

LAWRENCE COUNTY COMMISSIONERS MEETING – September 7, 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 September 7, 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 (Flanagan-Deibert) to approve the agenda as presented. Motion Carried.

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 9:00 a.m. agenda item - Change of Zoning #343/Keating Resources, 10:00 a.m. agenda item - Amended Master Plan/Keating Resources and 11:15 a.m. agenda item 1 & 2 – Plats.

MINUTES: Moved-Seconded (Rosenau-Flanagan) to approve the minutes of August 17, 2021 County Commission meeting. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the minutes of August 17, 2021 Board of Adjustment meeting. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the minutes of August 31, 2021 County Commission meeting. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the minutes of August 31, 2021 Joint County Commission and Planning & Zoning meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve Raygan Mattson as a part-time fill-in Correctional Officer I G3 at a base rate of \$20.04 an hour, effective September 12, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Christopher Luna as a full-time permanent Correctional Officer I G3 at a base rate of \$20.04 an hour, effective September 12, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Sarah DeGooyer as a full-time permanent Dispatcher I G3 at a base rate of \$20.04 an hour, effective September 12, 2021. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve Timothy Braithwait as a full-time permanent Correctional Officer I G1 at a base rate of \$19.26 an hour, effective August 27, 2021. Motion Carried.

HIGHWAY: Moved-Seconded (Rosenau-Deibert) to approve the Family Medical Leave Act extension for Justin Mattson for an additional 12 weeks. Motion Carried.

COVID-19: Brenda McGruder, Auditor, reported that a department head meeting was held on September 1, 2021 to discuss policy concerning the rise of COVID-19 cases. McGruder stated that on March 13, 2020 a motion was passed to allow the department heads discretion and to allow the employee to have a negative sick leave balance. McGruder asked for guidance on whether this was something the board felt they wanted to continue.

Moved-Seconded (Rosenau-Ewing) to give the department heads the discretion to allow staff to remain home owing to the COVID-19 outbreak as long as a positive test result is provided. Further, to authorize employees to use sick leave, including allowing employees to have a negative balance up to 80 hours. Any such negative balance shall be offset by future accrued sick leave time. If an employee resigns or is terminated before the negative balance is accrued the employee will be responsible for paying back any negative sick leave from their final paycheck. Motion Carried.

TRAVEL REQUEST:

EQUALIZATION: Moved-Seconded (Rosenau-Sleep) to approve the travel request for Ben Pisani to attend the South Dakota Association of Assessing Officers basic course in Pierre, SD from September 19-24, 2021 and allow for a travel advance. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of August 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) - \$79,477.71; total amount of cash in transit in Treasurer's possession (cash deposit in transit) - \$4,540.25; petty cash - \$1,860.00; total amount of deposits in bank include: bank balance \$15,645,561.23; money market \$11,971,824.55. Total \$27,704,613.74.

ORDINANCE COMMITTEE: Moved-Seconded (Rosenau-Flanagan) to appoint Brenda McGruder, Auditor, Krystal Stulken, Deputy Auditor, and Bruce Outka, Commission Assistant, as committee to prepare and submit ordinance revising the ordinances of the County pursuant to SDCL 7-18A-28. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Rosenau-Deibert) to declare (9) Glock Model 21 Duty Holsters and (4) Glock Model 21 Double Magazine Pouches surplus and donate to the City of Sturgis. Motion Carried.

SHERIFF:

SHERIFF'S REPORT: Brian Dean, Sheriff, gave an update on the jail population and daily bookings.

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, stated that the respective project committees continue to meet and added that the project has issues related to construction costs. Dean added that the committees are tasked with making hard decisions in order to provide recommendations to the Commission.

Steve Stewart, 120 Alert Street Lead, stated that he has worked on a similar project in Minnesota and it was a great revenue source to the County. Stewart added that if components are cut in the beginning it will end up costing more. Stewart feels that the project should be done right the first time, but understands the tax payer issue as well.

OWNER'S REPRESENTATIVE PROPOSAL/ PUBLIC SAFETY AND SERVICES CENTER: Bruce Outka, Deputy State's Attorney, presented a proposal for Steve Williams, Williams & Associates Architecture, Inc., for services as the owner's representative for the Public Safety and Services Center project in the amount of \$57,100.

Moved-Seconded (Flanagan-Ewing) to accept the proposal from Steve Williams, Williams & Associates Architecture, Inc. in the amount of \$57,100. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of August 26, 2021: **Spearfish Unleaded 5000 gallons:** (prices per gallon) CBH Cooperative –\$3.436* **Spearfish Diesel #2 (dyed) 700 gallons:** (prices per gallon) CBH Cooperative –\$2.699* *Represents accepted quote.

PERMITS:

MONTANA DAKOTA UTILITIES: Moved-Seconded (Flanagan-Deibert) to the extent the County has any remaining authority, if any, to do so, then 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: Hillsview Drive. Motion Carried.

MONTANA DAKOTA UTILITIES: Moved-Seconded (Flanagan-Deibert) to the extent the County has any remaining authority, if any, to do so, then to not object to the utility permit for Montana Dakota Utilities to bore under Hillsview Road approximately .5 miles from McGuigan Road for construction of gas line beginning in Section 9 T6N, R2E and ending in Section 9, T6N, R2E. Motion Carried.

VAST BROADBAND: Moved-Seconded (Flanagan-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Vast Broadband to bore under Crook City Road approximately 1 mile from Highway 85 for construction of fiber optic beginning in Section 25 T6N, R3E and ending in Section 25, T6N, R3E. Motion Carried.

VAST BROADBAND: Moved-Seconded (Flanagan-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Vast Broadband to bore under Crook City Road approximately 1 mile from Highway 85 for construction of fiber optic beginning in Section 31 T6N, R4E and ending in Section 31, T6N, R4E. Motion Carried.

BRO 8041 (00) PCN 01KP/41-110-008: Allan Bonnema, Highway Superintendent, reported that Grangaard Construction Inc. was the lowest responsible bidder on BRO 8041 (00) PCN 01KP/41-110-008 in the amount of \$947,534.40.

Bonnema stated the bid came in 27.1% over the Engineer's estimate. Commissioner Deibert stated that a letter should be sent to encourage the South Dakota Department of Transportation to accept the bid even though it is 27.1 % over the engineer's estimate.

Moved-Seconded (Deibert-Flanagan) to send an email requesting that the South Dakota Department of Transportation award bridge project BRO 8041(00) PCN 01KP, which was bid last Wednesday, September 1, 2021, even though the bid came in above the engineer's estimate by 27.1%.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the North Rochford Road Overlay Project Phase 4 and Maitland Road Grading and Paving Project.

2022 BUDGET: A public hearing was held on the proposed 2022 budget.

LIBRARY BUDGET:

The Commission acknowledged all correspondence and emails received in reference to the Library budget.

Kerry Ruth, 11494 US Highway 14A Deadwood, requested that the Commission reconsider the cut to the library budget. Ruth stated she has been in education for 26 years and noted that babies are born with 80 billion brain cells and those brain cells make connection by reading and language. Ruth stated that literacy plays a significant role in their success in school. Ruth added that children who are read to for 20 minutes a day score in the 90 percentile and those children who are read to 5 minutes a day score in the 50 percentile. Ruth pointed out that the lower the percentile the higher likelihood they will drop out of school. Ruth stated that as an educator I am asking that you place as much importance in our libraries, literacy and education, as you are in our jail.

Jackie Fuller, 11 Glendale Drive Lead, requested that the Commission fund the Lawrence County Libraries to the full extend requested. Fuller stated that making taxes completely fair is impossible but should be the goal of all taxing entities. Fuller added that the library is truly the one place taxes can be completely fair, as all people have access. Fuller noted that the libraries do a great job and all people use them. Fuller stated that in her reading club 50% of the participants lived outside of Lead.

Steve Stewart, 120 Alert Street Lead, stated that everyone is here today to educate our children. Stewart noted that a lot of people rely on the library for internet access. Stewart pointed out that there are many ways to cut the budget in house rather than cutting the library budget.

Darlene Burns, 18 McKinley Deadwood, stated that prior to moving to Deadwood 6 years ago she was a resident of Lead for 37 years. Burns added that libraries are very important and that the amount budgeted has not changed since 2009. Burns added that she does not feel we should be compared to other libraries in the state for funding and pointed out the gambling revenue in Deadwood. Burns asked the Commission how the funds from the budget cut would be used. Burns questioned the Commission on whether any of them used the local libraries. Commissioner Rosenau, stated he reads a lot and uses internet service, audible and multiple sources. Burns ended that a lot of people are on a fixed income and use the library as their reading source.

David Ruth Jr., Deadwood Mayor, 11494 US Highway 14A Deadwood, stated he supports what the audience is telling the commission today and that is to reconsider any reduction of funding to the library budget. Ruth reported that revenues in Deadwood are increasing and once the City of Deadwood reaches the \$6.8 million cap a good portion of the increase go to the County. Ruth pointed out that last year the County received \$723,000 of gambling revenue and can anticipate it being higher this year due to the increase. Ruth added that the increase in revenue could be a potential source to offset any short-fall the county may have in funding the library at the full amount requested.

Beth Bertolotto, 209 Tower Ridge Drive Lead, feels the library is a legacy to the communities.

Sarah Shoop, 323 Julius Lead, stated that back in 2017 she had an entire college semester of online courses and would not have been able to complete them and be where she is today had it not been for the Lead Library.

Kerry Ruth asked the Commission to consider all the emails received and those who spoke today about reconsidering the budget cut to the library budget.

Steve Stewart, asked what was the anticipated funding amount for libraries to be included in the 2022 budget. Commissioner Deibert stated the amount budgeted for 2022 was \$443,054.

No other comments were voiced and the chairman closed the hearing.

Commissioner Deibert thanked the Black Hills Pioneer for publishing the two articles regarding library funding. Deibert stated that the one published about the County was spot on and cleared the air that the budget was not being cut but reduced by 10%.

The Board will consider the adoption of the budget at the September 28, 2021 meeting.

PLANNING & ZONING:

CHANGE OF ZONING #345/KEATING RESOURCES, LLC.: Second Reading was held on COZ #345 APPLICANT: Keating Resources, LLC LEGAL DESCRIPTION: Hanify No 6 and Hanify No 7 Lodes in M.S. 1204; Foster Fraction, Gamba Fraction, Addie, Eva, Lavisia Lodes in M.S. 1221, all located in Section 13, T4N, R2E (legal description shortened) VICINITY LOCATION: Deer Mt and Terry Peak Summit SUMMARY: COZ from PF to PUD for subdivision ZONING: PF ACREAGE: 50.61 acres.

Commissioner Deibert declared a conflict, but would be available for questions.

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

Moved-Seconded (Flanagan-Rosenau) to approve COZ #345. APPLICANT: Keating Resources, LLC LEGAL DESCRIPTION: Hanify No 6 and Hanify No 7 Lodes in M.S. 1204; Foster Fraction, Gamba Fraction, Addie, Eva, Lavisia Lodes in M.S. 1221, all located in Section 13, T4N, R2E (legal description shortened) VICINITY LOCATION: Deer Mt and Terry Peak Summit SUMMARY: COZ from PF to PUD for subdivision ZONING: PF ACREAGE: 50.61 acres. Abstain-Deibert. Motion Carried.

CHANGE OF ZONING #346/FRONTGATE HOLDINGS, LLC.: First Reading and Public Hearing was held on COZ #346 APPLICANT: Frontgate Holdings, LLC LEGAL DESCRIPTION: Tract G2 Revised of Johnson Subd, formerly Tract G1, G2 and Tract H, being a portion of Johnson Subd, located in E ½ of the SE ¼ of Section 28 and the SW ¼ of Section 27 all T7N, R2E VICINITY LOCATION: Hwy 85 SUMMARY: COZ from A-2 to HSC for the continued operation of the storage units ZONING: A-2 ACREAGE: 23.37 acres.

Commissioner Deibert disclosed that Frontgate Holdings, LLC is a client but he would be participating in the discussion.

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

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

Discussion was held on the conditions with the current CUP and development plan going forward.

Second Reading scheduled for September 28, 2021 at 9:00 a.m.

ORD #21-03/FIRE PLAN REVISIONS: First Reading and Public Hearing was held on ORD #21-03 Fire Plan Revisions APPLICANT: Lawrence County Planning & Zoning VICINITY LOCATION: All of Lawrence County SUMMARY: Edits to the fire plan requirements for subdivision.

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

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

Commissioner Sleep feels that the plan should be revised to identify the thickness of the stem and the distance from each tree.

Commissioner Deibert requested that the term “certifications” be changed to “qualifications” in the Wildfire Mitigation Contractor section. Deibert stated the issue is that there are not enough contractors to provide the service.

Second Reading scheduled for September 28, 2021 at 9:15 a.m.

ORDINANCE NO. 21-04 AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND Chapter 5, “GENERAL DISTRICT PROVISIONS”; CHAPTER 6 “DISTRICT REGULATIONS”, SECTION II-6.009 “ALLOWED USES” [C/LI – COMMERCIAL/LIGHT INDUSTRIAL DISTRICT]; CHAPTER 10 “ADDITIONAL USE REGULATIONS”; AND CHAPTER 3, “DEFINITIONS”, ADOPTED BY ORDINANCE 21-04 AS AMENDED, OF THE ZONING ORDINANCE OF LAWRENCE COUNTY:

Second Reading was held on Ordinance No. 21-04 An Ordinance Entitled, An Ordinance to Amend Chapter 5, “General District Provisions”; Chapter 6 “District Regulations”, Section Ii-6.009 “Allowed Uses” [C/Li – Commercial/Light Industrial District]; Chapter 10 “Additional Use Regulations”; And Chapter 3, “Definitions”, Adopted by Ordinance 21-04 As Amended, Of The Zoning Ordinance of Lawrence County.

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

Moved-Seconded (Flanagan-Deibert) to approve Ordinance No. 21-04 An Ordinance Entitled, An Ordinance to Amend Chapter 5, “General District Provisions”; Chapter 6 “District Regulations”, Section Ii-6.009 “Allowed Uses” [C/Li – Commercial/Light Industrial District]; Chapter 10 “Additional Use Regulations”; And Chapter 3, “Definitions”, Adopted by Ordinance 21-04 As Amended, Of The Zoning Ordinance of Lawrence County. Motion Carried.

Commissioner Flanagan noted for the record that this ordinance allows for one dispensary in the unincorporated areas of the County and does not include the dispensaries inside the municipalities.

CANNABIS ESTABLISHMENTS/ORDINANCE #2021-01: Second Reading was held on the proposed Ordinance 2021-01 An Ordinance Creating Licensing Provisions for Cannabis Establishments.

Moved-Seconded (Flanagan-Rosenau) to approve Ordinance 2021-01 An Ordinance Creating Licensing Provisions for Cannabis Establishments. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to appoint Commissioner Flanagan and Ewing, Bruce Outka, Deputy State’s Attorney, Amber Vogt, Planning & Zoning Administrator, and two Planning & Zoning Board Members. Motion Carried.

AMENDED MASTER PLAN/KEATING RESOURCES: Second Reading was held on the amended master plan APPLICANT: Keating Resources VICINITY LOCATION: Deer Mt and Terry Peak Summit SUMMARY: Land Use Sketch for Deer Mountain Club - Amendment to original Mystic Miner PUD Zoning District ZONING: PUD.

Commissioner Deibert declared a conflict, but would be available for questions.

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

Eric Heikes, PLA, TerraSite Design, was present to address the list of items requested by the Commission at the last meeting to include: a proposed development agreement, a list of all exceptions to standards in the proposed master plan – including proposed road grades exceeding the maximum allowed; an explanation justifying each exception, and perk testing to be completed in 6-8 areas denominated for higher density.

Moved-Seconded (Flanagan-Rosenau) to continue the amended master plan until the next meeting. APPLICANT: Keating Resources VICINITY LOCATION: Deer Mt and Terry Peak Summit SUMMARY: Land Use Sketch for Deer Mountain Club - Amendment to original Mystic Miner PUD Zoning District ZONING: PUD, to allow for more information to be provided. Motion Carried. Abstain-Deibert

EXTENSION UPDATE:

Michelle May, Butte/Lawrence County Extension was present to give an update on the 4-H Youth Program.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/ JENSEN &

MOREHEAD: A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: For the purpose of showing the Vacation of a 66' wide Section Line R.O.W. located in the SE ¼ and the SE ¼ NE ¼ of Section 34 –and- the SW ¼ and SW ¼ NW ¼ of Section 35. All located in Township 7 North, Range 4 East, Black Hills Meridian, Lawrence County, South Dakota.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2021-28 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line.

John Frederickson, Attorney for applicant, was present and stated the need for the vacation of the section line.

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

Moved-Seconded (Deibert-Flanagan) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2021-28 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2021-28 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE/HIGHWAY/RIGHT OF WAY WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway, part of which is located on a section line/highway/right of way be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks prior to the date of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, and WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a section line/highway/right of way be vacated: LEGAL DESCRIPTION FOR THE VACATION: For the purpose of showing the Vacation of a 66' wide Section Line R.O.W. located in the SE ¼ and the SE ¼ NE ¼ of Section 34 –and- the SW ¼ and SW ¼ NW ¼ of Section 35. All located in Township 7 North, Range 4 East, Black Hills Meridian, Lawrence County, South Dakota. AFFECTING THE LANDOWNERS: Lynn Jensen & Dusty Morehead Dated this 7th day of September, 2021 Richard Sleep, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County 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 September 7th, 2021. Dated at Deadwood, South Dakota, the 7th day of September, 2021. Brenda McGruder, Lawrence County Auditor.

VETERANS' SERVICE OFFICER: Jesse Ketzer, Veterans' Service Officer, was present to report on the 2020 department statistics.

DECLARE SURPLUS REAL PROPERTY: Declare surplus real property legally described as Lot 67 of the Subdivision of M.S. #1914, S14 T5N R2E (.43. acres more or less) (parcel #26800-01914-000-95) and Lot 65 of the Subdivision of M.S. #1914, S14 T5N R2E (1.04 acres more or less) (parcel #26800-01914-000-85) and Rowena #2 Lode of M.S. 1812 containing 11.076 acres 100% interest into 2.756 acres of Rowena #2 of M.S.1812; and undivided 50% interest into 8.32 acres of Rowena #2 M.S. 1812; except the Mineral Interest appertaining thereto pursuant to Document #2014:00773 on file in the Office of the Lawrence County Register of Deeds; as described in the metes and bounds description as recorded in Book 195 page 469 on file in the Office of the Lawrence County Register of Deeds. Located in Sections 12 and 13 township 5 North, Range 2 East, B.H.M., Lawrence County, SD (parcel #26760-01812-000-60) (pursuant to SDCL 6-13-1).

Moved-Seconded (Ewing-Rosenau) to declare real property legally described as, Lot 67 of the Subdivision of M.S. #1914, S14 T5N R2E (.43. acres more or less) (parcel #26800-01914-000-95) and Lot 65 of the Subdivision of M.S. #1914, S14 T5N R2E (1.04 acres more or less) (parcel #26800-01914-000-85) and Rowena #2 Lode of M.S. 1812 containing 11.076 acres 100% interest into 2.756 acres of Rowena #2 of M.S.1812; and undivided 50% interest into 8.32 acres of Rowena #2 M.S. 1812; except the Mineral Interest appertaining thereto pursuant to Document #2014:00773 on file in the Office of the Lawrence County Register of Deeds; as described in the metes and bounds description as recorded in Book 195 page 469 on file in the Office of the Lawrence County Register of Deeds. Located in Sections 12 and 13 township 5 North, Range 2 East, B.H.M., Lawrence County, SD (parcel #26760-01812-000-60) (pursuant to SDCL 6-13-1), surplus as it is no longer necessary, useful or suitable for the purpose for which it was acquired. and Motion Carried.

Moved-Seconded (Deibert-Flanagan) to appoint Daryl Johnson, Bruce Outka and John Frederickson as three real property owners to appraise the property (pursuant to SDCL 6-13-2) Motion Carried.

PLATS:

PRELIMINARY & FINAL PLAT/PEARSON: APPLICANT: Bill Pearson LEGAL DESCRIPTION: Lots 1 - 3 of Cabin Springs Estates, being a portion of the remainder of the SE ¼ NW ¼ of Section 20, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: New subdivision ZONING: PF.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary & final plat for Bill Pearson 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 of Cabin Springs Estates, being a portion of the remainder of the SE ¼ NW ¼ of Section 20, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: New subdivision ZONING: PF. Abstain-Deibert. Motion Carried.

PRELIMINARY & FINAL PLAT/SKVICALO: APPLICANT: Mark Skvicalo LEGAL DESCRIPTION: Lot J, Lot G, and Lot M in Section 17 and 20, T4N, R3E VICINITY LOCATION: Englewood SUMMARY: New lots ZONING: PF.

Moved-Seconded (Ewing-Rosenau) declaring that the plat for Mark Skvicalo meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Abstain-Deibert. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve the preliminary & final plat for Mark Skvicalo 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 J, Lot G, and Lot M in Section 17 and 20, T4N, R3E VICINITY LOCATION: Englewood SUMMARY: New lots ZONING: PF. Abstain-Deibert. Motion Carried.

Commissioner Flanagan noted for the record that if Lot G gets subdivided it will need to have a fire plan prior to platting.

FINAL PLAT/4 BEARS IN THE HILLS, LLC.: APPLICANT: 4 Bears in the Hills, LLC LEGAL DESCRIPTION: Lot 7 & 8A-1 Blk 7 Apple Springs S/D VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change ZONING: SRD.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for 4 Bears in the Hills, 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 7 & 8A-1 Blk 7 Apple Springs S/D VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line change ZONING: SRD. Motion Carried.

PRELIMINARY & FINAL PLAT/STONE HOUSE ENTERPRISES & BEAR BUTTE WILDLIFE, LLC.: APPLICANTS: Stone House Enterprises & Bear Butte Wildlife, LLC. LEGAL DESCRIPTION: Lots Tracts A & B Ciani Subd. located Section 29, T7N, R1E (legal shortened) VICINITY LOCATION: Create lots for financing SUMMARY: Remove and replace lot line ZONING: A-1.

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

Moved-Seconded (Deibert-Sleep) to approve the preliminary & final plat for Stone House Enterprises & Bear Butte Wildlife, 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 Tracts A & B Ciani Subd. located Section 29, T7N, R1E (legal shortened) VICINITY LOCATION: Create lots for financing SUMMARY: Remove and replace lot line ZONING: A-1. Motion Carried.

PRELIMINARY & FINAL PLAT/AUER: APPLICANT: Leslie Auer LEGAL DESCRIPTION: Lots 1 & 2 of Auer S/D Section 25 & 30, T6N, R4E (legal shortened) VICINITY LOCATION: Crook City Road SUMMARY: New Lots ZONING: A-1.

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

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Leslie Auer based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1 & 2 of Auer S/D Section 25 & 30, T6N, R4E (legal shortened) VICINITY LOCATION: Crook City Road SUMMARY: New Lots ZONING: A-1. Motion Carried.

PRELIMINARY & FINAL PLAT/BLACK HILLS CHAIRLIFT: APPLICANT: Black Hills Chairlift LEGAL DESCRIPTION: Tract 2 located in a portion of Govt lots 6 & 7 Section 2, T4N, R2E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Transfer purposes only-will retain no building rights ZONING: SRD.

Moved-Seconded (Flanagan-Deibert) declaring that the plat for Black Hills Chairlift meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve the preliminary & final plat for Black Hills Chairlift 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 2 located in a portion of Govt lots 6 & 7 Section 2, T4N, R2E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Transfer purposes only-will retain no building rights ZONING: SRD. Motion Carried.

PRELIMINARY & FINAL PLAT/MARTIN & RODEGHIER: APPLICANTS: Glenn Martin & Deborah Rodeghier LEGAL DESCRIPTION: Lot 7A of Blk 2 of Whitewood Forest Addition in Section 21, T6N, R4E (legal shortened) VICINITY LOCATION: Lot line change SUMMARY: Revised lot ZONING: SRD.

Moved-Seconded (Rosenau-Ewing) to approve the preliminary & final plat for Glenn Martin & Deborah Rodeghier 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 7A of Blk 2 of Whitewood Forest Addition in Section 21, T6N, R4E (legal shortened) VICINITY LOCATION: Lot line change SUMMARY: Revised lot ZONING: SRD. Motion Carried.

PRELIMINARY & FINAL PLAT/ANDERSON: APPLICANT: Jason Anderson LEGAL DESCRIPTION: Tract 1A & 1B Story Lane S/D in 14, T5N, R4E (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots-adjust lot lines ZONING: PF.

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

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary & final plat for Jason Anderson 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 1A & 1B Story Lane S/D in 14, T5N, R4E (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised lots-adjust lot lines ZONING: PF. Motion Carried.

Commissioner Flanagan noted for the record that surveyors should include private driveways on plats.

PRELIMINARY & FINAL PLAT/ROEN & SCHULTES: APPLICANTS: Douglas & Tiffany Roen & Reinhart Schultes LEGAL DESCRIPTION: Tract R1 & Tract R4 being portions of Protection Lode MS 1929 & Placer 252 in 28, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Adjust lot lines ZONING: PF & SRD.

Moved-Seconded (Deibert-Flanagan) declaring that the plat for Douglas & Tiffany Roen & Reinhart Schultes meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary & final plat for Douglas & Tiffany Roen & Reinhart Schultes 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 R1 & Tract R4 being portions of Protection Lode MS 1929 & Placer 252 in 28, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Adjust lot lines ZONING: PF & SRD. Aye-Rosenau, Flanagan, Ewing and Sleep. Nay-Deibert. Motion Carried.

BOUNDARY/FINAL PLAT/GOLDEN REWARD MINING CO.: APPLICANT: Golden Reward Mining Co. LEGAL DESCRIPTION: Tract 4 Powder House Pass in Section 18, T4N, R3E. (Legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Boundary plat ZONING: PF.

Moved-Seconded (Flanagan-Sleep) declaring that the plat for Golden Reward Mining Co. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the boundary/final plat for Golden Reward Mining Co. 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 4 Powder House Pass in Section 18, T4N, R3E. (Legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Boundary plat ZONING: PF. Motion Carried.

CORRECTIVE/FINAL/MAITLAND PARTNERS: APPLICANT: Maitland Partners LEGAL DESCRIPTION: Lot 1, 12 & Well Lot Harley Estates in Section 19 & 20, T5N, R3E (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Correction of Final Plat ZONING: PF.

Moved-Seconded (Rosenau-Flanagan) to approve the corrective/final plat for Maitland Partners 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 1, 12 & Well Lot Harley Estates in Section 19 & 20, T5N, R3E (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Correction of Final Plat ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/MAYA JO'S BED & BREAKFAST: APPLICANT: Maya Jo's Bed & Breakfast, LLC. LEGAL DESCRIPTION: Lots 7A1 & 7A2 of the subdivision of Whangdoodle No 1 & No 2 MS 1845 Located in SW1/4 in Section 14 T4N, R3E. (Legal

shortened) VICINITY LOCATION: Strawberry Hill Lane SUMMARY: Remove lot line ZONING: PF.

Moved-Seconded (Ewing-Rosenau) declaring that the plat for Maya Jo's Bed & Breakfast, LLC. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Aye-Rosenau, Flanagan, Ewing and Sleep. Nay-Deibert. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary & final plat for Maya Jo's Bed & Breakfast, 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 7A1 & 7A2 of the subdivision of Whangdoodle No 1 & No 2 MS 1845 Located in SW1/4 in Section 14 T4N, R3E. (Legal shortened) VICINITY LOCATION: Strawberry Hill Lane SUMMARY: Remove lot line ZONING: PF. Motion Carried.

FINAL PLAT/BROWN: APPLICANTS: James & Linda Brown: LEGAL DESCRIPTION: Lot 85A of Tract M of Paradise Acres III in 17, 18, 19 & 20, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Remove lot line ZONING: PF. Moved-Seconded (Flanagan-Deibert) declaring that the plat for Tkach Family Revocable Trust/John Bey meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) declaring that the plat for James & Linda Brown meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the final plat for James & Linda Brown 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 85A of Tract M of Paradise Acres III in 17, 18, 19 & 20, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Remove lot line ZONING: PF. Motion Carried.

FINAL PLAT/NELSON & MAITLAND PARTNERS: APPLICANTS: Rolph & Lisa Nelson & Maitland Partners LEGAL DESCRIPTION: Lot 2A Revised & 2B Revised of Bellefish S/D, Section 20, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Revised lots ZONING: PF.

Moved-Seconded (Deibert-Ewing) to approve the final plat for Rolph & Lisa Nelson & Maitland Partners 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 2A Revised & 2B Revised of Bellefish S/D, Section 20, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Revised lots ZONING: PF. Motion Carried.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Commissioner Flanagan mentioned the idea of offering up to a \$10,000 grant from the severance tax interest for a specific project for the four libraries in the County if the need would arise. Commissioner Deibert stated he would like to have each library come in independently for the 2023 budget.

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

Bills: Ketzner, Jesse-\$256.12; Moser, Douglas-\$168.00; Rosenau, Brandon-\$168.00; A To Z Shredding-\$25.50; A&B Business, Inc Solutions-\$850.75; A&B Welding Supply-\$23.87; A&I Distributors-\$1,044.00; At&T Mobility-\$1,117.65; BH Pest Control-\$190.00; BH Pioneer-\$198.00; Barnaud Law Firm-\$457.20; Black Hills Chemical-\$719.31; Black Hills Energy-\$128.62; Bomgaars Supply-\$401.98; Bruemmer, Lynnel-\$2,044.40; Butler Machinery Co-\$115.47; Butte Electric Coop-\$107.47; Cdw Government-\$3,850.00; Century Business Products-\$249.19; Centurylink-\$248.03; Centurylink (Damage)-\$463.02; Coban Technologies-\$64.00; Convergint Technologies-\$1,027.52; Dakota Equipment Rental-\$3,400.69; Dale's Tire & Retread-\$87.00; Deadwood, City Of-\$1,647.96; Dept Of The Treasury-\$66,537.79; Diamond Medical Supply-\$63.30; Ecolab-\$156.42; Elevatus Architecture-\$120,087.05; Emergency Services

Marketing-\$3,240.00; Esri-\$4,500.00; Fastenal-\$6.07; Fisher Sand & Gravel-\$5,390.33; Foremost Promotions-\$97.62; Fox & Youngberg-\$179.30; Galls-\$136.19; Hartford-Priority Accounts-\$2,116.12; Heisler Hardware-\$8.58; Interstate Engineering-\$1,656.72; Jacobs Precision Welding-\$22.00; Joe's Windsheild Repair-\$50.00; Johner Gravel-\$28,358.95; Kansas Payment Center-\$6.00; Kennedy Pier Loftus & Reynolds-\$188.10; Kiesler's Police Supply-\$448.50; Kimball-Midwest-\$207.78; Knecht Home Center-\$53.74; Kosel, Joseph-\$401.86; Lead, City Of-\$359.93; Lead-Deadwood Sanitary-\$946.59; Lee, James-\$15.00; Leverington Funeral Home-\$1,450.00; Lincoln County-\$482.54; Matthew Bender & Company-\$384.31; McClure, Susan-\$480.00; Mcleod's Office Supply-\$719.56; Montana Dakota Utilities-\$2,503.33; Monument Health Network-\$1,198.56; Office Depot-\$40.46; Office Of Child Support-\$234.00; Pheasantland Industries-\$137.87; Phoenix Investigations-\$932.40; Pitney Bowes Global Financial-\$226.80; Queen City Rocket Lube-\$85.99; Quill-\$61.73; Ramkota Inn Pierre-\$154.00; Randy And Sons Welding-\$20.00; Safety Benefits-\$65.00; Sd Assn Of Co Comm-\$225.00; Sd Public Assur Alliance-\$1,060.48; Servall Towel & Linen-\$298.59; Sierra Design Vinyl Lettering-\$120.00; Sign Solutions Usa-\$1,517.74; Spearfish Auto Supply-\$830.22; Sterna, Laura-\$933.30; Sturdevant's Auto Parts-\$620.05; Sysco Montana-\$2,786.96; Transource Truck & Equip-\$119,500.00; Triple K Tire & Repair-\$8.00; Twin City Hardware & Lumber-\$704.52; Us Armor Corporation-\$846.00; Verizon Wireless-\$107.74; Watertree-\$82.80; Wells Plumbing & Farm Supp-\$27.26; Western Communication-\$57.72; Wex Bank-\$551.11; White's Canyon Motors-\$29.95; Wilen Dentistry-\$944.00; Yankton County-\$250.00; **Witness & Jurors:** \$782.08

ADJOURN: 11:42 a.m. There being no further business, Chairman Sleep adjourned the meeting. Motion Carried.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor