

LAWRENCE COUNTY COMMISSIONERS MEETING – March 27, 2018

Chairman Brandon Flanagan called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on March 27, 2018 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Daryl Johnson, Richard Sleep and Randall Rosenau present.

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

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

DECLARE CONFLICTS: No conflicts were declared by the Lawrence County Commission.

MINUTES: Moved-Seconded (Deibert-Sleep) to approve the minutes of March 13, 2018 County Commission meeting. Motion Carried.

PERSONNEL:

HIGHWAY: Moved-Seconded (Rosenau-Flanagan) to approve Brady Maynard as a permanent full-time Heavy Equipment Operator at the base rate of \$23.58 an hour, effective April 2, 2018. Motion Carried.

VOLUNTEER FIRE FIGHTER: Moved-Seconded (Sleep-Rosenau) to approve Chelsey Lynn Swanson as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

RAFFLE REQUEST / SPEARFISH AREA CHAMBER OF COMMERCE

RAFFLE: Moved-Seconded (Deibert-Johnson) to not object to the request to conduct a raffle for the Spearfish Area Chamber of Commerce, with the drawing taking place on September 27, 2018. Motion Carried.

FUNDING REQUEST / CITY OF DEADWOOD: Moved-Seconded (Sleep-Deibert) to deny the funding request made by the City of Deadwood for recycling services for 2018. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve the automatic supplement of \$5,007.85 to the Sheriff travel budget for hail damage to a patrol vehicle. Motion Carried.

DISSOLUTION OF THE WOODLANDS OF SPEARFISH ROAD DISTRICT: The Board acknowledge the receipt of the Dissolution of the Woodlands of Spearfish Road District as the area encompassing the district has been annexed into the City of Spearfish.

INVASIVE SPECIES MANAGEMENT WEED SPRAYING AGREEMENT:

Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the South Dakota Department of Transportation Weed Spraying Agreement. Motion Carried.

FEMA CERTIFICATE OF ACHIEVEMENT: Paul Thomson, Emergency Management Director was presented with a FEMA Certificate of Achievement for advanced professional series.

MALT-BEVERAGE & SD FARM WINE LICENSE TRANSFER / SD

CAMPGROUND AND RESIDENCY CENTER INC. (SPEARFISH KOA): A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Spearfish SD Kampland Inc (Spearfish KOA) to SD Campground and Residency Center Inc (Spearfish KOA): No public input was voiced and the public hearing was closed. Moved- Seconded (Rosenau-Deibert) to approve the following transfer of Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine License. Previous License: Spearfish SD Kampland Inc (Spearfish KOA): Parcel B (KOA Campground) NW1/4NW1/4, Sec.3, T6N, R2E, BHM. Transfer To: SD Campground and Residency Center Inc (Spearfish KOA): Parcel B (KOA Campground) NW1/4NW1/4, Sec.3, T6N, R2E, BHM. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of March 27, 2018:
Deadwood Diesel #2 (dyed) 6500 gallons: CBH Cooperative-\$2.237*; MG Oil-\$2.271; Harms Oil Co.-No Bid. **Deadwood Unleaded 7100 gallons:** CBH Cooperative-\$2.27; MG Oil-\$2.24*; Harms Oil Co.-No bid. **Spearfish Diesel #2 (dyed): 1500 gallons:** (prices per gallon) CBH Cooperative - \$2.287; MG Oil - \$2.271*; Harms Oil Co-No Bid. **Spearfish Unleaded 950 gallons:** (prices per gallon) CBH Cooperative - 2.32; MG Oil - \$2.24*; and Harms Oil Co - No bid. **Whitewood Diesel #2 (dyed) 600 gallons:** (prices per gallon) CBH Cooperative - \$2.287; MG Oil - \$2.271*; Harms Oil Co - No bid.
*Represents lowest quote awarded.

HIGHWAY SUPPLIES BIDS:

MAGNESIUM CHLORIDE: Moved-Seconded (Deibert-Johnson) to accept the only bid from Z&S Dust Control at \$153.00 per ton, \$18.50 per ton application, and \$5,000 for rental of a truck if needed, to waive any irregularities, and allow the Chairman to sign the Contract with Z&S Dust Control. Motion Carried.

HOT MIX ASPHALT: The following bids were received for Asphalt Hot Mix F.O.B.: Sacrison Paving- E-1 \$60.00 per ton & E-2 \$60.00 per ton at Exit 8 Plant; Simon Contractors of South Dakota, Inc.-E-1 \$58.50 per tone & E-2 \$59.00 per ton at the Centennial Quarry. Moved-Seconded (Deibert-Rosenau) to accept all bids received thereby allowing the Highway Superintendent to use the most advantageous price and desired location, and to waive any irregularities. Motion Carried.

COLD MIX ASPHALT: The following bid was received for Asphalt Cold Mix: Simon Contractors of South Dakota, Inc. - \$104.00 per ton at the Centennial Quarry. Moved-Seconded (Johnson-Deibert) to accept the only bid received from Simon Contractors of South Dakota, Inc. and to waive any irregularities. Motion Carried.

GRAVEL SURFACING AGGREGATE: The following bids were received for Gravel Aggregate: Simon Contractors of South Dakota, Inc.: 3/4" Gravel Surfacing- Hansen Pit-\$7.50 per ton; 1" Gravel Base- Hansen Pit-\$7.50 per ton; Centennial Quarry-\$9.50 per ton; 1/2" Clean Rock-Centennial Quarry-\$11.50 per ton; 3/4" Clean Rock-Centennial Quarry-\$11.00 per ton; 1" Clean Rock-Kost Pit-\$10.80 per ton; Centennial Quarry-\$10.80 per ton; 3/8" Chips-Centennial Quarry-\$15.50 per ton; 1" Gravel Base-Kost Pit-\$8.90 per ton. Johner Gravel, Inc.: 3/4" Gravel Surfacing-Hurm Pit-\$7.25 per ton with \$.25 loading fee; Evans Pit-\$7.25 with \$.25 loading fee; 1" Gravel Base-Hurm Pit-\$7.50 per ton with \$.25 loading fee; Evans Pit-\$7.50 with \$.25 loading fee; 1" Clean Rock-Hurm Pit-\$10.00 per ton with \$.25 loading fee; Evans Pit-\$10.00 with \$.25 loading fee. Moved-Seconded (Johnson-Rosenau) to accept all bids received, depending on the most advantageous price and desired location, and to waive any irregularities. Motion Carried.

DE-ICING SAND: The following bid was received for 4,000 ton of De-Icing Sand: Simon Contractors of South Dakota, Inc.: Centennial Quarry-\$14.60 per ton (Total Bid Price-\$58,400). Moved-Seconded (Deibert-Sleep) to accept the only bid from Simon Contractors of South Dakota, Inc.: Centennial Quarry-\$14.60 per ton (Total Bid Price-\$58,400). Motion Carried.

IN-PLACE HOT MIX ASPHALT PAVER PATCHING: The following bids were received for In-Place Hot Mix Asphalt Paver Patching: Sacrison Paving: Type 1-\$147.50 per ton & Type 2-\$147.50 per ton; Simon Contractors of South Dakota, Inc.: Type 1-\$127.00 per ton & Type 2-\$128.50 per ton. Moved-Seconded (Johnson-Sleep) to accept the lowest responsible bid from Simon Contractors of South Dakota, Inc.: Type 1-\$127.00 per ton & Type 2-\$128.50 per ton and to waive any irregularities. Motion Carried.

PRECAST CONCRETE CULVERTS/BOX CULVERTS/BRIDGE BEAMS/DECK UNITS: Moved-Seconded (Deibert-Rosenau) to accept the only bid from Forterra

Concrete Products for Precast Concrete Culverts, Box Culverts, Bridge Beams, Deck Units, as on file in the Lawrence County Auditor's Office, to waive any irregularities, allow the Chairman to sign the contracts and allow for the option to buy off state bid. Motion Carried.

APPROACH PERMIT:

MIKE ANDERSON: Moved-Seconded (Sleep-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the approach permit for Mike Anderson located on the north side of Gilt Edge Road approximately 2 tenths of a mile from the intersection of 385. Motion Carried.

CITY OF SPEARFISH/COUNTY ROAD JURISDICTION: Allan Bonnema, Highway Superintendent and Bruce Outka, Deputy State's Attorney will be meeting with Larry Dean, Department of Transportation and Beau Riopel, City of Spearfish on April 3, 2018.

FLAP OVERVIEW: Ali DeMersseman, Black Hills Council of Local Governments was present to give an overview of the Federal Lands Access Program.

VACATION OF PLAT / HOOD AND NEMO VOLUNTEER FIRE

DEPARTMENT: A public hearing was held on a Petition to Vacate a Plat from Jerry D. & Patricia A. Hood and Nemo Volunteer Fire Department: Plat of Lots RH and FS being replat of Lot H of Nemo Placer M.S. 1368 and a portion of Nemo Placer M.S. 1368 Section 27, T3N, R5E, B.H.M., Lawrence County, South Dakota. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairman to sign the following Resolution #18-10. Motion Carried.

Resolution #18-10 Resolution & Order Vacating a Plat WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, by Jerry D. Hood & Patricia A. Hood, husband and wife; and the Nemo Volunteer Fire Department, a South Dakota Nonprofit Corporation, requesting for the Vacation of a Plat, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the Black Hills Pioneer once at least ten days prior to the date of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, the names and addresses of the record owner of the plat or part thereof sought to be vacated; Jerry D. Hood & Patricia A. Hood, Husband and Wife, PO Box 78, Nemo, SD 57759; and the Nemo Volunteer Fire Department, a South Dakota Nonprofit Corporation, PO Box 93, Nemo, SD 57759, and WHEREAS, the legal description is as follows: Plat of Lots RH and FS being a Replat of Lot H of Nemo Placer M.S. 1368 and a portion of Nemo Placer M.S. 1368 Section 27, T3N, R5E, B.H.M., Lawrence County, South Dakota, as shown by Plat recorded as Document Number 2016-5490 on the 10th day of November, 2016, in the office of the Register of Deeds Office, Lawrence County, South Dakota., Exhibit A attached hereto and incorporated herein, and WHEREAS, the names of the legal voters residing upon the platted property are Jerry D. Hood & Patricia A. Hood, and WHEREAS, the character and use of the plat is as follows: Jerry D. Hood and Patricia A. Hood utilize their property for residential purposes. The Nemo Volunteer Fire Department uses its property as a fire station and community hall, and WHEREAS, there are no public highways located upon said Plat, the Nemo Road is

the only road shown on the plat, and vacating this plat will have no effect on the Nemo Road's location or use, and WHEREAS, the parties intended to adopt this plat to permit the Hoods to build a garage on property received from the Nemo Volunteer Fire Department; however, the parties mutually agreed to abandon such endeavor and desire to return ownership of such parcels to their original state prior to the filing of the Plat to be vacated, and WHEREAS, the granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, it may vacate the plat specified in the petition, and WHEREAS, all property taxes on such plat shall be paid before it may be vacated, and BE IT RESOLVED by the Lawrence County Board of Commissioners to hereby vacate a Plat: Dated this 27th day of March, 2018. Brandon Flanagan, Chairperson Lawrence County Commissioner. ATTEST: Brenda McGruder, Deputy Auditor Lawrence County.

PLANNING & ZONING:

PLATS:

PRELIMINARY AND FINAL PLAT/WILLIAMSON (Reconsideration):

APPLICANTS: Joshua & Dianna Williamson & Keith & Michael Williamson Legal: Lots 128-A and 141-A of Spearfish Canyon Lots All Located in NE 1/4 of Section 4, T5N, R2E Vicinity Location: Spearfish Canyon.

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Joshua & Dianna Williamson & Keith & Michael Williamson meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the Preliminary and Final Plat for Joshua & Dianna Williamson & Keith & Michael Williamson based upon the Planning and Zoning Commission recommendation for approval, the concurrent recommendation of P&Z staff, as reflected in the staff report, and upon a letter received from Department of Environment and Natural Resources. Legal: Lots 128-A and 141-A of Spearfish Canyon Lots All Located in NE 1/4 of Section 4, T5N, R2E Vicinity Location: Spearfish Canyon. Motion Carried.

PRELIMINARY PLAT/BH DEVELOPMENT, LLC: APPLICANTS: BH Development, LLC/Mid America Holdings, Co./Perlebach Investments, LLC. Legal: Lots 1-14, Blk 7 and Lots 1-10, Blk 8 of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Vicinity Location: Powder House Pass.

Moved-Seconded (Deibert-Rosenau) to follow Planning and Zoning Commission recommendation for approval and upon the concurrent recommendation of P&Z staff, as

reflected in the staff report submitted, to approve the Preliminary and Final Plat for BH Development, LLC/Mid America Holdings, Co./Perlebach Investments, LLC. Legal: Lots 1-14, Blk 7 and Lots 1-10, Blk 8 of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Vicinity Location: Powder House Pass. Motion Carried.

FINAL PLAT/BH DEVELOPMENT, LLC:

Moved-Seconded (Sleep-Flanagan) to allow the Chairman to update the date to March 27, 2018 on the Final Plat for BH Development, LLC. Legal: Lots 2, 3 & 8 Blk 7 of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Vicinity Location: Powder House Pass. Motion Carried.

PRELIMINARY PLAT/BH DEVELOPMENT, LLC: APPLICANTS: BH

Development, LLC/BH Properties. LEGAL: Lots 1-12, Blk 1 and Lots 1-14, Blk 2 of Ridgewood Addition of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Vicinity Location: Powder House Pass.

Moved-Seconded (Deibert-Rosenau) to approve a Preliminary Plat for BH Development, LLC/BH Properties, to include certain exceptions to the subdivision regulations as requested by the engineering firm AE2S, to-wit: reduced ROW on Twilight Court, reduction in the cul-de-sac radius from 37 feet from 70 feet, and to reduce the ROW from 66 feet to 50 feet along Ridgewood Trail, all pursuant to the recommendation of the Planning and Zoning Commission and the concurrent recommendation contained in the P&Z Staff Report. LEGAL: Lots 1-12, Blk 1 and Lots 1-14, Blk 2 of Ridgewood Addition of Wilderness Estates 2nd Addition, (legal shortened) in Section 8 T4N, R3E. Vicinity Location: Powder House Pass. Motion Carried.

COMPREHENSIVE PLAN UPDATE: Ali DeMersseman, Black Hills Council of Local Governments was present to answer questions about a potential update to Lawrence County's Comprehensive Plan.

RECESS: 9:42 a.m. Moved-Seconded (Johnson-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:30 a.m. The Chairman called the meeting back to order.

EXECUTIVE SESSION PERSONNEL: 10:54 a.m. Moved-Seconded (Rosenau-Deibert) to go into executive session pursuant SDCL 1-25-2(1) to discuss personnel. Motion Carried. 11:28 a.m. The Board opened for regular business with no action taken.

Chairman Flanagan on behalf of the Board regretfully accepted the resignation of Connie Atkinson, Lawrence County Auditor, effective April 14, 2018. The Board collectively offered its congratulations to Connie on her pending retirement, specifically noting the 31 years of devoted service to the citizens of Lawrence County.

Moved-Seconded (Deibert-Flanagan) to appoint Brenda McGruder as Lawrence County Auditor effective April 15, 2018 at 12:01 a.m. for the length of the term pursuant to SDCL 3-4-3 and to set the base pay at \$2,770.05 per pay period. Motion Carried.

MALT-BEVERAGE LICENSE TRANSFER / CUSTER CROSSING

CAMPGROUND LLC: A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage License for Janell F. Andis (Custer Crossing) to Custer Crossing Campground LLC. No public input was voiced and the public hearing was closed. Moved-Seconded (Deibert-Sleep) to approve the following transfer of Class-Retail (On-Off Sale) Malt Beverage License. Previous License: Janell F. Andis (Custer Crossing): Tract B-1 (3.44 AC) & Lot C (2.20 AC) HES 246 Except Lot 1 in Sec 21, T3N, R4E, BHM. Transfer To: Custer Crossing Campground LLC: Tract B-1 (3.44 AC) & Lot C (2.20 AC) HES 246 Except Lot 1 in Sec 21, T3N, R4E, BHM. Motion Carried.

BILLS:

Moved-Seconded (Johnson-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-\$6,669.31; Aud-\$12,389.63; Treas-\$12,350.83; States Atty-\$15,436.70; Pub Def-\$12,207.14; Gen Govt Bldg-\$9,315.50; Equal-\$14,865.73; Rod-\$9,158.36; Vso-\$988.80; Ist-\$9,464.71; Disp-\$13,888.42; Sher-\$39,919.02; Jail-\$22,390.73; Coroner-\$576.55; 24/7-\$145.18; Emerg Mgnt-\$4,386.44; E911-\$2,052.80; Highway-\$47,727.22; Weed-\$3,709.74; Pz-\$5,721.19; **Bills:** Larson, Rene-\$32.00; Moser, Douglas-\$93.96; A To Z Shredding-\$39.80; A&B Business,Inc Solutions-\$402.40; Ainsworth Benning Const-\$26,760.60; American Family Life-\$3,056.91; At&T-\$7.34; BH Pediatrics & Neonatology-\$1,077.96; BH Pest Control-\$190.00; BH Pioneer-\$15.25; BH Resource Conservation-\$100.00; BH Truck And Trailer-\$987.60; Barnaud Law Firm-\$440.45; Bi Geo Group-\$391.00; Big Sky Communications-\$296.00; Black Hills Energy-\$11,692.35; Breit Law Offices-\$297.18; Bruemmer,Lynnel-\$47.60; Butler Machinery Co-\$1,153.17; Centurylink-\$1,944.87; Childrens Home Society-\$39.14; Chris Supply Co-\$48.89; Clinical Lab Of BH-\$19.70; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$71.71; David Wolfskill Investigation-\$287.50; Deadwood Recreation Center-\$803.00; Delta Dental Of South Dakota-\$7,344.52; Denny's Welding II-\$10.00; Dept Of The Treasury-\$57,220.32; Eddie's Truck Sales/Serv-\$388.70; Fastenal-\$106.70; Fidler-Isburg Funeral Chapel-\$190.00; Frederickson, John R-\$1,485.00; Galls-\$587.23; Godfrey's Brake Serv-\$2,099.57; Heartland Paper Co-\$1,344.10; Hill City Ambulance-\$650.00; Interstate Engineering-\$1,718.90; Karl's-\$169.94; Katterhagen, Mark-\$42.00; Kimball-Midwest Co-\$943.76; Kinney, Matthew-\$1,751.81; L-3 Mobile Vision-\$125.00;

Law Enforcement Seminars-\$350.00; Lawson Products-\$315.79; Lee,James-\$15.00; Lewno, Lucy-\$487.90; Lockwood, Darcy-\$42.00; Mack's Auto Body-\$6,007.85; McClure, Susan-\$100.00; Microfilm Imaging Systems-\$1,220.00; Midcontinent Communications-\$111.82; Midwest Card & Id Solutions-\$500.00; Montana Dakota Utilities-\$721.20; Moss,William Psy-\$400.00; Mountain Vista Dental-\$660.00; Nalco Company-\$239.20; National Assoc Legal Assistant-\$140.00; Nebraska Salt & Grain Co-\$2,894.66; North Central Int'l-\$137.70; Northern Hills Rec Center-\$177.00; Northern Truck Equip-\$283.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$983.09; Pennington Co Jail-\$910.00; Pennington County Sts Attny-\$430.00; Pizza Lab-\$244.80; Quill-\$152.83; Radiology Associates-\$36.00; Ramkota Inn Pierre-\$260.98; Rasmussen Mechanical Serv-\$272.50; Regional Health-\$1,503.52; Rena M Hymans, PC-\$1,200.41; Root Spring Scraper-\$1,794.76; Schilling,Kevin-\$500.00; Sd Law Review-\$35.00; SD Ltap/Sdsu-\$150.00; SD Retirement System-\$59,779.06; Sdrs Supplemental Retirement-\$2,841.00; Servall Towel & Linen-\$660.73; Silverado-\$387.00; Spearfish Ambulance Service-\$80.00; Spearfish Police Dept-\$10,549.34; Sterna, Laura-\$250.00; Strain Morman Law Firm-\$1,567.83; Stretch's Glass & Mirror-\$818.63; Sysco Montana-\$2,700.36; Thomas L Bennett, MD-\$2,000.00; Track-\$93.08; Turnkey Corrections-\$44.23; Twin City Hardware & Lumber-\$291.07; Vast Broadband-\$1,699.01; Verizon Wireless-\$105.44; Victims Of Violence-\$440.00; Wellmark Blue Cross-\$86,591.70; Western Communication-\$226.00; Western Hills Humane Society-\$2,000.00; White Drug-\$2,712.59; White's Queen City Motors-\$553.44; Yankton Co Sheriff-\$150.00; Yankton County-\$237.50; **Witness & Jurors:** Lee,L-\$152.52; Feterl,F-\$15.04; Outka,B-\$20.08; Podoll,K-\$20.92; Moraga,V-\$24.28; Fitzgerald,S-\$31.00; De Lano,M-\$14.28; Geppert,T-\$71.00; Gostola,C-\$52.52; Hayward,N-\$52.52; Kinghorn,S-\$10.08; Jones,M-\$75.20; Mcmillin,G-\$63.44; Ryan,M-\$61.76; Teel-Hartman,M-\$60.92; Allen,K-\$12.52; Allender,D-\$18.40; Berman,D-\$22.60; Black,R-\$22.60; Boyd,J-\$35.20; Burrows,K-\$12.52; Carlson,S-\$38.56; Centofanti,A-\$226.88; Chamberlain,D-\$250.40; Clark,K-\$11.68; Clem,S-\$20.92; Cowen,M-\$14.20; Cox,J-\$21.76; Coyle,A-\$22.60; Davis,H-\$26.80; Donat,D-\$22.60; Dorfschmidt,D-\$33.52; Draine,H-\$20.08; Eddie,S-\$233.60; Edwards,D-\$26.80; Fairchild,C-\$15.04; Fosso,T-\$10.84; France,K-\$12.52; Griffin,G-\$250.40; Guttery,J-\$14.20; Harmon,M-\$22.60; Harris,M-\$20.92; Hauge,V-\$11.68; Hawthorne,A-\$10.84; Hess,G-\$12.52; Hodgs,M-\$250.40; House,A-\$267.20; House,J-\$26.80; Johnson,R-\$24.28; Johnson,T-\$210.08; Jones,D-\$26.80; Kerr,A-\$29.32; Kinghorn,N-\$25.12; Koehler,A-\$31.00; Kotke,S-\$11.68; Krogstad,D-\$18.40; Lawson,C-\$18.40; Lester,J-\$12.52; Manning,L-\$23.44; Mathis,R-\$22.60; Melton,J-\$13.36; Mollman,P-\$11.68; Moore,J-\$20.92; Myers,J-\$210.08; Narem,J-\$213.44; Nicholas,D-\$33.52; Olsen,V-\$15.04; Ooka,V-\$18.40; Ott,G-\$11.68; Paulson,R-\$253.76; Rabenberg,R-\$18.40; Reausaw,C-\$20.08; Reid,B-\$247.04; Rommen,T-\$250.40; Ross,B-\$22.60; Savage,S-\$22.60; Schaefer,L-\$25.12; Schmidt,J-\$22.60; Schultz,C-\$34.36; Schuman,R-\$22.60; Sigle,K-\$26.80; Solvie,A-\$240.32; Spitler,G-\$25.12; Stuen,L-\$10.84; Sulzbach,M-\$10.84; Sundjordet,S-\$22.60; Swanson,N-\$247.04; Tillman,E-\$22.60; Tobin,J-\$26.80; Uhrig,L-\$12.52; Vega,E-\$31.00; Wallace,S-\$10.00; Wheaton,K-\$22.60; Williams,D-\$26.80; Wellard,K-\$10.84; Albrecht,L-\$31.00; Allard,S-\$22.60; Anderson,R-\$12.52; Baird,P-\$26.80; Bauer,C-\$18.40; Bauer,L-\$26.80; Bridges,S-\$175.20; Brott,J-\$25.12; Bulat,J-\$28.48; Byers,P-\$19.24; Cooney,J-\$187.80; Crago,S-\$26.80; Dagit,E-\$12.52; Daywitt,I-\$12.52; Dean,S-\$19.24; Domogalski,W-\$172.68;

Douglas,D-\$18.40; Dragoo,A-\$12.52; Dufek,K-\$16.72; Evers,J-\$21.76; Farmer,D-\$18.40; Feterl,J-\$11.68; Feterl,S-\$22.60; Frasier,K-\$192.84; Garbel,L-\$33.52; Gerving,R-\$13.36; Grenstiner,D-\$165.12; Guthmiller,J-\$22.60; Hahn,K-\$22.60; Hansen,A-\$35.20; Hartman,S-\$26.80; Heberlig,G-\$20.92; Hesson,M-\$22.60; Higgins,J-\$182.76; Johnson,L-\$20.08; Johnson,M-\$180.24; Johnston,W-\$22.60; Jorgenson,D-\$22.60; Karlson,C-\$22.60; Keough,D-\$28.48; Kerber,L-\$157.56; Kerney,M-\$21.76; Laporte,L-\$19.24; Lessard,J-\$26.80; Lind,C-\$25.12; Macleod,F-\$210.48; Mattson,J-\$12.52; Maynard,D-\$10.84; McNary,I-\$10.84; Millard,P-\$13.36; Miller-Perrett,D-\$26.80; Narem,S-\$14.20; Neiman,J-\$22.60; Pharr,J-\$21.76; Pluimer,R-\$26.80; Ramsey,J-\$23.44; Richards,T-\$11.68; Ringling,D-\$157.56; Robideau,J-\$16.72; Ruff,T-\$26.80; Sargent,J-\$155.04; Stambaugh,S-\$192.84; Stone-Douglas,S-\$12.52; Sundsted,W-\$20.08; Tripp,M-\$20.08; Verhulst,J-\$27.64; Wagner,K-\$26.80; Wescott-Toth,M-\$22.60; Williams,G-\$21.76; Winter,D-\$25.12; Glenn,R-\$30.92; Eggleston,B-\$31.76; Hochstetler,T-\$32.60

ADJOURN: 11:41 a.m. There being no further business, it was Moved-Seconded (Rosenau-Deibert) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Deputy Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – March 27, 2018

Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 9:42 a.m. on March 27, 2018 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Daryl Johnson, Richard Sleep and Randall Rosenau 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 Commission.

VARIANCE #165/LAUSSER: A Public Hearing was held on Variance #165. APPLICANT: John Lausser SUMMARY: Personal Use Airstrip Requiring a 400' Variance to the 500' Setback VICINITY LOCATION: Upper Redwater LEGAL: E1/2 SE1/4 Lying S and W of the Redwater River & SW1/4 SW1/4 Lying S and E of the Redwater River in Section 10 & 11, T7N, R1E and E1/2 Section 12, T7N, R4E. John Lausser, property owner gave his credentials as a pilot. He also stated that he has his plane inspected once every year at a cost of \$4,000.00 and that he would only be using the landing strip approximately once a week. He would not practice take offs and landings at the airstrip. Matt Jaacks, 19471 Brady Lane, Spearfish, spoke in opposition of the airstrip. He stated that he would not have purchased his home had an airstrip been in place at the time of purchase. Bob Ferrell, 10233 Upper Red Water Rd, Spearfish spoke in opposition of the airstrip. He stated that take offs and landings are the most dangerous part of flying and the homes in the area are in danger. John Swanson, 10459 Upper Red Water Rd, Spearfish, spoke in opposition to the airstrip. He stated that his homestead is a centennial ranch and wants to keep it going for future generations of his family. His son is looking to build across the road on Brady Lane. He would not build if an airstrip is approved. He pointed out the power lines are a concern. Debra Hayes, property owner spoke in favor of the airstrip. She stated that John has had a dream of owning this property since his childhood and he would not do anything to harm anyone. Aaron Thompson, 19461 Crocus Hills Dr, Spearfish, spoke in opposition of the airstrip. He stated that the use of their ranch proceeds was to fund the upbringing of their children. The public hearing was closed. Commissioner Flanagan stated the longer the runway the better for safety purposes. Deibert stated that the variance of 500' would need to be granted on all three sides. Commissioner Sleep asked why would one not just leave a car at the airport and drive back and forth? Commissioner Johnson stated that he would have a hard time voting for the variance due to the size and the opinions of the neighbors. Commissioner Rosenau stated that a 20-30 foot variance would not be a problem, but 500 feet is just too much.

Moved-Seconded (Deibert-Sleep) to deny the Variance #164 as requested because it does not meet the considerations of Chapter 16-Variences and the Board would like consistency with variance requests. APPLICANT: John Lausser SUMMARY: Personal

Use Airstrip Requiring a 400' Variance to the 500' Setback VICINITY LOCATION:
Upper Redwater LEGAL: E1/2 SE1/4 Lying S and W of the Redwater River & SW1/4
SW1/4 Lying S and E of the Redwater River in Section 10 & 11, T7N, R1E and E1/2
Section 12, T7N, R4E. Motion Carried.

ADJOURN: 10:30 a.m. There being no further business, it was Moved-Seconded
(Rosenau-Flanagan) to adjourn the Board of Adjustment Meeting. Motion Carried.

_____ Date Approved

_____ Brandon Flanagan, Chairman

ATTEST:

Brenda McGruder, Deputy Auditor