

LAWRENCE COUNTY COMMISSIONERS MEETING – September 27, 2022

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on September 27, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep.

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

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

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 9:15 a.m. agenda item: COZ #353 APPLICANT: Riley Fremont.

MINUTES: Moved-Seconded (Ewing-Rosenau) to approve the minutes of September 6, 2022 County Commission meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve the step raise for Raygan Mattson as a full-time permanent Dispatcher I G3 at a base rate of \$21.04 an hour, effective September 25, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the step raise for Brianna Rommen as a full-time permanent Dispatcher III G2 at a base rate of \$23.48 an hour, effective September 25, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the step raise for Laura Frey as a full-time permanent Correctional Officer II G2 at a base rate of \$21.90 an hour, effective September 25, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the step raise for Marina Cleveland as a full-time permanent Deputy II G2 at a base rate of \$27.99 an hour, effective September 25, 2022. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the new hire for Anthony Panza as a full-time permanent Correctional Officer I G1 at a base rate of \$20.22 an hour, effective September 12, 2022. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the new hire for Angel Gloria Gonzalez as a full-time permanent Correctional Officer I G1 at a base rate of \$20.22 an hour, effective September 19, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the new hire for Ian Buettner as a full-time permanent Deputy II G3 at a base rate of \$28.55 an hour, effective October 5, 2022. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the new hire for Stephany Karlson as a full-time permanent Dispatcher I G1 at a base rate of \$20.22 an hour, effective September 19, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the new hire for Leonardo Cardona as a full-time temporary Correctional Officer I G1 at a base rate of \$20.22 an hour, effective September 27, 2022. Motion Carried.

Commissioner Sleep will complete the 4-H Youth Program Advisor annual performance review.

TRAVEL REQUEST:

EQUALIZATION: Moved-Seconded (Flanagan-Deibert) to approve the travel request for Mike Meehan to attend the annual assessor's school in Pierre, SD from September 18-23, 2022. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Deibert) to approve the travel request for Patrick Johnson to attend the Active Shooter Incident Command Management Training Course in Mitchell, SD from October 16-19, 2022. Motion Carried.

RAFFLE REQUEST/JUNIOR CLASS OF LEAD-DEADWOOD HIGH SCHOOL: Moved-Seconded (Ewing-Deibert) to not object to the request to conduct a raffle for the junior class of Lead-Deadwood High School, with the drawing taking place in March of 2023. Motion Carried.

COUNTY EMPLOYEE HEALTH FAIR: The Lawrence County Employee health fair will be held October 21, 2022 from 7:00 a.m. to 9:00 a.m.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Sleep-Flanagan) to approve the automatic supplement of \$32,247.61 to the Sheriff Travel Budget for reimbursement for vehicle hail damage. Motion Carried.

USDA FOREST SERVICE/COOPERATING AGENCY MEMORANDUM OF

UNDERSTANDING: Bruce Outka, Deputy State's Attorney, requested that the USDA Forest Service/Cooperating Agency Memorandum of Understanding be postponed until the next meeting.

WASP ROAD DISTRICT: Moved-Seconded (Flanagan-Sleep) to canvass the Wasp Road District Election showing the whole number of ballots cast was Fourteen (14), together with the number of Fourteen (14) voting for and the number of Zero (0) voting against incorporation and authorize the signing of the Official Canvass. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the following Order Declaring Wasp Road District Incorporated. Motion Carried. ORDER DECLARING WASP ROAD DISTRICT INCORPORATED WHEREAS, an election was held among the eligible voters in the Wasp Road District to determine whether or not a Road District should be incorporated, WHEREAS, this vote was held on September 23, 2022, WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was Fourteen (14), together with the number of Fourteen (14) voting for and the number of Zero (0) voting against incorporation, WHEREAS, The Territory organized as a district is as follows: Wasp Road District EXHIBIT A SHOWING ROAD ACCESSING THE FOLLOWING PROPERTIES: LOTS 2, 3, 4 & 5, BEING ALL OF WASP TRACTS 1 & 2, ALL OF COMSTOCK FRAC. M.S. 1570, LITTLE PITTSBURGH M.S. 1086, MINNIE FRAC., FLAT IRON, VERTICAL FRAC., WASP NO.2, DONELSON FRAC. & ALMA FRAC, M.S. 1557, LITTLE BLUE M.S. 1793, TWO STRIKE M.S. 1424, DUMP & PANSY M.S. 1772, AKIN & HILLTOP M.S. 1081, BIRDIE & EDWARD M.S. 1629, MILFORD, VERNON & VERNON NO.1 M.S. 1530, BUMBELBEE M.S. 1055, WASP & KICKAPOO FRAC. M.S. 1766, HIDDEN TREASURE M.S. 1556, PORTIONS OF FRANKLIN, FLYING JIB, & MARKET M.S. 1557, MOUNT PLEASANT & ANACONDA M.S. 1556, BURGHI & BURGHI NO.1 M.S. 1759, ZADAR M.S. 1610, YELLOW JACKET FRAC., COMSTOCK M.S. 1570, SHARON & ODIN M.S. 1196, HORNETT M.S. 1313, WASP NO.3 M.S. 1549, ALL OF GOV'T LOTS 1, 2, 3, 4, 5, 6 & 11 OF SECTION 9 AND ALL OF GOV'T LOT 15 OF SECTION 10, A PORTION OF GOV'T LOT 13 OF SECTION 4, PORTIONS OF GOV'T LOTS 2, 3, 4 & 18 OF SECTION 10; LOTS 1, 2, 3 & 4 OF GUMPY RIDGE SUBDIVISION, A SUBDIVISION OF CREEDE AND MOUND M.S. 1275, GUMPY FRACTION M.S. 1555 & GOV'T LOTS 13 & 15 OF SECTION 9; TRACTS B & C, A SUBDIVISION OF ALL OF DEWEY M.S. 1866 AND TRACT 1 OF GOV'T LOT 4 AND THE REMAINDER OF LOT A OF LOT 1 OF THE SUBDIVISION OF BURGHI NO.1 M.S. 1759, HIDDEN TREASURE M.S. 1556 & GOV'T LOT 4 OF SECTION 10; LOT S BEING A PART OF M.S. 1556, M.S. 1557, M.S. 1559, M.S. 1866, GOV'T LOT 3 & GOV'T LOT 10 OF SECTION 10; LOTs 1A & 2A OF THE RAMBLER M.S. 1950 SUBDIVISION, FORMERLY LOTS 1 & 2 OF THE RAMBLER M.S. 1950; THAT PORTION OF THE SUTRO LODE M.S. 1950 WEST OF YELLOW CREEK ROAD AND THE REMAINDER OF LOT 2 OF A PORTION OF RAMBLER M.S. 1950; LOTS 4, 5 & 6 OF THE DOLPHIN TRACT REVISED, FORMERLY KNOWN AS THE DOLPHIN TRACT, BEING PORTIONS OF FORTUNA M.S. 1783, DOLPHIN, WHALE, TIGER AND ALL OF COMSTOCK M.S. 1598, A PORTION OF GOV'T LOT 11 OF SECTION 10 AND A PORTION OF GOV'T LOT 1 OF SECTION 15; LOTS 1, 4 THRU 12 OF BLACK FOREST RANCHETTES NO.2 OF THE SUBDIVISION OF M.S. 1764; TRACT K, INCLUDING LOT 2 AND LOT 3 OF BLACK FOREST RANCHETTES NO.2 OF M.S. 1764 AND GOV'T LOT 6 OF SECTION 15; LOTS 1 THRU 4 OF DEADWOOD

HILLS ESTATES NO.1 OF THE SUBDIVISION OF LAST CHANCE NO.1 M.S. 1775; LOTS 1 THRU 4 OF DEADWOOD HILLS ESTATES NO.2 OF THE SUBDIVISION OF LAST CHANCE NO.4, M.S. 1775; TRACTS 1, 2 & 3 OF A PORTION OF LAST CHANCE M.S. 1775; TRACTS C1 & C2 OF THE SUBDIVISION OF A PORTION OF CARN MARTH M.S. 1555 AND A PORTION OF OPHIR M.S. 1611; TRACTS 1 & 2 OF THE SUBDIVISION OF NANCY HANKS M.S. 1611 AND GOV'T LOTS 12 & 16 OF SECTION 9; LOTS 1 & 2 OF THE SUBDIVISION OF HARROLD M.S. 1555; LOTS 1 & 2 OF THE SUBDIVISION OF LOTTIE M.S. 1555; LOTS 1 & 2 OF THE SUBDIVISION OF ELLIS M.S. 1555; LOTS A, B, C, D & E(PARK LOT) OF JAY BIRD SUBIVISION, A SUBDIVISION OF LOT 13 OF BLACK FOREST RANCHETTES #2, LOCATED IN M.S. 1764; LOT 7A OF THE DOLPHIN TRACT REVISED AND TRACT G BEING PORTIONS OF FORTUNA M.S. 1783, DOLPHIN, WHALE, TIGER AND ALL OF COMSTOCK M.S. 1598 AND CHARLIE M.S. 1611, A PORTION OF GOV'T LOT 11 OF SECTION 10 AND A PORTION OF GOV'T LOT 1 OF SECTION 15; LOTS 1, 2 & 3 OF THE SUBDIVISION OF HANNIBAL M.S. 1611; TRACTS O1-A & O1-B OF THE SUBDIVISION OF TRACT 01 AND TRACT O2 OF A PORTION OF OPHIR M.S. 1611 AND A PORTION OF CARN MARTH M.S. 1555; TRACTS 1 & 2 OF THE SUBDIVISION OF JIM PUT M.S. 1611; LOTS 1 & 2 OF THE SUBDIVISION OF AVERILL M.S. 1611; WILDCAT, BEAR, MORNING STAR, BEAVER, CARN FRACTION, PINE FRACTION, GOLDEN FLAKE, RED AND DRUID M.S. 1555; TAYLOR AND KANSAS CITY M.S. 1611; LAST CHANCE NO.2 & LAST CHANCE NO.5, M.S. 1775; GOV'T LOT 1 OF SECTION 15; EMMA FRAXION AND REMAINDER OF WASP NO.3, M.S. 1549; EUREKA, M.S. 1096; CROWN, M.S. 1275 AND DAISY FRACTION NO.2, M.S. 1557 ALL LOCATED IN SECTIONS 9, 10, 15 & 16, T4N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA WHEREAS, the Board of County Commissioners are satisfied with the legality of such election, WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory, NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Wasp Road District is hereby incorporated pursuant to SDCL 31-12A, DATED this 27th day of September, 2022. Randall Rosenau, Chairperson Lawrence County Commission ATTEST: Brenda McGruder, Auditor.

SHERIFF:

VEHICLE BIDS: The following bid was received for four (4) Sheriff vehicles: Juneks - four (4) 2022 Dodge Durango Pursuit AWD V-8 - \$190,000.00 (\$30,000 trade-ins) = \$160,000.00.

Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Brian Dean, Sheriff, and accept the lowest responsible bid from Juneks and waive any irregularities for four (4) Sheriff vehicles: Juneks – four (4) 2022 Dodge Durango Pursuit AWD V-8 - \$190,000.00 (\$30,000 trade-ins) = \$160,000.00 and to declare the 2019 Dodge Durango / VIN #1C4SDJFTXKC708522 / 82613 miles; 2019 Dodge Durango / VIN #1C45DJFT3KC708524 / 85073 miles; 2020 Dodge Durango / VIN #1C4SDJFT2LC309072 / 83000 miles surplus and allow them to be considered for trade. Motion Carried.

SHERIFF'S REPORT: Brian Dean, Sheriff, gave an update on his current budget and daily jail population.

PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Public Safety & Services Center. Dean presented an updated construction schedule.

PROFESSIONAL SERVICES AGREEMENT/FMG ENGINEERING: Moved-Seconded (Deibert-Flanagan) to authorize the Chairman to sign the Professional Services Agreement with FMG Engineering for construction material testing and observation in support of the proposed Lawrence County Public Safety & Services Center in Deadwood, South Dakota. Motion Carried.

STATE AND LOCAL CYBERSECURITY GRANT PROGRAM: Commissioner Deibert and Greg Dias, Information Systems & Software Director, gave an update on the State and Local Cybersecurity Grant Program.

SURPLUS PROPERTY SALE UPDATE:

Amber A. Vogt, Jeffery L. Schroeder and Bruce Outka declared that the real property, for property legally described as an isolated triangular tract North East of the said highway in the SW1/4NE1/4 of Sect. 5 T.7N R.3E. BHM, said tract being 322.5 feet by 351.0 feet by 560.0 feet, and containing 1.3 acres more or less is valued at less than \$500.00.

Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign a quit claim deed for the property legally described as described as an isolated triangular tract North East of the said highway in the SW1/4NE1/4 of Section 5 T7N R3E. BHM, said tract being 322.5 feet by 351.0 feet by 560.0 feet and containing 1.3 acres more or less, and as more fully described in Book 273, Page 137 at the Lawrence County Register of Deeds Office, Deadwood, South Dakota to Tim and Chandy Olson for \$499.00. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign a quit claim deed for the property legally described as Lots 11, 12, 13, 14, 15 and that part of Lot 17 lying exactly between Lots 12 & 13 and above Fremont Street described in Book 341 Page 251 recorded in the Lawrence County Register of Deed. All in Highland Addition City of Deadwood, County of Lawrence, State of South Dakota. Plat documents 1/210 to Joseph & Julie Opheim for \$11,000.00. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign a quit claim deed for the property legally described as an isolated strip of land South West of the new St. Onge-Belle Fourche Highway in the NW1/4 of the NE1/4 of Section 5 T.7N R.3E BHM containing 6.1 acres more or less. Said strip of land being triangular in shape, 780 feet west, 668 feet north and 1032 feet diagonal along said highway as described and recorded in Book 273, Page 110 and referenced in Doc. #96-132 at the Lawrence County Register of Deeds Office, Deadwood, SD. Less and except highway lots that have been platted leaving the acreage now at 4.95 acres more or less to Moe Farm & Ranch Inc. for \$5,500.00. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of September 26, 2022: **Spearfish Diesel #2 (dyed) 3000 gallons:** (prices per gallon) CBH Cooperative - \$3.899; MG Oil -\$3.84* **Spearfish Unleaded 900 gallons:** (prices per gallon) CBH Cooperative - \$3.591; MG Oil -\$3.49* **Whitewood Diesel #2 (dyed) 900 gallons:** (prices per gallon) CBH Cooperative - \$3.899; MG Oil -\$3.84*. *Represents accepted quote.

GRAVEL/CRUSHING AND STOCKPILING BIDS: The following bids were received for crushing and stockpiling +/-15,000 tons of gravel at the Clayton II Pit: Rogers Construction Inc. - \$190,500.00; Timberline Services, Inc. - \$210,000.00.

Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and accept the lowest responsible bid from Rogers Construction Inc.-\$190,500.00 and waive any irregularities for crushing and stockpiling +/-15,000 tons of gravel at the Clayton II Pit.

PERMITS:

SLH HOLDINGS (PEACEFUL PINES): Commissioner Deibert voiced his concern with high speed traffic and no turning lane.

Moved by Ewing noting to the extent the County has any remaining authority, if any, to do so, does not object to the commercial approach permit for SLH Holdings (Peaceful Pines) to construct a commercial approach on the north side of St. Onge Road located approximately 600' east of the NBL of Highway 85/Colorado Blvd. Motion died for lack of second.

Moved by Ewing noting to the extent the County has any remaining authority, if any, to do so, does not object to the commercial approach permit for SLH Holdings (Peaceful Pines) to construct a commercial approach on the north side of St. Onge Road located approximately 1,150' east of the NBL of Highway 85/Colorado Blvd intersection. Motion died for lack of second.

Moved-Seconded (Deibert-Flanagan) noting to the extent the County has any remaining authority, if any, to do so, does not object to the commercial approach permit for SLH Holdings (Peaceful Pines) to construct a commercial approach on the north side of St. Onge Road located approximately 600' east of the NBL of Highway 85/Colorado Blvd intersection and further, noting that no more approach permits will be allowed by the County on this stretch of St. Onge road until the City of Spearfish takes over jurisdiction. Motion Carried.

Moved-Seconded (Deibert-Flanagan) noting to the extent the County has any remaining authority, if any, to do so, does not object to the commercial approach permit for SLH Holdings (Peaceful

Pines) to construct a commercial approach on the north side of St. Onge Road located approximately 1,150' east of the NBL of Highway 85/Colorado Blvd intersection and further, noting that no more approach permits will be allowed by the County on this stretch of St. Onge road until the City of Spearfish takes over jurisdiction. Motion Carried.

RATH: The private approach permit for Anthony Rath to construct a private approach on the north side of Crook City Road located approximately 1/8 mile east of 11896 Crook City Road was pulled by the applicant.

POCHOP: Moved-Seconded (Deibert-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Jon Pochop Oversee LLC. to construct a private approach to Lots 2 & 3 of Lot 5B NE ¼ NW ¼ S4 R2 Lawrence County, SD Highway 14 located approximately NW Corner of Lawrence County. Motion Carried.

THEIS: Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Larry Theis to construct a private approach on the south side of Nemo Road located at 11994 Nemo Road. Motion Carried.

JENSEN: Moved-Seconded (Sleep-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Lynn Jensen to construct a private approach on the west side of Crook City Road located approximately ½ mile south of Whitewood. Motion Carried.

MONTANA DAKOTA UTILITIES: Commissioner Deibert questioned what the cost of the right-of-way would be and suggested that Montana Dakota Utilities consider purchasing the right-of-way to help offset installation of the gas line at the Public Safety and Services Center.

Moved-Seconded (Deibert-Sleep) to continue until October 11, 2022 the permit to occupy County highway right-of-way for Montana Dakota Utilities located in Section 18 & 19, T4N, R3E along County Road: N Rochford Road. Motion Carried.

DEER MOUNTAIN SANITARY DISTRICT: Moved-Seconded (Deibert-Flanagan) to continue until October 11, 2022 the permit to occupy County highway right-of-way for Deer Mountain Sanitary District located in Section 19 & 20, T4N, R3E along County Road: Brownsville/Englewood/Deer Mountain to allow Allan Bonnema, Highway Superintendent the opportunity to visit with a representative of Deer Mountain Sanitary District. Motion Carried.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: A public meeting was held on the five-year Lawrence County Highway and Bridge Improvement Plan on August 16, 2022 at 11:30 a.m. Twenty members from the public attended the meeting and public input was given.

Moved-Seconded (Sleep-Deibert) to remove from the Lawrence County five year road plan the year 2024 install asphalt pavement on Maitland Road from .20 mi. south of Christensen Drive to Forest Park Lane 1.50 mi. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the Five-Year County Highway and Bridge Improvement Plan as amended and to authorize the Chairman to sign the certification with the added proviso and understanding that the schedule is subject to change and is further subject to funding availability. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Signing Project for various Lawrence County asphalt surface roads, Stripping Project, Chip Sealing Project and preparation of graveling Forest Service Road 231/S. Rapid Creek Road.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #479/JOHNSON: A public hearing was held on Conditional Use Permit #479 APPLICANTS: David & Patricia Johnson LEGAL DESCRIPTION: SE ¼ and SE ¼ SW ¼ of Section 23, T7N, R2E VICINITY LOCATION: Spearfish/Hwy 85/Johnson Lane SUMMARY: Temporary 2nd Residence for a ranch hand ZONING: A-1 ACREAGE: 200+/- .

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

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

Moved-Seconded (Ewing-Sleep) to approve Conditional Use Permit #479 APPLICANTS: David & Patricia Johnson 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: SE ¼ and SE ¼ SW ¼ of Section 23, T7N, R2E VICINITY LOCATION: Spearfish/Hwy 85/Johnson Lane SUMMARY: Temporary 2nd Residence for a ranch hand ZONING: A-1 ACREAGE: 200+/- . Motion Carried.

9.28 a.m. Commissioner Deibert left the table.

CHANGE OF ZONING #353/FREMONT: Second Reading was held on change of zoning #353 APPLICANT: Riley Fremont LEGAL DESCRIPTION: NE ¼ NW ¼ of Section 31, T7N, R2E VICINITY LOCATION: Spearfish West SUMMARY: Change zoning to allow subdivision ZONING: A-1 to A-2 ACREAGE: 40 +/-.

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

Commissioner Sleep stated he is opposed to the change of zoning from A-1 to A-2.

Moved-Seconded (Flanagan-Rosenau) to approve COZ #353. APPLICANT: Riley Fremont 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: NE ¼ NW ¼ of Section 31, T7N, R2E VICINITY LOCATION: Spearfish West SUMMARY: Change zoning to allow subdivision ZONING: A-1 to A-2 ACREAGE: 40 +/- . Aye-Ewing, Deibert, Flanagan and Rosenau. Nay-Sleep. Motion Carried.

9:31 a.m. Commissioner Deibert returned to the table.

RECESS: 9:31a.m. Moved-Seconded (Ewing-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 9:44 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

LETTER OF CREDIT/APPLE SPRINGS/4 BEARS IN THE HILLS LLC.: Amber Vogt, Planning & Zoning Administrator, presented her staff report.

Moved-Seconded (Flanagan-Deibert) to accept the irrevocable standby letter of credit for 4 Bears in the Hills LLC. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to authorize the Chairman to sign the Memorandum of Agreement between Lawrence County and 4 Bears in the Hills LLC. Motion Carried.

PLANNING & ZONING UPDATES:

THE TIMBERS SUBDIVISION: Amber Vogt, Planning & Zoning Administrator, gave an update from Kurt Campbell in reference to the centralized water system and asking if the County would allow for Planning & Zoning to issue building permits.

Moved-Seconded (Deibert-Flanagan) to allow Planning & Zoning to issue building permits in the Timbers Subdivision but no occupancy permits will be allowed until the water line is complete and energized to the homes. Motion Carried.

PLATS:

AMENDED PRELIMINARY PLAT/KLOSS DEVELOPMENT: APPLICANT: Kloss Development LEGAL DESCRIPTION: Dakota Highlands Estates (Approx. 55 lots) VICINITY LOCATION: Whitewood SUMMARY: Amendment to road entry on preliminary ZONING: PF.

Amber Vogt, Planning & Zoning Administrator, presented her staff report. Vogt reported that an amendment to access and contribution agreement between Spruce Mountain Estates Subdivision Property Owners Association and Kloss Development, LLC. has been filed in the Register of Deeds on September 13, 2022. Vogt reported that she has received a letter of completion for the fire plan.

Moved-Seconded (Deibert-Flanagan) to approve the amended preliminary plat. APPLICANT: Kloss Development 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: Dakota Highlands Estates (Approx. 55 lots) VICINITY LOCATION: Whitewood SUMMARY: Amendment to road entry on preliminary ZONING: PF. Aye-Deibert, Flanagan, Sleep and Rosenau. Nay-Ewing. Motion Carried.

Brad Kloss, applicant, was present to answer questions. Commissioner Deibert expressed his concern about the water and questioned if the wells have been drilled. Kloss stated he would be meeting with a well driller tomorrow.

Kloss stated that he is listening to the concerns from adjacent owners but he is frustrated with the information they believe to be true. He noted that when he responds to them, he does so with facts and information from professionals like engineers.

FINAL PLAT/CANYON, LLC: APPLICANT: Canyon, LLC. LEGAL DESCRIPTION: Lots 1-8 of Rimrock Canyon Subdivision, being a sub of the NE ¼ NE ¼ of Section 35, T3N, R1E VICINITY LOCATION: Hwy 85/Boles Canyon Road SUMMARY: New subdivision/1st Final ZONING: PF.

Moved-Seconded (Flanagan-Deibert) to continue the final plat until October 11, 2022. APPLICANT: Canyon, LLC. LEGAL DESCRIPTION: Lots 1-8 of Rimrock Canyon Subdivision, being a sub of the NE ¼ NE ¼ of Section 35, T3N, R1E VICINITY LOCATION: Hwy 85/Boles Canyon Road SUMMARY: New subdivision/1st Final ZONING: PF. Motion Carried.

EXTENSION UPDATE:

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

ADOPTION OF 2023 BUDGET RESOLUTION #2022-27: Commissioner Sleep voiced his concern with the \$10,000.00 budgeted for nuisance complaints. Sleep feels that this should be the landowners responsibility not the tax payer.

Moved-Seconded (Flanagan-Rosenau) to adopt the 2023 Annual Budget as amended and approve the following Resolution #2022-27. Aye-Ewing, Deibert, Flanagan and Rosenau. Nay-Sleep. Motion Carried. RESOLUTION #2022-27 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, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of Lawrence County, South Dakota, This 27th day of September, 2022. 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, 2023 through December 31, 2023.

APPLIED CASH	447,293	
VALUATION-GENERAL	3,903,500,303	
VALUATION-FIRE	2,017,809,268	
FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	12,827,587	3.286
FIRE PROTECTION	113,327	.056
TOTALS	12,940,914	3.342

DATED at Deadwood, South Dakota, this 27th day of September 2022. BOARD OF COUNTY COMMISSIONERS OF LAWRENCE COUNTY, SD. Chairman, Randall Rosenau, Robert

Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep,. ATTEST: Brenda McGruder, County Auditor.

EQUALIZATION/PERSONNEL: Tim Hodson, Director of Equalization, informed the board that he will be retiring effective December 17, 2022.

Hodson requested permission to hire an additional appraiser above the current appraisers budgeted for 2022 to allow for training prior to his retirement. The Board stated they would wait to make this decision until the hiring of the new Director of Equalization.

Moved-Seconded (Deibert-Flanagan) to advertise for the Director of Equalization position. Motion Carried.

EXECUTIVE SESSION PERSONNEL: 10:24 a.m. Moved-Seconded (Flanagan-Deibert) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 10:35 a.m. The Board opened for regular business with no action taken.

ITEMS FROM THE PUBLIC: Delayne Parlet, 20234 Frontier Loop, Whitewood SD, requested that when considering the final plat for Kloss Development Inc. that the County consider taking over Jackson Road up to first entrance of the development. Parlet on behalf of his neighbors thanked the Board for the work being done on Jackson Road.

ITEMS FROM THE COMMISSIONERS: Commissioner Ewing stated that Paul Thomson, Emergency Manager, asked him to seek approval to allow the Search and Rescue members to use donation funds received in 2022 for their annual Christmas Party. The Board stated they did not have an issue with this.

Commissioner Deibert voiced his concern in reference to public meetings being held by other political entities in Lawrence County. Deibert stated they are not operating with consistency regarding the public meeting process laws. Deibert advocated that once an entity like a road district is formed, that the district be provided with the relevant state laws. Brenda McGruder, Auditor, stated that once a political subdivision is formed they are provided with the statues related to the special district.

Commissioner Sleep and Ewing gave an update on the recent meeting with the City of Spearfish in reference to road jurisdiction issue. The Board directed Bruce Outka, Deputy State's Attorney, to set up a meeting with the City of Spearfish.

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

Payroll: Comm-\$7,470.00; Aud-\$12,438.78; Treas-\$15,114.08; States Atty-\$19,132.61; Pub Def-\$13,742.67; Gen Govt Bldg-\$10,831.71; Equal-\$16,149.49; Rod-\$9,640.99; Vso-\$1,914.60; Ist-\$10,592.40; Sher-\$45,995.14; Jail-\$35,907.72; Coroner-\$316.26; 24/7-\$206.55; Emerg Mgnt-\$6,545.19; E911-\$17,633.74; Highway-\$50,249.18; Weed-\$4,425.49; P&Z-\$8,128.64; **Bills:** Larson, Rene-\$68.00; Thomson, Paul-\$68.00; Vogt, Amber-\$160.00; Moser, Douglas-\$134.00; Corean, Debora-\$6.14; Baker, Barbara-\$68.00; Benson, Caylor-\$140.76; Ayers, Kenneth-\$3.34; Kossan, Mckenzi-\$531.90; A To Z Shredding-\$39.42; A&B Business, Inc Solutions-\$3,137.86; A&I Distributors-\$491.45; A&J Supply-\$25.98; Ace Hardware-\$20.34; Air Connection-\$1,030.38; Alpine Impressions-\$87.00; Audra Hill Consulting-\$1,553.32; BH Pioneer-\$1,694.96; BH Truck And Trailer-\$4,112.86; Barnaud Law Firm Prof-\$2,182.30; Bi Inc-\$36.80; Black Hills Ammunition-\$589.06; Black Hills Chemical-\$1,642.53; Black Hills Energy-\$15,200.27; Black Hills Pure-\$11.50; Bluepeak-\$1,875.91; Board Of Police Commissioners-\$693.00; Bomgaars Supply-\$38.54; Bruemmer, Lynnel-\$140.60; Butler Machinery Co-\$1,044.82; Butte Electric Coop-\$298.25; Century Business Products-\$300.16; Centurylink-\$533.74; Charm-Tex-\$4,617.74; City Of Rapid City-\$2,240.00; Civil Air Patrol Magazine-\$155.00; Clauser Machine Works-\$203.85; Compass Counseling & Assessment-\$2,250.00; Cornelius, Kaylee-\$360.00; Dakota Equip Rental/Chain Saw-\$1,853.97-Deadwood, City Of-\$745.50; Dept Of Hlth Lab Services-\$845.00; Dept Of The Treasury-\$66,446.77; Diamond Pharmacy-\$1,189.17; Dustbusters-\$14,712.27; Election Sys & Software-\$8,294.37; Elevatus Architecture-\$29,895.88; Fastenal-\$473.75; Federal Express Corp-\$10.41; Fidler-Isburg Funeral Chapel-\$1,915.00; Floyd's Truck Center-\$7,189.90; Frey, Greg-\$35.00; Galls-\$360.91; Geigle, Jd-\$448.80; Godfrey's Brake Serv-

\$338.51; Hawki, Ken-\$102.00; Hilpert & Hale Prof-\$2,958.97; Ivory Family Dentistry-\$959.00; Janke, Wendy-\$356.00; Joe's Windsheild Repair-\$285.00; Jpats/United States Marshals-\$3,687.00; Karen Paige Hunt-\$383.80; Kiesler's Police Supply-\$1,026.91; Kirschenmann, Kevin-\$100.00; Knecht Home Center-\$14.97; LC Assessor-\$15.64; LC Conservation Dist-\$5,000.00; LC Sheriff-\$148.00; Lead Fire Protection District-\$9,982.00; Lead, City Of-\$83.17; Lead-Deadwood Sanitary-\$24.00; Lexisnexis Risk Data Mgnt-\$75.00; Lueders-\$51.74; Mabey, Brooke-\$60.00; Mayer, Dan-\$35.00; Mcpherson Propane-\$69.00; Med Glove Supply-\$720.00; Midcontinent Communications-\$154.57; Montana Dakota Utilities-\$89.11; Monument Health Network-\$3,671.71; Monument Health Rc Hospital-\$461.00; Motorola Solutions-\$232,897.20; Nalco Company-\$1,131.56; Northern Truck Equip-\$513.45; Office Of Child Support-\$456.46; PcsO Addiction Treatment Serv-\$904.00; Pennington Co Jail-\$489.80; Pennington County Public-\$50.00; Pharmchem-\$1,211.80; Pitney Bowes Global Financial-\$802.35; Pitney Bowes-\$398.38; Pomp's Tire Service-\$289.00; Powerplan-\$259.02; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$244.20; Quill-\$217.89; Rasmussen Mechanical Serv-\$5,091.35; Reserve Account-\$10,000.00; Ryan, Suzanne-\$180.00; Sacrison Asphalt-\$417.01; Safe Life Defense-\$485.10; Safety Benefits-\$150.00; Sanford Health Occupational-\$245.00; Satterwhite Therapy Serv-\$800.00; Schlingen Law Firm-\$5,869.02; Sd Assn Of Co Comm-\$245.00; Sd Public Assur Alliance-\$305.75; Sd Sheriff's Association-\$345.00; Sdn Communications-\$260.00; Sdrs Supplemental Retirement-\$3,557.50; Secretary Of State-\$30.00; Semerad, Sandra-\$1,998.60; Servall Towel & Linen-\$625.70; Sherwin-Williams-\$168.80; Simon North Region-\$69,311.08; Spearfish Police Dept-\$10,827.63; Staples-\$171.56; State Disbursment Unit-\$599.47; Sterna, Laura-\$300.00; Sturdevant's Auto Parts-\$57.49; Sturgis Responder Supply-\$297.65; Sysco Montana-\$5,734.08; Thomas L Bennett, MD-\$2,265.00; Thomas & Sons Moving Co-\$2,035.00; Tnf Properties And Storage-\$800.00; Triple K Tire & Repair-\$1,209.90; Trittech Software Systems-\$61,786.75; Turnkey Corrections-\$14.66; Twin City Hardware & Lumber-\$824.14; Verizon Wireless-\$107.47; Victims Of Violence-\$1,425.00; Waste Connections-\$1,140.47; Watertree-\$90.00; Wells Fargo Banks-\$265.61; Wells Plumbing & Farm Supp-\$862.24; Western Communication-\$138.00; Western Sd Juvenile Serv-\$3,505.00; Wex Bank-\$1,510.93; Williams & Associates-\$6,242.50; **Witness & Jurors:** \$390.98.

ADJOURN: 10:42 a.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – September 27, 2022

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment to order at 9:31 a.m. on September 27, 2022, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

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

VARIANCE #203/MASTERS: A public hearing was held on Variance #203 **APPLICANTS:** Adam & Jennifer Masters **LEGAL DESCRIPTION:** Tract 3A the Summer Place Tracts, formerly Tract 3 of the Summer Place tracts, being a part of HES111, located in the SW ¼ SE ¼ of Section12, T2N, R4E **VICINITY LOCATION:** Rochford Road **SUMMARY:** 10' variance to the 25' front setback for a new barn/residence **ZONING:** PF **ACREAGE:** 15 acres.

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

No public input was voiced and the hearing was closed.

Commissioner Flanagan questioned why the shape of the structure is not changed to meet the setbacks.

Adam Masters, applicant, stated that it is a pre-manufactured horse barn.

Commissioner Deibert feels that the structure could be moved to the east and south closer to the gravel driveway and be closer to meeting the setback.

Masters stated that if he moved the structure as suggested it would be too close to the power lines.

Moved-Seconded (Ewing-Sleep) to approve Variance #203 **APPLICANTS:** Adam & Jennifer Masters 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:** Tract 3A the Summer Place Tracts, formerly Tract 3 of the Summer Place tracts, being a part of HES 111, located in the SW ¼ SE ¼ of Section12, T2N, R4E **VICINITY LOCATION:** Rochford Road **SUMMARY:** 10' variance to the 25' front setback for a new barn/residence **ZONING:** PF **ACREAGE:** 15 acres. Aye-Ewing, Sleep and Rosenau. Nay-Deibert and Flanagan. Motion Failed due to super majority required.

Commissioner Flanagan stated he had to vote against the variance as he does not see the hardship.

Commissioner Deibert commented that if a to-scale drawing was provided we could make a better decision.

Moved-Seconded (Ewing-Sleep) to withdraw the motion to approve Variance #203 **APPLICANTS:** Adam & Jennifer Masters 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:** Tract 3A the Summer Place Tracts, formerly Tract 3 of the Summer Place tracts, being a part of HES 111, located in the SW ¼ SE ¼ of Section12, T2N, R4E **VICINITY LOCATION:** Rochford Road **SUMMARY:** 10' variance to the 25' front setback for a new barn/residence **ZONING:** PF **ACREAGE:** 15 acres. Motion Carried.

Moved-Seconded (Ewing-Sleep) to continue Variance #203 until October 11, 2022. **APPLICANTS:** Adam & Jennifer Masters **LEGAL DESCRIPTION:** Tract 3A the Summer Place Tracts, formerly Tract 3 of the Summer Place tracts, being a part of HES 111, located in the SW ¼ SE ¼ of Section12, T2N, R4E **VICINITY LOCATION:** Rochford Road **SUMMARY:** 10' variance to the 25' front setback for a new barn/residence **ZONING:** PF **ACREAGE:** 15 acres. Motion Carried.

ADJOURN: 9:44 a.m. There being no further business it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor