

LAWRENCE COUNTY COMMISSIONERS MEETING – October 6, 2020 page-1

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 October 6, 2020 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Daryl Johnson, Richard Sleep and Randy Deibert.

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

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

DECLARE CONFLICTS AND DISCLOSURES: Commissioner Deibert declared a conflict with the 8:00 a.m. General Business-Amended Agreement for Improvement to Section Line Highway (Re: Black Hills Forest Acres, LLC.) and 8:30 a.m. Highway Business-approach permit.

MINUTES: Moved-Seconded (Rosenau-Sleep) to approve the minutes of September 22, 2020 County Commission meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of September 30, 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)-\$108,350.15; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,431.77; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$12,816,442.311; money market \$11,955,075.85. Total \$24,885,510.08. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Deibert-Sleep) to approve the automatic supplement of \$7,392.59 to the Sheriff Travel budget for reimbursement for vehicle damage. Motion Carried.

AMENDED AGREEMENT FOR IMPROVEMENT OF SECTION LINE

HIGHWAY/BLACK HILLS FOREST ACRES, LLC: Moved-Seconded (Johnson-Rosenau) to authorize the Chairman to sign the Amended Agreement for Improvement to Section Line Highway between Black Hills Forest Acres, LLC and Lawrence County fixing a typographical error that stated 1,240.60 instead of 1,240.66 in the agreement that was signed on December 11, 2018. Motion Carried. Abstain-Randy Deibert

ABATEMENTS:

Moved-Seconded (Johnson-Rosenau) to approve the abatement for Curtis M. & Danette L. Bauer on parcel #08000-00303-161-00 for 2020 taxes payable in 2021 moving the improvements from the original parcel to the newly platted parcel. Motion Carried.

SURPLUS:

HP DESIGNJET T770 PLOTTER: Moved-Seconded (Deibert-Sleep) to declare HP Designjet T770 Plotter SN #CN9970H00J surplus and allow for trade-in. Motion Carried.

SHERIFF:

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, and Bruce Outka, Deputy State's Attorney, gave an update on the Public Safety and Service center programming and due diligence on land purchase. Outka will report back with a closing date on the land purchase.

GENERAL GOVERNMENT BUILDINGS:

HVAC SYSTEMS: Tim Agena, General Government Buildings, presented a quote to update both WEB 600 controllers to N4 Jace in the Annex and Courthouse buildings and to install GPS product on HVAC equipment.

Moved-Seconded (Rosenau-Deibert) to proceed with the update to both WEB 600 controllers to N4 Jace in the Annex and Courthouse buildings and to install GPS product on HVAC equipment with a completion date no later than December 29, 2020. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of September 23, 2020:

Spearfish Diesel #2 (dyed) 2500 gallons: (prices per gallon) CBH Cooperative –\$1.561*; Harms Oil Co-No Bid; MG Oil-No Bid. **Spearfish Unleaded 1200 gallons:** (prices per gallon) CBH Cooperative –\$2.169*; Harms Oil Co-No Bid; MG Oil – No Bid. *Represents lowest quote awarded.

PERMIT:

THOMPSON: Colin Thompson was present to request a private approach permit on the west side of Frontier Loop west entrance from Jackson road located approximately ½ mile south of Jackson road or 2700 feet south of Jackson road. Thompson stated that an 18” culvert would be used.

Commissioner Sleep stated that the Thompsons and owners within the adjacent subdivision should work out road maintenance issues amongst themselves.

No action was taken on the approach permit as Frontier Loop is not a county road.

AGREEMENT FOR USE AND RESTORATION OF DETOUR: Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the agreement for use and restoration of detour between the City of Spearfish and Lawrence County with the addition that the County is notified of the closing and the number of days so the public can be notified. Motion Carried. Aye-Johnson, Sleep, Rosenau and Flanagan. Nay-Deibert.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: Moved-Seconded (Rosenau-Johnson) to approve the Five-Year County Highway and Bridge Improvement Plan and authorize the Chairman to sign the certification. Motion Carried.

HIGHWAY AUTHORITY/PLAT: Allan Bonnema, Highway Superintendent requested guidance from the Board as to whether he should sign as Highway Authority on the preliminary plat of Tract P of Elkhorn Ridge Addition to the City of Spearfish, located in the SE1/4 of Section 15, T6N, R3E, B.H.M., Lawrence County, South Dakota.

Moved-Seconded (Deibert-Johnson) to authorize Allan Bonnema, Highway Superintendent to sign as the Highway Authority on the preliminary plat of Tract P of Elkhorn Ridge Addition to the City of Spearfish, located in the SE1/4 of Section 15, T6N, R3E, B.H.M., Lawrence County, South Dakota with the note added stating any approaches or access to the Highway or Street will require additional approval. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Whitewood Valley bridge, Doresett Road bridge, Nemo bridge and paving and patching projects.

HIGHWAY/OUT-OF-CLASS PAY: The Commission continued discussion of the out-of-class pay policy. It was determined that a change to the personnel manual was needed.

PLANNING & ZONING:

ORDINANCE #20-01/EDDY: Second Reading was held on ORD #20-01, APPLICANT: Lee Eddy LEGAL: Countywide SUMMARY: Add Light Manufacturing when contained entirely in a building with size constraints to the A-1 General Agriculture District and A-2 Residential Agriculture.

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

Moved-Seconded (Deibert-Flanagan) to approve ORD #20-01, 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: Lee Eddy LEGAL: Countywide SUMMARY: Add Light Manufacturing when contained entirely in a building with size constraints to the A-1 General Agriculture District and A-2 Residential Agriculture. Motion Carried. Aye-Johnson, Deibert, Rosenau and Flanagan. Nay-Sleep

Commissioner Sleep stated he feels this should be done after the comprehensive plan is approved.

COMPREHENSIVE PLAN UPDATE: Amber Vogt, Planning & Zoning Administrator, gave an update on the Comprehensive plan. Vogt stated that a special meeting with the Planning & Zoning Commission is scheduled for October 8, 2020 to go over the final draft that will be presented to

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the public. Public Meetings are as follows: Online Zoom Meetings-Tuesday, October 13th 6:30 - 8:00 pm - Meeting ID: 861 9089 6906 | Password: 541550, Thursday, October 15th 12:00 - 1:30 pm - Meeting ID: 822 3655 3906 | Password: 846344 Go to www.zoom.com and click “Join a Meeting” (top right) -> enter the Meeting ID and Password provided above. Phone call-in options also available by contacting the Lawrence County Planning & Zoning office at (605) 578-3871 during normal business hours. In-Person Meetings-Wednesday, October 14th 12:00 - 1:30 pm & 4:00 - 7:00 pm - Deadwood at The Lodge (100 Pine Crest Lane). CDC recommendations for COVID-19 safety to be followed.

NUISANCE COMPLAINT UPDATE: Jeff Schroeder, Deputy Code Enforcement Officer, gave an update on the Stafford nuisance complaints.

PUBLIC HEARING UPDATE/VMC, LLC.: Amber Vogt, Planning & Zoning Administrator, gave an update on the public hearing for Conditional Use Permit #453 for VMC, LLC. held on October 1, 2020 at 10:30 a.m. at The Lodge at Deadwood. Vogt stated that the Planning & Zoning Commission voted to deny the Conditional Use Permit #453 for VMC, LLC with a vote of 5-0 with 2 abstaining. The County Commission have 46 days to take action. A public hearing will be held on November 10, 2020 at 1:30 p.m. with location to be announced at a later date.

PLATS:

PRELIMINARY PLAT/WINTER: APPLICANT: David Winter dba Winter Construction
LEGAL DESCRIPTION: Revised preliminary plat of Tracts A2, A3 and A4 of Majestic Estates and lots 1 thru 25 and Well Lot of Tract A4 of Majestic Estates; consisting of a portion of tract a of Majestic Estates outside the city limits, a portion of Tract 3 of Carlisle-Miller Subdivision, being a portion of the Splittail Placer of M.S. 920, portions of the Deadwood and Delaware Placers of M.S. 685 and the remainder of the Thor and Sawdust Placers of M.S. 1208; the Pilot Knob Fraction, Cotton and Unruh Lodes of M.S. 1447; lot 2 of the remainder of the Columbia Placer of M.S. 1208 and Mineral Survey No. 788 consisting of the Dale Placer; all located in the SE1/4 and NE1/4 of Section 23, the NE1/4, NW1/4, SW1/4 and SE1/4 of Section 24 and the NE1/4 and NW1/4 of Section 25, T5N, R3E, B.H.M., Lawrence County, South Dakota
VICINITY LOCATION: Boulder Canyon SUMMARY: New Lots ZONING: PF ACREAGE: See plat for acreages. Continue to October 20, 2020 Commission Meeting.

FINAL PLAT/WINTER: APPLICANT: David Winter LEGAL DESCRIPTION: Plat Of Tracts A2, A3 And A4 Of Majestic Estates; consisting of a portion of Tract A of Majestic Estates outside the city limits, a portion of Tract 3 of Carlisle-Miller Subdivision, being a portion of the Splittail Placer of M.S. 920, portions of The Deadwood And Delaware Placers Of M.S. 685 and the remainder of the Thor and Sawdust Placers Of M.S. 1208; the Pilot Knob Fraction, Cotton and Unruh Lodes of M.S. 1447; Lot 2 of the remainder of the Columbia Placer of M.S. 1208 and Mineral Survey No. 788 consisting of the Dale Placer; all located in The SE1/4 and NE1/4 Of Section 23, the NE1/4, NW1/4, SW1/4 and SE1/4 of Section 24 and the NE1/4 and NW1/4 of Section 25, T5N, R3E, B.H.M., Lawrence County, South Dakota VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF ACREAGE: See plat for acreages. Continue to October 20, 2020 Commission Meeting.

FINAL PLAT/WINTER: APPLICANT: David Winter LEGAL DESCRIPTION: Plat of Lots 2A 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 2A (5.16 acres). Continue to October 20, 2020 Commission Meeting.

PRELIMINARY & FINAL PLAT/MCKEE: APPLICANTS: Richard & Jody McKee LEGAL DESCRIPTION: Plat of Tract A of Benjamin Taylor HES 98, located in Section 15, 16, 21, and 22 of T3N, R5E (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: New for second residence ZONING: PF ACREAGE: Tract A (3.200 acres).

Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for Richard & Jody McKee conditioned upon the contours being added where needed, and 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 Tract A of Benjamin Taylor HES 98, located in Section 15, 16, 21, and 22 of T3N, R5E (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: New for second residence ZONING: PF ACREAGE: Tract A (3.200 acres). Motion Carried.

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Moved-Seconded (Deibert-Rosenau) to approve the final plat for Richard & Jody McKee based upon the legal at the Register of Deeds office, 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 Tract A of Benjamin Taylor HES 98, located in Section 15, 16, 21, and 22 of T3N, R5E (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: New for second residence ZONING: PF ACREAGE: Tract A (3.200 acres). Motion Carried.

FINAL PLAT/LARSON & TRUCANO NOVELTY, INC: APPLICANTS: Deidra Larson and Trucano Novelty, Inc. LEGAL DESCRIPTION: Tract C, being a portion of Crystal M.S. 2058 and Tract GH2, being a portion of Crystal M.S. 2058 and all of Gold Hill No. 1 M.S. 1677 and a 66' dedicated public access and utility easement located in the SW ¼ of Section 18 and NW ¼ of Section 19, T5N, R3E East, Section 18, T6N, R4E VICINITY LOCATION: Maitland SUMMARY: Lot line revisions ZONING: PF ACREAGE: Tract C (3.567 acres) Tract GH2 (18.705 acres).

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Deidra Larson and Trucano Novelty, Inc. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the final plat for Deidra Larson and Trucano Novelty, Inc. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Tract C, being a portion of Crystal M.S. 2058 and Tract GH2, being a portion of Crystal M.S. 2058 and all of Gold Hill No. 1 M.S. 1677 and a 66' dedicated public access and utility easement located in the SW ¼ of Section 18 and NW ¼ of Section 19, T5N, R3E East, Section 18, T6N, R4E VICINITY LOCATION: Maitland SUMMARY: Lot line revisions ZONING: PF ACREAGE: Tract C (3.567 acres) Tract GH2 (18.705 acres). Motion Carried.

ZONING VIOLATION COMPLAINT/NEMO GUEST RANCH: Bruce Outka, Deputy State's Attorney, stated that he had been notified that additional campsites have been added at the Nemo Guest Ranch. Susan O'Dea, 12732 Troxell Street, verified the extra sites and voiced her concern with the increase traffic due to more and more campsites being added to the Nemo Guest Ranch. O'Dea stated that since the trail system was put in the ATV traffic has increased as well. O'Dea added that Troxell Street was not designed for commercial use. O'Dea presented pictures of water that is being pumped from one well to another, noting that there is not enough water to support all the campsites.

Commissioner Flanagan stated the expansion to the campground outside of its existing boundaries would be a zoning violation.

Vogt stated that a campground is not an allowed use in the Suburban Residential zoning district and a development plan is needed.

EXECUTIVE SESSION: 10:28 a.m. Moved-Seconded (Deibert-Rosenau) to go into executive session pursuant to SDCL 1-25-2(3). Motion Carried. 11:10 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Deibert-Rosenau) to have the relevant portion of Boxelder Forks Road surveyed for any improvements/encroachments from the Guest Ranch that may be in the right-of-way and to bring in outside legal counsel, Bob Morris, to oversee the process. Motion Carried.

BILLS: Moved-Seconded (Rosenau-Deibert) 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; Elect-\$424.58; Aud-\$11,591.70; Treas-\$12,739.81; States Atty-\$16,412.61; Pub Def-\$13,255.24; Gen Govt Bldg-\$9,677.80; Equal-\$15,828.84; Rod-\$8,882.78; Vso-\$1,736.20; Ist-\$9,661.45; Sher-\$51,148.46; Jail-\$24,769.37; Coroner-\$472.36; 24/7-\$202.32; Emerg Mgnt-\$4,650.41; E911-\$16,014.25; Highway-\$52,799.41; Weed-\$4,206.28; Ist-\$6,278.78; **Bills:** Tridle, Debora-\$80.00; McGruder, Brenda-\$80.00; Hansen, Davida-\$80.00; A&B Business, Inc Solutions-\$811.13; A&B Welding Supply-\$22.63; Ace Hardware Of Lead-\$43.35; At&T Mobility-\$737.95; BH Physical Therapy-\$200.00; Barnaud Law Firm Prof-\$262.25; Black Hills Energy-\$262.22; Butler Machinery Co-\$227.09; Butte Electric Coop-\$374.24; Cbh

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Cooperative-\$9,651.73; Cdw Government-\$8,142.02; Century Business Products-\$184.62; Centurylink-\$120.42; Charm-Tex-\$101.90; Cody, Denise-\$9.00; Cool Concepts Travel-\$393.00; Credit Collections Bureau-\$101.12; Dakota Equipment Rental-\$958.96; Deadwood, City Of-\$1,438.16; Dean Schaefer Court Reporting-\$84.00; Deepnet Security-\$760.19; Dept Of The Treasury-\$67,735.69; Federal Express Corp-\$27.38; Fidler-Isburg Funeral Chapel-\$2,340.00; Floyd's Truck Center-\$147.63; G&H Distributing Of Rc-\$298.64; Galls-\$1,596.49; Grimm's Pump Service-\$15.81; Hartford-Priority Accounts-\$2,133.04; Heartland Paper Co-\$897.15; Interstate Batteries-\$136.95; Janke, Wendy-\$1,424.00; Joe's Windsheild Repair-\$315.00; Karen Paige Hunt, Prof-\$54.70; Katterhagen, Mark-\$9.00; Kennedy Pier Loftus & Reynolds-\$155.20; Kruse Law Office-\$442.60; LC Conservation Dist-\$5,000.00; Lead, City Of-\$49.85; Lead-Deadwood Sanitary-\$797.63; Lee, James-\$15.00; Lewno, Lucy-\$146.50; Mack's Auto Body-\$9,701.80; Mcleod's Office Supply-\$68.13; Mg Oil Company-\$7,464.75; Montana Dakota Utilities-\$1,434.29; Ms Mail-\$475.00; Murphy Law Office-\$212.10; Nebraska Salt & Grain-\$13,615.20; Northwest Pipe Fitt-\$59.34; Office Of Child Support-\$401.54; Pcs0 Addiction Treatment-\$226.00; Pennington County Sts Attny-\$215.00; Quill-\$1,235.17; Radiology Associates-\$269.18; Rasmussen Mechanical Serv-\$1,281.26; Redwood Toxicology Lab-\$185.00; Rjlee Group-\$2,415.33; Rocket Lube-\$280.45; Scovel Psychological-\$3,050.00; Sd Dept Of Transportation-\$436,240.78; Sd Reemployment Assistance Div-\$257.16; Sd State Treasurer-\$13,422.94; Servall Towel & Linen-\$270.84; Spearfish Police Dept-\$10,597.64; Sterna, Laura-\$613.30; Sturdevant's Auto Parts-\$65.61; Sysco Montana-\$1,863.46; Triple K Tire & Repair-\$1,987.63; Trugreen Chemlawn-\$64.78; Turbiville Industrial Electric-\$345.15; Turnkey Corrections-\$181.27; Twilight First Aid & Safety-\$39.99; Twin City Hardware & Lumber-\$85.52; Vast Broadband-\$301.22; Waste Connections-\$535.62; Western Communication-\$78.70; Wex Bank-\$355.32; White's Queen City Motors-\$26.24; Yankton Co Sheriff-\$100.00; **Witness & Jurors:** \$536.00.

ADJOURN: 11:16 a.m. There being no further business it was Moved-Seconded (Rosenau-Flanagan) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Auditor