

LAWRENCE COUNTY COMMISSIONERS MEETING – February 12, 2019

Chairman Randy Deibert called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on February 12, 2019 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Daryl Johnson, Richard Sleep and Brandon Flanagan.

All motions were passed by unanimous vote, by all members present, unless stated otherwise.

AGENDA: Moved-Seconded (Flanagan-Sleep) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the Preliminary and Final Plat-APPLICANT: Black Hills Forest Acres. LEGAL DESCRIPTION: Final plat of Lot 7R, Blk 4 of Whitewood Forest Addition #2, located in the NE1/4 of Section 20, T6N, R4E VICINITY LOCATION: Located off Oak Drive SUMMARY: Creating a new lot in an existing subdivision and it matches the preliminary plat ZONING: SRD ACREAGE: 2.06 acres (Parcel ID: 22000-00604-204-10) ACTION REQUIRED: Approval/Denial

MINUTES: Moved-Seconded (Rosenau-Flanagan) to approve the minutes of January 22, 2019 County Commission meeting. Motion Carried.

PERSONNEL:

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Flanagan-Rosenau) to approve the job description and pay scale for a Maintenance Worker II/Light Equipment Operator G3-\$23.11 effective February 12, 2019. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to waive the newspaper publication requirement for the hiring of a Maintenance Worker II/Light Equipment Operator pursuant to Personnel Policies Handbook Manual Article II Section 2.3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve Frank Cortez as a full-time permanent Maintenance Worker II/Light Equipment Operator a base rate of \$23.11 an hour, effective February 26, 2019. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve Tim Agena as a full-time permanent Foreman/Shop Foreman at base rate of \$29.30 an hour, effective February 3, 2019. Motion Carried.

SHERIFF: Moved-Seconded (Sleep-Flanagan) to approve the cell phone per diem of \$104.00 per month for Nathan Lechner, effective February 4, 2019. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to allow for the advertisement of a correctional officer. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to allow for the advertisement of a full time dispatcher. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to allow employees to donate leave to Mary K. Stevens upon the exhaustion of the employee's accumulated vacation time, compensatory time and sick leave. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of January 31, 2019, showed the following: Total amount of actual cash-\$1,350.00; total amount of checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$155,611.26; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-

\$4,147.20; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000.00; bank balance \$12,566,617.63, money market \$8,804,209.88. Total \$24,370,827.51.

TRANSFER OF FUNDS: Moved-Seconded (Flanagan-Rosenau) to approve the annual budgeted transfer of \$2,500,000 from General Fund to Road & Bridge Fund, \$482,792 from General Fund to E-911 Fund and \$233,146 from General Fund to Emergency & Disaster Fund. Motion Carried.

SHERIFF:

EQUITABLE SHARING AGREEMENT AND CERTIFICATION: Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Equitable Sharing Agreement and Certification. Motion Carried.

JAIL CONTRACT/LEAD-DEADWOOD REGIONAL HOSPITAL MEDICAL

AGREEMENT: Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the Jail Medical Agreement with the Lead/Deadwood Regional Hospital. Motion Carried.

AMBULANCE SERVICE BOUNDARY ADJUSTMENT: Sturgis Ambulance approached the County for a stipend for the calls that they are dispatched to in Lawrence County. Brian Dean, Sheriff, gave a power point presentation on the ambulance service boundaries for Lead-Deadwood, Spearfish and Sturgis. Dean pointed out that by adjusting the boundaries it gave equal and better service to all Lawrence County residents. The Commission instructed Dean to request a set dollar amount from the Sturgis Ambulance. The discussion will continue at the March 26, 2019 Commission Meeting.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of January 28, 2019: **Deadwood Diesel Blended 50/50 (dyed): 7000 gallons:** (prices per gallon) CBH Cooperative - \$2.20*; Harms Oil Co-No Bid; MG Oil – \$2.211. *Represents lowest quote awarded.

HIGHWAY 14 R.O.W. ENCROACHMENT UPDATE: Allan Bonnema, Highway Superintendent, gave an update on the Highway 14A R.O.W. encroachments. Bonnema was granted permission to hire a surveyor as needed. Bonnema will give an update on March 26, 2019.

CULVERTS/BRIDGE MATERIAL/CUTTING EDGES BIDS: Moved-Seconded (Sleep-Johnson) to approve and authorize the purchase of Corrugated Metal Culverts, Aluminum Box Culverts, Bucyrus Grader Blades-Standard Hwy Punched, Galvanized Sheet Piling, Steel Piling, Guardrail, Steel Bridge Decking and Assorted Bridge Components and Hardware off the Beadle County Bid from TrueNorth Steel for 2019, per the recommendation of the Highway Superintendent. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

PUBLIC DEFENDER: Amber Richey, Public Defender Director gave a 2018 year-end report.

EXTENSION UPDATE: Michelle May, Butte/Lawrence County Extension, was present to give an update on the 4-H Youth Program.

REQUEST TO WAIVE C.U.P. APPLICATION FEE: Michelle May, Butte/Lawrence County Extension, requested to waive C.U.P. application fee for a 4-H shooting range. The Commission instructed May that the request is premature and to come back once all the details were worked out with the City of Spearfish.

HEALTH NURSE REPORT: Shannon Muchow RN, Spearfish Community Health Nurse, was present to review the Quarterly Community Health Report.

EMERGENCY MANAGEMENT:

2018 SAFETY SYNOPSIS: Paul Thomson, Emergency Management Supervisor, presented the 2018 Safety Synopsis.

BLM GRANT RENEWAL APPLICATION: Rob Mattox, Black Hills Land Analysis, was present and gave an update on the Community Assistance Program. Mattox stated the existing five year BLM Grant Agreement expired 12/31/2018 with \$53,571.69 unused. The renewal will be for a five-year agreement from 2019-2023. Moved-Seconded (Flanagan-Rosenau) to approve and authorize Rob Mattox to sign the application for the BLM Grant. Motion Carried.

SEARCH & RESCUE WATERLINE: Paul Thomson, Emergency Management Director, gave an update on the Search & Rescue building waterline installation.

PLANNING & ZONING:

COMPREHENSIVE PLAN UPDATE SCHEDULE: Amber Vogt, Planning and Zoning Administrator, presented an outline of the proposed phases, timeframes, estimated hours and cost to update the Lawrence County Comprehensive Plan. The update will take approximately one year to complete.

TASK FORCE UPDATE: Amber Vogt, Planning and Zoning Administrator, informed the Commission that the task force has completed its review and a public hearing is scheduled for March 7, 2019 Planning & Zoning Commission meeting.

MARCH MEETINGS: Amber Vogt, Planning and Zoning Administrator, informed the Commission that two public hearings are planned for the March 26, 2019 meeting. Further that two commissioners will have conflicts requiring recusal on the respective matters. Vogt raised the issue to insure that a quorum would be present before the public hearings are scheduled.

Commissioner Deibert left the meeting at 9:59 a.m.

PLATS:

PRELIMINARY AND FINAL PLAT/BLACK HILLS FOREST ACRES: APPLICANT: Black Hills Forest Acres. **LEGAL DESCRIPTION:** Final plat of Lot 7R, Blk 4 of Whitewood Forest Addition #2, located in the NE1/4 of Section 20, T6N, R4E **VICINITY LOCATION:** Located off Oak Drive **SUMMARY:** Creating a new lot in an existing subdivision and it matches the preliminary plat **ZONING:** SRD **ACREAGE:** 2.06 acres.

Moved-Seconded (Flanagan-Johnson) to approve the preliminary and final plat for Black Hills Forest Acres based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. **LEGAL DESCRIPTION:** Final plat of Lot 7R, Blk 4 of Whitewood Forest Addition #2, located in the NE1/4 of Section 20, T6N, R4E **VICINITY LOCATION:** Located off Oak Drive **SUMMARY:** Creating a new lot in an existing subdivision and it matches the preliminary plat **ZONING:** SRD **ACREAGE:** 2.06 acres. Motion Carried.

Commissioner Deibert returned to the meeting at 10:01 a.m.

RECESS: 10:17 a.m. Moved-Seconded (Johnson-Flanagan) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 11:00 a.m. The Chairman called the meeting back to order.

Commissioner Flanagan left the meeting at 10:29 a.m.

ABATEMENT:

BRION SMITH & KATIE A PETERSON: Moved-Seconded (Rosenau-Sleep) to approve the abatement for Brion Smith & Katie A Peterson on parcel #20850-00300-110-00 for 2018 taxes payable in 2019 as the property was taxed as NA and should have been NA-OO. Motion Carried.

Commissioner Flanagan returned to the meeting at 11:16 a.m. via of telephone conference. Subsequently, roll-call voting was used and all motions were passed by unanimous vote by all members present, unless otherwise stated.

