

LAWRENCE COUNTY COMMISSIONERS MEETING – April 25, 2023 page-1

Chairman Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on April 25, 2023 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Randy Deibert and Richard Sleep. Absent-Commissioner Eric Jennings.

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

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

DECLARE CONFLICTS: Commissioner Deibert disclosed that he was contacted by the Applicant on the 9:15 a.m. agenda item: Change Of Zoning #360/Backens and the 9:30 a.m. agenda item: Development Plan/Lighthouse Construction/BH Development, LLC.

Commissioner Deibert declared a conflict with the 8:30 a.m. agenda item: Plats.

MINUTES: Moved-Seconded (Flanagan-Deibert) to approve the minutes of April 11, 2023 County Commission meeting. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Flanagan-Deibert) to approve the travel request for Jamie Pesicka Olson to attend the Central Square ENGAGE 2023 in Nashville, TN from June 4-8, 2023. Motion Carried.

PERSONNEL:

AUDITOR: Moved-Seconded (Deibert-Sleep) to approve the step raise for Krystal L. Stulken as a full-time permanent CE 2 G3 at a base rate of \$21.96 per hour, effective April 23, 2023. Motion Carried.

SHERIFF: Moved-Seconded (Sleep-Deibert) to approve the new hire for Zachary Wachsmuth as a part-time fill-in Correctional Officer I G1 at a base rate of \$21.23 per hour, effective April 25, 2023. Motion Carried.

VOLUNTEER FIRE FIGHTER: Moved-Seconded (Sleep-Flanagan) to approve Todd J. Hanson, Myrna K. Becht and David R Moss as a Brownsville Volunteer Fire Fighter for insurance purposes. Motion Carried

TERRY VALLEY ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES: Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairperson to sign the following Order Approving Terry Valley Road District minor adjustment to the boundaries. Motion Carried.
ORDER APPROVING TERRY VALLEY ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES WHEREAS, a meeting was held among the trustees of the Terry Valley Road District to determine whether or not a minor adjustment of boundaries for: adding Antelope Trail including Lots 26 through 40, Block 8; Lot 12A, (Formerly Lot 11 & 12), Block 9; Lots 18 through 21, Block 10; Lots 5 through 8, Block 11; Lots 7, 8, Block 12 of Tract A of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos. 1119, 1139, 1205, 1310, 1341, 2044, 2050, and 2066, all lying in Sections 2 and 11 of T4N, R2E; Blue Sky Loop including Lots 24, 25, Block 8; Lots 1 through 10, 13, 28 less Govt Lot 9, 29, Block 9 of Tract A of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos. 1119, 1139, 1205, 1310, 1341, 2044, 2050, and 2066, all lying in Sections 2 and 11 of T4N, R2E; and Eagle Trail including Lot 6, Block 1; Lots 62 through 67, 68R (Formerly Lot 68 & 69), 70 through 73, Block 2 of Tract C of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos. 1341, 1536, 1942, 2044, and 2050, all lying in Sections 2, 3 and 10 of T4N, R2E, B.H.M, Lawrence County, South Dakota, be adjusted, WHEREAS, this vote was held on January 23, 2023 and the vote of the trustees was 2-0, WHEREAS, The Territory annexed into the district is as follows: adding Antelope Trail including Lots 26 through 40, Block 8; Lot 12A, (Formerly Lot 11 & 12), Block 9; Lots 18 through 21, Block 10; Lots 5 through 8, Block 11; Lots 7, 8, Block 12 of Tract A of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos. 1119, 1139, 1205, 1310, 1341, 2044, 2050, and 2066, all lying in Sections 2 and 11 of T4N, R2E; Blue Sky Loop including Lots 24, 25, Block 8; Lots 1 through 10, 13, 28 less Govt Lot 9, 29, Block 9 of Tract A of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos. 1119, 1139, 1205, 1310, 1341, 2044, 2050, and 2066, all lying in Sections 2 and 11 of T4N, R2E; and Eagle Trail including Lot 6, Block 1; Lots 62 through 67, 68R (Formerly Lot 68 & 69), 70 through 73, Block 2 of Tract C of Lost Camp

Valley Acreage, including portions of Mineral Surveys Nos. 1341, 1536, 1942, 2044, and 2050, all lying in Sections 2, 3 and 10 of T4N, R2E, B.H.M, Lawrence County, South Dakota, WHEREAS, a written letter of approval has been received from the owners of the land, WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the Terry Valley Road District Trustees, WHEREAS, it appearing that a majority of the votes at the meeting of the Terry Valley Road District Trustees have voted in favor of the minor adjustment of boundaries, NOW THEREFORE BE IT ORDAINED, by the Lawrence County Board of Commissioners that the Terry Valley Road District minor adjustment of boundaries hereby be adjusted pursuant to SDCL 31-12A. DATED this 25th day of April, 2023. ROBERT EWING, Chairperson Lawrence County Commission ATTEST: BRENDA MCGRUDER, Auditor.

ABATEMENT: Moved-Seconded (Deibert-Sleep) to approve the abatement for Tammy E. Wagendorf on parcel #26680-01732-000-32 for 2023 taxes payable in 2024 adding the disabled veteran exemption to the property. Motion Carried.

SHERIFF:
PUBLIC SAFETY AND SERVICE CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Public Safety and Services Center construction.

ANNUAL FIRE SPRINKLER AND ALARM INSPECTION: Moved-Seconded (Flanagan-Ewing) to approve and authorize Brenda McGruder, Auditor, to sign the Annual Fire Sprinkler and Alarm Inspection quote with Rapid Fire Protection, Inc. for 3 years in the amount of \$5,005.00 yearly. Motion Carried.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2023-12 for a Supplemental Budget: General Fund Drug Abuse-\$25,226.72. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Sleep) to approve and adopt the following Resolution #2023-12 for a Supplemental Budget. Motion Carried. RESOLUTION #2023-12 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2023, failed to provide sufficient revenue to enable the County to conduct the indispensable functions of Government, and WHEREAS, the Board of County Commissioners of said County deems it necessary to make a Supplementary Budget, providing for appropriation in the amounts set out below. NOW, THEREFORE, BE IT RESOLVED THAT SAID BOARD, make, approve and adopt a Supplemental Budget for Lawrence County, South Dakota, for the year 2023, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND DRUG ABUSE-\$25,226.72 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. BE IT FURTHER RESOLVED that a hearing was held on the 25th day of April, 2023 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 25th day of April, 2023. FOR THE BOARD OF COUNTY COMMISSIONERS Robert Ewing, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:
FUEL QUOTES: The following fuel quote was submitted as of April 17, 2023: **Spearfish Diesel #2 (dyed) 2100 gallons:** (prices per gallon) CBH Cooperative – No Bid; Olson Fuels – \$3.319**;; MG Oil –\$3.462. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative – No Bid; Olson Fuels – \$3.349**;; MG Oil –\$3.7237. **Whitewood Diesel #2 (dyed) 750 gallons:** (prices per gallon) CBH Cooperative – No Bid; Olson Fuels – \$3.319**;; MG Oil – \$3.462.**Represents accepted quote.

PERMITS:
MONTANA-DAKOTA UTILITIES: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of John Bey, Highway Superintendent, and approve the permit to occupy County Highway Right-of-Way submitted by Montana-Dakota Utilities located in Section 21, T6N, R3E along County Road: Centennial Road, to install natural gas distribution. Motion Carried.

MONTANA-DAKOTA UTILITIES: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of John Bey, Highway Superintendent, and approve the utility permit for Montana-Dakota Utilities to bore under Centennial Road approximately 4,900 Ft. from the intersection of Hwy 85 & Centennial Road for construction of natural gas service line beginning in Section 21 T6N, R3E and ending in Section 21, T6N, R3E. Clarification of Dimensions for

Ordinance #07-01. Approval upon the condition that: 1. The Depth is no less than 36 inches the full length of the excavation and the depth is closely monitored. 2. The location of the excavation is as far as possible away from the edge of the road. This is to protect your utility from future disturbances such as drainage repairs, or road surface expansion. The 36-inch depth and the 5-foot clearance measurement in our current ordinance is only a minimum and should only be allowed if there is proof that the maximum depth and clearance is not possible. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of John Bey, Highway Superintendent, and approve the permit to occupy County Highway Right-of-Way submitted by Butte Electric Cooperative located in Section 34, T7N, R2E along County Road: Kerwin Lane, to install a 25 KV underground powerline. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of John Bey, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Kerwin Lane for construction of a 25 KV powerline beginning in Section 34 T7N, R2E and ending in Section 34, T7N, R2E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the permit to occupy County Highway Right-of-Way submitted by Butte Electric Cooperative located in Section 25, T6N, R4E along County Road: West location on Eden Road, to install a 25 KV underground powerline (outside diameter 2 ½”). Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under the west location on Eden Road approximately 3.5 miles from Whitewood for construction of a 25 KV powerline (outside pipe diameter 2 ½”) beginning in Section 25 T6N, R4E and ending in Section 25, T6N, R4E. Clarification of Dimensions for Ordinance #07-01. Approval upon the condition that: 1. The Depth is no less than 36 inches the full length of the excavation and the depth is closely monitored. 2. The location of the excavation is as far as possible away from the edge of the road. This is to protect your utility from future disturbances such as drainage repairs, or road surface expansion. The 36-inch depth and the 5-foot clearance measurement in our current ordinance is only a minimum and should only be allowed if there is proof that the maximum depth and clearance is not possible. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the permit to occupy County Highway Right-of-Way submitted by Butte Electric Cooperative located in Section 25, T6N, R4E along County Road: Center location of Eden Road, to install a 25 KV underground powerline (outside diameter 2 ½”). Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under the center location of Eden Road approximately 3.5 miles from Whitewood for construction of a 25 KV powerline (outside pipe diameter 2 ½”) beginning in Section 25 T6N, R4E and ending in Section 25, T6N, R4E. Clarification of Dimensions for Ordinance #07-01. Approval upon the condition that: 1. The Depth is no less than 36 inches the full length of the excavation and the depth is closely monitored. 2. The location of the excavation is as far as possible away from the edge of the road. This is to protect your utility from future disturbances such as drainage repairs, or road surface expansion. The 36-inch depth and the 5-foot clearance measurement in our current ordinance is only a minimum and should only be allowed if there is proof that the maximum depth and clearance is not possible. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the permit to occupy County Highway Right-of-Way submitted by Butte Electric Cooperative located in Section 25, T6N, R4E along County Road: East location of Eden Road, to install a 25 KV underground powerline (outside diameter 6”). Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under the east location of Eden Road approximately 3.5 miles from Whitewood for construction of a 25 KV powerline (outside pipe diameter 6”) beginning in Section

25 T6N, R4E and ending in Section 25, T6N, R4E. Clarification of Dimensions for Ordinance #07-01. Approval upon the condition that: 1. The Depth is no less than 36 inches the full length of the excavation and the depth is closely monitored. 2. The location of the excavation is as far as possible away from the edge of the road. This is to protect your utility from future disturbances such as drainage repairs, or road surface expansion. The 36-inch depth and the 5-foot clearance measurement in our current ordinance is only a minimum and should only be allowed if there is proof that the maximum depth and clearance is not possible. Motion Carried.

SD MINES CENTER FOR ALUMNI RELATIONS & ADVANCEMENT: Moved-Seconded (Sleep-Deibert) to follow the recommendation of John Bey, Highway Superintendent, and approve the commercial approach permit for SD Mines Center for Alumni Relations & Advancement to construct a commercial approach on the east side of Nemo Road located approximately 44 degrees 10'59" N; 103 degrees 30' 16" W (see site map). Motion Carried.

HIGHWAY AUTHORITY/PLAT: John Bey, Highway Superintendent requested guidance from the Board as to whether he should sign as Highway Authority on the Plat of Lots 13 and 10A of the Meadows of Higgins Gulch being part of Tract A and all of Lot 10 of the Meadows of Higgins Gulch located in the NE1/4SW1/4 and the NW1/4SE1/4 and the S1/2SW1/4NE1/4 of Section 12, T6N, R1E, B.H.M., Lawrence County, South Dakota;

Marlo Kapsa, City of Spearfish Planning Director, presented her staff report.

Discussion will continue on the Plat of Lots 13 and 10A of the Meadows of Higgins Gulch being part of Tract A and all of Lot 10 of the Meadows of Higgins Gulch located in the NE1/4SW1/4 and the NW1/4SE1/4 and the S1/2SW1/4NE1/4 of Section 12, T6N, R1E, B.H.M., Lawrence County, South Dakota. Motion Carried.

John Bey, Highway Superintendent requested guidance from the Board as to whether he should sign as Highway Authority on the Plat of Lot 1R, Lot 2A and Lot 2B of Gengler Subdivision, a replat of Lot 1 and Lot 2 of Gengler Subdivision, Located in the SE1/4NW1/4 of Section 7, T6n., R2E., B.H.M., Lawrence County, South Dakota;

Commissioner Deibert declared a conflict at the beginning of the meeting.

Marlo Kapsa, City of Spearfish Planning Director, presented her staff report.

Moved-Seconded (Flanagan-Ewing) to authorize John Bey, Highway Superintendent, to sign as Highway Authority on the Plat of Lot 1R, Lot 2A and Lot 2B of Gengler Subdivision, a replat of Lot 1 and Lot 2 of Gengler Subdivision, Located in the SE1/4NW1/4 of Section 7, T6N., R2E., B.H.M., Lawrence County, South Dakota . Aye-Flanagan. Nay-Sleep and Ewing. Abstain Deibert. Motion Failed.

John Bey, Highway Superintendent requested guidance from the Board as to whether he should sign as Highway Authority on the Plat of Tract JL-1 & Tract JL2 being all of the East ½ of the Southwest ¼ of Section 36, Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota.

Marlo Kapsa, City of Spearfish Planning Director, presented her staff report.

Moved-Seconded (Deibert-Flanagan) to authorize John Bey, Highway Superintendent, to sign as Highway Authority, noting that this is a judicial action and may not meet all of our construction and/or maintenance criteria and we assume none of either, on the Plat of Tract JL-1 & Tract JL2 being all of the East ½ of the Southwest ¼ of Section 36, Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota. Aye-Flanagan, Deibert and Ewing. Nay-Sleep. Motion Carried.

PROJECT UPDATES: John Bey, Highway Superintendent, gave an update on the St Onge Bridge, Nemo Bridge, Hanna Road small structure and Backhoe purchase from 2021.

REQUEST TO EXTEND FOGELSONG ROAD MAINTENANCE: Matt & Jana Hoffman, 11490 Fogelsong Road, St Onge were present to request to extend Fogelsong Road maintenance. Hoffman stated the road is impassable in the spring.

Bruce Outka, Deputy State’s Attorney, and John Bey, Highway Superintendent, gave an overview of the Fogelsong Road maintenance and the affidavit relinquishing residential building rights. Outka also referenced SDCL 31-12-27.1.

Hoffman stated that there are others that use the road to feed cattle and use it as a cut across to Orman Dam.

The Board discussed options for maintenance of Fogelsong Road.

Hoffman was instructed by the board to meet with John Bey, Highway Superintendent, and establish the distance of road to be maintained and bring a proposal/petition to the next meeting.

ALCOHOLIC BEVERAGE LICENSES:

RETAIL (ON-OFF SALE) WINE & CIDER LICENSE/WICKHAM PROPERTIES, LLC.:

A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Wine & Cider License for Wickham Properties, LLC. No public input was voiced and the public hearing was closed. Moved-Seconded (Deibert-Flanagan) to approve the following transfer of a Class-Retail (On-Off Sale) Wine & Cider License for Wickham Properties, LLC. PREVIOUS LICENSE: TRIPLE H HILLS LLC (MYSTIC HILLS HIDEWAY): M.S. 1748 TRACT 1 OF ST JOHN LODS ETAL Sec 1, Twp 3N, R3E. TRANSFER TO: WICKHAM PROPERTIES LLC (MYSTIC HILLS HIDEWAY): M.S. 1748 TRACT 1 OF ST JOHN LODS ETAL Sec 1, Twp 3N, R3E. Motion Carried.

RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE

TRANSFER/ WICKHAM PROPERTIES, LLC.: A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Wickham Properties, LLC. No public input was voiced and the public hearing was closed. Moved- Seconded (Deibert-Flanagan) to approve the following transfer of Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Wickham Properties, LLC. PREVIOUS LICENSE: TRIPLE H HILLS LLC (MYSTIC HILLS HIDEWAY): M.S. 1748 TRACT 1 OF ST JOHN LODS ETAL Sec 1, Twp 3N, R3E. TRANSFER TO: WICKHAM PROPERTIES LLC (MYSTIC HILLS HIDEWAY): M.S. 1748 TRACT 1 OF ST JOHN LODS ETAL Sec 1, Twp 3N, R3E. Motion Carried.

PLANNING & ZONING:

CHANGE OF ZONING #360/BACKENS: First Reading and Public Hearing was held on COZ #360 OWNERS/APPLICANTS: Daniel & Mark Backens LEGAL DESCRIPTION: SE ¼ NW ¼ and NE ¼ SW ¼ less and except lots H-1 and A and N ½ SE ¼ less and except Lots H-1, A, B, C & D and parcel 1 Revised, 2A & 2B of Section 32, T7N, R2E VICINITY LOCATION: Westview Dr. SUMMARY: Rezone from A-1 to A-2 in order to break down for family ownership ZONING: A-1 ACREAGE: 86.24 acres.

Commissioner Deibert disclosed that he was contacted by the applicant on the process.

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

Mark Backens, owner/applicant, explained the request for the change of zoning.

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

Commissioner Flanagan commented that the area is all zoned similar to the request.

Commissioner Sleep questioned why the land was not being divided so each family member gets at least 40 acres. Backens stated it was due to value.

Commissioner Deibert stated that zoning does not dictate use.

Second Reading scheduled for May 9, 2023 at 9:15 a.m.

DEVELOPMENT PLAN/LIGHTHOUSE CONSTRUCTION/BH DEVELOPMENT, LLC.:

A public hearing was held on development plan #2023-01 OWNER/APPLICANT: Lighthouse Construction/BH Development, LLC. LEGAL DESCRIPTION: Proposed Lot 1, Blk 10 of Trailside Addition Section 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy

85/14A/Rochford Rd SUMMARY: Allow a commercial construction office/showroom and warehouse ZONING: PUD ACREAGE: .633 acres.

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

Jeffrey Boehm, Lighthouse Construction, was present to explain the development plan and answer questions.

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

Commissioner Deibert disclosed that he was contacted by the applicant on the process.

Commissioner Flanagan questioned on whether down throw lighting would be required. Ron Williams, PE AE2S, stated that the Community Improvement district would address this issue.

Moved-Seconded (Flanagan-Deibert) to approve development plan with the following conditions:
1. All access points from Hwy 14 shall be approved by the SD DOT, internal traffic must utilize the Ember's Way Road. 2. No more than two trucks may be on site at any time for deliveries. 3. Deliveries must take place during daylight hours. 4. Trucks may not stay overnight onsite. 5. Only one on premise sign may be allowed and must receive a sign permit. 6. The vegetation for screening must be installed prior to the structure being utilized for business. 7. No outside storage may take place. 8. Exterior lights shall be placed strategically throughout the property and all lighting shall be fully shielded and have 100% cut-off type fixtures and effective date of the land use map.
2023-01 OWNER/APPLICANT: Lighthouse Construction/BH Development, LLC. LEGAL DESCRIPTION: Proposed Lot 1, Blk 10 of Trailside Addition Section 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85/14A/Rochford Rd SUMMARY: Allow a commercial construction office/showroom and warehouse ZONING: PUD ACREAGE: .633 acres. Motion Carried.

FINAL DEVELOPMENT AGREEMENT/ BH DEVELOPMENT, LLC.:

OWNER/APPLICANT: BH Development, LLC. LEGAL DESCRIPTION: Proposed Lot 1, Blk 10 of Trailside Addition Section 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85/14A/Rochford Rd SUMMARY: Dev. Agreement for Embers Way Commercial/Light Industrial Property ZONING: PUD ACREAGE: .633 acres.

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

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the Final Development Agreement (FDA) for the Embers Way Commercial/Light Industrial Property of the Powder House Pass Community Improvement District (CID) between the County of Lawrence, South Dakota and BH Development, LLC. Motion Carried

PRELIMINARY PLAT/MAITLAND PARTNERS, LLC.: APPLICANT: Maitland Partners, LLC. LEGAL DESCRIPTION: Lots 124-132 of Paradise Acres IV located in Section 7, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF.

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

Allan Schreier, PE Schreier Engineering, was present to answer questions.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary plat for Maitland Partners, LLC. with the following exceptions: General exception to part 6.006 Roads & Streets. Paragraph D, (3) Side Slope and Ditch Depth, regarding the "Backslope". The County design standard is to have a 3:1 backslope from the ditch. The design standard does indicate that special consideration be asked for when backslopes are proposed to be greater than 3 to 1 with a 1:1 maximum backslope. The exception being requested is found on sheet 1 of 4 of the grading plans for Eagle Court. The general backslope proposed is a 2 to 1 slope. In the first 170 feet there is a rock outcrop and back slopes as steep as 1:1 are possible. In the rest of the Eagle Court grading project cut and fill back slopes are 2 to 1 because of the steep terrain. On sheet 21 of the Phase 2 Revised Watermain Extension Plan the cut slopes are 1.5 to 1 around the tank site. There is a likely rock outcropping in the excavation and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 124-132 of Paradise Acres IV located in Section 7,

T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF. Aye-Flanagan, Deibert and Ewing. Nay-Sleep. Motion Carried.

WILDFIRE MITIGATION CONTRACTOR: Amber Vogt, Planning & Zoning Administrator, presented the credentials for Trenton Miller and Melanie Bond.

Moved-Seconded (Deibert-Flanagan) to approve Trenton Miller and Melanie Bond as a Wildfire Mitigation Contractor. Motion Carried.

BUILDING PERMIT/LARSON: Moved-Seconded (Deibert-Ewing) to waive the building permit fee for Don & Luanne Larson, 21713 Gold Dust Trail, Nemo due to the house being destroyed by a fire on January 18, 2023. Abstain-Flanagan. Motion Carried.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert stated he meet with the Secretary of Agriculture in reference to county funding for the forest plan revision and the agreement is close to being in place.

Commissioner Deibert, Bill Coburn and Mitch Iverson met with the acting forest service advisor in reference to the cooperating agency status for the entire forest. Deibert stated the meeting was very positive.

Commissioner Deibert and Sleep will attend the Multiple Use Coalition meeting on Friday, April 28, 2023.

Commissioner Ewing and Flanagan reported on the South Dakota Association of County Commissioners meeting held on April 19-20, 2023 in Pierre.

Commissioner Sleep reported on the Fair board Meeting.

Commissioner Sleep reported on the Western Dakota Water System Meeting.

The Commission acknowledged letters from the Black Hills National Forest-Zeppelin project area & Utility Projects, Thank you from Homestake Opera House, Department of Agriculture and Natural Resources-Wharf Resources.

BILLS: Moved-Seconded (Flanagan-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-\$7,842.51; Aud-\$13,938.55; Treas-\$16,676.45; States Atty-\$15,908.77; Pub Def-\$11,565.81; Gen Govt Bldg-\$11,581.36; Equal-\$14,920.88; Rod-\$10,787.74; Vso-\$2,009.80; Ist-\$11,323.85; Sher-\$59,551.70; Jail-\$32,879.87; Coroner-\$374.04; 24/7-\$375.70; Emerg Mgnt-\$5,082.54; E911-\$18,296.76; Highway-\$54,318.88; Weed-\$4,641.70; P&Z-\$8,963.60; **Bills:** Bracha, Maria-\$40.00; Vogt, Amber-\$15.30; Skavang, Robert-\$40.00; Cortez, Frank-\$35.27; Magnusson, Michal-\$40.00; Stanger, Richard-\$40.00; Moser, Douglas-\$96.00; Maynard, Brady-\$40.00; Percy, Jason-\$40.00; Rosenau, Brandon-\$15.69; Baker, Barbara-\$40.00; Lord, Jessica-\$26.00; Currier, Scott-\$40.00; Patterson, Phillip-\$625.00; 4rf Usa-\$44,126.57; A To Z Shredding-\$114.48; A&B Business,Inc Solutions-\$797.13; A&B Welding Supply-\$320.14; A&I Distributors-\$1,410.90; A&J Supply-\$18.48; Ace Hardware Of Lead-\$57.34; Audra Hill Consulting-\$543.77; Black Hills Chemical-\$1,177.29; Black Hills Energy-\$11,112.62; Black Hills Pure-\$35.25; Bluepeak-\$1,857.20; Bob Barker Company-\$238.22; Bomgaars Supply-\$82.33; Butler Machinery Co-\$325.56; Butte Electric Coop-\$669.20; Carr Coatings-\$1,560.00; Century Business Products-\$302.63; Centurylink-\$333.25; City Of Rapid City-\$1,280.00; Clark Printing-\$94.00; Clinical Lab Of BH-\$2,787.00; Cornelius, Kaylee-\$120.00; Dakota Equip Rental/Chain Saw-\$1,577.62; Dakota Fluid Power-\$78.54; Deadwood, City Of-\$1,586.40; Denny's Welding-\$12.00; Dept Of Hlth Lab Services-\$1,440.00; Dept Of The Treasury-\$70,209.09; Diamond Pharmacy-\$2,015.58; Dustbusters-\$32,701.27; Eagle Engraving-\$1,263.40; Elevatus Architecture-\$22,839.27; Express Collections-\$298.13; Fastenal-\$212.69; Galls-\$109.75; Geigle, Jd-\$40.00; Godfrey's Brake Serv-\$122.98; Grimm's Pump&Industrial Supply-\$4,573.98; Hartford-Priority Accounts-\$2,340.08; Hilpert & Hale Prof-\$390.03; Holiday Inn Express & Suites-\$77.00; Interstate Engineering-\$537.50; Jacobs Precision Welding-\$855.00; Janke, Wendy-\$300.00;

Jobgen, Kara-\$1,040.00; Karen Paige Hunt, Prof-\$694.25; Kimbell's Auto Repair-\$801.37; Kinney Law-\$3,939.26; Knecht Home Center-\$27.98; Kosel, Joseph-\$15,644.92; LC Treasurer-\$16.70; Language Line Services- \$61.64; Lead-Deadwood Sanitary-\$48.32; Lewno, Lucy-\$90.75; Lueders-\$31.80; Mabey, Brooke-\$240.00; Make It Happen Counseling-\$400.00; Mckesson Medical-\$177.46; Mid States Organized-\$150.00; Midcontinent Communications-\$154.13; Minnehaha County Sd Juvenile-\$2,152.08; Montana Dakota Utilities-\$753.05; Monument Health Network-\$2,260.14; Monument Health Rc Hospital-\$922.00; Moss, William Psy-\$2,275.00; Ms Mail-\$100.00; Nalco Company-\$323.76; Nebraska Salt & Grain Co-\$2,493.50; North Central Int'-\$525.77; Nuharbor Security-\$1,400.00; Office Of Child Support-\$750.00; Peco Addiction Treatment Serv-\$452.00; Pennington Co Jail-\$142.80; Pennington County Sts Attny-\$215.00; Pete Lien & Sons-\$1,102.01; Pharmchem-\$191.70; Pheasantland Industries-\$194.55; Powerplan-\$33.25; Precision Construction & Roof-\$808,276.26; Ramkota Inn Pierre-\$464.00; Rapid Delivery-\$15.60; Rfcc-\$2,835.00; Sanford Health Occupational-\$70.00; Schlimgen Law Firm-\$5,526.81; Sd Federal Property Agency-\$264.76; Sdaco-\$1,000.00; Sdrs Supplemental Retirement-\$3,965.00; Servall Towel & Linen-\$317.40; Silverado-\$509.05; Spearfish Auto Supply-\$88.15; Spearfish City Of-\$5,000.00; Spearfish Police Dept-\$10,666.81; Springhill Suites Marriott-\$295.00; Stan Houston Equip-947.50; Staples-\$544.39; State Disbursment Unit-\$599.47; Sterna, Laura-\$282.20; Sturgis Responder Supply-\$2,239.81; Sunset Law Enforcement-\$475.00; Sysco Montana-\$5,070.71; Tillisch, Leslie-\$68.60; Transource Truck & Equip-\$1,117.69; Truenorth Steel-\$10,681.10; Turnkey Corrections-\$30.56; Twin City Hardware & Lumber-\$423.33; Us Bank St Paul-\$750,388.65; Verizon Wireless-\$107.03; Victims Of Violence-\$360.00; Washington State Support Regis-\$115.38; Waste Connections-\$1,326.45; Wells Fargo Banks-\$181.26; Western Hills Humane Society-\$2,000.00; Western Sd Juvenile Serv-\$5,850.00; White Drug-\$15.71; White's Canyon Motors-\$598.64; Yankton Anesthesiology-\$19.43; **Witness & Jurors:** \$10,281.16.

ADJOURN: 10:26 a.m. There being no further business, Chairman Ewing adjourned the meeting.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Brenda McGruder, Auditor