

LAWRENCE COUNTY COMMISSIONERS MEETING – March 9, 2021

Chairman Richard Sleep 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 9, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert and Robert Ewing present. Commissioner Randall Rosenau was present by video conferencing (GoToMeeting).

Roll-call voting was used and all motions were passed by unanimous vote, by all members present, unless stated otherwise.

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

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

MINUTES: Moved-Seconded (Ewing-Deibert) to approve the minutes of February 9, 2021 County Commission meeting. Motion Carried.

TRAVEL REQUEST:

PUBLIC DEFENDER: Moved-Seconded (Deibert-Sleep) to approve the travel request for Amber Richey to attend the fall meeting and seminar for the National Association of Criminal Defense Lawyers in Nashville, TN from November 1-7, 2021. Motion Carried.

PERSONNEL:

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Deibert-Ewing) to approve James Thompson as a full-time permanent Custodian I a base rate of \$14.76 an hour, effective March 15, 2021. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Deibert) to approve Martin Kocanda as a part-time fill-in Correctional Officer I G1 at a base rate of \$19.26 an hour, effective March 9, 2021. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve Branden Hester as a full-time permanent Correctional Officer I G1 at a base rate of \$19.26 an hour, effective March 9, 2021. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve Charles Fetter as a full-time permanent Correctional Officer I G1 at a base rate of \$19.26 an hour, effective March 9, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Jessica Bestgen as a part-time fill-in Dispatcher I G2 at a base rate of \$19.65 an hour, effective February 28, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Tyler Sonne as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective March 14, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Brandon Rosenau as a full-time permanent Correctional Officer II G2 at a base rate of \$20.86 an hour, effective February 28, 2021. Abstain-Rosenau. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Anthony Spencer as a full-time permanent Correctional Officer II G2 at a base rate of \$20.86 an hour, effective February 28, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Vanessa Adrain as a full-time permanent Correctional Officer I G2 at a base rate of \$19.65 an hour, effective March 14, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the cell phone per diem of \$104.00 per month for Chelsea Lindsey, effective May 10, 2020. Motion Carried.

HOLIDAY CLOSURE: Moved-Seconded (Deibert-Ewing) to close the Lawrence County Offices on April 2 & 5, 2021 in observance of Good Friday and Easter Monday. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of February 28, 2021, 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)-\$120,259.38; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,016.59; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$15,985,608.21; money market \$8,963,066.72. Total \$25,077,160.90. Motion Carried.

ABATEMENT:

BURR: Moved-Seconded (Deibert-Ewing) to approve the abatement for Tyler & Taylor Burr on parcel #32215-00500-010-00 for 2019 taxes payable in 2020 and 2020 taxes payable in 2021 due to the fact that the home was assessed with a basement. Motion Carried.

JOHNS: Moved-Seconded (Ewing-Sleep) to approve the abatement for Nicholas Johns on parcel #26720-01749-000-16 for 2020 taxes payable in 2021 due to the fact that the mobile home was moved to Newell SD in 2019. Motion Carried.

HEINBAUGH: Moved-Seconded (Deibert-Ewing) to approve the abatement for Anne Heinbaugh on parcel #29970-00150-020-23 for 2019 taxes payable in 2020, 2020 taxes payable in 2021 and 2021 taxes payable in 2022 due to the fact that the mobile home was moved to Butte County in 2018. Motion Carried.

SHERIFF:

USDA, FOREST SERVICE COOPERATIVE LAW ENFORCEMENT AGREEMENT:

Moved-Seconded (Deibert-Ewing) to approve and authorize the Chairman to sign agreement #19-LE-11020300-009 between Lawrence County Sheriff's Department and USDA Forest Service for fiscal year 2021. Motion Carried.

Commissioner Deibert commented on his participation in the UTV summit noting participant suggestions that the Lawrence County Sheriff's Office did not have adequate resources to help properly manage UTV traffic. Commissioner Deibert noted for the record that the Sheriff's Office is adequately staffed and financially supported to carry out the mission of the department. Sheriff Dean agreed that his department was adequately staffed and supported to carry out its mission.

PUBLIC SAFETY AND SERVICE CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Public Safety and Service Center project. Dean stated that during the programming phase the ultimate goal is to come up with a square footage of the facility. Bruce Outka, Deputy State's Attorney, added that the surveyor requested by Elevatus to complete the programming were on site for the first time last week and would likely require multiple visits to complete the work.

