

**LAWRENCE COUNTY COMMISSIONERS MEETING – October 26, 2021 page-1**

Chairman Richard Sleep 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 26, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing 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 presented. Motion Carried.

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

**MINUTES:** Moved-Seconded (Deibert-Ewing) to approve the minutes of October 12, 2021 County Commission meeting as amended, to approve the new hire Brad Heying as a part-time fill-in Heavy Equipment Operator at a base rate of \$24.78 effective October 12, 2021. Motion Carried.

**PERSONNEL:**

**GENERAL GOVERNMENT BUILDINGS:** Moved-Seconded (Rosenau-Deibert) to approve the classification change for James Thompson as a full-time permanent Custodian II G3 at a base rate of \$17.56 an hour, effective October 24, 2021. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve the classification change for Desiree Phinney as a full-time permanent Custodian II G3 at a base rate of \$17.56 an hour, effective October 24, 2021. Motion Carried.

**SHERIFF:** Moved-Seconded (Flanagan-Sleep) to approve the Family Medical Leave Act extension for Anthony Spencer for an additional 12 weeks. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve the Family Medical Leave Act extension for Jolene Wetz for an additional 12 weeks. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the classification change for Timothy Braithwait as a part-time fill-in Correctional Officer I G1 at a base rate of \$19.26 an hour, effective October 20, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the classification change for Chelsey Swanson as a full-time permanent Correctional Officer I G1 at a base rate of \$19.26 an hour, effective October 25, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Laurel Palmer as a part-time fill-in Secretary G3 at a base rate of \$19.90 an hour, effective October 20, 2021. Motion Carried.

**TREASURER:** Moved-Seconded (Rosenau-Deibert) to approve Bonnie J. Morgan as a full-time permanent Accounting Clerk G1 at a base rate of \$15.76 an hour, effective November 3, 2021. This appointment fills an existing vacancy and is not a new position. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Rosenau-Ewing) to authorize Amber Vogt, Planning & Zoning administrator, to advertise for the new hire budgeted for in 2022 to include space management. Motion Carried.

**CANCELED CHECK RESOLUTION #2021-33:** Moved-Seconded (Rosenau-Ewing) to approve and authorize the Chairman to sign Resolution #2021-33. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2021-33 WHEREAS the Lawrence County Auditor has presented the Lawrence County Board of Commissioners with a list of checks whereon the County of Lawrence is the Drawer, a copy of which list is attached hereto marked as Exhibit "A" and made a part hereof as though set forth fully herein, and WHEREAS each of the checks listed has not been presented for payment within one (1) year of the date upon which the check was issued, and WHEREAS, there are (30) checks totaling \$1,196.62 that are outstanding, NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Board of Commissioners, pursuant to SDCL 7-22-17, that the checks on said Exhibit "A" be and are hereby canceled and that the Lawrence County Auditor note such cancellation in the check register. DATED this 26th day of October, 2021. FOR THE BOARD: Richard Sleep, Chairperson ATTEST: Brenda McGruder, Auditor.

**DEER MOUNTAIN SANITARY DISTRICT/ANNEXATION:** Moved-Seconded (Ewing-Rosenau) to approve the following Deer Mountain Sanitary Districts Resolution #2021-10 pursuant to SDCL 34A-5-43. Abstain-Deibert. Motion Carried.

**RAFFLE REQUEST/FRIENDS AND FAMILY OF THE LEAD-DEADWOOD TRACK AND FIELD:** Moved-Seconded (Flanagan-Rosenau) to not object to the request to conduct a raffle for the Friends and Family of the Lead-Deadwood Track and Field, with the drawing taking place January 15, 2022. Motion Carried.

**EMPLOYEE INSURANCE 2022:** Brenda McGruder, Auditor, spoke on behalf of the Insurance Committee. McGruder discussed the health insurance quotes received for 2022 and stated the Insurance Committee recommended the County remain with Wellmark which offered a 5.25% increase for insurance premiums in 2022.

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the contract with Wellmark for 2022. Motion Carried.

**COUNTY CHRISTMAS PARTY:** Moved-Seconded (Rosenau-Ewing) to allow the closure of the Lawrence County Offices from 12:00 p.m. – 1:30 p.m. on December 14, 2021 for the County Christmas Party. Motion Carried.

**2022 COUNTY COMMISSION SCHEDULE:** Moved-Seconded (Sleep-Rosenau) to set the 2022 County Commissioners meeting dates as follows: January 4 & 25, February 8, March 8 & 22, April 12 & 26, May 10 & 24, June 9, 14 & 28, July 12 & 26, August 16, September 6 & 27, October 11 & 25, November 1, 10 & 22, December 13 & 27. Motion Carried.

**SHERIFF:**

**SHERIFF'S REPORT:** Brian Dean, Sheriff, clarified some information presented in the recent article published in the Black Hills Pioneer regarding jail staffing and federal inmates.

Dean addressed his current employment data. Dean stated that currently the County employs 65 employees in the Sheriff's Office and of the 65 employees 43 are full-time. Dean stated that at the beginning of each year the Board makes a motion setting the number of full-time Deputies, Correctional Officers, Dispatchers and Secretaries. Dean went into detail explaining that through the step raise process up to 264 personnel request forms are possible before all employees reach the highest step raise. The Board directed Brenda McGruder, Auditor, for presentation at future commission meetings, to list all step raises together to be approved, as all step raises are budgeted by the Department head.

**PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE:** Brian Dean, Sheriff, reported that work continues to reduce the square footage of the facility thereby saving taxpayers money.

Toby Morris, Colliers Securities, LLC. gave an update on the rating issued by S&P Global Ratings. Morris stated that the S&P Global Ratings assigned its 'A+' long-term rating to Lawrence County.

Morris explained that a certificate Designating Authorized Representative of Issuer for US Bank submitted by the Bank was to enable named persons to take all actions and do all things as authorized representative of the County required or permitted under the terms of the Indenture of Trust, Loan Agreement, Disbursing Agreement, Mortgage or any other governing document, amendment or supplement.

Moved-Seconded (Flanagan-Deibert) to designate Brenda J. McGruder as authorized representative of issuer and Debora D. Tridle as alternate authorized representative of issuer authorizing either of them to take all actions and do all things as authorized representative of the County required or permitted under the terms of the Indenture of Trust, Loan Agreement, Disbursing Agreement, Mortgage or any other governing document, amendment or supplement.

**ALCOHOLIC BEVERAGE LICENSES:** A public hearing was held on the application for a transfer of a 2021 liquor license. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Rosenau) to transfer the following liquor licenses for 2021. Motion Carried.

CLASS - RETAIL (ON-OFF-SALE) WINE PREVIOUS LICENSE: CHEYENNE CROSSING, LLC: M.S. 1564 SPEARFISH CANYON LOT C-3 OF MEADOW No. 1 Lode, M.S. 1564 located in the NW ¼ of S22 T4N R2E, BHM plat: #1991-1411 Lawrence County, SD TRANSFER TO: THE CROSSINGS AT SPEARFISH CANYON, LLC: M.S. 1564 SPEARFISH CANYON LOT C-3 OF MEADOW No. 1 Lode, M.S. 1564 located in the NW ¼ of S22 T4N R2E, BHM plat: #1991-1411 Lawrence County, SD CLASS-RETAIL (ON-OFF SALE) MALT BEVERAGE PREVIOUS LICENSE: CHEYENNE CROSSING, LLC: M.S. 1564 SPEARFISH CANYON LOT C-3 OF MEADOW No. 1 Lode, M.S. 1564 located in the NW ¼ of S22 T4N R2E, BHM plat: #1991-1411 Lawrence County, SD TRANSFER TO: THE CROSSINGS AT SPEARFISH CANYON, LLC: M.S. 1564 SPEARFISH CANYON LOT C-3 OF MEADOW No. 1 Lode, M.S. 1564 located in the NW ¼ of S22 T4N R2E, BHM plat: #1991-1411 Lawrence County, SD.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quote was submitted as of October 25, 2021: **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative –\$3.174\* \*Represents accepted quote.

**NORTH CENTRAL REGIONAL LOCAL ROAD CONFERENCE:** Allan Bonnema, John Bey and Cory Sheeler gave a report on the recent North Central Regional Local Road Conference held in Sioux Falls, SD on October 19-21, 2021.

**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #467/MULEY HILL LODGE-KINDZERSKI/BREWER:** A public hearing was held on Conditional Use Permit #467 APPLICANTS: Mike Kindzerski/Pam Brewer/Muley Hill Lodge, LLC LEGAL DESCRIPTION: Lot 7B of Lot 7, being a part of Lot 7 located in the NE ¼ of Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: CUP for the construction of 8 RV camp sites located next to an existing shop building to be used in conjunction with the existing wedding venue CUP ZONING: PF ACREAGE: 4.4 acres.

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

Mike Kindzerski/Pam Brewer, Applicant, were present to address any questions.

Cindy McNeill, 20845 Echo Mountain Place, Deadwood, questioned if the 8 RV camp sites would be only in conjunction with the wedding venue? Kindzerski stated that if requested the plan is to use them other than during wedding events. Kindzerski stated that since there is no sewer system this would not be a long term use facility.

McNeill questioned the generator noise. Kindzerski stated that electricity is available so there would be no need for a generator.

Leatha Satterlee, 20835 Echo Mountain Place, Deadwood, voiced her concern with the ATV traffic. Vogt referenced condition #31: There shall be no recreational usage of ATVs originating from the Kindzerski property. Kindzerski stated that ATV usage is not allowed on the property.

Jaci Pearson, 20826 Radio Town Road, Sturgis, asked the applicant if they reside on the property. Kindzerski stated they have two homes there and a camper on site and if the homes are not rented they stay in the homes and if they are rented they stay in the camper. Pearson asked how many events are planned. Kindzerski stated that 15 events have taken place since January.

No other public comment was voiced and the Public Hearing was closed.

Commissioner Deibert recommended amendments to Condition #30 Pet Control-Rules and regulations to define leash requirements and waste clean-up as requirements and Condition #33 to provide that installation of the well and water system on Lot 7B shall be in place prior to operation.

Moved-Seconded (Flanagan-Deibert) to approve Conditional Use Permit #467 with the amended conditions. APPLICANTS: Mike Kindzerski/Pam Brewer/Muley Hill Lodge, LLC LEGAL DESCRIPTION: Lot 7B of Lot 7, being a part of Lot 7 located in the NE ¼ of Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: CUP for the

construction of 8 RV camp sites located next to an existing shop building to be used in conjunction with the existing wedding venue CUP ZONING: PF ACREAGE: 4.4 acres. Motion Carried.

**CONDITIONAL USE PERMIT #468/ MULEY HILL LODGE-KINDZERSKI/BREWER::**

A public hearing was held on Conditional Use Permit #468 APPLICANTS: Mike Kindzerski/Pam Brewer/Muley Hill Lodge, LLC LEGAL DESCRIPTION: Tract 37 and Lot A, a sub of Tract 37; Lot 7A and Lot 7B of Lot 7, being a part of Lot 7 located in the NE ¼; Lot 8A-1, being a part of Lot 8A and part of Lot 7; Lot 9A-1, being a part of Lot 9A and part of Lot 2A of Lots 1 and 2 of Lot A, all located in Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: CUP for the operation of trail rides/sleigh rides/wagon rides; boarding of horses and equestrian events ZONING: PF ACREAGE: 56 acres.

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

Mike Kindzerski/Pam Brewer, Applicant, were present to address any questions.

Lukas Hoch, 20845 Legacy Place, stated that if the conditions are going to be implemented he feels he can live with it, as progress happens.

Jaci Pearson, 20826 Radio Town Road, Sturgis, asked what type of events would take place in the area. Kindzerski stated their plan is to have wagon rides, sleigh rides, equestrian training, horse training and lessons. Kindzerski stated there would be no rodeos or roping events in the arena.

No other public comment was voiced and the Public Hearing was closed.

Commissioner Deibert reviewed Conditions #8, 10, 23, 26, 27, 29, and 34. Deibert added that in the event issues arise with the C.U.P, there is a process to address such issues.

Moved-Seconded (Rosenau-Ewing) to approve Conditional Use Permit #468 with the amended conditions. APPLICANTS: Mike Kindzerski/Pam Brewer/Muley Hill Lodge, LLC LEGAL DESCRIPTION: Tract 37 and Lot A, a sub of Tract 37; Lot 7A and Lot 7B of Lot 7, being a part of Lot 7 located in the NE ¼; Lot 8A-1, being a part of Lot 8A and part of Lot 7; Lot 9A-1, being a part of Lot 9A and part of Lot 2A of Lots 1 and 2 of Lot A, all located in Section 24, T5N, R3E VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: CUP for the operation of trail rides/sleigh rides/wagon rides; boarding of horses and equestrian events ZONING: PF ACREAGE: 56 acres. Motion Carried.

**PLANNING & ZONING UPDATES:**

**JOINT POWERS AGREEMENT AUTOMATIC RENEWAL:** Amber Vogt, Planning & Zoning Administrator, reported that the Joint Powers Agreement automatically renews every year. Vogt asked the Board if they wanted to renew the agreement. Commissioner Deibert commented that he feels County residents in the Joint Powers Area are not treated the same as those outside the area. The Board advised Vogt to bring the Joint Powers Agreement for discussion in June/July of 2022.

**COLORADO BOULEVARD STUDY:** Amber Vogt, Planning & Zoning Administrator, reported on the Colorado Boulevard Study. Commissioner Sleep will be the County Commission representative.

**PLAT REVIEW/SURVEYORS:** Amber Vogt, Planning & Zoning Administrator, reported on the current issue her staff is having with plats submitted by surveyors. Vogt stated that several edits per plat are being sent back to the surveyors. Vogt stated that the amount of time spent on each plat is about 3 hours per plat per month. Vogt asked the Board for guidance on the issue.

Moved-Seconded (Flanagan-Deibert) to allow for one review of each plat and if the plat comes back incorrect the plat will be returned to the surveyor and must be resubmitted at the next month's Planning & Zoning Meeting. Motion Carried.

**PLATS:**

**PRELIMINARY & FINAL PLAT/WILSON & ABERLE DEVELOPMENT CO.:**

APPLICANTS: Randall & Mary Wilson, Trustees and Aberle Development Co. LEGAL

DESCRIPTION: Lot 37A of Sugarloaf Village Section 19, T4N, R3E and Section 24, T4N, R2E  
VICINITY LOCATION: Hwy 85 SUMMARY: Lot line change ZONING: SRD.

Moved-Seconded (Rosenau-Ewing) declaring that the plat for Randall & Mary Wilson, Trustees and Aberle Development Co. meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary & final plat for Randall & Mary Wilson, Trustees and Aberle Development Co. 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: Lot 37A of Sugarloaf Village Section 19, T4N, R3E and Section 24, T4N, R2E VICINITY LOCATION: Hwy 85 SUMMARY: Lot line change ZONING: SRD. Motion Carried.

**PRELIMINARY & FINAL PLAT/PEARSON & SLOTHOUBER:** APPLICANTS: William Pearson and Wayne & Marlene Slothouber LEGAL DESCRIPTION: Lots 4A-1 and A1-1 of the Estates at Pillar Peak Section 20 and 21, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of existing lots ZONING: PF.

Moved-Seconded (Deibert-Rosenau) declaring that the plat for William Pearson and Wayne & Marlene Slothouber meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary & final plat for William Pearson and Wayne & Marlene Slothouber 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 4A-1 and A1-1 of the Estates at Pillar Peak Section 20 and 21, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of existing lots ZONING: PF. Motion Carried.

**PRELIMINARY & FINAL PLAT/WINTER & NEUBAUM PROPERTIES:** APPLICANTS: David Winter/Neubaum Properties, LLC LEGAL DESCRIPTION: Plat of Lots 2A-1 and 2B-1 of Majestic Heights, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of existing lots ZONING: PF & HSC.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary & final plat for David Winter/Neubaum Properties, 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 Lots 2A-1 and 2B-1 of Majestic Heights, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Replat of existing lots ZONING: PF & HSC. Aye-Rosenau, Deibert, Flanagan and Ewing. Nay-Sleep. Motion Carried.

**FINAL PLAT/WINTER:** APPLICANT: David Winter LEGAL DESCRIPTION: Plat of 1-3 of Tract A2 of Majestic Estates, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: First new lots in this tract ZONING: PF.

Moved-Seconded (Flanagan-Deibert) to approve the final plat for David Winter contingent upon bonding being in place for the water system or the water system being operational, roads completed and inspected by the Highway Department with the provision that the County has the authority to draw on the bond for completion of the improvements 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: Plat of 1-3 of Tract A2 of Majestic Estates, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: First new lots in this tract ZONING: PF. Motion Carried.

**FINAL PLAT/WINTER:** APPLICANT: David Winter LEGAL DESCRIPTION: Plat of 1 of Tract A4 of Majestic Estates, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF.

Moved-Seconded (Flanagan-Deibert) to approve the final plat for David Winter contingent upon bonding being in place for the water system or water system being operational, roads completed and inspected by Highway Department with the provision that the County has the authority to

draw on the bond for completion of the improvements 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: Plat of 1 of Tract A4 of Majestic Estates, Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF. Motion Carried.

**PRELIMINARY PLAT/4 BEARS IN THE HILLS, LLC.:** APPLICANT: 4 Bears in the Hills, LLC LEGAL DESCRIPTION: Lots 1-4 Blk 18 of Apple Springs Subdivision, Section 14, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Create new lots for future condos ZONING: SRD.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary plat for 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 1-4 Blk 18 of Apple Springs Subdivision, Section 14, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: Create new lots for future condos ZONING: SRD. Motion Carried.

**PRELIMINARY & FINAL PLAT/BRANDT:** APPLICANTS: Ronald & Karen Brandt LEGAL DESCRIPTION: Tracts 1A, 1B and 2A a subdivision of Dublin Lode M.S. 1678 located in the NW ¼ of Section 17, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: Lot line adjustments/new lots ZONING: PF.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary plat for Ronald & Karen Brandt 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: Tracts 1A, 1B and 2A a subdivision of Dublin Lode M.S. 1678 located in the NW ¼ of Section 17, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: Lot line adjustments/new lots ZONING: PF. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the final plat for Ronald & Karen Brandt 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: Tracts 1A, 1B and 2A a subdivision of Dublin Lode M.S. 1678 located in the NW ¼ of Section 17, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: Lot line adjustments/new lots ZONING: PF. Motion Carried.

**PRELIMINARY & FINAL PLAT/AYER & HEHNER:** APPLICANTS: Harry & Barbara Ayer; Meg Hehner; Connie Ayer LEGAL DESCRIPTION: Tract H-1, H-2, H-3 of the Tam Johnson in Section 12 & 13, T3N, R4E VICINITY LOCATION: Nemo/Benchmark Road SUMMARY: Re-plat of existing lots ZONING: PF.

Moved-Seconded (Flanagan-Rosenau) declaring that the plat for Harry & Barbara Ayer; Meg Hehner; Connie Ayer meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary & final plat for Harry & Barbara Ayer; Meg Hehner; Connie Ayer 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 H-1, H-2, H-3 of the Tam Johnson in Section 12 & 13, T3N, R4E VICINITY LOCATION: Nemo/Benchmark Road SUMMARY: Re-plat of existing lots ZONING: PF. Motion Carried.

**FINAL PLAT/LEGACY ENTERPRISES, INC.:** APPLICANT: Legacy Enterprises, Inc. LEGAL DESCRIPTION: Lots 1A and 1B of Tract 3 of Powder House Pass Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lot ZONING: PUD.

Moved-Seconded (Deibert-Rosenau) to approve the final plat for Legacy Enterprises, Inc. noting that the current subdivision reduces the total number of available lots for subdivision throughout this development as provided for in the development agreement 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 1A and 1B of Tract 3 of Powder House Pass Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New lot ZONING: PUD. Motion Carried.

**PRELIMINARY & FINAL/GRENDAHL:** APPLICANTS: Keith Grendahl and Kathleen Joyce Grendahl LEGAL DESCRIPTION: Lot 45A, a sub of Tract K of Paradise Acres 11, Section 7, 8, 17, 18, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Lot consolidation ZONING: PF.

Moved-Seconded (Rosenau-Sleep) to approve the preliminary & final plat for Keith Grendahl and Kathleen Joyce Grendahl 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: Lot 45A, a sub of Tract K of Paradise Acres 11, Section 7, 8, 17, 18, T5N, R3E. (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Lot consolidation ZONING: PF. Motion Carried.

**BLACK HILLS NATIONAL FOREST/QUARTERLY UPDATE:** Steve Kosel, Black Hills National Forest District Ranger, briefed the Board on SDN Reconnect 1 and 2, MMR exploratory drilling, Pete Lien exploratory drilling, Wind Power Development, Spearfish Canyon Fuels reduction project, OHV, Road Maintenance Agreement and Timber Program outputs for the next 3 years.

Kosel stated that the Timber Program Outputs for the next three years are as follows: 2022=124K CCF, 2023=91K CCF and 2024=88.6K CCF.

Chairman Sleep, Commissioner Deibert, Bill Coburn, Timber Committee Chairman, led a detailed discussion on the timber harvest numbers and the impact of same on forest health and timber industry sustainability. Pennington County Commissioner Gary Drewes was present for the discussion. All parties discussed their willingness to participate in cooperative efforts to protect the forest and sustain the timber industry until the Forest Plan Revision is completed.

Kosel will visit with Supervisor Tomac to set up a meeting with the cooperating agencies.

**PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/ 4 BEARS IN THE HILLS, LLC.:** A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: VACATION OF A 66' WIDE PUBLIC RIGHT-OF-WAY, A.K.A AS STAGECOACH TRAIL; LOCATED IN THE APPLE SPRINGS TRACT, NW1/4NE1/4 AND SW1/4NE1/4 OF SECTION 14, T5N, R4E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2021-31 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line.

Frank DiCesare, All Aspects Surveying, was present to answer any questions.

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

Moved-Seconded (Flanagan-Ewing) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2021-31 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2021-31 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE/HIGHWAY/RIGHT OF WAY WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway, part of which is located on a section line/highway/right of way be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks prior to the date of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, and WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a section line/highway/right of way

be vacated: LEGAL DESCRIPTION FOR THE VACATION: VACATION OF A 66' WIDE PUBLIC RIGHT-OF-WAY, A.K.A AS STAGECOACH TRAIL; LOCATED IN THE APPLE SPRINGS TRACT, NW1/4NE1/4 AND SW1/4NE1/4 OF SECTION 14, T5N, R4E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA, AFFECTING THE LANDOWNERS: 4 BEARS IN THE HILLS LLC, Dated this 26<sup>th</sup> day of October, 2021 Richard Sleep, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County Auditor I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held October 26<sup>th</sup>, 2021. Dated at Deadwood, South Dakota, the 26<sup>th</sup> day of October, 2021. Brenda McGruder, Lawrence County Auditor.

**PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/ ATKINS:** A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: VACATION OF A PORTION OF A 33' WIDE SECTION LINE RIGHT-OF-WAY; LOCATED ON LOT 17 OF TWO BIT RANCH ESTATES, BEING A PART OF TRACT P CONSISTING OF THE E1/2NW1/4, THE REMAINDER OF GOV'T LOTS 1 AND 2, TRACT B OF GOV'T LOTS 1 AND 2, EXCEPTING ORDAHL-YOUNG CEMETERY LOT; ALL LOCATED IN SECTION 30, T5N, R4E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2021-32 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line.

Frank DiCesare, All Aspects Surveying, was present to answer any questions.

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

Moved-Seconded (Deibert-Rosenau) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2021-32 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #2021-32 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE/HIGHWAY/RIGHT OF WAY WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway, part of which is located on a section line/highway/right of way be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks prior to the date of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, and WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a section line/highway/right of way be vacated: LEGAL DESCRIPTION FOR THE VACATION: VACATION OF A PORTION OF A 33' WIDE SECTION LINE RIGHT-OF-WAY; LOCATED ON LOT 17 OF TWO BIT RANCH ESTATES, BEING A PART OF TRACT P CONSISTING OF THE E1/2NW1/4, THE REMAINDER OF GOV'T LOTS 1 AND 2, TRACT B OF GOV'T LOTS 1 AND 2, EXCEPTING ORDAHL-YOUNG CEMETERY LOT; ALL LOCATED IN SECTION 30, T5N, R4E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA, AFFECTING THE LANDOWNERS: CHRISTOPHER R. ATKINS AND KIMBERLY R. ATKINS, Dated this 26<sup>th</sup> day of October, 2021 Richard Sleep, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County Auditor I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing resolution was passed by the Lawrence County Board of County Commissioners at a regular session held October 26<sup>th</sup>, 2021. Dated at Deadwood, South Dakota, the 26<sup>th</sup> day of October, 2021. Brenda McGruder, Lawrence County Auditor.

**ITEMS FROM THE PUBLIC:** None.

**ITEMS FROM THE COMMISSIONERS:** The Lawrence County 911 rural addressing meeting has been scheduled for October 28, 2021 at 1:00 p.m. at the Spearfish Ambulance Training Center.



**BILLS:** Moved-Seconded (Flanagan-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.

**Bills:** Bey, John-\$40.00; Patino, Mark-\$40.00; Skavang, Robert-\$40.00; Holen, Gerald-\$40.00; Herman, Joshua-\$40.00; Maynard, Brady-\$40.00; Percy, Jason-\$40.00; A To Z Shredding-\$25.12; A&B Business, Inc Solutions-\$908.91; A&B Welding Supply-\$104.85; Aberdeen Llc-\$12,226.00; Ace Hardware Of Lead-\$172.95; Alpine Impressions-\$60.00; Apex Software-\$1,080.00; Applied Concepts-\$6,308.00; At&T Mobility-\$34.51; Audra Hill Consulting-\$87.13; BH Occupational Medicine-\$105.00; BH Physcial Therapy-\$100.00; BH Windshield Repair-\$80.00; Black Hills Chemical-\$1,788.55; Black Hills Energy-\$14,267.69; Black Hills Pure-\$44.00; Bomgaars Supply-\$69.06; Butler Machinery Co-\$1,367.80; Cbh Cooperative-\$12,964.04; Cdw Government-\$3,448.60; Centurylink-\$338.03; Chadams-\$150.00; Charm-Tex-\$3,488.80; City Of Rapid City-\$1,040.00; Civicplus-\$3,472.87; Cna Surety-\$100.00; Cornelius, Kaylee-\$180.00; Dakota Equipment Rental-\$40.00; Dept Of Hlth Lab Services-\$2,125.00; Dept Of The Treasury-\$62,707.20; Diamond Medical Supply-\$26.15; Diamond Pharmacy-\$401.00; Fidler-Isburg Funeral Chapel-\$1,170.00; Fisher Sand & Gravel-\$21,542.18; Galls-\$660.00; Genpro Energy Solutions-\$9,998.00; Godfrey's Brake Serv-\$4,660.27; Government Forms & Supplies-\$406.50; Janke, Wendy-\$1,568.00; Johner Gravel-\$639.60; Kansas Payment Center-\$6.00; Kdv-\$12,870.00; Kiesler's Police Supply-\$483.90; Kosel, Joseph-\$5,839.14; Lexisnexis Risk Data Mgmt-\$75.00; Mcleod's Office Supply-\$274.79; Midcontinent Communications-\$148.30; Montana Dakota Utilities-\$82.27; Monument Health Network-\$6,735.68; Moss, William Psy-\$1,775.00; Ms Mail-\$25.00; Nalco Company-\$297.70; Nebraska Salt & Grain Co-\$4,721.38; North Central Int'l-\$705.53; Office Depot-\$952.15; Office Of Child Support-\$234.00; Pennington Co Jail-\$1,343.16; Pharmchem-\$674.65; Queen City Rocket Lube-\$100.99; Quill-\$100.84; RC Journal-\$494.99; Radiology Associates-\$20.09; Rasmussen Mechanical Serv-\$2,046.74; Reserve Account-\$8,000.00; Riverside Technologies-\$3,795.00; Sacrison Asphalt-\$95.20; Sara J Fitzgerald-\$396.00; Schlimgen Law Firm-\$945.63; Sd Municipal League-\$134,675.00; Sd Reemployment Assistance Div-\$414.37; Sdrs Supplemental Retirement-\$3,182.50; Secretary Of State-\$30.00; Semerad, Sandra-\$156.40; Servall Towel & Linen-\$598.49; Spearfish Canyon Fire-\$2,772.00; Spearfish Police Dept-\$10,522.33; Staples-\$314.54; Sterna, Laura-\$240.00; Sturdevant's Auto Parts-\$13.77; Sysco Montana-\$2,973.88; Triple K Tire & Repair-\$110.41; Turnkey Corrections-\$24.16; Twin City Hardware & Lumber-\$232.22; Vast Broadband-\$1,829.12; Verizon Wireless-\$214.42; Victims Of Violence-\$1,435.00; Wells Fargo Business Card-\$6,177.66; Wheeler Lumber-\$2,700.00; White Drug-\$922.85; White's Queen City Motors-\$1,500.98; **Witness & Jurors:** \$635.16.

**ADJOURN:** 11:52 a.m. There being no further business, Chairman Sleep adjourned the meeting. Motion Carried.

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

\_\_\_\_\_  
Richard Sleep, Chairperson

ATTEST:

\_\_\_\_\_  
Brenda McGruder, Auditor