

LAWRENCE COUNTY COMMISSIONERS MEETING – July 12, 2022 page-1

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 12, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Brandon Flanagan and Richard Sleep present. Absent-Commissioner Randy Deibert.

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

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

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

MINUTES: Moved-Seconded (Sleep-Ewing) to approve the minutes of June 28, 2022 County Commission meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of June 30, 2022, 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)-\$62,414.81; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,601.51; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$21,270,501.59; US Bank balance \$41,215,481.73; money market \$11,990,573.34. Total \$74,546,782.98. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Ewing-Flanagan) to approve the travel request for Brian Dean to attend the MOCIC Annual Conference in Branson, MO from August 23-25, 2022. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Flanagan-Sleep) to approve the new hire for McKenzi Kossan as a full-time permanent Dispatcher I G1 at a base rate of \$20.22 an hour, effective July 12, 2022. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve the new hire for Robert Goode as a full-time permanent Correctional Officer I G1 at a base rate of \$20.22 an hour, effective July 12, 2022. Motion Carried.

Moved-Seconded (Sleep-Ewing) to approve the step raise for Chelsea Lindsey as a full-time permanent Correctional Sergeant G3 at a base rate of \$23.94 an hour, effective July 17, 2022. Motion Carried.

TREASURER: Moved-Seconded (Ewing-Sleep) to approve the new hire for Kaylena R. Bong as a full-time permanent Accounting Clerk G2 at a base rate of \$17.50 an hour, effective July 19, 2022. Motion Carried.

HIGHWAY: Moved-Seconded (Flanagan-Sleep) to approve the new hire for Chet Kilmer as a full-time permanent Heavy Equipment Operator G1 at a base rate of \$26.02 an hour, effective August 15, 2022. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve the new hire for Josh Ryan as a full-time permanent Heavy Equipment Operator G1 at a base rate of \$26.02 an hour, effective July 18, 2022. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Sleep-Rosenau) to appoint TJ Ewing to the Planning & Zoning Board for the remainder of a 5-year term to expire 12-31-2026. Motion Carried. Abstain-Ewing.

PAYMENT IN LIEU OF TAXES FUNDS: The Board discussed the Payment in Lieu of Taxes (PILT) that was be received in 2022.

Moved-Seconded (Flanagan-Ewing) to receipt equally the PILT funds of \$683,959.00 into the General Fund and Road and Bridge Fund for 2022 and to hold continued discussion during the budget process going forward. Motion Carried.

EMERGENCY MANAGEMENT:

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY REPORT: Rene' Larson, Emergency Management Administrative Assistant, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Flanagan-Rosenau) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

SHERIFF:

SHERIFF'S REPORT: Brian Dean, Sheriff, gave an update on the Jail Board of Prisoners budget and the increase due to the inflation.

PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Public Safety & Service Center project in reference to the ground breaking and beam setting raising ceremony.

Moved-Seconded (Sleep-Ewing) to set the ground breaking ceremony for the Public Safety & Services Project for August 11, 2022 with the time to be announced at a later date. Motion Carried.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/HERTEL: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT A SHOWING THE LOCATION OF A PROPOSED SECTION LINE RIGHT OF WAY VACATION LOCATED ON LOT 9 OF TRACT A OF OLD TOBOGGAN HILL SUBDIVISION A SUBDIVISION OF GREY EAGLE, VOLUNTEER, COMMERCIAL NO.2, M.S. 1652, FLORENCE, M.S. 1812 AND LOT 5 OF HANSEN SUBDIVISION OF M.S. 1652 & M.S. 1812; PORTIONS OF MAID OF ERIN FRACTION & COMMERCIAL, M.S. 1652 AND ROWENNA NO.1 M.S. 1812, ALL LOCATED IN THE S1/2 OF SECTION 12 AND THE N1/2 OF SECTION 13, T5N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2022-20, A Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line.

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

Moved-Seconded (Flanagan-Ewing) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2022-20 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line with the condition that the G.L.O. Brass Cap remain in place and not be destroyed or witness markers be placed if that is where the house is going to be built. Motion Carried. LAWRENCE COUNTY RESOLUTION #2022-20 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE/HIGHWAY/RIGHT OF WAY WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway, part of which is located on a section line/highway/right of way be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer, Spearfish, South Dakota once each week for two consecutive weeks prior to the date of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, and WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a section line/highway/right of way be vacated: LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT A SHOWING THE LOCATION OF A PROPOSED SECTION LINE RIGHT OF WAY VACATION LOCATED ON LOT 9 OF TRACT A OF OLD TOBOGGAN HILL SUBDIVISION A SUBDIVISION OF GREY EAGLE, VOLUNTEER, COMMERCIAL NO.2, M.S. 1652, FLORENCE, M.S. 1812 AND LOT 5 OF HANSEN SUBDIVISION OF M.S. 1652 & M.S. 1812; PORTIONS OF MAID OF ERIN FRACTION & COMMERCIAL, M.S. 1652 AND ROWENNA NO.1 M.S. 1812, ALL LOCATED IN THE S1/2 OF SECTION 12 AND THE N1/2 OF SECTION 13, T5N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE LANDOWNERS:

STEVEN V. HERTEL AND DIANE M. HERTEL Dated this 12th day of July, 2022 Randall Rosenau, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County Auditor I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held July 12th, 2022. Dated at Deadwood, South Dakota, the 12th day of July, 2022. Brenda McGruder, Lawrence County Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of July 12, 2022: **Spearfish Diesel #2 (dyed) 1600 gallons:** (prices per gallon) CBH Cooperative –\$4.817* **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative –\$4.326* *Represents accepted quote.

PERMITS:

SPEARFISH MOUNTAIN RANCH 2020 %KEATING RESOURCES: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way submitted by Spearfish Mountain Ranch 2020 %Keating Resources located in Section 21, T6N, R4E along County Road: Oak Street, Whitewood to install an underground waterline. Motion Carried.

BLACK HILLS ENERGY: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way submitted by Black Hills Energy located in Section 13, T4N, R2E along County Road: Terry Summit Road to install an underground power line. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Oliver Street paving project. Bonnema stated that mag water application is complete.

Bonnema stated that a road jurisdiction and maintenance issues meeting with the City of Spearfish is set for August 4, 2022 at 10:00 a.m. at Spearfish City Hall.

SACRED MOUNTAIN RETREAT/JERRID GEVING: Jerrid Geving, 12032 Scared Mountain Place, Deadwood was present to voice his concerns on the application of mag water and a courtesy notice given prior to application.

HIGHWAY JOB DESCRIPTION: Allan Bonnema, Highway Superintendent, presented an updated job description for review.

PLANNING & ZONING:

COMPREHENSIVE PLAN ADDENDUM: Moved-Seconded (Flanagan-Rosenau) to continue discussion regarding the Lawrence County Resolution #2022-13, Comprehensive plan addendum known as the Colorado Boulevard Study Area, until the August 16, 2022 commission meeting.

COEUR WHARF TECHNICAL REVISION: Matt Zietlow, Environmental Manager for Coeur Wharf was present to discuss the Technical Revision to State Mine Permit No. 476, 356, 434, 435 and 464.

The Board directed Amber Vogt, Planning & Zoning Administrator, to contact DANR and advise that the County has no objection to the technical revision.

PLATS:

DISCUSSION ITEM/SJL ENTERPRISES, LLC.: APPLICANT: SJL Enterprises, LLC.

LEGAL DESCRIPTION: Preliminary plat of Lots 176-195 of Block D of Deer Mt Village, formerly SJL Tract of Mystic Miner Subdivision located in the Mystic Miner Tract containing the Dolphin, Israel, Belt and Bryan Lodes of MS 1217 all located in SE ¼ of Section 13, T4N, R2E

VICINITY LOCATION: Deer Mt **SUMMARY:** New lots **ZONING:** PUD.

Amber Vogt, Planning & Zoning Administrator, presented her staff report. Vogt stated she could not accept the preliminary plat as presented. Her concerns were the following: lot sizes being shown as 1 acre; road profiles having road grades more than 12% and the fire plan being implemented per the ordinance.

Oz Enderby, Deer Mountain Sanitary District President, 21375 Mule Deer Drive, Lead stated that preliminary discussions have been held regarding Birch Drive being a fire exit only - not for through traffic - with nothing finalized. He also noted there is a wetland easement that they want to make sure stays intact and that the water system is still being utilized as presented.

ROAD PROFILE EXCEPTIONS/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 Road SUMMARY: New subdivision ZONING: PF.

Amber Vogt, Planning & Zoning Administrator, presented her staff report. The Board discussed the 5 plat exception requests. The Board will individually do an onsite of the property and Vogt will provide onsite photos at the next meeting.

Moved-Seconded (Flanagan-Ewing) to continue until the next meeting the road profile exceptions for Canyon, LLC. DESCRIPTION: Plat of Tract 1A Revised, Tract 1B Revised and Tract C of M.S. 1881 Section 25 & 36, T4N, R3E (legal shortened) VICINITY LOCATION: Brownsville Road SUMMARY: Lot line revision ZONING: PF. Motion Carried.

PRELIMINARY PLAT/BEVIER: APPLICANTS: Jolene and Mark Bevier LEGAL DESCRIPTION: Lots 1, 2 and 3 of M.S. 1902 formerly the Haze Lode and Lillian lode of M.S. 1902, all in the NE ¼ of Section 11, T3M, R4E VICINITY LOCATION: Nemo Road SUMMARY: Subdivision ZONING: PF.

Amber Vogt, Planning & Zoning Administrator, presented her staff report. Vogt noted her concern with section 1-6.006 - dead end roads.

Moved-Seconded (Flanagan-Sleep) to approve the preliminary plat for Jolene and Mark Bevier with the addition of a Cul-De-Sac and a notation that through Lot 3 there will be an emergency egress to that portion of Benchmark Subdivision including Lots 1 & 2 and other lots in Benchmark Subdivision through Lucky Strike road. LEGAL DESCRIPTION: Lots 1, 2 and 3 of M.S. 1902 formerly the Haze Lode and Lillian lode of M.S. 1902, all in the NE ¼ of Section 11, T3M, R4E VICINITY LOCATION: Nemo Road SUMMARY: Subdivision ZONING: PF. Motion Carried.

No action taken on the final plat for Jolene and Mark Bevier LEGAL DESCRIPTION: Lot Lots 1, 2 and 3 of M.S. 1902 formerly the Haze Lode and Lillian lode of M.S. 1902, all in the NE ¼ of Section 11, T3M, R4E VICINITY LOCATION: Nemo Road SUMMARY: Subdivision ZONING: PF due to the fact that the fire plan has not been implemented yet.

PRELIMINARY & FINAL PLAT/THOMPSON & BESLER: APPLICANTS: Ted & Kathy Thompson and Ralph & Renae Besler LEGAL DESCRIPTION: Plat of Besler Tract located in a portion of the SW ¼ SE ¼ of Section 16 and a portion of the NW ¼ NE ¼ of Section 21, T6N, R4E. VICINITY LOCATION: Whitewood SUMMARY: Lot line revision ZONING: A-1.

Moved-Seconded (Flanagan-Ewing) declaring that the plat for Ted & Kathy Thompson and Ralph & Renae Besler meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Ted & Kathy Thompson and Ralph & Renae Besler 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 Besler Tract located in a portion of the SW ¼ SE ¼ of Section 16 and a portion of the NW ¼ NE ¼ of Section 21, T6N, R4E. VICINITY LOCATION: Whitewood SUMMARY: Lot line revision ZONING: A-1. Motion Carried.

PRELIMINARY & FINAL PLAT/KOTH & JCJ, LLC.: APPLICANTS: Tom & Julie Koth/JCJ, LLC. LEGAL DESCRIPTION: Lot 4A and 1A-1 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: Lot line change ZONING: HSC.

Moved-Seconded (Flanagan-Ewing) declaring that the plat for Tom & Julie Koth/JCJ, LLC. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Tom & Julie Koth/JCJ, 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: Lot 4A and 1A-1 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: Lot line change ZONING: HSC. Motion Carried.

PRELIMINARY & FINAL PLAT/HAMMOND: APPLICANT: Phillip Hammond LEGAL DESCRIPTION: Lot 500 R of Black Forest Ranchettes #1 Section 17, T4N, R3E VICINITY LOCATION: Rochford Road SUMMARY: Lot line revision ZONING: PF.

Moved-Seconded (Flanagan-Rosenau) declaring that the plat for Phillip Hammond meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Phillip Hammond 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 500 R of Black Forest Ranchettes #1 Section 17, T4N, R3E VICINITY LOCATION: Rochford Road SUMMARY: Lot line revision ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/ELFIN ENTERPRISES, LLC.: APPLICANT: Elfin Enterprises, LLC. LEGAL DESCRIPTION: Plat of Lot 14A of Golden Hills Sub, a sub of Tract A located in Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Two Bit/Boulder Canyon SUMMARY: Combine 3 lots into 1 ZONING: PF.

Moved-Seconded (Ewing-Rosenau) declaring that the plat for Elfin Enterprises, LLC. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Elfin Enterprises, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Lot 14A of Golden Hills Sub, a sub of Tract A located in Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Two Bit/Boulder Canyon SUMMARY: Combine 3 lots into 1 ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/M&M SISK FARMS & EREND: APPLICANTS: M & M Sisk Farms and Travis & Amber Erends LEGAL DESCRIPTION: Plat of Lots 6A and 7A, Blk 8, Wilderness Estates 2nd Addition of Powder House Pass in Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Lot line Revision to not require a Variance ZONING: PUD.

Moved-Seconded (Ewing-Flanagan) declaring that the plat for M & M Sisk Farms and Travis & Amber Erends meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for M & M Sisk Farms and Travis & Amber Erends 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 Lots 6A and 7A, Blk 8, Wilderness Estates 2nd Addition of Powder House Pass in Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Lot line Revision to not require a Variance ZONING: PUD. Motion Carried.

PRELIMINARY & FINAL PLAT/LEAD/DEADWOOD SANITARY DISTRICT: ~ APPLICANT: Lead/Deadwood Sanitary District LEGAL DESCRIPTION: Plat of Tract S and Tract W a sub of HES 41 in Section 19, 20, 29, & 30 T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PF.

Moved-Seconded (Ewing-Rosenau) declaring that the plat for Lead/Deadwood Sanitary District meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Lead/Deadwood Sanitary District 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 S and Tract W a sub of HES 41 in Section 19, 20, 29, & 30 T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/PETERSON: ~ APPLICANTS: Jesse & Jillian Peterson LEGAL DESCRIPTION: Plat of Lot 15A of Two Bit Ranch Estates in Section 19 & 20, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PF.

Moved-Seconded (Ewing-Rosenau) declaring that the plat for Jesse & Jillian Peterson meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Jesse & Jillian Peterson based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Lot 15A of Two Bit Ranch Estates in Section 19 & 20, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PF. Motion Carried.

DECLARE SURPLUS REAL PROPERTY: Declare surplus real property legally described as Lots 11, 12, 13, 14, 15 and that part of Lot 17 lying exactly between Lots 12 & 13 and above Fremont Street described in Book 341 Page 251 recorded in the Lawrence County Register of Deed. All in Highland Addition City of Deadwood, County of Lawrence, State of South Dakota. Plat documents 1/210; and an isolated strip of land South West of the new St. Onge-Belle Fourche Highway in the NW1/4 of the NE1/4 of Section 5 T.7N R.3E BHM containing 4.95 acres more or less. Said strip of land being triangular in shape, 780 feet west, 668 feet north and 1032 feet diagonal along said highway; and an isolated triangular tract North East of the said highway in the SW1/4NE1/4 of Sect. 5 T.7N R.3E. BHM, said tract being 322.5 feet by 351.0 feet by 560.0 feet, and containing 1.3 acres more or less.

Moved-Seconded (Flanagan-Ewing) to declare real property legally described as Lots 11, 12, 13, 14, 15 and that part of Lot 17 lying exactly between Lots 12 & 13 and above Fremont Street described in Book 341 Page 251 recorded in the Lawrence County Register of Deed. All in Highland Addition City of Deadwood, County of Lawrence, State of South Dakota. Plat documents 1/210, surplus as it is no longer necessary, useful or suitable for the purpose for which it was acquired. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to appoint Amber Vogt, Bruce Outka and Jeff Schroeder as three real property owners to appraise the property and issue a report on their findings regarding value (pursuant to SDCL 6-13-2). Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to declare real property legally described as an isolated strip of land South West of the new St. Onge-Belle Fourche Highway in the NW1/4 of the NE1/4 of Section 5 T.7N R.3E BHM containing 4.95 acres more or less. Said strip of land being triangular in shape, 780 feet west, 668 feet north and 1032 feet diagonal along said highway; and an isolated triangular tract North East of the said highway in the SW1/4NE1/4 of Sect. 5 T.7N R.3E. BHM, said tract being 322.5 feet by 351.0 feet by 560.0 feet, and containing 1.3 acres more or less, surplus as it is no longer necessary, useful or suitable for the purpose for which it was acquired. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to appoint Amber Vogt, Bruce Outka and Jeff Schroeder as three real property owners to appraise the property and issue a report on their findings regarding value (pursuant to SDCL 6-13-2). Motion Carried.

LOAN OF RELIC CONDITION CATTLEMAN'S GUN: A request was received from Mike Runge, City of Deadwood Archives, requesting the loan of the relic condition cattleman's gun to exhibit in the basement of Deadwood City Hall with several other firearms unearthed during the 2001-2004 Chinatown archaeological investigations for a period of two years.

Moved-Seconded (Flanagan-Rosenau) to loan the relic condition cattleman's gun to exhibit in the basement of Deadwood City Hall with several other firearms unearthed during the 2001-2004 Chinatown archaeological investigations for a period of two years. Motion Carried.

ALCOHOLIC BEVERAGE LICENSE:

RETAIL (ON-OFF) MALT BEVERAGE & SD FARM WINE/WILD BILL'S

CAMPGROUND AND RESORT, LLC.: A public hearing was held on the application for 2022-2023 Retail (On-Off) Malt Beverage & SD Farm Wine license. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Rosenau) to approve the following 2022-2023 Retail (On-Off) Malt Beverage & SD Farm Wine. Motion Carried. WILD BILL'S CAMPGROUND AND RESORT LLC: LEGAL: 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.

LEAD FIRE PROTECTION DISTRICT: Oz Enderby, Lead Fire Protection District President, was present to request funding from the Mineral Severance Tax fund for a specialized piece of fire equipment. Bruce Outka, Deputy State's Attorney, stated that the purchase of this specialized piece of fire equipment does not meet the requirements for use of these funds according to SDCL 10-39-54.3.

ORDINANCE 2022-01/2021 INTERNATIONAL BUILDING CODE ADOPTION: First Reading was held on ORDINANCE ~~18-05~~ 2022-01 AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE ~~2018~~ 2021 INTERNATIONAL BUILDING CODE AND AMENDMENTS AND ADDITIONS THERETO; THE ~~2018~~ 2021 INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS, CHAPTERS 1-24 AND 44 AND AMENDMENTS AND ADDITIONS THERETO; THE ~~2018~~ 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS AND ADDITIONS THERETO; THE ~~2006~~ 2021 INTERNATIONAL MECHANICAL CODE AND AMENDMENTS AND ADDITIONS THERETO; THE 2021 INTERNATIONAL FIRE CODE AND AMENDMENTS AND ADDITIONS THERETO; **THE 2021 INTERNATIONAL EXISTING BUILDING CODE;** AND FOR THE REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLIT THEREWITH.

Jeff Schroeder, Building Inspector, presented ordinance 2022-01 2021 edition of the international building codes.

Second Reading will be held on July 26, 2022 at 9:45 a.m.

ITEMS FROM THE PUBLIC: The Board acknowledged an email from Julie Benedict, 1115 McGuigan Road, Spearfish, requesting that the meetings be recorded due to the fact that she is unable to attend the meetings at 8:00 a.m. due to her work schedule. Bruce Outka, Deputy State's Attorney was directed to start using Go-To-Meeting and recording the proceedings.

ITEMS FROM THE COMMISSIONERS: The Board acknowledged an email from Jennifer Kilgore, 918 Christensen Drive, Spearfish, stating she is an advocate and supporter of mining in the United States.

BUDGETS: The board reviewed the 2023 preliminary budget.

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-\$7,470.00; Aud-\$12,432.38; Treas-\$15,285.45; States Atty-\$19,007.50; Pub Def-\$13,729.87; Gen Govt Bldg-\$10,785.76; Equal-\$14,625.49; Rod-\$9,791.22; Vso-\$1,914.60; Ist-\$10,560.21; Sher-\$46,320.37; Jail-\$30,277.85; Coroner-\$1,116.26; 24/7-\$407.03; Emerg Mgnt-\$5,117.35; E911-\$14,987.30; Highway-\$46,986.74; Weed-\$11,197.93; P&Z-\$8,128.64; **Bills:** Baczwaski, Brian-\$721.90; A To Z Shredding-\$47.56; A&B Business,Inc Solutions-\$3,059.66; A&B Welding Supply-\$24.49; Ace Hardware Of Lead-\$32.97; American Jail Association-\$100.00; American Stamp & Marking-\$1,452.60; At&T Mobility-\$1,080.14; Audra Hill Consulting-\$1,889.17; BH Pest Control-\$190.00; BH Pioneer-\$1,367.79; BH Truck And Trailer-\$184.36; Berger Services-\$225.37; Black Hills Chemical-\$1,364.96; Black Hills Energy-\$92.47; Black Hills Pure-\$76.25; Bomgaars Supply-\$99.99; Brosz Engineering-\$23,365.00; Brownsville Fire Dept-\$4,315.00; Butler Machinery Co-\$153.24; Butte Electric Coop-\$433.66; Century Business Products-\$289.34; Centurylink-\$185.45; Cornelius, Kaylee-\$120.00; Deadwood Vol. Fire Dept-\$5,291.00; Deadwood, City Of-\$1,434.67; Dean Schaefer Court Reporting-\$30.00; Dept Of Hlth Lab Services-\$200.00; Dept Of The Treasury-\$64,665.00; Dustbusters-\$252,390.26;

Election Sys & Software-\$2,863.24; Ertz, Dewey-\$300.00; Et Sports-\$116.60; Fastenal-\$63.82; Floyd's Truck Center-\$61.77; Gene's Lock Shop-\$257.94; Godfrey's Brake Serv-\$33.06; Hartford-Priority Accounts-\$2,206.48; Hilt Construction-\$11,600.00; International Academy Of Emd-\$100.00; Janke, Wendy-\$356.00; Juneks' Chrysler/Dodge-\$36,000.00; Karen Paige Hunt, Prof-\$718.90; Kimball-Midwest Co-\$53.64; Kinney Law-\$4,962.53; Knecht Home Center-\$149.00; Kosel, Joseph-\$3,698.00; Lead-Deadwood Sanitary-\$715.10; Lexisnexis Risk Data Mgmt-\$76.00; Lincoln County-\$192.50; Mastercard-\$16,986.11; Mcpherson Propane-\$45.00; Montana Dakota Utilities-\$4,715.80; Monument Health Network-\$2,469.17; Ms Mail-\$763.00; Nemo Volunteer Fire Dept-\$1,229.00; Office Of Child Support-\$234.00; On-Site First Aid & Safety-\$178.75; PcsO Addiction Treatment Serv-\$226.00; Pennington County Public-\$159.00; Phoenix Investigations-\$1,607.12; Queen City Rocket Lube-\$88.19; Quill-\$64.97; Ramkota Inn Pierre-\$186.00; Rapid Delivery-\$17.55; Rochford Fire Protection Dist-\$769.00; Ryan, Suzanne-\$60.00; Sanford Health-\$2,354.00; Scott Peterson Motors-\$91.08; Sd Dept Of Transportation-\$48,001.46; Sd Emergency Mngt Association-\$130.00; Sd Human Services Center-\$600.00; Sd Reemployment Assistance Div-\$964.05; Sd State Treasurer-\$1,183.80; Sdrs Supplemental Retirement-\$3,432.50; Semerad, Sandra-\$19.00; Sikich Llp-\$78.75; Spearfish Auto Supply-\$1,694.03; Spearfish City Of-\$591.40; Spearfish Police Dept-\$11,241.44; State Disbursement Unit-\$599.47; Sterna, Laura-\$411.10; Stolle, Tammy-\$37.40; Sturdevant's Auto Parts-\$877.30; Sturgis Fire Department-\$3,252.00; Sysco Montana-\$3,748.79; Triple K Tire & Repair-\$29.99; Turbiville Industrial Electric-\$248.78; Twin City Hardware & Lumber-\$49.97; Us Armor Corporation-\$480.50; Waste Connections Of Sd-\$1,205.23; Watertree-\$68.40; Wells Fargo Banks-\$260.35; Wex Bank-\$252.36; Whitewood Fire Prot. District-\$4,145.00; Yankton County-\$127.50; **Election Workers:** \$9,486.60; **Witness & Jurors:** \$1,328.20.

ADJOURN: 1:11 p.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor