

LAWRENCE COUNTY COMMISSIONERS MEETING – October 12, 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 October 12, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert and Robert Ewing present. Absent Commissioner Brandon Flanagan and Randall Rosenau.

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

AGENDA: Moved-Seconded (Deibert-Ewing) to approve the agenda as amended. Public Hearing for Conditional Use Permit #458 was closed at the September 28, 2021 Commission Meeting. Motion Carried.

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

MINUTES: Moved-Seconded (Ewing-Deibert) to approve the minutes of September 28, 2021 County Commission meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of September 30, 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) -\$155,412.61; total amount of cash in transit in Treasurer's possession (cash deposit in transit) -\$2,970.35; petty cash - \$1,860.00; total amount of deposits in bank include: bank balance \$14,629,935.40; money market \$11,973,665.63. Total \$26,765,193.99.

PERSONNEL:

REGISTER OF DEEDS: Moved-Seconded (Deibert-Ewing) to approve the step raise for Lisa Kitzmiller as a full-time permanent Recording Clerk G2 at a base rate of \$16.67 an hour, effective October 11, 2021. Motion Carried.

SHERIFF: Moved-Seconded (Deibert-Ewing) to approve the step raise for Brandon Rosenau as a full-time permanent Deputy I G3 at a base rate of \$25.62 an hour, effective October 10, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Matt McCroden as a full-time permanent Lieutenant G2 at a base rate of \$30.61 an hour, effective October 10, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Barb Baker as a full-time permanent Dispatch II G3 at a base rate of \$21.28 an hour, effective October 10, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Tyler Sonne as a full-time permanent Deputy I G3 at a base rate of \$25.62 an hour, effective October 10, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Alex Clover as a full-time permanent Deputy II G3 at a base rate of \$27.16 an hour, effective October 10, 2021. Motion Carried.

HIGHWAY: Moved-Seconded (Ewing-Sleep) to allow employees to donate leave to Matthew D. Meiners upon the exhaustion of the employee's accumulated vacation time, compensatory time and sick leave. Motion Carried.

Moved-Seconded (Ewing-Deibert) to approve the new hire Brad Heying as a part-time fill-in Heavy Equipment Operator at a base rate of \$24.79 effective October 12, 2021 and to authorize Allan Bonnema, Highway Superintendent, to hire mission critical employees if the need arises, on a part time basis, until such time as the new hire can be ratified by the Commission at its next regular schedule meeting. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Ewing-Deibert) to approve the automatic supplement of \$15,623.18 to the Sheriff Travel Budget for reimbursement for vehicle damage. Motion Carried.

AMBULANCE AGREEMENT: Moved-Seconded (Deibert-Ewing) to approve and authorize the Chairman to sign the City of Sturgis Ambulance Agreement. Motion Carried.

2022 COUNTY COMMISSION SCHEDULE: Bruce Outka, Deputy State's Attorney, presented the draft 2022 County Commissioners meeting dates as follows: January 4 & 25, February 8, March 8 & 22, April 12 & 26, May 10 & 24, June 9, 14 & 28, July 12 & 26, August 16, September 6 & 27, October 11 & 25, November 1, 10 & 22, December 13 & 27. No action was taken.

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT QUARTERLY REPORT: Rene' Larson, Emergency Management Administrative Assistant, presented the Local Emergency Management Performance Grant quarterly report. Moved-Seconded (Deibert-Sleep) to authorize the Chairman to sign the quarterly Local Emergency Management Performance Grant report. Motion Carried.

SHERIFF:
PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE: Brian Dean, Sheriff, gave an update on the Design Development stage of the project.

Dean updated the Board on the agreement with the U.S. Marshalls and housing federal prisoners. Dean stated that the agreement is now in place and the County should start seeing some revenue. Dean asked the Board if they would consider using the revenue source for the soft cost portion of the project.

Moved-Seconded (Ewing-Deibert) to allocate the revenue from the U.S. Marshalls agreement for Public Safety and Services Center Project soft cost and/or alternate bid options. Motion Carried.

ORD #2021-02/AN ORDINANCE REPEALING CERTAIN OBSOLETE COUNTY ORDINANCES: Second reading was held on ORD #2021-02, An Ordinance Repealing Certain Obsolete County Ordinances.

Moved-Seconded (Ewing-Deibert) to repeal obsolete County Ordinances to include: Abandoned and Junk Vehicle Ordinance adopted June 23, 1982, Junk Ordinance adopted February 27, 1985 and Revised on April 5, 1988, Litter Ordinance adopted May 24, 1995, Black Hills Airport Minimum Standards Ordinance adopted October 12, 2010, Rules and Regulations for Black Hills Airport/Clyde Ice Field Ordinance adopted October 12, 2010 and amended September 25, 2012 and Airport Board Ordinance adopted July 25, 1984 and amended March 28, 1990, January 12, 1994; February 28, 1996; January 4, 2000; June 29, 2010, and January 14, 2013. Aye-Deibert, Ewing and Sleep. Absent-Rosenau and Flanagan. Motion Carried.

HIGHWAY:
FUEL QUOTES: The following fuel quote was submitted as of October 12, 2021: **Spearfish Diesel #2 (dyed) 3400 gallons:** (prices per gallon) CBH Cooperative –\$2.997* **Spearfish Unleaded 900 gallons:** (prices per gallon) CBH Cooperative –\$3.218* *Represents accepted quote.

MULTI-COUNTY COMPETITIVE HIGHWAY BRIDGE PROGRAM AGREEMENT: Moved-Seconded (Deibert-Ewing) to approve and authorize the Chairman to sign the Multi-County Competitive Highway Bridge Program Agreement between State of South Dakota Department of Transportation and Lawrence County, South Dakota for Structure #41-165-066, located 2.6 miles south of St. Onge, South Dakota, on St. Onge Road over False Bottom Creek. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve and authorize the Chairman to sign the Multi-County Competitive Highway Bridge Program Agreement between State of South Dakota Department of Transportation and Lawrence County, South Dakota for Structure #41-163-053, located on St. Onge Road 1 mile west and 1.3 miles south of St. Onge, South Dakota, over False Bottom Creek. Motion Carried.

PROJECT UPDATES: Allan Bonnema, Highway Superintendent, gave an update on the Maitland Road Grading and Paving Project, Old Highway 14, Helmer Road Bridge and St. Onge Road.

OLIVER STREET/WESTVIEW DRIVE: Moved-Seconded (Deibert-Sleep) to advertise and set a bid opening for November 23, 2021 at 8:30 a.m. for the Oliver Street full depth grind and Westview Drive Mill & Overlay Project. Motion Carried.

INTERMOUNTAIN FORESTRY ASSOCIATION: Ben Wudtke, Executive Director of Intermountain Forestry Association, was present to ask for endorsement of request/petition to the United States Department of Agriculture Data Quality Official for correction of information presented in General Technical Report dated March 23, 2021.

Moved-Seconded (Ewing-Deibert) to endorse the Data Quality Act Challenge to the U.S. Forest Service Correction of Information presented in the General Technical Report dated March 23, 2021. Motion Carried.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #458/SAWYER: Continued from September 28, 2021, Conditional Use Permit #458 APPLICANT: Grant Sawyer LEGAL DESCRIPTION: Tract D and H of Nemo placer No 1368 all located in NW ¼ of Section 27, T3N, R5E Section 27 all T7N, R2E VICINITY LOCATION: Nemo SUMMARY: CUP for 4-8 campsites for horse camping with private hookups and corrals ZONING: PF ACREAGE: 8 acres.

Janette Sprenger, Planning & Zoning Administrative Assistant, and Bruce Outka, Deputy State's Attorney presented the staff report. Outka acknowledged emails received from Kim Granneman, Teresa Buettner, Joan Rech and Madi Mays.

Moved-Seconded (Deibert-Ewing) to approve Conditional Use Permit #458 with the edits to the proposed conditions. APPLICANT: Grant Sawyer LEGAL DESCRIPTION: Tract D and H of Nemo placer No 1368 all located in NW ¼ of Section 27, T3N, R5E Section 27 all T7N, R2E VICINITY LOCATION: Nemo SUMMARY: CUP for 4-8 campsites for horse camping with private hookups and corrals ZONING: PF ACREAGE: 8 acres. Motion Carried.

BID OPENING/SURPLUS REAL PROPERTY:

The following bid was received for surplus real property, legally described as Lot 67 of the Subdivision of M.S. #1914 located in Section 13, T5N, R2E, BHM (containing .43 acres more or less), and described more particularly in plat of A.W. Mitchell, Jr., filed for recording in the Office of the Register of Deeds of Lawrence County, in Plat Book 2, Page 88F (parcel #26800-01914-000-95). Dakota Territory Resource Corp-\$8,001.00.

Moved-Seconded (Ewing-Deibert) to accept the highest responsible bidder subject to restrictions set for in SDCL Ch. 6-13, and all other applicable State and County rules and regulations and to waive any irregularities from Dakota Territory Resource Corp-\$8,001.00 and authorize the Chairman to sign a quit claim deed for property legally described as Lot 67 of the Subdivision of M.S. #1914 located in Section 13, T5N, R2E, BHM (containing .43 acres more or less), and described more particularly in plat of A.W. Mitchell, Jr., filed for recording in the Office of the Register of Deeds of Lawrence County, in Plat Book 2, Page 88F (parcel #26800-01914-000-95). Motion Carried.

The following bids were received for surplus real property, legally described as Lot 65 of the Subdivision of M.S. #1914 located in Section 13, T5N, R2E, BHM, (containing 1.04 acres more or less), and described more particularly in plat of A.W. Mitchell, Jr., filed for recording in the Office of the Register of Deeds of Lawrence County, in Plat Book 2, Page 88F (parcel #26800-01914-000-85). Greg & Christle Beuckens-\$25,126.00 and Dakota Territory Resource Corp.-\$10,001.00.

Moved-Seconded (Ewing-Sleep) to accept the highest responsible bidder subject to restrictions set for in SDCL Ch. 6-13, and all other applicable State and County rules and regulations and to waive any irregularities from Greg & Christle Beuckens-\$25,126.00 and authorize the Chairman to sign a quit claim deed for property legally described as Lot 65 of the Subdivision of M.S. #1914 located in Section 13, T5N, R2E, BHM, (containing 1.04 acres more or less), and described more particularly in plat of A.W. Mitchell, Jr., filed for recording in the Office of the Register of Deeds of Lawrence County, in Plat Book 2, Page 88F (parcel #26800-01914-000-85). Motion Carried.

The following bid was received for surplus real property, legally described as The Rowena #2 Lode of M.S. 1812 containing 11.076 acres. 100% interest into 2.756 acres of Rowena #2 of M.S.1812; and an undivided 50% interest into 8.32 acres of Rowena #2 of M.S. 1812; except the Mineral Interest appertaining thereto pursuant to Document #2014-00773 on file in the Office of the Lawrence County Register of Deeds; as described in the metes and bounds description as recorded in Book 195 Page 469 on file in the Office of the Lawrence County Register of Deeds located in Sections 12 and 13 Township 5 North, Range 2 East, B.H.M., Lawrence County, South Dakota (parcel #26760-01812-000-60). Dakota Territory Resource Corp.-\$12,001.00.

Moved-Seconded (Deibert-Sleep) to accept the highest responsible bidder subject to restrictions set for in SDCL Ch. 6-13, and all other applicable State and County rules and regulations and to waive any irregularities from Dakota Territory Resource Corp.-\$12,001.00 and authorize the Chairman to sign a quit claim deed for property legally described as The Rowena #2 Lode of M.S. 1812 containing 11.076 acres. 100% interest into 2.756 acres of Rowena #2 of M.S.1812; and an undivided 50% interest into 8.32 acres of Rowena #2 of M.S. 1812; except the Mineral Interest appertaining thereto pursuant to Document #2014-00773 on file in the Office of the Lawrence County Register of Deeds; as described in the metes and bounds description as recorded in Book 195 Page 469 on file in the Office of the Lawrence County Register of Deeds located in Sections 12 and 13 Township 5 North, Range 2 East, B.H.M., Lawrence County, South Dakota (parcel #26760-01812-000-60). Motion Carried.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert reported on the 2021 approved resolutions from the South Dakota Association of County Commissioners.

Bruce Outka, Deputy State's Attorney, presented an email from Dan Bilka, Greater Northwest Passenger Rail Working Group Coordinator.

Chairman Sleep discussed meeting with the City of Spearfish on the ongoing road issues.

BILLS: Moved-Seconded (Deibert-Ewing) 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-\$11,394.05; Treas-\$13,929.49; States Atty-\$18,012.89; Pub Def-\$13,298.44; Gen Govt Bldg-\$10,248.16; Rod-\$8,933.49; Vso-\$1,736.20; Ist-\$9,810.26; Sher-\$50,049.18; Jail-\$26,458.45; Coroner-\$301.16; 24/7-\$480.54; Emerg Mgnt-\$4,660.01; E911-\$14,977.58; Highway-\$45,799.57; Weed-\$4,473.16; Pz-\$6,294.78; **Bills:** Derby, Tommie-\$168.00; Mccroden, Matthew-\$56.00; Walk, Ritchey-\$224.00; Vogt, Amber-\$364.84; American Family Life-\$2,421.96; At&T Mobility-\$447.05; Deadwood Recreation Center-\$655.00; Delta Dental Of South Dakota-\$7,796.14; Dept Of The Treasury-\$60,505.37; Hartford-Priority Accounts-\$2,135.26; Kansas Payment Center-\$6.00; Northern Hills Rec Center-\$137.00; Office Of Child Support-\$234.00; Sd Retirement System-\$97,930.75; Sdrs Supplemental Retirement-\$3,182.50; Wellmark Blue Cross-\$107,216.90; A To Z Shredding-\$29.50; A&B Business,Inc Solutions-\$2,518.45; A&B Welding Supply-\$23.87; A&I Distributors-\$231.65; Air Connection-\$5,761.70; American Stamp & Marking-\$660.77; At&T Mobility-\$283.24; BH Pest Control-\$190.00; BH Pioneer-\$1,355.04; Barnaud Law Firm-\$812.80; Black Hills Chemical-\$1,090.46; Black Hills Energy-\$75.23; Butler Machinery Co-\$356.07; Butte Electric Coop-\$419.31; Cbh Cooperative-\$11,304.92; Centralsquare Technologies-\$59,662.67; Century Business Products-\$519.16; Centurylink-\$248.03; Dakota Equipment Rental-\$60.45; Dale's Tire & Retread-\$6,365.00; Deadwood, City Of-\$1,516.21; Dean Schaefer Court Reporting-\$30.00; Dustbusters-\$12,597.13; Elevatus Architecture-\$32,269.29; Federal Express Corp-\$9.79; Fidler-Isburg Funeral Chapel-\$1,170.00; Fmg Engineering-\$5,283.75; Galls-\$678.09; Godfrey's Brake Serv-\$1,164.30; Hillyard/Sioux Falls-\$418.32; Idville-\$60.45; Jacobs Precision Welding-\$8.00; Jt Ventures-\$379.50; Kiesler's Police Supply-\$495.00; Kimball-Midwest Co-\$593.46; Kinney Law-\$2,439.98; Knecht Home Center-\$11.68; Kosel, Joseph-\$5,780.93; LC Assessor-\$15.68; Lawson Products-\$76.16; Lead, City Of-\$60.49; Lead-Deadwood Sanitary-\$864.83; Lee, James-\$15.00; Mack's Auto Body-\$10,755.08; Mcclure, Susan-\$420.00; Mcpherson Propane-\$69.00; Montana Dakota Utilities-\$71.72; Monument Health Network-\$2,720.41; Monument Health Rc Hospital-\$461.00; Nelson Law-\$986.20; Nelson, Christy-\$420.00; North Central Int'l-\$2,850.51; Office Depot-\$743.05; Phoenix Investigations-\$3,551.52; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$368.96; Quill-\$123.88; RC Journal-\$37.70; Ramkota Inn Pierre-\$475.00; Sacrison

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Paving-\$304,760.09; SD Assn Of Co Comm-\$2,000.00; SD Dept Of Transportation-\$6,222.68; Semerad, Sandra-\$16.40; Simon North Region-\$438,255.85; Sonnel Technologies-\$937.57; Spearfish Auto Supply-\$429.21; Spearfish City Of-\$392.20; Staples-\$155.69; Sterna, Laura-\$595.50; Sturdevant's Auto Parts-\$917.68; Sunshine Towing &Transport-\$536.00; Sysco Montana-\$3,185.20; Thomson Reuters-West-\$816.34; Triple K Tire & Repair-\$1,097.38; Trugreen Chemlawn-\$129.56; Turbiville Industrial Electric-\$263.56; Twin City Hardware & Lumber-\$2,062.28; Us Armor-\$423.00; Waste Connections-\$972.33; Watertree-\$68.40; Wells Plumbing & Farm Supp-\$677.12; Western Communication-\$1,598.90; Western SD Juvenile Serv-\$10,400.00; Western Stationers-\$1,845.00; Wex Bank-\$497.01; White's Canyon Motors-\$28.91; Williams & Associates-\$2,712.50; **Witness & Jurors:** \$712.20.

ADJOURN: 9:52 a.m. There being no further business, Chairman Sleep adjourned the meeting. Motion Carried.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor