

**LAWRENCE COUNTY COMMISSIONERS MEETING – April 12, 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 April 12, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

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

**DECLARE CONFLICTS:** Commissioner Deibert declared a conflict with agenda item: Plats: Final Plat-Applicant: KR Deer Mountain Club.

**MINUTES:** Moved-Seconded (Sleep-Deibert) to approve the minutes of March 22, 2022 County Commission meeting. Motion Carried.

**TRAVEL REQUEST:**

**PUBLIC DEFENDER:** Moved-Seconded (Ewing-Flanagan) to approve the travel request for Amber Richey and Staci Reindl to attend the National Association of Criminal Defense Lawyers fall meeting and seminar on designating and litigating mental and behavior health in criminal cases in Savannah, GA from October 18-23, 2022. Aye-Ewing, Flanagan, Sleep and Ewing. Nay-Deibert. Motion Carried.

Commissioner Deibert stated we need to look into contracting for Public Defender services.

**SHERIFF:** Moved-Seconded (Flanagan-Deibert) to approve the travel request for Kyle Anderson to attend the firearms optics course in Canton, SD from April 20-22, 2022. Motion Carried.

**PERSONNEL:**

**SHERIFF:** Moved-Seconded (Deibert-Rosenau) to approve the new hire for Emmanuel Mercado as a full-time permanent Correctional I G1 at a base rate of \$20.22 an hour, effective March 31, 2022. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Garrett Liggett as a full-time permanent Correctional II G2 at a base rate of \$21.90 an hour, effective April 10, 2022. Motion Carried.

**E-911:** Moved-Seconded (Deibert-Ewing) to approve the step raise for Jamie Pesicka Olson as a full-time permanent E-911 Coordinator G2 at a base rate of \$25.90 an hour, effective April 10, 2022. Motion Carried.

**ELECTIONS:** Moved-Seconded (Deibert-Rosenau) to approve Marlene Barrett as a temporary full-time Accounting Clerk G3 at a base rate of \$19.38 an hour, effective April 22, 2022 and waive the five (5) days posting and newspaper publication requirements. Motion Carried.

**AUDITOR:** Moved-Seconded (Deibert-Ewing) to approve the step raise for Melody Nelson as a full-time permanent First Deputy G3 at a base rate of \$26.84 an hour, effective May 22, 2022. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of March 31, 2022, 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)-\$159,285.06; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$9,253.85; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$16,430,218.72; US Bank balance \$41,613,965.29; money market \$11,984,414.32. Total \$70,200,347.24. Motion Carried.

**EMERGENCY MANAGEMENT:**

**LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY REPORT:** Rene' Larson, Emergency Management Administrative Assistant, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Ewing-Rosenau)

to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

**CENTRAL CITY:** Moved-Seconded (Flanagan-Rosenau) to approve the Central City Town and Township Bond for \$150,000. Motion Carried.

**ST. ONGE:** Moved-Seconded (Flanagan-Rosenau) to approve the St. Onge Town and Township Bond for \$50,000. Motion Carried.

**REEBE RANCH ESTATES ROAD DISTRICT:** Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for Reebe Ranch Estates Road District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE REEBE RANCH ROAD DISTRICT A Petition and Application for Incorporation having been filed with the Lawrence County Board of Commissioners requesting that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district, to-wit: Reebe Ranch Estates Tracts A-2R, A-4, B, C, F, G, J & K in NW1/4; Tracts D, E Revised, H, I Revised, L & M in W1/2NE1/4; Tracts N, O, R, S, V & W in SW1/4; Tracts P, Q, T & U in NW1/4SE1/4 All in Sec. 28, T7N, R1E, B.H.M., Lawrence County, South Dakota SHALL, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Reebe Ranch Road District. DATED this 12<sup>th</sup> day of April, 2022. Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Auditor.

**JUNETEENTH:** Continued discuss was held on adding Juneteenth to the County list of holidays.

Moved-Seconded (Sleep-Ewing) to not add Juneteenth to the County list of Holidays. Aye-Ewing and Sleep. Nay-Deibert, Flanagan and Rosenau. Motion Failed.

Moved-Seconded (Flanagan-Rosenau) to add Juneteenth to the County list of Holidays. Aye-Flanagan and Rosenau. Nay-Ewing, Deibert and Sleep. Motion Failed.

The Board requested that this be revisited at the first meeting in January.

**ABATEMENT:**

**NICHOLAS:** Moved-Seconded (Flanagan-Deibert) to approve the abatement for William & Carol Nicholas on parcel #19000-00601-060-20 for 2021 taxes payable in 2022 for an in office correction due to software conversion error. Motion Carried.

**SHERIFF:**

**PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE:** Brian Dean, Sheriff, reported that Elevatus Architecture stated that their drawings would not be complete in time for the scheduled bid opening on May 4, 2022 and is requesting an additional two weeks. Dean stated that there have been many hours of very technical meetings with staff to ensure all is correct and the best interests of Lawrence County are protected. Dean feels that this is a reasonable request as Elevatus Architecture wants the drawing to be perfect.

Commissioner Deibert stated we need a partner in the process and we have to be accountable for the delays we caused as well.

Commissioner Ewing stated he would reluctantly support the delay.

Commissioner Sleep stated that time is money.

Commissioner Rosenau feels that if we have an error or addendum that could end up costing the County more overall.

Moved-Seconded (Flanagan-Deibert) to follow the recommendation of the Finance Committee and change the bid date for the Public Safety and Services Center furniture/fixtures/accessories, from April 21, 2022 to May 5, 2022 at 9:00 a.m.; Pre-bid conference from April 14, 2022 to April 26, 2022 at 1:00 p.m. and the Public Safety and Services Center project from May 4, 2022 to May 18, 2022 at 1:00 p.m. Motion Carried.

**CONSTRUCTION COMMITTEE:** Brian Dean, Sheriff, requested that a Construction Committee be formed.

Moved-Seconded (Flanagan-Rosenau) to appoint Brian Dean, Tim Agena, Greg Dias, Bruce Outka, Brenda McGruder, Randy Deibert and Robert Ewing. Motion Carried.

The committee will meet and recommend the parameters of discretion to be exercised by the committee at an upcoming Commission meeting.

**BUILDING CODE:** Bruce Outka, Deputy State’s Attorney, informed the Board that the City of Deadwood adopted the 2021 version of the IBC on March 2, 2022. Outka noted that the prior version of the IBC from 2018 referenced the 2009 version of ICC 117.1 regarding accessibility. The accessibility standard changed from the 2018 version to the 2021 version. Outka stated the City brought this change to the County’s attention but is willing to accept the standard in place when design started. Outka noted that the facility remains accessible to an appropriate standard.

**ALCOHOLIC BEVERAGE LICENSES:**

**RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE**

**TRANSFER/JUTRDA, LLC.:** A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for JUTRDA, LLC. No public input was voiced and the public hearing was closed. Moved- Seconded (Flanagan-Deibert) to approve the following transfer of Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for JUTRDA, LLC. **PREVIOUS LICENSE: BLACK HILLS JOURNEYS INC (FISH N FRY CAMPGROUND):** Lot 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18 and 19, T4N R4E BHM. **TRANSFER TO: JUTRDA LLC (FISH N’ FRY CAMPGROUND AND CAFE):** Lot 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18 and 19, T4N R4E BHM. Motion Carried.

**RETAIL (ON-OFF SALE) WINE AND CIDER LICENSE/JUTRDA, LLC.:** A public hearing was held on an application for a Class-Retail (On-Off Sale) Wine and Cider license for JUTRDA, LLC. No public input was voiced and the public hearing was closed. Moved- Seconded (Flanagan-Deibert) to approve the following Class- Retail (On-Off Sale) Wine and Cider license for JUTRDA, LLC. **(FISH N’ FRY CAMPGROUND AND CAFE):** Lot 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18 and 19, T4N R4E BHM. Motion Carried.

**PACKAGE (OFF SALE) LIQUOR LICENSE TRANSFER/MATTINGLEYS, LLC.:** A public hearing was held on the applications to transfer a Class-Package (Off Sale) Liquor license for Mattingleys, LLC. No public input was voiced and the hearing was closed. Moved- Seconded (Ewing-Sleep) to approve the following transfer of PACKAGE (OFF-SALE) LIQUOR LICENSE for Mattingleys, LLC. **PREVIOUS LICENSE: ST. ONGE BAR & GRILL: LOTS 1 & 2 BLOCK 8, Section 23, T7N, R3E, ST. ONGE, LAWRENCE CO, SD. TRANSFER TO: MATTINGLEYS LLC (ST. ONGE BAR):** LOTS 1 & 2 BLOCK 8, Section 23, T7N, R3E, ST. ONGE, LAWRENCE CO, SD. Motion Carried.

**RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE**

**TRANSFER/MATTINGLEYS, LLC:** A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Mattingleys, LLC. No public input was voiced and the public hearing was closed. Moved- Seconded (Sleep-Ewing) to approve the following transfer of CLASS-RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE for Mattingleys, LLC. **PREVIOUS LICENSE: ST. ONGE BAR & GRILL: LOTS 1 & 2 BLOCK 8, Section 23, T7N, R3E, ST. ONGE, LAWRENCE CO, SD. TRANSFER TO: MATTINGLEYS LLC (ST. ONGE BAR):** LOTS 1 & 2 BLOCK 8, Section 23, T7N, R3E, ST. ONGE, LAWRENCE CO, SD. Motion Carried.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quote was submitted as of March 29, 2022: **Spearfish Unleaded 1200 gallons:** (prices per gallon) CBH Cooperative –\$3.992\* \*Represents accepted quote.

**PERMIT:**

**JOHNSON:** Moved-Seconded (Sleep-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Matt Johnson to construct a

private approach on the south side of Hardin Road located at the corner of US Hwy 85 and Hardin Road. Motion Carried.

**GILL:** Moved-Seconded (Ewing-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Eva Patricia Gill to construct a private approach on the east side of Lookout Mountain Road located at Sunset S/D Tract 3B Plat 2017-04844. Motion Carried.

**HEMMAH:** Moved-Seconded (Deibert-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Ivan L. Hemmah to construct a private approach on Kerwin Lane located between Lindstad Trout Farm and 1220 Kerwin Lane. Motion Carried.

**MONTANA-DAKOTA UTILITIES:** Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, to not object to the permit to occupy County highway right-of-way for Montana-Dakota Utilities located in Section 9, T6N, R2E along County Road: 411 Hillsvie Drive to the extent the County has any remaining authority, if any, to do so. Motion Carried.

**BLACK HILLS ENERGY:** Moved-Seconded (Sleep-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Black Hills Energy located in Section 28, T7N, R2E along County Road: Old Belle Road. Aye-Ewing, Flanagan, Sleep and Rosenau. Nay-Deibert. Motion Carried.

**BLACK HILLS ENERGY:** Moved-Seconded (Sleep-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Black Hills Energy located in Section 21/28, T5N, R3E along County Road: Maitland Road. Motion Carried.

**EASEMENT AGREEMENT/HOMESTAKE MINING COMPANY OF CALIFORNIA:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign temporary construction easement agreement RE: Project No. BRF 6545(00)121-2 PCN: 08FA between Lawrence County and Homestake Mining Company of California. Motion Carried.

**PROJECT UPDATES:** Allan Bonnema, Highway Superintendent, gave an update on the bridge project on Lookout Mountain Road.

Bruce Outka, Deputy State's Attorney, gave an update on Troxell Road and the process from the Department of Transportation on correcting County Roads listed incorrectly on the DOT system.

**PLANNING & ZONING:**

**PLANNING & ZONING UPDATE:** Amber Vogt, Planning & Zoning Administrator, gave an update on upcoming items to come before the Board.

**PLATS:**

**PRELIMINARY PLAT/MAITLAND PARTNERS, LLC.:** Continued from March 8, 2022. APPLICANT: Maitland Partners, LLC LEGAL DESCRIPTION: Plat of Lots 101-117 and dedicated public ROW Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF. (Minutes from March 8, 2022: Moved-Seconded (Deibert-Sleep) to continue the preliminary plat for Maitland Partners, LLC. until April 12, 2022 to allow for an onsite on April 11, 2022 at 9:00 a.m., allow for a revised drainage plan showing the drainage arrows and provide a spelled out exception letter to anything in the plans that do not meet the ordinance.)

An onsite of the property was conducted with, a Notice of Quorum previously posted, on April 11, 2022.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary plat for Maitland Partners, 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 101-117 and dedicated public ROW Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF. Motion Carried.

9:27 a.m. Commissioner Deibert left the meeting.

**FINAL PLAT/KR DEER MOUNTAIN CLUB:** APPLICANT: KR Deer Mountain Club  
LEGAL DESCRIPTION: Plat of Lot 2 of Block A of Deer Mt Village in Section 13, T4N, R2E and Section 18, T4N, R3E. (legal shortened) VICINITY LOCATION: Deer Mt SUMMARY: 1st final ZONING: PUD.

Moved-Seconded (Ewing-Rosenau) to approve the final plat for KR Deer Mountain Club 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 Lot 2 of Block A of Deer Mt Village in Section 13, T4N, R2E and Section 18, T4N, R3E. (legal shortened) VICINITY LOCATION: Deer Mt SUMMARY: 1st final ZONING: PUD. Motion Carried.

9:29 a.m. Commissioner Deibert returned to the meeting.

**FINAL PLAT/BH PROPERTIES, LLC. & BH DEVELOPMENT:** APPLICANTS: BH Properties, LLC & BH Development LEGAL DESCRIPTION: Lots 25, 26 & 27, Blk 5 and Lots 1-11, Blk 11; Lots 1-11, Blk 12 and Dedicated Public ROW of Trailside Addition of Powder House Pass Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots - 1st final ZONING: PUD.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for BH Properties, LLC & BH Development 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 25, 26 & 27, Blk 5 and Lots 1-11, Blk 11; Lots 1-11, Blk 12 and Dedicated Public ROW of Trailside Addition of Powder House Pass Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots - 1st final ZONING: PUD. Motion Carried.

**REVISED PRELIMINARY PLAT/BH PROPERTIES, LLC.:** APPLICANT: BH Properties, LLC LEGAL DESCRIPTION: Lots 1-4, Blk 1; Lots 1-3, Blk 2; Lots 1-24, Blk 3; Lots 1-6, Blk 4; Lots 1-10, Blk 5 and Dedicated Public ROW, in Southridge Estates of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PUD.

Moved-Seconded (Deibert-Rosenau) to approve the revised preliminary plat for BH Properties, 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: Lots 1-4, Blk 1; Lots 1-3, Blk 2; Lots 1-24, Blk 3; Lots 1-6, Blk 4; Lots 1-10, Blk 5 and Dedicated Public ROW, in Southridge Estates of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PUD. Motion Carried.

**FINAL PLAT/BH PROPERTIES, LLC.:** APPLICANT: BH Properties, LLC LEGAL DESCRIPTION: Lots 1, 3, Blk 1; Lots 3, 8, 9, 23 and 24, Blk 3; Lot 4, Blk 4; Lots, 5 and 6, Blk 5 and Dedicated Public ROW, in Southridge Estates of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots - 1st final ZONING: PUD.

Moved-Seconded (Ewing-Deibert) to approve the final plat for BH Properties, 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: Lots 1, 3, Blk 1; Lots 3, 8, 9, 23 and 24, Blk 3; Lot 4, Blk 4; Lots, 5 and 6, Blk 5 and Dedicated Public ROW, in Southridge Estates of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots - 1st final ZONING: PUD. Motion Carried.

**BOUNDARY PLAT/KISSACK WATER & OIL SERVICE, INC.:** APPLICANTS: Kissack Water & Oil Service, Inc. LEGAL DESCRIPTION: Kissack Tract being a sub of the SE ¼ NE ¼, NE ¼ SE ¼, and a portion of the S ½ SE ¼, all located in Section 8, T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: Boundary of new subdivision ZONING: A-2.

Moved-Seconded (Deibert-Rosenau) to approve the boundary plat for Kissack Water & Oil Service, Inc. 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: Kissack Tract being a sub of the SE ¼ NE ¼, NE ¼ SE ¼, and a portion of the S ½ SE ¼, all located in Section 8, T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: Boundary of new subdivision ZONING: A-2. Motion Carried.

**PRELIMINARY & FINAL PLAT/RATH:** APPLICANTS: Tobias & Lois Rath and Anthony & Brenda Rath LEGAL DESCRIPTION: Plat of Tracts A & B of Rath Sub and dedicated Public ROW all located in SW ¼ NE ¼ SE ¼ and SE ¼ NE ¼ SE ¼ of Section 31, T6N, R4E VICINITY LOCATION: Crook City Road SUMMARY: Platting of existing lots ZONING: PF.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary and final plat for Tobias & Lois Rath and Anthony & Brenda Rath 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 Tracts A & B of Rath Sub and dedicated Public ROW all located in SW ¼ NE ¼ SE ¼ and SE ¼ NE ¼ SE ¼ of Section 31, T6N, R4E VICINITY LOCATION: Crook City Road SUMMARY: Platting of existing lots ZONING: PF. Motion Carried.

**CODE ENFORCEMENT UPDATE:** Jeff Schroeder, Deputy Code Enforcement Officer, gave an update on the current nuisance complaints.

**ANNUAL REVIEWS:**

**CONDITIONAL USE PERMIT #247-21 MAYNARD - SPECIALTY RESORT:** An annual review was conducted on C.U.P. #247-21, Rory Maynard-Specialty Resort. No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #297 TREVINO - TEMP 2ND RESIDENCE**

**CANCELLATION:** Moved-Seconded (Deibert-Flanagan) to cancel conditional use permit #297 for Betty Trevino due to the fact that the CUP is no longer being used as a 2<sup>nd</sup> temporary residence. Motion Carried.

**CONDITIONAL USE PERMIT #300-05, HAY CREEK CAMP:** An annual review was conducted on C.U.P. #300-05, Cindy Koebele-Horse Camp and Campground. No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #307, RAMSEY -TEMP 2ND RESIDENCE**

**CANCELLATION:** Moved-Seconded (Flanagan-Deibert) to cancel conditional use permit #307 for Beatrice Ramsey due to the fact that the CUP is no longer being used as a 2<sup>nd</sup> temporary residence. Motion Carried.

**CONDITIONAL USE PERMIT #322, HALSTEAD/SPARGUR - RALLY CAMPGROUND**

**CANCELLATION:** Moved-Seconded (Flanagan-Sleep) to cancel conditional use permit #322 for Alice Spargur due to the fact that the CUP is no longer being used as a Sturgis Rally Campground. Motion Carried.

**CONDITIONAL USE PERMIT #380, WENNBERG - TEMP 2ND RESIDENCE:** An annual review was conducted on C.U.P. #380, Charles and Shirley Wennberg-2<sup>nd</sup> temporary residence. No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #402, DECOOK - TEMP 2ND RESIDENCE:** An annual review was conducted on C.U.P. #402, Nicole and Jim DeCook-2<sup>nd</sup> temporary residence. No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #412, SACHAU – AIRSTRIP:** An annual review was conducted on C.U.P. #412, Randy Sachau-personal airstrip. Moved-Seconded (Sleep-Rosenau) CUP #412 was found to be in compliance and will be reviewed on an as needed basis or, if complaints should arise, at the direction of the Board. Motion Carried. Abstain-Ewing.

**CONDITIONAL USE PERMIT #416, ANDERSON - TEMP 2ND RESIDENCE:** An annual review was conducted on C.U.P. #416, Sherrie Anderson-2<sup>nd</sup> temporary residence. No violations were found and will be reviewed in one year.

**(UN-NUMBERED) HALVERSON - TEMP 2ND RESIDENCE:** Moved-Seconded (Flanagan-Sleep) to cancel the 2<sup>nd</sup> temporary residence approved on June 7, 2001 for Carla Halverson and Scot Halverson. Motion Carried.

**FEEDING DEER:** The Board acknowledged an email from Antonio & Carolyn St. James in reference to neighbors feeding deer. No action was taken.

**INFORMATION SYSTEMS & TECHNOLOGY**

**MULTI-FACTOR AUTHENTICATION POLICY:** Greg Dias, Information Systems & Technology Director, presented the Multi-Factor Authentication Policy.

Moved-Seconded (Deibert-Ewing) to approve the Lawrence County Multi-Factor Authentication Policy. Motion Carried.

**DECLARE SURPLUS REAL PROPERTY:** Declare surplus real property legally described as Tract M-1, being a portion of M.S. 75 and a portion of Tract B of M.S. 207, all located in the City of Deadwood in the NW1/4 of Section 27, Township 5 North, range 3 East, B.H.M., Lawrence County, South Dakota, as recorded in Plat Document No. 99-2448 and affidavit of Correction recorded as Document No. 99-4081 and Document No. 2000-656, subject to easements, reservations and rights of way, in the Office of the Lawrence County Register of Deeds records.

Moved-Seconded (Flanagan-Rosenau) to declare real property legally described as Tract M-1, being a portion of M.S. 75 and a portion of Tract B of M.S. 207, all located in the City of Deadwood in the NW1/4 of Section 27, Township 5 North, range 3 East, B.H.M., Lawrence County, South Dakota, as recorded in Plat Document No. 99-2448 and affidavit of Correction recorded as Document No. 99-4081 and Document No. 2000-656, subject to easements, reservations and rights of way, in the Office of the Lawrence County Register of Deeds records, surplus as it is no longer necessary, useful or suitable for the purpose for which it was acquired. Motion Carried.

Moved-Seconded (Sleep-Deibert) to appoint Amber Vogt, Bruce Outka and Jeff Schroeder as three real property owners to appraise the property and issue a report on their findings regarding value (pursuant to SDCL 6-13-2) Motion Carried.

**EXECUTIVE SESSION PERSONNEL:** 10:33 a.m. Moved-Seconded (Deibert-Flanagan) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 10:52 a.m. The Board opened for regular business with no action taken.

**ITEMS FROM THE PUBLIC:** None.

**ITEMS FROM THE COMMISSIONERS:**

**NATURAL RESOURCES COMMITTEE UPDATE:** Commissioner Deibert reported on the upcoming meeting with the Forest Service in reference to Cooperating Agency Status for the Forest Plan Revision. The meeting will be held on April 18, 2022.

Moved-Seconded (Flanagan-Deibert) to designate Bill Coburn, Mitch Iverson, Bruce Outka, Randy Deibert and another Commissioner, subject to availability, to attend the April 18, 2022 Forest Service Cooperating Agency Status for the Forest Plan Revision meeting. Motion Carried.

Bruce Outka, Deputy State's Attorney, reported that he has been approached about exploring the sufficiency of the water supply for future developments in Lawrence County. Outka will present this matter to the Committee at its next meeting on April 14, 2022 at 3:00 p.m.

**BILLS:** Moved-Seconded (Deibert-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-\$7,470.00; Aud-\$12,362.78; Treas-\$15,184.38; States Atty-\$18,991.96; Pub Def-\$10,990.39; Gen Govt Bldg-11,060.36; Equal-\$15,956.71; Rod-\$9,609.63; Vso-\$1,906.60; Ist-

\$11,356.65; Sher-\$53,069.70; Jail-\$27,709.28; Coroner-\$316.26; 24/7-\$407.75; Emerg Mgnt-\$4,952.55; E911-\$17,703.93; Highway-\$49,147.73; Weed-\$4,422.29; P&Z-\$8,125.44; **Bills:** Baumann, Michell-\$72.41; Brennan, Seth-\$80.00; Merwin, Megan-\$326.00; American Family Life-\$2,808.44; At&T Mobility-\$631.41; Deadwood Recreation Center-\$641.00; Delta Dental Of South Dakota-\$8,511.84; Dept Of The Treasury-\$64,874.19; Hartford-Priority Accounts-\$2,211.35; ; Northern Hills Rec Center-\$149.00; Office Of Child Support-\$234.00; Sd Retirement System-\$104,119.83; Sdrs Supplemental Retirement-\$3,445.00; Wellmark Blue Cross-\$116,637.00; A To Z Shredding-\$67.43; A&B Business,Inc Solutions-\$3,761.73; A&B Welding Supply-\$22.12; A&I Distributors-\$5,267.53; A&J Supply-\$302.86; Ace Hardware of Lead-\$174.95; Air Connection-\$1,145.62; Alex Air Apparatus-\$1,114.00; Allstate Peterbuilt Group-\$1,297.99; Alpine Impressions-\$60.00; At&T Mobility-\$283.24; BH Pest Control-\$190.00; BH Physical Therapy-\$200.00; BH Pioneer-\$1,797.14; BH Truck And Trailer-\$208.55; Barnaud Law Firm Prof-\$1,324.70; Bi Inc-\$455.40; Bickle's Truck & Diesel-\$175.23; Big Sky Communications-\$379.00; Black Hills Chemical-\$1,194.50; Black Hills Energy-\$775.37; Black Hills Pure-\$18.25; Bomgaars Supply-\$142.93; Butler Machinery Co-\$1,402.18; Butte Electric Coop-\$798.76; Cbh Cooperative-\$4,850.28; Cdw Government-\$1,866.40; Century Business Products-\$473.08; Centurylink-\$154.54; Charm-Tex-\$74.90; Childrens Home Society-\$319.88; Clark Printing-\$236.49; Cna Surety-\$50.00; Coban Technologies-\$39.00; Cool Concepts Travel-\$1,756.00; Cornelius, Kaylee-\$420.00; Dakota Equip Rental/Chain Saw-\$826.11; Dateg-\$5,652.00; Deadwood, City Of-\$1,205.04; Dean Schaefer Court Reporting-\$30.00; Denny's Welding-\$103.25; Dept Of Hlth Lab Services-\$1,230.00; Election Sys & Software-\$1,819.87; Elevatus Architecture-\$293,768.62; Fastenal-\$195.59; Galls-\$138.22; Glaxosmithkline Pharmaceutical-\$1,111.94; Godfrey's Brake Serv-\$647.12; Grimm's Pump & Industrial Supply-\$24.99; Heartland Funeral Home-\$1,170.00; Hillyard Sioux Falls-\$280.62; Hilpert & Hale Prof-\$559.18; Holiday Inn Express-\$1,760.00; Human Kinetics-\$100.00; Janke, Wendy-\$592.00; Jt Ventures-\$244.50; Karen Paige Hunt, Prof-\$116.15; Kimball-Midwest Co-\$54.65; Kinney Law-\$5,019.63; Knecht Home Center Of Spf-\$59.99; Koala Electric-\$325.66; Kosel, Joseph-\$7,976.26; Lar-Jo's-\$206.80; Lawson Products-\$2.80; Lead, City Of-\$60.21; Lead-Deadwood Sanitary-\$553.64; Leverington Funeral Home-\$1,716.00; Lincoln County-\$75.00; Lynn's Dakotamart-\$9.28; Mastercard-\$3,060.24; Matthew Bender & Company-\$221.10; Mckesson Medical-\$33.39; Mid-Continent Testing-\$348.00; Montana Dakota Utilities-\$7,187.20; Monument Health Network-\$4,301.91; Murphy Law Office-\$3,008.08; Nelson, Christy-\$240.00; Northern Truck Equip Corp-\$15.42; Office Of Child & Family Serv-\$28,040.50; Pcsa Addiction Treatment Serv-\$226.00; Pennington Co Jail-\$1,114.85; Phoenix Investigations-\$2,236.35; Pizza Lab-\$381.05; Powerplan-\$125.25; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$272.97; Quill-\$144.62; Radiology Associates-\$107.52; Randy And Sons Welding-\$38.10; Rasmussen Mechanical Serv-\$1,707.24; Redwood Toxicology Lab-\$126.00; Root Spring Scraper Co-\$108.28; Ryan, Suzanne-\$120.00; Sada Systems-\$7,169.76; Sara J Fitzgerald-\$228.00; Schlingen Law Firm-\$528.03; Scovel Psychological-\$3,000.00; Sd Dept Of Transportation-\$6,433.39; Sd Emergency Mgnt Association-\$490.00; Sd Reemployment Assistance Div-\$9,946.58; Sd State Treasurer-\$1,211.63; Secretary Of State-\$60.00; Servall Towel & Linen-\$584.41; Sikich Llp-\$200.00; Simon North Region Sd-\$1,764.68; Spearfish Auto Supply-\$946.48; Staples-\$49.68; Sterna, Laura-\$300.00; Sturdevant's Auto Parts-\$1,114.23; Sysco Montana-\$5,141.95; Thomas L Bennett, MD-\$2,265.00; Transource Truck & Equip-\$121.79; Triple K Tire & Repair-\$177.49; Turbiville Industrial Electric-\$1,519.77; Twin City Hardware & Lumber-\$2,688.45; Tyler Technologies-\$9,750.00; Victims Of Violence-\$351.50; Waeckerle Law-\$769.60; Walk-N-Roll-\$219.10; Waste Connections-\$1,146.60; Watertree-\$68.40; Wells Fargo Banks-\$573.29; Wells Fargo Business Card-\$1,702.30; Wells Plumbing & Farm Supp-\$281.28; Western Hills Humane Society-\$2,000.00; Western Sd Juvenile Serv-\$700.00; Wex Bank-\$552.97; White's Canyon Motors-\$209.22; Wilen Dentistry-\$933.00; Wolff's Plumbing & Heating-\$2,800.00; **Witness & Jurors:** \$15,873.71.

**ADJOURN:** 11:02 a.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairperson

ATTEST:

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Brenda McGruder, Auditor