

LAWRENCE COUNTY COMMISSIONERS MEETING – October 23, 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 October 23, 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.

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

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

DECLARE CONFLICTS: Commissioner Deibert declared conflicts with the two approach permits for Spearfish Pellet Company to construct an approach on the north and south side of Hillsvie Road located approximately 650 ft east of intersection of McGuigan Road and Hillsvie Road, Resolution 2018-24, Vacation of Portion of Section Lines LEGAL: Section Line R.O.W.s located in Sections 11, 12, 13 and 14, T3N, R4E, B.H.M., Lawrence County, South Dakota and Petition for Improvement of Section Line and Agreement for Improvement of Section Line Highway APPLICANT: Black Hills Forest Acres, LLC LEGAL: The portion of the section line highway extending east 1,240.66 feet more or less from the southwest corner of Section 30, T6N, R4E, B.H.M., Lawrence County, South Dakota VICINITY LOCATION: Crook City Road SUMMARY: Applicant seeking permission to improve a portion of a section line

MINUTES: Moved-Seconded (Deibert-Johnson) to approve the minutes of October 9, 2018 County Commission meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Sleep) to approve Jacob Capp as a full-time permanent Sheriff Deputy I G3 at a base rate of \$24.39 an hour, effective October 28, 2018. Motion Carried.

CANCELED CHECK RESOLUTION #2018-25: Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairman to sign Resolution #2018-25. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2018-25 WHEREAS the Lawrence County Auditor has presented the Lawrence County Board of Commissioners with a list of checks whereon the County of Lawrence is the Drawer, a copy of which list is attached hereto marked as Exhibit "A" and made a part hereof as though set forth fully herein, and WHEREAS each of the checks listed has not been presented for payment within one (1) year of the date upon which the check was issued, and WHEREAS, there are (29) checks totaling \$1,085.92 that are outstanding, NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Board of Commissioners, pursuant to SDCL 7-22-17, that the checks on said Exhibit "A" be and are hereby canceled and that the Lawrence County Auditor note such cancellation in the check register. DATED this 23rd day of October, 2018. FOR THE BOARD: Brandon Flanagan, Chairperson ATTEST: Brenda McGruder, Auditor.

EMPLOYEE INSURANCE 2019: Bruce Outka, Deputy State's Attorney spoke on behalf of the Insurance Committee. Outka discussed the health insurance quotes received for 2019 and stated the Insurance Committee recommended the County remain with Wellmark, which offered a -.47% decrease for insurance premiums in 2019. Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the contract with Wellmark for 2019. Motion Carried.

RAFFLE REQUEST / LEAD-DEADWOOD AAU WRESTLING CLUB: Moved-Seconded (Sleep-Johnson) to not object to the request to conduct a raffle for the Lead-Deadwood Wrestling Club, with the drawing taking place on January 19, 2019. Motion Carried.

BORBLEY V. LAWRENCE COUNTY ET AL: Moved-Seconded (Rosenau-Deibert) to allow the Chairman to sign the release of the Borbley v. Lawrence County, et al. Motion Carried.

SHERIFF: Brian Dean was present to give a Sheriff's update.

RETAIL ON-SALE LIQUOR LICENSE TRANSFER / SPEARFISH CANYON RESORT

LLC-LATCHSTRING VILLAGE: A public hearing was held on an application to transfer a Class-Retail (On-Sale) Liquor License. Previous license: Mystic Miner F&B LLC /Mine Shaft Tavern: M.S. 1356 Etal – Mystic Miner Tract Ex Platted Lots in Mystic Miner S/D 13-4-2. Transfer to: Spearfish Canyon Resorts LLC /Latchstring Village: M.S. 991 PT. LOT Ab-1 of cascade placer Spearfish School District Section 36, T5N, R1E, B.H.M., Lawrence Co, SD. Scott Betten, Manager of Spearfish Canyon Resort LLC spoke in favor of the transfer. No other public input was voiced and the public hearing was closed. Moved-Seconded (Johnson-Deibert) to approve the following transfer of Class-Retail (On- Sale) Liquor. Previous license: Mystic Miner F&B LLC /Mine Shaft Tavern: M.S. 1356 Etal – Mystic Miner Tract Ex Platted Lots in Mystic Miner S/D 13-4-2. Transfer to: Spearfish Canyon Resorts LLC /Latchstring Village: M.S. 991 PT. LOT Ab-1 of cascade placer Spearfish School District Section 36, T5N, R1E, B.H.M., Lawrence Co, SD. Motion Carried.

HIGHWAY:

PERMITS:

SPEARFISH PELLET COMPANY: Marcus Neiman, Spearfish Pellet Company gave a presentation regarding applications for two approach permits on the north and south side of Hillsvievw Road located approximately 650 ft east of intersection of McGuigan Road and Hillsvievw Road

Moved-Seconded (Johnson-Rosenau) to approve the approach permits for Spearfish Pellet Company to construct an approach on the north side of Hillsvievw Road located approximately 650 feet east of the intersection of McGuigan Road and Hillsvievw Road. Motion Carried. Abstain Deibert.

Moved-Seconded (Johnson-Rosenau) to approve the approach permits for Spearfish Pellet Company to construct an approach on the south side of Hillsvievw Road located approximately 650 feet east of the intersection of McGuigan Road and Hillsvievw Road. Motion Carried. Abstain Deibert.

CENTURYLINK: Moved-Seconded (Deibert-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the utility permit for CenturyLink on Nemo Rd approximately .10 miles from Novak, SD 57759 for construction of fiber optic cable to cell tower beginning in Section 18, T3N, R5E and ending in Section 22, T3N, R3E. Motion Carried.

BLACK HILLS ENERGY/MADETZKE: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the permit to occupy County highway right-of-way for Black Hills Energy/Madetzke to install underground facilities along Christensen Road located in Section 24, T6N, R2E. Motion Carried.

CHRISTENSEN TERRACE LLC: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the permit to occupy County highway right-of-way for Christensen Terrace, LLC to bore under Christensen drive to install underground facilities for Black Hills Energy and Midcontinent Communication located in Section 24, T6N, R2E. Motion Carried.

ELKHORN RIDGE GOLF COURSE TREE REMOVAL: Moved-Seconded (Deibert-Flanagan) authorizing Allan Bonnema, Highway Superintendent to exercise administrative discretion regarding the removal of trees in the County right-of-way next to the Elkhorn Ridge Golf Course. Motion Carried.

NORTH ROCHFORD ROAD PAVING PROJECT UPDATE: Allan Bonnema, Highway Superintendent gave an update on the North Rochford road paving project. The completion date was slated for October 1, 2018. Discussion ensued regarding the number of days, if any, for which the application of liquidated damages might be waived. Moved-Seconded (Sleep-Rosenau) to waive 10 days of liquidated damages at a cost of \$750.00 a day and to start assessing liquidated damages starting October 11, 2018. Motion Carried.

PLANNING & ZONING:

JOINT POWERS AGREEMENT: Jayna Watson, City of Spearfish Planner, was present and discussion was held concerning the renewal of the Joint Powers Agreement. Upon input from the commission, it was agreed that the language of the draft Agreement be amended to provide that the Agreement shall become effective upon execution by the parties and will renew annually beginning November 1, 2019. The Agreement will be placed on the County Commissioner agenda for consideration on November 8, 2018 at 8:15 a.m.

RECESS: 9:15 a.m. Moved-Seconded (Deibert-Johnson) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:23 a.m. The Chairman called the meeting back to order.

Randy Deibert left the meeting at 9:30 a.m.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY / DYCE: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way APPLICANT - Arlyn J. Dyce LEGAL: Section line rights of ways to be vacated in section 11, section 12, section 13 and section 14 of township 3 north, range 4 east, of the Black Hills Meridian, Lawrence County, South Dakota. More particularly described as those portions of said section line rights of ways located in lot 1, lot 6 and lot 5 of block 2; lot 1, lot 2, lot 4A and lot 4B of block 3; lot 1, lot 2, lot 3 and lot 4 of block 4; lot 2 of block 5; lot 2 of block 11; lot 2 and lot 3 of block 10; all located in the Pines at Benchmark Subdivision, a subdivision of a portion of lot 6 of section 12, a portion of lot 11 of section 11, a portion of Diamond No. 3, Bird, Bird No. 2, Bird No. 3 and White Horse Lodes of Mineral Survey No. 1902. All located in Section 11, Section 12, Section 13 and Section 14 of Township 3 North, Range 4 East, of the Black Hills Meridian, Lawrence County, South Dakota. No public input was voiced and the public hearing was closed. Moved-Seconded (Rosenau-Johnson) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2018-24 Resolution & Order To Vacate A Portion Of A Highway, Part Of Which Is Located On A Section Line. Motion Carried. Absent Deibert. The adopted Resolution is as follows:

LAWRENCE COUNTY RESOLUTION #2018-24 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a highway, part of which is located on a section line be vacated, 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 B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks 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, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, WHEREAS, the public interest will be better served by the proposed section line vacation, and BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a Section Line be vacated: LEGAL DESCRIPTION FOR THE VACATION: Section line rights of ways to be vacated in section 11, section 12, section 13 and section 14 of township 3 north, range 4 east, of the Black Hills Meridian, Lawrence County, South Dakota. More particularly described as those portions of said section line rights of ways located in lot 1, lot 6 and lot 5 of block 2; lot 1, lot 2, lot 4A and Lot 4B of Block 3; Lot 1, lot 2, lot 3 and lot 4 of Block 4; lot 2 of block 5; lot 2 of block 11; lot 2 and lot 3 of block 10; all located in the Pines at Benchmark Subdivision, a subdivision of a portion of lot 6 of section 12, a portion of lot 11 of section 11, a portion of Diamond No. 3, Bird, Bird No. 2, Bird No. 3 and White Horse Lodes of Mineral Survey No. 1902. All located in Section 11, Section 12, Section 13 and Section 14 of Township 3 North, Range 4 East, of the Black Hills Meridian, Lawrence County, South Dakota. AFFECTING THE LANDOWNERS: Pat & Merlene Pagel, Shiprock Properties LLC, Ray and Ryan Tobin, Kenneth J. and Joyce M Eckroth, Arlyn J. & Kimberly K. Dyce, Gary & Jane Lafollette, Yorkshire Properties LLC, Carol J. Hayse & Linda M. Boyle, Drake Company LLC, GB-DM LLP., Gary Lafollette, Lee J. & Amy A Delange, David D. & Cathy C. Manzey and Gary S. Phillips & Karen T. Murphy. Dated this 23rd day of October, 2018. Brandon Flanagan, Chairman Lawrence County Commission. ATTEST: Brenda McGruder, Lawrence County Auditor.

PETITION FOR IMPROVEMENT OF SECTION LINE AND AGREEMENT FOR IMPROVEMENT OF SECTION LINE HIGHWAY:

APPLICANT: Black Hills Forest Acres, LLC
LEGAL: The portion of the section line highway extending east 1,240.66 feet more or less from the southwest corner of Section 30, T6N, R4E, B.H.M., Lawrence County, South Dakota.
VICINITY LOCATION: Crook City Road
SUMMARY: Applicant seeking permission to improve a portion of section line.

Roger Tellinghuisen, Attorney for Black Hills Forest Acres, identified the portion of section line presented for improvement and the proposed agreement between Black Hills Forest Acres, LLC and Lawrence County regarding future maintenance. Tellinghuisen noted that the improvement of the section line would provide for an alternative ingress/egress to residents living in Whitewood Forest Acres. Tellinghuisen reminded the Board that every section line is a public highway and any road that is not in a municipality falls under the jurisdiction of the County.

Tellinghuisen highlighted the mutual covenants contained in the proposed agreement noting that any improvement to the section line would be at no cost to the County and would be in accordance with Lawrence County highway specifications and that the road shall be inspected and approved by the Lawrence County Highway Superintendent before it can be opened to the public. Prior to any improvements to the section line a county road district shall be incorporated. Tellinghuisen indicated that if the road district is ever dissolved, the County may designate the improved section line highway as "minimum maintenance highway" pursuant to SDCL 31-12-46, or a "no maintenance highway" pursuant to SDCL 31-12-48.

Reed Richards, Patrick Auer and Les Auer were present to share concerns with the proposed improvement of the section line. Points made were that Black Hills Forest Acres already has three means of access to the property. That the old Whitewood Road is the best access to the subject property. Further, that Black Hills Forest Acres does not plan to develop its property but the proposal would make the property more saleable to potential buyer/developers. Since Black Hills Forest Acres does not plan to develop the property, the County should not enter into an open ended approval for some unnamed future developer. The question was raised as to what happens if the development goes bankrupt or otherwise fails to carry out the provisions set forth in the petition? It was posited that Lawrence County would be responsible for a certain level of maintenance of the section line pursuant to SDCL 31-12-46 once improvements were allowed. Another concern mentioned was who would be liable if someone was injured on the road?

The Board of County Commissioners will conduct an onsite of the section line to be improved on November 13, 2018 at 1:00 p.m.

Randy Deibert returned to the meeting at 10:17a.m.

ITEMS FROM THE COMMISSIONERS: Commissioner Johnson and Commissioner Deibert gave an update of the City/County meeting that was held on October 18, 2018.

BILLS:

Moved-Seconded (Deibert-Johnson) 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-\$10,646.61; Treas-\$12,395.64; States Atty-\$15,716.07; Pub Def-\$12,185.31; Gen Govt Bldg-\$9,469.38; Equal-\$14,875.35; Rod-\$9,161.57; Vso-\$1,035.00; Ist-\$9,026.09; Disp-\$14,832.24; Sher-\$43,420.51; Jail-\$21,170.78; Coroner-\$1,096.55; 24/7-\$186.66; Emerg Mgnt-\$4,382.70; E911-\$2,059.20; Highway-\$45,171.35; Mh Serv-\$94.00; Weed-\$3,711.34; Pz-\$5,741.99; **Bills:** Goetsch,Martin-\$217.60; A To Z Shredding-\$25.00; A&B Business,Inc Solutions-\$336.83; A&I Distributors-\$2,794.50; American Family Life-\$2,827.77; Armstrong Extinguisher-\$150.00; Audra Hill Consulting-\$1,524.80; Avera Medical Grp University-\$192.69; BH Occupational Medicine-\$30.00; BH Pioneer-\$102.00; BH Truck And Trailer-\$1,263.50; Barnaud Law Firm-\$1,232.45; Bi Geo Group-\$696.70; Black Hills Energy-\$6,243.30; Black Hills Funeral Home-\$1,170.00; Black Hills Pure-\$17.50; Bomgaars Supply-\$592.96; Brevik Law Office Prof-\$225.05; Bruemmer,Lynnel-\$54.40; Butler Machinery Co-\$16.12; Centurylink-\$1,958.07; Charm-Tex-\$36.90; City Of Rapid City-\$665.00; Credit

Collections Bureau-\$64.54; Dak Generator Services-\$554.59; Dakota Equipment Rental-\$3,704.00; Deadwood Recreation Center-\$811.00; Dean Schaefer Court Reporting-\$72.00; Delta Dental Of South Dakota-\$7,332.66; Dept Of The Treasury-\$56,316.44; Esri-\$2,100.00; Evanson-Jensen Funeral Home-\$2,210.00; Fastenal-\$125.58; Forcoli & Sons Enterprises-\$2,745.62; Galls-\$1,231.55; Governors Inn-\$114.00; Hartford-Priority Accounts-\$1,925.04; Heartland Paper Co-\$733.37; High Plains Business Forms-\$571.12; Id Zone South-\$399.00; Interstate Batteries-\$270.54; Interstate Engineering-\$25,730.35; Jacobs Precision Welding-\$279.95; Johner Gravel-\$22,297.04; Katterhagen,Mark-\$15.00; Keeper Security-\$2,707.50; Kinney, Matthew-\$795.43; Kosel, Joseph-\$14,881.53; LC Plan & Zone-\$15.87; Language Line Services-\$63.00; Lawson Products-\$137.04; Lewis & Clark Bhs-\$330.00; Lewno,Lucy-\$166.47; Lexisnexis Risk Data Mgmt-\$75.00; Lincoln County-\$256.67; Lockwood, Darcy-\$15.00; Lueders-\$15.45; Lynn's Dakotamart-\$85.66; Mid-Continent Testing-\$29.00; Midcontinent Communications-\$111.62; Minnehaha County-\$321.00; Montana Dakota Utilities-\$118.92; Nalco Company-\$239.20; Nebraska Salt & Grain Co-\$50,628.13; Nelson Law-\$3,698.00; Nelson,Christy-\$50.00; North Central Int'l-\$200.49; Northern Hills Rec Center-\$224.00; Northern Truck Equip-\$148.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$983.09; PCSO Addiction Treatment Serv-\$226.00; Pennington Co Jail-\$1,512.90; Pizza Lab-\$183.31; Pmb 0112-\$277.95; Quill-\$106.84; Rabe Elevator-\$1,125.51; Rasmussen Mechanical Serv-\$469.38; Redwood Mediation Services-\$115.20; Redwood Toxicology Lab-\$503.72; Regional Health-\$190.37; Riverside Technologies-\$1,736.00; Ro Investigations&Research-\$909.03; Rocket Lube-\$83.99; Sada Systems-\$6,482.50; Sd Association Of County-\$275.00; Sd Dept Of Transportation-\$1,489.83; Sd Retirement System-\$58,605.04; Sd Sheriff's Association-\$85.00; Sdrs Supplemental Retirement-\$2,735.00; Secretary Of State-\$60.00; Servall Towel & Linen-\$407.02; Silverado-\$261.13; Simon-\$8,958.99; Spearfish Police Dept-\$10,543.25; Subway-\$53.95; Superior Printing-\$91.61; Sysco Montana-\$1,561.71; Thomson Reuters-West-\$184.64; Transource Truck & Equip-\$697.96; Triple K Tire & Repair-\$78.16; Turnkey Corrections-\$21.96; Twin City Hardware & Lumber-\$256.38; Tyler Technologies-\$19,134.00; Vast Broadband-\$1,692.84; Verizon Wireless-\$105.48; Victims Of Violence-\$1,650.00; Wellmark Blue Cross-\$87,281.66; Wells Fargo Business Card-\$4,102.63; Western Construction-\$421,339.09; White Drug-\$2,446.96; White's Canyon Motors-\$175.69; Yankton Co Sheriff-\$50.00; Yankton County-\$237.50; **Witness & Jurors:** Lucero,R-\$14.20; Muckle,T-\$20.08; Anglin,L-\$21.76; Arsaga,B-\$10.84; Avison,C-\$116.80; Barrera-Thovson,M-\$13.36; Bergmann,D-\$26.80; Borsch,S-\$20.08; Brewer,C-\$10.84; Britton,D-\$19.24; Brotsky,C-\$12.52; Brown,R-\$19.24; Brownell,A-\$22.60 Childrens Home Society-\$59.06; Call,L-\$22.60; Carlson,T-\$26.80; Domkowski,T-\$126.88; Edwards,S-\$133.60; Estrada,L-\$22.60; Frick,C-\$128.56; Goodrich,T-\$120.16; Hamaker,A-\$133.60; Huffman,S-\$108.40; Hughes,E-\$12.52; Hughes,S-\$20.08; Irion,M-\$133.60; Jacobsen,K-\$22.60; Johnson,M-\$26.80; Kermu,K-\$12.52; Kinney,T-\$113.44; Klunder,K-\$130.24; Kroon,L-\$22.60; Lambert,R-\$31.00; Lapka,C-\$125.20; Livengood,J-\$20.08; Massine,C-\$22.60; McLellan,B-\$22.60; Murray,J-\$13.36; Murschel,H-\$23.44; Nero,J-\$25.96; Press,E-\$12.52; Regan,T-\$12.52; Riehle,L-\$10.84; Sand,M-\$106.72; Sauter,A-\$26.80; Sears,T-\$26.80; Shumaker,B-\$20.08; Simonsmeier,E-\$118.48; Sowers,D-\$12.52; Temple,S-\$22.60; Ulmer,E-\$20.92; Umphrey,G-\$24.28; Viken,C-\$22.60; Walker,C-\$35.20; Weglin,S-\$22.60; Larson,L-\$30.50; Greenaway,N-\$58.48; Denruyter,M-\$33.44; Hertel,S-\$38.48; Erlenbusch,C-\$43.52; Vowell,M-\$24.20; Linden,C-\$24.20; Schaeffer,P-\$340.04; Clark,D-\$195.56; Herman,N-\$42.68; Dahl,C-\$33.44; Pavich,F-\$33.44; Thorpe,I-\$33.44; Williams,P-\$32.60

ADJOURN: 10:30 a.m. There being no further business, it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – October 23, 2018

Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 9:15 a.m. on October 23, 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 Board of Adjustment.

ADMINISTRATIVE APPEAL/MACDONALD: SUMMARY: Appeal from administrative decision requiring variance to locate new modular home on existing slab not meeting current setback requirements LEGAL: Lots 4-9, Blk 1 in St. Onge Section 23, T7N, R3E LOCATION: St. Onge ZONING: SRD.

Amber Vogt, Planning & Zoning administrator explained that there was miscommunication between her office and Scott and Diane Macdonald in June when the owners came in for a building permit. At the time, Vogt explained the building permit was denied as the desired site did not meet the required setbacks.

Scott and Diane Macdonald were present. Diane Macdonald stated that the concrete contractors were ready to work and that the plan was to place the modular home directly on the same footprint as before. This would be the 3rd trailer that would be placed at the location with no variance required previously.

Dale Larson spoke in favor of the appellants. He stated the modular would be placed back in the same location and the contractors are ready to go.

Moved-Seconded (Sleep-Flanagan) to allow Scott and Diane Macdonald to locate their new modular home on the existing slab. Motion Carried.

Commissioner Deibert questioned how far to the east might the new home be placed and suggested that every effort be made to do so thereby minimizing the encroachment.

ADJOURN: 9:23 a.m. There being no further business, it was Moved-Seconded (Deibert-Johnson) to adjourn the Board of Adjustment Meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Brenda McGruder, Auditor