

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 25, 2022**

Vice-Chairman Robert Ewing 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 25, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Randy Deibert, Brandon Flanagan and Richard Sleep. Absent-Commissioner Randall Rosenau.

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 10:00 a.m. agenda item: Spearfish Mountain Estates, LLC. Letter Of Credit/Memorandum of Agreement and may have conflict with the Cheyenne Crossing review/update of new construction.

**MINUTES:** Moved-Seconded (Deibert-Flanagan) to approve the minutes of October 11, 2022 County Commission meeting. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the minutes of October 11, 2022 Board of Adjustment meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Sleep-Deibert) to approve the new hire for Blaze Eagle Horse as a full-time permanent Correctional Officer II G1 at a base rate of \$21.46 an hour, effective October 25, 2022. Motion Carried.

**EMPLOYEE INSURANCE 2023:** Bruce Outka, Deputy State's Attorney, spoke on behalf of the Insurance Committee. Outka discussed the health insurance quotes received for 2023 and stated the Insurance Committee recommended the County remain with Wellmark which offered a 8.21% increase for insurance premiums in 2023.

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Vice-Chairman to sign the contract with Wellmark for 2023. Motion Carried.

**AMBULANCE AGREEMENT:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Vice-Chairman to sign the Monument Health Lead-Deadwood Hospital Ambulance Agreement. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve and authorize the Vice-Chairman to sign the Spearfish Ambulance Agreement. Motion Carried.

**2023 COUNTY COMMISSION SCHEDULE:** Moved-Seconded (Flanagan-Deibert) to approved the 2023 County Commissioners meeting dates as follows: January 3 & 24, February 14, March 14 & 28, April 11 & 25, May 9 & 23, June 13 & 27, July 11 & 25, August 15, September 5 & 26, October 10 & 24, November 14 & 28, December 12 & 26. Motion Carried.

**IAMRESPONDING SUBSCRIPTION AGREEMENT:** Moved-Seconded (Sleep-Flanagan) to approve and authorize the Vice-Chairman to sign the subscription agreement with IAMRESPONDING through and including October 21, 2025. Motion Carried.

**NOTICE OF TESTING OF AUTOMATIC TABULATING EQUIPMENT:** Brenda McGruder, Auditor, reported that a test of the automatic tabulating equipment will be held on November 3, 2022 at 9:00 a.m. at the Lawrence County Administrative Annex and is open to the public. McGruder gave an update on the upcoming November 8, 2022 election.

### **SHERIFF:**

**SHERIFF'S REPORT:** Brian Dean, Sheriff, gave an update on the Jail Board of Prisoner budget and the PSAP upgrade.

**PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE:** Brian Dean, Sheriff, gave an update on the Public Safety & Services Center. Dean reported that construction is on schedule.

Bruce Outka, Deputy State's Attorney, presented the Black Hills Energy easement and users agreement for approval.

**BLACK HILLS ENERGY EASEMENT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Vice-Chairman to sign the electric easement-underground with Black Hills Power Inc. Motion Carried.

**BLACK HILLS ENERGY USER AGREEMENT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Vice-Chairman to sign the grade agreement between Black Hills Power Inc. and Lawrence County for land being developed as shown on the map or plat of Dunbar Tract A of Tatanka Subdivision of the City of Deadwood, Lawrence County, South Dakota, according to plat document No. 2015-5510. Motion Carried.

**NATURAL RESOURCES COMMITTEE:**

**USDA FOREST SERVICE/COOPERATING AGENCY MEMORANDUM OF**

**UNDERSTANDING:** Commissioner Deibert reported on the Cooperating Agency Memorandum of Understanding between USDA Forest Service and Lawrence County. Deibert stated that the Memorandum of Understanding should be ready for approval in the next couple of weeks.

**FOREST PLAN REVISION:** Commissioner Deibert also requested that a check be written to Black Hills Council of Local Governments, who will facilitate the Forest Plan Revision studies and technical reviews, in the amount of \$50,000.00 from the Impact and Economic Diversification-Severance Tax fund. The funds used will come out of the interest.