EXECUTIVE SESSION: 8:35 a.m. Moved-Seconded (Ewing-Deibert) to go into executive session pursuant to SDCL 1-25-2(1). Motion Carried. 8:46 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Ewing-Deibert) to approve Brandon Rosenau as a Deputy I GI at a base rate of \$24.61 an hour, effective March 14, 2021 and to approve a part-time Correctional Officer to move to a Temporary Full-Time Correctional Officer with Benefits. Abstain-Rosenau. Motion Carried.

8:56 a.m. Commissioner Brandon Flanagan joined the meeting and participated by video conferencing (GoToMeeting).

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of February 3, 2021: **Deadwood Diesel #2 (dyed) 4300 gallons:** (prices per gallon) CBH Cooperative –No Bid; Harms Oil Co-No Bid; MG Oil-\$2.449*. **Deadwood Unleaded 5300 gallons:** (prices per gallon) CBH Cooperative –No Bid; Harms Oil Co-No Bid; MG Oil – \$2.479*. **Spearfish Diesel #2 (dyed) 2200 gallons:** (prices per gallon) CBH Cooperative –No Bid; Harms Oil Co-No Bid; MG Oil-\$2.449*. **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative –No Bid; Harms Oil Co-No Bid; MG Oil – \$2.479*. *Represents lowest quote awarded.

2021 BRIDGE IMPROVEMENT GRANT: Allan Bonnema, Highway Superintendent, reported that Lawrence County received a Bridge Improvement Grant for Structure No. 41-214-100 located 1E of Whitewood on the I-90 service road over Whitewood Creek.

AGREEMENT FOR RIGHT-OF-WAY ACQUISITION BY ESTABLISHED PAYMENT BR CSBP (00) PCN 07NK/41-165-066: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the Agreement for Right-of-Way acquisition approving payment from Lawrence County to Ridley Family Land. Motion Carried.

OLIVER STREET PAVING PROJECT BID OPENING: Moved-Seconded (Deibert-Ewing) to advertise and set the bid opening for March 23, 2020 at 8:30 a.m. for the Oliver street paving project. Motion Carried.

CULVERTS/BRIDGE MATERIAL/CUTTING EDGES BIDS: Moved-Seconded (Ewing-Deibert) to approve and authorize the purchase of corrugated metal culverts, aluminum box culverts, Bucyrus grader blades-standard hwy punched, galvanized sheet piling, steel piling, guardrail, steel bridge decking and assorted bridge components and hardware from the Beadle County bid from TrueNorth Steel for 2021, per the recommendation of the Highway Superintendent. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

COUNTY/DOT BRIDGE INSPECTION RESOLUTION: Moved-Seconded (Deibert-Ewing) to follow the recommendation of the Highway Superintendent and approve and authorize the Chairman to sign the Bridge Reinspection Program Resolution #2021-10. Motion Carried. Bridge Reinspection Program Resolution #2021-10 for Use with SDDOT Retainer Contracts. WHEREAS, 23 CFR 650 Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years. THEREFORE, Lawrence County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds. The County requests SDDOT to hire Brosz Engineering Inc. (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds. Dated this 9th day of March, 2021, at Deadwood, South Dakota. Richard Sleep, Board of County Commissioners of Lawrence County ATTEST: Brenda McGruder, Lawrence County Auditor.

PERMITS:

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Butte Electric Cooperative located in Section 11, T7N, R3E along County Roads Fogelsong and Crooked Oaks road. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Fogelsong road approximately ¼ mile west of the intersection of Crooked Oaks road for construction of new underground power line beginning in Section 11, T7N, R3E and ending in Section 10, T7N, R3E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under south Salebarn road just south of the intersection west of Salebarn road for construction of new underground power line beginning in Section 25, T7N, R3E and ending in Section 26, T7N, R3E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Fogelsong road approximately 1.1 miles from Highway 34 and Fogelsong road for construction of new underground cable beginning in Section 10, T7N, R3E and ending in Section 10, T7N, R3E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Fogelsong road approximately 4532 feet from Highway

34 and Fogelsong road for construction of new underground cable beginning in Section 9, T7N, R2E and ending in Section 9, T7N, R2E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Fogelsong road approximately 4332 feet from Highway 34 and Fogelsong road for construction of new underground cable beginning in Section 9, T7N, R2E and ending in Section 9, T7N, R2E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Fogelsong road approximately 3143 feet from Highway 34 and Fogelsong road for construction of new underground cable beginning in Section 9, T7N, R3E and ending in Section 9, T7N, R3E. Motion Carried.

MAITLAND PARTNERS: Moved-Seconded (Ewing-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Maitland Partners to construct a private approach on the north side of Maitland Road. Motion Carried.

ROAD JURISDICTION AND IMPROVEMENTS:

Owing to a potential conflict, Commissioner Flanagan recused himself and did not participate in any discussion concerning permit requests submitted by MC Ranch, LLC.

EXECUTIVE SESSION: 9:15 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session pursuant to SDCL 1-25-2(3). Motion Carried. 9:29 a.m. The Board opened for regular business with no action taken.

Allan Bonnema, Highway Superintendent, presented three permits for consideration from MC Ranch, LLC. to include a commercial approach permit, sanitary and sewer line permit and water main-potable water permit.

Mike Stetson, KTM Design Solutions, Inc. and Eric Neis, Attorney for applicant, were present to answer questions on behalf of the applicant.

Commissioner Deibert stated he would like to have a due diligence period and bring in the county's consulting engineer along with Bonnema to research the total impact to the road system and make recommendations. Deibert noted that such evaluation is hard to complete without the final design in hand. Commissioner Deibert continued by noting that he would like to defer any action until the due diligence is completed.

With the context that jurisdiction of Christensen Drive is disputed by the County, Deibert stated that to the best of the County's knowledge and belief no record exists of the City of Spearfish requesting permission to install any of the utilities in the Christensen Drive right-of-way. Deibert stated that the City should take action to cure this oversight as part of the process.

MC RANCH, LLC.: Moved-Seconded (Deibert-Ewing) to continue the commercial approach permit for MC Ranch, LLC. to construct a commercial approach on the west side of Christensen drive located approximately 580 feet south of E Colorado Blvd. until due diligence is completed. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Ewing) to continue the permit to occupy County highway right-of-way for MC Ranch, LLC. located in Section 13, T6N, R2E along Christensen Drive to install sanitary and sewer lines until due diligence is completed Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Ewing) to continue the permit to occupy County highway right-of-way for MC Ranch, LLC. located in Section 13, T6N, R2E along Christensen Drive to install water main-potable water until due diligence is completed. Motion Carried.

PLANNING & ZONING:

CHANGE OF ZONING #338/HARTLAND ENTERPRISES, LLC.: First Reading and public hearing was held on COZ #338. APPLICANT: Hartland Enterprises, LLC. LEGAL DESCRIPTION: SW 1/2 NE 1/4 of Section 21, T6N, R3E VICINITY LOCATION: Colorado Blvd SUMMARY: COZ request from A-1 to PUD ZONING: A-1 ACREAGE: 80 +/- acres.

Amber Vogt, Planning & Zoning Administrator, presented her staff report.

Scott Gerber, Hartland Enterprises, LLC. shared a video showing drone images of the property and gave an overview of the request for the change of zoning.

No public input was voiced and the hearing was closed.

Commissioner Deibert questioned the reason for not annexing and expressed his concerns. Gerber stated that they started out with the City of Spearfish first to annex and they expressed interest. Gerber added that they plan to annex the other portion of the parcel. Gerber stated that the City of Spearfish was flexible with all of the plans except for the density of the housing. Gerber stated that they have looked at City water and sewer. Deibert added that the Planning & Zoning Chairman stated that the size of the lots in the plan do serve as a buffer to the surrounding A-1 zoning.

Commissioner Sleep opined that the zoning of the property should remain agricultural as it best conserves the natural features of the parcel.

Commissioner Flanagan stated he can find merit in annexation and smaller residential lots preferred by the City, and the larger lots proposed by the Applicant which would provide a nice buffer.

Commissioner Ewing felt that the property should be annexed.

Second Reading scheduled: March 23, 2021 at 9:00 am.

RECESS: 10:15 a.m. Moved-Seconded (Deibert-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:20 a.m. The Chairman called the Commission meeting back to order. See BOA minutes for detail.

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #205-1/DUCO MINING: Jeff Schroeder, Deputy Code Enforcement Officer, stated that a review was scheduled for today. Schroeder touched base with Cody Schad in February and requested a summary of operations and to date this has not been received. Schad was aware of the meeting today and did not show up. The consensus was that DUCO Mining will be contacted by letter to start the process provided for suspension or revocation of the Conditional Use Permit.

