

**LAWRENCE COUNTY COMMISSIONERS MEETING – January 26, 2021 page-1**

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 January 26, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Robert Ewing and Randy Deibert present. Commissioner Brandon Flanagan was available 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 (Rosenau-Ewing) to approve the agenda as amended. Motion Carried.

**DECLARE CONFLICTS:** Commissioner Sleep declared a conflict with the 9:00 a.m. agenda item: Preliminary & Final Plat/Sleep

**MINUTES:** Moved-Seconded (Rosenau-Deibert) to approve the minutes of January 5, 2021 County Commission meeting. Motion Carried.

**PERSONNEL:**

**STATE’S ATTORNEY:** Moved-Seconded (Deibert-Rosenau) to approve Jeffry J. Erlandson as a full-time permanent Deputy State’s Attorney G4 at a base rate of \$2,577.53 per pay period, effective January 17, 2021. Motion Carried.

**HIGHWAY:** Moved-Seconded (Deibert-Ewing) to approve Matthew Meiners as a full-time permanent Heavy Equipment Operator at a base rate of \$24.78 an hour, effective January 11, 2021. Motion Carried.

**REGISTER OF DEEDS:** Moved-Seconded (Deibert-Rosenau) to approve Lisa Renee Kitzmiller as a full-time permanent Recording Clerk G1 at a base rate of \$15.76 an hour, effective February 8, 2021. Motion Carried.

**SHERIFF:** Moved-Seconded (Deibert-Rosenau) to approve Tom Derby as a full-time permanent Lieutenant G3 at a base rate of \$31.23 an hour, effective January 3, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Martin Kocanda as a full-time permanent Dispatcher I G1 at a base rate of \$19.26 an hour, effective January 18, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Sue Kellogg as a full-time permanent Criminal Analyst G1 at a base rate of \$21.21 an hour, effective January 3, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Branden Hester as a full-time temporary Correctional Officer I G1 at a base rate of \$19.26 an hour, effective January 26, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Debbie Corean as a full-time permanent Correctional Officer I G1 at a base rate of \$19.26 an hour, effective January 26, 2021. Motion Carried.

**CORONER:** Moved-Seconded (Deibert-Ewing) to approve the Coroner Call fee of \$200.00/per call effective February 1, 2021 for Patrick M. Fahey. Motion Carried.

**AUDITOR’S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Deibert-Rosenau) to accept the Auditor’s Account with the County Treasurer. Motion Carried. As of December 31, 2020, 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)-\$83,858.47; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$9,998.87; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$14,285,596.68; money market \$8,959,195.27. Total \$23,341,859.29. Motion Carried.

**TRAVEL REQUEST:**

**SHERIFF:** Moved-Seconded (Deibert-Rosenau) to approve the travel request for Dustin Schumacher to attend Homicide Investigation training in Golden, CO from April 11-23, 2021. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve the travel request for Mary Kate Stevens & Chelsea Lindsey to attend interview techniques for patrol officers in West Fargo, ND from March 7-10, 2021. Motion Carried.

**LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY**

**REPORT:** Paul Thomson, Emergency Management Director, and Rene' Larson, Emergency Management Administrative Assistant, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Ewing-Rosenau) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

**2021 BUTTE/LAWRENCE COUNTY FAIR BOARD AGREEMENT:** Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairman to sign the 2021 Butte/Lawrence County Fair Board Agreement. Motion Carried.

**SURPLUS:**

**GLOCK .45:** Moved-Seconded (Rosenau-Deibert) to declare one (1) Glock 21 Gen 4 serial number BKXH145 and allow for trade in. Motion Carried.

**SHERIFF:**

**PUBLIC SAFETY AND SERVICE CENTER PROJECT UPDATE:** Brian Dean, Sheriff, gave an update on the Public Safety and Service Center Project. Dean stated that staff is spending a great deal of time focusing on the programming as it is an important part of the process. Dean added that the result of the programming will be, among other things, a cost analysis for the project. Dean stated the additional time spent on programming will generate a comprehensive cost analysis resulting in an informative product for the public to consider.

Steve Williams, Williams & Associates, appeared by video conferencing (GoToMeeting). Commissioner Deibert and Williams advised the Commission that Elevatus Architecture requested that certain additional site analysis work be done as part of the programming phase. Deibert and Williams recommended that Ferber Engineering Company, Inc. be selected to complete the necessary survey work.

Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Deibert and Williams, to select Ferber Engineering Company, LLC. to perform the required survey work in an amount not to exceed \$12,000 and further conditioned on a review by Williams of the written proposal for services. The motion also authorized the Chairman or his designee to enter into an agreement accordingly. Motion Carried.

**HIGHWAY:**

**PERMIT:**

**KLEIN:** Moved-Seconded (Deibert-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for David Klein to construct a private approach on the west side of Evans Lane located approximately 800' South of Highway 14. Motion Carried.

**2022 MACK GRANITE TRUCK:** Moved-Seconded (Ewing-Rosenau) to approve and authorize the purchase of one (1) 2022 Mack Granite Truck in the amount of \$119,500 from the Marshall County bid from TranSource Truck & Equipment for 2021, per the recommendation of the Highway Superintendent. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

**SPRING LOAD LIMIT RESOLUTION #2021-07:** Moved-Seconded (Deibert-Sleep) to approve the following LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION #2021-07, to become effective when the road conditions warrant. Motion Carried. LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION Resolution No. 2021-07 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 spring load limits on the following Lawrence County Highways shall be set at Seven (7) tons per axle on Nemo Road, North Rochford Road, Vanocker Canyon Road, Old Belle Road, Hillsvie Road, Mineral Place, West Oliver St 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 SDCL32-22-55. Vote of Lawrence County Commission: AYE-5 NAY-0. Dated, this 26<sup>th</sup> day of January, 2021 at Deadwood, South Dakota. LAWRENCE COUNTY BOARD OF COMMISSIONERS Richard Sleep, Chairman of The Board ATTEST: BRENDA MCGRUDER Lawrence County Auditor.

Moved-Seconded (Deibert-Sleep) to authorize the Chairman to sign the letter requesting the enforcement of the spring weight limit from the South Dakota Motor Carrier. Motion Carried.

**BID OPENING/MAITLAND ROAD GRADING AND PAVING/ ST. ONGE ROAD MILL AND OVERLAY/2021 LAWRENCE COUNTY CHIP SEAL PROJECT:** Moved by Deibert to advertise and set a bid opening for February 8, 2021 at 9:00 a.m. for the Maitland Road Grading and Paving project, St. Onge Road Mill and Overlay project and 2021 Lawrence County chip seal project on St. Onge Road/4.65 miles and Vanocker Canyon Road/4.82 miles. Motion died due to lack of second.

Moved-Seconded (Rosenau-Ewing) to advertise and set a bid opening for February 9, 2021 at 8:30 for the Maitland Road Grading and Paving project, St. Onge Road Mill and Overlay project and 2021 Lawrence County chip seal project on St. Onge Road/4.65 miles and Vanocker Canyon Road/4.82 miles. Aye-Rosenau, Flanagan, Ewing and Sleep. Nay-Deibert. Motion Carried.

Commissioner Deibert stated that the bid letting should be held on a separate day in order to be more efficient with the time of the public who are attending the Commission meetings.

**TRAFFIC IMPACT STUDIES/MILLER RANCH RESIDENTIAL AND PEACEFUL PINES DEVELOPMENT:** Allan Bonnema, Highway Superintendent, presented the traffic impact studies for the Miller Ranch Residential and Peaceful Pines developments.

Commissioner Deibert expressed his concern with no turning lane into the Peaceful Pines Development.

Commissioner Deibert stated that at a previous meeting it was stated that no approach permits would be allowed in the Miller Ranch Residential development onto Christensen Drive.

Commissioner Ewing and Sleep will meet with the City of Spearfish to discuss ongoing road jurisdictions issues.

**DEPARTMENT OF TRANSPORTATION PLANNING AND RESEARCH (SPR) PROGRAM:** Allan Bonnema, Highway Superintendent, presented the Department of Transportation Planning and Research program. Bonnema requested that the Board study the application and let him know which study categories and how much money they would like to contribute to the program. Bonnema stated that the deadline to apply is March 1, 2021.

**SD DENR BRIDGE STATE MONITORING EQUIPMENT INSTALLATION AGREEMENT:** Moved-Seconded (Deibert-Rosenau) to authorize the Chairman to sign the SD DENR bridge stage monitoring equipment installation agreement. Motion Carried.

**PLANNING & ZONING:**

**PLANNING & ZONING UPDATES:**

**FINAL DEVELOPMENT AGREEMENT FOR PHASE 2 OF POWDER HOUSE PASS:** Kevin Smith, AE2s, and Joel Dykstra, Powder House Pass, appeared via GoToMeeting and presented the final development agreement for phase 2 of Powder House Pass Community Improvement District.

Moved-Seconded (Deibert-Rosenau) to allow the Chairman to sign the final development agreement for phase 2 of Powder House Pass Community Improvement District. Motion Carried.

**PLATS:**

**PRELIMINARY & FINAL PLAT/HEISINGER:** APPLICANT: Billy J Heisinger, LLC  
LEGAL DESCRIPTION: Plat of Lot C1, Block 1 of the S½ NW ¼ NE ¼; consisting of Lot C of

Lot 4 in Blk 1 of the S ½ NW ¼ NE ¼ and the adjoining East 50' of the VICINITY LOCATION: Abandoned C & NW R.R. Right of Way; located in the S ½ NW ¼ NE ¼ of Section 28, T6N, R4E, Crook City Road SUMMARY: Changing lot line as the buildings were on the other lot ZONING: PF ACREAGE: Lot 5 (5.00 acres); Lot 6 (10.00 acres); Lot 7 (54.94 acres).

Frank DiCesare, All Aspect Surveying, gave an overview of the ownership of the 100 ft. strip of abandoned railroad right of way.

Moved-Seconded (Deibert-Ewing) declaring that the plat for Billy J Heisinger, LLC. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the preliminary for Billy J Heisinger, 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: Plat of Lot C1, Block 1 of the S½ NW ¼ NE ¼; consisting of Lot C of Lot 4 in Blk 1 of the S ½ NW ¼ NE ¼ and the adjoining East 50' of the VICINITY LOCATION: Abandoned C & NW R.R. Right of Way; located in the S ½ NW ¼ NE ¼ of Section 28, T6N, R4E, Crook City Road SUMMARY: Changing lot line as the buildings were on the other lot ZONING: PF ACREAGE: Lot 5 (5.00 acres); Lot 6 (10.00 acres); Lot 7 (54.94 acres). Motion Carried.

Commissioner Deibert stated that he would like the applicant to understand that the County cannot adjudicate any ownership issues related to the abandoned railroad right of way.

Moved-Seconded (Ewing-Rosenau) to approve the final for Billy J Heisinger, 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: Plat of Lot C1, Block 1 of the S½ NW ¼ NE ¼; consisting of Lot C of Lot 4 in Blk 1 of the S ½ NW ¼ NE ¼ and the adjoining East 50' of the VICINITY LOCATION: Abandoned C & NW R.R. Right of Way; located in the S ½ NW ¼ NE ¼ of Section 28, T6N, R4E, Crook City Road SUMMARY: Changing lot line as the buildings were on the other lot ZONING: PF ACREAGE: Lot 5 (5.00 acres); Lot 6 (10.00 acres); Lot 7 (54.94 acres). Motion Carried.

**PRELIMINARY & FINAL PLAT/TWO BIT RANCH ESTATES, LLC. & HERMI TRUST:** APPLICANTS: Two Bit Ranch Estates, LLC & Hermi Trust LEGAL DESCRIPTION: Plat of Lot 25 A and 26A of Two Bit Ranch Estates, of Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit Road SUMMARY: Lot line exchange ZONING: PF ACREAGE: Lot 25A (3.04 ac) 26A (3.40 ac).

Moved-Seconded (Deibert-Ewing) declaring that the plat for Two Bit Ranch Estates, LLC & Hermi Trust meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the preliminary for Two Bit Ranch Estates, LLC & Hermi Trust 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 Lot 25 A and 26A of Two Bit Ranch Estates, of Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit Road SUMMARY: Lot line exchange ZONING: PF ACREAGE: Lot 25A (3.04 ac) 26A (3.40 ac). Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the final for Two Bit Ranch Estates, LLC & Hermi Trust 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 Lot 25 A and 26A of Two Bit Ranch Estates, of Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit Road SUMMARY: Lot line exchange ZONING: PF ACREAGE: Lot 25A (3.04 ac) 26A (3.40 ac). Motion Carried.

**PRELIMINARY & FINAL PLAT/WELLS & DE YOUNG:** APPLICANTS: Steven & Jaclyn Wells and Devin De Young LEGAL DESCRIPTION: Plat of Lot 1 of the Etta Lode, M.S. 1039 formerly a part of Lot W of M.S. 1039, located in the SE ¼ Section 6 and the NE ¼ of Section 7, T4N, R3 and Lot 28B-1 of Gilded Mountain Subdivision; all located in the E ½ of Section 6 and

the SW ¼ of Section 5, T4N, R3 VICINITY LOCATION: Hwy 14A SUMMARY: Subdivision of a lot ZONING: PF/SRD.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary for Steven & Jaclyn Wells and Devin De Young 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 Lot 1 of the Etta Lode, M.S. 1039 formerly a part of Lot W of M.S. 1039, located in the SE ¼ Section 6 and the NE ¼ of Section 7, T4N, R3 and Lot 28B-1 of Gilded Mountain Subdivision; all located in the E ½ of Section 6 and the SW ¼ of Section 5, T4N, R3 VICINITY LOCATION: Hwy 14A SUMMARY: Subdivision of a lot ZONING: PF/SRD. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the final for Steven & Jaclyn Wells and Devin De Young based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. The motion further noted that the house & septic encroach into the section line setback and that the applicant is hereby requested to vacate the section line at their convenience. LEGAL DESCRIPTION: Plat of Lot 1 of the Etta Lode, M.S. 1039 formerly a part of Lot W of M.S. 1039, located in the SE ¼ Section 6 and the NE ¼ of Section 7, T4N, R3 and Lot 28B-1 of Gilded Mountain Subdivision; all located in the E ½ of Section 6 and the SW ¼ of Section 5, T4N, R3 VICINITY LOCATION: Hwy 14A SUMMARY: Subdivision of a lot ZONING: PF/SRD. Motion Carried.

Deibert requested that the minutes reflect that the County will not accept any variance requests regarding the above referenced section line encroachments at this time.

**PRELIMINARY & FINAL PLAT/BROWNSVILLE FIRE DEPT, ANDERSON, RUFF/MUMM ENTERPRISES & SHOPSHEAR:** APPLICANTS: Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff/Mumm Enterprises/Chris & Laura Shopshear LEGAL DESCRIPTION: Plat of Tract A-1, C-1 and F-1 and Lot 2C Revised, being portions of East Lode M.S. 1302, West Lode M.S. 1302, Acme No 2 M.S. 1372, Acme No 3 M.S. 1372 and HES 54, located in Section 25, T4N, R3E and Section 30, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Tract 2C Revised 5.946 ac; Tract A-1 .745 ac; Tract C-1 1.419 ac. and Tract F-1 15.723 ac. ZONING: PF & HSC.

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff/Mumm Enterprises/Chris & Laura Shopshear meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary for Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff/Mumm Enterprises/Chris & Laura Shopshear 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 and Lot 2C Revised, being portions of East Lode M.S. 1302, West Lode M.S. 1302, Acme No 2 M.S. 1372, Acme No 3 M.S. 1372 and HES 54, located in Section 25, T4N, R3E and Section 30, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Tract 2C Revised 5.946 ac.; Tract A-1 .745 ac.; Tract C-1 1.419 ac. and Tract F-1 15.723 ac. ZONING: PF & HSC. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve the final for Brownsville Fire Dept./ Dennis & Michael Anderson & Rebecca & Kristi Ruff/Mumm Enterprises/Chris & Laura Shopshear 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 and Lot 2C Revised, being portions of East Lode M.S. 1302, West Lode M.S. 1302, Acme No 2 M.S. 1372, Acme No 3 M.S. 1372 and HES 54, located in Section 25, T4N, R3E and Section 30, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Tract 2C Revised 5.946 ac.; Tract A-1 .745 ac; Tract C-1 1.419 ac. and Tract F-1 15.723 ac. ZONING: PF & HSC. Motion Carried.

**FINAL PLAT/A-1 INVESTMENTS:** APPLICANT: A-1 Investments II LEGAL DESCRIPTION: Plat of Lot 500A and Lot 31A of Blackforest Ranchettes Unit No 1, located in Hillside Fraction and Hillside No 2 M.S. 1166 and Railroad Fraction M.S. 1994 all located in Sections 17, T4N, R3E VICINITY LOCATION: Rochford Road SUMMARY: Lot line change ZONING: PF ACREAGE: Lot 500A (1.625 acres) and Lot 31A (5.969 ac.).

Moved-Seconded (Rosenau-Sleep) to approve the final for A-1 Investments II 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 Lot 500A and Lot 31A of Blackforest Ranchettes Unit No 1, located in Hillside Fraction and Hillside No 2 M.S. 1166 and Railroad Fraction M.S. 1994 all located in Sections 17, T4N, R3E VICINITY LOCATION: Rochford Road SUMMARY: Lot line change ZONING: PF ACREAGE: Lot 500A (1.625 acres) and Lot 31A (5.969 ac.). Aye-Rosenau, Flanagan, Ewing and Sleep. Nay-Deibert. Motion Carried.

**PRELIMINARY & FINAL PLAT/TWO BITS, LLC.: & SANDIDGE:** APPLICANTS: Two Bit, LLC; Blayne & Lynda Sandidge LEGAL DESCRIPTION: Lot 50 Revised of Golden Hills, Section 30 & 31, T5N, R4E (Legal shortened) VICINITY LOCATION: Two Bit SUMMARY: Revised Lot ZONING: PF ACREAGE: Lot 50R (5.082 ac.).

Moved-Seconded (Deibert-Sleep) declaring that the plat for Two Bit, LLC; Blayne & Lynda Sandidge meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve the preliminary & final for Two Bit, LLC; Blayne & Lynda Sandidge 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: Lot 50 Revised of Golden Hills, Section 30 & 31, T5N, R4E (Legal shortened) VICINITY LOCATION: Two Bit SUMMARY: Revised Lot ZONING: PF ACREAGE: Lot 50R (5.082 ac.). Motion Carried.

Vice-Chairman Rosenau took over the meeting.

**PRELIMINARY & FINAL PLAT/SLEEP** APPLICANTS: Jeff & Jody Sleep LEGAL DESCRIPTION: Plat of Tracts 1 & 2 a Subdivision of HES 69 located in Sections 118, 19, T3N, R3E VICINITY LOCATION: Besant Park Road SUMMARY: Expired Prelim and Final from 2019 ZONING: PF ACREAGE: Tract 1 (52.109 ac) and Tract 2 (19.7681 ac.).

Moved-Seconded (Deibert-Rosenau) to approve the preliminary & final for Jeff & Jody Sleep based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report and upon the stipulation and acknowledgement that the road identified therein as dedicated public access will never become a part of the County road system nor be eligible for County maintenance. LEGAL DESCRIPTION: Plat of Tracts 1 & 2 a Subdivision of HES 69 located in Sections 118, 19, T3N, R3E VICINITY LOCATION: Besant Park Road SUMMARY: Expired Prelim and Final from 2019 ZONING: PF ACREAGE: Tract 1 (52.109 ac) and Tract 2 (19.7681 ac.). Abstain-Sleep. Motion Carried.

Chairman Sleep took over the meeting.

**ORDINANCE #20-02/CBH CO-OP:** First Reading and a Public Hearing was held on ORD #20-02, Liquid & Bulk Propane Storage Yard APPLICANT: CBH CO-OP LEGAL: Countywide SUMMARY: The addition of Liquid & Bulk Propane Storage Yard as an allowed CUP in the PF-Park Forest District

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

No public input was voiced and the hearing was closed.

Second Reading will be held February 9, 2021 at 9:15 a.m.

**EXTENSION UPDATE:**

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

**EMERGENCY MANAGEMENT:**

**2020 SAFETY SYNOPSIS:** Paul Thomson, Emergency Management Supervisor, presented the 2020 Safety Synopsis.

**DELINQUENT TAXES REPORT:** Brenda McGruder, Auditor and Deb Tridle, Treasurer presented the delinquent tax report. Per SDCL 7-21-35 the total 2019 taxes levied for in 2020 was \$43,735,379.76 and the total unpaid as of 12-31-20 was \$49,480.91 which represents a 0.11% delinquency.

**2020 UNASSIGNED FUND BALANCE:** Brenda McGruder, Auditor, reported on the 2020 unassigned fund balance. McGruder stated she is working on the annual report for 2020 and the result is an unassigned fund balance of \$925,000. McGruder recommended that the unassigned fund balance be assigned to the Public Safety and Service Center construction.

Moved-Seconded (Rosenau-Ewing) to assign \$925,000 from the 2020 unassigned fund balance to be used for the Public Safety and Service Center construction. Motion Carried.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Deibert gave an update on the Black Hills Council of Local Government and Multiple Coalition meetings. Deibert added that he is now the Chairman of the Black Hills Council of Local Government.

**BILLS:** Moved-Seconded (Rosenau-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-\$20,0760.22; Aud-\$30,456.99; Treas-\$35,314.37; States Atty-\$40,315.72; Pub Def-\$32,510.48; Gen Govt Bldg-\$23,429.79; Equal-\$15,854.04; Rod-\$20,713.95; Vso-\$4,672.40; Ist-\$24,142.10; Sher-\$132,459.25; Jail-\$28,497.89; Coroner-\$895.52; 24/7-\$838.54; Emerg Mgmt-\$11,720.02; E911-\$54,356.64; Highway-\$117,636.08; Weed-\$13,566.70; Pz-\$16,167.16; **Bills:** A To Z Shredding-\$132.32; A&B Business,Inc Solutions-\$2,365.49; A&B Welding Supply-\$375.19; A&I Distributors-\$4,546.27; A&J Supply-\$49.96; Ace Hardware Of Lead-\$37.97; Affinity Global Solutions-\$187.50; Alpine Impressions-\$30.00; Alternative Hrd-\$218.75; American Family Life-\$2,421.96; American Red Cross-\$1,000.00; BH Land Analysis-\$942.50; BH Occupational Medicine-\$90.00; BH Pest Control-\$190.00; BH Physcial Therapy-\$200.00; BH Pioneer-\$1,156.47; Barnaud Law Firm-\$1,561.15; Behavior Mngt Systems-\$24,097.00; Bi Geo Group-\$148.50; Big Sky Communications-\$96.00; Black Hills Chemical-\$937.87; Black Hills Energy-\$11,662.46; Black Hills Psychology-\$450.00; Black Hills Pure-\$11.50; Bob Barker Company-\$71.63; Bomgaars Supply-\$613.61; Brosz Engineering-\$270.00; Butler Machinery-\$1,329.04; Butte Electric Coop-\$662.57; Cbh Cooperative-\$3,934.35; Cdw Government-\$777.50; Century Business Products-\$470.83; Centurylink-\$465.36; Centurylink (Damage)-\$4,907.51; Chadams-\$300.00; Charm-Tex-\$69.62; Chris Supply Co-\$337.82; City Of Rapid City-\$1,440.00; City Of Sturgis-\$1,208.00; Clinical Lab Of BH-\$2,065.00; Culligan Water-\$2,725.00; Dakota Equipment Rental-\$4,070.76; Datec-\$4,207.00; Deadwood Carnegie Library-\$91,801.00; Deadwood Recreation Center-\$667.00; Dean Schaefer Court Reporting-\$210.00; Delta Dental Of South Dakota-\$7,564.40; Dept Of Hlth Lab Services-\$915.00; Dept Of The Treasury-\$177,603.17; Diamond Medical Supply-\$94.90; Diamond Pharmacy-\$162.89; Elevatus Architecture-\$15,053.01; Fassbender Photographic-\$5,000.00; Fastenal-\$65.38; Federal Express-\$15.08; Galls-\$554.22; Genpro Energy Solutions-\$1,530.58; Godfrey's Brake Serv-\$133.94; Grace Balloch Memorial Library-\$230,421.00; Grimm's Pump Service-\$799.44; Hartford-Priority Accounts-\$1,963.61; Heisler Hardware-\$68.44; Hillyard/Sioux Falls-\$265.12; Ibm Corporation-\$299.00; Interstate Engineering-\$3,796.54; Jacobs Precision Welding-\$1,054.85; James, Justin-\$960.00; Janke, Wendy-\$1,276.00; Jt Ventures-\$223.80; Juneks' Chrysler/Dodge-\$1,985.14; Karen Paige Hunt, Prof-\$1,109.20; Katterhagen, Mark-\$15.00; Kinney Law-\$5,627.50; Knecht Home Center-\$64.46; Lead, City Of-\$108,740.00; Lead-Deadwood Sanitary-\$41.37; Lee, James-\$15.00; Lewis & Clark Bhs-\$184.00; Lewno, Lucy-\$165.00; Lexisnexis Risk Data Mngt-\$75.00; Lockwood, Darcy-\$15.00; Lueders-\$67.12; Lynn, Jackson, Shultz & Lebrun-\$505.88; Marshall & Swift/Boeckh-\$1,014.15; McClure, Susan-\$480.00; Mcleod's Office Supply-\$139.61; Mid States Organized-\$150.00; Midcontinent Communications-\$112.91; Montana Dakota Utilities-\$561.07; Monument Health Lead-Deadwood-\$5,225.00; Monument Health Network-\$545.65; Monument Health Rc Hospital-\$461.00; Morris Law Firm Prof-\$2,359.95; Ms Mail-\$50.00; NH Alcohol & Drug Services-\$10,000.00; NH Training Center-\$5,000.00; Nalco Company-\$278.22; National Assoc Legal Assistant-\$154.00; Nelson Law-\$648.20; Nelson, Christy-\$360.00; North Central Int'l-\$60.74; Northern Hills Casa-\$7,500.00; Northern Hills Rec Center-\$157.00; Office Depot-\$51.23; Office Of Child Support-\$803.08; Onsolve-\$5,880.00; PcsO Addiction Treatment Serv-\$452.00; Pennington Co Jail-\$1,902.90; Pennington County Public Defender-\$58.00; Pharmchem-\$1,062.30; Phoenix Investigations-\$1,006.71; Pizza Lab-\$163.50; Powerplan-\$9,248.21; Prairie Hills Transit-\$10,000.00; Program Works-\$1,002.96; Quill-\$564.97; Reserve Account-

\$10,000.00; Rocket Lube-\$528.75; Schlingen Law Firm-\$270.15; Sd Assoc Of Criminal Defense-\$225.00; Sd Dept Of Transportation-85,628.93; Sd Reemployment Assistance Div-\$262.31; Sd Retirement System-\$84,421.69; Sdrs Supplemental Retirement-\$4,045.00; Selby's-\$560.08; Semerad, Sandra-\$112.60; Servall Towel & Linen-\$284.38; Silverado-\$72.04; Simon North Region-\$13,578.80; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$804.31; Spearfish City-\$236.90; Spearfish Senior Citizens-\$2,000.00; Sterna, Laura-\$882.20; Sturdevant's Auto Parts-\$322.98; Sunshine Towing & Transport-\$75.00; Sysco Montana-\$2,569.36; Triple K Tire & Repair-\$936.22; Turnkey Corrections-\$14.70; Twin City Hardware & Lumber-\$64.95; Twin City Senior Citizens-\$2,000.00; Vast Broadband-\$1,856.42; Verizon Wireless-\$107.58; Victims Of Violence-\$658.50; Waste Connections-\$917.28; Watertree-\$74.25; We Know Security-\$8,800.00; Wellmark Blue Cross-\$103,827.79; Wells Fargo Business Card-\$4,664.28; Western Communication-\$1,328.76; Western Sd Juvenile Serv-\$1,040.00; Western States Fire Protection-\$600.00; Wex Bank-\$321.26; White Drug-\$316.78; Whitewood Library-\$61,320.00;Wisser, Rick-\$202.30; Yankton Co Sheriff-\$50.00; Yankton County-\$132.20;  
**Witness & Jurors: \$1,581.68.**

**ADJOURN:** 10:43 a.m. There being no further business, Chairman Sleep adjourned the meeting.

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Date Approved

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Richard Sleep, Chairperson

ATTEST:

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Brenda McGruder, Auditor