

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 June 8, 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 (Rosenau-Ewing) to approve the agenda as amended. Motion Carried.

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

**MINUTES:** Moved-Seconded (Rosenau-Flanagan) to approve the minutes of May 25, 2021 County Commission meeting. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the minutes of May 25, 2021 Board of Adjustment meeting. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the minutes of May 25, 2021 joint County Commission and Planning and Zoning meeting. Motion Carried.

**PERSONNEL:**

**SHERIFF:** Moved-Seconded (Deibert-Rosenau) to approve Chelsea Lindsey as a full-time permanent Correctional Officer II G3 at a base rate of \$21.28 an hour, effective June 7, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Chelsea Lindsey as a part-time fill-in Deputy II G3 at a base rate of \$27.19 an hour, effective June 7, 2021. Motion Carried.

Moved-Seconded (Deibert-Rosenau) to approve Tyler Sonne as a full-time permanent Deputy I G1 at a base rate of \$24.61 an hour, effective June 7, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Gregory Meyer as a full-time permanent Deputy II G3 at a base rate of \$27.19 an hour, effective June 6, 2021. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve Jessica Bestgen as a part-time fill-in Dispatcher I G3 at a base rate of \$20.04 an hour, effective June 20, 2021. Motion Carried.

**TREASURER:** Deb Tridle, Treasurer, was present to request permission to hire a new full-time permanent employee due to the increase traffic in the office. Tridle said she already budgets for a part-time fill-in employee, but would like to move the position to full-time.

Moved-Seconded (Rosenau-Deibert) to allow Deb Tridle, Treasurer, to use the current pool of applications on file, or to advertise for a full-time permanent employee, noting in the job description that employee may be used in other offices if the need arises. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Ewing-Rosenau) to approve Ben Pisani as a full-time permanent Appraiser I G1 at a base rate of \$17.82 an hour, effective June 14, 2021. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Flanagan-Deibert) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of May 31, 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)-\$90,367.99; total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,658.25; petty cash-\$1,860.00; total amount of deposits in bank include: bank balance \$18,038,325.08; money market \$11,967,114.84. Total \$30,103,676.16.

**PARKING RAMP USE:** Moved-Seconded (Flanagan-Rosenau) to approve the request from McPherson Auction & Realty to use the employee parking in the ramp in conjunction with the Deadwood Mountain Grand on June 18-19, 2021 and August 26-28, 2021 with Deadwood

Mountain Grand making alternative parking arrangements for employees to park on the upper level of the parking ramp and coordinating with the Sheriff's Office. Motion Carried.

**COURTHOUSE SECURITY IMPROVEMENT GRANT:** Tim Agena, General Government Buildings, reported that a State Unified Judicial System grant was awarded to the County for courthouse security improvements.

**SHERIFF:**

**PSAP PROJECT FUNDING APPLICATION:** Brian Dean, Sheriff, explained that on May 11, 2021 the commission authorized the submittal of the PSAP Project Funding application. Dean added that since then another component was added to that application which is the 900 link bringing the total to \$99,967.05. Dean stated that the County's portion will come to \$1,069.11. Dean stated that this is very exciting for Lawrence County as this update is mandatory.

**PUBLIC SAFETY AND SERVICES CENTER PROJECT UPDATE:** Brian Dean, Sheriff, stated that to send a clear message and clear up any confusions as to the projected cost of the Public Safety and Service center, it is time for the County to set a budget. Dean stated that the cost estimate for the project was \$40,556,764.

Moved-Seconded (Rosenau-Flanagan) to set the budget for the Public Safety and Services Center at \$40,556,764. Motion Carried.

**RESOLUTION #2021-20, A RESOLUTION FOR OPT OUT:** Moved-Seconded (Flanagan-Deibert) to approve and authorize the Chairman to sign the following Attention Taxpayers: Notice of Property Tax Increase of \$2,875,000 Lawrence County Resolution #2021-20 Resolution for Opt Out. Aye-Rosenau, Deibert, Flanagan, Ewing and Sleep. Motion Carried. ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF \$2,875,000 RESOLUTION FOR OPT OUT WHEREAS, the Lawrence County Commission (the "Commission") finds that it is necessary and in the best interests of the county to finance and construct a new Lawrence County Public Safety and Services Center (the "Project"); and WHEREAS, it is the intent of the Commission to use existing funds of the county to pay a portion for the financing of the Project on an annual basis; and WHEREAS, it is in the best interests of the county opt-out for the full annual obligation to lower its borrowing costs. BE IT RESOLVED BY THE COUNTY COMMISSION OF LAWRENCE COUNTY AS FOLLOWS: THE COUNTY COMMISSION OF LAWRENCE COUNTY state that the above said board is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of \$ 2,875,000 starting with calendar year 2021 taxes payable in the calendar year 2022. This opt out will be for 20 years, which will be through taxes payable in the calendar year 2041 this action has been taken by the board and approved by at least a two-thirds vote of the board. This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount. Dated this 8th day of June, 2021 Signed: Richard Sleep, Board Chairman Randall Rosenau, Vice-Chairman Randy Deibert, Commissioner Bob Ewing, Commissioner Brandon Flanagan, Commissioner ATTEST: Brenda McGruder, Auditor.

Commissioner Flanagan stated he does not take this lightly as no one like to see taxes go up but feels it is a project that needs to be done.

**RESOLUTION #2021-21, 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:** BOARD OF County Commissioners Lawrence County, South Dakota Date: June 8, 2021 Resolution No. 2021-21 Motion by Commissioner Deibert Seconded by Commissioner Rosenau 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 Yes-Sleep, Rosenau, Deibert, Ewing, and Flanagan No-None State Of South Dakota SS County Of Lawrence I, Brenda McGruder, duly

appointed, qualified, and acting County Auditor the County of Lawrence, State of South Dakota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Board of County Commissioners, Lawrence County, South Dakota, at their session held on the 8th day of June, now on file in my office, and have found the same to be a true and correct copy thereof. Witness my hand and official seal at Deadwood, South Dakota, this 8th day of June, 2021. Brenda McGruder, Auditor

**LAWRENCE COUNTY RESOLUTION #2021-21 A RESOLUTION AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION, IN ONE OR MORE SERIES, SUBJECT TO CERTAIN PARAMETERS; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; PROVIDING FOR THEIR PAYMENT; APPOINTING A PRICING COMMITTEE TO APPROVE THE TERMS THEREOF; AND RETAINING BOND COUNSEL BE IT RESOLVED** By the Board of County Commissioners (the “Board”) of Lawrence County, South Dakota (the “County”) as follows:

**Section 1. Background.** It is hereby determined that: (a)The County is authorized by South Dakota Codified Law § 7-21-16.1 to enter into lease-purchase agreements for real and personal property, the provisions of SDCL § 7-21-16 or any other provision of law notwithstanding. (b)The Board has determined to acquire, construct, and equip a new Law Enforcement Center and Jail Facility (the “Project”). (c)The County intends to lease-purchase the Law Enforcement Center for ten years and the Jail Facility for twenty years. (d)The Board hereby deems it advisable to issue Certificates of Participation, in one or more series (the “Certificates”), in the approximate principal amount of \$41,000,000, to finance the Project. (e)The Board intends to enter into an Indenture of Trust (the “Indenture”) with a trustee (the “Trustee”), pursuant to which the Certificates are to be issued. Furthermore, the Board intends to enter into one or more Lease-Purchase Agreement (collectively the “Lease Agreement”) with the Trustee, as lessor, pursuant to which the Trustee will lease the Project to the County, and the County will make lease repayments (the “Lease Payments”) to the Trustee. (f)The Board hereby authorizes and directs Colliers Securities LLC, the County’s municipal advisor (“Colliers”), to negotiate the sale of the Certificates, including but not limited to the preparation and distribution of an Official Statement (the “Official Statement”) relating to the Certificates. The Board hereby consents to the distribution of the Official Statement and its use by the Purchaser in connection with the sale of the Certificates. The Official Statement shall be in substantially the form on file with the Board and shall be supplemented by an addendum or a Final Official Statement. The Official Statement is the sole document consented to by the Board for use in connection with the offer and sale of the Certificates.

**Section 2. Pricing Committee.**

**2.01. Establishment of Pricing Committee.** The Board hereby establishes a pricing committee with respect to the Certificates comprised of the County Auditor and the Chairman of the County Board, or their designees (the “Pricing Committee”). The Pricing Committee is authorized and directed, with the advice of Colliers, to review the proposals for the sale of the Certificates and award the sale of the Certificates to the prospective purchaser (the “Purchaser”) based on the following parameters: (i) the principal amount of the Certificates shall not exceed \$41,000,000; and (ii) the combined annual lease payments for the Certificates will not exceed \$2,875,000 per year, in the payment years ending December 31, 2022 through 2042. The Board hereby approves the sale of the Certificates to the Purchaser, at the price, principal amount, and rates to be determined by the Pricing Committee. The Pricing Committee shall also determine whether the Certificates will be prepayable prior to maturity.

**2.02. Pricing Committee Certificate.** The Pricing Committee shall meet to award the sale of the Certificates to the Purchaser. Upon awarding the sale of the Certificates, the Pricing Committee shall complete and sign a certificate (the “Pricing Committee Certificate”) in substantially the form set forth in EXHIBIT A attached hereto. The County Auditor is authorized and directed to attach the Pricing Committee Certificate, when complete, to this resolution.

**2.03. Purchase Contract.** The Chair of the Board and the County Auditor are hereby authorized and directed to execute a contract with the Purchaser with regard to the sale of the Certificates on behalf of the County.

**Section 3. Certificates; Lease Payments; Opt Out, Bond Counsel.**

**3.01. Certificates.** The Certificates shall be issuable only as fully registered Certificates in denominations of \$5,000 and any integral multiple thereof, numbered R-1 and upward. The Certificates shall be special, limited obligations payable solely from annual appropriations of the County made to pay the Lease Payments, in the manner provided in the Lease, and amounts held by the Trustee under the terms of the Indenture. The obligations of the Lease and the Certificates shall not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith and credit or any taxing power of the County, the State of South Dakota, or any political subdivision thereof. The Lease shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the County except its interest in the Lease and the Leased Property (as shall be defined in the Lease).

**3.02. Lease Payments.** The Lease Payments to be made by the County under the Lease are to be fixed so as to produce level debt service on the Certificates. The County will pay to the Trustee, promptly when due, all of the Lease Payments and other amounts

required by the Lease. To provide money to make such payments, the County will include in its annual budget, for each fiscal year during the term of the Lease, money sufficient to pay and for the purpose of paying all Lease Payments, and will take all other actions necessary to provide money for the payment of the obligations of the County under the Lease from sources of the County lawfully available for such purpose. 3.03. Opt-Out. The County has passed a resolution for Opt-Out in the amount of \$2,875,000 starting with calendar year 2021 taxes payable in the calendar year 2022. The opt out will be for 20 years, which will be through taxes payable in the calendar year 2042. 3.04. Bond Counsel. The Board authorizes the Chair and County Auditor to retain Meierhenry Sargent LLP as bond counsel. Section 4. Continuing Disclosure. The County hereby covenants and agrees that it will comply with and carry out any conditions for continuing disclosure to satisfy the requirements of Rule 15c2-12 of the Securities and Exchange, if applicable. Notwithstanding any other provision of this resolution, failure of the County to comply with any required continuing disclosure obligations is not to be considered an event of default with respect to the Certificates; however, any holder of the Certificates may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to comply with its obligations under this section. Section 5. Execution of Documents. The Indenture and the Lease Agreement, in substantially the form now on file with the Board, are hereby approved. The Chair and the County Auditor are hereby authorized and directed to execute the Indenture and Lease Agreement and any other documents or certifications necessary or convenient in connection with the issuance of the Certificates in the name and on behalf of the County, subject to modifications as shall be deemed necessary, desirable, or appropriate, the execution thereof to constitute conclusive evidence of their approval of any and all modifications therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Indenture and Lease Agreement shall be delivered, filed, and recorded as provided herein and in the Indenture and Lease Agreement. The Chair and the County Auditor are hereby authorized and directed to prepare and execute by manual or facsimile signature the Certificates as described in the Indenture and to deliver them to the Trustee for authentication and delivery of the Purchaser of the Certificates, together with a certified copy of any resolutions, and the other documents required by the Indenture. Section 6. Tax Covenants. 6.01. Tax-Exempt Certificates. The County covenants and agrees with the holders from time to time of the Certificates that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Certificates to become subject to taxation under the Internal Revenue Code of 1986, as amended (the “Code”), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Certificates. 6.02. Rebate. The County will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Certificates under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Certificates, and the rebate of excess investment earnings to the United States. Adopted by the Board of Commissioners of Lawrence County, South Dakota on this 8th day of June, 2021. FOR THE BOARD: Richard Sleep, CHAIRMAN ATTEST: Brenda McGruder, AUDITOR.

Commissioner Deibert noted his concern with construction cost and using the County reserves for any unanticipated debt.

**ASSIGNMENT OF FUNDS:**

Moved-Seconded (Flanagan-Rosenau) to use the \$321,598.29 assigned to Courthouse roof/hail damage on February 11, 2020. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to use the \$500,000.00 assigned to General Government Projects on July 28, 2020. Motion Carried.

**SUPPLEMENTAL BUDGET:** A Public Hearing was held on Resolution #2021-19 for a Transfer of Funds: General Fund to Courthouse & Jail – 821,598.29. Supplemental Budget: Courthouse & Jail Fund Courthouse & Jail Repairs - \$1,700,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Rosenau) to approve and adopt the following Resolution #2021-19 for a Transfer of Funds/Supplemental Budget. Motion Carried. RESOLUTION #2021-19 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: TRANSFER OF FUNDS GENERAL FUND TO COURTHOUSE & JAIL – 821,598.29 COURTHOUSE & JAIL FUND COURTHOUSE & JAIL REPAIRS - \$1,700,000.00 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 June, 2021 at the hour of 8:25 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 June, 2021. FOR THE BOARD OF COUNTY COMMISSIONERS Richard Sleep, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

**HIGHWAY:**

**FUEL QUOTES:** The following fuel quotes were submitted as of May 26, 2021: **Spearfish Diesel #2 (dyed) 4500 gallons:** (prices per gallon) CBH Cooperative –\$2.581\*; Harms Oil Co-No Bid; MG Oil-No Bid. **Spearfish Unleaded 900 gallons:** (prices per gallon) CBH Cooperative – \$2.756\*; Harms Oil Co-No Bid; MG Oil-No Bid. \*Represents lowest quote awarded.

**COYOTE LANE BRIDGE:** Allan Bonnema, Highway Superintendent, presented the quote from TrueNorth Steel for the replacement bridge on Coyote Lane in the amount of \$41,794. Bonnema stated that Hollaway Bridge and Culver Inc. will install the structure at an approximate cost of \$35,000 to \$45,000.

Moved-Seconded (Flanagan-Deibert) to approve the expenditure for the replacement bridge on Coyote Lane. Aye-Deibert, Flanagan, Ewing and Sleep. Nay-Rosenau. Motion Carried.

**MAITLAND ROAD:** Allan Bonnema, Highway Superintendent, looked for guidance on whether to start the process for the paving of Maitland road from Christensen Drive south to Forest Park lane listed on the 5-year road plan for year 2022. Commissioner Deibert and Sleep stated they were not in favor of paving Maitland road from Christensen Drive south to Forest Park lane.

Discussion will continue at the next meeting.

**PERMITS:**

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

**BUTTE ELECTRIC COOPERATIVE:** Moved-Seconded (Ewing-Flanagan) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the utility permit for Butte Electric Cooperative to bore under North Sale Barn Road approximately .5 miles from St Onge for construction of underground power line beginning in Section 23, T7N, R3E and ending in Section 24, T7N, R3E. Motion Carried.

**INTERSTATE ENGINEERING ON BEHALF OF MONTANA DAKOTA**

**UTILITIES/VAST BROADBAND:** Moved-Seconded (Flanagan-Deibert) to follow the recommendation of Allan Bonnema, Highway Superintendent, and approve the permit to occupy County highway right-of-way for Interstate Engineering on behalf of Montana Dakota Utilities/Vast Broadband located in Section 1&12, T6N, R1E along County Road: Moller Road with the requirement that a representative from Montana Dakota Utilities and Vast Broadband acknowledge and sign the application. Motion Carried.

**CHRISTENSEN DRIVE:** Continued discussion was held on who should be maintaining Christensen Drive.

**EXECUTIVE SESSION:** 9:07 a.m. Moved-Seconded (Deibert-Ewing) to go into executive session pursuant to SDCL 1-25-2(3). Motion Carried. 9:20 a.m. The Board opened for regular business with no action taken.

**MC RANCH, LLC.:** Moved-Seconded (Ewing-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 further research by legal counsel. Abstain-Flanagan. Motion Carried.

**MC RANCH, LLC.:** Moved-Seconded (Ewing-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 further research by legal counsel. Abstain-Flanagan. Motion Carried.

**MC RANCH, LLC.:** Moved-Seconded (Ewing-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 further research by legal counsel. Abstain-Flanagan. Motion Carried.

**RESOLUTION ESTABLISHING THE NUMBER OF OFF-SALE LIQUOR LICENSE & SETTING A LICENSE FEE:**

Commissioners Ewing reported on the committee meeting and recommended a resolution for approval. Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the following Lawrence County Resolution #2021-22

A Resolution Setting the Number of Package Off-Sale Liquor Licenses Pursuant to SDCL 35-4-11.1 And Establishing the Method of Sale. Motion Carried. LAWRENCE COUNTY

RESOLUTION #2021-22 A RESOLUTION SETTING THE NUMBER OF PACKAGE OFF-SALE LIQUOR LICENSES PURSUANT TO SDCL 35-4-11.1 AND ESTABLISHING THE METHOD OF SALE WHEREAS, the Legislature of the State of South Dakota has provided for the approval package off-sale liquor licenses by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35 as amended; and WHEREAS, SDCL 35-4-11.1, as amended, provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of package off-sale liquor licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and WHEREAS, the maximum number of package off-sale licenses issued outside municipalities are based upon the population of the county outside incorporated municipalities and improvement districts. However, the maximum allowable licenses need not be the number which the county commissioners authorize; and WHEREAS, Lawrence County now qualifies for six (6) package off-sale liquor licenses, making four (4) additional licenses available for issuance July 1, 2021; and WHEREAS, the Lawrence County Board of County Commissioners wishes to make 1 (one) license presently available to a qualified applicant; and WHEREAS, the fairest and most equitable method to issue the 1 (one) package off-sale license is through competitive sealed bids; and WHEREAS, it is in the County's best interest that a minimum bid be established for such license. NOW, THEREFORE, BE IT RESOLVED, that the Lawrence County Board of County Commissioners hereby approve the sale of a maximum of one (1) package off-sale liquor license outside municipalities; and BE IT FURTHER RESOLVED, that the minimum bid for the issuance of a new package off-sale liquor license shall be \$25,000; and BE IT FURTHER RESOLVED, that sealed bids shall be received and opened on June 22, 2021 and 10:30 a.m. and that the Lawrence County Auditor will give notice of that fact by publication published at least twice. Dated this 8<sup>th</sup> day of June, 2021 ATTEST: FOR THE BOARD: Richard Sleep, CHAIRMAN Brenda McGruder, AUDITOR.

A public hearing has been set for June 22, 2021 at 10:30 a.m. to open sealed bids.

**PLANNING & ZONING:**

**CUP #300 HORSE CAMP & CAMPGROUND / TRANSFER:** Doug Lindgren was present to request a transfer of CUP #300 as he has sold the property to Cindy Koebele.

Amber Vogt, Planning & Zoning Administrator, gave a staff report.

Moved-Seconded (Ewing-Deibert) to approve the transfer of Conditional Use Permit #300 from Doug and Jody Lindgren to Cindy Koebele with the current conditions as presented. CUP #300 will be reviewed in one year. Motion Carried.

Doug Lindgren thanked the board for the opportunity to do business in Lawrence County.

**FLOODPLAIN MANAGEMENT JURISDICTION:** Commissioner Deibert discussed the differences in the floodplain requirements for County residents both inside and outside the extraterritorial jurisdiction of the City of Spearfish. Deibert added that the two processes are different. Deibert feels that those residents in the extraterritorial jurisdiction area are being punished as more is required of them. Deibert feels that these processes should be the same and people treated equally.

Amber Vogt, Planning & Zoning Administrator, will reach out to Tanya Vig, Engineering Technician/Floodplain Administrator, to see how many permits are being issued in the extraterritorial jurisdiction.

**PLATS:**

**PRELIMINARY & FINAL PLAT/VODICKA:** APPLICANTS: Joseph & Elizabeth Vodicka  
LEGAL DESCRIPTION: Tracts 6A and 6B of the S ½ NE ¼, N ½ SE ¼, SE ¼ NW ¼ and NE ¼ SW ¼ of Section 9, T7N, R3E. (legal shortened) VICINITY LOCATION: St. Onge SUMMARY: New Lot ZONING: A-1 ACREAGE: Tracts 6A (5.09 acres) and 6B (75.18 acres).

Moved-Seconded (Flanagan-Ewing) to approve the preliminary & final plat for Joseph & Elizabeth Vodicka 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: Tracts 6A and 6B of the S ½ NE ¼, N ½ SE ¼, SE ¼ NW ¼ and NE ¼ SW ¼ of Section 9, T7N, R3E. (legal shortened) VICINITY LOCATION: St. Onge SUMMARY: New Lot ZONING: A-1 ACREAGE: Tracts 6A (5.09 acres) and 6B (75.18 acres). Motion Carried.

**PRELIMINARY PLAT/HORSLEY:** APPLICANT: Teresa Horsley LEGAL DESCRIPTION: Tracts D1, D2 and D3 of Crook Mt. Estates #1 in Section 3, T5N, R4E. (legal shortened) VICINITY LOCATION: Crook City SUMMARY: New Lot ZONING: PF ACREAGE: Tracts D1 (5.09 acres) D2 (6.541 acres) D3 (3.408 acres).

Moved-Seconded (Ewing-Deibert) to approve the preliminary plat for Teresa Horsley 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: Tracts D1, D2 and D3 of Crook Mt. Estates #1 in Section 3, T5N, R4E. (legal shortened) VICINITY LOCATION: Crook City SUMMARY: New Lot ZONING: PF ACREAGE: Tracts D1 (5.09 acres) D2 (6.541 acres) D3 (3.408 acres). Motion Carried.

**BOUNDARY/FINAL PLAT/BH DEVELOPMENT & BH PROPERTIES,**

**LLC.:** APPLICANTS: BH Development & BH Properties, LLC. LEGAL DESCRIPTION: Plat of Tract A of Dancing Sky 2nd Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Create boundary for 2nd addition ZONING: PUD.

Moved-Seconded (Ewing-Deibert) to approve the boundary & final plat for BH Development & BH Properties, 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 Tract A of Dancing Sky 2nd Addition of Powder House Pass Section 17 & 18, T4N, R3E (legal shortened) VICINITY LOCATION: Hwy 85 SUMMARY: Create boundary for 2nd addition ZONING: PUD. Motion Carried.

**ORDINANCE #21-02/TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHING PERMITS AND/OR LICENSES:**

Second Reading 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.

Moved-Seconded (Flanagan-Deibert) to approve 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. Motion Carried.

Liz Tiger, 919 S 32<sup>nd</sup> Street, was present to offer resources in the development of regulations.

**STATE'S ATTORNEY:** John Fitzgerald, State's Attorney, was present to discuss the annex conference room.

**ITEMS FROM THE PUBLIC:** The board acknowledged a letter from Margaret Sager concerning the issue of ATV's and similar vehicles traveling on county roads. Commissioner Deibert will deliver the letter to the Multiple Use Coalition.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Sleep reported that there is a Lawrence County resident vacancy on the Fair Board.

Commissioner Rosenau gave an update on the Joint Powers Compact with the Juvenile Detention Center and stated the county will be seeing an increase in costs.

**BILLS:** Moved-Seconded (Rosenau-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-\$7,038.11; Aud-\$11,636.10; Treas-\$13,050.43; States Atty-\$17,076.95; Pub Def-\$13,255.24; Gen Govt Bldg-\$9,788.95; Equal-\$16,285.44; Rod-\$8,763.10; Vso-\$1,736.20; Ist-\$9,675.21; Sher-\$52,521.01; Jail-\$26,759.82; Coroner-\$301.16; 24/7-\$278.65; Emerg Mgnt-\$4,660.01; E911-\$15,358.85; Highway-\$46,156.52; Weed-\$7,738.05; P&Z-\$6,291.58; **Bills:** A To Z Shredding-\$59.40; A&B Business,Inc Solutions-\$2,433.75; A&B Welding Supply-\$23.10; A&I Distributors-\$198.65; American Family Life Ins-\$2,421.96; Advance Electric-\$3,777.24; American Legal Publishing-\$475.00; American Stamp & Marking-\$45.36; At&T Mobility-\$1,097.64; Audra Hill Consulting-\$782.62; BH Pediatrics & Neonatology-\$1,027.20; BH Pest Control-\$190.00; BH Physical Therapy-\$100.00; BH Windshield Repair-\$50.00; Barnaud Law Firm Prof-\$3,849.99; Bickle's Truck & Diesel-\$188.55; Black Hills Chemical-\$587.22; Black Hills Energy-\$548.90; Black Hills Pure-\$31.00; Bomgaars Supply-\$14.99; Butte Electric Coop-\$609.74; Cdw Government-\$219.46; Century Business Products-\$158.44; Centurylink-\$586.76; Chadams-\$4,500.00; Clinical Lab Of BH-\$3,350.00; Cornelius, Kaylee-\$300.00; Deadwood, City Of-\$1,191.62; Deadwood Recreation Center-\$613.00; Delta Dental Of Sd-\$7,726.80; Dept Of Treasury-\$62,237.11; Diamond Medical Supply-\$31.60; Elevatus Architecture-\$60,000.00; Et Sports-\$103.95; Fastenal-\$98.02; Ferber Engineering Comp-\$7,603.50; Fisher Sand & Gravel-\$49,428.75; Galls-\$40.78; Gene's Lock Shop-\$24.98; Grey & Eisenbraun, Prof-\$2,956.85; Interstate Engineering-\$2,437.10; Johner Gravel-\$105,295.04; Kimball-Midwest Co-\$68.33; Kinney Law-\$9,969.78; Knecht Home Center-\$222.98; Kosel, Joseph-\$2,835.06; Lakota Contracting-\$23.95; Lead, City Of-\$82.05; Lead-Deadwood Sanitary-\$626.65; Lee, James-\$15.00; M&T Fire & Safety-\$1,026.80; McClure, Susan-\$120.00; Messerli & Kramer-\$317.91; Northern Hills Rec Center-\$157.00; Office of Child Support-\$401.54; Montana Dakota Utilities-\$2,831.67; Moss, William Psy-\$1,350.00; Mro Corporation-\$52.35; Nelson, Christy-\$360.00; North Central Int'l-\$654.67; Office Depot-\$69.92; Pasqualucci, Robert-\$4,796.13; Pennington County Sts Attny-\$215.00; Pheasantland Industries-\$1,930.37; Pitney Bowes Global Financial-\$1,029.15; Platinum Measurements-\$120.50; Postmaster, Deadwood-\$242.00; Powerplan-\$25.95; RC Journal-\$504.99; R&R Industries-\$392.49; Randy And Sons Welding-\$321.30; Rocket Lube-\$190.97; Sd Assoc Of County Commission-\$1,586.00; Sd Retirement System-\$64,347.90; Sdrs Supplement Retirement-\$2,982.51; Sd State Treasurer-\$1,098.24; Sdvsoa-\$100.00; Semerad, Sandra-\$47.60; Servall Towel & Linen-\$298.59; Simon North Region-\$9,837.50; Spearfish Auto Supply-\$1,839.15; Sterna, Laura-\$781.57; Sturdevant's Auto Parts-\$688.73; Sysco Montana-\$2,359.55; The Radar Shop-\$1,383.50; Triple K Tire & Repair-\$150.38; Truenorth Steel-\$25,314.90; Twin City Hardware & Lumber-\$320.01; Tyler Technologies-\$6,093.98; Warne Chemical-\$1,139.41; Waste Connections-\$972.33; Watertree-\$61.20; Wellmark Blue Cross-\$107,249.53; Wells Plumbing & Farm Supply-\$607.14; **Witness & Jurors:** \$971.28.

**ADJOURN:** 10:41 a.m. There being no further business it was Moved-Seconded (Ewing-Deibert) to adjourn the meeting. Motion Carried.

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Date Approved

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Richard Sleep, Chairperson



ATTEST:

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Brenda McGruder, Auditor