

## LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2020 page-1

Chairman Brandon Flanagan 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 14, 2020 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Daryl Johnson, Richard Sleep and Randy Deibert.

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 AND DISCLOSURES:** No conflicts were declared by the Lawrence County Commission. Commissioner Deibert disclosed that he prepared the documents for the 11:30 a.m. agenda item and would be abstaining from the vote.

**MINUTES:** Moved-Seconded (Rosenau-Sleep) to approve the minutes of June 23, 2020 County Commission meeting as amended. Motion Carried. **HIGHWAY/OUT-OF-CLASS PAY:** Moved-Seconded (Rosenau-Flanagan) to approve the out-of-class pay for Daniel Sheeler at a base rate of \$29.89 for 30 hours on June 23, 24 & 25, 2020. Aye-Johnson, Rosenau and Flanagan. Nay-Sleep and Deibert. Motion Carried. Moved-Seconded (Rosenau-Flanagan) to approve the out-of-class pay for Norm Burlison at a base rate of \$29.89 for 160 hours on June 26 - July 26, 2020. Aye-Johnson, Rosenau, Deibert and Flanagan. Nay-Sleep. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of June 30, 2020, 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)-\$38,505.39; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,215.13; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$1,000,000.00; bank balance \$15,084,281.36; money market \$10,944,908.61. Total \$27,077,120.49. Motion Carried.

### **PERSONNEL:**

**STATE'S ATTORNEY:** Moved-Seconded (Sleep-Deibert) to approve Taylor Hersch as a three-quarter time temporary Accounting Clerk G1 at a base rate of \$15.76 an hour, effective July 8, 2020. Motion Carried.

**HIGHWAY:** Moved-Seconded (Deibert-Flanagan) to approve Jason Percy as a full-time permanent Heavy Equipment Operator at a base rate of \$24.78 an hour, effective July 20, 2020. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to accept the resignation from Norman Burlison, Heavy Equipment Operator, effective September 15, 2020. Motion Carried.

The Commissioners thanked Norman for his 25 years of service to Lawrence County.

**SHERIFF:** Moved-Seconded (Rosenau-Sleep) to approve Jessica Bestgen as a part-time fill-in Dispatcher I G1 at a base rate of \$19.26 an hour, effective July 14, 2020. Motion Carried.

**COURTHOUSE ROOF AND MASONRY:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign Resolution #2020-23 A Resolution Declaring an Emergency Pursuant to SDCL 5-18a-9 allowing for repairs to be made without advertisement for bids. Motion Carried. Resolution #2020-23 A Resolution Declaring an Emergency Pursuant to SDCL 5-18a-9 allowing for repairs to be made without advertisement for bids. WHEREAS, on or about June 29, 2018 and July 29, 2018, two large thunderstorms producing strong winds, rain and damaging hail travelled through Lawrence County, South Dakota. The City of Deadwood was one area that was heavily impacted by these storm events; and WHEREAS, significant damage to the roof of the Lawrence County Courthouse resulted from the large hail associated with the storms; and WHEREAS, the Lawrence County Courthouse was constructed in the early 1900's. The copper roof in place was installed in 1960 (see attached historical data compiled by staff which is incorporated herein); and WHEREAS, it was determined by the County's insurance carrier that the copper roof on the courthouse is in need of replacement; and WHEREAS, in furtherance of preparing to make the roof repairs, on June 16, 2020, a team of professionals evaluated both the copper roof and the masonry components of the building; and WHEREAS, pursuant to the

inspection, it was confirmed that the copper roof is in poor condition and at risk for further water infiltration and resulting damage therefrom; and WHEREAS, an inspection of the masonry components revealed many heretofore unknown problems to include movement of several masonry elements such that failure is imminent posing a risk of falling debris (see attached report of Steve Williams, AIA which is incorporated herein); and WHEREAS, the risk posed by the masonry issues warranted immediate closure of the front entrance to the building in order to protect the public; and WHEREAS, the courthouse is used for daily operations and functions as the home of the court system and must remain operational; and WHEREAS, SDCL 5-18A-9 allows for emergency procurement without advertisement if there exists a threat to public health, welfare, or safety, or for other urgent and compelling reasons; and WHEREAS, it is deemed necessary and appropriate to facilitate roof and masonry repairs/replacement to the historic Lawrence County Courthouse without advertisement for bids in order to protect public property from further deterioration, damage and loss; to avoid potential interruption of public services and for the public safety; and THEREFORE, BE IT RESOLVED, that the Lawrence County Commission hereby finds that urgent and compelling reasons, as more fully described herein, exist and the same are ongoing thereby warranting a declaration of emergency circumstances pursuant SDCL 5-18A-9; and THEREFORE, BE IT FURTHER RESOLVED, that pursuant to SDCL 5-18A-9, sufficient reasons and circumstances exist allowing for repairs to county-owned buildings to proceed without advertisement for bids as is otherwise generally required; and THEREFORE, BE IT FURTHER RESOLVED, that pursuant to SDCL 5-18A-9, an emergency procurement shall be made with such competition as is practicable under the circumstances. Dated this 14th day of July, 2020. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairperson ATTEST: Brenda McGruder LAWRENCE COUNTY AUDITOR.

Moved-Seconded (Deibert-Flanagan) to authorize Bruce Outka, Deputy State's Attorney, to negotiate and sign the necessary documents for the repair of the Courthouse Roof and Masonry. Motion Carried.

**ABATEMENTS:**

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Betsy, Todd & Lauren Hillman on parcel #31090-03600-090-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Kevin & Diane Stembridge on parcel # 31090-03900-030-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Harvey & Julie Doerr on parcel # 31425-00200-008-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Rhonda & Michael Leonard on parcel # 31425-00500-001-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Weston & Kathleen Scott on parcel # 31425-00600-005-01 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Ted Scott on parcel # 31425-00600-010-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for William & Bridgette Millard on parcel # 31450-00700-120-10 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Bradley Reis on parcel # 31450-00800-040-10 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

**LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2020 page-3**

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Jon & Carol Oolman on parcel # 31450-01200-030-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Jon Holmdal on parcel # 31450-01400-040-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Aaron & Kimberly Maag on parcel # 31510-01500-080-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Bernard & Judy Reausaw on parcel # 31510-03900-140-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Jason Wayne & Holly Johnston on parcel # 31600-00000-170-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Jeremy & Erin Sabers on parcel # 31600-00000-200-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Moses & Deana Ward on parcel # 31610-00100-010-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Marcus & Patricia Asmussen on parcel # 31660-00100-060-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Matthew & Katie Nebelsick on parcel # 31660-00100-130-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Larry Yost on parcel # 31810-01000-040-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Dimond, Marcela Bischoff on parcel # 31810-01400-230-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Kenneth & Julie Mehls on parcel # 31830-00000-040-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the abatement for Timothy & Kimberly Hansen on parcel # 31840-00100-030-00 for 2019 taxes payable in 2020 due to error calculating the discretionary value. Motion Carried.

**PAYMENT IN LIEU OF TAXES FUNDS:** The Board discussed the Payment in Lieu of Taxes (PILT) funds received in June. Moved-Seconded (Johnson-Sleep) to receipt equally the PILT funds of \$618,306.00 into the Road and Bridge Fund and Courthouse & Jail Fund for 2020. Motion Carried.

**LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY REPORT:** Moved-Seconded (Deibert-Johnson) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

**RAFFLE REQUEST / SPEARFISH AREA CHAMBER OF COMMERCE RAFFLE:**

Moved-Seconded (Sleep-Rosenau) to not object to the request to conduct a raffle for the Spearfish Area Chamber of Commerce, with the drawing taking place on October 29, 2020. Motion Carried.

**SHERIFF:**

**PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE:** Brian Dean, Sheriff, gave an update on the recent travel to Indiana to tour a jail facility built by Elevatus.

