

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 14, 2023**

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 November 14, 2023 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Richard Tysdal, Richard Sleep and Eric Jennings.

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

**AGENDA:** Bruce Outka, Deputy State's Attorney, noted amendments to the agenda to include a letter from Cameron Larson dated November 14, 2023, stating "I would like to formally withdraw CUP #487".

Moved-Seconded (Sleep-Flanagan) to accept the withdrawal of Conditional Use Permit #487 at the request of the OWNER/ APPLICANT: Larson Family, LLP. to include: the Haul Road and Operating Agreement and Exhibit 2-Dust Control Plan, Exhibit 3-Hazard Training For Surface Mining Locations, and the final version of Findings and Facts and Conclusions of Law  
LEGAL DESCRIPTION: S½ SE¼ of Section 35, T7B, R1E and NE¼ of Section 2, T6N, R1E  
VICINITY LOCATION: Spearfish/Homestake Road SUMMARY: Small Scale Gravel Pit  
ZONING: A-1 ACREAGE: 101.63 acres. Motion Carried.

Outka noted that the applicant could reapply but would have to start the entire process over to include the application fee and public hearing process as required in the Zoning Ordinance.

Moved-Seconded (Flanagan-Jennings) to approve the agenda as amended. Motion Carried.

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

**MINUTES:** Moved-Seconded (Flanagan-Jennings) to approve the minutes of October 24, 2023 County Commission meeting. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Flanagan-Jennings) to approve the step raise for Krista L. Schroeder as a full-time permanent CE 1 G3 at a base rate of \$20.49 per hour, effective November 19, 2023. Motion Carried.

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Jennings-Tysdal) to approve the new hire for Kyle Anderson as a full-time permanent Information Systems & Technology Specialist G1 at a base rate of \$26.97 per hour, effective November 27, 2023. Motion Carried.

**SHERIFF:** Moved-Seconded (Flanagan-Tysdal) to approve the cell phone per Diem of \$104.00 per month for Brent McNeil, effective September 24, 2023. Motion Carried.

Moved-Seconded (Flanagan-Tysdal) to approve the cell phone per Diem of \$104.00 per month for Colin Simpson, effective October 24, 2023. Motion Carried.

Moved-Seconded (Jennings-Ewing) to approve the new hire for Robert R. Witherspoon II as a full-time permanent Dispatcher I G1 at a base rate of \$21.23 per hour, effective November 14, 2023. Motion Carried.

Moved-Seconded (Jennings-Tysdal) to approve the new hire for Julianne F. Blakeman as a part-time fill-in Dispatcher II G1 at a base rate of \$22.53 per hour, effective November 14, 2023. Motion Carried.

Moved-Seconded (Flanagan-Jennings) to approve the new hire for Stephanie Brooks as a full-time permanent Correctional Case Manager G2 at a base rate of \$33.75 per hour, effective December 11, 2023. Motion Carried.

**VOLUNTEER/POINT OF DISBURSING MANAGER:** Moved-Seconded (Jennings-Ewing) to approve Ron Moeller as a Volunteer for insurance purposes. Aye-Flanagan, Tysdal, Jennings & Ewing. Nay-Sleep. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Jennings) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of October 31, 2023, 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)-\$1,129,587.75; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$20,423.98; petty cash-\$2,725.00; total amount of deposits in bank include: CD's \$5,000,000.00; bank balance \$35,636,863.70; US Bank balance \$21,315,960.79; money market \$1,636,917.37. Total \$64,743,828.59. Motion Carried.

**EXECUTIVE ORDER 2023-13/CERTIFICATION FOR DOT AGREEMENTS:** Moved-Seconded (Flanagan-Jennings) to authorize the Chairman to sign the Acknowledgment and Certificate required by Executive Order 2023-13. Motion Carried.

**ABATEMENT:** Moved-Seconded (Flanagan-Jennings) to approve the abatement for Paha Sapa Holdings, LLC. on parcel #31090-02600-070-00 for 2022 taxes payable in 2023 as the structure was destroyed by fire in 2021. Motion Carried.

**COUNTY BOARDS AND COMMITTEES:**

**LAWRENCE COUNTY REVOLVING LOAN FUND:** Moved-Seconded (Flanagan-Sleep) to appoint Commissioner Tysdal to the Lawrence County Revolving Loan Fund Board for 2023. Motion Carried.

**MULTIPLE USE COMMITTEE:** Moved-Seconded (Flanagan-Sleep) to appoint Commissioner Tysdal as an alternate to the Multiple Use Committee for 2023. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Flanagan-Sleep) to have Commissioner Tysdal retain his position on the Planning & Zoning Board. Motion Carried.

**NATURAL RESOURCES COMMITTEE:** Moved-Seconded (Flanagan-Ewing) to appoint Commissioner Jennings and Randy Deibert to the Natural Resources Committee for 2023. Motion Carried.

**PLANNING & ZONING SUBDIVISION ORDINANCE REVIEW COMMITTEE:** Moved-Seconded (Flanagan-Jennings) to appoint Commissioner Tysdal to the Planning & Zoning Subdivision Ordinance Review Committee. Motion Carried.

**LAWRENCE COUNTY MASTER TRANSPORTATION PLAN:** Moved-Seconded (Flanagan-Jennings) to appoint Commissioner Sleep and Tysdal to the Lawrence County Master Transportation Plan study group. Motion Carried.

**COUNTY CHRISTMAS PARTY:** Moved-Seconded (Sleep-Flanagan) to allow the closure of the Lawrence County Offices from 12:00 p.m. – 1:30 p.m. on December 12, 2023 for the County Christmas Party. Motion Carried.

**SPECIAL ELECTION/CANVASS & COST:** Moved-Seconded (Sleep-Ewing) to schedule the canvassing of the election results for the special election referendum Re: C.U.P. #484 on December 21, 2023 at 8:00 a.m. Motion Carried.

Brenda McGruder, Auditor, reported that the election budget does not have the budget authority for the expenditures to hold the upcoming December 19, 2023 special election. McGruder added that a supplemental budget hearing could be scheduled or a contingency transfer could be done to cover the cost. McGruder added that it cost approximately \$30,000.00 to hold an election.

**CONTINGENCY TRANSFER:** Moved-Seconded (Flanagan-Tysdal) to approve the contingency transfer of \$30,000.00 to the Elections budget to cover the cost of the December 19, 2023 Special Election. Motion Carried.

**2024 GROUP HEALTH INSURANCE BUDGETS:** Brenda McGruder, Auditor, informed the board that there may be some individuals signing up for the single policy that were not budgeted for in 2024 as the County pays 100% of the policy cost. McGruder stated that she wanted the board to be aware in the event a department needed a supplement to cover the cost.

**COURTHOUSE & JAIL FUND:** Brenda McGruder, Auditor, reported that the Courthouse roof project is now complete and would like to close out the Courthouse and Jail fund. McGruder stated that the county has not levied for this fund since 2011 taxes payable in 2012. McGruder explained options for the placement of the funds.

Moved-Seconded (Jennings-Flanagan) to set a supplemental budget hearing for December 12, 2023 and to close out the Courthouse & Jail fund using the remaining funds to pay, in part, the Public Safety and Services Center RCS Construction, Inc. invoice. Motion Carried.

**SHERIFF:**

**SHERIFF'S REPORT:** No Report.

**PUBLIC SAFETY & SERVICES CENTER:** No Report.

**2024 LIQUOR LICENSE RENEWALS:** A public hearing was held on an application for renewal of liquor licenses for 2024. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Jennings) to renew the following liquor licenses for 2024. Motion Carried. PACKAGE LIQUOR - OFF SALE LICENSE THE MERC PIZZA AND PUB: M.S. 1368 Tract 3, Section 27, T3N, R5E, B.H.M. MATTINGLEYS LLC (St. Onge Bar): LOTS 1 & 2 BLOCK 8, Section 23, T7N, R3E BLACK HILLS, LLC (Steel Wheel): TRACT D REVISED HES 297 plat: 2004-6035 Sec 19, T4N, R4E, B.H.M. RETAIL AND SUNDAY ON-SALE LICENSE LEAD COUNTRY CLUB, INC.: Block 5 Ironwood Estates Section 31, T4, R3 VEZARO INC (Guadalajara Mexican Restaurant): Lot 3 & Pt Lots 2 & 4 & Pt of Lot B of Lot A of Lot 1 (NW4NW4) 3-6-2 SPEARFISH CANYON RESORTS LLC, (Spearfish Canyon Lodge): P.C. 953 LOT C AND D OF LITTLE SPF. SECTION 36, T5N, R1E, B.H.M. SPEARFISH CANYON RESORTS LLC, (Latchstring Restaurant): M.S. 991 PT. LOT Ab-1 A SUBDIVISION OF LATCHSTRING VILLAGE LOT Ab OF CASCADE PLACER IN THE W ½ OF SECTION 31, T5N, R2E, AND THE E ½ OF SECTION 36, T5N R1E, B.H.M., Lawrence Co, SD. BLACK HILLS CHAIRLIFT CO.INC., (Dark Horse Saloon): Gov't Lots 6 Ex Lot A (.329A) & Ex Tract 2 (.40A) & Gov't Lot 11 ex remainder of Tract 1 (7.229A) & Ex Terry Peak Estates Lots 1A-7B (4.44A) & ROW (1.036A) 02-004-02 TOMAHAWK LAKE COUNTRY CLUB: Tomahawk Tract, Formerly a Part of HES 66 and HES 57 of Section 19; Parts of Norwood No. 5 and Norwood No. 6 of MS 1372; Tract 0067A, Tract 0067 C, and Part of Tract 0067B; Tract A of HES 57 and HES 66, and Lot 1 of Norwood No. 4 of MS 1372; All located in the NE1/4, SE1/4 and SW1/4 of Section 19 and the NW1/4 of Section 30, T4N, R4E, BHM BOULDER CANYON MANAGEMENT LLC, (Boulder Canyon Country Club): Golf Course Tract 1 Section14, T5N, R4E of the BHM; and Apple Springs S/D Back Nine Tract 1, 2, 3A and 4; Golf Course Tract 2 13-005-04; Apple Springs S/D-Apple Springs Tract ex platted Lots & ROW 14-005-04 RETAIL ON-OFF SALE WINE SEVEN DOWN LLC (Seven Down Arena): TRACT 7plat: 2006-201 Section 27, T6N, R3E THE CROSSINGS AT SPEARFISH CANYON LLC (Cheyenne Crossing): M.S. 1564 SPEARFISH CANYON LOT C-3 OF MEADOW #1, #2, #3 Lodes M.S. 22-004-02 plat: 1991-1411 WICKHAM PROPERTIES LLC (Mystic Hills Hideaway): M.S. 1748 TRACT 1 OF ST JOHN LODES ETAL plat: 2013-2432 1-3-3 BLACK HILLS, LLC (Steel Wheel): TRACT D REVISED HES 297 plat: 2004-6035 Sec 19, T4N, R4E, BHM BAREFOOT RESORT ASSOCIATION INC. (Barefoot Resort): M.S. 2021 LOT 1R OF BAREFOOT EX UNITS D-1-O,D-1-1,D-2-0,D-2-1,D-2-2 & D-2-3. plat: 2004-6945 MINERAL 1995 THRU 2079, Sec. 2-T4N-R2E of Black Hills. CROW PEAK BREWING COMPANY LLC: Crow Peak Brewing Company Tract 4-6-2. BW GAS & CONVENIENCE RETAIL LLC (Yesway 1192): Lot 1 & W 20' Lot 2 of Lot A of Lot 1, NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. EAGLE TREE RESORTS CO LLC (Rim Rock Lodge): BLDGS ON LEASED SITE; SPEARFISH CANYON LOT C-2. DOUBLE DIAMOND LLC(Recreational Springs Resort): M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. ELKHORN RIDGE @ FRAWLEY RANCHES LLC: BLDGS ON LEASED SITE; FRAWLEY RANCHES ADDITION S ½ SECTION 26, E ½ NE ¼ SECTION 26, W ½ NW ¼ SECTION 26, E ½ NE SECTION 27, E ½ SE SECTION 27, SW SW SECTION 23, S ½ SE SECTION 22 T6 R3. RAR HOSPITALITY LLC (Branding Iron Restaurant): M.S. 1368 LOT 2 NEMO GUEST RANCH S/D plat: 2000-582 28-3-5 THE BARN AT ASPEN ACRES, LLC: TOWNSHIP 7 NORTH, RANGE 2 EAST OF BLACK HILLS MERIDIAN, SECTION 23 NW ¼ NW ¼ MULEY HILL LODGE LLC: Tract 37 and Lot A, a subdivision of Tract 37, as shown in the Plat recorded in Plat Book 5, Page 104, located in Section 24 T5N R3E BHM JUTRDA LLC (FISH N' FRY CAMPGROUND AND CAFE): Lot 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18 and 19, T4N R4E BHM. BOAR'S NEST ROADHOUSE LLC: Tract 59 Section 7, T4N, R3E, BHM THE MERC PIZZA AND PUB: M.S. 1368 Tract 3, Section 27, T3N, R5E, B.H.M.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quote was submitted as of November 6 & 13, 2023:

**Deadwood Diesel Blended 50/50 dyed 4000 gallons:** (prices per gallon) CBH Cooperative – \$3.339; Olson Fuels – \$3.309\*\*, MG Oil – \$3.65. **Deadwood Unleaded 5300 gallons:** (prices

per gallon) CBH Cooperative – \$2.709\*\*; Olson Fuels – \$2.724; MG Oil – No Bid. **Spearfish Unleaded 800 gallons:** (prices per gallon) CBH Cooperative – \$2.709\*\*; Olson Fuels – \$2.724; MG Oil – No Bid. **Whitewood Diesel Blended 50/50 dyed 900 gallons:** (prices per gallon) CBH Cooperative – \$3.339; Olson Fuels – \$3.309\*\*; MG Oil – \$3.65. \*\*Represents accepted quote.

**COUNTY ROAD RESOLUTION #2023-25:** A public hearing was held on an Resolution #2023-25 A Resolution to Accept or Transfer Dedication and Responsibility for Maintenance of Certain Roads. No public input was voiced and the hearing was closed. Moved-Seconded (Jennings-Sleep) to approve the following Resolution #2023-25 A Resolution to Accept or Transfer Dedication and Responsibility for Maintenance of Certain Roads. Motion Carried. RESOLUTION NO. 2023-25 A RESOLUTION TO ACCEPT OR TRANSFER DEDICATION AND RESPONSIBILITY FOR MAINTENANCE OF CERTAIN ROADS: WHEREAS, Lawrence County, South Dakota (County) desires to dedicate certain highway rights-of-way to the City of Spearfish, South Dakota (City), and the City has agreed to accept said dedication for future use, maintenance, repair, and jurisdiction; and, WHEREAS, the highway rights-of-way subject to the dedication are described below and further illustrated in Appendices A through E: Hillsview Road approximately 0.677 miles (Exhibit A) Starting at the intersection of Hillsview Road and College Lane then west approximately 0.677 miles to the east right of way line of McGuigan Road in Section 9, T.6N., R.2E., B.H.M. Hill Street approximately 0.286 miles (Exhibit B) Starting at the northeast corner of Section 16, T.6N., R.2E., B.H.M., then heading east approximately 0.055 miles to the intersection of St. Joe Street. Starting at the northeast corner of Section 16, T.6N., R.2E., B.H.M., then heading west approximately 0.231 miles to the east right of way line of Jonas Boulevard. Saint Onge Road approximately 1.172 (Exhibit C) Starting at the intersection of US 85 and Saint Onge Road, approximately 1,998 feet east of the northeast corner of Section 22, T6N, R3E, then east and north approximately 1.172 miles to Spearfish city limits located at the northeast corner of Section 15, T6N, R3E. WHEREAS, City desires to dedicate certain highway rights-of-way to County and the County has agreed to accept said dedication for future use, maintenance, repair, and jurisdiction; and, WHEREAS, the highway rights-of-way subject to the dedication are described below and further illustrated in Appendices D through E: Industrial Drive approximately 0.727 miles (Exhibit D) Starting at the intersection of Industrial Drive and North 27<sup>th</sup> Street located approximately 1,207 feet south and 491 feet east of the W1/4 corner of Section 7, T.6N., R.3 E., B.H.M. then southeast approximately 0.727 miles to the transitions from gravel surface to asphalt surface located 303 feet south and 951 feet east of the interior ¼ corner of Section 7, T6N, R3E. 27<sup>th</sup> Street approximately 0.83 miles – Gravel from Industrial to Windmill (Exhibit E) Starting at the intersection of Industrial Drive and North 27<sup>th</sup> Street located approximately 1,207 feet south 491 feet east of the west ¼ of Section 7, T.6N., R.3E. B.H.M. then southwest approximately 0.83 miles to the intersection of Windmill Drive located 843 feet north and 1,331 feet west of the east ¼ corner of Section 13, T6N, R2 E. NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Commission, Lawrence County, South Dakota, that Lawrence County does hereby accept the dedication and transfer of roads as described and set forth herein. Dated this 14th day of November, 2023. LAWRENCE COUNTY Robert Ewing, Chairman ATTEST: Brenda McGruder, Auditor.

**MEMORANDUM OF UNDERSTANDING/PENNINGTON COUNTY:** Moved-Seconded (Flanagan-Tysdal) to follow the recommendation of John Bey, Highway Superintendent, and approve and authorize the Chairman to sign the Memorandum of Understanding 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 7, 2023 to May 15, 2024. Motion Carried.

**TINTON ROAD FOREST ROADS AND TRAIL ACT PERMIT:** John Bey, Highway Superintendent, presented the Tinton Road Forest Roads and Trails Act Permit. Valerie Jagim, USFS Realty Specialist, was present to answer any questions.

Commissioner Jennings questioned that if approved would the County be fully committed to taking on this portion of Tinton Road? Bey stated that yes, this is his understanding.

Commissioner Sleep voiced his concern that the Forest Service has too much control over the project.

Commissioner Jennings voiced his concern with item #6 of the process, stating that if the USFS gives up responsibility they must also give up control and that he doesn't feel the Forest Service is giving up control since the County has to provide 2 sets of drawings. Jennings also voiced his

concern with the NEPA work that needs to be done. Jagim stated that there is allowance for minor reconstruction but if major realignment is requested it may have to be reanalyzed.

Commissioner Sleep voiced his concern with drivers' speed on the road.

Commissioner Sleep and Jennings stated they are in opposition to the County taking over this portion of the road.

Moved-Seconded (Flanagan-Ewing) to approve and authorize John Bey, Highway Superintendent, to sign the Tinton Road Forest Roads and Trail Act Permit application and to go forward with the survey process. Aye-Flanagan, Tysdal and Ewing. Nay-Sleep and Jennings. Motion Carried.

**SECTION LINE/BALO:** Eric Neis, Attorney for Mona Balo, Mona Balo, 19627 Whitewood Valley Road, and Guy Balo, 19627 Whitewood Valley Road, were present to discuss an electric wire/gate strung along a section line to contain cattle.

Roger Tellinghuisen, Attorney for Anderson/Kesteloot, stated that permission from the County was given to Michael Anderson and Bruce Kesteloot on April of 2021 to make some improvements to the section line. Tellinghuisen stated that once a section line has been improved one is not allowed to place a fence across it pursuant to SDCL Ch. 31-25.

Mike Anderson, 12564 194<sup>th</sup> St, was present to express his concern with a wire strung across the road as it is a potential hazard to people using the road.

Neis stated he was present to provide guidance, and it is the Balo's intent to file a petition for a gate across the section line pursuant to SDCL 32-25-1.

**PROJECT UPDATES:** John Bey, Highway Superintendent, gave an update on the St. Onge Bridge #41-163-053, St. Onge Bridge #41-165-066, Whitewood Service Road Bridge #41-214-100 and SDACHS/38<sup>th</sup> Annual Local Road Conference.

John Bey, Highway Superintendent, asked for permission to purchase a 2023 Diamond Mowers, Inc. 72Mulcher since the mower he was going to purchase in 2023 will not be available until 2024.

Moved-Seconded (Flanagan-Tysdal) to authorize the purchase of a 2023 Diamond Mowers, Inc. 72Mulcher and Safety Glass in the amount of \$40,220.00. Motion Carried.

**PLANNING & ZONING:**

**PROFESSIONAL SERVICES AGREEMENT/LOOKOUT PLAN + CODE CONSULTING, LLC.:** Moved-Seconded (Jennings-Tysdal) to approve and authorize the Chairman to sign the agreement between Lawrence County and Lookout Plan + Code Consulting LLC. Motion Carried.

**PLATS:**

**2023 - 7 PRELIMINARY & FINAL PLAT/ABERLE DEVELOPMENT COMPANY:**

APPLICANT: Aberle Development Company LEGAL DESCRIPTION: Lot 33A of Sugarloaf Village, Formerly Lot 37 and a Portion of the Cheyenne Crossing Village Tract; A Sub of the Cheyenne Crossing Village Tract 3, Consisting of Lot 3B of the Sub of Tract 2 of the Jay No. 1-3, Fay No. 3, Albert Steele Fraction, Hazard, Log Cabin, and a Portion of Violet No 2 & 3 Lodes of MS 1200, and a Portion of Violet No 1, Portion of Springview MS 1200, All Located in S19, T4N, R3E and S24,T4N, R2E (legal shortened) VICINITY LOCATION: Hwy 14A SUMMARY: Combine original lots 32 & 33 - Fire Plan Completed ZONING: SRD.

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

Moved-Seconded (Tysdal-Flanagan) to approve the preliminary & final plat for APPLICANT: Aberle Development Company 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 33A of Sugarloaf Village, Formerly Lot 37 and a Portion of the Cheyenne Crossing Village Tract; A Sub of the Cheyenne Crossing Village Tract 3, Consisting of Lot 3B of the Sub of Tract 2 of the Jay No. 1-3, Fay No. 3, Albert Steele Fraction, Hazard, Log Cabin, and a Portion of Violet No 2 & 3 Lodes of MS 1200, and a Portion of Violet No 1, Portion of Springview MS 1200, All Located in S19, T4N, R3E and S24,T4N, R2E (legal

shortened) VICINITY LOCATION: Hwy 14A SUMMARY: Combine original lots 32 & 33 - Fire Plan Completed ZONING: SRD. Motion Carried.

**2023-8 PRELIMINARY & FINAL PLAT/HOMESTAKE MINING CO. OF CA, A CALIFORNIA CORP AND SHIRLEY C. MORTON REVOCABLE LIVING TRUST:** APPLICANT: Homestake Mining Co. of CA, a California Corp and Shirley C. Morton Revocable Living Trust LEGAL DESCRIPTION: Tract PR1 and PR2 of MS 1376, Being all of the Porto Rico and Porto Rico No. 2 of MS 1376 Located in Sections 10, 11, 14, & 15 of T5N, R2E, BHM, Lawrence County, South Dakota VICINITY LOCATION: Roman Road SUMMARY: Adjust property lines to match fence line - Fire Plan Exempt ZONING: PF.

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

Moved-Seconded (Flanagan-Jennings) declaring that the plat for APPLICANT: Homestake Mining Co. of CA, a California Corp and Shirley C. Morton Revocable Living Trust meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Tysdal-Sleep) to approve the preliminary & final plat for APPLICANT Homestake Mining Co. of CA, a California Corp and Shirley C. Morton Revocable Living 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: Tract PR1 and PR2 of MS 1376, Being all of the Porto Rico and Porto Rico No. 2 of MS 1376 Located in Sections 10, 11, 14, & 15 of T5N, R2E, BHM, Lawrence County, South Dakota VICINITY LOCATION: Roman Road SUMMARY: Adjust property lines to match fence line - Fire Plan Exempt ZONING: PF. Motion Carried.

**2023 - 9 PRELIMINARY & FINAL PLAT/NEMO MOUNTAIN COTTAGES, KELLER & RAMBO:** APPLICANTS: Nemo Mountain Cottages, Bruce Keller & Traci Rambo LEGAL DESCRIPTION: Lots G1, N1, 4-1, 5-1, 6B-1 and 40' Private Access and Utility Easement of the Subdivision of the Nemo Placer, M.S. 1368 (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: Lot line adjustments-Fire Plan exempt ZONING: PF & SRD.

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

Moved-Seconded (Sleep-Jennings) declaring that the plat for APPLICANT: Nemo Mountain Cottages, Bruce Keller & Traci Rambo meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Tysdal-Sleep) to approve the preliminary & final plat for APPLICANT Nemo Mountain Cottages, Bruce Keller & Traci Rambo 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 G1, N1, 4-1, 5-1, 6B-1 and 40' Private Access and Utility Easement of the Subdivision of the Nemo Placer, M.S. 1368 (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: Lot line adjustments-Fire Plan exempt ZONING: PF & SRD. Motion Carried.

**2023-10 PRELIMINARY & FINAL PLAT/PRAIRIE HILLS ENTERPRISES, LLC.:** APPLICANT: Prairie Hills Enterprises, LLC. LEGAL DESCRIPTION: Lots 1A and 1B, Block 11 of Trailside Addition, Formerly Lot 1, Block 11 of Trailside Addition being a Subdivision of a Portion of Tract 2 and Portions of Diorite MS 1151 and Cyclone Fraction MS 1153, All situated in S18, T4N, R3E (legal shortened) VICINITY LOCATION: Powderhouse Pass SUMMARY: Subdivision for residential townhouses - Fire Plan in place ZONING: PUD.

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

Moved-Seconded (Flanagan-Tysdal) to approve the preliminary & final plat for APPLICANT: Prairie Hills Enterprises, LLC. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. LEGAL DESCRIPTION: Lots 1A and 1B, Block 11 of Trailside Addition, Formerly Lot 1, Block 11 of Trailside Addition being a Subdivision of a Portion of Tract 2 and Portions of Diorite MS 1151 and Cyclone Fraction MS 1153, All situated in S18, T4N, R3E (legal shortened) VICINITY LOCATION: Powderhouse Pass SUMMARY: Subdivision for residential townhouses - Fire Plan in place ZONING: PUD. Aye-Flanagan, Tysdal, Jennings and Ewing. Nay-Sleep. Motion Carried.

**2023-11 PRELIMINARY & FINAL PLAT/POWDER HOUSE PASS:** APPLICANT: Powder House Pass - Dancing Sky Addition LEGAL DESCRIPTION: Lots 1A and 1B of Dancing Sky Addition, Formerly Lot 1 of Dancing Sky Addition, Being a portion of Tract 2B of Wilderness Estates 2nd Addition and a Portion of Tract 2 of PHP, Located in some Left Fraction MS 1101, Edison No 2 and Edison No 2 & 3 MS 1169, in E12 of S7, T4N, R3E (legal shortened) VICINITY LOCATION: Powderhouse Pass SUMMARY: Subdivision for Townhouse - Fire Plan in place ZONING: PUD.

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

Moved-Seconded (Tysdal-Flanagan) to approve the preliminary & final plat for APPLICANT: Powder House Pass 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 Dancing Sky Addition, Formerly Lot 1 of Dancing Sky Addition, Being a portion of Tract 2B of Wilderness Estates 2nd Addition and a Portion of Tract 2 of PHP, Located in some Left Fraction MS 1101, Edison No 2 and Edison No 2 & 3 MS 1169, in E12 of S7, T4N, R3E (legal shortened) VICINITY LOCATION: Powderhouse Pass SUMMARY: Subdivision for Townhouse - Fire Plan in place ZONING: PUD. Motion Carried.

**2023-13 PRELIMINARY & FINAL PLAT/WILSON & HAXTON:** APPLICANTS: Scott & Kathryn Wilson & Clinton & Rita Haxton Living Trust LEGAL DESCRIPTION: Lots 9A and 12A part of Smokey Mountain Ranch Subdivision, formally Lots 9, 10, and 12 of Smokey Mountain Ranch Subdivision, Part of Riley Wolff Tracts 1&3, Located in the SE1/4SE1/4 of S28 and NE1/4NE1/4 of S33, All in T6N, R4E (legal shortened) VICINITY LOCATION: Whitewood SUMMARY: Lot line adjustment - Fire Plan Completed ZONING: SRD.

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

Moved-Seconded (Sleep-Jennings) to approve the preliminary & final plat for APPLICANT: Scott & Kathryn Wilson & Clinton & Rita Haxton Living 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: Lots 9A and 12A part of Smokey Mountain Ranch Subdivision, formally Lots 9, 10, and 12 of Smokey Mountain Ranch Subdivision, Part of Riley Wolff Tracts 1&3, Located in the SE1/4SE1/4 of S28 and NE1/4NE1/4 of S33, All in T6N, R4E (legal shortened) VICINITY LOCATION: Whitewood SUMMARY: Lot line adjustment - Fire Plan Completed ZONING: SRD. Motion Carried.

**2023 - 14 PRELIMINARY ~ APPLICANT:** Lead-Deadwood Sanitary District LEGAL DESCRIPTION: Tract W1 and Tract W2 of Tract W, a sub of a portion of HES 41, in Section 19, 20, 29, & 30 T4N, R3E (legal shortened) VICINITY LOCATION: Englewood Road SUMMARY: Create Pump House lot - Fire Plan coming ZONING: PF.

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

Moved-Seconded (Flanagan-Jennings) declaring that the plat for APPLICANT: Lead-Deadwood Sanitary District meets exemption criteria per the subdivision ordinance, Chapter 4, Article 3. Motion Carried.

Moved-Seconded (Flanagan-Tysdal) to approve the preliminary plat for APPLICANT: Lead-Deadwood Sanitary District with the following conditions as follows: 1. The W2 lot needs to have a no residential building restriction added to the plat. 2. The notation in the minutes that Lot W1 will be required to have a full fire plan if there is any future subdivision of it 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: Tract W1 and Tract W2 of Tract W, a sub of a portion of HES 41, in Section 19, 20, 29, & 30 T4N, R3E (legal shortened) VICINITY LOCATION: Englewood Road SUMMARY: Create Pump House lot - Fire Plan coming ZONING: PF. Motion Carried.

**CONDITIONAL USE PERMIT/WILSON/JORDAN:** CUP #441 Wilson/Jordan ~ Transfer of Commercial Recreational Facility CUP from: Crow Peak CrossFit to Spearfish Martial Arts.

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

Moved-Seconded (Flanagan-Ewing) to transfer Conditional Use Permit #441 from Crow Peak CrossFit to Spearfish Martial Arts conditioned upon Spearfish Martial Arts assumption of all of the terms and conditions of the current CUP with the additional hours of operation in condition #9 changing to 5:30 a.m. to 8:30 p.m. Motion Carried.

**RECESS:** 9:30 a.m. Moved-Seconded (Flanagan-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 9:46 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

**TEMPORARY USE PERMIT #23-05/CHAPTER OF CALVARY CATHEDRAL/THE EPISCOPAL DIOCESE OF SOUTH DAKOTA/MAD MOUNTAIN ADVENTURES/AMY PETERSEN:** A public hearing was held on Temporary Use Permit #23-05  
**OWNER/APPLICANT:** Chapter of Calvary Cathedral/The Episcopal Diocese of South Dakota/Mad Mountain Adventures/Amy Petersen **LEGAL DESCRIPTION:** Portion of HES 243 SECTION 23, T3N, R1E, B.H.M VICINITY **LOCATION:** US Hwy 85 **SUMMARY:** Check in & check out location for snowmobile rentals **ZONING:** PF.

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

Amy Peterson, 758 Stage Run Rd, was present to explain the request for the Temporary Use Permit.

Maggie Riley, 1030 N 5<sup>th</sup> Street, Mark & Betsy Carbo, 21892 Juso Ranch Rd, Steve Sanford, 4701 S Twin Ridge Rd, all spoke in favor of the Temporary Use Permit.

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

Moved-Seconded (Jennings-Sleep) to approve the Temporary Use Permit #23-05 with the following conditions: The owner and operator shall comply with all applicable County, State, and Federal regulations regarding lodging requirements. Any new construction shall require a building permit from the Lawrence County Planning and Zoning Dept. The South Dakota Department of Health shall inspect the facility and issue a license prior to opening. First aid kit(s) shall be made accessible to the guests and employees. Water quality testing shall be conducted by the operator according to the South Dakota DANR Water Quality Division regulations and found to be safe for public consumption. One on-premise sign shall be allowed on the property and conform to Chapter 8-Sign Regulations of the Lawrence County Zoning Ordinance. Any proposed sign must be presented to Lawrence County Planning and Zoning Office along with a Sign Permit Application. Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. The employees shall police trash periodically. The trash containers shall be emptied on a regular basis or by demand. All septic systems shall be designed, inspected and approved by a South Dakota registered professional engineer (PE) and installed by a State Licensed Installer. The proposed septic system shall be reviewed by the DANR, prior to issuance of a building permit. All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. Exterior lights shall be placed strategically throughout the property all lighting shall be fully shielded and have 100% cut-off type fixtures. "Downthrow" lighting. Any parking pertaining to the operation shall comply with Chapter 7-Parking Regulations of the Lawrence County Zoning Ordinance. 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. Shall not result in invasive, unreasonable or offensive noise and otherwise create a private or public nuisance. If any terms, condition or requirement stipulated in the Temporary Use Permit, the Lawrence County Zoning Ordinance or applicable State and Federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked. This permit shall be reviewed on an annual basis or on an as needed basis to assure compliance with the attached conditions, at which time additional conditions may be attached or the permit may be canceled if deemed necessary for the protection of the public interest. Hours of operations shall be 8:00 am to 4:30 pm. **OWNER/APPLICANT:** Chapter of Calvary Cathedral/The Episcopal Diocese of South Dakota/Mad Mountain Adventures/Amy Petersen **LEGAL DESCRIPTION:** Portion of HES 243 SECTION 23, T3N, R1E, B.H.M VICINITY **LOCATION:** US Hwy 85 **SUMMARY:** Check in & check out location for snowmobile rentals **ZONING:** PF. Motion Carried.



**PRE-DISASTER MITIGATION PLAN AGREEMENT:** Kailey Snyder, Black Hills Council of Local Governments, was present to discuss the Pre-Disaster Mitigation Plan agreement.

Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the Pre-Disaster Mitigation Plan agreement between Lawrence County and Black Hills Council of Local Governments for the Lawrence County Natural Hazard Mitigation Plan Update. Aye-Flanagan, Tysdal, Jennings and Ewing. Nay-Sleep. Motion Carried.

Moved-Seconded (Jennings-Flanagan) to appoint Commissioner Tysdal to the Hazard Mitigation Planning team. Motion Carried.

**NATURAL RESOURCES COMMITTEE:**

**FOREST PLAN REVISION PRINCIPAL COOPERATOR CONTACT:** Moved-Seconded (Flanagan-Tysdal) to appoint Randy Deibert as a Forest Plan revision principal cooperator contact. Aye-Flanagan, Tysdal and Ewing. Nay-Sleep and Jennings. Motion Carried.

**PROPOSED LANGUAGE/COOPERATING AGENCY MEMORANDUM OF**

**UNDERSTANDING:** Mitch Iverson, Natural Resource Committee, was present and presented the proposed language for Lawrence County and Black Hills National Forest Cooperating Agency Memorandum of Understanding. Iverson will bring the Cooperating Agency Memorandum of Understanding for approval at the next meeting.

**FOREST PLANNING SYMPOSIUM:** The Forest Planning Symposium will be held on November 29, 2023 at the Rushmore Hotel in Rapid City, SD.

**PETITION FOR VACATION OF SECTION LINE/HIGHWAY/RIGHT-OF-WAY/**

**WASSERMAN:** A Public Hearing was held on a Petition for Vacation of Section Line Right-of-Way LEGAL DESCRIPTION FOR THE VACATION: EXHIBIT DRAWING FOR SECTION LINE R.O.W. VACATION ACROSS LOT 2 OF SKYLINE SUBDIVISION, A SUBDIVISION OF WEEDON NO. 1, NEW YEAR & GROVER, M.S. 1409 AND MCKINLEY & IVANHOE, M.S. 1494, LOCATED IN SECTIONS 17 & 20, T5N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE LANDOWNERS: DOUGLAS A AND DIANE C WASSERMAN.

Brenda McGruder, Auditor, presented Lawrence County Resolution #2023-26, A Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located on a Section Line/Highway/Right of Way.

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

Moved-Seconded (Flanagan-Jennings) to approve, adopt, and authorize the Chairman to sign Lawrence County Resolution #2023-26, Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located on a Section Line/Highway/Right of Way. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2023-26 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, Spearfish, 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: EXHIBIT DRAWING FOR SECTION LINE R.O.W. VACATION ACROSS LOT 2 OF SKYLINE SUBDIVISION, A SUBDIVISION OF WEEDON NO. 1, NEW YEAR & GROVER, M.S. 1409 AND MCKINLEY & IVANHOE, M.S. 1494, LOCATED IN SECTIONS 17 & 20, T5N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA AFFECTING THE

LANDOWNERS: DOUGLAS A AND DIANE C WASSERMAN Dated this 14<sup>th</sup> day of November, 2023 Robert Ewing, 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 November 14<sup>th</sup>, 2023. Dated at Deadwood, South Dakota, the 14<sup>th</sup> day of November, 2023. Brenda McGruder, Lawrence County Auditor.

**INFORMATION SYSTEMS & TECHNOLOGY:** Greg Dias, Information Systems & Technology, gave an update on the proposed website redesign. Dias stated he plans to send a survey out to the department head for input and form a advisory project team.

Moved-Seconded (Jennings-Flanagan) to authorize the Chairman to sign the statement of work with CivicPlus for 2024. Motion Carried.

**ITEMS FROM THE PUBLIC:** None.

**ITEMS FROM THE COMMISSIONERS:**

The Black Hills Regional Multiple Use Coalition will meet Thursday, November 16, 2023 at 4:00 p.m. at the Spearfish Holiday Inn.

Commissioner Jennings commented on the process to fill a Commission seat following a vacancy. Jennings stated a public notice should be published along with expressed interest to the position and feels a change to state statute is warranted.

**BILLS (APPROVED DURING GENERAL BUSINESS AT 8:00 A.M.):** Moved-Seconded (Sleep-Jennings) 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-\$15,689.82; Aud-\$27,407.52; Treas-\$31,028.16; States Atty-\$34,564.08; Pub Def-\$27,689.60; Gen Govt Bldg-\$23,595.12; Equal-\$36,460.91; Rod-\$21,964.87; Vso-\$4,098.04; Ist-\$17,856.86; Sher-\$121,680.18; Jail-\$81,074.63; Coroner-\$2,748.08; 24/7-\$405.76; Emerg Mgmt-\$10,199.46; E911-\$104,706.26; Weed-\$9,289.80; P&Z-\$17,866.36; **Bills:** Thomson, Paul-\$34.00; Vogt, Amber-\$34.00; Isburg, Damon-\$115.00; Capp, Jacob-\$394.00; Moser, Douglas-\$100.00; Palmer, Laurel-\$86.00; Baker, Barbara-\$91.02; Sims, Katherine-\$225.00; American Family Life-\$2,486.30; Deadwood Recreation Center-\$700.00; Delta Dental Of South Dakota-\$8,955.04; Dept Of The Treasury-\$73,898.34; Hartford-Priority Accounts-\$2,283.31; Northern Hills Rec Center-\$92.00; Sd Retirement System-\$76,765.48; Wellmark Blue Cross-\$126,463.56; A To Z Shredding-\$27.96; A&B Business,Inc Solutions-\$3,359.69; A&B Welding Supply-\$327.40; A&I Distributors-\$1,703.45; A&J Supply-\$37.05; At&T Mobility-\$1,923.70; Audra Hill Consulting-\$235.31; Avera Health DbA Aess-\$75.00; BH Pest Control-\$190.00; BH Pioneer-\$1,965.25; Barnaud Law Firm Prof-\$3,361.69; Black Hills Chemical-\$2,600.06; Black Hills Energy-\$11,755.49; Black Hills Pure-\$11.50; Blackstrap-\$21,922.19; Bob Barker Company-\$142.93; Bomgaars Supply-\$85.20; Butte Electric Coop-\$506.99; Cbh Cooperative-\$14,360.41; Century Business Products-\$390.40; Centurylink-\$359.89; Charm-Tex-\$290.00; Croell-\$5,363.50; Dakota Equip Rental/Chain Saw-\$756.54; Deadwood Rentals-\$750.00; Deadwood, City Of-\$1,739.64; Delahoyde, Katy-\$171.50; Dept Of Hlth Lab Services-\$150.00; Dept Of The Treasury-\$70,912.19; Dustbusters-\$7,146.36; Eagle Engraving-\$135.50; Election Sys & Software-\$8,861.43; Elevatus Architecture-\$30,000.00; Fischer, Shawn-\$120.00; Floyd's Truck Center-\$47.55; Fmg Engineering-\$240.10; Galls-\$489.00; Geigle, Jd-\$14.00; Genpro Energy Solutions-\$2,071.25; Godfrey's Brake Serv-\$617.31; Gordon Law Office-\$814.92; Grimm's Pump&Industrial Supply-\$451.27; Heiman Fire Equipment-\$1,467.78; High Plains Business Forms-\$1,813.60; Id Zone South-\$479.90; Intoximeters-\$495.00; Janke, Wendy-\$756.00; Jeffery J Fransen-\$6,157.80; Jefferson Partners-\$154.22; Jerry Greer's Engineering-\$134.98; Juneks' Chrysler/Dodge-\$2,320.06; Kimbell's Auto Repair-\$502.60; Kinkade Funeral Chapel-\$1,170.00; Kinney Law-\$937.40; Kosel, Joseph-\$9,127.90; Lead-Deadwood Sanitary-\$543.33; Lexisnexis Risk Data Mgmt-\$75.00; Lincoln County-\$615.30; Mabey, Brooke-\$60.00; Mastercard-\$10,526.78; Megas Propane-\$188.00; Metrasens-\$35,000.00; Montana Dakota Utilities-\$2,355.30; Monument Health Network-\$4,411.65; Monument Health Rc Hospital-\$461.00; Ms Mail-\$75.00; Nelson, Jacquelyn-\$100.00; Odp Business Solutions-\$100.10; Office Of Child Support-\$1,231.32; Pennington County Public-\$64.00; Percy, Melissa-\$520.00; Pete Lien & Sons-\$9,186.01; Pharmchem-\$127.80; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$99.61;

Queen City Tire-\$26.25; Quill-\$2,939.21; Radiology Associates-\$224.91; Ramkota Inn Pierre-\$214.00; Res Construction-\$2,258,889.26; Riverside Technologies-\$4,830.00; Ryan, Suzanne-\$180.00; Sanford Health Occupational-\$175.00; Schlingen Law Firm-\$781.10; Sd Continuing Legal Education-\$875.00; Sd Dept Of Transportation-\$750,760.99; Sd State Treasurer-\$1,109.87; Sdn Communications-\$260.00; Sdrs Supplemental Retirement-\$8,285.00; Seifert, Mary-\$100.00; Servall Towel & Linen-\$346.09; Sikich Llp-\$499.00; Simon North Region-\$3,754.69; Spearfish Auto Supply-\$939.94; State Bar Of South Dakota-\$3,780.00; Sturdevant's Auto Parts-\$1,108.82; Sturgis Responder Supply-\$1,618.94; Superior Printing-\$652.59; Sysco Montana-\$4,832.21; Teen Court-\$8,750.00; Transource Truck & Equip-\$579.06; Turnkey Corrections-\$21.02; Twin City Hardware & Lumber-\$2,391.53; Washington State Support Regis-\$230.76; Waste Connections-\$1,430.02; Watertree-\$54.00; Western Sd Juvenile Serv-\$10,545.00; Wex Bank-\$1,318.98; White's Canyon Motors-\$954.16; **Witness & Jurors:** \$5,110.51.

**ADJOURN:** 10:54 a.m. There being no further business, Chairman Ewing adjourned the meeting.

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

\_\_\_\_\_  
Robert Ewing, Chairperson

ATTEST:

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

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – November 14, 2023**

Chairman Robert Ewing called the meeting of the Lawrence County Board of Adjustment to order at 9:30 a.m. on November 14, 2023, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Brandon Flanagan, Richard Tysdal, Richard Sleep and Eric Jennings.

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

**VARIANCE #208/SCHMIDT:** A Public Hearing was held on VAR #208  
OWNERS/APPLICANTS: Wolfgang & Kathleen Schmidt LEGAL DESCRIPTION: Tract E of Big Elk Forest, HES 88 all located in Section 4 & 9, T3N, R5E VICINITY LOCATION: Dalton Lake Road SUMMARY: Variance request for a 21’ variance to the 25/ side setback ZONING: PF.

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

No public input was voiced and the hearing was closed.

Commissioner Tysdal stated that the Planning & Zoning did recommend approval of the variance.

Commissioner Flanagan stated he does not see any hardship.

Kathleen Schmidt, 12645 Dalton Lake Rd, stated that there was a culvert put in at the west end of the property when Vanocker Canyon Road was built causing drainage issues.

Moved-Seconded (Tysdal-Ewing) to approve Variance #208 as: 1). Pursuant to SDCL 11-2-53(2) as granting the variance would not be injurious to the neighborhood or detrimental to the public interest/welfare; and 2). That a special condition exists, namely, water drainage diverted from the highway onto the subject property limits building sites which also qualifies as an extraordinary and exceptional situation such that a variance is necessary. Further, that denial of the variance will create peculiar and exceptional practical difficulties OWNERS/APPLICANTS: Wolfgang & Kathleen Schmidt LEGAL DESCRIPTION: Tract E of Big Elk Forest, HES 88 all located in Section 4 & 9, T3N, R5E VICINITY LOCATION: Dalton Lake Road SUMMARY: Variance request for a 21’ variance to the 25/ side setback ZONING: PF. Aye-Sleep, Tysdal and Ewing. Nay-Flanagan and Jennings. Motion Failed.

Kathleen Schmidt, 12645 Dalton Lake Rd, stated that her son has moved into the cabin and is in need of a shop for his work.

Commissioner Flanagan and Jennings will do an onsite.

**ADJOURN:** 9:46 a.m. There being no further business it was Moved-Seconded (Flanagan-Jennings) to adjourn the meeting. Motion Carried.

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

\_\_\_\_\_  
Robert Ewing, Chairperson

ATTEST:

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