CONDITIONAL USE PERMIT #62-17/DELAHOYDE: An annual review was conducted on C.U.P. #62-17, Delahoyde - Storage. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #329-12/CINDY GILLIES (2ND) RESIDENCE: An annual review was conducted on C.U.P. #329-12, Cindy Gillies (2nd residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #416/ANDERSON: An annual review was conducted on C.U.P. #416, Anderson - 2nd Res. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #448/FRAWLEY RANCH: An annual review was conducted on C.U.P. #448, Frawley Ranch - Specialty Resort. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #449/BARN AT ASPEN HILLS: An annual review was conducted on C.U.P. #449, Barn at Aspen Hills - Specialty Resort. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #451/ARTZ: An annual review was conducted on C.U.P. #451, Marta Artz - Doggie Day Care. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #247 TRANSFER/NELSON: A request to transfer C.U.P. #247, Legends Specialty Resort from Wesley Nelson to Rory Maynard.

Moved-Seconded (Ewing-Deibert) to transfer C.U.P. #247 from Wesley Nelson to Rory Maynard with the current conditions. Motion Carried.

PLATS:

PRELIMINARY PLAT/BH DEVELOPMENT LLC.: APPLICANT: BH Development, LLC
LEGAL DESCRIPTION: Lots 1-8, Blk 3; Lots 1-17, Blk 4; Lots 1-5, Blk 5; Lots 1-10, Blk 6; Lots 1-2, Blk 7; Lots 1-11, Blk 8 of Trailside Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots - Phase 2
ZONING: PUD.

Amber Vogt, Planning & Zoning Administrator, stated at the last meeting this plat was approved subject to any objections by Allan Bonnema, Highway Superintendent regarding the road plan. Vogt stated that Bonnema reviewed the road plan and asked for direction on whether or not to sign the plat. Commissioner Deibert stated that the process for reviewing the plat was followed according to the ordinance and he has no issue moving forward with the process.

PRELIMINARY PLAT/WINTER: APPLICANT: David Winter LEGAL DESCRIPTION: Lots 1 and 2A-2H, a portion of Lot 2 of Tract A1A Majestic Heights and a 66' wide Public access and utility easement and a 40' private access easement located Section 13, 23, 24, 25 of T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: New lots
ZONING: PF and HSC ACREAGE: Lot 1 (5.00 acres); Lot 2A (5.16 acres); Lot 2B (2.00 acres); Lot 2C (2.00 acres); 2D (2.30 acres); 2E (2.01 acres); 2F (11.96 acres); 2G (13.54 acres) and 2H (30.36 acres).

Commissioner Deibert stated that the preliminary plat did not meet the technical requirements of the ordinance. Specifically, Deibert cited certain improvements which were not shown.

Moved-Seconded (Ewing-Sleep) to approve the preliminary plat for David Winter based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1 and 2A-2H, a portion of Lot 2 of Tract A1A Majestic Heights and a 66' wide Public access and utility easement and a 40' private access easement located Section 13, 23, 24, 25 of T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: New lots
ZONING: PF and HSC ACREAGE: Lot 1 (5.00 acres); Lot 2A (5.16 acres); Lot 2B (2.00 acres); Lot 2C (2.00 acres); 2D (2.30 acres); 2E (2.01 acres); 2F (11.96 acres); 2G (13.54 acres) and 2H (30.36 acres). Aye-Rosenau and Ewing. Nay-Deibert, Flanagan and Sleep. Motion Denied.

Upon failure of the plat to be approved for the reason stated, the plat was moved to March 23, 2021 Lawrence County Commission meeting.

FINAL PLAT/WINTER: APPLICANT: David Winter LEGAL DESCRIPTION: Lots 2B-2G, a portion of Lot 2 of Tract A1A Majestic Heights and a 40' private access easement located Section 13, 23, 24, 25 of T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: New lots
ZONING: PF and HSC ACREAGE: Lot 2B (2.00 acres); Lot 2C (2.00 acres); 2D (2.30 acres); 2E (2.01 acres); 2F (11.96 acres); 2G (13.54 acres).

Moved-Seconded (Deibert-Sleep) As the preliminary plat (see above) was not approved, consideration of the final plat for David Winter will be moved to March 23, 2021 Lawrence County Commission meeting. LEGAL DESCRIPTION: Lots 2B-2G, a portion of Lot 2 of Tract A1A Majestic Heights and a 40' private access easement located Section 13, 23, 24, 25 of T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: New lots
ZONING: PF and HSC ACREAGE: Lot 2B (2.00 acres); Lot 2C (2.00 acres); 2D (2.30 acres); 2E (2.01 acres); 2F (11.96 acres); 2G (13.54 acres). Aye-Rosenau, Deibert, Flanagan and Sleep. Nay-Ewing. Motion Carried.

PRELIMINARY & FINAL PLAT/LICK: APPLICANTS: Michael & Cynthia Lick, LLC.
LEGAL DESCRIPTION: Tracts C1 7 C2 of Tract C, a sub of Lot 2, located in the SE ¼ of in Section 24, T5N, R3E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot
ZONING: PF ACREAGE: Tract C1 (2.068 acres).

Moved-Seconded (Deibert-Sleep) to approve the preliminary plat for Michael & Cynthia Lick, LLC. contingent upon revisions to the plat depicting any existing roads (gravel and paved), and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Tracts C1 7 C2 of Tract C, a sub of Lot 2, located in the SE ¼ of in Section 24, T5N, R3E. (Legal

shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF
ACREAGE: Tract C1 (2.068 acres). Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the final plat for Michael & Cynthia Lick, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Tracts C1 7 C2 of Tract C, a sub of Lot 2, located in the SE ¼ of in Section 24, T5N, R3E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF
ACREAGE: Tract C1 (2.068 acres). Motion Carried.

PRELIMINARY & FINAL PLAT/BROWNSVILLE FIRE DEPT., ANDERSON, RUFF, MUMM: APPLICANTS: Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff /Christopher & Carla Mumm LEGAL DESCRIPTION: Plat of Tract A-1, C-1 and F-1, of a portion of East Lode M.S. 1302 and HES 54, located in Section 25, T4N, R3E and Section 30, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Tract A-1 .721 ac; Tract C-1 1.419 ac and Tract F-1 15.723 ac ZONING: PF & HSC.

Moved-Seconded (Flanagan-Ewing) declaring that the plat for Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff /Christopher & Carla Mumm meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary & final plat for Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff /Christopher & Carla Mumm based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Tract A-1, C-1 and F-1, of a portion of East Lode M.S. 1302 and HES 54, located in Section 25, T4N, R3E and Section 30, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Tract A-1 .721 ac; Tract C-1 1.419 ac and Tract F-1 15.723 ac ZONING: PF & HSC. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to waive the \$350.00 plat fee for Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff /Christopher & Carla Mumm. Motion Carried.

PLANNING & ZONING UPDATES: Amber Vogt, Planning & Zoning Administrator, gave a preview of the items to be discussed at the March 23, 2021 meeting.

VACATE SECTION LINE/COEUR WHARF: Matt Zietlow, Coeur Wharf Environmental Manager, was present to discuss the upcoming petition to vacate section line.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert gave an update on the Black Hills Association of County Commissioners/Officials meeting held on March 5, 2021.

Correspondence was received from The Northern Hills Area CASA Program and Senior Citizens Center thanking the County for its generous allocation.

Correspondence was received from the Supreme Court of South Dakota, Department of Environment and Natural Resources, Tim Velder and the United States Department of Agriculture.

Moved-Seconded (Deibert-Ewing) to conduct all Lawrence County Commissioner Meetings going forward as in-person only. Aye-Rosenau, Deibert, Ewing and Sleep. Nay-Flanagan. Motion Carried.

BILLS: Moved-Seconded (Deibert-Ewing) 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-\$14,076.22; Aud-\$23,628.50; Treas-\$26,002.21; States Atty-\$33,144.19; Pub Def-\$26,510.49; Gen Govt Bldg-\$17,539.08; Equal-\$31,751.44; Rod-\$16,698.79; Vso-\$3,475.40; Ist-\$19,348.52; Sher-\$104,795.23; Jail-\$55,622.03; Coroner-\$2,386.32; 24/7-\$742.31; Emerg Mgmt-\$9,362.02; E911-\$35,172.37; Highway-\$94,460.85; Weed-\$8,412.56; Pz-\$12,578.06; **Bills:** American Family Life-\$2,421.96; Black Hills Energy-\$11,421.31; Centurylink-\$255.02; Deadwood Recreation Center-\$655.00; Delta Dental Of South Dakota-\$7,755.54; Dept Of The Treasury-\$61,207.05; LC Treasurer-\$5.00; Midcontinent Communications-\$113.74; Montana

Dakota Utilities-\$578.62; Northern Hills Rec Center-\$157.00; Office Of Child Support-\$401.55; Reserve Account-\$6,000.00; Sd Assn Of Co Comm-\$110.00; Sd Retirement System-\$64,589.12; Sdrs Supplemental Retirement-\$2,022.50; Verizon Wireless-\$107.47; Victims Of Violence-\$560.00; Wellmark Blue Cross-\$105,007.39; Wells Fargo Business Card-\$4,710.80; A To Z Shredding-\$17.00; A&B Business,Inc Solutions-\$3,349.07; A&B Welding Supply-\$70.16; A&I Distributors-\$5,323.65; A&J Supply-\$47.89; Ace Hardware Of Lead-\$282.17; Alternative Hrd-\$202.50; Apsa/Airborne Public Safety-\$55.00; At&T Mobility-\$3,860.36; Audra Hill Consulting-\$939.06; Avera Health Dba Aess-\$1,400.00; BH Council Of Local Govt-\$6,265.00; BH Pest Control-\$380.00; BH Physical Therapy-\$100.00; BH Pioneer-\$1,086.15; Barnaud Law Firm Prof-\$4,530.50; Bi Geo Group-\$65.60; Black Hills Ammunition-\$257.12; Black Hills Chemical-\$1,688.33; Black Hills Energy-\$309.30; Black Hills Pure-\$45.50; Black Hills Urgent Care-\$375.00; Bob Barker Company-\$47.79; Bomgaars Supply-\$404.34; Bruemmer, Lynnel-\$13.60; Butler Machinery Co-\$954.70; Butte Electric Coop-\$797.33; Butte-Lawrence Co Fair-\$10,000.00; Central Distribution-\$721.20; Central Restaurant Products-\$27.69; Century Business Products-\$441.18; Centurylink-\$123.62; City Of Rapid City-\$1,480.00; Civil Air Patrol Magazine-\$145.00; Claggett & Dill, Prof-\$268.40; Clinical Lab Of BH-\$130.00; Cna Surety-\$50.00; Coban Technologies-\$1,710.00; Dakota Equipment Rental-\$1,154.67; Deadwood Mountain Grand-\$120.70; Deadwood, City Of-\$1,061.83; Dept Of Hlth Lab Services-\$1,630.00; Dept Of The Treasury-\$63,256.06; Diamond Medical Supply-\$4.95; Diamond Pharmacy-\$231.69; Division Of Motor Vehicles-\$5.00; Ecolab-\$156.42; Election Sys & Software-\$94.80; Elevatus Architecture-\$2,500.00; Fastenal-\$291.89; Ferber Engineering Comp-\$1,286.25; Fidler-Isburg Funeral Chapel-\$250.00; Floyd's Truck Center-\$32.01; Galls-\$880.40; Gene's Lock Shop-\$84.96; Godfrey's Brake Serv-\$304.44; Grimm's Pump Service-\$70.75; Hartford-Priority Accounts-\$2,071.94; Heisler Hardware-\$45.23; Hillyard/Sioux Falls-\$469.04; Interstate Engineering-\$38,913.57; Jacobs Precision Welding-\$537.36; Janke, Wendy-\$960.00; Joe Dirt Septic & Drain-\$250.00; Juneks' Chrysler/Dodge-\$359.45; Kennedy Pier Loftus & Reynolds-\$370.40; Kimball-Midwest Co-\$114.84; Kinney Law-\$4,256.45; Kosel, Joseph-\$8,901.38; LC Assessor-\$30.67; LC Sheriff-\$292.00; Language Line Services-\$56.70; Lead, City Of-\$47.33; Lead-Deadwood Sanitary-\$465.81; Lee, James-\$30.00; Lewis & Clark-\$368.00; Lynn's Dakotamart-\$49.20; Macqueen Emergency-\$5,895.78; McClure, Susan-\$480.00; Megas Propane-\$1,216.42; Mg Oil Company-\$58,250.69; Midwest Wellness Institute-\$3,850.00; Montana Dakota Utilities-\$5,069.11; Monument Health Network-\$2,757.18; Ms Mail-\$1,960.00; Nalco Company-\$278.22; Nelson, Christy-\$540.00; North Central Int'l-\$746.23; Northern Truck Equip-\$107.17; Office Depot-\$58.50; Office Of Child Support-\$401.54; Pcsa Addiction Treatment Serv-\$1,596.50; Pennington Co Jail-\$1,331.84; Pharmchem-\$285.50; Pitney Bowes Global Financial-\$1,029.15; Postmaster, Deadwood-\$92.00; Powerplan-\$236.42; Priority Dispatch-\$4,944.00; Public Agency Training Council-\$650.00; Quill-\$794.67; Rapid Fire Protection-\$364.80; Rasmussen Mechanical Serv-\$1,175.32; Rock-N-Rescue-\$519.80; Rocket Lube-\$169.98; Safety Vision-\$571.94; Scott Peterson Motors-\$67.31; Sd Aao-\$450.00; Sd Association Of County-\$650.00; Sd Building Officials Assoc-\$82.00; Sd Department Of Public Safety-\$5,400.00; Sd Dept Of Transportation-\$302,966.57; Sd Law Review-\$35.00; Sdrs Supplemental Retirement-\$2,022.50; Sdsu Extension-\$6,873.00; Selby's-\$131.54; Semerad, Sandra-\$283.80; Servall Towel & Linen-\$556.37; Silverado-\$272.72; Simon North Region-\$35,339.60; Spearfish Auto Supply-\$2,126.93; Spearfish Police Dept-\$10,611.14; Sterna, Laura-\$600.00; Sturdevant's Auto Parts-\$1,072.92; Summit Fire Protection-\$158.00; Sunshine Towing&Transport-\$946.50; Sysco Montana-\$4,057.56; Transource Truck & Equip-\$20.88; Turnkey Corrections-\$21.28; Twin City Hardware & Lumber-\$293.66; Tyler Technologies-\$84.00; Uline-\$73.49; Vast Broadband-\$1,641.64; Waste Connections-\$567.76; Watertree-\$61.20; Western Communication-\$1,917.00; Western First Aid & Safety-\$409.32; Western Hills Humane Society-\$2,000.00; Wex Bank-\$234.26; White Drug-\$108.47; White's Canyon Motors-\$38.94; White's Queen City Motors-\$21.00; Whitewood Senior Citizens-\$1,000.00; Prokash, Lori-\$4,350.00; Ratzlaff, Kurt-\$2,400.00; **Witness & Jurors:** \$1,183.52.

ADJOURN: 11:13 a.m. There being no further business, Chairman Sleep adjourned the meeting.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – March 9, 2021

Chairman Richard Sleep called the meeting of the Lawrence County Board of Adjustment to order at 10:15 a.m. on March 9, 2021, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner, Randy Deibert and Robert Ewing present. Commissioner Randall Rosenau and Brandon Flanagan were present by video conferencing (GoToMeeting).

Roll-call voting was used and all motions were passed by unanimous vote, by all members present, unless stated otherwise.

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

VARIANCE #190/ANDERSON: A public hearing was held on Variance #190 APPLICANT: Mike and Analisa Anderson LEGAL DESCRIPTION: Lot 1 of SD Tract G of HES 54 & Tract 0165SE ¼ SE ¼ Section 25, T4N, R3E VICINITY LOCATION: Hwy 385 SUMMARY: 250’ variance to the 500’ setback from a structure for an off premise sign ZONING: HSC ACREAGE: 2.41 acres.

Amber Vogt, Planning & Zoning Administrator, discussed her staff report. During the presentation of the staff report, a question arose as to whether proper notice was given for the public hearing. To insure proper notice is given, the public hearing was continued until March 23, 2021.

Moved-Seconded (Deibert-Ewing) to continue the public hearing for Variance #190 until March 23, 2021. LEGAL DESCRIPTION: Lot 1 of SD Tract G of HES 54 & Tract 0165SE ¼ SE ¼ Section 25, T4N, R3E VICINITY LOCATION: Hwy 385 SUMMARY: 250’ variance to the 500’ setback from a structure for an off premise sign ZONING: HSC ACREAGE: 2.41 acres. Abstain-Flanagan. Motion Carried.

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

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Brenda McGruder, Auditor