

LAWRENCE COUNTY COMMISSIONERS MEETING – August 13, 2019

Chairman Randy Deibert called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on August 13, 2019 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Richard Sleep and Brandon Flanagan. Absent- Daryl Johnson,

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

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

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

MINUTES: Moved-Seconded (Rosenau-Sleep) to approve the minutes of July 23, 2019 County Commission meeting. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve the minutes of July 23, 2019 Board of Adjustment meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of July 31, 2019, 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)-\$56,348.15; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,407.07; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000.00; bank balance \$12,427,983.52, money market \$8,862,947.90. Total \$24,354,896.64.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Deibert) to approve Ritchey Walk as a full-time permanent Deputy II G3 at a base rate of \$26.66 an hour, effective August 18, 2019. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve Dustin Schumacher as a full-time permanent Sergeant I G2 at a base rate of \$28.02 an hour, effective August 18, 2019. Motion Carried.

HIGHWAY/OUT-OF-CLASS PAY: Moved-Seconded (Flanagan-Rosenau) to approve the out-of-class pay for Daniel Sheeler at a base rate of \$29.30 an hour for 10 hours on July 22, 2019, August 15, 2019 and August 19, 2019. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the out-of-class pay for Norman Burleson at a base rate of \$29.30 an hour for 10 hours on July 29, 2019. Motion Carried.

RAFFLE REQUEST / BROWNSVILLE VOLUNTEER FIRE DEPARTMENT: Moved-Seconded (Sleep-Deibert) to not object to the request to conduct a raffle for the Brownsville Volunteer Fire Department, with the drawing taking place on September 21, 2019. Motion Carried.

2020 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT: Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the 2020 Local Emergency Management Performance Grant. Motion Carried.

JUVENILE JUSTICE GRANT: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the Juvenile Justice Reinvestment Initiative Fiscal Incentive Diversion Program Grant application and designate the Lawrence County Teen Court as the recipient of the grant if approved. Motion Carried.

RESOLUTION #2019-19 LIQUOR LICENSES: Moved-Seconded (Rosenau-Sleep) to approve the following Resolution #2019-19 Liquor Licenses for 2020. Motion Carried. RESOLUTION #2019-19 LIQUOR LICENSES WHEREAS, Lawrence County has the authority to determine the number of On-Sale and Off-Sale liquor licenses it will approve for the ensuing calendar year, SDCL 35-4-11.1, and WHEREAS, the State of South Dakota by virtue of SDCL 35-4-2 determines the fees to be charged for the various classifications of licenses, and THEREFORE, BE IT RESOLVED that we, the Board of County Commissioners, will approve Two (2) Off-Sale and Seven (7) On-Sale Liquor Licenses or the number issued in 2019, whichever is less for the ensuing year, and Retail On-Off Sale Wine License, and BE IT FURTHER RESOLVED that the Board of County Commissioners list the following fee schedule as a matter of record and current license holders. A) On-Sale dealer-any person who sells or keeps for sale any alcoholic beverage for consumption on the premises where sold. Those current license holders being closer to Spearfish (1st class city) to be charged the fee of \$1,500.00: Vezaro Inc./Guadalajara Mexican Restaurant. Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged the fee of \$1,200.00: Lead Country Club Black Hills Chair Lift Co Inc/Dark Horse Saloon Spearfish Canyon Resorts LLC/Spearfish Canyon Lodge Spearfish Canyon Resorts, LLC/Latchstring Restaurant Boulder Canyon Country Club Tomahawk Lake Country Club Inc. B) Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Fee - \$400.00 Larry Kaiser/Nemo Mercantile Lonny or Susan Smith/St. Onge Bar & Grill C) Retail On-Off Sale Wine - Fee - \$500.00 Unlimited Licenses available Seven Down LLC/Seven Down Arena Triple H Hills LLC/Mystic Hills Hideaway Cheyenne Crossing Store LLC Wichterman and Sons Inc/Steel Wheel Campground Barefoot Resort Association Inc./Barefoot Resort Crow Peak Brewing Company LLC BW Gas & Convenience Retail LLC/Yesway #1192 AW Rentals, LLC/Recreational Springs Resort Eagle Tree Resorts Company LLC/Rimrock Lodge & Canyon Bistro RAR Hospitality LLC/Brandin' Iron Restaurant & Ponderosa Bar Elkhorn Ridge@Frawley Ranches LLC The Barn at Aspen Acres LLC DATED at Deadwood, South Dakota, this 13th day of August, 2019. FOR LAWRENCE COUNTY COMMISSIONERS Randy Deibert, Chairperson ATTEST: Brenda McGruder, Auditor.

MEADOWCREST SANITARY DISTRICT: Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for Meadowcrest Sanitary District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE MEADOW CREST SANITARY DISTRICT A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners requesting that a sanitary 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 34A-5 have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a sanitary district, to-wit: Lots 1 through 34, 35A and lots 37 through 41 of Meadow Crest located in the NE1/4 and the SE1/4 of Section 17, T5N, R4E, B.H.M., Lawrence County, South Dakota. SHALL, with the assent of the Voters, as specified in SDCL 6-16-2, in an election as provided in SDCL 6-16-4 to 6-16-6, inclusive, be an incorporated sanitary district by the name of Meadow Crest Sanitary District. DATED this 13th day of August, 2019. Randy Deibert, Chairperson ATTEST: Brenda McGruder, Auditor.

KOOL DEADWOOD NITES: Moved-Seconded (Sleep-Deibert) to approve the request from McPherson Auction & Realty to use the employee parking in the ramp during Kool Deadwood Nights Car Auction on August 22-23, 2019 with Deadwood Mountain Grand making alternative parking arrangements for employees to park on the upper level of the parking ramp and coordinating with the Sheriff's Office. Motion Carried.

SHERIFF:

ELEVATUS ARCHITECTURE: Brian Dean, Sheriff, gave an update on the company he would like to hire to complete the justice needs study in the jail. Dean stated he would need a letter accepting the conditions as laid out by Elevatus Architecture. Moved-Seconded (Flanagan-Deibert) to authorize Brian Dean, Sheriff, to issue a letter accepting the proposal of Elevatus Architecture to prepare the justice needs study according to the terms and conditions contained therein. Motion Carried.

LIVESTOCK DEVELOPMENT INITIATIVE: Lori Frederick, Governor's Office of Economic Development, gave an update on the Livestock Development Projects.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of July 29, 2019: **Deadwood Diesel #2 (dyed) 5300 gallons:** (prices per gallon) CBH Cooperative – \$2.278*; Harms Oil Co-No Bid; MG Oil – No Bid. **Deadwood Unleaded 3000 gallons:** (prices per gallon) CBH Cooperative – \$2.732*; Harms Oil Co-No Bid; MG Oil – No Bid. **Spearfish Diesel #2 (dyed) 2000 gallons:** (prices per gallon) CBH Cooperative – \$2.278*; Harms Oil Co-No Bid; MG Oil – No Bid. **Spearfish Unleaded 1200 gallons:** (prices per gallon) CBH Cooperative – \$2.732*; Harms Oil Co-No Bid; MG Oil–No Bid. **Whitewood Diesel #2 (dyed) 800 gallons:** (prices per gallon) CBH Cooperative – \$2.278*; Harms Oil Co-No Bid; MG Oil – No Bid. *Represents lowest quote awarded.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the North Rochford Road Paving project. Bonnema stated that the project has been completed.

Bonnema added that the signage and stripping on West Highway 14 has been completed.

APPROACH PERMIT:

O'DANIEL/FRENCH: Moved-Seconded (Sleep-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permits for Perle O'Daniel and Judy French to construct an approach on the west side of Tinton Road off Hill Street located approximately NE1/4 NW1/4 of Section 16, T6N, R2E B.H.M. Lot Y-2AR of Cornell Subdivision. Motion Carried.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: A Public Meeting will be held on September 24, 2019 at 8:30 a.m.

BUDGET: Allan Bonnema, Highway Superintendent, discussed his 2020 budget. Bonnema stated that certain equipment may not be received until 2020. Therefore, funds designated in the 2019 budget for such purposes may need to be supplemented into the 2020 budget for payment to be made.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #451/ARTZ: A Public Hearing was held on Conditional Use Permit #451 APPLICANT: Marta Artz LEGAL: Lot 4, Blk 1 of Oak Mountain Country Estates S/D of SE ¼ SW ¼ of Section 18, T5N, R4E PARCEL ID: 218120-00504-001-04 VICINITY LOCATION: Boulder Canyon SUMMARY: Request to operate a Pet Boarding/Day Care & Grooming Facility ACREAGE: 2.71 acres.

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

Marta Artz, Applicant, stated that the property went on the market February 8, 2019 and she felt this would be the perfect location for this type of business.

Cindy Crisler, 11842 Ranch Road, stated that if she would have known this type of business was going to be located next to her property she would have never purchased in the area. Crisler added that at present the area is very peaceful with very few dogs.

Don Rogers, 11798 Ranch Road, stated that he is the father of the applicant and will be doing the construction on the building. Rogers added that due to the way the building is constructed one should not be able to hear dogs barking. Rogers further added that if a dog is a problem they will be kept inside and not allowed in the exercise area.

Kim Ruff, 11842 US Highway 14A, owner Executive Lodging and Akela Spa, spoke in favor of the Conditional Use Permit stating it would be a benefit to the community. Ruff added that she was not concerned with this type of operation being located next to her business.

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

Commissioner Rosenau stated that conditional use permits are reviewed on an annual basis.

Commissioner Deibert stated that he likes the idea of the applicant living on the premises.

Commissioner Flanagan commented that having the applicant live on the premises is the best case scenario. Flanagan further added that this area was commercial in the past and is located next to the highway.

Moved-Seconded (Flanagan-Deibert) to approve C.U.P. #451 based upon the Planning and Zoning Commission recommendation with the conditions included in the staff report for Marta Artz to operate a Pet Boarding/Day Care & Grooming Facility. Motion Carried.

NUISANCE COMPLAINT UPDATES: Jeff Schroeder, Deputy Code Enforcement Officer, gave an update on the nuisance complaints.

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #373/JOHNER AND SONS (HURM PIT/GRAVEL PIT):

An annual review was conducted on CUP #373, Johner and Sons (Hurm Pit/Gravel Pit). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #400/JOHNER AND SONS - EVANS PIT (GRAVEL PIT):

An annual review was conducted on CUP #400, Johner and Sons - Evans Pit (Gravel Pit). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #416/SHERRIE ANDERSON (2nd Residence): An annual review was conducted on CUP #416, SHERRIE ANDERSON (2nd Residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #417/DONALD KISSACK (2nd Residence): An annual review was conducted on CUP #417, DONALD KISSACK (2nd Residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #426/ DR. ELSOM (DOGGIE DAY CARE): An annual review was conducted on CUP #426, DR. ELSOM (Doggie Day Care). Moved-Seconded (Flanagan-Deibert) CUP #426 was found to be in compliance and will be reviewed on an as needed basis or, if complaints should arise, at the direction of the Board. Motion Carried.

CONDITIONAL USE PERMIT #438/WALDNER (LIGHT MFG.): An annual review was conducted on CUP #438, Ron Waldner (light mfg.). Moved-Seconded (Flanagan-Sleep) CUP #438 was found to be in compliance and will be reviewed on an as needed basis or, if complaints should arise, at the direction of the Board. Motion Carried.

CONDITIONAL USE PERMIT #443/AUER (2nd RESIDENCE): An annual review was conducted on CUP #443, Robin Auer (2nd residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #444/GARDNER (STORAGE UNITS): An annual review was conducted on CUP #444, Kenny Gardner (storage units). No violations were found and will be reviewed upon completion.

CONDITIONAL USE PERMIT #353/BROWN: Moved-Seconded (Rosenau-Flanagan) to cancel CUP #353 for Charlie Brown (wind energy). Motion Carried.

RECESS: 9:29 a.m. Moved-Seconded (Rosenau-Flanagan) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:52 a.m. The Chairman called the Commission meeting back to order.

COMPREHENSIVE PLAN UPDATE: Amber Vogt, Planning & Zoning Administrator, reported on the Comprehensive Plan update. Vogt stated that the Comprehensive Plan survey is available online and in several locations throughout the county. Vogt added that stakeholders' meetings have been scheduled.

MAXAMILLION ENTERTAINMENT: Alton Claimer and Brad Spearing, representing Maxamillion Entertainment, informed the board of their intent to purchase the Mystic Miners Ski Area and gave an overview of the plans for the area.

PLATS:

BOUNDARY AND FINAL PLAT/WINSELL: APPLICANTS: Dennis & Dorothy Winsell
LEGAL DESCRIPTION: Plat of Tract W of Spring Run Estates, all located in Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Elk Creek Road SUMMARY: Boundary plat
ZONING: PF ACREAGE: 72.040 acres.

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

Moved-Seconded (Flanagan-Rosenau) to approve the boundary and final plat for Dennis & Dorothy Winsell based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Tract W of Spring Run Estates, all located in Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Elk Creek Road SUMMARY: Boundary plat ZONING: PF ACREAGE: 72.040 acres. Motion Carried.

PRELIMINARY PLAT/WINSELL: APPLICANTS: Dennis & Dorothy Winsell LEGAL DESCRIPTION: Plat of Lots A-F of Spring Run Estates, all located in Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Elk Creek Rd SUMMARY: New subdivision ZONING: PF ACREAGE: Each lot approx. 3.5 acres.

Moved-Seconded (Flanagan-Deibert) to continue consideration of the preliminary plat for Dennis & Dorothy Winsell until September 3, 2019. LEGAL DESCRIPTION: Plat of Lots A-F of Spring Run Estates, all located in Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Elk Creek Rd SUMMARY: New subdivision ZONING: PF ACREAGE: Each lot approx. 3.5 acres. Motion Carried.

PRELIMINARY AND FINAL PLAT/NEWTON: APPLICANT: James Newton LEGAL DESCRIPTION: Lots HB and HC, Blk 13 of the Pines at Benchmark Sub, a sub of a portion of Funston No 6 lode, M.S. 1902, a portion of the Black Horse Lode, M.S. 1902 and a portion of Funston Fraction Lode, M.S. 1902, all located in Section 11, T3N, R4E. VICINITY LOCATION: Nemo area SUMMARY: Renewal of a preliminary and approval/denial of a final plat ZONING: PF ACREAGE: HB (9.95 acres and HC (5.00 acres).

Moved-Seconded (Flanagan-Deibert) to approve the preliminary plat for James Newton conditioned upon certain technical items being added to the preliminary plat as required by the Lawrence County Zoning Ordinance. Additionally, that once the omitted items are added, the preliminary plat may be approved administratively. Further consideration for approval was 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 HB and HC, Blk 13 of the Pines at Benchmark Sub, a sub of a portion of Funston No 6 lode, M.S. 1902, a portion of the Black Horse Lode, M.S. 1902 and a portion of Funston Fraction Lode, M.S. 1902, all located in Section 11, T3N, R4E. VICINITY LOCATION: Nemo area SUMMARY: Renewal of a preliminary and approval/denial of a final plat ZONING: PF ACREAGE: HB (9.95 acres and HC (5.00 acres). Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the final plat for James Newton conditioned upon certain technical items being added to the final plat as required by the Lawrence County Zoning Ordinance. Additionally, that once the omitted items are added, the final plat may be approved

administratively. Further consideration for approval was 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 HB and HC, Blk 13 of the Pines at Benchmark Sub, a sub of a portion of Funston No 6 lode, M.S. 1902, a portion of the Black Horse Lode, M.S. 1902 and a portion of Funston Fraction Lode, M.S. 1902, all located in Section 11, T3N, R4E. VICINITY LOCATION: Nemo area SUMMARY: Renewal of a preliminary and approval/denial of a final plat ZONING: PF ACREAGE: HB (9.95 acres and HC (5.00 acres). Motion Carried.

SPEARFISH R.O.W. DEDICATIONS/EASEMENTS: Jayna Watson, City of Spearfish City Planner, was present to discuss the City's Major Street Transportation Plan filed as part of perfecting the City's ability to control platting in the 3-mile extraterritorial jurisdiction area. In particular, Watson discussed the City policy of requiring additional right-of-way and/or easements as part of the plat approval process in order to facilitate the City's future road and infrastructure needs.

The Board expressed several concerns about the City's policy of requiring additional right-of-way and/or easements for future City needs. Significantly, the Board was concerned about ownership/jurisdiction/liability for the additional right-of-way and/or easements adjacent to county roads. It was noted that in most instances, the County would be unaware that this additional right-of-way and/or easements designation was required. Further that such designations were not being made at the behest of the County, but rather to serve City needs. Specifically, Commissioner Flanagan pointed out that the City cannot acquire right-of-way on behalf of the County and the County cannot acquire right-of-way on behalf of the City.

The Board noted its understanding of the need for such future planning by the City and the Board's willingness to facilitate appropriate planning activities; nonetheless, further discussion of the status and legal implications to the county of such designations is required.

Clarification was also offered that Allan Bonnema, Highway Superintendent, has been instructed to bring any City related plats before the board that he does not feel comfortable signing as the Highway Authority.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #19-18 for a Supplemental Budget for GENERAL FUND-GENERAL GOVERNMENT BUILDINGS REPAIRS - \$145,415.00. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Deibert) to approve and adopt the following Resolution #19-18 for a Supplemental Budget. Motion Carried. RESOLUTION #19-18 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2019, 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 2019, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND GENERAL GOVERNMENT BUILDINGS REPAIRS - \$145,415.00 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 13th day of August, 2019 at the hour of 10:45 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 13th day of August, 2019. FOR THE BOARD OF COUNTY COMMISSIONERS Randy Deibert, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

ASSIGNMENT OF FUNDS:

Moved-Seconded (Flanagan-Deibert) to use \$145,415 of the \$700,000 assigned to Courthouse Buildings/Grounds projects and improvements on September 1, 2015. Motion Carried.

ITEMS FROM THE COMMISSIONERS:

BUDGET: Commissioner Sleep commented on the budget items for the Highway department. Sleep does not feel the County needs additional belly dumps.

BILLS: Moved-Seconded (Rosenau-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-\$13,740.64; Aud-\$22,264.21; Treas-\$25,625.49; States Atty-\$31,918.71; Pub Def-\$25,258.87; Gen Govt Bldg-\$18,508.78; Equal-\$30,770.78; Rod-\$17,939.16; Vso-\$2,959.58; Ist-\$19,930.14; Sher-\$94,838.66; Jail-\$52,825.09; Coroner-\$1,4571.321; 24/7-\$792.99; Emerg Mgnt-\$9,218.20; E911-\$29,137.74; Highway-\$94,763.27; Weed-\$17,941.22; Pz-\$11,828.22;

Bills: Dias, Gregory-\$97.85; A To Z Shredding-\$86.65; A&B Business,Inc Solutions-\$2,171.24; A&B Welding Supply-\$57.84; A&I Distributors-\$1,724.03; Ace Hardware Of Lead-\$24.77; Adams-Isc-\$415.34; Alpine Impressions-\$40.00; American Jail Association-\$100.00; Anderson Excavation-\$1,735.00; At&T Mobility-\$965.66; Audra Hill Consulting-\$1,067.99; Axon Enterprise-\$660.00; BH Land Analysis-\$4,375.00; BH Pest Control-\$190.00; BH Physical Therapy-\$160.00; BH Pioneer-\$971.53; Barnaud Law Firm Prof-\$2,775.85; Bi Geo Group Co-\$525.20; Black Hills Asphalt-\$433.67; Black Hills Energy-\$84.30; Black Hills Psychology-\$400.00; Black Hills Pure-\$45.50; Bomgaars Supply-\$14.18; Brosz Engineering-\$417.50; Brownsville Fire Dept-\$4,550.00; Butler Machinery Co-\$511.71; Butte Electric Coop-\$317.76; California State Disburse Unit-\$138.46; Cbh Cooperative-\$29,678.51; Cdw Government-\$158.80; Century Business Products-\$435.42; Centurylink-\$118.08; Charm-Tex-\$1,424.50; City Of Rapid City-\$875.00; Cochran, Leslie-\$12.80; Community Health Services-\$15.00; Dakota Equipment Rental-\$12.87; Dale's Tire & Retread-\$1,986.00; Deadwood Vol Fire Dept-\$5,036.00; Deadwood, City Of-\$1,528.41; Dept Of Hlth Lab Services-\$735.00; Dept Of The Treasury-\$61,018.20; Ertz, Dewey J, Ed-\$1,875.00; Et Sports-\$51.98; Fastenal-\$342.55; Floyd's Truck Center-\$116.18; Forte-\$323.46; G&H Distributing Of Rc-\$21.98; Galls-\$561.21; Gene's Lock Shop-\$165.00; Glaxosmithkline Pharmaceutical-\$878.00; Godfrey's Brake Serv-\$1,301.81; Groeneweg Builders-\$3,929.93; H&S Sand & Gravel-\$2,517.22; Hartford-Priority Accounts-\$2,088.21; Heartland Paper Co-\$2,175.20; Hilpert & Hale Prof-\$695.70; Hobart Sales & Service-\$960.77; Hub Intl Mountain States Limit-\$50.00; Interstate Engineering-\$4,772.16; Jacobs Precision Welding-\$613.54; Janke, Wendy-\$2,194.00; Johner Gravel-\$6,681.83; Karen Paige Hunt Prof-\$3,108.55; Lakota Contracting-\$97.90; Lead Fire Protection District-\$9,047.00; Lead, City Of-\$91.13; Lead-Deadwood Sanitary-\$1,021.18; Lewis & Clark-\$178.00; Lexisnexis Risk Data Mgnt-\$75.00; Lincoln County-\$19.00; Lowe Roofing-\$49,550.00; Lueders-\$53.67; Lyle Signs-\$1,906.02; McClure, Susan-\$450.00; Montana Dakota Utilities-\$86.12; Mckesson Medical-\$61.75; Ms Mail-\$882.50; Nalco Company-\$1,252.48; Nelson Law-\$60.60; Nelson, Tonya-\$200.00; Nemo Volunteer Fire Dept-\$1,278.00; North Central Int'l-\$103.65; Novus-\$60.00; Office Depot-\$132.69; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; Pcs0 Addiction Treatment Serv-\$452.00; Pennington Co Jail-\$347.21; Pmb 0112-\$242.25; Powerplan-\$130.97; Proguard-\$284.25; Quill-\$777.61; Rabe Elevator-\$1,181.80; Ramkota Inn Pierre-\$107.00; Rasmussen Mechanical-\$1,537.40; Redwood Mediation Services-\$106.75; Regional Health-\$487.16; Rena M Hymans-\$801.40; Rochford Fire Protection Dist-\$733.00; Rocket Lube-\$174.98; Sd Counties-\$740.00 ; Sd State Treasurer-\$600.00; Sdrs Supplemental Retirement-\$1,952.00; Secretary Of State-\$30.00; Semerad, Sandra-\$112.60; Servall Towel & Linen-\$666.93; Shane's Pharmacy-\$48.56; Silverado-\$99.05; Simon North Region-\$149,845.81; Spearfish Auto Supply-\$1,628.51; Spearfish Canyon Fire-\$2,985.00; Spearfish Rural Fire-\$17,789.00; St Onge Fire Protection Dist-\$1,100.00; Stadler Ind Service-\$157.50; Sterna, Laura-\$650.00; Street Image-\$138.97; Sturdevant's Auto Parts-\$2,166.12; Sturgis Fire Department-\$3,292.00; Sunshine Towing & Transport-\$320.00; Sysco Montana-\$3,604.11; The Radar Shop-\$134.00; Thomson Reuters-West-\$851.65; Top Quality Mfg Co-\$270.00; Transource Truck & Equip-\$126.63; Triple K Tire & Repair-\$828.91; Trugreen Chemlawn-\$61.70; Twilight First Aid & Safety-\$133.84; Twin City Hardware & Lumber-\$91.32; Tyler Technologies-\$83,618.58; Uline-\$97.38; Waste Connections-\$864.73; Watertree-\$32.40; Western Communication-\$3,853.50; Western Sd Juvenile Serv-\$2,805.00; Wex Bank-\$294.18; White Drug-\$4,023.45; White's Queen City Motors-\$178.92; Whitewood Fire Prot.District-\$4,190.00; Yankton Co Sheriff-\$50.00; Z&S Dust Control-\$10,429.95; **Witness & Jurors:** Big Crow,B-\$80.00; Tyler-Streff,C-\$62.60; Brooking,H-\$123.52; Covell,H-\$121.84; Hafner,J-\$62.60; Hegge,C-\$64.28; Kilmer,K-\$125.20; Markworth,D-\$63.44; Opstedahl,M-\$116.80; Pederson,K-\$125.20; Schnaible,B-\$65.12; Walkins,K-\$71.00; Blain,T-

\$35.12; Gaddis,N-\$35.12; Goddard,C-\$23.36; Hawthorne,A-\$20.00; Stern,S-\$347.60; Coyle,R-\$32.60; Hobbs,R-\$35.12

ADJOURN: 11:39 a.m. There being no further business, Chairman Deibert adjourned the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – August 13, 2019

Chairman Randy Deibert called the meeting of the Lawrence County Board of Adjustment to order at 9:29 a.m. on August 13, 2019, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Richard Sleep and Brandon Flanagan present. Absent- Daryl Johnson,

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 #175/GIBBONS: A Public Hearing was held on Variance #175 APPLICANT: Wallace Gibbons LEGAL: M.S. 252 Tract F Revised Section 28, T5N, R3E. VICINITY LOCATION: Maitland Rd/Hwy 85 SUMMARY: Applicant is requesting a 7.2’ variance on the SE corner to the 25’ front setback ACREAGE: .24 acres.

Janette Sprenger, Planning & Zoning Administrative Assistant, gave an overview of the staff report.

Wallace Gibbons, Applicant, was present and explained that he is requesting the variance to alleviate the problem of having to back up into Maitland Road and make more room for the off road vehicles that pull off the road in front of his house. Gibbons further added that he is trying to keep as much of his lawn as he can and not hinder his neighbor’s view.

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

Commissioner Flanagan stated that he would not vote in favor of the variance as requested.

Commissioner Deibert stated that, as presented, he did not find the presence of the requisite hardship necessary to grant a variance according to Lawrence County Zoning Ordinance Chapter 16 II-16.005 and SDCL 11-2-53(2).

Moved-Seconded (Rosenau-Deibert) to continue Variance #175 to September 3, 2019, thereby allowing the applicant to develop and present a suitable alternative plan. APPLICANT: Wallace Gibbons LEGAL: M.S. 252 Tract F Revised Section 28, T5N, R3E. VICINITY LOCATION: Maitland Rd/Hwy 85 SUMMARY: Applicant is requesting a 7.2’ variance on the SE corner to the 25’ front setback ACREAGE: .24 acres. Motion Carried.

ADJOURN: 9:52 a.m. There being no further business, it was Moved-Seconded (Rosenau-Flanagan) to adjourn the Board of Adjustment Meeting. Motion Carried.

Date Approved

Randy Deibert, Chairman

ATTEST:

Brenda McGruder, Auditor