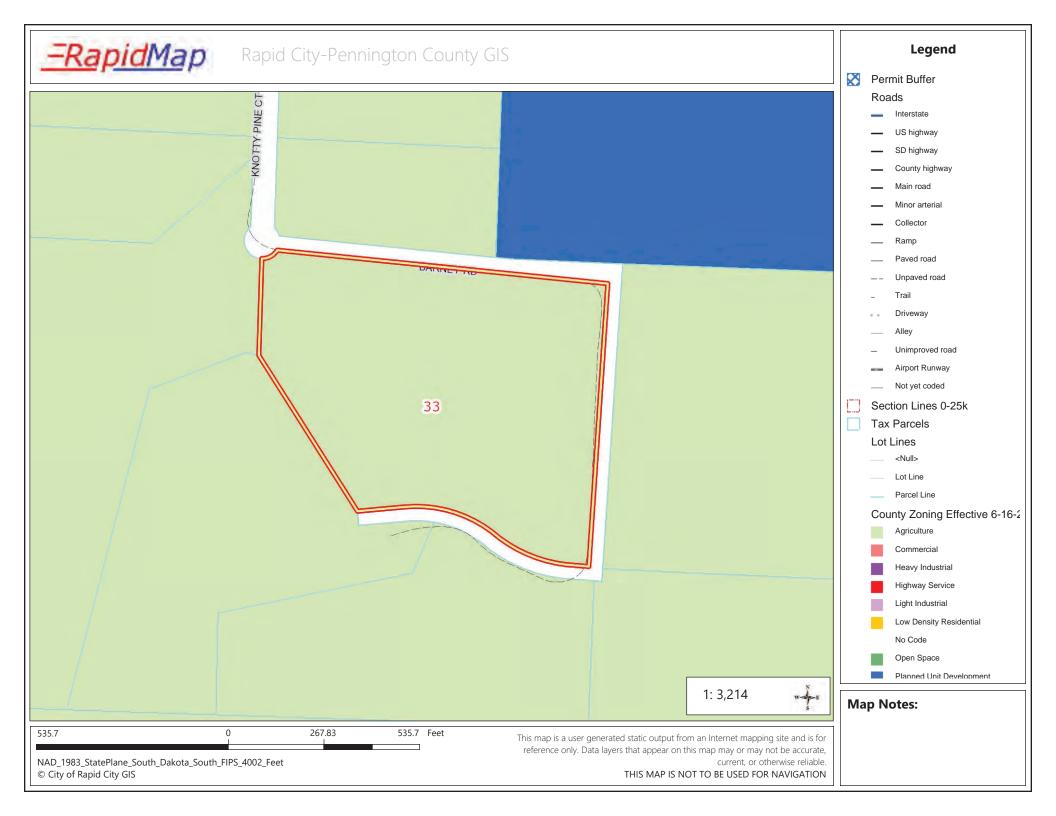
Map Notes:

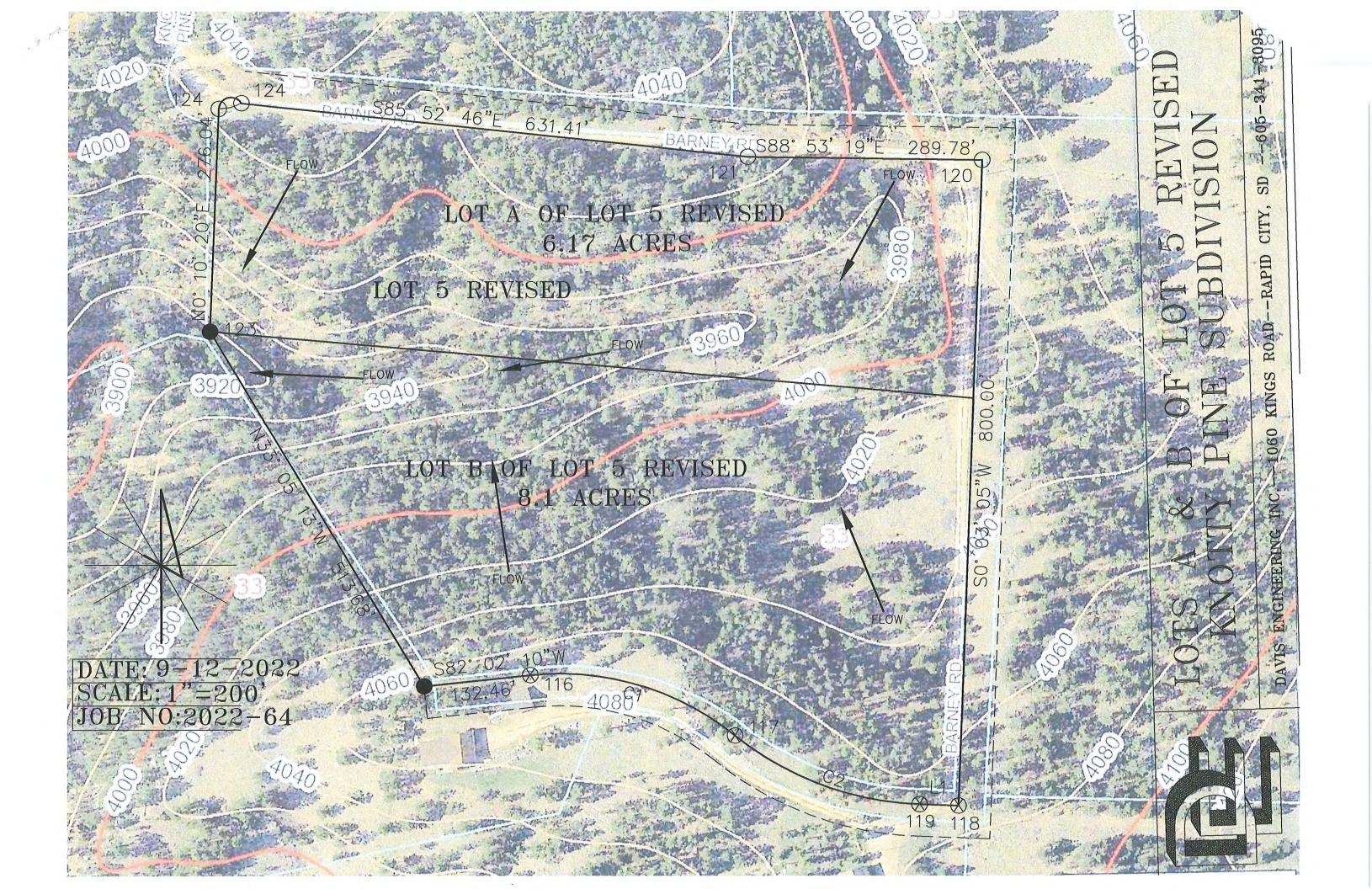
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----Original Message----

From: value@hills.net <value@hills.net>
Sent: Sunday, October 30, 2022 10:19 AM
To: Hennies Holli <hollih@pennco.org>

Subject: Site Inspection for Items C and D for Tuesday

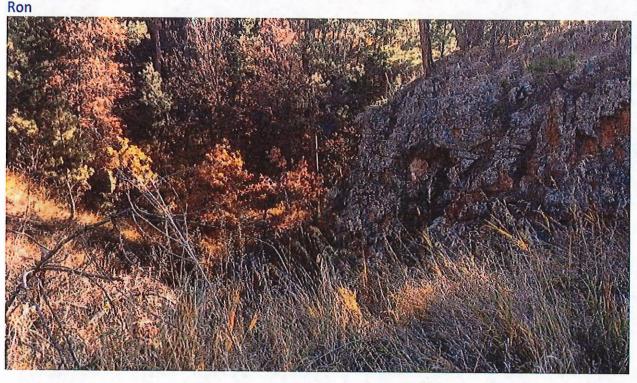
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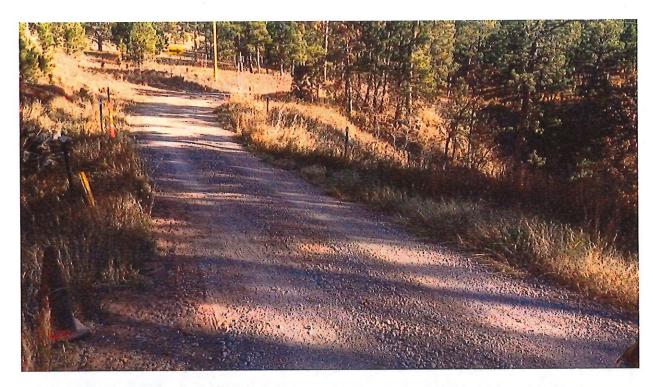
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Hello Holli,

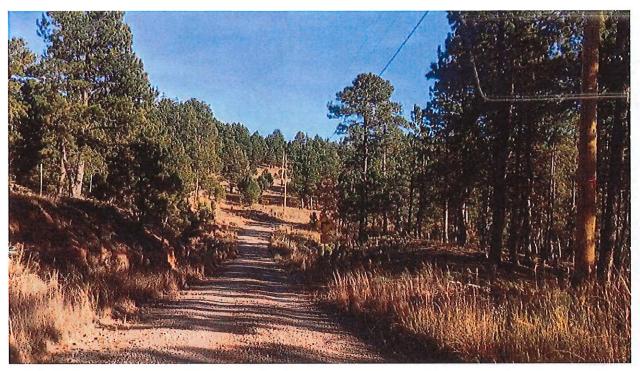
Here are photos of Barney Road (Planning and Zoning Items C and D) to share with others, staff recommended to continue.

Thank you,

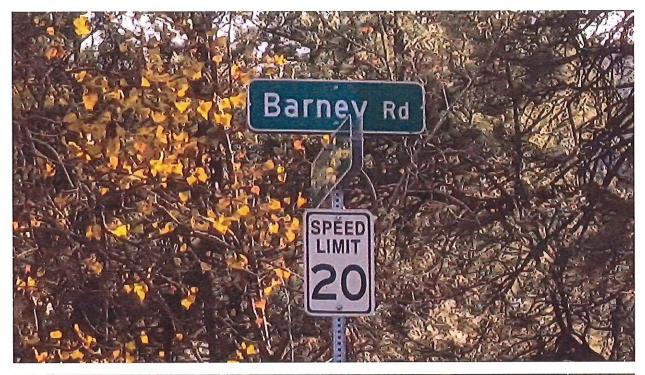




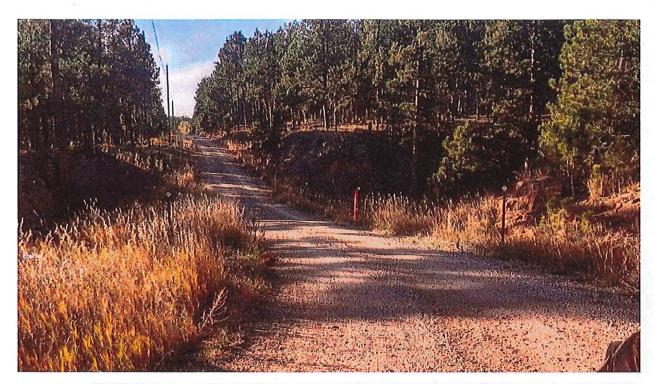




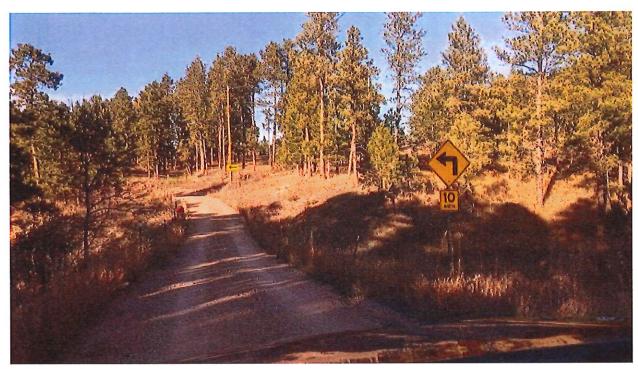


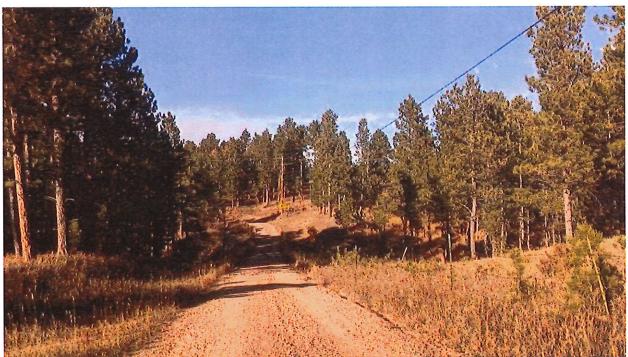


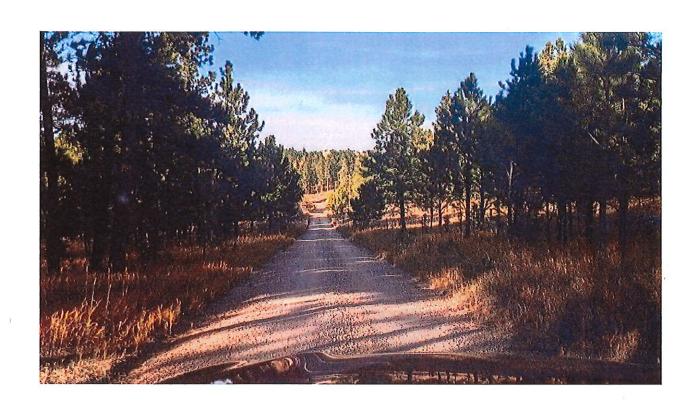
















PLANNING DEPARTMENT

MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: PUBLIC HEARING OF REZONE / RZ 22-27: Brian Schroeder; Davis

Engineering - Agent. To rezone 14.17 acres from Agriculture District to Ranchette District in accordance with Sections 205, 206, and 508 of the

Pennington County Zoning Ordinance.

Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM,

Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended to continue Rezone / RZ 22-27 to the December 20, 2022, Board of Commissioner's meeting to allow the applicants time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

STAFF REPORT

I. Introduction

1. INTRODUCTION			
REQUEST:	<u>REZONE / RZ 22-27</u> :		
	 To rezone 14.17 acres from Agriculture District to 		
	Ranchette District.		
APPLICANT:	Brian Schroeder		
	• 2985 Caminito Niquel, San Diego, CA 92117		
AGENT:	Davis Engineering		
	• 1060 Kings Road, Rapid City, SD 57702		
EXISTING LEGAL	Lot 5 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E,		
DESCRIPTION(S):	BHM, Pennington County, South Dakota.		
LOCATION:	24075 Barney Road		
SIZE:	14.17 acres		
TAX ID:	46026		
PHYSICAL	Forested / Hills		
DESCRIPTION:			
CURRENT	Agriculture District		
ZONING:			
EXISTING LAND	Vacant		
USE:			
SURROUNDING	North		
ZONING:	Agriculture District		
	Planned Unit Development District		
	South, East, and West		
	Agriculture District		
ACCESS:	Barney Road		
FLOOD HAZARD:	None		
ZONING	§§ 205, 206, and 508		
ORDINANCE			
REFERENCE:			
REPORT BY:	Cody Sack		

II. RECOMMENDATION

A. Staff recommends to continue Rezone / RZ 22-27 to the December 12, 2022, Planning Commission meeting to allow the applicant time to apply for and obtain an approved Subdivision Regulations Variance for increased lots on a dead-end road system.

-RapidMap Legend Rapid City-Pennington County GIS Permit Buffer KNOTTY PINE CT Roads Interstate US highway SD highway County highway Main road Minor arterial Collector Ramp Paved road Unpaved road Trail Driveway Unimproved road Airport Runway Not yet coded 33 Section Lines 0-25k Tax Parcels Lot Lines <Null> Lot Line Parcel Line 1: 3,214 **Map Notes:** 535.7 267.83 535.7 Feet This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet current, or otherwise reliable. © City of Rapid City GIS THIS MAP IS NOT TO BE USED FOR NAVIGATION



