

LAWRENCE COUNTY COMMISSIONERS MEETING – November 12, 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 November 12, 2019 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep and Brandon Flanagan. Absent Randall Rosenau.

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

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

DECLARE CONFLICTS AND DISCLOSURES: Commissioner Deibert declared conflicts with Preliminary and Final Plat/Mutchler: Applicants: Marvin & Teka Mutchler, Preliminary and Final Plat/Aspen at Allikat Corner: Applicants: Aspens at Allikat Corner LLC & Allison Hall and Value Real Property/Declare Surplus/Sale of Real Property.

VICE CHAIRMAN: Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Daryl Johnson as Acting Vice Chairman for the November 12, 2019 Commissioner meeting in the absence of Vice Chairman Randall Rosenau. Motion Carried.

MINUTES: Moved-Seconded (Sleep-Johnson) to approve the minutes of October 22, 2019 County Commission meeting. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve the minutes of October 22, 2019 Board of Adjustment meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of October 31, 2019, showed the following: Total amount of actual cash-\$1,350.00; total amount of checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,146,972.17; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$19,847.18; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000.00; bank balance \$23,406,387.49; money market \$8,892,958.49. Total \$36,469,375.33.

PERSONNEL:

SHERIFF: Moved-Seconded (Johnson-Deibert) to approve Lance Palmer as a full-time permanent Deputy I G3 at a base rate of \$25.12 an hour, effective November 24, 2019. Motion Carried.

Moved-Seconded (Johnson-Deibert) to approve Brianna Rommen as a full-time permanent Dispatcher II G1 at a base rate of \$20.04 an hour, effective November 24, 2019. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve Thomas Myers as a full-time permanent Correctional Officer I G3 at a base rate of \$19.65 an hour, effective November 10, 2019. Motion Carried.

Moved-Seconded (Johnson-Sleep) to approve Jacob Capp as a full-time permanent Deputy II G3 at a base rate of \$26.66 an hour, effective January 2, 2020. Motion Carried.

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Johnson-Flanagan) to approve Donna Henderson as a full-time permanent Custodian I G3 at a base rate of \$14.47 an hour, effective November 12, 2019. Motion Carried.

EXECUTIVE SESSION PERSONNEL: 8:14 a.m. Moved-Seconded (Flanagan-Sleep) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:26 a.m. The Board opened for regular business with no action taken.

PUBLIC DEFENDER: Moved-Seconded (Sleep-Flanagan) to approve Jennifer B. Utter as a full-time permanent Deputy Public Defender G8 at a base rate of \$2,730.85 per pay period, effective November 18, 2019. Motion Carried.

Moved-Seconded (Johnson-Sleep) to allow for a Personnel Manual waiver for Jennifer B. Utter, Deputy Public Defender to live outside of Lawrence County upon a finding of special circumstances. Motion Carried.

TREASURER: Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the family medical leave act extension for Linda Quenzer for 12 weeks. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Johnson-Flanagan) to approve Brianna McCroden as a full-time permanent Administrative Secretary G1 at a base rate of \$17.01 an hour, effective December 2, 2019. Motion Carried.

BLACK HILLS ENERGY RENEWABLE READY SUBSCRIBER AGREEMENT: Moved-Seconded (Flanagan-Deibert) to authorize the Chairman to sign the Black Hills Energy Renewable Ready Subscriber Agreement. Motion Carried.

PERSONNEL HANDBOOK REVIEW: Brenda McGruder, Auditor, and Bruce Outka, Deputy State's Attorney, updated the Board on the Personnel Handbook review. Outka stated that the handbook has been reviewed by Heather Lammers Bogard, Attorney, and Bogard submitted some suggested revisions. McGruder recommended forming a work group along with two Commissioners. McGruder will set up a Department Head meeting to see who is interested in being part of the work group.

2020 COUNTY COMMISSION SCHEDULE(AMENDED): Moved-Seconded (Flanagan-Sleep) to amend the 2020 County Commissioners meeting dates as follows: January 2 & 21, February 11, March 10 & 24, April 14 & 28, 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.

ABATEMENTS:

Moved-Seconded (Sleep-Flanagan) to approve the abatement for the State of South Dakota on parcel #26280-00193-000-00 for 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to deny the abatement for the City of Lead on parcel #31450-00300-030-00 for 2019 taxes payable in 2020 because a taxing entity owned the property at the end of 2019. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the abatement for the City of Deadwood on parcel #30025-02000-030-00 for 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the abatement for the City of Deadwood on parcel #30025-02000-040-10 for 2019 taxes payable in 2020 as the property is now tax exempt. Motion Carried.

SHERIFF:

CANCELED CHECK RESOLUTION #2019-30: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign Resolution #2019-27. Motion Carried. LAWRENCE COUNTY RESOLUTION #2019-30 WHEREAS the Lawrence County Sheriff's Office 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 more than one (1) year of the date upon which the check was issued, and WHEREAS, there are (36) checks totaling \$4,382.63 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 Sheriff's Office note such cancellation in the check register. DATED this 12th day of November, 2019 FOR THE BOARD: Randy Deibert, Chairperson ATTEST: Brenda McGruder, Auditor.

2020 LIQUOR LICENSE RENEWALS: A public hearing was held on an application for renewal of liquor licenses for 2020. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Flanagan) to renew the following liquor licenses for 2020. Motion Carried. PACKAGE LIQUOR - OFF SALE LICENSE LARRY KAISER, (Nemo Mercantile): M.S. 1368 Tract 3, Section 27, T3N, R5E, B.H.M. LONNY & SUSAN SMITH (St. Onge Bar &

Grill): LOTS 1 & 2 BLOCK 8, Section 23, T7N, R3E RETAIL AND SUNDAY ON-SALE LICENSE LEAD COUNTRY CLUB, INC.: Block 5 Ironwood Estates Section 31, T4, R3 VEZARO INC. (Guadalajara Mexican Restaurant): Lot 3 & Pt Lots 2 & 4 & Pt of Lot B of Lot of Lot 1 (NW4NW4) 3-6-2 SPEARFISH CANYON RESORTS LLC, (Spearfish Canyon Resort): P.C. 953 LOT C AND D OF LITTLE SP. SECTION 36, T5N, R1E, B.H.M. LAWRENCE COUNTY, SD SPEARFISH CANYON RESORTS LLC, (Latchstring Village): M.S. 991 PT. LOT Ab-1 OF CASCADE PLACER SPEARFISH SCHOOL DISTRICT Section 36, T5N, R1E, B.H.M., Lawrence Co, SD BLACK HILLS CHAIRLIFT CO.INC., (Dark Horse Saloon): GOV'T LOTS 6 EX LOT A(.329A) & 11 EX TRACT 1(12.705A) & EX TERRY PEAK ESTATES LOTS 1-7 & ROW (STEWART T-004 R-02; M.S. 1122 LITTLE HOPE FR. ETAL SUR. RITES(OLD BLUE CHAIR #1) & (NEW BLUE CHAIR # 5) MINERAL 1035 THRU 1135 TOMAHAWK LAKE COUNTRY CLUB: M.S 1372 PT. Ex Lot 1 of Norwood #8 (5.01 AC) & Lot 1 of TR 0067'B' (5.82 AC); PT Sec 24-4-3 & PT Sec. 19 & 30-4-4; M.S. 1372 Lot 1 of Norwood # 4 of M.S. 1372 (9.58A) & TR A POR. of B (2.877) & C of Tract 0067 & TR A of HES 57 & 66 (1.35 AC). 30-4-4; 19-4-4; BOULDER CANYON COUNTRY CLUB: Golf Course Tract 1 Section14, T5N, R4E of the Black Hills Meridian – Boulder Canyon Country Club. RETAIL ON-OFF SALE WINE SEVEN DOWN LLC: TRACT 7 (Seven Down Arena) plat: 2006-201 Section 27, T6N, R3E CHEYENNE CROSSING STORE, LLC: M.S. 1564 SPEARFISH CANYON LOT C-3 OF MEADOW 1-2-3 M.S. 1564. (CHEYENNE XING STORE) plat: 1991-1411 Lawrence Co. 22-4-2 TRIPLE H HILLS LLC (Mystic Hills Hideaway): M.S. 1748 TRACT 1 OF ST JOHN LODES ETAL plat: 2013-2432 1-3-3 WICHTERMAN AND SONS INC (Steel Wheel Campground): TRACT D REVISED HES 297 plat: 2004-6035 Sec 19, T4N, R4E, BHM, Lawrence County, SD. BAREFOOT RESORT ASSOCIATION INC. (Barefoot Resort): M.S. 2021 LOT 1R OF BAREFOOT EX UNITS D-1-O,D-1-1,D-2-0,D-2-1,D-2-2 & D-2-3. plat: 2004-6945 MINERAL 1995 THRU 2079, Sec. 2-T4N-R2E of Black Hills. CROW PEAK BREWING COMPANY LLC: Crow Peak Brewing Company Tract 4-6-2. BW GAS & CONVENIENCE RETAIL LLC (Yesway 1192): Lot 1 & W 20' Lot 2 of Lot A of Lot 1, NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. EAGLE TREE RESORTS CO LLC: DBA RIM ROCK LODGE; BLDGS ON LEASED SITE; SPEARFISH CANYON LOT C-2. AW RENTALS LLC (Recreational Springs Resort): M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. ELKHORN RIDGE @ FRAWLEY RANCHES LLC: BLDGS ON LEASED SITE; FRAWLEY RANCHES ADDITION S ½ SECTION 26, E ½ NE ¼ SECTION 26, W ½ NW ¼ SECTION 26, E ½ NE SECTION 27, E ½ SE SECTION 27, SW SW SECTION 23, S ½ SE SECTION 22 T6 R3.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of October 28, 2019: **Deadwood Diesel Blended 50/50 (dyed) 6500 gallons:** (prices per gallon) CBH Cooperative –No bid; Harms Oil Co-No Bid; MG Oil – \$2.449*. **Deadwood Unleaded 3400 gallons:** (prices per gallon) CBH Cooperative –No bid; Harms Oil Co-No Bid; MG Oil – \$2.329*. **Spearfish Diesel #2 (dyed) 3000 gallons:** (prices per gallon) CBH Cooperative –No bid; Harms Oil Co-No Bid; MG Oil – \$2.255*. **Spearfish Unleaded 900 gallons:** (prices per gallon) CBH Cooperative –No bid; Harms Oil Co-No Bid; MG Oil – \$2.329*. *Represents lowest quote awarded.

PERMITS:

JOENS: Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permits for Adam Joens to construct an approach on the north side of Centennial Road located 1 1/8 mile west of the highway. Motion Carried.

VAST BROADBAND: Moved-Seconded (Flanagan-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the permit to occupy County highway right-of-way for Vast Broadband for the placement of hybrid fiber coax located along Old Belle Road in Section 32, T7N, R2E. Motion Carried.

NORTH ROCHFORD ROAD MILL & OVERLAY PROJECT (PHASE 3): Moved-Seconded (Flanagan-Sleep) to advertise and set a bid opening for November 26, 2019 at 8:30 a.m. for the North Rochford Road Mill & Overlay Project (Phase 3). Motion Carried.

DORSETT BRIDGE UPDATE: Allan Bonnema, Highway Superintendent, gave an update on the Dorsett Bridge. Bonnema stated that the scour analysis was submitted to the Department of Transportation and after review it was determined that more rip rap was needed. Bonnema stated that the plans have been returned to Interstate Engineering for the needed changes and should be set to go to bid in January 2020.

Bonnema stated that he contacted three companies to come and look at the bridge and give a proposal for a temporary fix while the new bridge is under construction. Bonnema added that only one company showed any interest in the project and as of today he has not heard back.

CITY OF SPEARFISH/COUNTY RECREATION PATH AGREEMENT: Tonya Vig, Engineering Tech/Floodplain Administrator City of Spearfish, and Ashley McDonald, City Attorney for Spearfish, presented the Board with a draft easement agreement. The Board expressed concern with two items to be added/changed in the agreement and requested more detail on the preliminary pathway exhibits.

ROAD JURISDICTION:

EXECUTIVE SESSION LITIGATION: 9:20 a.m. Moved-Seconded (Sleep-Deibert) to go into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel about ongoing litigation. Motion Carried. 9:36 a.m. The Board opened for regular business with no action taken.

Commissioner Rosenau attended by telephone conference. Roll call vote was used.

PLANNING & ZONING:

CHANGE OF ZONING #333/MATTISON: Second Reading 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 and stated that a report was provided from Lester Neis, Attorney for applicant, showing that a title search for access was done. Vogt further added that there is access to the property.

Commissioner Sleep expressed his concern with breaking up the lots into 10 acres as this is not an agriculture unit. Sleep also added that breaking these lot up makes for more junk being scatter around and feels that Suburban Residential or Rural Residential would be a better option.

Moved-Seconded (Flanagan-Johnson) to approve COZ #333 based on similar use and appropriateness in this area, Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. Roll Call: Aye-Rosenau, Johnson, Flanagan and Deibert. Nay-Sleep. Motion Carried.

Commissioner Deibert added that considering all the property in the surrounding area is zoned A2 it makes a certain amount of sense in this area. Deibert further added that the owner should be aware that the standards in the 3-mile extraterritorial jurisdiction ordinance are much stricter with regard to access then that of the County.

Vogt added that the City of Spearfish questioned the County right-of-way. The Board commented that the City will need to interpret their own ordinance.

COMPREHENSIVE PLAN UPDATE: Amber Vogt, Planning & Zoning Administrator, gave an update on the comprehensive plan.

NUISANCE COMPLAINT UPDATE: Amber Vogt, Planning & Zoning Administrator, and Jeff Schroeder, Deputy Code Enforcement Officer, gave an update on ongoing nuisance complaints.

Vogt updated the Board on the Nemo Guest Ranch complaint. Vogt presented the Board with a timeline of events that have transpired since April 25, 2019 along with the answers to the formal complaint that was filed on June 11, 2019. As the investigation was concluded, Vogt asked whether the complaint file should be closed. The Board instructed Vogt to close out the complaint and to forward a copy of the complaint and the responses thereto to the complainant and the Commissioners.

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

Acting Vice-Chairman Daryl Johnson then presided over the meeting.

PLATS:

PRELIMINARY AND FINAL PLAT/MUTCHLER: APPLICANTS: Marvin & Teka Mutchler
LEGAL DESCRIPTION: Tract 2A, 2B and Tract 2C of Nonnast Subdivision #2, located in a portion of the NE ¼ of Section 28, T6N, R4E. VICINITY LOCATION: Crook City Road
SUMMARY: Creation of 2 new lots and a fire plan was received with no work needing to be done ZONING: PF ACREAGE: Tract 2A (14.195 acres) and Tract 2B (2.10 acres) Tract 2C (2.11 acres).

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary and final plat for Marvin & Teka Mutchler 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, 2B and Tract 2C of Nonnast Subdivision #2, located in a portion of the NE ¼ of Section 28, T6N, R4E. VICINITY LOCATION: Crook City Road SUMMARY: Creation of 2 new lots and a fire plan was received with no work needing to be done ZONING: PF ACREAGE: Tract 2A (14.195 acres) and Tract 2B (2.10 acres) Tract 2C (2.11 acres). Roll Call: Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-None. Motion Carried.

PRELIMINARY AND FINAL PLAT/ASPEN AT ALLIKAT CORNER: APPLICANTS: Aspens at Allikat Corner LLC & Allison Hall LEGAL DESCRIPTION: Lot 1R and Lot 5 of Diamond Estates, a sub of Lot 1 of Diamond Estates and Diamond Fraction MS #1902, all located in Diamond and Diamond #1, Diamond #2 and Diamond Fraction all of MS #1902, located in Section 13 & 14, T3N, R4E. VICINITY LOCATION: Benchmark/Nemo SUMMARY: Movement of lot lines in order to meet setbacks to build a structure ZONING: PF ACREAGE: Lot 1R (15.62 acres) Lot 5 (13.66 acres).

Moved-Seconded (Flanagan-Johnson) declaring that the plat for Aspens at Allikat Corner LLC & Allison Hall meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Roll Call: Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-None. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve the preliminary and final plat for Aspens at Allikat Corner LLC & Allison Hall 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 and Lot 5 of Diamond Estates, a sub of Lot 1 of Diamond Estates and Diamond Fraction MS #1902, all located in Diamond and Diamond #1, Diamond #2 and Diamond Fraction all of MS #1902, located in Section 13 & 14, T3N, R4E. VICINITY LOCATION: Benchmark/Nemo SUMMARY: Movement of lot lines in order to meet setbacks to build a structure ZONING: PF ACREAGE: Lot 1R (15.62 acres) Lot 5 (13.66 acres). Roll Call: Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-None. Motion Carried.

Commissioner Deibert returned to the meeting.

LAYOUT PLAN/WHARF RESOURCES: APPLICANT: Wharf Resources LEGAL DESCRIPTION: Lot U1 being a portion of the Mark Twain Lode, M.S. 378 and the Lost Fraction Lode of M.S. 1041, located in the NE ¼ of Section 2, T4N, R2E. VICINITY LOCATION: Stewart Slope Rd/Terry Peak SUMMARY: Creation of lots to transfer to be used for parking for Barefoot Rental Properties (no residential building rights attached) ZONING: SRD ACREAGE: Lot U1 (1.155 acres).

Amber Vogt, Planning & Zoning Administrator, stated that the layout plan was reviewed at the Planning & Zoning meeting and it was determined that a new layout plan will be submitted.

PRELIMINARY AND FINAL PLAT/TWO BIT, LLC: APPLICANT: Two Bit, LLC LEGAL DESCRIPTION: Plat of Lots 16A, 16B and 17 of Golden Hills, being a sub of Tract A (legal shortened) Section 25 & 26, T5N, R3E and Section 30 & 31, T5N, R4E. VICINITY LOCATION: Two Bit Rd SUMMARY: Moving lot lines from original Lot 16 & 17 to create an extra lot ZONING: PF ACREAGE: Lot 16A (6.778 acres) Lot 16 B (2.054 Acres); Lot 17 (16.018 acres).

Moved-Seconded (Johnson-Flanagan) to approve the preliminary plat for Two Bit, 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: Plat of Lots 16A, 16B and 17 of Golden Hills, being a sub of Tract A (legal shortened) Section 25 & 26, T5N, R3E and Section 30 & 31, T5N, R4E. VICINITY LOCATION: Two Bit Rd SUMMARY:

Moving lot lines from original Lot 16 & 17 to create an extra lot ZONING: PF ACREAGE: Lot 16A (6.778 acres) Lot 16 B (2.054 Acres); Lot 17 (16.018 acres). Roll Call: Aye-Rosenau, Johnson, Sleep, Flanagan and Deibert. Nay-None. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the final plat for Two Bit, 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: Plat of Lots 16A, 16B and 17 of Golden Hills, being a sub of Tract A (legal shortened) Section 25 & 26, T5N, R3E and Section 30 & 31, T5N, R4E. VICINITY LOCATION: Two Bit Rd SUMMARY: Moving lot lines from original Lot 16 & 17 to create an extra lot ZONING: PF ACREAGE: Lot 16A (6.778 acres) Lot 16 B (2.054 Acres); Lot 17 (16.018 acres). Roll Call: Aye-Rosenau, Johnson, Sleep, Flanagan and Deibert. Nay-None. Motion Carried.

FINAL PLAT/REUSA W CONSTRUCTION & HES 125, LLC.: APPLICANTS: Reusaw Construction, Inc. and HES 125, LLC LEGAL DESCRIPTION: Lot 18 of Blk 4 of Ironwood Estates being a portion of Tract 1A-1 of the sub of Tract 1A being portions of HES 42 and HES 39. All located in Section 25 and 36, T4N, R2E and Section 30 & 31, T4N, R3E. VICINITY LOCATION: Rochford Rd SUMMARY: New lot ZONING: SRD ACREAGE: .717 acres.

Moved-Seconded (Johnson-Rosenau) to approve the final plat for Reusaw Construction, Inc. and HES 125, 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 18 of Blk 4 of Ironwood Estates being a portion of Tract 1A-1 of the sub of Tract 1A being portions of HES 42 and HES 39. All located in Section 25 and 36, T4N, R2E and Section 30 & 31, T4N, R3E. VICINITY LOCATION: Rochford Rd SUMMARY: New lot ZONING: SRD ACREAGE: .717 acres. Aye-Rosenau, Johnson, Sleep, Flanagan and Deibert. Nay-None. Motion Carried.

LAYOUT PLAN/RODAKOWSKI & HESS: APPLICANTS: Arnold Rodakowski; William & Veronica Hess LEGAL DESCRIPTION: Lots 1A, 2A, @B, and 2C of the Rambler M.S. 1950 Subdivision; formerly Lots 1 & 2 of the Rambler M.S. 1950 and that portion of the Sutro Lode M.S. 1950 west of the Yellow Creek Rd; all located in the W ½ of Section 10, T4N, R3E. VICINITY LOCATION: Yellow Creek Rd SUMMARY: Movement of lot lines & New lots & proposed new access ZONING: PF ACREAGE: Lot 1A (5.4 acres) Lot 2A (5.6 acres) Lot 2B (5.9 acres) and Lot 2C (3.3 acres).

Amber Vogt, Planning & Zoning Administrator, presented her staff report and stated that the access would need to be reviewed and approved by the Highway Department, plus the preliminary plat will need road profiles for new roads and a fire plan.

Frank Dicesare, All Aspects Inc. Land Surveying, gave an overview of the layout plan.

PRELIMINARY AND FINAL PLAT/KJ MANAGEMENT LLC. & MAAG & STUEFFEN: APPLICANTS: KJ Management LLC; Aaron and Kim Maag; Larry & Jeanne Stueffen LEGAL DESCRIPTION: Tract 4A and Lot 12B-1, Block A and Lot 1A-1, Block B of the Bowman Sub (legal shortened) Section 34, T5N, R3E. VICINITY LOCATION: Hwy 385 SUMMARY: Movement of Lot Lines between neighbors ZONING: SRD ACREAGE: Tract 4A (.577 acres); Lot 12B-1 (.327 acres) and Lot 1A-1 (.248 acres).

Moved-Seconded (Flanagan-Deibert) declaring that the plat for KJ Management LLC; Aaron and Kim Maag; Larry & Jeanne Stueffen meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Roll Call: Aye-Rosenau, Johnson, Sleep, Flanagan and Deibert. Nay-None. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary and final plat for KJ Management LLC; Aaron and Kim Maag; Larry & Jeanne Stueffen 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 4A and Lot 12B-1, Block A and Lot 1A-1, Block B of the Bowman Sub (legal shortened) Section 34, T5N, R3E. VICINITY LOCATION: Hwy 385 SUMMARY: Movement of Lot Lines between neighbors ZONING: SRD ACREAGE: Tract 4A (.577 acres); Lot 12B-1 (.327 acres) and Lot 1A-1 (.248 acres). Roll Call: Aye-Rosenau, Johnson, Sleep, Flanagan and Deibert. Nay-None. Motion Carried.

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

Acting Vice-Chairman Daryl Johnson then presided over the meeting.

VALUE REAL PROPERTY/DECLARE SURPLUS/SALE OF REAL PROPERTY: Declare surplus real property legally described in that Quit Claim Deed filed in Book 254, Page 103 with the Lawrence County Register of Deeds in Section 2, T2N, R1E, BHM, Lawrence County, South Dakota

Moved-Seconded (Sleep-Johnson) to declare real property legally described in that Quit Claim Deed filed in Book 254, Page 103 with the Lawrence County Register of Deeds in Section 2, T2N, R1E, BHM, Lawrence County, South Dakota surplus as it is no longer necessary, useful or suitable for the purpose for which it was acquired. Roll Call: Aye-Rosenau, Johnson, Sleep and Flanagan. Nay-None. Motion Carried.

At the October 22, 2019, commission meeting three real property owners were appointed to appraise the subject property. It is expected that three real property owners will present a valuation at an upcoming meeting for purposes of determining whether a public sale is required to convey the property.

Commissioner Deibert returned to the meeting.

Commissioner Rosenau left the meeting.

EXTENSION UPDATE:

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

DEADWOOD/LEAD ECONOMIC DEVELOPMENT: Kevin Wagner, Executive Director, gave a program update on the Deadwood/Lead Economic development and requested a \$5,000 membership. Commissioner Deibert stated that the Budget for 2020 has been set and a \$250 membership was approved for 2020.

ITEMS FROM COMMISSIONERS: Commissioner Deibert stated that a letter was received from FEMA for the modified flood hazard information.

BILLS: Moved-Seconded (Flanagan-Johnson) 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-\$11,157.83; Treas-\$13,328.21; States Atty-\$14,174.54; Pub Def-\$10,229.20; Gen Govt Bldg-\$8,912.15; Equal-\$15,416.26; Rod-\$9,155.94; Vso-\$1,363.08; Ist-\$9,387.04; Sher-\$47,555.86; Jail-\$29,123.57; Coroner-\$1,250.66; 24/7-\$330.98; Emerg Mgnt-\$4,600.90; E911-\$18,561.86; Highway-\$45,518.42; Weed-\$4,073.59; Pz-\$5,941.31; **Bills:** Kampa, Kerry-\$8.50; American Family Life-\$2,383.01; At&T Mobility-\$637.42; Credit Collections Bureau-\$546.73; Deadwood Recreation Center-\$761.00; Delta Dental Of South Dakota-\$7,760.56; Dept Of The Treasury-\$60,358.79; Hartford-Priority Accounts-\$2,134.20; Montana Dakota Utilities-\$2,281.72; Northern Hills Rec Center-\$256.00; Office Of Attorney General-\$315.69; Office Of Child Support-\$852.01; Sd Retirement System-\$90,883.26; Sdrs Supplemental Retirement-\$1,945.00; Vast Broadband-\$352.46; Wedo-Whitewood Economic-\$5,000.00; Wellmark Blue Cross-\$87,106.11; Fahey, Patrick-\$582.64; A To Z Shredding-\$45.60; A&B Buiness,Inc Solutions-\$2,461.93; A&B Welding Supply-\$21.90; A&J Supply-\$56.24; Ace Hardware Of Lead-\$4.72; Architectural Specialties-\$7,258.03; At&T Mobility-\$278.24; BH Council Of Local Govt-\$20,000.00; BH Pest Control-\$190.00; BH Pioneer-\$1,788.73; BH Truck And Trailer-\$306.07; Barcodes-\$3,381.32; Barnaud Law Firm Prof-\$2,269.56; Basher Mgnt-\$400.00; Black Hills Energy-\$230.31; Black Hills Psychology-\$1,350.00; Bob Barker Company-\$115.46; Bomgaars Supply-\$147.95; Brosz Engineering-\$2,352.50; Butler Machinery Co-\$2,378.11; Butte Electric Coop-\$118.18; Campbell Co Sheriffs Off-\$150.00; Cbh Cooperative-\$1,969.20; Cdw Government-\$2,928.19; Century Business Products-\$482.41; Centurylink-\$116.80; Chris Supply Co-\$139.38; City Of Rapid City-\$1,190.00; Claggett & Dill, Prof-\$200.20; Cochran, Leslie-\$40.80; Dakota Equipment Rental-\$1,786.36; Dale's Tire & Retread-\$4,680.00; Datec-\$4,238.95; Deadwood, City Of-\$1,259.75; Dept Of Hlth Lab Services-\$248.00; Diamond

Pharmacy-\$56.01; Dude Solutions-\$3,150.00; Duffy Law Firm-\$14,046.48; Elevatus Architecture-\$4,301.34; Esri-\$2,100.00; Extensis-\$400.00; Fastenal-\$156.18; Fidler-Isburg Funeral Chapel-\$1,170.00; G&H Distributing-\$60.56; Galls-\$536.04; Genpro Energy Solutions-\$10.65; Godfrey's Brake Serv-\$1,086.15; Grimm's Pump Service-\$43.20; Heartland Paper-\$1,225.51; High Plains Business Forms-\$1,576.32; Hp-\$1,073.00; Interstate Engineering-\$44,892.64; Intoximeters-\$480.00; Jenner Equipment Co-\$121.86; Juneks' Chrysler/Dodge-\$85.31; Karen Paige Hunt, Prof-\$324.84; Kiesler's Police Supply-\$420.50; Kimball-Midwest Co-\$673.66; Kinney Law-\$2,605.84; Knecht Home Center-\$118.41; LC Assessor-\$27.78; LC Treasurer-\$5.00; Lakota Contracting-\$179.95; Language Line Services-\$69.30; Lead, City Of-\$73.65; Lead-Deadwood Regional Hospital-\$818.65; Lead-Deadwood Sanitary-\$777.46; M&M Sanitation-\$150.00; Mack's Auto Body-\$11,633.70; McClure, Susan-\$350.00; Mcpherson Propane-\$119.00; Mg Oil Company-\$32,698.20; Mid-Continent Testing-\$302.00; Midwest Card & Id Solutions-\$375.00; Montana Dakota Utilities-\$245.72; Ms Mail-\$20.00; Nebraska Salt & Grain Co-\$18,894.62; North Central Int'l-\$570.62; Northern Truck Equip Corp-\$134,331.00; Office Depot-\$602.57; Outdoor Motor Sports-\$33.71; Pcs0 Addiction Treatment Serv-\$226.00; Pfefferle, Sarah-\$100.00; Phoenix Investigations-\$1,541.36; Plumbmaster-\$130.26; Powerplan-\$108.21; Proguard-\$209.51; Quill-\$1,129.43; Rabe Elevator-\$1,181.80; Rapid Delivery-\$13.23; Regional Health-\$2,124.29; Rena M Hymans-\$2,065.79; Rensch, Timothy J Atty At Law-\$5,753.92; Rocket Lube-\$571.09; Root Spring Scraper-\$123.73; Safety Benefits-\$130.00; Scovel Psychological-\$2,220.00; Sd Dept Of Legislative Audit-\$14,861.00; Servall Towel & Linen-\$678.13; Simon North Region Sd-\$16,329.94; Spearfish Auto Supply-\$1,797.43; State Bar Of South Dakota-\$1,885.00; Sterna, Laura-\$350.00; Sturdevant's Auto Parts-\$1,807.31; Sysco Montana-\$3,157.40; Thomson Reuters-West-\$193.87; Top Quality Mfg Co-\$270.00; Transource Truck & Equip-\$235,444.99; Triple K Tire & Repair-\$2,378.91; Truenorth Steel-\$2,735.82; Trugreen Chemlawn-\$61.70; Twilight First Aid & Safety-\$101.73; Twin City Hardware & Lumber-\$776.33; Tyler Technologies-\$1,750.00; Victims Of Violence-\$910.00; Wagner, Connie-\$400.00; Waste Connections-\$864.73; Watertree-\$46.80; Western Communication-\$40.00; Wex Bank-\$635.72; White Drug-\$3,274.31; White's Canyon Motors-\$93.80; Zylstra Towing-\$446.25; **Witness & Jurors:** Harper,J-\$55.88; Broussard,E-\$52.52; Daniels,D-\$60.92; Detweiler,A-\$59.24; Espinoza,K-\$66.80; Geddes,B-\$61.76; Heaton,M-\$60.92; Quenzer,J-\$50.00; Tyler-Streff,C-\$62.60; Dahl,C-\$34.28; Cutschall,K-\$32.60; Jones,L-\$41.84; Niehaus,C-\$35.12; Phillips,D-\$54.44; Swaby,H-\$28.40

ADJOURN: 11:34 a.m. There being no further business, Chairman Deibert adjourned the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor