

LAWRENCE COUNTY COMMISSIONERS MEETING – January 25, 2022 page-1

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on January 25, 2022 at Deadwood City Hall located at 102 Sherman Street, Deadwood, SD with Commissioners Randy Deibert and Richard Sleep present. Commissioner Brandon Flanagan and Randall Rosenau were available by video conferencing (GoToMeeting). Absent-Ewing.

Moved-Seconded (Sleep-Deibert) to appoint Randy Deibert as the acting Chairman. Motion Carried.

All motions were passed by unanimous vote, by all members present, unless stated otherwise. Roll call voting was used if any member voted in the negative pursuant to SDCL 1-25-1.5.

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

DECLARE CONFLICTS: No conflicts were declared by the Lawrence County Commission.

MINUTES: Moved-Seconded (Sleep-Deibert) to approve the minutes of January 18, 2022 County Commission meeting. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Sleep-Deibert) to approve the cell phone per diem of \$45.00 per month for Nicolle Geuke, effective January 16, 2022. Motion Carried.

SHERIFF: Moved-Seconded (Sleep-Deibert) to approve the classification change for Raygan Mattson as a part-time fill-in Secretary I G1 at a base rate of \$18.07 an hour, effective January 25, 2022. Motion Carried.

Moved-Seconded (Sleep-Deibert) to approve the classification change for Raygan Mattson as a part-time fill-in Dispatcher I G1 at a base rate of \$20.22 an hour, effective January 25, 2022. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Flanagan-Deibert) to approve the travel request for Tom Derby and Jamie Pesicka to attend the Central Square Technologies (Zuercher) Conference in Kissimmee, FL from March 26–April 1, 2022. Motion Carried.

CANCELED CHECK RESOLUTION #2022-07: Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign Resolution #2022-07. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2022-07 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 (9) checks totaling \$126.50 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 25th day of January, 2022. FOR THE BOARD: Randy Deibert, Chairperson ATTEST: Brenda McGruder, Auditor.

TIMBER COMMITTEE: Moved-Seconded (Sleep-Rosenau) to appoint Mitch Iverson to the Timber Committee for 2022. Motion Carried.

SHERIFF:

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Public Safety and Services Center finance committee meeting held on January 24, 2022. Dean stated that the committee is working on what is to be included in the soft cost portion of the budget.

HIGHWAY:

SPRING LOAD LIMIT RESOLUTION #2022-08: Moved-Seconded (Sleep-Rosenau) to approve the following LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION #2022-07, to become effective when the road conditions warrant. Motion Carried. LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION Resolution No. 2022-08 Whereas, seasonal

climatic changes can be detrimental to our Highways and create dangerous driving conditions and Whereas, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, ultimately saving tax dollars and, Whereas, The Lawrence County Board of County Commissioners, Desire the enforcement of weight limitations on Lawrence County Highways as set forth and posted by the Lawrence County Highway Department. NOW THEREFORE BE IT RESOLVED; Whereas the spring load limits on the following Lawrence County Highways shall be set at Seven (7) tons per axle on Nemo Road, North Rochford Road, Vanocker Canyon Road, Old Belle Road, Hillsvievw Road, Mineral Place, West Oliver St and Crook City Road during the spring thaw period. Other County Roads may be posted if conditions warrant. Load limits become effective when the signs are installed and displayed. The South Dakota Motor Carrier is hereby requested to enforce said weight limitations on Lawrence County Highways. BE IT FURTHER RESOLVED, that the penalty for the violation of load restrictions shall be set forth in SDCL32-22-55. Vote of Lawrence County Commission: AYE 4 NAY 0 Dated, this 25th day of January, 2022 at Deadwood, South Dakota. LAWRENCE COUNTY BOARD OF COMMISSIONERS Randy Deibert, Chairman of the Board ATTEST: BRENDA MCGRUDER Lawrence County Auditor.

Moved-Seconded (Sleep-Rosenau) to authorize the Chairman to sign the letter requesting the enforcement of the spring weight limit from the South Dakota Motor Carrier. Motion Carried.

MAITLAND ROAD STUDY: Allan Bonnema, Highway Superintendent, was present to request guidance on how to proceed with the Maitland Road Study. Continued discussion will be held at the February 8, 2022 Commission meeting.

DONATED PARCEL FROM HOMESTAKE MINING Co.: Moved-Seconded (Flanagan-Rosenau) to accept the donation from Homestake Mining Co. of parcel number 26460-01171-000-15 legally described as M.S. 1171 portion Kirk Road 04-004-03. Motion Carried.

BID OPENING/2022 LAWRENCE COUNTY CHIP SEAL PROJECT: Moved-Seconded (Sleep-Rosenau) to advertise and set a bid opening for March 8, 2022 at 8:30 a.m. for the 2022 Lawrence County chip seal project on Acorn Ridge Road, 4 miles on the North Rochford Road and Center Street in St Onge. Motion Carried.

QUIT CLAIM DEED/MEIER DELLA VECCHIA: Bruce Outka, Deputy State's Attorney, reported that the quit claim deed for the Meier Della Vecchia property, to be donated to the County, legally described as: Lot 1 of the SW1/4, SW1/4, Section 16, T6N, R2E, BHM and as described more particularly in the plat filed for recording in the Office of the Register of Deed of Lawrence County, in Plat Book 7, Page 73 has been sent to Eric Neis, attorney for grantor, for signature.

DELINQUENT TAXES REPORT: Brenda McGruder, Auditor, presented the delinquent tax report. Per SDCL 7-21-35 the total 2020 taxes levied for in 2021 was \$44,482,766.46 and the total unpaid as of 12-31-21 was \$23,537.10 which represents a 0.05% delinquency.

BLACK HILLS NATIONAL FOREST QUARTERLY UPDATE: Jeff Tomac, Black Hills National Forest Supervisor; Ben Wudtke, Black Hills Forest Resource Association; Paul Pierson, Timber Committee; Scott Guffey, Pennington County Natural Resources Director and Mike Whalen, Timber Committee were present to discuss the planned Forest Plan revision.

Tomac reported on the status of the 15 assessments being completed as part of the Forest Plan revision. Commissioner Deibert questioned Tomac on why Lawrence County has not been involved in this process. Tomac replied that cooperating agency status on the Forest Plan revision will begin during phase 2.

Tomac reported that a webinar will be held on February 1, 2022 from 10 AM to noon to provide information on Land and Resource Management Plans, information on pre-assessments and the Forest Plan revision process, information on Cooperating Agency agreements for Plan revision and a forum for questions and answers.

ITEMS FROM THE COMMISSIONERS:

TIMBER COMMITTEE: Moved-Seconded (Sleep-Deibert) to rename the Timber Committee to the Natural Resources Committee and maintain the current members. Motion Carried.

ROAD JURISDICTION/MAINTENANCE-CITY OF SPEARFISH: Bruce Outka, Deputy State's Attorney, reported that Commissioner Ewing and Sleep will be meeting with the City of Spearfish in reference to road jurisdiction and maintenance on February 1, 2022.

BLACK HILLS REGIONAL MULTIPLE USE COALITION: The next meeting of the Black Hills Regional Multiple Use Coalition, Board of Directors will be Friday, January 28, 2022 at 4:00 p.m.

DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES MINERALS & MINING PROGRAM: The Commission received notice that Dakota Territory Resource Corp has submitted a Notice of Intent to Conduct Mineral Exploration within Portions of Sections 14, 15, 22, & 23; T5N-R2E in Lawrence County.

AGNICO: Commissioner Sleep will meet with representatives from Agnico on February 21, 2022 at 9:00 a.m. Further discussion was continued to the February 8, 2022, Commission meeting to determine if an additional Commissioner will attend the meeting.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #470/WHARF RESOURCES: A public hearing was held regarding Conditional Use Permit #470 APPLICANT: Wharf Resources LEGAL DESCRIPTION: VICINITY LOCATION: Terry Peak/Wharf Area SUMMARY: New CUP increasing disturbed area to allow for extend mining operations ZONING: PF ACREAGE: 51 +/- acres PARCEL ID: See Application on file (multiple parcels included). A recording of the Public Hearing is on file at the Lawrence County Auditor's Office.

Amber Vogt, Planning & Zoning Administrator, acknowledged letters received from proponents and opponents - all on file in the Lawrence County Auditor's Office. Vogt presented her staff report.

Matt Zietlow, Environmental Manager of Wharf Resources, presented a power point of the Wharf Boston Expansion to include: project overview, economics, socioeconomics, required environmental baseline studies, geochemistry, soils, and vegetation, groundwater and surface water, air quality, wildlife, cultural resources, sound, visual vantage points, visual simulation, visual, reclamation and summary. A copy of the presentation is on file at the Lawrence County Auditor's Office.

Rob Hall, 2807 Asti Court, Rapid City/Professor and Head Mining Engineering and Management at South Dakota Mines, stated he is impressed with the support that Wharf provides to the school. Hall stated he supports the mine expansion as the benefits to his department, the college and community are substantial.

Kayla Klein, 405 Sunset Road, Lead stated she has been in nonprofits for over 15 years and is also a Lead City Commissioner. Klein fully supports the project. Klein stated that Wharf has gone beyond their physical footprint in the community and has been a good employer. Klein added that Wharf takes care of our kids and families and is really committed to the community.

Jim Keck, 2332 Huntington Place, Rapid City/Black Hills Energy, stated that Wharf has partnered with Black Hills Energy for the Renewable Ready project. Keck added that Black Hills Energy fully supports the expansion.

Beau Riople, 1818 Durgin Court, Spearfish/Butler Machinery Company, stated that Wharf has been a partner with Butler Machinery Company for 24+ years. Riople stated Butler employs 11 full time employees on site working from a satellite shop and 7 employees in our Rapid City office that are effected by their operation. Riople stated that we are fully in support of the expansion and what they do for the community

Justin Thorp, 512 Gwinn Ave, Lead stated that his family owns business in Lead and he is a 10-year employee of Wharf. Thorp added that he is here to show his support of the expansion.

Jasmine McCauley, 1106 Washington Street, Lead stated that her family moved here two years ago to take a job at Wharf and her family really appreciates all of the support Wharf provides for the community. McCauley stated she is fully in support of the expansion.

Burke Eilers, 1419 11th Street, Rapid City/Wellfully Premier Adolescent Care Center stated that Wharf has supported the organization over the years not only financially but also by being involved. The organization supports the expansion.

Lisa Sagdalen, 7100 Mulberry Drive, Summerset/Boys & Girls Club of the Black Hills stated that Wharf is very much involved in the community and has a special place in their hearts for the kids and the organization fully supports the expansion.

Robert Blue, 21179 Last Chance Trail, Lead stated he has been at his residence for 43 years. He voiced his concern with blasting because of the fault that his house sits on. Blue reported that damage occurs to his property when blasting occurs on the fault. Blue stated he supports Wharf and the expansion.

Judy Javersak, 21145 Last Chance Trail, Lead voiced her concerns with the blasting but stated that she is not against Wharf but would like for them to not just be for the community but for the individuals they are displacing in the neighborhood. Javersak stated she listed her house on the market a week ago and due to the blasting and dust she is concerned with getting the market value. Javersak commented that she would like to see Wharf take care of the people being displaced because of increased property values and the homeless.

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

Commissioner Sleep stated that Wharf has great impact on the County and he supports the expansion.

Commissioner Flanagan stated that having worked alongside Wharf as a surveyor, employee of Terry Peak and being former Homestake employee, Wharf has been a good neighbor and has done a lot for the community and he supports the expansion.

Commissioner Rosenau stated he supports the expansion as it is a community business while noting there is some adverse impact to local individuals. Rosenau further noted that the benefit of the expansion and continued operation outweighed any downside.

Commissioner Deibert stated he remembers what the property looked like prior to Wharf. Deibert stated that if he had one suggestion for the applicant it would be to work with their nearest neighbors. Deibert stated he supports the expansion.

Moved-Seconded (Flanagan-Rosenau) to approve Conditional Use Permit #470 APPLICANT: Wharf Resources based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. Further that the proposed conditions be adopted and to authorize the Chairman to sign the written Findings and Decision. LEGAL DESCRIPTION: VICINITY LOCATION: Terry Peak/Wharf Area SUMMARY: New CUP increasing disturbed area to allow for extend mining operations ZONING: PF ACREAGE: 51 +/- acres PARCEL ID: See Application on file (multiple parcels included). Motion Carried.

ITEMS FROM THE PUBLIC: None.

BILLS: Moved-Seconded (Sleep-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-\$16,470.00; Aud-\$21,293.18; Treas-\$28,811.78; States Atty-\$29,908.58; Pub Def-\$17,000.38; Gen Govt Bldg-\$16,928.16; Equal-\$27,814.70; Rod-\$17,082.12; Vso-\$3,406.60; Ist-\$16,580.78; Sher-\$84,339.40; Jail-\$54,563.91; Coroner-\$1,814.66; 24/7-\$393.89; Emerg Mgnt-\$7,952.54; E911-\$33,904.31; Highway-\$81,331.35; Weed-\$9,915.89; P&Z-\$14,123.84; **Bills:** Larson, Rene-\$22.09; A To Z Shredding-\$11.46; A&B Business, Inc Solutions-\$760.60; American Family Life-\$2,808.44; BH Council Of Local Govt-\$6,265.00; Barnaud Law Firm Prof-\$1,225.50; Belle Fourche Veterinary Clinc-\$45.15; Big Sky Communications-\$68.00; Black Hills Chemical-\$1,031.84; Black Hills Energy-\$11,502.49; Cbh Cooperative-\$11,326.45; Chadams-\$353.73; Child Support Services-\$352.62; Cornelius, Kaylee-\$240.00; Dakota Equipment Rental-\$515.98; Deadwood Recreation Center-\$670.00; Delta Dental Of South Dakota-\$8,499.60; Dept Of The Treasury-\$127,421.23; Fmg Engineering-\$543.75; Gene's Lock Shop-\$217.48; Grafix

Shope-\$2,016.38; Grey & Eisenbraun, Prof-\$607.40; Interstate Engineering-\$1,796.00; Intoximeters-\$650.00; Jacobs Precision Welding-\$180.00; Janke, Wendy-\$240.00; Karen Paige Hunt, Prof-\$1,997.04; Kiesler's Police Supply-\$933.80; Kinney Law-\$2,165.05; Knecht Home Center-\$7.67; Kosel, Joseph-\$904.84; Lead, City Of-\$97,866.00; Mid States Organized-\$150.00; Montana Dakota Utilities-\$815.33; Monument Health Network-\$2,105.20; Murphy Law Office-\$1,380.60; Murphy Petroleum Transport-\$40.00; NH Training Center-\$5,000.00; Newman Signs-\$1,008.06; Northern Hills Rec Center-\$142.00; Office Of Child Support-\$234.00; Quill-\$126.03; Reserve Account-\$10,000.00; Root Spring Scraper-\$529.81; Sd Emergency Mngt Association-\$30.00; Sd Retirement System-\$94,100.63; Sdrs Supplemental Retirement-\$3,172.50; Sdsu Extension-\$7,048.69; Silverado-\$243.13; Sterna, Laura-\$60.00; Summit Fire Protection-\$286.75; Sunshine Towing-\$210.00; Sysco Montana-\$1,093.25; Transource Truck & Equip-\$291.75; Triple K Tire & Repair-\$639.97; Twin City Hardware & Lumber-\$10.96; Tyler Technologies-\$37,490.00; Vast Broadband-\$1,808.42; Wellmark Blue Cross-\$114,579.69; Wells Fargo Banks-\$62.71; Western Communication-\$450.00; White's Canyon Motors-\$9.09; **Witness & Jurors:** \$540.12.

ADJOURN: 11:28 a.m. There being no further business, Acting Chairman Deibert adjourned the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor