

## **LAWRENCE COUNTY COMMISSIONERS MEETING – JANUARY 7, 2003**

James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 7, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present. Connie H. Douglas was absent.

**Judge Johnson was present to swear in the newly elected County Commissioners Brandon D. Flanagan and Bob Ewing; and Officials Richard E. Mowell, Sheriff, Connie L. Atkinson, Auditor and Judy R. Meverden, Register of Deeds.**

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

### **2003 ANNUAL APPOINTMENTS & DESIGNATIONS**

**CHAIRMAN OF COUNTY COMMISSIONERS:** Moved-Seconded (Weisenberg-Flanagan) to appoint **Commissioner Seward** as the Chairman of the Lawrence County Commissioners for 2003. Motion Carried.

**VICE-CHAIRMAN OF COUNTY COMMISSIONERS:** Moved-Seconded (Flanagan-Ewing) to appoint **Commissioner Weisenberg** as the Vice-Chairman of the Lawrence County Commissioners for 2003. Motion Carried.

**LEGAL NEWSPAPERS:** Moved-Seconded (Weisenberg-Flanagan) to designate the B.H. Pioneer and the Lawrence County Centennial as the legal newspapers for 2003. Motion Carried.

**2003 MEETINGS:** Moved-Seconded (Weisenberg-Ewing) to set the 2003 meeting dates for the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, except the March 25<sup>th</sup> meeting will be held on March 20<sup>th</sup>. Motion Carried.

**SHERIFF'S OFFICE POSITIONS:** Moved-Seconded (Weisenberg-Flanagan) To restate the full time positions in the Lawrence County Sheriff's office for 2003 as follows: (1) Chief Deputy (6) Deputies, (3) Detective, (2) Process Servers, (3) Office Personnel (9) Jailers, (1) Bailiff, (2) Cook/Jail Assist. (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

**INDIGENT FUNERAL EXPENSE:** Moved-Seconded (Flanagan-Weisenberg) to continue the indigent funeral expenses paid by the County as stated in the Lawrence County Welfare Program Rule. Motion Carried.

**HIGHWAY & PHYSICAL PLANT:** Moved-Seconded (Weisenberg-Seward) to appoint Charles Williams as the Highway & Physical Plant Superintendent for a two year term to expire 1-2005. Motion Carried.

### **COUNTY BOARDS AND COMMITTEES:**

**AIRPORT BOARD:** Moved-Seconded (Weisenberg-Ewing) to appoint **Commissioner Seward** as representative for 2003 and appoint Roy Frankman for a five year term to end 1-2008. Moved-Seconded (Weisenberg-Ewing) to appoint **Commissioner Flanagan** as alternate for 2003.

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Flanagan-Weisenberg) to appoint **Commissioner Ewing** for 2003. Motion Carried.

EXTENSION BOARD: Moved-Seconded (Weisenberg-Ewing) To appoint Steve Peters, Marla Loken, Robin Auer, Joanne Goodrich, Roxie Tetrault, Richard Sleep, and **Commissioner Douglas** for a one year term to expire 1-2004. Motion Carried.

FAIR BOARD: Moved-Seconded (Flanagan-Weisenberg) to appoint Marla Loken for a (3) year term to expire 1-2006 and **Commissioner Seward** for 2003. Motion Carried.

HOUSING & REDEVELOPMENT: Moved-Seconded (Weisenberg-Ewing) to appoint Teresa Krier for a (5) year term to expire 12-31-2007. Motion Carried.

MENTAL ILLNESS: Moved-Seconded (Weisenberg-Flanagan) to appoint Bonnie Wright to the Mental Illness Board to fill the term until 1-2004. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Weisenberg-Seward) to appoint Jackie Fuller and Barb Mattson for a five year term to expire 1-2008 and to appoint **Commissioner Flanagan** for 2003. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Flanagan-Ewing) To appoint **Commissioner Seward** and **Commissioner Weisenberg** and Jerry Apa to the Public Defender Board for 2003.

WEED BOARD: Moved-Seconded (Weisenberg-Seward) to appoint Paul Miller and Paul Baker for a three year term to expire on 1-2006; to Ken Lee to fill the term to expire 1-2004; and appoint **Commissioner Douglas** for 2003. Motion Carried.

ENVIRONMENTAL REVIEW TIMBER COMMITTEE: Moved-Seconded (Ewing-Weisenberg) to appoint Druse Kellogg for three year term to expire 1-2005. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Flanagan-Ewing) to appoint **Commissioner Weisenberg** for 2003. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Ewing-Seward) to appoint **Commissioner Weisenberg** as Representative and **Commissioner Flanagan** as Alternate for 2003. Motion Carried.

FIRE ADVISORY BOARD: Moved-Seconded (Weisenberg-Flanagan) to appoint **Commissioner Seward** for 2003. Motion Carried.

RESOURCE CONSERVATION & DEVELOPMENT: Moved-Seconded (Weisenberg-Flanagan) to appoint **Commissioner Douglas** for 2003 and **Commissioner Ewing** as an alternate. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Weisenberg-Flanagan) to appoint **Commissioner Ewing** for 2003. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON: Moved-Seconded (Flanagan-Seward) to appoint **Chairperson Seward** and **Commissioner Weisenberg** as alternate for 2003. Motion Carried.

USGS WATER & AQUIFER MAPPING COMMITTEE: Moved-Seconded (Ewing-Weisenberg) to appoint **Commissioner Weisenberg** and **Commissioner Flanagan** as alternate for 2003.

WELLHEAD PROTECTION PLAN COMMITTEE: Moved-Seconded (Ewing-Seward) to appoint **Commissioner Weisenberg** and **Commissioner Flanagan** as alternate for 2003. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Weisenberg-Flanagan) to appoint **Commissioner Seward** to the Multiple Use Committee for 2003. Motion Carried.

EDA REVOLVING LOAN BOARD: Moved-Seconded (Flanagan-Ewing) to appoint **Commissioner Weisenberg** as the Commissioner Representative for 2003. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Weisenberg-Flanagan) to appoint Ida Marie Snorteland for 2003. Motion Carried.

7 COUNTY JUVENILE SERVICES BOARD: Moved-Seconded (Flanagan-Seward) to appoint **Commissioner Douglas** to fill a term to expire on 2-2004. Motion Carried.

**LOCAL RULE OF ORDER:** Moved-Seconded (Ewing-Flanagan) to adopt the local rule of order requiring three commission members approval to pass a motion for 2003. Motion Carried.

**MEETING PER-DIEM RATES:** Moved-Seconded (Weisenberg-Flanagan) to set the following per diem rates, per meeting, for the Planning and Zoning Board - \$25.00; Airport Board - \$25.00 and Weed Board - \$25.00, effective 1-1-2003. Motion Carried.

**COUNTY MILEAGE RATE:** Moved-Seconded (Flanagan-Ewing) to set the county mileage rate at the state rate of 29 cents per mile, effective 1-1-2003. Motion Carried.

**2003 WAGES & SCALES:** Moved-Seconded (Weisenberg-Seward) to accept the following 2003 wage scales and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise. Motion Carried.

**2003 WAGES (per SDCL 6-1-10):**Commissioners: Douglas,Connie-8,400; Ewing,Bob-8,400; Flanagan,Brandon-\$8,400; Seward,James-\$8,400; Weisenberg,Terry-8,400; Barrett,Marlene-35,828.20.; Auditor: Atkinson,Connie-42,551; McGruder,Brenda-13.81; Nelson,Melody-11.92; Sargent,Debbie-9.61. Treasurer: Tridle,Debra-38,283; Atkinson,Sally-9.10; Hagerty,Sharon-12.51; Haupt,Janice-11.25; Schwindt,Lisa-9.91; Sjomeling,Carol-13.06; Winters,Doris-12.33. Computer: Dias,Gregory-51,599.60; Leatherman,Debra-\$12.09; McGruder,Randall-17.92. States Attorney: Fitzgerald, John-53,869; Baumann,Michelle-14.44; Crane,Shannon-10.20; Madsen,Chris-45,360; Outka,Bruce-45,360; Silvernail,Janice-10.20; Stoflet,Margie-12.81. Public Defender: Kosel,Joe-51,979.20; Landeen,Joel-40,000; Smith,Molly-13.65; Washburn,Lisa-10.48. Maintenance: Frerichs,Richard-17.26; Carr,Zoe-10.42; Caserio,Clifford-11.30; Enderby,Irene-8.68; Lee,Laura-8.68. Director of Equalization: Piekkola,Darlene-47,281.60; Bridenstine,Nancy-12.39; Carrico,Linda-12.07; Green,Ronald-11.88;

Schumacher,Dennis-11.88; Struble,Les-15.07; Woodle,Sharon-12.07; Writer,Jason-12.98.  
 Register of Deeds: Meverden,Judy-38,336; Feterl,Florence-9.10; Fisher,Laurie-\$9.31;  
 Green,Sheree-12.72; Slane,Mary-12.09. Veterans Service Officer: Locken,William-17,363.40.  
 Sheriff: Mowell, Richard-50,676; Harmon,Joe-44,615.20; Black,Sue-11.53; Blanks,Katherine-  
 11.47; Ellingsworth,Kristen-10.14; Fitzgerald,Sara-11.47; Ginsbach,Mark-10.14;  
 Hamilton,Marian-11.67; Klein,Brian-11.47; Nelson, Kesha-11.69; White,Richard-11.47;  
 Wilson,Kristy-10.14; Anderson,Lyne-9.37; Aplan,Michael-10.82; Davis,Crystal-9.37;  
 Davis,Judy-12.05; Dean,Brian-18.21; Deneui,Kimberly-9.37; Ehnes,Tamera-9.37; Eichler,Darla-  
 9.37; Gabriel,Larry-13.97; Goetsch,Julie-9.37; Goetsch,Martin-17.05; Hagerty,Richard-13.71;  
 Hansen,Paul-17.04; Heinzerling,Hannah-9.37; Herman,Loretta-9.20; Horton,Jeremy-12.00;  
 Hubbeling,Paul-10.82; Hulm,Andrew-16.37; Jansevics,Jake-10.82; Johnson,Jennifer-10.82;  
 Kahler,Shauna-10.82; Kaiser,Daniel-10.82; Kopel,Sandy-11.33; Lantis,Travis-10.82;  
 Lechner,Shelly-9.20; Lechner,Tim-9.37; Little,Tavis-16.42; Muller,David-9.37; Nicholas,Verla-  
 9.37; Pedersen,Monty-10.82; Rear, Kay-9.37; Rosenau,Randall-17.11; Sether,Bret-12.00;  
 Shafer,Mike-16.37; Symonds,Matthew-10.82; Thompson,Colin-16.37; Vissia,George-9.37;  
 Watts,James-16.37; Weber,Kurt-10.82; Asheim,Roger-12.79; Bradley,Anthony-12.72; Brennan,  
 Seth-12.72; Burns,Jay-11.06; Burrer,LeeAnn-12.72; Chavez, Rhonda-12.30; Clyne,Donald-  
 12.72; Culver,Kim-12.72; Duncan,Debbie-12.30; Eggebo,Rachel-11.06; Hanel,Clifford-11.06;  
 Harvey,Jerome-9.37; Kotak,Joe-10.30; Larson,Dale-15.18; Larson,Dan-11.26;  
 Latham,Benjamin-9.37; Mckeown,Susan-11.06; Steffen,Michael-11.06; Stubbs,Alicia-11.06;  
 Williams,Robert C.-12.96; Williams,Robert L.-11.06; Emergency Management: Thomson,Paul-  
 37,695; Larson,Rene-\$9.37. E911: Sandvick,Thomas-15.21; Hudson,Roger-14.86. Highway:  
 Williams, Charles-\$56,408.80; Agena,Timothy-15.06; Barret,Tim-14.86; Bey,John-17.32;  
 Burleson, Norman-14.93; Dahl,Dennis-15.43; Eide,Curtis-15.40; Engel,Paul-14.14;  
 Fystro,Terry-15.40; Grenstiner,Edwin-15.67; Heying,Bradley-14.95; Hudson,Roger-14.86;  
 Keller,Robert-14.86; Kopel,Lester-14.94; Lensegrav, Richard-15.10; McCormick,Robert-17.73;  
 Patino,Mark-14.86; Rosencranz,Robert-14.86; Ryan,Steve-17.61; Silvernail,Dennis-15.37;  
 Vandenberg,Maria-10.77; Wright,Bonnie-13.88. Extension: Bertch,Alyce-12.81;  
 Ellingson,Constance-6.89; McGuinness,Sherry-6.89; Miller,Brandy-6.89. Weed: Heck,David-  
 32,550; Planning&Zoning: Birk,Erik-37,187; Maynard,Debora-10.97. Various-Ehnes,Tamara-  
 9.37.

LAWRENCE COUNTY

2003 PAYROLL STEPS AND RATES

<u>POSITION</u>	<u>ENTRY</u>	<u>6 MOS.</u>	<u>12 MOS.</u>	<u>24 MOS.</u>	<u>36 MOS.</u>	<u>60 MOS.</u>	<u>84 MOS.</u>
	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>	<u>STEP 7</u>
CLERK I	6.89	7.44	7.72	8.00	8.28	8.81	9.37
CLERK II / CASHIER	7.93	8.46	8.75	9.04	9.31	9.86	10.42
ADM CLK / REC CLK III	8.28	8.81	9.10	9.37	9.66	10.20	10.77
ACCT CLK / REC CLK IV	8.46	9.04	9.31	9.61	9.86	10.42	10.97
SECRETARY / LEGAL SEC I	9.37	9.95	10.20	10.48	10.77	11.33	11.85
LEGAL SECRETARY II	10.06	10.63	10.77	11.17	11.46	12.02	12.57
OFFICE SUPERVISOR	9.45	10.01	10.30	10.53	10.97	11.51	12.10
***** HIGHWAY *****					***** MAINTENANCE *****		
FOREMAN		17.04			CUSTODIAN I		8.68

HEAVY EQPMT / MECHANIC	14.86	CUSTODIAN II	10.42
LIGHT EQUIPMENT OPERATOR	14.14	MAINT. WORKER I	9.31
MAINT. WORKER/SUMMER HELP	9.31	MAINT. WORKER II	11.30
		PT. TIME CUSTODIAN	6.89
<b>**** SHERIFF ****</b>		<b>**** WEED ****</b>	
DEPUTY I	15.05	SPRAYER/GPS	8.40 10.50
DEPUTY II	16.37		
DETECTIVE	17.04	<b>**** APPRAISER ****</b>	
CAPTAIN	18.12	APPRAISER I	10.57
SQUAD SERGEANT	16.85	APPRAISER II	11.88
PROCESS SERVER	13.71	APPRAISER III	12.98
BAILIFF	14.70	APPRAISER IV	14.06
E-911 COORDINATOR	15.13		
DISPATCHER III	12.00	<b>***ADMIN ASST***</b>	
DISPATCHER II	11.47	HIGHWAY ADM ASST	13.43
DISPATCHER I	10.14	SHERIFF ADM ASST	13.43
CORRECTIONAL II	12.72	STATES ATTY LEGAL ASST	13.99
CORRECTIONAL I	11.06	COMPUTER SPECIALIST	17.92
GUARDS/TRANSPORT OFFICER	9.37	APPRAISER IV/1ST DEPUTY	15.07
TRAINEE JAIL	7.08		
COOK / JAIL ASST	12.30	<b>*** ELECTED OFFICIALS FIRST DEPUTY ****</b>	
COOK I	10.30	AUDITOR	13.59
RESERVE DEPUTY	10.82	TREASURER	12.46
MATRON or GUARD DUTY	25. 00 PER DAY	REG OF DEEDS	12.46

**NEWLY ELECTED OFFICIALS MINIMUM BASE PAY RATE**

	<i>2003 BASE</i>	<i>2004 BASE</i>	<i>SDCL #</i>
<b>AUDITOR</b>	\$ 27,305.00	\$ 27,305.00	SDCL 7-7-9.1
<b>TREASURER</b>	\$ 27,305.00	\$ 27,305.00	SDCL 7-7-9.1
<b>REGISTER DEEDS</b>	\$ 27,305.00	\$ 27,305.00	SDCL 7-7-9.1
<b>STATES ATTORNEY</b>	\$ 51,900.00	\$ 54,400.00	SDCL 7-7-12
<b>SHERIFF</b>	\$ 35,769.00	\$ 38,519.00	SDCL 7-12-15

**RESOLUTION #2003-01 / ELECTION OFFICIALS COMPENSATION:** Moved-Seconded (Flanagan-Seward) to approve the following Resolution #2003-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2003-01 ELECTION OFFICIALS COMPENSATION** WHEREAS, SDCL 12-15-11 requires the Lawrence County Commission at its first regular meeting each year to set the compensation to be paid out of the County Treasury to election Superintendents and Judges of each Election Board. NOW, THEREFORE, the following election officials shall be compensated at the rate set below: Superintendents \$95.00; Judges \$75.00 IN ADDITION, each of the election officials and workers who participate in an election school prior to any election shall be compensated an additional \$10.00. All election officials and employees shall be paid mileage for all travel incurred in regard to said employment

at the rate of \$ .29 per mile. Extra help hired to work on election night in the Auditor's Office will be paid at the rate of \$8.00 per hour. DATED this 7th day of January, 2003. BOARD OF COUNTY COMMISSIONERS: James J. Seward, Chairperson, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #2003-02 POLLING PLACES & PRECINCTS:** Moved-Seconded (Weisenberg-Flanagan) to approve the following resolution setting the polling places and precincts in 2003. Motion Carried. **WHEREAS**, SDCL 12-14-1 requires that the Lawrence County Commission shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts, **NOW, THEREFORE**, for all county elections, except where elections by ward or a boundary other than a precinct is required, the following polling places shall be established for the precincts in Lawrence County: **Lead - Golden Hills Resort & Convention Center; Deadwood-Lawrence County Administrative Annex; Spearfish 1st Ward-Senior Citizen's Center; Spearfish 2nd Ward-Senior Citizen's Center; Spearfish 3rd Ward-Senior Citizen's Center; Boxelder-Nemo Church; Rural #1-Lawrence County; Administrative Annex; (Trojan-Nahant/Central City/Pluma/Boulder Canyon); St. Onge-St. Onge Community Hall; Whitewood-Whitewood Hale Hall; Reeds Crow Peak & Valley 1-Spearfish Park Pavilion; Valley 2-Spearfish Park Pavilion.** DATED this 7th day of January, 2003. BOARD OF COUNTY COMMISSIONERS: James J. Seward, Chairperson, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #03-03 TO ESTABLISH OFFICIAL DEPOSITORIES:** Moved-Seconded (Flanagan-Ewing) to approve the following Resolution #03-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 03-03 ESTABLISH OFFICIAL DEPOSITORIES:** Whereas, SDCL 7-20-13 requires the County Board of Commissioners to approve the designation of each depository for the deposit of County funds, and Whereas, several different financial institutions are doing business in Lawrence County and meet the requirements established under SDCL Chapter 7-20, and Whereas, the Lawrence County Treasurer has requested the following financial institutions be designated as official depositories for the fiscal year 2003: Wells Fargo-South Dakota 721 Main St. Deadwood, SD; First Western Bank 696 Main St. Deadwood, SD; First National Bank 300 West Main St. Lead, SD; Pioneer Bank 140 E Jackson Blvd Spearfish, SD; and Rushmore Bank & Trust 526 Main St. Spearfish, SD; and Be It Therefore Resolved, that the Lawrence County Board of Commissioners designates the above named financial institutions as official depositories for Lawrence County for the fiscal year 2003. Dated this 7<sup>th</sup> day of January 2003. James J. Seward, Chairperson, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**MINUTES:** Moved-Seconded (Weisenberg-Seward) to approve the minutes of December 30, 2003. Motion Carried.

**PERSONNEL:**

**AIRPORT:** Moved-Seconded (Weisenberg-Flanagan) to approve the hiring of Jim Harmon as a part-time under 20 hours a week employee to do mowing and snow removal at the airport at the rate of \$12.50 an hour, effective 1-7-2003. Motion Carried.

**STATES ATTORNEY:** Moved-Seconded (Weisenberg-Seward) to approve the hiring of Rhonda Miller as a Temporary Deputy States Attorney at the rate of \$28.85 an hour, effective 1-7-2003 thru March 7, 2003; to cover for Chris Madsen who will be absent. Motion Carried.

**REGISTER OF DEEDS:** Moved-Seconded (Weisenberg-Ewing) to allow employees to donate sick leave to Laurie Fischer. Motion Carried.

**TREASURER:** Moved-Seconded (Weisenberg-Flanagan) to approve a step raise for Sally Atkinson to Administrative Clerk step 5 at the base rate of \$9.66 an hour, effective 1-16-2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Flanagan) to approve hiring Larry Lane as a Dispatcher I at the base rate of \$10.14 an hour, effective 1-7-2003. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve Sue Black as a Dispatcher III at the base rate of \$12.00 an hour, effective 1-7-2003. Motion Carried.

**COUNTY DAY TRAVEL REQUESTS:** Moved-Seconded (Flanagan-Weisenberg) to approve the travel for County Commissioners, County Officials and Department Heads to attend County Day in Pierre, SD. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Bob Ewing to travel to Pierre to attend the Stock Growers Association meeting. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Seward) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of December 31, 2002 showed the following: Total amount of deposits in banks-\$8,730,767.36; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$56,336.99; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,924.40; Petty Cash-\$1,585.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$3,741,029.05; GNAM's-\$112,880.16; and Money Market \$1,176,858.15, Total \$8,791,863.75.

**HIGHWAY BUSINESS:**

**CAMP COMFORT BRIDGE:** Moved-Seconded (Weisenberg-Ewing) to allow NJS Engineering to develop plans, specs and provide an estimate for the Camp Comfort Road Bridge. Motion Carried.

**014A OVERLAY:** Moved-Seconded (Weisenberg-Seward) to authorize NJS Engineering to provide engineering services for the asphalt overlay of 014A from junction 85 going west towards Wyoming. Motion Carried.

**EXIT 8 SERVICE DRIVE:** Chuck Williams informed the Board that at a future meeting he will be presenting a resolution in reference to the County accepting ownership and maintenance of the service drive off of exit 8 as agreed upon with the state.

**HOMESTAKE MINE / NEUTRINO SITE RESOLUTION #2003-04:** Moved-Seconded (Weisenberg-Flanagan) to approve the following Resolution 2003-04 requesting the State of South Dakota work with the National Science Foundation to select Homestake Mine as the neutrino site; and send a copy to Governor Rounds and the State Legislature. Motion Carried. Resolution #2003-04: WHEREAS, the Homestake Mine, as designated by the State of South Dakota as the South Dakota Business of the Century, has been a valued employer and great corporate citizen in the State of South Dakota for 126 years; and WHEREAS, the State of South Dakota has experienced a tremendous working relationship with Homestake that involved increasing Homestake taxes during the depression and in times of agricultural crisis; and WHEREAS, the Homestake Mine has shut down and the National Science Foundation is looking for a site for their neutrino project; and WHEREAS, we submit and support that the Homestake Mine is the most logical and cost efficient site due to its depth, manpower and expertise available plus the fact that neutrino experiments have been held in the Mine since the 1970's; NOW THEREFORE BE IT RESOLVED, that the Lawrence County Commissioners request the State of South Dakota to work with the National Science Foundation to select the Homestake Mine as the neutrino site as the opportunity for jobs, scientific advancement and economic development is too great an opportunity to pass up. Dated this 7<sup>th</sup> day of January, 2003. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairperson, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**FIRE:** The Board discussed the recent meeting with Governor Janklow in reference to Fire Money. Lawrence County will receive \$440,000 for Fire Fighting Equipment. Moved-Seconded (Weisenberg-Flanagan) to send a letter to the Fire Advisory Board and Fire Departments asking for their input on how this money would be best spent, and have their response back so the Board can discuss during the last meeting in February. Motion Carried.

Paul Thomson presented the Board with a proposal to purchase 8-10 Brush Trucks at an estimated cost of \$47,853. Thomson suggested using this grant in conjunction with Title III Funds to leverage both funds to provide adequate equipment to fight wild land fires. Thomson also suggested purchasing wild land Gear for the Highway Department at an estimated cost of \$343 - \$307 per person.



**SEARCH & RESCUE CONSTITUTION:** Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Amended Search & Rescue Squad Constitution. Motion Carried.

**REQUEST FOR CONDITIONAL USE PERMIT #284:** A public hearing was held on a request for Conditional Use Permit- David B. Nielsen - Lot A of Section 28, T3N, R3E, B.H.M. – To allow for a Specialty Resort - Approximately 12 miles south of Lead on the Nahant Road branching to the southwest off of Rochford Road. Cyrena Kester presented the request. No public input was available and Seward closed the Public Hearing. The Board discussed septic and water issues and reviewed suggested conditions. Moved-Seconded (Weisenberg-Flanagan) to approve the Conditional Use Permit #284 for a Specialty Resort with 22 conditions attached (on file in the Planning and Zoning Office). Motion Carried.

**FOREST SERVICE PHASE II:** Bill Coburn was present to discuss Phase II of the Forest Plan. Coburn stated phase II should be completed around the end of 2003 or early 2004. Coburn stated so far the volunteers have spent a tremendous amount of time, energy and money. He stated having cooperating status is a very positive thing but the State and County may need to research contracting with someone to do the work because of the very heavy workload on the volunteers. Coburn stated having cooperating status requires a responsibility to be part of the process and requires an incredible amount of time. Coburn stated they should be able to find someone from the Black Hills that would be capable of providing the service. Jim Rarick, Pope & Talbot, stated he would be contacting the State and suggesting they also contract with someone. The Board discussed the possibility of the State and County sharing in the expense and hire one contractor. Moved-Seconded (Weisenberg-Ewing) to allow the Chairman to explore the possibility of contracting with the State in a joint venture of hiring a contractor to work on cooperative status for phase II of the Forest Plan. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Flanagan) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$5,330.86; Aud-\$9,224.95; Treas-\$14,361.03; Comp-\$8,951.19; States Atty-\$19,190.84; Pub Def-\$ 11,343.73; Gen Govt Bldg-\$8,916.47; Equal-\$17,315.55; Deeds-\$12,098.11; Vso-\$1378.30; Disp-\$16,169.39; Sher-\$48,900.78; Jail-\$32,444.86; Emerg Mgnt-\$2,741.68; E911-\$3,705.68; Highway-\$56,880.46; Ext-\$2,156.00; Weed-\$2,500.00; Pz-\$4,793.96; **Bills:** Harmon,J-\$243.75; Mowell,R-\$5,422.50; Seward,J-\$250.56; A&B Business Equip-\$368.16; Abc Business Supply-\$427.22; Ace Hardware-\$6.79; Bh Chemical Company-\$1,419.14; Bh Fibercom-\$168.94; Bh Medical Ctr Pharmacy-\$730.80; Bh Neurology-\$108.15; Bh Pest Control-\$95.00; Bh Pioneer-\$1,096.62; Bh Power&Light-\$1,577.99; Baker,M-\$500.00; Belle Fourche Landfill-\$29.60; Binder,T-\$62.10; Brule County Sher Office-\$8.10; Buckstop Express Mart-\$27.91; Butte Electric Coop-\$82.16; Cellular One-\$86.82; Central Parts-\$18.59; Chemsearch-\$256.86; Chief Supply-\$226.67;

City/County Alcohol&Drug-\$420.00; Collier,M-\$375.00; Compaq Computer Corp-\$698.00; Conoco-\$382.05; Culligan Soft Water Serv-\$92.50; Dakota Graphics-\$174.00; Deadwood 1 Hour Photo-\$24.00; Deadwood Home Center-\$439.60; Deadwood Supply-\$58.48; Deadwood, City Of-\$490.23; Dept Of Treasury-\$35,149.57; Dietrich,D-\$109.35; Discovery Investigation-\$2,332.00; Ekeren,M-\$15.00; Elan Finanical Services-\$95.20; Ensignal-\$1,250.00; Etsu Physicians & Associates-\$3,303.78; Fuller,Tellinghuisen,Gordon-\$69.00; Gene's Lock Shop-\$30.00; Heisler Hardware-\$15.87; Insight-\$1,604.20; Interstate Batteries-\$329.50; Intoximeters-\$208.00; Karpinen,S-\$245.00; Kittelson,J-\$15.00; Knecht True Value-\$911.44; Kustom Signals-\$1,885.00; Lc Auditor-\$31.19; Lc Centennial-\$104.82; Lc Conservation Dist-\$4,500.00; Lc Public Health-\$2,208.00; Lc Sheriff-\$24.00; Lc Sheriff's Reserves-\$402.00; Lang,G-\$171.10; Lead-Deadwood Sanitary-\$177.88; Lee,J-\$15.00; Macks Auto Body-\$309.09; Mearthur,J-\$35.00; Mcleod's Office Supply-\$203.55; Meade County Sheriff-\$8.90; Mid States Organized-\$100.00; Mineral Palace Hotel-\$294.10; Montana-Dakota Util-\$4,526.79; Murphy,J-\$227.66; Nh General Hospital-\$330.00; National Forest Counties-\$1,315.96; Nelson,T-\$420.00; Office Technology/Supply-\$80.00; Pennington Co Jail-\$1,230.51; Pennington County Sheriff-\$26.70; Phoenix Investigations-\$1,998.41; Queen City Rocket Lube-\$171.01; Qwest-\$43.92; Radio Shack/Kazco-\$96.64; Reindl,S-\$251.85; Rowenhorst,J-\$225.00; Sd Assn Of Co Comm-\$1,683.12; Sd Municipal League-\$50,616.00; Sd State Treasurer-\$5,758.98; Sd Dept Of Transportation-\$854.30; Sd Emergency Mngt Association-\$60.00; Servall Towel & Linen-\$192.68; Slowey,Y-\$80.00; Spearfish Auto Supply-\$265.33; Stadler Ind-\$292.50; Tigerdirect-\$111.53; Triple K Tire & Repair-\$1,254.02; Twin City Hardware & Lumber-\$751.24; United Parcel Service-\$13.18; Viking Office Prod-\$1,385.72; Walmart Store-\$672.42; West Group-\$330.00; Western Communication-\$10,136.25; Williams Standard-\$133.30; Yankton Co Sheriff-\$49.50

11:00 AM: Moved-Seconded (Weisenberg-Flanagan) to go into executive session to discuss personnel matters with Joe Harmon, Chief Deputy Sheriff. Motion carried.

11:20 AM: The Board reopened for regular business.

**ADJOURN:** 11:20 a.m. - There being no further business it was Moved-Seconded (Weisenberg-Flanagan) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – JANUARY 28, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 28, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of January 7, 2003. Motion Carried.

**MARCH MEETING:** Moved-Seconded (Weisenberg-Flanagan) to move the March 20<sup>th</sup> meeting to March 25, 2003. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Flanagan-Seward) to approve the step raise for Debbie Sargent as Accounting Clerk step 5 at the base rate of \$9.86 an hour, effective 10-1-2002. Motion Carried.

**TREASURER:** Moved-Seconded (Douglas-Flanagan) to approve the step raise for Lisa Schwindt as Accounting Clerk step 6 at the base rate of \$10.42 an hour, effective 1-16-2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Ewing) to approve Tamara Leveque as a Dispatcher I at the base rate of \$10.14 an hour effective 1-9-03. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Michele Wenzel as a Dispatcher I at the base rate of \$10.14 an hour, effective 1-14-03. Motion Carried.

Moved-Seconded (Douglas-Flanagan) to approve Kesha Nelson as a secretary step 7 at the base rate of \$11.85 an hour, effective 1-16-03. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve Judy Davis as Administrative Assistant in the Sheriff's Office at the base rate of \$13.43 an hour, effective 1-16-03. Motion Carried.

Moved-Seconded (Douglas-Flanagan) to approve Kristy Wilson and Mark Ginsbach as Dispatcher II at the base rate of \$11.47, effective 1-1-03. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve Susan McKeown as a Correctional Officer II at the base rate of \$12.72, effective 1-1-03. Motion Carried.

### **TRAVEL REQUESTS:**

**AUDITOR/TREASURER:** Moved-Seconded (Douglas-Flanagan) to approve the travel request for Melody Nelson, Debbie Sargent, Lisa Schwindt and Carol Sjomeling to attend the Microsoft Excel Workshop in Rapid City on March 21, 2003. Motion Carried.

**AIRPORT:** Moved-Seconded (Douglas-Flanagan) to approve the travel request for Bob Golay, Neil Clarke, Rodney Deweese and Micky Wienk to attend the DOT Annual Airport Conference in Brookings, SD on February 25-27, 2003. Motion Carried.

**VETERAN SERVICE OFFICER:** Moved-Seconded (Weisenberg-Seward) to approve the travel request for Bill Locken to attend the Veteran Commission Meeting in Pierre, SD on January 27-28, 2003 and to attend the VA Cares Briefing in Rapid City, SD on February 4, 2003. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Ron Green to attend the GIS Workshop in Rapid City, SD on April 9-11, 2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Tom Sandvick, Sue Black and Marian Hamilton to attend the Dakota 911 Conference in Bismarck, ND on March 4-7, 2003. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve the travel request for James Watts to attend the Law Enforcement Interview and Interrogations training in Yankton, SD on February 2-7, 2003. Motion Carried.

**WEED:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for David Heck to attend the National Invasive Weeds Awareness Week 2003 in Washington DC on February 22-27, 2003 with the conditions that Heck prepare an oral and written report and present it to the Board during a March meeting and that the cost to the County does not exceed the \$432.00. Motion Carried.

**AIRPORT BOARD APPOINTMENT:** Moved-Seconded (Weisenberg-Ewing) to appoint Rodney Deweese to the Airport Board to replace Bill Trent for a term to expire on 1-2007. Motion Carried.

**TITLE III FUNDS:** The Board discussed the following Title III proposals they received.  
2003 TITLE III REQUESTS: \$140,743.86 Beginning Balance:

<u>Item</u>	<u>\$ Equipment</u>	<u>% Usage in Forest</u>	<u>\$ Allocation</u>
Category 1. SEARCH & RESCUE AND EMERGENCY SERVICES			
2 Snowmobiles	15,000	84%	12,600
Accessories	<u>1,100</u>	84%	<u>924</u>
	16,100		13,524
Category 4. FOREST RELATED EDUCATIONAL OPPORTUNITIES			
Project Learning Tree	5,000	100%	5,000

Category 5. FIRE PREVENTION AND COUNTY PLANNING

Wildland Gear for	7,864	100%	7,864
Highway Dept.			
Spearfish Fire	185,000	25%	47,000
Truck			
Brownsville	86,721	59%	51,165
Truck Eqp.			
Bear Ridge	14,182	81%	<u>11,487</u>
Tender Eqp.			117,516

*Total of Requested Allocations \$136,040*

Moved-Seconded (Douglas-Flanagan) to take public comment for 45 days on the Title III requests received.

**CDBG FIRE EQUIPMENT GRANT:** Paul Thomson presented the Board with the equipment request list for CDBG funding of \$445,940.00. Thomson stated because Sturgis provides protection to a portion of the Boulder Canyon area \$6,500 of Lawrence County Grant funds would be withheld and sent to Meade County. Rochford Fire district is also located in Pennington County so Lawrence County would purchase \$6,500 in equipment for Rochford. Thomson stated the remaining funds would be used to purchase nine wild land Type 6 brush trucks and distributed to the fire departments in the County. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the equipment request list for CDBG funding, explaining the request in detail, and send to Van Lindquist, Black Hills Council of Local Government. Motion Carried.

**CDBG “HAWK” EQUIPMENT GRANT / JOINT POWER AGREEMENT:**

Moved-Seconded (Weisenberg-Flanagan) To approve and authorize the Chairman to sign the Amended CDBG Agreement and to set the Public Progress Hearing regarding Lawrence County’s Equipment Purchase Project for County Volunteer Fire Departments on Community Development Block Grant No. 9902-104 for February 11, 2003 at 8:45 a.m.. Motion Carried. Lawrence County has received CDBG funds in the amount of \$373,250 for the purchase of fire equipment under this grant.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to initial changes to the Hawk Extreme Joint Powers Agreement, deleting the term “housing” from the agreement. Motion Carried.

**DELINQUENT TAXES REPORT:** Per SDCL 7-21-35 the total 2001 taxes levied for in 2002 was \$23,246,563.24 and the total unpaid as of 12-31-02 was \$445,447.64 which represents a 1.92% delinquency. *Moved-Seconded* (Weisenberg-Douglas) to accept the Delinquent Taxes Report of 2002 levied and unpaid taxes as reported by the Auditor. Motion carried.

**VOLUNTEER FIRE DEPARTMENT MEMBERS:** Moved-Seconded (Douglas-Flanagan) to approve the following list of Volunteer Fire Fighters for insurance purposes. Motion Carried. Charles V. Nicholas, Charles W. Nicholas, Sallie J. Nicholas, Bob Patterson, Bob Smith, Doug Symonds, Wade Weaver, Joanne Nicholas, Verla J. Nicholas, Cleo Burghduff, Laura Smith, Loren Benedict, Chad Anderson, Charles Edwards, George Meisner, Todd Nelson, Jack Thomas, Vance Patterson, Brittanie Smith, Tony Balistreri, Ken Fish, Ron Hoefer, Don Kelley, Casey Keough, Mark Nelson, Vince Pfeifle, Larry Rhodes, Bob Richards, Ron Rust, Clint Schell, Terry Schmitz, Fred Schumann, Chad Solaas, Gary Solaas, Mike Whalan, Rick Krahn, Derrick Bult, Virginia Clark, Paul Dangel, Julie Harley, Darwin Hoefer, Jerry Hood, Kim Kelley, Luverne Kraemer, Norma Kraemer, Greg Nepstad, Brian Rech, Kyle Schrick, Mark Schwan, Cindy Solaas, Kathy Stygles, Jim Tatge, Lyle Wickman. Chuck, Bossert, Sunday Bossert, Leonard Burtzlaff, Tom Callaway, Leo Derosier, Frank Ensor, Todd Fierro, J.D. Geigle, Steve Hart, Tom Hughes, Philip Huyck, Mike Ingwersen, Cliff Jensen, Ray Kinghorn, Neilon Millar, Russel Millar, Terry Moe, Warren Moe, Brent Olson, Curt Olson, Ryan Olson, Don Osborne, Penny Osborne, Twyla Reede, Denny Rehorst, Devin Stephens, Glenn Stephens, Jim Tetrault, Tim Tetrault, Jacob Kari, Jason Kari, Dennis Anderson, Mike Anderson, Scott Anderson, Ron Blotz, Clay Cole, Loren Dobyns, Matt Fortier, Gary Heaton, Robert Mattox, Bryce Quaschnick, Don Quaschnick, Tim Quaschnick, Rhea Travino, Ed Suvada, Loren Vrem, Dave Hall, Van Wire, Chet Borsch, Dick Seaman, Cass Gaughen, Jack Morcom, Robert Harvey, Melvin Williams, William Hill, Rod Galland, Tom McGrath, Ron Hilden, Kenneth Scott, Bill Adam, Jim McGinnis, Clark Redinger, Wade Hart, Robert Geis, Dr. Steve Fox, Nancy Hart, Arlendo Lillehaug, Lotus Lillehaug, Gary Lillehaug, Jim Sheverling, Janit Sheverling, Dale Richards, Jim Klansnick, Dale Gillette, Jack Wanstedt, Barbara Wanstedt, John Finn, Jim Dunn, Gerry Bennette, Etta Finn, Caphryn Bennette, Bill Heying.

**WEED EXCLUDED REGULATIONS:** The Board discussed and approved of the “Excluded Proposed Regulations from adoption by Lawrence County Commissioners” in reference to the Weed Comprehensive Plan.

**TREASURER TRUST PAYMENTS:** Moved-Seconded (Flanagan-Seward) to delay taking mobile home distress warrant and accept partial payments of taxes on a 1996 Liberty Wexford mobile home owned by Judith G. Remington. Motion Carried.

**HIGHWAY BUSINESS:**

**RESOLUTION #2003-5 SERVICE ROAD NORTHWEST OF I90 EXIT 8**

**INTERCHANGE:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign Lawrence County Resolution #2003-05. Motion Carried. **LAWRENCE COUNTY RESOLUTION # 2003-5:**

**A RESOLUTION ACCEPTING OWNERSHIP OF THE SERVICE ROAD NORTHWEST OF I90 EXIT 8 INTERCHANGE FROM THE STATE OF SOUTH DAKOTA WHEREAS,** the South Dakota Department of Transportation has completed Federal-

Aid Highway Improvement Project NH-PH 90-1(111)8-PCEMS 3695 which provided for grading, surfacing and adding ramps to existing structure on I90 Exit 8, Northwest of Spearfish, South Dakota; and **WHEREAS**, as part of the project agreement, Lawrence County agrees to accept ownership of the service road northwest of I90 Exit 8 Interchange in lieu of a monetary contribution to the Project; **NOW THEREFORE BE IT RESOLVED**, that the Lawrence County Commissioners, in and for the County of Lawrence, South Dakota, do hereby accept ownership of the service road northwest of I90 Exit 8 described as: Lot A in the N1/2 SE1/4 of Section 32 T7N R2E; Lot A in the NE1/4 SW1/4 of Section 32 T7N R2E; Lot A in the NW1/4 SW1/4 of Section 32 T7N R2E; Lot B in the N1/2 SE1/4 of Section 32 T7N R2E; Lot C in the N1/2 SE1/4 of Section 32 T7N R2E and Lot D in the N1/2 SE1/4 of Section 32 T7N R2E. Dated this 28<sup>th</sup> day of January, 2003. FOR THE BOARD: James J. Seward, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

**FIRE AGREEMENT RENTAL AGREEMENT:** The Board discussed the proposed 2003 Fire Equipment Rental Agreement between the SD Department of Agriculture, Division of Wildland Fire Suppression and the Lawrence County Highway Department. Williams stated the Board did not enter into the agreement in 2002 and that decision was a positive thing during the 2002 fire season. The Board did not take any action on the agreement.

**CULVERT SUPPLY BIDS:** The Board reviewed the Beadle County Highway Department Bids for Metal Pipe (culverts) & Bridge Material that was awarded to Huron Culvert and Tank Co. Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of Highway Superintendent, Chuck Williams, and approve the purchasing off of the Beadle County Bid for Metal Pipe (culverts) & Bridge Material. Motion Carried.

**REQUEST FOR CHANGE OF ZONING:** The Board scheduled February 11<sup>th</sup> at 10:00 a.m. to continue the public hearing on a request for Change of Zoning for Duane Nicholas - Pt. NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, except Lots 1 through 6 and except Lot H-1 and Lot H-2, of Section 8, T6N, R2E, B.H.M. – To allow higher density development – Spearfish area west of Pope and Talbot.

**FUEL QUOTES:** Moved-Seconded (Weisenberg-Seward) to accept the only fuel quote submitted for February 2003 from Sanito Oil Company - Highway Dept. - Regular Gasoline - \$1.268; No.1 Diesel - \$1.128; No.2 Diesel - \$1.028; 50/50 Blend - \$1.078; and Sheriff Office - Unleaded Gasoline - \$1.268. Motion carried.

**STATE 911 COORDINATOR POSITION:** Tom Sandvick, County 911 Coordinator, discussed the State 911 Coordinator Position with the Board. Sandvick explained the problems that are involved with the wireless phones and enhanced 911, stating the wireless phones are not regulated by the PUC. Sandvick stated they have been trying to negotiate with the wireless companies and the negotiations but they are not going good. Sandvick stated the Dakota Chapter of NENA (National Emergency Number Association) and the South Dakota Chapter of APCO (Association of Public Safety Communications Officials, Intl.) recommended that the SD Association of County Commissioners (SDACC) create a “911 Project Manager” staff position.

This would not be a permanent position. Sandvick stated this would be one voice speaking for the whole state, negotiating fees and workings towards specific goals.

Moved-Seconded (Douglas-Weisenberg) to accept the SDACC Resolution creating a 911 coordinator position and to send funds to the SDACC to cover Lawrence County's share of the expenses.

**PROPOSED CANINE UNIT:** Joe Harmon stated Deputy Little had a dog that could possibly be eligible for training on a canine unit. Harmon stated Little and the dog would need to go to training and asked the Board to consider if they would cover the expense. Douglas questioned insurance for a canine unit and any additional costs. Douglas also questioned if this would then involve a new title and pay increase for Little. Ewing questioned who would own the dog after the training is complete. The Board asked Harmon to research all costs involved and report back to the Board.

**COUNTY ANIMAL CONTROL:** Weisenberg questioned Harmon on the County's policy for Animal Control. Harmon stated the County does not have an animal control officer at this time and only answer calls if the animal is vicious and has bitten someone. Harmon stated the County contracts with the Humane Society so someone can drop the animals off at the Humane Society. Weisenberg questioned if the County could contract with the City of Deadwood and Spearfish to utilize their animal control officer. Weisenberg will discuss the issue with the Cites, Sheriff and Bruce Outka.

**PUBLIC HEALTH NURSE REPORT:** Denise Rosenberger presented the Board with the Oct-Dec, 2002 quarterly report, reviewing the Family Planning services, WIC, MCH (Maternal Child Health) services, meetings and office related matters. Rosenberger stated she would be attending a training session on the small pox vaccinations.

**CONDITIONAL USE PERMIT #285 / CHARLES SNYDER – SHEET METAL**

**BUSINESS:** A public hearing was held on a request for Conditional Use Permit #285 for Charles Snyder. Legal Description: Lots 16A and 16B-1, Subdivision of Lot 16 of the Subdivision of the West Half of the Southeast Quarter (W1/2SE1/4) of S4, T6N, R2E, BHM. Lawrence County, located (398 Hillsvie) approximately 3 blocks west of Evan Lane (Prairie Harvest). Zoned – Highway Service Commercial. Reason for Request: To manufacture ductwork for heating and cooling. No public input was present and the public hearing was closed. Moved-Seconded (Douglas-Flanagan) to follow Planning and Zoning recommendation and approve CUP #285 for Charles Snyder, with the following attached conditions. Motion Carried.

CONDITIONS: 1) The applicant shall follow all applicable County, State, and Federal regulations regarding the business. 2) Only one (1) sign shall be allowed on the property advertising the business and comply with Section 4.2 of the Lawrence County Zoning Ordinance. 3) No outdoor storage shall be permitted. 4) Any expansion of the business for more work area will be allowed within the existing building. 5) All parking including truck loading



and unloading shall conform to Section 4.1 of the Lawrence County Zoning Ordinance. 6) All exterior lighting on the buildings used for illumination shall be directed away from any nearby residences, businesses and public roads. 7) If the lease of the building is not renewed for the subject business, the property owner or applicant shall contact the Lawrence County Office of Planning and Zoning immediately and the subject conditional use permit shall be canceled. 8) Any change of land ownership shall be reported immediately to the Lawrence County Office of Planning and Zoning. The new owner(s) of the property and the owner of this conditional use permit shall meet with the Lawrence County Commission to review and accept the conditions of this permit. Or upon the decision of the County Commission, this Conditional Use Permit may be canceled after the business has vacated the premise. 9) This permit shall be reviewed on annual basis, or on an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached if deemed necessary for the protection of the public interest. 10) If any term, condition or requirement stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable State and/or Federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

**ANNUAL REVIEW CUP#277 / KABERNA CAMPGROUND:** An annual review was held for CUP#277 for Kaberna Campground. No complaints or problems were received. Moved-Seconded (Weisenberg-Flanagan) CUP #277 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**USFS PHASE II:** Greg Josten, SD Division of Conservation and Forestry was present to discuss the Phase II cooperating status. Josten stated they are currently waiting to hear if the law suit filed by Governor Janklow against the Black Hills National Forest would affect the Cooperating Status. When that decision is made further discussions can be conducted on cooperating status. Josten discussed the possibility of a grant to help defray costs to the counties to hire an individual contractor. This would be a dollar to dollar match grant, in kind match would be allowable. Bill Coburn stated he felt the Counties would be better off to contract with the State because they are the ones that are allowed to sit in on the IDT (inner disciplinary team) meetings. Discussion followed on the importance of cooperating status and the importance and the responsibility that is also involved. Josten and Coburn will be talking to other counties to see if there is interest in a joint contractor. The Board stated they are willing to commit to what is needed to protect the Black Hills.

**SURPLUS COMPUTER EQUIPMENT:** Greg Dias discussed the possibility of donating surplus computer equipment to the domestic crisis outreach shelters. Dias stated they do not have any value to the county but suggested they donate them to the shelters. Dias stated he would donate his personal time to set the machines up. The Board was receptive to the idea and asked Dias to report back to them when machines become available.

**AMBULANCE AGREEMENT:**

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the chairman to sign the ambulance agreements with Northern Hills General Hospital and Spearfish Emergency Ambulance Service for the year of 2003. Motion Carried.

**EXTENSION SERVICES:** Moved-Seconded (Flanagan-Douglas) to authorize the Chair to sign the Memorandum of Understanding between the Cooperative Extension Service and Lawrence County. Motion Carried.

**JAIL / NH ELDER CARE OPTIONS:** Marlene Barrett informed the Board that Dale Larson, Jail Administrator, is looking into NH Elder Care proposal to offer instructions to jailers on administering medications. Barrett stated she is currently checking to see if the Insurance Company will cover the cost of the training.

**GOVERNMENT DAY:** Bev Hink was present to thank the Board for their past participation in Government Day and asked the Board to participate in 2003, appoint a coordinator for the County, requested the county donate \$50.00 and attend the Luncheon that will be provided on Government Day at the Deadwood Fire Hall. Moved-Seconded (Douglas-Weisenberg) to participate in Government Day, appoint Marlene Barrett as the Coordinator and to donate \$50.00 for the luncheon. Motion Carried.

**INTERGOVERNMENTAL AGREEMENT FOR HAZARDOUS MATERIALS**

**EMERGENCY ASSISTANCE:** Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairperson to sign the Intergovernmental Agreement for Hazardous Materials Emergency Assistance in the amount of \$1,500 with the Fire Department of Rapid City. Motion Carried. **BILLS:** Moved-Seconded (Douglas-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,882.88; Treas-\$7,593.31; Comp-\$4,790.88; States Atty-\$9,866.35; Pub Def-\$5,955.91; Gen Govt Bldg-\$4,627.98; Equal-\$9,148.96; Deeds-\$6,792.11; Vso-\$723.48; Disp-\$8,366.99; Sher-\$24,920.90; Jail-\$18,193.00; Emerg Mgnt-\$2,254.64; E911-\$1,338.48; Highway-\$31,177.80; Ext-\$1,127.28; Weed-\$1,356.25; Pz-\$2,514.82; Bills: Clyne,D-\$141.97; Dias,G-\$4.23; Fitzgerald,J-\$72.00; Heying,B-\$11.74; Klein,B-\$3.25; Narem,S-\$192.13; Outka,B-\$169.84; A&B Welding Supply-\$50.00; Abc Business Supply Corp-\$55.29; Alco Store-\$66.93; Altaire Enterprises-\$200.00; Amcon Distributing-\$243.18; American Family Life-\$2,351.12; Amoco Oil Co-\$376.17; Armstrong Extinguish-\$1,391.50; At&T-\$50.94; Bh Chemical Company-\$77.10; Bh Collection Service-\$100.00; Bh Council Of Local Govt -\$6,877.50; Bh Federal Credit Union-\$14,273.28; Bh Fibercom-\$1,197.94; Bh Land Analysis-\$682.00; Bh Medical Ctr Pharmacy-\$232.68; Bh Pioneer-\$90.00; Bh Power & Light-\$5,103.11; Bh Travel Agency-\$1,216.00; Bh Truck And Trailer-\$9.80; Baker,P-\$334.80; Behavior Mngt Systems-\$480.00; Best Business Prod-\$36.70;

Blue Cross-\$38,620.32; Boyer,J-\$275.00; Bureau Of Administration-\$28.00; Burrly's Lube-\$24.09; Butler Law Office-\$701.51; Butler Machinery-\$5,803.06; Butte Electric Coop-\$308.89; Cardinal Printing-\$8.75; Carlson,D-\$30.00; Cellular One-\$289.81; Central Parts-\$590.28; Chemical Sanitizing-\$94.55; Chris Supply-\$7.62; City/County Alcohol & Drug-\$105.00; Cleveland Cotton Products-\$113.92; Cna Surety-\$50.00; Compaq Computer Corp-\$4,115.00; Credit Collections Bureau-\$150.00; Culligan Soft Water Serv-\$33.50; Dartek Computer Supplies-\$374.20; Deadwood Recreation Center-\$100.00; Deadwood Supply-\$16.64; Deckers Food-\$9.30; Dept Of Hlth Lab Services-\$700.00; Dept Of The Treasury-\$34,435.67; Derosier,L-\$9.28; Dietrich,D-\$221.20; Division Of Motor Veh-\$5.00; Domestic Crisis Outreach-\$435.00; Eistream Wms-\$169.00; Ekeren,M-\$30.00; Ensign-\$211.94; Ertz,D-\$650.00; Executone Of The Bh-\$435.25; Expanets-\$29.70; Extension Service-\$271.50; Fast Break Screen Printing-\$120.00; Frederickson,J-\$150.00; Gall's-\$2,471.82; Global Computer Supply-\$267.02; Grafix Shoppe-\$447.50; Great Western Tire-\$43.95; Guilbert,M-\$58.10; Heartland Paper Co-\$1,928.00; Hefner,D-\$359.16; Help-U-Rent-\$400.00; Hewlett-Packard Company-\$1,232.00; Hills Material Comp-\$50.66; Hink,J-\$11.74; Hobart Sales & Service-\$640.72; Homestake Mining Co-\$400.00; Huron Culvert&Tank Co-\$2,969.60; Ibm Corp Sqh-\$1,424.84; Ikon Office Solutions-\$244.04; Insight-\$5,219.85; Jacobs Precision Welding-\$8.80; Janz,D-\$400.00; Johnson Machine-\$309.27; Kar Products-\$938.15; Koala Electric-\$855.43; Lc Centennial-\$651.85; Lc Sheriff-\$104.98; Lawson Products-\$159.98; Lee,J-\$11.74; Lewis&Clark Bhs-\$125.00; Lexisnexis Matthew Bender-\$52.40; Markertek Video Supply-\$33.32; Mci-\$13.61; Mcleod's Office Supply-\$586.06; Miller,R-\$1,889.68; Montana-Dakota Util-\$113.20; Nh Alcohol&Drug Services-\$8,500.00; Nh Family Ymca-\$404.00; Nh General Hospital-\$6,592.25; Nebraska Salt&Grain Co-\$1,185.20; Nelson,T-\$240.00; Network Technologies-\$185.00; New View Optical-\$41.00; Nicholas,C-\$256.32; Office Max-\$25.47; Office Of Child Support-\$613.08; Office Technology/Supply-\$35.99; Pennington County Sheriff-\$23.10; Phillips Petroleum Co-\$18.45; Pitney Bowes-\$126.70; Postmaster, Deadwood-\$222.00; Quill Corp-\$65.65; Qwest-\$1,046.80; Rc Community Health-\$146.41; Rc Finance Office-\$2,375.00; Rabe Elevator-\$541.39; Radio Shack/Kazco-\$1,240.86; Rantapaa,R-\$205.68; Regan Battery Maint Services-\$78.48; Reliable-\$865.27; Roman,R-\$3,000.00; Sd Assn Of Co Comm-\$2,150.00; Sd Retirement System-\$35,206.83; Sd Aao-\$275.00; Sd Stockgrowers Association-\$225.00; Sd Dept Of Transportation-\$2,267.76; Sd Public Assur Alliance-\$30,210.00; Sd Sheriff's Association-\$25.00; Sd Supplemental Retirement-\$1,325.00; Salzsieder,M-\$3,435.00; Sanito Oil-\$1,269.59; Scull Construction Serv-\$1,551.91; Seifert,T-\$360.00; Servall Towel&Linen-\$479.90; Shop4tech-\$24.54; Sleep,R-\$201.39; Spearfish City Of-\$2500.00; Spearfish Auto Supply-\$180.73; Spearfish Chamber Of Commerce-\$100.00; Spearfish Surgery Center-\$50.00; State Disbursement Unit-\$120.00; Summit Signs&Supply-\$850.00; Super 8-Pierre-\$70.00; Superior Lamp And Supply-\$249.87; Teen Court-\$6,677.50; Texaco-\$247.74; Tigerdirect-\$19.99; Us Postal Service-\$5,000.00; Us Geological Survey-\$1,425.00; United Building Center-\$320.27; Verizon Wireless-\$293.56; Victims Of Violence-\$435.00; Voelker&Adams -\$1,234.62; Walmart Store-\$70.76; Waste Connections-\$343.74; Western Communication-\$362.05; Western Sd Juvenile Serv-\$2,252.25; Western State Fire Protection-\$455.00; Wyoming Child Support Coll-\$380.00; Xerox Corporation-\$264.00; Yankton Co Sheriff-\$49.50; Yankton Radiology-\$118.00; **Witness & Juror:** Carr,Z-\$11.74; Alcorn,J-\$18.12; Arleth,J-\$12.32; Atyeo,T-\$51.74; Baltezare,R-\$21.60; Beloskur,M-\$75.08; Berry,P-\$12.90; Boos,R-\$79.72; Caldwell,S-\$61.16; Case,R-\$57.54; Chastain,P-\$18.70; Cooper,D-\$11.74; Cram,D-\$77.40; Ellis,G-\$58.70; Erdman,G-\$19.86; Fossen,J-\$18.70; Freeland,W-\$65.80; Fremont,F-\$18.70; Geuke,R-\$10.58;

Haeder,A-\$59.86; Hamak,C-\$13.48; Hawks,J-\$61.60; Hintz,C-\$16.96; Hodges,B-\$20.44; Hutchison,T-\$10.58; Kandolin,B-\$11.74; Klein,C-\$22.76; Lanphear,J-\$12.32; Lutz,R-\$21.60; Mack,M-\$18.70; Marti,D-\$19.86; Morgan,T-\$18.70; Mossett,B-\$21.60; Nevin,M-\$51.74; Olesen,A-\$19.86; Osborn,J-\$83.20; Pahl,J-\$12.32; Pena-Martinez,F-\$11.74; Phillips,M-\$16.96; Quinn,J-\$64.50; Rezek,R-\$18.70; Rook,L-\$64.64; Rost,S-\$21.02; Shama,L-\$10.58; Swensen,K-\$12.32; Thrall,C-\$12.90; Trucano,T-\$61.60; Tschetter,S-\$85.52; Wagner,C-\$61.60; Webster,P-\$11.74; Weiers,R-\$61.60; Willson,J-\$15.80; Wormstadt,K-\$18.70; Wurl,T-\$11.74; Young,S-\$18.70; Zimmerman,B-\$19.86; Bendickson,K-\$24.50; Carr,J-\$14.64; Cerkoney,S-\$12.32; Chyba,R-\$11.16; Colvin,T-\$15.80; Costner,B-\$18.70; Darling,J-\$18.70; Digioia,S-\$58.70; Dovre,R-\$24.50; England,J-\$19.86; Foerster,A-\$50.58; Geist,J-\$26.24; Hersch,T-\$58.70; Hilden,J-\$58.70; Hill,W-\$16.96; Holman,L-\$18.70; Karinen,K-\$21.60; Langum,J-\$18.70; Larson,P-\$12.32; Lerwick,E-\$58.12; Madrid,P-\$56.96; McBride,I-\$62.18; Morgan,P-\$14.06; Nichols,K-\$10.58; Orme,L-\$61.60; Ottema,E-\$18.70; Sanders,D-\$11.74; Shatney,E-\$17.54; Sieveke,S-\$18.70; Skvicalo,B-\$15.80; Stagner,J-\$11.74; Stampe,S-\$58.70; Summers,D-\$11.74; Thum,L-\$59.28; Torres,J-\$11.74; Vavruska,L-\$58.70; Vermaas,J-\$17.54; Weaver,M-\$19.86; West,J-\$11.74; Wheeler,L-\$58.70; Williamson,J-\$17.54; Addington,R-\$10.58; Allen-Richards,C-\$24.50; Allred,A-\$15.80; Bear,J-\$18.70; Bedford,L-\$18.12; Chamberlain,D-\$16.96; Chenoweth,K-\$15.80; Crary,J-\$212.90; Delarosa,M-\$40.16; Delzer,N-\$14.64; Dower,D-\$11.74; Durbin,D-\$11.74; Eddy,K-\$221.60; Farrier,S-\$18.70; Finkenbiner,D-\$227.40; Floyd,K-\$18.70; Franich,M-\$11.16; Graveman,S-\$15.80; Hansen,K-\$13.48; Hazledine,R-\$247.70; Heinrichs,D-\$16.96; Hemmingson,S-\$21.60; Jennings,M-\$282.50; Johnson,K-\$21.60; Kemp,P-\$18.70; Ketelsen,V-\$253.50; Kitzmiller,P-\$21.60; Klumb,R-\$19.28; Koski,T-\$18.70; Kub,J-\$17.54; Larson,J-\$259.30; Lloyd,K-\$10.58; Lochner,V-\$18.70; Longsoldier,I-\$12.90; Loup,F-\$18.70; Luze,J-\$14.64; McLain,C-\$218.70; Merkel,C-\$18.70; Merritt,R-\$10.58; Metzger,L-\$221.60; Moe,M-\$16.38; Morgan,A-\$20.44; Neisent,D-\$18.70; Nelson,S-\$22.76; Nelson,W-\$11.16; Quaschnick,T-\$15.80; Rans,D-\$19.86; Reuppel,S-\$22.76; Riedel,T-\$24.50; Roy,D-\$18.70; Ruediger,R-\$21.60; Sanders,L-\$20.44; Saylor,W-\$21.60; Schamber,V-\$18.70; Schmidt,D-\$18.70; Schutz,E-\$18.70; Scolaro,M-\$16.38; Shields,G-\$250.60; Silling,G-\$18.70; Smith,M-\$21.60; Steffen,H-\$11.74; Storm,G-\$12.90; Stulken,J-\$11.74; Taylor,W-\$221.60; Tetrault,T-\$19.28; Tinker,R-\$12.90; Tinker,R-\$12.90; Trehella,W-\$12.32; Tysdal,R-\$259.30; Vetter,A-\$18.70; Vissia,W-\$15.80; Wager,M-\$19.86; Weglin,A-\$18.70; Welch,J-\$18.70; Wessel,M-\$253.50; West,L-\$19.86; Abbott,W-\$21.74; Broadbent,J-\$43.48; Diede,K-\$28.70; Erickson,A-\$21.74; Fousek,D-\$21.74; Graham,D-\$136.00; Hammerquist,P-\$28.70; Jeffery,L-\$28.70; Kava,R-\$21.74; Lefler,K-\$21.74; Livingston,B-\$28.70; Mcguire,T-\$21.74; Michelena,A-\$21.74; Mullaney,P-\$20.58; Myers,B-\$191.10; Olson,S-\$21.74; Peddycoat,T-\$20.00; Roti,K-\$28.70; Ryther,A-\$20.58; Salonek,S-\$20.29; Surrarer,S-\$28.70; Tieman,D-\$22.90; Vansickle,J-\$28.70; Wright,D-\$124.40; Allart,S-\$19.86; Brady,F-\$21.60; Carter,C-\$51.74; Collins,L-\$23.92; Conger,D-\$64.50; Deibert,L-\$56.96; Drapeaux,B-\$58.70; Dugger,S-\$52.90; Feyereisen,A-\$10.58; Fisher,H-\$11.74; Galland,N-\$58.70; Jahner,J-\$58.70; Johnson,A-\$21.60; Johnston,A-\$55.80; Kemp,J-\$61.60; Kloeckl,J-\$58.70; Mcnall,N-\$61.60; Miller,R-\$19.28; Murphy,A-\$21.60; Nelin,N-\$12.90; Olson,B-\$30.88; Rinker,J-\$11.74; Rohrer,R-\$51.74; Stephens,K-\$11.16; Terwee,D-\$23.34; Tusha,M-\$35.22;

**ADJOURN:** 11:25 a.m. - There being no further business it was Moved-Seconded (Douglas-Flanagan) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – FEBRUARY 11, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 11, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present. Connie Douglas arrived at 8:10 a.m.

All motions were passed by unanimous vote unless stated otherwise.

**DEADWOOD CITY LIMITS PARKING RAMP:** Moved-Seconded (Flanagan-Weisenberg) to approve the preliminary plat contingent upon a new plat replacing Water Street guaranteeing the County access to the facility. Motion Carried. Absent Douglas.

**MINUTES:** Moved-Seconded (Ewing-Flanagan) to approve the minutes of January 28, 2003. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Weisenberg-Flanagan) to approve Dawn Allen as a Part time Correctional Officer I at a base rate of \$7.08 for the first 40 hours and \$11.06 after the training period is complete, effective 2-10-03. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve Charles Wood as a Full Time Correctional Officer I at a base rate of \$7.08 for the first 40 hours and \$11.06 after the training period is complete, effective 2-7-03. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Cynthia Wilson as a Full Time Cook at a base rate of \$10.30 effective 2-7-03. After the training for Jailer Asst is complete will move to a Cook/Jail Asst at a base rate of \$12.30. Motion Carried.

Moved-Seconded (Douglas-Flanagan) to approve Nels Juso as a Temp Part Time Correctional Officer I at a base \$11.06, effective 2-7-03. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve Nels Juso, Paul Hubbeling and Dan Kaiser as special Deputies for the Meyer Murder Trail at a base rate of \$12.50. Motion Carried.

Moved-Seconded (Douglas-Flanagan) to approve the step raise for Shannon Crane as a Legal Secretary I Step 4 at a base rate of \$10.48 effective 2-24-03. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve Deputies Dean, Goetsch, Hansen, Hulm, Little, Rosenau, Shafer, Thompson, Watts and Harmon to exceed vacation maximum until August 1, 2003. due to the Meyer Murder Trail. Motion Carried.

### **TRAVEL REQUEST:**

**HIGHWAY:** Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Chuck Williams to attend the Highway Superintendent Short Course to be held in Chamberlain, SD on March 11-13, 2003. Motion Carried.

**VSO:** Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Bill Locken to attend the American Legion National Service Officer Training to be held in Washington DC on February 25, 2003 thru March 2, 2003. Motion Carried. Bill was present to explain the VA Economic Impact on Lawrence County.

**WEED & PEST:** Moved-Seconded (Douglas-Flanagan) to approve the travel request for Dave Heck, Paul Baker, Paul Milles, Jerry Boyer, Chuck Nicholas, Dan Hefner and Ken Lee to attend the Weed & Pest Annual Conference to be held in Rapid City, SD on February 17-19, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Ewing) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of January 31, 2003 showed the following: Total amount of deposits in banks-\$8,489,408.75; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$75,878.46; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,219.84; Petty Cash-\$1,585.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$3,413,837.37; GNAM's-\$112,500.73; and Money Market \$1,178,137.35, Total \$8,404,475.45.

**VOLUNTEER FIRE DEPARTMENT MEMBERS:** Moved-Seconded (Douglas-Flanagan) to approve Jon Carter as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

**COMMISSIONERS YEARLY COUNTY OFFICE APPOINTMENT:** Moved-Seconded (Weisenberg-Flanagan) To appoint Seward to the Equalization, Veteran Service and Sheriff; Douglas to the Extension, Treasurer and Weed; Flanagan to the P & Z, Reg. of Deeds and Auditor; Ewing to the Highway, Maintenance and Emergency Management; and Weisenberg to the States Attorney, Public Defender and Computer. Motion Carried.

**ELK BUGS & FUELS:** Moved-Seconded (Douglas-Flanagan) to allow Chairman Seward to sign the Memorandum of Understanding between United States Department of Agriculture, Forest Service, Black Hills National Forest, Northern Hills Ranger District and Lawrence County Commissioners. Motion Carried.

**APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT:** Moved-Seconded (Weisenberg-Flanagan) to approve the Chairperson to sign the Grant documents in the amount of \$449,440.00 to purchase 9 Fire Department Brush Trucks and Equipment and to set a bid opening for the 9 Fire Department Brush Trucks & Equipment on March 11, 2003 at 10:00 a.m. Motion Carried. \_

**RESOLUTION 03-06 CDBG APPLICATION** : Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairperson to sign the following Resolution #03-06 CDBG Application: WHEREAS, Lawrence County has identified the need to apply for a Community Development Block Grant (CDBG) to purchase fire fighting equipment because of an imminent threat situation that exists in the Black Hills area: and, WHEREAS, Lawrence County expects to complete the proposed \$ 449,440 project with the assistance of CDBG Program funds for the volunteer fire departments in the amount of \$ 449,440; and, WHEREAS, Lawrence County is eligible for federal assistance for the proposed project as it is a county under 200,000 in population and an imminent threat has been declared by the State of South Dakota; and, WHEREAS, with the submission of the CDBG Application, Lawrence County assures and certifies that all CDBG Program requirements will be fulfilled; THEREFORE, BE IT RESOLVED that the Chairman of the Lawrence County Commission he authorized to execute the CDBG Application and any and all amendments thereto and execute any and all contract documents pertaining to the protect. Dated this 11day of February 2003. Jim Seward County Commissioner. Attest Brenda McGruder, Deputy Auditor

**RESOLUTION 03-07 CDBG PROJECT CERTIFYING OFFICER**: Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairperson to sign the following Resolution #03-07 CDGB Project Certifying Officer. WHEREAS, Lawrence County anticipates the award of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, Governor's Office of Economic Development; and, WHEREAS, if awarded Community Development Block Grant funds, Lawrence County will be required to designate a Project Certifying Officer for the purpose of signing required documents pertaining to this grant. NOW, THEREFORE, BE IT RESOLVED, that Lawrence County Commission Chairman be hereby designated as the County's official for the purpose of signing Grant Agreements and Contracts. AND BE IT FURTHER RESOLVED, that the Lawrence County Auditor be hereby designated as the County's official for the purpose of signing correspondence, pay requests and other required documents directly relating to the Community Development Block Grant Protect. Dated this 11day of February 2003. Jim Seward County Commissioner. Attest Brenda McGruder Deputy Auditor.

**RESOLUTION 03-08 CDGB ENVIRONMENTAL CERTIFYING OFFICER**: Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairperson to sign the following Resolution #03-08 CDGB Code of Conduct. WHEREAS, Lawrence County anticipates an "on behalf of" award of Community Development Block Grant funds from the U. S. Department of Housing and Urban Development, as administered by the State of South Dakota Governor's Office of Economic Development; and, WHEREAS, if awarded Community Development Block Grant funds, Lawrence County will be required to designate an Environmental Certifying Officer for the purpose of completing the required environmental documents pertaining to this grant. NOW; THEREFORE, BE IT RESOLVED that the Chairman of the Commission be hereby designated as the Environmental Certifying Officer for the purpose of signing correspondence and other required documents and forms NOW, THEREFORE, BE IT FURTHER RESOLVED that the Black Hills Council of Local Governments is requested to act "on behalf of" Lawrence County in completing the CDBG Environmental Assessment on the fire equipment purchase project. NOW, THEREFORE, BE IT FURTHER RESOLVED that this action requesting action by the Black Hills Council of Local Governments "on behalf of" Lawrence County is retro active



as of February 6, 2003. Dated this 11th day of February 2003. Jim Seward County Commissioner  
Attest Brenda McGruder Deputy Auditor

**RESOLUTION 03-09 CDGB OPERATION, MAINTENANCE AND REPAIR**

**STATEMENT:** Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairperson to sign the following Resolution #03-09 CDGB Operation, Maintenance and Repair Statement.

Lawrence County anticipates the award of a Community Development Block Grant (CDBG) from the Governor's Office of Economic Development. As partial requirement for the CDBG Grant, it is necessary to recognize the need to provide all necessary funding to conduct the normal operation, maintenance and repair of the project being financed in part with CDBG funding.

Lawrence County recognizes the need to provide such funding and the County has stated to the volunteer fire departments that they should establish a reserve fund within its annual budgeting process to provide adequate funding to maintain the project being improved by the CDBG funds through the normal life expectancy of the project.

It is anticipated that the annual operating, maintenance and repair cost will be less than \$ 1,500.00 per department.

Dated this 11day of February 2003. Jim Seward County Commissioner Attest Brenda McGruder  
Deputy Auditor

**RESOLUTION 03-10 CDGB RELOCATION, DISPLACEMENT AND ACQUISITION**

**PLAN:** Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairperson to sign the following Resolution #03-10 CDGB Relocation, Displacement and Acquisition Plan.

Lawrence County, by adopting this RELOCATION, DISPLACEMENT and ACQUISITION PLAN for the anticipated CDBG Project being applied for from the Governor's Office of Economic Development, will replace all occupied and vacant, occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of this project, assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b)(1).

This project, which consists of certain improvements to the firefighting equipment of the various Volunteer Fire Departments, within the County will neither involve demolition nor conversion of low/moderate-income housing units as described above. Therefore, prior to obligating or expending funds for this project, it will not be necessary for the County to make public or to submit to HUD the following:

- A description of the proposed assisted activity;
- The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- A time schedule for the completion of the demolition or conversion;
- The general location on a map and approximately number of dwelling -units by size (number of bedrooms) that will be provided as replacement dwelling units;
- The source of funding and a time schedule for the provision of replacement dwelling units; and,

- The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy.

The County will not need to provide relocation assistance, as described in 570.606 (b)(2), as no activity under this project will affect low/moderate-income housing. Consistent with the goals and objectives of activities assisted under the Act, the County will to the extent practical and possible, refrain from participating in any assisted activity that will involve the displacement of persons from their homes. By taking this action, it is felt by the County that it can help in minimizing the displacement of persons from their homes.

Dated this 11 day of February 2003. Jim Seward County Commissioner Attest Brenda McGruder Deputy Auditor.

Moved-Seconded (Weisenberg-Flanagan) to approve the Chairman Seward to sign the amendments to Community Block Grant in the amount of \$24,400.00 to buy equipment for the Hawk Fire Truck. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Chairman Seward to sign the Performance Grant between Lawrence County and Black Hills Council of Local Governments in the amount of 10,000.00. Motion Carried.

**HIGHWAY BUSINESS:**

Moved-Seconded (Douglas-Ewing) to set a bid opening for Structure No. 41-083-043 Replacement and Approach Grading for March 11, 2003 at 9:00 a.m. Motion Carried

9:15 A.M. Moved-Seconded (Douglas-Weisenberg) to go into executive session to discuss personnel matters with Rick Mowell, Sheriff and Joe Harmon Chief Deputy Sheriff. Motion Carried.

9:25 A.M. The Board reopened for regular business.

**REQUEST FOR CANINE UNIT:** Moved-Seconded (Douglas-Ewing) to approve a Canine Unit for a period of 3 years with a 1 year probation period. After the 3 year period the program will need to be reinstated. Aye-Douglas, Flanagan and Ewing. Nay-Seward and Weisenberg. Motion Carried

**CHANGE OF ZONING #225 DUANE NICHOLAS:** Moved-Seconded (Douglas-Weisenberg) to follow Planning & Zonings recommendation and allow the change of zoning from A-1 General Agriculture District to Suburban Residential District on Change of Zoning #255 for Duane Nicholas. Motion Carried.

**RS2477 FOREST ROAD RESEACH PROJECT:** Randy Diebert was present to ask the board for some direction on this project. A committee of Seward, Flanagan, Outka and Diebert was set up to get a scope on this project.

**CENTER STREET IN ST ONGE:** Don Derioser from the St Onge Township Board was present to ask the county to help repair Center Street. Chuck Williams stated that in 1963 the

Township gave the roads to the county to maintain but it is not the responsibility of the County to pay the cost of the repair to the roads. He also stated that Center Street was a secondary County road and no levy is placed on those type of roads. The Board has asked for some participation from St Onge and Seward and Williams will attend the next township meeting.

**SEVEN DOWNS ARENA:** Moved-Seconded (Weisenberg-Flanagan) to set a public hearing for March 11, 2003 to amend CUP #240 to allow a outdoor Motor Cross track next to the Seven Downs Arena. Motion Carried.

**ABATEMENTS:**

**DANNY J. KIGER:** Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel #26620-01462-000-00 for 6 month due to the Grizzly Gulch Fire. Motion Carried.

**FRANK SEILER:** Moved-Seconded (Douglas-Seward) to approve the abatement on parcel #26560-01298-000-60 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**GARY OTT:** Moved-Seconded (Flanagan-Weisenberg) to approve the abatement on parcel #26680-01627-000-10 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**MICHAEL & BETTY HENN:** Moved-Seconded (Douglas-Ewing) to approve the abatement on parcel #26560-01298-000-20 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**RONALD BARBER:** Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel #26480-01207-000-25 to approve the abatement on parcel #26480-01207-000-25 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**ROBERT & SHIRLEY BEY:** Moved-Seconded (Weisenberg-Ewing) to approve the abatement on parcel #30205-00000-090-00 for 2 months because the house has been tore down. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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:** Aud-\$5,342.55; Treas-\$8,246.02; Comp-\$5,030.96; States Atty-\$9,182.17; Pub Def-\$6,148.95; Gen Govt Bldg-\$4,940.22; Equal-\$9,467.63; Deeds-\$5,646.97; Vso-723.48; Disp-\$10,880.85; Sher-\$27,350.99; Jail-\$17,412.24; Emerg Mgnt-\$2,413.93; E911-\$1,460.16; Highway-\$34,792.81; Airport-\$487.50; Ext-\$1,229.76; Weed-\$1,356.25; Pz-\$2,602.58; **BILLS:** Clyne,D-\$3.25; Duncan,D-\$10.25; Kosel,J-\$39.44; Landeen,J-\$8.12; Mowell,R-\$6,138.00; Smith,M-\$112.81; Tridle,D-\$31.41; A&B Business Equip-\$248.82; A&B Welding Supply-\$368.41; Abc Business Supply-\$585.71; Alco Store-\$37.74; Altaire Enterprises-\$40.00; Amcon Distributing-\$284.04; American Family Life-\$2,257.30; American Legion Post 31-\$50.00; At&T-\$18.90; Bh Chemical Company-\$405.55; Bh Collection Service-\$50.00; Bh Federal Credit Union-\$7,314.14; Bh Fibercom-\$1,852.76; Bh Medical Ctr Pharmacy-\$617.53; Bh Neurology-\$109.00; Bh Pest Control-\$95.00; Bh Pioneer-\$699.39; Bh Power & Light-\$1,727.26; Bh Regional Multiple-\$100.00; Bh Windshield Repair-

\$220.00; Beardsley,M-\$29.00; Behavior Mngt Systems-\$20,655.00; Belle Fourche Landfill-\$22.20; Best Business Prod-\$36.70; Bickle's Truck & Diesel-\$17.06; Blue Cross-\$37,822.89; Butler Law Office-\$1,421.54; Butler Machinery-\$387.43; Butte County Sheriff-\$25.75; Butte Electric Coop-\$486.75; Butte-Lawrence Co-\$10,000.00; Cedar Shore-\$108.00; Central Parts-\$480.95; Chinatown Café-\$72.84; Chris Supply Co-\$1.87; Claggett,D-\$4,977.36; Coburn Insurance Agency-\$3,650.00; Compumaster-\$297.00; Connelly,R-\$7,811.00; Conoco-\$261.96; Corral West-\$107.80; Credit Collections Bureau-\$75.00; Crouch,J-\$65.00; Culligan Soft Water Serv-\$104.00; D-Ware-\$625.00; Dale's Tire & Retread-\$180.32; Deadwood Carnegie Library-\$63,861.00; Deadwood Home Center-\$16.81; Deadwood Recreation Center-\$100.00; Deadwood Supply-\$18.55; Deadwood, City Of-\$500.20; Deckers-\$108.95; Dept Of The Treasury-\$37,599.09; Diamond Mowers-\$196.68; Dietrich,D-\$58.30; Division Of Motor Veh-\$23.00; Eddie's Truck Sales/Serv-\$16.28; Ellingson,J-\$895.98; Evensen Dodge-\$12,398.49; Fastenal-\$14.52; Federal Express-\$16.00; Fish,V-\$654.00; Fuller,Tellinghuisen,Gordon-\$1,231.69; Gene's Lock Shop-\$9.00; Genpro Power Systems-\$455.60; Gn Netcom-\$105.00; Godfrey's Brake Serv-\$750.00; Gold Dust-\$49.35; Grace Balloch Mem Library-\$179,835.00; Great Western Tire-\$212.20; Harmelink&Fox Law-\$97.10; Heisler Hardware-\$239.41; Hewlett-Packard Company-\$640.00; Hutchin,M-\$358.44; Ics Warehouse-\$331.39; Jacobs Precision Welding-\$5.20; Johnson Ford-\$154.00; K Mart-\$52.97; Kar Products-\$181.33; Kdsj-\$50.00; Kimball-Midwest-\$202.82; Knecht True Value-\$93.86; Koala Electric-\$569.82; Lc Centennial-\$9.60; Lc Public Health-\$2,208.00; Lc Sheriff-\$498.54; Lead, City Of-\$63,861.00; Lead-Deadwood Sanitary-\$181.60; Lee,T-\$128.48; Lexisnexis Matthew Bender-\$52.40; Midwest Teletron-\$359.10; Miller,R-\$670.76; Mineral Palace Hotel-\$476.60; Montana-Dakota Util-\$5,361.86; Nh Community Development-\$1,000.00; Nh Family Ymca-\$346.00; Nh General Hospital-\$5,525.00; Nh Training Center-\$5,700.00; National 4-H Council Sup Serv-\$34.43; National Sheriff's Assoc-\$100.00; Office Max-\$106.45; Office Of Child Support-\$284.50; Office Technology-\$738.82; Ore Car Express-\$90.04; Pennington County Sheriff-\$41.90; Pennington County Sts Attny-\$600.00; Pitney Bowes-\$192.11; Postmaster, Deadwood-\$187.00; Praise Hills Transit-\$5,000.00; Queen City Motors-\$53.17; Queen City Rocket Lube-\$125.78; Quill Corp-\$133.87; Qwest-\$122.92; Radio Shack/Kazco-\$389.97; Reausaw,B-\$375.00; Reliable-\$102.80; Rombough,D-\$35.42; Sd Retirement System-\$38,740.58; Sd State Treasurer-\$4,921.92; Sd Association Of County-\$165.00; Sd Planners Association-\$45.00; Sd Supplemental Retirement-\$787.50; Sanito Oil-\$12,144.57; Scull Construction Serv-\$60,748.20; Secretary Of State-\$10.00; Servall Towel& Linen-\$239.95; Silverado-\$456.07; Spearfish Auto Supply-\$547.31; Spearfish Emergency-\$5,225.00; Spearfish Husky-\$45.80; Spearfish Senior Citizens-\$1,000.00; Spearfish Surgery Center-\$25.00; Speedylube-\$20.95; State Disbursement Unit-\$60.00; State Radio Communication-\$2,400.00; Summit Signs & Supply-\$663.00; Swanson,T-\$40.00; Teen Court-\$1,959.69; Tenth Cir Court Of Appeals-\$50.00; Tigerdirect-\$16.99; Triple K Tire & Repair-\$552.65; Twin City Hardware & Lumber-\$525.87; Twin City Senior Citizens-\$1,000.00; Us Geological Survey-\$25,000.00; Verizon Wireless-\$247.32; Waste Connections-\$353.85; West Group-\$188.00; West River International-\$15.14; Western Communication-\$1,268.65; Western Hills Humane Society-\$2,500.00; Whitewood Library-\$39,131.00; Whitewood Senior Citizens-\$500.00; Xerox Corporation-\$120.00; **Witness & Jurors:** Atyeo,T-\$51.74; Case,R-\$57.54; Haeder,A-\$59.86; Hawks,J-\$61.60; Nevin,M-\$51.74; Quinn,J-\$64.50; Trucano,T-\$61.60; Wagner,C-\$61.60; Albers,A-\$113.92; Burr,K-\$11.74; Church,D-\$11.74; Collins,K-\$18.70; Cook,C-\$11.16; Cooper,G-\$12.32; Dahl,F-\$10.58; Eklund,T-\$10.58; Fraass,C-\$111.60; Gillespie,R-\$117.40; Halsey-Dutton,B-\$117.40; Harvey,J-

\$12.90; Heimbuck,L-\$11.16; Hubbard,B-\$13.48; Johnson,T-\$21.60; Kahl,G-\$17.54; Kennedy,D-\$120.88; Krause,B-\$19.86; Lance,G-\$15.80; Laufenberg,W-\$123.20; Lueders,J-\$16.96; Maliske,D-\$18.70; Matthew,J-\$12.90; Merkel,N-\$17.54; Miles,W-\$18.70; Moyer,R-\$19.86; Olson,D-\$18.70; Paradeis,D-\$20.44; Pleinis,W-\$12.32; Porter,S-\$11.16; Regan,D-\$12.32; Rohde,R-\$120.88; Ryan,W-\$106.96; Seaman,R-\$115.08; Siebert,D-\$18.70; Skroch,R-\$123.20; Stoneberger,C-\$104.64; Wegenke,L-\$18.70; Williams,P-\$352.20

**ADJOURN:** 12:00 p.m. - There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – FEBRUARY 25, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 25, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan, Connie Douglas and Terry Weisenberg present.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Flanagan-Douglas) to approve the minutes of February 11, 2003. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Douglas-Weisenberg) To approve the advertising for a Correctional Officer. Motion Carried.

Moved-Seconded (Flanagan-Seward) to repeal the motion made on February 11, 2003 to hire Nels Juso, Paul Hubbeling and Dan Kaiser as special Deputies for the Meyer Murder Trail at a base rate of \$12.50. Motion Carried.

### **TRAVEL REQUEST:**

**COMMISSIONER:** Moved-Seconded (Weisenberg-Seward) to approve the travel request for Brandon Flanagan and Robert Ewing to attend the New Commissioner Workshop in Pierre on March 19-20, 2003. Motion Carried.

**UTILITY EASMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve the utility easement located in the SE ¼ of Section 22 and the SW ¼ of Section 23, T5N, R3E, B.H.M., O.T., City of Deadwood, Lawrence County, South Dakota for the purpose to allow the City of Deadwood to install and maintain City Utilities on, under and across the property. Motion Carried.

**RESOLUTION #2003-11 HEALTHY FOREST INITIATIVE:** Moved-Seconded (Weisenberg-Ewing) to approve the Chairperson to sign the Healthy Forest Initiative. Motion Carried.

**LAWRENCE COUNTY RESOLUTION #2003-11 SUPPORTING THE HEALTHY FOREST INITIATIVE.** WHEREAS, there are significant forest health and wildfire risks in the Black Hills National Forest in Lawrence County and other Black Hills counties, and WHEREAS, Forest Service Chief Dale Bosworth has repeatedly identified “analysis paralysis” as a major obstacle to implementing on-the-ground management projects in the national forests, and WHEREAS, the Forest Service’s inability to promptly and efficiently implement projects has contributed to wildfire risks and the spread of insect epidemics on the national forests, and WHEREAS, the United States Departments of Agriculture and Interior have proposed several initiatives to streamline and improve

analyses, decision making and implementation of federal land management projects and programs as part of the Healthy Forests Initiative, and WHEREAS, these initiatives include a) authorizing Categorical Exclusions for fuels and fire rehabilitation projects, b) streamlining the Forest Service's appeals process, c) revising the regulations for forest planning, and d) reinstating Categorical Exclusions for small timber sales, and WHEREAS, the residents of Lawrence County would benefit from management actions that would reduce the long-term risks of wildfires and insect epidemics on the Black Hills National Forest and other national forests, NOW THEREFORE BE IT RESOLVED, that the Lawrence County Commissioners applaud the objectives of the Healthy Forests Initiative and fully endorses the concept that restoring common sense and balance to federal land management can be done without sacrificing needed environmental protections and oversight, and BE IT FURTHER RESOLVED, that the Lawrence County Commissioners support the initiatives proposed as part of the Healthy Forests Initiative, particularly those procedures that would expedite decision-making under the National Environmental Policy Act, and BE IT FURTHER RESOLVED, that the Lawrence County Commissioners request the South Dakota Congressional delegation support the Healthy Forest Initiative and support legislative measures in the 108<sup>th</sup> Congress that would further empower federal land managers with the statutory tools needed to reduce the risk of large-scale wildfire and/or major insect infestation, and BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the Secretary of Agriculture, the Chief of the Forest Service, the Governor of South Dakota and the members of the South Dakota Congressional delegation. Dated this 25<sup>th</sup> day of February 2003. James J. Seward CHAIRMAN ATTEST: Brenda McGruder, DEPUTY AUDITOR.

**LOCAL EMERGENCY OPERATIONS PLAN:** Moved-Seconded (Weisenberg-Flanagan) to approve the Chairperson to sign the Local Emergency Operations Plan Grant Application. Motion Carried.

**HIGHWAY BUSINESS:**

**UTILITY PERMIT:** Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairperson to sign the Application for Permit to Occupy County Highway Right-Of-Way for Black Hills Power & Light on Highway 14A Whitewood. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve the bid opening for Magnesium Chloride, Asphalt Hot Mix, Asphalt Cold Mix, Gravel Surfacing Aggregate and De-icing Sand for April 8, 2003 at 9:00 a.m. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the Chairperson to sign the Urban Boundary Maps for the City of Spearfish. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to purchase one (1) New Skidsteer Loader off of Pennington County's bid for the amount of \$17, 818.00 from Jenner Equipment. Motion Carried.

**ABATEMENTS:**

**WHITEWOOD FIRE PROTECTION DISTRICT:** Moved-Seconded (Douglas-Flanagan) to approve the abatement for the amount of \$4,350.00. Motion Carried.

**JOHN & CAROL TRUMPE:** Moved-Seconded (Douglas-Flanagan) to approve the abatement on parcel 29100-02300-190-00 for 5 months because the house has been torn down. Motion Carried.

**ROBERT J NELSON:** Moved-Seconded (Flanagan-Weisenberg) to approve the abatement on parcel 30025-01400-110-00 due to the structure being moved to a new location. Motion Carried.

**ANTON SCHWINDT:** Moved-Seconded (Ewing-Weisenberg) to approve the abatement on parcel 30675-00100-090-10 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**NORMAN RYNDERS:** Moved-Seconded (Flanagan-Seward) to approve the abatement on parcel 26560-01298-000-40 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**STEVE & DONNA WHITON:** Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel 26500-01208-000-70 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**VEARL E PECK:** Moved-Seconded (Weisenberg-Seward) to approve the abatement on parcel 26480-01207-000-35 for 6 months due to the Grizzly Gulch Fire. Motion Carried.

**BID OPENING FOR DISPATCH CENTER:** Moved-Seconded (Weisenberg-Ewing) to set a bid opening for Two (2) Modular Dispatch Console Workstations for March 11, 2003 at 9:30 a.m. Motion Carried.

**SUPPLEMENTAL BUDGET:** Moved-Seconded (Flanagan-Ewing) to set a supplemental budget hearing for March 11, 2003 at 9:45 a.m. for Dispatch-Supplies-\$35,000.00. Motion Carried.

**MARIAN ATKINS, BUREAU OF LAND MANAGEMENT:** Marian Atkins was present to introduce herself as the New South Dakota Field Manager and inform the board of the projects Bureau of Land Management has going in Lawrence County.

**CHANGE OF ZONING #226 JOSEPH W. M. JANSEN:** A Public Hearing was held on a request for Change of Zoning #226 Joseph W. M. Jansen. Legal Description. Lot 3-B a subdivision of Tract 3 of the Fay No. 3, Albert Steele Fraction, Hazard, Log Cabin and Violet No. 3 Lodes of M.S. 1200, excluding those two parts of Lot 3-B of 0.159 acres and 1.136 acres lying north of State Highway 14A/85, located in Section 19, T4N, R3E, and Section 24, T4N, R2E, B.H.M., Lawrence County, South Dakota. No public input was present and the public hearing was closed. Moved-Seconded (Ewing-Flanagan) to follow Planning & Zonings



recommendation and allow the Change of Zoning from PF-Park Forest District to RC Recreation Commercial District on Change of Zoning #226 Joseph W. M. Jansen. Motion Carried.

**CHANGE OF ZONING #227 TIMOTHY MADSEN:** A Public Hearing was held on a request for Change of Zoning #227 Timothy Madsen. Legal Description. Lots 10 and 11 of H.E.S 297, Section 19, T4N, R4E, B.H.M. No public input was present and the public hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to follow Planning & Zonings recommendation and allow the Change of Zoning from PF Park Forest District to RC Recreation Commercial District on Change of Zoning #227 Timothy Madsen. Motion Carried.

**PLAT APPROVAL-HOMESTAKE MINING COMPANY:** Moved-Seconded (Douglas-Flanagan) to approve the plat for Homestake Mining Company Legal Description. Homestake Mining Company – Plat of Tracts E, F, G, H, I, J and dedicated public right of ways, being all of the Richards Fraction Lode of M.S. 1333, Virginia and Realization Lodes of M.S. 1678, Tacoma, Monte Carlo and Wedge Fraction Lodes of M.S. 1237, Garden City Lode of M.S. 865 and the Rochester and Kahoka Lodes of M.S. 1656, all located in Section 18, T5N, R3E, B.H.M. Motion Carried.

**ANNUAL REVIEW OF CUP #264 & #267:** Moved-Seconded (Ewing-Weisenberg) to extend Conditional Use Permit #264 & #267 Sioux Falls Tower & Communication for 2 Communication Towers for one year. Motion Carried.

**BILLS:** Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,657.65; Treas-\$7,137.54; Comp-\$4,550.79; States Atty-\$8,289.18; Pub Def-\$5,763.74; Gen Govt Bldg-\$4,194.72; Equal-\$8,693.74; Deeds-\$5,112.19; Vso-723.48; Disp-\$7,467.30; Sher-\$25,880.97; Jail-\$14,584.56; Emerg Mgnt-\$1,945.43; E911-\$1,811.20; Highway-\$30,276.79; Airport-\$549.97; Ext-\$1,024.80; Weed-\$1,356.25; Pz-\$2,427.06; **BILLS :** Burrer,L-\$20.58; Seward,J-\$19.00; Thomson,P-\$6.30; A&B Business Equip Inc-\$628.75; A&H Truck Salvage, Inc.-\$60.00; Abc Business Supply Corp-\$1,325.08; Active Data Systems, Inc-\$120.24; Altaire Enterprises Inc-\$40.00; Amoco Oil Co-\$37.48; At&T-\$89.08; B B Codys-\$193.00; B H Chemical Company Inc-\$928.80; B H Collection Service Inc-\$50.00; B H Federal Credit Union-\$7,314.14; B H Land Analysis-\$498.50; B H Pioneer Inc-\$84.91; B H Power & Light Deadwood-\$185.55; B H Power & Light, Rapid-\$4,894.87; B H Truck And Trailer Inc.-\$117.98; B H Windshield Repair-\$130.00; Behavior Mngt Systems Inc-\$380.00; Best Western Ramkota Inn-\$170.00; Black Hills Land Title Inc-\$400.00; Budget Host Inn-\$34.95; Bureau Of Administation-\$28.00; Butler Machinery Co. Inc-\$199.00; Carquest Of Spearfish-\$214.30; Chain Saw Center-\$114.75; Clinical Lab Of B.H. Inc.-\$159.19; Credit Collections Bureau-\$25.00; Csd-\$302.50; Culligan Soft Water Serv Inc-\$20.00; Dakota Gold Realty-\$450.00; Dakota Graphics-\$335.00; Dartek

Computer Supplies Corp-\$101.51; Dept Of Human Services-\$24.60; Dept.Of The Treasury-\$32,299.06; Domestic Crisis Outreach-\$242.50; Ecolab Inc-\$84.00; Eisenbraun, Kim-\$40.00; Ensignal-\$106.94; Expanets Inc-\$29.70; Extension Service #376287-\$217.42; Federal Express Corp.-\$28.33; Fish, Veronica-\$240.00; Fisher Sand & Gravel Inc-\$1,608.49; Gummow, Linda Phd-\$850.00; Ikon Office Solutions Inc-\$127.79; Insight-\$361.01; Kadrmas, Lee And Jackson Inc-\$3,872.90; Kar Products Inc-\$632.50; Karpinen, Sharon-\$600.00; Knecht True Value Inc-\$12.58; L C Centennial Inc-\$579.25; L C Emerg Mgnt-Petty Cash-\$48.96; Lang, Gaylynn-\$171.10; Lead, City Of-\$95.44; Lee, James-\$15.00; Lewis & Clark Bhs-\$250.00; Lucero, Louis-\$112.78; Mearthur, Janet-\$40.00; Micro Solutions Computers-\$19.90; Miller, Ronda-\$793.38; Montana Dakota Utilities-\$293.59; Montana-Dakota Util. Dwd.-\$187.77; Mutchler,Tricia L.-\$964.00; Muth Electric Inc-\$351.38; Nelson, Christy M-\$190.00; Nelson, Tonya-\$480.00; Neve's Uniforms Inc-\$446.67; Nfpa International-\$610.00; Office Of Child Support-\$284.50; Office Technology/Supply-\$42.76; Ore Car Express Inc-\$69.95; Pennington Co Auditor-\$198.00; Pennington Co. Jail-\$1,095.19; Pennington County Sheriff-\$48.80; Pennington County Sts.Attny-\$200.00; Pheasantland Industries-\$52.80; Phillips Petroleum Co. Inc-\$30.63;

Phoenix Investigations-\$3,834.72; Pitney Bowes, Inc.-\$67.24; Qwest-\$925.15; R C City Of-\$700.00; Rabe Elevator-\$920.81; Radio Shack/Kazco Inc-\$59.99; Radiology Associates-\$325.15; Reliable Inc-\$136.23; S D Airport Conference-\$150.00; S D Assn Of Co Comm-\$100.00; S D Federal Property Agency-\$135.00; S D Human Services Center-\$79.75; S D Public Assur Alliance-\$85,073.74; S D Supplemental Retirement-\$812.50; Sanito Oil, Inc.-\$5,404.46; Scull Construction

Serv Inc-\$98,317.80; Servall Towel & Linen,Inc-\$192.68; Shop4tech-\$49.99; Sound Powered Communications-\$31.58; Spearfish Auto Supply Inc-\$44.76; Spearfish Surgery Center-\$25.00; Stratford, William D. Md-\$3,087.50; Stretch's Glass & Mirror Inc-\$227.05; Technology Center-\$551.00; Teevens, Margaret-\$154.56; Texaco, Inc-\$375.23; Twin City Hardware & Lumber Inc-\$5.00; U S Bank-\$1,125.00; Verizon Wireless Inc-\$752.89; Victims Of Violence-\$242.50; Walmart Store Inc-665.18; Weed & Pest Conference-\$135.00; Western Sd Juvenile Serv-\$3,019.45; Whitecanyon Inc-\$96.95; Williams & Associates Inc-\$4,511.25; **Witness & Jurors:** Atyeo, Tim A-\$51.74; Case,R-\$57.54; Haeder,A-\$59.86; Hawks,J-\$61.60; Nevin,M-\$51.74; Quinn,J-\$64.50; Rost,S-\$20.58; Trucano,T-\$61.60; Wagner,C-\$61.60; Weiers,R-\$61.60; Beck,R-\$29.28; Bigelow,T-\$27.54; Black,D-\$29.86; Churchill,M-\$21.74; Davidson,J-\$28.70; Fedt,D-\$266.50; Flynt,B-\$26.96; Geffre,D-\$283.90; Grant,D-\$211.40; Hartl,S-\$28.70; Henwood,D-\$60.88; High Tower,J-\$20.58; Churchill,J-\$21.74; Jacobs,R-\$57.40; Jibben,J-\$50.45; Jones,T-\$240.40; Kastro,E-\$21.74; Komes,T-\$43.78; Kostel,T-\$303.62; Kurtz,J-\$28.70; Lamster,J-\$21.74; Leombruno,E-\$47.84; Leombruno,K-\$20.00; Longden,J-\$20.58; Mcgrew,D-\$28.70; Millage,M-\$27.54; Nelson,S-\$355.82; Novotney,B-\$252.00; Olson,J-\$136.58; Olson,C-\$20.00; Osborne,D-\$20.00; Palmer,S-\$21.74; Pesce,Dr-\$252.00; Rasmussen,T-\$395.84; Rhodes,K-\$38.56; Rust,J-\$20.00; Sargent,R-\$21.74; Schmid,J-\$249.10; Wagner,T-\$28.70; Walking Elk,M-\$28.70; Warren,D-\$20.00; Weber,A-\$27.54; Whiteaker,M-\$133.08;

**ADJOURN:** 11:45 a.m. - There being no further business it was Moved-Seconded (Flanagan-Douglas) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

**LAWRENCE COUNTY COMMISSIONERS MEETING – March 6, 2003**

Chairperson James J. Seward called the special meeting of the Lawrence County Commissioners to order at 10:00 a.m. on March 6, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Brandon D. Flanagan and Terry Weisenberg present. Bob Ewing was absent.

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

10:00 AM: Moved-Seconded (Flanagan-Douglas) to go into executive session to discuss contractual matters with Deputy States Attorney Bruce Outka. Motion carried.

10:30 AM: The Board reopened for regular business.

**PURCHASE AND SALE AGREEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Purchase and Sale Agreement dated January 31<sup>st</sup>, 2003, by and among Homestake Mining Company of California, City of Deadwood, Lawrence County and Deadwood City Limits with the condition the Resolution of Intent to Transfer Property from Deadwood Economic Development Corporation be attached; and to approve and authorize the Chairman to sign the Memorandum Agreement dated March 6, 2003 between Lawrence County and Deadwood City Limits. Motion Carried.

**PLAT:** Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Plat of Lot A and Lot B being a subdivision of the Lawrence County Courthouse Lot located in SE1/4 of Sec 22 and the SW1/4 of Sec 23. T5N, R3E. BHM. Motion Carried.

**ADJOURN:** 10:37 a.m. - There being no further business the Chairman adjourned the meeting.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – MARCH 11, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 11, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present.

All motions were passed by unanimous vote unless stated otherwise.

**APRIL MEETING:** The Board changed the April 22<sup>nd</sup> meeting to April 29<sup>th</sup>.

**MINUTES:** Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of February 25<sup>th</sup> and March 6, 2003. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Weisenberg-Flanagan) to approve Leann Burrer as a part-time correctional officer II at the base rate of \$12.72, effective March 9<sup>th</sup>. Motion Carried.

### **TRAVEL REQUESTS:**

**EQUALIZATION:** Moved-Seconded (Douglas-Seward) to approve the travel request for Ron Green to travel to Rapid City on March 5, 2003 to take the CAA Test. Motion Carried.

**WEED:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for David Heck and Josh Cuppy to participate in the Summer Fun Job Fair at BHSU on March 27, 2003. Motion Carried.

**COMMISSION:** Moved-Seconded (Flanagan-Weisenberg) to approve the travel request for Connie Douglas to attend the National Forest Counties and Schools Coalition Conference in Reno Nevada on March 27-31, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Flanagan-Weisenberg) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of February 28, 2003 showed the following: Total amount of deposits in banks-\$7,391,362.78; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$47,646.28; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,276.26; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy, EM & Planning & Zoning-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-

\$453,035.50; Savings-\$1,950,000, GNAM's-\$108,989.37; and Money Market \$1,179,337.91, Total \$7,448,170.32.

**TRANSFER OF FUNDS:** Moved-Seconded (Flanagan-Seward) to approve the transfer of \$250,000 from the General Fund to the Highway Building Fund. Motion Carried.

**SUPPLEMENTAL BUDGETS:**

**HIGHWAY BUILDING:** Moved-Seconded (Weisenberg-Seward) to set a supplemental budget hearing for March 25<sup>th</sup>, 2003 at 8:45 a.m. for the Highway Building Fund – Budget for \$150,000. Motion Carried.

**TEEN COURT:** Moved-Seconded (Weisenberg-Seward) to set a supplemental budget for Teen Court for \$3,355 for match money on the JAIBG Grant for 2003 for March 25, 2003 at 8:45. Motion Carried.

**EXTENSION AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve an automatic supplement for Extension Supplies Grant for \$1,272.21 for postage. Motion Carried.

**RESOLUTION #03-12 TO ADOPT A SUPPLEMENTAL BUDGET:** Moved Seconded (Weisenberg-Ewing) to approve the following Resolution #03-12 To Adopt a Supplemental Budget for the Dispatch Supplies - \$35,000. Motion Carried. RESOLUTION #03-12 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND DISPATCH - Supplies \$35,000.00 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 11th day of March, 2003 at the hour of 8:45 o'clock, 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 11<sup>th</sup> day of March, 2003. BOARD OF COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**PHASE II AGREEMENT:** Moved-Seconded (Flanagan-Seward) to approve and authorize the Chairman to sign the Letter of Agreement between Lawrence County and the SD Department of Agriculture to conduct the Review and Comments on the Phase II Amendments to the Forest Service Plan Project. Motion Carried.

**COOP LAW ENFORCEMENT AGREEMENT:** Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Cooperative Law Enforcement Agreement #03-LE-11020300-005 and Modification #1 thereof. Motion Carried.

**CDBG BLOCK GRANT:** Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the Community Block Grant Agreement for \$449,440 to purchase fire fighting equipment. Motion Carried.

**JUVENILE INCENTIVE BLOCK GRANT:** Moved-Seconded (Ewing-Flanagan) to dedicate Lawrence County's allotment of the Juvenile Accountability Incentive Block Grant in the amount of \$26,230.00 and approve the 10% match money of \$2,914.44 to Teen Court for 2004. Motion Carried. Marlene Todd was present and discussed plans for the expansion of the program and planned use of the funds. Todd stated the success rate for first time offenders is 93-94% and for second time offenders is 89%. Todd invited the Board to an open house for the program on March 24<sup>th</sup> at 7:00 p.m...

**BRIDGE REPLACEMENT CAMP COMFORT ROAD BID OPENING:** The following bids were received for Structure No. 41-083-043 Replacement and Approaching Grading: Spearfish Excavating-\$87,849; Dakota Redi Mix-\$82,208.05; Heavy Constructors-\$82,736; Lookout Landscaping-\$77,662; Highmark Inc-\$82,823.76; J.V. Bailey Co.-\$115,577; Ainsworth Benning-\$91,905.95; Short Construction-\$77,821; Quinn Construction-\$99,170; Hills Material-\$78,811. NJS Engineering reviewed the Bids and recommended the County accept the low bid from Lookout Landscaping. Moved-Seconded (Ewing-Flanagan) to award the bid to the lowest bidder, Lookout Landscaping, for \$77,662. Motion Carried.

**APPLICATION FOR OCCUPANCY:** Moved-Seconded (Douglas-Flanagan) to approve and authorize the Chairman to sign the Application for Occupancy for US West Communications Inc. for a cable occupancy of Highway Superior Place Jackson Whitewood Valley Road in Section 14, 15 & 22, T6N, R4E, in Lawrence County to extend telephone service to Spruce Mountain Estates. Motion Carried.

**HIGHWAY BIDS:** Moved-Seconded (Ewing-Douglas) to set the bid opening for April 29<sup>th</sup> at 9:00 a.m. for two single axle truck and chassis "class 7". Motion Carried.

**MODULAR DISPATCH CONSOLE BID OPENING:** Moved-Seconded (Weisenberg-Ewing) to award the bid for two modular dispatch consoles to the only bidder Western Communications for \$23,415.58. Motion Carried.

**FIRE EQUIPMENT:** Moved-Seconded (Ewing-Flanagan) to approve the purchase of nine new cab and chassis CS pickups from Lamb Motors for \$30,545 off of the State Bid. Motion Carried. Paul Thomson stated the local dealers could not match the state bid price.

The following bids were received for fire equipment:

**9 - 8'x9' Aluminum Flat Beds**

NAME	TRUCK BED		ALTERNATE #1		ALTERNATE #2		ALTERNATE #3		TOTAL
	TOTAL	EACH	TOTAL	EACH	TOTAL	EACH	TOTAL	EACH	
	FLATBEDS (9)		MOUNTING		HITCHES		STEP BUMPER		
<b>FELD CORP</b>	27,750.00	3,083.33	4,320.00	480.00	3,285.00	365.00	2,250.00	250.00	37,605.00
<b>CARL'S TRAILER</b>	17,550.00	1,950.00	1,800.00	200.00	2,160.00	240.00	675.00	75.00	22,185.00
<b>BH TRUCK SALES</b>	17,685.00	1,965.00	5,130.00	570.00	1,980.00	220.00	1,125.00	125.00	25,920.00
<b>NORTHERN TRUCK</b>	16,857.00	1,873.00	2,997.00	333.00	2,295.00	255.00	1,917.00	213.00	24,066.00

NAME	SKID UNIT TOTAL	EACH	TANKS			PUMPS		REELS	
			ALT A TOTAL	ALT B TOTAL	ALT C TOTAL	ALT 1 TOTAL	ALT 2 TOTAL	ALT 1 TOTAL	ALT 2 TOTAL
* SKID UNITS ( 8 UNITS)			BB-4 TANKS	250 GAL TANKS	W/O PUMP TANKS	Portable PUMPS	Heiman PUMPS	Booster REELS	105ft REELS
<b>FELD CORP</b> (Wildfire BB-4 pump)	104,760	13,095	12,995	12,450	5,500		4,500	650	50
<b>DANKO</b> (Mounted)	197,919	21,991							
<b>CENTRAL STATES</b>	110,744	13,843	13,725	12,430	5,443	3,835	4,129	260	175
<b>NORTHERN TRUCK</b>	182,520	22,815	22,815						

NAME	LIGHT BAR	LIGHT/SIREN	SWITCHBOX	BUMPER
NORTHERN TRUCK	450	344	107	518-408
CENTRAL STATES	458	247	66	
FELD	550	422	95	550-825

The Board received a bid from CET Fire Pumps but after review of the Bid Bond the States Attorney directed the Board not to read the bid because the Bid Bond was only a photo copy and not an original document.

Moved-Seconded (Douglas-Weisenberg) to table all bids to allow time to review the bids with the fire departments. Motion Carried.



**AMENDMENT TO CONDITIONAL USE PERMIT SEVEN DOWN ARENA:** A public hearing was held on an Amendment to Conditional Use Permit #240 to allow for an outdoor motocross track and races. Hearing no public input the hearing was closed. Susan Galland reviewed the request for Seven Down Arena. Douglas stated if the amendment was approved the track would only be open on race days and asked that this be an additional condition. Seward stated if approved not one person would be allowed on the track except on race days. Birk stated he received a phone call from Reed Richards with a concern on the noise and location. Birk stated after he explained the location of the track, Richards stated he would not have a problem with it. Moved-Seconded (Douglas-Weisenberg) to approve the amendment to Conditional Use Permit with the following additional conditions. Motion Carried. Conditions: 1) The operator of the Motocross Course shall follow all applicable County, State, and Federal regulations regarding the business. 2) The operator shall provide security and medical personnel during race day. 3) Public parking shall be allowed only within designated areas. 4) At least one first aid kit shall be made accessible to the public, participants and employees. 5) Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption. 6) One temporary on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 7) Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. Employees shall police trash periodically. The trash containers shall be emptied by demand. 8) Food services shall be provided within the indoor arena's kitchen area or by licensed vendor(s). 9) The public and participants shall use the indoor arena bathroom facilities. 10) The motocross track shall be closed to the public except on Race Days. 11) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 12) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked. 13) The owner or operator may not lease the motorcross course to any private individual, group or business.

**ABATEMENTS / HEIDI WELCH:** Moved-Seconded (Douglas-Flanagan) to approve the abatement for Heidi Welch on a 1991 Champion mobile home that was moved to Wyoming in October 2002. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,620.16; Treas-\$7,167.79; Comp-\$4,550.80; States Atty-\$8,000.35; Pub Def-\$5,763.75; Gen Govt Bldg-\$4,238.12; Equal-\$8,187.76; Deeds-\$5,054.94;

Vso-\$723.48; Disp-\$7,962.39; Sher-\$24,914.08; Jail-\$14,081.48; Emerg Mgnt-\$2,320.23; E911-\$1,216.80; Highway-\$29,398.93; Airport-\$493.75; Ext-\$1,024.80; Weed-\$1,356.25; Pz-\$2,427.07;

**Bills:** Green,R-\$26.10; Kosel,J-\$31.20; Mowell,R-\$5,274.00; A&B Welding Supply-\$45.58; A&J Supply-\$84.76; Aadland,S-\$26.10; Abc Business Supply-\$825.58; Altaire Enterprises-\$40.00; Amcon Distributing-\$220.15; American Family Life-\$2,307.18; Amoco Oil Co-\$511.61; Armstrong Extinguish-\$103.67; At&T-\$39.75; Bh Chemical Company-\$921.75; Bh Collection Service-\$50.00; Bh Electric Coop-\$416.49; Bh Federal Credit Union-\$7,394.14; Bh Fibercom-\$2,428.90; Bh Pest Control-\$95.00; Bh Pioneer-\$788.74; Bh Power&Light-\$1,506.95; Bh Windshield Repair-\$150.00; Best Business Prod-\$36.70; Black Hills Land Title-\$200.00; Blue Cross-\$38,101.38; Butler Machinery Co-\$1,595.91; Butte Electric Coop-\$543.71; C&S Sales-\$204.75; Cardinal Printing-\$76.06; Cellular One-\$243.21; Central Parts-\$577.19; Clifford,E-\$160.95; Coburn Insurance Agency-\$120.00; Connelly,R-\$18,126.80; Conoco-\$260.97; Contractors Insulation-\$344.00; Corral West-\$80.85; County Telpak-\$125.48; Credit Collections Bureau-\$25.00; Culligan Soft Water Serv-\$137.50; Dakota Graphics-\$50.00;Dale's Tire&Retread-\$920.49; Daniels,P-\$40.00; Deadwood Home Center-\$173.79; Deadwood Recreation Center-\$100.00; Deadwood Supply-\$80.74; Deadwood, City Of-\$507.18; Dept Of The Treasury-\$31,309.34; Duffy&Duffy Law Office-\$314.00; Elan Finanical Services-\$65.00; Exhaust Pros-\$54.74; Fastenal-\$56.03; Federal Express Corp-\$43.88; Fisher Sand & Gravel-\$1,259.58; Fox, Youngberg & Lewno-\$112.63; Frederickson,J-\$835.45; Fuller,Tellinghuisen,Gordon-\$207.00; Gall's-\$54.89; Haivala Law Firm-\$850.77; Haug-Davis,T-\$200.00; Heisler Hardware-\$50.80; Hobart Sales & Service-\$131.00; Ikon Office Solutions-\$334.00; Jacobs Precision Welding-\$1,003.00; Johnson Ford-\$40,785.14; Kmart-\$15.74; Karpinen,S-\$280.00; Kimball-Midwest Co-\$150.84; Kinney,M-\$125.00; Koch,D-\$2,650.22; Lc Centennial-\$157.54; Lc Public Defender-\$24.65; Lc Public Health-\$2,208.00; Lead, City Of-\$141.02; Lead-Deadwood Sanitary-\$184.08; Leiker,L-\$104.50; Lexisnexis Matthew Bender-\$117.20; Meister, Bob-\$65.00; Montana-Dakota Util-\$5,718.29; Murphy,John-\$330.12; Nh Family Ymca-\$360.00 ; Nh General Hospital-\$360.00; Office Of Child Support-\$415.50; Office Technology/Supply-\$79.07; Pedersen Excavation-\$412.50; Pennington Co Auditor-\$118.00; Pennington County Sheriff-\$7.50; Pitney Bowes-\$170.10; Queen City Rocket Lube-\$154.02; Qwest-\$123.72; Radio Shack/Kazco-\$34.99; Regan Battery Maint Services-\$696.98; Reindl,S-\$651.80; Rockmount Research&Alloys-\$144.70; Rombough,D-\$190.14; Sd Retirement System-\$34,463.39; Sd State Treasurer-\$732.38; Sd Dept Of Labor Unemployment-\$5,218.96; Sd Dept Of Transportation-\$929.41; Sd Human Services Center-\$291.00; Sd School Of Mines-\$49.50; Sd Supplemental Retirement-\$812.50; Sabow, Jd Md-\$5,425.00; Sanito Oil-\$3,345.83; Scull Construction Serv-\$256,169.31; Servall Towel & Linen-\$192.68; Spearfish Auto Supply-\$70.44; Spearfish Surgery Center-\$25.00; Specialized Auto

Service-\$97.02; Stadler Ind Service-\$165.00; Swenson,G-\$140.00; Technology Center-\$16.52; Teen Court-\$4,253.91; Tigerdirect-\$559.39; Torgerson,L-\$65.25; Triple K Tire & Repair-\$788.60; Twin City Hardware & Lumber-\$1,017.94; Us Postal Service-\$5,000.00; United Parcel Service-\$12.13; Verizon Wireless-\$91.53; Versatile Carpets & Inter-\$455.00; Viking Office

Prod-\$786.04; Waste Connections-\$353.85; Watkins,D-\$188.50; West Group-\$247.50; Western Communication Inc-\$830.85; Xerox Corporation-\$120.00; **Witness & Juror Fees:** Beloskur,M-\$57.54; Boos,R-\$59.86; Caldwell,S-\$50.58; Cram,D-\$58.70; Freeland,W-\$55.80; Osborn,J-\$61.60; Rook,L-\$52.32; Tschetter,S-\$62.76; Young,S-\$176.10

**ADJOURN:** 11:15 p.m. - There being no further business it was Moved-Seconded (Flanagan-Weisenberg) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – MARCH 18, 2003**

Chairperson James J. Seward called the special meeting of the Lawrence County Commissioners to order at 11:00 a.m. on March 18, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas and Bob Ewing present. Brandon D. Flanagan and Terry Weisenberg were absent.

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

**FIRE EQUIPMENT:** Moved-Seconded (Douglas-Ewing) to award the bid for the Aluminum Beds to the lowest bidder, Carls Trailer, to include the basic plus alternate 1, 2 & 3. Motion Carried.

Moved-Seconded (Ewing-Douglas) to award the bid for the Skid Units/Tanks & Pumps to the lowest bidder, ED M. Feld Equipment. Motion Carried.

**FIRE EQUIPMENT GRANT:** Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairman to sign the Fire Equipment Grant – Environmental Forms for CDBG No. 0102-181. Motion Carried.

**PHASE II AGREEMENT:** Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the Agreement for Professional Services for Review and Comments on the Phase II Amendments to the Forest Service Plan Project between Lawrence County and Mary Flanderka; contingent on Flanderka signing the agreement first. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Douglas-Seward) to set a supplemental budget hearing for April 8<sup>th</sup>, 2003 at 8:45 a.m. for the Fire Advisory Grant Funds in the amount of \$449,440. Motion Carried.

**BOARD APPOINTMENTS:** Moved-Seconded (Douglas-Seward) to appoint Bob Ewing to the Weed Board to replace Connie Douglas for 2003. Motion Carried.

**ADJOURN:** 11:45 a.m. - There being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

TERRY WEISENBERG, Vice-Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – MARCH 25, 2003**

Vice-Chairperson Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 25, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing and Brandon D. Flanagan. James Seward was absent.

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

### **WAR IN IRAQ:**

Vice Chairman Weisenberg took a moment to reflect and thanked the US Military for their service and expressed hope for a swift victorious end of the war in Iraq.

### **COMMISSION POLICY:**

Weisenberg stated he wanted to bring notice that it is the policy of the County Commissioners, when they break for lunch, that anyone wishing may join them for lunch.

**MINUTES:** Moved-Seconded (Douglas-Weisenberg) to approve the minutes of March 11<sup>th</sup> & 18<sup>th</sup>, 2003. Motion Carried.

### **TRAVEL REQUEST:**

**WEED:** Moved-Seconded (Douglas-Ewing) to approve the travel request for David Heck to attend the 2003 SD Weed & Pest Supervisor Training in Pierre, SD on April 1-3, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Ewing-Flanagan) to approve the travel request for Paul Thomson and Ken Hawki to attend the SD Hazardous Materials Conference in Pierre, SD on May 5-7, 2003. Motion Carried.

### **PERSONNEL:**

**STATES ATTORNEY:** Moved-Seconded (Douglas-Flanagan) to approve a step raise for Janice Silvernail to step 4 at a base rate of \$10.48 an hour, effective 4-9-2003. Motion Carried.

### **SHERIFF:**

Moved-Seconded (Douglas-Ewing) to approve the hiring of Shannon Leary as a full time correctional officer I at the rate of \$7.08 an hour and then \$11.06 an hour upon the completion of 40 hours of training, effective 3-28-03. Motion Carried.

Moved-Seconded (Douglas-Flanagan) to approve Robert Williams as a Correction Officer II at the base rate of \$12.72 an hour, effective 3-25-2003. Motion Carried.

**DELINQUENT MOBILE HOME TAXES:** Deb Tridle and Joe Harmon were present to discuss the delinquent mobile home process. They explained the need for distress warrants and asked for direction from the Board. The Board stated the distress warrants need to be done as State Law dictates.

**TREASURER TRUST PAYMENTS:** Moved-Seconded (Flanagan-Douglas) to delay taking tax deed and accept partial payments of taxes on 425 Mine Street, Lead owned by Andrew Felonk, contracted for deed to Robert Hal; and then contracted for deed to Rick Frerich. Motion Carried.

**JUDICIAL NOMINEE MIGUEL ESTRADA:** Moved-Seconded (Ewing-Flanagan) to approve and authorize the Vice-Chairman to sign Resolution 2003-15 to support the floor vote and nomination of judicial nominee Miguel Estrada. Motion Carried. **LAWRENCE COUNTY RESOLUTION #2003-15** - A resolution of the Lawrence County Board of Commissioners, Lawrence County, South Dakota, requesting the United States Senators of the State of South Dakota to **support the floor vote and nomination of judicial nominee Miguel Estrada.** **WHEREAS**, on May 9, 2001, President Bush nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals for the District of Columbia Circuit; and **WHEREAS**, Mr. Estrada's credentials go uncontested beginning with his mastery of the English language and American culture upon his arrival to the United States as an immigrant from Honduras, and his graduation magna cum laude from Columbia University and Harvard Law School; and **WHEREAS**, Mr. Estrada has received support from liberal and conservative colleagues alike who attest that he is one of the most brilliant and effective appellate lawyers in the country; and **WHEREAS**, organizations who support Mr. Estrada include the League of United Latin American Citizens, United States Hispanic Chamber of Commerce, Hispanic National Bar Association, Hispanic Business Roundtable, and The Latino Coalition; and **WHEREAS**, Mr. Estrada would be the first Hispanic in the country to sit on the United States Court of Appeals, District of Columbia Circuit, an important and prestigious position within the nation's Court of Appeals; and **WHEREAS**, over a year-and-a-half has passed without a vote on the Senate floor. The Senate Judiciary Committee has issued a favorable report to the United States Senate yet because of partisan politics Democratic Senators threaten to filibuster a Senate floor vote; **NOW THEREFORE BE IT RESOLVED** that the Lawrence County Board of Commissioners, Lawrence County, South Dakota request our United States Senators in the United States Congress work to allow a vote on the floor of the United States Senate on the appointment of Miguel Estrada. Dated this 25<sup>th</sup> day of March 2003. **FOR THE BOARD:** Terry W. Weisenberg **VICE-CHAIRMAN.** **ATTEST:** Connie Atkinson, **AUDITOR**

**PUCHASE AND SALE AGREEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Extension of Slime Plant Purchase Agreement, extending the date from March 31, 2003 to July 31, 2003, after review and approval by Bruce Outka. Motion Carried. Roger Tellinghuisen, Attorney, stated this extension was necessary to allow time for the completion of the financing package.

**UTILITY EASEMENT:** Moved-Seconded (Douglas-Flanagan) to approve and authorize the Vice-Chairman to sign the Utility Easement between the County of Lawrence and the City of Deadwood. Motion Carried.

**WEED AUTOMATIC SUPPLEMENT:** Moved-Seconded (Douglas-Ewing) to approve an automatic supplement to Weed Supplies for \$10,845 because of grant monies received. Motion Carried.

**SUPPLEMENTAL BUDGETS:** Moved-Seconded (Flanagan-Weisenberg) to approve the following Resolution #03-14 to adopt a supplemental budget for Teen Court and the Highway Building Budget. Motion Carried. RESOLUTION #03-14 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND COURTS – Teen Court - \$3,355; HIGHWAY BUILDING FUND HIGHWAY – Building Fund - \$150,000. 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 25th day of March, 2003 at the hour of 8:45 o'clock, 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 25<sup>th</sup> day of March, 2003. BOARD OF COUNTY COMMISSIONERS: Terry Weisenberg, Vice-Chairperson, Connie H. Douglas, Bob Ewing and Brandon D. Flanagan. ATTEST: Connie Atkinson, Auditor.

**APPLICATION FOR PERMIT TO OCCUPY COUNTY HIGHWAY ROW:** Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Vice Chairman to sign the Application for Permit to Occupy County Highway Right-of Way by Black Hills Power & Light on Highway 014D. Motion Carried.

**STRIPING PROJECT:** Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairperson to sign the Striping Project with the Department of Transportation for approximately 218 miles of Lawrence County roads, estimated cost \$25,219.68 to the County. Motion Carried.



**GRAVEL SURFACING AGGREGATE:** Moved-Seconded (Ewing-Flanagan) to set the bid opening for crushing and stockpiling of gravel surfacing aggregate for April 29, 2003 at 9:15 a.m. Motion Carried.

**ABATEMENT:**

**BROHM MINING CO:** Moved-Seconded (Douglas-Weisenberg) to approve the abatement for Brohm Mining Company on parcel 26340-00912-000-20 because the property was permitted acres assessed under the mine valuation. Motion Carried.

**DARYLE POLING:** Moved-Seconded (Ewing-Flanagan) to approve the abatement for Daryl Poling on parcel 30050-00298-000-20 because the structure was destroyed or damaged as a result of the 2002 Grizzly Gulch Fire. Motion Carried.

**WEED REPORT:** Dave Heck reported on his recent trip to Washington D.C., stating overall going to D.C. was good for Lawrence County and South Dakota. He noticed that the program in Lawrence and Pennington was just as good or better than any other state or county weed program in the nation, and the practices that we justify to be important should be heard by congressional ears and acted on by federal agencies without worry that we are inferior in any way to a national weed management program.

**2001-2002 AUDIT:** Bruce Hintz, Department of Legislative Audit, was present and stated he would be auditing Lawrence County for the years 2001 and 2002. Hintz presented the Board with the Letter of Understanding with the Department of Legislative Audit.

**SPEARFISH ANNEXATION:** Don Mueller, City of Spearfish was present to discuss the annexation of unplatted lands. Mueller stated they had voluntary annexation requests of unplatted land contiguous to the City's northeast corporate boundary. The applicants were Black Sheep LLC, Rich and Vicki Furnish, and Woodlands LLC. Mueller stated this request would then leave an island of property remaining in the County's jurisdiction. The property described as Tract A of the SE/14 NE1/4 of Section 13, T6N, R2E, and the N3/4SE1/4 NE1/4, excluding Tract, Section 13, T6N, R2E, Lawrence County, SD, is owned by Dwaine Dodds. Mueller stated they have notified Mr. Dodds of the City's intent to annex this property either by voluntary or adverse action. The Board expressed concern that Dodd's had not responded to the City of Spearfish and stated they would not act on the Dodd's property at this time. The Board stated they wanted to see if this would be a voluntary or an adverse action and this property was not listed on the voluntary request as advertised on the Agenda. Douglas expressed concern about acting on the three requested voluntary annexations and not acting on the Dodds property at the same time. Mueller assured the Board that the City of Spearfish would be annexing the Dodds property one way or another and stated he would like the board to act on the voluntary requests at this time.

Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Vice-Chairperson to sign the following Resolution No. 2003-13 Approving the Annexation of Certain Unplatted Lands by the City of Spearfish. Motion Carried. RESOLUTION NO 2003-13 A RESOLUTION APPROVING THE ANNEXATION OF CERTAIN UNPLATTED LANDS BY THE CITY OF SPEARFISH, SOUTH DAKOTA. BE IT RESOLVED by Lawrence County that the unplatted territory legally described as: SW1/4NW1/4SE1/4, Section 12, T6N, R2E, Lawrence County, SD, BHM (Furnish); NW1/4NW1/4SE1/4, E1/2NW1/4SE1/4, NE1/4SW1/4SE1/4, E1/2SE1/4, Section 12 and NE1/4NE1/4, Section 13, T6N, R2E; and, Tract 1 of the SW1/4 of Section 7, T6N, R3E, Lawrence County, South Dakota, BHM (Black Sheep, LLC); S1/2SW1/4SE1/4 and NW1/4SW1/4SE1/4, Section 12, T6N, R2E, Lawrence County, South Dakota, BHM (Woodlands of Spearfish, LLC); May be annexed by the City of Spearfish, South Dakota, pursuant to its Resolution extending the boundaries of the City of Spearfish as provided in SDCL 9-4-1. This Resolution constitutes approval of the City of Spearfish Resolution extending the boundaries of the City of Spearfish by the County Commissioners for annexation of such unplatted lands as provided in SDCL 9-4-5. Dated this 25<sup>th</sup> day of March 2003. Terry Weisenberg, Vice-Chairman. ATTEST: Connie Atkinson, Lawrence County Auditor

**TITLE III FUNDS:** The Board discussed the following Title III proposals they received and comments in support of the requests. Moved-Seconded (Flanagan-Weisenberg) to approve the following expenditures for Title III Funds in 2003. Motion Carried.

<u>Item</u>	<u>\$ Equipment</u>	<u>% Usage in Forest</u>	<u>\$ Allocation</u>
<b>Category 1. SEARCH &amp; RESCUE AND EMERGENCY SERVICES</b>			
2 Snowmobiles	15,000	84%	12,600
Accessories	<u>1,100</u>	84%	<u>924</u>
	16,100		13,524
<b>Category 4. FOREST RELATED EDUCATIONAL OPPORTUNITIES</b>			
Project Learning Tree	5,000	100%	5,000
<b>Category 5. FIRE PREVENTION AND COUNTY PLANNING</b>			
Wildland Gear for Highway Dept.	7,864	100%	7,864
Spearfish Fire Truck	185,000	25%	47,000
Brownsville Truck Eqp.	86,721	59%	51,165
Bear Ridge Tender Eqp.	14,182	81%	<u>11,487</u>
			117,516
<i>Total of Requested Allocations \$136,040</i>			

Robert Mattox, Brownsville Fire Department, was present and expressed concern on the match money the Fire Department would need to come up with. Mattox stated the Department may be short \$3,000-\$4,000. Mattox stated they are planning a fund raiser in August to help raise the additional money needed. The Board stated after he knows the dollar amount they are short; he

can come back and ask the Board for additional money from Commissioners Contingency Funds. The Board stated they would consider the request at that time.

**BILLS:** Moved-Seconded (Douglas-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,630.02; Treas-\$7,151.87; Comp-\$4,550.79; States Atty-\$8,990.87; Pub Def-5,763.74; Govt Gen Bldg-\$4,160.00; Equal-\$8,382.46; Deeds-\$5,016.28; Vso-\$723.48; Disp-\$8,401.45; Sher-\$25,168.91; Jail-\$14,182.91; Emerg Mgnt-\$2,320.23; E911-\$1,216.80; Highway-\$28,641.91; Airport-\$487.50; Ext-\$1,024.80; Weed-\$1,356.25; Pz-\$2,427.06; **BILLS:** Black,S-\$76.00; Blanks,K-\$21.74; Hamilton,M-\$76.00; Heck,D-\$71.74; Locken,W-\$117.00; Sandvick,T-\$517.45; Seward,J-\$352.35; Washburn,L-\$42.95; A&B Business Equip-\$146.50; Abc Business Supply-\$110.77; Altaire Enterprises-\$20.00; Amoco Oil-\$39.91; Arleth&Associates-\$50.00; At&T-\$23.94; Bh Chemical Company-\$105.00; Bh Collection Service-\$50.00; Bh Federal Credit Union-\$7,719.14; Bh Land Analysis-\$1,038.10; Bh Medical Ctr Pharmacy-\$203.58; Bh Power & Light-\$5,100.81; Bh State University Career-\$35.00; Bh Travel Agency-\$449.50; Batchelor Business Machines-\$703.00; Behavior Mngt Systems-\$780.25; Belle Fourche Landfill-\$10.36; Brookings Inn-\$390.00; Bureau Of Administration-\$28.00; Bus Systems-\$84.00; Campbell Co Sheriffs Off-\$16.25; Carlson,D-\$15.00; Carquest Of Spearfish-\$397.57; Cedar Shore-\$133.90; Cellular One-\$243.32; Choicepoint-\$2.00; City/County Alcohol&Drug-\$630.00; Clark Printing-\$324.88; Clerk Of Courts-\$4.00; Contractors Insulation-\$2,948.00; Corral West-\$55.90; Credit Collections Bureau-\$25.00; Dakota Graphics-\$292.00; Dartek Computer Supplies-\$234.12; Dept Of Human Services-\$33.80; Dept.Of The Treasury-\$31,369.12; Dietrich,D-\$122.45; Domestic Crisis Outreach-\$417.50; Don's Sinclair-\$19.00; Eagle Aviation-\$256.50; Ensignal-\$298.99; Executone Of The Bh-\$56.00; Extension Service-\$109.82; Fastenal-\$163.90; Fenske Media Corporation-\$3,145.00; Gene's Lock Shop-\$851.44; Genpro Power Systems-\$145.00; Godfrey's Brake Serv-\$254.40; Greens Alignment-\$732.90; Grimm's Pump Service-\$1,373.50; Havemeier,L-\$27.00; Heisler Hardware-\$18.88; Hewlett-Packard Company-\$734.00; Insight-\$816.99; James & Associates-\$168.59; Kadrmas, Lee And Jackson-\$8,366.35; Kar Products-\$83.33; Ken's Camper Sales-\$171.89; Kimbell's Auto Repair-\$967.25; Kinney,M-\$1,287.30; Knecht True Value-\$11.18; Lc Centennial-\$186.51; Lc Sheriff-\$410.76; Lexisnexus Matthew Bender-\$117.20; Martel Electronics-\$74.00; Martz, Jason & Sabrina-\$500.00; Mattox,R-\$111.47; Mineral Palace Hotel-\$468.08; Montana Dakota Utilities-\$344.09; Motorola-\$7,992.00; Muth Electric-\$267.66; National Assoc Of Criminal-\$125.00; Neve's Uniforms-\$89.92; Office Of Child Support-\$415.50; Pennington Co Jail-\$1,359.18; Pennington County Sheriff-\$49.70; Pennington County Sts.Attny-\$200.00; Phillips Petroleum Co-\$15.78; Pitney Bowes-\$1,245.00; Postmaster, Deadwood-\$222.00; Powell, City Of-\$36.70; Queen City Motors-\$28.55; Quill Corp-\$45.28; Quinlan Publishing-\$105.81; Qwest-\$919.64; Rc City Of-\$945.00; Rc Regional Hospital-\$1,719.09; Rabe Elevator-\$541.39; Radio Shack/Kazco-\$8.97; Reliable-\$245.99; Rud-Chain-\$740.10; Sd Assoc Of Weed &Pest Boards-\$100.00; Sd Federal Property Agency-\$19.50; Sd School Of Mines & Tech-\$370.00; Sd Supplemental Retirement-\$812.50; Sd Weed&Pest Supervisors Assoc-\$30.00; Sanito Oil-\$12,181.57; Secretary Of State -\$10.00; Servall Towel &

Linen-\$287.22; Sign Express-\$29.49; Spearfish Auto Supply-\$730.45; Spearfish Surgery Center-\$25.00; Superior Lamp And Supply-\$243.39; Team Lab Chemical-\$2,514.45; Texaco-\$363.30; Tigerdirect-\$285.76; Triple K Tire & Repair-\$16.95; Us Postal Service-\$600.00; Valuemags-\$9.95; Verizon Wireless-\$751.98; Victims Of Violence-\$417.50; Voelker & Adams-\$557.70; Walser,B-\$15.00; Western Communication-\$11,707.79; Western Sd Juvenile Serv-\$90,955.59; Yankton County-\$89.55; Yankton Co Sheriff-\$16.50; **WITNESS & JURORS:** Atyeo,T-\$51.74; Case,R-\$57.54; Haeder,A-\$59.86; Hawks,J-\$61.60; Nevin,M-\$51.74; Quinn,J-\$64.50; Rost,S-\$28.70; Trucano,T-\$61.60; Wagner,C-\$61.60; Weiers,R-\$61.60; Leombruno,E-\$47.84; Leombruno,K-\$20.00; Cathey,J-\$27.54; Cooley,C-\$28.70; Cooley,M-\$28.70; Keyworth,C-\$21.74; Kirkeby,L-\$21.74; Kopeck,S-\$20.58; Miller,K-\$20.58; Nunez,L-\$21.74; Olson,J-\$28.70; Reilley,B-\$28.70; Stevenson,G-\$28.70; Taylor,S-\$28.70; Williams Distributing Co-\$129.60

**ADJOURN:** 10:30 a.m. - There being no further business the Vice-Chairman adjourned the meeting. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – APRIL 8, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 8, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present.

All motions were passed by unanimous vote unless stated otherwise.

8:00 AM: Moved-Seconded (Ewing-Weisenberg) to go into executive session to discuss Legal matters with the States Attorney. Motion carried.

8:25 AM: The Board reopened for regular business.

**MINUTES:** Moved-Seconded (Douglas-Ewing) to approve the minutes of March 25, 2003. Motion Carried.

**PERSONNEL:** Moved-Seconded (Douglas-Weisenberg) to approve a step raise for Tamara Ehnes as a Secretary Step 3 at the base rate of \$10.20 an hour, effective 4-1-2003. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Douglas-Ewing) to approve Darlene Piekkola to exceed her vacation max for 3 months. Motion Carried

**SHERIFF:** Moved-Seconded (Flanagan-Ewing) to approve Faith Kaiser as a part time correctional officer at the base rate of \$11:06 an hour, effective 3-1-2003. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Flanagan-Weisenberg) to approve Deb Maynard as a Secretary step 6 at a base rate of \$11.33 an hour, effective 3-16-2003. Motion Carried.

### **TRAVEL REQUESTS:**

**SPRING/SUMMER WORKSHOP:** Moved-Seconded (Flanagan-Ewing) to approve travel for all interested County Personnel to attend Spring and Summer Workshop in Pierre, SD for 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Ewing-Flanagan) to approve the travel request for Bill McFarling, Gary Lillehaug, Dan Regan, Elsa Grant, Kay Rear and Kathy Culver to attend the NASAR Conference in Reno Nevada on May 28-31, 2003. Motion Carried.

**VSO:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for William Locken to attend the SD Veterans Commission meeting in Sioux Falls, SD on May 21-24, 2003. Motion Carried.

**TREASURER:** Moved-Seconded (Douglas-Flanagan) to approve the travel request for Deb Tridle, Carol Sjomeling, Lisa Schwindt, Jan Haupt and Dori Winter to attend the Seminar in Rapid City for automobile titling on April 22, 2003. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Douglas-Flanagan) to approve the travel request for Darlene Piekkola, Dennis Schumacher, Jason Writer and Ron Green to attend the Annual Assessor's Conference in Rapid City, SD on May 13-16, 2003. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Erik Birk to attend the Access Management Training in Rapid City, SD on April 16, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Seward) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer as of March 31, 2003 showed the following: Total amount of deposits in banks-\$7,208,429.44; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$90,107.88; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,699.62; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy, EM & Planning & Zoning-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$487,544.14; Savings-\$1,731,937.94, GNAM's-\$108,635.16; and Money Market \$1,180,312.20, Total \$7,305,121.94.

**SUPPLEMENTAL BUDGETS:** Moved-Seconded (Weisenberg-Seward) to approve the following Resolution #03-16 to adopt a supplemental budget for Fire Advisory. Motion Carried. RESOLUTION #03-16 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: FIRE ADVISORY FUND – Fire Advisory Grant Funds - \$449,440. 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 April, 2003 at the hour of 8:45 o'clock, 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 8<sup>th</sup> day of April, 2003. BOARD OF COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**LAWRENCE COUNTY PROCLAMATION 842<sup>ND</sup> Engineer Company Day April 9 2003**

Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign and declare the following Proclamation. Motion Carried. LAWRENCE COUNTY PROCLAMATION 842<sup>ND</sup> Engineer Company Day April 9 2003 WHEREAS, the 842<sup>nd</sup> Engineer Company, South Dakota Army National Guard, has been ordered to active duty support of Operation Enduring Freedom and Noble Eagle, and WHEREAS, the 842<sup>nd</sup> Engineer Company will leave for Ft. Carson, Colorado, on April 9<sup>th</sup>, 2003 to begin its journey into our state and nation's heart and history, and WHEREAS, the Citizens of Lawrence County are proud of all the soldiers of the 842<sup>nd</sup> and their dedication to our Country, and WHEREAS, the soldiers of the 842<sup>nd</sup> have placed their personal lives on hold to serve this great country and the coalition fighting in Operation Iraqi Freedom, without regard for their own personal safety or comfort, and WHEREAS, the 842<sup>nd</sup> Engineer Company is one of the finest horizontal construction units in the Army. The company was awarded the Itschner Award for the nation's best engineer company and the Eisenhower Trophy for the top unit in the State, and WHEREAS, the 842<sup>nd</sup> Engineer Company provides heavy equipment support on the battlefield, completing tasks such as road building and construction airfields. The unit is equipped with bulldozers, 20-ton dump trucks, loaders, scrapers, cranes and road graders, and WHEREAS, the Headquarters for the 842<sup>nd</sup> Engineer Company is located in Spearfish under the command of Captain Wyatt Hansen of Spearfish, and WHEREAS, the 842<sup>nd</sup> Engineer Company has served our communities in South Dakota with heavy equipment and construction services for many years with distinction and courage. Every time the unit has been called upon to act in natural disasters and community projects, it has served with effectiveness, efficiency, and enthusiasm, and WHEREAS, the Lawrence County Commissioners support and commend the soldiers and leaders of the 842<sup>nd</sup> Engineer Company, for their dedication, courage, and strong devotion to our great nation during this time of Operation Iraqi Freedom, and NOW THEREFORE BE IT RESOLVED that the Lawrence County Commissioners proclaim April 9, 2003 as: "842<sup>nd</sup> ENGINEER COMPANY DAY" Dated this 8<sup>th</sup> day of April 2003. FOR THE BOARD: James J. Seward, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

**SHIRTTAIL GULCH ROAD DISTRICT:** Petitions were received for Shirttail Gulch Road District. The petition and plat has been posted to meet SDCL requirements and the Board will discuss the proposed Road District at their next regular meeting.

**HIGHWAY BID OPENING:** Moved-Seconded (Weisenberg-Flanagan) to set the bid opening for May 13, 2003 at 9:00 a.m. for asphalt overlay on 014A US 85 West. Motion Carried.

**HIGHWAY BIDS:**

**MAGNESIUM CHLORIDE:** The following bids were received for Magnesium Chloride: Z&S Dust Control - \$60.25 per ton and \$25.00 application; Enviro Tech - \$62.939 per ton and \$72.075 application. Moved-Seconded (Douglas-Flanagan) to follow the recommendation of Chuck Williams and award the bid to Z&S Dust Control. Motion Carried.

**HOT MIX ASPHALT & COLD MIX:** No bids were received.

**GRAVEL SURFACING AGGREGATE:** Moved-Seconded (Ewing-Seward) to accept the bid received from Zandstra Construction for the Whitewood exit 23 pit at \$3.47 per ton and \$.25 loading cost. Motion Carried. The Board discussed with State Auditor Bruce Hintz the purchasing of gravel surfacing from other pits where no bid was received. Hintz stated the Highway department would need to factor in the transportation costs involved to be sure purchasing from another company would not exceed the bid amount from the Exit 23 pit.

Moved-Seconded (Weisenberg-Seward) to use the bid from the City of Sturgis for Aggregate from Hills Material for \$3.85 per ton minus \$.25 for loading fee for Hanson & Kost Pit. Motion Carried.

**DE-ICING SAND:** Moved-Seconded (Ewing Flanagan) to accept the only bid for De-Icing Sand from Fisher Sand & Gravel at \$6.90 per ton. Motion Carried.

**OVERVIEW OF SECTION 8 HOUSING PROGRAM FOR 2002:** Sally Boyd from the Lawrence County Housing & Redevelopment Commission was present to inform the board of the happenings in her office for 2002. The board thanked her for a job well done.

**ABATEMENT:**

**CLARK MACK:** Moved-Seconded (Douglas-Mack) to approve the abatement on parcel #31200-00000-040-00 due to the Discretionary Formula not being applied. Motion Carried.

**FIRE SAFETY WORKSHOP:** Charles Nicholas from the Fire Advisory Board was present to invite the Board of County Commissioners to the Fire Wise presentation to be held on May 8, 2003 at the High Plains Heritage Center in Spearfish starting at 6:00 pm.

**CHANGE OF ZONING #228 DALE BELL AND J.D. BELL:** Moved-Seconded (Douglas-Ewing) to follow Planning & Zonings recommendation and allow the Change of Zoning from PF-Park Forest District to HSC-Highway Service Commercial District on Change of Zoning #228 Dale Bell and J.D. Bell. Motion Carried.

**CHANGE OF ZONING #229 Leil Hayworth:** Moved-Seconded (Weisenberg-Flanagan) to follow Planning & Zoning recommendation and allow the Change of Zoning from A-1 General Agriculture District to RR- Rural Residential District on Change of Zoning #229 Leil Hayworth. Motion Carried.



**CHANGE OF ZONING #230 TODD & SHARON HEMMINGSON:** Moved-Seconded (Flanagan-Weisenberg) to follow Planning & Zoning recommendation and allow the Change of Zoning from A-1 General Agriculture District to RR- Rural Residential District on Change of Zoning #230 Todd & Sharon Hemmingson. Motion Carried

**ANNUAL REVIEW CUP#270 /SCHRAMEL LOGS UNLIMITED:** An annual review was held for CUP#270 for Schramel Logs Unlimited. No complaints or problems were received. Moved-Seconded (Ewing-Seward) CUP #270 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Flanagan) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,904.89; Treas-\$7,706.34; Comp-\$4,790.87; States Atty-\$10,072.23; Pub Def-\$5,956.78; Gen Govt Bldg-\$4,761.75; Equal-\$8,792.00; Deeds-\$5,400.70; Vso-\$723.91; Disp-\$7,566.15; Sher-\$28,833.07; Jail-\$16,817.90; Emerg Mgnt-\$2,413.93; E911-\$1,338.48; Highway-\$31,818.58; Airport-\$687.50; Ext-\$1,127.28; Weed-\$1,356.25; Pz-\$2,514.82; **BILLS:** Engel,P-\$7.00; Fitzgerald,J-\$29.00; Grenstiner,E-\$9.00; Mowell,R-\$6,138.00; Silvernail,D-\$9.00; Silvernail,J-\$50.00; A&B Business Equip-\$255.22; Abc Business Supply-\$173.64; Accurint Accounts Receivable-\$77.25; Active Data Systems-\$210.00; All Communications & Services-\$245.68; Altaire Enterprises-\$20.00; Amcon Distributing-\$172.00; American Family Life-\$2,285.28; Amoco Oil-\$694.88; At&T-\$80.52; Bh Chemical Company-\$503.30; Bh Collection Service-\$50.00; Bh Federal Credit Union-\$7,589.14; Bh Fibercom-\$1,675.92; Bh Medical Ctr Pharmacy-\$194.50; Bh Pest Control-\$95.00; Bh Pioneer-\$1,060.21; Bh Power & Light-\$1,608.43; Belle Fourche Landfill-\$37.37; Best Business Prod-\$36.70; Best Western Ramkota Inn-\$134.00; Binder,T-\$403.50; Blue Cross-\$38,566.11; Brownsville Fire Dept-\$4,867.50; Butte Electric Coop-\$502.36; Carquest Of Spearfish-\$7.42; Central Parts-\$749.46; Century Glass Company-\$82.50; Chris Supply Co-\$21.40; Christensen Law Office-\$2,004.75; Claims Associates-\$3,000.00; Clinical Lab Of Bh-\$1,399.90; Community Health Services-\$20.00; Connelly,R-\$175.00; Conoco-\$327.94; Credit Collections Bureau-\$25.00; Culligan Soft Water Serv-\$106.00; Cuppy,J-\$13.65; Dale's Tire & Retread-\$2,205.00; Deadwood Home Center-\$470.16; Deadwood Recreation Center-\$100.00; Deadwood,City Of-\$401.60; Decatur Electronics-\$270.40; Deckers Food-\$46.20; Dept Of Human Services-\$31.80; Dept Of The Treasury-\$35,266.21; Elan Finanical Services-\$229.00; Election Sys & Software-\$344.28; Ellingson,J-\$1,171.43; Even,G-\$9.40; Federal Express Corp-\$42.46; Fish,V-\$336.00; Fisher Sand & Gravel-\$2,485.09; Global Computer Supply-\$162.05; Great Western Tire-\$10.50; Havemeier,L-\$177.00; Heisler Hardware-\$15.98; Ibm Corp-\$493.02; Ikon Office Solutions-\$87.50; Insight-\$288.79; Johnson Machine-\$309.27; Kadrmas, Lee And Jackson-\$6,126.95; Kar Products-\$450.65; Knecht True Value-\$171.90; Koala Electric-\$4,544.41; Koch,D-\$1,532.91; Lc Auditor-\$42.85; Lc Centennial-\$583.68; Lc Conservation Dist-\$4,500.00; Lc Public Health-\$2,208.00; Lc Sheriff-\$1,306.49; Lc Treasurer-\$50.00; Lead-Deadwood Sanitary-\$135.12;

Lee,J-\$15.00; Lexisnexis Matthew Bender-\$52.40; MI Building-\$350.00; Meade County Sheriff-\$17.10; Montana-Dakota Util-\$4,737.71; Nh Family Ymca-\$346.00; Nh General Hospital-\$10.38; Office Depot-\$2,228.73; Office Of Child Support-\$415.50; Office Technology/Supply-\$53.45; Pennington County Sheriff-\$25.80; Pitney Bowes-\$117.20; Pizza Hut-\$269.71; Postmaster,Deadwood-\$99.00; Queen City Motors-\$344.82; Queen City Rocket Lube-\$190.39; Rabe Elevator-\$1,057.00; Rensch,T-\$23,457.67; Rombough,D-\$121.74; Sd Assn Of Co Comm-\$150.00; Sd Continuing Leagal Ed-\$150.00; Sd State Treasurer-\$5,101.58; Sd Aao-\$195.00; Sd Dept Of Transportation-\$5,385.27; Sd Human Services Center-\$84.00; Sd Project Learning Tree-\$5,000.00; Sd Supplemental Retirement-\$812.50; Salzsieder,M-\$3,435.00; Sand Creek Printing-\$152.35; Sanito Oil-\$1,695.78; Schmit,A-\$40.00; Servall Towel&Linen-\$194.55; Sioux Steam Cleaner-\$14.12; Spearfish Auto Supply-\$21.30; Spearfish Extinguisher Service-\$12.00; Spearfish Radio & Repair-\$545.44; Spearfish Surgery Center-\$25.00; Superintendent Of Documents-\$25.00; Swanson,T-\$40.00; Teen Court-\$1,390.19; Texaco-\$41.67; Tigerdirect-\$15.99; Traffic Technologies-\$540.00; Twin City Hardware & Lumber-\$526.64; Viking Office Prod-\$1,011.49; Voelker&Adams-\$6,799.40; Walmart Store-\$87.27; Waste Connections-\$219.45; West Group-\$188.50; Western Communication-\$5,372.50; Western Stationers-\$3,459.33; Williams Standard Serv-\$117.04; Wood Stock Supply-\$103.17; **WITNESS & JURORS:** Beloskur,M-\$57.54; Boos,R-\$59.86; Cram,D-\$58.70; Freeland,W-\$55.80; Osborn,J-\$61.60; Rook,L-\$52.32; Tschetter,S-\$62.76; Young,S-\$58.70; Kurtz,J-\$55.80; Aberle,L-\$59.86; Adam,T-\$58.70; Andersen,D-\$11.74; Buckmaster,C-\$50.58; Byrne,T-\$56.96; Clark,B-\$10.00; Crawford,G-\$58.70; Dendy,J-\$21.60; Ferdinand,R-\$17.54; Fredericksen,H-\$11.74; Gullickson,S-\$58.70; Gustafson,A-\$10.58; Hagerty,G-\$18.70; Hove-Pabst,S-\$59.28; Isaacson,M-\$10.58; Kazmer,M-\$17.54; Keehn,M-\$12.32; Latuseck,J-\$11.74; Lovett,K-\$21.60; Mahoney,N-\$21.02; Martin,D-\$59.28; Mcguigan,C-\$18.70; Powell,D-\$18.70; Rempfer,G-\$57.54; Ring,M-\$18.12; Schwarz,S-\$26.82; Siemonsma,J-\$18.70; Toth,R-\$18.70; Weiers,J-\$60.44; Williams,D-\$10.58; Young,K-\$61.60; Zopp,C-\$82.20

**ADJOURN:** 1:30 p.m. - There being no further business it was Moved-Seconded (-) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY BOARD OF EQUALIZATION**

The Lawrence County Board of Equalization was called to order at 1:30 a.m. on Tuesday, April 8, 2003, with the following members present: James J. Seward, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present. The 2003 Board of Equalization oath was signed.

All motions were passed by unanimous vote unless stated otherwise.

### **COUNTY APPEALS:**

**#0001 PERRY FAMILY TRUST 32210-19011-050-05 GREEN ACRES ADDN.**

**SPEARFISH**

**R B4 OF GOV. LOT 2 SW1\4 NW1\4 Moved-Seconded (Flanagan – Weisenberg) Add omitted land value of \$59,320. Motion Carried: Remarks: Lot B4 was missed on the transfer, as it appeared to be part of a previous legal description.**

**#0002 NELSON, DONALD D & SANDRA K 24000-00702-184-10 T-007 R-02 NE1/4 SE1/4 Moved-Seconded (Douglas – Flanagan) No change in land value. Change structure value from \$67,080 to \$55,150 Motion Carried: Remarks: Change the value with the acceptance of an inspection.**

**#0003 RILEY, GREGORY ELDON TRUSTEE 26760-01840-000-00 MINERAL 1765 THRU 1887 M.S. 1840 SARATOGA & VANDERBILT ETAL Moved-Seconded (Weisenberg – Seward) Change land value from \$74,940 to \$4,670 and Reclassified from NA to AG. Motion Carried: Remarks: Provided proof and agreed to a review in 5 years.**

**#0004 HOFMANN, ALFRED R ETUX 26920-00001-007-25 LOST CAMP VALLEY AC. TR A LOT 25 BLK 7 Moved-Seconded (Douglas – Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and Comparables support assessment.**

**#0005 JOHNSON, EDWIN L ETUX 20050-00602-036-18 SUB 3-6-2 LOT 5,6 & 7 N1/8 SW1/4 NW1/4 Moved-Seconded (Weisenberg – Douglas) No change in land value. Motion Carried: Remarks: Sales and Comparables support assessment.**

**#0006 BLANCHARD, WAYNE & JUDIANNE MAY 23000-00701-074-10 T-007 R-01 S. REDWATER TR A OF LOT 4 Moved-Seconded (Flanagan – Seward) Change land value from \$22,100 to \$15,000 Motion Carried: Remarks: Due to limited access.**

**#0007 SEAMAN, RICHARD R & ROSELLA J CO-TRUSTEES OF DICK SEAMAN TRUST 14010-00404-330-10 HAY SPRINGS ESTATES TRACT 10 HAY SPRINGS ESTATES S/D H.E.S 76 & 110 Moved-Seconded (Ewing – Flanagan) No change in land value. Motion Carried: Remarks: Sales and Comparables support assessment.**

**#0008 SEAMAN, RICHARD R & ROSELLA J CO-TRUSTEES OF DICK SEAMAN TRUST 14010-00404-330-11 HAY SPRINGS ESTATES TRACT 11 HAY SPRINGS**

ESTATES S/D H.E.S 76 & 110 Moved-Seconded (Douglas – Weisenberg) No change in land value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0009 **JOHNER, EUGENE P & JUDY D** 20000-00602-084-75 T-006 R-02 LOT 1 OF TRACT 1 IN E1/2 SE1/4 Moved-Seconded (Weisenberg – Ewing) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0010 **DWD INC** 21200-00603-089-45 SUB OF 8-6-3 TRACT 2 SW1/4 SE1/4 Moved-Seconded (Douglas – Ewing) No change in land value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0011 **ACKERSON, RONALD L** 26600-01399-000-04 STRAWBERRY HILL S/D LOT 3 Moved-Seconded (Douglas – Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0012 **BLASEG, RANDY & CATHY** 22000-00604-111-12 T-006 R-04 E1/2 NE1/4 Moved-Seconded (Douglas - Seward) No change in land value. Motion Carried: Remarks: NA-Z Assessed according to SDCL 10-6-33.14

#0013 **FRASIER, WALTER J** 24000-00702-184-00 T-007 R-02 SE1/4 SE1/4 Moved-Seconded (Weisenberg – Ewing) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0014 **HUNT, ERIC S** 20970-00015-009-00 OUTSIDE SPF. MH COURTS MH SITS ON LOT 9 BI-CENTENNIAL CT Moved-Seconded (Douglas – Weisenberg) No change in classification Motion Carried: Remarks: Missed deadline for owner occupied

#0015 **KREJCI, FRED W** 26620-01473-000-00 MINERAL 1399 THRU 1563 M.S. 1473 GOLDEN BOTTLE Moved-Seconded (Douglas - Ewing) No change in land value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0016 **STRUB, GLENN & MARTHA** 22800-00604-331-09 CENTENNIAL ESTATES 33-6-4 LOT 9 SEC 28 & 33 Moved-Seconded (Weisenberg – Flanagan) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0017 **HEMMINGSON, TODD A & SHARON D** 20560-00602-010-00 LOOKOUT MOUNTAIN S/D TRACT 1 Moved-Seconded (Douglas – Flanagan) Change land value from \$75,620 to \$2,750 Motion Carried: Remarks: Reclassified from NA to AG

#0018 **LEACH, VERNA** 18000-00504-061-10 T-005 R-04 SW1/4 NE1/4 EX AREA LYING N OF CENTER LINE OF RR R W Moved-Seconded (Seward – Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and Comparables support assessment.

#0019 **SHERMAN, CHESTER O** 18500-00504-144-04 STORY LANE S/D SE 1/4 14- LOT 3 BLK 4 Moved-Seconded (Douglas – Seward) No change in land value. No change in structure value. Motion Carried: Remarks: Advance tax was taken on mobile home, which will be removed from the 2003 tax system thru the abatement process

#0020 **ADAMS, CHAD & PAM** 13000-00403-060-30 T-004 R-03 LOT 2 OF TRACT 42 INFERNO) Moved-Seconded (Weisenberg – Flanagan) No change in land value. Change structure value from \$60,640 to \$36,040 Motion Carried: Remarks: Made adjustment after a review of property was done

#0021 **CARSTENSEN, RICHARD L & VIRGINIA L** 18600-00504-150-32 BOULDER PARK 14 & 15-5-4 LOT 32 BLK 1 Moved-Seconded (Weisenberg – Douglas) No change in land value. Change structure value from \$158,590 to \$149,640 Motion Carried: Remarks: Made adjustment after a review of property was done

#0022 **DOUGLAS, ROBERT A & CONNIE H** 22820-00604-060-00 DOUGLAS ACRES LOT 6 Moved-Seconded (Weisenberg – Seward) Change land value from \$15,390 to \$0 Motion Carried: Aye - 4 Abstain: (Douglas) Remarks: Five tracts are being combined at the request of owners. Combined with parcel #22820-00604-010-00

#0023 **DOUGLAS, ROBERT A & CONNIE H** 22820-00604-050-00 DOUGLAS ACRES LOT 5 Moved-Seconded (Seward – Weisenberg) Change land value from \$14,520 to \$0 Motion Carried: Aye - 4 Abstain: (Douglas) Remarks: Five tracts are being combined at the request of owners. Combined with parcel #22820-00604-010-00

#0024 **DOUGLAS, ROBERT A & CONNIE H** 22820-00604-040-00 DOUGLAS ACRES LOT 4 Moved-Seconded (Weisenberg – Flanagan) Change land value from \$13,910 to \$0 Motion Carried: Aye - 4 Abstain: (Douglas) Remarks: Five tracts are being combined at the request of owners. Combined with parcel #22820-00604-010-00

#0025 **DOUGLAS, ROBERT A & CONNIE H** 22820-00604-010-00 DOUGLAS ACRES LOT 1 Moved-Seconded (Flanagan – Ewing) Change land value from \$32,550 to \$65,790 No change in structure value. Motion Carried: Aye - 4 Abstain: (Douglas) Remarks: Five tracts are combined with home site. Combining parcels #22820-00604-060-00, #22820-00604-050-00, #22820-00604-040-00, #22820-00604-020-00, #22820-00604-030-00 Change acreage to 36.86

#0026 **DOUGLAS, ROBERT A & CONNIE H** 22820-00604-020-00 DOUGLAS ACRES LOT 2 Moved-Seconded (Seward – Flanagan) Change land value from \$28,020 to \$0 Motion Carried: Aye - 4 Abstain: (Douglas) Remarks: Five tracts are being combined at the request of owners. Combined with parcel #22820-00604-010-00

#0027 **DOUGLAS, ROBERT A & CONNIE H** 22820-00604-030-00 DOUGLAS ACRES LOT 3 Moved-Seconded (Flanagan – Ewing) Change land value from \$13,910 to \$0 Motion Carried: Aye - 4 Abstain: (Douglas) Remarks: Five tracts are being combined at the request of owners. Combined with parcel #22820-00604-010-00

#0028 **DYKES, THOMAS LANE & LISA ANN C/O VOLEK, DARYL & DOREEN (CD)** 20060-00602-063-09 PINE OAKS SUB/D LOT 9A Moved-Seconded (Weisenberg – Seward) Change land value from \$52,840 to \$36,030 Motion Carried: Remarks: Adjustment for ravine running thru property

#0029 **FILLMORE & CO INC** 15000-00501-300-00 T-005 R-01 GOVT. LOT 2 Moved-Seconded (Seward – Flanagan) No change in land value. Change structure value from \$17,270 to \$0 Motion Carried: Remarks: Removed value of structure, as it is owned by another party (Jones)

#0030 **JONES, PAULA** 15000-00501-300-01 BLDG. ON LEASED GROUND (GOVT LOT 2) LOCATED IN SECTION 30, T5N, R1E, B.H.M. Moved-Seconded (Seward – Douglas) create a new parcel. Motion Carried: Moved-Seconded (Douglas – Flanagan) Add structure value of \$10,000 Motion Carried: Remarks: Adjusted the structure value down due to damage to structure as a result of relocation.

#0031 **HAUX, SYLVIA E** 14000-00404-180-18 T-004 R-04 TRACT A EX H1(.31 AC) OF THE ISLAND LOTS OF HES 137 Moved-Seconded (Flanagan – Weisenberg) Change land value from \$10,000 to \$10,070 Change structure value from \$78,000 to \$76,250 Motion Carried: Remarks: Tract A & B is being combined at the request of the owner, depreciation on the structure until property can be reviewed. Acreage is 1.07

#0032 **HAUX, SYLVIA E** 14000-00404-180-16 T-004 R-04 TRACT B EX H1(.23AC) OF THE ISLAND LOTS OF HES 137 Moved-Seconded (Seward – Flanagan) Change land value from \$610 to \$0 Motion Carried: Remarks: One tract is being combined at the request of owner. Combined with parcel #14000-00404-180-18.

#0033 **HEGDAHL, JAMES C** 22500-00604-162-83 EAST SLOPE ESTATES 16-6-4 MH SITS ON LOT 17B Moved-Seconded (Seward – Flanagan) Change structure value from \$10,710 to \$9,280 Motion Carried: Remarks: Made adjustment after a review of property was done.

#0034 **HEGDAHL, JAMES C & HEGDAHL, JAMES D & PATRICIA A** 22500-00604-162-82 EAST SLOPE ESTATES 16-6-4 LOT 17B Moved-Seconded (Seward – Flanagan) No change in land value. Motion Carried:

#0035 **HIX, LEROY NATO AWACS/AFELM** 26400-01135-000-20 ANNUIT COEPTIS S/D 1135 LOT 4 BLK 3 Moved-Seconded (Douglas – Weisenberg) Change land value from \$10,000 to \$8,000 Motion Carried: Remarks: Impacted by current access situation.

#0036 **QUAM, ROBERT & AGNES C/O LEROY HAGER** 26999-00018-000-20 BLDGS. ON LEASED GROUND 5-4-3 (M.S. 771 & 774) (LAND OWNED CITY OF DEADWOOD) Moved-Seconded (Seward – Douglas) Change structure value from \$12,020 to \$9,020 Motion Carried: Remarks: Removal of two mobile home hook-ups

#0037 **ROARK, BRADFORD J & BARBARA K** 26920-00001-002-16 LOST CAMP VALLEY AC. TR A LOT 16 & 17 BLK 2 Moved-Seconded (Weisenberg – Flanagan) No change in land value. Change structure value from \$201,010 to \$192,670 Motion Carried: Remarks: Made adjustment after review of property

#0038 **STRONG, CURTIS H STEELE, STEPHANIE** 18000-00504-154-28 T-005 R-04 LOT 15 N1/2 SE1/4 Moved-Seconded (Seward – Flanagan) Change land value from \$10,000 to \$0 Change structure value from \$1,250 to \$0 Motion Carried: Remarks: Lot 15 & Tract C being combined at the request of the owners. Combined with parcel #18000-00504-154-38

#0039 **STRONG, CURTIS H STEELE, STEPHANIE** 18000-00504-154-38 T-005 R-04 TRACT C N1/2 SE1/4 Moved-Seconded (Douglas – Seward) Change land value from \$13,240 to \$14,440 Structure value \$210,920. Motion Carried: Remarks: Parcels being combined at the request of owners. Combined with parcel #18000-00504-154-28

#0040 **SUPER, DAVID** 26380-01135-000-84 MINERAL 1035 THRU 1135 M.S. 1135 LOT 9 OF DENTON LODGE Moved-Seconded (Weisenberg – Ewing) Change land value from \$10,000 to \$8,000 Motion Carried: Remarks: Impacted by current access situation

#0041 **TOPE, JAY & WILMA TORRANCE, TRENT & TARESHA TOPE** 26680-01739-000-00 MINERAL 1564 THRU 1742 M.S. 1739 ETHEL #2-3 & IRIS #1 Moved-Seconded (Douglas – Seward) Change land value from \$116,650 to \$20,190 Motion Carried: Remarks: Reclassified from NA to AG

#0042 **TOPE, JAY & WILMA TORRANCE, TRENT & TARESHA TOPE** 26880-02022-000-00 MINERAL 1995 THRU 2079 M.S. 2022 SOME DAY Moved-Seconded (Weisenberg – Flanagan) Change land value from \$12,990 to \$1,570 Motion Carried: Remarks: Reclassified from NA to AG

#0043 **TOPE, JAY, WILMA, TRENT, TORRENCE & TARESHA TOPE** 26580-01354-000-00 MINERAL 1299 THRU 1398 M.S. 1354 AUGUSTUS & FULL MOON Moved-Seconded (Weisenberg – Ewing) Change land value from \$24,600 to \$2,990 Motion Carried: Remarks: Reclassified from NA to AG

#0044 **WINTERSTEEN, LEE R** 18000-00504-344-50 T-005 R-04 N1/2 NW1/4 SE1/4 Moved-Seconded (Seward – Douglas) Change land value from \$26,150 to \$2,090 Motion Carried: Remarks: Reclassified from NA to AG

#0045 **BLACK HILLS AERIE** 31090-03000-000-00 LOTS 1A & 1B OF THE SUBDIVISION OF LOT 1 OF BLOCK 30 OF THE CITY OF LEAD Moved-Seconded ( Douglas – Weisenberg) Tax Exempt status of 100% on land and structure. Motion Carried.

#0046 **DEADWOOD LODGE #508 BAOE** 30025-02100-120-00 LOT 11 & ALL EX 5' OF LOT 12 BLK 21 ORIGINAL TOWN DEADWOOD Moved-Seconded (Douglas – Weisenberg)

Tax Exempt status of 47% on land and structure. Motion Carried: Remarks: Tom Nelson , representative for BPOE #508, requested Tax Exempt status of 47% on land and structure.

**#0047 LUTHERAN SOCIAL SERVICES OF SD** 32655-01700-010-10 LOT 1A BLK 17 SANDSTONE HILLS ADDITION CITY OF SPEARFISH Moved-Seconded (Douglas – Weisenberg) Deny Tax Exempt status: Land is taxable until the structure is built. Motion Carried:

**#0048 NORTHERN HILLS CHURCH OF CHRIST** 24000-00702-102-15 HAUK TRACTS 1 & 2 SE1/4, NW1/4, SECTION 10, T7N, R2E, BHM Moved-Seconded (Seward – Flanagan) Tax Exempt status of 100% on land and structure. Motion Carried:

**#0049 PONDEROSA APARTMENTS INCDBA ASSISTED LIVING CENTER** 32390-00800-010-00 LOT 1A OF BLOCK 8, A SUBDIVISION OF LOT 1 OF BLOCK 8, ALL IN LOOKOUT VALLEY SUBDIVISION CITY OF SPEARFISH Moved-Seconded (Douglas – Weisenberg) Tax Exempt status of 100% on land and structure. Motion Carried:

**#0050 Twin City Area Development** 31425-00400-000-00 BLOCK 4 OF HEARST SUBDIVISION IN THE CITY OF LEAD. Represented by Tom Nelson, requested exempt status on land they have acquired to promote development in the Lead area. Moved-Seconded (Weisenberg – Seward) to grant 100% tax exempt status. Motion Carried: Remarks: The concensus was that Twin City Area Development provides a community service for the City of Lead, as well as Lawrence County.

**#0051 UNITED CHURCH OF CHRIST** 32570-05000-120-00 LOTS 7 THRU 10, BLK 50 Moved-Seconded (Weisenberg – Seward) Tax Exempt status of 84% on structure, 100 % on land Motion Carried:

**#0052 WEST DAKOTA HEALTH CARE, INC** 30025-07100-490-00 LOTS 1, 3 & 5 BLK 74 & LOTS 43, 45, 47, &49 IN BLK 71 AND VACATED CEDAR STREET DEADWOOD Moved-Seconded (Seward – Douglas) Tax Exempt status of 75% on land and structure. Motion Carried:

**#0053 WEST DAKOTA HEALTH CARE** 32420-00400-000-30 MEDICAL TRACT 1 OF MATTHEWS ADDN & LOTS A, SUBDIVISION OF LOT 3 BOTH IN THE CITY OF SPEARFISH DEADWOOD Moved-Seconded (Douglas – Weisenberg) Tax Exempt status of 50% structure, 100 % on land. Motion Carried:

**#0054 The following Exempt parcels were approved as followed 100% unless otherwise noted**

Moved-Seconded (Douglas – Seward) To approve the following tax exempt parcels at 100% exempt unless otherwise noted. Motion Carried:

PARCEL #	% EXEMPT	CODE	CURRENT OWNER	SCH. DIST.	LEGAL	LOCATION	SITUS	ACR
32570-04200-120-00		RG	ALL ANGELS CHURCH	40-2	LOTS 11 & 12 BLK 42	SPEARFISH	1044 N FIFTH	



32570-04200-100-00		RG	ALL ANGELS EPISCOPAL CHURCH	40-2	LOT 10 BLK 42	SPEARFISH	1030 5TH	
31090-02400-130-00		RG	ASSEMBLY OF GOD CHURCH	40-1	PT OF LOT 13 BLK 24	LEAD	105 WALL CHURCH	
31090-02400-140-00		RG	ASSEMBLY OF GOD CHURCH	40-1	N 10' OF 13 & PT OF 14 BLK 24	LEAD	105 WALL	
31440-00500-005-00		RG	ASSEMBLY OF GOD CHURCH	40-1	LOT 5 TRACT 5	LEAD	LAND ONLY	
31450-00600-020-10		RG	BEREAN BAPTIST CHURCH	40-1	LOT 908 WASHINGTON ST BLK 6	LEAD	908 WASHINGTON CHURCH	
31510-00400-040-00		RG	BETHEL LUTHERAN CHURCH	40-1	SW PT OF 3 AND S PT LOT 4 BLK 4	LEAD	825 W MAIN CHURCH	
31810-01400-100-00		RG	BETHEL LUTHERAN CHURCH	40-1	LOT 512	LEAD	512 RIDGEROAD PARSONAGE	
31510-00400-020-00		RG	SHEPHERD OF THE HILLS LUTHERAN (FORMERLY KNOWN AS BETHEL LUTHERAN)	40-1	N PT LOT 3 BLK 4	LEAD	825 W MAIN	
31510-00400-010-20		RG	SHEPHERD OF THE HILLS LUTHERAN(FORMERLY KNOWN AS BETHEL LUTHERAN)	40-1	N OF JULIUS-NW PT LOT 1 BLK 4 & M & B DESCRIPTION OF M.S. 744	LEAD	825 W MAIN	
22000-00604-164-45		RG	BLACK HILLS BAPTIST CHURCH SBC	40-2	TRACT 2 PT SW1/4 SE1/4	16-006-04	12205 SD HIGHWAY 34	
31090-02600-050-20		CH	BLACK HILLS MINING MUSEUM INC	40-1	130.16'N OF JULIUS & PT OF 4 AND E PT LOT 5 BLK 26	LEAD	323 W MAIN	
31440-00300-005-00		BE	BLACK HILLS ROD & GUN CLUB	40-1	LOT 5 TRACT 3 (ROD & GUN CLUB) & INCLUD. A POR. OF LOT AB1 (97-2859)	LEAD	288 WASHINGTON	
26580-01376-000-83		RG	BURNO CHRISTIAN FAMILY RETREAT	40-1	M.S. 1376 TRANSIT #6 ETAL EX W1/2 OF TRANSIT #18	02-005-02	2-5-2 (RETREAT)	
26590-01376-000-39		RG	BURNO CHRISTIAN FAMILY RETREAT	40-1	M.S. 1376 LOT B-13 THRU 16 BURNO ESTATES	02-005-02	2-5-2	
26590-01376-000-51		RG	BURNO CHRISTIAN FAMILY RETREAT	40-1	M.S. 1376 LOT B-17 BURNO ESTATES	02-005-02	2-5-2	
24800-00702-330-36		RG	CALVARY TEMPLE ASSEMBLY OF GOD	40-2	S1/2 SE1/4 - LOTS A & B SUB OF LOTS 10A & 11A (7.45 AC)	33-007-02	33-7-2 CHURCH	
14000-00404-150-10		RG	CARR, RALPH M & MEL DRUCILLA(CEMETERY)	40-1	HES 252 EX. ARROW HEAD CEMETERY LOT(.02)	15-004-04	15-4-4	
31930-01418-000-00		RG	CEMETERY ASSOCIATION	40-1	M.S. 1418 CEMETERY EXCEPT LOT 1 (.11) 4.83 ACRES	LEAD	CEMETERY-MASONIC GOLDEN STAR LODGE #9	
31930-01467-000-00		RG	CEMETERY ASSOCIATION	40-1	M.S. 1467 CEMETERY #2 EX LOT 1 (.18)	LEAD	CEMETERY-MASONIC GOLDEN STAR LODGE #9	
06000-00301-230-20	58.30%	RG	CHAPTER OF CALVARY CATHEDRAL	40-1	HES 243	23-003-01	21978 US HIGHWAY 85	
31090-03000-090-40		RG	CHRIST CHURCH EPISCOPAL	40-1	N OF JULIUS, W OF LOT 9 BLK 30	LEAD	RECTORY FACING JULIUS	
31510-00200-010-00		RG	CHRIST CHURCH EPISCOPAL	40-1	PT OF LOT 1 BLK 2	LEAD	631 W MAIN	
32030-01900-080-20		RG	CHRISTIAN SCIENCE SOCIETY	40-2	W 83' OF 7 & W 83' OF LOT 8 BLK 19	SPEARFISH	710 7TH CHURCH	

32090-04300-080-04	70.01%	RG	DAKOTA DISTRICT OF WESLEYAN	40-2	UNITS 3 & 4 OF CANYON & GRANT CONDOMINIUM LOC. ON LOTS 7 & 8 BLK 43	SPEARFISH	222 W GRANT	
18120-00504-001-04		RG	DEADWOOD SD CONGREGATION OF	40-1	LOT 4 BLK 1 EX H1 (1.8 AC)(CHURCH)	18-005-04	20791 76 RANCH RD	
31810-01000-110-00		CH	DOMESTIC CRISIS OUTREACH OFFICE	40-1	LOT 504	LEAD	504 MINERS	
26760-01879-000-55		RG	FILLMORE & CO INC	40-2	M.S. 1879 TRACT C PT GOLDEN STAR (CEMETERY)	30-005-01	30-5-1	
30025-03700-340-00		RG	FIRST BAPTIST CHURCH	40-1	N 50' OF LOT 28 & ALL LOTS 30-32 & 34 BLK 37	DEADWOOD	110 SHERMAN	
32570-03700-080-00		RG	FIRST BAPTIST CHURCH OF SPF	40-2	LOT 8A BLK 37 (PARSONAGE)	SPEARFISH	130 W MICHIGAN PARSONAGE	
32570-03700-090-00		RG	FIRST BAPTIST CHURCH OF SPF	40-2	LOTS 7A & 9 BLK 37 (CHURCH)	SPEARFISH	1104 5TH CHURCH	
31360-00100-010-00		RG	FIRST PRESBYTERIAN CHURCH	40-1	LOT 1 BLK 1	LEAD	12 BALTIMORE CHURCH	
31570-00500-030-20		RG	FIRST PRESBYTERIAN CHURCH	40-1	W PT LOT 3 BLK 5	LEAD	12 BALTIMORE CHURCH	
26180-01300-050-00		CH	GALENA HISTORICAL SOCIETY	40-1	LOTS 1 THRU 5 BLK 13 MS 913	04-004-04	4-4-4	
31390-00200-050-03		BE	GOLDEN STAR LODGE	40-1	W PT LOT 2 AND ALL LOT 3 BLK 5	LEAD	809 W MAIN MASONIC LODGE	
30800-00100-110-00		RG	GRACE LUTHERAN CHURCH	40-1	LOTS 6 THRU 11 EX RW BLK A	DEADWOOD	827 MAIN CHURCH	
32290-00000-000-00		CH	HIGH PLAINS HERITAGE SOCIETY INC	40-2	TR A SE1/4 NE1/4 24-6-2 (40AC)	SPEARFISH	825 HERITAGE DR	
32540-00100-000-10		RG	HILLSVIEW CHURCH OF NAZARENE	40-2	LOT A-1AR OF LOT 1	SPEARFISH	1200 N 10TH	
32480-03700-000-00		RG	HILLSVIEW CHURCH OF THE NAZARENE	40-2	LOT 37	SPEARFISH	1409 W JACKSON	
31440-00300-002-00		CH	HOMESTAKE VISITOR CENTER INC	40-1	LOT 2 TRACT 3 (TOUR OFFICE)	LEAD		
32660-00500-080-00		RG	HOPE EVANGELICAL LUTHERAN	40-2	LOTS 7 & 8 BLK 5	SPEARFISH	CHURCH 810 YALE	
31090-02800-010-10		BE	I O O F LODGE	40-1	300' VACATED ALLEY & W PT LOT 1 BLK 28 403 W MAIN	LEAD	403 W MAIN	
29200-00100-030-00		RG	IMMANUEL LUTHERAN CHURCH	46-1	LOT 1-2 & W 50' OF LOT 3 BLK 1	WHITEWOOD	920 FILLMORE CHURCH	
29200-00700-020-00		RG	IMMANUEL LUTHERAN CHURCH	46-1	LOT 2 BLK 7	WHITEWOOD	1317 ASH PARSONAGE	
30025-02000-120-10		BE	MASONIC TEMPLE ASSOCIATION	40-1	LOTS 10-11 & 12B OF LOTS 12 BLK 20	DEADWOOD	715 MAIN	
32630-00100-060-00		RG	MT VIEW BAPTIST CHURCH	40-2	TRACT A OF BLK 1	SPEARFISH	720 12TH	
32720-03700-040-00		RG	SD ASSOC NA BAPTIST GEN CONF	40-2	LOT 4 BLK 37	SPEARFISH	921 STATE	
10000-00305-270-35		RG	NEMO COMMUNITY CHURCH	40-1	TRACT 0055 IN GOVT. LOT 7 IN SE1/4 NW1/4 (1.00 AC.)	27-003-05	12755 NEMO RD	
32570-03300-020-10		RG	NEW COVENANT CHRISTIAN FELLOWSHIP	40-2	E 200' OF LOT 2 BLK 33	SPEARFISH	LAND ONLY 1140 AMES	
32570-03300-020-20		RG	NEW COVENANT CHRISTIAN FELLOWSHIP	40-2	W 180' OF LOT 2 BLK 33	SPEARFISH	CHURCH 1140 AMES	

31570-00100-020-00		CH	NORTHERN HILLS FAMILY YMCA	40-1	LOTS 1 & 2 BLK 1	LEAD	835 W MAIN	
32750-00100-100-10		CH	NORTHERN HILLS PREGNANCY CARE	40-2	N 40' OF LOT 10 BLK 1	SPEARFISH	1232 ST JOE	
32210-19100-070-00		RG	NORTHERN HILLS SOUTHERN BAPTIST	40-2	LOTS 7-9 BLK 10	SPEARFISH	19-6-3	
32120-00400-000-30		CH	NORTHERN HILLS TRAINING CENTER	40-2	LOT C OF LOT 4	SPEARFISH	630 S 32ND	
32210-19010-110-00		CH	NORTHERN HILLS TRAINING CENTER	40-2	LOTS 11 & 12 OF GOV. LOT 1 NW1/4 NW1/4 19-6-3 (1.74AC)	SPEARFISH	630 S 32ND	
32210-19100-040-00		CH	NORTHERN HILLS TRAINING CENTER	40-2	LOT 4 BLK 10	SPEARFISH	19-6-3	
32570-04400-050-00		CH	NORTHERN HILLS TRAINING CENTER	40-2	S 25' OF 4 & N 45' OF LOT 5 BLK 44	SPEARFISH	630 S 32ND	
32570-04400-060-00		CH	NORTHERN HILLS TRAINING CENTER	40-2	S 5' OF 5 & ALL LOT 6 BLK 44	SPEARFISH		
32660-01400-100-00		CH	NORTHERN HILLS TRAINING CENTER	40-2	LOT 9A BLK 14	SPEARFISH	728 HILL	
32660-00100-010-20		BE	FRIENDS OF NORTHERN HILLS	40-2	LOT B EX THE W 11' BLK 1	SPEARFISH	515 KING	
24000-00702-321-20		RG	OLD APOSTOLIC LUTHERAN CHURCH	40-2	TRACT 2 PT OF NE1/4	32-007-02	CHURCH/EDUCATIONAL 2040 VISTA HILLS PLAC	2
32720-02900-110-00		RG	OUR SAVIORS LUTHERAN CHURCH	40-2	LOTS 7 THRU 12 BLK 29	SPEARFISH	1020 STATE	
32720-02900-120-60		MD	PIONEER MEMORIAL MANORS INC	40-2	TRACTS H & I	SPEARFISH	1020 10TH	
32390-00800-010-10		MD	PONDEROSA APARTMENTS INC	40-2	LOT 1B BLK 8 (HICKORY HOUSE)	SPEARFISH	430 ORIOLE DR	3
32090-04100-030-00		RG	PRAISE FELLOWSHIP INC	40-2	LOTS 2 & 3 BLK 41	SPEARFISH	CHURCH 535 7TH	
29100-02800-060-00		RG	PRESBYTERIAN CHURCH	46-1	LOT 6 BLK 28	WHITEWOOD	901 LAUREL CHURCH	
26680-01697-000-00		RG	PRESBYTERY OF SD OF THE UNITED	40-1	M.S. 1697 ETNA #1 ETAL	03-002-03	3-2-3	19
32730-00000-000-10		RG	PRESBYTERY OF SOUTH DAKOTA (SOLD TO SOLID ROCK CHURCH)	40-2	LOT V OF GOVERN. LOT 3 19-6-3	SPEARFISH	CHURCH	
24600-00702-330-00		BE	QUEEN CITY VFW POST #5860	40-2	SW1/4 SW1/4 LOT 1 (1.0 ACRES MINUS RW)	33-007-02	3102 E FAIRGROUND LP	0
32455-00100-020-02		MD	RAPID CITY REGIONAL HOSPITAL INC	40-2	UNIT 2 OF YANKEE ST CONDO	SPEARFISH	130 YANKEE	
31930-01663-000-20		MD	REGIONAL SENIOR CARE INC	40-1	M.S. 1663 LOT C A POR. OF BH EAGLE #1 M.S.1579, MICHIGAN M.S.1663 AND MONTANA M.S.1508	LEAD	200 MONTANA	
32120-00300-000-20		RG	SALVATION ARMY	40-2	LOT 3-B OF LOT 3	SPEARFISH	320 RYAN RD	
32210-19110-070-00		RG	SALVATION ARMY	40-2	LOT 7 BLK 11	SPEARFISH	1007 35TH PARSONAGE	
26580-01372-000-15		CH	NELLIE P SAWYER TRUST	40-1	M.S. 1372 LOT 1 OF NORWOOD # 8 (5.01AC) & LOT 1 OF TR 0067'B' (5.82AC)	19-004-04	19-4-4	

26580-01372-000-10		CH	SAWYER MEMORIAL	40-1	M.S. 1372 PT HES 57 EX TR A (.68AC) & PT ACMEETAL LESS TR 1 OF ACME M.S. 1372 (1.00AC) & LESS LOT 1 OF NORWOOD #4 (9.58AC) & LESS LOTS 1 & 2 SAWYER MEM. PARK (30.89)	19-004-04	19-4-4	
26580-01372-000-20		CH	SAWYER MEMORIAL	40-1	M.S. 1372 PT HES 66 EX TR A (.67AC) & PT ACME ETAL EX LOT A TO STATE(.06AC) M.S. 1372 (66.03AC) LESS TR 2 OF ACME M.S. 1372 (6.20AC) & LESS 1.23AC DOC #97-4814	19-004-04	19-4-4	
32090-08400-060-00		RG	SD CONF 7TH DAY ADVENTIST CHURCH	40-2	LOTS 4-5 & 6 BLK 84	SPEARFISH	CHURCH 115 7TH	
32570-03200-080-00		RG	SD CONF 7TH DAY ADVENTIST CHURCH	40-2	7 & S 25' OF LOT 8 BLK 32	SPEARFISH	SCHOOL 115 7TH	
32690-00100-060-00		RG	SD CONF 7TH DAY ADVENTIST CHURCH	40-2	LOT 6 BLK 1	SPEARFISH	301 LARIAT	
32655-01500-010-00		RG	SPEARFISH CONGREGATION OF	40-2	LOT 1 BLK 15	SPEARFISH		
32090-04300-120-00		BE	SPEARFISH MASONIC BLDG ASSOC	40-2	LOT 11 & 12 BLK 43	SPEARFISH	544 CANYON	
32540-00100-000-15		CH	SPEARFISH SR CIT SERV CEN	40-2	LOT A-3 OF LOT 1 & TR 2 OF LOT 1 (SENIOR CENTER)	SPEARFISH	1306 10TH	
20200-00602-040-07		RG	SPEARFISH UNITED METHODIST CHURCH	40-2	LOT 7 BLK 1	04-006-02	14 HORSESHOE LN	
32030-00700-030-00		RG	SPEARFISH UNITED METHODIST CHURCH	40-2	LOTS 1-2 & 3 BLK 7	SPEARFISH	845 5TH CHURCH	
30025-02300-400-00		RG	ST AMBROSE CHURCH	40-1	LOTS 32 THRU 39 & PT LOT 40 & ALL OF 40A & 41 BLK 23	DEADWOOD	760 MAIN CHURCH	
30050-00224-000-00		RG	ST AMBROSE CHURCH	40-1	PROBATE LOT 224	DEADWOOD	CEMETERY	
30600-00100-040-00		RG	ST AMBROSE CHURCH	40-1	LOTS 3 & 4 BLK 1	DEADWOOD	760 MAIN PARSONAGE	
30600-00100-100-00		RG	ST AMBROSE CHURCH	40-1	LOTS 1-2-3-4-6-7-8-9 & 10 BLK 1	DEADWOOD	760 MAIN CHURCH	
30025-08200-220-00		RG	ST JOHN'S EPISCOPAL CHURCH	40-1	LOTS 21 & 22 BLK I	DEADWOOD	CHURCH 405 WILLIAMS	
32570-04900-080-00		RG	ST JOSEPHS CATHOLIC CHURCH	40-2	LOT 8 BLK 49	SPEARFISH	914 5TH PARKING	
32030-00100-010-00		RG	ST JOSEPH'S CATHOLIC CHURCH	40-2	FRACTIONAL LOT INCLUDED IN BLK 49 RAMSDELL	SPEARFISH	844 5TH PARKING LOT	
32030-00800-120-00		RG	ST JOSEPH'S CATHOLIC CHURCH	40-2	LOTS 9 THRU 12 BLK 8	SPEARFISH	844 5TH CHURCH & PARKING	
32570-04900-070-00		RG	ST JOSEPH'S CATHOLIC CHURCH	40-2	LOT 1 BLK 1 ORIG. & LOT 7 BLK 49	SPEARFISH	844 5TH PARKING	
32570-04900-090-00		RG	ST JOSEPH'S CATHOLIC CHURCH	40-2	LOT 9 BLK 49	SPEARFISH	922 5TH PARKING	
32570-04900-100-00		RG	ST JOSEPH'S CATHOLIC CHURCH	40-2	LOT 10 BLK 49	SPEARFISH	930 5TH PARKING	
28800-00300-020-00		BE	ST ONGE TOWNSHIP	40-2	LOTS 1 & 2 BLK 3	23-007-03	234 1ST ST	
28800-01000-070-00		RG	ST ONGE UNITED CHURCH OF CHRIST	40-2	LOTS 6 & 7 BLK 10	23-007-03	423 ELM ST	
28800-01100-040-00		RG	ST ONGE UNITED CHURCH OF CHRIST	40-2	LOTS 1 THRU 4 BLK 11	23-007-03	PARKING LOT - EMMA	

31090-03600-020-00		RG	ST PATRICKS CATHOLIC CHURCH	40-1	LOTS 2-3-4-5-6-7 & PT LOT 8 BLK 36	LEAD	141 SIEVER CHURCH	
31090-03600-090-10		RG	ST PATRICKS CATHOLIC CHURCH	40-1	E PT LOT 9 & ALL LOTS 10 & 11 BLK 36	LEAD	141 SIEVER	
32030-01000-120-00		RG	ST PAUL LUTHERAN CHURCH	40-2	LOTS 10, 11 & 12 BLK 10	SPEARFISH	846 7TH CHURCH	
32570-05200-000-00		RG	ST PAUL LUTHERAN CHURCH	40-2	FRACTIONAL BLOCK 52	SPEARFISH	846 7TH CHURCH	
32720-03900-000-00		RG	ST PAUL LUTHERAN CHURCH	40-2	FRACTIONAL BLOCK 39	SPEARFISH	846 7TH CHURCH	
31510-00500-000-00	87.00%	RG	TRINITY UNITED METHODIST CHURCH	40-1	LOT K AND EXCEPT LOT K-1(.22AC) BLK 5 (CONTAINING .46 ACRES)(LEASE .39 AC TO CHURCH)	LEAD	7 S MAIN	
31510-00500-000-05		RG	TRINITY UNITED METHODIST CHURCH	40-1	LOT M S/D OF BLK 5 DENVER ADD & LOT 1 BLK 4 MAY ADD(.10AC) ASSESS.WITH #31570-00500-020-00	LEAD		
31570-00500-020-00		RG	TRINITY UNITED METHODIST CHURCH	40-1	LOT 1 BLK 4, LOT M BLK 5, & N PT LOT 3, ALL OF 1 AND 2 BLK 5	LEAD	111 S MAIN CHURCH	
31660-00100-040-00		RG	TRINITY UNITED METHODIST CHURCH	40-1	LOT 4 BLK 1	LEAD	408 SUNSET RD PARSONAGE	
26280-00378-000-30		CH	TROJAN VOLUNTEER FIRE DEPT	40-1	M.S. 378 LOT U	02-004-02	2-4-2	
31090-03000-080-00		CH	TWIN CITIES & AREA SR CITIZEN INC	40-1	E 30' OF LOT 8 BLK 30	LEAD		
31090-02800-010-00		RG	TWIN CITIES CHURCH OF CHRIST	40-1	300' VACATED ALLEY & PT LOT 1 BLK 28	LEAD	401 W MAIN	
31440-00500-011-00		RG	TWIN CITIES CHURCH OF CHRIST	40-1	LOT 11 TRACT 5	LEAD	CHURCH WALL & ADDIE	
32570-05000-120-00	84.00%	RG	SPEARFISH UNITED CHURCH OF	40-2	LOT 7A BLK 50(ASSESSMENT REFLECTS PORTION RENTED TO PRE-SCHOOL)	SPEARFISH	940 MAIN	
32570-05000-040-00		RG	UNITED CHURCH OF CHRIST	40-2	S 3' OF 3 & ALL LOT 4 BLK 50	SPEARFISH	920 MAIN PARKING	
32570-05000-060-00	100 %	RG	UNITED CHURCH OF CHRIST	40-2	LOTS 5 & 6 BLK 50	SPEARFISH	920 MAIN CHURCH	
30025-03300-350-00	72.00%	BE	V F W POST #5969	40-1	VFW LOT(REPLAT OF PORTIONS OF LOTS 28-32, BLK 33)	DEADWOOD	10 PINE	
30025-07000-280-00		MD	WEST DAKOTA HEALTH CARE INC	40-1	M & B DESC ON LOTS 24-26 & 28 BLK 70	DEADWOOD	61 CHARLES	
30025-07100-000-00		MD	WEST DAKOTA HEALTH CARE INC	40-1	TRACT B OF BLK 71	DEADWOOD	61 CHARLES	
30025-07100-250-00		MD	WEST DAKOTA HEALTH CARE INC	40-1	TR A OF S/D OF PROBATE LOT 7 A/K/A PART LOTS 21-23 & 25 BLK 71	DEADWOOD	61 CHARLES	
30025-07100-410-00		MD	WEST DAKOTA HEALTH CARE INC	40-1	LOTS 25 THRU 41 BLK 71	DEADWOOD	61 CHARLES	
30025-07100-490-00	75.00%	MD	WEST DAKOTA HEALTH CARE INC	40-1	LOTS 43, 45, 47, 49 & VACATED CEDAR ST. BLK 71 (CD FROM HOMESTAKE TO NH MEDICAL ASS. FOR BLDG ONLY)	DEADWOOD	71 CHARLES	

32420-00400-000-30	50.00%	MD	WEST DAKOTA HEALTH CARE INC	40-2	MEDICAL TRACT 1	SPEARFISH	1440 MAIN	
32420-00400-000-40		MD	WEST DAKOTA HEALTH CARE INC	40-2	LOT A SUB OF LOT 3 OF N1/2NW1/4 & NW1/4NE1/4 10-6-2 AN AZ NON-PROFIT CORP. (CD FROM LUTHERAN HOSP. & HOMEST)	SPEARFISH		
32720-02900-120-20		MD	WEST DAKOTA HEALTH CARE INC	40-2	TRACT G	SPEARFISH		
29700-00200-150-00		ED	WEST RIVER FOUNDATION	46-1	PT LOTS 13-14 & 15 BLK 2		906 FILLMORE	
32210-13030-020-02		BE	WEST RIVER FOUNDATION	40-2	LOT 2B REVISED OF TR 3 SE1/4 SE1/4 13-6-2 (KSLT RADIO STATION)	SPEARFISH	2910 4TH AVE	
31450-00800-010-15		ED	DEVELOPMENT FOR DISABLED INC, WEST RIVER FOUNDATION	40-1	LOT 1B BLK 8	LEAD	206 IRWIN	
32690-00300-010-50		CH	WEST RIVER TRANSIT AUTHORITY INC	40-2	LOT 11 OF LOT 5 OF TR 3	SPEARFISH	E COLORADO	
29100-02700-030-00		CH	WHITEWOOD SENIOR CITIZENS	46-1	LOTS 1-2-3-4 & 5 BLK 27	WHITEWOOD	914 PINE	
32570-01500-050-10		CH	WOMEN IN CRISIS COALITION INC	40-2	S 25' OF 3 & ALL 4 & N 6' OF LOT 5 BLK 15 (CD FROM: ERICKSON TO SIGLE)	SPEARFISH	1429 MAIN	

**ADJOURN:** Being no further appeals to be heard the 2003 Board of Equalization adjourned at 5:00 pm. the 8<sup>th</sup> day of April 2003.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JAMES J. SEWARD, Chairman

ATTEST:

\_\_\_\_\_  
CONNIE ATKINSON, Auditor

## LAWRENCE COUNTY CONSOLIDATED BOARD OF EQUALIZATION

The Lawrence County Board of Equalization was called to order at 9:00 a.m. on Wednesday, April 9, 2003, with the following members present: Terry Weisenberg, Connie Douglas, Bob Ewing, Francis Toscana (City of Deadwood), and Patrick Milos (Lead/Deadwood School).

All motions were passed by unanimous vote unless stated otherwise.

### **The Consolidated Board of Equalization Oath was signed.**

#### **DEADWOOD CITY APPEALS**

**#0055 BLAIR, THOMAS M & ABMC2:** 30210-00200-000-00 DEADWOOD GULCH ADD.II

DEADWOOD GULCH CAMPGROUND TRACT Moved-Seconded (Toscana - Ewing) Change land value from \$319,510 to \$239,630. No change in structure value. Motion Carried: Remarks: Percentage adjustment to reflect fire damage.

**#0056 ROBLEY, RON:** 30025-07300-000-00 ORIGINAL TOWN DEADWOOD LOT D BLK 73 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried: Remarks: Fair and equitable.

**#0057 ROBLEY, RONALD:** 30175-00400-230-00 CLEVELAND HEIGHTS S/D LOTS 1 THRU 23 BLK D Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried: Remarks: Fair and equitable.

**#0058 ROBLEY, RONALD:** 30175-00500-170-00 CLEVELAND HEIGHTS S/D LOTS 1 THRU 17 BLK E Moved-Seconded (Douglas - Ewing) No change in land value. Motion Carried: Remarks: Fair and equitable.

**#0059 ROBLEY, RONALD:** 30175-00600-160-00 CLEVELAND HEIGHTS S/D LOTS 1 THRU 16 BLK F Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Remarks: Fair and equitable.

**#0060 ROBLEY, RONALD:** 30175-00700-160-00 CLEVELAND HEIGHTS S/D LOTS 1 THRU 16 BLK G Moved-Seconded (Ewing - Toscana) No change in land value. Motion Carried: Remarks: Fair and equitable.

**#0061 ROBLEY, RONALD:** 30175-00300-270-00 CLEVELAND HEIGHTS S/D LOTS 1 THRU 27 BLK C Moved-Seconded (Douglas - Weisenberg) No change in land value. Motion Carried: Remarks: Fair and equitable.

**#0062 ROBLEY, RONALD:** 30175-00100-330-00 CLEVELAND HEIGHTS S/D LOTS 9 THRU 33 BLK A Moved-Seconded (Toscana - Douglas) No change in land value. Motion Carried: Remarks: Fair and equitable.

**#0063 ROBLEY, RONALD D:** 30050-00504-000-00PROBATE LOTS DEADWOOD  
PROBATE LOT 504 Moved-Seconded (Douglas - Weisenberg) No change in land value.  
Motion Carried: Remarks: Fair and equitable.

**#0064 ROBLEY, RONALD D:** 30075-00015-000-00 SCHOOL LOTS DEADWOOD  
SCHOOL LOT 15 Moved-Seconded (Douglas - Ewing) Change land value from \$5,600 to  
\$4,200 Motion Carried: Remarks: Percentage adjustment for topography.

**#0065 ROBLEY, RONALD W:** 30175-00600-210-00 CLEVELAND HEIGHTS S/D LOTS 17  
THRU 21 BLK F Moved-Seconded (Douglas - Weisenberg) Change land value from \$2,000 to  
\$1,500 Motion Carried: Remarks: Percentage adjustment for topography.

**#0066 ROBLEY, RONALD W:** 30025-06900-050-00 ORIGINAL TOWN DEADWOOD  
LOTS 4 & 5 BLK 69 Moved-Seconded (Douglas - Ewing) No change in land value. No change  
in structure value. Motion Carried: Remarks: Fair and marketable.

**#0067 FULL HOUSE INC:** 30025-01600-000-00 ORIGINAL TOWN DEADWOOD  
ACHTIEN LOT & LOT 5B, BLK 16 Moved-Seconded (Ewing - Milos) No change in land  
value. No change in structure value. Motion Carried: Remarks: Sales and comparables support  
assessment.

**#0068 HUNTLEY, TERRY & KARIE:** 30205-00000-010-00 CRAWFORD ADDN II  
TRACT A Moved-Seconded (Weisenberg - Douglas) No change in land value. No change in  
structure value. Motion Carried: Remarks: Owner occupied certificate not received in time will  
be applied to 2004 tax.

**#0069 B Y DEVELOPMENT INC:** 30900-00308-000-08 MINERAL – DEADWOOD M.S.  
308 BRADSKY TRACT (TIF #5) Moved-Seconded (Douglas - Ewing) No change in land  
value. Change structure value from \$6,297,090 to \$6,021,730 Motion Carried: Remarks: Made  
adjustment do to error in square footage on blueprints.

**#0070 FORD, KYLE B:** 30775-00300-030-00 SPRUCE GULCH S/D DEADWOOD LOTS 1  
THRU 10 BLK 3 Moved-Seconded (Douglas - Ewing) Change land value from \$4,200 to \$0  
Motion Carried: Remarks: Deleted value amount do to parcel being re-platted into Tract X &  
Tract Y.

**#0071 FORD, KYLE B:** 30750-00200-090-00 SASSE S/D DEADWOOD LOTS 1 THRU 9  
BLK 2 Moved-Seconded (Ewing - Douglas) Change land value from \$2,220 to \$0 Motion  
Carried: Remarks: Value deleted due to property transferred to new owner and re-platted.

**#0072 FORD, KYLE B:** 30750-00100-090-00 SASSE S/D DEADWOOD LOTS 1 THRU 9  
BLK 1 Moved-Seconded (Douglas - Ewing) Change land value from \$2,220 to \$0 Motion  
Carried: Remarks: Value deleted due to property transferred to new owner and re-platted.



**#0073 HILLS LIMITED PARTNERSHIP C/O METRO PLAINS PROPERTIES INC:** 30900-00216-000-04 MINERAL – DEADWOOD TIF #4 TRACT S A POR. M.S. 216 & PROBATE LOT 446 Moved-Seconded (Milos - Ewing) No change in land value. Change structure value from \$585,700 to \$525,050 Motion Carried: Remarks: Valuation adjusted to market rents information.

**#0074 HOINES, ADRIAN M & ANNETTE K:** 30025-08900-180-00 ORIGINAL TOWN DEADWOOD LOT 17 & 25' OF SW SIDE OF LOT 18 BLK P (65 FOREST AVE.) Moved-Seconded (Ewing - Toscana) No change in land value. Change structure value from \$42,700 to \$13,300 Motion Carried: Remarks: Improvements need to be deducted under active tax moratoriums.

**#0075 WISE, WILLIAM H & JUDITH A:** 30025-06700-060-10 ORIGINAL TOWN DEADWOOD TR A SUB OF LOTS 1 THRU 6 BLK 67 Moved-Seconded (Douglas - Ewing) No change in land value. Change structure value from \$14,360 to \$12,920 Motion Carried: Remarks: Adjusted 10% functional due to damage to property caused by moving hillside.

11:00 a.m. the Consolidated Board recessed until 1:30 p.m.

***CENTRAL CITY APPEALS: NO APPEALS WERE FILED.***

The Consolidated Board of Equalization reconvened at 1:30 p.m. with James Seward, Connie Douglas, Terry Weisenberg, Pat Milos, and Jim O'Grady (City of Lead) present.

The 2002 Consolidated Board of Oath was signed.

**LEAD CITY APPEALS:**

**#0076 MOSS, GARY** 31090-03500-010-10 ORIGINAL TOWN LEAD NLY 42' OF ELY 58 1/2' OF NE PT LOT 1 BLK 35 Moved-Seconded ( Douglas - Milos ) No change in land value. Motion Carried. Remarks: Fair and equitable assessment.

**#0077 MOSS, GARY & LEE R** 31090-03500-020-00 ORIGINAL TOWN LEAD 37'X 50' SW PT OF LOT 2 BLK 35 Moved-Seconded ( Seward - Weisenberg ) No change in land value. Motion Carried. Remarks: Fair and equitable assessment.

**#0078 MOSS, GARY & LEE R** 31090-03500-010-30 ORIGINAL TOWN LEAD SE PT LOT 1 BLK 35 Moved-Seconded ( Douglas - Milos ) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable assessment.

**#0079 MOSS, LEE** 31510-01900-090-00 DENVER S/D LEAD LOT 209 W ADDIE Moved-Seconded ( Milos - Weisenberg ) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable assessment.

**#0080 MOSS, LORRAINE & LEE** 31180-00500-130-00 BENDER PARK S/D LEAD W1/2 LOT 12 & ALL LOT 13 BLK E Moved-Seconded ( O'Grady - Douglas ) No change in land value. No change in structure value. Motion Carried. Remarks: Moss stated she cleaned up the property and is now being taxed for it. The taxes have tripled in the last couple of years. Equalization office stated a functional and economical factor has already been applied. Sales and comparables support the assessment.

**#0081 MATTSON, ROBERT E** 31390-00200-050-26 GIRARDI S/D LEAD LOT 805 Moved-Seconded ( O'Grady - Douglas ) No change in land value. No change in structure value. Motion Carried. Remarks: Mattson stated he felt the property should be depreciated instead of appreciating in value. Mattson stated the property has structural problems, with original wiring and plumbing. Equalization stated the house was purchased for \$32,500 in July of 2002.

**#0082 COUNTRYSIDE HOMES OF MNKT INC C/O HESS, LARRY** 31970-00095-006-00 LEAD MH COURTS MH SITS ON LOT 6 MILE HIGH CT Moved-Seconded ( Weisenberg - Milos ) To add a 1999 Schult Mobile Home located on lot 6, Mile High Trailer Court with a value of \$27,970. Motion Carried. Mobile home was moved in from Minnesota and the Equalization Office was not notified.

**#0083 GRAY, DWIGHT T** 31090-02500-070-10 ORIGINAL TOWN LEAD W 25' OF LOT 7 BLK 25 Moved-Seconded ( Seward - Douglas ) No change in structure values. No change in land value. Motion Carried. Remarks: Changed owner occupied status to parcel #31510-03500-020-00

**#0084 GRAY, DWIGHT THOMAS** 31510-03500-020-00 DENVER S/D LEAD 410 PEAK Moved-Seconded ( Seward - Milos ) No change in land value. No change in structure value. Motion Carried. Remarks: Changed owner occupied status from parcel #31090-02500-070-10

**#0085 MUIR, JOYCE & GREG BRICHER C/O BRICHER, GREG** 31510-01900-150-10 DENVER S/D LEAD LOT 317 Moved-Seconded ( Douglas - O'Grady ) No change in land value. Change structure value from \$8,740 to \$4,340. Motion Carried. Remarks: Director of Equalizations reviewed property and recommended changes.

**#0086 CAMERON, RICHARD R & NORMA E** 31090-04000-100-00 ORIGINAL TOWN LEAD LOT 212 Moved-Seconded ( Douglas - Seward ) Change land value from \$2,440 to \$1,100. Change structure value from \$15,600 to \$13,980. Motion Carried. Remarks: After review of property Director of Equalization recommended change.

**#0087 CAMERON, RICHARD R & NORMA E** 31090-03900-120-20 ORIGINAL TOWN LEAD LOT 714 Moved-Seconded ( Seward - Milos ) No change in land value. Change structure

value from \$7,510 to \$5,500. Motion Carried: Remarks: After review of Property Director of Equalization recommended change.

**#0088 CHER INC** 31220-00000-000-01 CALEDONIA HEIGHTS ADDN. LOTS 1 & 2 (CALEDONIA HEIGHTS APTS) Moved-Seconded ( O'Grady - Milos ) No change in land value. Change structure value from \$705,070 to \$493,550 Motion Carried. Remarks: Settling problems have not been corrected so functional was reinstated.

**#0089 OSLOOND, FLOYD M & LAURENE** 31930-01832-000-12 MINERAL - LEAD M.S. 1832 LOT F OF THE STRETTO LODE Moved-Seconded ( Weisenberg - Milos ) Change land value from \$15,070 to \$660. Motion Carried. Remarks: After review of property Equalization Office recommended change.

3:10 p.m. the Consolidated Board recessed until 9:00 a.m. on April 10, 2003.

The Consolidated Board of Equalization reconvened at 9:00 a.m. on Thursday, April 10, 2003 in Spearfish City Hall, with the following members present: Terry Weisenberg, Brandon Flanagan, Bob Ewing, Teri Dunwoody (40-2 School) and Paul Thomson (City of Spearfish).

The 2003 Consolidated Board of Oath was signed.

All motions were passed by unanimous vote unless stated otherwise.

***SPEARFISH CITY APPEALS:***

**#0090 GATZKE, HERBERT B & LYDIA A** 32655-01400-110-10 SANDSTONE HILLS ADDN. LOT 11A BLK 14 Moved-Seconded (Flanagan-Ewing) No change in land value. No change in structure value. Motion Carried: Fair And Equitable Value.

**#0091 RIVERS, RICHARD** 32740-00400-014-00 MTN. SHADOWS EST. MH SITS ON LOT 14 BLK 4 MTN SHADOWS Moved-Seconded (Ewing-Flanagan) to add \$26,000 for Mobile Home that has been located in Lawrence County since November 2001 Motion Carried.

**#0092 JENSEN, REBECA** 32740-00700-018-00 MTN. SHADOWS EST. MH SITS ON LOT 18 BLK 7 MTN SHADOWS Moved-Seconded (Weisenberg-Dunwoody) to add \$13,420 for Mobile Home that has been located in Lawrence County since August 2002. Motion Carried:

**#0093 LUEDERS, DOUG** 32970-00070-029-00 SPEARFISH MH COURTS MH SITS ON LOT 29 K-K-KORT Moved-Seconded (Dunwoody-Ewing) to add \$27,680 for Mobile Home that was discovered while conducting an appraisal of another mobile home in the area. Motion Carried:

**#0094 LUEDERS, DOUG** 32970-00070-036-00 SPEARFISH MH COURTS MH SITS ON LOT 36 K-K-KORT Moved-Seconded (Flanagan-Dunwoody) to add \$27,560 for Mobile Home that was discovered while conducting an appraisal of another mobile home in the area. Motion Carried:

**#0095 ATHOW, NEIL E & CAROL** 32060-03700-260-00 SOUTH SLOPES S/D BLKS 36 LOT 6 Moved-Seconded (Ewing-Thomson) No change in land value. Change front frontage from \$40.00 to \$0. Motion Carried.

**#0096 EAT #1** 32140-00600-000-21 CHRISTENSEN ADDN. SPEARFISH TRACTS B-1A(4.86A) Moved-Seconded (Ewing-Dunwoody) No change in land value. Change structure value from \$112,880 to \$109,710 Motion Carried: Mobile home was retained by previous owner.

**#0097 GRIMME, DUANE A & CAROL M** 32655-01400-210-20 SANDSTONE HILLS ADDN. LOT 21B BLK 14 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried: Fair And Equitable Value.

**#0098 ROBB, WALTER D & BEVERLY J TRUSTEES** 32655-01100-100-00 SANDSTONE HILLS ADDN. LOT 10 BLOCK 11 Moved-Seconded (Flanagan-Weisenberg) Change land value from \$70,730 to \$64,000 Motion Carried: Adjustment done due to size of lot.

**#0099 SOUTHVIEW LIMITED PARTNERSHIP II** 32210-19090-040-00 GREEN ACRES ADDN. SPEARFISH LOT 4 BLK 9 Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried: Fair And Equitable Value.

**#0100 TENOLD, DARON** 32960-00602-152-55 SUB 15-6-2 SPEARFISH LOT 46A (AMENDED) W. OF ST. JOE ST.15-6-2 Moved-Seconded (Weisenberg-Dunwoody) No change in land value. No change in structure value. Motion Carried: Deny request for owner occupied.

**#0101 WERMERS, ROBERT L & PATRICIA L** 32635-00000-020-20 RILEY S/D LOT 2B Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried: Deny request for Owner Occupied.

**#0102 ANGLIN, JOSEPH A & KENNETH T** 32655-01400-170-00 SANDSTONE HILLS ADDN. LOT 17A BLOCK 14 Moved-Seconded (Ewing-Flanagan) Change land value from \$52,960 to \$29,130 No change in structure value. Motion Carried: Made adjustment for unusable hillside.

**#0103 D & R ELECTRIC INC C/O WEIS, RODNEY & LAURIE (CD)** 32730-00000-000-30 VOORHEES ADDN NE1/4 NE1/4 EXCEPT TRACTS A,B-1 & B-2,C & LOT 5A OF VOORHEES SUB 30-6-3 Moved-Seconded (Weisenberg-Dunwoody) No change in land value. Change structure value from \$203,030 to \$150,830 Motion Carried: An interior inspection has been completed on this property and revised value based on this inspection.

**#0104 DUNWOODY, RICHARD B & TERRI A** 32655-01000-190-00 SANDSTONE HILLS ADDN. LOT 19 BLK 10 Moved-Seconded (Ewing-Weisenberg) Change land value from \$69,300 to \$42,970 Motion Carried: Aye-4 Nay-0 (Dunwoody Abstain.) Seller sold for reduced amount due to drainage problems and hillside. Made a percentage adjustment to reflect an assessment closer to the purchase price

**#0105 GREEN, DANNY J & KAROL M** 32655-01000-110-00 SANDSTONE HILLS ADDN. LOT 11R BLK 10 Moved-Seconded (Ewing-Dunwoody) Change land value from \$56,180 to \$42,500 Motion Carried: Adjusted to sale price to reflect topography and possible drainage problems.

**#0106 HOOGSHAGEN, JAMES L & MARY E** 32655-01400-170-01 SANDSTONE HILLS ADDN. LOT 17B BLOCK 14 Moved-Seconded (Ewing-Thomson) Change land value from \$49,050 to \$29,130 No change in structure value. Motion Carried: Adjustment made due to unusable hillside.

**#0107 LEONARD, JEFF & ANGIE** 32205-00007-002-26 EVANS ADDN. SPEARFISH LOT 26 BLK 2 Moved-Seconded (Ewing-Flanagan) No change in land value. Change structure value from \$203,240 to \$182,560 Motion Carried: Original assessment based on exterior only. Gave functional for 2nd floor, unfinished trim work, and basement completion.

**#0108 MDI LIMITED PARTNERSHIP #28 C/O METROPLAINS PROPERTIES INC** 32210- 19100-010-00 GREEN ACRES ADDN. SPEARFISH LOT 1, 2 & 3 BLK 10 Moved-Seconded (Flanagan-Dunwoody) No change in land value. Change structure value from \$600,630 to \$533,270 Motion Carried: Valuation adjusted based on income information provided by property owner.

**#0109 MUNDT, WAYNE R SHY, WARREN B** 32655-00100-010-30 SANDSTONE HILLS ADDN. LOT 1C BLK 1 Moved-Seconded (Dunwoody-Thomson) Change land value from \$26,170 to \$35,800 Motion Carried: Combined with parcel #32655-00100-010-20.

**#0110 MUNDT, WAYNE R SHY, WARREN B** 32655-00100-010-20 SANDSTONE HILLS ADDN. LOT 1B BLK 1 Moved-Seconded (Ewing-Flanagan) Change land value from \$26,670 to \$0 Motion Carried: Combined with parcel #32655-00100-010-30

**#0111 MUNDT, WAYNE R SHY, WARREN B** 32655-00100-010-00 SANDSTONE HILLS ADDN. LOT 1A BLK 1 Moved-Seconded (Weisenberg-Ewing) Change land value from \$40,070 to \$39,270 No change in structure value. Motion Carried: Lot has 250 sq feet of unusable land.

**#0112 MUNDT, WAYNE R & PATRICIA K** 32655-01100-030-00 SANDSTONE HILLS ADDN. LOT 3R BLK 11 Moved-Seconded (Dunwoody-Ewing) Change land value from \$49,420 to \$42,500 Motion Carried: Made adjustment for unusable hillside.

**#0113 ROBINSON, JERRY L & ROBIN GAIL** 32655-01400-040-00 SANDSTONE HILLS ADDN. LOT 3A(1.22) & 4A-1(1.65) BLK 14 Moved-Seconded (Weisenberg-Dunwoody) No

change in land value. Change structure value from \$191,950 to \$177,100 Motion Carried: Valuation adjusted based on income information provided by property owner.

**#0114 SALZSIEDER, KEITH L** 32090-07700-020-10 ORIGINAL TOWN SPEARFISH W ½ OF LOTS 1 & 2 BLK 77 Moved-Seconded (Flanagan-Dunwoody) No change in land value. Change structure value from \$67,850 to \$61,660 Motion Carried: Valuation adjusted due to water damage in basement due to water main break.

**#0115 SANDSTONE HILLS LLC C/O JORGENSEN, JOE** 32655-01000-150-00 SANDSTONE HILLS ADDN. LOT 15 BLK 10 Moved-Seconded (Thomson-Dunwoody) Change land value from \$73,100 to \$45,320 Motion Carried: Seller sold for reduced amount due to drainage problems and hillside. Made a percentage adjustment to reflect an assessment closer to the purchase price.

**#0116 STOICK, WILLIAM J** 32210-19010-220-00 GREEN ACRES ADDN. SPEARFISH LOT 22 OF GOV. LOT 1 NW¼ NW¼ 19-6-3 Moved-Seconded (Flanagan-Dunwoody) Change land value from \$48,460 to \$0 Motion Carried: Combining with parcel #32210-19010-240-00

**#0117 STOICK, WILLIAM J** 32210-19010-230-00 GREEN ACRES ADDN. SPEARFISH LOT 23 OF GOV. LOT 1 NW¼ NW¼ Moved-Seconded (Dunwoody-Thomson) Change land value from \$48,460 to \$0 Motion Carried: Combined with parcel #32210-19010-240-00

**#0118 STOICK, WILLIAM J** 32210-19010-240-00 GREEN ACRES ADDN. SPEARFISH LOT 24 OF GOV. LOT 1 NW¼ NW¼ Moved-Seconded (Flanagan-Ewing) Change land value from \$24,230 to \$104,670. Changed acreage to 2.67. Motion Carried: Combined Lots 22 and 23 with Lot 24.

**#0119 SWEDLUND, SHURALD S & NANCY A** 32655-01200-030-00 SANDSTONE HILLS ADDN. LOT 3 BLK 12 Moved-Seconded (Weisenberg-Ewing) Change land value from \$139,880 to \$83,970 Motion Carried: Land adjusted for size and topography to put it in line with the sale price.

**#0120 THURNBECK, JEROME F & JO ANNE** 32655-01000-180-00 SANDSTONE HILLS ADDN. LOT 18 BLK 10 Moved-Seconded (Dunwoody-Thomson) Change land value from \$64,870 to \$40,220 Motion Carried: Seller sold for reduced amount due to drainage problems and hillside. Made a percentage adjustment to reflect an assessment closer to the purchase price.

**#0121 VENTURES WEST LLP** 32650-00602-140-15 ROSE HILL ADDN TRACT A-1 A S/D OF TRACT A OF ROSE HILL ADDN. Moved-Seconded (Flanagan-Dunwoody) No change in land value. Change structure value from \$563,510 to \$539,840 Motion Carried: Error in sq footage of Phase III. Director of Equalization did not receive the altered blueprints. Combined Phase I and II into one unit.

**#0122 VER HELST, JAMES A & JANE T** 32655-01000-140-00 SANDSTONE HILLS ADDN. LOT 14 BLK 10 Moved-Seconded (Ewing-Weisenberg) Change land value from

\$60,450 to \$37,480 Motion Carried: Seller sold for reduced amount due to drainage problems and hillside. Made a percentage adjustment to reflect an assessment closer to the purchase price.

**FRONT FOOTAGE ASSESEMENTS:**

Moved-Seconded (Ewing-Thomson) to adjust the following property owners front footage to Zero. Motion Carried

4819	32090-07700-020-00	SALZSIEDER, KEITH L.
4921	32090-10100-090-00	ROLLIN, WM FREDERICK & EMOLYN
5444	32250-00000-000-40	HANSEN, JERROLD A. & NORMA J.
5576	32320-00090-102-01	CASSIDY, LEO, KAYLEEN M & ROYCE
6054	32570-01800-170-00	JOHNSON, DUANE
6395	32640-00200-008-00	REISER, DOUGLAS & DONNA
6396	32640-00200-009-00	STAR LITE MOTEL OF STURGIS
6397	32640-00200-010-00	HAUCK, SAM & MARCIA
6398	32640-00200-018-00	WEST RIVER DEVELOPMENT
6415	32640-00400-010-00	REISER, DOUGLAS & DONNA
6426	32640-00500-005-00	STAR LITE MOTEL OF STURGIS
6427	32640-00500-006-00	SMITH, STANLEY S
6428	32640-00500-008-00	MEADE, JOHN A & THERESA H/POTTER LOGGING
6433	32640-00600-008-00	BEHRENS, JON & RITA
6437	32640-00700-002-00	MEADE, JOHN & THERESA
6438	32640-00700-003-00	CANNON RIVER INVESTMENTS, INC
6439	32640-00700-004-00	CANNON RIVER INVESTMENTS, INC
6440	32640-00700-005-00	CANNON RIVER INVESTMENTS, INC
6441	32640-00700-006-00	CANNON RIVER INVESTMENTS, INC
6442	32640-00700-007-00	CANNON RIVER INVESTMENTS, INC
6443	32640-00700-008-00	CANNON RIVER INVESTMENTS, INC
6444	32640-00700-009-00	CANNON RIVER INVESTMENTS, INC
6762	32660-01700-160-00	NORTHERN HILLS TRAINING CENTER
6764	32660-01800-050-10	D & R ELECTRIC, INC
6843	32695-00000-007-20	KLUNDER, KEVIN K & BONNIE S
6940	32740-00300-008-00	NELSON, BRADLEY
7080	32960-00602-153-50	WARD, EVON

Moved-Seconded (Flanagan-Dunwoody) to adjust the following property owners front footage as follows. Motion Carried.

Cert#	Parcel No.	Current Owner	Front Footage	Assess Value
4336	32030-00300-020-00	FENOLIO, THOMAS J & JACKIE L	81.5	32.60
4816	32090-07600-120-10	BRUGGEMAN, ERIC C & REBECA	48.0	19.00
6421	32640-00400-016-00	COOK, W LYLE & LAVERNE	100.0	40.00
6841	32695-00000-006-11	MCCLAIN, CARLA & O'ROURKE, ROCK	62.0	24.80
6947	32740-01300-004-00	GROGAN, ROGER EUGENE & DONNA	150.0	40.00

**ADJOURN:** Being no further appeals to be heard, the 2003 Consolidated Board of Equalization adjourned at 10:45 a.m. on the 10<sup>th</sup> day of April 2003.

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DATE

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JAMES Seward, Chairman

ATTEST:

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CONNIE ATKINSON, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – APRIL 29, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 29, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. Connie H. Douglas was absent.

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

8:00 AM: Moved-Seconded (Ewing-Weisenberg) to go into executive session to discuss personnel matters. Motion carried.

8:10 AM: The Board reopened for regular business.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of April 8, 2003, Board of Equalization 2003 and the Consolidated Board of Equalization 2003. Motion Carried.

### **TRAVEL REQUESTS:**

**PUBLIC DEFENDER:** Moved-Seconded (Flanagan-Weisenberg) to approve the travel request for Joe Kosel to attend the National Association of Criminal Defense Lawyers 21<sup>st</sup> Century Forensics and the Defense of a Criminal Case in Denver, CO on July 29<sup>th</sup> thru August 3, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Don Damuth, Fred Raubach and John Scheetz to attend the Annual SD Hazardous Materials Conference in Pierre, SD on May 5-7, 2003. Motion Carried. Expenses will be covered from LEPC Funds.

Moved-Seconded (Weisenberg-Ewing) to approve Ken Hawki's travel to Appleton Wisconsin to pick up the Hawk Fire Truck. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Darlene Piekkola to attend the NCRAAO Conference in Omaha, Nebraska on June 7-13, 2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Tom Sandvick, Sue Black and Marian Hamilton to attend the Advanced Instructor Training in Pierre, SD on May 19-20, 2003. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Tom Sandvick, Sue Black, Richard White and Kristy Wilson to attend the Fire Dispatch and Map Reading Class in Newcastle, WY on May 21, 2003. Motion Carried.

**VSO:** Moved-Seconded (Flanagan-Seward) to approve the travel request for William Locken to attend the VSO Congressional Forum in Hot Springs, SD on May 14, 2003. Motion Carried.

**PERSONNEL:**

**WEED:** Moved-Seconded (Ewing-Flanagan) to approve the following seasonal personnel in the Weed Department, effective 4-14-2003: Brian Johnson as crew leader at 10.50 an hour, Nate Jagium at \$10.15 an hour, Craig Smith at \$9.25 an hour, Tate Glader at \$9.00 an hour, Val Reddeman at \$9.00 an hour and Josh Lewis at \$9.00 an hour. Motion Carried.

**EQUALIZATION OFFICE:** Moved-Seconded (Flanagan-Weisenberg) to approve Jason Writer as a full-time appraiser III, effective May 12, 2003. Motion Carried.

**VOLUNTEER FIRE DEPARTMENT MEMBERS:** Moved-Seconded (Weisenberg-Flanagan) to approve Brittany Ray as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

**AGREEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the HIPAA Agreement with Pennington County. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Ewing-Flanagan) to set a supplemental budget hearing for May 13, 2003 at 8:45 a.m. for the Public Defender – Professional Services - \$13,000. Motion Carried.

**ABATEMENTS:**

**ROLLIN, WM. FREDERICK & EMOLYN:** Moved-Seconded (Flanagan-Ewing) to approve the abatement for Wm.Frederick & Emolyn Rolling on parcel #32090-10100-090-00 to remove the front foot assessment. Motion Carried.

**TRUCK CHASSIS BIDS:** Moved-Seconded (Ewing-Flanagan) to accept the only bid received from West River International for (2) 2003 Single Axle Truck Chassis for \$106,658. Motion Carried.

**CRUSHING & STOCKPILING OF GRAVEL SURFACING AGGREGATE:** The following bids were received for crushing and stockpiling of gravel surfacing aggregate: Fisher Industries - \$2.17 Unit Price for a total of \$108,500; Aggregate Construction - \$3.47 Unit Price for a total of \$173,500. Moved-Seconded (Flanagan-Weisenberg) to follow Chuck Williams recommendation and accept the low bid from Fisher Industries. Motion Carried.

**BRO 8041(1) PCEMS 6320 STRUCTURE & APPROACH GRADING:** Moved-Seconded (Ewing-Seward) to approve of the award of contract for BRO 8041(1) PCEMS 6320 to Heavy Constructors Inc. with a proposal of \$199,954.40. Motion Carried.

**PUBLIC HEALTH NURSE REPORT:** Denise Rosenberger presented the Board with the Jan-Mar, 2003 quarterly report, reviewing the Family Planning services, WIC, MCH (Maternal Child Health) services, meetings and office related matters. Wade Huntington was present and discussed bio-terrorism, SARS, small pox, and other issues.

**SHIRTTAIL GULCH ROAD DISTRICT:** Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for Shirrtail Gulch Road District. Motion Carried. ***ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE SHIRTTAIL GULCH ROAD DISTRICT:*** A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; **IT IS HEREBY DECLARED** that the territory proposed to be organized as a county road district to-wit: **Lots 1 – 33 of Shirrtail Gulch Subdivision; being a portion of the Theodor Placer, M.S. 777 and M.S. 166, all located in Section 13, Township 5 North, Range 3 East, B.H.M., Lawrence County, South Dakota. SHALL**, with the assent of the Voters, as specified in SDCL 6-16-2, in an election as provided in SDCL 6-16-4 to 6-16-6, inclusive, be an incorporated road district by the name of Shirrtail Gulch Road District. **DATED** this 29th day of April, 2003. JAMES J. SEWARD, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR

**HOMESTAKE OPERA HOUSE & MATTHEWS OPERA HOUSE FUNDING**

**REQUESTS:** Phyllis Fleming updated the Board on the progress of the Historic Homestake Opera House. Fleming viewed before and after photographs and explained sources of revenue and expenditures. Fleming requested a grant of \$25,000 from the County to help the project move forward. Ardis Golay updated the Board on the Spearfish Center for the Arts & Humanities that manages the Matthews Opera House. Golay discussed programs and goals for the Matthews House and requested a grant of \$25,000 from the County to further their projects. Moved-Seconded (Flanagan-Ewing) to approve \$25,000 for the Homestake Opera House. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve \$25,000 for the Matthews Opera House. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve a contingency transfer of \$50,000 from Commissioners contingency budget to Commissioners Professional Services. Motion Carried. The Board stated this money is already within the County 2003 budget and no additional funds would need to be taxed.

**SHERIFF:** Joe Harmon informed the Board that he would need a supplement to cover the maintenance agreement on the fingerprinting machine. Harmon stated they did not receive a bill in 2002 and this year they will need to pay the 2002 and 2003 maintenance agreement. The Board stated they would consider a supplement towards the end of the year.

**AIRPORT:** Bob Golay, Micky Wienk and Neil Clarke updated the Board on the progress of the Airport Project. They presented a request for a supplemental budget request for \$125,230.14. This request includes approximately \$110,325 that will be reimbursed by federal and state funds. Moved-Seconded (Weisenberg-Ewing) to approve a supplemental budget hearing for May 13, 2003 at 8:45 a.m. for the Airport Budget for \$125,230. Motion Carried. Golay presented a proposed 2004 budget and discussed the airport improvement project.

**2001-2002 AUDIT:** Bruce Hintz reported to the Board that he was completing the 2001-2002 Audit of Lawrence County. Hintz stated it was a clean audit with no written comments. Hintz stated the large amount of Federal Grants on the Airport required more hours in this audit and stated the Davis-Bacon and Suspension & Disbarment Act would need to be followed to eliminate any problems with federal funds in the future with the Airport Improvement Project. Hintz also stated only Board action and required publications need to be in the County Commission Minutes.

Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the representations letter for the 2001-2002 Audit. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Flanagan) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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, with the exception that the JC Penny bill for the Sheriff's office be rejected because it is not the County Policy to purchase clothing other than uniforms. Motion Carried. Joe Harmon stated the deputy's jacket was ruined while on duty. The Board stated it was not the policy of the county to purchase clothing for employees, even if they were ruined while on duty.

**Payroll:** Comm-\$3,242.85; Aud-\$4,905.76; Treas-\$7,694.41; Comp-\$4,790.87; States Atty-\$10,257.91; Pub Def-\$5,956.78; Gen Govt Bldg-\$4,675.30; Equal-\$8,798.51; Deeds-\$5,400.71; Vso-\$723.91; Disp-\$7,372.53; Sher-\$28,539.83; Jail-\$15,176.27; Emerg Mgnt-\$2,423.30; E911-\$1,338.48; Highway-\$31,644.36; Air-\$375.00; Exten-\$1,127.28; Weed-\$1,356.25; Pz-\$2,564.10;

**Bills:** Hansen,P-\$142.09; Kosel,J-\$267.38; Smith,M-\$6.96; Wright,B-\$29.00; Aaa Travel-\$2,544.50; A&B Business Equip-\$822.44; A&M Transport-\$125.00; Abc Business Supply-\$1,599.10; Altaire Enterprises-\$40.00; Amcon Distributing-\$270.56; Amoco Oil Co-\$881.09; At&T-\$35.94; B H Chemical Company-\$222.20; B H Collection Service-\$50.00; BH Federal Credit Union-\$7,589.14; BH Federal Credit Union-\$110.00; BH Fibercom-\$2,185.96; BH Land Analysis-\$1,010.30; BH Medical Ctr Pharmacy-\$1,094.77; BH Power&Light-\$5,670.02; BH Travel Agency-\$751.50; Behavior Mngt Systems-\$100.00; Belle Fourche Landfill-\$76.59; Best

Business Prod-\$36.70; Binder,T-\$3,054.90; Bob Barker Company-\$122.39; Brown & Saenger-\$85.50; Bureau Of Administration-\$28.00; Burrly's Lube-\$22.60; Butler Law Office-\$633.11; Butler Machinery Co-\$128.00; Butte County Sheriff-\$10.30; Campbell Supply-\$17.50; Carquest Of Spearfish-\$16.08; Cellular One-\$241.49; Chaput,K.M-\$1,193.76; Chemsearch-\$299.35; Chinatown Café-\$48.93; Christensen Law Office-\$433.25; City/County Alcohol&Drug-\$1,685.00; Clerk, Us Bankruptcy Court-\$30.00; Credit Collections Bureau-\$25.00; Culligan Soft Water Serv-\$75.25; Custom Woodworks-\$2,375.00; Dakota Graphics-\$160.00; Deadwood, City Of-\$39.25; Deckers Food-\$1.73; Dept.Of The Treasury-\$34,737.68; Derosier,D-\$295.00; Dietrich,D-\$52.95; Domestic Crisis Outreach-\$210.00; East West Motor Express-\$575.00; Election Sys & Software-\$983.66; Ellingson,J-\$208.61; Ensignal-\$328.93; Executone Of The Bh-\$182.00; Extension Service-\$205.78; Family Thrift Center-\$92.82; Farmers Union Oil Co-\$19,190.00; Frame Garage-\$165.80; Frederickson,J-\$409.00; Gene's Lock Shop-\$464.46; Greens Alignment-\$385.36; Hills Material Comp-\$124.94; IBM Corp-\$4,126.89; Ikon Office Solutions-\$56.00; Infosynthesis-\$148.00; Kmart-\$67.98; Karpinen,S-\$360.00; Ken's Camper Sales-\$89.38; Kimball-Midwest Co-\$165.84; Knecht True Value-\$482.45; Knox Company-\$145.00; LC Centennial-\$951.88; LC Sheriff-\$526.19; LC Treasurer-\$50.00; Language Line Services-\$314.80; Lawson Products-\$382.33; Lead, City Of-\$340.09; Lewis&Clark Bhs-\$125.00; Lexisnexis Matthew Bender-\$522.45; Li,Ping-\$78.30; Lookout Memorial Hospital-\$96.89; Mayer Radio-\$61.92; Mcarthur,J-\$80.00; Mcfarling,B-\$150.00; Montana-Dakota Util-\$156.95; NH Drug Task Force-\$1,176.69; NH General Hospital-\$300.00; NJS Engineering-\$6,477.70; Nada Appraisal Guides-\$100.00; Nasar, Sar 2003-\$750.00; Nash,E-\$89.00; Ncraao-\$185.00; Nelson,C-\$80.00; Nelson,T-\$680.00; Neve's Uniforms-\$132.75; Nlada-\$400.00; Novus-\$45.00; Office Of Child Support-\$415.50; Pennington Co Jail-\$1,402.92; Pennington County Sts.Attny-\$600.00; Phillips Petroleum Co-\$63.57; Porter Law Office-\$263.75; Queen City Motors-\$87.41; Quill Corp-\$100.11; Qwest-\$1,082.98; RC Finance Office-\$630.00; RC Journal-\$368.00; Radio Shack/Kazco-\$102.91; Reliable-\$222.41; Root Spring Scaper-\$4,279.00; SD Assn Of Co Comm-\$150.00; SD Acc/SD Aco-\$112.50; SD School Of Mines & Tech-\$88.00; SD Supplemental Retirement-\$812.50; Sanito Oil-\$2,163.07; Schmit,A-\$80.00; Servall Towel & Linen-\$194.55; Silverado-\$695.55; Spearfish Auto Supply-\$364.16; Spearfish Surgery Center-\$25.00; Subway-\$39.90; Summit Signs & Supply-\$1,754.00; Texaco-\$412.36; Twin City Hardware & Lumber-\$20.35; Us Postal Service-\$1,000.00; UAP Timberland-\$2,694.93; Verizon Wireless-\$1,184.33; Versatile Carpets-\$1,330.71; Victims Of Violence-\$210.00; Viking Office Prod-\$374.30; Walmart-\$67.31; Waste Connections-\$134.40; Western Communication-\$294.10; Western SD Juvenile Serv-\$2,415.56; Williams Rentals-\$170.00; Wolff's Plumbing & Heating-\$198.14; Xerox Corporation-\$273.00; Z&S Dust Control-\$13,655.06; **Witness & Juror Fees:** Atyeo,T-\$51.74; Beloskur,M-\$57.54; Boos,R-\$59.86; Caldwell,S-\$50.58; Case,R-\$57.54; Cram,D-\$58.70; Erdman,G-\$59.86; Fossen,J-\$58.70; Freeland,W-\$55.80; Haeder,A-\$59.86; Hawks,J-\$61.60; Klein,C-\$62.76; Lanphear,J-\$52.32; Lutz,R-\$61.60; Mack,M-\$58.70; Olesen,A-\$59.86; Osborn,J-\$61.60; Pahl,J-\$52.32; Quinn,J-\$64.50; Rook,L-\$52.32; Trucano,T-\$61.60; Tschetter,S-\$62.76; Wagner,C-\$61.60; Webster,P-\$51.74; Weiers,R-\$61.60; Young,S-\$58.70; Kemp,P-\$27.54; Churchill,M-\$35.95; Churchill,J-\$20.00; Bryan,N-\$28.70; Bucholtz,M-\$21.74; Bukovac,W-\$37.40; Burke,I-\$28.70; Dvorack,J-\$28.70; Fenner,S-\$28.70; Fox,L-\$21.74; Frazier,P-\$20.00; Frazier,S-\$20.00; Gage,D-\$20.00; Garard,R-\$244.46; Glatt,B-\$28.70; Greenwald,T-\$21.74; Heame,W-\$28.70; Klein,B-\$28.70; Luther,C-\$28.70; Mcdonnell,J-\$28.70; Miller,R-\$21.74; Moreno,M-\$28.70; Peters,K-\$28.70; Simmons,R-\$86.10

**ADJOURN:** 12:20 p.m. - There being no further business it was Moved-Seconded (Weisenberg-Flanagan) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – MAY 13, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 13, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. Douglas Absent 10:30 a.m.

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

**MINUTES:** Moved-Seconded (Ewing-Weisenberg) to approve the minutes of April 29, 2003. Motion Carried.

### **PERSONNEL:**

**REGISTER OF DEEDS:** Moved-Seconded (Flanagan-Douglas) to approve Laurie Fisher as a Records Clerk IV Step 4 at a base rate of \$9.61 effective May 29, 2003. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Flanagan-Weisenberg) to approve the hiring of Delores Bruce as a Full Time Legal Secretary I Step I at a base rate of \$9.37 effective May 19, 2003. Motion Carried.

8:40 AM: Moved-Seconded (Douglas-Weisenberg) to go into executive session to discuss Legal matters with the Public Defender. Motion carried.

8:45 AM: The Board reopened for regular business.

**SHERIFF:** Moved-Seconded (Weisenberg-Ewing) to approve the hiring of Andrew Hewitt as a Part Time Dispatcher I at a base rate of \$10.14 effective May 14, 2003. Motion Carried.  
Douglas Absent

Moved-Seconded (Weisenberg-Flanagan) to approve employees to donate sick leave to Cynthia Wilson thru 5-15-2003. Motion Carried. Douglas Absent

Moved-Seconded (Weisenberg-Ewing) to approve the hiring of Tamera Leveque as a Part Time Correctional Officer I at a base rate of \$11.06 effective May 1, 2003. Motion Carried. Douglas Absent

**STATES ATTORNEY:** Moved-Seconded (Douglas-Weisenberg) to approve the States Attorney Office to advertise for a Deputy States Attorney due to the resignation of Chris Madsen. Motion Carried.

### **TRAVEL REQUEST:**

**EQUALIZATION:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Les Struble, Dennis Schumacher, Linda Carrico and Nancy Bridenstine to attend a Sales Ratio Workshop in Rapid City on June 3, 2003. Motion Carried.

**VSO:** Moved-Seconded (Ewing-Flanagan) to approve the travel request for Bill Locken to attend the Veterans Service Workshop in Rapid City on May 21, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Douglas-Ewing) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of April 30, 2003 showed the following: Total amount of deposits in banks-\$8,730,767.36; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$1,443,893.34; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$8,490.29; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning & EM-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$242,002.14; Savings-\$8,033,692.77; GNAMS-\$105,206.79; and Money Market \$1,181,379.16, Total \$14,717,549.49.

**CONTRACT FOR MEDICAL SERVICES.** Moved-Seconded (Ewing-Douglas) to approve the Chairperson to sign the Contract for Medical Services for the Lawrence County Jail with Northern Hills General Hospital. Motion Carried.

**RESOLUTION #03-17 TO ADOPT A SUPPLEMENTAL BUDGET:** Moved-Seconded (Weisenberg-Flanagan) to approve the following RESOLUTION #03-17 TO ADOPT A SUPPLEMENTAL BUDGET for the Public Defender and Airport. Motion Carried.

**RESOLUTION #03-17 TO ADOPT A SUPPLEMENTAL BUDGET:** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND - PUBLIC DEFENDER – Professional Services \$13,000. AIRPORT - \$125,230 (Repairs-\$5,000; Vehicle Maint-\$1,500; Capitol Improvement-\$118,730) 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 13th day of May, 2003 at the hour of 8:45 o'clock, 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 13<sup>th</sup> day of May, 2003. BOARD OF COUNTY COMMISSIONERS: : James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.



**HIGHWAY BUSINESS:**

**BID OPENING FOR COUNTY ROAD 014A:** Moved-Seconded (Weisenberg-Flanagan) to accept the low bid from Hills Material Company for the Asphalt Project on County Road 014A in the amount of \$320,214.91. Motion Carried. Other bidders were Bituminous Paving Inc, \$376,612.50 and Simon Contractors of South Dakota, \$518,301.00.

**HOT MIX ASPHALT & COLD MIX** Moved-Seconded (Ewing-Weisenberg) to use the bid from the City of Lead for Hot Mixed Asphalt (500 ton, More or Less) Concrete Picked up by County at Plant at a cost of \$29.95/ton, Hot Mixed Asphalt Concrete Furnished and Placed, including dig outs and sawing (Patching for small area not requiring a lay down machine) at a cost of \$130.00/ton, Hot Mixed Asphalt Concrete Furnishing and placed, including dig outs and sawing (Patching for larger areas requiring a lay down machine-minimum quantity-100 tons in one location) at a cost of \$65.95/ton, Cold-Mix Picked up by the County (50 ton, More or Less) at Plant at a cost of \$35.00/ton and Road Sanding Material (2,000 ton, more or less) to be picked up after August 2003. 60% chips, 40% sand at a cost of \$11.00/ton. Plant location is Centennial Quarry. Motion Carried.

**2003-1 PROJECT AGREEMENT WITH BLACK HILLS NATIONAL FOREST:** Moved-Seconded (Douglas-Weisenberg) to enter into 2003-1 Project Agreement between Lawrence County Commissioners and the Black Hills National Forest for Road Maintenance. Motion Carried.

**APPLICATION FOR PERMIT TO OCCUPY COUNTY HIGHWAY RIGHT OF WAY:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-of Way by Qwest Communications on Kerwin Lane, Paradise Ridge Road and Lookout Mountain Road. Motion Carried.

**HANDBELD COMPUTER PROJECT UPDATE:** Dan Linkveld, Principal Spearfish High School and Whitney Driscoll, Assistant Principal Spearfish High School was present to give the board an update on the Handheld Computer Project.

**LEPC AWARD:** Ken Hawki, President of the Local Emergency Planning Commission presented the Commissioners with an award that was received for Outstanding LEPC of the Year. The Board thanked the Emergency Management Planning team for their excellent efforts.

**ANNUAL REVIEW CUP#282/ZANDSTRA GRAVEL PILE:** An annual review was held for CUP#282 for Zandstra Gravel Pile. No complaints or problems were received. Moved-Seconded (Flanagan-Ewing) CUP #282 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried. Douglas Absent.

Moved-Seconded (Flanagan-Ewing) to adopt the following proclamation. Motion Carried.

**EXECUTIVE PROCLAMATION: OFFICE OF LAWRENCE COUNTY**

**COMMISSIONERS. WHEREAS,** the citizens of Lawrence County have tragically lost Hans Gukeisen during the war with Iraq when a Blackhawk helicopter crashed near Baghdad on May

9, 2003; and **WHEREAS**, Hans Gukeisen has exemplified himself as a hero who served this great country and the coalition fighting in Operation Iraqi Freedom without regard to his own personal safety which was shown true because he was rescuing an Iraqi child who had been injured in a land-mine accident when the helicopter crashed into the Tigris River; and **WHEREAS**, Hans Gukeisen was a dedicated Army helicopter pilot and had served in military service for 14 years; and **WHEREAS**, Hans Gukeisen also served his country during the 1991 Gulf War as an Army scout; and **WHEREAS**, the Lawrence County Commissioners extend their condolences to the family and friends of Hans Gukeisen; and **NOW THEREFORE BE IT RESOLVED**, the Lawrence County Commissioners hereby honor Hans Gukeisen as a fallen hero who will be remembered with great honor and respect. Dated this 13<sup>th</sup> day of May 2003. LAWRENCE COUNTY COMMISSIONERS James J. Seward, CHAIRMAN Connie H. Douglas Terry W. Weisenberg Brandon D. Flanagan Robert E. Ewing.

**BEAVER PARK UPDATE:** Pam Brown, US Forest Service District Ranger informed the board of the Beaver Park Sales Draft Schedule.

**BILLS:** Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,905.77; Treas-\$7,694.42; Comp-\$4,790.87; States Atty-\$10,271.35; Pub Def-\$5,956.78; Gen Govt Bldg-\$4,835.00; Equal-\$8,980.00; Deeds-\$5,364.30; Vso-\$723.91; Disp-\$8,552.29; Sher-\$27,550.33; Jail-\$14,856.84; Emerg Mgnt-\$2,404.56; E911-\$1,338.48; Highway-\$32,259.75; Airport-\$200.00; Ext-\$1,128.00; Weed-\$3,191.23; Pz-\$2,613.38; **Bills:** Eide,C-\$20.58; Hansen,P-\$491.75; Juso,N-\$22.90; Mowell,R-\$6,781.50; Seward,J-\$150.00; Williams,R-\$21.74; A&B Business Equip-\$14,211.71; A&B Welding Supply-\$414.02; ABC Business Supply-\$314.70; Accurint Accounts Receivable-\$69.75; Air Connection-\$1,172.49; Alco Store-\$18.96; Altaire Enterprises-\$520.00; Amcon Distributing-\$227.52; American Family Life-\$2,285.28; Amoco Oil Co-\$38.31; B H Chemical Company-\$1,301.25; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,614.14; B H Fibercom-\$1,104.10; B H Medical Center-\$70.20; B H Medical Ctr Pharmacy-\$829.57; B H Pest Control-\$95.00; B H Pioneer-\$933.09; B H Power & Light-\$1,139.03; B H Travel Agency-\$384.50; Behavior Mgnt Systems-\$680.00; Belle Fourche Landfill-\$50.32; Bickle's Truck & Diesel-\$37.73; Biegler,G-\$60.00; Black Hills Surveying-\$1,728.75; Blue Cross-\$38,822.34; Buckstop Express Mart-\$15.75; Butler Machinery Co-\$4.76; Butte County Sheriff-\$35.10; Butte Electric Coop-\$470.14; Campbell Supply Co-\$590.09; Carl's Trailer Sales-\$131.57; Central Parts-\$370.00; Chris Supply Co-\$73.02; Christensen Law Office-\$466.00; City/County Alcohol&Drug-\$685.00; Claggett,D-\$328.40; Clark Printing-\$222.06; Coley, Mike Cdceii-\$60.00; Conoco-\$157.82; Credit Collections Bureau-\$25.00; Culligan Soft Water Serv-\$141.50; Dartek Computer Supplies Corp-\$217.56; Deadwood 1 Hour Photo-\$14.50; Deadwood Home Center-\$562.43; Deadwood Recreation Center-\$100.00; Deadwood Supply-\$12.50; Deadwood, City Of-\$509.36; Deckers Food-\$38.31; Dept Of Hlth Lab Services-\$70.00; Dept Of The Treasury-\$35,349.34; Ecolab-\$90.00; Eddie's Truck Sales/Serv-\$790.08; Elan Financial Services-\$229.00; Ensignal-\$10.00; Family Thrift Center-\$24.71; Fastenal-\$462.39; Federal Express Corp-\$7.43; Fish,V-\$98.40; Fisher Furniture-\$1,416.00; Frederickson,J-\$390.50; Fuller, Tellinghuisen, Gordon-\$317.40; Gene's Lock Shop-\$104.98; Global Computer Supply-\$56.02;

Great Western Tire-\$18.39; Greens Alignment-\$443.34; Gunderson,Palmer,Goodsell-\$12,121.18; Hall Welding-\$7.00; Heiman Fire Equip-\$86.50; Heisler Hardware-\$168.17; Historic Hmc Opera House-\$25,000.00; Hoffman,N-\$107.30; Hood & Nies-\$269.62; Hrs Food Service-\$537.33; Hughes County Sheriffs-\$10.50; Ikon Office Solutions-\$96.25; Jacobs Precision Welding-\$47.60; Jenner Equipment Co-\$17,818.00; Johnson Ford-\$424.66; Johnson Machine-\$697.60; Kinney,M-\$557.39; Knecht True Value-\$195.24; Koala Electric-\$1,306.35; L C Centennial-\$13.48; L C Emerg Mgnt-\$33.85; L C Public Health-\$2,208.00; L C Treasurer-\$50.00; Lead, City Of-\$52.00; Lead-Deadwood Sanitary-\$197.72; Lee,J-\$15.00; M&M Sanitation-\$250.00; Macks Auto Body-\$378.00; Matthews Opera House-\$25,000.00; Meade County Sheriff-\$15.20; Mineral Palace Hotel-\$78.40; Minitman-\$51.75; Montana-Dakota Util-\$4,803.23; Motorola-\$8,312.00; Mutchler,T-\$660.30; N H Elder Care Options-\$1,800.00; N H Family Ymca-\$368.00; N H General Hospital-\$433.67; Nacdl 2003 Annual Meeting-\$370.00; Neve's Uniforms-\$85.90; Office Of Child Support-\$415.50; Office Technology/Supply-\$35.99; Outdoor Motor Sports-\$94.14; Paperdirect-\$31.94; Pennington Co Auditor-\$124.00; Pennington Co Jail-\$550.00; Pennington County Sts Attny-\$800.00; Porter Law Office-\$356.15; Postmaster, Deadwood-\$126.00; Queen City Rocket Lube-\$35.90; Qwest-\$858.37; R C Community Health-\$93.70; R C Finance Office-\$945.00; R C Regional Hospital-\$1,122.68; Radio Shack/Kazco-\$1,031.78; Rapid Delivery-\$22.05; Reindl,S-\$988.10; Reliable-\$477.28; Rombough,D-\$313.66; Rushmore Safety Supplies-\$108.85; S D Retirement System-\$37,479.63; S D State Treasurer-\$1,222.54; S D Human Services Center-\$79.00; S D Supplemental Retirement-\$812.50; Sanito Oil-\$323.95; Servall Towel & Linen-\$194.55; Silverado-\$151.46; Spearfish Auto Supply-\$1,732.86; Spearfish Surgery Center-\$25.00; Superior Lamp And Supply-\$329.01; T & W Appliance/Knothole-\$189.06; Texaco-\$178.64; Tigerdirect-\$575.21; Triple K Tire & Repair-\$10.00; Turkey Graphix-\$523.90; Twin City Hardware &Lumber-\$476.47; Verizon Wireless-\$824.38; Versatile Carpets & Inter-\$10,860.95; Voelker & Adams-\$1,111.05; Waste Connections-\$446.26; Western Communication-\$21,319.39; Western Sd Juvenile Serv-\$2,243.02; Wildfire-\$2,501.43; Wolff's Plumbing & Heating-\$1,245.33; Xerox Corporation-\$120.00; Z&S Dust Control-\$7,026.96; **Witness & Juror Fees:** Davidson,J-\$28.70; Barber,J-\$37.40; Burns,R-\$21.74; Edwards,L-\$28.70; Estrada,J-\$49.00; Estrada,S-\$37.40; Fenner,C-\$28.70; Gerlach,A-\$83.80; Gerlach,B-\$20.00; Gerlach,G-\$20.00; Gomez,D-\$37.40; Goulding,C-\$29.86; Hill,M-\$20.58; Hurtado,M-\$49.00; Johnson,L-\$21.74; Lanphere,L-\$34.50; Leaver,M-\$28.70; Lee,R-\$20.58; Myers,K-\$124.98; Nelles,D-\$21.74; Nelles,J-\$21.74; Nelles,J-\$20.00; Nulle,K-\$49.00; Olson,T-\$20.00; Palowski,R-\$40.30; Ragatz,M-\$20.58; Sandidge,T-\$21.74; Smith,S-\$37.40; Stevens,N-\$21.74; Sullivan,M-\$28.70; Whitley,T-\$200.90

**ADJOURN:** 12:00 p.m. - There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried. Douglas Absent

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – MAY 27, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 27, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Douglas-Weisenberg) to approve the minutes of May 13, 2003. Motion Carried.

### **PERSONNEL**

**HIGHWAY:** Moved-Seconded (Douglas-Flanagan) to approve Paul Engel as a Heavy Equipment Operator at the base rate of \$14.86 an hour, effective May 12, 2003.

**EXTENSION:** Moved-Seconded (Weisenberg-Ewing) to appoint Kate Johnson to the Extension Board to replace Roxie Tetrault. Motion Carried.

**COMMISSION:** Moved-Seconded (Flanagan-Ewing) to appoint Commissioner Douglas to the HIPAA Steering Committee. Motion Carried.

### **TRAVEL REQUESTS:**

**EQUALIZATION:** Moved-Seconded (Douglas-Ewing) to approve the travel request for Les Struble to attend the OHE Hearings in Pierre, SD on June 10-11, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Paul Thomson to attend the SD State Fire School Classes in Belle Fourche, SD on June 5-7, 2003. Motion Carried.

**UTILITY PERMIT:** Moved-Seconded (Weisenberg-Ewing) to approve the utility permit for Whitewood Valley & Jackson road approximately 2.5 miles from valve box on Whitewood Valley Rd. for construction of gas pipe. Motion Carried.

### **ABATEMENTS:**

**SOMERS:** Moved-Seconded (Flanagan-Ewing) to approve the abatement for Stanley & Imogene Somers on parcel #32090-05400-030-00 because the property was supposed to be classified as owner occupied. Motion Carried.

**ROBLEY:** Moved-Seconded (Weisenberg-Flanagan) to approve the abatement for Robley on parcel #30175-00300-270-00 because the structure was destroyed as a result of the Grizzly Gulch Fire. Motion Carried.

**SANDIDGE:** Moved-Seconded (Weisenberg-Flanagan) to approve the abatement for Sandidge on parcel #13000-00403-010-00 because the structure was destroyed as a result of the Grizzly Gulch Fire. Motion Carried.

**OLSEN:** Moved-Seconded (Flanagan-Seward) to approve the abatement for Olsen on parcel #26480-01207-000-55 because the structure was destroyed as a result of the Grizzly Gulch Fire. Motion Carried.

**FIRE ADVISORY:** Moved-Seconded (Weisenberg-Douglas) To approve and authorize the Chairperson to sign the 2003 In-State Forest Fire Suppressant Agreement for the State of South Dakota on behalf of the individual fire departments. Motion Carried.

**MALT BEVERAGE LICENSE FOR 2003-2004:** A public hearing was held on the renewal and issuance of the Malt Beverage Licenses for 2003-2004. There was no public input and the public hearing was closed. Moved-Seconded (Weisenberg-Flanagan) to approve the following Malt Beverage Licenses for 2003-2004:

**MALT BEVERAGE LICENSE FOR 2003-2004: CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE: GI OUTPOST INC., (DEADWOOD KOA)** Highway 14A, Deadwood, SD 57732. Legal Description: M.S. #601, Sec. 28, T5N, R3E, and lot 1A of M.S. #108, Lawrence County. **RANDY & ANITA AKER (HIDDEN VALLEY CAMPGROUND),** 21423 US HWY 385, Deadwood, SD, 57732. Legal description: Lot G-1-A, HES 297, Sections 18 & 19, T4N, R4E, Lawrence County, SD. **BAREFOOT COUNCIL OF CO OWNERS (BAREFOOT RESORT)** 510 W. Havens Ste 4, PO Box 1044, Mitchell SD 57301. Legal description: Lot 1 of Barefoot, formerly lots 3 & 4 and vacated right of way of Block 2 Tract B Lost Camp Valley Acreage, Sec. 2-T4N-R2E of Black Hills, Lawrence County, SD. **CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE: RANDALL L. HAVLIK (FISH 'N FRY CAMPGROUND)** HCR 73, Box 801, Deadwood, SD 57732-9708. Legal description: Lot 2 except Lot A of HES 297, Section 18, T4, R4, Lawrence County, SD. **JANELL F. ANDIS, (CUSTER CROSSING)** HCR 73, Box 1525, Deadwood, SD 57732-9712. Legal description: Pt Tract B-1 of HES 246, Section 21, T3, R4, Lawrence County, SD. **CHARLES E. KING & BONITA C. KING (WILD BILL'S CAMPGROUND)** 21372 US HWY 385, Deadwood, SD 57732-9711. Legal description: Part of Lot E-1 & all of Lot E-2 of HES 137, Section 18, T4, R4, Lawrence County, SD. **SPEARFISH CANYON RESORTS (LATCHSTRING RESTAURANT)** P.O. Box 705, Spearfish SD 57783. Legal description: Lot Ab-1, a subdivision of Latchstring Village Lot Ab of the Cascade Placer, M.S. in the W1/2 of Section 31, T5N, R2E, and the E1/2 of Section 36, T5N, R1E, B.H.M., Lawrence County, SD **RICHARD TSCHETTER, (THE VALLEY CORNER)** 396 Evans Lane, Spearfish, SD 57783. Legal description: Lot 1 & Pt Lot 2, NW1/4NW1/4, Subdivision of Section 3, T6N, R2E., B.H.M., Lawrence County, SD. **TRAILSHEAD LODGE, INC.,** PO Box 873, Lead, SD 57754-0873. Legal description: Lot 4 O'Neill Pass Ranchettes S/D of HES 617, Section 20, T3, R1, B.H.M., Lawrence County, SD. **KATHY A. STEWART (CHEYENNE CROSSING STORE)** HCR 37, Box 1220, Lead, SD 57754-9716. Legal description: Lots 16-56 West, Meadowood Lode #1, Section 15, T4N, R2E, Lawrence County, SD. **TIM & JANET ASHEIM, (ST.ONGE STORE)** RR1 BOX 66, St.Onge, SD 57779-0201. Legal description: Lots 1 & 2, Block 8, St.Onge, Lawrence County,

SD. **STEVEN W. SHARP, (KOA SPEARFISH)** PO Box 429, Spearfish, SD 57783. Parcel B of the replat of Lots G,H,I,J,K,L,M,N and the West 259.9 feet of Lots O,P,Q,R,S,T and U, all in the Subdivision of Lot 1 of the NW1/4NW1/4, Section 3, T6N, R2E, B.H.M., Lawrence County, SD. **RONALD & LISA JORGENSEN, (BOONDOCKS)** HC 73 Box 1225, Deadwood SD 57732. Legal description: PT HES 54 Tract C Section 25 T4N, R3E, B.H.M., Lawrence County. **SEVEN DOWN, LLC** (Travis Lantis) PO Box 999, Spearfish, SD 57783. Legal description: **Parcel 1** - West Half of the Northwest Quarter (W1/2NW1/4) Section 27, T6N, R3E, B.H.M., Lawrence County, South Dakota. Section 28, T6N, R3E: East Half of the Northeast Quarter (E1/2NE1/4) EXCEPT Tract P located in the N1/2NE1/4 28 T6N R3E as set forth in Plat Document No. 97-5029; and EXCEPT Tract A of the E1/2NE1/4 of Section 28, T6N, R3E as set forth in Plat Document No. 99-1881 BUT INCLUDING Tract T of the E1/2NE1/4 of Section 28 T6N R3E as set forth in Plat Document No. 99-1881. **Parcel 2** - Section 27, T6N, R3E: West Half of the Northeast Quarter (W1/2NE1/4) EXCEPT Tract A located in the NW1/4NE1/4 as shown in Plat Book 5, Page 290; East half of the Northwest (E1/2NW1/4); Southwest Quarter (SW1/4); West Half of the Southeast Quarter (W1/2SE1/4). Section 28, T6N, R3E; West half of the Northeast Quarter (W1/2NE1/4) EXCEPT Tract P located in the N1/2NE1/4 28 T6N R3E Southeast Quarter (SE1/4); **Parcel 3** - Tract A of the Northeast Quarter of the Northwest Quarter of Section 20, T6N, R3E, BHM, Lawrence County, South Dakota according to Plat Book 5 page 165, Lawrence County, South Dakota; and Lots 1, 2, 3, 4 and 5 of Tract B of the Northeast Quarter of the Northwest Quarter, Section 20, T6N, R3E, BHM, Lawrence County, South Dakota, according to Plat Book 7 Page 47. **AMY G. MOORE/AMPM WILLINGTON LLC (AMERICAN EAGLE SALOON & CAFÉ)** 21399 US HWY 385, Deadwood. Legal description: Lot D of HES 297, Section 18 & 19, T4N, R4E, Lawrence County, SD. **LONE STAR RESTAURANT:** 11201 HWY 14A Box 1228, Lead, SD. Lot 3A2. of Tract 3A, A sub of Jay1,2,3, Fay #3, Herbert Steel Fraction H0200, Log Cabin & Violet #3, Lodes of M.S. 1200, In NW1/4 & NE1/4 of Sec. 19, T4N, R3E, T4N & NE1/4 of Sec 24, T4N, R2E, BHM, Lawrence CO, SD

**MALT BEVERAGE – JANICE KABERNA – H.O.M. CAMPGROUND:** The public hearing was opened on a Malt Beverage Application for Janice Kaberna on H.O.M. Campground. Kaberna explained the plans for a beer garden for the H.O.M. Camp. Marlie Pearson and Brian Rech were present and expressed concerns opposing the license. The Board stated this would need a Conditional Use Permit or an Amendment to the current CUP #277. Janice Kaberna withdrew her application for a malt beverage license and will apply for an amendment for CUP #277. Kaberna stated she will then reapply for a malt beverage license if the amendment is approved.

**MALT BEVERAGE – RON WICK – NEMO GUEST RANCH:** A public hearing was held on an application for malt beverage for Ron Wick at the Nemo Guest Ranch. Wick stated he wanted the license for the store only at the Nemo Guest Ranch. John Fitzgerald, States Attorney, was present and stated he objected to any alcoholic license for Ron Wick because of his past history and conviction on six separate counts of transaction of alcoholic beverage business without a license. Fitzgerald gave background on the case. Fitzgerald stated because of these convictions and the history surrounding the case Wick is not of suitable character to hold a license. Wick responded with his defense and introduced his Attorney Bryce Flint. Flint gave background on the history of the property and alcoholic beverage licenses. Flint stated Wick continued to sell alcoholic beverages under his advice. Seward asked if Flint was the same attorney that represented Mr. Wick when he asked for a copy of the contract and he misled the

commission. Fitzgerald stated that was correct. The Board was provided with a contract that had provisions that were deleted from it. Fitzgerald stated in his opinion those provisions that were deleted pertained to things that were material and important for the Board to know. Rick Krahn voiced objection against the license.

Bruce Outka read SDCL 35-2-1.2 that the Governing Board shall have discretion to approve or disapprove the application depending on whether it deems the applicant a suitable person to hold such a license and whether it considers the proposed location suitable. Wick stated the location is appropriate and as far as his character he has never broken a law except for this one incidence and he was acting under good faith under the advice of his council. Bruce Outka, Deputy States Attorney presented a copy of the Judgment of Conviction on Ron Wick as a part of the record.

The Chairman closed the public hearing and turned over to the Board for discussion.

Moved-Seconded (Weisenberg-Ewing) to deny the application based on the applicants unsuitable character as referenced by the States Attorney. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to append the motion as follows: to deny the application based on the applicants unsuitable character as referenced by the States Attorney and in reference to court file in criminal matter 02-739 in reference to Judgment of Conviction Ron Wick. Motion Carried.

**SEVERANCE TAX LOAN / DEADWOOD CITY LIMITS:** Roger Tellinghuisen, Attorney representing Deadwood City Limits discussed a loan request for \$525,000. Tellinghuisen updated the Board on the progress of the project and what the loan would be used for. Tellinghuisen introduced project representatives and stated funding is approved for the project with Mericap. Weisenberg asked for a copy of Mericap's commitment of funding and questioned a personal guarantee. The Board stated this project is what the Severance Tax Fund is intended for "Economic Development". Moved-Seconded (Weisenberg-Flanagan) to send a letter to the Governors Office of Economic Development asking for approval to expend funds from the Base for Deadwood City Limits in the amount of \$525,000 for ten years with a negotiable rate. Motion Carried.

**VINCENT PFEIFLE CONDITIONAL USE PERMIT #287:** A public hearing was held on a request for conditional use permit #287 – Vincent Pfeifle - To allow for a Specialty Resort - Approximately 3 miles north of Nemo and a 1¼ mile east on Dalton Lake Road. No public input in opposition to the request was present. Moved-Seconded (Flanagan-Weisenberg) to approve Conditional Use Permit #287 for Vincent Pfeifle with the following conditions. Motion Carried. CONDITIONS: 1) The property owner shall comply with all applicable County, State, and Federal regulations regarding "Specialty Resort" operations. 2) The owner shall comply with state law SDCL 34-18 as pertaining to a "Specialty Resort." 3) The owner shall obtain a South Dakota Sales Tax License. 4) The owner shall contact the South Dakota State Health Department for an inspection of the facility and gain a permit before starting the operation. 5) The owner shall provide in writing their manager's name, address, telephone number and a number, in case of an emergency, to the Office of Planning and Zoning and the Sheriff's Department prior to



opening the Specialty Resort. 6) Any new construction shall require a building permit(s) from the Lawrence County Office of Planning and Zoning and comply with the 1997 Uniform Building Codes and the state's electrical and plumbing codes. 7) All meals served at the Specialty Resort shall be provided by the guests or catered. 8) The maximum number of overnight guest bedrooms shall be three (3). 9) The maximum number of guests staying overnight at the specialty resort shall be ten (10). 10) The septic system shall be designed and approved by a state registered professional engineer (P.E.) and the South Dakota D.E.N.R. A copy of each approval shall be provided to the Lawrence County Office of Planning and Zoning. 11) There shall be no outdoor camping, including tents, campers, trailers, and recreational vehicles, allowed on this property to be used by the specialty resort guests. 12) Water quality testing shall be conducted by the manager according to the South Dakota DENR Drinking Water Program regulations and found to be safe for public consumption. 13) Any outdoor fireplaces shall comply with the guidelines as set by the South Dakota Division of Forestry. 14) Only one (1) on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 15) A minimum of two (2) 10 lb. ABC fire extinguishers one on each floor, and one (1) first aid kit shall be made accessible to the guests at all times. 16) All lights used for exterior illumination shall be directed away from any nearby residences and public roads. 17) Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. The parking areas shall be graveled and located within designated areas. 18) One telephone shall be made available in case of emergencies. A list of emergency numbers including the sheriff's department number shall be placed next to the phone. 19) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner(s) shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 20) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 21) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit may be reviewed and be suspended or revoked.

**ANNUAL REVIEW OF CUP / H&S GRAVEL OPERATIONS:** Jerome Hall presented an annual review for the H&S Gravel. CUP #185 was found in compliance and will be reviewed on an annual basis.

**ANNUAL REVIEW OF CUP / DAKOTA RESORTS MGMT – DEER MOUNTAIN CAMPGROUND:** An annual review was held for the Deer Mountain Campground. All the requirements have been complied with. CUP #258 was found in compliance and will be reviewed on an annual basis.

**CHANGE OF ZONING / FRANK & DIANNA LOUP:** A public hearing was held on a request for Change of Zoning #231 for Frank & Dianna Loup. To allow subdivision of the land - North of Spearfish and approximately ½ mile east of Hwy. 85 on Kerwin Lane (County Road #018).

Frank Loup was present along with Tom Brady, Attorney. Brady defined "Spot Zoning" and stated this is not spot zoning and stated this project needs to be approved on its merits not disapproved on the fear of spot zoning. Brady stated this is not a classification change different than its surrounding area. Brady stated the zone change would not be a detriment to the surrounding area. Brady stated all of the surrounding owners have homes on their property and is used predominately for residential. Brady stated this request is to facilitate a higher density not a difference in use. Brady showed pictures of homes within one mile of the area in question.

Frank Mileno, Bruce Byrum Keith Massey, and Dr. Zuercher were all present and spoke in opposition to the proposed change of zoning. Jim Seward presented a letter received from Leo Orme in opposition. Ewing stated Lindstad's had contacted him and voiced concerns against the proposal. Higher density, spot zoning, loss of beauty in the area, lack of covenants, additional subdivision of proposed property, no need for further building lots in Spearfish, negative impact on property values in the future and increased traffic on gravel road were all expressed. The public hearing was closed and the Board discussed the proposal. The Board reviewed maps of the area and discussed impacts on surrounding land owners. Flanagan stated he did not feel it was in the spirit of the Comprehensive Plan to allow a change of zoning in the middle of an area of different zoning. Seward stated the character of the area was rural residential. Douglas expressed concern that this subdivision did not have to go through the same process as regular subdivisions.

Moved-Seconded (Weisenberg-Ewing) to follow Planning and Zoning recommendation and deny the request for Change of Zoning #231 for Frank & Dianna Loup because the property is surrounded by General AG and is not directly accessed by a State Highway. Motion Carried. Aye-4, Nay-Seward.

**BILLS:** Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,905.76; Treas-\$7,694.42; Comp-\$4,790.87; States Atty-\$10,272.47; Pub Def-\$5,956.78; Gen Govt Bldg-\$4,688.19; Equal-\$8,564.05; Deeds-\$5,400.70; Vso-\$723.91; Disp-\$7,475.58; Sher-\$27,179.66; Jail-\$14,701.23; Emerg Mgnt-\$2,367.08; E911-\$1,338.48; Highway-\$31,085.91; Air-\$200.00; Exten-\$1,129.92; Weed-\$4,763.35; Pz-\$2,564.10; **Bills:** Barrett,M-\$43.00; Green,R-\$21.00; Hansen,P-\$614.11; Kosel,J-\$26.68; Mcgruder,B-\$32.00; Piekkola,D-\$248.72; Schumacher,D-\$21.00; Smith,M-\$55.68; Tridle,D-\$58.10; Weisenberg,T-\$121.80; Abc Business Supply Corp-\$257.19; All Communications & Services-\$5,982.15; Altaire Enterprises-\$20.00; Amcon Distributing-\$47.52; Amoco Oil Co-\$187.56; Asap Software Express-\$1,423.00; At&T-\$63.41; Auer Machine-\$160.00; Avera Sacred Heart Hospital-\$395.93; B H Ammunition-\$363.04; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,889.14; B H Land Analysis-\$1,753.70; B H Pioneer-\$288.00; B H Power & Light-\$6,718.63; Best Business Prod-\$40.44; Best Western Ramkota Inn-\$361.00; Black Hills State University-\$150.00; Brownsville Fire Dept-\$1,550.66; Buckstop Express

Mart-\$2.99; Butler Machinery Co-\$117.78; Carquest Of Spearfish-\$215.67; Chris Supply Co-\$28.64; City/County Alcohol & Drug-\$210.00; Clinical Lab Of B H-\$159.19; Community Health Services-\$10.00; Credit Collections Bureau-\$25.00; Culligan Soft Water Serv-\$64.75; Custer Community Hospital-\$208.00; Dartek Computer Supplies-\$90.96; Deadwood Supply-\$29.08; Decatur Electronics-\$282.35; Dept Of The Treasury-\$34,616.56; Division Of Motor Veh-\$117.00; Domestic Crisis Outreach-\$305.00; Duffy & Duffy Law Office-\$7,135.50; Dwi Journal-\$237.00; Electronic Controls & Security-\$378.75; Ensignal-\$89.00; Esri-\$400.00; Evercom Systems-\$105.00; Extension Service-\$88.53; Fastenal-\$129.56; Firehouse-\$52.00; Frederickson,J-\$1,579.45; Gene's Lock Shop-\$150.98; Golden West Teltech-\$33.15; Great Western Tire-\$19.90; Grimm's Pump Service-\$209.73; Grosfield Electric Co-\$3,016.67; Hali-Brite-\$3,691.64; Havemeier,L-\$138.00; Heiman Fire Equip-\$1,340.08; Hood & Nies-\$394.41; Huskii Enterprises Llp-\$75.00; Iaa-\$89.00; Infosynthesis-\$148.00; Insight-\$187.43; J D Evans-\$48.98; Johnson Ford-\$307.31; Kadrmas, Lee And Jackson-\$3,144.85; Karpinen,S-\$360.00; Kinney,M-\$286.38; Knecht True Value -\$51.50; Kota Graphics-\$31.00; L C Centennial-\$125.75; L C Sheriff-\$63.72; L C Treasurer-\$50.00; Language Line Services-\$997.40; Lookout Landscaping-\$42,697.30; Macks Auto Body-\$974.86; Mcarthur,J-\$80.00; Mci-Idaho-\$19.32; Meade Co Auditor-\$160.00; Montana-Dakota Util-\$63.59; Muth Electric-\$1,117.76; Nunez,S-\$165.96; Office Of Child Support-\$415.50; Pennington Co Auditor-\$747.12; Pennington Co Jail-\$1,121.25; Pennington County Sheriff-\$7.50; Pennington County Sts Attny-\$400.00; Phillips Petroleum Co-\$29.41; Pitney Bowes-\$170.10; Qwest-\$213.90; R C Journal-\$231.40; R C Regional Hospital-\$4,688.36; Rabe Elevator-\$541.39; Radio Shack/Kazco-\$135.12; Reliable-\$221.10; S D Aao-\$600.00; S D Human Services Center-\$79.00; S D Supplemental Retirement-\$812.50; Sanito Oil-\$4,886.00; Schmit,A-\$120.00; Servall Towel & Linen-\$565.25; Shop4tech-\$35.19; Spearfish City Of-\$92.00; Spearfish Surgery Center-\$25.00; Superior Lamp And Supply-\$259.95; Supreme Court Of Sd-\$6.30; Surfcontrol-\$1,759.00; Teen Court-\$1,959.58; Texaco-\$6.64; The Backup Training Corp-\$52.50; Tigerdirect-\$99.05; Twin City Hardware & Lumber-\$2.14; U S Bank-\$1,293.75; U S Bank Corp Trust Debt Manag-\$203,392.51; U S Postal Service-\$5,000.00; Verizon Wireless-\$45.38; Victims Of Violence-\$305.00; Viking Office Prod-\$442.07; Walmart Store-\$144.75; Warne Chemical-\$304.80; Wells Fargo Bank-\$513.25; Wells Plumbing & Farm Supp-\$45.67; Western Communication-\$118.75; Wipf,M-\$129.76; Wolff's Plumbing & Heating-\$143.73; Z&S Dust Control-\$8,052.43; **Witness & Jurors:** Atyeo,T-\$51.74; Case,R-\$57.54; Erdman,G-\$19.86; Haeder,A-\$59.86; Hawks,J-\$61.60; Nevin,M-\$51.74; Quinn,J-\$64.50; Trucano,T-\$61.60; Weiers,R-\$61.60; Young,S-\$58.70; Acri,G-\$18.12; Auer,M-\$14.06; Brunner,D-\$11.74; Burrows,D-\$11.74; Carter,B-\$11.74; Christopherson,L-\$58.70; Derosier,D-\$59.86; Gouldin,C-\$15.22; Hemeyer,G-\$18.70; Johnson,D-\$58.70; Kessel,L-\$58.70; Krautschun,H-\$61.60; Lucas,J-\$18.70; Macdonald,D-\$18.70; Markve,D-\$11.74; Mattson,S-\$64.50; Mcintire,B-\$18.70; Miller,T-\$52.32; Miller,V-\$20.44; Morris,C-\$58.70; Mykleby,G-\$15.22; Nash,H-\$11.74; Njos,E-\$18.12; Ochse,A-\$50.58; Paris,J-\$21.60; Sulentic,D-\$51.16; Swaby,S-\$18.70; Treadway,J-\$18.70; Tusha,T-\$12.32; Vifquain,V-\$65.66; Wall,A-\$18.70; Zastrow,B-\$51.74; Albrecht,A-\$11.74; Butler,C-\$18.70; Cahoy,D-\$21.60; Caldwell,J-\$58.70; Carlson,M-\$61.60; Covell,B-\$58.70; Dana,S-\$58.70; Deranleau,D-\$24.50; Duex,S-\$21.60; Edwards,A-\$58.70; Gesinger,H-\$58.70; Glatt,V-\$18.70; Haase,A-\$18.70; Hemmingson,S-\$59.86; Holso,T-\$12.32; James,S-\$19.86; Jassman,J-\$14.64; Karol,C-\$22.76; Kurtti,J-\$10.58; Lewis,M-\$18.70; Long,G-\$58.12; Mueller,D-\$18.70; Murray,D-\$12.32; Peterson,D-\$61.60; Pickett,D-\$16.96; Quenzer,D-\$11.74; Rasset,J-\$15.80; Rich,T-\$18.70; Samuelson,A-\$56.96;

Schoon,M-\$18.70; Schumacher,D-\$51.16; Shuck,L-\$58.70; Thoresen,M-\$18.70; Umenthum,C-\$31.74

**ADJOURN:** 12:25 p.m. - There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – JUNE 10, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 10, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Douglas-Ewing) to approve the minutes of May 27, 2003. Motion Carried.

**MEETING DATES:** The Board combined the August meetings and will have one meeting on August 19<sup>th</sup> 2003.

### **PERSONNEL:**

**TREASURER:** Moved-Seconded (Douglas-Flanagan) to approve Sally Atkinson as an Accounting Clerk Step 5 at the base rate of \$9.86 an hour, effective 6-16-2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Flanagan) to approve Cynthia Wilson, Shannon Leary and Charles Wood as Correctional Officer II at the base rate of \$12.72 an hour, effective 6-10-2003. Motion Carried.

**WAGE SCALE:** The Board asked Connie Douglas, Brandon Flanagan, Marlene Barrett and Connie Atkinson to work with the Department Heads in reviewing the hourly wage scale.

### **TRAVEL REQUESTS:**

**STATES ATTORNEY:** Moved-Seconded (Ewing-Seward) to approve the travel request for Bruce Outka to attend the 10<sup>th</sup> Circuit Court of Appeals on the Pine Beetle in Denver Colorado on July 6-7, 2003. Motion Carried.

**VSO:** Moved-Seconded (Weisenberg-Douglas) to approve the travel request for William Locken to attend the Semi-Annual VSO Training in Rapid City, SD on June 9, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Paul Thomson and Ken Hawki to attend the Emergency Management Training in Pierre, SD on June 24-27, 2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request, for meals, for two jailers to attend the training in Yankton, SD on July 14-19, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Flanagan) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of May 31, 2003 showed the following: Total amount of deposits in banks-\$9,981,997.44; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$30,102.62; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,839.03; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning & EM-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$438,411.33; Savings-\$4,561,692.05; GNAMS-\$99,576.41; and Money Market \$1,182,317.65, Total \$10,017,824.09.

**RESOLUTION #03-18 TO SELL REAL PROPERTY:** Moved-Seconded (Flanagan-Seward) to declare the following property surplus and approve and authorize the Chairman to sign Resolution #03-18 To Sell Real Property. Motion Carried.

***RESOLUTION #03-18 SELL REAL PROPERTY: WHEREAS***, Lawrence County is the owner of the property herein described, having acquired title thereto by Tax Deed Proceeding, and the same being at the present time in an unproductive state, and making little or no return to Lawrence County, and It appearing that the same can now be sold for a reasonable sum and placed upon the Tax List, and the Board of Commissioners of Lawrence County, South Dakota, deeming it advisable to offer said property for sale. **NOW, THEREFORE**, it is by the Board of Commissioners of Lawrence County, South Dakota **RESOLVED That** in the opinion of the majority of the said Commissioners, it is in the best interest of Lawrence County to declare the real property surplus and sell the following described real property, to wit: 1) Lot "A", being a Subdivision of Lots 20, 21, and 22 in Block 19, Denver Addition to the City of Lead, Lawrence County, South Dakota, as shown by plat filed in Book 1 Page 286 as recorded in the Office of the Register of Deeds of Lawrence County, South Dakota, a/k/a 209 West McClellan Street, Lead, SD. **SPECIAL ASSESSMENTS DUE 2)**The East Ninety-Four (E 94') feet of Lot Two (2), In Block "C" of Boulder Height's Addition #1 of the South Half of the Southwest Quarter of Section 14, Township 5 North, Range 4 East, of the Black Hills Meridian, Lawrence County, South Dakota, as shown by Plat in Book 2 Page 88-C, Lawrence County Register of Deeds Office. 3) Lot 1-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, Township 7 North, Range 2 East, of the Black Hills Meridian, Lawrence County, South Dakota, according to Plat Doc. #77-2708. 4) Lot 3-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, T7N, R2E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. #77-2708. 5) Probate Lot 441, City of Deadwood according to P.L. Rogers Map, Lawrence County, South Dakota. Property must be platted and recorded at buyer's expense within one year before a deed will be issued. In the event no plat is filed within one (1) year all sale proceeds will be kept by Lawrence County and the sale of the property will be voided. 6) Probate Lot 305, City of Deadwood according to P.L. Rogers Map, Lawrence County, South Dakota. Property must be platted and recorded at buyer's expense within one year before a deed will be issued. In the event no plat is filed within one (1) year all sale proceeds will be kept by Lawrence County and the sale of the property will be voided. And, that said real property be offered for sale in accordance with the provisions of Chapter 7-29 of the South Dakota Codified Laws as Amended and that before said property is offered for Sale, the same be appraised by a Board of Appraisers, consisting of the Board of Commissioners of Lawrence County, South Dakota. Dated this 10th day of June, 2003. **FOR**

**THE BOARD OF COUNTY COMMISSIONERS:** JAMES J. SEWARD, Chairman.  
**ATTEST:** CONNIE ATKINSON, Lawrence County Auditor.

Moved-Seconded (Weisenberg-Flanagan) to appraise the real property as follows: 1) Lot "A", being a Subdivision of Lots 20, 21, and 22 in Block 19, Denver Addition to the City of Lead, Lawrence County, South Dakota, as shown by plat filed in Book 1 Page 286 as recorded in the Office of the Register of Deeds of Lawrence County, South Dakota, a/k/a 209 West McClellan Street, Lead, SD. **(SPECIAL ASSESSMENTS DUE AT TIME OF SALE) \$100.00**

2) The East Ninety-Four (E 94') feet of Lot Two (2), In Block "C" of Boulder Height's Addition #1 of the South Half of the Southwest Quarter of Section 14, Township 5 North, Range 4 East, of the Black Hills Meridian, Lawrence County, South Dakota, as shown by Plat in Book 2 Page 88-C, Lawrence County Register of Deeds Office. **\$100.00**

3) Lot 1-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, Township 7 North, Range 2 East, of the Black Hills Meridian, Lawrence County, South Dakota, according to Plat Doc. #77-2708. **\$100.00**

4) Lot 3-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, T7N, R2E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. #77-2708. **\$100.00**

5) Probate Lot 441, City of Deadwood according to P.L. Rogers Map, Lawrence County, South Dakota. **\$100.00**

6) Probate Lot 305, City of Deadwood according to P.L. Rogers Map, Lawrence County, South Dakota. **\$100.00**

The Board of County Commissioners of Lawrence County, being severally sworn, each for himself, states the foregoing is a true and just appraisal of the real property described, as he verily believes. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor. Subscribed and sworn to before me this 10th day of June, 2003. CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**HAZMAT GRANT:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the DOJ FY 2002 Equipment Grant Award to Lawrence County for \$172,733.33 to purchase personal protective, detection, decontamination, communication, and medical equipment and supplies for first responders. Motion Carried.

**COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT NO. 0102-181:** A public Progress Hearing was held regarding the Fire Equipment Purchase Community Development Block Grant Project No. 0102-181. Paul Thomson updated the Board and stated they currently have eight trucks and are waiting for the ninth to be delivered. The skid units should be delivered in the next couple of weeks. Spearfish is housing the units at this time. The Board thanked Spearfish for allowing the vehicles to be kept indoors. There were no concerns from the public.

Moved-Seconded (Ewing-Flanagan) to approve the Lawrence County Equipment Agreement and to designate the Emergency Management Director as the designee to sign and approve any modifications to the Equipment Agreement. Motion Carried.

9:45 AM: Moved-Seconded (Douglas-Ewing) to go into executive session to discuss personnel matters with Joe Harmon. Motion carried. 10:10 AM: The Board reopened for regular business.

**COUNTRY SCHOOL SUBDIVISION ROAD DISTRICT:** A petition and application for incorporation of the Country School Subdivision Road District were received and reviewed. The proposed road district has only one landowner. The Landowner is Duane A. Nicholas. Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Order Declaring Country School Subdivision Road District Incorporated. Motion Carried.

**ORDER DECLARING COUNTRY SCHOOL SUBDIVISION ROAD DISTRICT INCORPORATED: WHEREAS,** A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been fully complied with; **WHEREAS,** SDCL 31-12A-1.1 allows three or fewer landowners to form a road district. **WHEREAS,** Duane A. Nicholas is the only landowners of the subdivided land to be included in the Road District. **WHEREAS, IT IS HEREBY DECLARED** that the territory proposed to be organized as a county road district to-wit: NE1/4NE1/4 of Section 8, except Lots 1 through 6 according to Plat Document No. 76-2888, and except Lots H-1 and H-2 deeded in Doc. Nos. 88-2124 and 88-2125, and except that 2.86 acres called "Outlot A" on the attached Map of the proposed District, all in Township 6 North, Range 2 East, B.H.M., Lawrence County, South Dakota. **NOW THEREFORE BE IT ORDAINED** by the Lawrence County Board of Commissioners that the Country School Subdivision Road District is hereby incorporated pursuant to SDCL 31-12A-11. **DATED** this 10<sup>th</sup> day of June, 2003. **JAMES J. SEWARD, Chairman Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor**

**SHIRTTAIL GULCH ROAD DISTRICT:**

Moved-Seconded (Douglas-Ewing) to canvass the election results for Shirrtail Gulch Road District with 17 (seventeen) ballots cast: 9 (nine) for the incorporation of Shirrtail Gulch Road District and 8 (eight) against incorporation of the Road District.

Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the following Order Declaring Shirrtail Gulch Road District Incorporated. Motion Carried.

**ORDER DECLARING SHIRTTAIL GULCH ROAD DISTRICT INCORPORATED: WHEREAS,** an election was held among the landowners of Shirrtail Gulch Road District to determine whether or not a County Road District should be incorporated. **WHEREAS,** this vote was held on June 9, 2003. **WHEREAS,** the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was 17 (seventeen), together with the number of 9 (nine) voting for and the number of 8 (eight) voting against incorporation; **WHEREAS,** the Board of County Commissioners are satisfied with the legality of such election. **WHEREAS,** it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. **NOW THEREFORE BE IT ORDAINED** by the Lawrence County Board of Commissioners that the Shirrtail Gulch Road District is hereby incorporated pursuant to SDCL 31-12A-11. **DATED** this 10<sup>th</sup> day of June, 2003. **JAMES J. SEWARD, Chairman Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor**



**2004 LIBRARY FUNDING REQUESTS:** Library representatives from Spearfish, Deadwood, Lead and Whitewood were present to discuss the 2004 funding request. The Lawrence County Library Association Funding Request for 2004 is \$375,128. Funding comparisons were reviewed and the Board asked for Meade, Butte and Pennington County figures. The Board stated they would take their request under consideration.

**WHARF & GOLDEN REWARD MINES CONDITIONAL USE PERMIT:** Carol Koerner and Kim Schultz presented the 2002 Annual Report for Conditional Use Permit #126 Golden Reward and for Conditional Use Permit #224 Wharf Resources. Reclamation was discussed and pictures were shown. Schultz stated they will be applying for an incremental Bond Release as reclamation is finalized. An on site will be scheduled in August or September and the Board will be invited. Jack Cole was present and expressed concerns on who is "Wharf & Golden Reward" and questioned if they were following all laws. Dick Reid asked if any water had been contaminated in the area. Koerner stated they have not had any that were mining related.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,905.77; Treas-\$7,783.53; Comp-\$4,790.87; States Atty-\$10,159.23; Pub Def-\$7,098.55; Gen Govt Bldg-\$4,532.85; Equal-\$9,347.29; Deeds-\$5,330.69; Vso-\$723.91; Disp-\$10,092.98; Sher-\$28,092.46; Jail-\$16,411.88; Emerg Mgnt-\$2,310.24; E911-\$1,338.48; Highway-\$27,888.39; Air-\$293.75; Exten-\$1,129.92; Weed-\$5,750.85; PZ-\$2,564.10; **Bills:** Atkinson,C-\$213.98; Black,S-\$30.00; Carr,Z-\$51.74; Hamilton,M-\$30.00; Larson,R-\$12.32; Locken,W-\$134.56; Mowell,R-\$6,489.00; Outka,B-\$94.00; Sandvick,T-\$30.00; A&B Business Equip-\$1,358.00; A&B Welding Supply-\$105.58; ABC Business Supply-\$641.36; Air Connection-\$170.13; Altaire Enterprises-\$20.00; American Family Life-\$2,235.40; At&T-\$5.55; B H Chemical-\$1,138.95; B H Collection Service-\$50.00; B H Council Of Local Govt-\$7,500.00; B H Federal Credit Union-\$7,889.14; B H Fibercom-\$2,668.43; B H Medical Ctr Pharmacy-\$553.86; B H Pest Control-\$95.00; B H Pioneer-\$466.81; B H Power & Light-\$614.80; B H Travel Agency-\$384.50; B H Truck And Trailer-\$6,298.99; Belle Fourche Landfill-\$83.62; Bickle's Truck & Diesel-\$57.09; Blue Cross-\$38,278.32; Buckstop Express Mart-\$28.31; Bureau Of Administration-\$20.00; Butler Law Office-\$8,852.91; Butte Electric Coop-\$409.27; Campbell Supply Co-\$62.50; Cardinal Printing-\$251.65; Cellular One-\$258.32; Central Parts-\$989.12; Chemsearch-\$666.47; Chris Supply Co-\$215.72; City/County Alcohol&Drug-\$1,826.00; Coburn Insurance Agency-\$120.00; Coley,M-Ccdci-\$60.00; Conoco-\$186.55; Cooperative Extension Service-\$185.87; Corral West-\$83.85; Culligan Soft Water Serv-\$24.00; Dale's Tire&Retread-\$590.00; Dartek Computer Supplies-\$344.94; Deadwood Home Center-\$631.35; Deadwood Recreation Center-\$85.00; Deadwood City Of-\$539.75; Deckers Food-\$46.84; Dept Of The Treasury-\$35,970.01; Don's Sinclair-\$22.50; Ensignal-\$138.95; Evercom Systems-\$210.00; Extension Service-\$194.22; Gall's-\$6,505.55;

Gold Dust-\$64.25; Golden West Teltech-\$33.00; Great Western Tire-\$232.22; Heisler Hardware-\$44.63; Hills Material Comp-\$330.40; Hink,J-\$51.74; Huron Culvert & Tank Co-\$618.00; Ikon Office Solutions-\$96.25; Johnson Ford-\$22.53; K Mart-\$29.99; Kar Products-\$195.30; Kimball-Midwest Co-\$260.23; Knecht True Value-\$182.07; Koala Electric-\$1,032.59; Kota Graphics-\$269.00; L C Centennial-\$21.83; L C Public Health-\$2,208.00; L C Sheriff-\$46.13; L C Treasurer-\$50.00; Lamb Motor Company-\$274,905.00; Lead, City Of-\$49.60; Lead-Deadwood Sanitary-\$217.56; Lee,J-\$26.74; Lexisnexis Matthew Bender-\$108.20; Looyenga,Dr-\$700.00; Mayer Radio-\$17.05; Mcleod's Office Supply-\$244.53; Mcmichael,D-\$344.00; Montana-Dakota Util-\$2,663.83; Motorola-\$2,328.00; Murphy,J-\$1,231.20; NH Drug Task Force-\$148.89; N H Family Ymca-\$398.00; N H General Hospital-\$942.08; Nacdl Publications Service-\$50.00; Nelson,T-\$400.00; Neve's Uniforms-\$78.00; Office Of Child Support-\$415.50; Outdoor Motor Sports-\$108.47; Paper Showcase-\$83.25; Parrett,P-\$179.26; Pennington Co Auditor-\$319.00; Pennington County Sheriff-\$11.10; Pennington County Sts Attny-\$600.00; Postmaster,Deadwood-\$416.00; Postmaster,Spearfish-\$38.00; Priority Dispatch-\$46.00; Profile Evaluations-\$355.00; Queen City Motors-\$511.52; Queen City Rocket Lube-\$247.09; Qwest-\$131.04; R C Regional Hospital-\$275.64; Radio Shack/Kazco-\$19.94; Reindl,S-\$871.47; Reliable-\$136.41; Rombough,D-\$90.62; S D Retirement System-\$36,864.57; S D State Treasurer-\$60.00; S D Supplemental Retirement-\$812.50; Scull Construction-\$228,558.78; Servall Towel & Linen-\$194.55; Seton Identification Products-\$67.11; Sirchie Finger Print Lab-\$400.73; Spearfish Auto Supply-\$344.86; Spearfish Husky-\$10.00; Specialized Auto Service-\$31.00; Stretch's Glass&Mirror-\$1,470.42; Teen Court-\$3,507.53; The Rockwood Corporation-\$131.80; Thyssenkrupp Elevator-\$486.00; Tigerdirect-\$889.67; Triple K Tire & Repair-\$10.00; Twin City Hardware & Lumber-\$805.66; Viking Office Prod-\$171.07; W S Darley & Co-\$53,192.00; Walmart-\$76.29; Waste Connections-\$446.26; Wells Plumbing & Farm Supp-\$132.93; West Group-\$188.50; Western Communication-\$294.10; Williams Rentals-\$400.00; Xerox Corporation-\$120.00; Z&S Dust Control-\$34,017.75; Zep Manufacturing-\$232.52;

**Witness & Juror Fees:** Atyeo,T-\$51.74; Beloskur,M-\$57.54; Boos,R-\$59.86; Caldwell,S-\$50.58; Cram,D-\$58.70; Freeland,W-\$55.80; Haeder,A-\$59.86; Hawks,J-\$61.60; Nevin,M-\$51.74; Osborn,J-\$61.60; Quinn,J-\$64.50; Rook,L-\$52.32; Tschetter,S-\$62.76; Wagner,C-\$61.60; Weiers,R-\$61.60; Young,S-\$58.70; Bendickson,K-\$64.50; Carr,J-\$54.64; Cerkoney,S-\$12.32; Chyba,R-\$11.16; Colvin,T-\$55.80; Costner,B-\$18.70; Dovre,R-\$64.50; England,J-\$19.86; Foerster,A-\$50.58; Geist,J-\$26.24; Hersch,T-\$18.70; Hill,W-\$16.96; Holman,L-\$18.70; Langum,J-\$58.70; Lerwick,E-\$18.12; Madrid,P-\$16.96; Mcbride,I-\$62.18; Nichols,K-\$10.58; Ottema,E-\$18.70; Sanders,D-\$11.74; Shatney,E-\$57.54; Sieveke,S-\$18.70; Skvicalo,B-\$15.80; Stagner,J-\$51.74; Stampe,S-\$18.70; Torres,J-\$11.74; Vavruska,L-\$58.70; West,J-\$11.74; Wheeler,L-\$18.70; Williamson,J-\$17.54; Addington,R-\$10.58; Allen-Richards,C-\$24.50; Allred,A-\$55.80; Bedford,L-\$18.12; Chamberlain,D-\$56.96; Crary,J-\$50.58; Delarosa,M-\$40.16; Delzer,N-\$14.64; Durbin,D-\$11.74; Eddy,K-\$52.32; Farrier,S-\$18.70; Franich,M-\$11.16; Graveman,S-\$55.80; Hansen,K-\$13.48; Hazledine,R-\$57.54; Heinrichs,D-\$56.96; Hemmingson,S-\$21.60; Jennings,M-\$64.50; Ketelsen,V-\$58.70; Kitzmiller,P-\$21.60; Klumb,R-\$19.28; Koski,T-\$18.70; Lloyd,K-\$10.58; Lochner,V-\$58.70; Longsoldier,I-\$12.90; Luze,J-\$14.64; Mclain,C-\$11.74; Merkel,C-\$18.70; Merritt,R-\$50.58; Metzger,L-\$12.32; Moe,M-\$16.38; Morgan,A-\$60.44; Neisent,D-\$18.70; Nelson,W-\$11.16; Quaschnick,T-\$15.80; Rans,D-\$19.86; Reuppel,S-\$22.76; Riedel,T-\$24.50; Roy,D-\$58.70; Sanders,L-\$20.44; Sayler,W-\$61.60; Schutz,E-\$58.70; Shields,G-\$58.12; Steffen,H-\$11.74; Storm,G-\$12.90; Stulken,J-\$11.74; Taylor,W-\$52.32; Tetrault,T-\$19.28; Tinker,R-\$12.90; Tinker,R-\$12.90; Trehwella,W-

\$12.32; Tysdal,R-\$59.86; Vetter,A-\$58.70; Vissia,W-\$15.80; Wager,M-\$59.86; Weglin,A-\$18.70; Welch,J-\$18.70; Wessel,M-\$58.70; Blakney,V-\$18.70; Kasten,D-\$59.28; Pummel,Y-\$21.60; Steele,C-\$64.50; Boke,J-\$61.60; Littleton,T-\$21.60; Neighbours,J-\$56.10

**ADJOURN:** 11:35 a.m. - There being no further business it was Moved-Seconded (Ewing-Flanagan) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – JUNE 24, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 24, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Seward) to approve the minutes of June 10, 2003. Motion Carried.

### **PERSONNEL:**

**STATES ATTORNEY:** Moved-Seconded (Weisenberg-Flanagan) to approve the hiring of an intern, Brooke Steele, at the rate of \$9.00 an hour, 30 hours a week, for five weeks. Motion Carried.

**SHERIFF:** Moved-Seconded (Ewing-Flanagan) to approve Cindy Kersey and Kimberly Montreal as Dispatcher I at the rate of \$10.14 an hour, effective 6-24-2003. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve Cynthia Wilson as a Cook/Jail Assistant at \$12.30 an hour, effective 6-10-2003. Motion Carried. This corrects the action taken in error on 6-10-2003.

Moved-Seconded (Douglas-Ewing) to approve the Reserve Deputy II rate of \$12.50 an hour for campground patrol only. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Cindy Wilson and Charles Woods to attend the Correctional Officer School in Huron SD on July 13-18, 2003. Motion Carried.

**HIGHWAY:** Moved-Seconded (Weisenberg-Seward) to approve the travel request for Bonnie Wright and Diane Vandenberg to attend the D-Ware Seminar in Pierre, SD on August 13-15, 2003. Motion Carried.

**AIRPORT:** Moved-Seconded (Flanagan-Weisenberg) to approve the travel request, under protest, for Ray Jilek to attend the Aeronautics 2003 State Aircraft Conference that was held February 25-27, 2003 and to have the Chairman send a letter to the Airport Board stressing that Jilek is not a County employee and that the contract with Jilek needs to be amended or future cooperation with the Board of Commissioners could be in jeopardy.

**CITY OF SPEARFISH UTILITY PERMIT:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way on 014B to Highway 85 to install water transmission line and sewer transmission line. Motion Carried.

**RESOLUTION # 2003-19 / AMENDMENT #7 LAWRENCE COUNTY PERSONNEL**

**MANUAL:** Moved-Seconded (Weisenberg-Flanagan) to approve the following Resolution# 2003-19 Amendment #7 to the Lawrence County Personnel Resolution. Motion Carried.

WHEREAS, the Lawrence County Commissioners have adopted the Lawrence County Personnel Manual to establish a fair system of personnel administration; and WHEREAS, updates need to be made to the manual to ensure the fair and equitable system is updated; THEREFORE BE IT RESOLVED, that effective January 1, 2004 and upon favorable passage of this resolution and until otherwise revised, the following revision is hereby adopted for **ARTICLE II. Section 4. LONGEVITY PAY** of the Lawrence County Personnel Manual. (4.) **LONGEVITY PAY:** Longevity pay will be awarded to permanent employees who have been employed for a minimum of five (5) years. Eligibility takes place on anniversary date of 5<sup>th</sup> year of employment, with increases on the 10<sup>th</sup> year of employment, 15<sup>th</sup> year of employment, and 20<sup>th</sup> year of employment.

Longevity pay schedule is as follows:

- 5 Years - 1 cent per hour for each year of employment.
- 10 Years- 2 cents per hour for each year of employment.
- 15 Years- 3 cents per hour for each year of employment.
- 20 Years- 4 cents per hour for each year of employment.

Elected Officials are eligible for longevity raises. Seasonal employees working consecutive years are eligible for longevity raises. Employees whose salaries are set by the State are not eligible for longevity raises. Dated this 24th day of June, 2003. LAWRENCE COUNTY

COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**2003 WAGE SCALE:** Moved-Seconded (Douglas-Flanagan) to accept following 2003 wage scale with grade compliance by January 1, 2005. Motion Carried.

**Lawrence County**

**2003 PAYROLL STEPS AND RATES**

<b>POSITION</b>	<b>GRADE 1</b>	<b>GRADE 2</b>	<b>GRADE 3</b>	<b>POSITION</b>	<b>GRADE 1</b>	<b>GRADE 2</b>	<b>GRADE 3</b>
ACCT CLK / REC CLK	9.31	9.86	10.97	<b><u>SHERIFF</u></b>			
SECRETARY / LEGAL SEC I	10.20	10.77	11.85	DISPATCHER I	9.64	9.89	10.14
ADMIN SECRETARY	10.30	10.97	12.10	DISPATCHER II	10.97	11.22	11.47
LEGAL SECRETARY II	10.77	11.46	12.57	DISPATCHER III	11.50	11.75	12.00
				E-911 COORDINATOR GUARDS/TRANSPORT OFFICER	14.63	14.88	15.13
<b><u>APPRAISERS:</u></b>					9.37	NA	NA
APPRAISER I	10.57	NA	NA	JAIL ADMINISTRATOR	13.70	13.95	14.70
APPRAISER II				TRAINEE		NA	NA

	11.38	11.63	11.88		7.08		
APPRAISER III	12.48	12.73	12.98	CORRECTIONAL I	10.56	10.81	11.06
APPRAISERS IV	13.56	13.81	14.06	CORRECTIONAL II	12.22	12.47	12.72
<b><u>ADMINISTRATIVE ASSISTANTS</u></b>				COOK I	9.80	10.05	10.30
HIGHWAY ADM ASST	12.43	12.93	13.43	COOK / JAIL ASSISTANT	11.80	12.05	12.30
SHERIFF ADM ASST	12.43	12.93	13.43	PROCESS SERVER	13.21	13.46	13.71
STATES ATTY LEGAL ASST	12.99	13.49	13.99	RESERVE DEPUTY I	NA	NA	10.82
COMPUTER SPECIALIST	15.92	16.92	17.92	RESERVE DEPUTY II	NA	NA	12.50
EQUAL 1ST DEPUTY/APP IV	14.07	14.57	15.07	DEPUTY I	14.55	14.80	15.05
INVESTIGATOR/PARA-LEGAL	13.15	13.40	13.65	DEPUTY II	15.87	16.12	16.37
				SQUAD SERGEANT	16.35	16.60	16.85
<b><u>AIRPORT</u></b>				DETECTIVE	16.54	16.79	17.04
MAINTENANCE WORKER	11.50	12.00	12.50	CAPTAIN	17.62	17.87	18.12
<b><u>***** HIGHWAY &amp; MAINTENANCE *****</u></b>				<b><u>*** ELECTED OFFICIALS FIRST DEPUTY ***</u></b>			
PT. TIME CUSTODIAN	NA	NA	6.89	AUDITOR	NA	NA	13.59
CUSTODIAN I	NA	NA	8.68	TREASURER	NA	NA	12.46
CUSTODIAN II	NA	NA	10.42	REG OF DEEDS	NA	NA	12.46
MAINT. WORKER I	NA	NA	9.31				
MAINT. WORKER II	NA	NA	11.30	<b><u>WEED</u></b>			
LIGHT EQUIPMENT OPERATOR	NA	NA	14.14	SPRAYER / GPS	8.40	9.40	10.50
HEAVY EQPMT / MECHANIC	NA	NA	14.86	GPS	9.00	9.50	10.00
FOREMAN/SHOP FOREMAN	NA	NA	17.04				

**2003-2004 MALT BEVERAGE LICENSE:** A public hearing was held on an application for Malt Beverage Retail On-Off Sale License for John D. Bell (Bell LTD) 11275 US Hwy 85/14A, Lead, SD 57754. No public input was present and the hearing was closed. Moved-Seconded (Douglas-Flanagan) to approve the 2003-2004 Malt Beverage Retail On-Off Sale License for John D. Bell (Bell LTD). Motion Carried.

**PUCHASE AND SALE AGREEMENT:** Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Amendment to Purchase and Sale Agreement. Motion Carried.

**HOMESTAKE MINE REVIEW:** Matt Zietlow, Homestake Mining Company Environmental Manager reviewed the Annual Report for Conditional Use Permit #124 and #144 for 2002.

Zietlow showed a power point presentation on the Homestake Mine showing 2002 facts and statistics and discussed the progress of closing the Homestake Mine in Lead.

**GILT EDGE MINE RECLAMATION:** Ken Wangerud, EPA Project Director, presented a power point presentation on the progress of the Gilt Edge Mine Reclamation.

**CDBG APPLICATION AND COMMUNITY DEVELOPMENT HOUSING NEEDS**

**ASSESSMENT:** A public hearing was held on for the purpose of soliciting public comments pertaining to the County's on-behalf-of application for Community Development Block Grant (CDBG) funds. This project is the Terry-Trojan Water District's proposed water quality project that will enable the District to meet the new EPA arsenic standard effective in 2006. The total estimated cost of this project is \$133,250, which includes \$68,250 of CDBG funds from this application. No public was in attendance and the public hearing was closed. Chuck Vanderziel, Black Hills Council of Local Government, was present and explained the Grant to the Board.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Resolution #2003-20 Community Development Block Grant On-Behalf-Of Application Resolution. Motion Carried. Resolution #2003-20 Community Development Block Grant On-Behalf-Of Application Resolution: WHEREAS, Lawrence County has identified the need to apply for an on- behalf-of Community Development Block Grant (CDBG) for the Terry-Trojan Water Project District's proposed Water Quality Project; and, WHEREAS, Lawrence County expects the Terry-Trojan Water Project District to complete the proposed \$133,250 project with the assistance of CDBG Program funds in the amount of \$68,250; and, WHEREAS, Lawrence County is eligible for Federal assistance for the proposed project as it is a county under 200,000 in population; and, WHEREAS, with the submission of the CDBG Application, Lawrence County assures and certifies that all CDBG Program requirements will be fulfilled by themselves or the Terry-Trojan Water Project District. NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Lawrence County Commission be authorized to execute the CDBG Application and any and all amendments thereto; AND, BE IT FURTHER RESOLVED that the Chairperson of the Terry-Trojan Water Project District be authorized to execute any and all contract documents pertaining to the project. Dated this 24<sup>th</sup> day of June, 2003. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the Resolution #2003-21 Community Development Block Grant On-Behalf-Of Application Project Certifying Officer Resolution. Motion Carried. Resolution #2003-21 Community Development Block Grant On-Behalf-Of Application Project Certifying Officer Resolution: WHEREAS, Lawrence County anticipates an "on-behalf-of" award of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, as administered by the State of South Dakota, Governor's Office of Economic Development; and, WHEREAS, if awarded Community Development Block Grant funds, Lawrence County will be required to designate a Project Certifying Officer for the purpose of signing required documents pertaining to this grant. NOW, THEREFORE, BE IT RESOLVED, that the Lawrence County Commission Chairman be hereby designated as the County's official for the purpose of signing Grant Agreements and Contracts. AND, BE IT FURTHER RESOLVED, that the Chairperson of the Terry-Trojan Water Project District be hereby designated as the County's official for the purpose of signing correspondence, pay requests and other required documents directly relating to the Community Development Block Grant Project. Dated this 24<sup>th</sup> day of June, 2003. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Resolution #2003-22 Community Development Block Grant On-Behalf-Of Application Environmental Certifying Officer Resolution. Motion Carried. Resolution #2003-22 Community Development Block Grant On-Behalf-Of Application Environmental Certifying Officer Resolution: WHEREAS, Lawrence County anticipates an on-behalf-of award of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, as administered by the State of South Dakota Governor's Office of Economic Development; and, WHEREAS, if awarded Community Development Block Grant funds, Lawrence County will be required to designate an Environmental Certifying Officer for the purpose of completing the required environmental documents pertaining to this grant. NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Commission be hereby designated as the Environmental Certifying Officer for the purpose of signing correspondence and other required documents and forms. AND, BE IT FURTHER RESOLVED that the Black Hills Council of Local Governments is requested to act on behalf of Lawrence County in completing the CDBG Environmental Assessment on the Terry-Trojan Water Project District's Water Quality Project. Dated this 24<sup>th</sup> day of June, 2003. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

Moved-Seconded (Flanagan-Douglas) to approve and authorize the Chairman to sign the Community Development Block Grant Operation, Maintenance and Repair Statement. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Community Development Block Grant Relocation, Displacement and Acquisition Plan. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Community Development Block Grant On-Behalf-Of Application Statement of Local Match. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the CDBG Payment Request for Terry-Trojan Water Project District. Motion Carried.

A public hearing was held for soliciting public comments on the community development and housing needs for Lawrence County. No written comments were received and no public was present. The public hearing was closed and the Board discussed needs for the County.

Moved-Seconded (Weisenberg-Flanagan) to adopt the following Community Development and Housing Needs Assessment for Lawrence County. Motion Carried.

#### LAWRENCE COUNTY COMMUNITY DEVELOPMENT AND HOUSING NEEDS

ASSESSMENT: Community Development and Housing Needs of Low and Moderate Income Persons of Lawrence County: 1. Review and enforce established state and county codes to ensure a minimum standard for housing units. 2. Investigate possible methods to decrease the number of substandard housing units In the County. 3. Encourage the development of permanent low-income housing units through non profit and for-profit entitles. 4. Encourage the development of additional transitional units for those recently locating In the County who are unable to secure adequate housing. 5. Attempt to locate and secure employers that pay salaries above the minimum wage In order to provide sufficient incomes to support minimal housing needs. Planned or Potential Activities to Address Community Development and Housing Needs of



Lawrence County: 1. Review existing planning documents and zoning ordinances to ensure compatibility with other governmental requirements to ensure compatibility in the development of supporting infrastructure. 2. Educate both developers and other governing bodies of the need for community development and housing, and identify roadblocks that exist in meeting those needs. 3. Address the possibility of bringing together multiple organizations within the County to address the needs of community development and housing. 4. Investigate possible funding sources to construct both temporary and permanent housing for both low-income and non low-income persons within the County. 5. Encourage countrywide developers to apply for funding through Rural Development, South Dakota Housing Authority and the U.S. Department of Housing and Urban Development.

**BILLS:** Moved-Seconded (Ewing-Flanagan) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,620.96; Treas-\$7,139.95; Comp-\$4,550.80; States Atty-\$9,887.27; Pub Def-\$5,511.14; Gen Govt Bldg-\$4,194.72; Equal-\$8,823.88; Deeds-\$4,596.14; Vso-\$723.91; Disp-\$8,154.25; Sher-\$25,936.87; Jail-\$14,607.58; Emerg Mgnt-\$2,320.23; E911-\$1,223.80; Highway-\$27,896.98; Air-\$262.50; Ext-\$1,426.82; Weed-\$5,800.25; Pz-\$2,471.86;

**Bills:** Flanagan,B-\$171.40; Hamilton,M-\$61.35; Kaiser,D-\$3.92; Mattson,B-\$139.50; Piekola,D-\$817.10; A&B Business Equip-\$77.14; ABC Business Supply-\$124.43; Ager Rubble Site-\$132.00; Air Connection-\$2,100.00; Alco Store-\$20.08; Altaire Enterprises-\$395.00; Amcon Distributing-\$273.91; American Tech Serv-\$4,821.00; Amoco Oil Co-\$17.84; At&T-\$68.89; B H Chemical Company-\$836.23; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,889.14; B H Land Analysis-\$647.90; B H Power & Light-\$6,948.46; B H Travel Agency-\$359.49; Behavior Mgnt Systems-\$300.00; Black Hills Surveying-\$1,530.00; Brownsville Fire Dept-\$1,030.31; Buckstop Express Mart-\$37.50; Bureau Of Administration-\$20.00; Butler Machinery Co-\$256.00; Butte County Sheriff-\$9.60; Campbell Supply-\$119.75; Carl's Trailer Sales-\$22,185.00; Cellular One-\$124.98; Chain Saw Center-\$13.35; Chief Supply-\$80.91; Chinatown Café-\$80.75; Chris Supply Co-\$39.80; Christensen Law Office-\$400.25; City/County Alcohol & Drug-\$315.00; Clinical Lab Of Bh-\$1,061.52; Coburn,B-\$171.40; Corral West-\$107.80; Csd-\$275.00; Culligan Soft Water Serv-\$98.25; Custer Community Hospital-\$208.00; D Ware-\$120.00; Dakota Graphics-\$139.00; Dakota Bus Service-\$420.50; Dartek Computer Supplies-\$210.99; Datamaxx Tech-\$750.00; Deadwood Social Club-\$98.00; Dept Of The Treasury-\$32,903.96; Derosier,L-\$205.68; Domestic Crisis Outreach-\$555.00; Eagle Aviation-\$407.02; Elan Financial Services-\$2,442.34; Ellingson,J-\$316.93; Ensignal-\$59.00; Family Thrift Center-\$12.98; Fish,V-\$36.00; Frederickson,J-\$20.58; Fuller,J-\$111.60; Gall's-\$48.63; Gold Dust-\$43.86; Great Western Tire-\$36.50; Greens Alignment-\$225.65; Heiman Fire Equip-\$6,275.00; Hills Material Comp-\$12,074.71; Holiday Inn Spearfish-\$355.00; Insight Public Sector-\$68.86; Jacob,Brenda Ccdc Iii-\$120.00; Johnson,D-\$28.70; K Mart-\$7.99; Kadrmas, Lee And Jackson-\$13,492.30; Kar Products-\$236.54; Karpinen,S-\$360.00; Knecht True Value-\$191.70; Kolbach,J-\$30.00; Kullbom,T-\$111.60; L C Centennial-\$307.18; L C Sheriff-\$111.45; L C Treasurer-\$50.00; Lexisnexis Matthew Bender-\$863.80; M&T Fire & Safety-\$6,597.00; Mattox,R-\$233.00; Meade County Sheriff-\$7.50; Mickelson,C-\$137.12;

Minnehaha County Auditor-\$100.00; Montana Dakota Utilities-\$164.54; Muth Electric-\$23.40; One Way Service Pros-\$126.65; N H General Hospital-\$1,432.96; N J S Engineering-\$4,013.29; Nelson,C-\$200.00; Nelson,T-\$21.16; Nemo Volunteer Fire Dept-\$1,747.50; Office Of Child Support-\$415.50; Pennington Co Jail-\$569.51; Pennington County Sheriff-\$46.60; Pennington County Sts Attny-\$400.00; Pitney Bowes-\$732.00; Postmaster, Deadwood-\$163.00; Prism Video Services-\$822.50; Quill Corp-\$176.78; Qwest-\$1,054.93; R C Community Health-\$49.00; R C Finance Office-\$875.00; R C Journal-\$354.40; Rabe Elevator-\$541.39; Radio Shack/Kazco-\$56.93; S D Dept Of Agriculture-\$5,407.28; S D Dept Of Transportation-\$322.69; S D Supplemental Retirement-\$812.50; Sand Creek Printing-\$105.00; Sanito Oil-\$4,924.48; Schmit,A-\$80.00; Servall Towel & Linen-\$171.24; Seton Identification Products-\$73.64; Spearfish City Of-\$66.34; Spearfish Auto Supply-\$45.93; Stadler Ind Service-\$148.40; T&W Appliance Knothole-\$174.64; Teen Court-\$2,034.04; Texaco-\$397.32; The Glass Shop-\$34.80; The Scott J McIntyre Co-\$408.09; Tri-Tech-\$255.78; Triple K Tire & Repair-\$10.00; Verizon Wireless-\$963.60; Victims Of Violence-\$555.00; Viking Office Prod-\$618.44; Voelker & Adams-\$221.85; Walmart Store-\$241.08; Western Communication-\$5,206.25; Western Sd Juvenile Serv-\$1,121.51; Z&S Dust Control-\$20,783.85; **Witness & Juror:** Beloskur,M-\$57.54; Boos,R-\$59.86; Caldwell,S-\$50.58; Freeland,W-\$55.80; Osborn,J-\$61.60; Rook,L-\$52.32; Tschetter,S-\$62.76; Erickson,A-\$22.32; Lefler,K-\$22.32; Luther,C-\$29.86; Burns,R-\$21.45; Aberle,L-\$19.86; Andersen,S-\$18.70; Anderson,C-\$11.74; Anderson,L-\$23.34; Azarski,S-\$18.70; Bamsey,R-\$232.48; Brady,T-\$16.96; Brechtel-Froelich,T-\$234.80; Bruce,R-\$21.60; Buchanan,R-\$11.74; Burdick,P-\$21.02; Chaney,A-\$18.70; Coates,W-\$234.80; Daley,R-\$12.32; Darboe,D-\$18.12; Dvorak,C-\$25.08; Edstrom,A-\$10.58; Emme,T-\$18.12; Fuller,K-\$11.74; Gabriel,L-\$18.70; Gallagher,L-\$234.80; Gillick,M-\$239.44; Gray,A-\$19.86; Gray,W-\$11.74; Griffith,J-\$19.28; Hale,B-\$19.28; Harris,L-\$18.70; Hartje,L-\$246.40; Havens,B-\$20.44; Hughes,W-\$18.70; Johner,B-\$21.60; Kahler,D-\$16.96; Kilmer,C-\$21.60; Kolb,A-\$21.60; Larson,L-\$19.86; Lauer,L-\$13.48; Lee,A-\$18.70; Lewton,E-\$10.58; Lillehaug,G-\$18.70; Lipp,T-\$12.32; Maliske,B-\$18.70; Mattson,L-\$11.74; Mollman,D-\$20.44; Mollman,T-\$11.74; Neisent,P-\$18.70; Nelson,W-\$11.74; Newton,W-\$15.80; Oedekoven,T-\$20.44; Paulson,L-\$11.74; Pickett,R-\$230.16; Prentice,S-\$230.16; Pummel,C-\$21.60; Rachtetto,J-\$11.74; Rand,R-\$258.00; Rang,B-\$21.60; Reausaw,R-\$16.96; Richards,J-\$11.16; Schlenker,D-\$14.64; Schlepp,L-\$21.60; Schneider,K-\$19.86; Slowey,T-\$11.74; Sternhagen,L-\$13.48; Stromberg,M-\$204.64; Sullivan,R-\$10.58; Tarrant,S-\$19.86; Turbiville,J-\$10.58; Vogler,A-\$246.40; Wanstedt,J-\$18.70; Watson,D-\$10.58; Wetzler,T-\$21.60; Wilkinson,S-\$21.60; Williams,C-\$10.58; Wilson,A-\$10.00; Wipf,M-\$227.84; Zimbleman,G-\$255.68; Bender,R-\$28.70; Bennett,T-\$21.74; Chavez,G-\$28.70; Eckhart,J-\$28.70; Gerving,T-\$21.74; Jankord,J-\$28.70; Kahn,Z-\$28.70; Ludens,R-\$28.70; Moore,M-\$46.10; Pontius,D-\$20.58; Robatallie,E-\$28.70; Sherman,L-\$21.74; Stahl,A-\$78.00; Tafoya,J-\$86.10

**ADJOURN:** 2:15 p.m. - There being no further business the Chairman adjourned the meeting. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – JULY 8, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 8, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Douglas-Flanagan) to approve the minutes of June 24, 2003. Motion Carried.

### **PERSONNEL:**

**STATES ATTORNEY:** Moved-Seconded (Weisenberg-Flanagan) to approve Amber Richy as a Deputy States Attorney at the base rate of \$43,000, effective July 28, 2003. Motion Carried.

### **EQUALIZATION:**

Moved-Seconded (Weisenberg-Ewing) to approve the Appraiser III/Mapping Specialist Job Description, classify Jason Writer as an Appraiser III/Mapping Specialist and to approve the Appraiser IV/Mapping Specialist job description. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve Dennis Schumacher and Ron Green as Appraiser III Grade I at the base rate of \$12.48 an hour, effective 7-16-2003. Motion Carried.

### **TRAVEL REQUESTS:**

**VETERAN SERVICE OFFICER:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Bill Locken to attend the VSO/Congressional Forum in Rapid City, SD on July 11, 2003 and to attend the VSO Commission Meeting in Pierre, SD on July 14-16, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Ewing-Seward) to approve the travel request for Paul Thomson to attend the Emergency Planning Exercise Workshop in Pierre, SD on July 13-14, 2003. Motion Carried.

**TREASURER:** Moved-Seconded (Douglas-Ewing) to approve the travel request for Lisa Schwindt to attend the Title & Odometer Fraud Workshop in Rapid City, SD on July 12, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Douglas-Seward) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of June 30, 2003 showed the following: Total amount of deposits in banks-\$7,873,295.41; Total

amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$119,845.52; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,546.07; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning & EM-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$523,799.51; Savings-\$2,369,724.22; GNAMS-\$96,613.53; and Money Market \$1,183,158.15, Total \$7,873,295.41.

**TRANSFER OF FUNDS:**

**HIGHWAY & EMERGENCY DISASTER:** Moved-Seconded (Weisenberg-Ewing) to approve the transfer of \$576,254 from General Fund to Road & Bridge Fund and to transfer \$74,747 from General Fund to Emergency & Disaster Fund. Motion Carried.

**EASEMENT / SLIME PLANT:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Easement with the City of Deadwood allowing the City to enter upon the county property for construction on the slime plant. Motion Carried.

**CONTRACT / MARY FLANDERKA:** Moved-Seconded (Weisenberg-Flanagan) to extend the contract with Mary Flanderka until 12-31-2003. Motion Carried.

**SWAN LANE ROAD DISTRICT:** Petitions were received for the Swan Lane Road District. The petitions will need to be presented to the City of Spearfish for their approval. A verified survey and map will also need to be obtained prior to presentation to the County for consideration.

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**MALT BEVERAGE / PRESIDENTS PARK, INC. / DAVID ADICKES:** A public Hearing was held on a request for Retail (On-Off Sale) Malt Beverage License for PRESIDENTS PARK, INC. / DAVID ADICKES 11249 Presidents Park Loop, Lead, SD 57754. Legal description: Evangeline No1 Mineral Lode of Survey 1168 located in the SW1/4 of Sec 18, T4N, R3E, BHM, Lawrence County, SD. No public was present and the public hearing was closed.

Moved-Seconded (Flanagan-Ewing) to approve the 2003-2004 Retail (On-Off Sale) Malt Beverage License for PRESIDENTS PARK, INC. / DAVID ADICKES. Motion Carried.

**ABATEMENT:**

**LESLIE RISS:** Moved-Seconded (Douglas-Flanagan) to approve the abatement on parcel#2097-00135-016-00 on a 1981 Schulte 16X66 Mobile Home because of an error. Motion Carried.

**LAND SALE:** Connie Atkinson, County Auditor, reported on the land sale held on July 2, 2003. Moved-Seconded (Flanagan-Weisenberg) to approve the following Resolution #03-23 Approving Cash Sale. Motion Carried. **LAWRENCE COUNTY RESOLUTION #03-23**

**APPROVING CASH SALE: WHEREAS**, the Board of Commissioners by Resolution, authorized the sale of the below described tax deed real property, and it appearing that pursuant to Resolution, the property has been appraised, notice of sale prepared and published, and sale conducted, as by law provided, and a report of sale made to this Board at the first meeting following date of sale and; it appearing that said Real Property was sold for fair price and in the best interests of Lawrence County and should be approved. **WHEREAS**, the property was sold to the following purchasers for the said amount: 1) **Marvin J. Lehmen**, P.O. Box 265, Deadwood, SD: (Lot "A", being a Subdivision of Lots 20, 21, and 22 in Block 19, Denver Addition to the City of Lead, Lawrence County, South Dakota, as shown by plat filed in Book 1 Page 286 as recorded in the Office of the Register of Deeds of Lawrence County, South Dakota, a/k/a 209 West McClellan Street, Lead, SD.) for the sum of one thousand seventy five dollars (\$1,075), plus costs of one hundred twenty five dollars (\$125) and special assessments of one hundred forty two dollars and fifty seven cents (\$142.57) for special assessments. Total \$1,342.57. 2) **Mack E. McKee**, 12201 Gigear Dr., Sturgis SD: (The East Ninety-Four (E 94') feet of Lot Two (2), In Block "C" of Boulder Height's Addition #1 of the South Half of the Southwest Quarter of Section 14, Township 5 North, Range 4 East, of the Black Hills Meridian, Lawrence County, South Dakota, as shown by Plat in Book 2 Page 88-C, Lawrence County Register of Deeds Office.) for the sum of eight hundred dollars (\$800) plus costs of one hundred twenty five dollars (\$125). Total \$925.00. 3) **Tim Davis**, P.O. Box 284, Deadwood, SD: (Lot 1-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, Township 7 North, Range 2 East, of the Black Hills Meridian, Lawrence County, South Dakota, according to Plat Doc. #77-2708) for the sum of three hundred fifty dollars (\$350) plus costs of one hundred twenty five dollars (\$125). Total \$475.00. 4) **Tim Davis**, P.O. Box 284, Deadwood, SD: (Lot 3-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, T7N, R2E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. #77-2708.) for the sum of six hundred fifty dollars (\$650) plus costs of one hundred twenty five dollars (\$125). Total \$775.00 5) **John Martinisko**, P.O. Box 875502, Wasilla AK: (Probate Lot 441, City of Deadwood according to P.L. Rogers Map, Lawrence County, South Dakota. Property must be platted and recorded at buyer's expense within one year before a deed will be issued. In the event no plat is filed within one (1) year all sale proceeds will be kept by Lawrence County and the sale of the property will be voided.) for the sum of eight thousand dollars (\$8,000) plus costs of one hundred twenty five dollars (\$125). Total \$8,125.00 6) **Tim Davis**, P.O. Box 284, Deadwood, SD: (Probate Lot 305, City of Deadwood according to P.L. Rogers Map, Lawrence County, South Dakota. Property must be platted and recorded at buyer's expense within one year before a deed will be issued. In the event no plat is filed within one (1) year all sale proceeds will be kept by Lawrence County and the sale of the property will be voided.) for the sum of one hundred dollars (\$100) plus costs of one hundred twenty five dollars (\$125). Total \$225.00 **NOW, THEREFORE**, It is by the Board of Commissioners of Lawrence County, South Dakota. **BE IT RESOLVED** that the full amount has been paid to the Lawrence County Treasurer, prior to the date hereof, and the sale on the 2<sup>nd</sup> day of July, 2003 be approved in all respects, and It is further resolved and ordered that a proper conveyance, namely a Quit Claim Deed, be delivered to the purchaser (s) thereof, which conveyance shall be executed in the name of the County of Lawrence; by the Chairman of the Board of Lawrence County Commissioners and attested by the County Auditor, and which conveyance shall vest in the grantee all of the right, title and interest of said Lawrence County, in and to such real property herein described

and every part thereof. Dated this 8<sup>th</sup> day of July, 2003. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign Quit Claim Deeds for 1) **Marvin J. Lehmen**, P.O. Box 265, Deadwood, SD: (Lot "A", being a Subdivision of Lots 20, 21, and 22 in Block 19, Denver Addition to the City of Lead, Lawrence County, South Dakota, as shown by plat filed in Book 1 Page 286 as recorded in the Office of the Register of Deeds of Lawrence County, South Dakota, a/k/a 209 West McClellan Street, Lead, SD.); 2) **Mack E. McKee**, 12201 Gigeer Dr., Sturgis SD: (The East Ninety-Four (E 94') feet of Lot Two (2), In Block "C" of Boulder Height's Addition #1 of the South Half of the Southwest Quarter of Section 14, Township 5 North, Range 4 East, of the Black Hills Meridian, Lawrence County, South Dakota, as shown by Plat in Book 2 Page 88-C, Lawrence County Register of Deeds Office.) 3) **Tim Davis**, P.O. Box 284, Deadwood, SD: (Lot 1-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, Township 7 North, Range 2 East, of the Black Hills Meridian, Lawrence County, South Dakota, according to Plat Doc. #77-2708) . 4) **Tim Davis**, P.O. Box 284, Deadwood, SD: (Lot 3-A, a replat of Lot A, Subdivision of Lot 10, Subdivision of Tract D-1, Subdivision of Tract D, Subdivision of the SE1/4SE1/4 of Section 32, T7N, R2E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. #77-2708.) Motion Carried.

**UTILITY PERMIT:** Moved-Seconded (Flanagan-Douglas) to approve and authorize the Chairman to sign the Utility Permit on HWY #32 for natural gas pipe line Montana Dakota Utilities. Motion Carried.

**CONDITIONAL USE PERMIT #186 / SPEARFISH EXCAVATING:** Documents were reviewed from SD Board of Minerals and Environment releasing Spearfish Sand and Gravel from further reclamation liability under mining license 96-576. Moved-Seconded (Flanagan-Ewing) to cancel CUP#186 for Spearfish Excavating. Motion Carried.

**COMMISSIONER LONGEVITY:** Moved-Seconded (Weisenberg-Douglas) Commissioners will not be eligible for longevity raises effective 1-1-2004. Motion Carried.

**ELK BUGS & FUEL DRAFT ENVIRONMENTAL IMPACT STATEMENT:** Bill Coburn and Dean Rasmussen were present to discuss the Elk Bugs and Fuel Draft Environmental Impact Statement. Moved-Seconded (Douglas-Ewing) To approve the following Summary of the Timber Committee and forward the comments to the Forest Service. Motion Carried.

**SUMMARY OF THE TIMBER COMMITTEE:** Comments on the Elk Bugs & Fuels EIS, Introduction: The Timber Committee of the Lawrence County Environmental Review Ordinance consisting of Bill Coburn (Chairperson), Druse Kellogg, Dean Rasmuson, Jerry Jensen, and Brad Gordon respectfully submits the following findings and comments to the Lawrence County Commissioners. Custom, Culture and Economic Stability: The harvest of timber and the production of wood products have been and currently is an important part of the custom and culture of Lawrence County. Historical documents give evidence that when this county was

settled during the late 1800's many people were gainfully employed in the harvesting of trees for the many types of woods products that these early settlers needed. It is estimated that by 1897 over 1.5 billion board feet had been harvested from the Black Hills for use by these earlier settlers. The harvest of this timber also created wealth for the people by providing much needed jobs and economic activity. The 1940 census shows that 1022 people were directly employed by the forest products industry. Unfortunately the census does not indicate whether this included loggers. The 1990 census indicates that almost 500 people were employed in Lawrence County by this industry providing over \$14 million in wages and benefits. These wages are some of the highest paid by any industrial sector operating in the county. The economic impacts that Lawrence County receives from the Black Hills National Forest selling timber is significant. In fiscal year 1998 the county received over \$940,000 from the 25% fund. The county also recognizes that the main purposes for managing the national forests as mandated in the "Organic Act" was "to preserve and protect the forests", "to furnish a continuous supply of timber for the use and necessities of the citizens of the United States", and "to secure favorable conditions of water flows". The first timber to be offered for sale under this Act in the United States was sold to Homestake Mining Company in Lawrence County in 1898.

**General Comments:** In light of the importance of the timber industry and the selling of National Forest timber to the custom, culture and economic stability of Lawrence County, the Timber Committee expresses the following comments and concerns in response to the Black Hills National Forest's for the Elk Bugs and Fuels Environmental Impact Statement. Our committee recognizes the tremendous challenge that the USFS is faced with in preparing a suitable document and plan. Our intent is to assist the Black Hills National Forest in preparing a project that will have the most positive benefits on the citizens of Lawrence County.

**I. Area Description and Size:** The Elk Bugs and Fuels Project Area is located in Lawrence and Meade Counties, in the northeastern Black Hills southwest of Sturgis. It covers 44,766 acres of National Forest and 15,605 acres of interspersed private and state lands.

**Purpose and Need for Project:** After review of the three action alternatives we find that none of the alternatives proposed will substantially meet the intent or stated purpose and need for the project area.

**Vegetation Management:** The major problem with all action alternatives is that they do not consider treatment of 4C, 48 and 3C stands. These are the stands most susceptible to mountain pine beetle and greatest loss when large fires occur. When a management practice, such as over story removal, is eliminated from consideration it reduces management options, increases the potential for greater losses of wildlife habitat and constrains management decisions. When all 4C & 48 stands are eliminated from consideration for treatment because of potential goshawk habitat it defeats the purpose because there is a greater potential for long-term loss of the habitat that supports goshawks. Before the final document is prepared a "risk of loss" analysis should be calculated.

**Mountain Pine Beetle:** Considering all treatments, there is only a slight reduction in timber stands conditions that are highly and moderately at risk for Mountain Pine Beetle attack. Stands at moderate risk are not changed from the current condition and stands at high risk are only reduced by 3%. The elimination of 4B & 4C stands from consideration for treatment has resulted in a continued high level of potential loss of timber values, wildlife habitat, watershed degradation and flooding. With continued growth those stands at moderate risk will be in the high risk category within 10 to 20 years.

**Decommissioning of Roads:** Roads designated for decommissioning include historic roads that existed prior to designation of the National Forest and fall under Rule 2477. Some of these roads lead to private land and serve as access for management purposes and firebreaks. Others have been replaced by alternate routes and are no longer needed. As an example road segments 1J040039A & U0400398 are no longer needed because they have been replaced by more recently constructed roads. However, road U080153 is a road on top of a ridge that leads to private land, is not eroding and should remain open. We prefer gates as the best method for decommissioning roads. Access to the Black Hills National Forest is an important part of our local custom and culture. It is recommended that the Forest Service conduct an analysis of all roads covered by RU2477 and consult with the Lawrence County Commissioners prior to closure.

**Watersheds:** Data shows that the highest erosion rate in the project area is from watersheds within the Grizzly Gulch fire. The no treatment alternative has the highest risk for increase erosion, nutrient loss, soil heating and



development of hydrophobic soils. Excluding the soil erosion from the Grizzly Gulch fire, management activities and treatments are not significant for any of the alternatives. The big potential impact for soil loss, flooding and loss of long term productivity comes from catastrophic fires. Since there is 28% probability for a 10,000 acre of larger fire in the project area within the next 10 years, management decisions should be more aggressive and implement treatments that reduce this risk of loss. Fuel Conditions: The project area contains 20,599 acres in fuel condition class 3. This represents 46% of the project area as high fuel hazard with only a 4% reduction after treatment in alternative 4. This leaves 18,138 acres untreated and classed as high fuel hazard. This is an unacceptable risk considering all the intermingled private lands, threat to communities and potential loss of resources. There are not sufficient local manpower or fire suppression resources available to manage this high level of risk for loss. Summary: Include in the Final FIS analysis for treatment all stands that are highly susceptible to Mountain Pine Beetle attack and high fire hazard. If any of these stands support current nesting sites for Goshawk, the stands can be excluded prior to implementation of treatment. Since many of these stands also can provide the best habitat for Goshawk there is greater chance of loss if these stands are not treated. Left untreated, the potential is high that some 4C & 4B stands will be lost for a long period of time that provide Goshawk habitat. When the 'risk of loss' is calculated, there is a greater net loss of resources (natural, economic & social) if these stands are not treated. Decision makers need to take these risks into account to wisely manage resources for their maximum long term benefit to society. Since the 4C, 413 and 3C' stands were eliminated from consideration in this project proposal, the Forest Service should prepare to move forward as quickly as possible to consider these stands for treatment once the goshawk inventories are completed. Of the alternatives presented, alternative 4 will move closer to accomplish the stated purpose and need for the project area.

**GRIZZLY GULCH FIRE AREA:** Bill Coburn expressed concern on the Grizzly Gulch Fire Area. Coburn stated reducing dead fuel must be a priority. Coburn stated reburns on old burns can be significantly worse than the original fire. Coburn stated the County needs to start asking questions on when fuels will be reduced. This would reduce the habitat for wood borer bugs and IPS beetles.

### **MUTUAL AID AGREEMENT AND EMERGENCY MANAGEMENT BUSINESS:**

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Emergency Management Director to sign the County Mutual Aid Agreement by and between the counties, in accordance with: SDCL 33.15 concerning Emergency Management in the State of SD and SDCL 33.15.34, specifically allowing for the forming of mutual aid agreements. Motion Carried.

Paul Thomson, Emergency Management Director updated the Board on grants that have been awarded and applied for. Thomson also informed the Board on a donation of \$5,000 from the Ardel Simons Family for an Alzheimer Patient Locator system. They are looking for non-profit organizations to assist in the program.

**SEARCH & RESCUE:** Dan Reagan was present to update the Board on the Lawrence County Search & Rescue Lead-Deadwood District activity. Callouts, donated hours, membership, training, conference, Title III funding projects and the move to the new garage were discussed. Future needs and goals were reviewed. Reagan stated cooperation between the search and rescue districts in Lawrence County is evolving.

Moved-Seconded (Flanagan-Ewing) to declare the Search and Rescue truck VIN# 1FDK38M1RNB00328 surplus and give to the City of Spearfish. Motion Carried.

**2004 BUDGET:** The Board reviewed 2004 budget requests.

Moved-Seconded (Douglas-Flanagan) to approve the Foreman Classification at the base 2003 rate of \$18.04 an hour, effective 1-1-2004. Motion Carried. Aye-4 Nay-Weisenberg.

Moved-Seconded (Douglas Flanagan) to approve the Dispatcher I, II and III Classification at the base 2003 rate as follows, effective 1-1-2004. Motion Carried. Aye-4 Nay-Weisenberg.

<u>POSITION</u>	<u>GRADE</u> 1	<u>GRADE</u> 2	<u>GRADE</u> 3
<b><u>SHERIFF</u></b>			
DISPATCHER I	10.56	10.81	11.06
DISPATCHER II	12.22	12.47	12.72
DISPATCHER III	12.72	12.97	13.22

Moved-Seconded (Ewing-Flanagan) to approve the Correctional Sergeant Job Classification at the base 2003 rate as follows, effective 1-1-2004. Motion Carried. Aye-4 Nay-Weisenberg.

<u>POSITION</u>	<u>GRADE</u> 1	<u>GRADE</u> 2	<u>GRADE</u> 3
<b><u>SHERIFF</u></b>			
CORRECTIONAL SERGEANT	12.72	12.97	13.22

**BILLS:** Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$4,826.89; Treas-\$7,712.01; Comp-\$4,790.87; States Atty-\$8,221.08; Pub Def-\$5,859.10; Gen Govt Bldg-\$4,871.02; Equal-\$9,229.15; Deeds-\$5,428.88; Vso-\$723.91; Disp-\$7,874.62; Sher-\$26,405.70; Jail-\$15,339.24; Emerg Mgnt-\$2,413.93; E911-\$1,338.48; Highway-\$31,891.29; Air-\$75.00; Exten-\$1,185.04; Weed-\$5,667.25; Pz-\$2,565.86;

**Bills:** B H Fibercom-\$1,762.50; Bradeen Auctions-\$2,655.00; Cellular One-\$287.59; Walmart Store-\$176.56; Engel,P-\$9.00; Mowell,R-\$5,589.00; Rear,K-\$39.00; A&B Business Equip-\$146.50; A&B Welding Supply-\$61.38; A&J Supply-\$58.64; ABC Business Supply Corp-\$306.04; Alco Store-\$24.98; Altaire Enterprises-\$20.00; American Family Life-\$2,235.40; Amoco Oil Co-\$405.90; B H Chemical Company-\$1,078.33; B H Collection Service-\$100.00; B H Federal Credit Union-\$7,923.14; B H Pest Control-\$95.00; B H Pioneer-\$18.14; B H Power & Light-\$653.75; Best Business Prod-\$40.44; Black Hills Pure-\$34.65; Blue Cross-\$39,709.11;

Bob Barker Company-\$82.56; Brown & Saenger-\$90.86; Brownsville Fire Dept-\$729.28; Butler Machinery Co-\$224.10; Butte Electric Coop-\$336.66; Central Parts-\$622.13; Chain Saw Center-\$6.00; Christensen Law Office-\$113.60; Clark Printing-\$156.00; Clinical Lab Of B H-\$2,109.14; Corral West-\$26.95; Dakota Laser Tech-\$53.87; Dale's Tire & Retread-\$1,218.20; Deadwood Home Center-\$910.36; Deadwood Recreation Center-\$101.00; Deadwood City Of-\$510.54; Deckers Food-\$51.64; Dept Of The Treasury-\$34,143.38; Duffy & Duffy Law Office-\$4,791.80; Evercom Systems-\$543.47; Extension Service-\$117.36; Family Thrift Center-\$9.75; Fastenal-\$19.75; Feld Equipment Company-\$121,060.00; Fish,V-\$72.00; Frederickson,J-\$740.50; Gall's-\$199.97; Golden West Teltech-\$33.00; Great Plains Chemical-\$535.00; Great Western Tire-\$193.06; Grimm's Pump Service-\$191.55; Havemeier,L-\$39.00; Heartland Paper Co-\$840.00; Hills Material Comp-\$33,307.68; Ikon Office Solutions-\$83.74; Insight-\$107.98; Intab-\$143.73; Johnson Ford-\$1,274.49; K Mart-\$57.02; Kieffer,T-\$60.00; Klopfenstein Dr-\$91.00; Knecht True Value-\$45.43; L C Centennial-\$238.20; L C Conservation Dist-\$4,500.00; L C Public Health-\$2,208.00; L C Treasurer-\$50.00; Lead City Of-\$45.28; Lead-Deadwood Sanitary-\$203.92; Leaning Door-\$16.00; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$104.20; M&S Doors-\$86.70; Mcpherson Propane-\$45.00; Meade Co Auditor-\$1,556.80; Montana Dakota Utilities-\$1,759.64; Mutchler,T-\$1,082.50; N H Family Ymca-\$398.00; N H General Hospital-\$1,200.41; Office Max-\$99.99; Office Of Child Support-\$415.50; Office Technology/Supply-\$80.44; Opportunities Explored-\$1,702.20; Pennington Co Revolving Fund-\$23.00; Pennington County Sheriff-\$55.20; Phillips Petroleum Co-\$58.71; Pitney Bowes-\$126.70; Postmaster, Spearfish-\$200.00; Queen City Motors-\$17.95; Quill Corp-\$78.53; Qwest-\$44.09; Rabe Elevator-\$541.39; Radio Shack/Kazco-\$379.99; Reliable-\$70.23; Rombough,D-\$106.84; S D State Treasurer-\$4,567.38; S D Dept Of Transportation-\$9,072.56; S D Human Services Center-\$84.00; S D Supplemental Retirement-\$812.50; Silverado-\$369.42; Spearfish City Of-\$150.00; Spearfish Auto Supply-\$248.86; Specialized Auto Service-\$354.84; Summit Signs & Supply-\$792.00; Superior Lamp And Supply-\$329.01; Tellinghuisen, Gordon & Percy-\$69.00; Texaco-\$18.64; The Cad Zone-\$200.00; Tri-Tech-\$70.38; U S Bancorp Corp Legal Dept-\$210.00; Versatile Carpets & Inter-\$1,289.25; Viking Office Prod-\$53.12; Western Communication-\$1,362.10; Z&S Dust Control-\$27,957.81; **Witness & Jurors:** Albers,A-\$16.96; Church,D-\$11.74; Collins,K-\$117.40; Cooper,G-\$12.32; Eklund,T-\$101.16; Gillespie,R-\$18.70; Halsey-Dutton,B-\$18.70; Harvey,J-\$12.90; Heimbuck,L-\$102.32; Johnson,T-\$21.60; Kahl,G-\$17.54; Kennedy,D-\$20.44; Krause,B-\$19.86; Lance,G-\$15.80; Lueders,J-\$16.96; Maliske,D-\$117.40; Matthew,J-\$12.90; Merkel,N-\$17.54; Miles,W-\$18.70; Moyer,R-\$19.86; Olson,D-\$18.70; Paradeis,D-\$20.44; Regan,D-\$12.32; Ryan,W-\$106.96; Seaman,R-\$115.08; Siebert,D-\$18.70; Skroch,R-\$21.60; Stoneberger,C-\$12.32; Wegenke,L-\$18.70; Williams,P-\$117.40; Albrecht,A-\$11.74; Butler,C-\$18.70; Cahoy,D-\$21.60; Caldwell,J-\$18.70; Carlson,M-\$21.60; Covell,B-\$18.70; Dana,S-\$18.70; Deranleau,D-\$24.50; Duex,S-\$21.60; Edwards,A-\$117.40; Gesinger,H-\$117.40; Glatt,V-\$18.70; Hemmingson,S-\$19.86; James,S-\$119.72; Jassman,J-\$14.64; Kurtti,J-\$10.58; Lewis,M-\$18.70; Mueller,D-\$18.70; Murray,D-\$12.32; Pickett,D-\$16.96; Rasset,J-\$111.60; Rich,T-\$18.70; Samuelson,A-\$16.96; Schoon,M-\$18.70; Schumacher,D-\$11.16; Thoresen,M-\$18.70; Umenthum,C-\$10.58; Burgett,G-\$27.40; Johnson,W-\$19.28; Marsh,H-\$18.70; Meade,J-\$11.74; Mortenson,J-\$117.40; Randolph,W-\$10.58; Sass,T-\$64.80

**ADJOURN:** 4:15 p.m. - There being no further business the meeting was adjourned.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – JULY 22, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 22, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of July 8, 2003. Motion Carried.

8:10 AM: Moved-Seconded (Flanagan-Ewing) to go into executive session to discuss contractual and personnel matters with Bruce Outka. Motion carried.

8:30 PM: The Board reopened for regular business.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Weisenberg) to approve Dustin Morrison, Michael Bock, Randall Wilson and Robert Ruffatto as guards at the base rate of \$9.37 an hour, effective 7-5, 2003. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve Randall Wilson and Jeff Heinis as part-time Correctional Officer I at the base rate of \$11.06 an hour, effective 7-5-2003. Motion Carried.

Moved-Seconded (Douglas-Ewing) to allow Joe Harmon to exceed his vacation limitation for an additional 90 days from August 1, 2003. Motion Carried.

### **TRAVEL REQUESTS:**

**EMERGENCY MANAGEMENT:** Moved-Seconded (Flanagan-Ewing) to approve the travel request for Paul Thomson and Rene' Larson to attend the Pre Disaster Mitigation Planning Course in Pierre, SD on August 27-28, 2003. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Douglas-Flanagan) to approve a travel advance for Joe Kosel to attend the National Association of Criminal Defense Lawyers 21<sup>st</sup> Century Forensics and the Defense of a Criminal Case in Denver, CO on July 29<sup>th</sup> thru August 3, 2003. Motion Carried.

**RESOLUTION #2003-25 TITLE III FUNDS:** Moved-Seconded (Douglas-Seward) to approve the following Resolution #2003-25 H.R. 2389 "SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000". Motion Carried.

RESOLUTION #2003-25: H.R. 2389 "SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000" PURPOSE: Yearly Designation of the Amount of Funding to be Assigned to Title II and Title III Projects. WHEREAS, Lawrence County previously selected to receive full safety net payments derived from Forest Revenue payments for roads and schools, and WHEREAS, Lawrence County dedicated 15% of its safety net payments to be allocated to Title II or Title III local projects under this legislation, and WHEREAS, Lawrence County must declare each year what percentage of the local project funds will be dedicated to Title II or Title III projects, and THEREFORE BE IT RESOLVED, that Lawrence County intends to allocate the portion of funds which it receives for local projects through the safety net payments in the following manner: TITLE III 100%. BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of South Dakota by such date as may be necessary for it to reach the United States Secretary of Agriculture by September 30, 2003. Dated this 22nd day of July, 2003. FOR THE BOARD: James J. Seward, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

**FOREST ISSUES:** Moved-Seconded (Douglas-Flanagan) to approve and authorize the Chairman to send a letter to Senator Tim Johnson and Senator Tom Daschle asking them to support HR 1904 that would allow the Forest Service to streamline environmental analyses and make faster decisions, and would streamline appeals and limit lawsuits for projects designed to reduce hazardous fuels and the risk of catastrophic fires. Motion Carried.

**PRAIRIE HILLS TRANSIT:** Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign a letter of support for Prairie Hills Transit's grant application. Motion Carried.

**ROCKY MOUNTAIN ELK FOUNDATION:** The Board received notification that the Gold Country Chapter of the Rocky Elk Foundation will be conducting a raffle in 2003.

**RESOLUTION # 2003-24 / AMENDMENT #8 LAWRENCE COUNTY PERSONNEL MANUAL:** Moved-Seconded (Weisenberg-Douglas) to approve the following Resolution# 2003-24 Amendment #8 to the Lawrence County Personnel Resolution. Motion Carried. WHEREAS, the Lawrence County Commissioners have adopted the Lawrence County Personnel Manual to establish a fair system of personnel administration; and WHEREAS, updates need to be made to the manual to ensure the fair and equitable system is updated; THEREFORE BE IT RESOLVED, that effective January 1, 2004 and upon favorable passage of this resolution and until otherwise revised, the following revision is hereby adopted for **ARTICLE II. Section 4. LONGEVITY PAY** of the Lawrence County Personnel Manual. (4.) **LONGEVITY PAY:** Longevity pay will be awarded to permanent employees who have been employed for a minimum of five (5) years. Eligibility takes place on anniversary date of 5<sup>th</sup> year of employment, with increases on the 10<sup>th</sup> year of employment, 15<sup>th</sup> year of employment, and 20<sup>th</sup> year of employment. Longevity pay schedule is as follows:

- 5 Years - 1 cent per hour for each year of employment.
- 10 Years- 2 cents per hour for each year of employment.
- 15 Years- 3 cents per hour for each year of employment.
- 20 Years- 4 cents per hour for each year of employment.

Elected Officials are eligible for longevity raises. Elected County Commissioners are not eligible for longevity raises. Seasonal employees working consecutive years are eligible for longevity raises. Employees whose salaries are set by the State are not eligible for longevity raises. Dated this 22<sup>nd</sup> day of July, 2003. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**HIGHWAY BUSINESS:**

**2003-1 PROJECT AGREEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve modification No. 11 to Cooperative Road Agreement #97-CA-11031197-06 Project Agreement 2003-1. Motion Carried.

**NH-PH 0085(30)45, PCEMS 4928 – US 85:** Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Agreement Between County of Lawrence and State of South Dakota - NH-PH 0085(30)45, PCEMS 4928 – US 85 from I-90 to Junction of SD 34 at Belle Fourche to purchase Right of Way. Motion Carried.

**RIGHT OF WAY PERMIT:**

Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-Of-Way for Black Hills Power and Light to supply power to new transformer located form SE1/4 of Section 17, T7N, R2E, BHM Lawrence County. SD. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Application for Occupy on County Highway Right-Of-Way for Qwest Communications to provide service to Doyle. Located on highway number 196ST in Section 18, T7N, R3E, Lawrence County, SD. Motion Carried.

**SHERIFF BUSINESS:** Joe Harmon discussed the need for a new camera system in the jail. Harmon stated the cost will probably be around \$40,000 and he is looking into a grant to help cover some of the costs involved. The Board stated they support the need for a new system and to move forward in researching the grant and to check on the approximate cost for a camera system.

**RETAIL (ON-OFF SALE) MALT BEVERAGE SHANNON DICKEY (JIM CREEK**

**OUTPOST):** A public hearing was held on an application for Retail On-Off Sale Malt Beverage License for Shannon Dickey (Jim Creek Outpost) HC 73 Box 1807, Deadwood, SD – 22493 US Hwy 385, Deadwood, SD. Legal description: Lawrence County Portion of Lot L & Lot M of

SW1/4 SW1/4 T2R5 Lawrence County, SD. The Board discussed the suitability of the facility. No public was present for the hearing. There was no-one representing Shannon Dickey present.

Moved-Seconded (Ewing-Weisenberg) to disapprove the Retail On-Off Sale Malt Beverage License for Shannon Dickey (Jim Creek Outpost) because it was not a suitable facility.

**PUBLIC HEALTH NURSE REPORT:** Denise Rosenberger presented the Board with the Apr-Jun, 2003 quarterly report, reviewing the Family Planning services, WIC, MCH (Maternal Child Health) services, meetings and office related matters. Rosenberger handed out a pamphlet on the Governors prescription drug program.

**BELLE FOURCHE RIVER & BEAR BUTTE CREEK WATERSHED PROJECTS:** Tanse Herrmann, SD Association of Conservation Districts was present and updated the Board on the Belle Fourche River and Bear Butte Creek Watershed Projects. The goal of the project is to provide accelerated planning, design and implementation of agricultural best management practices. The project will also provide information and education to local landowners, youth, communities, other agency personnel, consultants and the general public to provide a better understanding of use, function and technical design of these best management practices and their related quality benefits.

**FAMILY HEALTH CENTER FUNDING REQUEST:** Angie King was present to request 10% matching funds as part of an application for a federal Grant. The request was for \$10,000 for each year for the next three years. The federal grant from the Division of Drug and Alcohol will be in the amount of \$300,000 over three years. The grant would place prevention specialists in every elementary school building in the respective school districts in the County. The prevention specialists would implement evidence-based curriculum materials to prevent violence, drug/alcohol/tobacco use, while supporting healthy choices. King stated she did have commitment for soft match money in the amount of \$20,000. Douglas questioned if that would make the County's match money only \$10,000 over the next three years. King stated she would need to verify the figures. Moved-Seconded (Flanagan-Weisenberg) to send a letter supporting the project and stating the County will assist in matching funds. Motion Carried.

**ANNUAL REVIEW / RICHMOND HILL MINE / CONDITIONAL USE PERMITS #116, #125 & 202:** Gene Fuller, LAC Minerals was present and discussed the Annual Report and 2002 activities, on-site monitoring, monitoring results, aquatic monitoring, and 2003 plans. Jack Cole expressed concerns on the need to require water treatment into the next ice age but commended them on a great job of reclamation. Scott Prentice, landowner in the area, presented a section view of the area and expressed water concerns and the need to do water testing into perpetuity.

**CHANGE OF ZONING #226 / VOID REQUEST / REQUEST CHANGE OF ZONING #232:** A public hearing was held on a request to void Change of Zoning #226 for property



located on Aztec Hill, 2½ miles southwest of Lead off of Hwy. 14A/85 (next to Recreational Springs Resort). Birk stated on February 6, 2003 the Planning and Zoning Commission approved Change of Zoning #226 with two stipulations: 1) the legal description would reflect the removal of the portion of property on the north side of the highway from the change of zoning request, and 2) if the sale of the property to the applicant should fall through, the change of zoning would be void under the present property owner. Birk stated on February 25, 2003 the County Commission approved Change of Zoning #226 from Park Forest to Recreation Commercial for Joseph & Irma Jansen. Birk continued that Joseph & Irma Jansen contacted the Planning and Zoning office on Friday April 25, 2003 and stated they were not able to purchase the property due to financial reasons. Birk stated as Planning and Zoning Administrator, with coordination by the Lawrence County Commissioners, he was requesting that the above-mentioned property be changed back to Park Forest District Zoning. Birk stated the landowner did not request the change of zoning but is not against this request. Joe Moak, Owner/Manager of Recreational Springs Resort was present and expressed support in changing the Zoning back to Park Forest. The Board stated you can not condition a change of zoning. Birk stated this was a stipulation and he would change the zoning back in his office even if the Board did not approve the change of zoning.

Moved-Seconded (Weisenberg-Flanagan) to table this issue until they receive a letter, from the landowner of the property in question, stating they want the zoning changed and a legal opinion from the States Attorney. Motion Carried.

**CONDITIONAL USE PERMIT #288 GARY AND JAN KABERNA:** A public hearing was held on a request for a Conditional Use Permit #288 from Gary and Jan Kaberna (H.O.M. Camp) - To allow a seasonal beer garden – Approximately 1 mile south of Nemo. Bonnie Atkinson and Paul Dangel were present and expressed support for the CUP. Kaberna stated they will have port-a-potties, a truck with a water tank and paper towels attached to the vehicle for restroom facilities. Seward stated that will be fine for the first year but stated he would like to see actual bathroom facilities in the future.

Moved-Seconded (Flanagan-Seward) to approve Conditional Use Permit #288 for Gary and Jan Kaberna (H.O.M. Camp) - To allow a seasonal beer garden with the following conditions. Motion Carried.

ATTACHED CONDITIONS: 1) The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the operation. 2) The owner shall be required to obtain a South Dakota Sales Tax license. 3) Within one year of approval of this conditional use permit, a permanent structure shall be built and the temporary portable storage building shall be removed. 4) The beer garden shall only be open from the 1<sup>st</sup> of June to the 1<sup>st</sup> of November of each year. 5) The hours of operation shall be from 1 p.m. to 11 p.m., Monday through Sunday, and 11 a.m. to 12:00 p.m. during the week of the Sturgis bike rally. 6) Inside the beer garden building and including outdoor sitting shall accommodate a maximum of 50 to 60 people. 7) The owner shall contact and gain approval from the South Dakota Department of Health in regard to inspecting the facility before opening the beer garden. 8) Any electrically amplified music will be confined to within the building. 9) Any new construction and moving of buildings onto the

property shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with 1971 Uniform Building Codes, Life Safety Codes, state electrical and plumbing codes. 10) The building used for the beer garden shall not be used as a lodging establishment. 11) A state certified professional engineer (P.E.) shall be required to design and approve the septic system. The septic system shall also be reviewed and approved by the state's DENR. A copy of the approval letters shall be provided to the Lawrence County Office of Planning and Zoning. 12) Access off Nemo Road to the beer garden location shall be coordinated, approved, and constructed per the direction of the Lawrence County Highway Superintendent. 13) Fire extinguishes and smoke detectors shall be required within the beer garden building per the direction of the Nemo fire department in coordination with the Lawrence County Fire Advisory Board. 14) A first aid kit shall be made accessible to the public and employees. 15) One or more of the employees shall be trained in CPR and/or medical training in case of medical emergencies. 16) Water quality testing shall be conducted according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption. 17) Only one (1) on-premise sign advertising the beer garden shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 18) The owner shall assign one or more persons to remain on the premise at all times and to provide security when the beer garden is open. A security company shall be hired by the owner during the Sturgis bike rally to provide security. 19) Litter containers, including dumpsters and trash cans, shall have lids and be strategically placed in and around the building. The owner and employees shall police trash periodically around the building. All trash containers shall be emptied on a regular basis or by demand. 20) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 21) All outdoor lighting shall be located strategically on the building and on the property to provide for lighting and security. 22) All parking pertaining to the beer garden shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. The parking areas shall be located within designated areas. 23) At least one (1) telephone shall be made available for emergency use. A list of emergency numbers and sheriff department number shall be placed next to the phone. 24) The owner may not transfer operation of the beer garden to any private individual, group, or business. 25) In case of emergencies, the owner shall provide a point of contact with their name, address and telephone to the Lawrence County Office of Planning and Zoning and the Sheriff Department. 26) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 27) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 28) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked. 29) If the owner drills a well for operating the beer garden, the owner shall apply and gain approval for a South Dakota Water Rights permit from the Department of Environment and Natural Resources (DENR).

**RETAIL (ON-OFF SALE) MALT BEVERAGE JANICE G. KABERNA, (HOMECAMPGROUND):** A public hearing was held on an application for Retail On-Off Sale Malt

Beverage License for Janice G. Kaberna (HOM Campground) PO Box 102 Nemo SD 57759.  
Legal description: Lot A of CRM Ex Tract 1 (10.01) and Lot 2. Sec 27-T3-R5 of Black Hills,  
Lawrence County, SD

Moved-Seconded (Weisenberg-Ewing) to approve the Retail On-Off Sale Malt Beverage License  
for Janice G. Kaberna (HOM Campground).

**LIEN STIPULATION:** Moved-Seconded (Flanagan-Douglas) to authorize Bruce Outka,  
Deputy States Attorney to enter into a stipulation on behalf of Lawrence County with Joseph  
Desarro. Motion Carried.

1:15 PM: Moved-Seconded (Flanagan-Seward) to go into executive session to discuss  
contractual and personnel matters with Bruce Outka. Motion carried.

1:35 PM: The Board reopened for regular business.

**2004 BUDGET:** The Board reviewed the 2004 budget requests.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll  
And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$5,096.16; Treas-\$7,793.62; Comp-\$4,790.87; States Atty-  
\$10,898.44; Pub Def-\$5,859.10; Gen Govt Bldg-\$6,008.78; Equal-\$9,687.82; Deeds-\$5,428.87;  
Vso-\$723.91; Disp-\$8,640.74; Sher-\$27,623.22; Jail-\$18,057.19; Emerg Mgnt-\$1,992.28; E911-  
\$2,007.18; Highway-\$30,397.30; Air-\$318.60; Ext-\$1,240.16; Weed-\$5,644.25; Pz-\$2,565.86;

**Bills:** Grenstiner,E-\$20.58; Outka,B-\$194.81; A&B Business Equip-\$352.76; A&J Supply-  
\$181.70; ABC Business Supply-\$909.15; Altaire Enterprises-\$20.00; Amcon Distributing-  
\$203.01; At&T-\$68.35; BH Chemical Company-\$836.23; BH Collection Service-\$100.00; BH  
Federal Credit Union-\$7,889.14; BH Fibercom-\$701.29; BH Land Analysis-\$681.46; BH  
Medical Ctr Pharmacy-\$102.94; BH Pioneer-\$590.60; BH Power & Light-\$7,028.29; Behavior  
Mngt Systems-\$460.00; Belle Fourche Landfill-\$25.90; Black Hills Pure-\$101.40; Burrly's  
Lube-\$80.46; Butler Machinery Co-\$696.17; Carquest Of Spearfish-\$109.62; Chemsearch-  
\$496.48; City/County Alcohol &Drug-\$2,045.00; Clifford,E-\$158.92; Clinical Lab Of BH-  
\$1,047.62; Coley, Mike-\$60.00; Conoco-\$191.03; Corral West-\$167.70; Culligan Soft Water  
Serv-\$148.00; Custer County Sher Office-\$10.30; Deckers Food-\$12.58; Dept Of The Treasury-  
\$36,268.34; Diamond Mowers-\$46.09; Domestic Crisis Outreach-\$795.00; Eagle Aviation-  
\$1,008.00; Eddie's Truck Sales/Serv-\$349.83; Election Data Direct-\$1,387.65; Electronic  
Controls & Security-\$1,079.50; Ensignal-\$350.00; Evercom Systems-\$438.47; Fastenal-\$42.95;  
Federal Express-\$7.25; Gene's Lock Shop-\$16.50; H&H Repair-\$255.00; Havemeier,L-\$40.80;  
Heisler Hardware-\$72.03; Hills Material Comp-\$253,507.05; IBM Corp-\$493.02; Ikon Office  
Solutions-\$155.50; Insight Public Sector-\$105.00; Johnson Machine-\$1,132.18; Kadrmas, Lee

And Jackson-\$14,366.38; Kar Products-\$368.67; Koala Electric-\$798.23; Kuhl,P-\$25.00; LC Centennial-\$215.94; LC Sheriff-\$469.63; LC Treasurer-\$50.00; Law School Foundation-\$30.00; Lexisnexis Matthew Bender-\$181.35; Lookout Landscaping-\$38,488.12; Mci-Idaho-\$16.21; Midcontinent Communications-\$300.00; Montana-Dakota Util-\$64.28; N J S Engineering-\$3,891.22; Nelson,T-\$960.00; Neve's Uniforms-\$85.80; Novus-\$40.00; Office Max-\$537.60; Office Of Child Support-\$415.50; Outdoor Motor Sports-\$129.99; Pennington Co Jail-\$611.42; Pennington County Sheriff-\$32.10; Pennington County Sts Attny-\$400.00; Power House-\$1,875.00; Queen City Rocket Lube-\$192.09; Qwest-\$944.82; R C Community Health-\$55.00; R C Finance Office-\$945.00; R C Regional Hospital-\$4,391.69; Radio Shack/Kazco-\$415.96; Rapid Delivery-\$7.35; Reindl,S-\$3,591.29; Reliable-\$127.66; Reliance Telephone-\$11.68; Rochford Vol Fire Dept-\$6,500.00; Rushmore Safety Supplies-\$30.80; SD Retirement System-\$35,374.07; SD Dept Of Legislative Audit-\$8,895.25; SD Federal Property Agency-\$176.00; SD State Archives-\$20.00; SD Supplemental Retirement-\$812.50; Salzsieder,M-\$3,435.00; Sand Creek Printing-\$6.00; SD School Of Mines & Technolo-\$166.30; Servall Towel & Linen-\$481.74; Slowey,Y-\$105.00; Spearfish Auto Supply-\$309.77; Superior Lamp And Supply-\$330.39; Teen Court-\$7,972.00; Texaco-\$76.10; Thompson Publishing Group-\$329.00; Total Security Concepts-\$260.00; Triple K Tire & Repair-\$9.00; USD School Of Law Foundation-\$30.00; UAP Timberland Llc-\$786.00; Verizon Wireless-\$1,054.39; Victims Of Violence-\$795.00; Viking Office Prod-\$62.69; Waste Connections-\$446.26; Watkins,D-\$165.30; Wells Plumbing & Farm Supp-\$91.00; West Group-\$124.00; Western Communication-\$1,552.30; Western SD Juvenile Serv-\$345.08; Williams Standard Serv-\$75.76; Xerox Corporation-\$153.00; Yankton Co Sheriff-\$16.50; Z&S Dust Control-\$16,214.50; **Witness & Juror:** Lee,R-\$20.58; Atyia,D-\$52.90; Barrios,T-\$18.70; Barry,C-\$18.70; Batt,J-\$58.70; Brick,M-\$21.60; Bridges,T-\$18.70; Brown,K-\$58.70; Corrigan,T-\$18.70; Cottrill,D-\$59.86; Covell,R-\$57.54; Eilers,A-\$56.38; Erickson,B-\$35.52; Ewing,J-\$18.12; Fish,K-\$27.40; Gengler,S-\$21.60; Goetz,B-\$19.28; Gronski,S-\$18.70; Hackney-Lerew,J-\$19.86; Hart,S-\$11.74; Heller,M-\$51.74; Hindbjorgen,L-\$61.60; Jeffery,B-\$10.58; Johnson,L-\$25.66; Kaiser,D-\$18.70; King,R-\$25.66; Kramer,B-\$19.86; Kymala,J-\$27.40; Lane,T-\$19.28; Lockhart,C-\$17.54; Martin,D-\$57.54; Mathis,D-\$64.50; Matson,T-\$61.60; MCGroarty,P-\$61.60; Palle,L-\$59.28; Palmer,C-\$18.70; Pengra,D-\$11.16; Persche,S-\$16.96; Poling,V-\$50.58; Post,M-\$64.50; Roseland,M-\$58.70; Ruth,D-\$30.87; Schopen,A-\$54.64; Smith,D-\$15.80; Tjaden,T-\$11.16; Voorhees,C-\$58.12; Vrooman,J-\$20.44; Wallerstein,N-\$18.70; Weber,B-\$18.12; Wilber,D-\$51.16; Williams,M-\$58.70; Wood,T-\$18.70; Allsup,L-\$21.74; Andrews,S-\$41.46; Carr,K-\$28.70; Dirkson,S-\$21.74; Fuks,B-\$28.70; Grenstiner,L-\$20.00; Grove,A-\$21.74; Hall,C-\$28.70; Huhn,D-\$28.70; Huth,B-\$20.58; Island,R-\$28.70; Jackson,I-\$37.40; Johnson,B-\$27.25; Koski,C-\$21.74; Miranda,B-\$21.74; Miranda,L-\$20.00; Ovitz,R-\$28.70; Perry,N-\$28.70; Salinas,F-\$41.46; Steele,J-\$28.70; Studt,D-\$28.70; Swanson,K-\$28.70; Vanmatre,L-\$86.10

**ADJOURN:** 3:45 p.m. - There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

**LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – JULY 28, 2003**

Chairperson James J. Seward called the special meeting of the Lawrence County Commissioners to order at 10:55 a.m. on July 28, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon D. Flanagan and Terry Weisenberg present. Connie H. Douglas and Bob Ewing were absent.

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

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairperson to sign the following Resolution #2003-27 to Provide For Temporary Emergency Regulation of Fire Hazards in Lawrence County. Motion Carried. Douglas-Ewing absent. **RESOLUTION 2003-27 A RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN LAWRENCE COUNTY: WHEREAS**, the Lawrence County Commission is charged with protecting the health and safety of the citizens of Lawrence County including all property situated therein; and **WHEREAS**, the Lawrence County Commission has consulted with local fire officials and law enforcement officials concerning the threat posed by wildfires; and **WHEREAS**, the threat of wildfires in Lawrence County is such so as to pose a significant danger to the health and safety of the citizens of Lawrence County including property situated therein; and **WHEREAS**, the Lawrence County Commission has deemed it necessary to enact certain temporary controls to reduce the threat posed to the citizens and property of Lawrence County by wildfires. **NOW, THEREFORE BE IT RESOLVED**, that pursuant to SDCI. 7-8-20 (18) the Lawrence County Commission does hereby enact this resolution on an emergency basis effective immediately and impose a ban to prohibit or restrict open burning in order to protect the public health and safety; and **IT IS FURTHER RESOLVED**, that the prohibited activities shall include the ignition of fireworks, and any other activity which could be reasonably calculated to lead to the ignition and/or spread of wildfires in Lawrence County; and **IT IS FURTHER RESOLVED**, that the area to which the prohibitions referenced above shall be applicable shall include the entire area of Lawrence County excepting those lands falling within the boundaries of any municipality or the lands falling under the auspices of the United States; and **IT IS FURTHER RESOLVED**, that pursuant to SDCL 7-18A-2 the penalty for violating this resolution shall include a fine not to exceed two hundred dollars for each violation and/or by imprisonment for a period not to exceed thirty days for each violation, or by both such fine and imprisonment; and **IT IS FURTHER RESOLVED**, that the prohibition of certain activities provided for above shall remain in effect until such time as the Lawrence County Commission determines that the threat posed by wildfires has abated. Dated this 28 day of July. 2003. JAMES J. SEWARD, CHAIRMAN ATTEST: CONNIE ATKINSON, County Auditor.

**ADJOURN:** 11:00 a.m. - There being no further business it was Moved-Seconded (Weisenberg-Flanagan) to adjourn. Douglas-Ewing absent. Motion Carried.

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DATE APPROVED

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JAMES J SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – AUGUST 19, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 19, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Douglas-Weisenberg) to approve the minutes of July 22<sup>nd</sup>, 28<sup>th</sup> & 31<sup>st</sup>, 2003. Motion Carried. Aye-4. Flanagan-absent.

### **TRAVEL REQUESTS:**

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Paul Thomson to attend the 2003 Annual SDEMA Fall Conference in Aberdeen, SD on September 8-11, 2003. Motion Carried.

**VSO:** Moved-Seconded (Flanagan-Seward) to approve the travel request for William Locken to attend the VSO Annual School in Pierre, SD on August 25-28, 2003. Motion Carried.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Weisenberg-Ewing) to accept the resignation of Ron Green and authorize the advertising of two appraisers. Motion Carried. Piekola stated she will need a supplement to cover the second appraiser through the end of the year.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Douglas-Weisenberg) to approve the amended Lawrence County Emergency Management Director Job Description. Motion Carried.

**SHERIFF:** Moved-Seconded (Ewing-Flanagan) to approve the advertising for a full time dispatcher to fill an existing position. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Weisenberg-Flanagan) to approve Deloris Bruce as Legal Secretary Grade 1 at a base rate of \$10.20 an hour, effective 8-20-2003. Motion Carried.

**WELFARE GUIDELINES:** Moved-Seconded (Douglas-Flanagan) to approve the following Resolution 03-26 setting the welfare guidelines for Lawrence County. Motion Carried.

LAWRENCE COUNTY RESOLUTION #03-26 AMENDMENT #7 LAWRENCE COUNTY WELFARE GUIDELINES APPENDIX A -ELIGIBILITY INCOME: WHEREAS, Lawrence County has adopted Welfare Guidelines to provide assistance to indigent persons of the county under SDCL Chapter 28-13); and WHEREAS, Lawrence County uses the federal poverty guidelines published in the Federal Register, which are updated on an annual basis, as eligibility income standards; NOW THEREFORE BE IT RESOLVED, that effective October 1, 2003, and until otherwise revised, the attached revisions and amendment setting forth the new income guidelines in the Lawrence County Welfare Guidelines are hereby adopted. Dated this 19<sup>th</sup> day of August 2003. BOARD OF COUNTY COMMISSIONERS: James J. Seward, Chairperson,



Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of July 31, 2003 showed the following: Total amount of deposits in banks-\$7,337,869.91; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$27,223.91; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,297.39; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning & EM-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$490,630.23; Savings-\$1,871,829.26; GNAMS-\$91,343.15; and Money Market \$1,184,067.27, Total \$7,370,276.21.

**RESOLUTION #03-28 LIQUOR LICENSES:** Moved-Seconded (Douglas-Weisenberg) to approve the following Resolution #03-28 Liquor Licenses for 2004. Motion Carried.

**RESOLUTION #03-28 LIQUOR LICENSES:** WHEREAS, Lawrence County has the authority to determine the number of On-Sale and Off-Sale liquor licenses it will approve for the ensuing calendar year, SDCL 35-4-11.1, and WHEREAS, the State of South Dakota by virtue of SDCL 35-4-2 determines the fees to be charged for the various classifications of licenses, and THEREFORE, BE IT RESOLVED that we, the Board of County Commissioners, will approve Two (2) Off-Sale and Nine (9) On-Sale Liquor Licenses or the number issued in 2003, whichever is less for the ensuing year, and Two (2) Retail On-Sale Wine License, and BE IT FURTHER RESOLVED that the Board of County Commissioners list the following fee schedule as a matter of record: A) On-Sale dealer-any person who sells or keeps for sale any alcoholic beverage for consumption on the premises where sold. Those current license holders being closer to Spearfish (1st class city) to be charged the fee of \$1,500.00: Guadalajara Mexican Restaurant; Queen City VFW Post #5860. Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged the fee of \$1,200.00: Lead Country Club; Black Hills Chair Lift Co.; Branding Iron Bar & Restaurant; Spearfish Canyon Resorts LLC; Deer Mountain Ski Area; Boulder Canyon Country Club; Tomahawk Lake Country Club; B) Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Fee - \$400.00: Branding Iron Bar & Restaurant; St. Onge Store; C) Retail On-Sale Wine - Fee - \$500.00: Latchstring Village; Seven Down LLC. D) Sunday On-Sale liquor licenses-Additional - \$200.00. DATED at Deadwood, South Dakota, this 19th day of August, 2003. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #2003-30 SURPLUS PROPERTY:** Moved-Seconded (Weisenberg-Ewing) to approve the following Resolution #2003-30 Surplus Property. Motion Carried. RESOLUTION #2003-30 SUPRLUS PROPERTY: WHEREAS, Lawrence County has several items of personal

property which are no longer needed for public purpose and; WHEREAS, The Lawrence County Board of County Commissioners have appraised the personal property and the total value of such property exceeds \$500.00, to-wit: SEE ATTACHED LIST: NOW THEREFORE BE IT RESOLVED that the Lawrence County Board of County Commissioners hereby declare the attached list of property surplus and order the sale and/or disposal of said property. Dated this 19th day of August 2003. James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**FOREST FIRE DESIGNEE:** Moved-Seconded (Flanagan-Weisenberg) to approve the following Resolution #2003-31. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2003-31: WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20-8.1; and WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Lawrence County can designate a person with authority to request assistance under this law; NOW THEREFORE BE IT RESOLVED, that the Lawrence County Commissioners hereby designate the following persons with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

James J. Seward, CHAIRMAN; Paul Thomson, EMERGENCY MANAGEMENT DIR.  
Dated this 19<sup>th</sup> day of August, 2003. FOR THE BOARD: James J. Seward, CHAIRMAN.  
ATTEST: Connie Atkinson, AUDITOR

**LAWRENCE COUNTY FIRE TRUCKS:** The Board asked that the Chairman send a letter to the nine fire departments encouraging the Fire Chiefs to participate in the Spearfish parade and other social parades displaying the County Fire Trucks.

**PRE-DISASTER MITIGATION FUNDING:** Moved-Seconded (Flanagan-Ewing) to accept the pre-disaster mitigation funding to create a local hazard mitigation plan for \$6,119.51 from FEMA and to allow Thomson to work with B.H. Council of Local Government concerning the plan. Motion Carried.

**EMERGENCY MANAGEMENT PROGRAM FUNDING:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to send a letter to Tom Dravland, Secretary of the SD Department of Public Safety asking them to reconsider their decreased funding to Lawrence County. Motion Carried.

**EXTENSION AUTOMATIC SUPPLEMENT:** Moved-Seconded (Douglas-Flanagan) to approve an automatic supplement of \$1,272.20 in the Extension Supplies Grants Budget to cover grant fund expenditures for the Extension Office. Motion Carried.

**DEADWOOD HISTORIC GRANT:** Moved-Seconded (Ewing-Flanagan) to send a letter of support for a Deadwood Historic Grant to install cameras in the Courthouse. Motion Carried.

**SPEARFISH ANNEXATION:** Don Mueller, City of Spearfish was present to discuss the annexation of unplatted lands. Moved-Seconded (Flanagan-Seward) to approve and authorize the Chairperson to sign the following Resolution No. 2003-29 Approving the Annexation of Certain Unplatted Lands by the City of Spearfish. Motion Carried. RESOLUTION NO 2003-29 A RESOLUTION APPROVING THE ANNEXATION OF CERTAIN UNPLATTED LANDS BY THE CITY OF SPEARFISH, SOUTH DAKOTA. BE IT RESOLVED by Lawrence County that the unplatted territory legally described as: NE1/4NE1/4 Ex H-2 and Excluding the Section Line Right-of-Way, Section 20, T6N, R3E, Lawrence County, SD, BHM. May be annexed by the City of Spearfish, South Dakota, pursuant to its Resolution extending the boundaries of the City of Spearfish as provided in SDCL 9-4-1. This Resolution constitutes approval of the City of Spearfish Resolution extending the boundaries of the City of Spearfish by the County Commissioners for annexation of such unplatted lands as provided in SDCL 9-4-5. Dated this 19<sup>th</sup> day of August 2003. James J. Seward, Chairman. ATTEST: Connie Atkinson, Lawrence County Auditor

**SOIL CONSERVATION / PROGRAM UPDATES & FUNDING REQUEST:** Kim Schultz, Karl Jensen and Zindie Meyers were present to update the Board on current and past programs. A new District long-range plan was finalized and approved in February. Schultz stated 8,000 trees and shrubs were planted during the 2003 planting season ending with a net profit of \$4,739.13. The Belle Fourche Watershed Partnership, the Alternate Wind Protections/Livestock Watering Project and Black Hills Fire Rehabilitation Project grants were discussed. A tour of mining reclamation sites will be held September 9, 2003. Schultz stated they are proposing a \$22,193 budget for 2004 but the \$18,000 currently budgeted and the \$4,000 profit from the tree planting will be used for the 2004 budget.

**FOREST SERVICE:** Pam Brown and Dewayne Thornburgh were present to update the Board on the progress in Beaver Park. Future commercial sales were discussed and trying to salvage bug trees was a mention of concern.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,242.85; Aud-\$5,151.25; Treas-\$8,413.70; Comp-\$5,030.95; States Atty-\$10,958.16; Pub Def-\$6,043.26; Gen Govt Bldg-\$5,304.28; Equal-\$10,531.40; Rod-\$5,777.19; Vso-\$723.91; Disp-\$8,415.43; Sher-\$29,228.18; Jail-\$16,619.32; Emerg Mgnt-\$2,507.63; E911-\$1,460.16; Highway-\$34,253.01; Air-\$268.75; Ext-\$1,287.76; Weed-\$6,908.75; Pz-\$2,658.26; **Bills:** Kosel,J-\$426.61; Mowell,R-\$5,305.50; Seward,J-\$461.68; B H Fibercom-\$1,722.25; B H

Power & Light-\$1,086.31; Best Business Prod-\$40.44; Cellular One-\$361.39; J&J Truck And Auto Body Inc-\$11,022.38; Kruse,G-\$500.00; Pennington County Sheriff-\$25.00; The Westin Tabor Center-\$495.00; Verizon Wireless-\$47.13; Walmart Store-\$356.37; Erickson,B-\$3.78; Wilson,C-\$115.00; A&B Business Equip-\$255.73; A&B Welding Supply-\$32.00; Abc Business Supply-\$607.74; Air Connection-\$45.00; Alco Store-\$89.99; Altaire Enterprises-\$40.00; Am Publications-\$31.00; American Family Life-\$2,235.40; Amoco Oil Co-\$203.72; At&T-\$74.86; B H Chemical Company-\$2,843.10; B H Collection Service-\$100.00; B H Council Of Local Govt-\$2,500.00; B H Federal Credit Union-\$7,889.14; B H Fibercom-\$730.72; B H Land Analysis-\$1,498.44; B H Medical Ctr Pharmacy-\$1,174.45; B H Pest Control-\$95.00; B H Pioneer-\$745.33; B H Power & Light-\$676.53; B H Windshield Repair-\$60.00; Barkleigh Productons-\$56.98; Behavior Mngt Systems-\$140.00; Best Western Of Huron-\$320.00; Black Hills Lawn Care-\$35.00; Black Hills Pure-\$39.60; Blue Cross-\$38,278.32; Brownsville Fire Dept-\$2,253.25; Bureau Of Administation-\$20.00; Butte County Sheriff-\$15.00; Butte Electric Coop-\$310.94; Campbell Co Sheriffs-\$40.00; Cardinal Printing-\$524.41; Carlson,D-\$15.00; Carquest Of Spearfish-\$11.28; Central Parts-\$675.90; Chemical Sanitizing Sys-\$94.55; City/County Alcohol &Drug-\$3,455.00; Clinical Lab Of Bh-\$377.10; Coley, Mike Ccdcii-\$60.00; Conoco-\$207.36; Corral West-\$134.75; Crossroads Hotel & Convention-\$400.00; Culligan Soft Water Serv-\$83.25; Dakota Graphics-\$240.00; Dale's Tire & Retread-\$703.59; Deadwood Home Center-\$2.96; Deadwood Recreation Center-\$117.00; Deadwood Vol Fire Dept-\$7,561.20; Deadwood, City Of-\$764.98; Deckers Food-\$33.08; Dept Of Hlth Lab Services-\$33.00; Dept Of The Treasury-\$38,123.64; Dietrich,D-\$120.95; Domestic Crisis Outreach-\$605.00; Ecolab-\$90.00; Eddie's Truck Sales/Serv-\$242.74; Elan Finanical Services-\$495.69; Ellingson,J-\$5,055.05; Ensignal-\$194.80; Equipment Service Prof-\$102.00; Evercom Systems-\$1,050.00; Extension Service-\$147.86; Family Thrift Center-\$69.58; Farm Plan/Rdo-\$403.23; Fei-\$750.00; Frederickson,J-\$521.00; Gall's-\$359.98; Gene's Lock Shop-\$941.26; General Service Garage-\$226.97; Gold Dust-\$63.11; Golden West Teltech-\$33.00; Great Plains Chemical-\$360.00; Great Western Tire-\$821.07; Greens Alignment-\$40.00; Grimm's Pump Service-\$61.14; Heisler Hardware-\$171.93; Hewlett-Packard Company-\$666.00; Hills Material Comp-\$78,869.01; Hughes,K-\$305.00; Huron Culvert & Tank Co-\$618.00; Ikon Office Solutions-\$147.78; Insight Public Sector -\$287.00; J D Evans-\$40.89; J H Hilt Engineering-\$494.70; Jacobs Precision Welding-\$304.60; Johnson Ford-\$494.00; Juneks' Chrysler/Dodge-\$669.88; K Mart-\$26.62; Kabeiseman & Pollard Law-\$146.80; Kar Products-\$136.05; Karpinen,S-\$1,360.00; Kinney,M-\$185.63; Klein's Office Furniture&Supp-\$1,262.76; L C Centennial-\$475.06; L C Public Health-\$2,208.00; L C Sheriff-\$254.22; L C Treasurer-\$50.00; Lead Fire Department-\$9,982.31; Lead, City Of-\$25.60; Lead-Deadwood Sanitary-\$326.68; Lee,J-\$15.00; Lewis & Clark Bhs-\$125.00; Lexisnexis Matthew Bender-\$488.45; Lyle Signs-\$850.70; M&T Fire & Safety-\$3,500.00; Mcarthur,J-\$80.00; Mccaskey,J-\$300.00; Mci-Idaho-\$25.31; Meade Co Auditor-\$120.00; Meade County Sheriff-\$106.00; Montana-Dakota Util-\$1,189.43; N D State University-\$50.75; N H Family Ymca-\$428.00; N H General Hospital-\$1,756.88; National Sheriff's Assoc-\$35.00; Nelson,T-\$1,480.00; Nemo Volunteer Fire Dept-\$886.47; Neve's Uniforms-\$85.27; Office Of Child Support-\$415.50; Pennington Co Auditor-\$1,985.88; Pennington Co Jail-\$762.93; Pennington County Sheriff-\$25.00; Pennington County Sts Attny-\$600.00; Phillips Petroleum Co-\$67.15; Postmaster, Deadwood-\$222.00; Power House-\$4.64; Queen City Motors-\$184.57; Queen City Rocket Lube-\$182.80; Qwest-\$998.95; R C City Of-\$1,050.00; R C Community Health-\$86.20; R C Regional Hospital-\$4,525.85; Rabe Elevator-\$541.39; Radio Shack/Kazco-\$17.97; Rapid Delivery-\$33.60; Regan Battery Maint

Services-\$165.00; Rochford Vol Fire Dept-\$424.17; Rombough,D-\$378.20; Rowenhorst,J-\$130.00; Rushmore Safety Supplies-\$30.10; S D Retirement System-\$38,506.86; S D State Treasurer-\$978.44; S D Dept Of Transportation-\$157.00; S D Public Assur Alliance-\$25,351.41; S D Supplemental Retirement-\$849.50; Sand Creek Printing-\$20.20; Sanito Oil-\$13,557.16; Sears Commercial One-\$399.68; Servall Towel & Linen-\$481.74; Sierra Design Vinyl Lettering-\$270.00; Sirchie Finger Print Lab-\$106.80; Spearfish City Of-\$14,759.50; Spearfish Auto Supply-\$693.47; Spearfish Canyon Fire Dept-\$1,384.52; Spearfish Fire Dept-\$22,102.17; Spearfish Husky-\$14.00; Specialized Auto Service-\$1,124.19; St Onge Fire Dept-\$772.09; Starr,C-\$79.16; State Radio Communication-\$2,400.00; Sturgis Fire Department-\$505.20; Swanson,T-\$40.00; Tellinghuisen, Gordon & Percy-\$69.00; Texaco-\$120.02; The Abacus-\$47.40; Tigerdirect-\$56.10; Triple K Tire & Repair-\$64.75; Turkey Graphix-\$894.40; Twin City Hardware & Lumber-\$15.05; Uap Timberland-\$385.60; United Building Center-\$17.68; Verizon Wireless-\$903.21; Victims Of Violence-\$605.00; Viking Office Prod-\$451.65; Voelker & Adams-\$682.92; W.S.Darley & Co-\$5,000.00; Walser,B-\$15.00; Wang,T-\$110.00; Waste Connections-\$400.96; West Group-\$466.00; Western Communication-\$294.10; Western Sd Juvenile Serv-\$1,035.24; Whitewood Vol Fire Dept-\$2,702.31; Yankton County-\$89.80; Z&S Dust Control-\$4,539.24; **Witness & Juror:** Isaacson,M-\$20.58; Sullivan,M-\$21.74; Atyia,D-\$52.90; Batt,J-\$58.70; Brown,K-\$117.40; Cottrill,D-\$119.72; Covell,R-\$115.08; Eilers,A-\$56.38; Heller,M-\$103.48; Hindbjorgen,L-\$61.60; Martin,D-\$115.08; Mathis,D-\$64.50; Matson,T-\$61.60; Mcgroarty,P-\$61.60; Palle,L-\$59.28; Poling,V-\$101.16; Post,M-\$64.50; Roseland,M-\$58.70; Schopen,A-\$109.28; Voorhees,C-\$58.12; Williams,M-\$117.40; Grenstiner,L-\$20.58; Adams,J-\$28.70; Albright,A-\$28.70; Burns,J-\$20.58; Clift,C-\$25.80; Cole,C-\$21.74; Connell,C-\$46.10; Cumiford,C-\$49.00; Darland,A-\$28.70; Frederickson,B-\$20.00; Hale,M-\$20.58; Horner,M-\$28.70; Karpinen,W-\$21.74; Kleen,S-\$27.25; Marzolf,J-\$21.74; Nunn,W-\$20.58; Rang,M-\$20.58; Sandy,D-\$28.70; Singer,K-\$20.58; Span,J-\$28.70; Smith,C-\$21.74; Underhill,J-\$28.70; Uskoski,M-\$30.44; Wilczynski,G-\$21.74; Willuwiet,A-\$28.70; Wolff,A-\$147.00

**ADJOURN:** 10:45 a.m. - There being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – SEPTEMBER 2, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 9:00 a.m. on September 2, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of August 19, 2003. Motion Carried.

**2004 BUDGET:** A public hearing was held on the proposed 2004 Budget for Lawrence County. Moved-Seconded (Ewing-Flanagan) to approve the revised Auditor Budget at \$181,038; Revised Sheriff Budget at \$1,023,876 and cash applied to finance the Fire Advisory budget at (\$11,056). Motion Carried.

### **PERSONNEL:**

**STATES ATTORNEY:** Moved-Seconded (Douglas-Weisenberg) to allow the States Attorney to advertise for a Legal Secretary I. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Weisenberg-Flanagan) to approve Jason Writer as a part-time 20-29 hrs employee, effective 9-3-2003, to allow him to further his education. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Ewing) to approve Mark Ginsbach as a full time Dispatcher II, Grade 3 at the base rate of \$11.47 an hour, effective 9-11-2003. Motion Carried.

**TRAVEL REQUEST:** Moved-Seconded (Weisenberg-Douglas) to allow Connie Atkinson, Deb Tridle, Judy Meverden, Marlene Barrett, James J. Seward, and Chuck Williams to attend County Convention in Sioux Falls, SD in October. Motion Carried.

**WHEELER CONSOLIDATED:** Moved-Seconded (Weisenberg-Ewing) to allow the Chairman to send a letter to Wheeler Consolidated requesting additional information on a loan request. Motion Carried.

**US GEOLOGICAL SURVEY:** Dan Driscoll and Larry Putnam from the US Geological Survey were present and updated the Board on current and future projects. Dye testing was conducted this spring and additional testing is likely in the future. Data is being collected to determine how water moves in the aquifer and to try and get a better understanding of streams and aquifers before there is a problem. George Opitz was present and expressed his concerns to continue funding studies into the future.

Moved-Seconded (Flanagan-Ewing) To approve and authorize the Chairman to sign the Joint Funding Agreement 04C4SD00000001 with the US Department of Interior. Motion Carried.

**GRANTS – BOARD APPROVAL NEEDED:** Moved-Seconded (Weisenberg-Flanagan) To draft a resolution that all grants must have County Commission Board Approval before being applied for, due to auditing and liability reasons. Motion Carried.

**ADJOURN:** 10:45 a.m. - There being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – SEPTEMBER 9, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 11:00 a.m. on September 9, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of September 2, 2003. Motion Carried.

### **PESONNEL**

**SHERIFF:** Moved-Seconded (Douglas-Ewing) to approve Linda Maynard as a full time Dispatcher I grade-3 at the base rate of \$10.14 an hour, effective 9-9-2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Flanagan-Weisenberg) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of August 31, 2003 showed the following: Total amount of deposits in banks-\$7,234,324.74; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$91,990.16; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,075.12; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning & EM-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$605,058.37; Savings-\$1,673,364.89; GNAMS-\$71,034.70; and Money Market \$1,184,866.78, Total \$7,332,275.02.

**LAWRENCE COUNTY WEST NILE VIRUS RESOLUTION #2003-32:** Moved-Seconded (Ewing-Weisenberg) to approve the following Resolution 2003-32 in reference to the West Nile Virus. Motion Carried. LAWRENCE COUNTY RESOLUTION #2003-32 WHEREAS, the City of Spearfish has been heavily impacted by West Nile Virus and has agreed to participate in an aerial mosquito control program offered by the State of South Dakota; and WHEREAS, the mosquito control expert contracted by the State has recommended up to a 2-mile sprayed buffer zone around the City of Spearfish to maximize the effectiveness of the aerial mosquito control program; and WHEREAS, these buffer zones may not be within the incorporated city limits of Spearfish requiring permission of Lawrence County to spray and complete the buffer zone; and WHEREAS, Lawrence County does not have the financial resources to respond to the control and prevention of West Nile Virus spread by the infestation of mosquitoes; and WHEREAS, Lawrence County recognizes that without assistance from State and/or Federal resources to control and prevent West Nile Virus, residents may suffer from a Public Health Emergency. NOW THEREFORE BE IT RESOLVED the Board of Commissioners of Lawrence County



respectfully request emergency mosquito prevention and control measures in the form of aerial spraying from the State of South Dakota for the city of Spearfish and to provide with all dispatch and remedies any other state and/or federal assistance available for the control and prevention of such mosquitoes. Motion passed and Resolution #2003-32 adopted this 9<sup>th</sup> day of September 2003. Commission Chairman Signature: James J. Seward. ATTEST: Connie Atkinson, Auditor.

**LAWRENCE COUNTY RESOLUTION #2003-34 / WILDERNESS AREAS:** Moved-Seconded (Flanagan-Douglas) to approve the following Resolution 2003-34 in reference to the Wilderness Area Designation. Motion Carried. LAWRENCE COUNTY RESOLUTION #2003-34 WHEREAS, the Sierra Club has requested South Dakota's Congressional Delegation to sponsor legislation designating approximately 75,000 acres of public land on the Buffalo Gap National Grasslands in Custer, Fall River and Pennington Counties as Wilderness Areas, restricting many of the current uses of these lands; and WHEREAS, the lands recommended by the Sierra Club for Wilderness have been dedicated to multiple use for over sixty years; and WHEREAS, the Sierra Club asserts that 88 percent of the people of the Black Hills region support the designation of thousands of acres as Wilderness on the Buffalo Gap National Grasslands; and WHEREAS, the Wilderness designation is designed to close roads and restrict many of the current uses of the lands, including hunting, rock collecting, mechanized travel, and mineral and water development. NOW THEREFORE BE IT RESOLVED that the Lawrence County Commission respectfully requests that Governor Mike Rounds, Senator Tom Daschle, Senator Tim Johnson and Congressman Bill Janklow actively oppose the designation of Wilderness Areas on the Buffalo Gap National Grasslands, as there has been no adequately demonstrated justification for the designation of such Wilderness Areas and the resulting curtailment of the public's ability to access and utilize these lands owned by all of the citizens of the United States; and BE IT FURTHER RESOLVED, that the Lawrence County Commission respectfully request that Governor Rounds meet with a group of the leaders of the grazing associations in South Dakota and representatives of the South Dakota Farm Bureau, the South Dakota Stockgrowers, the South Dakota Farmer's Union and the South Dakota Cattlemen's Association. Dated this 9<sup>th</sup> day of September 2003. FOR THE BOARD: James J. Seward, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

**HIGHWAY TRANSFER OF FUNDS:** Moved-Seconded (Ewing-Flanagan) to approve the transfer of \$25,896.24 from General Fund to the Highway Building Fund. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to set a supplemental budget hearing for September 23, 2003 at 8:45 a.m. for the Highway Building Fund for \$32,000. Motion Carried.

**GRAVEL SURFACE MATERIAL BID:** Moved-Seconded (Douglas-Flanagan) to approve the purchase of Gravel Surface Material from Meade County's Bids as follows: Fisher Sand and Gravel Company – Blair Pit, Kenoyer Pit, Bestgen Pit, Spring Pit and Cammack Pit for \$2.14 per ton. Motion Carried.

**UTILITY PERMIT:** Moved-Seconded (Weisenberg-Ewing) to approve the Application for Permit to Occupy County Highway Right of Way for Black Hills Power to cross the Nemo Rd overhead at Simon Kopp Place. Motion Carried.

**ABATEMENTS/LAWRENCE COUNTY TAX DEED:** Moved-Seconded (Flanagan-Douglas) to approve the abatements on parcel 18400-00504-143-02; 24510-00702-324-18 and 24510-00702-324-22 because the property was sold at public auction because it was property taken for back taxes. Motion Carried.

**SEVEN DOWN ARENA:** The Board received notification of a Pre-Halloween Bash (concerts) at the Seven Down Arena on October 18, 2003.

**WHITEWOOD FOREST ACRES ROAD DISTRICT PETITIONS:** The Board received petitions for the Whitewood Forest Acres Road District. The Board turned the petitions over to the Auditor's office for verification.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$6,490.90; Aud-\$9,549.81; Treas-\$14,867.94; Comp-\$9,341.67; States Atty-\$20,188.27; Pub Def-\$11,600.44; Gen Govt Bldg-\$9,476.56; Equal-\$18,132.61; Rod-\$10,509.40; Vso-\$1,447.82; Disp-\$19,305.23; Sher-\$64,981.13; Jail-\$35,286.49; Emerg Mgnt-\$4,953.30; E911-\$2,555.28; Highway-\$56,046.48 Air-\$493.75; Ext-\$2,157.12; Weed-\$10,657.55; Pz-\$5,039.32; **Bills:** Fisher,L-\$11.00; Larson,R-\$164.90; Locken,W-\$166.52; Mowell,R-\$6,322.50; 3 D Specialties-\$5,492.38; Abc Business Supply-\$447.04; Aldinger,K-\$656.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$238.90; American Family Life-\$2,342.40; Amoco Oil Co-\$296.03; At&T-\$10.95; B H Collection Service-\$200.00; B H Federal Credit Union-\$15,778.28; B H Power & Light-\$9,763.77; Cellular One-\$361.66; L C Treasurer-\$50.00; S D Dept Of Transportation-\$2,173.48; Spearfish Fire Dept-\$14,759.50; Verizon Wireless-\$47.13; Walmart Store-\$625.69; Wells Fargo Bank-\$63.90; B H Chemical Company-\$549.25; B H Fibercom-\$2,523.71; B H Medical Center-\$1,018.92; Bear Ridge Vol Fire Dept-\$5,866.77; Best Business Prod-\$40.44; Bierschbach Equip & Supply-\$2,100.00; Black Hills Pure-\$52.70; Blue Cross-\$39,242.55; Butler Machinery Co-\$1,011.78; Butte Electric Coop-\$295.84; Cardinal Printing-\$76.06; City/County Alcohol & Drug-\$210.00; Clinical Lab Of B H-\$2,095.24; Conoco-\$380.45; Cooperative Extension Service-\$183.05; Council On Education In Mgnt-\$184.00; Culligan Soft Water Serv-\$76.50; Deadwood Home Center-\$7.19; Deadwood Recreation Center-\$109.00; Deadwood, City Of-\$673.28; Delahoyde's Paint & Body-\$225.00; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$72,159.99; Diamond Mowers-\$370.07; Eagle Aviation-\$57.75; Elan Financial Services-\$527.82; Ellingson,J-\$391.83;

Esri-\$4,300.00; Et Sports-\$42.95; Evercom Systems-\$525.00; Fastenal-\$637.59; Federal Express Corp-\$15.24; Fisher Sand & Gravel-\$15,639.12; Glenney,T-\$200.00; Golden West Teltech-\$33.00; Great Western Tire-\$300.22; Hoffman,N-\$217.50; Holiday Inn Express Fort Pierr-\$80.00; Ikon Office Solutions-\$146.97; Insight Public Sector-\$263.40; Interstate Batteries-\$182.82; Johnson Machine-\$172.42; Jonathan Publishing-\$39.00; Kadrmass, Lee And Jackson-\$13,166.15; Kar Products-\$181.66; Karl's-\$277.00; Kimball-Midwest Co-\$137.29; Kinney,M-\$307.23; Kustom Signals-\$1,885.00; L C Centennial-\$261.74; L C Emerg Mgnt-\$49.58; L C Public Health-\$2,208.00; L C Treasurer-\$50.00; Language Line Services-\$383.00; Lead, City Of-\$52.00; Lead-Deadwood Sanitary-\$286.76; Lexisnexis Matthew Bender-\$85.70; Lucero,L-\$66.00; M R Sign Co-\$607.54; Mailworks Plus-\$309.00; Mark Perrenoud, Phd-\$570.00; Mearthur,J-\$40.00; Meade Co Auditor-\$56.80; Meade County Sheriff-\$8.20; Mid-Continent Testing-\$775.00; Montana-Dakota Util-\$1,103.70; N H Family Ymca-\$406.00; N H General Hospital-\$540.00; Neighborhood Housing Services-\$425.00; Nelson,T-\$320.00; New View Optical-\$36.00; Office Max-\$179.99; Office Of Child Support-\$831.00; Office Technology/Supply-\$129.82; Outdoor Motor Sports-\$329.57; Parrett,P-\$208.06; Pennington Co Auditor-\$118.00; Pennington County Sheriff-\$16.50; Pennington County Sts Attny-\$600.00; Phillips Petroleum Co-\$31.76; Phoenix Investigations-\$1,024.09; Pitney Bowes-\$149.10; Pizza Hut-\$88.30; Purchase Power-\$212.47; Qwest-\$43.11; Regional Hospital-\$4,005.28; Radio Shack/Kazco-\$39.99; Reliable-\$47.41; Rombough,D-\$199.22; Rushmore Dental Product-\$20.07; S D Assn Of Co Comm-\$997.50; S D Retirement System-\$37,329.09; S D State Treasurer-\$723.20; S D Human Services Center-\$79.00; S D Law Review-\$56.60; S D Supplemental Retirement-\$1,699.00; Schmit,A-\$240.00; Scull Construction Serv-\$28,700.00; Servall Towel & Linen-\$583.65; Spearfish Auto Supply-\$68.01; Teen Court-\$964.03; Tellinghuisen, Gordon & Percy-\$69.00; The Abacus-\$418.00; Tigerdirect-\$28.05; Twin City Hardware & Lumber-\$37.71; U S Postal Service-\$5,000.00; Viking Office Prod-\$924.63; Warne Chemical-\$55.87; Waste Connections-\$266.56; Waterland,K-\$43.00; Weese,S-\$1,539.66; Wells Fargo Bank-\$107.30; West River International-\$71.59; Western Communication-\$3,520.54; **Witness & Jurors:** Atyia,D-\$52.90; Batt,J-\$58.70; Brown,K-\$58.70; Cottrill,D-\$59.86; Covell,R-\$57.54; Eilers,A-\$56.38; Heller,M-\$51.74; Hindbjorgen,L-\$61.60; Martin,D-\$57.54; Mathis,D-\$64.50; Matson,T-\$61.60; Palle,L-\$59.28; Poling,V-\$50.58; Post,M-\$64.50; Roseland,M-\$58.70; Schopen,A-\$54.64; Voorhees,C-\$58.12; Wilber,D-\$51.16; Williams,M-\$176.

**ADJOURN:** 11:45 a.m. - There being no further business to come before the Board the meeting was adjourned. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – SEPTEMBER 23, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 23, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of September 9, 2003. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Weisenberg-Ewing) to approve Laurie Upton and Todd Komes as guards at the rate of \$9.37 an hour, effective 7-7-2003. Motion Carried.

**STATES ATTORNEY:** Moved-Seconded (Douglas-Flanagan) to approve Jill Sutter as a Legal Secretary I – grade I, at the base rate of \$10.20 an hour, effective 9-24-2003. Motion Carried.

**AUDITOR:** Moved-Seconded (Flanagan-Seward) to approve Debbie Sargent as a Secretary – grade II, at the base rate of \$10.77 an hour, effective 10-1-2003. Motion Carried.

**EQUALIZATION:** Moved-Seconded (-) to approve Deb Markve as an Appraiser I – grade I, at the base rate of \$10.57 an hour, effective 9-26, 2003. Motion Carried.

### **TRAVEL REQUESTS:**

**EQUALIZATION:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Darlene Piekola, Les Struble, Dennis Schumacher and Deb Markve to attend the Annual Assessor's School in Pierre, SD September 28<sup>th</sup> Thru October 3<sup>rd</sup>, 2003. Motion Carried.

**VSO:** Moved-Seconded (Weisenberg-Seward) to approve the travel request for William Locken to attend the VSO meeting in Fort Meade, SD on October 1-2, 2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Randall Rosenau to attend the Teen Court Training in Washington, DC on October 10-15, 2003. Motion Carried.

**HIGHWAY:** Moved-Seconded (Weisenberg-Seward) to approve the travel request for Chuck Williams to attend the County Road Advisors Conference in Rapid City, SD on October 21-22, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Douglas-Ewing) to approve the travel request for Marty Pittman to attend the threat assessment training in Pierre, SD on September 23, 2003. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Joe Harmon, Bob Ewing and Paul Thomson to attend the threat assessment training in Pierre, SD on September 23-25, 2003. Motion Carried.

**AUDITOR:** Moved-Seconded (Flanagan-Douglas) to approve the travel request for Connie Atkinson, Brenda McGruder, Melody Nelson, Debbie Sargent and Marlene Barrett to attend the election workshop in Pierre, SD on December 4-5, 2003. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Connie Atkinson, Brenda McGruder and Greg Dias to attend the GASB 34 training in Rapid City on October 29-30, 2003. Motion Carried.

**LAWRENCE COUNTY RESOLUTION #2003-33 GRANT APPROVAL:** Moved-Seconded (Weisenberg-Flanagan) to approve the following resolution #2002-33 that the Lawrence County Board of Commissioners hereby direct all county offices, departments and boards to appear before and obtain County Commission approval prior to acceptance of any grants; and BE IT FURTHER RESOLVED the Chairman of the Board will be the authorized signature on grant documents. Motion Carried. RESOLUTION #2003-33 WHEREAS, the Lawrence County Board of Commissioners, on behalf of Lawrence County, sponsor grants to support county programs and departments for the benefit of citizens of this county, and WHEREAS, grant applications may require the commitment of matching funds, and WHEREAS, the liability and accountability of grant fund expenditures are the responsibility of Lawrence County, and WHEREAS, Lawrence County is subject to federal and state audits to ensure the funds are being administered and spent properly, and NOW THEREFORE BE IT RESOLVED, for the reasons stated above, the Lawrence County Board of Commissioners hereby direct all county offices, departments and boards to appear before and obtain County Commission approval prior to acceptance of any grants; and BE IT FURTHER RESOLVED the Chairman of the Board will be the authorized signature on grant documents. Dated this 23<sup>rd</sup> day of September 2003. FOR THE BOARD: James J. Seward, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

**RESOLUTION #03-35 TO ADOPT A SUPPLEMENTAL BUDGET:** Moved-Seconded (Flanagan-Ewing) to approve the following RESOLUTION #03-35 TO ADOPT A SUPPLEMENTAL BUDGET for the Highway Building Fund. Motion Carried. RESOLUTION #03-35 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: HIGHWAY BUILDING FUND – HIGHWAY BUILDING – 32,000 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 23<sup>RD</sup> day of September, 2003 at the hour of 8:45 o'clock, 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 23<sup>rd</sup> day of September, 2003. BOARD OF COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION # 2003-36 LIFT REGULATION OF FIRE REGULATIONS:** Moved-Seconded (Ewing-Weisenberg) to approve Resolution #2003-36 lifting the temporary emergency regulation fire hazards in Lawrence County. Motion Carried. LAWRENCE COUNTY RESOLUTION #2003-36: A RESOLUTION TO LIFT THE TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN LAWRENCE COUNTY: **WHEREAS**, the Lawrence County Commission is charged with protecting the health and safety of citizens of Lawrence County including all property situated therein; and **WHEREAS**, on July 28, 2003 the Lawrence County Commission instituted temporary controls to ban open burning, prohibit fireworks, and any other activity which could be reasonably calculated to lead to the ignition and/or spread of wildfires in Lawrence County; and **WHEREAS**, after consultation with local fire and emergency personnel, it has been determined that the threat posed by wildfires has abated; **NOW THEREFORE BE IT RESOLVED**, that the Lawrence County Commission does hereby lift the temporary controls instituted by Resolution #2003-27. Dated this 23<sup>rd</sup> day of September 2003. **FOR THE BOARD:** James J. Seward, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

**ADOPTION OF 2004 BUDGET RESOLUTION #2003-37:** Moved-Seconded (Weisenberg-Douglas) to adopt the 2004 Annual Budget and approve the following resolution. Motion Carried. **RESOLUTION #03-37: ADOPTION OF ANNUAL BUDGET FOR LAWRENCE COUNTY, SOUTH DAKOTA -** WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto. **NOW THEREFORE BE IT RESOLVED**, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, **SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATIONS AND EXPENDITURES FOR LAWRENCE COUNTY, SOUTH DAKOTA** and all its institutions and agencies for calendar year beginning January 1, 2004 and ending December 31, 2004 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence

County, South Dakota, this 23<sup>rd</sup> day of September, 2003 The annual budget so adopted is available for public inspection during normal business hours at the office of the County Auditor Lawrence County, South Dakota. The accompanying taxes are levied by Lawrence County for the year January 1, 2004 through December 31, 2004.

FUND	TAX LEVY IN DOLLARS	\$/s/thousand (levy)
GENERAL	5,355,664	5.47
SNOW REMOVAL	200,000	.20
HIGHWAY & BRIDGE	220,000	.22
COURTHOUSE & JAIL	266,568	.27
FIRE PROTECTION	47,270	.10
TOTALS	6,089,502	6.26

DATED at Deadwood, South Dakota, this 23<sup>rd</sup> day of September 2003. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**SURPLUS PROPERTY:** Moved-Seconded (Flanagan-Seward) to declare the Ricoh copier #03443 surplus and allow it to be donated to CASA; and to declare the HP5SI Laser Printer #03537 surplus and gift it to the City of Spearfish Finance Office. Motion Carried.

**EMERGENCY MANAGEMENT GRANTS:** Paul Thomson presented the Board with copies of federal grants he has applied for: Hazmat / bioterrorism detection; training, and outdoor warning systems. Concerns were expressed on the outdoor warning systems for municipalities in the County because of the ownership, responsibility and accounting for the sirens. Thomson stated he will look into the grant award going to the municipality instead of the County so the County does not have ownership in the sirens.

**LETTER OF AGREEMENT:** Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Letter of Agreement with Dean Kurtz Construction Co. Inc., concerning the use of the slime plant building by the contractor during the construction of the retaining wall project. Motion Carried.

**HIGHWAY BUILDING SHOP:** Chuck Williams and Rick Frerichs informed the board of a hard water problem at the new shop. Frerichs stated the hot water element in the new building has a lime problem after only three months. Frerich stated a soft water system will pay for itself over time. Moved-Seconded (Weisenberg-Ewing) to authorize the purchase of a soft water system for the new highway shop. Motion Carried.

**BAUER ROAD:** Chuck Williams informed the Board about a problem with Bauer Road. Williams stated because of a faulty survey in 1960 and again in 1987 the road does not show correctly on the plat. Williams stated because the Board approved the plats it is now the county's



problem. Williams stated the County can either purchase the property in question or move the road. Williams suggested the County hire a surveyor, appraise the property in question and then make a decision if the property in question needs to be purchased for road right of way. Moved-Seconded (Weisenberg-Flanagan) to authorize hiring a surveyor and to have the property in question appraised. Motion Carried.

**ST. ONGE TOWNSHIP SYNAMIC BRAKE REQUEST:** Don Derosier and John Thacker were present to request that the Board adopt an ordinance prohibiting synamic braking systems in St. Onge townsite. Derosier stated if the County adopts the ordinance the state will put up the signs. Derosier continued the use of the brakes is not a safety issue because there are not any large hills in question. He stated if there is a cost in advertising to the county for the adoption of the ordinance, St. Onge would be willing to cover the cost involved. Douglas asked who would be responsible for the cost involved in the enforcement of the ordinance. Derosier stated they could not assist in that and that the sheriff would be the one called on a complaint. Derosier stated the signs would be more of a deterrent and would not be looking at an aggressive enforcement policy. Thacker stated he felt the State Highway patrol could be called on a complaint. Joe Harman, Chief Deputy Sheriff, stated they do not have the manpower to enforce this proposed ordinance. The Board suggested the St. Onge Township become an incorporated municipality and stated they would take the Township Board's request under consideration. Chuck Williams suggested St. Onge work with their association so they have the power to enact their own ordinance.

**CONSOLIDATED BOARDS OF EQUALIZATION:** The Board discussed Consolidated Boards of Equalization for the 2004 year and the problems with the front foot assessments in Spearfish. The Board stated the Consolidated Boards allows the taxpayer to meet with members of the City, School and County. Moved-Seconded (Weisenberg-Ewing) to continue the consolidated boards for 2004. Motion Carried.

**CONDITIONAL USE PERMIT #276 – JON & DIANE VANPATTEN – BED & BREAKFAST:** Diane VanPatten presented pictures of the log Bed and Breakfast. VanPatten stated they had their first guests in February and had a good summer. No problems or complaints were received. Moved-Seconded (Weisenberg-Flanagan) Conditional Use Permit # 276 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**REQUEST FOR CHANGE OF ZONING #234 / DONALD & KAREN HANDER:** – A public hearing was held for Donald and Karen Hander - To allow for subdivision of the land. – Approximately 6 miles from Lead. (3 miles from Lead to Rochford Road; 2.4 miles down Rochford Road to Hanna Road; 0.4 miles along Hanna Road to the property; Next to the Lead Country Club.) Roger Tellinghuisen, Attorney, presented the request for Change of Zoning #234: existing zoning is Park Forest District and proposed zoning is Suburban Residential District. A concept plan for Country Club Estates was presented and reviewed. Tellinghuisen

stated their intention on the project is to form a road district and to extend the paving, from Hanna Road, to the entrance of Country Club Estates at the time the roads are paved in the subdivision. Water, Sewer and green space were discussed and stated this will be discussed further when the plat is approved. No public input was present and the public hearing was closed. Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the following Ordinance for Change of Zoning #234. Motion Carried. AN ORDINANCE AMENDING LAWRENCE COUNTY ZONING FROM PF - PARK FOREST DISTRICT TO SRD-SUBURBAN RESIDENTIAL DISTRICT ORDINANCE NUMBER ONE: Pursuant to a Petition of Lawrence County Commission for a Change of Zoning of a tract of land located in Lawrence County, South Dakota and pursuant to notice thereof having been given by publication of such as required by law, and pursuant to notice having been given to adjacent landowners by certified mail as required by law, and pursuant to the favorable recommendation of the Lawrence County Planning Commission. BE IT ORDAINED: By Lawrence County, South Dakota, that the boundaries of PF — Park Forest District as established by the Lawrence County Zoning Ordinance One, be amended so as to remove the following described real property, to-wit: Tract 2A, formerly known as Tract 2, being a portion of H.E.S. 42, located in Section 36, T4N, R2E and Section 31, T4N, R3E, B.H.M. from the PF — Park Forest District and include it in the SRD — Suburban Residential District. This amendment will become effective on the twentieth (20th) day following publication. JAMES J. SEWARD, Lawrence County Chairperson, BRUCE OUTKA, Lawrence County Deputy States Attorney. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

**REQUEST FOR CHANGE OF ZONING #235 / BRIAN & BRENNA MEYER:** – A public hearing was held for Brian & Brenna Meyer (Meyer Landscaping and Lawn Care) – To allow for a landscaping and snow removal business. – The northwest corner of West Oliver Street and McGuigan Road, west of Spearfish. Brian & Brenna Meyer presented their request for Change of Zoning #235: existing zoning is General Agriculture District and proposed zoning is Highway Service Commercial District. Ewing questioned if a Conditional Use Permit would be better for this request. Meyer’s stated they were apprehensive about investing money in this project on a conditional use permit that can be revoked. Birk stated Planning & Zoning recommended denial with a vote of 2-1. The Board discussed concerns they received from Ms. Thomson and Meyer’s stated they are willing to work with her and address her concerns. Douglas stated they must ask themselves if this is an appropriate location for the proposed zoning. Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the following Ordinance for Change of Zoning #235. Motion Carried Aye-Weisenberg, Flanagan, Douglas, Seward. Nay-Ewing. AN ORDINANCE AMENDING LAWRENCE COUNTY ZONING FROM A-1 GENERAL AGRICULTURE DISTRICT TO HSC-HIGHWAY SERVICE COMMERCIAL DISTRICT ORDINANCE NUMBER ONE: Pursuant to a Petition of Lawrence County Commission for a Change of Zoning of a tract of land located in Lawrence County, South Dakota and pursuant to notice thereof having been given by publication of such as required by law, and pursuant to notice having been given to adjacent landowners by certified mail as required by law, and pursuant to the favorable recommendation of the Lawrence County Planning Commission. BE IT ORDAINED: By Lawrence County, South Dakota, that the boundaries of A-1 General Agriculture District as established by the Lawrence County Zoning Ordinance One, be amended so as to remove the following described real property, to-wit: SE1/4SE1/4SE1/4NE1/4 of

Section 8, T6N, R2E, B.H.M. from the A-1 General Agriculture District and include it in the HSC — Highway Service Commercial. This amendment will become effective on the twentieth (20th) day following publication. JAMES J. SEWARD, Lawrence County Chairperson, BRUCE OUTKA, Lawrence County Deputy States Attorney. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

**REQUEST FOR CONDITIONAL USE PERMIT #289:** A public hearing was held for David Winter/Kinship Mountain Ministries - To operate an organized group camp. - Approximately 12 miles south of Deadwood on Hwy. 385 and 4 miles south on Forest Road 193 (Paha Sapa). Winter reviewed the proposal for a Christian Camp and Retreat Center. After only positive input the public hearing was closed. The Board discussed the proposed conditions and Douglas asked that a condition be added for septic systems. Moved-Seconded (Weisenberg-Ewing) To approve Conditional Use Permit #289 for David Winter/Kinship Mountain Ministries to operate an organized group camp with the following conditions. Motion Carried. Conditions: 1) The owner and operator shall comply with all applicable County, State, and Federal regulations regarding lodging and campground requirements. 2) The lodging accommodation's office shall normally be closed at 10:00 p.m. except for emergencies. 3) The maximum number of accommodations shall be one lodge, 30 cabins and 4 RV spots. 4) With the current kitchen and dining room facilities, the maximum number of occupants shall be set at 200 overnight guests. 5) Once the main lodge has been completed with the new kitchen, shower facilities and sleeping accommodations, the maximum number of overnight guests shall be set at 400. 6) Any new construction shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with Building Codes and Life Safety Codes. 7) The camp operator shall contact the South Dakota Department of Health for an inspection of the facility before opening up the camp to groups. 8) All outdoor fire pits shall be inspected and approved by the South Dakota Wildland Fire Suppression Division. 9) At least one fire extinguisher shall be placed in each cabin. The main lodge shall require two fire extinguishers. Smoke alarms shall also be required in all sleeping quarters and in the lodges. 10) First aid kits will be located in the nurse's station and made accessible to the public and employees. 11) One or more of the employees shall be trained in CPR and/or medical training in case of medical emergencies. 12) Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption. 13) The existing fire hydrants shall be pressured checked on an annual basis by one of the fire departments in the area. A copy of the pressure checks shall be sent to the Lawrence County Office of Planning and Zoning and filed within this application. 14) One on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. The operator may request directional signs from the South Dakota Department of Transportation for placement along State Highway #385. 15) Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. The camp employees shall police trash periodically. The trash containers shall be emptied on a regular basis or by demand. 16) All septic systems shall be designed, inspected and approved by a South Dakota certified professional engineer (PE). 17) Kinship Mountain Ministries Camp and Retreat Center shall provide all food services from their kitchen(s) except for the self-contained RVs and those meals cooked by individuals at approved fire pits. 18) The camp operator shall assign one or more persons to remain on the premise at all times and to provide security when the camp is open. 19) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations.

20) Exterior lights shall be placed strategically throughout the camp for lighting and security. 21) The camp shall remain gated and locked until the Kinship Mountain Ministries has opened the Camp for use. 22) Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. The parking area shall be located within designated areas. 23) A minimum of one (1) telephone shall be available for emergency use. A list of emergency numbers and sheriff department number shall be placed next to the phones. 24) The camp operator shall apply for the appropriate U.S. Forest Service permits for those activities such as hiking, trail riding, snowmobiling, and cross-country skiing if the activities are done on adjacent forest service lands. 25) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 26) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 27) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

**SPEARFISH FIRE DEPARTMENT:** Ryan Anderson, Spearfish Fire Department, stated the reason for his appointment was an informal thank you to the County Commissioners for the Wildland Engine. Anderson stated the engine has already been invaluable for wildfire suppression. Anderson invited the Board on October 1, 2003 at 7:30 to the Spearfish Fire Hall to observe the Fire Department and the Department would also like to thank the County Commission for their support that evening. The Board stated they would like to have a picture taken and send a thank you to former Governor Janklow (Congressman Janklow) for the grant.

**WEED & PEST / LAWRENCE COUNTY INVASIVE SPECIES MANAGEMENT:** David Heck informed the Board that they had to do three enforcements this year. This is the first time in five years that they have had to do enforcements. Heck explained the process of enforcements and how they are then under enforcement for five years.

Heck stated the Lawrence County Weed and Pest would like to change their name to Lawrence County Invasive Species Management. The Board discussed the pros and cons and. Moved-Seconded (Ewing-Flanagan) To change the Lawrence County Weed and Pest to Lawrence County Invasive Species Management. Motion Carried.

**BILLS:** Moved-Seconded (Ewing-Flanagan) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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:** Aud-\$5,342.55; Treas-\$8,246.02; Comp-\$5,030.96; States Atty-\$9,182.17; Pub Def-\$6,148.95; Gen Govt Bldg-\$4,940.22; Equal-\$9,467.63; Deeds-\$5,646.97; Vso-723.48; Disp-

\$10,880.85; Sher-\$27,350.99; Jail-\$17,412.24; Emerg Mgnt-\$2,413.93; E911-\$1,460.16; Highway-\$34,792.81; Airport-\$487.50; Ext-\$1,229.76; Weed-\$1,356.25; Pz-\$2,602.58; **Bills:** Clyne,D-\$3.25; Duncan,D-\$10.25; Kosel,J-\$39.44; Landeen,J-\$8.12; Mowell,R-\$6,138.00; Smith,M-\$112.81; Tridle,D-\$31.41; A&B Business Equip-\$248.82; A&B Welding Supply-\$368.41; Abc Business Supply-\$585.71; Alco Store-\$37.74; Altaire Enterprises-\$40.00; Amcon Distributing-\$284.04; American Family Life-\$2,257.30; American Legion Post 31-\$50.00; At&T-\$18.90; Bh Chemical Company-\$405.55; Bh Collection Service-\$50.00; Bh Federal Credit Union-\$7,314.14; Bh Fibercom-\$1,852.76; Bh Medical Ctr Pharmacy-\$617.53; Bh Neurology-\$109.00; Bh Pest Control-\$95.00; Bh Pioneer-\$699.39; Bh Power & Light-\$1,727.26; Bh Regional Multiple-\$100.00; Bh Windshield Repair-\$220.00; Beardsley,M-\$29.00; Behavior Mngt Systems-\$20,655.00; Belle Fourche Landfill-\$22.20; Best Business Prod-\$36.70; Bickle's Truck & Diesel-\$17.06; Blue Cross-\$37,822.89; Butler Law Office-\$1,421.54; Butler Machinery-\$387.43; Butte County Sheriff-\$25.75; Butte Electric Coop-\$486.75; Butte-Lawrence Co-\$10,000.00; Cedar Shore-\$108.00; Central Parts-\$480.95; Chinatown Café-\$72.84; Chris Supply Co-\$1.87; Claggett,D-\$4,977.36; Coburn Insurance Agency-\$3,650.00; Compumaster-\$297.00; Connelly,R-\$7,811.00; Conoco-\$261.96; Corral West-\$107.80; Credit Collections Bureau-\$75.00; Crouch,J-\$65.00; Culligan Soft Water Serv-\$104.00; D-Ware-\$625.00; Dale's Tire & Retread-\$180.32; Deadwood Carnegie Library-\$63,861.00; Deadwood Home Center-\$16.81; Deadwood Recreation Center-\$100.00; Deadwood Supply-\$18.55; Deadwood, City Of-\$500.20; Deckers-\$108.95; Dept Of The Treasury-\$37,599.09; Diamond Mowers-\$196.68; Dietrich,D-\$58.30; Division Of Motor Veh-\$23.00; Eddie's Truck Sales/Serv-\$16.28; Ellingson,J-\$895.98; Evensen Dodge-\$12,398.49; Fastenal-\$14.52; Federal Express-\$16.00; Fish,V-\$654.00; Fuller,Tellinghuisen,Gordon-\$1,231.69; Gene's Lock Shop-\$9.00; Genpro Power Systems-\$455.60; Gn Netcom-\$105.00; Godfrey's Brake Serv-\$750.00; Gold Dust-\$49.35; Grace Balloch Mem Library-\$179,835.00; Great Western Tire-\$212.20; Harmelink&Fox Law-\$97.10; Heisler Hardware-\$239.41; Hewlett-Packard Company-640.00; Hutchin,M-\$358.44; Ics Warehouse-\$331.39; Jacobs Precision Welding-\$5.20; Johnson Ford-\$154.00; K Mart-\$52.97; Kar Products-\$181.33; Kdsj-\$50.00; Kimball-Midwest-\$202.82; Knecht True Value-\$93.86; Koala Electric-\$569.82; Lc Centennial-\$9.60; Lc Public Health-\$2,208.00; Lc Sheriff-\$498.54; Lead, City Of-\$63,861.00; Lead-Deadwood Sanitary-\$181.60; Lee,T-\$128.48; Lexisnexis Matthew Bender-\$52.40; Midwest Teletron-\$359.10; Miller,R-\$670.76; Mineral Palace Hotel-\$476.60; Montana-Dakota Util-\$5,361.86; Nh Community Development-\$1,000.00; Nh Family Ymca-\$346.00; Nh General Hospital-\$5,525.00; Nh Training Center-\$5,700.00; National 4-H Council Sup Serv-\$34.43; National Sheriff's Assoc-\$100.00; Office Max-\$106.45; Office Of Child Support-\$284.50; Office Technology-\$738.82; Ore Car Express-\$90.04; Pennington County Sheriff-\$41.90; Pennington County Sts Attny-\$600.00; Pitney Bowes-\$192.11; Postmaster, Deadwood-\$187.00; Praire Hills Transit-\$5,000.00; Queen City Motors-\$53.17; Queen City Rocket Lube-\$125.78; Quill Corp-\$133.87; Qwest-\$122.92; Radio Shack/Kazco-\$389.97; Reausaw,B-\$375.00; Reliable-\$102.80; Rombough,D-\$35.42; Sd Retirement System-\$38,740.58; Sd State Treasurer-\$4,921.92; Sd Association Of County-\$165.00; Sd Planners Association-\$45.00; Sd Supplemental Retirement-\$787.50; Sanito Oil-\$12,144.57; Scull Construction Serv-\$60,748.20; Secretary Of State-\$10.00; Servall Towel& Linen-\$239.95; Silverado-\$456.07; Spearfish Auto Supply-\$547.31; Spearfish Emergency-\$5,225.00; Spearfish Husky-\$45.80; Spearfish Senior Citizens-\$1,000.00; Spearfish Surgery Center-\$25.00; Speedylube-\$20.95; State Disbursement Unit-\$60.00; State Radio Communication-\$2,400.00; Summit Signs & Supply-\$663.00; Swanson,T-\$40.00; Teen Court-

\$1,959.69; Tenth Cir Court Of Appeals-\$50.00; Tigerdirect-\$16.99; Triple K Tire & Repair-\$552.65; Twin City Hardware & Lumber-\$525.87; Twin City Senior Citizens-\$1,000.00; Us Geological Survey-\$25,000.00; Verizon Wireless-\$247.32; Waste Connections-\$353.85; West Group-\$188.00; West River International-\$15.14; Western Communication-\$1,268.65; Western Hills Humane Society-\$2,500.00; Whitewood Library-\$39,131.00; Whitewood Senior Citizens-\$500.00; Xerox Corporation-\$120.00; **Witness & Jurors:** Atyeo,T-\$51.74; Case,R-\$57.54; Haeder,A-\$59.86; Hawks,J-\$61.60; Nevin,M-\$51.74; Quinn,J-\$64.50; Trucano,T-\$61.60; Wagner,C-\$61.60; Albers,A-\$113.92; Burr,K-\$11.74; Church,D-\$11.74; Collins,K-\$18.70; Cook,C-\$11.16; Cooper,G-\$12.32; Dahl,F-\$10.58; Eklund,T-\$10.58; Fraass,C-\$111.60; Gillespie,R-\$117.40; Halsey-Dutton,B-\$117.40; Harvey,J-\$12.90; Heimbuck,L-\$11.16; Hubbard,B-\$13.48; Johnson,T-\$21.60; Kahl,G-\$17.54; Kennedy,D-\$120.88; Krause,B-\$19.86; Lance,G-\$15.80; Laufenberg,W-\$123.20; Lueders,J-\$16.96; Maliske,D-\$18.70; Matthew,J-\$12.90; Merkel,N-\$17.54; Miles,W-\$18.70; Moyer,R-\$19.86; Olson,D-\$18.70; Paradeis,D-\$20.44; Pleinis,W-\$12.32; Porter,S-\$11.16; Regan,D-\$12.32; Rohde,R-\$120.88; Ryan,W-\$106.96; Seaman,R-\$115.08; Siebert,D-\$18.70; Skroch,R-\$123.20; Stoneberger,C-\$104.64; Wegenke,L-\$18.70; Williams,P-\$352.20

**ADJOURN:** 11:50 a.m. - There being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – OCTOBER 14, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 14, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of September 23, 2003. Motion Carried.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Weisenberg-Ewing) to approve the hiring of Brandon Botts as an Appraiser II Grade I at the base rate of \$11.38 an hour, effective 12-1-2003. Motion Carried.

Moved-Seconded (Douglas-Flanagan) to approve Darlene Piekkola to exceed the vacation limit until 12-31-2003, however this will be the last extension. Motion Carried.

### **TRAVEL REQUESTS:**

**VETERAN SERVICE OFFICER:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for William Locken to attend SD Veteran Summit in Pierre, SD on November 13-14, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Ewing-Flanagan) to approve the travel request for Paul Thomson and Rene' Larson to attend the 2<sup>nd</sup> Annual Multidisciplinary Regional Bioterrorism Symposium in Rapid City, SD on October 7-8, 2003. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Jason Writer to attend the Fall Statewide GIS Meeting in Pierre, SD on October 28-29, 2003. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Molly Smith to attend the Document Gathering, Production and Management for Litigation Paralegals in South Dakota at Sioux Falls, SD on December 8-10, 2003. Motion Carried.

**SHERIFF:** Moved-Seconded (Ewing Flanagan) to approve the travel request for Rick Mowell to attend the Fall Sheriff's Conference in Sioux Falls, SD on November 11-14, 2003; to approve the travel request for Dale Larson, Sue Black and Judy Davis to attend the Criticism & Discipline Skill for Managers in Rapid City on November 4, 2003 and to approve the travel request for Sue Black and Judy Davis to attend the High Impact Communication Skills for Women in Rapid City, SD on December 10, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Flanagan) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of September 30, 2003 showed the following: Total amount of deposits in banks-\$7,430,676.20; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$73,844.56; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,015.55; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning & EM-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$370,888.02; Savings-\$2,114,564.33; GNAMS-\$59,557.09; and Money Market \$1,185,666.76. Total \$7,509,421.31.

**PHASE II FOREST SERVICE PLAN PROJECT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Agreement for Professional Services for Review and Comments on the Phase II Amendments to the Forest Service Plan Project with Conrad Rupert. Motion Carried.

**WHITEWOOD FOREST ACRES ROAD DISTRICT:** Moved-Seconded (Douglas-Flanagan) to approve and authorize the Chairman to sign the Order Declaring Area Incorporated and Subject to Vote for Whitewood Forest Acres Road District. Motion Carried. *ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE WHITEWOOD FOREST ACRES ROAD DISTRICT:* A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: ALL LOTS INCLUSIVE OF BLOCKS 1, 2 & 3 AND DEDICATED PUBLIC ROAD RIGHT OF WAY OF WHITE WOOD FOREST ADDITION ACCORDING TO THE PLAT DOC#78-4400; ALL LOTS INCLUSIVE OF BLOCKS 3, 4 & 5 OF WHITEWOOD FOREST ADDITION #2, INCLUDING LOTS RECORDED ON PLATS AT THE LAWRENCE COUNTY REGISTER OF DEEDS, AND PROPOSED LOTS SHOWN HEREON NOT YET RECORDED ON PLATS AT SAID REGISTER OF DEEDS; AND THE UNPLATTED PORTIONS OR REMAINDERS OF: NW1/4NE1/4, SECTION 20; SW1/4NE1/4 SEC/ON 20; NW1/4SE1/4 SECTION 20; SE1/4NE1/4, SECTION 20; NE1/4NE1/4 SECTION 20; AND THE EXISTING ROAD RIGHT OF WAY (OLD HIGHWAY 14) MORE PARTICULARLY DESCRIBED AS: BEGINNING AT CENTELINE OF THE EXISTING ROAD LOCATED WEST OF THE SOUTH BOUNDARY OF TRACT A (PLAT DOC#81-3166); THENCE NORTHERLY ALONG THE EAST BOUNDARY OF TRACT A TO THE SOUTH BOUNDARY OF TRACT W-H (PLATDOC#88-7078); THENCE CONTINUING NORTHERLY ALONG THE CENTERLINE OF THE EXISTING ROAD AND ALONG THE WEST BOUNDARY OF SAID TRACT W-H TO THE SOUTH BOUNDARY OF THE N1/2NW1/4NW1/4, SECTION 21; THENCE CONTINUING ALONG THE CENTERLINE OF



THE EXISTING ROAD NORTHERLY TO THE NORTH SECTION LINE OF SECTION 20 (THE CENTERLINE OF THE EXISTING 100 FOOT RIGHT OF WAY BEING MONUMENTED ON THE GROUND BY THE EXISTING ROAD CENTERLINE); AND ALL DEDICATED ROAD RIGHT OF WAYS INCLUSIVE OF THE ROAD DISTRICT BOUNDARY SHOWN HEREON; ALL LOCATED IN SECTIONS 20 AND 21, TOWNSHIP 6 NORTH, RANGE 4 EAST, BHM, LAWRENCE COUNTY, SOUTH DAKOTA. *SHALL*, with the assent of the Voters, as specified in SDCL 6-16-2, in an election as provided in SDCL 6-16-4 to 6-16-6, inclusive, be an incorporated road district by the name of Whitewood Forest Acres Road District. DATED this 14th day of October, 2003. JAMES J. SEWARD, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR

**EMERGENCY MANAGEMENT:**

**EQUIPMENT PROJECT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the State and Local Agreement with Lawrence County, the 2003 Emergency Management Equipment Project Grants for \$4,400 and \$1,300 for Lawrence County; and to allow Paul Thomson to continue the Department of Justice grant application process for DOJ FY 2003 Part I Equipment Grant, DOJ FY 2003 Part II Equipment Grant, DOJ FY 2002 Equipment Grant. Motion Carried.

**OPERATIONS PLAN:** Moved-Seconded (Flanagan-Ewing) to approve the Lawrence County Emergency Operations Plan. Motion Carried.

**SHERIFF CAMERA SYSTEM:** The Board discussed the need for a new camera system to replace the old system for security reasons. Joe Harmon stated thru State Grants and Department of Justice Grants they should be able to secure approximately \$40,800. The cost of a new camera system would be approximately \$65,000. The Board expressed their concerns to start the bidding process for the equipment. Moved-Seconded (Flanagan-Seward) to set a supplemental budget hearing for October 28<sup>th</sup>, 2003 at 9:45 for \$65,000 and to allow the advertisement for bids. Motion Carried.

**EQUALIZATION:** Darlene Piekola discussed equalization issues with the Board and minimum AG acreage. The Board stated they wanted to leave the minimum AG acreage at 41 acres.

**COMMUNITY HEALTH NURSING:** Denise Rosenberger presented the Board with the July-August, 2003 quarterly report, reviewing the Family Planning services, WIC, MCH (Maternal Child Health) services, meetings, office related matters and flu vaccinations.

Darlene Bergeleen, Administrator of the Office of Community Health Services discussed a proposal to provide services to all of Lawrence County. An office would be maintained in Deadwood and Spearfish for a cost of \$41,396. The Board stated they would take the proposal under consideration.

**DELAY TAKING TAX DEED:** Moved-Seconded (Douglas-Flanagan) to approve delay taking tax deed and accept partial payments of taxes for Paul Iverson on 313 Grand Ave, Lead, SD. Motion Carried.

**LEAD DELINQUENT TAX PROPERTY:** Deb Tridle discussed 415 McClellan in the City of Lead. Tridle stated the City of Lead is considering taking ownership of the delinquent tax parcel but has asked if the County would consider abating the delinquent taxes. Special assessments are owed on the Property but the City would forgive the specials. The City is considering selling the parcel to the neighboring homeowners. The Board stated they would need to negotiate a percentage of the selling price of the property.

**FOREST SERVICE GRANT:** Charlie Nicholas updated the Board on the 2001 Fire Wise Grant and the progress made within the County. The Fire Advisory Board received a letter from the National Fire Wise Community Program congratulating them on great job. Nicholas stated the County has been awarded an additional \$143,000 grant from BLM for Hazardous Fuel Reduction Program. Douglas asked for a schedule of values for the grant. The Fire Advisory Board presented two maps generated on fuel management. The Director of Equalization requested copies of the maps to add to the mapping layers in the Equalization Office. Rob Mattox stated they could provide the information to them on disk.

Moved-Seconded (Douglas-Flanagan) to approve and authorize the Chairman to sign the grant for \$143,000. Motion Carried.

**ROAD CONCERNS / PRENTICE:** Jeanne & Scott Prentice were present and expressed concerns on the road leading to their home. Prentice's stated they are doing the maintenance on the road and LAC Minerals is using the road. Prentice stated LAC is doing reclamation and demolition and the county suspended condition #3 that required LAC to do road maintenance. Prentice's stated their home is valued at \$500,000 and they are not receiving any County services. Erik Birk stated this is a DENR matter and not a county matter. The Board stated this is not a County road and they would need to research the issue further with Gene Fuller (LAC) and DENR.

**BILLS:** Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,245.45; Aud-\$4,907.53; Treas-\$7,728.74; Comp-\$4,790.87; States Atty-\$9,769.37; Pub Def-\$5,932.14; Gen Govt Bldg-\$4,692.32; Equal-\$8,168.82; Rod-\$5,410.66; Vso-\$723.91; Disp-\$7,842.55; Sher-\$26,190.94; Jail-\$14,904.50; Emerg Mgnt-\$2,320.23; E911-\$1,460.16; Highway-\$31,135.80; Air-\$100.00; Ext-\$1,129.92;

Weed-\$1,626.25; Pz-\$2,565.86; **Bills:** Barrett,M-\$51.00; Markve,D-\$115.00; Mowell,R-\$5,616.00; Piekola,D-\$18.13; Struble,L-\$20.00; Tridle,D-\$84.80; Writer,J-\$46.00; A&B Business Equip-\$1,271.29; A&B Welding Supply-\$30.00; A&J Supply-\$21.58; Abc Business Supply-\$512.36; Aberdeen Llc-\$1,201.00; Accurint Accounts Receivable-\$10.75; Ag Communications Center-\$19.24; Altaire Enterprises-\$20.00; Amcon Distributing-\$226.19; American Family Life-\$2,360.74; Apco Institute-\$80.00; At&T-\$81.06; B H Chemical Company-\$1,367.40; B H Collection Service-\$100.00; B H Federal Credit Union-\$7,889.14; B H Fibercom-\$2,490.29; B H Medical Ctr Pharmacy-\$1,172.11; B H Pest Control-\$95.00; B H Pioneer-\$282.06; B H Power & Light-\$696.45; B H Windshield Repair-\$50.00; Best Business Prod-\$40.44; Black Hills Pure-\$11.50; Blue Cross-\$39,239.30; Brown & Saenger-\$870.49; Brownsville Fire Dept-\$1,669.84; Burrly's Lube-\$69.69; Butler Machinery Co-\$6.30; Butte County Sheriff-\$8.20; Butte Electric Coop-\$316.29; Campbell Co Sheriffs Off-\$80.00; Carquest Of Spearfish-\$109.86; Cellular One-\$339.68; Central Parts-\$551.15; City/County Alcohol & Drug-\$1,805.00; Claggett,D-\$2,366.46; Clark Printing-\$319.39; Cleveland Cotton Products-\$82.10; Clinical Lab Of B H-\$2,487.87; Conoco-\$292.42; Cooperative Extension Service-\$46.00; Corral West-\$26.95; Culligan Soft Water Serv-\$168.00; Dakota Travel-\$250.50; Dale's Tire & Retread-\$2,464.84; Deadwood Home Center-\$7.72; Deadwood Recreation Center-\$109.00; Deadwood Supply-\$6.35; Deadwood,City Of-\$625.55; Deckers Food-\$15.82; Dept Of The Treasury-\$32,885.95; Don's Sinclair-\$37.38; Eagle Aviation-\$563.25; East West Motor Express-\$700.00; Elan Finanical Services-\$460.38; Ellingson,J-\$412.78; Ensignal-\$379.84; Evercom Systems-\$525.00; Executone Of The B H-\$100.00; Experian-\$199.95; Family Thrift Center-\$27.54; Farmers Union Oil Co-\$4,905.00; Fastenal-\$101.90; Feld Equipment Company-\$31.20; Fisher Sand & Gravel-\$9,658.07; Frederickson,J-\$142.00; Fuller, Tellinghuisen, Gordon-\$69.00; Global Computer Supply-\$2,155.04; Gold Dust-\$125.07; Golden West Teltech-\$33.00; Governors Inn-\$55.00; Great Western Tire-\$701.35; Greens Alignment-\$119.66; Heartland Paper Co-\$866.00; Heisler Hardware-\$1.49; Hewlett-Packard Company-\$1,824.00; Hills Material Comp-\$25,254.61; Huron Culvert & Tank Co-\$9,899.24; Ibm Corp-\$493.02; Ikon Office Solutions-\$96.25; Insight Public Sector-\$2,176.93; Jacobs Precision Welding-\$10.00; JI's Gifts-\$103.25; Johnson Ford-\$795.98; Johnson Machine-\$587.40; K Mart-\$65.30; Kar Products-\$195.30; Karen Marchiando-\$120.00; Karl's-\$52.00; Karpinen,S-\$280.00; Kennedy,Rokahr,Pier & Knoff-\$94.70; Kimball-Midwest Co-\$158.80; L C Centennial-\$397.27; L C Conservation Dist-\$4,500.00; L C Public Health-\$2,208.00; L C Sheriff-\$29.31; L C Treasurer-\$50.00; Language Line Services-\$67.10; Lead, City Of-\$34.20; Lead-Deadwood Sanitary-\$252.28; Leaning Door-\$68.75; Lee,J-\$15.00; Lewis & Clark Bhs-\$250.00; Lexisnexis Matthew Bender-\$50.40; Lindstad's-\$565.24; M&M Sanitation-\$130.00; M&T Fire & Safety-\$842.00; Macks Auto Body-\$382.44; Meade County Sheriff-\$8.55; Medicap-\$163.08; Mid-Continent Testing-\$15.00; Montana-Dakota Util-\$1,885.13; N H Family Ymca-\$376.00; N H General Hospital-\$240.00; National Assoc Of Counties-\$418.00; National Academy Of Emd-\$90.00; Nelson,T-\$480.00; Neve's Uniforms-\$90.31; Nu-Metrics-\$109.50; Office Of Child Support-\$415.50; Pennington County Sheriff-\$31.50; Pennington County Sts.Attny-\$200.00; Phoenix Investigations-\$4,923.68; Pitney Bowes-\$117.20; Postmaster, Spearfish-\$19.40; Pronto Auto Supply-\$13.06; Queen City Rocket Lube-\$118.98; Qwest-\$184.98; R C City Of-\$1,260.00; R C Regional Hospital-\$194.06; Rabe Elevator-\$44.78; Radio Shack/Kazco-\$151.44; Reindl,S-\$178.50; Rombough,D-\$199.40; S D Retirement System-\$36,625.79; S D State Treasurer-\$5,287.85; S D Dept Of Agriculture-\$511.32; S D Federal Property Agency-\$60.00; S D Supplemental Retirement-\$849.50; Salzsieder,M-\$3,435.00; Sand Creek Printing-\$38.95;

Sanitation Products-\$13,856.16; Sanito Oil-\$2,303.56; Schmit,A-\$120.00; Sdsu Engineer Resource Center-\$30.00; Servall Towel & Linen-\$287.19; Shop4tech-\$60.86; Singer Construct & Landscap-\$3,325.56; Spearfish Auto Supply-\$250.73; Spearfish Husky-\$86.00; Summit Signs & Supply-\$1,310.00; Superior Lamp And Supply-\$333.48; Tdg Communications-\$59.00; Teen Court-\$2,543.52; Texaco-\$57.51; Tigerdirect-\$103.89; Triple K Tire & Repair-\$602.01; Twin City Hardware & Lumber-\$68.24; U S Postal Service-\$400.00; Viking Office Prod-\$524.70; Waste Connections-\$400.96; Weese,S-\$277.32; West Group-\$298.00; West River International-\$106,658.00; Western Communication-\$294.10; Williams Standard Serv-\$263.28; Wolff's Plumbing & Heating-\$363.18; Xerox Corporation-\$153.00; Yankton County-\$179.60; Z&S Dust Control-\$7,398.71; Zieg Trucking Co-\$4,174.39; **Witness & Juror Fees:** Bryan,N-\$35.66; Fenner,S-\$8.70; Estrada,S-\$21.74; Atyia,D-\$52.90; Batt,J-\$58.70; Mathis,D-\$64.50; Palle,L-\$59.28; Post,M-\$64.50; Roseland,M-\$58.70; Voorhees,C-\$58.12; Wilber,D-\$51.16; Smith,R-\$24.06; Berry,A-\$29.86; Cummings,J-\$47.84; Fryer,R-\$28.70; Hart,D-\$37.40; Wainman,W-\$626.24

**ADJOURN:** 11:45 a.m. - There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – OCTOBER 28, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 28, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan, and Terry Weisenberg. Connie H. Douglas absent.

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

**MINUTES:** Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of October 14, 2003. Motion Carried.

**PERSONNEL:** Moved-Seconded (Flanagan-Ewing) to approve Ina Peck as an Accounting Clerk, Grade 1 at the base rate of \$9.31 an hour, effective 11-10-2003. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Dale Larson to attend the Electronic Defense Technology Training in Colorado on November 17-22, 2003. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Erik Birk to attend the EPA's Remedial Action Objective meeting in Rapid City, SD on November 13, 2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Paul Thomson to attend the 5<sup>th</sup> Annual Safety and Loss Control training conference in Mitchell, SD on November 19-20, 2003. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Dennis Schumacher to attend the US PAP School in Sturgis, SD on October 28-29, 2003. Motion Carried.

**HOLIDAY LUNCHEON:** Moved-Seconded (Weisenberg-Flanagan) to allow the County Offices to close from 11:30 a.m. to 1:00 p.m. on December 9, 2003 for the Holiday Luncheon. Motion Carried.

**BOARD APPOINTMENTS:** Moved-Seconded (Weisenberg-Ewing) to appoint John Frederickson to the Housing and Redevelopment Commission to replace Lester Nies for a term to expire 12-31-2004. Motion Carried.

**SURPLUS PROPERTY:** Moved-Seconded (Flanagan-Seward) to declare the following computers surplus and allow to be donated to the Women in Crisis Centers in Lead/Deadwood and Spearfish. Motion Carried.

LC TAG #	SERIAL #	DESCRIPTION	WHO RECEIVED
05900	SAHB0183678	Tiger Computer	Artemis House
10732	1162270898	Gateway Monitor	Artemis House
05984	SAHB0184663	Tiger Computer	Artemis House
10125	9AMLB0015818	View Master Monitor	Artemis House
04067	003216660	Ultra Computer	Domestic Abuse Crisis
04069	N5DA97H602314	AOC Monitor	Domestic Abuse Crisis
03935	KAHB0025964	Tiger Computer	Domestic Abuse Crisis
04065	JPJ085074290	AOC Monitor	Domestic Abuse Crisis

**RESOLUTION #03-39 TO ESTABLISH CONSOLIDATED BOARD OF**

**EQUALIZATION:** Moved-Seconded (Weisenberg-Flanagan) to approve the following Resolution #03-39 to establish a Consolidated Board of Equalization. Aye-Weisenberg, Flanagan and Ewing. Nay-Seward. Absent- Douglas. Motion Carried. **BE IT RESOLVED** the Lawrence County Commission, Deadwood, South Dakota that a consolidated Board of Equalization as authorized by SDCL 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Lawrence County, City of Lead, City of Deadwood, City of Central City, City of Spearfish, Lead/Deadwood School District and Spearfish School District. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11. **BE IT FURTHER RESOLVED** that three members from the Lawrence County Commission and one member of the City Commission and one member of the School District shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66. **BE IT FURTHER RESOLVED** that the Lawrence County Commission, City of Lead, City of Deadwood, City of Central City, City of Spearfish, Lead/Deadwood School District and Spearfish School District shall be responsible for the per diem, salary and mileage costs of the respective members that serve on the consolidated Board of Equalization. Lawrence County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State Board of Equalization. The financial responsibilities contained in this resolution shall remain unless the Lawrence County Commission, City of Lead, City of Deadwood, City of Central City, City of Spearfish, Lead/Deadwood School District or Spearfish School District shall request that they be modified prior to December 1st of each year. **THIS RESOLUTION** shall be binding upon Lawrence County Commission, Deadwood, South Dakota upon each governing body adopting this Resolution according to law. Dated this 28th day of October, 2003. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**EMERGENCY MANAGMENT AUTOMATIC SUPPLEMENT:** Moved-Seconded (Flanagan-Ewing) to approve an automatic supplement of \$3,513.54 (salary) in the Emergency Management Budget to cover grant fund expenditures for the LEOP Program. Motion Carried.

**FIRE ADVISORY AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve an automatic supplement of \$4,149.75 in the Fire Advisory Budget (grants) to cover grant fund expenditures for fire equipment. Motion Carried.

**WEED AUTOMATIC SUPPLEMENT:** Moved-Seconded (Ewing-Flanagan) to approve an automatic supplement of \$67,300.00 in the Weed Budget to cover grant fund expenditures for the BLM Grant-\$64,000- (\$59,000-supplies and \$5,000-salaries) and the Dept of Ag grant for \$3,300 – (\$1,200-salaries and \$2,100-supplies). Motion Carried.

**SHERIFF AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Seward) to approve an automatic supplement of \$5,353.08 (salary-\$1,413.08; equipment-\$3,940.00) in the Sheriff's Office Budget to cover grant and cooperative expenditures with federal and state government. Motion Carried.

**VOLUNTEER FIRE DEPARTMENT MEMBERS:** Moved-Seconded (Ewing-Weisenberg) to Brad Trautman as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

**UTILITY PERMIT:**

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way for Black Hills Power Company located on the south side of W. Oliver crossing over to the north side of W. Oliver. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Application for Utility Permit on North Rainbow Road for the construction of Underground Electrical for Butte Electric. Motion Carried.

**FOREST HIGHWAY #27:** Chuck Williams updated the Board on the meeting for Forest Highway #27 (McGuigan Road). Williams explained the need for Right of Way acquisition by the County and time needed for relocation of utilities by various utility companies. Williams suggested a letter be written requesting the proposed construction year of federal fiscal year 2005 be changed to 2006 to accommodate Right-Of-Way acquisitions and utility relocations. Moved-Seconded (Weisenberg-Ewing) To have Chuck Williams write a letter requesting the Forest Highway #27 (McGuigan Road) project be set back from FY 2005 to 2006 to allow for Right of Way acquisition and utility relocation. Motion Carried.

**SWAN LANE ROAD DISTRICT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the following Order Declaring Area Incorporated And Subject To Vote Swan Lane Road District. Motion Carried. ***ORDER DECLARING AREA INCORPORATED AND***

***SUBJECT TO VOTE SWAN LANE ROAD DISTRICT*** A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; **IT IS HEREBY DECLARED** that the territory proposed to be organized as a county road district to-wit: The Territory proposed to be organized as a district is as follows: Lots 1, 2, 3, 4, 5, 6A, 7A, 8, 9, 10 and 11, of Lot A of Lot 9, SE1/4NE1/4, Sec 4, T6N, R2E, BHM., Lot C of Lot 9, SE1/4NE1/4, Sec 4, T6N, R2E, BHM., All of Lot D of the North 166 feet of Lot 9, SE1/4NE1/4, Sec 4, T6N, R2E, BHM., Tract A of the NE1/4NE1/4, Sec 4, T6N, R2E., BHM, Lots 1B and 2B of Lots 1 and 2; Lots 1C-1 of Lot 1; and all of Lot 1C-2 of Lot 1, NE1/4NE1/4 Sec 4, T6N, R2E, BHM., Lot 1B, a subdivision of Lots 1 and 2 in the SW1/4NE1/4, Sec 4, T6N, R2E, BHM., all located in Lawrence County, SD. **SHALL**, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Swan Lane Road District. **DATED** this 28th day of October, 2003. JAMES J. SEWARD, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR

**RESOLUTION #03-38 TO ADOPT A SUPPLEMENTAL BUDGET:** Moved Seconded (Ewing-Flanagan) to approve the following Resolution #03-38 To Adopt a Supplemental Budget for the Sheriff Equipment - \$65,000. Motion Carried. **RESOLUTION #03-38 TO ADOPT A SUPPLEMENTAL BUDGET:** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND SHERIFF - Equipment \$65,000.00 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 28th day of October, 2003 at the hour of 9:45 o'clock, 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 28<sup>th</sup> day of October, 2003. **BOARD OF COUNTY COMMISSIONERS:** James J. Seward, Chairperson, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. **ATTEST:** Connie Atkinson, Auditor.

**NEIGHBORHOOD HOUSING SERVICES:** Moved-Seconded (Weisenberg-Ewing) to send a letter of support for the Neighborhood Housing Services. Motion Carried.



**EXECUTIVE SESSION:** 9:50 AM: Moved-Seconded (Ewing-Flanagan) to go into executive session to discuss personnel matters with Joe Harmon, Chief Deputy Sheriff. Motion carried. 10:10 AM: The Board reopened for regular business.

Moved-Seconded (Ewing-Weisenberg) to approve the advertising for a permanent part-time 20 hour a week employee for the Sheriff's Office to assist in court and scanning of documents. Motion Carried.

**CONDITIONAL USE PERMIT #290 – BERNIE REAUSAW:** A public hearing was held on a request for Conditional Use Permit #290 Bernie Reausaw - To allow construction of six (6) storage sheds with up to forty – seven (47) units - West of Deadwood, approximately 1½ miles off of Highway 14A on the Cutting Mine Road. No public was present and the public hearing was closed. The Board discussed the proposed CUP with Mr. Reausaw. Moved-Seconded (Weisenberg-Flanagan) To follow Planning and Zoning recommendation and approve CUP #290 for Bernie Reausaw with the following conditions. Motion Carried. CONDITIONS: 1) The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business. 2) The owner shall be required to obtain a South Dakota Sales Tax license. 3) The lot shall be kept in a neat and uncluttered fashion. 4) The color of the storage buildings shall be of a neutral or earth-tone color. 5) Any new construction and moving of buildings onto the property shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with Uniform Building Codes and state electrical codes. 6) Access off of the Transfer Station Road shall be coordinated, approved, and constructed per the direction of the Lawrence County Highway Superintendent. 7) The owner shall be required to contact the Lead Fire Department to ensure that the storage buildings comply with fire and safety codes. 8) Only one (1) on-premise sign advertising the storage buildings shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 9) Any advertisement sign, advertising the business placed along State Highway 85/14A, shall require a sign permit approval from the South Dakota Department of Transportation. 10) Litter containers, including dumpsters or trash cans, shall have lids and be strategically placed in and around the buildings. All trash containers shall be emptied on a regular basis or by demand. 11) All noxious weeds shall be controlled within the lot per the Lawrence County Weed Department regulations. 12) All outdoor lighting shall be located strategically on the buildings or on the property to provide for adequate lighting and security. 13) All loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. 14) In case of emergencies, the owner shall provide a point of contact with their name, address and telephone to the Lawrence County Office of Planning and Zoning and the Sheriff Department. 15) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 16) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 17) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

**ROAD CONCERNS / PRENTICE:** James Seward and Brandon Flanagan stated because of past litigation Gene Fuller could not attend a meeting with the Prentice's without LAC's Attorney and he was not able to attend the meeting. Seward stated Flanagan, Bruce Outka, Charles Williams, Erik Birk, and himself meet with Gene Fuller on Monday. Seward stated after reviewing legal documents and documents from the DENR it was determined that the road in question never was a County road and DENR documents state: "The haul road through the mine site (from the gate process area) is handled differently in the mine permit. The haul road is to be reclaimed and the original USFS trail re-established under the current permit. LAC would need to amend its permit to have the haul road remain. The access road, however, is permitted to remain as a public road. The state does not have any specific requirements for LAC to maintain the access road."

**BILLS:** Moved-Seconded (Flanagan-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,245.45; Aud-\$5,070.58; Treas-\$8,018.06; Comp-\$4,790.87; States Atty-\$10,152.78; Pub Def-\$5,932.14; Gen Govt Bldg-\$4,682.82; Equal-\$8,866.91; Deeds-\$5,428.87; Vso-\$723.91; Disp-\$9,226.43; Sher-\$26,902.56; Jail-\$16,224.44; Emerg Mgnt-\$2,470.15; E911-\$1,308.06; Highway-\$31,088.22; Air-\$137.50; Ext-\$1,405.52; Weed-\$1,707.25; Pz-\$2,565.86; **Bills:** Larson,R-\$29.00; Meverden,J-\$33.00; Mowell,R-\$108.60; A&B Business Equip-\$1,046.22; A&M Transport-\$62.50; Abc Business Supply-\$91.72; Altaire Enterprises-\$20.00; Amoco Oil Co-\$324.30; At&T-\$28.07; B H Collection Service-\$100.00; B H Federal Credit Union-\$7,889.14; B H Fibercom-\$1,373.26; B H Land Analysis-\$1,320.00; B H Ortho & Spine Center-\$558.08; B H Pest Control-\$95.00; B H Pioneer-\$40.21; B H Power & Light-\$6,472.77; Behavior Mngt Systems-\$386.66; Belle Fourche Landfill-\$23.68; Belle Fourche River-\$4,000.00; Best Business Prod-\$40.44; Best Western Ramkota Hotel Sf-\$1,012.00; Bslr Enterprises-\$1,806.16; Burrly's Lube-\$10.00; Campbell Supply Co-\$65.78; Cardinal Printing-\$131.27; Careertrack-\$565.00; Cellular One-\$271.70; Chain Saw Center-\$122.18; Chemsearch-\$299.17; City/County Alcohol & Drug-\$1,255.00; Clark Printing-\$156.85; Culligan Soft Water Serv-\$3,074.50; Dakota Graphics-\$115.00; Deckers Food-\$41.90; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$34,184.45; Domestic Crisis Outreach-\$492.50; Election Sys & Software-\$2,314.00; Evercom Systems-\$787.50; Extension Service-\$449.48; Federal Express Corp-\$14.57; Gasboy International-\$99.00; Gateway Master Distributors-\$78.73; Hewlett-Packard Company-\$4,746.00; Hills Material Comp-\$874.66; Hrs Food Service-\$21.24; Insight Public Sector-\$279.00; Jacobs Precision Welding-\$123.00; L C Centennial-\$34.44; L C Sheriff-\$497.78; L C Treasurer-\$50.00; Language Line Services-\$50.00; Lexisnexus Matthew Bender-\$52.60; Mcarthur,J-\$200.00; Mitchell Spraying Service-\$1,810.00; Montana-Dakota Util-\$12.74; N H General Hospital-\$832.66; Neighbors,J-\$517.00; Neve's Uniforms-\$138.95; Northern Tool & Equip-\$15.22; Office Of Child Support-\$415.50; Pennington Co Jail-\$139.86; Pennington County Sheriff-\$534.46; Pennington County Sts Attny-\$600.00; Postmaster, Spearfish-\$250.00; Powerplan-\$52.25; Qwest-\$804.37; R C Community Health-\$37.20; R C

Regional Hospital-\$438.00; Reliance Telephone-\$5.22; Rimrock Foundation-\$27.50; S D Dept Of Revenue-\$365.00; S D Aao-\$90.00; S D Dept Of Transportation-\$55,801.26; S D Sheriff's Association-\$60.00; S D Supplemental Retirement-\$849.50; Sanitation Products-\$12,160.00; Scull Construction Serv-\$3,560.00; Servall Towel & Linen-\$194.55; Spearfish Auto Supply-\$26.80; Summit Signs & Supply-\$60.00; Texaco-\$14.51; Tigerdirect-\$27.99; Uap Timberland-\$5,402.00; United Parcel Service-\$8.66; Verizon Wireless-\$877.16; Victims Of Violence-\$492.50; Viking Office Prod-\$1,255.23; Voelker & Adams-\$1,303.20; Walmart Store-\$845.45; Western Sd Juvenile Serv-\$2,588.10; **Witness & Juror Fees:** Sargent,R-\$21.74; Olson,J-\$18.70; Atyia,D-\$52.90; Batt,J-\$58.70; Brown,K-\$58.70; Cottrill,D-\$59.86; Covell,R-\$57.54; Eilers,A-\$56.38; Heller,M-\$51.74; Hindbjorgen,L-\$61.60; Martin,D-\$57.54; Mathis,D-\$64.50; Matson,T-\$61.60; Mcgroarty,P-\$61.60; Palle,L-\$59.28; Poling,V-\$50.58; Post,M-\$64.50; Schopen,A-\$54.64; Voorhees,C-\$58.12; Wilber,D-\$51.16; Williams,M-\$58.70; Clark,I-\$20.44; Cole,S-\$21.60; Cooper,L-\$11.74; Cowles,M-\$18.70; Farwell,L-\$51.74; Fredericksen,K-\$18.70; Geffre,W-\$15.22; Gillies,B-\$18.70; Goodrich,J-\$61.60; Graslie,B-\$21.60; Hart,S-\$10.58; Heuston,A-\$18.70; Holloway,J-\$14.64; Horner,S-\$55.80; Hulm,D-\$21.60; Johnson,J-\$58.70; Jones,M-\$67.40; Kelly,K-\$18.70; King,D-\$21.60; Laughlin,N-\$11.74; Lee,J-\$27.40; Massa,M-\$56.96; Mcgrath,W-\$61.60; Meddings,S-\$51.74; Pearson,M-\$63.34; Phinney,D-\$10.58; Powell,T-\$19.86; Prostrollo,H-\$39.00; Reed,E-\$17.54; Reede,T-\$58.70; Rutkowski,A-\$19.28; Sandidge,S-\$52.90; Schultz,K-\$55.80; Schwandt,R-\$15.80; Schwindt,A-\$10.58; Statler,C-\$18.70; Steenholdt,R-\$20.44; Trehwella,A-\$10.58; Utecht,R-\$15.80; Williamson,R-\$24.50; Aldrich,S-\$21.02; Altmyer,D-\$21.60; Backens,V-\$18.70; Bean,L-\$23.34; Bingen,J-\$11.74; Boehm,D-\$21.60; Brusseau,B-\$22.18; Burtzlaff,L-\$21.60; Campbell,A-\$12.32; Cargin,J-\$61.60; Carr,M-\$11.74; Cassidy,P-\$11.74; Cremean,D-\$62.76; Evans,L-\$19.86; Fish,L-\$19.28; Gadd,R-\$58.70; Graczyk,L-\$10.58; Hansen,M-\$21.60; Hanson,C-\$58.12; Harlan,G-\$56.96; Jacobs,C-\$11.16; Jeffery,J-\$16.96; Kranz,D-\$11.74; Kruse,C-\$56.96; Lloyd,R-\$18.70; Marsolek,R-\$11.16; Mattson,J-\$20.44; Mayer,P-\$67.40; Maynard,F-\$18.70; Mollman,W-\$19.86; Munger,D-\$16.96; Paulsen,B-\$58.70; Nicholas,C-\$27.40; Schoenberner,D-\$18.70; Schopen,P-\$18.70; Sneesby,S-\$10.58; Sophusson,J-\$59.28; Stephens,J-\$56.96; Wagner,M-\$51.16; Young,C-\$64.50; Alberding,R-\$20.87; Holstein,A-\$28.70; Longwell,K-\$83.80; Majors,K-\$83.80; Mason,S-\$21.74; Mertesdorf,J-\$21.74; Miller,J-\$28.70; Miller,R-\$83.80; Quick Bear,R-\$46.10; White,R-\$28.70; Woltzen,E-\$82.62

**ADJOURN:** 10:35 a.m. - There being no further business it was Moved-Seconded (Weisenberg-Flanagan) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 10, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 10, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of October 28, 2003. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Douglas-Weisenberg) to approve the advertising for a full time jailer to fill on open position. Motion Carried.

**STATES ATTORNEY:** Moved-Seconded (Weisenberg-Flanagan) to approve Brooke Steele as an intern to work in the States Attorney's office at \$10.00 an hour, effective 12-10 2003 thru January 1, 2004. Motion Carried.

**CERTIFICATES OF APPRECIATION:** Moved-Seconded (Weisenberg-Flanagan) to present Bruce Outka with a Certificate of Appreciation for the six years of employment with the County and dedicated service to the Lawrence County States Attorney's Office and the Citizens of the County; and to present Chuck Williams with a Certificate of Appreciation for the great job he is doing for Lawrence County and the extra effort he gives in helping the Citizens of the County. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Ewing-Seward) to approve the travel request for James Watts to attend the Traffic Stops Instructor Course in Mitchell, SD on November 16-18, 2003. Motion Carried.

**VSO:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Bill Locken to attend the VSO Congressional Forum in Hot Springs on November 12, 2003. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Ewing) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of October 31, 2003 showed the following: Total amount of deposits in banks-\$13,714,513.67; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$742,907.37; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$10,220.40; Petty Cash-\$1,635.00; (NOTE: petty cash includes: Sheriff-\$1,000; Reg.of

Deeds-\$275; Auditor-\$100; Hwy & Planning & Zoning & EM-\$50; Equalization-\$35.; Public Defender, Gen.Govt.Bldgs and Extension-\$25). Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$1,647,143.33; Savings-\$7,125,595.27; GNAMS-\$55,197.37; and Money Market \$1,186,577.70, Total \$14,470,526.44.

**HIGHWAY TRANSFER OF FUNDS:** Moved-Seconded (Douglas-Flanagan) to approve the transfer of \$75,000 from Snow Removal Funds to the Road and Bridge Labor Salaries and account for expenses properly chargeable against the Snow Removal Funds. Motion Carried.

**MENTAL ILLNESS SUPPLEMENTAL BUDGET:** Moved-Seconded (Weisenberg-Seward) to set a supplemental budget hearing for November 25, 2003 at 8:45 a.m. for a supplemental budget hearing for the Mental Illness Board for \$2,000. Motion Carried.

**SPEARFISH JOINT POWERS AGREEMENT:** Moved-Seconded (Flanagan-Ewing) to extend the Joint Powers Agreement for 90 days with the City of Spearfish to allow time for a new one to be drafted. Motion Carried.

**HIGHWAY BUSINESS:** Chuck Williams requested that the Highway Department be allowed to purchase another Skidsteer Loader like they purchased February 23, 2003. Williams stated they needed one in the Spearfish Yard and he had the funds available in his budget. Moved-Seconded (Weisenberg-Flanagan) to purchase one (1) New Skidsteer Loader off of Pennington County's bid for the amount of \$17, 818.00 from Jenner Equipment. Motion Carried.

**TREASURER'S TAX TRUST:** Moved-Seconded (Flanagan-Seward) to delay taking action to take treasurer's deed and accept partial payment of taxes with William and Brenda Carrillo on Lot 16 of Lots 5 & 6 SE1/4 NE1/4 AKA 105 Vale Road and a 1972 Geer Mobile Home. Motion Carried.

**WHEELER CONSOLIDATED LOAN REQUEST:** The Board discussed the request for a severance tax loan from Wheeler Consolidated Inc.. The Board discussed the devastating fires to Wheeler Lumber and the dedication to maintain their current employees. The Board stated they were a great asset to the County and the City of Whitewood and that they are committed to the area with a proven track record. Moved-Seconded (Ewing-Weisenberg) to approve the loan to Wheeler Consolidated Inc. for \$500,000 from the severance tax fund for a 15 year loan at 1% for the first seven years and .75% if they have 26 or more employees; if they drop below the 25 employees they will then pay the prime interest rate. This matter will be turned over to Black Hills Council of Local Governments to draw up the Loan Documents. Motion Carried. Aye-4, Absent-Douglas. Connie Douglas excused herself from the meeting during this discussion and action.

**LIQUOR LICENSE TRANSFER:** A public hearing was held on a transfer of Retail On-Sale Liquor License: **PREVIOUS LICENSE:** JOSE VEGA, GUADALAJARA MEXICAN RESTAURANT, Spearfish, SD, Lot 3 Northwest of City on Hwy. 14, Subdivision of NW1/4NW1/4, Section 3, Township 6 north, Range 2 east, B.H.M. **TRANSFER TO:** Vezaro, Inc., GUADALAJARA MEXICAN RESTAURANT, Spearfish, SD, Lot 3 Northwest of City on Hwy. 14, Subdivision of NW1/4NW1/4, Section 3, Township 6 north, Range 2 east, B.H.M. Moved-Seconded (Weisenberg-Flanagan) to approve the transfer of Retail On-Sale Liquor License to Vezaro, Inc. Motion Carried.

**SHERIFF CAMERA SYSTEM:** The following bids were received for the Sheriff Camera System: Advanced Investigative Methods - \$58,828.07; S&L Computer Services - \$57,150 & \$63,165; Reliance Systems, Inc. - \$59,668.80. Moved-Seconded (Flanagan-Ewing) to follow the recommendation of Sheriff Mowell and table the bids, until November 25, 2003, to allow the Department time to review specification requirements. Motion Carried.

**HOME HEALTH OF THE NORTHERN HILLS:** Michelle Morin was present to report on activity for the months of May thru October and reviewed the services they provide. The Board discussed the current contract. Moved-Seconded (Douglas-Weisenberg) to have a new contract drawn up with Home Health of the Northern Hills adding a reporting requirement every six months and remove the automatic renewal. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Douglas) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,245.45; Aud-\$5,210.87; Treas-\$7,280.49; Comp-\$5,030.95; States Atty-\$10,455.02; Pub Def-\$6,122.94; Gen Govt Bldg-\$5,064.38; Equal-\$9,616.46; Deeds-\$5,777.18; Vso-\$723.91; Disp-\$7,883.65; Sher-\$29,647.53; Jail-\$17,029.57; Emerg Mgnt-\$2,554.48; E911-\$1,460.16; Highway-\$31,272.99; Air-\$268.75; Exten-\$1,232.64; Weed-\$1,734.25; Pz-\$2,660.00; **Bills:** Eggebo,R-\$248.00; Flanagan,B-\$250.00; Kaiser,D-\$2,309.87; Mowell,R-\$5,274.00; Seward,J-\$552.59; Weisenberg,T-\$227.07; A&B Business Equip-\$613.96; Abc Business Supply-\$563.19; Altaire Enterprises-\$20.00; American Family Life-\$2,446.24; At&T-\$26.10; B H Chemical Company-\$2,162.60; B H Collection Service-\$100.00; B H Federal Credit Union-\$7,489.14; B H Fibercom-\$937.91; B H Medical Ctr Pharmacy-\$1,514.30; B H Pest Control-\$190.00; B H Pioneer-\$89.00; B H Power & Light-\$719.59; B H Travel Agency-\$1,402.50; Berzel,F-\$212.00; Black Hills Rc&D-\$100.00; Blue Cross-\$40,489.49; Bob Barker Company-\$1,895.84; Broadbent,D-\$40.00; Bullberry Systems-\$18,000.00; Butte County Sheriff-\$11.70; Butte Electric Coop-\$1,209.49; Cellmark Diagnostics-\$3,500.00; Chris Supply Co-\$132.60; Christensen Law Office-\$160.60; Community Health Services-\$30.00; Conoco-\$163.10; Dakota Laser Tech-\$75.75; Deadwood Home Center-\$61.84; Deadwood Recreation Center-\$109.00; Deadwood, City Of-\$593.32; Deckers Food-\$51.85; Deptof The Treasury-\$35,758.09; Division Of Motor Veh-\$39.00; Don's Sinclair-\$20.75; Elan Financial Services-\$89.65; Ellingson,J-\$648.23; Equipment Service Prof-\$76.50; Evercom Systems-\$315.00; Executone Of The B H-

\$42.00; Farmers Union Oil Co-\$4,656.77; Fastenal-\$186.90; Fidler Funeral Chapel-\$2,247.50; Fisher Sand & Gravel-\$169,203.43; Gall's-\$608.79; Gene's Lock Shop-\$5.50; Golden West Teltech-\$33.00; Great Western Tire-\$147.44; Hewlett-Packard Company-\$3,497.00; Ibm Corp Sqh-\$485.16; Ikon Office Solutions-\$152.25; Index-\$97.50; Insight-\$1,549.84; Jacobs Precision Welding-\$405.69; Johnson Ford-\$519.49; Johnson Machine-\$208.90; K Mart-\$68.32; Kadrmas, Lee And Jackson-\$2,096.55; Karpinen,S-\$360.00; Ken's Camper Sales-\$41.25; Knecht True Value-\$109.84; L C Centennial-\$218.46; L C Sheriff-\$17.13; L C Treasurer-\$50.00; Lead, City Of-\$35.20; Lead-Deadwood Sanitary-\$238.64; Lexisnexis Matthew Bender-\$64.80; Lyle Signs-\$558.37; Mineral Palace Hotel-\$164.34; Montana-Dakota Util-\$2,919.12; N H Family Ymca-\$576.00; Neafcs-Sd-\$90.00; Nelson,T-\$640.00; Office Of Child Support-\$415.50; Office Technology-\$36.95; Pennington County Sheriff-\$4.80; Pennington County Sts Attny-\$800.00; R C Regional Hospital-\$4,616.89; Rabe Elevator-\$541.39; Radio Shack/Kazco-\$62.17; Rombough,D-\$160.60; Rusty Eck Ford-\$2,707.32; S D Assn Of Co Comm-\$4,898.22; S D Retirement System-\$37,812.38; S D State Treasurer-\$591.60; S D Human Services Center-\$81.00; S D Supplemental Retirement-\$849.50; Sand Creek Printing-\$102.00; Sanitation Products-\$5,000.00; Sanito Oil-\$7,617.07; Schmit,A-\$120.00; Servall Towel & Linen-\$194.55; Spearfish Auto Supply-\$27.66; Spearfish Glass-\$32.38; Specialized Auto Service-\$628.88; Subway-\$25.62; Superior Lamp And Supply-\$467.04; T & W Appliance/Knothole-\$176.49; Technology Center-\$3,991.69; Teen Court-\$3,322.69; Tellinghuisen, Gordon & Percy-\$1,750.06; Texaco-\$118.57; Twin City Hardware & Lumber-\$306.79; U S Bank-\$1,293.75; U S Marshall Service-\$1,289.00; Va Medical Center-\$101.25; Viking Office Prod-\$46.90; Warne Chemical-\$686.72; Washington State Dairy Council-\$115.01; Waste Connections-\$243.45; Western Communication-\$475.35; Wolff's Plumbing & Heating-\$945.60; **Witness & Juror Fees:** Cottrill,D-\$59.86; Heller,M-\$51.74; Hindbjorgen,L-\$61.60; Matson,T-\$61.60; MCGroarty,P-\$61.60; Poling,V-\$50.58; Schopen,A-\$54.64; Voorhees,C-\$58.12; Wilber,D-\$51.16; Farwell,L-\$51.74; Goodrich,J-\$61.60; Horner,S-\$55.80; Johnson,J-\$58.70; Jones,M-\$67.40; Massa,M-\$56.96; Mcgrath,W-\$61.60; Meddings,S-\$51.74; Pearson,M-\$63.34; Reede,T-\$58.70; Sandidge,S-\$52.90; Schultz,K-\$55.80; Anderson,L-\$19.28; Anton,S-\$103.48; Banley,E-\$14.64; Birnbaum,T-\$11.74; Blunk,R-\$15.80; Burns,R-\$11.74; Calhoon,T-\$115.08; Carter,F-\$18.70; Crosswait,C-\$18.70; Dardis,S-\$117.40; Eddy,S-\$18.70; Finn,J-\$21.60; Flory,J-\$21.60; Froelich,B-\$120.88; Gerving,B-\$11.74; Hanson,R-\$117.40; Harwood,R-\$108.12; Herrboldt,B-\$120.88; Hickman,E-\$19.86; Hill,J-\$18.70; Himle,C-\$22.76; Hoff,L-\$13.48; Huck,D-\$21.60; Johnson,B-\$18.70; Karinen,A-\$21.60; Kightlinger,A-\$11.74; Kirk,R-\$18.70; Konstant,S-\$21.60; Kruzel,G-\$120.88; Litschewski,S-\$18.70; Mccright,L-\$119.72; Morris,C-\$12.32; Mutchler,M-\$119.72; Nelson,D-\$11.74; Nickerson,E-\$11.74; Park,E-\$101.16; Schiller,J-\$18.70; Schlaht,J-\$12.32; Smith,K-\$17.54; Sogge,R-\$117.40; Sundberg,S-\$18.70; Trentz,S-\$10.58; Weber,M-\$64.80

**ADJOURN:** 10:25 a.m. - There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 25, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 25, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of November 10, 2003. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Flanagan-Seward) to approve Melody Nelson as an Administrative Secretary grade 3 in the Auditor's Office at the base rate of \$12.10 an hour, effective 12-1-2003. Motion Carried.

**HIGHWAY:** Moved-Seconded (Weisenberg-Flanagan) to approve Diane Vandenberg as an Accounting Clerk grade 3 at the base rate of \$10.97 an hour, effective 12-1-2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve Rene' Larson as an Accounting Clerk grade 2 at the base rate of \$10.16 an hour, effective 1-1-2004. Motion Carried.

**SHERIFF:** Moved-Seconded (Flanagan-Ewing) to approve Tamera Leveque as a full time Correctional II grade 3 at the base rate of \$12.72 an hour effective 11-16, 2003 and to approve Rachel Eggebo as a permanent part time Correctional II grade 3 at the base rate of \$12.72 an hour effective 11-16, 2003. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve Carla Shanklin as a permanent part-time 20 hour a week Secretary grade 1 at the base rate of \$10.20 an hour, effective 12-1-2003. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to allow employees to donate sick leave to Linda Maynard. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Douglas-Ewing) to approve the travel request for Trina Blanks to attend the Emergency Medical Dispatch Course in Pierre, SD on December 14-17, 2003. Motion Carried.

Moved-Seconded (Flanagan-Douglas) to approve the travel request for Linda Maynard to attend the 911 Basic Telecommunicator Certification Course in Pierre, SD on November 30 thru Dec 17, 2003. Motion Carried.

**ATTORNEY CONTRACT:** The Board discussed the resignation of Bruce Outka, Deputy States Attorney. The Board stated Outka assisted the Board and other County Offices with legal issues and discussed contracting for his services. Hood, Nies and Dardis will contract out Outka's services to the County for \$100 an hour with a minimum of \$1,450 per month. Douglas expressed the concern that Outka work with the States Attorney so in the future the County can bring the service back to the States Attorney's Office. Moved-Seconded (Weisenberg-Flanagan) to contract with Hood, Nies and Dardis for Bruce Outka's professional services. Motion Carried.

**FAIR CONTRACT:** Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the 2004 Fair Contract with Butte County. Lawrence County's share will be \$3,000. Motion Carried.

**FIRE ADVISORY AUTOMATIC SUPPLEMENT:** Moved-Seconded (Douglas-Ewing) to approve an automatic supplement of \$4,307.19 in the Fire Advisory Budget (grants) to cover grant fund expenditures for the Fire Wise Program. Motion Carried.

**LAW LIBRARY SUPPLEMENT:** Moved-Seconded (Weisenberg-Seward) to set a supplemental budget hearing for Law Library Supplies for \$300 on December 9, 2003 at 8:45 a.m. Motion Carried.

**RESOLUTION #03-38 TO ADOPT A SUPPLEMENTAL BUDGET:** Moved Seconded (Ewing-Weisenberg) to approve the following Resolution #03-40 To Adopt a Supplemental Budget for the Mental Illness Board - \$2,000. Motion Carried. RESOLUTION #03-40 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND MENTAL ILLNESS - \$2,000.00 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 10th day of November, 2003 at the hour of 8:45 o'clock, 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 10<sup>th</sup> day of November, 2003. BOARD OF COUNTY COMMISSIONERS: : James J. Seward, Chairperson, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg. ATTEST: Connie Atkinson, Auditor.

**WHITEWOOD FOREST ACRES ROAD DISTRICT:** Moved-Seconded (Weisenberg-Ewing) to canvass the election results for Whitewood Forest Acres Road District with 29 (twenty-nine) ballots cast: 23 (twenty-three) for the incorporation of Whitewood Forest Acres Road District and 6 (six) against incorporation of the Road District.

Moved-Seconded (Flanagan-Seward) to approve and authorize the Chairman to sign the following Order Declaring Whitewood Forest Acres Road District Incorporated. Motion Carried.

**ORDER DECLARING WHITEWOOD FOREST ACRES ROAD DISTRICT INCORPORATED:** WHEREAS, an election was held among the landowners of Whitewood Forest Acres Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on November 24, 2003. WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was 29 (twenty-nine), together with the number of 23 (twenty-three) voting for and the number of 6 (six) voting against incorporation; WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. **NOW THEREFORE BE IT ORDAINED** by the Lawrence County Board of Commissioners that the Whitewood Forest Acres Road District is hereby incorporated pursuant to SDCL 31-12A-11. **DATED** this 25<sup>th</sup> day of November, 2003. **JAMES J. SEWARD, Chairman Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor**

**PUBLIC DEFENDER CASE LOAD:** Joe Kosel, Public Defender, reported to the Board on the caseload of the office. Kosel stated he is concerned they are setting themselves up for an ineffective case and has asked the Judges not to appoint cases to the office for a while until they have closed some cases. Kosel stated that hopefully this will correct itself in the future but if it doesn't other options may need to be looked at.

**2004 HEALTH INSURANCE:** The insurance committee reported the employees preferred to leave the insurance policy the same and pay the increased premiums for 2004. The Board discussed the need to look at alternative policies and carriers in the future. Moved-Seconded (Flanagan-Ewing) to renew with Wellmark for 2004 with the same policy and to request the insurance committee look into alternatives for 2005. Motion Carried. Douglas expressed an interest in serving on the Insurance Committee. Chairman Seward appointed Commissioner Douglas to serve on the Insurance Committee to replace Commissioner Weisenberg.

**UTILITY PERMIT:** Moved-Seconded (Weisenberg-Ewing) to approve the Application for Occupancy on the Right of Way of County Highways on the Homestake Road and Datum Creek Place in Section 33 & 34, T7N, R1E for Quest Communications for telephone service. Motion Carried.

**2003-2004 MALT BEVERAGE APPLICATION:** A public hearing was held on an application for 2003-2004 Class Retail (on-off sale) Malt Beverage License for Black Hills Chairlift Co. Inc. (Dark Horse Saloon). Moved-Seconded (Flanagan-Douglas) to approve the 2003-2004 Class Retail (on-off sale) Malt Beverage License for Black Hills Chairlift Co. Inc. (Dark Horse Saloon). Motion Carried.

**REQUEST FOR AMENDED CHANGE OF ZONING #211 – A public hearing was held for David Adickes / Karen Everett / Presidents Park - To include that portion of the McLeod and the Golden Key Lodes lying west of State Highway 85/14A and all of the Bayard Fraction, M.S. #1153, of Section 18, T4N, R3E, B.H.M. with Presidents Park’s current site, Evangeline #1 and Evangeline #2; and to allow placement of signage and sculpture display along Highway 85 /14A; and expansion of the visitor’s center – Deer Mountain. Joyce Carlsen presented a letter of concerns on the request and asked the Board to deny the amended change of zoning. Carlsen expressed concerns on the entrance to the park, damage to the existing road, roads that were to be paved that were not, the park connecting to the subdivision water supply and increased traffic. Tony Diem presented a letter of concerns on the request and also asked the Board to deny the amended change of zoning. Diem added concerns on the absurd and offensive signage, lack of respect for the flag, and his failure to abide by the laws. Diem stated Mr. Adickes does what he wants and then comes back to get approval. Rod Galland also expressed concerns on the advertising. David Adickes stated he has no apologies for the park itself and is refining the signs as they go. Adickes stated they have been open for only a short time and will be adding things as they go. He stated he has committed \$20,000 in cash for the improvements to the water system and reminded everyone he was not the developer and they are directing their issues on roads and water with the wrong person. Dave Olmstead spoke on behalf of the Presidents Park. Olmstead, employee of Presidents Park, stated they are continuing to do improvements and asked for the change of zoning to complete the project. Erik Birk stated the original change of zoning was requested by Dakota Resorts Management. Flanagan stated many of the problems are with the Dakota Resorts Management. The Board discussed their concerns with the water and roads and how they are not allowed to condition change of zonings. Birk reported that Planning and Zoning recommended approval and presented a letter from the Department of Transportation on spot zoning for signs, stating this is not allowed. Douglas stated the entire area needs to sit down and work out a solution on the water and road issues. Flanagan asked Birk to look into having the developer come before the Board. Moved-Seconded (Douglas-Ewing) to deny the request for Amended Change Of Zoning #211. Motion Carried. The Board stated Mr. Adickes can submit another request when all signs are removed and problems are fixed.**

**PLAT – PRELIMINARY AND FINAL WHARF RESOURCES: – Moved-Seconded (Weisenberg-Douglas) To approve the Wharf Resources – Plat of Tracts 1 through 9 being portions of Surprise and Little Phill, M.S. 1105, Hidden Fraction, M.S. 1993, Black Moon, M.S. 1704, Santa Fe, M.S. 402, Cygnet, M.S. 1705, Star, M.S. 1493, Ryan Fraction, M.S. 2001, Northside, M.S. 1173 and Kate Putnam, M.S. 1172, located in the NW¼ of Section 1 and the SE¼NE¼ & NE¼SE¼ of Section 2, T4N, R2E, B.H.M. as submitted. Motion**

**Carried. Flanagan stated he felt they should have done a replat instead of creating a subdivision of 9 lots.**

**FISHER SAND & GRAVEL CONDITIONAL USE PERMIT #211:** Ray Leahy presented the annual review of CUP #211. The McGuigan Pit review showed Employment Utilized 12 people. Acres Disturbed: 8.57 acres. Material Extracted: 234,111 tons. Sales Tonnage: 144,076 tons. The plans for next year will depend upon State, County and Private Projects. It is anticipated that production and sales will be close to the same as last year. Leahy stated no complaints were received for the year.

**FOREST SERVICE RIFLEPIT EA:** Bill Coburn and Dean Rasmuson presented the Summary of Comments on the Riflepit Project from the Timber Committee. The Board discussed the comments with Coburn and Rasmuson and adopted the comments as presented as the County's Official Comments on the Riflepit Project and will be forwarded to the Forest Service.

**CAMERA BIDS:** Joe Harmon, Chief Deputy Sheriff, recommended the Board reject all bids for the camera system for the jail and courthouse. Harmon stated after review of the bid specs and bids received they need to refine the bid specifications and asked to set a new bid opening date. Moved-Seconded (Weisenberg-Ewing) to set the bid opening for December 30<sup>th</sup> at 9:45 a.m. for the camera system. Motion Carried.

**SHERIFF VEHICLE BIDS:** Moved-Seconded (Weisenberg-Ewing) to set the bid opening date for three (3) SUV type vehicles and one four door one-half ton pickups for December 30<sup>th</sup> at 9:30 a.m. Motion Carried.

**E911 UPDATE:** Tom Sandvick updated the Board on E911 wireline, wireless, rural addressing and R3 GIS. Lawrence County has two answering points, enhanced 911, is in phase 1 of the wireless 911 and has completed the rural addressing. Sandvick discussed the high turnover of dispatchers and the need to have at least two dispatchers on each shift. Sandvick stated technology is hard to keep up with and at some point funding will be an issue. Seward stated at some point one answering point may need to be looked at.

**ABATEMENT – TURNBOW:** Moved-Seconded (Douglas-Weisenberg) to approve the abatement for a 1974 Medallion Mobile Home for Turnbow because the mobile home was moved two years ago. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Dave Heck updated the Board on 2004 Grants, Assistance Agreements, MOU's and contracts. Moved-Seconded (Weisenberg-Ewing) to

approve and send a letter of recommendation along with the applications for the following grants. Motion Carried.

Granting Agency	Type	Applying	Will Receive	Amount
USFS	Assistance Agreement		2004	\$ 19,800
BLM	MOU Exemption Area		2004	\$ 2,500
BLM	Contract Grizzly Gulch Fire		2004	\$ 61,500
USF&W	Pulling Together Initiative	2004		\$ 91,200
SD Dept AG	Assistance Agreement		2004	\$ 3,500
SD Dept AG	New Invasive Species	2004		\$ 8,300
<b>Totals</b>		<b>\$ 99,500</b>	<b>\$ 87,300</b>	<b>\$ 186,800</b>

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,245.45; Aud-\$4,695.36; Treas-\$6,706.75; Comp-\$4,550.79; States Atty-\$9,832.22; Pub Def-\$5,741.34; Gen Govt Bldg-\$4,219.62; Equal-\$8,287.14; Rod-\$5,080.54; Vso-\$723.91; Disp-\$8,458.15; Sher-\$25,772.30; Jail-\$16,365.12; Emerg Mgnt-\$2,320.23; E911-\$1216.80; Highway-\$31,316.84; Air-\$293.75; Exten-\$1,082.32; Weed-\$1,743.25; Pz-\$2,475.20; **Bills:** Agena,T-\$14.64; Birk,E-\$29.00; Eide,C-\$11.16; Aaa Travel-\$2,357.00; A&B Business Equip-\$87.56; A&B Welding Supply-\$83.76; Abc Business Supply-\$440.06; Aldinger,K-\$17.54; All Communications & Services-\$100.22; Altaire Enterprises-\$20.00; Amcon Distributing-\$228.21; Amoco Oil Co-\$20.29; At&T-\$45.17; B H Collection Service-\$81.82; B H Federal Credit Union-\$7,489.14; B H Land Analysis-\$585.00; B H Pioneer-\$603.67; B H Power & Light-\$6,447.22; B H Surgery Center-\$579.13; B H Travel Agency-\$4,971.00; B H Truck And Trailer-\$590.26; Behavior Mngt Systems-\$873.60; Black Hills Pure-\$11.50; Bob Barker Company-\$149.23; Brownsville Fire Dept-\$2,633.83; Butler Machinery-\$2,432.59; Butte County Sheriff-\$10.30; Carl's Trailer Sales-\$2,840.00; Cellular One-\$171.87; Central Parts-\$937.91; Chain Saw Center-\$71.55; Chris Supply Co-\$62.87; Corral West-\$53.90; Csd-\$82.50; Culligan Soft Water Serv-\$133.00; Dale's Tire & Retread-\$1,347.45; Dartek Computer Supplies-\$769.95; Deadwood Supply-\$20.69; Dept Of The Treasury-\$32,750.18; Derosier,L-\$9.28; Diamond Mowers-\$1,270.63; Division Of Motor Veh-\$13.00; Domestic Crisis Outreach-\$445.00; Ecolab-\$90.00; Eddie's Truck Sales/Serv-\$44.46; Electronic Defense Tech-\$875.00; Ellingson,J-\$235.29; Ensignal-\$15.95; Executone Of The B H-\$482.50; Extension Service-\$315.90; Family Thrift Center-\$7.47; Fast Break Screen Printing-\$240.00; Fisher Sand & Gravel-\$4,222.65; Fort Collins Psychotherapy-\$2,386.33; Genpro Power Systems-\$751.55; Glenney,T-\$120.00; Gold Dust-\$80.63; Great Western Tire-\$87.75; Greens Alignment-\$131.89; Guilbert,M-\$10.58; Hein,C-\$60.00; Heisler Hardware-\$35.24; Hewlett-Packard Company-\$4,746.00; Hills Material Comp-\$1,886.04; Hodgens Engineering & Survey-\$2,230.00; Honeywell-\$21,480.00; Hughes County Sheriffs-\$10.50; Huron Culvert & Tank Co-\$5,412.00; Insight-\$368.99; Jacobs Precision Welding-\$115.86; Johnson Ford-\$18.58; Juneks' Chrysler/Dodge-\$315.45; K Mart-\$86.97; Kar Products-\$773.54; Karpinen,S-\$360.00; Kieffer,T-\$115.60; Kimball-Midwest Co-\$158.15; Knecht True Value-\$62.55; L C Auditor-\$15.37; L C Centennial-\$211.72; L C Public Defender-\$23.07; L C Public Health-\$2,208.00; L C Sheriff-\$6.00; L C Treasurer-\$50.00; Lee,J-\$15.00; Looyenga,Dr-\$350.00; Lucero,L-\$33.00; Mcarthur,J-\$40.00; Mcleod's Office Supply-\$40.01; Meade County Sheriff-\$78.35; Menards-

\$499.00; Mineral Palace Hotel-\$419.48; Montana-Dakota Util-\$74.46; Mutchler,T-\$100.00; N H General Hospital-\$240.00; National Business Furniture-\$338.95; National Emergency-\$95.00; Nelson,T-\$20.58; Neve's Uniforms-\$54.30; Office Of Child Support-\$415.50; Office Technology/Supply-\$122.50; Pennington Co Jail-\$769.98; Pennington County Sheriff-\$40.10; Pennington County Sts Attny-\$400.00; Phillips Petroleum Co-\$207.61; Pitney Bowes-\$158.60; Porter Law Office Pc-\$120.50; Postmaster, Deadwood-\$148.00; Queen City Motors-\$71.95; Queen City Rocket Lube-\$179.63; Quill Corp-\$655.46; Qwest-\$951.51; R C City Of-\$1,400.00; R C Police Dept-\$25.00; R C Regional Hospital-\$351.92; Radio Shack/Kazco-\$449.97; Rapid Delivery-\$6.30; Rasmussen Software-\$1,387.25; Reindl,S-\$2,032.48; Reliable-\$695.08; S D Supplemental Retirement-\$849.50; Sand Creek Printing-\$12.25; Sanito Oil-\$6,034.56; Servall Towel & Linen-\$287.19; Sioux Steam Cleaner Corp-\$117.10; Spearfish Auto Supply-\$992.01; Spearfish Husky-\$66.00; Specialized Auto Service-\$9.13; Teen Court-\$13,020.50; Tellinghuisen, Gordon & Percy-\$1,514.08; Texaco-\$35.89; The Abacus-\$50.90; The Glass Shop-\$275.00; Thompson,R-\$18.00; Tigerdirect-\$32.99; Twin City Hardware & Lumber-\$229.02; U S Bank Corp Trust Debt Manag-\$14,335.00; U S Postal Service-\$5,000.00; Verizon Wireless-\$929.63; Victims Of Violence-\$445.00; Viking Office Prod-\$332.84; Voelker & Adams-\$978.85; Walmart Store-\$330.69; Warne Chemical-\$18.00; Waste Connections-\$134.40; Wells Plumbing & Farm Supp-\$62.47; Western Communication-\$863.14; Western Sd Juvenile Serv-\$5,607.55; Z&S Dust Control-\$1,194.16; **Witness & Juror Fees:** Davidson,J-\$28.70; Fenner,S-\$7.00; Atyia,D-\$52.90; Batt,J-\$58.70; Brown,K-\$58.70; Cottrill,D-\$59.86; Covell,R-\$57.54; Eilers,A-\$56.38; Heller,M-\$51.74; Hindbjorgen,L-\$61.60; Martin,D-\$57.54; Mathis,D-\$64.50; Matson,T-\$61.60; MCGroarty,P-\$61.60; Palle,L-\$59.28; Poling,V-\$50.58; Post,M-\$64.50; Roseland,M-\$58.70; Schopen,A-\$54.64; Voorhees,C-\$58.12; Wilber,D-\$51.16; Williams,M-\$58.70; Clift,C-\$20.00; Underhill,J-\$28.70; Uskoski,M-\$28.70; Coyle,R-\$31.60; Crotteau,D-\$25.80; Freeland,S-\$49.00; Hamak,A-\$21.74; Hamak,P-\$20.00; Hanzlik,C-\$37.40; Heisinger,J-\$21.16; Huber,M-\$21.74; Kravitz,K-\$31.60; Linn,B-\$20.29; Locke,T-\$21.74; Miller,C-\$21.74; Moore,J-\$83.80; Orton-Monette,C-\$250.26; Petit,P-\$31.60; Redinger,A-\$37.40; Richards,E-\$35.37; Richards,T-\$24.64; Roberts,P-\$20.58; Stich,L-\$21.74; Umenthum,K-\$20.58; Uskoski,A-\$28.70; Walsh,J-\$31.60; Wickenheiser,T-\$28.70; Williamson,L-\$43.20; Berryhill,M-\$18.70; Braun,T-\$58.70; Copas,R-\$18.70; Crago,M-\$62.76; Crago,S-\$50.58; Cronk,J-\$11.74; Dittman,S-\$26.24; Eggers,C-\$51.74; Fuerstenau,J-\$18.70; Grout,L-\$19.86; Haag,R-\$58.70; Haase,J-\$20.44; Haivala,J-\$18.70; Huyck,M-\$18.70; Jahner,A-\$15.22; Jennings,D-\$19.86; Johnson,P-\$58.70; Kaus,J-\$18.70; Koan,E-\$23.34; Kulhavy,M-\$18.70; Larsen,J-\$20.44; Larson,A-\$59.86; Larson,G-\$58.70; Lewellen,P-\$19.86; Lohr,A-\$61.02; Ludens,C-\$61.60; Murray,J-\$19.28; Osloond,R-\$18.70; Redinger,D-\$61.60; Rosenberger,S-\$11.74; Sachau,D-\$20.44; Schroeder,P-\$19.86; Showman,R-\$23.92; Smolik,G-\$21.60; Stalcup,L-\$12.32; Thomas,L-\$58.70; Trumbell,L-\$11.16; Vandervliet,L-\$10.58; Wika,J-\$17.54; Young,T-\$18.70; Alcorn,R-\$21.60; Allison,S-\$18.70; Anagnopoulos,C-\$18.70; Anderson,J-\$18.70; Anderson,S-\$18.70; Aschenbrenner,D-\$11.74; Barthel,R-\$11.74; Blair,L-\$10.58; Brents,V-\$24.50; Broadhurst,E-\$18.70; Brost,C-\$27.40; Bunch,M-\$24.50; Burke,S-\$14.06; Cooper,R-\$21.60; Downs,S-\$12.90; Eisenbraun,H-\$19.86; Farrell,R-\$10.58; Fenner,L-\$18.70; Finley,M-\$20.44; Flanders,D-\$14.06; Grant,D-\$18.70; Gusso,D-\$18.70; Hagie,W-\$123.20; Hamann,J-\$11.74; Hawki,K-\$11.16; Hess,W-\$106.96; Hunt,T-\$18.70; Iversen,V-\$18.70; Janish,M-\$19.86; Jones,D-\$20.44; Kegler,H-\$19.86; Kelly,K-\$20.44; Klinkel,M-\$19.28; Klumb,L-\$21.60; Kruse,P-\$11.74; Lafrentz,M-\$11.16; Larsen,K-\$119.72; Mack,R-\$11.74; Marr,J-\$101.16; Mcinerney,C-\$117.40; Meade,D-\$21.60; Migotti,V-\$16.96; Miller,L-\$21.60;

Moe,T-\$21.60; Mundt,K-\$20.44; Orth,M-\$17.54; Page,D-\$115.08; Pausch,R-\$15.80; Pearce,L-\$117.40; Phillips,K-\$11.74; Phillips,S-\$24.50; Quenzer,R-\$117.40; Rchetto,T-\$10.58; Shedd,M-\$10.58; Shoop,S-\$109.28; Skroch,K-\$123.20; Snow,W-\$103.48; Sorenson,N-\$18.70; Sprigler,T-\$18.70; Stults,M-\$18.70; Sulzbach,H-\$18.70; Tammi,E-\$18.70; Termes,W-\$18.70; Thomas,P-\$18.70; Thomas,S-\$21.60; Wegner,P-\$21.60; Wellford,S-\$110.44; Wermers,J-\$117.40; Wesner,S-\$19.86; Woelber,J-\$82.20

**ADJOURN:** 11:35 a.m. - There being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – DECEMBER 9, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 9, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present. Connie H. Douglas was absent.

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

**MINUTES:** Moved-Seconded (Ewing-Weisenberg) to approve the minutes of November 25, 2003. Motion Carried.

**LETTER OF SUPPORT:** Moved-Seconded (Weisenberg-Flanagan) to send a letter to the SD Board of Regents in support of Black Hills State University. Motion Carried.

### **PERSONNEL:**

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve Rene' Larson as a Secretary grade 1 at the base rate of \$10.51 an hour, effective 1-1-2004. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Weisenberg-Flanagan) to approve Deb Markve as an Appraiser II grade 1 at the base rate of \$11.38 an hour, effective 12-16-2003. Motion Carried.

**STATES ATTORNEY:** Moved-Seconded (Weisenberg-Flanagan) to approve Dan Gukeisen as a Deputy States Attorney at a base salary rate of \$43,000, effective 12-15-2003. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve an automatic supplement of \$2,155.17 (salary) in the Emergency Management Budget to cover grant fund expenditures for the 2003 Homeland Security Assessment. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Flanagan-Ewing) to set a supplemental budget hearing for Emergency Management Equipment of \$5,300 on December 30, 2003 at 8:45 a.m. to cover grant expenditures. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Flanagan) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of November 30, 2003 showed the following: Total amount of deposits in banks-\$9,674,065.83; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in

transit)-\$16,615.48; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$.88, Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$806,213.27; Savings-\$3,927,584.83; GNAMS-\$55,000.73; and Money Market \$1,185,267.00, Total \$9,674,065.83.

**VOLUNTEER FIRE DEPARTMENT MEMBERS:** Moved-Seconded (Flanagan-Seward) to approve Slade Swedlund as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

**FULL TIME STATES ATTORNEY RESOLUTION 03-42:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign Resolution 03-42 Providing for a Full-Time State's Attorney. Motion Carried. RESOLUTION 03-42 PROVIDING FOR A FULL TIME STATE'S ATTORNEY: A resolution providing for a full-time State's Attorney for Lawrence County. WHEREAS, the Lawrence County Commission adopted a full-time State's Attorney for Lawrence County in December of 1992 as provided in SDCL 7-7-12 and; WHEREAS, the Lawrence County Commission has continued said full-time position from that date, and WHEREAS, the Lawrence County Commission deems it necessary and appropriate for the need of Lawrence County that the position of State's Attorney be a full-time position as provided by SDCL 7-7-12; NOW, THEREFORE, BE IT RESOLVED that the Lawrence County Commission does hereby designate the position of Lawrence County State's Attorney as a full-time position for the term of office Elected in 2004 and commencing on or about January 1, 2005. DATED THIS 9TH DAY OF DECEMBER, 2003. FOR THE BOARD: JAMES J. SEWARD, Chairman. ATTEST: CONNIE ATKINSON, Auditor

**SUPPLEMENTAL BUDGET #03-43:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Resolution #03-43 approving a supplement for Law Library Supplies for \$300.00. Motion Carried. RESOLUTION #03-43 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: LAW LIBRARY FUND LAW LIBRARY SUPPLIES - \$300 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 9<sup>TH</sup> day of December, 2003 at the hour of 8:45 o'clock, 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 9<sup>th</sup> day of December, 2003. FOR THE BOARD OF COUNTY COMMISSIONERS: JAMES J. SEWARD, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**2004 LIQUOR LICENSE RENEWALS:** Moved-Seconded (Ewing-Seward) to renew the following liquor licenses for 2004: Package Liquor - Off Sale License: Kim J. Rhodes, Branding

Iron Bar & Rest.; Tim & Janet Asheim (St.Onge Store); Retail Or Retail And Sunday On-Sale License Kim J. Rhodes, Branding Iron Bar & Rest.; Lead Country Club, Inc.; Vezaro, Inc., Guadalajara Mexican Restaurant; Spearfish Canyon Resorts LLC,; Dakota Resorts Management Group Inc., Deer Mountain Ski Area; Black Hills Chairlift Co.Inc.; Queen City Vfw Post #5860; Tomahawk Lake Country Club; Boulder Canyon Country Club; Retail On-Sale Wine - Spearfish Canyon Resorts Llc, (Latchstring Village); Seven Down Llc.

**SWAN LANE ROAD DISTRICT:** Moved-Seconded (Weisenberg-Flanagan) to canvass the election of the Swan Lane Road District as follows. Motion Carried. OFFICIAL CANVASS OF SWAN LANE ROAD DISTRICT DECEMBER 8, 2003 (13) FOR INCORPORATION OF SWAN LANE ROAD DISTRICT. (0) AGAINST INCORPORATION OF SWAN LANE ROAD DISTRICT STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE WE, the undersigned being the duly appointed Board of Canvassers in Lawrence County, for the Swan Lane Road District Election held in Lawrence County on the 8<sup>th</sup> day of December, 2003, hereby certify that the foregoing is a true and correct abstract of the votes cast in Lawrence County at said election, as shown by the returns certified to the County Auditor of said County.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the following Order Declaring Swan Lane Road District Incorporated. Motion Carried. ORDER DECLARING SWAN LANE ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the landowners of Swan Lane Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on December 8, 2003. WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was 13 (thirteen), together with the number of 13 (thirteen) voting for and the number of 0 (zero) voting against incorporation; WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Swan Lane Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 9<sup>th</sup> day of December, 2003. JAMES J. SEWARD, Chairman Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor.

**ABATEMENT:**

**WEST DAKOTA HEALTHCARE INC:** Moved-Seconded (Ewing-Weisenberg) to approve the abatement for parcel# 30025-07400-050-00 West Dakota Healthcare Inc. because the parcel was granted 75% exempt status. Motion Carried.

**TIM DAVIS:** Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for parcel# 30025-08500-130-00 Tim Davis because the residence was removed. Motion Carried.

**BUILDING PERMIT:** Al Staab stated his home burned to the ground approximately three weeks ago and they lost everything. Staab stated he went to planning and zoning to get a building

permit and was told he lives in the flood plain and needed to get a certificate of flood plain elevation before a building permit would be issued. Staab stated he purchased a manufactured home and is placing it on the same area his previous home stood for 27 years. Staab asked the Board for their assistance in expediting the building permit, or allow him to be grandfathered in so he can get into his home. The Board stated Flood Plain is a FEMA regulation and not a County regulation. Staab stated he has contacted Al Schreier for a flood elevation certificate but has not received anything as of this date. The Board asked Erik Birk to contact Mr. Schreier to help expedite the process and the Board will also send a letter requesting an expedited response.

**PLANNING & ZONING CONFLICT:** Mark and Gale Stromberg were present and read a letter about a recent Planning and Zoning hearing regarding the rezoning of the Old Forest Service Property. Stromberg's expressed strong concerns of a conflict of interest with Terry Kullbom as he is an associate broker of the Real Estate Center. The Real Estate Center is the listing agent for the sale of the property in question. The property is listed on their web site as being for sale at \$595,000 and at the hearing the project proponents said they need commercial zoning to facilitate the \$595,000 sale. Mr. Stromberg stated Mr. Kullbom did not make public his professional relationship with the property, did not recuse himself from the vote, and actually seconded the motion in favor of the change of zoning. Mr. Stromberg stated if it is not illegal to vote with a conflict of interest then at the very least it is unethical. Stromberg's asked that the matter be sent back to Planning and Zoning, that they reconsider the matter, and that Mr. Kullbom recuse himself from the discussion and vote. The vote passed 3-2.

Seward stated the issue has been turned over to the County Attorney for his review and stated the change of zoning request will have another public hearing in front of the County Commissioners. Seward stated planning and zoning only makes a recommendation and the County Commissioners make the decision. Seward stated the public hearing in front of the County Commissioners will stand on its own and all issues on the Change of Zoning will be considered. Stromberg's asked that the Change of Zoning hearing be postponed until January to allow a decision on the conflict of interest. Bruce Outka, County Attorney, stated he should have a decision on the conflict of interest this week and recommended the Board go forward with publication of the Change of Zoning hearing on the 30<sup>th</sup> of December. Outka stated if he determines there is a conflict of interest the public hearing can be cancelled. Moved-Seconded (Flanagan-Weisenberg) To follow the recommendation of Bruce Outka, and go forward with the publications of the Change of Zoning hearing on December 30<sup>th</sup>, for the old forest service building. Motion Carried.

**PLANNING AND ZONING POLICIES:** Moved-Seconded (Weisenberg-Ewing) to send a letter to the Planning and Zoning Board stating the County Commissioners have decided that the Chairman of Planning and Zoning will vote on all issues.

**DOJ FY 2003 PART II GRANT APPROVAL:** Moved-Seconded (Weisenberg-Ewing) to approve DOJ FY 2003 Part II Transport Costs Grant Award in the amount of \$26,250. Motion Carried.

**COURTHOUSE CLOSING:** Chairman Seward announced County Offices will be closing at 12:00 noon on December 24<sup>th</sup> for a Holiday. The County Offices will also be closed on December 25<sup>th</sup> for Christmas and on January 1<sup>st</sup>, for New Years.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,245.45; Aud-\$4,723.65; Treas-\$7,037.38; Comp-\$4,552.40; States Atty-\$13,026.58; Pub Def-\$5,741.34; Gen Govt Bldg-\$4,427.40; Equal-\$8,287.12; Deeds-\$5,080.54; Vso-\$723.91; Disp-\$10,188.46; Sher-\$28,158.57; Jail-\$19,142.91; Emerg Mgnt-\$2,301.49; E911-\$1,216.80; Highway-\$28,877.44; Air-\$281.25; Exten-\$1,027.20; Weed-\$1,824.25; Pz-\$2,475.20; **Bills:** Barrett,M-\$39.00; Dean,B-\$202.50; Flanagan,B-\$171.40; Mattson,B-\$111.60; Mcgruder,B-\$55.75; Mowell,R-\$6,453.00; Rosenau,R-\$206.00; Sargent,D-\$44.86; A&B Business Equip-\$276.67; A&J Supply-\$239.37; Abc Business Supply Corp-\$665.67; Alco Store-\$15.51; Altaire Enterprises-\$20.00; American Family Life-\$2,446.24; Amoco Oil-\$218.68; At&T-\$11.03; Small's Typewriter Service-\$350.00; B H Chemical Company-\$1,635.00; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,489.14; B H Fibercom-\$2,399.34; B H Pest Control-\$95.00; B H Pioneer-\$90.00; B H Power & Light-\$959.45; Best Business Prod-\$40.44; Bickle's Truck & Diesel-\$106.17; Blue Cross-\$40,223.96; Bowman,N-\$500.00; Butte Electric Coop-\$480.14; Campbell Supply-\$16.85; Canon Usa-\$699.00; Cellular One-\$87.72; Cellular One-\$599.97; Clinical Lab Of B H-\$1,047.62; Coburn,B-\$182.60; Community Health Services-\$544.00; Conoco-\$195.94; Cooperative Extension Service-\$183.47; Corral West-\$53.90; Dakota Graphics-\$237.50; Dale's Tire & Retread-\$52.00; Dartek Computer Supplies-\$2,671.92; Deadwood Home Center-\$121.75; Deadwood Recreation Center-\$108.00; Deadwood, City Of-\$568.30; Dept Of The Treasury-\$35,673.15; Derosier,L-\$171.40; Evercom Systems-\$315.00; Four Seasons Sports Center-\$12,430.79; Frederickson,J-\$284.00; Fuller,J-\$55.80; Gall's-\$16.98; General Service Garage-\$38.00; Gold Dust-\$76.61; Golden West Teltech-\$33.00; Golebiewski,A-\$325.00; Great Western Tire-\$186.06; Harmelink & Fox Law-\$108.90; Hewlett-Packard Company-\$2,004.00; Hills Products Group-\$1,242.88; Hoffman,N-\$161.55; Holiday Inn (Mitchell)-\$64.95; Ikon Office Solutions-\$96.25; Insight-\$1,889.99; Institute For Paralegal Educat-\$229.00; Juneks' Chrysler/Dodge-\$325.38; K Mart-\$8.44; Ken's Camper Sales-\$41.62; Knecht True Value-\$59.99; Koala Electric-\$832.45; Kullbom,T-\$139.50; L C Auditor-\$12.00; L C Centennial-\$205.51; L C Emerg Mgnt-\$28.07; L C Public Health-\$2,208.00; L C Treasurer-\$100.00; Lead, City Of-\$32.80; Lead-Deadwood Sanitary-\$223.76; Lee,J-\$15.00; Macks Auto Body-\$83.40; Meade County Sheriff-\$8.20; Mickelson,C-\$171.40; Montana Dakota Util-\$5,318.39; N H Drug Task Force-\$2,403.81; N H Family Ymca-\$362.00; N H General Hospital-\$480.00; National Business Furniture-\$106.95; National Emergency-\$95.00; Nebraska Salt & Grain-\$2,531.65; Neve's Uniforms-\$90.12; Novus-\$342.40; Office Max-\$23.48; Office Of Child Support-\$565.50; Office Technology/Supply-\$18.28; Parrett,P-\$11.94; Pennington County Sts Attny-\$200.00; Quill Corp-\$145.87; Qwest-\$171.44; R C Journal-\$170.00; R C Regional Hospital-\$10,368.81; Rabe Elevator-\$541.39; Risk Services Of Sd-\$45.00;

Rombough,D-\$264.27; S D Retirement System-\$37,650.10; S D State Treasurer-\$1,138.96; S D Supplemental Retirement-\$849.50; Sears Commercial One-\$749.00; Servall Towel & Linen-\$194.55; Sheraton Sioux Falls-\$164.80; Silverado-\$839.18; Smithkline Beecham-\$115.60; Spearfish Auto Supply-\$285.00; Specialized Auto Service-\$800.00; Tigerdirect-\$1,150.01; Twin City Hardware & Lumber-\$738.16; U S Geological Survey-\$12,150.00; Viking Office Prod-\$286.02; Voelker & Adams-\$841.85; Walmart Store-\$161.16; Warne Chemical-\$489.96; Waste Connections-\$313.67; West Group-\$377.00; Western Communication-\$36.00; Wolff's Plumbing & Heating-\$417.21

**ADJOURN:** 10:45 a.m. - There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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JAMES J. SEWARD, Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor

**LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING  
December 23, 2003**

Chairman James J. Seward called a special meeting of the Lawrence County Commissioners at 9:00 a.m. on December 23, 2003, with the following members present: Terry Weisenberg, Brandon Flanagan, Bob Ewing and Connie Douglas.

The purpose of the meeting was to consider a request for an extension of the purchase agreement for the former highway shop building. The present agreement expires on December 29, 2003. Roger Tellinghuisen and Wayne Lund, representing the Deadwood City Limits Project updated the Board on the progress of the project. They explained that funding has taken longer than expected but were both positive that the funding sources would come through. Tellinghuisen said that Homestake has agreed to the extension and that the City of Deadwood would be considering it soon.

After Board discussion, it was Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign a new agreement to amend the purchase agreement to expire on February 29, 2004. Motion carried.

Moved-Seconded (Flanagan-Ewing) to adjourn at 9:15 a.m.

\_\_\_\_\_  
DATE APPROVED

\_\_\_\_\_  
JAMES J. SEWARD, Chairperson

ATTEST:

\_\_\_\_\_  
CONNIE ATKINSON, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – DECEMBER 30, 2003**

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 30, 2003 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and Terry Weisenberg present.

All motions were passed by unanimous vote unless stated otherwise.

**MINUTES:** Moved-Seconded (Douglas-Weisenberg) to approve the minutes of December 9, 2003, with the correction under Planning & Zoning Conflict that Gale Stromberg was not present and to approve the December 23, 2003 minutes as written. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Weisenberg-Ewing) to allow employees to donate leave to Debbie Sargent. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Weisenberg-Ewing) to approve Sharon Woodle as an Administrative Secretary Grade 3 at the base rate of \$12.46 an hour, effective 1-1-2004. Motion Carried.

Moved-Seconded (Douglas-Flanagan) to approve Jason Writer as a full time appraiser IV Grade 1 at the base rate of \$13.97, effective 1-1-2004.

**SHERIFF:** Moved-Seconded (Ewing-Seward) to approve Lori Frederickson as a part time Dispatcher II Grade I at the base rate of \$12.59, effective 1-9-2004. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Sandy Kopel as a Secretary Grade 3 at the base rate of \$12.21 an hour, effective 1-1-2004. Motion Carried.

### **TRAVEL REQUESTS:**

**COUNTY DAY:** Moved-Seconded (Douglas-Ewing) to approve travel for interested County Commissioners, County Officials and Department Heads to attend County Day in Pierre, SD. Motion Carried.

**COMMISSION:** Moved-Seconded (Ewing-Flanagan) to approve the travel request for Terry Weisenberg to attend the SD Governors Conference on Tourism on January 21-22, 2003. Motion Carried.



**FIRE ADVISORY AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve an automatic supplement of \$3,222.37 (grant funds) in the Fire Advisory Budget to cover grant fund expenditures. Motion Carried.

**HIGHWAY AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Flanagan) to approve an automatic supplement of \$80,180.34 for supplies in the Road and Bridge Budget to cover revenue received from other Governmental Entities, due to unexpected expenditures for 2003. Motion Carried

**JAIL AUTOMATIC SUPPLEMENT:** Moved-Seconded (Ewing-Seward) to approve an automatic supplement of \$7,200.00 for Jail Board of Prisoners to cover revenue received from other Governmental Entities, due to unexpected expenditures for 2003. Motion Carried

**WEED AUTOMATIC SUPPLEMENT:** Moved-Seconded (Ewing-Seward) to approve an automatic supplement of \$5,409.00 for Weed Chemical to cover revenue received from other Governmental Entities, due to unexpected expenditures for 2003. Motion Carried

**CONTINGENCY TRANSFER:** Moved-Seconded (Weisenberg-Flanagan) To do a contingency transfer of \$30,000 from Commissioners Contingency Budget to Highway & Bridge Reserve; a contingency transfer of \$10,000 from Commissioners Contingency Budget to Commissioners Professional Services; and a contingency transfer of \$5,000 from Commissioners Contingency Budget to Register of Deeds group Insurance. Motion Carried.

**AMBULANCE AGREEMENT:** Moved-Seconded (Weisenberg-Ewing) to authorize the chairman to sign the ambulance agreements with Northern Hills General Hospital and Spearfish Emergency Ambulance Service for the year of 2004. Motion Carried.

**US GEOLOGICAL JOINT FUNDING AGREEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chair to sign the Joint Funding Agreement NO#04C4SD000000027 for water resources investigations with the US Geological Survey. Motion Carried.

**US DEPARTMENT OF AGRICULTURE / SPECIAL USE PERMIT:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Special Use Permit for the Forest Service Building on Sherman Street. Motion Carried.

**PHASE II AGREEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Letter of Agreement between Lawrence County and the SD Department of Agriculture to conduct the Review and Comments on the Phase II Amendments to the Forest Service Plan Project. Motion Carried.

**CANCELED CHECK RESOLUTION 03-41:** Moved-Seconded (Weisenberg-Ewing) to approve the following Resolution #03-41 to cancel checks that have not been presented for payment within two years for a total of \$1,224.82. Motion Carried. RESOLUTION # 03-41: WHEREAS the Lawrence County Auditor has presented the Lawrence County Board of Commissioners with a list of checks whereon the County of Lawrence is the Drawer, a copy of which list is attached hereto marked as Exhibit "A" and made a part hereof as though set forth fully herein, and WHEREAS each of the checks listed has not been presented for payment within two (2) years of the date upon which the check was issued, NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Board of Commissioners, pursuant to SDCL 7-22-17, that the checks on said Exhibit "A" be and are hereby canceled and that the Lawrence County Auditor note such cancellation in the check register. DATED this 30th day of December 2003. BOARD OF COUNTY COMMISSIONERS:

**ABATEMENTS:**

**JD BELL:** Moved-Seconded (Douglas-Flanagan) to approve the abatement for JD Bell on parcel #32660-1800-160-50 because the house was tore down on July 3, 2003. Motion Carried.

**ALVIN STAAB:** Moved-Seconded (Weisenberg-Seward) to approve the abatement for Alvin Staab on parcel #26180-02000-000-00 because the house burned down on November 16, 2003. Motion Carried.

**LEAD/DEADWOOD SANITARY DISTRICT:** Moved-Seconded (Douglas-Ewing) to approve the abatement for the Lead-Deadwood Sanitary District on parcel #13000-00403-300-55 because the Sanitary District is tax-exempt. Motion Carried.

**UNITED STATES OF AMERICA:** Moved-Seconded (Flanagan-Seward) to approve the abatement for the United States of America on parcel #'s 07000-00302-014-00; 07000-00302-180-00; 07000-00302-260-00; 08000-00303-063-00; 13000-00403-310-20; 13000-00403-320-10; 26880-01997-000-00; 26620-01505-

000-00; 26580-01371-000-00; and 26620-01510-000-00 because the property was purchased from Homestake and the USA is tax exempt. Motion Carried.

**UNITED STATES OF AMERICA:** Moved-Seconded (Ewing-Flanagan) to approve the abatement for the United States of America on parcel #'s 26780-01887-000-75; 26780-01887-000-78 and 26780-01887-000-81 because the property was purchased from Terrance and Donna Quinn and the USA is tax exempt. Motion Carried.

**UNITED STATES OF AMERICA:** Moved-Seconded (Flanagan-Seward) to approve the abatement for the United States of America on parcel #'s 26680-01585-000-00 and 26680-01585-000-10 because the property was purchased from George Durst etal and the USA is tax exempt. Motion Carried.

**UNITED STATES OF AMERICA:** Moved-Seconded (Weisenberg-Flanagan) to approve the abatement for the United States of America on parcel #'s 26680-01742-000-26 because the property was purchased from John Naseff Jr. and the USA is tax-exempt. Motion Carried.

**UNITED STATES OF AMERICA:** Moved-Seconded (Weisenberg-Flanagan) to approve the abatement for the United States of America on parcel #'s 26300-00758-000-62 because the property was purchased from Bradley Pollard and the USA is tax-exempt. Motion Carried.

**SHERIFF VEHICLE BIDS:** Moved-Seconded (Ewing-Flanagan) to accept the only bid received for (3) Ford Explorer XLT 4X4 and (1) F-150 Supercrew XLT 4X4 from Integrity Ford for a base price of \$107,279.86; trade in value of \$26,500 for a net amount of \$80,779.86 and to declare the 2000 Ford Crown Victoria VIN 2FAFP71W8YX161233, 1998 Ford Explorer VIN 1FMZU34E1WUB68486, 1999 ford explorer VIN 1FMZU35P2XZA94841 and a 1999 Ford F150 VIN 1FTRX18L6XKA60886 surplus and allow to be traded in. Motion Carried.

**SHERIFF CAMERA BIDS:** The following bids were received for the camera system: Advanced Investigative Methods - \$61,524.58 and Reliance Telephone Inc - \$58,575. Moved-Seconded (Ewing-Flanagan) to follow the Recommendation of Joe Harmon and accept the low bid from Reliance Telephone Inc - \$58,575. Motion Carried.

**SUPPLEMENTAL BUDGET #03-44:** Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Resolution #03-44 approving a supplement for

Emergency Management Equipment for \$5300.00. Motion Carried. RESOLUTION #03-44 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2003, 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 2003, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: EMERGENCY MANAGEMENT FUND – Emergency Management Equipment - \$5300 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 30<sup>TH</sup> day of December, 2003 at the hour of 8:45 o'clock, 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 30<sup>th</sup> day of December, 2003. FOR THE BOARD OF COUNTY COMMISSIONERS: JAMES J. SEWARD, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**CONDITIONAL USE PERMIT # 291 - MARK AND KAREN VALDEZ:** A Public Hearing was held on a request for Conditional Use Permit # 291 - Mark And Karen ValDez - To allow for a retail store to sell jewelry and gifts - Approximately 2½ miles north of Deadwood on the east side of Hwy. 85 on McMasters Corner. Mark ValDez explained his proposal to the Board. Pat McBride spoke in favor of the Conditional Use Permit. McBride stated it is an existing business that is being moved and has a potential of growing. He stated it would be an improvement to the property. The public hearing was closed and the Board discussed a possible deed restriction that was placed on the property. Douglas stated a condition needed to be added that any new construction on the property would need to come through the County as an amendment to the CUP. Ewing expressed concerns on traffic and the history of accidents on the corner. Moved-Seconded (Ewing-Flanagan) to table the decision until January 6, 2003 to research any possible deed restrictions on the property. Motion Carried.

**CHANGE OF ZONING #236 / MPT INC.:** A Public Hearing was held on request for Change Of Zoning (COZ) #236 – MPT, Inc. - To allow for a commercial office building and storage facility - Approximately 2 miles east of Deadwood on the north side of Boulder Canyon, Hwy. 14A. Roger Tellinghuisen, Attorney representing the petitioners (Bill Pearson), gave history on the building and stated the past use of the building was allowed by a CUP. Tellinghuisen stated the owner of the building has been attempting to sell the building but has found it difficult if not impossible to find anyone even interested in the building given the fact that it is allowed to exist only by the virtue of a CUP, and they are subject to review each year. Tellinghuisen stated the problem they have encountered is that the buyer for this property is unwilling to commit their own funds and unable to obtain financing from traditional financing entities because of the CUP and the fact that it is renewable or nonrenewable on an annual basis. Tellinghuisen stated they are asking for a change of zoning to highway service commercial and asking for approval for a specific use of this property for a professional office building and storage units. Tellinghuisen reviewed the proposal booklet. Tellinghuisen emphasized Tab 8, page 4, article V, Section 1: Single Family Residential Use Only – with the exception of Lots 3 and 4, Block 1, the property

shall be used for single family residence purpose only ... Lots 3 and 4, if appropriate Lawrence County zoning requirements permit, or other controlling requirements are met, may be considered for business, trade, commercial or industrial purposes. Tellinghuisen spoke on Tab 9, page 18, Section 3.4.5 on development procedure. Tellinghuisen stated this is a critical component because the concerns expressed, by those opposed to the request, is that if you allow for this COZ to occur and to approve the use of this facility as a professional office building and storage facility, is that you in effect throw the door open wide to allow any type of use on that property in the future. Tellinghuisen stated this is not the case based upon the county ordinance that specifically requires (section H.) Building permits shall be issued only after the County Commissions approval of the final plan. Any change of the approved plan shall be processed similar to an amendment to this ordinance. Tellinghuisen stated they understand and acknowledge that if this COZ and proposed use of the property is approved, that no change can be made to this use without coming to the Planning Zoning and County Commission and processing that change in the same manner as is being done today. Tellinghuisen stated it was important to keep in mind that the merits of this particular case rise and fall upon this particular case. Any future proposed use of this property, different from the one that you may approve, would have to also rise and fall upon its own merits and be subject to the County's review and any conditions placed upon it. Tellinghuisen stated Tab 10 included a copy of the Comprehensive Plan and section 4.5 Special Focus Area Development Strategies and specifically 4.5.1 on Boulder Canyon Development Recommendations. Tellinghuisen stated it was important that everyone recognizes that the use that is being proposed, goes along with this requested change of zoning, and is not any different of a use than what has been put to this property in the last 12 years. The owner recognizes this and understands that they can't change the use, unless and until that request comes to the County with a proper hearing process. Tellinghuisen provided 2 petitions of people who live in the area and an additional petition of people who support the requested change of zoning.

Chuck Turbiville, Deadwood Economic Development, spoke on behalf of the COZ. Turbiville stated this would enhance the business community in Deadwood because they don't have these types of buildings available for businesses. Bernie Williams, Deadwood Planning and Zoning, stated this area is in the Deadwood growth area and they are very interested in this area, however a change of zoning would not affect when and if the City would decide to annex.

Mike Jackley, attorney for the opponents, stated lots 3 and 4 in this subdivision were listed in the covenants as potential for commercial development and 12 years ago there was a big move to zone this property Highway Service Commercial. This involved the car dealerships when they were being moved out of Deadwood because the Gaming started to take over. Jackley stated that attempt was not successful. The rezoning was turned down for 4 reasons: (1) sewage disposal problems (Jackley stated this one is somewhat taken care of.) (2) Promoting leapfrog development (Jackley stated that would mean having an island that is totally different than surrounding use.) (3) County would be promoting spot zoning. (4) Potential problem with water sources. Jackley read a statement from Wennberg who was a zoning member at that time. "Wennberg stated he was more comfortable with a CUP since the Board had the authority to place conditions on such for some of the peoples concerns would be addressed and the Board would be aware of the specific use. He stated with a change of zoning once the land was rezoned it was open to almost any type of commercial use." Jackley stated he recognizes what

Tellinghuisen brought forward that if they were going to have an amendment in zoning and if there was going to be a change of use that would go through the system again. Jackley stated that lot three did eventually receive a CUP, evidentially regardless of a CUP, financing was available and the buildings were built, specifically as a governmental office building, for a federal governmental entity the Forest Service. It was a one-member lease in the sense that it was not a professional office building for multiple practices. Jackley continued "This was a one-man show not a very commercially commercial use." Jackley stated they are not arguing so much on the office building as with the potential principal that can be involved. Jackley mentioned that Lot 4 became a church under a CUP. Jackley talked about the Lawrence County Comprehensive Plan stating "Boulder Canyon is a primary location in Lawrence County for further residential development" found in 4.3.1-7. Jackley stated 4.5.1 - 9 of the comprehensive plan deserves a very careful look, because that does envision a potential, at least, of some commercial activity in Boulder Canyon. The paragraph says: Encourage the establishment of a primary neighborhood or community serving commercial location to serve residents in the area. Jackley stated what that means is commerce that serves the residential community that is there and that is what is envisioned in the comprehensive plan. Jackley stated there is no land that is specifically zoned commercial, highway commercial, commercial or otherwise in Boulder Canyon once you leave the contiguous area of the City of Deadwood. Jackley stated there is a small area zoned commercial as you leave Deadwood for sign purposes. Jackley stated you have the Church and the building in question under a CUP, a radio station that is grandfathered into the zoning ordinance and nothing else to the County line. Jackley stated this is not and has not been anything else but residential. Jackley stated the people of Boulder Canyon are afraid of certain things and that is reality. Jackley stated once the zoning is there, once it is commercial, the people trying to protect Boulder Canyon feel it will be a lot easier to amend and change that amended zoning situation. If it would be left as a CUP the Zoning and County Commission can condition the use of that property at all times. Jackley stated CUP's expire if not used within in one year, however he would not argue whether one still exists at this time. Jackley stated zoning is a police power to protect the health, safety and welfare of the population. Jackley presented a map of the area residence's in support and against the COZ. Jackley stated within a mile radius of this property there are 116 residences, and they are nice residences in the average value of \$140,000 to \$150,000. Jackley stated it doesn't take long to build up 15-20 million dollar of assessed valuation in the area. Jackley continued that the County Commission has within its powers to amend zoning regulations and to amend ordinances, but these people built these residences on the fact that Boulder Canyon is a residential area and this is how they want to keep it. The people in Boulder Canyon feel the best way to leave this as residential is to leave this under a CUP, rather than depending upon a quick amendment that will not receive the consideration of a full blown zoning amendment. Jackley stated this building has been financed under a CUP and has been purchased while it had a CUP from the original owner, so it is not an impossibility. Jackley stated the building was designed as a one-occupant office building and not a multiple professional building. Jackley stated Boulder Canyon is a special area and has been protected, by this body and the Lawrence County Planning and Zoning Board for one thing.

Paul Berry, area resident, spoke in opposition to the COZ. Berry spoke of the beauty of the area and the office space available in Lead. Berry expressed concerns on billboards, spot zoning and if this Change of Zoning is approved how can you say no to the next request. Berry stated he doesn't have a problem with the professional office building but they can run under a CUP.

Dwight Peterson expressed concerns on what the future holds for Boulder Canyon. Peterson stated he isn't opposed to the building being used but is concerned over the County losing control if the COZ is approved. Mark Stromberg stated he represents 50 canyon people opposed to the COZ. Stromberg stated this is a personal issue for him because it threatens the quality and value of his home and life, and also Boulder Canyon on a bigger scale. Stromberg expressed concerns on the wetlands in the area, public notice on road frontage was not done, billboards are allowed on commercial zoning, unspecified land use and unknown buyer, incomplete application (doesn't comply with requirements), economic development (any new jobs or just jobs moved?) and long term management goals. Stromberg stated homeowners moved and built there because of the quality of life and enjoyment for all and asked that they leave it as a CUP.

Jane Berry showed an advertisement for the property in question stating "Commercial Property with unlimited potential." Sue Holloway also expressed concerns against the COZ.

Roger Merriman spoke in support of the COZ stating he felt there was much ado about nothing. Merriman stated the County will still have control of this issue and what goes in there in the future if the COZ is approved. Merriman stated there are bigger issues like water and sewer that the canyon needs to work on. Kevin Cummings stated he didn't see a problem with the COZ as the County Commission will still keep control of what happens in the future.

Roger Tellinghuisen asked the Board to read the entire paragraph of section 4.5.1 - 9 which completed "Consider future rezoning of property to commercial designation on a case by case basis, based on an evaluation of the proposed land use and site relative to specified design standards and potential impacts on surrounding properties and existing land uses." Tellinghuisen read from a Supreme Court of South Dakota. Garry Schrank, Appellant v. Pennington County Board of Commissioners and Roy Alexander. "While stability and regularity are undoubtedly essential to the operation of zoning plans, zoning is by no means static. Changed or changing conditions call for changed plans, and persons who own property in a particular zone or use district enjoy no eternally vested right to that classification if the public interest demands otherwise. Accordingly, the power of a village to amend its basic zoning ordinance in such a way as reasonably to promote the general welfare cannot be questioned. Just as clearly, decision as to how a community shall be zoned or rezoned, as to how various properties shall be classified or reclassified, rests with the local legislative body; its judgment and determination will be conclusive, beyond interference from the courts, unless shown to be arbitrary."

Bernie Williams reminded everyone that the 1989 boundaries determine where the gaming boundaries are.

Tellinghuisen stated the ordinance itself, in this particular zoning classification, unlike all of the others, has a development procedure with its outline that specifically gives the Commission, as part of the zoning classification, the authority and obligation to review on a case by case basis the specific use that a highway zone commercial property is proposed to be hooked to, conditions can be attached to that. That is different than saying that once you approve this you have now handcuffed yourself to approve for all future requests any use that generally falls within highway service commercial zone designation. That is not what the ordinance says and what makes this zoning classification different and that is your hold over the property.

Chairman Seward closed the public hearing at 11:40 a.m. Weisenberg asked what the plans were for billboards on the lot. Pearson stated there were no plans for billboards and they would be willing to agree to a stipulation stating such. Tellinghuisen reminded the Board you cannot condition a COZ but you can condition the proposed use. Douglas asked Erik Birk if the county procedure for rezoning was in correct order. Birk stated the county procedures are correct. Douglas asked Tellinghuisen if they had a potential buyer for the property. Pearson stated nothing concrete at this time. Douglas asked Jackley if he had permission to make representation as to who was against the COZ. Jackley stated they did. Douglas suggested the Boulder Canyon group needs to do something positive and proactive about limiting billboards to protect the beauty of the Canyon and stated there are options available to them. Douglas asked Tellinghuisen to speak about the wetlands in the canyon. Tellinghuisen stated they have not been contacted by anyone in the state or federal level informing them of any wetland violation.

Flanagan discussed how a future designation of a scenic byway in the canyon would affect billboards and possible zoning. Bruce Outka stated he would need to research the issue. Seward questioned if a moratorium could be put in affect. Ewing stated he received many letters from people in the area, has researched documents concerning the issue and studied the comprehensive plan. Ewing stated in keeping with the comprehensive plan he feels this is spot zoning and feels a conditional use permit is what the people in the area are comfortable with. Ewing continued that the property could be managed with a conditional use permit.

Erik Birk stated Planning and Zoning recommended approval of the Change of Zoning as follows: 3 for the COZ and 2 against the COZ.

Moved-Seconded (Ewing-Seward) to deny the request for Change of Zoning COZ) #236 – MPT, Inc. Motion Carried. Aye-Ewing, Douglas and Seward. Nay-Flanagan and Weisenberg. Reasons for denial: In keeping with the comprehensive plan, this is spot zoning and in support of the conclusion that the proposed change of zoning is spot zoning, Douglas cited the following definition: Spot Zoning means arbitrary and unreasonable zoning action by which a smaller area is singled out of a large area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the comprehensive plan. Spot zoning is a zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole. Ewing stated the change of zoning request was not consistent with the Lawrence County Comprehensive Plan. Douglas and Seward stated this change of zoning request was spot zoning.

Flanagan stated he felt it was a growth corridor for Deadwood, did not think it was spot zoning and if the building is used for what is proposed there would not be a problem. Flanagan stated he was planning on standing on section 8 of the plan and voted against the motion. Weisenberg stated he voted against the motion because it was going to be used for commercial office buildings and storage, any other changes would need to come before the Board for review, covenants state that the lots can be commercial, comprehensive plan allows for it and it could have been stipulated that no billboards be allowed on the lot.



**BILLS:** Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,245.45; Aud-\$5,036.53; Treas-\$7,630.18; Comp-\$4,792.63; States Atty-\$8,691.33; Pub Def-\$5,932.14; Gen Govt Bldg-\$4,691.91; Equal-\$9,857.11; Rod-\$5,428.86; Vso-\$723.91; Disp-\$8,123.14; Sher-\$25,438.00; Jail-\$14,072.52; Emerg Mgnt-\$2,413.93; E911-\$1,338.48; Highway-\$30,611.13; Air-\$368.75; Ext-\$1,129.92; Weed-\$1,401.25; Pz-\$2,567.60;

**Bills:** Atkinson,C-\$182.30; Bertch,A-\$34.22; Kaiser,D-\$104.58; Locken,W-\$130.21; Maynard,L-\$50.40; Nelson,M-\$39.00; Ryan,S-\$37.09; Seward,J-\$275.00; Smith,M-\$275.10; A&B Business Equip-\$1,165.45; A&B Welding Supply-\$183.76; Abc Business Supply-\$2,928.23; Aberdeen Llc-\$2,416.00; Accurint Accounts Receivable-\$5.50; Actisys Corporation-\$83.50; Active Data Systems-\$214.78; Adamson Industries-\$3,169.75; Aggregate Construction-\$12,600.00; Alco-\$10.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$394.94; Amoco Oil-\$149.68; At&T-\$62.15; B H Chemical Company-\$437.95; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,489.14; B H Fibercom-\$1,398.61; B H Land Analysis-\$900.00; B H Medical Center-\$195.44; B H Medical Ctr Pharmacy-\$1,043.87; B H Pioneer-\$496.98; B H Power & Light-\$6,358.74; B H Windshield Repair-\$45.00; Baker,P-\$383.52; Bear Ridge Vol Fire Dept-\$5,620.23; Behavior Mngt Systems-\$473.60; Best Business Prod-\$40.44; Best Western Ramkota Inn-\$328.00; Black Hills Pure-\$11.50; Boyer,J-\$300.00; Brevik & Thurman-\$239.44; Brown & Saenger-\$147.72; Butler Machinery Co-\$2,125.44; Bw Black Hills Lodge-\$80.00; Cabela's Retail-\$313.94; Carlson,D-\$15.00; Cellular One-\$1,723.64; Central Parts-\$936.41; Chaput,K-\$1,641.60; Chemical Sanitizing Sys-\$94.55; Chemsearch-\$620.39; Claggett,D-\$690.25; Clarke,N-\$369.60; Clinical Lab Of B H-\$159.19; Culligan Soft Water Serv-\$84.50; Dartek Computer Supplies-\$5,230.53; Deadwood Home Center-\$23.06; Dept Of The Treasury-\$31,837.92; Deweese,R-\$328.30; Dietrich,D-\$120.95; Division Of Motor Veh-\$26.00; Domestic Crisis Outreach-\$377.50; Don's Sinclair-\$23.50; Eagle Aviation-\$420.52; Eddie's Truck Sales/Serv-\$140.89; Ekeren,M-\$15.00; Ellingson,J-\$404.58; Evercom Systems-\$484.99; Exit 8 Trailer Sales-\$1,250.00; Extension Service-\$92.16; Fast Break Screen Printing-\$100.00; Fastenal-\$144.25; Federal Express Corp-\$25.03; Feld Equipment Company-\$70.00; Frankman,R-\$404.40; Godfrey's Brake Serv-\$350.00; Goetz & Klimisch-\$253.30; Golay,B-\$420.70; Grimm's Pump Service-\$421.69; Hefner,D-\$383.46; Heisler Hardware-\$206.34; Hewlett-Packard Company-\$9,218.00; Hicks,T-\$264.48; Holiday Inn-\$80.00; Inacom Information Systems-\$2,181.92; Insight Public Sector-\$255.96; J&D Precast-\$2,542.75; Jacobs Precision Welding-\$9.50; Jenner Equipment Co-\$17,818.00; Johnson Ford-\$185.84; Johnson Machine-\$4,300.59; Kadrmas, Lee And Jackson-\$11,818.07; Kar Products-\$407.51; Karpinen,S-\$160.00; Kimball-Midwest Co-\$130.59; Knecht True Value-\$117.58; Kota Graphics-\$269.00; Kustom Signals-\$1,887.50; L C Assessor-\$22.19; L C Auditor-\$50.00; L C Centennial-\$948.18; L C Extension-\$22.19; L C Public Defender-\$15.60; L C Sheriff-\$162.06; L C Treasurer-\$100.00; Lawson Products-\$79.95; Lead, City Of-\$62.71; Lee,W-\$267.40; Lexisnexis Matthew Bender-\$4,239.85; Long Lived Mobile Home Park-\$460.00; M&M Sanitation-\$300.00; Manlove Psychiatric Group-\$343.75; Marilyn's Interiors-\$5.50; Marshall & Swift-\$1,820.90; May,Johnson,Doyle& Becker-\$1,054.10; Mayer Radio-\$1,500.00; Mearthur,J-\$40.00; Menards-\$198.00; Mid Dakota Vegetation Mngment-\$50,980.00; Midwest Alarm Co-\$84.00; Miller & Swier-\$127.80; Miller,P-\$390.48; Montana-Dakota Util-\$1,151.89; Mutchler,T-\$2,134.00; N H

General Hospital-\$28.71; Nacvso-\$30.00; Nasppg-\$2,435.40; Neal's Welding-\$298.00; Nelson,T-\$360.00; Neve's Uniforms-\$149.89; New View Optical-\$15.00; Nicholas,C-\$425.28; North Coast Displays & Graphic-\$699.00; Office Max-\$27.34; Office Of Child Support-\$565.50; Office Technology/Supply-\$2,299.22; Orion Industries-\$598.95; Pennington Co Auditor-\$651.00; Pennington Co Jail-\$418.92; Pennington County Sheriff-\$13.50; Pennington County Sts Attny-\$400.00; Pheasantland Industries-\$330.00; Pitney Bowes-\$765.95; Postmaster, Spearfish-\$184.37; Queen City Motors-\$134.44; Queen City Rocket Lube-\$144.25; Quest Nine-\$7.60; Quill Corp-\$469.95; Quinlan Publishing-\$105.81; Qwest-\$818.50; R C City Of-\$735.00; R C Journal-\$53.82; R C Regional Hospital-\$263.30; Rchetto,J-\$308.85; Radio Shack/Kazco-\$24.99; Rapid Delivery-\$6.30; Regan Battery Maint Services-\$337.92; Reindl,S-\$2,402.13; Reliable-\$56.97; Rombough,D-\$55.76; S D Dept Of Revenue-\$365.00; S D Aao-\$330.00; S D Cvso-\$50.00; S D Dept Of Transportation-\$48,495.35; S D Federal Property Agency-\$96.00; S D Human Services Center-\$81.00; S D Planners Association-\$45.00; S D Sheriff's Association-\$450.00; S D Supplemental Retirement-\$849.50; Schmit,A-\$160.00; Servall Towel & Linen-\$481.74; Sign Express-\$45.50; Slowey,Y-\$50.00; Spearfish Auto Supply-\$796.88; Spinitar-\$10,183.00; Starr,C-\$32.76; State Bar Of South Dakota-\$630.00; Summit Signs & Supply-\$2,020.50; Team Lab Chemical-\$2,409.00; Teen Court-\$836.88; Tellinghuisen, Gordon & Percy-\$551.50; Texaco-\$84.69; Tigerdirect-\$821.43; Toolmaster Trailer-\$281.40; Tri-Tech-\$127.98; Trump Law Office-\$1,240.00; Twin City Hardware & Lumber-\$336.55; U S Postal Service-\$7,000.00; U S Geological Survey-\$25,000.00; United Parcel Service-\$8.62; Verizon Wireless -\$332.35; Victims Of Violence-\$377.50; Viking Office Prod-\$43.99; W S Darley & Co-\$5,400.00; Walmart Store-\$185.99; Waste Connections-\$134.40; West Group-\$124.00; Western Communication-\$381.10; Western Sd Juvenile Serv-\$517.62; Western Stationers-\$456.30; Whitewood Vol Fire Dept-\$1,455.30; Wienk,M-\$387.00; Yankton Co Sheriff-\$16.50; **Witness & Jurors:** Erdman,G-\$59.86; Fossen,J-\$58.70; Klein,C-\$62.76; Lanphear,J-\$52.32; Mack,M-\$58.70; Olesen,A-\$59.86; Pahl,J-\$52.32; Shama,L-\$50.58; Webster,P-\$51.74; Addington,R-\$20.58; Fenner,S-\$60.30; Glatt,B-\$63.20; Moreno,M-\$37.40; Gray,W-\$43.48; Atyia,D-\$52.90; Batt,J-\$58.70; Brown,K-\$58.70; Cottrill,D-\$59.86; Covell,R-\$57.54; Eilers,A-\$56.38; Heller,M-\$51.74; Hindbjorgen,L-\$61.60; Matson,T-\$61.60; MCGroarty,P-\$61.60; Palle,L-\$59.28; Poling,V-\$50.58; Post,M-\$64.50; Roseland,M-\$58.70; Schopen,A-\$54.64; Wilber,D-\$51.16; Underhill,J-\$31.60; Wilczynski,G-\$21.74; Eisenbraun,M-\$49.00; Huber,M-\$225.90; Austin,C-\$19.86; Bisson,L-\$129.00; Bradley,L-\$12.90; Callaway,D-\$16.96; Clauser,G-\$18.70; Collins,I-\$18.70; Cordell,L-\$113.92; Cottrill,L-\$118.56; Crawford,R-\$20.44; Dahl,R-\$16.96; Desart,S-\$103.48; Dingeman,P-\$19.86; Dorfschmidt,J-\$21.60; Edwards,E-\$20.44; Ellis,R-\$18.70; Evans,L-\$30.30; Funell,M-\$18.70; Heckenlaible,C-\$18.70; Johnson,J-\$12.90; Kellogg,K-\$117.40; Kershner,J-\$104.64; Klarenbeek,L-\$119.72; Kokesh,R-\$120.88; Lesmeister,L-\$16.96; Patterson,J-\$16.38; Ragels,M-\$116.24; Reiling,J-\$11.74; Rogers,C-\$119.72; Romkema,F-\$21.60; Rook,L-\$11.74; Rounsevell,L-\$132.48; Schnabel,C-\$21.60; Smith,B-\$20.44; Smith,K-\$21.60; Steger,E-\$102.32; Toms,S-\$103.48; Trentz,S-\$12.90; Wolff,D-\$18.12; Zehfus,B-\$21.60; Zopp,R-\$11.74; Bertsch,D-\$28.70; Boyd,M-\$31.60; Doud,J-\$31.60; Farmer,A-\$21.74; Fischer,T-\$27.54; Geyer,J-\$51.90; Harlan,R-\$26.96; Harmon,M-\$31.60; Hayford,L-\$31.60; Heezen,J-\$46.10; Henricks,T-\$49.00; Janes,D-\$57.40; Jensen,T-\$28.70; Kelly,G-\$31.60; Kilma,R-\$28.70; Knapp,T-\$31.60; Lara,A-\$20.58; Lydens,V-\$31.60; Martinez,E-\$31.60; Meiners,T-\$21.74; Meiners,V-\$20.00; Melcher,K-\$21.16; Nelson,A-\$31.60; Olsby,E-\$31.60; Olsen,E-\$37.40; Piekkola,Q-\$31.60; Propp,J-\$31.60; Raisanen,B-\$31.60;

Raisanen,R-\$31.60; Riske,B-\$49.00; Rogers,D-\$28.70; Schroeder,J-\$21.74; Schumacher,D-\$21.74; Stromer,C-\$143.50

**ADJOURN:** 12:02 p.m. - There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

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DATE APPROVED

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Chairperson

ATTEST:

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CONNIE ATKINSON, Auditor