

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 11, 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 October 11, 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.

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

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

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

**MINUTES:** Moved-Seconded (Ewing-Deibert) to approve the minutes of September 27, 2022 County Commission meeting. Motion Carried.

Moved-Seconded (Ewing-Deibert) to approve the minutes of September 27, 2022 Board of Adjustment meeting. 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 September 30, 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)-\$108,314.65; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,854.40; petty cash-\$1,860.00; total amount of deposits in bank include: CD's \$5,000,000.00; bank balance \$20,535,923.81; US Bank balance \$40,392,750.72; money market \$4,999,640.39. Total \$71,043,693.97. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Flanagan) to approve the cell phone per diem of \$104.00 per month for Ian Buettner, effective October 5, 2022. Motion Carried.

**VOLUNTEER EMERGENCY MANAGEMENT:** Moved-Seconded (Flanagan-Deibert) to approve Rene' Larson as an Emergency Management volunteer for insurance purposes. Motion Carried.

**HIGHWAY:** Moved-Seconded (Deibert-Flanagan) to set the closing date for applications for the Highway Superintendent position for November 15, 2022. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Ewing-Sleep) to set the closing date for applications for the Director of Equalization position for November 15, 2022. Motion Carried.

### **U.S. DEPARTMENT OF THE TREASURY LOCAL ASSISTANCE AND TRIBAL**

**CONSISTENCY FUND:** Brenda McGruder, Auditor, reported that the U.S. Department of the Treasury Local Assistance and Tribal Consistency Fund is allocating Lawrence County \$892,318.92 to be received in 2022/2023. McGruder requested permission to sign the application to receive such payments from Treasury.

Moved-Seconded (Deibert-Ewing) to approve and authorize Brenda McGruder, Auditor, to sign the application to receive such payments in the amount of \$892,318.92 from U.S. Department of the Treasury Local Assistance and Tribal Consistency Fund. Motion Carried.

**NOVEMBER 2022 COUNTY COMMISSION SCHEDULE:** Moved-Seconded (Sleep-Ewing) to cancel the November 1, 2022 County Commission Meeting. Motion Carried.

Moved-Seconded (Sleep-Ewing) to rescind the motion to cancel the November 1, 2022 County Commission Meeting. Motion Carried.

The November 1, 2022 meeting will be held as scheduled.

**2023 COUNTY COMMISSION SCHEDULE:** Bruce Outka, Deputy State's Attorney, presented the draft 2023 County Commissioners meeting dates as follows: January 3 & 24, February 14 & 28, March 14 & 28, April 11 & 25, May 9 & 23, June 13 & 27, July 11 & 25, August 15 & 22, September 5 & 26, October 10 & 24, November 14 & 28, December 12 & 26. No action was taken.

**EMERGENCY MANAGEMENT:**

**LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY REPORT:** Paul Thomson, Emergency Management Director, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Deibert-Rosenau) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

**SHERIFF:**

**PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE:** Bruce Outka, Deputy State's Attorney, gave an update on the Public Safety & Services Center. Outka stated the Williams & Associates Architecture, Inc. has sent out request for a proposal for a Commissioning Agent.

**EQUALIZATION:**

**AGREEMENT FOR GIS WEBSITE DEVELOPEMENBT AND HOSTING:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the agreement between First District Association of Local Governments and Lawrence County to perform work activities as described in the "First District Association of Local Governments Proposed Scope of Work for County GIS Website Hosting." Motion Carried.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quote was submitted as of October 10, 2022: **Whitewood Diesel #2 (dyed) 900 gallons:** (prices per gallon) CBH Cooperative - \$4.73; Olson Fuels - \$4.529\* MG Oil - \$4.8377. \*Represents accepted quote.

**PERMITS:**

**MONTANA DAKOTA UTILITIES:** Moved-Seconded (Deibert-Flanagan) to approve the permit to occupy County highway right-of-way for Montana Dakota Utilities located in Section 18 & 19, T4N, R3E along County Road: N Rochford Road specifically noting the requirements contained in the terms and conditions of the permit: #11. If underground installation is necessary the method of installation shall be by pushing or boring; #18. A surety bond in the sum of fifty thousand (\$50,000.00) shall be required to insure faithful performance of all duties required by the County and for payment to the County for all damages growing out of the carelessness or negligence of Permittee. Aye-Ewing, Deibert, Sleep and Rosenau. Nay-Flanagan. Motion Carried.

**DEER MOUNTAIN SANITARY DISTRICT:** Joe Noble, AE2S, gave an overview of the permit to occupy the County highway right-of-way to install a 6" PVC DR-14 water main for Deer Mountain Sanitary District.

Moved-Seconded (Sleep-Deibert) to continue until October 25, 2022 the permit to occupy County highway right-of-way for Deer Mountain Sanitary District located in Section 19 & 20, T4N, R3E along County Road: Brownsville/Englewood/Deer Mountain. Motion Carried.

The Commission will individually contact Allan Bonnema, Highway Superintendent, to do an on-site of the proposed permit to occupy the County highway right-of-way.

Commissioner Flanagan requested that two items stay in the discussion: 1. A longer warranty period of 2 years; 2. minimize the crossings distance.

**RON WILLIAMS, PE/BLACK HILLS DEVELOPMENT, LLC.:** Moved-Seconded (Sleep-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the commercial approach permit for Ron Williams, PE/Black Hills Development, LLC. to construct a commercial approach on the north side of Brownsville Road located approximately 269 ft. east of Rochford Road. 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 Plat of Tracts

4B-1A1 and 4B-1A2 of Higgins Lane Subdivision Formerly Tract 4B-1A of Higgins Lane Subdivision located in the NE1/4SW1/4 and W1/2E1/2NW1/4 of Section 12, T6N, R1E, B.H.M., Lawrence County, South Dakota.

Roger Riley, 20047 Higgins Gulch Road, Spearfish, explained the plat and access to the lots being platted.

Moved-Seconded(Flanagan-Deibert) to authorize Allan Bonnema, Highway Superintendent, to sign as highway authority on the Plat of Tracts 4B-1A1 and 4B-1A2 of Higgins Lane Subdivision Formerly Tract 4B-1A of Higgins Lane Subdivision located in the NE1/4SW1/4 and W1/2E1/2NW1/4 of Section 12, T6N, R1E, B.H.M., Lawrence County, South Dakota noting that it is a driveway and guarantee nothing from the County. Motion Carried.

Commissioner Deibert noted for the record that it is solely for the Moller Road portion.

**2023 PURCHASE OF MOWING TRACTOR & SKID STEER LOADER:** Moved-Seconded (Flanagan-Deibert) to allow for the purchase of a 2023 Caterpillar Model 299D3 Skid Steer Loader off of the Sourcewell Contract 2020 #032119-Cat and a 2023 John Deere Model 6145M standard cab with a 60 inch rotary side mower and 102 inch rear mount flail mower off of the Tiger Sourcewell Contract #070821-TGR. Motion Carried.

**PROJECT UPDATES:** Allan Bonnema, Highway Superintendent, reported that two solar powered speed limit signs will be placed going through Nemo on the Nemo Road.

**SPEARFISH RURAL FIRE PROTECTION DISTRICT:** Lee Schmunk, Spearfish Rural Fire Protection District was present to discuss E-911 signage. Schmunk stated the District would like to work with the County to get the rural signage in place for the Spearfish Rural Fire Protection District.

Paul Thomson, Emergency Management Director, gave an overview of the cost of each sign.

Amber Vogt, Planning & Zoning Administrator, stated that her office is handing out E-911 sign information with building permits.

Commissioner Deibert stated that there may be grant monies available through Black Hills Council of Local Governments.

**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #329-12:** CUP #329-12 PERMIT HOLDER: Boyd and Cindy Gillies TYPE: Hired Hand SUMMARY: Request to substitute designated hired hand, remove old living quarters and install new modular home.

Jeff Schroeder, Deputy Code Enforcement Officer, gave his staff report.

Moved-Seconded (Deibert-Ewing) to approve CUP #329-12 allowing for the change from the current hired hand to a family member. PERMIT HOLDER: Boyd and Cindy Gillies TYPE: Hired Hand SUMMARY: Request to substitute designated hired hand, remove old living quarters and install new modular home. Motion Carried.

**ANNUAL REVIEWS:**

**CONDITIONAL USE PERMIT #373/HURM GRAVEL PIT (Operator: Johner Gravel, Inc.):** An annual review was conducted on CUP #373, HURM GRAVEL PIT (Operator: Johner Gravel, Inc.). No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #400/EVANS GRAVEL PIT (Operator: Johner Gravel Inc.):** An annual review was conducted on CUP #400, EVANS GRAVEL PIT (Operator: Johner Gravel, Inc.). No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #435/CANYON CREEK GRAVEL PIT (Operator: Johner Gravel Inc.):** An annual review was conducted on CUP #435, CANYON CREEK GRAVEL PIT (Operator: Johner Gravel, Inc.). No violations were found and will be reviewed in one year.

**CONDITIONAL USE PERMIT #456/EATON GRAVEL PIT (Operator: Johner Gravel**

**Inc.):** An annual review was conducted on CUP #456, EATON GRAVEL PIT (Operator: Johner Gravel, Inc.). No violations were found and will be reviewed in one year.

**CANCELLATION CONDITIONAL USE PERMIT:**

**CONDITIONAL USE PERMIT #445/CANYON CAB COMPANY:** Moved-Seconded (Sleep-Flanagan) to cancel CUP #445, CANYON CAB COMPANY as the property has been sold. Motion Carried.

**PLANNING & ZONING UPDATES:**

**2022/2023 PROPOSED ORDINANCE CHANGES:** Amber Vogt, Planning & Zoning Administrator, presented a list of 2022/2023 proposed ordinance changes along with a proposed work schedule that the Planning & Zoning Board will begin working on starting in November.

**POWDERHOUSE PASS CID ANNEXATION:** John Frederickson, Attorney for Powder House Pass, presented a petition for annexation pursuant to SDCL 7-25A-41 of a thirty-three (33) acre parcel of property owned entirely by BH Development, LLC.

Moved-Seconded (Deibert-Flanagan) to acknowledge the petition for annexation pursuant to SDCL 7-25A-41 of a thirty-three (33) acre parcel of property owned entirely by BH Development, LLC. as presented. Motion Carried.

Frederickson will provide an order of annexation at the next Commission meeting.

**PLATS:**

**FINAL PLAT/ DAKOTA ENERGY & RESOURCES, INC.:** APPLICANT: Dakota Energy & Resources, Inc. LEGAL DESCRIPTION: Lots 1 and 2 of Jack Redden Subdivision (formally M.S. 2206, Also Lode No 7) in Section 27, TN, R5E VICINITY LOCATION: Nemo Road SUMMARY: Create lot to transfer to SD Board of Regents ZONING: PF.

Moved-Seconded (Flanagan-Ewing) to approve the final plat for APPLICANT: Dakota Energy & Resources, 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: Lots 1 and 2 of Jack Redden Subdivision (formally M.S. 2206, Also Lode No 7) in Section 27, TN, R5E VICINITY LOCATION: Nemo Road SUMMARY: Create lot to transfer to SD Board of Regents ZONING: PF. Motion Carried.

**PRELIMINARY & FINAL PLAT/BOULDER CANYON COUNTRY CLUB:** APPLICANT: Boulder Canyon Country Club LEGAL DESCRIPTION: Clubhouse Tract, Outlot B and 66' wide ROW known as Stagecoach Trail in Block 18 of the Apple Springs; (legal shortened) in Section 14, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Creating the clubhouse area ZONING: PF.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary plat for APPLICANT: Boulder Canyon Country Club 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: Clubhouse Tract, Outlot B and 66' wide ROW known as Stagecoach Trail in Block 18 of the Apple Springs; (legal shortened) in Section 14, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Creating the clubhouse area ZONING: PF. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the final plat for APPLICANT: Boulder Canyon Country Club 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: Clubhouse Tract, Outlot B and 66' wide ROW known as Stagecoach Trail in Block 18 of the Apple Springs; (legal shortened) in Section 14, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Creating the clubhouse area ZONING: PF. Motion Carried.

**FINAL PLAT/4 BEARS IN THE HILLS, LLC.:** APPLICANT: 4 Bears in the Hills, LLC. LEGAL DESCRIPTION: Lots 1-7, Blk 19 and dedicated public ROW of Apple Springs Sub; formerly part of Apple Springs Tract; located in the SW ¼ W ¼ of Section 11, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: 1st Final New Lots ZONING: PF.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for APPLICANT 4 Bears in the Hills, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1-7, Blk 19 and dedicated public ROW of Apple Springs Sub; formerly part of Apple Springs Tract; located in the SW ¼ W ¼ of Section 11, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: 1st Final New Lots ZONING: PF. Motion Carried.

**AMENDED PRELIMINARY & FINAL PLAT/4 BEARS IN THE HILLS, LLC.:**

APPLICANT: 4 Bears in the Hills, LLC LEGAL DESCRIPTION: Lots 8-11, Blk 19 and dedicated public ROW of Apple Springs Sub; formerly part of Apple Springs Tract; located in the SW ¼ W ¼ of Section 11, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Create the clubhouse area ZONING: PF.

Moved-Seconded (Deibert-Flanagan) to approve the amended preliminary and final plat for APPLICANT 4 Bears in the Hills, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 8-11, Blk 19 and dedicated public ROW of Apple Springs Sub; formerly part of Apple Springs Tract; located in the SW ¼ W ¼ of Section 11, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Create the clubhouse area ZONING: PF. Motion Carried.

**PRELIMINARY & FINAL PLAT/4 BEARS IN THE HILLS, LLC.:** APPLICANT: 4 Bears in the Hills, LLC LEGAL DESCRIPTION: Lots 1A, Blk 16 of Apple Springs Sub; formerly Lots 1 and 2, of Blk 16 and part of the Apple Springs Tract all in the SE ¼ SE ¼ SW 1/4 of Section 11, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of lots ZONING: PF.

Moved-Seconded (Deibert-Sleep) to approve the preliminary and final plat for APPLICANT 4 Bears in the Hills, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1A, Blk 16 of Apple Springs Sub; formerly Lots 1 and 2, of Blk 16 and part of the Apple Springs Tract all in the SE ¼ SE ¼ SW 1/4 of Section 11, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of lots ZONING: PF. Motion Carried.

**FINAL PLAT/ KLOSS DEVELOPMENT:** APPLICANT: Kloss Development LEGAL DESCRIPTION: Lots 1-9 and 31-42 of Dakota Highlands Estates located in the E ½, Section 23, T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: First final of the subdivision ZONING: PF.

Moved-Seconded (Deibert-Flanagan) to approve the final plat contingent upon the fire plan being signed by a certified contractor for APPLICANT Kloss Development 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 1-9 and 31-42 of Dakota Highlands Estates located in the E ½, Section 23, T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: First final of the subdivision ZONING: PF. Aye-Deibert, Flanagan, Sleep and Rosenau. Nay-Ewing. Motion Carried.

**PRELIMINARY & FINAL PLAT/HALL:** APPLICANT: Dale H. Hall, Trustee of the Dale H. Hall Revocable Trust LEGAL DESCRIPTION: Plat of Tracts 1 and 2 a subdivision of HES 121 located in the SW ¼ of Section 26 and the SE ¼ of Section 27, T4N, R3E VICINITY LOCATION: Brownsville Road SUMMARY: Subdivision/Fire Plan needs to be implemented ZONING: PF.

Moved-Seconded (Deibert-Flanagan) to approve the preliminary and final plat contingent upon the width dimension of Brownsville Road being list along with SDCL 31-3-1 referenced for APPLICANT Dale H. Hall, Trustee of the Dale H. Hall Revocable Trust 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 Tracts 1 and 2 a subdivision of HES 121 located in the SW ¼ of Section 26 and the SE ¼ of Section 27, T4N, R3E VICINITY LOCATION: Brownsville Road SUMMARY: Subdivision/Fire Plan needs to be implemented ZONING: PF. Motion Carried.

**FINAL PLAT/MAITLAND PARTNERS, LLC.:** APPLICANT: Maitland Partners, LLC. LEGAL DESCRIPTION: Plat of Lot 117 Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot/bonding ZONING: PF.

Moved-Seconded (Flanagan-Rosenau) to approve the final plat for APPLICANT: Maitland Partners, 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: Plat of Lot 117 Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lot/bonding ZONING: PF. Motion Carried.

**PRELIMINARY & FINAL PLAT/TRONNES & HIGH PEAK HOMES, LLC.:**

APPLICANT: David and Maxine Tronnes and High Peak Homes, LLC. LEGAL DESCRIPTION: Plat of Lot 9A and Lot 12 A of Bellefish Sub No 1 (legal shortened) located in Section 19, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: Lot Line change between neighboring lots ZONING: PF.

Moved-Seconded (Flanagan-Ewing) declaring that the plat for APPLICANTS: David and Maxine Tronnes and High Peak Homes, LLC. meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the preliminary and final plat for APPLICANT David and Maxine Tronnes and High Peak Homes, 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: Plat of Lot 9A and Lot 12 A of Bellefish Sub No 1 (legal shortened) located in Section 19, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: Lot Line change between neighboring lots ZONING: PF. Motion Carried.

**RECESS:** 10:27 a.m. Moved-Seconded (Ewing-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 10:34 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

**PUBLIC DEFENDER**

**INTERPRETER FEES:** Amber Richey, Public Defender was present to discuss the interpreter fees.

**EMERGENCY MANAGEMENT:**

Jennifer Sietsema, Black Hills Council of Local Governments Executive Director, was present to explain the process for updating the Pre-Disaster Mitigation Plan. Sietsema stated that the plan must be updated every 5 years and will expire in 2024.

**RESOLUTION 2022-28/BUILDING RESILIENT INFRASTRUCTURE AND**

**COMMUNITIES:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign Lawrence County Resolution 2022-28 Resolution appointment of applicant agent for Building Resilient Infrastructure and Communities (BRIC). Motion Carried. RESOLUTION APPOINTMENT OF APPLICANT AGENT for the Building Resilient Infrastructure and Communities (BRIC) WHEREAS, Lawrence County is submitting a BRIC application to the South Dakota Division of Emergency Management and the Federal Emergency Management Agency for the purpose of updating the Lawrence County Pre-Disaster Mitigation Plan; and WHEREAS, Lawrence County is required to appoint an Applicant Agent for the purpose of signing documents and assuring the completion of all application documents; NOW THEREFORE BE IT RESOLVED that Lawrence County appoints the Lawrence County Emergency Manager as the authorized Applicant Agent. Dated this 11<sup>th</sup> day of October 2022. Chairman of the Board Randall Rosenau. ATTEST: Brenda McGruder, Auditor.

Moved-Seconded(Flanagan-Deibert) to approve and authorize the Chairman to sign the Designation of Applicant Agent naming Paul Thomson, Emergency Management Director, as the designation of Applicant Agent. Motion Carried.

Moved-Seconded(Flanagan-Deibert) to authorize Paul Thomson, Emergency Management Director, to sign the letter addressed to SD Office of Emergency Management for the in-kind local match. Motion Carried.

**ITEMS FROM THE PUBLIC:** Mike Whalen, 12690 Merritt Estes Road, Deadwood thanked the Board for the two solar powered speed limit signs that will be placed going through Nemo on the Nemo Road. Whalen voiced his concern on the safety of Merritt Estes Road.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Ewing addressed the issue of who will be doing the inspection of subdivision roads as part of the subdivision process for compliance with the stated requirements. Discussion was held on hiring an outside consultant. Commissioner Deibert feels it needs to be someone who is accountable to the County. Discussion will continue once the new Highway Superintendent is hired.

The Board acknowledged a letter from the Black Hills National Forest Northern Hills Ranger District considering a series of improvements to the Strawberry Lake recreation area.

The Board acknowledged a notice of Public Hearing to adopt rules from the Water Management Board to be held on December 7, 2022 at 9:30 a.m. CST.

The Board acknowledged a notice of the grand opening of the Sawmill Community Path to be held on October 14, 2022 at 1:00 p.m.

Commissioner Deibert reported that a meeting with the Counties and the Forest Service will be held in Custer, SD on October 17, 2022.

**BILLS:** Moved-Seconded (Flanagan-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-\$7,470.00; Aud-\$12,438.78; Treas-\$15,018.32; States Atty-\$18,057.17; Pub Def-\$13,742.67; Gen Govt Bldg-\$11,290.82; Equal-\$15,251.41; Rod-\$9,796.03; Vso-\$1,914.60; Ist-\$10,592.39; Sher-\$46,875.12; Jail-\$31,168.49; Coroner-\$316.26; 24/7-\$516.38; Emerg Mgnt-\$11,381.50; E911-\$14,687.70; Highway-\$51,148.72; Weed-\$4,425.49; P&Z-\$8,128.64; **Bills:** American Family Life-\$2,808.44; At&T Mobility-\$796.90; Deadwood Recreation Center-\$608.00; Delta Dental Of South Dakota-\$8,290.10; Dept Of The Treasury-\$66,809.86; Northern Hills Rec Center-\$107.00; Office Of Child Support-\$456.46; Sd Retirement System-\$102,241.00; Sdrs Supplemental Retirement-\$3,557.50; State Disbursement Unit-\$599.47; Wellmark Blue Cross-\$113,017.39; 605 Therapy-\$3,750.00; A To Z Shredding-\$30.62; A&B Business,Inc Solutions-\$1,593.91; A&B Welding Supply-\$24.49; A&J Supply-\$127.81; Ace Hardware Of Lead-\$64.98; At&T Mobility-\$337.75; BH Pest Control-\$190.00; BH Pioneer-\$803.14; Bangs, McCullen, Butler, Foye-\$1,402.70; Barnaud Law Firm Prof-\$2,539.65; Black Hills Chemical-\$597.86; Black Hills Energy-\$70.68; Black Hills Psychology-\$900.00; Bomgaars Supply-\$158.96; Bruemmer, Lynnel-\$106.40; Butler Machinery Co-\$31,892.85; Butte Electric Coop-\$420.68; Captain Clean Of Northern Hill-\$200.00; Cdw Government-\$6,614.00; Central Restaurant Products-\$36.89; Century Business Products-\$596.37; Centurylink-\$186.60; Chadams-\$180.00; Charm-Tex-\$3,592.30; Chris Supply Co-\$291.58; Clinical Lab Of BH-\$4,332.00; Cna Surety-\$50.00; Comptia Member Services-\$99.00; Cornelius, Kaylee-\$120.00; Dakota Equip Rental/Chain Saw-\$4,770.50; Deadwood, City Of-\$1,971.82; Dustbusters-\$22,408.80; Elevatus Architecture-\$25,300.00; Fastenal-\$139.48; Fidler-Isburg Funeral Chapel-\$420.00; Floyd's Truck Center-\$196.38; Galls-\$1,841.10; Godfrey's Brake Serv-\$603.28; Government Forms & Supplies-\$85.00; Hartford-Priority Accounts-\$2,326.68; Interstate Engineering-\$26,625.16; Jacobs Precision Welding-\$95.00; Janke, Wendy-\$996.00; Jobgen, Kara-\$1,982.50; Karen Paige Hunt, Prof-\$1,947.00; Kiesler's Police Supply-\$140.93; Kinney Law-\$5,420.17; Knecht Home Center Of Spf-\$36.99; Language Line Services-\$308.70; Lead-Deadwood Sanitary-\$1,153.42; Lincoln County-\$404.00; Lynn's Dakotamart-\$59.94; Mabey, Brooke-\$60.00; Mastercard-\$7,699.29; Mg Oil Company-\$18,117.00; Montana Dakota Utilities-\$3,901.61; Monument Health Network-\$4,021.13; Newman Signs-\$2,923.11; Office Of Child & Family Serv-\$14,020.25; Overhead Door Company-\$392.35; Pennington Co Jail-\$386.66; Pfefferle, Sarah-\$220.00; Pharmchem-\$629.00; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$198.22; Queen City Tire-\$21.00; Quill-\$44.99; Rcs Construction-\$385,361.51; Riverside Technologies-\$2,555.00; Ryan, Suzanne-\$120.00; Schlingen Law Firm-\$2,323.38; Sd Aao-\$400.00; Sd Dept Of Transportation-\$23,351.91; Sd Human Services Center-\$600.00; Sd Reemployment Assistance Div-\$947.83; Sd State Treasurer-\$1,682.04; Sdn Communications-\$260.00; Semerad, Sandra-\$20.40; Simon North Region-\$389,736.75; Spearfish Auto Supply-\$983.54; Stanley Steemer-\$21,566.00; Staples-\$137.82; Sterna, Laura-\$240.00; Sturdevant's Auto Parts-\$612.74; Sturgis Responder Supply-

\$619.29; Sysco Montana-\$3,742.78; Thinkmate-\$4,772.00; Thomas L Bennett, MD-\$5,560.00; Thomas & Sons Moving Co-\$9,649.00; Tnf Properties And Storage-\$800.00; Transource Truck & Equip-\$275.94; Triple K Tire & Repair-\$845.00; Twin City Hardware & Lumber-\$209.85; Waste Connections-\$1,149.66; Watertree-\$68.40; Wells Plumbing & Farm Supp-\$4,347.32; Wex Bank-\$1,069.56; White's Canyon Motors-\$32.00; **Witness & Jurors:** \$715.04.

**ADJOURN:** 11:02 a.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 – October 11, 2022**

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment to order at 10:27 a.m. on October 11, 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 #203/MASTERS:** Variance #203 APPLICANTS: Adam & Jennifer Masters  
LEGAL DESCRIPTION: Tract 3A the Summer Place Tracts, formerly Tract 3 of the Summer Place tracts, being a part of HES111, located in the SW ¼ SE ¼ of Section12, T2N, R4E  
VICINITY LOCATION: Rochford Road SUMMARY: 10’ variance to the 25’ front setback for a new barn/residence ZONING: PF ACREAGE: 15 acres.

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

Adam Masters explained that Black Hills Energy quoted him \$18,000.00 to relocate the distribution line.

Commissioner Deibert stated he does not see the hardship as required in Section II-16.005(E) of the subdivision ordinance regulating the granting of variances.

Moved-Seconded (Ewing-Sleep) to approve Variance #203 APPLICANTS: Adam & Jennifer Masters 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 3A the Summer Place Tracts, formerly Tract 3 of the Summer Place tracts, being a part of HES 111, located in the SW ¼ SE ¼ of Section12, T2N, R4E VICINITY LOCATION: Rochford Road SUMMARY: 10’ variance to the 25’ front setback for a new barn/residence ZONING: PF ACREAGE: 15 acres. Aye-Ewing, Sleep and Rosenau. Nay-Deibert and Flangan. Motion failed. Super Majority is required.

**ADJOURN:** 10:34 a.m. There being no further business it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairperson

ATTEST:

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Brenda McGruder, Auditor