

LAWRENCE COUNTY COMMISSIONERS MEETING – May 11, 2021 page-1

Chairman Richard Sleep called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 11, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert and Robert Ewing present. Commissioner Brandon Flanagan was present by video conferencing (GoToMeeting).

Roll-call voting was used and all motions were passed by unanimous vote, by all members present, unless stated otherwise.

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

DECLARE CONFLICTS: Commissioner Deibert declared conflicts with the 8:30 a.m. Approach Permit/Spearfish Mountain Ranch, LLC. and 9:30 a.m. Preliminary Plat/Pearson.

MINUTES: Moved-Seconded (Deibert-Rosenau) to approve the minutes of April 27, 2021 County Commission meeting. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the minutes of April 27, 2021 Board of Equalization meeting. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Deibert-Sleep) to approve the travel request for Dustin Schumacher to attend the Homicide Investigation Course in Sioux Falls, SD from October 24-November 6, 2021. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve Jamie Pesicka Olson to enroll in an online Introduction to GIS Course offered by Esri Academy. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Deibert-Ewing) to approve Nick Clancy as a full-time seasonal Sprayer/GPS G1 at a base rate of \$14.29 an hour, effective May 10, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Mitch McKibbin as a full-time seasonal Sprayer/GPS G1 at a base rate of \$14.29 an hour, effective May 10, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Blake Vissia as a full-time seasonal Sprayer/GPS G1 at a base rate of \$14.29 an hour, effective May 10, 2021. Motion Carried.

Moved-Seconded (Deibert-Ewing) to approve Jacob Parks as a full-time seasonal GPS G1 at a base rate of \$15.27 an hour, effective May 10, 2021. Motion Carried.

SHERIFF: Moved-Seconded (Deibert-Rosenau) to approve Aric Homola as a full-time permanent Correctional Officer G1 at a base rate of \$19.26 an hour, effective May 11, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Joshua Morford as a full-time permanent Correctional Officer G1 at a base rate of \$19.26 an hour, effective May 11, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve John Kevin Primo as a full-time temporary Correctional Officer G1 at a base rate of \$19.26 an hour, effective May 11, 2021. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Rosenau) to accept the Auditor's Account with the County Treasurer. Abstain-Flanagan. Motion Carried. As of April 30, 2021, 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)-\$1,221,237.03; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$27,341.21; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$30,354,539.45; money market \$8,965,750.98. Total \$40,572,078.67.

ABATEMENT:

SCHULTZ: Moved-Seconded (Deibert-Rosenau) to approve the abatement for Keith D & Cyrilla K Schultz on parcel #19000-00601-152-50 for 2020 taxes payable in 2021 and 2021 taxes payable in 2022 as inaccurate acreage was used to calculate value. Abstain-Flanagan. Motion Carried.

LAWRENCE COUNTY: Moved-Seconded (Deibert-Ewing) to authorize the Chairman to sign the abatement for Lawrence County on parcel #30820-00000-000-00 for 2021 taxes payable in 2022. Abstain-Flanagan. Motion Carried.

JOHNSON: Moved-Seconded (Ewing-Sleep) to approve the abatement for David J. & Patricia J. Johnson on parcel #24000-00702-104-70, 24000-00702-231-00, 24000-00702-233-60, 24000-00702-231-10 and 24000-00702-232-70 for 2020 taxes payable in 2021 as proof of AG status was provided. Abstain-Flanagan. Motion Carried.

SD DOT RAISE GRANT: Moved-Seconded (Rosenau-Sleep) to authorize the Lawrence County Commissioners to individually sign a letter of support for a SD DOT RAISE grant application. Aye-Rosenau, Ewing and Sleep. Nay-Deibert. Abstain-Flanagan. Motion Carried.

Commissioner Deibert stated he does not support funding private enterprise with tax dollars.

RAFFLE REQUEST/PICKETT: Moved-Seconded (Deibert-Sleep) to not object to the request to conduct a benefit auction/raffle for Randy Pickett, with the drawing taking place June 12, 2021. Abstain-Flanagan. Motion Carried.

TREASURY'S CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS:

Moved-Seconded (Ewing-Deibert) to authorize Brenda McGruder, Auditor, to sign as the Authorized Representative for the Treasury's Coronavirus State and Local Fiscal Recover Funds. Motion Carried.

SHERIFF:

PSAP PROJECT FUNDING APPLICATION: Moved-Seconded (Deibert-Rosenau) to authorize Patrick D Johnson, Chief Deputy, to sign the PSAP Project Funding application. Motion Carried.

JAIL CONTRACT/MONUMENT HEALTH LEAD-DEADWOOD HOSPITAL JAIL

MEDICAL AGREEMENT: Moved-Seconded (Ewing-Rosenau) to approve and authorize the Chairman to sign the 2021-2022 Jail Medical Agreement with the Monument Health Lead-Deadwood Hospital. Motion Carried.

ALCOHOLIC BEVERAGE LICENSES: A public hearing was held on the applications for 2021-2022 Malt Beverage licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Deibert-Rosenau) to approve the following 2021-2022 Malt Beverage Licenses. Motion Carried. **RENEWAL: RETAIL (ON-OFF SALE) MALT BEVERAGE AKELA SPA OF DEADWOOD LLC:** Lot 3 BLK 1 EX H1 (.68 AC) Oak Mt. Country Est. Sec 18 T5N R4E **B.H.M. BAREFOOT RESORT ASSOCIATION INC (BAREFOOT RESORT):** M.S. 2021 LOT 1R OF BAREFOOT EX UNITS D-1-O, D-1-1, D-2-0, D-2-1, D-2-2 & D-2-3. Sec. 2-T4N-R2E of Black Hills. **BLACK HILLS CHAIRLIFT CO INC:** M.S. 1122 Little Hope Fr. Etal Sur. Rites (Old Blue Chair #1) & (New Blue Chair #5) Sec 1, T4N, R2E, BHM. **BLACK HILLS JOURNEY'S INC (FISH 'N FRY CAMPGROUND):** Lots 1 of HES 297 & Lot 2 Ex Lot A of HES 297, in Section 18, T4N R4E BHM. **BOARS NEST LLC (BELL LTD):** Tract 59 Section 7, T4N, R3E, BHM. **BW GAS & CONVENIENCE RETAIL, LLC (YESWAY #1192):** Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. **CHEYENNE CROSSING STORE LLC:** M.S. 1564 Spearfish Canyon Lot C-3 of Meadow 1-2-3 M.S 1564 (Cheyenne Xing Store) Section 22, T4N, R2E. **CROW PEAK BREWING COMPANY, LLC:** Crow Peak Brewing Company Tract Sec 4, T6N, R2E. **CUSTER CAMP 1874 LLC (THE PASTA CORRAL):** Lot 1 OF HES 286 in Sec 4, T3N, R5E, BHM. **CUSTER CROSSING CAMPGOUND LLC:** Tract B-1 (3.44 AC) & Lot C (2.20 AC) HES 246 Except Lot 1 in Sec 21, T3N, R4E, BHM. **DOUBLE DIAMOND LLC (RECREATIONAL SPRINGS RESORT):** M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. **EAGLE TREE RESORTS CO LLC (RIM ROCK LODGE & CANYON BISTRO):** BLDGS ON LEASED SITE; SPEARFISH CANYON LOT C-2 Sec 4 T5N R2E. **EBRIGHT ENTERPRISES INC (TRAILSHEAD LODGE INC):** Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3N R1E. **ELKHORN RIDGE @**

FRAWLEY RANCHES LLC: BLDGS ON LEASED SITE; FRAWLEY RANCHES ADDITION S ½ SECTION 26, E ½ NE ¼ SECTION 26, W ½ NW ¼ SECTION 26, E ½ NE SECTION 27, E ½ SE SECTION 27, SW SW SECTION 23, S ½ SE SECTION 22 T6 R3. JANICE G. KABERNA (HOM CAMPGROUND): Lot A of CRM Ex Tract 1 (10.01) and Lot 2. (3.09) Sec 27, T3N, R5E. LARRY KAISER (NEMO MERCANTILE): M.S. 1368 Tract 3 Sec 27, T3N, R5E, B.H.M. MULEY HILL LODGE LLC: Tract 37 and Lot A, a subdivision of Tract 37, as shown on the Plat Book 5, Page 104, located in Section 24 T5N R3E BHM NEMO GUEST RANCH BUSINESS ENTERPRISE (NEMO GUEST RANCH CONVENIENCE STORE): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. RAR HOSPITALITYLLC (BRANDIN' IRON RESTAURANT & PONDEROSA BAR): M.S. 1368 Lots 1, 2 and 3 of Nemo Guest Ranch S/D 28-003-05. SD CAMPGROUND AND RESIDENCY CENTER INC (SPEARFISH KOA): Parcel B (KOA Campground) NW1/4NW1/4, Sec.3, T6N, R2E, BHM. SEVEN DOWN LLC: Tract 7 (Seven Downs Arena) Section 27, T6N, R3E. SUSAN SMITH (ST. ONGE BAR & GRILL): Lots 1 & 2 Block 8 in Sec 23 R7E T3N. SPEARFISH CANYON RESORTS LLC (SPEARFISH CANYON RESORT): P.C. 953 LOTS C AND D OF LITTLE SPF. SECTION 36, T5N, R1E, B.H.M. THE BARN AT ASPEN ACRES LLC: Section 23 NW ¼ NW ¼ T7N R2E B.H.M. TOMAHAWK LAKE COUNTRY CLUB: M.S. 1372 Pt. Ex Lot 1 of Norwood #8 (5.01AC) & Lot 1 of TR 0067'B' (5.82 AC) Pt Sec. 24-4-3 Pt Sec. 19 & 30-4-4 M.S. 1372 Lot 1 of Norwood #4 of M.S. 1372 (9.58A) & TR A Por. of B (2.877) & C of Tract 0067 & TR A of HES 57 & 66 (1.35AC) TRIPLE H HILLS LLC (MYSTIC HILLS HIDEWAY): M.S. 1748 TRACT 1 OF ST JOHN LODES ETAL Sec 1, Twp 3N, R3E. WHITETAIL CREEK RESORT LLC: Tract 54 Secs 5-6-7 & 8 (Whitetail Court) T4N R3E WICHTERMAN & SONS INC (STEEL WHEEL CAMPGROUND): Tract D revised HES 297 in Sections 19 R4E T4N WILD BILL'S CAMPGROUND (ALICIA GRIMM & KEITH GRIMM): Lot E EX H1 (.04AC) & H2 (.06A) & Lot E-2 of HES 137 (Wild Bill's Campground) Sec 18 , T4N, R4E.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of May 4, 2021: **Deadwood Diesel #2 (dyed) 4200 gallons:** (prices per gallon) CBH Cooperative –\$2.449; Harms Oil Co-No Bid; MG Oil-\$2.31*. **Deadwood Unleaded 4900 gallons:** (prices per gallon) CBH Cooperative – \$2.698; Harms Oil Co-No Bid; MG Oil – \$2.57*. **Spearfish Diesel #2 (dyed) 2500 gallons:** (prices per gallon) CBH Cooperative –\$2.449; Harms Oil Co-No Bid; MG Oil-\$2.31*. **Spearfish Unleaded 1000 gallons:** (prices per gallon) CBH Cooperative –\$2.698; Harms Oil Co-No Bid; MG Oil – \$2.57*. **Whitewood Diesel #2 (dyed) 900 gallons:** (prices per gallon) CBH Cooperative –\$2.449; Harms Oil Co-No Bid; MG Oil-\$2.31*. *Represents lowest quote awarded.

PERMITS:

SPEARFISH MOUNTAIN RANCH, LLC.: Roger, Tellinghuisen, Attorney for Applicant, stated that a limited access agreement has been signed by Whitewood Forest Acres Road District and Spearfish Mountain Ranch LLC. Tellinghuisen gave an overview of the agreement.

Dan Graf, 20226 Ponderosa Drive & David Daigle, 20209 Frog Pond Court, were present to speak in favor of the agreement and permit.

Moved-Seconded (Rosenau-Ewing) to approve the approach permit for Spearfish Mountain Ranch, LLC. to construct an approach on the west side of Oak Drive/Street. Abstain-Deibert. Motion Carried.

MERRITT: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approved the private approach permit for Lynn Merritt to construct a private approach on the north side of Pahkamaa Road. Motion Carried.

SHOPSHEAR: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approved the private approach permit for Chris Shopshear to construct a private approach on the south side of Brownsville Road. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Rosenau-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Crook City Road approximately 1400 feet west of OakBrook Road for construction of underground power line beginning in Section 32, T6N, R4E and ending in Section 32, T6N, R4E. Motion Carried.

LUMEN/CENTURYLINK: Moved-Seconded (Ewing-Sleep) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Lumen/CenturyLink to bore under Elk Creek Road approximately .083 miles from Elk Creek Road and Chinese Court for construction of 6 pair copper drop beginning in Section 21, T4N, R4E and ending in Section 21, T4N, R4E. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Sleep) to continue the commercial approach permit for MC Ranch, LLC. to construct a commercial approach on the west side of Christensen drive located approximately 580 feet south of E Colorado Blvd. to allow Allan Bonnema, Highway Superintendent, and Brosz Engineering to review the updated plans. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Sleep) to continue the permit to occupy County highway right-of-way for MC Ranch, LLC. located in Section 13, T6N, R2E along Christensen Drive to install sanitary and sewer lines to allow Allan Bonnema, Highway Superintendent, Brosz Engineering to review the updated plans. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Sleep) to continue the permit to occupy County highway right-of-way for MC Ranch, LLC. located in Section 13, T6N, R2E along Christensen Drive to install water main-potable water to allow Allan Bonnema, Highway Superintendent, Brosz Engineering to review the updated plans. Motion Carried.

2021 LOCAL FEDERAL BRIDGE FOR REPLACEMENT: Allan Bonnema, Highway Superintendent, reported that Lawrence County was awarded a 2021 Local Federal Bridge grant for replacement of structure number 41-228-112: structure located 2.5SE of Whitewood on the I-90 service road over Spring Creek.

PUBLIC DEFENDER: Amber Richey, Public Defender, gave an annual review of office statistics.

ALCOHOLIC BEVERAGE LICENSES: A public hearing was held on the application for a transfer of a 2021 liquor license. Marlon McMaken, applicant, stated he has signed a 20 year lease to operate the golf course and club house. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Deibert) to transfer the following liquor licenses for 2021. Motion Carried. Retail and Sunday On-Sale Liquor License Previous License: Boulder Canyon Country Club, Golf Course Tract 1 Section 14, T5N, R4E of the BHM, Apple Springs S/D Back Nine Tract 1, 2, 3 and 4 Transfer to: Boulder Canyon Management, LLC, Golf Course Tract 1 Section 14, T5N, R4E of the BHM, Apple Springs S/D Back Nine Tract 1, 2, 3 and 4.

A public hearing was held on the application for 2021 liquor licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Deibert) to approve the following liquor licenses for 2021. Motion Carried. Retail (On-Off Sale) Wine and Cider Boars Nest, LLC (Bell LTD): Tract 59 Section 7, T4N, R3E, BHM.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2021-18 for a Supplemental Budget for General Fund Comm/Admin Asst. Grp Ins - \$1,918.08 Auditor Grp Ins - \$6,585.48 Treasurer Grp Ins - \$3,809.64 State's Attorney Grp Ins - \$5,500.68 Public Defender Grp Ins - 12,391.56 Gen Govt Bldg. Grp Ins - \$1,971.12 Equalization Grp Ins - \$3,809.64 Register Of Deeds Grp Ins - \$4,720.44 IST Grp Ins - \$5,831.76 Sheriff Grp Ins - \$11,525.52 Jail Grp Ins - \$2,069.76 Weed Grp Ins - \$4,693.92 P&Z Grp Ins - \$4,693.92 Road & Bridge Fund Road & Bridge Grp Ins - \$15,571.80 Emergency Management Fund Emergency Management Grp Ins - \$1,865.04 E-911 Fund E-911 Grp Ins - \$159.12. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Deibert) to approve and adopt the following Resolution #2021-18 for a Supplemental Budget. Motion Carried. RESOLUTION #2021-18 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2021, 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 2021, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: General Fund Comm/Admin Asst. Grp Ins - \$1,918.08 Auditor Grp Ins - \$6,585.48 Treasurer Grp Ins - \$3,809.64 State's Attorney Grp Ins - \$5,500.68 Public

Defender Grp Ins – 12,391.56 Gen Govt Bldg. Grp Ins - \$1,971.12 Equalization Grp Ins - \$3,809.64 Register Of Deeds Grp Ins - \$4,720.44 IST Grp Ins - \$5,831.76 Sheriff Grp Ins - \$11,525.52 Jail Grp Ins - \$2,069.76 Weed Grp Ins - \$4,693.92 P&Z Grp Ins - \$4,693.92 Road & Bridge Fund Road & Bridge Grp Ins - \$15,571.80 Emergency Management Fund Emergency Management Grp Ins - \$1,865.04 E-911 Fund E-911 Grp Ins - \$159.12 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 11th day of May, 2021 at the hour of 9:30 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 11th day of May, 2021. FOR THE BOARD OF COUNTY COMMISSIONERS Richard Sleep, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

PLANNING & ZONING:

MEDICAL CANNABIS TEMPORARY ORDINANCE: Amber Vogt, Planning & Zoning Administrator, gave an update on the timeline for consideration and adoption of a temporary ordinance for medical cannabis.

PRELIMINARY PLAT/PEARSON: APPLICANT: Bill Pearson LEGAL DESCRIPTION: Lots 1 - 4 of Cabin Springs Estates, being a portion of the remainder of the SE ¼ NW ¼ of Section 20, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: New subdivision ZONING: PF ACREAGE: Lot 1 (2.01 acres); Lot 2 (2.00 acres); Lot 3 (2.00 acres); Lot 4 (2.35 acres).

Moved-Seconded (Ewing-Rosenau) to approve the preliminary plat for Bill Pearson 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: Lots 1 - 4 of Cabin Springs Estates, being a portion of the remainder of the SE ¼ NW ¼ of Section 20, T5N, R4E VICINITY LOCATION: Boulder Canyon SUMMARY: New subdivision ZONING: PF ACREAGE: Lot 1 (2.01 acres); Lot 2 (2.00 acres); Lot 3 (2.00 acres); Lot 4 (2.35 acres). Abstain-Deibert. Motion Carried.

PRELIMINARY & FINAL PLAT/MAITLAND PARTNERS, LLC.: APPLICANT: Maitland Partners, LLC LEGAL DESCRIPTION: Lot 1, 12 and Well Lot of Tract L of Harley Estates in Section 19 and 20, T5N, R3E (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots-matches preliminary ZONING: PF ACREAGE: 1 (9.034 acres), 12 (5.149 acres) Well Lot (.266 acres).

Moved-Seconded (Deibert-Rosenau) to approve the preliminary & final plat for Maitland Partners, 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 1, 12 and Well Lot of Tract L of Harley Estates in Section 19 and 20, T5N, R3E (Legal shortened) VICINITY LOCATION: Maitland Road SUMMARY: New lots-matches preliminary ZONING: PF ACREAGE: 1 (9.034 acres), 12 (5.149 acres) Well Lot (.266 acres). Motion Carried.

PRELIMINARY & FINAL PLAT/IVERSON: APPLICANT: APPLICANTS: Cody Iverson & Laura Edward - Iverson LEGAL DESCRIPTION: Plat of Lot 1A, Blk 7 Wilderness Estates 2nd Addition in 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot ZONING: PUD.

Moved-Seconded (Rosenau-Ewing) to approve the preliminary & final plat for Cody Iverson & Laura Edward - Iverson 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: Plat of Lot 1A, Blk 7 Wilderness Estates 2nd Addition in 8, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot ZONING: PUD. Motion Carried.

PRELIMINARY & FINAL PLAT/POWDERHOUSE PASS & BH DEVELOPMENT, LLC.: APPLICANTS: Powder House Pass and BH Development, LLC LEGAL DESCRIPTION: Tract B1R of Wilderness Estates 2nd Addition in 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot - adding acreage into the community hall ZONING: PUD.

Moved-Seconded (Ewing-Deibert) to approve the preliminary & final plat for Powder House Pass and BH Development, 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: Tract B1R of Wilderness Estates 2nd Addition in 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Revised lot - adding acreage into the community hall ZONING: PUD. Motion Carried.

PRELIMINARY & FINAL PLAT/TWO BIT, LLC.: APPLICANT: Two Bit, LLC LEGAL DESCRIPTION: Lot 20A Revised and, 21A and 22A of Golden Hills SD in 31, T5N, R4E (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line adjustments ZONING: PF ACREAGE: 20A (9.887), 21A (5.087) Lot 22A (2.00).

Moved-Seconded (Deibert-Rosenau) to approve the preliminary & final plat for Two Bit, 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 20A Revised and, 21A and 22A of Golden Hills SD in 31, T5N, R4E (Legal shortened) VICINITY LOCATION: Boulder Canyon SUMMARY: Lot line adjustments ZONING: PF ACREAGE: 20A (9.887), 21A (5.087) Lot 22A (2.00). Motion Carried.

PUBLIC SAFETY AND SERVICES CENTER PROJECT:

ELEVATUS AGREEMENT FOR PROFESSIONAL SERVICES (SCHEMATIC DESIGN): The proposed agreement for professional services submitted by Elevatus Architecture (Schematic Design) is under review by legal counsel and Steve Williams, Williams & Associates.

COLLIERS SECURITIES LLC. AGREEMENT FOR PROFESSIONAL SERVICES:

Moved-Seconded (Rosenau-Deibert) to sign the agreement between Lawrence County, South Dakota, and Colliers Securities, LLC. Motion Carried.

SCHEMATIC DESIGN COMMITTEE: Brian Dean, Sheriff, reported that the Schematic Design Committee met on May 6, 2021.

Moved-Seconded (Rosenau-Deibert) to appoint Amber Vogt, member of the public, to the schematic design committee. Motion Carried.

STAFF PRESENTATIONS IN SUPPORT OF DESIGN DETAILS: The preliminary design details of certain areas having been previously identified for further evaluation, staff were present to offer support and explanation for the minimum space requirements for their respective areas

I.T. ROOM: Moved-Seconded (Rosenau-Ewing) to leave the I.T. room as presented in the programming & conceptual design. Motion Carried. **INMATE SERVICES:** No action taken. **EMERGENCY MANAGEMENT ADMINISTRATION:** Moved-Seconded (Ewing-Rosenau) to leave the Emergency Management Administration as presented in the programming & conceptual design. Aye-Rosenau, Deibert, Flanagan and Ewing. Nay-Sleep. Motion Carried. **ADMINISTRATIVE SPACES:** No action taken. **PIPE CHASE:** Moved-Seconded (Ewing-Deibert) to leave the Pipe Chase as presented in the programming & conceptual design. Motion Carried. **VEHICLE SALLY PORT:** Moved-Seconded (Rosenau-Ewing) to leave the Vehicle Sally Port as presented in the programming & conceptual design. Motion Carried. **COURTS:** Moved-Seconded (Deibert-Rosenau) to leave the arraignment court as presented in the programming & conceptual design. Motion Carried. Moved-Seconded (Rosenau-Flanagan) to add Magistrate Court Option to the plan. Aye-Rosenau, Deibert, Flanagan and Ewing. Nay-Sleep. Motion Carried. **SHOOTING RANGE:** Moved-Seconded (Rosenau-Ewing) to leave the Shooting Range as presented in the programming & conceptual design. Aye-Rosenau, Deibert, Flanagan and Ewing. Nay-Sleep. Motion Carried.

Commissioner Deibert voiced his concern with the 4% escalation/bid market contingency. Deibert questioned whether this would be an adequate amount.

12:00 p.m. Commissioner Flanagan left the meeting.

COURTHOUSE ROOF AND MASONRY PROJECT: Bruce Outka, Deputy State's Attorney, and Tim Agena, General Government Buildings, presented the two cost estimates for the Courthouse Roof and Masonry project. Precision Construction & Roofing-\$1,616,552.52; Renaissance Roofing Inc.-\$2,851,352.55. Outka reminded the Board that on July 14, 2020 a

Resolution Declaring an Emergency Pursuant to SDCL 5-18A-9 allowing for repairs to be made without advertisement for bids was passed.

Moved-Seconded (Deibert-Rosenau) to accept the lowest responsible cost estimate from Precision Construction & Roofing-\$1,616,552.52 and authorize the Chairman to sign any legal documents subject to review by legal counsel and contingent upon the production of the requisite insurance certificates, 10% performance bond, project agreement and rate schedule for change orders being provided. Motion Carried.

OFF-SALE LIQUOR LICENSE: Brenda McGruder, Auditor, and Bruce Outka, Deputy State's Attorney, updated the Board on the revisions to SDCL 35-4-11.1 regarding issuance of new off-sale liquor licenses. Commissioner Ewing stated he prefers that the licenses be issued by sealed bid, one at a time, over consecutive months until all license are filled. McGruder and Outka will provide a draft resolution at the next meeting for consideration.

ITEMS FROM THE COMMISSIONERS: Bruce Outka, Deputy State's Attorney, reported that a fire drill was conducted on May 6, 2021. Commissioner Deibert reported on the OHV action group. Deibert stated that the quarterly meeting of the Black Hills Association of County Commissioners/Officials will be held at Prairie Winds Casino on May 14, 2021.

BILLS: Moved-Seconded (Deibert-Rosenau) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

Payroll: Comm-\$14,076.22; Aud-\$23,290.27; Treas-\$26,144.83; States Atty-\$33,498.11; Pub Def-\$26,510.48; Gen Govt Bldg-\$19,345.58; Equal-\$31,758.73; Rod-\$17,746.84; Vso-\$3,472.40; Ist-\$19,348.50; Sher-\$105,974.06; Jail-\$58,800.06; Coroner-\$4,002.32; 24/7-\$643.74; Emerg Mgmt-\$9,320.02; E911-\$46,195.20; Highway-\$92,271.59; Weed-\$8,425.36; P&Z-\$12,583.16;
Bills: Tridle, Debora-\$52.00; Fitzgerald, John-\$42.00; Mcgruder, Brenda-\$52.00; Dias, Gregory-\$112.89; Sargent, Debbie-\$52.00; Hansen, Davida-\$52.00; Stulken, Krystal-\$52.00; A To Z Shredding-\$478.82; A&B Business, Inc Solutions-\$1,485.95; A&B Welding Supply-\$23.87; Ace Hardware-\$32.98; Air Connection-\$813.45; Alpine Impressions-\$77.00; At&T Mobility-\$316.90; Audra Hill Consulting-\$1,238.39; BH Pest Control-\$190.00; BH Pioneer-\$1,369.95; BH Truck And Trailer-\$524.47; Black Hills Chemical-\$1,147.84; Black Hills Pure-\$11.50; Butler Machinery Co-\$694.42; Butte Electric Coop-\$700.82; Cdw Government-\$928.56; Century Business Products-\$601.42; Centurylink-\$414.10; Chadams-\$367.45; Clinical Lab Of BH-\$2,032.00; Cochran, Leslie-\$20.40; Convergint Technologies-\$275.51; Dakota Wire Works-\$94.13; Dakota Equipment Rental-\$82.38; Dale's Tire & Retread-\$789.36; Deadwood Mountain Grand-\$1,609.47; Deadwood, City Of-\$1,055.74; Denny's Welding-\$18.00; Diamond Medical Supply-\$179.40; Dmc Wear Parts-\$29,701.40; Election Sys & Software-\$1,834.70; Elevatus Architecture-\$12,379.58; Galls-\$201.46; Godfrey's Brake Serv-\$1,600.60; Grey & Eisenbraun, Prof-\$3,266.40; Hartford-Priority Accounts-\$2,105.26; High Plains Business Forms-\$332.03; Hilpert & Hale Prof-\$540.95; Hub Intl Mountain States Limit-\$50.00; Interstate Engineering-\$6,620.00; Juneks' Chrysler/Dodge-\$57,000.00; Kinney Law-\$1,013.10; Knecht Home Center-\$34.51; Kosel, Joseph-\$7,227.86; LC Emerg Mgmt-\$48.76; LC Plan & Zone-\$29.30; Lakota Contracting-\$27.90; Lead-Deadwood Sanitary-\$482.06; Lee, James-\$15.00; Lewno, Lucy-\$81.50; Lexisnexis Risk Data Mgmt-\$75.00; Lynn's Dakotamart-\$80.43; McClure, Susan-\$360.00; Mcpherson Propane-\$69.00; Montana Dakota Utilities-\$3,026.21; Monument Health Network-\$1,833.45; Monument Health Rc Hospital-\$1,383.00; Nelson, Christy-\$540.00; Office Depot-\$741.48; Pcsa Addiction Treatment Serv-\$226.00; Pennington County Sts Attny-\$215.00; Pharmchem-\$605.50; Phils Electric-\$487.56; Phoenix Investigations-\$1,064.00; Pizza Lab-\$175.35; Postmaster, Deadwood-\$150.00; Quik Signs-\$331.07; Quill-\$14.29; Radiology Associates-\$8.21; Ramkota Inn Pierre-\$808.00; Redwood Toxicology Lab-\$268.00; Rensch, Timothy J Atty At Law-\$1,015.07; Rocket Lube-\$104.98; Ryan, Steven-\$12,872.67; Schlimgen Law Firm-\$476.95; Sd Dept Of Transportation-\$4,971.58; Sd Narcotics Officers Assoc-\$50.00; Sd Retirement System-\$98,941.64; Sd Sheriff's Association-\$85.00; Secretary Of State-\$30.00; Semerad, Sandra-\$95.00; Servall Towel & Linen-\$284.38; Silverado-\$513.25; Simon North Region-\$57,448.95; Sink, Fred-\$615.00; Spearfish Auto Supply-\$449.38; Sterna, Laura-\$683.25; Sturdevant's Auto Parts-\$1,358.25; Sysco Montana-\$2,121.70; Triple K Tire & Repair-\$91.43; Tucker, Fred-\$2,032.78; Twin City Hardware & Lumber-\$216.76; Waste Connections-\$567.76; Watertree-\$46.80; Wells Plumbing & Farm Supp-\$405.62; Western Communication-\$836.00; Wex Bank-\$158.87; **Witness & Jurors:** \$6,136.80.

ADJOURN: 12:16 p.m. There being no further business, Chairman Sleep adjourned the meeting.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor