

LAWRENCE COUNTY COMMISSIONERS MEETING – February 8, 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 February 8, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners 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-Rosenau) to approve the agenda as amended. Motion Carried.

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

MINUTES: Moved-Seconded (Deibert-Sleep) to approve the minutes of January 25, 2022 County Commission meeting. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Ewing-Deibert) to approve the travel request for Megan Merwin to attend the Hostage Negotiation training in Lewistown, MT from March 6-12, 2022. Motion Carried.

HIGHWAY: Moved-Seconded (Ewing-Deibert) to approve the travel request for Allan Bonnema to attend the 2022 NACE Annual Conference in Buffalo, NY from April 23-28, 2022. The County will pay the registration fee of \$645.00. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Deibert-Ewing) to approve the step raise for Keri McPheeters as a full-time permanent Correctional Officer I G2 at a base rate of \$20.63 an hour, effective February 6, 2022. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Sue Kellogg as a full-time permanent Criminal Analyst G2 at a base rate of \$22.70 an hour, effective February 20, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the dual role employee Lisa Smith as a part-time fill-in Dispatcher I G1 at a base rate of \$20.22 an hour, effective January 30, 2022. Motion Carried.

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Flanagan-Deibert) to approve the new hire for Sherry Mertesdorf as a full-time permanent Custodian I G1 at a base rate of \$16.97 an hour, effective February 14, 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 January 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)-\$224,700.33; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,418.96; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$15,653,486.35; US Bank balance \$42,055,853.24; money market \$11,980,908.46. Total \$69,924,577.34. Motion Carried.

TRANSFER OF FUNDS: Moved-Seconded (Sleep-Rosenau) to approve the annual budgeted transfer of \$800,000 from General Fund to Road & Bridge Fund, \$600,000 from General Fund to E-911 Fund and \$200,000 from General Fund to Emergency & Disaster Fund. Motion Carried.

COUNTY COMMISSION REPRESENTATION: Per SDCL 7-8-10, the Board of County Commissioners, at its regular meeting in February of each year ending in the numeral "2" (following the federal decennial census) has to declare representation by either Districting election system or At-Large election system. The present system of At-Large representation has been in effect since 1973.

Moved-Seconded (Flanagan-Sleep) to continue the present system of "At-Large Representation" election of the Lawrence County Commissioners. Motion Carried.

AUTOMATIC SUPPLEMENT:

COMMISSION TRAVEL BUDGET: Moved-Seconded (Ewing-Sleep) to approve the automatic supplement of \$7,876.29 to the Commission Travel budget for reimbursement for vehicle damage. Motion Carried.

AGNICO: Commissioner Sleep will meet with representatives from Agnico on February 22, 2022.

SHERIFF:

EQUITABLE SHARING AGREEMENT AND CERTIFICATION: Moved-Seconded (Ewing-Deibert) to approve and authorize Shelley Dragoo to electronically sign on behalf of Chairman Rosenau, the Equitable Sharing Agreement and Certification. Motion Carried.

HOMELAND SECURITY GRANT: Moved-Seconded (Deibert-Ewing) to approve and authorize Brian Dean, Sheriff, to apply for a Homeland Security Grant in the amount of \$45,199.00 to purchase equipment to transmit and receive radio signals for the PSAP. Motion Carried.

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Public Safety and Services Center reporting that his staff is in the process of identifying all of the soft cost items. The goal is to have this process completed and handed over to Elevatus Architecture by February 18, 2022. Dean added that a soft cost consists of every item that would fall out of the building if it was hypothetically turned upside down.

HB 1101: Brian Dean, Sheriff, stated that Rep Mary Fitzgerald was the prime sponsor of HB 1101(make an appropriation for the construction of a new public safety regional jail near Deadwood and to declare an emergency). Fitzgerald, Dean, Michael Gouloff, Tony Vie, Senator Al Novstrup, Senator Timothy Johns all testified in support of HB 1101. Dean stated that the bill has moved from the House Judiciary to House Committee on Appropriations and ended by stating that every effort is being made to find funding sources to lessen the burden for County tax payers.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of February 1, 2022: **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative –\$3.379* *Represents accepted quote.

MAITLAND ROAD STUDY: Allan Bonnema, Highway Superintendent, reported that he received the Department of Transportation Planning and Research (SPR) Program application and asked the Board if they would like him to apply for the Maitland Road Study. Bonnema went over what was applied for last year. Discussion was held on the application and no action was taken.

ROAD JURISDICTION/MAINTENANCE-CITY OF SPEARFISH: Bruce Outka, Deputy State's Attorney and Commissioner Ewing and Sleep gave an update on the meeting held with the City of Spearfish in reference to road jurisdiction and maintenance on February 1, 2022.

2021 ROAD AND BRIDGE COST SUMMARY: Allan Bonnema, Highway Superintendent, presented the 2021 Road and Bridge cost summary.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Helmer and Lookout Mountain Road Bridge projects and load limits.

PLANNING & ZONING:

PLANNING & ZONING UPDATES:

RE-APPROVAL OF FINAL PLAT/4 BEARS IN THE HILLS, LLC.: APPLICANT: 4 Bears in the Hills, LLC. LEGAL DESCRIPTION: Lot 7 & 8A-1 Blk 7 Apple Springs S/D VICINITY LOCATION Boulder Canyon SUMMARY: Lot line change ZONING: SRD.

Amber Vogt, Planning & Zoning Administrator, reported that the plat was approved by P & Z on September 2, 2021 and the by County Commission on September 7, 2021 but due to multiple errors on the drawing the Register of Deeds office would not accept the plat for recording and it expired on January 5, 2022. 4 Bears in the Hills, LLC. requested re-approval in order to close on the lot this week.

Moved-Seconded (Sleep-Deibert) to authorize the Chairman to re-sign the plat for 4 Bears in the Hills, LLC. LEGAL DESCRIPTION: Lot 7 & 8A-1 Blk 7 Apple Springs S/D VICINITY LOCATION Boulder Canyon SUMMARY: Lot line change ZONING: SRD. Motion Carried.

PLATS:

PRELIMINARY & FINAL PLAT/WINTER: APPLICANT: David Winter LEGAL DESCRIPTION: Plat of Lots 1-5 Tract A5 of Majestic Estates, in Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF.

Moved-Seconded (Flanagan-Ewing) 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: Plat of Lots 1-5 Tract A5 of Majestic Estates, in Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF. Motion Carried.

Moved-Seconded (Flanagan-Ewing) 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: Plat of Lots 1-5 Tract A5 of Majestic Estates, in Section 23, 24, 25, T5N, R3E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: New lots ZONING: PF. Motion Carried.

PRELIMINARY PLAT/BH DEVELOPMENT, LLC.: APPLICANT: BH Development, LLC. LEGAL DESCRIPTION: Lots 25, 26 & 27, Blk 5 and Lots 1-11, Blk 11; Lots 1-11, Blk 12 and Dedicated Public ROW of Trailside Addition of Powder House Pass Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD.

Moved-Seconded (Flanagan-Deibert) to approve the preliminary plat for BH Development, LLC. contingent upon ownership being added to the 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: Lots 25, 26 & 27, Blk 5 and Lots 1-11, Blk 11; Lots 1-11, Blk 12 and Dedicated Public ROW of Trailside Addition of Powder House Pass Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD. Motion Carried.

PRELIMINARY & FINAL PLAT/HASCHE: APPLICANTS: Steven & Vicki Hasche LEGAL DESCRIPTION: Lots 1 & 2, Blk 10 of Wilderness Estates 2nd Addition in Powder House Pass in Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD.

Moved-Seconded (Ewing-Deibert) to approve the preliminary & final plat for Steven & Vicki Hasche 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 & 2, Blk 10 of Wilderness Estates 2nd Addition in Powder House Pass in Section 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots ZONING: PUD. Motion Carried.

PRELIMINARY & FINAL PLAT/RIGSBY-FROST-SONNE: APPLICANTS: Olan & Recinda Rigsby, Dion & Paula Frost & James Sonne LEGAL DESCRIPTION: Lot 1 Revised & Lot 2 Revised of Blk D and Lot 11 Revised & Lot 12 Revised of Blk A Vacated ROW of Bauer Ave of Boulder Heights Addn No.1 Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised Lots & Vacation/Replat of Bauer Ave. ZONING: SRD.

Moved-Seconded (Ewing-Rosenau) declaring that the plat for Olan & Recinda Rigsby, Dion & Paula Frost & James Sonne meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the preliminary & final plat for Olan & Recinda Rigsby, Dion & Paula Frost & James Sonne with the condition that the document number of Amended Lawrence County Resolution #2021-38 is included on the final plat and the Register of Deeds will accept the legal description on the final plat. Further, 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 1 Revised & Lot 2 Revised of Blk D and Lot 11 Revised & Lot 12 Revised of Blk A Vacated ROW of Bauer Ave of Boulder Heights Addn No.1 Section 14, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Revised Lots & Vacation/Replat of Bauer Ave. ZONING: SRD. Motion Carried.

AMENDED PETITION FOR VACATION OF SECTION LINE RIGHT-OF-WAY/

SONNE/RIGSBY/FROST: Moved-Seconded (Deibert-Flanagan) to approve, adopt, and authorize the Chairman to sign Amended Lawrence County Resolution #2021-38 Resolution & Order to Vacate a Portion of a Highway, Part of Which Is Located On a Section Line. Motion Carried. AMENDED LAWRENCE COUNTY RESOLUTION #2021-38 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE/HIGHWAY/RIGHT OF WAY WHEREAS, a Petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by all adjacent landowners as there are fewer than three, requesting that a portion of a highway/right of way be vacated, WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer, Spearfish, South Dakota once each week for two consecutive weeks prior to the date of hearing, and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said portion of highway/right of way does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, and WHEREAS, said portion of highway/right of way to be vacated was dedicated pursuant to Plat #2-88C (1960) for highway use; however, the County highway known as Bauer Avenue (originally Willey Lane) was for unknown reasons constructed and has been maintained by the County for a period of 20 or more years, adjacent to the portion of highway/right of way to be vacated (see Exhibit A attached hereto and incorporated herein by this reference), and WHEREAS, the adjacent landowners (see Affected Landowners infra) owning property on either side of the portion of highway/right of way to be vacated intend to submit a plat (anticipated January 2022) adjusting their respective lot lines following the vacation of the highway/right of way and to dedicate and locate the existing County right of way, Bauer Avenue, in its present location as maintained by the County (see Exhibit A), and WHEREAS, the public interest will be better served by the proposed section line vacation, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of a highway, part of which is located on a section line/highway/right of way be vacated: LEGAL DESCRIPTION FOR THE VACATION: Public R.O.W. 40' wide lying Between Lots 11 and 12 of Block A and Lots 1 and 2 of Block D of Boulder Heights Addition No. 1. Located in the NE1/4SW1/4SW1/4, Section 14, Township 5 North, Range 4 East, Black Hills Meridian, Lawrence County, South Dakota, NOW THEREFORE, BE IT FURTHER RESOLVED, that approval of the vacation of the highway/right of way is contingent upon the recording of a plat dedicating and locating that part of Bauer Avenue as it lies in its present location with such right of way being not less than 40 feet; AFFECTING THE LANDOWNERS: James V. Sonne, Paula Frost, Olon Rigsby. Dated this 8th day of February, 2022 Randall Rosenau, Chairman Lawrence County Commission ATTEST: Brenda McGruder, Lawrence County Auditor I, Brenda McGruder, the duly appointed Auditor of Lawrence County, South Dakota, do hereby certify that the within and foregoing amended resolution was passed by the Lawrence County Board of County Commissioners at a regular session held February 8, 2022. Dated at Deadwood, South Dakota, the 8th day of February, 2022. Brenda McGruder, Lawrence County Auditor.

EMERGENCY MANAGEMENT:

TRENCHING & CONFINED SPACE GRANT: Paul Thomson, Emergency Management Director, reported that Lawrence County was the recipient of the 2022 trenching or confined space safety equipment grant through the South Dakota Municipal League Workers Compensation Fund. Thomson stated that this grant would be used to replace a handheld four gas tester for Search & Rescue.

Moved-Seconded (Ewing-Deibert) to approve the purchase of a handheld four gas tester for Search & Rescue and accept the 2022 trenching or confined space safety equipment grant through the South Dakota Municipal League Work Compensation Fund. Motion Carried.

LAWENCE COUNTY 911 ATLAS DISTRIBUTION/SALE: Paul Thomson, Emergency Management Director, reported that the most recent Lawrence County 911 Atlas has been completed by Rob Mattox.

Moved-Seconded (Deibert-Sleep) to make the Lawrence County 911 Atlas available to the public via of the Lawrence County website. Motion Carried.

BUTTE/LAWRENCE COUNTY FAIR UPDATE:

Chad Mackaben, Clair Donovan and Ida Marie Snortland, Butte/Lawrence County Fair Board were present to give an update on the Butte/Lawrence County Fair.

NATURAL RESOURCES COMMITTEE:

Commissioner Deibert gave an update on the Wyoming and South Dakota Foresters' information on the timber inventory. Deibert stated that the group has found a specialist that can take spatial data - being imagery and LiDar, and can do inventory from that product and have worked very hard to come up with a scope of services. Deibert stated that the cost for the services is approximately \$260-\$270,000 and will take about 8-12 weeks to complete once the contract entered into. Deibert stated that time is of the essence and asked if the County would be the contracting vehicle for the project. Deibert stated that the Natural Resources Committee will meet and consider proposals on February 22, 2002. A recommendation from the Committee will be presented to the Commission at its March 8, 2022 meeting.

Moved-Seconded (Flanagan-Ewing) to approve, in conceptual form, Lawrence County as the contracting party to an agreement for professional services to provide forest management data, to-wit: geo-spatial and LiDar data; and, further that the project would be eligible for funding using Mineral Severance Tax funds pursuant to SDCL 10-39-54.3(2). Motion Carried.

EXTENSION UPDATE:

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

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Bruce Outka, Deputy State's Attorney, reported that 1 or 2 people are invited to attend the Chimera project virtual meeting to be held on February 10, 2022 at 9:00 a.m.

BILLS: Moved-Seconded (Deibert-Flanagan) 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-\$12,293.18; Treas-\$15,066.93; States Atty-\$19,080.57; Pub Def-\$11,000.38; Gen Govt Bldg-\$9,357.76; Equal-\$16,064.12; Rod-\$9,609.64; Vso-\$1,906.60; Ist-\$10,590.78; Sher-\$56,695.40; Jail-\$29,006.49; Coroner-\$914.66; 24/7-\$307.69; Emerg Mgnt-\$4,952.54; E911-\$18,108.09; Highway-\$47,532.26; Weed-\$4,415.89; P&Z-\$8,123.84; **Bills:** Larson, Rene-\$10.75; Schroeder, Jeffery-\$236.00; Schumacher, Dustin-\$204.00; A&B Business, Inc Solutions-\$3,264.56; A&B Welding Supply-\$23.87; Arrowwood Resort-\$77.00; At&T Mobility-\$1,114.65; BH Pest Control-\$190.00; BH Pioneer-\$1,123.05; Barnaud Law Firm Prof-\$1,751.38; Beck Motor Company-\$10,376.29; Black Hills Chemical-\$923.23; Black Hills Energy-\$792.37; Bomgaars Supply-\$98.72; Boys & Girls Clubs Of The Bh-\$7,500.00; Butler Machinery Co-\$80.78; Butte Electric Coop-\$863.71; Century Business Products-\$447.75; Centurylink-\$245.41; Chadams-\$375.00; Child Support Services-\$352.62; Cornelius, Kaylee-\$360.00; Dale's Tire & Retread-\$48.00; Datec-\$323.90; Deadwood, City Of-\$1,318.76; Dept Of The Treasury-\$65,857.69; Dustbusters-\$127,798.78; Fastenal-\$111.38; Floyd's Truck Center-\$115.56; Glock Professional-\$250.00; Good Shepherd Clinic-\$1,000.00; Hartford-Priority Accounts-\$2,173.66; Hilpert & Hale Prof-\$405.38; Homestake Opera House-\$250.00; Innovative Office Solutions-\$81.82; Jacobs Precision Welding-\$71.19; Janke, Wendy-\$208.00; Karen Paige Hunt, Prof-\$422.95; Kimball-Midwest Co-\$497.92; Kinney Law-\$937.12; Knecht Home Center-\$1,311.52; Kosel, Joseph-\$1,428.48; LC Treasurer-\$15.00; Lead, City Of-\$53.77; Lead-Deadwood Sanitary-\$570.07; Lustre-Cal-\$609.00; Mabey, Brooke-\$120.00; Manlove Brain & Body Health-\$4,000.00; Marshall & Swift/Boeckh-\$371.95; Mckesson Medical-\$117.33; Midcontinent Communications-\$147.88; Montana Dakota Utilities-\$7,531.22; Monument Health Network-\$1,561.06; Motorola Solutions-\$97,040.50; NH Alcohol & Drug Services-\$10,000.00; Nalco Company-\$297.70; Nelson, Christy-\$300.00; Nichols, Helen Rd-\$146.12; North Central Int'l-\$6,171.53; Northern Truck Equip-\$239.08; Office Of Child Support-\$234.00; PcsO Addiction Treatment Serv-\$452.00; Priority Dispatch-\$165.00; RC Journal-\$80.54; R&R Industries-\$152.31;

LAWRENCE COUNTY COMMISSIONERS MEETING – February 8, 2022 page-6

Rabe Elevator-\$1,433.22; Radiology Associates-\$8.22; Rapid Delivery-\$46.48; Ryan, Suzanne-\$360.00; Schlingen Law Firm-\$4,667.44; Sd Dept Of Transportation-\$17,432.83; Sd Emergency Mngt Association-\$10.00; Sd Human Services Center-\$9.20; Sd State Treasurer-\$600.00; Sdrs Supplemental Retirement-\$3,307.50; Semerad, Sandra-\$95.20; Servall Towel & Linen-\$584.41; Sierra Design Vinyl Lettering-\$75.00; Spearfish Auto Supply-\$968.72; Spearfish City Of-\$100.00; Staples-\$192.33; Sterna, Laura-\$60.00; Sturdevant's Auto Parts-\$1,249.92; Sysco Montana-\$3,347.93; T & W Appliance/Knothole-\$214.95; Tillisch, Leslie-\$49.40; Triple K Tire & Repair-\$828.36; Twin City Hardware & Lumber-\$699.58; Waste Connections-\$1,089.01; Watertree-\$54.00; Western States Fire Protection-\$1,225.00; Wex Bank-\$874.48; White's Canyon Motors-\$43,298.00; Yankton Co Sheriff-\$52.50; **Witness & Jurors: \$579.20.**

ADJOURN: 10:24 a.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

Date Approved

Randall Rosenau, Chairperson

ATTEST:

Brenda McGruder, Auditor