

LAWRENCE COUNTY COMMISSIONERS MEETING – August 16, 2022

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on August 16, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep 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 amended. Motion Carried.

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 9:00 a.m. agenda item: PRELIMINARY PLAT APPLICANT: SJL Enterprises, LLC. and the 10:15 a.m. agenda item: COZ #353 APPLICANT: Riley Fremont

MINUTES: Moved-Seconded (Sleep-Rosenau) to approve the minutes of July 26, 2022 County Commission meeting. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to approve the minutes of July 26, 2022 Board of Adjustment meeting. Motion Carried.

JULY 12, 2022 MINUTES CORRECTIONS: ROAD PROFILE EXCEPTIONS/CANYON, LLC.: Moved-Seconded (Deibert-Ewing) to amend the legal description for the road profile exceptions for Canyon, LLC. to read as follows: LEGAL DESCRIPTION: Lots 1-8 of Rimrock Canyon Subdivision, being a sub of the NE ¼ NE ¼ of Section 35, T3N, R1E VICINITY LOCATION: Hwy 85/Boles Canyon Road SUMMARY: New subdivision ZONING: PF. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of July 31, 2022, 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)-\$69,711.52; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,024.91; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$27,231,482.49; US Bank balance \$41,232,864.04; money market \$4,994,297.52. Total \$73,534,590.48. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve the new hire for Anthony Spencer as a full-time permanent Correctional Officer II G3 at a base rate of \$22.34 an hour, effective August 8, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the new hire for Carrie Huwe as a full-time permanent Correctional Officer II G1 at a base rate of \$21.46 an hour, effective August 3, 2022. Motion Carried.

RESOLUTION #2022-24 LIQUOR LICENSES: Moved-Seconded (Flanagan-Deibert) to approve the following Resolution #2022-24 Liquor Licenses for 2023. Motion Carried. RESOLUTION #2022-24 LIQUOR LICENSES WHEREAS, Lawrence County has the authority to determine the number of On-Sale and Off-Sale liquor licenses it will approve for the ensuing calendar year, SDCL 35-4-11.1, and WHEREAS, the State of South Dakota by virtue of SDCL 35-4-2 determines the fees to be charged for the various classifications of licenses, and THEREFORE, BE IT RESOLVED that we, the Board of County Commissioners, will approve up to Six (6) Off-Sale, Seven (7) On-Sale Liquor Licenses and Retail On-Off Sale Wine Licenses, and BE IT FURTHER RESOLVED that the Board of County Commissioners list the following fee schedule as a matter of record and current license holders. A) On-Sale dealer-any person who sells or keeps for sale any alcoholic beverage for consumption on the premises where sold. Those current license holders being closer to Spearfish (1st class city) to be charged a renewal fee of \$1,500.00: Vezaro Inc./Guadalajara Mexican Restaurant. Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged a renewal fee of \$1,200.00: Lead Country Club Black Hills Chair Lift Co Inc./Dark Horse Saloon Spearfish

Canyon Resorts, LLC/Spearfish Canyon Lodge Spearfish Canyon Resorts, LLC/Latchstring Restaurant Boulder Canyon Management, LLC Tomahawk Lake Country Club, Inc. B) Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Renewal Fee - \$400.00; New License Fee - \$27,000.00: Larry Kaiser/Nemo Mercantile Mattingleys LLC/St. Onge Bar Black Hills, LLC/Steel Wheel C) Retail On-Off Sale Wine – Renewal Fee - \$500.00 Unlimited Licenses available Seven Down LLC/Seven Down Arena Triple H Hills LLC/Mystic Hills Hideaway The Crossing at Spearfish Canyon LLC Black Hills LLC/Steel Wheel Barefoot Resort Association Inc./Barefoot Resort Crow Peak Brewing Company LLC BW Gas & Convenience Retail LLC/Yesway #1192 Double Diamond LLC/Recreational Springs Resort Eagle Tree Resorts Company LLC/Rimrock Lodge & Canyon Bistro RAR Hospitality LLC/Brandin' Iron Restaurant Elkhorn Ridge@Frawley Ranches LLC/Elkhorn Ridge RV Park & Campground The Barn at Aspen Acres LLC Boar's Nest Roadhouse LLC Muley Hill Lodge LLC JUTRA LLC/Fish N' Fry Campground and Café DATED at Deadwood, South Dakota, this 16th day of August, 2022. FOR LAWRENCE COUNTY COMMISSIONERS Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Auditor.

SECURE & RURAL SCHOOL ACT: Moved-Seconded (Deibert-Sleep) to approve and authorize the Chairman to sign the following election to receive a payment and to allocate the state payment for Secure Rural Schools and Communities Act Funding Fiscal Year 2022 will be as follows: Title I 85%; Title II 8% and Title III 7%. Motion Carried.

RESOLUTION 2022-25/SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE BOARD OF DIRECTORS: Moved-Seconded (Ewing-Rosenau) to approve and authorize the Chairman to sign Lawrence County Resolution #2022-25 A Resolution in Support of Candidacy For a Position on The South Dakota Public Assurance Alliance Board Of Directors. Motion Carried. LAWRENCE COUNTY RESOLUTION #2022-25 A RESOLUTION IN SUPPORT OF CANDIDACY FOR A POSITION ON THE SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE BOARD OF DIRECTORS WHEREAS, Lawrence County is a member of the South Dakota Public Assurance Alliance (“SDPAA”), which is risk-sharing pool; and WHEREAS, the SDPAA has given notice of election for its Board of Directors (the “Board”); and WHEREAS, representatives, employees or appointed officials of an Alliance Member, are eligible to serve as a member of the Board provided the governing Board of the Member has supported their appointment or candidacy by resolution; and WHEREAS, it is in the best interest of Lawrence County to seek representation on the Board; NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COUNTY COMMISSIONERS that the Lawrence County Commission supports the candidacy of Deputy State’s Attorney and Commissioners’ Assistant, Bruce Outka for a term on Board. Dated this 16th day of August, 2022. Chairman Randall Rosenau ATTEST: Brenda McGruder, Auditor.

RESOLUTION 2022-26/SUPPORTING OPERATION GREEN LIGHT FOR VETERANS: Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign Lawrence County Resolution #2022-26 A Resolution Supporting Operation Green Light for Veterans. Motion Carried. Lawrence County Resolution 2022-26 Supporting Operation Green Light for Veterans WHEREAS, the residents of Lawrence County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and WHEREAS, Lawrence County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm’s way for the good of all; and WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and WHEREAS, the residents of Lawrence County appreciates the sacrifices of our United State Military Personnel and believes specific recognition should be granted; therefore be it RESOLVED, with designation as a Green Light for Veterans, Lawrence County hereby declares

from October through Veterans Day, November 11th 2022 a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; therefore, be it further RESOLVED, that in observance of Operation Green Light, Lawrence County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence. DATED at Deadwood, South Dakota, this 16th day of August, 2022. FOR LAWRENCE COUNTY COMMISSIONERS Randall Rosenau, Chairperson ATTEST: Brenda McGruder, Auditor.

2023 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT: Paul Thomson, Emergency Management Director, presented the 2023 Local Emergency Management Performance Grant and discussed the changes.

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the 2023 Local Emergency Management Performance Grant. Motion Carried.

JUVENILE JUSTICE GRANT: Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the Juvenile Justice Reinvestment Initiative Fiscal Incentive Diversion Program Grant application and designate the Lawrence County Teen Court as the recipient of the grant if approved. Motion Carried.

PARKING RAMP USE: Moved-Seconded (Ewing-Deibert) to approve the request from McPherson Auction & Realty to use the employee parking in the ramp in conjunction with the Deadwood Mountain Grand on August 25-27, 2022 with Deadwood Mountain Grand making alternative parking arrangements for employees to park on the upper level of the parking ramp and coordinating with the Sheriff's Office. Motion Carried.

SHERIFF:

PREORDERING 2023 PATROL VEHICLES: Brian Dean, Sheriff, requested permission to set the bid opening for September 27, 2022 for the 2023 patrol vehicles, after the budget is approved, due to supply chain issues. The Board gave Dean that discretion.

AXON BODY WORN CAMERA SYSTEM: Brian Dean, Sheriff, requested permission to pre order the Axon Body Worn Camera System equipment budgeted for in 2023, after the budget is approved, as lead time is 10 months to get the equipment. The Board gave Dean that discretion.

PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, reminded the Board that project decisions will need to be made in a time frame that do not coincide with a commission meeting. Dean requested that Bruce Outka, Deputy State's Attorney and himself be allowed to make those decision when they arise. The Board gave Outka and Dean that discretion.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2022-22 for a Supplemental Budget: Emergency Management Fund Emergency Management-Search & Rescue - \$250.00. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Deibert) to approve and adopt the following Resolution #2022-22 for a Supplemental Budget. Motion Carried. RESOLUTION #2022-22 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2022, failed to provide sufficient revenue to enable the County to conduct the indispensable functions of Government, and WHEREAS, the Board of County Commissioners of said County deems it necessary to make a Supplementary Budget, providing for appropriation in the amounts set out below. NOW, THEREFORE, BE IT RESOLVED THAT SAID BOARD, make, approve and adopt a Supplemental Budget for Lawrence County, South Dakota, for the year 2022, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: EMERGENCY MANAGEMENT FUND EMERGENCY MANAGEMENT-SEARCH & RESCUE -\$250.00 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 16th day of August, 2022 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 16th day of August, 2022. FOR THE BOARD OF COUNTY COMMISSIONERS Randall Rosenau, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of August 3, 2022: **Spearfish Diesel #2 (dyed) 1900 gallons:** (prices per gallon) MG Oil –\$4.339* **Spearfish Unleaded 1000 gallons:** (prices per gallon) MG Oil –\$4.009* **Whitewood Diesel #2 (dyed) 900 gallons:** (prices per gallon) MG Oil –\$4.339* *Represents accepted quote.

PERMITS:

DEER MOUNTAIN SANITARY DISTRICT: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Deer Mountain Sanitary District; installed by Keating Resources located in Section 13, T4N, R2E along County Road: Terry Summit Road. Motion Carried. Abstain-Deibert.

HERDT: Moved-Seconded (Sleep-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Gary Herdt to construct a private approach on the east side of Two Bit Road located approximately .9 miles from Highway 14A. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Oliver Street paving project, Westview Road paving project and the chip seal project.

PLANNING & ZONING:

RECESS: 9:00 a.m. Moved-Seconded (Deibert-Flanagan) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 9:10 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

CHANGE OF ZONING #350/STARTZ/REDBARN PROPERTY MANAGEMENT LLC.:

Second Reading was held on COZ #350 APPLICANTS: James & Tina Startz/Red Barn Property Management, LLC LEGAL DESCRIPTION: Tract B2 revised, a sub of Tract B1B and Tract B2 located in SE ¼ SE 1/4 of Section 32, T7N, R2E VICINITY LOCATION: Exit 8 SUMMARY: COZ from SRD to C/LI to allow for rental of home and apartment in garage plus landscaping business ZONING: SRD to C/LI ACREAGE: 1.62.

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

Moved-Seconded (Ewing-Flanagan) to approve COZ #350. APPLICANTS: James & Tina Startz/Red Barn Property Management, LLC LEGAL DESCRIPTION: Tract B2 revised, a sub of Tract B1B and Tract B2 located in SE ¼ SE1/4 of Section 32, T7N, R2E VICINITY LOCATION: Exit 8 SUMMARY: COZ from SRD to C/LI to allow for rental of home and apartment in garage plus landscaping business ZONING: SRD to C/LI ACREAGE: 1.62. Motion Carried.

PLANNING & ZONING UPDATES:

SITE PLAN SUBMITTAL REQUIRMENTS: Amber Vogt, Planning & Zoning Administrator, requested clarification of site plan submittal requirements. Commissioner Flanagan stated it can be hand drawn to scale or have a surveyor draw the site plan. Commissioner Deibert stated people need to submit good work or the process can be delayed.

DAKOTA HIGHLANDS DEVELOPMENT/KLOSS: Amber Vogt, Planning & Zoning Administrator, presented a Dakota Highland Estates Progress Summary report from Brad Kloss.

THE TIMBERS SUBDIVISION: Amber Vogt, Planning & Zoning Administrator, gave and update on the centralized water system for the subdivision.

PLATS:

LAYOUT PLAT/KISSACK WATER & OIL SERVICES INC. & PATTERSON:

APPLICANTS: Kissack Water & Oil Services Inc. and Phillip & Kimberly Patterson LEGAL DESCRIPTION: Lots 1-15 of Kissack Tract and Lot 1-A being a sub. Of the SE ¼ NE ¼ NE ¼ SE ¼ , and a portion of the S ½ SE ¼, and a replat of existing Lot 1, all located in Section 8, T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: Subdivision ZONING: A-2.

Allan Schreier, Schreier Engineering, Inc., presented the layout plan for the subdivision of Kissack Tract.

Discussion was held on the width of the roads, length of the cul-de-sac and a possible variance, number of lots, fire protection, water system and financial burden to the developer of the road system.

9:36 a.m. Commissioner Deibert recused himself and left the table.

PRELIMINARY PLAT/SJL ENTERPRISES, LLC.: APPLICANT: SJL Enterprises, LLC. LEGAL DESCRIPTION: Preliminary plat of Lots 176-186 of Block D of Deer Mt Village, formerly SJL Tract of Mystic Miner Subdivision located in the Mystic Miner Tract containing the Dolphin, Israel, Belt and Bryan Lodes of MS 1217 all located in SE ¼ of Section 13, T4N, R2E VICINITY LOCATION: Deer Mt SUMMARY: New lots ZONING: PUD.

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

Roger Tellinghuisen, Attorney for Keating Resources, discussed the controlled access agreement with the Deer Mountain Road District from Birch drive to Block D. Tellinghuisen stated he is meeting with the Deer Mountain Road District attorney, Talbot Wiczoerek, this afternoon to work on the agreement.

Randy Deibert, Professional Mapping and Surveying, LLC., explained the road access from Birch Drive to Block D and the road profile.

Oz Enderby, President of Deer Mountain Road District, stated they don't object to access but want it to be a controlled access.

Moved-Seconded (Flanagan-Rosenau) to continue the preliminary plat for APPLICANT: SJL Enterprises, LLC. until September 6, 2022 Commission meeting. LEGAL DESCRIPTION: Preliminary plat of Lots 176-186 of Block D of Deer Mt Village, formerly SJL Tract of Mystic Miner Subdivision located in the Mystic Miner Tract containing the Dolphin, Israel, Belt and Bryan Lodes of MS 1217 all located in SE ¼ of Section 13, T4N, R2E VICINITY LOCATION: Deer Mt SUMMARY: New lots ZONING: PUD. Motion Carried.

9:58 a.m. Commissioner Deibert returned to the table.

CORRECTIVE PRELIMINARY & FINAL PLAT/RUE & KRACHT: APPLICANTS: Myrun & Judy Rue and Lonny & Vicki Kracht LEGAL DESCRIPTION: Lots 35A and 36A-1 of Block 1 of Boulder park Sub; all located in Section 15, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line revision ZONING: SRD.

Commissioner Deibert disclosed that he was contacted by the project surveyor to discuss applicable statutes and qualification as a corrective plat.

Moved-Seconded (Deibert-Ewing) declaring that the corrective plat for APPLICANTS: Myrun & Judy Rue and Lonny & Vicki Kracht meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the corrective preliminary & final plat for APPLICANTS: Myrun & Judy Rue and Lonny & Vicki Kracht 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 35A and 36A-1 of Block 1 of Boulder park Sub; all located in Section 15, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line revision ZONING: SRD. Motion Carried.

PRELIMINARY & FINAL PLAT/WILLIAMSON: APPLICANTS: Allyn & Linda Williamson LEGAL DESCRIPTION: Preliminary and final plat of Lot A2R-1; A2R-2 of Reebe Ranch Estates in Section 28, T7N, R1E (legal shortened) VICINITY LOCATION: Red Hill Road SUMMARY: New lots ZONING: HSC.

Moved-Seconded (Flanagan-Deibert) declaring that the plat for APPLICANTS: Allyn & Linda Williamson meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve the preliminary & final plat for APPLICANTS: Allyn & Linda Williamson 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: Preliminary and final plat of Lot A2R-1; A2R-2 of Reebe Ranch Estates in Section 28, T7N, R1E (legal shortened) VICINITY LOCATION: Red Hill Road SUMMARY: New lots ZONING: HSC. Motion Carried.

PRELIMINARY & FINAL PLAT/DICKERT & JONES & PEDERSEN & HELTIBRIDLE: APPLICANTS: Jo Etta Dickert; Paula Jones; Sulaine Pedersen; Donald Heltibridle; Dallas Heltibridle LEGAL DESCRIPTION: Plat of Tract of B1 and B2 of a sub of Tract B of Lehigh M.S. 1749 and Govt Lot 16 in Section 9, T4N, R4E VICINITY LOCATION: Galena SUMMARY: Lot line adjustment ZONING: PF.

Moved-Seconded (Flanagan-Deibert) declaring that the plat for APPLICANTS: Jo Etta Dickert; Paula Jones; Sulaine Pedersen; Donald Heltibridle; Dallas Heltibridle meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Sleep) to approve the preliminary & final plat for APPLICANTS: Jo Etta Dickert; Paula Jones; Sulaine Pedersen; Donald Heltibridle; Dallas Heltibridle based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Plat of Tract of B1 and B2 of a sub of Tract B of Lehigh M.S. 1749 and Govt Lot 16 in Section 9, T4N, R4E VICINITY LOCATION: Galena SUMMARY: Lot line adjustment ZONING: PF. Motion Carried.

AMENDED PRELIMINARY & FINAL PLAT/DRD ENTERPRISES, LLC.: APPLICANT: DRD Enterprises, LLC LEGAL DESCRIPTION: Lots 1 - 4 a sub of Emery No 4 Lode, M.S. 1856 and a dedicated Public Access and Utility Easement all located Section 1 and 12, T4N, R2E (legal shortened) VICINITY LOCATION: Aventure Estates/Terry Peak Summit SUMMARY: New lot layout ZONING: PF.

Moved-Seconded (Ewing-Sleep) to approve the amended preliminary plat for APPLICANT: DRD Enterprises, 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 1 - 4 a sub of Emery No 4 Lode, M.S. 1856 and a dedicated Public Access and Utility Easement all located Section 1 and 12, T4N, R2E (legal shortened) VICINITY LOCATION: Aventure Estates/Terry Peak Summit SUMMARY: New lot layout ZONING: PF. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the final plat of Lots 1 - 3 (with corrections) for APPLICANT: DRD Enterprises, 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 1 - 3 a sub of Emery No 4 Lode, M.S. 1856 and a dedicated Public Access and Utility Easement all located Section 1 and 12, T4N, R2E (legal shortened) VICINITY LOCATION: Aventure Estates/Terry Peak Summit SUMMARY: New lot layout ZONING: PF. Motion Carried.

PRELIMINARY PLAT/BH DEVELOPMENT, LLC.: APPLICANT: BH Development, LLC LEGAL DESCRIPTION: Lots 1-8 Blk 2; 1-14 Blk 3; 1-16 Blk 4; 1-10 and Common Area of Blk 5 and dedicated public ROW of Auburn Acres of Powder House Pass Section 17, 18, 19 of T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PUD PARCEL ID: 26450-00200-000-70 ACTION REQUIRED: Approval/Denial

Moved-Seconded (Ewing-Deibert) to approve the preliminary plat for APPLICANT: BH Development, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1-8 Blk 2; 1-14 Blk 3; 1-16 Blk 4; 1-10 and Common Area of Blk 5 and dedicated public ROW of Auburn Acres of Powder House Pass Section 17, 18, 19 of T4N, R3E

(legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lots ZONING: PUD.
Motion Carried.

PRELIMINARY & FINAL PLAT/BEVIER: APPLICANTS: Jolene and Mark Bevier LEGAL DESCRIPTION: Lots 1, 2 and 3 of M.S. 1902 formerly the Hazel Lode and Lillian lode of M.S. 1902, all in the NE ¼ of Section 11, T3N, R4E VICINITY LOCATION: Nemo Road SUMMARY: Subdivision ZONING: PF.

Moved-Seconded (Deibert-Flanagan) to approve the preliminary & final plat for APPLICANTS: Jolene and Mark Bevier with the condition that the final Mylar be submitted to Amber Vogt, Planning & Zoning Administrator for approval and 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 and 3 of M.S. 1902 formerly the Hazel Lode and Lillian lode of M.S. 1902, all in the NE ¼ of Section 11, T3N, R4E VICINITY LOCATION: Nemo Road SUMMARY: Subdivision ZONING: PF. Motion Carried.

COMPREHENSIVE PLAN ADDENDUM: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign Resolution #2022-13 A Resolution Adopting Lawrence County Comprehensive Plan Addendum Known as Colorado Boulevard Study Area. Motion Carried. RESOLUTION # 2022-13 A RESOLUTION ADOPTING LAWRENCE COUNTY COMPREHENSIVE PLAN ADDENDUM KNOWN AS COLORADO BOULEVARD STUDY AREA WHEREAS, pursuant to SDCL 11-2-11, the Lawrence County Planning Commission (hereinafter “Commission”), caused to be prepared an addendum to the comprehensive plan for Lawrence County; and WHEREAS, pursuant to SDCL 11-2-18, having published notice of public hearing, the Commission heard and considered public comment on the Lawrence County Comprehensive plan addendum known as Colorado Boulevard Study Area; and WHEREAS, pursuant to SDCL 11-2-18, the Commission recommends the approval of the Lawrence County Comprehensive plan addendum known as Colorado Boulevard Study Area; and WHEREAS, pursuant to SDCL 11-2-18, the Lawrence County Board of Commissioners (hereinafter “Board”) received and reviewed the proposed Lawrence County Comprehensive plan addendum known as Colorado Boulevard Study Area recommended by the Commission, a copy of which is attached hereto and incorporated herein by this reference; and WHEREAS, pursuant to SDCL 11-2-19, the Board having directed the Auditor to publish a notice of public hearing, a public hearing was held on the 26th day of April, 2022 at 10:00 a.m. in the Lawrence County Commissioners Room; and WHEREAS, the Board having considered the results of the hearing and being advised of all premises relating thereto; and WHEREAS, pursuant to SDCL 11-2-12, the purpose of Lawrence County Comprehensive plan addendum known as Colorado Boulevard Study Area is to protect and guide the physical, social, economic, and environmental development of Lawrence County; to protect the tax base; to encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements; to lessen governmental expenditure; and to conserve and develop natural resources; and NOW, THEREFORE, BE IT RESOLVED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS, that the Board does hereby adopt the Lawrence County Comprehensive plan Addendum known as Colorado Boulevard Study Area. Dated this 16th day of August, 2022. Randall Rosenau, Chairman ATTEST: Brenda McGruder, Auditor.

CHANGE OF ZONING #352/GOLDSMITH PROPERTIES, LLC.: First Reading and Public Hearing was held on change of zoning #352 APPLICANT: Goldsmith Properties, LLC LEGAL DESCRIPTION: Tract I, being a portion of the Nemo Placer M.S. 1368 located in the NW ¼ of Section 27 and the NE ¼ of Section 28, T3N, R5E VICINITY LOCATION: Nemo SUMMARY: Change zoning to residential to subdivide ZONING: PF/SRD ACREAGE: 7.470.

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

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

Second Reading scheduled for September 6, 2022 at 9:15 a.m.

CHANGE OF ZONING #353/FREMONT: First Reading and Public Hearing was cancelled by applicant – failure to send notices APPLICANT: Riley Fremont LEGAL DESCRIPTION: NE ¼ NW ¼ of Section 31, T7N, R2E VICINITY LOCATION: Spearfish West SUMMARY: Change zoning to allow subdivision ZONING: A-1 to A-2 ACREAGE: 40 +/-.

RECESS: 10:30 a.m. Moved-Seconded (Deibert-Sleep) to recess the County Commission meeting and re-convene as the Board of Adjustment. Motion Carried. At 10:39 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

BID OPENING/SURPLUS REAL PROPERTY: Moved-Seconded (Deibert-Rosenau) to reject all bids for property legally described as Lots 11, 12, 13, 14, 15 and that part of Lot 17 lying exactly between Lots 12 & 13 and above Fremont Street described in Book 341 Page 251 recorded in the Lawrence County Register of Deed. All in Highland Addition City of Deadwood, County of Lawrence, State of South Dakota. Plat documents 1/210. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to reject all bids for property legally described as an isolated strip of land South West of the new St. Onge-Belle Fourche Highway in the NW1/4 of the NE1/4 of Section 5 T.7N R.3E BHM containing 4.95 acres more or less. Said strip of land being triangular in shape, 780 feet west, 668 feet north and 1032 feet diagonal along said highway. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to reject all bids for property legally described as an isolated triangular tract North East of the said highway in the SW1/4NE1/4 of Sect. 5 T.7N R.3E. BHM, said tract being 322.5 feet by 351.0 feet by 560.0 feet, and containing 1.3 acres more or less. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to allow staff to determine the date of the bid opening and the supplemental instructions to be included on the bid sheet and envelope. Motion Carried.

ITEMS FROM THE PUBLIC: Delia Prezkuta, 1918 Absaroka Street, Spearfish, was present to discuss overall election integrity and the voter rolls. Brenda McGruder, Auditor, explained the National Voter Registration Act procedures.

Thomas Fitch, 1939 Aster Road, Spearfish voiced his concern with the proposed mining from Solitario Zinc Corp. (Solitario) and the use of Tinton Road.

ITEMS FROM THE COMMISSIONERS:

SOUTH DAKOTA STATE HISTORICAL SOCIETY: The Board acknowledged a letter in reference to the Patterson Homestead, 12445 Misty Meadows Road, Nemo vic., Lawrence County, SD being considered by the State Historical Society Board of Trustees (State Review Board) for nomination to the National Register of Historic Places.

BLACK HILLS NATIONAL FOREST/NORTHERN HILLS RANGER DISTRICT: The Board acknowledged a letter in reference to a proposal from Solitario Zinc Corp. (Solitario) for the Golden Crest Exploration Drilling Project for gold mineralization at locations southwest of the Spearfish, SD on National Forest System (NFS) land.

DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES: The Board acknowledged a letter in reference to Dakota Territory Resource Corp., LLC notice of intent to conduct Mineral Exploration within Portions of Section 18; T5N-R3E in Lawrence County.

BLACK HILLS REGIONAL MULTIPLE USE COALITION: The Black Hills Regional Multiple Use Coalition meeting will be held on August 26, 2022 at 4:00 p.m. at the Spearfish Holiday Inn.

Commissioner Deibert gave an update on the Forest Plan Revision and the GTR assessments and the upcoming meetings. Deibert added that Bill Coburn is working as the county representative on the Kumara timber sale project.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: At 11:30 a.m. a Public Meeting was held on the five-year Lawrence County Highway and Bridge Improvement Plan. Twelve 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.

The Board acknowledged emails from Nick Czosnyka, Tim Breske, Gibson Laws, Greg Snyder, and Rick Little in reference to Tinton Road.

Thomas Hitch, 1939 Aster Road, Spearfish spoke on behalf of The Timbers Subdivision Homeowners Association and Aspen Hills Road District/Homeowners Association stating that as homeowners going back 20 years, when the developments first started, there is a reasonable expectation for safe travel to and from the residents' homes and the current condition of the road is extremely treacherous.

Greg Snyder, 10638 Finch Court, Spearfish, spoke on behalf of The Timbers Subdivision Homeowners Association and Aspen Hills Road District/Homeowners Association. Snyder spoke about increased traffic and the level of maintenance provided by the Forest Service, use of Tinton Road to access popular recreation sites.

Gibson Laws, 20321 Wren Road, Spearfish, voiced his concern with road safety, traffic to recreational areas, maintenance by the Forest Service, washboards and dust.

Rosaleen Caldwell, 2044 Aster Road, Spearfish voiced her concern with accidents, dust and no mag water being applied to the road. Caldwell asked the board to please enforce the maintenance of Tinton Road.

Dan Abear, 10643 Finch Court, Spearfish questioned if the County had a partnership with the Forest Service for maintenance of other roads. Commissioner Flanagan stated that there is no partnership with the Forest Service at present.

Commissioner Deibert stated that the county does the snow removal up to Iron Creek and the town of Tinton. Deibert discussed the point of contact with the Forest Service, the limited availability of tax revenues for road maintenance and payment in lieu of taxes.

Jane Lockwood, 3734 Maitland Road, Spearfish, spoke in reference to Maitland Road voicing her concern with mag chloride application, slippery roads when it rains and increased traffic. (Letter on file in Auditor's Office)

Thomas Hitch, 1939 Aster Road, Spearfish asked what is the next step to further the discussion about improvements to the Tinton Road and engagement of the USFS? Commissioner Deibert suggested meeting with the Natural Resource Committee.

Randy Caldwell, 2044 Aster Road, Spearfish noted that he sent the same email to the Forest Service with no reply.

Lonnie Braun, 10281 S Rapid Creek Road, Deadwood stated that he called Allan Bonnema, Highway Superintendent, in reference to S. Rapid Creek Road and Allan answered all his questions and wanted to thank him for taking the call.

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

Payroll: Comm-\$7,470.00; Aud-\$12,438.78; Treas-\$15,044.08; States Atty-\$19,101.82; Pub Def-\$13,734.67; Gen Govt Bldg-\$10,746.06; Equal-\$14,643.09; Rod-\$9,746.03; Vso-\$1,914.60; Ist-\$10,592.38; Sher-\$46,107.13; Jail-\$31,719.74; Coroner-\$1,916.26; 24/7-\$510.30; Emerg Mgnt-\$6,695.44; E911-\$15,563.90; Highway-\$48,026.33; Weed-\$10,850.16; P&Z-\$8,128.64; **Bills:** Dias, Gregory-\$9.89; Moser, Douglas-\$42.00; 605 Therapy-\$3,350.00; A To Z Shredding-\$14.76; A&B Business,Inc Solutions-\$3,120.08; A&B Welding Supply-\$23.70; A&I Distributors-\$166.80; A&J Supply-\$300.00; Ace Hardware Of Lead-\$280.01; Active Data Systems-\$18,500.00; Alpine Impressions-\$46.00; At&T Mobility-\$1,114.65; BH Pest Control-\$190.00; BH Physical Therapy-\$400.00; BH Pioneer-\$1,388.99; Barnaud Law Firm Prof-\$2,349.30; Black Hills Chemical-\$1,827.46; Black Hills Energy-\$53.08; Black Hills Forestry-\$2,250.00; Black Hills Pure-\$132.25; Blackstone Lodge & Suites-\$300.00; Bomgaars Supply-\$102.95; Brosz Engineering-\$19,022.50; Brownsville Fire Dept-\$5,247.72; Butler Machinery Co-\$5,415.86; Butte Electric Coop-\$361.07; Cdw Government-\$12,500.61; Century Business Products-\$650.06; Centurylink-\$533.74; Chadams-\$1,000.00; Charm-Tex-\$84.90; City Of Rapid City-\$1,560.00; Cornelius, Kaylee-\$540.00; Dakota Equip Rental/Chain Saw-\$3,033.50; Deadwood Vol Fire

Dept-\$16,532.13; Deadwood, City Of-\$1,741.84; Delahoyde, Katy-\$182.40; Dept Of Hlth Lab Services-\$790.00; Dept Of The Treasury-\$65,606.61; Dustbusters-\$175,200.65; Fastenal-\$31.56; Federal Express Corp-\$10.54; Fidler-Isburg Funeral Chapel-\$2,340.00; Galls-\$1,324.05; Godfrey's Brake Serv-\$153.64; Hartford-Priority Accounts-\$2,208.38; Heisler Hardware-\$19.07; Hilpert & Hale Prof-\$763.50; Interstate Engineering-\$3,924.90; Jacobs Precision Welding-\$207.21; Janke, Wendy-\$880.00; Joe's Windsheild Repair-\$315.00; Johner Gravel-\$77,683.81; Juneks' Chrysler/Dodge-\$1,191.35; Kimball-Midwest Co-\$969.70; Kinney Law-\$1,099.76; Knecht Home Center-\$6.71 Kosel, Joseph-\$6,011.22; LC Auditor-\$16.00; Language Line Services-\$129.15; Lead Fire Protection District-\$22,011.50; Lead, City Of-\$87.37; Lead-Deadwood Sanitary-\$991.27; Lexisnexis Risk Data Mgnt-\$75.00; Mastercard-\$8,499.48; Mcgas Propane-\$1,090.11; Mcleod's Office Supply-\$417.15; Mg Oil Company-\$16,158.20; Montana Dakota Utilities-\$3,562.52; Monument Health Network-\$1,376.06; Ms Mail-\$15.00; Nelson Law-\$1,910.30; Nemo Volunteer Fire Dept-\$1,661.80; North Central Int'l-\$113.20; Northern Hills Casa-\$7,500.00; Office Of Child Support-\$234.00; Pennington Co Jail-\$1,011.26; Pennington County Public-\$178.00; Pheasantland Industries-\$199.79; Phoenix Investigations-\$2,374.00; Powerplan-\$1,261.88; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$203.42; Quik Signs-\$394.41; Quill-\$52.60; Ramkota Inn Pierre-\$178.00; Rochford Fire Protection Dist-\$872.37; Runnings Supply-\$674.75; Ryan, Suzanne-\$120.00; Sanford Health Occupational-\$35.00; Sara J Fitzgerald-\$177.00; Schlimgen Law Firm-\$5,483.29; Sd Dept Of Transportation-\$2,672.22; Sd Human Services Center-\$600.00; Sd State Treasurer-\$1,223.26; Sdrs Supplemental Retirement-\$3,432.50; Servall Towel & Linen-\$317.40; Simon North Region-\$769.60; Spearfish Auto Supply-\$900.90; Spearfish Canyon Fire-\$2,708.29; Spearfish City Of-\$100.00; Spearfish Fire Dept-\$64,749.57; Spearfish Police Dept-\$10,984.64; Spearfish Rural Fire-\$17,320.00; St Onge Fire Protection Dist-\$2,797.64; Staples-\$155.94; State Disbursment Unit-\$599.47; Sterna, Laura-\$660.00; Sturdevant's Auto Parts-\$841.14; Sturgis Fire Department-\$4,248.77; Summit Signs & Supply-\$220.00; Sunshine Towing Llc- \$937.88; Sysco Montana-\$5,548.68; Thinkmate-\$25,812.00; Triple K Tire & Repair-\$1,892.23; Trugreen Chemlawn-\$68.02; Turnkey Corrections-\$2.86; Twin City Hardware & Lumber-\$470.83; Verizon Wireless-\$107.47; Victims Of Violence-\$1,235.00; Voice Products Service-\$12,689.00; Waeckerle Law-\$694.50; Waste Connections-\$1,186.33; Watertree-\$68.40; Wells Fargo Banks-\$202.15; Wells Plumbing & Farm Supp-\$336.20; Western Construction-\$440,415.67; Western Sd Juvenile Serv-\$2,610.00; Wex Bank-\$242.84; White Drug-\$119.07; White's Queen City Motors-\$848.31; Whitewood Fire Prot.District-\$9,146.10; **Witness & Jurors:** \$691.87.

ADJOURN: 12:30 p.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – August 16, 2022

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment to order at 9:00 a.m. on August 16, 2022, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

DECLARE CONFLICTS: No conflicts were declared by the Lawrence County Commission.

VARIANCE #199/REZICH: A public hearing was held on Variance #199 APPLICANT: Paul Rezich LEGAL DESCRIPTION: Lot 1, Blk 7 of Lost Camp Valley in Sections 2 & 11, T4N, R2E VICINITY LOCATION: Terry Peak SUMMARY: 4’ variance to the 25’ NE Front setback for a detached garage ZONING: SRD ACREAGE: .37.

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

Paul Rezich, applicant, was present to answer questions.

No public input was voiced and the hearing was closed.

Moved-Seconded (Deibert-Ewing) to approve Variance #199 noting that any approach from White Tail Trail subject to approval by the Home Owners’ Association, and further recognizing the hardship of meeting 2 setbacks for a corner lot and the location of the drain field. APPLICANT: Paul Rezich LEGAL DESCRIPTION: Lot 1, Blk 7 of Lost Camp Valley in Sections 2 & 11, T4N, R2E VICINITY LOCATION: Terry Peak SUMMARY: 4’ variance to the 25’ NE Front setback for a detached garage ZONING: SRD ACREAGE: .37. Motion Carried.

RECESS: 9:10 a.m. Moved-Seconded (Flanagan-Rosenau) to recess the Lawrence County Board of Adjustment meeting and convene as the County Commission. Motion Carried. At 10:30 a.m., the Chairman called the Lawrence County Board of Adjustment meeting back to order.

VARIANCE #202/MIKKELSEN: A public hearing was held on Variance #202 APPLICANT: Paul Mikkelsen LEGAL DESCRIPTION: Lot 8 of Lot 4 of Evans Sub of the SE ¼ NE ¼ in 4, T6N, R2E VICINITY LOCATION: Off of Evans Lane in Lantern Estates SUMMARY: Requesting a 20’ variance to the 25’ front setback for a detached garage ZONING: SRD ACREAGE: .240

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

No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Deibert) to approve Variance #202 based on the character of the subdivision, that granting the variance would not exacerbate any existing conditions and noting vehicle speed constrictions inside the subdivision. APPLICANT: Paul Mikkelsen LEGAL DESCRIPTION: Lot 8 of Lot 4 of Evans Sub of the SE ¼ NE ¼ in 4, T6N, R2E VICINITY LOCATION: Off of Evans Lane in Lantern Estates SUMMARY: Requesting a 20’ variance to the 25’ front setback for a detached garage ZONING: SRD ACREAGE: .240. Motion Carried.

ADJOURN: 10:39 a.m. There being no further business it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairman

ATTEST:

Brenda McGruder, Auditor