

LAWRENCE COUNTY COMMISSIONERS MEETING – January 3, 2023 page-1

Vice-Chairman Robert Ewing 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 3, 2023 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Brandon Flanagan, Richard Sleep and Eric Jennings present.

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

CHAIRMAN OF COUNTY COMMISSIONERS: Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Ewing as the Chairman of the Lawrence County Commissioners for 2023. Motion Carried.

VICE-CHAIRMAN OF COUNTY COMMISSIONERS: Moved-Seconded (Deibert-Sleep) to appoint Commissioner Flanagan as the Vice-Chairman of the Lawrence County Commissioners for 2023. Motion Carried.

AGENDA: Moved-Seconded (Deibert-Flanagan) to approve the agenda as amended. Motion Carried.

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

SPECIAL RULE OF ORDER & ROBERTS RULES OF ORDER: Moved-Seconded (Flanagan-Sleep) to adopt the special rule of order requiring three members' approval to pass a motion for 2023, and the Newly Revised Roberts Rules of Order for the County Commissioners and all County boards and committees. Motion Carried.

MINUTES: Moved-Seconded (Flanagan-Deibert) to approve the minutes of December 27, 2022 County Commission meeting. Motion Carried.

PERSONNEL:

AUDITOR: Moved-Seconded (Deibert-Flanagan) to approve the cell phone per Diem of \$50.00 per month for Melody A. Nelson, effective January 1, 2023. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the cell phone per Diem of \$50.00 per month for Debbie Sargent, effective January 1, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the classification change for Debbie Sargent as a full-time permanent First Deputy G 1 at a base rate of \$27.86 an hour, effective January 1, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the classification change for Robin Lucero as a full-time permanent CE 4 G2 at a base rate of \$24.72 an hour, effective January 1, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the classification change for Krystal L. Stulken as a full-time permanent CE 2 G2 at a base rate of \$21.53 an hour, effective January 1, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the classification change for Kimberly R. Atkins as a full-time permanent CE 2 G2 at a base rate of \$21.53 an hour, effective January 1, 2023. Motion Carried.

TREASURER: Moved-Seconded (Deibert-Ewing) to approve the classification change for Megan Schmit as a full-time permanent CE 3 G1 at a base rate of \$22.61 an hour, effective January 1, 2023. Motion Carried.

EQAULIZATION: Moved-Seconded (Deibert-Ewing) to approve the classification change for Mike Meehan as a full-time permanent Appraiser III G 3 at a base rate of \$26.55 an hour, effective January 1, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the classification change for Carmen Symonds as a full-time permanent Appraiser III G 3 at a base rate of \$26.55 an hour, effective January 1, 2023. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the classification change for Louise Hohn as a full-time permanent Appraiser III G 2 at a base rate of \$26.03 an hour, effective January 1, 2023. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Deibert-Flanagan) to approve the step raise for Janette Sprenger as a full-time permanent Planning & Zoning Assistant Technician G2 at a base rate of \$23.61 an hour, effective January 1, 2023. Motion Carried.

SHERIFF: Moved-Seconded (Deibert-Flanagan) to approve the new hire for Kendale Shain as a full-time permanent Correctional Officer I G 1 at a base rate of \$20.22 an hour, effective December 27, 2022. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Deibert-Flanagan) to approve the step raise for Barbara R. Baker as a full-time permanent CE 3 G3 at a base rate of \$23.53 an hour, effective January 1, 2023. Motion Carried.

ASSIGNMENT OF WORK AT A HIGHER CLASSIFICATION: Moved-Seconded (Flanagan-Deibert) to accept the following 2023 assignment of work at a higher classification. Motion Carried. At department head discretion, an employee may be assigned the work of a higher classified employee, in the absence of the higher classified employee, and be entitled to the base pay of the higher classification. Each department head will make the notation of such increase on the employee's time card.

EOUALIZATION VEHICILE PURCHASE: Tim Hodson, Director of Equalization, reported that he had budgeted for a new vehicle in 2022 but the vehicle did not become available until the end of December. Hodson requested permission to purchase the 2022 Ford Explorer off of state bid with the funds budgeted in 2022.

Brenda McGruder, Auditor, reported that a supplemental budget could be set for the next meeting.

Moved-Seconded (Sleep-Ewing) to approve and authorize Tim Hodson to purchase a 2022 Ford Explorer off of state bid that was budgeted in 2022. Motion Carried.

RESOLUTION #2023-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Deibert-Flanagan) to approve the following Resolution #2023-01 Election Officials Compensation. Motion Carried. LAWRENCE COUNTY R E S O L U T I O N #2023-01 ELECTION OFFICIALS COMPENSATION WHEREAS, SDCL 12-15-11 requires the Lawrence County Commission at its first regular meeting each year set the compensation to be paid out of the County Treasury to election Superintendents and Judges of each Election Board. NOW, THEREFORE, the following election officials shall be compensated at the rate set below: Superintendents \$200.00 Judges \$175.00 IN ADDITION, each of the election officials and workers who participate in an election school prior to any election shall be compensated an additional \$20.00. All election officials and employees shall be paid mileage for all travel incurred in regard to said employment at the state rate. Extra help hired to work on election night in the Auditor's Office will be paid at the rate of \$15.00 per hour. DATED this 3rd day of January, 2023. For the Board: Robert Ewing, Chairperson ATTEST: BRENDA MCGRUDER, Auditor.

RESOLUTION #2023-02 POLLING PLACES & PRECINCTS: Moved-Seconded (Flanagan-Deibert) to approve the following resolution 2023-02 setting the polling places and precincts in 2023. Motion Carried. LAWRENCE COUNTY R E S O L U T I O N #2023-02 POLLING PLACES & PRECINCTS WHEREAS, SDCL 12-14-1 requires the Lawrence County Commission shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts, NOW, THEREFORE, for all county elections, except where elections by ward or a boundary other than a precinct is required, the following polling places shall be established for the precincts in Lawrence County: Spearfish 1st Ward Senior Citizen's Center Spearfish 2nd Ward Senior Citizen's Center Spearfish 3rd Ward Senior Citizen's Center Lead Ward Sanford Lab Homestake Visitor Center Deadwood Lawrence County Administrative Annex Nemo Nemo Church Rural #1 Lawrence County Administrative Annex St. Onge St. Onge Community Hall Whitewood Whitewood City Hall Rural #2 Spearfish Park Pavilion DATED this 3rd day of January, 2023. For the Board Robert Ewing Chairperson ATTEST: BRENDA MCGRUDER, Auditor.

RESOLUTION #2023-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Deb Tridle, Treasurer and approve the following Resolution #2023-03 to Establish Official Depositories in Lawrence County. Motion

Carried. LAWRENCE COUNTY RESOLUTION 2023-03 ESTABLISH OFFICIAL DEPOSITORIES Whereas, SDCL 7-20-13 requires the County Board of Commissioners to approve the designation of each depository for the deposit of County funds, and Whereas, several different financial institutions are doing business in Lawrence County and meet the requirements established under SDCL Chapter 7-20, and Whereas, the Lawrence County Treasurer has requested the following financial institutions be designated as official depositories for the fiscal year 2023: Wells Fargo-South Dakota 131 W Hudson St. Spearfish, SD; First Interstate Bank 152 Sherman St. Deadwood, SD; First National Bank 197 Glendale Dr. Lead, SD; Pioneer Bank 140 E Jackson Blvd Spearfish, SD; Black Hills Community Bank of Spearfish, P.O. Box 249 Spearfish; and Be It Therefore Resolved, that the Lawrence County Board of Commissioners designates the above named financial institutions as official depositories for Lawrence County for the fiscal year 2023. Dated this 3rd day of January, 2023. FOR THE BOARD LAWRENCE COUNTY COMMISSIONERS Robert Ewing Chairperson ATTEST: Brenda McGruder-Auditor.

RESOLUTION #2023-04 – LAWRENCE COUNTY PLANNING & ZONING FEE

SCHEDULE: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign Resolution #2023-04 to set the following fees charged by the Lawrence County Planning and Zoning Department. Motion Carried. Lawrence County Resolution # 2023-04 PLANNING & ZONING FEE SCHEDULE **WHEREAS**, pursuant to SDCL Ch. 11-2 and Lawrence County Zoning Ordinance Chapter 21. The Lawrence County Commission has authorized the Planning and Zoning Department to charge fees for services; **NOW THEREFORE**, be it resolved by the County Commissioners of Lawrence County, South Dakota, that the following fees shall be charged by the Lawrence County Planning and Zoning Department:

TYPE OF FEE	AMOUNT	FEE DESCRIPTION
Agricultural Tourism Permit	\$250.00	1 time fee if approved uses remain the same
Appeals/Variances Public Notice Signage Deposit	\$300.00 (non-refundable) \$100.00 (refundable upon return of sign)	Board of Adjustment
Change of Zoning (COZ) Public Notice Signage Deposit	\$ 400.00 (non-refundable) \$100.00 (refundable upon return of sign)	
Text Change Ordinance Amendments (ORD)	\$ 200.00	Non-Change of Zoning
Conditional Use Permit (CUP) Public Notice Signage Deposit	\$ 400.00 (non-refundable) \$100.00 (refundable upon return of sign)	Fee doubled if use is commenced prior to application
Major Amendment	\$ 400.00	For a PUD or CUP
Minor Amendment	\$ 200.00	For a PUD or CUP
Temporary Use Permits	\$250.00	
Development Permits	\$ 200.00 \$100.00 (refundable upon return of sign)	On Commercially Zoned Property
Sewer Permits	\$ 20.00	
Building Permit-Initial \$30 for the first \$1,000 of the structure’s value and \$3 for each additional \$1,000 The base valuation shall be determined by a dollar per square foot. (see fee schedule in next column) Structure’s value shall be	<ul style="list-style-type: none"> ● -\$142 \$160 finished residential space ● \$15 \$22 unfinished basements ● \$75 \$85 garages/pole buildings ● \$15 \$22 decks/gazebos/carports ● \$142 \$160 mobile homes (subtract 3% per year of age or \$30 whichever is 	

determined by the total valuation of each building permit.	<ul style="list-style-type: none"> greater) • \$180 \$200 commercial 	
Building Permit-Violation	Double the Original Fee	If concrete forms is commenced are started prior to issuance of building permit
Contractor Licensing-Initial	\$75	
Contractor Licensing-Violation	\$150	Double the original fee
Any outside consultants for plan checking, inspections, commercial plan reviews or both		Actual cost paid by the applicant
Off Premise Signs (Billboards)	\$250	
On Premise Signs; Home Occupation; or Community Signs	\$100	

Adopted this day of 3rd January, 2023 LAWRENCE COUNTY COMMISSIONERS Robert Ewing Chairman ATTEST: Brenda McGruder, Auditor.

RESOLUTION #2023-05 DAILY INMATE INCARCERATION FEE SCHEDULE: Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign Resolution #2023-05 and to set the following daily inmate incarceration fee schedule. Motion Carried. LAWRENCE COUNTY RESOLUTION 2023-05 A RESOLUTION ESTABLISHING A DAILY COST OF CONFINEMENT FEE SCHEDULE FOR INMATES SERVING A SENTENCE AND ESTABLISHING A FEE SCHEDULE FOR WORK RELEASE INMATES WHEREAS, pursuant to SDCL 24-11-45, a prisoner confined to any jail while serving a sentence is liable for the cost of the prisoner’s confinement including room and board charges; medical, dental, optometric, and psychiatric services charges; vocational education training; and chemical dependency treatment charges; and WHEREAS, pursuant to SDCL 24-11-32.1, the governing body or commission responsible for the operation of a jail shall adopt written policies and procedures for the regulation of the jail; and WHEREAS, pursuant to SDCL 24-11-32.1, the board of county commissioners may require by resolution that a sum not to exceed the average daily prisoner cost may be charged to work release inmates of county jails as restitution to be applied toward prisoner maintenance cost, including but not limited to, room and board; and WHEREAS, the Lawrence County Sheriff hereby requests that the Lawrence County Board of County Commissioners ratify an amended fee schedule pertaining to inmates in the Lawrence County Jail; now THEREFORE BE IT RESOLVED, Time Server Fee Schedule That a daily fee of \$10.00/day shall be charged to each inmate serving a sentence in the Lawrence County Jail, imposed as part of a criminal case venued in Lawrence County, to offset the cost of the prisoner’s confinement. That a daily fee of \$75.00/day shall be charged to each inmate serving a sentence in the Lawrence County Jail, imposed as part of a criminal case not venued in Lawrence County, to offset the cost of the prisoner’s confinement. Work Release Fee Schedule That a daily fee of \$20.00/day shall be charged to each inmate, serving a sentence imposed as part of a criminal case venued in Lawrence County and approved for participation in the work release program, as restitution to be applied toward prisoner maintenance costs. The daily fee shall be paid in advance as a condition of the prisoner’s eligibility to participate in the work release program. That a daily fee of \$75.00/day shall be charged to each inmate, serving a sentence imposed as part of a criminal case not venued in Lawrence County and approved for participation in the work release program, as restitution to be applied toward prisoner maintenance costs. The daily fee shall be paid in advance as a condition of the prisoner’s eligibility to participate in the work release program. WREM Work Release Fee Schedule That a daily fee of \$15.00/day shall be charged to each inmate, approved for work release, who is subject to electronic monitoring (WREM), except that a daily fee of \$6.00/day shall apply and be charged to approved inmates enrolled in a post-secondary education program. Duly passed and adopted at a regular meeting of the Lawrence County Commission on the 3rd day of January, 2023. Lawrence County Commission: Robert Ewing, Chairman BRIAN DEAN, Sheriff ATTEST: BRENDA MCGRUDER, Auditor.

RESOLUTION #2023-06 INDIGENT BURIAL EXPENSES: Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign Resolution #2023-06 and to set the following fees for indigent burial expenses as stated in the Lawrence County Welfare Program Rule. Motion Carried. Resolution #2023-06 A RESOLUTION ESTABLISHING FEES FOR

INDIGENT BURIAL EXPENSES WHEREAS, pursuant to SDCL 28-17-1, if any person dies within any county, who does not have money or means necessary to defray the funeral expenses, and whose relatives or friends are unable or unwilling to defray the expenses, the county commissioners shall employ a funeral director to provide for and superintend the burial or cremation of the deceased person; WHEREAS, pursuant to SDCL 28-17-2, if any person who is destitute and has no estate dies within the state, and who has no one legally bound for funeral expenses, and where there is no other source to pay the cost of burial or cremation expense, the funeral expenses shall be borne by the county in which the deceased was a resident at time of death. If no residence can be determined for the deceased person, the funeral expenses shall be borne by the county in which death occurred; WHEREAS, pursuant to SDCL 28-17-3, the selection of a funeral director may be made by the tribe or next of kin, if any, otherwise by the board of county commissioners. The determination whether the decedent is buried or cremated may be made by the tribe or next of kin, if any, otherwise by the board of county commissioners. In no case may the county commissioners advertise for bids on burial or cremation of indigent poor; WHEREAS, pursuant to SDCL 28-17-4, on county burials, the funeral director in charge shall furnish a casket and outside container and conduct the funeral services. On county cremations, the funeral director in charge shall furnish an urn or container and conduct the funeral services. The county shall allow the funeral director for merchandise and services rendered, a sum to be established by resolution of the board of county commissioners at the annual organizational meeting; and WHEREAS, pursuant to SDCL 28-17-6, the necessary and reasonable expenses of burial or cremation under this chapter shall be paid by the county treasurer, upon the order of the commissioners. If the decedent had an established residency according to SDCL 28-13-3 in a county in this state different from that in which the decedent died, the county paying the funeral expenses shall be reimbursed by the county in which the decedent had an established residency. If the decedent was an honorably discharged United States soldier, sailor, marine, or aviator, the funeral shall be conducted and expenses paid as provided in chapter 33A-5; now THEREFORE, BE IT RESOLVED, that the allowable fees and expenses for indigent burials shall be as set forth below: APPENDIX D. (Revised 01/05/2016) BURIAL AND FUNERAL ASSISTANCE For those county residents who die in a state of indigency or who are otherwise qualified under SDCL Ch. 28-17, the county shall allow burial and funeral expenses as follows: 1. Standard funeral, casket and burial \$2,210.00 (Including vault) This price includes removal from place of death, embalming, dressing, casketing, funeral, one-hour visitation before service, minimum casket and transportation and burial at a local Lawrence County cemetery. County will be billed separately from the vendor for the cost of the vault.* County will also be billed separately for the cost of opening and closing the grave.** Family is responsible for any cost associated with printed goods, cash advance items: flowers, death certificates, gratuity to minister, musicians, newspaper notice, etc. 2. Standard funeral, casket and burial \$1,760.00 (No vault required) This price includes removal from place of death, embalming, dressing, casketing, funeral, one-hour visitation before service, minimum casket and transportation and burial at a local Lawrence County cemetery. Family is responsible for any cost associated with printed goods, cash advance items: flowers, death certificates, gratuity to minister, musicians, newspaper notice, etc. County will also be billed separately for the cost of opening and closing the grave.** 3. Funeral followed by cremation \$1,985.00 This price includes removal from place of death, embalming, dressing, casketing, funeral, one-hour visitation before service, rental casket and cremation fee. Family is responsible for any cost associated with printed goods, cash advance items: flowers, death certificates, gratuity to minister, musicians, newspaper notice, etc. County will also be billed separately for the cost of opening and closing the grave.** 4. Direct cremation - no services or services held by family \$1,170.00 This price includes removal from place of death, transportation to crematory and cremation fee. Family is responsible for any cost associated with printed goods, cash advance items: flowers, death certificates, gratuity to minister, musicians, newspaper notice, etc. County will also be billed separately for the cost of opening and closing the grave, if burial of cremains occurs in Lawrence County.** 5. Cremation with memorial service \$1,450.00 Removal from place of death, transportation to crematory and cremation fee and memorial service conducted by funeral home staff. Family is responsible for any cost associated with printed goods, cash advance items: flowers, death certificates, gratuity to minister, musicians, newspaper notice, etc. County will also be billed separately for the cost of opening and closing the grave, if burial of cremains occurs in Lawrence County.** * Black Hills Wilbert Vault will bill Lawrence County at a rate of \$450.00 for the concrete grave liner required by most cemeteries in Lawrence County - the amount of \$450.00 will be deducted from the \$2,210.00 allowed for Standard Funeral with outer burial container requirement. **Opening and closing of grave space: Traditional casket burial: Spearfish \$400.00 Lead/Deadwood/St. Onge \$450.00 Cremains burial \$150.00 NOTE: Opening and Closing Winter differential - add \$50.00 B. The funeral director shall explain the above options to the nearest relative or representative. C. Before any reimbursement is made, the following criteria

and guidelines must be met: 1. The county must receive notification of the death as soon as possible. The funeral director may do this by telephone to the Commission Assistant or the Chairperson of the Lawrence County Commission. 2. All paperwork, including the application for assistance, must be completed by the nearest relative/representative or the funeral director. The county will then make a final determination of the indigency and eligibility. D. The county shall not supplement any of the costs of the funeral service or be obligated for any more than set out above. When the decedent has a death benefit paid to a survivor, the charges to the county shall be adjusted by that amount. It is the survivor's responsibility to reimburse the funeral home for that amount. E. In determining eligibility for assistance, the ability of the surviving family members to pay the burial costs may be the determinant for county assistance rather than the indigency of the deceased. F. Each year a letter will be sent by the Commission Assistant notifying each funeral home in Lawrence County that such rates will be up for review. Duly passed and adopted at a regular meeting of the Lawrence County Commission on the 3rd day of January, 2023. Lawrence County Commission: Robert Ewing Chairman ATTEST: Brenda McGruder, Auditor.

LEGAL NEWSPAPERS: Moved-Seconded (Sleep-Deibert) to designate the Black Hills Pioneer as the legal newspaper for 2023. Motion Carried.

BOARD OF ADJUSTMENTS: Moved-Seconded (Flanagan-Deibert) to appoint Robert Ewing, Randy Deibert, Brandon Flanagan, Richard Sleep, and Eric Jennings as the Board of Adjustment for 2023. Motion Carried.

BUILDING CODE: Moved-Seconded (Flanagan-Sleep) to appoint Robert Ewing, Randy Deibert, Brandon Flanagan, Richard Sleep, and Eric Jennings as the Building Code Board of Resolution for 2023. Motion Carried.

VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS/EMERGENCY MANAGEMENT: Moved-Seconded (Deibert-Sleep) to approve the following list of 2023 Volunteer Fire Fighters and Search & Rescue Members for insurance purposes and thank members for their service. Motion Carried **Brownsville:** Chad Anderson, Dennis Anderson, Mike Anderson, Doug Becht, Robert Mattox, Bryce Quaschnick, Jared Quaschnick, Lynette Quaschnick, Scott Reif, Mike Talbert, Steve Thomas, Paul Thomson, Loren Vrem and Jason Wichterman. **Nemo:** Jeremy Azevedo, Janna Bechard, Jeff Bechard, Virginia Clark, Melissa Eggers, Justin Henrichsen, Jaden Hoeye, Jerry Hood, Patrica Hood, Casey Keough, Heidi Keough, Shelly Lawrence, Stacy Lawrence, Jody McKee, Richard McKee, Greg Nepstad, Mica Nepstad, Gary Phillips, Adam Rice, Cindy Solaas, Elizabeth Sve, Leif Sve, Mike Talbert, Lisa Vanderlinde, Mark Vanderlinde, and Joshua Welke. **Search & Rescue:** Adam Altergott, Richard Carlson, Michael Delahoyde, Kyle Doerges, Ron Everett, Terry Frederick, Chris Huhnerkoch, Gary Lillehaug, Joe Lillo, Rob Mattox, Frederick Pearson, Jared Quaschnick, Lynette Quaschnick, Fred Raubach, Kay Rear, Daniel Regan, Jeff Schroeder, Kelly Singer, Mike Stahl, Jamey Tollefson, Angi Kaye-Varland, Jay Vogt, Ryan Wages, Bill Weber, Rick Wisser. **Emergency Management:** Ken Hawki, J.D. Geigle and Rene` Larson.

2023 WAGES & SCALES: Moved-Seconded (Flanagan-Jennings) to accept the following 2023 longevity pay policy, wage scales, and wages for the salaried personnel, per pay period (biweekly) for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective January 1, 2023. Motion Carried. **LONGEVITY PAY:** Longevity pay will be awarded to permanent employees who have been employed for a minimum of five (5) years. Eligibility takes place on anniversary date of 5th year of employment, with increases on the 10th year of employment, 15th year of employment, and 20th year of employment. Longevity pay schedule is as follows: 5 Years -2 cent per hour for each year of employment; 10 Years- 4 cents per hour for each year of employment; 15 Years-6 cents per hour for each year of employment; 20 Years-8 cents per hour for each year of employment. Elected Officials are eligible for longevity pay. Elected County Commissioners are not eligible for longevity pay. Seasonal employees working consecutive years are eligible for longevity pay. **2023 WAGES** (per SDCL 6-1-10): 2023 WAGES (per SDCL 6-1-10 Commissioners: Deibert, Randy-618.77; Ewing, Robert-618.77; Flanagan, Brandon-618.77; Rosenau, Randall- 618.77; Sleep, Richard-618.77; Outka, Bruce-4,714.04. Auditor: McGruder, Brenda-3,491.71; Atkins, Kimberly- \$21.63; Lucero, Robin-25.28; Nelson, Melody-31.14; Sargent, Debbie-29.62; Stulken, Krystal-21.65. Treasurer: Tridle, Debora-3,281.82; Adams, Julia-24.09; Atkinson, Sally-29.33; Bailey, Sarah-21.53; Bong, Kaylena- 20.09; Brownlow, Carleen-24.43; Marshall, Laurie-24.09; Schmit, Mgan-22.61; Haupt, Janice-21.96. States Attorney: Fitzgerald, John-4,360.30; Adams, Thomas-1,366.87; Baumann, Michelle-31.74; Erlandson, Jeffry-2,841.73; Harvey, Brenda-3,391.12; Madsen, Janelle-23.07; McCroden,

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Brianna-23.53; Silvernail, Janice-28.69. Public Defender: Lopez, Amber-4,044.78; Bryson, Leslie-2,841.73; Caserio, Beverly-27.15; Smith, Molly-30.62. Maintenance: Agena, Timothy-36.67; Cortez, Frank-27.55; Mattson, Robert-21.29; Mertesdorf, Sherry- 18.53; Phinney, Desiree-20.49; Thompson, James-19.36. Director of Equalization: Hodson, Timothy-4,000.00; Baenen, Chancie-22.61; Geuke, Nicolle-25.45; Hohn, Louise-26.19; Maki, Christina- 22.26; Meehan, Michael-26.95 Runge, Brett-33.62; Symonds, Carmen-27.51. Register of Deeds: Hansen, Davida-3055.60; Carr, Marie-24.71; Kitzmiller, Lisa-22.61; Podoll, Keri-28.45; Williams, Sheri-22.61. Veterans Service Officer: Ketzner, Jesse- 25.06. Information System & Technology: Dias, Gregory-4,011.19; Bitting, Jeffrey-29.53; Kline, Steven-35.98; Leatherman, Debra-24.52. Sheriff: Dean, Brian-3,902.42; Buettner, Ian -29.98; Capp, Jacob- 30.10; Cleveland, Marina – 29.39; Cynkar, Elizabeth-29.98; Derby, Tommie II-34.87; Dragoo, Shelley-28.73; Greeley, Laurie-21.96; Hamann, Alex-23.08; Hamilton, Marian-21.96; Hardin, Matt-32.29; Johnson, Patrick-3,226.80; Kellogg, Susan-25.44; Little, Tavis-3,351.60; Lux, Alexandra-23.08; Merwin, Megan-32.57; Meyer, Gregory-29.98; Moser, Douglas-23.08; Nelson, Kesha-25.33; Palmer, Lance-30.14; Palmer, Laurel-21.96; Rakow, Julie-24.79; Schumacher, Dustin-32.29; Sonner, Tyler-29.39; Symonds, Matthew-23.08; Wainman, John J Jr-23.08, Walk Ritchey \$32.25; Walker, John-23.08. Jail: Adrain, Vanessa-23.46; Brennan, Seth –31.74; Cardona, Leonardo-21.23; Chaffins, Crystal -21.23; Cissa, Sindous –21.23; Corean, Debora-23.46; Eagle Horse, Blaze -22.53; Erickson, Faith-21.66; Eriksen, Nathaniel-24.65; Frey, Laura-23.00; Gloris Gonzalez, Angel -21.23; Goode, Robert -23.00; Kerutis, Krista -21.23; Lucio, Monica-23.46; Lux, Alexandra-23.00; McCroden, Matthew-34.83; Panza, Anthony -21.23; Rakow, Julie -24.79; Rosenau, Brandon -28.25; Shain, Kendale-21.23; Smith, Lisa-23.00; Spencer, Anthony-23.46. Coroner: Fahey, Patrick- 349.36 ppd & 200.00 call; Goetsch, Martin -200.00 call; Isburg, Damon-200.00 call; Muckle, Thomas-200.00 call. 24/7: Kellogg, Susan-25.44. Emergency Management: Thomson, Paul-3,109.66; Baker, Barbara-23.53. Dispatch: Benson, Caylor-23.00; Bestgen, Jessica-23.00; DeGooyer, Sarah-23.00; Lux, Alexandra-23.00; Mattson, Raygan – 22.09; Palmer, Laurel-23.00; Pesicka Olson, Jamie-27.34; Rommen, Brianna-24.77; Sanders, Lacey-23.46; Smith, Lisa-21.23; Steffen, Peggy-24.42; Tieszen, Megan-23.46; Wetz, Jolene – 22.69. Highway: Bonnema, Allan-3,619.49; Bey, John-3,634.26; Bracha, Maria-27.61; Brooks, Travis-27.32; Burnitt, James-28.87; Cooper, John-30.57; Hagerty, Richard-25.99; Harley, Toby-28.85; Harper, Jeffrey-29.77; Heying, Bradley-27.32; Hoken, Gerald-30.83; Kimer, Chet -27.32; Larimore, Mark-28.28; Magnusson, Michal-30.51; Maynard, Brady-30.39; Meiners, Matthew-27.32; Nelson, Paul-27.48; Patino, Mark-29.16; Percy, Jason-27.32; Rear, Krista-23.69; Ryan, Josh -27.32; Sheeler, Daniel-34.71; Skavang, Robert-27.88; Stanger, Richard- \$27.42. Mental Health Board: Barnaud, Timothy-107.00; Callahan, Chad -107.00; Foral, Franci-107.00; Johns, Timothy-107.00; Nies, Eric -107.00. Invasive Species Management: Heck, David-2,698.74; Palmer, Ryan- 23.63; Bennett, Gerry-40.00 meeting; Ewing, Robert-40.00 meeting; Hauge, John-40.00 meeting; Ridley, Clint-40.00 meeting; Sleep, Richard-40.00 meeting (Alternate); Kapsa, Marlo -40.00 meeting; Vavruska, Kyle-40.00 meeting; Whalen, Michael-40.00 meeting. Seasonal Invasive Species Employees: Blair, Ryder-15.75; Davis, Dalton-15.75; Eben, Chancel-15.75; McKribbin, Mitchell -15.75; Tyson, Chase-21.23. Planning & Zoning: Vogt, Amber- 2,902.45; Lord, Jessica-22.61; Schroeder, Jeffery- 28.51; Sprenger, Janette-23.73; Comer, Timm- 40.00 meeting; Ewing, Terrence- 40.00 meeting; Fuller, Kelly- 40.00 meeting; Ewing, Robert-40.00 meeting; Schenk, Travis-40.00 meeting; Sleep, Richard-40.00 meeting (Alternate); Tysdal, Richard- 40.00 meeting; Whalen, Mike-40.00 meeting.

NEWLY ELECTED BASE	2023 BASE	SDCL #
AUDITOR	\$ 39,479.00	SDCL 7-7-9.1
TREASURER	\$ 39,479.00	SDCL 7-7-9.1
REGISTER DEEDS	\$ 39,479.00	SDCL 7-7-9.1
STATES ATTORNEY	\$ 71,534.00	SDCL 7-7-12
SHERIFF	\$ 51,657.00	SDCL 7-12-15

2023 CELL PHONE ALLOWANCE: Moved-Seconded (Sleep-Ewing) to approve the following 2023 cell phone allowance effective January 1, 2023. Outka, Bruce-75.00; McGruder, Brenda-50.00; Nelson, Melody-50.00; Sargent, Debbie-50.00; Tridle, Deb-75.00; Adams, Tom-45.00; Baumann, Michelle-45.00; Erlandson, Jeffry- 45.00; Harvey, Brenda-45.00; Madsen, Janelle-45.00; McCroden, Brianna-45.00; Silvernail, Janice-45.00; Lopez, Amber-75.00; Bryson, Leslie -50.00; Agena, Tim-50.00; Cortez, Frank-50.00; Geuke, Nicolle -45.00; Hohn Louise-50.00; Meehan, Mike-50.00; Runge, Brett -50.00; Symonds, Carmen-50.00; Hansen, Davida-75.00; Ketzner, Jesse -10.83; Dias, Greg-75.00; Bitting, Jeff-75.00; Kline, Steve-75.00; Pesicka Olson, Jamie-50.00; Brennan Seth-104.00; Buettner, Ian -104.00; Capp, Jacob-104.00; Cleveland, Marina-104.00; Cynkar, Elizabeth -104.00; Dean, Brian-104.00; Derby, Tommie II -104.00; Dragoo, Shelley– 50.00; Hardin, Matt-104.00; Johnson, Patrick-104.00; Little, Tavis-104.00;

McCroden, Matthew-104.00; Merwin, Megan-104.00; Meyer, Gregory-104.00; Palmer, Lance-\$104.00; Rakow, Julie- \$50.00; Schumacher, Dustin-104.00; Sonne, Tyler-104.00; Walk, Ritchey-104.00; Fahey, Patrick-50.00; Baker, Barbara -60.00; Thomson, Paul-136.00; Bey, John-75.00; Bonnema, Allan-75.00; Magnusson, Michal-50.00; Maynard, Brady-50.00; Sheeler, Daniel-50.00; Heck, Dave-50.00; Palmer, Ryan-50.00; Schroeder, Jeff-50.00; Vogt, Amber-60.00

2023 SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Sleep-Flanagan) to restate the full time positions in the Lawrence County Sheriff's office for 2023 as follows: (2) Chief Deputy (0) Captain, (2) Lieutenant (4) Sergeants, (11) Deputies, (4) Office Personnel (14) Jailers, (2) Cooks, (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

2023 SHERIFF DEPUTIES/CORRECTIONAL OFFICERS PER DIEM: Moved-Seconded (Deibert-Jennings) to approve the following 2023 Sheriff Deputies and Correctional Officers per diem, effective January 1, 2023. Sheriff Deputies-\$6.00 per day, for a maximum of 5 days a week. Correctional Officers-\$1.00 per each day physically worked. Motion Carried.

MENTAL ILLNESS BOARD: Moved-Seconded (Flanagan-Deibert) to approve the Mental Illness Board fee at \$107.00/per case effective January 1, 2023 for Hon. Francy E. Foral, Hon. Chad R. Callahan, Timothy R. Johns, Eric John Nies and Timothy J. Barnaud. Motion Carried.

OBSERVED HOLIDAYS: Moved-Seconded (Flanagan-Deibert) to follow the listed Holidays in Article VII of the Personnel Policies Resolution #2020-08 Handbook Manual and to give the Chairman authority to act on any additional holidays appointed by the President of the United States, the Governor of South Dakota for State employees, or the County Commissioners of Lawrence County, for a public fast, administrative leave, thanksgiving or holiday may be observed as a legal holiday. Motion Carried.

COUNTY BOARDS AND COMMITTEES:

NATURAL RESOURCES COMMITTEE: Moved-Seconded (Deibert-Flanagan) to appoint Bill Coburn, John Frederickson, Mike Whalen, Paul Pierson, Don Hausle, Mitch Iverson, Sherry Bea Smith, Ron Moeller, Commissioner Randy Deibert and Commissioner Richard Sleep to the Natural Resources Committee for 2023. Aye-Flanagan, Deibert, Jennings and Ewing. Nay-Sleep. Motion Carried.

FAIR BOARD: Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Sleep to the Fair Board for 2023 and to appoint Commissioner Ewing as the alternate for 2023. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to appoint Sherryl Pittman to the Fair Board for a 3-year term to expire 12-31-2025. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Sleep-Deibert) to appoint Commissioner Deibert to the Housing and Redevelopment Commission for 2023. Motion Carried.

Moved-Seconded (Sleep-Deibert) to appoint Jaci Pearson to the Housing and Redevelopment Commission for 12-31-2027. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Jennings to the Insurance Committee for 2023. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Ewing to the Invasive Species Management Board for 2023 and to appoint Commissioner Sleep as the alternate for 2023. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to appoint Clint Ridley to the Invasive Species Management Board District #2 for a 3-year term to expire 12-31-2025. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to appoint Marlo Kapsa to the Invasive Species Management Board Spearfish District for a 3-year term to expire 12-31-2025. Motion Carried.

MENTAL ILLNESS BOARD: Moved-Seconded (Flanagan-Deibert) to appoint Jaci Pearson and Robert Ewing to the Mental Illness Board for a 3-year term to expire 12-31-2025. Motion Carried.

PLANNING & ZONING BOARD: Moved by Flanagan to appoint Commissioner Ewing to the Planning and Zoning Board for 2023, to appoint Commissioner Sleep as the alternate for 2023 and to appoint Meghan Byrum and Travis Schenk to the Planning & Zoning Board for a 5-year term to expire 12-31-2027. Motion Died due to lack of second.

Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Ewing to the Planning and Zoning Board for 2023 and to appoint Commissioner Sleep as the alternate for 2023. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to appoint Meghan Byrum and Travis Schenk to the Planning & Zoning Board for a 5-year term to expire 12-31-2027. Aye-Flanagan. Nay-Deibert, Sleep, Jennings and Ewing. Motion Failed.

Moved-Seconded (Deibert-Flanagan) to appoint Meghan Byrum and Timm Comer to the Planning & Zoning Board for a 5-year term to expire 12-31-2027. Aye-Flanagan and Deibert. Nay-Sleep, Jennings and Ewing. Motion Failed.

Moved-Seconded (Jennings-Sleep) to appoint Travis Schenk and Timm Comer to the Planning & Zoning Board for a 5-year term to expire 12-31-2027. Aye-Flanagan, Sleep, Jennings and Ewing. Nay-Deibert. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Flanagan-Sleep) to appoint Commissioner Jennings and Commissioner Flanagan to the Public Defender Board for 2023 and to appoint Jaci Pearson to the Public Defender Board for 2023. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Flanagan, Commissioner Deibert, Ron Rosenbloom, Kevin Whitlock, and Jeremy Hoven to the Lawrence County Revolving Loan Fund Board for 2023. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Sleep as Representative and Commissioner Flanagan as alternate to the Black Hills Council of Local Governments for 2023. Motion Carried.

LAWRENCE EMERGENCY PLANNING COMMISSION: Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Ewing to the LEPC for 2023. Motion Carried.

WESTERN SD JUVENILE SERVICES CENTER COMPACT: Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Ewing and Brian Dean, Sheriff to the Western SD Juvenile Services Center Compact for 2023. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Jennings as representative to the Library Board for 2023 and Spearfish Library Board for 2023 and with authority to designate an alternate as needed. Aye-Flanagan, Deibert, Sleep and Ewing. Nay-Jennings. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Flanagan to the Spearfish Economic Development Board for 2023 and Commissioner Jennings as the alternate for 2023 and Commissioner Sleep as the second alternate for 2023. Motion Carried.

DEADWOOD-LEAD ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Deibert-Flanagan) to appoint Commissioner Jennings to the Deadwood-Lead Economic Development Board for 2023 with authority to designate an alternate as needed. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Flanagan-Deibert) to appoint Commissioner Ewing to the Multiple Use Committee for 2023 and Commissioner Deibert as the alternate for 2023. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES: Moved-Seconded (Flanagan-Deibert) to appoint Chairman Ewing as the State Division of Forestry / Range Land Fires contact person for 2023. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to appoint Paul Thomson, Emergency Management Director as the additional State Division of Forestry / Range Land Fires contact person for 2023. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Flanagan-Deibert) to appoint Ida Marie Snorteland to Western SD Community Action for 2023. Motion Carried.

HAZARDOUS MATERIALS COORDINATOR: Moved-Seconded (Flanagan-Deibert) to appoint Paul Thomson, Emergency Management Director as the Hazardous Materials Coordinator for 2023. Motion Carried.

SHERIFF'S REPORT: None.

HIGHWAY: The board recognized Allan Bonnema, Highway Superintendent, for 10-years of service to the citizens of Lawrence County.

DRAFT SPEARFISH ROAD JURISDICTION RESOLUTION: Bruce Outka, Deputy State’s Attorney, reported that the City of Spearfish is not interested in any maintenance agreements and would like to proceed with the resolution as presented.

Allan Bonnema, Highway Superintendent, recommended that the County not take on any roads that are with-in the City limits.

Moved-Seconded (Sleep-Jennings) to follow Highway Superintendent Allan Bonnema’s recommendation and not take on any roads that are with-in the City limits. Motion Withdrawn.

Commissioner Flanagan commented that this resolution addresses paved roads that need to be taken over by the City of Spearfish and other issues can be rectified later.

Commissioner Deibert commented that continued discussions with the City should be pursued.

Moved-Seconded (Deibert-Flanagan) to continue discussion on the draft resolution to accept or transfer dedication and responsibility for maintenance of certain roads to the next meeting. Motion Carried.

TINTON ROAD UPDATE: Allan Bonnema, Highway Superintendent, shared a cost estimate with the board for graveling and magging of the Tinton Road. Bonnema reported he met with the Forest Service and gave them a list of stipulations and highly recommended the Board to consider them before taking over the Tinton road. Bonnema listed the stipulations as follows: 1. 50’ dedicated right-of-way to the county from each side of the centerline 2. Remove all trees 6” in diameter with-in that dedicated right-of-way.

Thomas Fitch, 1939 Aster Road, Spearfish stated that a working group has been formed with the County and Forest Service to discuss how to improve safety on Tinton Road. Fitch stated that safety is the main concern.

Jeff Jones, 1920 Aster Road, Spearfish echoed Thomas Fitch’s comments.

Commissioner Deibert stated he likes the 100’ corridor and would like to see language that states the county can maintenance and repair the drainage, culverts and slopes.

Commissioner Sleep stated that the county needs to talk to the Forest Service, as safety and speed are a big concern.

Commissioner Ewing stated he is not ready to move forward with this project at this time.

Commissioner Jennings stated the county is early on in the process and it is important to have a corridor and an easement so NEPA process can be avoided.

Commissioner Deibert commented on the utilities within corridor and would like to see the agreement for the utilities and see if they would be moved at the utilities companies’ expense if road construction requires it.

John Bey, Highway Superintendent, stated the Forest Service would like to keep ownership of this property.

Bonnema stated that there is no Schedule A or B agreement with the Forest Service for Tinton Road.

SECTION LINE FENCE DISPUTE/123RD AVENUE AND 195TH STREET: Roger Tellinghuisen, representing Michael Anderson and Bruce Kesteloot, was present to discuss the April 19, 2021 agreement between his clients and Lawrence County. Tellinghuisen stated he was present today to ask the county’s assistance in remedying the problem of a fence being placed across the improved section-line highway, which is contrary to South Dakota statute, i.e. SDCL 31-25-1.1. Tellinghuisen stated his clients do not object to a cattle guard but don’t feel that it should be at his clients expense.

Bruce Outka, Deputy State's Attorney, stated that according to SDCL 31-25-1.1 this is a class 2 misdemeanor and this is a criminal statute and should be referred to the Sheriff's Office for investigation. Outka also added that 31-25-1 talks about a petition, notice and hearing for fences across highways.

Tellinghuisen stated that the county has jurisdiction over highways, including section lines and that is why his clients came to the county to improve the section line.

Eric Neis, representing Mona and Guy Balo, stated that it is the intent of his clients to petition for permission under SDCL 31-25-1 to put up a fence. Neis stated that there was a fence there prior to the improvement of the section line and was taken down during the improvements made by Michael Anderson and Bruce Kesteloot.

Tellinghuisen commented that he does not dispute that the Balos could file a petition seeking permission to put a fence across the section line, but the circumstances have changed and his clients have spent a bunch of money to improve the road and would strongly request that a cattle guard be used.

EXECUTIVE SESSION: 9:24 a.m. Moved-Seconded (Deibert-Flanagan) to go into executive session pursuant to SDCL 1-25-2(3) consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Motion Carried. 9:35 a.m. The Board opened for regular business with no action taken.

Tellinghuisen asked that this issue be put on hold for a couple of months to allow the two parties to come up with a solution that they could both agree upon.

ITEMS FROM THE PUBLIC: None.

ITEMS FROM THE COMMISSIONERS: Commissioner Jennings reported on the recent Biden administration rule on water to the United States and its effects on the counties because of drainage across roads.

Commissioner Deibert reported on the recent meeting held by the State Forester. Discussion was held on the current bill that will be presented to the legislature for moral and financial support.

BILLS: Moved-Seconded (Deibert-Flanagan) 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.

Bills: Sprenger, Janette-\$16.32; A&B Business, Inc Solutions-\$121.00; At&T Mobility-\$931.45; BH Pioneer-\$354.14; Barnaud Law Firm-\$614.20; Black Hills Chemical-\$545.70; Black Hills Energy-\$407.56; Bluepeak-\$59.99; Bruemmer, Lynnel-\$148.20; Central Distribution-\$224.50; Century Business Products-\$132.19; Convergint Technologies-\$480.00; Cornelius, Kaylee-\$100.00; Deadwood, City Of-\$1,402.37; Fidler-Isburg Funeral Chapel-\$1,370.00; Fmg Engineering-\$2,125.16; Janke, Wendy-\$60.00; Jeffery J Fransen-\$2,657.00; Kennedy Pier Loftus & Reynolds-\$111.10; Kiesler's Police Supply-\$432.79; Kosel, Joseph-\$1,459.10; Kruse Law Office-\$308.10; LC Treasurer-\$17.00; Lincoln County-\$141.40; Mabey, Brooke-\$60.00; Marshall & Swift/Boeckh-\$385.95; Midcontinent Communications-\$154.13; Montana Dakota Utilities-\$9,252.12; Monument Health Network-\$3,095.01; Murphy Law Office-\$39.11; Pennington County Sts Attny-\$215.00; Professional Development-\$1,645.00; Radiology Associates-\$84.92; Rcs Construction-\$512,974.91; Ryan, Suzanne-\$60.00; Sd Assn Of Co Comm-\$4,847.00; Sdaco-\$2,351.00; Spearfish Economic Development-\$1,000.00; Staples-\$106.46; Sterna, Laura-\$60.00; Sturdevant's Auto Parts-\$33.27; Sturgis Responder Supply-\$84.99; Sysco Montana-\$3,224.07; Top Quality-\$825.60; Twin City Hardware & Lumber-\$66.96; Virtru-\$10,199.00; Williams & Associates-\$2,475.17.

ADJOURN: 9:42 a.m. There being no further business, Chairman Ewing adjourned the meeting.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Brenda McGruder, Auditor