

LAWRENCE COUNTY COMMISSIONERS MEETING – September 1, 2020 page-1

Chairman Brandon Flanagan called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on September 1, 2020 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 Randy Deibert.

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

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

DECLARE CONFLICTS AND DISCLOSURES: No Conflicts where declared by the Commission.

MINUTES: Moved-Seconded (Rosenau-Deibert) to approve the minutes of August 18, 2020 County Commission meeting. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve the minutes of August 18, 2020 Board of Adjustment meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve Tyler Sonne as a full-time permanent Correctional Officer I G2 at a base rate of \$19.65 an hour, effective August 30, 2020. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve Anthony Spencer as a full-time permanent Correctional Officer II G1 at a base rate of \$20.44 an hour, effective August 30, 2020. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Melody Paklin as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective August 30, 2020. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve the family medical leave act extension for Mary Abell for an additional 12 weeks. Motion Carried.

HIGHWAY/OUT-OF-CLASS PAY:

Continued discussion was held on the current personnel policy in regards to assignment of work at a higher classification. The Board would like to review the policy and asked Bruce Outka, Deputy State's Attorney to meet with the Department Heads and come back with some recommendations.

Moved-Seconded (Sleep-Johnson) to deny the out-of-class pay for Gerald Holen at a base rate of \$29.89 for 10 hours on September 10, 2020. Aye-Sleep. Nay- Johnson, Rosenau, Deibert and Flanagan. Motion Failed.

Moved-Seconded (Rosenau-Johnson) to approve the out-of-class pay for Gerald Holen at a base rate of \$29.89 for 10 hours on September 10, 2020. Aye-Johnson, Rosenau and Flanagan. Nay-Sleep and Deibert. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the out-of-class pay for Daniel Sheeler at a base rate of \$29.89 for 30 hours on September 3, 7 & 8, 2020. Aye-Johnson, Rosenau and Flanagan. Nay-Sleep and Deibert. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the cell phone per diem of \$50.00 per month for Brady Maynard, effective August 30, 2020. Motion Carried.

PHLEBOTOMIST/2020 PAY RATE & AGREEMENTS : Moved-Seconded (Johnson-Sleep) to authorize the Sheriff to sign the Phlebotomist Agreement with Justin James. Motion Carried.

2021 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT: Rene' Larson, Emergency Management Administrative Assistant, presented the 2021 Local Emergency Management Performance Grant and discussed the changes.

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Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the 2021 Local Emergency Management Performance Grant. Motion Carried.

RAFFLE REQUEST/NHCASA: Moved-Seconded (Deibert-Johnson) to not object to the request to conduct a raffle for the Northern Hills CASA, with the drawing taking place the beginning of September 10, 2020. Motion Carried.

SHERIFF:

PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Steve Williams, Williams & Associates, appeared by Go-To-Meeting to give an update regarding the Public Safety and Services Center Project - Phase I service scope. Williams stated that discussions with Elevatus Architecture prior to Phase I should include clarification of team members and roles, their approach to selecting both a security contractor and a detention equipment contractor and gaining a basic understanding of professional services offered to include: basic services, supplemental services, additional services, reimbursable and architectural & engineering consultants.

Brian Dean, Sheriff, stated that he would like discretion in selecting staff to attend a future trip to Indiana to tour a facility built by Elevatus Architecture. Dean stated that other staff members would benefit from a tour at Elevatus designed facility for purposes of offering input on the design of a county facility.

Bruce Outka, Deputy State's Attorney, stated that due diligence is ongoing in regards to the current land purchase. The 60 days will expire on October 18, 2020.

CONTINGENCY TRANSFER: Moved-Seconded (Rosenau-Deibert) to approve the contingency transfer of \$10,000.00 to the Sheriff Travel Budget to cover the cost of the potential onsite of a jail facility built by Elevatus Architecture in Indiana. Motion Carried.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2020-29 for a Supplemental Budget for General Fund Court Appointed Attorney - \$100,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Rosenau) to approve and adopt the following Resolution #2020-29 for a Supplemental Budget. Motion Carried. RESOLUTION #2020-29 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2020, 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 2020, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND COURT APPOINTED ATTORNEY - \$100,000.00 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 1st day of September, 2020 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 1st day of September, 2020. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of August 26, 2020: **Spearfish Diesel #2 (dyed) 2500 gallons:** (prices per gallon) CBH Cooperative –\$1.689; Harms Oil Co-No Bid; MG Oil-\$1.549*. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative – \$2.131; Harms Oil Co-No Bid; MG Oil – \$2.019*. *Represents lowest quote awarded.

2021 BRIDGE IMPROVEMENT GRANT/PRELIMINARY ENGINEERING AWARD:

Allan Bonnema, Highway Superintendent, stated that the County was awarded a 2021 Bridge Improvement Grant/Preliminary Engineering for the structure at intersection of Christensen and Maitland near Spearfish on Christensen Road over False Button Creek SN 41-120-105 in the amount of \$30,700.00.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: Allan Bonnema, Highway Superintendent, presented the preliminary draft of the five-year county highway and bridge improvement plan to be presented at a public meeting on September 22, 2020 at 10:30 a.m.

Commissioner Deibert stated he was not in favor of paving Maitland Road from Christensen Drive to the low water crossing. Deibert also stated that he would like to receive the five-year plan during the budget process.

Moved-Seconded (Deibert-Rosenau) to have the most current draft of years one and two of the five-year county highway and bridge improvement plan prior to the budget discussions. Aye-Deibert, Rosenau and Flanagan. Nay-Sleep and Johnson. Motion Carried.

Moved-Seconded (Deibert Flanagan) to move the install asphalt pavement of Maitland Road from Christensen Drive south to Forest Park Lane from 2022 to 2025. Aye Flanagan and Deibert. Nay Rosenau, Johnson and Sleep. Motion Failed.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Whitewood Valley Bridge, Doresett Road Bridge and Nemo Bridge.

2021 BUDGET: A public hearing was held on the proposed 2021 budget. No comments were voiced and the chairman closed the hearing. The Board will consider the adoption of the budget at the September 22, 2020 meeting.

PLANNING & ZONING:

CHANGE OF ZONING #334/GARDNER: First Reading and public hearing was held on COZ #336. APPLICANTS: Kenneth & Julie Gardner LEGAL: Lot D of Sawpit Tract, being a portion of the Bingham Lode M.S. 1379 Etal in Section 29, T5N, R3E VICINITY LOCATION: Hwy 85 SUMMARY: COZ from Park Forest to Highway Service Commercial ACREAGE: 2.00 acres

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

No public input was voiced and the hearing was closed.

Second Reading scheduled: September 22, 2020 at 9:00 am.

PLATS:

PRELIMINARY & FINAL PLAT/BAIER: APPLICANT: Connie Baier LEGAL DESCRIPTION: Lots 8A and 9A, Blk 9 Town of St. Onge, all located in the S ½ of Section 23, T7N, R3E. VICINITY LOCATION: St. Onge SUMMARY: Combining lots ZONING: SRD ACREAGE: Lot 8A (.310 acres) Lot 9A (.145 acres).

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Connie Baier meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary and final plat for Connie Baier 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 8A and 9A, Blk 9 Town of St. Onge, all located in the S ½ of Section 23, T7N, R3E. VICINITY LOCATION: St. Onge SUMMARY: Combining lots ZONING: SRD ACREAGE: Lot 8A (.310 acres) Lot 9A (.145 acres). Motion Carried.

PRELIMINARY & FINAL PLAT/MUMM: APPLICANTS: Christopher & Carla Mumm LEGAL DESCRIPTION: Plat of Lot 5A, Blk 3, Annuet Coeptis (East) Subdivision, Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Hwy 385 SUMMARY: Combine lot ZONING: PF ACREAGE: Lot 5A (2.046 acres).

Moved-Seconded (Deibert-Rosenau) declaring that the plat for Christopher & Carla Mumm meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary and final plat for Christopher & Carla Mumm 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

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DESCRIPTION: Plat of Lot 5A, Blk 3, Annuet Coeptis (East) Subdivision, Section 16, T4N, R4E (legal shortened) VICINITY LOCATION: Hwy 385 SUMMARY: Combine lot ZONING: PF ACREAGE: Lot 5A (2.046 acres). Motion Carried.

PRELIMINARY & FINAL PLAT/LEISCHNER: APPLICANT: Mark Leischner LEGAL DESCRIPTION: Plat of Lots 4A and 5A, Blk 3 of Wilderness Estates 2nd Addition, Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Replat of lots ZONING: PUD ACREAGE: 4A (.775 acres) and 5A (1.323 acres).

Moved-Seconded (Deibert-Rosenau) to approve the preliminary and final plat for Mark Leischner 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 4A and 5A, Blk 3 of Wilderness Estates 2nd Addition, Section 17, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Replat of lots ZONING: PUD ACREAGE: 4A (.775 acres) and 5A (1.323 acres). Motion Carried.

DEER MOUNTAIN SANITARY DISTRICT/LEVIES & ASSESSMENTS: Oz Enderby, Trustee Deer Mountain Sanitary District, gave an update on the bonding for the replacement of the current water system.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert stated he would like to explore the options of adopting home rule.

BILLS: Moved-Seconded (Rosenau-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-\$7,033.31; Aud-\$11,591.69; Treas-\$12,739.80; States Atty-\$14,557.89; Pub Def-\$13,253.80; Gen Govt Bldg-\$9,675.16; Equal-\$15,844.46; Rod-\$8,882.77; Vso-\$1,736.20; Ist-\$9,661.45; Sher-\$57,794.14; Jail-\$30,026.35; Coroner-\$992.36; 24/7-\$495.50; Emerg Mgnt-\$4,650.41; E911-\$16,834.16; Highway-\$49,513.98; Weed-\$8,926.32; P&Z-\$6,278.78; **Bills:** Ketter, Jesse-\$302.12; American Family Life-\$2,619.88; Credit Collections Bureau-\$212.16; Delta Dental Of South Dakota-\$8,183.44; Dept Of The Treasury-\$65,345.85; LC Treasurer-\$21.20; Midcontinent Communications-\$112.44; Northern Hills Rec Center-\$174.00; Office Of Child Support-\$401.54; Sd Retirement System-\$66,107.93; Sdrs Supplemental Retirement-\$2,082.50; Vast Broadband-\$301.55; Wellmark Blue Cross-\$97,405.74; A To Z Shredding-\$45.39; A&B Business,Inc Solutions-\$775.65; A&B Welding Supply-\$22.63; A&I Distributors-\$255.40; Aberdeen Llc-\$3,368.00; At&T Mobility-\$994.18; Black Hills Asphalt-\$994.90; Black Hills Energy-\$177.39; Black Hills Funeral Home-\$1,170.00; Bob Barker Company-\$30.84; Brosz Engineering-\$540.00; Butler Machinery Co-\$4,527.02; Century Business Products-\$91.78; Chadams-\$652.99; Clinical Lab Of BH-\$1,646.00; Deadwood, City Of-\$1,527.56; Ecolab-\$156.42; Esri-\$4,500.00; Fastenal-\$155.34; Floyd's Truck Center-\$94.21; Frederickson, John-\$960.30; Galls-\$245.27; Gene's Lock Shop-\$107.96; Godfrey's Brake Serv-\$65.08; Heartland Paper Co-\$919.84; Hilpert & Hale Prof-\$927.05; Jacobs Precision Welding-\$25.00; Jdm Customs & Repair-\$2,423.15; Juneks' Chrysler/Dodge-\$47.70; Karen Paige Hunt, Prof-\$1,559.70; Katterhagen, Mark-\$18.00; Kinney Law-\$2,976.32; Kosel, Joseph-\$3,341.10; Lawson Products-\$190.64; Lead, City Of-\$59.65; Lewno, Lucy-\$176.50; Lincoln County-\$168.75; Lockwood, Darcy-\$18.00; Manufacturing Solutions-\$4,401.88; Mcgas Propane-\$613.41; Mcleod's Office Supply-\$898.50; Montana Dakota Utilities-\$1,120.27; Monument Health Network-\$1,648.34; Ms Mail-\$20.00; Nelson, Tonya-\$1,260.00; Nohr, Linda-\$200.00; North Central Int'l-\$4.95; Northern Truck Equip-\$145.17; Pcsa Addiction Treatment Serv-\$678.00; Phils Electric-\$229.50; Phoenix Investigations-\$966.08; Pitney Bowes-\$458.82; Professional Development-\$1,695.00; Proguard-\$189.05; Quik Signs-\$240.00; Quill-\$367.71; Rocket Lube-\$84.99; Rogers Construction-\$155,800.00; Sd Department Of Public Safety-\$5,400.00; Sd Dept Of Transportation-\$528.92; Sd Overhead Doors-\$3,950.00; Semerad, Sandra-\$37.40; Servall Towel & Linen-\$670.34; Simon North Region-\$5,421.50; Sterna, Laura-\$1,0.00; Street Image-\$343.29; Sturdevant's Auto Parts-\$19.57; Summit Companies-\$158.00; Sysco Montana-\$1,688.40; Transource Truck & Equip-\$639.46; Triple K Tire & Repair-\$748.34; Trugreen Chemlawn-\$64.78; Twin City Hardware & Lumber-\$67.12; Vast Broadband-\$59.99; Western Communication-\$762.00; **Witness & Jurors:** \$1,628.68.

ADJOURN: 10:26 a.m. There being no further business it was Moved-Seconded (Rosenau-Flanagan) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Auditor