

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 3, 2017**

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on January 3, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Randall Rosenau, Richard Sleep, and Randy Deibert present.

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

Judge Macy was present to swear in the Elected Officials Daryl Johnson, Commissioner; Randy Deibert, Commissioner; Debora Tridle, Treasurer; John Fitzgerald, States Attorney and Martin Goetsch, Coroner.

**CHAIRMAN OF COUNTY COMMISSIONERS:** Moved-Seconded (Flanagan-Johnson) to appoint Commissioner Rosenau as the Chairman of the Lawrence County Commissioners for 2017. Motion Carried.

**VICE-CHAIRMAN OF COUNTY COMMISSIONERS:** Moved-Seconded (Johnson-Rosenau) to appoint Commissioner Flanagan as the Vice-Chairman of the Lawrence County Commissioners for 2017. Motion Carried.

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

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

**SPECIAL RULE OF ORDER & ROBERTS RULES OF ORDER:** Moved-Seconded (Sleep-Johnson) to adopt the special rule of order requiring three members approval to pass a motion for 2017, and the Newly Revised Roberts Rules of Order for the County Commissioners and all County Boards and Committees. Motion Carried.

**MINUTES:** Moved-Seconded (Flanagan-Rosenau) to approve the minutes of December 27<sup>th</sup> County Commission meeting. Motion Carried.

### **COUNTY BOARDS AND COMMITTEES:**

**ENVIRONMENTAL REVIEW / AG, TIMBER, WILDLIFE, RECREATION & TOURISM COMMITTEE / CUSTOM & CULTURE COMMITTEE:** Moved-Seconded (Flanagan-Deibert) to not make any appointments and to cancel all existing board appointments to the Environmental Review Committee (Ag-Timber-Wildlife, Recreation & Tourism) and the

Custom and Culture Committee until such time when the need arises for the Boards to meet. Motion Carried.

**FAIR BOARD:** Moved-Seconded (Johnson-Rosenau) to appoint Commissioner Sleep to the Fair Board for 2017. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to appoint Sherryl Pittman to the Fair Board for a (3) year term to expire 12-2019. Motion Carried.

**HOUSING & REDEVELOPMENT COMMISSION:** Moved-Seconded (Johnson-Rosenau) to appoint Commissioner Flanagan to the Housing and Redevelopment Commission for 2017. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to appoint Coreen Lerwick and Debra Steward to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2021, to appoint Kellie Pummel to fill the term of Matt Pike to expire 12/31/2020, and to appoint Jaci Pearson to fill the term of Brian Dean to expire 12/31/2017. Motion Carried.

**INSURANCE COMMITTEE:** Moved-Seconded (Flanagan-Rosenau) to appoint Commissioner Deibert to the Insurance Committee for 2017. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Flanagan-Johnson) to appoint Commissioner Sleep to the Invasive Species Management Board for 2017. Motion Carried.

Moved-Seconded (Johnson-Deibert) to appoint Clint Ridley to the Invasive Species Management Board District #2 for a 3 year term to expire 12-2019. Motion Carried.

**MENTAL ILLNESS:** Moved-Seconded (Sleep-Johnson) to appoint Charlotte Pentheny to the Lawrence County Mental Illness Board for a three year term to expire 01-2019. Motion Carried.

**MOUNTAIN PINE BEETLE PLAN ADVISORY COMMITTEE:** Moved-Seconded (Deibert-Flanagan) to not appoint anyone at this time to the Mountain Pine Beetle Advisory Committee until such time when the need arises for the Board to meet. Motion Carried.

**PLANNING & ZONING BOARD:** Moved-Seconded (Flanagan-Johnson) to appoint Commissioner Johnson to the Planning and Zoning Board for 2017 and to appoint Commissioner Deibert as the alternate for 2017. Motion Carried.

Moved-Seconded (Johnson-Deibert) to appoint Tom Brady and Scott Gulickson to the Planning and Zoning Board for a 5 year term to expire 12-31-2021, and to thank Bill Coburn for his many years of service to the County. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Deibert-Rosenau) to appoint Commissioner Flanagan, and Commissioner Rosenau to the Public Defender Board for 2017; and to appoint Jaci Pearson to the Public Defender Board for 2017. Motion Carried.

**LAWRENCE COUNTY REVOLVING LOAN FUND:** Moved-Seconded (Johnson-Sleep) to appoint Commissioner Flanagan, Commissioner Deibert, Ron Rosenbloom, Kevin Whitlock, and Blaise Emerson to the Lawrence County Revolving Loan Fund Board for 2017. Motion Carried.

**SPEARFISH AIRPORT BOARD:** Moved-Seconded (Flanagan-Johnson) to appoint Commissioner Rosenau as the Commission Representative and Commissioner Deibert as the alternate for 2017 to the Spearfish Airport Board. Motion Carried.

**B.H. COUNCIL OF LOCAL GOVERNMENTS:** Moved-Seconded (Johnson-Rosenau) to appoint Commissioner Flanagan as Representative and Commissioner Sleep as Alternate to the Black Hills Council of Local Governments for 2017. Motion Carried.

**LAWRENCE EMERGENCY PLANNING COMMISSION:** Moved-Seconded (Sleep-Deibert) to appoint Commissioner Rosenau to the LEPC for 2017. Motion Carried.

**WESTERN SD JUVENILE SERVICES CENTER COMPACT:** Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Rosenau and Brian Dean, Sheriff to the Western SD Juvenile Services Center Compact for 2017. Motion Carried.

**LIBRARY BOARD:** Moved-Seconded (Flanagan-Rosenau) to appoint Commissioner Deibert to the Library Board for 2017. Motion Carried.

**SPEARFISH ECONOMIC DEVELOPMENT BOARD:** Moved-Seconded (Sleep-Flanagan) to appoint Commissioner Deibert to the Spearfish Economic Development Board for 2017 and Commissioner Johnson as the alternate for 2017. Motion Carried.

**MULTIPLE USE COMMITTEE:** Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Sleep to the Multiple Use Committee for 2017. Motion Carried.

**STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES:** Moved-Seconded (Johnson-Deibert) to appoint Chairman Rosenau as the State Division of Forestry / Range Land Fires Contact Person for 2017. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to appoint Emergency Management Director, Paul Thomson as the additional State Division of Forestry / Range Land Fires Contact Person for 2017. Motion Carried.

**WESTERN SD COMMUNITY ACTION:** Moved-Seconded (Johnson-Flanagan) to appoint Ida Marie Snorteland to Western SD Community Action for 2017. Motion Carried.

**HAZARDOUS MATERIALS COORDINATOR:** Moved-Seconded (Sleep-Johnson) to appoint Paul Thomson as the Hazardous Materials Coordinator for 2017. Motion Carried.

**RESOLUTION #17-01 / ELECTION OFFICIALS COMPENSATION:** Moved-Seconded (Johnson-Flanagan) to approve the following Resolution #2017-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2017-01 ELECTION OFFICIALS COMPENSATION** WHEREAS, SDCL 12-15-11 requires the Lawrence County Commission at its first regular meeting each year to set the compensation to be paid out of the County Treasury to election Superintendents and Judges of each Election Board. NOW, THEREFORE, the following election officials shall be compensated at the rate set below: Superintendents \$175.00; Judges \$150.00 IN ADDITION, each of the election officials and workers who participate in an election school prior to any election shall be compensated an additional \$20.00. All election officials and employees shall be paid mileage for all travel incurred in regard to said employment at the state rate per mile. Extra help hired to work on election night in the Auditor's Office will be paid at the rate of \$15.00 per hour. DATED this 3rd day of January 2017. For the Board, Randall Rosenau, Chairperson. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #17-02 POLLING PLACES & PRECINCTS:** Moved-Seconded (Sleep-Rosenau) to approve the following resolution setting the polling places and precincts in 2017. Motion Carried. **RESOLUTION #2017-02 POLLING PLACES & PRECINCTS** WHEREAS, SDCL 12-14-1 requires that the Lawrence County Commission shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts, NOW, THEREFORE, for all county elections, except where elections by ward or a boundary other than a precinct is required, the following polling places shall be established for the precincts in Lawrence County: **Spearfish 1st Ward-Senior Citizen's Center; Spearfish 2nd Ward-Senior Citizen's Center; Spearfish 3rd Ward-Senior Citizen's Center; Lead – Sanford Lab Homestake Visitor Center; Deadwood-Lawrence County Administrative Annex; Nemo-Nemo Church; Rural #1-Lawrence County; Administrative Annex; St. Onge-St. Onge Community Hall; Whitewood-Whitewood City Hall; Rural #2-Spearfish Park Pavilion.** DATED this 3rd day of January 2017. For the Board, Randall Rosenau, Chairperson. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #17-03 TO ESTABLISH OFFICIAL DEPOSITORIES:** Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of Deb Tridle, Treasurer and approve the following Resolution #17-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 17-03 ESTABLISH OFFICIAL DEPOSITORIES:** Whereas, SDCL 7-20-13 requires the County Board of Commissioners to approve the designation of each depository for the deposit of County funds, and Whereas, several different financial institutions are doing business in Lawrence County and meet the requirements established under SDCL Chapter 7-20, and Whereas, the Lawrence County Treasurer has requested the following financial institutions be designated as official depositories for the fiscal year 2017: Wells Fargo-South Dakota 721 Main St. Deadwood, SD; First Interstate Bank 152 Sherman St., Deadwood, SD; First National Bank 197 Glendale Dr., Lead, SD; Pioneer Bank 140 E Jackson Blvd Spearfish, SD, Great Western Bank 526 Main St. Spearfish, SD and Black Hills Community Bank of Spearfish, P.O. Box 249, Spearfish, SD; and Be It Therefore Resolved, that the Lawrence County Board of Commissioners designates the above named financial institutions as

official depositories for Lawrence County for the fiscal year 2017. Dated this 3rd day of January 2017. For the Board of County Commissioners: Randall Rosenau, Chairperson Attest: Connie Atkinson, Auditor

**RESOLUTION #17-04 – LAWRENCE COUNTY PLANNING & ZONING FEE**

**SCHEDULE:** Moved-Seconded (Johnson-Deibert) to approve and authorize the Chairman to sign Resolution #2017-04 to set the following fees charged by the Lawrence County Planning and Zoning Department. Motion Carried.

WHEREAS, pursuant to SDCL Ch. 11-2 and Lawrence County Zoning Ordinance Chapter 21. The Lawrence County Commission has authorized the Planning and Zoning Department to charge fees for services; NOW THEREFORE, Be it resolved by the County Commissioners of Lawrence County, South Dakota, that the following fees shall be charged by the Lawrence County Planning and Zoning Department

<b>TYPE OF FEE</b>	<b>AMOUNT</b>	<b>FEE DESCRIPTION</b>
Agricultural Tourism Permit	\$250.00	1 time fee if approved uses remain the same
Appeals/Variances Public Notice Signage Deposit	\$250.00 (non-refundable) \$100.00 (refundable upon return of sign)	Board of Adjustment
Change of Zoning (COZ) Public Notice Signage Deposit	\$350.00 (non-refundable) \$100.00 (refundable upon return of sign)	
Text Change Ordinance Amendments (ORD)	\$150.00	Non-Change of Zoning
Conditional Use Permit (CUP) Public Notice Signage Deposit	\$350.00 (non-refundable) \$100.00 (refundable upon return of sign)	Fee doubled if use is commenced prior to application
Major Amendment	\$350.00	For a PUD or CUP
Minor Amendment	\$150.00	For a PUD or CUP
Temporary Use Permits	\$250.00	
Development Permits	\$100.00	On Commercial Zoned Property
Sewer Permits	\$10.00	
Building Permit-Initial	\$142 finished residential	

<p>\$30 for the first \$1,000 of the structure's value and \$3 for each additional \$1,000</p> <p>The base valuation shall be determined by a dollar per square foot. (see fee schedule in next column)</p> <p>Structure's value shall be determined by the total valuation of each building permit.</p>	<p>space</p> <p>\$15 unfinished basements</p> <p>\$75 garages/pole buildings</p> <p>\$15 decks/gazebos/carports</p> <p>\$142 mobile homes (subtract 3% per year of age or \$30 whichever is greater)</p> <p>\$180 commercial</p>	
Building Permit-Violation-	Double the Original Fee	If work is commenced prior to issuance of building permit.
Contractor Licensing-Initial	\$75	
Contractor Licensing-Violation	\$150	Double the original fee
Off Premise Signs (Billboards)	\$250	
On Premise Signs; Home Occupation; or Community Signs	\$100	

Adopted this 3rd day of January, 2017, LAWRENCE COUNTY COMMISSIONERS: Randall Rosenau, Chairman. ATTEST: Connie Atkinson, Auditor

**INDIGENT FUNERAL EXPENSE:** Moved-Seconded (Flanagan-Sleep) to approve and set the 2017 standard burial fee at \$2,210 and continue the remaining indigent funeral expenses paid by the County as stated in the Lawrence County Welfare Program Rule. Motion Carried.

**LEGAL NEWSPAPERS:** Moved-Seconded (Johnson-Sleep) to designate the B.H. Pioneer as the legal newspapers for 2017. Motion Carried.

**BOARD OF ADJUSTMENTS:** Moved-Seconded (Flanagan-Johnson) to appoint Daryl Johnson, Randall Rosenau, Brandon Flanagan, Richard Sleep, and Randy Deibert as the Board of Adjustment for 2017. Motion Carried.

**BUILDING CODE:** Moved-Seconded (Flanagan-Rosenau) to appoint Daryl Johnson, Randall Rosenau, Brandon Flanagan, Richard Sleep, and Randy Deibert as the Building Code Board of Resolution for 2017. Motion Carried.

**VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS:** Moved-Seconded (Johnson-Rosenau) to approve the following list of 2017 Volunteer Fire Fighters and Search & Rescue Members for insurance purposes and thank members for their service. Motion Carried. **Brownsville:** Dennis Anderson, Mike Anderson, Brian Bergman, Derek Berman, Shane Croft, Shannon Croft, Loren Dobyns, Jimmy Jordan, Robert Mattox, Paul Thomson, Bryce Quaschnick, Jared Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Scott Reif, Frank Stamp, Steve Thomas, Loren Vrem, Jason Wichterman. **Search & Rescue:** Hunter Bradley, Jesse Bradley, Richard Carlson, Lynn Davis, Chris Huhnerkoch, Rob Leonard, Gary Lillehaug, Rob Mattox, Lynette Quaschnick, Fred Raubach, Kay Rear, Daniel Regan, Danielle Sargent, Jeff Schroeder, Robert Siedschlaw, Molly Smith, Mike Stahl, Jamey Tollefson, Bill Weber, Rick Wisser. **Nemo:** Randy Albright, Janna Bechard, Jeff Bechard, Virginia Clark, Megan Eggers, Melissa Eggers, Jeane Henrichsen, Justin Henrichsen, Jerry Hood, Patrica Hood, Greg Nepstad, Vince Pfeifle, Brittany Rhead, Rae Rowell, Clint Schell, Clint W Schell, Chad Solaas, Cindy Solaas, and Kathy Stygles.

**2017 WAGES & SCALES:** Moved-Seconded (Flanagan-Rosenau) to accept the following 2017 longevity pay policy, Per Diem, Cell Phone Per Diem, Wage Scales, and Wages for the salaried personnel, per pay period (biweekly) for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective December 25, 2016. Motion Carried.

**LONGEVITY PAY:** Longevity pay will be awarded to permanent employees who have been employed for a minimum of five (5) years. Eligibility takes place on anniversary date of 5<sup>th</sup> year of employment, with increases on the 10<sup>th</sup> year of employment, 15<sup>th</sup> year of employment, and 20<sup>th</sup> year of employment. Longevity pay schedule is as follows: 5 Years -2 cent per hour for each year of employment; 10 Years- 4 cents per hour for each year of employment; 15 Years-6 cents per hour for each year of employment; 20 Years-8 cents per hour for each year of employment. Elected Officials are eligible for longevity pay. Elected County Commissioners are not eligible for longevity pay. Seasonal employees working consecutive years are eligible for longevity pay.

**PER DIEM:** Sheriff Deputies-\$6.00 per day, for a maximum of 5 days a week. Correctional Officers-\$1.00 per each day physically worked.

**2017 CELL PHONE PER DIEM:**

Bruce Outka-75.00; Greg Dias-75.00; Randy McGruder-75.00; Steven Kline-75.00; Allan Bonnema-75.00; Steve Ryan-50.00; Bob McCormick-50.00; Norm Burleson-50.00; Rick Frerichs-50.00; Tim Agena-50.00; Connie Atkinson-75.00; Brenda McGruder-50.00 Deb Tridle-75.00; Sheree Green-75.00; Michelle Baumann-45.00; Janice Silvernail-45.00; Marjorie Stoflet-45.00; Amber Vogt-60.00; Jeff Schroeder-50.00; Paul Thomson-136.00; Rene' Larson-68.00; Jason Fisher-50.00; Mike Meehan-50.00; Brett Runge-50.00; Carmen Symonds-50.00; Tim Hodson-50.00; Louise Hohn-50.00; Brian Dean-104.00; Paul Hansen-104.00; Tavis Little-104.00; Nathaniel Davis-104.00; Rob Ruffatto-104.00; Larry Gabriel-104.00; Seth Brennan-104.00; Tom Derby-104.00; Pat Johnson-104.00; Megan Merwin-104.00; Matthew McCroden-104.00; David Riley-104.00; Dustin Schumacher-104.00; Matt Hardin-104.00; Rich Walk-104.00; Dave Heck-50.00; Ryan Palmer-50.00; and Marty Goetsch-50.00.

**2017 WAGES** (per SDCL 6-1-10): 2017 WAGES (per SDCL 6-1-10): Commissioners: Deibert, Randy-518.65; Flanagan, Brandon-518.65; Johnson, Daryl-518.65; Rosenau, Randall-518.65;

Sleep, Richard-518.65; Weisenberg, Terry-518.65; Outka, Bruce-3,846.21. Auditor: Atkinson, Connie-2,874.97; Lucero, Robin-18.55; McGruder, Brenda-25.62; Nelson, Melody-20.42; Sargent, Debbie-19.35; Stulken, Krystal-15.40. Treasurer: Tridle, Debora-2,686.90; Adams, Julia-18.55; Atkinson, Sally-23.09; Brownlow, Carleen-18.57; Derby, Gail-18.39; Marshall, Laurie-18.55; Quenzer, Linda-18.39; Haupt, Janice-17.85. States Attorney: Fitzgerald, John-3,480.28; Baumann, Michelle-25.91; Fitzgerald, Sara-21.63; Harvey, Brenda-2,690.43; Silvernail, Janice-22.07; Stoflet, Margie-24.32. Public Defender: Pike, Matthew-3,345.88; Caserio, Beverly-19.46; De Hueck, Jennifer-2,381.93; Lopez, Amber-2,823.68; Smith, Molly-24.49. Maintenance: Frerichs, Richard-29.62; Agena, Timothy-24.81; Kappes, Carrie-13.64; Latuseck, Kelby-14.56; Lee, Laura-17.25; Mattson, Robert-14.04. Director of Equalization: Hodson, Timothy-2,225.00; Fisher, Jason-21.29; Geuke, Nicole-19.04; Hohn, Louise-21.29; Meehan, Michael-21.29; Phinney, Desiree-18.74; Runge, Brett-24.76; Symonds, Carmen-21.69. Register of Deeds: Green, Sheree-2,529.01; Carr, Marie-17.20; Feterl, Florence-19.30; Hansen, Davida-22.25; Podoll, Keri-18.79. Veterans Service Officer: Locken, William-1,429.20. Information System & Technology: Dias, Gregory-3,290.15; Kline, Steven-23.48; Leatherman, Debra-20.47; McGruder, Randall-27.59. Sheriff: Dean, Brian-3,114.28; Abernathy, Emily-19.66; Greeley, Laurie-20.14; Hamilton, Marian-21.58; Johnson, Ross-19.66; Nelson, Keshia-20.86; Pesicka, Jamie-19.66; Steffen, Peggy-20.06; Torgerson, Daleen-19.66; White, Richard-20.62; Hast, Kathryn-18.52; Mowell, Sean-18.89; Black, Sue-24.88; Davis, Nathaniel-25.88; Derby, Tommie II-26.51; Dragoo, Shelley-21.39; Gabriel, Larry-23.31; Hansen, Paul-2,635.20; Hardin, Matt-24.15; Johnson, Patrick-26.51; Kellogg, Susan-18.95; Little, Tavis-2,638.40; McCroden, Matthew-25.13; Merwin, Megan-25.23; Nelson, Keshia-20.86; Rakow, Julie-19.73; Riley, David-25.13; Ruffatto, Robert-25.53; Schumacher, Dustin-25.13; Symonds, Matthew-19.34; Wainman, John J Jr-19.34; Walk, Ritchey \$24.64; Walker, John-19.34; Palmer, Lance-22.75; Torgerson, Daleen-18.39; Goetsch, Dylan-16.82. Jail: Abell, Mary-19.66; Brennan, Seth-26.09; Capp, Jacob-18.89; Cortez, Frank-20.80; Hallberg, Phillip-17.80; Hart, Daniel-18.16; Johnson, Michael-20.66; Kampa, Kerry-19.78; Kotak, Joe-18.89; Lechner, Nathan-19.66; Moraga, Virginia-18.89; Mowell, Sean-18.89; Nash, Christina-19.78; Paklin, Melody-18.89; Palmer, Lance-19.66; Rommen, Brianna-17.80; Schleep, Neil-19.34; Sherer, Stacey-19.66; Wainman, John J Sr-14.66; Wetz, Jolene-19.27; Rakow, Julie-19.73; Kellogg, Sue-20.22. Coroner: Goetsch, Martin-403.18 ppd & 100.00 call; Fahey, Patrick-200.00 call; Isburg, Damon-200.00 call; Pedneau, Darin-200.00 call. Emergency Management: Thomson, Paul-2,565.86; Larson, Rene-19.64. Highway: Bonnema, Allan-3,007.03; Bey, John-29.86; Bracha, Maria-21.81; Burlison, Norman-24.57; Burnitt, James-22.89; Cooper, John-22.89; Eide, Curtis-25.45; Ford, Jacob-22.89; Harley, Toby-22.89; Harper, Jeffrey-23.37; Herman, Joshua-22.89; Heying, Bradley-24.73; Holen, Gerald-22.99; Larimore, Mark-23.29; Magnusson, Michal-22.89; McCormick, Robert-30.58; Nelson, Paul-22.89; Patino, Mark-23.91; Rear, Krista-18.74; Ryan, Steve-30.26; Sheeler, Daniel-22.99; Skavang, Robert-23.05. Mental Health Board: Baczwaski, Brian-94.00; Barnaud, Timothy-94.00; Johns, Timothy-94.00; Pike, Francy-94.00. Invasive Species Management: Heck, David-2,220.86; Palmer, Ryan-16.60; Hauge, John-40.00 meeting; Ridley, Clint-40.00 meeting; Vavruska, Kyle-40.00 meeting; Whalen, Michael-40.00 meeting; Seasonal Invasive Species Employees- Beehler, Jeremy-13.20; Goldhammer, Damon-13.20; Hanson, Taylor-13.20; Hunter, Bradley-13.20; Simonton, Chance-13.20; Tuten, Jeremy-14.11; Tyson, Chase-14.95. Planning&Zoning: Vogt, Amber-2,294.72; Schroeder, Jeffery-22.72; Sprenger, Janette-16.35; Brady, Thomas-40.00 meeting; Coburn, William-40.00 meeting;



Mickelson,Criag-40.00 meeting; Schenk, Travis-40.00 meeting; Stone,Julie-40.00 meeting; Tysdal,Richard-40.00 meeting; Scott Gulickson-\$40.00 per meeting.

<i>NEWLY ELECTED BASE</i>	<i>2017 BASE</i>	<i>SDCL #</i>
<b>AUDITOR</b>	\$ 35,952.00	SDCL 7-7-9.1
<b>TREASURER</b>	\$ 35,952.00	SDCL 7-7-9.1
<b>REGISTER DEEDS</b>	\$ 35,952.00	SDCL 7-7-9.1
<b>STATES ATTORNEY</b>	\$ 71,534.00	SDCL 7-7-12
<b>SHERIFF</b>	\$ 50,721.00	SDCL 7-12-15

**SHERIFF'S OFFICE POSITIONS:** Moved-Seconded (Johnson-Flanagan) To restate the full time positions in the Lawrence County Sheriff's office for 2017 as follows: (1) Chief Deputy (1) Captain, (4) Sergeants, (7) Deputies, (1) Process Servers, (4) Office Personnel (11) Jailers, (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

**SDSU EXTENSION AGREEMENT:** Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the Memorandum of Understanding between SDSU Extension and Counties of South Dakota for 2017. Motion Carried.

**SHERIFF:** Paul Hanson, Chief Deputy Sheriff was present to discuss issues with the Board.

**HIGHWAY:** Allan Bonnema, Highway Superintendent was present to discuss issues with the Board. The Board recognized receiving the Traffic Impact Analysis for the McGuigan Ranch Subdivision Phase 4 (AKA Top Shelf Development). Brief discussion was held on possible access locations and the need for two approaches.

**PLANNING & ZONING:**

**CHANGE OF ZONING #313 / ORME:** 2<sup>nd</sup> Reading was held on application for COZ #313 for Diane & Leo Orme to change the zoning from A-1 General Agriculture to RR Rural Residential in order to subdivide the lot and split it between the two landowners. Legally described as: The NW ¼ SW ¼ of Section 1, T6N, R2E. BHM, Lawrence County, South Dakota and Lot 2A-1 and Lot 2B of the SW ¼ NW ¼, SE ¼ NW ¼ and NE ¼ SW ¼ of Section 1 a subdivision of Lot 2A of the SE ¼ NW ¼ and NE ¼ SW ¼ and of the SW ¼ NW ¼ all in Section 1, T6N, R2E, BHM, Lawrence County, South Dakota. Leo Orme was present to give history on the property and the reasoning behind the proposed change of zoning and requested changing the zoning to A2-Ag. Moved-Seconded (Flanagan-Deibert) if the Applicant withdraws his request for Change of Zoning to Rural Residential and reapplies for A2-Ag the application fee will be waived. Motion Carried.

**BILLS:**

Moved-Seconded (Johnson-Flanagan) 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-\$6,287.62; Aud-\$10,422.59; Treas-\$11,493.55; States Atty-\$13,259.97; Pub Def-\$11,719.76; Gen Govt Bldg-\$9,578.28; Equal-\$13,804.42; Rod-\$8,383.80; Vso-\$1,389.81; Ist-\$8,675.64; Disp-\$12,856.90; Sher-\$41,941.54; Jail-\$23,168.48; Coroner-\$537.45; 24/7-\$183.10; Emerg Mgnt-\$4,135.58; E911-\$1,839.20; Highway-\$42,698.93; Weed-\$3,614.17; Pz-\$5,149.23 **Bills:** American Family Life-\$2,835.21; At&T Mobility-\$668.44; BH Federal Credit Union-\$6,808.74; Credit Collections Bureau-\$264.02; Deadwood Recreation Center-\$753.00; Deadwood, City Of-\$748.92; Delta Dental Of South Dakota-\$7,344.52; Dept Of The Treasury-\$58,436.51; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,978.40; Lead, City Of-\$61.17; Montana Dakota Utilities-\$4,922.03; Northern Hills Rec Center-\$137.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; SD Retirement System-\$88,527.15; SDRS Supplemental Retirement-\$2,633.50; Wellmark Blue Cross-\$74,930.01

**ADJOURN:** 9:44 a.m. There being no further business, it was Moved-Seconded (Johnson-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 24, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on January 24, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep, and Randy Deibert present. Brandon Flanagan was available by video conference and Daryl Johnson was absent.

All motions were passed by unanimous vote, by all members present or available by video conference, unless stated otherwise.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of January 3<sup>rd</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**STATES ATTORNEY:** Moved-Seconded (Sleep-Deibert) to approve the monthly cell phone per diem of \$45.00 for Brenda Harvey, effective January 23, 2017. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Deibert-Rosenau) to approve the step raise for Janette Sprenger as a P&Z Administrative Assistant G2 at the base rate of \$17.37 an hour, effective February 6, 2017. Motion Carried.

**VETERANS SERVICE OFFICER:** The Board recognized the letter of retirement from Bill Locken, Veterans Service Officer effective June 22, 2017 and thanked him for his many years of service.

**SHERIFF:** Moved-Seconded (Deibert-Sleep) to approve the temporary wage classification for Matthew McCroden as Sergeant G1 at the base rate of \$25.88 an hour, effective 1-22-2017, until such time that the permanent Sergeant position is filled. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of December 31, 2016 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)-\$81,911.72; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,143.38; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-

\$3,100,000; Bank Balance \$3,595,045.11, Money Market \$8,570,319.78; Savings-\$6,915,210.53. Total \$22,268,840.52.

**DELINQUENT TAXES REPORT:** Per SDCL 7-21-35 the total 2015 taxes levied for in 2016 was \$38,721,704.86 and the total unpaid as of 12-31-16 was \$127,910.16 which represents a .33% delinquency.

**TRAVEL REQUESTS:**

**PLANNING & ZONING:** Moved-Seconded (Deibert-Sleep) to approve the travel request for Jeff Schroeder to attend the International Code Council Education Institute in Denver, Colorado on March 5<sup>th</sup> -11<sup>th</sup>, 2017. Motion Carried.

**HIGHWAY:** Moved-Seconded (Sleep-Rosenau) to approve the travel request for Allan Bonnema to attend NACE Conference in Cincinnati, Ohio on April 8th -12th, 2017. Motion Carried.

**JAIL CONTRACT:**

**LEAD/DEADWOOD REGIONAL HOSPITAL MEDICAL AGREEMENT:** Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the Jail Medical Agreement with the Lead/Deadwood Regional Hospital. Motion Carried.

**SURPLUS PROPERTY:** Moved-Seconded (Deibert-Sleep) to declare the two HP 8150 LJ Printers #11762 and #11306 surplus and donate to the City of Lead. Motion Carried.

**RAFFLE REQUEST / LEAD-DEADWOOD AAU WRESTLING CLUB:** Moved-Seconded (Sleep-Rosenau) to not object to the request to conduct a raffle for the Lead-Deadwood AAU Wrestling Club from 1/20/2017 thru 3/30/2017. Motion Carried.

**SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION:** Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the State Financial Assistance Agreement Project No. AP0065-2016 (AWOS-3 Equipment) Agreement with the South Dakota Department of Transportation. Motion Carried.

**RESOLUTION 2017-05 AMENDMENT #15 TO COUNTY PERSONNEL HANDBOOK:** Moved-Seconded (Sleep-Deibert) to approve and authorize the Chairman to sign the following Lawrence County Resolution #2017-05 Amendment #15 to the Lawrence County Personnel Manual. Motion Carried.

**LAWRENCE COUNTY RESOLUTION # 2017-05 AMENDMENT #15 LAWRENCE COUNTY PERSONNEL MANUAL: WHEREAS,** the Lawrence County Commissioners have adopted the Lawrence County Personnel Manual to establish a fair system of personnel

administration; and **WHEREAS**, updates need to be made to the manual to ensure the fair and equitable system is updated; **THEREFORE BE IT RESOLVED**, that effective January 1, 2017 and upon favorable passage of this resolution and until otherwise revised, the following revision is hereby adopted for **ARTICLE XVIII. GENERAL INFORMATION** of the Lawrence County Personnel Manual. **18.3) HEALTH INSURANCE:** The County provides health insurance of which the County pays a percentage of the monthly premium as determined by the County Commission. The participating employee will pay the remaining portion of the premium through payroll deduction. A permanent employee must be employed at least thirty (30) hours a week to participate in this insurance. Insurance coverage is available, upon an employee's termination. The employee can continue the health insurance under the COBRA plan. Length of health insurance continuation is eighteen (18) months unless a qualifying event lengthens the entitlement. The employee is responsible to pay the full premium. (See appendix 5). **Retiree Participation:** Eligibility to participate in the County's health insurance plan is also extended to retirees and their dependents:

Criteria:

1. Be eligible for retirement in the South Dakota Retirement System (SDRS).
2. Be at least 50 years of age.
3. Have been an employee of Lawrence County for a minimum of 15 cumulative years, and have been eligible to participate in the County's health insurance plan during that period.
4. Be enrolled in the County's health insurance plan at time of retirement.
5. Have provided written notice of intent to continue health insurance coverage upon retirement at least 30 days prior to the last day of employment. Failure to provide written notice may disqualify the employee's participation.

Requirements, Limitations, and Termination:

1. The former employee is required to pay the full amount of the premium. The premium will be due on a schedule established by the health insurance provider, and the former employee is required to pay their premium by the cutoff date each month. The premium is paid each month in advance for the following month's coverage. Failure to pay the premium on time may disqualify the employee's participation.
2. If the former employee, spouse or dependent child is a participant under another group healthcare plan, this benefit will be secondary. If medical coverage is terminated for any reason, later application for enrollment shall not occur.
3. Eligible former employees are allowed to participate in the County's health insurance plan for a maximum of 15 years from the date they retired, or until the participating former employee becomes entitled to Medicare, or until any other terminating event, whichever occurs first. At that time, they will be automatically removed from the plan.
4. Spouses and dependent children of former employees are also allowed to participate in the County's health insurance plan. Their participation may continue for a maximum of 15 years from the date the former employee retired, or until the former employee's death, or until the participating former employee becomes entitled to Medicare, or until Medicare eligibility (spouse) or until eligibility age limit is exceeded (dependent children), or until any other terminating event, whichever occurs first. At that time, they will be automatically removed from the plan.
5. A dependent spouse will become ineligible for coverage in the event of divorce from the former employee. However, dependent children may still be eligible for coverage provided they meet the aforementioned criteria.

6. If an employee retires less than 18 months before turning age 65, he/she would be offered COBRA coverage for 18 months and retiree coverage.
7. If the employee retires with more than 18 months of public body retiree coverage before reaching age 65 and elects retiree coverage, the retiree would not be eligible for COBRA coverage at age 65.
8. If a spouse and/or dependent was covered under public body retiree coverage and lost coverage within 18 months as a result of the retiree's attaining age 65 or the retiree's death, the spouse or dependent would be eligible for COBRA coverage for 36 months less the amount of time covered under the public body retiree coverage.
9. If a spouse or dependent was covered under public body retiree coverage and lost coverage more than 18 months later as a result of the retiree's attaining age 65 or the retiree's death, the spouse or dependent would not be eligible for COBRA but would be eligible for an extension of the retiree coverage for a maximum of 36 months from the date of the loss of retiree coverage due to either event.
10. The benefits will be the same for this group as active employees.

Dated this 24<sup>th</sup> day of January, 2017. FOR THE BOARD: Randall Rosenau, Chairman.  
ATTEST: Connie Atkinson, Auditor

**SHERIFF:**

**VEHICLE BIDS:** Moved-Seconded (Sleep-Deibert) to reject all bids received for the Sheriff's Vehicles because a bid was dropped off at the Sheriff's Office and accidentally opened; and to set the new bid opening for the new Sheriff's vehicles for February 14<sup>th</sup>. Motion Carried.

**HIGHWAY:**

**APPROACH PERMIT / MATTHEW:** Moved-Seconded (Sleep-Rosenau) to follow the recommendation of the Highway Superintendent and approve the approach permit for Jeff Matthew on the west side of the Yellow Creek Road at 21320 Yellow Creek Road. Motion Carried.

**SPRING LOAD LIMIT RESOLUTION #17-06:** Moved-Seconded (Sleep-Deibert) to approve the following LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION #2017-06, to become effective when the road conditions warrant. Motion Carried. Lawrence County Spring Load Limit Resolution #2017-06: Whereas, seasonal climatic changes can be detrimental to our Highways and create dangerous driving conditions and Whereas, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, Ultimately saving tax dollars and, Whereas, The Lawrence County Board of County Commissioners, Desire the enforcement of weight limitations on Lawrence County Highways as set forth and posted by the Lawrence County Highway Department. NOW THEREFORE BE IT RESOLVED; Whereas the limits on the following Lawrence County Highways shall be set at seven (7) tons per axle on the Nemo Road, North Rochford Road, Vanocker Canyon Road, Old Belle Road, Hillview Road, Mineral Place Road, West Oliver Road and Crook City Road during the spring thaw period. Other County Roads may be posted if conditions warrant. Load limits become effective when the signs are installed and displayed. The South Dakota Motor Carrier is hereby requested to enforce said weight limitations on Lawrence County Highways. BE IT FURTHER

RESOLVED, that the penalty for the violation of load restrictions shall be set forth in SDCL 32-22-55. Vote of Lawrence County Commission: AYE-4, ABSENT-1. Dated this 24th day of January, 2017 at Deadwood, South Dakota. Lawrence County Board of Commissioners: Randall Rosenau, Chairman. ATTEST: Connie Atkinson, Lawrence County Auditor.

**SD MOTOR CARRIER SERVICES LOAD LIMITS:** Moved-Seconded (Sleep-Deibert) to approve and authorize the Chairman to sign the letter to the SD Motor Carrier Services of Load Limits to request enforcement. Motion Carried.

**HIGHWAY SUPPLIES BID OPENING:** Moved-Seconded (Sleep-Deibert) to advertise and set the bid opening for March 28th at 8:30 a.m. for Magnesium Chloride, Hot Mix Asphalt, Cold Mix Asphalt, Gravel Aggregate, De-Icing Sand, Hot Mix Paver Patching, Precast Concrete Culverts, Box Culverts, Bridge Beams and Bridge Deck Units. Motion Carried.

**CULVERT BIDS:** Moved-Seconded (Sleep-Deibert) to approve and authorize the purchase of Corrugated Metal Culverts, Motor Grader Cutting Edges, Snow Plow Blades, Steel Piling, Galvanized Sheet Piling, Steel Decking, Steel Guardrail other bridge material off the Beadle County Bid from TrueNorth Steel for 2017, per the recommendation of the Highway Superintendent. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

**BELLY DUMP GRAVEL TRAILER:** Moved-Seconded (Deibert-Rosenau) to approve and authorize the purchase of a Belly Dump Gravel Trailer off of the Clark County Bid with Butler Machinery, per the recommendation of the Highway Superintendent. Motion Carried.

**ST. ONGE ROAD PAVING PROJECT:** Moved-Seconded (Sleep-Deibert) to advertise and set the bid opening for March 28th at 8:30 a.m. for St. Onge Road Paving Project. Motion Carried.

**FUEL QUOTES:** The following fuel quote was submitted as of December 30, 2016: Spearfish Diesel #2 4050 gallons: (prices per gallon) CBH Cooperative - \$1.843\*, Whitewood Diesel 850 gallons: (prices per gallon) CBH Cooperative - \$2.026\*.

**SOUTH DAKOTA ASSOCIATION OF COUNTY HIGHWAY SUPERINTENDENTS:** The Board discussed a request for a County Commissioner to give a welcome speech at the South Dakota Association of County Highway Superintendent Short Course at the Lodge at Deadwood on March 29, 2017. Brandon Flanagan stated he would be available to welcome the attendants.

**PDM GRANT AMENDMENT:** Jim Poppen, SD Office of Emergency Management was present to discuss the PDM Grant Amendment. Deibert questioned if assistance was available to prepare a plan for Civil Unrest. Paul Thomson, Emergency Management Director followed up on possible options available to the Board. Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the Department of Homeland Security Standard Terms and Conditions. Motion Carried.

**EMERGENCY MANAGEMENT:**

**BID OPENING:** Moved-Seconded (Deibert-Sleep) to advertise and set the bid opening for 2 Mobile Message Boards for February 14, 2017 at 8:45 a.m. Motion Carried.

**SURPLUS PROPERTY:** Moved-Seconded (Sleep-Rosenau) to declare the FutureCom / Mobile Digital Repeater SN#16102689 surplus and allow it to be transferred to Custer County. Motion Carried.

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

**HEALTH NURSE REPORT:** Wade Huntington, Regional Manager was present to review the Quarterly Community Health Report.

**SPEARFISH RURAL FIRE PROTECTION TAX DISTRICT:** Gerald Drain was present to request pursuant to SDCL 34-31A-2 for the County Commission to pass a Resolution to Initiate the Formation of the Spearfish Rural Fire Protection Tax District.

Moved-Seconded (Deibert-Sleep) pursuant to SDCL 34-31A-2 to waive the requirement for petition signatures and to initiate the formation of the Spearfish Rural Fire Protection Tax District with the proposed boundaries adopted as the Response Boundaries and Map on file in the Lawrence County Auditors Office and set the public hearing for the proposed Spearfish Rural Fire Protection Tax District for February 14<sup>th</sup>, 2017 at 9:30 a.m. The proposed boundaries of the **Spearfish Rural Fire Protection Tax District are as follows:** Lawrence County: Sections 1 through 12 inclusive in Township 5 North, Range 1 East of the B.H.M.; Sections 1 through 36 inclusive in Township 6 North, Range 1 East of the B.H.M.; Those portions of Sections 7 through 36 inclusive within Lawrence County in Township 7 North, Range 1 East of the B.H.M.; Sections 2 through 11, and Sections 14 through 16 inclusive in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 36, inclusive in Township 6 North, Range 2 East of the B.H.M., Sections 1 through 36 inclusive within Lawrence County in Township 7 North, Range 2 East of the B.H.M.; Sections 5 through 11, and Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 6 North, Range 3 East of the B.H.M., excluding any properties located in a municipality, all in Lawrence County, South Dakota. Motion Carried.

**RECESS:** 9:30 a.m. Moved-Seconded (Deibert-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:47 a.m. The Chairman called the meeting back to order.

**PLANNING & ZONING:**

**POWDER HOUSE PASS / CID:** The Board was provided an update on the Powder House



Pass CID Infrastructure. Jerry Aberle and Greg and Jennifer Kaschmitter were present to answer questions and provide information. The Board discussed the Letter of Credit for Powder House Pass through Core Trust Bank that expires in May of 2017.

**PLATS:**

**PRELIMINARY & FINAL PLAT / WILDERNESS ESTATES:** Moved-Seconded (Sleep-Deibert) to declare the following plat for Wilderness Estates 2nd Addition meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Planning & Zoning and P&Z Staff and approve the Preliminary and Final Plat for Wilderness Estates LEGAL: Block 6 of Wilderness Estates 2nd Addition; Located in Section 8, T4N, R3E. Motion Carried.

**PRELIMINARY & FINAL PLAT / WASIL:** Moved-Seconded (Sleep-Rosenau) to declare the following plat for Robert Wasil meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried. Aye-Sleep, Flanagan and Rosenau. Nay-Deibert.

Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of Planning & Zoning and P&Z Staff and approve the Preliminary and Final Plat for Robert Wasil LEGAL: Tract 35 A-B Formerly Lot 35A & 35B of Aspen Hills Development. Motion Carried. This plat will combine Lots.

**BILLS:**

Moved-Seconded (Deibert-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-\$6,474.13; Aud-\$10,787.48; Treas-\$12,678.72; States Atty-\$13,693.36; Pub Def-\$12,067.49; Gen Govt Bldg-\$9,200.76; Equal-\$14,211.49; Rod-\$8,765.71; Vso-\$1,429.20; Ist-\$9,299.61; Disp-\$15,304.76; Sher-\$44,759.02; Jail-\$26,734.75; Coroner-\$886.26; 24/7-\$157.74; Emerg Mgnt-\$4,246.22; E911-\$1,990.40; Highway-\$44,338.13; Mh Serv-\$92.00; Weed-\$3,585.02; Pz-\$5,471.11; **Bills:** A To Z Shredding-\$61.79; A&B Business,Inc Solutions-\$1,762.15; A&B Welding Supply-\$20.70; A&I Distributors-\$430.67; Ace Hardware Of Lead-\$41.98; American Bar Association-\$331.10; American Red Cross-\$1,000.00; Armstrong Extinguisher-\$1,235.00; At&T-\$51.38; At&T Mobility-\$250.47; Audra Hill Consulting-\$1,225.34; BH Federal Credit Union-\$6,885.74; BH Pest Control-\$190.00; BH Pioneer-\$679.33; BH Resource Conservation-\$100.00; Barnaud Law Firm-\$1,858.68; Bi Geo Group-\$87.40; Big Sky Communications-\$144.00; Black Hills Energy-\$13,184.72; Black Hills Pure-\$11.50; Bruemmer,Lynnel-\$17.00; Butler Machinery Co-\$473.16; Butte Electric Coop-\$844.02; Cbh Cooperative-\$9,186.25; Century Business Products-\$481.60; Centurylink-\$2,044.68; City/County Alcohol&Drug-\$2,879.50; Commercial Door & Special-\$1,283.68; Credit Collections Bureau-\$186.30; Dakota Equipment Rental-\$3.87; Datec-\$376.82; Dean Schaefer Court Reporting-\$81.00; Dept Of Hlth Lab Services-\$540.00; Dept Of The Treasury-\$63,148.87;

Diversified Collections-\$100.00; Dmc Wear Parts-\$8,235.19; Ecn Intermediate Holding Co-\$5,600.00; Esri-\$400.00; Fastenal-\$136.68; Fidler-Isburg Funeral Chapel-\$2,340.00; Frederickson,John R-\$553.00; Goodie's Uniforms-\$951.80; Grimm's Pump Service-\$270.75; Heartland Paper Co-\$1,391.49; Ibm Corporation-\$2,027.00; Interstate Engineering-\$1,515.50; Intoximeters-\$1,405.00; Jacobs Precision Welding-\$110.31; Juneks' Chrysler/Dodge-\$49.80; Kimbell's Auto Repair-\$76.04; Kinney,Matthew-\$1,839.97; LC Conservation Dist-\$5,000.00; L-3 Communications-\$1,487.00; Labcorp Of America Holdings-\$25.00; Lak Orr-\$238.94; Lead-Deadwood Regional Hospital-\$886.90; Lead-Deadwood Sanitary-\$489.74; Lee,James-\$15.00; Lewis & Clark Bhs-\$160.00; Lexisnexis Risk Data Mngt-\$75.00; Lowe Roofing-\$5,237.50; Lynn's Dakotamart-\$11.78; Mack's Auto Body-\$1,065.00; Matthew Bender & Company-\$119.43; Mcgas Propane-\$429.38; Microfilm Imaging Systems-\$1,680.00; Midcontinent Communications-\$111.27; Montana Dakota Utilities-\$893.23; Moore Medical-\$443.03; Ms Mail-\$40.00; Nalco Company-\$230.00; Nelson,Tonya-\$250.00; Neve's Uniforms-\$244.52; Northern Hills Casa-\$7,500.00; Northern Truck Equip-\$251.00; Novus-\$229.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Pennington Co Jail-\$1,032.70; Pennington County Sts Attny-\$215.00; Penny Motel/Bfd,Llc-\$400.00; Plumbmaster-\$558.36; Pmb 0112-\$260.79; Program Works-\$864.96; Quill Corporation-\$1,480.15; RC Finance Office-\$490.00; RC Regional Hospital-\$62.28; Radiology Associates-\$32.26; Rapid Delivery-\$12.65; Rasmussen Mechanical Serv-\$2,375.90; Regional Health-\$324.27; Reserve Account-\$6,000.00; Rocket Lube-\$49.99; Rogers Construction-\$91,044.00; Root Spring Scraper-\$648.05; Rud-Chain-\$7,161.23; SD Association Of County-\$355.00; SD Building Officials Assoc-\$75.00; SD Unemployment Ins Division-\$245.38; SD Dept Of Public Safety-\$30.00; SD Emergency Mngt Association-\$380.00; SD Law Review-\$33.02; SD State Treasurer-\$1,855.43; Sdaco-\$2,211.79; Sdrs Supplemental Retirement-\$2,633.50; Sdsu Extension-\$6,123.00; Semerad,Sandra-\$244.80; Servall Towel & Linen-\$1,085.78; Silverado-\$351.00; Spearfish Auto Supply-\$540.31; Spearfish Police Dept-\$10,422.54; Sturdevant's Auto Parts-\$498.57; Sysco Montana-\$3,689.73; Teen Court-\$7,500.00; Thomson Reuters-West-\$852.85; Triple K Tire & Repair-\$896.89; Turnkey Corrections-\$45.18; Twilight First Aid & Safety-\$38.85; Twin City Hardware & Lumber-\$284.40; Vast Broadband-\$1,723.04; Verizon Wireless-\$105.16; Victims Of Violence-\$690.00; Waste Connections Of SD-\$744.70; Watertree-\$98.00; Wells Fargo Business Card-\$1,754.71; West River International-\$493.38; Western Communication-\$3,663.20; Wex Bank-\$253.38; Wilde & Hunt, Prof-\$4,818.14; Yankton County-\$93.25; Zep Manufacturing Co-\$166.92; **Witness & Jurors:** McCormick,R-\$25.12; Mowell,S-\$24.28; Bailey,L-\$57.56; Butsko,S-\$68.48; Frasier,J-\$65.12; Higgins,G-\$62.60; Kyte,M-\$68.48; Madsen,T-\$58.40; Regan,D-\$53.36; Stelter,A-\$62.60; Welbig,C-\$5,400.00; Hoffman,S-\$4,200.00; Andren,L-\$31.00; Andrus,G-\$23.44; Bailey,M-\$21.76; Bauslaugh,K-\$21.76; Benedict,J-\$64.28; Bergheim,N-\$22.60; Canon,M-\$10.84; Chaffin,J-\$23.44; Courtney,B-\$22.60; Darling,J-\$22.60; Diem,T-\$12.52; Fleming,D-\$66.80; Ford,T-\$28.48; Goddard,T-\$15.04; Horner,S-\$60.92; Howard,L-\$26.80; Jensen,K-\$25.12; Johnson,S-\$20.08; Johnson,S-\$12.52; Jones,M-\$25.12; Kaitfors,M-\$22.60; Kurzenberger,T-\$26.80; Mettler,B-\$27.64; Millard,S-\$54.20; Miller,C-\$64.28; Mock,V-\$62.60; Nicholas,C-\$33.52; Otto,M-\$20.92; Page,A-\$25.12; Pahl,J-\$14.20; Paschke,D-\$22.60; Peterson,C-\$22.60; Ponce De Leon,R-\$10.84; Porter,J-\$22.60; Robinson,P-\$22.60; Romano,C-\$63.44; Rummel,L-\$19.24; Schlecht,K-\$24.28; Schroding,D-\$21.76; Silvernail,K-\$50.84; Singer,J-\$10.84; Slezak,L-\$22.60; Smoot,V-\$66.80; Snow,T-\$23.44; Standen,C-\$24.28; Triplett,M-\$23.44; Tysdal,E-\$26.80; Washechek,D-\$18.40; Wendt,D-\$20.92;

Wood,J-\$29.32; Wordeman,W-\$64.28; Corbett,I-\$33.44; Frerichs,T-\$22.52; Helmer,K-\$65.70;  
Larson,R-\$41.00; Horak,M-\$28.40; Maas,S-\$53.60; Walker,S-\$20.00; Walker,W-\$33.44

**ADJOURN:** 10:32 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – January 24, 2017**

Chairman Randall Rosenau called the Lawrence County Board of Adjustment meeting to order at 9:30 a.m. on January 24, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep, and Randy Deibert present. Brandon Flanagan was available by video conference and Daryl Johnson was absent

All motions were passed by unanimous vote, by all members present or available by video conference, unless stated otherwise.

**VARIANCE #154 / OSSENFORT:** A public hearing was held on application for Variance #154 from Todd Ossenfort for a 13' Variance to the 25' Side Setback and 25' Variance to the 25' Rear Setback to build a detached pole building. LEGAL: Lot 31 of HES 648, Sections 3 & 4 of T3N, R2E, located off of Pahkamaa Road. The applicant was available for questions. Deibert questioned if the garage could be built elsewhere on the property. Ossenfort stated he could build the garage in the front of the lot but that would destroy his view from the home and deck. Ossenfort stated he could move the garage to meet the 25' setback that borders Forest Service Property and could reduce the variance request on the side setback if needed. Discussion followed on what the hardship would be and the topography of the lot. No public input was voiced and the Chairman closed the public hearing.

Moved-Seconded (Deibert-Flanagan) to follow Planning and Zoning recommendation and deny Variance #154 from Todd Ossenfort for a 13' Variance to the 25' Side Setback and 25' Variance to the 25' Rear Setback, because hardship and/or lot constraints were not evident. Motion Carried.

ADJOURN: 9:47 a.m. There being no further business, it was Moved-Seconded (Deibert-Sleep) to adjourn from the Board of Adjustment. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Randall Rosenau, Chairman

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – February 14, 2017**

Chairman Randall Rosenau 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 14, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** Commissioner Sleep declared a conflict with the 10:00 a.m. Preliminary Plat - Applicant - Jeff Sleep. Commissioner Deibert declared a conflict with the 8:30 a.m. - approach permit - Butte Electric Coop Inc.

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of January 24<sup>th</sup> County Commission and Board of Adjustment meeting. Motion Carried.

### **PERSONNEL:**

**PUBLIC DEFENDER:** Moved-Seconded (Flanagan-Johnson) to approve for the advertisement of a Deputy Public Defender. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of January 31, 2017 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)-\$76,476.02; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,193.41; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$7,555,148.66, Money Market \$8,574,836.10; Savings-\$3,915,421.25. Total \$23,229,285.44.

**TRANSFER OF FUNDS:** Moved-Seconded (Sleep-Rosenau) to approve the annual budgeted transfer of \$2,400,000 from General Fund to Road & Bridge Fund and to transfer \$110,000 from General Fund to Emergency & Disaster Fund. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Johnson-Flanagan) to approve the travel request for Patrick Johnson and Tom Derby to attend the medicolegal investigation of death program in Dearborn, Michigan on May 2-6, 2017. Motion Carried.

**FUNDING REQUEST / DAKOTA RISING:** Moved-Seconded (Flanagan-Sleep) to leave the money in the General Fund and not reallocate the money. Motion Carried.

**HOMESTAKE OPERA HOUSE BOARD:** Moved-Seconded (Deibert-Rosenau) to appoint Commissioner Flanagan to the Homestake Opera House Board for 2017. Motion Carried.

**2017 BUTTE/LAWRENCE COUNTY FAIR AGREEMENT:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the 2017 Fair Agreement with Butte County. Motion Carried.

#### **ABATEMENTS**

**STATE OF SOUTH DAKOTA DEPARTMENT OF GAME, FISH & PARKS :** Moved-Seconded (Flanagan-Deibert) to approve the abatement for State of South Dakota Department of Game, Fish and Park on parcel #26540-01224-000-10 for 7 months because the parcel is now tax exempt. Motion Carried.

**STATE OF SOUTH DAKOTA DEPARTMENT OF GAME, FISH & PARKS :** Moved-Seconded (Flanagan-Deibert) to approve the abatement for State of South Dakota Department of Game, Fish and Park on parcel #26540-00991-000-34, 26340-00953-000-40, 26340-00991-000-30 and 26340-00991-000-40 for 10 months because the parcel is now tax exempt. Motion Carried.

**ACCOUNT MANAGEMENT:** Deb Tridle, Lawrence County Treasurer, informed the board that Wells Fargo Bank is now offering a sweep checking account. She will be closing the savings account and moving the money to the checking account. \_

**RAFFLE REQUEST / SPEARFISH AREA CHAMBER OF COMMERCE RAFFLE:** Moved-Seconded (Flanagan-Johnson) to not object to the request to conduct a raffle for the Spearfish Area Chamber of Commerce, with the drawing taking place on August 16, 2017. Motion Carried.

#### **SHERIFF:**

**VEHICLE BIDS:** The following bids were received for three Sheriff vehicles: Juneks – (3) Dodge Durango Special Service AWD -\$96,000 (\$27,000 trade-ins) = \$69,000. Whites Queen City Motors - (3) Chevy Tahoe-\$107,742 (\$28,600 trade-ins) = \$79,942. Whites Canyon Motors – (3) Explorer Interceptor with 3.5 EcoBoost -\$101,271.84 (\$27,500 trade-ins) = \$73,771.84 (an

alternate, non-conforming bid was rejected for failing to meet bid specifications - (3) Explorer Interceptor with 3.7 (V6 FFV - \$91,881.84 (\$27,500 trade-ins)) = \$64,381.84.

Moved-Seconded (Flanagan-Johnson) to accept the lowest responsible bid from Juneks and waive any irregularities for (3) Dodge Durango Special Service AWD -\$96,000 (\$27,000 trade-ins) = \$69,000 and to declare the 2011 Chevy Tahoe VIN#1GNSK2E00BR262372, 2011 Chevy Tahoe VIN#1GNSK2E07BR264409 and the 2012 Chevy Tahoe VIN#1GNSK2E05CR242233 surplus and allow them to be considered for trade in. Motion Carried.

**COURTHOUSE SAFETY PROJECT:** Moved-Seconded (Johnson-Deibert) to approve and authorize the Chairman to sign the proposal from Convergent Technologies as the project is exempt from the state bid laws pursuant to SDCL 5-18A-22(5). Motion Carried.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of January 30, 2017: Spearfish Diesel#2 3000 gallons: (prices per gallon) CBH Cooperative - \$1.872, MG Oil - \$1.799\*; Spearfish Unleaded 700 gallons: (prices per gallon) CBH Cooperative - \$2.243, MG Oil - \$2.089\*; Whitewood Diesel Blended 50/50 500 gallons: (prices per gallon) CBH Cooperative - \$1.981\*, MG Oil-\$1.999; Deadwood Diesel Blended 50/50 7500 gallons: (prices per gallon) CBH Cooperative - \$1.921\*, MG Oil - \$1.999; Deadwood Unleaded 4100 gallons: (prices per gallon) CBH Cooperative - \$2.193, MG Oil - \$2.089\*; Harms Oil Co - No Bids Submitted.

**UTILITY PERMIT/ BUTTE ELECTRIC COOP INC:** Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the utility permit for Butte Electric Coop Inc on the Camp Comfort Rd & Highway 85 North for the construction of underground power line per the recommendation of the Allan Bonnema, Highway Superintendent. Motion Carried. (Abstain Deibert.)

**JOINT POWERS AGREEMENT:** Moved-Seconded (Deibert-Sleep) to approve and authorize the Chairman to sign the Joint Powers Financial and Maintenance Agreement between the State of South Dakota Department of Transportation and Lawrence County for the Roadway Safety Improvement Project number PH8041(19) PCN 04L7. Motion Carried.

**TOP SHELF DEVELOPMENT:** Commissioners talked about their safety concerns on the McGuigan road, to-wit: speed, ingress, egress, slope of the road and logging truck traffic. The board also discussed the fact that Exit 8 and McGuigan road were designated for logging truck traffic. Following discussion by the Board, an alternative location was offered for the location of the approach onto McGuigan Road as recommended by Superintendent Bonnema.

Moved-Seconded (Johnson-Rosenau) to give preliminary approval of the approach permit onto McGuigan road, as recommended by Superintendent Bonnema, conditioned upon a development

agreement between Top Shelf Development and the City of Spearfish, subject to ratification by the County, regarding responsibility for road signs (to include truck traffic directional signs), construction and maintenance of a retaining wall to be constructed in the County right-of-way and responsibility for construction and maintenance of the proposed walking trail. Motion Carried. Aye - 4 Nay 1 (Aye-Rosenau, Flanagan, Johnson and Deibert. Nay-Sleep)

Moved-Seconded (Johnson-Deibert) ) to give preliminary approval of the approach permit from Greenspot Road onto Highway 14A, as recommended by Superintendent Bonnema, conditioned upon a development agreement between Top Shelf Development and the City of Spearfish, subject to ratification by the County, to include final design and details concerning a turn lane. Motion Carried.

**MCGUIGAN ROAD SPEED LIMIT:** Moved-Seconded (Johnson-Deibert) to lower the speed limit from 45mph to 35mph on McGuigan Road from Highway 14A south to Oliver Street. Commissioner Sleep feels the speed limit should remain at 45mph. Commissioner Flanagan stated that it would reduce the speed for the ingress and egress onto McGuigan Road. Allan Bonnema, Highway Superintendent, stated the speed limit should have never been moved to 45mph as the road was designed for 35mph. After discussion the motion was withdrawn by Johnson-Deibert.

Moved-Seconded (Deibert-Johnson) to lower the speed limit from 45mph to 35mph on McGuigan Road from Highway 14A to Oliver Street. Motion Carried. Aye - 3 Nay - 2. (Aye-Rosenau, Johnson and Deibert. Nay-Flanagan and Sleep)

**EMERGENCY MANAGEMENT:**

**BID OPENING:** The following bid was received from Traffic Solutions Incorporated for 2 Mobile Message boards - \$32,428.00.

Moved-Seconded (Flanagan-Deibert) to accept the lowest responsible bid from Traffic Solutions Incorporated and waive any irregularities for 2 Mobile Message Boards in the amount of \$32,428.00. Motion Carried.

**SPEARFISH RURAL FIRE PROTECTION TAX DISTRICT:** A public hearing was held on the proposed Spearfish Rural Fire Protection Tax District. Don Salazar, Spearfish, stated he was not opposed to the district but was concerned with who would provide apparatus and equipment. He also was concerned with dissolution of the taxing district and being doubled taxed if the property he owns would be annexed into the City of Spearfish. Gerald Draine stated that it is his opinion that contracting by the district with the City of Spearfish would be the best option since previously purchased fire equipment was already in its possession. Commissioner Flanagan stated that there are mechanisms to change the boundary. Commissioner Johnson stated that the City of Spearfish agreed to provide the outlying areas with fire protection for three years and felt this is very generous. Branden Ginter stated that the residents in the proposed district have donated money to the fire department over the years, some of which was used to



purchase equipment - including 5 fire trucks - of which the City has possession. He also questioned where the unspent donated money would go if the taxing district passes? Chairman Rosenau stated that the money would go to the fire district. Gerald Draine stated that the maximum mill levy is 1.60 per thousand: 1 mill for maintenance and .6 for equipment. Chairman Rosenau explained that the County does not set the mill levy for the district, but simply collects the tax and disperses same to the district. Charles Nicholas questioned where the money that is collected now for rural residents goes? Chairman Rosenau stated that it is divided among the fire departments on a pro rata basis. Bruce Outka, Deputy State's Attorney, stated that \$17,402 collected by a separate fire tax levy (applicable to residents of the County living outside municipalities) has historically been remitted to the City of Spearfish. Charles Nicholas asked what other equipment the County owns? Commissioner Johnson stated that the "Hawk" is the only piece of fire equipment owned by the County. No further public input was heard. The Public Hearing was closed.

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the following Order Of Initiation Of Organization Of Spearfish Rural Fire Protection District. Motion Carried.

**ORDER OF INITIATION OF ORGANIZATION OF SPEARFISH RURAL FIRE PROTECTION DISTRICT:** WHEREAS, SDCL 34-31A allows for the organization and incorporation of rural fire protection district; and WHEREAS, a Public Hearing has been held at which the determination was made by the Lawrence County Board of County Commissioners; wherein the area lies, that the proposed district does indeed meet the general fire protection policy of Lawrence County; and WHEREAS, at said Hearing, the boundaries of the proposed Spearfish Rural Fire Protection District were defined and agreed upon by those Commissioners present; WHEREAS, the boundaries of the proposed Spearfish Rural Fire Protection District are defined as: Lawrence County: Sections 1 through 12 inclusive in Township 5 North, Range 1 East of the B.H.M.; Sections 1 through 36 inclusive in Township 6 North, Range 1 East of the B.H.M.; Those portions of Sections 7 through 36 inclusive within Lawrence County in Township 7 North, Range 1 East of the B.H.M.; Sections 2 through 11, and Sections 14 through 16 inclusive in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 36, inclusive in Township 6 North, Range 2 East of the B.H.M., Sections 1 through 36 inclusive within Lawrence County in Township 7 North, Range 2 East of the B.H.M.; Sections 5 through 11, and Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 6 North, Range 3 East of the B.H.M., excluding any properties located in a municipality, all in Lawrence County, South Dakota. NOW, THEREFORE, BE IT ORDERED, that an election will be held, within sixty days, at which the question of the organization of the Spearfish Rural Fire Protection District shall be determined by majority vote of those qualified electors of the proposed district who present themselves for that purpose. Dated this 14<sup>th</sup> day of February, 2017. FOR THE BOARD OF COUNTY COMMISSIONERS. Randall Rosenau, Chairman. ATTEST: Brenda McGruder, Deputy Auditor

**PLANNING & ZONING:**

**CHANGE OF ZONING #314 / WILDERNESS TRAILS LLC:** 1st Reading and a public hearing was held on the requested COZ # 314 for Wilderness Trails LLC / Kenny Price to

change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot into 2- 30 acre parcels . Tract 3 of the Sunset Subdivision in Section 1, T6N, R2E. Located along Lookout Mountain Rd. No public input was heard and the public hearing was closed. The 2nd reading for COZ #314 will be held on March 14, 2017 at 9:30 a.m.

**CHANGE OF ZONING #315 /LEO & DIANE ORME:** 1st Reading and a public hearing was held on the requested COZ #315 for Leo & Diane Orme to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot and split it between the two landowners. The NW ¼ SW ¼ of Section 1, T6N, R2E. BHM, Lawrence County, South Dakota and Lot 2A-1 and Lot 2B of the SW ¼ NW ¼, SE ¼ NW ¼ and NE ¼ SW ¼ of Section 1 a subdivision of Lot 2A of the SE ¼ NW ¼ and NE ¼ SW ¼ and of the SW ¼ NW ¼ all in Section 1, T6N, R2E, BHM, Lawrence County, South Dakota. Located along Lookout Mountain Rd. No public input was heard and the public hearing was closed. The 2nd reading for COZ #315 will be held on March 14, 2017 at 9:15 a.m.

**PLATS:**

**PRELIMINARY & FINAL PLAT / BH PROPERTIES LLC:** Moved-Seconded (Flanagan-Rosenau) to declare the following plat for BH Properties LLC meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried. Aye - 4 Nay -1 (Nay-Deibert)

Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Planning & Zoning and P&Z Staff and approve the Preliminary and Final Plat for BH Properties LLC LEGAL: Tract 2D of Powder House Pass; Located in Section 8, T4N, R3E . Motion Carried.

**PRELIMINARY & FINAL PLAT / BH PROPERTIES LLC:** Moved-Seconded (Flanagan-Johnson) to declare the following plat for BH Properties LLC meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Planning & Zoning and P&Z Staff and approve the Preliminary and Final Plat for BH Properties LLC LEGAL: Tract 2E of Powder House Pass; Located in Section 8, T4N, R3E. Motion Carried.

**PRELIMINARY PLAT / JEFF SLEEP:** Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Planning & Zoning and P&Z Staff and approve the Preliminary Plat for Jeff Sleep LEGAL: Tract 1 & 2 a Subdivision of HES 69; Located in Section 18, 19 & 20, T3N, R3E. Original Plat was approved on December 2, 2010 and Expired in 2012. No Changes proposed from original. Fire Plan Implemented. Motion Carried. (Abstain-Sleep.)

**PRELIMINARY PLAT / 4 BEARS IN THE HILLS:** Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Planning & Zoning and P&Z Staff and approve the Preliminary Plat for 4 Bears in the Hills LEGAL: Lots 16R, 17-21 of Blk 4 and Lots 1A, 1B, 2R of Blk 17 in Apple Springs Subdivision; Located in Section 14, T5N, R4E. Motion Carried.

**RECESS:** 10:15 a.m. Moved-Seconded (Flanagan-Johnson) 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.

**ITEMS FROM COMMISSIONERS:** Moved-Seconded (Sleep-Johnson) to have Dave Heck, Invasive Species Manger, draft a letter to the United States Forest Service regarding noxious weed control. The letter will be reviewed at the March 14, 2017 Commissioners meeting at 8:00 a.m. during General Business. Motion Carried.

Commissioner Johnson expressed his ongoing concern regarding the safety concerns posed by Valley Auto and its lack of available customer parking leading to customers parking on Highway 14A.

**BILLS:**

Moved-Seconded (Deibert-Sleep) 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-\$12,948.16; Aud-\$21,574.98; Treas-\$24,643.45; States Atty-\$27,364.21; Pub Def-\$24,134.98; Gen Govt Bldg-\$18,467.94; Equal-\$28,422.96; Rod-\$17,551.29; Ist-\$18,234.42; Disp-\$57,090.47; Sher-\$88,197.29; Jail-\$43,414.97; Coroner-\$2,692.52; 24/7-\$374.87; Emerg Mgnt-\$8,519.44; E911-\$3,980.80; Highway-\$87,425.32; Mh Serv-\$2,400.00; Weed-\$7,350.04; Pz-\$10,942.21; **Bills:** Mcgruder,Brenda-\$358.00; Dragoo,Shelley-\$20.16; Isburg,Damon-\$265.60; A To Z Shredding-\$19.72; A&B Business,Inc Solutions-\$2,122.72; A&B Welding Supply-\$141.62; A&I Distributors-\$663.40; Air Connection-\$8,106.12; Apco International-\$184.00; At&T Mobility-\$915.22; BH Council Of Local Govt-\$6,265.00; B H Federal Credit Union-\$6,885.74; BH Land Analysis-\$2,242.50; BH Pest Control-\$190.00; BH Physcial Therapy-\$160.00; BH Pioneer-\$819.40; Barnaud Law Firm-\$2,850.03; Behavior Mngt Systems-\$24,097.00; Black Hills Energy-\$11,871.38; Black Hills Pure-\$11.50; Bomgaars Supply-\$109.98; Butler Machinery Co-\$1,493.05; Butte County-\$37,300.00; Butte Electric Coop-\$918.70; Cbh Cooperative-\$15,382.63; Central Restaurant Products-\$285.44; Century Business Products-\$117.67; Centurylink-\$173.77; City/County Alcohol&Drug-\$830.00; Clinical Lab Of BH-\$3,857.10; Convergent Technologies-\$111,061.68; Coupens,Justin-\$500.00; Credit Collections Bureau-\$250.84; Dale's Tire & Retread-\$1,083.00; Danko Emergency Equipment-\$703.70; Deadwood Carnegie Library-\$91,801.00; Deadwood,City Of-\$786.74; Dept Of Hlth Lab Services-\$420.00; Dept Of The Treasury-\$59,620.91; Diversified Collections-\$100.00; Eb Communications-\$110.00; Eddie's Truck Sales/Serv-\$165.33; Ekern,Marv-\$22.50; Ellingson,Joseph-\$1,050.16; Emergency Services Marketing-\$23.57; Epco-\$321.60; Fassbender Photographic-\$7,500.00; Fastenal-\$12.30; Frederickson,John-\$226.00; Grace Balloch Mem Library-\$230,421.00; Grimm's Pump Service-\$174.00; Heartland Paper Co-\$473.98; Inland Truck Parts-\$126.08; Jacobs Precision Welding-\$6.19; Katterhagen,Mark-\$22.50; Kimball-Midwest Co-\$572.32; Koala Electric-\$31,213.65; Lawson Products-\$968.95; Lead,City Of-\$108,787.73; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Regional Hospital-\$454.28; Lead-Deadwood Sanitary-\$476.38; Lee,James-\$15.00; Lewis & Clark Bhs-\$160.00; Lewno,Lucy-\$180.96; Lexisnexis Risk Data Mgnt-\$77.50; Lynn's Dakotamart-\$8.58; Marshall & Swift/Boeckh-\$8,568.49; Mcclure,Susan-\$200.00; Mcleod's Office Supply-\$145.77; Mg Oil Company-\$15,424.20; Microfilm Imaging Systems-\$1,775.00; Mikelson,Gary-\$273.31;

Montana Dakota Utilities-\$6,466.44; Moore Medical-\$415.82; NH Alcohol & Drug Services-\$10,000.00; NH Training Center-\$2,500.00; National Assoc Legal Assistant-\$265.00; National Sheriff's Assoc-\$115.00; Nelson,Christy-\$150.00; Nelson,Tonya-\$350.00; Neve's Uniforms-\$700.91; Nichols,Helen Rd Ln Cde-\$75.00; Northwest Pipe Fitt-\$191.63; Office Depot-\$20.13; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Pfefferle,Sarah-\$70.00; Phoenix Investigations-\$861.90; Powerplan-\$147.50; Prairie Hills Transit-\$7,500.00; Pure Force-\$161.26; Quik Signs-\$90.00; Quill-\$94.14; RC Regional Hospital-\$1,047.93; Radiology Associates-\$67.26; Rapid Delivery-\$40.25; Rasmussen Mechanical Serv-\$1,224.00; Regional Health-\$270.24; Regional Health/Ref Lab-\$1,329.00; Rocket Lube-\$327.95; Sand Creek Printing-\$396.00; Sd Assoc Code Enforcement-\$40.00; SD Building Officials Assoc-\$50.00; SD Department Of Public Safety-\$5,400.00; SD Dept Of Transportation-\$1,131.09; SD Human Services Center-\$116.50; SD State Treasurer-\$14,637.84; Sdrs Supplemental Retirement-\$2,633.50; Servall Towel & Linen-\$659.25; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$1,899.16; Spearfish Senior Citizens-\$2,000.00; Sterna,Laura-\$200.00; Street Image-\$2,189.27; Sturdevant's Auto Parts-\$694.76; Subway-\$64.35; Sunshine Towing&Transport-\$420.00; Sysco Montana-\$3,415.74; Thomson Reuters-West-\$175.85; Triple K Tire & Repair-\$494.47; Turbiville Industrial Electric-\$412.12; Turnkey Corrections-\$36.73; Twin City Hardware & Lumber-\$734.10; Twin City Senior Citizens-\$2,000.00; Verizon Wireless-Lert B-\$300.00; Victims Of Violence-\$445.00; Waste Connections Of Sd-\$758.24; Watertree-\$45.80; Weed & Pest Conference-\$325.00; Wells Fargo Business Card-\$11,582.67; West River International-\$1,319.08; Western SD Juvenile Serv-\$10,080.00; Western State Fire Protection-\$928.00; Wex Bank-\$765.84; White Drug-\$488.49; Whitewood Library-\$61,320.00; Wolff's Plumbing & Heating-\$1,975.41; Woodbury County Clerk Of Court-\$21.99; Yankton Co Sheriff-\$50.00; Yankton County-\$142.25; **Witness & Jurors:** Bauslaugh,K-\$61.76; Benedict,J-\$64.28; Fleming,D-\$66.80; Goddard,T-\$55.04; Horner,S-\$60.92; Johnson,S-\$52.52; Kaitfors,M-\$62.60; Mettler,B-\$67.64; Millard,S-\$54.20; Mock, V-\$62.60; Romano,C-\$63.44; Silvernail,K-\$50.84; Slezak,L-\$62.60; Smoot,V-\$66.80; Triplett,M-\$63.44; Tysdal,E-\$66.80; Wordeman,W-\$64.28; Arseneau,G-\$3,120.00; Bercier,C-\$35.12; Berglund,D-\$28.23; Garneaux,A-\$22.52; Hertel,H-\$95.60; Humbracht,L-\$33.44; Marr,A-\$35.12; Olstad,J-\$32.60; Talich,A-\$341.72;

**ADJOURN:** 12:50 p.m. There being no further business, it was Moved-Seconded (Flanagan-Deibert) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – February 14, 2017**

Chairman Randall Rosenau called the Lawrence County Board of Adjustment meeting to order at 10:15 a.m. on February 14, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep, Brandon Flanagan, Daryl Johnson and Randy Deibert present.

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

**VARIANCE #155 / MAKI:** A public hearing was held on application for Variance #155 from Roger Maki for a 15' Variance to the 25' Side Setback to Build a Detached Garage. LEGAL: Lot 32A of Pine Oak S/D Located off of Timberline Road.

Molly Salcone was present and was concerned with the type of garage that was going to be built and if it would be for heavy equipment. Lori Zimmiond, applicants sister, appearing on behalf of applicant, stated that the garage was a 30' x 46' two-stall garage and would not be used for heavy equipment.

The Chairman closed the public hearing.

Moved-Seconded (Flanagan-Deibert) to deny Variance #155 from Roger Maki for a 15' variance to the 25' side setback to build a detached garage due to the fact that there is a section line that runs through the proposed location of the garage and there being other locations to build the garage. Accordingly, denial of the variance does not result in a hardship upon the owner as distinguished from a mere inconvenience. Motion Carried.

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

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Randall Rosenau, Chairman

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 14, 2017**

Chairman Randall Rosenau 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 14, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, and Randy Deibert present. Richard Sleep was absent.

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

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

**DECLARE CONFLICTS:** No conflicts were declared.

**MINUTES:** Moved-Seconded (Flanagan-Rosenau) to approve the minutes of February 14<sup>th</sup> County Commission and Board of Adjustment meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Flanagan-Deibert) to approve the classification change for Lance Palmer as a permanent full-time Corrections II G3 at the base rate of \$19.66 an hour, effective February 9, 2017. Motion Carried.

**MENTAL ILLNESS BOARD:** Moved-Seconded (Flanagan-Deibert) to approve Bonnie Dittes and Charlotte Pentheny as Mental Illness Board Members at the rate of \$15.00 per hearing, effective 1-1-2017. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of February 28, 2017 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)-\$98,842.80; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,884.75; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$6,477,484.04, Money Market \$8,579,465.23; Savings-\$3,915,548.13. Total \$22,179,434.95.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the travel request for Megan Merwin to attend the Taser Instructor Course in Madison, SD on March 20-21, 2017. Motion Carried.

**ABATEMENTS:**

**KELLY DIEDE:** Moved-Seconded (Flanagan-Rosenau) to approve the abatement on parcel #18060-00504-152-74 for Kelly Diede because of an error. Motion Carried.

**BOB & ELIZABETH YOUNG:** Moved-Seconded (Johnson-Rosenau) to approve the 2017 taxes payable in 2018 abatement on parcel #20970-00135-010-05 for Bob & Elizabeth Young because the trailer was demolished on December 20, 2016. Motion Carried.

**SB 7 DISCUSSION:** Tim Hodson, Director of Equalization was present to discuss Senate Bill 7 (SB 7) An Act to revise the criteria for determining if property is classified as agricultural land for property tax purposes. Hodson stated each County will have to determine “Principal Use” of the land. The Board will revisit the issue later in the year.

**NOXIOUS WEED CONTROL:** Moved-Seconded (Johnson-Rosenau) to approve and authorize Dave Heck, Invasive Species Management to sign and send the letter to the United States Forest Service in regards to noxious weed control on behalf of the Board. Motion Carried.

**COUNTY WHEEL TAX:** Deb Tridle, Treasurer presented the County Wheel Tax Collections Report. Lawrence County collected \$314,023.06 in a 12 month period.

**SHERIFF:** Brian Dean, Sheriff was present to discuss the past contract with the Forest Service to patrol forest service areas. Dean stated he is negotiating for additional reimbursement and will keep the Board updated.

**GRANT APPLICATION / HOMELAND SECURITY:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the grant application to Homeland Security for Flir Night Vision. Motion Carried. The approximate grant of \$65,000 is for 7 units at 100% grant reimbursement.

**HIGHWAY:**

**UTILITY PERMITS:**

**CENTURY LINK:** Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for permit to occupy county highway right-of-way for Centurylink located in Township 6N, (7N), Range 4E, Section 22,15,10,11,2, (35,36,25) along the Whitewood Valley Rd. Motion Carried.

**CENTURY LINK:** Moved-Seconded (Johnson-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for permit to occupy

county highway right-of-way for Centurylink located in Township 6N, Range 4E, Section 27 & 28 along the Crook City Rd. Motion Carried.

**CENTURY LINK:** Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for permit to occupy county highway right-of-way for Centurylink located in Township 6N, Range 4E, Section 7 & 8 along the Acorn Ridge Rd. Motion Carried.

**APPROACH PERMITS:**

**TOP SHELF DEVELOPMENT:** Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for approach permit for ETR, LLC on the west side of McGuigan Road located approximately 1,490' south of the intersection of HWY 14 & McGuigan Rd with the following Requirements and Special Conditions as set by Lawrence County: (1) Approach to be paved with asphalt within 6 months of completion. (2) Applicant agrees to install "No Truck Traffic" signs for trucks over 40' wheel base. (3) Applicant agrees to install a left turn lane on McGuigan Rd. (4) Applicant agrees to provide all traffic control signage during construction of approach and turning lane. Motion Carried.

Moved-Seconded (Johnson-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for approach permit for ETR, LLC on the south side of Highway 14, located approximately 1,342' west of the intersection of HWY 14 & McGuigan Rd with the following Requirements and Special Conditions as set by Lawrence County: (1) Approach to be paved with asphalt to R.O.W. line within 6 months of completion. (2) Applicant agrees to install a left turn lane on West Hwy 14. (3) Applicant agrees to provide all traffic control signage during construction of approach and turning lane. Motion Carried.

**GRIZZLY GULCH BRIDGE / REPLACEMENT:** Moved-Seconded (Johnson-Deibert) to set a bid opening for April 11<sup>th</sup>, 2017 at 8:30 a.m. for the replacement of the Grizzly Gulch Bridge. Motion Carried.

**CALAMITY GULCH LANE BRIDGE:** Mike Kain was present to discuss his request for maintenance on the Calamity Gulch Lane Bridge. Kain stated he is trying to determine ownership of the bridge. Kain stated he took his documents to BangsMcCullen Law Firm and they determined that the County does own the bridge and the road. Discussion followed on a Quit Claim Easement vs Quit Claim Deed. Dana Bardsley, Forest Service was present to discuss ownership of the land. Bardsley agreed the Forest Service owns the land and fee, subject to the easement, and Homestake retained the mineral rights. Bardsley stated he doesn't believe the Forest Service owns the bridge. Kain stated the estimated cost to repair/replace the bridge is \$75,000 plus. Bruce Outka, County Attorney presented and reviewed documents as referenced in the below "Findings of Fact" Discussion followed on the possibility of the landowners forming a road district.



Moved-Seconded (Flanagan-Deibert) to follow the Findings of Fact, as listed below, and to make the final determination that the County does not own the Calamity Gulch Lane Bridge. The Forest Service owns the land and bridge, subject to the easement with the County having no obligation for road and bridge maintenance. Motion Carried.

#### **Calamity Gulch Bridge / Findings of Fact**

1. On, or about, December 11, 1991, Homestake Mining Company and Lawrence County entered into a Right-of-Way Easement agreement (Doc. #91-4541) granting the County easement for right-of-way for ingress and egress over certain parcels of land including the Calamity Gulch Road upon which the bridge is situated. The Agreement specifically provides that, “by accepting the benefit of the Easement, each user of the Easement and Lawrence County agree that Homestake shall have no responsibility, liability or obligation to build, construct, maintain, or repair any road, ditch, culvert, bridge, utility line or other improvement or structure whether now existing or subsequently constructed in or place upon the Easement. **Lawrence County’s acceptance of this easement on behalf of the public shall in no way obligate Lawrence County to build, construct, maintain or repair any road, ditch, culvert, bridge, utility line or other improvement or structure whether now existing or subsequently constructed in or place upon the easement.**”
2. On, or about December 16, 1991, the USFS and Lawrence County entered into a Public Road Easement agreement (Doc. #92-401).
3. By Quitclaim Deed dated January 24, 1992 (Doc. #92-416) Homestake Mining Company deeded certain parcels of land, including the land upon which the subject road and bridge are situated, to the USA. Lawrence County was not a party to this transfer.
4. At the December 18, 1991, county commission meeting, the minutes reflect that by accepting easements from both the United States and from Homestake that **“Lawrence County is not accepting any responsibility for road maintenance.”** (See meeting minutes that date.) **Further, that the aforementioned agreement between the county and Spearfish Canyon Homeowner’s Association provided that the Association “assumes all responsibility for road maintenance of those certain parcels.”** The agreement further provides that the county may, at its option, terminate the easements for access to homesites in the event SCOA fails to abide by its road/bridge maintenance obligations.
5. While County was granted an easement (See Doc. #91-4541 supra) any maintenance obligation for the road and bridge, etc were transferred by the County to and assumed by the **Spearfish Canyon Homeowners’ Association by agreement dated December 18, 1991. (See meeting minutes that date.)**
6. An Amended Land Exchange Agreement dated June 6, 1993 (Doc. #92-343 @ ¶ 10 also referencing a December 18, 1991 agreement) further explains the purpose of the County’s easements as providing “reasonable access to and from existing cabin sites over lands owned by Landowner on the date of Landowner’s execution of this agreement. (Homestake was “Owner” at date of execution)
7. Lawrence County has established a procedure for adding roads to the county highway system. This procedure provides as a condition precedent that any such roads be brought up to county specifications. Affected landowners have not requested that Calamity Gulch Road be added to the county highway system.

8. County has not approved any plats in the subject subdivision thereby creating lots serviced by the road/bridge; rather, the privately owned lots were pre-existing lots of record.

### ***Conclusions of Law***

1. SDCL 31-14-1 and SDCL 31-14-2 citing county obligation to maintain bridges excepting highways in townships is inapplicable as the subject bridge is situated on federal land over which the county has no jurisdiction.
2. **Four methods exist for establishing a public road (Matters v. Custer County, 538 N.W.2d 533 (SD 1995): 1.) Theory of prescriptive easement pursuant to SDCL 31-3-1 2.) Rural secondary highway pursuant to SDCL 31-3-6 through 9 3.) Section line highway under SDCL 31-18-1 4.) Establishment of public highway which was in effect prior to Statehood pursuant to SDCL 31-3-22 through 37. None of these methods are applicable according to the existing facts.**
3. **The road and bridge are not part of the County primary or secondary road system as defined in SDCL 31-1-1 and 31-12-26. Unless a road falls within the county's delegated area of responsibility, the county has no duty or responsibility to maintain a road or bridge.**
4. The County has never agreed to maintain the roads, bridges, etc as part of the easement agreements referenced herein so as to be responsible under SDCL 31-12-19.
5. Nowhere has the County designated the road or bridge at issue to be built as a highway within the meaning of SDCL 31-1-5.
6. **The County does not have any responsibility under SDCL 31-12-26, unless and until the road in question is designated as a secondary highway under SDCL 31-3-22 through 31-3-37.**
7. SDCL 11-3-12 provides in part that, ". . . no governing body shall be required to open, improve, or maintain any such dedicated streets, alleys, ways, commons, or other public ground simply by virtue of having approved a plat or *having partially accepted any such dedication, donation or grant.* For purposes of SDCL 11-3-12, the easement from Homestake is a donation or grant regarding which the county assumed to duty to improve or maintain the road or bridge.
8. **SDCL 31-13-12 provides: The board of county commissioners of each county is hereby empowered to designate *in its discretion* township roads or roads in unorganized townships within the county, as it may deem advisable and in the public interest as "county aid roads, " and to expend any funds available from the county highway funds for laying out, constructing, graveling, and maintaining such township roads or roads in unorganized townships so designated as "county aid roads." (Emphasis added). The county has never designated the subject road as a "county aid road" for which the county may expend county highway funds.**
9. The County's role and obligation pursuant to the foregoing agreements was limited to facilitating access to existing cabin sites.

### **VACATION OF HIGHWAY / SECTION LINE / KINSHIP MOUNTAIN MINISTRIES:**

A public hearing was held on petitions received to vacate a portion of a highway, part of which is located on a section line. Connie Williams and Dave Winter spoke in support of the vacation of section line.

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the following Lawrence County Resolution #2017-07 Resolution & Order To Vacate A Portion Of A Highway, Part Of Which Is Located On A Section Line. Motion Carried.

**LAWRENCE COUNTY RESOLUTION #2017-07 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, **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:** Tract 1 of Kinship Mountain Estates, being all of the remaining portions of Myrtle No. 1, Myrtle No. 4, Myrtle No. 6, Myrtle No. 8 and Myrtle No. 9 Lodes of M.S. 1730; Located in the W1/2 of Section 15 and the E1/2 of Section 16, T3N, R4E, B.H.M, Lawrence County, South Dakota. **AFFECTING THE LANDOWNERS:** Kinship Mountain Ministries (David Winter President) Dated this 14<sup>th</sup> day of March, 2017. Randall Rosenau, Chairman Lawrence County Commission. **ATTEST:** Connie Atkinson, Lawrence County Auditor. I, Connie Atkinson, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held March 14<sup>th</sup>, 2017. Dated at Deadwood, South Dakota, the 14<sup>th</sup> day of March, 2017. Connie Atkinson, Lawrence County Auditor

Moved-Seconded (Flanagan-Deibert) to add the “Lawrence County Resolution #2017-07 Resolution & Order To Vacate A Portion Of A Highway, Part Of Which Is Located On A Section Line” document number on the final plat. Motion Carried.

**HOMESTAKE TECHNICAL REVISION:** Mark Tieszen, Environmental Manager for Homestake was present to discuss the Technical Revision to State Mine Permit 332 & 456 - Placement of Excavated Rock from the Sanford Lab into the Open Cut. Jeff Buraige and John Sheets were also present. Moved-Seconded (Flanagan-Deibert) to support the Technical Revision to State Mine Permit No. 332 & 456 - Placement of Excavated Rock from the Sanford Lab into the Open Cut and allow the Planning and Zoning Director to send a letter on behalf of the County in support of the Technical Revision and send to the DENR. Motion Carried.

**HOMESTAKE / LAC MINERALS TECHNICAL REVISION:** Mark Tieszen, Environmental Manager for Homestake was present to discuss the Technical Revision to State Mine Permit #445 Concerning Richmond Hill Mine Re: Site Inspection, Site Monitoring and Modification to Leak Detection, Collection and Recovery System Plan. Randy Deibert abstained from any action.

Moved-Seconded (Flanagan-Johnson) to support the Technical Revision to State Mine Permit #445 Concerning Richmond Hill Mine Re: Site Inspection, Site Monitoring and Modification to Leak Detection, Collection and Recovery System Plan and allow the Planning and Zoning Director to send a letter on behalf of the County in support of the Technical Revision and send to the DENR. Motion Carried. Aye-Flanagan, Johnson and Rosenau. Abstain-Deibert.

**COURTHOUSE SECURITY PROJECT:** Steve Williams, Williams and Associates was present to review the Courthouse Security Project and discussed the revised fee schedule. Williams stated after discussion with Greg Dias, Information Systems and Technology Director they determined the camera's, and door access systems are already in place and therefore reduced his scope of work. The revised fee schedule was updated to reflect the change. Moved-Seconded (Flanagan-Rosenau) to approve and accept the proposed fee analysis from Williams and Associates not to exceed \$17,500, to accept the project scope, services to be provided and professional fee schedule, and to approve the advertisement for bids for the Courthouse Security Project. Motion Carried.

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

**PLANNING & ZONING:**

**CHANGE OF ZONING #315 / LEO & DIANE ORME:** 2<sup>nd</sup> Reading was held on the requested COZ #315 for Leo & Diane Orme to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot and split it between the two landowners. The NW ¼ SW ¼ of Section 1, T6N, R2E. BHM, Lawrence County, South Dakota and Lot 2A-1 and Lot 2B of the SW ¼ NW ¼, SE ¼ NW ¼ and NE ¼ SW ¼ of Section 1 a subdivision of Lot 2A of the SE ¼ NW ¼ and NE ¼ SW ¼ and of the SW ¼ NW ¼ all in Section 1, T6N, R2E, BHM, Lawrence County, South Dakota. Located along Lookout Mountain Rd.

Moved-Seconded (Johnson-Flanagan) to follow Planning & Zoning and P&Z Staff report, and approve COZ #315 for Leo & Diane Orme to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot and split it between the two landowners. Motion Carried. Flanagan stated the access off the County Road should be limited and share one approach.

**CHANGE OF ZONING #314 / WILDERNESS TRAILS LLC:** 2<sup>nd</sup> Reading was held on the

requested COZ # 314 for Wilderness Trails LLC / Kenny Price to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot into two 30 acre parcels. Tract 3 of the Sunset Subdivision in Section 1, T6N, R2E. Located along Lookout Mountain Rd.

Moved-Seconded (Deibert-Rosenau) to follow Planning & Zoning and P&Z Staff report, and approve

COZ #314 for Wilderness Trails LLC / Kenny Price to change the zoning from A-1 General Agriculture to A-2 Residential Agriculture in order to subdivide the lot into two 30 acre parcels. Motion Carried. Flanagan stated the access off the County Road should be limited and share one approach.

**PLATS:**

**PRELIMINARY & FINAL PLAT / JAMES & LYNN BULDHAUPT:** Moved-Seconded (Deibert-Flanagan) to declare the following plat for James & Lynn Buldhaupt meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Discussion followed if wells, septic, and utilities should be noted on the preliminary plats.

Moved-Seconded (Deibert-Rosenau) to approve the Preliminary Plat for Applicants: Buldhaupt, James & Lynn Buldhaupt LEGAL: Tract 1 & 2 of Evangeline #4 and Big Four M.S. 1158 and Lot 1A of Block 1 of Deer Mt Resort Development, No 1, Located in Section 18, T4N, R3E VICINITY LOCATION: Hwy 85 Near Deer Mountain. (Lot Line Adjustment). Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the Final Plat for Applicants: Buldhaupt, James & Lynn Buldhaupt LEGAL: Tract 1 & 2 of Evangeline #4 and Big Four M.S. 1158 and Lot 1A of Block 1 of Deer Mt Resort Development, No 1, Located in Section 18, T4N, R3E VICINITY LOCATION: Hwy 85 Near Deer Mountain. (Lot Line Adjustment). Motion Carried. Aye-Flanagan, Johnson and Rosenau. Nay-Deibert

**PRELIMINARY & FINAL PLAT / DEAN LINBLAD:** Moved-Seconded (Deibert-Flanagan) to declare the following plat for Dean Linblad meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the Preliminary Plat for Applicant: Dean Linblad LEGAL: Tract B-1 of the SE ¼ NE ¼ and NE ¼ NE ¼ of Section 19, Formerly Lot 2 of the NE ¼ NE ¼ and Tract B of the Se ¼ NE ¼ of Section 19, T5N, R4E VICINITY LOCATION: Hwy 85 on Radio Tower Road. (Lot Line Adjustment) Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the Final Plat for Applicant: Dean Linblad LEGAL: Tract B-1 of the SE ¼ NE ¼ and NE ¼ NE ¼ of Section 19, Formerly Lot 2 of the NE ¼ NE ¼ and Tract B of the Se ¼ NE ¼ of Section 19, T5N, R4E VICINITY LOCATION: Hwy 85 on Radio Tower Road. (Lot Line Adjustment) Motion Carried.

**PLUM WILD PERMACULTURE EDUCATION FARM:** Dr. Tina Brents-Barnhart was present to discuss the Plum Wild Permaculture Education Farm (Location of the Former Spirit of the Hills Animal Sanctuary) Interpretation of the Ordinance Re: Dogs/Cats and Farm Operation. They continue to adopt out any dogs that are adoptable and cats are being vaccinated and spayed. Discussion followed if a conditional use permit is needed. Johnson stated at this time he does not see a need for a conditional use permit but once they are open to the public and the use changes they will need to apply. The Board asked that they continue to keep Planning and Zoning updated with the animal count and provide a copy of the AIB State License. Dr. Brents-Barnhart stated they are currently being restructured by their attorneys.

**BILLS:**

Moved-Seconded (Johnson-Flanagan) 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-\$12,948.16; Aud-\$21,581.14; Treas-\$23,929.46; States Atty-\$27,367.65; Pub Def-\$21,181.83; Gen Govt Bldg-\$18,293.16; Equal-\$28,429.05; Rod-\$17,568.86; Vso-\$2,858.40; Ist-\$18,234.44; Disp-\$28,493.90; Sher-\$88,559.95; Jail-\$48,282.79; Coroner-\$1,508.92; 24/7-\$374.87; Emerg Mgnt-\$8,512.44; E911-\$3,980.80; Highway-\$86,437.76; Mh Ser-\$1,214.00; Weed-\$8,113.74; Pz-\$11,105.40; **Bills:** American Family Life-\$2,835.18; At&T-\$17.72; BH Federal Credit Union-\$6,885.74; Black Hills Energy-\$45.98; Centurylink-\$1,870.66; Credit Collections Bureau-\$250.84; Deadwood Recreation Center-\$719.00; Delta Dental Of South Dakota-\$7,344.52; Dept Of The Treasury-\$59,551.64; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,987.97; Midcontinent Communications-\$111.27; Montana Dakota Utilities-\$516.94; Northern Hills Rec Center-\$137.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Reserve Account-\$7,500.00; Sd Retirement System-\$59,073.71; Sdrs Supplemental Retirement-\$2,633.50; United Parcel Service-\$40.45; Vast Broadband-\$1,741.86; Verizon Wireless-\$105.18; Wellmark Blue Cross-\$77,103.39; Goetsch,Martin-\$154.32; Heck,David-\$285.60; Larson,Rene-\$12.60; Schroeder,Jeffery-\$214.00; Palmer,Ryan-\$351.29; A To Z Shredding-\$81.94; A&B Business, Inc Solutions-\$1,885.99; A&B Welding Supply-\$21.39; A&I Distributors-\$789.85; A&J Supply-\$17.99; At&T Mobility-\$915.22; Audra Hill Consulting-\$637.88; BH Federal Credit Union-\$6,885.74; BH Pest Control-\$190.00; BH Pioneer-\$807.65; BH Travel-\$997.20; BH Truck And Trailer-\$32.72; Barnaud Law Firm-\$2,849.40; Behavior Mngt Systems-\$224.00; Black Hills Energy-\$506.47; Black Hills Funeral Home-\$1,170.00; Black Hills Pure-\$11.50; Bob Barker Company-\$244.99; Bruemmer,Lynnel-\$131.20; Butler Machinery Co-\$53,918.69; Butte County Sheriff-\$51.00; Butte Electric Coop-\$701.00; Butte-Lawrence Co Fair-\$10,000.00; Century Business Products-\$534.21; Centurylink-\$173.77; Chris Supply Co-\$2,108.98; City Of Rapid City-\$980.00; Claggett & Dill, Prof-\$638.87; Clinical Lab Of BH-\$2,063.00; Credit Collections Bureau-\$250.84; Crop Production Services-\$10,119.80; Dakota Equipment Rental-\$1,485.45; Danko Emergency Equipment-\$703.70; Deadwood,City Of-\$887.93; Dept Of Hlth Lab Services-\$841.00; Dept Of The Treasury-\$62,391.30; Diversified Collections-\$100.00; Ecolab-\$5.11; Election Sys & Software-\$6,060.00; Ellingson,Joseph-\$2,206.09; Fastenal-\$16.02; Federal Express Corp-\$65.77; Frederickson,John R-\$162.67; Goodie's Uniforms-\$437.75;

Cochran,Leslie-\$91.80; Heartland Paper Co-\$2,322.54; Hp-\$1,704.00; Janke,Wendy-\$1,190.00; Kinney,Matthew-\$710.82; Koala Electric-\$651.71; L-3 Communications-\$20.00; Lawson Products-\$1,039.84; Lead,City Of-\$69.85; Lead-Deadwood Regional Hospital-\$1,969.58; Lead-Deadwood Sanitary-\$600.60; Lee,James-\$15.00; Lexisnexis Risk Data Mgnt-\$76.50; Manlove Psychiatric Group-\$3,400.00; Marshall & Swift/Boeckh-\$1,088.40; Mcclure,Susan-\$150.00; Mcleod's Office Supply-\$333.34; Medtox Laboratories-\$173.80; Microfilm Imaging Systems-\$255.00; Montana Dakota Utilities-\$5,411.99; Ms Mail-\$37.50; Nalco Company-\$230.00; National Assoc Search & Rescue-\$55.00; Nelson,Tonya-\$450.00; Norix Group-\$1,495.50; Northern Truck Equip-\$347.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Office Technology/Supply-\$1,016.84; Pennington Co Jail-\$2,216.60; Pennington County Sts Attny-\$430.00; Pfefferle,Sarah-\$110.00; Phoenix Investigations-\$853.80; Pitney Bowes-\$467.33; Postmaster,Deadwood-\$88.00; Quik Signs-\$71.90; Quill Corporation-\$1,136.43; RC Regional Hospital-\$1,303.03; R&R Industries-\$294.58; Rapid Delivery-\$13.80; Rear,Kay-\$76.68; Redwood Toxicology Lab-\$383.65; Regional Health-\$693.48; Rena M Hymans-\$1,184.36; Rocket Lube-\$72.49; Schmidt,Michael-\$395.00; Sd Assn Of Co Comm-\$200.00; Sd Dept Of Transportation-\$1,594.71; Sd Human Services Center-\$108.58; Sd Public Assur Alliance-\$171,368.24; Sd State Treasurer-\$1,587.31; Sdrs Supplemental Retirement-\$2,621.00; Semerad,Sandra-\$1,542.80; Servall Towel & Linen-\$1,094.41; Shopko Pharmacy-\$72.90; Southern Folgers Detention-\$120.00; Spearfish Auto Supply-\$992.38; Spearfish Police Dept-\$10,437.56; Spearfish Regional Hospital-\$632.00; Sterna,Laura-\$400.00; Sturdevant's Auto Parts-\$448.93; Subway-\$15.00; Sysco Montana-\$3,189.37; The Vest Man-\$325.00; Thomas L Bennett, MD-\$2,250.00; Thomson Reuters-West-\$175.85; Top Quality Mfg Co-\$455.00; Traffic Solutions-\$32,428.00; Triple K Tire & Repair-\$930.38; Turnkey Corrections-\$37.91; Twilight First Aid & Safety-\$117.80; Twin City Hardware & Lumber-\$691.59; Uline-\$47.55; Verizon Wireless-\$105.20; Victims Of Violence-\$370.00; Wayne State University-\$990.00; Waste Connections Of Sd-\$758.24; Watertree-\$52.75; Wells Fargo Business Card-\$4,713.86; West River International-\$311.28; Western Sd Juvenile Serv-\$5,320.00; Wex Bank-\$340.02; White Drug-\$800.02; Whitewood Senior Citizens-\$1,000.00; Wind Circle Network-\$1,280.38; Wisser,Rick-\$126.74; **Witness & Jurors:** Fleming,D-\$66.80; Horner,S-\$60.92; Millard,S-\$54.20; Miller,C-\$64.28; Mock,V-\$62.60; Romano,C-\$63.44; Smoot,V-\$66.80; Wiesinger,T-\$20.84

**ADJOURN:** 11:23 p.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 28, 2017**

Chairman Randall Rosenau 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 28, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** No conflicts were declared.

**MINUTES:** Moved-Seconded (Flanagan-Johnson) to approve the minutes of March 14<sup>th</sup> County Commission meeting. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Sleep-Rosenau) to approve the travel request for Megan Merwin to attend the Taser Instructor Training in Golden, Colorado on May 11-12, 2017. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Deibert-Rosenau) to approve the travel request for Paul Thomson and Rene Larson to attend the 4-State Training and Information for Emergency Managers, First Responders and Law Enforcement in Bowman, ND on April 7<sup>th</sup> and 8<sup>th</sup>, 2017. Motion Carried.

### **PERSONNEL:**

**VETERANS SERVICE OFFICER:** Moved-Seconded (Johnson-Deibert) to advertise for a Veteran's Service Officer as a permanent half-time (24 hours a week) hourly employee at the base rate of \$20.00 an hour, with the revised Job Description as presented. Motion Carried.

**RECORDS RETENTION POLICY:** Moved-Seconded (Deibert-Rosenau) to approve and adopt the Emergency Management Records Retention Management and Destruction Policy. Motion Carried.

**SEARCH & RESCUE:** Moved-Seconded (Flanagan-Deibert) to provide lunch to the volunteers at the Search and Rescue Exercise. Motion Carried.



**SHERIFF:** Brian Dean, Sheriff reported that they are meeting with the local fire chiefs in response to Auto-Aid. This aid agreement exists in advance and they will be working with the Public Safety Answering Point (PSAP) to get it operational with little to no cost to the County. Dean stated the fire departments are rated and the ratings affect your insurance. Dean also reported that they are working on relocating and removing the old wiring from the old dispatch wall. Bruce Outka stated General Government Building's may need a supplement in the future to cover the costs as necessary.

**ALCOHOLIC BEVERAGE LICENSE / WILD BILLS CAMPGROUND & RESORT:** A public hearing was held on an application for a Retail On-Off Sale Malt Beverage license for Wild Bills Campground. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Flanagan) to approve the application for the Retail On-Off Sale Malt Beverage for Alicia Grimm & Keith Grimm/Wild Bills Campground: Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 (Wild Bill's Campground) Sec 18 , T4N, R4E. Motion Carried.

### **HIGHWAY:**

#### **HIGHWAY SUPPLIES BIDS:**

**MAGNESIUM CHLORIDE:** Moved-Seconded (Johnson-Flanagan) to accept the only bid from Z&S Dust Control at \$150.00 per ton, \$15.00 per ton application, and \$4,500 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 & E-2 \$60.00 at Exit 8 Plant; Hills Material E-1 \$58.75 & E-2 \$59.75 at the Centennial Quarry. Moved-Seconded (Johnson-Sleep) to accept the lowest responsible bid received from Hills Material, to waive any irregularities, and allow the Chairman to sign the contract. Motion Carried.

**COLD MIX ASPHALT:** The following bid was received for Asphalt Cold Mix: Hills Materials - \$104.00. Moved-Seconded (Johnson-Sleep) to accept the only bid received from Hills Material, to waive any irregularities, and allow the Chairman to sign the contract. Motion Carried.

**GRAVEL SURFACING AGGREGATE:** The following bids were received for Gravel Surface Aggregate: Fisher Industries (Stateline Quarry): ¾" gravel surfacing-\$9.50, 1" gravel base-\$7.00, ½" clean rock-\$10.75, ¾" clean rock-\$10.25, 1" clean rock-\$10.00, 3/8" chips - \$15.00, All prices include loading costs.; Hills Material: 1" gravel base course (Kost)-\$9.40, ¾" gravel base course-\$no bid, 1" gravel base (Hansen)-\$7.95 & (Centennial)-\$9.10, 1" Black Base Crushed Asphalt (Hansen Pit & Centennial Quarry)-\$12.00, ¾" clean rock (Centennial)-\$14.10, 1" clean rock (Kost)-\$11.80 & (Centennial)-\$13.90, 3/8" Chips (Centennial Pit)-\$17.25. Loading costs included.; Johner & Sons (Hurm Pit): ¾" gravel surfacing-\$7.25, 1" gravel base-\$7.50, 1"

clean rock-\$10.00, and \$.25 loading costs; Johner & Sons (Evans Pit): ¾" gravel surfacing-\$7.25, 1" gravel base-\$7.50, 1" clean rock-\$10.00, and \$.25 loading costs; H&S Sand & Gravel (H&S Pit): 1" gravel base-\$9.60, ½" clean rock-\$13.00, and \$.30 loading costs. Moved-Seconded (Flanagan-Johnson) to accept all bids received, depending on the most advantageous price and desired location, to waive any irregularities, and allow Chairman to sign the Contracts. Motion Carried.

**DE-ICING SAND:** The following bids were received for 4,000 ton of De-Icing Sand: Hills Material: delivered-\$19.25 per ton (\$77,000), County hauls-\$14.75 per ton (\$59,000); Fisher Industries: delivered-\$21.50 per ton (\$86,000), County hauls-\$12.25 per ton (\$49,000). Moved-Seconded (Johnson-Deibert) to table the bids received for the De-Icing Sand to allow Allan Bonnema, Highway Superintendent time to analyze the bids received and travel costs. Motion Carried.

**HOT MIX IN-PLACE ASPHALT PAVER PATCHING:** The following bids were received for Hot Mix In-Place Asphalt Patching: Sacrison Paving: Type 1-\$150.00 & Type 2-\$150.00 per ton; Hills Material: Type 1-\$156.26 & Type 2-\$158.26 per ton. Moved-Seconded (Johnson-Flanagan) to accept the lowest responsible bid from Sacrison Paving at \$150.00 per ton, to waive any irregularities, and to allow the Chairman to sign the Contract. Motion Carried.

**PRECAST CONCRETE CULVERTS/BOX CULVERTS/BRIDGE BEAMS/DECK UNITS:** Moved-Seconded (Flanagan-Johnson) 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, and to waive any irregularities. Motion Carried.

**ST.ONGE ROAD PAVING PROJECT:** The following bids were received for the St. Onge Road Paving Project: Sacrison Paving-\$749,749; Hills Material-\$804,844; Bituminous Paving-\$1,016,402; Western Construction-\$900,602.75. Bituminous Paving and Western Construction did not acknowledge all three addendums.

Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Highway Superintendent and accept the lowest responsible bid from Sacrison Paving for \$749,749, to waive any irregularities, and to approve and authorize the Chairman to sign the constructions agreements and notice to proceed. Motion Carried.

**APPROACH PERMITS:**

**JOHN KUROWSKI:** Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for approach permit for John Kurowski on the west side of N. Rochford Road, located at 22295 N. Rochford Rd. Motion Carried.

**DAN CARSTEN:** Moved-Seconded (Deibert-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for approach permit for Dan Carsten on the Rochford Rd, approximately 100' south of Gudat Rd. Motion Carried.

**UTILITY PERMITS:**

**MONTANA DAKOTA UTILITIES:** Moved-Seconded (Johnson-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the two applications for Utility Permits for MDU on Highway No. 1050 Old Belle Road, approximately .95 miles from north city limits in S28 T7N R2E; and Highway No. 1050 Old Belle Road, approximately .5 miles from north city limits in S28 T7N R2E. Motion Carried.

**SPRING LOAD LIMITS:** Bonnema stated he will begin removing Spring Load Limits on the roads in the Spearfish area, beginning on Friday, as road conditions improve.

**PLANNING & ZONING:**

**AMENDMENTS TO ORD #16-03 EXTRACTIVE INDUSTRY:** First Reading and a Public Hearing was held on the proposed Amendments to ORD 16-03, Extractive Industry. Amber Vogt, Planning and Zoning Director reviewed the proposed changes to the Extractive Industry Ordinance. Les Auer was present and raised concerns on the inclusion of Park Forest Zoning in the allowed areas. Talli Nauman stated the County needs to be stewards of the land. Nauman expressed the importance of land use planning, environmental planning and the need to protect the balance of nature. Matthew Zietlow, Environmental Manager at Wharf Resources expressed concerns and issues with the “proposed changes involving a project “Buffer Zone”, it’s defined CUP permit boundary, and considerations for CUP approval as related to distance between adjacent landowners and the CUP permit boundary (rather than the distance from a projects disturbance area as currently defined in the Ordinance)”. The Chairman closed the public hearing. The Board discussed the issues raised and voiced changes needed to the proposed amendment to make new and improve definitions concerning access and haul roads. Changes were also recommended for boundary and buffer zones and the need to address the compounding of small acreages instead of applying for large scale operations. The Board will discuss the proposed changes further on April 11, 2017. This will not be a 2<sup>nd</sup> reading and will be for discussion only.

**ITEMS FROM COMMISSION:**

**MCGUIGAN ROAD SPEED LIMIT:** Moved-Seconded (Flanagan-Sleep) to add to the April 25<sup>th</sup> Meeting agenda the Speed Limit on McGuigan Road from Hwy 14A Service Road south to Oliver St. Motion Carried.

**SPEARFISH RURAL FIRE PROTECTION DISTRICT:** The Board discussed the proposed Spearfish Rural Fire Protection District Election to be held on April 11<sup>th</sup>, 2017 and the importance of everyone in the proposed district to vote.

**BILLS:**

Moved-Seconded (Flanagan-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-\$6,474.08; Aud-\$10,849.88; Treas-\$11,964.74; States Atty-\$13,660.04; Pub Def-\$9,685.56; Gen Govt Bldg-\$9,139.00; Equal-\$14,214.70; Rod-\$8,784.44; Vso-\$1,563.60; Ist-\$9,117.38; Disp-\$13,271.06; Sher-\$40,936.37; Jail-\$23,979.75; Coroner-\$562.66; 24/7-\$197.30; Emerg Mgnt-\$4,249.22; E911-\$1,990.40; Highway-\$42,737.30; Weed-\$6,541.82; Pz-\$5,552.70; **Bills:** A To Z Shredding-\$28.73; A&B Business,Inc Solutions-\$582.33; A&J Supply-\$95.90; American Family Life-\$2,835.18; AT&T-\$19.49; Audra Hill Consulting-\$499.62; BH Federal Credit Union-\$6,885.74; BH Legal Professionals Assoc-\$160.00; Bi Geo Group Co-\$96.60; Black Hills Disposal-\$90.00; Black Hills Energy-\$12,269.86; Black Hills Urgent Care-\$48.00; Bob Barker Company-\$43.52; Brownells-\$30.54; Butler Machinery Co-\$1,864.99; Carquest Of Spearfish-\$298.90; Century Business Products-\$354.66; Centurylink-\$1,870.66; City/County Alcohol&Drug-\$3,271.00; Convergint Technologies-\$3,266.31; Credit Collections Bureau-\$141.79; Dakota Equipment Rental-\$922.21; Dakota Fluid Power-\$361.49; Dakota Title-\$150.00; Deadwood Recreation Center-\$727.00; Delta Dental Of South Dakota-\$7,303.92; Dept Of Hlth Lab Services-\$105.00; Dept Of The Treasury-\$59,665.27; Diversified Collections-\$100.00; Fastenal-\$180.49; Gamma Scientific-\$775.00; Gene's Lock Shop-\$189.94; Goshen County Courthouse-\$3.69; Grafix Shoppe-\$1,013.63; Heartland Paper Co-\$827.07; Hp-\$1,254.03; International Academy Of Emd-\$400.00; Interstate Engineering-\$8,715.50; Janke,Wendy-\$678.00; Kinney, Matthew-\$228.53; Kort Herman Dmd-\$220.00; Kosel,Joseph-\$12,865.77; LC Treasurer-\$21.20; Lincoln County-\$600.15; Lyle Signs-\$207.85; Mack's Auto Body Llc-\$1,031.22; Metrocount Usa-\$6,111.00; Microfilm Imaging Systems-\$1,520.00; Midcontinent Communications-\$111.27; Montana Dakota Utilities-\$668.37; Motorola Solutions-\$2,349.50; Murphy Petroleum Transport-\$60.00; Nalco Company-\$230.00; Nelson,Christy-\$200.00; Northern Hills Rec Center-\$137.00; Northwest Specialty Sales-\$174.80; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Optics Planet-\$919.51; Pennington Co Jail-\$1,436.80; Priority Dispatch-\$450.00; Quill Corporation-\$93.10; RC Regional Hospital-\$146.49; Rabe Elevator-\$2,389.16; Radiology Associates-\$45.00; Rapid Fire Protection-\$364.80; Rapid Transcript-\$348.00; Regional Health-\$263.33; Rescue Essentials-\$4,961.61; Rocket Lube-\$82.99; SD Retirement System-\$60,121.99; Sdrs Supplemental Retirement-\$2,621.00; Semerad,Sandra-\$126.80; Servall Towel & Linen-\$659.25; Shaw Fire & Safety-\$60.00; Spearfish Police Dept-\$10,323.59; Stan Houston Equip Co-\$742.50; Strain Morman Law Firm-\$582.58; Streicher's-\$364.74; Sturdevant's Auto Parts-\$105.97; Sysco Montana-\$2,222.82; Triple K Tire & Repair-\$253.60; Twilight First Aid & Safety-\$854.20; Twin City Hardware & Lumber-\$483.31; Vast Broadband-\$1,680.85; Wellmark Blue Cross-\$76,780.45; Western State Fire Protection-\$424.44; White Drug-\$1,781.69; Wilde & Hunt, Prof-\$2,689.48; **Witness & Jurors:** Chaffin,J-\$63.44; Johnson,S-\$52.52; Kaitfors,M-\$62.60; Mettler,B-\$67.64; Ponce De Leon,R-\$50.84; Slezak,L-\$62.60; Triplett,M-\$63.44; Tysdal,E-\$66.80; Bonn,A-\$56.96; Maynard,S-\$20.00; Tobin,P-\$31.76;

**ADJOURN:** 11:40 a.m. There being no further business, it was Moved-Seconded (Flanagan-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – April 11, 2017**

Vice-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 April 11, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Randy Deibert present. Randall Rosenau was absent.

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:** Deibert announced a conflict on the Rehorst Plat.

**MINUTES:** Moved-Seconded (Johnson-Flanagan) to approve the minutes of March 28<sup>th</sup> County Commission meeting. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Sleep-Deibert) to approve the travel request for Tom Derby to attend the Phase I & II Hostage Negotiations and Crisis Intervention in Andover, MN on June 4-9, 2017. Motion Carried.

### **PERSONNEL:**

**CORONER:** Moved-Seconded (Johnson-Sleep) to approve Tom Muckle as a permanent, part-time (under 20) Deputy Coroner at the set fee of \$200 per call, effective April 11, 2017. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of March 31, 2017 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)-\$147,078.17; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,083.38; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$10,897,681.80, Money Market \$8,683,601.23. Total \$22,734,654.58.

**LAWRENCE COUNTY ECONOMIC REVOLVING LOAN FUND BOARD:** Moved-Seconded (Deibert-Sleep) to table the appointment of Ali DeMersseman to the Lawrence County

Economic Revolving Loan Fund Board to replace Blaise Emerson, to allow time to check the organizational structure of the Board. Motion Carried.

**ST.ONGE & CENTRAL CITY BOND:** Moved-Seconded (Deibert-Flanagan) to approve the Central City Towns and Township Bond for \$150,000 and the St. Onge Towns and Township Bond for \$50,000. Motion Carried.

**USFS / WEED SPRAYING AGREEMENT:** Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the United States Forest Service (USFS) Participating Agreement Supplemental Project Agreement #16-PA-11020308-047 for weed spraying. Motion Carried.

**SPEARFISH VALLEY SANITARY DISTRICT:** Moved-Seconded (Sleep-Flanagan) to approve the following Spearfish Valley Sanitary Districts Resolution #2017-001 Resolution of Intent to Exclude Territory per SDCL 34A-5-42. Motion Carried.

RESOLUTION 2017 – 001 RESOLUTION OF INTENT TO EXCLUDE TERRITORY (SDCL 34A-5-42) WHEREAS, pursuant to SDCL 34A-5-42, the Board of Trustees of the Spearfish Valley Sanitary District ("District") may upon its own motion resolve to exclude territory being upon the border of the district; and, WHEREAS, pursuant to the April 28, 2014 Global and Universal Agreement of Resolution between the District and the City of Spearfish, the District agreed to exclude any District territory lying within the boundaries of Spearfish; NOW, THEREFORE, be it resolved by the Spearfish Valley Sanitary District as follows: 1) The territory described in the attached (Ex. A), and as shown on the attached map (Ex. B), lying on the border of the District, shall be excluded from the territory of the District and conveyed to the City of Spearfish. 2) This resolution shall be published once a week for two consecutive weeks in the Black Hills Pioneer. 3) The trustees shall hold a hearing to consider the adoption of this resolution during their next regular meeting, on March 8, 2017 at 7:00 pm at the District office at 3215 E. Fairgrounds Loop in Spearfish. 4) This resolution shall be submitted to the Lawrence County Commission for their consideration. Upon receipt of the Commission's approval, this resolution's adoption shall be considered final, and the transfer of the property described in Ex. A undertaken. 5) Upon adoption and transfer of the property, the president of the board of trustees shall cause an accurate map of the excluded territory, together with a copy of this resolution, duly certified, to be recorded in the office of the Lawrence County Register of Deeds. Thereafter, said territory shall be considered excluded from the District.

**SAWYER TALLEY MEMORIAL FUND RAFFLE:** Moved-Seconded (Johnson-Deibert) to not object to the request for the Sawyer Talley Memorial Fund Raffle. Motion Carried.

**ABATEMENT:**

Moved-Seconded (Sleep-Flanagan) to follow the recommendation from Tim Hodson, Director of Equalization and deny the abatement request on parcel #20650-00602-229-06 from John Adams and Sharman Siebenthal for owner occupied status because the proper forms were not filed per South Dakota Codified Laws. Motion Carried.

### **HIGHWAY:**

**GRIZZLY GULCH CULVERT PROJECT:** The following bids were received for the Grizzly Gulch Culvert Project: McDirt Excavation Inc.-\$120,610; Quinn Construction Inc.-\$137,211; Sitework Specialists Inc.-\$166,034.90; R.C.S. Construction Inc.-\$116,023.31.

Moved-Seconded (Johnson-Deibert) to continue the bid award on the Grizzly Gulch Culvert Project to allow more time to review. Motion Carried.

### **HIGHWAY SUPPLIES BIDS:**

**DE-ICING SAND:** The following bids were received for 4,000 ton of De-Icing Sand: Hills Material: delivered-\$19.25 per ton (\$77,000), County hauls-\$14.75 per ton (\$59,000); Fisher Industries: delivered-\$21.50 per ton (\$86,000), County hauls-\$12.25 per ton (\$49,000). Moved-Seconded (Johnson-Deibert) to remove from the table the bids received for the De-Icing Sand. Motion Carried. Moved-Seconded (Sleep-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent and accept the bid from Hills Material because of the estimated cost of trucking at \$12,000 from Fisher Industries. Motion Carried.

**APPROACH PERMIT / WAYNE ROBATAILLE:** Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Highway Superintendent and approve the application for private approach permit for Wayne Robataille on the west side of Tinton Road located approximately ¾ mile up Tinton Road. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of March 30, 2017: Spearfish Diesel#2 2700 gallons: (prices per gallon) CBH Cooperative - \$1.861\*, MG Oil-\$1.95; Spearfish Unleaded 1000 gallons: (prices per gallon) CBH Cooperative - \$2.14, MG Oil - \$2.11\*; Whitewood Diesel #2 450 gallons: (prices per gallon) CBH Cooperative - \$1.861\*, MG Oil-\$1.95\*. \*Represents lowest quote awarded.

**DISTRICT RANGER:** Steve Kozel was present to introduce himself as the new Northern Hills District Ranger. Cooperative Road Agreements, FERTA Easements, weed spraying and other issues of concerns were discussed.

**SALES & COMPLIANCE AUDIT REPORT:** Tim Hodson, Director of Equalization presented an update on the preliminary 2017 assessed valuations in Lawrence County. Hodson reviewed the Sales & Compliance Audit Report from the S.D. Department of Revenue.



**PLANNING & ZONING:**

**AMENDMENTS TO ORD #16-03 EXTRACTIVE INDUSTRY:** Discussion continued on buffer zones and waivers in the proposed Amendments to Ordinance #16-03 Extractive Industry. Permit vs. disturbance areas, haul vs. access roads, compounding of small acreages instead of applying for large scale operations, and tons of material per calendar year were also discussed. The discussion will continue at the April 25<sup>th</sup> meeting.

**PLANNING & ZONING UPDATE:** Amber Vogt, Planning and Zoning Director updated the Board on the County / City of Spearfish Joint Powers Agreement that will be up for approval in October.

**PLATS:**

**PRELIMINARY & FINAL PLAT / EMMERT FAMILY TRUST AND ERNEST & KIMBERLY RUPP:** Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for Emmert Family Trust and Ernest & Kimberly Rupp, Lot 1A-1 and 6A-1 of the Estates at Pillar Peak, located in Section 20 & 21, T5N, R4E. Located off of US Hwy 85 with the conditions that edits are made to reflect setbacks and contours before the final plat is recorded. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for Emmert Family Trust and Ernest & Kimberly Rupp, Lot 1A-1 and 6A-1 of the Estates at Pillar Peak, located in Section 20 & 21, T5N, R4E. Located off of US Hwy 85, contingent upon the edits as noted in the approval of the preliminary plat. Motion Carried.

**PRELIMINARY PLAT / BH PROPERTIES LLC & BH DEVELOPMENT LLC:** Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for BH Properties LLC & BH Development LLC for Tract 2B-1 of Wilderness Estates 2nd Addition; located in Section 18, T4N, R3E along Hwy 85. Motion Carried.

Deibert left the meeting.

**PRELIMINARY & FINAL PLAT / DENNIS M. REHORST:** Moved-Seconded (Sleep-Flanagan) to follow Planning and Zoning and P&Z Staff recommendation and declare that this plat for Dennis M. Rehorst meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried

Moved-Seconded (Johnson-Sleep) to approve the preliminary plat for Dennis M. Rehorst, of Lot B1 and Lot B2, a subdivision of Lot B, of the remainder of the SW 1/4 NW 1/4 and the S 32 feet of the NW 1/4 NW 1/4, all located in Section 26, T7N, R3E along St. Onge Road. Motion Carried.

Moved-Seconded (Sleep-Johnson) to approve the final plat for Dennis M. Rehorst, of Lot B1 and

Lot B2, a subdivision of Lot B, of the remainder of the SW 1/4 NW 1/4 and the S 32 feet of the NW 1/4 NW 1/4, all located in Section 26, T7N, R3E along St. Onge Road. Motion Carried.

Deibert returned to the meeting.

**BILLS:**

Moved-Seconded (Deibert-Sleep) 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-\$6,474.08; Aud-\$10,857.08; Treas-\$12,107.52; States Atty-\$13,346.33; Pub Def-\$9,685.56; Gen Govt Bldg-\$9,015.76; Equal-\$14,214.69; Rod-\$8,784.43; Vso-\$1,563.60; Ist-\$9,118.82; Disp-\$12,131.31; Sher-\$41,441.26; Jail-\$20,865.81; Coroner-\$562.66; 24/7-\$197.30; Emerg Mgnt-\$4,261.22; E911-\$1,990.40; Highway-\$42,876.07; Mh Serv-\$45.00; Weed-\$3,599.82; Pz-\$5,552.70; **Bills:** Walker,John-\$2.65; Mowell,Sean-\$19.01; A To Z Shredding-\$173.27; A&B Business,Inc Solutions-\$892.19; A&B Welding Supply-\$19.32; Amick Sound-\$403.16; At&T Mobility-\$919.36; Audra Hill Consulting-\$1,031.06; BH Federal Credit Union-\$6,885.74; BH Pest Control-\$190.00; BH Pioneer-\$1,554.28; Barnaud Law Firm-\$1,910.83; Black Hills Energy-\$205.57; Black Hills Pure-\$11.50; Bruemmer,Lynnel-\$340.00; Butte Electric Coop-\$657.38; Cbh Cooperative-\$5,769.10; Century Business Products-\$422.12; Centurylink-\$108.28; Certified Laboratories Div-\$130.00; Chris Supply Co-\$171.96; City Of Rapid City-\$980.00; City/County Alcohol&Drug-\$226.00; Claggett & Dill, Prof Llc-\$888.89; Clinical Lab Of BH-\$1,784.00; Cody,Denise-\$15.00; Convergint Technologies-\$83,633.95; Credit Collections Bureau-\$64.54; Dak Generator Services-\$670.33; Dakota Equipment Rental-\$1,706.14; Deadwood, City Of-\$844.58; Dept Of The Treasury-\$57,718.27; Diversified Collections-\$100.00; Election Sys & Software-\$1,681.56; Fastenal-\$7.26; Frontier Glass-\$35.00; Hartford-Priority Accounts-\$1,978.40; Heartland Paper Co-\$831.51; Heisler Hardware-\$48.71; Horn Law Office Prof-\$210.80; Hp Inc-\$107.22; Idsecurityonline.Com-\$471.00; Junek's Chrysler/Dodge-\$24,500.00; Katterhagen,Mark-\$30.00; Kimball-Midwest Co-\$554.76; Kirschenmann, Kevin-\$200.00; Kosel, Joseph-\$5,207.08; LC Conservation Dist-\$5,000.00; Lead, City Of-\$65.65; Lead-Deadwood Sanitary-\$558.14; Leads Online-\$1,758.00; Lee, James-\$15.00; Lewis & Clark Bhs-\$320.00; Lewno, Lucy-\$299.42; Lexisnexis Risk Data Mgnt-\$75.00; Lustre-Cal-\$329.00; Mack's Auto Body Llc-\$1,998.80; Matthew Bender & Company-\$182.87; McClure,Susan-\$200.00; Mg Oil Company-\$2,110.00; Microfilm Imaging Systems-\$255.00; Mid States Organized-\$150.00; Montana Dakota Utilities-\$4,756.71; Ms Mail-\$400.00; Newman Signs-\$3,036.23; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Policeone.Com-\$435.00; Pure Force-\$247.73; Quill-\$498.14; Rapid City Police Dept-\$16.51; Regional Health-\$222.48; Rena M Hymans, PC-\$195.20; Rocket Lube-\$90.48; Rockmount Research & Alloys-\$612.27; Rushmore Communications-\$450.00; Sd Assoc Of County Commission-\$777.00; Sd Unemployment Ins Division-\$7,120.84; Sd Human Services Center-\$29.80; Sd Sheriff's Association-\$255.00; Sd State Treasurer-\$14,811.88; Sdaco-\$875.00; Sdrs Supplemental Retirement-\$2,621.00; Servall Towel & Linen-\$435.16; Sirchie Finger Print Lab-\$142.57; Spearfish Auto Supply-\$936.14; Sterna, Laura-\$400.00; Sturdevant's Auto Parts-\$924.67; Swanda,Karen-\$15.00; Sysco Montana-\$3,013.07; Thomson Reuters-West-\$175.85; Triple K Tire & Repair-\$347.61; Twin City Hardware & Lumber-\$433.40; Waste Connections

Of Sd-\$442.96; Watertree-\$59.70; We Know Security-\$13,900.00; Western Communication-\$213.00; Western Hills Humane Society-\$2,000.00; Western Planning Resources-\$215.00; Wex Bank-\$293.23; White's Canyon Motors-\$46.67; White's Queen City Motors-\$1,256.17; Yankton Co Sheriff-\$100.00; **Witness & Jurors:** Benedict,J-\$64.28; Fleming,D-\$66.80; Horner,S-\$60.92; Millard,S-\$54.20; Miller,C-\$64.28; Mock,V-\$62.60; Romano,C-\$63.44; Silvernail, K-\$50.84; Smoot,V-\$66.80; Wordeman,W-\$64.28

**ADJOURN:** 11:30 a.m. There being no further business, it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **2017 COUNTY BOARD OF EQUALIZATION**

The Lawrence County Board of Equalization was called to order on Tuesday April 11, 2017 at 1:30 p.m. with the following members present: Brandon Flanagan, Daryl Johnson, Randy Deibert and Richard Sleep. Absent Randall Rosenau.

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

### **The 2017 Board of Equalization Oath was signed.**

**#0001 4 BEARS IN THE HILLS LLC** 18000-00504-031-00 T-005 R-04 SE1/4 NE1/4 Moved-Seconded (Sleep-Flanagan). Change land value from \$112,480 to \$7,230. Change abstract class from NA to AG. Motion Carried Aye-Flanagan, Sleep and Deibert Nay-Johnson. Remarks: AG land contiguous with other AG parcels per AG application and AG criteria met.

**#0002 BURGESS, DENNIS J & SALLY L** 26850-01932-050-00 STRAWBERRY'S EDGE S/D M.S. 1932 LOT 5 Moved-Seconded (Sleep-Johnson). Change land value from \$59,220 to \$38,490. Motion Carried. Remarks: Adjusting lot to equalize it with sales of comparable lots that have occurred in the subdivision.

**#0003 CRABTREE, RICHARD & SUSAN** 31870-00600-080-00 WASHINGTON S/D LEAD LOT 8A BLK 6 Moved-Seconded (Sleep-Flanagan). Change land value from \$9,010 to \$1,300. Motion Carried Aye-Flanagan, Sleep and Deibert Nay-Johnson. Remarks: After a review of the property, an adjustment was necessary to reflect the usable area of the lot due to the steep hillside location and to equalize the property with similar properties in the county.

**#0004 CRABTREE, RICHARD & SUSAN** 31870-00600-040-00 WASHINGTON S/D LEAD TRACT D SUB OF 2 AND 4 BLK 6 Moved-Seconded (Johnson-Sleep). No change in land value. Change structure value from \$39,050 to \$24,060. Motion Carried. Remarks: After review of the property, an adjustment was necessary to reflect the foundation problems, limited remodel work and to equalize the property with similar properties in the county.

**#0005 FULLER, KRISTIN R FKA BOWER, KRISTIN R** 26340-00776-000-40 MINERAL 759 THRU 1034 P.C. 776 LOT 3 EX H1(.78) OF LOT K Moved-Seconded (Johnson-Sleep). No change in land value. Change structure value from \$14,230 to \$12,300. Motion Carried. Remarks: Upon inspection of mobile home that sits on this lot, record was corrected to reflect current depreciation and condition of outbuildings.

**#0006 HAWORTH, CHARLES T TRUST** 26985-00009-000-92 SPEARFISH CANYON LOTS LOT 92 Moved-Seconded (Sleep-Deibert). Change land value from \$97,020 to \$79,900. Motion Carried. Remarks: After a review of the property, an adjustment was necessary as this property

has been listed for over a year at this lower value. This adjustment will bring this property in line with the current market conditions for this specific area.

**#0007 HAWORTH, CHARLES T TRUST 26985-00009-000-88 SPEARFISH CANYON LOTS**

LOT 88 Moved-Seconded (Johnson-Deibert). Change land value from \$98,460 to \$79,900. Motion Carried. Remarks: After a review of the property, an adjustment was necessary as this property has been listed for over a year at this lower value. This adjustment will bring property in line with the current market conditions for this specific area.

**#0008 JUSTIN, MARK ANTHONY & JEANETTE 26625-01558-000-20 COWBOY SMITH S/D TRACT 2 M.S. 1558 AMPLE LODGE Moved-Seconded (Sleep-Flanagan).** Change land value from \$61,650 to \$43,160. Motion Carried. Remarks: Adjusting lot for access. Has secondary access via a forest service road that is in poor shape. Equalized with other lots that have similar access issues.

**#0009 ROCKY BLUFF APARTMENTS LP 32465-00400-020-00 MCGUIGAN RANCH ADDN TIF #3 LOT 2 BLK 4 Moved-Seconded (Sleep-Flanagan).** No change in land value. Change structure value from \$1,165,610 to \$988,780. Change structure value from \$373,240 to \$312,240. Motion Carried. Remarks: After a review of the property, an adjustment was necessary to reflect the current income levels derived from the property.

**#0010 ROTH, MONTY & LOIS ELAINE NELSON 18500-00504-144-12 STORY LANE S/D SE 1/4 14-5-4 LOT 7 BLK 4 Moved-Seconded (Johnson-Deibert).** Change land value from \$38,030 to \$0. Change structure value from \$4,000 to \$2,500. Motion Carried. Remarks: In house record correction as land and mobile home hook-ups were calculated twice on this record.

**#0011 SCHACHT, STEVE 13600-00403-160-00 ROCHFORD RIDGE ESTATES LOT 16R Moved-Seconded (Deibert-Sleep).** Change land value from \$53,950 to \$39,110. Motion Carried. Remarks: Adjusting lot to equalize it with comparable sales in neighborhood.

**#0012 SMITH, BRION L PETERSON, KATIE A 20850-00300-110-00 THE TIMBERS LOT 11 BLK 3 Moved-Seconded (Sleep-Flanagan).** No change in land value. Change structure value from \$293,400 to \$255,800. Motion Carried. Remarks: After a review of the property, an adjustment was necessary to reflect the actual finished area of the basement and to equalize the property with similar properties in the county.

**#0013 STILLMAN, MERLE E OR MARY A C/O FULLER, KRISTIN R 26340-00776-000-45 MINERAL 759 THRU 1034 MH SITS ON P.C. 776 LOT 3 EX H1(.78) OF LOT K Moved-Seconded (Johnson-Deibert).** Change structure value from \$39,610 to \$14,130. Motion Carried. Remarks: Upon inspection of mobile home, adjustment was made to reflect the current condition.

**#0014 WICKMAN, GAYANNE R SCHUMACHER, WILLIAM J & LAURIE A 26580-01368-000-77 MINERAL 1299 THRU 1398 M.S. 1368 LOT 17 BLK 2 OF NEMO PLACER**

Moved-Seconded (Sleep-Flanagan). Change land value from \$45,000 to \$31,500. Motion Carried.

Remarks: Adjusted for size & shape of lot. Smaller & irregular shaped in comparison to surrounding lots in the area.

**#0015 CROW PEAK PLACE LLC 32570-04300-110-04 RAMSDELL ADDN. SPEARFISH LOT 4 OF TRACT A BLK 43 Moved-Seconded (Johnson-Sleep). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks:** After a review of the property, an adjustment was necessary to reflect the current value of similar properties.

**#0016 CROW PEAK PLACE LLC 32570-04300-110-05 RAMSDELL ADDN. SPEARFISH LOT 5 OF TRACT A BLK 43 Moved-Seconded (Sleep-Johnson). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks:** After a review of the property, an adjustment was necessary to reflect the current value of similar properties.

**#0017 CROW PEAK PLACE LLC 32570-04300-110-07 RAMSDELL ADDN. SPEARFISH LOT 7 OF TRACT A BLK 43 Moved-Seconded (Sleep-Johnson). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks:** After a review of the property, an adjustment was necessary to reflect the current value of similar properties.

**#0018 CROW PEAK PLACE LLC 32570-04300-110-06 RAMSDELL ADDN. SPEARFISH LOT 6 OF TRACT A BLK 43 Moved-Seconded (Johnson-Sleep). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks:** After a review of the property, an adjustment was necessary to reflect the current value of similar properties.

**#0019 CROW PEAK PLACE LLC 32570-04300-110-08 RAMSDELL ADDN. SPEARFISH LOT 8R OF TRACT A BLK 43 Moved-Seconded (Sleep-Johnson). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks:** After a review of the property, an adjustment was necessary to reflect the current value of similar properties.

**#0020 CROW PEAK PLACE LLC 32570-04300-110-09 RAMSDELL ADDN. SPEARFISH LOT 9R OF TRACT A BLK 43 Moved-Seconded (Johnson-Sleep). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks:** After a review of the property, an adjustment was necessary to reflect the current value of similar properties.

**#0021 CROW PEAK PLACE LLC 32570-04300-110-10 RAMSDELL ADDN. SPEARFISH LOT 10R OF TRACT A BLK 43 Moved-Seconded (Sleep-Johnson). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks:** After a review of the property, an adjustment was necessary to reflect the current value of similar properties.

**#0022 CROW PEAK PLACE LLC 32570-04300-110-11 RAMSDELL ADDN. SPEARFISH LOT 11 OF TRACT A BLK 43 Moved-Seconded (Johnson-Sleep). Change land value from \$45,000 to \$20,000. Motion Carried Aye-Flanagan, Johnson and Sleep Nay-Deibert. Remarks: After a review of the property, an adjustment was necessary to reflect the current value of similar properties.**

**#0023 APEX 1996 LLC C/O HOOPER CONSULTING GROUP INC 30025-01500-180-00 ORIGINAL TOWN DEADWOOD LOT 16 & 18 BLK 15 & VAC POR BROADWAY (400') Moved-Seconded (Johnson-Deibert). No change in land value. No change to structure value. Johnson-Deibert withdrew motion. Moved-Seconded (Johnson-Deibert). No change in land value. Change structure value from \$402,360 to \$381,670. Motion Carried. Remarks: To follow the recommendation of the Director of Equalization and adjust for square footage.**

**#0024 APEX 1996 LLC C/O HOOPER CONSULTING GROUP INC 30025-08100-000-55 ORIGINAL TOWN DEADWOOD LOTS I, J & K BLK H & VAC POR BROADWAY ST(600') Moved-Seconded (Deibert-Flanagan). No change in land value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as the assessment is supported by fair and equitable sales and comparables.**

**#0025 APEX 1996 LLC C/O HOOPER CONSULTING GROUP INC 30025-08100-000-56 ORIGINAL TOWN DEADWOOD LOT IJ-1 BLK H Moved-Seconded (Deibert-Flanagan). No change in land value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as the assessment is supported by fair and equitable sales and comparables.**

**#0026 APEX 1996 LLC C/O HOOPER CONSULTING GROUP INC 30050-00403-000-10 PROBATE LOTS DEADWOOD LOT 403A Moved-Seconded (Deibert-Flanagan). No change in land value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as adjusted because the assessment is supported by fair and equitable sales and comparables.**

**#0027 BORDEWYK, TOBY O & DEANA L 32465-00800-020-00 MCGUIGAN RANCH ADDN TIF #3 LOT 2 BLK 8 Moved-Seconded (Johnson-Sleep). No change in land value. No change in structure value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office to follow state statute and deny the request for owner occupied status as their form was not received by the March 15 deadline.**

**#0028 BROCKMAN, JERRY R SULLIVAN, THERESE A 12000-00402-220-16 T-004 R-02 LOT 16 PAT. 92-417 Moved-Seconded (Sleep-Deibert). No change in land value. No change in structure value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as the parcel was .66 acres in size**

**#0029 SCHACHT, STEVE 13600-00403-150-00 ROCHFORD RIDGE ESTATES**

LOT 15 Moved-Seconded (Johnson-Sleep). No change in land value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as the assessment is supported by fair and equitable sales and comparables.

**#0030 TORGRUDE, LIONEL RAY & FRANCINE** 26630-01477-000-19 ELKRIDGE S/D LOT 19 M.S. 1477 Moved-Seconded (Deibert-Sleep). No Change in land value. Change structure value from \$181,670 to \$173,970. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and adjust assessment due to plumbing fixtures, garage square footage and depreciation.

**#0031 LN REAL ESTATE LLC C/O THOMSON REUTERS** 32090-04300-060-00 ORIGINAL TOWN SPEARFISH E 72' OF 1 & 2 & ALL 3 THRU 6 BLK 43 Moved-Seconded (Sleep- Deibert). No change in land value. No change in structure value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as the assessment is supported by fair and equitable sales and comparables.

**#0032 LN REAL ESTATE LLC C/O THOMSON REUTERS** 32090-04300-100-00 ORIGINAL TOWN SPEARFISH LOT 9 & 10 BLK 43 Moved-Seconded (Deibert-Flanagan). No change in land value. No change in structure value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as the assessment is supported by fair and equitable sales and comparables.

**#0033 JOHNER, EUGENE P & JUDY D** 20000-00602-084-75 T-006 R-02 LOT 1 OF TRACT 1 IN E1/2 SE1/4 Moved-Seconded (Deibert-Johnson). No change in land value. No change in structure value. Motion Carried. Remarks: To follow the recommendation of the Equalization Office and uphold the valuation as the assessment is supported by fair and equitable sales and comparables.

**#0034 NORTHERN HILLS ALCOHOL AND DRUG SERVICES INC** 32180-14200-060-11 LOTS 6A2(.496A) & 6A3(.250A) OF LOT 6A SW1/4 NW1/4 Moved-Seconded (Johnson-Sleep) to approve the property as tax exempt. Motion Carried.

**#0035 NORTH POINT CHRISTIAN CHURCH** 32685-00000-000-10 MOUNTAIN VIEW BAPTIST CHURCH TRACT NW4NE4 Moved-Seconded (Deibert-Flanagan) to approve the property as tax exempt. Motion Carried.

**RECESS: Moved-Seconded (Deibert-Johnson) to recess the County Board of Equalization at 1:20 p.m. April 11<sup>th</sup> 2017. Motion Carried.**

**1:00 p.m. April 25th, 2017 the County Board of Equalization reconvened with Randall Rosenau, Brandon Flanagan, Daryl Johnson, Richard Sleep and Randy Deibert present.**

**ADJOURN:** Being no further appeals to be heard Moved-Seconded (Flanagan-Deibert) to adjourn the 2017 Board of Equalization at 1:01 p.m. the 25<sup>th</sup> day of April 2017. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – APRIL 25, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on April 25, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** Deibert stated a conflict on Change of Zoning #316 for Jeff and Polly Garrett.

**MINUTES:** Moved-Seconded (Flanagan-Johnson) to approve the minutes of April 11<sup>th</sup> and April 13<sup>th</sup>, 2017 County Commission meeting. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to amend the minutes of February 14<sup>th</sup>, 2017 to reflect the vehicle surplused and allowed to be traded in as a 2012 Chevy Tahoe VIN#1GNSK2E00CR246416 instead of the 2011 Chevy Tahoe VIN#1GNSK2E07BR264409. Motion Carried.

### **TRAVEL REQUESTS:**

**EQUALIZATION:** Moved-Seconded (Sleep-Deibert) to approve the travel request for Tim Hodson to attend the Annual Assessor Conference in Brookings, SD from May 30 - June 2, 2017. Motion Carried.

### **PERSONNEL:**

**HIGHWAY:** Moved-Seconded (Johnson-Deibert) to approve the advertising and hiring of one temporary summer employee for the highway department, and due to an emergency situation of an injured employee to waive the advertising. Motion Carried.

**ELECTION SYSTEMS & SOFTWARE AGREEMENT:** Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the Election Systems & Software Agreement. Motion Carried.

**LAWRENCE COUNTY ECONOMIC REVOLVING LOAN FUND BOARD:** Moved-Seconded (Flanagan-Johnson) to appoint Ali DeMersseman to the Lawrence County Economic Revolving Loan Fund Board to replace Blaise Emerson for 2017, and not to sign the memorandum of understanding at this time. Motion Carried.

**DEADWOOD MOUNTAIN GRAND PARKING RAMP USE:** Moved-Seconded (Sleep-Flanagan) to approve the request from McPherson's Auto to use the lower level of the parking ramp all day on Friday June 2<sup>nd</sup> and Saturday June 3<sup>rd</sup>, 2017 for the Wheels of Steel Classic Car Show & Auction. Motion Carried.

**SPEARFISH RURAL FIRE PROTECTION DISTRICT:** Moved-Seconded (Sleep-Deibert) to approve and authorize the Chairman to sign the following ORDER DECLARING SPEARFISH RURAL FIRE PROTECTION DISTRICT INCORPORATED. Motion Carried. ORDER DECLARING SPEARFISH RURAL FIRE PROTECTION DISTRICT INCORPORATED. WHEREAS, an election was held among the registered voters in the Spearfish Rural Fire Protection District to determine whether or not a Fire Protection District should be incorporated. WHEREAS, this vote was held on April 11, 2017. WHEREAS, the vote has been cast and canvassed showing the whole number of ballots cast was 496 (four hundred ninety six), together with the number of 459 (four hundred fifty nine) voting for and the number of 37 (thirty seven) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: The location of Spearfish Rural Fire Protection District is defined as: Lawrence County: Sections 1 through 12 inclusive in Township 5 North, Range 1 East of the B.H.M.; Sections 1 through 36 inclusive in Township 6 North, Range 1 East of the B.H.M.; Those portions of Sections 7 through 36 inclusive within Lawrence County in Township 7 North, Range 1 East of the B.H.M.; Sections 2 through 11, and Sections 14 through 16 inclusive in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 36, inclusive in Township 6 North, Range 2 East of the B.H.M., Sections 1 through 36 inclusive within Lawrence County in Township 7 North, Range 2 East of the B.H.M.; Sections 5 through 11, and Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 6 North, Range 3 East of the B.H.M., excluding any properties located in a municipality, all in Lawrence County, South Dakota. WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Spearfish Rural Fire Protection District is hereby incorporated pursuant to SDCL 34-31A. Dated this 25th day of April, 2017. Randall Rosenau, Chairman, Lawrence County Commission. ATTEST: Connie Atkinson, Auditor

**GARIBOLDI PETITION FOR ISOLATED TRACT:** Bruce Outka, County Attorney presented history on the Gariboldi Petition for Isolated Tract. Mr. Gariboldi has recently contacted the County and is ready to go forward with the petition. Moved-Seconded (Sleep-Johnson) to instruct Mr. Gariboldi to begin the process over because the time that has elapsed. Motion Carried. Aye-Flanagan, Johnson, Sleep and Rosenau. Abstain-Deibert.

**SHERIFF:**

**RELIANCE TELEPHONE CONTRACT:** Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Paul Hansen, Chief Deputy Sheriff and approve and authorize the Chairman to sign the Reliance Telephone Contract for video visitation. Motion Carried.

**MAJESTIC HEIGHTS ROAD DISTRICT:** The Board reviewed petitions received for the proposed Majestic Heights Road District. Deibert issued concerns on the lack of details on the map and the affects on Mattson Lane, section lines, and city boundaries.

Moved by Sleep to deny the request and ask the applicant to address Mattson Lane. Motion died due to lack of a second. The Applicant was present and withdrew his application.

**HIGHWAY:**

**GRIZZLY GULCH CULVERT PROJECT:** The following bids were received for the Grizzly Gulch Culvert Project: McDirt Excavation Inc.-\$120,610; Quinn Construction Inc.-\$137,211; Sitework Specialists Inc.-\$166,034.90; R.C.S. Construction Inc.-\$116,023.31. Allan Bonnema, Highway Superintendent stated after review of the bids, and checking addition, McDirt's bid was \$116,369.52. Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Bonnema and accept the lowest responsible bid from R.C.S. Construction Inc. for \$116,023.31, and to waive any irregularities. Motion Carried.

**2017 CHIP & SEAL PROJECT:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the advertising for bid opening for the 2017 Chip & Seal Projects for May 23, 2017 at 8:30 a.m. Motion Carried.

**HIGHWAY EQUIPMENT:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the advertising for the bid opening for 2 new dump/plow trucks for May 9, 2017 at 8:30 a.m. Motion Carried.

**MCGUIGAN ROAD SPEED LIMIT:** The Board discussed the McGuigan Road Speed Limit. Johnson stated he drove the area and reviewed the amount of homes in the area. Johnson stated he felt the activity on the road justified the reduced speed limit. Surrounding speed limits in the area were discussed. Flanagan and Sleep stated they were in support of a 45mph speed limit at this time with the intention to reduce to 35mph in the future when it is justified. Moved-Seconded (Flanagan-Sleep) to set the speed limit at 45mph from 14A to Oliver Street. Motion Failed. Aye-Flanagan and Sleep. Nay-Johnson, Deibert and Rosenau.

**MAITLAND ROAD:** Bonnema discussed the Maitland Road and the need for graveling from the Christensen Bridge to the low water crossing. Moved-Seconded (Flanagan-Deibert) to gravel the approximate 2 miles from Christensen Drive to the low water crossing, and if the City of

Spearfish decides to gravel from Christensen Drive to Voorhees, the County will cover their share. Motion Carried.

**VANOCKER CANYON ROAD:** Bonnema discussed the Vanocker Canyon Road Project. Bonnema stated he would have enough money in the 2017 budget to pave 2 miles of the road. The Board was in agreement to go forward with paving 2 miles of the Vanocker Canyon Road in 2017.

**FUEL QUOTES:** The following fuel quotes were submitted as of April 24, 2017: Deadwood Diesel#2 6400 gallons: (prices per gallon) CBH Cooperative - \$1.933\*, Deadwood Unleaded 6300 gallons: (prices per gallon) CBH Cooperative - \$2.77\*. \*Represents lowest quote awarded. CBH was the only bidder.

**RECESS:** 9:16 a.m. Moved-Seconded (Deibert-Johnson) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:26 a.m. The Chairman called the meeting back to order.

**LEAD ANNEXATION / KIRK ROAD:** Dennis Schumacher, Lead Zoning Administrator was present to review a proposed Lead Annexation including a portion of Kirk Road that is maintained by the County. The Board stated the County will retain the division authority because the County is the Highway Authority. Moved-Seconded (Flanagan-Deibert) to not object to the annexation because there is no adverse affects on the County road. Motion Carried.

### **PLANNING & ZONING:**

Commissioner Deibert left the meeting.

**CHANGE OF ZONING (COZ) #316 / JEFF AND POLLY GARRETT:** A Public Hearing and First Reading was held on the proposed COZ #316 Applicants: Jeff and Polly Garrett. SUMMARY: Request to Change Zoning from A-1 Ag to A-2 Residential Ag. LEGAL: Tract G located in the E1/2 SE1/4 of Section 28 and the SW ¼ of Section 27, T7N, R2E. No public input was voiced and the public hearing was closed. Second Reading was scheduled for May 9, 2017.

Commissioner Deibert returned to the meeting.

**POWDER HOUSE PASS:** The Board reviewed the Powder House Pass Community Improvement District Letter of Credit. Amber Vogt, Planning and Zoning Director presented history on the Community Improvement District and the Letter of Credit on file. The Board discussed the legal description that should be included in the letter of credit. The Board was in support of including the planned development area in the letter of credit if the bond was large enough to cover all of the area included in the revised legal description. The proposed changes to

the Letter of Credit of \$2,256,410 would also include an Exhibit.

**AMENDMENTS TO ORD #16-03 EXTRACTIVE INDUSTRY:** The Board discussed the proposed amendments to Ordinance #16-03 Extractive Industry. Les Auer, Julie Stone and Matthew Zietlow were present and contributed to the discussion on the proposed amendments to the ordinance. The Board suggested various changes and will review again in May.

**ANNUAL REVIEWS / CONDITIONAL USE PERMITS (CUP):**

**CUP #416 / ANDERSON:** An annual review was held on CUP #416, Sherri Anderson for a Temporary 2nd Residence. Another review will be held in 12 months.

**CUP #417 / KISSACK:** An annual review was held on CUP #417, Don & Laura Kissack for a Temporary 2nd Residence. Another review will be held in 12 months.

**CUP #426 / ELSOM:** An annual review was held on CUP #426, to allow Dog Boarding and Daycare at the property. Another review will be held in 12 months.

**CUP #433 / TODD / HIDE AND SOUL LEATHERWORKS:** An Annual Review was held on CUP # 433, Rick & Jennifer Todd dba Hide and Soul Leatherworks for a leatherworks business. Another review will be held in 12 months.

**CUP #434 / TRIPLE H HILLS:** An Annual Review was held on CUP #434, Triple H Hills / Michael Herrick for an operation of an ATV and Snowmobile Rental. Another review will be held in 12 months

**CUP #437 / HILGER/BOULION:** An Annual review was held on CUP #437, Hilger/Boulion to allow Trail Rides. Another review will be held in 12 months.

**EXECUTIVE SESSION CONTRACTUAL/LEGAL ISSUES:** 11:40 a.m. Moved-Seconded (Sleep-Deibert) to go into executive session pursuant SDCL 1-25-2(3)(4). Motion Carried. 12:18 p.m. The Board opened for regular business with no action taken.

Moved-Seconded (Flanagan-Rosenau) To instruct Outka, Deibert and Bonnema to meet and discuss a proposal to the City of Spearfish on the Exit 10 county property. Motion Carried. Dave Heck, Invasive Species Management Director, will be included as needed.

**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-\$6,474.08; Aud-\$10,863.48; Treas-\$12,107.52; States Atty-\$13,716.27; Pub Def-\$9,685.56; Gen Govt Bldg-\$8,909.85; Equal-\$14,218.70; Rod-\$8,784.43; Vso-\$1,563.60; Ist-\$9,118.81; Disp-\$14,601.98; Sher-\$43,446.26; Jail-\$24,780.94; Coroner-\$1,342.66; 24/7-\$187.45; Emerg Mgnt-\$4,361.33; E911-\$1,990.40; Highway-\$42,546.46; Mh Serv-\$846.00; Weed-\$3,599.82; Pz-\$5,563.70; **Bills:** Larson,Rene-\$35.00; Thomson,Paul-\$35.00; Rakow,Julie-\$32.00; A To Z Shredding-\$14.79; A&B Business,Inc Solutions-\$469.12; A&I Distributors-\$987.79; Air Connection-\$874.65; Al's Metal Work-\$172.99; American Family Life-\$2,835.18; Armstrong Extinguisher-\$150.00; At&T-\$16.04; BH Federal Credit Union-\$6,885.74; Barnaud Law Firm-\$1,605.17; Bi Geo Group Co-\$46.00; Black Hills Energy-\$12,697.14; Bomgaars Supply-\$42.81; Bruemmer,Lynnel-\$45.60; Butler Machinery Co-\$1,291.48; Cdw Government-\$507.43; Century Business Products-\$357.43; Centurylink-\$1,936.81; Chris Supply Co-\$21.95; Convergint Technologies-\$27,015.03; Cook,Sue-\$150.00; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$289.92; David Wolfskill Investigation-\$125.00; Deadwood Recreation Center-\$727.00; Dean Schaefer Court Reporting-\$105.00; Delta Dental Of South Dakota-\$7,303.92; Dept Of Hlth Lab Services-\$1,307.00; Dept Of The Treasury-\$60,836.01; Ellingson,Joseph-\$4,419.85; Et Sports-\$67.47; Fastenal-\$7.57; Frederickson,John R-\$4,834.00; Goodie's Uniforms-\$200.30; Cochran, Leslie-\$34.00; Heartland Paper Co-\$559.87; Johner Gravel-\$3,722.90; Juneks' Chrysler /Dodge-\$44,500.00; K-Log-\$384.36; Kellogg,Druse-\$207.60; Kinney,Matthew-\$2,236.58; Kosel,Joseph-\$11,211.73; Language Line Services-\$277.61; Lawson Products-\$260.79; Lead-Deadwood Regional Hospital-\$885.90; Lynn's Dakotamart-\$10.42; Microfilm Imaging Systems-\$1,840.00; Midcontinent Communications-\$111.35; Montana Dakota Utilities-\$334.44; Nalco Company-\$230.00; Nelson,Christy-\$200.00; Nelson,Tonya-\$700.00; Northern Hills Rec Center-\$137.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Pennington Co Jail-\$1,727.45; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$948.82; Public Agency Training Council-\$495.00; Quill-\$629.95; Rasmussen Mechanical Serv-\$215.80; Regional Health-\$142.62; Regional Health/Ref Lab-\$886.00; Rena M Hymans-\$827.27; Schmunk, Virginia-\$150.00; SD Human Services Center-\$124.50; SD Retirement System-\$58,622.31; Sdrs Supplemental Retirement-\$2,621.00; Semerad,Sandra-\$71.40; Servall Towel & Linen-\$435.16; Shopko Pharmacy-\$190.34; Silverado-\$324.00; Spearfish Police Dept-\$10,278.65; Stielow,John-\$39.95; Sturdevant's Auto Parts-\$28.17; Sysco Montana-\$998.11; Truenorth Steel-\$10,251.33; Turnkey Corrections-\$26.31; Twin City Hardware & Lumber-\$283.39; Us Armor-\$261.56; Vast Broadband-\$1,717.46; Verizon Wireless-\$105.22; Victims Of Violence-\$575.00; Waste Connections Of Sd-\$315.28; Wellmark Blue Cross-\$77,103.39; Wells Fargo Business Card-\$6,221.51; Western Communication-\$467.00; Western Sd Juvenile Serv-\$2,800.00; White Drug-\$2,547.96; White's Canyon Motors-\$154.24; Winner Police Department-\$385.00; Yankton County-\$118.75; Z&S Dust Control-\$142,446.00; **Witness & Jurors:** Bauslaugh,K-\$61.76; Chaffin,J-\$63.44; Goddard,T-\$55.04; Johnson,S-\$52.52; Kaitfors,M-\$62.60; Mettler,B-\$67.64; Ponce De Leon,R-\$50.84; Slezak,L-\$62.60; Triplett,M-\$63.44; Tysdal,E-\$66.80; Muller,S-\$20.00; Reed,A-\$57.80; Cline,B-\$35.12; Collins,K-\$35.12; Emme,D-\$32.60; Lueders,J-\$32.60; Sharff,J-\$32.94; Sheets,D-\$21.26; Wainman,M-\$42.00

**ADJOURN:** 12:57 p.m. There being no further business, it was Moved-Seconded (Sleep-Deibert) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor



**LAWRENCE COUNTY BOARD OF ADJUSTMENT – April 25, 2017**

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment Meeting to order at 9:15 a.m. on April 25, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

**DECLARE CONFLICTS:** No conflicts were declared.

**VARIANCE #156 / SCHLEPP:** A Public Hearing was held on VAR #156 - APPLICANT: Connie Schlepp. SUMMARY: Request to Demolish Existing Garage (19' x 19'); construct new garage with a slightly larger footprint (24' x 24'); and request for a 19' variance to the 25' setback. LOCATION: Blacktail Bench Road. LEGAL: Tract D of Placer Claim 120 of Section 28, T5N, R3E. No other public input was voiced and the Chairman closed the public hearing. Planning and Zoning recommended denial of the request for a variance. Flanagan expressed concerns of enlarging the footprint and going into the right of way. Discussion followed on moving the garage closer to the house to accommodate the request.

Moved-Seconded (Deibert-Sleep) to follow Planning and Zoning recommendation and deny the Variance #156 for Connie Schlepp to demolish existing garage (19' x 19'); and construct new garage with a slightly larger footprint (24' x 24'); and request for a 19' variance to the 25' setback. Motion Carried.

ADJOURN: 9:26 a.m. There being no further business, it was Moved-Seconded (Flanagan-Deibert) to adjourn the Board of Adjustment Meeting. Motion Carried.

\_\_\_\_\_  
Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 9, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 9, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** Deibert stated a conflict on Change of Zoning #316 for Jeff and Polly Garrett.

**MINUTES:** Moved-Seconded (Flanagan-Sleep) to approve the minutes of April 25<sup>th</sup>, April 25<sup>th</sup> Board of Adjustment, and 2017 Board of Equalization meetings. Motion Carried.

### **PERSONNEL:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Deibert-Rosenau) to table the following seasonal full-time employees effective May 1, 2017: Chase Tyson and Jeremy Tuten as GPS G2 at the base rate of \$14.85 an hour; Taylor Hanson, Jeremy Bechler, and Brad Hunter as Sprayer/GPS G2 at the base rate of \$14.70 an hour; and Drew Hebel and Zane Lindsey as Sprayer/GPS G1 at the base rate of \$13.20 an hour., to determine if the posting and advertising of the positions were completed. Motion Carried. Moved-Seconded (Deibert-Flanagan) to remove the issue from the table. Motion Carried.

The Board discussed County Policy on posting and advertising for open positions and the Safety Program. The Board stated the policies need to be followed.

Moved-Seconded (Sleep-Rosenau) to approve the following seasonal full-time employees effective May 1, 2017: Chase Tyson and Jeremy Tuten as GPS G2 at the base rate of \$14.85 an hour; Taylor Hanson, Jeremy Bechler, and Brad Hunter as Sprayer/GPS G2 at the base rate of \$14.70 an hour; and Drew Hebel and Zane Lindsey as Sprayer/GPS G1 at the base rate of \$13.20 an hour. Motion Carried. Nay-Deibert.

**SHERIFF:** Moved-Seconded (Flanagan-Deibert) to approve Brianna Rommen as a temporary full-time summer position (Correctional Officer I G1) at the base rate of \$17.80 an hour, effective May 7, 2017; Jacob Capp as a temporary full-time Deputy 1 G1 at the base rate of \$22.75 an hour, effective April 29, 2017; Matt Hardin as a permanent full-time Deputy 2 G2 at the base rate of \$24.64 an hour, effective May 7, 2017; Jamie Pesicka as permanent full-time

Dispatcher II G3 at the base rate of \$19.66 an hour, effective May 7, 2017; and Jolene Wetz as a permanent full-time Corrections II G2 at the base rate of \$19.27 an hour, effective May 7, 2017. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve a phone per diem for Jacob Capp at \$104.00 per month. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Johnson-Flanagan) to approve Michael Pickett as a permanent full-time Legal Assistant G3 at the base rate of \$21.63 an hour, effective May 30, 2017. Motion Carried.

**VETERAN'S SERVICE OFFICER:** The Commission stated that Richard Sleep and Randy Deibert will be the Commission Representative's to interview for the Veteran's Service Officer Position.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 2017 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)-\$1,382,592.65; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$24,403.59; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$22,279,106.21, Money Market \$8,688,135.84. Total \$35,377,448.29.

**INVASIVE SPECIES MANAGEMENT WEED SPRAYING AGREEMENT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the South Dakota Department of Transportation Weed Spraying Agreement. Motion Carried.

**SHERIFF:** Moved-Seconded (Sleep-Deibert) to allow employees to re-donate leave to Dustin Schumacher upon the exhaustion of the employee's accumulated vacation time, "comp time" and sick leave. Motion Carried.

**MAJESTIC HEIGHTS ROAD DISTRICT:** Sleep expressed concerns that the City of Deadwood needs to annex the area proposed for the incorporation of a road district. Discussion followed on Section Line right-of-way's and stated they would need to be vacated before any private or road district road is developed on the section line. Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the following ORDER DECLARING MAJESTIC HEIGHTS ROAD DISTRICT INCORPORATED. Motion Carried.

**ORDER DECLARING MAJESTIC HEIGHTS ROAD DISTRICT INCORPORATED:**  
WHEREAS, A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been fully

complied with: WHEREAS, SDCL 31-12A-1.1 allows three or fewer landowners to form a road district. WHEREAS, David Winter is the only landowner of the subdivided land to be included in the Road District. WHEREAS, IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: THAT PART OF TRACT A OF MAJESTIC ESTATES LYING OUTSIDE OF THE CITY OF DEADWOOD, EXCEPTING THEREFROM THAT PORTION OF MATTSON LANE WITHIN TRACT A; CONSISTING OF TRACTS 1, 2, 3 AND 4 OF CARLISLE-MILLER SUBDIVISION, BEING PORTIONS OF THE SPLITTAIL AND MATHILDA PLACERS OF M.S. 920, PORTIONS OF THE DEADWOOD AND DELAWARE PLACERS OF M.S. 685 AND A PORTION OF THE DOTSON PLACER OF M.S. 1208; THE REMAINDER OF THE THOR AND SAWDUST PLACER OF M.S. 1208; THE PILOT KNOB FRACTION, COTTON AND UNRUH LODES OF M.S. 1447; THAT PORTION OF THE REMAINDER OF LOT 2 OF THE COLUMBIA PLACER OF M.S. 1208 LYING OUTSIDE THE CITY OF DEADWOOD, AND THAT PORTION OF MINERAL SURVEY NO. 788 CONSISTING OF THE DALE PLACER LYING OUTSIDE THE CITY OF DEADWOOD; ALL LOCATED IN THE SW1/4 OF SECTION 13, THE SE1/4 AND NE1/4 OF SECTION 23, THE NE1/4, NW1/4, SW/14 AND SE1/4 OF SECTION 24 AND THE NE1/4 AND NW1/4 OF SECTION 25, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Majestic Heights Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 9th day of May, 2017. Randall Rosenau, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

**HIGHWAY:**

**DUMP/SNOW PLOW TRUCK BIDS:** The following bid was received for two new current model year dump/snow plow trucks: Sheehan Mack Sales & Equipment Inc. - \$115,500 each for a total of \$231,000 total. Moved-Seconded (Johnson-Rosenau) to accept the only bid received from Sheehan Mack and to waive any irregularities. Motion Carried.

**BRIDGE IMPROVEMENT GRANT:** Allan Bonnema, Highway Superintendent informed the Board that Lawrence County received a Preliminary Engineering Grant of \$36,500 for the Whitewood Valley Rd Bridge, located north of Whitewood from the Bridge Improvement Grant (BIG) Grant program through the state.

**VANOCKER CANYON ROAD PROJECT:** Moved-Seconded (Flanagan-Deibert) to approve the advertising for and set the bid opening for June 13, 2017 for the Vanocker Canyon Road Project. Motion Carried.

**HIGHWAY BIDS:** Moved-Seconded (Johnson-Deibert) to set the bid opening for (2) New Dump Bodies with Hoists & Hydraulic Systems, (2) New Stainless Steel Sand spreaders, and (2) New Truck Snow Wings for June 13, 2017. Motion Carried.

**ALCOHOLIC BEVERAGE LICENSES:** A public hearing was held on the applications for 2017-2018 Malt Beverage licenses. No public input was voiced and the hearing was closed.

Moved-Seconded (Johnson-Flanagan) to approve the following 2017-2018 Malt Beverage Licenses. Motion Carried.

**CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE & SD FARM WINE:** PLACER 601 INC (DEADWOOD KOA): M.S. 601 Scott & Crist Ex Lot A Sec 28-T5N-R3E.

**CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE:** TOMAHAWK LAKE COUNTRY CLUB: M.S. 1372 Pt. Ex Lot 1 of Norwood #8 (5.01AC) & Lot 1 of TR 0067'B' (5.82 AC) Pt Sec. 24-4-3 Pt Sec. 19 & 30-4-4 M.S. 1372 Lot 1 of Norwood #4 of M.S. 1372 (9.58A) & TR A Por. of B (2.877) & C of Tract 0067 & TR A of HES 57 & 66 (1.35AC)

**CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE:** 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. SPEARFISH CANYON RESORTS LLC (LATCHSTRING VILLAGE): M.S. 991 PT. Lot Ab-1 of Cascade Placer Spearfish School District in Sec 36 T5N R2E; M.S.991 PT. Lot AB-1 (.42) of Cascade Placer Deadwood School District Section 31, T5N, R2E B.H.M. FRESH START CONVENIENCE STORE INC (THE VALLEY CORNER): Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. EBRIGHT ENTERPRISES INC (TRAILSHEAD LODGE INC): Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3N R1E. CHEYENNE CROSSING STORE LLC: M.S. 1564 Spearfish Canyon Lot C-3 of Meadow 1-2-3 M.S 1564 (Cheyenne Xing Store) Section 22, T4N, R2E.

LONNY OR SUSAN SMITH (ST.ONGE BAR & GRILL): Lots 1 & 2 Block 8 in Sec 23 R7E T3N. SEVEN DOWN LLC: Tract 7 (Seven Downs Arena) Section 27, T6N, R3E.

WICHTERMAN & SONS INC (STEEL WHEEL CAMPGROUND): Tract D revised HES 297 in Sections 19 R4E T4N JANICE G. KABERNA (HOM CAMPGROUND): Lot A of CRM Ex Tract 1 (10.01) and Lot 2. (3.09) Sec 27, T3N, R5E. BLACK HILLS CHAIRLIFT CO INC: M.S. 1122 Little Hope Fr. Etal Sur. Rites (Old Blue Chair #1) & (New Blue Chair #5)Sec 1, T4N, R2E, BHM. CROW PEAK BREWING COMPANY, LLC: Crow Peak Brewing Company Tract Sec 4, T6N, R2E. TRIPLE H HILLS LLC (MYSTIC HILLS HIDEWAY): M.S. 1748 TRACT 1 OF ST JOHN LODES ETAL Sec 1, Twp 3N, R3E. NEMO GUEST RANCH BUSINESS ENTERPRISE (NEMO GUEST RANCH CONVENIENCE STORE): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. NEMO GUEST RANCH BUSINESS ENT (NEMO GUEST RANCH): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. REYNOLDS & LIVINGSTON LLC (COUSINS BIG CHAIR): Lawrence County portion of Lot 1, Boyle S/D LOC SW1/4, SW1/4, S7, T2N, R5E, BHM, Lawrence County. BAREFOOT RESORT ASSOCIATION INC (BAREFOOT RESORT): M.S. 2021 LOT 1R OF BAREFOOT EX UNITS D-1-O,D-1-1,D-2-0,D-2-1,D-2-2 & D-2-3. Sec. 2-T4N-R2E of Black Hills. LARRY KAISER (NEMO MERCANTILE): M.S. 1368 Tract 3 Sec 27, T3N, R5E, B.H.M. WILD BILL'S CAMPGROUND (ALICIA GRIMM & KEITH GRIMM): Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 (Wild Bill's Campground) Sec 18 , T4N, R4E.

**CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE:** SARAH AND JAMES SOLANO (BOONDOCKS): Tract C of HES 54 Sec 25 T4N, R3E, BHM. SPEARFISH SD KAMPLAND INC (SPEARFISH KOA): Parcel B (KOA Campground) NW1/4NW1/4, Sec.3, T6N, R2E, BHM. BLACK HILLS JOURNEY'S INC (FISH 'N FRY CAMPGROUND): Lots 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18, T4N R4E BHM. TROUT HAVEN PROPERTIES LLC: Tract 1 & 2 S/D of SW1/4 SW1/4, Sec 7 T2N, R5E. BOARS NEST LLC (BELL LTD): Tract 59 Section 7, T4N, R3E, BHM. AKELA SPA OF DEADWOOD LLC: Lot 3 BLK 1 EX H1 (.68 AC) Oak Mt. Country Est.. Sec 18 T5N R4E B.H.M. CUSTER CAMP 1874 LLC (THE PASTA CORRAL): Lot 1 OF HES 286 in Sec 4, T3N, R5E, BHM. EAGLE TREE RESORTS CO LLC (RIM ROCK LODGE & CANYON BISTRO): BLDGS ON LEASED SITE; SPEARFISH CANYON LOT C-2 Sec 4 T5N R2E.

AW RENTALS LLC (RECREATIONAL SPRINGS RESORT): M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM.

**(New) CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE:**  
WHITETAIL COURT RESORT LLC: Tract 54 Secs 5-6-7 & 8 (Whitetail Court) Sec 8 T4N R3E

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

**PLANNING & ZONING:**

Commissioner Deibert left the meeting.

**CHANGE OF ZONING (COZ) #316 / JEFF AND POLLY GARRETT:** Second Reading was held on the proposed COZ #316 Applicants: Jeff and Polly Garrett. SUMMARY: Request to Change Zoning from A-1 Ag to A-2 Residential Ag. LEGAL: Tract G located in the E1/2 SE1/4 of Section 28 and the SW ¼ of Section 27, T7N, R2E. Moved-Seconded (Johnson-Flanagan) to approve COZ #316 for Applicants: Jeff and Polly Garrett. Motion Carried.

Commissioner Deibert returned to the meeting.

**PLANNING & ZONING UPDATE:** Amber Vogt, Planning and Zoning Director informed the Board that Craig Mickelson has resigned from the Planning and Zoning Board, effective after the June meeting. The Board will be taking letter's of interest for the open Planning and Zoning Board position.

**POWDER HOUSE PASS:** Moved-Seconded (Johnson-Flanagan) to accept the new Powder House Pass Community Improvement District (CID) Irrevocable Standby Letter of Credit with Exhibit A and Infrastructure Development Projects May 2017 – May 2018 attachments. Motion Carried.

**AMENDMENTS TO ORD #16-03 EXTRACTIVE INDUSTRY:** Discussion continued on the proposed Amendments to Ordinance #16-03 Extractive Industry. The Board reviewed comments they received from Danielle Wiebers and decided to update the name for the South Dakota Department of Environment and Natural Resources in the proposed Ordinance #16-03. The Board made some changes to extraction vs extractive industry. Les Auer and Matthew Zietlow were present and expressed concerns and asked questions.

Moved-Seconded (Deibert-Flanagan) to move the proposed Amendments to Ordinance #16-03 Extractive Industry to a Public Hearing and the First Reading on June 13<sup>th</sup>. Motion Carried.

**PLATS:**

**PRELIMINARY & FINAL PLAT / PENNINGS:** Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff recommendation and declare that this plat for Todd & Jody Pennings meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff recommendation and approve the preliminary and final plat for Todd & Jody Pennings for Lot 22 A of Paradise Acres, formerly Lots 22 & 23 of Paradise Acres, Section 7, 17 & 18 of T5N, R3E. Located off of Maitland Road. Motion Carried.

**PRELIMINARY & FINAL PLAT / HOMESTAKE MINING CO.:** Moved-Seconded (Sleep-Johnson) to follow Planning and Zoning and P&Z Staff recommendation and declare that this plat for Homestake Mining Co. meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried. Aye-Flanagan, Johnson, Sleep and Rosenau. Nay-Deibert. Deibert questioned why this would be declared an exempt plat.

Moved-Seconded (Flanagan-Sleep) to approve the preliminary and final plat for Homestake Mining Co. for Lot E-1 being a portion of Tract E of Yates Subdivision located in N 1/2 of Sect 34, T5N, R3E. Located at corner of Hwy 85 & 385. Motion Carried. Aye-Flanagan, Johnson, Sleep and Rosenau. Nay-Deibert.

**BILLS:**

Moved-Seconded (Flanagan-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-\$6,474.08; Aud-\$10,798.03; Treas-\$12,821.32; States Atty-\$13,675.66; Pub Def-\$9,688.76; Gen Govt Bldg-\$9,089.08; Equal-\$14,222.69; Rod-\$8,784.44; Vso-\$1,563.60; Ist-\$9,118.81; Disp-\$13,570.39; Sher-\$40,795.59; Jail-\$22,750.07; Coroner-\$1,362.66; 24/7-\$167.72; Emerg Mgnt-\$4,261.22; E911-\$1,990.40; Highway-\$42,513.54; Weed-\$3,720.02; Pz-\$5,552.70; **Bills:** Nelson,Kesha-\$0.63; Walker,John-\$55.88; Magnusson,Michal-\$30.00; A&B Business,Inc Solutions-\$1,149.74; A&B Welding Supply-\$21.39; A&I Distributors-\$811.20; Ace Hardware Of Lead-\$12.22; At&T Mobility-\$919.36; BH Federal Credit Union-\$7,085.74; BH Pest Control-\$190.00; BH Physcial Therapy-\$80.00; BH Pioneer-\$1,143.99; BH Truck And Trailer-\$546.47; Barnaud Law Firm-\$723.05; Black Hills Energy-\$177.36; Butler Machinery Co-\$933.96; Butte Electric Coop-\$592.73; Campbell Supply Co-\$593.99; Carol Butzman Consult Serv-\$150.00; Cbh Cooperative-\$26,086.30; Cdw Government-\$31,375.00; Century Business Products-\$236.61; Centurylink-\$108.46; Cheyenne Crossing Store-\$275.00; Clinical Lab Of BH-\$1,629.00; Credit Collections Bureau-\$64.54; D Ware-\$125.00; Dak Generator Services-\$2,761.66; Deadwood,City Of-\$900.40; Dept Of The Treasury-\$58,947.91; Ekern,Marv-\$22.50; Ellingson,Joseph-\$166.18; Ertz,Dewey J-\$1,500.00; Fastenal-\$6.77; Fred Pryor Seminars-\$128.00; Galls-\$2,220.00; Hartford-Priority Accounts-\$1,978.40; Heartland Paper Co-\$788.34; Hills Material Comp-\$5,145.71; Hilpert & Hale Prof-\$413.20; Jacobs

Precision Welding-\$221.93; Janke,Wendy-\$408.00; John Deere Financial-\$538.68; Johner Gravel-\$3,213.42; Katterhagen,Mark-\$22.50; Knecht Home Center Of Spf-\$3.50; LC Treasurer-\$416.18; Lead, City Of-\$67.05; Lead-Deadwood Sanitary-\$617.09; Lee,James-\$15.00; Lewno,Lucy-\$199.96; Lincoln County-\$190.20; Microfilm Imaging Systems-\$255.00; Montana Dakota Utilities-\$3,197.83; Neve's Uniforms-\$176.80; Office Depot-\$41.25; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Overhead Door Company Of Rapid-\$1,112.02; Pennington County Sheriff-\$400.00; Pictometry International Corp-\$13,678.34; Postmaster,Deadwood-\$144.00; Priority Dispatch-\$147.00; Quill-\$1,193.34; RC Finance Office-\$805.00; Rapid Diesel-Pump Shop-\$1,404.53; Rapid Transcript Co-\$297.00; Rasmussen Mechanical Serv-\$1,121.84; Regional Health-\$319.12; Rena M Hymans-\$666.36; Rocket Lube-\$49.99; Rushmore Communications-\$110.00; Sd Aao-\$150.00; SD Dept Of Transportation-\$2,997.80; SD Emergency Mngt Association-\$50.00; SD State Treasurer-\$3,158.75; Sdrs Supplemental Retirement-\$2,621.00; Semerad, Sandra-\$329.20; Servall Towel & Linen-\$435.16; Spearfish Auto Supply-\$911.85; Spearfish City Of-\$22,000.00; Spearfish Motors-\$61.33; Stan Houston Equip Co-\$743.13; Sterna,Laura-\$250.00; Strain Morman Law Firm-\$104.06; Studioso,James-\$379.10; Sturdevant's Auto Parts-\$426.38; Sysco Montana-\$1,582.20; Triple K Tire & Repair-\$117.06; Twin City Hardware & Lumber-\$113.62; Vast Broadband-\$229.97; Victims Of Violence-\$410.00; Waste Connections Of Sd-\$758.24; Watertree-\$18.00; Western Communication-\$254.00

**ADJOURN:** 11:05 a.m. There being no further business, it was Moved-Seconded (Johnson-Deibert) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 23, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 23, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** Deibert declared a conflict with Change of Zoning #317.

**MINUTES:** Moved-Seconded (Flanagan-Deibert) to approve the minutes of May 9<sup>th</sup>, 2017 Commission meeting. Motion Carried.

**CITY OF DEADWOOD:** Chuck Turbiville, Deadwood City Mayor and Mike Runge, Deadwood City Archivist presented the Commission with two Deadwood interpretative signs that will be displayed by the Courthouse.

### **PERSONNEL:**

**EXECUTIVE SESSION:** Moved-Seconded (Flanagan-Deibert) to go into executive session at 8:17 a.m. for personnel pursuant to SDCL 1-25-2(1). Motion Carried. 8:26 a.m. The Board opened for regular business with no action taken.

**VETERAN SERVICE OFFICER:** Moved-Seconded (Deibert-Sleep) to approve Jesse Ketzer as a permanent half-time (24 hours a week) Veterans Service Officer at the base rate of \$20.00 per hour, effective May 28<sup>th</sup>, 2017. Motion Carried. The Board thanked all the very qualified applicants for taking the time to apply and interview.

### **SHERIFF:**

**PART TIME JAILER:** Moved-Seconded (Flanagan-Deibert) to approve the advertising of a part-time jailer. Motion Carried.

Sheriff Brian Dean announced the retirement of Larry Gabriel in the Sheriff's Office. The Board thanked Gabriel for his many years of service.

Moved-Seconded (Deibert-Flanagan) to approve the reclassification of the process server as a certified law enforcement officer and allow the advertising of any open position created through the promotion process. Motion Carried.

**HIGHWAY:** Allan Bonnema, Highway Superintendent announced the retirement of Robert McCormick in the Highway Department. The Board thanked McCormick for his many years of service.

**PROJECT UPDATES:** Greg Dias, Information Systems & Technology Director was present to update the Board on the networking, security camera, and door code access projects.

**RESOLUTION #2017-08 / RANGELAND FIRE:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the following Resolution #2017-08 Authorizing A Fire Protection Agreement and Designation of Personnel With Authority to Request Fire Suppression Assistance. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2017-08 LAWRENCE COUNTY COMMISSION RESOLUTION AUTHORIZING A FIRE PROTECTION AGREEMENT AND DESIGNATION OF PERSONNEL WITH AUTHORITY TO REQUEST FIRE SUPPRESSION ASSISTANCE: WHEREAS, the State of South Dakota may enter into cooperative agreements with counties for the provision of assistance in fire prevention and suppression efforts pursuant to SDCL Ch. 41-20A and the Joint Powers provisions of SDCL Ch. 1-24, and WHEREAS, Lawrence County may cooperate with the Secretary of Agriculture for the protection of range, farm and forest lands in Lawrence County from fire pursuant to SDCL Ch. 34-31 and the Joint Powers provision of SDCL Ch. 1-24, and WHEREAS, such cooperative assistance between the State of South Dakota and Lawrence County is highly desirable and increases the effectiveness of the protection of range, farm and forest lands in Lawrence County from wildfire, and WHEREAS, pursuant to SDCL Ch. 41-20A, the South Dakota Wildland Fire Coordinator may assist in the suppression of rangeland fires within the county upon request of a Board of county commissioners or its designee(s), and WHEREAS, the South Dakota Wildland Fire Coordinator has requested that a person(s) be officially designated by the Lawrence County Commissioners to make such requests, and NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Lawrence County Board of Commissioners that Lawrence County enter into a County Rangeland Fire Protection Agreement with the State of South Dakota Department of Agriculture to cooperate in fire prevention and suppression efforts, and BE IT HEREBY FURTHER RESOLVED, that the list of individuals set forth below are hereby authorized to request assistance, on behalf of Lawrence County, for suppression of rangeland fires within Lawrence County as specified in SDCL § 41-20A-11. The authority to request assistance as herein provided shall continue in full force and effect until terminated or modified by resolution of the Lawrence County Board of Commissioners.

Lawrence County Fire Assistance Authorization List:		
Effective Date: May 23, 2017		
Name of Individual:	Position:	Emergency or Cell Phone:
Randall Rosenau	Chairman	605.645.4017

Brandon Flanagan	Vice-Chairman	605.645.3526
Paul Thomson	Emergency Manager	605.642.4019

BE IT HEREBY FURTHER RESOLVED, that Paul Thomson, Director of Emergency Management, is appointed County Rural Fire Coordinator for the County of Lawrence. The County Rural Fire Coordinator is hereby authorized to act as a single point of contact, on behalf of the County of Lawrence, in dealing with administrative matters such as burn bans, billings, or questions about this Rangeland Fire Agreement specific to the County. This authority shall continue in full force and effect until terminated or modified by resolution of the County of Lawrence Board of Commissioners. Duly passed and adopted at a regular meeting of the Lawrence County Commission on the 23rd day of May, 2017. Randall Rosenau, Chairman. ATTEST: Connie Atkinson, Lawrence County Auditor.

Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the SD Department of Agriculture County Rangeland Fire Protection Agreement. Motion Carried.

**SHERIFF:**

**COOPERATIVE LAW ENFORCEMENT AGREEMENT:** Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign Modification #3 Cooperative Law Enforcement Annual Operating Plan & Financial Plan between the Lawrence County Sheriff's Department and the USDA, Forest Service Black Hills National Forest. Motion Carried.

**HIGHWAY:**

**2017 CHIP SEAL PROJECT:** No bids were received for the 2017 Chip Seal Project. Moved-Seconded (Flanagan-Rosenau) to allow the advertising for the 2017 Chip Seal Project and set the bid opening for June 13, 2017. Motion Carried.

**UTILITY PERMIT / TOP SHELF DEVELOPMENT:** Moved-Seconded (Sleep-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Utility Permit for ETR, LLC. to construct a water line under the McGuigan Road 1500' south of Hwy 14 intersection. Motion Carried.

**MOUNTAIN PLAINS #2 HOA:** The Board discussed a request from Mountain Plains #2 HOA for signage on Moonlight Ridge Road. The Board stated the County has no authority to sign the road. The Board stated these are not County Roads.

**BRIDGE IMPROVEMENT GRANT:** Bonnema reported to the Board that after receiving notice of the Bridge Improvement Grant award Interstate Engineering is not listed on the State Bridge Design Retainer.

**EXECUTIVE SESSION:** Moved-Seconded (Deibert-Flanagan) to go into executive session at 9:19 a.m. for contractual matters pursuant to SDCL 1-25-2(3)(4). Motion Carried. 9:33 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Flanagan-Deibert) to follow the recommendation of the Highway Superintendent and contract with Brosz Engineering for the Bridge Improvement Grant on the Whitewood Service Road. Motion Carried.

Moved-Seconded (Johnson-Deibert) to direct Allan Bonnema, Highway Superintendent to submit the following three engineering firms for the signing project, as required by the State Department of Transportation: KLJ Engineering, Brosz Engineering, and AE2S. Motion Carried. Aye-Flanagan, Johnson, Deibert and Rosenau. Nay-Sleep

**FUEL QUOTES:** The following fuel quotes were submitted as of May 10, 2017: Spearfish Diesel#2 3500 gallons: (prices per gallon) CBH Cooperative - \$1.817\*, MG Oil - \$1.819; Spearfish Unleaded 700 gallons: (prices per gallon) CBH Cooperative - \$2.167, MG Oil – \$2.089\*; Whitewood Diesel Blended 50/50 500 gallons: (prices per gallon) CBH Cooperative - \$1.817\*, MG Oil-\$1.819; Harms Oil Co - No Bids Submitted. \*Represents lowest quote awarded.

**LAWRENCE COUNTY REVOLVING LOAN FUND:** Ron Rosenbloom, Executive Director West River Foundation was present to give history on the Lawrence County Revolving Loan Fund. Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the Lawrence County Revolving Loan Fund Memorandum of Understanding with the Black Hills Community Economic Development, Inc. Motion Carried.

**BLACK HILLS COUNCIL OF LOCAL GOVERNMENT (BHCOLG):** Ali DeMersseman, Executive Director of the BHCOLG was present to update the Board on activities.

**COUNTY PROPERTY:** Deb Tridle, Treasurer was present to discuss property the County has taken for tax deed that was discussed on October 25<sup>th</sup> 2011 and November 22, 2011. Moved-Seconded (Flanagan-Johnson) to reaffirm the motion as stated in the November 22, 2011 meeting and convey the property on parcel #30050-00298-000-10 to the neighboring landowner for \$499. The new owner will be responsible for all expenses and will be responsible to prepare the deed. Motion Carried. John Frederickson, Attorney for the neighboring landowner was present to answer any questions.

Tridle stated there are a couple land parcels that she will request the County deed to the City of Deadwood and Lead in the future.

**EQUALIZATION:** Tim Hodson, Director of Equalization was present to discuss the proposed Tyler Software for the Equalization's office. Greg Dias, Information Systems & Technology Director discussed the hardware and licensing requirement for the system. The software will be considered in the 2018 budget.

## **PLANNING & ZONING:**

Deibert left the meeting.

**CHANGE OF ZONING #317 / WOLFF:** A Public Hearing and First Reading was held on COZ #317 APPLICANT: Greg Wolff. LEGAL: Tract 2 of the SW 1/4 of Section 7, T6N, R3E VICINITY LOCATION: Located south of Intersection of Lookout Mt Rd & N 27th St, west of the airport. SUMMARY: A-1 to A-2. No public input was voiced and the chairman closed the public hearing. Second Reading was scheduled for June 13, 2017.

Deibert returned to the meeting.

**ORDINANCE #17-01 / WILSON:** A Public Hearing and First Reading was held on the proposed ORD #17-01. APPLICANT: Kelli Wilson. SUMMARY: To add Athletic Facility as an allowed Conditional Use to A-2, PF and RR Zoning Districts. No public input was voiced and the Chairman closed the public hearing. The Board stated it would need to be defined within the definitions. Sleep expressed concerns and stated they should not be scattered around the County. Discussion followed on changing the allowed use to Athletic Training Facility and include a definition. A Public Hearing and First Reading will be held in June reflecting the changes.

**RECESS:** 9:57 a.m. Moved-Seconded (Flanagan-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:22 a.m. The Chairman called the meeting back to order.

## **BILLS:**

Moved-Seconded (Flanagan-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-\$6,474.08; Aud-\$10,828.83; Treas-\$12,366.36; States Atty-\$13,750.54; Pub Def-\$9,688.76; Gen Govt Bldg-\$9,142.49; Equal-\$14,222.69; Rod-\$8,784.43; Vso-\$1,563.60; Ist-\$9,118.82; Disp-\$12,810.77; Sher-\$45,841.86; Jail-\$20,994.67; Coroner-\$692.66; 24/7-\$197.30; Emerg Mgnt-\$4,258.22; E911-\$1,990.40; Highway-\$44,270.39; Weed-\$7,474.36; Pz-\$5,552.70.

**Bills:** Mcgruder,Brenda-\$53.00; Bonnema,Allan-\$34.00; A To Z Shredding-\$68.17; A&B Business,Inc Solutions-\$374.70; American Family Life-\$2,835.18; At&T-\$16.04; Audra Hill Consulting-\$2,538.63; BH Federal Credit Union-\$7,085.74; BH Occupational Medicine Corp-\$30.00; BH Pioneer-\$103.77; BH Truck And Trailer-\$257.64; BH Window Cleaning-\$3,625.00; Barnaud Law Firm-\$3,379.41; Black Hills Energy-\$13,234.70; Black Hills Family Practice-\$180.50; Black Hills Pure-\$11.50; Black Hills Urgent Care-\$85.00; Bob Barker Company-\$63.60; Cbh Cooperative-\$7,268.00; Cdw Government-\$640.00; Century Business Products-\$103.73; Centurylink-\$1,936.93; City/County Alcohol & Drug-\$2,725.00; Claggett & Dill, Prof-

\$263.50; Clinical Lab Of BH-\$8,408.00; Clubhouse Hotel & Suites Pierr-\$786.00; Convergent Technologies-\$5,557.15; Credit Collections Bureau-\$64.54; Dale's Tire & Retread-\$624.00; Deadwood Recreation Center-\$744.00; Dept Of Hlth Lab Services-\$105.00; Dept Of The Treasury-\$61,001.93; Ekern,Marv-\$15.00; Ellingson,Joseph-\$651.29; Et Sports-\$343.92; Frederickson,John-\$8,049.35; Goodie's Uniforms-\$592.05; Cochran,Leslie-\$40.80; Heartland Paper Co-\$1,501.01; Interstate Engineering-\$13,495.04; Johner Gravel-\$11,382.07; Karen Paige Hunt, Prof-\$253.20; Katterhagen,Mark-\$15.00; Kimball-Midwest Co-\$459.80; Koala Electric-\$40,156.04; Mountain Vista Dental-\$1,201.00; Lead-Deadwood Regional Hospital-\$885.90; Lewis & Clark Bhs-\$160.00; Lewno,Lucy-\$150.46; Lexisnexis Risk Data Mgmt-\$76.50; Mcclure,Susan-\$250.00; Mcleod's Office Supply-\$111.15; Mcpherson Propane-\$69.00; Mg Oil Company-\$1,462.30; Microfilm Imaging Systems-\$1,040.00; Midcontinent Communications-\$111.35; Mikelson,Gary-\$230.86; Montana Dakota Utilities-\$243.11; Ms Mail-\$20.00; Nalco Company-\$690.00; Nelson,Christy-\$250.00; Nelson,Tonya-\$200.00; Neve's Uniforms-\$220.60; Northern Hills Rec Center-\$137.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Pennington Co Jail-\$1,891.30; Powerplan-\$929.28; Pure Force-\$300.77; Quill-\$365.86; RC Finance Office-\$700.00; RC Regional Hospital-\$146.48; Rabe Elevator-\$1,071.92; Regional Health-\$19.18; Regional Health/Ref Lab-\$2,215.00; Rena M Hymans-\$937.21; SD Retirement System-\$58,540.33; Sdrs Supplemental Retirement-\$2,621.00; Servall Towel & Linen-\$883.34; Shopko Pharmacy-\$62.57; Sioux Corporation-\$74.19; Spearfish Auto Supply-\$187.78; Spearfish Police Dept-\$10,475.28; Sturdevant's Auto Parts-\$37.90; Subway-\$72.71; Sysco Montana-\$2,294.79; Thomas L Bennett, MD-\$350.00; Thomson Reuters-West-\$175.85; Thomson Reuters-\$170.00; Top Quality Mfg Co-\$195.00; Triple K Tire & Repair-\$216.49; Turnkey Corrections-\$40.68; Twilight First Aid & Safety-\$48.80; Twin City Hardware & Lumber-\$128.30; Vast Broadband-\$1,797.40; Verizon Wireless-\$105.22; Warne Chemical-\$98.40; Wellmark Blue Cross-\$77,103.39; Wells Fargo Business Card-\$4,275.98; West River International-\$74.63; White Drug-\$5,827.06; White's Canyon Motors-\$535.74; Yankton Co Sheriff-\$100.00; Yankton County-\$142.25; **Witness & Jurors:** Chaffin,J-\$63.44; Goddard,T-\$55.04; Johnson,S-\$52.52; Kaitfors,M-\$62.60; Mettler,B-\$67.64; Ponce De Leon,R-\$50.84; Slezak,L-\$62.60; Carrier,L-\$45.20; Cross,L-\$316.52; Lecy,J-\$116.60

**ADJOURN:** 11:43 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – May 23, 2017**

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment Meeting to order at 9:57 a.m. on May 23, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

**DECLARE CONFLICTS:** No conflicts were declared.

**VARIANCE #157 / OSSENFORT:** A Public Hearing was held on Variance #157 - APPLICANT: Todd Ossenfort. LEGAL: Lot 31 of HES 648, Section 3 & 4 of T3N R3E. VICINITY LOCATION: Pahkamaa Road. SUMMARY: Request for a 10' Variance to the 25' Side Setback to Construct Pole Building. Bruce Sabers, Morton Buildings was present to discuss the site plan. Sabers stated there is not a hardship for this property but the usability of the property comes into play. The Chairman closed the public hearing. Discussion followed on the location requested and the reasoning for requesting a variance.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning recommendation and deny the Variance #157 for Todd Ossenfort for a 10' Variance to the 25' Side Setback to Construct Pole Building because of the lot size and no hardship is present. Motion Carried.

**VARIANCE #158 / SCHLEPP:** A Public Hearing was held on Variance #158 - APPLICANT: Connie Schlepp. SUMMARY: 18' Front Setback Variance to 25' Requirement. LEGAL: Tract D of Placer Claim 120 of Section 28, T5N, R3E. VICINITY LOCATION: Blacktail Bench Road. Schlepp was present and discussed her request. No public input was voiced and the Chairman closed the hearing.

Moved-Seconded (Deibert-Sleep) to follow Planning and Zoning recommendation and approve Variance #158 - APPLICANT: Connie Schlepp for a 18' Front Setback Variance to 25' front setback requirement to construct a garage. Motion Carried. The Board stated since they were rebuilding in the same footprint the variance was warranted.

ADJOURN: 10:20 a.m. There being no further business, it was Moved-Seconded (Flanagan-Rosenau) to adjourn the Board of Adjustment Meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – June 13, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on June 13, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** Deibert stated a conflict with Change of Zoning #317 for Greg Wolff.

**MINUTES:** Moved-Seconded (Sleep-Flanagan) to approve the minutes of May 23<sup>rd</sup> and May 23<sup>rd</sup> Board of Adjustment meetings. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Johnson-Deibert) to approve Joshua Schleusner as a part-time (under 20) fill-in Correctional Officer 1 G1 at the base rate of \$17.80 an hour, effective June 11, 2017. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Jacob Capp as a full-time Deputy Sheriff G1 at the base rate of \$22.75 an hour, effective June 25, 2017. Motion Carried.

Moved-Seconded (Sleep-Deibert) to approve Melody L. Paklin as a full-time Correctional Officer II G1 at the base rate of \$18.89 an hour, effective June 25, 2017. Motion Carried.

**HIGHWAY:** Moved-Seconded (Johnson-Flanagan) to approve Richard Haggerty as a full-time Seasonal Summer Help / Light Equipment Operator at the base rate of \$21.79 an hour, effective June 5, 2017. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Deibert-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of May 31, 2017 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)-\$72,889.87; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,366.72; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$14,396,499.95, Money Market \$8,692,603.10. Total \$26,171,569.64.

**SURPLUS PROPERTY / CITY OF DEADWOOD:** Moved-Seconded (Deibert-Flanagan) to declare the following real property as surplus property, authorize the transfer of the property to City of Deadwood, and allow the Chairman to sign the Deed (Lawrence County's Interest in: 51' x 118' x 94' x 102' of Probate Lot 298; and a portion of Probate Lot #298 lying SE of Lots 4 and 5 of the Highland Addition, all in the City of Deadwood). Motion Carried.

**AUTOMATIC SUPPLEMENT / EMERGENCY MANAGEMENT:** Moved-Seconded (Flanagan-Johnson) to approve an automatic supplement of \$37,389.61 to the Emergency Management Grants. Motion Carried.

**FIXED ASSET REMOVAL OF EQUIPMENT:** Moved-Seconded (Sleep-Flanagan) to approve the request to remove the Ground Hog Video System from the fixed asset inventory because the system has become obsolete and to break down into usable portions being reallocated to other uses. Motion Carried.

**MALT BEVERAGE TRANSFER / CLASS-RETAIL (ON-OFF SALE) MALT**

**BEVERAGE:** A public hearing was held on an application to transfer a 2017-2018 class / retail (On-Off Sale) Malt Beverage License from Alicia Grimm & Keith Grimm/Wild Bills Campground to Melody Remington/Wild Bills Campground. No public input was voiced and the hearing was closed.

Moved-Seconded (Johnson-Flanagan) to approve the transfer of the 2017-2018 class / retail (On-Off Sale) Malt Beverage License from Alicia Grimm & Keith Grimm/Wild Bills Campground: Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 (Wild Bill's Campground) Sec 18 , T4N, R4E to Melody Remington/Wild Bills Campground: Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 (Wild Bill's Campground) Sec 18 , T4N, R4E. Motion Carried.

**HIGHWAY:**

**2017 CHIP SEAL PROJECT:** The following bids were received for the 2017 Chip Seal Project: Hills Materials Company - \$441,242.00, Bituminous Paving Inc. - \$570,294.00. Moved-Seconded (Flanagan-Deibert) to accept the lowest responsible bid from Hills Material Company in the amount of \$441,242.00 and to waive any irregularities. Motion Carried.

**VANOCKER CANYON ROAD PROJECT:** The following bids were received for the Vanocker Canyon Road Project: Bituminous Paving, Inc. - \$528,437.00 (Milling Asphalt Concrete - 7,200.00) Total - \$535,637.00; Sacrison Paving, Inc - \$474,982.42 (Milling Asphalt Concrete - 7,500.00) Total - \$482,482.42; Western Construction, Inc - \$426,690.25 (Milling Asphalt Concrete - 5,400.00) Total - \$432,090.25; Hills Material Company - \$430,833.00 (Milling Asphalt Concrete - 9,600.00) Total - \$440,433.00. Moved-Seconded (Sleep-Flanagan)

to accept the lowest responsible bid from Western Construction, Inc - \$426,690.25 (Milling Asphalt Concrete - 5,400.00) Total - \$432,090.25 and waive any irregularities. Motion Carried.

**HIGHWAY BIDS:** Moved-Seconded (Johnson-Deibert) to set the bid opening for (2) New Dump Bodies with Hoists & Hydraulic Systems, (2) New Stainless Steel Sand spreaders, and (2) New Truck Snow Wings for June 27, 2017 at 8:30 a.m.. Motion Carried.

**DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the South Dakota Department of Transportation Funding and Continued Maintenance Agreement for 2017 Pavement Marking Project. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of June 13, 2017: Spearfish Diesel#2 3000 gallons: (prices per gallon) CBH Cooperative - \$1.728\*, MG Oil-\$1.777; Spearfish Unleaded 1000 gallons: (prices per gallon) CBH Cooperative - \$2.124\*, MG Oil – \$2.135; Whitewood Diesel #2 500 gallons: (prices per gallon) CBH Cooperative - \$1.728\*, MG Oil-\$1.877; Deadwood Diesel #2 4100 gallons: (prices per gallon) CBH Cooperative - \$1.728\*, MG Oil - \$1.777. \*Represents lowest quote awarded.

**TREASURER:** Deb Tridle, Lawrence County Treasurer, was present to inform the board that she has been appointed to the Motor Vehicle Task Force to meet with Governor Dugaard on June 26, 2017 in reference to the Plate on Demand. Tridle stated that all of the Treasurers across the state are opposed to Plate on Demand as they feel it is their job to provide customer service. The board gave Deb Tridle their support. Tridle stated she would report back on June 27, 2017.

**RESOLUTION #17-09 / SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #17-09 for a Supplemental Budget for General Government Buildings – Repairs for \$375,000. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Rosenau) to approve and adopt the following Resolution #17-09 for a Supplemental Budget. Motion Carried.

**RESOLUTION #17-09 TO ADOPT A SUPPLEMENTAL BUDGET:** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2017, 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 2017, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND / General Government Building Repairs - \$375,000 (Networking & Security Camera Project - \$290,000) (Card Access System - \$60,000) (Sheriff Black Door - \$25,000). 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 13<sup>th</sup> day of June, 2017 at the hour of 10:30 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 13<sup>th</sup> day of June, 2017. FOR THE BOARD OF COUNTY COMMISSIONERS: Randall Rosenau, Chairman. ATTEST: Connie Atkinson, Lawrence County Auditor.

**BUREAU OF LAND MANAGEMENT GRANT:** Rob Mattox, Black Hills Land Analysis was present to discuss the Bureau of Land Management Grant for the Firewise Program. Moved-Seconded (Deibert-Flanagan) to authorize the Chairman to sign the necessary documents to obtain the addition \$20,000.00 available for Community Assistance Program. Motion Carried

**PLANNING & ZONING:**

**PLANNING & ZONING UPDATES:** Amber Vogt, Planning & Zoning Director, advised that plats for Powderhouse Pass will be discussed at the next meeting. Also, the planned software update putting the Zoning and Subdivision Ordinances online will take about 2 months. No changes can be made to the Ordinances during this interim period. Vogt drew the Commission's attention to a copy of a letter from the SD DENR to Homestake Mining, Co. Re: Postclosure Permit Renewal for Solid Waste Post Closure Permit No. 12-31. Finally, Vogt noted that the deadline to submit applications for the vacant Planning & Zoning position is June 16, 2017. The plan is for the Commission to appoint the new member at the June 27, 2017 meeting.

Commissioner Deibert left the meeting.

**CHANGE OF ZONING #317 / WOLFF:** Second Reading was held on COZ #317  
APPLICANT: Greg Wolff. LEGAL: Tract 2 of the SW 1/4 of Section 7, T6N, R3E VICINITY  
LOCATION: Located south of Intersection of Lookout Mt Rd & N 27th St, west of the airport.  
SUMMARY: A-1 to A-2.

Moved-Seconded (Flanagan-Rosenau) to follow Planning & Zoning and P&Z Staff report, and approve COZ #317 APPLICANT: Greg Wolff. LEGAL: Tract 2 of the SW 1/4 of Section 7, T6N, R3E VICINITY LOCATION: Located south of Intersection of Lookout Mt Rd & N 27th St, west of the airport. SUMMARY: A-1 to A-2. Aye-Rosenau, Flanagan and Johnson. Nay-Sleep. Absent-Deibert. Motion Carried.

Commissioner Deibert returned to the meeting.

**ORDINANCE #16-03 / EXTRACTIVE INDUSTRY:** A Public Hearing and First Reading was held on proposed ORD #16-03/Extractive Industry. Charles Brown commented on Section 1.8 Considerations: (H). He stated that this item should be removed as it only protects the applicant and not the adjacent landowners as intended. Referring to the same provision of the

proposed ordinance, Matt Zietlow, Environmental Manager Coeur/Wharf, stated that the verbiage in that section is consistent with that of the rest of the document. Chairman Rosenau thanked everyone who offered input during the revision process. Commissioner Flanagan added his thanks and appreciation to those involved as well. The Public Hearing was closed. The Commission discussed whether to leave section (H) in the document. It was decided to leave the proposed amended ordinance as presented without modification, and to proceed with the second reading. Finally, Commissioner Deibert stated that the most important feature of the proposed ordinance is that it gives the Commission the ability to properly classify proposed operations as large scale versus small scale, to regulate accordingly and to include a socio-economic impact study requirement as deemed appropriate. Second Reading will be June 27, 2017.

#### **PLATS:**

**PRELIMINARY & FINAL PLAT / FROMM:** Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff recommendation and approve the Preliminary Plat for Applicant: Stuart & Joanna Fromm. Legal: Lots 12A & 13A of Country Club Estates, being a Subdivision of Tract 2A of a Portion of HES 42 and HES 39, all located in Section 36, T4N, R2E and Section 31, T4N, R3E, vicinity location: Hannah Road. Motion Carried.

Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff recommendation and approve the Final Plat for Applicant: Stuart & Joanna Fromm. Legal: Lots 12A & 13A of Country Club Estates, being a Subdivision of Tract 2A of a Portion of HES 42 and HES 39, all located in Section 36, T4N, R2E and Section 31, T4N, R3E, vicinity location: Hannah Road. Motion Carried.

**ANNUAL REVIEW/ COEUR WHARF:** Matt Zietlow, Environmental Manager for Coeur Wharf was present for the Annual Review of Conditional Use Permit #132, #224 and #398.

**EXECUTIVE SESSION:** 10:44 a.m. Moved-Seconded (Deibert-Sleep) to go into Executive Session for personnel (Pursuant to SDCL 1-25-2(1)). Motion Carried. 10:53 a.m. the Board opened for regular business with no action taken.

#### **BILLS:**

Moved-Seconded (Flanagan-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-\$6,474.08; Aud-\$10,771.08; Treas-\$12,250.33; States Atty-\$13,753.74; Pub Def-\$9,688.76; Gen Govt Bldg-\$8,910.59; Equal-\$14,222.68; Rod-\$8,784.45; Vso-\$1,563.60; Ist-\$9,118.82; Disp-\$13,030.10; Sher-\$42,243.24; Jail-\$23,956.95; Coroner-\$562.66; 24/7-\$197.30; Emerg Mgnt-\$4,280.22; E911-\$1,990.40; Highway-\$44,474.88; Weed-\$8,285.96; Pz-\$8,285.96

**Bills:** Tridle,Debora-\$26.00; Locken,William-\$451.08; Atkinson,Sally-\$41.00; Larson,Rene-\$42.00; Pike,Matthew-\$12.60; Hodson,Timothy-\$124.00; Merwin,Megan-\$431.04; 3d Specialties-\$56.18; A&B Business,Inc Solutions-\$1,494.30; A&B Welding Supply-\$20.70; Ace Hardware Of Lead-\$6.49; Air Connection-\$962.62; Amick Sound-\$4,085.00; At&T Mobility-\$919.36; Atv Safety Institute-\$450.00; BH Federal Credit Union-\$7,085.74; BH Occupational Medicine-\$30.00; BH Pest Control-\$190.00; BH Pioneer-\$981.43; BH Truck And Trailer-\$268.45; Barnaud Law Firm-\$4,810.15; Bickle's Truck & Diesel-\$35.23; Big Sky Communications-\$65.00; Black Hills Disposal-\$90.00; Black Hills Energy-\$355.91; Black Hills Pure-\$47.50; Bob Barker Company-\$431.88; Bomgaars Supply-\$59.41; Business & Legal Resources-\$897.00; Butler Machinery Co-\$1,004.52; Butte Electric Coop-\$553.16; Campbell Co Sheriffs Off-\$50.00; Century Business Products-\$651.95; Centurylink-\$1,979.57; Christian County Clerk Of Crts-\$16.99; City/County Alcohol&Drug-\$3,863.00; Claggett & Dill, Prof-\$454.46; Clinical Lab Of BH-\$3,171.00; Convergint Technologies-\$10,131.69; Credit Collections Bureau-\$64.54; Crop Production Services-\$11,413.50; Deadwood,City Of-\$1,036.23; Delta Dental Of SD-\$7,234.58; Dept Of The Treasury-\$65,886.25; Division Of Motor Veh-\$5.00; Dmc Wear Parts-\$4,835.00; Ecolab-\$151.13; Emergency Automotive Tech-\$140.64; Et Sports-\$279.68; Fall River County Sher Office-\$29.90; Federal Express Corp-\$22.01; Godfrey's Brake Serv-\$510.45; Hartford-Priority Accounts-\$1,978.40; Cochran,Leslie-\$149.60; Heartland Paper-\$961.47; Hills Material Comp-\$55,561.38; Johner Gravel-\$8,275.06; Kinney,Matthew-\$433.18; Mountain Vista Dental-\$302.00; Kosel, Joseph-\$5,892.51; LC Plan & Zone-Petty Cash-\$29.00; Language Line Services-\$73.28; Lawson Products-\$403.07; Lead,City Of-\$72.65; Lead-Deadwood Sanitary-\$760.10; Lee,James-\$15.00; Lewis & Clark Bhs-\$160.00; Lincoln County-\$38.79; Lyle Signs-\$1,734.53; Megas Propane-\$373.52; Microfilm Imaging Systems-\$255.00; Montana Dakota Utilities-\$2,792.45; Ms Mail-\$50.00; Murphy Law Office PC-\$174.00; Napd-\$60.00; Neve's Uniforms-\$410.80; Northern Hills Casa-\$7,500.00; Office Depot-\$1,089.65; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Pennington County Sts Attny-\$215.00; Performance One-\$2,298.93; Pitney Bowes-\$226.80; Postmaster,Deadwood-\$232.00; Quill-\$367.60; RC Journal-\$283.91; RC Regional Hospital-\$1,248.87; Rabe Elevator-\$1,860.13; Radiology Associates-\$34.80; Rapid Delivery-\$29.90; Regional Health-\$176.79; Reliance Telephone-\$276.00; Rena M Hymans-\$857.67; Reserve Account-\$5,000.00; Rocket Lube-\$124.47; Rushmore Communications-\$55.00; Sd Human Services Center-\$104.50; Sd State Treasurer-\$1,725.42; Sdaco-\$35.00; Semerad, Sandra-\$192.80; Servall Towel & Linen-\$870.32; Shopko Pharmacy-\$98.79; Southern Folgers Detention-\$19,271.00; Spearfish Auto Supply-\$2,182.41; Spearfish Police Dept-\$10,221.04; Stan Houston Equip-\$750.00; Sterna,Laura-\$350.00; Strain Morman Law Firm-\$1,884.01; Street Image-\$350.00; Sturdevant's Auto Parts-\$1,066.00; Subway-\$30.00; Sysco Montana-\$2,401.10; Thomson Reuters-West-\$175.85; Triple K Tire & Repair-\$356.47; Twin City Hardware & Lumber-\$177.79; Victims Of Violence-\$1,195.00; Warne Chemical-\$417.20; Waste Connections Of Sd-\$758.24; Watertree-\$80.55; West River International-\$77.66; Wex Bank-\$855.90; White's Queen City Motors-\$4.62; Yankton County-\$237.50; Zuercher Technologies-\$3,885.00; **Witness & Jurors:** Benedict,J-\$64.28; Horner,S-\$60.92; Millard,S-\$54.20; Miller,C-\$64.28; Mock,V-\$62.60; Romano,C-\$63.44; Silvernail,K-\$50.84; Smoot,V-\$66.80; Wordeman,W-\$64.28; Livengood,J-\$24.20; Pfeiffer,T-\$35.12.

**ADJOURN:** 11:15 a.m. There being no further business, it was Moved-Seconded (Flanagan-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – June 27, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on June 27, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** No conflicts were declared.

**MINUTES:** Moved-Seconded (Flanagan-Sleep) to approve the minutes of June 13<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**HIGHWAY:** Moved-Seconded (Flanagan-Johnson) to approve the advertisement of a Heavy Equipment Operator. Motion Carried.

**AUTOMATIC SUPPLEMENT / FIRE PROTECTION:** Moved-Seconded (Johnson-Deibert) to approve an automatic supplement of \$14,962.50 to the Fire Protection Grant Funds. Motion Carried.

**PLANNING & ZONING BOARD MEMBER:** Moved-Seconded (Deibert-Flanagan) to appoint Kelly Fuller to the Planning and Zoning Board for a term to expire December 31, 2018. Motion Carried. Aye-Flanagan, Sleep, Deibert and Rosenau. Nay-Johnson. The Board thanked all the qualified applicants.

The board recognized Craig Mickelson for his 23 years of service as Planning & Zoning Board Member.

**EMERGENCY MANAGEMENT:** The Board recognized Paul Thomson, Emergency Management Director for the Superior Level of Achievement Award.

### **ABATEMENTS:**



**HANSEN, JERROLD & NORMA:** Moved-Seconded (Flanagan-Deibert) to approve the 2017 abatement for Jerrold and Norma Hanson on parcel #21000-00603-182-30 because the mobile home was taxed on two parcels. Motion Carried.

**SHERIFF:**

**FIXED ASSET REMOVAL OF EQUIPMENT:** Moved-Seconded (Sleep-Flanagan) to approve the request to remove the EOC Console from the fixed asset inventory and rename it as Dispatch Console at a total cost of \$8,937.54. Motion Carried.

**HIGHWAY:**

**HIGHWAY BIDS:** The following bid was received from Northern Truck Equipment Corp for (2) New Dump Bodies with Hoists & Hydraulic Systems-\$108,606; (1) New 14” Stainless Steel Sand spreader-\$17,212; (1) New 10” Stainless Steel Sand spreader-\$16,248 , and (2) New Truck Snow Wings-\$19,436.

Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent and accept the lowest responsible bid from Northern Truck Equipment Corp for (2) New Dump Bodies with Hoists & Hydraulic Systems-\$108,606; (1) New 14” Stainless Steel Sand spreader-\$17,212; (1) New 10” Stainless Steel Sand spreader-\$16,248 , and (2) New Truck Snow Wings-\$19,436; and allow the Chairman to sign the contracts. Motion Carried.

**TOP SHELF DEVELOPEMENT APPROACH UPDATE:** The Developer was present to update the Board on the Top Shelf Development approach.

**HEAVY TRUCK TRAFFIC ON HILLSVIEW ROAD:** The Board discussed the heavy truck traffic on Hillsview Road from CUP #435 / Small Rock / Charles Edwards. Alternate truck traffic routes were discussed. The Board directed Allan Bonnema, Highway Superintendent to present a resolution at the next meeting to lift the 80,000 weight limit on west highway 14 and to direct the truck traffic away from Hillsview Rd.

**COUNTY/CITY OF SPEARFISH ROAD DISCUSSION:** The Board directed Allan Bonnema to work with the City of Spearfish to discuss agreements for road maintenance and protocol for roads in and around the City of Spearfish.

**LAWRENCE CONSERVATION DISTRICT:** Zindie Meyers, District Manager was present to update and review agency programs and services. Charles Edwards and Ellen Reddick Conservation District Board Members were also present. Meyers presented their 2018 Budget Request.

**LEGISLATIVE AUDIT / 2015-2016 AUDIT:** Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2015 and 2016. Moved-Seconded (Johnson-Deibert) to authorize the Chairman to sign the engagement letter with the Department of Legislative Audit. Motion Carried.

**PLANNING & ZONING:**

**ORDINANCE #16-03 / EXTRACTIVE INDUSTRY:** Second Reading was held on proposed ORD #16-03/Extractive Industry. Moved-Seconded (Flanagan-Johnson) to approve and adopt ORD- #16-03 AN ORDINANCE AMENDING THE LAWRENCE COUNTY ZONING ORDINANCE, AMENDMENTS AND ADDITIONS THERETO. Motion Carried.

**ORDINANCE #17-01 / COMMERCIAL RECREATION FACILITY:** A Public Hearing and First Reading was held on proposed ORD #17-01. APPLICANT: Kelli Wilson. Summary: Add definition of Commercial Recreation Facility and Add Commercial Recreation Facility as an Allowed Conditional Use to A-2, PF and RR Zoning Districts. No public input was voiced and the Public Hearing was closed. Second Reading will be July 11, 2017.

**ANNUAL REVIEWS:**

**CONDITIONAL USE PERMIT #307 / RAMSEY:** An annual review was conducted on CUP #307 Second Residence Ramsey. No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #373 / JOHNER, KENT:** An annual review was conducted on CUP #373, Kent Johner - Gravel Pit. No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #430 / BOULLIN & HILGER:** An annual review was conducted on CUP #430 Melissa Boullion & Tammy Hilger – trailrides. Moved-Seconded (Flanagan-Sleep) CUP #430 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**CONDITIONAL USE PERMIT #435 / EDWARDS, CHARLES:** An annual review was held on CUP #435/ Small Rock Quarry / Canyon Rock LLC - Charles Edwards. Discussion followed on two complaints received and the impact on the roads. The Board recommended working with the Highway Superintendent to begin working on a road agreement and alternate routes. Concerns were raised that the operation is larger than it was represented at the time of application. Moved-Seconded (Johnson-Deibert) to continue the review to allow time for the owner / operator to work with the Highway Superintendent. Motion Carried.

**PLATS:**

**PRELIMINARY & FINAL PLAT / BH DEVELOPMENT LLC & BH PROPERTIES LLC:** The Board discussed the process for approval of plats, plans and exceptions. The Board asked the developer to check the requirements for Emergency vehicle access for the exception requested for a 40' ROW vs 66' ROW and the exception to allow a 74' cul-de-sac instead of

150'. Moved-Seconded (Sleep-Johnson) to continue the Preliminary Plat for Applicant: BH Development LLC and BH Properties LLC. Legal: Lots 1-9, Blk 7 and Lots 1-6, Blk 8 Wilderness Estates 2nd Addition, Section 7, 8, 17, 18, 19 & 20, T4N, R3E, Vicinity Location: Hwy 85 and BH Development LLC and BH Properties LLC, Legal: Lots 1-5, Blk 1 of Trailside Addition Being a Portion of Tract 2C of Wilderness Estates 2nd Addition, Section 7, 8, 17, 18, 19 & 20, T4N, R3E, Vicinity Location: Hwy 85. Motion Carried. Aye-Flanagan, Sleep, Deibert and Rosenau. Nay-Johnson. The Board stated this would not need to go back to Planning and Zoning.

### **ITEMS FROM COMMISSION:**

**REVOLVING LOAN FUND MEMBER:** The Board discussed the current opening on the Revolving Loan Fund Board. The Board will consider the appointment at the next meeting.

**JUNK COMPLAINTS:** The Board discussed junk complaints in the County and questioned what needs to be done to be able to enforce the Ordinance. Possible Right of Way Encroachment Permits, fencing the right a ways, and towing and removal of the debris and vehicles were mentioned.

### **BILLS:**

Moved-Seconded (Sleep-Flanagan) 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-\$6,474.08; Aud-\$10,863.48; Treas-\$11,968.26; States Atty-\$13,695.26; Pub Def-\$11,419.16; Gen Govt Bldg-\$9,018.96; Equal-\$14,191.74; Rod-\$8,794.44; Vso-\$2,523.60; Ist-\$9,118.82; Disp-\$14,478.70; Sher-\$45,169.77; Jail-\$27,416.22; Coroner-\$762.66; 24/7-\$157.84; Emerg Mgnt-\$4,280.22; E911-\$1,990.40; Highway-\$45,090.17; Mh Ser-\$876.00; Weed-\$8,474.05; P&Z-5,753.10; **Bills:** Mickelson,Craig-\$67.20; A To Z Shredding-\$80.92; A&B Business, Inc Solutions-\$576.28; A&I Distributors-\$825.17; American Bar Association-\$356.00; Anagnopoulos, Cheryl Phd-\$125.20; AT&T-\$14.26; BH Federal Credit Union-\$7,085.74; BH Truck And Trailer-\$532.46; Barnaud Law Firm-\$614.60; Black Hills Energy-\$14,288.27; Black Hills Title Company-\$150.00; Bomgaars Supply-\$71.97; Butler Machinery Co-\$112.14; Cbh Cooperative-\$15,239.52; Centurylink-\$67.95; Childrens Home Society-\$62.00; City/County Alcohol&Drug-\$4,575.00; Credit Collections Bureau-\$64.54; D Ware-\$1,750.00; Dak Generator Services-\$80.75; Dept Of Hlth Lab Services-\$510.00; Dept Of The Treasury-\$64,242.79; Dmc Wear Parts-\$1,795.00; Eb Communications-\$1,037.00; Ellingson,Joseph-\$1,253.45; Et Sports-\$256.59; Fastenal-\$35.47; Garfield County Clerk Of Crts-\$64.94; Goodie's Uniforms-\$70.45; Grimm's Pump Service-\$167.55; Cochran,Leslie-\$105.40; Heartland Paper Co-\$583.06; Hills Material Comp-\$28,873.54; Hilpert & Hale Prof-\$3,057.19; Jacqueline K Perli Report-\$122.85; Janke,Wendy-\$1,504.00; John Deere Financial-\$158.21; Karen Paige Hunt, Prof-\$1,451.86; Kimball-Midwest Co-\$167.90; LC Auditor-\$11.20; Language Line Services-\$104.11; Lead-Deadwood Regional Hospital-\$1,125.60; Lee,James-\$15.00; Lexisnexis Risk Data Mgnt-\$76.50; M&M Sanitation-\$100.00; Mack,Katy-\$349.20; Microfilm Imaging Systems-\$1,840.00; Midcontinent Communications-\$111.35; Montana

Dakota Utilities-\$115.09; Ms Mail-\$227.50; Nalco Company-\$239.20; Nelson,Christy-\$150.00; Nelson,Tonya-\$500.00; Neve's Uniforms-\$307.70; Novus-\$70.00; Office Depot-\$95.40; Office Of Attorney General-\$302.77; Office Of Child Support-\$583.85; Pennington Co Jail-\$1,233.15; Postmaster,Deadwood-\$144.00; Quik Signs-\$16.00; Quill-\$532.84; Radiology Associates-\$61.04; Rena M Hymans, PC-\$988.26; Rocket Lube-\$47.99; SD Cvso-\$75.00; Sdrs Supplemental Retirement-\$2,692.00; Servall Towel & Linen-\$659.25; Sonnel Technologies-\$297.96; Strain Morman Law Firm-\$2,327.56; Sturdevant's Auto Parts-\$94.38; Sysco Montana-\$2,350.37; Triple K Tire & Repair-\$20.00; Turnkey Corrections-\$17.65; Twilight First Aid & Safety-\$98.75; Twin City Hardware & Lumber-\$309.91; Vast Broadband-\$1,762.59; Verizon Wireless-\$105.22; Wells Fargo Business Card-\$12,728.81; Western Communication-\$139.00; Western SD Juvenile Serv-\$1,960.00; White Drug-\$2,644.11; Z&S Dust Control-\$98,676.00; **Witness & Jurors:** Nelson,P-\$13.36; Benedict,J-\$64.28; Fleming,D-\$66.80; Horner,S-\$60.92; Millard,S-\$54.20; Miller,C-\$64.28; Mock,V-\$62.60; Romano,C-\$63.44; Silvernail,K-\$50.84; Smoot,V-\$66.80; Wordeman,W-\$64.28; Agena,J-\$121.84; Albright,S-\$125.20; Berryhill,M-\$22.60; Bibler,B-\$23.44; Brenneisen,J-\$20.08; Broeder,W-\$22.60; Carr,K-\$12.52; Carter,J-\$20.08; Cline,R-\$142.00; Cook,C-\$20.08; Cook,K-\$15.04; Crago,C-\$25.96; Crane,R-\$23.44; Derosier,D-\$101.68; Douglas,A-\$12.52; Dunwoody,T-\$22.60; Everson,D-\$22.60; Fisher,R-\$12.52; Froelich,K-\$25.12; Geffre,J-\$20.92; Gerlach,T-\$10.84; Hahn,T-\$20.08; Halsey-Dutton,B-\$27.64; Heidrich,K-\$20.08; Heiting,B-\$125.20; Hills,R-\$18.40; Hofer,A-\$24.28; Jorgensen,J-\$21.76; Kack,J-\$26.80; Kari,J-\$24.28; Konstant,S-\$22.60; Kuhn,P-\$106.72; Larive,D-\$31.00; Loftus,K-\$116.80; Lund,D-\$35.20; Mack,C-\$22.60; Mack,J-\$105.04; Manderfeld,C-\$12.52; Marcoe,D-\$19.24; Marick,D-\$116.80; Mathern,D-\$18.40; Mau,T-\$10.84; Mcamis,A-\$22.60; Meade,E-\$21.76; Mund,P-\$33.52; Odea,S-\$24.28; Orth,S-\$25.12; Oswald,J-\$26.80; Paisley,J-\$125.20; Potter,K-\$22.60; Reausaw,R-\$20.92; Redmond,M-\$26.80; Ruml,T-\$26.80; Schumacher,C-\$12.52; Sewell,T-\$22.60; Sorensen,E-\$27.64; Stott,W-\$10.84; Stuart,C-\$21.76; Sukstorf,K-\$113.44; Vavruska,L-\$22.60; Walker,J-\$133.60; Walton,T-\$10.84; Wolff,J-\$28.48; Kadlec,M-\$20.42; Larsen-Eckert,K-\$44.36; Dice,C-\$34.28; Hoard,C-\$45.20; Lamm,D-\$45.20; Pelletier,S-\$33.44; Warnock,Z-\$34.28; Wermers,J-\$34.28; Wipf,T-\$34.28

**ADJOURN:** 11:48 a.m. There being no further business, it was Moved-Seconded (Flanagan-Deibert) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 11, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 11, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** Deibert declared a conflict on the Preliminary and Final Plat for Aspens at Allikat Corner LLC.

**MINUTES:** Moved-Seconded (Flanagan-Sleep) to approve the minutes of June 27<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**HIGHWAY:** Moved-Seconded (Flanagan-Johnson) to appoint John Bey as the new Spearfish Foreman, at the base rate of \$27.62 an hour. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to allow the advertisement of a Heavy Equipment Mechanic. Motion Carried.

**AUDITOR’S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Johnson) to accept the Auditor’s Account with the County Treasurer. Motion Carried. As of June 30, 2017 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)-\$58,982.87; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$7,439.81; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$12,996,406.72, Money Market \$8,697,382.13. Total \$24,763,421.53.

**SLA QUARTERLY REPORT:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the Quarterly SLA report. Motion Carried.

**LAWRENCE COUNTY REVOLVING LOAN FUND BOARD:** Moved-Seconded (Flanagan-Johnson) to appoint James Mortinson to Lawrence County Revolving Loan Fund Board for 2017. Motion Carried.

**ABATEMENTS:**

**LAWRENCE COUNTY:** Moved-Seconded (Johnson-Rosenau) to approve the abatement of Real Property Taxes and Special Assessments on parcel #2680-01914-000-95 (Lot 67) because the County took tax deed to the property. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to approve the abatement of Real Property Taxes and Special Assessments on parcel #2680-01914-000-85 (Lot 65) because the County took tax deed to the property. Motion Carried.

**MAJESTIC HEIGHTS ROAD DISTRICT:** Moved-Seconded (Johnson-Deibert) to approve and authorize the Chairman to sign the following AMENDED ORDER DECLARING MAJESTIC HEIGHTS ROAD DISTRICT INCORPORATED. Motion Carried.

AMENDED ORDER DECLARING MAJESTIC HEIGHTS ROAD DISTRICT INCORPORATED WHEREAS, A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been fully complied with: WHEREAS, SDCL 31-12A-1.1 allows three or fewer landowners to form a road district. WHEREAS, David Winter is the only landowner of the subdivided land to be included in the Road District. WHEREAS, IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: THAT PART OF TRACT A OF MAJESTIC ESTATES LYING OUTSIDE OF THE CITY OF DEADWOOD, EXCEPTING THEREFROM THAT PORTION OF MATTSON LANE WITHIN TRACT A; CONSISTING OF TRACTS 1, 2, 3 AND 4 OF CARLISLE-MILLER SUBDIVISION, BEING PORTIONS OF THE SPLITTAIL AND MATHILDA PLACERS OF M.S. 920, PORTIONS OF THE DEADWOOD AND DELAWARE PLACERS OF M.S. 685 AND A PORTION OF THE DOTSON PLACER OF M.S. 1208; THE REMAINDER OF THE THOR AND SAWDUST PLACER OF M.S. 1208; THE PILOT KNOB FRACTION, COTTON AND UNRUH LODES OF M.S. 1447; THAT PORTION OF THE REMAINDER OF LOT 2 OF THE COLUMBIA PLACER OF M.S. 1208 LYING OUTSIDE THE CITY OF DEADWOOD, AND THAT PORTION OF MINERAL SURVEY NO. 788 CONSISTING OF THE DALE PLACER LYING OUTSIDE THE CITY OF DEADWOOD; ALL LOCATED IN THE SW1/4 OF SECTION 13, THE SE1/4 AND NE1/4 OF SECTION 23, THE NE1/4, NW1/4, SW1/4 AND SE1/4 OF SECTION 24 AND THE NE1/4 AND NW1/4 OF SECTION 25, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Majestic Heights Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 11th day of

July, 2017. Randall Rosenau, Chairperson Lawrence County Commission ATTEST: CONNIE ATKINSON, Auditor

**2017 FIRE PROTECTION ALLOCATION:** The Board discussed the allocations to the fire departments for 2017 from the fire protection levy outside municipalities. Pat Kellogg, Spearfish Rural Fire Protection was present to request a share of the allocation this year to cover start-up costs. Moved-Seconded (Johnson-Rosenau) to allocate \$2,000 to the Spearfish Rural Fire Protection District from the 2017 Fire Funds and the balance of the allocation will be remitted to the City of Spearfish. Motion Carried. Aye-Johnson, Sleep and Rosenau. Abstained-Flanagan and Deibert.

**SHERIFF:**

**VALLEY AUTO / RIGHT-OF-WAY ENCROACHMENT:** The Board discussed the Valley Auto right-of-way encroachment. Terry Harris, owner of Valley Auto was present to answer any concerns. Harris stated the issue is with the auto recycling and vehicles that are beyond repair. Harris stated he is trying to stack cars and hopes to have a crusher come in soon. Harris stated he will have the area cleaned up within two weeks. The County will do a follow up check of the area.

**MALT-BEVERAGE LICENSE TRANSFER / WILD BILLS CAMPGROUND:** A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage License for Alicia Grimm & Keith Grimm/Wild Bills Campground to REMI LLC/Wild Bills Campground. No public input was voiced and the public hearing was closed. Moved-Seconded (Flanagan-Deibert) to approve the following transfer of Class-Retail (On-Off Sale) Malt Beverage License: *Previous License:* Alicia Grimm & Keith Grimm/Wild Bills Campground: Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 (Wild Bill's Campground) Sec 18, T4N, R4E. Transfer To: Remi LLC/Wild Bills Campground: Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 (Wild Bill's Campground) Sec 18 , T4N, R4E. Motion Carried.

**HIGHWAY:**

Moved-Seconded (Deibert-Johnson) to table the proposed Resolution 2017-10 removing the existing 80,000 LB posted load limit from the section of W. Highway 14 between McGuigan Road and Hillsvie Road. Motion Carried.

**CONTINUED REVIEW OF CONDITIONAL USE PERMIT #435 / EDWARDS, CHARLES:** The Board continued the annual review for CUP #435/ Small Rock Quarry / Canyon Rock LLC - Charles Edwards. Allan Bonnema, Highway Superintendent stated a low water crossing was not an option because of the terrain. Charles Nicholas and Gale Schuster expressed concerns on water flow, trucking noise, dust, road damage, speed, and safety issues. The Board reviewed the conditions of CUP #435 and referenced the minutes of May 10, 2017 County Commission Meeting. Moved-Seconded (Flanagan-Deibert) To direct Bonnema to work

with the Landowner and Contractor to draft a haul road agreement for Conditional Use Permit #435 as the County has now deemed it necessary to identify repair and maintenance responsibilities and consider the potential impact on County highways to be used for haul routes. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to allow the Highway Superintendent to adjust the 80,000 LB weight limit from the intersection of Hillsvie Road to Highway 14A and Highway 14A to McGuigan Road as he deems appropriate. Motion Carried.

Moved-Seconded (Deibert-Johnson) to remove from the table the proposed Resolution 2017-10. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to continue the proposed Resolution 2017-10 to the next meeting. Motion Carried.

Moved-Seconded (Deibert-Sleep) to continue the Annual Review of Conditional Use Permit #435 to the next meeting. Motion Carried.

The Board discussed the impact of the State Line Quarry on the county roads. The Board decided that a couple of Commissioners and Bruce Outka will meet with them to discuss possible options.

**FUEL QUOTES:** The following fuel quote was submitted as of July 11, 2017: Spearfish Diesel#2 2400 gallons: (prices per gallon) MG Oil-\$1.8045; Spearfish Unleaded 740 gallons: (prices per gallon) MG Oil – \$2.1028; Whitewood Diesel #2 800 gallons: (prices per gallon) MG Oil-\$1.8045. This was the only quote received.

**US FOREST SERVICE:** Steve Kozel, USFS District Ranger was present to provide a quarterly update. Kozel stated they are making progress on the County obtaining the lease on the communications building on Terry Peak. Kozel stated the Forest Service has funds available to control weeds on Forest Service property and they will be contacting Dave Heck, Invasive Species Management Director for drawing up an agreement. Road maintenance agreements were also discussed and will be worked on in the future. Flanagan, Sleep, Bonnema and Outka will attend future meetings concerning roads.

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

**PLANNING & ZONING:**

**ORDINANCE #17-01 / COMMERCIAL RECREATION FACILITY:** Second Reading was held on proposed ORD #17-01. APPLICANT: Kelli Wilson. Summary: Add definition of Commercial Recreation Facility and Add Commercial Recreation Facility as an Allowed Conditional Use to A-2, PF and RR Zoning Districts. Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff and approve and adopt Ordinance #17-01. Motion



Carried.

**ROAD DISTRICT / LAYOUT PLAN:** Bret Winsell provided information on the proposed layout plan and proposed road districts for LEGAL: H.E.S. 618 and H.E.S. 253 and H.E.S. 296 Sections 10, 11 and 14, T4N, R4E.

**PRELIMINARY & FINAL PLATS:**

**PRELIMINARY & FINAL PLAT / HOT SONTE ENTERPRISES LLC:** The Board discussed dedicating access on plats if the property is owned by one landowner and what the County Ordinance states in reference to access and easements noted on plats.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Stone House Enterprises LLC of Tract 6 & 7 of the Ciani Tracts, formerly the remainder of the NW 1/4 SW 1/4 and the S1/2S1/2S1/2NW1/4 of Section 32, T6N, R4E, with the condition that the access easement is added on the plat, and a fire plan is completed. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Stone House Enterprises LLC of Tract 6 & 7 of the Ciani Tracts, formerly the remainder of the NW 1/4 SW 1/4 and the S1/2S1/2S1/2NW1/4 of Section 32, T6N, R4E, with the condition that the access easement is added on the plat, and a fire plan is completed. Motion Carried.

**FINAL PLAT / PEYTON:** Moved-Seconded (Johnson-Flanagan) to declare that this plat for Kevin Peyton on Tract A of the Anna Fredrickson Homestead Addition meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the final plat for Kevin Peyton on Tract A of the Anna Fredrickson Homestead Addition, Formerly Lots B1A B2A of Lots B1 and B2 of the Anna Fredrickson Homestead Addition, all located in Sections 27 & 34, T3N, R4E. Motion Carried.

**PRELIMINARY PLAT / WINTER:** Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for David Winter on Tracts A1 thru A6 of Majestic Heights, being a subdivision of part of Tract A of Majestic Estates, all located in parts of Sections 13, 23, 24, 25, T5N, R3E., with the condition that the cul de sac be changed from a 50' to 70' radius. Motion Carried.

**PRELIMINARY & FINAL PLAT / PALMER:** Moved-Seconded (Sleep-Flanagan) to declare that this plat for Joe & Mollie Palmer on Lot 4A of Two Bit Springs Sub, all located in Section 1, T4N, R3E meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Joe & Mollie Palmer on Lot 4A of Two Bit Springs Sub, all located in Section 1, T4N, R3E. Motion Carried.

Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Joe & Mollie Palmer on Lot 4A of Two Bit Springs Sub, all located in Section 1, T4N, R3E. Motion Carried.

**PRELIMINARY & FINAL PLAT / BARTLOWE – STAFFORD:** Moved-Seconded (Johnson-Flanagan) to declare that this plat for Crystal Bartlowe/Kimberly Stafford on Lots A1 and 10 A of Section 26 & 27, T3N, R4E meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Crystal Bartlowe/Kimberly Stafford on Lots A1 and 10 A of Section 26 & 27, T3N, R4E. Motion Carried.

Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Crystal Bartlowe/Kimberly Stafford on Lots A1 and 10 A of Section 26 & 27, T3N, R4E. Motion Carried.

**PRELIMINARY PLAT / BH DEVELOPMENT LLC & BH PROPERTIES LLC:**

Moved-Seconded (Deibert-Flanagan) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Applicant: BH Development LLC and BH Properties LLC. Legal: Lots 1-9, Blk 7 with the exceptions of the cul de sac as requested by the applicant. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Applicant: BH Development LLC and BH Properties LLC. Legal: Lots 1-5, Blk 1 of Trailside Addition Being a Portion of Tract 2C of Wilderness Estates 2nd Addition, Section 7, 8, 17, 18, 19 & 20, T4N, R3E VICINITY LOCATION: Hwy 85, with the exception request as submitted by the applicant. Motion Carried

**PRELIMINARY & FINAL PLAT / O'CONNOR:**

Moved-Seconded (Deibert-Flanagan) to declare that this plat for Daniel & Dorothy O'Connor on Lot 1A in Section 13, T4N, R2E & Section 18, T4N, R3E meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Daniel & Dorothy O'Connor on Lot 1A in Section 13, T4N, R2E & Section 18, T4N, R3E. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Daniel & Dorothy O'Connor on Lot 1A in Section 13, T4N, R2E & Section 18, T4N, R3E. Motion Carried.

**PRELIMINARY PLAT / NEWTON:**

Moved-Seconded (Flanagan-Johnson) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for James Newton on Lots HB and HC, Block 13 of the Pines at Benchmark sub, all located in Section 11, T3N, R4E. Motion Carried.

**PRELIMINARY & FINAL PLAT / EDDY:**

Moved-Seconded (Flanagan-Sleep) to declare that this plat for Mary Ann Eddy Trust on Tracts E1 & E2 a sub of Little Daisy Fraction M.S. 1881 and Anaconda No. 21 M.S. 1881, located in Sections 25 and 36, T4N, R3E meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Mary Ann Eddy Trust on Tracts E1 & E2 a sub of Little Daisy Fraction M.S. 1881 and Anaconda No. 21 M.S. 1881, located in Sections 25 and 36, T4N, R3E. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Mary Ann Eddy Trust on Tracts E1 & E2 a sub of Little Daisy Fraction M.S. 1881 and Anaconda No. 21 M.S. 1881, located in Sections 25 and 36, T4N, R3E. Motion Carried.

Deibert left the meeting.

**PRELIMINARY & FINAL PLAT / ASPENS – ALLIKAT CORNER LLC:**

Moved-Seconded (Flanagan-Sleep) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Aspens at Allikat Corner LLC on Lot 2A & 3A of Diamond Estates, all located in E 1/2 of Section 14 and the W1/2 of Section 13, T3N, R4E. Motion Carried. Aye-Flanagan, Johnson, Sleep and Rosenau. Deibert Absent.

Moved-Seconded (Sleep-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Aspens at Allikat Corner LLC on Lot 2A & 3A of Diamond Estates, all located in E 1/2 of Section 14 and the W1/2 of Section 13, T3N, R4E. Motion Carried. Aye-Flanagan, Johnson, Sleep and Rosenau. Deibert Absent.

Deibert returned to the meeting.

**DEVELOPMENT PLAT #17-02 / HEMEYER ENTERPRISES INC.:** The Board discussed the proposed Dev. Plan #17-02 APPLICANT / Heymeyer Enterprises, Inc. Flanagan expressed concerns on conditions that have not been completed.

**EXECUTIVE SESSION:** 11:49 a.m. Moved-Seconded (Deibert-Rosenau) to go into executive session (Pursuant to SDCL 1-25-2(3) and (4) Regarding Exit 10. Motion Carried. 12:27 p.m. The Board opened for regular business with no action taken.

**BUDGET:** The board reviewed the 2018 Preliminary budget.

**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-\$6,474.08; Aud-\$10,832.68; Treas-\$11,974.97; States Atty-\$13,716.88; Pub Def-\$11,419.16; Gen Govt Bldg-\$8,571.39; Equal-\$14,222.70; Rod-\$8,784.44; Vso-\$5,576.34; Ist-\$9,118.83; Disp-\$14,086.45; Sher-\$54,722.82; Jail-\$21,878.82; Coroner-\$432.66; 24/7-\$197.30; Emerg Mgnt-\$4,249.22; E911-\$1,990.40; Highway-\$46,024.17; Mh Serv-\$1,504.00; Weed-\$10,758.82; Pz-\$5,554.30; **Bills:** Tridle,Debora-\$43.00; Mcgruder,Brenda-\$21.00; Bracha,Maria-\$213.36; Derby,Tommie-\$462.00; Johnson,Patrick-\$225.00; A&B Business,Inc Solutions-\$994.25; A&B Welding Supply-\$112.63; A&I Distributors-\$706.30; American Family Life-\$2,835.18; Credit Collections Bureau-\$64.54; Deadwood Recreation Center-\$744.01; Delta Dental Of South Dakota-\$7,344.52; Dept Of The Treasury-\$69,666.14; Northern Hills Rec Center-\$157.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$749.54; Sd Retirement System-\$88,518.88; Sdrs Supplemental Retirement-\$2,656.00; Wellmark Blue Cross-\$80,035.12; At&T Mobility-\$919.36; BH Pest Control-\$190.00; BH Physcial Therapy-\$80.00; BH Pioneer-\$781.74; Black Hills Energy-\$1,758.27; Black Hills Family Practice-\$306.83; Black Hills Pure-\$83.50; Blackies Barrel Shoppe-\$25.00; Bomgaars Supply-\$69.48; Brownsville Fire Dept-\$4,406.97; Bruemmer,Lynnel-\$71.40; Butler Machinery Co-\$382.20; Butte Electric Coop-\$459.10; Captain Clean Of Northern Hill-\$230.00; Carquest Of Spearfish-\$360.30; Century Business Products-\$507.56; Centurylink-\$108.38; Chadams-\$1,500.00; Charm-Tex-\$339.80; City/County Alcohol &Drug-\$678.00; Clubhouse Hotel & Suites Pierre-\$137.00; Convergint Technologies-\$1,822.10; Creighton A Thurman-\$205.10; Deadwood Eyecare-\$153.00; Deadwood Vol Fire Dept-\$4,573.63; Deadwood,City Of-\$1,250.81; Dean Schaefer Court Reporting-\$75.00; Fastenal-\$42.15; Federal Express Corp-\$22.54; Gene's Lock Shop-\$2,480.32; Goodie's Uniforms-\$69.40; Grafix Shoppe-\$176.00; Hartford-Priority Accounts-\$1,989.87; Cochran,Leslie-\$357.20; Heartland Paper Co-\$1,155.47; Interstate Engineering-\$17,467.24; Joe's Windsheild Repair-\$270.00; Johner Gravel-\$3,920.02; Karen Paige Hunt Prof-\$323.50; Koala Electric-\$218.06; Mountain Vista Dental-\$394.00; LC Conservation Dist-\$5,000.00; Lawson Products-\$100.78; Lead Fire Protection District-\$8,117.92; Lead,City Of-\$76.85; Lead-Deadwood Sanitary-\$966.76; Lee,James-\$15.00; Manlove Psychiatric Group-\$41.79; Mcclure,Susan-\$200.00; Mcpherson Propane-\$45.00;

Microfilm Imaging Systems-\$255.00; Montana Dakota Utilities-\$80.43; Moore Medical-\$196.45; Murphy Petroleum Transport-\$40.00; Nemo Volunteer Fire Dept-\$1,047.94; Pennington County Sts Attny-\$645.00; Pfefferle,Sarah-\$105.00; Pictometry International Corp-\$1,650.00; Pitney Bowes-\$58.13; Pure Force-\$24.01; Quill-\$438.23; RC Finance Office-\$1,225.00; Rabe Elevator-\$1,071.92; Rasmussen Mechanical Serv-\$3,525.00; Regional Health-\$256.98; Rena M Hymans, PC-\$458.84; Rensch,Timothy J Atty At Law-\$1,607.40; Reserve Account-\$6,000.00; Rochford Fire Protection Dist-\$476.92; Rocket Lube-\$199.96; Sacrison Paving-\$18,931.58; SD Unemployment Ins Division-\$2,400.33; SD Dept Of Transportation-\$96.69; SD State Treasurer-\$14,164.32; Servall Towel & Linen-\$435.16; Spearfish Auto Supply-\$1,149.98; Spearfish Canyon Fire-\$2,980.00; St Onge Fire Protection-\$830.83; Strain Morman Law Firm-\$892.98; Sturdevant's Auto Parts-\$955.25; Sturgis Fire Department-\$3,246.00; Sysco Montana-\$4,575.60; Thomson Reuters-West-\$214.48; Triple K Tire & Repair-\$1,031.24; Twin City Hardware & Lumber-\$449.09; Vanway Trophy And Award-\$59.95; Waste Connections Of Sd-\$758.24; Watertree-\$52.75; Western Communication-\$139.00; Wex Bank-\$287.49; Whitewood Fire Prot District-\$3,933.80; **Witness & Jurors:** Bauslaugh,K-\$61.76; Chaffin,J-\$63.44; Goddard,T-\$55.04; Johnson,S-\$52.52; Kaitfors,M-\$62.60; Mettler,B-\$67.64; Ponce De Leon,R-\$50.84; Slezak,L-\$62.60; Triplett,M-\$63.44; Tysdal,E-\$66.80; Angel,W-\$35.12; Pinski,H-\$35.12; Pierce,Jeffrey-\$1,050.00

**ADJOURN:** 3:55 p.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 25, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 25, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** No conflicts were declared.

**MINUTES:** Moved-Seconded (Sleep-Flanagan) to approve the minutes of July 11<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Johnson-Sleep) to approve the advertising for a part-time Correctional Officer and a part-time Dispatcher. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve a cell phone per diem for Julie Rakow at \$50 per month. Motion Carried.

**TRAVEL REQUESTS:** Moved-Seconded (Flanagan-Rosenau) to approve the travel request for Julie Rakow to attend the Northwest Shuttle Conference in Ford County, Dodge City, Kansas on September 24<sup>th</sup> – 28<sup>th</sup>, 2017. Motion Carried.

**PILT FUNDS:** The Board discussed the Payment in Lieu of Taxes (PILT) funds received in June. Moved-Seconded (Flanagan-Sleep) to receipt the PILT funds of \$550,054.00 into the Road and Bridge Fund for 2017. Motion Carried. Aye-Flanagan. Johnson, Sleep and Rosenau. Nay-Deibert.

**SEARCH & RESCUE:** Paul Thomson, Emergency Management Director reported to the Board that Search & Rescue received a donation from the Mickelson Trail Run and requested permission to supply food at the training exercise and banquet. The Board was in support of the request. Thomson updated the Board on the ribbon cutting for the new Search & Rescue building.

**LAWRENCE COUNTY REVOLVING LOAN FUND BOARD:** Moved-Seconded (Johnson-Flanagan) to appoint Jeremy Hoven to the Lawrence County Revolving Loan Fund Board for 2017 to replace James Mortinson. Motion Carried.

**PILLAR PEAK ROAD DISTRICT:** The Board acknowledged receipt of the proposed Pillar Peak Road District Petitions. Public examination of survey, map and petition will be posted according to SDCL 31-12A-4.

**JUVENILE JUSTICE GRANT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the Juvenile Justice Reinvestment initiative Fiscal Incentive Diversion Program Grant application and designate the Lawrence County Teen Court as the recipient of the grant if approved. Motion Carried.

**FIREWISE:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the Bureau of Land Management Community Assistance Agreement for the Firewise Grant Program. Motion Carried.

**SHERIFF:**

**MERRITT ESTES ROAD:** The Sheriff's Office presented road and speed data for the Merritt Estes Road.

**VALLEY AUTO / RIGHT-OF-WAY ENCROACHMENT:** Bruce Outka updated the Board on the progress being made at Valley Auto. The Board continued discussions on the encroachments from the gas station and restaurant in the area. Discussion followed on possible permits for the affected areas in the future.

**VACATION OF SECTION LINE:** A public hearing was held on a petition for vacation of a section line for David Winter. No public input was voiced and the hearing was closed. Flanagan expressed concerns on access. Moved-Seconded (Flanagan-Sleep) approve and authorize the Chairman to sign the following Resolution # **LAWRENCE COUNTY RESOLUTION #2017-12: 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, **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:** VACATION OF SECTION LINE RIGHTS-OF-WAY ON THAT PART OF TRACT A OF MAJESTIC ESTATES LYING OUTSIDE OF THE CITY OF DEADWOOD, CONSISTING OF TRACTS 1, 2, 3 AND 4 OF CARLISLE-MILLER SUBDIVISION, BEING PORTIONS OF THE SPLITTAIL AND MATHILDA PLACERS OF M.S. 920, PORTIONS OF THE DEADWOOD AND DELAWARE PLACERS OF M.S. 685 AND A PORTION OF THE DOTSON PLACER OF M.S. 1208; THE REMAINDER OF THE THOR AND SAWDUST PLACER OF M.S. 1208; THE PILOT KNOB FRACTION, COTTON AND UNRUH LODES OF M.S. 1447; THAT PORTION OF THE REMAINDER OF LOT 2 OF THE COLUMBIA PLACER OF M.S. 1208 LYING OUTSIDE THE CITY OF DEADWOOD, AND THAT PORTION OF MINERAL SURVEY NO. 788 CONSISTING OF THE DALE PLACER LYING OUTSIDE THE CITY OF DEADWOOD; ALL LOCATED IN THE SW1/4 OF SECTION 13, THE SE1/4 AND NE1/4 OF SECTION 23, THE NE1/4, NW1/4, SW1/4 AND SE1/4 OF SECTION 24 AND THE NE1/4 AND NW1/4 OF SECTION 25, T5N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA. **AFFECTING THE LANDOWNERS:** David Winter. Dated this 25<sup>th</sup> day of July, 2017. Randall Rosenau, Chairman Lawrence County Commission. **ATTEST:** Connie Atkinson, Lawrence County Auditor

**HIGHWAY:**

**BRIDGE IMPROVEMENT GRANT (BIG) BRF 6503(00)17-1:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the Bridge Improvement Grant – Funding Agreement BRF 6503(00)17-1, Lawrence County, PCN 06GT State of South Dakota – Department of Transportation – Bridge Improvement Grant Agreement – For Preliminary Engineering – State Administration for Structure Number 41-212-091. Motion Carried.

**PERMITS:**

**UTILITY PERMIT / SHORT CONSTRUCTION:** Moved-Seconded (Johnson-Flanagan) to follow the recommendation of the Highway Superintendent and approve the Utility Permit for Short Construction Inc., for construction of an electrical primary beginning in Section 7, Township 7N, Range 1E ending in section 11 (Upper Redwater). Motion Carried.

**APPROACH PERMIT:**

**HAYES:** Moved-Seconded (Sleep-Deibert) to follow the recommendation of the Highway Superintendent and approve the Approach Permit for Deborah Hayes on the north side of Upper Redwater Rd, located approximately 300' west of 104<sup>th</sup> St. and will serve 10378 Upper Redwater Rd. Motion Carried.

**WORDEMAN:** Moved-Seconded (Johnson-Flanagan) to approve the Approach Permit for Ryan Wordeman on the east side of Evans Lane, located ½ mile south of Highway 14 and ¼ mile north of Hillsvie Rd. Motion Carried. Aye-Flanagan, Johnson, Sleep and Rosenau. Deibert Abstained.



**CONTINUED REVIEW OF CONDITIONAL USE PERMIT #435 / EDWARDS, CHARLES:** The Board continued the annual review for CUP #435/ Small Rock Quarry / Canyon Rock LLC - Charles Edwards. Charles Nicholas, Dan Adams and Gale Schuster expressed concerns on the tonnage of trucks, posting requirements for change of use or conditional use permits, load limits, speed, and safety issues. Charles Nicholas stated during a recent fire the flashers were on and a truck ran through all emergency vehicles without even stopping. Charles Brown asked if they could get the trucks onto exit 2 sooner.

The Board reviewed the proposed contractors haul route presented by Allan Bonnema, Highway Superintendent. Discussion followed on who the agreement should be with and decided the agreement should be with the permit holder. Dust suppression, specified haul route, and bridge limits were issues the Board wanted addressed in the haul agreement. The Board directed Bruce Outka to continue working with the Highway Superintendent on the Haul Agreement and Western Construction agreed to be held under a "Good Faith Agreement" in the interim with the understanding that if damage to the roads and bridges occur they will repair and agree to use the designated haul route.

Moved by Sleep to allow the Highway Superintendent to adjust the weight limit from Wyoming Line to Exit 2 as he deems appropriate. Motion died due to lack of second.

Amber Vogt, Planning and Zoning Director reminded the Board that their Office had also received complaints due to on-site dust and starting prior to 7:00 a.m. The Board will continue discussion during the August meeting.

#### **PLANNING & ZONING:**

**DEV. PLAN #17-02 / HEYMEYER ENTERPRISES, INC:** A public hearing was held on the proposed Dev. Plan 17-02 APPLICANT: Heymeyer Enterprises, Inc. CURRENT ZONING: Commercial/Light Industrial SUMMARY: Expand Current Use to Include RV and Long-Term Storage VICINITY LOCATION: McGuigan Road LEGAL: Outlot A of Country School SD of NE 1/4 NE 1/4 of Section 8. T6N, R2E. Fencing and shrubbery were discussed. Cody Heymeyer was present to address any issues and stated the fencing has been ordered.

Moved-Seconded (Sleep-Flanagan) to approve Dev. Plan 17-02 for Heymeyer Enterprises, Inc. to expand current use to Include RV and Long-Term Storage. VICINITY LOCATION: McGuigan Road LEGAL: Outlot A of Country School SD of NE 1/4 NE 1/4 of Section 8. T6N, R2E with the installation of a fence. Motion Carried.

**BUDGET:** The board reviewed the 2018 Preliminary budget, meeting with Allan Bonnema, Highway Superintendent; Brian Dean, Sheriff; Greg Dias, Computer Information System Technology Director; and Paul Thomson, Emergency Management Director. The 2018 Preliminary Budget was set and a Public Hearing will be held on September 5, 2017 for consideration of the adoption of the 2018 Annual Budget.

**BILLS:**

Moved-Seconded (Sleep-Flanagan) 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-\$6,474.08; Aud-\$10,863.47; Treas-\$11,980.73; States Atty-\$13,749.33; Pub Def-\$11,419.16; Gen Govt Bldg-\$8,203.22; Equal-\$14,222.70; Rod-\$8,784.43; Vso-\$2,994.63; Ist-\$9,118.81; Disp-\$16,792.46; Sher-\$42,883.37; Jail-\$29,980; Coroner-\$692.66; 24/7-\$157.84; Emerg Mgnt-\$4,255.22; E911-\$1,990.40; Highway-\$45,193.37; Weed-\$9,358.11; Pz-\$5,554.30; **Bills:** Brennan,Seth-\$74.00; Walker,John-\$74.00; A To Z Shredding-\$36.21; A&B Business,Inc Solutions-\$197.48; A&I Distributors-\$318.95; Active Data Systems-\$1,902.00; Applied Concepts-\$210.70; At&T-\$42.66; Audra Hill Consulting-\$3,774.67; BH Occupational Medicine-\$30.00; BH Pest Control-\$175.00; Barnaud Law Firm-\$2,618.31; Black Hills Energy-\$12,939.84; Bomgaars Supply-\$34.74; Butler Machinery Co-\$2,285.83; Cdw Government-\$3,192.00; Centurylink-\$1,939.24; City Of Rapid City-\$945.00; City/County Alcohol&Drug-\$1,130.00; Claggett & Dill, Prof-\$476.83; Clinical Lab Of BH-\$1,878.00; Credit Collections Bureau-\$64.54; Dept Of Hlth Lab Services-\$70.00; Dept Of The Treasury-\$65,573.07; Eb Communications-\$110.00; Ellingson, Joseph-\$2,458.77; Et Sports-\$49.16; Frederickson,John R-\$2,187.35; Galls-\$174.00; Glaxosmithkline Pharmaceutical-\$791.10; Great Western Tire-\$51.95; Cochran,Leslie-\$121.20; Heartland Paper Co-\$752.68; Highway Improvement-\$38,362.93; Karen Paige Hunt, Prof-\$8,470.11; Kimball-Midwest Co-\$455.96; Lead-Deadwood Regional Hospital-\$784.70; Lexisnexis Risk Data Mgnt-\$75.50; Loftus Dental-\$311.00; Lynn Peavey-\$7.80; Mack,Katy-\$158.80; Manlove Psychiatric Group-\$18.11; Mcarthur,Janet-\$25.12; Mcleod's Office Supply-\$109.80; Mg Oil Company-\$7,330.47; Microfilm Imaging Systems-\$3,440.00; Midcontinent Communications-\$111.32; Montana Dakota Utilities-\$1,727.25; Ms Mail-\$40.00; Murphy Law Office-\$402.46; Nalco Company-\$239.20; Nelson,Christy-\$200.00; Nelson,Tonya-\$250.00; Neve's Uniforms-\$127.50; Office Of Attorney General-\$302.77; Office Of Child Support-\$749.54; Outdoor Motor Sports-\$172.84; Pennington Co Auditor-\$342.00; Pennington Co Jail-\$1,257.20; Pfefferle,Sarah-\$210.00; Pmb 0112-\$289.95; Public Safety Source-\$1,729.00; Pure Force-\$171.32; Quill-\$112.02; RC Regional Hospital-\$205.33; Rear,Kay-\$59.48; Rena M Hymans-\$1,139.57; Rock O'rourke-\$500.00; Rocket Lube-\$72.49; Sd Aao-\$900.00; Sdrs Supplemental Retirement-\$2,641.00; Servall Towel & Linen-\$224.09; Shopko Pharmacy-\$302.89; Sierra Design Vinyl Lettering-\$27.50; Spearfish City Of-\$15,392.42; Spearfish Police Dept-\$10,452.95; Spearfish Rural Fire-\$2,000.00; Strain Morman Law Firm-\$388.44; Sturdevant's Auto Parts-\$11.25; Sysco Montana-\$2,476.25; Teen Court-\$7,500.00; Thomson Reuters-West-\$3,652.75; Triple K Tire & Repair-\$974.39; Twin City Hardware & Lumber-\$556.22; Us Armor-\$261.56; Vast Broadband-\$1,767.35; Verizon Wireless-\$105.24; Victims Of Violence-\$1,910.00; Wells Fargo Business Card-\$8,658.55; Western Communication-\$390.00; Western Sd Juvenile Serv-\$3,920.00; White Drug-\$1,817.28; White's Queen City Motors-\$323.25; Z&S Dust Control-\$171,689.00; **Witness & Jurors:** Frerichs,T-\$52.52; Larson,R-\$27.64; Johnson,D-\$49.40; Lipp, T-\$57.80; Larson,J-\$27.64; Abbott,M-\$26.80; Balander,M-\$14.20; Benning,J-\$22.60; Brink,C-\$22.60; Buchholz,A-\$25.12; Clampet,J-\$20.08; Cole,D-\$15.88; Crotteau,R-\$22.60; Ellendorf,P-\$22.60; Gilbery,D-\$13.36; Grey,D-\$26.80; Guettler,A-\$25.12; Hancock,N-\$26.80; Hart,P-\$50.84; Havens,T-\$25.12; Hazledine,R-\$23.44; Henry,P-\$60.08; Humbracht,J-\$64.28; Johnson,W-\$27.64; Jones,D-\$21.76; Kaiser,H-\$18.40; Knight,G-\$26.80; Krantz,T-\$11.68; Kruske,N-\$15.04; Kuehlman,H-\$13.36;

Lambert,J-\$22.60; Larsen,M-\$26.80; Leatherwood,S-\$66.80; Mckinney,Z-\$66.80; Merchen,J-\$19.24; Moye,K-\$22.60; Otteson,J-\$10.84; Peyton,B-\$66.80; Reed,E-\$25.12; Rindelaub,K-\$22.60; Rogers,A-\$15.04; Schnabel,A-\$62.60; Schrepf,T-\$22.60; Sehlmeier,B-\$66.80; Shindledecker,P-\$14.20; Stahl,M-\$22.60; Vanzee,K-\$26.80; Viergets,J-\$23.44; Vojta,K-\$55.88; Weimer,K-\$22.60; Widdoss,J-\$35.20; Williams,L-\$22.60; Campbell,K-\$36.80; Gienger,D-\$35.96; Gienger,L-\$20.00; Martinez-Pena,E-\$21.68; Osloon,E-\$21.85; Scovell,N-\$35.96; Traversie,V-\$22.52

**ADJOURN:** 2:45 p.m. There being no further business, it was Moved-Seconded (Flanagan-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – August 22, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on August 22, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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:** No conflicts were declared.

**MINUTES:** Moved-Seconded (Flanagan-Johnson) to approve the minutes of July 25<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**GENERAL GOVERNMENT BUILDINGS:** Moved-Seconded (Johnson-Sleep) to approve Jared Symonds as a permanent full-time Custodian 1 G3 at the base rate of \$13.64 per hour, effective August 21, 2017. Abstained-Deibert Motion Carried.

**SHERIFF:** Moved-Seconded (Flanagan-Rosenau) to approve Katie O'Bryan as a Fill-In Part-Time (under 20) Dispatch 1 G3 at the base rate of \$18.52 per hour, effective August 22, 2017. Motion Carried.

**HIGHWAY:** Moved-Seconded (Johnson-Sleep) to approve the monthly cell phone per diem of \$50.00 for John Bey, effective August 20, 2017. Motion Carried.

**VOLUNTEER FIRE FIGHTER MEMBER:** Moved-Seconded (Sleep-Deibert) to approve Jeremy Azevedo, Kara Azevedo and Rich Uhl as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Johnson) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of July 31, 2017 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)-\$171,643.81; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-

\$7,855.96; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$12,266,897.30, Money Market \$8,701,907.42 Total \$24,151,514.49.

**FIRE PROTECTION DISTRICT BOUNDARIES:** Moved-Seconded (Sleep-Johnson) to approve and authorize the Chairman to sign Resolution #2017-16, A Resolution (Amending) Defining the Fire Response Boundaries. Motion Carried. LAWRENCE COUNTY RESOLUTION #2017-16 AMENDMENT TO FIRE RESPONSE BOUNDARY MAP WHEREAS, the Lawrence County Commission recognizes the need to define fire department response area boundaries for Lawrence County, inclusive; and WHEREAS, a Fire Response Boundary Map will aid fire departments in locating and arriving quickly at the scene of a fire; and WHEREAS, upon the creation of the Spearfish Rural Fire Protection District, departmental responsibilities have changed and an amendment to the Fire Response Boundary Map is appropriate; NOW THEREFORE BE IT RESOLVED; that the Lawrence County Commissioners hereby establishes fire response area boundaries for all fire departments located in Lawrence County and adopts the attached Lawrence County Fire Response Boundary Map legally described as follows: The boundaries of the Spearfish Canyon Fire Response Area are described as: (per Fire District previously elected) Lawrence County: Sections 1-24, Township 3 North, Range 1 East; Sections 2-11 and 14-19, Township 3 North, Range 2 East; all of Township 4 North, Range 1 East (or Sections 1-36, T4N, R1E); Sections 4-9, 14-23 and 26-35, Township 4 North, Range 2 East; Sections 13-36, Township 5 North, Range 1 East; Sections 17-20, 30 and 31, Township 5 North, Range 2 East; BHM, all in Lawrence County, South Dakota. The boundaries of the Whitewood Fire Response Area are defined as: (per Fire District previously elected) Lawrence County: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, in Township 7 North, Range 4 East of the B.H.M.; Sections 1 through 36, inclusive, in Township 6 North, Range 4 East of the B.H.M., including the municipality of Whitewood, South Dakota; Sections 1, 12, 13, 24, 25 and 36 in Township 6 North, Range 3 East of the B.H.M.; and Section 2, 3, and 4 in Township 5 North, Range 4 East of the B H M., all in Lawrence County, South Dakota. The boundaries of the Rochford Fire Response Area within Lawrence County are defined as: (per Fire District previously elected) Lawrence County: All of Sections 25 through 36, inclusive, T3N, R1 E, All of Sections 20 through 36, inclusive, T3N, R2E; All of Sections 19 through 22 and 27 through 34, inclusive, T3N, R3E, BHM, and the SW ¼ of Section 35 in Township 3 North, Range 3 East of the B.H.M.; all of Sections 1 through 6, inclusive, T2N, R1-3E; All of Sections 3 through 6, inclusive, T2N, R4E; Those parts of Sections 7 through 12, inclusive, located in Lawrence County, T2N, R1-3E; Those parts of Sections 7 through 10, inclusive, located in Lawrence County, T2N, R4E, B.H.M. all in Lawrence County, South Dakota. The boundaries of the Spearfish Rural Fire Protection District are defined as: Lawrence County: Sections 1 through 12 inclusive in Township 5 North, Range 1 East of the B.H.M.; Sections 1 through 36 inclusive in Township 6 North, Range 1 East of the B.H.M.; Those portions of Sections 7 through 36 inclusive within Lawrence County in Township 7 North, Range 1 East of the B.H.M.; Sections 2 through 11, and Sections 14 through 16 inclusive in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 36, inclusive in Township 6 North, Range 2 East of the B.H.M., Sections 1 through 36 inclusive within Lawrence County in Township 7 North, Range 2 East of the B.H.M.; Sections 5 through 11, and Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 6 North, Range 3 East of the B.H.M. excluding any properties located in a municipality, all in Lawrence County, South Dakota. The boundaries of the City of Spearfish Fire Response Area are defined as: Those areas contained within the corporate municipal boundaries of the City of Spearfish. The boundaries of the St. Onge Fire Response Area are defined as: Lawrence County: Sections 2 through 4 inclusive in Township 6 North, Range 3 East of the B.H.M.; Sections 1 through 36 inclusive in Township 7 North, Range 3 East of the B.H.M.; Sections 4 through 9, Sections 16 through 20, and Sections 29 through 32 inclusive in Township 7 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota. The boundaries of the Sturgis Fire Response

Area within Lawrence County are defined as: Lawrence County: Sections 1, 10, 11, 12, 13, 14, NE ¼, and the NW ¼, and the SE ¼, and the North ½ of the SW ¼, of Section 15, NE ¼ of Section 23, and Sections 24, 25, 36 in Township 5 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota. The boundaries of the Deadwood Fire Response Area are defined as: Lawrence County: The North ½, the North ½ of the South ½ of Section 1, and that portion of Section 2 that is East of Highway 385 in Township 4 North, Range 3 East of the B.H.M.; Sections 1, 12, 13, the North ½ of Section 24, in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 18 inclusive, the North ½, the SE ¼, and the east ½ of the SW ¼ of Section 19, Sections 20 through 26 inclusive, the SE ¼, NE ¼, NW ¼, and that portion of the SW ¼ that lies within Deadwood city limits, of Section 27, the North ½ of Section 28, the NE ¼, North ½ of the SE ¼, of Section 29, that portion of Section 34 that is inside Deadwood city limits and that portion of section 34 that is East of US Highway 385, and that portion of section 35 that is East of US Highway 385, and Section 36 in Township 5 North, Range 3 East of the B.H.M; Sections 5 through 9 inclusive, the South ½ of the SW¼, of Section 15, Sections 16 through 22 inclusive, NW ¼, South ½, of Section 23, and Sections 26 through 35 inclusive in Township 5 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota. The boundaries of the Lead Fire Response Area are defined as: Lawrence County: Sections 1, 12, 13, in Township 3 North, Range 2 East of the B.H.M.; Sections 1 through 3 inclusive and Sections 10 through 13 inclusive, and Sections 24, 25, 36 in Township 4 North, Range 2 East of the B.H.M.; Sections 21 through 23 inclusive, the South ½ of Section 24, Sections 25 through 29 inclusive, and sections 32 through 36 inclusive, in Township 5 North, Range 2 East of the B.H.M.; SW ¼, of Section 4, Sections 5 through 9 inclusive, and Sections 16 through 18 inclusive in Township 3 North, Range 3 East of the B.H.M.; That portion of Section 2 that is West of US Highway 385, Sections 3 through 10 inclusive, the North ½, the SW ¼, the West ½ of the SE ¼ of Section 11, the NW ¼ and the West ½ of the NE ¼ of Section 14, the North ½ of Section 15, NW ¼, NE ¼, SW ¼, the North ½ of the SE ¼, of Section 16, Sections 17 through 20 inclusive, and Sections 29 through 32 inclusive in Township 4 North, Range 3 East of the B.H.M.; the West ½ of the SW ¼ of Section 19, that portion of the SW ¼ of Section 27 that falls outside of Deadwood city limits, South ½ of Section 28, the NW ¼, SW ¼, South ½ of the SE ¼, of Section 29, Sections 30 through 33 inclusive, and that portion of Section 34 that is outside of Deadwood city limits and west of US Highway 385, and that portion of Section 35 that is West of US Highway 385 in Township 5 North, Range 3 East of the B.H.M. all in Lawrence County, South Dakota. The boundaries of the Brownsville Fire Response Area are defined as: Lawrence County: Sections 1 through 3 inclusive, the NW ¼, NE ¼, SE ¼, of Section 4, Sections 10 through 15 inclusive, Sections 23 through 26 inclusive; and the NW ¼, NE ¼ and SE ¼ of Section 35, and all of Section 36, in Township 3 North, Range 3 East of the B.H.M.; The South ½ of the SW ¼ and the South ½ of the SE ¼ of Section 1, the East ½ of the SE ¼ of Section 11, Section 12 and Section 13, the East ½ of the NE ¼ and the South ½ of Section 14, the South ½ of Section 15, the South ½ of the SE ¼, of Section 16, Section 21 through 28 inclusive, and Sections 33 through 36 inclusive in Township 4 North, Range 3 East of the B.H.M.; The portions of Section 1, and the portions of Section 12 that are west of US Highway 385, and Section 2, and Section 11 in Township 2 North, Range 4 East of the B.H.M.; The portion of Section 7 that is West of US Highway 385 in Township 2 North, Range 5 East of the B.H.M.; Sections 2 through 11 inclusive, Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 35 inclusive in Township 4 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota. The boundaries of the Nemo Fire Response Area are defined as: Lawrence County: The portions of Section 1 and the portions of Section 12 that are East of US Highway 385 in Township 2 North, Range 4 East of the B.H.M.; Sections 1, 12, 13, 24, 25, and 36 in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 6 inclusive, and that part of Section 7 lying east of Highway 385, and Sections 8 through 12 inclusive in Township 2 North, Range 5 East of the B.H.M.; Sections 1 through 36 inclusive in Township 3 North, Range 5 East of the B.H.M.; Section 36 in Township 4 North, Range 4 East of the B.H.M all in Lawrence County, South Dakota. Dated this 22nd day of August, 2017. FOR THE BOARD: Randall Rosenau,

Chairman ATTEST: Connie Atkinson, Auditor.

**SURPLUS PROPERTY:** Moved-Seconded (Johnson-Deibert) to approve and authorize the Chairman to sign the following Resolution #2017-14 declaring surplus property and offer for sale by auction on September 23, 2017 at 9:30 a.m. at the Spearfish County Highway Shop. Motion Carried. RESOLUTION #2017-14 SURPLUS PROPERTY WHEREAS, Lawrence County has several items of personal property which are no longer needed for public purpose and; WHEREAS, The Lawrence County Board of County Commissioners have appraised the personal property and the total value of such property exceeds \$500.00, to-wit: SEE ATTACHED LIST: NOW THEREFORE BE IT RESOLVED that the Lawrence County Board of County Commissioners hereby declare the attached list of property surplus and order the sale and/or disposal of said property. Dated this 22nd day of August, 2017. FOR THE BOARD OF LAWRENCE COUNTY COMMISSIONERS: Randall Rosenau, Chairman. ATTEST: Brenda McGruder, Deputy Auditor

**ABATEMENTS:**

**LAWRENCE COUNTY:** Moved-Seconded (Sleep-Flanagan) to approve the 2005-2011 abatement for Lawrence County on parcel #30050-00327-000-10 because the property is now tax exempt. Motion Carried.

Moved-Seconded (Johnson-Deibert) to approve the 2008-2014 abatement for Lawrence County on parcel #26760-01812-000-60 because the property is now tax exempt. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to approve the 2009-2016 abatement for Lawrence County on parcel #31510-01900-150-05 because the property is now tax exempt. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the 2009-2016 abatement for Lawrence County on parcel #31510-01700-070-05 because the property is now tax exempt. Motion Carried.

**SURPLUS PROPERTY / CITY OF LEAD:** Moved-Seconded (Flanagan-Deibert) to declare the following real property as surplus property, authorize the transfer of the property to City of Lead, and allow the Chairman to sign the Deed (Lot 320 McClellan, Denver Addition to the City of Lead, being a portion, Mattie patented lode mining claim, M.S. 799 and the Emily patented lode mining claim, M.S. 1545 as shown on the plat recorded as Document No. 89-2432 filed in the Lawrence County Register of Deeds Office, Lawrence County South Dakota. Lot 323 1/2 West Addie, Denver Addition to the City of Lead, being a portion of Little Nell patented lode mining claim, M.S. 254, the Mattie patented lode mining claim, M.S. 799 and the Emily patented lode mining claim, M.S. 1545 as shown on the plat recorded as Document No. 89-2432 filed in the Lawrence County Register of Deeds Office, Lawrence County South Dakota.). Motion Carried.

**PILLAR PEAK ROAD DISTRICT:** Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the following ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE PILLAR PEAK ROAD DISTRICT. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE PILLAR PEAK ROAD DISTRICT A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners requesting that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district, to-wit: Lots 1A-1, 3A, 4A, 5, 6A-1, 7, 8, 9A, 10, 12A, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 31, 34, Well Lot, Open Space Lot 1, Open Space Lot 2 and Open Space Lot 3, Tract 1A and the unplatted portion of Tract 1 of the Estates at Pillar Peak, located in the NE1/4 of Section 20 and the W1/2NW1/4 of Section 21, all in the T5N., R4E., B.H.M., Lawrence County, South Dakota. SHALL, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Pillar Peak Road District. DATED this 22nd day of August 2017. Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Deputy Auditor.

**SLA AGREEMENT:** Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the amendment #1 for the 2017 SLA agreement and the 2018 SLA agreement. Motion Carried.

**2020 CENSUS LUCA UPDATE:** Moved-Seconded (Deibert-Flanagan) to authorize the Chairman to sign the 2020 Census Local Update of Census Addresses Operation. Motion Carried.

**N.H. RECREATION ASSOCIATION RUNNING EVENT:** Moved-Seconded (Johnson-Flanagan) to waive the \$250.00 Temporary Use Permit Fee contingent upon proper paperwork being filed. Motion Carried.

**PAYMENT CARDHOLDER DATA HANDLING, RETENTION AND DISPOSAL:** Moved-Seconded (Sleep-Deibert) to approve and authorize the Chairman to sign the following Resolution #2017-15 a resolution declaring Lawrence County Policy on payment cardholder data handling, retention, and disposal policy. Motion Carried. Resolution 2017-15 A RESOLUTION DECLARING LAWRENCE COUNTY POLICY ON PAYMENT CARDHOLDER DATA HANDLING, RETENTION, AND DISPOSAL POLICY WHEREAS, various Lawrence County departments accept credit and debit card payments as part of day-to-day business transactions; WHEREAS, Cardholder Data (“CHD”) is a subset of what is considered sensitive-enhanced information. This includes the handling, retention, and disposal of primary account numbers (“PAN”) and other CHD; WHEREAS, CHD is a type of sensitive record and is used to process payment card transactions and consists of the following data: The Pan, which is the 15 or 16 digit number on the front of credit and debit service cards. All PAN are considered CHD. The



cardholder name, expiration date, and/or service code are also considered CHD when they are stored with a PAN. WHEREAS, Sensitive Authentication Data includes additional data that may be transmitted or processed as part of a payment transaction, but may not be stored at any time. Sensitive Authentication Data includes: Personal Identification Numbers (“PIN”). Encrypted PIN blocks. Full contents of any track from the magnetic stripe on the back of the card. Card verification codes (three or four digit card verification code or value printed on the front of the card or the signature panel) or equivalent data on a chip. WHEREAS, it is imperative that all such CHD and Sensitive Authentication Data is safeguarded and protected from unauthorized use and/or dissemination. WHEREAS, in furtherance of safeguarding and protection of CHD and Sensitive Authentication Data, a policy is necessary covering the systems or processes that store, transmit or process CHD and those employees and contractors who handle CHD or who work with systems that store, transmit, or process CHD. NOW THEREFORE, BE IT RESOLVED, that the following policies shall be adopted: Data Handling: Pan data shall be encrypted while in-transit across open, public networks (e.g., the Internet), and rendered unreadable when at rest. Unencrypted PAN shall not be sent via email, instant message (IM), or chat applications. If CHD or Sensitive Authentication Data is provided verbally for a payment (i.e. via telephone), it shall be entered directly into the system and not recorded. Data Retention: Storage of the following CHD and Sensitive Authentication Data is prohibited: PIN or the encrypted PIN block. Sensitive authentication data Card verification code or value. Full contents of any track from the magnetic stripe located on the back of a card. Cardholder name, PAN, expiration date, and/or service code may be stored only while a need for the retention of these data exists. Legitimate CHD data retention needs include: processing payments, processing refunds, performing financial reconciliation and reporting, and investigating fraud. Dated this 22nd day of August, 2017. Randall Rosenau, Chairman ATTEST: Connie Atkinson, Auditor.

**KOOL DEADWOOD NITES:** Kevin McPherson, McPherson Auction & Realty and George Milos were present to discuss the Kool Deadwood Nites Car Auction. Moved-Seconded (Flanagan-Johnson) to approve the request to use the employee parking in the ramp during Kool Deadwood Nights Car Auction on Thursday 24<sup>th</sup> and Friday 25<sup>th</sup> of August with DMG making alternative parking arrangements for employees to park on the upper level of the parking ramp and coordinating with the Sheriff’s Office. Motion Carried.

**SHERIFF:** Brian Dean, Lawrence County Sheriff reported that we were awarded a grant from the UJS Court Security Grant Program. The amount awarded was \$41,055.00.

**SUPPLEMENTAL BUDGET:** A public hearing was held for a supplemental budget for MODERNIZATION & PRESERVATION FUND M&P – Services & Fees - \$12,000. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2017-13. Motion Carried. RESOLUTION #17-13 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2017, 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 2017, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: MODERNIZATION & PRESERVATION FUND M&P Services & Fees - \$12,000. 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 22<sup>nd</sup> day of August, 2017 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 22<sup>nd</sup> day of August, 2017. FOR THE BOARD OF COUNTY COMMISSIONERS Randall Rosenau, Chairman ATTEST: Brenda McGruder Lawrence County Deputy Auditor.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quote was submitted as of July 26, 2017: Deadwood Diesel #2 3800 gallons: (price per gallon) CBH Cooperative-1.814; Deadwood Unleaded 7300 gallons: (price per gallon) CBH Cooperative-2.088; Spearfish Diesel#2 1800 gallons: (prices per gallon) CBH Cooperative-\$1.814; Spearfish Unleaded 600 gallons: (prices per gallon) CBH Cooperative-\$2.128. This was the only quote received.

**CONTINUED REVIEW OF CONDITIONAL USE PERMIT #435/EDWARDS, CHARLES:**

**HAUL ROAD AGREEMENT:** Allan Bonnema, Highway Superintendent presented the board with a draft haul road agreement. Randy Deibert, Commissioner questioned who was going to execute the agreement and inquired whether a bond or a line of credit could be required for road damage? Daryl Johnson, Commissioner stated that the C.U.P. gives the County control, and if the permit holder violated the conditions of the C.U.P., the operation may be shut down. Deibert asked, if the County were to shut the operation down, how would the County be compensated for any road damage? Discussion was held that as part of the Haul Road Agreement a review would need to be done to include documentation/pictures establishing the beginning road condition. Bonnema noted that he plans to inspect the road on a weekly basis. Complaints have been received regarding the operation starting before 7:00 a.m. Moved-Seconded (Deibert- Flanagan) to approve the annual review of C.U.P. 435 contingent upon a final Haul Road Agreement. Aye-Rosenau, Flanagan, Johnson and Deibert. Nay-Sleep. Motion Carried.

**LOAD LIMIT:** Moved-Seconded (Flanagan-Johnson) to approved the following Resolution #2017-10 Lawrence County Load Limit Removal. Aye-Rosenau, Flanagan, Sleep and Johnson. Nay-Deibert. Motion Carried. LAWRENCE COUNTY LOAD LIMIT REMOVAL RESOLUTION Resolution No. 2017-10 Whereas, the Lawrence County Board of County Commissioners desire to protect existing Lawrence County Highways by setting weight limitations on designated highways in Lawrence, ultimately saving tax dollars and create safer driving conditions and Whereas the Lawrence County Board of Commissioners had posted such weight limitations on Lawrence County Highway W. 14 in order to protect and preserve said highway from heavy loaded trucks as posted by the Lawrence County Highway Department.

NOW THEREFORE BE IT RESOLVED; That the existing 80,000 LB. posted load limit be removed from the section of W. Highway 14 between McGuigan Road and Hillsvie Road. The purpose of which, is to remove the heavily loaded trucks from Hillsvie Road and allow them to travel over said portion of W. Highway 14. Vote of Lawrence County Commission: AYE 4 NAY 1. Dated, this 22nd day of August, 2017 at Deadwood, South Dakota. LAWRENCE COUNTY BOARD OF COMMISSIONERS Randall Rosenau, Chairman of the Board ATTEST: Connie Atkinson Lawrence County Auditor

**RESOLUTION #17-11 LIQUOR LICENSES:** Moved-Seconded (Johnson-Rosenau) to approve the following Resolution #17-17 Liquor Licenses for 2018. Motion Carried. RESOLUTION #17-11 LIQUOR LICENSES WHEREAS, Lawrence County has the authority to determine the number of On-Sale and Off-Sale liquor licenses it will approve for the ensuing calendar year, SDCL 35-4-11.1, and WHEREAS, the State of South Dakota by virtue of SDCL 35-4-2 determines the fees to be charged for the various classifications of licenses, and THEREFORE, BE IT RESOLVED that we, the Board of County Commissioners, will approve Two (2) Off-Sale and Seven (7) On-Sale Liquor Licenses or the number issued in 2017, whichever is less for the ensuing year, and Retail On-Off Sale Wine License, and BE IT FURTHER RESOLVED that the Board of County Commissioners list the following fee schedule as a matter of record and current license holders. A) On-Sale dealer-any person who sells or keeps for sale any alcoholic beverage for consumption on the premises where sold. Those current license holders being closer to Spearfish (1st class city) to be charged the fee of \$1,500.00: Vezero Inc/Guadalajara Mexican Restaurant. Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged the fee of \$1,200.00: Lead Country Club, Black Hills Chair Lift Co Inc/Dark Horse Saloon, Spearfish Canyon Resorts LLC, Mystic Miner F&B LLC/ Mine Shaft Tavern, Boulder Canyon Country Club, Tomahawk Lake Country Club Inc. B) Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Fee - \$400.00 Larry Kaiser/Nemo Mercantile, Lonny or Susan Smith/St. Onge Bar & Grill C) Retail On-Off Sale Wine - Fee - \$500.00 Unlimited Licenses available Spearfish Canyon Resorts LLC/Latchstring Village, Seven Down LLC, Triple H Hills LLC/Mystic Hills Hideaway, Cheyenne Crossing Store, Wichterman and Sons Inc/Steel Wheel Campground, Barefoot Resort Association Inc / Barefoot Resort, Crow Peak Brewing Company LLC, Fresh Start Convenience Store Inc./Valley Corner, Reynolds & Livingston LLC/Cousins Big Chair, AW Rentals, LLC/Recreational Springs Resort, Eagle Tree Resorts Company LLC/Rimrock Lodge & Canyon Bistro, Nemo Guest Ranch Business Ent/Branding Iron Restaurant. DATED at Deadwood, South Dakota, this 22nd day of August, 2017. FOR LAWRENCE COUNTY COMMISSIONERS Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Deputy Auditor.

**EXTENSION UPDATE:** Michelle May, Butte/Lawrence County Extension Office and Leacey Brown, Adele Harty and Peggy Schlechter, Rapid City Regional Extension Center were present to give an overview of the programs the Extension Office offers.

**PLANNING & ZONING:**

**ORDINANCE #17-02 / JOHNSON:** A Public Hearing and First Reading was held on the proposed ORD #17-02. APPLICANT: Turner Johnson SUMMARY: Request to Add Restricted Use Solid Waste Disposal Facility to A-1 and PF Zoning Districts as an Allowed Conditional Use Permit. No public input was voiced and the Chairman closed the public hearing. Second Reading will be held on September 5, 2017 at 9:00 a.m.

**PRELIMINARY & FINAL PLATS:**

**PRELIMINARY & FINAL PLAT / MARTIN:** Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Daniel Martin on Lots 1 & 2 of Tract C of the Nemo Placer M.S. 1368, Sections 22 & 27, T3N, R5E. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Daniel Martin on Lots 1 & 2 of Tract C of the Nemo Placer M.S. 1368, Sections 22 & 27, T3N, R5E. Motion Carried.

**FINAL PLAT/4 BEARS IN THE HILLS:** Moved-Seconded (Deibert-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for 4 Bears in the Hills, LLC on Lots 16R, 17, 18, 19, 20 & 21, Blk 4; and Lots 1A, 1B and 2R of Blk 17 All Located in Section 14, T5N, R4E. Motion Carried.

**LAYOUT PLAN/MDK, LLC:** Matt Kirk, owner of MDK, LLC was present to discuss his layout plan for Lots 1- 29, Blk 9 Except Lots 14-16 of the Lost Camp Valley Subdivision. Scott Munro, an adjacent landowner was also present. The board asked that a detailed sketch of the road and lot layout be presented at the next meeting for both developers.

**ANNUAL REVIEW**

**HOMESTAKE C.U.P. 122 AND 144 & LAC MINERALS - RICHMOND HILL MINE C.U.P. 116, 125 AND 202:** Mark Tieszen, Environmental Manager for Homestake/Lack Minerals Mines was present to review the 2016 Mine Activities Report.

**PRAIRIE HILLS TRANSIT:** Barb Cline was present to discuss the 2017/2018 budget request.

**CONTINGENCY TRANSFER:** Moved-Seconded (Flanagan-Johnson) to approve the contingency transfer of \$2,500 to the Senior Citizens-Prairie Hills Transit. Motion Carried.

**JUNK COMPLAINT:** Wayne Lindstad, Ken Zuercher, Leo Orme and Karen Massey were present to discuss a junk complaint on Kerwin Lane and Highway 85. They stated that the junk continues to pile up and is an eyesore from the road. The group questioned whether there is any action the County could take to resolve the matter. The board expressed its concern and stated that the City of Spearfish is in the process of taking action.

**CAMPGROUND COMPLAINTS:** Jan Kaberna was present to discuss several campgrounds around the Nemo area she believes are operating without a C.U.P. permit. Kaberna stated that she has gone through the process to get all of the proper permits and wonders why others are able to operate without a C.U.P.? Amber Vogt, Planning and Zoning Administrator stated that she and

staff conducted an on-site following receipt of Kaberna's complaints, and at present, the county does not have an ordinance prohibiting a landowner from allowing family and friends to stay on their property. Vogt also checked to see if any advertising was being done and, if so, landowners were told they had to remove the ads or apply for a C.U.P. The state was also contacted regarding this issue and the State advised it too has no regulations prohibiting this type of activity.

**ITEMS FROM THE PUBLIC:** Donnie Quaschnick and Lynnette Quaschnick were present to discuss increased ATV traffic in the Custer Peak area. The pair stated that speeding vehicles and dust are a problem. Johnson stated that increased ATV traffic is noticeable on the paved roads, too. Deibert stated that the area experienced the same problem 20 years ago with snowmobiles.

**ITEMS FROM THE COMMISSIONERS:** Deibert updated the board on the Exit 10 meeting that was held. Amber Vogt updated the board on the upcoming Western Planners Conference being in Spearfish on September 12-15, 2017.

**BILLS:**

Moved-Seconded (Sleep-Flanagan) 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-\$12,948.16; Aud-\$21,735.91; Treas-\$23,961.44; States Atty-\$27,455.39; Pub Def-\$22,841.52; Gen Govt Bldg-\$16,593.30; Equal-\$28,286.26; Rod-\$17,632.54; Vso-\$1,920.00; Ist-\$18,237.64; Disp-\$24,636.18; Sher-\$80,153.45; Jail-\$46,781.57; Coroner-\$1,975.32; 24/7-\$276.22; Emerg Mgnt-\$8,507.44; E911-\$3,980.80; Highway-\$97,526.17; Weed-\$21,250.93; Pz-\$11,108.60; **Bills:** Tridle,Debora-\$26.00; Walker,John-\$603.87; Isburg,Damon-\$190.00; Palmer,Ryan-\$68.46; 2-1-1 Helpline Center-\$1,000.00; A To Z Shredding-\$47.47; A&B Business,Inc Solutions-\$2,514.18; A&B Welding Supply-\$20.70; A&I Distributors-\$2,378.67; A&J Supply-\$92.83; Aberdeen Llc-\$332.00; Applied Concepts-\$187.30; At&T-\$51.56; At&T Mobility-\$929.13; Audra Hill Consulting-\$1,998.64; Bh Pest Control-\$190.00; Bh Pioneer-\$1,057.72; Barnaud Law Firm-\$9,734.84; Bayne,Mike-\$50.00; Bi Geo Group Co-\$110.30; Big Sky Communications-\$66.00; Black Hills Energy-\$15,024.67; Black Hills Family Practice-\$298.64; Black Hills Pure-\$83.50; Bob Barker Company-\$262.48; Bomgaars Supply-\$88.46; Brownsville Fire Dept-\$3,716.12; Bruemmer,Lynnel-\$136.00; Butler Machinery Co-\$273.18; Butte Electric Coop-\$414.90; Cbh Cooperative-\$29,430.46; Cdw Government-\$651.00; Central Restaurant Products-\$31.90; Century Business Products-\$592.27; Centurylink-\$2,054.29; Chadams-\$2,350.00; City Of Rapid City-\$980.00; City/County Alcohol&Drug-\$904.00; Clinical Lab Of Bh-\$1,950.00; Community Health Services-\$15.00; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$151.95; Dale's Tire & Retread-\$12,070.72; Deadwood Vol Fire Dept-\$10,313.01; Deadwood,City Of-\$1,499.88; Deepnet Security Ltd-\$130.41; Dept Of Hlth Lab Services-\$136.00; Dept Of The Treasury-\$62,788.12; Ellingson,Joseph-\$1,545.02; Et Sports-\$928.75; Fastenal-\$29.70; Ford County Sherriff's Office-\$275.00; Galls-\$456.13; Goodie's Uniforms-\$69.40; Grafix Shoppe-\$200.30; Harloff-\$295.20;

Hartford-Priority Accounts-\$1,965.03; Cochran,Leslie-\$40.80; Heartland Paper Co-\$1,896.16; Heisler Hardware-\$166.82; High Plains Business Forms-\$859.39; Interstate Batteries-\$64.20; Interstate Engineering-\$16,677.47; Jacobs Precision Welding-\$25.00; Janke, Wendy-\$2,568.00; Jensen,Lisa-\$50.00; Joe's Windsheild Repair-\$145.00; John Deere Financial-\$561.34; Johner Gravel-\$143,355.57; Katterhagen,Mark-\$15.00; Kinney,Matthew-\$1,087.10; Knecht Home Center-\$52.97; Mountain Vista Dental-\$445.00; Kosel,Joseph-\$24,086.68; L-3 Communications-\$377.60; Language Line Services-\$154.68; Lead Fire Protection District-\$12,829.69; Lead,City Of-\$92.25; Lead-Deadwood Sanitary-\$1,223.38; Lee,James-\$15.00; Lewno,Lucy-\$148.96; Lexisnexis Risk Data Mgmt-\$75.00; Lockwood,Darcy-\$15.00; Lynn Peavey Co-\$81.75; Matthew Bender & Company-\$123.43; McClure,Susan-\$600.00; Microfilm Imaging Systems-\$3,000.00; Midcontinent Communications-\$111.32; Montana Dakota Utilities-\$1,485.55; Ms Mail-\$100.00; Nalco Company-\$699.20; Nelson,Christy-\$300.00; Nelson,Tonya-\$1,000.00; Nemo Volunteer Fire Dept-\$1,268.13; Neve's Uniforms-\$178.42; Newman Signs-\$2,299.84; Northern Hills Rental Mgt-\$400.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$714.93; Pasqualucci,Robert-\$1,073.90; Pennington Co Auditor-\$545.00; Pennington Co Jail-\$1,146.10; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$491.40; Pizza Lab-\$70.15; Plumbmaster-\$270.60; Powerplan-\$237.80; Pro-Steam/Pro Restoration-\$255.06; Queen City Tire-\$17.00; Quill Corporation-\$546.99; Rc Regional Hospital-\$2,652.94; Regional Heath Home & Pharmacy-\$60.62; Rabe Elevator-\$1,071.92; Rcs Construction-\$113,414.51; Regional Health-\$192.46; Rena M Hymans, PC-\$2,718.45; Rochford Fire Protection Dist-\$596.71; Rocket Lube-\$72.49; Sacrison Paving-\$766,534.02; Sd Counties-\$700.00; Sd Dept Of Public Safety-\$5,400.00; Sd Dept Of Transportation-\$21.00; Sd Retirement System-\$121.96; Sd State Treasurer-\$671.63; Sdrs Supplemental Retirement-\$2,641.00; Semerad,Sandra-\$121.60; Servall Towel & Linen-\$1,581.74; Servaty,Renae-\$50.00; Shopko Pharmacy-\$242.09; Silverado-\$936.00; Spearfish Auto Supply-\$1,814.55; Spearfish Canyon Fire-\$1,894.20; Spearfish City Of-\$52,456.72; Spearfish Police Dept-\$10,444.58; St Onge Fire Protection Dist-\$906.08; Sterna,Laura-\$900.00; Strain Morman Law Firm-\$295.98; Street Image-\$337.50; Sturdevant's Auto Parts-\$708.75; Sturgis Fire Department-\$2,741.57; Sysco Montana-\$4,838.11; Thomson Reuters-West-\$175.85; Top Quality Mfg-\$650.00; Triple K Tire & Repair-\$1,383.12; Turnkey Corrections-\$50.46; Twin City Hardware & Lumber-\$457.30; Tyler Technologies-\$59,794.00; Vast Broadband-\$1,445.48; Verizon Wireless-\$105.24; Victims Of Violence-\$1,470.00; Waste Connections Of Sd-\$758.24; Watertree-\$45.80; Wells Fargo Business Card-\$3,356.52; Western Communication-\$934.83; Western Sd Juvenile Serv-\$16,240.00; Wex Bank-\$975.31; White's Canyon Motors-\$1,392.88; White's Queen City Motors-\$530.91; Whitewood Fire Prot District-\$5,862.36; Yankton Co Sheriff-\$50.00; Z&S Dust Control-\$42,255.00; **Witness & Jurors:** Runge,B-\$10.84; Mcarthur,J-\$65.12; Frerichs,T-\$52.52; Walton,T-\$20.00; Abbott,M-\$66.80; Cole,D-\$55.88; Hart,P-\$50.84; Havens,T-\$65.12; Henry,P-\$60.08; Humbracht,J-\$64.28; Kaiser,H-\$58.40; Kruske,N-\$55.04; Peyton,B-\$66.80; Leatherwood,S-\$66.80; Mckinney,Z-\$66.80; Sehlmeyer,B-\$66.80; Stahl,M-\$62.60; Vanzee,K-\$66.80; Vojta,K-\$55.88; Weimer,K-\$62.60; Abbott,J-\$22.60; Aiken,R-\$21.76; Anderson,M-\$22.60; Anderson,M-\$20.08; Auer,L-\$17.56; Baird,C-\$14.20; Bissell,R-\$21.76; Canida,J-\$13.36; Christ,S-\$14.20; Coe,G-\$13.36; Cooney,M-\$25.12; Coyle,L-\$133.60; Dagit,J-\$15.88; Dana,B-\$29.32; Darrow,K-\$26.80; Emme,T-\$20.92; Engelhart,M-\$130.24; Frickey,J-\$25.12; Garvin,M-\$26.80; Gerlich,R-\$20.08; Hagman,B-\$133.60; Hansen,M-\$26.80; Harmon,M-\$20.08; Hartl,S-\$24.28; Haught,C-\$125.20; Haugland,L-\$31.00; Heinen,J-\$32.68; Hochstetler,T-\$12.52; Holien,D-\$10.84; Hyde,C-\$21.76; Johns,N-\$13.36; Johnson,J-\$25.96; Jones,J-\$22.60; Juso,J-

\$10.84; Kalina,S-\$25.12; Karol,C-\$33.52; Karras,S-\$130.24; Kassel,B-\$22.60; Kelly,S-\$20.08; Kletzmayer,L-\$20.08; Kliewer,M-\$14.20; Knox,S-\$10.84; Krajewski,J-\$21.76; Long,L-\$138.64; Madsen,J-\$20.08; Martens,M-\$12.52; Martin,J-\$121.84; Martz,M-\$12.52; Mccaskey,J-\$125.20; Mclaughlin,R-\$23.44; Mclaughlin,R-\$19.24; Meddings,D-\$12.52; Michel,A-\$24.28; Monnens,S-\$22.60; Moore,B-\$26.80; Moore,D-\$25.12; Morin,M-\$28.48; Northrop,J-\$15.04; Oberg,D-\$31.00; Ommen,S-\$15.88; Peters,D-\$22.60; Radensleben,K-\$13.36; Risdal,S-\$103.36; Rusk,Z-\$22.60; Russell,S-\$25.12; Sandidge,E-\$10.84; Schlecht,K-\$23.44; Schoon,W-\$20.08; Schultz,E-\$21.76; Sheahan,C-\$22.60; Sitzman,A-\$25.96; Smith,J-\$111.76; Stagner,L-\$106.72; Steinley,N-\$25.12; Summers,K-\$22.60; Symonds,J-\$125.20; Triscori,T-\$22.60; Walkinshaw,S-\$24.28; Wermers,J-\$12.52; Zuercher,H-\$150.40; Shuck,J-\$32.60; Potter,S-\$32.60; Fremont,D-\$32.60; Burshek,K-\$35.12; Comer,K-\$36.80; Lauer,R-\$35.96; Lemaster,M-\$35.12; Mcfarling,W-\$33.44; Schneiter,D-\$20.84; Wall,M-\$32.60

**ADJOURN:** 12:22 p.m. There being no further business, it was Moved-Seconded (Flanagan-Johnson) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 5, 2017**

Chairman Randall Rosenau 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 5, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

**DECLARE CONFLICTS:** No conflicts were declared.

**MINUTES:** Moved-Seconded (Johnson-Flanagan) to approve the minutes of August 22<sup>nd</sup> County Commission meeting. Motion Carried.

### **TRAVEL REQUESTS:**

**CORONER:** Moved-Seconded (Sleep-Flanagan) to approve the travel request for Marty Goetsch, Coroner to travel to Sioux Falls, SD to attend the Annual Coroner Training on October 1-3, 2017. Motion Carried.

**SHERIFF:** Moved-Seconded (Johnson-Deibert) to approve the travel request for Brian Dean, Paul Hansen, Michael Johnson and Frank Cortez to attend the Sheriff's Conference in Bismarck, ND on September 24-27, 2017. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the travel request for Ross Johnson and Jamie Olson to attend the APCO Crisis Negotiations for Dispatch and APCO Active Shooter for Dispatch in Post Falls, ID on October 1-4, 2017. Motion Carried.

### **PERSONNEL:**

**STATES ATTORNEY:** Moved-Seconded (Flanagan-Johnson) to approve Brenda Harvey as Chief Deputy States Attorney at the base rate of \$2,782.08 per pay period, effective August 6, 2017. Motion Carried.

**SHERIFF:** Moved-Seconded (Johnson-Sleep) to approve Zach Carter as a part-time fill-in Correctional Officer I G1 at the base rate of \$17.80 per hour, effective September 5, 2017. Motion Carried.



**HIGHWAY:** Moved-Seconded (Deibert-Sleep) to approve Richard Stanger as a permanent full-time Mechanic at the base rate of \$22.89 an hour, effective September 25<sup>th</sup>, 2017, upon the acceptance of the position. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the advertising for a full-time Heavy Equipment Operator. Motion Carried. The Board thanked Curt Eide for his many years of service to the County.

**VOLUNTEER FIRE FIGHTER MEMBER:** Moved-Seconded (Johnson-Flanagan) to approve Frederick Pearson, Suzanne Pearson, and Tom Moysis as Volunteer Fire Fighters for insurance purposes. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of August 31, 2017 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)-\$57,867.45; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$8,915.39; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$10,834,945.99, Money Market \$8,706,587.92 Total \$22,611,526.75.

**SHERIFF:** Brian Dean, Sheriff was present to update the Board on the average daily jail population. Discussion followed on the future of the jail and options available.

**HIGHWAY:**

**BEAR BUTTE VALLEY WATER, INC. / UTILITY PERMITS:** Moved-Seconded (Johnson-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the utility permits for Bear Butte Valley Water, Inc. from Jct 194<sup>th</sup> / Whitewood Valley Rd and Jct 193<sup>rd</sup> / Whitewood Valley Rd. Motion Carried.

**CONDITIONAL USE PERMIT #435/EDWARDS, CHARLES / HAUL ROAD**

**AGREEMENT:** The Board discussed the proposed haul road agreement with Canyon Creek Rock LLC., proposed bond, methods to determine damage, and annual review of the agreement at the time of the annual review of the Conditional Use Permit. The Board will consider the proposed agreement at the next meeting.

**DALTON LAKE ROAD JURISDICTION & USFS/COUNTY ROAD JURISDICTION:**

The Board discussed the Dalton Lake Road Jurisdiction. The Board assigned Richard Sleep and Randy Deibert to the USFS/County Road Jurisdiction Committee to work on road jurisdictions with the Forest Service.

**MAITLAND ROAD:** A group of Citizens were present for the Maitland Road discussion. Tom Marts was the spokesman for the group and requested the County pave a portion (3.3 miles) of the Maitland Road as a joint project with the City of Spearfish. Marts stated the City of Spearfish is committed to engineering the design in 2018 and paving scheduled for 2021. Allan Bonnema, Highway Superintendent reviewed the 5 & 10 year road plan for the County and stated that he needs to stay on schedule with his other dedicated projects but depending on available funds he may be able to add this project in 2021-2022. The Commission asked Bonnema to try and work the paving project into the 5 year plan to coincide with the City of Spearfish, engineering of the box culvert possibly in 2018 and construction of the box culvert in 2019.

**2018 BUDGET:** A public hearing was held on the proposed 2018 Budget. No further comments were voiced and the chairman closed the hearing. The Board will consider the adoption of the budget at the next meeting.

**HEALTH NURSE REPORT:** Denise Rosenberger, State Health Nurse was present to review the Quarterly Community Health Report.

**2015-2016 AUDIT:** Bruce Hintz, State Auditor was present to report on the findings of the 2015/2016 Audit for Lawrence County. Moved-Seconded (Johnson-Deibert) to authorize the Chairman to sign the representation letter addressed to the Department of Legislative Audit. Motion Carried.

**INVESTMENT REPORT:** Deb Tridle, Treasurer was present to discuss the Quarterly Investment Report.

**EXECUTIVE SESSION CONTRACTUAL/LEGAL ISSUES:** 10:53 a.m. Moved-Seconded (Sleep-Johnson) to go into executive session pursuant SDCL 1-25-2(3) with Bruce Outka and John Frederickson. Motion Carried. 11:10 p.m. The Board opened for regular business with no action taken.

**PLANNING & ZONING:**

**ORDINANCE #17-02 / JOHNSON:** Second Reading was held on the proposed ORD #17-02. APPLICANT: Turner Johnson SUMMARY: Request to Add Restricted Use Solid Waste Disposal Facility to A-1 and PF Zoning Districts as an Allowed Conditional Use Permit. Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Planning and Zoning and P&Z Staff and approve ORD #17-02. APPLICANT: Turner Johnson SUMMARY: Request to Add Restricted Use Solid Waste Disposal Facility to A-1 and PF Zoning Districts as an Allowed Conditional Use Permit. Motion Carried.

**CODIFICATION – AMERICAN LEGAL PUBLISHING:** Amber Vogt, Planning and Zoning Administrator reviewed the proposal from American Legal Publishing for the codification of the Subdivision and Zoning Ordinance. Moved-Seconded (Flanagan-Johnson) to

approve and authorize the Chairman to sign the Codification Cost and Services Summary / Codification Agreement. Motion Carried. Aye-Flanagan, Johnson, Sleep and Rosenau. Nay-Deibert.

**GARIBOLDI PETITION FOR ISOLATED TRACT:**

Petition for Isolated Tract Pursuant to SDCL Ch. 31-22 APPLICANT: Joe and Sharon Gariboldi LEGAL DESCRIPTION (Isolated Parcel): NW1/4SE1/4 of Section 6, T5N, R4E, BHM (Approx. 40 Acres) REQUESTED EASEMENT LEGAL: 60' Wide Easement Running Approximately 1320' Across NE1/4SE1/4 and SE1/4NE1/4 of Section 6, T5N, R4E, BHM (Owner: Elwyn J. Cole) Eric Nies, Attorney for Joe and Sharon Gariboldi was present for any questions and update the Board on discussions with neighboring landowners to gain access to the property. Discussions have stalled with Elwyn Cole on gaining access to the property. Discussion followed if the property has been deemed isolated and past decisions by the Board. Fred Enning was present. The Board scheduled an on-site for the property on September 26, 2017 and will discuss further at a future meeting.

**ITEMS FROM COMMISSION:**

**TIFD:** The Board acknowledged the notice from the City of Spearfish on a future Tax Increment Finance District. The Board discussed the administrative costs to the County.

**WEED MANAGEMENT:** The Board discussed weed management in the County. Sleep will look into a possible requirement for weed mitigation plans at the time of platting.

**BILLS:**

Moved-Seconded (Deibert-Flanagan) 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-\$6,474.08; Aud-\$10,869.87; Treas-\$11,980.74; States Atty-\$13,738.51; Pub Def-\$11,427.16; Gen Govt Bldg-\$8,247.03; Vso-\$960.00; Ist-\$9,118.81; Disp-\$12,801.90; Sher-\$44,778.57; Jail-\$24,545.04; Coroner-\$432.66; 24/7-\$281.20; Emerg Mngt-\$4,261.22; E911-\$1,990.40; Highway-\$53,054.45; Mh Serv-\$940.00; Weed-\$7,201.63; Pz-\$5,554.30; **Bills:** Brennan,Seth-\$109.27; Walker,John-\$65.00; Ketzer,Jesse-\$548.38; A&B Business,Inc Solutions-\$584.40; American Family Life-\$2,835.18; Black Hills Energy-\$44.22; Credit Collections Bureau-\$64.54; Deadwood Recreation Center-\$786.00; Delta Dental Of South Dakota-\$7,263.32; Dept Of The Treasury-\$65,541.24; Hartford-Priority Accounts-\$1,970.24; Northern Hills Rec Center-\$157.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$714.93; Sd Counties-\$175.00; Sd Retirement System-\$58,102.48; Sdrs Supplemental Retirement-\$2,641.00; Vast Broadband-\$352.17; Wellmark Blue Cross-\$79,417.18; A&B Welding Supply-\$21.39; A&I Distributors-\$706.30; A&J Supply-\$3.05; Air Connection-\$324.86; At&T Mobility-\$919.36; Barnaud Law Firm-\$454.30; Bickle's Truck & Diesel-\$1,125.30; Big Sky Communications-\$66.00; Black Hills Energy-\$259.20; Bruemmer,Lynnel-\$88.40; Butler Machinery Co-\$297.88; Century Business Products-\$203.62; Charm-Tex-

\$1,659.74; Chief Supply-\$585.30; Claggett & Dill,Prof Llc-\$791.86; Cool Concepts Travel-\$1,686.00; Correctional Management-\$1,960.00; Dale's Tire & Retread-\$3,925.28; Deadwood, City Of-\$1,443.97; Ecolab-\$151.13; Eddie's Truck Sales/Serv-\$21.31; Ellingson,Joseph-\$2,589.20; Esri-\$4,500.00; Express Toll-\$30.55; Federal Express Corp-\$21.97; Gene's Lock Shop-\$132.00; Godfrey's Brake Serv-\$1,461.36; Goodie's Uniforms-\$25.00; Heartland Paper Co-\$1,080.15; Heisler Hardware-\$44.63; Hp-\$3,588.00; Jacqueline K Perli Report-\$245.70; Johner Gravel-\$36,240.80; Kosel,Joseph-\$538.94; Lead, City Of-\$41.85; Lead-Deadwood Regional Hospital-\$938.00; Lead-Deadwood Sanitary-\$1,087.28; Lee,James-\$15.00; Lizard Tech-\$335.00; Mack's Auto Body-\$2,393.15; Mcleod's Office Supply-\$59.80; Mobile Electronic Service-\$2,046.00; Montana Dakota Utilities-\$1,501.97; Neve's Uniforms-\$655.00; Office Depot-\$186.91; Pitney Bowes-\$67.01; Prairie Hills Transit-\$2,500.00; Quill-\$127.32; RC Journal-\$396.12; Rabe Elevator-\$1,071.92; Radiology Associates-\$119.40; Regional Health-\$83.50; Rocket Lube-\$206.95; Sd Counties-\$175.00; Sd Ltap/Sdsu-\$100.00; Semerad,Sandra-\$2,148.20; Servall Towel & Linen-\$452.55; Spearfish Auto Supply-\$84.94; Stielow,John-\$669.43; Strain Morman Law Firm-\$381.64; Subway-\$30.00; Sysco Montana-\$2,626.29; Triple K Tire & Repair-\$1,060.36; Tschetter & Adams Law Office-\$325.70; Turnkey Corrections-\$48.95; Twilight First Aid & Safety-\$154.79; Twin City Hardware & Lumber-\$189.99; Ultramax-\$1,281.00; US Geological Survey - Doi-\$18,660.00; Western Communication-;\$210.00; Wolff,John-\$400.00; **Witness & Jurors:** Mcarthur,J-\$65.12; Abbott,M-\$66.80; Cole,D-\$55.88; Kaiser,H-\$58.40; Kruske,N-\$55.04; Merchen,J-\$59.24; Stahl,M-\$62.60; Vanzee,K-\$66.80; Weimer,K-\$62.60; Boyd,T-\$35.12; Pierce,R-\$35.12

**ADJOURN:** 11:40 p.m. There being no further business, it was Moved-Seconded (Flanagan-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 26, 2017**

Vice-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 26, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Randy Deibert present. Randall Rosenau was absent.

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

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

**DECLARE CONFLICTS:** Deibert announced a conflict with Conditional Use Permit #441 / Wilson.

**MINUTES:** Moved-Seconded (Johnson-Sleep) to approve the minutes of September 5<sup>th</sup> County Commission meeting. Motion Carried.

### **TRAVEL REQUESTS:**

**EQUALIZATION:** Moved-Seconded (Deibert-Flanagan) to approve the travel request for Carmen Symonds, Mike Meehan and Tim Hodson to attend the Appraiser School Continuing Education training in Pierre, SD on October 16-20, 2017. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Johnson-Sleep) to approve the travel request for Rene Larson to attend the Public Information Office All Hazards Training in Sioux Falls, SD on October 15-21, 2017. Motion Carried. Aye-Johnson, Sleep and Flanagan. Nay-Deibert

**SHERIFF:** Moved-Seconded (Deibert-Flanagan) to approve the travel request for Ross Johnson and Jamie Olson to attend the Powerphone Hostage Negotiations for Dispatch and Powerphone Active Shooter for Dispatch in Socorro, NM on October 24-27, 2017. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Johnson-Deibert) to approve Douglas Moser as a fill-in part-time Special Deputy G2 at the base rate of \$19.34 an hour, effective October 1, 2017. Motion Carried.

Moved-Seconded (Johnson-Deibert) to approve Phillip Hallberg as a permanent full-time Correctional Officer 1 G2 at the base rate of \$18.16 an hour, effective September 17, 2017. Motion Carried.

**ADOPTION OF 2018 BUDGET RESOLUTION #2017-17:** Moved-Seconded (Deibert-Johnson) to adopt the 2018 Annual Budget as amended and approve the following Resolution #2017-17. Motion Carried. Aye-Johnson, Deibert and Flanagan. Nay-Sleep. Sleep stated he didn't feel his salary needed to be increased. **RESOLUTION #2017-17: 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, 2018 and ending December 31, 2018 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 26<sup>th</sup> day of September, 2017. 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, 2018 through December 31, 2018.

FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	10,002,343	4.109
FIRE PROTECTION	89,311	.071
TOTALS	10,091,654	4.180

DATED at Deadwood, South Dakota, this 26<sup>th</sup> day of September 2017. LAWRENCE COUNTY COMMISSIONERS: Brandon Flanagan, Vice-Chairman, Daryl Johnson, Richard Sleep, and Randy Deibert. ATTEST: Connie Atkinson, Auditor.

**CORRECTIVE WARRANTY DEED TRANSFERRING AIRPORT PROPERTY:** Moved-Seconded (Johnson-Sleep) to approve and authorize the Vice-Chairman to sign the Corrective Warranty Deed Transferring Airport Property to the City of Spearfish. Motion Carried.

**USFS BLACK HILLS RESILIENT LANDSCAPES PROJECT:** Moved-Seconded (Johnson-Deibert) to appoint Bill Coburn, Mike Whalen, John Frederickson, and Paul Shipke to the Timber Committee for the review of the USFS Black Hills Resilient Landscapes Project. Motion Carried.

**SHERIFF:**

**COURTHOUSE SECURITY PROJECT UPDATE:** Moved-Seconded (Johnson-Sleep) to set the bid opening for October 10, 2017 at 8:15 a.m. for the Courthouse Security Project Update. Motion Carried.

**HIGHWAY:**

**5 YEAR HIGHWAY IMPROVEMENT PLAN:** The Board reviewed the 5 Year Highway Improvement Plan. Public input was allowed and David Lockwood stated he was in support of the Maitland Road improvements. A Public Meeting will be held October 10<sup>th</sup> at 8:30 a.m.

**UTILITY PERMITS:**

**MONTANA DAKOTA UTILITIES:** Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for Permit to Occupy County Highway Right-of-Way for Montana Dakota Utilities on McDermott Road located in T6N, R3E, Section 30. Motion Carried.

**CENTURY LINK:** Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for Permit to Occupy County Highway Right-of-Way for Century Link on Hwy 385 and Nemo Road. Motion Carried.

**APPROACH PERMITS:**

**JENNY DONOVAN:** The Board discussed the Approach Permit applications for Jenny Donovan on the west side of Christensen Drive that will serve the Christensen Drive Apartment Complex. Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the approach permits located 2,026' south of intersection of Christensen Drive and Colorado Blvd, 1,822' south of intersection of Christensen Drive and Colorado Blvd, and 1,672' south of intersection of Christensen Drive and Colorado Blvd. Motion Carried. Aye-Johnson, Sleep and Flanagan. Deibert – Abstained.

**SCOTT & VALERIE KOTILINEK:** Moved-Seconded (Sleep-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Approach Permit for Scott & Valerie Kotilinek located on the west side of Yellow Creek Road. Motion Carried.

**LEAD/DEADWOOD SCHOOL BUS SNOW PLOWING:** Bonnema stated that Wayne Karpinen from the Lead Deadwood School District contacted him about starting snow removal earlier to accommodate the school bus drivers in the south county. Discussion followed on the county route vs. school bus route and timing. The Board stated the County has had the same route for years and would not be able to adjust the county route efficiently to accommodate them.

**VANOCKER CANYON ROAD PAVING PROJECT:** Moved-Seconded (Sleep-Johnson) to set the bid opening for October 24<sup>th</sup> at 8:30 a.m. for the 2018 Vanocker Canyon Road Paving Project. Motion Carried.

**CONDITIONAL USE PERMIT #435/EDWARDS, CHARLES / HAUL ROAD**

**AGREEMENT:** The Board discussed the proposed haul road agreement with Canyon Creek Rock LLC., proposed bond, methods to determine damage, and annual review. The permit holder requested the Board not take action to allow time for review of the proposed haul road agreement. Sleep stated he did not feel a haul road agreement is needed and stated the Commission needs to be consistent with what they require of other industries within the county. Johnson referenced the condition listed in the Conditional Use Permit and the affects on the road. The Board will consider the proposed agreement at the next meeting to allow time for the permit holder and / or representative time to review and be present at the meeting. The Board recognized the letter received from Gayle Schuster.

**USFS/COUNTY ROAD JURISDICTION:** The Board was updated on the USFS/County Road Jurisdiction Committee and Road Maintenance Agreement and a meeting date of October 11<sup>th</sup> was scheduled.

**FUEL QUOTES:** The following fuel quotes were submitted as of September 5, 2017:  
Deadwood Diesel#2 5000 gallons: (prices per gallon) CBH Cooperative - \$2.093\*, MG Oil-no bid; Deadwood Unleaded 3300 gallons: (prices per gallon) CBH Cooperative - \$2.294\*, MG Oil-no bid; Spearfish Diesel#2 3600 gallons: (prices per gallon) CBH Cooperative - \$2.123, MG Oil-\$2.1193\*; Spearfish Unleaded 1200 gallons: (prices per gallon) CBH Cooperative - \$2.324\*, MG Oil – \$2.325; \*Represents lowest quote awarded.

**PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY / KIRK:** A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way APPLICANT - Matt Kirk LEGAL: Section Line Right-of-Way Located in Lots 2, 3, 6, 7, 8 and 16 Block 5, Tract A of Lost Camp Valley Acreage Located in M.S. 1119, 1139, 1205, 1310, 1341, 2044, 2050 and 2066 Lying in Sections 2 and 11, T4N, R2E, B.H.M., Lawrence County, South Dakota. No public input was voiced and the Public Hearing was closed. Moved-Seconded (Deibert-Sleep) to approve, adopt, and authorize the Vice-Chairman to sign the Following Lawrence County Resolution #2017-18 Resolution & Order To Vacate A Portion Of A Highway, Part Of Which Is Located On A Section Line. Motion Carried.

**LAWRENCE COUNTY RESOLUTION #2017-18 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, 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: The Section Line Right Of Way vacation LOCATED IN Lots 2, 3, 6, 7, 8, and 16, Block 5, Tract A of Lost Camp Valley Acreage located in M.S. 1119, 1139, 1205, 1310, 1341, 2044, 2050 and 2066 lying in Sections 2 and 11, T4N, R2E, B.H.M., Lawrence County, South Dakota. AFFECTING THE LANDOWNERS: Matt Kirk. Dated this 26th day of September, 2017. Brandon Flanagan, Vice-Chairman Lawrence County Commission. ATTEST: Connie Atkinson, Auditor.

**PLANNING & ZONING:**

**CHANGE OF ZONING #318 / SPRING BRANCH:** First Reading and a Public Hearing was held on COZ #318 APPLICANT: Spring Branch, LLC SUMMARY: Request to Change Zoning from A-1 to RR LEGAL: W 1/2 NE 1/4 of Section 33, T7N, R2E. No public input was voiced and the hearing was closed. Second Reading was scheduled for October 10, 2017.

**RECESS:** 9:44 a.m. Moved-Seconded (Deibert-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:57 a.m. The Vice-Chairman called the meeting back to order.

**PLATS:**

**FINAL PLAT / HAUCK:** Moved-Seconded (Johnson-Flanagan) to waive the preliminary plat because a plat was presented within a 12 month period and this is a consolidation plat. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to declare that this plat for William and Jane Hauck meets exemption criteria per Subdivision Ordinance, Chapter 4 and because this is a consolidation plat. Motion Carried.

Moved-Seconded (Johnson-Deibert) to approve the Final Plat for APPLICANTS: William and Jane Hauck LEGAL: Lot 7A Revised, Blk 13 of Tract A of Lost Camp Valley Acreage, Including Portions of Mineral Survey Nos. 1119, 1139, 1205, 1310, 1341, 2044, 2050 & 2066 All Lying in Sections 2 & 11 of T4N, R2E, Formerly Lot 7A and Lot 6, Blk 13 VICINITY LOCATION: Terry Peak. Motion Carried.

**PRELIMINARY & FINAL PLAT / BROWN & MOUNTAIN VIEW RANCHES:**

Moved-Seconded (Sleep-Flanagan) to declare this plat for Charles Brown & Mountain View Ranches meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Sleep-Johnson) to approve the Preliminary Plat for APPLICANTS: Charles Brown & Mountain View Ranches LLC LEGAL: Tracts A1, B1A and 2, All Located in Section 1, T5N, R3E VICINITY LOCATION: Crook City Road / Timber Ridge Lane. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve the Final Plat for APPLICANTS: Charles Brown & Mountain View Ranches LLC LEGAL: Tracts A1, B1A and 2, All Located in Section 1, T5N, R3E VICINITY LOCATION: Crook City Road/ Timber Ridge Lane. Motion Carried.

**FINAL PLAT / WINTER:**

Moved-Seconded (Deibert-Flanagan) to waive the preliminary plat for APPLICANT: David Winter LEGAL: Tract A1 of Majestic Heights All Located in SW 1/4 of Section 13, the SE 1/4 and NE1/4 of Section 23, the NE 1/4, NW 1/4, SW 1/4 and SE 1/4 of Section 24 and the NE 1/4 and NW 1/4 of Section 25, T5N, R3E VICINITY LOCATION: Boulder Canyon, because of unique circumstances and was previously part of the Majestic Heights Plat. Motion Carried. Discussion followed if the Road District Road should be noted as a public dedicated right of way.

Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff recommendation and approve the Final Plat for APPLICANT: David Winter LEGAL: Tract A1 of Majestic Heights All Located in SW 1/4 of Section 13, the SE 1/4 and NE1/4 of Section 23, the NE 1/4, NW 1/4, SW 1/4 and SE 1/4 of Section 24 and the NE 1/4 and NW 1/4 of Section 25, T5N, R3E VICINITY LOCATION: Boulder Canyon. Motion Carried.

**PRELIMINARY PLAT / WINTER:** Moved-Seconded (Johnson-Flanagan) to approve the Preliminary Plat for APPLICANT: David Winter LEGAL: Lots 1 -27 of Tract A6 and a Portion of Tract A4 of Majestic Heights All Located in SW 1/4 of Section 13, the SE 1/4 and NE 1/4 of Section 23, the NE 1/4, NW 1/4, SW 1/4 and SE 1/4 of Section 24 and the NE 1/4 and NW 1/4 of Section 25, T5N, R3E VICINITY LOCATION: Boulder Canyon. Motion Carried.

**FINAL PLAT / MT. VIEW RANCHES:** Moved-Seconded (Sleep-Flanagan) to approve the Final Plat for APPLICANT: Mt. View Ranches, LLC LEGAL: Lien Outlot 1 and Lien Outlot 2 Located in the E1/2 of the SE1/4 and Lot A of the W1/2 of the SE1/4 Lying East of Highway 85, Section 35, T6N, R3E VICINITY LOCATION: Located along Hwy 85. Motion Carried. Aye- Johnson, Sleep, and Flanagan. Nay-Deibert.

**CONDITIONAL USE PERMIT #441 / WILSON:** Deibert was absent for any discussion or action taken. A Public Hearing was held on C.U.P. # 441 APPLICANT: Kellie Wilson SUMMARY: Allow Commercial Recreation Facility LEGAL: A Portion of Tract 2 of the SW 1/4 of Section 7, T6N, R3E VICINITY LOCATION: Lookout Mt. Road/N. 27th Street. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Sleep) to follow the recommendation of approval contained in the Planning and Zoning staff report for the

reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #441 for Kellie Wilson to allow Commercial Recreation Facility with the additional condition that the existing location be closed after the new facility is built. Motion Carried.

**ANNUAL REVIEWS:**

**CUP#172-09 GREG DITTMAN 2<sup>ND</sup> RESIDENCE:** An annual review was conducted on CUP#172-09 for Greg Dittman for a 2<sup>nd</sup> Residence.

**CUP #192-15 KASER B&B:** An annual review was conducted on CUP#192-15 Erin & Jordan Kaser (Maya Jo's B & B). Moved-Seconded (Sleep-Flanagan) CUP #192-15 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**CUP#363 REHORST 2<sup>ND</sup> RESIDENCE:** An annual review was held for CUP #363 for Dennis Rehorst 2<sup>nd</sup> Residence. Moved-Seconded (Johnson-Sleep) to follow the family request and cancel CUP #363 for Dennis Rehorst. Motion Carried. Aye-Johnson, Sleep and Flanagan. Deibert abstained.

**CUP #400 JOHNER & SONS:** An annual review was conducted on CUP #400 for Johner and Sons (Evan's Pit) - Gravel Pit. Discussion followed on the impact on Chicken Creek Road.

**CUP #432 GARRETT – STORAGE UNITS & RV PARKING:** An annual review was conducted on CUP#432 for Jeff & Polly Garrett Storage Units & RV Parking. Moved-Seconded (Johnson-Sleep) CUP #432 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried. Aye-Johnson, Sleep and Flanagan. Deibert abstained.

**CUP #436 MT. VIEW RANCH:** Moved-Seconded (Johnson-Deibert) to cancel CUP. #436 Mt. View Ranch (Gravel Quarry) because of lack of activity over the past 12 months. Motion Carried.

**EXECUTIVE SESSION PERSONNEL ISSUES:** 11:00 a.m. Moved-Seconded (Deibert-Sleep) to go into executive session pursuant SDCL 1-25-2(1) for personnel issues. Motion Carried. 11:19 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Deibert-Johnson) to approve the advertising for a permanent full-time Accounting Clerk in the Auditors' Office. Motion Carried.

**BILLS:**

Moved-Seconded (Deibert-Flanagan) 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-\$12,948.16; Aud-\$21,546.95; Treas-\$23,961.44; States Atty-\$27,805.94; Pub Def-\$22,854.32; Gen Govt Bldg-\$18,0877.87; Equal-\$28,492.70; Rod-\$17,575.26; Vso-\$1,920.00; Ist-\$18,237.70; Disp-\$25,858.39; Sher-\$82,288.31; Jail-\$46,178.00; Coroner-\$1,655.32; 24/7-\$399.56; Emerg Mgnt-\$8,828.13; E911-\$3,987.20; Highway-\$82,546.46; Mh Serv-\$30.00; Weed-\$10,217.34; Pz-\$11,108.60; **Bills:** Tridle,Debora-\$32.00; Hansen,Paul-\$136.00; Johnson,Patrick-\$259.00; Mccroden,Matthew-\$136.00; A To Z Shredding-\$29.58; A&B Business,Inc Solutions-\$852.59; Ace Hardware Of Lead-\$10.58; American Family Life-\$2,835.18; American Jail Association-\$100.00; Amiotte,Edward-\$500.00; At&T-\$48.50; Audra Hill Consulting-\$1,096.97; BH Pest Control-\$375.00; BH Pioneer-\$2,135.67; Barnaud Law Firm-\$997.87; Behavior Mngt Systems-\$45.00; Bi Geo Group Co-\$142.60; Black Hills Disposal-\$90.00; Black Hills Energy-\$14,747.08; Black Hills Pure-\$23.50; Black Hills Urgent Care-\$135.00; Bruemmer,Lynnel-\$572.00; Burly Builders-\$4,208.68; Butler Machinery-\$1,125.44; Butte Electric Coop-\$436.44; Cbh Cooperative-\$20,881.35; Century Business Products-\$338.49; Centurylink-\$2,050.91; Charm-Tex-\$463.20; Chief Supply-\$116.44; Childrens Home Society-\$109.72; City Of Rapid City-\$2,240.00; City/County Alcohol&Drug-\$226.00; Claggett & Dill, Prof-\$564.40; Clubhouse Hotel & Suites Pierre-\$141.00; Credit Collections Bureau-\$129.08; Dakota Equipment Rental-\$151.95; Dataspec-\$399.00; Deadwood Recreation Center-\$786.00; Delta Dental Of South Dakota-\$7,014.70; Dept Of Hlth Lab Services-\$375.00; Dept Of The Treasury-\$118,763.81; Emergency Services Marketing-\$3,240.00; Et Sports-\$154.95; Fire Pro-\$34.80; Foothills Seed-\$325.00; Frederickson, John R-\$6,434.46; Gene's Lock Shop-\$768.84; Cochran,Leslie-\$164.20; Heartland Paper Co-\$536.51; Hills Material Comp-\$122,551.93; Hilpert & Hale Prof-\$9,091.40; Intellectual Technology-\$84.99; Johner Gravel-\$44,970.03; Katterhagen,Mark-\$15.00; Knoff,David-\$45.00; Mountain Vista Dental-\$183.00; LC Plan & Zone-\$9.05; Lead-Deadwood Regional Hospital-\$750.40; Lead-Deadwood Sanitary-\$24.00; Lewis & Clark Bhs-\$160.00; Lewno,Lucy-\$103.96; Lexisnexis Risk Data Mgnt-\$75.00; Lincoln County-\$83.40; Lockwood,Darcy-\$15.00; Mack's Auto Body-\$605.12; Matthew Bender & Company-\$389.39; Mcleod's Office Supply-\$448.43; Mpherson Propane-\$69.00; Mg Oil Company-\$7,311.59; Microfilm Imaging Systems-\$255.00; Midcontinent Communications-\$111.32; Montana Dakota Utilities-\$145.93; Ms Mail-\$630.00; Nalco Company-\$239.20; Nelson,Christy-\$250.00; Nelson,Tonya-\$600.00; Neve's Uniforms-\$167.07; Newman Signs-\$220.41; Northern Hills Rec Center-\$157.00; Office Depot-\$620.56; Office Of Attorney General-\$605.54; Office Of Child Support-\$1,429.86; Pennington Co Jail-\$1,919.50; Pfefferle,Sarah-\$140.00; Pitney Bowes-\$226.80; Plumbmaster-\$579.72; Quantum Corporation-\$410.00; Quik Signs-\$31.25; Quill-\$229.44; RC Regional Hospital-\$3,301.28; Rabe Elevator-\$1,071.92; Rapid Delivery-\$12.65; Rapid Transcript-\$99.00; Regional Health-\$322.81; Regional Health/Ref Lab-\$443.00; Rhomar Industries-\$1,235.79; Rocket Lube-\$82.99; Rushmore Plaza Holiday Inn-\$513.24; Sacrison Paving-\$89,265.00; Sada Systems-\$6,170.00; Safety Benefits-\$130.00; SD Counties-\$225.00; SD Retirement System-\$57,570.53; SD State Treasurer-\$671.63; Sdrs Supplemental Retirement-5,232.00; Servall Towel & Linen-\$224.09; Shopko Pharmacy-\$77.36; Spearfish Auto Supply-\$1,446.81; Spearfish Police Dept-\$10,482.89; Spearfish Regional Hospital-\$188.68; Sterna,Laura-\$350.00; Strain Morman Law Firm-\$1,752.70; Sturdevant's Auto Parts-\$577.94; Subway-\$10.00; Sysco Montana-\$4,013.99; Thomson Reuters-West-\$175.85; Triple K Tire & Repair-\$2,216.50; Turnkey Corrections-\$16.56; Twilight First Aid & Safety-\$109.15; Twin City Hardware & Lumber-\$884.28; Vast

Broadband-\$1,770.53; Verizon Wireless-\$105.24; Victims Of Violence-\$1,575.00; Waste Connections Of Sd-\$758.24; Watertree-\$103.85; Wellmark Blue Cross-\$76,057.49; Wells Fargo Business Card-\$4,668.49; Wendy,Cassie-\$26.88; Western Sd Juvenile Serv-\$2,240.00; Wex Bank-\$533.55; White Drug-\$2,500.92; Wilcox, Chris-\$400.00; Yankton Co Sheriff-\$100.00; Yankton County-\$118.75; **Witness & Jurors:** Mearthur,J-\$65.12; Frerichs,T-\$52.52; Cole,D-\$55.88; Hart,P-\$50.84; Havens,T-\$65.12; Henry,P-\$60.08; Humbracht,J-\$64.28; Kaiser,H-\$58.40; Kruske,N-\$55.04; Leatherwood,S-\$66.80; Mckinney,Z-\$66.80; Merchen,J-\$59.24; Schnabel,A-\$62.60; Sehlmeier,B-\$66.80; Stahl,M-\$62.60; Vanzee,K-\$66.80; Vojta,K-\$55.88; Weimer,K-\$62.60; Burshek,K-\$20.00; Patton,K-\$60.32; Houle,A-\$40.16; Cook,C-\$40.16; Babb,K-\$35.12; Baer,D-\$32.60; Croft,S-\$24.07; Dahl,C-\$35.12; Dana,T-\$35.12; Feeser,J-\$32.60; Fredericksen,K-\$20.00; Haro,S-\$20.00; Giaculli,A-\$20.84

**ADJOURN:** 11:50 p.m. There being no further business, it was Moved-Seconded (Deibert-Sleep) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – September 26, 2017**

Vice-Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment Meeting to order at 9:45 a.m. on September 26, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Randy Deibert present. Randall Rosenau was absent.

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

**DECLARE CONFLICTS:** No conflicts were declared.

**VARIANCE #159 / MOXLEY:** A Public Hearing was held on Variance #159 APPLICANT: Michael Moxley LEGAL: Property described as Lot 4 of Swan Lane Subdivision of Lot A and the N 166' of Lot 9 of the SE 1/4 NE 1/4 of Section 4, T6N, R2E. Located in Swan Subdivision on Swan Lane SUMMARY: 8'6" Variance to 10' Rear Set Setback for a 10' x 17' Shed. Deibert expressed concerns if this would be in violation of fire code.

Moved-Seconded (Johnson-Sleep) to follow Planning and Zoning and P&Z Staff recommendation and approve Variance #159 APPLICANT: Michael Moxley LEGAL: Property described as Lot 4 of Swan Lane Subdivision of Lot A and the N 166' of Lot 9 of the SE 1/4 NE 1/4 of Section 4, T6N, R2E. Located in Swan Subdivision on Swan Lane SUMMARY: 8'6" Variance to 10' Rear Set Setback for a 10' x 17' Shed. Motion Carried. Aye-Johnson, Sleep, and Flanagan. Nay-Deibert

**VARIANCE #160 / MORAN:** A Public Hearing was held on Variance #160 APPLICANTS: Mike and Robin Moran LEGAL: Lot 14 of Section 22, T4N, R2E VICINITY LOCATION: Spearfish Canyon SUMMARY: Replace Existing Garage Requiring 12"7 and 20'4" Variance to Side Setback.

Moved-Seconded (Sleep-Johnson) to follow Planning and Zoning and P&Z Staff recommendation and approve Variance #160 APPLICANTS: Mike and Robin Moran LEGAL: Lot 14 of Section 22, T4N, R2E VICINITY LOCATION: Spearfish Canyon SUMMARY: Replace Existing Garage Requiring 12"7 and 20'4" Variance to Side Setback. Motion Carried.

ADJOURN: 9:56 a.m. There being no further business, it was Moved-Seconded (Deibert-Johnson) to adjourn the Board of Adjustment Meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 10, 2017**

Chairman Randall Rosenau 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 10, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

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

**MINUTES:** Moved-Seconded (Flanagan-Sleep) to approve the minutes of September 26<sup>th</sup> County Commission meeting and Board of Adjustment Meeting. Motion Carried.

### **PERSONNEL:**

**PUBLIC DEFENDER:** Moved-Seconded (Flanagan-Deibert) to approve Michael L. Pickett as a permanent full-time Deputy Public Defender G1 at the base rate of \$2,247.48 per pay period, effective October 1, 2017. Motion Carried.

**SDSU EXTENSION EVALUATION:** The Board requested that Richard Sleep complete the SDSU 4-H Advisor Evaluation.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of September 30, 2017 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)-\$78,976.28; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$8,367.31; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$10,938,674.36, Money Market \$8,711,269.89 Total \$22,740,497.84.

### **AUTOMATIC SUPPLEMENTS:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Flanagan-Deibert) to approve the automatic supplement for Invasive Species Management Grants for \$99,708.15 for grant funds received. Motion Carried.



**SHERIFF:** Moved-Seconded (Deibert-Sleep) to approve the automatic supplement for Sheriff Salary for \$6,651.63 for grant funds received. Motion Carried.

**DEER MOUNTAIN ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES:**

Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairperson to sign the following Order Approving Deer Mountain Road District minor adjustment to the boundaries. Motion Carried. ORDER APPROVING DEER MOUNTIAN ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES WHEREAS, a meeting was held among the trustees of the Deer Mountain Road District to determine whether or not a minor adjustment of boundaries for: Tract 1 of Evangeline #4 and Big Four M.S. 1158, located in Section 18, Township 4, Range 3 East, B.H.M., Lawrence County, South Dakota, as shown on Plat Document No 2017-3094 be adjusted. WHEREAS, this vote was held on September 25, 2017 and the vote of the trustees was 3-0. WHEREAS, The Territory annexed into the district is as follows: Tract 1 of Evangeline #4 and Big Four M.S. 1158, located in Section 18, Township 4, Range 3 East, B.H.M., Lawrence County, South Dakota, as shown on Plat Document No 2017-3094. WHEREAS, a written letter of approval has been received from the owners of the land. WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the Deer Mountain Road District Trustees. WHEREAS, it appearing that a majority of the votes at the meeting of the Deer Mountain Road District Trustees have voted in favor of the minor adjustment of boundaries, NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Deer Mountain Road District minor adjustment of boundaries hereby be adjusted pursuant to SDCL 31-12A. DATED this 10th day of October, 2017. RANDALL ROSENAU, Chairperson Lawrence County Commission ATTEST: BRENDA MCGRUDER, Deputy Auditor.

**SLA QUARTERLY REPORT:** Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the Quarterly SLA report. Motion Carried.

**ABATEMENTS:**

**BALENTINE, KENDALL:** Moved-Seconded (Flanagan-Deibert) to approve the abatement for Kendall Balentine on parcel #04000-00204-124-40 as the 100% disabled veteran exemption was removed inadvertently following a name change. Motion Carried.

**JORGENSEN, SPIKE C & PEARL A:** Moved-Seconded (Johnson-Sleep) to approve the abatement for Spike C & Pearl A Jorgensen on parcel #24000-00702-334-20 because the house burned in a fire in July 2017. Motion Carried.

**KAISER, DANIEL D:** Moved-Seconded (Flanagan-Deibert) to approve the abatement, contingent upon the approval from the City of Spearfish, for Daniel D Kaiser on parcel #32750-01000-030-00 because the house burned in a fire in April 2017. Motion Carried.

**CITY OF SPEARFISH:** Moved-Seconded (Sleep-Deibert) to approve the abatement, contingent upon the approval from the City of Spearfish, for the City of Spearfish on parcel #32315-00800-340-00 because the property is now tax exempt. Motion Carried.

**SHERIFF:**

**COURTHOUSE SECURITY PROJECT UPDATE:** The following bids were received for the Courthouse Security Project Update: Ainsworth-Benning Construction - \$67,800.00; Donovan Construction - \$77,813.00.

Moved-Seconded (Flanagan-Johnson) to follow the recommendation of Steve Williams, Williams & Associates and accept the lowest responsible bid and waive any irregularities from Ainsworth-Benning Construction in the amount of \$67,800.00 and allow the Chairman to sign the contracts. Motion Carried.

**HIGHWAY:**

**5 YEAR HIGHWAY IMPROVEMENT PLAN:** A public meeting was held on the 5 year Highway Improvement Plan. Allan Bonnema, Highway Superintendent asked everyone in attendance to please sign in. Bonnema noted that comments would be accepted either orally or in written form. Comments received will be sent to the state along with the 5 Year Plan. Bonnema reviewed the 2018-2022 Highway Improvement Plan noting some changes from the draft plan discussed at a previous Commission meeting. Commissioner Sleep stated that the County needs to gravel more roads each year noting that there are a lot of bad roads and specifically that there are portions of some roads where vehicles and equipment can get bogged down in mud. Bonnema addressed this comment, offering that there is oftentimes variability in the quality of the gravel available.

A number of residents were present to advocate for the paving of the Maitland Road and insure inclusion of the project as part of the 5 year Plan. Jane Lockwood asked if letters and comments previously submitted to the Commission regarding paving the Maitland Road will be submitted as part of the 5 year Plan? Commissioner Flanagan addressed this question, clarifying that the current discussion was in regard to the 5 year Plan, and not specifically the Maitland Road paving project. Commissioner Johnson explained a 5 year Plan was not required by the State in the past, but is now a condition for eligibility for state funding. Johnson added that it is very important that the County follow the established guidelines. Johnson further noted that public comments from the past, regarding issues like paving the Maitland Road, are nonetheless very important. Commissioner Deibert also noted that the County has received letters in the past regarding the Maitland Road and reassured those present that this information is recorded in Commission minutes and/or maintained in County records. Deibert clarified that the current discussion was regarding the state grant program for bridges noting that the 5 year Plan is just that: a plan; and, that like any plan, it is subject to change for many reasons. These reasons may include available funding, a change in need, and a different Board of Commissioners.

Commissioner Johnson explained that while many cringed when the Commission adopted the wheel tax, it was nonetheless an eligibility requirement of the bridge replacement program. Bonnema stated that the County must submit a 5 year Plan by October 15, 2017.

Jane Lockwood stated that Maitland Road is the most traveled gravel road in the County. Glen Davis questioned how the County determines what roads get priority? Bonnema explained that he considers traffic volume and whether a given road is either a primary road or secondary road.

Bonnema further explained that paved roads are given a higher maintenance priority versus gravel roads in order to maintain the improvements. Bonnema also offered that another important consideration in formulating a plan is the availability of funding. Commissioner Deibert stated that the territory of the County includes a large amount of public lands, and once a federal road is paved under a federal contract, then the County is required to maintain the road. Addressing paving of the Maitland Road, Commissioner Sleep pointed out that he has spoken with a number of residents opposed to paving the Maitland Road. Sleep noted that safety is a concern, and that a paved road is not necessarily safer than a gravel road. Sleep explained that drivers on a paved road with a painted center-line do not always stay within their lane. Terry Pelkola asked if driving down the middle of the gravel road was safer? Bonnema stated that Maitland Road is safe if the speed limit is followed. Tom Martz stated that he drives Maitland on a daily basis and recently had to dodge a pickup to avoid a collision. Martz explained that if the Maitland Road were paved, it would at least have a center line for drivers to obey. Dave Lockwood stated that he was at the Commission meeting 13 months ago and gave a presentation for the group regarding paving the Maitland Road adding that he likes the proposed Plan. Lockwood stated that the Maitland Road is the busiest gravel road in Lawrence County. He continued stating that the road causes rust to vehicles, and that safety is a concern due to no center line. Finally he added that the City of Spearfish and Lawrence County are currently working cooperatively towards paving the road and that he did not want to lose that momentum: it is time. Ross Rabenberg stated that a paved road with a painted centerline would make a huge difference, explaining that he was surprised that there had not been a head on collision. Kurt Kjelland stated that while his kids wait for the school bus the vehicles come around the corner and have to deviate to miss the school bus. Jeff Miller observed that he spends a lot of time in his yard and the people who live along the Maitland Road do adhere to the posted speed limit, adding that it is non-residents who speed. He also wondered if Lawrence County would be responsible in the event of an accident. Tom Martz stated he was quite impressed with the new gravel that was applied to the road in the last month, but that the condition of the road has already changed. He noted that the rock is gone and the slime is back. He further noted that there is 160 acres of land that is going to be developed in the near future, and that traffic will double in the next 10 years. He expressed his opinion that the County ought to do the right thing and pave the road. Chairman Rosenau pointed out that the County must coordinate all such efforts with the City of Spearfish. Harlan Horst stated that Maitland is a primary road and has a lot of traffic. Commissioner Flanagan thanked Allan Bonnema for his work on the Plan and also to all those who attended and their input.

Moved-Seconded (Flanagan-Deibert) to approve the 5 year highway Plan and authorize the Chairman to sign the certification. Motion Carried.

**CONDITIONAL USE PERMIT #435/EDWARDS, CHARLES :**

**HAUL ROAD AGREEMENT:** Ken Barker, attorney for Charles Edwards, was present to give an update on the proposed Haul Road Agreement and asked for more time to review same with Bruce Outka, Deputy State's Attorney, with the expectation that a revised draft will be presented to the Commission on October 24, 2017. He mentioned the MOU may need some adjustment as his client has concern about being assigned undue maintenance responsibility for the haul route roads and the language allowing the County to alter the designated haul route without notice.

Commissioner Deibert is concerned about how to determine who is creating the damage and how to charge this back to the applicant accordingly. Deibert also wanted to clarify this should be an agreement not an MOU. He also wondered if Datum Creek Place Road should be looked at differently than the rest of the route. Commissioner Flanagan clarified with attorney Barker that he (Barker) was asking for more time to review the document. Commissioner Johnson expressed concern with the amount of time it has taken to get this far and questioned why Mr. Edwards and Mr. Barker have not made time to review the document prior to the meeting. Commissioner Sleep interjected that he would like the Commission to conduct an on-site visit to more precisely determine what damage has been done by the haul trucks, and what damage can be expected in the future in an effort to fairly quantify and apportion the responsibility between the County and the permit holder for road maintenance.

Dan Adams was present and questioned who would be liable if there were to be an accident along the haul route? He also questioned the size of the gravel pit; the location of the sign giving notice to residents of public hearings held in conjunction with approval of the CUP, and the CUP process in general. Finally, he noted his concerns about road stability. Gayle Schuster expressed her concern with the noise caused by crushing and loading of trucks. She also expressed concerns regarding notice given to neighboring landowners during the approval process, and the truck traffic.

The Commission requested that Outka & Barker have a final draft of the Haul Road Agreement by October 24, 2017. This item is scheduled Tuesday, October 24, 2017 at 8:30 a.m.

**DUST COMPLAINT:** Vogt presented the complaint to the Commission. Commissioner Flanagan explained that he was the one who filed the complaint. The Commission viewed photos and videos submitted on Friday, September 29, 2017 to the P & Z office. The applicant was questioned about what was going to be done to mitigate dust. Eric Hoffman, Western Construction, said they were currently removing the crushing machinery and would be wrapping up for this season. Flanagan stated they needed to have a Dust Control Plan prior to operation beginning again. Johnson said the stockpiles needed to be included in the plan.

Moved-Seconded (Flanagan - Johnson) to require a dust control plan for stock piles; crushing and traffic by the November 14, 2017, County Commission meeting. Motion Carried.

**MCGUIGAN ROAD & HWY 14A TURNING LANES:** Nick Hoffman, Interstate Engineering and David Rossi, Top Shelf developer, were present to answer question on the McGuigan Road & HWY 14A turning lanes.

**HWY 14A RIGHT OF WAY ENCROACHMENTS:** Discussion was held on the Hwy 14A right-of-way encroachments. Commissioner Sleep expressed his concern for safety of vehicles exiting the Guadalajara's Restaurant parking lot onto Hwy 14A. Commissioner Deibert stated that he is concerned with the process, and that the County needs a process to get affected businesses engaged in the conversation. Commissioner Flanagan asked Amber Vogt, Planning & Zoning Administrator to look into a permit process for occupation of the right-of-way.

**MOTOR GRADER WARRANTY:** Discussion was held on the extended warranty on the 6 motor graders. The warranty will expire on October 17, 2017. Moved-Seconded (Flanagan-Sleep) to purchase a 1 year power train & hydraulic system warranty including parts and labor. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of October 3, 2017: Deadwood Diesel#2 6800 gallons: (prices per gallon) CBH Cooperative - \$2.159\*, Harms Oil Co-no bid: MG Oil-no bid. \*Represents lowest quote awarded.

**PLANNING & ZONING:**

**CHANGE OF ZONING #318 / SPRING BRANCH:** Second Reading Hearing was held on COZ #318 APPLICANT: Spring Branch, LLC SUMMARY: Request to Change Zoning from A-1 to A-2 LEGAL: W 1/2 NE 1/4 of Section 33, T7N, R2E.

Moved-Seconded (Deibert-Flanagan) to follow Planning & Zoning and P&Z Staff report, and approve COZ #318 APPLICANT: Spring Branch, LLC SUMMARY: Request to Change Zoning from A-1 to A-2 LEGAL: W 1/2 NE 1/4 of Section 33, T7N, R2E. Motion Carried.

**PLATS:**

**PRELIMINARY & FINAL PLAT/MAITLAND PARTNERS:**

Moved-Seconded (Flanagan-Rosenau) to approve the Preliminary Plat for Maitland Partners. LEGAL: Lot 27 & 28 of Paradise Acres; all located in the NW 1/4 NE 1/4 and the SE 1/4 of Section 18; S 1/2 of Section 7 and the W 1/2 of Section 17, T5N, R3E. Along Maitland Road. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the Final Plat for Maitland Partners. LEGAL: Lot 27 & 28 of Paradise Acres; all located in the NW 1/4 NE 1/4 and the SE 1/4 of Section 18; S 1/2 of Section 7 and the W 1/2 of Section 17, T5N, R3E. Along Maitland Road. Motion Carried.

**PRELIMINARY & FINAL PLAT/BRIAN SIEVEKE & JAMES MOLSTAD:**

Moved-Seconded (Flanagan-Deibert) to declare this plat for Brian Sieveke & James Molstad meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the Preliminary Plat for Brian Sieveke & James Molstad. LEGAL: Lot C-1 & D-1 of Wood Estate Subdivision a subdivision of Lot 7 and the subdivision of Tract A of M.S. 1884, all located in Section 7, T3N, R3E formerly Lot C and Lot D of Wood Estate Subdivision. Located along Rochford Road. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the Final Plat for Brian Sieveke & James Molstad. LEGAL: Lot C-1 & D-1 of Wood Estate Subdivision a subdivision of Lot 7 and the

subdivision of Tract A of M.S. 1884, all located in Section 7, T3N, R3E formerly Lot C and Lot D of Wood Estate Subdivision. Located along Rochford Road. Motion Carried.

**PRELIMINARY & FINAL PLAT/PAUL & JULIE SCHIPKE REVOCABLE TRUST:** Moved-Seconded (Flanagan-Johnson) to declare this plat for Paul & Julie Schipke Revocable Trust meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the Preliminary Plat for Paul & Julie Schipke Revocable Trust contingent upon the extension of the easement. LEGAL: Lot 1 and 2 of the Otto and Goodluck Lodes of M.S. 1322; all located in Section 36, T5N, R3E. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the Final Plat for Paul & Julie Schipke Revocable Trust contingent upon the extension of the easement. LEGAL: Lot 1 and 2 of the Otto and Goodluck Lodes of M.S. 1322; all located in Section 36, T5N, R3E. Motion Carried.

**GARIBOLDI PETITION FOR ISOLATED TRACT:** The Board discussed the onsite held for

Petition for Isolated Tract Pursuant to SDCL Ch. 31-22 APPLICANT: Joe and Sharon Gariboldi LEGAL DESCRIPTION (Isolated Parcel): NW1/4SE1/4 of Section 6, T5N, R4E, BHM (Approx. 40 Acres) REQUESTED EASEMENT LEGAL: 60' Wide Easement Running Approximately 1320' Across NE1/4SE1/4 and SE1/4NE1/4 of Section 6, T5N, R4E, BHM (Owner: Elwyn J. Cole) Eric Nies, Attorney for Joe and Sharon Gariboldi was present for any questions and update the Board on discussions with neighboring landowners to gain access to the property. After discussion with Eric Neis, Fred Ening and Arlo Potter the Board advised Neis to negotiate with the Landowners and after that if they have exhausted all their efforts to reapply for an isolated tract.

**ITEMS FROM COMMISSIONERS:** Commissioner Sleep informed the board that some of the members on the Butte-Lawrence County Fair Board would like to lease out the Fairgrounds. The board expressed that they were not interesting in being involved in this type of activity.

**BILLS:**

Moved-Seconded (Johnson-Sleep) 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-\$6,474.08; Aud-\$10,592.69; Treas-\$11,980.72; States Atty-\$13,829.34; Pub Def-\$11,427.16; Gen Govt Bldg-\$9,062.49; Equal-\$14,237.08; Rod-\$8,787.65; Vso-\$960.00; Ist-\$9,118.82; Disp-\$13,190.41; Sher-\$39,503.41; Jail-\$21,874.34; Coroner-\$632.66; 24/7-\$98.65; Emerg Mgnt-\$4,283.22; E911-\$1,996.80; Highway-\$42,488.93; Mh Serv-\$752.00; Weed-\$4,864.09; PZ-\$5,554.31; **Bills:** Leatherman, Debra-\$46.62; Goetsch, Martin-\$637.20; Fahey, Patrick-\$68.00; A&B Business,Inc Solutions-\$1,657.57; A&B Welding Supply-\$87.92; A&I Distributors-\$380.40; Apex Software-\$1,080.00; Arrigo, Kali-\$100.00; At&T Mobility-

\$672.77; BH Pest Control-\$190.00; BH Pioneer-\$326.09; Bailey Electric-\$56.20; Bennett, Main & Gubbrud, PC-\$401.00; Black Hills Energy-\$91.24; Black Hills Funeral Home-\$1,170.00; Bob Barker Company-\$37.93; Brevik Law Office Prof-\$223.13; Butler Machinery Co-\$1,785.95; Butte Electric Coop-\$430.09; Cbh Cooperative-\$14,681.20; Central Restaurant Products-\$189.65; Century Business Products-\$526.19; Centurylink-\$109.18; Charm-Tex-\$4.90; Credit Collections Bureau-\$64.54; Deadwood, City Of-\$1,466.02; Dean Schaefer Court Reporting-\$177.00; Dept Of Hlth Lab Services-\$135.00; Dept Of The Treasury-\$58,655.59; Eddie's Truck Sales/Serv-\$44.39; Ellingson, Joseph-\$1,097.91; Express Toll-\$32.70; Fastenal-\$1.86; Federal Express Corp-\$22.22; Great Western Tire-\$116.50; Hartford-Priority Accounts-\$1,935.49; Heartland Paper Co-\$784.34; Hills Material Comp-\$41,401.01; Hilpert & Hale Prof-\$189.50; Interstate Engineering-\$48,360.62; John Deere Financial-\$220.38; Katterhagen, Mark-\$18.00; Mountain Vista Dental-\$302.00; Kosel, Joseph-\$15,567.66; LC Conservation Dist-\$5,000.00; Lead, City Of-\$47.45; Lead-Deadwood Sanitary-\$1,131.90; Lee, James-\$15.00; Lewis & Clark Bhs-\$320.00; Lewno, Lucy-\$232.96; Lincoln County-\$280.00; Lockwood, Darcy-\$18.00; Lynn's Dakotamart-\$14.48; Mcleod's Office Supply-\$129.80; Microfilm Imaging Systems-\$3,565.00; Montana Dakota Utilities-\$1,485.59; MS Mail-\$40.00; National Emergency-\$274.00; Office Depot-\$759.97; Office Of Attorney General-\$302.77; Office Of Child Support-\$714.93; Pure Force-\$407.51; Rapid Delivery-\$25.30; Regional Health-\$47.22; Rena M Hymans PC-\$2,121.89; Rick's Appliance Repair-\$361.62; Sand Creek Printing-\$210.00; SD Unemployment Ins Division-\$430.07; SD Dept Of Legislative Audit-\$16,598.00; SD Dept Of Transportation-\$6,806.38; SD Public Assur Alliance-\$613.62; SD State Treasurer-\$14,160.09; Sdrs Supplemental Retirement-\$2,641.01; Semerad, Sandra-\$144.80; Servall Towel & Linen-\$1,129.19; Sheehan Mack Sales & Equip-\$230,751.10; Spearfish Auto Supply-\$517.05; Sturdevant's Auto Parts-\$1,100.70; Superior Sanitation-\$1,000.00; Sysco Montana-\$2,774.11; Top Quality Mfg Co-\$260.00; Triple K Tire & Repair-\$2,136.69; Twin City Hardware & Lumber-\$381.79; Us Identification Maunal-\$82.50; Us Records Midwest-\$3,278.15; Waste Connections-\$758.24; Watertree-\$45.80; West River International-\$148.02; Western Communication-\$748.30; Wex Bank-\$720.70; White's Canyon Motors-\$120.75; Williams & Associates-\$13,239.06; Yankton Co Sheriff-\$50.00; Z&S Dust Control-\$34,749.00; **Witness & Jurors:** Fink,T-\$12.80; Frerichs,T-\$52.52; Hart,P-\$50.84; Henry,P-\$60.08; Humbracht,J-\$64.28; Leatherwood,S-\$66.80; Mckinney,Z-\$66.80; Schnabel,A-\$62.60; Sehlmeyer,B-\$66.80; Vojta,K-\$55.88; Baer,D-\$32.60; Kelley,C-\$28.40; Meyer,M-\$41.00

**ADJOURN:** 12:05 p.m. There being no further business, it was Moved-Seconded (Deibert-Sleep) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 12, 2017**

Chairman Randall Rosenau called the special meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 3:00 p.m. on October 12, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep and Randy Deibert present. Brandon Flanagan and Daryl Johnson were absent.

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

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

**CONFLICTS:** No conflicts were declared.

**PILLAR PEAK ROAD DISTRICT:** Moved-Seconded (Deibert-Sleep) to canvass the Pillar Peak Road District Election showing the whole number of ballots cast was Four (4), together with the number of Four (4) voting for and the number of Zero (0) voting against incorporation and authorize the signing of the Official Canvass. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the following Order Declaring Pillar Peak Road District Incorporated. Motion Carried.

ORDER DECLARING PILLAR PEAK ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the eligible voters in the Pillar Peak Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on October 10, 2017. WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was Four (4), together with the number of Four (4) voting for and the number of Zero (0) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Lots 1A-1, 3A, 4A, 5, 6A-1, 7, 8, 9A, 10, 12A, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 31, 34, Well Lot, Open Space Lot 1, Open Space Lot 2 and Open Space Lot 3, Tract 1A and the unplatted portion of Tract 1 of the Estates at Pillar Peak, Located in the NE1/4 of Section 20 and the W1/2NW1/4 of Section 21, all in T.5N., R.4E., B.H.M., Lawrence County, South Dakota. WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Pillar Peak Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 12th day of October, 2017. Randall Rosenau, Chairperson, Lawrence County Commission. ATTEST: CONNIE ATKINSON, AUDITOR



**ADJOURN:** 3:05 p.m. Moved-Seconded (Deibert-Sleep) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 24, 2017**

Chairman Randall Rosenau 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 24, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep and Randy Deibert present. Brandon Flanagan was available by video conference.

All motions were passed by unanimous vote, by all members present or available by video conference, unless stated otherwise.

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

**DECLARE CONFLICTS:** Deibert declared a conflict with VARIANCE #161 /JACOBS

**MINUTES:** Moved-Seconded (Sleep-Johnson) to approve the minutes of October 10<sup>th</sup> County Commission meeting and October 12, 2107 Special Meeting. Motion Carried.

### **TRAVEL REQUEST:**

**SHERIFF:** Moved-Seconded (Sleep-Rosenau) to approve the travel request for Tom Derby to attend a course on Cellular Device Investigations in Appleton, WI on December 4-8, 2017. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Johnson-Deibert) to approve Kimberly Atkins as a permanent full-time Accounting Clerk G1 at the base rate of \$14.56 per hour, effective October 30, 2017. Motion Carried.

**GENERAL GOVERNMENT BUILDING:** Moved-Seconded (Johnson-Sleep) to approve Priscilla Mund as a permanent full-time Custodian I G3 at the base rate of \$13.64 per hour, effective October 31, 2017. Motion Carried.

**SHERIFF:** Moved-Seconded (Deibert-Rosenau) to approve Shawn-Dylan Mudget as a Part-Time Fill-In Correctional Officer I G1 at the base rate of \$17.80 per hour, effective October 24, 2017. Motion Carried.

**EXECUTIVE SESSION PERSONNEL ISSUES:** 8:15 a.m. Moved-Seconded (Johnson-Deibert) to go into executive session pursuant SDCL 1-25-2(1) for personnel issues. Motion Carried. 8:35 a.m. The Board opened for regular business with no action taken.

**STATES ATTORNEY:** John Fitzgerald asked to withdraw the step raise for Sara Fitzgerald.

**EMPLOYEE INSURANCE 2018:** Bruce Outka, Deputy State's Attorney spoke on behalf of the Insurance Committee. Outka discussed the health insurance quotes received for 2018 and stated the Insurance Committee recommended the County remain with Wellmark, which offered a 5.82% increase for insurance premiums in 2018. Moved-Seconded (Deibert-Johnson) to approve and authorize the Chairman to sign the contract with Wellmark for 2018. Motion Carried.

**2018 VEHICLE STATE BID:** Moved-Seconded (Johnson-Deibert) to allow Amber Vogt, Planning & Zoning Administrator to purchase a 2018 1/2 Ton 4X4 Crew Cab Dodge Ram 1500 with a 32 Gallon gas tank off of the state bid in the amount of \$28,293.00 to be paid for out of 2018 budget. Motion Carried. .

**M&M RANCH ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES:** Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairperson to sign the following Order Approving M&M Ranch Road District minor adjustment to the boundaries. Aye-Rosenau, Johnson, Flanagan and Sleep. Deibert Abstained. Motion Carried. ORDER APPROVING M&M RANCH ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES WHEREAS, a meeting was held among the trustees of the M&M Ranch Road District to determine whether or not a minor adjustment of boundaries for : NE1/4NE1/4 of Section 31, Township 7 North, Range 2 East, Lawrence County, South Dakota and, NW1/4NW1/4 of Section 32, Township 7 North, Range 2 East, Lawrence County, South Dakota be adjusted. WHEREAS, SDCL 31-12A-1.1 allows three or fewer landowners to form a road district and each landowner shall be a trustee. WHEREAS, the resolution was signed on October 6, 2017 by Michael McGuigan and Jeremy Schultes Trustees. WHEREAS, The Territory annexed into the district is as follows: NE1/4NE1/4 of Section 31, Township 7 North, Range 2 East, Lawrence County, South Dakota and, NW1/4NW1/4 of Section 32, Township 7 North, Range 2 East, Lawrence County, South Dakota. WHEREAS, a written letter of approval has been received from the owners of the land. WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the M&M Ranch Road District Trustees. WHEREAS, it appearing that a majority of the votes at the meeting of the M&M Ranch Road District Trustees have voted in favor of the minor adjustment of boundaries, WHEREAS, after the minor adjustment to the boundaries the District shall include the following real property: E1/2NE1/4 of Section 31, Township 7 North, Range 2 East, Lawrence County, South Dakota and, W1/2NW1/4 of Section 32, Township 7 North, Range 2 East, Lawrence County, South Dakota. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the M&M Road District minor adjustment of boundaries hereby be adjusted pursuant to SDCL 31-12A. DATED this 24th day of October, 2017. RANDALL ROSENAU, Chairperson Lawrence County Commission ATTEST: BRENDA MCGRUDER, Deputy Auditor.

**DUI COURT GRADUATION:** Moved-Seconded (Sleep-Johnson) to allow DUI Court to hold graduation in the Lawrence County Annex Building on December 12, 2017. Motion Carried.

**CALAMITY GULCH ROAD DISTRICT:** The Board acknowledged receipt of the proposed Calamity Gulch Road District Petitions. Public examination of survey, map and petition will be posted according to SDCL 31-12A-4.

**SHERIFF:** Brian Dean, Sheriff was present to update the Board on the average daily jail population. He also informed the board on a couple of items that would be coming through the bill list that have been budgeted for in 2017.

**CANCELED CHECK RESOLUTION #2017-20:** Moved-Seconded (Sleep-Deibert) to approve and authorize the Chairman to sign Resolution #2017-20. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2017-20 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 (30) checks totaling \$915.49 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 24<sup>TH</sup> day of October, 2017. FOR THE BOARD: Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Deputy Auditor.

**HIGHWAY:**

**2018 VANOCKER CANYON ROAD PAVING PROJECT:** The following bids were received for the 2018 Vanocker Canyon Road Paving Project: GTI Company, Inc-\$700,453.80; Sacrison Paving, Inc-\$618,816.18; Western Construction, Inc-\$563,008.70; Hills Material Company-\$547,939.60; Bituminous Paving, Inc-\$773,659.00; J&J Asphalt Company-\$663,878.48.

Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and accept the lowest responsible bid and waive any irregularities from Hills Material Company in the amount of \$547,939.60 and allow the Chairman to sign the contracts. Motion Carried.

**HIGHWAY ROAD AUTHORITY ON PLATS:** Allan Bonnema, Highway Superintendent informed the board that he has received a Plat from the City of Spearfish to sign off as Road Authority. The road is in the City limits of Spearfish but since the state has not yet transferred the road to them we are still listed as the Road Authority. Moved-Seconded (Deibert-Flanagan) to have Allan Bonnema sign the plat as Highway Authority as long as a resolution is done to have this road transferred over to the City of Spearfish. Aye-Deibert and Flanagan; Nay-Johnson, Sleep and Rosenau. Motion Failed. Moved-Seconded (Johnson-Deibert) to authorize Allan Bonnema to sign as highway road authority along with the City of Spearfish, direct people

involved to add a line for both parties to sign as road authority and at the same time to prepare a resolution to get the roads transferred over to the proper entity. Motion Carried.

**CONDITIONAL USE PERMIT #435/EDWARDS, CHARLES : HAUL ROAD**

**AGREEMENT AND DUST COMPLAINT:** Bruce Outka, Deputy State's Attorney informed the board that a haul road agreement had not been received as of today. Outka stated that an additional citizen complaint has been received and presented for the Commission's review and will be heard at the November 14, 2017, Commission meeting. Moved by Sleep to continue the haul road agreement until the information has been received from Mr. Barker. Died due to lack of second. Moved-Seconded (Flanagan-Deibert) to suspend CUP #435 at the next meeting if the Haul agreement is not presented. Aye-Deibert, Johnson, Flanagan and Rosenau. Nay-Sleep. Motion Carried.

Continued discussion regarding the Haul Road Agreement, Dust Suppression Plan and complaints will take place at the next meeting.

**MCGUIGAN ROAD & HWY 14A TURNING LANES:** Discussion continued with Nick Hoffman, Interstate Engineering and David Rossi, Top Shelf developer, on the McGuigan Road & HWY 14A turning lanes. An update will be presented at the next meeting.

**HWY 14A RIGHT OF WAY ENCROACHMENTS:** Discussion continued regarding the Hwy 14A right-of-way encroachments. Amber Vogt, Planning & Zoning Administrator provided the board with encroachment agreements from other entities.

Deibert left the meeting.

**RECESS:** 10:06 a.m. Moved-Seconded (Johnson-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:12 a.m. The Chairman called the meeting back to order.

Deibert returned to the meeting.

**SDML WORK COMP FUND:** Brad Wilson, SDML work comp fund administrator presented Lawrence County with a 30 year award.

**TIMBER COMMITTEE:**

**U.S.F.S. DEIS FOR B.H. RESILIENT LANDSCAPES PROJECT:** Bill Coburn and Paul Schipke presented a draft letter for review by the Lawrence County Commission. Moved-Seconded (Deibert-Johnson) to approve the Chairman to sign the Comments to be submitted to the U.S.F.S. and ask for an additional 15 days comment period for a total for 45 days. Motion Carried.

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

**RESOLUTION #17-19 / SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #17-19 for a Supplemental Budget for General Fund - Court Appointed Attorney - \$40,000 Coroner - Professional Services - \$5,000.00 VSO - Salaries - \$1,200.00 Auditor – Salaries - \$9,000. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Rosenau) to approve and adopt the following Resolution #17-19 for a Supplemental Budget. Motion Carried. RESOLUTION #17-19 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2017, 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 2017, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Court Appointed Attorney - \$40,000 Coroner - Professional Services - \$5,000.00 VSO - Salaries - \$1,200.00 Auditor – Salaries - \$9,000 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 24th day of October, 2017 at the hour of 10:15 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 24th day of October, 2017. FOR THE BOARD OF COUNTY COMMISSIONERS Randall Rosenau, Chairman ATTEST: Brenda McGruder Lawrence County Deputy Auditor. \_

**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-\$6,474.08; Treas-\$11,998.34; States Atty-\$13,829.34; Pub Def-\$11,944.24; Gen Govt Bldg-\$8,983.59; Equal-\$14,237.08; Rod-\$8,787.64; Vso-\$960.00; Ist-\$9,118.82; Disp-\$14,210.96; Sher-\$40,103.77; Jail-\$25,396.74; Coroner-\$692.66; 24/7-\$177.57; Emerg Mgnt-\$4,257.62; E911-\$1,996.80; Highway-\$43,361.47; Weed-\$4,483.42; Pz-\$5,557.50; **Bills:** Dragoo, Shelley-\$198.96; Rakow, Julie-\$150.00; A To Z Shredding-\$43.52; A&B Business, Inc Solutions-\$490.93; A&I Distributors-\$3,912.69; American Family Life-\$2,835.18; Armstrong Extinguisher-\$150.00; At&T-\$7.29; At&T Mobility-\$247.01; Audra Hill Consulting-\$415.38; Auto Zone Store 3425-\$236.25; BH Occupational Medicine Corp-\$30.00; BH Physical Therapy-\$160.00; BH Pioneer-\$129.42; Barnaud Law Firm-\$771.40; Bi Geo Group Co-\$225.40; Black Hills Energy-\$12,746.80; Black Hills Oral-\$840.00; Black Hills Pure-\$17.50; Black Hills Urgent Care-\$120.00; Bob Barker Company-\$337.77; Bomgaars Supply-\$23.28; Bruemmer, Lynnel-

\$34.20; Butler Machinery Co-\$1,276.82; Centurylink-\$1,943.23; City Of Rapid City-\$910.00; City/County Alcohol&Drug-\$904.00; Clark Printing-\$28.85; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$35.89; Deadwood Recreation Center-\$786.00; Delta Dental Of South Dakota-\$7,095.90; Dept Of Hlth Lab Services-\$675.00; Dept Of The Treasury-\$60,606.88; Eb Communications-\$37,247.50; Eddie's Truck Sales/Serv-\$114.50; Ellingson,Joseph-\$942.65; Esri-\$2,100.00; Fastenal-\$38.06; Forensic Anthropological-\$185.00; Fox & Youngberg-\$195.32; Frederickson, John R-\$60.00; Gene's Lock Shop-\$210.38; Godfrey's Brake Serv-\$413.88; Government Forms & Supplies-\$317.48; Cochran,Leslie-\$37.40; Heartland Paper Co-\$785.63; Hills Material Comp-\$321,077.67; Hp-\$5,576.60; Hughes,John-\$35.00; Jacobs Precision Welding-\$210.00; Jp Towing-\$175.00; Kadrmas, Lee And Jackson-\$3,762.59; Karen Paige Hunt-\$4,171.53; Kimball-Midwest Co-\$485.90; Mountain Vista Dental-\$197.00; LC Treasurer-\$42.40; Lead-Deadwood Regional Hospital-\$1,074.50; Lexisnexis Risk Data Mgnt-\$76.50; Lincoln County-\$189.40; Lynn's Dakotamart-\$89.71; Mcarthur,Janet-\$65.12; Mcclure,Susan-\$200.00; Microfilm Imaging Systems-\$2,975.00; Mid-Continent Testing-\$25.00; Midcontinent Communications-\$111.51; Mikelson,Gary-\$261.02; Montana Dakota Utilities-\$95.31; Ms Mail-\$300.00; Nalco Company-\$699.20; Nelson Law-\$150.40; Nelson,Tonya-\$300.00; Northern Hills Rec Center-\$177.00; Office Depot-\$327.89; Office Of Attorney General-\$302.77; Office Of Child Support-\$714.93; One Call Now-\$309.47; Pennington Co Jail-\$226.20; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$1,543.22; Pitney Bowes-\$161.49; Pmb 0112-\$260.25; Powerphone-\$836.00; Powerplan-\$357.62; Quill-\$642.55; Rasmussen Mechanical Serv-\$7,140.14; Regional Health-\$534.74; Rena M Hymans-\$9,483.56; Rocket Lube-\$161.97; Sada Systems-\$83.35; Safety Benefits-\$130.00; Schafer,Lisa-\$100.00; Sd Municipal League-\$139,717.00; Sd Retirement System-\$57,888.84; Sdrs Supplemental Retirement-\$2,641.00; Semerad,Sandra-\$3,224.60; Servall Towel & Linen-\$452.55; Sheehan Mack Sales & Equip-\$271.35; Spearfish Police Dept-\$10,514.09; Sterna,Laura-\$150.00; Street Image-\$150.00; Summit Signs & Supply-\$52.00; Sysaid Technologies-\$109.80; Sysco Montana-\$2,647.08; Thomson Reuters-West-\$234.65; Top Quality Mfg Co-\$260.00; Triple K Tire & Repair-\$730.50; Turnkey Corrections-\$27.38; Twin City Hardware & Lumber-\$236.77; Valades,Chuck-\$35.00; Vast Broadband-\$1,747.20; Verizon Wireless-\$105.35; Victims Of Violence-\$1,435.00; Voice Products Service-\$4,385.00; Wellmark Blue Cross-\$77,248.61; Wells Fargo Business Card-\$3,933.97; Western Communication-\$66.00; Western Construction-\$419,714.26; Western Sd Juvenile Serv-\$1,680.00; Whisler Bearing-\$129.88; White Drug-\$4,092.24; White's Canyon Motors-\$627.29; Yankton County-\$246.90; **Witness & Jurors:** Havens,T-\$65.12; Kaiser,H-\$58.40; Kruske,N-\$55.04; Merchen,J-\$59.24; Stahl,M-\$62.60; Vanzee,K-\$66.80; Weimer,K-\$62.60; Pavich,F-\$20.00

**ADJOURN:** 11:22 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor



**LAWRENCE COUNTY BOARD OF ADJUSTMENT – October 24, 2017**

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment Meeting to order at 10:06 a.m. on October 24, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Randy Deibert present. Brandon Flanagan was available by video conference.

All motions were passed by unanimous vote, by all members present or available by video conference, unless stated otherwise.

**DECLARE CONFLICTS:** Deibert declared a conflict and left the room.

**VARIANCE #161/JACOBS:** A Public Hearing was held on Variance # 161. No public input was voiced and the hearing was closed. **APPLICANTS:** Sharon and Scott Jacobs **LEGAL:** Tract 5 of Sunset S/D, Being a S/D of Lot 2 of Govt Lot 4, Govt Lot 3, Govt Lot 2 and Lot 1 of the SE 1/4 NW 1/4 and SW 1/4 NE 1/4, All Located in Section 1, T6N, R2E **SUMMARY:** Request to Locate Guest House More than 45' from Primary Dwelling Unit - Estimated Distance between Primary Residence and Guest House will be 250' **VICINITY LOCATION:** Robbers' Roost.

Moved-Seconded (Sleep-Johnson) to follow Planning and Zoning and P&Z Staff recommendation and approve Variance # 161 **APPLICANTS:** Sharon and Scott Jacobs **LEGAL:** Tract 5 of Sunset S/D, Being a S/D of Lot 2 of Govt Lot 4, Govt Lot 3, Govt Lot 2 and Lot 1 of the SE 1/4 NW 1/4 and SW 1/4 NE 1/4, All Located in Section 1, T6N, R2E **SUMMARY:** Request to Locate Guest House More than 45' from Primary Dwelling Unit - Estimated Distance between Primary Residence and Guest House will be 250' **VICINITY LOCATION:** Robbers' Roost. Motion Carried.

**ADJOURN:** 10:12 a.m. There being no further business, it was Moved-Seconded (Flanagan-Johnson) to adjourn the Board of Adjustment Meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 14, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on November 14, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Brandon Flanagan and Randy Deibert present.

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:** No conflicts were declared by the Lawrence County Commission.

**MINUTES:** Moved-Seconded (Flanagan-Rosenau) to approve the minutes of October 24<sup>th</sup> County Commission meeting and Board of Adjustment meeting. Motion Carried.

### **PERSONNEL:**

**HIGHWAY:** Moved-Seconded (Flanagan-Johnson) to approve Justin Mattson as a permanent full-time Heavy Equipment Operator at the base rate of \$22.89 per hour, effective November 27, 2017. Motion Carried.

**SHERIFF:** Moved-Seconded (Johnson-Rosenau) to approve Matthew R. McCroden as a permanent full-time Sergeant I G1 at the base rate of \$25.88 per hour, effective July 6, 2017. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Robbie L. Schrader as a Part-Time (under 20) Fill-In Dispatcher I G1 at the base rate of \$17.80 per hour, effective November 12, 2017. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of October 31, 2017 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)-\$1,026,785.72; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$23,465.09; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$20,819,009.58, Money Market \$8,715,750.86 Total \$33,588,221.25.

**CALAMITY GULCH ROAD DISTRICT:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the following ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE CALAMITY GULCH ROAD DISTRICT. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE CALAMITY GULCH ROAD DISTRICT A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners requesting that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district, to-wit: Lots 1 through 15 inclusive, 16A, 16B, 17, 18, 19, 20, 21A, 21B, 22A, 22B, 23, 24, and 25 of the subdivision of Puritan No. 13, Potsdam, Puritan, Puritan Fraction, Blaine Fraction & Blaine Lode Claims of M.S. 1742 in Sections 30 and 31, T5N, R2E, B.H.M., Lawrence County, and Spearfish Canyon Lots 121, 122, and 124 being portions of the Cascade Placer, M.S. 991, in the SW1/4 of Section 30, T5N, R2E, B.H.M., Lawrence County, South Dakota. SHALL, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Calamity Gulch Road District. DATED this 14<sup>th</sup> day of November, 2017. Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Deputy Auditor

**TERRY VALLEY ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES:** Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairperson to sign the following Order Approving Terry Valley Road District minor adjustment to the boundaries. Motion Carried. ORDER APPROVING TERRY VALLEY ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES WHEREAS, a meeting was held among the trustees of the Terry Valley Road District to determine whether or not a minor adjustment of boundaries for: Lot C-1, a subdivision of Lot C of Tract C Lost Camp Valley Acreage, formerly a part of the Angelina Fraction M.S. 1942, all located in the SE1/4 of Section 3, the SW1/4 of Section 2, and the NW1/4 of Section 11, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. No. 2005-5639 and Lot 21, Block 3, Tract "C" of Lost Camp Valley Acreage, including portions of Mineral Survey No. 1341, 1536, 1942, 2044 and 2050, Lawrence County, South Dakota recorded in Plat Book 5, Page 116 be adjusted. WHEREAS, this vote was held on October 28, 2017 and the vote of the trustees was 2-0. WHEREAS, The Territory annexed into the district is as follows: Lot C-1, a subdivision of Lot C of Tract C Lost Camp Valley Acreage, formerly a part of the Angelina Fraction M.S. 1942, all located in the SE1/4 of Section 3, the SW1/4 of Section 2, and the NW1/4 of Section 11, T4N, R2E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. No. 2005-5639 and Lot 21, Block 3, Tract "C" of Lost Camp Valley Acreage, including portions of Mineral Survey No. 1341, 1536, 1942, 2044 and 2050, Lawrence County, South Dakota recorded in Plat Book 5, Page 116. WHEREAS, a written letter of approval has been received from the owners of the land. WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the Terry Valley Road District Trustees. WHEREAS, it appearing that a majority of the votes at the meeting of the Terry Valley Road District Trustees have voted in favor of the minor adjustment of boundaries, NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Terry Valley Road District minor adjustment of boundaries hereby be adjusted pursuant to

SDCL 31-12A. DATED this 14th day of November, 2017. RANDALL ROSENAU, Chairperson  
Lawrence County Commission ATTEST: BRENDA MCGRUDER, Deputy Auditor.

**2018 VEHICLE STATE BID:** Moved-Seconded (Sleep-Rosenau) to allow Dave Heck, Invasive Species Manager to purchase a 2017/2018 One-Ton single axle extended cab diesel pickup off of state bid at an estimated cost of \$41,000.00. Motion Carried. Aye-Rosenau, Johnson, Sleep and Deibert. Nay-Flanagan.

Moved-Seconded (Sleep-Flanagan) to allow Dave Heck, Invasive Species Manager to purchase one UTV at an estimated cost of \$15,500.00. Motion Carried. Aye-Rosenau, Flanagan, Johnson and Sleep. Nay-Deibert.

**2018 PROPOSED COMMISSION MEETING SCHEDULE:** Bruce Outka, Deputy States Attorney presented the proposed commission schedule for 2018.

**SHERIFF:** Brian Dean, Sheriff was present to update the Board on the average daily jail population.

**2018 LIQUOR LICENSE RENEWALS:** A public hearing was held on an application for renewal of liquor licenses for 2018. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Deibert) to renew the following liquor licenses for 2018 except 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 which was considered separately. Motion Carried. PACKAGE LIQUOR - OFF SALE LICENSE: LARRY KAISER, Nemo Mercantile, M.S. 1368 Tract 3, Section 27, T3N, R5E, B.H.M.; LONNY & SUSAN SMITH (ST.ONGE BAR & GRILL), LOTS 1 & 2 BLOCK 8, Section 23, T7N, R3E, ST. ONGE, LAWRENCE CO, SD. RETAIL AND SUNDAY ON-SALE LICENSE: LEAD COUNTRY CLUB, INC., Block 5 Ironwood Estates Section 31, T4, R3; VEZARO INC., GUADALAJARA MEXICAN RESTAURANT, Lot 3 & Pt Lots 2 & 4 & Pt of Lot B of Lot A of Lot 1 (NW4NW4) 3-6-2; SPEARFISH CANYON RESORTS LLC, P.C. 953 LOT C AND D OF LITTLE SPF. SECTION 36, T5N, R1E, B.H.M. LAWRENCE COUNTY, SD; BLACK HILLS CHAIRLIFT CO.INC., (Dark Horse Saloon) GOV'T LOTS 6 EX LOT A(.329A) & 11 EX TRACT 1(12.705A) & EX TERRY PEAK ESTATES LOTS 1-7 & ROW (STEWART T-004 R-02; M.S. 1122 LITTLE HOPE FR. ETAL SUR. RITES(OLD BLUE CHAIR #1) & (NEW BLUE CHAIR # 5) MINERAL 1035 THRU 1135; TOMAHAWK LAKE COUNTRY CLUB, : M.S 1372 PT. Ex Lot 1 of Norwood #8 (5.01 AC) & Lot 1 of TR 0067'B' (5.82 AC); PT Sec 24-4-3 & PT Sec. 19 & 30-4-4; M.S. 1372 Lot 1 of Norwood # 4 of M.S. 1372 (9.58A) & TR A POR. of B (2.877) & C of Tract 0067 & TR A of HES 57 & 66 (1.35 AC). 30-4-4; 19-4-4; BOULDER CANYON COUNTRY CLUB, Golf Course Tract 1 Section14, T5N, R4E of the Black Hills Meridian – Boulder Canyon Country Club. RETAIL ON-OFF SALE WINE: 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; SEVEN DOWN LLC, TRACT 7 (SEVEN DOWNS ARENA) plat: 2006-201 Section 27, T6N, R3E; CHEYENNE CROSSING STORE, LLC) : M.S. 1564; SPEARFISH CANYON LOT C-3 OF

MEADOW 1-2-3 M.S. 1564. (CHEYENNE XING STORE) plat: 1991-1411 Lawrence Co. 22-4-2; TRIPLE H HILLS LLC (MYSTIC HILLS HIDEAWAY): M.S. 1748 TRACT 1 OF ST JOHN LODES ETAL plat: 2013-2432 1-3-3; WICHTERMAN AND SONS INC (STEEL WHEEL CAMPGROUND): TRACT D REVISED HES 297 plat: 2004-6035 Sec 19, T4N, R4E, BHM, Lawrence County, SD.; BAREFOOT COUNCIL OF CO OWNERS (BAREFOOT RESORT) M.S. 2021 LOT 1R OF BAREFOOT EX UNITS D-1-O,D-1-1,D-2-0,D-2-1,D-2-2 & D-2-3. plat: 2004-6945 MINERAL 1995 THRU 2079, Sec. 2-T4N-R2E of Black Hills.; CROW PEAK BREWING COMPANY, LLC: Crow Peak Brewing Company Tract 4-6-2.; FRESH START CONVENIENCE STORES INC (VALLEY CORNER): Lot 1 & W 20' Lot 2 of Lot A of Lot 1, NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M.; REYNOLDS & LIVINGSTON LLC (Cousins Big Chair): LAWRENCE COUNTY PORTION OF LOT 1 BOYLE S/D LOC SW1/4 SW1/4 plat: 2010-2031 Sec 7., T2N, R5E, BHM, Lawrence County; NEMO GUEST RANCH BUSINESS ENT: M.S. 1368 LOTS 1,2 & 3 NEMO GUEST RANCH S/D plat: 2000-582 28-3-5; EAGLE TREE RESORTS CO LLC: DBA RIM ROCK LODGE; BLDGS ON LEASED SITE; SPEARFISH CANYON LOT C-2.; AW RENTALS LLC (RECREATIONAL SPRINGS RESORT): M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM.

Moved-Seconded (Flanagan-Deibert) to approve the Liquor License for 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 as the applicant meets the requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law. However, the Commission noted that the real estates taxes have not been paid. Motion Carried.

### **HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of November 7, 2017: Deadwood Diesel Blended (dyed) 5400 gallons: (prices per gallon) CBH Cooperative - \$2.488\*, MG Oil & Harms Oil Co-no bid; Deadwood Unleaded 5000 gallons: (prices per gallon) CBH Cooperative - \$2.592\*, MG Oil & Harms Oil Co-no bid; Spearfish Diesel#2 (dyed) 3600 gallons: (prices per gallon) CBH Cooperative - \$2.339\*, MG Oil & Harms Oil Co-no bid; Spearfish Unleaded 1000 gallons: (prices per gallon) CBH Cooperative - \$2.639\*, MG Oil & Harms Oil Co-no bid; Whitewood Diesel Blended (dyed) 550 gallons: (prices per gallon) CBH Cooperative - \$2.488\*, MG Oil & Harms Oil Co-no bid. \*Represents lowest quote awarded.

### **PERMITS:**

#### **APPROACH PERMITS:**

**JASON ROBERDEAU:** Moved-Seconded (Sleep-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Approach Permit for Jason Roberdeau located on the east side of McGuigan Road between West Oliver and Buena Vista St. Motion Carried.

**CURT DACAR:** Moved-Seconded (Deibert-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Approach Permit for Curt Dacar located on

the north side of Big Horn Road approximately 1575 ft east of Whitewood Valley Rd and Big Horn intersection. Motion Carried.

**UTILITY PERMIT:**

**BUTTE ELECTRIC COOPERATIVE:** Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for Permit to Occupy County Highway Right-of-Way for Butte Electric Cooperative on Cracker Jack Road approximately 3100' east of the intersection of Whitewood Valley Road. Motion Carried.

**JOINT POWERS AGREEMENT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the Amended Joint Powers Financial and Maintenance Agreement between the State of South Dakota Department of Transportation and Lawrence County for the Roadway Safety Improvement Project number PH8041(19) PCN 04L7. Motion Carried.

**CONDITIONAL USE PERMIT #435/EDWARDS, CHARLES : HAUL ROAD AGREEMENT, DUST COMPLAINT AND ONGOING COMPLAINT(S):**

**HAUL ROAD AGREEMENT:** Allan Bonnema, Highway Superintendent questioned the proposed sur-charge per ton for rock product hauled from the Canyon Creek quarry stating that he felt that \$.10 was not enough to cover the maintenance costs. He felt \$.25 was more in line. Commissioner Johnson agreed with Bonnema. Ken Barker, attorney for Canyon Creek stated that the haul road agreement was straight forward and he tried to keep it simple. He also stated that the terms of the CUP and the Haul Road agreement can be revisited at anytime. Moved-Seconded (Sleep-Flanagan) to approve the Haul Road agreement for CUP #435 with the payment of the haul road sur-charge being due by November 1, to coincide with the annual review. Motion Carried. Aye-Rosenau, Flanagan, Sleep and Deibert. Nay-Johnson.

**DUST CONTROL PLAN:** Moved-Seconded (Deibert-Sleep) to approve the dust control plan as per condition #11 of CUP #435. Motion Carried.

**COMPLAINTS:** A Formal letter concerning CUP #435 was received from Whitney Driscoll. The concerns were discussed by the board.

**CONDITIONAL USE PERMIT #435 / EDWARDS, CHARLES:** An annual review was held on CUP #435/ Small Rock Quarry / Canyon Rock LLC - Charles Edwards. Moved-Seconded (Sleep-Deibert) to approve CUP #435 with the next regular review scheduled for November 2018. Motion Carried.

**MCGUIGAN ROAD & HWY 14A TURNING LANES:** Spencer Rossi, Top Shelf developer was present to update the Commission on the McGuigan Road & HWY 14A turning lanes. An update will be presented at the next meeting.

**SPEED LIMIT SIGNAGE/RAINBOW ROAD:** A petition was received from the landowners who live along the graveled portion of North Rainbow Road. They requested that the speed limit be reduced to 25 mph and the speed limit sign be placed where the pavement turns to gravel.

Allan Bonnema, Highway Superintendent stated that he felt the road was safe for a 35 mph speed limit. Tim Toavs, Landowner stated that the road is not straight and that 4-wheeler traffic is a problem. Gordon Mercer, landowner, offered that there is a lot of foot traffic on the road and speed is a real problem. Moved-Seconded (Flanagan-Deibert) to change the speed limit from 35 mph to 25 mph from Airport road to the end of North Rainbow Road. Motion Carried. Aye-Rosenau, Flanagan, Johnson and Deibert. Nay-Sleep.

**HWY 14A RIGHT OF WAY ENCROACHMENTS:** Discussion continued regarding the Hwy 14A right-of-way encroachments. Amber Vogt, Planning & Zoning Administrator asked for direction on who was responsible for providing these permits. Planning & Zoning or Highway Department.

**PLATS:** Discussion continued on who was responsible for signing as Highway Authority on plats. Chairman Rosenau will contact the Mayor of Spearfish to set up a meeting to discuss this issue.

**PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY / B.H.**

**DEVELOPEMNT, LLC AND BH PROPERTIES:** A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way APPLICANT - B.H. Development, LLC and BH Properties. LEGAL: A portion of the east/west section line running between Sections 7 and 18, through Blaine, Bryon, and Specie Payment Fraction Lodes of M.S. 1102, and Wedge and Edison Lodes of M.S. 1169, beginning at the east boundary of the highway right-of-way for US Highway 14A and terminating at the previously vacated north/south section line between Sections 7 and 8 and Sections 17 and 18, all located in T4N, R3E, Lawrence County, South Dakota, as shown on Exhibit A, attached hereto and by such reference incorporated herein. No public input was voiced and the Public Hearing was closed. Moved-Seconded (Johnson-Deibert) to approve, adopt, and authorize the Chairman to sign the Following Lawrence County Resolution #2017-21 Resolution & Order To Vacate A Portion Of A Highway, Part Of Which Is Located On A Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2017-21 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, 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:** A portion of the east/west section line running between Sections 7 and 18, through Blaine, Bryon, and Specie Payment Fraction Lodes of M.S.

1102, and Wedge and Edison Lodes of M.S. 1169, beginning at the east boundary of the highway right-of-way for US Highway 14A and terminating at the previously vacated north/south section line between Sections 7 and 8 and Sections 17 and 18, all located in T4N, R3E, Lawrence County, South Dakota, as shown on Exhibit A, attached hereto and by such reference incorporated herein. AFFECTING THE LANDOWNERS: BH Development, LLC and BH Properties, LLC. Dated this 14<sup>th</sup> day of November, 2017 Randall Rosenau, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County Deputy Auditor

**COUNTY ASSISTANCE APPEAL:** Moved-Seconded (Johnson-Rosenau) to not compromise the County Lien for Christensen, M. Motion Carried.

**RESOLUTION #17-22 / SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #17-22 for a Supplemental Budget for GENERAL FUND: MENTAL ILLNESS - SALARY - \$5,000.00; COURT APPOINTED ATTORNEY A&N - \$50,000.00; TREASURER - INSURANCE- \$4,500.00; MODERNIZATION & PRESERVATION FUND: M&P SERVICES & FEES - \$6,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Flanagan) to approve and adopt the following Resolution #17-22 for a Supplemental Budget. Motion Carried. RESOLUTION #17-22 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2017, 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 2017, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: MENTAL ILLNESS - SALARY - \$5,000.00; COURT APPOINTED ATTORNEY A&N - \$50,000.00; TREASURER - INSURANCE- \$4,500.00; MODERNIZATION & PRESERVATION FUND: M&P SERVICES & FEES - \$6,000.00. 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 14th day of November, 2017 at the hour of 9:45 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 14th day of November, 2017. FOR THE BOARD OF COUNTY COMMISSIONERS, Randall Rosenau, Chairman. ATTEST: Brenda McGruder, Lawrence County, Deputy Auditor.

**HOMELAND SECURITY TRAILER:** Moved-Seconded (Johnson-Rosenau) to allow the Sheriff's Office and Emergency Management to purchase a larger trailer for the 2014 Can Am UTV at an approximate cost of \$7,000. Aye-Johnson and Rosenau. Nay-Flanagan, Sleep and Deibert. Motion Failed.



**HOMELAND SECURITY GRANTS:** Paul Thomson, Emergency Management Director updated the board on 2018 Homeland Security grants.

**PLANNING & ZONING:**

**WEED ENFORCEMENT:** Dave Heck, Invasive Species Manger and Amber Vogt, Planning and Zoning administrator were present to discuss invasive species enforcement in Lawrence County. Vogt relayed the Planning & Zoning Board's recommendation that public education and information, rather than conditioning plat approval and/or building permit issuance upon demonstrated compliance with weed control, was the best method for supporting LCISM and the Weed Board's efforts to control invasive species. Dave Heck, Invasive Species Manager will meet with Weed Board to further discuss options.

**PLATS:**

**PRELIMINARY & FINAL PLAT/BRIAN SIEVEKE & JAMES MOLSTAD:**

Moved-Seconded (Johnson-Flanagan) to declare this plat for Brian Sieveke & James Molstad meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Brian Sieveke & James Molstad. LEGAL: Lot C-1 & D-1 of Wood Estate Subdivision a Subdivision of Lot 7 and the Subdivision of Tract A of M.S. 1884, All Located in Section 7, T3N, R3E Formerly Lot C and Lot D of Wood Estate Subdivision VICINITY LOCATION: Rochford Road. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Brian Sieveke & James Molstad. LEGAL: Lot C-1 & D-1 of Wood Estate Subdivision a Subdivision of Lot 7 and the Subdivision of Tract A of M.S. 1884, All Located in Section 7, T3N, R3E Formerly Lot C and Lot D of Wood Estate Subdivision VICINITY LOCATION: Rochford Road. Motion Carried.

**PRELIMINARY & FINAL PLAT/WILLIAM & LAURIE SCHUMACHER:** Moved-Seconded (Flanagan-Johnson) to declare this plat for William & Laurie Schumacher meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for William & Laurie Schumacher LEGAL: Lot 15R, Blk 2 of Nemo Placer, MS 1368, formerly Lots 15 & 16, All Located in Section 27, T3N, R5E VICINITY LOCATION: Box Elder Forks Road. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for William & Laurie Schumacher. LEGAL: Lot 15R, Blk 2 of Nemo Placer, MS 1368, formerly Lots 15 & 16, All Located in Section 27, T3N, R5E VICINITY LOCATION: Box Elder Forks Road and to add a miscellaneous document in reference to the Drain Field Easement for Lot 15R or have landowner sign off on the plat. Motion Carried.

**PRELIMINARY & FINAL PLAT/CRAIG & BRENDA GUST:** Moved-Seconded (Flanagan-Rosenau) to declare this plat for Craig & Brenda Gust meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried. Aye-Rosenau, Flanagan and Sleep. Nay-Deibert and Johnson.

Moved-Seconded (Flanagan-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Craig & Brenda Gust LEGAL: Lot 1 & 2 of Stonewall, Blue Ridge and Lloyd Loundes Lodes, M.S. 1132 All Located in W 1/2 NE 1/4 E1/2 NW 1/4 of Section 17, T4N, R3E VICINITY LOCATION: Powder House Trail. Motion Carried. Aye-Rosenau, Flanagan, Johnson and Sleep. Nay-Deibert.

Moved-Seconded (Flanagan-Sleep) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Craig & Brenda Gust LEGAL: Lot 1 & 2 of Stonewall, Blue Ridge and Lloyd Loundes Lodes, M.S. 1132 All Located in W 1/2 NE 1/4 E1/2 NW 1/4 of Section 17, T4N, R3E VICINITY LOCATION: Powder House Trail. Motion Carried. Aye-Rosenau, Flanagan, Johnson and Sleep. Nay-Deibert.

**PRELIMINARY & FINAL PLAT/JOSHUA & DIANNA WILLIAMSON & KEITH & MICHAEL WILLIAMSON:** Moved-Seconded (Deibert-Sleep) to continue discussion at the next meeting. Motion Carried.

**PRELIMINARY & FINAL PLAT/EUGENE & BECKY RUFF AND KARL & NANCY SCHENK:** Moved-Seconded (Johnson-Flanagan) to declare this plat for Eugene & Becky Ruff and Karl & Nancy Schenk meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Eugene & Becky Ruff and Karl & Nancy Schenk LEGAL: Lots 3A and 5A of HES 537 of Section 2, T3N, R4E VICINITY LOCATION: Nemo Road. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Eugene & Becky Ruff and Karl & Nancy Schenk LEGAL: Lots 3A and 5A of HES 537 of Section 2, T3N, R4E VICINITY LOCATION: Nemo Road. Motion Carried. Aye-Rosenau, Flanagan, Johnson and Sleep. Nay-Deibert.

**PRELIMINARY & FINAL PLAT/JOE & MOLLE PALMER:** Moved-Seconded (Sleep-Johnson) to declare this plat for Joe & Molle Palmer meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Joe & Molle Palmer LEGAL: Lot 4A-1 of Two Bit Springs Subdivision, Formerly Lots 4A & 5 of Section 1, T4N, R3E. VICINITY LOCATION: Nemo Road. Motion Carried.

Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Joe & Molle Palmer LEGAL: Lot 4A-1 of Two Bit Springs Subdivision, Formerly Lots 4A & 5 of Section 1, T4N, R3E. VICINITY LOCATION: Nemo Road. Motion Carried.

**PRELIMINARY PLAT/PERLEBACH INVESTMENTS LIMITED, PA:** Moved-Seconded (Deibert-Johnson) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Perlebach Investments Limited PA LEGAL: Lots 1-8, Blk 1 of Tract A of Wilderness Estates, a Sub of a Portion of Lots 25 & 26 of Tract A of Wilderness Estates Located in Sections 7, 8 & 17 T4N, R3E. Motion Carried.

**PRELIMINARY PLAT/BH DEVELOPMENT, LLC:** Moved-Seconded (Flanagan-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for BH Development, LLC LEGAL: Lot 1, 2, 3, Blk 9 of Tract 2B of Wilderness Estates 2nd Addition, Located in Tract 2 of Powder House Pass and Tract 1 of Trailside Addition being a Portion of Tract 2C of Wilderness Estates 2nd Addition, All located in Tract 2 of Powder House Pass, Sections 7, 8, 17, 18, 19, & 20 T4N, R3E. Located along Hwy 85. Motion Carried.

**PRELIMINARY & FINAL PLAT/THOMAS & JUDY FRAZIER:** Moved-Seconded (Johnson-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Thomas & Judy Frazier LEGAL: Lots B1 and B2, a Sub of Nelson Tract B, Section 3, T3N, R4E VICINITY LOCATION: Nemo Road. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Thomas & Judy Frazier LEGAL: Lots B1 and B2, a Sub of Nelson Tract B, Section 3, T3N, R4E VICINITY LOCATION: Nemo Road with the removal of the words 40 foot private access easement vacated this plat doc# 2013-00123. Motion Carried.

**RECESS:** 11:38 a.m. Moved-Seconded (Flanagan-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 11:42 a.m. The Chairman called the meeting back to order.

Johnson left the meeting at 11:42 a.m.

**JOINT POWERS AGREEMENT BETWEEN LAWRENCE COUNTY & CITY OF**

**SPEARFISH:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the Joint Powers agreement between Lawrence County and City of Spearfish with item #2 to read as follows: Duration, Modification, or Amendment. This Agreement shall become effective upon execution by the parties and will expire on November 1, 2020. The portions of this

Agreement pertaining to building code, contractor licensing, **flood prevention** and variance coordination may be terminated, modified, or amended before the expiration of this Agreement only by the mutual written consent of City and County by joint Resolution. Motion Carried.

Absent-Johnson.

## **BILLS:**

Moved-Seconded (Johnson-Flanagan) 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-\$6,474.08; Aud-\$10,597.48; Treas-\$12,290.32; States Atty-\$13,834.73; Pub Def-\$11,944.25; Gen Govt Bldg-\$8,263.59; Equal-\$14,237.08; Rod-\$8,787.63; Vso-\$960.00; Ist-\$9,118.81; Disp-\$15,054.94; Sher-\$39,011.47; Jail-\$21,069.84; Coroner-\$632.66; 24/7-\$177.57; Emerg Mgnt-\$4,294.02; E911-\$1,996.80; Highway-\$43,345.08; Weed-\$3,601.42; Pz-\$5,557.51; **Bills:** Nelson,Melody-\$30.00; Sargent,Debbie-\$30.00; Larson,Rene-\$39.23;Symonds,Carmen-\$160.00; Hodson,Timothy-\$160.00; Kampa,Kerry-\$12.52; Johnson,Patrick-\$58.00; Meehan, Michael-\$160.00; Mccroden,Matthew-\$58.00; Johnson,Ross-\$159.00; Pesicka Olson,Jamie-\$159.00; Pickett,Michael-\$26.88; Stanger,Richard-\$4.22; A To Z Shredding-\$125.12; A&B Business, Inc Solutions-\$1,728.43; A&B Welding Supply-\$20.70; A&I Distributors-\$121.45; Alpine Impressions-\$381.00; Arrigo,Kali-\$50.00; At&T Mobility-\$933.04; Audra Hill Consulting-\$719.17; BH Land Analysis-\$5,495.00; BH Pest Control-\$190.00; BH Pioneer-\$1,608.90; BH Truck And Trailer-\$79.65; Barnaud Law Firm-\$1,309.35; Bickle's Truck & Diesel-\$53.34; Black Hills Energy-\$10,034.24; Black Hills Pure-\$17.50; Bruemmer,Lynnel-\$201.40; Butler Machinery Co-\$1,366.55; Butte Electric Coop-\$376.35; Century Business Products-\$529.90; Centurylink-\$109.62; Chris Supply Co-\$31.73; City/County Alcohol&Drug-\$4,781.50; Claggett & Dill, Prof-\$385.40; Clark Printing-\$575.00; Convergint Technologies-\$29,839.41; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$18.95; Deadwood, City Of-\$1,211.40; Dept Of The Treasury-\$63,691.66; Eddie's Truck Sales/Serv-\$10.78; Emergency Automotive Tech-\$140.64; Facilitydude-\$3,000.00; Fastenal-\$403.40; Federal Express Corp-\$137.91; Galls-\$152.45; Gene's Lock Shop-\$119.50; Godfrey's Brake Serv-\$720.55; Goodie's Uniforms-\$429.90; Hartford-Priority Accounts-\$1,977.24; Heartland Paper Co-\$2,120.68; High Plains Business Forms-\$1,201.38; Hp-\$1,652.80; Id Zone South-\$399.00; Inside The Tape Llc-\$295.00; Interstate Engineering-\$15,400.94; Jacobs Precision Welding-\$32.00; Janke,Wendy-\$1,606.00; Johnson Machine-\$159.11; Kinney,Matthew-\$487.84; Knecht Home Center Of Spf-\$31.37; Koletzky Law Office Prof-\$220.20; Mountain Vista Dental-\$394.00; Kosel,Joseph-\$10,673.49; LC Treasurer-\$22.40; Lead, City Of-\$97.85; Lead-Deadwood Sanitary-\$959.55; Lee,James-\$15.00; Lincoln County-\$90.63; Lynn's Dakotamart-\$2.38; McClure,Susan-\$400.00; Mcpherson Propane-\$119.00; Microfilm Imaging Systems-\$4,933.00; Montana Dakota Utilities-\$2,822.18; Moore Medical-\$319.73; Nebraska Salt & Grain Co-\$19,514.18; Nelson Law-\$1,682.24; Novus-\$55.00; Office Of Attorney General-\$302.77; Office Of Child Support-\$714.93; Power House-\$11.38; Quill-\$580.46; Rabe Elevator-\$1,071.92; Ramkota Inn Pierre-\$1,623.00; Rapid Delivery-\$156.40; Rapid Transcript Co-\$270.00; Rasmussen Mechanical Serv-\$129.45; Rcs Construction-\$29,656.96; Regional Health-\$186.46; Rena M Hymans-\$912.11; Reserve Account-\$7,500.00; Rogers Construction-\$44,452.65; SD Aao-\$50.00; SD Assoc Code Enforcement-\$40.00; SD Association Of County-\$275.00; SD Building Officials Assoc-\$50.00; SD Dept Of Transportation-\$48,958.92; SD Federal Property Agency-\$130.00; SD State Treasurer-\$611.63; Servall Towel & Linen-\$676.64; Silverado-\$450.00; Spearfish Auto Supply-\$916.65; Spearfish Regional Hospital-\$207.40; Strain Morman Law Firm-\$4,624.48; Street Image-\$240.00; Sturdevant's Auto Parts-\$2,738.70; Subway-\$70.80; Sysco Montana-\$2,490.08; Thomson

Reuters-West-\$175.85; Triple K Tire & Repair-\$288.00; Trugreen Chemlawn-\$290.56; Twin City Hardware & Lumber-\$200.54; United Parcel Service-\$85.78; Us Armor-\$374.53; Voice Products Service-\$1,750.00; Waste Connections-\$758.24; Watertree-\$31.90; Wells Fargo Business Card-\$8,730.95; Wells Plumbing & Farm Supp-\$349.91; West River International-\$2,094.34; Western Communication-\$628.00; Wex Bank-\$492.04; White's Canyon Motors-\$411.27; White's Queen City Motors-\$54.61; **Witness & Jurors:** Frerichs,T-\$52.52; Sharff,J-\$34.28; Hart,P-\$50.84; Henry,P-\$60.08; Humbracht,J-\$64.28; Leatherwood,S-\$66.80; Mckinney,Z-\$66.80; Schnabel,A-\$62.60; Sehlmeyer,B-\$66.80; Vojta,K-\$55.88; Adamus-Armstrong,F-\$64.28; Alderman,M-\$62.60; Aldinger,B-\$22.60; Allen,T-\$50.84; Amos,K-\$12.52; Anfinson,J-\$12.52; Asheim,J-\$22.60; Baker,E-\$62.60; Baldwin,M-\$22.60; Berry,T-\$31.00; Brown,L-\$20.08; Burshek,J-\$22.60; Butturff,L-\$10.84; Christiansen,L-\$10.84; Culver,E-\$26.80; Davis,M-\$22.60; Detweiler,G-\$21.76; Dittus,D-\$24.28; Dower,J-\$22.60; Floyd,T-\$10.84; Haak,R-\$28.48; Hahka,S-\$21.76; Hanna,B-\$26.80; Hardesty,S-\$29.32; Hayward,I-\$13.36; Henderson,J-\$24.28; Hisaw,J-\$12.52; Hoyt,C-\$31.00; Klinkel,S-\$71.00; Konstant,M-\$22.60; Lapka,C-\$60.08; Littleton,T-\$22.60; Lucas,J-\$62.60; Medley,S-\$25.96; Merrill,C-\$15.04; Meyer,D-\$56.72; Millard,T-\$21.76; Miller,L-\$35.20; Moeller,S-\$26.80; Moore,J-\$13.36; Owen,A-\$27.64; Pappas,N-\$35.20; Peterson,C-\$28.48; Peterson,D-\$12.52; Peyton,W-\$22.60; Pioske,R-\$25.12; Reddick,D-\$12.52; Risdal,S-\$11.68; Roberts,J-\$66.80; Schallenmkamp,D-\$51.68; Tarrant,S-\$22.60; Tetrault,P-\$26.80; Waisanen,D-\$52.52; Wallace,S-\$22.60; Walsh,P-\$55.04; Walter,R-\$26.80; Wells,B-\$19.24; Wood,D-\$26.80; Zopp,S-\$13.36; Fields,N-\$20.42; West,J-\$36.80; Nelson,M-\$20.00; Morton,A-\$41.00; Aldrich,A-\$22.52; Graves,J-\$28.40; Swalley,L-\$20.00; Tobacco,S-\$20.00; Petro,T-\$54.44

**ADJOURN:** 11:59 a.m. There being no further business, it was Moved-Seconded (Sleep-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – November 14, 2017**

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment Meeting to order at 11:38 a.m. on November 14, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Brandon Flanagan and Randy Deibert 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 #162/WHITNEY-SCHAVONE:** A Public Hearing was held on Variance #162. No public input was voiced and the hearing was closed. **APPLICANT:** Kim Whitney-Schavone **SUMMARY:** Request to Allow a Carport at 106 Vale Rd with a Reduced Front and Side Setback - 19.7' Variance to the 25' Front Setback and a 1.7' Variance to the 10' Side Setback **LEGAL:** Lot 3 of Lots 6 & 7 of Section 4, T6N, R2E **VICINITY LOCATION:** Evans Lane

Moved-Seconded (Deibert-Johnson) to follow Planning and Zoning Commission and P&Z Staff recommendation, along with the support of the City of Spearfish and approve Variance #162 **APPLICANT:** Kim Whitney-Schavone **SUMMARY:** Request to Allow a Carport at 106 Vale Rd with a Reduced Front and Side Setback - 19.7' Variance to the 25' Front Setback and a 1.7' Variance to the 10' Side Setback **LEGAL:** Lot 3 of Lots 6 & 7 of Section 4, T6N, R2E **VICINITY LOCATION:** Evans Lane Motion Carried.

**ADJOURN:** 10:42 a.m. There being no further business, it was Moved-Seconded (Deibert-Flanagan) to adjourn the Board of Adjustment Meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 28, 2017**

Vice-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 November 28, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Randy Deibert present. Randall Rosenau was absent.

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

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

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

**MINUTES:** Moved-Seconded (Johnson-Sleep) to approve the minutes of November 14<sup>th</sup> County Commission meeting and Board of Adjustment meeting. Motion Carried.

### **TRAVEL REQUEST:**

**EMERGENCY MANAGEMENT:** Moved-Seconded (Deibert-Flanagan) to approve the travel request for Paul Thomson, Ken Hawki, and JD Geigle to attend the G393 Mitigation for Emergency Managers training in Pierre, SD on January 7-9, 2017. Motion Carried.

**2018 SDSU EXTENSION AGREEMENT:** Moved-Seconded (Sleep-Johnson) to approve the Vice-Chairman to sign the 2018 SDSU Extension Agreement. Motion Carried.

### **SHERIFF:**

**EXECUTIVE SESSION PERSONNEL ISSUES:** 8:08 a.m. Moved-Seconded (Sleep-Deibert) to go into executive session pursuant SDCL 1-25-2(1) for personnel issues. Motion Carried. 8:20 a.m. The Board opened for regular business with no action taken.

**RESOLUTION #17-23 / SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #17-23 for a Supplemental Budget for GENERAL FUND-COURTS-TEEN COURT-\$17,484.39. Spencer Rossi stated that her daughter volunteers for Teen Court in Rapid City and it is a good program not just for the offenders but also for those who serve as lawyers and jurors. No other public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Sleep) to approve and adopt the following Resolution #17-23 for a Supplemental Budget. Motion Carried. RESOLUTION #17-23 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2017, 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 2017, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND-COURTS-TEEN COURT - \$17,484.39. 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 28th day of November, 2017 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 28th day of November, 2017. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Vice-Chairman ATTEST: Brenda McGruder Lawrence County Deputy Auditor

**HIGHWAY:**

**MCGUIGAN ROAD & HWY 14A TURNING LANE DESIGN AND CONSTRUCTION:**

Spencer Rossi, Top Shelf developer was present to update the Commission on the McGuigan Road & HWY 14A turning lane design and construction. An update will be presented at the next meeting.

**PLATS:**

**EXECUTIVE SESSION CONTRACTUAL/LEGAL ISSUES:** 8:39 a.m. Moved-Seconded (Deibert-Sleep) to go into executive session pursuant SDCL 1-25-2(3) with Bruce Outka, Deputy States Attorney. Motion Carried. 8:54 a.m. The Board opened for regular business with no action taken.

Randy Deibert and Brandon Flanagan will be part of a work group for discussions with the City of Spearfish regarding road jurisdiction and road maintenance issues. Richard Sleep will serve as an alternate. The group shall report back to the full Commission.

Moved-Seconded (Johnson-Deibert) to allow Allan Bonnema, Highway Superintendent to join the City of Spearfish as joint signatory as highway authority on plats in the joint jurisdictional areas. Motion Carried.

**NEIGHBORWORKS DAKOTA HOME RESOURCES:**

Joy McCracken, Mike Walker and Crystal Murray were present to discuss creation of a revolving loan fund for affordable workforce housing to enhance the labor pool in Lawrence County. A request was made for \$1,000,000.00 from the Mineral Severance Fund. After considering the provisions of SDCL 10-39-54.3 governing Fund expenditures, the Board determined that the funding request was not allowed for the stated purpose.



**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #398/COEUR/WHARF MINE:** A Public Hearing was held on

C.U.P. # 398-16 APPLICANT: Coeur/Wharf Mine SUMMARY: Request to Amend Condition #34 Regarding Maintenance Obligation for Perkins Road. Matthew Zietlow, Environmental Manager at Wharf Resources, stated that in preparation for today's Commission meeting, Coeur Wharf sent Notice by letter to affected residents informing them that the County Commission would again consider the proposed amendment to Condition #34 regarding Wharf Mine's discontinuance of maintenance of Richmond Hill Road. He stated that the amendment will not take place until October 1, 2018, giving the residents one more year plan for substitute road maintenance. No other public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Sleep) to follow Planning and Zoning's recommendation and approve the amendment to Condition #34 as follows: During active mining operations, Wharf Resources will provide public rights-of-way across property to provide access from the Stewart Slope Road to the Perkins Road (Richmond Hill Road), and to the Redpath Creek Road. Wharf Resources may change the locations of the public rights-of-way. Wharf Resources will maintain the public rights-of-way across property during its active mining operations. Wharf Resources will not be required to maintain Perkins Road (Richmond Hill Road). During reclamation, the public rights-of-way will be reclaimed as required by ARSD 74:29:07:12, unless a local, state, or federal agency requests that the public rights-of-way remain unreclaimed and agrees to be responsible for future maintenance. ARSD 74:29:07:12(10). This amendment will take affect on October 1, 2018. Motion Carried.

**AE2S FLOODPLAIN ENGINEERING PROPOSAL:** Dustin Dale, AE2S Engineer and Tonya Vig, City of Spearfish Floodplain Administrator, were present to discuss two proposals for engineering services - one for the Spearfish Creek FEMA submittal pertaining to Spearfish Creek and the other for Spearfish Creek Flood Protection Improvements. Moved-Seconded (Deibert-Flanagan) to proceed with and approve the Spearfish Creek Flood Protection Improvements Planning Project Proposal. Motion Carried.

**CHANGE OF ZONING #319 / DAVID ARNIO:** First Reading and a Public Hearing was held on COZ #319 APPLICANT: David Arnio SUMMARY: Request to Change Zoning from A-1 to RR (Original Request to Change Zoning to C/LI on a Portion of the Premises Was Withdrawn) LEGAL: N 950', More or Less, of the E 460', More or Less, of the NE 1/4 of Section 32, T7N, R2E VICINITY LOCATION: Old Belle Road. Mike Delahoyde was present to speak in favor the COZ #319 as he will be the future owner. No other public input was voiced and the hearing was closed. Second Reading Scheduled: December 12, 2017.

**WEED ENFORCEMENT:** Dave Heck, Invasive Species Manager, advised that the Weed Board is still considering alternatives for facilitating weed enforcement in the County, and he will report back to the Commission with the Weed Board's final recommendations.

**HWY 14A RIGHT OF WAY ENCROACHMENTS:** Amber Vogt, Planning & Zoning Administrator presented the board with examples of encroachment permits.

**JOINT POWERS AGREEMENT BETWEEN LAWRENCE COUNTY & CITY OF SPEARFISH:** Moved-Seconded (Deibert-Flanagan) to approve the amended Joint Powers agreement between Lawrence County & City of Spearfish. Motion Carried.

**PLATS:**

**PRELIMINARY & FINAL PLAT/JOSHUA & DIANNA WILLIAMSON & KEITH & MICHAEL WILLIAMSON:** Applicant requested to withdraw the preliminary & final plat.

**DEV. PLAN #17-03 / CROW PEAK PROPERTIES, LLC (DBA CROW PEAK BREWING CO):** A public hearing was held on the proposed Dev. Plan 17-03. **APPLICANT:** Crow Peak Properties, LLC (DBA Crow Peak Brewing Co) **SUMMARY:** Request to Build an Addition to the Existing Brewery to House Additional Tanks and Reconfigure the Parking Lot and Entrances **LEGAL:** Crow Peak Brewing Company Tract in Section 4, T6N, R2E **VICINITY LOCATION:** 125 W Hwy 14 **ZONING CLASSIFICATION:** HSC-Highway Service Commercial. No public input was voiced and the hearing was closed.

Moved-Seconded (Deibert-Flanagan) to approve Dev. Plan 17-03 for Crow Peak Properties, LLC (DBA Crow Peak Brewing Co) per the submitted plan/drawing contingent upon all other permitting approvals required by the City of Spearfish and FEMA. **SUMMARY:** Request to Build an Addition to the Existing Brewery to House Additional Tanks and Reconfigure the Parking Lot and Entrances **LEGAL:** Crow Peak Brewing Company Tract in Section 4, T6N, R2E **VICINITY LOCATION:** 125 W Hwy 14 **ZONING CLASSIFICATION:** HSC-Highway Service Commercial. Motion Carried.

**ANNUAL REVIEWS:**

**C.U.P. #329 CINDY GILLES (2ND RESIDENCE):** An annual review was conducted on C.U.P. #329 Cindy Gilles (2nd Residence). No violations were found and will be reviewed in one year.

**C.U.P. #380 CHARLES WENNBERG (2ND RESIDENCE):** An annual review was conducted on C.U.P. #380 Charles Wennberg (2nd Residence). No violations were found and will be reviewed in one year.

**C.U.P. #381 DUANE REDDICK (2ND RESIDENCE):** An annual review was conducted on C.U.P. #381 Duane Reddick (2nd Residence). No violations were found and will be reviewed in one year.

**C.U.P. #402 JIM DECOOK (2ND RESIDENCE):** An annual review was conducted on C.U.P. #402 Jim DeCook (2nd Residence). Jeff Schroeder, Code Enforcer will do a follow-up on C.U.P. #402 at a future meeting.

**C.U.P. #433 JENNIFER TODD (HOME BUSINESS SIGNAGE):** An annual review was conducted on C.U.P. #433 Jennifer Todd (Home Business Signage). Moved-Seconded (Sleep-Deibert) CUP #433 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**BILLS:**

Moved-Seconded (Sleep-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-\$6,477.28; Aud-\$11,576.66; Treas-\$12,861.53; States Atty-\$13,850.96; Pub Def-\$11,944.25; Gen Govt Bldg-\$9,064.09; Equal-\$14,237.09; Rod-\$8,787.63; Vso-\$960.00; Ist-\$9,118.82; Disp-\$14,223.19; Sher-\$41,037.72; Jail-\$24,253.58; Coroner-\$1,672.66; 24/7-\$177.57; Emerg Mgnt-\$4,267.82; E911-\$1,996.80; Highway-\$46,825.21; Mh-\$1,316.00; Weed-\$3,759.45; Pz-\$5,557.50; **Bills:** Larson, Rene-\$22.00; Thomson, Paul-\$22.00; A To Z Shredding-\$25.00; A&B Business,Inc Solutions-\$669.48; Adams Salvage Recycling-\$3,383.46; At&T-\$7.29; BH Occupational Medicine-\$60.00; BH Pioneer-\$24.02; Bachman Construction-\$968.37; Barnaud Law Firm-\$484.35; Bi Geo Group Co-\$563.80; Black Hills Energy-\$2,181.91; Bob Barker Company-\$95.63; Brown & Saenger-\$242.44; Butler Machinery Co-\$30,095.15; Cbh Cooperative-\$37,827.80; Cdw Government-\$1,143.00; Central Restaurant Products-\$39.27; Centurylink-\$1,944.18; Charm-Tex-\$47.52; City Of Rapid City-\$770.00; City/County Alcohol&Drug-\$203.00; Claggett & Dill, Prof-\$318.86; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$873.90; Datec-\$18,638.13; Dept Of Hlth Lab Services-\$905.00; Dept Of The Treasury-\$62,679.30; Eb Communications-\$110.00; Ellingson, Joseph-\$4,562.91; Et Sports-\$16,014.05; Foremost Promotions-\$55.00; Galls-\$615.29; Gene's Lock Shop-\$6.00; Cochran, Leslie-\$64.60; Heartland Paper Co-\$1,105.61; Hills Tire & Supply-\$740.00; Hp-\$11,505.63; Interstate Engineering-\$4,478.90; John Deere Financial-\$158.21; Kolbeck Law Office-\$9,174.71; Mountain Vista Dental-\$696.00; L-3 Communications-\$9,733.00; Language Line Services-\$208.18; Lead-Deadwood Regional Hospital-\$1,262.10; Lexisnexis Risk Data Mgnt-\$75.50; Lincoln County-\$455.39; Mack's Auto Body-\$670.00; Maplogic-\$250.00; Marshall & Swift/Boeckh-\$8,568.49; Mcgas Propane-\$335.69; Meade County Auditor-\$64.00; Midcontinent Communications-\$111.51; Montana Dakota Utilities-\$2,904.81; Moss,William Psy-\$1,500.00; Murphy Law Office, PC-\$874.20; Nalco Company-\$239.20; Nebraska Salt & Grain Co-\$10,683.02; Nelson Law-\$1,122.65; Nelson,Christy-\$150.00; Nelson,Tonya-\$250.00; Novus-\$110.00; Office Depot-\$969.25; Office Of Attorney General-\$302.77; Office Of Child Support-\$714.93; Office Technology/Supply-\$32.50; Pennington Co Jail-\$526.75; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$3,238.40; Quik Signs-\$31.68; Quill-\$37.98; Rabe Elevator-\$1,071.92; Rapid City Police Dept-\$13.96; Regional Health/Ref Lab-\$348.00; Rocket Lube-\$155.48; Rocky Mountain Instrumental-\$80.00; SD Continuing Legal Education-\$200.00; SD Sheriff's Association-\$1,222.91; Sdrs Supplemental Retirement-\$2,741.00; Servall Towel & Linen-\$452.55; Southside Service-\$70.00; Spearfish Police Dept-\$10,407.15; Sterna,Laura-\$150.00; Sturdevant's Auto Parts-\$12.56; Subway-\$25.00; Sysco Montana-\$2,612.21; Thomson Reuters-West-\$217.00; Triple K Tire & Repair-\$2,283.92; Turnkey Corrections-\$40.22; Twin City Hardware & Lumber-\$165.20; Vanway Trophy And Award-\$27.15; Vast Broadband-\$1,775.64; Verizon Wireless-\$105.35; Victims Of Violence-\$691.00; Wagner,Connie-\$400.00; West River International-\$1,207.02; Western Sd Juvenile Serv-\$1,165.00; White Drug-\$1,594.81; White's Queen City Motors-\$244.10; Williams Properties-\$500.00; **Witness & Jurors:** Dias,G-\$22.60; Hart,D-\$22.52; Aldinger,K-\$62.60; Cole,D-\$55.88; Havens,T-\$65.12; Kaiser,H-\$58.40; Kruske,N-\$55.04; Merchen,J-\$59.24; Stahl,M-\$62.60; Vanzee,K-\$66.80; Weimer,K-\$62.60; Ainsworth,J-\$66.80; Apaza,J-\$18.40; Blodgett,E-

\$22.60; Bonderson,B-\$64.28; Braun,G-\$28.48; Cahoy,A-\$25.12; Cathcart,S-\$65.12; Chewakin,R-\$22.60; Colombe,C-\$22.60; Drury,L-\$26.80; Dunbar,D-\$31.00; Dupont,B-\$26.80; Eastland,E-\$26.80; Erion,R-\$60.08; Farmer,A-\$52.52; Feldt,L-\$16.72; Fish,L-\$22.60; Gallegos,C-\$21.76; Haiwick,M-\$22.60; Hall,R-\$22.60; Hansen,C-\$18.40; Hubenka,L-\$62.60; Janovy,D-\$64.28; Karas,L-\$22.60; Knutson,J-\$23.44; Koemer,C-\$67.64; Krier,G-\$22.60; Ladner,M-\$22.60; Lambert,T-\$23.44; Lauer,D-\$10.84; Lipp,C-\$62.60; Mathis,K-\$22.60; Mcarthur,J-\$65.12; Mohl,D-\$15.88; Monahan,M-\$64.28; Mosman,M-\$26.80; Odonnell,S-\$22.60; Opbroek,M-\$22.60; Pongruber,D-\$20.08; Pyburn,R-\$22.60; Radke,T-\$13.36; Rehorst,A-\$31.00; Riemer,R-\$24.28; Ryan,B-\$15.04; Schrag-Hicks,R-\$22.60; Schwartz,P-\$20.92; Semones,E-\$22.60; Sexton,R-\$12.52; Sivertsen,S-\$58.40; Smith,M-\$22.60; Stygles,K-\$33.52; Swartz,J-\$21.76; Taggart,J-\$22.60; Trentz,S-\$10.84; Zebroski,L-\$25.12; Zephier,R-\$26.80; Douglass,J-\$34.70; Sundstrom,J-\$35.12

**ADJOURN:** 11:25 a.m. There being no further business, it was Moved-Seconded (Deibert-Sleep) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 12, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on December 12, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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

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

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

**MINUTES:** Moved-Seconded (Flanagan-Deibert) to approve the minutes of November 28<sup>th</sup> County Commission meeting. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Johnson) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of November 30, 2017 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)-\$79,307.41; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$7,277.20; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$13,365,706.07, Money Market \$8,720,493.33 Total \$25,175,994.01.

**2018 STATE / COUNTY COMMUNITY HEALTH NURSE AGREEMENT:** Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the 2018 State/County Community Health Nurse Agreement. Motion Carried.

**JOINT FUNDING AGREEMENT:** Moved-Seconded (Sleep-Rosenau) to authorize the Chairman to sign the Joint Funding Agreement with the U. S. Department of the Interior U. S. Geological Survey for the three stream flow gages located at Crow Creek near Beulah, Annie Creek near Lead and False Bottom Creek near Central City during the period of October 1, 2017 through September 30, 2018. Motion Carried.

### **ABATEMENTS:**

**NORTHERN HILLS ALCOHOL & DRUG DBA COMPASS POINT:** Moved-Seconded (Johnson-Flanagan) to approve the abatement for Northern Hills Alcohol & Drug DBA Compass

Point on parcel #32180-14200-060-11 because the property is tax exempt. Motion Carried. Aye-Rosenau, Flanagan, Johnson and Sleep. Nay-Deibert.

**ROCKY WATERS 3 LP:** Moved-Seconded (Johnson-Flanagan) to approve the abatement for Rocky Waters 3 LP on parcel #30900-00735-010-20 because the new construction was added to the wrong parcel. Motion Carried.

**CHOICE VENTURES, LLC/RON SNEESBY:** Moved-Seconded (Johnson-Rosenau) to approve the abatement for Choice Ventures, LLC/Ron Sneesby on parcel #32210-18700-020-10 because useable area due to hillside. Motion Carried.

**2018 COUNTY COMMISSION SCHEDULE:** Moved-Seconded (Flanagan-Sleep) to set the 2018 County Commissioners meeting dates as follows: January 2 & 23, February 13, March 13 & 27, April 10 & 24, May 8 & 22, June 12, & 26, July 10 & 24, August 14, September 4 & 18, October 9 & 23, November 13 & 27, December 11 & 27. Motion Carried.

**SHERIFF:** Brian Dean, Sheriff was present to update the Board on the average daily population in the Jail and two expenditures that will be coming up for payment.

**VEHICLE BIDS:** Moved-Seconded (Flanagan-Deibert) to set the bid opening on January 23rd at 8:15 a.m. for three new patrol vehicles, and to declare the 2013 Chevy Tahoe VIN#1GNSK2E04DR309082, 2014 Ford Explorer VIN#1FM5K8AR3EGC49754 and the 2013 Chevy Tahoe VIN#1GNSK2E04DR311494 surplus and allow them to be considered for trade in. Motion Carried.

**CALAMITY GULCH ROAD DISTRICT:** Moved-Seconded (Flanagan-Deibert) to canvass the Calamity Gulch Road District Election showing the whole number of ballots cast was Five (5), together with the number of Five (5) voting for and the number of Zero (0) voting against incorporation and authorize the signing of the Official Canvass. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the following Order Declaring Calamity Gulch Road District Incorporated. Motion Carried. ORDER DECLARING CALAMITY GULCH ROAD DISTRICT INCORPORATED WHEREAS, an election was held among the eligible voters in the Calamity Gulch Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on December 11, 2017. WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was Five (5), together with the number of Five (5) voting for and the number of Zero (0) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Lots 1 through 15 inclusive, 16A, 16B, 17, 18, 19, 20, 21A, 21B, 22A, 22B, 23, 24, and 25 of the subdivision of Puritan No. 13, Potsdam, Puritan, Puritan Fraction, Blaine Fraction & Blaine Lode Claims of M.S. 1742 in Sections 30 and 31, T5N, R2E, B.H.M., Lawrence County, and Spearfish Canyon Lots 121, 122, and 124 being portions of the Cascade Placer, M.S. 991, in the SW1/4 of

Section 30, T5N, R2E, B.H.M., Lawrence County, South Dakota. WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Calamity Gulch Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 12<sup>th</sup> day of December, 2017. Randall Rosenau, Chairperson Lawrence County Commission ATTEST: Brenda McGruder, Deputy Auditor.

**HIGHWAY:**

**HOMESTAKE ROAD BRIDGE INSPECTION REPORT AND DESIGN**

**ALTERNATIVES:** Allan Bonnema, Highway Superintendent and Jason Hanson, Brosz Engineering, Inc were present to discuss the cost and option for repairing of the Homestake Road Bridge. Move-Seconded (Flanagan-Deibert) to replace all of the wood on the Homestake Road Bridge. Motion Carried.

**WHITEWOOD VALLEY ROAD BRIDGE PROJECT:** Moved-Seconded (Deibert-Johnson) to approve and authorize the Chairman to sign the 2018 application for bridge improvement (BIG) funds preservation or rehab/replacement and to pay 50% match on the bridge improvement grant funds. Motion Carried.

**MCGUIGAN ROAD & HWY 14A TURNING LANE DESIGN AND CONSTRUCTION:**

Allan Bonnema, Highway Superintendent updated the Commission on the McGuigan Road & HWY 14A turning lane design and construction.

**PLANNING & ZONING:**

**CHANGE OF ZONING #319 / DAVID ARNIO:** Second Reading Hearing was held on COZ #319 APPLICANT: David Arnio SUMMARY: Request to Change Zoning from A-1 to RR (Original Request to Change Zoning to C/LI on a Portion of the Premises Was Withdrawn) LEGAL: N 950', More or Less, of the E 460', More or Less, of the NE 1/4 of Section 32, T7N, R2E VICINITY LOCATION: Old Belle Road.

Moved-Seconded (Flanagan-Deibert) to follow Planning & Zoning and P&Z Staff report, and approve COZ #319 APPLICANT: David Arnio SUMMARY: Request to Change Zoning from A-1 to RR LEGAL: N 950', More or Less, of the E 460', More or Less, of the NE 1/4 of Section 32, T7N, R2E VICINITY LOCATION: Old Belle Road. Motion Carried.

**PRELIMINARY & FINAL PLAT/MAITLAND PARTNERS:**

Moved-Seconded (Flanagan-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for Maitland Partners LEGAL: Lot 82R & 83R of Tract M of Paradise Acres III; All Located in Sections 17, 18,19, 20, T5N, R3E VICINITY LOCATION: Maitland Road. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to follow Planning and Zoning and P&Z Staff and approve the Final Plat for Maitland Partners LEGAL: Lot 82R & 83R of Tract M of Paradise

Acres III; All Located in Sections 17, 18,19, 20, T5N, R3E VICINITY LOCATION: Maitland Road. Motion Carried.

**PRELIMINARY PLAT/WINTER:** Moved-Seconded (Johnson-Deibert) to follow Planning and Zoning and P&Z Staff and approve the Preliminary Plat for David Winter LEGAL: Tracts A2-A6 of Majestic Heights and Lot 3 of the Sub of Woodbine Placer All in Sections 13, 23, 24, 25, T5N, R3E VICINITY LOCATION: Boulder Canyon Highway. Motion Carried.

**ENCROACHMENT PERMITS:** Discussion continued on the process for implementing the encroachment permit process.

**WEED ENFORCEMENT:** No additional update was available at this time.

**PLAT FEE REFUND:** Moved-Seconded (Deibert-Sleep) to deny the request for a Plat Refund for Joshua & Dianna Williamson & Keith & Michael Williamson. Motion Carried.

**TYLER TECHNOLOGY SOFTWARE AGREEMENT:** Tim Hodson, Director of Equalization presented the board with a draft software agreement from Tyler Technology.

**COUNTY WEB PAGE DESIGN UPDATE:** Greg Dias, Information, System & Software Director updated the board on the new web page design.

**EXECUTIVE SESSION CONTRACTUAL/LEGAL ISSUES:** 10:23 a.m. Moved-Seconded (Flanagan-Deibert) to go into executive session pursuant SDCL 1-25-2(3) with Bruce Outka and John Frederickson. Motion Carried. 10:53 a.m. The Board opened for regular business with no action taken.

**BILLS:**

Moved-Seconded (Deibert-Sleep) 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-\$6,477.28; Aud-\$11,854.67; Treas-\$12,004.73; States Atty-\$13,872.59; Pub Def-\$11,944.24; Gen Govt Bldg-\$8,889.36; Equal-\$14,237.10; Rod-\$8,787.64; Vso-\$960.00; Ist-\$9,113.29; Disp-\$15,931.40; Sher-\$42,349.41; Jail-\$26,798.91; Coroner-\$432.66; 24/7-\$167.71; Emerg Mgnt-\$4,258.82; E911-\$1,996.80; Highway-\$43,691.06; Weed-\$3,721.42; Pz-\$5,557.50; **Bills:** Fitzgerald, John-\$319.20; Lopez, Amber-\$68.04; American Family Life-\$2,835.18; Credit Collections Bureau-\$64.54; Deadwood Recreation Center-\$786.00; Delta Dental Of South Dakota-\$7,275.18; Dept Of The Treasury-\$62,541.95; Northern Hills Rec Center-\$177.00; Office Of Attorney General-\$245.08; Office Of Child Support-\$714.93; SD Retirement System-\$88,216.36; Sdrs Supplemental Retirement-\$2,741.00; Wellmark Blue Cross-\$78,911.01; A&B Business,Inc Solutions-\$1,469.18; A&B Welding Supply-\$136.63;



Aberdeen Llc-\$5,244.00; Adams Salvage Recycling-\$2.87; Alpine Impressions-\$105.00; American Legal Publishing-\$3,480.00; Arrigo, Kali-\$50.00; At&T Mobility-\$919.36; BH Pest Control-\$190.00; BH Physical Therapy-\$80.00; BH Pioneer-\$1,033.16; BH Window Cleaning-\$3,625.00; Barnaud Law Firm-\$1,004.18; Black Hills Energy-\$184.38; Black Hills Pure-\$11.50; Brosz Engineering-\$1,020.00; Butler Machinery Co-\$1,066.61; Butte Electric Coop-\$517.03; Carol Butzman Consult Serv-\$75.00; Cdw Government-\$759.00; Century Business Products-\$537.64; Centurylink-\$109.62; Charm-Tex-\$585.25; City/County Alcohol&Drug-\$226.00; Clinical Lab Of BH-\$1,602.00; Crop Production Services-\$20,072.00; Dakota Equipment Rental-\$93.96; Dale's Tire & Retread-\$4,167.28; Deadwood, City Of-\$986.90; Dept Of Hlth Lab Services-\$135.00; Ecolab-\$151.13; Et Sports-\$1,016.80; Express Toll-\$10.80; Fastenal-\$171.50; Galls-\$371.14; Godfrey's Brake Serv-\$880.46; Grimm's Pump Service-\$434.63; Hartford-Priority Accounts-\$1,989.20; Heartland Paper Co-\$405.73; Hp-\$6,883.74; International Academy Of Emd-\$50.00; Intoximeters-\$650.00; Iron Creek Plaza Apt-\$400.00; Johnson Machine-\$85.90; Katterhagen,Mark- \$15.00; Kimball-Midwest Co-\$780.77; Kinney, Matthew-\$198.86; Kosel, Joseph-\$9,414.49; LC Plan & Zone-\$24.00; Lead, City Of-\$54.45; Lead-Deadwood Sanitary-\$678.58; Lee,James-\$15.00; Lewis & Clark Bhs-\$160.00; Lewno, Lucy-\$150.46; Lexisnexis Risk Data Mgnt-\$77.00; Lockwood,Darcy-\$15.00; McClure, Susan-\$100.00; Mehlberg Construction-\$438.78; Mckie Ford-\$124.74; Microfilm Imaging Systems-\$255.00; Mid-Continent Testing-\$756.00; Montana Dakota Utilities-\$492.39; Moss, William Psy-\$750.00; Murphy Law Office-\$284.20; Nebraska Salt & Grain Co-\$13,949.49; Nelson Law-\$918.06; Nelson,Tonya-\$200.00; Northern Truck Equip-\$65.00; Office Depot-\$171.47; Pennington County Sheriff-\$400.00; Pfefferle,Sarah-\$385.00; Pitney Bowes-\$226.80; Pmi-\$2,114.72; Quik Signs-\$135.67; Quill-\$522.16; Rapid Delivery-\$12.65; Rapid Transcript-\$300.00; Regional Health-\$18.00; Rogers Construction-\$46,976.08; Root Spring Scraper-\$2,552.56; SD State Treasurer-\$1,191.90; SD States Attorney Assoc-\$1,373.00; Servall Towel & Linen-\$1,129.19; Sierra Design Vinyl Lettering-\$66.00; Spearfish Auto Supply-\$1,668.75; State Bar Of South Dakota-\$2,365.00; Strain Morman Law Firm-\$3,742.92; Street Image-\$1,765.64; Sturdevant's Auto Parts-\$1,816.15; Superior Sanitation-\$275.00; Sysco Montana-\$5,449.50; Thomson Reuters-West-\$184.64; Top Quality-\$260.00; Transource Truck & Equip-\$330.71; Triple K Tire & Repair-\$1,059.07; Twilight First Aid & Safety-\$310.00; Twin City Hardware & Lumber-\$3,073.08; Waste Connections-\$758.24; Watertree-\$31.90; West River International-\$639.91; Western Communication-\$22,020.00; Western Construction-\$46,634.92; Wex Bank-\$754.16; White's Canyon Motors-\$1,612.58; Yankton Co Sheriff-\$50.00; Yankton County-\$118.75 **Witness & Jurors:** Frerichs,T-\$52.52; Hart,P-\$50.84; Henry,P-\$60.08; Humbracht,J-\$64.28; Leatherwood, S-\$66.80; Mckinney,Z-\$66.80; Schnabel,A-\$62.60; Vojta,K-\$55.88; Dies,K-\$34.28; Gillette,T-\$33.44; Mcfarlane,J-22.10; Mcfarlane,K-\$20.00; Paulus,D-\$48.56; Riddle,H-\$35.12

**ADJOURN:** 11:01 a.m. There being no further business, it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 28, 2017**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on December 28, 2017 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Richard Sleep, and Randy Deibert present.

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:** No conflicts were declared by the Lawrence County Commission.

**MINUTES:** Moved-Seconded (Sleep-Flanagan) to approve the minutes of December 12<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Deibert-Rosenau) to approve the step raise for Steven Kline as a Information System & Technology Specialist G3 at the base rate of \$24.37 an hour, effective December 24, 2017. Motion Carried.

### **SHERIFF:**

Moved-Seconded (Flanagan-Johnson) to approve Amanda Hernandez as a Permanent full-time Correctional Officer I G1 at the base rate of \$17.80 an hour, effective December 24, 2017. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Thomas Myers as a Fill-in part-time (under 20) Correctional Officer I G1 at the base rate of \$17.80 an hour, effective December 24, 2017. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve Robert Torres as a Fill-in part-time (under 20) Correctional Officer I G1 at the base rate of \$17.80 an hour, effective December 24, 2017. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the step raise for Julie Rakow as a Criminal Analyst G2 at the base rate of \$19.98 an hour, effective December 24, 2017. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the step raise for Kathryn A. Hast as a Dispatcher G2 at the base rate of \$19.27 an hour, effective December 24, 2017. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the step raise for Ritchey D. Walk as a Deputy II G3 at the base rate of \$25.13 an hour, effective December 24, 2017. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to approve the step raise for Paul A. Hansen as a Chief Deputy G3 at the base rate of \$2,728.80 per pay period, effective December 24, 2017. Motion Carried.

**AMBULANCE AGREEMENTS 2018:** Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the Lead/Deadwood and Spearfish Ambulance Service Agreements for 2018. Motion Carried

**SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE:** Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the revised intergovernmental contract with the South Dakota Public Assurance Alliance. Motion Carried.

**MALT-BEVERAGE & WINE LICENSE TRANSFER / NEMO BRANDIN' IRON LLC:** A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage and Class-Retail (On-Off Sale) Wine for Nemo Guest Ranch Business Ent (Branding Iron Restaurant) to Nemo Brandin' Iron LLC (Brandin' Iron Restaurant & Ponderosa Bar). No public input was voiced and the public hearing was closed. Moved-Seconded (Johnson-Deibert) to approve the following transfer of Class-Retail (On-Off Sale) Malt Beverage Previous License: Nemo Guest Ranch Business Ent (Branding Iron Restaurant): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D Plat:2000-582 28-3-5. Transfer To: Nemo Brandin' Iron LLC (Brandin' Iron Restaurant & Ponderosa Bar): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D Plat:2000-582 28-3-5. Class-Retail (On-Off Sale) Wine Previous License: Nemo Guest Ranch Business Ent (Branding Iron Restaurant): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D Plat:2000-582 28-3-5. Transfer To: Nemo Brandin' Iron LLC (Brandin' Iron Restaurant & Ponderosa Bar): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D Plat:2000-582 28-3-5. Motion Carried.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of December 12, 2017:

**Deadwood Diesel Blended (dyed) 5600 gallons:** (prices per gallon) CBH Cooperative - \$2.328;\* MG Oil & Harms Oil Co-\$2.459; **Deadwood Unleaded 2500 gallons:** (prices per gallon) CBH Cooperative - \$2.359; MG Oil & Harms Oil Co-\$2.099\*; **Spearfish Diesel#2 (dyed):** 3100 gallons: (prices per gallon) CBH Cooperative - \$2.233\*; MG Oil & Harms Oil Co-\$2.339; **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative - \$2.379; MG Oil & Harms Oil Co-\$2.099\*; **Whitewood Diesel Blended (dyed):** 300 gallons: (prices per gallon) CBH Cooperative - \$2.358\*, MG Oil & Harms Oil Co-\$2.459. \*Represents lowest quote awarded.

**R.O.W. ENCROACHMENT PERMITS:** Moved-Seconded (Sleep-Flanagan) to authorize Allan Bonnema, Highway Superintendent to hire Bill Moths of Interstate Engineering to survey

the County Right of Way from Evans Lane East to the KOA Campground not to exceed \$2,500.00. Motion Carried.

**NJPA PURCHASE:** Moved-Seconded (Johnson-Flanagan) to allow Allan Bonnema, Highway Superintendent to purchase a 2015 950M Cat Loader from Butler Machinery at a cost of \$238,277 as per Governmental Contract Initiative (GOV-15-NJPA) with the National Joint Powers Alliance Contract-IFB#060311 and RFP 032515#. Motion Carried.

**PLANNING & ZONING:**

**DEVELOPMENT PLAN/POWDER HOUSE PASS:** Moved-Seconded (Deibert-Flanagan) to approve the Powder House Pass C.I.D. Community Center parking plan as submitted. Motion Carried.

**POWDER HOUSE PASS C.I.D.:** Jerry Aberle, Powder House Pass Manager gave an update on the Powder House Pass C.I.D.

**JOINT POWERS AGREEMENT BETWEEN LAWRENCE COUNTY & CITY OF SPEARFISH:** Moved-Seconded (Flanagan-Deibert) to approve the amended Joint Powers agreement between Lawrence County & City of Spearfish and authorize the Chairman to sign. Motion Carried. Aye-Rosenau, Flanagan, Johnson & Deibert. Nay-Sleep.

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

**COUNTY WEB PAGE DESIGN UPDATE:** Greg Dias, Information, System & Software Director updated the board on the new web page design.

**STATES ATTORNEY:**

**EXECUTIVE SESSION PERSONNEL ISSUES:** 10:11 a.m. Moved-Seconded (Sleep-Deibert) to go into executive session pursuant SDCL 1-25-2(1) for personnel issues. Motion Carried. 10:23 a.m. The Board opened for regular business with no action taken.

**ITEMS FROM COMMISSIONERS:** Moved-Seconded (Johnson-Flanagan) to take the cost of the County Christmas Party out of contingency fund for 2018 and budget for the cost thereafter. Motion Carried.

**BILLS:**

Moved-Seconded (Flanagan-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-\$6,477.28; Aud-\$11,831.58; Treas-\$12,433.14; States Atty-\$13,872.59; Pub Def-\$11,944.24; Gen Govt Bldg-\$9,076.28; Equal-\$14,237.09; Rod-\$8,807.63; Vso-\$960.00; Ist-\$9,125.22; Disp-\$13,597.46; Sher-\$39,117.29; Jail-\$21,589.79; Coroner-\$822.66; 24/7-\$197.30; Emerg Mgnt-\$4,267.82; E911-\$1,996.80; Highway-\$46,389.74; Weed-\$3,601.42; Pz-\$5,557.51; **Bills:** Tysdal, Richard-\$147.84; Brady, Thomas-\$107.52; Johnson, Daryl-\$147.84; Cortez, Frank-\$49.00; Schenk, Travis-\$107.52; Johnson, Michael-\$49.00; Stone, Julie-\$50.82; Capp, Jacob-\$68.23; Gulickson, Scott-\$94.08; Fuller, Kelly-\$27.72; A To Z Shredding-\$63.40; A&B Business, Inc Solutions-\$347.16; A&I Distributors-\$832.75; American Family Life-\$3,153.44; Audra Hill Consulting-\$1,379.89; BH Occupational Medicine-\$30.00; BH Pioneer-\$406.64; Barnaud Law Firm-\$1,604.40; Bi Geo Group-\$584.20; Big Sky Communications-\$66.00; Black Hills Disposal-\$90.00; Black Hills Energy-\$11,463.67; Black Hills Urgent Care-\$120.00; Bob Barker Company-\$131.33; Bruemmer, Lynnel-\$22.80; Butler Machinery Co-\$300.00; Cbh Cooperative-\$20,372.26; Cdw Government-\$1,092.49; Central Restaurant Products-\$196.59; Centurylink-\$1,943.57; City Of Rapid City-\$525.00; Civicplus-\$5,500.00; Convergent Technologies-\$19,472.92; Credit Collections Bureau-\$129.08; Crop Production Services-\$19,964.80; D Ware-\$4,250.00; Dakota Equipment Rental-\$1,465.45; Deadwood Recreation Center-\$786.00; Delta Dental Of South Dakota-\$7,275.18; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$119,621.46; Dti-\$13,999.97; Eb Communications-\$33,847.50; Et Sports-\$2,980.60; Fastenal-\$19.94; Fidler-Isburg Funeral Chapel-\$1,170.00; Galls-\$88.92; Godfrey's Brake Serv-\$111.04; Cochran, Leslie-\$123.00; Heartland Paper Co-\$1,122.56; Hills Material Comp-\$21,791.60; Hp-\$90.44; Id Zone South-\$2,678.00; Keeper Security-\$2,625.00; Kimball-Midwest Co-\$280.08; LC Treasurer-\$21.20; L-3 Communications-\$377.60; Lead-Deadwood Regional Hospital-\$1,484.00; Matthew Bender & Company-\$123.43; Mcleod's Office Supply-\$1,126.98; Mg Oil Company-\$7,556.40; Microfilm Imaging Systems-\$2,860.00; Midcontinent Communications-\$111.51; Montana Dakota Utilities-\$336.54; Motorola Solutions-\$9,993.75; Ms Mail-\$1,150.00; Nalco Company-\$239.20; Nelson Law-\$1,626.20; Newman Signs-\$1,433.02; Northern Hills Rec Center-\$157.00; Northern Truck Equip-\$161,582.00; Northwest Specialty Sales-\$176.42; Office Of Attorney General-\$490.16; Office Of Child Support-\$1,429.86; Overhead Door Company Of Rapid-\$948.90; Pennington Co Jail-\$608.05; Pennington County Sts Attny-\$430.00; Pizza Ranch-\$94.93; Quill-\$1,353.06; R&R Industries-\$151.28; Rapid Transcript-\$189.00; Rasmussen Mechanical Serv-\$226.54; Regional Health-\$1,627.80; Rena M Hymans-\$4,562.09; Rockmount Research & Alloys-\$553.95; Sd Continuing Legal Education-\$875.00; Sd Dept Of Transportation-\$35.14; Sd Human Services Center-\$22.60; Sd Retirement System-\$57,472.12; Sdrs Supplemental Retirement-\$5,582.00; Servall Towel & Linen-\$452.55; Silverado-\$387.00; Sonnel Technologies-\$5,759.52; Spearfish Auto Supply-\$5.38; Spearfish Police Dept-\$10,541.24; Sterna, Laura-\$350.00; Stielow, John-\$151.96; Sturdevant's Auto Parts-\$69.80; Sysco Montana-\$2,684.16; Teen Court-\$17,484.39; Thomson Reuters-West-\$774.96; Triple K Tire & Repair-\$1,121.11; Truenorth Steel-\$13,097.76; Turnkey Corrections-\$17.82; Twin City Hardware & Lumber-\$207.33; Vast Broadband-\$1,767.96; Verizon Wireless-\$105.35; Victims Of Violence-\$594.00; Warne Chemical-\$6,930.00; Wellmark Blue Cross-\$85,337.27; Wells Fargo Business Card-\$18,664.77; West River International-\$5,400.36; Western Communication-\$2,412.50; Western Sd Juvenile Serv-\$730.00; White Drug-\$1,340.69; White's Canyon Motors-\$361.25; White's Queen City Motors-\$945.75; **Witness & Jurors:** Hart,P-\$50.84; Henry,P-\$60.08; Leatherwood,S-\$66.80;

Mckinney,Z-\$66.80; Schnabel,A-\$62.60; Sehlmeier,B-\$66.80; Vojta,K-\$55.88; Odle,S-\$45.20; Parrish,C-\$56.12; Rossi,D-\$20.00

**ADJOURN:** 10:58 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Deputy Auditor