

## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 12, 2020**

Chairman Brandon Flanagan called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 12, 2020 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Randall Rosenau present. Commissioner Daryl Johnson, Richard Sleep and Randy Deibert were available 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-Flanagan) to approve the agenda as amended. Motion Carried.

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

**MINUTES:** Moved-Seconded (Rosenau-Flanagan) to approve the minutes of April 28, 2020, County Commission meeting. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the minutes of the 2020 Board of Equalization meeting. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Rosenau-Flanagan) to approve Melody A. Nelson as a full-time permanent First Deputy G2 at a base rate of \$24.81 an hour, effective May 24, 2020. Motion Carried.

**REGISTER OF DEEDS:** Moved-Seconded (Rosenau-Flanagan) to approve Keri Podoll as a full-time permanent First Deputy G3 at a base rate of \$23.88 an hour, effective May 11, 2020. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve Jobina Victoria Fountain as a full-time permanent Recording Clerk G1 at a base rate of \$15.76 an hour, effective May 26, 2020. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the cell phone per diem of \$75.00 per month for Davida Hansen, effective May 10, 2020. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Deibert-Rosenau) to approve Chase Tyson as a full-time seasonal GPS G3 at a base rate of \$16.87 an hour, effective May 11, 2020. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve Austin Miller as a full-time seasonal Sprayer/GPS G1 at a base rate of \$14.29 an hour, effective May 12, 2020. Motion Carried.

**SHERIFF:** Moved-Seconded (Rosenau-Flanagan) to approve Greg Meyer as a full-time permanent Deputy I G3 at a base rate of \$25.62 an hour, effective May 10, 2020. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve William Dubry as a full-time permanent Deputy I G3 at a base rate of \$25.62 an hour, effective May 10, 2020. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve Lance Palmer as a full-time permanent Deputy II G1 at a base rate of \$26.13 an hour, effective May 24, 2020. Motion Carried.

Moved-Seconded (Rosenau-Deibert) to approve Kyle Anderson as a full-time permanent Deputy II G3 at a base rate of \$27.19 an hour, effective June 7, 2020. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Chelsea Lindsey as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective May 24, 2020. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Chelsea Lindsey as a part-time fill-in Deputy I G3 at a base rate of \$25.62 an hour, effective May 10, 2020. Motion Carried.

**VOLUNTEER SEARCH AND RESCUE:** Moved-Seconded (Johnson-Rosenau) to approve Joesph M. Lillo as a Volunteer Search and Rescue member for insurance purposes. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 2020; 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)-\$1,455,523.00; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,654.28; petty cash-\$1,860.00; total amount of deposits in bank include: CD's-\$1,000,000.00; bank balance \$24,465,946.57; money market \$10,936,897.62. Total \$37,864,231.47. Motion Carried.

**AUTOMATIC SUPPLEMENTS:**

**SHERIFF:** Moved-Seconded (Deibert-Rosenau) to approve the automatic supplement of \$2,026.60 to the Sheriff Travel budget for reimbursement for vehicle damage. Motion Carried.

**SURPLUS:**

**GLOCK .45:** Moved-Seconded (Rosenau-Deibert) to declare seven (7) Glock .45 serial #s TUC770, TUC773, TUC767, TUC760, TUC763, TUC764, YHR455 surplus and allow for trade-in. Motion Carried.

**CENTRAL CITY:** Moved-Seconded (Deibert-Rosenau) to approve the Central City Town and Township Bond for \$150,000. Motion Carried.

**ST. ONGE:** Moved-Seconded (Deibert-Rosenau) to approve the St. Onge Town and Township Bond for \$50,000. Motion Carried.

**SHERIFF:**

**JAIL CONTRACT/MONUMENT HEALTH LEAD-DEADWOOD HOSPITAL JAIL MEDICAL AGREEMENT:** Moved-Seconded (Rosenau-Deibert) to approve and authorize the Chairman to sign the 2020-2021 Jail Medical Agreement with the Monument Health Lead-Deadwood Hospital. Motion Carried.

**PUBLIC SAFETY AND SERVICE FACILITY COMMITTEE UPDATE:** Brian Dean, Sheriff, gave an update on the newly branded Public Safety and Service Facility committee meeting.

**EXECUTIVE SESSION:** 8:58 a.m. Moved-Seconded (Rosenau-Deibert) to go into executive session pursuant to SDCL 1-25-2(3) and 1-25-2(1) to discuss legal matters and personnel. Motion Carried. 9:42 a.m. The Board opened for regular business with no action taken.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of May 4, 2020: **Spearfish Diesel #2 (dyed) 4600 gallons:** (prices per gallon) CBH Cooperative -\$1.134\*; Harms Oil Co-No Bid; MG Oil - No Bid. **Spearfish Unleaded 1100 gallons:** (prices per gallon) CBH Cooperative - \$1.46\*; Harms Oil Co-No Bid; MG Oil - No Bid. **Whitewood Diesel #2 (dyed) 700 gallons:** (prices per gallon) CBH Cooperative -\$1.134\*; Harms Oil Co-No Bid; MG Oil - No Bid. \*Represents lowest quote awarded.

**APPROACH PERMIT:**

**PAVEL:** Moved-Seconded (Sleep-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the approach permit for Doug Pavel to construct an approach on the east side of Crackerjack Road. Motion Carried.

**PROJECT UPDATES:** Allan Bonnema, Highway Superintendent, gave an update on the KOA bridge on W. Highway 14, Whitewood Valley Bridge and Dorsett Road Bridge.

**HIGHWAY & PHYSICAL PLANT APPOINTMENT:** Moved-Seconded (Sleep-Rosenau) to re-appoint Allan Bonnema as the Highway & Physical Plant Superintendent for a two-year term to expire 5-2022. Motion Carried.

**MOLLER ROAD COMMITTEE UPDATE:** Commissioner Deibert gave an update on the Moller Road Committee meeting. Deibert stated that at the last meeting it was requested that the two groups respond back to the committee in 7-10 days. Deibert added that it was a good discussion and the group is working toward common goals. Commissioner Flanagan stated that discussion is being held on Crow Peak Bench forming a road district.

**WEIGHT LIMITS/FISHER INDUSTRIES HAUL ROAD AGREEMENT:** Allan Bonnema, Highway Superintendent, gave an update regarding the weight limits on the interstate in Wyoming. Bonnema stated that a letter was received from the Wyoming Department of Transportation stating that due to FHWA interstate highway requirements, 117,000 lbs. is the maximum weight allowed on the interstate highways in Wyoming for divisible loads such as quarry aggregate. Bonnema stated that Fisher Industries is still in the process of putting together correspondence for the Commission to consider in the future. Bonnema stated that a copy of an example haul road agreement has been provided to Fisher Industries.

**PLANNING & ZONING:**

**PLANNING & ZONING UPDATES:** Amber Vogt, Planning & Zoning Administrator, gave an update on the Comprehensive Plan.

**PLATS:**

**FINAL PLAT/TWO BIT RANCH ESTATES, LLC.: APPLICANT:** Two Bit Ranch Estates, LLC. **LEGAL DESCRIPTION:** Lots 21A & 22A of Two Bit Ranch Estates Section 30, T5N, R4E (legal shortened) **VICINITY LOCATION:** Two Bit Road **SUMMARY:** Lot line revisions **ZONING:** PF **ACREAGE:** Lot 21A (3.26 acres) and Lot 22A (2.35 acres).

Moved-Seconded (Johnson-Rosenau) to approve the final plat for Two Bit Ranch Estates, 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:** Lots 21A & 22A of Two Bit Ranch Estates Section 30, T5N, R4E (legal shortened) **VICINITY LOCATION:** Two Bit Road **SUMMARY:** Lot line revisions **ZONING:** PF **ACREAGE:** Lot 21A (3.26 acres) and Lot 22A (2.35 acres). Motion Carried.

**PRELIMINARY AND FINAL PLAT/HUFFMAN & KNOEPFLE:** **APPLICANTS:** Louis & Janice Huffman and Patrick & Kelcee Knoepfle **LEGAL DESCRIPTION:** Lots 6AR and 6BR of the JV Subdivision Section 33, T6N, R4E (legal shortened) **VICINITY LOCATION:** Crook City Road **SUMMARY:** Revision of lot lines **ZONING:** PF **ACREAGE:** Lot 6AR (2.70 acres); Lot 6BR (23.43 acres).

Moved-Seconded (Rosenau-Flanagan) declaring that the plat for Louis & Janice Huffman and Patrick & Kelcee Knoepfle meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the preliminary and final plat for Louis & Janice Huffman and Patrick & Kelcee Knoepfle 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 6AR and 6BR of the JV Subdivision Section 33, T6N, R4E (legal shortened) **VICINITY LOCATION:** Crook City Road **SUMMARY:** Revision of lot lines **ZONING:** PF **ACREAGE:** Lot 6AR (2.70 acres); Lot 6BR (23.43 acres). Motion Carried.

**PRELIMINARY AND FINAL PLAT/RUFF & SCHENK:** **APPLICANTS:** Eugene & Rebecca Ruff and Nancy & Karl Schenk **LEGAL DESCRIPTION:** Plat of Lot 3A and 5A of Lot A of HES 537, Section 2, T3N, R4E (legal shortened) **VICINITY LOCATION:** Nemo Road **SUMMARY:** Revision of lot lines **ZONING:** PF **ACREAGE:** Lot 3A (7.01 acres) and Lot 5A (7.39 acres).

Moved-Seconded (Rosenau-Flanagan) declaring that the plat for Eugene & Rebecca Ruff and Nancy & Karl Schenk meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the preliminary and final plat for Eugene & Rebecca Ruff and Nancy & Karl Schenk 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 3A and 5A of Lot A of HES 537, Section 2, T3N, R4E (legal shortened) VICINITY LOCATION: Nemo Road SUMMARY: Revision of lot lines ZONING: PF ACREAGE: Lot 3A (7.01 acres) and Lot 5A (7.39 acres). Motion Carried.

A follow up resolution will be prepared to ratify and accept the area dedicated as a public right-of-way at the next Commission meeting.

**FINAL PLAT/TWO BIT, LLC.:** APPLICANT: Two Bit, LLC LEGAL DESCRIPTION: Plat of 20A, of Golden Hills, Section 25, 36, T5N, R3E and Sections 30 & 31, T5N, R4E (legal shortened) VICINITY LOCATION: Two Bit Road SUMMARY: Lot line revision ZONING: PF ACREAGE: Lot 20A (10.079 acres).

Moved-Seconded (Deibert-Flanagan) declaring that the plat for Two Bit, LLC meets exemption criteria per Subdivision Ordinance, Chapter 4 Article 3. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve the 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: Plat of 20A, of Golden Hills, Section 25, 36, T5N, R3E and Sections 30 & 31, T5N, R4E (legal shortened) VICINITY LOCATION: Two Bit Road SUMMARY: Lot line revision ZONING: PF ACREAGE: Lot 20A (10.079 acres). Motion Carried.

**RECESS:** 10:15 a.m. Moved-Seconded (Rosenau-Johnson) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 10:28 a.m. The Chairman called the Commission meeting back to order.

**NUISANCE COMPLAINT UPDATES:** Jeff Schroeder, Building Code Enforcement Officer, gave an update on the ongoing nuisance complaint for Lois Roth. Schroeder was instructed by the Commission to give Lois Roth a notice to attend the next meeting along with an estimate, to include hazards materials, of the cost to remove the nuisance from the property.

#### **ITEMS FROM COMMISSIONERS:**

**BUILDING CLOSURE:** Discussion was held on the opening of the County Buildings. Bruce Outka, Deputy State's Attorney, stated that a department head meeting was held and presented the recommendation therefrom to keep the County buildings closed to the public, but fully staffed, until after the primary election. Staff was directed to come up with a plan to open the building and present the same at the next Commission meeting on May 26, 2020.

Commissioner Sleep stated that the Fair Board was looking for some guidance on how to handle the upcoming Butte-Lawrence County Fair. The Commission stated that they should continue on with the planning and if the need arises there would still be time to cancel.

Moved-Seconded (Rosenau-Deibert) to send Sheree Green, Retired Register of Deeds, a care package. Motion Carried.

**BILLS:** Moved-Seconded (Deibert-Johnson) 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-\$7,033.31; Aud-\$11,524.49; Treas-\$13,102.03; States Atty-\$15,944.16; Pub Def-\$13,237.64; Gen Govt Bldg-\$10,136.89; Equal-\$15,733.08; Rod-\$9,455.89; Vso-\$1,736.20; Ist-\$9,653.45; Sher-\$51,594.43; Jail-\$31,916.27; Coroner-\$992.36; 24/7-\$356.21; Emerg Mgnt-\$4,677.41; E911-\$16,769.58; Highway-\$50,082.12; Weed-\$4,188.68; P&Z-\$6,275.58; **Bills:** Larson, Rene-\$30.00; Moser, Douglas-\$74.00; Hamann, Alex-\$74.00; Quenzer, Linda-\$6.00; A To Z Shredding-\$4.76; American Family Life-\$2,619.88; Breit & Boomsma PC-\$100.00; Credit Collections Bureau-\$212.16; Deadwood Recreation Center-\$700.00; Delta Dental Of South Dakota-\$8,073.50; Dept Of The Treasury-\$64,584.55; Hartford-Priority Accounts-\$2,205.97; Northern Hills Rec Center-\$236.00; Office Of Attorney General-\$315.69; Office Of Child Support-\$1,164.93; Sd Retirement System-\$99,263.98; Sdrs Supplemental Retirement-\$2,057.50; Wellmark Blue Cross-\$94,842.52; A&B Business,Inc Solutions-\$3,121.27; A&B Welding

Supply-\$22.63; A&I Distributors-\$1,444.95; Ace Hardware Of Lead-\$10.18; Air Connection-\$1,378.43; American Stamp & Marking-\$77.03; At&T Mobility-\$1,073.99; Audra Hill Consulting-\$1,320.49; BH Pest Control-\$190.00; BH Pioneer-\$1,218.29; Barcodes-\$90.40; Black Hills Chemical-\$119.92; Black Hills Energy-\$183.16; Black Hills Pure-\$44.00; Black Hills Urgent Care-\$90.00; Bomgaars Supply-\$11.30; Brosz Engineering-\$22,552.50; Bruemmer, Lynnel-\$60.60; Butler Machinery Co-\$563.70; Butte Electric Coop-\$502.63; Cbh Cooperative-\$7,559.43; Century Business Products-\$379.61; Centurylink-\$185.08; Chadams-\$2,700.00; Clinical Lab Of BH-\$1,978.00; Coban Technologies-\$128.00; Dakota Equipment Rental-\$43.90; Dale's Tire & Retread-\$1,579.44; Deadwood, City Of-\$870.94; Dmc Wear Parts-\$17,462.20; Donarski Lawncare&Landscaping-\$1,925.00; Fastenal-\$32.10; Floyd's Truck Center-\$35.51; G&H Distributing Of Rc-\$47.41; Galls-\$450.77; Heartland Paper Co-\$612.02; Hilpert & Hale Prof-\$537.60; Jacobs Precision Welding-\$356.00; Joe Dirt Septic & Drain-\$533.00; Juneks' Chrysler/Dodge-\$62.68; Karen Paige Hunt, Prof-\$248.10; Kerber, James-\$400.00; Kosel, Joseph-\$13,803.13; LC Treasurer-\$21.20; Lead-Deadwood Sanitary-\$376.03; Lewis & Clark Bhs-\$356.00; Lexisnexis Risk Data Mgnt-\$75.50; Lynn's Dakotamart-\$31.53; Mack's Auto Body-\$14,059.38; Mcclure, Susan-\$120.00; Mcleod's Office Supply-\$4,029.10; Mcpherson Propane-\$69.00; Montana Dakota Utilities-\$552.12; Monument Health Network-\$2,901.86; Ms Mail-\$20.00; Nelson, Christy-\$240.00; North Central Int'l-\$9.90; Northern Truck Equip-\$348.00; Office Depot-\$450.68; Pcsa Addiction Treatment-\$638.00; Pennington County Sts Attny-\$215.00; Pharmchem-\$605.50; Pheasantland Industries-\$135.15; Phils Electric-\$260.10; Postmaster, Deadwood-\$150.00; Quill-\$1,556.39; RC Journal-\$424.99; Reserve Account-\$10,000.00; Rocket Lube-\$208.96; Root Spring Scraper-\$163.49; Sara J Fitzgerald-\$432.00; Sd Dept Of Transportation-\$1,432.64; Sd Office Of Attorney General-\$97.00; Sd State Treasurer-\$14,622.94; Semerad, Sandra-\$57.00; Servall Towel & Linen-\$691.03; Simon North Region-\$28,560.00; Spearfish Auto Supply-\$1,813.53; Spearfish City Of-\$458.35; Spearfish Police Dept-\$10,436.08; Sterna, Laura-\$344.00; Sturdevant's Auto Parts-\$1,887.18; Sysco Montana-\$1,161.62; Thomson Reuters-West-\$203.56; Transource Truck & Equip-\$1,117.38; Triple K Tire & Repair-\$1,104.40; Twin City Hardware & Lumber-\$231.50; Tyler Technologies-\$11,305.00; Uline-\$97.52; Warne Chemical-\$558.40; Waste Connections-\$917.28; Watertree-\$39.60; Western Communication-\$68.90; Western Sd Juvenile Serv-\$5,980.00; Wex Bank-\$290.88; Williams & Associates-\$18,000.00; Yankton Co Sheriff-\$50.00;

**ADJOURN:** 11:22 a.m. There being no further business it was Moved-Seconded (Rosenau-Sleep) to adjourn the meeting. Motion Carried.

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Date Approved

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Brandon Flanagan, Chairperson

ATTEST:

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Brenda McGruder, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – May 12, 2020**

Chairman Brandon Flanagan called the meeting of the Lawrence County Board of Adjustment to order at 10:15 a.m. on May 12, 2020, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Randall Rosenau present. Commissioner Richard Sleep, Daryl Johnson and Randy Deibert appeared by video conferencing (GoToMeeting).

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

**DECLARE CONFLICTS:** No conflicts were declared by the Lawrence County Board of Adjustment.

**VARIANCE #183/:** A public hearing was held on Variance #183 APPLICANTS: Ralph and Carol Reausaw LEGAL: Lot 66 of Spearfish Canyon Lots Section 21 T4N, R2E VICINITY LOCATION: US Hwy 85 SUMMARY: Applicant is requesting a variance to the 25’ front setback of 22.13’ which would be a 2.87’ setback, to allow a new garage to be placed on the same pad as the old one which collapsed in the snowstorm ACREAGE: .64 acres.

Commissioner Deibert stated he was contacted by the applicant in reference to the process.

Amber Vogt, Planning & Zoning Administrator, discussed her staff report.

No public input was voiced and the public hearing was closed.

Moved-Seconded (Johnson-Deibert) to approve Variance #183 based on the fact that the structure is being placed on the original foundation. APPLICANTS: Ralph and Carol Reausaw LEGAL: Lot 66 of Spearfish Canyon Lots Section 21 T4N, R2E VICINITY LOCATION: US Hwy 85 SUMMARY: Applicant is requesting a variance to the 25’ front setback of 22.13’ which would be a 2.87’ setback, to allow a new garage to be placed on the same pad as the old one which collapsed in the snowstorm ACREAGE: .64 acres. Motion Carried.

**VARIANCE #184/:** A public hearing was held on Variance #184 APPLICANT: Scott Newson LEGAL: Lot 21 of Spearfish Canyon Lots Section 9, T4N, R2E VICINITY LOCATION: US Hwy 85 SUMMARY: A request for 12.68’ and 3.44’ variance to the 25’ front setback and a 6.1’ and 1.8’ variance to the 10’ rear setback for the new residence and a 7.35’ and 6.98’ variance to the 10’ rear setback and a 7’ and 8.27’ variance to the 10’ side setback for the existing garage ACREAGE: .16 acres.

Amber Vogt, Planning & Zoning Administrator, discussed her staff report.

No public input was voiced and the public hearing was closed.

Moved-Seconded (Rosenau-Flanagan) to approve Variance #184 based on the fact that the structure is moving further away from the creek and flood plain. APPLICANT: Scott Newson LEGAL: Lot 21 of Spearfish Canyon Lots Section 9, T4N, R2E VICINITY LOCATION: US Hwy 85 SUMMARY: A request for 12.68’ and 3.44’ variance to the 25’ front setback and a 6.1’ and 1.8’ variance to the 10’ rear setback for the new residence and a 7.35’ and 6.98’ variance to the 10’ rear setback and a 7’ and 8.27’ variance to the 10’ side setback for the existing garage ACREAGE: .16 acres. Motion Carried.

**ADJOURN:** 10:28 a.m. There being no further business, it was Moved-Seconded (Rosenau-Deibert) to adjourn the Board of Adjustment meeting. Motion Carried.

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Date Approved

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Brandon Flanagan, Chairman

ATTEST:

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Brenda McGruder, Auditor