EVA SHATNEY: Moved-Seconded (Johnson-Rosenau) to approve the abatement for Eva Shatney on parcel #29970-00150-020-06 for 2017 taxes payable in 2018 as the mobile home was removed and taken to the land fill in the fall of 2016. Motion Carried.

STEPHANIE COOPER: Moved-Seconded (Rosenau-Deibert) to approve the abatement for Stephanie Cooper on parcel #32740-00700-015-00 for 2018 taxes payable in 2019 as the mobile home was traded in and is now in dealer inventory. Motion Carried.

MARK PATINO: Moved-Seconded (Rosenau-Deibert) to approve the abatement for Mark Patino on parcel #30970-00030-010-00 for 2018 taxes payable in 2019 as the mobile home was traded in and is now in dealer inventory. Motion Carried.

BROHM MINING COMPANY ABATEMENTS:

Deb Tridle, Treasurer, gave some past history on the subject property. Tridle informed the Commission that the EPA previously allowed certain parcels, owned by third parties, to be sold. Part of the procedure was that back taxes were required to be paid and for the period 2002-2018 the County collected \$274,475.20 in back taxes. Those properties were owned by Commonwealth Mining Company, Northwestern Metal Company and Hankins.

Tridle highlighted that the Commission had previously abated taxes on 47 parcels. These parcels were ultimately deeded to the State of South Dakota.

Tridle explained that as of January 25, 2019, the State of South Dakota acquired ownership to the remaining 54 parcels. Of the 54 parcels, thirty-five (35) are located inside the superfund boundary and nineteen (19) are located outside the superfund boundary. The base tax uncollected from 1997 to 2018 is \$274,475.20, and with interest \$641,603.70. Concerning the amount of unpaid tax, Tridle estimated the County is entitled to 25% and the Lead-Deadwood School District 75%. Tridle added that staff contacted the Lead-Deadwood School District and advised that consideration of abatements was scheduled for this meeting.

Brenda McGruder, Auditor, added that for purposes of school funding, any abatements approved for the 2018 taxes payable in 2019, would result in an additional levy being added for the 2019 taxes payable in 2020.

PROPERTIES LOCATED “INSIDE” THE SUPERFUND:

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26460-01186-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26620-01535-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26800-01906-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-050-15 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-050-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26760-01814-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26840-01941-000-10 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26280-00648-000-20 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26540-01298-000-30 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26340-00975-000-10 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26840-01992-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-090-10 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26280-00712-000-20 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-050-10 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-080-10 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-060-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-060-20 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-070-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #14000-00404-090-30 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

PROPERTIES LOCATED “OUTSIDE” THE SUPERFUND:

Commissioner Johnson questioned whether property located outside of the superfund site was owned by the State of South Dakota and whether any plan for its future use was known?

Commissioner Deibert, answered, in part, that the Forest Service and State of South Dakota may enter into a land swap to consolidate each entities’ respective holdings. In other part, Deibert explained that the U.S. Environmental Protection Agency and the South Dakota Department of Environment & Natural Resources have struck an agreement with Agnico Eagle Mines, a publicly traded company headquartered in Toronto, Canada. The agreement authorizes the company to investigate the sources of toxic cadmium contamination in Strawberry Creek at the Gilt Edge Mine

Commissioner Johnson went on to question if the potential existed for the taxes to be collected in the future? Deb Tridle, Treasurer, opined that considering the current State ownership of the property, the parcels would qualify for exempt status. As such, the County and School District would only be able to collect taxes if, and when, the State elected to sell a given parcel or parcels. To preserve the ability to recoup taxes upon sale, she would be required to file a lien on each parcel. Using one parcel as an example, Tridle noted that the back taxes were currently \$91,000.00. This amount would increase over time with interest accruing making this parcel likely economically unviable for purchase. Tridle offered that if the abatements were approved and the State subsequently opted to sell one or more of the affected parcels, such parcels would be more appealing for purchase resulting in addition to the tax roll.

PROPERTIES LOCATED OUTSIDE THE SUPERFUND:

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26680-01577-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26540-01228-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26880-02035-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26620-01537-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26280-00329-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26580-01300-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26580-01299-000-00 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-40 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-45 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-40 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-85 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-20 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-95 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-90 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-70 for 1997 payable in 1998 taxes thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-15 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-10 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26480-01207-000-95 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Rosenau) to approve the abatement for State of South Dakota on parcel #26340-00913-000-20 for 1997 taxes payable in 1998 thru 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

Commissioner Flanagan left the meeting at 11:41 a.m.

COUNTY LIEN: Bruce Outka, Deputy State's Attorney, discussed a pending civil action seeking to quiet title to the land purchased at tax sale. Outka explained that the County was named as a defendant owing to County liens on file for court appointed attorney fees incurred by the prior owner. The Commissioner directed Outka to not respond acknowledging that default judgment versus the County would result. Outka explained that it was his opinion that the liens would remain valid as against the individual who incurred the charges for service.

COURTHOUSE ROOF DAMAGE ESTIMATES: Bruce Outka, Deputy State's Attorney, and Tim Agena, GGB Forman, informed the Commissioner that the estimate for repairs to the Courthouse roof have been received. Outka and Agena asked the Commission for direction on whether to accept the payment and fix the roof or to refuse the payment and not fix the roof. Agena explained that the roof has not been leaking. Greg Dias, Information System & Technology Director, added that the State Historical Preservation Office may be able to offer assistance in evaluating the condition of the roof. The Commission directed Outka and Agena to contact the State Historic Preservation Office, Williams and Associates and Lowe Roofing for assistance in assessing the situation.

ITEMS FROM COMMISSIONERS:

Moved-Seconded(Rosenau-Sleep) to add February 26, 2018 to the list of Commissioner meetings for 2019. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to appoint Commissioner Sleep as an alternate to the Library Board. Motion Carried.

Commissioner Deibert informed the Commission that he has been elected Secretary for the Black Hills Council of Local Governments.

Greg Dias, Information System & Technology, was present to give an update on the recent server issue that has been ongoing since Friday, February 8, 2019.

BILLS:

Moved-Seconded (Flanagan-Rosenau) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

Payroll: Comm-\$13,740.64; Aud-\$29,328.60; Treas-\$27,080.70; States Atty-\$31,998.70; Pub Def-\$25,254.06; Gen Govt Bldg-\$26,454.96; Equal-\$30,535.53; Rod-\$18,879.56; Vso-\$2,471.52; Ist-\$18,774.07; Sher-\$91,759.58; Jail-\$53,367.20; Coroner-\$2,018.52; 24/7-\$370.60; Emerg Mgnt-\$9,170.20; E911-\$32,996.51; Highway-\$98,521.93; Weed-\$11,366.04; Pz-\$11,771.82;

Bills: Mcgruder, Brenda-\$28.00; Frerichs, Richard-\$570.38; Dragoo, Shelley-\$267.36; Lucero, Robin-\$28.00; Schroeder, Jeffery-\$53.36; Derby, Tommie-\$135.00; Reindl, Staci-\$77.28; Hamann, Alex-\$5.15; American Family Life-\$2,827.77; Black Hills Energy-\$46.49; California State Disburse Unit-\$138.46; Deadwood Recreation Center-\$810.00; Delta Dental Of South Dakota-\$7,540.68; Dept Of The Treasury-\$63,402.81; Midcontinent Communications-\$111.99; Northern Hills Rec Center-\$231.00; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; Sd Retirement System-\$78,189.95; Sdrs Supplemental Retirement-\$2,722.50; United Parcel Service-\$14.36; Vast Broadband-\$341.58; Wellmark Blue Cross-\$86,861.73; 2-1-1 Helpline Center-\$1,000.00; A To Z Shredding-\$167.60; A&B Business, Inc Solutions-\$2,809.51; A&B Welding Supply-\$22.63; A&I Distributors-\$1,233.70; A&J Supply-\$16.60; Ace Hardware Of Lead-\$88.29; Adams-Isco-\$464.13; American Stamp & Marking-\$153.39; Armstrong Extinguisher-\$53.00; At&T Mobility-\$981.01; Axon Enterprise-\$3,585.00; BH Council Of Local Govt-\$3,643.00; BH Pest Control-\$190.00; BH Pioneer-\$947.08; BH Truck And Trailer-\$6.67; Barnaud Law Firm-\$525.00; Bierschbach Equip & Supply-\$148.80; Black Hills Energy-\$571.86; Black Hills Psychology-\$1,250.00; Black Hills Pure-\$29.50; Bomgaars-\$31.99; Boys & Girls Clubs-\$5,000.00; Brosz Engineering-\$14,648.48; Butler Machinery Co-\$2,550.66; Butte Electric Coop-\$541.36; Butte-Lawrence Co Fair-\$10,000.00; California State Disburse Unit-\$138.46; Cbh Cooperative-\$17,873.00; Century Business Products-\$440.74; Centurylink-\$112.94; City Of Rapid City-\$805.00; Civicplus-\$3,000.00; Clauser Machine Works-\$30.00; Dakota Equipment Rental-\$80.90; Dale's Tire & Retread-\$946.00; Deadwood, City Of-\$1,052.37; Dept Of Hlth Lab Services-\$125.00; Dept Of The Treasury-\$65,766.45; Eb Communications-\$6,995.00; Fastenal-\$454.96; Fidler-Isburg Funeral Chapel-\$1,170.00; G&H Distributing Of Rc-\$36.10; Galls-\$3,485.50; Gene's Lock Shop-\$10.00; Godfrey's Brake Serv-\$21.52; Hartford-Priority Accounts-\$2,141.58; Heartland Paper Co-\$1,966.10; Heisler Hardware-\$33.07; Hilpert & Hale Prof-\$7,464.60; Interstate Batteries-\$477.80; Jacobs Precision Welding-\$1,299.71; Janke, Wendy-\$1,098.00; Karen Paige Hunt, Prof-\$1,898.70; Katterhagen, Mark-\$48.00; Kch Law-\$110.00; Kennedy Pier & Loftus-\$154.40; Kiesler's Police Supply-\$3,988.16; Koala Electric-\$466.34; Kosel, Joseph-\$6,544.94; Law Enforcement Seminars-\$700.00; Lawson Products-\$337.14; Lead, City Of-\$64.81; Lead-Deadwood Regional Hospital-\$1,294.10; Lead-Deadwood Sanitary-\$566.79; Lee, James-\$15.00; Lewis & Clark Bhs-\$330.00; Lewno, Lucy-\$282.97; Lexisnexis Risk Data Mgnt-\$75.00; Lincoln County-\$680.71; Lockwood, Darcy-\$48.00; Mcleod's Office Supply-\$659.01; Mg Oil Company-\$7,596.20; Minnehaha County-\$90.00; Montana Dakota Utilities-\$5,289.07; Nalco Company-\$239.20; Nelson Law-\$1,073.10; Nelson, Tonya-\$400.00; Newman Signs-\$131.57; Nichols, Helen Rd Ln Cde-\$56.25; North Central Int'l-\$53.69; Northern Truck Equip-\$220.00; Nugget-\$400.00; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; Parr Law-\$430.00; PcsO Addiction Treatment Serv-\$678.00; Pennington County Public-\$47.00; Pennington County Sheriff-\$607.22; Pictometry International Corp-\$750.00; Pitney Bowes-\$234.17; Plumbmaster-\$65.91; Quill-\$254.80; RC Journal-\$385.25; Radiology Associates-\$43.38; Rapid Delivery-\$14.38; Regional Health-\$415.76; Rena M Hymans-\$1,833.56; Riverside Technologies-\$140.00; Rockmount Research & Alloys-\$945.22; Root Spring Scraper-\$959.50; Sacrison Paving-\$612.25; Sd State Treasurer-\$600.00; Sdaco-\$100.00; Sdrs Supplemental Retirement-\$2,737.50; Secretary Of State-\$30.00; Semerad, Sandra-\$224.20; Servall Towel & Linen-\$800.34; Sierra Design Vinyl Lettering-\$60.00; Silverado-\$315.16; Spearfish Auto Supply-\$981.87; Spearfish Police Dept-\$9,606.26; Spearfish Senior Citizens-\$2,000.00; Stahl, Mike-\$241.90; Sterna, Laura-\$350.00; Strain Morman Law Firm-\$3,769.44; Sturdevant's Auto Parts-\$1,931.84; Sysco Montana-\$2,982.01; The Radar Shop-\$630.00; Thomson Reuters-West-\$193.87; Top Quality-\$270.00; Transource Truck & Equip-\$6,081.20; Triple K Tire & Repair-\$173.55; Twilight First Aid & Safety-\$1,140.81; Twin City Hardware & Lumber-\$275.84; Waste Connections-\$864.73; Watertree-\$39.60; Wells Fargo Business Card-\$4,990.11; Western Communication-\$1,590.00; Western State Fire Protection-\$560.00; Wex Bank-\$1,250.26; White's

Canyon Motors-\$246.53; Whitewood Senior Citizens-\$1,000.00; Yankton Co Sheriff-\$150.00; Yankton County-\$237.50; Zep Manufacturing Co-\$176.87; **Witness & Jurors:** Adams,D-\$64.28; Andrzejczak,K-\$64.28; Bennett,J-\$53.36; Bradley,M-\$66.80; Glasford,N-\$63.44; Gray,D-\$52.52; Kaiser,V-\$63.44; Lance,M-\$50.84 ; Livermont,L-\$52.52; Moore,C-\$76.88; Nelson,R-\$53.36; Reid,J-\$63.44; Schmeichel,S-\$62.60; Tegantvoort,R-\$62.60; Toms,D-\$52.52; Wendland,Z-\$62.60; Winckler,G-\$58.40; Woodard,M-\$62.60; Addington,R-\$25.96; Albers,K-\$20.92; Anderson,S-\$29.32; Barden,T-\$62.60; Belten,J-\$22.60; Bice,L-\$23.44; Bolsta,T-\$25.12; Bruch,B-\$24.28; Carbo,M-\$18.40; Davis,Z-\$22.60; Demarcus,B-\$14.20; Dillman,C-\$12.52; Fennema,L-\$20.92; Fischer,B-\$62.60; Gies,J-\$18.40; Greni,D-\$24.28; Hatcher,C-\$10.00; Hayes,L-\$23.44; Hegdahl,J-\$20.08; Hood,P-\$26.80; Johnson,R-\$15.88; Jones,T-\$12.52; Karpinen,S-\$12.52; Kilmer,J-\$22.60; Kirwan,K-\$62.60; Kolb,B-\$10.00; Leahy,G-\$26.80; Luze,M-\$62.60; Marsh,S-\$60.92; McClain,L-\$10.00; Mcnenny,J-\$12.52; Michalson,S-\$26.80; Miller,J-\$10.00; Nelson,T-\$22.60; Nona,M-\$22.60; Otterberg,K-\$20.08; Parks,H-\$62.60; Petsch,L-\$12.52; Post,D-\$26.80; Raichel,R-\$75.20; Redinger,L-\$61.76; Rosenau,J-\$31.00; Row,L-\$15.88; Salzsieder,K-\$23.44; Sands,T-\$65.12; Schenk,C-\$26.80; Shafer,T-\$18.40; Stephens,B-\$22.60; Szutz,T-\$16.72; Termes,W-\$20.08; Vodicka,E-\$50.00; Whitehouse,J-\$58.40; Wiege,R-\$20.92; Ziebert,C-\$10.84; Goodsell,M-\$50.00; Grenstiner,M-\$10.00; Yates,A-\$35.12; O'brien,K-\$57.80; Russo,R-\$20.00; Paisley,T-\$32.60; Burns Moates,C-\$35.12.

ADJOURN: 12:27 p.m. There being no further business, it was Moved-Seconded (Rosenau-Deibert) to adjourn the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – February 12, 2019

Chairman Randy Deibert called the meeting of the Lawrence County Board of Adjustment to order at 10:17 a.m. on February 12, 2019, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Daryl Johnson, Richard Sleep and Brandon Flanagan present.

All motions were passed by unanimous vote, by all members present, unless stated otherwise.

DECLARE CONFLICTS: No conflicts were declared by the Lawrence County Board of Adjustment.

VARIANCE #170/MATTSON: A Public Hearing was held on Variance #170. APPLICANTS: Justin Mattson. LEGAL: Lot 1 of Placer 55 in the SW ¼ of Section 21, T5N, R3E VICINITY LOCATION: Located off Maitland Rd SUMMARY: Requesting a 21' Variance on the NE corner and a 12' variance on the NW corner to the 25' side setback in order to build a 40'x 24' detached garage ZONING: PF-Park Forest ACREAGE: 1.03 acres.

Amber Vogt, Planning & Zoning Administrator gave an overview of the site plan presented by the applicant.

Applicant Justin Mattson, 11410 Blacktail Place, stated that the proposed site was the only flat spot suitable for construction for a garage. Mattson stated he did try to contact his neighbor but they never got back to him.

No public input was voiced and the public hearing was closed.

Commissioner Johnson, commented that during Planning & Zoning he voted against the variance but noted that the adjacent property owner would not be harmed by construction of the garage in the proposed location.

Commissioner Deibert questioned whether it was the owner's intention to drive by the house to get to the garage. Mattson commented that this was the plan. Deibert felt that this was very narrow and would be hard to get a fire truck to that location.

Commissioner Rosenau commented that future building on that side of the house and garage would be very difficult.

Commissioner Flanagan questioned whether there was a well. Mattson stated he has a shared well. Flanagan stated that with the septic tank on the lot as well it really restricts any other kind of construction.

Moved-Seconded (Sleep-Johnson) to approve Variance #170. APPLICANTS: Justin Mattson. LEGAL: Lot 1 of Placer 55 in the SW ¼ of Section 21, T5N, R3E VICINITY LOCATION: Located off Maitland Rd SUMMARY: Requesting a 21' Variance on the NE corner and a 12' variance on the NW corner to the 25' side setback in order to build a 40'x 24' detached garage ZONING: PF-Park Forest ACREAGE: 1.03 acres. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

Commissioner Flanagan left the Board of Adjustment at 10:20 a.m.

VARIANCE #171/HOPPER: A Public Hearing was held on Variance #171. APPLICANTS: Lennard & Tarroon Hopper LEGAL: Lot 18 of Centennial Vista in Section 34, T6N, R3E VICINITY LOCATION: Pendo Road SUMMARY: Requesting an approx 500' variance to the 45' setback between a primary dwelling and guest house ZONING: PF ACREAGE: 4.89 acres.

Amber Vogt, Planning & Zoning Administrator gave an overview of the site plan presented by the applicant.

Applicant Tarroon Hooper was present. Hooper stated that she would be using the guest house as her art studio.

No public input was voiced and the public hearing was closed.

Commissioner Johnson commented that the driveway for the main house goes right past the guest house.

Moved-Seconded (Rosenau-Deibert) to approve Variance #171. APPLICANTS: Lennard & Tarroon Hopper LEGAL: Lot 18 of Centennial Vista in Section 34, T6N, R3E VICINITY LOCATION: Pendo Road SUMMARY: Requesting an approx 500' variance to the 45' setback between a primary dwelling and guest house ZONING: PF ACREAGE: 4.89 acres. Motion Carried.

VARIANCE #172/ELLANDER/WALDNER: A Public Hearing was held on Variance #172. APPLICANTS: Scott Ellander/Ron Waldner LEGAL: Lot 16R in Rochford Ridge Estates in Section 32, T4N, R3E VICINITY LOCATION: Rochford Road SUMMARY: Requesting a 15.1' variance on the N corner and a 14.7' variance on the NW corner to the 25' front setback for an existing detached garage ZONING: PF ACREAGE: 5.561 acres.

Amber Vogt, Planning & Zoning Administrator gave an overview of the site plan presented by the applicant. Vogt also added that the contractor self-reported the error and stopped construction of the garage.

Applicant Ron Waldner advised that construction on the garage is about three-quarter completed. Waldner explained it was when the surveyor did the re-plat that the setback encroachment was discovered. Waldner stated he halted construction and reported the error.

The Commission recognized an e-mail from the Rochford Ridge Homeowners' Association remonstrating against issuance of the variance noting the concern that granting of the variance would be precedent setting for other structures.

No other public input was voiced and the public hearing was closed.

Commissioner Deibert said one option to resolve the north setback would be to vacate the cul-de-sac.

Commissioner Johnson stated that discussion held at Planning & Zoning was that Mr. Waldner has not been a problem in the past and brought the issue to County's attention immediately. Johnson also commented that in the past, the Commission has granted a variance under similar circumstances.

Commissioner Johnson noted appreciation for the concern expressed by the Homeowners' Association; however, he added that the grant of a variance in this instance does not abrogate the application of the set-back rules in other cases.

Moved-Seconded (Sleep-Deibert) to approve Variance #172 for the reason that, while acknowledging the set-back violation occurred, the contractor self-reported the matter and is not likely to repeat the mistake in the future. APPLICANTS: Scott Ellander/Ron Waldner LEGAL: Lot 16R in Rochford Ridge Estates in Section 32, T4N, R3E VICINITY LOCATION: Rochford Road SUMMARY: Requesting a 15.1' variance on the N corner and a 14.7' variance on the NW corner to the 25' front setback for an existing detached garage ZONING: PF ACREAGE: 5.561 acres. Motion Carried.

ADJOURN: 11:00 a.m. There being no further business, it was Moved-Seconded (Johnson-Deibert) to adjourn the Board of Adjustment Meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Brenda McGruder, Auditor