Rapid City-Pennington County GIS



Legend

Permit Buffer Roads

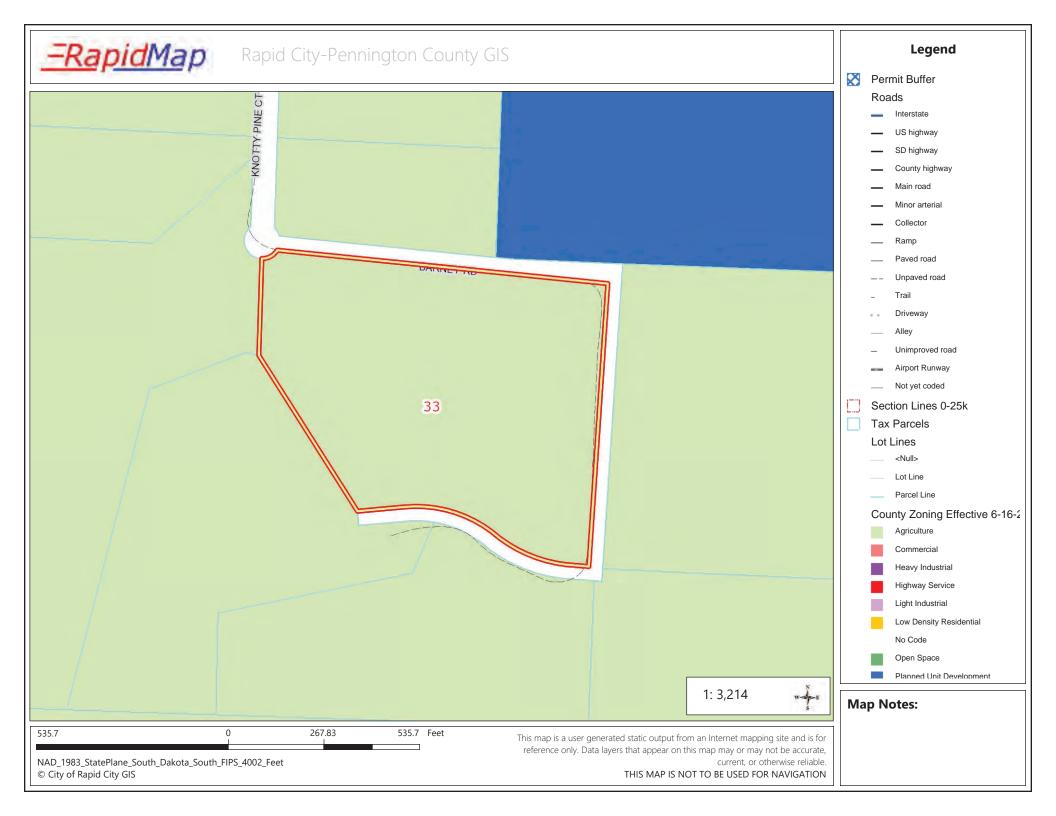
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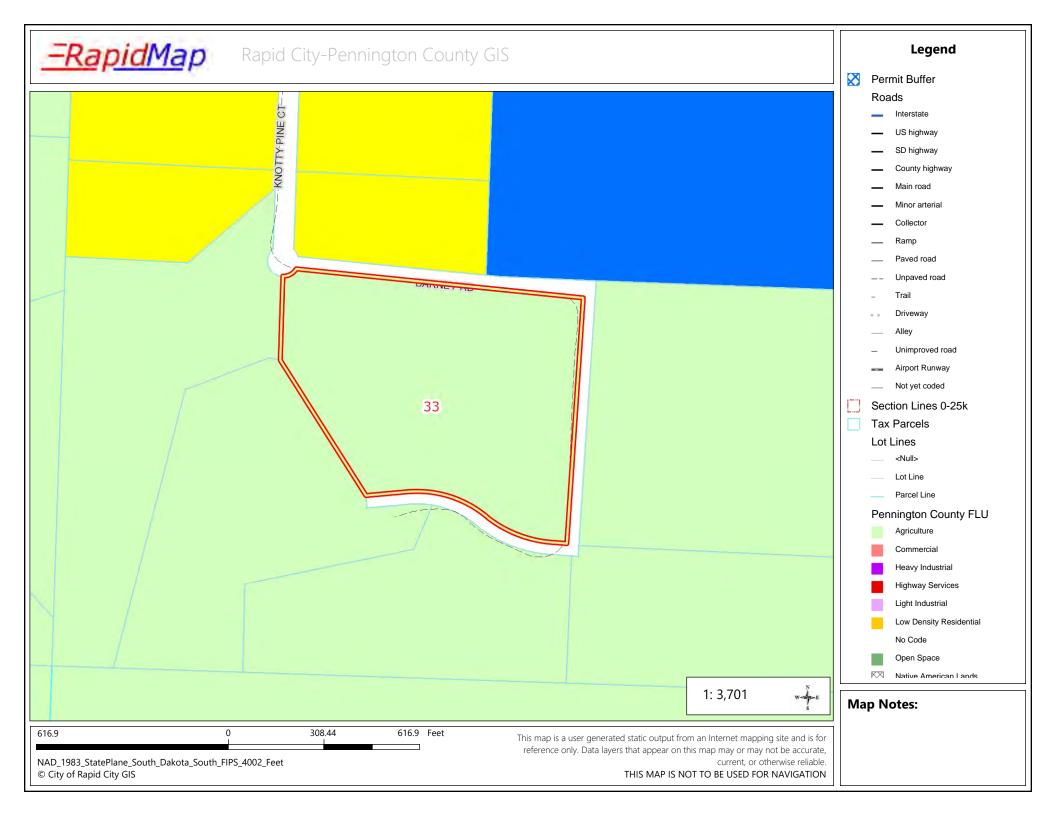
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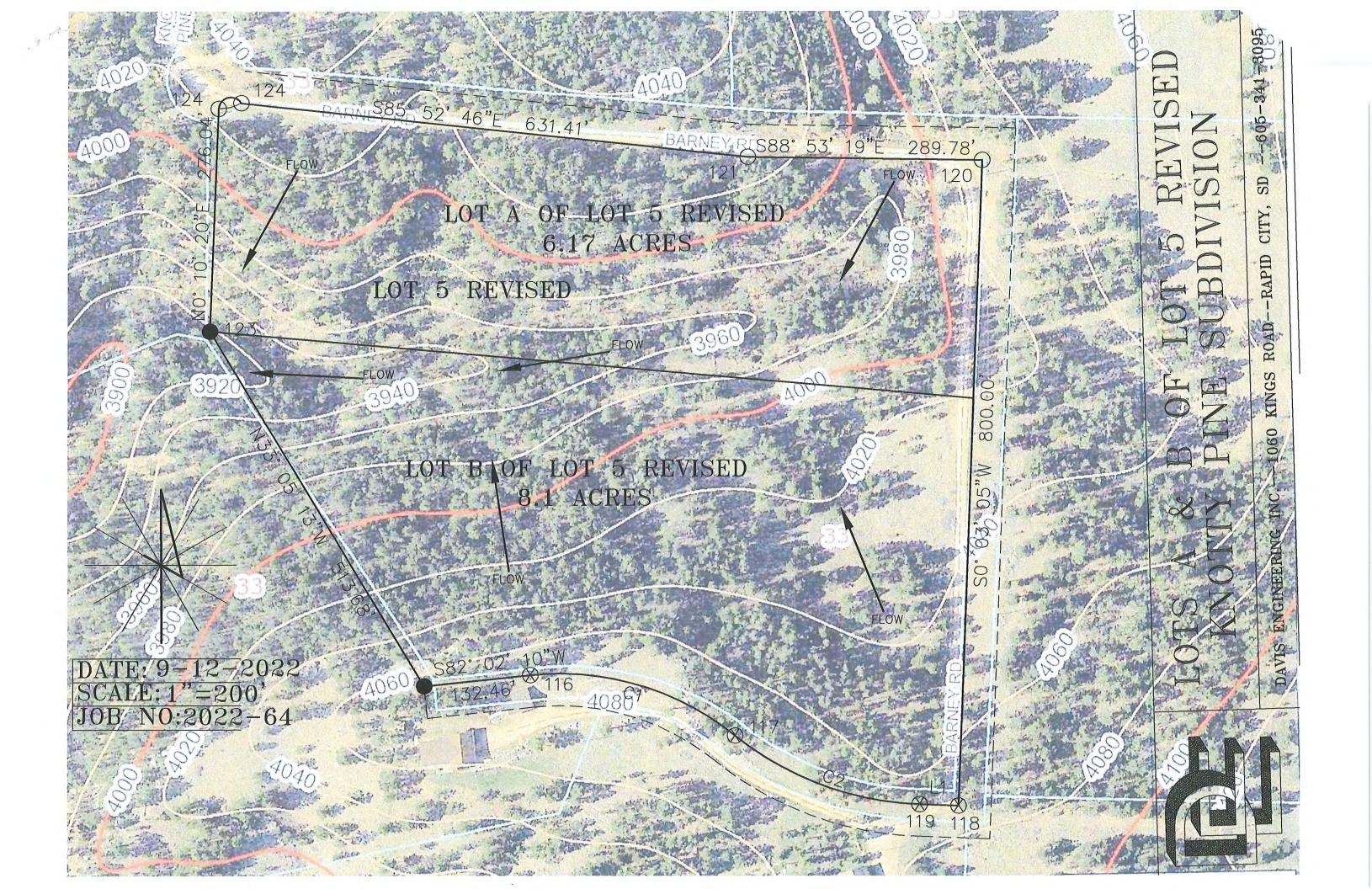
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Subject: Site Inspection for Items C and D for Tuesday

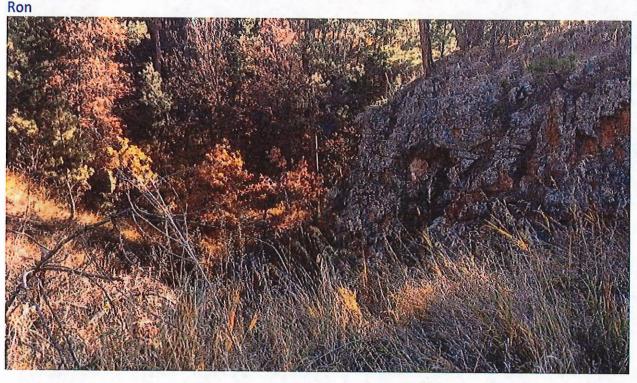
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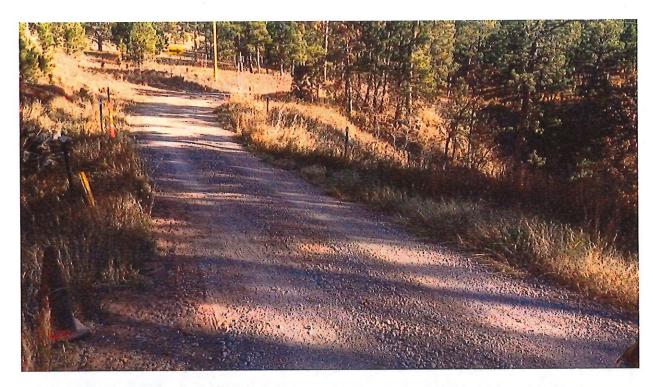
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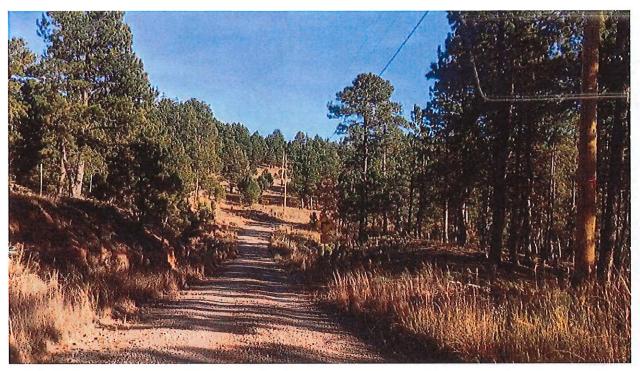
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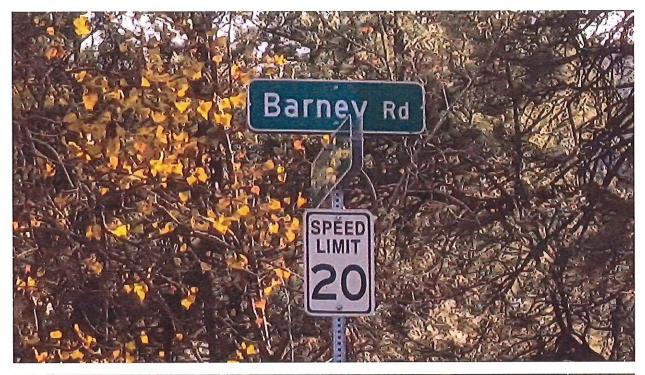




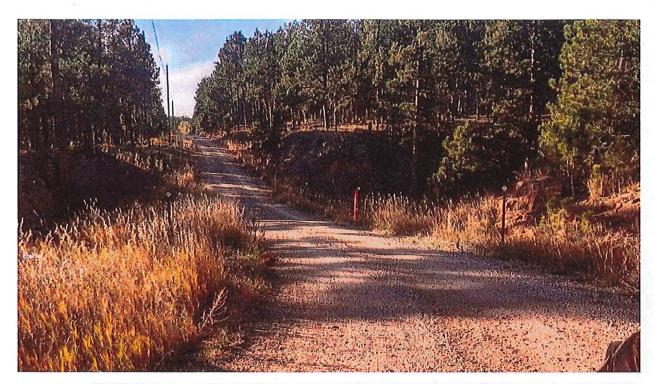




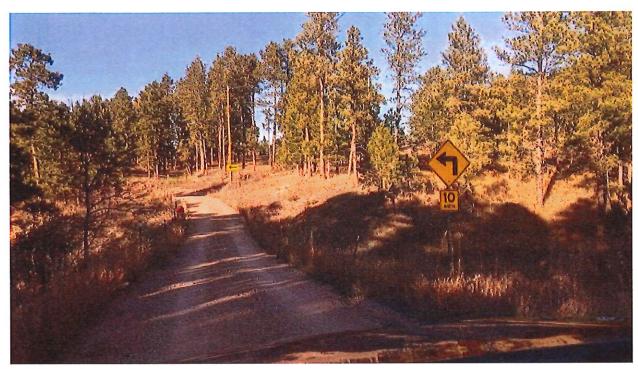


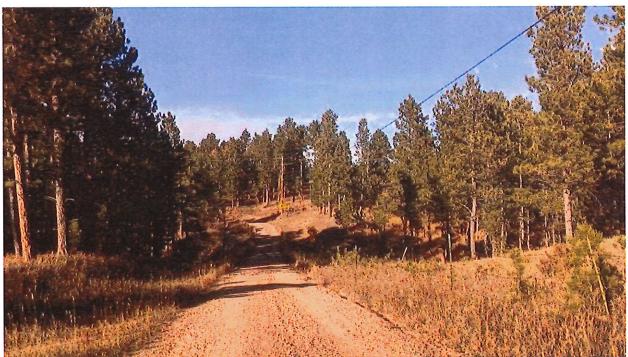


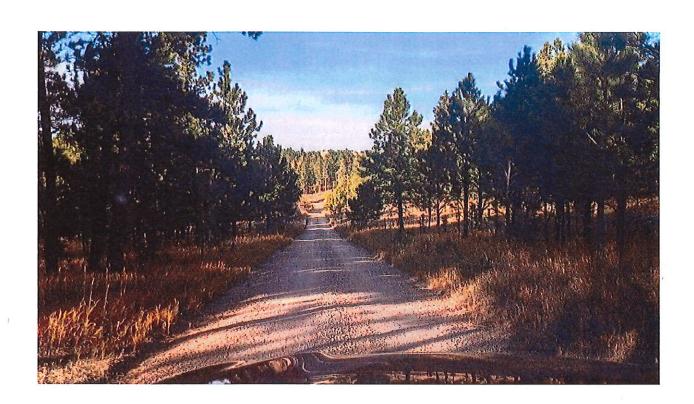
















MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: <u>PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT</u>

<u>AMENDMENT / PU 22-13</u>: Blue Wing Recreation Corporation; Ron Rossknecht. To amend the existing Planned Unit Development to reduce the required building setback from Blue Wing Road from 10 feet to 5 feet in accordance with Section 216 of the Pennington County Zoning Ordinance.

Tract 0129A; All Less the North 10 acres and Less Tract 0129C of Malory Lode MS 1483; Part of Hudson Lode MS 1483; Part of Just Lode MS 1483; and Lot 1 Less Right-of-Way of Boulder #3 Lode MS 1483 all located in Section 13, T1S, R5E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended approval of Major Planned Unit Development Amendment / PU 22-13 with the following nine (9) conditions:

- 1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;
- 2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
- 3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;

- 4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;
- 5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Bluewing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;
- 6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines;
- 7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
- 8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,
- 9. That this Planned Unit Development be reviewed on a complaint basis only.

STAFF REPORT

I. Introduction

1. INTRODUCTION					
REQUEST: MAJOR PLANNED UNIT DEVELOPMENT					
	AMENDMENT / PU 22-13				
	To amend the existing Blue Wing Planned Unit				
	Development to reduce the required building setback to				
	Bluewing Road from 10 feet to 5 feet.				
APPLICANT:	Blue Wing Recreation Corporation				
	 P.O. Box 9322, Rapid City, SD 57709 				
AGENT:	Ron Rossknecht				
	 P.O. Box 9322, Rapid City, SD 57709 				
EXISTING LEGAL	Tract 0129A; All Less the North 10 acres and Less Tract 0129C				
DESCRIPTION(S):	of Malory Lode MS 1483; Part of Hudson Lode MS 1483; Part				
	of Just Lode MS 1483; and Lot 1 Less Right-of-Way of Boulder				
	#3 Lode MS 1483 all located in Section 13, T1S, R5E, BHM,				
	Pennington County, South Dakota.				
LOCATION:	North of Calumet Road; South of Sheridan Lake.				
SIZE:	67.12 acres				
PHYSICAL	Forested / Hills				
DESCRIPTION:					
TAX ID:	44774 / 44224 / 44226 / 44225 / 44228				
CURRENT	Planned Unit Development District				
ZONING:					
EXISTING LAND	Blue Wing Resort				
USE:					
SURROUNDING	North and West				
ZONING:	Open Space				
	East and South				
	Agriculture District				
ACCESS:	Bluewing Road				
FLOOD HAZARD:	Flood Zone A				
ZONING	§ 216				
ORDINANCE:					
REPORT BY:	Jason Theunissen				

II. RECOMMENDATION

- A. Staff finds no significant issues with the applicant's request as it appears to be in harmony with existing lots and current land uses in the area.
- B. Staff recommends approval of Major Planned Unit Development Amendment / PU 22-13, with the following conditions:
 - 1. That the permitted uses of the Planned Unit Development be limited to a total of 116 recreational resort sites, which may be occupied by a mobile home, recreational vehicle, or stick-built dwelling unit, a watercraft storage area, 24' x 24' shop building, 10' x 16' shed and accessory structures;
 - 2. That the addition of accessory structures, (not exempted by County requirements) be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director;
 - 3. That upon expansion of living space of any existing recreational resort site or the replacement of any recreational unit, the applicant shall submit information detailing the existing on-site wastewater treatment disposal system for review and approval by the County Environmental Planner. Upgrades and replacement may be required upon determination of the County Environmental Planner;
 - 4. That a solid fence at least 5-foot-high be constructed and maintained along the west property line of the boat and watercraft storage area;
 - 5. That prior to the development of any future recreational sites, the applicant shall improve Blue Lead Mountain Road and that portion of Sheridan Loop from the intersection of Blue Lead Mountain Road to Bluewing Road to a driving surface of 16 feet with a 4-inch gravel surface and grades not to exceed 15 percent;
 - 6. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines:
 - 7. That all future recreational sites have a minimum of 2 off-street parking spaces each measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
 - 8. That all recreational sites be provided with 2 off-street parking spaces. Existing and future parking spaces shall be either gravel or grass, provided the grass is maintained in a healthy condition. Should traffic increase to an amount so as to kill the grass in the parking area, the applicant shall gravel the parking spaces; and,
 - 9. That this Planned Unit Development be reviewed on a complaint basis only.

III. CRITERIA REVIEWED

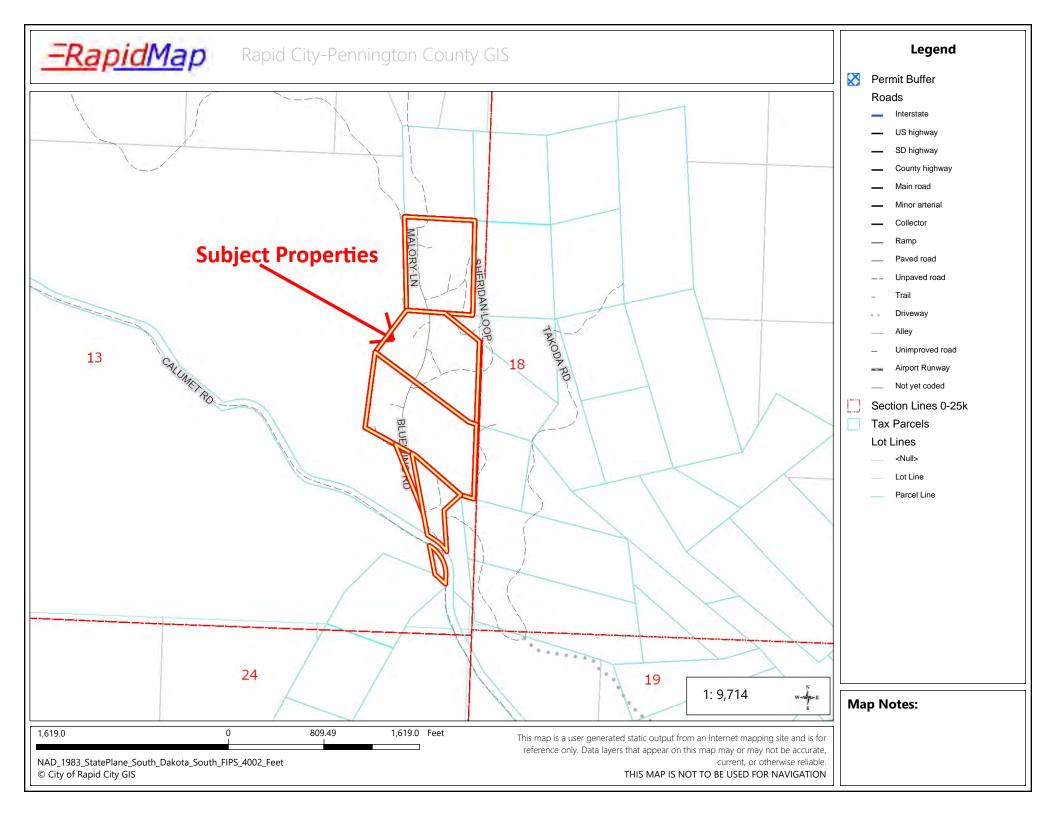
The Planning Commission approved Minor PU 21-13 on October 11, 2021, with the foll	Planned Unit Development Amendment owing conditions:	/
Criteria	Finding	S
1. That the permitted uses of the Planned U a total of 116 recreational resort sites, who mobile home, recreational vehicle, or stick watercraft storage area, 24' x 24' shop by accessory structures;	nich may be occupied by a ck-built dwelling unit, a	No
2. That the addition of accessory structures requirements) be allowed through the iss which will include necessary site plans to by the Planning Director;	uance of a building permit to be reviewed and approved	No
3. That upon expansion of living space of a site or the replacement of any recreations submit information detailing the existing disposal system for review and approval Planner. Upgrades and replacement may determination of the County Environment	al unit, the applicant shall on-site wastewater treatment by the County Environmental be required upon atal Planner;	No
4. That a solid fence at least 5-foot-high be along the west property line of the boat a	nd watercraft storage area;	No
5. That prior to the development of any future applicant shall improve Blue Lead Mour Sheridan Loop from the intersection of E Bluewing Road to a driving surface of 10 surface and grades not to exceed 15 percentage.	Atain Road and that portion of Blue Lead Mountain Road to 6 feet with a 4-inch gravel	No
6. That the setbacks for all future recreation be a minimum of 20 feet between units, feet from interior lot lines, 25 feet from a from any existing and relocated Section 2.	10 feet from access roads, 0 exterior lot lines, and 58 feet	No.
7. That all future recreational sites have a n parking spaces each measuring at least 9 maintained in a dust free manner;	inimiditi of 2 off street	No
8. That all recreational sites be provided wi Existing and future parking spaces shall provided the grass is maintained in a hea increase to an amount so as to kill the gra applicant shall gravel the parking spaces	be either gravel or grass, Ithy condition. Should traffic ass in the parking area, the	No
9. That this planned unit development be reonly.		No —

IV. INTERDEPARTMENTAL REVIEW

- A. The request was routed to: County Highway Department, County Fire Administrator, County Planning, Emergency Services (911), Black Hills Energy, and the Bluewing Road District.
 - 1. County Fire Administrator
 - a. Reduction of setbacks is a bad idea, affects the size of apparatus responding, spacing to buildings and improvements just to name a few.
 - i. Staff Comment: See Analysis.
 - 2. No other objections or concerns were received.

V. ANALYSIS

- A. The applicant originally requested to reduce setbacks to all interior roads, from 10-feet to 5-feet, in order to bring existing structures into compliance.
- B. September 26, 2022 The Planning Commission continued Minor Planned Unit Development Amendment / PU 22-13 to the October 24, 2022 Planning Commission meeting in order to allow the applicant time to revise the request.
- C. The applicant is now requesting that the reduced setback, from 10-feet to 5-feet, only apply to Bluewing Road. All other access roads will require a 10-foot setback.
- D. Condition #6 has been changed to:
 - 1. That the setbacks for all future recreational sites and structures shall be a minimum of 20 feet between units, 5 feet from Bluewing Road, 10 feet from all other access roads, 0 feet from interior lot lines, 25 feet from exterior lot lines, and 58 feet from any existing and relocated Section Lines.

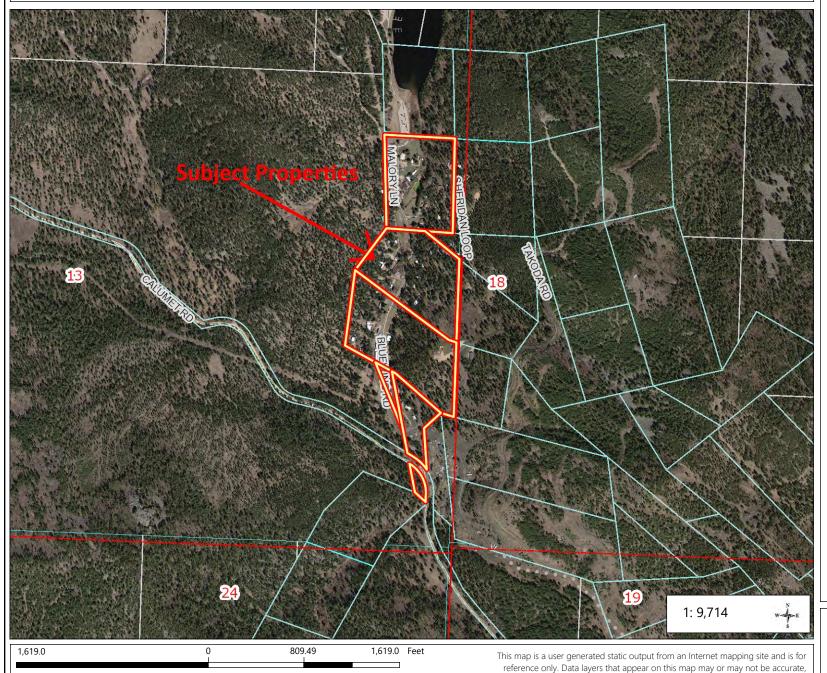




 $NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet$

© City of Rapid City GIS

Rapid City-Pennington County GIS



Legend

Permit Buffer Roads

Interstate

US highway

SD highway

County highway

Main road

Minor arterial

Collector

__ Ramp

— Paved road

_ _ Unpaved road

Trail

Driveway

___ Alle

Unimproved road

Airport Runway

Not yet coded

Section Lines 0-25k

Tax Parcels

Lot Lines

_ <Null>

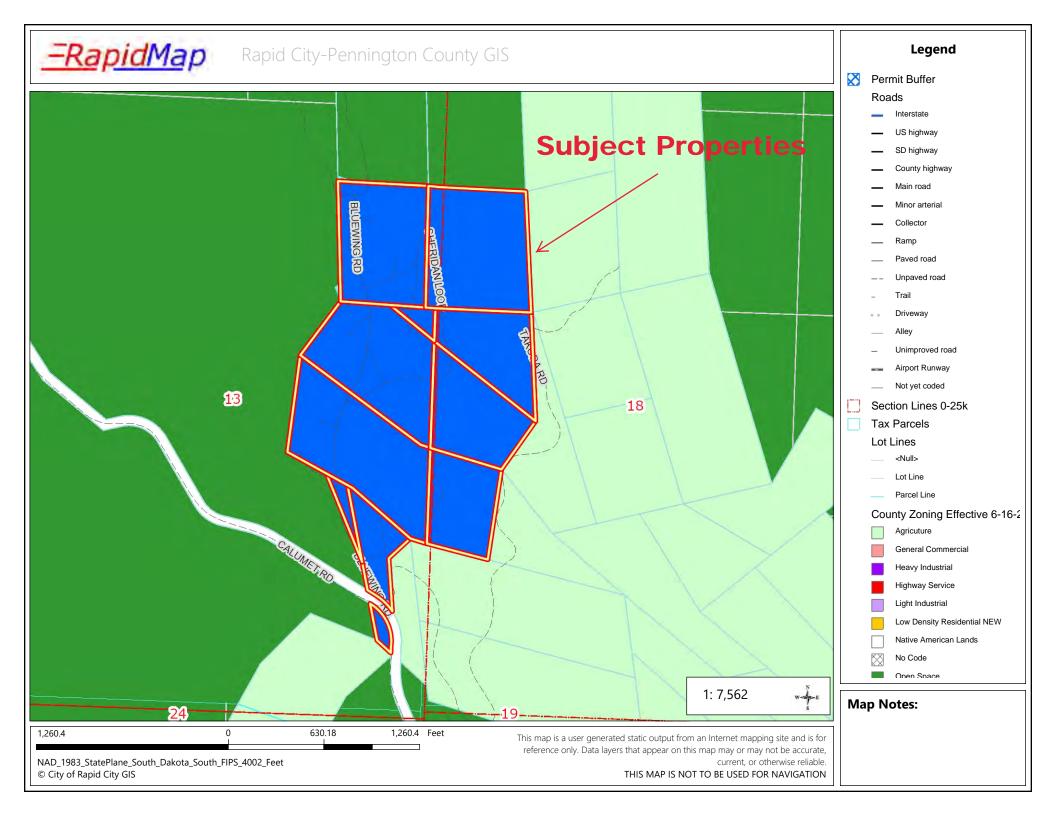
__ Lot Line

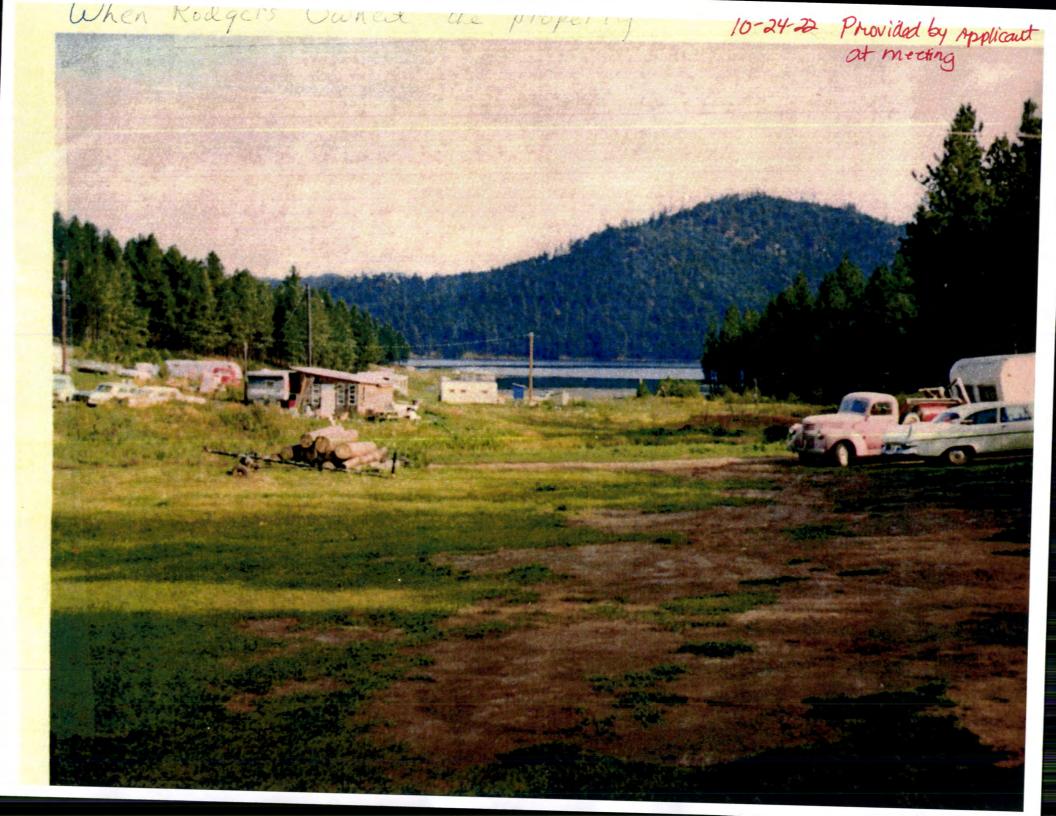
Parcel Line

Map Notes:

current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





From: Rufledt Jr Ted

To: Theunissen Jason; Rausch Kelsey; Selby Kailey; Harvey Jerome

Subject: RE: (DUE 9.9.22) Minor PUD - Bluewing

Date: Thursday, September 8, 2022 10:35:14 AM

Attachments: MASTER ROUTING DOC 8.25.22.pdf

image002.png image003.png image004.png

Setbacks don't impact 911 thus, no comments from me on this.

I did copy this to Jerome as it would likely impact a fire response more than any one else.

TR

From: Theunissen Jason < Jason. Theunissen@pennco.org>

Sent: Wednesday, September 7, 2022 8:19 AM

To: Rausch Kelsey <kelseyr@pennco.org>; Selby Kailey <kailey.selby@pennco.org>; Theunissen Jason <Jason.Theunissen@pennco.org>; Usera, Rob <Rob.Usera@blackhillscorp.com>; Rufledt Jr Ted <ted@pennco.org>

Subject: (DUE 9.9.22) Minor PUD - Bluewing

Good morning,

Please review the attached routing and provide any comments by the indicated date. Thanks!

Jason

Jason Theunissen, CFM, CISEC-IT Assistant Director

Planning and Zoning Department Pennington County Administration Building 130 Kansas City Street, Suite 200 Rapid City, SD 57701

Phone: 605-394-2186









From: Rausch Kelsey

To: <u>Theunissen Jason; Selby Kailey; Usera, Rob; Rufledt Jr Ted</u>

Subject: RE: (DUE 9.9.22) Minor PUD - Bluewing

Date: Wednesday, September 7, 2022 9:36:58 AM

Attachments: image002.png

image003.png image004.png

No addressing concerns at this time. This PUD Amendment will fix multiple properties that are encroaching into the setback to the interior roads.

Kelsey Rausch

Planner / Addressing Coordinator

Planning & Zoning Department
Pennington County Administration Building
130 Kansas City Street, Suite 200
Rapid City, SD 57701
(605) 394-2186

kelseyr@pennco.org

From: Theunissen Jason < Jason. Theunissen@pennco.org>

Sent: Wednesday, September 7, 2022 8:19 AM

To: Rausch Kelsey <kelseyr@pennco.org>; Selby Kailey <kailey.selby@pennco.org>; Theunissen Jason <Jason.Theunissen@pennco.org>; Usera, Rob <Rob.Usera@blackhillscorp.com>; Rufledt Jr Ted <ted@pennco.org>

Subject: (DUE 9.9.22) Minor PUD - Bluewing

Good morning,

Please review the attached routing and provide any comments by the indicated date. Thanks!

Jason

Jason Theunissen, CFM, CISEC-IT Assistant Director

Planning and Zoning Department Pennington County Administration Building 130 Kansas City Street, Suite 200 Rapid City, SD 57701

Phone: 605-394-2186







PLANNING DEPARTMENT ROUTING SHEET

RETURN (COMMENTS NO LA	TER THAN: 9.9.22				
Request:	Minot PUD Amendment					
TAX ID(s):	44224, 5334, 44225, 44227, 44636, 44635, 44226, 44637, 44774, 44228, 44775					
CO HIGHWAY □ CO FIRE ADMI CO PLANNER - □ CO ENV. PLAN CO FLOODPLA □ CO ORDINANC □ CO NATURAL I □ CO SHERIFF'S □ REGISTER OF I	- (ADDRESSING) NER – (OSWTS) IN MANAGER – (SFHA) EE ENFORCEMENT RESOURCES OFFICE DEEDS OF EQUALIZATION	■ EMERGENCY SERVICES (9-1-1) □ RC COMMUNITY PLANNING □ RC LONG RANGE PLANNING □ RC PUBLIC WORKS (OSWTS) □ RC ENGINEERING (PLATTING) □ U.S. FOREST SERVICE (JACOB) □ SD DEPARTMENT OF TRANSPORTATION □ SD DEPT. ENV. NAT. RESOURCES □ BLACK HILLS ELECTRIC COOP. (JESSE) ■ BLACK HILLS ENERGY (ROB) □ WEST RIVER ELECTRIC (MATT) □ CITY OF BOX ELDER PLANNING	☐ CITY OF NEW UNDERWOOD PLANNING ☐ CITY OF HILL CITY PLANNING ☐ TOWN OF KEYSTONE PLANNING ☐ EFAB COMMUNITY PLANNING ☐ ELLSWORTH DEV. AUTHORITY ☐ RC REGIONAL AIRPORT ☐ ROAD DISTRICT: ☐ SANITARY DISTRICT: ☐ OTHER:			
Planned Unit D	Development.	IEST: To reduce the setbacks from ac	cess roads from 10' to 5' in			
	: August 30, 2022 ATES: Planning Commission	on: Santambar 20, 2022				
	· ·	creation Corporation / Ron Rossknecht				
EXISTING LI 1483 of Section of Just MS 148 Ajax #3 Lode N	EGAL DESCRIPTION: An 13, T1S, R5E; Less N10 A 3; Part of Hudson Lode MS	Il Less the North 10 acres and less Tractures of Ajax #1 Lode MS 1483; Part of S 1483 of Section 18, T1S, R6E; Part of the MS 1483; Tract 0129A; Boulder #3	Ajax #3 Lode MS 1483; Part f Just Lode MS 1483; Part of			
CURRENT ZO	ONING: Planned Unit Dev	elopment ZONING SEC	CTION(S): 216			
SITE LOCAT	ION: Blue Wing Resort					
COMMENTS	:					
Sypically the H	Highway Department is opp	posed to reducing setbacks that abut re	oads, but as this is in the			
Blue Wing Roa	nd District the Highway Do	epartment has no comment. SS & KS	9/7/22			

Contact: Jason Theunissen

Phone: 605-394-2186 – 1405

Email: jason.theunissen@pennco.org

From: Mark Balding
To: Theunissen Jason

Subject: Re: FW: (DUE 9.9.22) Minor PUD - Bluewing Date: Friday, September 9, 2022 8:27:37 AM

Attachments: image002.png

image003.png image004.png

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Jason,

Blue Wing Road District is okay with the proposed setback change from 10' to 5'.

Mark Balding

Blue Wing Road District

On Thu, 8 Sept 2022 at 16:59, Theunissen Jason < <u>Jason.Theunissen@pennco.org</u>> wrote:

Mark,

Thanks for taking my call today. Please review the attached routing and provide a response on behalf of the Blue Wing Road District. Thanks again!

Jason

Jason Theunissen, CFM, CISEC-IT

Assistant Director

Planning and Zoning Department

Pennington County Administration Building

130 Kansas City Street, Suite 200

Rapid City, SD 57701

Phone: 605-394-2186









MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-09:

Pennington County. To add Section 517 "Special Permitted Uses" [to add Section 517 "Special Permitted Uses"] to the Pennington County Zoning

Ordinance.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended approval of Ordinance Amendment

/ OA 22-09.

STAFF REPORT

GENERAL INFORMATION:

REQUEST: ORDINANCE AMENDMENT / OA 22-09: To

add Section 517 - Special Permitted Uses to the

Pennington County Zoning Ordinance.

REPORT BY: Brittney Molitor

GENERAL DESCRIPTION: To add Section 517 – Special Permitted Uses.

PROPOSED TEXT:

SECTION 517 – SPECIAL PERMITTED USES

A. Authority.

Pursuant to SDCL chapter 11-2, SDCL chapter 7-18A, SDCL § 11-2-17.5, SDCL § 11-2-17.6, and SDCL § 11-2-65.1, Pennington County may establish a process for certification of certain uses upon an applicant meeting specified criteria for that use.

B. Applicability.

All uses designated as a 'Special Permitted Use' are required to obtain a permit pursuant to this Section, if the applicant demonstrates that all specified criteria are met. Uses that are not a use by right and cannot meet the specified criteria are required to obtain a Conditional Use Permit pursuant to the Pennington County Zoning Ordinance (PCZO) § 510.

- C. Permit Process and Notice Requirements.
 - 1. *Application*. Special Permitted Use Applications may be obtained from the Planning Department. Applications must be complete prior to consideration and include all of the following:
 - a. Application fee;
 - b. Name, mailing address, e-mail address, and telephone number of the applicant and property owner, and any authorized agent (if applicable);
 - c. Legal description, street address, or other description of real property that clearly identifies the real property which is the subject of the application;
 - d. Current zoning district and surrounding zoning;
 - e. Size and physical description of the subject property;
 - f. Site plan showing location and yard setback distance for proposed and all existing buildings or structures. The site plan must also include location of wells, drain fields, septic tanks, recorded easements, driveways, and Special Flood Hazard areas;

- g. Utilities, size of any on-site wastewater treatment system, and water source;
- h. Current use and requested Special Permitted Use;
- i. Proof that the request for the use meets specified criteria set forth in subsection D "Special Permitted Uses";
- j. Proof of the Notice, including the mailing date, as required by PCZO § 517(C)(2);
- k. Signature of applicant or authorized agent (if applicable) and property owner; and,
- 1. Any other information and documentation as required by the Planning Department in making its determination.

2. Notice.

- a. Applicants of a Special Permitted Use must notify all adjacent (touching or sharing a common boundary) property owners to the subject property of the pending application. The Planning Department will determine and provide a list of adjacent property owners, based upon Department of Equalization records.
- b. Notice must be sent by first class mail.
- c. The applicant must use the "Application and Notice of Special Permitted Use" letters provided by the Planning Department.
- d. Notice must be sent 10 or more days before the date of decision by the Planning Director.

D. Special Permitted Uses Defined. The following are Special Permitted Uses:

- 1. Short-term uses. All uses, except those herein designated, that exist or operate for less than 180-consectutive calendar days out of a year in any zoning district. Contractor's Storage, Staging, and Laydown Yards are not Special Permitted Uses and may be required to comply with PCZO § 510.
- 2. *Temporary Residence in an RV*. Residing in a Recreational Vehicle for no more than two (2) years, while constructing a single-family residence.
- 3. *Certain accessory structures*. Accessory structures as a principal use in residential districts or in an agriculture district on lots <u>not</u> taxed by the Department of Equalization as agriculture.
- 4. *Churches*. Churches in all zoning districts.
- 5. *Public service structures*. Public Service Structures in all zoning districts.
 - a. Police and Fire Stations.
 - b. Well houses and Pump Stations (for community or public potable water).
 - c. Lift Stations (for community or public wastewater systems).

- E. General Criteria for all Special Permitted Uses. The following are criteria that every Special Permitted Use is required to demonstrate conformity with:
 - 1. Conformity. The applicant must demonstrate that the requested use conforms to one or more of the use(s) described in PCZO § 517(D). Depending on the request, an applicant may be required to apply for more than one Special Use Permit.
 - 2. *Underlying zoning regulations applicable*. The property must be in compliance with all applicable regulations of the district in which it is located.
 - 3. *Necessary Improvements*. That adequate utilities, access roads, drainage and other necessary site improvements are provided.
 - 4. *Parking*. All parking requirements set forth in PCZO § 310 are met.
 - 5. *Ordinance violations*. The property has no active or pending ordinance violations.
- F. Specific Criteria for certain Special Permitted Uses.
 - 1. Temporary Residence in an RV:
 - a. The single-family residence must be constructed within two (2) years of approval of the Special Permitted Use.
 - b. This Special Permitted Use automatically expires two (2) years following completion of any final appeal of the decision.
 - c. That the wastewater from the RV be properly disposed of at all times by utilizing the existing On-Site Wastewater Treatment System on the property.
 - d. That only 1 Recreational Vehicle (RV) allowed to be utilized as temporary living quarters.
 - e. That the RV not be utilized as a nightly or weekly vacation rental and only be used by the property owner for personal use.
 - 2. Accessory Structure:
 - a. That the accessory structure is not to be used for living quarters.
 - b. That the accessory structure is not for commercial use.
 - 3. *Churches or Public Service Structures*:
 - a. That all outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind
 - b. That the physical design and compatibility with surrounding structures in mass, scale and style, design and architectural detailing.
 - c. That all signage meets the requirements of § 312.

- G. Determination on a Special Permitted Use.
 - 1. *Time*. An initial application for a Special Permitted Use will be reviewed and determined by the Planning Department for conformity with the criteria within 30 days unless withdrawn by the applicant or good cause exists for the delay.
 - 2. Standard of Review. A use certified as a Special Permitted Use under the Zoning Ordinance shall be approved by the Planning Director or his/her designee, if the applicant demonstrates that all specified criteria are met.

H. Appeal.

- 1. *Time*. An appeal of a decision granting or denying a Special Permitted Use must be brought as an appeal to the Board of Adjustment within twenty-one (21) days of the date of determination and in accordance with SDCL Chapter 11-2.
- 2. Stay of Proceedings. Any and all construction and work for the purpose of a Special Permitted Use must cease upon the filing of an appeal, pursuant to SDCL § 11-2-56.
- I. Review of Special Permitted Use.
 - 1. Circumstances of review. Special Permitted Uses are subject to review by the Planning Department for compliance with the designated criteria. A review will occur upon the following circumstances:
 - a. It is designated as criteria of approval; or
 - b. The Planning Department receives a substantiated complaint that the property is in violation of any Zoning Ordinance or designated criteria.
 - 2. *Determination*. In issuing a determination, the Planning Director or his/her designee may:
 - a. approve the Special Permitted Use subject to the designated criteria;
 - b. continue the review for no more than 90 days for the applicant to come into compliance with the designated criteria; or,
 - c. terminate the Special Permitted Use in accordance PCZO § 517(L).
- J. Expiration. A Special Permitted Use Permit expires if:
 - 1. Ceasing for one year or more. The Special Permitted Use for which the Permit was granted ceases for a period of one (1) year or more;
 - 2. *Never established use*. The Special Permitted Use for which the Permit was granted was not established within two (2) years from date of approval; or,
 - 3. Expiration as criteria. The criteria designate an automatic expiration period.

Agenda Item #17 Pennington County October 24, 2022

K. Building Permit.

If a Building Permit application is submitted for the purpose of a Special Permitted Use, the Building Permit may be issued only upon approval of the Special Permitted Use application.

L. Termination of Special Permitted Use Permit.

Any Special Permitted Use approved under the provisions of PCZO § 517 must be established and conducted in conformity with the designated criteria outlined in this PCZO § 517. Failure to comply with the criteria is cause for termination of the Permit.

- 1. Causes for Termination. The Planning Director will provide a Notice of Termination to the Permit holder if:
 - a. the owner or applicant has failed repeatedly to comply with the stated criteria of the approved Permit; or,
 - b. the continued Special Permitted Use is a threat to public health, safety, or general welfare.
- 2. *Notice*. The Notice of Termination shall be given, in writing, to the Permit holder.
- 3. Response. The Permit holder will have 14 days to respond from the date of mailing of the Notice of Termination with proposed corrective actions. If the corrective action is not completed within 60 days of the Notice of Termination, the Permit will be terminated.
- 4. Appeal of Termination. The Permit holder may appeal the decision to terminate the permit in accordance with § 517(H).

M. Enforcement.

Failure to comply with the stated criteria of a Special Permitted Use Permit is a violation of Pennington County Zoning Ordinance and subject to the enforcement provisions of PCZO § 514 and may be declared a nuisance pursuant to Pennington County Ordinance No. 106.

Recommendation: Staff recommends approval of Ordinance Amendment / OA 22-09.





MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: <u>PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-10</u>:

Pennington County. To amend Section 204 "General District Provisions" [to amend and supersede the existing 204 "General District Provisions"] of the

Pennington County Zoning Ordinance.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended approval of Ordinance Amendment

/ OA 22-10.

STAFF REPORT

GENERAL INFORMATION:

REQUEST: ORDINANCE AMENDMENT / OA 22-10: To

amend Section 204 - General District Provisions of

the Pennington County Zoning Ordinance.

REPORT BY: Brittney Molitor

GENERAL DESCRIPTION: To amend Section 204 – General District Provisions.

PROPOSED TEXT:

SECTION 204 - GENERAL DISTRICT PROVISIONS

The following provisions apply to all zoning districts and further modify or define provisions within each district.

C. Temporary Uses. To qualify as a temporary use, the use must be (1) seasonal or transient in nature, (2) neither permanent nor alters the intent of the zoning district, and (3) lasts less more than 180-consecutive calendar days, but less than 365-consecutive calendar days. A Special Use Permit or Conditional Use Permit may be required before engaging in a temporary use. Each zoning district requires a Conditional Use Permit before engaging in a temporary use.

Recommendation: Staff recommends approval of Ordinance Amendment / OA 22-10.





MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 22-11:

Pennington County. To amend Section 103 "Definitions" [to amend and supersede the existing 103 "Definitions"] of the Pennington County Zoning

Ordinance.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended approval of Ordinance Amendment

/ OA 22-11.

STAFF REPORT

GENERAL INFORMATION:

REQUEST: ORDINANCE AMENDMENT / OA 22-11: To

amend Section 103 – Definitions of the Pennington

County Zoning Ordinance.

REPORT BY: Brittney Molitor

GENERAL DESCRIPTION: To amend Section 103 – Definitions.

PROPOSED TEXT:

SECTION 103 - DEFINITIONS

B. Definitions.

144. Temporary Structure or Use. Land uses and structures that are (a) needed or are in place for only short periods of time; (b) associated with a holiday or special event; or (c) accessory to a permitted use and transitory in nature. A temporary structure or use cannot be used placed for more than 30 days 60-consecutive days in a calendar year. A Special Use Permit is required for a temporary use operating up to 180-consecutive calendar days. A Conditional Use Permit is required for a temporary use operating more than 180-consecutive calendar days

Recommendation: Staff recommends approval of Ordinance Amendment / OA 22-11.



MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: REQUEST FOR RELEASE OF SURETY / FINAL PLAT 21-91: Sudbury

Ranch Land Holding, LLC / Casey Skyberg. Improvements for the roads and utilities have been completed for Lot 2R and Lots 3 through 11, Sudbury Ranch Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South

Dakota, in the amount of \$155,000.00.



130 Kansas City St., SUITE 200 • RAPID CITY, SD 57701 605-394-2186 • FAX 605-394-6016

TO: Board of Commissioners

FROM: Jason Theunissen, Assistant Director

DATE: 10.26.22 (Meeting date: 11.1.22)

RE: Request for Release of Surety for Sudbury Ranch Subdivision – Casey Skyberg

Planning and Zoning has verified, through site visits with the contractor (Savvy Designs, Inc.) the agent (Dana Foreman of KLJ), and County Highway (Sean Smith), that the required road construction, drainage improvements, and utility installations for Final Plat / FP 21-91 have been met.

Staff recommends that the Board of Commissioners release the surety in the amount of \$155,000.00.



Pennington County Highway Department

3601 Cambell Street • Rapid City, SD 57701-0124 Phone: (605) 394-2166 • Fax: (605) 394-2168 www.pennco.org

MEMO

TO: BOARD OF COMMISSIONERS

DATE: NOVEMBER 1, 2022

FROM: SEAN SMITH

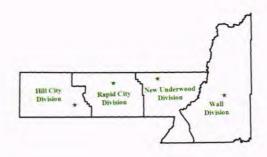
ASSISTANT SUPÉRINTENDENT

RE: SUDBURY RANCH SUBDIVISION

Sudbury Ranch Subdivision was completed by Savvy Designs, Inc. It has been inspected and has been found to meet Ordinance 14 standards. All punch list items have been completed and verified through site visits and inspections.

The roads and drainage have been completed to the satisfaction of the Highway Department, therefore our Department has no objection to the release of the surety bond.

SS:cag



Sudbury Ranch Pennington County, South Dakota

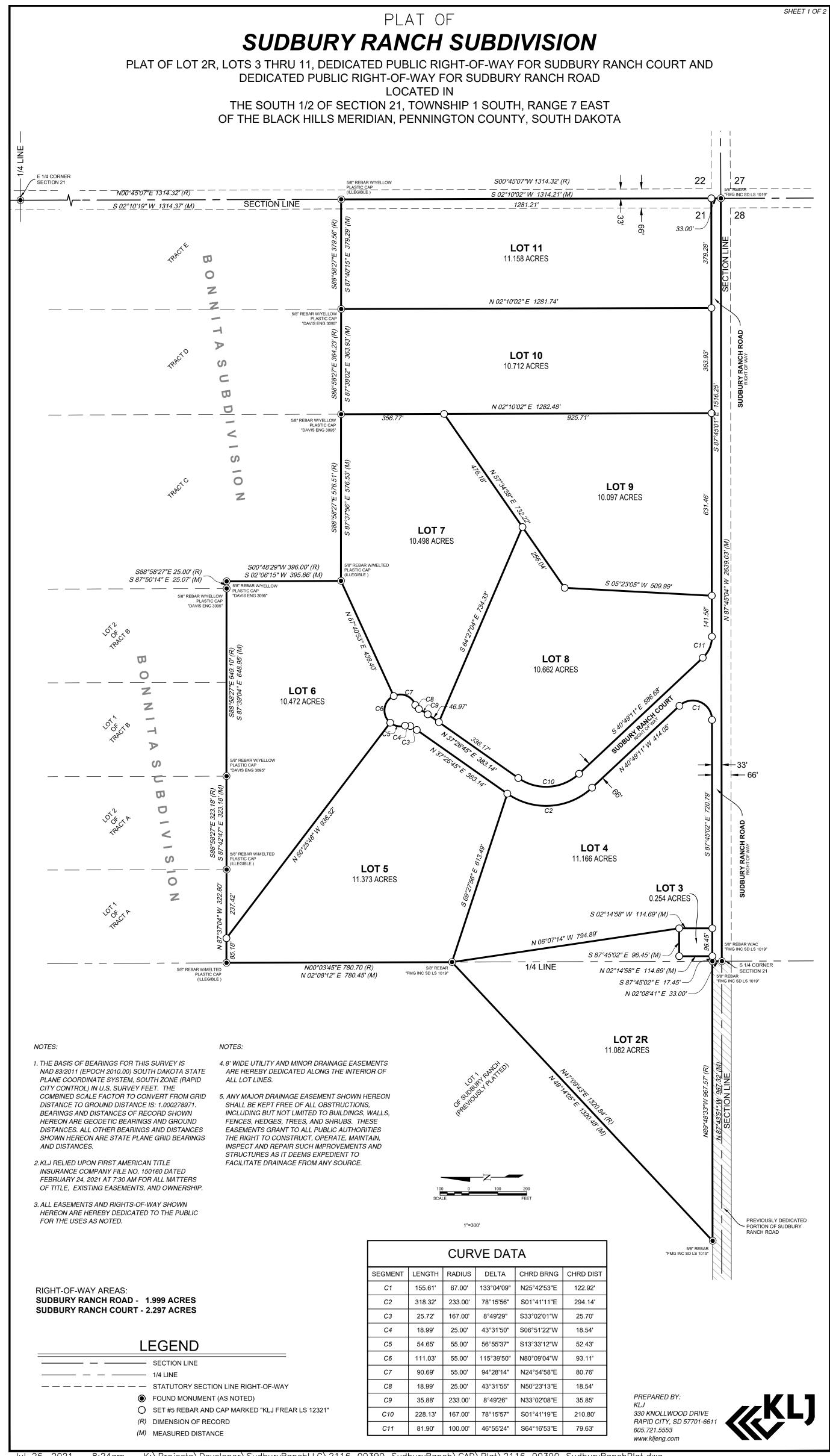


December 21, 2021 KLJ Project No. 2116-00390

Bid Item	Item Description	Quantity	Unit	Unit Price	Total
1	Mobilization	0.12	LS	\$15,000.00	\$1,824.56
2	Excavation Grading	0	CY	\$2.50	\$0.00
3	Storm Sewer Pipe	0	LF	\$80.00	
4	Storm Sewer End Section	0	EA	\$2,500.00	
5	12" Thick Roadway Aggregate Placement	7,462	Ton	\$5.00	\$37,310.00
6	Roadway Sign	8	EA	\$450.00	\$3,600.00
7	3" HDPE Water Main Install	3,675	LF	\$15.00	\$55,125.00
8	Flushing Hydrant Install	2	EA	\$1,500.00	
9	Service & Water Meter Install	9	EA	\$1,000.00	
10	3" Fitting Install	3	EA	\$250.00	\$750.00
11	3" Gate Valve Install	5	EA	\$1,000.00	\$5,000.00
12	Water Well	0	LS	\$100,000.00	\$0.00
13	Erosion Control Wattles	0	LF	\$4.00	\$0.00
14	Riprap Type B	18	CY	\$40.00	\$720.00
15	Rock Check Dam	9	EA	\$200.00	
16	Erosion Blanket Type 2	0	SY	\$10.00	\$0.00
17	Vehicle Tracking Pad	0	EA	\$1,500.00	
18	Seeding Type D	16,870	SY	\$1.00	\$16,870.44
19	Power & Data utility trench and conduit	2,000	LF	\$10.00	
20	Construction Staking	0	LS	\$20,000.00	\$0.00

Total Construction Cost

\$155,000.00



330 Knollwood Drive PO Box 3416 Rapid City, SD 57709-3416 605 721 5553 kljeng.com



October 20, 2022

Jason Theunissen Deputy Director of Planning 130 Kansas City St. Suite 200 Rapid City, SD 57701

Re: Sudbury Ranch Subdivision - Final completion

Dear Jason:

On Oct. 16, 2022 I visited the Sudbury Ranch Subdivision and found that the final punch list items for the site have been completed and the project appears to have been constructed to our design plans and specifications.

Therefore, the Owner is requesting release of his surety.

Thank you and please let me know if you need any additional information regarding this project.

Sincerely,

KLJ

Dana Foreman Project Manager

Dora R. +



CONSTRUCTION FIELD REPORT

Project Name: <u>Sudbury Ranch</u> Report Date: <u>Thursday, August 04, 2022</u>

Owner Name: <u>Casey Skyberg</u> Owner Project No: <u>NA</u>

Project Location: Pennington County, SD KLJ Project No: 2116-00390

Contractor: -

Reported by: <u>Dana Foreman</u>

Cc: Punch List

Present at Site:

Weather:	~ Bright Sun	⊠ Clear	□ Overcast	~ Rain	~ Snow
Temperature:	~ < 32°	□ 32°-50°	□ 51°-70°	□ 71°-85°	⊠ > 86°
Wind:	□ Still		☐ High		
Soil Condition:	☐ Saturated	☐ Moist	⊠ Dry		

Dana Foreman, Sean - County Highway, Jason - County Planning

Observations

Site Work:

Punch List walk through was performed with the following items identified to be addressed by the Contractor

Site visit again on Oct. 16, 2022 to verify punch list complete

Roadway

- Provide additional grading of roadway ditches to include 3' ditch bottom as shown on Plan Sheet 3.01 complete
 - o Sudbury Ranch Rd Sta 6+00 to 18+00 south ditch
 - o Sudbury Ranch Rd. Sta 16+00 to 18+00 north ditch
 - Sky Ridge Ct. Sta 57+00 to 63+43 both sides
- Sky Ridge Ct. regrade west ditch bottom to provide positive drainage to low spot culvert complete
 - o Sta 51+00 to 56+05

Erosion Control

- Provide native grass seeding on disturbed areas complete
- Provide riprap
 - o Sudbury Ranch Rd. ditches Sta 7+00 to 11+00 Plan Sheet 4.06 complete
- Provide erosion control wattles within roadway ditch as shown complete



DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

JOE FOSS BUILDING 523 E. CAPITOL AVE PIERRE SD 57501-3182 danr.sd.gov

JUL 0 2 2021

Sudbury Ranch LLC c/o Casey Skyberg PO Box 3372 Rapid City SD 57709

Dear Mr. Skyberg:

Enclosed is Water Permit No. 2816-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet ? Common Water Right Questions? is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Euc Translund
Eric Gronlund, Chief Engineer

Water Rights Program

(605) 773-3352

enclosures

SOUTH DAKOTA WATER PERMIT NO. 2816-2

Date of first receipt of application April 19, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. <u>2816-2</u> to <u>Sudbury Ranch LLC c/o Casey Skyberg, PO Box 3372, Rapid City SD 57709</u> authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

- 1. Water Permit No. 2816-2 appropriates 8.3 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 900 feet deep) located in the S 1/2 SE 1/4 Section 21-T1S-R7E. This site is located approximately 4.5 miles southwest of Rapid City SD.
- 2. The water appropriated shall be used for the purpose of a <u>water distribution system</u> and may not exceed the amount of water needed for beneficial use.
- 3. The water is to be used during the following described annual period: <u>January 1 December 31.</u>
- 4. The date from which applicant may claim right is April 19, 2021.
- 5. The date of approval of Permit No. 2816-2 is June 28, 2021.
- 6. One-fifth of the construction is to be completed on or before <u>December 28, 2023</u>.
- 7. All construction is to be completed on or before June 28, 2026.
- 8. Water is to be put to beneficial use on or before <u>June 28, 2030</u>.
- 9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2816-2 is issued for a twenty-year term. Pursuant to SDCL 46-2A-21, the twenty-year term may be deleted at any time during the twenty-year period or following its expiration. If the twenty-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2816-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
- 2. The well will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- 3. The well authorized by Permit No. 2816-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

(continued)

Water Permit No. 2816-2 Sudbury Ranch LLC Page 2

- 4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.
- 5. Water Permit No. 2816-2 appropriates up to 8.3 acre-feet of water annually.

WATER MANAGEMENT BOARD

Eric Gronlund, Chief Engineer

Water Rights Program

Department of Agriculture and Natural Resources

JUL 0 2 2021

date



NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

		D	ate	une 15, 2	2022
то:	Water Rights Program, DANR 523 E. Capitol Pierre, SD 57501-3181				
FROM:	Casey Hybers (name) Po Box 337	2	_		
	(name) Po Box 337 (address) Rapid City, state, zip)	5 7789		05-391- (phone)	7200
	pleted the construction of the water unum extent it is going to be used.	se system and	I have put the	e water to ben	eficial use
	states that the states that the states and water is to be (date)			Suly 20 (da	
The water u	se system was completed on	M ay	ZOZZ te)	=-	
Applying th	ne water to beneficial use was comple	ted on	Sept (dat	2021 e)	
You may sc	hedule an investigation so that the wa	ater license ma	ay be issued.		
Doop	(signature)	it Enginee		SOUTH SOUTH	M Day