

LAWRENCE COUNTY COMMISSIONERS MEETING – July 13, 2021 page-1

Chairman Richard Sleep called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 13, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing present.

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

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

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

MINUTES: Moved-Seconded (Ewing-Flanagan) to approve the minutes of June 22, 2021 County Commission meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Deibert-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of June 30, 2021, 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)-\$93,025.79; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,384.18; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$16,767,859.95; money market \$11,968,389.48. Total \$28,836,869.40.

TRAVEL REQUEST:

EMERGENCY MANAGEMENT: Moved-Seconded (Flanagan-Rosenau) to approve the travel request for Rene' Larson to attend the South Dakota Emergency Management Association on-site visit in Watertown, SD from July 13-14, 2021. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Deibert-Ewing) to approve Vanessa Adrain as a full-time permanent Correctional Officer II G2 at a base rate of \$20.86 an hour, effective July 18, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Debra Corean as a full-time permanent Correctional Officer I G3 at a base rate of \$20.04 an hour, effective July 18, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Lisa Smith as a part-time fill-in Correctional Officer I G3 at a base rate of \$20.04 an hour, effective July 18, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Monica Lucio as a full-time permanent Correctional Officer I G3 at a base rate of \$20.04 an hour, effective July 18, 2021. Motion Carried.

TREASURER: Moved-Seconded (Rosenau-Sleep) to approve Heather Herrman as a full-time permanent Accounting Clerk/Records Clerk G1 at a base rate of \$15.76 an hour, effective July 23, 2021. Motion Carried.

PAYMENT IN LIEU OF TAXES FUNDS: The Board discussed the Payment in Lieu of Taxes (PILT) that will be received in 2022. Continued discussion will be held at the next meeting.

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-Deibert) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

FAIR BOARD: Moved-Seconded (Deibert-Flanagan) to appoint Sharon Hoggatt to the Fair Board for the remainder of a 3-year term to expire 12-2023. Motion Carried.

SHERIFF:

HIGGINS GULCH: Brian Dean, Sheriff, gave a report on the recent meeting held with the residents along Higgins Gulch Road.

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, reported that schematic design is nearing completion and a committee meeting is scheduled on July 22, 2021 at 10:00 a.m. at the Holiday Inn in Spearfish. Dean stated that the next step will be to decide what the exterior of the building and to get another cost assessment. Dean added that the next stage will be design development.

Dean also reported that the U.S. Marshalls have offered a draft agreement for housing federal prisoners. Dean noted that housing federal prisoners is part of the business plan to reduce costs to taxpayers.

Commissioner Sleep asked that the site be evaluated for commercial timbering/Firewise and for weeds. Dean stated he will contact Bill Coburn, Timber Committee, and Dave Heck, Invasive Species Manager to look into this matter.

Dean also stated that a public forum hosted by Deadwood Chamber will be held on Thursday, July 22, 2021 at 5:00 p.m. at the Lodge at Deadwood.

CEDAR BERRY CANYON ESTATES ROAD DISTRICT: Moved-Seconded (Deibert-Ewing) to approve and authorize the Chairman to sign the following Order Declaring Cedar Berry Canyon Estates Road District Incorporated. Motion Carried. ORDER DECLARING CEDAR BERRY CANYON ESTATES ROAD DISTRICT INCORPORATED WHEREAS, A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking 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 fully complied with, WHEREAS, SDCL 31-12A-1.1 allows three or fewer landowners to form a road district, WHEREAS, Cedar Berry Canyon, LLC is the only landowner of the subdivided land to be included in the Road District, WHEREAS, SDCL 31-12A-5.1 requires the approval of the petition, if the territory is within the subdivision jurisdiction of a municipality, to first be submitted to the municipality’s governing body for approval at its discretion and upon approval shall be presented to the county board of commissioners, WHEREAS, the City of Spearfish approved the petition for formation of the Cedar Berry Canyon Estates Road District on June 21,

2021, WHEREAS, IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: TRACT A OF CEDAR BERRY CANYON ESTATES PART OF TRACT A OF WILD TURKEY ESTATES LOCATED IN: GOVERNMENT LOTS 1 & 2, S1/2 NE1/4, N1/2 SE1/4 AND SE1/4 SE1/4 OF SECTION 1, T6N, R1E, BHM; GOVERNMENT LOT 4 OF SECTION 31, T7N, R2E, BHM; GOVERNMENT LOTS 3, 4, 5 & 6, SE1/4 NW1/4, NE1/4 SW1/4 OF SECTION 6, T6N, R2E, BHM; TRACT A OF PINE OAK SUBDIVISION IN THE S1/2 SW1/4 OF SECTION 6, T6N, R2E, BHM; THAT PORTION OF THE 66' WIDE ACCESS & UTILITY EASEMENT, AS SET FORTH IN THE INSTRUMENT RECORDED AS DOC. #2021-00297, CROSSING THE S1/2 SE1/4 OF SECTION 36, T6N, R2E, BHM; THAT PORTION OF THE 66' WIDE ROAD & UTILITY EASEMENT, AS SET FORTH IN THE INSTRUMENT RECORDED AS DOC. #2007-7259 LOCATED IN THE SW1/4 SE1/4 OF SECTION 1, T6N, R1E, BHM; LAWRENCE COUNTY, SOUTH DAKOTA. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Cedar Berry Canyon Estates Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 13th day of July, 2021. Richard Sleep, Chairperson Lawrence County Commission
ATTEST: BRENDA MCGRUDER, Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of July 6, 2021: **Deadwood Diesel #2 (dyed) 4500 gallons:** (prices per gallon) CBH Cooperative –\$2.589*; Harms Oil Co-No Bid; MG Oil-No Bid. **Deadwood Unleaded 5000 gallons:** (prices per gallon) CBH Cooperative –\$3.143*; Harms Oil Co-No Bid; MG Oil-No Bid. **Spearfish Diesel #2 (dyed) 2000 gallons:** (prices per gallon) CBH Cooperative –\$2.589*; Harms Oil Co-No Bid; MG Oil-No Bid. **Spearfish Unleaded 1200 gallons:** (prices per gallon) CBH Cooperative –\$3.143*; Harms Oil Co-No Bid; MG Oil-No Bid. **Whitewood Diesel #2 (dyed) 700 gallons:** (prices per gallon) CBH Cooperative –\$2.589*; Harms Oil Co-No Bid; MG Oil-No Bid. *Represents lowest quote awarded.

PERMITS:

BLACK HILLS ENERGY: Moved-Seconded (Rosenau-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Black Hills Energy to bore under Mineral Place approximately ¼ miles from the intersection of W. Oliver and Mineral Place for construction of underground power line beginning in Section 8, T6N, R2E and ending in Section 8, T6N, R2E. Abstain-Deibert. Motion Carried.

SDN COMMUNICATIONS: Moved-Seconded (Ewing-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for SDN Communications located in Section 10, T2N, R4E along County Road: Rochford Road. Motion Carried.

SDN COMMUNICATIONS: Moved-Seconded (Ewing-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for SDN Communications located in Section 7, 8, 9, & 3, 34 T2&3N, R5E along County Road: Merritt Estes Road & Nemo Road. Motion Carried.

BLACK HILLS ENERGY: Moved-Seconded (Rosenau-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway

right-of-way for Black Hills Energy located in Section 3 T3N, R4E along County Road: Nemo Road. Motion Carried.

FUTCH: Moved-Seconded (Deibert-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and deny the private approach permit for Joshua Futch to construct a private approach on the west side of Maitland Road. Aye-Deibert, Flanagan & Sleep. Nay-Rosenau & Ewing. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Rosenau-Ewing) Incorporating by reference Lawrence County Resolution #2019-14 herein and further noting that the City of Spearfish has recently annexed additional land into the City including the area adjacent to Christensen Drive to be served by the commercial approach permit that is the subject of this motion, to the extent the County has any remaining authority, if any, to do so, then to authorize the Chairman to sign the commercial approach permit for MC Ranch, LLC. thereby not objecting to the construction of a commercial approach on the west side of Christensen drive located approximately 580 feet south of E Colorado Blvd. Aye-Rosenau, Deibert & Ewing. Nay-Sleep. Abstain-Flanagan. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Rosenau-Ewing) Incorporating by reference Lawrence County Resolution #2019-14 herein and further noting that the City of Spearfish has recently annexed additional land into the City including the area adjacent to Christensen Drive to be served by the permit to occupy County highway right-of-way that is the subject of this motion, to the extent the County has any remaining authority, if any, to do so, then to authorize the Chairman to sign the permit to occupy County highway right-of-way for MC Ranch, LLC. thereby not objecting to the permit to occupy County highway right-of-way for MC Ranch, LLC. located in Section 13, T6N, R2E along Christensen Drive to install sanitary and sewer lines. Aye-Rosenau, Deibert & Ewing. Nay-Sleep. Abstain-Flanagan. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Rosenau-Ewing) Incorporating by reference Lawrence County Resolution #2019-14 herein and further noting that the City of Spearfish has recently annexed additional land into the City including the area adjacent to Christensen Drive to be served by the permit to occupy County highway right-of-way that is the subject of this motion, to the extent the County has any remaining authority, if any, to do so, then to authorize the Chairman to sign the permit to occupy County highway right-of-way for MC Ranch, LLC. thereby not objecting to occupy County highway right-of-way for MC Ranch, LLC. located in Section 13, T6N, R2E along Christensen Drive to install water main-potable water. Aye-Rosenau, Deibert & Ewing. Nay-Sleep. Abstain-Flanagan. Motion Carried.

CITY/COUNTY REC PATH EASEMENT AGREEMENT: Richard Sudmeier, FMG Engineering, Inc., and Tonya Vig, Floodplain Administrator/Engineering Technician were present to discuss the City/County Rec Path easement agreement for phase 2 and get input from the Commission.

THE PINES AT BENCHMARK: The Board acknowledged an email from The Pines at Benchmark Homeowners' Association requesting the Lawrence County Commissioners and Highway Superintendent take over the responsibility and the expense of dust control (MgCl₂) along the 4,500 feet of Benchmark Road. Allan Bonnema, Highway Superintendent, stated that if dust control is requested on a county secondary road, the amount is billed to the requestor. Commissioner Deibert stated that the County needs to be consistent in how it bills for such

services. Bonnema stated that the homeowners' association is requesting a refund. No action was taken.

TWO BIT ROAD SPEEDING ISSUE: Gary Herdt, 11800 Elk View Loop, was present to discuss the speeding issue on Two Bit Road.

Allan Bonnema, Highway Superintendent, stated that he receives several calls in reference to increased traffic and speed on county roads.

Brian Dean, Sheriff, stated that a permanent solar powered speed sign is most effective. Dean commented that when the Board allowed him to add two new deputies their primary duty is to do community and rural road engagement (CARRE).

The board directed Bonnema to research the cost of the permanent solar powered speed signs.

BRIDGE REPLACEMENT AND REHABILITATION AGREEMENT: Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign Amendment Number 1 to the Department of Transportation Funding Agreement (716844) between the State of South Dakota and Lawrence County. Motion Carried.

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP): Allan Bonnema, Highway Superintendent, reported that the SD Department of Transportation will be holding a public meeting on July 15, 2021 at the Ramkota Hotel in Rapid City to receive public input on the Tentative Program.

EXECUTIVE SESSION: 9:45 a.m. Moved-Seconded (Rosenau-Ewing) to go into executive session pursuant to SDCL 1-25-2(1). Motion Carried. 9:54 a.m. The Board opened for regular business with no action taken.

ALCOHOLIC BEVERAGE LICENSES: A public hearing was held on the applications for a Package Off-Sale Liquor License APPLICANT: Wichterman and Sons, dba Steel Wheel Trading Post LEGAL: Tract D revised HES 297 in Section 19, T4N, R4E, Lawrence County, South Dakota (21399 U.S. Highway 385, Deadwood, South Dakota 57732) No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Deibert) to approve the Package Off-Sale Liquor License APPLICANT: Wichterman and Sons, dba Steel Wheel Trading Post LEGAL: Tract D revised HES 297 in Section 19, T4N, R4E, Lawrence County, South Dakota (21399 U.S. Highway 385, Deadwood, South Dakota 57732) Motion Carried.

PLANNING & ZONING:

CHANGE OF ZONING #343/HANDER: Second Reading was held on COZ #343. APPLICANT: Don Hander LEGAL DESCRIPTION: A portion of the NE ¼ NE ¼ Section 21, T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: COZ from A-1 to C/LI in order to bring land into compliance with minimum lot size requirements and to facilitate building a storage garage ZONING: A-1 ACREAGE: 14.19 acres.

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

Moved-Seconded (Ewing-Deibert) to approve COZ #343. APPLICANT: Don Hander LEGAL DESCRIPTION: A portion of the NE ¼ NE ¼ Section 21, T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: COZ from A-1 to C/LI in order to bring land into compliance with minimum lot size requirements and to facilitate building a storage garage ZONING: A-1 ACREAGE: 14.19 acres. Motion Carried.

PLATS:

FINAL PLAT/ALMANZA: APPLICANT: Isaac Almanza LEGAL DESCRIPTION: Lots 5 -13 of Lost Meadows Subdivision, being a portion of HES 497, located in Section 31 & 32, T3N, R1E and in Section 5 & 6, T2N, R1E VICINITY LOCATION: Hwy 85 SUMMARY: Matches preliminary plat ZONING: PF ACREAGE: see plat for each lot.

Moved-Seconded (Rosenau-Ewing) to approve the final plat for Isaac Almanza 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 5 -13 of Lost Meadows Subdivision, being a portion of HES 497, located in Section 31 & 32, T3N, R1E and in Section 5 & 6, T2N, R1E VICINITY LOCATION: Hwy 85 SUMMARY: Matches preliminary plat ZONING: PF ACREAGE: see plat for each lot. Motion Carried.

PRELIMINARY & FINAL PLAT/SPEARFISH MOUNTAIN RANCH, LLC.: APPLICANT: Spearfish Mountain Ranch, LLC LEGAL DESCRIPTION: Lots 1-15 of Tract Y, including Tract Y being portions of the SW ¼ NW ¼ of Section 21, and the SE ¼ NE ¼ and the N ½ SE ¼ of Section 20 all located in T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: New subdivision ZONING: SRD ACREAGE: 45.22 acres.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary & final plat for Spearfish Mountain Ranch, LLC contingent upon the fire plan being completed, the water system being bonded for, or in place, and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report LEGAL DESCRIPTION: Lots 1-15 of Tract Y, including Tract Y being portions of the SW ¼ NW ¼ of Section 21, and the SE ¼ NE ¼ and the N ½ SE ¼ of Section 20 all located in T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: New subdivision ZONING: SRD ACREAGE: 45.22 acres. Abstain-Deibert. Motion Carried.

FINAL PLAT/PEARSON: APPLICANT: Bill Pearson LEGAL DESCRIPTION: Lots 1 - 4 of Cabin Springs Estates, being a portion of the remainder of the SE ¼ NW ¼ of Section 20, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: New lots-match preliminary ZONING: PF ACREAGE: Lot 1 (2.01 acres); Lot 2 (2.00 acres); Lot 3 (2.00 acres); Lot 4 (2.35 acres).

Moved-Seconded (Ewing-Rosenau) to approve the final plat for Bill Pearson contingent upon the road being done and/or bonded, the fire plan being completed and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report LEGAL DESCRIPTION: Lots 1 - 4 of Cabin Springs Estates, being a portion of the remainder of the SE ¼ NW ¼ of Section 20, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: New lots-match preliminary ZONING: PF ACREAGE: Lot 1 (2.01 acres); Lot 2 (2.00 acres); Lot 3 (2.00 acres); Lot 4 (2.35 acres). Abstain-Deibert. Motion Carried.

PRELIMINARY & FINAL PLAT/MAYA JO'S BED & BREAKFAST, LLC. & SABO & FICEK: APPLICANTS: Maya Jo's Bed & Breakfast, LLC; Dennis & Brenda Sabo; Russ Ficek
LEGAL DESCRIPTION: Lot 7A and Lot A1 of the sub of Whangdoodle No 1 and No 2, M.S. 1845 located in the SW ¼ of Section 12, T4N, R3E. (Legal shortened) VICINITY LOCATION: Hwy 385/Strawberry Lane SUMMARY: Lot line adjustment ZONING: PF ACREAGE: A1 (8.267 acres), 7A (11.081 acres).

Moved-Seconded (Rosenau-Deibert) to approve the preliminary & final plat for Maya Jo's Bed & Breakfast, LLC; Dennis & Brenda Sabo; Russ Ficek 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 7A and Lot A1 of the sub of Whangdoodle No 1 and No 2, M.S. 1845 located in the SW ¼ of Section 12, T4N, R3E. (Legal shortened) VICINITY LOCATION: Hwy 385/Strawberry Lane SUMMARY: Lot line adjustment ZONING: PF ACREAGE: A1 (8.267 acres), 7A (11.081 acres). Motion Carried.

FINAL PLAT/SMITH: APPLICANTS: Todd & Michelle Smith LEGAL DESCRIPTION: Lot 26A of Golden Hills SD in 31, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots-moving lot lines ZONING: PF ACREAGE: 26A (22.167).

Moved-Seconded (Rosenau-Deibert) to approve the final plat for Todd & Michelle Smith 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 26A of Golden Hills SD in 31, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots-moving lot lines ZONING: PF ACREAGE: 26A (22.167). Motion Carried.

PRELIMINARY & FINAL PLAT/MAITLAND PARTNERS, LLC.: APPLICANT: Maitland Partners, LLC LEGAL DESCRIPTION: Lot 17A, 18A, 19A of Bellefish SD #1 in Section 19 & 20, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Lot line adjustments ZONING: PF ACREAGE: 17A (4.107 acres); 18A (7.801 acres); Lot 19A (4.166 acres).

Moved-Seconded (Rosenau-Deibert) to approve the preliminary & final plat for Maitland 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: Lot 17A, 18A, 19A of Bellefish SD #1 in Section 19 & 20, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Lot line adjustments ZONING: PF ACREAGE: 17A (4.107 acres); 18A (7.801 acres); Lot 19A (4.166 acres). Motion Carried.

FINAL PLAT/4 BEARS IN THE HILLS, LLC. & WAGENMAN: APPLICANTS: 4 Bears in the Hills, LLC and Kim Harlan Wagenman LEGAL DESCRIPTION: Plat of Lots 3A & 4A of Blk 8 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change ZONING: SRD.

Moved-Seconded (Deibert-Ewing) to approve the final plat for 4 Bears in the Hills, LLC and Kim Harlan Wagenman 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 3A & 4A of Blk 8 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change ZONING: SRD. Motion Carried.

FINAL PLAT/4 BEARS IN THE HILLS, LLC. & HOMESLICE PROPERTIES, LLP.: ~
APPLICANTS: 4 Bears in the Hills, LLC and Homeslice Properties, LLP LEGAL DESCRIPTION: Plat of Lots 1A of Blk 13 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change plus a new lot ZONING: SRD.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for 4 Bears in the Hills, LLC and Homeslice Properties, LLP noting that the dedicated public street is not county right-of-way and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report LEGAL DESCRIPTION: Plat of Lots 1A of Blk 13 of Apple Springs SD Section 11 & 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change plus a new lot ZONING: SRD. Motion Carried.

PRELIMINARY & FINAL PLAT/WINTER & TJ GEAR, INC.: APPLICANTS: David Winter and TJ Gear, Inc. LEGAL DESCRIPTION: Plat of Lots 1A & 2G-1 of Majestic Heights, Section 13, 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot changes ZONING: PF ACREAGE: Lot 1A (13.45 acres) and Lot 2G-1 (5.09 acres).

Moved-Seconded (Deibert-Ewing) to approve the preliminary & final plat for David Winter and TJ Gear, Inc. 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 1A & 2G-1 of Majestic Heights, Section 13, 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot changes ZONING: PF ACREAGE: Lot 1A (13.45 acres) and Lot 2G-1 (5.09 acres). Motion Carried.

PRELIMINARY & FINAL PLAT/ENING: APPLICANT: Fred Ening LEGAL DESCRIPTION: Plat of Lots A1 and Lot 2 of Desperado Sub and Tract E1 and Tract 1 of the NE ¼ NE ¼ in Section 32, T6N, R4E. (legal shortened) VICINITY LOCATION: Crook City Road SUMMARY: Lot changes ZONING: PF ACREAGE: see plat.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary plat for Fred Ening 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 A1 and Lot 2 of Desperado Sub and Tract E1 and Tract 1 of the NE ¼ NE ¼ in Section 32, T6N, R4E. (legal shortened) VICINITY LOCATION: Crook City Road SUMMARY: Lot changes ZONING: PF ACREAGE: see plat. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for Fred Ening contingent upon the fire plan being completed and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report LEGAL DESCRIPTION: Plat of Lots A1 and Lot 2 of Desperado Sub and Tract E1 and Tract 1 of

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the NE ¼ NE ¼ in Section 32, T6N, R4E. (legal shortened) VICINITY LOCATION: Crook City Road SUMMARY: Lot changes ZONING: PF ACREAGE: see plat. Motion Carried.

CHANGE OF ZONING #341/KISSACK/PTTMAN: First Reading and public hearing was held on COZ #341. APPLICANTS: Kissack/Pittman LEGAL DESCRIPTION: SE ¼ of the NE ¼; and the SW ¼ of the SW ¼ (except Fremont, Elkhorn and Missouri Valley RR CO. ROW) and E ½ of the SE ¼ Except Lots 1 in SE ¼ SE ¼ of Section 8. T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: COZ from A-1 to A-2 for subdivision ZONING: A-1 ACREAGE: 149.91 acres

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

Proponents: Rick Denief, 8820 Nemo Road, stated that at this time there are no lots for sale in Lawrence County and there is a need for 10 acre lots. Denief stated that if this property gets annexed into the City of Whitewood this would mean smaller lots. J.C. Reynolds, Applicant 231 S Heptner Road Rozette WY, gave an update on the feasibility analysis and summary document. JaNel Carr, 231 S Heptner Road Rozette WY, stated if the water is stored correctly there could be enough water for everyone. Carr mentioned that the City of Whitewood is interested in annexing the area causing a higher-density development. Christle Beuckens, 6 Central Main Street, stated that the inventory of acreages for sale with home sites in Lawrence County is at zero. Beuckens added that Spruce Mountain Estates is comprised of smaller acreages less than 40 acres. Beuckens added that there are two options for progress: option 1-Kissack's will develop nice large acreages or Option 2- annexation by the City of Whitewood with lots that will be a quarter of an acre. Guy Carr, 351 S Heptner Road Rozette WY, stated that over time development cannot be stopped forever, and when it occurs it should be orderly, limited and a controlled.

Opponents: Robbie Bornsheuer, 12008 Pittman Lane, voiced his concern about the 10 acre lots and would like to see it stay at 40 acres. Bornsheuer expressed his concern with the fire danger. Lance Hubbard, 12117 SD Hwy 34, expressed his concern about the water system, septic system, drainage and leapfrog development. Cliff Jensen, 11870 Anderson Rd, expressed his concern with the water system, septic system and the development pattern. Bob Rahja, 11933 200th Street, expressed his concern with fencing, fire danger, water system and septic system.

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

Commissioner Ewing asked Mike Pittman how he felt about the development. Pittman stated he has city limits on three sides of his property in Butte County and further noting that progress cannot be stopped.

Commissioner Deibert stated that he has always been very cognizant of protecting producers. Deibert also added that the City of Whitewood has backed away from the annexation because of the associated costs.

Second Reading scheduled: July 27, 2021 at 9:45 am.

JASON MOOK/DEADWOOD CUSTOM MOTORCYCLES: Jason Mook, owner of Deadwood Custom Cycles, was present to submit a real estate purchase agreement for Lots 9 and 11, Block 34 Original Town of Deadwood, Lawrence County, South Dakota. The board thanked Mook for his time, but stated the property is not for sale at this time.

EXTENSION UPDATE:

Michelle May, Butte/Lawrence County Extension, thru a report, provided an update on the 4-H Youth Program.

STEVE KOSEL, BHNH DISTRICT RANGER: Steve Kosel, BHNH District Ranger, was present to give an update on the preliminary work on the forest plan revision.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/ SDPM, LLC &

MAU: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way
LEGAL DESCRIPTION FOR THE VACATION: VACATION OF A 66' WIDE STATUTORY SECTION LINE RIGHT-OF-WAY IN LOT C OF MINERAL SURVEY #1276, LOCATED IN SECTIONS 17 AND 20 T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY THE THE FORTUNA LODGE AND THE FABULA LODGE OF MINERAL SURVEY#1276, LOCATED IN SECTIONS 17 AND 20, T5N R3E, B.H.M. LAWRENCE COUNTY, SOUTH DAKOTA.

Bruce Outka, Deputy State's Attorney, presented Lawrence County Resolution #2021-24 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line.

Zakary Mau, Landowner, was present and stated the need for the vacation of the section line.

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

Moved-Seconded (Deibert-Flanagan) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2021-24 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2021-24 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a highway, part of which is located on a section line be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, WHEREAS, the public interest will be better served by the proposed section line vacation, and BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a Section Line be vacated: LEGAL DESCRIPTION FOR THE VACATION: VACATION OF A 66' WIDE STATUTORY SECTION LINE RIGHT-OF-WAY IN LOT C OF MINERAL SURVEY #1276, LOCATED IN SECTIONS 17 AND 20 T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY THE THE FORTUNA LODGE AND THE FABULA LODGE OF MINERAL SURVEY#1276, LOCATED IN SECTIONS 17 AND 20, T5N R3E, B.H.M. LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE

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LANDOWNERS: SDPM LLC, ZAKARY MAU Dated this 13th day of July, 2021 Richard Sleep, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County Auditor I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held July 13th, 2021. Dated at Deadwood, South Dakota, the 13th day of July, 2021. Brenda McGruder, Lawrence County Auditor.

PUBLIC DEFENDER: Amber Richey, Public Defender, was present to discuss the client meeting area and storage area. Continued discussion will be held on July 27, 2021 at 10:15 a.m.

PUBLIC SAFETY AND SERVICES CENTER OPT OUT REFERENDUM PETITIONS: Brenda McGruder, Auditor, reported that pursuant to SDCL 7-18A-18.1 notice was hereby given that the validation process of the petition indicates that an insufficient number of qualified electors have signed the petition. Therefore, as the duly elected county Auditor, McGruder certified that the petition had not been signed by the required number of qualified electors and the proposed measure may not be placed on a ballot pursuant to the provisions of SDCL Ch. 7-18A.

ITEMS FROM THE PUBLIC: Cameron Popkes and Amber Caasteen, Smokes & Things, were present to ask if anything has been decided on a county level in reference to the cannabis measures. Bruce Outka, Deputy State's Attorney, stated that the Commissioners have passed a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses.

BUDGETS: The board reviewed the 2022 preliminary budget.

BILLS: Moved-Seconded (Rosenau-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. Motion Carried.

Payroll: Comm-\$14,076.22; Aud-\$23,292.20; Treas-\$25,565.79; States Atty-\$33,237.00; Pub Def-\$26,510.48; Gen Govt Bldg-\$19,738.56; Equal-\$29,957.61; Rod-\$17,746.82; Vso-\$3,472.40; Ist-\$19,351.71; Sher-\$104,692.78; Jail-\$55,451.10; Coroner-\$1,402.32; 24/7-\$458.02; Emerg Mgnt-\$9,320.02; E911-\$32,562.41; Highway-\$96,113.22; Weed-\$18,068.18; P&Z-\$12,589.56;
Bills: Moser, Douglas-\$192.00; Hamann, Alex-\$192.00; Bestgen, Jessica-\$87.69; A To Z Shredding-\$36.54; A&B Business,Inc Solutions-\$3,588.90; A&B Welding Supply-\$23.87; A&J Supply-\$73.33; American Jail Association-\$100.00; At&T Mobility-\$1,067.93; American Family Life-\$2,421.96; At&T Mobility-\$34.51; Black Hills Energy-\$265.54; Deadwood Recreation Center-\$588.01; Delta Dental Of South Dakota-\$7,796.14; Dept Of The Treasury-\$61,568.44; Hartford-Priority Accounts-\$2,105.26; Messerli & Kramer PA-\$317.91; Montana Dakota Utilities-\$2,885.64; Northern Hills Rec Center-\$137.00; Office Of Child Support-\$401.54; Sd Retirement System-\$65,114.49; Sdrs Supplemental Retirement-\$3,007.50; Wellmark Blue Cross-\$108,699.01; Audra Hill Consulting-\$493.10; BH Pest Control-\$190.00; BH Pioneer-\$1,798.73; BH Window Cleaning-\$4,076.00; Barnaud Law Firm Prof-\$462.20; Bi Geo Group-\$23.00; Black Hills Chemical-\$1,496.48; Black Hills Energy-\$70.86; Black Hills Pure-\$57.00; Bomgaars Supply-\$49.81; Butler Machinery-\$1,734.62; Butte Electric-\$524.08; Carls Trailer Sales-\$225.37; Cbh Cooperative-\$29,110.85; Century Business Products-\$501.00; Centurylink-\$248.21; Clinical Lab Of BH-\$1,850.00; Dakota Equipment Rental-\$2,192.11; Deadwood, City Of-\$1,711.06; Dean Schaefer Court Reporting-\$18.00; Dept Of Hlth Lab Services-\$580.00; Dept Of The Treasury-

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\$63,690.78; Dustbusters-\$220,198.17; Elevatus Architecture-\$48,000.00; Fastenal-\$210.88; Floyd's Truck Center-\$23.59; Galls-\$531.78; Grafix Shoppe-\$178.30; Grey & Eisenbraun, Prof-\$7,642.69; Grimm's Pump & Industrial Supply-\$651.54; Hillyard/Sioux Falls-\$491.19; Hilpert & Hale Prof-\$636.55; Interstate Engineering-\$606.50; Jt Ventures-\$240.68; Juneks' Chrysler/Dodge-\$88.85; Kennedy Pier Loftus & Reynolds-\$118.80; Kimball-Midwest Co-\$141.20; Kosel, Joseph-\$9,367.17; LC Plan & Zone-\$50.16; LC Sheriff-\$336.00; Language Line Services-\$50.00; Lead, City Of-\$46.49; Lead-Deadwood Sanitary-\$900.24; Lee, James-\$15.00; Lewno, Lucy-\$81.50; Lexisnexis Risk Data Mgnt-\$75.00; Macqueen Emergency-\$419.67; McClure, Susan-\$480.00; Mcpherson Propane-\$45.00; Messerli & Kramer PA-\$74.74; Mid States Organized-\$2,200.00; Montana Dakota Utilities-\$137.51; Monument Health Network-\$1,114.42; Monument Health Rc Hospital-\$922.00; Moss, William Psy-\$1,500.00; Ms Mail-\$80.00; Nalco Company-\$297.70; Nelson, Christy-\$360.00; Nemo Volunteer Fire Dept-\$1,242.00; North Central Int'l-\$1,238.31; Northern Hills Casa-\$7,500.00; Office Of Child Support-\$401.54; Pennington County Public-\$29.00; Precision Kiosk Technologies-\$1,741.95; Quill-\$233.81; Radiology Associates-\$61.12; Rapid Delivery-\$36.80; Rear, Kay-\$82.64; Riverside Technologies-\$759.00; Rocket Lube-\$276.96; Schlimgen Law Firm-\$4,080.77; Sd Reemployment Assistance Div-\$817.58; Sd State Treasurer-\$98.65; Sdrs Supplemental Retirement-\$2,997.50; Semerad, Sandra-\$81.60; Sensource-\$735.00; Servall Towel & Linen-\$298.59; Sikich-\$299.00; Skinner Law Office-\$1,050.10; Spearfish Auto Supply-\$1,125.88; Spearfish City Of-\$604.20; Spearfish Police Dept-\$10,481.91; Sterna, Laura-\$845.45; Stonefelt, Bonnie-\$27.16; Sturdevant's Auto Parts-\$716.07; Summit Fire Protection-\$209.00; Sysco Montana-\$3,027.32; T & W Appliance/Knothole-\$827.09; Tforce Freight-\$11.00; Thomson Reuters-West-\$472.54; Triple K Tire & Repair-\$1,156.66; Trugreen Chemlawn-\$64.78; Turbiville Industrial Electric-\$264.69; Turnkey Corrections-\$14.65; Twin City Hardware & Lumber-\$363.55; Waste Connections-\$872.33; Watertree-\$82.80; Wells Plumbing & Farm Supp-\$632.24; Wex Bank-\$1,168.27; White's Queen City Motors-\$814.37; Wilen Dentistry-\$314.00; Williams & Associates-\$5,523.75; Yankton Co Sheriff-\$50.00; Yankton County-\$105.20; **Witness & Jurors:** \$780.68.

ADJOURN: 2:40 p.m. There being no further business, Chairman Sleep adjourned the meeting. Motion Carried.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor