

Chairman Randall Rosenau called the special meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on June 23, 2022 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Robert Ewing, Randy Deibert, Brandon Flanagan and Richard Sleep present.

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

**AGENDA:** Moved-Seconded (Deibert-Flanagan) to approve the agenda as presented. Motion Carried.

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

**SHERIFF:**

**BID OPENING/PUBLIC SAFETY & SERVICES CENTER PROJECT:**

The following bid was received for the Lawrence County Public Safety & Services Center project: R.C.S. Construction, Inc. in the base bid amount of \$48,245,000.00 acknowledging addendum #1, 2, 3, 4 & 5, on May 25, 2022.

Brian Dean, Sheriff, stated that once again he is staggered at how much Lawrence County has going for it and the collective of individuals that are represented in the room today and when making the difficult decision we have to rely on each other to help make those tough decisions. Dean stated that one of the concerns that the board had was the removal of the court room from the project. Dean stated that Toby Morris, Colliers Securities, LLC., has come up with a possible solution to keep the court room in the project.

Morris went into an in-depth presentation explaining how the county could invest the current revenues to fund the construction of the court room. Commissioner Rosenau asked what the risk would be to the County? Morris stated that there is zero risk since the investments are in US Treasuries. The plan also included borrowing a relatively small amount of additional money.

Chairman Rosenau stated that the county will have to opt out eventually - with the option presented by Mr. Morris, it may be sooner than anticipated.

Commissioner Deibert stated he supports the court room being left in the project.

Moved-Seconded (Sleep-Ewing) to reject the bid and proceed under different conditions. Aye-Ewing and Sleep Nay-Deibert, Flanagan and Rosenau. Motion Failed.

Commissioner Ewing stated that he realizes several people have worked hard on the project and acknowledged that there have been several bumps in the road. Ewing added that we finally settled in on what the total project cost would be, \$43 million, and it took him a long time to get comfortable with that. Ewing stated he has never been comfortable with the opt out portion. Ewing thanked RCS for its bid. Ewing stated that with no disrespect to our Sheriff who's worked day and night, it's going to be very difficult for him to make any kind of a vote that's going to raise people's taxes. I have a real tough time with that. If it was personal funds, it would be one thing, but when you're dealing with the public's money, I'm really struggling with that."

Sleep said he would not approve a \$48 million bid. "That's way out of line for us to do that, to have the taxpayers subsidize and borrow another way and I can't agree to do that," Sleep said.

Commissioner Brandon Flanagan said discussion regarding the need for a new jail has been going on since 2002 and that the jail is past its usable life. "We know at some point, we're going to need a new building over here," Flanagan said. "At some point this elevator is going to fail and we'll have to put \$5 million dollars in an elevator. We know this was built in 1970 ... it's a tough pill to swallow to have estimates where they were and go where we're at, but the money we have borrowed is the money we have borrowed that we have to pay and we still need to do something with this jail."

Commissioner Randall Rosenau said the commission has acknowledged publicly that there are shortcomings in the current jail facility and fears future litigation issues. "The courtroom, inevitable to me," Rosenau said. "We're going to have to do something."

Lawrence County Sheriff Brian Dean said the board voted to opt out and then borrowed less than what they opted out at.

Commissioner Randy Deibert said he appreciated Sleep’s unsuccessful motion to deny the bid. “And I may have voted differently if I knew the course of action we were going to take on the rebid,” Deibert said. “Because there’s a lot of details to be worked out there on how we would do that. So I appreciate the motion. I just wanted to say that’s why I was uncomfortable with it, because we really didn’t have a plan of action if we did that.”

Deibert went on to point out an important project element in addition to Commissioner Flanagan’s comments. “Safety,” he said. “And that’s a huge concern that we have with our employees and the public. We need to ensure safety ... and all this wraps around that.”

Prior to making the motion Commissioner Flanagan stated that none of us take this lightly that the county is about to spend \$43 million in opt-out funds.

Moved-Seconded (Flanagan-Rosenau) to accept the lowest responsible bid from R.C.S. Construction, Inc. in the base bid amount of \$48,245,000.00 accepting alternate No. 1 deducting the amount of \$555,000.00 for the gun range, alternate No. 3C adding \$454,000.00 for the Schneider electric temperature control system as provided and installed by Temperature Technology and alternate No. 4 deducting the amount of \$340,000.00 for the EPDM membrane from 90 mil fleece-backed to 60 mil non-fleece backed and a ½” thick Dens-Deck Prime coverboard, acknowledging request for proposal 01 - Value Engineering Cost Savings Revisions deducting the amount of \$2,908,860.00 and acknowledging addendum #1, 2, 3, 4 & 5, for a total cost of \$44,895,140.00 and to waive any irregularities, and to approve and authorize the Chairman to sign the construction agreement and Notice to Proceed. Aye-Deibert, Flanagan and Rosenau. Nay-Ewing and Sleep. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to authorize the Chairman to sign the AIA Document G701-2001 Change order 1 deducting the amount of \$2,908,860.00 with the condition that Tony Vie, Elevatus Architecture, and Steve Williams, Williams & Associates Architecture, Inc. review the document for accuracy. Aye-Deibert, Flanagan and Rosenau. Nay-Ewing and Sleep. Motion Carried.

**ITEMS FROM THE PUBLIC:** None.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Deibert requested to review the letter received from Bill Coburn at our next regular meeting on June 28, 2022.

Moved-Seconded (Flanagan-Deibert) to cancel the special meeting for June 24, 2022. Motion Carried.

**ADJOURN:** 9:41 a.m. There being no further business, Chairman Rosenau adjourned the meeting. Motion Carried.

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Date Approved

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Randall Rosenau, Chairperson

ATTEST:

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Brenda McGruder, Auditor