

## **LAWRENCE COUNTY COMMISSIONERS MEETING – August 18, 2020**

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 August 18, 2020 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Richard Sleep and Randy Deibert. Commissioner Daryl Johnson appeared telephonically.

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

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

**DECLARE CONFLICTS AND DISCLOSURES:** Commissioner Deibert declared a conflict with the 10:00 a.m. agenda item: Petition for Improvement of Section Line and Agreement for Improvement of Section Line Highway. Commissioner Rosenau declared a conflict with the 8:00 a.m. agenda item: Personnel.

**MINUTES:** Moved-Seconded (Deibert-Sleep) to approve the minutes of July 28, 2020 County Commission meeting. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve the minutes of July 28, 2020 Board of Adjustment meeting. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of July 31, 2020, 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)-\$61,799.49; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,129.05; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$1,000,000.00; bank balance \$13,980,783.65; money market \$10,943,516.14. Total \$25,999,438.33. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Rosenau-Deibert) to approve Brianna Rommen as a full-time permanent Dispatcher II G3 at a base rate of \$21.28 an hour, effective August 31, 2020. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve Dustin Schumacher as a full-time permanent Sergeant G3 at a base rate of \$29.14 an hour, effective August 16, 2020. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Alex Clover as a full-time permanent Deputy I G3 at a base rate of \$25.62 an hour, effective August 2, 2020. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve Ijzaya Sterna as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective August 31, 2020. Motion Carried.

Moved-Seconded (Sleep-Deibert) to approve Brandon Rosenau as a full-time permanent Correctional Officer I G1 at a base rate of \$19.26 an hour, effective August 18, 2020. Motion Carried. Aye-Johnson, Sleep, Deibert and Flanagan. Abstain-Rosenau.

**GENERAL GOVERNMENT BUILDINGS/OUT-OF-CLASS PAY:** Moved-Seconded (Rosenau-Flanagan) to approve the out-of-class pay for Frank Cortez at a base rate of \$29.89 for 80 hours on August 31-September 11, 2020. Motion Carried.

**STATE'S ATTORNEY:** Moved-Seconded (Deibert-Sleep) to approve Jeffry John Erlandson as a full-time permanent Deputy State's Attorney G3 at a base rate of \$2,528.08 per pay period, effective September 8, 2020 and to allow for a Personnel Manual wavier to live outside of Lawrence County. Motion Carried.

**JUVENILE JUSTICE GRANT:** Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the Juvenile Justice Reinvestment Initiative Fiscal Incentive Diversion Program

Grant application and designate the Lawrence County Teen Court as the recipient of the grant if approved. Motion Carried.

**RESOLUTION #2020-26 LIQUOR LICENSES:** Moved-Seconded (Rosenau-Flanagan) to approve the following Resolution #2020-26 Liquor Licenses for 2021. Motion Carried.

RESOLUTION #2020-26 LIQUOR LICENSES WHEREAS, Lawrence County has the authority to determine the number of On-Sale and Off-Sale liquor licenses it will approve for the ensuing calendar year, SDCL 35-4-11.1, and WHEREAS, the State of South Dakota by virtue of SDCL 35-4-2 determines the fees to be charged for the various classifications of licenses, and THEREFORE, BE IT RESOLVED that we, the Board of County Commissioners, will approve Two (2) Off-Sale and Seven (7) On-Sale Liquor Licenses or the number issued in 2020, whichever is less for the ensuing year, and Retail On-Off Sale Wine License, and BE IT FURTHER RESOLVED that the Board of County Commissioners list the following fee schedule as a matter of record and current license holders. A) On-Sale dealer-any person who sells or keeps for sale any alcoholic beverage for consumption on the premises where sold. Those current license holders being closer to Spearfish (1st class city) to be charged the fee of \$1,500.00: Vezero Inc./Guadalajara Mexican Restaurant. Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged the fee of \$1,200.00: Lead Country Club Black Hills Chair Lift Co Inc./Dark Horse Saloon Spearfish Canyon Resorts, LLC/Spearfish Canyon Lodge Spearfish Canyon Resorts, LLC/Latchstring Restaurant Boulder Canyon Country Club Tomahawk Lake Country Club, Inc. B) Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Fee - \$400.00 Larry Kaiser/Nemo Mercantile Lonny or Susan Smith/St. Onge Bar & Grill C) Retail On-Off Sale Wine - Fee - \$500.00 Unlimited Licenses available Seven Down LLC/Seven Down Arena Triple H Hills LLC/Mystic Hills Hideaway Cheyenne Crossing Store LLC Wichterman and Sons Inc./Steel Wheel Campground Barefoot Resort Association Inc./Barefoot Resort Crow Peak Brewing Company LLC BW Gas & Convenience Retail LLC/Yesway #1192 AW Rentals, LLC/Recreational Springs Resort Eagle Tree Resorts Company LLC/Rimrock Lodge & Canyon Bistro RAR Hospitality LLC/Brandin' Iron Restaurant & Ponderosa Bar Elkhorn Ridge@Frawley Ranches LLC The Barn at Aspen Acres LLC DATED at Deadwood, South Dakota, this 18th day of August, 2020. FOR LAWRENCE COUNTY COMMISSIONERS Brandon Flanagan, Chairperson ATTEST: Brenda McGruder, Auditor.

**PICTOMETRY AGREEMENT (AMENDED):** Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the amended agreement between Pictometry International Corp. ("Pictometry") and Lawrence County, SD ("Customer") on order #C19945442 and C20371298. Motion Carried.

**WHITEWOOD ECONOMIC DEVELOPMENT ORGANIZATION (WEDO):** Bruce Outka, Deputy State's Attorney, updated the Commission regarding the loan to WEDO. Outka stated Western Dakota Tech (WDT) will be presenting the lease agreement to the board of trustees on September 9, 2020.

**RAFFLE REQUEST/LEAD DEADWOOD YOUTH FOOTBALL:** Moved-Seconded (Deibert-Sleep) to not object to the request to conduct a raffle for the Lead Deadwood Youth Football Association, with the drawing taking place the beginning of October 2020. Motion Carried.

**KOOL DEADWOOD NITES:** Moved-Seconded (Sleep-Rosenau) to approve the request from McPherson Auction & Realty to use the employee parking in the ramp during Kool Deadwood Nights Car Auction on August 27-29, 2020 with Deadwood Mountain Grand making alternative parking arrangements for employees to park on the upper level of the parking ramp and coordinating with the Sheriff's Office. Motion Carried.

**SHERIFF:**

**AVERA ECARE TELEHEALTH PROFESSIONAL SERVICES AGREEMENT:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the Avera eCare Telehealth Professional Services agreement between Lawrence County Sheriff's Office and Avera eCare, LLC. Motion Carried.

**PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE:**

**LAND PURCHASE:** Bruce Outka, Deputy State's Attorney, gave an update on the offer made to Deadwood Resort, LLC for the real property legally described as Dunbar Tract A of Tatanka

Subdivision of the City of Deadwood, Lawrence County. Outka stated that the offer has been accepted in the amount of \$3,000,000.00.

Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairman to sign the purchase agreement between Lawrence County, South Dakota and Deadwood Resorts, L.L.L. for a purchase price of \$3,000,000.00. Motion Carried.

Commissioner Johnson left the meeting at 8:49 a.m.

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

**ARCHITECTURE:** Steve Williams, Williams & Associates Architecture, Inc., was present to discuss the hiring of an architectural firm to handle Phase 1 of the Public Safety and Services Center project. Williams stated that he posed fifteen questions to Elevatus Architecture pertaining to project team, cost estimating ability, design process, consultants, cost control, professional services and construction administration. Williams recommendation was to proceed with Phase I to include programming (room by room analysis), site evaluation—schematic to identify concerns, initial cost estimate, professional fee proposal for Phase II, full Architectural & Engineering team defined and confirmation of Elevatus Team Member scope of involvement. Williams ended with the need to confirm the above scope prior to entering into Phase I and long term Architectural and Engineering fee understanding prior to entering into Phase I.

Moved-Seconded (Deibert-Rosenau) to follow the recommendation from Steve Williams, Williams & Associates Architecture, Inc., and have Elevatus Architecture as the chosen architect of the Public Safety and Service Center project subject to any necessary agreement for professional services being formalized. Motion Carried.

**RESOLUTION 2020-27/INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF BONDS:** Moved-Seconded (Deibert-Rosenau) to approve the following Resolution #2020-27 Resolution declaring intent to reimburse expenditures with proceeds of bonds. Motion Carried. RESOLUTION NO. 2020-27 RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF BONDS WHEREAS, Lawrence County, South Dakota (the “Issuer”), by virtue of the laws of the State of South Dakota, particularly SDCL Title 9 and Title 10 (the “Act”), and the authorities therein mentioned, wishes to take the necessary actions for the issuance of bonds of the Issuer (the “Bonds”) in order to assist in the financing the land acquisition which will be the location of the Public Safety and Services Center located in Lawrence County (the “Project”); and WHEREAS, United States Treasury Regulations §1.150-2 (the “Reimbursement Regulations”) prescribe conditions under which proceeds of tax-exempt obligations may be used to reimburse advances made for capital expenditures (“Original Expenditures”) paid 60 days or more before the issuance of such tax-exempt obligations so that they will be deemed to be expended (or properly allocated to expenditures) for purposes of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the “Code”), upon such reimbursement so that the proceeds so used will no longer be subject to requirements or restrictions under those sections of the Code; and WHEREAS, the County Commission finds it necessary to purchase land which will be the location of the Public Safety and Services Center located in Lawrence County. WHEREAS, this County Commission wishes to take steps to comply with the Reimbursement Regulations; NOW, THEREFORE, IT IS HEREBY RESOLVED: 1) The County expects to make capital expenditures after the date of this Resolution in connection with the Lawrence County Public Safety and Services Center (the “Project”), and the County intends to reimburse itself for such expenditures with the proceeds of bonds. 2) The maximum principal amount of bonds expected to be issued, in one or more series, for the Project is \$3,000,000. 3) This resolution shall take effect and be in force immediately upon its adoption. Brandon Flanagan Chairman ATTEST: Brenda McGruder Auditor.

**SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #2020-28 for a Supplemental Budget for Courthouse & Jail Fund Courthouse & Jail Professional Services - \$100,000.00 Courthouse & Jail Land - \$3,000,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Rosenau) to approve and adopt the following Resolution #2020-28 for a Supplemental Budget and noting that these funds have been set aside for these types of projects. Motion Carried. RESOLUTION #2020-28 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: Courthouse & Jail Fund Courthouse & Jail Professional Services - \$100,000.00 Courthouse & Jail Land - \$3,000,000.00 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 18<sup>TH</sup> day of August, 2020 at the hour of 8:25 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 18<sup>th</sup> day of August, 2020. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairman ATTEST: Brenda McGruder, Lawrence County Auditor.

### **HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of August 4, 2020: **Deadwood Diesel #2 (dyed) 5400 gallons:** (prices per gallon) CBH Cooperative –\$1.562\*; Harms Oil Co-No Bid; MG Oil-No Bid. **Deadwood Unleaded 5200 gallons:** (prices per gallon) CBH Cooperative – \$1.955\*; Harms Oil Co-No Bid; MG Oil – No Bid. **Spearfish Diesel #2 (dyed) 2300 gallons:** (prices per gallon) CBH Cooperative –\$1.582\*; Harms Oil Co-No Bid; MG Oil-No Bid. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative –\$1.975\*; Harms Oil Co-No Bid; MG Oil – No Bid. \*Represents lowest quote awarded.

**SPEARFISH REC PATH:** Kyle Mathis, City of Spearfish Engineer; Dustin Lee, Public Works Director; and Tonya Vig, Floodplain Administrator/Engineering Technician were present to discuss the application for permit to occupy county highway right-of-way, easement agreement and reroute of Phase 2 of the pathway.

Emails were received from Jeremy Smith and David Donat requesting the Commission to support the City of Spearfish's efforts to construct a sidewalk along Hillsview Road.

**CITY OF SPEARFISH:** Moved-Seconded (Deibert-Flanagan) to approve the permit to occupy County highway right-of-way for the City of Spearfish located in Section 9 T6N, R2E along Hillsview Road and the Easement Agreement between Lawrence County and the City of Spearfish, pending the review from legal counsel. Aye-Deibert, Rosenau and Flanagan. Nay-Sleep. Motion Carried.

**SPEARFISH REC PATH/RIGHT-OF-WAY/UTILITIES CERTIFICATE –PROJECT NO. P TAPU (28) PCN 07RG:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the right-of-way certificate for the construction of Project Number P TAPU (28) PCN 07RG. Aye-Deibert, Rosenau and Flanagan. Nay-Sleep. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the utility certificate for the construction of Project Number P TAPU (28) PCN 07RG. Aye-Deibert, Rosenau and Flanagan. Nay-Sleep. Motion Carried.

**SPEARFISH REC PATH PHASE 2/REROUTE:** Moved-Seconded (Deibert-Flanagan) to approve the conception of the Spearfish Rec Path Phase 2/Reroute. Aye-Deibert, Rosenau and Flanagan. Nay-Sleep. Motion Carried.

**PROJECT UPDATES:** Allan Bonnema, Highway Superintendent, gave an update on the Whitewood Valley Bridge paving project on North Rochford Road and Doresett Road Bridge,

### **PLANNING & ZONING:**

**COMPREHENSIVE PLAN UPDATE:** Amber Vogt, Planning & Zoning Administrator, gave an update on the comprehensive plan. Vogt stated that a draft copy of the comprehensive plan will be presented on September 3, 2020 at the Planning & Zoning meeting.

### **PLATS:**

**FINAL PLAT/FRAWLEY RANCHES, INC.:** APPLICANT: Frawley Ranches, Inc. LEGAL DESCRIPTION: Lot 37A of Frawley Ranch East, Section 18, T6N, R4E (legal shortened) VICINITY LOCATION: Acorn Ridge SUMMARY: New lot ZONING: A-1 ACREAGE: Lot 37A (2.010 acres).

Moved-Seconded (Deibert-Rosenau) to approve the final plat for Frawley Ranches, 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. APPLICANT: Frawley Ranches, Inc. LEGAL DESCRIPTION: Lot 37A of Frawley Ranch East, Section 18, T6N, R4E (legal shortened) VICINITY LOCATION: Acorn Ridge SUMMARY: New lot ZONING: A-1 ACREAGE: Lot 37A (2.010 acres). Motion Carried.

**FINAL PLAT/WINTER:** APPLICANT: David Winter LEGAL DESCRIPTION: Plat of Lots 1 & 2 of Tract A1A of Majestic Heights, Section 13, 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF ACREAGE: Lot 1 (5.00 acres) and Lot 2 (69.19 acres).

Moved-Seconded (Rosenau-Flanagan) to approve the final plat for David Winter 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 1 & 2 of Tract A1A of Majestic Heights, Section 13, 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF ACREAGE: Lot 1 (5.00 acres) and Lot 2 (69.19 acres). Motion Carried.

**PRELIMINARY & FINAL PLAT/BAIER:** APPLICANT: Connie Baier LEGAL DESCRIPTION: Lots 8A and 9A, Blk 9 Town of St. Onge, all located in the S ½ of Section 23, T7N, R3E. VICINITY LOCATION: St. Onge SUMMARY: Combining lots ZONING: SRD ACREAGE: Lot 8A (.310 acres) Lot 9A (.145 acres). Plats were deferred until the next meeting pending a modification to the preliminary plat bringing the same into compliance with the applicable regulation.

**PRELIMINARY & FINAL PLAT/MUMM:** APPLICANTS: Christopher & Carla Mumm LEGAL DESCRIPTION: Plat of Lot 5A, Blk 3, Annuet Coeptis (East) Subdivision, Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Hwy 385 SUMMARY: Combine lot ZONING: PF ACREAGE: Lot 5A (2.046 acres). Plats were deferred until the next meeting pending a modification to the preliminary plat bringing the same into compliance with the applicable regulation.

**FINAL PLAT/MAITLAND PARTNERS, LLC. & NELSON:** APPLICANTS: Maitland Partners, LLC and Rolf & Lissa Nelson LEGAL DESCRIPTION: Lot 2A, of Bellefish Sub #2, Section 19, T5N, R3E (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Replat of Lot ZONING: PF ACREAGE: Lot 2A (3.618 acres).

Moved-Seconded (Deibert-Rosenau) to approve the final plat for Maitland Partners, LLC and Rolf & Lissa Nelson based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. When building permit is issued or upon sale of property, access must be provided to Lot 2B. LEGAL DESCRIPTION: Lot 2A, of Bellefish Sub #2, Section 19, T5N, R3E (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Replat of Lot ZONING: PF ACREAGE: Lot 2A (3.618 acres). Motion Carried.

**PRELIMINARY & FINAL PLAT/BH DEVELOPMENT, LLC.:** APPLICANT: BH Development, LLC LEGAL DESCRIPTION: Plat of Lot 1 & 2 of Tract 3 of Powder House Pass, Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PUD ACREAGE: 1 (.878 acres), 2 (.9.844 acres).

Moved-Seconded (Deibert-Rosenau) to approve the preliminary and final plat for 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: Plat of Lot 1 & 2 of Tract 3 of Powder House Pass, Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PUD ACREAGE: 1 (.878 acres), 2 (.9.844 acres). Motion Carried.

**PRELIMINARY & FINAL PLAT/LEISCHNER:** APPLICANT: Mark Leischner LEGAL DESCRIPTION: Plat of Lots 4A and 5A, Blk 3 of Wilderness Estates 2nd Addition, Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Replat of lots ZONING: PUD ACREAGE: 4A (.775 acres) and 5A (1.323 acres). Plats were deferred until the

next meeting pending a modification to the preliminary plat bringing the same into compliance with the applicable regulation.

**FINAL PLAT/BH DEVELOPMENT, LLC.:** APPLICANT: BH Development, LLC LEGAL DESCRIPTION: Plat of Dedicated Public Right of Way and Utility Easements in Blk 2 of Trailside Addition, Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Dedication of ROW's and Easements ZONING: PUD ACREAGE: 1.201 acres.

Moved-Seconded (Deibert-Rosenau) to approve the final plat for 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: Plat of Dedicated Public Right of Way and Utility Easements in Blk 2 of Trailside Addition, Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Dedication of ROW's and Easements ZONING: PUD ACREAGE: 1.201 acres. Motion Carried.

Commissioner Flanagan noted that the County is not the highway authority on this plat.

**NUISANCE COMPLAINT UPDATE:** Jeff Schroeder, Deputy Code Enforcement Officer, gave an update on the Stafford nuisance complaint. Kimberly Stafford was present to discuss the complaint.

Moved-Seconded (Deibert-Rosenau) to allow for a dumpster to be dropped off and picked up at the cost to the County. Motion Carried.

**RECESS:** 10:44 a.m. Moved-Seconded (-) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:59 a.m. The Chairman called the Commission meeting back to order.

**PETITION FOR IMPROVEMENT OF SECTION LINE AND AGREEMENT FOR IMPROVEMENT OF SECTION LINE HIGHWAY:** APPLICANT: Black Hills Forest Acres, LLC withdrew petition.

**ORDINANCE NO. 1201/OPENING BURNING:** Paul Thomson, Emergency Management Director, was present to discuss Ordinance No. 1201/open burning in Lawrence County. Thomson reminded the Citizen of Lawrence County to check the website for current restriction on open burning at <http://www.blackhillsfirerestrictions.com/> or for the current fire danger at [https://gacc.nifc.gov/rmcc/dispatch\\_centers/r2gpc/fuels.htm](https://gacc.nifc.gov/rmcc/dispatch_centers/r2gpc/fuels.htm)

**DISCRETIONARY FORMULA:** Bruce Outka, Deputy State's Attorney, updated the Commission on the meeting held on August 14, 2020. Outka stated the work group was composed of: Mike Stahl, City of Lead Administrator; Mike Harmon, City of Spearfish Administrator; Ashley McDonald, City of Spearfish Attorney; Kevin Wagner, Deadwood Lead Economic Development; Tim Hodson, Director of Equalization; Brenda McGruder, Auditor; and Steve Stewart, City of Lead Commissioner. Outka stated that the work group is suggesting that the Commission rescind Resolution 2020-21 due to the fact that not all categories work for each municipality.

Stahl stated that at the City of Lead Commission meeting Monday, August 17, 2020 the Board passed a resolution requesting that Lawrence County repeal Lawrence County Resolution 2020-21. McDonald stated that the City of Spearfish passed a similar resolution on Monday, August 17, 2020.

Moved-Seconded (Deibert-Flanagan) to rescind Lawrence County Resolution No. 2020-21 Discretionary Formula SDCL 10-6-35.2. Motion Carried.

**ITEMS FROM THE COMMISSIONERS:**

**DEADWOOD LEAD ECONOMIC DEVELOPMENT BOARD:** Moved-Seconded (Rosenau-Flanagan) to appoint Commissioner Deibert to the Deadwood Lead Economic Development Board for 2020 and Commissioner Johnson as the alternate for 2020. Motion Carried.

**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-\$7,033.31; Aud-\$11,591.69; Treas-\$12,835.64; States Atty-\$14,830.43; Pub Def-\$13,242.44; Gen Govt Bldg-\$9,672.16; Equal-\$14,900.44; Rod-\$8,882.77; Vso-\$1,736.20; Ist-\$9,661.46; Sher-\$50,101.11; Jail-\$26,494.66; Coroner-\$1,382.36; 24/7-\$462.80; Emerg Mgnt-\$4,650.41; E911-\$15,461.10; Highway-\$50,461.64; Weed-\$8,546.87; P&Z-\$6,278.78; **Bills:** Miller, Austin-\$38.22; A To Z Shredding-\$12.07; A&B Business, Inc Solutions-\$2,658.71; Applied Concepts-\$3,151.00; At&T Mobility-\$993.07; Audra Hill Consulting-\$445.44; BH Occupational Medicine Corp-\$30.00; BH Pest Control-\$190.00; BH Pioneer-\$1,288.82; Barnaud Law Firm Prof-\$4,474.58; Bi Geo Group-\$82.80; Big Sky Communications-\$126.00; Black Hills Chemical-\$2,512.87; Black Hills Energy-\$15,218.68; Black Hills Pure-\$45.50; Black Hills Urgent Care-\$55.00; Bomgaars Supply-\$66.63; Brosz Engineering-\$350.00; Brownsville Fire Dept-\$4,784.23; Butler Machinery Co-\$449.20; Butte County Sheriff-\$452.00; Butte Electric Coop-\$317.01; Cbh Cooperative-\$33,868.24; Central Restaurant Products-\$399.00; Century Business Products-\$530.73; Centurylink-\$77.58; Chadams-\$1,770.00; City Of Rapid City-\$1,120.00; Coban Technologies-\$280.50; Cochran, Leslie-\$20.40; Credit Collections Bureau-\$212.16; Dakota Equipment Rental-\$900.00; Deadwood City Of-\$1,483.55; Deadwood Vol. Fire Dept-\$14,271.84; Dept Of Hlth Lab Services-\$1,240.00; Dept Of The Treasury-\$62,077.13; Diamond Pharmacy-\$414.47; Fastenal-\$17.56; Federal Express Corp-\$13.32; Fidler-Isburg Funeral Chapel-\$2,340.00; Galls-\$611.32; Gene's Lock Shop-\$165.00; Grey & Eisenbraun, Prof-\$2,979.70; Grimm's Pump Service-\$103.96; Hartford-Priority Accounts-\$2,136.67; Heartland Paper Co-\$944.55; Highway Improvement-\$24,472.86; Hilpert & Hale Prof-\$1,337.80; Inland Truck Parts-\$27.72; Interstate Engineering-\$12,669.90; Jacobs Brewhouse-\$100.89; Jacobs Precision Welding-\$216.00; Janke, Wendy-\$1,476.00; Jensen Rock & Sand-\$293,534.90; Joe's Windsheild Repair-\$50.00; Johner Gravel-\$87,606.32; Juneks' Chrysler/Dodge-\$35,000.00; Karen Paige Hunt, Prof-\$6,679.61; Kiesler's Police Supply-\$1,901.30; Kinkade Funeral Chapel-\$1,170.00; Kinney Law-\$4,228.42; Kosel, Joseph-\$5,780.46; LC Treasurer-\$42.40; Lawson Products-\$60.10; Lead Fire Protection District-\$17,087.00; Lead-Deadwood Sanitary-\$932.64; Lee, James-\$15.00; Lexisnexis Risk Data Mgnt-\$75.00; Light & Siren-\$492.16; Lyle Signs-\$49.19; McClure, Susan-\$420.00; Mcleod's Office Supply-\$240.99; Montana Dakota Utilities-\$1,396.29; Monument Health Rc Hospital-\$461.00; Monument Health Network-\$648.25; Ms Mail-\$1,175.00; Murphy Law Office-\$158.10; Nalco Company-\$556.44; Nelson, Christy-\$360.00; Nelson, Tonya-\$420.00; Nemo Volunteer Fire Dept-\$1,498.35; North Central Int'l-\$833.04; Office Of Child Support-\$401.54; PcsO Addiction Treatment Serv-\$678.00; Pennington Co Jail-\$1,013.12; Pete Lien & Sons-\$40,931.80; Pharmchem-\$542.45; Pitney Bowes-\$481.25; Powerplan-\$92.16; Pria-\$60.00; Quik Signs-\$620.00; Quill-\$682.26; Rabe Elevator-\$1,240.88; Rapid Delivery-\$13.23; Rochford Fire Protection Dist-\$761.91; Rocket Lube-\$169.98; Rockmount Research & Alloys-\$613.88; Sara J Fitzgerald-\$312.00; Scovel Psychological-\$200.00; Sd Dept Of Transportation-\$789.00; Sd Office Of Attorney General-\$989.00; Sd State Treasurer-\$1,200.00; Sdrs Supplemental Retirement-\$2,082.50; Servall Towel & Linen-\$296.98; Simon North Region Sd-\$1,364,220.96; Sonnel Technologies-\$9,233.79; Spearfish Auto Supply-\$2,467.51; Spearfish Canyon Fire-\$2,313.31; Spearfish Fire Dept-\$57,458.05; Spearfish Police Dept-\$10,560.90; St Onge Fire Protection Dist-\$1,624.93; Stahl, Mike-\$31.90; Street Image-\$2,041.61; Sturdevant's Auto Parts-\$1,578.48; Sturgis Fire Department-\$3,712.20; Sunshine Towing & Transport-\$60.00; Sysco Montana-\$2,686.50; Thomson Reuters-West-\$203.56; Tracker Software Corp-\$9,425.00; Transource Truck & Equip-\$495.87; Triple K Tire & Repair-\$1,623.37; Trugreen Chemlawn-\$64.78; Turbiville Industrial Electric-\$244.06; Turnkey Corrections-\$4.72; Twin City Hardware & Lumber-\$161.38; Vast Broadband-\$1,566.82; Verizon Wireless-\$106.49; Victims Of Violence-\$1,135.00; Waste Connections-\$917.28; Watertree-\$51.20; Wells Fargo Business Card-\$6,860.74; Western Communication-\$2,522.00; Wex Bank-\$375.69; White Drug-\$25.29; White's Queen City Motors-\$98.48; Whitewood Fire Prot. District-\$7,625.28 **Witness & Jurors:** \$86.88.

**ADJOURN:** 11:57 a.m. There being no further business it was Moved-Seconded (Rosenau-Deibert) to adjourn the meeting. Motion Carried.

---

Date Approved

---

Brandon Flanagan, Chairperson

ATTEST:

---

Brenda McGruder, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – August 18, 2020**

Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 10:44 a.m. on August 18, 2020, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Randall Rosenau, Richard Sleep and Randy Deibert present. Absent- Daryl Johnson

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 #185/FIREFLY BUILDERS, INC.:** A public hearing was held on Variance #188  
**APPLICANT:** Firefly Builders, Inc. **LEGAL:** Spearfish Canyon Lot 36, being a portion of the Montana Lode, M.S. 991 located in the W ½ of Section 31, T5N, R2E **VICINITY LOCATION:** Spearfish Canyon **SUMMARY:** 10’ variance to the 25’ front setback for a new residence **ACREAGE:**.56 acres **ZONING:** PF.

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

Kevin Wilen, Firefly Builders, Inc., spoke in favor of the variance. Wilen stated that the variance would eliminate an encroachment issue, drainage issues, and driveway issues.

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

Commissioner Deibert stated he did not see a hardship; moreover, it is a convenience not a hardship.

Moved-Seconded (Deibert-Rosenau) to deny Variance #188 as it does not meet the condition of the Lawrence County Zoning Ordinance #16 (hardship). **LEGAL:** Spearfish Canyon Lot 36, being a portion of the Montana Lode, M.S. 991 located in the W ½ of Section 31, T5N, R2E **VICINITY LOCATION:** Spearfish Canyon **SUMMARY:** 10’ variance to the 25’ front setback for a new residence **ACREAGE:**.56 acres **ZONING:** PF. Motion Carried.

**ADJOURN:** 10:59 a.m. There being no further business, it was Moved-Seconded (Deibert-Sleep) to adjourn the Board of Adjustment meeting. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Brandon Flanagan, Chairman

ATTEST:

\_\_\_\_\_  
Brenda McGruder, Auditor