

LAWRENCE COUNTY COMMISSIONERS MEETING – January 18, 2022 page-1

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 January 18, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing and Richard Sleep present. Commissioner Brandon Flanagan and Randy Deibert were available by video conferencing (GoToMeeting).

All motions were passed by unanimous vote, by all members present, unless stated otherwise. Roll call voting was used if any member voted in the negative pursuant to SDCL 1-25-1.5.

AGENDA: Moved-Seconded (Ewing-Sleep) to approve the agenda as presented. Motion Carried.

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 9:15 a.m. agenda item: Preliminary Plat/Deer Mt Village.

MINUTES: Moved-Seconded (Sleep-Ewing) to approve the minutes of January 4, 2022 County Commission meeting. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve the travel request for Stephen Muller to attend the Street Crimes training in Andover, MN from February 6-10, 2022. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Sleep) to approve the step raise for Debora Corean as a full-time permanent Correctional Officer II G3 at a base rate of \$22.34 an hour, effective January 16, 2022. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve the step raise for Christopher Luna as a full-time permanent Correctional Officer II G1 at a base rate of \$21.46 an hour, effective January 16, 2022. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve the step raise for Raygan Mattson as a part-time fill-in Correctional Officer II G2 at a base rate of \$21.90 an hour, effective January 16, 2022. Motion Carried.

AUDITOR: Moved-Seconded (Ewing-Sleep) to approve the step raise for Debbie Sargent as a full-time permanent Administrative Secretary G3 at a base rate of \$22.10 (Legal Sec G3 Base) an hour, effective January 30, 2022. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Ewing) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of December 31, 2021; 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) -\$61,850.51; total amount of cash in transit in Treasurer's possession (cash deposit in transit) -\$9,954.24; petty cash - \$1,860.00; total amount of deposits in bank include: bank balance \$15,385,521.48; money market \$11,979,067.77. Total \$27,439,604.00.

ABATEMENT: Moved-Seconded (Ewing-Sleep) to approve the abatement for Olivier and Julie Monseu on parcel #26455-00703-080-10 for 2021 taxes payable in 2022 as the parcel does not exist. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve the abatement for West River Foundation on parcel #29700-00200-150-00 for 2021 taxes payable in 2022 as the parcel is tax exempt. Motion Carried.

FAIR BOARD: Moved-Seconded (Ewing-Sleep) to appoint Brandy Vavruska to replace Dianne Miller to the Fair Board for a 3-year term to expire 12-2024. Motion Carried.

SHERIFF:

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, reported on the housing contract with the U.S. Marshall's for federal prisoners. Dean stated that to date the County has received \$37,030.00. Dean added that the business model is working even with limited space available.

Tony Vie, Elevatus Architecture, gave a presentation regarding the Design Development phase of the Public Safety and Service Center project. Vie presented the Design Development floor plans, and a design phase comparison from Conceptual Design to Schematic Design to Design Development and also the Project scope alternates and schedule.

Moved-Seconded (Ewing-Sleep) to approve Elevatus Architecture to proceed to the Construction Document phase of the Public Safety and Service Center. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of January 4, 2022: **Deadwood Diesel Blended 50/50 (dyed) 4500 gallons:** (prices per gallon) CBH Cooperative –\$2.955* **Deadwood Unleaded 3300 gallons:** (prices per gallon) CBH Cooperative –\$2.892* **Spearfish Diesel #2 (dyed) 3100 gallons:** (prices per gallon) CBH Cooperative –\$2.786* **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative –\$2.892* *Represents accepted quote.

PERMITS:

VAST BROADBAND: Moved-Seconded (Ewing-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Vast Broadband located in Section 5, T6N, R2E along County Road: Old U.S. 14. Motion Carried.

HIGHWAY SUPPLIES BID OPENING: Moved-Seconded (Ewing-Sleep) to advertise and set the bid opening for March 22, 2022 at 8:30 a.m. for Magnesium Chloride, Asphalt Hot Mix, Asphalt Cold Mix, Gravel Aggregate, De-Icing Sand, Hot Mix Asphalt Paver Patching, Precast Concrete Culverts, Box Culverts, Bridge Beams and Bridge Deck Units. Motion Carried.

SPEARFISH PLAT: Bruce Outka, Deputy State’s Attorney, reported on the Miller Ranch Boundary Plat and stated that the City of Spearfish would be signing the remainder of the plats.

PLANNING & ZONING:

PLANNING & ZONING UPDATES: Amber Vogt, Planning & Zoning Administrator, presented the 2021 yearly review.

PLATS:

PRELIMINARY & FINAL PLAT/GREENVIEW, LLC. & JURRENS: APPLICANTS: Greenview, LLC and Jesse Jurrens **PRELIMINARY PLAT LEGAL DESCRIPTION:** Lots 7A, 8 and Green Space Lots 1-4 of Greenview Estates all located NE ¼, SE ¼ and the NW ¼ in Section 14, T3N, R1E **FINAL PLAT LEGAL DESCRIPTION:** Lots 7A, 8, 11, 12, 13, 14, and 17 and Green Space Lots 1-4 of Greenview Estates all located NE ¼, SE ¼ and the NW ¼ in Section 14, T3N, R1E **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Lot line adjustments **ZONING:** PF.

Amber Vogt, Planning & Zoning Administrator, shared comments from Callie Ackerman, Lands Specialist with the U.S. Forest Service - [In our review of the County Commissioners Meeting Agenda for 1/18/2022, we want to bring to your attention that Potato Springs road within the Greenview Estates Subdivision, which intersects with Boles Canyon Road on National Forest System land is not authorized for use. Our records indicate that no permit or easement has been established across National Forest System lands between the private property to Boles Canyon Road (a road open yearlong). The access off of Highway 85 into the subdivision does not include any National Forest System land.]

Moved-Seconded (Ewing-Rosenau) to approve the preliminary plat for Greenview, LLC and Jesse Jurrens based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report **PRELIMINARY PLAT LEGAL DESCRIPTION:** Lots 7A, 8 and Green Space Lots 1-4 of Greenview Estates all located NE ¼, SE ¼ and the NW ¼ in Section 14, T3N, R1E. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the final plat for Greenview, LLC and Jesse Jurrens based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report **FINAL PLAT LEGAL DESCRIPTION:** Lots 7A, 8, 11, 12, 13, 14, and 17 and Green Space Lots 1-4 of Greenview

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Estates all located NE ¼, SE ¼ and the NW ¼ in Section 14, T3N, R1E VICINITY LOCATION: Hwy 85 SUMMARY: Lot line adjustments ZONING: PF. Motion Carried.

FINAL PLAT/4 BEARS IN THE HILLS, LLC. & ENDRES: APPLICANTS: 4 Bears in the Hills, LLC & Greg & Ann Endres LEGAL DESCRIPTION: Lots 11A and 13A, Blk 3 of Apple Springs Subdivision in Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Combine 3 lots into 2 ZONING: SRD.

Moved-Seconded (Ewing-Sleep) to approve the final plat for 4 Bears in the Hills, LLC & Greg & Ann Endres 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 11A and 13A, Blk 3 of Apple Springs Subdivision in Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Combine 3 lots into 2 ZONING: SRD. Motion Carried.

PRELIMINARY & FINAL PLAT/ROEN & SCHULTES: APPLICANTS: Douglas & Tiffany Roen and Reinhardt Schultes LEGAL DESCRIPTION: Plat of Tract R1A and R4A in Section 28, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Replat lot lines between parcels ZONING: PF.

Moved-Seconded (Ewing-Sleep) declaring that the plat for Douglas & Tiffany Roen and Reinhardt Schultes meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve the preliminary & final plat for Douglas & Tiffany Roen and Reinhardt Schultes 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 Tract R1A and R4A in Section 28, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Replat lot lines between parcels ZONING: PF. Motion Carried.

BOUNDARY PLAT/MAITLAND PARTNERS, LLC.: APPLICANT: Maitland Partners, LLC. LEGAL DESCRIPTION: Tract N of Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Combine MS lodes into a large tract ZONING: PF.

Commissioner Sleep voiced his concern with the number of lots and increased traffic on Maitland Road.

Moved-Seconded (Sleep-Ewing) to approve the boundary plat for Maitland Partners, LLC. noting the potential impact of increased traffic on Maitland Road upon further subdivision 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 N of Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: Combine MS lodes into a large tract ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/BULDHAUPT & NIELSEN: APPLICANTS: James & Lynn Buldhaupt and Terrance & Renee Nielsen LEGAL DESCRIPTION: Plat of Tract 1A in Section 18, T4N, R3E and Lot 10A, Blk 2 of Deer Mt Resort Dev No 1 in Section 18, T4N, R3E (legal shortened) VICINITY LOCATION: Deer Mt SUMMARY: Replat lot lines ZONING: PF.

Moved-Seconded (Ewing-Sleep) declaring that the plat for James & Lynn Buldhaupt and Terrance & Renee Nielsen meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary & final plat for James & Lynn Buldhaupt and Terrance & Renee Nielsen 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 Tract 1A in Section 18, T4N, R3E and Lot 10A, Blk 2 of Deer Mt Resort Dev No 1 in Section 18, T4N, R3E (legal shortened) VICINITY LOCATION: Deer Mt SUMMARY: Replat lot lines ZONING: PF. Motion Carried.

PRELIMINARY PLAT/DEER MT VILLAGE: APPLICANT: Deer Mt Village LEGAL DESCRIPTION: Plat of Lots 1-100 Deer Mt Village all located in Section 13, T4N, R2E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Boundary of the Deer Mt Village Subdivision ZONING: PUD.

Commissioner Deibert having earlier declared a conflict and appearing by Go-To-Meeting, did not participate in the Commissions' deliberative discussion for the preliminary plat/Deer Mt. Village but was available for questions as a representative of the owner pursuant to SDCL 6-1-17(1) (disclosure of pecuniary interest) and SDCL 6-1-18 (Elected county officers may receive and consider relevant information from any source to perform the duties of office).

Commissioner Sleep voiced his concern with water and sewer.

Randy Deibert, Professional Mapping & Surveying, stated that the development is being supplied water from the Deer Mountain Sanitary District and the Lead-Deadwood Sanitary district is the source which is over 8,000 ft. away on the Rochford Road.

Moved-Seconded (Ewing-Sleep) to approve the preliminary plat for Deer Mt Village 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 1-100 Deer Mt Village all located in Section 13, T4N, R2E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Boundary of the Deer Mt Village Subdivision ZONING: PUD. Abstain-Deibert. Motion Carried.

PRELIMINARY PLAT/KLOSS DEVELOPMENT: APPLICANT: Kloss Development LEGAL DESCRIPTION: Dakota Highlands Estates (Approx. 55 lots) VICINITY LOCATION: Whitewood SUMMARY: New subdivision ZONING: PF.

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

Zach Grapentine and Trent Walters, Interstate Engineering addressed the road concerns to include grade and culverts.

Commissioner Sleep voiced his concern with water and the availability. Rick Denief, 8820 Nemo Road, stated that there is one property with a well but is not familiar with its availability.

Moved-Seconded (Sleep-Ewing) to approve the preliminary plat for Kloss Development 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: Dakota Highlands Estates (Approx. 55 lots) VICINITY LOCATION: Whitewood SUMMARY: New subdivision ZONING: PF. Motion Carried.

EMERGENCY MANAGEMENT:

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY

REPORT: Paul Thomson, Emergency Management Director, and Rene' Larson, Emergency Management Administrative Assistant, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Ewing-Sleep) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

2021 SAFETY SYNOPSIS: Paul Thomson, Emergency Management Supervisor, presented the 2021 Safety Synopsis.

COVID TEST KITS: Paul Thomson, Emergency Management Supervisor, reported that the COVID-19 at home test kits will be available at the Public Health Nurse offices in Spearfish and Deadwood.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS:

TIMBER COMMITTEE: Bruce Outka, Deputy State's Attorney, gave an update on the Timber Committee meeting held on January 10, 2022.

LARRISA PROPERTIES LTD: Bruce Outka, Deputy State’s Attorney, reported that a meeting was held with representatives from Larissa Properties LTD, regarding access to its property which is located next to the Public Safety and Services Center property.

BUREAU OF LAND MANAGEMENT: Moved-Seconded (Deibert-Sleep) to send a letter of support to the Bureau of Land Management as a cooperating agency as part of the NEPA process in reference to the environmental impact statement to analyze and disclose the potential effects of amending management plans for Great Sage-Grouse and Sagebrush habitats on public lands. Motion Carried.

BILLS: Moved-Seconded (Ewing-Sleep) 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-\$7,042.91; Aud-\$11,658.90; Treas-\$13,992.65; States Atty-\$18,122.46; Pub Def-\$10,489.89; Gen Govt Bldg-\$9,123.24; Equal-\$15,029.06; Rod-\$9,132.37; Vso-\$1,736.20; Ist-\$9,816.65; Sher-\$58,167.91; Jail-\$38,522.77; Coroner-\$2,101.16; 24/7-\$270.57; Emerg Mgnt-\$4,733.61; E911-\$24,282.22; Highway-\$46,289.48; Weed-\$7,669.80; P&Z-\$7,646.18; **Bills:** Moser, Douglas-\$196.00; Hamann, Alex-\$300.68; Swanson, Chelsey-\$250.11; A To Z Shredding-\$75.30; A&B Business,Inc Solutions-\$2,677.66; A&I Distributors-\$458.69; Ace Hardware Of Lead-\$160.08; Alternative Hrd-\$33.75; At&T Mobility-\$283.24; Audra Hill Consulting-\$408.07; BH Pioneer-\$1,457.32; Barnaud Law Firm Prof-\$4,150.50; Bi Geo Group-\$142.60; Black Hills Chemical-\$426.41; Black Hills Energy-\$195.14; Black Hills Pure-\$11.50; Black Hills Urgent Care-\$195.00; Bomgaars Supply-\$436.94; Bruemmer, Lynnel-\$239.40; Butler Machinery Co-\$1,862.73; Butte Electric Coop-\$583.23; Butte-Lawrence Co. Fair-\$10,000.00; Cbh Cooperative-\$22,708.80; Century Business Products-\$280.62; Centurylink-\$585.04; Chadams-\$2,260.00; Charm-Tex-\$230.18; Child Support Services-\$352.62; City Of Rapid City-\$1,240.00; City Of Sturgis-\$1,208.00; Cornelius, Kaylee-\$280.00; Dakota Equipment Rental-\$106.50; Deadwood Carnegie Library-\$82,621.00; Dean Schaefer Court Reporting-\$30.00; Dept Of Hlth Lab Services-\$1,910.00; Dept Of The Treasury-\$69,926.03; Diamond Pharmacy-\$921.48; Elevatus Architecture-\$300,000.00; Ellingson, Teri-\$50.00; Ertz, Dewey-\$1,950.00; Fassbender Photographic-\$5,000.00; Gene's Lock Shop-\$34.00; Grace Balloch Mem Library-\$207,379.00; Hartford-Priority Accounts-\$2,183.23; Horn Law Office-\$237.60; IBM Corporation-\$299.00; Jacobs Precision Welding-\$220.34; Janke, Wendy-\$460.00; JT Ventures-\$80.75; Karen Paige Hunt-\$99.00; Katterhagen, Mark-\$15.00; Kinney Law-\$1,310.20; Knecht Home Center-\$80.19; Kosel, Joseph-\$10,942.84; Language Line Services-\$66.15; Lewis & Clark Bhs-\$184.00; Lewno, Lucy-\$166.53; Lexisnexis Risk Data Mgnt-\$75.00; Lockwood, Darcy-\$15.00; Lynn, Jackson, Shultz & Lebrun-\$693.00; Mabey, Brooke-\$60.00; Minnehaha County, Sd Juvenile-\$2,205.00; Montana Dakota Utilities-\$304.28; Monument Health Lead-Deadwood-\$5,225.00; Monument Health Network-\$5,384.46; Ms Mail-\$450.00; National Assoc Legal Assistant-\$125.00; Nelson Law-\$781.02; Nelson, Christy-\$180.00; North Central Int'l-\$273.70; Northern Hills Casa-\$7,500.00; Office Of Child Support-\$234.00; Parr Law-\$770.00; PcsO Addiction Treatment-\$452.00; Pederson Law Office-\$633.20; Pennington Co Jail-\$1,403.57; Pharmchem-\$629.00; Prairie Hills Transit-\$10,000.00; Precision Kiosk Technologies-\$1,350.00; Program Works-\$1,002.96; Queen City Rocket Lube-\$186.98; Quik Signs-\$64.09; Quill-\$140.71; Radiology Associates-\$16.63; Rapid City Emergency Services-\$196.34; Ryan, Suzanne-\$420.00; Sd Assoc Of Criminal Defense-\$150.00; Sd Association Of County-\$300.00; Sd Emergency Mgnt Association-\$10.00; Sd Reemployment Assistance-\$254.92; Sdrs Supplemental Retirement-\$3,172.50; Semerad, Sandra-\$12.00; Servall Towel & Linen-\$284.51; Sonnel Technologies-\$248.93; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$447.44; Spearfish Police Dept-\$10,616.39; Spearfish Rifle & Trap Club-\$200.00; Spearfish Senior Citizens-\$2,000.00; Staples-\$38.73; Sterna, Laura-\$333.30; Sturdevant's Auto Parts-\$1,135.99; Sysco Montana-\$2,933.13; Triple K Tire & Repair-\$65.49; Turnkey Corrections-\$19.12; Twin City Hardware & Lumber-\$157.39; Twin City Senior Citizens-\$2,000.00; Verizon Wireless-\$106.46; Victims Of Violence-\$570.00; Waste Connections-\$1,139.01; Watertree-\$75.60; Weed & Pest Conference-\$300.00; Wells Fargo Business Card-\$6,809.39; Western First Aid & Safety-\$1,456.62; Western Sd Juvenile Serv-\$5,980.00; Wex Bank-\$741.92; Whitewood Library-\$55,188.00; Whitewood Senior Citizens-\$1,000.00; Wolf, Ione-\$47.25; Yankton Co Sheriff-\$50.00; Yankton County-\$125.00; **Witness & Jurors:** \$1,645.04.

ADJOURN: 9:26 a.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor