

LAWRENCE COUNTY COMMISSIONERS MEETING – October 10, 2023 page-1

Chairman Robert Ewing 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 10, 2023 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Richard Sleep and Eric Jennings. Absent Commissioner Brandon Flanagan.

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

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

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 9:30 a.m. agenda item: Final Plat/Salmon’s Inc. % Don Hausle.

MINUTES: Moved-Seconded (Deibert-Sleep) to approve the minutes of September 26, 2023 County Commission meeting. Motion Carried.

AUDITOR’S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Jennings) to accept the Auditor’s Account with the County Treasurer. Motion Carried. As of September 30, 2023, 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)-\$86,654.79; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,343.94; petty cash-\$2,725.00; total amount of deposits in bank include: CD’s \$5,000,000.00; bank balance \$23,801,085.50; US Bank balance \$23,385,779.95; money market \$1,631,495.55. Total \$53,915,434.73. Motion Carried.

PERSONNEL:

AUDITOR: Moved-Seconded (Deibert-Jennings) to approve the classification change for Kimberly Atkins as a full-time permanent CE 3 G1 at a base rate of \$22.61 per hour, effective October 8, 2023. Motion Carried.

SHERIFF: Moved-Seconded (Deibert-Jennings) to approve the classification change for Michael Harris as a part-time fill-in Correctional Officer I G3 at a base rate of \$22.09 per hour, effective October 6, 2023. Motion Carried.

HOLIDAY CLOSURE/COUNTY HOLIDAYS: Moved-Seconded (Deibert-Jennings) to have the Lawrence County Commission meeting as scheduled on Tuesday, December 26, 2023. Motion Carried.

AMENDED ADOPTION OF 2024 BUDGET RESOLUTION #2023-16: Moved-Seconded (Deibert-Sleep) to approve the following Amended Resolution #2023-16. Motion Carried.
AMENDED RESOLUTION #2023-16 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, 2024 and ending December 31, 2024 and the same is hereby approved and adopted by the Board of County Commissioners of Lawrence County, South Dakota, this 10th day of October, 2023. 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, 2024 through December 31, 2024.

APPLIED CASH	813,897		
VALUATION-GENERAL	4,404,186,899		
VALUATION-FIRE	2,314,738,972		
FUND	TAX LEVY IN DOLLARS		\$'s/thousand (levy)

GENERAL	13,635,099	3.096
FIRE PROTECTION	120,402	.052
TOTALS	13,755,501	3.148

DATED at Deadwood, South Dakota, this 10th day of October 2023. BOARD OF COUNTY COMMISSIONERS OF LAWRENCE COUNTY, SD. Chairman, Robert Ewing, Brandan Flanagan, Randy Deibert, Richard Sleep and Eric Jennings. ATTEST: Brenda McGruder, County Auditor.

2024 COUNTY COMMISSION SCHEDULE: Bruce Outka, Deputy State’s Attorney, presented the draft 2024 County Commissioners meeting dates as follows: January 2 & 23, February 13 & 27, March 12 & 26, April 9 & 23, May 14 & 28, June 6, 11 & 25, July 9 & 23, August 13 & 27, September 3 & 24, October 8 & 22, November 7, 12 & 26, December 10 & 31. No action was taken.

VICTORIA LANE ROAD DISTRICT: The Board acknowledged receipt of the proposed Victoria Lane Road District petitions. Public examination of survey, map and petition has been posted according to SDCL 31-12A-4.

EMERGENCY MANAGEMENT:

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY REPORT: Barb Baker, Emergency Management Administrative Secretary, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Deibert-Ewing) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

LAB SERVICES AGREEMENT FOR EMPLOYEE HEALTH FAIR: Moved-Seconded (Sleep-Ewing) to approve and authorize the Chairman to sign the agreement between Monument Health Rapid City Hospital, Inc., dba Monument Health Rapid City Hospital and Lawrence County Emergency Management. Motion Carried.

NACO FUNDING REQUEST: Moved-Seconded (Deibert-Jennings) to approve and authorize the Chairman to sign the National Center for Public Lands Counties (The Center) request for \$8,923.19 and authorize the Auditor to write a manual check to the South Dakota Association of County Commissioners. Motion Carried.

CONTINGENCY TRANSFER: Moved-Seconded (Deibert-Jennings) to approve the contingency transfer of \$8,923.19 to the Commission/Administrative Assistant Professional Services budget. Motion Carried.

SURPLUS: Moved-Seconded (Sleep-Jennings) to declare surplus and destroy (6) yellow air tanks that are obsolete and are no longer operable. Motion Carried.

SHERIFF:

PUBLIC SAFETY RADIO TOWER PROJECT BIDS: The following bids were received for the Public Safety Radio Tower Project: Vinco Inc.-\$275,250.00; Vikor Teleconstruction-\$187,328.54; Tower Systems, Inc.-\$170,522.00; Sabre Industries-\$232,926.00.

Moved-Seconded (Deibert-Jennings) to reject the lowest bid from Tower Systems, Inc. as its specifications do not meet the required response time and a 5% bid bond was provided instead of 10% bid bond, and resultingly to accept the second lowest responsible bid and waive any irregularities for the Public Safety Radio Tower Project: Vikor Teleconstruction-\$187,328.54. Motion Carried.

Moved-Seconded (Deibert-Jennings) to proceed with the tower permitting process required by the FAA. Aye-Deibert, Jennings and Ewing. Nay-Sleep. Motion Carried.

PUBLIC SAFETY & SERVICES CENTER: Brian Dean, Sheriff, gave an update on the Public Safety and Services Center progress.

ORDINANCE #2023-01/AN ORDINANCE PROHIBITING JUMPING OR DIVING FROM BRIDGES:

The Board acknowledged an email from Tracy Vetter.

Moved-Seconded (Sleep-Jennings) to follow the recommendation of Brian Dean, Sheriff, and approve Ordinance No. #2023-01, An Ordinance Prohibiting Jumping or Diving from Bridges until the next meeting. Motion Carried. LAWRENCE COUNTY ORDINANCE #2023-01 AN ORDINANCE PROHIBITING JUMPING OR DIVING FROM BRIDGES WHEREAS, within the limits of its jurisdiction, the Board of Commissioners of Lawrence County is charged with preservation of the health and safety of the citizens of Lawrence County; and WHEREAS, SDCL 7-18A-2 authorizes this Board to enact ordinances as may be proper and necessary to carry into effect the powers granted to it by law and provide for the enforcement of each violation of any ordinance; and WHEREAS, the Board deems it necessary to adopt the restrictions set forth in this Ordinance in order to reduce the threat of serious bodily injury or death resulting from individuals jumping or diving from bridges on the county road system. NOW THEREFORE, BE IT ORDAINED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS AS FOLLOWS: 1. It is unlawful for any person to jump or dive from a bridge on the Lawrence County road system. Each violation of this ordinance may constitute a separate offense. 2. Violation and Penalty - Any violation of this ordinance may be punished as a Class 2 misdemeanor, with the maximum penalties for such violation defined by SDCL 22-6-2(2), in accordance with SDCL 7-18A-2. At the time of adoption, this penalty as defined by SDCL 22-6-2(2) is a maximum fine of five hundred dollars (\$500.00) and a maximum thirty (30) days imprisonment in the county jail. However, it is the intent of this ordinance to provide for the maximum penalty allowed by law as defined by SDCL 22-6-2(2) at the time of the offense. BE IT FURTHER ORDAINED THAT, pursuant to SDCL 7-18A-8, this Ordinance is necessary for the immediate preservation of public health and safety and shall take effect immediately upon passage and publication. Adopted the 26th day of September, 2023. LAWRENCE COUNTY COMMISSION: Bob Ewing, Chairman SEAL ATTEST: Brenda McGruder, Auditor First Reading: September 5, 2023 Second Reading: September 26, 2023 Published: October 13, 2023 Effective Date: October 13, 2023 (Effective upon passage and publication pursuant to SDCL 7-18A-8)

**HIGHWAY:
PERMITS:**

FENHAUS: Moved-Seconded (Deibert-Ewing) to follow the recommendation of John Bey, Highway Superintendent, and to the extent the County has authority, if any, to do so, then to authorize the Chairman to sign the private approach permit for Rick Fenhaus to construct a private approach on the south side of S. Rapid Creek Road Lot 20 located in the middle of property. Aye-Deibert, Jennings and Ewing. Nay-Sleep. Motion Carried.

LETTING AUTHORIZATION BRF-B-6545(04) PCN 08N0/41-228-112: Moved-Seconded (Deibert-Jennings) to approve and authorize the Chairman to sign the Letting Authorization for Project No. BRF-B-6545(04) PCN 08N0 Structure No. 41-228-112. Motion Carried.

MOUNT ROOSEVELT ROAD IMPROVEMENT: John Bey, Highway Superintendent, presented a letter from Ken Halsey, 232 ½ Evans Lane, requesting the County to consider road improvements to Mount Roosevelt Road.

Moved-Seconded (Sleep-Ewing) to follow the recommendation of John Bey, Highway Superintendent, and leave Mount Roosevelt signed as “County Maintenance Ends” at the south end of the road. Motion Carried.

PROJECT UPDATES: John Bey, Highway Superintendent, gave an update on the North/South St. Onge Bridge projects, Highway Department Fall hours and De-icing Sand and Salt hauling and mixing.

PETITION FOR VACATION OF SECTION LINE/HIGHWAY/RIGHT-OF-WAY/

SCHMIDT: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way
LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT DRAWING FOR SECTION LINE R.O.W. VACATION ACROSS TRACT E OF BIG ELK FOREST, H.E.S. 88 ALL LOCATED IN SECTION 4 AND SECTION 9, T3N, R5E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE LANDOWNERS: WOLFGANG & KATHLEEN L SCHMIDT, TRUSTEES OF WOLFGANG & KATHLEEN L SCHMIDT REVOCABLE TRUST.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2023-18, A Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located on a Section Line/Highway/Right of Way.

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

Moved-Seconded (Deibert-Jennings) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2023-18, Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located on a Section Line/Highway/Right of Way. Motion Carried. LAWRENCE COUNTY RESOLUTION #2023-18 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE/HIGHWAY/RIGHT OF WAY WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway, part of which is located on a section line/highway/right of way 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, Spearfish, 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, and WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore, 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/highway/right of way be vacated: LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT DRAWING FOR SECTION LINE R.O.W. VACATION ACROSS TRACT E OF BIG ELK FOREST, H.E.S. 88 ALL LOCATED IN SECTION 4 AND SECTION 9, T3N, R5E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE LANDOWNERS: WOLFGANG & KATHLEEN L SCHMIDT, TRUSTEES OF WOLFGANG & KATHLEEN L SCHMIDT REVOCABLE TRUST Dated this 10th day of October, 2023 Robert Ewing, 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 10th, 2023. Dated at Deadwood, South Dakota, the 10th day of October, 2023. Brenda McGruder, Lawrence County Auditor.

A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way : LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT DRAWING FOR SECTION LINE R.O.W. VACATION ACROSS TRACT C OF BIG ELK FOREST, H.E.S. 88 ALL LOCATED IN SECTION 4 AND SECTION 9, T3N, R5E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE LANDOWNERS: WOLFGANG & KATHLEEN L SCHMIDT, TRUSTEES OF WOLFGANG & KATHLEEN L SCHMIDT REVOCABLE TRUST.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2023-19, A Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located on a Section Line/Highway/Right of Way.

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

Moved-Seconded (Deibert-Sleep) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2023-19, Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located on a Section Line/Highway/Right of Way. Motion Carried. LAWRENCE COUNTY RESOLUTION #2023-19 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE/HIGHWAY/RIGHT OF WAY WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway, part of which is located on a section line/highway/right of way 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, Spearfish, 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, and WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore, 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/highway/right of way be vacated: LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT DRAWING FOR SECTION LINE R.O.W. VACATION ACROSS TRACT C OF BIG ELK FOREST, H.E.S. 88 ALL LOCATED IN SECTION 4 AND SECTION 9, T3N, R5E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE LANDOWNERS: WOLFGANG & KATHLEEN L SCHMIDT, TRUSTEES OF WOLFGANG & KATHLEEN L SCHMIDT REVOCABLE TRUST Dated this 10th day of October, 2023 Robert Ewing, 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 10th, 2023. Dated at Deadwood, South Dakota, the 10th day of October, 2023. Brenda McGruder, Lawrence County Auditor.

EXTENSION UPDATE:

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

The Board thanked Michelle for her years of service to the 4-H Youth Program.

PLANNING & ZONING:

PLATS:

9:09 a.m. Commissioner Deibert left the table.

FINAL PLAT/SALMON’S, INC. % DON HAUSLE: APPLICANT: Salmon’s Inc. % Don Hausle LEGAL DESCRIPTION: Tract 1A and Tract 1B of HES 68, formerly Tract 1 of Lot A of HES 68, all located in Section 7, Section 17 and Section 18, T3N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: New lot - Fire Plan submitted and completed ZONING: PF.

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

Moved-Seconded (Sleep-Jennings) to approve the final plat for APPLICANT Salmon’s Inc. % Don Hausle 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 1A and Tract 1B of HES 68, formerly Tract 1 of Lot A of HES 68, all located in Section 7, Section 17 and Section 18, T3N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: New lot - Fire Plan submitted and completed ZONING: PF. Motion Carried.

9:11 a.m. Commissioner Deibert returned to the table.

FINAL PLAT/JCJ, LLC.: APPLICANT: JCJ, LLC. LEGAL DESCRIPTION: Lot 4A and 1A-1 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: Lot line change - Fire Plan previously submitted ZONING: HSC.

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

Moved-Seconded (Jennings-Sleep) to approve the final plat for APPLICANT JCJ, 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: Lot 4A and 1A-1 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: Lot line change - Fire Plan previously submitted ZONING: HSC. Motion Carried.

PRELIMINARY PLAT/TOMAHAWK COUNTRY CLUB & SAWYER MEMORIAL C/O JOHN ARLETH: APPLICANTS: Tomahawk Country Club & Sawyer Memorial % John Arleth LEGAL DESCRIPTION: Tomahawk Tract, Formerly a Part of HES 66 and HES 57 of Section 19 and the Norwood, Norwood No 1, 2, 3 (Legal shortened) VICINITY LOCATION: SD Hwy 385 SUMMARY: Adjust property lines for building setback - Fire Plan exempt ZONING: PF.

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

Moved-Seconded (Jennings-Sleep) declaring that the plat for APPLICANT: Tomahawk Country Club & Sawyer Memorial % John Arleth meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Jennings-Sleep) to approve the preliminary for APPLICANT Tomahawk Country Club & Sawyer Memorial % John Arleth 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: Tomahawk Tract, Formerly a Part of HES 66 and HES 57 of Section 19 and the Norwood, Norwood No 1, 2, 3 (Legal shortened) VICINITY

LOCATION: SD Hwy 385 SUMMARY: Adjust property lines for building setback - Fire Plan exempt ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/WILLSON & CROOK MTN ANGUS RANCH:

APPLICANTS: James & Donna Willson and Crook Mtn Angus Ranch LEGAL DESCRIPTION: Plat of Tract W1 and Tract W2 of Willson Subdivision, Former CMAR Tract and a Portion of E1/2NW1/ of Section 34, Located in the E1/2NW1/4 of S34, T6N, R4E (Legal shortened) VICINITY LOCATION: Crook Mtn Road SUMMARY: Lot line change - Fire Plan exempt ZONING: PF.

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

Moved-Seconded (Sleep-Ewing) declaring that the plat for APPLICANT: James & Donna Willson and Crook Mtn Angus Ranch meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve the preliminary & final plat for APPLICANT James & Donna Willson and Crook Mtn Angus Ranch noting 1). The road is not a County road and has no maintenance from the County 2). No access permits are required by the County, but a suggestion of shared access points to all lots; 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 Tract W1 and Tract W2 of Willson Subdivision, Former CMAR Tract and a Portion of E1/2NW1/ of Section 34, Located in the E1/2NW1/4 of S34, T6N, R4E (Legal shortened) VICINITY LOCATION: Crook Mtn Road SUMMARY: Lot line change - Fire Plan exempt ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/NELSON: APPLICANTS: Lee & Nancy Nelson LEGAL DESCRIPTION: Plat of Lot 1A Formerly Lot 1 of Harrold MS 1555 and Lot 1 of Lottie MS 1555, a Subdivision of Harrold and Lottie MS 1555 (Legal shortened) VICINITY LOCATION: White Forest Road SUMMARY: Combine lots - Fire Plan exempt ZONING: PF.

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

Moved-Seconded (Deibert-Jennings) declaring that the plat for APPLICANT: Lee & Nancy Nelson meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve the preliminary & final plat for APPLICANT Lee & Nancy Nelson 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 1A Formerly Lot 1 of Harrold MS 1555 and Lot 1 of Lottie MS 1555, a Subdivision of Harrold and Lottie MS 1555 (Legal shortened) VICINITY LOCATION: White Forest Road SUMMARY: Combine lots - Fire Plan exempt ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/BH DEVELOPMENT & POWDER HOUSE PASS:

APPLICANTS: BH Development & Powder House Pass LEGAL DESCRIPTION: Plat of Lots 2 and 3 of Block 10 of Trailside Addition, Lots 2 and 3, Formerly a Portion of Tract B1R Revised of Wilderness Estates 2nd Addition and a Portion of Block 10 of Trailside Add (Legal shortened) VICINITY LOCATION: Powder House Pass SUMMARY: New & replat of lots - Fire Plan previously submitted ZONING: PUD.

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

Moved-Seconded (Deibert-Ewing) to approve the preliminary & final plat for APPLICANT BH Development & Powder House Pass 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 Lots 2 and 3 of Block 10 of Trailside Addition, Lots 2 and 3, Formerly a Portion of Tract B1R Revised of Wilderness Estates 2nd Addition and a Portion of Block 10 of Trailside Add (Legal shortened) VICINITY LOCATION: Powder House Pass SUMMARY: New & replat of lots - Fire Plan previously submitted ZONING: PUD. Aye-Deibert, Jennings and Ewing. Nay-Sleep. Motion Carried.

LAC MINERALS C.U.P. 116, 125 AND 202: Mark Tieszen, Environmental Manager for Homestake/LAC Minerals Mines was present to discuss the LAC Minerals/Homestake merger transfer of CUP #116 (Mining and processing), CUP #125 (Amendment to CUP #116 - Land application and storage pond enlargement) and CUP #202 (Clay and limestone quarry).

Moved-Seconded (Deibert-Sleep) to approve the transfer and ownership of CUP #116 (Mining and processing), CUP #125 (Amendment to CUP #116 - Land application and storage pond enlargement) and CUP #202 (Clay and limestone quarry) to Homestake Mining Company California, subject to the other conditions being reviewed. Motion Carried.

WAIVE COURT APPOINTED ATTORNEY COSTS: Bruce Outka, Deputy States Attorney, presented a request to waive court appointed attorney fees for TH.

Moved-Seconded (Sleep-Jennings) to follow the recommendation of Bruce Outka, Deputy States Attorney, and deny the request to waive court appointed attorney fees for TH. Motion Carried.

LEGISLATIVE AUDIT / 2021-2022 AUDIT: Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2021 and 2022. Moved-Seconded (Sleep-Deibert) to authorize the Chairman and Brenda McGruder, Auditor, to sign the engagement letter with the Department of Legislative Audit. Motion Carried.

Commissioner Deibert noted for the record that the audit is required by state but the county is responsible for the bill.

ITEMS FROM THE PUBLIC:

Nicole Braithwait, 3135 American Eagle Rd, provided public comment in reference to election integrity.

Delia Prezkuta, 1918 Absaroka St, provided public comment in reference to election integrity.

EXECUTIVE SESSION: Rebecca Mann, Gunderson Palmer Nelson Ashmore, LLP, was present for consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters pursuant to SDCL 1-25-2(3).

10:31 a.m. Moved-Seconded (Jennings-Sleep) to go into executive session pursuant to SDCL 1-25-2(3) consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Motion Carried. 10:39 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Deibert-Jennings) to repeal Resolution #2020-09, Political Activity Policy RE: County Buildings and Premises. Motion Carried.

Moved-Seconded (Deibert-Jennings) to approve Resolution #2023-22, Political Activity Policy RE: County Buildings and Premises. Motion Carried. RESOLUTION #2023-22 POLITICAL ACTIVITY POLICY RE: COUNTY BUILDINGS AND PREMISES The Lawrence County Commission has approved the following political activity policy. All petition circulators shall abide by the policy while circulating petitions on the Lawrence County campus. Lawrence County buildings are public facilities that exist to accommodate the business of the county government and the courts. In an effort to preserve public safety and provide citizens the opportunity to conduct business without unnecessary disruption or inconvenience, circulators of petitions must abide by the following Guidelines and Conduct of Petition Circulators when circulating petitions on the Lawrence County Campus to gather signatures. AREAS WHERE SIGNATURE GATHERING PERMITTED Lawrence County Administrative Building: Inside* - Petition circulation is not allowed within the Lawrence County Annex Building. Outside* - Petition circulation is allowed outside the Lawrence County Administrative Annex Building. Lawrence County Courthouse: Inside* - Petition circulation is not allowed within the Lawrence County Courthouse. Outside* - Petition circulation is allowed outside the Lawrence County Courthouse. * Pursuant to SDCL 12-18-3; 12-18-3. Electioneering, offices, distracting communications devices, and signature gathering prohibited near polling place--Violation as misdemeanor. Except for sample ballots and materials and supplies necessary for the conduct of the election, no person may, in any polling place or within or on any building in which a polling place is located or within one hundred feet from any entrance leading into a polling place, maintain a campaign office or public address system, or use any communication or photographic device in a manner which

repeatedly distracts, interrupts, or intimidates any voter or election worker, or display campaign posters, signs, or other campaign materials or by any like means solicit any votes for or against any person or political party or position on a question submitted or which may be submitted. *No person may engage in any practice which interferes with the voter's free access to the polls or disrupts the administration of the polling place, or conduct any petition signature gathering, on the day of an election, within one hundred feet of a polling place. For the purposes of this section, the term, polling place, means a designated place voters may go to vote on the day of the election or go to vote absentee. A violation of this section is a Class 2 misdemeanor.* CONDUCT OF PETITION CIRCULATORS** Petition Circulators are notified: A circulator may approach persons for the purpose of politely asking for a petition signature; A circulator may engage in discussion, but shall not verbally or physically harass, threaten or intimidate any person for any reason; A circulator shall respect the right of a person to decline to sign a petition; A circulator may not follow a person into the Lawrence County Administrative Annex Building or the Lawrence County Courthouse for the purpose of obtaining a petition signature or engaging in discussion; A circulator shall not at any time prevent or interfere with ingress/egress of any person to or from a County building; A circulator may not block or hinder pedestrian flow to and from the entrance/exit doorways; and A circulator may not use any County equipment, supplies or services when gathering Signatures. ** Failure to abide by the terms of the above described Code of Conduct shall result in the circulator being asked to leave the County premises. Further, failure to abide by the terms of the Code of Conduct may result in removal and/or arrest by law enforcement. Thank you for your cooperation. Approved this 10th day of October, 2023 ATTEST Brenda McGruder, Auditor BY: Bob Ewing, Chairman.

ITEMS FROM THE COMMISSIONERS: Commissioner Ewing, Commissioner Sleep and John Bey, Highway Superintendent, will do an onsite on Homestake Road in reference to the trees that are in question of removal and trimming.

Commissioner Deibert stated that next time he is in Pierre he will meet with Larry Dean, South Dakota Department of Transportation, in reference to the Mount Roosevelt Road still being on the county road system as a primary road.

Commissioner Deibert stated that the County has not seen the road jurisdiction resolution from the City of Spearfish.

Commissioner Jennings gave an update on the Deadwood Lead Economic Development strategic planning meeting.

Commissioner Sleep voiced his concern with the time it is going to take to get a new 4-H youth program director.

BILLS: Moved-Seconded (Jennings-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-\$7,842.51; Aud-\$13,626.56; Treas-\$16,402.32; States Atty-\$17,954.89; Pub Def-\$11,852.80; Gen Govt Bldg-\$11,719.95; Equal-\$19,409.41; Rod-\$10,973.42; Vso-\$2,011.40; Ist-\$8,928.43; Sher-\$57,374.95; Jail-\$45,124.97; Coroner-\$374.04; 24/7-\$461.34; Emerg Mgnt-\$5,311.98; E911-\$18,157.96; Highway-\$54,410.57; Weed-\$4,644.90; P&Z-\$8,840.23; **Bills:** Baumann, Michelle-\$56.10; Lopez, Amber-\$292.45; Palmer, Lance-\$60.00; Hardin, Matt-\$60.00; Schumacher, Dustin-\$64.00; Walk, Ritchey-\$54.00; Cynkar, Elizabeth-\$44.00; American Family Life-\$2,486.30; Deadwood Recreation Center-\$715.00; Delta Dental Of South Dakota-\$8,788.80; Dept Of The Treasury-\$72,872.88; Northern Hills Rec Center-\$92.00; Office Of Child Support-\$419.54; Sd Retirement System-\$78,481.06; Sdrs Supplemental Retirement-\$4,192.50; Washington State Support Regis-\$115.38; Wellmark Blue Cross-\$123,421.76; A To Z Shredding-\$25.34; A&B Business,Inc Solutions-\$2,946.21; A&B Welding Supply-\$24.49; A&I Distributors-\$324.65; At&T Mobility-\$2,009.76; Audra Hill Consulting-\$668.50; Axon Enterprise-\$4,969.20; BH Pioneer-\$1,222.72; Best Western Plus Ramkota Hotel-\$611.94; Black Hills Chemical-\$956.30; Black Hills Energy-\$13,782.10; Black Hills Pure-\$11.50; Blackstrap-\$2,447.40; Butler Machinery Co-\$1,948.23; Century Business Products-\$710.15; Charter Communciations-\$50.00; Clauser Machine Works-\$40.00; Cna Surety-\$50.00; Dakota Equip Rental/Chain Saw-\$240.00; Deadwood, City Of-\$2,228.15; Dean Schaefer Court Reporting-\$114.00; Dustbusters-\$46,815.57; Elevatus Architecture-\$30,000.00; Fmg Engineering-\$3,119.57; Godfrey's Brake Serv-\$47.40; Hartford-Priority Accounts-\$2,378.98; Jacobs Precision Welding-\$114.56; Janke, Wendy-

\$760.00; Jerry Greer's Engineering-\$1,265.84; Kimball-Midwest Co-\$776.34; Knecht Home Center Of Spf-\$746.55; Koala Electric-\$1,818.01; LC Conservation Dist-\$5,000.00; Lead, City Of-\$66.93; Lead-Deadwood Sanitary-\$582.38; Lexisnexis Risk Data Mgnt-\$75.00; Lincoln County-\$686.04; Lynn's Dakotamart-\$21.98; Mabey, Brooke-\$300.00; Mastercard-\$7,468.04; Mckesson Medical-\$57.96; Montana Dakota Utilities-\$2,171.79; Monument Health Network-\$5,581.93; Ms Mail-\$125.00; Newman Signs-\$4,215.09; Northern Hills Diesel-\$146.58; Odp Business Solutions-\$283.44; Olson Fuels-\$37,363.66; Percy, Melissa-\$420.00; Pharmchem-\$95.85; Pheasantland Industries-\$1,915.84; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$222.21; Quill-\$297.32; Radiology Associates-\$143.40; Rcs Construction-\$2,142,633.89; Riverside Technologies-\$1,610.00; Safe Life Defense-\$179.44; Scott Peterson Motors-\$250.14; Sd Department Of Public Safety-\$5,400.00; Sd Dept Of Transportation-\$242,108.55; Sd Ltap/Sdsu-\$250.00; Sd Reemployment Assistance-\$933.35; Sd State Treasurer-\$591.90; Sdn Communications-\$260.00; Simon North Region-\$98,320.46; Spearfish Auto Supply-\$1,488.37; Spearfish Canyon Fire-\$2,799.00; Staples/Advantage-\$197.54; Sturdevant's Auto Parts-\$1,503.06; Sturgis Responder Supply-\$293.63; Sysco Montana-\$3,198.88; Twin City Hardware & Lumber-\$343.81; Watertree-\$46.80; Western Communication-\$13.60; Western States Fire Protection-\$1,575.00; Wex Bank-\$861.12; White's Queen City Motors-\$168.43; Yankton Co Sheriff-\$100.00; **Witness & Jurors:** \$655.35.

ADJOURN: 10:40 a.m. There being no further business, Chairman Ewing adjourned the meeting.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Brenda McGruder, Auditor