

LAWRENCE COUNTY COMMISSIONERS MEETING – October 22, 2019

Chairman Randy Deibert called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on October 22, 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 a conflict with Conditional Use Permit #432-19/Frontgate Holdings, LLC.

MINUTES: Moved-Seconded (Rosenau-Sleep) to approve the minutes of October 8, 2019 County Commission meeting. Motion Carried.

CANCELED CHECK RESOLUTION #2019-27: Moved-Seconded (Rosenau-Johnson) to approve and authorize the Chairman to sign Resolution #2019-27. Motion Carried. LAWRENCE COUNTY RESOLUTION #2019-27 WHEREAS the Lawrence County Auditor has presented the Lawrence County Board of Commissioners with a list of checks whereon the County of Lawrence is the Drawer, a copy of which list is attached hereto marked as Exhibit "A" and made a part hereof as though set forth fully herein, and WHEREAS each of the checks listed has not been presented for payment within one (1) year of the date upon which the check was issued, and WHEREAS, there are (40) checks totaling \$1,303.06 that are outstanding, NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Board of Commissioners, pursuant to SDCL 7-22-17, that the checks on said Exhibit "A" be and are hereby canceled and that the Lawrence County Auditor note such cancellation in the check register. DATED this 22nd day of October, 2019. FOR THE BOARD: Randy Deibert, Chairperson. ATTEST : Brenda McGruder, Auditor.

PERSONNEL:

HIGHWAY/OUT-OF-CLASS PAY: Moved-Seconded (Rosenau-Sleep) to resend the motion for out-of-class pay for Daniel Sheeler at a base rate of \$29.30 for 10 hours on October 10, 2019. Motion Carried.

AUDITOR: Moved-Seconded (Rosenau-Deibert) to approve Kimberly Atkins as a full-time permanent Accounting Clerk G3 at a base rate of \$18.10 an hour, effective October 27, 2019. Motion Carried.

SHERIFF: Moved-Seconded (Rosenau-Flanagan) to allow employees to donate leave to Mary Abell upon the exhaustion of the employee's accumulated vacation time, compensatory time and sick leave. Leave used will be at the discretion of the supervisor. Motion Carried.

EXECUTIVE SESSION PERSONNEL: 8:14 a.m. Moved-Seconded (Sleep-Rosenau) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:23 a.m. The Board opened for regular business with no action taken.

STATE'S ATTORNEY: Moved-Seconded (Johnson-Rosenau) to allow for the advertisement of a new full-time permanent secretary. Motion Carried.

HOLIDAY SCHEDULE: Brenda McGruder, Auditor, discussed the upcoming holidays and informed the board that Governor Noem has declared the day after Thanksgiving, December 23 & 24, 2019 as holidays as well as Thanksgiving and Christmas day. McGruder explained that the personnel policy reflects that every day appointed by the Governor of South Dakota for State employees shall be observed as a legal holiday. The Board requested that the policy be placed on the agenda at the beginning of the year for review.

EMPLOYEE INSURANCE 2020: Brenda McGruder, Auditor, spoke on behalf of the Insurance Committee. McGruder discussed the health insurance quotes received for 2020 and stated the Insurance Committee recommended the County remain with Wellmark, which offered a 5.63%

increase for insurance premiums in 2020. Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the contract with Wellmark for 2020. Motion Carried.

SLA QUARTERLY REPORT: Moved-Seconded (Flanagan-Deibert) to authorize the Chairman to sign the quarterly SLA report. Motion Carried.

COUNTY CHRISTMAS PARTY: Moved-Seconded (Rosenau-Johnson) to allow the closure of the Lawrence County Offices from 12:00 p.m. – 1:30 p.m. on December 10, 2019 for the County Christmas Party. Motion Carried.

WHITEWOOD ECONOMIC DEVELOPMENT ORGANIZATION: Chris Chiller, Director of Operations, was present to inform the Board that the 501(C)(6) Tax-exempt status has been filed with the IRS and should be approved within the next 90 days. Chiller added that the City of Whitewood matched the \$5,000 membership fee.

CONTINGENCY TRANSFER: Moved-Seconded (Flanagan-Johnson) to approve the contingency transfer of \$5,000.00 to the Commissioners Professional Service budget. Motion Carried.

SHERIFF: Brian Dean, Sheriff, gave an update on the jail forecast being done by Elevatus.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #19-26 for a Supplemental Budget for General Fund Court Appointed Attorney - \$50,000.00 Court Appointed Attorney A&N - \$25,000.00 Information Systems & Technology Repairs - \$30,000 Impact and Economic Diversification Fund Severance Tax - \$25,000. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Deibert) to approve and adopt the following Resolution #19-26 for a Supplemental Budget. Motion Carried. RESOLUTION #19-26 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2019, failed to provide sufficient revenue to enable the County to conduct the indispensable functions of Government, and WHEREAS, the Board of County Commissioners of said County deems it necessary to make a Supplementary Budget, providing for appropriation in the amounts set out below. NOW, THEREFORE, BE IT RESOLVED THAT SAID BOARD, make, approve and adopt a Supplemental Budget for Lawrence County, South Dakota, for the year 2019, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND COURT APPOINTED ATTORNEY - \$50,000.00 COURT APPOINTED ATTORNEY A&N - \$25,000.00 INFORMATION SYSTEMS & TECHNOLOGY REPAIRS - \$30,000 IMPACT AND ECONOMIC DIVERSIFICATION FUND SEVERANCE TAX - \$25,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 22nd day of October, 2019 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 22nd day of October, 2019. FOR THE BOARD OF COUNTY COMMISSIONERS Randy Deibert, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of October 16, 2019: **Whitewood Diesel #2 (dyed) 900 gallons:** (prices per gallon) CBH Cooperative –\$2.188*; Harms Oil Co-No Bid; MG Oil – No Bid. *Represents lowest quote awarded.

APPROACH PERMIT:

KLEIN: Application is hereby made by David Klein to construct an approach on the west side of Evans Lane located at 369-371 Evans Lane.

Moved-Seconded (Johnson-Rosenau) to approve the approach permit conditioned upon the City of Spearfish acquiring an additional 7 foot R.O.W. easement as part of the final platting process and applicant shall comply with the standard terms and condition of the approach permit and the recommendations of the Highway Superintendent. Aye-Rosenau, Johnson, Flanagan, and Deibert. Nay-Sleep. Motion Carried.

DORSETT BRIDGE: John Nelson, Roland Bryan, Bruce Carlson, Rich Marsh and Cameron Larson were present to discuss concerns and plans to reopen the Dorsett bridge noting that ag production has been adversely affected by the closure. Concerns included plans to rebuild, when bid letting will take place and if construction could take place this fall, whether emergency funds be used to repair or replace,

Commissioner Deibert stated that at the annual road conference he spoke with staff from the Department of Transportation expressing how emergent this has become and hoping that a bid letting could be held in December.

Allan Bonnema, Highway Superintendent, stated, that a set plans are waiting to be reviewed at the State level and a bid letting could take place as early as January. Bonnema added that the Dorsett bridge is part of the STP Bridge replacement program and Lawrence County will be responsible for 20% of the total cost of the replacement with the agreement that Butte County will split the 20% match.

Alan Drews, Interstate Engineering, arrived later to the meeting and stated that the final plans have been submitted to the Department of Transportation and reported that the scour analysis was submitted on October 15, 2019. Drewes added that in order to make a December bid letting, the completed plans must be reviewed by October 25, 2019. Drewes stated that there is not a strategic plan to rebuild the Dorsett bridge but a steel beam could be placed under the bridge to open it and use as a bypass as the new bridge is being built.

Moved-Seconded (Flanagan-Rosenau) to authorize the Chairman to sign any necessary documents from the State or engineer related to Structure #41-070-012/Dorsett bridge in order to expedite the project. Motion Carried.

COMPETITIVE HIGHWAY BRIDGE PROGRAM AWARD: Jason Hanson, Brosz Engineering, was present to update the Board on the Competitive Highway Bridge Program.

ST. ONGE TOWNSHIP 1ST STREET: A request was made by the St. Onge Township board to plow snow on 1st street in the St. Onge Township. Allan Bonnema, Highway Superintendent stated that the county presently sends two different plows by the road when plowing Center Street and Crooked Oaks road.

Moved-Seconded (Flanagan-Rosenau) to allow the Highway Superintendent, at his discretion, to provide snow removal on 1st Street while emphasizing that 1st street is not a part of the county highway system and noting there is no present intention to add the road to the county highway system. The rationale for allowing the snow plowing is owing to public safety in that the St. Onge fire department building is located adjacent to 1st street and the service is authorized under the auspices of government to government cooperation. Finally, that the future need to continue the service may be reviewed from time to time by the county, at its sole discretion, as it deems necessary and appropriate. Motion Carried.

PLANNING & ZONING:

RECESS: 9:42 a.m. Moved-Seconded (Sleep-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:55 a.m. The Chairman called the Commission meeting back to order.

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

Vice-Chairman Randall Rosenau then presided over the meeting.

CONDITIONAL USE PERMIT #432-19/FROTTGATE HOLDINGS, LLC.: A public hearing was held on Conditional Use Permit #432-19. APPLICANT: Frontgate Holdings, LLC LEGAL: Tract G2 of Johnson Sub, formerly Tract G, being a portion of Johnson Sub, located in E ½ SE ¼ of Section 28, and the SW ¼ of Section 27, all in T7N, R2E VICINITY LOCATION: Hwy 85 SUMMARY: Applicant is requesting to expand storage units and RV storage into the 2nd phase at Frontgate Storage ACREAGE: 15.57 acres.

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

Jeff Garrett, applicant, stated the reason for the expansion is due to increased demand for storage.

No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Rosenau) to approve Conditional Use Permit #432-19 based upon the Planning and Zoning Commission recommendation for approval, the concurrent recommendation of P&Z staff, as reflected in the staff report and no complaints being filed. APPLICANT: Frontgate Holdings, LLC LEGAL: Tract G2 of Johnson Sub, formerly Tract G, being a portion of Johnson Sub, located in E ½ SE ¼ of Section 28, and the SW ¼ of Section 27, all in T7N, R2E VICINITY LOCATION: Hwy 85 SUMMARY: Applicant is requesting to expand storage units and RV storage into the 2nd phase at Frontgate Storage ACREAGE: 15.57 acres. Motion Carried.

Commissioner Deibert returned to the meeting.

CHANGE OF ZONING #333/MATTISON: First Reading and public hearing was held on COZ #333. APPLICANT: Carlen & Janet Mattison LEGAL: NW ¼ NE ¼ of Section 31, T7N, R2E VICINITY LOCATION: W Hwy 14 /Caballo Drive SUMMARY: COZ from A-1 General Agriculture to A-2 Residential Agriculture ACREAGE: 40 acres.

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

Commissioner Flanagan questioned the public access to the property.

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

Second reading will be held on November 12, 2019 at 9:00 a.m.

CONDITIONAL USE PERMIT #452/WHITEOOD VALLEY PROPERTIES, LLC.: Continued from September 24, 2019 and on-site scheduled on October 8, 2019. 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 NW ¼ NE ¼ Section 14, T7N, R4E VICINITY LOCATION: Whitewood SUMMARY: Request to operate a Restricted Use Site ACREAGE: 117.50 acres.

Commissioner Sleep expressed his concern with the project as 30 some people voiced concerns with the project at the public hearing. Sleep also added that 195th Street is narrow and hilly and with the crop land in the area there are farm vehicles on the narrow road. Sleep also expressed his concern with the added dust and adverse impacts on livestock.

Commissioner Rosenau echoed Commissioner Sleeps comments regarding the roads issues. Rosenau expressed concern with no input from the State on the drainage issues.

Commissioner Johnson stated that every piece of ground has drainage. Johnson added that he understood the comments about the roads, but has a problem with the comment in reference to driving tractors down the road with no safety equipment. Johnson also expressed that he understands this is primarily an agriculture area but did not feel it diminished the agriculture value. Johnson stated that the applicant has been visiting with the county for about two years regarding finding a suitable location for the operation and that the proposed location is about as far away from most people that you can get.

Commissioner Deibert stated that the geographical location was well chosen and that the topography was such that the operation would be mostly out of sight. However, Deibert expressed concern referencing the same site topography, challenges it posed for containing drainage, the installation of an internal haul road and allowing for safe entry and exit for trucks from the site. Summarizing his thoughts, Deibert stated that improvement to the site would be a big effort. Deibert further expressed his concern with Condition #16, addressing a performance bond. In this regard, he discussed the challenges to the County in establishing an amount sufficient to meet future remediation of the site should the County be obliged to do so. Deibert further expressed his concerns with filtering containments brought on site, blowing materials, protecting the water flow and monitoring truck traffic.

Moved-Seconded (Sleep-Rosenau) to deny Conditional Use Permit due to the expressed concerns. #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 PARCEL ID: 25000-00704-11-00 VICINITY LOCATION: Whitewood
SUMMARY: Request to operate a Restricted Use Site ACREAGE: 117.50 acres. Aye-Rosenau, Sleep and Deibert. Nay-Johnson and Flanagan. Motion Carried.

PLANNING & ZONING UPDATES: Amber Vogt, Planning & Zoning Administrator, gave an update on E-911 Signage, CUP signage and the Gene Johner plat of Lot 1 Tract 1 in Section 8, T6N, R2E.

The outstanding matter of the Nemo Guest Ranch nuisance complaint was brought up by Vogt. The Board requested Bruce Outka, Deputy State's Attorney, to write a letter to Mr. Saye requesting that he make an appointment to meet with the board at an upcoming meeting to discuss resolution of the issues.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way. LEGAL DESCRIPTION FOR THE VACATION: SW1/4 SW1/4 SW1/4 SE1/4 SECTION 17, T6N, R2E, BHM NW1/4 NW1/4 NW1/4 NE1/4 SECTION 20, T6N, R2E, BHM LAWRENCE COUNTY, SOUTH DAKOTA.

David Brauns, Applicant, stated that there is 330 feet of section line that goes right through the middle of the property and would request it to be vacated so he could use all of the property.

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

Moved-Seconded (Flanagan-Deibert) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2019-28 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2019-28 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: SW1/4 SW1/4 SW1/4 SE1/4 SECTION 17, T6N, R2E, BHM NW1/4 NW1/4 NW1/4 NE1/4 SECTION 20, T6N, R2E, BHM LAWRENCE COUNTY, SOUTH DAKOTA, AFFECTING THE LANDOWNERS: DAVID A & WILMA BRAUNS, Dated this 22nd 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 22nd, 2019. Dated at Deadwood, South Dakota, the 22nd day of October, 2019. Brenda McGruder, Lawrence County Auditor.

VACATION OF PLAT /HERRBOLDT: A public hearing was held on a Petition to Vacate a Plat submitted by Dean & Tina Herrboldt: Plat of Lots 136R and Lot 140R, formerly 136A, formerly Lot 136 and Lot 140, of Subdivision #2 of Mountain Plains Dev. Corporation located in the SE¼ and part of NE1/4NE1/4, SE1/4NE1/4, SW1/4NE1/4, NE1/4SW1/4, SE1/4SW1/4 of Section 21; W1/2SW1/4 and part of NW1/4NW1/4, SW1/4NW1/4, SE1/4SW1/4, SW1/4NE1/4, NE1/4SW1/4, Section 22; NW1/4NW1/4 of Section 27 and the NE1/4NE1/4 of Section 28, all in Township 6 North, Range 2 East, B.H.M., Lawrence County, South Dakota, as shown on Plat recorded on June 26, 2015, as Document 2015-2678, in the office of the Lawrence County Register of Deeds.

No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the following Resolution #19-29. Motion Carried. RESOLUTION #19-29 RESOLUTION & ORDER VACATING PLATS WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, by Dean Herrboldt and Tina Herrboldt, requesting for the Vacation of said Plat: Plat Document 2015-2678 pursuant to SDCL 11-3-21.1 et seq., and 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 at least ten days in advance of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, the legal description of the plat: Plat of Lots 136R and Lot 140R, formerly 136A, formerly Lot 136 and Lot 140, of Subdivision #2 of Mountain Plains Dev. Corporation located in the SE¹/₄ and part of NE¹/₄NE¹/₄, SE¹/₄NE¹/₄, SW¹/₄NE¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄ of Section 21; W¹/₂SW¹/₄ and part of NW¹/₄NW¹/₄, SW¹/₄NW¹/₄, SE¹/₄SW¹/₄, SW¹/₄NE¹/₄, NE¹/₄SW¹/₄, Section 22; NW¹/₄NW¹/₄ of Section 27 and the NE¹/₄NE¹/₄ of Section 28, all in Township 6 North, Range 2 East, B.H.M., Lawrence County, South Dakota, as shown on Plat recorded on June 26, 2015, as Document 2015-2678, in the office of the Lawrence County Register of Deeds, and WHEREAS, the names of the legal voters residing upon the platted land: Dean Herrboldt and Tina Herrboldt, and WHEREAS, the character and use of the plat: residential rural land, WHEREAS, a description of any public highway located there: Lone Elk Road borders the property per a 66' public access easement which will not be affected by vacating the plat, WHEREAS, the property is unimproved and up for sale. The prior replat into two lots is no longer deemed appropriate by the owners, will not facilitate resale and is unnecessarily expensive to maintain as two lots, WHEREAS, the granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, it may vacate the plat specified in the petition. All property taxes on such plat shall be paid before it may be vacated, BE IT RESOLVED by the Lawrence County Board of Commissioners to hereby vacate said Plat: Plat Document 2015-2678. Dated this 22nd day of October, 2019. Randy Deibert, Chairperson Lawrence County Commissioner ATTEST: I Brenda McGruder, the duly elected Auditor of Lawrence County, SD, 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 22, 2019. Dated at Deadwood, SD, this 22nd day of October, 2019. Brenda McGruder Lawrence County Auditor.

ABATEMENTS:

Moved-Seconded (Sleep-Rosenau) to approve the abatement for John Finn on parcel #32800-00602-040-00 for 2019 taxes payable in 2020 as the basement finish was recorded in error. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the abatement for Kyra J or Russell W Crago on parcel #32320-00100-012-01 for 2019 taxes payable in 2020 as the mobile home was traded in and moved to Northern Hills Homes & RV's in 2018. Motion Carried.

ROAD JURISDICTION:

EXECUTIVE SESSION LITIGATION: 11:20 a.m. Moved-Seconded (Flanagan-Rosenau) to go into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel about ongoing litigation. Motion Carried. 11:33 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Johnson-Rosenau) to appoint three real property owners or a licensed appraiser to appraise the property as recorded in the Register of Deeds office Book 254 Page 103 and report back to the Board on November 12, 2019. Motion Carried.

ITEMS FROM COMMISSIONERS:

BLACK HILLS FOSTER PARENT ASSOCIATION: Moved-Seconded (Flanagan-Deibert) to allow the gift tree in the Annex Building for the benefit of local foster children. Motion Carried.

BILLS: Moved-Seconded (Johnson-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-\$11,157.35; Treas-\$12,775.20; States Atty-\$14,454.58; Pub Def-\$14,161.61; Gen Govt Bldg-\$8,570.40; Equal-\$15,416.27; Rod-\$9,155.94; Vso-\$1,405.52; Ist-\$9,387.04; Sher-\$46,062.66; Jail-\$26,629.57; Coroner-\$460.66; 24/7-\$429.09; Emerg Mgnt-\$4,585.70; E911-\$13,936.42; Highway-\$48,631.74; Mh Ser-\$95.00; Weed-\$4,073.59; Pz-

\$5,941.31; **Bills:** Wetz, Jolene-\$174.72; A To Z Shredding-\$20.00; A&B Business,Inc Solutions-\$1,209.37; A&B Welding Supply-\$143.88; Ace Hardware Of Lead-\$6.59; BH Occupational Medicine-\$60.00; BH Pest Control-\$190.00; BH Pioneer-\$2,284.71; Baymont Inn & Suites-\$154.00; Black Hills Energy-\$13,087.57; Bob Barker Company-\$60.52; Bomgaars Supply-\$49.99; Butler Machinery Co-\$4,829.95; Cbh Cooperative-\$7,097.60; Centurylink-\$1,974.89; City Of Rapid City-\$1,155.00; Concordance Healthcare Solution-\$163.20; Convergent Technologies-\$3,497.26; Credit Collections Bureau-\$281.53; Dakota Business Center-\$855.83; Dakota Equipment Rental-\$1,384.00; Dean Schaefer Court Reporting-\$60.00; Dept Of Hlth Lab Services-\$465.00; Dept Of The Treasury-\$59,508.99; Dickey's-\$395.00; Ertz, Dewey J-\$409.44; Fastenal-\$7.90; Floyd's Truck Center-\$26.76; Galls-\$3.98; Geigle, Jd-\$263.72; Ginter Building Services-\$19,052.14; Godfrey's Brake Serv-\$144.60; Great Western Tire Company-\$817.56; Hartford-Priority Accounts-\$2,145.67; Heartland Paper Co-\$682.30; Heisler Hardware-\$31.98; Hilpert & Hale Prof-\$1,848.40; Horizons Unlimited-\$500.80; Hp-\$79.86; Inland Truck Parts-\$61.90; Jacobs Precision Welding-\$22.80; Johner Gravel-\$5,465.10; Karen Paige Hunt, Prof-\$2,167.45; Kinkade Funeral Chapel-\$980.97; Kinney Law-\$1,838.01; Lawson Products-\$74.13; Lead-Deadwood Regional Hospital-\$886.90; Lee, James-\$15.00; Lewis & Clark Bhs-\$178.00; Lynn's Dakotamart-\$19.18; Mg Oil Company-\$2,560.58; Midcontinent Communications-\$112.16; Montana Dakota Utilities-\$94.39; Nalco Company-\$261.24; Nelson Law-\$1,042.21; Nelson, Christy-\$350.00; North Central Int'l-\$791.88; Office Of Attorney General-\$315.69; Office Of Child Support-\$852.01; PcsO Addiction Treatment Serv-\$226.00; Pennington Co Jail-\$2,144.70; Pete Lien & Sons-\$25,514.11; Pizza Lab-\$161.65; Pmb 0112-\$224.75; Powerplan-\$91.70; Rabe Elevator-\$1,759.98; Rasmussen Mechanical Serv-\$65,719.27; Regional Health-\$1,907.15; Scott Peterson Motors-\$403.67; Sd Public Assur Alliance-\$775.90; Sdrs Supplemental Retirement-\$1,895.00; Servall Towel & Linen-\$420.19; Sew It Goes-\$212.63; Sierra Design Vinyl Lettering-\$30.00; Silverado-\$594.29; Simon North Region-\$72,556.13; Spearfish City Of-\$85.00; Spearfish Police Dept-\$11,228.46; Sturdevant's Auto Parts-\$238.46; Sysco Montana-\$3,249.12; The Radar Shop-\$524.00; Thomson Reuters-West-\$193.87; Triple K Tire & Repair-\$49.35; Truenorth Steel-\$30,405.60; Turnkey Corrections-\$23.95; Twin City Hardware & Lumber-\$335.96; Tyler Technologies-\$2,383.00; Vast Broadband-\$1,428.09; Victims Of Violence-\$1,261.50; Waste Connections Of Sd-\$359.62; Watertree-\$32.40; We Know Security-\$3,993.00; Wells Fargo Business Card-\$9,478.65; Western Communication-\$1,769.50; Western Sd Juvenile Serv-\$335.00; White Drug-\$2,325.00; Yankton County-\$120.00;**Witness & Jurors:** Brooking,H-\$61.76; Covell,H-\$60.92; Hafner,J-\$62.60; Kilmer,K-\$62.60; Opstedahl,M-\$58.40; Pederson,K-\$62.60; Schnaible,B-\$65.12; Walkins,K-\$71.00; Eastman,P-\$29.24; Justice,S-\$22.52; Roling,K-\$67.04; Sitar,J-\$22.52; Voight,M-\$58.64

ADJOURN: 11:37 a.m. There being no further business, Chairman Deibert adjourned the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – October 22, 2019

Chairman Randy Deibert called the meeting of the Lawrence County Board of Adjustment to order at 9:42 a.m. on October 22, 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 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 Board of Adjustment.

VARIANCE #178/DITTMAN: A public hearing was held on Variance #178 APPLICANT: Gregg & Sarah Dittman LEGAL: Lot L in the SE ¼ SE ¼ of Section 20, T7N, R2E VICINITY LOCATION: Old Belle Rd SUMMARY: Applicant is requesting a 13’ variance to the 25’ rear setback in order to bring an existing garage built with no building permit into compliance ACREAGE: 11.92 acres.

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

Gregg Dittman, Applicant, stated there were some old buildings on the property and storage was needed for the fish hatchery, so the structures were torn down and replaced with a new structure. Dittman added that he contacted his neighbors and they have no problems with the location of the new structure.

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

Commissioner Johnson noted that a mistake was made. Nonetheless, Johnson questioned whether any harm resulted from the location of the structure? Johnson continued noting that the adjacent landowner had offered no complaints.

Commissioner Rosenau wondered what would have happened if the applicant would have requested a variance prior to building? In that case, in Rosenau’s opinion, the commission would likely not have granted a variance.

Commissioner Deibert expressed concern with the message conveyed to the public if a variance is granted in such circumstance.

Moved-Seconded (Sleep-Johnson) to approve Variance #178 since no objection was lodged by the adjacent landowner. APPLICANT: Gregg & Sarah Dittman LEGAL: Lot L in the SE ¼ SE ¼ of Section 20, T7N, R2E VICINITY LOCATION: Old Belle Rd SUMMARY: Applicant is requesting a 13’ variance to the 25’ rear setback in order to bring an existing garage built with no building permit into compliance ACREAGE: 11.92 acres. Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

ADJOURN: 9:55 a.m. There being no further business, it was Moved-Seconded (Rosenau-Johnson) to adjourn the Board of Adjustment Meeting. Motion Carried.

Date Approved

Randy Deibert, Chairman

ATTEST:

Brenda McGruder, Auditor