

LAWRENCE COUNTY COMMISSIONERS MEETING – May 9, 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 May 9, 2023 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Randy Deibert, Richard Sleep and Eric Jennings.

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

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

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 8:30 a.m. agenda item: Highway Plats-Gengler Subdivision; 9:00 a.m. agenda item: Planning & Zoning Plats #3, #4, & #5.

Commissioner Deibert disclosed that he was contacted by the Applicant on the 9:15 a.m. agenda item: Change Of Zoning #360/Backens.

MINUTES: Moved-Seconded (Deibert-Sleep) to approve the minutes of April 25, 2023 County Commission meeting. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve the minutes of April 25, 2023 Board of Equalization meeting. Motion Carried.

TRAVEL REQUEST:

PUBLIC DEFENDER: Moved-Seconded (Flanagan-Ewing) to approve the travel request for Amber Richey & Adam Bryson to attend the State Bar Convention in Sioux Falls, SD from June 20-23, 2023. Aye-Flanagan, Sleep, Jennings and Ewing. Nay-Deibert. Motion Carried.

EQUALIZATION: Moved-Seconded (Deibert-Sleep) to approve the travel request for Brett Runge, Carmen Symonds & Louise Hohn to attend the SDAAO Conference in Sioux Falls, SD from June 13-16, 2023 and allow for a travel advance. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the travel request for Christine Maki & Phil Patterson to attend the Assessor's Basics School in Pierre, SD from October 1-6, 2023 and allow for a travel advance. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Deibert-Ewing) to approve the step raise for Adam Bryson as a full-time permanent Public Defender Chief Deputy G6 at a base rate of \$3,070.98 per pay period, effective May 9, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the cell phone per Diem of \$50.00 per month for Adam Bryson, effective May 9, 2023. Motion Carried.

AUDITOR: Moved-Seconded (Flanagan-Jennings) to approve the new hire for Krista Schroeder as a full-time permanent CE 1 G1 at a base rate of \$19.69 per hour, effective May 22, 2023. Motion Carried.

TREASURER: Moved-Seconded (Deibert-Sleep) to approve the new hire for Amanda Britt as a full-time permanent CE 1 G1 at a base rate of \$19.69 per hour, effective May 10, 2023. Motion Carried.

SHERIFF: Moved-Seconded (Jennings-Ewing) to approve the new hire for Kelsee Colgrove as a part-time fill-in Correctional Officer I G1 at a base rate of \$21.23 per hour, effective May 9, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Travis Love as a full-time permanent Correctional Officer I G3 at a base rate of \$22.09 per hour, effective May 7, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Brandon Rosenau as a full-time permanent Deputy 2 G2 at a base rate of \$29.39 per hour, effective May 7, 2023. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the new hire for Miranda Dove as a full-time permanent Correctional Officer I G1 at a base rate of \$21.23 per hour, effective May 9, 2023. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the new hire for Jennifer West as a full-time permanent Correctional Officer I G2 at a base rate of \$21.66 per hour, effective May 9, 2023. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Jennings) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 2023, showed the following: Total amount of actual cash-\$1,350.00; total amount of checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,605,055.68; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$19,624.18; petty cash-\$2,660.00; total amount of deposits in bank include: CD's \$5,000,000.00; bank balance \$39,490.727.53; US Bank balance \$35,842,698.31; money market \$1,696,038.27. Total \$83,658,153.97. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Sleep-Jennings) to appoint Commissioner Flanagan as a replacement for Commissioner Deibert to the Housing and Redevelopment Commission for 2023. Motion Carried.

ELECTION SYSTEMS & SOFTWARE AGREEMENT: Moved-Seconded (Deibert-Sleep) to approve and authorize the Chairman to sign the Election Systems & Software, LLC. Election Services Agreement. Motion Carried.

STATE/COUNTY JOINT POWERS AGREEMENT/SB 21: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the joint powers agreement for the participation in the Black Hills National Forest Land and Resource Management Plan revision process between the State of South Dakota acting by and through its Department of Agriculture and Natural Resource and Lawrence County. Motion Carried.

SHERIFF'S REPORT: Pat Johnson, Chief Deputy, gave an update on the patrol vehicles.

ALCOHOLIC BEVERAGE LICENSES:

ANNUAL RENEWALS: A public hearing was held on the applications for 2023-2024 Malt Beverage licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Deibert) to approve the following 2023-2024 Malt Beverage Licenses. Motion Carried.
RENEWAL: RETAIL (ON-OFF SALE) MALT BEVERAGE AKELA SPA OF DEADWOOD LLC: Lot 3 BLK 1 EX H1 (.68 AC) Oak Mt. Country Est. Sec 18 T5N R4E B.H.M. **BAREFOOT RESORT ASSOCIATION INC (BAREFOOT RESORT):** M.S. 2021 LOT 1R OF BAREFOOT EX UNITS D-1-O,D-1-1,D-2-0,D-2-1,D-2-2 & D-2-3. Sec. 2-T4N-R2E of Black Hills. **BLACK HILLS CHAIR LIFT CO INC:** M.S. 1122 Little Hope Fr. Etal Sur. Rites (Old Blue Chair #1) & (New Blue Chair #5)Sec 1, T4N, R2E, BHM. **BLACK HILLS, LLC (STEEL WHEEL):** Tract D revised HES 297 in Sections 19 R4E T4N **BOARS NEST ROADHOUSE LLC:** Tract 59 Section 7, T4N, R3E, BHM. **BW GAS & CONVENIENCE RETAIL, LLC (YESWAY #1192):** Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. **CROW PEAK BREWING COMPANY, LLC:** Crow Peak Brewing Company Tract Sec 4, T6N, R2E. **CUSTER CAMP 1874 LLC (THE PASTA CORRAL):** Lot 1 OF HES 286 in Sec 4, T3N, R5E, BHM. **CUSTER CROSSING FAMILY CAMPGROUND, LLC:** Tract B-1 (3.44 AC) & Lot C (2.20 AC) HES 246 Except Lot 1 in Sec 21, T3N, R4E, BHM. **DOUBLE DIAMOND LLC (RECREATIONAL SPRINGS RESORT):** M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. **EAGLE TREE RESORTS CO LLC (RIM ROCK LODGE & CANYON BISTRO):** BLDGS ON LEASED SITE; **SPEARFISH CANYON LOT C-2** Sec 4 T5N R2E. **EBRIGHT ENTERPRISES INC (TRAILSHEAD LODGE INC):** Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3N R1E. **ELKHORN RIDGE @ FRAWLEY RANCHES LLC:** BLDGS ON LEASED SITE; **FRAWLEY RANCHES ADDITION S ½ SECTION 26, E ½ NE ¼ SECTION 26, W ½ NW ¼ SECTION 26, E ½ NE SECTION 27, E ½ SE SECTION 27, SW SW SECTION 23, S ½ SE SECTION 22** T6 R3. **JANICE G. KABERNA (HOM CAMPGROUND):** Lot A of CRM Ex Tract 1 (10.01) and Lot 2. (3.09) Sec 27, T3N, R5E. **JUTRDA LLC (FISH 'N FRY CAMPGROUND):** Lots 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18, T4N R4E BHM. **MATTINGLEYS LLC (ST. ONGE BAR & GRILL):** Lots 1 & 2 Block 8 in Sec 23 R7E T3N. **MERRITT GENERAL LLC (MERRITT GENERAL STORE):** Lawrence County portion of Lot 1 Boyle S/D SW1/4 SW1/4 07-002-05. **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 NEMO GUEST RANCH BUSINESS ENTERPRISE (NEMO GUEST RANCH CONVENIENCE STORE): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. RAR HOSPITALITY LLC (BRANDIN' IRON RESTAURANT & PONDEROSA BAR): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. SD CAMPGROUND AND RESIDENCY CENTER INC (SPEARFISH KOA): Parcel B (KOA Campground) NW1/4NW1/4, Sec.3, T6N, R2E, BHM. SEVEN DOWN LLC: Tract 7 (Seven Downs Arena) Section 27, T6N, R3E. SPEARFISH CANYON RESORTS LLC (SPEARFISH CANYON LODGE): P.C. 953 LOTS C AND D OF LITTLE SPF. SECTION 36, T5N, R1E, B.H.M. THE BARN AT ASPEN ACRES LLC: Section 23 NW ¼ NW ¼ T7N R2E B.H.M. THE CROSSINGS AT SPEARFISH CANYON LLC (CHEYENNE CROSSING): M.S. 1564 Spearfish Canyon Lot C-3 of Meadow 1-2-3 M.S. 1564 (Cheyenne Xing Store) Section 22, T4N, R2E. THE MERC PIZZA AND PUB LLC: M.S. 1368 Tract 3 Sec 27, T3N, R5E, B.H.M. TOMAHAWK LAKE COUNTRY CLUB INC: M.S. 1372 Pt. Ex Lot 1 of Norwood #8 (5.01AC) & Lot 1 of TR 0067'B' (5.82 AC) Pt Sec. 24-4-3 Pt Sec. 19 & 30-4-4 M.S. 1372 Lot 1 of Norwood #4 of M.S. 1372 (9.58A) & TR A Por. of B (2.877) & C of Tract 0067 & TR A of HES 57 & 66 (1.35AC) WHITETAIL CREEK RESORT LLC: Tract 54 Secs 5-6-7 & 8 (Whitetail Court) T4N R3E WICKHAM PROPERTIES LLC (MYSTIC HILLS HIWAY): M.S. 1748 TRACT 1 OF ST JOHN LODES ETAL Sec 1, Twp 3N, R3E. WILD BILL'S CAMPGROUND AND RESORT LLC: Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 18-004-04 Plat Bk 4 Pg. 126, Bk 6 Pg. 214.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of May 8, 2023: **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative – \$3.152**; Olson Fuels – \$3.169; MG Oil –\$3.402. **Represents accepted quote.

PERMITS:

NORTH STAR CONSTRUCTION: Moved-Seconded (Deibert-Sleep) to continue the commercial approach permit for North Star Construction, to follow the public hearing for the conditional use permit, for construction of a commercial approach on the north side of Homestake Road located approximately 700' west of Heath Gran's driveway. Motion Carried.

PEDERSEN EXCAVATING INC.: Moved-Seconded (Sleep-Deibert) to follow the recommendation of John Bey, Highway Superintendent, and approve the commercial approach permit for Pedersen Excavating, Inc. to construct a commercial approach on the hay field side of Homestake Road located approximately 1.27 miles from Hillsvew and Homestake Road. Motion Carried.

HOFFMAN: Moved-Seconded (Flanagan-Deibert) to follow the recommendation of John Bey, Highway Superintendent, and approve the private approach permit for Matt Hoffman to construct a private approach permit on the north side of Fogelsong Road located approximately 1.3 miles east of highway 34. Motion Carried.

REQUEST TO EXTEND FOGELSONG ROAD MAINTENANCE: John Bey, Highway Superintendent, gave an update of the Fogelsong Road maintenance cost for 3/10th of a mile. Bey reported that the road is a minimum maintenance road.

Bruce Outka, Deputy State's Attorney, explained the process in reference to contracts with residents for county road construction and maintenance according to SDCL 31-12-27.1. Outka also reported that Planning & Zoning is also investigating a complaint in reference to a campground.

Matt Hoffman, 11490 Fogelsong Road, St Onge stated that there are friends staying on his property and it is not a campground. Outka stated that a the complaint filed was in reference to an unlicensed drain field and pollution to false bottom creek.

Hoffman was instructed to file a petition pursuant to SDCL 31-12-27-1.

Commissioner Deibert stated that this should be at no cost to the county.

Commissioner Sleep added that if you improve the road you will have more traffic, which will lead to more problems.

108TH STREET/SECTION LINE VACATION/CAPPE: John Bey, Highway Superintendent, gave an update on the request to vacate a section line on 108th Street, which has a county structure on it.

Jared Cappe, 609 Nellie Lane, Spearfish, SD overviewed the reason for the vacation and listed the property owners affected. Cappe stated that road is a dead end into Butte County.

Cappe stated he would vacate the section in Butte County first and then start the process in Lawrence County.

REQUEST BY SDDOT TO TEMPORARILY LOWER THE SPEED LIMIT ON THE ST. ONGE ROAD BETWEEN HWY 85 TO HWY 34 FROM 55 MPH TO 45 MPH: Moved-Seconded (Deibert-Jennings) to lower the speed limit on the St. Onge Road between highway 85 to highway 34 from 55 mph to 45 mph until the bridge projects are complete. Motion Carried.

PINE ISLAND AND DAKOTA FIVE-O BIKE RACES: Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the Memorandum of Understanding/Release of Liability/Indemnity Agreement for the Pine Island Gravel Odyssey Race-Ride-Tour between Perry Jewett, event coordinator, and Lawrence County. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the Memorandum of Understanding/Release of Liability/Indemnity Agreement for the Dakota Five-O bike race between Perry Jewett, event coordinator, and Lawrence County. Motion Carried.

HIGHWAY AUTHORITY/PLAT: Continued discussion was held on whether to 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. Kapsa reported that the Forest Service would not sign the plat as the highway authority.

Bruce Outka, Deputy State's Attorney, stated that he checked with the Register of Deeds to see if the county could sign as highway authority with "N/A".

Moved-Seconded (Flanagan-Deibert) to authorize Bruce Outka, Deputy State's Attorney, to sign as Highway Authority with "N/A" 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.

Continued discussion was held on whether 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;

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-Sleep) 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. Abstain Deibert. Motion Carried.

PLANNING & ZONING:

ETJ JOINT JURISDICTION ORDINANCE REVISION DISCUSSION (MARLO KAPSA, CITY OF SPEARFISH): Marlo Kapsa, City of Spearfish Planning Director, presented a PowerPoint presentation in reference to the three-mile extraterritorial platting jurisdiction ordinance update to include: background & purpose, existing ordinance, proposed three-mile extraterritorial jurisdiction policies, items for discussion and the next steps in the process.

Commissioner Deibert thanked the City for updating the ordinance and for coming to the county for input. Deibert added that the master transportation plan is in need of updating, too. Kapsa stated it is scheduled for 2025. Deibert added that at this time there is no member from the three-mile area on the planning board. Deibert commented on the process for a cemetery map and it

might need to be added to the ordinance. Deibert ended with the acquisition of the right-of-way. Kapsa added that in the City it is a requirement to plat out the right-of-way so the utilities can be placed in the right-of-way.

PLANNING & ZONING UPDATES: Amber Vogt, Planning & Zoning Administrator, gave an update on upcoming agenda items.

PLATS:

LAYOUT PLAN/WEHNER: APPLICANT: Irene Wehner LEGAL DESCRIPTION: Proposed Lots 1-4 of Wehner Subdivision being a subdivision of Tract 1, located in the W ½ NW ¼ of Section 34, T6N, R4E. VICINITY LOCATION: Crook Mt Road SUMMARY: Creating new subdivision ZONING: PF.

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

The board stated that their concerns are consistent with Planning & Zoning to include the easement and access to lots since Crook Mountain Road is a Forest Service Road.

PRELIMINARY & FINAL PLAT/4 BEARS IN THE HILLS, LLC. & MILES COOPER CT PARTNERS, LLC.: APPLICANTS: 4 Bears in the Hills, LLC. and Miles Cooper Ct Partners, LLC. LEGAL DESCRIPTION: Lots 6B-1, 7A-1, 9A-1, 10A-1, 11A-1, 11B-1, and 12A-1 of Blk 1 of Apple Springs Subdivision; all located in the SE ¼ NW ¼ of Section 14, T5N, R4E VICINITY LOCATION: Hwy 85/Boulder Canyon SUMMARY: Re-plat of existing lots ZONING: SRD.

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

Moved-Seconded (Flanagan-Deibert) to approve the preliminary & final plat for APPLICANTS: 4 Bears in the Hills, LLC. and Miles Cooper Ct Partners, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 6B-1, 7A-1, 9A-1, 10A-1, 11A-1, 11B-1, and 12A-1 of Blk 1 of Apple Springs Subdivision; all located in the SE ¼ NW ¼ of Section 14, T5N, R4E VICINITY LOCATION: Hwy 85/Boulder Canyon SUMMARY: Re-plat of existing lots ZONING: SRD. Motion Carried.

9:34 a.m. Commissioner Deibert left the table.

PRELIMINARY & FINAL PLAT/CMV VENTURES, LLC.: APPLICANT: CMV Ventures, LLC. LEGAL DESCRIPTION: Lots 1-4 of Hannah Estates, formerly the SE ¼ SW ¼, in Section 32, T6N, R4E VICINITY LOCATION: Crook City Rd SUMMARY: New subdivision ZONING: PF.

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

John Frederickson, Attorney for Applicant, stated that a meeting was held with three of the landowners and they would be meeting again to come up with a maintenance plan.

Moved-Seconded (Flanagan-Ewing) to approve the preliminary plat for APPLICANT: CMV Ventures, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1-4 of Hannah Estates, formerly the SE ¼ SW ¼, in Section 32, T6N, R4E VICINITY LOCATION: Crook City Rd SUMMARY: New subdivision ZONING: PF. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve the final plat for APPLICANT: CMV Ventures, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1-4 of Hannah Estates, formerly the SE ¼ SW ¼, in Section 32, T6N, R4E VICINITY LOCATION: Crook City Rd SUMMARY: New subdivision ZONING: PF. Motion Carried.

BOUNDARY PLAT/KR DEER MT CLUB 2021, LLC.: APPLICANT: KR Deer Mt Club 2021, LLC. LEGAL DESCRIPTION: Plat of Blk A-1 of Deer Mt Village (Legal Shortened) All located in Section 13, T4N, R2E and Section 18, T4N, R3E VICINITY LOCATION: Deer Mt SUMMARY: New Boundary Plat ZONING: PUD.

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

Moved-Seconded (Flanagan-Jennings) to approve the boundary plat for APPLICANT: KR Deer Mt Club 2021, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Blk A-1 of Deer Mt Village (Legal Shortened) All located in Section 13, T4N, R2E and Section 18, T4N, R3E VICINITY LOCATION: Deer Mt SUMMARY: New Boundary Plat ZONING: PUD. Motion Carried.

REVISED PRELIMINARY PLAT/KR DEER MT CLUB 2021, LLC.: APPLICANT: KR Deer Mt Club 2021, LLC. LEGAL DESCRIPTION: Lots 1, 2, and 10-73 and 75-100 of Blk A of Deer Mt Village and Lots 3-9 and Lots 74, Blk A-1 of Deer Mt Village (Legal Shortened) All located in Section 13, T4N, R2E and Section 18, T4N, R3E VICINITY LOCATION: Deer Mt SUMMARY: Revised Prelim Lots ZONING: PUD.

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

Eirik Heikes, applicant, explained that Blk A-1 would become the commercial area with multi-family residential options and the rest of Blk A will be open areas and recreation with single-family residences.

Moved-Seconded (Flanagan-Jennings) to approve the revised preliminary plat for APPLICANT: KR Deer Mt Club 2021, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1, 2, and 10-73 and 75-100 of Blk A of Deer Mt Village and Lots 3-9 and Lots 74, Blk A-1 of Deer Mt Village (Legal Shortened) All located in Section 13, T4N, R2E and Section 18, T4N, R3E VICINITY LOCATION: Deer Mt SUMMARY: Revised Prelim Lots ZONING: PUD. Motion Carried.

9:46 a.m. Commissioner Deibert returned to the table.

FINAL PLAT/MAYER: APPLICANT: Mark Mayer LEGAL DESCRIPTION: Lot 17R and 18R Blk 10 of Trailside Addition being a sub of a portion of Tract 2E and 2F of Tract 2 of Powder House Pass located in Section 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Lot line change ZONING: PUD.

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

Moved-Seconded (Deibert-Jennings) to approve the final plat for APPLICANT: Mark Mayer based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lot 17R and 18R Blk 10 of Trailside Addition being a sub of a portion of Tract 2E and 2F of Tract 2 of Powder House Pass located in Section 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Lot line change ZONING: PUD. Motion Carried.

AMENDED PRELIMINARY & FINAL PLAT/BH DEVELOPMENT, LLC. & BH PROPERTIES, LLC.: APPLICANTS: BH Development, LLC. and BH Properties, LLC. LEGAL DESCRIPTION: Lots 8A, 8B, 11A and 11B, Blk 11 of Trailside Addition being a sub of a portion of Tract 2E and 2F of Tract 2 of Powder House Pass located in Section 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Lot line change ZONING: PUD.

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

Moved-Seconded (Flanagan-Deibert) declaring that the plat for APPLICANTS: BH Development, LLC. and BH Properties, LLC. meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the amended preliminary & final plat for APPLICANTS: BH Development, LLC. and BH Properties, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 8A, 8B, 11A and 11B, Blk 11 of Trailside Addition being a sub of a portion of Tract 2E and 2F of Tract 2 of Powder House Pass

located in Section 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Lot line change ZONING: PUD. Motion Carried.

FINAL PLAT/WHITEWOOD CREEK RANCH, LLC.& JOHNSON: APPLICANTS: Whitewood Creek Ranch, LLC./Will John and Kylee Johnson LEGAL DESCRIPTION: Lot 1 and Lot 2R of the NE ¼ of the SW ¼ of Section 11, T6N, R4E. VICINITY LOCATION: Whitewood Valley Rd Crackerjack Rd SUMMARY: Replatting an existing lot to make bigger and keep residence out of LLC ZONING: PF.

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

Moved-Seconded (Flanagan-Jennings) to approve the final plat for APPLICANTS: Whitewood Creek Ranch, LLC./Will John and Kylee Johnson based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lot 1 and Lot 2R of the NE ¼ of the SW ¼ of Section 11, T6N, R4E. VICINITY LOCATION: Whitewood Valley Rd/Crackerjack Rd SUMMARY: Replatting an existing lot to make bigger and keep residence out of LLC ZONING: PF. Motion Carried.

FINAL PLAT/WHITEWOOD CREEK RANCH, LLC. & LANDPHERE: APPLICANTS: Whitewood Creek Ranch, LLC./Branden and Abby Landphere LEGAL DESCRIPTION: Lot 1 of Stagecoach Overlook Subdivision NW ¼ of the SE ¼ of Section 10, T6N, R4E. VICINITY LOCATION: Whitewood Valley Rd SUMMARY: Creating a 10 acre lot to keep residence out of LLC ZONING: PF.

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

Moved-Seconded (Deibert-Flanagan) to approve the final plat for APPLICANTS: Whitewood Creek Ranch, LLC./Branden and Abby Landphere based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lot 1 of Stagecoach Overlook Subdivision NW ¼ of the SE ¼ of Section 10, T6N, R4E. VICINITY LOCATION: Whitewood Valley Rd SUMMARY: Creating a 10 acre Lot to keep residence out of the LLC ZONING: PF. Motion Carried.

FINAL PLAT/CANYON, LLC.: APPLICANT: Canyon, LLC. LEGAL DESCRIPTION: Lots 1-8 of Rimrock Canyon Subdivision, being a sub of the NE ¼ NE ¼ of Section 35, T3N, R1E VICINITY LOCATION: Hwy 85/Boles Canyon Rd SUMMARY: New subdivision ZONING: PF.

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

Moved-Seconded (Deibert-Flanagan) to approve the final plat for APPLICANT: Canyon, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1-8 of Rimrock Canyon Subdivision, being a sub of the NE ¼ NE ¼ of Section 35, T3N, R1E VICINITY LOCATION: Hwy 85/Boles Canyon Rd SUMMARY: New subdivision ZONING: PF. Motion Carried.

CHANGE OF ZONING #360/BACKENS: Second Reading 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 regarding the approval process.

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

Moved-Seconded (Flanagan-Deibert) to approve the change of zoning for OWNERS/APPLICANTS: Daniel & Mark Backens 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: 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. Motion Carried.

EXTENSION UPDATE:

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

PUBLIC DEFENDER: Amber Richey, Public Defender, reported that Tom Brady has retired and a replacement will need to be made on the Public Defender Board. Richey stated that Brad Gordon, Karen Hunt and Dave Claggett showed interest in the position.

Moved-Seconded (Flanagan-Sleep) to appoint Brad Gordon as a replacement for Tom Brady to the Public Defender Board. Motion Carried.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert voiced his concern with the three-mile extraterritorial platting jurisdiction ordinance revision and the integration of the types of right of ways that the county acquires and the responsibility for them. Deibert suggested that the county reach out to the DOT and see what its standards are as far as acquiring, fee and no fee.

Bruce Outka, Deputy State's Attorney, stated that Marlo Kapsa, City of Spearfish Planning Director, commented earlier in the meeting, that the City, requires platting of the right-of-way for location of utilities.

BILLS: Moved-Seconded (Flanagan-Jennings) 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-\$13,931.76; Treas-\$16,742.44; States Atty-\$16,663.42; Pub Def-\$11,565.81; Gen Govt Bldg-\$11,792.38; Equal-\$16,950.77; Rod-\$10,968.62; Vso-\$2,009.80; Ist-\$11,323.85; Sher-\$63,340.80; Jail-\$34,072.53; Coroner-\$374.04; 24/7-\$434.01; Emerg Mgmt-\$5,484.83; E911-\$19,538.81; Highway-\$52,436.45; Weed-\$4,641.70; P&Z-\$9,033.60; **Bills:** American Family Life-\$2,580.94; Deadwood Recreation Center-\$678.00; Delta Dental Of South Dakota-\$8,743.96; Dept Of The Treasury-\$71,897.01; Express Collections-\$298.13; Juneks' Chrysler/Dodge-\$38,500.00; Northern Hills Rec Center-\$107.00; Office Of Child Support-\$712.16; Sd Retirement System-\$75,539.01; Sdrs Supplemental Retirement-\$4,140.00; State Disbursement Unit-\$599.47; Washington State Support Regis-\$115.38; Wellmark Blue Cross-\$121,686.80; Baumann, Michelle-\$56.10; Runge, Brett-\$114.00; Symonds, Carmen-\$114.00; Hohn, Louise-\$114.00; A To Z Shredding-\$28.18; A&B Business,Inc Solutions-\$3,001.13; A&B Welding Supply-\$24.49; A&I Distributors-\$3,051.20; A&J Supply-\$36.00; Ace Steel & Recycling-\$61.94; Air Connection-\$818.62; At&T Mobility-\$1,693.53; Audra Hill Consulting-\$1,316.86; BH Pest Control-\$190.00; BH Physical Therapy-\$200.00; BH Pioneer-\$1,264.20; Barnaud Law Firm-\$738.80; Black Hills Chemical-\$1,067.44; Black Hills Energy-\$193.06; Bomgaars Supply-\$873.90; Brosz Engineering-\$2,970.00; Butler Machinery-\$151,686.96; Butte Electric Coop-\$774.39; Centralsquare Technologies-\$1,049.00; Century Business Products-\$624.21; Chadams-\$491.24; Clinical Lab Of BH-\$2,495.00; Dakota Equip Rental/Chain Saw-\$93.60; Deadwood, City Of-\$1,481.33; Dmc Wear Parts-\$6,737.68; Dustbusters-\$81,215.73; Election Sys & Software-\$8,822.63; Fmg Engineering-\$1,529.07; Galls-\$221.07; Gene's Lock Shop-\$200.00; Godfrey's Brake Serv-\$206.25; Grimm's Pump & Industrial Supply-\$122.74; Gworks-\$3,080.00; Hartford-Priority Accounts-\$2,366.11; Janke, Wendy-\$412.00; Jerry Greer's Engineering-\$242.85; Juneks' Chrysler/Dodge-\$37,545.91; Karen Paige Hunt, Prof- \$192.60; Kinney Law-\$3,964.73; Kosel, Joseph-\$11,391.44; Larson, Val-\$15.00; Lead, City Of-\$61.05; Lead-Deadwood Sanitary-\$574.18; Leads Online-\$2,419.00; Lewno, Lucy-\$166.60; Lockwood, Darcy-\$15.00; Mabey, Brooke-\$240.00; Make It Happen Counseling-\$400.00; Mastercard-\$9,518.63; Montana Dakota Utilities-\$3,851.35; Monument Health Network-\$412.79; Moss, William Psy-\$525.00; Ms Mail-\$20.00; NH Alcohol & Drug Services-\$25,226.72; Odp Business Solutions-\$470.44; Olson Fuels-\$13,393.48; On-Site First Aid & Safety- \$1,495.15; Pharmchem-\$191.70; Pomp's Tire Service-\$374.00; Postmaster, Deadwood-\$178.00; Queen City Rocket Lube-\$398.44; Quill-\$118.58; Randy And Sons Welding-\$1,845.60; Rcs Construction-\$2,442,965.16;

Ryan, Suzanne-\$60.00; Schlimgen Law Firm-\$4,061.25; Scott Peterson Motors-\$460.01; Sd Aao-\$1,455.00; Sd Dept Of Transportation-\$80,630.20; Sd Public Assur Alliance-\$101.04; Sd Sheriff's Association-\$50.00; Sd State Treasurer-\$952.03; Sdn Communications-\$260.00; Servall Towel & Linen-\$308.30; Simon North Region-\$879.41; Spearfish Auto Supply-\$1,806.65; Springhill Suites Marriott-\$118.00; Staples-\$114.40; Sterna, Laura-\$360.00; Sturdevant's Auto Parts-\$2,088.83; Sturgis Responder Supply-\$115.89; Sysco Montana-\$3,187.30; Tillisch, Leslie-\$155.55; Tnf Properties And Storage-\$800.00; Transource Truck & Equip-\$2,299.15; Twin City Hardware & Lumber-\$977.15; Waste Connections-\$1,326.45; Watertree-\$54.00; Western Communication-\$457.16; Wex Bank-\$989.11; White's Canyon Motors-\$60.00; Yankton Anesthesiology-\$136.01; Yankton Co Sheriff-\$50.00.

ADJOURN: 10:37 a.m. There being no further business, Chairman Ewing adjourned the meeting.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Brenda McGruder, Auditor