

## **OGLALA LAKOTA COUNTY APPROVED MINUTES OF JANUARY 19, 2022**

The Oglala Lakota Board of County Commissioners met in regular session on January 19, 2022. Present: Ramon Bear Runner, Art Hopkins, Eugenio White Hawk (via phone) and Sue Ganje, Auditor. Anna Takes the Shield (DuBray) and Wendell Yellow Bull (via phone) were absent.

The meeting called to order at 1:10 p.m. by Chairman White Hawk. The agenda was reviewed for conflicts. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Bear Runner, seconded by Hopkins, to approve the agenda as written.

The 2<sup>nd</sup> Reading to Ordinance 2021-01-Amended to allow for Variance 2021-01A. Motion made by Bear Runner, seconded by Hopkins, to approve the 2<sup>nd</sup> reading of Ordinance 2021-01-Amended to allow for Variance 2021-01 A, with a \$500.00 fee as follows:

### **Ordinance 2021-01 Amended, to allow for Variance, 2021-01A**

#### **An Ordinance providing for variances.**

**Be it ordained by the County of Oglala Lakota that the following variance ordinance be adopted.**

#### **VARIANCES**

The purpose of the variance is to modify the strict application of the specific requirements of Oglala Lakota County Zoning Ordinances, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land; the variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the ordinance intended.

(A) *Application procedure.*

(1) A property owner may make application for a variance using forms available from the County Auditor's Office. A fee of \$500.00 shall accompany the application.

(2) The applicant shall, by certified mail or personal contact, where the applicant acquires signatures of each adjacent property owner, shall notify all property owners within the setback requirements prescribed by ordinance, exclusive of rights-of-way, as to the nature of the variance request and the time and date and location at which the request will be considered. A list of those property owners and their mailing addresses shall be provided to the County Auditor prior to the public hearing on the matter.

(3) Upon application for a variance, the applicant shall place a sign, provided by the county, on the property in clear view of the public right-of-way identifying that the property is being

considered for a zoning variance. The sign shall be placed on the structure or post not less than ten days prior to the public hearing on the matter and shall remain until a decision on the request has been made.

(4) Upon receipt of the application, legal notice shall be published in the County's official newspaper of the date, time and place of the public hearing at least ten days prior to the hearing.

(5) The Board shall issue its decision within 30 days of the hearing, except that the applicant may request a continuance.

(B) *Standards for variances.*

(1) Variances shall be granted only where the special circumstances or conditions fully described in the finding of the Board, do not apply generally in the district.

(2) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(3) For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicants of a reasonable use of their land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

(4) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

(5) The granting of any variance is in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare or in conflict with any plan for development.

(C) *Requirements for the granting of a variance.* Before the Board shall have the authority to grant a variance, the persons claiming the variance have the burden of showing:

(1) The granting of the permit will not be contrary to the public interest;

(2) The literal enforcement of this chapter will result in unnecessary hardship;

(3) That by granting the permit contrary to the provisions of this chapter, the spirit of this chapter will be observed;

(4) By granting the permit, substantial justice will be done.

(D) *Denial of variance.* In the event the request for a variance is denied by the Board, reapplication shall not be permitted for a period of one year, unless the Oglala Lakota County Board of Commissioners determines that the circumstances surrounding the request have substantially changed.

(E) *Court review.* Any person, firm or corporation aggrieved by any decision of the Board may appeal the decision to the Circuit Court. Appeals must be made within 30 days of the decision of the Board.

(F) *Costs.* Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Adopted this 19<sup>th</sup> day of January, 2022 by the Oglala Lakota County Commission. This ordinance shall become effective on the twentieth (20<sup>th</sup>) day after publication.

/s/Eugenio White Hawk, Chairman  
Oglala Lakota County Commission

ATTEST:  
/s/Sue Ganje, Auditor  
Oglala Lakota County

First Reading: January 12, 2022  
Second Reading: January 19, 2022  
Adopted: January 19, 2022  
Published: January 27, 2022  
Effective Date: February 16, 2022

The 2<sup>nd</sup> Reading to Ordinance 2022–01 for Commission Re-Districting was held as advertised. Motion made by Bear Runner, seconded by Hopkins, to approve the 2<sup>nd</sup> reading of Ordinance 2022-01 for Commission Re-Districting as follows:

**ORDINANCE #2022-01**  
**AN ORDINANCE FOR DECENNIAL REVISIONS OF COUNTY COMMISSIONER**  
**DISTRICTS IN OGLALA LAKOTA COUNTY**

**BE IT ORDAINED** by the Board of County Commissioners of Oglala Lakota County, the legal descriptions are hereby changed to reflect the decennial redistricting boundaries per SDCL 7-8-10 as follows:

District #1: Beginning at a point approximately 1,000 feet south of the SE corner of Section 36, Twp 37, Rg 41 where Poplar Rd intersects the county boundary thence northeasterly along the unnamed road that continues from the end of Poplar Rd through Section 1, Twp 38, Rg 41 and then through Sections 36, 35, 34, 27, 22, & 15 of Twp 39, Rg 41 to a point on the section line shared by sections 15 & 16 approximately 2,900 feet south of the NE corner of section 16, thence north along the section line to the NE corner of Section 9, Twp 39, Rg 41, thence westerly along the section line to the intersection of BIA 2, thence westerly along BIA 2 to BIA 27, thence northwesterly along BIA 27 to the intersection with the north line of section 33, Twp 40, Rg 43, thence west along the north line of section 33, Twp 40, Rg 43 to the NW corner of sect 33, Twp 40, Rg 43 thence south along the section line to the SE corner of section 32, Twp 37, Rg 43 thence

west along the section line to the NW corner of Section 1, Twp 36, Rg 44 thence south along the section line to the SW corner of section 13, Twp 36, Rg 44, thence east along the section line to the intersection with Tribal Route 123, thence east along Tribal Route 123 to intersection with BIA 27, thence northerly along BIA 27 to the intersection with the north line of section 3, Twp 36, Rg 43, thence easterly along the section line to the point of beginning.

District #2: Beginning at the SW corner of Section 33, Twp 37, Rg 48 thence northerly along the county boundary to the NW corner of section 33, Twp 39, Rg 48 thence easterly along the section line to the NE corner of section 36, Twp 39, Rg 45 thence southerly along the section line to the SW corner of the NW1/4 of section 19, Twp 38, Rg 44 thence easterly along the quarter section line to the intersection with BIA 33, thence southerly along BIA 33 to the intersection with BIA 28, thence southerly along BIA 28 to the intersection with the eastern line of section 17, Twp 37, Rg 43 thence southerly along the section line to the SE corner of section 32, Twp 37, Rg 43 thence west along the section line to the intersection with the dirt road continuing from the end of BIA 38, thence southerly along said road to BIA 38, thence southerly along BIA 38 to US Highway 18, thence westerly along US Highway 18 to intersection with the north line of section 6, Twp 36, Rg 45 thence westerly along the section line to the point of beginning.

District #3: Beginning at a point approximately 1,000 feet south of the SE corner of Section 36, Twp 37, Rg 41 where Poplar Rd intersects the county boundary thence northeasterly along the unnamed road that continues from the end of Poplar Rd through Section 1, Twp 38, Rg 41 and then through Sections 36, 35, 34, 27, 22, & 15 of Twp 39, Rg 41 to a point on the section line shared by sections 15 & 16 approximately 2,900 feet south of the NE corner of section 16, thence north along the section line to the NE corner of Section 9, Twp 39, Rg 41, thence westerly along the section line to the intersection of BIA 2, thence westerly along BIA 2 to BIA 27, thence northwesterly along BIA 27 to the intersection with the north line of section 33, Twp 40, Rg 43, thence west along the north line of section 33, Twp 40, Rg 43 to the NW corner of sect 33, Twp 40, Rg 43 thence south along the section line to the intersection of BIA 28 thence northwesterly along BIA 28 to the intersection with BIA 33, thence northerly along BIA 33 to the intersection of east-west quarter line of section 24, Twp 38, Rg 44, thence westerly along the quarter line to the SW corner of the NW1/4 of section 19, Twp 38, Rg 44 thence northerly along the section line to the NE corner of section 36, Twp 39, Rg 45 thence westerly along the section line to the county boundary, thence northerly along the county boundary to the NW corner of section 23, Twp 43, Rg 47, thence easterly along the county boundary to the NE corner of section 13, Twp 43, Rg 41, thence southerly along the county boundary to the point of beginning.

District #4: Beginning at the SW corner of the County, thence north along the section line to the NW corner of Section 5, Twp 36, Rg 48, thence easterly along the section line to the intersection with US Highway 18, thence southerly along US Highway 18 to the intersection with BIA 38, thence northeasterly along BIA 38, thence northeasterly along the dirt road continuing from the end of BIA 38 to the intersection with the north line of section 3, Twp 36, Rg 45, thence easterly along the section line to the intersection with BIA 33, thence southerly along BIA 33 to US Highway 18, thence southerly along US Highway 18 to North Ridge Lp, thence easterly along North Ridge Lp to Santee St, thence Easterly along Santee St to Prairie View Ave, thence southerly along Prairie View Ave to Sitting Bull Rd, thence along Sitting Bull Rd to US Highway 18, thence first southerly then westerly along Apache Dr to Dakota Ave, thence first southerly then westerly

along Dakota Ave to Crazy Horse Loop, thence southerly along Crazy Horse Loop to Sage St, thence westerly along Sage St to Arapahoe Ave, thence southerly along Arapahoe Ave to Cottonwood St, thence southeasterly along Cottonwood Ave to the end of Cottonwood Ave, thence southeasterly about 370 feet to the end point of Vision Ln, thence southerly about 2000 feet to a point halfway between the two east-west sections of Coyote St, thence westerly about 1,500 feet to Highway 407, thence southerly along Highway 407 to the south county boundary, thence westerly along the county boundary to the point of beginning.

District #5: Beginning at the SE corner of Oglala Lakota County, thence northerly along the county boundary to the NE corner of section 1, Twp 36, Rg 41, thence westerly along the section line to the intersection with BIA 27, thence southerly along BIA 27 to Tribal Route 123, thence westerly along Tribal Route 123 to the NW corner of section 19, Twp 36, Rg 43, thence westerly along the section line to the SW corner of section 13, Twp 36, Rg 44, thence northerly along the section line to the NW corner of Section 1, Twp 36, Rg 44, thence westerly along the section line to BIA 33, thence southerly along BIA 33 to US Highway 18, thence southerly along US Highway 18 to North Ridge Lp, thence easterly along North Ridge Lp to Santee St, thence Easterly along Santee St to Prairie View Ave, thence southerly along Prairie View Ave to Sitting Bull Rd, thence along Sitting Bull Rd to US Highway 18, first southerly then westerly along Apache Dr to Dakota Ave, thence first southerly then westerly along Dakota Ave to Crazy Horse Loop, thence southerly along Crazy Horse Loop to Sage St, thence westerly along Sage St to Arapahoe Ave, thence southerly along Arapahoe Ave to Cottonwood St, thence southeasterly along Cottonwood Ave to the end of Cottonwood Ave, thence southeasterly about 370 feet to the end point of Vision Ln, thence southerly about 2000 feet to a point halfway between the two east-west sections of Coyote St, thence westerly about 1,500 feet to Highway 407, thence southerly along Highway 407 to the south county boundary, thence easterly along the county boundary to the point of beginning.

A map of the Commissioner districts is attached.

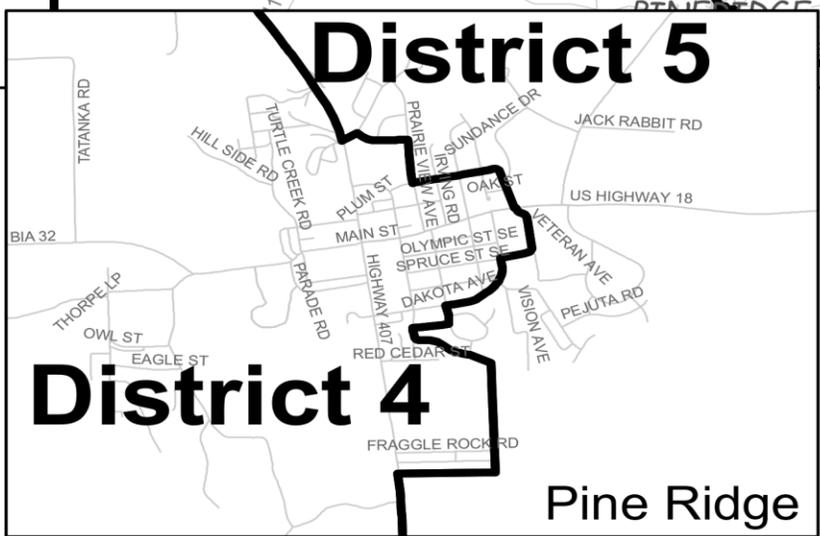
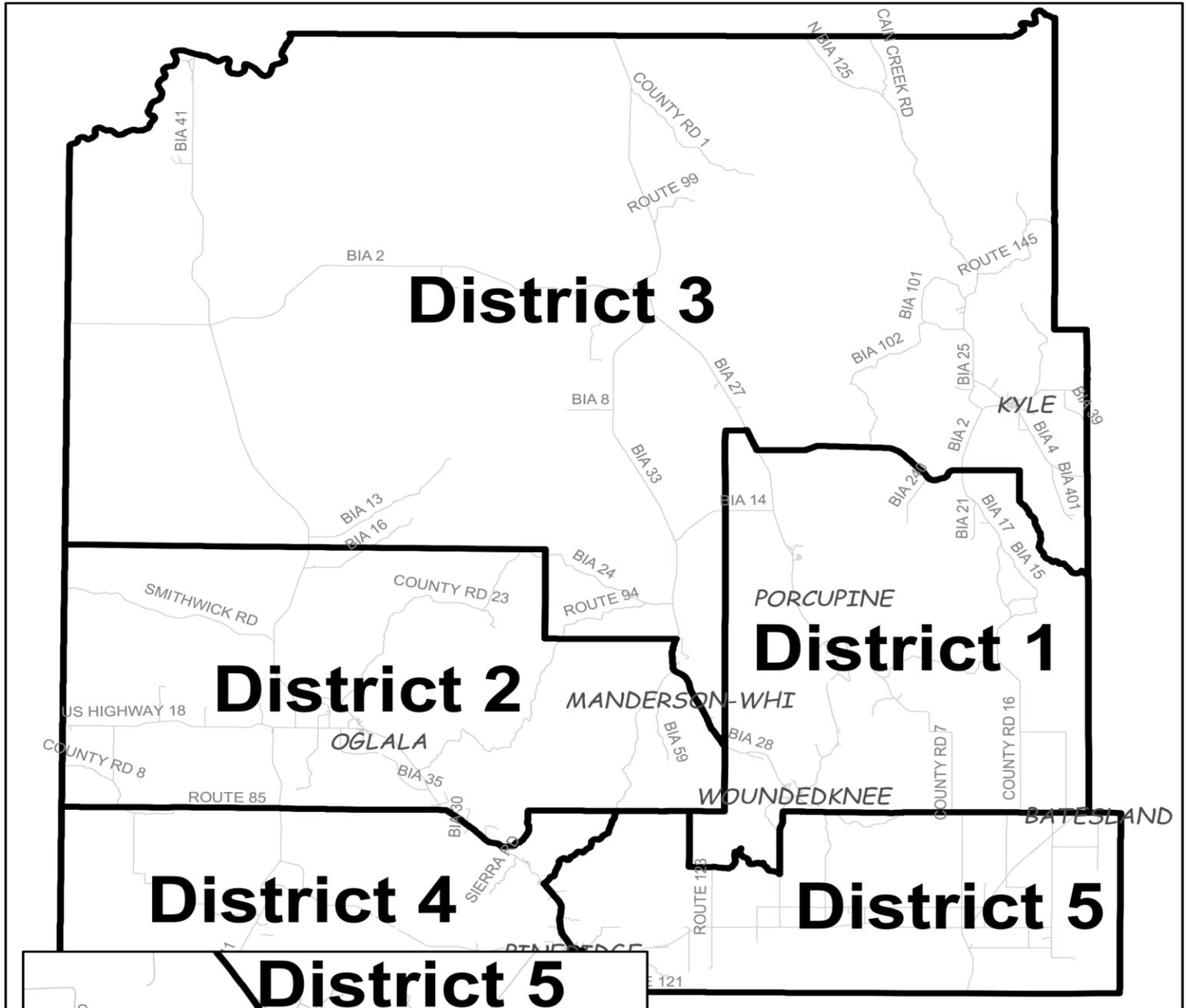
Passed and adopted this 19<sup>th</sup> day of January, 2022.

/s/Anna Takes the Shield (Dubray)  
Oglala Lakota County Commissioners

ATTEST:  
/s/Sue Ganje, Auditor  
Oglala Lakota County

This ordinance shall become effective twenty days after publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1<sup>st</sup> Reading: January 12, 2022  
2<sup>nd</sup> Reading: January 19, 2022  
Adopted: January 19, 2022  
Published: January 20, 2022  
Effective: February 9, 2022



Oglala Lakota  
County  
Commissioner Districts

**Legend**

- Commissioner Districts 2022
- Roads

Discussion was held on vote centers and the benefits that it will bring to Oglala Lakota County. An article will be put in the paper with further details.

Discussion was held on the current credit card policy and travel reimbursement. Motion made by Bear Runner, seconded by Hopkins, to continue with the 4 current credit cards, policy and travel reimbursement.

Motion made by Bear Runner, seconded by Hopkins, to approve the bills, as follows:

**GENERAL FUND**

AT&T TELECONFERENCE	TELECONFERENCE SERVICE	\$31.52
CENTURY BUSINESS	COPIER LEASE/METER	\$147.68
HOPKINS, ARTHUR L	MILEAGE	\$95.76
MASTERCARD	COUNTY CREDIT CARD	\$445.37
MICROFILM IMAGING SYSTEMS	SCANNING EQUIPMENT LEASE	\$17.50
SECRETARY OF STATE	PISTOL PERMITS	\$14.00
OL COUNTY TREASURER	NONSUFFICIENT FUNDS	\$75.00
YELLOW BULL, WENDELL	MILEAGE	\$53.76
	TOTAL FOR GENERAL FUND	\$880.59

**COUNTY ROAD & BRIDGE**

BANNER ASSOCIATES, INC.	PROFESSIONAL SERVICE	\$342.00
GODFREY BRAKE SERVICE	SUPPLY	\$284.95
GREAT PLAINS COMMUNICATION	LOCAL PHONE & INTERNET	\$182.12
MASTERCARD	COUNTY CREDIT CARD	\$13.59
	TOTAL FOR COUNTY ROAD & BRIDGE	\$822.66
	TOTAL PAID BETWEEN 1/13/21 AND 1/19/22	\$1,703.25

No public comment was given. Motion made by Bear Runner, seconded by Hopkins, to adjourn at 3:20 p.m.

/s/Eugenio White Hawk  
Eugenio White Hawk, Chairman  
Board of Oglala Lakota County Commissioners

ATTEST:  
/s/Sue Ganje  
Sue Ganje, Oglala Lakota County Auditor