

LAWRENCE COUNTY COMMISSIONERS MEETING – February 9, 2021 page-1

Chairman Richard Sleep 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 9, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing present.

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

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

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

MINUTES: Moved-Seconded (Rosenau-Deibert) to approve the minutes of January 26, 2021 County Commission meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Rosenau-Deibert) to approve Charles Fetter as a part-time fill-in Correctional Officer I G1 at a base rate of \$19.26 an hour, effective February 9, 2021. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Flanagan-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of January 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)-\$150,760.39; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$14,624.81; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$15,945,855.478; money market \$8,959,508.53. Total \$25,073,959.20. Motion Carried.

TRANSFER OF FUNDS: Moved-Seconded (Deibert-Ewing) to approve the annual budgeted transfer of \$2,200,000 from General Fund to Road & Bridge Fund, \$500,000 from General Fund to E-911 Fund and \$200,000 from General Fund to Emergency & Disaster Fund. Motion Carried.

USFS / WEED SPRAYING AGREEMENT: Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the Participating Agreement Supplemental Project Agreement #21-PA-11020308-017 to Master Participating Agreement #18-PA-11020308-032 between Lawrence County and the USDA, Forest Service Region 2, Black Hills National Forest Service Northern Hills Ranger District for weed spraying. Motion Carried.

ABATEMENT:

SOUTH DAKOTA DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD: Moved-Seconded (Deibert-Flanagan) to deny the abatement for South Dakota District Council of the Assemblies of God on parcel #26698-01730-010-00 for 2020 taxes payable in 2021 due to tax exempt paperwork not being on file on, or before, the statutory deadline, but allow for tax exempt status for 2021 taxes payable in 2022. Motion Carried.

SHERIFF:

EQUITABLE SHARING AGREEMENT AND CERTIFICATION: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to electronically sign the Equitable Sharing Agreement and Certification. Motion Carried.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2021-08 for a Supplemental Budget for Courthouse & Jail Fund Courthouse & Jail Prof Serv - \$200,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Ewing) to approve and adopt the following Resolution #2021-08 for a Supplemental Budget. Motion Carried. RESOLUTION #2021-08 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2021, 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 2021, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit:

COURTHOUSE & JAIL FUND COURTHOUSE & JAIL PROF SERV - \$200,000.00 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 9th day of February, 2021 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 9th day of February, 2021. FOR THE BOARD OF COUNTY COMMISSIONERS Richard Sleep, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of February 3, 2021: **Deadwood Diesel #1 Only (dyed) 8000 gallons:** (prices per gallon) CBH Cooperative –\$2.359; Harms Oil Co-No Bid; MG Oil-\$2.259*. **Spearfish Diesel #2 (dyed) 2600 gallons:** (prices per gallon) CBH Cooperative –\$2.157; Harms Oil Co-No Bid; MG Oil-\$1.959*. **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative –\$2.537; Harms Oil Co-No Bid; MG Oil – \$2.359*. **Whitewood Diesel #2 (dyed) 600 gallons:** (prices per gallon) CBH Cooperative –\$2.157; Harms Oil Co-No Bid; MG Oil-\$1.959*. *Represents lowest quote awarded.

BID OPENING/MAITLAND ROAD GRADING AND PAVING/ ST. ONGE ROAD MILL AND OVERLAY/2021 LAWRENCE COUNTY CHIP SEAL PROJECT:

The following bids were received for the 2021 Lawrence County chip seal project on St. Onge Road/4.65 miles and Vanocker Canyon Road/4.82 miles: Simon Contractors of SD, Inc.- \$269,501.90; Bituminous Paving, Inc.-\$328,347.00; Jensen Rock & Sand, Inc.-\$293,207.27;

Moved-Seconded (Flanagan-Ewing) to follow the recommendation of the Highway Superintendent and accept the lowest responsible bid from Simon Contractors of SD, Inc.- \$269,501.90, to waive any irregularities, and to approve and authorize the Chairman to sign the construction agreement and Notice to Proceed. Motion Carried.

The following bids were received for the Maitland Road Grading and Paving project: Simon Contractors of SD, Inc.-\$503,665.00; GTI Companies, Inc.-\$586,527.77; Sacrison Paving-\$514,514.14.

Moved-Seconded (Flanagan-Ewing) to follow the recommendation of the Highway Superintendent and accept the lowest responsible bid from Simon Contractors of SD, Inc.- \$503,665.00, to waive any irregularities, and to approve and authorize the Chairman to sign the construction agreement and Notice to Proceed. Motion Carried.

The following bids were received for the St. Onge Road Mill and Overlay project: Simon Contractors of SD, Inc.-\$307,230.90; Sacrison Paving Inc.-\$304,404.04; Western Construction-\$329,389.45; GTI Companies, Inc.-\$363,492.81.

Moved-Seconded (Flanagan-Ewing) to follow the recommendation of the Highway Superintendent and accept the lowest responsible bid from Sacrison Paving-\$304,404.04 to waive any irregularities, and to approve and authorize the Chairman to sign the construction agreement and Notice to Proceed. Motion Carried.

PERMIT:

ALLEY FAMILY, LLC: Moved-Seconded (Deibert-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Alley Family, LLC to construct a private approach on the south side of Nemo Road located approximately 7 ½ Miles east of Highway 385. Motion Carried.

AGREEMENT FOR VOLUNTARY RIGHT-OF-WAY DONATION BRO 8041(00) PCN 01KP/41-110-008: Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Agreement for voluntary Right-of-Way donation between Lawrence County and Ralph D. & Becky Crago. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Agreement for voluntary Right-of-Way donation between Lawrence County and Aileen M. James & Thomas Pepin. Motion Carried.

LETTING AUTHORIZATION BRO 8041(00) PCN 01KP/41-110-008: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the Letting Authorization for Project No. BRO 8041 (00) PCN 01KP. Motion Carried.

RIGHT-OF-WAY/UTILITIES CERTIFICATE –PROJECT NO. BRO 8041(00) PCN 01KP/41-110-008: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the right-of-way certificate for the construction of Project Number BRO 8041(00) PCN 01KP. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the utility certificate for the construction of Project Number BRO 8041(00) PCN 01KP. Motion Carried.

DEPARTMENT OF TRANSPORTATION PLANNING AND RESEARCH (SPR) PROGRAM: Discussion was held on which study categories and how much money would be contributed to the program.

Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the SPR funded transportation study application selecting the following study categories: Bicycle Plan, Pedestrian Plan, Long Range (20 year) Transportation Plan and Corridor Study to include Evans Lane and Christensen Drive, with a total funding of \$100,000 with a 20% county match. Aye-Rosenau, Deibert and Flanagan. Nay-Ewing and Sleep. Motion Carried.

HIGHWAY SUPPLIES BID OPENING: Moved-Seconded (Rosenau-Sleep) to advertise and set the bid opening for March 23, 2020 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.

PLANNING & ZONING:

PLAT:

PRELIMINARY PLAT/BH DEVELOPMENT LLC.: APPLICANT BH Development, LLC
LEGAL DESCRIPTION: Lots 1-8, Blk 3; Lots 1-17, Blk 4; Lots 1-5, Blk 5; Lots 1-10, Blk 6; Lots 1-2, Bk 7; Lots 1-11, Blk 8 of Trailside Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots-Phase 2 ZONING: PUD.

Commissioner Deibert questioned on whether the road plan had been reviewed by the Highway Superintendent.

Moved-Seconded (Ewing-Sleep) to approve the preliminary for BH Development, LLC. subject to any objections by Allan Bonnema, Highway Superintendent, on the current road plan 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 1-8, Blk 3; Lots 1-17, Blk 4; Lots 1-5, Blk 5; Lots 1-10, Blk 6; Lots 1-2, Bk 7; Lots 1-11, Blk 8 of Trailside Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: New Lots-Phase 2 ZONING: PUD. Motion Carried.

ORDINANCE #20-02/CBH CO-OP: Second Reading was held on ORD #20-02, Liquid & Bulk Propane Storage Yard APPLICANT: CBH CO-OP LEGAL: Countywide SUMMARY: The addition of Liquid & Bulk Propane Storage Yard as an allowed CUP in the PF-Park Forest District

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

Moved-Seconded (Flanagan-Rosenau) to approve ORD #20-02, based upon the Planning and Zoning Commission recommendation for approval and the concurrent recommendation of P&Z staff, as reflected in the staff report. APPLICANT: CBH CO-OP LEGAL: Countywide SUMMARY: The addition of Liquid & Bulk Propane Storage Yard as an allowed CUP in the PF-Park Forest District. Motion Carried.

BLACK HILLS FORESTRY/BILL COBURN: Bill Coburn, Black Hills Forestry, was present and requested that the Commissioners oppose HB1085 and HB1149 pending before the legislature. Coburn also briefly addressed the importance of for wildfire resilience in subdivisions.

Moved-Seconded (Ewing-Rosenau) to send a letter opposing HB1085 and HB1149 and authorize the Chairman to sign with the letter addressed to Representative Kirk Chaffee, Deborah Russell, SDACC President, Bob Wilcox, Executive Director South Dakota Counties, Eric Erickson, Lobbyist SDACC, Representative Mary Fitzgerald, Senator Timothy Johns and Representative Scott Odenbach. Motion Carried.

ITEMS FROM THE COMMISSIONERS: Commissioner Ewing expressed his concern with the letter received from Mike Harmon, City of Spearfish City Administrator, in reference to the ongoing road jurisdictions issues. Chairman Sleep will contact Mayor Boke to set up a meeting to discuss the topic.

Commissioner Deibert gave a report on the upcoming UTV Summit to be held in March and the Multiple Use Coalition and the upcoming election of officers to be held on March 5, 2021 for the Black Hills Association of County Commissioners/Officials.

Commissioner Sleep noted a Thank You received from the Spearfish Senior Citizen Service Center for their yearly allocation.

BILLS: Moved-Seconded (Flanagan-Deibert) 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-\$7,038.11; Aud-\$11,628.49; Treas-\$13,429.11; States Atty-\$16,572.10; Pub Def-\$13,255.24; Gen Govt Bldg-\$10,366.58; Equal-\$15,844.04; Rod-\$7,628.38; Vso-\$1,736.20; Ist-\$9,674.26; Sher-\$52,652.25; Jail-\$30,096.56; Coroner-\$1,203.16; 24/7-\$309.88; Emerg Mgnt-\$4,660.01; E911-\$18,852.29; Highway-\$51,736.49; Weed-\$4,206.28; P&Z-\$6,283.58; **Bills:** Tridle, Debora-\$10.84; Meehan, Michael-\$12.52; A To Z Shredding-\$52.53; A&B Business, Inc Solutions-\$3,483.67; A&B Welding Supply-\$90.75; A&J Supply-\$84.99; Alternative Hrd-\$371.25; At&T Mobility-\$1,221.29; Audra Hill Consulting-\$552.42; BH Pioneer-\$996.91; BH Regional Multiple Inc-\$100.00; Barnaud Law Firm Prof-\$2,346.20; Bickle's Truck & Diesel-\$869.35; Black Hills Chemical-\$435.02; Black Hills Energy-\$502.03; Black Hills Pure-\$11.50; Bomgaars Supply-\$55.95; Bruemmer, Lynnel-\$112.20; Butler Machinery Co-\$362.31; Butte Electric Coop-\$602.29; Century Business Products-\$432.06; Centurylink-\$205.64; Chadams-\$150.00; Charm-Tex-\$109.80; Coban Technologies-\$280.00; Cochran, Leslie-\$10.20; Dakota Equipment Rental-\$563.87; Deadwood, City Of-\$1,059.94; Denny's Welding-\$32.00; Dept Of The Treasury-\$65,611.16; Dustbusters-\$177,498.91; Galls-\$624.88; Gordon Law Office-\$5,150.62; Grafix Shoppe-\$1,443.43; Hartford-Priority Accounts-\$1,930.89; Heisler Hardware-\$92.43; Joe's Windsheild Repair-\$315.00; Karen Paige Hunt, Prof-\$4,807.55; Katterhagen, Mark-\$12.00; Kenzy, Chris-\$400.00; Kimball-Midwest Co-\$182.57; Knecht Home Center Of Spf-\$82.99; Koala Electric-\$1,456.95; LC Conservation Dist-\$5,000.00; Lawson Products-\$27.98; Lead, City Of-\$45.37; Lead-Deadwood Sanitary-\$464.04; Lewno, Lucy-\$156.50; Lockwood, Darcy-\$12.00; Lynn's Dakotamart-\$34.48; McClure, Susan-\$300.00; Montana Dakota Utilities-\$4,499.41; Monument Health Network-\$11,045.80; Morris Law Firm Prof-\$551.00; Ms Mail-\$700.00; Murphy Petroleum Transport-\$40.00; North Central Int'l-\$5,804.26; Office Of Child Support-\$401.54; Outdoor Motor Sports-\$2.95; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$1,149.68; Powerplan-\$32.54; Quill-\$11.59; Rapid Delivery-\$13.23; Rasmussen Mechanical Serv-\$247.93; Riverside Technologies-\$438.00; Rocket Lube-\$84.99; Root Spring Scraper Co-\$65.87; Schlimgen Law Firm-\$2,030.95; Sd Dept Of Transportation-\$36,074.85; Sd Emergency Mgnt Association-\$380.00; Sd State Treasurer-\$414.33; Sdaco-\$440.00; Sdrs Supplemental Retirement-\$2,022.50; Semerad, Sandra-\$54.40; Servall Towel & Linen-\$271.99; Simon North Region-\$20,024.70; Spearfish Auto Supply-\$174.84; Spearfish Police Dept-\$10,378.98; Stan Houston Equip-\$749.50; Sterna, Laura-\$522.20; Sturdevant's Auto Parts-\$1,524.19; Summit Fire Protection-\$3,073.00; Sysco Montana-\$2,787.88; Transource Truck & Equip-\$26.60; Triple K Tire & Repair-\$1,432.35; Twin City Hardware & Lumber-\$1,820.02; Tyler Technologies-\$35,705.00; Veterans Mfg-\$891.30; Waste Connections-\$917.28; Watertree-\$54.00; Western Communication-\$385.00; Western Sd Juvenile Serv-\$1,820.00; Western States Fire Protection-\$276.24; Wex Bank-\$188.25; White's Canyon Motors-\$527.77; Wilen Dentistry-\$314.00; Yankton Co Sheriff-\$50.00; Yankton County-\$240.10; **Witness & Jurors:** \$2,425.26.

ADJOURN: 10:06 a.m. There being no further business, Chairman Sleep adjourned the meeting.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor