

**LAWRENCE COUNTY COMMISSIONERS MEETING – May 8, 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 May 8, 2018 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Daryl Johnson, Richard Sleep and Randall Rosenau present.

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

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

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

**MINUTES:** Moved-Seconded (Deibert-Rosenau) to approve the minutes of April 24, 2018 County Commission meeting, the April 24, 2018 special meeting and 2018 Board of Equalization meeting. Motion Carried.

**PERSONNEL:**

**HIGHWAY & PHYSICAL PLANT APPOINTMENT:** Moved-Seconded (Johnson-Sleep) to appoint Allan Bonnema as the Highway & Physical Plant Superintendent for a two year term to expire 5-2020. Motion Carried.

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Deibert-Flanagan) to approve Steven Kline as a Information System & Technology Deputy Director G1 at the base rate of \$25.19 an hour, effective May 13, 2018, approve to advertise for a Information System & Technology Specialist and to regretfully accept the resignation of Randall McGruder. Motion Carried.

**SHERIFF:** Moved-Seconded (Rosenau-Flanagan) to approve Anna Masden as a part-time (under 20) fill-in Dispatcher I G3 at the base rate of \$19.08 an hour, effective May 8, 2018. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Thomas Myers as a full-time temporary Correctional Officer I G1 at the base rate of \$18.33 an hour, effective May 27, 2018. Motion Carried

Moved-Seconded (Deibert-Rosenau) to approve Brianna Rommen as a full-time Dispatcher I G1 at the base rate of \$18.33 an hour, effective May 27, 2018. Motion Carried

Moved-Seconded (Johnson-Deibert) to approve Emily Abernathy as a part-time (under 20) fill-in Dispatcher II G3 at the base rate of \$20.25 an hour, effective May 25, 2018. Motion Carried

Moved-Seconded (Sleep-Johnson) to waive the (5) days posting requirement, the newspaper publication requirement and allow the use of already filed applications in the Sheriff's Office to replace two deputy positions due to retirement of Paul Hansen and Ritchey Walk. Motion Carried.

**CORONER:**

Moved-Seconded (Johnson-Deibert) to approve Robert M. Leonard as a Deputy Coroner at \$200.00 per call , effective May 8, 2018. Motion Carried

**VOLUNTEER FIRE FIGHTER:** Moved-Seconded (Rosenau-Deibert) to approve Bruce Keller, Jon LaFramboise and Joshua Welke as Volunteer Fire Fighters for insurance purposes. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 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)- \$1,479,561.60; total amount of cash in transit in Treasurer's possession (cash deposit in transit)- \$22,658.71; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000; bank balance \$22,884,987.81, money market \$8,743,948.14. Total \$36,134,366.26.

**FREE DUMP WEEK ALLOCATION 2017 (SPEARFISH):** The City of Spearfish was not paid its free dump week yearly allocation in 2017. A motion was made to pay the 2017 free dump week allocation from contingency funds.

**CONTINGENCY TRANSFER:** Moved-Seconded (Deibert-Flanagan) to approve the contingency transfer of \$5,000 to Commissioners-Professional Services. Motion Carried.

**CITY OF SPEARFISH RELEASE OF INFORMATION HOLD HARMLESS**

**AGREEMENT:** Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the Release of Information and Hold Harmless Agreement with the City of Spearfish. The Agreement will allow for the sharing of flood plain information between AE2S and the County. Motion Carried.

**SHERIFF:** Brian Dean, Sheriff gave an update on the Average Daily Population in the Jail.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of May 7, 2018: **Spearfish Diesel #2 (dyed): 2600 gallons:** (prices per gallon) CBH Cooperative - \$2.561; Harms Oil Co-No Bid; MG Oil - \$2.47\*. **Spearfish Unleaded 1200 gallons:** (prices per gallon) CBH Cooperative - 2.577; Harms Oil Co - No bid; MG Oil - \$2.39\*. **Whitewood Diesel #2 (dyed) 700 gallons:** (prices per gallon) CBH Cooperative - \$2.561; Harms Oil Co - No bid; MG Oil - \$2.47\*. \*Represents lowest quote awarded.

**DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT:** Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the South Dakota Department of Transportation Agreement to provide for the striping and continuing maintenance of County roads within Lawrence County. Motion Carried.

**BRIDGE IMPROVEMENT GRANT (B.I.G.) APPLICATIONS:** Jason Hanson, Brosz Engineering was present to discuss future B.I.G. applications and options to make County projects more competitive for funding. Moved-Seconded (Deibert-Johnson) to fund design of the Whitewood Valley Road bridge project anticipating that the project shall be bid ready by the next B.I.G. application deadline. Motion Carried. The board also requested that Mr. Hanson prepare preliminary engineering costs for the two St Onge Oil Road bridges and the Whitewood Service Road bridge.

**PLANNING & ZONING:**

**PLATS:**

**FINAL PLAT/CALLAHAN:** OWNERS/APPLICANTS: Charlette and Vicki Callahan LEGAL: Lot 22A of Spruce Mountain #2 in Section 24, T6N, R4E VICINITY LOCATION: Antler Road Near Whitewood SUMMARY: Combine Lot 22 and Lot 19 into one lot.

Moved-Seconded (Deibert-Flanagan) to approve the final plat for Charlette and Vicki Callahan 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: Lot 22A of Spruce Mountain #2 in Section 24, T6N, R4E VICINITY LOCATION: Antler Road near Whitewood SUMMARY: Combine Lot 22 and Lot 19 into one lot. Motion Carried.

**FINAL PLAT/SANDFORD:** OWNER/APPLICANT: Andrew Sandford LEGAL: Lot PR in Elkhorn No.4 and Elkhorn No. 5, M.S. 1914 Section 13, T5N, R2E VICINITY LOCATION: Ida Grey SUMMARY: Combine Lot P-1 and Lot P-2 into one lot.

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

Moved-Seconded (Deibert-Flanagan) to approve the final plat for Andrew Sandford 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: Lot PR in Elkhorn No.4 and Elkhorn No. 5, M.S. 1914 Section 13, T5N, R2E VICINITY LOCATION: Ida Grey SUMMARY: Combine Lot P-1 and Lot P-2 into one lot. Motion Carried.

**FINAL PLAT TWO BIT, LLC:** OWNER/APPLICANT: Two Bit, LLC LEGAL: Lot 20 of Golden Hills and dedicated public R.O.W. All located in Sections 25 and 36, T5N, R3E and Sections 30 and 31, T5N, R4E VICINITY LOCATION: Two Bit Road SUMMARY: new lot in approved subdivision.

Moved-Seconded (Sleep-Flanagan) to approve the final plat for Two Bit, LLC 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: Lot 20 of Golden Hills and dedicated public R.O.W. All located in Sections 25 and 36, T5N, R3E and Sections 30 and 31, T5N, R4E VICINITY LOCATION: Two Bit Road SUMMARY: New lot in approved subdivision. Aye-Flanagan, Johnson, Sleep and Rosenau. Nay-Deibert. Motion Carried.

**C.U.P. #336/BERGUM:** PERMITTEE: Gerald Bergum LOCATION: Buffalo Berry Lane, Whitewood SUMMARY: Stable and Riding Arena. Gerald Bergum was present to discuss his option for his current C.U.P. #336. He proposed two options: 1. Amend the C.U.P. to limit horse boarding to 10 animals, or 2. Cancel the C.U.P. Sleep made a motion to cancel C.U.P. #336. Motion died due to lack of second. Moved-Seconded (Deibert-Flanagan) to amend the existing Condition #19 C.U.P. as follows: There shall not be more than 10 horses onsite except for a specialty event such as a clinic or 4-H event. Further that an additional Condition be added (Condition #22) noting that upon a change of ownership, of all or a part, of the property covered under the C.U.P. (to-wit: acreage owned by Permittee falls under 15 acres), Permittee shall promptly notify the Planning and Zoning Office of this change. The 2 amendments referenced above are considered to be minor amendments allowing for administrative adjustment. Aye-Flanagan, Deibert, Johnson and Rosenau. Nay-Sleep. Motion Carried.

**FOREST SERVICE DISTRICT RANGER:** Steve Kozel, District Ranger for the Northern District was present to give an activities report. Items discussed: weed management, Cooperating Agency Status with respect to future projects, the Maverick Timber Sale and the ongoing Black Hills Resilient Landscape Project.

**EXTENSION UPDATE:** Michelle May, Butte/Lawrence County Extension was present to give an update on the 4-H Youth Program.

**BILLS:**

Moved-Seconded (Sleep-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; Treas-\$12,939.31; States Atty-\$15,452.64; Pub Def-\$12,300.94; Gen Govt Bldg-\$9,362.23; Equal-\$14,867.34; Rod-\$9,158.36; Vso-\$988.80; Ist-\$9,466.32; Disp-\$13,378.82; Sher-\$42,872.26; Jail-\$23,500.02; Coroner-\$706.55; 24/7-\$181.48; Emerg Mgnt-\$4,390.44; E911-\$2,052.80; Highway-\$44,072.37; Weed-\$3,709.74; Pz-\$5,743.19; **Bills:** Schroeder,Jeffery-\$53.00; A&B Business,Inc Solutions-\$787.90; A&B Welding Supply-\$27.63; Ace Hardware Of Lead-\$153.76; Amick Sound-\$5,151.51; At&T Mobility-\$919.86; BH Pest Control-\$190.00; BH Pioneer-\$929.59; Barnaud Law Firm-\$2,257.75; Bickle's Truck & Diesel-\$695.34; Big Sky Communications-\$59.00; Black Hills Energy-\$382.62; Black Hills Pure-\$11.50; Breit Law Offices-\$297.18; Butler Machinery Co-\$774.47; Butte Electric Coop-\$505.05; Century Business Products-\$364.63; Centurylink-\$109.48; Childrens Home Society-\$153.22; Chris Supply Co-\$64.93; Clinical Lab Of BH-\$407.00; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$114.28; Deadwood, City Of-\$1,090.78; Dept Of The Treasury-\$61,344.17; Dmc Wear Parts-\$717.00; Election Sys & Software-\$1,902.42; Fastenal-\$119.53; Federal Express Corp-

\$22.30; Fidler-Isburg Funeral Chapel-\$1,170.00; Foothills Seed-\$4,000.00; G&H Distributing Of Rc-\$484.67; Galls-\$304.73; Geigle,Jd-\$200.60; Godfrey's Brake Serv-\$64.34; Goodie's Uniforms-\$60.40; Gould Upholstery-\$100.00; Great Western Tire Company-\$933.80; Grimm's Pump Service-\$3,644.85; Hartford-Priority Accounts-\$2,129.52; Heartland Paper Co-\$440.20; Jacobs Precision Welding-\$59.50; Johnson Machine-\$64.89; Karen Paige Hunt, Prof-\$1,344.11; Katterhagen,Mark-\$22.50; Kch Law-\$221.68; Kimball-Midwest Co-\$553.36; Lcal Equipment-\$851.14; Lead, City Of-\$85.25; Lead-Deadwood Regional Hospital-\$1,716.17; Lead-Deadwood Sanitary-\$731.34; Lee,James-\$15.00; Lewno,Lucy-\$164.97; Lockwood,Darcy-\$22.50; Mack's Auto Body-\$241.86; Mcclure,Susan-\$300.00; Mcpherson Propane-\$69.00; Minnehaha County-\$90.00; Montana Dakota Utilities-\$3,158.30; Moss,William Psy-\$1,050.00; Ms Mail-\$50.00; Nelson Law-\$1,339.80; Nelson,Tonya-\$400.00; North Central Int'l-\$51.79; Northern Truck Equip-\$37.00; Office Depot-\$74.97; Office Of Attorney General-\$302.77; Office Of Child Support-\$983.09; Plumbmaster-\$5.20; Postmaster, Deadwood-\$144.00; Powerplan-\$96.66; Quill-\$836.74; RC Regional Hospital-\$5,533.90; Rasmussen Mechanical Serv-\$55.55; Regional Health-\$348.97; Rena M Hymans, PC-\$619.24; Reserve Account-\$5,000.00; Rockmount Research & Alloys-\$499.43; SD State Treasurer-\$1,827.93; Servall Towel & Linen-\$788.10; Sierra Design Vinyl Lettering-\$270.00; Spearfish Auto Supply-\$493.71; Spearfish Building Supply-\$44.32; Sterna, Laura-\$200.00; Strain Morman Law Firm-\$2,592.72; Sturdevant's Auto Parts-\$2,195.41; Subway-\$58.34; Sysco Montana-\$2,265.39; Thomson Reuters-West-\$184.64; Triple K Tire & Repair-\$900.00; Twin City Hardware & Lumber-\$1,377.70; Ultramax-\$2,365.00; Vast Broadband-\$59.99; Waste Connections Of SD-\$467.60; Watertree-\$38.85; Western Communication-\$582.00; Wex Bank-\$662.49; Yankton Co Sheriff-\$50.00; **Witness & Jurors:** Allerdings,E-\$52.52; Bordewyk,T-\$62.60; Carroll,P-\$66.80; Cockreham,R-\$64.28; Crawford,G-\$60.92; Gruenwald,P-\$66.80; Hansen,M-\$62.60; Hansen,T-\$50.84; Rhodes,J-\$58.40; Dinel,D-\$20.00; Morton,A-\$20.00; Lee,J-\$26.80; Ahlers,D-\$25.12; Aiken,M-\$26.80; Anderson,C-\$26.80; Bailey,M-\$12.52; Berberick,M-\$26.80; Beuckens,G-\$11.68; Brengle,S-\$25.96; Bruha,J-\$22.60; Bustillos,C-\$20.08; Cahoy,A-\$22.60; Cortez,N-\$26.80; Dana-Samuelson,N-\$133.60; Daniels,A-\$22.60; Delahoyde,R-\$22.60; Dietrich,L-\$125.20; Eckhart,D-\$13.36; Engebretson,B-\$22.60; Falzerano,E-\$24.28; Fox,R-\$18.40; Freeman,R-\$106.72; Gayer,M-\$126.88; Gillies,W-\$22.60; Giuseffi,K-\$125.20; Goetz,G-\$111.76; Gradinaru,K-\$133.60; Grone,J-\$20.08; Haase,E-\$22.60; Hamak,C-\$110.08; Hansen,L-\$20.92; Heisinger,H-\$111.76; Heller,T-\$105.04; Henning,S-\$13.36; Hoffman,T-\$24.28; Horsman,E-\$17.56; Hughes,D-\$26.80; James,E-\$17.56; Jensen,K-\$133.60; Juso,G-\$16.72; Kack,L-\$26.80; Kennedy,R-\$12.52; Klein,M-\$13.36; Leige,D-\$125.20; Linafelter,W-\$14.20; Ludeman,H-\$22.60; Luze,T-\$17.56; Lynch,D-\$26.80; Covell,H-\$34.28; Rose,B-\$20.84; Rose,S-\$20.00; Chamley,B-\$34.28

**ADJOURN:** 10:35 a.m. There being no further business, it was Moved-Seconded (Deibert-Flanagan) 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, Auditor