

LAWRENCE COUNTY COMMISSIONERS MEETING – April 9, 2019 page-1

Chairman Randy Deibert called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on April 9, 2019 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep and Brandon Flanagan. Absent-Commissioner Randall Rosenau.

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

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

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with CHANGE OF ZONING #329/MCGUIGAN, INC.

MINUTES: Moved-Seconded (Johnson-Sleep) to approve the minutes of March 26, 2019, County Commission meeting with the addition that Commissioner Deibert left the room during the CHANGE OF ZONING #329/MCGUIGAN, INC. Motion Carried.

PERSONNEL:

REGISTER OF DEEDS: Moved-Seconded (Flanagan-Deibert) to approve Marie Carr as a full time permanent Secretary G3 at a base rate of \$19.51 an hour, effective April 15, 2019. Motion Carried.

SHERIFF: Moved-Seconded (Johnson-Flanagan) to approve Stephen Muller as a part time (under 20) fill in Correctional Officer I G1 at a base rate of \$18.88 an hour, effective April 9, 2019. Motion Carried.

VOLUNTEER SEARCH & RESCUE: Moved-Seconded (Flanagan-Johnson) to approve the following Search & Rescue Members for insurance purposes: Jessica B Santee, Andrew M Pisciotta and Suzanne M Pearson. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of March 31, 2019, 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)-\$134,382.84; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,603.83; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$3,000,000.00; bank balance \$12,859,689.54, money market \$8,823,446.35. Total \$24,825,332.56.

USFS/COUNTY COOPERATING AGENCY AGREEMENT: Bill Coburn, Paul Schipke and Jim Nelson of the Timber Committee, and Steve Kosel, USFS District Ranger, presented the USFS/County Cooperating Agency Agreement.

Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the memorandum of understanding between Lawrence County Commissioners and USDA, Forest Service Region 2, Black Hills National Forest. FS Agreement No. 19-MU-11020300-011. Motion Carried.

B.H. RESILIENT FOREST STRATEGY RESOLUTION 2019-10: Moved-Seconded (Sleep-Johnson) to approve the following RESOLUTION 2019-10 A RESOLUTION SUPPORTING THE "BLACK HILLS RESILIENT FOREST STRATEGY". Motion Carried. RESOLUTION 2019-10 A RESOLUTION SUPPORTING THE "BLACK HILLS RESILIENT FOREST STRATEGY" WHEREAS, the Black Hills forest ecosystem crosses all land ownerships, thus the responsibility of ensuring a resilient and healthy forest is shared among numerous owners and managers; and WHEREAS, the mountain pine beetle has caused extensive damage throughout the

Black Hills over the past 20 years, affecting about 450,000 acres across all landownerships and threatening the socio-economic and ecological values therein; and WHEREAS, wildfires have affected several hundred thousand acres across the Black Hills, damaging watersheds, utility infrastructure, timber, habitat and forage, and property; further, an accumulation of forest fuels threatens property and resources; and WHEREAS, the Black Hills Conservation Leaders Group was formed to synchronize land management interest and action of the various private, local, state, and federal efforts through a shared vision and strategy; and WHEREAS, the “Black Hills Resilient Forest Strategy” published in December, 2017 was prepared to address the need for a comprehensive, collaborative approach to address forest fuels and threatened communities, invasive plants and an overgrown forest in transition and to move towards a more healthy, resilient forest; now therefore BE IT RESOLVED, the Lawrence County Commission endorses the broad principles, goals and objectives of the Black Hills Resilient Forest Strategy and authorize inclusion in the participant list contained therein. Approved this 9th day of April, 2019, at the regular meeting of the Board of Commissioners for Lawrence County. Lawrence County Commission: Randy Deibert, Chairman ATTEST: Brenda McGruder, Auditor.

SLA QUARTERLY REPORT: Moved-Seconded (Flanagan-Sleep) to authorize the Chairman to sign the quarterly SLA report. Motion Carried.

STATE/COUNTY JOINT POWERS AGREEMENT/WEED SPRAYING: Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the joint powers agreement for weed spraying services between the State of South Dakota acting by and through its Department of Transportation and Lawrence County. Motion Carried.

CITY OF SPEARFISH WEED SPRAYING: Moved-Seconded (Sleep-Flanagan) to ratify the agreement with the City of Spearfish to have Invasive Species Management spray the following areas: Lookout Mountain, Black Hills Clyde Ice Field, McGuigan Ranch Addition Detention Basin & Drainage Areas, The Reserve on Higgins Creek Detention Basin, McLaughlin Along Falsebottom Creek from Colorado Blvd to Roughlock Ln, South of Camp Comfort Road and East of Spearfish Creek, Carlstrum Property South of Black Hills Clyde Ice Field, City Restricted Use Site, Hydro Plant South Area, Natural Area & Rec Path, Disc Golf Course-South of Winterville Road & South Canyon Street, Duke Parkway Detention Pond, Meier Property East of Creek, Meier Property West Side of Creek, Mountain Shadows Park Ditch to Maitland Road, North of Jorgensen Park, South of Meier Property, East of Creek, Sandstone Hill Between Thunderbolt Court and Powderhorn Court, Top Shelf Subdivision Drainage Areas and Roughlock Lane – off Leash Dog Park. Motion Carried.

SHERIFF:

EXECUTIVE SESSION PERSONNEL: 8:19 a.m. Moved-Seconded (Johnson-Flanagan) to go into executive session pursuant SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:31 a.m. The Board opened for regular business with no action taken.

HIGHWAY:

R.O.W. ENCROACHMENTS: Allan Bonnema, Highway Superintendent, gave an update on the R.O.W. encroachments.

HIGHWAY SUPPLY BID:

DE-ICING SAND: Bid opening continued from the March 26, 2019, Commission meeting.

The following bids were received for 4,000 ton of De-Icing Sand: Simon Contractors of South Dakota, Inc.: Centennial Quarry-\$15.50 per ton (Total Bid Price-\$62,000). Fisher Sand & Gravel Company: Johnson Pit-\$15.00 per ton (Total Bid Price-\$60,000). Pete Lien & Sons, Inc.: Rapid City Pit-\$12.50 per ton (Total Bid Price-\$50,000) or Price per ton FOB Lawrence County Yard in Spearfish-\$19.00 per ton (Total Bid Price-\$76,000).

Allan Bonnema, Highway Superintendent, reported that after figuring what the cost per ton for Lawrence County to haul from each pit. Simon-\$75,200; Fisher Sand & Gravel Company-\$96,000; Pete Lien & Sons, Inc.-\$106,400.

Moved-Seconded (Sleep-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent, and accept the lowest responsible bid from Simon Contractors of South Dakota, Inc.: Centennial Quarry-\$15.50 per ton (Total Bid Price-\$62,000) (Haul Price-\$75,200) and to waive any irregularities. Motion Carried.

BRIDGE IMPROVEMENT GRANT: Allan Bonnema, Highway Superintendent, reported that Lawrence County was awarded two (2) Bridge Improvement Grants for 2019, to-wit: Preservation Award (Structure #41-092-060) in the amount of \$212,000 and Rehabilitation/Replacement Award on (Structure #41-212-091) in the amount of \$664,100.

Bonnema discussed the County Wheel Tax generally, and specifically, issues with construction timing related to the Exit 10 project (Preservation Award on Structure #41-092-060). Bonnema was instructed to discuss with the engineer alternatives to reduce inconvenience to the traveling public.

GRAVEL CRUSHING: Moved-Seconded (Flanagan-Deibert) to approve and authorize the crushing of 25,000 tons of crushed gravel at a cost of \$3.83 per ton from the Meade County bid (Bestgen Pit). Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

PLANNING & ZONING:

VICE CHAIRMAN: Moved-Seconded (Flanagan-Sleep) to appoint Commissioner Daryl Johnson as Vice Chairman for the Change of Zoning #329/McGuigan, Inc. Motion Carried.

Commissioner Deibert left the meeting at 9:08 a.m.
Commissioner Rosenau appeared by telephone conferencing at 9:08 a.m.
Roll Call Vote was used.

CHANGE OF ZONING #329/MCGUIGAN, INC: Second Reading was held on COZ #329 APPLICANT: McGuigan, Inc. LEGAL: SE ¼ NE ¼ Ex Parcel 4, located in Section 31, T7N, R2E (Parcel ID: 24000-00702-311-50) VICINITY LOCATION: Westview Drive SUMMARY: COZ from A-2 Residential Agriculture to RR-Rural Residential ACREAGE: 29.87 acres.

Drew Skjoldal, attorney for applicant, stated that according to Chapter 17, Section 1.2 there are 8 conditions for the change of zoning and feels his client meets all the requirements. Skjoldal commented that the current zoning allows for 3 lots and the change of zoning would allow for 6 lots.

Commissioner Sleep expressed that the Comprehensive Plan calls for concentric growth outward from the City of Spearfish and that this subdivision is not immediately adjoining to the city limits.

Moved-Seconded (Flanagan-Rosenau) to approve COZ #329 APPLICANT: McGuigan, Inc. LEGAL: SE ¼ NE ¼ Ex Parcel 4, located in Section 31, T7N, R2E (Parcel ID: 24000-00702-311-50) VICINITY LOCATION: Westview Drive SUMMARY: COZ from A-2 Residential Agriculture to RR-Rural Residential ACREAGE: 29.87 acres. Roll Call: Aye-Johnson, Sleep, Rosenau, Flanagan. Nay-None. Motion Carried.

Commissioner Deibert returned to the meeting at 9:15 a.m.
Commissioner Rosenau left the meeting at 9:15 a.m.

ORDINANCE #19-01/ZONING & SUBDIVISION REGULATIONS: Second Reading was held on ORD #19-01, Zoning & Subdivision Regulations APPLICANT: Amber Vogt, Planning & Zoning Administrator. LEGAL: All of Lawrence County SUMMARY: Edits will include building permits, district regulations; Guest House regulations, Subdivision regulations, etc.

Moved-Seconded (Flanagan-Johnson) to approve Ordinance #19-01 APPLICANT: Amber Vogt, Planning & Zoning Administrator. LEGAL: All of Lawrence County SUMMARY: Edits will include building permits, district regulations; Guest House regulations, Subdivision regulations, etc. Motion Carried.

The following items were identified for follow-up and will be addressed in the fall: Chapter 6-District Regulations: Possibly add the A-1 Right to Farm covenant language to either A-1 Zoning

District or the Building Permit Section. A-2 Zoning District - update the Average Density to match A-1 with no reference to 1/16.... etc.)

FINAL PLAT/MATTSON INC.: APPLICANT: Mattson Inc. LEGAL DESCRIPTION: Final plat of Lot 1 of Brighter Day Sub, Section 25 & 36, T5N, R3E and Section 30, T5N, R4E VICINITY LOCATION: Two Bit Road SUMMARY: Plat a new lot. ZONING: PF ACREAGE: 7.66 acres.

Moved-Seconded (Flanagan-Deibert) to approve the easement dedicating Two Bit Road as a 66' public access easement and that the document shall be recorded prior to the plat being recorded. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve the final plat for Mattson Inc. based upon the 66' wide access and utility easement being recorded and noted on the final plat prior to recording. LEGAL DESCRIPTION: Final plat of Lot 1 of Brighter Day Sub, Section 25 & 36, T5N, R3E and Section 30, T5N, R4E VICINITY LOCATION: Two Bit Road SUMMARY: Plat a new lot. ZONING: PF ACREAGE: 7.66 acres. Aye-Johnson, Sleep and Flanagan. Nay-Deibert. Motion Carried.

NORTH POINT CHRISTIAN CHURCH/SPEARFISH PLANNING COMMISSION STAFF REPORT: Amber Vogt, Planning & Zoning Administrator, presented a Staff report from the Spearfish Planning Commission. Vogt commented that this has already gone before the Spearfish Planning Commission. Commissioner Deibert questioned who would maintain Kellem Lane since it is annexed on both sides of the road.

PRE-DISASTER MITIGATION PLAN RESOLUTION 2019-11: Paul Thomson, Emergency Management Director, presented the amended Lawrence County Pre-Disaster Mitigation Plan.

Moved-Seconded (Flanagan-Sleep) to approved the following Resolution 2019-11 adopting the amended Lawrence County Pre-Disaster Mitigation Plan. Motion Carried. Lawrence County Resolution 2019-11 A RESOLUTION ADOPTING THE AMENDED LAWRENCE COUNTY PRE-DISASTER MITIGATION PLAN. WHEREAS, the Lawrence County Commission adopted a Pre-Disaster Mitigation Plan (the 'Plan') in 2005; WHEREAS, from time to time it is necessary to review and update the Plan as circumstances and conditions change; and WHEREAS, the Lawrence County Office of Emergency Management ('Emergency Management') has undertaken such a review of the Plan; and WHEREAS, based upon this review, Emergency Management has recommended certain revisions to the Plan as necessary and appropriate; and THEREFORE, BE IT RESOLVED, that the Lawrence County Board of Commissioners does hereby adopt the 2019 Lawrence County Pre-Disaster Mitigation Plan which shall supersede and replace any prior versions of the Plan; Dated this 9th day of April, 2019. Randy Deibert, Chairman. Brenda McGruder, Auditor.

CERTIFICATE OF APPRECIATION/SEARCH & RESCUE: Shannon Percy, Jim Ganser and Kevin Stokes from the South Dakota Game, Fish & Parks presented a plaque to Paul Thomson, Emergency Management Director, and the members of Search & Rescue recognizing the years of dedicated service to the Black Hills Snowmobile Trail System.

ITEMS FROM THE COMMISSIONERS: The Board discussed the possibility of applying an imputed administrative fee on new Tax Increment Districts as allowed pursuant to SDCL 11-9-15 (5). Also discussed were notices from the USFS requesting comment regarding various forest activities and the upcoming Devil's Bathtub meeting.

BILLS:

Moved-Seconded (Johnson-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-\$6,870.32; Aud-\$10,995.43; Treas-\$12,749.95; States Atty-\$16,329.51; Pub Def-\$12,627.03; Gen Govt Bldg-\$9,382.56; Equal-\$15,325.06; Rod-\$9,471.15; Vso-\$1,511.62; Ist-

\$9,387.04; Sher-\$43,571.12; Jail-\$26,595.58; Coroner-\$590.66; 24/7-\$207.10; Emerg Mgnt-\$4,679.63; E911-\$18,151.95; Hwy-\$47,146.05; Weed-\$4,471.99; P&Z-\$5,910.91; **Bills:** Larson, Rene-\$67.00; Steffen, Peggy-\$20.00; Ruffatto, Robert-\$13.36; Adams, Julia-\$21.76; A To Z Shredding-\$40.00; A&B Business, Inc Solutions-\$2,139.42; A&B Welding Supply-\$20.44; A&I Distributors-\$453.15; Aberdeen Llc-\$9,182.00; Ace Hardware Of Lead-\$11.98; Api Systems Integrators-\$204.81; At&T Mobility-\$948.51; Audra Hill Consulting-\$1,565.40; BH Land Analysis-\$4,000.00; BH Pest Control-\$190.00; BH Pioneer-\$897.19; Barnaud Law Firm Prof-\$2,124.25; Baymont Inn & Suites Pierre-\$114.00; Black Hills Energy-\$230.79; Black Hills Psychology-\$400.00; Black Hills Pure-\$11.50; Black Hills Title Company-\$750.00; Bomgaars Supply-\$20.95; Brosz Engineering-\$895.00; Burnouts Pizza-\$67.75; Butler Machinery Co-\$405,283.86; Butte Electric Coop-\$738.83; California State Disburse Unit-\$138.46; Cbh Cooperative-\$14,786.62; Century Business Products-\$349.79; Centurylink-\$119.17; Chris Supply Co-\$56.49; Dakotas Saf-\$90.00; Deadwood, City Of-\$1,011.96; Dean Schaefer Court Reporting-\$240.00; Dept Of The Treasury-\$59,992.17; Dmc Wear Parts-\$16,653.00; Eddie's Truck Sales/Serv-\$90.80; Election Sys & Software-\$2,268.84; Fastenal-\$9.97; Federal Express Corp-\$13.00; Fidler-Isburg Funeral Chapel-\$1,170.00; Fidler, Ken-\$400.00; Fish, Veronica-\$76.80; Galls-\$494.30; Hartford-Priority Accounts-\$2,016.83; Heartland Paper Co-\$363.99; Hp-\$198.67; Interstate Batteries-\$431.80; Intoximeters-\$320.00; Jacobs Precision Welding-\$610.00; Johner Gravel-\$834.84; Juneks Chrysler/Dodge-\$85,500.00; Karen Paige Hunt, Prof-\$110.65; Kennedy Pier Loftus & Reynolds-\$221.50; Kimball-Midwest Co-\$1,049.82; Knecht Home Center Of Spf-\$9.58; Kosel, Joseph-\$2,654.16; LC Conservation Dist-\$5,000.00; L-3 Mobile Vision-\$5,455.34; Lead, City Of-\$57.25; Lead-Deadwood Regional Hospital-\$818.65; Lead-Deadwood Sanitary-\$524.22; Leads Online-\$1,758.00; Lexisnexis Risk Data Mgnt-\$75.00; Lincoln County-\$21.02; Lueders-\$18.27; Matthew Bender & Company-\$151.43; Mcclure, Susan-\$200.00; Montana Dakota Utilities-\$4,153.35; Napd-\$75.00; Nelson, Tonya-\$450.00; North Central Int'l-\$1,169.49; Office Depot-\$85.81; Office Of Attorney General-\$315.69; Office Of Child Support-\$983.09; PcsO Addiction Treatment Serv-\$226.00; Pennington County Sts Attny-\$215.00; Phils Electric-\$840.48; Pitney Bowes-\$500.61; Quill-\$181.03; Rapid Delivery-\$13.23; Rasmussen Mechanical Serv-\$49.35; Regional Health-\$667.23; Rodenburg Law Firm-\$319.29; Root Spring Scrapper-\$623.65; Sara J Fitzgerald-\$84.00; Sd Assn Of Co Comm-\$75.00; Sd Assoc Of County Commission-\$911.00; Sd Law Review-\$35.00; Sd Public Assur Alliance-\$178,628.74; Sd State Treasurer-\$600.00; Sd Unemployment Ins Division-\$4,682.45; Sdaco-\$875.00; Sdrs Supplemental Retirement-\$2,742.50; Servall Towel & Linen-\$400.17; Sierra Design Vinyl Lettering-\$100.00; Silverado-\$495.25; Simon-\$125.13; Spearfish Auto Supply-\$361.30; Sturdevant's Auto Parts-\$1,645.02; Sysco Montana-\$2,046.45; Thomson Reuters-West-\$193.87; Top Quality Mfg Co-\$135.00; Triple K Tire & Repair-\$614.30; Twin City Hardware & Lumber-\$199.56; United Parcel Service-\$40.06; Waste Connections Of Sd-\$864.73; Watertree-\$25.20; Wells Plumbing & Farm Supp-\$221.02; Western Communication-\$1,137.35; Western Sd Juvenile Serv-\$11,440.00; Wex Bank-\$566.93; **Witness & Jurors:** Andrzejczak, K-\$64.28; Gray, D-\$52.52; Lance, M-\$50.84; Reid, J-\$63.44; Sullivan, P-\$50.84; Tegantvoort, R-\$62.60; Toms, D-\$52.52; Wendland, Z-\$62.60; Winckler, G-\$58.40; Adams, G-\$25.12; Benedict, K-\$25.96; Bischoff, T-\$10.84; Black, G-\$192.84; Bonde, S-\$26.80; Bridenstine, J-\$12.52; Burket, M-\$10.00; Christensen, B-\$21.76; Clark, B-\$21.76; Cross, R-\$25.12; Delzer, B-\$22.60; Deserly, R-\$16.72; Eckhart, R-\$15.88; Eymer, B-\$238.20; Fuller, B-\$13.36; Geppert, D-\$200.40; Glenn, D-\$22.60; Glover, K-\$15.88; Greear, K-\$23.44; Green, R-\$165.12; Gronlund, G-\$187.80; Hamilton, B-\$187.80; Hanson, S-\$22.60; Harp, C-\$10.00; Heisinger, W-\$10.00; Hoover, A-\$30.16; Hosselkus, C-\$25.12; Hughes-Baus, K-\$10.00; Humbracht, D-\$31.00; Isaak, B-\$12.52; Johnson, L-\$25.12; Johnston, K-\$16.72; Jones, B-\$31.00; Kahl, T-\$21.76; Keene, J-\$15.04; Krueger, Z-\$22.60; Lacroix, D-\$14.20; Lantis Rinard, S-\$10.00; Larson, D-\$12.52; Lindwurm, C-\$152.52; Lingscheit, J-\$23.44; Lounden, B-\$24.28; Lucas, L-\$205.44; Ludens, T-\$20.08; Mcdaniel, M-\$24.28; Mcgriff, M-\$26.80; Miles, K-\$22.60; Minihan, T-\$15.88; Morris, K-\$12.52; Mowry, M-\$10.00; Mumm, C-\$175.20; Mutchler, B-\$24.28; Nold, O-\$11.68; Obryan, M-\$27.64; Osborn, J-\$24.28; Papiernik, O-\$12.52; Paulsen, B-\$10.00; Pedersen, R-\$12.52; Phillips, N-\$12.52; Reede, J-\$26.80; Reinert, J-\$22.60; Richards, H-\$14.20; Robbins, C-\$22.60; Sandt, E-\$20.92; Scholz, G-\$22.60; Scott, K-\$150.00; Simons, L-\$195.36; Smith, G-\$22.60; Startz, T-\$22.60; Stinton, S-\$210.48; Tehida, J-\$25.96; Troyer, L-\$45.28; Tysdal, J-\$25.12; Vrem, L-\$180.24; Whiton, D-\$12.52; Williams, K-\$22.60; Williams, S-\$25.96; Woodard, J-\$22.60; Rang, B-\$32.60; Tellinghuisen, C-\$32.60.

ADJOURN: 10:02 a.m. There being no further business, Commissioner Deibert adjourned the meeting.

Date Approved

Randy Deibert, Chairperson

ATTEST:

Brenda McGruder, Auditor