

LAWRENCE COUNTY COMMISSIONERS MEETING – June 27, 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 June 27, 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-Deibert) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 10:30 a.m. agenda item: Development Plan/Kr Deer Mt Club 2021, LLC.

MINUTES: Moved-Seconded (Sleep-Jennings) to approve the minutes of June 13, 2023 County Commission meeting. Motion Carried.

PERSONNEL:

AUDITOR: Moved-Seconded (Deibert-Jennings) to approve the step raise for Kimberly R. Atkins as a full-time permanent CE 2 G3 at a base rate of \$21.96 per hour, effective July 2, 2023. Motion Carried.

HIGHWAY: Moved-Seconded (Flanagan-Ewing) to approve the classification change for Michal Magnusson as a full-time permanent Crew/Shop Foreman G1 at a base rate of \$32.95 per hour, effective July 2, 2023. Motion Carried.

SHERIFF: Moved-Seconded (Deibert-Jennings) to approve the step raise for Brent McNeil as a full-time permanent Correctional Officer II G2 at a base rate of \$23.00 per hour, effective July 2, 2023. Motion Carried.

Moved-Seconded (Deibert-Jennings) to approve the step raise for Jolene Wetz as a full-time permanent Dispatcher II G3 at a base rate of \$23.46 per hour, effective July 2, 2023. Motion Carried.

VOLUNTEER FIRE FIGHTER: Moved-Seconded (Sleep-Jennings) to approve Chad Anderson, Myrna K Becht, David Ryan Moss and Todd J. Hanson as a volunteer fire fighter for Brownsville Volunteer Fire Department for insurance purposes. Motion Carried.

RAFFLE REQUEST:

SOUTH DAKOTA STATE UNIVERSITY ALUMNI ASSOCIATION: Moved-Seconded (Sleep-Deibert) to not object to the request to conduct a raffle by the South Dakota State University Alumni Association, with the drawing taking place on July 21, 2023. Motion Carried.

HOLIDAY CLOSURE/COUNTY HOLIDAYS: Moved-Seconded (Sleep-Deibert) to have the Lawrence County Office's remain open on July 3, 2023. Aye-Flanagan, Deibert & Sleep. Nay-Jennings & Ewing. Motion Carried.

AUTOMATIC SUPPLEMENTS:

ROAD & BRIDGE: Moved-Seconded (Flanagan-Deibert) to approve the automatic supplement of \$4,786.52 to the Road & Bridge Supplies Budget for reimbursement for vehicle damage. Motion Carried.

SECURE & RURAL SCHOOL ACT: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Brenda McGruder, Auditor, and approve and authorize the Chairman to sign the following election to receive a payment and to allocate the state payment for Secure Rural Schools and Communities Act Funding Fiscal Year 2023 will be as follows: Title I 85%; Title II 8% and Title III 7%. Motion Carried.

SHERIFF:

SHERIFF'S REPORT: Brian Dean, Sheriff, gave an update on the June 23, 2023 flooding in Spearfish and surrounding areas and how his staff responded. Dean added that he was in constant contact with Paul Thomson, Emergency Management Director.

Discussion was held regarding the “Tree House” apartments in Spearfish and the flooding that forced residents from their homes. Representative Mary Fitzgerald voiced her concerns with the relocation of the residents.

Commissioner Deibert voiced his concerns with there being no center point of contact for the dislocated residents to obtain information.

Barb Baker, Emergency Management Administrative Secretary, reported that Paul Thomson, Emergency Management Director, was meeting with the City of Spearfish and would report back.

PUBLIC SAFETY & SERVICES CENTER: Brian Dean, Sheriff, and Bruce Outka, Deputy State’s Attorney gave an update on the Public Safety and Services Center to include finance committee meetings, weather delay days and a request for an easement to the Larissa Properties, LTD property.

Dean informed the board that RCS Construction, Inc. will be requesting the weather delay days be added back onto the end of the construction, which was August 19, 2024. Dean stated he would endorse this request.

Sheriff Dean, Bruce Outka, Commissioner Deibert and Jennings will serve as a work group to come up with some possible solution to the request for an easement to the Larissa Properties, LTD.

MONTANA-DAKOTA UTILITES CO./CUSTOMER APPLICATION FOR GAS SERVICE: Bruce Outka, Deputy State’s Attorney, and Ken Callahan, Montana-Dakota Utilities Co., presented the customer application for gas service and the process for approval of the surcharge through the PUC.

Moved-Seconded (Jennings-Flanagan) to approve and authorize Bruce Outka, Deputy State’s Attorney, to electronically sign the Montana-Dakota Utilities Co. customer application for gas service application and \$1,000.00 application fee. Aye-Flanagan, Sleep, Jennings and Ewing. Nay-Deibert. Motion Carried.

PARADISE ACRES ROAD DISTRICT: Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for Paradise Acres Road District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE PARADISE ACRES ROAD DISTRICT A Petition and Application for Incorporation having been filed with the Lawrence County Board of Commissioners requesting that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district, to-wit: Paradise Acres Road District the legal description of the area to be included in the proposed district is: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11; 12A (Formerly Lots 12 and 13); 14, 15, 16, 17, 18; 20A (Formerly Lot 20 and portions of Golden Age and Golden Slipper Lodes, M.S. 1678); 22A (Formerly Lots 22 and 23); 24, 25, 26, 27; 28 (Formerly Lot 27A and a portion of Tract H); 30, 32; 34A (Formerly Lots 33 and 34); 35; 36R (Formerly Lot 36 and a portion of Extension Lode, M.S. 1237); Extension Lot Revised and Poorman Lot Revised (Formerly a portion of the Poorman Lot M.S. 1237 and a portion of Extension Lot M.S. 1678); of Paradise Acres, being all of the IbeX, Rodman, L. Fraction, Poorman; being in portions of the Monte Carlo, Penobscot No.1, Penobscot No.2, Tacoma, M.S. 1237; being all of Smoky City Fraction and a portion of the Smoky City Lode, M.S. 1682, being in all of the Golden Ledge, Contention, Annex Fraction and Extension, M.S. 1678; being in portions of the Golden Slipper, Golden Age, Combination, Anticipation, Bessie Fraction, Realization and Virginia Lodes, M.S. 1678; being in a portion of the Richards Fraction, M.S. 1333), being in a portion of the Beulah No.1 Lode, M.S. 1656; Tract H (being in portions of the Monte Carlo and Tacoma Lodes, M.S. 1237, being in portions of the Virginia and Realization Lodes, M.S. 1678; Tract I (being in portions of the Wedge Fraction, Monte Carlo and Tacoma Lodes, M.S. 1237 and being in a portion of the Realization Lode, M.S. 1678); all located in the E½ of Section 18, and in the W½ of Section 17, T5N, R3E, BHM, Lawrence County, South Dakota. Lots 38, 39, 40; 41R (Formerly Lot 41 and a portion of Tract K); 42, 43, 44; 45A, (Formerly lots 45 and 46); 47, 48, 49, 50, 51, 52, 53, 54, 55, 56; 57R (Formerly Lot 57 and a portion of Golden Horn Fraction and Leghorn No.1 Lodes, M.S. 1678); 58, 59, 60; 61 Revised (Formerly Lot 61 and a portion of Tract K); 62, 63, 64, 65, 66 of Paradise Acres II; located in Tract K of Paradise Acres II, and a portion of Tract M of Paradise Acres III; being all of XXX, XXX No.3, Lookout Fraction, Lookout Fraction No.2, Dublin No.2, Golden Treasure, Golden Era, Kellar, Hoagland M.S. 1678 and portions of Langshan Fraction, Annex Fraction, Little Sticks Fraction, Little Sticks, Antoinette, Alma, Independence, Leghorn No.1, Leghorn, Golden Horn

Fraction, Extension and Golden Slipper, M.S. 1678 and a portion of Poorman M.S. 1237; located in the E1/2E1/2 of Section 18, SE1/4 of Section 7, SW1/4 of Section 8 and the W1/2 of Section 17, T5N, R3E, B.H.M., Lawrence County, South Dakota. Lots 67, 68, 69, 70, 80, 81; 82R and 83R (Formerly Lots 82 and 83); 84; 85A (Formerly Lots 85 and 86), 87, 88, 89, 90, 91, located in a portion of Tract M of Paradise Acres III; and the unplatted portion of Tract M of Paradise Acres III; being all of Agate No.4 Lode, M.S. 1394, Ella No.1, Golden Wedge No.2 & Golden Wedge No.4 Lodes, M.S. 1396, J.C., R.G., Freeport & Newport Lodes, M.S. 1425, Government Lots 3 & 4 of Section 17 and Government Lot 3 of Section 18; Portions of Uncle Sam Lode, M.S. 285, Harrison Lode M.S. 992, Blacktail Chief, Valet Chief, Maggie Fraction, Blaine Fraction & Levi P. Morton Lodes, M.S. 1439 and Henniger No.1 & Three V. Lodes, M.S. 1835, all located in Sections 17, 18, 19 & 20, T5N, R3E, B.H.M., Lawrence County, South Dakota. Tract 1AR and Tract 2AR (Formerly Tract 1A and Tract 2A) and Tract 1B (Formerly Tracts 1 and 2), a subdivision of Dublin Lode M.S. 1678, located in the NW1/4 of section 17, T5N, R3E, B.H.M., Lawrence County, South Dakota. SHALL, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Paradise Acres Road District. DATED this 27th day of June, 2023. Robert Ewing, Chairperson ATTEST: Brenda McGruder, Auditor.

HIGHWAY:

BEAR BUTTE VALLEY WATER INC.: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the utility permit for Bear Butte Valley Water Inc. to bore under Whitewood Valley Road approximately ¼ mile south from 125th/Whitewood Valley Road Junction for construction of a waterline bore beginning in Section 18 T7N, R5E and ending in Section 18, T7N, R5E and approve the permit to occupy County Highway Right-of-Way submitted by Butte Valley Water Inc. located in Section 18, T7N, R5E along County Road: Whitewood Valley Road, to install a waterline. 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.

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 North Rochford Road approximately 1.13 miles from North Rochford Road/US 14A intersection for construction of a natural gas distribution main beginning in Section 19 T4N, R3E and ending in Section 19, T4N, R3E and approve the permit to occupy County Highway Right-of-Way submitted by Montana-Dakota Utilities. located in Section 19, T4N, R3E along County Road: North Rochford Road, to install a natural gas distribution main. 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.

JOHNER/KEATING: Moved-Seconded (Sleep-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the highway access permit for Gerard Keating/Kent Johner to provide access to Terry Peak Summit Road with access being 5,657 feet from Highway 14A located in Section 13, T4N, R2E conditioned upon the speed limit remaining the same. Abstain-Deibert. Motion Carried.

JOHNER/KEATING: Moved-Seconded (Sleep-Flanagan) to follow the recommendation of John Bey, Highway Superintendent, and approve the highway access permit for Gerard Keating/Kent Johner to provide access to Terry Peak Summit Road with access being 8,306 feet from Highway 14A located in Section 13, T4N, R2E conditioned upon the speed limit remaining the same. Abstain-Deibert. Motion Carried.

SHORT: Moved-Seconded (Deibert-Flanagan) to continue the commercial approach permit for Michael Short to construct a commercial approach on the east side of Wildberger Road located near the corner of 14A and Wildberger Road until the next meeting. Motion Carried.

JOHNSON: Moved-Seconded (Deibert-Flanagan) to table the commercial approach permit for Terry & Gael Johnson to construct a commercial approach on the west side of Bauer Ave located approximately 300 feet from shoulder of 14A. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to bring off the table the commercial approach permit for Terry & Gael Johnson to construct a commercial approach on the west side of Bauer Ave located approximately 300 feet from shoulder of 14A. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to continue the commercial approach permit for Terry & Gael Johnson to construct a commercial approach on the west side of Bauer Ave located approximately 300 feet from shoulder of 14A until the next meeting following the Ordinance 2023-01 and CUP #485 discussion. Motion Carried.

ROBINSON: Moved-Seconded (Deibert-Sleep) to follow the recommendation of John Bey, Highway Superintendent, and approve the private approach permit for Bret L. Robinson to construct a private approach on the west side of Maitland Road located approximately 270 feet south of Bellefish Road allowing John Bey, Highway Superintendent, full discretion for protecting the County's interest regarding the proposed tree removal. Motion Carried.

2023 JOINT POWERS AGREEMENT/STRIPING OF COUNTY ROAD: Moved-Seconded (Deibert-Ewing) to approve and authorize the Chairman to sign the joint powers agreement to provide for the striping of county road within Lawrence County with State and RSI Federal funding between the State of South Dakota acting by and through its Department of Transportation and Lawrence County. Motion Carried.

PROJECT UPDATES: John Bey, Highway Superintendent, gave an update on June 23, 2023 flood damage, Nemo Phase 1 paving project, Nemo bridge preservation.

SRP FUNDED PLANNING STUDY: Commissioner Sleep & Ewing will serve on the advisory team for the transportation planning study.

EQUALIZATION:

ABATEMENTS: Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Brett Runge, Director of Equalization, and approve the abatement for Waldak Properties LLC. on parcel #30970-00030-025-00 for 2022 taxes payable in 2023 as the mobile home was moved to Wounded Knee on August 2021. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Brett Runge, Director of Equalization, and approve the abatement for Waldak Properties LLC. on parcel #30970-00030-025-00 for 2023 taxes payable in 2024 as the mobile home was moved to Wounded Knee on August 2021. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to follow the recommendation of Brett Runge, Director of Equalization, and approve the abatement for Tim Allen Grenstiner on parcel #30875-00300-060-00 for 2023 taxes payable in 2024 to reflect lack of site. Motion Carried.

PLANNING & ZONING:

CHANGE OF ZONING #359/ELSOM: First Reading and Public Hearing was held on COZ #359 OWNER/APPLICANT: David Elsom and Margaret & Jeremy Elsom LEGAL DESCRIPTION: Tract B & C of NE¼ SE ¼ of Section 17, T6N, R2E VICINITY LOCATION: Tinton Road SUMMARY: Rezone from A-2 to PF for subdivision ZONING: A-2 to PF in order to create a lot for his daughter/sister ACREAGE: 16.00 acres

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

Marla Elsom, 2025 Lone Tree Lane, Spearfish explained the reason for the COZ is to create a lot for their daughter.

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

Second Reading scheduled for July 11, 2023 at 9:15 a.m.

EMERGENCY MANAGEMENT:

JUNE 23, 2023 FLOOD: Paul Thomson, Emergency Management Director, gave an update of the damages caused by the June 23, 2023 flood. Thomson stated he attended a meeting with the Mayor of the City of Spearfish that morning and that the Red Cross will be at the Spearfish Senior Citizen on June 29-30, 2023 and are taking the lead on this matter.

Commissioner Deibert stated that these people need moral support and need someone to talk too now.

PLANNING & ZONING:

ORDINANCE 2023-01/JOHNSON: First Reading and Public Hearing was held on Ordinance #2023-01 APPLICANT: Gael & Terry Johnson LEGAL DESCRIPTION: All of SRD Zoned Property in Lawrence County VICINITY LOCATION: All of SRD Zoned Property in Lawrence County SUMMARY: Request an ordinance amendment to the existing SRD zoning district to add Wedding Venue as a Conditional Use Permit ZONING: SRD.

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

Gael Johnson, applicant, stated that she has heard comments that she is from California which is true but she has lived here for over 30 years, working as a visiting nurse in the area and also had a care facility in the City of Lead. Johnson stated she cares for her neighbors.

Opponents: Anne Tkach, 12243 Red Cliff Rd, Sturgis spoke against the change of this zoning as it will cause congestion at the intersection of Highway 14A and Bauer Ave which is already a dangerous intersection in her opinion.

Sherry Spicer, 20763 Bauer Ave, Sturgis, spoke against changing the ordinance as the adjoining neighborhood is a retirement community and she also noted that the Highway 14A and Bauer Ave intersection is dangerous.

Andrew Tkach, 12243 Red Cliff Rd, Sturgis, spoke against commercialization of a residential area.

Clint Hall, 20717 Wildberger Rd, Sturgis and also speaking on behalf of Les Nelson, 20733 Wildberger Rd, Sturgis, spoke against commercial activity, the traffic it will bring to the already dangerous intersection and it is a “3rd type” road with no signage.

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

Discussion was held on the definition of hall and lodge in the zoning ordinance.

Second Reading scheduled for July 11, 2023 at 9:30 a.m.

CONDITIONAL USE PERMIT #485/JOHNSON: A public hearing was held on Conditional Use Permit #485 OWNERS/APPLICANTS: Gael & Terry Johnson LEGAL DESCRIPTION: Tract H excepting Lot H-1 SW ¼ NW ¼ of Section 14, T5N, R45E. VICINITY LOCATION: Boulder Canyon SUMMARY: Permit wedding venue ZONING: SRD ACREAGE: 2.23 acres.

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

Gael & Terry Johnson, Applicant, stated the reason they are requesting an approach permit was for the neighbors so they are not parking in front of their homes. Johnson added that there will be no signs, just a banner and will only be 20-25 weddings a year with 8-10 people. Johnson stated they are keeping their neighbors in mind.

Opponents: Clint Hall, 20717 Wildberger Rd, Sturgis, stated this is a residential area with a very dangerous intersection. Hall added that the Johnson’s have been operating for two years without a permit - that is not being very neighborly.

Anne Tkach, 12243 Red Cliff Rd, Sturgis, stated the people in the neighborhood are working families and retirees and the only entrance/exit to the subdivision is Bauer Ave. Tkach added that this is a busy intersection and spoke of an accident that happened at the intersection that resulted

in a fatality. Tkach stated that the Johnson's do not live full time in this area. Tkach ended with the plea: please no commercial business in this area.

Gael Johnson, applicant, commented that there are many busy intersections that have not had an accident.

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

Moved-Seconded (Flanagan-Deibert) to continue the Conditional Use Permit #485 until the next meeting. OWNERS/APPLICANTS: Gael & Terry Johnsen LEGAL DESCRIPTION: Tract H excepting Lot H-1 SW ¼ NW ¼ of Section 14, T5N, R45E. VICINITY LOCATION: Boulder Canyon SUMMARY: Permit wedding venue ZONING: SRD ACREAGE: 2.23 acres. Motion Carried.

PLAT:

FINAL PLAT/SHINING DAWN ELEMENTS, LLC.: APPLICANT: Shining Dawn Element, LLC. LEGAL DESCRIPTION: Plat of Tract of A and Tract B a subdivision of McLeod M.S. 1153 located in Section 18, T4N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: Subdivision/Fire Plan needs to be implemented ZONING: RC.

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

Moved-Seconded (Deibert-Flanagan) to approve the final plat for APPLICANTS: Shining Dawn Element, 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 Tract of A and Tract B a subdivision of McLeod M.S. 1153 located in Section 18, T4N, R3E. VICINITY LOCATION: Hwy 85 SUMMARY: Subdivision/Fire Plan needs to be implemented ZONING: RC. Motion Carried.

BUDGETS: Brenda McGruder, Auditor, presented the budget information to the Board. McGruder added that the board will review budgets on the afternoon of July 11 & 25, 2023.

PLANNING & ZONING:

10:30 a.m. Commissioner Deibert left the table.

DEVELOPMENT PLAN/KR DEER MT CLUB 2021, LLC.: A public hearing was held on development plan #2023-02 OWNER/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: Development Plan for Deer Mt Village ZONING: PUD.

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

Gerard Keating, 670 Main Street, Deadwood, was present to explain the development plan. Keating added that a meeting was held with the trustee of the Deer Mountain Sanitary District, agreeing that communication was one of the biggest issue.

Oz Enderby, 21375 Mule Deer Drive, Lead, explained that the trustee had a meeting with KR Deer Mt Club 2021, LLC. and communication was discussed and all parties are working toward working together hand in hand going forward.

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

Moved-Seconded (Flanagan-Jennings) to approve development plan #2023-02 OWNER/APPLICANT: KR Deer Mt Club 2021, LLC. including the Development Plan Narrative For Block A-1 provided by Erik Heikes, PLA, TerraSite Design and the Lead-Deadwood Sanitary Water agreements. 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: Development Plan for Deer Mt Village ZONING: PUD. Motion Carried.

10:40 Commissioner Deibert returned to the table.

DEVELOPMENT PLAN/BAUER: A public hearing was held on development plan #2023-03 OWNERS/APPLICANTS: Curtis & Danette Bauer LEGAL DESCRIPTION: SE1/4 SE1/4 LESS TRACT B & NE1/4 SE1/4 LESS N1/2 SW1/4 NE1/4 SE1/4, SECTION 16, T3 N, R3E, B.H.M, Lawrence Co., SD VICINITY LOCATION: Rochford Road SUMMARY: Development Plan - maximum of 20 RV sites for use from May 1 through October 1 ZONING: PF.

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

Oz Enderby, 21375 Mule Deer Drive, Lead and Ron Moeller, 11221 Sheep Tail Gulch, Lead, both spoke in favor of the development plan.

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

Moved-Seconded (Flanagan-Deibert) to approve development plan #2023-03 OWNERS/APPLICANTS: Curtis & Danette Bauer LEGAL DESCRIPTION: SE1/4 SE1/4 LESS TRACT B & NE1/4 SE1/4 LESS N1/2 SW1/4 NE1/4 SE1/4, SECTION 16, T3 N, R3E, B.H.M, Lawrence Co., SD VICINITY LOCATION: Rochford Road SUMMARY: Development Plan - maximum of 20 RV sites for use from May 1 through October 1 ZONING: PF. Motion Carried.

TEMPORARY USE PERMIT/DARDIS: A public hearing was held on Temporary Use Permit #2023-01 OWNERS/APPLICANTS: Calvin & Dorcie Dardis LEGAL DESCRIPTION: Lot 2 of Swenson Subdivision, formerly Tract A of the W ½ SW ¼ SW ¼ of SECTION 8, T6N, R3E, B.H.M, Lawrence Co., SD VICINITY LOCATION: Airport Road SUMMARY: Hold 3 small weddings on site at their vacation rental property on July 15, Sept 2 and Sept 9 ZONING: RR.

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

Dorcie Dardis, 1505 Bueno Vista, Spearfish, was present to explain the request for the Temporary Use Permit. Dardis stated that she is not looking to get into the wedding business and is only asking for the three requests presented. Dardis added that they are trying to be good hosts and fulfill their guests' plans that have been already made.

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

Commissioner Ewing addressed the leafy spurge issue on the property.

Discussion was held on conditions to be attached to the permit to include: County Commission Minutes dated June 27, 2023 reflect the approval: No more guests allowed than outlined in the proposal and the dates included are the only ones allowed, emergency numbers must be posted onsite with notification being given to the appropriate authorities of activities, additional bathroom facilities for the events, Posted directional signage for the entry and exit into the location, No parking allowed on the County Road, Proof of compliance with Dave Heck, Weed Control, Fire prevention measures (mowing, parking) & Layout drawing to be provided to Planning & Zoning prior to events

Moved-Seconded (Deibert-Flanagan) to approve Temporary Use Permit #2023-01 OWNERS/APPLICANTS: Calvin & Dorcie Dardis for July 15, 2023; September 2, 2023, September 9, 2023 & expiring on September 10, 2023 with the following conditions: County Commission Minutes dated June 27, 2023 reflect the approval, No more guests allowed than outlined in the proposal and the dates included are the only ones allowed, Emergency # must be posted onsite with, Notification to the appropriate authorities of activities, Additional bathroom facilities for the events, Posted directional signage for the entry and exit into the location, No parking allowed on the County Road, Proof of compliance with Dave Heck, Weed Control, Fire prevention measures (mowing, parking) & Layout drawing to be provided to Planning & Zoning prior to events. LEGAL DESCRIPTION: Lot 2 of Swenson Subdivision, formerly Tract A of the W ½ SW ¼ SW ¼ of SECTION 8, T6N, R3E, B.H.M, Lawrence Co., SD VICINITY LOCATION: Airport Road SUMMARY: Hold 3 small weddings on site at their vacation rental property on July 15, Sept 2 and Sept 9 ZONING: RR. Motion Carried.

ITEMS FROM THE PUBLIC: Ron Moeller, 11221 Sheep Tail Gulch, Lead, commented in reference to the June 23, 2023 flood. Moeller suggested that a team be put together to go over

what was done right, what was done wrong and what can we improve in the future to help our fellow citizens.

ITEMS FROM THE COMMISSIONERS: None.

EXECUTIVE SESSION: Rebecca Mann and Richard Williams, Gunderson Palmer Nelson Ashmore LLP, were present for consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters.

11:21 a.m. Moved-Seconded (Flanagan-Sleep) to go into executive session pursuant to SDCL 1-25-2(3) consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Motion Carried. 11:42 a.m. The Board opened for regular business with no action taken.

BILLS:

FIRST DISTRICT GIS INVOICE: Commissioner Deibert addressed the issue with First District GIS website. Brett Runge, Director of Equalization, stated that First District has done the work and has the website up right. Runge reported that First District is working with her to get the issue resolved. Runge stated she is in process of looking into another provider in-case things don't get resolved.

Moved-Seconded (Flanagan-Deibert) 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 with the removal of the bill for First District Association of Local Governments. Motion Carried.

Payroll: Comm-\$7,842.51; Aud-\$13,501.76; Treas-\$16,678.95; States Atty-\$16,768.92; Pub Def-\$15,010.74; Gen Govt Bldg-\$11,884.21; Equal-\$16,041.86; Rod-\$10,968.64; Vso- \$2,011.40; Ist-\$11,325.45; Sher-\$58,687.35; Jail-\$36,409.93; Coroner-\$374.04; 24/7-\$492.98; Emerg Mgnt-\$5,0825.53; E911-\$19,162.57; Highway-\$53,437.94; Weed-\$9,252.17; P&Z-\$8,188.08; **Bills:** Bracha, Maria-\$219.80; Pesicka Olson, Jamie-\$194.00; Spencer, Anthony-\$48.44; A To Z Shredding-\$49.81; A&B Business,Inc Solutions-\$1,056.58; A&I Distributors-\$1,870.40; Air Connection-\$321.09; American Family Life-\$2,580.94; American Legal Publishing-\$2,663.26; BH Physical Therapy-\$300.00; BH Window Cleaning-\$4,725.00; Bi Inc-\$123.20; Bickle's Truck & Diesel-\$108.45; Black Hills Chemical-\$1,050.62; Black Hills Energy-\$13,139.28; Bluepeak-\$1,881.55; Bomgaars Supply-\$83.95; Butler Machinery Co-\$170.00; Cbh Cooperative-\$11,741.89; Cdw Government-\$311.15; Centurylink-\$254.52; Chadams-\$4,450.00; City Of Rapid City-\$840.00; Claggett & Dill, Prof-\$600.25; Convergint Technologies-\$481.12; Corr Construction Services-\$47,867.63; Dakota Equip Rental/Chain Saw-\$61.59; Deadwood Recreation Center-\$655.00; Delta Dental Of South Dakota-\$8,820.52; Dept Of Hlth Lab Services-\$485.00; Dept Of The Treasury-\$72,210.78; Diamond Pharmacy-\$1,306.90; Doud Counseling-\$400.00; Elevatus Architecture-\$22,653.15; First District Association-\$5,000.00; Galls-\$354.65; Janke, Wendy-\$300.00; Jerry Greer's Engineering-\$38.00; Johner Gravel-\$1,025.00; Jones School Supply-\$30.00; Juneks' Chrysler/Dodge-\$75,000.00; Karen Paige Hunt, Prof-\$149.80; Knecht Home Center-\$57.93; Koala Electric-\$183.67; LC Treasurer-\$30.00; Larson, Val-\$12.00; Lewis & Clark Bhs-\$184.00; Lewno, Lucy-\$156.60; Lockwood, Darcy-\$12.00; Mabey, Brooke-\$60.00; Make It Happen Counseling-\$400.00; Mcleod's Office Supply-\$175.90; Midcontinent Communications-\$154.55; Montana Dakota Utilities-\$1,109.88; Monument Health Network-\$2,294.18; Monument Health Rc Hospital-\$922.00; Ms Mail-\$155.12; Nalco Company-\$360.99; North Central Int'l-\$2,205.41; Northern Hills Rec Center-\$92.00; Odp Business Solutions-\$20.87; Office Of Child Support-\$478.16; On-Site First Aid & Safety-\$24.95; PcsO Addiction Treatment Serv-\$1,130.00; Pennington Co Jail-\$1,571.16; Pmb 0112-\$579.51; Queen City Rocket Lube-\$99.61; Ramkota Inn Pierre-\$82.00; Rfcc-\$1,417.50; Ryan, Suzanne-\$120.00; Sacrison Asphalt-\$44.00; Sanford Health Occupational-\$210.00; Schlimgen Law Firm-\$1,825.94; Sd Retirement System-\$77,059.68; Sdrs Supplemental Retirement-\$4,070.00; Servall Towel & Linen-\$625.70; Sirchie Acquisition Company-\$34.72; Spearfish Auto Supply-\$194.93; Staples/Advantage-\$38.23; State Disbursement Unit-\$599.47; Burdick, Laura-\$393.30; Sturdevant's Auto Parts-\$575.09; Sturgis Responder Supply-\$788.25; Sysco Montana-\$2,593.48; Tillisch, Leslie-\$225.40; Turnkey Corrections-\$13.29; Twin City Hardware & Lumber-\$638.15; Verizon Wireless-\$106.80; Victims Of Violence-\$1,025.00; Warne Chemical-\$90.95; Washington State Support Regis-\$115.38; Wellmark Blue Cross-\$119,579.00; Wells Fargo Banks-\$141.88; Western Sd Juvenile Serv-\$21,330.00; White Drug-\$64.17; White's Canyon Motors-\$106.79; Yankton Co Sheriff-\$50.00; Yankton County-\$124.30; **Witness & Jurors:** \$862.23.

AMERICAN RED CROSS/JUNE 23, 2023 FLOOD: Richard Smith, American Red Cross, was present and explained what is known and what decision making processing are going on right now. Smith added that 57 units have been identified as having a significant amount of impact. Smith stated that a disaster assessment team is going apartment by apartment to assess the damages and what steps will be taken to help those that will need shelter. Smith stated that they also working with VOAD, Voluntary Organization Active in Disaster, food bank, 211 hotline, volunteers and Prairie Hills Transit and American Red Cross headquarters will be set up at the Spearfish Chamber of Commerce.

Commissioner Deibert asked where to people call if they need help? Smith stated that there is an 800 number or they can call him. Commissioner Deibert stated these people need someone to talk to now.

Representative Mary Fitzgerald voiced her concerns with the relocation of the residents and if there was some place for them now, as they are just sitting there in the rubble and it is very depressing for them.

11:58 Commissioner Deibert left the meeting.

ADJOURN: 12:00 p.m. There being no further business, Chairman Ewing adjourned the meeting.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Brenda McGruder, Auditor