

LAWRENCE COUNTY COMMISSIONERS MEETING – January 24, 2023 page-1

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 January 24, 2023 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep and Eric Jennings present. Commissioner Brandon Flanagan and Randy Deibert was 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 (Sleep-Jennings) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS: Commissioner Sleep declared a conflict with the 8:30 a.m. agenda item-Highway Business-Approach Permits.

MINUTES: Moved-Seconded (Sleep-Jennings) to approve the minutes of January 3, 2023 County Commission meeting. 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 December 31, 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)-\$55,012.02; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,102.96; petty cash-\$1,860.00; total amount of deposits in bank include: CD's \$5,000,000.00; bank balance \$23,626,202.34; US Bank balance \$38,400,017.99; money market \$1,685,376.18. Total \$68,772,921.49. Motion Carried.

PERSONNEL:

HIGHWAY: Moved-Seconded (Sleep-Ewing) to approve the new hire for Scott Currier as a full-time permanent Heavy Equipment Operator G 1 at a base rate of \$27.32 an hour, effective January 18, 2023. Motion Carried.

SHERIFF: Moved-Seconded (Sleep-Ewing) to approve the new hire for Jacqueline Huiner as a full-time permanent Correctional Officer I G 1 at a base rate of \$21.23 an hour, effective January 24, 2023. Motion Carried.

Moved-Seconded (Flanagan-Jennings) to approve the step raise for Tyler Sonne as a full-time permanent Deputy II G 3 at a base rate of \$29.98 an hour, effective January 25, 2023. Motion Carried.

Moved-Seconded (Sleep-Ewing) to approve the new hire for Anthony Panza as a full-time permanent Deputy I G 1 at a base rate of \$27.13 an hour, effective February 20, 2023. Motion Carried.

Moved-Seconded (Sleep-Jennings) to approve the cell phone per Diem of \$104.00 per month for Anthony Panza, effective February 20, 2023. Motion Carried.

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PLANNING & ZONING: (Sleep-Jennings) to approve the cell phone per Diem of \$45.00 per month for Jessica Lord, effective January 15, 2023. Motion Carried.

AMENDED RESOLUTION #2023-04 – LAWRENCE COUNTY PLANNING & ZONING

FEE SCHEDULE: Moved-Seconded (Sleep-Jennings) to approve and authorize the Chairman to sign Amended Resolution #2023-04 to set the following fees charged by the Lawrence County Planning and Zoning Department. Motion Carried. Lawrence County Amended Resolution # 2023-04 **PLANNING & ZONING FEE SCHEDULE WHEREAS**, pursuant to SDCL Ch. 11-2 and Lawrence County Zoning Ordinance Chapter 21. The Lawrence County Commission has authorized the Planning and Zoning Department to charge fees for services; **NOW THEREFORE**, Be it resolved by the County Commissioners of Lawrence County, South Dakota, that the following fees shall be charged by the Lawrence County Planning and Zoning Department:

TYPE OF FEE	AMOUNT	FEE DESCRIPTION
Agricultural Tourism Permit	\$250.00	1 time fee if approved uses remain the same
Appeals/Variances Public Notice Signage Deposit	\$300.00 (non-refundable) \$100.00 (refundable upon return of sign)	Board of Adjustment
Change of Zoning (COZ) Public Notice Signage Deposit	\$ 400.00 (non-refundable) \$100.00 (refundable upon return of sign)	
Text Change Ordinance Amendments (ORD)	\$ 200.00	Non-Change of Zoning
Conditional Use Permit (CUP) Public Notice Signage Deposit	\$ 400.00 (non-refundable) \$100.00 (refundable upon return of sign)	Fee doubled if use is commenced prior to application
Major Amendment	\$ 400.00	For a PUD or CUP
Minor Amendment	\$ 200.00	For a PUD or CUP
Temporary Use Permits	\$250.00	
Development Permits	\$ 200.00 \$100.00 (refundable upon return of sign)	On Commercially Zoned Property
Sewer Permits	\$ 20.00	
Building Permit-Initial \$30 for the first \$1,000 of the structure's value and \$3 for each additional \$1,000 The base valuation shall be determined by a dollar per square	<ul style="list-style-type: none"> ● \$160 finished residential space ● \$22 unfinished basements ● \$85 garages/pole buildings ● \$22 decks/gazebos/carports ● \$160 mobile homes (subtract 3% per year of age or \$30 whichever is greater) 	

foot. (see fee schedule in next column) Structure's value shall be determined by the total valuation of each building permit.	<ul style="list-style-type: none"> \$200 commercial 	
Building Permit-Violation	Double the Original Fee	If concrete forms are started prior to issuance of building permit
Contractor Licensing-Initial	\$75	
Contractor Licensing-Violation	\$150	Double the original fee
Floodplain Development Permits	\$100	
Professional Services for any outside consultants for plan checking, inspections, commercial plan reviews or both		Cost incurred by the County
Off Premise Signs (Billboards)	\$250	
On Premise Signs; Home Occupation; or Community Signs	\$100	
Preliminary Plat	\$400 + \$25/ lot	
Amended Preliminary Plat	\$25 / lot added from original	
Final Plat Fee	\$100	
Final Plat Recording Fee	\$60	

Adopted this day of 24th January, 2023 LAWRENCE COUNTY COMMISSIONERS Robert Ewing Chairman ATTEST: Brenda McGruder, Auditor.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Sleep-Jennings) to approve the automatic supplement of \$7,754.54 to the Sheriff Travel for reimbursement for vehicle damage. Motion Carried.

EMERGENCY MANAGEMENT:

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY

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

2023 BUTTE/LAWRENCE COUNTY FAIR BOARD AGREEMENT: Moved-Seconded (Sleep-Jennings) to approve and authorize the Chairman to sign the 2023 Butte/Lawrence County Fair Board Agreement. Motion Carried.

SURPLUS:

9MM MODEL 17: Moved-Seconded (Sleep-Jennings) to declare two (2) 9mm Glock Model 17 handguns Serial Number BMWK749 and Serial Number BHMR730 surplus and allow for trade in. Motion Carried.

RAFFLE REQUEST/LEAD-DEADWOOD AAU WRESTLING CLUB: Moved-Seconded (Sleep-Ewing) to not object to the request to conduct a raffle by the Lead-Deadwood AAU Wrestling Club, with the drawing taking place on February 12, 2023. Motion Carried.

ASPEN HILLS ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES: Moved-Seconded (Jennings-Sleep) to approve and authorize the Chairperson to sign the following Order Approving Aspen Hills Road District minor adjustment to the boundaries. Motion Carried.
ORDER APPROVING ASPEN HILLS ROAD DISTRICT MINOR ADJUSTMENT TO BOUNDARIES WHEREAS, a meeting was held among the trustees of the Aspen Hills Road District to determine whether or not a minor adjustment of boundaries for: SE1/4NE1/4 of Section 29, T6N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA, be adjusted, WHEREAS, this vote was held on September 26, 2022 and the vote of the trustees was 3-0, WHEREAS, the territory to be deleted from the district is as follows: SE1/4NE1/4 of Section 29, T6N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA, WHEREAS, the territory has not been subject to a special assessment during the budget year or the current year, WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the Aspen Hills Road District Trustees, WHEREAS, it appearing that a majority of the votes at the meeting of the Aspen Hills Road District Trustees have voted in favor of the minor adjustment of boundaries, NOW THEREFORE BE IT ORDAINED, by the Lawrence County Board of Commissioners that the Aspen Hills Road District minor adjustment of boundaries hereby be adjusted pursuant to SDCL 31-12A. DATED this 24th day of January, 2023. BOB EWING, Chairperson Lawrence County Commission ATTEST: BRENDA MCGRUDER, Auditor.

ABATEMENT: Moved-Seconded (Sleep-Jennings) to approve the abatement for Stone House Enterprises on parcel #22000-00604-322-60 for 2022 taxes payable in 2023 to fix an office error. Motion Carried.

Moved-Seconded (Sleep-Jennings) to approve the abatement for the United States of America on parcel #26880-01998-000-00 for 2022 taxes payable in 2023 as the property is now tax exempt. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Sleep-Jennings) to appoint John Bey, Highway Superintendent to the Insurance Committee. Motion Carried.

SHERIFF:

SHERIFF'S REPORT: Brian Dean, Sheriff, reported that as part of the Western South Dakota Juvenile Service Center Compact, Lawrence County received a rebate of \$33,548.20.

PUBLIC SAFETY AND SERVICE CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Public Safety Services Center construction.

PUBLIC SAFETY RADIO SYSTEM CONSULTING AND PROJECT MANAGEMENT SERVICES: Moved-Seconded (Sleep-Jennings) to approve and authorize the Chairman to sign the Public Safety Radio System Consulting and Project Management Services between Lawrence County South Dakota and RFCC for radio system consulting and project management services as identified in the RFCC proposal to Lawrence County (dated November 28, 2022). Motion Carried.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2023-07 for a Supplemental Budget: General Fund Equalization Capital Assets-\$29,587.00. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Jennings) to approve and adopt the following Resolution #2023-07 for a Supplemental Budget. Motion Carried. RESOLUTION #2023-07 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2023, failed to provide sufficient revenue to enable the County to conduct the indispensable functions of Government, and WHEREAS, the Board of County Commissioners of said County deems it necessary to make a Supplementary Budget, providing for appropriation in the amounts set out below. NOW, THEREFORE, BE IT RESOLVED THAT SAID BOARD, make, approve and adopt a Supplemental Budget for Lawrence County, South Dakota, for the year 2023, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND EQUALIZATION CAPITAL ASSETS-\$29,587.00 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 24th day of January, 2023 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 24th day of January, 2023. FOR THE BOARD OF COUNTY COMMISSIONERS Robert Ewing, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of January 9, 2023: **Spearfish Diesel #2 (dyed) 2500 gallons:** (prices per gallon) CBH Cooperative – no bid; Olson Fuels – \$3.139; MG Oil –\$3.029*. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative – no bid; Olson Fuels – \$3.135*; MG Oil –\$3.454. *Represents accepted quote.

PERMITS:

SLEEP: Moved-Seconded (Jennings-Ewing) to approve the private approach permit for Carson Sleep to construct a private approach on the south side of Chicken Creek Road located at 10419 Chicken Creek Road noting that the 2nd approach will remain open for the limited purpose of moving livestock. Abstain Sleep. Motion Carried.

HIGHWAY SUPPLIES BID OPENING: Moved-Seconded (Flanagan-Sleep) to advertise and set the bid opening for March 14, 2023 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.

BID OPENING/2023 LAWRENCE COUNTY CHIP SEAL PROJECT: Moved-Seconded (Sleep-Ewing) to advertise and set a bid opening for February 14, 2023 at 8:30 a.m. for the 2023 Lawrence County chip seal project on McGuigan Road (1.62 miles), N. Rochford Road (3.5 miles) and Old Belle Road (5.64 miles). Motion Carried.

SPRING LOAD LIMIT RESOLUTION #2023-08: Moved-Seconded (Deibert-Sleep) to approve the following LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION #2023-08, to become effective when the road conditions warrant. Motion Carried. LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION Resolution No. #2023-08 Whereas, seasonal climatic changes can be detrimental to our Highways and create dangerous driving conditions and Whereas, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, ultimately saving tax dollars and, Whereas, The Lawrence County Board of County Commissioners, Desire the enforcement of weight limitations on Lawrence County Highways as set forth and posted by the Lawrence County Highway Department. NOW THEREFORE BE IT RESOLVED; Whereas the spring load limits on the following Lawrence County Highways shall be set at Seven (7) tons per axle on Nemo Road, North Rochford Road, Vanocker Canyon Road, Old Belle Road, Hillsvie Road, Mineral Place, West Oliver St and Crook City Road during the spring thaw period. Other County Roads may be posted if conditions warrant. Load limits become effective when the signs are installed and displayed. The South Dakota Motor Carrier is hereby requested to enforce said weight limitations on Lawrence County Highways. BE IT FURTHER RESOLVED, that the penalty for the violation of load restrictions shall be set forth in SDCL32-22-55. Vote of Lawrence County Commission: AYE-5. NAY-0. Dated, this 24th day of January, 2023 at Deadwood, South Dakota. LAWRENCE COUNTY BOARD OF COMMISSIONERS Bob Ewing, Chairman of The Board ATTEST: BRENDA MCGRUDER Lawrence County Auditor.

Moved-Seconded (Deibert-Sleep) to authorize the Chairman to sign the letter requesting the enforcement of the spring weight limit from the South Dakota Motor Carrier. Motion Carried.

RIGHT-OF-WAY/UTILITIES CERTIFICATE BRF 6404(00)22-1 PCN 08WJ/41-238-262: Moved-Seconded (Sleep-Ewing) to approve and authorize the Chairman to sign the right-of-way certificate for the construction of Project Number BRF 6404(00)22-1 PCN 08WJ Structure No. 41-238-262 under Agreement Number 717879. Motion Carried.

Moved-Seconded (Sleep-Ewing) to approve and authorize the Chairman to sign the utility certificate for the construction of Project Number BRF 6404(00)22-1 PCN 08WJ Structure No. 41-238-262 under Agreement Number 717879.

AGREEMENT FOR RIGHT-OF-WAY ACQUISITION BY ESTABLISHED PAYMENT BRF 6404(00)22-1 PCN 08WJ/41-238-262: Moved-Seconded (Sleep-Ewing) to approve and authorize the Chairman to sign the Agreement for Right-of-Way acquisition by established payment between Lawrence County and Harry Ayer. Motion Carried.

AMENDMENT TO AGREEMENT FOR IMPROVEMENT TO SECTION LINE HIGHWAY: Continued discussion on the amendment to the agreement for improvement to section line highway on 123rd Avenue and 195th Street until March 14, 2023 Commission meeting.

DRAFT RESOLUTION WITH CITY OF SPEARFISH/ROAD JURISDICTION:

Commissioner Ewing stated he supports this resolution and feels we should move forward.

Moved-Seconded (Sleep-Flanagan) to proceed with the draft resolution to accept or transfer dedication and responsibility for maintenance of certain roads with the City of Spearfish and to participate in a 50% cost share to hire a surveyor to draw up a legal descriptions for the final draft of the resolution. Motion Carried.

8:48 a.m. Commissioner Deibert left the meeting.

DEER MOUNTAIN SANITARY DISTRICT: Oz Enderby, Deer Mountain Sanitary District President, and Joe Noble, AE2S, were present to discuss the stipulations placed on the permit to occupy the county highway right-of-way originally approved on October 25, 2022, to install a 6” PVC DR-14 water main for Deer Mountain Sanitary District. Enderby stated that the trustees of the Deer Mountain Sanitary District are requesting the elimination of stipulations 1, 2 and 9, requesting that stipulations 11 be modified to reflect the standard surety bond of \$5,000.00 and requesting that stipulation 12 be modified to reflect a performance bond of \$25,000.00. Enderby spoke on the justification for the request of the Sanitary District.

Enderby stated that the Sanitary District will be resubmitting an application for permit to occupy a county highway right-of-way.

PLANNING & ZONING:

KURT CAMPBELL/THE TIMBERS WATER SYSTEM/REQUEST TO ALLOW OCCUPANCY PERMITS: Amber Vogt, Planning & Zoning Administrator, gave her staff report.

Kurt Campbell, 20320 Wren Road, Spearfish, gave an update on the current water system.

Moved-Seconded (Sleep-Jennings) to allow for certificates of occupancy in The Timbers. Motion Carried.

ORDINANCE DISCUSSION RELATED TO GUEST HOUSES & TEMPORARY 2ND RESIDENCES: Amber Vogt, Planning & Zoning Administrator, gave her staff report. Vogt requested guidance from the Board on what ordinances the Board would like the Planning & Zoning board to review.

Discussion was held on reviewing the current temporary 2nd residence requirements of a Conditional Use Permit, the Commission suggested reviewing the filing deed restrictions and/or affidavits instead of applying for a Conditional Use Permit. The Commission suggests the current Guest House process is sufficient and that at this time does not want to address vacation home rentals.

PLATS:

LAYOUT PLAN/WHITE BUFFALO PROPERTIES, LLC.: APPLICANT: White Buffalo Properties, LLC LEGAL DESCRIPTION: Layout Plan for Lots 6A and 7A of HES 537 in Section 24, T3N, R4E VICINITY LOCATION: Nemo Rd/Penny Lane SUMMARY: Change of lot lines ZONING: PF.

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

Moved-Seconded (Jennings-Sleep) to approve the layout plan for APPLICANT: White Buffalo Properties, LLC LEGAL DESCRIPTION: Layout Plan for Lots 6A and 7A of HES 537 in Section 24, T3N, R4E VICINITY LOCATION: Nemo Rd/Penny Lane SUMMARY: Change of lot lines ZONING: PF. Motion Carried.

PRELIMINARY & FINAL PLAT/JORDAN: APPLICANT: Jimmy Jordan LEGAL DESCRIPTION: Plat of Lots 1-4 of M.S. 1741 Alpha Lode Subdivision of Section 34, T4N, R3E VICINITY LOCATION: Brownsville Road/Pahkamma Road SUMMARY: New lot/Fire Plan has been received and implemented/USFA has issued a private road special use permit ZONING: PF.

Moved-Seconded (Jennings-Sleep) to approve the preliminary and final plat for APPLICANT: Jimmy Jordan 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 1-4 of M.S. 1741 Alpha Lode Subdivision of Section 34, T4N, R3E VICINITY LOCATION: Brownsville Road/Pahkamma Road SUMMARY: New lot/Fire Plan has been received and implemented/USFA has issued a private road special use permit ZONING: PF. Motion Carried.

AMENDED PRELIMINARY & FINAL PLAT/WINTER: APPLICANT: David Winter LEGAL DESCRIPTION: Plat of Lot 2H-1 and 2H-2 of Majestic Heights in Section 13, 23, 24, 25, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: New lots/bonding is in place ZONING: PF.

Moved-Seconded (Sleep-Jennings) to approve the amended preliminary and final plat for APPLICANT: 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: Plat of Lot 2H-1 and 2H-2 of Majestic Heights in Section 13, 23, 24, 25, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: New lots/bonding is in place ZONING: PF. Motion Carried.

Moved-Seconded (Sleep-Ewing) to approve the final plat for APPLICANT: 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: Plat of Lot 2H-1 and 2H-2 of Majestic Heights in Section 13, 23, 24, 25, T5N, R3E VICINITY LOCATION: Boulder Canyon SUMMARY: New lots/bonding is in place ZONING: PF. Motion Carried.

FINAL PLAT/BH PROPERTIES, LLC.: APPLICANT: BH Properties, LLC. LEGAL DESCRIPTION: Lots 1 Blk 1; 8-9, Blk 4; 12 Blk 5 and dedicated public row of Auburn Acres being a sub of a portion of Tract 2 of Powder House Pass located in the SE ¼ of Section 18, SW ¼ of Section 17 and the NE ¼ of Section 19, T4N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: New lots/bonding is in place/fire plan is in process/1st final ZONING: PUD.

Moved-Seconded (Sleep-Jennings) to approve the final plat for APPLICANT: BH Properties, LLC. based upon the Planning and Zoning Commission recommendation for approval and the

concurrent recommendation of P&Z staff, as reflected in the staff report. **LEGAL DESCRIPTION:** Lots 1 Blk 1; 8-9, Blk 4; 12 Blk 5 and dedicated public row of Auburn Acres being a sub of a portion of Tract 2 of Powder House Pass located in the SE ¼ of Section 18, SW ¼ of Section 17 and the NE ¼ of Section 19, T4N, R3E **VICINITY LOCATION:** Hwy 85 **SUMMARY:** New lots/bonding is in place/fire plan is in process/1st final **ZONING:** PUD. Motion Carried.

PRELIMINARY & FINAL PLAT/CROFT & SANDERS: **APPLICANTS:** Duffy Croft and Stacey Sanders **LEGAL DESCRIPTION:** Lots 2R; Lot 3 and Lot 4 of HES 48 located in Sections 25 and 36, T4N, R3E **VICINITY LOCATION:** Hwy 385/Archery Road **SUMMARY:** Moving lot lines to fix fence line and create a new lot/submitted a fire plan **ZONING:** PF.

Moved-Seconded (Sleep-Ewing) to approve the preliminary and final plat for **APPLICANT:** Duffy Croft and Stacey Sanders 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 2R; Lot 3 and Lot 4 of HES 48 located in Sections 25 and 36, T4N, R3E **VICINITY LOCATION:** Hwy 385/Archery Road **SUMMARY:** Moving lot lines to fix fence line and create a new lot/submitted a fire plan **ZONING:** PF. Motion Carried.

DELINQUENT TAXES REPORT: Brenda McGruder, Auditor, presented the delinquent tax report. Per SDCL 7-21-35 the total 2021 taxes levied for in 2022 was \$45,249,853.50 and the total unpaid as of 12-31-22 was \$49,337.39 which represents a 0.11% delinquency.

BOND REDEMPTION:

ASSIGNMENT OF FUNDS: Brenda McGruder, Auditor, stated that the second bond payment will be due June 1 and December 1, 2023 along with the administration fees. McGruder added that monies will need to be transferred from the general fund to the bond redemption fund to make these payments and requested a motion to transfer and use the assigned funds from January 26, 2021 and December 28, 2021.

Moved-Seconded (Jennings-Sleep) to use the \$2,518,478.63 assigned to Public Safety and Service Center Project on December 28, 2021. Motion Carried.

Moved-Seconded (Jennings-Sleep) to use the \$214,563.87 assigned to Public Safety and Service Center Project on January 26, 2021. Motion Carried.

Moved-Seconded (Jennings-Sleep) to transfer \$2,733,042.50 from the General fund to the Bond Redemption fund. Motion Carried.

2022 UNASSIGNED FUND BALANCE: Brenda McGruder, Auditor, reported on the 2022 unassigned fund balance. McGruder stated she is working on the annual report for 2022 and the result is an unassigned fund balance of \$911,000. McGruder recommended that the unassigned fund balance be assigned to the Public Safety and Service Center Project.

Moved-Seconded (Jennings-Sleep) to assign \$911,000 from the 2022 unassigned fund balance to be used for the Public Safety and Service Center Project. Motion Carried.

JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI) GRANT AND

PARTICIPATION AGREEMENT: Alexandra Lux, Teen Court Director, gave a presentation regarding the Juvenile Detention Alternatives Initiative and discussed a draft memorandum of understanding. Lux stated she was seeking support of the program. The Board stated they would support the program.

EXTENSION UPDATE:

Michelle May, Butte/Lawrence County Extension was present to give an update on the 4-H Youth Program.

SPEARFISH LETTER OF MAP REVISION: Kyle Mathis, City of Spearfish Engineer, and Robert Reiling, City of Spearfish Floodplain Administrator, presented the revised FEMA maps for the Spearfish Creek Floodplain Letter of Map Revision Project. They also discussed the notice of public meetings that will be issued for public meetings scheduled for Monday, February 13, 2023 from 5:00 p.m. to 7:00 p.m. and Tuesday, February 14th from 1:00 p.m. to 3:00 p.m. at Spearfish City Hall.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Commissioner Sleep suggested that a 2nd meeting be held in February.

Moved-Seconded (Sleep-Jennings) to add February 28, 2023, to the Lawrence County Commission Schedule for 2023. Motion Carried.

Commissioner Ewing stated he was contacted by Prairie Hills Transit in reference to storage for vehicles due to some recent vandalism.

DIRECTOR OF EQUALIZATION INTERVEIWS:

EXECUTIVE SESSION PERSONNEL: 10:56 a.m. Moved-Seconded (Sleep-Jennings) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 12:14 p.m. The Board opened for regular business with no action taken.

Moved-Seconded (Jennings-Sleep) to offer Brett Runge the Director of Equalization position at a base pay of \$72,800.00 per year with a six month probationary period to be accepted on or before January 27, 2023 by 5:00 p.m. If the offer is not accepted by January 27, 2023 by 5:00 p.m. the position will be re-advertised starting January 30, 2023 and will remain open until filed.

BILLS: Moved-Seconded (Jennings-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-\$15,441.07; Aud-\$26,359.73; Treas-\$32,796.52; States Atty-\$36,515.35; Pub Def-\$26,261.12; Gen Govt Bldg-\$22,924.82; Equal-\$36,102.69; Rod-\$21,246.39; Vso-\$3,924.40; Ist-\$21,922.64; Sher-\$113,013.27; Jail-\$71,336.29; Coroner-\$2,088.70; 24/7-\$810.84; Emerg Mgnt-\$9,691.38; E911-\$39,128.48; Highway-\$124,559.97; Weed-\$9,060.79; P&Z-\$17,074.68;

Bills: Bonnema, Allan-\$1.68; Moser, Douglas-\$92.00; Hamann, Alex-\$92.00; A To Z Shredding-\$280.16; A&B Business,Inc Solutions-\$8,628.19; A&B Welding Supply-\$1,153.51; A&I

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Distributors-\$5,364.56; A&J Supply-\$148.15; Ace Hardware Of Lead-\$81.29; Air Connection-\$453.49; Alpine Impressions-\$30.00; American Family Life-\$2,622.84; American Stamp & Marking-\$79.48; AT&T Mobility-\$287.47; Audra Hill Consulting-\$1,075.53; Avera Health DbA Aess-\$500.00; Axon Enterprise-\$18,592.16; BH Council Of Local Govt-\$10,950.00; BH Pest Control-\$190.00; BH Physical Therapy-\$200.00; BH Pioneer-\$2,074.82; Barnaud Law Firm Prof-\$3,092.22; Behavior Mngt Systems-\$25,768.00; Bickle's Truck & Diesel-\$556.00; Black Hills Chemical-\$1,468.48; Black Hills Energy-\$2,833.67; Black Hills Psychology-\$450.00; Black Hills Pure-\$11.50; Bluepeak-\$1,779.85; Bob Barker Company-\$290.20; Bomgaars Supply-\$1,422.17; Brosz Engineering-\$1,865.00; Butler Machinery Co-\$107,396.40; Butte Electric Coop-\$661.96; Carls Trailer Sales-\$152.00; Cbh Cooperative-\$26,446.49; Century Business Products-\$259.90; Centurylink-\$344.11; Charm-Tex-\$28.90; City Of Rapid City-\$680.00; Cornelius, Kaylee-\$360.00; Credit Collections Bureau-\$934.80; Dakota Equip Rental/Chain Saw-\$237.02; Deadwood Recreation Center-\$687.00; Dean Schaefer Court Reporting-\$12.00; Delta Dental Of South Dakota-\$8,596.32; Denny's Welding-\$59.00; Dept Of Hlth Lab Services-\$395.00; Dept Of The Treasury-\$150,334.01; Diamond Pharmacy-\$2,787.04; Eb Communications-\$7,712.00; Fassbender Photographic-\$5,000.00; Fastenal-\$360.91; Galls-\$57.85; Gene's Lock Shop-\$86.34; Godfrey's Brake Serv-\$324.40; Grimm's Pump&Industrial Supply-\$2,511.83; Hartford-Priority Accounts-\$2,471.72; Heisler Hardware-\$2.70; Hilpert & Hale Prof-\$820.10; Interstate Engineering-\$7,364.00; Intrepid Networks-\$738.72; Jacobs Precision Welding-\$284.70; Janke, Wendy-\$760.00; Jenner Equipment-\$35.77; Jobgen, Kara-\$2,933.68; Joe's Windsheild Repair-\$385.00; Jt Ventures-\$215.75; Karen Paige Hunt, Prof-\$3,019.95; Kiesler's Police Supply-\$140.93; Kinney Law-\$4,836.11; Knecht Home Center-\$360.69; Kosel, Joseph-\$5,237.67; LC Conservation Dist-\$5,000.00; Lamb Motor Company-\$29,587.00; Lawson Products-\$375.15; Lead-Deadwood Sanitary-\$652.96; Lexisnexis Risk Data Mngt-\$75.00; Mabey, Brooke-\$180.00; Mastercard-\$6,852.59; Megas Propane-\$1,437.55; Mckesson Medical-\$123.12; Mg Oil Company-\$7,837.50; Midcontinent Communications-\$154.52; Montana Dakota Utilities-\$1,579.44; Monument Health Network-\$1,371.24; Monument Health Rc Hospital-\$461.00; Ms Mail-\$520.00; Nalco Company-\$323.76; National Assoc Legal Assistant-\$154.00; National Sheriff's Assoc-\$142.00; Nelson Law-\$1,803.65; Newman Signs-\$624.70; Nies Karras & Skjoldal-\$656.15; Northern Hills Rec Center-\$107.00; Northern Truck Equip-\$118.81; Oberle's Radiators & Repairs-\$37.74; Odp Business Solutions-\$82.96; Office Of Child Support-\$912.92; Olson Fuels-\$12,712.39; Overhead Door Company Of Rapid-\$1,990.17; PcsO Addiction Treatment Serv-\$226.00; Pennington Co Jail-\$481.49; Pennington County Public-\$287.00; Pharmchem-\$898.60; Pomp's Tire Service-\$14,390.08; Powerplan-\$150.58; Precision Kiosk Technologies-\$1,350.00; Priority Dispatch-\$30.00; Program Works-\$2,680.23; Queen City Rocket Lube-\$297.33; Queen City Tire-\$1,039.00; Quill-\$59.24; R&R Industries-\$260.36; Radiology Associates-\$224.08; Rapid Delivery-\$14.95; Rasmussen Mechanical Serv-\$677.95; Reserve Account-\$20,000.00; Runnings Supply-\$433.76; Ryan, Suzanne-\$60.00; Safe Life Defense-\$420.18; Sanford Health Occupational-\$140.00; Sd Assoc Of Criminal Defense-\$150.00; Sd Dept Of Transportation-\$2,302.20; Sd Emergency Mngt Association-\$120.00; Sd Reemployment Assistance Div-\$722.09; Sd Retirement System-\$73,913.46; Sd State Treasurer-\$532.71; Sdn Communications-\$260.00; Sdrs Supplemental Retirement-\$6,940.00; Servall Towel & Linen-\$625.70; Silverado-\$1,547.00; Southside Service-\$620.00; Spearfish Auto Supply-\$1,052.73; Spearfish Police Dept-\$10,902.18; Springhill Suites Marriott-\$944.00; Staples-\$53.98; State Disbursment Unit-\$1,198.94; Sterna, Laura-\$280.00; Sturdevant's Auto Parts-\$2,185.11; Sturgis Responder Supply-\$385.96; Sysco Montana-\$5,562.91; Tnf Properties And Storage-\$800.00; Transource Truck & Equip-\$1,218.18; Triple K Tire & Repair-\$2,068.75; Turnkey Corrections-\$38.08; Twin City Hardware & Lumber-\$625.08; Tyler Technologies-\$39,365.00; Us Bank-\$2,000.00; Verizon Wireless-\$107.21; Victims

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Of Violence-\$250.00; Waste Connections-\$1,326.45; Watertree-\$68.40; Weed & Pest Conference-\$170.00; Wellmark Blue Cross-\$117,821.98; Wells Fargo Banks-\$231.13; Western Sd Juvenile Serv-\$8,990.00; Western States Fire Protection-\$2,450.00; Wex Bank-\$448.77; White Drug-\$37.16; **Witness & Jurors:** \$3,120.53.

ADJOURN: 12:17 p.m. There being no further business, Chairman Ewing adjourned the meeting.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Brenda McGruder, Auditor