

LAWRENCE COUNTY COMMISSIONERS MEETING – September 28, 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 28, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert and Robert Ewing present. Commissioner Brandon Flanagan was available by video conferencing (GoToMeeting).

All motions were passed by unanimous vote, by all members present, unless stated otherwise. Roll call voting was used if any member voted in the negative pursuant to SDCL 1-25-1.5.

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

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 11:30 a.m. agenda item - Amended Master Plan/Keating Resources.

MINUTES: Moved-Seconded (Rosenau-Ewing) to approve the minutes of September 7, 2021 County Commission meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Ewing) to approve Caylor Benson as a full-time permanent Dispatcher I G3 at a base rate of \$20.04 an hour, effective September 13, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Chelsey Swanson as a part-time fill-in Correctional Officer I G1 at a base rate of \$19.26 an hour, effective September 28, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Laurie Greeley as a part-time fill-in Secretary I G3 at a base rate of \$19.90 an hour, effective September 28, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Monica Lucio as a full-time permanent Correctional Officer II G1 at a base rate of \$20.44 an hour, effective September 26, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Debra Corean as a full-time permanent Correctional Officer II G2 at a base rate of \$20.86 an hour, effective September 26, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Lisa Smith as a full-time temporary Correctional Officer II G2 at a base rate of \$20.86 an hour, effective September 26, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Vanessa Adrain as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective September 26, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Brianna Rommen as a full-time permanent Dispatch III G1 at a base rate of \$21.92 an hour, effective September 26, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Mary Kate Stevens as a full-time permanent Deputy II G3 at a base rate of \$27.19 an hour, effective September 26, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Stephen Muller as a full-time permanent Deputy II G3 at a base rate of \$27.19 an hour, effective September 26, 2021. Motion Carried.

STATE'S ATTORNEY: Moved-Seconded (Rosenau-Deibert) to approve the cell phone per diem of \$45.00 per month for Janelle Madsen, effective September 26, 2021. Motion Carried.

TREASURER: Moved-Seconded (Deibert-Rosenau) to approve Sarah Bailey as a full-time permanent Accounting Clerk G2 at a base rate of \$16.67 an hour, effective September 27, 2021. Motion Carried.

PUBLIC DEFENDER: Amber Richey, Public Defender Director, updated the Board on the recent resignation of Jennifer Utter. Richey stated she would be advertising to replace Utter.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Deibert-Ewing) to approve the travel request for Matthew McCroden to attend the Internal Affairs Investigations Class in Jamestown, ND from October 24-26, 2021. Motion Carried.

HIGHWAY: Moved-Seconded (Rosenau-Deibert) to approve the travel request for Allan Bonnema, John Bey and Cory Sheeler to attend the 36th Annual North Central Regional Roads Conference in Sioux Falls, SD from October 19-21, 2021 and provide a report upon return. Motion Carried.

RAFFLE REQUEST/NHCASA: Moved-Seconded (Rosenau-Deibert) to not object to the request to conduct a raffle for the Northern Hills CASA, with the drawing taking place October 28, 2021. Motion Carried.

WESTERN INTERSTATE REGION APPOINTMENT: Chairman Sleep reported that Commissioner Deibert was elected to the Western Interstate Region. Western Interstate Region is a NACO regional affiliate dedicated to the promotion of western interests and advocate for public policy issues affecting the west.

.GOV DOMAIN REGISTRATION: Moved-Seconded (Rosenau-Sleep) to authorize the chairman to sign the .Gov Domain Registration. Motion Carried.

SHERIFF:

SHERIFF'S REPORT: Brian Dean, Sheriff, gave an update on the upcoming Motorola Solutions radio communications equipment. Dean stated that in order to get the incentive benefits he is requesting permission to sign a letter authorizing Motorola Solutions to order the communications equipment. Dean stated this equipment is all part of the P25 upgrades budgeted for in 2022.

Moved-Seconded (Rosenau-Ewing) to authorize Brian Dean, Sheriff, to sign the letter authorizing Motorola Solutions to place an order for the communications equipment for the purchase price of \$88,888.25. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to authorize Brian Dean, Sheriff, to sign the amended letter authorizing Motorola Solutions to place an order for the communications equipment for the purchase price of \$388,162.00. Motion Carried.

VALUE REAL PROPERTY/AUTHORIZE SURPLUS REAL PROPERTY FOR PUBLIC

SALE: Daryl Johnson, John Frederickson and Bruce Outka declared that the 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) is valued at \$501.00, and Lot 65 of the Subdivision of M.S. #1914, S14 T5N R2E (1.04 acres more or less) (parcel #26800-01914-000-85) is valued at \$501.00 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) is valued at \$501.00 (pursuant to SDCL 6-13-2).

Moved-Seconded (Deibert-Ewing) to authorize public sale of 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) and set the bid opening for October 12, 2021 at 9:45 a.m. and authorize notice of sale to be published. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of September 15, 2021: **Deadwood Diesel #2 (dyed) 5500 gallons:** (prices per gallon) CBH Cooperative –\$2.599* **Deadwood Unleaded 6000 gallons:** (prices per gallon) CBH Cooperative –\$3.097* **Spearfish Diesel #2 (dyed) 3400 gallons:** (prices per gallon) CBH Cooperative –\$2.599* **Spearfish Unleaded 800 gallons:** (prices per gallon) CBH Cooperative –\$3.097* *Represents accepted quote.

PERMITS:

BUTTE ELECTRIC: Moved-Seconded (Deibert-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric to bore under Hillsvie Road approximately 60 ft. from the corner of Hillsvie and Homestake Road for construction of power line beginning in Section 31 T7N, R2E and ending in Section 31, T7N, R2E. Motion Carried.

HALSTEAD: Moved-Seconded (Deibert-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Paula Halstead to construct a private approach on the west side of Hillsvie Road approximately 80' north from the Homestake Road intersection on Hillsvie Road. Motion Carried.

FERRIS: Moved-Seconded (Ewing-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the commercial approach permit for Guy Ferris to construct a commercial approach on the north side of Old US 14. Abstain-Deibert. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the North Rochford Road Overlay Project Phase 4, Maitland Road Grading and Paving Project, Old Highway 14, Vanocker Canyon Road and St. Onge Road.

PLANNING & ZONING:

CHANGE OF ZONING #346/FRONTGATE HOLDINGS, LLC.: Second Reading 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 and he will be abstaining from the vote.

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

Moved-Seconded (Rosenau-Flanagan) to approve 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. Abstain-Deibert. Motion Carried.

ORD #21-03/FIRE PLAN REVISIONS: Second Reading 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.

Commissioner Deibert voiced his concern with certain aspects of the fire mitigation plan process.

Moved-Seconded (Rosenau-Flanagan) to approve 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. Aye-Rosenau, Flanagan, Ewing and Sleep. Nay-Deibert. Motion Carried.

ORD #2021-02/AN ORDINANCE REPEALING CERTAIN OBSOLETE COUNTY

ORDINANCES: First reading was held on ORD #2021-02, An Ordinance Repealing Certain Obsolete County Ordinances.

Brenda McGruder, Auditor, Krystal Stulken, Deputy Auditor, and Bruce Outka, Commission Assistant, presented the following ordinances to be repealed to include, Abandoned and Junk Vehicle Ordinance adopted June 23, 1982, Junk Ordinance adopted February 27, 1985 and Revised on April 5, 1988, Litter Ordinance adopted May 24, 1995, Black Hills Airport Minimum Standards Ordinance adopted October 12, 2010, Rules and Regulations for Black Hills Airport/Clyde Ice Field Ordinance adopted October 12, 2010 and amended September 25, 2012 and Airport Board Ordinance adopted July 25, 1984 and amended March 28, 1990, January 12, 1994; February 28, 1996; January 4, 2000; June 29, 2010, and January 14, 2013.

Second Reading will be held on October 12, 2021 at 8:25 a.m.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #458/SAWYER: A public hearing was held on Conditional Use Permit #458 APPLICANT: Grant Sawyer LEGAL DESCRIPTION: Tract D and H of Nemo placer No 1368 all located in NW ¼ of Section 27, T3N, R5E Section 27 all T7N, R2E VICINITY LOCATION: Nemo SUMMARY: CUP for 4-8 campsites for horse camping with private hookups and corrals ZONING: PF ACREAGE: 8 acres.

Amber Vogt, Planning & Zoning Administrator, presented her staff report. Vogt acknowledged emails received from Bruce Keller and Traci Rambo and Kaylee Peel.

Grant Sawyer, applicant, gave an overview of the history of Nemo and his connection to the community and the proposed land uses to include 8 RV sites, 8 Tent sites and 1 rental cabin. Sawyer addressed the issue with Kevin & Tammy Hilger who lease his property for trail rides currently.

Troy Saye, 12737 Guest Ranch Loop, Nemo, voiced his concerns with the logistics to include, water, sewer, electrical and the drop in the horse business in the area due to the increase of the ATV/UTV traffic.

Jan Kaberna, 12776 Nemo Road, Nemo, voiced her concern with all of the CUP's in the Nemo area. Kaberna stated that there are 9 residents that live year around in the area of the CUP. Kaberna stated that she has a horse business and at present there has been a decrease in business due to logging and ATV traffic and her business has dropped by 85%.

Traci Rambo, 12737 Nemo Road, Nemo, stated she gets calls from guests asking if they can bring their horse and looks forward to having a place for them.

Troy Saye requested the Board to do an onsite of the property. Traci Rambo requested a review of the Nemo Guest Ranch be done as well.

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

Commissioner Deibert suggested several changes and additions to the proposed conditions to include UTV/ATV use, overgrazing & weed control and fire and emergency management. Deibert addressed the sewer plan and internal traffic patterns.

Grant Sawyer addressed the overgrazing and weed control.

The board discussed the changes and additions to the proposed conditions.

Moved-Seconded (Deibert-Sleep) to continue Conditional Use Permit #458. APPLICANT: Grant Sawyer LEGAL DESCRIPTION: Tract D and H of Nemo placer No 1368 all located in NW ¼ of Section 27, T3N, R5E Section 27 all T7N, R2E VICINITY LOCATION: Nemo SUMMARY: CUP for 4-8 campsites for horse camping with private hookups and corrals ZONING: PF ACREAGE: 8 acres to October 12, 2021. Motion Carried.

FRED ENNING PLAT/FIRE PLAN OPTIONS: Fred Enning was present to discuss options for platting and fire plan. Enning agreed to revise his plat and resubmit it to the Planning & Zoning Board.

POWDER HOUSE PASS QUARTERLY UPDATE: Amber Vogt, Planning & Zoning Administrator, presented the 3rd quarter update from Powder House Pass provided by Joel Dykstra on September 20, 2021.

APPLE SPRINGS QUARTERLY UPDATE: Amber Vogt, Planning & Zoning Administrator, presented an update from Apple Springs in reference to the WWTP Capacity Facility provided by Mike Short on September 19, 2021.

ALCOHOLIC BEVERAGE LICENSES: A public hearing was held on the application for a transfer of a 2021 liquor license. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Deibert) to transfer the following liquor licenses for 2021. Motion Carried. **RETAIL AND SUNDAY ON-SALE LIQUOR LICENSE PREVIOUS LICENSE:** BOULDER CANYON COUNTRY CLUB, Golf Course Tract 1 Section 14, T5N, R4E of the BHM, Apple Springs S/D Back Nine Tract 1, 2, 3 and 4 **TRANSFER TO:** BOULDER CANYON MANAGEMENT LLC, Golf Course Tract 1 Section 14, T5N, R4E of the BHM; and Apple Springs S/D Back Nine Tract 1, 2, 3 and 4; and Golf Course Tract 1 & Golf Course Tract 2 A subdivision of Lot D Revised of the SW ¼ of NW ¼ of Section 13 and a subdivision of the East ½ of the NE ¼ of Section 14 Less the previously platted R.O.W. all located in T5N R4E BHM; and Apple Springs Tract Located in NE1/4 NW1/4 Less ROW; Unplatted Balance of W1/2 NE1/4 lying north of US HWY 14-A ROW; Unplatted Balance SE1/4 NW1/4 lying north of US HWY 14-A ROW; of Section 14, T5N R4E BHM and SE1/4 SW1/4; N1/2 SW1/4; E1/2 NW1/4; SW1/4 NW1/4; Unplatted Balance of the SW1/4 SW1/4 of Section 11, T5N R4E BHM.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: At 11:45 a.m. a Public Meeting was held on the five-year Lawrence County Highway and Bridge Improvement Plan. Twenty members from the public attended the meeting and public input was given.

Allan Bonnema, Highway Superintendent, presented and reviewed the proposed five-year County Highway and Bridge Improvement Plan with the Commissioners and those in attendance from the public.

Chairman Sleep stated that the document is just a plan and not set in stone.

Moved-Seconded (Ewing-Rosenau) to add paving of Maitland Road from Christensen Drive south to Forest Park Lane to the five-year plan. Motion withdrawn (Ewing-Rosenau)

Bonnema discussed several paving section options for Maitland Road from Christensen Drive south to Forest Park Lane.

Moved-Seconded (Ewing-Rosenau) to move the asphalt mill and overlay on Westview Drive to 2024 per the recommendation of the Highway Superintendent and add 1 more mile of Maitland Road from Christensen Drive south to Talon Road to 2022 with the preparation work being done by the Highway department. Aye-Ewing and Rosenau. Nay-Deibert, Flanagan and Sleep. Motion Failed.

Moved-Seconded (Deibert-Rosenau) to add paving Maitland Road from Christensen Drive south to Forest Park Lane to the 2024 paving schedule. Aye-Rosenau, Deibert, Ewing and Flanagan. Nay-Sleep. Motion Carried.

Jane Lockwood, 3734 Maitland Road, Spearfish, read a statement which is on file in the Auditor's Office.

Moved-Seconded (Deibert-Sleep) to move asphalt mill and overlay on Nemo Road from Merritt Estes Road N & W to Tomahawk Ranch to 2025. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to approve the amended Five-Year County Highway and Bridge Improvement Plan with the modifications discussed above and to authorize the Chairman to sign the certification with the added proviso and understanding that the schedule is subject to

change and is further subject to funding availability. Aye-Rosenau, Deibert, Ewing and Flanagan. Nay-Sleep. Motion Carried.

ADOPTION OF 2022 BUDGET RESOLUTION #2021-27: Moved-Seconded (Rosenau-Deibert) to adopt the 2022 Annual Budget as amended and approve the following Resolution #2021-27. Aye-Rosenau, Deibert, Flanagan and Ewing. Nay-Sleep. Motion Carried.

RESOLUTION #2021-27 ADOPTION OF ANNUAL BUDGET FOR LAWRENCE COUNTY, SOUTH DAKOTA WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto. NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR LAWRENCE COUNTY, SOUTH DAKOTA and all its institutions and agencies for calendar year beginning January 1, 2022 and ending December 31, 2022 and the same is hereby approved and adopted by the Board of County Commissioners of Lawrence County, South Dakota, This 28th day of September, 2021. The annual budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Lawrence County South Dakota. The accompanying taxes are levied by Lawrence County for the year January 1, 2022 through December 31, 2022.

APPLIED CASH	-1,148,830	
VALUATION-GENERAL	2,973,435,529	
VALUATION-FIRE	1,524,896,478	
FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	12,113,184	4.074
FIRE PROTECTION	107,050	.070
TOTALS	12,220,234	4.144

DATED at Deadwood, South Dakota, this 28th day of September 2021. BOARD OF COUNTY COMMISSIONERS OF LAWRENCE COUNTY, SD. Richard Sleep, Chairman, Randall Rosenau, Randy Deibert, Robert Ewing and Brandon Flanagan. ATTEST: Brenda McGruder, County Auditor.

Patty Brown, Deadwood Library Director, thanked the Board for the change from 30% to 10% reduction in the library budget and appreciates the support.

Commissioner Sleep feels there are some area of the budget that could be changed.

PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/ ADVENTURE ESTATES, LLC.:

A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: Proposed section line right of way vacation located in Lots 12 & 14 of Aventure Estates a Subdivision of Tract A of Aventure Estates Consisting of the Emery No. 5 Lode of M.S. 1856, Hawkeye No. 4 Lode, Tom Lode, Tamarack No. 2 Lode, Hawkeye No. 1 Lode, and Portions of Little Blossom Lode and Hawkeye No. 2 Lode of M.S. 1356, all located in Sections 11 and 12, T4N, R2E, B.H.M., Lawrence County, South Dakota.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2021-30 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line.

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

Moved-Seconded (Ewing-Rosenau) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2021-30 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2021-30 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: Proposed section line right of way vacation located in Lots 12 & 14 of Aventure Estates a Subdivision of Tract A of Aventure Estates Consisting of the Emery No. 5 Lode of M.S. 1856, Hawkeye No. 4 Lode, Tom Lode, Tamarack No. 2 Lode, Hawkeye No. 1 Lode, and Portions of Little Blossom Lode and Hawkeye No. 2 Lode of M.S. 1356, all located in Sections 11 and 12, T4N, R2E, B.H.M., Lawrence County, South Dakota AFFECTING THE LANDOWNERS: Aventure Estates, LLC Dated this 28th 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 28th, 2021. Dated at Deadwood, South Dakota, the 28th day of September, 2021. Brenda McGruder, Lawrence County Auditor.

PLANNING & ZONING:

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 answer questions on behalf of the developer. Heikes pointed out that average size of a majority of the lots is 1 unit per 4 acres and all the road grades were reduced to 14% or less.

Commissioner Flanagan asked if the list of items that were requested by the Commission had been addressed. Vogt stated that all the items were addressed.

Deer Mountain Sanitary District will serve the area with water.

Moved-Seconded (Flanagan-Rosenau) to approve 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, and authorize the Chairman to sign the General Development Agreement upon review by legal counsel. Motion Carried. Abstain-Deibert

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an introduction to the upcoming expert presentations from Tony Vie, Elevatus Architecture, and Tobin Morris, Collier Securities LLC.

Tony Vie stated that the purpose of the visit was to give a project status update and to ask for approval to move to the design development phase. Vie presented the current floor plan and current construction cost estimate. Vie discussed the possibility of bid alternates for certain project elements at the time of bidding.

Moved-Seconded (Rosenau-Deibert) to allow Elevatus Architecture to move forward with the Design Development phase of the project. Motion Carried.

Sheriff Dean commented that Covid has created a paradoxical environment: construction costs are high for those wishing to build, while interest rates are very low for borrowers. Dean added that even though project costs are presently estimated to be higher than anticipated, it is expected that

locking in at a low interest will result in savings to the taxpayers and that the maximum amount authorized in the opt-out will not be needed.

Tobin Morris, Collier Securities LLC., gave an overview of the public financing process, and how interest rates effect the amount available for project funding.

Moved-Seconded (Ewing-Deibert) to authorize Tobin Morris, Collier Securities LLC., to deposit \$43,000,000.00 into the Public Safety & Services Center construction fund. Motion Carried.

ROBERT W. BAIRD & CO INC. /PROJECT UNDERWRITING: Moved-Seconded (Deibert-Rosenau) to authorize the Chairman to sign the letter accepting Robert W. Baird & Co. Incorporated to serve as sole managing underwriter for Lawrence County, South Dakota with the amendment to read 0.7% of certificates issued. Motion Carried.

COLLIERS SECURITIES MUNICIPAL ADVISOR AGREEMENT: Moved-Seconded (Deibert-Ewing) to authorize the Chairman to sign the Colliers Securities Municipal Advisor Agreement between Lawrence County and Colliers Securities, LLC. Motion Carried.

BLACK HILLS COUNCIL OF LOCAL GOVERNMENTS: Jennifer Sietsema, Executive Director, was present to give an overview of services offered by Black Hills Council of Local Governments.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Chairman Sleep and Commissioner Deibert reported on the County Convention that was held in Rapid City, SD on September 13-14, 2021.

BILLS: Moved-Seconded (Rosenau-Ewing) 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-\$11,615.57; Treas-\$13,867.85; States Atty-\$18,010.98; Pub Def-\$13,298.44; Gen Govt Bldg-\$10,047.48; Equal-\$14,060.82; Rod-\$9,059.57; Vso-\$1,736.20; Ist-\$9,810.25; Sher-\$53,784.48; Jail-\$30,395.25; Coroner-\$301.16; 24/7-\$442.02; Emerg Mgnt-\$4,660.01; E911-\$20,212.35; Highway-\$47,086.08; Weed-\$4,215.88; P&Z-\$6,294.78; **Bills:** Leatherman, Debra-\$34.44; Larson, Rene-\$122.00; Sprenger, Janette-\$12.60; Reindl, Staci-\$77.28; Pisani, Benjamin-\$200.00; A To Z Shredding-\$40.23; A&B Business,Inc Solutions-\$3,456.45; A&I Distributors-\$901.40; Ace Hardware-\$47.24; Alpine Impressions-\$39.00; Applied Concepts-\$290.00; At&T Mobility-\$384.36; Audra Hill Consulting-\$754.34; BH Occupational Medicine-\$35.00; BH Pioneer-\$1,250.33; BH Wilbert Vault Co-\$480.00; Big Sky Communications-\$276.00; Black Hills Ammunition-\$296.31; Black Hills Chemical-\$1,410.04; Black Hills Energy-\$14,449.47; Black Hills Pure-\$37.50; Black Hills Urgent Care-\$275.00; Bob Barker Company-\$55.88; Bomgaars Supply-\$116.90; Brownsville Fire Dept-\$5,021.67; Bruemmer, Lynnel-\$604.00; Butler Machinery Co-\$83.76; Butte Electric Coop-\$340.74; Cbh Cooperative-\$51,487.83; Century Business Products-\$318.28; Centurylink-\$337.90; Chadams-\$375.00; City Of Rapid City-\$2,720.00; Clinical Lab Of BH-\$5,218.00; Coban Technologies-\$918.00; Cornelius, Kaylee-\$660.00; Dakota Equipment Rental-\$1,100.20; Deadwood Vol Fire Dept-\$16,047.70; Deadwood, City Of-\$257.98; Dept Of Hlth Lab Services-\$980.00; Dept Of The Treasury-\$64,429.90; Diamond Medical Supply-\$133.07; Diamond Pharmacy-\$3,453.31; Dolan Consulting Group-\$195.00; Dustbusters-\$38,719.41; Ferber Engineering Comp-\$5,283.75; Fidler-Isburg Funeral Chapel-\$1,420.00; Fisher Sand & Gravel-\$67,747.88; Galls-\$636.01; Geigle, Jd-\$122.00; Hawki, Ken-\$122.00; Interstate Engineering-\$15,418.88; Janke, Wendy-\$3,480.00; Kansas Payment Center-\$6.00; Kinney Law-\$2,477.22; Kirschenmann, Kevin-\$100.00; Knecht Home Center-\$16.30; Kosel, Joseph-\$7,976.42; LC Conservation Dist-\$5,000.00; LC Treasurer-\$37.40; Lakota Contracting-\$293.90; Language Line Services-\$97.65; Lead Fire Protection District-\$19,471.07; Lee, James-\$15.00; Lexisnexis Risk Data Mgnt-\$75.00; Midcontinent Communications-\$151.01; Montana Dakota Utilities-\$2,701.61; Monument Health Network-\$1,597.48; Monument Health Rc Hospital-\$922.00; Ms Mail-\$585.00; Nalco Company-\$297.70; Nelson, Christy-\$600.00; Nemo Volunteer Fire Dept-\$1,591.60; Newman Signs-\$7,431.23; North Central Int'l-\$1,350.31; Office Depot-\$499.80; Office Of Child Support-\$234.00; Pennington Co Jail-\$939.82; Pharmchem-\$314.05; Pitney Bowes Global Financial-\$802.35; Powerplan-\$372.30; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$412.43; Quill-\$670.56; Rabe Elevator-\$2,605.86; Rasmussen Mechanical Serv-\$708.88; Rochford Fire Protection Dist-

\$838.63; Sacrison Asphalt-\$161.70; Sara J Fitzgerald-\$687.00; Schlimgen Law Firm-\$869.35; Sdrs Supplemental Retirement-\$3,182.50; Selby's-\$244.80; Semerad, Sandra-\$156.40; Servall Towel & Linen-\$598.49; Simon North Region Sd-\$932,337.20; Spearfish Auto Supply-\$277.54; Spearfish Canyon Fire-\$2,382.51; Spearfish Electric & Heating-\$25.00; Spearfish Fire Dept-\$56,728.07; Spearfish Glass-\$219.39; Spearfish Police Dept-\$10,590.18; St Onge Fire Protection Dist-\$1,767.35; Staples-\$427.33; Stolle, Tammy-\$10.20; Sturdevant's Auto Parts-\$117.03; Sturgis Fire Department-\$3,889.35; Sunshine Towing&Transport-\$522.50; Sysco Montana-\$3,350.10; Thomson Reuters-West-\$945.08; Transource Truck & Equip-\$164.24; Triple K Tire & Repair-\$817.48; Turnkey Corrections-\$17.42; Twin City Hardware & Lumber-\$471.56; Tyler Technologies-\$449.00; Vast Broadband-\$1,949.29; Victims Of Violence-\$1,635.00; Waste Connections-\$972.33; Wells Fargo Business Card-\$8,747.93; Wells Plumbing & Farm Supp-\$1,015.68; Western Communication-\$28.50; Western Sd Juvenile Serv-\$9,620.00; White Drug-\$319.61; White's Canyon Motors-\$140.21; Whitewood Fire Prot. District-\$8,768.82; **Witness & Jurors:** \$1,291.00.

ADJOURN: 1:17 p.m. There being no further business, Chairman Sleep adjourned the meeting. Motion Carried.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor