

LAWRENCE COUNTY COMMISSIONERS MEETING – February 13, 2018

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 February 13, 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 Daryl Johnson present. Absent Randall Rosenau.

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

AGENDA: Moved-Seconded (Deibert-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 23, 2018 County Commission meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Sleep-Flanagan) to approve Shelley M. Dragoo as a permanent full-time Sheriff's Administrative Assistant G3 at the base rate of \$22.51 an hour, effective February 11, 2018. Motion Carried.

Moved-Seconded (Johnson-Deibert) to allow for the advertisement of two part-time correctional officers. Motion Carried.

EQUALIZATION: Moved-Seconded (Deibert-Flanagan) to approve the job description for an Equalization 1st Deputy/GIS Coordinator G1-\$25.72hr, G2-\$26.42hr, G3-\$27.12hr. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the job description for an Equalization Office Manager G1-\$19.99hr, G2-\$20.59hr, G3-\$21.19hr. Motion Carried.

Moved-Seconded (Deibert-Johnson) to approve Brett Runge as a Equalization 1st Deputy/GIS Coordinator G1 at the base rate of \$25.72 an hour, effective February 11, 2018. Motion Carried.

Moved-Seconded (Deibert-Johnson) to approve Nicolle Geuke as a Equalization Office Manager G1 at the base rate of \$19.99 an hour, effective February 11, 2018. 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

January 31, 2018 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)-\$140,456.18; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,188.96; petty cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,000,000; bank balance \$12,461,431.88, money market \$8,729,782.62 Total \$24,191,214.50.

TRANSFER OF FUNDS: Moved-Seconded (Deibert-Johnson) to approve the annual budgeted transfer of \$2,500,000 from General Fund to Road & Bridge Fund and to transfer \$135,000 from General Fund to Emergency & Disaster Fund. Motion Carried.

2018 BUTTE/LAWRENCE COUNTY FAIR AGREEMENT: Moved-Seconded (Sleep-Johnson) to approve and authorize the Chairman to sign the 2018 Fair Agreement with Butte County. Motion Carried.

TREASURER:

WHEEL TAX: Deb Tridle, Treasurer gave a report on the amount of wheel tax collected in 2017. This was the first full year of the wheel tax.

HISTORICAL TAX BOOK: Deb Tridle informed the Commission that in the 1990's the Historic Tax Books were donated to the Case Library at Black Hills State University. The Deadwood Historical Preservation Board is partnering with the Case Library at Black Hills State University and as part of their archive budget, the books from 1890 to 1977 will be put on micro film and digitized. The books will be available to the public and the County will also receive a copy at no charge.

ABATEMENTS:

MLJ PROPERTIES SD LLC: Moved-Seconded (Johnson-Flanagan) to approve the abatement for MLJ Properties SD LLC on parcel #32970-00160-011-00 because the mobile home has been demolished. Motion Carried.

CABLE, DARLENE/C/O STARTZ, ZACHARY & JACOB: Moved-Seconded (Johnson-Deibert) to approve the abatement for Cable, Darlene/C/O Starts, Zachary & Jacob on parcel #26400-01135-000-93 because the mobile home has been demolished. Motion Carried.

CITY OF DEADWOOD: Moved-Seconded (Sleep-Johnson) to approve the abatement for the City of Deadwood on parcel #26910-02122-000-30 because the property is tax exempt. Motion Carried.

SHERIFF:

JSC COMPACT REBATE: Brian Dean, Sheriff informed the Board that the County has received a rebate check in the amount of \$15,912.01.

COOPERATIVE LAW ENFORCEMENT AGREEMENT: Moved-Seconded (Deibert-Sleep) to approve and authorize the Chairman to sign Modification #4 Cooperative Law Enforcement Annual Operating Plan & Financial Plan between the Lawrence County Sheriff's Department and the USDA, Forest Service Black Hills National Forest. Motion Carried.

COUNTY POOL VEHICLE: The following bids were received for one (1) New model year 2018, half ton SUV. Juneks - Option #1 (1) 2018 Dodge Durango SXT AWD - \$33,000.00 (\$2,000 trade-ins) = \$31,000.00; Option #2 (1) 2018 Dodge Durango GT AWD - \$40,000.00 (\$2,000.00) = \$38,000.00. Whites Queen City Motors - (1) 2018 Chevy Tahoe LS - \$39,479.00 (\$1,750 trade-ins) = \$37,729.00.

Moved-Seconded (Deibert-Flanagan) to accept the lowest responsible bid from White's Queen City Motors and waive any irregularities for (1) 2018 Chevy Tahoe LS - \$39,479.00 (\$1,750 trade-ins) = \$37,729.00 and to declare the 1999 Mercury Villager VIN#4M2XV11T3XDJ35520 and the 2003 Ford Explorer VIN#1FMZU73K63ZA76870 surplus and allow them to be considered for trade in. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of January 24, 2018 and February 5, 2018: **Deadwood Diesel Blended 50/50 (dyed) 7700 gallons:** (prices per gallon) CBH Cooperative - \$2.559; MG Oil - \$2.476*; Harms Oil Co - No bid. **Spearfish Diesel #2 (dyed):** 3000 gallons: (prices per gallon) CBH Cooperative - \$2.302; MG Oil - \$2.2718*; Harms Oil Co-No Bid. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative - \$2.259; MG Oil - \$2.219*; and Harms Oil Co - No bid. *Represents lowest quote awarded.

NORTH ROCHFORD ROAD OVERLAY PROJECT: The following bids were received for the North Rochford Road Overlay Project: Sacrison Paving Inc.-\$1,140,763.25; Simon Contractors of SD, Inc.-\$1,069,940.60; Bituminous Paving Inc.-\$983,961.00; Western Construction Inc.-\$871,574.40.

Moved-Seconded (Sleep-Flanagan) to follow the recommendation of the Highway Superintendent and accept the lowest responsible bid from Western Construction, Inc. for \$871,574.40, to waive any irregularities, and to approve and authorize the Chairman to sign the construction agreement and notice to proceed. Motion Carried.

SPRING LOAD LIMIT RESOLUTION #18-07: Moved-Seconded (Johnson-Sleep) to approve the following LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION #2018-07, to become effective when the road conditions warrant. Motion Carried. Lawrence County Spring Load Limit Resolution No. 2018-07. Whereas, seasonal climatic changes can be detrimental to our Highways and create dangerous driving conditions and Whereas, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, ultimately saving tax dollars and, Whereas, The Lawrence County Board of County Commissioners, Desire the enforcement of weight limitations on Lawrence County Highways as set forth and posted by the Lawrence County Highway Department. NOW THEREFORE BE IT RESOLVED; Whereas the spring load limits on the following Lawrence County Highways shall be set at Seven (7) tons per axle on Nemo Road, North Rochford Road, Vanocker Canyon Road, Old Belle Road, Hillsvie Road, Mineral Place Road, West Oliver Road and Crook City Road during the spring thaw period. Other County Roads may be posted if conditions warrant. Load limits become effective when the signs are installed and displayed. The South Dakota Motor Carrier is hereby requested to enforce said weight limitations on Lawrence County Highways. BE IT FURTHER RESOLVED, that the penalty for the violation of load restrictions shall be set forth in SDCL32-22-55. Dated, this 13th day of February, 2018 at Deadwood, South Dakota. LAWRENCE COUNTY BOARD OF COMMISSIONERS Brandon Flanagan, Chairman of The Board ATTEST: CONNIE ATKINSON
Lawrence County Auditor.

Moved-Seconded (Deibert-Johnson) to authorize the Chairman to sign the letter requesting the enforcement of the spring weight limit from the South Dakota Motor Carrier. Motion Carried.

Moved-Seconded (Johnson-Sleep) to place the 80,000 ton weight limit back on Old Highway 14 and to allow Allan Bonnema, Highway Superintendent to use his digression to remove the weight limits thereafter when conditions warrant. Motion Carried.

UTILITY PERMIT:

BLACK HILLS ENERGY: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for a Permit to Occupy County Highway Right-of-Way for Black Hills Energy on Maitland Road located in Section 12, Township 5N, Range 2E. Motion Carried.

CENTURYLINK: Moved-Seconded (Deibert-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for Permit to Occupy County Highway Right-of-Way for CenturyLink on Crook City Rd located in Section 27 and 28, Township 6N Range 4E. Motion Carried.

CENTURYLINK: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for Permit to Occupy County Highway Right-of-Way for CenturyLink on Whitewood Valley Road located in Section 2, 10, 11 and 15, Township 6N, Range 4E and Section 25, 35 and 36, Township 7N, Range 4E. Motion Carried.

CENTURYLINK: Moved-Seconded (Deibert-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for Permit to Occupy County Highway Right-of-Way for CenturyLink on Acorn Road located in Section 7 and 8, Township 6N Range 4E. Motion Carried.

PLANNING & ZONING:

POWDER HOUSE PASS: Moved-Seconded (Johnson-Flanagan) to waive the Building and Sewer permit fee for the construction of the wastewater treatment facility at Powder House pass. Motion Carried.

ORDINANCES/SETBACKS/COMPREHENSIVE PLAN UPDATE: Amber Vogt, Planning and Zoning Administrator gave an update on the possible revision of variance related ordinances, consider requirement to stake setbacks on building sites and budgeting for the update of the comprehensive plan in 2019.

PLAT:

PRELIMINARY AND FINAL PLAT: - Moved-Seconded (Deibert-Flanagan) to note on the plat that the maximum density may or may not allow for sub-dividing on Lot 13A and to follow Planning and Zoning Commission and P&Z Staff Report and approve the Preliminary and Final Plat for Rochford Ridge Estates Bowar/Percevich/McGrath. LEGAL: Lot 12 & 13 A of Rochford Ridge Estates, All Located in Section 31, T4N, R3E. VICINITY LOCATION: Rochford Road. Motion Carried

RECESS: 9:19 a.m. Moved-Seconded (Deibert-Johnson) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:45 a.m. The Chairman called the meeting back to order.

EXECUTIVE SESSION PENDING LITIGATION: 10:00 a.m. Moved-Seconded (Sleep-Deibert) to go into executive session pursuant SDCL 1-25-2(3) with Bruce Outka and John Frederickson. Motion Carried. 10:31 a.m. The Board opened for regular business with no action taken.

EMERGENCY MANAGEMENT: Paul Thomson, Emergency Management Director presented the Board with the 2018 Elected Officials Briefing. Moved-Seconded (Deibert-Johnson) to authorize the Chairman to sign the 2018 South Dakota Office of Emergency Management Elected Officials Briefing. Motion Carried.

BILLS:

Moved-Seconded (Deibert-Johnson) 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-\$12,317.39; Treas-\$11,903.39; States Atty-\$15,470.13; Pub Def-\$12,297.74; Gen Govt Bldg-\$9,434.16; Rod-\$9,158.36; Vso-\$988.80; Ist-\$9,464.72; Disp-\$13,470.73; Sher-\$40,726.97; Jail-\$22,290.70; Coroner-\$960.15; 24/7-\$207.40; Emerg Mgnt-\$4,387.44; E911-\$2,052.80; Highway-\$45,809.13; Weed-\$3,904.94; Pz-\$5,743.20; **Bills:** Tridle, Debora-\$26.00; Vogt,Amber-\$108.00; Palmer,Ryan-\$79.38; Davis,Nathaniel-\$160.00; A To Z Shredding-\$17.20; A&B Business,Inc Solutions-\$1,918.53; A&B Welding Supply-\$66.38; A&I Distributors-\$2,216.40; Alpine Impressions-\$285.00; American Family Life-3,153.44; Apco International-\$184.00; Armstrong Extinguisher-\$1,605.00; Arrigo,Kali-\$100.00; At&T Mobility-\$919.36; Axon Enterprise-\$117.00; BH Council Of Local Govt-\$6,265.00; BH Occupational Medicine-\$35.00; BH Pioneer-\$640.52; Barnaud Law Firm-\$666.50; Behavior Mngt Systems-\$24,097.00; Black Hills Energy-\$251.97; Black Hills Pure-\$35.50; Black Hills Urgent Care-\$50.00; Brown & Saenger-\$60.08; Bruemmer,Lynnel-\$11.60; Butler Machinery Co-\$589.87; Butte Electric Coop-\$659.83; Century Business Products-\$493.56; Centurylink-\$109.84; Charm-Tex-\$1,959.20; City/County Alcohol&Drug-\$1,057.50; Clinical Lab Of BH-\$1,711.00; Clubhouse Hotel & Suites Pierre-\$154.00; Cochran,Leslie-\$47.60; Credit Collections Bureau-\$482.12; Culligan Water-\$2,749.00; Dakota Equipment Rental-\$172.78; Deadwood Carnegie Library-\$91,801.00; Deadwood, City Of-\$1,050.67; Deadwood Recreation Center-\$786.00; Delta Dental Of South Dakota-\$7,315.78; Denny's Welding-\$6.50; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$120,131.88; Dmc Wear Parts-\$3,553.00; Express Toll-\$7.40; Fastenal-\$65.85; Federal Express Corp-\$23.62; Fox & Youngberg-\$195.32; G&H Distributing Of Rc-\$323.88; Galls-\$212.90; Gene's Lock Shop-\$54.98; Goodie's Uniforms-\$795.00; Gould Upholstery-\$228.00; Grace Balloch Mem Library-\$230,421.00; Great Western Tire Company-\$69.95; Grimm's Pump Service-\$13,639.91; Harrisburg Funeral Chapel-\$1,000.00; Hartford-Priority Accounts-\$2,119.95; Heartland Paper Co-\$2,265.82; Hp-\$636.65; Ibm Corporation-\$437.13; Interstate Engineering-\$1,755.52; Jacobs Precision Welding-\$58.64; Jenner Equipment-\$55.52; Katterhagen,Mark-\$37.50; Kinkade Funeral Chapel-\$975.00; Kosel,Joseph-\$17,477.87; LC Treasurer-\$20.00; Lamb Painting-\$816.33; Language Line Services-\$153.95; Lead, City Of-\$108,797.25; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Regional Hospital-\$1,397.50; Lead-Deadwood Sanitary-\$655.19; Lee,James-\$15.00; Lewis & Clark Bhs-\$160.00; Lewno,Lucy-\$439.42; Lincoln County-\$9.40; Lockwood,Darcy-\$37.50; Marshall & Swift/Boeckh-\$1,008.40; McClure,Susan-\$200.00; Mg Oil Company-\$27,185.60; Microfilm Imaging Systems-\$2,266.50; Mid-Continent Testing-\$77.00; Mikelson,Gary-\$260.46; Minnehaha County-\$155.80; Montana Dakota Utilities-\$6,466.24; Moore Medical-\$1,172.76; Moss, William Psy-\$750.00; NH Alcohol & Drug Services-\$10,000.00; NH Training Center-\$5,000.00; National Assoc Of Co Engineers-\$670.00; Nebraska Salt & Grain Co-\$5,800.86; Nelson,Tonya-\$250.00; Nichols, Helen Rd Ln Cde-\$125.00; Northern Hills Casa-\$7,500.00; Northern Hills Rec Center-\$177.00; Northern Truck Equip-\$387.60; Oberle's Radiators & Repairs-\$720.00; Office Depot-\$53.66; Office Of Attorney General-\$605.54; Office Of Child Support-\$1,966.18; Outdoor Motor Sports-\$41.95; Pennington County Public-\$66.00; Pennington County Sts Attny-\$215.00; Pfefferle,Sarah-\$210.00; Phoenix Investigations-\$1,493.52; Plumbmaster-\$36.11; Prairie Hills Transit-\$7,500.00; Proguard-\$27.93; Quill-\$522.29; Radiology Associates-\$27.77; Rapid Transcript-\$39.00; Regional Health-\$133.42;

Rocket Lube-\$57.99; Root Spring Scraper-\$20,346.84; Sd Aao-\$450.00; Sd Assn Of Co Comm-\$50.00; Sd Assoc Code Enforcement-\$50.00; Sd Building Officials Assoc-\$75.00; Sd Dept Of Public Safety-\$5,400.00; Sd Human Services Center-\$23.60; Sd State Treasurer-\$1,831.36; Sd Retirement System-\$63,331.64; Sdrs Supplemental Retirement-\$5,732.00; Semerad,Sandra-\$668.80; Servall Towel & Linen-\$660.73; Shopko Pharmacy-\$8.99; Silverado-\$99.05; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$1,277.12; Spearfish Senior Citizens-\$2,000.00; State Bar Of South Dakota-\$415.00; Sterna,Laura-\$150.00; Strain Morman Law Firm-\$1,450.26; Streicher's-\$364.74; Sturdevant's Auto Parts-\$2,015.97; Sysco Montana-\$3,715.39; Thomson Reuters-West-\$184.64; Top Quality-\$390.00; Triple K Tire & Repair-\$87.06; Turnkey Corrections-\$21.35; Twin City Hardware & Lumber-\$392.19; Twin City Senior Citizens-\$2,000.00; Vast-\$348.77; Versatile Carpets & Inter-\$408.50; Victims Of Violence-\$355.00; Waste Connections-\$800.52; Watertree-\$59.70; Weed & Pest Assoc Sd Co Boards-\$415.00; Wells Fargo Business Card-\$5,403.91; Wellmark Blue Cross-\$85,943.57; West River International-\$554.72; Western Communication-\$3,031.80; Western State Fire Protection-\$560.00; Wex Bank-\$623.75; Whitewood Library-\$61,320.00; Williams & Associates-\$5,450.95; Yankton Co Sheriff-\$100.00; Yankton County-\$142.25; Zep Manufacturing Co-\$169.87; **Witness & Jurors:** Goetsch,M-\$30.92; Allerdings,E-\$52.52; Bordewyk,T-\$62.60; Carroll,P-\$66.80; Cockreham,R-\$64.28; Crawford,G-\$60.92; De Lano,M-\$14.28; Geppert,T-\$71.00; Gostola,C-\$52.52; Gruenwald,P-\$66.80; Hansen,M-\$62.60; Hansen,T-\$50.84; Hayward,N-\$52.52; Jones,M-\$75.20; Kinghorn,S-\$60.08; Mcmillin,G-\$63.44; Rhodes,J-\$58.40; Ryan,M-\$61.76; Sternhagen,L-\$52.52; Teel-Hartman,M-\$60.92; Anderson,B-\$32.60; Adam,L-\$20.00; Baumgartner,K-\$20.00; Two Bulls Cypher,J-\$33.27; Hamak,A-\$22.52; Nohr,J-\$35.12

ADJOURN: 11:03 a.m. There being no further business, it was Moved-Seconded (Deibert-Sleep) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Deputy Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – February 13, 2018

Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 9:19 a.m. on February 13, 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 Daryl Johnson present. Absent Randall Rosenau.

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

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

VARIANCE #163/HENSLY: A Public Hearing was held on Variance #163. Jerry Aberle, Powder House Pass, spoke in favor of the variance. The public hearing was closed.
APPLICANTS: Mark and Kristi Hensly/Legacy Custom Homes & Design **SUMMARY:** Variance request for 8.8' Variance to the 25' Front Setback, Leaving a 16.2' Front Setback for Residence Under Construction **LEGAL:** Lot 1, Blk 1 of Wilderness Estates 2nd Addition in Powder House pass, located in Section 17, T6N, R3E **VICINITY LOCATION:** Highway 85.

Moved-Seconded (Sleep-Johnson) to approve Variance #163 with an increased setback to take into account the soffits. **APPLICANTS:** Mark and Kristi Hensly/Legacy Custom Homes & Design **SUMMARY:** Variance request for 11' variance to the 25' front setback, leaving a 14' front setback for residence under construction **LEGAL:** Lot 1, Blk 1 of Wilderness Estates 2nd Addition in Powder House pass, located in Section 17, T6N, R3E **VICINITY LOCATION:** Highway 85. Aye-Deibert, Johnson, Sleep and Flanagan. Motion Carried.

VARIANCE #164/IPROPERTIESSD: A Public Hearing was held on Variance #164. Jerry Aberle, Powder house Pass spoke in favor of the variance. The public hearing was closed.
APPLICANT: IpropertiesSD/Legacy Custom Homes & Design **SUMMARY:** Variance request for 3.8' variance to 25' front setback, leaving a 21.2' front setback at the SE corner and a .20' variance to the 25' front setback, leaving a 24.8' front setback at the NE corner for new residence under construction **LEGAL:** Lot 2, Blk 4 of Wilderness Estates 2nd Addition in Powder House Pass, located in Section 17, T4N, R3E **VICINITY LOCATION:** Highway 85.

Moved-Seconded (Deibert-Johnson) to approve Variance #164 with an increased setback to take into account the soffits. **APPLICANT:** IpropertiesSD/Legacy Custom Homes & Design **SUMMARY:** Variance request for 6' variance to 25' front setback, leaving a 19' front setback at the SE corner and a 2.5' variance to the 25' front setback, leaving a 22.5' front setback at the NE Corner for a new residence under construction **LEGAL:** Lot 2, Blk 4 of Wilderness Estates 2nd Addition in Powder House Pass, Located in Section 17, T4N, R3E **VICINITY LOCATION:** Highway 8. Aye-Deibert, Johnson, Sleep and Flanagan. Motion Carried.

After the public hearings were closed, the Board of County Commissioners stated that this type of variances request - failure to undertake due diligence - will not be tolerated. Further, that setbacks need to be staked out before building starts and that the contractor is the person responsible for the building permit and making sure applicable requirements are met.

ADJOURN: 9:45 a.m. There being no further business, it was Moved-Seconded (Deibert-Flanagan) to adjourn the Board of Adjustment Meeting. Motion Carried.

Date Approved

Brandon Flanagan, Vice-Chairman

ATTEST:

Brenda McGruder, Deputy Auditor