

## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 10, 2022**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 10, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

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

**DECLARE CONFLICTS:** Commissioner Deibert declared a conflict with the 9:00 a.m. agenda item: Plats- Preliminary Plat/KR Deer Mountain Club and Preliminary & Final Plat/Graf Ventures, LLP.

**MINUTES:** Moved-Seconded (Ewing-Deibert) to approve the minutes of April 26, 2022 County Commission meeting. Motion Carried.

Moved-Seconded (Ewing-Deibert) to approve the minutes of April 26, 2022 Board of Equalization meeting. Motion Carried.

### **TRAVEL REQUEST:**

**EQUALIZATION:** Moved-Seconded (Sleep-Rosenau) to amend the travel request from April 26, 2022 Commission meeting replacing Tim Hodson with Brett Runge to attend the Annual Appraisers School in Pierre, SD from May 22-27, 2022 and allow for a travel advance. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Deibert-Ewing) to approve the new hire for Faith Erickson as a part-time fill-in Correctional Officer I G1 at a base rate of \$20.22 an hour, effective May 10, 2022. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the new hire for Keri McPheeters as a part-time fill-in Correctional Officer I G1 at a base rate of \$20.22 an hour, effective May 4, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the classification change for Alex Clover as a part-time fill-in Special Deputy II G1 at a base rate of \$21.98 an hour, effective May 13, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the classification change for Marina Cleveland as a full-time permanent Deputy I G2 at a base rate of \$26.39 an hour, effective May 13, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the classification change for Masin Green as a full-time permanent Correctional Officer II G 1 at a base rate of \$21.46 an hour, effective May 13, 2022. Motion Carried.

**EXECUTIVE SESSION PERSONNEL:** 8:10 a.m. Moved-Seconded (Deibert-Rosenau) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:22 a.m. The Board opened for regular business with no action taken.

**EQUALIZATION:** Moved-Seconded (Flanagan-Deibert) in lieu of the travel and training agreement, Ben Pisani will reimburse Lawrence County in the amount of \$350.00 and waiving the remainder of the expenses. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Deibert-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 2022, showed the following: Total amount of actual cash-\$1,350.00; total amount of checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,336,082.96; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$20,522.70; petty cash-

\$1,860.00; total amount of deposits in bank include: bank balance \$30,589,303.36; US Bank balance \$41,317,145.80; money market \$11,986,256.43. Total \$85,252,521.25. Motion Carried.

**RAFFLE REQUEST/SPEARFISH AREA CHAMBER OF COMMERCE:** Moved-Seconded (Sleep-Rosenau) to not object to the request to conduct a raffle for the Spearfish Area Chamber of Commerce, with the drawing taking place October 27, 2022. Motion Carried.

**SHERIFF:**

**SHERIFF' REPORT:** Brian Dean, Sheriff, gave an update on the current jail population.

**PUBLIC SAFETY & SERVICES CENTER PROJECT UPDATE:** Bruce Outka, Deputy State's Attorney, stated that a pre-bid meeting will take place at 1:00 p.m. today following the commission meeting.

Outka reported on the process for hiring a commissioning agent for the project. Outka stated he needs to get more information to see if bidding is required or if it falls under a bidding exemption.

**ALCOHOLIC BEVERAGE LICENSES:**

**RETAIL (ON-OFF) SALE WINE AND CIDER/BOAR'S NEST ROUNDHOUSE LLC.:** A public hearing was held on the application for 2022 Retail (on-off) sale wine and cider license. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Deibert) to approve the following Retail (on-off) sale wine and cider license for 2022. Motion Carried. Retail (On-Off) Sale Wine and Cider Boar's Nest Roadhouse LLC: Tract 59 Section 7, T4N, R3E, BHM.

**RETAIL (ON-OFF) MALT BEVERAGE & SD FARM WINE BOAR'S NEST**

**ROUNDHOUSE LLC.:** A public hearing was held on the application for 2021-2022 Retail (On-Off) Malt Beverage & SD Farm Wine license. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Deibert) to approve the following 2021-2022 Retail (On-Off) Malt Beverage & SD Farm Wine Boar's Nest Roadhouse, LLC: Tract 59 Section 7, T4N, R3E, BHM.

**RETAIL (ON-OFF) SALE WINE AND CIDER/BLACK HILLS, LLC. (STEEL WHEEL):**

A public hearing was held on the application for a transfer of a 2022 Retail (On-Off-Sale) Wine and Cider license. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Sleep) to transfer the following 2022 Retail (On-Off-Sale) Wine and Cider license for 2022. Motion Carried. Class - Retail (On-Off-Sale) Wine and Cider Previous License: Wichterman and Sons, Inc. (Steel Wheel): Tract D Revised of HES 297 Plat 2004-06035 Sec 19 T4N R4E BHM Lawrence County, SD. TRANSFER TO: BLACK HILLS, LLC (STEEL WHEEL): Tract D Revised of HES 297 Plat 2004-06035 Sec 19 T4N R4E BHM Lawrence County SD.

**RETAIL (ON-OFF SALE) MALT BEVERAGE/BLACK HILLS, LLC. (STEEL WHEEL):**

A public hearing was held on the application for a transfer of a 2021-2022 Class-Retail (On-Off Sale) Malt Beverage. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Sleep) to transfer the following 2021-2022 Class-Retail (On-Off Sale) Malt Beverage. Motion Carried. Previous License: Wichterman and Sons, Inc.: Tract D Revised of HES 297 Plat 2004-06035 Sec 19 T4N R4E BHM Lawrence County, SD. Transfer to: Black Hills, LLC. (Steel Wheel): Tract D Revised of HES 297 Plat 2004-06035 Sec 19 T4N R4E BHM Lawrence County, SD.

**PACKAGE (OFF-SALE) LIQUOR/BLACK HILLS, LLC. (STEEL WHEEL):** A public hearing was held on the application for a transfer of a 2022 Package (Off-Sale) Liquor. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Sleep) to transfer the following 2022 Package (Off-Sale) Liquor. Motion Carried. Previous License: Wichterman and Sons Inc. (Steel Wheel): Tract D Revised of HES 297 Plat 2004-06035 Sec 19 T4N R4E BHM Lawrence County SD. Transfer to: Black Hills, LLC. (Steel Wheel): Tract D Revised of HES 297 Plat 2004-06035 Sec 19 T4N R4E BHM Lawrence County, SD.

**ANNUAL RENEWALS:** A public hearing was held on the applications for 2022-2023 Malt Beverage licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Rosenau) to approve the following 2022-2023 Malt Beverage Licenses. Motion Carried. RENEWAL: RETAIL (ON-OFF SALE) MALT BEVERAGE AKELA SPA OF DEADWOOD LLC: Lot 3 BLK 1 EX H1 (.68 AC) Oak Mt. Country Est. Sec 18 T5N R4E B.H.M. 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. Sec. 2-T4N-R2E of Black Hills. BLACK

HILLS CHAIR LIFT CO, INC: M.S. 1122 Little Hope Fr. Etal Sur. Rites (Old Blue Chair #1) & (New Blue Chair #5) Sec 1, T4N, R2E, BHM. BOARS NEST ROADHOUSE, LLC: Tract 59 Section 7, T4N, R3E, BHM. BW GAS & CONVENIENCE RETAIL, LLC (YESWAY #1192): Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. CROW PEAK BREWING COMPANY, LLC: Crow Peak Brewing Company Tract Sec 4, T6N, R2E. CUSTER CAMP 1874, LLC (THE PASTA CORRAL): Lot 1 OF HES 286 in Sec 4, T3N, R5E, BHM. 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. EAGLE TREE RESORTS CO, LLC (RIM ROCK LODGE & CANYON BISTRO): BLDGS ON LEASED SITE; SPEARFISH CANYON LOT C-2 Sec 4 T5N R2E. EBRIGHT ENTERPRISES, INC (TRAILSHEAD LODGE INC): Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3N R1E. 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. JANICE G. KABERNA (HOM CAMPGROUND): Lot A of CRM Ex Tract 1 (10.01) and Lot 2. (3.09) Sec 27, T3N, R5E. JUTRDA, LLC (FISH 'N FRY CAMPGROUND): Lots 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18, T4N R4E BHM. LARRY KAISER (NEMO MERCANTILE): M.S. 1368 Tract 3 Sec 27, T3N, R5E, B.H.M. MATTINGLEYS LLC (ST. ONGE BAR & GRILL): Lots 1 & 2 Block 8 in Sec 23 R7E T3N. MULEY HILL LODGE, LLC: Tract 37 and Lot A, a subdivision of Tract 37, as shown on the Plat Book 5, Page 104, located in Section 24 T5N R3E BHM NEMO GUEST RANCH BUSINESS ENTERPRISE (NEMO GUEST RANCH CONVENIENCE STORE): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. RAR HOSPITALITY, LLC (BRANDIN' IRON RESTAURANT & PONDEROSA BAR): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. SD CAMPGROUND AND RESIDENCY CENTER INC (SPEARFISH KOA): Parcel B (KOA Campground) NW1/4NW1/4, Sec.3, T6N, R2E, BHM. SEVEN DOWN, LLC: Tract 7 (Seven Downs Arena) Section 27, T6N, R3E. SPEARFISH CANYON RESORTS, LLC (SPEARFISH CANYON LODGE): P.C. 953 LOTS C AND D OF LITTLE SPF. SECTION 36, T5N, R1E, B.H.M. THE BARN AT ASPEN ACRES, LLC: Section 23 NW ¼ NW ¼ T7N R2E B.H.M. THE CROSSINGS AT SPEARFISH CANYON, LLC (CHEYENNE CROSSING): M.S. 1564 Spearfish Canyon Lot C-3 of Meadow 1-2-3 M.S 1564 (Cheyenne Xing Store) Section 22, T4N, R2E. TOMAHAWK LAKE COUNTRY CLUB, INC: M.S. 1372 Pt. Ex Lot 1 of Norwood #8 (5.01AC) & Lot 1 of TR 0067'B' (5.82 AC) Pt Sec. 24-4-3 Pt Sec. 19 & 30-4-4 M.S. 1372 Lot 1 of Norwood #4 of M.S. 1372 (9.58A) & TR A Por. of B (2.877) & C of Tract 0067 & TR A of HES 57 & 66 (1.35AC) TRIPLE H HILLS, LLC (MYSTIC HILLS HIWAY): M.S. 1748 TRACT 1 OF ST JOHN LODES ETAL Sec 1, Twp 3N, R3E. WHITETAIL CREEK RESORT, LLC: Tract 54 Secs 5-6-7 & 8 (Whitetail Court) T4N R3E

**HIGHWAY:**

**PERMIT:**

**EDDY:** Moved-Seconded (Ewing-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Robert Eddy to construct a private approach on the west side of Old Belle Road located approximately 100 yards North of Camp Comfort Road, flagged orange, with the condition that the existing approach be removed. Aye-Deibert and Flanagan. Nay-Ewing, Sleep and Rosenau. Motion Failed.

Moved-Seconded (Ewing-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Robert Eddy to construct a private approach on the west side of Old Belle Road located approximately 100 yards North of Camp Comfort Road, flagged orange. Aye-Ewing, Deibert, Sleep and Rosenau. Nay-Flanagan. Motion Carried.

**MUNRO EARTHMOVING:** Moved-Seconded (Deibert-Flanagan) to continue the utility permit for Munro Earthmoving to bore under Evans Lane approximately 150' north of Tom Ral Drive for construction of a residential water line beginning in Section 4 T6N, R2E and ending in Section 4, T6N, R2E to allow for the owners to submit the application instead of the contractor and to get clarification on how the City of Spearfish wants to operate. Motion Carried.

**HIGHWAY & PHYSICAL PLANT APPOINTMENT:**

**EXECUTIVE SESSION PERSONNEL:** 8:49 a.m. Moved-Seconded (Deibert-Rosenau) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:56 a.m. The Board opened for regular business with no action taken.

Moved-Seconded (Flanagan-Ewing) to re-appoint Allan Bonnema as the Highway & Physical Plant Superintendent for a two-year term to expire 5-2024 Motion Carried.

**PROJECT UPDATES:** Allan Bonnema, Highway Superintendent, gave an update on the bridge project on Lookout Mountain Road stating the bridge should be open by the end of May.

**PLANNING & ZONING:**

**PLATS:**

**PRELIMINARY AND FINAL PLAT/BAUER:** APPLICANTS: Curtis and Danette Bauer  
LEGAL DESCRIPTION: Lot of Tract B of the SE ¼ SE ¼ of Section 16, T3N, R3E (legal shortened) VICINITY LOCATION: Gudat Road SUMMARY: New lot ZONING: PF.

Moved-Seconded (Deibert-Flanagan) to approve the preliminary plat for Curtis and Danette Bauer contingent upon contours being added to the preliminary plat 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: Lot of Tract B of the SE ¼ SE ¼ of Section 16, T3N, R3E (legal shortened) VICINITY LOCATION: Gudat Road SUMMARY: New lot ZONING: PF. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the final plat for Curtis and Danette Bauer contingent upon contours being added to the preliminary plat 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: Lot of Tract B of the SE ¼ SE ¼ of Section 16, T3N, R3E (legal shortened) VICINITY LOCATION: Gudat Road SUMMARY: New lot ZONING: PF. Motion Carried.

**PRELIMINARY AND FINAL PLAT/HOFFMAN:** APPLICANT: Michael Hoffman LEGAL DESCRIPTION: Lot 2R and 4R of Blk 2, Story Lane Subdivision, Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line revision ZONING: SRD.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary plat for Michael Hoffman contingent upon contours being added to the preliminary plat and access easements being granted from Lot 2R to Lot 4R and vice versa 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: Lot 2R and 4R of Blk 2, Story Lane Subdivision, Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line revision ZONING: SRD. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the final plat for Michael Hoffman contingent upon contours being added to the preliminary plat and access easements being granted from Lot 2R to Lot 4R and vice versa 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: Lot 2R and 4R of Blk 2, Story Lane Subdivision, Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line revision ZONING: SRD. Motion Carried.

**PRELIMINARY AND FINAL PLAT/WINTER:** APPLICANT: David Winter LEGAL DESCRIPTION: Lot 1A and 3A of Tract A2 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: Lot line revision ZONING: PF.

Commissioner Deibert discussed the ordinances for subdivision water standard and fire protection water standard.

Moved-Seconded (Ewing-Flanagan) to approve the preliminary plat for David Winter 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 1A and 3A of Tract A2 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: Lot line revision ZONING: PF. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve the final plat for David Winter 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 1A and 3A of Tract A2 of Majestic Estates; located in Section 23 and 24, T5N, R3E and Section 24, T4N, R2E (legal shortened) VICINITY LOCATION: Boulder Canyon/Mattson Lane SUMMARY: Lot line revision ZONING: PF. Aye-Ewing, Flanagan, Sleep and Rosenau. Nay-Deibert. Motion Carried.

**PRELIMINARY PLAT/MAITLAND PARTNERS, LLC.:** APPLICANT: Maitland Partners, LLC. LEGAL DESCRIPTION: Lots 124-132 of Paradise Acres IV located in Section 7, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF.

Al Schreier, representing Maitland Partners, LLC., stated that an attorney is in the process of preparing the documents for a road district and a contract with the City of Lead is in place to purchase water.

Commissioner Deibert discussed the need for a road district, drainage plan, calculation on the water system and fire protection,

Moved-Seconded (Deibert-Sleep) to continue the preliminary plat for Maitland Partners, LLC. to allow for clarity on the water system. LEGAL DESCRIPTION: Lots 124-132 of Paradise Acres IV located in Section 7, T5N, R3E VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF. Aye-Ewing, Deibert, Sleep and Flanagan. Nay-Flanagan. Motion Carried.

Commissioner Deibert left the table at 9:20 a.m.

**PRELIMINARY & FINAL PLAT/GRAF VENTURES, LLP.:** APPLICANT: Graf Ventures, LLP. LEGAL DESCRIPTION: Plat of Lot G and O, being portions of the NW ¼ NW ¼ of Section 28, T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: Create a 5-acre lot ZONING: PF.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary plat for Graf Ventures, LLP. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report LEGAL DESCRIPTION: Plat of Lot G and O, being portions of the NW ¼ NW ¼ of Section 28, T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: Create a 5-acre lot ZONING: PF. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the final plat for Graf Ventures, LLP. based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report LEGAL DESCRIPTION: Plat of Lot G and O, being portions of the NW ¼ NW ¼ of Section 28, T6N, R4E VICINITY LOCATION: Whitewood SUMMARY: Create a 5-acre lot ZONING: PF. Motion Carried.

**PRELIMINARY PLAT/KR DEER MOUNTAIN CLUB:** APPLICANT: KR Deer Mountain Club LEGAL DESCRIPTION: Plat of Lots 101-138 of Block B and Lot 70 and Lots 139-175 Block C of Deer Mt Village in Section 13, T4N, R2E and Section 18, T4N, R3E. (legal shortened) VICINITY LOCATION: Deer Mt SUMMARY: Preliminary Plat ZONING: PUD.

Moved-Seconded (Flanagan-Rosenau) to approve the preliminary plat for KR Deer Mountain Club with the understanding that a final plat will not be approved until a fire plan is written or fire hydrants are installed 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 Lots 101-138 of Block B and Lot 70 and Lots 139-175 Block C of Deer Mt Village in Section 13, T4N, R2E and Section 18, T4N, R3E. (legal shortened) VICINITY LOCATION: Deer Mt SUMMARY: Preliminary Plat ZONING: PUD. Motion Carried.

Commissioner Deibert returned to the table at 9:25 a.m.

**CHANGE OF ZONING #349/WICHTERMAN FAMILY PROPERTIES, LLC.:** Second Reading was held on COZ #349 APPLICANT: Wichterman Family Properties, LLC. LEGAL DESCRIPTION: Tract B of Rally Park Addition, formerly a portion of HES 297 and Lot G-1-A Revised of HES 297 of Section 18 and 19, T4N, R4E VICINITY LOCATION: Hwy 385

SUMMARY: Rezone properties from HSC and PF to RC bringing existing campground into compliance and extend campground ZONING: PF and HSC ACREAGE: 45.85 +/-

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

Moved-Seconded (Ewing-Deibert) to approve COZ #349. APPLICANT: Wichterman Family Properties, LLC. LEGAL DESCRIPTION: Tract B of Rally Park Addition, formerly a portion of HES 297 and Lot G-1-A Revised of HES 297 of Section 18 and 19, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Rezone properties from HSC and PF to RC bringing existing campground into compliance and extend campground ZONING: PF and HSC ACREAGE: 45.85 +/- Motion Carried.

**DEVELOPMENT PLAN 22-01/WICHTERMAN FAMILY PROPERTIES, LLC.:** A public hearing was held on Development Plan 22-01 APPLICANT: Wichterman Family Properties, LLC LEGAL DESCRIPTION: Tract B of Rally Park Addition, formerly a portion of HES 297 and Lot G-1-A Revised of HES 297 of Section 18 and 19, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Allow expansion of the existing Hidden Valley Campground to include up to 42 additional sites used on a more permanent basis ZONING: Existing PF and HSC/ new RC ACREAGE: 45.85 +/-.

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

Jason Wichterman, 21423 US Hwy 385, Deadwood was present to answer questions.

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

Moved-Seconded (Ewing-Rosenau) to approve Development Plan 22-01 01 with the conditions that a dry fire hydrant be installed, evaluation of the fire plan be done by Rob Mattox, Black Hills Land Analysis, LLC. and if new lighting is installed it be down throw lighting. APPLICANT: Wichterman Family Properties, LLC LEGAL DESCRIPTION: Tract B of Rally Park Addition, formerly a portion of HES 297 and Lot G-1-A Revised of HES 297 of Section 18 and 19, T4N, R4E VICINITY LOCATION: Hwy 385 SUMMARY: Allow expansion of the existing Hidden Valley Campground to include up to 42 additional sites used on a more permanent basis ZONING: Existing PF and HSC/ new RC ACREAGE: 45.85 +/- Motion Carried.

**ORD #22-01/HSC ZONING DISTRICT/ADDING SPECIALTY RESORTS:** Second Reading was held on ORD #22-01 APPLICANT: Dean Meyer LEGAL DESCRIPTION: All of HSC Zoned Property in Lawrence County VICINITY LOCATION: All of HSC Zoned Property in Lawrence County SUMMARY: Amend HSC zoning district adding Specialty Resort as an Allowed Use to build 3 smaller service rental cabins ZONING: HSC.

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

Moved-Seconded (Ewing-Sleep) to approve ORD #22-01 APPLICANT: Dean Meyer LEGAL DESCRIPTION: All of HSC Zoned Property in Lawrence County VICINITY LOCATION: All of HSC Zoned Property in Lawrence County SUMMARY: Amend HSC zoning district adding Specialty Resort as an Allowed Use to build 3 smaller service rental cabins ZONING: HSC. Motion Carried.

**RECESS:** 10:15 a.m. Moved-Seconded (Flanagan-Deibert) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 10:59 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

**COMPREHENSIVE PLAN ADDENDUM:** Continued discussion was held on Lawrence County Resolution #2022-13, Comprehensive plan addendum known as Colorado Boulevard Study Area.

Amber Vogt, Planning & Zoning Administrator, stated that after the meeting on April 26, 2022 she reached out to Commissioner Deibert to review his concerns with the document and to Jayna Watson, City of Spearfish, to see what the process would be if changes were made to the document.

Vogt proposed additional language as follows: as development occurs along Rainbow Road and Maitland Road where the County & City jurisdictions meet, both parties agree to discuss the road systems, intersections, and design criteria that would apply upon annexation of properties affected. Vogt added that she asked if there was anything in the master transportation plan addressing this issue.

Watson stated that this document is a policy and does not have the force of law like an ordinance. Watson stated the City would be in favor of the proposed language.

Commissioner Deibert discussed the approach permits coming off of Colorado Blvd. Watson stated that the City uses the transportation master plan to evaluate them.

Commissioner Ewing stated that the dialogue has opened up between the City of Spearfish and the County but he would be remiss to vote on this matter until some of those conversation can be had.

Commissioner Sleep voiced his concern with property being annexed but not the roads and this issue should be addressed in this document.

Moved-Seconded (Deibert-Ewing) to continue Lawrence County Resolution #2022-13, Comprehensive plan addendum known as Colorado Boulevard Study Area. Motion Carried.

**PUBLIC DEFENDER:** Amber Richey, Public Defender, gave an annual review of office statistics.

**PUBLIC DEFENDER:** Moved-Seconded (Flanagan-Deibert) to approve the new hire for L. Adam Bryson as a full-time permanent Deputy Public Defender G4 at a base rate of \$2,706.41 per pay period and allow for a cell phone per diem in the amount of \$50.00 per month, effective May 31, 2022. Further, to allow for a Personnel Manual wavier to live outside of Lawrence County with the condition that the board be notified if a change of residence occurs. Motion Carried.

**NATURAL RESOURCES COMMITTEE:** Bill Coburn, Natural Resource Committee, was present to discuss the Forest Plan Revision and information to help the Forest Service identify areas that could be used for timber harvest. Coburn explained the process called LiDAR, which is a three dimensional radar that can provide tree inventory information. Coburn reported that Northwest Management Company from Idaho is willing to do two (2) 20,000 acre samples at a cost of \$28,000. Coburn reported that Neiman Timber Company has agreed to pay for at least half of the cost. Coburn urged the County to partner with Neiman Timber Company to get this initial work completed.

Steve Kosel, Black Hills National Forest Supervisor, stated that the Forest Service is in favor of the proof of concept.

Moved-Seconded (Flanagan-Deibert) to commit up to \$14,000 from the Commissioner Contingency fund toward the LiDAR test project/proof of concept. Motion Carried.

Commissioner Deibert reported on the Forest Plan Revision. Deibert reported that a consultant may need to be hired to help in the process, as it will be a full time job. Deibert stated that someone needs to take the first step. Deibert asked the board to consider a pledge of up to \$100,000 to be spent over a four-year period to support the Forest Plan revision studies and technical reviews deemed critical for project.

Moved-Seconded (Deibert-Flanagan) to pledge up to \$100,000 over the next four years, to support the Forest Plan Revision studies and technical reviews, to be paid from the Mineral Severance Tax interest fund. Aye-Ewing, Deibert, Flanagan and Rosenau. Nay-Sleep. Motion Carried.

**ITEMS FROM THE PUBLIC:** Amber Vogt, Planning & Zoning Administrator, reported that letters have been received from Spruce Mountain Estates Subdivision Property Owners' Association and Connie Snow in reference to the Dakota Highland Estates development. Vogt added that a letter responding to the concerns was received from Brad Kloss, Kloss Development, LLC.

Bill Snow, 20242 Remington Place, Whitewood stated he was a board member of the Spruce Mountain Estates Subdivision Property Owners' Association when the road agreement was made

with Kloss Development, LLC. Snow addressed the number of lots that have been presented after the road agreement was made. Snow requested that the board deny any further approvals until a revised road agreement is reached.

Connie Snow, 20242 Remington Place, Whitewood addressed three basic concerns to include road usage and maintenance, safety and water. Snow requested that the Board delay any decision making until a road maintenance agreement is in place.

Delayne Parlet, 20234 Frontier Loop, Whitewood was present to discuss the safety of Frontier Loop road.

Brad Kloss, 5310 Grand Teton Drive, Las Vegas was present to address the concerns. Kloss stated he has had good conversations with the Spruce Mountain Estates Subdivision Property Owners Association. Kloss discussed the road system in the development. Kloss stated there will be some 40, 20 and 5 acre lots and will be equestrian friendly. Kloss stated he is here with open ears and open to a road agreement revision if needed. Kloss also discussed the current water system.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Deibert gave an update on the Black Hills Association of County Commission/Official meeting held on Friday, May 6, 2022.

Discussion was held on the current residency policy. The Board advised the Department Heads to get together to discuss the parameters and bring back some suggestions.

12:04 p.m. Commissioner Deibert left the meeting.

Greg Dias, Information System & Technology Director, reported on a server storage issue that occurred over the weekend and requested permission to replace this unit.

Moved-Second (Flanagan-Ewing) to allow Greg Dias, Information System & Technology Director, to purchase a storage array network. Motion Carried.

**BILLS:** Moved-Seconded (Deibert-Ewing) 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-\$12,369.18; Treas-\$15,151.38; States Atty-\$19,072.19; Pub Def-\$11,000.38; Gen Govt Bldg-\$10,886.66; Rod-\$9,609.64; Vso-\$1,906.60; Ist-\$10,590.78; Sher-\$58,532.02; Jail-\$34,604.12; Coroner-\$316.26; 24/7-\$431.85; Emerg Mgnt-\$4,952.54; E911-\$20,591.90; Highway-\$50,389.64; Weed-\$4,422.29; P&Z-\$8,125.44; **Bills:** Sargent, Debbie-\$40.00; Larson, Rene-\$54.00; Runge, Brett-\$200.00; Adams, Julia-\$62.60; Moser, Douglas-\$185.68; Pisani, Benjamin-\$54.70; A To Z Shredding-\$75.06; A&B Business, Inc Solutions-\$2,718.18; A&B Welding Supply-\$2,503.29; A&I Distributors-\$208.68; A&J Supply-\$7.11; Ace Hardware Of Lead-\$21.48; American Family Life-\$2,808.44; At&T Mobility-\$796.90; Black Hills Energy-\$56.90; Deadwood Recreation Center-\$616.00; Delta Dental Of South Dakota-\$8,386.14; Dept Of The Treasury-\$69,872.49; Northern Hills Rec Center-\$149.00; Office Of Child Support-\$234.00; Sd Retirement System-\$71,041.85; Sdrs Supplemental Retirement-\$3,620.00; Wellmark Blue Cross-\$118,082.07; Andrews Law Office-\$1,738.80; At&T Mobility-\$317.75; Audra Hill Consulting-\$1,031.53; Axon Enterprise-\$2,605.15; BH Pest Control-\$190.00; BH Pioneer-\$1,076.25; Barnaud Law Firm-\$388.40; Black Hills Chemical-\$1,483.06; Bomgaars Supply-\$868.31; Brosz Engineering-\$5,627.50; Butte Electric Coop-\$734.32; Carlson, Richard-\$55.00; Cbh Cooperative-\$47,732.67; Central Distribution-\$165.00; Century Business Products-\$517.19; Centurylink-\$185.45; Chadams-\$270.00; Childrens Home Society-\$66.20; Clubhouse Hotel & Suites Pierre-\$1,236.72; Cna Surety-\$50.00; Cornelius, Kaylee-\$300.00; Dakota Equip Rental/Chain Saw-\$99.96; Deadwood, City Of-\$1,332.73; Delahoyde, Katy-\$53.20; Ecolab-\$156.42; Election Sys & Software-\$350.00; Elevatus Architecture-\$49,833.98; Fastenal-\$55.13; Galls-\$287.41; Godfrey's Brake Serv-\$550.53; Hartford-Priority Accounts-\$2,236.21; Heisler Hardware-\$21.49; Hub Intl Mountain States Limit-\$50.00; Interstate Engineering-\$1,013.04; Janke, Wendy-\$300.00; Jenner Equipment Co-\$112.99; Joe Dirt Septic & Drain Llc-\$250.00; Joe's Windsheild Repair-\$300.00; Juneks' Chrysler/Dodge-\$1,782.52; Knecht Home Center Of Spf-\$15.34; LC Sheriff-\$120.00; Lead, City Of-\$56.57; Lead-Deadwood Sanitary-\$641.72; Mabey, Brooke-\$60.00; Mastercard-\$11,313.78; Mcpherson Propane-\$69.00; Montana Dakota Utilities-\$4,665.58; Monument Health Network-\$31.04; Motorola Solutions-\$24,715.95; Murphy Law Office-\$691.10; Novus-\$360.00; Pictometry International Corp-\$30,090.43; Postmaster, Deadwood-\$160.00; Powerplan-\$303.29; Queen City Rocket Lube-\$276.97; Quill-\$73.60;



Radiology Associates-\$15.06; Rapid Delivery-\$17.88; Riverside Technologies-\$249.00; Runnings Supply-\$2,216.93; Ryan, Suzanne-\$240.00; Schlingen Law Firm-\$21,280.33; Sd Dept Of Transportation-\$50,663.50; Sd Police Chiefs Association-\$50.00; Sd State Treasurer-\$1,149.33; Secretary Of State-\$30.00; Semerad, Sandra-\$182.60; Servall Towel & Linen-\$605.70; Simon North Region-\$324.33; Sirchie Acquisition Company-\$141.66; Spearfish Auto Supply-\$663.31; Spearfish City Of-\$5,000.00; Staples-\$356.62; Sterna, Laura-\$180.00; Sturdevant's Auto Parts-\$1,187.71; Sysco Montana-\$1,056.35; Tillisch, Leslie-\$34.00; Transource Truck & Equip-\$50.20; Triple K Tire & Repair-\$106.47; Truenorth Steel-\$17,550.00; Turbiville Industrial Electric-\$762.95; Twin City Hardware & Lumber-\$392.05; Waeckerle Law-\$1,292.60; Walk-N-Roll-\$219.78; Waste Connections Of Sd-\$679.22; Watertree-\$61.20; Wex Bank-\$793.08; Williams & Associates-\$3,262.50; Zieg Trucking/Dbal Alben-\$3,813.93; **Witness & Jurors:** \$1,043.78.

**ADJOURN:** 12:15 p.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

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

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

ATTEST:

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Brenda McGruder, Auditor

## **LAWRENCE COUNTY BOARD OF ADJUSTMENT – May 10, 2022**

Chairman Randall Rosenau called the meeting of the Lawrence County Board of Adjustment to order at 10:15 a.m. on May 10, 2022, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner, Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

**DECLARE CONFLICTS:** No conflicts were declared by the Lawrence County Commission sitting as the Board of Adjustment.

**VARIANCE #196/ZACHMEIER:** A public hearing was held on Variance #196 APPLICANT: Michael Zachmeier LEGAL DESCRIPTION: Lot W-1A of Tract A of HES 443 Section 14, T5N, R1E VICINITY LOCATION: Tinton Road SUMMARY: Allow a 6.1' variance to the 25' side setback which would be an 18.9' setback from the property line on the NW corner to allow a detached garage ZONING: PF ACREAGE: 1.82.

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

Commissioner Rosenau, Ewing and Deibert disclosed being contacted by Stuart Williams in opposition to the variance.

Mike Zachmeier, 40 Saint Frances, Rapid City, presented the Board with an email and explained the need for the variance.

Austin Pritts, 21498 Morris Creek Place, Sturgis was present to explain why a building permit was not applied for prior to starting construction. Pritts explained that due to the topography and drainage this was the best place to build the garage.

Carla Schanzenbach, 40 Saint Frances, Rapid City, presented the timeline of the construction on the property. Schanzenbach stated that the garage was the first structure to be built on September 11, 2021. The stop order was issued by Planning & Zoning on October 4, 2021. Schanzenbach added that construction was stopped and all inspections were performed and a building permit for the house was issued on November 10, 2021.

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

Commissioner Deibert stated he does not see a hardship and pointed out several other areas for construction.

Commissioner Ewing commented on building the structure first and coming in after the fact to obtain a variance. Ewing added that similar past issues are weighing on him and affect his ability to vote in favor of this variance.

Moved-Seconded (Deibert-Rosenau) to deny Variance #196 based upon the Planning and Zoning Commission recommendation for denial and based upon the considerations set forth in Zoning Ordinance section 16.005 (A) dealing with variances. APPLICANT: Michael Zachmeier LEGAL DESCRIPTION: Lot W-1A of Tract A of HES 443 Section 14, T5N, R1E VICINITY LOCATION: Tinton Road SUMMARY: Allow a 6.1' variance to the 25' side setback which would be an 18.9' setback from the property line on the NW corner to allow a detached garage ZONING: PF ACREAGE: 1.82. Motion Carried.

**VARIANCE #197/STADLER:** A public hearing was held on Variance #197 APPLICANTS: Kris and David Stadler LEGAL DESCRIPTION: Lot 1 of Lot A of Lot 9 SE ¼ NE ¼ in Swan Lane Subdivision in Section 4, T6N, R2E VICINITY LOCATION: Swan Lane/Spearfish SUMMARY: Requesting a 6' variance to the 10' side setback to place a detached garage ZONING: SRD ACREAGE: .20.

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

Teri Aberle, 1B Swan Lane, Spearfish voiced her concerns with potential water drainage issues from the proposed structure. Aberle stated opposition to the variance was only to the extent drainage from the proposed structure would negatively impact her property.

Dave Stadler, 1 Swan Lane, Spearfish addressed the drainage concern.

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

Commissioner Deibert asked the applicant if a 5' would be sufficient. Stadler agreed a 5' variance rather than 6' would be workable.

Moved-Seconded (Ewing-Deibert) to approve Variance #197 for a 5' variance to the 10' setback with the caveat that any drainage issues be resolved during the building permit process to avoid adverse impacts on the neighboring property. APPLICANTS: Kris and David Stadler LEGAL DESCRIPTION: Lot 1 of Lot A of Lot 9 SE ¼ NE ¼ in Swan Lane Subdivision in Section 4, T6N, R2E VICINITY LOCATION: Swan Lane/Spearfish SUMMARY: Requesting a 4' variance to the 10' side setback to place a detached garage ZONING: SRD ACREAGE:.20. Motion Carried.

**ADJOURN:** 10:59 a.m. There being no further business it was Moved-Seconded (Deibert-Flanagan) to adjourn the meeting. Motion Carried.

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

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Randall Rosenau, Chairman

ATTEST:

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Brenda McGruder, Auditor