

LAWRENCE COUNTY COMMISSIONERS MEETING – September 24, 2019 page-1

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 September 24, 2019 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 Brandon Flanagan.

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

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

DECLARE CONFLICTS AND DISCLOSURES: Commissioner Deibert declared a conflict with Change of Zoning #331. APPLICANT: Loup Land Co., LLC.

Commissioner Rosenau disclosed that he had a phone call regarding CUP 452. Rosenau disclosed that he requested that the individual attend the meeting and offer input in that forum.

MINUTES: Moved-Seconded (Sleep-Rosenau) to approve the minutes of September 3, 2019 County Commission meeting. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to approve the minutes of September 3, 2019 Board of Adjustment meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Johnson-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of August 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)-\$70,058.12; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$10,122.94; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000.00; bank balance \$12,063,479.88, money market \$8,873,548.98. Total \$24,020,419.92.

TRAVEL REQUEST:

CORONER: Moved-Seconded (Johnson-Sleep) to approve the travel request for Marty Goetsch and Pat Fahey to attend the Annual Coroner's Training Course in Sioux Falls, SD from October 6-8, 2019. Motion Carried.

PERSONNEL:

HIGHWAY/OUT-OF-CLASS PAY: Moved-Seconded (Flanagan-Deibert) to approve the out-of-class pay for Norman Burluson at a base rate of \$29.30 an hour for 10 hours per day from September 17-19, 2019. Motion Carried.

SHERIFF: Moved-Seconded (Rosenau-Flanagan) to approve Chelsea Lindsey as a full-time permanent Deputy I G2 at a base rate of \$24.64 an hour, effective September 29, 2019. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve Matt Hardin as a full-time permanent Sergeant G2 at a base rate of \$28.02 an hour, effective September 29, 2019. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve Tom Derby as a full-time permanent Lieutenant G2 at a base rate of \$30.01 an hour, effective September 29, 2019. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve Tristan Blain as a full-time permanent Correctional Officer II G1 at a base rate of \$20.04 an hour, effective September 29, 2019. Motion Carried.

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Moved-Seconded (Rosenau-Johnson) to approve Ijzaya Sterna as a full-time permanent Correctional Officer II G1 at a base rate of \$20.04 an hour, effective September 29, 2019. Motion Carried.

Moved-Seconded (Rosenau-Johnson) to approve Nathaniel Eriksen as a full-time permanent Correctional Officer II G2 at a base rate of \$20.45 an hour, effective September 23, 2019. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the following Resolution #2019-23 declaring surplus property and offer for sale by auction on September 28, 2019 at 9:30 a.m. at the Spearfish County Highway Shop. Motion Carried. RESOLUTION #2019-23 SURPLUS PROPERTY WHEREAS, Lawrence County has several items of personal property which are no longer needed for public purpose and; WHEREAS, The Lawrence County Board of County Commissioners have appraised the personal property and the total value of such property exceeds \$500.00, to-wit: SEE ATTACHED LIST: NOW THEREFORE BE IT RESOLVED that the Lawrence County Board of County Commissioners hereby declare the attached list of property surplus and order the sale and/or disposal of said property. Dated this 24th day of September, 2019 FOR THE BOARD OF LAWRENCE COUNTY COMMISSIONERS: Randy Deibert, Chairman. ATTEST: Brenda McGruder, Auditor.

ADOPTION OF 2020 BUDGET RESOLUTION #2019-21: Moved-Seconded (Flanagan-Sleep) to adopt the 2020 Annual Budget as amended using the stored CPI of 3.1% and approve the following Resolution #2019-21. Motion Carried. RESOLUTION #2019-21 ADOPTION OF ANNUAL BUDGET FOR LAWRENCE COUNTY, SOUTH DAKOTA WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto. NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR LAWRENCE COUNTY, SOUTH DAKOTA and all its institutions and agencies for calendar year beginning January 1, 2020 and ending December 31, 2020 and the same is hereby approved and adopted by the Board of County Commissioners of Lawrence County, South Dakota, This 24th day of September, 2019. The annual budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Lawrence County South Dakota. The accompanying taxes are levied by Lawrence County for the year January 1, 2020 through December 31, 2020.

APPLIED CASH	942,999	
VALUATION-GENERAL	2,754,037,461	
VALUATION-FIRE	1,391,498,990	
FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	11,016,597	4.000
FIRE PROTECTION	98,505	.071
TOTALS	11,115,102	4.071

DATED at Deadwood, South Dakota, this 24th day of September 2019. BOARD OF COUNTY COMMISSIONERS OF LAWRENCE COUNTY, SD. Randy Deibert, Chairman, Randall Rosenau, Daryl Johnson, Richard Sleep and Brandon Flanagan. ATTEST: Brenda McGruder, County Auditor.

AUTOMATIC SUPPLEMENTS:

EMERGENCY MANAGEMENT: Moved-Seconded (Rosenau-Flanagan) to approve the automatic supplement of \$18,375.00 to the Emergency Management Grants for reimbursement of the Pre-Disaster Mitigation Plan. Motion Carried.

AUTOMATIC DOOR OPENERS: Tim Agena, General Government Buildings Foreman, and Bruce Outka, Deputy State’s Attorney, presented the need for automatic door openers for the Lawrence County Annex building and the Courthouse building. The Board instructed Agena to get a quote for all doors and bring it back to the October 8, 2019 Commissioners Meeting.

SHERIFF:

ZUERCHER/TRITECH SOFTWARE SYSTEMS AND COMMUNITY PLATFORM AGREEMENT: Moved-Seconded (Flanagan-Rosenau) to authorize Brian Dean, Sheriff, to sign the agreement between Zuercher/TriTech Technologies LLC., and Lawrence County. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to authorize the Chairman to sign the respective agreements to share public safety resources between Lawrence County and the participating municipalities. Motion Carried.

BLACK HILLS STATE UNIVERSITY PRESIDENT: Laurie Stenberg Nichols, President Black Hills State University, was present to introduce herself.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of September 5 & 11, 2019: **Deadwood Diesel #2 (dyed) 5800 gallons:** (prices per gallon) CBH Cooperative – No Bid; Harms Oil Co-No Bid; MG Oil – \$2.319*; **Deadwood Unleaded 4000 gallons:** (prices per gallon) CBH Cooperative – No Bid; Harms Oil Co-No Bid; MG Oil – \$2.159*; **Whitewood Diesel #2 (dyed) 900 gallons:** (prices per gallon) CBH Cooperative – \$2.189; Harms Oil Co-No Bid; MG Oil – \$2.109*. *Represents lowest quote awarded.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: A Public Meeting was held on the Five-Year County Highway and Bridge improvement plan.

Allan Bonnema, Highway Superintendent discussed the changes to the proposed plan from last year.

Donald Wiedemer, 12048 Galena Road, presented a letter stating his concern with the middle section of Galena Road. Bonnema stated that the middle part of Galena road is not or ever has been a County Road.

Dwayne LaFave, 20701 Maitland Road, expressed that dust is an issue due to construction traffic and excess traffic due to events in Deadwood. Gene Bolton, 20630 Maitland Road, pointed out that after 2022 Maitland Road is no longer on the 5-year plan. Bolton also expressed the excessive traffic due to events in Deadwood and speed. Dallas Heltibridle, 20324 Avalanche Road, stated he has property on Maitland Road and is in favor of paving Maitland Road.

Randy Aldrich, 118 Lois Street, stated that the St. Onge Township funds (Motor Vehicle License, Prorate Registrations & Port of Entry, Motor Fuel Tax and Highway Fund Replacement of GFP License fees) received from the State stay with the County to maintain the roads in the Township along with Center street. Aldrich questioned why the roads inside St Onge are not maintained by the County? Bonnema stated he would have to do some research on this matter. Larry Fierro, 19750 St Onge Rd, stated he was uncertain of what type agreement was agreed upon in the past.

Julie Stone, 506 Sunnyhill, stated she had nothing but positive comments on the road maintenance on Hanna Road.

The five-year County Highway and Bridge improvement plan will be considered for adoption October 8, 2019 at 8:30 a.m.

Commissioner Johnson noted the Dorsett Road Bridge failure last week further noting that the bridge has been on the list to be repaired for the last 11 years and needs to be fixed. Commissioner Deibert added that a strategy has been developed with the Department of Transportation to get this on the hot burner and the plans have been presented. Deibert added that since the bridge failure, an inspection has been done and now information is available to present to the State to hopefully

expedite the process. Bonnema will follow-up with the individual that reviews the plans and Deibert will express the emergent condition to their supervisor.

APPROACH PERMIT:

GACKSTETTER: Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permits for Todd Gackstetter to construct an approach on the south side of Gilt Edge Road located at 11805 Gilt Edge Road-Lot 5. Motion Carried.

2019 NACE ANNUAL MEETING & TECHNICAL CONFERENCE: Allan Bonnema, Highway Superintendent, gave an update on the 2019 NACE Annual Meeting & Technical Conference in Wichita, KS.

HIGHWAY AUTHORITY/PLAT: Allan Bonnema, Highway Superintendent requested guidance from the Board as to whether he should sign as Highway Authority on the preliminary plat of Lots 1, 2, 3 & 4 being all of Lots 4A & 4B, a subdivision of government Lot 1, Section 4, T6N, R2E B.H.M. Lawrence County, South Dakota

Moved-Seconded (Flanagan-Deibert) to authorize Allan Bonnema, Highway Superintendent to sign as the Highway Authority on the preliminary plat of Lots 1, 2, 3 & 4 being all of Lots 4A & 4B, a subdivision of government Lot 1, Section 4, T6N, R2E B.H.M. Lawrence County, South Dakota and authorizing Bonnema to sign the approach permit when submitted taking two approaches down to one. Motion Carried.

NORTH ROCHFORD ROAD: Allan Bonnema, Highway Superintendent, presented a copy of the plans for the North Rochford Road pavement project. Eric Hoffman, Interstate Engineering, was also present to answer any questions. Steve Wold, 22017 N Rochford Road, was present to express his concerns about the apron coming off of North Rochford Road into his driveway.

The Board instructed Bonnema to monitor the gravel on the approaches over the winter.

PLANNING & ZONING:

Commissioner Deibert left the meeting having earlier declared a conflict with the next agenda items.

Vice-Chairman Randall Rosenau then presided over the meeting.

CHANGE OF ZONING #331/LOUP: First Reading and public hearing was held on COZ #331. APPLICANT: Loup Land Co., LLC LEGAL: That part of Tract B of Spring Creek Reserve located in NE ¼ NE ¼ of Sec 34 & that part of Tract B of Spring Creek Preserve located in NW ¼ NW ¼ of Sec 35 & Lot 2, Blk 5 Spring Creek Reserve, less all other platted lots & ROW's & less the part of Tact B of Spring Creek Preserve located in the SE ¼ NE ¼ of Section 34, all located in T7N, R2E. VICINITY LOCATION: Hwy 85 & Kerwin Lane SUMMARY: COZ from RR-Rural Residential to SRD-Suburban Residential ACREAGE: 29 acres

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

Roger Tellinghuisen, representative for Loup Land Co. LLC., stated that there will be 5 new lots at 2.5 acres or larger. Tellinghuisen further added that there is community water and each lot has a septic system. Tellinghuisen also responded to Don Ell's letter that was presented to the Commissioner in opposition to the Change of Zoning. Tellinghuisen stated that Ell purchased 2 lots from Loup Land Co. LLC. and replatted them into one lot. Tellinghuisen stated that this would not affect his zoning or covenants that allows him to have his horses.

Daphne Loup, 3755 Grand Loop and applicant, stated she has received phones call from neighbors supporting the Change of Zoning.

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

Commissioner Johnson stated that there were a number of question and comments during the Planning and Zoning meeting. The Board voted unanimously to approve the Change of Zoning.

Second reading will be held on October 8, 2019 at 9:15 a.m.

Commissioner Deibert returned to the meeting.

CONDITIONAL USE PERMIT #452/WHITEWOOD VALLEY PROPERTIES, LLC.: A Public Hearing was held on Conditional Use Permit #452. APPLICANT: Whitewood Valley Properties, LLC LEGAL: S ½ NE ¼ - W ½ NW ¼ NE ¼ - W ½ E ½ NW ¼ NE ¼ - W ½ E ½ E ½ NW ¼ NE ¼ - W ½ E ½ E ½ E ½ NW ¼ NE ¼ Section 14, T7N, R4E. VICINITY LOCATION: Whitewood SUMMARY: Request to operate a Restricted Use Site. ACREAGE: 117.50 acres.

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

Turner Johnson, Applicant, stated that Dan's Dumpster Service has been considering opening a restricted disposal site for the past 4 years due to increased cost of other disposal sites and distance. Johnson stated that use of the site would be limited to Dan's Dumpster Service. Johnson commented that during June, July and August his company hauled an average of 5-6 loads a day to Tri-City and Belle Fourche and during the winter months it tapers off. Johnson further added that they averaged 1 load a day to Belle Fourche with an average of 1.5 tons per load.

Commissioner Deibert acknowledged the letters and the petitions submitted by concerned citizens.

Public Comments as follows:

David & Laura Wilson, 12870 Bighorn Road, stated they are one of property owners that surround this property and strongly object. The other property owners that surround the property are the Grants and Balos. Wilson stated that this property is in the middle of a nice ag community and this proposal is going to create excessive traffic. Wilson commented that this is a huge loss and expense to the property owners. Wilson stated that only 17% of the land left in America is farmable and it is being gobbled up. Wilson added that there is no reason to ruin ag land in our County. Wilson added the people here today are from the Whitewood Valley area and strongly object. Wilson ended by referencing the citizens present at the commission meeting noting that these are the people who voted the commissioners into office and these same citizens are asking the commission to uphold their rights and honor what they are saying.

Dallas Heltibridle, 20324 Avalanche Road, expressed his concern with excess traffic and who would maintain the road.

Paul Marrs, 19574 Apple Road, expressed his concern with Stinking Water Creek and the water flowing in from both sides further noting that the creek is a tributary to the Belle Fourche River watershed. Marrs added that if there is any contamination it will end up in both Stinking Water Creek and the Belle Fourche River. Marrs also expressed his concerns with 25-year rain events.

Keith Burger, 19660 Aspen Place, expressed his concern with burning, road conditions, traffic and household garbage.

Kristen Grant, 19449 123rd Ave, expressed her concern for well aquifer contamination, road maintenance, road traffic, adverse impacts to wildlife and livestock, and the future impacts to their ranch operations.

Bill Hirsch, 19527 Whitewood Valley Road, expressed his concern for wells, burning, smoke, household garbage, trash and road conditions.

Gayle Schuster, 10436 Homestake Road, questioned whether DENR (Department of Environment & Natural Resources) would be conducting an environment impact study in reference to the subject property?

Ken Aker, PO Box 961, commented that the proposed rubble site would benefit one company at the expense of everyone who lives in Lawrence County, Meade County and Butte County. Aker stated that, the commission, as county leaders, should make the best decision.

Heidi Johnson-Anderson, 20110 Turkey Roost Lane, expressed her concern with Whitewood Valley Road and the road entering into the property. Johnson-Anderson further expressed her concern with heavy truck traffic and the trucks ability to stop due to the curvy roadway and the obstructed views caused by the hillsides framing the roadway.

Jon Aldren, 19855 Whitewood Valley Road, expressed his concern for livestock, vehicle traffic and speed of farm vehicles. Aldren stated that is more about life style then property rights.

Ryan Aldren, 19719 Whitewood Valley Road, expressed his concern about truck traffic, living on a blind corner and the safety of his family.

Dale Richards, 12665 194th Street, expressed his concern with road conditions, wooden bridge, children and school bus traffic.

Ann Kymala, 19601 Apple Road, expressed her concern with traffic, road conditions, school bus stops, children, wildlife and livestock.

Robert Johnson, 20099 Turkey Roost Lane, expressed his concern for road damage owing to the softness of the road surface and the heavy truck loads.

Lawrence Kymala, 19601 Apple Road, expressed his concern with Stinking Water Creek that runs through the property and the drainage that runs directly into Belle Fourche River.

Ronald Collins, 19295 Whitewood Valley Road, stated that he lived about a mile from the Newell City dump and had issues with rodents.

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

Commissioner Deibert stated that the County has the ability to require a haul road agreement.

Turner Johnson, Applicant, responded to the concerns explaining that the decision was made to proceed with the CUP process first as DENR (Department of Environment & Natural Resources) wanted some clarity that the County was okay with the CUP prior to starting the DENR process. Johnson stated that Jim Wendte, DENR (Department of Environment & Natural Resources) Waste Management Administrator, suggested that the SE 40 acres would be the best spot, as it would be away from the watershed and dam, and Johnson further added that a water quality review would be done by DENR. Johnson added that no household garbage would be received at the site and no burning. Johnson concluded his remarks noting that safety is a priority for his haulers, as they already travel through tough terrain and residential areas.

Commissioner Rosenau questioned whether an onsite could be scheduled?

Commissioner Deibert, stated that it surprising what goes into dumpsters and questioned if there will be a sorting mechanism.

Johnson stated that the drivers would be responsible for sorting out items. Johnson added that the dumpsters are covered with a tarp during transportation.

Commissioner Johnson stated that the same comments were presented at the Planning & Zoning Board and they voted unanimously to approve the CUP.

Moved-Seconded (Flanagan-Rosenau) to continue C.U.P. #452 until October 22, 2019 to allow for an onsite on October 8, 2019 at 1:00 p.m. Motion Carried.

CHANGE OF ZONING #332/BLUE STAR TRUST: First Reading and public hearing was held on COZ #332. APPLICANT: Blue Star Trust LEGAL: NW ¼ NW ¼ of Section 29, T6N, R3E. VICINITY LOCATION: McDermott Road SUMMARY: COZ from A-1 General Agriculture to RR-Rural Residential ACREAGE: 40 acres.

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

Devon McDermott, Applicant, was present to answer any questions.

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

The Board instructed the applicant to apply for an approach permit prior to constructing any approaches.

Second reading will be held on October 8, 2019 at 9:30 a.m.

JOINT POWERS AGREEMENT: Moved-Seconded (Flanagan-Rosenau) to authorize the Chairman to sign the Joint Powers Agreement between Lawrence County and the City of Spearfish once the original is received from the City of Spearfish. Aye-Deibert, Rosenau, Johnson and Flanagan. Nay-Sleep. Motion Carried.

Commissioner Sleep expressed his concerns with the agreement.

COMPREHENSIVE PLAN UPDATE: Commissioner Deibert stated that the upcoming meeting schedule has been published in the paper.

WESTERN PLANNERS CONFERENCE: Amber Vogt, Planning & Zoning Administrator, gave an update on the Western Planners Conference in Santa Fe, NM.

PLATS:

PRELIMINARY AND FINAL PLAT/CHAD MICHAEL MICHAELS LLC./VINCIT VERITAS, LLC.: APPLICANTS: Chad Michael Michaels, LLC/Vincit Veritas, LLC LEGAL DESCRIPTION: Lots 25A and 26A, Block 9 of Tract A of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos 1119, 1139, 1205, 1310, 1341, 2044, 2050 & 2066, all lying in Sections 2 & 11 of T4N, R2E VICINITY LOCATION: Terry Peak SUMMARY: Renewal of a preliminary and approval/denial of final plat ZONING: SRD ACREAGE: 25A (.384 acres and 26A (.389 acres).

Moved-Seconded (Johnson-Flanagan) declaring that the plat for Chad Michael Michaels, LLC/Vincit Veritas, LLC meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the preliminary and final plat for Chad Michael Michaels, LLC/Vincit Veritas, LLC based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 25A and 26A, Block 9 of Tract A of Lost Camp Valley Acreage, including portions of Mineral Surveys Nos 1119, 1139, 1205, 1310, 1341, 2044, 2050 & 2066, all lying in Sections 2 & 11 of T4N, R2E VICINITY LOCATION: Terry Peak SUMMARY: Renewal of a preliminary and approval/denial of final plat ZONING: SRD ACREAGE: 25A (.384 acres and 26A (.389 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/GROSS: APPLICANTS: David and Ellen Gross LEGAL DESCRIPTION: Plat of Lot 34A of Paradise Acres, Section 18, T5N, R3E. VICINITY LOCATION: Maitland Road SUMMARY: Combine Lots 33 & 34 ZONING: PF ACREAGE: 34A (5.050 acres)

Moved-Seconded (Johnson-Flanagan) declaring that the plat for David and Ellen Gross meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the preliminary and final plat for David and Ellen Gross based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Lot 34A of Paradise Acres, Section 18, T5N, R3E. VICINITY LOCATION: Maitland Road SUMMARY: Combine Lots 33 & 34 ZONING: PF ACREAGE: 34A (5.050 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/HOMESTAKE MINING CO.: APPLICANT: Homestake Mining Co. LEGAL DESCRIPTION: Plat of Lot D-1 of Yates Sub, being a portion of Tract D of Yates Sub and a portion of Lot 3 of Grizzly Gulch Tract and dedicated Public ROW and Utility Easement Section 34, T4N, R3E and Section 3, T4N, R3E. VICINITY LOCATION: Hwy 385/Grizzly Gulch SUMMARY: Replat of lots ZONING: PF ACREAGE: D-1(130-909 acres).

Moved-Seconded (Flanagan-Sleep) declaring that the plat for Homestake Mining Co. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary plat for Homestake Mining Co. contingent upon contours being added to the plat and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Lot D-1 of Yates Sub, being a portion of Tract D of Yates Sub and a portion of Lot 3 of Grizzly Gulch Tract and dedicated Public ROW and Utility Easement Section 34, T4N, R3E and Section 3, T4N, R3E. VICINITY LOCATION: Hwy 385/Grizzly Gulch SUMMARY: Replat of lots ZONING: PF ACREAGE: D-1(130-909 acres). Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the final plat for Homestake Mining Co. contingent upon contours being added to the preliminary plat and based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Lot D-1 of Yates Sub, being a portion of Tract D of Yates Sub and a portion of Lot 3 of Grizzly Gulch Tract and dedicated Public ROW and Utility Easement Section 34, T4N, R3E and Section 3, T4N, R3E. VICINITY LOCATION: Hwy 385/Grizzly Gulch SUMMARY: Replat of lots ZONING: PF ACREAGE: D-1(130-909 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/HOMESTAKE MINING CO./KELLER:

APPLICANTS: Homestake Mining Co./Keller LEGAL DESCRIPTION: Plat of Keller Tract, being a portion of Lot 3 of Grizzly Gulch Tract, Section 34, T4N, R3E and Section 3, T4N, R3E and Sections 2 & 3 T4N, R3E. (legal shortened) VICINITY LOCATION: Hwy 385/Grizzly Gulch SUMMARY: Combine Lot A with a portion of the Grizzly Gulch Tract ZONING: PF ACREAGE: Keller Tract (54.048 acres).

Moved-Seconded (Johnson-Flanagan) declaring that the plat for Homestake Mining Co./Keller meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary and final plat for Homestake Mining Co./Keller 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 Keller Tract, being a portion of Lot 3 of Grizzly Gulch Tract, Section 34, T4N, R3E and Section 3, T4N, R3E and Sections 2 & 3 T4N, R3E. (legal shortened) VICINITY LOCATION: Hwy 385/Grizzly Gulch SUMMARY: Combine Lot A with a portion of the Grizzly Gulch Tract ZONING: PF ACREAGE: Keller Tract (54.048 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/NAMMINGA: APPLICANT: Sam Namminga, Trustee LEGAL DESCRIPTION: Plat of Lot 60A, formerly Lots 59 and 60 of Elkridge Sub; M.S. 1447 Quincy Lode, Section 32 & 33 T4N, R4E. VICINITY LOCATION: Nemo Road SUMMARY: Combine Lots 59 & 60 ZONING: PF ACREAGE: 60A (10.07 acres).

Moved-Seconded (Flanagan-Rosenau) declaring that the plat for Sam Namminga, Trustee meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Johnson-Sleep) to approve the preliminary and final plat for Sam Namminga, Trustee based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Lot 60A, formerly Lots 59 and 60 of Elkridge Sub; M.S. 1447 Quincy Lode, Section 32 & 33 T4N, R4E. VICINITY LOCATION: Nemo Road SUMMARY: Combine Lots 59 & 60 ZONING: PF ACREAGE: 60A (10.07 acres). Motion Carried.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #19-22 for a Supplemental Budget for General Fund-Vet Serv Officer Salary - \$11,000.00. Modernization & Preservation Fund-M&P Software & Equipment - \$23,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Sleep) to approve and adopt the following Resolution #19-22 for a Supplemental Budget. Motion Carried. RESOLUTION #19-22 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 VET SERV OFFICER SALARY - \$11,000.00. MODERNIZATION & PRESERVATION FUND M&P SOFTWARE & EQUIPMENT - \$23,000.00. 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 24th day of September, 2019 at the hour of 10:00 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 24th day of September, 2019. FOR THE BOARD OF COUNTY COMMISSIONERS Randy Deibert, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

2017-2018 AUDIT: Bruce Hintz, State Auditor was present to report on the findings of the 2017/2018 Audit for Lawrence County. Moved-Seconded (Flanagan-Johnson) to authorize the Chairman to sign the representation letter addressed to the Department of Legislative Audit. Motion Carried.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way. LEGAL DESCRIPTION FOR THE VACATION: The 66' section line Right-of-Way running East and West between Sections 11 and 14, in T5N, R4E, B.H.M., Lawrence County, South Dakota. Located in Lots 5, 6, and 7 of Block 8, Lots 1, 2, 3, 4, 5, 7R, and Lot 8 of Block 14, Lot 9B of Block 7, Back Nine Tract 3, all located in the Apple Springs Subdivision in the Apple Springs Tract in the NE 1/4 NW 1/4 of Section 14, and the SE 1/4 SW 1/4 of Section 11 T5N, R4E, B.H.M. Lawrence County, South Dakota. A portion of the Apple Springs Tract, located in the NE 1/4 NW 1/4 of Section 14, and the SE 1/4 SW 1/4 of Section 11 all located in T5N, R4E, B.H.M. Lawrence County, South Dakota. Golf Course Tract 2 Located in the NE 1/4 NE 1/4 of Section 14 T5N, R4E, B.H.M. Lawrence County, South Dakota. The S 1/2 of the SE 1/4 of Section 11 T5N, R4E, B.H.M., Lawrence County, South Dakota.

Kaitlyn Cook, representing John & Nancy Grinager, was present to answer any questions. Cook stated that the Grinager's want to build on the lot and avoid the setback to the section line and to avoid having to remove several trees.

Frank Dicesare, All Aspects Inc. Land Surveying, stated that he contacted John Kelly, Attorney-Forest Service, and Mr. Kelly gave verbal approval of the vacation of the section line.

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

The Board discussed vacating a section line on forest service land and access to public lands.

Moved-Seconded (Johnson-Rosenau) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2019-24 Resolution & Order To Vacate A Portion Of A Highway, Part Of Which Is Located On A Section Line. Motion Carried. The adopted Resolution is as follows: LAWRENCE COUNTY RESOLUTION #2019-24 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE. WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a highway, part of which is located on a section line be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, WHEREAS, the public interest will be better served by the proposed section line vacation, and BE IT RESOLVED by the Lawrence County Board of Commissioners as follows:

That the described portion of a highway, part of which is located on a Section Line be vacated:
LEGAL DESCRIPTION FOR THE VACATION: The 66' section line Right-of-Way running East and West between Sections 11 and 14, in T5N, R4E, B.H.M., Lawrence County, South Dakota. Located in Lots 5, 6, and 7 of Block 8, Lots 1, 2, 3, 4, 5, 7R, and Lot 8 of Block 14, Lot 9B of Block 7, Back Nine Tract 3, all located in the Apple Springs Subdivision in the Apple Springs Tract in the NE 1/4 NW 1/4 of Section 14, and the SE 1/4 SW 1/4 of Section 11 T5N, R4E, B.H.M. Lawrence County, South Dakota. A portion of the Apple Springs Tract, located in the NE 1/4 NW 1/4 of Section 14, and the SE 1/4 SW 1/4 of Section 11 all located in T5N, R4E, B.H.M. Lawrence County, South Dakota. Golf Course Tract 2 Located in the NE 1/4 NE 1/4 of Section 14 T5N, R4E, B.H.M. Lawrence County, South Dakota. The S 1/2 of the SE 1/4 of Section 11 T5N, R4E, B.H.M., Lawrence County, South Dakota. **AFFECTING THE LANDOWNERS:** 4 Bears in the Hills LLC, Pattie J. Weber, Arvid and Darlene Brockman, Boulder Canyon Country Club, Linda Coyle & Michael Martin, Jim & Betty Oliver, Frank & Barbara Rance, Mark Gordon, Patty Beyers, John Grinager & Nancy Jo Shaw, Robert Coacher & Catherine Maimon. Dated this 24th day of September, 2019. Randy Deibert, Chairman Lawrence County Commission. **ATTEST:** Brenda McGruder, Lawrence County Auditor. I Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held September 24th, 2019. Dated at Deadwood, South Dakota, the 24th day of September, 2019. Brenda McGruder, Lawrence County Auditor.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way. **LEGAL DESCRIPTION FOR THE VACATION:** Located in the Iverson Tract Revised, formerly the Iverson Tract located in the B&M and Elgin of M.S. 1707; portion of Tract A; Lots 6, 7, 8, 9, 10, 11, 12A, 23, 49, 50, 52, 53, 54, 56 and 57 of Golden Hills, being a subdivision 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, Northside, 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; Park 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.

Bruce Outka, Deputy State's Attorney, gave an overview of the vacation of the section line. Outka pointed out that a preliminary plat was filed granting public access to Lot 23 but was never final platted. The final plat is scheduled to be heard at the October 3, 2019 at the Planning & Zoning meeting.

Jessica Coreau, petitioner, was present to answer any questions.

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

Moved-Seconded (Flanagan-Deibert) to continue until October 8, 2019 at 10:15 a.m.

ITEMS FROM THE PUBLIC:

Robert Vigoren, 12331 Thompson Road, was present to discuss the maintenance on Thompson Road. Allan Bonnema, Highway Superintendent, stated that the county stopped plowing snow on Thompson Road since there was no one residing on the property. Bonnema, stated he has no issue plowing snow since Vigoren is now residing on the property full-time. The Board instructed Vigoren to contact the Forest Service about getting a permanent permit to access his property.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert gave an update on County Convention held in Pierre on September 16-17, 2019. Deibert also reviewed information items.

Moved-Seconded (Sleep-Rosenau) to request a \$1,000.00 imputed administrative cost pursuant to SDCL 11-9-15 (5) on Deadwood Tax Increment District Number Eleven. Motion Carried.

EXECUTIVE SESSION LITIGATION: 12:36 p.m. Moved-Seconded (Flanagan-Johnson) to go into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel about ongoing litigation. Motion Carried. 1:20 p.m. The Board opened for regular business with no action taken.

Moved-Seconded (Flanagan-Rosenau) that the County acknowledge Judge Comer's decision issued in Civil No-15-000361 directing that FS 231 shall be placed on either the county secondary or primary highway system (the decision was reaffirmed by the South Dakota Supreme Court) and further that FS 231 be designated as a secondary county road. Aye-Flanagan and Deibert. Nay-Rosenau, Johnson and Sleep. Motion Failed.

BILLS: Moved-Seconded (Rosenau-Flanagan) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

Payroll: Comm-\$13,740.64; Aud-\$22,306.06; Treas-\$25,659.25; States Atty-\$28,693.48; Pub Def-\$25,273.26; Gen Govt Bldg-\$16,592.45; Equal-\$30,829.36; Deeds-\$18,311.89; Vso-\$2,853.48; Ist-\$18,774.07; Sher-\$94,482.51; Jail-\$51,218.85; Coroner-\$2,381.32; 24/7-\$735.54; Emerg Mgnt-\$9,167.20; E911-\$31,241.16; Highway-\$94,873.96; Weed-\$9,139.43; Pz-\$11,778.24; **Bills:** Larson, Rene-\$126.00; Thomson, Paul-\$86.00; Isburg, Damon-\$75.00; Ketzner, Jesse-\$296.12; A To Z Shredding-\$57.60; A&B Business, Inc Solutions-\$2,649.20; A&I Distributors-\$1,347.65; Aberdeen Llc-\$5,707.00; Active Data Systems-\$31.40; American Family Life-\$2,519.77; Aspen Legacy Planning-\$875.55; At&T-\$11.72; At&T Mobility-\$282.38; Audra Hill Consulting-\$1,328.62; BH Pest Control-\$190.00; BH Pioneer-\$1,032.48; Barnaud Law Firm Prof-\$1,979.50; Bi Geo Group-\$292.90; Big Sky Communications-\$222.00; Black Hills Disposal-\$90.00; Black Hills Energy-\$14,138.09; Black Hills Pure-\$41.50; Bob Barker Company-\$167.14; Bruemmer, Lynnel-\$41.80; Butler Machinery Co-\$3,660.39; Butte Electric Coop-\$349.81; Captain Clean Of Northern Hill-\$829.90; Carpet Buyers Outlet Sd-\$11,484.25; Century Business Products-\$377.69; Centurylink-\$2,087.07; Charm-Tex-\$14.70; City of Rapid City-\$2,835.00; Clubhouse Hotel & Suites-\$705.00; Cook-Huber, Kerri-\$50.00; Credit Collections Bureau-\$563.06; Dakota Crash Reconstruction-\$7,462.12; Dakota Equipment Rental-\$4,374.40; Dale's Tire & Retread-\$40.00; Dataspec-\$449.00; Deadwood Mountain Grand-\$59.00; Deadwood Recreation Center-\$761.00; Delta Dental of South Dakota-\$7,801.16; Dept Of Hlth Lab Services-\$680.00; Dept Of The Treasury-\$118,571.67; Emergency Services Marketing-\$55.00; Ertz, Dewey J Ed-\$3,825.00; Esri-\$4,500.00; Fastenal-\$14.26; Floyd's Truck Center-\$116.18; Fred Pryor Seminars-\$945.00; Geigle, Jd-\$86.00; Godfrey's Brake Serv-\$1,669.99; Hartford-Priority Accounts-\$2,078.64; Hawki, Ken-\$86.00; Heartland Paper Co-\$1,084.58; Jacobs Precision Welding-\$672.03; Katterhagen, Mark-\$15.00; Kennedy Pier Loftus & Reynolds-\$107.50; Kimball-Midwest Co-\$233.68; Knecht Home Center Of Spf-\$91.42; Kosel, Joseph-\$17,596.90; Lawson Products-\$312.00; Lead-Deadwood Regional Hospital-\$1,337.31; Lead-Deadwood Sanitary-\$1,086.15; Lee, James-\$15.00; Lewno, Lucy-\$115.00; Lexisnexis Risk Data Mgnt-\$75.00; Lockwood, Darcy-\$15.00; Lueders-\$16.43; Lyle Signs-\$235.63; Lynn's Dakotamart-\$18.69; Matthew Bender & Company-\$318.31; McClure, Susan-\$400.00; Mcpherson Propane-\$69.00; Mg Oil Company-\$34,226.46; Midcontinent Communications-\$114.84; Montana Dakota Utilities-\$141.63; Ms Mail-\$55.00; Nalco Company-\$843.24; Nelson, Christy-\$450.00; North Central Int'l-\$47.78; Northern Hills Rec Center-\$239.00; Northwest Pipe Fitt-\$81.99; Office Depot-\$132.74; Office Of Attorney General-\$631.38; Office of Child Support-\$1,966.18; One Call Now-\$309.47; Pcs0 Addiction Treatment Serv-\$3,654.50; Pennington Co Jail-\$1,014.35; Pennington County Sheriff-\$215.00; Pennington County Sts Attny-\$215.00; Pete Lien & Sons-\$61,988.29; Pitney Bowes Global Financial-\$992.04; Pizza Lab-\$182.37; Quill-\$111.52; Rabe Elevator-\$2,035.49; Ramkota Inn-\$3,189.00; Regional Health-\$353.64; Rena M Hymans-\$2,969.55; Restaurant Supply-\$4,499.99; Root Spring Scraper-\$556.36; Sd Counties-\$185.00; Sd Dept Of Public Safety-\$5,400.00; Sd Emergency Mgnt Association-\$95.00; Sd Sheriff's Association-\$575.00; Sd State Treasurer-\$19.73; Sdrs Supplemental Retirement-\$3,790.00; Secretary Of State-\$30.00; Semerad, Sandra-\$2,052.00; Servall Towel & Linen-\$840.38; Sew It Goes-\$180.65; Silverado-\$702.35; Simon North Region Sd-\$69,348.15; Spearfish Auto Supply-\$1,188.95; Stahl, Mike-\$275.27; Sturdevant's Auto Parts-\$1,240.76; Sysco Montana-\$3,445.98; Thomson Reuters-West-\$193.87; Top Quality Mfg-\$405.00; Transource Truck & Equip-\$109.11; Triple K Tire & Repair-\$1,597.86; Turnkey Corrections-\$11.03; Twilight First Aid & Safety-\$144.51; Twin City Hardware & Lumber-\$575.63; Tyler Technologies-\$5,261.00; Us Identification Maunal-\$82.50; Us Records Midwest-\$3,081.79; Vast Broadband-\$1,730.79; Verizon Wireless-\$105.99; Victims Of Violence-\$1,599.50; Voice Products Service-\$5,020.00; Walk-N-Roll-\$98.46; Waste Connections-\$864.73; Watertree-\$46.80; Wellmark Blue Cross-

\$86,849.06; Wells Fargo Business Card-\$4,145.27; Wex Bank-\$414.88; Whisler Bearing-\$187.34; White Drug-\$4,031.01; White's Canyon Motors-\$225.63; Yankton Co Sheriff-\$50.00; **Witness & Jurors:** Heinert,A-\$504.00; Brooking,H-\$61.76; Covell,H-\$60.92; Hegge,C-\$64.28; Kilmer,K-\$62.60; Opstedahl,M-\$58.40; Pederson,K-\$62.60; Schnaible,B-\$65.12; Walkins,K-\$71.00; Huseby,R-\$34.28; Simpson,M-\$32.18; Ostwald,J-\$30.92; Addington,B-\$10.00; Ahmed,T-\$22.60; Anderson,A-\$190.32; Andress,E-\$22.60; Baer,T-\$31.00; Baker,R-\$19.24; Bentley,B-\$187.80; Blakeley,W-\$23.44; Bonde,T-\$31.00; Borgman,G-\$27.64; Boylan,S-\$23.44; Braunesreither,J-\$15.88; Brownell,D-\$20.08; Burich,J-\$14.20; Cisneros,A-\$162.60; Culver,P-\$21.76; Cundall,D-\$20.08; Donald,K-\$20.92; Drentlaw,B-\$197.88; Earl,B-\$20.08; Faulkner,M-\$20.92; Fritz,J-\$22.60; Gainey,P-\$192.84; Geisel,O-\$175.20; Gillis,M-\$22.60; Goebel,R-\$22.60; Harris,L-\$22.60; Hart,T-\$12.52; Horstmann,J-\$16.72; Jenkins,P-\$25.12; Jensen,T-\$197.88; Junek,R-\$22.60; Kellsy,K-\$15.88; Kennel,L-\$12.52; Knight,C-\$187.80; Koppinger,C-\$20.92; Larsen,M-\$20.92; Larson,N-\$20.08; Lesselyoung,A-\$22.60; Luedke,W-\$22.60; May,T-\$20.08; Mehmen,L-\$26.80; Merchen,M-\$23.44; Metz,R-\$26.80; Miller,R-\$32.68; Mize,C-\$22.60; Moye,R-\$22.60; Noren,J-\$24.28; Odriscoll,T-\$22.60; Olson,D-\$26.80; Peterson,M-\$25.96; Porter,L-\$200.40; Rathert,K-\$182.76; Robley,I-\$22.60; Rogers,T-\$13.36; Roggenbuck,J-\$23.44; Russell,J-\$187.80; Saathoff,D-\$22.60; Schenk,R-\$187.80; Schmidt,D-\$25.12; Schultes,R-\$12.52; Shimp,E-\$26.80; Shoop,J-\$170.16; Simpson,E-\$22.60; Stamp,F-\$19.24; Sweaney,J-\$24.28; Yoho,L-\$23.44

ADJOURN: 1:26 p.m. There being no further business, Chairman Deibert adjourned the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor