

LAWRENCE COUNTY COMMISSIONERS MEETING – May 25, 2021

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 25, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing present.

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

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

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with the 9:15 a.m. Variance #191. Commissioner Flanagan stated that he would be abstaining from any discussion pertaining to MC Ranch, LLC.

MINUTES: Moved-Seconded (Ewing-Rosenau) to approve the minutes of May 11, 2021 County Commission meeting. Motion Carried.

PERSONNEL:

TREASURER: Moved-Seconded (Deibert-Flanagan) to approve Sarah Bailey as a full-time permanent Accounting Clerk G1 at a base rate of \$15.76 an hour, effective June 7, 2021. Motion Carried.

SHERIFF: Moved-Seconded (Deibert-Flanagan) to approve Lisa Smith as a full-time temporary Correctional Officer I G2 at a base rate of \$19.65 an hour, effective May 23, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Debora Corean as a full-time permanent Correctional Officer I G2 at a base rate of \$19.65 an hour, effective June 6, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Marina Cleveland as a full-time permanent Correctional Officer I G3 at a base rate of \$20.04 an hour, effective May 23, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Anthony Spencer as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective June 6, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Megan Tieszen as a full-time permanent Dispatcher I G2 at a base rate of \$19.65 an hour, effective June 6, 2021. Motion Carried.

Moved-Seconded (Rosenau-Ewing) to allow for a Personnel Manual waiver for Lacey Kelly, Dispatcher, to live outside of Lawrence County upon a finding of special circumstances. Aye-Rosenau, Ewing & Sleep. Nay-Deibert & Flanagan. Motion Carried.

EQUALIZATION: Moved-Seconded (Rosenau-Flanagan) to allow employees to donate leave to Carmen Symonds upon the exhaustion of the employee's accumulated vacation time, compensatory time and sick leave. Abstain-Deibert. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Rosenau-Flanagan) to approve the automatic supplement of \$12,624.15 to the Sheriff Travel Budget for reimbursement for vehicle damage. Motion Carried.

TREASURER:

KIOSK: Deb Tridle, Treasurer, reported that a new license renewal kiosk will be installed at the Spearfish Rec & Aquatics Center in Spearfish.

SHERIFF:

PUBLIC SAFETY AND SERVICES CENTER PROJECT: Brian Dean, Sheriff, reported that the Public Safety and Services Center committee meet on May 18, 2021 to discuss in detail the financing of the project. Dean stated a draft copy of the Resolution for Opt Out and a Resolution

Authorizing the Sale of Certificates of Participation, In One Or More Series; Subject to Certain Parameters; Fixing Their Form and Specifications; Directing The Execution and Delivery of the Certificates and Related Documents; Appointing A Pricing Committee to Approve the Terms of the Certificates; And Retaining Bond Counsel has been provided for review. Toby Morris, Colliers Securities LLC. was present to explain the draft resolutions and the process for opting out and borrowing.

ELEVATUS AGREEMENT FOR PROFESSIONAL SERVICES (SCHEMATIC DESIGN): Cory Miller, Elevatus Architecture, and Steve Williams, Williams & Associates, appeared by GoToMeeting to explain and answer questions in reference to the Elevatus agreement for professional services. Brian Dean, Sheriff, stated it is the recommendation of the Public Safety and Services committee to move forward with the Elevatus Architecture Agreement.

Moved-Seconded (Deibert-Rosenau) to approve and authorize the Chairman to sign the agreement between Lawrence County and Elevatus Architecture. Motion Carried.

HIGHWAY:
PERMITS:

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Crooked Oaks Road approximately ¼ mile east of the intersection of Fogelsong Road for construction of underground power line beginning in Section 14, T7N, R3E and ending in Section 11, T7N, R3E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Deibert-Ewing) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under Sale Barn Road west of the intersection of Sale Barn Road for construction of underground power line beginning in Section 26, T7N, R3E and ending in Section 23, T7N, R3E. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Rosenau) 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 time for the board to review the updated plans. Abstain-Flanagan. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Rosenau) 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 time for the board to review the updated plans. Abstain-Flanagan. Motion Carried.

MC RANCH, LLC.: Moved-Seconded (Deibert-Rosenau) 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 time for the board to review the updated plans. Abstain-Flanagan. Motion Carried.

RESOLUTION ESTABLISHING THE NUMBER OF OFF-SALE LIQUOR LICENSE & SETTING A LICENSE FEE: Brenda McGruder, Auditor, and Bruce Outka, Deputy State's Attorney, presented a draft resolution establishing the number of off-sale liquor license & setting a license fee.

Jason Wichterman, Wichterman & Sons, Inc. (Steel Wheel Campground), stated that he prompted the change to the statute allowing for additional licenses. He explained that guest and visitor hospitality and their safety were the basis of the change.

Mike Whalen, Merritt Estes Road, expressed to the commission should strongly consider making sure that the licenses are spread geographically throughout the county.

Commissioners Flanagan and Ewing, McGruder and Outka will meet and bring back a recommendation at the next meeting.

PLANNING & ZONING:

RECESS: 9:15 a.m. Moved-Seconded (Deibert-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. At 9:27 a.m., the Chairman called the Commission meeting back to order. See Board of Adjustment minutes for detail.

RECESS: 9:27 a.m. Moved-Seconded (Flanagan-Deibert) to recess the County Commission meeting and convene as the joint Lawrence County Commission and the Lawrence County Planning and Zoning Board. Motion Carried. At 9:51 a.m., the Chairman called the Commission meeting back to order. See The joint Lawrence County Commission and the Lawrence County Planning and Zoning Board minutes for detail.

PUBLIC DEFENDER: Amber Richey, Public Defender, was present to discuss the client meeting area and storage area.

ITEMS FROM THE COMMISSIONERS: Commissioner Deibert discussed the continued concerns of OHV use.

Deibert mentioned the upcoming Multiple Use Coalition meeting to be held on May 27, 2021.

Deibert requested that a review of the floodplain management jurisdiction be undertaken.

Deibert stated that the transportation alternatives funding submittal deadline is July 15, 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.

Commissioner Deibert questioned the Pictometry International Corp bill in the amount of \$30,090.43. Deibert noted for the record that the contract states that the imagery was to be with no snow.

Payroll: Comm-\$7,038.11; Aud-\$11,646.09; Treas-\$14,513.22; States Atty-\$16,612.10; Pub Def-\$13,255.24; Gen Govt Bldg-\$9,545.41; Equal-\$15,886.06; Rod-\$8,889.18; Vso-\$1,736.20; Ist-\$9,674.25; Sher-\$48,976.18; Jail-\$27,973.10; Coroner-\$301.16; 24/7-\$348.11; Emerg Mgnt-\$4,674.01; E911-\$14,619.21; Highway-\$46,109.23; Weed-\$4,215.48; P&Z-\$6,291.58; **Bills:** Bracha, Maria-\$185.60; A To Z Shredding-\$1,109.92; A&B Business,Inc Solutions-\$755.04; A&I Distributors-\$182.15; A&J Supply-\$32.96; Ace Hardware Of Lead-\$10.99; BH Occupational Medicine-\$70.00; BH Pioneer-\$626.08; BH Truck And Trailer-\$163.49; Bi Geo Group-\$225.40; Big Sky Communications-\$202.00; Black Hills Chemical-\$1,082.34; Black Hills Energy-\$12,114.46; Black Hills Urgent Care-\$170.00; Bomgaars Supply-\$125.48; Bruemmer, Lynnel-\$209.00; Butler Machinery Co-\$104.04; Center For Internet Security-\$11,580.00; Centurylink-\$338.55; Chadams-\$4,800.00; Chris Supply Co-\$22.02; City Of Rapid City-\$1,480.00; Clinical Lab Of BH-\$3,004.41; Deadwood Mountain Grand-\$750.00; Dept Of Hlth Lab Services-\$340.00; Dept Of The Treasury-\$61,122.44; Diamond Pharmacy-\$186.68; Eb Communications-\$118.00; Ecolab-\$156.42; Election Sys & Software-\$854.59; E-Z Fabrication & Welding-\$100.00; Fastenal-\$77.67; Federal Express-\$15.37; Fisher Sand & Gravel-\$40,616.25; Fox & Youngberg, Pc-\$382.52; Galls-\$285.01; Godfrey's Brake Serv-\$136.89; Heisler Hardware-\$7.98; Holiday Inn Spearfish-\$125.00; Joe's Windsheild Repair-\$50.00; Katterhagen, Mark-\$9.00; Kimball-Midwest Co-\$162.36; Knecht Home Center-\$28.68; Koala Electric-\$1,529.02; Kosel, Joseph-\$6,523.85; LC Treasurer-\$69.20; Lakota Contracting-\$23.95; Lawson Products-\$32.82; Lewno, Lucy-\$166.51; Lockwood, Darcy-\$9.00; Lueders-\$39.37; Mack's Auto Body-\$13,963.95; Mg Oil Company-\$32,738.78; Midcontinent Communications-\$113.07; Montana Dakota Utilities-\$365.52; Monument Health Rc Hospital-\$1,383.00; Ms Mail-\$20.00; Nalco Company-\$1,561.82; Newman Signs-\$140.64; Office Depot-\$82.47; Office Of Child Support-\$401.54; Pcsso Addiction Treatment Serv-\$226.00; Pennington Co Jail-\$1,304.84; Pharmchem-\$142.75; Pictometry International Corp-\$30,090.43; Pizza Lab-\$201.48; Queen City Tire-\$23.10; Quik Signs-\$480.00; Quill-\$47.99; Rasmussen Mechanical Serv-\$4,920.54; Sara J Fitzgerald-\$369.00; Schlimgen Law Firm, Llc-\$3,333.70; Sd Public Assur Alliance-\$174,148.32; Sdrs Supplemental Retirement-\$2,932.51; Semerad, Sandra-\$13.60; Servall Towel & Linen-\$271.99; Simon North Region-\$8,837.05; Southside Service-\$25.00; Spearfish Auto Supply-\$170.98; Spearfish Police Dept-\$10,743.58; Studioso, James-\$354.97; Sturdevant's Auto Parts-\$166.02; Summit Signs & Supply-\$1,415.00; Sunshine Towing&Transport-\$123.00; Sysco Montana-\$2,134.71; Triple K Tire &

Repair-\$946.44; Truenorth Steel-\$16,008.00; Trugreen Chemlawn-\$64.78; Turnkey Corrections-\$2.86; Twin City Hardware & Lumber-\$230.84; Us Armor Corporation-\$846.00; Vast Broadband-\$1,798.55; Verizon Wireless-\$107.63; Victims Of Violence-\$555.00; Waste Connections-\$404.57; Wells Fargo Business Card-\$7,431.81; Wells Plumbing & Farm Supp-\$2,792.55; Western Communication-\$207.69; Western Sd Juvenile Serv-\$7,800.00; White Drug-\$208.94; Wilen Dentistry-\$314.00; Yankton Co Sheriff-\$50.00; **Witness & Jurors:** \$6,672.18.

ADJOURN: 10:31 a.m. There being no further business it was Moved-Seconded (Rosenau-Flanagan) to adjourn the meeting. Motion Carried.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – May 25, 2021

Chairman Richard Sleep called the meeting of the Lawrence County Board of Adjustment to order at 9:15 a.m. on May 25, 2021, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner, Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing present.

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

DECLARE CONFLICTS: Commissioner Deibert declared a conflict with Variance #191.

VARIANCE #191/WALKER PROPERTIES, LLC.: A public hearing was held on Variance #191 **APPLICANTS:** Walker Properties, LLC/Sam Walker **LEGAL DESCRIPTION:** Tract 1 of Trout Haven #3 Section 7, T2N, R5E **VICINITY LOCATION:** Hwy 385 **SUMMARY:** Request for a 12’ and 11’ variance to the front two corners of the new covered patio from the front 25’ setback **ZONING:** HSC **ACREAGE:** 8.64 acres.

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

Mike Whalen, Merritt Estes Road, spoke in favor of the variance.

Randy Deibert, Professional Mapping and Surveying, LLC., stated that a covered deck is not considered in a setback.

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

Moved-Seconded (Ewing-Rosenau) to approve Variance #191 **LEGAL DESCRIPTION:** Tract 1 of Trout Haven #3 Section 7, T2N, R5E **VICINITY LOCATION:** Hwy 385 **SUMMARY:** Request for a 12’ and 11’ variance to the front two corners of the new covered patio from the front 25’ setback **ZONING:** HSC **ACREAGE:** 8.64 acres. Abstain-Deibert. Motion Carried.

ADJOURN: 9:27 a.m. There being no further business it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting. Motion Carried.

Date Approved

Richard Sleep, Chairman

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY COMMISSIONERS AND LAWRENCE COUNTY PLANNING AND ZONING JOINT MEETING MAY 25, 2021

The joint meeting of the Lawrence County Commissioners and the Lawrence County Planning and Zoning Board was called to order by Chairman Richard Sleep at 9:27 a.m. on May 25, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randall Rosenau, Randy Deibert, Brandon Flanagan and Robert Ewing present.

Planning & Zoning Board members Travis Schenk, Mike Whalen, Julie Stone and Amy Allan were present.

Chairman Sleep announced that the Board of County Commissioners and Planning & Zoning Board will be meeting jointly for this portion of the meeting.

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

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

ORDINANCE #21-02/TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHING PERMITS AND/OR LICENSES: First Reading and a Joint Public Hearing was held on ORD #21-02, A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment of Permits and/or Licenses APPLICANTS: Lawrence County LEGAL DESCRIPTION: All of Lawrence County SUMMARY: A temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses.

PLANNING & ZONING BOARD: Moved-Seconded (Allan-Stone) to approve the ORD #21-02, A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment of Permits and/or Licenses as submitted.

Public Hearing was opened for public comment.

PROPONENTS: Mitch Roemer, 1 Charles Street, stated leadership is needed to keep this local and make sure outside interests do not come into our community.

Liz Tiger, 919 S 32nd Street, stated that the topic is medical cannabis and not recreational use. Tiger added that her objective is to help people get their lives back and keep it accessible for the people it was intended for.

Daniel Asarch, 3850 Ward Ave, is in support of medical cannabis as it helps his patients and aids them to get off of opioids.

Valerie Sandidge, 8300 E Yale Ave, stated she was present as a concerned citizen and thanked the board for its time and consideration of the ordinance.

Char Gamble, 2320 Cinnabar Court, stated that she and others can be resources in the development of regulations.

OPPONENTS: None.

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

Commissioner Flanagan, stated the commission is setting the base with the intention to develop a regulatory framework once the South Dakota Department of Health promulgates regulations.

Commissioner Deibert stated that in his mind this a pharmaceutical issue, and therefore should be treated distinctly from recreational.

Planning & Zoning member Allan, questioned the length of time that the ordinance could remain in effect. Bruce Outka, Deputy State's Attorney, stated that according to SDCL 11-2-10: Any emergency measure is limited to one year from the date it becomes effective and may be renewed for one year. In no case may such a measure be in effect for more than two years.

Outka clarified that this ordinance would only pertain to unincorporated areas of Lawrence County.

PLANNING & ZONING BOARD VOTED ON MOTION: All in favor and Motion Carried.

Second Reading Scheduled: June 8, 2021 @ 9:30 a.m.

PLANNING & ZONING BOARD ADJOURN: 9:51 p.m. There being no further business it was Moved-Seconded (Stone-Whalen) to adjourn the meeting.

LAWRENCE COUNTY COMMISSIONERS ADJOURN: 9:51 p.m. There being no further business it was Moved-Seconded (Deibert-Rosenau) to adjourn the meeting.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor