

LAWRENCE COUNTY COMMISSIONERS MEETING – July 28, 2020

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 28, 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 (Johnson-Rosenau) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS AND DISCLOSURES: Commissioner Rosenau declared a conflict with the 8:00 a.m. agenda item: Personnel.

MINUTES: Moved-Seconded (Rosenau-Deibert) to approve the minutes of July 14, 2020 County Commission meeting. Motion Carried.

PERSONNEL:

HIGHWAY/OUT-OF-CLASS PAY: Moved-Seconded (Rosenau-Flanagan) to approve the out-of-class pay for Norm Burlison at a base rate of \$29.89 for 40 hours on August 10-13, 2020. Aye- Johnson, Rosenau and Flanagan. Nay-Sleep and Deibert. Motion Carried.

SHERIFF: Moved-Seconded (Rosenau-Deibert) to approve Alexandra Lux as a part-time fill-in Dispatcher II G2 at a base rate of \$20.86 an hour, effective July 28, 2020. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve Alexandra Lux as a full-time temporary Correctional Officer II G2 at a base rate of \$20.86 an hour, effective July 28, 2020. Motion Carried.

Moved-Seconded (Johnson-Deibert) to approve Brandon Rosenau as a part-time fill-in Correctional Officer I G1 at a base rate of \$19.26 an hour, effective July 28, 2020. Abstain- Rosenau. Motion Carried.

WHITEWOOD ECONOMIC DEVELOPMENT ORGANIZATION (WEDO): Bruce Outka, Deputy State's Attorney, updated the Commission regarding the loan to WEDO. Outka stated the Revolving Loan Committee has approved the loan contingent upon the presentation and review of the finalized ground lease agreement between Western Dakota Tech (WDT) and WEDO. The lease agreement will include a service component.

Chris Chiller, Director of Operations of WEDO stated that final negotiation point is regarding cleaning expenses due to COVID 19 classroom cleaning standards included in the service portion of the lease.

Commissioner Deibert stated that the loan was based upon two collateral sources to include the real estate and the lease agreement. Deibert expressed concern that with the potential extra expense for cleaning, the lease amount could be at a deficit thereby under-collateralizing the loan.

Robert Hill, Executive Director of WEDO stated that the base lease agreement would cover the loan obligation regardless of the service agreement portion.

Commissioner Deibert asked if the cleaning was over and above the ground lease amount thereby increasing the total lease amount.

Chiller confirmed that the rent amount would increase and that WDT is establishing the five year fixed expenses for the facility.

Outka asked what is the ease or difficulty of extending the closing date.

Chiller stated the closing date is August 7th and could probably be extended.

Commissioner Deibert inquired about occupancy date as there is some remodeling to be completed.

Chiller replied that the occupancy date is December 1, 2020.

Commissioner Deibert then stated that extending the date a couple weeks would still be possible to meet the remodel and occupancy date.

Chiller and Hill confirmed that should be possible.

Commissioner Sleep stated that the Commission should wait until the details have been worked out before finally approving the loan.

Commissioner Johnson stated that WEDO needs to talk with Credit Union to extend the closing date. The Commission or council would talk with the Credit Union if needed.

Chiller stated that WEDO has zero interest in borrowing money for a building no tenant. Chiller stated that he agreed with Commissioner Sleep that the Commission should wait until the details have all been finalized.

Commissioner Johnson stated that the Commission is behind this project.

Commissioner Rosenau stated that the Commission is in support of this project but needs to complete their due diligence.

No action taken. Discussion is scheduled to continue at the August 18th Commission meeting.

AUTOMATIC SUPPLEMENTS:

INSURANCE: Moved-Seconded (Deibert-Sleep) to approve the automatic supplement of \$28,911.37 to the Insurance Budget. Motion Carried.

ABATEMENTS:

Moved-Seconded (Rosenau-Flanagan) to approve the abatement for Lawrence County on parcel #33720-03400-000-00 for 2012 taxes payable in 2013 through 2020 taxes payable in 2021 due to the County taking tax deed on 12-31-2019. Motion Carried.

SHERIFF:

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update regarding the Public Safety and Services Center committee. The most recent meeting determined a need for an expert to advise in vetting and hiring an architectural firm for the project. The Committee is requesting the Commission's approval to solicit and hire a consultant specific to the final vetting process of an architect and that the Committee has a recommendation of Steve Williams as the consultant.

Commissioner Deibert stated that this would be an advisory role and would not have a conflict of interest as the advisor would not be eligible for design or construction contracts. The consultant may also be able to help with grants and financing.

Bruce Outka, Deputy State's Attorney, stated that experts may be needed throughout the project process.

Commissioner Rosenau stated the Committee wanted to do this right the first time.

Commissioner Deibert discussed the two people who presented at the Committee meeting. Deibert noted that both are well versed in the design and construction process, Spearfish natives and Lawrence County taxpayers. There is a level of trust for having known them a long time.

Outka stated that the Committee is learning a lot.

Moved-Seconded (Deibert-Flanagan) to solicit the professional services of Steve Williams of Williams and Associates to advise the Commission and the Committee for purposes of vetting and selecting an architect for the next phase of the Public Safety and Services Center project. Motion Carried.

EXECUTIVE SESSION: 8:41 a.m. Moved-Seconded (Rosenau-Flanagan) to go into executive session pursuant to SDCL 1-25-2(3). Motion Carried. 9:20 a.m. The Board opened for regular business with no action taken.

Commissioner Johnson reported on possible sites for the Public Safety and Services Center. Johnson has located one piece of property in the city limits of Deadwood, for sale and would work for the facility to be built on. Johnson advised that the property is owned by Deadwood Resort, LLC and located next to Tatanka property. He described the location as consisting of approximately seventy (70) acres plus or minus further noting that a good portion is hillside but there is a considerable amount of level ground. Importantly, he highlighted that the property is located in the City limits and City services are in place. Johnson recommended that if the property can be bought, it would make a suitable location for the facility.

Outka asked if one of goals is to keep the location within city limits of Deadwood.

Commissioner Johnson responded that the Committee recommended that the new facility remain located in the city limits of Deadwood the County seat. Johnson noted that suitable land available in Deadwood is limited.

Moved-Seconded (Rosenau-Deibert) to authorize Commissioner Johnson to make a formal offer of \$3,000,000 to Deadwood Resort, LLC for the real property legally described as Dunbar Tract A of Tatanka Subdivision of the City of Deadwood, Lawrence County. Motion Carried.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2020-24 for a Supplemental Budget for Title III Fund Title III Expenditures - \$2,925.00. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Deibert) to approve and adopt the following Resolution #2020-24 for a Supplemental Budget. Motion Carried. RESOLUTION #2020-24 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: TITLE III FUND TITLE III EXPENDITURES - \$2,925.00 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 28TH 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 28th day of July, 2020. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

PERMITS:

CENTURY LINK: Moved-Seconded (Deibert-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Century Link to bore under Nemo Road approximately .01 miles from Nemo Road and Cloverleaf Place for construction of customer service drop replacement beginning in Section 29, T4N, R4E and ending in Section 29, T4N, R4E. Motion Carried.

VAST BROADBAND: Moved-Seconded (Sleep-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Vast Broadband located in Section 32 T7N, R2E along the Old Belle Road. Motion Carried.

ST ONGE SEWER AND WATER: Moved-Seconded (Deibert-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for St Onge Sewer and Water located in Section 24 T7N, R3E along the St Onge Road and in the event it is deemed necessary by the Lawrence County Commissioners

to move or alter the line in any way due to maintenance or highway construction within its present right-of-way width, the alteration will be accomplished by the owner without cost to Lawrence County. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Whitewood Valley Bridge, Paving project on North Rochford Road and Doresett Road Bridge,

MAITLAND ROAD IMPROVEMENTS: The Board acknowledged receipt of emails/letters from Rhonda Veitz, David & Jane Lockwood, Thomas & Robyn Smarts and Linda & Jon Wiley in support of paving Maitland Road in 2021 and 2022.

Allan Bonnema, Highway Superintendent, stated that concerned residents had contacted him regarding the paving of Maitland Road. Due to other projects being bumped ahead, the Maitland Road improvements will take place in 2022, 2023 and 2024 instead of 2021 and 2022.

Commissioner Johnson asked about status of the City of Spearfish involvement in the project as the project was to be shared between City and County.

Bonnema responded that he has been informed that there are not any shared projects but that could change.

Commissioner Deibert recalled the City of Spearfish budgeted money in their 2019 or 2020 budget for design of an urban section area for Maitland Road. Since this money is apparently not now available, this circumstance has changed County scheduling for the project because that cooperative effort had been included in the Highway Superintendent's original plan.

Bonnema agreed, noting that originally, he had budgeted \$700,000 as County share of the project. Without the urban section planned by the City, the project can now be done for a cheaper amount. The joint project was from McDermott Road to Christenson Drive and located within city limits.

Commissioner Johnson asked ownership of the road.

Bonnema stated that the South Dakota Department of Transportation has it listed as a Lawrence County road.

Commissioner Deibert stated that someone milled the paving off but it was not replaced. So the request of the people living between McDermott Road and Christensen Drive is to put it back the way it was. Deibert stressed that it is important to know the historic events that took place.

Bonnema stated that the original paving was only meant to be temporary and placed to accommodate the traffic using the road as a bypass during the Highway 85 project in the early 90's.

Commissioner Rosenau asked where in the five-year plan did this project get moved.

Bonnema replied that it was moved to 2022. He added that he is in the process of completing the five-year plan which is due in September. His estimated cost to pave the portion of road from the McDermott Road to Christensen Drive at \$500,000.

Commissioner Deibert then stated that Commission could place the project in the 2021 budget or re-prioritize projects.

Commissioner Sleep commented that the County should put the relationship in order with the City of Spearfish.

Commissioner Flanagan then invited the residents to speak.

David Lockwood, 3734 Maitland Road, stated he and his wife have owned the property since 2008 and built on it in 2012 with it being their primary residence. Lockwood stated that the last time they met with the Commission was in September 6, 2016. He stated he would be brief as the Commission had impressed him that they are on top of this situation and are aware of the issues. Lockwood explained that concerned residents of this area have met with Bonnema every year since 2016 regarding status of the project. Lockwood stated that he is here to review the rationale

for project, reconfirm the scope and timeline which have changed and solicit the Commission's support to move this forward. This group of residents have been waiting patiently for this project to happen and need to step up again and get some support. The original scope was 3.3 miles from McDermott Road to the first high water crossing. His understanding is that the new scope takes a mile out and this is a significant concern to them. Maitland Road is the busiest unpaved road in Lawrence County. The traffic volumes in 2011 were 501 vehicles per day. DOT estimates from 2016 put the traffic volume at 567 vehicles per day. More recent estimates put the traffic at 685 vehicles a day.

Lockwood explained that from McDermott Road to that first high water crossing, collectively the landowners have property values in excess \$30 million.

Lockwood reminded the Commission that in 2016, the group submitted a petition to the Commission with 276 signatures requesting that the road be paved. Importantly, Lockwood noted that he was aware of less than ten dissenters to the request.

Lockwood stressed that there are three primary concerns. First is the increased traffic volume described earlier.

The second concern is the use of magnesium chloride. Lockwood agreed that mag chloride does serve a purpose of dust control but it is also an extremely corrosive substance. He described that the mag chloride adheres to vehicles and it decomposes concrete driveways.

The third concern is a safety issue caused by the lack of a center line. Lockwood explained that the hazard posed by the lack of a center line is compounded by the increased traffic volume and curviness of the road. Lockwood offered that a center line marking would alleviate this safety issue.

Lockwood summed up his comments noting that presently, as in 2016, the landowners are united in their belief that paving Maitland Road is supported for the foregoing reasons. In closing Lockwood noted that Bonnema has been very supportive of the group's efforts.

Tom Marts, 3615 Forest Park Lane, stated that he and other representatives of the group are present because the City of Spearfish has turned road projects back to the County without the City's planned participation and shared cost. He further noted that the projects he is referencing are expensive. Marts wondered aloud how the City can walk away from a road inside City limits once there is money to be spent to improve the road? Marts guessed that once the County spent money improving a given road like the Maitland Road, that the City then would be willing to re-assume responsibility for it.

Marts affirmed his understanding that Bonnema is trying to make the best use of available funds. Marts cited the example of work needed on the St Onge road and that such work takes funds away from the Maitland project. Marts expressed his consternation that the City of Spearfish does things that continue to cost the taxpayers money but some way or another always seem to come out on top. He wrapped up his comments explaining that the reason for the groups presence at the Commission meeting was owing to the fact that they are taking it on the chin because of the actions of the City.

Ray Nordstom, 245 Caddy Drive, stated that he agrees with the comments of Lockwood and Marts.

Commissioner Deibert stated that fixing the box culvert is a prerequisite to paving past Christensen Drive and that the portion of Maitland Road from McDermott Road to Christensen Drive should be prioritized. Deibert further pointed out that only a portion of the tax dollars go to the highway's budget and that the City of Spearfish residents are paying that as well.

Commissioner Rosenau added that there are over 400 miles of roads and 41 bridges in the County's jurisdiction. He added that the Commission has to prioritize and choose which projects to spend the budget on. Rosenau reviewed the present status of the Maitland Road noting its gravel surface and describing it to be in good condition. In fact, Rosenau offered that the present condition of the road is likely better than when many of the residents purchased their property.

In terms of safety, Rosenau reviewed traffic statistics he had obtained. He noted that the Maitland Road has had one fatal accident, seven injury accidents, twenty-four non injury accidents and only sixteen complaints of speeding or reckless driving in the last five years. Rosenau noted that Bonnema is hired to take care of the County road system and that he does an excellent job.

Lockwood commented that he does not have a problem with the Commission. He believes the Commission is on top of things. Bonnema has been fair the whole time. His concern is that they had a paved road. They would like to walk out of the meeting, maybe not happy, but thinking that while a year is lost, the County is still serious about completing project.

Commissioner Deibert stated that Maitland Road was re-graveled two years ago. Deibert stated that he is not a fan of magnesium chloride either. He also pointed out that during the Highway 85 construction there was a lot more traffic and the issues were satisfactorily resolved. Lastly, he noted that some legacy landowners had called him and they are not interested in paving the road south of Christensen Drive.

Marts responded that there is a small group that feels that paving Maitland Road would increase traffic even more. With that being said, a terrible accident is in the making on Maitland Road. Marts opined that this could open the County to a lawsuit.

Commissioner Johnson disagreed with the statement about increased County liability and went on to point out that magnesium chloride is also used in cities to clear roads in the winter.

Commissioner Sleep stated that Maitland Road has been improved and the magnesium chloride does keep the dust down. Sleep offered that in his opinion, paving the road would result in increased traffic speed and in the winter without much sun the road will be icy.

Commissioner Johnson agreed that the amount of traffic will also increase with the paving. He surmised that there are pluses and minuses to paving, but that he would like to see it paved.

Bonnema stated that paving McDermott Road to Christensen Drive is scheduled for 2022. Then the preliminary plan is to install paving from Christensen Drive to Talon Road in 2023. Then in 2024, finish from Talon Road to low water crossing.

Commissioner Flanagan generally supports pushing the project back a year.

Commissioner Johnson noted his support to keep moving forward with paving the first section of road.

In response to a question from Commissioner Deibert about the condition of the section of road from McDermott to Colorado Boulevard, Bonnema responded that the road section is in need of milling and overlay and that this section was formerly maintained by the City of Spearfish.

Commissioner Deibert stated that this is also an important piece of the road.

Commission will discuss during the five-year plan in September. No action taken.

ARTESIAN WELL DONATION: The Board acknowledged the donation of a well lot located in the Spearfish Industrial Park from the Spearfish Fairground Industrial Park Association. A quit claim deed was filed on July 17, 2020. Moved-Seconded (Deibert-Rosenau) approve and accept the donation of the well. Motion Carried.

PLANNING & ZONING:

RECESS: 10:21 a.m. Moved-Seconded (Deibert-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:32 a.m. The Chairman called the Commission meeting back to order.

NUISANCE COMPLAINT UPDATE: Jeff Schroeder, Deputy Code Enforcement Officer, gave an update on the Asa/Stafford nuisance complaint.

Moved-Seconded (Sleep-Rosenau) to request the landowner to appear personally at the August 18, 2020 Commission Meeting. Motion Carried.

EXTENSION UPDATE:

Michelle May, Butte/Lawrence County Extension was present to give an update on the 4-H Youth Program.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert asked if any of the Commissioners were interested in exploring the Home Rule. Deibert also asked how many of the Commissioners attended the Black Hills Association of County Commissioners' meeting held on July 24, 2020? He expressed his dismay that the County should not be paying dues if no one is going to attend these meetings.

BUDGET: The board reviewed the 2021 Preliminary budget, meeting with Brian Dean, Sheriff, and Allan Bonnema, Highway Superintendent.

12:25 p.m. Commissioner Johnson left the meeting.

ASSIGNMENT OF FUNDS: Brenda McGruder, Auditor, stated that the County has many upcoming projects to include the masonry repairs to the courthouse, road & bridge improvements and the Public Safety and Services Center construction. Moved-Seconded (Deibert-Rosenau) to assign \$500,000 to Courthouse & Jail projects and improvements, \$500,000 to Road & Bridge improvements and \$500,000 to General Government Building projects and improvements and to reassign the remaining \$1,254,585 of the \$1,400,000 assigned on September 1, 2015 to Courthouse & Jail projects and improvements. Motion Carried.

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-\$7,033.31; Aud-\$11,591.69; Treas-\$14,185.63; States Atty-\$14,578.27; Pub Def-\$13,237.64; Gen Govt Bldg-\$9,669.16; Equal-\$15,754.67; Rod-\$8,879.90; Vso-\$1,736.20; Ist-\$9,661.45; Sher-\$50,015.63; Jail-\$25,585.39; Coroner-\$672.36; 24/7-\$361.46; Emerg Mgnt-\$4,650.41; E911-\$15,816.28; Highway-\$48,656.34; Mh Serv-\$97.00; Weed-\$7,276.86; Pz-\$6,278.78. **Bills:** Goetsch, Martin-\$300.00; 3d Specialities-\$810.00; A To Z Shredding-\$37.06; A&B Business,Inc Solutions-\$825.26; A&B Welding Supply-\$21.90; A&I Distributors-\$1,069.10; Ace Hardware Of Lead-\$9.99; Air Connection-\$326.40; Alpine Impressions-\$60.00; American Family Life-\$2,619.88; American Jail Association-\$100.00; Audra Hill Consulting-\$1,136.27; BH Land Analysis-\$2,925.00; BH Occupational Medicine Corp-\$30.00; BH Pioneer-\$164.79; Black Hills Chemical-\$148.99; Black Hills Energy-\$16,160.23; Black Hills Title-\$300.00; Brosz Engineering-\$7,252.50; Brownsville Fire Dept-\$4,499.00; Butler Machinery Co-\$969.99; Centurylink-\$76.83; Clinical Lab Of BH-\$3,624.00; Credit Collections Bureau- \$212.16; Dakota Equipment Rental-\$376.03; Dale's Tire & Retread-\$200.00; Deadwood Vol Fire Dept-\$5,206.00; Delta Dental Of South Dakota-\$8,032.90; Den Herder Law Firm-\$266.10; Dept Of Hlth Lab Services-\$580.00; Dept Of The Treasury-\$61,501.21; Diamond Pharmacy-\$760.70; Donarski Lawncare & Landscaping-\$750.00; Dustbusters-\$182,186.78; Fastenal-\$103.01; Fidler-Isburg Funeral Chapel-\$1,170.00; Floyd's Truck Center-\$40.47; Frederickson, John-\$165.00; Godfrey's Brake Serv-\$559.27; Great Western Tire-\$24.95; Heartland Paper Co-\$764.63; Jacobs Precision Welding-\$2,377.73; Joe's Windsheild Repair-\$50.00; Johner Gravel-\$57,413.79; K&K Investments-\$500.00; Kinkade Funeral Chapel-\$1,170.00; LC Treasurer-\$15.00; Lawson Products-\$153.34; Lead Fire Protection District-\$9,366.00; Lead, City Of-\$394.15; Lewis & Clark Bhs-\$356.00; Lewno, Lucy-\$81.50; Lyle Signs-\$1,911.40; Mcleod's Office Supply-\$249.60; Midcontinent Communications-\$112.52; Montana Dakota Utilities-\$95.38; Monument Health Network-\$1,454.24; Mro Corporation-\$23.20; Nalco Company-\$860.22; Nelson, Tonya-\$240.00; Nemo Volunteer Fire Dept-\$1,268.00; Northern Hills Rec Center-\$174.00; Northstar Aviation-\$4,690.00; Office Depot-\$62.47; Office Of Child Support-\$401.54; PcsO Addiction Treatment Serv-\$1,130.00; Pharmchem-\$628.10; Pheasantland Industries-\$137.50; Quill-\$207.84; Renaissance Roofing-\$5,110.00; Reserve Account-\$6,000.00; Riverside Technologies-\$3,316.00; Rochford Fire Protection Dist-\$731.00; Rocket Lube-\$273.96; Sd Counties-\$555.00; Sdvsoa-\$100.00; Sd Retirement System-\$65,389.67; Sdrs Supplemental Retirement-\$2,062.50; Semerad, Sandra-\$13.60; Servall Towel & Linen-\$520.24; Sierra Design Vinyl Lettering-\$75.00; Spearfish Auto Supply-\$24.21; Spearfish Canyon Fire-\$2,905.00; Spearfish Police Dept-\$10,481.38; Spearfish Rural Fire-\$17,514.00; St Onge Fire Protection-\$1,056.00; Sterna, Laura-\$360.00; Sturdevant's Auto Parts-\$84.80; Sturgis Fire Department-\$3,323.00; Sysco Montana-\$1,178.40; Teen Court-\$7,500.00; Thomson Reuters-West-\$2,289.90; Transource Truck & Equip-\$2,785.64;

Triple K Tire & Repair-\$824.90; Twin City Hardware & Lumber-\$236.71; Vast Broadband-\$1,670.18; Victims Of Violence-\$1,325.00; Warne Chemical-\$31.62; Wellmark Blue Cross-\$96,130.82; Wells Fargo Business Card-\$9,527.42; Western Communication-\$1,754.20; White's Canyon Motors-\$1,569.09; Whitewood Fire Prot. District-\$4,132.00; **Witness & Jurors: \$77.80**

ADJOURN: 1:20 p.m. There being no further business it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – July 28, 2020

Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 10:21 a.m. on July 28, 2020, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Randall Rosenau, Richard Sleep, Daryl Johnson and Randy Deibert 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 Board of Adjustment.

VARIANCE #185/KLOOP: A public hearing was held on Variance #185 APPLICANT: Todd Kloop LEGAL: Lot 1 of George Fuller Subdivision located in the East part of the SW ¼ SE ¼ of Section 5, T6N, R2E. VICINITY LOCATION: Spearfish joint jurisdiction SUMMARY: Applicant is requesting a variance to the 10' side setback of 1.6' to allow 2 stall garage addition to an existing garage ACREAGE: .70 acres.

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

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

Commissioner Deibert stated that the construction has not stopped during the variance application. Commissioner Flanagan concurred.

Moved-Seconded (Johnson-Rosenau) to approve Variance #185 based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. APPLICANT: Todd Kloop LEGAL: Lot 1 of George Fuller Subdivision located in the East part of the SW ¼ SE ¼ of Section 5, T6N, R2E. VICINITY LOCATION: Spearfish joint jurisdiction SUMMARY: Applicant is requesting a variance to the 10' side setback of 1.6' to allow 2 stall garage addition to an existing garage ACREAGE: .70 acres. Motion Carried.

VARIANCE #186/NEWMAN: A public hearing was held on Variance #186 APPLICANT: Sammie Newman LEGAL: Lot B, Blk 16 formerly Lots 7-12, Blk 16 Town of St. Onge, located in the S ½ of Section 23, T7N, R3E. VICINITY LOCATION: St. Onge SUMMARY: Applicant is requesting a 10' variance to the 25' front setback for a new governor's home and attached garage ACREAGE: 1.54 acres.

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

Bruce Newman, grandfather to Applicant, stated that the variance is being requested due to site difficulties including easements and other site issues.

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

Commissioner Johnson stated that the street has an eighty (80) foot street easement but the current street does not fill that area. The driveway would be at minimum 30' from home to current street.

Moved-Seconded (Deibert-Rosenau) to approve Variance #186 based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. APPLICANT: Sammie Newman LEGAL: Lot B, Blk 16 formerly Lots 7-12, Blk 16 Town of St. Onge, located in the S ½ of Section 23, T7N, R3E. VICINITY LOCATION: St. Onge SUMMARY: Applicant is requesting a 10' variance to the 25' front setback for a new governor's home and attached garage ACREAGE: 1.54 acres. Motion Carried.

ADJOURN: 10:32 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the Board of Adjustment meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Brenda McGruder, Auditor