

LAWRENCE COUNTY COMMISSIONERS MEETING – March 24, 2020

Vice-Chairman Brandon Flanagan called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on March 24, 2020 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson and Richard Sleep. Commissioner Randy Deibert was available by video conferencing (GoToMeeting). Absent-Randall Rosenau.

Roll-call voting was used and all motions were passed by unanimous vote, by all members present, unless stated otherwise.

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

DECLARE CONFLICTS AND DISCLOSURES: Commissioner Deibert declared a conflict with the 10:30 a.m. agenda item: value real property and sale of real property. Commissioner Sleep and Flanagan disclosed conversations with applicant Randy Tinnel and Leslie Auer regarding the 9:30 a.m. agenda item: Preliminary and Final Plats.

MINUTES: Moved-Seconded (Sleep-Johnson) to approve the minutes of March 10, 2020, County Commission meeting. Motion Carried.

Moved-Seconded (Sleep-Johnson) to approve the minutes of March 13, 2020, Special County Commission meeting. Motion Carried.

Moved-Seconded (Sleep-Johnson) to approve the minutes of March 20, 2020, Special County Commission meeting. Motion Carried.

ABATEMENTS:

Moved-Seconded (Johnson-Sleep) to deny the abatement for Brad LaLonde on parcel #26455-00403-070-03 for 2019 taxes payable in 2020 due to “Owner Occupied” paperwork not being on file on or before the statutory deadline. Motion Carried.

PERSONNEL:

HIGHWAY/OUT-OF-CLASS PAY: Moved-Seconded (Johnson-Flanagan) to approve the out-of-class pay for Norm Burleson and Daniel Sheeler at a base rate of \$29.89 for 8 hours on March 13, 2020. Aye-Johnson and Flanagan. Nay-Sleep and Deibert. Tie Vote. Continued to next meeting pursuant to SDCL 7-8-18.

Commissioner Sleep mentioned that this issue can be handled by calling the Highway Superintendent for guidance. Commissioner Johnson concurred with Commissioner Sleep and felt the issue should be handled through the employee’s job description.

SHERIFF: Moved-Seconded (Sleep-Johnson) to approve Lacey Kelly as a full-time permanent Dispatcher II G2 at a base rate of \$20.86 an hour, effective March 29, 2020. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Tommy Myers as a full-time permanent Correctional Officer II G1 at a base rate of \$20.44 an hour, effective March 29, 2020. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Nathan Eriksen as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective March 29, 2020. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Mary Kate Stevens as a full-time permanent Deputy I G3 at a base rate of \$25.62 an hour, effective March 29, 2020. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Stephen Muller as a full-time permanent Deputy I G3 at a base rate of \$25.62 an hour, effective March 29, 2020. Motion Carried.

Moved-Seconded (Johnson-Sleep) to approve the cell phone per diem of \$50.00 per month for Kesha Nelson and Shelley Dragoo, effective March 15, 2020 and lasting through the COVID-19 pandemic. Motion Carried.

EXECUTIVE SESSION PERSONNEL: 8:06 a.m. Moved-Seconded (Johnson-Sleep) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:16 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Johnson-Flanagan) to accept the resignation, with regret, from Sheree L. Green, Register of Deeds, as of May 8, 2020 at 5:00 p.m., to appoint Davida Hansen as the Register of Deeds to fill the remainder of the term at a base pay of \$2,632.95 per pay period and to allow for the advertisement for a Recording Clerk. Motion Carried.

The Commissioners thanked Ms. Green for her 30 years of service to Lawrence County.

SHERIFF: Brian Dean, Sheriff, gave an update on the current status of the COVID-19 preparedness in the Sheriff's Office.

HIGHWAY:

PICKUP TRUCK BIDS: The following bids were received for two (2) new 1 ton 4x4 pickup trucks: Whites Canyon Motors – One (1) new 1 ton 4x4 pickup truck crew cab short box-\$38,785.56 and One (1) new 1 ton 4x4 pickup truck-\$38,964.56; Total Bid-\$77,750.12. Juneks - One (1) 2020 Ram 3500 short box 6.4L Hemi \$40,500.00 and One (1) 2020 Ram 3500 long box 6.4L Hemi-\$41,500.00; Total Bid-\$82,000.00.

Moved-Seconded (Sleep-Flanagan) to accept the lowest responsible bid from Whites Canyon Motors and waive any irregularities for one (1) new 1 ton 4x4 pickup truck crew cab short box-\$38,785.56 and one (1) new 1 ton 4x4 pickup truck-\$38,964.56 Total Bid-\$77,750.12. Motion Carried.

HIGHWAY SUPPLIES BIDS:

MAGNESIUM CHLORIDE: The following bid was received from Z&S Dust Control at \$159.00 per ton, \$.86 per gallon, \$18.50 per ton application, and \$7,500 for rental of a spray truck for 45 days.

Moved-Seconded (Johnson-Flanagan) to accept the only bid from Z&S Dust Control at \$159.00 per ton, \$.86 per gallon, \$18.50 per ton application, and \$7,500 for rental of a spray truck for 45 days if needed, to waive any irregularities, and allow the Chairman to sign the Contract with Z&S Dust Control. Motion Carried.

ASPHALT HOT MIX: The following bids were received for Asphalt Hot Mix F.O.B.: Sacrison Paving- E-1 \$60.00 per ton & E-2 \$60.00 per ton at Exit 8 Plant; Simon Contractors of South Dakota, Inc.-E-1 \$58.00 per ton & E-2 \$59.00 per ton at the Centennial Quarry.

Moved-Seconded (Johnson-Flanagan) to accept all bids received for Asphalt Hot Mix F.O.B.: Sacrison Paving- E-1 \$60.00 per ton & E-2 \$60.00 per ton at Exit 8 Plant; Simon Contractors of South Dakota, Inc.-E-1 \$58.00 per ton & E-2 \$59.00 per ton at the Centennial Quarry, thereby allowing the Highway Superintendent to use the most advantageous price and desired location, and to waive any irregularities. Motion Carried.

ASPHALT COLD MIX: The following bid was received for Asphalt Cold Mix F.O.B.: Simon Contractors of South Dakota, Inc. - \$107.00 per ton.

Moved-Seconded (Johnson-Sleep) to accept the only bid for Asphalt Cold Mix from Simon Contractors of South Dakota, Inc. - \$107.00 per ton and to waive any irregularities. Motion Carried.

GRAVEL AGGREGATE: The following bids were received for Gravel Aggregate: Simon Contractors of South Dakota, Inc.: 3/4" Gravel Surfacing- Hansen Pit-\$8.00 per ton. 1" Gravel Base- Kost Pit-\$9.40 per ton; Centennial Quarry-\$10.00 per ton. 1/2" Clean Rock-Centennial Quarry-\$12.00 per ton. 3/4" Clean Rock-Centennial Quarry-\$11.65 per ton. 1" Clean Rock-Centennial Quarry-\$11.65 per ton; Kost Pit-\$11.65 per ton. 3/8" Chips-Centennial Quarry-\$16.00 per ton. Johner Gravel, Inc.: 1" Gravel Base-Hurm Pit-\$7.50 per ton with \$.25 loading fee; Evans Pit-\$7.50 with \$.25 loading fee; Canyon Creek Pit-\$7.50 per ton with \$.25 loading fee. 1" Clean Rock-Canyon Creek Pit-\$11.95 per ton with \$.25 loading fee. Fisher Sand & Gravel Company: 1" Gravel Base-Stateline Quarry-\$7.50 per ton. 1/2" Clean Rock-Stateline Quarry-\$11.25 per ton. 3/4"

Clean Rock-Stateline Quarry-\$10.75 per ton. 1" Clean Rock-Stateline Quarry-\$10.50 per ton. 3/8" Chips-Stateline Quarry-\$15.50 per ton.

Moved-Seconded (Johnson-Sleep) to accept all bids for Gravel Aggregate: Simon Contractors of South Dakota, Inc.: 3/4" Gravel Surfacing- Hansen Pit-\$8.00 per ton. 1" Gravel Base- Kost Pit-\$9.40 per ton; Centennial Quarry-\$10.00 per ton. 1/2" Clean Rock-Centennial Quarry-\$12.00 per ton. 3/4" Clean Rock-Centennial Quarry-\$11.65 per ton. 1" Clean Rock-Centennial Quarry-\$11.65 per ton; Kost Pit-\$11.65 per ton. 3/8" Chips-Centennial Quarry-\$16.00 per ton. Johner Gravel, Inc.: 1" Gravel Base-Hurm Pit-\$7.50 per ton with \$.25 loading fee; Evans Pit-\$7.50 with \$.25 loading fee; Canyon Creek Pit-\$7.50 per ton with \$.25 loading fee. 1" Clean Rock-Canyon Creek Pit-\$11.95 per ton with \$.25 loading fee. Fisher Sand & Gravel Company: 1" Gravel Base-Stateline Quarry-\$7.50 per ton. 1/2" Clean Rock-Stateline Quarry-\$11.25 per ton. 3/4" Clean Rock-Stateline Quarry-\$10.75 per ton. 1" Clean Rock-Stateline Quarry-\$10.50 per ton. 3/8" Chips-Stateline Quarry-\$15.50 per ton, thereby allowing the Highway Superintendent to use the most advantageous price and desired location, and to waive any irregularities. Motion Carried.

DE-ICING SAND: The following bid was received for 5,000 ton of De-Icing Sand: Simon Contractors of South Dakota, Inc.: Centennial Quarry-\$15.75 per ton (Total Bid Price-\$78,750.00).

Moved-Seconded (Johnson-Flanagan) to accept the lowest responsible bid from Simon Contractors of South Dakota, Inc.: Centennial Quarry-\$15.75 per ton (Total Bid Price-\$78,750.00) and to waive any irregularities. Motion Carried.

IN-PLACE HOT MIX ASPHALT PAVER PATCHING: The following bids were received for In-Place Hot Mix Asphalt Paver Patching: Sacrison Paving: Type 1-\$115.00 per ton & Type 2-\$115.00 per ton; Simon Contractors of South Dakota, Inc.: Type 1-\$159.50 per ton & Type 2-\$161.50 per ton. GTI Companies, Inc.: Type 1-\$132.00 per ton & Type 2-\$132.00 per ton.

Moved-Seconded (Sleep-Flanagan) to accept the lowest responsible bid from Sacrison Paving, Inc.: Type 1-\$115.00 per ton & Type 2-\$115.00 per ton and to waive any irregularities. Motion Carried.

PRECAST CONCRETE CULVERTS/BOX CULVERTS/BRIDGE BEAMS/DECK UNITS: The following bid was received from Forterra Concrete Products for Precast Concrete Culverts, Box Culverts, Bridge Beams, Deck Units, as on file in the Lawrence County Auditor's Office.

Moved-Seconded (Johnson-Sleep) to accept the only bid from Forterra Concrete Products for Precast Concrete Culverts, Box Culverts, Bridge Beams, Deck Units, as on file in the Lawrence County Auditor's Office, to waive any irregularities, allow the Chairman to sign the contracts and allow for the option to buy off state bid. Motion Carried.

PERMITS:

CITY OF SPEARFISH: Permit to occupy County highway right-of-way for the City of Spearfish to install a sidewalk located along Hillview Road in Section 9, T6N, R2E.

Kyle Mathis, City of Spearfish Engineer, and Tonya Vig, Floodplain Administrator/Engineering Technician, appeared by video conference (GoToMeeting).

Commissioner Sleep expressed his concern with the adjacent property owners being responsible for the sidewalk.

Kyle Mathis, City of Spearfish Engineer, clarified that per the proposed Memorandum of Understanding, the City of Spearfish would maintain the sidewalk.

Commissioner Deibert stated since the City has sewer, water, storm sewer, curb and gutter and street in this area, that this would be the appropriate time for the City of Spearfish to take over this portion of the road from College Lane to Brookdale Road.

Commissioner Sleep stated that a meeting should be set up to discuss the road issue.

Mathis stated that the City of Spearfish is looking for a permit to occupy a right-of-way and nowhere in the right-of-way permit is it mentioned that the applicant is expected to take over a

part of the road. Mathis respectfully requested that these issues be kept separate. Mathis added that this is for the safety of County residents as well as City residents.

Commissioner Flanagan stated that when the City of Spearfish started the process to build the Spearfish Recreation Path, the Board did vote in principal to allow the use of the County right-of-way and the discussion of taking over the road is a separate issue.

Sleep moved to continue until April 14, 2020 Commission meeting. Motion died due to lack of second.

Moved-Seconded (Deibert-Flanagan) to approve the permit to occupy County highway right-of-way for the City of Spearfish to install a sidewalk located along Hillsview Road in Section 9, T6N, R2E, contingent upon the City of Spearfish taking over the right-of-way from College Lane to Brookdale Road and to amend the Memorandum of Understanding to include the verbiage of item #12 of the permit to occupy County highway right-of-way and the signature of the Mayor. Aye- Johnson, Deibert and Flanagan. Nay-Sleep. Motion Carried.

Vig questioned future right-of-way permits going forth for Phase 1 of the Spearfish Recreation Path. Commissioner Deibert, Johnson and Flanagan all indicated they would honor earlier support for the location and construction of the Spearfish Recreation Path.

Commissioner Johnson added that he is in favor of the sidewalk being built in this area but that it is obvious that the City should assume jurisdiction over the stretch of road under discussion.

Commissioner Sleep expressed concern with the bike path being adjacent to the road along the McGuigan Road and Top Shelf subdivision. Sleep feels the trucks have the right-of-way.

CITY OF SPEARFISH: Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the permit to occupy County highway right-of-way for the City of Spearfish to install temporary bypass pumping of sanitary sewer located along W. Highway 14 and Brookview Road in Section 4 & 33, T7N, R2E. Motion Carried.

SEVERSON DIRT WORKS, LLC: Moved-Seconded (Johnson-Flanagan) to deny the utility permit for Severson Dirt Works, LLC to bore under Whitewood Valley Road approximately 5 miles from the intersection of Highway 34 & Whitewood Valley Road for construction of an underground electrical wire beginning in Section 36, T7N, R4E and ending in Section 36, T7N, R4E. Direction was issued that the utility permit application shall be submitted by Black Hills Energy rather than the contractor. Motion Carried.

SEVERSON DIRT WORKS, LLC: Moved-Seconded (Johnson-Flanagan) to deny the utility permit for Severson Dirt Works, LLC to bore under Bighorn Road approximately 6 miles from the intersection of Highway 34 & Whitewood Valley Road for construction of an underground electrical wire beginning in Section 31, T7N, R5E and ending in Section 31, T7N, R5E. Direction was issued that the utility permit application shall be submitted by Black Hills Energy rather than the contractor. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Erickson Road south of the intersection with Galena Road for construction of an underground power line beginning in Section 1, T4N, R4E and ending in Section 1, T4N, R4E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the permit to occupy County highway right-of-way for Butte Electric Cooperative to install 25 KV power line located along Old Ridge Road and Hill Place in Section 23 & 26, T4N, R4E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the permit to occupy County highway right-of-way for Butte Electric Cooperative to install 25 KV power line located along Erickson Road in Section 1, T4N, R4E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Johnson-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit to bore under a county road for Butte Electric Cooperative located at 21444 Old Ridge Road for construction of an underground power line beginning in Section 23, T4N, R4E and ending in Section 23, T4N, R4E. Motion Carried.

TODD & MICHELE SMITH: Moved-Seconded (Sleep-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permit for Todd & Michele Smith to construct an approach on the east side of Two Bit Road located on Lot 56 Golden Hills Sub Division. Motion Carried.

CITY/COUNTY FLOODPLAIN MAP UPDATE: Tonya Vig, Floodplain Administrator/Engineering Technician gave an update on the City/County floodplain map project. Vig stated the project is still in the comment mode from FEMA and an update will be presented at the April 14, 2020 Commission meeting.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on Bridge 41-092-060/BRF 8244(00) PCN076J/KOA on W Highway 14. Bonnema stated that project would start on March 30, 2020 and should be done May 22, 2020 barring no rain days.

ARTESIAN WELL GIFT: Bob Ewing, 3226 W Fairground Loop, was present to discuss an artesian well that is owned by the industrial park membership. Ewing stated that since the industrial park has been annexed into the City of Spearfish there is no need for the well and he would like to gift it to the County.

Moved-Seconded (Johnson-Flanagan) to continue discussion on the artesian well gift so a study of the cost and evaluate can be completed. Motion Carried.

LOAD LIMITS: Commissioner Sleep and Commissioner Deibert had conversations with Aaron Shockey, John Swanson and Don Brady (email) requesting that the load limits from McNenney Road West to Exit 2 on 14A Service Road be raised from 80,000 lbs. to 110,000 lbs.

Commissioner Deibert stated that the reason for adjusting these load limits is to get the traffic off the County roads and onto the interstate/SDDOT roads as quickly as possible.

Moved-Seconded (Sleep-Deibert) to post weight limits from McNenney Road West to Exit 2 on 14A Service Road at 110,000 lbs. Motion Carried.

PLANNING & ZONING:

RECESS: 9:55 a.m. Moved-Seconded (Johnson-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:15 a.m. The Chairman called the Commission meeting back to order.

PLATS:

PRELIMINARY AND FINAL PLAT/TINNEL: APPLICANTS: Randy and Julie Tinnel
LEGAL DESCRIPTION: Plats of Tracts A, B, and C of Tinnell Subdivision; being the E ½ NE ¼ of Section 36, T7N, R3E, and Lots 1 & 2 and the E ½ NW ¼ of Section 31, T7N, R3E VICINITY LOCATION: St Onge/Weisman Road SUMMARY: Create lots for kids to meet Ag Zoning and reduce old lots ZONING: A-1 ACREAGE: Tract A (50.02); Tract B (50.16) and Tract C (126.61).

Moved-Seconded (Deibert-Flanagan) declaring that the plat for Randy and Julie Tinnel meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve the preliminary and final plat for Randy and Julie Tinnel 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: Plats of Tracts A, B, and C of Tinnell Subdivision; being the E ½ NE ¼ of Section 36, T7N, R3E, and Lots 1 & 2 and the E ½ NW ¼ of Section 31, T7N, R3E VICINITY LOCATION: St Onge/Weisman Road SUMMARY: Create lots for kids to meet Ag Zoning and reduce old lots ZONING: A-1 ACREAGE: Tract A (50.02); Tract B (50.16) and Tract C (126.61). Motion Carried.

PRELIMINARY AND FINAL PLAT/AUER: APPLICANT: Leslie Auer LEGAL DESCRIPTION: Tracts B-1 and B-2 of the Auer Sub; Formerly Tract B of the Auer Sub and the NE ¼ SE ¼ of Section 25, T6N, R3E; all in the NE ¼ SE ¼ of Section 25, T6N, R3E and Govt Lots 2, 3, and the SE ¼ NW ¼ of Section 30, T6N, R4E. VICINITY LOCATION: Crook City Road/Auer Road SUMMARY: Movement of Lot Lines in order to create a lot for daughter ZONING: A-1 ACREAGE: Tract B-2 (49.66) and Tract B-1 (84.86).

Moved-Seconded (Johnson-Flanagan) declaring that the plat for Leslie Auer meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Johnson-Sleep) to approve the preliminary and final plat for Leslie Auer 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: Tracts B-1 and B-2 of the Auer Sub; Formerly Tract B of the Auer Sub and the NE ¼ SE ¼ of Section 25, T6N, R3E; all in the NE ¼ SE ¼ of Section 25, T6N, R3E and Govt Lots 2, 3, and the SE ¼ NW ¼ of Section 30, T6N, R4E. VICINITY LOCATION: Crook City Road/Auer Road SUMMARY: Movement of Lot Lines in order to create a lot for daughter ZONING: A-1 ACREAGE: Tract B-2 (49.66) and Tract B-1 (84.86). Motion Carried.

FINAL PLAT/RODAKOWSKI/HESS: APPLICANTS: Arnold Rodakowski/William & Veronica Hess LEGAL DESCRIPTION: Lots 1A 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 Road; all located in the W ½ of Section 10, T4N, R3E. VICINITY LOCATION: Yellow Creek Road SUMMARY: Movement of lot lines ZONING: PF ACREAGE: Lot 1A (5.32 acres).

Moved-Seconded (Sleep-Flanagan) to approve the final plat for Arnold Rodakowski/William & Veronica Hess 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: Lots 1A 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 Road; all located in the W ½ of Section 10, T4N, R3E. VICINITY LOCATION: Yellow Creek Road SUMMARY: Movement of lot lines ZONING: PF ACREAGE: Lot 1A (5.32 acres). Motion Carried.

PUBLIC DEFENDER:

2019 YEAR-END UPDATE: Amber Richey, Public Defender Director, gave a 2019 year-end update.

ADMINISTRATIVE FEE TIFD: Bruce Outka, Deputy State's Attorney, read a letter from Jayna Watson, City Planner, requesting the amount that the County seeks for administrative fees, along with an explanation of what duties a TIF district creates.

Moved-Seconded (Johnson-Flanagan) to send information to the City of Spearfish requesting a \$1,000.00 imputed administrative cost pursuant to SDCL 11-9-15 (5) on Spearfish Tax Increment District Number Six to cover up front expenses. Motion Carried.

11:10 a.m. Commissioner Deibert excused himself from the table.

VALUE REAL PROPERTY AND SALE OF REAL PROPERTY: Continued discussion from November 12, 2019 - previously declared surplus real property. Value real property/authorize sale of 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.

Commissioner Johnson stated that he will request that the other two real property owners make their determination and will present their report at the April 14, 2020 Commission meeting.

11:16 a.m. Commissioner Deibert returned to the table.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2020-12 for a Supplemental Budget for Modernization & Preservation Fund-M&P Software & Equipment - \$14,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-

Flanagan) to approve and adopt the following Resolution #2020-12 for a Supplemental Budget. Motion Carried. RESOLUTION #2020-12 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2020, 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 2020, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: MODERNIZATION & PRESERVATION FUND M & P SOFTWARE & EQUIPMENT - \$14,000 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 24TH day of March, 2020 at the hour of 11:00 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 24th day of March, 2020. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Vice-Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

ITEMS FROM THE PUBLIC: James House, 20414 Blue Ridge Loop, was present to discuss the dog shooting on Crook City Road. House requested clarification on the current dog ordinance and was instructed to contact the Sheriff's Office.

Brenda McGruder, Auditor, stated that she received a phone call Chris Gengler requesting an update on the paving of the first mile of Higgins' Gulch Road. Commissioner Flanagan stated that a note be sent to Gengler stating that this be part of the five-year road plan public meeting discussion.

ITEMS FROM COMMISSIONERS:

VACATION OF PUBLICLY DEDICATED HIGHWAY/GOBBLER ROAD: Commissioner Flanagan stated that the public hearing process of the vacation of publicly dedicated highway/Gobbler Road has been closed. No public comment will be taken at the April 14, 2020 meeting unless the Commission have questions. Commissioner Flanagan stated that no more than two people from each side will be allowed in the meeting room at one time and encouraged everyone to use the GoToMeeting link that will be provided.

UPCOMING MEETING PROTICAL: Commissioner Flanagan stated that seating is limited in the meeting room due to the COVID-19 pandemic and an appointment to meet with the Commissioners must be made in advance. Commissioner Flanagan encourages everyone to use the GoToMeeting link to communicate during the meeting.

COVID-19 UPDATE/SENATOR EWING: Senator Ewing gave an update on the COVID-19 pandemic.

BILLS: Moved-Seconded (Johnson-Sleep) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

Payroll: Comm-\$7,033.31; Aud-\$11,515.53; Treas-\$12,223.70; States Atty-\$15,939.36; Pub Def-\$11,895.63; Gen Govt Bldg-\$10,091.41; Equal-\$15,737.02; Rod-\$9,433.17; Vso-\$1,736.20; Ist-\$9,653.45; Sher-\$50,130.09; Jail-\$26,283.82; Coroner-\$992.36; 24/7-\$434.18; Emerg Mgnt-\$4,680.41; E911-\$17,321.55; Highway-\$49,913.07; Weed-\$6,970.11; P&Z-\$6,275.58; **Bills:** Green, Sheree-\$39.48; Nelson, Melody-\$189.80; Walk, Ritchey-\$15.50; A To Z Shredding-\$20.00; A&B Business,Inc Solutions-\$844.11; A&B Welding Supply-\$138.18; A&I Distributors-\$337.90; Ace Hardware Of Lead-\$26.92; Alpine Impressions-\$15.00; American Family Life-\$2,619.88; Aspen Legacy Planning-\$751.50; Audra Hill Consulting-\$327.43; BH Occupational Medicine-\$30.00; BH Windshield Repair-\$50.00; Barnaud Law Firm Prof-\$202.30; Bi Geo Group-\$156.40; Bickle's Truck & Diesel-\$30.68; Black Hills Disposal-\$90.00; Black Hills Energy-\$11,486.54; Boys & Girls Clubs Of The Bh-\$5,000.00; Breit & Boomsma PC-\$100.00; Bruemmer, Lynnel-\$501.60; Butler Machinery Co-\$369.69; Cbh Cooperative-\$21,488.66; Century Business Products-\$336.40; Centurylink-\$1,969.12; City Of Rapid City-\$490.00; Clark Printing-\$157.30; Coban Technologies-\$1,146.95; Convergint Technologies-\$2,401.58; Credit Collections Bureau-\$433.47; Deadwood Recreation Center-\$753.00; Delta Dental Of South

Dakota-\$8,073.50; Dept Of Hlth Lab Services-\$415.00; Dept Of The Treasury-\$62,905.58; Diamond Pharmacy-\$1,256.92; Et Sports-\$19,560.00; Execuline Business Systems-\$545.00; Fastenal-\$26.70; Floyd's Truck Center-Rc-\$112.86; Galls-\$729.98; Grey & Eisenbraun, Prof-\$698.90; Heartland Paper Co-\$737.06; Heisler Hardware-\$9.96; Hilpert & Hale Prof-\$882.30; Interstate Batteries-\$60.79; Intoximeters-\$750.00; Jacobs Precision Welding-\$66.80; Jenner Equipment-\$38.05; Karen Paige Hunt, Prof-\$559.81; Kimball-Midwest Co-\$174.50; Kinney Law Pc-\$2,834.20; Koala Electric-\$929.69; Kosel, Joseph-\$9,303.28; LC Treasurer-\$42.40; Lakota Contracting-\$77.90; Lawson Products-\$110.82; Lead-Deadwood Regional Hospital-\$682.50; Lewis & Clark Bhs-\$178.00; Lexisnexis Risk Data Mgnt-\$75.00; Messerli & Kramer PA-\$310.63; Midcontinent Communications-\$111.74; Minnehaha County-\$67.50; Montana Dakota Utilities-\$633.39; Ms Mail-\$600.00; Nalco Company-\$261.24; Nelson Law-\$948.40; Nelson, Christy-\$360.00; Nichols, Helen Rd-\$87.50; North Central Int'l-\$342.73; Northern Hills Rec Center-\$236.00; Northern Truck Equip-\$60.00; Office Depot-\$60.17; Office Of Attorney General-\$315.69; Office Of Child Support-\$1,188.01; Pennington Co Jail-\$1,054.00; Pitney Bowes Global Financial-\$765.24; Powerplan-\$360.07; Proguard-\$256.28; Quill-\$334.83; Rabe Elevator-\$2,863.90; Radiology Associates-\$20.00; Ramkota Inn Pierre-\$98.00; Rasmussen Mechanical Serv-\$2,029.31; Regional Health-\$1,221.72; Rena M Hymans-\$5,185.76; Reserve Account-\$5,000.00; Rocket Lube-\$358.95; Root Spring Scraper-\$161.83; Sd Federal Property Agency-\$270.00; Sd Narcotics Officers Assoc-\$50.00; Sd Retirement System-\$65,001.75; Sdrs Supplemental Retirement-\$2,057.50; Servall Towel & Linen-\$691.03; Sierra Design Vinyl Lettering-\$80.00; Simon North Region-\$41,786.12; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$60.47; Spearfish Glass-\$425.00; Spearfish Police Dept-\$10,544.44; Sterna, Laura-\$720.00; Sturdevant's Auto Parts-\$661.26; Sysco Montana-\$3,620.89; Teen Court-\$7,500.00; Top Quality Mfg Co-\$217.50; Turnkey Corrections-\$2.76; Twin City Hardware & Lumber-\$270.22; Tyler Technologies-\$560.00; Vast Broadband-\$1,780.03; Verizon Wireless-\$106.33; Victims Of Violence-\$393.50; Wellmark Blue Cross-\$96,398.04; Wells Fargo Business Card-\$11,066.18; Western Communication-\$170.00; Western Hills Humane Society-\$2,000.00; Western Sd Juvenile Serv-\$7,675.00; White Drug-\$93.66; White's Queen City Motors-\$138.42; **Witness & Jurors: \$2,855.08.**

ADJOURN: 12:03 p.m. There being no further business, Vice-Chairman Flanagan adjourned the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Vice-Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – March 24, 2020

Vice-Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 9:55 a.m. on March 24, 2020, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson and Richard Sleep. Commissioner Randy Deibert was available by video conferencing (GoToMeeting). Absent-Randall Rosenau.

Roll-call voting was used and 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 #181/RUPP: A public hearing was held on Variance #181 APPLICANTS: Ernest & Kimberley Rupp LEGAL: Lot 37 of Meadowcrest located in the NE 1/1 and the SE ¼ of Section 17, T5N, R4E. PARCEL ID: 18750-00504-370-00 VICINITY LOCATION: Hwy 85/Boulder Canyon SUMMARY: Applicant is requesting a variance to the 25' side setback of .30' ACREAGE: 2.01 acres.

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

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

Moved-Seconded (Johnson-Sleep) to approve Variance #181 APPLICANTS: Ernest & Kimberley Rupp LEGAL: Lot 37 of Meadowcrest located in the NE 1/1 and the SE ¼ of Section 17, T5N, R4E. VICINITY LOCATION: Hwy 85/Boulder Canyon SUMMARY: Applicant is requesting a variance to the 25' side setback of .30' ACREAGE: 2.01 acres. Aye-Johnson, Sleep and Flanagan. Nay-Deibert. Motion Failed

Commissioner Johnson stated he would like to ask Commissioner Deibert his reason for voting no?

Commissioner Deibert stated if a boundary survey was done on the property, a variance may not be needed.

Commissioner Johnson stated he understands Deibert's technical knowledge of the issue, but asked if he would reconsider this vote.

Commissioner Deibert stated he was willing to change his vote for two reasons, one being, he was not aware it took a super majority to pass and if a full survey is done marking it from the foundation and not the siding the applicants may not have an issue. Deibert stated it is a problem with the process.

Moved-Seconded (Johnson-Flanagan) to reconsider the motion to approve Variance #181 APPLICANTS: Ernest & Kimberley Rupp LEGAL: Lot 37 of Meadowcrest located in the NE 1/1 and the SE ¼ of Section 17, T5N, R4E. VICINITY LOCATION: Hwy 85/Boulder Canyon SUMMARY: Applicant is requesting a variance to the 25' side setback of .30' ACREAGE: 2.01 acres. Motion Carried.

VARIANCE #182/VASKNETZ: A public hearing was held on Variance #182 APPLICANTS: Steven & Carletta Vasknetz LEGAL: Lot 6A of Whitewood Forest Addition in Section 20, T6N, R4E. VICINITY LOCATION: Outside of Whitewood City Limits SUMMARY: Applicant is requesting a variance to the 25' front setback of 22.13' which would be a 2.87' setback, to allow an 18 x 28 garage stall addition to existing garage. ACREAGE: 1.54 acres.

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

Shannon Vasknetz, surveyor, explained his survey and stated that the homeowners' association and neighbors are in favor of the variance.

Steve Vasknetz, Applicant, stated that he would still be 35' from the road and would request approval of this variance.

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

Commissioner Deibert questioned why Planning & Zoning denied the variance.

Commissioner Johnson stated that it is typical for the Planning & Zoning to deny a variance as they have to follow the ordinance.

Commissioner Deibert stated that it is admirable that the applicant went to the homeowners' association and the Road District to get approval and that the local government (road district) approval validates his support for the variance.

Moved-Seconded (Johnson-Deibert) to approve Variance #182 based upon location of the road, distance from the road to the proposed new structure, terrain involved on the lot and the road and contingent upon a letter from the Road District stating they support the variance. APPLICANTS: Steven & Carletta Vasknetz LEGAL: Lot 6A of Whitewood Forest Addition in Section 20, T6N, R4E. VICINITY LOCATION: Outside of Whitewood City Limits SUMMARY: Applicant is requesting a variance to the 25' front setback of 22.13' which would be a 2.87' setback, to allow an 18 x 28 garage stall addition to existing garage. ACREAGE: 1.54 acres. Motion Carried.

ADJOURN: 10:15 a.m. There being no further business, it was Moved-Seconded (Johnson-Sleep) to adjourn the Board of Adjustment meeting. Motion Carried.

Date Approved

Brandon Flanagan, Vice-Chairman

ATTEST:

Brenda McGruder, Auditor