

**LAWRENCE COUNTY COMMISSIONERS MEETING – July 24, 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 July 24, 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.

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

**AGENDA:** Moved-Seconded (Deibert-Johnson) 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 July 10, 2018 County Commission meeting. Motion Carried.

**PERSONNEL:**

**SHERIFF:** Moved-Seconded (Deibert-Sleep) to approve Thomas Myers as a full-time permanent Correctional Officer I G1 at a base pay of \$18.33 an hour, effective July 24, 2018. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve the monthly cell phone per diem of \$104.00 for Samuel McCue and Cody Loftin, effective July 22, 2018. Motion Carried.

**JUVENILE JUSTICE GRANT:** Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the Juvenile Justice Reinvestment Initiative Fiscal Incentive Diversion Program Grant application and designate the Lawrence County Teen Court as the recipient of the grant if approved. Motion Carried.

**FAIR BOARD:** Moved-Seconded (Johnson-Rosenau) to appoint Jody Schenk to the Fair Board to fill the vacancy due to the resignation of Matthew Sleep and fill the remainder of a 3 year term to expire on 12-31-2020. Motion Carried.

**PAYMENT IN LIEU OF TAXES FUNDS:** The Board discussed the Payment in Lieu of Taxes (PILT) funds received in June. Moved-Seconded (Johnson-Sleep) to receipt the PILT funds of \$653,940.00 into the Road and Bridge Fund for 2018. Motion Carried.

**COUNTY/USFS COOPERATING AGENCY AGREEMENT:** The Commissioners deferred the County/USFS Cooperating Agency Agreement to the Timber Committee for review and recommendation at the August 14, 2018 meeting.

**TIMBER COMMITTEE:** Moved-Seconded (Sleep-Deibert) to appoint Derek Larson to the Timber Committee. Motion Carried.

**2018 VEHICLE STATE BID:** Moved-Seconded (Deibert-Johnson) to allow Dave Heck, Invasive Species Manager to purchase a 2018 one-ton single axle extended cab diesel pickup from state bid at an estimated cost of \$45,000.00. Motion Carried.

**INVASIVE SPECIES MANAGEMENT/WEED ENFORCEMENT:** Dave Heck, Invasive Species Manager reported that the Invasive Species Board met on July 19, 2018. The board moved to approve enforcement on Regional Hospital and James McDermott. The board also moved to start voluntary control notice/enforcement procedures on Terry Peak Subdivision. Dave also reported that the Weed Board moved to approve the rate for enforcement's at \$200.00 per

hour, plus cost of herbicide and application of the statutorily allowed 10% surcharge on the total, with a \$1000.00 minimum fee for any remedial work that the LCISM department does in an enforcement.

**HIGHWAY:**

**2018 CHIP SEAL PROJECT:** The following bids were received for the 2018 Chip Seal Project: Bituminous Paving Inc. - Highway 14A Service Road - \$66,647.00; Evans Lane - \$75,586.00; Upper Valley Road - \$62,316.00; City of Spearfish, Hillsview Road - \$73,479.00; Total Bid - \$278,028.00; Simon Contractors of South Dakota, Inc - Highway 14A Service Road - \$75,475.80; Evans Lane - \$78,078.80.20; Upper Valley Road - \$67,634.20; City of Spearfish, Hillsview Road - \$73,788.40; Total Bid - \$294,976.60. Moved-Seconded (Deibert-Flanagan) to reject all bids for the 2018 Chip Seal Project. Motion Carried.

**APPROACH PERMIT/BURLY BUILDERS:** Moved-Seconded (Deibert-Flanagan) not to object to the approach permit on the west side of Maitland Road located approximately 200 yards north of Voorhees Lane. Motion Carried.

**UTILITY PERMIT/APPLIED INTELLECT LLC:** Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Allan Bonnema, Highway Superintendent and approve the Application for a Permit to Occupy County Highway Right-of-Way for Applied Intellect, LLC on Nemo Road located in Section 27, T3N, R5E. Motion Carried.

**COUNTY HIGHWAY SYSTEM REVISIONS:** Allan Bonnema, Highway Superintendent updated the board regarding the resolution passed by the City of Spearfish concerning the planned transfer of road jurisdiction between the City and County. Bonnema noted that the resolution passed by the City, did not mirror Resolution 2018-13 passed by the County, failing to include the transfer of all of the roads anticipated by the County.

Upon consultation with SD DOT, Bonnema recommended that the best course of action will be for the County to rescind Resolution 2018-13, and after publication of notice of a public hearing, a revised resolution shall be presented to the commission at the next meeting.

Moved-Seconded (Johnson-Rosenau) to rescind Resolution 2018-13 modifying the County highway system and to authorize advertisement of notice of a public hearing to be held on August 14, 2018 at 8:30 am. At such time a revised resolution transferring road jurisdiction shall be considered. Aye-Flanagan, Johnson and Rosenau. Nay-Deibert and Sleep. Motion Carried.

**CLEOPATRA (DEVIL'S BATHTUB) PARKING:** Brian Dean, Sheriff and Allan Bonnema, Highway Superintendent gave an overview of the parking issues occurring on Cleopatra Place Road at the trailhead leading to Devils Bathtub. Private landowners are having problems getting in and out of their property due to vehicles parking in the road. Discussion followed that a cooperative solution between the USFS, the State of South Dakota and County is desirable. Moved-Seconded (Deibert-Flanagan) to not object to the Game Fish & Parks placing a sign in the County right of way. Motion Carried.

**PLANNING & ZONING:**

**ANNUAL REVIEW:**

**HOMESTAKE C.U.P. 124 AND 144 & LAC MINERALS - RICHMOND HILL MINE**

**C.U.P. 116, 125 AND 202:** Mark Tieszen, Environmental Manager for Homestake/Lack Minerals Mines was present to review the 2017 Mine Activities Report.

**PLANNING & ZONING UPDATE:** Amber Vogt, Planning & Zoning Administrator provided background on property owned by the City of Spearfish, adjacent to Highway 85, a part of which is leased to the trap shooting club. The club desires to construct a building to accommodate its activities. The club has been operating at this location for some time.

Moved-Seconded (Johnson-Flanagan) to not object to the construction of a structure to be used by the trap shooting club, and further that a C.U.P. shall not be required. Aye-Flanagan, Johnson, Sleep and Rosenau. Nay-Deibert.

Further, Vogt presented a staff report from the Spearfish Planning Commission for purposes of seeking County input regarding a proposed annexation and rezoning application submitted by Dennis Allender for a new subdivision known as The Summit at Spearfish. Commissioner Deibert stated that the Pearson Subdivision Road District would be the road authority on the plat. No further comment was made.

**SPEARFISH CREEK:** Eric Jennings and Ron Koth were present to discuss the Spearfish Creek corridor initiative.

**EXECUTIVE SESSION PERSONNEL:** 1:21 p.m. Moved-Seconded (Deibert-Rosenau) to go into executive session pursuant SDCL 1-25-2(1) to discuss personnel. Motion Carried. 1:38 p.m. The Board opened for regular business with no action taken.

**EMERGENCY MANAGEMENT:** Paul Thomson, Emergency Management Supervisor gave an update on the June 29, 2018 storm damage.

**EXECUTIVE SESSION PERSONNEL:** 2:56 p.m. Moved-Seconded (Deibert-Sleep) to go into executive session pursuant SDCL 1-25-2(1) to discuss personnel. Motion Carried. 3:40 p.m. The Board opened for regular business with no action taken.

**BUDGET:** The board reviewed the 2019 Preliminary budget, meeting with Allan Bonnema, Highway Superintendent; Brian Dean, Sheriff; Rick Frerich, General Government Buildings Foreman; Paul Thomson, Emergency Management Director; Amber Wilde, Library and Brian Hambeck, Spearfish Ambulance. The 2018 Preliminary Budget was set and a public hearing shall be held on September 4, 2018, for consideration of the adoption of the 2019 Annual Budget.

**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-\$10,613.70; Treas-\$12,392.43; States Atty-\$15,468.65; Pub Def-\$9,397.00; Gen Govt Bldg-\$9,565.19; Equal-\$14,867.34; Rod-\$9,182.92; Vso-\$993.80; Ist-\$7,099.92; Disp-\$14,110.64; Sher-\$44,331.05; Jail-\$25,430.88; Coroner-\$446.55; 24/7-\$155.55; Emerg Mgnt-\$4,387.44; E911-\$2,052.80; Highway-\$46,006.48; MH Serv-\$30.00; Weed-\$6,244.09; P&Z-\$5,738.79; **Bills:** Tridle, Debora-\$272.44; Marshall, Laurie-\$47.00; Pickett, Michael-\$6.72; A To Z Shredding-\$80.20; A&B Business, Inc Solutions-\$1,058.84; A&I Distributors-\$330.65; Active Data Systems-\$1,902.00; Adams-Isa-\$626.55; American Legal Publishing-\$2,337.00; At&T-\$9.03; BH Occupational Medicine-\$30.00; BH Physical Therapy-\$80.00; BH Truck And Trailer-\$2,540.83; Barnaud Law Firm-\$2,431.25; Bi Geo Group-\$869.40; Black Hills Energy-\$14,615.99; Bob Barker Company-\$289.18; Bomgaars Supply-\$18.58; Breit Law Offices-\$297.18; Butler Machinery Co-\$64.90; Butte Electric Coop-\$260.19; Century Business Products-\$358.88; Centurylink-\$1,945.65; Chadams-\$4,100.00; Chris Supply Co-\$13.50; City Of Rapid City-\$630.00; City/County Alcohol&Drug-\$904.00; Cochran, Leslie-\$78.00; Credit Collections Bureau-\$64.54; Custer County Auditor-\$252.41; Dakota Equipment Rental-\$2,026.01; Dean Schaefer Court Reporting-\$204.00; Denny's Welding Ii-\$12.00; Dept Of Hlth Lab Services-\$771.00; Dept Of The Treasury-\$57,145.09; Eddie's Truck Sales/Serv-\$72.19; Fastenal-\$83.87; Fidler-Isburg Funeral Chapel-\$1,170.00; First Western Ins Deadwood-\$50.00; G&H Distributing Of Rc-\$147.98; Galls-\$225.49; Goodie's Uniforms-\$145.65; Hand County-\$68.50; Heartland Paper Co-\$1,710.06; Hilpert & Hale Prof-\$5,693.50; Horn Law Office Prof-\$211.80; Interstate Batteries-\$416.74; Karen Paige Hunt, Prof-\$6,152.98; Katterhagen, Mark-\$6.00; Kiesler's Police Supply-\$814.00; Kinney, Matthew-\$1,601.76; LC Treasurer-\$11.20; Lee, James-\$15.00; Lewis & Clark Bhs-\$160.00; Lewno, Lucy-\$123.25; Lexisnexis Risk Data Mgmt-\$75.00; Lincoln County-\$156.50; Lockwood, Darcy-\$6.00; Lueders-\$21.22; Mcpherson Propane-\$45.00; Meade County Auditor-\$30.34; Mg Oil Company-\$13,718.10; Midcontinent Communications-\$111.78; Mikelson, Gary-\$20.00; Montana Dakota Utilities-\$82.77; Mountain Vista Dental-\$197.00; Ms Mail-\$250.00; Nalco Company-\$239.20; Nelson, Tonya-\$300.00; North

Central Int'l-\$375.69; Office Of Attorney General-\$302.77; Office Of Child Support-\$983.09; Office Technology/Supply-\$32.00; Pennington Co Jail-\$643.80; Phoenix Investigations-\$1,743.18; Pitney Bowes-\$234.17; Plumbmaster-\$245.76; Powerplan-\$23.64; Proguard-\$169.32; Quik Signs-\$487.93; Quill-\$199.99; Sara J Fitzgerald-\$429.00; Rena M Hymans, PC-\$1,349.12; SD Aao-\$1,200.00; SD Counties-\$555.00; Sdrs Supplemental Retirement-\$2,660.00; Semerad,Sandra-\$114.00; Servall Towel & Linen-\$403.55; Shaw Fire & Safety-\$115.00; Silverado-\$108.05; Spearfish Auto Supply-\$865.76; Spearfish Police Dept-\$10,592.36; Sturdevant's Auto Parts-\$1,112.07; Superior Printing-\$65.77; Swanson Law Office-\$2,000.00; Sysco Montana-\$2,185.92; Teen Court-\$15,000.00; Thomson Reuters-West-\$2,308.69; Triple K Tire & Repair-\$63.33; Turnkey Corrections-\$10.98; Twin City Hardware & Lumber-\$324.03; Vast Broadband-\$1,704.97; Verizon Wireless-\$105.31; Victims Of Violence-\$1,515.00; Waste Connections-\$335.89; Watertree-\$45.80; Wells Fargo Business Card-\$3,971.76; White Drug-\$2,004.66; Yankton Co Sheriff-\$50.00; Yankton County-\$209.30; Z&S Dust Control-\$153,904.90; Zakinski,Stanley-\$878.50; **Witness & Jurors:** Frerichs,R-\$105.04; Sleep,R-\$33.52; Stone,J-\$13.36; Homsey-Pray,T-\$14.20; Glenn,R-\$125.20; Eggleston,B-\$35.12; Kyte,M-\$33.44; Berman,A-\$22.60; Bulh,K-\$22.60; Carlstrom,J-\$20.92; Diede,K-\$10.84; Donnelly,S-\$62.60; Edwards,R-\$22.60; Goodman,S-\$11.68; Greenlee,K-\$25.12; Hansen,S-\$23.44; Harmon,J-\$25.12; Hoffman,T-\$14.28; Hourigan,D-\$21.76; Johnson,E-\$20.08; Johnson,E-\$62.60; King,B-\$58.40; King,B-\$62.60; Kleinheksel,T-\$26.80; Krugman,D-\$20.08; Larsen,N-\$26.80; Lasnetske,J-\$61.76; Manderfeld,E-\$12.52; Merchen,D-\$19.24; Miller,S-\$25.12; Moe,L-\$22.60; Owen,T-\$25.12; Powell,C-\$26.80; Press,A-\$14.20; Regan,S-\$58.40; Rich,J-\$50.84; Riedel,J-\$22.60; Royall-Mckeown,J-\$25.12; Shutter,S-\$10.00; Sowers,R-\$13.36; Symonds,E-\$22.60; Thompson,V-\$25.12; Thompson-Olson,T-\$40.24; Wagoner,R-\$65.96; Williams,J-\$22.60; Wolfe,J-\$62.60; Albright,P-\$24.28; Anfinson,B-\$12.52; Baker,S-\$25.96; Balding,D-\$26.80; Barnes,R-\$21.76; Bassett,G-\$26.80; Bentley,B-\$26.80; Berg,D-\$12.52; Berryhill,M-\$25.12; Brown,D-\$126.88; Bruner,D-\$20.92; Burns,J-\$26.80; Burrows,R-\$13.36; Carlson,B-\$19.32; Case,S-\$26.80; Cass,B-\$108.40; Cassels,W-\$12.52; Christopherson,E-\$22.60; Cook,L-\$22.60; Cordell,R-\$125.20; Crooks,C-\$10.00; Crotty,R-\$118.48; Dahl,J-\$12.52; Ehnes,T-\$29.32; Evans,L-\$24.28; Ewing,R-\$21.76; Fejfar,J-\$22.60; Finn,J-\$22.60; Fravel,K-\$21.76; Freng,S-\$24.28; Frenzel,A-\$143.68; Gerdes,J-\$22.60; Goings,L-\$16.72; Gross,L-\$10.84; Gutknecht,G-\$19.24; Hefner,R-\$125.20; Hess,D-\$13.36; Holben,D-\$142.00; Hunt,G-\$16.72; Hurst,S-\$133.60; Jackson,P-\$13.36; Jacobs,M-\$22.60; Jasper,K-\$22.60; Kaus,G-\$22.60; Kimbell,B-\$22.60; Kinghorn,W-\$20.08; Kirkegaard,L-\$16.72; Koepp,D-\$20.08; Lamphere,J-\$22.60; Lie,E-\$22.60; Maher,J-\$25.12; Malcolm,J-\$22.60; Marsing,K-\$15.04; Martin,G-\$23.44; Massey,K-\$25.12; Maynard,C-\$113.44; McGillvray,D-\$125.20; Mcgrath,W-\$26.80; Moench,M-\$20.08; Murray,D-\$13.36; Neuhofer,S-\$13.36; Newton,J-\$25.96; Niblack,D-\$26.80; Paulson,C-\$25.12; Pehrson,J-\$10.84; Perry,B-\$21.76; Rambo,T-\$29.32; Reeves,S-\$13.36; Scharf,K-\$22.60; Scherer,D-\$108.40; Sieveke,R-\$20.08; Sohm,B-\$13.36; Sukstorf,J-\$26.80; Tetreault,S-\$22.60; Tinnell,R-\$12.52; Tupper,J-\$26.80; Turner,T-\$24.28; Tyler,T-\$22.60; Underhill,R-\$10.84; Vosler,S-\$18.40; Widener,J-\$12.52; Wince,L-\$21.76; Young,G-\$26.80; Beasley,B-\$204.80; Lackey,S-\$22.52; Lammers,P-\$33.44; Carrier,L-\$65.20; Veveris-Carrier,M-\$65.20

**ADJOURN:** 4:00 p.m. There being no further business, it was Moved-Seconded (Deibert-Johnson) 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