

LAWRENCE COUNTY COMMISSIONERS MEETING – June 25, 2019 page-1

Chairman Randy Deibert called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on June 25, 2019 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Daryl Johnson, Richard Sleep and Brandon Flanagan.

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

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

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

MINUTES: Moved-Seconded (Rosenau-Johnson) to approve the minutes of June 11, 2019 County Commission meeting with the correction to the bid amount for **BID OPENING/BRF 8244(00)19-4** to read as \$427,072.11. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Flanagan) to approve Jacob Capp as a full time permanent Deputy II G3 at a base rate of \$26.66 an hour, effective July 1, 2019. Motion Carried.

Moved-Seconded (Rosenau-Johnson) to approve the cell phone per diem of \$104.00 per month for Chelsea Lindsey, effective May 26, 2019. Motion Carried.

REGISTER OF DEEDS: Moved-Seconded (Rosenau-Flanagan) to approve Sheri Williams as a full time permanent Recording Clerk G1 at a base rate of \$15.45 an hour, effective July 10, 2019. Motion Carried.

RAFFLE REQUEST / SPEARFISH AREA CHAMBER OF COMMERCE: Moved-Seconded (Flanagan-Deibert) to not object to the request to conduct a raffle for the First Gold Gaming Resort, with the drawing taking place on July 13, 2019. Motion Carried.

PDM UPDATE: Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairmen to sign Lawrence County Resolution 2019-13 A resolution adopting the amended Lawrence County Pre-Disaster Mitigation Plan. Motion Carried. Lawrence County Resolution 2019-13 A resolution adopting the amended Lawrence County Pre-Disaster Mitigation Plan. WHEREAS, the Lawrence County Commission adopted a Pre-Disaster Mitigation Plan (the 'Plan') in 2005; WHEREAS, from time to time it is necessary to review and update the Plan as circumstances and conditions change; and WHEREAS, the Lawrence County Office of Emergency Management ('Emergency Management') has undertaken such a review of the Plan; and WHEREAS, based upon this review, Emergency Management has recommended certain revisions to the Plan as necessary and appropriate; and THEREFORE, BE IT RESOLVED, that the Lawrence County Board of Commissioners does hereby adopt the 2019 Lawrence County Pre-Disaster Mitigation Final FEMA approved Plan update which shall supersede and replace any prior versions of the Plan; Dated this 25th day of June, 2019. Randy Deibert, Chairman. Brenda McGruder, Auditor.

SHERIFF: Brian Dean, Sheriff, gave an update on the average daily population in the jail, Devils Bathub, Mt Roosevelt 100-year celebration and Nemo area patrol.

EQUALIZATION:

PICTOMETRY FLYOVER: Bruce Outka, Deputy State's Attorney, gave an update on the budget proposal from Eagleview. Outka stated this will be included in the budget for 2020.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of June 25, 2019: **Deadwood Diesel #2 (dyed) 6200 gallons:** (prices per gallon) CBH Cooperative – \$2.256*; Harms Oil Co-No Bid; MG Oil – No Bid. **Deadwood Unleaded 3400 gallons:** (prices per gallon) CBH Cooperative – \$2.575*; Harms Oil Co-No Bid; MG Oil – No Bid. **Spearfish Diesel #2 (dyed) 3000 gallons:** (prices per gallon) CBH Cooperative – \$2.256*; Harms Oil Co-No Bid; MG Oil – No Bid. **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative – \$2.575*; Harms Oil Co-No Bid; MG Oil–No Bid. **Whitewood Diesel #2 (dyed) 800 gallons:** (prices per gallon) CBH Cooperative – \$2.256*; Harms Oil Co-No Bid; MG Oil – No Bid. *Represents lowest quote awarded.

WHEEL TAX/ORDINANCE #2019-01: First Reading was held on the proposed ordinance #2019-01 an ordinance amending ordinance 2015-01 of Lawrence County, South Dakota, for the imposition, collection and enforcement of a wheel tax and increasing the wheel tax rate and maximum amount. Section 1: That Section 1 be revised to read as follows: Pursuant to SDCL Chapter 32-5, a wheel tax is hereby imposed upon all motor vehicles as defined by SDCL 32-3-1 registered in the County at the rate of two dollars (\$2.00) on a maximum of four wheels not to exceed eight (\$8.00) per vehicle for vehicles weighing up to 6,000 lbs. For vehicles weighing 6,001 lbs. or more, the wheel tax shall be set at five dollars (\$5.00) on a maximum of two wheels not to exceed ten dollars (\$10.00) per vehicle. The proposed Ordinance will become effective July 29, 2019 and Implementation and Collection Date would be January 1, 2020.

Deb Tridle, Treasurer, gave a report on how much has been collected to date in 2019. Commissioner Rosenau stated that he had one comment from the public. Discussion was held on how many wheels have to be taxed in order to get the 10 points for the Bridge Improvement Grant. Bruce Outka, Deputy State’s Attorney, read an e-mail from Doug Kinniburgh stating that you only have to tax one (1) wheel at \$5.00 for vehicles over 6000 lbs. to receive the maximum points for the Bridge Improvement Grant. Commissioner Deibert expressed his concern with not getting the maximum points due to not taxing the maximum for vehicles under 6000 lbs. and before acting on this he would like to have clarification. Second Reading will be held on July 9, 2019 at 8:30 a.m.

PERMITS:

CENTURYLINK: Moved-Seconded (Sleep-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Centurylink on County Road 205/Rochford Road approximately 24’ crossing vicinity Besant Park Road for construction of buried fiber optic cable beginning in Section 21, T3N, R3E and ending in Section 21, T3N, R3E; County Road 205/Rochford Road approximately 60’ crossing vicinity Hanna Road for construction of buried fiber optic cable beginning in Section 31, T4N, R3E and ending in Section 31, T4N, R3E; County Road 205/Rochford Road approximately 85’ crossing vicinity Juso Ranch Road for construction of buried fiber optic cable beginning in Section 8, T3N, R3E and ending in Section 8, T3N, R3E; County Road 205/Rochford Road approximately 90’ crossing vicinity Black Forest Road for construction of buried fiber optic cable beginning in Section 18, T4N, R3E and ending in Section 18, T4N, R3E; County Road Two Bit Road approximately 2 miles from US 14A & Two Bit Road to Brighter Day Place for construction of buried fiber optic cable beginning in Section 24, T5N, R3E and ending in Section 24, T5N, R3E; County Road 430 approximately 18’ crossing vicinity 21356 Englewood Road for construction of buried fiber optic cable beginning in Section 16, T4N, R3E and ending in Section 16, T4N, R3E. Motion Carried.

CENTURYLINK: Moved-Seconded (Sleep-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the application for permit to occupy County highway right-of-way for Centurylink for the placement of fiber optic cable and enclosures on County Road 430 located in Section 20, T4N, R3E; County Road 205-aka County Road 2370-aka Rochford Road in Section 18, T4N, R3E; County Road 1960-Hanna Road located in Section 31, T4N, R3E; County Road 0250-Elmore Road located in Section 9, T4N, R2E; County Road 0253-Coyote Lane located in Section 5, T4N, R2E. Motion Carried.

DARLING: Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the approach permit for Shawn Darling to construct an approach on the south side of Jackson Road located approximately 2.5 miles east of Whitewood Valley Road on Jackson Road. Motion Carried.

BRIDGE REPLACEMENT AND REHABILITATION AGREEMENT: Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the Department of Transportation Funding Agreement between the State of South Dakota and Lawrence County for structures in poor condition as determined from 2017 NBI date: Str. No. 41-212-091 and Str No. 41-110-008 in the amount of \$87,723.40. Motion Carried.

2019 BRIDGE IMPROVEMENT GRANT: Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the bridge improvement grant agreement for preservation-local administration between the State of South Dakota and Lawrence County for structure number 41-092-060 project number BRF 8244(00)19-4 PCN 076J. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the bridge improvement grant agreement for rehabilitation/replacement between the State of South Dakota and Lawrence County for structure number 41-212-091 project number BRF 6503(00)19-5 PCN 075K. Motion Carried.

R.O.W. ENCROACHMENTS/PROJECT UPDATES: Allan Bonnema, Highway Superintendent, updated the Board on the stripping and signage between Guadalajara and Yesway off of West Highway 14.

SPEARFISH JURISDICTION PLAT:

HIGHWAY AUTHORITY/PLAT: Allan Bonnema, Highway Superintendent requested guidance from the Board as to whether he should sign as Highway Authority on the plat of Tract 4A and Tract 5A of Lookout Mountain subdivision, being all of Tracts 4 and 5 of Lookout Mountain subdivision, located in the SE1/4 of section 2, T6N, R2E, B.H.M., Lawrence County, South Dakota.

Moved-Seconded (Flanagan-Deibert) to authorize Allan Bonnema, Highway Superintendent to sign as the Highway Authority on the plat of Tract 4A and Tract 5A of Lookout Mountain subdivision, being all of Tracts 4 and 5 of Lookout Mountain Subdivision, located in the SE1/4 of section 2, T6N, R2E, B.H.M., Lawrence County, South Dakota. Motion Carried.

MILLER RANCH ANNEXATION/ROAD JURISDICITON: Kristin Buckmaster, Great Peaks Realty, was present representing the applicant. Buckmaster gave an overview on behalf of the developers.

Regarding Christensen Drive, Commissioner Deibert pointed out that the City of Spearfish maintains eight (8) manholes within the ROW, City water lines are located in the road ditch, the City designed and oversaw the construction of the road including installation of guard rails. Deibert summarized the circumstances noting that the City has been taking care of that piece of road and built it. Deibert then pointed out that the City is now asserting that the road falls under the jurisdiction of the County and it is the County's responsibility to approve approach and utility permits.

Commissioner Sleep stated that any time a City annexes a piece of property like this they should annex the road as well.

A draft Resolution transferring jurisdiction of a portion of Christensen Drive to the City was presented for discussion. Commissioner Flanagan asked about the process necessary for the Commission to act on the Resolution. Bruce Outka, Deputy State's Attorney, responded that a public meeting is necessary with notice of that fact published in the paper 10 days prior to the meeting.

Moved-Seconded (Flanagan-Deibert) to place the Resolution modifying the County primary road system transferring jurisdiction of a portion of Christensen Drive to the City of Spearfish on the next County Commission meeting agenda for action. Motion Carried.

PLANNING & ZONING:

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #132, #224 & # 398/COEUR WHARF: Matt Zietlow, Environmental Manager for Coeur Wharf was present for the Annual Review of Conditional Use Permit #132, #224 and #398. No violations were found and will be reviewed in one year.

CHANGE OF ZONING #330/FRAWLEY RANCH INC: First Reading and public hearing was held on COZ #330. APPLICANT: Frawley Ranch, Inc. LEGAL: A portion of the S ½ SE ¼ of Section 22; A portion of the SW ¼ SW ¼, Section 23; Tract A of the SW ¼ SW ¼ of Section 23, less and except Lot H1 of Tract A of the SW ¼ SW ¼ of Section 23; and Tract E of the SE ¼ SW ¼ of Section 23 all in T6N, R4E PARCEL ID: 21000-00603-233-28 & 21000-00603-233-20 & 21000-00603-224-10) VICINITY LOCATION: Hwy 85 & Centennial Road SUMMARY: The applicant is requesting a COZ from A-1 General Agriculture to A-2 Residential Agriculture ACREAGE: 28.59 acres.

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

JR Hamblet, Frawley Ranch Operations, was present to answer questions regarding the COZ. Hamblet stated that the intent is to make the westerly most 82 acres into two (2) 41 acre lots and in order to do this the property needs to be rezoned to A-2 Residential Agriculture.

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

Commissioner Flanagan asked if platting needed to be done prior to rezoning. Vogt stated that the platting would go through the City of Spearfish.

Commissioner Deibert asked whether Tract A & D were in compliance with current zoning/subdivision regulations. Vogt stated that at this time, the lots are not in compliance.

Commissioner Sleep stated that he is against the change of zoning.

Second reading will be held on July 9, 2019 at 9:15 a.m.

COMPREHENSIVE PLAN REVIEW: Amber Vogt, Planning & Zoning Administrator, gave an update on the Comprehensive Plan. Vogt added that she spent the day touring the County with Ali DeMerssman, Black Hills Council of Local Governments Executive Director.

PROPERTY MAINTENTANCE UPDATES: Amber Vogt, Planning & Zoning Administrator, and Jeff Schroeder, Deputy Code Enforcement Officer, gave an update on ongoing property maintenance cases.

GENERAL GOVERNMENT BUILDINGS:

CAPITAL IMPROVEMENT PROJECTS: Tim Agena, General Government Buildings Foreman, presented a list of buildings & grounds improvement projects: annex HVAC system upgrade, annex data room clean agent fire suppression system, courthouse data room clean agent fire suppression system, annex rear basement stairwell double door replacement, annex atrium repainting, concrete replacement and public safety building basement floor replacement. Agena stated that some of the projects are budgeted but others are not and in need of immediate attention.

Brenda McGruder, Auditor, stated that on September 1, 2015 a motion was made to assign \$700,000 to General Government Buildings. McGruder added that these funds could be used to fund these project.

Moved-Seconded (Rosenau-Flanagan) to move forward with the annex data room clean agent fire suppression system and courthouse data room clean agent fire suppression system as two separate projects. Motion Carried.

Moved-Seconded (Johnson-Sleep) to move forward with the concrete replacement that is already scheduled to be done this year and continue with the other projects as time allows. Motion Carried.

Agena was instructed to move forward with the annex rear basement stairwell double door replacement and annex atrium repainting.

Agenda was instructed to budget for the public safety building basement floor replacement in his 2020 budget.

BID OPENING: Moved-Seconded (Flanagan-Johnson) to advertise and set the bid opening for July 23, 2019 at 8:30 a.m. for annex HVAC system update. Motion Carried.

BUDGETS: Brenda McGruder, Auditor, presented the budget information to the Board.

ITEMS FROM THE PUBLIC:

LEGISLATIVE AUDIT / 2017-2018 AUDIT: Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2017 and 2018. Moved-Seconded (Flanagan-Johnson) to authorize the Chairman to sign the engagement letter with the Department of Legislative Audit. Motion Carried.

MCGUIGAN ROAD: Warren & Suzy Satterlee, 2245 McGuigan Road, were present to request that a sign prohibiting exhaust brake usage be placed on the east side of McGuigan Road 1/8th of a mile north of the intersection with Hillview Road.

This item will be discussed during the Highway business at 8:30 a.m. on July 9, 2019.

ITEMS FROM THE COMMISSIONERS: Commissioner Rosenau gave an update from the recent Spearfish Airport Board Meeting.

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.

Payroll: Comm-\$6,870.32; Aud-\$10,996.15; Treas-\$12,886.76; States Atty-\$15,906.61; Pub Def-\$12,461.91; Gen Govt Bldg-\$9,526.01; Equal-\$15,384.28; Rod-\$9,583.95; Vso-\$1,469.18; Ist-\$9,387.03; Sher-\$47,796.92; Jail-\$27,306.53; Coroner-\$460.66; 24/7-\$207.10; Emerg Mgnt-\$4,579.10; E911-\$16,555.82; Highway-\$46,658.95; Weed-\$6,596.45; Pz-\$5,864.12; **Bills:** Dragoo, Shelley-\$12.74; A To Z Shredding-\$17.00; A&B Business,Inc Solutions-\$626.06; Aberdeen Llc-\$2,441.00; Ace Hardware Of Lead-\$79.22; Air Connection-\$616.91; At&T-\$13.01; BH Physical Therapy-\$80.00; BH Pioneer-\$824.00; Barnaud Law Firm Prof-\$815.15; Bi Geo Group-\$640.00; Black Hills Ammunition-\$1,363.17; Black Hills Disposal-\$90.00; Black Hills Energy-\$13,589.70; Bob Barker Company-\$89.55; Bomgaars Supply-\$30.98; Butler Machinery Co-\$83.20; California State Disburse Unit-\$138.46; Cdw Government-\$897.01; Centurylink-\$1,956.61; Chris Supply-\$83.63; City Of Rapid City-\$700.00; Dakota Equipment Rental-\$74.51; Dale's Tire & Retread-\$4,080.00; Datec-\$863.05; Deadwood Mountain Grand-\$215.85; Dept Of Hlth Lab Services-\$540.00; Dept Of The Treasury-\$61,096.53; Fidler-Isburg Funeral Chapel-\$1,170.00; Fisher Sand & Gravel-\$3,435.39; Galls-\$37.34; Godfrey's Brake Serv-\$37.90; Heartland Paper Co-\$498.62; Hp-\$968.00; Interstate Batteries-\$48.99; Karen Paige Hunt-\$108.70; Katterhagen, Mark-\$15.00; Kch Law-\$20.00; Kimball-Midwest Co-\$302.32; Kinney Law Pc-\$9,006.36; LC Conservation Dist-\$5,000.00; LC Treasurer-\$21.20; Lawson Products-\$110.46; Lead-Deadwood Regional Hospital-\$1,125.60; Lewno, Lucy-\$166.50; Lincoln County-\$464.67; Lockwood, Darcy-\$15.00; Lynn's Dakotamart-\$9.45; Mack's Auto Body-\$8,545.55; Megas Propane-\$336.27; Mcleod's Office Supply-\$340.56; Montana Dakota Utilities-\$165.87; Nelson, Christy-\$250.00; North Central Int'l-\$93.77; Northern Truck Equip-\$1,567.70; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; Pcsa Addiction Treatment Serv-\$678.00; Pennington Co Jail-\$744.45 ; Pennington County Sts Attny-\$215.00; Pitney Bowes Global Financial-\$765.24; Quill-\$197.96; RC Journal-\$420.00; Radiology Associates-\$9.50; Regional Health-\$1,140.86; Root Spring Scraper-\$336.38; Sara J Fitzgerald-\$228.00; Sdrs Supplemental Retirement-\$2,859.50; Sdvsoa-\$50.00; Silverado-\$387.19; Spearfish Police Dept-\$10,439.67; Sysco Montana-\$2,796.26; Top Quality Mfg Co-\$270.00; Transource Truck & Equip-\$1,026.56; Triple K Tire & Repair-\$250.50; Turnkey Corrections-\$17.55; Twin City Hardware & Lumber-\$573.25; Tyler Technologies-\$5,343.00; Vast Broadband-\$1,621.06; Verizon Wireless-\$105.42; Waste Connections-\$359.62; Wells Fargo Business Card-\$13,917.42; Wells Plumbing & Farm Supp-\$94.18; Western Communication-\$245.00; Western Sd Juvenile Serv-\$5,980.00; White

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Drug-\$2,964.87; White's Canyon Motors-\$4,897.79; White's Queen City Motors-\$1,926.86; Yankton Co Sheriff-\$50.00; Yankton County-\$120.00; Z&S Dust Control-\$48,081.00 **Witness & Jurors:** Gray,D-\$52.52; Schmunk,L-\$35.12; Lance,M-\$50.84; Reid,J-\$63.44; Sullivan,P-\$50.84; Tegantvoort,R-\$62.60; Toms,D-\$52.52; Winckler,G-\$58.40; Dean,H-\$35.96.

ADJOURN: 10:47 a.m. There being no further business, Chairman Deibert adjourned the meeting. Motion Carried.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor