

**LAWRENCE COUNTY COMMISSIONERS MEETING – January 23, 2018 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 January 23, 2018 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Richard Sleep, and Randall Rosenau present. Absent Daryl Johnson

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:** No conflicts were declared by the Lawrence County Commission.

**MINUTES:** Moved-Seconded (Deibert-Sleep) to approve the minutes of January 2, 2018 County Commission meeting. Motion Carried.

**DUI COURT GRADUATION:** Moved-Seconded (Sleep-Flanagan) to allow DUI Court to hold graduation in the Lawrence County Annex Building on May 17, 2018. Motion Carried.

**TRAVEL REQUEST:**

**PUBLIC DEFENDER:** Moved-Seconded (Rosenau-Flanagan) to approve the travel request for Amber Richey to attend the NADCP Annual Training Conference in Houston, TX from May 29, 2018 thru June 3, 2018. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Deibert-Rosenau) to approve the travel request for Amber Vogt to attend the Western Places/Western Spaces Rocky MT Land Use Institute Conference in Denver , Co from March 7-9, 2018. Motion Carried.

**HIGHWAY:** Moved-Seconded (Rosenau-Flanagan) to approve the travel request for Allan Bonnema to attend the National Association of County Engineers Annual Conference in Wisconsin Dells, WI from April 22-25, 2018. Motion Carried.

**PERSONNEL:**

**HIGHWAY:** Moved-Seconded (Rosenau-Deibert) to approve for the advertisement of a Full-Time Heavy Equipment Operator. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of December 31, 2017 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)-\$74,492.16; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,771.08; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; Bank Balance \$10,991,952.56, Money Market \$8,725,033.09 Total \$22,796,458.89.

**DELINQUENT TAXES REPORT:** Per SDCL 7-21-35 the total 2016 taxes levied for in 2017 was \$37,539,981.88 and the total unpaid as of 12-31-17 was \$141,528.13 which represents a 0.38% delinquency.

**TYLER TECHNOLOGY LICENSE AND SERVICE AGREEMENT:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the License and Services Agreement with Tyler Technology. Motion Carried.

**COUNTY POOL VEHICLE:** Moved-Seconded (Deibert-Rosenau) to advertise and set the bid opening for February 13, 2018 at 8:25 a.m. for a 2018 half ton SUV. Motion Carried.

**SLA QUARTERLY REPORT:** The Chairman signed the Quarterly SLA report.

**SHERIFF:**

**VEHICLE BIDS:** The following bids were received for three Sheriff vehicles: Juneks - (3) 2018 Dodge Durango Special Service AWD - \$94,500.00 (\$24,500 trade-ins) = \$70,000.00. Whites Queen City Motors - (3) 2018 Chevy Tahoe Police Vehicles - \$111,144.00 (\$14,000 trade-ins) = \$97,144.00.

Moved-Seconded (Deibert-Flanagan) to accept the lowest responsible bid from Juneks and waive any irregularities for (3) 2018 Dodge Durango Special Service AWD - \$94,500.00 (\$24,500 trade-ins) = \$70,000.00 and to declare the 2013 Chevy Tahoe VIN#1GNSK2E04DR309082, 2013 Chevy Tahoe VIN#1GNSK2E04DR311494 and the 2014 Ford Explorer VIN#1FM5K8AR3EGC49754 surplus and allow them to be considered for trade in. Motion Carried.

**COURTHOUSE SECURITY PROJECT UPDATE:** Brian Dean, Sheriff gave an update on the Courthouse Security Project. He stated that the Courthouse Staff is very appreciative of all the work that is being done.

The Sheriff outlined that the final piece of the project would be to incorporate a technological solution to allow for inter-office communication.

Moved-Seconded (Rosenau-Deibert) to allow for an expenditure not to exceed \$4,000.00 for the incorporation of an inter-office communication solution. Motion Carried.

**RETAIL (ON-SALE) LIQUOR LICENSE TRANSFER / VEZARO INC:** A public hearing was held on an application to transfer a Class-Retail (On-Sale) Liquor License for Vezaro, Inc. to Vezaro, Inc. No public input was voiced and the public hearing was closed. Moved-Seconded (Rosenau-Flanagan) to approve the following transfer of Retail (on-sale) License due to corporate officer membership change. PREVIOUS LICENSE: VEZARO INC., GUADALAJARA MEXICAN RESTAURANT, Lot 3 & Pt Lots 2 & 4 & Pt of Lot B of Lot A of Lot 1 (NW4NW4) 3-6-2. TRANSFER TO: VEZARO INC., GUADALAJARA MEXICAN RESTAURANT, Lot 3 & Pt Lots 2 & 4 & Pt of Lot B of Lot A of Lot 1 (NW4NW4) 3-6-2. Motion Carried.

**HIGHWAY:**

**STATEWIDE PLANNING AND RESEARCH STUDY:** Allan Bonnema, Highway Superintendent informed the board of a program that is administered by the South Dakota Department of Transportation. The program allows for the agency to have a transportation study to be completed through the use of these SPR funds. No interest was expressed in participating in the program.

**NORTH ROCHFORD ROAD PAVING PROJECT:** Moved-Seconded (Sleep-Deibert) to advertise and set the bid opening for February 13, 2018 at 8:30 a.m. for North Rochford Road Paving Project. Motion Carried.

**HIGHWAY SUPPLIES BID OPENING:** Moved-Seconded (Sleep-Rosenau) to advertise and set the bid opening for March 27, 2018 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.

**PICK-UP TRUCK CHASSIS:** Moved-Seconded (Deibert-Rosenau) to advertise and set the bid opening for March 13, 2018 at 8:30 a.m. for a Pick-Up Truck Chassis. Motion Carried.

**R.O.W. ENCROACHMENTS:** A survey map of the Right-of-Way determination of the south side of West Highway 14 from Crow Peak Brewing through KOA Campground was presented to the Board.

**PLANNING & ZONING:**

**MUNRO/KIRK DEVELOPEMENTS AT TERRY PEAK:** Matt Kirk and Scott Munro, developers were present to discuss their respective developments at Terry Peak. Scott Munro explained he was not asking for any approvals presently as he decided to develop the lots he owns according to the plat already on file. Matt Kirk presented 2 plans to the County Commission for approval. Plan A was the best option to develop the lots previously platted at Terry Peak according to the health, safety and welfare of Lawrence County while still keeping the integrity of the Lawrence County Subdivision Ordinance intact. Moved-Seconded (Rosenau-Deibert) to allow Amber Vogt, Planning & Zoning Administrator to issue building permits on lots adjacent to Annie Creek Road and lots adjacent to the newly built 50' dedicated private access easement per Exhibit A upon the building of an emergency access and the continued effort to gain access across Forest Service land. Motion Carried.

**ANNUAL REVIEWS:**

**C.U.P. #205-15 DUCO MINING:** An annual review was conducted on C.U.P. #205-15 Duco Mining. Cody Schad was present and stated that he has not done much this year but spraying of weeds due to the metal prices being so low. He plans to start mining in the Spring. Jeff Schroeder, Building Code Enforcer will need to check with Dave Heck, Invasive Species Manager regarding the weeds being sprayed on this property. Schad stated they would get a hold of Dave Heck soon. Moved-Seconded (Deibert-Rosenau) to schedule the annual review in June after the mining has started. Motion Carried.

**C.U.P. #390 SADDLE MOUNTAIN (CHURCH):** An annual review was conducted on C.U.P. #390 Saddle Mountain (Church). Moved-Seconded (Deibert-Sleep) to follow the request from Jimmy Don and Tamara Montieth and cancel CUP #390 for Saddle Mountain (Church). Motion Carried.

**C.U.P. #402 DECOOK (2ND RESIDENCE):** An annual review was conducted on C.U.P. #402 Decook (2nd Residence). Mrs. DeCook has passed away, but Mr. DeCook is still residing at this residence which is allowed per the CUP. No violations were found and will be reviewed in one year.

**C.U.P. #434 TRIPLE H/MYSTIC HILLS (RECREATIONAL VEHICLE RENTALS):** An annual review was conducted on C.U.P. #434 Triple H/Mystic Hills (Recreational Vehicle Rentals). Mike Herrick with Mystic Hills asked the Commission about selling the older stock directly from the property designated in the CUP. The Commission decided this did not need anything from them and it is not a part of the CUP. Vogt will send a letter to the State regarding the property zoning and ordinance requirements. No violations were found and will be reviewed in one year.

**C.U.P. #438 RON WALDNER (LIGHT MANUFACTURING):** An annual review was conducted on C.U.P. #438 Ron Waldner (Light Manufacturing). No violations were found and will be reviewed in one year.

**PLATS:**

**PRELIMINARY & FINAL PLAT/STEVE & MICHEL THOMAS/JAN CARTER & LORA BAUMANN:** Moved-Seconded (Rosenau-Flanagan) to declare this plat for Steve & Michel Thomas/Jan Carter & Lora Baumann meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to follow Planning and Zoning Board and P&Z Staff Report and approve the Preliminary and Final Plat with the condition that the access easement be shown on the Preliminary Plat for Steve & Michel Thomas/Jan Carter & Lora Baumann. LEGAL: Lot 2 Revised of Rentto SD, Being a Sub of Tract A of HES 170 and the Anticipation, Madora, and Vermont Lodes of MS 1307 and Tract C-1 Revised of the SD of HES 170. All located in the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 30, T4N, R4E VICINITY LOCATION: Nemo Road. Motion Carried

**PRELIMINARY & FINAL PLAT/GREG SWENSEN:** Moved-Seconded (Deibert-Sleep) to follow Planning and Zoning Board and P&Z Staff Report and approve the Preliminary and Final Plat with the condition that an easement be dedicated depicting the actual location where the existing utilities were installed to service the lots shown in the plats for Greg Swensen. LEGAL: Lots 1-3, Block 6 of Wilderness Estates 2nd Addition in Powder House Pass Located in Section 8, T4N, R3E VICINITY LOCATION: Hwy 85. Motion Carried.

**CONDITIONAL USE PERMIT #443/AUER:** A Public Hearing was held on C.U.P. # 443. APPLICANT: Robin Auer SUMMARY: Request for Temporary 2nd Residence for Family Member with Medical Condition VICINITY LOCATION: Located 1 Mile South of Whitewood on Crook City Road LEGAL: Property Described as Tract A-2 of the SW ¼, Section 27, T6N, R4E. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Deibert) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #443 for Robin Auer to allow for a temporary 2nd residence for family member with medical condition. Motion Carried.

**CONDITIONAL USE PERMIT #62-17/ARNIO:** A Public Hearing was held on C.U.P. # 62-17. APPLICANT: David Arnio SUMMARY: Request for an Amendment to Existing CUP #62 Permitting a Logging/Trucking Business on the Premises and Add as Permitted Uses a Construction Business, Garage Unit Rental and Parking Area for Outside Storage (Campers, Etc.) VICINITY LOCATION: Old Belle Road LEGAL: Property Described as the North 485' of a Portion of the N 950' of the E 460' of the NE ¼ all in Section 32, T7N, R2E. Moved-Seconded (Deibert-Sleep) to approve Amended Conditional Use Permit #62-17 for David Arnio to allow for a logging/trucking business on the premises and add as permitted uses a construction business, garage unit rental and parking area for outside storage (campers, etc.); and to revise the legal description to be Tract A2 located in the NE 1/4 NE 1/4 of Section 32, T7N, R2E and to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office. Motion Carried.

**EMERGENCY MANAGEMENT:**

**2017 SAFETY SYNOPSIS:** Paul Thomson, Emergency Management Supervisor and Rene' Larson, Administrative Assistant presented the 2017 Safety Synopsis.

**HEALTH NURSE REPORT:** Wade Huntington, Regional Manager was present to review the Quarterly Community Health Report.

**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-\$6,669.31; Aud-\$12,341.18; Treas-\$13,307.11; States Atty-\$14,857.80; Pub Def-\$12,297.74; Gen Govt Bldg-\$9,138.15; Equal-\$14,775.33; Rod-\$9,333.97; Vso-\$988.80; Ist-\$9,464.72; Disp-\$18,266.24; Sher-\$44,480.21; Jail-\$31,777.95; Coroner-\$570.15; 24/7-\$165.80; Emerg Mgnt-\$4,372.44; E911-\$2,052.80; Highway-\$48,712.41; Mh Serv-\$1,222.00; Weed-\$3,704.94; Pz-\$5,721.20; **Bills:** Thomson, Paul-\$67.00; 2-1-1 Helpline Center-\$1,000.00; A To Z Shredding-\$129.40; A&B Business, Inc Solutions-\$3,040.13; A&B Welding Supply-\$21.90; A&J Supply-\$136.90; Ace Hardware Of Lead-\$9.99; Ainsworth Benning Const-\$30,278.70; Allied Oil & Tire Company-\$16,049.60; American Red Cross-\$1,000.00; Amiotte, Edward-\$500.00; At&T Mobility-\$919.36; Audra Hill Consulting-\$1,229.55; BH Occupational Medicine-\$180.00; BH Pest Control-\$190.00; BH Physical Therapy-\$240.00; BH Pioneer-\$543.32; Barnaud Law Firm-\$2,560.16; Behavior Mngt Systems-\$50.00; Bi Geo Group Co-\$542.80; Bickle's Truck & Diesel-\$4,111.53; Black Hills Energy-\$11,816.11; Black Hills Pure-\$11.50; Burton, Dennon-\$210.00; Butler Machinery Co-\$241,254.88; Butte Electric Coop-\$539.91; Campbell Co Sheriffs Off-\$50.00; Century Business Products-\$490.87; Centurylink-\$2,053.98; Centurylink (Damage)-\$1,285.54; City Of Rapid City-\$805.00; City/County Alcohol&Drug-\$2,309.00; Clinical Lab Of BH-\$407.00; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$89.68; Dean Schaefer Court Reporting-\$30.00; Deepnet Security Ltd-\$631.00; Dentz, Christine-\$450.00; Dept Of Hlth

Lab Services-\$470.00; Dept Of The Treasury-\$69,237.85; Dmc Wear Parts-\$478.00; Eddie's Truck Sales/Serv-\$14.56; Election Sys & Software-\$6,060.00; Ellingson,Joseph-\$1,234.90; Esri-\$400.00; Fassbender Photographic-\$7,500.00; Fastenal-\$606.24; First Western Ins Deadwood-\$50.00; Frederickson,John R-\$400.00; Galls-\$81.69; Geigle,Jd-\$67.00; Godfrey's Brake Serv-\$262.11; Hartford-Priority Accounts-\$2,119.95; Hawki,Ken-\$67.00; Heartland Paper Co-\$686.54; Heisler Hardware-\$14.99; Interstate Engineering-\$9,620.30; Jacobs Precision Welding-\$79.09; Janke, Wendy-\$2,166.00; Karen Paige Hunt, Prof-\$3,452.56; Kimball-Midwest Co-\$233.16; Kinkade Funeral Chapel-\$975.00; Kinney,Matthew-\$3,404.41; Kosel,Joseph-\$9,427.42; LC Assessor-\$31.47; Lamb Painting-\$4,693.89; Lawson Products-\$119.66; Lead, City Of-\$104.85; Lead-Deadwood Regional Hospital-\$20.48; Lead-Deadwood Sanitary-\$703.40; Lee, James-\$15.00; Lexisnexis Risk Data Mgnt-\$75.50; Lincoln County-\$389.60; Lynn's Dakotamart-\$10.65; McClure, Susan-\$300.00; Microfilm Imaging Systems-\$2,605.00; Mid States Organized-\$150.00; Midcontinent Communications-\$111.54; Montana Dakota Utilities-\$1,340.14; Murphy Law Office-\$16.00; Nacvso-\$155.00; Nalco Company-\$239.20; Nasppg Insurance Services-\$2,680.85; National Sheriff's Assoc-\$115.00; Nelson Law-\$2,415.80; Nelson,Christy-\$100.00; Nelson,Tonya-\$450.00; Office Depot-\$91.86; Office Of Attorney General-\$302.77; Office Of Child Support-\$960.01; Onsolve-\$5,600.00; Overhead Door Company Of Rapid-\$420.17; Pennington Co Jail-\$410.60; Pennington County Public-\$131.00; Pennington County Sheriff-\$400.00; Pfefferle, Sarah-\$70.00; Phoenix Investigations-\$402.80; Pitney Bowes-\$2,295.72; Pizza Lab-\$76.35; Program Works-\$864.96; Quik Signs-\$135.67; Quill-\$930.99; Rabe Elevator-\$2,197.43; Radiology Associates-\$26.60; Rapid Delivery-\$12.94; Rcs Construction-\$6,908.00; Regional Health-\$1,768.89; Rocket Lube-\$148.98; Sd Cvso-\$50.00; Sd Dept Of Transportation-\$1,683.99; Sd Emergency Mngt Association-\$380.00; Sd Public Assur Alliance-\$203.20; Sd State Treasurer-\$14,151.88; Sd Unemployment Ins Division-\$368.21; Sdrs Supplemental Retirement-\$2,841.00; Secretary Of State-\$60.00; Semerad,Sandra-\$352.80; Servall Towel & Linen-\$1,129.19; Spearfish Auto Supply-\$1,084.41; Spearfish Police Dept-\$10,479.49; Spearfish Regional Hospital-\$650.22; Strain Morman Law Firm-\$6,410.99; Sturdevant's Auto Parts-\$2,325.71; Sysco Montana-\$4,257.29; Thomson Reuters-West-\$948.64; Triple K Tire & Repair-\$686.10; Turnkey Corrections-\$23.83; Twin City Hardware & Lumber-\$407.19; Vast Broadband-\$1,390.34; Verizon Wireless-\$105.44; Victims Of Violence-\$670.00; Waste Connections-\$758.24; Watertree-\$66.65; Wegner Auto Co-\$28,293.00; Wells Fargo Business Card-\$2,030.50; West River International-\$369.96; Western Sd Juvenile Serv-\$3,580.00; Wex Bank-\$817.36; White Drug-\$2,256.99; Whitewood Senior Citizens-\$1,000.00; Wolff's Plumbing & Heating-\$85.50; Yankton Co Sheriff-\$50.00; Z&S Dust Control-\$204,478.50; **Witness & Jurors:** Goetsch,M-\$30.92; Lopez,A-\$16.72; Allerdings,E-\$52.52; Arithson,R-\$23.44; Birk,C-\$21.76; Bordewyk,T-\$62.60; Carroll,P-\$66.80; Cockreham,R-\$64.28; Crawford,G-\$60.92; Crowley,M-\$20.92; De Lano,M-\$14.28; Derosia,N-\$10.84; Engle,L-\$26.80; Fishman,R-\$16.72; Frederickson,T-\$25.12; Geppert,T-\$31.00; Gostola,C-\$12.52; Gruenwald,P-\$66.80; Gusso,T-\$21.76; Haefs,D-\$11.68; Hansen,M-\$62.60; Hansen,T-\$50.84; Haught,M-\$24.28; Hayward,N-\$12.52; Howard,S-\$31.00; Johnson,A-\$21.76; Kinghorn,S-\$20.08; Jones,M-\$35.20; Kusser,B-\$19.24; Lampe,B-\$66.80; Langer,D-\$20.08; Mcmillin,G-\$23.44; Myers,D-\$23.44; Niesent,R-\$24.28; Potratz,A-\$22.60; Rhodes,J-\$58.40; Ryan,M-\$21.76; Scherer,S-\$12.52; Sternhagen,L-\$12.52; Stork,W-\$12.52; Teel-Hartman,M-\$20.92; Ardis,G-\$35.12; Barrera,L-\$114.50; Childers,I-\$32.60; Comer,K-\$30.92; Eischens,T-\$334.58; Kallis,H-\$35.12; Lavoy,P-\$45.20; Merrill,D-\$26.97; Ritch,S-\$20.00; Volk,C-\$35.12; Waisanen,D-\$20.00; Anderson,B-\$32.60;

**ADJOURN:** 11:10 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

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Date Approved

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Brandon Flanagan, Chairperson

ATTEST:

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Brenda McGruder, Deputy Auditor