

LAWRENCE COUNTY COMMISSIONERS MEETING – April 23, 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 April 23, 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-Flanagan) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS: Commissioner Sleep declared a conflict with CHANGE OF ZONING #324/IRON CREEK LAKE, LLC & STEEL REAL ESTATES, LLC.

MINUTES: Moved-Seconded (Johnson-Flanagan) to approve the minutes of April 9, 2019 County Commission meeting.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Flanagan-Deibert) to approve the travel request for Samuel McCue to attend the Field Force Operations, Field Force Extrication Tactics and Bombing Prevention Awareness Course in Anniston, AL from May 13-18, 2019 and May 28-June 1, 2019. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Deibert) to approve Marian Hamilton as a part time (under 20) fill in Secretary I G3 at a base rate of \$19.51 an hour, effective April 16, 2019. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve Ijzaya Sterna as a full time permanent Correctional Officer I G2 at a base rate of \$19.26 an hour, effective April 28, 2019. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to approve William Weber as a three-quarter time permanent Correctional Officer I G2 at a base rate of \$19.26 an hour, effective April 28, 2019. Motion Carried.

2019 COUNTY COMMISSION SCHEDULE: Moved-Seconded (Rosenau-Sleep) to reschedule the 2019 County Commissioners meeting date from September 17, 2019 to September 24, 2019. Motion Carried.

RAFFLE REQUEST / NORTHERN HILLS CASA PROGRAM: Moved-Seconded (Johnson-Rosenau) to not object to the request to conduct a raffle for the Northern Hills CASA Program, with the drawing taking place on April 25, 2019. Motion Carried.

RICHMOND HILL ROAD DISTRICT: Brenda McGruder, Auditor, received a letter from Jeff Burich, Homestake Mining & LAC Minerals Closure Manager, in reference to the recently incorporated Richmond Hill Road District. Burich is requesting to be excluded from the Richmond Hill Road District pursuant SDCL 31-12A-10. Legal Description: Margarite No. 6 MS 1862 – Homestake Mining Co. of Calif; Margarite No. 7 MS 1862 – Homestake Mining Co. of Calif; Government Lot 8 – Homestake Mining Co. of Calif; Morning Glory MS 1910 – LAC Minerals USA, Ltd.

SHERIFF: Moved-Seconded (Rosenau-Deibert) to authorize Sheriff Brian Dean to apply for the 2020 Highway Safety Grant to purchase two (2) in car radar units, a lidar unit and a speed trailer at a cost of \$3,369.00 to Lawrence County. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of April 15, 2019 and April 23, 2019: **Spearfish Diesel #2 (dyed) 3000 gallons:** (prices per gallon) CBH Cooperative – \$2.532*; Harms Oil Co-No Bid; MG Oil – No Bid. **Spearfish Unleaded 1200 gallons:** (prices per gallon) CBH Cooperative – \$2.743*; Harms Oil Co-No Bid; MG Oil – No Bid. **Whitewood Diesel #2 (dyed) 850 gallons:** (prices per gallon) CBH Cooperative – \$2.394; Harms Oil Co-No Bid; MG Oil – \$2.338*. *Represents lowest quote awarded.

R.O.W. ENCROACHMENTS: Allan Bonnema, Highway Superintendent, stated that he has no new information on the R.O.W. encroachments. Commissioner Deibert and Johnson commented that discussion must occur with Businesses and Residents in the area about the upcoming construction and stripping of their parking lots. Commissioner Deibert also added that we need to get this issue resolved.

BRIDGE PROJECT TIMELINE: Allan Bonnema, Highway Superintendent, gave an update on the Bridge Improvement Grants that were awarded to Lawrence County. Bonnema stated that bid letting on Structure 41-212-091 (Whitewood Valley Bridge) could be done as early as June and Structure 41-092-060 (Exit 10 Service Road over Spearfish Creek) is still being review by the Department of Transportation.

COURTHOUSE ROOF REPLACEMENT: Allan Bonnema, Highway Superintendent, Tim Agena, General Government Buildings Foreman, and Bruce Outka, Deputy State's Attorney gave an update on the Courthouse Roof Replacement. Outka added that he had contacted Lowe Roofing and their recommendation was to leave the roof as is for now. Commissioner Johnson suggested we located a company who does these types of repairs and get an estimate.

SPEARFISH ROAD RESOLUTION 2019-07: Allan Bonnema, Highway Superintendent, gave an update on the Spearfish Road Resolution 2019-07.

COUNTY ROAD DAMAGE: Allan Bonnema, Highway Superintendent, informed the Commission that several roads in the county have been damaged due to the deep frost this past winter.

PLANNING & ZONING:

9:01 a.m. Commissioner Sleep left the meeting.

CHANGE OF ZONING #324/IRON CREEK LAKE, LLC & STEEL REAL ESTATES, LLC: First Reading and public hearing was held on COZ #324. APPLICANT: Iron Creek Lake, LLC & Steel Real Estate, LLC LEGAL: M.S. 1193 Sumner Lodes 10-16 & Keldonian Lodes 10-15 except Iron Creek Lake located in Section 22, T5N, R1E (Parcel ID: 26460-01193-000-05) VICINITY LOCATION: Off of Tinton Road/Beaver Creek Road & Iron Creek Road SUMMARY: The applicant is requesting a COZ from PF- Park Forest & GC – General Commercial to all RC-Recreation Commercial ACREAGE: 108 acres.

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

Ken Barker, Attorney for applicant, provided back ground regarding Iron Creek Lake and its operation explaining it has been in existence as a public recreation area for 40-50 years and has evolved into the facility that we see today. Barker added that sites are leased to private citizens and most of the sites leased are trailers. Barker added that the trailers are obsolete and need to be changed out and there is a great desire to do so in an appropriate and systemic way. He added that there are 50 some campsites that are improved and unimproved, along with about 10 cabins used as rentals. Barker commented that there has been a lot of discussion regarding the total acreage of the property. Barker stated that, through research of GIS data and deeds, it is estimated at 108 acres. Barker stated that Planning & Zoning recommended approval of the COZ contingent upon a site survey being done, but due to the recent snow storm the site survey is still pending.

Keith Schartz, Iron Creek Loop, asked whether the plan was to take out old trailers and replace with new, used or trailers in better condition?

Commissioner Johnson stated that the trailer owner is leasing the spot from the company and in order for somebody to put in a new one with the zoning that is in place there was no way for them to do that.

Commissioner Flanagan added that the campground expanded far beyond the existing commercial zoning and needed to be brought into compliance.

Vogt added that the campground and trailers are both included in the change of zoning. Vogt stated that the trailers have been in place for a long time and at various times owners have come in desiring to upgrade; however, with the current zoning, replacement is not allowed. Vogt reminded the Board that the present operation is not limited to only the leased trailer sites, but also includes the campground as well.

Schartz further inquired whether the proposed COZ was intended to allow for expansion of the current operation, or was intended to simply facilitate a lessee's ability to upgrade their trailer.

Vogt stated that any expansion would require a development plan.

Commissioner Flanagan pointed out that the change of zoning would permit any allowed uses in the zoning district to include, but not limited to, a hotel, trail rides, etc.

Commissioner Deibert stated that the development plan would need to be approved by the Planning & Zoning Commission as well as this board. Deibert added that there are 16 allowed uses within this zoning district.

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

Commissioner Flanagan reiterated that all things considered, the request to approve commercial rezoning on up to 108 acres in this isolated area is inappropriate. Flanagan noted the distinction between that portion of the property currently zoned as commercial and the balance of the acreage, specifically offering that, in his opinion, the current commercial zoning in place is appropriate, but that a conditional use permit for the balance of the property was the preferred method to permit the current and future use of the property.

Commissioner Deibert stated that there are a lot of acres and a lot of them are useable. Deibert commented that anything that takes place up there now would need to be regulated by a development plan.

Commissioner Johnson added that the total of 108 acres was derived from following mineral survey lode lines and was used for simplicity. Further, Johnson offered that he does not see any issue with the request and that Recreation Commercial zoning fits the circumstance.

Barker further elaborated as to why the applicant choose a change of zoning versus a condition use permit explaining that historical use was considered, and the objective of the county in having a baseline or inventory of existing conditions from which a measure might be taken if future development is proposed. Regarding the 108 acres included in the request, Barker highlighted that only an additional 23 acres is proposed to be added specifically noting that a total of 85 acres is currently being for the campground and cabins. Barker added that the 108 acres total was derived by drawing a line around the respective mineral survey lodges comprising the totality of the commercial operation. Barker further added that this option forces accountability, transparency and planning on the owner's part.

Second reading will be held May 7, 2019 at 9:00 a.m.

9:28 a.m. Commissioner Sleep returned to the meeting.

NEMO GUEST RANCH: Amber Vogt, Planning & Zoning Administrator, gave an update on the Nemo Guest Ranch and compliance issues.

DEER MOUNTIAN RESORTS: Amber Vogt, Planning & Zoning Administrator, gave an update on Deer Mountain Resorts septic system.

COMPREHENSIVE PLAN: Amber Vogt, Planning & Zoning Administrator, stated that the Planning & Zoning Commission will be discussing the Comprehensive Plan timeline at the May 2, 2019 meeting.

RECESS: 9:51 a.m. Moved-Seconded (Rosenau-Flanagan) to recess the County Commission meeting and convene as the Board of Equalization. Motion Carried. 10:11 a.m. The Chairman called the meeting back to order.

BILLS:

Moved-Seconded (Rosenau-Flanagan) 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-\$11,001.83; Treas-\$12,602.93; States Atty-\$16,063.19; Pub Def-\$12,627.03; Gen Govt Bldg-\$9,432.84; Equal-\$15,308.38; Rod-\$9,471.14; Vso-\$1,469.18; Ist-\$9,387.04; Sher-\$41,892.63; Jail-\$24,774.09; Coroner-\$720.66; 24/7-\$425.10; Emerg Mgnt-\$4,585.11; E911-\$22,531.04; Highway-\$46,001.67; Mh Serv-\$380.00; Weed-\$4,071.99; Pz-\$5,910.91; **Bills:** Abell, Mary-\$51.06; A To Z Shredding-\$20.00; A&B Business,Inc Solutions-\$190.04; A&J Supply-\$41.98; Ace Hardware Of Lead-\$15.18; Air Connection-\$81.60; Alpine Impressions-\$35.00; American Family Life-\$2,827.77; At&T-\$5.58; Avi Systems-\$4,158.00; BH Physical Therapy-\$80.00; Bi Geo Group-\$362.00; Black Hills Energy-\$11,058.73; Butler Machinery Co-\$609,957.15; California State Disburse Unit-\$138.46; Carls Trailer Sales-\$7,600.00; Cdw Government-\$715.82; Centurylink-\$1,959.00; City Of Rapid City-\$945.00; Dakota Equipment Rental-\$182.83; Deadwood Recreation Center-\$781.00; Delta Dental Of South Dakota-\$7,853.62; Dept Of Hlth Lab Services-\$40.00; Dept Of The Treasury-\$60,271.80; Dmc Wear Parts-\$13,800.00; Eddie's Truck Sales/Serv-\$95.92; Fastenal-\$149.89; Fidler-Isburg Funeral Chapel-\$1,170.00; G&H Distributing Of Rc-\$182.27; Galls-\$1,306.35; Gene's Lock Shop-\$377.98; Godfrey's Brake Serv-\$126.29; Heartland Paper Co-\$587.07; Janke, Wendy-\$820.00; Katterhagen, Mark-\$15.00; Kinney Law-\$546.84; Knecht Home Center Of Spf-\$4.99; Kosel, Joseph-\$13,564.33; Language Line Services-\$42.39; Lee, James-\$15.00; Lewis & Clark Bhs-\$165.00; Lewno, Lucy-\$166.50; Lockwood, Darcy-\$15.00; Lynn's Dakotamart-\$6.92; Mikelson, Gary-\$238.00; Montana Dakota Utilities-\$476.67; Moore Medical-\$113.27; Mountain Vista Dental-\$322.00; Ms Mail-\$2,675.00; Nelson,Christy-\$100.00; Nelson, Tonya-\$250.00; Newman Signs-\$726.54; North Central Int'l-\$291.47; Northern Hills Rec Center-\$238.00; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; Overhead Door Company Of Rapid-\$354.59; Ovitz, David-\$400.00; Oyen, Loann-\$10.00; Pcsa Addiction Treatment Serv-\$904.00; Pennington Co Jail-\$1,028.15; Powerplan-\$335.50; Quill-\$226.84; R&R Industries-\$109.16; Rabe Elevator-\$4,479.13; Regional Health-\$1,832.06; Rocket Lube-\$157.96; Rodenburg Law Firm-\$319.29; Rogers Construction-\$97,704.26; Root Spring Scraper-\$72.66; Sand Creek Printing-\$152.00; Sd Aao-\$1,050.00; Sd Assoc Code Enforcement-\$50.00; Sd Retirement System-\$60,781.28; Sdrs Supplemental Retirement-\$2,777.50; Secretary Of State-\$30.00; Servall Towel & Linen-\$646.91; Simon-\$1,554.01; Spearfish City Of-\$34,475.00; Stahl, Mike-\$55.81; Stan Houston Equip-\$825.00; Subway-\$18.99; Sysco Montana-\$2,004.26; Triple K Tire & Repair-\$110.15; Twin City Hardware & Lumber-\$247.38; Tyler Technologies-\$280.00; Underground Specialists-\$1,440.00; Vanway Trophy And Award-\$59.95; Vast Broadband-\$1,353.23; Verizon Wireless-\$105.42; Victims Of Violence-\$408.50; Wellmark Blue Cross-\$88,039.70; Wells Fargo Business Card-\$7,503.88; Wells Plumbing & Farm Supp-\$621.00; Western Communication-\$1,245.60; Western Sd Juvenile Serv-\$12,020.00; White Drug-\$4,786.00; Yankton Co Sheriff-\$50.00; **Witness & Jurors:** Adkins,L-\$20.92; Amick,M-\$16.72; Andrzejczak,K-\$22.60; Babb,W-\$31.00; Barnes,F-\$22.60; Bartel,B-\$13.36; Benedict,A-\$25.96; Bensen,A-\$111.76; Berberick,D-\$128.56; Braun,A-\$26.80; Brewer,T-\$28.48; Chase,G-\$19.24; Cogley,B-\$15.04; Conner,S-\$128.56; Danko,J-\$126.88; Denning,A-\$125.20; Dittus,A-\$22.60; Farley,R-\$24.28; Fritz,T-\$25.96; Garrett,J-\$25.96; Grable,C-\$133.60; Gronlund,K-\$131.92; Gustafson,S-\$22.60; Haeder,A-\$24.28; Hargens,G-\$10.00; Harris,A-\$26.80; Harrison,R-\$22.60; Helfrich,D-\$10.00; Kaiser,L-\$25.12; Keehn,L-\$10.84; Kerber,J-\$13.36; Klein,K-\$25.12; Krueger,M-\$22.60; Kunka,R-\$10.00; Lafever-Brown,J-\$22.60; Larson,T-\$12.52; Lee,J-\$35.20; Linder,L-\$116.80; Link,L-\$29.32; Little,L-\$10.00; Luze,J-\$16.72; Lyons,A-\$100.00; Mack,J-\$12.52; Madsen,D-\$18.40; Martin,L-\$23.44; Mather,S-\$21.76; Mclaughlin,R-\$22.60; Mclellan,R-\$27.64; Moore,R-\$20.92; Motzko,N-\$10.84; Mundorf,E-\$22.60; Nelson,T-\$11.68; Nohr,J-\$22.60; Ommen,C-\$15.04; Olson,C-\$22.60; Otterness,A-\$22.60; Pisciotta,A-\$20.08; Quinn,M-\$130.24; Rauscher,L-\$20.92; Reger,C-\$22.60; Rice,J-\$22.60; Roberts,R-\$18.40; Roth,S-\$26.80; Ryan,S-\$22.60;

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Schumacher,R-\$26.80; Snow,C-\$12.52; Stacey,N-\$22.60; Storm,T-\$130.24; Sullentic-Morcom,C-\$22.60; Sund,D-\$13.36; Swenson,D-\$23.44; Tetreault,T-\$20.08; Ugland,H-\$126.88; Verhelst,T-\$32.68; Verba,D-\$10.84; Vetter,L-\$10.00; White,L-\$10.00; Whitehouse,J-\$18.40; Whitted,A-\$10.00; Williamson,M-\$23.44; Zvorak,L-\$125.20

ADJOURN: 10:39 a.m. There being no further business, it was Moved-Seconded (Flanagan-Deibert) to adjourn the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor