

**LAWRENCE COUNTY COMMISSIONERS MEETING – April 13, 2021 page-1**

Chairman Richard Sleep 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 13, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing present.

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

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

**DECLARE CONFLICTS:** Commissioner Sleep declared a conflict with the 9:45 a.m. Preliminary & Final Plat/Sleep. Commissioner Flanagan stated if the Miller Ranch was discussed he would recuse himself.

**MINUTES:** Moved-Seconded (Rosenau-Ewing) to approve the minutes of March 23, 2021 County Commission meeting. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve the minutes of March 23, 2021 Board of Adjustment meeting. Motion Carried.

**PERSONNEL:**

**SHERIFF:** Moved-Seconded (Deibert-Sleep) to approve Ijzaya Sterna Myers as a part-time fill-in Correctional Officer II G3 at a base rate of \$21.28 an hour, effective April 11, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Ross Johnson as a full-time permanent Dispatcher III G1 at a base rate of \$21.92 an hour, effective April 11, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Tommy Myers as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective April 11, 2021. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve Monica Lucio as a full-time permanent Correctional Officer I G1 at a base rate of \$19.26 an hour, effective April 13, 2021, pending successful completion of pre-employment screening. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Deibert-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of March 31, 2021, 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)-\$146,806.98; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,741.41; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$16,041,755.14; money market \$8,964,339.03. Total \$25,160,852.56. Motion Carried.

**LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY**

**REPORT:** Rene' Larson, Emergency Management Administrative Assistant, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Deibert-Flanagan) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

**SECOND AMENDMENT SANCTUARY COUNTY:** Moved-Seconded (Ewing-Rosenau) to approve and adopt the following Resolution #2021-15 A RESOLUTION TO DECLARE LAWRENCE COUNTY, SOUTH DAKOTA: A "SECOND AMENDMENT SANCTUARY COUNTY". Motion Carried. LAWRENCE COUNTY RESOLUTION 2021-15 A RESOLUTION TO DECLARE LAWRENCE COUNTY, SOUTH DAKOTA: A "SECOND AMENDMENT SANCTUARY COUNTY" WHEREAS, the Constitution of the United States of America is the supreme law of our nation. The Second Amendment to the Constitution states, "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed"; and WHEREAS, the Constitution of the State of South Dakota in Article 6, Section 24, states, "Right to bear arms. The right of the citizens to bear arms in defense of themselves and the State shall not be denied"; and WHEREAS, the right of the citizens to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United

States Constitution and under the Constitution of the State of South Dakota; and WHEREAS, the right of the citizens to keep and bear arms for the defense of Life, Liberty and Property is regarded as an inalienable right by the citizens of Lawrence County, South Dakota; and WHEREAS, the citizens of Lawrence County, South Dakota, derive substantial economic and personal benefit from all safe forms of firearm recreation, hunting and shooting conducted within Lawrence County as allowed under the United States and South Dakota Constitutions; and WHEREAS, it is the desire of the Lawrence County Board of County Commissioners to declare its support of the Second Amendment to the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota protecting citizen's right to keep and bear arms; and WHEREAS, the members of the Lawrence County Board of County Commissioners took an oath to support and defend the Constitutions of the United States and of the State of South Dakota; and NOW THEREFORE BE IT RESOLVED, that the Lawrence County Board of County Commissioners strongly supports the Second Amendment of the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota and that the Board strongly believes that it is the right of the citizens of Lawrence County to keep and bear arms for the defense of Life, Liberty and Property; and BE IT FURTHER RESOLVED, to defend the rights and liberties of the citizens, the Lawrence County Board of County Commissioners hereby declares Lawrence County, South Dakota to be a: "Second Amendment Sanctuary County" Duly passed and adopted at a regular meeting of the Lawrence County Commission on the 13th day of April, 2021. Lawrence County Commission: Richard Sleep, Chairman ATTEST: Brenda McGruder, Auditor.

**CITY/COUNTY REC PATH EASEMENT AGREEMENT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the amended City/County Rec Path Easement Agreement between Lawrence County and the City of Spearfish. Motion Carried.

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

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

**LETTER OF INTRODUCTION TO NEW USFS FOREST SUPERVISOR:** Moved-Seconded (Deibert-Rosenau) to authorize the Chairman to sign the letter of introduction to the new USFS Forest Supervisor. Motion Carried.

**ABATEMENT:**

**LARIMORE:** Moved-Seconded (Flanagan-Deibert) to approve the abatement for Mark R & Debora Larimore on parcel #29750-00500-030-00 for 2019 taxes payable in 2020 and 2020 taxes payable in 2021 due to the fact that finished basement was included in the valuation of property and upon inspection discovered that basement was unfinished. Motion Carried.

**STATE/COUNTY JOINT POWERS AGREEMENT/WEED SPRAYING:** Moved-Seconded (Ewing-Rosenau) to approve and authorize the Chairman to sign the joint powers agreement for weed spraying services between the State of South Dakota acting by and through its Department of Transportation and Lawrence County. Motion Carried.

**SHERIFF:**

**PUBLIC SAFETY AND SERVICE CENTER PROJECT UPDATE:** Brian Dean, Sheriff, gave an update on the Public Safety and Service Center project. Dean commented that with the programming phase coming to an end the Staff Committee group would like to request the addition of no more than four (4) people from the general public to join the group.

Moved-Seconded (Ewing-Deibert) to add four (4) people from the general public to join the Staff Committee group. Motion Carried.

**PBT KIOSK:** Brian Dean, Sheriff, presented a request to rent an AB Kiosk for the 24/7 program. Dean stated the cost to rent the equipment would be approximately \$1,390.00 per month.

Moved-Seconded (Flanagan-Deibert) to allow for the expenditure of an AB Kiosk for the 24/7 program at an approximate cost of \$1,390.00 per month. Motion Carried.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of March 29, 2021: **Deadwood Diesel #2 (dyed) 4600 gallons:** (prices per gallon) CBH Cooperative –\$2.257; Harms Oil Co-No Bid; MG Oil-\$2.23\*. **Spearfish Diesel #2 (dyed) 2200 gallons:** (prices per gallon) CBH Cooperative –\$2.257; Harms Oil Co-No Bid; MG Oil-\$2.23\*. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative –\$2.602\*; Harms Oil Co-No Bid; MG Oil – \$2.624.

\*Represents lowest quote awarded.

**PERMITS:**

**BRINK:** Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Derek Brink to construct a private approach on the east side of Maitland Road. Motion Carried.

**VOORHEES:** Moved-Seconded (Deibert-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Mark Voorhees to construct a private approach on the west side of McDermott Road. Motion Carried.

**MONTANA DAKOTA UTILITIES:** Moved-Seconded (Ewing-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Montana Dakota Utilities located in Section 26, T7N, R3E along County Road 19744 St Onge Rd (103' east ditch). Motion Carried.

**BRIDGE IMPROVEMENT GRANT AGREEMENT FOR REHABILITATION/**

**REPLACEMENT:** Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the Bridge Improvement Grant agreement for rehabilitation/replacement between the State of South Dakota and Lawrence County for bridge structure #41-214-100/project number BRF 6545(00)21-2. Motion Carried.

**RIGHT-OF-WAY/UTILITIES CERTIFICATE –PROJECT NO. BR CSBP (01) PCN 07NL/41-163-053 & BR CSBP (01) PCN 07NK/41-165-066:** Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the right-of-way certificate for the construction of Project Number BR CSBP (01) PCN 07NL/41-163-053 & BR CSBP (01) PCN 07NK/41-165-066. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the utility certificate for the construction of Project Number BR CSBP (01) PCN 07NL/41-163-053 & BR CSBP (01) PCN 07NK/41-165-066. Motion Carried.

**ESTABLISHING A RIGHT-OF-WAY AND EASEMENT ACQUISITION POLICY:**

Moved-Seconded (Rosenau-Ewing) to approve and adopt the following Resolution #2021-14 A RESOLUTION ESTABLISHING RIGHT-OF-WAY AND EASEMENT ACQUISITION GUIDELINES. Motion Carried. LAWRENCE COUNTY RESOLUTION #2021-14 A RESOLUTION ESTABLISHING RIGHT-OF-WAY AND EASEMENT ACQUISITION GUIDELINES WHEREAS, from time to time it is necessary for the County to acquire permanent right-of-way, temporary easements and permanent easements as part of highway and bridge improvement projects; and WHEREAS, the Lawrence County Commission deems it necessary and advisable to establish guidelines for the acquisition of right-of-way and easements for highway and bridge improvement projects within Lawrence County; and NOW, THEREFORE, BE IT RESOLVED, that the Lawrence County Board of Commissioners hereby establishes the following policy guidelines for the acquisition of highway right-of-way, temporary easements and permanent easements for road and bridge projects which are fully or partially funded with state or federal dollars requiring acquisition in accordance to the Uniform Relocation Assessment and Real Property Acquisition Act of 1970 as amended; and BE IT FURTHER RESOLVED, that at the initial contact with the landowner(s), the Highway Superintendent shall inform the landowner(s) as shown in the project plans, the location and amount of property needed for the permanent and temporary easements to complete the project; and BE IT FURTHER RESOLVED, that The Highway Superintendent shall then inform the property owner of their right to full compensation for the property being acquired; and BE IT FURTHER RESOLVED, that thereafter, the Highway Superintendent shall request a donation, in part or in whole, of the easement(s) or right(s)-of-way in lieu of full compensation; and BE IT FURTHER RESOLVED, that should the property owner decline donation, the Highway Superintendent shall offer the established payments as set forth by this policy; and BE IT FURTHER RESOLVED, that all negotiation contacts with the landowner(s) shall be documented in writing and established payments shall be determined as

follows: Permanent right-of-way or perpetual easement is hereby established at six thousand (\$6,000) per acre or portion thereof. 1. Temporary easement of less than one year is hereby established at two hundred fifty (\$250) per acre or portion thereof; 2. Temporary easement of more than one year is hereby established at five hundred (\$500) per acre or portion thereof. 3. Trees: A maximum of one hundred (\$100) per tree with a diameter of six (6) inches or greater, dependent upon size and condition, with a maximum of ten (10) trees per acre or part thereof. 4. In the sole discretion of the Highway Superintendent, a maximum of five hundred (\$500) lump sum for miscellaneous items or inconvenience. And, BE IT FURTHER RESOLVED, that the Highway Superintendent shall make no offer of established payments in excess of the guidelines state herein. However, the Highway Superintendent may request a variance from these guidelines upon presentation to the Lawrence County Board of County Commissioners. In addressing such a variance request the Lawrence County Board of County Commissioners shall consider whether the variance is in the best interest of the County and is necessary to accomplish the spirit and intent of this policy. Should the Highway Superintendent be unable to acquire the easement(s) or right(s)-of-way through this policy, the Highway Superintendent shall confer with the Commissioners and the State's Attorney for further direction. Dated this 13th day of April, 2021 Richard Sleep, CHAIRMAN ATTEST: Brenda McGruder, AUDITOR. I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing Resolution was passed by the Lawrence County Board of County Commissioners at a regular session held April 13, 2021. Dated at Deadwood, South Dakota, the 13th day of April, 2021. Brenda McGruder, Lawrence County Auditor.

**YELLOW CREEK ROAD SPEED LIMIT:** The Board acknowledged a letter from Darvin Brothen in reference to placing black and white enforceable speed limit signs on Yellow Creek Road instead of the yellow suggested speed limit signs. Allan Bonnema, Highway Superintendent, will post Black and White 30 mph speed limit signs at the lower end of Yellow Creek Road.

**IMPROVEMENT TO SECTION-LINE HIGHWAY AGREEMENT:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the improvement to section-line agreement between Michael Anderson and Bruce Kesteloot and Lawrence County for purposes of accessing their land located within the following described real property to-wit: S1/2 of Section 15 and N1/2 of Section 22, Township 7 North, Range 4 East, Black Hills Meridian, Lawrence County, South Dakota. Allan Bonnema, Highway Superintendent, will place dead-end and no maintenance road signs on the improved section of road. Motion Carried.

**MILLER RANCH:** Allan Bonnema, Highway Superintendent, stated that he received the drainage design report, preliminary water sewer analysis and phase 1 plans. Bonnema added he would review the plans with Brosz Engineering. The board stated that they needed a complete design of the turning lane before the approach permit could be issued. Bruce Outka was directed to contact attorney Eric Nies to advise of the need for further detail regarding the turning lane.

**INQUIRIES FROM CONSTITUENTS:** Responding to inquiries from constituents, Commissioner Ewing raised concerns regarding the use of Jake brakes on McGuigan Road and changing the 80,000/lbs. weight limit from Spearfish City limits on Highway 14 west to Exit 2 to so much per axle. No action taken.

**PLANNING & ZONING:**

**CHANGE OF ZONING #340/WICK & SAYE:** Second Reading was held on COZ #340. APPLICANTS: Ronald Wick/Troy & Wiladine Saye/Nemo Guest Ranch Business Enterprises, LLC LEGAL DESCRIPTION: Lot 1, 2, & 3 of Nemo Guest Ranch Subdivision a sub of Tract 4-T of Nemo Placer M.S. 1368 located in Section 27, T3N, R5E VICINITY LOCATION: Nemo SUMMARY: COZ from GC-General Commercial & SRD-Suburban Residential to RC-Recreation Commercial for the Nemo Guest Ranch ZONING: GC/SRD ACREAGE: 17.74 acres.

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

Moved-Seconded (Ewing-Rosenau) to approved COZ #340. APPLICANTS: Ronald Wick/Troy & Wiladine Saye/Nemo Guest Ranch Business Enterprises, LLC. LEGAL DESCRIPTION: Lot 1, 2, & 3 of Nemo Guest Ranch Subdivision a sub of Tract 4-T of Nemo Placer M.S. 1368 located in Section 27, T3N, R5E VICINITY LOCATION: Nemo SUMMARY: COZ from GC-General Commercial & SRD-Suburban Residential to RC-Recreation Commercial for the Nemo Guest Ranch ZONING: GC/SRD ACREAGE: 17.74 acres. Motion Carried.

**DEVELOPMENT PLAN 2021-01/WICK & SAYE:** A public hearing was held on Development Plan 2021-01 **APPLICANTS:** Ronald Wick/Troy & Wiladine Saye/Nemo Guest Ranch Business Enterprises, LLC **LEGAL DESCRIPTION:** Lot 1, 2, & 3 of Nemo Guest Ranch Subdivision a sub of Tract 4-T of Nemo Placer M.S. 1368 located in Section 27, T3N, R5E. **VICINITY LOCATION:** Nemo **SUMMARY:** The applicant is requesting to bring all of the camping sites; cabins and uses into compliance per Lawrence County request. **ZONING:** GC/SRD (Proposed COZ RC) **ACREAGE:** 17.74 acres.

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

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

Troy Saye, applicant, was present to answer questions.

Discussion was held on Conditions 5, 6 and 8 of the development plan.

Moved-Seconded (Ewing-Sleep) to approve Development Plan 2021-01 as presented with Condition 5 being removed, Condition 6 stating: We require posting Black Hills Fire District Regulations and any associated fire related fine information and Condition 8 being changed to read as follows: A barrier may be required to restrict access to Troxel street. The approved development plan shows the restricted access point to be at the R.V. dump station. **APPLICANTS:** Ronald Wick/Troy & Wiladine Saye/Nemo Guest Ranch Business Enterprises, LLC **LEGAL DESCRIPTION:** Lot 1, 2, & 3 of Nemo Guest Ranch Subdivision a sub of Tract 4-T of Nemo Placer M.S. 1368 located in Section 27, T3N, R5E **VICINITY LOCATION:** Nemo **SUMMARY:** The applicant is requesting to bring all of the camping sites, cabins and other uses into compliance per Lawrence County request. **ZONING:** GC/SRD (Proposed COZ RC) **ACREAGE:** 17.74 acres. Aye-Rosenau, Flanagan, Ewing and Sleep. Nay-Deibert.

**DUCO MINING CUP #205-15, SUSPENSION OR REVOCATION OF CONDITIONAL USE PERMIT:** A public hearing was held on Duco Mining CUP #205-15, suspension or revocation of conditional use permit.

Amber Vogt, Planning & Zoning Administrator, and Jeff Schroeder, Deputy Code Enforcement Officer, presented the staff report.

Chad Schad, applicant, stated that if the CUP was terminated it would bankrupt him.

Commissioner Sleep addressed the weed control issue. Schad was informed by the board to contact Dave Heck, Invasive Species Manager, for guidance.

Commissioner Rosenau stated that he would not vote in favor of approving the CUP due to the fact that the applicant needs to comply with the conditions listed.

Moved-Seconded (Flanagan-Deibert) to accept the current annual report and amend condition 31, adding invasive species weed plan. A review will be held in 6 months. Motion Carried. Aye-Deibert, Flanagan, Ewing and Sleep. Nay-Rosenau. Motion Carried.

**PLATS:**

**FINAL PLAT/SCHWARTZ & BOULDER CANYON COUNTRY CLUB LLC.:**

**APPLICANTS:** Roy & Danette Schwartz and Boulder Canyon Country Club, LLC. **LEGAL DESCRIPTION:** Back Nine Tract 3A and Lot 2A of Block 5 of the Apple Springs Subdivision, located in Section 11, 14 of T5N, R4E (legal shortened) **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** New lot for golf course and a replat of existing Lot 2 **ZONING:** SRD **ACREAGE:** Back Nine Tract 3A (18.96 acres) and Lot 2A (.53 acres).

Moved-Seconded (Deibert-Rosenau) to approve the final plat for Roy & Danette Schwartz and Boulder Canyon Country Club, 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:** Back Nine Tract 3A and Lot 2A of Block 5 of the Apple Springs Subdivision, located in Section 11, 14 of T5N, R4E (legal shortened) **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** New lot for golf course and a replat of existing Lot 2 **ZONING:** SRD **ACREAGE:** Back Nine Tract 3A (18.96 acres) and Lot 2A (.53 acres). Motion Carried.

**PRELIMINARY & FINAL PLAT/STONE HOUSE ENTERPRISES, LLC.:** APPLICANT: Stone House Enterprises, LLC. LEGAL DESCRIPTION: Tracts 7A and 7B of the Ciani Tracts, formerly Tracts 6 and 7 located in Section 32, T6N, R4E (legal shortened) VICINITY LOCATION: Crook City Road SUMMARY: Change in lot lines ZONING: PF ACREAGE: Tracts 7A (37.14 acres) and 7B (9.83 acres).

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Stone House Enterprises, LLC. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Ewing-Deibert) to approve the preliminary & final plat for Stone House Enterprises, 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: Tracts 7A and 7B of the Ciani Tracts, formerly Tracts 6 and 7 located in Section 32, T6N, R4E (legal shortened) VICINITY LOCATION: Crook City Road SUMMARY: Change in lot lines ZONING: PF ACREAGE: Tracts 7A (37.14 acres) and 7B (9.83 acres). Motion Carried.

**PRELIMINARY PLAT/DRD ENTERPRISES, LLC.:** APPLICANT: DRD Enterprises, LLC. LEGAL DESCRIPTION: Lots 1 - 4 a sub of Emery No 4 Lode, M.S. 1856 and a dedicated Public Access and Utility Easement all located Section 1 and 12, T4N, R2E (legal shortened) VICINITY LOCATION: Aventure Estates/Terry Peak Summit SUMMARY: New lot layout ZONING: PF ACREAGE: Lot 1 (2.516); Lot 2 (2.583); Lot 3 (2.662); Lot 4 (12.851).

Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for DRD Enterprises, 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 a sub of Emery No 4 Lode, M.S. 1856 and a dedicated Public Access and Utility Easement all located Section 1 and 12, T4N, R2E (legal shortened) VICINITY LOCATION: Aventure Estates/Terry Peak Summit SUMMARY: New lot layout ZONING: PF ACREAGE: Lot 1 (2.516); Lot 2 (2.583); Lot 3 (2.662); Lot 4 (12.851). Motion Carried.

**PRELIMINARY & FINAL PLAT/ POWDER HOUSE PASS AND BH DEVELOPMENT, LLC.:** APPLICANTS: Powder House Pass and BH Development, LLC LEGAL DESCRIPTION: Tract 2B-1 Revised of Wilderness Estates 2nd Addition in 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot-adding acreage into the community hall ZONING: PUD.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary & final plat for Powder House Pass and BH Development, 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: Tract 2B-1 Revised of Wilderness Estates 2nd Addition in 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot-adding acreage into the community hall ZONING: PUD. Motion Carried.

**PRELIMINARY & FINAL PLAT/TWO BIT LLC.:** APPLICANT: Two Bit, LLC. LEGAL DESCRIPTION: Lot 34 and 40 and dedicated 66' public row of Golden Hills S/D in 31, T5N, R4E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF ACREAGE: 34 (5.177), 40 (5.476).

Moved-Seconded (Deibert-Rosenau) to approve the preliminary plat for Two Bit, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lot 34 and 40 and dedicated 66' public row of Golden Hills S/D in 31, T5N, R4E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF ACREAGE: 34 (5.177), 40 (5.476). Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve the final plat for Two Bit, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lot 34 and 40 and dedicated 66' public row of Golden Hills S/D in 31, T5N, R4E. (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lot ZONING: PF ACREAGE: 34 (5.177), 40 (5.476). Motion Carried.

**11:20 a.m. Chairman Sleep left the meeting and Vice-Chairman Rosenau took over the meeting.**

**PRELIMINARY & FINAL PLAT/SLEEP:** APPLICANTS: Sleep, Jeff & Jody LEGAL DESCRIPTION: Plat of Tracts 2A and 2B of Tract 2 of the subdivision of HES 69 located in Sections 18, 19, and 20, T3N, R3E. (Legal shortened) VICINITY LOCATION: Besant Park Road SUMMARY: New lot ZONING: PF ACREAGE: Tract 2A (2.002) Tract 2B (17.780).

Moved-Seconded (Flanagan-Deibert) to approve the preliminary & final plat for Sleep, Jeff & Jody 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 2A and 2B of Tract 2 of the subdivision of HES 69 located in Sections 18, 19, and 20, T3N, R3E. (Legal shortened) VICINITY LOCATION: Besant Park Road SUMMARY: New lot ZONING: PF ACREAGE: Tract 2A (2.002) Tract 2B (17.780). Motion Carried.

**11:22 a.m. Chairman Sleep took over the meeting.**

**ABATEMENT:**

**SOUTH DAKOTA ASSEMBLIES OF GOD:** Moved-Seconded (Ewing-Deibert) to deny the reconsideration of the abatement for South Dakota Assemblies of God on parcel #26698-01730-010-00 for 2020 taxes payable in 2021 due to tax exempt paperwork not being on file on, or before, the statutory deadline. Motion Carried.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Deibert reported that a couple of UTV meetings have been held, and that they have been very productive.

**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-\$7,038.11; Aud-\$11,629.69; Treas-\$12,898.88; States Atty-\$16,910.17; Pub Def-\$13,255.25; Gen Govt Bldg-\$9,756.04; Equal-\$15,805.04; Rod-\$8,889.18; Vso-\$1,736.20; Ist-\$9,674.27; Sher-\$51,530.45; Jail-\$23,941.43; Coroner-\$301.16; 24/7-\$405.78; Emerg Mgnt-\$4,660.01; E911-\$15,816.53; Highway-\$47,150.37; Weed-\$4,212.68; P&Z-\$6,291.58; **Bills:** Steffen, Peggy-\$225.00; A To Z Shredding-\$41.95; A&B Business, Inc Solutions-\$2,744.95; A&B Welding Supply-\$190.32; A&I Distributors-\$864.16; Ace Hardware Of Lead-\$28.95; At&T Mobility-\$1,083.25; Audra Hill Consulting-\$213.96; BH Occupational Medicine-\$35.00; BH Pest Control-\$190.00; BH Pioneer-\$1,162.02; Barnaud Law Firm-\$211.30; Bi Geo Group-\$105.80; Black Hills Chemical-\$1,543.55; Black Hills Energy-\$311.65; Black Hills Pure-\$11.50; Bomgaars Supply-\$17.99; Butte Electric Coop-\$634.79; Cbh Cooperative-\$2,862.20; Century Business Products-\$589.79; Centurylink-\$205.78; Clinical Lab Of BH-\$1,978.00; Clubhouse Hotel & Suites-\$633.80; Coban Technologies-\$264.00; Cochran, Leslie-\$23.80; Dakota Equipment Rental-\$1,760.00; Dale's Tire & Retread-\$1,296.00; Datec-\$3,282.00; Deadwood Mountain Grand-\$275.58; Deadwood, City Of-\$1,023.05; Dean Schaefer Court Reporting-\$78.00; Delta Dental Of South Dakota-\$7,714.94; Denny's Welding-\$50.00; Dept Of The Treasury-\$65,284.12; Elevatus Architecture-\$1,250.00; Federal Express Corp-\$40.47; Ferber Engineering Comp-\$2,998.75; Fidler-Isburg Funeral Chapel-\$1,170.00; Frey, Greg-\$35.00; Galls-\$1,101.10; Genpro Energy Solutions-\$683.87; Godfrey's Brake Serv-\$371.80; Good Shepherd Clinic-\$1,000.00; Hartford-Priority Accounts-\$2,101.91; Heisler Hardware-\$41.75; High Plains Business Forms-\$601.57; International Academy Of Emd-\$110.00; Jacobs Precision Welding-\$243.38; Janke, Wendy-\$1,064.00; Joe's Windshield Repair-\$930.00; Johner Gravel-\$209.25; Juneks' Chrysler/Dodge-\$2,622.92; Karen Paige Hunt-\$342.00; Katterhagen, Mark-\$12.00; Kiesler's Police Supply-\$880.00; Kimball-Midwest Co-\$472.40; Kinney Law-\$6,632.52; Knecht Home Center-\$4.79; Kosel, Joseph-\$16,209.38; LC Treasurer-\$21.20; Lakota Contracting-\$8,205.00; Lawson Products-\$101.28; Lead Rifle & Pistol Club-\$900.00; Lead, City Of-\$63.57; Lead-Deadwood Sanitary-\$460.60; Lee, James-\$15.00; Lewis & Clark Bhs-\$184.00; Lewno, Lucy-\$155.01; Lexisnexis Risk Data Mgnt-\$75.00; Lockwood, Darcy-\$12.00; Mayer, Dan-\$35.00; McClure, Susan-\$300.00; Mcleod's Office Supply-\$239.80; Mg Oil Company-\$15,172.92; Montana Dakota Utilities-\$4,006.16; Monument Health Network-\$2,467.41; Ms Mail-\$660.00; Murphy Petroleum Transport-\$60.00; Nelson, Christy-\$180.00; Newman Signs-\$652.40; North Central Int'l-\$1,439.25; Oberle's Radiators & Repairs-\$175.00; Office Of Child Support-\$401.54; PcsO Addiction Treatment Serv-\$1,822.50; Pennington Co Jail-\$794.26; Pizza Lab-\$431.67;

Powerplan-\$115.65; Quill-\$166.25; RC Journal-\$74.26; Radiology Associates-\$8.22; Ramkota Inn Pierre-\$202.00; Reddick, Ellen-\$6,195.00; Riverside Technologies-\$1,295.00; Rocket Lube-\$343.96; Schlimgen Law Firm-\$3,405.60; Sd Aao-\$600.00; Sd Association Of County-\$75.00; Sd Dept Of Transportation-\$10,006.45; Sd Reemployment Assistance Div-\$4,213.99; Sdaco-\$1,110.00; Safe Life Defense-\$808.20; Secretary Of State-\$30.00; Semerad, Sandra-\$85.00; Servall Towel & Linen-\$556.37; Sierra Design Vinyl Lettering-\$60.00; Silverado-\$405.21; Spearfish Auto Supply-\$1,158.82; Spearfish City Of-\$106.00; Spearfish Police Dept-\$10,149.83; Sterna, Laura-\$692.15; Sturdevant's Auto Parts-\$643.73; Sysco Montana-\$2,660.71; Tracker Software-\$3,080.00; Transource Truck & Equip-\$201.43; Triple K Tire & Repair-\$2,126.36; Turnkey Corrections-\$2.36; Twin City Hardware & Lumber-\$717.63; Verizon Wireless-\$107.48; Voice Products Service-\$416.66; Waste Connections-\$972.33; Watertree-\$46.80; Wells Plumbing & Farm Supp-\$217.94; Western First Aid & Safety-\$236.58; Western Sd Juvenile Serv-\$520.00; Wex Bank-\$422.24; Wilen Dentistry-\$345.00; Yankton County-\$115.10 **Witness & Jurors:** \$9,721.24.

**ADJOURN:** 11:28 a.m. There being no further business, Chairman Sleep adjourned the meeting.

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Date Approved

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Richard Sleep, Chairperson

ATTEST:

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Brenda McGruder, Auditor