

LAWRENCE COUNTY COMMISSIONERS MEETING – October 8, 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 October 8, 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-Sleep) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS AND DISCLOSURES: Commissioner Deibert declared conflicts with Final Plat: Applicants: Corey & Carissa Allan, Preliminary and Final Plat: Applicants: Clarence & Vicki Koski and Change of Zoning #331/Applicant: Loup Land Co., LLC

MINUTES: Moved-Seconded (Sleep-Rosenau) to approve the minutes of September 24, 2019 County Commission 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 September 30, 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)-\$101,129.40; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$7,590.67; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000.00; bank balance \$11,852,205.20, money market \$8,883,353.64. Total \$23,847,488.91.

TRAVEL REQUEST:

PUBLIC DEFENDER: Moved-Seconded (Rosenau-Johnson) to approve the travel request for Amber Richey to attend the National Association of Criminal Defense Lawyer's 2020 Spring Meeting & Seminar in Charlotte, NC from May 5-10, 2020. Motion Carried.

PERSONNEL:

HIGHWAY/OUT-OF-CLASS PAY: Moved-Seconded (Flanagan-Rosenau) to approve the out-of-class pay for Krista Rear at a base rate of \$22.05 for 5 hours on September 26, 2019. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve the out-of-class pay for Daniel Sheeler at a base rate of \$29.30 for 10 hours on October 10, 2019. Motion Carried.

SHERIFF: Moved-Seconded (Rosenau-Deibert) to approve Tyler Sonne as a part-time fill-in Correctional Officer I G1 at a base rate of \$18.88 an hour, effective October 8, 2019. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve Bill Weber as a three-quarter time permanent Correctional Officer II G1 at a base rate of \$20.04 an hour, effective October 13, 2019. Motion Carried.

Moved-Seconded (Rosenau-Johnson) to approve Mary Stevens as a full-time permanent Deputy I G2 at a base rate of \$24.64 an hour, effective October 13, 2019. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve Stephen Muller as a full-time permanent Deputy I G2 at a base rate of \$24.64 an hour, effective October 13, 2019. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve Alex Clover as a full-time permanent Deputy I G2 at a base rate of \$24.64 an hour, effective October 13, 2019. Motion Carried.

EXECUTIVE SESSION PERSONNEL: 8:12 a.m. Moved-Seconded (Rosenau-Flanagan) to go into executive session pursuant SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:23 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Rosenau-Sleep) to approve the termination of Michael Pickett effective October 1, 2019. Motion Carried.

2020 COUNTY COMMISSION SCHEDULE: Moved-Seconded (Rosenau-Deibert) to set the 2020 County Commissioners meeting dates as follows: January 2 & 21, February 11, March 10 & 24, April 7 & 21, May 5 & 19, June 9, & 23, July 7 & 21, August 18, September 1 & 22, October 6 & 20, November 10 & 24, December 8 & 29. Motion Carried.

AUTOMATIC DOOR OPENERS: Tim Agena, General Government Buildings Foreman, presented a quote for the automatic door openers for the Lawrence County Annex building and the Courthouse building.

Moved-Seconded (Flanagan-Johnson) to approve the installation of two (2) automatic door openers on the North and South doors of the Lawrence County Administrative Annex Building with the installation to take place at the discretion of the Buildings and Grounds Foreman and to evaluate and assess the functionality of same for purposes of making a recommendation for additional automatic door openers. Motion Carried.

PARTIAL PROOF OF LOSS (COURTHOUSE ROOF): Moved-Seconded (Flanagan-Rosenau) to accept the partial payment for ACV damages including the Courthouse in the amount of \$321,598.29 and authorize Bruce Outka, Deputy State's Attorney, to sign the sworn statement in proof of loss (partial payment). Motion Carried.

MEADOW CREST SANITARY DISTRICT: Moved-Seconded (Rosenau-Flanagan) to canvass the Meadow Crest Sanitary District Election showing the whole number of ballots cast was ten (10), together with the number of ten (10) 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 Meadow Crest Sanitary District Incorporated. Motion Carried. ORDER DECLARING MEADOW CREST SANITARY DISTRICT INCORPORATED WHEREAS, an election was held among the eligible voters in the Meadow Crest Sanitary District to determine whether or not a Sanitary District should be incorporated. WHEREAS, this vote was held on October 4, 2019. 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 ten (10), together with the number of ten (10) voting for and the number of zero (0) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: 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. 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 Meadow Crest Sanitary District is hereby incorporated pursuant to SDCL 34A-5. DATED this 8th day of October, 2019. Randy Deibert, Chairperson, Lawrence County Commission. ATTEST: Brenda McGruder, Auditor.

SHERIFF:

SURPLUS GLOCK 21(S) Moved-Seconded (Flanagan-Rosenau) to declare three (3) Glock 21 Serial Number-TUC772, BHX661, BKXH146 surplus and allow for trade-in. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of October 1, 2019: **Spearfish Diesel #2 (dyed) 3200 gallons:** (prices per gallon) CBH Cooperative –\$2.218*; Harms Oil Co-No Bid; MG Oil – \$2.2295; **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative – \$2.527; Harms Oil Co-No Bid; MG Oil – \$2.3278*. *Represents lowest quote awarded.

APPROACH PERMIT:

JOHNER: Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permits for Kent Johner to construct an approach on the east side of St Onge Road located north of I-90 overpass. Motion Carried.

BLUE STAR TRUST: Moved-Seconded (Sleep-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permits for Blue Start Trust

to construct an approach on the east side of McDermott Road located approximately ¼ mile from 1830 McDermott Road. Motion Carried.

GEVING: Moved-Seconded (Johnson-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permits for John & DeeDee Geving to construct an approach on the north side of Nemo Road located at 11956 Nemo Road. Motion Carried.

BICKEL: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permits for Bryon Bickel to construct an approach on the south side of Big Horn Road located approximately 1600 ft. east on Big Horn Road off of Whitewood Valley Road. Motion Carried.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: Moved-Seconded (Flanagan-Deibert) to approve the Five-Year County Highway and Bridge improvement plan moving Bridge 41-165-066 and 41-163-053 to FHWA Grant and authorize the Chairman to sign the certification. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Dorsett Road bridge and chip seal projects.

ROAD JURISDICTION: Bruce Outka, Deputy State's Attorney presented an affidavit in support of application for taxation of cost and disbursements bill for Civ. No. 15-000361 in the amount of \$2,431.50. Outka requested a transfer from Commissioner Contingency to cover the cost.

CONTINGENCY TRANSFER: Moved-Seconded (Rosenau-Flanagan) to approve the contingency transfer of \$2,431.50 to the Commissioners Professional Service budget. Aye-Sleep, Rosenau and Flanagan. Nay-Johnson and Deibert. Motion Carried.

PLANNING & ZONING:

FIRE PLAN: Commissioner Deibert stated that at this time there are only 3 people with credentials to create and approve fire plans.

COMPREHENSIVE PLAN UPDATE: Amber Vogt, Planning & Zoning Administrator, gave an update on the Comprehensive Plan to include the community survey, stakeholder meetings and the next steps.

CUP APPLICATION MEETING DATES: Amber Vogt, Planning & Zoning Administrator, asked if the meeting dates for 2020 had been set. Vogt was informed that the meeting dates for 2020 were approved.

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

Vice-Chairman Randall Rosenau then presided over the meeting.

FINAL PLAT/ALLAN: APPLICANTS: Corey & Carissa Allan **LEGAL DESCRIPTION:** Tract 2A and Tract 2B, a sub of Tract 2 of the NE ¼ of Section 10, T6N, R4E **VICINITY LOCATION:** Whitewood Valley Road **SUMMARY:** Subdivision of lot approved in May 2019 with Fire Plan implemented **ZONING:** PF **ACREAGE:** Tract 2A (6.925 acres) and Tract 2B (9.903 acres) **PARCEL ID:** 22000-00604-101-20 **ACTION REQUIRED:** Approval/Denial

Moved-Seconded (Johnson-Rosenau) to approve the final plat for Corey & Carissa Allan 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 2A and Tract 2B, a sub of Tract 2 of the NE ¼ of Section 10, T6N, R4E **VICINITY LOCATION:** Whitewood Valley Road **SUMMARY:** Subdivision of lot approved in May 2019 with Fire Plan implemented **ZONING:** PF **ACREAGE:** Tract 2A (6.925 acres) and Tract 2B (9.903 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/KOSKI: APPLICANTS: Clarence & Vicki Koski **LEGAL DESCRIPTION** Lot 1R, Blk 4, a replat of Lots 1 & 2 of Blk 4 of Whitewood Forrest Addition #2 of Section 20, T6N, R4E. **VICINITY LOCATION:** Whitewood **SUMMARY:**

Combination of Lots 1 & 2 ZONING: SRD ACREAGE: Lot 1R (3.27 acres) PARCEL ID: 22710-00604-004-02 ACTION REQUIRED: Exempt/Approval/Denial

Moved-Seconded (Flanagan-Johnson) declaring that the plat for Clarence & Vicki Koski meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to approve the preliminary and final plat for Clarence & Vicki Koski 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 Lot 1R, Blk 4, a replat of Lots 1 & 2 of Blk 4 of Whitewood Forrest Addition #2 of Section 20, T6N, R4E. VICINITY LOCATION: Whitewood SUMMARY: Combination of Lots 1 & 2 ZONING: SRD ACREAGE: Lot 1R (3.27 acres). Motion Carried.

CHANGE OF ZONING #331/LOUP: Second Reading 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.

Moved-Seconded (Johnson-Rosenau) to approve the COZ #331 for Loup Land Co., LLC based upon the Planning and Zoning Commission recommendation for approval 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. Motion Carried.

Commissioner Deibert returned to the meeting.

PRELIMINARY AND FINAL PLAT/4 BEARS IN THE HILLS, LLC. & COTTIER: APPLICANTS: 4 Bears in the Hills, LLC and Larry Cottier LEGAL DESCRIPTION: Lot 10A-1, Blk 1 and Lot 8A-1, Blk 6 of Apple Springs Subdivision Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Combination of lots ZONING: SRD ACREAGE: 18A-1 (.50 acres) and 8A-1 (.44 acres) PARCEL ID: 18010-00100-180-10; 18010-00100-180-00; 18010-00600-080-00; and 18010-00600-080-10 ACTION REQUIRED: Exempt/Approval/Denial

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary and final plat for 4 Bears in the Hills, LLC and Larry Cottier 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: Lot 10A-1, Blk 1 and Lot 8A-1, Blk 6 of Apple Springs Subdivision Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Combination of lots ZONING: SRD ACREAGE: 18A-1 (.50 acres) and 8A-1 (.44 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/CITY OF DEADWOOD: APPLICANT: City of Deadwood LEGAL DESCRIPTION: Plats of Tracts 1, 2 & 3; being a sub of the Detroit Lode, M.S. 771, the Terminus Lode, M.S. 772, the Depot Lode M.S. 773 and the Uncle Tom Lode, M.S. 774; excepting therefrom Highway ROW; located in the NE ¼, SE ¼, SW ¼ and NW ¼ of Section 5, T4N, R3E. VICINITY LOCATION: Hwy 85/Nevada Gulch SUMMARY: Creation of lots to transfer ZONING: PF/SRD ACREAGE: Tract 2 (7.388 acres); Tract 3 (1.272 acres); Tract 1 (22.555 acres) PARCEL ID: 26340-00774-000-00 and 26340-00771-000-00 and 26340-00772-000-00 and 26340-00773-000-00 ACTION REQUIRED: Exempt/Approval/Denial

Moved-Seconded (Sleep-Rosenau) declaring that the plat for City of Deadwood meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to approve the preliminary and final plat for City of Deadwood 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: Plats of Tracts 1, 2 & 3; being a sub of the Detroit Lode, M.S. 771, the Terminus Lode, M.S. 772, the Depot Lode M.S. 773 and the Uncle Tom Lode, M.S. 774; excepting therefrom Highway ROW; located in the NE ¼, SE ¼, SW ¼ and NW ¼ of Section 5, T4N, R3E VICINITY LOCATION: Hwy 85/Nevada Gulch SUMMARY: Creation of lots to transfer ZONING: PF/SRD ACREAGE: Tract 2 (7.388 acres); Tract 3 (1.272 acres); Tract 1 (22.555 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/KELLEY: APPLICANT: Donald Kelley LEGAL DESCRIPTION: Plat of Tracts 1 & 2, being a sub of HES No. 102, all located in the NE ¼ and NW ¼ of Section 9 and the SW ¼ and NW ¼ of Section 10, T2N, R5E VICINITY LOCATION: Nemo Rd/Merritt Estes Road SUMMARY: Creating 2 lots ZONING: PF ACREAGE: Tract 1 (6.47 acres) & Tract 2 (52.16 Acres) PARCEL ID: 05000-00205-100-00 ACTION REQUIRED: Approval/Denial

Moved-Seconded (Sleep-Rosenau) to approve the preliminary and final plat for Donald Kelley 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 Tracts 1 & 2, being a sub of HES No. 102, all located in the NE ¼ and NW ¼ of Section 9 and the SW ¼ and NW ¼ of Section 10, T2N, R5E VICINITY LOCATION: Nemo Rd/Merritt Estes Road SUMMARY: Creating 2 lots ZONING: PF ACREAGE: Tract 1 (6.47 acres) & Tract 2 (52.16 Acres). Motion Carried.

FINAL PLAT/TWO BIT, LLC. & HANDER: APPLICANTS: Two Bit, LLC & Donald Hander LEGAL DESCRIPTION: Dedicated Public ROW and Utility Easement (Alix Circle) of Golden Hills Sub, being a sub of Tract A in Sections 25 and 36, T5N, R3E and Sections 30 and 31 T5N, R4E VICINITY LOCATION: Two Bit SUMMARY: Dedication of the public ROW ZONING: PF ACREAGE: .756 acres PARCEL ID: 26680-01707-000-10 ACTION REQUIRED: Exempt/Approval/Denial

Moved-Seconded (Flanagan-Deibert) declaring that the plat for Two Bit, LLC & Donald Hander meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to approve the final plat for Two Bit, LLC & Donald Hander 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: Dedicated Public ROW and Utility Easement (Alix Circle) of Golden Hills Sub, being a sub of Tract A in Sections 25 and 36, T5N, R3E and Sections 30 and 31 T5N, R4E VICINITY LOCATION: Two Bit SUMMARY: Dedication of the public ROW ZONING: PF ACREAGE: .756 acres. Motion Carried.

PRELIMINARY AND FINAL PLAT/EDDY: APPLICANT: Mary Ann Eddy Trust LEGAL DESCRIPTION: Tracts E3 and E4 a subdivision of Anaconda No 22, M.S. 1881, located in Sections 25 and 36, T4N, R3E VICINITY LOCATION: Brownsville SUMMARY: Subdivision of the Anaconda Lode ZONING: PF ACREAGE: Tract E3 (9.674 acres) and Tract E4 (9.674 acres) PARCEL ID: 26760-01881-000-10 ACTION REQUIRED: Exempt/Approval/Denial

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary and final plat for Mary Ann Eddy Trust contingent upon the fire plan being written and reviewed by a qualified contractor per Subdivision Ordinance. LEGAL DESCRIPTION: Tracts E3 and E4 a subdivision of Anaconda No 22, M.S. 1881, located in Sections 25 and 36, T4N, R3E VICINITY LOCATION: Brownsville SUMMARY: Subdivision of the Anaconda Lode ZONING: PF ACREAGE: Tract E3 (9.674 acres) and Tract E4 (9.674 acres). Motion Carried.

PRELIMINARY AND FINAL PLAT/RICHARDSON: APPLICANTS: Dale & Beverly Richardson LEGAL DESCRIPTION: Lot 1A, Blk 1 formerly Lots 2 & 3, Blk 1 Town of St Onge located in the S ½ of Section 23, T7N, R3E VICINITY LOCATION: St Onge SUMMARY: combination of lots in order to build a garage ZONING: SRD ACREAGE: Lot 1A (.321 acres) PARCEL ID: 28800-00100-020-00 ACTION REQUIRED: Exempt/Approval/Denial

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

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary and final plat for Dale & Beverly Richardson 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: Lot 1A, Blk 1 formerly Lots 2 & 3, Blk 1 Town of St Onge located in the S ½ of Section 23, T7N, R3E VICINITY LOCATION: St Onge SUMMARY: combination of lots in order to build a garage ZONING: SRD ACREAGE: Lot 1A (.321 acres). Motion Carried.

CHANGE OF ZONING #332/BLUE STAR TRUST: Second Reading 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.

Moved-Seconded (Rosenau-Deibert) to approve the COZ #332 for Blue Star Trust based upon the Planning and Zoning Commission recommendation for approval. 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. Motion Carried.

WHITEWOOD ECONOMIC DEVELOPMENT OPERATION: Robert Hill, Executive Director, and Chris Chiller, Director of Operations, presented the Board with an overview of current projects taking place in Whitewood. Hill and Chiller requesting \$25,000 from the Mine Severance tax fund to help with startup costs and to procure premises for office space. Hill and Chiller also asked the County to become a first year member at a cost of \$10,000.

Moved-Seconded (Johnson-Flanagan) to approve a contribution of \$25,000 from the Mine Severance Tax interest fund payable to Whitewood Economic Development Operations (WEDO) for startup costs and to procure premises for office space, and further that an additional \$5,000 contribution be made as a Platinum Membership fee contingent upon the City of Whitewood making a \$5,000 donation as a Platinum Member. Finally, all such county contributions are contingent upon the WEDO providing proof of good standing with the Secretary of State's Office and proof of IRS tax exempt status. Aye-Rosenau, Johnson, Flanagan and Deibert. Nay-Sleep. Motion Carried.

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #329-12/CINDY GILLIES (2ND) RESIDENCE: An annual review was conducted on C.U.P. #329-12, Cindy Gillies (2nd residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #434/MYSTIC HILLS (ATV RENTALS): An annual review was conducted on C.U.P. #434, Mystic Hills (ATV rentals). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #441/WILSON/WOLF (CROSSFIT): An annual review was conducted on C.U.P. #441, Wilson/Wolf (Crossfit). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #446/KINDZENSKI (SPECIALTY RESORT): An annual review was conducted on C.U.P. #446, Kindzenski (specialty resort). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #380/WENNBERG (2ND RESIDENCE): An annual review was conducted on C.U.P #380 Wennberg (2nd residence). Moved-Seconded (Flanagan-Rosenau) to extend the notice 6 months (May 15, 2020) for the removal of the trailer and send notice to all parties involved. Motion Carried.

CONDITIONAL USE PERMIT #205-12/DUCO MINING: An annual review was conducted on C.U.P. #205-12, Duco Mining. Dave Heck, Invasive Species Manager, sent an e-mail stating that no weed spraying had been done and Commissioner Sleep echoed that no spraying had been done. Cody Schad, representative for Duco Mining, stated the property had been sprayed twice

this summer. Schad added that an investor from Australia will be coming the first part of November. The Board concluded to revisit the annual review on November 26, 2019.

NUISANCE COMPLAINT UPDATES: Amber Vogt, Planning & Zoning Administrator, and Jeff Schroeder, Deputy Code Enforcer, gave an update on the ongoing nuisance complaints.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY: Petition for Vacation of Section Line Right-of-Way was continued from September 24, 2019 Commission meeting. 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.

Moved-Seconded (Flanagan-Johnson) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2019-25 Resolution & Order to Vacate A Portion Of A Highway, Part Of Which Is Located On A Section Line. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried. LAWRENCE COUNTY RESOLUTION #2019-25 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: 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. AFFECTING THE LANDOWNERS: Two Bit LLC, Steven and Mary Sabo, Mattson Inc, Richard and Sharon Tabert, Robert and Deborah Thorp, James and Marliss Dean, Reva Fleming, Stacy Soldatke and Gwen Mayo, Emily Collett and Levi Costopoulos, Harp LLC, Christie Dickinson, Larry and Sandra Pavlish, Blayne and Lisa Sandidge, Ben Rodeck and Kay Althoff, Lynn and Marlene Grabow, William Billiter and Andela Lynn-Billiter, Todd and Michele Smith, Desoation Row LLC, Mary Jensen. Dated this 8th day of October, 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 October 8th, 2019. Dated at Deadwood, South Dakota, the 8th day of October, 2019. Brenda McGruder, Lawrence County Auditor.

BILLS: Moved-Seconded (Flanagan-Rosenau) 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-\$6,870.32; Aud-\$11,153.03; Treas-\$12,651.06; States Atty-\$14,257.33; Pub Def-\$12,636.63; Gen Govt Bldg-\$8,174.90; Equal-\$15,416.28; Rod-\$9,155.95; VSO-\$1,447.96; Ist-

\$9,387.04; Sher-\$45,148.99; Jail-\$26,252.38; Coroner-\$860.66; 24/7-\$355.51; Emerg Mgnt-\$4,585.10; E911-\$16,175.88; Highway-\$47,691.37; Weed-\$4,073.59; Pz-\$5,914.11; **Bills:** AT&T Mobility-\$316.61; Maricopa Co Sheriff Office-\$200.00; Sd Retirement System-\$60,848.21; Baumann, Michelle-\$42.00; Green, Sheree-\$20.00; Fitzgerald, John-\$42.00; Leatherman, Debra-\$45.36; Vogt, Amber-\$60.06; Dragoo, Shelley-\$224.28; 3d Specialities-\$46.10; A To Z Shredding-\$34.60; A&B Business,Inc Solutions-\$1,332.74; A&B Welding Supply-\$22.63; A&I Distributors-\$743.70; Ace Hardware Of Lead-\$3.99; Apex Software-\$1,080.00; At&T Mobility-\$623.58; Audra Hill Consulting-\$780.74; Axon Enterprise-\$1,221.00; BH Pioneer-\$545.43; BH Truck And Trailer-\$343.46; Black Hills Ammunition-\$257.12; Black Hills Pure-\$11.50; Braun, Lonnie-\$2,431.50; Brosz Engineering-\$5,652.50; Bruemmer, Lynnel-\$197.40; Butler Machinery Co-\$2,261.76; Butte Electric Coop-\$433.09; Cdw Government-\$695.21; Century Business Products-\$484.52; Centurylink-\$116.46; Cerro Gordo County-\$21.50; Charm-Tex-\$101.70; City Of Rapid City-\$800.00; Claims Associates-\$4,381.50; Convergint Technologies-\$316.33; Credit Collections Bureau-\$281.53; Credit Collections Bureau-\$116.98; Dakota Business Center-\$855.83; Dakota Equipment Rental-\$15.80; Datec-\$233.95; Deadwood, City-\$1,932.03; Dept Of Hlth Lab Services-\$120.00; Dept Of The Treasury-\$63,190.44; Election Sys & Software-\$808.69; Ewing, Robert-\$48.95; Fastenal-\$24.57; Floyd's Truck Center-\$154.38; G&H Distributing Of Re-\$347.21; Galls-\$74.30; Genpro Energy Solutions-\$16,300.03; Godfrey's Brake Serv-\$149.93; Grimm's Pump Service-\$57.03; Heartland Paper Co-\$2,576.65; Hp Inc-\$973.54; Hub Intl Mountain States Limit-\$50.00; Jacobs Precision Welding-\$2.20; Janke, Wendy-\$520.00; Johner Gravel-\$6,461.03; Juneks' Chrysler/Dodge-\$21.54; Kaufman, Hollie-\$992.00; Kdsj Radio-\$200.00; Kinney Law-\$2,537.95; Knecht Home Center Of Spf-\$60.16; LC Conservation Dist-\$5,000.00; Lakota Contracting-\$440.55; Lawson Products-\$64.01; Lead, City Of-\$58.81; Lead-Deadwood Regional Hospital-\$955.15; Lead-Deadwood Sanitary-\$1,319.92; Lexisnexis Risk Data Mgnt-\$75.00; McClure, Susan-\$300.00; Megas Propane-\$745.35; Mcleod's Office Supply-\$1,354.52; Montana Dakota Utilities-\$1,573.20; Nelson, Tonya-\$450.00; North Central Int'l-\$183.10; Northern Truck Equip-\$32.00; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; Outdoor Motor Sports-\$193.43; Pennington County Public-\$171.00; Plumbmaster-\$56.11; Powerplan-\$146.46; Quill-\$2,414.13; Rabe Elevator-\$1,181.80; Ramkota Inn Pierre-\$207.98; Redwood Toxicology Lab-\$451.61; Regional Health-\$81.36; Reserve Account-\$6,000.00; Rocket Lube-\$84.99; Sd Sheriff's Association-\$115.00; Sd State Treasurer-\$13,723.44; Sd Reemployment Assistance Div-\$317.25; Servall Towel & Linen-\$678.13; Silverado-\$594.30; Simon North Region Sd-\$473,121.41; Spearfish Auto Supply-\$662.70; Spearfish Police Dept-\$10,626.35; Stan Houston Equip Co-\$825.00; Sterna, Laura-\$450.00; Streicher's-\$171.54; Sturdevant's Auto Parts-\$1,001.63; Sysco Montana-\$1,056.01; Triple K Tire & Repair-\$95.99; Truenorth Steel-\$4,896.80; Trugreen Chemlawn-\$61.70; Twin City Hardware & Lumber-\$415.36; Tyler Technologies-\$12,600.00; Walk-N-Roll-\$427.71; Waste Connections-\$505.11; Western Hills Humane Society-\$2,000.00; Western Sd Juvenile Serv-\$465.00; Wex Bank-\$454.32; Williams Properties-\$400.00; **Witness & Jurors:** Ryan,S-\$13.36; Harper,J-\$55.88; Schmunk,L-\$31.84; Swalley,L-\$97.80; Stahl,M-\$12.52; Johnson,J-\$32.60; Diekhoff,P-\$45.20; Heinert,A-\$60.00; Chavez,S-\$115.60; Pozoris,A-\$115.60; Walton,E-\$25.04; Cutler,M-\$115.60; Tobacco,S-\$97.80; Dahl,L-\$28.40; Big Crow,B-\$40.00; Broussard,E-\$52.52; Daniels,D-\$60.92; Detweiler,A-\$59.24; Espinoza,K-\$66.80; Heaton,M-\$60.92; Quenzer,J-\$50.00; Tyler-Streff,C-\$62.60; Wendt,C-\$166.32; Hollins,L-\$20.00; Lueders,J-\$35.12; Simmons,R-\$24.20; Klug,J-\$32.60; Adler,L-\$250.40; Albers,J-\$22.60; Bakke,L-\$20.92; Benders-\$18.40; Boesch,J-\$22.60; Breidenbach,D-\$26.80; Burckhard,C-\$13.36; Burr,C-\$35.20; Carney,E-\$20.92; Casey,P-\$10.84; Chaffin,K-\$23.44; Chrisman,J-\$25.12; Clark,M-\$35.20; Clarke,S-\$25.12; Cook,T-\$250.40; Crago,B-\$25.12; Delzer,R-\$35.20; Dodson,L-\$22.60; Ericsson,L-\$26.80; Evenson,R-\$22.60; Flores,E-\$250.40; Ford,K-\$20.92; Frederickson,J-\$32.68; Gray-Hartl,R-\$22.60; Hart,J-\$22.60; Hemeyer,G-\$21.76; Hemeyer,M-\$21.76; Hood,E-\$250.40; Horst,H-\$17.56; Jahner,A-\$20.92; Johnson,D-\$220.16; Johnson,J-\$260.48; Johnson,L-\$22.60; Johnson,W-\$20.08; Keehn,L-\$10.84; Koski,R-\$257.12; Kurtenbach,P-\$26.80; Ladner,A-\$19.24; Larvie,D-\$13.36; Leaver,S-\$21.76; Lockman,J-\$20.08; Mahaffy,D-\$18.40; Malde,W-\$22.60; Marshall,A-\$21.76; Mattson,J-\$210.08; Merkle-Cundall,L-\$19.24; Meyer,B-\$26.80; Mitchell,D-\$25.96; Moore,J-\$18.40; Mossett,S-\$20.92; Mowry,P-\$22.60; Murra,D-\$13.36; Nelson,A-\$22.60; Ness,C-\$31.00; Neubauer,J-\$15.88; Ohnstad-Eide,E-\$23.44; Oliver,C-\$233.60; Parker,J-\$25.12; Patino,A-\$13.36; Petik,K-\$20.08; Pfarr,A-\$21.76; Plocek,R-\$22.60; Prater,J-\$25.12; Rath,M-\$18.40; Reimer,G-\$15.04; Rodriguez,L-\$20.08; Rotert,L-\$20.92; Seim,B-\$247.04; Skroch,D-\$267.20; Smith,V-\$23.44; Specht,C-\$20.08; Stofferahn,C-\$15.88; Stuen,K-\$22.60; Sullivan,A-\$243.68; Varilek,R-\$243.68; Vaughn,R-\$22.60; Weber,R-\$267.20; Wetz,J-\$13.36; Whitted,D-\$22.60; Whorton,F-\$31.00; Wierson,R-\$17.56; Williamson,K-\$22.60; Winters,B-\$22.60; Zawatzki,A-\$25.12; Zuercher,L-\$22.60.

ADJOURN: 11:18 a.m. There being no further business, Chairman Deibert adjourned the meeting. Motion Carried.

12:00 P.M. CONDITIONAL USE PERMIT #452/WHITEWOOD VALLEY PROPERTIES, LLC.: An onsite 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. No action was taken.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor