

LAWRENCE COUNTY COMMISSIONERS MEETING – March 23, 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 23, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Brandon Flanagan and Robert Ewing present. Absent-Commissioner Randy Deibert.

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

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

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

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

Moved-Seconded (Ewing-Rosenau) to approve the minutes of March 9, 2021 Board of Adjustment meeting. Motion Carried.

TRAVEL REQUEST:

PLANNING & ZONING: Moved-Seconded (Flanagan-Sleep) to approve the travel request for Amber Vogt to attend the 2021 Western Planner Conference in Scottsdale, AZ from August 21-25, 2021. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Flanagan) to approve Lisa Smith as a part-time fill-in Correctional Officer I G2 at a base rate of \$19.65 an hour, effective March 28, 2021. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve Marina Cleveland as a full-time permanent Correctional Officer I G2 at a base rate of \$19.65 an hour, effective March 28, 2021. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve Branden Hester as a full-time permanent Correctional Officer I G2 at a base rate of \$19.65 an hour, effective March 28, 2021. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve Stephen Muller as a full-time permanent Deputy II G2 at a base rate of \$26.66 an hour, effective March 28, 2021. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve Mary Stevens as a full-time permanent Deputy II G2 at a base rate of \$26.66 an hour, effective March 28, 2021. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve Sarah DeGooyer as a full-time permanent Dispatcher I G1 at a base rate of \$19.26 an hour, effective March 22, 2021. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve Jamie Pesicka Olson as a full-time permanent E-911 Coordinator G1 at a base rate of \$24.19 an hour, effective April 11, 2021. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve the cell phone per diem of \$50.00 per month for Jamie Pesicka Olson, effective April 11, 2021. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve the cell phone per diem of \$104.00 per month for Brandon Rosenau, effective March 14, 2021. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Rosenau-Sleep) to approve the automatic supplement of \$28,576.98 to the Sheriff Travel Budget for reimbursement for vehicle damage. Motion Carried.

COVID-19: Moved-Seconded (Rosenau-Flanagan) to rescind the following Lawrence County Resolution #2020-13 a resolution designating decision making authority to the acting Chairman regarding emergency policy decisions related to COVID-19 issues. Motion Carried.

ABATEMENT:

CITY OF DEADWOOD: Moved-Seconded (Flanagan-Rosenau) to approve the abatement for The City of Deadwood on parcel #30810-00200-050-00 for 2020 taxes payable in 2021 and 2021 taxes payable in 2022 due to the fact that the property should be classified tax exempt. 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 the programming phase is nearing completion.

ALCOHOLIC BEVERAGE LICENSE: A public hearing was held on the applications to sell intoxicating liquor Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine and Retail (On-Off Sale) Wine and Cider. Pam Brewer, Co-Owner, was present to answer questions. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Flanagan) to approve the following applications to sell intoxicating liquor Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine and Retail (On-Off) Sale Wine and Cider for Muley Hill Lodge, LLC: Tract 37 and Lot A, a subdivision of Tract 37, as shown on the Plat Book 5, Page 104, located in Section 24 T5N R3E BHM. Motion Carried.

HIGHWAY:

HIGHWAY SUPPLIES BIDS:

MAGNESIUM CHLORIDE: The following bid was received from Dustbusters Enterprises, Inc. at \$168.35 per ton, \$.91 per gallon, \$18.50 per ton application, and \$7,500 for rental of a spray truck for 45 days.

Moved-Seconded (Flanagan-Ewing) to accept the only bid from Dustbusters Enterprises, Inc. at \$168.35 per ton, \$.91 per gallon, \$18.50 per ton application, and \$7,500 for rental of a spray truck for 45 days, to waive any irregularities, and allow the Chairman to sign the Contract with Dustbusters Enterprises, Inc. Motion Carried.

ASPHALT HOT MIX: The following bids were received for Asphalt Hot Mix F.O.B.: Sacrison Paving- E-1 \$60.00 per ton & E-2 \$60.00 per ton at Exit 8 Spearfish Plant. Simon Contractors of South Dakota, Inc.-E-1 \$58.00 per ton & E-2 \$59.00 per ton at the Centennial Quarry.

Moved-Seconded (Flanagan-Ewing) to accept all bids received for Asphalt Hot Mix F.O.B.: Sacrison Paving- E-1 \$60.00 per ton & E-2 \$60.00 per ton at Exit 8 Plant Spearfish. Simon Contractors of South Dakota, Inc.-E-1 \$58.00 per ton & E-2 \$59.00 per ton at the Centennial Quarry, thereby allowing the Highway Superintendent to use the most advantageous price and desired location, and to waive any irregularities. Motion Carried.

ASPHALT COLD MIX: The following bid was received for Asphalt Cold Mix F.O.B.: Simon Contractors of South Dakota, Inc. - \$108.00 per ton.

Moved-Seconded (Ewing-Rosenau) to accept the only bid for Asphalt Cold Mix from Simon Contractors of South Dakota, Inc. - \$108.00 per ton and to waive any irregularities. Motion Carried.

GRAVEL AGGREGATE: The following bids were received for Gravel Aggregate:
Simon Contractors of South Dakota, Inc.: 3/4" Gravel Surfacing- Hansen Pit-\$7.50 per ton. 1" Gravel Base- Kost Pit-\$9.60 per ton. Centennial Quarry-\$10.50 per ton. 1/2" Clean Rock-Centennial Quarry-\$15.00 per ton. 3/4" Clean Rock-Centennial Quarry-\$15.00 per ton. 1" Clean Rock-Centennial Quarry-\$15.00 per ton. Kost Pit-\$12.00 per ton. 3/8" Chips-Centennial Quarry-\$16.00 per ton. Johner Gravel, Inc.: 1" Gravel Base-Hurm Pit-\$7.75 per ton with \$.25 loading fee. Evans Pit-\$7.75 with \$.25 loading fee. Canyon Creek Pit-\$7.80 per ton with \$.25 loading fee. Eaton Pit-\$7.75 per ton with \$.25 loading fee. 1" Clean Rock-Canyon Creek Pit-\$12.95 per ton with \$.25 loading fee. Fisher Sand & Gravel Company: 1" Gravel Base-Stateline Quarry-\$7.50 per ton. 1/2" Clean Rock-Stateline Quarry-\$11.50 per ton. 3/4" Clean Rock-Stateline Quarry-\$11.00 per ton. 1" Clean Rock-Stateline Quarry-\$10.75 per ton. 3/8" Chips-Stateline Quarry-\$16.00 per ton. Pete Lien & Sons, Inc.: 1" Gravel Base-Nemo Quarry, 2.5 Miles SE of Nemo-\$17.50 per ton. Rapid City, I90 Exit #55-\$9.50 per ton. 3/4" Clean Rock- Rapid City, I90 Exit #55-\$12.50 per ton.

1" Clean Rock- Rapid City, I90 Exit #55-\$12.50 per ton. 3/8" Chips- Rapid City, I90 Exit #55-\$15.00 per ton.

Moved-Seconded (Flanagan-Sleep) to accept all bids for Gravel Aggregate: Simon Contractors of South Dakota, Inc.: 3/4" Gravel Surfacing- Hansen Pit-\$7.50 per ton. 1" Gravel Base- Kost Pit-\$9.60 per ton. Centennial Quarry-\$10.50 per ton. 1/2" Clean Rock-Centennial Quarry-\$15.00 per ton. 3/4" Clean Rock-Centennial Quarry-\$15.00 per ton. 1" Clean Rock-Centennial Quarry-\$15.00 per ton. Kost Pit-\$12.00 per ton. 3/8" Chips-Centennial Quarry-\$16.00 per ton. Johner Gravel, Inc.: 1" Gravel Base-Hurm Pit-\$7.75 per ton with \$.25 loading fee. Evans Pit-\$7.75 with \$.25 loading fee. Canyon Creek Pit-\$7.80 per ton with \$.25 loading fee. Eaton Pit-\$7.75 per ton with \$.25 loading fee. 1" Clean Rock-Canyon Creek Pit-\$12.95 per ton with \$.25 loading fee. Fisher Sand & Gravel Company: 1" Gravel Base-Stateline Quarry-\$7.50 per ton. 1/2" Clean Rock-Stateline Quarry-\$11.50 per ton. 3/4" Clean Rock-Stateline Quarry-\$11.00 per ton. 1" Clean Rock-Stateline Quarry-\$10.75 per ton. 3/8" Chips-Stateline Quarry-\$16.00 per ton. Pete Lien & Sons, Inc.: 1" Gravel Base-Nemo Quarry, 2.5 Miles SE of Nemo-\$17.50 per ton. Rapid City, I90 Exit #55-\$9.50 per ton. 3/4" Clean Rock- Rapid City, I90 Exit #55-\$12.50 per ton. 1" Clean Rock-Rapid City, I90 Exit #55-\$12.50 per ton. 3/8" Chips- Rapid City, I90 Exit #55-\$15.00 per ton, thereby allowing the Highway Superintendent to use the most advantageous price and desired location, and to waive any irregularities. Motion Carried.

DE-ICING SAND: The following bids were received for 5,000 ton of De-Icing Sand: Simon Contractors of South Dakota, Inc.: Centennial Quarry-\$16.00 per ton (Total Bid Price-\$80,000.00) 11 miles to Lawrence County yard in Spearfish; Pete Lien & Sons, Inc.: Rapid City, I-90 Exit #55-\$15.00 per ton (Total Bid Price-\$75,000.00) 47 miles to Lawrence County yard in Spearfish.

Moved-Seconded (Rosenau-Sleep) to accept the lowest responsible bid from Simon Contractors of South Dakota, Inc. due to location: Centennial Quarry-\$16.00 per ton (Total Bid Price-\$80,000.00) 11 miles to Lawrence County yard in Spearfish and to waive any irregularities. Motion Carried.

IN-PLACE HOT MIX ASPHALT PAVER PATCHING: The following bids were received for In-Place Hot Mix Asphalt Paver Patching: Sacrison Paving: Type 1-\$122.00 per ton & Type 2-\$122.00 per ton; Simon Contractors of South Dakota, Inc.: Type 1-\$111.00 per ton & Type 2-\$113.00 per ton.

Moved-Seconded (Flanagan-Rosenau) to accept the lowest responsible bid from Simon Contractors of South Dakota, Inc.: Type 1-\$111.00 per ton & Type 2-\$113.00 per ton. Motion Carried.

PRECAST CONCRETE CULVERTS/BOX CULVERTS/BRIDGE BEAMS/DECK UNITS: The following bid was received from Forterra Concrete Products for Precast Concrete Culverts, Box Culverts, Bridge Beams, Deck Units, as on file in the Lawrence County Auditor's Office.

Moved-Seconded (Flanagan-Ewing) to accept the sole 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, to waive any irregularities, allow the Chairman to sign the contracts and allow for the option to buy off state bid. Motion Carried.

PERMITS:

ST ONGE LIVESTOCK: Moved-Seconded (Flanagan-Ewing) to approve the utility permit to bore under 117th Avenue, Nunc pro tunc, for St Onge Livestock east of the St Onge Salebarn for construction of irrigation beginning in Section 26, T7N, R3E and ending in Section 25, T7N, R3E. Motion Carried.

FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN

PROJECTS: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the following 2021-11 Federal Aid Bridge Program Resolution for County and Urban Projects. Motion Carried. 2021-11 FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS WHEREAS, LAWRENCE COUNTY desires the X replacement or removal of the bridge hereinafter described: STRUCTURE NUMBER AND LOCATION: Structure No. 41-228-112 2.5 Miles SE of Whitewood, SD on County Rd 014 over Spring Creek. LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES): NW Side of Road: State of South Dakota 1-90 Right-of-Way SW Side of Road:

Michael L and Susan A Davies 20417 Canyon Springs Lane Whitewood SD 57793 AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements. AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds. AND WHEREAS, the bridge is in need of replacement for the following reasons: 1. The condition rating is poor. 2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road. 3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project. 4. The Bridge is located on a Federal Aid Route X , a school bus route X , a mail route X , a field to farm to market route X , a lake or recreation access route , or other (please specify) . 5. The load carrying capacity of the existing bridge can or cannot X be improved to carry legal loads by rehabilitation of the existing bridge. NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration. Estimated Cost of Project Including Engineering: \$729,732.00 Federal Share (81.95%): \$598,015.37 Local Share (18.05%): \$131,716.63 Vote of Commissioners Yes 4 No 0 Dated at Deadwood, SD, this 23rd day of March, 2021. Chairman, Richard Sleep ATTEST: Brenda McGruder, County Auditor.

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the following 2021-12 Federal Aid Bridge Program Resolution for County and Urban Projects. Motion Carried. 2021-12 FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS WHEREAS, LAWRENCE COUNTY desires the X replacement or removal of the bridge hereinafter described: STRUCTURE NUMBER AND LOCATION: Structure No. 41-087-043 1.5 miles N of Spearfish, SD on Camp Comfort Road over Spearfish Creek. LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES): North Side of Road: Richard L and Bernice G Cundy Trust 4669 S Idalia Street, Aurora, CO 80015 SW Side of Road: City of Belle Fourche 511 6th Avenue Belle Fourche, SD 57717 SE Side of Road: City of Spearfish 625 N 5th Street Spearfish, SD 57783 AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements. AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds. AND WHEREAS, the bridge is in need of replacement for the following reasons: 1. The condition rating is poor. 2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road. 3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project. 4. The Bridge is located on a Federal Aid Route , a school bus route X , a mail route X , a field to farm to market route X , a lake or recreation access route , or other (please specify) . 5. The load carrying capacity of the existing bridge can or cannot X be improved to carry legal loads by rehabilitation of the existing bridge. NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration. Estimated Cost of Project Including Engineering: \$724,506.00 Federal Share (81.95%): \$593,732.67 Local Share (18.05%): \$130,773.33 Vote of Commissioners Yes 4 No 0 Dated at Deadwood, SD, this 23rd day of March, 2021. Chairman, Richard Sleep ATTEST: Brenda McGruder, County Auditor.

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the following 2021-13 Federal Aid Bridge Program Resolution for County and Urban Projects. Motion Carried.

2021-13 FEDERAL AID BRIDGE PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS WHEREAS, LAWRENCE COUNTY desires the X replacement or ___ removal of the bridge hereinafter described: STRUCTURE NUMBER AND LOCATION: Structure No. 41-250-268 1.3 miles N and 2.5 miles W of Nemo, SD on Nemo Road over Box Elder Creek. LIST OF CURRENT LANDOWNERS ADJACENT TO THE PROJECT (NAMES & ADDRESSES): North Side of Road: M.R. Blum-Living Trust 1770 Tablerock Road #119 Rapid City, SD 57701 South Side of Road: Myrle L McLaughlin 2918 W A Street Torrington, WY 82240 AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements. AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Federal Bridge Funds. AND WHEREAS, the bridge is in need of replacement for the following reasons: 1. The condition rating is poor. 2. For Replacement project the bridge is not located on a County or Township designated No Maintenance or Minimum Maintenance Road. 3. For Removal project the bridge location will not be eligible for federal or state bridge funds in the event that a bridge is reconstructed. The owner agrees to submit a separate resolution to delete the structure from the National Bridge Inventory upon completion of the project. 4. The Bridge is located on a Federal Aid Route X, a school bus route X, a mail route X, a field to farm to market route X, a lake or recreation access route ____, or other (please specify) _____. 5. The load carrying capacity of the existing bridge can ____ or cannot X be improved to carry legal loads by rehabilitation of the existing bridge. NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration. Estimated Cost of Project Including Engineering: \$860,831.00 Federal Share (81.95%): \$705,451.00 Local Share (18.05%): \$155,380.00 Vote of Commissioners Yes 4 No 0 Dated at Deadwood, SD, this 23rd day of March, 2021. Chairman, Richard Sleep ATTEST: Brenda McGruder, County Auditor.

AGREEMENT FOR RIGHT-OF-WAY ACQUISITION BY ESTABLISHED PAYMENT BR CSBP (01) PCN 07NK/41-165-066: Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Agreement for Right-of-Way acquisition approving payment from Lawrence County to Lazy HD Ranch, LLC. /Benson. Motion Carried.

AGREEMENT FOR RIGHT-OF-WAY ACQUISITION BY ESTABLISHED PAYMENT BR CSBP (01) PCN 07NL/41-163-053: Moved-Seconded (Ewing-Rosenau) to approve and authorize the Chairman to sign the Agreement for Right-of-Way acquisition approving payment from Lawrence County to Ellen Reddick. Motion Carried.

TINTON ROAD MAINTENANCE: The Board acknowledged a letter from Carolyn Rodgers in reference to Tinton Road Maintenance.

9:15 a.m. Commissioner Deibert was present.

LICENSE PLATE READING VEHICLE: Bob Nelson, Jr., Deadwood Public Works Director and Jeramy Russell, Planning & Zoning Administrator, were present to request a parking spot for the City of Deadwood License Plate Reading Vehicle. The Board instructed Nelson and Russell to work with Staff to come up with a solution.

PLANNING & ZONING:

CHANGE OF ZONING #338/HARTLAND ENTERPRISES, LLC.: Second Reading 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 R-R: A-1 ACREAGE: 80 +/- acres.

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

Scott Gerber, Harland Enterprises, LLC was present to address concerns raised during the public hearing and first reading for the change of zoning held on March 9, 2021. Gerber noted that future

development of the land would be subject to review by the SD DENR, the City of Spearfish, the Army Corps of Engineers and the County.

With respect to the County's Comprehensive Plan, Gerber noted that the requested rezoning of the property would satisfy the objectives of the Plan by acting as a buffer between the City and adjacent ag land. Similarly, Gerber added that the change of zoning was also compliant with the City's strategic planning documents.

Gerber pointed out that no public opposition to the requested change of zoning has been made. This includes none expressed by the adjacent landowners - the City remains the sole party objecting.

Finally, Gerber highlighted that the Lawrence County Planning and Zoning Commission unanimously approved the requested change of zoning.

Commissioner Sleep opined that the zoning of the property should remain agricultural or be annexed by the City as it will need erosion control.

Commissioner Flanagan noted that a transitional area between the City annexed lands and the nearby ag lands is consistent with the Comprehensive Plan. However, he noted that the Rural Residential classification requested was not consistent with the adjacent land use of land annexed into the City. To that point he stated that the density of use of the subject property should be higher density, and most appropriately annexed into the City.

Gerber responded to the issue of higher density by offering that the City indicated it would need double the housing to justify the pavement for the second phase.

Commissioner Deibert encourages buffers between high density uses and low density uses. The rationale being that the buffer protects nearby ag producers and ag producers more generally in the northern part of the County. Deibert added that the City has many planning tools at its disposal and also concurred with Commissioner Flanagan in his conclusion that annexation is the appropriate action for this property.

Moved-Seconded (Deibert-Flanagan) to deny the COZ #338 as annexation is the appropriate action for this property. APPLICANT: Hartland Enterprises, LLC LEGAL DESCRIPTION: SW 1/2 NE ¼ of Section 21, T6N, R3E VICINITY LOCATION: Colorado Blvd SUMMARY: COZ request from A-1 to R-R: A-1 ACREAGE: 80 +/- acres. Motion Carried.

Additional comments were added with Commissioner Flanagan reiterating and further explaining his earlier observation that annexation is the key, and that he did not feel that Rural Residential zoning is appropriate in this area as the property abuts City limits and a major highway. He cited the preferred model of concentric growth and density from a city center.

Commissioner Ewing confirmed that a different approach is necessary for development of the property.

CONDITIONAL USE PERMIT #462/CBH COOP & ANDERSON: A public hearing was held on Conditional Use Permit #462 APPLICANTS: CBH Coop and Mike and Annalisa Anderson LEGAL DESCRIPTION: Lot 3 S/D of Tract G of HES 54 & Tract 0165 SE ¼ SE ¼ of Section 30, T4N, R3E VICINITY LOCATION: Hwy 385 SUMMARY: Request for a propane storage facility. ZONING: PF ACREAGE: Lot 3 is 4.605 acres.

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

Mike Anderson and Frank Robbins, Applicants, were present to answer questions.

No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Deibert) to approve Conditional Use Permit #462 conditioned upon approval of the access point by the State and based upon the Planning and Zoning Commission recommendation for approval, the concurrent recommendation of P&Z staff, as reflected in the staff report. APPLICANTS: CBH Coop and Mike and Annalisa Anderson LEGAL DESCRIPTION: Lot 3 S/D of Tract G of HES 54 & Tract 0165 SE ¼ SE ¼ of Section 30, T4N,

R3E VICINITY LOCATION: Hwy 385 SUMMARY: Request for a propane storage facility
ZONING: PF ACREAGE: Lot 3 is 4.605 acres. Motion Carried.

CHANGE OF ZONING #340/WICK & SAYE: First Reading and public hearing was held on COZ #340. APPLICANTS: Ronald Wick/Troy & Wiladine Saye/Nemo Guest Ranch Business Enterprises, LLC LEGAL DESCRIPTION: Lot 1, 2, & 3 of Nemo Guest Ranch Subdivision a sub of Tract 4-T of Nemo Placer M.S. 1368 located in Section 27, T3N, R5E VICINITY LOCATION: Nemo SUMMARY: COZ from GC-General Commercial & SRD-Suburban Residential to RC-Recreation Commercial for the Nemo Guest Ranch ZONING: GC/SRD ACREAGE: 17.74 acres.

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

Troy Saye, applicant, was present to answer questions. Saye stated he has received letters from the neighbors with some very good ideas. Saye stated that he would like to add one more electrical site for an employee to monitor speed and fire pits on the North side of the property.

The Board acknowledged letters from: Proponents: Paul & Katherine Lehnkuhl; Brian & Joan Rech; William & Laurie Schumacher; Kathy Stygles; Katherine Lamie & Mathew Busch; Chuck & Connie Gray. Opponents: Dan Martin and Shelly Ford.

Vogt stated that Planning & Zoning approved the COZ #340 per Lawrence County Zoning Ordinance, Chapter 17 and wanted to make sure the County Commissioners reviewed the items listed in the Katherine Lamie letter as part of the Development plan.

Proponent: Teresa Buettner, 12712 Troxell Street, spoke in favor of COZ, stating that she has read the letter from Katherine Lamie & Mathew Busch and has also spoken to Troy Saye and feels their concerns have been heard.

Mike Whalen, Merritt Estes Road, stated he would like to make it part of the public record that Troy Saye, Nemo Guest Ranch, was forced into pursuing the present change of zoning request upon threat of a lawsuit by the County. Whalen encouraged the Commission to approve the requested change of zoning for the 3 parcels.

Opponent: Susan O'Dea, 12732 Troxell Street, stated that when the Guest Ranch was started in 1946 it was used for hunting, fishing and horseback riding. O'Dea continued on noting that the clientele is different today from the past. O'Dea voiced her concern that Troxell Street is not wide enough for the camper traffic leaving the Guest Ranch. O'Dea added that the campers leave sewer waste on the road. O'Dea also complained that the Guest Ranch enforces no rules or regulations on its guests. When she moved back to Nemo in 2016, O'Dea said she did so to retire in a quiet neighborhood. O'Dea summed up her opposition to the requested COZ predicting that existing problems will not be resolved by the COZ and will only likely get worse.

Opponent: Justin Hand, 12751 Martin Road, mentioned graffiti on signs along the nearby Martin Road; though, he could not associate the graffiti to Guest Ranch campers.

No other public input was voiced and the public hearing was closed.

Commissioner Deibert stated that his evaluation of the change of zoning rightly focused on the list of considerations in the Ordinance applicable for a rezone. He also noted the historical use of the property citing that the use expanded over time. Deibert added that the County is playing catch-up to bring the use of the property into compliance with the zoning regulations.

Second Reading scheduled: April 13, 2021 @ 9:00 a.m.

PLATS:

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).

Moved-Seconded (Deibert-Flanagan) 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). Motion Carried.

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-Flanagan) to approve the final 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 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). Motion Carried.

IMPROVE SECTION LINE: Roger Tellinghuisen, appearing on behalf of Michael Anderson and Bruce Kestoloot, was present to request authorization to improve a section line road. Tellinghuisen stated that the purpose of the request is to facilitate access to his client's respective properties. Tellinghuisen stated that since the previous discussion of the issue with the Commission, a new route is being proposed coming down 195th Street. Tellinghuisen added that the request to improve the section line is not made to facilitate subdivision of the property.

Commissioner Deibert stated that this is rural America and people need to get to their land.

A recommendation will be brought to the Commission at a future meeting.

ABATEMENT:

LONE MOUNTAIN FAMILY LIMITED PARTNERSHIP: Dwight Gubbrud, attorney for Lone Mountain Family Limited Partnership, was present to request an abatement. Gubbrud explained the history of the partnership stating that the general partner of Lone Mountain Family Limited Partnership is False Bottom Livestock. Gubbrud added that the president of the Corporation is Troy Johnson who is the son of Doug Johnson. Gubbrud stated that for 45 years the Johnson's have had ranch land in Lawrence County. Gubbrud stated that the subject property has only been used as grazing and hay land.

Gubbrud further explained that Doug Johnson passed away May 1, 2019. Within a few months of his death, the Director of Equalization sent a routine request for information addressed to Mr. Johnson. The requested information was necessary to recertify the ag classification of the land. Owing to the passing of Mr. Johnson, the request for information was set aside and not returned to the Equalization Office. Consequently, the land was reclassified to non ag resulting in a significant increase in the property tax due. Gubbrud added that there has been no change in the use of this land from before Mr. Johnson's death to the present.

EXECUTIVE SESSION: 10:54 a.m. Moved-Seconded (Flanagan-Deibert) to go into executive session pursuant to SDCL 1-25-2(3). Motion Carried. 11:01 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Ewing-Rosenau) to approve the abatement for Lone Mountain Family Limited Partnership on parcel #24000-00702-114-10, 24000-00702-141-10, 24000-00702-143-44, 24000-00702-154-00, 28400-00703-052-00, 28400-00703-060-00, 28500-00703-213-00, 28500-00703-214-00, 28500-00703-221-00, 28500-00703-221-70, 28500-00703-222-04, 28500-00703-223-00, 28500-00703-223-30, 28500-00703-224-00, 28500-00703-272-78, 28500-00703-282-01, 28500-00703-283-00, 28500-00703-294-00, 28500-00703-294-70, 28500-00703-300-80, 28500-00703-

303-00, 28500-00703-304-00, 28500-00703-304-20, 28500-00703-310-00, 28500-00703-311-00, 28500-00703-311-50, 28500-00703-313-00, 28500-00703-322-70 for 2020 taxes payable in 2021 for the reasons that the request for information related to the recertification of ag status was sent to the deceased's address and acknowledging that the present ag use of the land remained the same as that when it previously qualified for ag classification. Motion Carried.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/ WHARF RESOURCES (U.S.A.), INC. AND GOLDEN REWARD MINING COMPANY LIMITED PARTNERSHIP:

A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: Exhibit A: Description of Section Lines – Petition to Vacate – Wharf Resources (U.S.A.), Inc. And Golden Reward Mining Company Limited Partnership, As Generally Shown On Exhibit B Attached: That portion of the north-south section line between Sections 32 and 33, T5N, R2E, B.H.M., beginning at the SE corner of Section 32, T5N, R2E, B.H.M., and proceeding northerly over and across the Marco Polo Lode, M.S. 1782, ending at a point that said section line intersects with the north boundary of the Marco Polo Lode, M.S. 1782, being approximately 608 feet; (Map 1) All of the north-south section line between Sections 33 and 34, T5N, R2E, B.H.M., beginning at the SE corner of Section 33, T5N, R2E, B.H.M., and proceeding northerly over and across the Maid of Erin Lode and the Telegram Lode, M.S. 1659, the Loyd Lode, M.S. 1468, the Snorter Lode, M.S. 1643, the Walton Lode, M.S. 1229, the Elk Mountain Group No. 1 Lode, M.S. 1107, the Imperial Lode, the Coxey Fraction Lode, the Princess Lode and the Crown Lode, M.S. 1979, the Yantic Lode and the Golconda Lode, M.S. 1378, ending at a point at the NE corner of Section 33, T5N, R2E, B.H.M., being approximately 5,280 feet; (Map 1) That portion of the north-south section line between Section 34 and Section 35, T5N, R2E, B.H.M., beginning at the SW corner of Section 35, T5N, R2E, B.H.M., and proceeding northerly over and across the Tiger lode, M.S. 1429, the Missouri Lode, and Gold Hill Fraction Lode, M.S. 1013, the Algoma Lode, M.S. 566, the Modoc lode and the Paddy Ford Fraction Lode, M.S. 1581, the Ford Lode and the Georgie Lode, M.S. 1141, ending at a point that said section line intersects with the north boundary of the Georgie Lode, M.S. 1141, being approximately 3,178 feet; (Map 2) That portion of the north-south section line between Section 25 and Section 26, T5N, R2E, B.H.M., beginning at the SW corner of Section 25, T5N, R2E, B.H.M., and proceeding northerly over and across the Acme Lode, M.S. 1786, the July Lode, M.S. 1962, the Lillie M. No. 1, M.S. 2074 and ending at a point that said section line intersects with the northwesterly boundary of the Lillie M. No. 1 Lode, M.S. 2074, being approximately 1,037 feet; (Map 4) All of the north-south section line between Section 35 and Section 36, T5N, R2E, B.H.M., beginning at the SE corner of Section 35, T5N, R2E, B.H.M., and proceeding northerly over and across the Winnesheik Lode and the File Closer Fraction Lode, M.S. 1175, the Pewabic Lode, M.S. 2060, the Little Snow Drop Lode, M.S. 793, the Water Lode and the Arizona Lode, including Lots A-1 & A-2, M.S. 1955, the Paystreak No. 2 Lode, Lot 2 of the Paystreak No. 3 Lode (and the Burlop Lode, M.S. 1419, the Acme Lode, M.S. 1786, the Mollie Dare Lode and the August Lode, M.S. 1962 and ending at a point at the NE corner of Section 35, T5N, R2E, B.H.M., being approximately 5,280 feet; (Map 3) That portion of the north-south section line between Sections 3 and 4, T4N, R2E, B.H.M., beginning at the NE corner of Section 4 and proceeding southerly over and across the Fargo Lode, the Fargo Fraction Lode, the McLaughlin Lode, the Giddings Lode, M.S. 1567, the Sarchfield Lode and the Robert Emmett Lode, M.S. 1960, the Trenton Lode, M.S. 1616, the Blanch E Lode, MS 1451, the Phonolote Lode, M.S. 1616, Lots 2, 3, 4 and 5, a subdivision of the Lomie Lode, M.S. 1616 (as shown on Plat Document No. 78-4740), ending at a point that said section line intersects with the southwest boundary of the Lomie Lode, M.S. 1616, being approximately 4,062 feet; (Map 8) That portion of the north-south section line between Sections 2 and 3, T4N, R2E, B.H.M., beginning at the NE corner of Section 3 and proceeding southerly over and across the Rehl Lode, M.S. 1429, the Keystone Lode, M.S. 1117, the Reliance Fraction Lode, M.S. 2037, the Keed Lode and the Mary Lode, M.S. 1079, the Baltimore Lode, M.S. 944, the Maria Lode, M.S. 1937, the Flossie Lode and the Copperhead Lode, M.S. 1668, the Gault No. 6 Lode, M.S. 1427, the Golden Lode, the Apex Lode and the Star Lode, M.S. 1341, ending at a point that said section line intersects with the south boundary of the Star Lode, M.S. 1341, being approximately 3,630 feet; (Map 5) That portion of the north-south section line between Sections 1 and 2, T4N, R2E, B.H.M., beginning at the NE corner of Section 2 and proceeding southerly over and across the Indispensible Lode, M.S. 359, the Trojan Lode, M.S. 361, the Folger Lode, M.S. 356, the Alameda Lode, M.S. 397, the Alameda Extension Lode, M.S. 398, and the Rope Fraction, M.S. 2021, ending at a point that said section line intersects with the southeasterly boundary of the Rope Fraction, M.S. 2021, being approximately 1,580 feet; (Map 6) That portion of the north-south section line between Section 1, T4N, R2E and Section 6, T4N, R3E, B.H.M., beginning at a point that said section line intersects with the north boundary of the Meadow Lark Lode, M.S. 1073, and proceeding southerly over and across the Meadow Lark Lode

and the ED R.A. Lode, M.S. 1073, the Oxford Lode and the Mineral Point Lode, M.S. 1065, the Alpha Lode, M.S. 1063, Lot 5 of the Oxford Subdivision of M.S. 1073 (as shown on Plat Document No. 2005-3473), the Victory Lode, M.S. 1077, the Eldora Lode, M.S. 989, the Livingston Lode, M.S. 1075, the IbeX Fraction Lode, M.S. 1078, the Graham Lode and the Garland Lode, M.S. 1052, ending at the SE corner of Section 1, T4N, R2E, B.H.M., being approximately 5,000 feet; (Map 6) That portion of the north-south section line between Section 12, T4N, R2E, B.H.M. and Section 7, T4N, R3E, B.H.M., beginning at the NE corner of Section 12, T4N, R2E, B.H.M., and proceeding southerly over and across the Garland Lode and the Spargo Lode, M.S. 1052 ending at a point that said section line intersects with the south boundary of the Spargo Lode, M.S. 1052, being approximately 1,127 feet; (Map 7) That portion of the east-west section line between Sections 33, 34, 35 and 36, T5N, R2E, B.H.M. and Sections 1, 2, 3 and 4, T4N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Little Eva Lode, M.S. 1567 and proceeding easterly over and across the Little Eva Lode, the Fargo Lode and the Fargo Lode Fraction, M.S. 1567, the Gannon Lode and the Maid of Erin Lode, M.S. 1659, the Orinoco Lode, M.S. 1649, the General Terry Lode and the Deadwood Lode, M.S. 1740, the James G. Blain Lode, M.S. 1349, the Comerse Lode and the Porcupine Lode, M.S. 1551, the Josie Lode and the Katy Lode, M.S. 1016, the Ruby Evans Lode, M.S. 1472, the Rehl Lode, the Lucy Lode and the Tiger Lode, M.S. 1429, the Peggie Lode, M.S. 1214, the Gunnison Lode, M.S. 1404, the Middle Fraction, M.S. 1013, the Callebogie Lode, M.S. 1233, the Gustavus Lode, M.S. 331, the Portland Lode, M.S. 330, the Paragon Lode, M.S. 332, the Halford Lode, M.S. 1226, the Beaver Fraction Lode, M.S. 978, the North Lode, M.S. 914, the Burlington Lode, M.S. 979, the Northerly Segregated Burlington Lode and the Apex Lode, M.S. 996, the Empire State Lode, M.S. 357, the Yukon Lode, M.S. 1104, the Indispensible Lode, M.S. 359, the Decorah Lode, M.S. 195, the Hector Lode and the Dividend Lode, M.S. 793, the File Closer Fraction Lode, the Winnesheik Lode, and the Ingham Lode, M.S. 1175, and the Ryan Lode, M.S. 2001, ending at a point that said section line intersects with the east boundary of the Ryan Lode, M.S. 2001, being approximately 2.7 miles; (Map 2, 3) That portion of the east-west section line between Section 4, T4N, R2E, B.H.M. and Sections 32 and 33, T5N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Marco Polo Lode, M.S. 1782 and proceeding easterly over and across the Marco Polo Lode, the Bald Hill Lode and the Saturday Lode, M.S. 1782, ending at a point that said section line intersects with the east boundary of the Saturday Lode, M.S. 1782, being approximately 1,844 feet; (Map 8) That portion of the east-west section line between Sections 25 and 26, T5N, R2E, B.H.M. and Sections 35 and 36, T5N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Victor Lode, M.S. 1795 and proceeding easterly over and across the Victor Lode and the Point Lode, M.S. 1795, the August Lode, M.S. 1962, the Acme Lode, M.S. 1786, the Lillie M. Lode, M.S. 2066, ending at a point that said section line intersects with the east boundary of the Lillie M. Lode, M.S. 2066, being approximately 2,800 feet; (Map 4) That portion of the east-west section line between Section 1, T4N, R2E, B.H.M. and Section 12, T4N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Hardscrabble Lode, M.S. 898 and proceeding easterly over and across the Hardscrabble Lode, M.S. 898, Tract B of the Hardscrabble and Vulgar Lodes, M.S. 898, the Millsite Lode, M.S. 409B (Tract B as shown on Plat Document 92-4913), the Brewery Lode, M.S. 801, the Brewery Fraction Lode, M.S. 802, the Harmony Lode, M.S. 800, the Daisy Fraction Lode, the Little Bird Lode and the Minnie Lode, M.S. 1064, and the Garland Lode, M.S. 1052, ending at the SE corner of Section 1, T4N, R2E, B.H.M., being approximately 2,090 feet. (Map 6)

Brenda McGruder, Auditor, presented Lawrence County Resolution #2021-9 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line.

Matt Zietlow, Coeur Wharf Environmental Manager, was present to answer questions.

No public input was voiced and the public hearing was closed.

Moved-Seconded (Flanagan-Ewing) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2021-9 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2021-9 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a highway, part of which is located on a section line be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County

Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, WHEREAS, the public interest will be better served by the proposed section line vacation, and BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a Section Line be vacated: LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT A: DESCRIPTION OF SECTION LINES – PETITION TO VACATE – WHARF RESOURCES (U.S.A.), INC. AND GOLDEN REWARD MINING COMPANY LIMITED PARTNERSHIP, AS GENERALLY SHOWN ON EXHIBIT B ATTACHED: That portion of the north-south section line between Sections 32 and 33, T5N, R2E, B.H.M., beginning at the SE corner of Section 32, T5N, R2E, B.H.M., and proceeding northerly over and across the Marco Polo Lode, M.S. 1782, ending at a point that said section line intersects with the north boundary of the Marco Polo Lode, M.S. 1782, being approximately 608 feet; (Map 1) All of the north-south section line between Sections 33 and 34, T5N, R2E, B.H.M., beginning at the SE corner of Section 33, T5N, R2E, B.H.M., and proceeding northerly over and across the Maid of Erin Lode and the Telegram Lode, M.S. 1659, the Loyd Lode, M.S. 1468, the Snorter Lode, M.S. 1643, the Walton Lode, M.S. 1229, the Elk Mountain Group No. 1 Lode, M.S. 1107, the Imperial Lode, the Coxey Fraction Lode, the Princess Lode and the Crown Lode, M.S. 1979, the Yantic Lode and the Golconda Lode, M.S. 1378, ending at a point at the NE corner of Section 33, T5N, R2E, B.H.M., being approximately 5,280 feet; (Map 1) That portion of the north-south section line between Section 34 and Section 35, T5N, R2E, B.H.M., beginning at the SW corner of Section 35, T5N, R2E, B.H.M., and proceeding northerly over and across the Tiger lode, M.S. 1429, the Missouri Lode, and Gold Hill Fraction Lode, M.S. 1013, the Algoma Lode, M.S. 566, the Modoc lode and the Paddy Ford Fraction Lode, M.S. 1581, the Ford Lode and the Georgie Lode, M.S. 1141, ending at a point that said section line intersects with the north boundary of the Georgie Lode, M.S. 1141, being approximately 3,178 feet; (Map 2) That portion of the north-south section line between Section 25 and Section 26, T5N, R2E, B.H.M., beginning at the SW corner of Section 25, T5N, R2E, B.H.M., and proceeding northerly over and across the Acme Lode, M.S. 1786, the July Lode, M.S. 1962, the Lillie M. No. 1, M.S. 2074 and ending at a point that said section line intersects with the northwesterly boundary of the Lillie M. No. 1 Lode, M.S. 2074, being approximately 1,037 feet; (Map 4) All of the north-south section line between Section 35 and Section 36, T5N, R2E, B.H.M., beginning at the SE corner of Section 35, T5N, R2E, B.H.M., and proceeding northerly over and across the Winnesheik Lode and the File Closer Fraction Lode, M.S. 1175, the Pewabic Lode, M.S. 2060, the Little Snow Drop Lode, M.S. 793, the Water Lode and the Arizona Lode, including Lots A-1 & A-2, M.S. 1955, the Paystreak No. 2 Lode, Lot 2 of the Paystreak No. 3 Lode (and the Burlop Lode, M.S. 1419, the Acme Lode, M.S. 1786, the Mollie Dare Lode and the August Lode, M.S. 1962 and ending at a point at the NE corner of Section 35, T5N, R2E, B.H.M., being approximately 5,280 feet; (Map 3) That portion of the north-south section line between Sections 3 and 4, T4N, R2E, B.H.M., beginning at the NE corner of Section 4 and proceeding southerly over and across the Fargo Lode, the Fargo Fraction Lode, the McLaughlin Lode, the Giddings Lode, M.S. 1567, the Sarchfield Lode and the Robert Emmett Lode, M.S. 1960, the Trenton Lode, M.S. 1616, the Blanch E Lode, MS 1451, the Phonolote Lode, M.S. 1616, Lots 2, 3, 4 and 5, a subdivision of the Lomie Lode, M.S. 1616 (as shown on Plat Document No. 78-4740), ending at a point that said section line intersects with the southwest boundary of the Lomie Lode, M.S. 1616, being approximately 4,062 feet; (Map 8) That portion of the north-south section line between Sections 2 and 3, T4N, R2E, B.H.M., beginning at the NE corner of Section 3 and proceeding southerly over and across the Rehl Lode, M.S. 1429, the Keystone Lode, M.S. 1117, the Reliance Fraction Lode, M.S. 2037, the Keed Lode and the Mary Lode, M.S. 1079, the Baltimore Lode, M.S. 944, the Maria Lode, M.S. 1937, the Flossie Lode and the Copperhead Lode, M.S. 1668, the Gault No. 6 Lode, M.S. 1427, the Golden Lode, the Apex Lode and the Star Lode, M.S. 1341, ending at a point that said section line intersects with the south boundary of the Star Lode, M.S. 1341, being approximately 3,630 feet; (Map 5) That portion of the north-south section line between Sections 1 and 2, T4N, R2E, B.H.M., beginning at the NE corner of Section 2 and proceeding southerly over and across the Indispensible Lode, M.S. 359, the Trojan Lode, M.S. 361, the Folger Lode, M.S. 356, the Alameda Lode, M.S. 397, the Alameda Extension Lode, M.S. 398, and the Rope Fraction, M.S. 2021, ending at a point that said section line intersects with the southeasterly boundary of the Rope Fraction, M.S. 2021, being approximately 1,580 feet; (Map 6) That portion of the north-south section line between Section 1, T4N, R2E and Section 6, T4N, R3E, B.H.M., beginning at a point that said section line intersects with the north boundary of the Meadow Lark Lode, M.S.

1073, and proceeding southerly over and across the Meadow Lark Lode and the ED R.A. Lode, M.S. 1073, the Oxford Lode and the Mineral Point Lode, M.S. 1065, the Alpha Lode, M.S. 1063, Lot 5 of the Oxford Subdivision of M.S. 1073 (as shown on Plat Document No. 2005-3473), the Victory Lode, M.S. 1077, the Eldora Lode, M.S. 989, the Livingston Lode, M.S. 1075, the Ibex Fraction Lode, M.S. 1078, the Graham Lode and the Garland Lode, M.S. 1052, ending at the SE corner of Section 1, T4N, R2E, B.H.M., being approximately 5,000 feet; (Map 6) That portion of the north-south section line between Section 12, T4N, R2E, B.H.M. and Section 7, T4N, R3E, B.H.M., beginning at the NE corner of Section 12, T4N, R2E, B.H.M., and proceeding southerly over and across the Garland Lode and the Spargo Lode, M.S. 1052 ending at a point that said section line intersects with the south boundary of the Spargo Lode, M.S. 1052, being approximately 1,127 feet; (Map 7) That portion of the east-west section line between Sections 33, 34, 35 and 36, T5N, R2E, B.H.M. and Sections 1, 2, 3 and 4, T4N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Little Eva Lode, M.S. 1567 and proceeding easterly over and across the Little Eva Lode, the Fargo Lode and the Fargo Lode Fraction, M.S. 1567, the Gannon Lode and the Maid of Erin Lode, M.S. 1659, the Orinoco Lode, M.S. 1649, the General Terry Lode and the Deadwood Lode, M.S. 1740, the James G. Blain Lode, M.S. 1349, the Comerse Lode and the Porcupine Lode, M.S. 1551, the Josie Lode and the Katy Lode, M.S. 1016, the Ruby Evans Lode, M.S. 1472, the Rehl Lode, the Lucy Lode and the Tiger Lode, M.S. 1429, the Peggie Lode, M.S. 1214, the Gunnison Lode, M.S. 1404, the Middle Fraction, M.S. 1013, the Callebogie Lode, M.S. 1233, the Gustavus Lode, M.S. 331, the Portland Lode, M.S. 330, the Paragon Lode, M.S. 332, the Halford Lode, M.S. 1226, the Beaver Fraction Lode, M.S. 978, the North Lode, M.S. 914, the Burlington Lode, M.S. 979, the Northerly Segregated Burlington Lode and the Apex Lode, M.S. 996, the Empire State Lode, M.S. 357, the Yukon Lode, M.S. 1104, the Indispensible Lode, M.S. 359, the Decorah Lode, M.S. 195, the Hector Lode and the Dividend Lode, M.S. 793, the File Closer Fraction Lode, the Winnesheik Lode, and the Ingham Lode, M.S. 1175, and the Ryan Lode, M.S. 2001, ending at a point that said section line intersects with the east boundary of the Ryan Lode, M.S. 2001, being approximately 2.7 miles; (Map 2, 3) That portion of the east-west section line between Section 4, T4N, R2E, B.H.M. and Sections 32 and 33, T5N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Marco Polo Lode, M.S. 1782 and proceeding easterly over and across the Marco Polo Lode, the Bald Hill Lode and the Saturday Lode, M.S. 1782, ending at a point that said section line intersects with the east boundary of the Saturday Lode, M.S. 1782, being approximately 1,844 feet; (Map 8) That portion of the east-west section line between Sections 25 and 26, T5N, R2E, B.H.M. and Sections 35 and 36, T5N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Victor Lode, M.S. 1795 and proceeding easterly over and across the Victor Lode and the Point Lode, M.S. 1795, the August Lode, M.S. 1962, the Acme Lode, M.S. 1786, the Lillie M. Lode, M.S. 2066, ending at a point that said section line intersects with the east boundary of the Lillie M. Lode, M.S. 2066, being approximately 2,800 feet; (Map 4) That portion of the east-west section line between Section 1, T4N, R2E, B.H.M. and Section 12, T4N, R2E, B.H.M., beginning at a point that said section line intersects with the west boundary of the Hardscrabble Lode, M.S. 898 and proceeding easterly over and across the Hardscrabble Lode, M.S. 898, Tract B of the Hardscrabble and Vulgar Lodes, M.S. 898, the Millsite Lode, M.S. 409B (Tract B as shown on Plat Document 92-4913), the Brewery Lode, M.S. 801, the Brewery Fraction Lode, M.S. 802, the Harmony Lode, M.S. 800, the Daisy Fraction Lode, the Little Bird Lode and the Minnie Lode, M.S. 1064, and the Garland Lode, M.S. 1052, ending at the SE corner of Section 1, T4N, R2E, B.H.M., being approximately 2,090 feet. (Map 6) AFFECTING THE LANDOWNERS: Wharf Resources, (U.S.A.), Inc. and Golden Reward Mining Company Limited Partnership Dated this 23rd day of March, 2021 Richard Sleep, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County Auditor I, Brenda McGruder, 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 23rd, 2021. Dated at Deadwood, South Dakota, the 23rd day of March, 2021. Brenda McGruder, Lawrence County Auditor.

RECESS: 11:13 a.m. Moved-Seconded (Rosenau-Deibert) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 11:18 a.m., the Chairman called the Commission meeting back to order. See BOA minutes for detail.

OLIVER STREET PAVING PROJECT BID OPENING: The following bid was received for the Oliver Street paving project: Simon Contractors of South Dakota, Inc.: \$650,758.85.

Moved-Seconded (Rosenau-Flanagan) to reject the only bid for the Oliver Street paving project from Simon Contractors of South Dakota, Inc.: \$650,758.85, due to the fact that the bid came in 20% higher than the engineers estimate. Motion Carried.

ITEMS FROM THE COMMISSIONERS: Commissioner Ewing gave an update on the County Commissioners Workshop held on March 17-18, 2021.

Commissioner Rosenau stated that a resolution to become a 2nd Amendment Sanctuary County will be presented at that next Commissioners meeting.

Commissioner Deibert gave an update on the UTV Summit. Deibert observed that it is the Forest Service's obligation to perform law enforcement activities on its trail system. He further noted that while the Sheriff's Office can lend support to the Forest Service in its enforcement efforts, the Sheriff has affirmed that he has adequate resources to perform his department's obligations.

Non Agenda Correspondence: Acknowledgment was made of a Thank you note from Whitewood Senior Citizens Center and letters from the Black Hills National Forest and Ellsworth Air Force base.

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. Absent-Deibert. Motion Carried.

Payroll: Comm-\$7,038.11; Aud-\$11,631.82; Treas-\$12,898.87; States Atty-\$16,572.09; Pub Def-\$13,255.24; Gen Govt Bldg-\$8,840.26; Equal-\$15,882.86; Rod-\$8,889.17; Vso-\$1,736.20; Ist-\$9,674.27; Sher-\$52,784.38; Jail-\$26,010.81; Coroner-\$301.16; 24/7-\$430.01; Emerg Mgnt-\$4,660.01; E911-\$15,504.41; Highway-\$48,475.86; Weed-\$4,206.28; P&Z-\$6,291.58; **Bills:** Nelson, Melody-\$52.00; Hansen, Davida-\$52.00; Lucero, Robin-\$52.00; Derby, Tommie-\$168.00; Schumacher, Dustin-\$168.00; Atkins, Kimberly-\$52.00; A To Z Shredding-\$79.92; A&B Business,Inc Solutions-\$701.69; Ace Hardware Of Lead-\$369.51; Air Connection-\$2,106.30; American Family Life-\$2,421.96; Axon Enterprise-\$750.00; BH Occupational Medicine-\$35.00; BH Physical Therapy-\$100.00; Barnaud Law Firm Prof-\$3,585.58; Benson, Rodney-\$4,695.00; Bi Geo Group-\$216.20; Big Sky Communications-\$72.00; Black Hills Chemical-\$816.95; Black Hills Energy-\$11,101.28; Black Hills Urgent Care-\$130.00; Bruemmer, Lynnel-\$862.40; Butler Machinery Co-\$648.87; Cdw Government-\$1,342.48; Centurylink-\$337.04; Chalmers, Phil-\$149.00; City Of Rapid City-\$1,320.00; Clinical Lab Of BH-\$1,646.00; Cornelius, Kaylee-\$580.00; Deadwood Recreation Center-\$655.00; Deadwood, City Of-\$2,810.69; Dept Of Hlth Lab Services-\$250.00; Dept Of The Treasury-\$62,305.61; Diamond Pharmacy-\$228.59; Ds Solutions-\$175.00; Fastenal-\$36.78; Floyd's Truck Center-\$6.27; Galls-\$63.60; Gene's Lock Shop-\$84.00; Godfrey's Brake Serv-\$128.54; Hub Intl Mountain States Limit-\$50.00; Interstate Engineering-\$18,254.00; Joe Dirt Septic & Drain-\$658.00; Johner Gravel-\$5,356.28; Kimball-Midwest Co-\$297.12; Knecht Home Center-\$19.19; Koala Electric-\$2,940.94; Kosel, Joseph-\$3,279.10; LC Conservation Dist-\$5,000.00; Lawson Products-\$20.77; Lexisnexis Risk Data Mgnt-\$150.00; Mack's Auto Body-\$27,237.18; Macqueen Emergency-\$1,524.35; Matthew Bender & Company-\$191.10; Midcontinent Communications-\$112.91; Midwest Card & Id Solutions-\$500.00; Montana Dakota Utilities-\$815.36; Monument Health Network-\$8,433.47; Nalco Company-\$278.22; National Sheriff's Assoc-\$135.00; Nelson, Christy-\$300.00; North Central Int'l-\$742.59; Northern Hills Rec Center-\$174.00; Office Of Child Support-\$401.54; Pennington Co Jail-\$812.94; Pharmchem-\$485.35; Pitney Bowes-\$386.16; Quill-\$248.92; Rasmussen Mechanical Serv-\$251.00; Ridley, Kim-\$2,925.00; Riverside Technologies-\$799.00; Rocket Lube-\$170.98; Sara J Fitzgerald-\$510.00; Sd Building Officials Assoc-\$50.00; Sd Retirement System-\$65,360.98; Sd Sheriff's Association-\$1,230.00; Sdrs Supplemental Retirement-\$2,022.51; Semerad, Sandra-\$50.80; Servall Towel & Linen-\$284.38; Simon North Region Sd-\$41,037.70; Skinner Law Office-\$1,258.80; Sturdevant's Auto Parts-\$18.52; Sysco Montana-\$1,679.88; The Glass Shop-\$775.00; Transource Truck & Equip-\$33.67; Triple K Tire & Repair-\$73.43; Turnkey Corrections-\$1.95; Twin City Hardware & Lumber-\$211.36; Vast Broadband-\$1,809.40; Verizon Wireless-\$107.81; Victims Of Violence-\$525.00; Waste Connections Of Sd-\$404.57; We Know Security-\$1,700.00; Wellmark Blue Cross-\$103,844.62; Wells Fargo Business Card-\$6,117.36; Wells Plumbing & Farm Supp-\$749.73; Western Sd Juvenile Serv-\$2,080.00; White Drug-\$15.09; White's Queen City Motors-\$409.54; Wilen Dentistry-\$499.00; Yankton Co Sheriff-\$50.00; **Witness & Jurors:** \$532.32.

ADJOURN: 11:33 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 23, 2021

Chairman Richard Sleep called the meeting of the Lawrence County Board of Adjustment to order at 11:13 a.m. on March 23, 2021, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner, Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing present.

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

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

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, presented her staff report.

Mike Anderson, applicant, stated that removing the old sign and replacing it with a new one will clean things up.

No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Rosenau) to approve Variance #190. 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. Motion Carried.

ADJOURN: 11:18 a.m. There being no further business, Chairman Sleep adjourned the Board of Adjustment meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Brenda McGruder, Auditor