

LAWRENCE COUNTY COMMISSIONERS MEETING – July 26, 2022

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 26, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

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

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

MINUTES: Moved-Seconded (Ewing-Rosenau) to approve the minutes of July 12, 2022 County Commission meeting. Motion Carried.

TRAVEL REQUEST:

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Rosenau) to approve the travel request for Paul Thomson, Rene' Larson, Barb Baker, Ken Hawki and JD Geigle to attend the South Dakota Emergency Management Association Conference in Huron, SD from September 12-15, 2022. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Deibert-Rosenau) to approve the new hire for Christine Maki as a full-time permanent Appraiser I G1 at a base rate of \$18.71 an hour, effective August 1, 2022. Motion Carried.

VOLUNTEER FIRE FIGHTER: Moved-Seconded (Ewing-Rosenau) to approve Leif Sve and Mark Vanderlinde as Volunteer Fire Fighter for Nemo Volunteer Fire Department and Douglas Eugene Becht for the Brownsville Volunteer Fire Department for insurance purposes. Motion Carried.

SHERIFF:

PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE:

ASSIGNMENT OF FUNDS: Brenda McGruder, Auditor, reported on the 2022 unassigned fund balance.

Moved-Seconded (Flanagan-Deibert) to assign \$5,000,000.00 to the Public Safety and Services Center construction fund and designate the interest earned on these funds be used for this purpose. Motion Carried.

INVESTMENT OF FUNDS: Brenda McGruder, Auditor, and Deb Tridle, Treasurer, reported on investment options for County Funds.

Moved-Seconded (Flanagan-Deibert) to allow staff discretion on the investment of Lawrence County funds to receive the best interest rate.

RESOLUTION 2022-21/SOUTH DAKOTA PUBLIC FUNDS INVESTMENT TRUST

(FIT): Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign Lawrence County Resolution #2022-21 Form A, A Resolution Authorizing The Approval Of And Participation In A Joint Powers Agreement And Declaration Of Trust For The South Dakota Public Funds Investment Trust (FIT), Authorizing Investments Through The Fixed Rate Account Of The Trust And Authorizing The Trust To Designate And Name Depositories. Motion Carried. Resolution #2022-21 Form A, A Resolution Authorizing The Approval Of And Participation In A Joint Powers Agreement And Declaration Of Trust For The South Dakota Public Funds Investment Trust (FIT), Authorizing Investments Through The Fixed Rate Account Of The Trust And Authorizing The Trust To Designate And Name Depositories. WHEREAS, South Dakota Law Chapters 1-24 permits political subdivisions to make efficient use of their powers by enabling them to provide joint services with other Public Agencies and to cooperate in other ways of mutual advantage, and to exercise and enjoy jointly any powers, privileges or authority exercised or capable of being exercised by one Public Agency of this state for the joint or cooperative

action; and WHEREAS, the Participants are political subdivisions being duly organized and existing under and by virtue of the laws and constitution of the State of South Dakota and have approved the Joint Powers Agreement and Declaration of Trust and thereby have established the South Dakota Public Funds Investment Trust (FIT) as of November 1, 1991; and WHEREAS, this Governing Body desires to adopt and enter into the Joint Powers Agreement and Declaration of Trust, and it is in the best interest of this Governing Body to participate in the South Dakota Public Funds Investment Trust (FIT) for the purpose of joint investment of moneys with other Public Agencies to enhance investment earnings to each; and WHEREAS, this Governing Body deems it to be advisable for this Public Agency to make use, from time to time, of the Fixed Rate Account Available to Participants of the Trust; NOW, HEREOF, BE IT RESOLVED: Section 1. The Joint Powers Agreement and Declaration of Trust is approved and adopted. This Public Agency shall join with the other public agencies in accordance with the Joint Powers Agreement and Declaration of Trust as amended, (the "Declaration of Trust") which are on file with the recording officer. The authorized officials of this Public Agency are directed and authorized to take such actions and execute any and all such documents as may be deemed necessary and appropriate to effect the entry of this Public Agency into the Declaration of Trust and adoption thereof by this Public Agency and to carry out the intent and purpose of this resolution. Section 2. This Public Agency is hereby authorized to invest its available moneys from time to time and to withdraw such moneys from time to time in accordance with the provisions of the Declaration of Trust and the Fixed Rate Account of the Trust. Payment for any investments made within the Fixed Rate Account is authorized and shall be made from the Public Agency's specified Trust Account. Interest and principal payments shall be credited to the Public Agency's designated Trust Account. Such Fixed Rate Account investments shall be held by the Trust Custodian as custodian for the account of the Public Agency. The following officers and officials of the Public Agency and their respective successors in office each are hereby designated as "Authorized Officials" with full power and authority to effectuate the investment and withdrawal of moneys with this Public Agency from time to time in accordance with Joint Powers Agreement and Declaration of Trust. Name Brenda McGruder Title Lawrence County Auditor Name Debora Tridle Title Lawrence County Treasurer The Trust shall be advised of any changes in Authorized Officials in accordance with procedures established by the Trust. Section 3. The Trustees of the South Dakota Public Funds Investment Trust (FIT) are hereby designated as having official custody of this Public Agency's moneys which are invested in accordance with the Joint Powers Agreement and Declaration of Trust and any moneys invested in accordance with the Trust's Fixed Rate Account. Section 4. The Trust is authorized to designate and name depositories, to execute and file documents, and to take such actions as may be necessary to purchase and make payment, sell, secure, or take payment of principal and interest. Certificates of Deposit must be purchased only from financial institutions designated by the Trust which are approved depositories as prescribed by South Dakota Law. Section 5. Authorization is hereby given for members and officials of this Public Agency to serve as Trustees of the South Dakota Public Funds Investment Trust (FIT) from time to time if selected as such pursuant to the provisions of the Declaration of Trust. Section 6. Unless otherwise expressly defined herein, words that are capitalized in the Resolution shall have meanings defined in the Joint Powers Agreement and Declaration of Trust. Passed and approved this 26th day of July, 2022 Name of Public Agency Lawrence County Signature Randall Rosenau Typed Name- Title Randall Rosenau, Chairman ATTEST: Signature Brenda McGruder Typed Name-Title Brenda McGruder, Lawrence County Auditor FORM A CERTIFICATION State of South Dakota SS: County of Lawrence I, the undersigned of Lawrence County (name of Public Agency) State of South Dakota, do hereby certify that the attached is a true and complete copy of the portion of the records of the Governing Body of the named Public Agency, and the same is true and complete copy of the action taken by the Governing Body of the Public Agency with respect to said matter at the meeting held in the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way. I further certify that the individuals named herein were on the date thereof and lawfully possessed of their respective offices as indicated therein, that no vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the Public Agency or the right of the individuals named herein as officers to their respective positions. WITNESS my hand hereto affixed this 26th day of July, 2022. By, Signature Brenda McGruder Typed Name-Title Brenda McGruder, Lawrence County Auditor.

WASP ROAD DISTRICT: Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for Wasp Road District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE WASP ROAD DISTRICT A Petition and Application for Incorporation

having been filed with the Lawrence County Board of Commissioners requesting that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district, to-wit: Wasp Road District EXHIBIT A SHOWING ROAD ACCESSING THE FOLLOWING PROPERTIES: LOTS 2, 3, 4 & 5, BEING ALL OF WASP TRACTS 1 & 2, ALL OF COMSTOCK FRAC. M.S. 1570, LITTLE PITTSBURGH M.S. 1086, MINNIE FRAC., FLAT IRON, VERTICAL FRAC., WASP NO.2, DONELSON FRAC. & ALMA FRAC, M.S. 1557, LITTLE BLUE M.S. 1793, TWO STRIKE M.S. 1424, DUMP & PANSY M.S. 1772, AKIN & HILLTOP M.S. 1081, BIRDIE & EDWARD M.S. 1629, MILFORD, VERNON & VERNON NO.1 M.S. 1530, BUMBELBEE M.S. 1055, WASP & KICKAPOO FRAC. M.S. 1766, HIDDEN TREASURE M.S. 1556, PORTIONS OF FRANKLIN, FLYING JIB, & MARKET M.S. 1557, MOUNT PLEASANT & ANACONDA M.S. 1556, BURGHI & BURGHI NO.1 M.S. 1759, ZADAR M.S. 1610, YELLOW JACKET FRAC., COMSTOCK M.S. 1570, SHARON & ODIN M.S. 1196, HORNETT M.S. 1313, WASP NO.3 M.S. 1549, ALL OF GOV'T LOTS 1, 2, 3, 4, 5, 6 & 11 OF SECTION 9 AND ALL OF GOV'T LOT 15 OF SECTION 10, A PORTION OF GOV'T LOT 13 OF SECTION 4, PORTIONS OF GOV'T LOTS 2, 3, 4 & 18 OF SECTION 10; LOTS 1, 2, 3 & 4 OF GUMPY RIDGE SUBDIVISION, A SUBDIVISION OF CREEDE AND MOUND M.S. 1275, GUMPY FRACTION M.S. 1555 & GOV'T LOTS 13 & 15 OF SECTION 9; TRACTS B & C, A SUBDIVISION OF ALL OF DEWEY M.S. 1866 AND TRACT 1 OF GOV'T LOT 4 AND THE REMAINDER OF LOT A OF LOT 1 OF THE SUBDIVISION OF BURGHI NO.1 M.S. 1759, HIDDEN TREASURE M.S. 1556 & GOV'T LOT 4 OF SECTION 10; LOT S BEING A PART OF M.S. 1556, M.S. 1557, M.S. 1559, M.S. 1866, GOV'T LOT 3 & GOV'T LOT 10 OF SECTION 10; LOTS 1A & 2A OF THE RAMBLER M.S. 1950 SUBDIVISION, FORMERLY LOTS 1 & 2 OF THE RAMBLER M.S. 1950; THAT PORTION OF THE SUTRO LODE M.S. 1950 WEST OF YELLOW CREEK ROAD AND THE REMAINDER OF LOT 2 OF A PORTION OF RAMBLER M.S. 1950; LOTS 4, 5 & 6 OF THE DOLPHIN TRACT REVISED, FORMERLY KNOWN AS THE DOLPHIN TRACT, BEING PORTIONS OF FORTUNA M.S. 1783, DOLPHIN, WHALE, TIGER AND ALL OF COMSTOCK M.S. 1598, A PORTION OF GOV'T LOT 11 OF SECTION 10 AND A PORTION OF GOV'T LOT 1 OF SECTION 15; LOTS 1, 4 THRU 12 OF BLACK FOREST RANCHETTES NO.2 OF THE SUBDIVISION OF M.S. 1764; TRACT K, INCLUDING LOT 2 AND LOT 3 OF BLACK FOREST RANCHETTES NO.2 OF M.S. 1764 AND GOV'T LOT 6 OF SECTION 15; LOTS 1 THRU 4 OF DEADWOOD HILLS ESTATES NO.1 OF THE SUBDIVISION OF LAST CHANCE NO.1 M.S. 1775; LOTS 1 THRU 4 OF DEADWOOD HILLS ESTATES NO.2 OF THE SUBDIVISION OF LAST CHANCE NO.4, M.S. 1775; TRACTS 1, 2 & 3 OF A PORTION OF LAST CHANCE M.S. 1775; TRACTS C1 & C2 OF THE SUBDIVISION OF A PORTION OF CARN MARTH M.S. 1555 AND A PORTION OF OPHIR M.S. 1611; TRACTS 1 & 2 OF THE SUBDIVISION OF NANCY HANKS M.S. 1611 AND GOV'T LOTS 12 & 16 OF SECTION 9; LOTS 1 & 2 OF THE SUBDIVISION OF HARROLD M.S. 1555; LOTS 1 & 2 OF THE SUBDIVISION OF LOTTIE M.S. 1555; LOTS 1 & 2 OF THE SUBDIVISION OF ELLIS M.S. 1555; LOTS A, B, C, D & E(PARK LOT) OF JAY BIRD SUBIVISION, A SUBDIVISION OF LOT 13 OF BLACK FOREST RANCHETTES #2, LOCATED IN M.S. 1764; LOT 7A OF THE DOLPHIN TRACT REVISED AND TRACT G BEING PORTIONS OF FORTUNA M.S. 1783, DOLPHIN, WHALE, TIGER AND ALL OF COMSTOCK M.S. 1598 AND CHARLIE M.S. 1611, A PORTION OF GOV'T LOT 11 OF SECTION 10 AND A PORTION OF GOV'T LOT 1 OF SECTION 15; LOTS 1, 2 & 3 OF THE SUBDIVISION OF HANNIBAL M.S. 1611; TRACTS O1-A & O1-B OF THE SUBDIVISION OF TRACT 01 AND TRACT O2 OF A PORTION OF OPHIR M.S. 1611 AND A PORTION OF CARN MARTH M.S. 1555; TRACTS 1 & 2 OF THE SUBDIVISION OF JIM PUT M.S. 1611; LOTS 1 & 2 OF THE SUBDIVISION OF AVERILL M.S. 1611; WILDCAT, BEAR, MORNING STAR, BEAVER, CARN FRACTION, PINE FRACTION, GOLDEN FLAKE, RED AND DRUID M.S. 1555; TAYLOR AND KANSAS CITY M.S. 1611; LAST CHANCE NO.2 & LAST CHANCE NO.5, M.S. 1775; GOV'T LOT 1 OF SECTION 15; EMMA FRAXION AND REMAINDER OF WASP NO.3, M.S. 1549; EUREKA, M.S. 1096; CROWN, M.S. 1275 AND DAISY FRACTION NO.2, M.S. 1557 ALL LOCATED IN SECTIONS 9, 10, 15 & 16, T4N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA SHALL, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Wasp Road District. DATED this 26th day of July, 2022. Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Auditor.

GOLDEN HILLS LODE ROAD DISTRICT: Moved-Seconded (Deibert-Rosenau) to canvass the Golden Hills Lode Road District Election showing the whole number of ballots cast was Six

(6), together with the number of Six (6) voting for and the number of Zero (0) voting against incorporation and authorize the signing of the Official Canvass. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the following Order Declaring Golden Hills Lode Road District Incorporated. Motion Carried. ORDER DECLARING GOLDEN HILLS LODE ROAD DISTRICT INCORPORATED WHEREAS, an election was held among the eligible voters in the Golden Hills Lode Road District to determine whether or not a Road District should be incorporated, WHEREAS, this vote was held on July 22, 2022, WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was Six (6), together with the number of Six (6) voting for and the number of Zero (0) voting against incorporation, WHEREAS, The Territory organized as a district is as follows: Golden Hills Lode LOTS 1, 2, 3, 4 REVISED, 5A REVISED, 7, 8, 9, 10, 12A, 14, 15, 16A, 16B, 17, 18, 19, 20A REVISED, 21A, 22A, 23, 24, 25, 26A, 29, 30, 31, 34, 36, 37, 38, 40, 48, 49, 50 REVISED, 52, 53, 54 AND 55 OF GOLDEN HILLS, BEING A SUBDIVISION OF TRACT A AND THE REMAINING UNPLATTED PORTION OF TRACT A FORMERLY OF ALTONA, ZINK AND JOURNAL OF M.S. 1261; ALIX, CALENDAR, KEYSTONE, HELENE, PLAINDEALER, MOULTON, B&M AND ELGIN OF M.S. 1707; PARK, WINNER, NORTH SIDE OF M.S. 1566; GOLD KING AND GOLD QUEEN OF M.S. 1999; PART OF MELVIN M.S. 1015; PART OF BRIGHTER DAY M.S. 1332; PART OF NOBLE GRAND M.S. 1231; PARTS OF SARSFIELD, CEMENT, ROCHESTER, HOT AIR, MOLINE, FREE COINAGE, GOLDEN FLATS AND SUNNY SIDE OF M.S. 1566 ALL LOCATED IN SECTIONS 25 AND 36, T5N, R3E, AND SECTIONS 30 AND 31, T5N, R4E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA WHEREAS, the Board of County Commissioners are satisfied with the legality of such election, WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory, NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Golden Hills Lode Road District is hereby incorporated pursuant to SDCL 31-12A, DATED this 26th day of July, 2022. Randall Rosenau, Chairperson Lawrence County Commission ATTEST: Brenda McGruder, Auditor.

TERRY VALLEY ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES: Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairperson to sign the following Order Approving Terry Valley Road District minor adjustment to the boundaries. Motion Carried. ORDER APPROVING TERRY VALLEY ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES WHEREAS, a meeting was held among the trustees of the Terry Valley Road District to determine whether or not a minor adjustment of boundaries for: EXHIBIT A: LOT 16 THRU LOT 24, LOT 25A, LOT 26A, (Formerly Lots 25 & 26) AND LOT 27, LESS A PORTION OF GOVERNMENT LOT 9, ALL IN BLOCK 9; LOT 11, BLOCK 5 IN TRACT A, LOST CAMP VALLEY ACREAGE, INCLUDING PORTIONS OF MINERAL SURVEYS NOS. 1119, 1139, 1205, 1310, 1341, 2044, 2050 AND 2066, ALL LOCATED IN SECTIONS 2, 3 AND 11, T4N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA, be adjusted, WHEREAS, this vote was held on June 27, 2022 and the vote of the trustees was 2-0, WHEREAS, The Territory annexed into the district is as follows: EXHIBIT A: LOT 16 THRU LOT 24, LOT 25A, LOT 26A, (Formerly Lots 25 & 26) AND LOT 27, LESS A PORTION OF OVERNMENT LOT 9, ALL IN BLOCK 9; LOT 11, BLOCK 5 IN TRACT A, LOST CAMP VALLEY ACREAGE, INCLUDING PORTIONS OF MINERAL SURVEYS NOS. 1119, 1139, 1205, 1310, 1341, 2044, 2050 AND 2066, ALL LOCATED IN SECTIONS 2, 3 AND 11, T4N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA, WHEREAS, a written letter of approval has been received from the owners of the land, WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the Terry Valley Road District Trustees, WHEREAS, it appearing that a majority of the votes at the meeting of the Terry Valley Road District Trustees have voted in favor of the minor adjustment of boundaries, NOW THEREFORE BE IT ORDAINED, by the Lawrence County Board of Commissioners that the Terry Valley Road District minor adjustment of boundaries hereby be adjusted pursuant to SDCL 31-12A. DATED this 26th day of July, 2022. RANDALL ROSENAU, Chairperson Lawrence County Commission ATTEST: BRENDA MCGRUDER, Deputy Auditor.

HIGHWAY:
PERMITS:

DEER MOUNTAIN SANITARY DISTRICT: Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Deer Mountain Sanitary District to bore under Rochford Road approximately .55 miles from

Highway 14A/85 for construction of a water main beginning in Section 19 T4N, R3E and ending in Section 19, T4N, R3E. Motion Carried.

MASTERS: Moved-Seconded (Deibert-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Adam Masters to construct a private approach on the west side of Rochford Road located at 12365 Rochford Road. Motion Carried.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: A public meeting is set for August 16, 2022 at 11:30 a.m. for the Five-Year County Highway and Bridge Improvement plan.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Oliver Street paving project.

Bonnema reported that a pre-construction meeting for the Westview paving project is scheduled for July 27, 2022.

HIGHWAY JOB DESCRIPTION: Commissioner Deibert suggested a change to the Qualifications for Appointment/Education: adding qualification acceptable to the board. The Board direct Bruce Outka, Deputy State's Attorney, to assist Allan Bonnema, Highway Superintendent, with the wording for this section of the job description.

PLANNING & ZONING:

RECESS: 9:00 a.m. Moved-Seconded (Deibert-Flanagan) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 9:04 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

ORDINANCE 2022-01/2021 INTERNATIONAL BUILDING CODE ADOPTION: Second 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 CONFLICT THEREWITH.

Moved-Seconded (Flanagan-Rosenau) to approve Ordinance #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 CONFLICT THEREWITH. Motion Carried.

CONDITIONAL USE PERMIT #475/NEAUBAUM: A public hearing was held on Conditional Use Permit #475 APPLICANT: Terry Neubaum LEGAL DESCRIPTION: Lot 2A-1 of Majestic Heights, formerly Lot 2A and 2B of Tract A1A, all in Section 13, 23, 24, 25, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: Campground ZONING: PF/HSC ACREAGE: 5.16.

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

No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Sleep) to approve Conditional Use Permit #475 APPLICANT: Terry Neubaum LEGAL DESCRIPTION: Lot 2A-1 of Majestic Heights, formerly Lot 2A and 2B of Tract A1A, all in Section 13, 23, 24, 25, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: Campground ZONING: PF/HSC ACREAGE: 5.16. Motion Carried.

CONDITIONAL USE PERMIT #476/ANDERSON: A public hearing was held on Conditional Use Permit #476 APPLICANT: Misti Anderson LEGAL DESCRIPTION: Lot 3 of the replat of Lot K of the Coe Placer M.S. 776 Ex Lot H1 in Section 24, T5N, R3E VICINITY LOCATION: Hwy 85/Boulder Canyon SUMMARY: Campground ZONING: PF ACREAGE: 3.640.

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

Dawn Quaschnick, 11777 US Highway 14A, Sturgis SD, spoke against the conditional use permit stating the following concerns: road easement, ingress and egress from the subject property, eyesore from the highway, porta potties, garbage supplier, lights, parking, pet control and mail box destruction. Quaschnick stated that no matter what decision is made today, she will be contacting her lawyer to file an injunction.

Justin Peterson, 11777 US Highway 14A, Sturgis SD, spoke against the conditional use permit. Peterson stated it was his understanding that a person cannot start a business on someone else property without their approval. Peterson stated he would file an injunction, lawsuit or cease and desist order to protect his property.

Misti Anderson, 11775 US Highway 14A, Sturgis SD, spoke in favor of the conditional use permit. Anderson stating that there are no zoning restrictions on this property, which allows for horses and chickens. Anderson addressed the entrance, shared easement and porta potties.

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

Commissioner Deibert addressed conditions 23, 24, 27, 30 and 32 with suggested additions. Deibert stated he could not approve the CUP without an accurate site plan and an indication of what is in the DOT right of way.

Commissioner Flanagan stated he would not be able to vote in favor of the CUP until a clear understanding is gained that the shared access can be used for commercial purposes.

Moved-Seconded (Flanagan-Deibert) to continue Conditional Use Permit #476 until August 16, 2022 Commission meeting to give the applicant time to address the issues discussed today and specifically noting that the public hearing is closed. APPLICANT: Misti Anderson LEGAL DESCRIPTION: Lot 3 of the replat of lot K of the Coe Placer M.S. 776 Ex Lot H1 in Section 24, T5N, R3E VICINITY LOCATION: Hwy 85/Boulder Canyon SUMMARY: Campground ZONING: PF ACREAGE: 3.640. Motion Carried.

SITE PLAN SUBMITTAL: Moved-Seconded (Flanagan-Deibert) Effective immediately, the Planning & Zoning Department is directed to strictly enforce the site plan regulations as provided for in the ordinance. Including, but not limited to, those regulations dealing with conditional use permits, change of zoning permits and building permits. Motion Carried.

CONDITIONAL USE PERMIT #477/MCKEE: A public hearing was held on Conditional Use Permit #477 APPLICANTS: Jody & Richard McKee LEGAL DESCRIPTION: HES 98 Benjamin Taylor except Tract A Section 15, 16, 21 and 22 of T3N, R5E. VICINITY LOCATION: Nemo Rd SUMMARY: Bed & Breakfast ZONING: PF ACREAGE: 98.5.

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

No public input was voiced and the hearing was closed.

Moved-Seconded (Deibert-Rosenau) to approve Conditional Use Permit #477 based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. APPLICANTS: Jody & Richard McKee LEGAL DESCRIPTION: HES 98 Benjamin Taylor except Tract A Section 15, 16, 21 and 22 of T3N, R5E. VICINITY LOCATION: Nemo Rd SUMMARY: Bed & Breakfast ZONING: PF ACREAGE: 98.5. Motion Carried.

CONDITIONAL USE PERMIT #478/MOE: A public hearing was held on Conditional Use Permit #478 APPLICANTS: Donna & Steve Moe LEGAL DESCRIPTION: Lot 1B and 2B of Tract B located in Section 4, T6N, R2E (legal shortened) VICINITY LOCATION: Hillsvie Road Spearfish SUMMARY: Horses/Livestock ZONING: SRD ACREAGE: 1.900.

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

Donna Moe, 330 Hillsvie Road, Spearfish SD, spoke in favor of the conditional use permit. She also noted she had a concerned neighbor whose concerns were alleviated after further discussion and clarification.

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

Moved-Seconded (Ewing-Deibert) to approve Conditional Use Permit #478 APPLICANTS: Donna & Steve Moe LEGAL DESCRIPTION: Lot 1B and 2B of Tract B located in Section 4, T6N, R2E (legal shortened) VICINITY LOCATION: Hillsvie Road Spearfish SUMMARY: Horses/Livestock ZONING: SRD ACREAGE: 1.900. 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/LAC Minerals Mines was present to review the 2021 Mine Activities Report.

CONDITIONAL USE PERMIT #474/MEYER: A public hearing was held on Conditional Use Permit #474 APPLICANT: Dean Meyer LEGAL DESCRIPTION: Lot C-1 of Gilded Mountain Subdivision in Section 6, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Specialty Resort ZONING: HSC ACREAGE: 2.11.

Commissioner Deibert disclosed that he prepared the original survey when this was platted.

Commissioner Flanagan disclosed that he did the original consultation on this sub division.

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

Dean Meyer, 2454 IA 9 Street, Rock Rapids IA, noted that in his proposed description, he referenced 3 small, A frame cabins to be constructed; but, instead he may build one 24x32 square ft. building.

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

Commissioner Deibert addressed condition 24 in reference to the size of the cabins.

Commissioner Ewing stated he did not feel the county has the right to specify the size of the cabins.

Moved-Seconded (Deibert-Flanagan) to approve Conditional Use Permit #474 with an amendment to condition #24 stating if there is a change to the size of the cabins per the site plan, this would be a minor amendment to the CUP and would need to be approved by the county commission. APPLICANT: Dean Meyer LEGAL DESCRIPTION: Lot C-1 of Gilded Mountain Subdivision in Section 6, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Specialty Resort ZONING: HSC ACREAGE: 2.11. Motion Carried.

CHANGE OF ZONING #350/STARTZ/REDBARN PROPERTY MANAGEMENT LLC.:

First Reading and Public Hearing was held on COZ #350 APPLICANTS: James & Tina Startz/Red Barn Property Management, LLC LEGAL DESCRIPTION: Tract B2 revised, a sub of Tract B1B and Tract B2 located in SE ¼ SE 1/4 of Section 32, T7N, R2E VICINITY LOCATION: Exit 8 SUMMARY: COZ from SRD to C/LI to allow for rental of home and apartment in garage plus landscaping business ZONING: SRD to C/LI ACREAGE: 1.62.

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

Tina Startz, 21383 Chinese Court, Deadwood SD, was present to explain the intentions for the property.

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

Commissioner Deibert asked the applicant why they are not requesting to be annexed into the city limits. Vogt stated the city was not interested in annexing the property.
Second Reading scheduled for August 16, 2022 at 9:00 a.m.

PLATS:

PRELIMINARY PLAT/MAITLAND PARTNERS, LLC.: APPLICANT: Maitland Partners, LLC. LEGAL DESCRIPTION: Lots 124-132 of Paradise Acres IV located in Section 7, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF.

Moved-Seconded (Flanagan-Deibert) to continue the preliminary plat for Maitland Partners, LLC. until September 6, 2022 to allow for the applicant to receive approval from DANR. LEGAL DESCRIPTION: Lots 124-132 of Paradise Acres IV located in Section 7, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF. Motion Carried.

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 and photos of the road profile exceptions.

Moved-Seconded (Flanagan-Deibert) to approve the road profile exception for Canyon, LLC. noting that it doesn't meet the grade to come off the county road but it is coming off a Forest Service/private road. He also noted Boles Canyon Road/FS 117 is not a county road and will not be maintained as a county road. 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.

Motion Carried.

BLACK HILLS COUNCIL OF LOCAL GOVERNMENTS/JENNIFER SIETSEMA

UPATE: Jennifer Sietsema, Executive Director, presented an annual performance report.

VALUE REAL PROPERTY/AUTHORIZE SURPLUS REAL PROPERTY FOR PUBLIC

SALE: Amber Vogt, Jeff Schroeder and Bruce Outka declared that the 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 is valued at \$501.00 (pursuant to SDCL 6-13-2)

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 is valued at \$501.00 (pursuant to SDCL 6-13-2).

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 is valued at \$501.00 (pursuant to SDCL 6-13-2).

Moved-Seconded (Flanagan-Deibert) to authorize public sale of surplus real property to be sold as one unit, 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, subject to easements, reservations and rights of way, in

the Office of the Lawrence County Register of Deeds records and set the bid opening for August 16, 2022 at 11:00 a.m. and authorize notice of sale to be published. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to authorize public sale of surplus 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, subject to easements, reservations and rights of way, in the Office of the Lawrence County Register of Deeds records and set the bid opening for August 16, 2022 at 11:00 a.m. and authorize notice of sale to be published. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to authorize public sale of surplus real property, legally described as 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, subject to easements, reservations and rights of way, in the Office of the Lawrence County Register of Deeds records and set the bid opening for August 16, 2022 at 11:00 a.m. and authorize notice of sale to be published. Motion Carried.

RESOLUTION 2022-23/ RESOLUTION REQUESTING THE BLACK HILLS FOREST SERVICE RESPOND TO BLACK HILLS NATIONAL FOREST COUNTIES' CALL FOR A SECOND DRAFT OF ASSESSMENTS: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign Lawrence County Resolution #2022-23 Resolution Requesting The Black Hills Forest Service Respond To Black Hills National Forest Counties' Call For A Second Draft Of Assessments. Motion Carried. RESOLUTION NO. 2022-23 RESOLUTION REQUESTING THE BLACK HILLS FOREST SERVICE RESPOND TO BLACK HILLS NATIONAL FOREST COUNTIES' CALL FOR A SECOND DRAFT OF ASSESSMENTS WHEREAS, the Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston have determined it necessary to address deficiencies in the Forest Service Draft Assessments for the Forest Plan Revision; and WHEREAS, the Counties of the Black Hills National Forest have reviewed the draft assessments, and have determined that the 2012 Forest Planning Rule, has not been followed; and WHEREAS, the 2012 Planning Rule requires the Forest Service to "document and summarize how the universe of best available scientific information" has been utilized however best available scientific information has not been included in the draft assessments; and WHEREAS, the Counties of the Black Hills National Forest have determined that the assessments have multiple data gaps and therefore cannot properly inform the Forest Service on their planning process or properly inform development of the Plan Revision; and WHEREAS, the Forest Service is rushing the process to meet a pre-determined schedule rather than encouraging a process that properly engages stakeholders or properly assesses the current resources of the Black Hills National Forest. NOW THEREFORE BE IT RESOLVED: 1. The Counties of Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston are calling for a second draft of the assessments be completed by the Forest Service which address data gaps, utilize best available scientific information, refrain from including obsolete data, and omit or acknowledge conflicting statements between assessments, refrain from bias and/or unsupported statements. 2. The Counties of Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston are requesting that the Forest Service properly engage all stakeholders and local governments. 3. The Counties of Counties of Crook, Custer, Fall River, Lawrence, Meade, Pennington, and Weston are calling on the Forest Service to expedite the process of approving the Memorandum of Understanding and Cooperating Agency Status. FOR THE BOARD OF COUNTY COMMISSIONERS Randall Rosenau, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

Moved-Seconded (Deibert-Rosenau) to authorize the Lawrence County Natural Resource Committee to submit Forest Plan Revision assessment comments on behalf of Lawrence County on or before August 1, 2022. Motion Carried.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert reported that he would be attending the South Dakota Association of County Commissioner Executive Board meeting on August 4, 2022.

BUDGET: The board reviewed the 2023 preliminary budget, meeting with the Brian Dean, Sheriff, Allan Bonnema, Highway Superintendent, Tim Hodson, Director of Equalization, Amber

Vogt, Planning & Zoning Administrator, Tessa Allen, Father Michael Johnson and Patty Brown, Deadwood Library; Sarah Shoop, Lead Library; Amber Wilde and Steve McFarland, Spearfish Library, Brian Gese, Whitewood Library.

EXECUTIVE SESSION PERSONNEL: 1:43 p.m. Moved-Seconded (Deibert-Rosenau) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 1:59 p.m. The Board opened for regular business with no action taken.

The 2023 Preliminary Budget was set and a Public Hearing will be held on September 6, 2022 at 8:45 a.m. for consideration of the adoption of the 2023 Annual 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-\$12,432.37; Treas-\$15,247.18; States Atty-\$19,261.66; Pub Def-\$13,729.87; Gen Govt Bldg-\$10,770.76; Equal-\$14,625.48; Rod-\$9,816.42; Vso-\$1,914.60; Ist-\$10,592.39; Sher-\$48,485.95; Jail-\$36,293.95; Coroner-\$316.26; 24/7-\$482.97; Emerg Mgmt-\$6,723.44; E911-\$16,908.82; Highway-\$46,478.53; Weed-\$9,017.82; P&Z-\$8,128.65; **Bills:** Moser, Douglas-\$66.00; Hamann, Alex-\$66.00; A To Z Shredding-\$62.08; A&B Business, Inc Solutions-\$940.36; A&I Distributors-\$649.30; Air Connection-\$2,199.56; American Family Life-\$2,808.44; American Stamp & Marking-\$474.90; BH Pioneer-\$911.00; BH Truck And Trailer-\$6,588.56; Barnaud Law Firm Prof-\$5,671.19; Bear Property Management-\$600.00; Black Hills Chemical-\$1,068.82; Black Hills Energy-\$14,451.21; Bluepeak-\$1,863.28; Bomgaars Supply-\$83.94; Butler Machinery Co-\$1,998.21; Cbh Cooperative-\$37,586.76; Century Business Products-\$314.63; Centurylink-\$344.93; Chadams-\$720.00; City Of Rapid City-\$1,400.00; Clinical Lab Of BH-\$1,656.00; Cornelius, Kaylee-\$540.00; Dakota Equip Rental/Chain Saw-\$2,171.46; Deadwood Mountain Grand-\$307.20; Deadwood Recreation Center-\$511.50; Delta Dental Of South Dakota-\$8,134.74; Dept Of The Treasury-\$66,949.75; Diamond Pharmacy-\$858.31; Et Sports-\$27,000.00; Fastenal-\$21.30; Fisher Sand & Gravel-\$405.68; Floyd's Truck Center-\$78.48; Godfrey's Brake Serv-\$43.50; Heeren-Graber, Krista-\$500.00; Hilpert & Hale Prof-\$1,086.08; Hunsley, Jared-\$78.00; Intrepid Networks-\$366.00; Jacobs Precision Welding-\$67.50; Janke, Wendy-\$60.00; John Deere Financial-\$123.38; Jt Ventures-\$134.00; Karen Paige Hunt, Prof-\$1,012.15; LC Plan & Zone-\$42.79; LC Treasurer-\$14.20; Lewis & Clark Bhs-\$184.00; Lynn's Dakotamart-\$29.97; Mabey, Brooke-\$60.00; Midcontinent Communications-\$154.69; Montana Dakota Utilities-\$89.61; Monument Health Network-\$1,098.40; Monument Health Rc Hospital-\$461.00; Nalco Company-\$323.76; Northern Hills Rec Center-\$132.00; Northern Truck Equip-\$130,350.00; Odp Business Solutions-\$2,128.74; Office Of Child Support-\$234.00; One Way Service Pros-\$1,167.01; Pennington Co Jail-\$605.52; Pennington County Public-\$179.00; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$931.75; Pictometry International-\$1,500.00; Powerplan-\$244.61; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$99.11; Quik Signs-\$72.02; Ryan, Suzanne-\$120.00; Sanford Health Occupational-\$140.00; Schlingen Law Firm-\$4,172.50; Sd Assn Of Co Comm-\$585.00; Sd Retirement System-\$66,178.80; Sdrs Supplemental Retirement-\$3,432.50; Semerad, Sandra-\$125.40; Servall Towel & Linen-\$625.70; Sikich-\$60.00; Staples-\$373.54; State Disbursement Unit-\$599.47; Sterna, Laura-\$420.00; Sysco Montana-\$2,889.00; Thomson Reuters-West-\$1,347.91; Tillisch, Leslie-\$233.60; Triple K Tire & Repair-\$3,177.46; Twin City Hardware & Lumber-\$53.89; Us Records Midwest-\$7,700.64; Verizon Wireless-\$107.31; Victims Of Violence-\$1,490.00; Waeckerle Law, Prof-\$917.70; Wellmark Blue Cross-\$111,401.81; Western Sd Juvenile Serv-\$2,865.00; White Drug-\$209.03; White's Queen City Motors-\$90.90; Yellowrobe, Luke-\$1,500.00; **Witness & Jurors:** \$6,162.52.

ADJOURN: 3:45 p.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – July 26, 2022

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment to order at 9:00 a.m. on July 26, 2022, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

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

VARIANCE #201/BAUMANN: A public hearing was held on Variance #201 APPLICANTS: Richard; Barbara and Daniel Baumann LEGAL DESCRIPTION: Lot 14A of Wilderness Estates in Section 7, 8, 17, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Requesting a .4’ variance to the 25’ front setback for an already built residence ZONING: PUD ACREAGE: 1.179.

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

No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Rosenau) to approve Variance #201 APPLICANTS: Richard; Barbara and Daniel Baumann LEGAL DESCRIPTION: Lot 14A of Wilderness Estates in Section 7, 8, 17, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: Requesting a .4’ variance to the 25’ front setback for an already built residence ZONING: PUD ACREAGE: 1.179. Motion Carried.

ADJOURN: 9:04 a.m. There being no further business it was Moved-Seconded (Ewing-Sleep) to adjourn the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairman

ATTEST:

Brenda McGruder, Auditor