Moved-Seconded (Deibert-Flanagan) to set the public hearing for November 10, 2022 at 8:15 a.m. for the adoption of supplemental budget from the Impact and Economic Diversification-Severance Tax fund in the amount of \$50,000.00. The funds used will come out of the interest. Motion Carried.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quote was submitted as of October 20, 2022: **Whitewood Diesel #2 (dyed) 900 gallons:** (prices per gallon) CBH Cooperative - \$4.888; Olson Fuels – no quote; MG Oil –\$4.759\*. \*Represents accepted quote.

**MEMORANDUM OF UNDERSTANDING/PENNINGTON COUNTY:** Moved-Seconded (Flanagan-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve and authorize the Vice-Chairman to sign the Memorandum of Understand between Lawrence County and Pennington County for the exchange of snow routes on North Rochford Road, Rochford Road and Nemo Road for the period of November 1, 2002 to May 15, 2023. Motion Carried.

**PERMITS:**

**DEER MOUNTAIN SANITARY DISTRICT:** Allan Bonnema, Highway Superintendent, presented his concerns with the permit to occupy County highway right-of-way for Deer Mountain Sanitary District. Bonnema stated that he did an onsite and changes were made to the plans as requested at the last meeting.

The board discussed the open trench, trench box on the county road, gravel, road closure and safety.

Joe Noble, AE2S, and Oz Enderby, Deer Mountain Sanitary District President, were present to answer questions. Noble encouraged onsite visits to ensure that what is being requested is being performed.

Bonnema gave a list of special conditions to be added to the permit to occupy County highway right-of-way

Moved-Seconded (Deibert-Flanagan) to approve 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 with the following Special Stipulations For Approval: 1. Pipeline will be allowed to be open-trenched across Brownsville Road and Englewood Road at the locations shown in the project plans as Exhibit "A" attached to the Permit

Application. 2. Piling or stockpiling of material will only be allowed onto the road surface at the three crossing locations. Piling or stockpiling of material onto the road will not be allowed when trenching alongside of the road. 3. The Pipeline where it crosses under the road must be encased inside of a steel casing at a depth of not less than seventy-two inches (72"). 4. Lawrence County authorizes the permittee's contractor to remove any trees in the ROW which are in the path of the pipeline. 5. Brownsville Road and Englewood Road shall remain open to traffic during the installation of the pipeline. 6. Each pipeline crossing shall be constructed at or near the same time to help avoid and minimize delays to the traveling public. 7. There shall be warning and protection to highway traffic during the installation of the pipeline by use of proper signs, barricades, flaggers and lights as prescribed in the Manual of Uniform Traffic Control Devices 2009 Edition. 8. Lawrence County Highway Department personnel shall be invited to attend the project preconstruction meeting prior to the start of the project. 9. Length of warranty shall be two years (2) from the final completion date. 10. At or near the completion of the project Lawrence County Highway Department personnel shall be notified and requested to inspect the project areas involving the locations in the County Road Row. 11. Applicant shall submit a surety check made out to Lawrence County Treasurer in the amount of thirty-five thousand dollars (\$35,000.00). This check shall be held by Lawrence County to insure faithful performance of all stipulations required by the County and for repayment to the County if any damages caused by the installation of the pipeline are not repaired to the satisfaction of Lawrence County. 12. A Performance Bond will be furnished by the Applicant to Lawrence County in the amount of \$400,000.00 or 10% of the contract bid amount, whichever is greater. Motion Carried.

**PLANNING & ZONING:** A public hearing was held on Conditional Use Permit #481  
APPLICANTS: Jeremy & Tanya Williams LEGAL DESCRIPTION: Lot 2C, a portion of Lot 2 of Tract 1A1 of Majestic Heights, consisting if a portion of Lot 2 of Tract A1 of majestic Heights, being a portion of Lot 2A-2 of Lot 2A of Lots 1 and 2 of Lot A of Woodbine Placer M.S. 1208, and a portion of Tract A of Majestic Estates Outside of City Limits; consisting of Tracts 1,2,3,4 of Carlisle Mille Subdivision, being portions of the Splittail and Mathilda Placers of M.S. 920, portions of the Deadwood and Delaware placers of M.S. 685, and a portion of the Dotson Placer M.S. 1208; the remainder of the Thor and Sawdust Placer 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 . 788 consisting of Dale placer; all located in the SW ¼ of Section 13, the SE ¼ and NE ¼ of Section 23, the NE ¼, NW ¼, SW ¼ and SE ¼ of Section 24 and the NE ¼ and NW ½ of Section, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: Multiple Small Cabins ZONING: HSC ACREAGE: 2.00+/-.

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

Jeremy & Tanya Williams, applicants, were present to answer questions.

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

Moved-Seconded (Flanagan-Ewing) to approve Conditional Use Permit #481 with the updated conditions as follows: 5. At any time when guests are present, the operator shall have an employee available by phone 24/7 to handle issues that may arise. 13. A minimum of one (1) telephone shall be available for emergency use 24/7 by any party staying onsite. A list of emergency numbers; sheriff department numbers and emergency contact for the facility shall be placed next to the phones. 26. The active road district/authority shall send a letter to allow the commercial nature of the added traffic to the road for commercial usage. APPLICANTS: Jeremy & Tanya Williams LEGAL DESCRIPTION: Lot 2C, a portion of Lot 2 of Tract 1A1 of Majestic Heights, consisting if a portion of Lot 2 of Tract A1 of majestic Heights, being a portion of Lot 2A-2 of Lot 2A of Lots 1 and 2 of Lot A of Woodbine Placer M.S. 1208, and a portion of Tract A of Majestic Estates Outside of City Limits; consisting of Tracts 1,2,3,4 of Carlisle Mille Subdivision, being portions of the Splittail and Mathilda Placers of M.S. 920, portions of the Deadwood and Delaware placers of M.S. 685, and a portion of the Dotson Placer M.S. 1208; the remainder of the Thor and Sawdust Placer 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 . 788 consisting of Dale placer; all located in the SW ¼ of Section 13, the SE ¼ and NE ¼ of Section 23, the NE ¼, NW ¼, SW ¼ and SE ¼ of Section 24 and the NE ¼ and NW ½ of Section, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: Multiple Small Cabins ZONING: HSC ACREAGE: 2.00+/- Motion Carried.

**CHANGE OF ZONING #354/BLACK HILLS, LLC/STEEL WHEEL CAMPGROUND:**

First Reading and Public Hearing was held on COZ #354 APPLICANTS: Black Hills, LLC/Steel Wheel Campground LEGAL DESCRIPTION: Tract C of Rally Park Addition, formerly a portion of HES 297 and Tract D Revised, formerly Tract D of HES 297, located in Sections 18 & 19, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Expand RV sites and cabins from the existing campground ZONING: PF to RC ACREAGE: 11.41+/-

The Board acknowledged a letter in opposition from Betty Trevino.

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

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

Second Reading scheduled for November 10, 2022 at 9:15 a.m.

**RECESS:** 9:29 a.m. Moved-Seconded (Deibert-Flanagan) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 9:55 a.m., the Vice-Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

**POWDER HOUSE PASS:** Amber Vogt, Planning & Zoning Administrator, presented her staff report in reference to the Memorandum of Agreement, Final Development Agreements for Phase 3, 4A, 6A and Irrevocable Standby Letter of Credit #400001291.

**POWDER HOUSE PASS FINAL DEVELOPMENT AGREEMENT FOR PHASE 3:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Vice-Chairman to sign the Final Development Agreement for Phase 3 of the Powder House Pass Community Improvement District between Lawrence County and BH Development, LLC. Motion Carried.

**POWDER HOUSE PASS FINAL DEVELOPMENT AGREEMENT FOR PHASE 4A:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Vice-Chairman to sign the Final Development Agreement for Phase 4A of the Powder House Pass Community Improvement District between Lawrence County and BH Development, LLC. Motion Carried.

**POWDER HOUSE PASS FINAL DEVELOPMENT AGREEMENT FOR PHASE 6A:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Vice-Chairman to sign the Final Development Agreement for Phase 6A of the Powder House Pass Community Improvement District between Lawrence County and BH Development, LLC. Motion Carried.

**POWDER HOUSE PASS MEMORANDUM OF AGREEMENT:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Vice-Chairman to sign the Memorandum of Agreement between Lawrence County and BH Development, LLC. as the developer is seeking County approval of the final plats so the Developer might sell lots within the Powder House Pass Community Improvement District. Motion Carried.

**POWDER HOUSE PASS LETTER OF CREDIT FOR 2023:** Moved-Seconded (Deibert-Flanagan) to accept the BH Development, LLC. Irrevocable Standby Letter of Credit #400001291 and incorporating Exhibit A attached thereto for the infrastructure development projects identified therein, provided the final bid documents are received and do not exceed the bond amount. The term of the bond covers October 25, 2022–November 30, 2023. Motion Carried.

**CHEYENNE CROSSING REVIEW/UPDATE OF NEW CONSTRUCTION:** The board acknowledged an email from Les Wolf in reference to septic system issues, parking and access to his property.

Commissioner Deibert disclosed that he spoke to Les Wolf some years ago about planning for the use of his property and did not declare a conflict.

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

Moved-Seconded (Sleep-Ewing) to waive the building permit fee due to the structure being destroyed by fire.

Moved-Seconded (Deibert-Flanagan) to approve the site plan with the amended plan showing the traffic pattern into the dominant lots to the rear. Motion Carried.

**Commissioner Deibert left the table at 10:25 a.m.**

**SPEARFISH MOUNTAIN RANCH, LLC.:** Amber Vogt, Planning & Zoning Administrator, presented her staff report.

The Final Plat for Spearfish Mountain Ranch, LLC. was re-approved November 9, 2021 with the following conditions: Fire plan being completed and/or bonded for, Water being completed and/or bonded for, as built on roads being submitted prior to final plat being recorded. LEGAL DESCRIPTION: Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13, Lot 14, Lot 15 and Commons Area Tract Y, Including Tract Y Being Portions of the SW1/4NW1/4 of Section 21, and the SE1/4NE1/4 and the N1/2SE1/4 of Section 20, All Located in T6N, R4E, BHM, Lawrence County, South Dakota VICINITY LOCATION: Whitewood SUMMARY: Extend plat expiration deadline in order to allow time for completion of as built for roads; water and fire plan requirements ZONING: PF.

**SPEARFISH MOUNTAIN RANCH, LLC. LETTER OF CREDIT:** Moved-Seconded (Deibert-Sleep) to accept the irrevocable standby letter of credit for Spearfish Mountain Ranch LLC. Motion Carried.

**SPEARFISH MOUNTAIN RANCH, LLC. MEMORANDUM OF AGREEMENT:** Moved-Seconded (Deibert-Sleep) to approve and authorize the Vice-Chairman to sign the Memorandum of Agreement between Lawrence County and Spearfish Mountain Ranch, LLC. as the developer is seeking County approval of the final plat so the Developer might sell lots within the Spearfish Mountain Ranch Subdivision. Motion Carried.

**Commissioner Deibert returned to the table at 10:28 a.m.**

**CONDITIONAL USE PERMIT #469/REVIEW OF COMPLAINT:** A public hearing was held on Conditional Use Permit #469 for the review of complaint. PERMIT HOLDER: Troy Schulte TYPE: Campground (4 units allowed) SUMMARY: Review alleged violation (8 units present)/Action to terminate CUP.

Bruce Outka, Deputy State's Attorney, presented the Notice of Violation of CUP #469.

Commissioner Ewing asked the permit holder if he was now in compliance with his CUP by only having 4 campsites?

Troy Schulte, explained the circumstances regarding the violation to his CUP and asked the Board for their forgiveness. Schulte stated he was allowing individuals to rent his campers for a place to live.

Jeff Schroeder, Planning Deputy Code Enforcement Officer, presented his staff report.

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

Commissioner Deibert asked the Mr. Schulte if the 4 campers that he owns are being used as rentals? Mr. Schulte replied that they will stay for a week or a month.

Amber Vogt, Planning & Zoning Administrator, stated that Mr. Schulte was brought in originally to get a CUP as he was using the property as a campground without a CUP.

Commissioner Deibert stated that this is a very serious situation.

Outka asked Mr. Schulte how can the Commissioner rely on you to continue to be a good partner? Schultes replied asking for the chance to run the 4 units.

Commissioner Flanagan reminded Mr. Schulte that he started the process with a violation and now he has violated the CUP. So, that is two strikes. The next violation will be the last.

Schroeder was instructed to inspect the property and report back to the board on November 1, 2022.

Moved-Seconded (Deibert-Sleep) to continue Conditional Use Permit #469 until the next meeting. Motion Carried.

**ITEMS FROM THE PUBLIC:** Michelle Jacobs, 11288 Black Forest Road, Lead voiced her concern in reference to the Powder House Pass CID and Auburn Acres to include: when does a vacation rental become commercial, vacation rentals, side-by-side traffic, Black Forest Home Owners' Association maintenance of the road and safety.

**ITEMS FROM THE COMMISSIONERS:**

Commissioner Deibert reported that the Multiple Use Coalition will meet Friday, October 28, 2022.

Commissioner Deibert reported that the Black Hills Council of Local Government will meet Thursday, October 27, 2022.

Commissioner Deibert reported on the State and Local Cybersecurity Grant program. Deibert stated that in order to receive the funds the Governor has to sign paperwork to accept the money. Deibert stated that the Governor has not done that and attempts to have it signed have been unsuccessful. South Dakota is the only state that has not accepted these funds. Commissioner Deibert request that a letter be written to the Governor in support of this program and be presented at the next meeting for approval.

Greg Dias, Information Systems and Technology, gave an overview of the grant program.

Commissioner Deibert reported on the Western Interstate Region board meeting held in Oregon on October 5-7, 2022. Deibert stated that the board moved to form the National Center of Public Lands Counties. Deibert report that this will be aligned with PILT counties and will be asking for a 1% donation of the U.S. Department of the Treasury Local Assistance and Tribal Consistency Funds to help form this organization.

**BILLS:** Moved-Seconded (Deibert-Flanagan) 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-\$12,441.97; Treas-\$14,873.93; States Atty-\$18,919.57; Pub Def-\$13,742.67; Gen Govt Bldg-\$10,665.36; Equal-\$16,069.97; Rod-\$9,746.03; Vso-\$1,914.60; Ist-\$10,592.40; Sher-\$44,595.19; Jail-\$32,322.67; Coroner-\$2,516.26; 24/7-\$516.38; Emerg Mgnt-\$4,791.41; E911-\$18,477.91; Highway-\$50,144.97; Weed-\$4,425.49; P&Z-\$8,133.44; **Bills:** Dragoo, Shelley-\$572.59; A To Z Shredding-\$17.84; A&B Business Inc Solutions-\$2,210.33; A&B Welding Supply-\$49.00; A&I Distributors-\$324.65; A&J Supply-\$46.97; Ace Hardware Of Lead-\$140.87; Air Connection-\$1,461.88; Apex Software-\$1,080.00; Audra Hill Consulting-\$470.15; BH Physcial Therapy-\$400.00; BH Pioneer-\$376.50; Barnaud Law Firm Prof-\$468.80; BI Inc-\$87.40; Black Hills Chemical-\$2,016.33; Black Hills Energy-\$12,744.66; Black Hills Pure-\$54.00; Bloom Law Office, Prof-\$3,537.68; Bluepeak-\$1,783.77; Bob Barker Company-\$235.04; Butler Machinery Co-\$790.44; Butte Electric Coop-\$261.69; Centurylink-\$344.30; Chadams-\$180.00; Chris Supply Co-\$82.45; City Of Rapid City-\$1,000.00; City Of Sturgis-\$400.00; Cornelius, Kaylee-\$360.00; Dakota Equip Rental/Chain Saw-\$3,650.13; Dept Of Hlth Lab Services-\$865.00; Dept Of The Treasury-\$65,207.67; Diamond Pharmacy-\$1,356.90; Emergency Services Marketing- \$3,240.00; Fastenal-\$59.70; Floyd's Truck Center-\$6,979.63; Galls-\$1,723.46; Gene's Lock Shop-\$219.00; Gordon Law Office-\$1,296.26; H&S Uniforms And Equipment-\$45.00; Heisler Hardware-\$108.74; Ivory Family Dentistry-\$570.00; Jacobs Precision Welding-\$114.00; Janke, Wendy-\$300.00; Joe's Windsheild Repair-\$75.00; Jt Ventures-\$120.00; Karen Paige Hunt, Prof-\$143.95; Knecht Home Center-\$946.27; Language Line Services-\$53.55; Larson, Dana-\$20.00; Larson, Val-\$6.00; Lewno, Lucy-\$92.25; Lexisnexis Risk Data Mgnt-\$75.00; Lockwood, Darcy-\$6.00; Mabey, Brooke-\$60.00; Make It Happen Counseling-\$400.00; Midcontinent Communications-\$154.13; Montana Dakota Utilities-\$83.44; Monument Health Network-\$4,224.97; Ms Mail-\$75.00; Nalco Company-\$323.76; Odp Business Solutions-\$76.52; Office Of Child Support-\$456.46; Pomp's Tire Service-\$735.00; Queen City Rocket Lube-\$122.10; Quill-\$103.39; RC Journal-\$594.99; Ramkota Inn Pierre-\$594.00; Ryan, Suzanne-\$180.00; Sanford Health Occupational-\$35.00; Schlimgen Law Firm-\$1,742.30; Sd Municipal

League-\$156,065.00; Sdrs Supplemental Retirement-\$3,607.50; Semerad, Sandra-\$10.20; Servall Towel & Linen-\$625.70; Simon North Region-\$79,417.29; Sirchie Acquisition Company-\$145.70; Skinner Law Office-\$3,472.10; Spearfish Ambulance Service-\$1,020.00; Spearfish Canyon Fire-\$2,702.00; Spearfish Police Dept-\$11,020.14; State Disbursement Unit-\$599.47; Sterna, Laura-\$300.00; Sturdevant's Auto Parts-\$38.90; Sysco Montana-\$2,377.33; Thomas & Sons Moving Co-\$3,090.00; Transource Truck & Equip-\$88.26; Triple K Tire & Repair-\$1,190.99; Turnkey Corrections-\$71.83; Twin City Hardware & Lumber-\$137.22; Us Bank St Paul-\$1,944,521.25; Verizon Wireless-\$107.02; Victims Of Violence-\$1,560.00; Wells Fargo Banks-\$261.58; Western Sd Juvenile Serv-\$8,895.00; White's Queen City Motors-\$90.90; Yankton Co Sheriff-\$50.00; Zep Manufacturing Co-\$259.14; **Witness & Jurors:** \$721.94.

**ADJOURN:** 10:25 a.m. There being no further business, Vice-Chairman Ewing adjourned 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

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – October 25, 2022**

Vice-Chairman Robert Ewing called the meeting of the Lawrence County Board of Adjustment to order at 9:29 a.m. on October 25, 2022, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Randy Deibert, Brandon Flanagan and Richard Sleep present. Absent Commissioner Randall Rosenau.

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

**VARIANCE #205/KISSACK WATER & OIL SERVICES:** A Public Hearing was held on VAR #205 APPLICANTS: Kissack Water & Oil Services LEGAL DESCRIPTION: Kissack Tract being a subdivision of the SE ¼ NE ¼, NE ¼ SE ¼, and a portion of S ½ SE ¼ all located in Section 8, T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: Requesting a variance for a 3390 ft. cul de sac that exceeds the required 800 ft. cul-de sac length serving 3-10 lots ZONING: A-2 ACREAGE: 150 +/-.

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

Allan Schreier, Schreier Engineering, gave an overview of the request for variance.

Janelle Carr, 231 S. Heptner Rd, Rozet WY, stated that their vision for the property is rural and wants it to be Ranchettes. The proposed road system helps to achieve that objective.

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

Vogt presented Section I-8.001: Subdivision Regulation Variance and the conditions.

Commissioner Flanagan stated that a loop road would be the best solution.

Commissioner Ewing asked Schreier if there would be a possible escape route. Schreier stated the owner would have to negotiate with another landowner.

Commissioner Deibert suggested one primary road in and improve the trail on the way out.

Moved-Seconded (Flanagan-Sleep) to deny Variance #205 due to Section I-8.001: Subdivision Regulation Variance condition B. APPLICANTS: Kissack Water & Oil Services LEGAL DESCRIPTION: Kissack Tract being a subdivision of the SE ¼ NE ¼, NE ¼ SE ¼, and a portion of S ½ SE ¼ all located in Section 8, T6N, R4E VICINITY LOCATION: Hwy 34 SUMMARY: Requesting a variance for a 3390 ft. cul de sac that exceeds the required 800 ft. cul-de sac length serving 3-10 lots ZONING: A-2 ACREAGE: 150 +/- Aye-Flanagan, Deibert and Sleep. Nay-Ewing. Motion Carried.

**ADJOURN:** 9:55 a.m. There being no further business it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Randall Rosenau, Chairperson

ATTEST:

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Brenda McGruder, Auditor