**EXECUTIVE SESSION:** 8:31 a.m. Moved-Seconded (Rosenau-Deibert) to go into executive session pursuant to SDCL 1-25-2(3). Motion Carried. 8:52 a.m. The Board opened for regular business with no action taken.

**SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #2020-19 for a Supplemental Budget for Emergency Management Fund Search & Rescue - \$600 Impact and Economic Diversification Fund Severance Tax - \$250,000. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Flanagan) to approve and adopt the following Resolution #2020-19 for a Supplemental Budget. Motion Carried. RESOLUTION #2020-19 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2020, failed to provide sufficient revenue to enable the County to conduct the indispensable functions of Government, and WHEREAS, the Board of County Commissioners of said County deems it necessary to make a Supplementary Budget, providing for appropriation in the amounts set out below. NOW, THEREFORE, BE IT RESOLVED THAT SAID BOARD, make, approve and adopt a Supplemental Budget for Lawrence County, South Dakota, for the year 2020, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: Emergency Management Fund Search & Rescue - \$600 Impact and Economic Diversification Fund Severance Tax - \$250,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 14<sup>TH</sup> day of July, 2020 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 14<sup>th</sup> day of July, 2020. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of June 29, 2020 and July 9, 2020: **Spearfish Diesel #2 (dyed) 3800 gallons:** (prices per gallon) CBH Cooperative –\$1.538\*; Harms Oil Co-No Bid; MG Oil-No Bid. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative –\$2.007\*; Harms Oil Co-No Bid; MG Oil – No Bid. **Whitewood Diesel #2 (dyed) 700 gallons:** (prices per gallon) CBH Cooperative –\$1.439\*; Harms Oil Co-No Bid; MG Oil – No Bid. \*Represents lowest quote awarded.

**PERMIT:**

**CENTURY LINK:** Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Century Link to bore under Spring Run Road approximately .01 miles from Spring Run Road and Hidden Treasure Lane for construction of customer service drop beginning in Section 29, T4N, R4E and ending in Section 29, T4N, R4E. Motion Carried.

**BRIDGE IMPROVEMENT GRANT PROGRAM RESOLUTIONS 2020-25:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the following Bridge Improvement Grant Program Resolution 2020-25 Authorizing Submission of Applications for Structure Number #41-120-105. Motion Carried. Bridge Improvement Grant Program Resolution 2020-25 Authorizing Submission Of Applications WHEREAS, Lawrence County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant Program: STRUCTURE NUMBER(S) AND LOCATION(S): Structure Number 41-120-105 located on Christensen Road just off intersection with Maitland Road over False Bottom Creek and WHEREAS, Lawrence County certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan\*; and WHEREAS, Lawrence County agrees to pay the 50 % match on the Bridge Improvement Grant funds; and WHEREAS, Lawrence County hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments. NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of

**LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2020 page-5**

Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s). Vote of Commissioners: Yes 5 No 0. Dated at Deadwood, SD, this 14<sup>th</sup> day of July, 2020. Brandon Flanagan Chairman ATTEST: Brenda McGruder County Auditor \*NOTE – not applicable for cities applying for the grant – simply mark ‘NA’ Minimum required is 20%; must match percent shown on application. Motion Carried.

**PROJECT UPDATES:** Allan Bonnema, Highway Superintendent, gave an update on the KOA Bridge on W Highway 14, Whitewood Valley Bridge, Chip Seal Project, and Doresett Road Bridge,

Bonnema reported that the bridge inspections have started in the County and a critical finding report has been filed on structure 41-250-268 on Nemo Road over Box Elder Creek.

Bonnema stated that a federal aid bridge replacement grant was awarded for structure #41-079-199 on Elmore Road.

The Board acknowledged a letter from Christopher Gengler in reference to the paving of the first mile of Higgins Gulch Road and requesting that a new road traffic study be done in the area.

**PLANNING & ZONING:**

**COMPREHENSIVE PLAN UPDATE:** Amber Vogt, Planning & Zoning Administrator, gave an update on the Comprehensive Plan.

**PLATS:**

**PRELIMINARY AND FINAL PLAT/LIMBO:** APPLICANTS: Bill & Sheila Limbo and Dana Limbo LEGAL DESCRIPTION: Lots JS-3E1A and JS-3E2A of the Sanders Subdivision, formerly Lots JS-3E1 and JS-3E2, a subdivision of Lot JS-3E of the Sanders Subdivision, all located in the W ½ of the SW ¼ of Section 13, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of neighboring lots due to structures and setbacks ZONING: SRD ACREAGE: JS-3E1A (2.45 acres) and JS-3E2A (2.30 acres)

Moved-Seconded (Johnson-Deibert) declaring that the plat for Bill & Sheila Limbo and Dana Limbo meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to approve the preliminary and final plat for Bill & Sheila Limbo and Dana Limbo 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 JS-3E1A and JS-3E2A of the Sanders Subdivision, formerly Lots JS-3E1 and JS-3E2, a subdivision of Lot JS-3E of the Sanders Subdivision, all located in the W ½ of the SW ¼ of Section 13, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of neighboring lots due to structures and setbacks ZONING: SRD ACREAGE: JS-3E1A (2.45 acres) and JS-3E2A (2.30 acres). Motion Carried.

**PRELIMINARY AND FINAL PLAT/HUDSON:** APPLICANTS: Roger & Roanne Hudson and Richard & Amber Hudson % Ryan & Sherian Hudson LEGAL DESCRIPTION: Tracts B1 and C1 of the Hudson Subdivision, Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland/Carbonate Road SUMMARY: Replat of neighboring lots ZONING: PF ACREAGE: Tracts B1 (1.325 acres) C1 (.925 acres).

Moved-Seconded (Deibert-Johnson) declaring that the plat for Roger & Roanne Hudson and Richard & Amber Hudson % Ryan & Sherian Hudson meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Johnson-Deibert) to approve the preliminary and final plat for Roger & Roanne Hudson and Richard & Amber Hudson % Ryan & Sherian Hudson 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: Tracts B1 and C1 of the Hudson Subdivision, Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland/Carbonate Road SUMMARY: Replat of neighboring lots ZONING: PF ACREAGE: Tracts B1 (1.325 acres) C1 (.925 acres). Motion Carried.

**PRELIMINARY PLAT/BH DEVELOPMENT, LLC.:** APPLICANT: BH Development, LLC. LEGAL DESCRIPTION: Lots 6-10, Blk 1 and Lots 1-10, Blk 2 and educated Public ROW, Trailside Addition of Powder House Pass Development in Section 17 & 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD ACREAGE: Lot 6 (.584 acres), 7 (.801 acres), 8 (.517 acres), 9 (.899 acres), 10 (.576 acres), Blk 1 and Lots 1 (.453 acres), 2 (.591 acres), 3 (.360 acres), 4 (.305 acres), 5 (.303 acres), 6 (.358 acres), 7 (.338 acres), 8 (.359 acres), 9 (.389 acres), 10 (.658 acres), Blk 2.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary plat for BH Development, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 6-10, Blk 1 and Lots 1-10, Blk 2 and educated Public ROW, Trailside Addition of Powder House Pass Development in Section 17 & 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD ACREAGE: Lot 6 (.584 acres), 7 (.801 acres), 8 (.517 acres), 9 (.899 acres), 10 (.576 acres), Blk 1 and Lots 1 (.453 acres), 2 (.591 acres), 3 (.360 acres), 4 (.305 acres), 5 (.303 acres), 6 (.358 acres), 7 (.338 acres), 8 (.359 acres), 9 (.389 acres), 10 (.658 acres), Blk 2. Motion Carried.

**FINAL PLAT/BH DEVELOPMENT, LLC.:** APPLICANT: BH Development, LLC. LEGAL DESCRIPTION: Lots 1 & 2, Blk 2 of Trailside Addition of Powder House Pass Development in Section 17 & 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD ACREAGE: Lot 1 (.453 acres) and Lot 2 (.591 acres).

Moved-Seconded (Deibert-Rosenau) to approve the final plat for BH Development, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1 & 2, Blk 2 of Trailside Addition of Powder House Pass Development in Section 17 & 18, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD ACREAGE: Lot 1 (.453 acres) and Lot 2 (.591 acres). Motion Carried.

**PRELIMINARY AND FINAL PLAT/RED ROCK RENTALS, LLC.:** APPLICANT: Red Rock Rentals, LLC. LEGAL DESCRIPTION: Plat of Lot 1 & 2 Block 9 of Wilderness Estates 2nd Addition, Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New boundary of blocks ZONING: PUD ACREAGE: Block 9 (9.572 acres) and Block 10 (2.452 acres).

Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for Red Rock Rentals, 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 1 & 2 Block 9 of Wilderness Estates 2nd Addition, Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New boundary of blocks ZONING: PUD ACREAGE: Block 9 (9.572 acres) and Block 10 (2.452 acres). Motion Carried.

Moved-Seconded (Deibert-Johnson) to approve the final plat for Red Rock Rentals, 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 1 & 2 Block 9 of Wilderness Estates 2nd Addition, Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New boundary of blocks ZONING: PUD ACREAGE: Block 9 (9.572 acres) and Block 10 (2.452 acres). Motion Carried.

**PRELIMINARY AND FINAL PLAT/SNYDER:** APPLICANTS: David & Janette Snyder LEGAL DESCRIPTION: Tracts 1 and 2 a subdivision of the E ½ SW ¼ of Section 4, T3N, R3E VICINITY LOCATION: N. Rochford Road/Juso Ranch Road SUMMARY: Creation of new lots ZONING: PF ACREAGE: Tracts 1 (13.172 acres) and 2 (67.466 acres).

Moved-Seconded (Deibert-Rosenau) to approve the preliminary and final plat for David & Janette Snyder contingent upon the dimensions of the no build zone on Tract 2 are reflected on the plat, 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: Tracts 1 and 2 a subdivision of the E ½ SW ¼ of Section 4, T3N, R3E VICINITY LOCATION: N. Rochford Road/Juso Ranch Road SUMMARY: Creation of new lots ZONING: PF ACREAGE: Tracts 1 (13.172 acres) and 2 (67.466 acres). Motion Carried.

**PRELIMINARY AND FINAL PLAT/CAMPBELL & WRIGHT:** APPLICANTS: Curtis & Connie Campbell and Brian & Lori Wright LEGAL DESCRIPTION: Lot 36 A and 36B of Paradise Acres, Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Lot line change ZONING: PF ACREAGE: Lot 36A (3.378 acres) and Lot 36B (3.989 acres).

Moved-Seconded (Deibert-Flanagan) declaring that the plat for Curtis & Connie Campbell and Brian & Lori Wright meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the preliminary and final plat for Curtis & Connie Campbell and Brian & Lori Wright 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 36 A and 36B of Paradise Acres, Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Lot line change ZONING: PF ACREAGE: Lot 36A (3.378 acres) and Lot 36B (3.989 acres). Motion Carried.

**PRELIMINARY AND FINAL PLAT/FOSSUM:** APPLICANTS: Darcy & Michelle Fossum LEGAL DESCRIPTION: Lot 11A and Lot 13A of Elkridge Subdivision, Section 32 & 33, T4N, R4E (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: Lot line change ZONING: PF ACREAGE: Lot 11A (6.483 acres) and Lot 13A (3.00 acres).

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Darcy & Michelle Fossum meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve the preliminary and final plat for Darcy & Michelle Fossum 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 11A and Lot 13A of Elkridge Subdivision, Section 32 & 33, T4N, R4E (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: Lot line change ZONING: PF ACREAGE: Lot 11A (6.483 acres) and Lot 13A (3.00 acres). Motion Carried.

**ANNUAL REVIEW:**

**HOMESTAKE C.U.P. 124 AND 144 & LAC MINERALS - RICHMOND HILL MINE C.U.P. 116, 125 AND 202:** Mark Tieszen, Environmental Manager for Homestake/Lack Minerals Mines was present to review the 2019 Mine Activities Report.

**RECOGNITION OF SERVICE TO VETERAN:** The Commission presented MSgt. E. Cody Foreman with a certificate of appreciation for this exemplary service to the veterans of Lawrence County.

**NON-COLLECTIBLE MOBILE HOME TAXES:** Deb Tridle, Treasurer, quoted SDCL 10-22-30. Presentation to county commissioners of uncollected distress warrants--Examination-- Placement on uncollectible list. The treasurer shall present to the board of county commissioners each distress warrant returned by the sheriff uncollected. The board shall examine each return. If the taxes described in any distress warrant cannot be collected, the board shall declare the taxes to be uncollectible and the treasurer shall place the taxes on the uncollectible list. A distress warrant may be reissued for the taxes by the order of the board of county commissioners or on written demand of the sheriff. The treasurer does not need to make an additional effort to collect any mobile home taxes or taxes on a building on a leased site declared to be uncollectible until it is determined either by the board of county commissioners or the treasurer that the tax has become or may become collectible.

Moved-Seconded (Rosenau-Flanagan) to declare parcel #24920-00702-330-11 non-collectible pursuant to SDCL 10-22-30. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to declare parcel #26860-01994-000-27 non-collectible pursuant to SDCL 10-22-30. Motion Carried.

**LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2020 page-8**

Moved-Seconded (Rosenau-Flanagan) to declare parcel #32740-00600-030-00 non-collectible pursuant to SDCL 10-22-30. Motion Carried.

**DISCRETIONARY FORMULA:** Mike Stahl, City of Lead Administrator, Steve Stewart, 120 Alert Street, and Kevin Wagner, Deadwood-Lead Economic Development, were present to ask the Commissioner to reconsider the discretionary formula passed at the June 23, 2020 Commission Meeting. The Commission suggested that a work group be put together to develop options to be considered at the August 14, 2020 Commission meeting.

**SCHOOL AND PUBLIC LANDS:** Ryan Brunner, State Land Commissioner, was present to ask the Commission to draft a letter of support for the state in its effort to acquire 266 acres from the Gilt Edge Mine site that is in the process of being reclaimed.

Commissioner Deibert expressed his concern with access to private landowners in the area.

Moved-Seconded (Rosenau-Johnson) to approve and authorize the Chairman to sign a letter of support for the state in its effort to acquire 266 acres from the Gilt Edge Mine site. Motion Carried.

**PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY:** A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: That portion of the 66' section line Right-of-Way solely lying within HES 128 and running East and West between the NE1/4 of Section 8 and the SE1/4 of Section 5, Township 3 North, Range 4 East, BHM, Lawrence County, South Dakota; AND That portion of the 66' section line Right-of-Way solely lying within HES 128 and running North and South between the NE1/4 of Section 8 and the NW1/4 of Section 9, Township 3 North, Range 4 East, BHM, Lawrence County, South Dakota; AND That portion of the 66' section line Right-of-Way lying within Tract C of HES 128, being a portion of HES 128, located in the S1/2SE1/4 of Section 5, the NE1/4 of Section 8 and the NW1/4 of Section 9, all in Township 3 North, Range 4 East, BHM, Lawrence County, South Dakota, according to Plat Document No. 2018-04776.

Brian Baczwaski, Attorney for applicant, explained the request for the vacation of the section line.

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

Moved-Seconded (Rosenau-Flanagan) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2020-22 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Deibert-Abstain. Motion Carried. LAWRENCE COUNTY RESOLUTION #2020-22 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: That portion of the 66' section line Right-of-Way solely lying within HES 128 and running East and West between the NE1/4 of Section 8 and the SE1/4 of Section 5, Township 3 North, Range 4 East, BHM, Lawrence County, South Dakota; AND That portion of the 66' section line Right-of-Way solely lying within HES 128 and running North and South between the NE1/4 of Section 8 and the NW1/4 of Section 9, Township 3 North, Range 4 East, BHM, Lawrence County, South Dakota; AND That portion of the 66' section line Right-of-Way lying within Tract C of HES 128, being a portion of HES 128, located in the S1/2SE1/4 of Section 5, the NE1/4 of Section 8 and the NW1/4 of Section 9, all in Township 3 North, Range 4 East, BHM, Lawrence County, South Dakota, according to Plat Document No. 2018-04776. AFFECTING THE LANDOWNERS: Barbara Turner, as Trustee of the Barbara Turner 2013 Revocable Trust,



**LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2020 page-9**

Dated this 14<sup>th</sup> day of July, 2020 Brandon Flanagan, 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 14<sup>th</sup>, 2020. Dated at Deadwood, South Dakota, the 14<sup>th</sup> day of July, 2020. Brenda McGruder, Lawrence County Auditor.

**ITEMS FROM THE PUBLIC:** Steve Kosel, USFS District Manager, gave an update on the recent tornado damage in Lawrence County.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Flanagan reported that he was invited to the Spearfish Economic Development meeting on July 15, 2020 to explain the County's position on the recent discretionary formula resolution.

**BUDGET:** The board reviewed the 2021 Preliminary budget.

Commissioner Deibert left the meeting at 1:45 p.m.

**BILLS:** Moved-Seconded (Deibert-Flanagan) 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-\$14,066.62; Aud-\$23,170.59; Treas-\$25,614.02; States Atty-\$27,643.58; Pub Def-\$26,475.30; Gen Govt Bldg-\$20,312.90; Equal-\$31,685.70; Rod-\$17,700.04; Vso-\$3,472.40; Ist-\$19,322.90; Sher-\$103,225.31; Jail-\$53,658.79; Coroner-\$1,367.72; 24/7-\$836.68; Emerg Mgmt-\$9,300.82; E911-\$33,090.19; Highway-\$95,033.60; Weed-\$17,461.15; Pz-\$12,557.56;  
**Bills:** Palmer, Ryan-\$510.72; 3d Specialities-\$632.61; A To Z Shredding-\$47.71; A&B Business,Inc Solutions-\$2,735.99; A&B Welding Supply-\$22.63; Aberdeen-\$1,748.00; Ace Hardware Of Lead-\$162.06; Active Data Systems-\$1,902.00; Applied Concepts-\$81.00; Aspen Legacy Planning-\$178.10; At&T Mobility-\$1,015.63; BH Pest Control-\$190.00; BH Pioneer-\$951.92; Barcodes-\$584.66; Barnaud Law Firm Prof-\$915.45; Bi Geo Group Co-\$128.80; Black Hills Disposal-\$90.00; Black Hills Energy-\$75.15; Black Hills Funeral Home-\$1,170.00; Black Hills Pure-\$31.00; Black Hills Urgent Care-\$280.00; Bomgaars Supply-\$178.75; Brosz Engineering-\$13,255.00; Butler Machinery Co-\$4,116.84; Butte Electric Coop-\$307.42; Cbh Cooperative-\$21,657.79; Cdw Government-\$2,640.00; Century Business Products-\$490.88; City Of Rapid City-\$1,080.00; Convergent Technologies-\$270.41; Credit Collections Bureau-\$212.16; Dakota Equipment Rental-\$26.87; Dan's Dumpster Service-\$615.00; Deadwood, City Of-\$1,537.17; Dean Schaefer Court Reporting-\$102.00; Dept Of The Treasury-\$63,630.93; Dustbusters-\$171,209.49; Election Sys & Software-\$6,424.71; Fastenal-\$19.37; Federal Express Corp-\$13.32; Floyd's Truck Center-\$391.19; Foremost Promotions-\$69.52; G&H Distributing-\$58.87; Galls-\$275.53; Grimm's Pump Service-\$227.04; Hartford-Priority Accounts-\$2,113.10; Heartland Paper Co-\$1,250.22; Hp-\$1,121.00; Interstate Engineering-\$7,122.36; Johner Gravel-\$9,137.10; Journey Group Companies-\$204,899.64; Jt Ventures-\$282.50; Juneks' Chrysler/Dodge-\$30,280.53; Kimball-Midwest Co-\$378.14; Kinney Law-\$4,708.23; Koala Electric-\$553.55; Kosel, Joseph-\$6,366.07; LC Conservation Dist-\$5,000.00; Language Line Services-\$115.50; Lawson Products-\$32.12; Lead, City Of-\$86.25; Lead-Deadwood Sanitary-\$954.14; Lee, James-\$15.00; Lexisnexis Risk Data Mgmt-\$75.00; Macqueen Emergency-\$58.54; McClure, Susan-\$180.00; Mcpherson Propane-\$45.00; Montana Dakota Utilities-\$1,962.76; Monument Health Rc Hospital-\$922.00; Monument Health Network-\$957.94; Ms Mail-\$15.00; Murphy Law Office-\$624.60; Nelson Law-\$2,923.21; Nelson, Christy-\$480.00; Nelson, Tonya-\$480.00; North Central Int'l-\$592.02; Northern Hills Casa-\$7,500.00; Office Depot-\$415.73; Office Of Child Support-\$401.54; Olson Towing-\$382.50; PcsO Addiction Treatment Serv-\$678.00; Pennington Co Jail-\$1,155.73; Pennington County Sts Attny-\$215.00; Pharmchem-\$605.50; Pictometry International-\$39,090.39; Plumbmaster-\$255.48; Quill-\$535.43; Rabe Elevator-\$1,240.88; Rapid Delivery-\$13.23; Rocket Lube-\$84.99; Sara J Fitzgerald-\$252.00; Sd Dept Of Transportation-\$9,658.79; Sd Reemployment Assistance Div-\$776.61; Sd State Treasurer-\$13,422.94; Sdrs Supplemental Retirement-\$1,962.50; Semerad, Sandra-\$235.20; Servall Towel & Linen-\$712.00; Spearfish Auto Supply-\$1,503.43; Spearfish City Of-\$695.25; Sterna, Laura-\$495.50; Sturdevant's Auto Parts-\$1,541.22; Superior Sanitation-\$1,500.00; Sysco Montana-\$2,878.87; Thomson Reuters-West-\$203.56; Transource Truck & Equip-\$618.08; Triple K Tire & Repair-\$1,034.34; Trittech Software Systems-\$4,079.25; Truenorth Steel-\$14,669.72; Trugreen Chemlawn-\$64.78; Turnkey Corrections-\$1.18; Twilight First Aid & Safety-\$261.88; Twin City Hardware & Lumber-\$626.86; Tyler Technologies-\$860.00; Us Armor-\$446.75; Vast

**LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2020 page-10**

Broadband-\$301.37; Verizon Wireless-\$106.66; Waste Connections-\$917.28; Watertree-\$54.00; Wells Plumbing & Farm Supp-\$293.61; Western Sd Juvenile Serv-\$6,140.00; Wex Bank-\$381.47; Whites Canyon Motors-\$77,750.12; White Drug-\$630.74; White's Queen City Motors-\$566.29; Williams Properties-\$370.00; Yankton County-\$215.90; **Witness And Jurors:** \$1,265.44.

**ADJOURN:** 2:13 p.m. There being no further business it was Moved-Seconded (Johnson-Flanagan) to adjourn the meeting. Motion Carried.

---

Date Approved

---

Brandon Flanagan, Chairperson

ATTEST:

---

Brenda McGruder, Auditor