

**LAWRENCE COUNTY COMMISSIONERS MEETING – March 8, 2022 page-1**

Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on March 8, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Randy Deibert and Richard Sleep present. Commissioner Brandon Flanagan was available by video conferencing (GoToMeeting).

All motions were passed by unanimous vote, by all members present, unless stated otherwise. Roll call voting was used if any member voted in the negative pursuant to SDCL 1-25-1.5.

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

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

**DECLARE CONFLICTS:** Chairman Rosenau declared a conflict with the 8:15 a.m. Personnel-executive session pursuant to SDCL 1-25-2(1).

**MINUTES:** Moved-Seconded (Deibert-Ewing) to approve the minutes of February 8, 2022 County Commission meeting. Motion Carried.

**PERSONNEL:**

**SHERIFF:** Moved-Seconded (Deibert-Rosenau) to approve the classification change for Marina Cleveland as a full-time permanent Deputy I G1 at a base rate of \$25.84 an hour, effective February 28, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the cell phone per diem of \$104.00 per month for Marina Cleveland, effective February 28, 2022. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Tyler Sonne as a full-time permanent Deputy II G1 at a base rate of \$27.44 an hour, effective March 13, 2022. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Caylor Benson as a full-time permanent Dispatcher II G1 at a base rate of \$21.46 an hour, effective March 13, 2022. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Sarah DeGooyer as a full-time permanent Dispatcher II G1 at a base rate of \$21.46 an hour, effective March 13, 2022. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the step raise for Monica Lucio as a full-time permanent Correctional Officer II G3 at a base rate of \$22.34 an hour, effective March 13, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the new hire Masin Green as a full-time temporary Correctional Officer II G1 at a base rate of \$21.46 an hour, effective March 6, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the new hire Blaze Eagle Horse as a full-time permanent Correctional Officer II G1 at a base rate of \$21.46 an hour, effective February 28, 2022. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the new hire Lauralee Frey as a full-time permanent Correctional Officer I G1 at a base rate of \$20.22 an hour, effective March 5, 2022. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the Family Medical Leave Act extension for Anthony Spencer for an additional 12 weeks. Motion Carried.

Moved-Seconded (Ewing-Deibert) to approve the Family Medical Leave Act extension for Brandon Rosenau for an additional 12 weeks. Abstain-Rosenau. Motion Carried.

**AUDITOR’S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Ewing) to accept the Auditor’s Account with the County Treasurer. Motion Carried. As of February 28, 2022, 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)-\$177,353.36; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,898.71; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$17,682,962.91; US Bank balance \$41,982,019,75; money market \$11,982,750.47. Total \$71,834,195.20. Motion Carried.

**ABATEMENT:** Moved-Seconded (Ewing-Sleep) to approve the abatement for Curtis W. & Kathleen R. Eide on parcel #18180-00504-192-08 for 2021 taxes payable in 2022 to fix error on assessed value. Motion Carried.

**REEBE RANCH ESTATES ROAD DISTRICT:** The Board acknowledged receipt of the proposed Reebe Ranch Road District petitions. Public examination of survey, map and petition will be posted according to SDCL 31-12A-4.

**RAFFLE REQUEST/EXPLORE DANCE COMPANY:** Moved-Seconded (Sleep-Ewing) to not object to the request to conduct a raffle for Explore Dance Company, with the drawing taking place March 9, 2022. Motion Carried.

**RESOLUTION #2022-11/WELCOME HOME VETERANS’ DAY:** Moved-Seconded (Ewing-Deibert) to approve the following Resolution #2022-11 Lawrence County Commission Proclamation A proclamation designating March 29, 2022 as “Welcome Home Veterans’ Day” Motion Carried. Resolution 2022-11 Lawrence County Commission Proclamation A proclamation designating March 29, 2022 as “Welcome Home Veterans’ Day” Whereas, the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with the United States Armed Forces and South Vietnam; and Whereas, the United States became involved in Vietnam because policymakers in the United States believed that if South Vietnam fell to a Communist government then Communism would spread throughout the rest of Southeast Asia; and Whereas, members of the United States Armed Forces began serving in an advisory role in the South Vietnamese in 1961; and Whereas, as a result of the Gulf of Tonkin incidents on August 2, 1964, and August 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution, on August 7, 1964, which effectively handed over war-making powers to President Johnson until such time as “peace and security” had returned to Vietnam; and Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam; and Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached; and Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and Whereas, on March 29, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam; and Whereas, more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded; and Whereas, members of the United States Armed Forces, who served bravely and faithfully for the United States during the Vietnam War, were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War; and Whereas, it was also the first time in history America failed to welcome its veterans back as heroes; and Whereas, the establishment of a “Welcome Home Vietnam Veterans Day” would be an appropriate way to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War; and Now, therefore be it resolved that the Lawrence County Commissioners do hereby recognize March 29, 2022 as “Welcome Home Vietnam Veterans Day”. The Lawrence County Commissioners further honors and recognizes the contributions of veterans of the Armed Forces who served in Vietnam. Dated this 8th day of March, 2022. Randall Rosenau, Chairman Attest: Brenda McGruder, Auditor.

**SHERIFF:**

8:22 a.m. Chairman Rosenau turned the meeting over to Vice-Chairman Ewing and left the meeting.

**EXECUTIVE SESSION PERSONNEL:** 8:22 a.m. Moved-Seconded (Deibert-Ewing) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:43 a.m. The Board opened for regular business with no action taken.

8:43 a.m. Chairman Rosenau returned to the meeting.

Moved-Seconded (Deibert-Sleep) to re-classify Brandon Rosenau as a nonsworn deputy at a base rate of \$24.02 an hour, effective March 8, 2022. Abstain-Rosenau. Motion Carried.

Vice-Chairman Ewing turned the meeting back over to Chairman Rosenau.

**PUBLIC SAFETY AND SERVICES CENTER UPDATES:** Sheriff Dean presented a power point/video presentation of the recent plumbing event that occurred in the jail as a reminder as to why the County is in the process of building a new Public Safety and Service Center.

Dean stated that Elevatus Architecture is about 85% complete with the construction documents and will be providing a cost estimate at the next meeting to include a second cost estimate with a local perspective of cost in our area.

**BID OPENING/FURNITURE & ACCESSORIES:**

Dean stated that the soft cost portion of the Public Safety and Services Center has been completed at an estimated cost of \$1 million. Dean added that in this process we are taking as many items from current facility as we can to furnish the new building to help save on the cost. Dean stated that we are ready to go out for bids for the furniture/fixtures/accessories.

Moved-Seconded (Deibert-Rosenau) to advertise and set the bid opening for April 21, 2022 at 9:00 a.m. for the Public Safety and Services Center furniture/fixtures/accessories. Aye-Ewing, Deibert, Flanagan & Rosenau. Nay-Sleep. Motion Carried.

Commissioner Sleep stated that the bids should be opened closer to the facility bid date.

**COMMISSIONING AGENT/SOLICIT QUOTES:** Steve Williams, Williams & Associates Architecture, Inc., explained that a Commissioning Agent is a third party to oversee the project to make sure the systems are working correctly. Williams stated that the Commissioning Agent works for the County and not the contractor. Williams added that the agent may oversee the HVAC system and could involve the exterior envelope and electrical as well.

Moved-Seconded (Deibert-Rosenau) to solicit quotes for a Professional Service as a Commissioning Agent based on the scope of services provided by Elevatus Architecture. Motion Carried.

**USDA FOREST SERVICE COOPERATIVE LAW ENFORCEMENT AGREEMENT:** Commissioner Deibert stated he is not in support of the agreement considering the County's historical experience with the Forest Service under Cooperating Agency Agreements.

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign agreement #19-LE-11020300-009 between Lawrence County Sheriff's Department and USDA Forest Service for fiscal year 2022. Aye-Ewing, Flanagan, Sleep & Rosenau. Nay-Deibert. Motion Carried.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quote was submitted as of February 28, 2022: **Deadwood Diesel #2 (dyed) 5700 gallons:** (prices per gallon) CBH Cooperative –\$3.396\* **Deadwood Unleaded 3700 gallons:** (prices per gallon) CBH Cooperative –\$3.503\* **Spearfish Diesel #2 (dyed) 2800 gallons:** (prices per gallon) CBH Cooperative –\$3.396\* **Spearfish Unleaded 900 gallons:** (prices per gallon) CBH Cooperative –\$3.503\* **Whitewood Diesel Blended 50/50 (dyed) 700 gallons:** (prices per gallon) CBH Cooperative –\$3.448\* \*Represents accepted quote.

**PERMIT:**

**SIEVEKE:** Moved-Seconded (Ewing-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the private approach permit for Terry Sieveke to construct a private approach on the right hand side of Hanna Road located in Ironwood Estates, Lot 13. Motion Carried.

**BLACK HILLS DEVELOPMENT, LLC.:** Moved-Seconded (Ewing-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the commercial approach permit for the Black Hills Development, LLC. to construct a commercial approach on the east side of Rochford Road located approximately 500 ft. south of Hwy 85. Motion Carried.

**BLACK HILLS DEVELOPMENT, LLC.:** Moved-Seconded (Sleep-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Black Hills Development, LLC. to bore under Rochford Road approximately .31 miles from Brownsville for construction of a water main crossing beginning in Section 19 T4N, R3E and ending in Section 19, T4N, R3E. Motion Carried.

**BURLY BUILDERS LLC. /TERVEEN:** Moved-Seconded (Deibert-Rosenau) Noting that the subject lot to be served by the commercial approach permit lies within the Spearfish City limits and therefore to the extent the County has any remaining authority, if any, to do so, does not object to the commercial approach permit for the Burly Builders, LLC. /Lee Terveen to construct a commercial approach on the west side of Maitland Road located approximately 200 yards north of Voorhees Lane. Motion Carried.

**HIGHWAY AUTHORITY/PLAT:** Allan Bonnema, Highway Superintendent requested guidance from the Board as to whether he should sign as Highway Authority on the Plat of Lot 6 of the Meadows of Higgins Gulch part of Tract A of the Meadows of Higgins Gulch located in the NE1/4SW1/4 and the NW1/4SE1/4 and the S1/2SW1/4NE1/4 of Section 12, T6N, R1E B.H.M., Lawrence County, South Dakota.

Moved-Seconded (Sleep-Ewing) to authorize Allan Bonnema, Highway Superintendent to sign as the Highway Authority specifically noting that pursuant to SDCL 11-3-12, the County shall not be required to open, improve, or maintain any such dedicated right of way, streets, alleys, ways, commons, or other public ground solely by virtue of having approved a plat or having partially accepted any such dedication, donation or grant, on the Plat of Lot 6 of the Meadows of Higgins Gulch part of Tract A of the Meadows of Higgins Gulch located in the NE1/4SW1/4 and the NW1/4SE1/4 and the S1/2SW1/4NE1/4 of Section 12, T6N, R1E B.H.M., Lawrence County, South Dakota. Motion Carried.

**CULVERTS/BRIDGE MATERIAL/CUTTING EDGES BIDS:** Moved-Seconded (Sleep-Deibert) to approve and authorize the purchase of corrugated metal culverts, aluminum box culverts, Bucyrus grader blades-standard hwy punched, galvanized sheet piling, steel piling, guardrail, steel bridge decking and assorted bridge components and hardware from the Beadle County bid from TrueNorth Steel for 2022, per the recommendation of the Highway Superintendent. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

**2022 BRIDGE IMPROVEMENT GRANT/PRESERVATION PROJECT AWARD:** Allan Bonnema, Highway Superintendent, stated that the County was awarded a 2022 Bridge Improvement Grant/Preservation Project for the structure 2.3N & 3.5 W of Nemo on Nemo Road over Boxelder Creek SN 41-238-262 in the amount of \$370,300.00.

**COUNTY/DOT BRIDGE INSPECTION RESOLUTION:** Moved-Seconded (Ewing-Deibert) to follow the recommendation of the Highway Superintendent and approve and authorize the Chairman to sign the Bridge Reinspection Program Resolution #2022-10. Motion Carried. Bridge Reinspection Program Resolution #2022-10 for Use with SDDOT Retainer Contracts.

WHEREAS, 23 CFR 650 Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, Lawrence County is desirous of participating in the Bridge Inspection Program. The County requests SDDOT to hire Brosz Engineering Inc. (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds. Dated this 8th day of March, 2022, at Deadwood, South Dakota. Randall Rosenau, Board of County Commissioners of Lawrence County ATTEST: Brenda McGruder, Lawrence County Auditor.

**NOTICE OF PUBLIC MEETING/SIGNING PROJECT:** Moved-Seconded (Deibert-Sleep) to set a public meeting on March 22, 2022 at 9:15 a.m. to review the Lawrence County Highway Department signing project No. PH 8041 (19) PCN 04L7 on various Lawrence County gravel roads. Motion Carried.

**2022 SHORT COURSE:** Allan Bonnema, Highway Superintendent, stated that the 2022 Short Course will be held at The Lodge of Deadwood Convention Center on March 23-24, 2022.

**HIGHWAY SUPERINTENDENT/JOB NOTICE:** Moved by Deibert to advertise for the Highway Superintendent position as of May 1, 2022. Motion died due to lack of second.

**PLANNING & ZONING:**

**PLATS:**

**LAYOUT PLAN/WILLIAMSON:** APPLICANTS: Allyn & Linda Williamson LEGAL DESCRIPTION: Layout of Lot A2R-1; A2R-2 and A2R-3 of Reebe Ranch Estates in Section 28, T7N, R1E (legal shortened) VICINITY LOCATION: Red Hill Road SUMMARY: New lots ZONING: HSC.

Janette Sprenger, Planning & Zoning Administrative Assistant, presented her staff report.

Moved-Seconded (Sleep-Ewing) to deny the 40 ft. private access proposed in the plan as it does not meet the requirements of the ordinance. Abstain-Deibert & Flanagan. Motion Carried.

Commissioners Deibert and Flanagan abstain due to lack of details contained in the motion.

**PRELIMINARY & FINAL PLAT/GARY & DEE ANN HERDT, LLC.:** APPLICANTS: Gary & Dee Ann Herdt, LLC LEGAL DESCRIPTION: Lot 1A and well lot of Two Bit Ranch Estates in Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit SUMMARY: Replat Lot 1 and creating a well lot ZONING: PF.

Moved-Seconded (Deibert-Ewing) to approve the preliminary plat for Gary & Dee Ann Herdt, LLC. with the stipulation that the surveyor document the status of the septic system on the plat and 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 DESCRIPTION: Lot 1A ad well lot of Two Bit Ranch Estates in Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit SUMMARY: Replat Lot 1 and creating a well lot ZONING: PF. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve the final plat for Gary & Dee Ann Herdt, 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 DESCRIPTION: Lot 1A ad well lot of Two Bit Ranch Estates in Section 30, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon/Two Bit SUMMARY: Replat Lot 1 and creating a well lot ZONING: PF. Motion Carried.

**FINAL PLAT/NICOLE BROWN, LLC.:** APPLICANT: Nicole Brown, LLC. LEGAL DESCRIPTION: Lot 15A, Block 15 of Apple Springs Sub in Section 11, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Combine lots 15 & 16 ZONING: SRD.

Moved-Seconded (Sleep-Ewing) to approve the final plat for Nicole Brown, 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 DESCRIPTION: Lot 15A, Block 15 of Apple Springs Sub in Section 11, T5N, R4E (legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Combine lots 15 & 16 ZONING: SRD. Motion Carried.

**PRELIMINARY & FINAL PLAT/BUCK RANCH, LLC.:** APPLICANT: Buck Ranch, LLC. LEGAL DESCRIPTION: Tract A & B of the sub of HES 70 in Section 14 & 23, T3N, R3E (legal shortened) VICINITY LOCATION: Rocky Johnson Road SUMMARY: New Lot ZONING: PF.

Moved-Seconded (Ewing-Rosenau) to approve the preliminary & final plat for Buck Ranch, LLC. acknowledging that there is no direct access to a State or County highway, and the County is approving the plat with no intention of being responsible for providing access now or in the future and 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 DESCRIPTION: Tract A & B of the sub of HES 70 in Section 14 & 23, T3N, R3E (legal shortened) VICINITY LOCATION: Rocky Johnson Road SUMMARY: New Lot ZONING: PF. Aye-Ewing, Sleep, Flanagan & Rosenau. Nay-Deibert. Motion Carried.

**PRELIMINARY PLAT/MAITLAND PARTNERS, LLC.:** APPLICANT: Maitland Partners, LLC. LEGAL DESCRIPTION: Plat of Lots 101-117 and dedicated public ROW Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF.

Moved-Seconded (Deibert-Sleep) to continue the preliminary plat for Maitland Partners, LLC. until April 12, 2002 to allow for an onsite on April 11, 2022 at 9:00 a.m., allow for a revised drainage plan showing the drainage arrows and provide a spelled out exception letter to anything in the plans that do not meet the ordinance. LEGAL DESCRIPTION: Plat of Lots 101-117 and dedicated public ROW Paradise Acres IV in Section 18, T5N, R3E (legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots ZONING: PF. Motion Carried.

**CONDITIONAL USE PERMIT #267-21/WALTER/POWDER RIVER DEV SERVICES/SCHENK:** A public hearing was held on Conditional Use Permit #267-21 APPLICANTS: Curt Walter/Powder River Dev Services/Travis Schenk LEGAL DESCRIPTION: SW ¼ NE ¼ of Section 22, T7N, R1E VICINITY LOCATION: Chicken Creek Road SUMMARY: Tower extension ZONING: A-1 ACREAGE: 40 +/-.

Janette Sprenger, Planning & Zoning Administrative Assistant, presented her staff report.

No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Sleep) to approve Conditional Use Permit #267-21 contingent upon clarification from the FAA that the airspace is 400 ft. and based upon the Planning and Zoning Commission recommendation for approval, the concurrent recommendation of P&Z staff, as reflected in the staff report. APPLICANTS: Curt Walter/Powder River Dev Services/Travis Schenk LEGAL DESCRIPTION: SW ¼ NE ¼ of Section 22, T7N, R1E VICINITY LOCATION: Chicken Creek Road SUMMARY: Tower extension ZONING: A-1 ACREAGE: 40 +/- Motion Carried.

**NATURAL RESOURCES COMMITTEE:**

**AGREEMENT FOR PROFESSIONAL SERVICES TO PROVIDE FOREST MANAGEMENT DATA (GEO-SPATIAL AND LIDAR DATA):**

Commissioner Deibert stated that the Natural Resource Committee will be meeting today at 2:00 p.m. and at this time an agreement for professional services to provide forest management data has not been completed.

Bruce Outka, Deputy State's Attorney, updated the Board on the bidding process for this type of project.

**BOARD APPOINTMENT:** Moved-Seconded (Deibert-Ewing) to appoint Aaron Thompson to the Natural Resources Committee for 2022. Motion Carried.

**BOND REDEMPTION:**

**ASSIGNMENT OF FUNDS:** Brenda McGruder, Auditor, stated that the closing documents for the Certificates of Participation, Series 2021 have been received. McGruder stated that the first payment will be due June 1 and December 1, 2022. McGruder added that monies will need to be transferred from the general fund to the bond redemption fund to make these payments and requested a motion to use the assigned funds from December 29, 2020 and January 26, 2021.

Moved-Seconded (Deibert-Rosenau) to use the \$2,019,563.87 assigned to Public Safety and Service Center Project on December 29, 2020. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to use the \$710,436.13 assigned to Public Safety and Service Center Project on January 26, 2021. Motion Carried.

**SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #2022-9 for a Transfer of Funds: General Fund to Bond Redemption Fund-\$2,730,000.00. Supplemental Budget: Bond Redemption Fund-principal-\$40,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Flanagan) to approve and adopt the following Resolution #2022-9 for a Transfer of Funds/Supplemental Budget. Motion Carried. RESOLUTION #2022-9 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2022, failed to provide sufficient revenue to enable the County to

conduct the indispensable functions of Government, and WHEREAS, the Board of County Commissioners of said County deems it necessary to make a Supplementary Budget, providing for appropriation in the amounts set out below. NOW, THEREFORE, BE IT RESOLVED THAT SAID BOARD, make, approve and adopt a Supplemental Budget for Lawrence County, South Dakota, for the year 2022, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: TRANSFER OF FUNDS GENERAL FUND TO BOND REDEMPTION FUND-2,730,000.00 BOND REDEMPTION FUND BOND REDEMPTION-PRINCIPAL-\$40,000.00 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 8th day of March, 2022 at the hour of 9:45 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 8th day of March, 2022. FOR THE BOARD OF COUNTY COMMISSIONERS Randall Rosenau, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

**AMERICAN RESUCE PLAN ACT FUND:** Brenda McGruder, Auditor, explained that the U.S. Treasury has issued their final rules for the American Rescue Plan Act (ARPA). McGruder stated that the final rule is effective April 1, 2022 but counties can take advantage of the provisions prior to the effective date. McGruder added that the final rule allows counties to use up to \$10 million of the ARPA Recovery Funds as “loss revenue” for the provision of general government services without needing to use the Treasury revenue loss formula. McGruder stated she would like board approval to elect this provision and use the ARPA for reimbursement of county salaries, similar to how the County did under CARES Act funding. McGruder stated that the County has received half of the \$5,019,894.00 and will receive the other half in May of 2022. McGruder also stated she would like board approval to transfer the funds from American Rescue Plan Act Fund follows: General Fund-\$2,454,177.24; R&B Fund-\$38,581.00; E-911 Fund-\$15,252.75; and EM Fund-\$3,409.50.

Moved-Seconded (Deibert-Flanagan) to allow Brenda McGruder, Auditor, to elect the final rule allowing counties to use up to \$10 million of the ARPA Recovery Funds as “loss revenue” for the provision of general government services without needing to use the Treasury revenue loss formula. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the transfer of \$2,454,177.24 from American Rescue Plan Act Fund to General Fund; \$38,581.00 from American Rescue Plan Act Fund to Road & Bridge Fund, \$15,252.75 from American Rescue Plan Act Fund to E-911 Fund and \$3,409.50 from American Rescue Plan Act Fund to Emergency & Disaster Fund. Motion Carried.

McGruder further stated that since County has elected the final rule allowing counties to use up to \$10 million of the ARPA Recovery Funds as “loss revenue” for the provision of general government services without needing to use the Treasury revenue loss formula the County needs to rescind the motion from January 4, 2022.

Moved-Seconded (Flanagan-Deibert) to rescind the motion to approve a one-time premium pay bonus (Funding Source: American Rescue Plan Act) for employees employed by the County on or before January 1, 2022. Bonus amounts are as follows: Full-Time Permanent Employees (40)-\$1,500.00; all other classified employees-\$500.00. Employees must have worked hours in 2021. See list of employees on file in the Auditor’s Office. Motion Carried.

**INFORMATION SYSTEMS & TECHNOLOGY/CYBER SECURITY UPDATES:** Greg Dias, Information Systems & Technology Director, presented proposed IT security expenditures. Dias requested that some of the American Rescue Plan Act Recovery Funds classified as “loss revenue” for the provision of general government services be used to fund these expenditures. The Board will review the list of expenditures and continue discussion at the next meeting.

**ITEMS FROM THE PUBLIC:** None.

**ITEMS FROM THE COMMISSIONERS:** The Commission acknowledged letters in reference to Bear Ridge Road, Spruce Vegetation Management Project Scoping Package, Department of Agriculture and Natural Resources/Dakota Territory Resource Corp and the South Dakota National Guard.

Commissioner Deibert reported on Black Hills Regional Multiple Use Coalition meeting held on February 25, 2022.

**BILLS:** Moved-Seconded (Deibert-Sleep) 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-\$14,940.00; Aud-\$24,715.96; Treas-\$30,672.28; States Atty-\$38,161.12; Pub Def-\$22,000.76; Gen Govt Bldg-\$20,050.10; Equal-\$31,886.28; Rod-\$19,219.26; Vso-\$3,813.10; Ist-\$21,181.56; Sher-\$110,851.61; Jail-\$56,923.42; Coroner-\$2,029.32; 24/7-\$910.65; Emerg Mgmt-\$9,905.08; E911-\$34,044.82; Highway-\$102,205.15; Weed-\$10,033.88; P&Z-\$16,249.68;

**Bills:** Palmer, Ryan-\$369.68; Moser, Douglas-\$198.93; Hamann, Alex-\$74.00; A To Z Shredding-\$120.28; A&B Business,Inc Solutions-\$4,941.27; A&B Welding Supply-\$23.87; A&I Distributors-\$2,006.75; A&J Supply-\$34.36; Ace Hardware Of Lead-\$160.43; Air Connection-\$50.92; Area 1 Security-\$5,000.00; At&T Mobility-\$1,114.65; Audra Hill Consulting-\$1,921.16; BH Pest Control-\$190.00; BH Pioneer-\$657.07; BH Regional Multiple-\$100.00; Barnaud Law Firm Prof-\$4,407.27; Bi Geo Group-\$13.80; Big Sky Communications-\$20.00; Bio-Key International-\$17,912.50; Black Hills Chemical-\$2,069.38; Black Hills Pure-\$11.50; Bob Barker Company-\$55.88; Bomgaars Supply-\$83.97; Brosz Engineering-\$732.50; Butler Machinery Co-\$161.93; Butte Electric Coop-\$861.83; Carquest Of Spearfish-\$5.88; Cbh Cooperative-\$48,004.91; Cdw Government-\$14,180.19; Center For Internet Security-\$10,680.00; Century Business Products-\$222.38; Centurylink-\$253.68; Chadams-\$675.00; Charm-Tex-\$797.00; Child Support Services-\$352.62; City Of Rapid City-\$1,360.00; Civil Air Patrol Magazine-\$145.00; Claggett & Dill, Prof-\$5,012.64; Clinical Lab Of BH-\$1,812.00; CNA Surety-\$100.00; Cornelius, Kaylee-\$540.00; Deadwood History-\$200.00; Deadwood Lead Economic Develop-\$500.00; Deadwood, City Of-\$1,377.74; Dept Of Hlth Lab Services-\$160.00; Dept Of The Treasury-\$72,315.03; Diamond Pharmacy-\$925.67; Division Of Motor Vehicles-\$5.00; Doc's Repair & Service-\$312.50; Dustbusters-\$77,691.89; Eb Communications-\$7,712.00; Ecolab-\$156.42; Elevatus Architecture-\$74,047.50; Evergreen Apts-\$400.00; Fastenal-\$216.06; Federal Express Corp-\$22.59; Genpro Energy Solutions-\$598.90; Grey & Eisenbraun, Prof-\$1,003.80; Grimm's Pump&Industrial Supply-\$121.45; Hartford-Priority Accounts-\$2,187.72; Hills Septic Service Go Pro-\$695.00; Innovative Office Solutions-\$864.94; International Academy Of Emd-\$195.00; Interstate Engineering-\$3,765.50; Jacobs Precision Welding-\$268.49; Janke, Wendy-\$524.00; Joe Dirt Septic & Drain-\$850.00; Johner Gravel-\$446.40; Karen Paige Hunt, Prof-\$101.00; Katterhagen, Mark-\$15.00; Kiesler's Police Supply-\$1,205.30; Kimball-Midwest Co-\$680.98; Kinney Law-\$9,872.08; Knecht Home Center-\$4.41; LC Treasurer-\$10.00; Lakota Contracting-\$73.90; Lawson Products-\$44.10; Lead, City Of-\$50.97; Lead-Deadwood Sanitary-\$664.77; Lewno, Lucy-\$166.53; Lexisnexis Risk Data Mgmt-\$75.00; Lincoln County-\$169.40; Lockwood, Darcy-\$15.00; Lynn's Dakotamart-\$39.96; Mckesson Medical-\$29.81; Mcleod's Office Supply-\$1,246.84; Med Glove Supply-\$2,160.00; Midwest Card & Id Solutions-\$750.00; Montana Dakota Utilities-\$5,901.12; Monument Health Network-\$2,283.72; Monument Health Rc Hospital-\$461.00; Ms Mail-\$110.00; Nalco Company-\$297.70; Nelson Law-\$673.20; Nichols, Helen Rd Ln Cde-\$97.50; Office Depot-\$61.36; Office Of Child Support-\$234.00; Parr Law-\$467.00; Pcsa Addiction Treatment Serv-\$452.00; Pennington Co Jail-\$1,586.94; Pennington County Sts Attny-\$645.00; Pharmchem-\$251.60; Pitney Bowes Global Financial-\$967.68; Pitney Bowes-\$425.81; Postmaster, Deadwood-\$100.00; Precision Kiosk Technologies-\$1,350.00; Queen City Rocket Lube-\$181.98; Quill-\$703.15; Radiology Associates-\$88.80; Ramkota Inn Pierre-\$288.00; Rapid Delivery-\$14.95; Rapid Fire Protection-\$364.80; Rasmussen Mechanical Serv-\$741.48; Ryan, Suzanne-\$240.00; Sada Systems-\$600.00; Sanford Health Occupational-\$129.00; Sara J Fitzgerald-\$744.00; Schlimgen Law Firm-\$4,020.44; Sd Assoc Of County Commission-\$1,204.00; Sd Department Of Public Safety-\$5,400.00; Sd Dept Of Transportation-\$8,145.15; Sd State Treasurer-\$1,112.98; Semerad, Sandra-\$85.00; Servall Towel & Linen-\$584.41; Sierra Design Vinyl Lettering-\$1,750.00; Sikich Llp-\$299.00; Silverado-\$432.22; Spearfish Auto Supply-\$1,036.94; Spearfish Police Dept-\$11,134.68; Staples-\$180.43; State Bar Of South Dakota-\$125.00; Sterna, Laura-\$420.00; Sturdevant's Auto Parts-\$1,830.74; Summit Fire Protection-\$3,023.75; Superior Printing-\$644.97; Sysco Montana-\$7,161.72; Triple K Tire & Repair-\$675.57; Trittech Software Systems-\$1,498.00; Turnkey Corrections-\$193.58; Twin City Hardware & Lumber-\$404.36; Virtru-\$10,199.00; Waste Connections-\$1,114.01; Watertree-\$61.20; Wells Fargo Banks-\$197.32; Wells Plumbing & Farm Supp-\$656.84; Western Communication-\$100.00; Western Sd Juvenile Serv-\$15,080.00; Wex Bank-\$1,181.11; Whisler Bearing-\$52.40; Yankton Co Sheriff-\$50.00; Yankton County-\$127.50; Yellowrobe, Luke-\$3,000.00; **Witness & Jurors:** \$8,012.13.



**ADJOURN:** 11:40 a.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Randall Rosenau, Chairperson

ATTEST:

\_\_\_\_\_  
Brenda McGruder, Auditor