

LAWRENCE COUNTY COMMISSIONERS MEETING – September 18, 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 September 18, 2018 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Richard Sleep and Randall Rosenau. Absent: Daryl Johnson

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

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

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

MINUTES: Moved-Seconded (Deibert-Rosenau) to approve the minutes of September 4, 2018 County Commission meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Rosenau-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of August 31, 2018 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)-\$68,193.85; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$9,244.62; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000.00; bank balance \$12,363,813.24, money market \$8,763,597.08. Total \$24,208,058.79.

TRAVEL REQUEST:

CORONER: Moved-Seconded (Deibert-Sleep) to approve the travel request for Marty Goetsch and Rob Leonard to attend the annual coroner training in Sioux Falls, SD from September 30, 2018 to October 2, 2018. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Deibert) to approve Nathan Davis as a fill-in part-time (under 20) Deputy Sheriff II G3 at a base rate of \$25.88 per hour, effective September 24, 2018. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to approve Alex Hamann as a fill-in part-time (under 20) Special Deputy Sheriff II G1 at a base rate of \$19.92 per hour, effective September 18, 2018. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to allow for the advertisement of three (3) full time deputies. One (1) to be hired in 2018 and two (2) to be hired in 2019. Motion Carried.

ADOPTION OF 2019 BUDGET RESOLUTION #2018-21: Moved-Seconded (Rosenau-Deibert) to adopt the 2019 Annual Budget as amended and approve the following Resolution #2018-21. Aye-Flanagan, Deibert and Rosenau. Nay-Sleep. Motion Carried. Commissioner Sleep stated that he felt that the \$29,475.00 for the floodplain project should be removed from the budget. **RESOLUTION #2018-21: ADOPTION OF ANNUAL BUDGET FOR LAWRENCE COUNTY, SOUTH DAKOTA - WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto. NOW THEREFORE BE IT RESOLVED, that such provisional budget as amended and all its purposes, schedules,**

appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATIONS AND EXPENDITURES FOR LAWRENCE COUNTY, SOUTH DAKOTA and all its institutions and agencies for calendar year beginning January 1, 2019 and ending December 31, 2019 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 18th day of September, 2018. The annual budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Lawrence County, South Dakota. The accompanying taxes are levied by Lawrence County for the payable year January 1, 2019 through December 31, 2019.

APPLIED CASH	1,088,832	
VALUATION-GENERAL	2,581,084,561	
VALUATION-FIRE	1,299,774,947	
FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	10,422,486	4.038
FIRE PROTECTION	93,429	.072
TOTALS	10,515,915	4.110

DATED at Deadwood, South Dakota, this 18th day of September 2018. LAWRENCE COUNTY COMMISSIONERS: Brandon Flanagan, Chairman, Randy Deibert, Richard Sleep, and Randall Rosenau. Absent Daryl Johnson. ATTEST: Brenda McGruder, Auditor.

ABATEMENT:

DANIEL LEE GRAY: Moved-Seconded (Sleep-Rosenau) to approve the abatement for Daniel Lee Gray on parcel #26580-01356-000-41 because incorrect acreage was taxed on Lot 3 for the tax year 2016 payable in 2017 and 2017 payable in 2018. Motion Carried.

SHERIFF:

CERIFICATE OF APPRECIATION: The Board presented Shelley Dragoo with a certificate of appreciation for the donation of her art work that is displayed on the new Lawrence County website and letterhead.

CONTINGENCY TRANSFER: Moved-Seconded (Deibert-Flanagan) to approve a contingency transfer of \$250.00 to the Emergency Management Search & Rescue budget. Motion Carried. A donation for \$250.00 was received by Search & Rescue for their help during the Mickelson Trail Marathon. The money will be given to the family of David Fischer who lost his life in a fire on September 8, 2018.

RESOLUTION #18-23 / SUPPLEMENTAL BUDGET:

A Public Hearing was held on Resolution #18-23 for a Supplemental Budget for GENERAL FUND-JUVENILE DETENTION-\$50,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Deibert) to approve and adopt the following Resolution #18-23 for a Supplemental Budget. Motion Carried. RESOLUTION #18-23 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2018, failed to provide sufficient revenue to enable the County to conduct the indispensable functions of Government, and WHEREAS, the Board of County Commissioners of said County deems it necessary to make a Supplementary Budget, providing for appropriation in the amounts set out below. NOW, THEREFORE, BE IT RESOLVED THAT SAID BOARD, make, approve and adopt a Supplemental Budget for Lawrence County, South Dakota, for the year 2018, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND JUVENILE DETENTION - \$50,000.00 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 18th day of September, 2018 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 18th day of September, 2018. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

ROCHFORD ROAD OVERLAY PROJECT: Allan Bonnema, Highway Superintendent informed the Board of an issue encountered with the Rochford Road overlay project. Bonnema went on to say that the original bid was to mill the road down 2" and then place a 3" overlay over

the top. After the 2" milling was removed it was found that in some places it was down to the gravel. A change order will need to be done for the additional cost pursuant to SDCL 5-18B-19.

HAUL ROAD AND OPERATING AGREEMENT #C.U.P 435/CANYON CREEK ROCK, LLC: An amended haul road and operating agreement was received from Canyon Creek Rock, LLC. Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the amended haul road agreement with Canyon Creek Rock, LLC once Allan Bonnema, Highway Superintendent informs the Chairman that the bridge is complete. Motion Carried.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: A preliminary draft of the five-year county highway and bridge improvement plan was presented to the Commissioners for review. The Public Meeting will be held on October 9, 2018 at 8:30 a.m.

RECESS: 8:54 a.m. Moved-Seconded (Deibert-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:18 a.m. The Chairman called the meeting back to order.

PLANNING & ZONING:

PLANNING & ZONING UPDATES: Amber Vogt, Planning & Zoning Administrator updated the Board on a request made by Top Shelf Development for a change of zoning through the City of Spearfish from agriculture and R1 single family dwelling to R3 multi-family residential zoning for a senior living community, single-family homes and duplexes. The Board was in favor of the change but questioned whether the additional future traffic was taken into consideration when the original traffic count was done, and whether it still meets the requirements.

Vogt also updated the Board of a technical revision No. 69 to Richmond Hill permit No. 445. Moved-Seconded (Rosenau-Flanagan) to allow Amber Vogt, Planning & Zoning Administrator to send a compliance letter to DENR. Motion Carried.

FLOODPLAIN CONTRACT: Tonya Vig, City of Spearfish Floodplain Administrator was present to answer question about the current flood plain contract held between The City of Spearfish and AE2S. The discussion centered around continued County funding of the project. Commissioner Deibert questioned Section 6:03 Bullet A of the contract. Deibert noted that the owner should own the data not the engineer and further that the information should be available to the public. Commissioner Flanagan stated that the project was funded by public funds and the data should be available to the public. Commissioner Deibert will reduce his concerns and/or proposed contractual language to writing and present same at the next City/County meeting to be held on October 11, 2018. The desired outcome is to have the future funding issue resolved at the October 23, 2018 Commission meeting.

JOINT POWERS AGREEMENT: An amended joint powers agreement was presented for review.

PLATS:

PRELIMINARY AND FINAL PLAT/KAMSTRA: APPLICANT: Marion L. Kamstra Trust (Leigh Kamstra) **LEGAL:** Tracts 3A-1, 3A-2 and 3A-3; formerly Tract 3A of Lot B of M.S. 1330; All Located in the SE ¼ of Section 29, the NE ¼ of Section 32 and the NW ¼ of Section 33, T4N, R4E **VICINITY LOCATION:** Located off Nemo Road **SUMMARY:** Create 2 small lots for transfer purposes only - no building rights.

Moved-Seconded (Deibert-Flanagan) declaring that the plat for Marion L. Kamstra Trust (Leigh Kamstra) meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for Marion L. Kamstra Trust (Leigh Kamstra) 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:** Tracts 3A-1, 3A-2 and 3A-3; formerly Tract 3A of Lot B of M.S. 1330; All Located in the SE ¼ of Section 29, the NE ¼ of Section 32 and the NW ¼ of Section 33, T4N, R4E **VICINITY**

LOCATION: Located off Nemo Road SUMMARY: Create 2 small lots for transfer purposes only - no building rights. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the final plat for Marion L. Kamstra Trust (Leigh Kamstra) based upon the Planning and Zoning Commission recommendation subject to: prior to conveyance of the two small lots, that a covenant be placed on those lots by the owner, to the benefit of Lawrence County, stating that there be no building on the lots until they are replatted. At such time the covenant would then expire. The Covenant must be approved by Bruce Outka, Deputy State's Attorney and recorded with the Register of Deeds. Further with the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL: Tracts 3A-1, 3A-2 and 3A-3; formerly Tract 3A of Lot B of M.S. 1330; all located in the SE ¼ of Section 29, the NE ¼ of Section 32 and the NW ¼ of Section 33, T4N, R4E VICINITY LOCATION: Located off Nemo Road SUMMARY: Create 2 small lots for transfer purposes only - no building rights. Motion Carried.

FINAL PLAT/TWO BIT, LLC/HARP LLC: APPLICANTS: Two Bit, LLC/Harp, LLC
LEGAL: Lot 12A of Golden Hills, Being a Subdivision of Tract A, formerly Lot 12 and 13, all located in Section 25 & 36, T5N, R3E (legal shortened) VICINITY LOCATION: Two Bit Road
SUMMARY: Combine two lots into one.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for Two Bit, LLC/Harp, LLC 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: Lot 12A of Golden Hills, being a subdivision of Tract A, formerly Lot 12 and 13, all located in Section 25 & 36, T5N, R3E (Legal Shortened) VICINITY LOCATION: Two Bit Road SUMMARY: Combine two lots into one. Motion Carried.

PRELIMINARY AND FINAL PLAT/STARTZ: APPLICANTS: James & Tina Startz LEGAL: Lots 1 & 2 a Subdivision of Clare No. 4 Lode, M.S. 1135 Located in the SW ¼ of Section 16, T4N, R4E VICINITY LOCATION: Hwy 385 on Chinese Court SUMMARY: Subdivision of parcel into a 2 Acre and 8 acre parcels.

Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for James & Tina Startz 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: Lots 1 & 2 a subdivision of Clare No. 4 Lode, M.S. 1135 Located in the SW ¼ of Section 16, T4N, R4E VICINITY LOCATION: Hwy 385 on Chinese Court SUMMARY: Subdivision of parcel into a 2 acre and 8 acre parcels. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the final plat for James & Tina Startz 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: Lots 1 & 2 a subdivision of Clare No. 4 Lode, M.S. 1135 located in the SW ¼ of Section 16, T4N, R4E VICINITY LOCATION: Hwy 385 on Chinese Court SUMMARY: Subdivision of parcel into a 2 acre and 8 acre parcels. Motion Carried.

PRELIMINARY AND FINAL PLAT/SIMMONS-PARKS: APPLICANTS: Karen Simmons (Parks) & Fred Parks LEGAL: Lot L revised and lot M revised of Eddy-Simons Subdivision. formerly lot L, lot M of a portion of lot 9B of Eddy-Simons Sub. All located in Section 23, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Creek Road.

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Karen Simmons (Parks) & Fred Parks meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve the preliminary and final plat for Karen Simmons (Parks) & Fred Parks 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: Lot L revised and lot M revised of Eddy-Simons Subdivision. Formerly lot L, lot M of a portion of lot 9B of Eddy-Simons sub. All located in Section 23, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Creek Road. Motion Carried.

PRELIMINARY AND FINAL PLAT/VACATION TRAILS, LLC: APPLICANT: Vacation Trails, LLC LEGAL: Lot 19A of the Estates at Pillar Peak, formerly lots 19 and 20 of the Estates at Pillar Peak, a subdivision of tract 1 of the Estates at Pillar Peak located in the NE ¼ and the N ½ SE ¼ of Section 20, the W ½ NW ¼ and the NW ¼ SW ¼ of Section 21, all in T5N, R4E VICINITY LOCATION: Boulder Canyon.

Moved-Seconded (Rosenau-Flanagan) to approve the preliminary and final plat for Vacation Trails, LLC 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: Lot 19A of the Estates at Pillar Peak, formerly lots 19 and 20 of the Estates at Pillar Peak, a subdivision of tract 1 of the Estates at Pillar Peak located in the NE ¼ and the N ½ SE ¼ of Section 20, the W ½ NW ¼ and the NW ¼ SW ¼ of Section 21, all in T5N, R4E VICINITY LOCATION: Boulder Canyon. Motion Carried.

NUISANCE COMPLAINTS UPDATE: Jeff Schroeder, Deputy Code Enforcement Officer gave an update on the current nuisance complaints.

ELKHORN RIDGE CODE VIOLATIONS(COURTYARD BARNS): Amber Vogt, Planning & Zoning Administrator gave a review of the code violation found at the Elkhorn Ridge Courtyard Barns. Vogt stated the safety concerns include, but not limited to: entry way into and out of the building, handicap accessibility, water & sewer concerns, structural integrity of the building, public safety concerns during events, zoning violations and building code violations.

A letter was sent to JR Hamblet, Elkhorn Ridge on September 7, 2018, notifying him of the violations. Vogt indicated that as of the date of the letter, the general public is not to be invited to use the interior portions of the buildings. This prohibition is to remain in place until such time as remedial measures are undertaken bringing the buildings into code compliance.

JR Hamblet, Elkhorn Ridge stated that 3 weddings remain scheduled through October 6 and 10 weddings planned for next summer and a handful in 2020. After that date Elkhorn Ridge will not be offering the Courtyard Barns for any events. Hamblet explained that considering the historical nature of the buildings the decision has been made by ownership to forego any attempts to bring the buildings into code compliance such that events may be hosted inside in the future. Hamblet acknowledged the code deficiencies and offered that his goal in the near future is to accommodate the events already scheduled. Hamblet explained that the remaining scheduled events (through 2020) will be held outside within the guidelines established for public safety.

In order to accommodate the remaining events in 2018, Hamblet was instructed to apply for and obtain a temporary use permit. For all events thereafter, Hamblet was directed to apply for a CUP. Moved-Seconded (Rosenau-Flanagan) to allow Amber Vogt, Planning & Zoning Administrator to issue a temporary use permit for the three (3) events for 2018 with Vogt to establish appropriate operating conditions. Motion Carried.

VETERAN SERVICE OFFICE: Jesse Ketzer, Veteran Service Officer gave an update on his department. The Board congratulated Jesse for his Certificate of Training received from the National Association of County Veterans Service Officers.

ITEMS FROM COMMISSIONERS: Brandon Flanagan gave an update on the recent meeting that was held with officials from the City of Spearfish. Items discussed included: floodplain mapping project, Exit 10 and the possibility of relocation of County operations from the existing site (maps of City owned property were presented) and the matter of the appropriate entity to sign plats in certain circumstances as Highway Authority. The next City/County meeting is scheduled for October 11, 2018.

BILLS:

Moved-Seconded (Rosenau-Deibert) 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-\$10,572.53; Treas-\$12,392.44; States Atty-\$15,446.37; Pub Def-\$10,807.16; Gen Govt Bldg-\$8,741.96; Equal-\$14,872.16; Rod-\$9,161.56; Vso-\$1,282.20; Ist-\$8,979.52; Disp-\$12,473.36; Sher-\$41,420.06; Jail-\$20,839.28; Coroner-\$646.55; 24/7-\$165.92; Emerg Mgnt-\$4,375.44; E911-\$2,052.80; Highway-\$45,809.36; MH Serv-\$1,222.00; Weed-\$4,101.19; Pz-\$5,738.79; **Bills:** A To Z Shredding-\$51.88; A&B Business,Inc Solutions-\$1,917.16; A&J Supply-\$14.99; Ace Hardware Of Lead-\$58.31; Air Connection-\$162.68; At&T-\$14.75; At&T Mobility-\$682.28; Audra Hill Consulting-\$778.29; BH Occupational Medicine-\$30.00; BH Pest Control-\$190.00; BH Physical Therapy-\$330.00; BH Pioneer-\$911.72; Bi Geo Group-\$487.80; Black Hills Disposal-\$90.00; Black Hills Energy-\$14,052.92; Black Hills Pure-\$23.50; Bomgaars Supply-\$3.99; Bruemmer, Lynnel-\$47.60; Butler Machinery Co-\$7,561.16; Butte Electric Coop-\$363.92; Center For Education-\$254.95; Century Business Products-\$339.77; Centurylink-\$1,995.59; City Of Rapid City-\$2,065.00; City/County Alcohol&Drug-\$1,528.50; Civicplus-\$5,500.00; Clinical Lab Of BH-\$1,629.00; Clubhouse Hotel & Suites Pierre-\$282.00; Cochran, Leslie-\$13.60; Convergint Technologies-\$1,194.69; Correct Rx Pharmacy-\$8.19; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$1,266.85; Dale's Tire & Retread-\$484.17; Dept Of Hlth Lab Services-\$40.00; Dept Of The Treasury-\$54,962.11; Eb Communications-\$110.00; Ecolab-\$156.42; Eddie's Truck Sales/Serv-\$18.46; Election Sys & Software-\$5,076.23; Ellingson, Joseph-\$7,792.97; Emergency Services Marketing-\$3,240.00; Ertz, Dewey-\$900.00; Fastenal-\$305.56; Flir Outdoor Tactical Systems-\$528.20; G&H Distributing Of Rc-\$30.92; Galls-\$516.64; Godfrey's Brake Serv-\$297.51; Grimm's Pump Service-\$52.61; Hartford-Priority Accounts-\$1,925.04; Heartland Paper Co-\$1,375.63; Hp-\$349.00; Interstate Engineering-\$3,838.45; Jacobs Precision Welding-\$102.65; Janke, Wendy-\$2,746.00; Joe's Windsheild Repair-\$90.00; Johner Gravel-\$107,522.28; Katterhagen, Mark-\$15.00; Kolbeck Law Office-\$5,707.80; Kosel, Joseph-\$18,121.68; Lawson Products-\$106.35; Lead-Deadwood Regional Hospital-\$886.90; Lead-Deadwood Sanitary-\$847.84; Lee, James-\$15.00; Lewno, Lucy-\$164.97; Lexisnexis Risk Data Mgnt-\$75.00; Lockwood, Darcy-\$15.00; McClure, Susan-\$450.00; Mcherson Propane-\$69.00; Messerli & Kramer PA-\$309.62; Montana Dakota Utilities-\$136.80; Moss, William Psy-\$900.00; Nalco Company-\$239.20; Nelson Law-\$10,472.97; Nelson, Christy-\$50.00; Nelson, Tonya-\$1,200.00; North Central Int'l-\$919.93; Office Depot-\$189.98; Office Of Attorney General-\$302.77; Office Of Child Support-\$983.09; Pennington Co Jail-\$1,133.05; Pennington Co Search & Rescue-\$250.00; Pennington County Sts Attny-\$215.00; Pitney Bowes Global Financial-\$992.04; Powerplan-\$260.22; Proguard-\$425.09; Quill-\$69.70; Rabe Elevator-\$1,125.51; Radiology Associates-\$501.00; Rasmussen Mechanical Serv-\$1,216.53; Redwood Toxicology Lab-\$273.72; Regional Health-\$493.85; Root Spring Scraper Co-\$410.28; Sand Creek Printing-\$143.00; SD State Treasurer-\$39.46; Sdrs Supplemental Retirement-\$2,735.00; Sdtla-\$300.00; Semerad,Sandra-\$13.60; Servall Towel & Linen-\$814.04; Silverado-\$90.05; Simon-\$85,136.40; Spearfish Auto Supply-\$1,403.52; Spearfish Police Dept-\$10,680.51; Sterna, Laura-\$950.00; Street Image-\$844.25; Sturdevant's Auto Parts-\$970.79; Sysco Montana-\$3,147.50; Thomson Reuters-West-\$184.64; Transource Truck & Equip-\$283.19; Triple K Tire & Repair-\$28.50; Turnkey Corrections-\$20.24; Twin City Hardware & Lumber-\$91.89; Tyler Technologies-\$137,626.00; US Geological Survey-Doi-\$18,660.00; US Identification Maunal-\$82.50; Verizon Wireless-\$105.27; Victims Of Violence-\$1,595.00; Waste Connections Of Sd-\$807.67; Watertree-\$73.60; Wells Fargo Business Card-\$4,118.02; Wells Plumbing & Farm Supp-\$11.33; Western Communication-\$1,099.60; Western Sd Juvenile Serv-\$14,045.00; Wex Bank-\$653.69; White's Queen City Motors-\$204.57; **Witness & Jurors:** Donnelly,S-\$62.60; Hoffman,T-\$14.28; Johnson,E-\$62.60; King,B-\$58.40; King,B-\$62.60; Lasnetske,J-\$61.76; Regan,S-\$58.40; Rich,J-\$50.84; Wolfe,J-\$62.60; Schmidt,W-\$22.52; Teslow,J-\$24.62; Sherman,J-\$42.68; Wilber,P-\$32.18; Ostrom,B-\$32.60; Grizzel,J-\$128.36; Janssen,C-\$22.52; Zavala,K-\$35.12

ADJOURN: 11:38 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT

Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 8:54 a.m. on September 18, 2018, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Richard Sleep and Randall Rosenau present. Absent: Daryl Johnson

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 #167/SMITH: A Public Hearing was held on Variance #167. APPLICANT: Elizabeth Smith LEGAL: Lot 12, Section 4, T5N, R2E VICINITY LOCATION: Spearfish Canyon SUMMARY: 10' Variance to the 25' rear setback owing to topography. Elizabeth Smith spoke in favor of the variance. No other public input was voiced and the public hearing was closed.

Moved-Seconded (Deibert-Rosenau) to approve Variance #167 for a 10' variance based on staff recommendation and upon the eight reasons cited in the staff report. Approval was conditioned upon construction being consistent with the drawing prepared by Extreme Drafting. APPLICANT: Elizabeth Smith LEGAL: Lot 12, Section 4, T5N, R2E VICINITY LOCATION: Spearfish Canyon SUMMARY: 10' variance to the 25' rear setback owing to topography. Motion Carried.

VARIANCE #168/DITTES: A Public Hearing was held on Variance #168. APPLICANTS: Jim and Bonnie Dittes LEGAL: Tract DC-2 of PeeDee S/D in Section 19, T5N, R4E VICINITY LOCATION: Two-Bit Road SUMMARY: Request 350' distance between structures exceeding 45' setback (allow for construction of new residence while keeping existing cabin to be used as a guest house). No public input was voiced and the public hearing was closed.

Moved-Seconded (Sleep-Rosenau) to approve Variance #168 as the structures are situated on a 42-acre tract and the distance between buildings does not create density or setback issues. APPLICANTS: Jim and Bonnie Dittes LEGAL: Tract DC-2 of PeeDee S/D in Section 19, T5N, R4E VICINITY LOCATION: Two-Bit Road SUMMARY: Request 350' distance between structures exceeding 45' setback (allow for construction of new residence while keeping existing cabin to be used as guest house). Motion Carried.

ADJOURN: 9:18 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the Board of Adjustment Meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Brenda McGruder, Auditor