

LAWRENCE COUNTY COMMISSIONERS MEETING – June 26, 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 June 26, 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. Absent Daryl Johnson.

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

AGENDA: Moved-Seconded (Rosenau-Deibert) 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 June 12, 2018 County Commission meeting. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve the travel request for Tavis Little and Tom Derby to attend the 2018 Northpointe Regional Inmate Classification Workshop in Sioux City, IA on August 7-8, 2018. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Sleep-Deibert) to approve Anthony Spencer as a full-time permanent Correctional Officer I G1 at the base rate of \$18.33 per hour, effective June 26, 2018. Motion Carried.

INFORMATION SYSTEMS AND TECHNOLOGY: Moved-Seconded (Deibert-Rosenau) to approve Jeffrey E. Bitting as a full-time permanent Information Systems & Technology Specialist G1 at the base rate of \$23.29 per hour, effective July 16, 2018. Motion Carried.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of March 31, 2018 is \$2,442,218.94 or 19%.

ABATEMENTS:

SPEARFISH UNITED METHODIST CHURCH: Moved-Seconded (Deibert-Sleep) to approve the abatement for Spearfish United Methodist Church on parcel #32655-00100-010-00 because the property is tax exempt. Motion Carried.

DEER MOUNTAIN SANITARY DISTRICT: The Board acknowledged receipt of the proposed Deer Mountain Sanitary District Petitions. Public examination of survey, map and petition will be posted according to SDCL 34A-5-5.

SHERIFF:

TYLER TECHNOLOGIES SUPPORT AGREEMENT: Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairman to sign the Tyler Technologies Support Agreement. Motion Carried.

SPEED LIMIT ENFORCEMENT/TERRY PEAK: Mike Hale, Terry Valley Road District and Roger Tellinghuisen, attorney for the Terry Valley Road District, were present to discuss speed limit enforcement within the Terry Valley Road District and their concern with traffic safety. A resolution was presented to the Commission by the Road District setting a speed limit of 15 MPH on all roads in the district. It was suggested that the main cause of the excessive vehicle speed is that the property owners have guest who have less regard for the safety of area residents and

especially children at play. Sheriff Dean was present and noted that the area is patrolled; however, he added that the issues in the Terry Valley Road District are illustrative of issues he has observed county-wide with the popularity of ATVs. Moved-Seconded (Deibert-Rosenau) to ratify the Terry Valley Road District resolution establishing a 15 MPH speed limit on roads throughout the District but specifically noting that in so doing the County is not exercising any supervision or control over the roads within the district and further that the County does not intend to undertake maintenance, supervision or control over any roads within the Road District. Motion Carried.

MALT BEVERAGE LICENSE/WHITETAIL CREEK RESORT: A public hearing was held on the application for 2018-2019 Malt Beverage license for Whitetail Creek Resort. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Flanagan) to approve the following 2018-2019 Retail on-off sale malt beverage license for Whitetail Creek Resort: Tract 54 Sections 5-6-7 & 8 (Whitetail Court) T4N R3E. Motion Carried.

MALT BEVERAGE/WINE LICENSE TRANSFER/BW GAS AND CONVENIENCE RETAIL, LLC (YESWAY STORE 1192): A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage License and Class-Retail (On-Off-Sale) Wine license to BW Gas and Convenience Retail, LLC. No public input was voiced and the public hearing was closed. Moved-Seconded (Rosenau-Flanagan) to approve the following transfer of a Class-Retail (On-Off Sale) Malt Beverage License and Class-Retail (On-Off-Sale) Wine license contingent upon the back ground check being received from Division of Criminal Investigation. Previous License: Fresh Start Convenience Stores Inc (Valley Corner): Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. Transfer To: BW Gas and Convenience Retail, LLC (Yesway Store 1192): Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. Motion Carried.

HIGHWAY:

COUNTY HIGHWAY SYSTEM REVISIONS: A public hearing was held on Resolution 2018-13 to modify its Highway System due to the review of the primary county highway system. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairperson to sign the following Resolution 2018-13 to modify its Highway System due to the review of the primary county highway system. Motion Carried. LAWRENCE COUNTY RESOLUTION NO. 2018-13. WHEREAS, Lawrence County would like to modify its Highway System due to the review of the primary county highway system. WHEREAS, the changes in Lawrence County's Highway System are in accordance with the South Dakota Department of Transportation's "Policy and Procedures for County Highway System Revisions" adopted 6/18/2009 and SDCL 31-12-2. THEREFORE, BE IT RESOLVED by the Lawrence County Board of Commissioners that the following changes be made to the Lawrence County Highway System. Delete from the Primary County Highway System: 1. Industrial Dr. approximately .598 miles Starting at the intersection of Airport Rd. and N. 27th St. then southeasterly approximately .598 miles to the midsection of T 6 N, R 3 E, section 7. 2. Airport Rd. approximately 2.118 miles starting at the northeast corner of T 6 N, R 3 E, section 17, at the intersection of N. Rainbow Rd, then heading west approximately 2.118 miles to the intersection of N. 27th St. 3. N 27th St approximately 1.070 miles Starting at the quarter section of T 6 N, R 3 E, section 7, then heading south approximately 1.070 miles to the intersection of 1st Ave. 4. N. Rainbow Rd. approximately .932 miles Starting at the northeast corner of T 6 N, R 3 E, section 17 then heading south approximately .932 miles to the intersection of I 90. 5. St Onge Oil Rd. approximately 1.268 miles Starting at the northeast corner of T 6 N, R 3 E, section 15, then heading south approximately 1.268 miles to the intersection of U.S. Highway 85 at the S.E. quarter section of T 6 N, R 3 E, section 22. 6. Maitland Rd. approximately 1.446 miles Starting at the northeast corner of T 6 N, R 3 E, section 19, then heading south, then west and southwesterly approximately 1.446 to Voorhees Ln. 7. Christensen Dr. approximately 1.055 miles Starting at the northeast corner of the southwest ¼ corner in the southwest ¼ of T 6 N, R 2 E, section 13, then heading southwesterly approximately 1.055 to the city limits. 8. College Ln. approximately .502 miles Starting at approximately 1,680 ft. west of the northeast corner of T 6 N, R 2 E, section 9, at the intersection of Hillsvie Rd, then south approximately .502 miles to the intersection of Oliver Rd. 9. Hillsvie Rd. approximately .692 miles Starting at the northwest corner of T 6 N, R 2 E, section 9, at the intersection of McGuigan Rd, then east approximately .692 miles to the intersection of College Ln. 10. Oliver Rd. approximately .210 miles Starting near the midsection T 6 N, R 2 E, section 9, at the intersection of College Ln. then west approximately .210 miles. Add to the Primary County Highway System: 11. Hillsvie Rd. approximately .251 miles Starting at the northeast corner of T 6 N, R 2 E, section 8, at the intersection of McGuigan Rd, then heading west approximately .251 miles to the intersection of Mineral Pl. at the quarter section of T 6 N, R

2 E, section 8. 12. Old Hwy 14 approximately 10.365 miles Starting at approximately 1,687 ft. east of the southwest corner of T 7 N, R 2 E, section 34 at the intersection of SD 14 L then west, northwesterly and west approximately 10.365 miles to the state line. The routes being deleted from the primary county highway system is due to a jurisdictional agreement between Lawrence County and the City of Spearfish. Adopted this 26th day of June, 2018. Brandon Flanagan, Chairperson, Lawrence County, Board of County Commissioners. Brenda McGruder, Lawrence County Auditor.

PLANNING & ZONING:

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #132, #224 & # 398/COEUR WHARF: Matt Zietlow, Environmental Manager for Coeur Wharf was present for the Annual Review of Conditional Use Permit #132, #224 and #398. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #205-15/DUCO MINING (Mining Operation): An annual review was conducted on CUP #205-15, DUCO MINING (Mining Operation). Cody Schad, was present and stated that he has performed weed control and would be starting mining activity in the next month. Commissioner Deibert stated he just received an e-mail from Dave Heck, Invasive Species Manager replying that only 1% of the weeds have been treated. Schad agreed he will need to get in contact with Heck to get a weed management plan in place. Another review will be held on CUP #205-15 in September or October, 2018.

CONDITIONAL USE PERMIT #307/CHARLES RAMSEY (2nd Residence): An annual review was conducted on CUP #307, CHARLES RAMSEY (2nd Residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #373/HURM PIT (Operator: Johner and Sons) (Gravel Quarry): An annual review was conducted on CUP #373, HURM PIT (Operator: Johner and Sons) (Gravel Quarry). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #400/EVANS PIT (Operator: Johner and Sons): An annual review was conducted on CUP #400, EVANS PIT (Operator: Johner and Sons). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT # 402/NICOLE DECOOK (2nd Residence): An annual review was conducted on CUP #402, NICOLE DECOOK (2nd Residence). Nicole Decook, applicant, questioned whether her son would be allowed to purchase the property from Lyle DeCook under the current CUP conditions? Commissioner Flanagan stated that this would not be allowed under the current CUP. DeCook was informed to contact the Planning & Zoning office if the current situation changes.

CONDITIONAL USE PERMIT #416/SHERRIE ANDERSON (2nd Residence): An annual review was conducted on CUP #416, SHERRIE ANDERSON (2nd Residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #417/DONALD KISSACK (2nd Residence): An annual review was conducted on CUP #417, DONALD KISSACK (2nd Residence). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #426/ DR. ELSOM (Dog Daycare and Boarding): An annual review was conducted on CUP #426, DR. ELSOM (Dog Daycare and Boarding). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #437/T & M TRAIL RIDES (Horse Trail Rides): An annual review was conducted on CUP #437, T & M TRAIL RIDES (Horse Trail Rides). Moved-Seconded (Sleep-Flanagan) to place CUP #437, T & M TRAIL RIDES (Horse Trail Rides) on a as needed basis. Aye-Flanagan, Sleep and Rosenau. Nay-Deibert.

CONDITIONAL USE PERMIT #446/KINDZERSKI: A Public Hearing was held on C.U.P. #446. APPLICANT: Mike Kindzerski SUMMARY: Lodge Hall/Meeting Place LEGAL: 20829 Mattson Lane/Tract 37 in Section 24, T5N, R3E. No public input was voiced and the hearing was

closed. Commissioner Flanagan pointed out that the concerns from the surrounding residents focused on water, noise, security, septic system, parking and liability issues, but that most of these concerns were addressed with additional conditions. Commissioner Deibert question whether or not the barn would be required to have sprinkler system. Mike Kindzerski, applicant stated he would contact the State Fire Marshall and comply with any such requirements. Commissioner Sleep questioned whether the property was in city limits and what was the surrounding land use. Kindzerski replied that the area around him was farm and ranch land and a construction business. Commissioner Deibert addressed the continued concern with off road vehicles. He suggested that a condition be added requiring that loading and off-loading of ATV vehicles shall occur only at a trail head. It was concluded that such a condition was not necessary at present, but the issue of ATVs can be addressed in the future as is deemed appropriate. Moved-Seconded (Deibert-Rosenau) to follow the recommendation for approval found in the Planning and Zoning staff report for the reasons set forth therein incorporating the conditions contained therein, all as on file in the Planning and Zoning Office, Conditional Use Permit #446 for Mike Kindzerski to Operate a lodge hall/meeting place. Aye-Flanagan, Deibert and Rosenau. Nay-Sleep. Motion Carried.

REGISTER OF DEEDS:

TYLER TECHNOLOGY LICENSE AND SERVICE AGREEMENT: Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the License and Service Agreement with Tyler Technologies. Motion Carried.

BILLS:

Moved-Seconded (Deibert-Rosenau) 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; Elect-\$594.43; Aud-\$12,427.04; Treas-\$12,444.48; States Atty-\$15,468.64; Pub Def-\$12,140.62; Gen Govt Bldg-\$9,410.91; Equal-\$14,867.34; Rod-\$9,158.37; Vso-\$993.80; Ist-\$7,162.89; Disp-\$15,327.59; Sher-\$38,088.71; Jail-\$27,054.21; Coroner-\$1,436.55; 24/7-\$186.66; Emerg Mgnt-\$4,113.93; E911-\$2,052.80; Highway-\$44,956.61; Weed-\$6,452.64; Pz-\$5,738.79; **Bills:** Sargent,Debbie-\$47.00; Lopez,Amber-\$400.75; Lucero,Robin-\$47.00; Palmer,Ryan-\$278.46; Moser,Douglas-\$71.00; A To Z Shredding-\$82.40; A&B Business,Inc Solutions-\$436.72; A&B Welding Supply-\$87.50; A&J Supply-\$8.45; Active Data Systems-\$135.00; At&T-\$7.26; BH Occupational Medicine-\$125.00; BH Pioneer-\$783.50; BH Truck And Trailer-\$83.86; BH Window Cleaning-\$3,733.00; Baker Mudjacking-\$4,081.64; Barnaud Law Firm-\$13,218.78; Bi Geo Group-\$377.20; Black Hills Disposal-\$90.00; Black Hills Energy-\$14,982.15; Bomgaars Supply-\$56.99; Breit Law Offices-\$297.18; Bruemmer,Lynnel-\$72.20; Butler Machinery Co-\$645.44; Century Business Products-\$6,411.25; Centurylink-\$2,198.05; City/County Alcohol&Drug-\$930.00; Credit Collections Bureau-\$64.54; Dakota Equipment Rental-\$166.64; Dept Of Hlth Lab Services-\$760.00; Dept Of The Treasury-\$58,034.51; Ellingson,Joseph-\$4,502.36; Fastenal-\$1,068.80; G&H Distributing Of Rc-\$167.84; Galls-\$433.06; Godfrey's Brake Serv-\$581.90; Heartland Paper-\$809.71; Highway Improvement-\$24,290.42; Hilpert & Hale Prof-\$404.00; Hp-\$129.00; Interstate Engineering-\$3,120.46; Intoximeters-\$205.25; Jacobs Precision Welding-\$39.36; Jenner Equipment-\$10.13; Johner Gravel-\$2,606.30; Juneks' Chrysler/Dodge-\$70,000.00; Katterhagen,Mark-\$21.00; Kinney,Matthew-\$961.15; Knecht Home Center Of Spf-\$31.35; Kolbeck Law Office-\$13,042.54; LC Treasurer-\$21.20; Language Line Services-\$53.55; Lewno,Lucy-\$309.72; Lockwood,Darcy-\$21.00; Mcgas Propane-\$491.90; Midcontinent Communications-\$111.94; Montana Dakota Utilities-\$76.44; Nalco Company-\$239.20; Nelson Law-\$1,089.80; North Central Int'l-\$503.70; Office Of Attorney General-\$302.77; Office Of Child Support-\$983.09; Pennington Co Jail-\$2,989.60; Pennington County Sts Attny-\$215.00; Quill-\$365.55; Ramkota Inn Pierre-\$296.97; Sara J Fitzgerald-\$288.00; Regional Health-\$297.36; Root Spring Scraper-\$756.32; Sd Public Assur Alliance-\$303.86; Sdrs Supplemental Retirement-\$2,610.00; Semerad,Sandra-\$53.20; Servall Towel & Linen-\$388.02; Silverado-\$404.03; Spearfish Police Dept-\$10,269.20; Stadler Ind Service-\$103.75; Sterna,Laura-\$300.00; Stretch's Glass & Mirror-\$77.64; Subway-\$20.00; Sysco Montana-\$1,529.27; Transource Truck & Equip-\$176.48; Turbiville Industrial Electric-\$249.86; Turnkey Corrections-\$11.62; Twin City Hardware & Lumber-\$662.26; Vast Broadband-\$1,702.88; Verizon Wireless-\$105.36; Victims Of Violence-\$1,365.00; Wells Fargo Business Card-\$9,950.75; Wells Plumbing & Farm Supp-\$509.14; Western Communication-\$1,111.91; Western Sd Juvenile Serv-\$6,920.00; Wheeler Lumber-\$1,937.76; White Drug-\$2,124.24; Yankton Co Sheriff-\$50.00; Yankton County-\$232.80; Z&S Dust Control-\$107,506.98; **Witness**

& Jurors: Allerdings,E-\$52.52; Bordewyk,T-\$62.60; Carroll,P-\$66.80; Cockreham,R-\$64.28; Hansen,M-\$62.60; Lampe,B-\$66.80; Rhodes,J-\$58.40; Brassfield,B-\$30.08; Rowell,D-\$20.00

ADJOURN: 10:43 a.m. There being no further business, it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Brenda McGruder, Auditor