

LAWRENCE COUNTY COMMISSIONERS MEETING – JANUARY 4, 2005

Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 4, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, George Opitz, James J. Seward and Connie H. Douglas present.

Judge Johnson was present to swear in the newly elected County Commissioners George Opitz, James J. Seward, Terry W. Weisenberg, Officials John H. Fitzgerald - States Attorney, Randall D. Rosenau – Coroner, and Debora D. Tridle – Treasurer.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Weisenberg-Seward) Due to the realignment in the Equalization Office the First Deputy in the Equalization Office will be on an as needed basis. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Jason Writer as an Appraiser IV G3 at the base rate of \$15.06 an hour, effective 2-1-2005. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Ewing) to approve Kesha Nelson as a permanent part-time (20-29 hours) Secretary G2 at the base rate of \$11.53 an hour, effective 1-4-2005. Motion Carried.

TRAVEL REQUESTS:

PLANNING & ZONING: Moved-Seconded (Seward-Douglas) to approve the travel for Brandon Flanagan to attend the Planning Day at the legislature in Pierre on January 14-15, 2005. Motion Carried.

2005 ANNUAL APPOINTMENTS & DESIGNATIONS

CHAIRMAN OF COUNTY COMMISSIONERS: Moved-Seconded (Seward-Weisenberg) to appoint Commissioner Ewing as the Chairman of the Lawrence County Commissioners for 2005. Motion Carried.

VICE-CHAIRMAN OF COUNTY COMMISSIONERS: Moved-Seconded (Weisenberg-Seward) to appoint Commissioner Douglas as the Vice-Chairman of the Lawrence County Commissioners for 2005. Motion Carried.

LEGAL NEWSPAPERS: Moved-Seconded (Opitz-Seward) to designate the B.H. Pioneer and the Lawrence County Journal as the legal newspapers for 2005. Motion Carried.

SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Douglas-Opitz) To restate the full time positions in the Lawrence County Sheriff's office for 2005 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 (Seward-Opitz) to continue the indigent funeral expenses paid by the County as stated in the Lawrence County Welfare Program Rule. Motion Carried.

COUNTY BOARDS AND COMMITTEES:

AIRPORT BOARD: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Seward as representative for 2005 and Commissioner Opitz as alternate for 2005. Moved-Seconded (Weisenberg-Seward) to appoint Neil Clarke for a five-year term to end 1-2010.

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Seward-Weisenberg) to appoint Commissioner Ewing for 2005. Motion Carried.

EXTENSION BOARD: Moved-Seconded (Seward-Ewing) To appoint Steve Peters, Marla Loken, Robin Auer, Joanne Goodrich, Kate Johnson, Richard Sleep, and Commissioner Douglas for a one-year term to expire 1-2006. Motion Carried.

FAIR BOARD: Moved-Seconded (Douglas-Weisenberg) to appoint Gary Larive for a (3) year term to expire 1-2008 and Commissioner Ewing for 2005. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Seward-Weisenberg) to appoint Margaret Lewis to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2009. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Opitz-Seward) to appoint Commissioner Douglas for 2005. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Seward-Opitz) to appoint Commissioner Weisenberg for 2005 and Commissioner Ewing as alternate for 2005. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Seward-Weisenberg) To appoint Commissioner Ewing and Commissioner Weisenberg and Jerry Apa to the Public Defender Board for 2005. Motion Carried.

INVASIVE SPECIES MANAGMENT: Moved-Seconded (Douglas-Opitz) to appoint Dan Hefner and Jerry Boyer for a three-year term to expire on 1-2008; and appoint Commissioner Ewing for 2005. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Seward-Weisenberg) to appoint Commissioner Weisenberg as Representative and Commissioner Douglas as Alternate for 2005. Motion Carried.

FIRE ADVISORY BOARD: Moved-Seconded (Douglas-Weisenberg) to appoint Commissioner Seward for 2005. Motion Carried.

RESOURCE CONSERVATION & DEVELOPMENT: Moved-Seconded (Opitz-Weisenberg) to appoint Commissioner Ewing for 2005 and Commissioner Douglas as an alternate. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Seward-Ewing) to appoint Terry Weisenberg, Marlene Barrett, Chuck Vanderziel and Joe Peterson to the Lawrence County Revolving Loan Fund Board for 2005. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Seward-Weisenberg) to appoint Commissioner Douglas for 2005. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Weisenberg-Opitz) to appoint Commissioner Seward to the Spearfish Economic Development Board for 2005 and Commissioner Douglas as the alternate for 2005. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON: Moved-Seconded (Seward-Opitz) to appoint Chairman Ewing and Vice-Chairman Douglas as alternate for 2005. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Opitz-Weisenberg) to appoint Commissioner Seward to the Multiple Use Committee for 2005. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Seward-Douglas) to appoint Ida Marie Snorteland for 2005. Motion Carried.

LEAD OPERA HOUSE: Moved-Seconded (Opitz-Seward) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2005. Motion Carried.

BH CENTRAL RESERVATIONS: Moved-Seconded (Douglas-Seward) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2005. Motion Carried.

LOCAL RULE OF ORDER: Moved-Seconded (Seward-Douglas) to adopt the local rule of order requiring three commission members approval to pass a motion for 2005. Motion Carried.

2005 WAGES & SCALES: Moved-Seconded (Weisenberg-Douglas) to accept the following 2005 wage scales and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise. Motion Carried.

2005 BASE WAGES (per SDCL 6-1-10): Commissioners: Douglas, Connie-8,998; Ewing, Bob-8,998; Opitz, George-\$8,998; Seward, James-\$8,998; Weisenberg, Terry-8,998; Barrett, Marlene-40,482.00; Auditor: Atkinson, Connie-46,641.92; Ehnes, Tamara-10.93; McGruder, Brenda-15.60; Nelson, Melody-13.05; Sargent, Debbie-11.53. Treasurer: Tridle, Debora-43,171.54; Atkinson, Sally-12.75; Hagerty, Sharon-13.64; Haupt, Janice-12.23; Peck, Ina-10.57; Sjomeling, Carol-15.00; Winters, Doris-13.50. Computer: Dias, Gregory-55,323.84; Leatherman, Debra-\$12.98; McGruder, Randall-19.25. States Attorney: Fitzgerald, John-58,286.80; Baumann, Michelle-15.50; Kelley, John-42,640; Lopez, Amber \$46,061.60; Outka, Bruce -\$46,061.60; Silvernail, Janice-12.70; Steele, Brooke - \$13.00; Stoflet, Margie-13.75; Sutter, Jill-\$11.53;. Public Defender: Kosel, Joe-55,712.80; Bruce, Delores-10.93; Smith, Molly-14.62. Maintenance: Frerichs, Richard-19.58; Blevins, Tamara - 9.97, Carr, Zoe-11.16; Caserio, Clifford-15.14; Enderby, Irene-9.30; Lee, Laura-9.35. Director of Equalization: Piekola, Darlene-50,698.96; Bott, Brandaon-\$13.36; Bridenstine, Nancy-13.50; Carrico, Linda-12.96; Runge, Brett-\$12.46; Sandvig, Scott-12.46; Schumacher, Dennis-14.53; Woodle, Sharon-13.22; Writer, Jason-16.39. Register of Deeds: Meverden, Judy-43,145.44; Feterl, Florence-10.57; Fisher, Laurie-\$11.75; Green, Sheree-14.57; Slane, Mary-13.24. Veterans Service Officer: Locken, William-24,706.24. Sheriff: Mowell, Richard-54,699.84; Harmon, Joe-48,049.04; Black, Sue-14.24; Blanks, Katherine-13.68; Fitzgerald, Megan-11.85; Fitzgerald, Sara-13.62; Fredericksen, Lori-13.62; Ginsbach, Mark-13.62; Greeley, Laurie-13.62; Hamilton, Marian-13.86; White, Richard-\$13.62; Wilson, Kristy-13.62; Aplan, Michael-11.59; Bock, Michael-\$10.04; Cook, Ryan-11.59; Davis, Judy-14.62; Dean, Brian-19.63; Deneui, Kimberly-10.04; Gabriel, Larry-15.13; Goetsch, Julie-10.04; Goetsch, Martin-18.29; Hagerty, Richard-14.68; Hansen, Paul-18.25; Hulm, Andrew-17.53; Jansevics, Jake-11.59; Kaiser, Daniel-11.59; Lechner, Shelly-10.04; Lechner, Tim-10.04; Little, Tavis-17.60; Mykleby, Geraldine-11.53; Nicholas, Verla-10.04; Rear,

Kay-10.04; Rosenau,Randall-18.34; Shafer,Mike-17.59; Shanklin,Karla-11.53; Siedschlaw,Robert-11.59; Thompson,Colin-17.59; Utecht,Jerome-11.59; Utecht,Julie-10.04; Watts,James-17.53; Weber,Kurt-11.59; Allen,Alicia-11.85; Allen,Dawn-13.62; Armstrong,Nicholas-11.85; Asheim,Roger-13.71; Brennan, Seth-13.62; Burns,Jay-11.85; Chavez, Rhonda-13.62; Culver,Kim-13.62; Eggebo,Rachel-13.62; Hanel,Clifford-11.85; Heinis,Jeffery-11.85; Juso,Nels-11.85; Klingaman,Nathan-11.85; Kotak,Joe-11.03; Larson,Dale-16.29; Leveque,Tamera-13.18; Mckee,Angela-13.62; Mckeown,Susan-13.62; Williams,Robert C.-14.44; Williams,Robert L.-13.62; Zweber-Nolan,Wendy-13.18; Emergency Management: Thomson,Paul-41,939.04; Larson,Rene-\$10.93. E911: Sandvick,Thomas-16.40; Hudson,Roger-15.98. Highway: Williams, Charles-\$60,951.28; Agena,Timothy-16.16; Barret,Tim-15.92; Bey,John-19.80; Burleson, Norman-16.01; Dahl,Dennis-16.76; Eide,Curtis-16.72; Engel,Paul-15.92; Fystro,Terry-16.72; Grenstiner,Edwin-17.08; Harper,Jeffrey-15.92; Heying,Bradley-16.14; Hudson,Roger-15.98; Keller,Robert-15.92; Lensegrav, Richard-16.20; McCormick,Robert-20.32; Patino,Mark-15.97; Ross,Nate-15.92Ryan,Steve-20.16; Silvernail,Dennis-16.49; Vandenberg,Maria-11.80; Wright,Bonnie-14.89. Airport: Harmon,James-13.40; Extension: Bertch,Alyce-14.06; Ellingson,Constance-9.97; McGuinness,Sherry-9.97; Weed: Heck,David-36,428.08; Planning&Zoning: Flanagan,Brandon-38,480.00; Vogt,Amber-11.03.

**LAWRENCE COUNTY
2005 PAYROLL STEPS AND RATES**

POSITION	GRADE 1	GRADE 2	GRADE 3	POSITION	GRADE 1	GRADE 2	GRADE 3
ACCT CLK / REC CLK	9.97	10.57	11.75	SHERIFF			
SECRETARY / LEGAL SEC I	10.93	11.53	12.70	DISPATCHER I	11.32	11.58	11.85
ADMIN SECRETARY	11.03	11.75	12.96	DISPATCHER II	13.09	13.35	13.62
LEGAL SECRETARY II	11.53	12.27	13.47	DISPATCHER III	13.62	13.89	14.16
				E-911 COORDINATOR GUARDS/TRANSPORT OFFICER	15.67	15.94	16.20
APPRAISERS:					10.04	NA	NA
APPRAISER I	11.33	NA	NA	JAIL ADMINISTRATOR	14.67	14.94	15.75
APPRAISER II	12.19	12.46	12.73	TRAINEE	7.58	NA	NA
APPRAISER III	13.36	13.63	13.90	CORRECTIONAL I	11.32	11.58	11.85
APPRAISERS IV	14.53	14.79	15.06	CORRECTIONAL II	13.09	13.35	13.62
				CORRECTIONAL SERGT	13.62	13.89	14.16
ADMINISTRATIVE ASSISTANTS				COOK I	10.49	10.76	11.03
HIGHWAY ADM ASST	13.31	13.85	14.38	COOK / JAIL ASSISTANT	12.64	12.91	13.18
SHERIFF ADM ASST	13.31	13.85	14.38	PROCESS SERVER	14.15	14.41	14.68
STATES ATTY LEGAL ASST	13.92	14.45	14.99	RESERVE DEPUTY I	NA	NA	11.59
COMPUTER SPECIALIST	17.06	18.13	19.20	RESERVE DEPUTY II	NA	NA	13.40
EQUAL 1ST DEPUTY INVESTIGATOR/PARA-LEGAL	15.85	16.39	16.92	DEPUTY I	15.59	15.85	16.12
	14.08	14.35	14.62	DEPUTY II	17.00	17.26	17.53
				SQUAD SERGEANT	17.51	17.78	18.05
AIRPORT				DETECTIVE	17.72	17.98	18.25
MAINTENANCE WORKER	12.32	12.85	13.40	CAPTAIN	18.88	19.15	19.41

****** HIGHWAY & MAINTENANCE ******

PT. TIME CUSTODIAN	NA	NA	7.38
CUSTODIAN I	NA	NA	9.30
CUSTODIAN II	NA	NA	11.16
MAINT. WORKER I	NA	NA	9.97
MAINT. WORKER II	NA	NA	12.11
LIGHT EQUIPMENT OPERATOR	NA	NA	15.14
HEAVY EQPMT / MECHANIC	NA	NA	15.92
FOREMAN/SHOP FOREMAN	NA	NA	19.32

***** ELECTED OFFICIALS FIRST DEPUTY *****

AUDITOR	NA	NA	15.34
TREASURER	NA	NA	14.12
REG OF DEEDS	NA	NA	14.12
WEED			
SPRAYER / GPS	9.00	10.07	11.25
GPS	9.64	10.18	10.71

<i>NEWLY ELECTED BASE</i>	<i>2005 BASE</i>	<i>SDCL #</i>
AUDITOR	\$ 27,305.00	SDCL 7-7-9.1
TREASURER	\$ 27,305.00	SDCL 7-7-9.1
REGISTER DEEDS	\$ 27,305.00	SDCL 7-7-9.1
STATES ATTORNEY	\$ 54,400.00	SDCL 7-7-12
SHERIFF	\$ 38,519.00	SDCL 7-12-15

RESOLUTION #2005-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Douglas-Seward) to approve the following Resolution #2005-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2005-01 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 \$125.00; Judges \$100.00 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 state rate per mile. Extra help hired to work on election night in the Auditor's Office will be paid at the rate of \$10.00 per hour. DATED this 4th day of January 2005.

RESOLUTION #2005-02 POLLING PLACES & PRECINCTS: Moved-Seconded (Opitz-Seward) to approve the following resolution setting the polling places and precincts in 2005. 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 4th day of January 2005. BOARD OF COUNTY COMMISSIONERS:

RESOLUTION #05-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded (Seward-Douglas) to approve the following Resolution #05-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 05-03 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 2005: 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 Great Western Bank 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 2005. Dated this 4th day of January 2005. For the Board of County Commissioners: , Chairman Attest: Connie Atkinson, Auditor

COMMISSION MEETINGS: Moved-Seconded (Weisenberg-Opitz) to continue the 2005 regular commission meetings to the second and fourth Tuesday's of the month. Motion Carried.

MINUTES: Moved-Seconded (Douglas-Seward) to approve the minutes of December 28, 2004. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Seward) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of December 31, 2004 showed the following: 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)-\$30,222.69; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,516.60; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$1,180,435.36; Savings-\$3,559,318.45; GNAMS-\$41,123.68; and Money Market \$1,197,084.19, Total \$9,716,778.01

RESERVATION OF FUND BALANCE: Moved-Seconded (Seward-Opitz) to place \$13,371.02 in a Reservation of Fund Balance to be used as Lawrence County's match money for Help America Vote Act Title II Funds. In understanding that these monies may only be spent for expenses allowed under Title III of the Help America Vote Act following receipt of the Title II grant money in the State Election Fund. Motion Carried.

COMMUNITY HEALTH SERVICES – NURSE CONTRACT: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the State of South Dakota Consultant Contract/Letter of Agreement For Provision of Community Health Services Between Lawrence County and SD Department of Health for Nurse Services for 2005. Motion Carried.

COOPERATIVE ROAD AGREEMENT: Moved-Seconded (Seward-Douglas) to approve and authorize the Chairman to sign the Modification No. 15 to Cooperative Road Agreement #97-CA-1102031197-06 between Lawrence County and USDA Forest Service Black Hills National Forest. Motion Carried.

EQUALIZATION / SPEARFISH SCHOOL / GIS MAPPING: Spearfish Superintendent Peters, Darlene Piekola and Jason Writer discussed the GIS mapping of students in the Spearfish School District to aid in the bussing of students and to better serve the kids. Writer stated the project would take less then 80 hours to complete with a cost of about \$2,000 at \$25.00 per hour. A yearly maintenance of approximately 40 hours a year would be needed to keep the information up to date. Douglas questioned if the \$25.00 per hour fee was enough and if the other School Districts request the same service the time it will take away from the Equalization duties. Piekola stated they can review after a year and adjust the rate if necessary and if a large amount of time is involved a cost sharing approach could be discussed. Moved-Seconded (Weisenberg-Opitz) to approve the GIS Mapping project with the Spearfish School District at the rate of \$25.00 per hour, on a trial one year basis, contingent upon the Spearfish School District Attorney preparing a contract and Outka to review and approve. Motion Carried. Aye-4, Nay-Douglas.

ABATEMENTS:

LAWRENCE COUNTY / FUEHRER: Moved-Seconded (Opitz-Seward) to approve the abatement on parcel #21000-00603-294-55 because the property was transferred from Clayton & Barbara Fuehrer to Lawrence County on 3-31-04. Motion Carried.

USA / MCKEE: Moved-Seconded (Seward-Opitz) to approve the abatement on parcel #07000-00302-280-00 because the property was transferred from Kevin Mckee to USA on 6-30-2004. Motion Carried. Aye-4, Nay-Weisenberg.

MUNRO: Moved-Seconded (Weisenberg-Seward) to approve the correcting abatement and add-on for parcel #26920-00001-004-25 & 26920-00001-004-23 because the improvement is on the wrong lot and needs to be moved to parcel 26920-00001-004-23. Motion Carried.

EXECUTIVE SESSION: Moved-Seconded (Opitz-Seward) 9:07 a.m. to go into executive session for personnel issues with Darlene Piekola. Motion Carried. 9:20 a.m. the Board opened for regular business.

PHASE II FOREST PLAN AMENDMENT: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Phase II Forest Plan Amendment and provided South Dakota and Wyoming Cooperating Agencies Detailed and Technical Comments on Draft

Environmental Impact Statement for the Phase II Amendment Black Hills National Forest Land and Resources Management Plan. Motion Carried.

FINAL PLAT / BAHNEMAN: Moved-Seconded (Douglas-Seward) to approve the Final Plat for Bahneman, Rick – Lucan and Naomi Subdivisions/Black Hills Surveying. Legal Description: Lot 1R of the Lucan Subdivision – A replat of Lot 1 a Portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, all located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 15, T5N, R3E., B.H.M Lot 7BR of the Naomi Subdivision – A replat of Lot 7B and a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, all located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 15, T5N, R3E., B.H.M Lot R and Lot M – Being the remainder of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, T5N, R4E., B.H.M Location: Boulder Canyon Purpose: New Lots 1R=2.85 Acres, Lot 7BR=6.74 Acres, Lot R=3.95 Acres, Lot M=3.81 Acres. Motion Carried.

CONDITIONAL USE PERMIT #298: A public hearing was held on Conditional Use Permit #298 Owner/Representative: Steve Nothdurft/Walt Griffith, Legal Description: St. John Claim M.S. 1748 Sec. 1, T3N, R3E, B.H.M. Location: HWY 385 South; Custer Peak Road, Purpose: Campground. No opposition was present. Moved-Seconded (Seward-Weisenberg) to approve Conditional Use Permit #298 for Steve Nothdurft/Walt Griffith with the following conditions. Motion Carried.

ATTACHED CONDITIONS: Applicants are requesting the County grant permit for the operating of a campground along the Custer Peak Road. This shall be to allow construction and operation of a campground facility including; RV and tent sites, as well as small rental cabins and a Lodge. 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, 13 cabins, 40 tent, and 22 RV spots. 4) 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, specifically constructing with fire resistant materials. 5) The camp operator shall contact the South Dakota Department of Health for an inspection of the facility before opening up the camp to groups. 6) All outdoor fire pits shall be inspected and approved by the South Dakota Wildland Fire Suppression Division. 7) 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 the lodge. 8) First aid kits will be made available and accessible to the public and employees. 9) 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. 10) 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. 11) 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. 12) All septic systems shall be designed, inspected and approved by a South Dakota certified professional engineer (PE). 13) The campground operator shall assign one or more persons to remain on the premise at all times to provide security when the

campground is open. 14) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 15) Exterior lights shall be placed strategically throughout the campground for lighting and security, and shall be directed away from the County/Forest Service Road. 16) Issues of access and signage shall be coordinated with and approved by the Lawrence County Highway Department. 17) 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. 18) 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. 19) 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. 20) 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. 21) 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. 22) 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. 23) The Applicants/Owners/Operators understand that the location of the proposed campground is adjacent to an operating gravel pit utilized by Lawrence County and the National Forest Service, and as such, is subject to the noises, dust, and any other inconveniences associated with rock crushing and extraction. It is further understood that any complaints arising from this shall be deemed invalid.

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. **Bills:** Fredericksen,L-\$354.00; Hamilton,M-\$11.92; Leatherman,D-\$11.20; Mowell,R-\$6,525.00;Thomson,P-\$19.60; Weisenberg,T-\$52.56; A&B Business Equip-\$479.73; ABC Business Supply-\$45.09; BH Chemical Company-\$1,611.11; BH Fibercom-\$40.75; BH Land Analysis -\$3,555.00; BH Pioneer-\$23.05; BH Power & Light-\$205.11; Baker,P-\$14.48; Butte Electric Coop-\$135.80; Carlsen & Aldinger-\$1,170.00; Chemical Sanitizing Sys-\$94.55; Crume,K-\$520.00; Day, Morris & Schreiber-\$335.34; Deadwood Home Center-\$7.96; Deadwood, City Of-\$576.09; Division Of Motor Veh-\$13.00; Elan Financial Services-\$70.99; Ellingson,J-\$221.59;Evercom Systems-\$637.27; Evident Crime Scene Products-\$54.00; Frontier Precision-\$7,160.00; Great Western Tire-\$238.80; K Mart-\$26.98; Kennedy, Rokahr, Pier & Knoff-\$105.60; Kieffer,T-\$24.80; LC Sheriff's Reserves-\$469.50; Lead-Deadwood Sanitary-\$305.34; Light & Siren-\$339.90; Mid States Organized-\$150.00; Montana-Dakota Util-\$558.07; National Sheriff's Assoc-\$35.00; Nelson,T-\$240.00; NFPA International-\$1,620.00; Pennington County Sheriff-\$26.40; Phillips Petroleum Co-\$157.43; Pitney Bowes-\$126.70; Pizza Hut-\$22.00; Postmaster, Spearfish-\$200.00; SD Municipal League-\$59,588.00; SD Emergency Mngt Association-\$90.00; Sand Creek Printing-\$17.35; SDACO-\$1,683.12; Sign Express-\$12.87; Tigerdirect-\$393.98; Twin City Hardware &

Lumber-\$271.79; Vig,M-\$13.85;Voelker & Adams-\$445.45; Walmart Store-\$115.33; Weld County Sheriff Office-\$36.30; Western Communication-\$828.00; Wolff's Plumbing & Heating-\$106.69; **Witness & Jurors:** Aalbu,S-\$19.60; Abbott,K-\$20.24; Akrop,D-\$10.64; Anton,A-\$12.56; Balsley,K-\$19.60; Barker,J-\$18.96; Baumberger,S-\$20.88; Bell,R-\$19.60; Boke,C-\$19.60; Boomgaarden,B-\$173.04; Borup,C-\$176.88; Brusseau,B-\$190.32; Bryan,R-\$26.00; Buckley,M-\$19.60; Burt,C-\$155.76; Bury,L-\$19.60; Caldwell,L-\$188.40; Carrier,L-\$27.28; Chastain,G-\$22.80; Clark,D-\$22.80; Davis,H-\$178.80; Driscoll,J-\$24.72; Eastman,K-\$17.04; Eide,R-\$11.28; Erickson,M-\$19.60; Farrokhi,A-\$20.24; Gackle,C-\$11.92; Griffith,N-\$11.92; Grosek,S-\$16.40; Hallberg,B-\$217.20; Harper,J-\$17.68; Haux,R-\$26.00; Heckenlaible,M-\$19.60; Hyatt,J-\$22.80; Jeffery,N-\$19.60; Jones,A-\$178.80; Jones,D-\$20.88; Kenstler,P-\$17.68; Kilmer,C-\$26.00; Kindsfater,M-\$11.92; King,W-\$16.40; Klein,L-\$11.28; Krommendyk,M-\$22.80; Lewis,T-\$10.64; Livengood,J-\$19.60; Locken,W-\$180.72; Long,L-\$20.88; Madsen,J-\$22.16; Mason,S-\$169.20; Mccord,A-\$178.80; Mitchell,D-\$17.68; Munro,K-\$24.72; Norton,A-\$11.92; Oberle,M-\$11.92; Olson,L-\$12.56; Pascoe,L-\$20.24; Peep,N-\$22.80; Racich,J-\$11.92; Rantapaa,J-\$173.04; Rikken,B-\$16.40; Rosedahl,R-\$19.60; Sanchez,P-\$16.40; Schmunk,V-\$26.00; Thares,L-\$26.00; Thorman,L-\$178.80; Timm,D-\$10.64; Turner,W-\$26.00; Whalen,B-\$19.60; Williamson,B-\$25.36; Wood,K-\$10.64; Woledge,D-\$19.60; Hubbard,T-\$62.80; Montgomery,B-\$60.24; Novotny,R-\$51.28; Phillips,R-\$51.92; Rehorst,J-\$57.68; Gillespie,A-\$62.80

ADJOURN: 10:30 a.m. - There being no further business it was Moved-Seconded (Seward-Opitz) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JANUARY 25, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 25, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, James J. Seward, Connie H. Douglas, and Terry W. Weisenberg present.

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of January 4, 2005. Motion Carried.

JAIL FOOD SERVICE: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Memorandum of Understanding for Jail Food Service with Richard E. Mowell. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Weisenberg-Ewing) to approve the following seasonal employees: Walter Zuercher as a sprayer/GPS Grade 2 at the base rate of \$10.07 an hour, Valerie Reddeman as a sprayer/GPS Grade 3 at the base rate of \$11.25 an hour, and to approve Delbert Campbell as a sprayer/GPS Grade 2 at the base rate of \$10.07 an hour, effective 1-16-2005. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Opitz) to approve Larry Portwood as a part-time Correctional Officer 1 G3 at the base rate of \$11.85 an hour, after the completion of 40 hours of training at \$7.58 an hour, effective 1-24-2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Weisenberg) to approve Brett Runge and Scott Sandvig as Appraiser 2 G3 at the base rate of \$12.73 an hour, effective 2-1-2005. Motion Carried.

HIGHWAY SUPERINTENDENT APPOINTMENT:

HIGHWAY & PHYSICAL PLANT: Moved-Seconded (Seward-Opitz) to appoint Charles Williams as the Highway & Physical Plant Superintendent for a two-year term to expire 1-2007. Motion Carried.

COLE REPORT: Weisenberg stated the Cole Report has been filed.

TRAVEL REQUESTS:

VSO: Moved-Seconded (Seward-Douglas) to approve the travel request for William Locken to attend the Veterans Commission Meeting in Pierre, SD on February 7-8, 2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Opitz) to approve the travel request for Darlene Piekola to attend County Day at the Legislature on January 27, 2005. Motion Carried. Aye-4 Absent-Seward.

EMERGENCY MANAGEMENT: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Paul Thomson to attend the G288 Donations Management course in Rapid City, SD on February 24-25, 2005. Motion Carried.

WEED: Moved-Seconded (Seward-Opitz) to approve the travel request for Jerry Boyer and David Heck to attend a meeting with Larry Gabriel in Pierre, SD on February 2, 2005. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Jerry Boyer, Paul Miller and David Heck to attend the SD Annual Weed and Pest Conference in Aberdeen, SD on February 16-18, 2005. Motion Carried.

SHERIFF/COMPUTER: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Brian Dean, Tom Sandvick, Colin Thomson, Judy Davis, Sue Black, Seth Brennan and Greg Dias to travel to Sioux Falls, SD for training for LCSO "Build-Team" for the New World program Implementation. Motion Carried.

HEALTH INSURANCE PORTABILITY ACCOUNTIBILITY ACT: Moved-Seconded (Douglas-Ewing) to approve and adopt the Privacy Policy Statement and Security Policy Statement in regards to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) with an effective date of March 1, 2005. Motion Carried.

DELINQUENT TAXES REPORT: Per SDCL 7-21-35 the total 2003 taxes levied for in 2004 was \$23,893,248.90 and the total unpaid as of 12-31-04 was \$364,248.67 which represents a 1.52% delinquency. *Moved-Seconded* (Weisenberg-Opitz) to accept the Delinquent Taxes Report of 2004 levied and unpaid taxes as reported by the Auditor. Motion carried.

AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Douglas) to approve an automatic supplement for Emergency Management grants for \$2,039.09 for grant money received. Motion Carried.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Douglas-Seward) to approve the following list of Volunteer Fire Fighters for insurance purposes. Motion Carried.
Tony Balistreri, Virginia Clark, Paul Dangel, Ron Hoefler, Jerry Hood, Casey Keough, Luverne Kraemer, Norma Kraemer, Rick Krahn, Gary Lattin, Mark Nelson, Greg Nepstad, Vince Pfeifle, Larry Rhodes, Bob Richards, Josh Rick, Ron Rust, Clint Schell, Terry Schmitz, Fred Schumann, Chad Solaas, Gary Solaas, Cindy Solaas, Lyle Wickman, Chuck, Bossert, Sunday Bossert, Leonard Burtzlaff, Tom Callaway, Leo Derosier, Steve Day, Todd Fierro, J.D. Geigle, Cliff Jensen, Mitch Johnson, Jack Kari, Jacob Kari, Jason Kari, Wendy Kari, Ray Kinghorn, Neilon Millar, Russel Millar, Terry Moe, Warren Moe, Brent Olsen, Curt Olsen, Ryan Olsen, Denny Rehorst, David Spilde Devin Stephens, Glenn Stephens, Jim Tetrault, Tim Tetrault, Dennis Anderson, Mike Anderson, Scott Anderson, Ron Blotz, Clay Cole, Loren Dobyns, Matt Fortier, Gary Heaton, Robert Mattox, Bryce Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Rhea Travino, Ed Suvada, Loren Vrem, Dave Hall, Van Wire, Chet Borsch, Dick Seaman, Cass Gaughen, Jon Carter, Chad Anderson, Loren Benedict, Cleo Burghduff, Charles Edwards, Todd Edwards, Charles V. Nicholas, Charles W. Nicholas, Sallie Nicholas, Bob

Patterson, Vance Patterson, William Romey, Bob Smith, Laurie Smith, Doug Symonds, Wade Weaver, Brandy Dobesh, Verla Nicholas, Joanne Nicholas, George Meisner, Brad Trautman.

SPECIAL USE PERMIT: Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairman to sign the Special Use Permit with the US Department of Agriculture Forest Service for the use of the Forest Service Building on Sherman Street. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for Utility Permit with Montana Dakota Utilities for construction of natural gas pipeline in Superior Place approximately 2200 south from Whitewood Valley Road. Motion Carried.

RESOLUTION TO DELETE STRUCTURE NO. 41-149-177: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the following Resolution #2005-to Delete Bridge from NBIS. Motion Carried.

RESOLUTION 2005-05 TO DELETE BRIDGE FROM NBIS: The LAWRENCE County Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory System (NBIS) for the following reason(s): STRUCTURE ID LOCATION and REASON FOR DELETION: 41-149-177; 1.2 miles East and 0.5 miles South of Lead, SD. Structure removed, not to be replaced in the same location. The Commission is aware of the following stipulations once a structure is deleted from the NBIS Inventory: 1. Federal Bridge funds will not be available for structure replacement or rehabilitation and 2. The structure will only be added to the Inventory following replacement, using County funds. Upon receipt of this resolution, the above structure(s) will be deleted from inventory. Vote of Commissioners: Yes-5; No-0. Dated at Deadwood, SD this 25th day of January 25, 2005. Bob Ewing, Chairman. ATTEST: Connie Atkinson, Auditor.

NJS ENGINEERING: Moved-Seconded (Weisenberg-Ewing) to authorize the services of NJS Engineering for design and construction engineering for the asphalt overlay on 014A Service Drive Road from Exit 2 to the Wyoming line; and the Asphalt surface treatment on the Crook City Road. Motion Carried.

EXECUTIVE SESSION: 8:35 a.m. Moved-Seconded (Seward-Douglas) to go into executive session to discuss personnel issues. Motion Carried. 8:45 reopened for regular business.

SHERIFF GRANT APPLICATIONS: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Local Law Enforcement Grant Application 2005 for X-100 Pocket Thermal Monoculars for grant cost \$6,210 (County cost \$690), for the Sheriff's Office. Motion Carried.

ABATEMENTS:

CITY OF DEADWOOD: Moved-Seconded (Seward-Weisenberg) to approve the abatement for the City of Deadwood on parcel #30050-00310-000-00 because the entity is tax exempt. Motion Carried.

CITY OF DEADWOOD: Moved-Seconded (Douglas-Seward) to approve the abatement for the City of Deadwood on parcel #30600-00200-220-00 because the entity is tax exempt. Motion Carried.

VARIANCE #93 / JAMES A. BENSON: A public hearing was held on Variance # 93 to allow 25' variance to the 25' setback from road R.O.W. Owner/Representative: James A. Benson, Legal Description: Tract 38 located in Section 9 and 16, T4N, R2E, BHM. Location: Spearfish Canyon/ Elmore. No public was present and the public hearing was closed. Moved-Seconded (Seward-Weisenberg) to approve the application for Variance #93 to allow 25' variance to the 25' setback for James A. Benson. Motion Carried.

EXECUTIVE SESSION: 9:15 a.m. Moved-Seconded (Douglas-Seward) to go into executive session to discuss personnel issues. Motion Carried. 9:25 reopened for regular business.

VACATION OF SECTION LINE / BENSON: A public hearing was held on an application for Vacation of Section Line. Legal Description For The Vacating Of A Portion Of Section Line: All of the section line ROW within Tract 38 located in sections 9 and 16, T4N, R2E, BHM,

Lawrence County, SD, beginning at a point on the West side of Tract 38 of section 9 and 16, said point being 1852.62 feet East of the corner common to sections 8, 9, 16 and 17, T4N, R2E, BHM, thence East along the line common to sections 9 and 16 a distance of 315.43 feet to the East side of Tract 38, said point being the point of terminus. Owners: James A. Benson and Kathleen A. Benson. No public was present and the public hearing was closed.

Moved-Seconded (Seward-Weisenberg) to approve the following Resolution #05-04 To Vacate A Portion Of A Section Line. Motion Carried.

LAWRENCE COUNTY RESOLUTION #05-04 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Centennial, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and

WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: Description: All of the section line ROW within Tract 38 located in sections 9 and 16, T4N, R2E, BHM, Lawrence County, SD, beginning at a point on the West side of Tract 38 of section 9 and 16, said point being 1852.62 feet East of the corner common to sections 8, 9, 16 and 17, T4N, R2E, BHM, thence East along the line common to sections 9 and 16 a distance of 315.43 feet to the East side of Tract 38, said point being the point of terminus. Owners: James A. Benson and Kathleen A. Benson Dated this 25th day of January, 2005. BOB EWING, CHAIRPERSON Lawrence County Commissioner. ATTEST: CONNIE ATKINSON. Lawrence County Auditor

CHANGE OF ZONING #241 / KELLER – RICHARDS: The Board discussed a request for Change of Zoning #241/development plan owner/representative: Robert Keller / Richards Rentals, Inc. (Tera Richards) Legal description: M.S. 1200 tract 2, a subdivision of Jay #1, 2 & 3 & Fay #3, Albert Steele fraction hazard, log cabin & violet #3, all located in sections 19 and 24, T4N R3E, BHM. From: PF – Park Forest to: RCD - Recreation Commercial District. Location: off HWY 85, top of Aztec Hill. Purpose: snowmobile/atv rental business. The Board discussed information received from NJS Engineering, DENR and the Sanitary District regarding the water issues in the Deer Mountain area. The water line should be able to handle the demand, however, the problem is at the pump area that fills the holding tank. Dawn Laskowski stated they ran out of water multiple times last month and they are looking into this issue.

Doug Richards asked the Board to table the request for Change of Zoning #241 until further information is received on the water issues and Richards stated he waived the 30-day requirement for action by the County Commission.

Moved-Seconded (Seward-Weisenberg) to table the Change of Zoning Request #241 on the request of the applicant Doug Richards and to require Richards to request in writing, meeting to meeting, to have the issue tabled. Motion Carried.

The Board will give notice to Attorney Tom Brady prior to taking action on the Request for Change of Zoning.

CONDITIONAL USE PERMIT # 302- ALLOW A TOWER FOR VERIZON WIRELESS:

A public hearing was held on a request for Conditional Use Permit #302 to allow a tower for Verizon Wireless. Owner/Representative: John Rowe/Verizon Wireless. Legal Description: Lot 18 of East Slope Estates, all located in N ½ SW ¼ and S ½ NW ¼ of Section 16, T6N, R4E of B.H.M. Location: West of Hwy 34 Purpose: To allow a tower for Verizon Wireless. No public was present and the public hearing was closed.

Moved-Seconded (Weisenberg-Ewing) to approve Conditional Use Permit #302 to allow a tower for Verizon Wireless with the attached conditions. Motion Carried.

CONDITIONS: Applicants are requesting the County grant permit for the operating of 300-foot communications tower and equipment shelter. This site had been previously approved for this type of operation (CUP 264 & 267) by Tower Systems DBA Sioux Falls Tower and Performance Corp. in 2000. 1. The property owner and tower owner/operator(s) shall follow all applicable County, State, and Federal regulations regarding the location, construction and operation of the communication tower. 2. The communication tower shall comply with all applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) and South Dakota Department of Transportation (SD DOT) Regulations. 3. The affected area for the communication tower and associated instrumentation buildings shall not exceed 100' X 100' in size. The area shall be surrounded with a six (6) foot chain link fence with barbed wire on top. An entrance gate shall provide access, but be locked at all times when not performing installation and maintenance. 4. The building shall be used only for instrumentation and antenna maintenance. 5. The communication tower shall not exceed a height of 300 feet be constructed of gray galvanized steel of lattice type construction. The tower shall be freestanding with no guy wires. 6. The communication tower shall not be painted unless required by the FAA or approved by the Lawrence County Planning Commission. 7. Only one communication tower shall be allowed on-site. 8. A maximum of five (5) commercial companies may be allowed to utilize the communication tower at one time. Antenna space for government services shall be available free of charge. One dish may be utilized only by the applicant all others must be reviewed and approved by the County Commission. 9. "No Trespassing" signs shall be posted on the fences surrounding the tower and buildings. 10. All exterior lights on the instrumentation buildings shall be directed away from any nearby residences and public roads. 11. Any new structures, including the communication tower, constructed or placed on the property shall require a building permit(s) from the Lawrence County Planning and Zoning Office. 12. No outside storage shall be allowed within the affected area. 13. The access road to the communication tower shall be constructed and maintained by the tower owner. 14. The area within the fence and underneath the tower shall be graveled and maintained by the tower owner. 15) The tower owner shall supply the Lawrence County Office of Planning and Zoning a 24-hour telephone number of a person to be contacted in case of emergencies. 16) Should construction of the tower is not complete within 18 months, this permit may be extended until such time as another tower company submits and gets approval for a tower within 500' of this site. 17) The communication tower if not operated for a continuous period of twelve (12) months shall be removed within ninety (90) days after issuance of a removal notice from the Lawrence County Office of Planning and Zoning. 18) 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. 19) If any terms, condition or requirement 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. 20) This permit shall be reviewed on an annual basis or on an as needed basis to assure compliance with the attached conditions, at which time additional

conditions may be attached or the permit may be cancelled if deemed necessary for the protection of the public interest.

CHANGE OF ZONING # 240/DEVELOPMENT PLAN: A public hearing was held on a request for Change of Zoning #240/Development Plan. Owner/Representative: Donald & Karen Hander. Legal Description: W ½ N ½ SE ¼ SE ¼ and the W ½ E ½ N ½ SE ¼ SE ¼ of Section 16, T6N, R4E., B.H.M (Tract H) From: A-1 Agriculture To: C/LI – Commercial Light Industrial. Location: North of I-90 and Whitewood. Purpose: To build a shop for construction business.

Colin Thompson stated he is not in opposition of the request for Change of Zoning #240 but there are issues that he is trying to work out with the landowner. Mike Weyrich, Mayor of Whitewood, reported the City of Whitewood would like more information on the request before a decision is made by the County Commission. Hander's stated they are willing to send any information the City of Whitewood would like. Hander stated they employ six people from the area and want to be a part of the community. Discussion followed on the access to the property. The Board supported the access from Weyrich Lane rather than from the section line and a HMC easement. Flanagan stated they should be able to access the property from Weyrich Lane.

Moved-Seconded (Seward-Douglas) to follow Planning and Zoning recommendation and approve Change of Zoning #240 for Donald & Karen Hander. Motion Carried. Aye-4, Nay-Ewing. Ewing stated he voted nay in recognition of City of Whitewood's request for more information, and the fact that a set access to the property has not been finalized.

CHANGE OF ZONING #242- ALLOW SHOP AND STORAGE: A public hearing was held on a request for Change of Zoning #242 Owner/Representative: Hemeyer Enterprises Inc. Legal Description: "Outlot A" of the unplatted remainder of the NE ¼ NE ¼ of Section 8, all located in T6N, R2E, B.H.M. From: SRD-Suburban Residential To: C/LI-Commercial/Light Industrial. Location: Spearfish/ Pope and Talbot. Purpose: Building of shop and storage. No public was present and the public hearing was closed.

Moved-Seconded (Seward-Weisenberg) to follow Planning and Zoning's recommendation and approve and authorize the Chairman to sign the following Ordinance amending Lawrence County Zoning From SRD-Suburban Residential District to C/LI Commercial/Light Industrial District Ordinance Number One - Change of Zoning #242 for Hemeyer Enterprises, Inc. recognizing Planning and Zonings concerns that fencing, planting of vegetation, shrouded lights and earth-tone colors for the buildings be addressed. Motion Carried.

COZ NO. 242 AN ORDINANCE AMENDING LAWRENCE COUNTY ZONING FROM SRD - SUBURBAN RESIDENTIAL DISTRICT TO C/LI - COMMERCIAL/LIGHT INDUSTRIAL 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 SRD - SUBURBAN RESIDENTIAL DISTRICT, as established by the Lawrence County Zoning Ordinance One, be amended so as to remove the following described real property, to-wit: Outlot A of Country School Subdivision, Section 8, T6N, R2E, BEM, Lawrence County, S:D. from the SRD - SUBURBAN RESIDENTIAL DISTRICT, and include it in the C/LI Commercial/Light Industrial District. This amendment will become effective on the twentieth (20th) day following publication.

BID OPENING – WATER TENDER: The following bid was received for the Fire Equipment – 2000 gallon water tender: Danko – Base Bid \$155,386 – Option 1 -\$25,352; Option 2 -\$4,255 & \$3,050; Option 3 -\$380; Option 4 –standard; Option 5 -\$2,975; Option 6 -\$385; Option 7 - \$415; Option 8 -\$1,765. Moved-Seconded (Seward-Weisenberg) to table the bids for the Fire Equipment – 2000 gallon water tender to allow time to review the bid. Motion Carried.

BID OPENING – ALUMINUM RESCUE BODY: The following bids were received for the Search & Rescue Aluminum Rescue Body: Rescue Vehicles of Iowa – Base Bid -\$52,210 – Option 1 -\$650; Option 2 -\$650; Option 3 -\$3,400; Option 4 -\$1,850; Option 5 -\$1,850; M&T Fire – Base Bid -\$67,554 – Option 1 -\$1,287; Option 2 -\$1,187; Option 3 -\$3,942; Option 4 – \$1,821; Option 5 -\$1,821; Precision Equipment – Base Bid -\$53,297.69 – Option 1 -\$420; Option 2 -\$438; Option 3 -\$6,095; Option 4 -\$1,518; Option 5 -\$1,518; Odyssey – Base Bid - \$69,300 – Option 1 -\$532; Option 2 -\$499; Option 3 -\$4,995; Option 4 -\$1,675; Option 5 - \$1,675. Moved-Seconded (Opitz-Weisenberg) to table the bids for the Search & Rescue Aluminum Rescue Body to allow time to review the bid. Motion Carried.

EMERGENCY MANAGEMENT BUSINESS:

2004 GRANT: Paul Thomson discussed the 2004 grant of \$297,000 for communications upgrades. Thomson stated he needs to have a study done to determine what is needed in the area. Westcom will do the study for \$10,000, however, the grant will not cover the study expense. Thomson stated he would need a supplement of \$10,000 to do the study. Westcom has agreed to return \$5,000 of the study cost if they do the upgrades. Moved-Seconded (Douglas-Seward) to set a supplemental budget hearing for February 8, 2005 at 9:45 a.m. for Emergency Management Communications for \$10,000. Motion Carried.

EXERCISE GRANT: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Exercise Grant for \$5,335 and to allow Paul Thomson to sign the contract with “Nick of Time” for the project. Motion Carried.

GRANT OWNERSHIP AUTHORIZATIONS: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Grant Ownership Authorization Sheets for items purchased with grant money for other entities and departments. Motion Carried. Each individual entity and department will now be responsible for the upkeep, maintenance, accounting, etc. for the items purchased with the grant money.

AED UNIT: Moved-Seconded (Seward-Douglas) to declare the Search and Rescue AED Unit surplus and allow it to be sent in for a \$300 rebate. Motion Carried. The unit cannot be used and the company the unit was purchased from is not in business any more.

GOVERNMENT DAY: Bev Hink was present to thank the Board for their past participation in Government Day and asked the Board to participate in 2005. Hink asked the Board to donate \$50.00 and attend the Luncheon that will be provided on Government Day at the Deadwood Fire Hall. Moved-Seconded (Opitz-Seward) to participate in Government Day for 2005 and donate \$50.00 for the luncheon. Motion Carried.

VOUCHER: Moved-Seconded (Douglas-Ewing) To reject the Voucher for Payment for Brooke Steele to allow time to verify the validity of the claim. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-Opitz) 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-\$6,926.58; Aud-\$12,368.38; Treas-\$16,858.81; Comp-\$10,075.21; States Atty-\$26,405.51; Pub Def-\$8,956.45; Gen Govt Bldg-\$10,847.00; Equal-\$22,218.61; Rod-\$12,081.83; Vso-\$2,019.43; Disp-\$22,941.99; Sher-\$57,302.09; Jail-\$37,453.870; Emerg Mgnt-\$4,710.56; E911-\$2,816.32; Highway-\$66,661.65; Air-\$889.94; Ext-\$2,863.16; Weed-\$2,91480; PZ-\$4,930.03; **Bills:** Mckeown,S-\$29.60; Shanklin,K-\$43.84; Siedschlaw,R-\$45.07; Smith,M-\$17.92; Vandenberg,M-\$11.00; Weisenberg,T-\$56.40; 4hccs Distribution Center-\$46.00; A&B Business Equip-\$77.30; A&B Welding Supply-\$6.60; A&I Distributors-\$175.06; A&J Supply-\$20.40; A-Z Shredding-\$24.75; ABC Business Supply-\$631.60; Accurant Accounts Receivable-\$9.00; Adult & Child Psychological-\$1,600.00; Alco Store-\$10.00; Altaire Enterprises-\$180.00; Amcon Distributing-\$367.35; American Family Life-\$2,845.72; Amick Sound-\$232.16; Amoco Oil-\$370.19; AT&T-\$3.39; BH Federal Credit Union-\$17,548.28; BH Fibercom-\$691.94; BH Medical Ctr Pharmacy-\$2,761.17; BH Pest Control-\$95.00; BH Pioneer-\$783.41; BH Power & Light-\$7,509.85; BH Regional Multiple-\$100.00; BH Window Cleaning-\$15.00; BH Windshield Repair-\$50.00; Barnhart,K-\$59.60; Behavior Mngt Systems-\$20,655.00; Black Hills Pure-\$11.50; Black Hills State University-\$35.00; Blue Cross-\$48,128.00; Butte County Sheriff-\$23.26; Butte Electric Coop-\$355.60; Carquest Of Spearfish-\$50.00; CDW Government-\$43.37; Cellular One-\$138.50; Central Parts-\$123.72; Christensen Law Office-\$1,131.40; City/County Alcohol&Drug-\$1,565.00; Clinical Lab Of BH-\$153.38; Coburn,B-\$140.96; Credit Collections Bureau-\$100.00; Culligan Soft Water Serv-\$123.00; D Ware-\$655.00; Dakota Laser Tech-\$75.75; Deadwood Home Center-\$17.03; Deadwood Recreation Center-\$126.00; Deckers Food-\$44.61; Dept Of The Treasury-\$76,988.15; Derosier,L-\$176.20; Dietrich,D-\$191.67; Division Of Motor Veh-\$4.00; Domestic Crisis Outreach-\$477.50; Eilers,A-\$120.00; Ekeren,M-\$15.00; Ellingson,J-\$3,006.28; Ensignal-\$159.98; Evercom Systems-\$637.27; Executone Of The BH-\$158.00; Express Collections-\$158.32; Family Thrift Center-\$23.44; Fastenal-\$113.94; Fish,V-\$278.90; Frederickson,J-\$1,339.60; Fuller,J-\$141.00; Gardiner,D-\$50.80; Genpro Power

Systems-\$181.63; Gold Dust-\$73.65; Golden West Technologies-\$17.00; Grosfield Electric-\$1,950.27; Havemeier,L-\$152.00; Heartland Paper Co-\$2,106.80; Heaton Drilling-\$4,452.81; Hewlett-Packard Company-\$3,278.00; Huntley,K-\$153.60; Ibm-\$869.84; Ikon Office Solutions-\$68.99; Insight Public Sector-\$236.49; Integrity Ford-\$22.03; Karpinen,S-\$200.00; Kieffer,T-\$338.40; Kinney,M-\$2,362.24; Koala Electric-\$268.27; Kooistra,N-\$15.00; Kullbom,T-\$84.60; LC Journal-\$922.37; LC Conservation Dist-\$5,000.00; LC Sheriff-\$168.34; LC Treasurer-\$200.00; Lead, City Of-\$2,039.09; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$388.85; Lexisnexis On-Line-\$936.00; Light & Siren-\$229.90; Mailworks Plus-\$27.75; Mattson,B-\$141.00; Mcarthur,J-\$80.00; Mcleod's Office Supply-\$382.08; Menards-\$215.96; Mickelson,C-\$211.44; Mid-Continent Testing-\$15.00; Mineral Palace Hotel-\$64.40; Miranda,A-\$25.60; Montana-Dakota Util-\$394.64; Mutchler,T-\$308.00; NH Collection-\$100.00; NH Family Ymca-\$624.00; NH General Hospital-\$5,885.00; Nelson,T-\$20.64; Neve's Uniforms-\$408.25; New World Systems-\$63,750.00; Office Max-\$99.99; Office Technology/Supply-\$87.79; Paradeis,D-\$300.00; Pennington Co Auditor-\$264.00; Pennington Co Jail-\$862.95; Pennington County Sheriff-\$9.76; Pennington County Sts Attny-\$600.00; Perez,C-\$20.00; Phillips Petroleum-\$174.56; Porter Law Office-\$804.55; Queen City Motors-\$208.55; Queen City Rocket Lube-\$17.95; Queen Motel-\$340.00; Quill Corp-\$371.95; Qwest-\$903.82; RC City Of-\$1,155.00; RC Regional Hospital-\$566.70; Rabe Elevator-\$568.45; Regan Battery Maint Services-\$65.00; Reindl,S-\$1,543.37; Reliable-\$228.90; Reliance Telephone Systems-\$495.30; Rensch,T-\$52.37; Rombough,D-\$67.90; RPM Machine-\$20.00; SD Assn Of Co Comm-\$40.00; SD Retirement System-\$42,318.31; SD State Treasurer-\$604.76; SD Dept Of Transportation-\$11,367.49; SD Federal Property Agency-\$300.00; SD Public Assur Alliance-\$33,361.25; SD Sheriff's Association-\$11.78; SD Supplemental Retirement-\$1,714.00; Salzsieder,M-\$3,735.00; Sand Creek Printing-\$155.00; Schmit,A-\$120.00; Servall Towel & Linen-\$392.72; Sharon Green Counseling-\$60.00; Silverado-\$131.78; Slate Creek Counseling-\$75.60; Spearfish Auto Supply-\$435.72; Spearfish Emergency-\$5,225.00; Spearfish Motors-\$69.92; Speedylube-\$71.30; Stadler Ind Service-\$445.20; Subway-\$23.33; Superior Sanitation-\$400.00; Teen Court-\$8,666.42; Texaco-\$34.04; Tigerdirect-\$2,459.41; Triple K Tire & Repair-\$3.00; Trugreen Chemlawn-\$247.71; Trump Law Office-\$3,224.00; Twin City Hardware & Lumber-\$261.66; US Geological Survey-\$25,000.00; Verizon Wireless-\$357.48; Victims Of Violence-\$477.50; Vig,M-\$166.72; Voelker & Adams-\$5,569.10; Waste Connections-\$411.00; Weed & Pest Conference-\$180.00; West Group-\$633.00; Western SD Juvenile Serv-\$3,341.70; Western State Fire Protection-\$630.00; Willrodt Motor Co-\$71.91; Xerox Corporation-\$159.00; Yankton Co Sheriff-\$16.50; **Witness & Jurors:** Asheim,S-\$19.60; Beckwith,L-\$59.60; Brimm,S-\$22.80; Canon,M-\$11.92; Carter,C-\$12.56; Christopherson,J-\$19.60; Crowley,K-\$20.88; Cutler,M-\$11.92; Daum,L-\$11.92; Derosier,D-\$10.64; Edlund,T-\$58.96; Ewing,M-\$18.96; Fischer,J-\$59.60; Frerichs,T-\$11.92; Harlan,R-\$11.92; Hill,A-\$59.60; Hoepker,C-\$19.60; Huntington,W-\$51.92; Jongeling,R-\$21.52; Lenners,B-\$21.52; Lockhart,T-\$20.88; Mason,L-\$11.92; Meddings,D-\$51.92; Meiners,T-\$52.56; Pengra,Z-\$51.28; Pfarr,M-\$22.80; Schneider,R-\$20.88; Setzler,M-\$59.60; Thomson,L-\$57.68; Welch,B-\$15.76; Welsh,E-\$22.80; Williamson,L-\$59.60; Winter,K-\$16.40; Wyles,E-\$11.92; Davidson,J-\$29.60; Evans,M-\$117.60; Gorczewski,J-\$29.60; Gutierrez,V-\$227.36; Kemp,J-\$29.60; Klumb,K-\$29.60; Long,D-\$68.64; Lueders,J-\$29.60; Mickelson,L-\$68.00; Olson,T-\$21.92; Ovitz,K-\$20.00; Ovitz,D-\$29.60; Reno,J-\$48.80; Reyes,D-\$20.64; Sample,K-\$28.96; Scheulke,S-\$85.28; Schmalz,D-\$103.20; Schuler,C-\$29.60; Schultz,R-\$29.60; Schultz,R-\$29.60; Shoun,D-\$59.20; Vig,M-\$309.60; Widdos,B-\$20.96; Anderson,A-\$11.28; Atkinson,J-\$29.20; Barkyoub,D-\$19.60; Barnes,L-\$59.60; Bonde,S-

\$65.36; Brown,L-\$21.52; Bullard,A-\$11.92; Crain,M-\$20.88; Eaton, B-\$62.80; Engler,J-\$19.60; Feterl,M-\$11.92; Fowler,R-\$20.24; Fredericksen,T-\$11.92; Funk,S-\$17.68; Harper,T-\$11.92; Heairet,T-\$62.80; Jewett,K-\$66.00; Johnson,A-\$53.20; Jones,J-\$62.80; Klette,A-\$51.92; Langdell,J-\$59.60; Larsen,L-\$51.92; Laughlin,A-\$20.24; Lingemann,C-\$19.60; Mundt,D-\$22.80; Nebel,T-\$22.80; Nichols,H-\$20.88; Patterson,R-\$18.32; Pleinis,K-\$11.28; Rohde,Q-\$69.20; Schweitzer,H-\$23.44; Snedeker,J-\$10.64; Stanger,R-\$10.64; Stearns,J-\$11.28; Tetrault,T-\$60.88

ADJOURN: 11:50 a.m. - There being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – FEBRUARY 8, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 8, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, and Terry W. Weisenberg present. James J. Seward was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of January 25, 2005. Motion Carried.

PERSONNEL:

STATES ATTORNEY: Moved-Seconded (Douglas-Ewing) to approve John Kelley, Deputy States Attorney, at the base rate of \$44,140 a year, effective 2-8-2005. Motion Carried.

SHERIFF: Moved-Seconded (Opitz-Douglas) to approve Faith Scott as a part-time Correctional Officer 1 G3 at the base rate of \$11.85 an hour, after the completion of 40 hours of training at \$7.58 an hour, effective 2-1-2005. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Douglas-Ewing) to approve the travel request for Randal Rosenau to attend the Advanced Crime Scene Investigation Workshop in Riverton, WY on February 21-24, 2005. Motion Carried.

SLIME PLANT BUILDING: The Board discussed the recent letter from Deadwood Economic Development that they are going to exercise their option to purchase the slime plant for the agreed price of \$500,000. Moved-Seconded (Douglas-Weisenberg) to authorize Outka to order the title insurance for the sale of the Slime Plant Building to Deadwood Economic Development. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Douglas) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of January 31, 2005 showed the following: 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)-\$49,706.64; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,922.23; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$1,117,598.70; Savings-\$3,562,692.45; GNAMS-\$40,961.26; and Money Market \$1,197,920.48, Total \$9,680,878.80.

AUTOMATIC SUPPLEMENT: Moved-Seconded (Douglas-Weisenberg) to approve an automatic supplement for Extension grants for \$1,153.43 for grant money received. Motion Carried.

RESOLUTION #05-06 SUPPLEMENTAL BUDGET: Moved-Seconded (Opitz-Douglas) to approve and authorize the Chairman to sign Resolution #05-06 for a Supplemental Budget for Emergency Management. Motion Carried.

RESOLUTION #05-06 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: EMERGENCY MANAGMENT FUND: EMERGENCY management COMMUNICATIONS - \$10,000 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 8TH day of February, 2005 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 8th day of February, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS: ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

GRANTS:

SPEARFISH SCHOOL GRANT: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the signature for the Spearfish School District grant for Camera's in the building. Motion Carried.

HAZARDOUS MATERIAL EMERGENCY PLAN GRANT: Paul Thomson explained the Hazardous Material Emergency Plan Grant for \$5,250. The County's in kind match is 20% (\$1,050). Thomson would like to contract with Fred Raubach to prepare the plan. The Board asked Thomson to prepare the contract for review.

ABATEMENT:

CITY OF SPEARFISH: Moved-Seconded (Opitz-Ewing) to approve the abatement for the City of Spearfish on parcel #32960-00602-154-12 because they are tax exempt. Motion Carried. Aye- Ewing, Opitz & Weisenberg. Absent- Douglas and Seward.

HIGHWAY BUSINESS:

SUPPLIES BID OPENING: Moved-Seconded (Opitz-Weisenberg) to set a bid opening for April 12, 2005 at 9:00 a.m. for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates and de-icing sand. Motion Carried.

CULVERT 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 (Weisenberg-Douglas) to follow the recommendation of Highway Superintendent, Chuck Williams, and approve the purchasing off the Beadle County Bid for Metal Pipe (culverts) & Bridge Material. Motion Carried.

EXECUTIVE SESSION: 9:10 a.m. Moved-Seconded (Opitz-Douglas) to go into executive session with John Fitzgerald, States Attorney to discuss personnel issues. Motion Carried. 9:22 a.m. the Board opened for regular business.

CHANGE OF ZONING #241 / KELLER – RICHARDS: Moved-Seconded (Seward-Weisenberg) to table the Change of Zoning Request #241 on the request of the applicant Doug Richards until the next meeting. Motion Carried.

PLANNING & ZONING REPORT: Brandon Flanagan presented the 2004 staff report showing conditional use permits, change of zonings, variances and building permits.

BID OPENING – WATER TENDER: The Board discussed the bid received for the Fire Equipment – 2000 gallon water tender from Danko. Charles Nicholas, Fire Advisory Board, stated the Fire Advisory Board recommended accepting the bid from Danko. Bid options recommended are Apparatus-\$93,186; chasis-\$62,200; 4X4-\$25,352; Foam level indicator-\$380; 2 additional hose trays-\$385; 2 additional suction hoses-\$415; Battery Conditioner/Air Compressor-\$1,765 for a total of \$183,683. The breakdown of the funds to pay for the equipment is as follows: Title III Funds-\$105,000; Surplus Fire Advisory Funds-\$64,000; and Fire Board 2005 Funds-\$15,000. Moved-Seconded (Weisenberg-Ewing) to table the bids until February 22, 2005. Motion Carried. Aye-Ewing, Opitz and Weisenberg. Nay-Douglas. Absent-Seward. Weisenberg asked the Fire Advisory Board to show documentation of the calls when the current water tender was not able to make it to a fire because it was not a 4X4.

BID OPENING – ALUMINUM RESCUE BODY: Moved-Seconded (Weisenberg-Opitz) to accept the lowest bid from: Rescue Vehicles of Iowa – Base Bid -\$52,210 – Option 1 -\$650; Option 2 -\$650. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Douglas-Opitz) to set a supplemental budget hearing for February 22, 2005 at 8:15 for Emergency Management Search & Rescue - \$35,300; Emergency Management Grants - \$13,685; and Nurses – SD Dept Health - \$8,000. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Weisenberg-Ewing) to declare the Ricoh 4527 Copier tag #005753 surplus and allow it to be traded in for the purchase of a new copier. Motion Carried. Aye-Ewing, Opitz & Weisenberg. Absent- Douglas and Seward.

COMMUNITY WILDFIRE PROTECTION PLAN: Rob Mattox presented the Community Wildfire Protection Plan for the Boards review. The Board asked Outka and Flanagan to review

the plan. Douglas asked Mattox if the plan commits the County to anything and if it requires any changes to the Zoning ordinances. Mattox stated it did not. The Board stated they would like more time to review the plan.

BLACK HILLS VISION: Mike Derby discussed Black Hills Vision and asked the Board to join as a member. The core goals are: Provide additional money to Ellsworth Task Force. Help Finance Rapid City Air Service Task Force. Help pay for operating costs of the Black Hills Business Development Center, Help promote the Black Hills area as a technology corridor. Improve housing for the area's low-income residents. Derby stated of the \$3,000,000 in pledges \$1,150,000 has been established to respond to a successful national laboratory at Homestake. Opitz questioned where the jobs would be created and if they would be in Lawrence County. Douglas questioned if all the pledges go towards studies or if the money is actually used to create and entice jobs in the area. Derby presented a proposed technology corridor and how it would be spread out in the area. Derby stated at this time they do not have any specifics on where all the money would be spent. Derby stated the Board of Directors meet monthly and those are issues still to be decided. Derby stated if the Board pledges \$50,000 (\$10,000 a year for the next five years) they would have a membership on the Board of Directors. The Board stated the County cannot commit future Boards. Derby stated because the County is a government entity they are allowed to revisit the pledge on a yearly basis.

To secure a seat on the Black Hills Vision Board of Directors it was Moved-Seconded (Weisenberg-Opitz) to allow the Chairman to enter into a letter of commitment of Lawrence County pledging \$50,000 (\$10,000 a year for the next five years), with the option of opting out of the pledge on a yearly basis. Motion Carried. These funds will come from Commissioner's Contingency Funds and is within the budget, eliminating the need for any additional tax levy.

Moved-Seconded (Weisenberg-Ewing) to appoint Connie Douglas to the Black Hills Vision Board of Directors. 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-\$3,561.36; Aud-\$6,244.37; Treas-\$8,635.54; Comp-\$5,141.40; States Atty-\$13,797.01; Pub Def-\$4,736.44; Gen Govt Bldg-\$5,967.73; Equal-\$11,469.19; Rod-\$6,209.17; Vso-\$1,029.43; Disp-\$10,761.31; Sher-\$29,179.31; Jail-\$18,773.02; Emerg Mgnt-\$2,578.14; E911-\$1,517.00; Highway-\$33,586.85; Air-\$482.40; Ext-\$1,237.28; Weed-\$2,102.14; Pz-\$2,573.98; **Bills:** Baumann,M-\$32.00; Bey,J-\$12.00; Fitzgerald,J-\$32.00; Mowell,R-\$7,159.50; Rosenau,R-\$5.12; Siedschlaw,R-\$5.94; Smith,M-\$70.80; A&B Business Equip-\$84.53; A&B Welding Supply-\$6.60; A&J Supply-\$35.06; ABC Business Supply-\$370.35; Amcon Distributing-\$306.64; American Family Life-\$2,845.72; American Legion Post 31-\$50.00; Amoco Oil Co-\$31.05; Audiss,J-\$276.04; BH Chemical Company-\$711.26; BH Council Of Local Govt-\$6,877.50; BH Federal Credit Union-\$8,774.14; BH Fibercom-\$1,787.51; BH Land

Analysis-\$3,960.00; BH Medical Center-\$418.48; BH Medical Ctr Pharmacy-\$2,295.50; BH Pest Control-\$95.00; BH Pioneer-\$84.91; BH Power & Light-\$1,085.18; BH Window Cleaning-\$285.00; Best Business Prod-\$45.29; Biegler,G-\$60.00; Blue Cross-\$48,425.69; Bob Barker Company-\$415.99; Brevik Law Office Prof-\$163.29; Butler Machinery Co-\$9.92; Butte Electric Coop-\$575.57; Butte-Lawrence Co Fair-\$3,000.00; CDW Government-\$4,163.41; Cellular One-\$786.87; Central Parts-\$38.97; Chemical Sanitizing Sys-\$94.55; Christensen Law Office-\$2,888.25; City/County Alcohol & Drug-\$740.00; Coburn Insurance Agency-\$3,908.00; Coburn,B-\$19.60; Conoco-\$275.43; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$103.00; Deadwood Home Center-\$2.99; Deadwood Recreation Center-\$134.00; Deadwood, City Of-\$546.09; Dept Of Hlth Lab Services-\$33.00; Dept Of The Treasury-\$39,376.38; Dietrich,D-\$179.19; DWI Journal-\$275.00; Ekeren,M-\$15.00; Elan Financial Services-\$528.58; Ellingson,J-\$998.59; Evercom Systems-\$630.00; Express Collections-\$12.38; Extension Service-\$19.50; Family Thrift Center-\$36.27; Fast Break Screen Printing-\$364.00; Fastenal-\$191.75; Frederickson,J-\$473.65; Genpro Power Systems-\$803.38; Godfrey's Brake Serv-\$215.10; Grant,K-\$3,080.00; Great Western Tire-\$43.90; Greens Alignment-\$196.99; Gullickson,M-\$325.00; Havemeier,L-\$24.40; Heartland Paper Co-\$1,069.20; Hobart Sales & Service-\$345.02; Ikon Office Solutions-\$105.88; Jacobs Precision Welding-\$4.00; Kar Products-\$477.49; Karpinen,S-\$320.00; Kieffer,T-\$161.20; Kimball-Midwest Co-\$223.19; King,M-\$635.20; Kinkade Funeral Chapel-\$66.00; Kinney,M-\$876.54; Knecht True Value-\$10.95; Kooistra,N-\$15.00; Kota Graphics-\$359.99; LC Highway-\$48.96; LC Sheriff-\$99.36; LC Treasurer-\$100.00; L&S Restoration-\$252.00; Lawson Products-\$51.42; Lead, City Of-\$44.40; Lead-Deadwood Sanitary-\$279.42; Lee,J-\$15.00; Looyenga,Dr-\$350.00; Martin,J-\$11.92; McClure,S-\$200.00; Meade County Sheriff-\$8.90; Miller & Swier-\$125.80; Mobile Electronic Service-\$79.50; Montana-Dakota Util-\$12,031.41; NH Collection-\$50.00; NH Family Ymca-\$204.00; NH General Hospital-\$458.18; Neighbors,J-\$556.00; Nelson,T-\$240.00; Neve's Uniforms-\$56.40; Nick Of Time-\$1,866.00; Office Max-\$21.38; Office Technology Supply-\$40.88; Pechota Law Office-\$3,598.84; Pennington County Sheriff-\$31.14; Pennington County Sts Attny-\$200.00; Percy Law-\$712.15; Praire Hills Transit-\$7,500.00; Queen City Rocket Lube-\$316.33; Qwest-\$43.45; RC Medical Center-\$115.20; RC Police Dept-\$25.00; Rabe Elevator-\$596.88; Reindl,S-\$665.68; Richards Law Firm-\$600.00; Rombough,D-\$69.80; Root Spring Scraper Co-\$28.28; SD Retirement System-\$42,098.17; SD State Treasurer-\$17,011.71; SD State Forensic Lab-\$15.00; SD Human Services Center-\$122.60; SD Supplemental Retirement-\$907.00; Sand Creek Printing-\$42.48; Sanitation Products-\$69.90; Servall Towel & Linen-\$198.33; Span Publishing-\$116.10; Spearfish Auto Supply-\$775.30; Spearfish Husky-\$44.00; Spearfish Senior Citizens-\$1,000.00; Specialized Auto Service-\$513.68; Tigerdirect-\$231.72; Turbiville Industrial Electric-\$120.43; Twin City Hardware & Lumber-\$349.18; Twin City Senior Citizens-\$1,000.00; U S Postal Service-\$600.00; United Parcel Service-\$22.90; Voelker & Adams-\$1,066.00; Walmart Store-\$155.86; Wells Fargo Bank-\$15.55; Wells Fargo Business Card-\$14.95; Wells Plumbing & Farm Supp-\$17.40; Western Communication-\$294.10; Western SD Juvenile Serv-\$1,485.00; Whitewood Senior Citizens-\$500.00; Williams Rentals-\$450.00; Yankton Co Sheriff-\$33.00; Yankton County-\$182.10; **Witness & Juror:** Abernathy,A-\$19.60; Anderson,T-\$26.00; Baker,G-\$53.20; Bowen,S-\$60.88; Bradford,K-\$62.80; Bravek,C-\$22.80; Erikson,T-\$10.64; Ertman,J-\$51.92; Fallon,W-\$60.88; Fowler,F-\$20.24; Fox,T-\$19.60; Hurt,L-\$19.60; Ihde,T-\$62.80; Kennedy,S-\$11.92; Kloppel,D-\$22.16; Kolden,M-\$69.20; Maliske,E-\$19.60; Martens,J-\$13.20; May,W-\$66.00; Mccaskey,J-\$19.60; Miller,T-\$20.88; Opstedahl,M-\$22.80; Petersen,D-\$21.52; Ryan,J-\$18.32; Shelton,J-\$51.92;

Sherman,A-\$11.92; Tetrault,S-\$61.52; Tieman,L-\$51.92; Torgerson,M-\$19.60; Vaughn,R-\$59.60; Brown,B-\$20.24; Burgeson,M-\$19.60; Casados,D-\$21.52; Cody,S-\$59.60; Cooper,N-\$76.64; Corrick,C-\$22.80; Derby,P-\$63.84; Dittman,P-\$22.80; Eatherton,M-\$60.24; Fillmore,M-\$17.68; Fischer,R-\$11.92; Garry,K-\$11.92; Gibson,J-\$59.60; Goodwin,A-\$16.40; Harlan,C-\$51.92; Hemeyer,M-\$21.52; Hornback,R-\$52.56; Huck,A-\$22.80; Irwin,G-\$19.60; Kiger,K-\$85.60; Konstant,M-\$19.60; Loken,E-\$85.60; Maynard,L-\$11.92; Meddings,R-\$11.92; Miller-Sprague,A-\$11.92; Moe,L-\$16.40; Nelson,K-\$10.64; Oberlander,B-\$10.64; Rath,A-\$59.60; Reid,J-\$26.00; Russell,W-\$22.80; Sacrison,W-\$72.80; Salzsieder,K-\$85.60; Sharp,D-\$19.60; Shuck,L-\$66.00; Simpson,R-\$61.28; Steckler,A-\$59.60; Swain,D-\$17.68; Swartz,P-\$19.60; Toepke,K-\$22.80; Trancynger,N-\$18.32; Undlin,V-\$59.60; Valentine,J-\$62.80; Zeman,M-\$19.60; Zimmerman,T-\$12.56

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

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – FEBRUARY 22, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 22, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present.

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

MINUTES: Moved-Seconded (Opitz-Ewing) to approve the minutes of February 8, 2005. Motion Carried.

NATIONAL SCIENCE FOUNDATION: Moved-Seconded (Weisenberg-Seward) to authorize the Chairman to sign a letter supporting the conversion of Homestake mine to DUSEL. Motion Carried.

PERSONNEL: Moved-Seconded (Douglas-Weisenberg) to approve Nicholas Johns as a part time Dispatcher I G3 at the base rate of \$11.85 hour, effective 2-10-2005. Motion Carried.

TRAVEL REQUESTS: Moved-Seconded (Seward-Ewing) to approve the travel request for Buck DeWeese, Bob Golay, Ray Jilek and one board member to attend the South Dakota Airport Conference to be held in Huron SD March 8-10, 2005. Motion Carried

Moved-Seconded (Douglas-Seward) to approve the travel request for Karla Shanklin to attend NCIC training in Pierre SD March 3-5. 2005. Motion Carried

CONTINGENCY TRANSFER: Moved-Seconded (Douglas-Ewing) to approve a contingency transfer of \$10,000 to Commissioners Professional Services for Black Hills Vision. Motion Carried.

RESOLUTION #05-07 SUPPLEMENTAL BUDGET: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign Resolution #05-07 for a Supplemental Budget for Emergency Management and General Fund. Motion Carried.

RESOLUTION #05-07 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: EMERGENCY MANAGEMENT FUND: EMERGENCY MANAGEMENT SEARCH & RESCUE \$35,300, EMERGENCY MANAGEMENT GRANTS \$13,685. GENERAL FUND:

NURSES – SD DEPT HEALTH - \$8,000. 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 22nd day of February, 2005 at the hour of 8:15 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 22nd day of February, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS: ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

SURPLUS PROPERTY: Moved-Seconded (Seward-Weisenberg) to declare the 6 computers and 6 monitor's surplus, as submitted by the computer department, and allow them to be donated to the Domestic Crisis Outreach Center and Artemis House. Motion Carried.

CHANGE OF ZONING #241 / KELLER – RICHARDS: Moved-Seconded (Seward-Weisenberg) to table the Change of Zoning Request #241 on the request of the applicant Doug Richards until the next regular scheduled meeting. Motion Carried.

HIGHWAY: The following bids were received and opened by the South Dakota Department of Transportation for the BRO 804 (13) PCN 6346 Lawrence County Structure and Approach. Heavy Constructors Inc-\$479,436.01; Grandgaard Construction Inc-\$533,332.20; Swingen Construction Company-\$554,151.55. Moved-Seconded (Opitz-Seward) to award Heavy Constructors Inc, as the low bidder in the amount of \$479,436.01. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to authorize the Chairman to sign the amended agreement dated April 30, 2004, between the State of South Dakota, Department of Transportation, and the County of Lawrence, South Dakota. The agreement stated that we would be reimbursed for any expense involving condemnation of the highway right of way including but not limited to appraisal and legal costs. This clause is not included in the new agreement. Motion Carried.

BID OPENING – WATER TENDER: Moved-Seconded (Seward-Ewing) to reject the bids for the Fire Water Tender due to the fact that they were over budget and did not follow the original proposal that was stated in the 45-day comment period. Motion Carried. Aye-3 Nay-Weisenberg-Douglas.

FINAL PLAT/ DAVID AND TERRY CIANI: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Final Plat for David and Terry Ciani-**Legal Description:** Plat of Tract 1A, Tract 3-5 of the Swisher Tracts, Formerly Tract 1 of the Swisher Tracts and all that part of the SW1/4SE1/4 of Section 32, T6N, R4E, Lying North of the Crook City Road, all located in the NW1/4SE1/4 and the SW1/4SE1/4 of Section 32, T6N, R4E. Motion Carried.

FINAL PLAT/HOMESTAKE MINING CO./MAITLAND PARTNERS: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Final Plat for Homestake Mining Company/Maitland Partners. **Legal Description:** Plat of Lots 1 thru 5 of Tract W, All located in the SW1/4 of Section 3, SE ¼ of Section 4, E1/2 of Section 9 & NW ¼ of Section 10, T4N, R3E. **Location:** Yellow Creek Road/ Old Wasp Dump. Motion Carried.

CONDITIONAL USE PERMIT # 303 A public hearing was held for a Request for Conditional Use Permit #303 to allow for rental of Cabins on property. **Owner/Representative:** David B Cole/Roger Tellinghuisen. **Legal Description:** Lots 14,15,16 of HES 137. The public hearing was closed. Moved-Seconded (Douglas-Seward) to approve Conditional Use Permit #303 with the following conditions. Motion Carried.

ATTACHED CONDITIONS: CUP #303. Dale B. Cole. 1.The owner and operator shall comply with all applicable County, State, and Federal regulations. 2. 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, specifically constructing with fire resistant materials. 3. At least one fire extinguisher shall be placed in each cabin. Smoke alarms shall also be required. 4. 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. 5. One on-premise sign may be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 6. Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. 7. All septic systems shall be designed, inspected and approved by a South Dakota certified professional engineer (PE). 8. All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 9. 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. 10. 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. 11. 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.

DEVELOPMENT PLAN: A public hearing was held for Approval/Denial of Development Plan to Develop Commercially Zoned Property in a manner different than previously approved. Development plan review for small camping cabins. **Owner/Representative:** Dale Ply. **Legal Description:** Lots E3-B of E-3 of E of Tract 2 of HES 137, Section 18, T4N, R4E **Location:** Lynx Club/Galena. Charles King from Wild Bill Campground expressed his concern with parking on the Galena Road. Lori Brillard also expressed concern with the septic system lines being run next to their property. Dale Ply stated that he had enough parking on his property so they would not need to park on the Galena Road. Brandon Flanagan, Planning and Zoning Administrators, stated that the septic system was being done to code. Public Hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve the Development Plan. Motion Carried.

The board stated that if there were ever any plans to develop the Lynx Club he would need prior approval.

DEVELOPMENT PLAN; A public hearing was held for Approval/Denial of Development Plan to Develop Commercially Zoned Property in a manner different than previously approved. Darren Nemec from Steel Wheel Campground explained that the new development plan would include a 28-site campground, Convenience Store and Restaurant. **Owner:** Steel Wheel LLC/Darren Nemec. **Legal Description:** Tract D except H2 and Highway R.O.W, HES 297, Section 19, T4N, R4E. **Location:** Highway 385/385 Rally Park. Public Hearing was closed. Moved-Seconded (Seward-Douglas) to approve the New Development Plan. Motion Carried.

EMERGENCY MANAGEMENT; Moved-Seconded (Douglas-Seward) to authorize the Chairman to sign the Updated Emergency Management Operations Plan of Lawrence County Emergency Management Effective February 22, 2005, as the official document for emergency operations during enemy attack, natural or man-made disasters. Motion Carried.

INVASIVE SPECIES MANAGEMENT DEPARTMENT; Moved-Seconded (Opitz-Seward) to allow the chairman to sign the agreement with LL Construction for a 30' X 15' pole structure addition to the existing Invasive Species building in the amount of \$14,994.00. LL Construction must provide a Certificate of Insurance. Motion Carried.

TITLE III FUND REQUEST; Dianne Miller, Project Learning Tree Coordinator, presented An update on the 2004 projects. Miller showed a breakdown of the Title III Grant Funds spent. Miller thanked the Board for the Grant Funds in 2004 and asked the Board to Consider Project Learning Tree for 2005 funds. Moved-Seconded (Seward-Ewing) to advertise for the 45-day public comment period required for Title III Funds. Motion Carried

LAW LIBRARY; Judge Tim Johns was present to discuss the future of the Law Library. The board informed Judge Johns that we were still searching for a place to move the Library.

SHERIFF; Moved-Seconded (Douglas-Weisenberg) to authorize the Chairman to sign the Memorandum of Understanding with City of Spearfish and Lawrence County. The City and County desire to set forth in writing their agreement concerning the payment of sums and division of licenses and services under the New World Contract. Motion Carried.

SLIME PLANT; Jon Mattson, Billy McDavid and Wayne Lund meet with the board and informed them that the Deadwood Economic Development Corporation has exercised their option to purchase the slime plant. They anticipate a closing for the end of the month. Issue discussed where the parking easement with the VFW, Parking liability in the new parking ramp and the county's responsibility for removal of the contaminated soils.

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-\$3,561.36; Aud-\$5916.47; Treas-\$8,836.55; Comp-\$5,141.40; States Atty-\$12,510.06; Pub Def-\$6,403.98; Gen Govt Bldg-\$6,248.32; Equal-\$11,581.15; Rod-\$6,209.18; Vso-\$1,029.43; Disp-\$9,394.99; Sher-\$27,820.52; Jail-\$15,693.48; Coroner-\$58.00; Emerg Mgnt-\$2,457.91; E911-\$2,146.32; Highway-\$33,220.18; Air-\$618.50; Mh-74.00; Ext-\$1,378.14; Weed-\$2,275.85; Pz-\$2,562.95; **Bills:** Piekola,D-\$49.65; Smith,M-\$104.96; A Third Opinion Solutions Corp-\$13,902.00; A&B Welding Supply-\$14.00; A&J Supply-\$12.57; A-Z Shredding-\$22.25; ABC Business Supply-\$363.56; Aberdeen Llc-\$981.96; Accurint Accounts Receivable-\$2.50; Air Connection-\$360.00; Allied Medical Products-\$1,454.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$33.70; Amoco Oil Co-\$192.37; AT&T-\$14.66; BH Federal Credit Union-\$8,874.14; BH Fibercom-\$659.63; BH Pioneer-\$1,077.94; BH Power & Light-\$6,058.40; Black Hills Pure-\$11.50; Blackburn & Stevens Prof Llc-\$172.60; Butler Machinery Co-\$126.21; Butte County Sheriff-\$11.30; Central Parts-\$503.06; Chemical Sanitizing Sys-\$94.55; Chemsearch-\$140.57; Christensen Law Office-\$74.00; Conoco-\$18.45; Correctional Billing-\$4.45; Credit Collections Bureau-\$50.00; Crume,K-\$280.00; Culligan Soft Water Serv-\$20.00; Dakota Deuces-\$63.36; Dakota Graphics-\$118.75; Deckers Food-\$39.06; Dept Of The Treasury-\$37,974.41; Domestic Crisis Outreach-\$322.50; Eagle Aviation-\$119.40; Ecolab-\$93.00; Evercom Systems-\$630.00; Evident Crime Scene Products-\$300.00; Executone Of The BH-\$60.00; Family Thrift Center-\$38.70; Fastenal-\$10.48; Frederickson,J-\$982.60; Gene's Lock Shop-\$406.80; Grimm's Pump Service-\$201.65; Grosfield Electric-\$1,592.65; Hansen & Hubbard-\$805.18; Heisler Hardware-\$67.47; Hewlett-Packard Company-\$7,077.00; Hills Material Comp-\$5,437.78; Holiday Inn Express-\$74.50; IBM Corp-\$4,624.91; Insight Public Sector-\$71.58; Integrity Ford-\$172.00; JD Evans-\$975.55; Jenner Equipment Co-\$883.89; Juneks' Chrysler/Dodge-\$204.00; Kadrmas, Lee And Jackson-\$5,424.70; Kinney,M-\$891.62; Knecht True Value-\$17.13; LC Auditor-\$4.30; LC Journal-\$13.38; LC Sheriff-\$62.81; LC Treasurer-\$100.00; Lawrence Title Company-\$1,734.00; Lewis & Clark-\$260.00; Lexisnexis On-Line-\$312.00; Mcarthur,J-\$160.00; Midwest Alarm Co-\$84.00; Mikelson,G-\$193.62; Montana-Dakota Util-\$406.21; Motorola-\$13,545.12; NH Collection-\$2.58; Nelson,T-\$160.00; Neve's Uniforms-\$91.80; New World Systems-\$1,800.34; Office Technology/Supply-\$747.94; Overhead Door Company-\$79.05; Paradeis,D-\$82.00; Pennington Co Auditor-\$357.00; Pennington Co Jail-\$1,088.40; Pennington County Sheriff-\$9.42; Pennington County Sts Attny-\$600.00; Pheasantland Industries-\$166.35; Pitney Bowes-\$158.60; Postmaster, Deadwood-\$150.00; Postmaster, Spearfish-\$40.60; Queen City Motors-\$29,000.00; Qwest-\$910.37; RC Police Dept-\$1,330.00; RC Regional Hospital-\$1,639.45; Radio Shack/Kazco-\$74.97; Radisson Encore Hotel-\$268.00; Ramco-\$4,535.64; Reliable-\$29.28; SD Association Of County-\$185.00; SD Public Assur Alliance-\$91,992.81; SD Supplemental Retirement-\$907.00; Sand Creek Printing-\$42.48; Sanito Oil-\$19,067.13; Servall Towel & Linen-\$96.11; Slate Creek Counseling-\$420.20; Spearfish Auto Supply-\$101.20; Stampe,S-\$325.00; State Radio Communication-\$2,400.00; Teen Court-\$680.25; Tigerdirect-\$366.31; Total Security Concepts-\$400.00; Turbiville Industrial Electric-\$17.72; Twin City Hardware & Lumber-\$514.82; United Parcel Service-\$25.05; Va Medical Center-\$91.00; Verizon Wireless-

\$414.63; Victims Of Violence-\$322.50; Viking Office Prod-\$617.51; Warne Chemical-\$1,230.20; Waste Connections-\$428.00; Wells Plumbing & Farm Supp-\$4.20; Western Communication-\$491.30; Western Hills Humane Society-\$3,000.00; WSI Corp-\$1,560.00; **Witness & Juror:** Cody,S-\$59.60; Eatherton,M-\$60.24; Gibson,J-\$59.60; Harlan,C-\$51.92; Hornback,R-\$52.56; Rath,A-\$59.60; Shuck,L-\$66.00; Steckler,A-\$59.60; Valentine,J-\$62.80; Allsup,L-\$21.92; Black,D-\$28.96; Bodas,M-\$48.80; Boyd,G-\$20.64; Derrek,D-\$29.60; Ellingsen,J-\$29.60; Gray,D-\$21.92; Hansen,R-\$29.60; Hayward,A-\$20.64; Jones,C-\$20.64; Ladson,M-\$30.88; Larsen,C-\$29.60; Larsen,M-\$20.64; Leth,P-\$26.40; Little,R-\$29.60; Little Hawk,R-\$29.60; Lone Elk,T-\$20.00; Loeffen,R-\$22.56; Mckinstry,R-\$29.60; Montileaux,B-\$29.60; Moore,J-\$36.64; Nelson,A-\$29.60; Palmer,R-\$29.60; Rice,S-\$20.96; Romanjenko,S-\$20.64; Shannon,J-\$20.64; Shannon,K-\$20.64; Shown,S-\$29.60; Skaggs,S-\$20.64; Sumners,J-\$29.60; Wickenheiser,T-\$59.20; Willuweit,A-\$21.92.

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

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – FEBRUARY 28, 2005

Chairman Bob Ewing called the special meeting of the Lawrence County Commissioners to order at 9:00 a.m. on February 28, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, James J. Seward, and Terry W. Weisenberg present. Connie H. Douglas was absent.

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

EXECUTIVE SESSION: 9:00 a.m. Moved-Seconded (Opitz-Seward) to go into executive session to discuss contractual matters with Bruce Outka, Deputy States Attorney. Motion Carried.

9:20 a.m. opened for regular business.

SLIME PLANT:

Moved-Seconded (Seward-Weisenberg) to approve and authorize the payment of \$5,321.79, which is the County's share of the survey cost for the slime plant. Motion Carried.

Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairman to sign the Amended Purchase Agreement, Warranty Deed and Quit Claim Deed with Deadwood Economic Development. Motion Carried.

ADJOURN: 9:25 a.m. - There being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MARCH 8, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 8, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present.

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

MINUTES: Moved-Seconded (Seward-Ewing) to approve the minutes of February 22nd, 2005.

Motion Carried.

Moved-Seconded (Weisenberg-Opitz) to approve the minutes of February 28th, 2005. Motion Carried.

TRAVEL REQUESTS:

HIGHWAY: Moved-Seconded (Seward-Weisenberg) to approve the travel request for Chuck Williams to attend the Highway Superintendent Short Course in Mitchell, SD on March 22-24, 2005. Motion Carried.

WEED: Moved-Seconded (Opitz-Douglas) to approve the travel request for Jerry Boyer and David Heck to attend a meeting in Pierre, SD with Larry Gabriel. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Weisenberg-Seward) to approve the travel request for Paul Thomson to attend the 2005 Homeland Security Grant Workshop in Pierre, SD on March 31, 2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Darlene Piekola to attend the NCRAAO Conference in Moline, IL on June 5-10, 2005. Motion Carried.

CHANGE OF ZONING #241 / KELLER – RICHARDS: Moved-Seconded (Douglas-Opitz) to deny the Change of Zoning Request #241 because the water issues have not been resolved. Motion Carried.

HOUSING & REDEVELOPMENT BOARD: Moved by Douglas to appoint Mistie Caldwell to the Lawrence County Housing & Redevelopment Board to replace Teresa Krier for a term to expire 12-31-2007. Motion died due to lack of second.

Moved by Seward to appoint Carl Edwards to the Lawrence County Housing & Redevelopment Board to replace Teresa Krier for a term to expire 12-31-2007. Motion died due to lack of second.

Weisenberg stated he felt someone from the Lead/Deadwood area should be on the board for representation.

Moved-Seconded (Weisenberg-Douglas) to appoint Jeanna Dewey to the Lawrence County Housing & Redevelopment Board to replace Teresa Krier for a term to expire 12-31-2007. Motion Carried.

ST. ONGE TOWNSHIP TREASURER BOND: Moved-Seconded (Douglas-Seward) to approve the St. Onge Township Treasurer Bond for \$20,000 on Sheila Kinghorn. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Weisenberg) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of February 28, 2005 showed the following: 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)-\$561,400.22; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,196.06; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$440,784.85; Savings-\$3,435,839.33; GNAMS-\$40,779.47; and Money Market \$1,198,701.84, Total \$9,388,778.81.

UTILITY PERMIT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Application for Occupancy on Right of Way of County Highways for Qwest Communications on the Maitland Road in Section 18, T5N, R3E. Motion Carried.

MALT BEVERAGE TRANSFER: Moved-Seconded (Douglas-Seward) to approve the transfer of Package (Off-Sale) Malt Beverage from ***PREVIOUS LICENSE: 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. ***NEW LICENSE: KELLEY FAMILY INC. (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.

EXECUTIVE SESSION: Moved-Seconded (Opitz-Seward) 8:50 a.m. To go into executive session to discuss contracts & personnel issues with Bruce Outka. Motion Carried. 9:00 The Board opened for regular business.

ABATEMENTS:

BEATRIX & MERRIGOLD: Moved-Seconded (Douglas-Weisenberg) to approve the abatement for parcel #18000-00504-154-14 for Charles Beatrix and Robin Merrigold because the structure was removed by DOT prior to the sale. Motion Carried.

COFFIELD: Moved-Seconded (Douglas-Seward) to approve the abatement for John & Judy Coffield on parcel #29800-00100-020-00 for the years 2001, 2002 & 2003, because the owner occupied status was removed do to an oversight when the Mobile Home was replaced in 2001. Motion Carried. Aye-3, Nay-Weisenberg & Opitz. Darlene Piekkola, Director of Equalization recommended current plus one year be refunded, stating the taxpayer needs to held partly responsible.

FIREWISE /COUNTY WILDFIRE PROTECTION PLAN: Bill Coburn, Timber Advisory Committee presented comments on the proposed Lawrence County Community Wildfire Protection Plan. Coburn stated the plan contains some good information and recommendations. Coburn suggested some changes to the plan and further collaboration is needed. Douglas asked Rob Mattox what the plan would cost the County if adopted. Mattox stated the plan doesn't make the County liable for anything and there is no cost to the County for the fuel reduction plan. The Board asked for more time to review the document and allow time for any changes to be made.

FIRE ADVISORY BOARD: The Board discussed the new constitution and by-laws for the Fire Advisory Board. Outka stated the old constitution and by-laws have expired and the County Commission needs to adopt new ones if they want to continue with the Fire Advisory Board. This would be a ten-year document. The mission of the Fire Advisory Board would be to promote and develop fire prevention and fire protection in the County. One of the functions of the board shall be to advise the County Commissioners and County Emergency Manager of fire protection needs in the County. Membership and voting members of the Fire Advisory Board was outlined in Section three. Charles Nicholas expressed concerns that Bear Ridge would not be part of the Fire Advisory Board because they are not a designated fire protection area in the County. Kendall Aldinger was concerned about Paul Thomson, Emergency Manager being a voting member of the Advisory Board. Aldinger stated there could be the perception of possible irregularities because of the different entities Thomson is involved in. Bruce Outka stated the Fire Advisory Board is only an Advisory Board and has no control of the budget or management decisions. Outka stated he did not see any conflict with Thomson being a voting member of the Advisory Board. Rob Mattox stated the Fire Advisory Board was supposed to be a non-political board and if a County Commissioner is a voting member it could become political. Greg Nepstad stated he was offended that the Fire Advisory Board was not consulted when the new constitution and by-laws were drafted. Moved-Seconded (Douglas-Weisenberg) The Board of County Commissioners will take only written comments on this issue until the next meeting. Motion Carried.

EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Seward) 10:00 a.m. To go into executive session to discuss contractual matters with Bruce Outka and Rob Mattox. Motion Carried. 10:30 The Board opened for regular business.

EXECUTIVE SESSION: Moved-Seconded (Opitz-Weisenberg) 10:32 a.m. To go into executive session to discuss litigation matters with Bruce Outka. Motion Carried. 10:47 The Board opened for regular business.

PROPERTY LEASE: Moved-Seconded (Douglas-Opitz) to approve and authorize the Chairman to sign a one-year property lease agreement with the option to purchase, for the Bill Pearson Property in Boulder Canyon (formerly known as the Forest Service Building). Motion Carried. This building will be used for the Law Library, Search and Rescue and storage area for county offices.

11:07 a.m.: Moved by Douglas to adjourn. Motion died due to lack of second.

EMERGENCY MANAGEMENT VEHICLE: Moved-Seconded (Seward-Opitz) to transfer the use of the 1999 Chevy Tahoe to the Planning and Zoning Office. 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-\$3,561.36; Aud-\$4,836.38; Treas-\$7,583.84; Comp-\$4,625.72; States Atty-\$11,491.37; Pub Def-\$5,995.18; Gen Govt Bldg-\$6,690.24; Equal-\$10,321.97; Rod-\$5,407.10; Disp-\$11,900.43; Sher-\$27,313.71; Jail-\$18,289.20; Coroner-\$58.00; Emerg Mgnt-\$2,304.89; E911-\$1,756.08; Highway-\$27,156.36; Mh-\$148.00; Ext-\$1,411.12; Weed-\$2,157.52; Pz-\$2,397.50; **Bills:** Deadwood City Limits-\$5,321.79; Integrity Ford-\$38,624.50; Verizon Wireless-\$43.21; Walmart Store-\$136.53; Wells Fargo Business Card-\$14.95; Baumann,M-\$14.40; Frerichs,R-\$11.92; Locken,W-\$149.44; Mowell,R-\$6,669.00; Vandenberg,M-\$2.58; A&B Business Equip-\$7,694.24; A&I Distributors-\$3,898.38; ABC Business Supply-\$423.11; Altaire Enterprises-\$20.00; Amcon Distributing-\$343.10; American Family Life-\$2,845.72; Amoco Oil-\$25.46; Audiss,J-\$132.56; BH Chemical Company-\$1,037.79; BH Federal Credit Union-\$8,969.00; BH Fibercom-\$1,745.96; BH Land Analysis-\$1,035.00; BH Medical Center-\$225.04; BH Pest Control-\$95.00; BH Power & Light-\$760.69; BH Resource Conservation-\$100.00-BH Windshield Repair-\$150.00; Best Business Prod-\$45.29; Best Western Ramkota Inn-\$342.00; Blue Cross-\$49,403.46; Business Computer Serv-\$180.00; Butler Machinery Co-\$192.00; Butte Electric Coop-\$128.03; Canon Usa-\$3,948.00; Cellular One-\$977.33; Child Psychology Services-\$600.00; City/County Alcohol & Drug-\$800.00; Clinical Lab Of BH-\$2,327.24; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$74.00; Deadwood Carnegie Library-\$75,454.00; Deadwood Home Center-\$12.78; Deadwood Recreation Center-\$173.00; Deadwood, City Of-\$536.39; Deer Mountain Gutter-\$51.00; Dept Of Hlth Lab Services-\$33.00; Dept Of The Treasury-\$35,328.37; Dietrich,D-\$124.25; Division Of Motor Veh-\$63.00; Ekeren,M-\$15.00; Elan Financial Services-\$339.85; Ellingson,J-\$848.71; Equipment Service Prof-\$57.23; Family Thrift Center-\$20.64; Farm Plan/Rdo-\$85.00; Frederickson,J-\$1,230.40; Gold Dust-\$46.16; Grace Balloch Mem Library-\$189,388.00; Grafix Shoppe-\$433.94; Great Western Tire-\$17.95; Havemeier,L-\$258.40; Heisler Hardware-\$4.29; Hills Material Comp-\$451.76; Ikon Office Solutions-\$179.55; Integrity Ford-\$150.00; Karl's-\$429.96; Karpinen,S-\$320.00; Ken's Camper Sales-\$60.00; Kieffer,T-\$30.60; Kimball-Midwest Co-\$69.38; Kinney,M-\$2,747.76; Knecht True Value-\$426.21; Koala Electric-\$974.18; Kooistra,N-\$15.00; LC Journal-\$382.48; LC Public Defender-\$11.49; LC Sheriff-\$210.00; LC Treasurer-\$100.00; Lead, City Of-\$74,572.80; Lead-Deadwood Sanitary-\$274.56; Mayer Radio-\$18.20; McClure,S-\$280.00; Montana-Dakota Util-\$7,849.69; NH Alcohol & Drug Services-\$10,000.00; NH Community Development-\$1,000.00; NH Family Ymca-\$204.00; NH General Hospital-\$459.20; National Academy Of Emd-\$225.00; National Sheriff's Assoc-\$65.00; New World Systems-\$2,511.78; Office Technology/Supply-\$264.68; Pennington Co Revolving Fund-\$20.00; Pennington County Sts Attny-\$400.00; Percy Law-\$2,926.70; Pizza Hut-\$401.15; Qwest-\$43.23; RC Medical Center-\$57.60; RC Regional Hospital-\$822.89; Radio Shack/Kazco-\$59.22; Reindl,S-\$1,004.42; Rombough,D-\$153.63; SD State Treasurer-\$156.10; SD Assoc Of Weed & Pest Boards-\$100.00; SD Supplemental Retirement-\$907.00; Schmalz,D-\$20.48;

Servall Towel & Linen-\$396.66; Software House International-\$3,923.72; Spearfish Auto Supply-\$74.22; Spearfish Husky-\$339.50; Speedylube-\$16.95; Street Image-\$410.00; Tigerdirect-\$685.43; Twin City Hardware & Lumber-\$883.85; US Postal Service-\$6,000.00; Viking Office Prod-\$357.96; Waste Connections-\$227.93; Western Communication-\$4,564.10; Whitewood Library-\$46,894.00; Yankton County-\$91.05; **Witness & Jurors:** Derby,P-\$103.84; Kiger,K-\$125.60; Konstant,M-\$119.20; Loken,E-\$125.60; Sacrison,W-\$112.80; Salzsieder,K-\$125.60; Sharp,D-\$119.20; Simpson,R-\$101.28; Aberle,G-\$11.92; Agan,J-\$12.56; Albright,G-\$21.52; Barron,J-\$21.52; Bliege,J-\$21.52; Bobby,S-\$19.60; Boyd,P-\$20.24; Burr,A-\$60.24; Burshek,J-\$26.00; Carter,D-\$15.12; Clauser,J-\$19.60; Cleaver,S-\$19.60; Cook,B-\$10.64; Delong,L-\$11.92; Deminck,C-\$20.24; Doud,N-\$12.56; Eymer,T-\$24.08; Ginsbach,C-\$59.60; Ginsbach,T-\$19.60; Ginter,J-\$11.92; Grubb,J-\$19.60; Haak,J-\$66.00; Hall,K-\$20.88; Harrison,K-\$11.28; Hauck,S-\$19.60; Heilman,S-\$22.80; Heinrich,L-\$19.60; Hoff,M-\$11.92; Holtsclaw,M-\$51.92; Johnson,K-\$10.64; Johnston,A-\$22.80; Karpinen,W-\$11.92; Keiry,J-\$11.92; Koerner,C-\$24.72; Kopp,S-\$11.28; Lecates,B-\$13.84; Maas,J-\$62.80; Marchant,A-\$19.60; Millar,N-\$22.80; Neal,H-\$10.64; Newton,J-\$22.80; Nicholas,S-\$22.80; Paris,L-\$22.80; Pearson,J-\$12.56; Reif,C-\$11.92; Rogers,C-\$19.60; Rosander,S-\$19.60; Roth,S-\$19.60; Saylor,B-\$22.80; Scott,J-\$61.52; Shinabarger,B-\$59.60; Smithback,J-\$69.20; Standingbear,B-\$59.60; Stemler,J-\$11.92; Storbeck,T-\$19.60; Stulken,T-\$12.56; Terwee,T-\$18.32; Todd,G-\$10.64; Turner,L-\$22.80; Valades,J-\$19.60; Vandeest,A-\$61.52; Votroubek,P-\$16.40; Williams,S-\$62.80; Wilson,G-\$27.92; Winchester,C-\$59.60; Winsell,D-\$16.40; Worthington,D-\$60.24

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

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MARCH 22, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 22, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present.

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

MINUTES: Moved-Seconded (Opitz-Weisenberg) to approve the minutes of March 8, 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Seward-Opitz) to approve Frank Ensor as a reserve deputy at the base rate of \$11.59 an hour, effective 1-1-05. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve Barb Iwan as a part-time dispatcher II – G2, at the base rate of \$13.35 an hour, effective 3-15-2005. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved by Seward to deny the travel request for Tom Sandvick, Sue Black, Marian Hamilton, Mark Ginsbach and Laurie Greeley to attend the Dakota 911 Conference in Bismarck, ND on April 25-18, 2005. Motion died due to lack of second.

Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Tom Sandvick, Sue Black, Marian Hamilton, Mark Ginsbach and Laurie Greeley to attend the Dakota 911 Conference in Bismarck, ND on April 25-18, 2005. Motion Carried. Aye-4, Nay-Seward.

Moved-Seconded (Seward-Douglas) to approve the travel request for Dale Larson to attend the SD Sheriff Association Spring Conference in Rapid City, SD on April 27-29, 2005 and to approve the travel request for Tavis Little and James Watt to attend the Law Enforcement Standards Training in Sioux Falls, SD on April 18-22, 2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Darlene Piekkola, Dennis Schumacher, Brandon Bott, Scott Sandvig, Brett Runge, Jason Writer and Sharon Woodle to attend the Annual Assessor's Conference in Lead, SD on May 24-26, 2005. Motion Carried.

VSO: Moved-Seconded (Weisenberg-Seward) to approve the travel request for William Locken to attend the SD Veteran's Commission Meeting on April 12-13, 2005. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Seward-Ewing) to approve the travel request for David Heck to attend the SD Annual Supervisor's Training in Pierre, SD on April 4-6, 2005. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve the travel request for Jerry Boyer and David Heck to attend the meeting with the SD Weed & Pest Commission Rules Hearing in Pierre, SD on April 14, 2005. Motion Carried.

ST. ONGE TOWNSHIP BOND: Moved-Seconded (Seward-Weisenberg) to approve the St. Onge Township Clerk Bond for \$20,000 on Leo Derosier. Motion Carried.

BUTTE-LAWRENCE COUNTY FAIR: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Butte Lawrence County Fair Agreement for 2005. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Opitz-Ewing) to set a supplemental budget hearing for April 12, 2005 at 8:45 a.m. for the General Government Buildings Contracts for \$13,500 for the rent of the old Forest Service Building from Bill Pearson. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to set a supplemental budget hearing for April 12, 2005 at 8:45 a.m. for the Jail Contracts for \$12,578. Motion Carried.

RESOLUTION 2005-08: Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairman to sign Resolution #2005-08 that Lawrence County's financial statements will be prepared on OCBOA. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2005-08: Whereas the Governmental Accounting Standards Board (GASB) issued statement of Governmental Accounting Standard No. 34 – Basic Financial Statements – and Management's Discussion Analysis (No. 34) and Lawrence County needs to established what measurement focus basis of accounting will be utilized, and Whereas GASB encourages and requires that policies are established for Capital Assets, Interest Earnings, and Restricted and Unrestricted Resources. Now Therefore, Be It Resolved that Lawrence County's financial statements will be prepared on "other comprehensive basis of accounting" (OCBOA), the cash receipts and disbursements basis of accounting (GASB 34 "cash basis"). The first modification to the cash basis method of accounting is that long-term investments acquired with cash assets will be recorded at cost. The second modification to the cash basis method of accounting is that notes receivable for revolving loan funds will be reported. Be It Further Resolved that Lawrence County sets the following Capital Assets Capitalization Amounts: Land – All; Buildings -\$50,000; Improvements Other than Buildings - \$50,000; and Equipment and Vehicles - \$5,000. Be It Further Resolved that County funds receive their applicable amount of interest earnings and will be recorded in the respective fund. Be It Further Resolved that Lawrence County sets the following Restricted and Unrestricted Resource Policy: When both restricted and unrestricted resources are available for use, it is Lawrence County's policy to use restricted resources first, then unrestricted resources as they are needed. Dated this 22nd day of March, 2005. LAWRENCE COUNTY COMMISSION FOR THE BOARD: BOB EWING, Chairman. ATTEST: CONNIE ATKINSON, Auditor

ABATEMENTS:

CITY OF DEADWOOD: Moved-Seconded (Douglas-Seward) to approve the abatement for the City of Deadwood on parcel #30900-00107-010-20 because the City is tax exempt. Motion Carried.

COUNTY HIGHWAY STRIPING AGREEMENT: Moved-Seconded (Opitz-Seward) to approve and authorize the Chairperson to sign the Striping Project with the Department of Transportation for approximately 75 miles of Lawrence County roads, estimated cost \$15,198.84 to the County. Motion Carried.

BID NOTICE / 014A OVERLAY & CROOK CITY ROAD CHIP SEAL: Moved-Seconded (Seward-Opitz) to set the bid opening for the 014A Overlay and Crook City Road Chip & Seal for April 26, 2005 at 8:30 a.m.. Motion Carried.

WEIGHT LIMIT ENFORCEMENT: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairperson to sign the Lawrence County Weight Enforcement Resolution 2005-11. Motion Carried.

LAWRENCE COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION 2005-11:

WHEREAS, seasonal climatic changes can be detrimental to our highways and WHEREAS, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, ultimately saving tax dollars and WHEREAS, the Lawrence County Board of County Commissioners desire the enforcement of weight limitation of Lawrence County Roads as set forth and posted by the Lawrence County Highway Superintendent. NOW THEREFORE BE IT RESOLVED: WHEREAS, the limits on Lawrence County Highways shall be set as six (6) ton per axle on Designated asphalt surface roads during spring thaw period and when limit signs are in place. That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Lawrence County Roads. BE IT FURTHER RESOLVED, that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55. Vote of Lawrence County Commission AYE-5 NAY-0. Dated this 22nd day of March 2005, at Lawrence County South Dakota. BOB EWING, Lawrence County Commission Chairperson. Attest: CONNIE ATKINSON, Lawrence County Auditor.

EASEMENT TO OCCUPY COUNTY RIGHT-OF-WAY: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Easement to Occupy with Russell Knutson and Donna Knutson on the property described as Big Elk Forest Subdivision, Lot 1 Less H1, Tract 1, HES 88, Section 4 & 9, T3N, R5E, BHM, Lawrence County. Motion Carried.

CONDITIONAL USE PERMIT #304 / RESTRICTED USE LANDFILL & POLICE PISTOL RANGE / CITY OF DEADWOOD/LEAD/CENTRAL CITY: **A public hearing was held on a request for Conditional Use Permit #304. Owner: City of Deadwood/Lead/Central City, Legal Description: Plat of the Municipality Tract, NE ¼ of Section 15 and the W ½ of Section 14, T4N, R3E, Location: Yellow Creek Road, Purpose: Restricted use landfill and police pistol range.**

Moved-Seconded (Opitz-Weisenberg) to approve Conditional Use Permit #304 for the City of Deadwood/Lead/Central City for a restricted use landfill and police pistol range with the following conditions. Motion Carried. CONDITIONS: Applicant is requesting the County grant permit to allow restricted use landfill and Law Enforcement shooting range off the Yellow Creek Road near the Grizzly Gulch Tailings Facility. 1) The owner/operator shall comply with all applicable County, State, and Federal regulations. 2) Any construction of structures shall require a building permit from the Lawrence County Office of Planning and Zoning. 3) One on-premise sign may be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 4) Any septic system shall be designed, inspected and approved by a South

Dakota certified professional engineer (PE). 5) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 6) 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. 7) 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. 8) 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.

Moved-Seconded (Douglas-Seward) to approve the following Resolution 2005-10. Motion Carried.

Resolution 2005-10 WHEREAS, The Municipalities of Lead, Deadwood, and Central City desire to establish a rubble/construction and demolition debris disposal site to replace the old Wasp Dump Site for the purpose of solid waste management; and WHEREAS, the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and WHEREAS, The Municipalities of Lead, Deadwood, and Central City will file a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and WHEREAS, DENR will review that application to determine that the facility can be operated within the South Dakota laws and regulations; and WHEREAS, DENR will recommend the approval of the permit with conditions adequate to safeguard the environment; and WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and WHEREAS, the County Commission of Lawrence County is required by South Dakota law SDCL 34A-6-103 to approve a solid waste facility prior to the issuance of a solid waste permit; NOW THEREFORE BE IT RESOLVED that the County Commissioners of Lawrence County hereby approves construction and operation of the proposed facility, with the attached conditions for Conditional Use Permit #304, to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment. Approved this 22nd day of March 2005, by the Lawrence County Commission in regular session. FOR THE BOARD: Robert Ewing, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

COOP LAW ENFORCEMENT AGREEMENT/CAMPGROUND PATROL: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Cooperative Law Enforcement Agreement #03-LE-11020300-005. Motion Carried.

VETERAN SERVICE ECONOMIC IMPACT: Bill Locken, Veteran Service Officer, was present and updated the Board on the economic impact of the Veterans Benefits in the County. Locken currently has 243 active clients in the County. Compensation and Pension benefits for Lawrence County Veterans amounted to \$3,864,193 for FY2004.

NORTHERN HILLS ALCOHOL & DRUG SERVICES: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Core Service Agency with Northern Hills Alcohol and Drug Services. Motion Carried.

VACATION OF SECTION LINE / THOMPSON & HOMESTAKE: A public hearing was held on a vacation of section line for Thompson & Homestake. No public was present and the public hearing was closed. Moved-Seconded (Seward-Douglas) to approve the following Resolution #05-09 Order To Vacate Portion Of Highway, Part Of Which Is Located On A Section Line. Motion Carried. LAWRENCE COUNTY RESOLUTION #05-09 RESOLUTION & ORDER TO VACATE PORTION OF HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: The 66 foot Section Line Right of Way between Sections 21 and 22, T6N R4E BHM, beginning at the north boundary of Lot H1 NE1/4 NE1/4 Section 21 T6N R4E BHM (Plat Book 5 page 11), continuing along the Section Line to the Section Corner of Sections 15, 16, 21, 22, T6N R4E. (See Exhibit A) The 66 foot Section Line Right of Way between Sections 15 and 16, T6N R4E BHM, beginning at the Section Corner of Sections 15, 16, 21, 22, T6N R4E. Continuing along the Section Line to the NE corner of Tract T12 (Doc 96-0435). (See Exhibit A) Landowners: Thomas F. Thompson & Charlotte J. Thompson & Homestake Mining Company of California. Dated this 22nd day of March, 2005. BOB EWING, CHAIRMAN, Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

US FOREST SERVICE PHASE II AMENDMENT: Aaron Everett, Black Hills Forest Resource Association, was present to discuss the Black Hills National Forest Phase II Amendment. Everett discussed the benefits of the Healthy Forest Alternative and presented the Executive Summary. Moved-Seconded (Seward-Douglas) to approve and authorize the Chairman to send a letter to the Black Hills National Forest expressing the Counties support of the Healthy Forest Alternative. Motion Carried.

DELAY TAKING TREASURER'S DEED AND ACCEPT PARTIAL PAYMENTS: Moved-Seconded (Opitz-Douglas) to delay taking action to take treasurer's deed and accept partial payments of taxes for RO on Lot 9 Bender Park Sub/Div Lead, AKA 9 1st Street, Lead. Motion Carried.

CHECKS UNDER \$5.00: Deb Tridle, Treasurer, recommended the Board consider adopting a policy to not issue checks under \$5.00. Tridle stated many counties have adopted like policies. Checks under \$5.00, sent back to individuals, are rarely cashed. The cost to issue the checks can be more than what the check is worth. Tridle stated the

overpayment would be receipted in and if the individual requested the money they can come to the Treasurer's office and pick up the money. Moved-Seconded (Douglas-Seward) Checks under \$5.00 will not be issued in the Lawrence County Treasurer's office. Motion Carried.

EMERGENCY MANAGEMENT / STATE & LOCAL AGREEMENTS: Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairman to sign the 2005 Emergency Management State and Local Agreement Addendum for up to \$30,843.90 for essential county emergency management 50% grant. Motion Carried.

HAZARDOUS MATERIALS EMERGENCY RESPONSE PLAN: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Agreement for Consultant Services with Fred Raubach for a Hazardous Materials Emergency Response Plan. Motion Carried.

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS): Moved-Seconded (Opitz-Weisenberg) to make the following Designation of the National Incident Management System (NIMS) as the basis for all incident management in Lawrence County. Motion Carried. WHEREAS, the President in Homeland Security Presidential Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the County's and State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes. WHEREAS; the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the County and State, including fire service certification programs and current emergency management training programs; and WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; WHEREAS, adoption and implementation of the National Incident Management System is a condition of receiving Federal preparedness assistance; and WHEREAS, Lawrence County is committed to NIMS implementation and the strengthening of local government to prevent,

prepare for, respond to, and recover from emergencies and disasters. THEREFORE, BE IT RESOLVED that the Lawrence County Commission does hereby establish the National Incident Management System (NIMS) and NIMS ICS as the County standard for incident management.

2003 REALLOCATION PROJECT FUNDS / SPEARFISH SCHOOL DISTRICT: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Grant Reimbursement Agreement for US Department of Justice FY 2003 Grant Reallocation for \$12,371 for a security and/or communication enhancement project for the Spearfish School District. Motion Carried.

FIRE ADVISORY BOARD CONSTITUTION AND BY-LAWS: The Board discussed the proposed constitution and by-laws for the Fire Advisory Board.

Article I.

Moved-Seconded (Seward-Weisenberg) to remove the Emergency Manager as a Board Member. Motion Carried.

Moved-Seconded (Douglas-Seward) to remove the U.S. Fish and Wildfire Service as a Board Member and make the following change “A Representative from each Fire Department. Each participating fire department must have a designated fire district in this county. (See attached map)”

Motion Carried.

Moved by Weisenberg to remove the County Commissioner as a voting member. Motion Died due to lack of second.

Moved-Seconded (Douglas-Seward) to state Voting members as follows: Voting members shall include a member of the Board of County Commissioners and a representative from each fire department/fire district. Motion Carried. Aye-4 Nay-Opitz.

Moved-Seconded (Douglas-Weisenberg) to change the SD Division of Forestry to SD Division of Wildfire Suppression. Motion Carried.

Article II

Moved-Seconded (Seward-Weisenberg) to change the date of the Board Appointments to December of each year.

Moved-Seconded (Douglas-Seward) to change Article II Section 2 to read as follows: The officers of the Board, known as the Executive Committee, shall consist of a Chair, Vice-Chair and Secretary. The Chair must be a representative from a fire department/fire district. No person acting as Chair can serve more than two consecutive terms in a five-year period. No fire department/fire district may have a representative serving as Chair more than two consecutive terms in a five-year period. No fire department/fire district representative shall have a vote on this Board until he/she gains appointment to this Board by his/her respective fire department/fire district.

Article III

Moved-Seconded (Weisenberg-Seward) to delete section 4. Motion Carried.

Moved-Seconded (Seward-Ewing) to change section 2 as follows: It shall be the duty of the Chair to preside over all meetings. It shall be the duty of the Vice-Chair to preside over all meetings and to perform all of the duties of the Chair in the Chair's absence. Motion Carried.

Moved-Seconded (Douglas-Opitz) to change section 5 to state: A quorum shall consist of six (6) voting members present. Motion Carried.

Article IV

Moved-Seconded (Weisenberg-Ewing) to eliminate the term of agreement. Motion Carried.

Article V

Moved-Seconded (Weisenberg-Ewing) to add Article V (Non discrimination section). Motion Carried.

Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the following Fire Advisory Board Constitution and By-Laws. Motion Carried.

LAWRENCE COUNTY FIRE ADVISORY BOARD/Constitution and By-Laws:

ARTICLE I. Section 1. This advisory board shall be known as the Lawrence County Fire Advisory Board so authorized by the Lawrence County Commissioners. The mission of the Board shall be to promote and develop fire prevention and fire protection in Lawrence County. Section 2. The function of the Board shall consist of the following: to advise the Lawrence County Commission and Lawrence County Emergency Manager of fire protection needs within Lawrence County; to act as a forum for communication and cooperation between fire departments, Lawrence County Emergency Manager, Lawrence County Commissioners, and fire protection agencies; and to formulate new ways to enhance and improve fire suppression, fire prevention, training and education of firefighters in Lawrence County. Section 3. The Board shall consist of the following members: A Representative from the Board of County Commissioners; A Representative from the U.S. Forest Service; A Representative from the SD Division of Wildfire Suppression; A Representative from the Bureau of Land Management; A Representative from each Fire Department. Each participating fire department must have a designated fire district in this county. (See attached map). Voting members shall include a member of the Board of County Commissioners and a representative from each fire department/fire district. Each member shall have one vote. Other members are ex-officio members and shall serve as advisors to the Board.

ARTICLE II. Section 1. Board members shall be appointed by their respective authorities/fire departments on an annual basis and shall be seated on the Board in December. Section 2. The officers of the Board, known as the Executive Committee, shall consist of a Chair, Vice-Chair and Secretary. The Chair must be a representative from a fire department/fire district. No person acting as Chair can serve more than two consecutive terms in a five-year period. No fire department/fire district may have a representative serving as Chair more than two consecutive terms in a five-year period. No fire department/fire district representative shall have a vote on this Board until he/she gains appointment to this Board by his/her respective fire department/fire district.

ARTICLE III. Section 1. This Board shall not hold less than twelve (12) regular meetings each year. Regular meetings will be held on the second Tuesday of the month. Special meetings may be called by the Chair, when needed, giving a thirty-six (36) hour notice prior to such meeting.

Section 2. It shall be the duty of the Chair to preside over all meetings. It shall be the duty of the Vice-Chair to preside over all meetings and to perform all of the duties of the Chair in the Chair's absence. Section 3. It shall be the duty of the Secretary to keep minutes of all of the meetings of the Board in a book provided for that purpose, to keep a roll call of all members of the Board, to call the same at every meeting, and to record all department recommendations. Section 4. All meetings of the Board shall comply with Robert's Rules of Order. Section 5. A quorum shall consist of six (6) voting members present. Section 6. The Chair shall appoint, subject to Board approval, two (2) representatives to the Black Hills Fire Advisory Board for two (2) staggered two (2) year terms.

ARTICLE IV. Section 1. Amendments to these by-laws shall require two (2) separate readings and shall be approved by a 2/3rd's majority of voting members present. All amendments must also have County Commission approval to be effective. We, the undersigned members agree to abide by this Constitution and Bylaws while functioning as the Lawrence County Fire Advisory Board. This agreement is in no way legally binding, and any member can withdraw at any time. No party shall be liable to any other for any damage resulting from any action, or failure to take action, under this Constitution and Bylaws.

ARTICLE V. This organization, in accordance with State and Federal laws, does not discriminate on the basis of age, race, color, ancestry, national origin, creed, religion, sex, marital status, disability or political affiliation.

Moved-Seconded (Seward-Weisenberg) To prepare the Fire Advisory Board Constitution and By-Laws and send copies to each Board Member as stated in Article I Section 3 for signatures, and ratification prior to the County Commission Meeting on April 26, 2005 meeting.

Douglas thanked the Fire Advisory Board and everyone else who submitted written comments to the Board for consideration. Douglas stated the Fire Advisory Board has always been a very effective Board and will continue to be very effective. Weisenberg stated the Board is made up of a good group of volunteers with the Citizens best interest in mind.

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-\$3,561.36; Aud-\$6,266.22; Treas-\$8,640.82; Comp-\$5,141.41; States Atty-\$12,855.14; Pub Def-\$6,403.98; Gen Govt Bldg-\$6,162.28; Equal-\$11,406.27; Deeds-\$6,209.17; Vso-\$1,029.43; Disp-\$10,989.56; Sher-\$28,470.27; Jail-\$15,656.25; Emerg Mgnt-\$2,468.84; E911-\$1,443.20; Highway-\$33,636.43; Air-\$100.50; Ext-\$1,237.28; Weed-\$2,176.72; Pz-\$2,573.98; **Bills:** Campbell,D-\$24.32; Davis,J-\$141.44; Rosenau,R-\$575.00; Scott,F-\$7.00; A&B Business Equip-\$525.74; A&B Welding Supply-\$129.54; A&H Truck Salvage-\$60.00; A&J Supply-\$187.77; A-Z Shredding-\$13.75; AB Investigations-\$3,124.84; ABC Business Supply-\$2,880.75; Accurint Accounts Receivable-\$9.50; Active Data Systems-\$205.24; Alaska Court System-\$5.00; Altaire Enterprises-\$300.00; Amcon Distributing-\$401.75; Amoco Oil Co-\$197.16; Audiss,J-\$37.34; BH Chemical Company-\$451.90; BH Federal Credit Union-\$8,969.00; BH Fibercom-\$652.10; BH Medical Ctr Pharmacy-\$1,554.09; BH Pioneer-\$708.30; BH Power & Light-\$76.93; Bickle's Truck &

Diesel-\$106.43; Black Hills Pure-\$11.50; Bob Barker Company-\$604.25; Borders-\$57.34; Butte County Sheriff-\$18.04; Butte Electric Coop-\$458.79; Campbell Supply-\$40.05; Cellular One-\$97.75; Central Parts-\$659.97; Chain Saw Center-\$59.69; Chris Supply Co-\$55.29; Community Health Services-\$40.00; Conoco-\$128.33; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$69.00; Dakota 911 Conference-\$250.00; Dakota Graphics-\$1,010.00; Deckers Food-\$20.99; Domestic Crisis Outreach-\$362.50; Dtech Billing Services-\$3.01; Election Sys & Software-\$643.50; Ellingson,J-\$582.62; Equipment Service Prof-\$206.76; ESRI-\$400.00; Evercom Systems-\$641.05; Executone Of The BH-\$45.00; Exhaust Pros-\$180.00; Extension Service-\$282.87; Fastenal-\$216.49; Federal Express Corp-\$7.52; Frederickson,J-\$2,085.40; Gene's Lock Shop-\$75.00; Godfrey's Brake Serv-\$6.35; Grimm's Pump Service-\$536.44; Havemeier,L-\$90.80; Heisler Hardware-\$48.98; Hills Material Comp-\$10,710.85; Holiday Inn Express Fort Pierr-\$60.00; Hughes County Sheriffs-\$10.50; IBM Corp-\$1,346.25; Ikon Office Solutions-\$105.88; Jilek,R-\$142.40; Jones,T-\$150.00; K Mart-\$94.97; Kadrmas, Lee And Jackson-\$1,524.60; Kar Products-\$213.52; Kieffer,T-\$30.60; Kimball-Midwest Co-\$44.47; Kinney,M-\$4,787.05; Knecht True Value-\$267.07; L C Journal-\$33.00; L C Sheriff-\$308.00; L C Treasurer-\$100.00; Lamb Motor Company-\$33,712.00; Larson,R-\$500.00; Lee,J-\$15.00; Lewis & Clark-\$130.00; Lexisnexis Matthew Bender-\$69.15; Lexisnexis On-Line-\$312.00; Lyle Signs-\$1,532.28; Meade Co Auditor-\$250.00; Montana Dakota Utilities-\$222.97; Mouw Motor Company-\$150.00; MPT-\$4500.00; NH General Hospital-\$64.60; National 4-H Council Sup Serv-\$81.70; National Assoc Of Criminal-\$125.00; Nelson,T-\$360.00; New World Systems-\$10,513.20; Nick Of Time-\$2,989.00; Office Technology/Supply-\$42.70; Pennington Co Jail-\$605.44; Pennington County Sheriff-\$36.26; Pheasantland Industries-\$43.17; Phillips Petroleum Co-\$218.86; Phoenix Investigations-\$1,000.53; Pitney Bowes-\$1,375.00; Porter Law Office-\$241.76; Postmaster, Deadwood-\$290.00; Pronto Auto Supply-\$8.92; Queen City Rocket Lube-\$358.21; Quill Corp-\$101.09; Qwest-\$913.49; RC Finance Office-\$1,120.00; RC Regional Hospital-\$1,762.10; Rabe Elevator-\$596.88; Rachetto,J-\$3,868.80; Radio Shack/Kazco-\$223.93; Rapid Delivery-\$14.30; RDO Equipment Co-\$13,695.00; Reindl,S-\$1,044.95; Ron's Service-\$45.07; Rosenau,R-\$400.00; SD Retirement System-\$40,990.91; SD AAO-\$630.00; SD Airport Conference-\$100.00; SD Continuing Legal Ed-\$150.00; SD Dept Of Labor Unemployment-\$690.67; SD Dept Of Transportation-\$8,743.21; SD Human Services Center-\$24.60; SD Supplemental Retirement-\$907.00; SD Weed & Pest Supervisors Assoc-\$50.00; Servall Towel & Linen-\$96.11; Sioux Steam Cleaner Corp-\$42.30; Southside Oil Co-\$12,559.82; Spearfish Auto Supply-\$299.00; Spearfish City Of-\$86.26; Spearfish Embroidery-\$153.00; Speedylube-\$70.30; Street Image-\$1,010.00; Subway-\$369.83; Team Lab Chemical Corp-\$81.75; Teen Court-\$1,698.28; Thompson Publishing Group-\$318.50; Tigerdirect-\$143.79; Twin City Hardware & Lumber-\$149.16; Verizon Wireless-\$357.12; Victims Of Violence-\$362.50; Voelker & Adams-\$1,613.49; Warne Chemical-\$6.38; Waste Connections-\$200.07; West River International-\$35.89; West Tire And Alignment-\$1,207.36; Western Communication-\$40.00; Western SD Juvenile Serv-\$5,610.00; Williams Standard Serv-\$126.85; **Witness & Juror Fees:** Cody,S-\$59.60; Eatherton,M-\$60.24; Gibson,J-\$59.60; Hornback,R-\$52.56; Shuck,L-\$66.00; Steckler,A-\$59.60

ADJOURN: 11:50 a.m. - There being no further business it was Moved-Seconded (Seward-Douglas) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – APRIL 12, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 12, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of March 22, 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Seward-Weisenberg) to approve Geraldine Mykleby as a Secretary G3 at the base rate of \$12.70 an hour, effective 1-1-2005. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Opitz-Seward) to allow the donation of sick leave to Bruce Outka. Motion Carried.

TRAVEL REQUESTS:

SPRING/SUMMER WORKSHOP: Moved-Seconded (Opitz-Douglas) to approve travel for all interested County Personnel to attend Spring and Summer Workshop in Pierre, SD for 2005. Motion Carried.

SHERIFF:

Moved-Seconded (Douglas-Ewing) to approve the travel request for Dale Larson and Robert Williams to attend the Administration and Senior Supervisor Training in Pierre, SD on May 10-13, 2005. Motion Carried.

Moved-Seconded (Weisenberg-Sewing) to approve the travel request for Lori Fredericksen to attend the three day Emergency Medical Dispatch Course in Pierre, SD on May 2-4, 2005. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve the travel request for Tavis Little to attend the Police Working Dog Seminar in Yankton, SD on April 24-28, 2005. Motion Carried.

TREASURER:

Moved-Seconded (Weisenberg-Seward) to approve the travel request for Deb Tridle to attend meetings in Pierre, related to the Motor Vehicle Task Force. Motion Carried.

Moved-Seconded (Opitz-Seward) to approve the travel request for Deb Tridle and Sally Atkinson to attend the Mobile/Manufactured Home Dealer Meeting in Rapid City, SD on June 6, 2005. Motion Carried.

Moved-Seconded (Seward-Opitz) to approve the travel request for Deb Tridle, Carol Sjomeling, Sally Atkinson, Jan Haupt, Dori Winter and Ina Peck to attend the meeting in Rapid City, SD on June 6, 2005 with the SD Automobile Dealers and Department of Revenue. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Brandon Flanagan to attend the Rocky Mountain Land Use Conference in Denver, Colorado on April 20-24, 2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Jason Writer to attend the Spatial Technology Consortium in Mitchell, SD on May 17-19, 2005. Motion Carried.

PLANNING AND ZONING BOARD RESIGNATION: Moved-Seconded (Douglas-Seward) to accept, with regrets, the resignation from Terrence Kulbom as a Planning and Zoning Board Member. Motion Carried.

TRANSFER OF FUNDS:

ROAD & BRIDGE & EMERGENCY DISASTER: Moved-Seconded (Seward-Weisenberg) to approve the transfer of \$625,120 from General Fund to Road & Bridge Fund and to transfer \$119,975 from General Fund to Emergency & Disaster Fund. Motion Carried.

SURPLUS: Moved-Seconded (Seward-Ewing) to declare the HP650C Plotter SN#ESB5335728 surplus and gift it to the City of Deadwood. 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, 2005 showed the following: 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)-\$60,314.27; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,514.83; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$1,322,347.92; Savings-\$3,128,665.67; GNAMS-\$40,614.64; and Money Market \$1,199,483.70, Total \$9,395,303.97.

RESOLUTION #05-12 TO ADOPT A SUPPLEMENTAL BUDGET: Moved-Seconded (Seward-Weisenberg) to approve the following Resolution #05-12 to Adopt a Supplemental Budget as follows. Motion Carried. RESOLUTION #05-12 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND General Government Buildings Contracts - \$13,500, Jail Contracts for \$12,578, COURTHOUSE/JAIL: Courthouse & Jail – Principal - \$820,00, Courthouse & Jail – Interest - \$35,000. 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 12th day of April, 2005 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 12th day of April, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS: ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

ABATEMENTS: Moved-Seconded (Seward-Opitz) to approve the abatement on a 1971 Schultz 12X56 Mobile Home, SD Title T84802, because the mobile home was tore down in 2004. Motion Carried.

HIGHWAY BIDS:

MAGNESIUM CHLORIDE: The following bids were received for Magnesium Chloride: Z&S Dust Control - \$61.77 per ton and \$18.50 application; Univar USA - \$90.28 per ton and \$12.95 application; Hill Brothers - \$65.16 per ton and \$7.00 application.

Moved-Seconded (Seward-Ewing) to accept low bidder of Z&S Dust Control at \$61.77 per ton Motion Carried.

HOT MIX ASPHALT: Moved-Seconded (Seward-Weisenberg) to accept the only bid received for hot mix asphalt from Hills Material for \$31.95 per ton at the Centennial Plant Site. Motion Carried.

COLD MIX ASPHALT: Moved-Seconded (Weisenberg-Seward) to accept the only bid received for cold mix asphalt from Hills Material for \$33.00 per ton. Motion Carried.

GRAVEL SURFACING AGGREGATE: Moved-Seconded (Seward-Weisenberg) to accept all bids received for Gravel Surfacing Aggregate from Hills Material for \$4.95 per ton Gravel Surfacing, \$6.10 Gravel Base, \$8.25 ³/₄ clean rock, \$8.25 ¹/₂ clean rock at the Centennial Pit; \$4.55 per ton Gravel Surfacing, \$4.55 Gravel Base, at the Hanson Pit; \$4.55 per ton Gravel Surfacing, \$4.55 Gravel Base, per ton at the Kost Pit; and \$.25 load cost and H&S Sand & Gravel for \$5.00 per ton Gravel Surfacing, \$5.00 Gravel Base, \$6.75 ³/₄ clean rock, \$6.75 1” clean rock. Motion Carried.

DE-ICING SAND: No bids were received.

UTILITY PERMIT: Moved-Seconded (Seward-Douglas) to approve the utility permit from the Lead Country Club for construction of a water main beginning in Section 31 T4N, R3E for drinking water. Motion Carried.

MODIFICATION TO COOPERATIVE ROAD AGREEMENT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Modification to Cooperative Road Agreement #97-CA-1102031197-06. Motion Carried.

EXECUTIVE SESSION: 9:20 a.m. Moved-Seconded (Seward-Weisenberg) to go into executive session to discuss legal matters with Bruce Outka and Chuck Williams. Motion Carried. 9:32 a.m. the Board opened for regular business.

MALT BEVERAGE 2005-2006 LICENSES: Moved-Seconded (Douglas-Seward) to approve the following 2005-2006 CLASS - RETAIL (ON-OFF SALE) Malt Beverage licenses. Motion Carried. **STEEL WHEEL LLC (Steel Wheel Convenience Store)** 21399 US HWY 385, Deadwood. Legal description: Tract "D" Revised, formerly Tract "D" of HES 297, Section 18 & 19, T4N, R4E, Lawrence County, SD. **STEEL WHEEL LLC (Renegades Bar & Grill)** 21399 US HWY 385, Deadwood. Legal description: Tract "D" Revised, formerly Tract "D" of HES 297, Section 18 & 19, T4N, R4E, Lawrence County, SD.

DEER MOUNTAIN SUBDIVISION ROAD DISTRICT: Moved-Seconded (Weisenberg-Seward) to approve and the following Order Declaring Area Inc Incorporated And Subject To Vote for Deer Mountain Subdivision Road District. Motion Carried. **ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE DEER MOUNTAIN SUBDIVISION 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: Deer Mountain Resort Development No. 1, to-wit: Lots 1 through 18 of Block 1, Lots 1 through 10 of Block 2, and Lots 1 through 15 of Block 3, of High Point, Big Four No. 1, Big Four No. 2, Big Four No. 3, and Big Four No. 4 of MS 1158, located in SW¹/₄ of Section 18 and NW¹/₄ of Section 19, T4N, R3E, B.H.M., Lawrence County, South Dakota. Deer Mountain Resort Development No. 2, including Lots 1 thru 6 of Lot A of Deer Mountain Resort Development, a subdivision of Doze Fraction and Evening Star Lode of MS 1217 located in SE¹/₄ of Section 13, T4N, R2E, B.H.M., and in SW¹/₄ of Section 18, T4N, R3E, B.H.M., Lawrence County, South Dakota. Deer Mountain Resort Development No. 3, to-wit: Lots 1, 2, 4, 5 and 7 through 12 of Block 1 (specifically excluding Lots 3 and 6); Lots 1 through 13 of Block 2; Lot 1 and Lots 5 through 17 of Block 3 (specifically excluding Lots 2, 3 and 4); Lots 1 through 6 of Block 4; and Lots 1 and 2 of Block F, all located in E¹/₂ of Section 13, T4N, R2E, B.H.M., and W¹/₂ of Section 18, T4N, R3E, B.H.M., Lawrence County, South Dakota. Deer Mountain Resort Development No. 4, to-wit: Lots 1 through 19, being a subdivision of the Evangeline No. 7 and Evangeline No. 8 Lodes of MS 1158 and the Welcome, Derby, Seagull, and Tiger Lodes of MS 1152, located in NW¹/₄ and SW¹/₄ of Section 18 T4N, R3E, B.H.M., Lawrence County, South Dakota. Deer Mountain Resort Development No. 5, to-wit: Lots 1 and 2, being a subdivision of the Fay No. 2 Lode of MS 1200, located in SW¹/₄ of Section 18 and NW¹/₄ of Section 19, T4N, R3E, B.H.M., Lawrence County, South Dakota. Lots 1 and 2 of the subdivision of the Sitting Bull of MS 1152, located in the NW¹/₄ and SW¹/₄ of Section 18, T4N, R3E, B.H.M., Lawrence County, South Dakota. Tract 1 of the Subdivision of Jay No. 1, Jay No. 2, Jay No. 3, Fay No. 3, Albert Steele Fraction, Hazard, Log Cabin and Violet No. 3 Lodes of M.S. 1200, all located in Sections 19 and 24, T4N, R3E, B.H.M., Lawrence County, South Dakota. Mineral Lode Big Four 1158, of Mineral Survey No. 1158, Section 18, T4N, R3E, B.H.M., Lawrence County, South Dakota. 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 Deer Mountain Subdivision Road District. DATED this 12th day of April 2005. BOB EWING, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR

EAGLE RIDGE ESTATES: Petitions were received for the Eagle Ridge Estates Road District.

EXECUTIVE SESSION: 9:45 a.m. Moved-Seconded (Weisenberg-Seward) to go into executive session to discuss contractual matters with Bruce Outka and Rob Mattox. Motion Carried. 10:15 a.m. the Board opened for regular business.

CONSULTANT CONTRACT/LETTER OF AGREEMENT/ROB MATTOX: Moved-Seconded (Weisenberg-Douglas) to approve and allow the Chairman to sign the Consultant Contract/Letter of Agreement for Consultant Services with Rob Mattox/dba Black Hills Land Analysis. Motion Carried.

DRUG SEISURE FUNDS: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Federal Annual Certification Report for drug seizure funds. Motion Carried.

NATIONAL TELECOMMUNICATORS WEEK / APRIL 10-16, 2005: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign a Proclamation declaring April 10-16, 2005 as National Telecommunicators Week. Motion Carried

SEARCH & RESCUE: Dan Regan and Karl Burke were present to discuss a building that Homestake is willing to donate to Search and Rescue. Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the legal documents, which will allow Search and Rescue to dismantle and move the building off-site. Motion Carried. Burke stated the building could be stored on Homestake property beside the County Highway Shop.

Regan discussed the previous forest service building being leased from Pearson. Regan stated they would need to install keypads and outside outlets on the building.

PLANNING & ZONING: Brandon Flanagan discussed the draft copy of the Lawrence County Comprehensive Plan. The Board will review. Flanagan stated he is working on the Zoning Ordinance at this time.

HOMESTAKE MINING COMPANY PLAT: Moved-Seconded (Seward-Douglas) to approve with Planning and Zonings recommendations, the final plat for Homestake Mining Company: Legal Description: Plat of Lot E,F,G,H,I,J,K all located in 32 and 33, T5N, R3E and Section 4, T4N, R3E, Location: Kirk Road. Motion Carried.

FINAL PLAT / REIMAN & MCKILLOP: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the final plat, contingent upon the construction and completion of the section line road, and the final approval of the Highway Superintendent and Planning and Zoning Director for Owner/Representative: Sally Reiman & Malcolm McKillop / Arleth & Associates, Legal Description: Plat of Tract 4A and 4B being a subdivision of Tract 4, located in the SW ¼ NW ¼ of Section 20, T5N, R4E. Location: Boulder Canyon, Purpose: New Lot 4A = 5.00 acres and 4B= 5.00 acres. Motion Carried. The plat will not be signed by the Chairman or filed, until the road work is completed and final approval is received by the Highway Superintendent and Planning and Zoning Director.

DEER PROBLEMS: Moved-Seconded (Seward-Ewing) to authorize the Chairman to send a letter to the SD Game Fish and Parks requesting that a solution for the Deer problem be investigated in the Spearfish Valley area. 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-\$3,561.36; Aud-\$6,623.05; Treas-\$9,262.82; Comp-\$5,399.25; States Atty-\$13,396.11; Pub Def-\$6,150.05; Gen Govt Bldg-\$6,750.25; Equal-\$12,236.09; Rod-\$6,613.67; Vso-\$1,029.95; Disp-\$11,183.25; Sher-\$29,896.37; Jail-\$17,797.51; Emerg Mgnt-\$2,632.79; E911-\$1,574.40; Highway-\$37,672.31; Air-\$408.70; Ext-\$1,349.76; Weed-\$2,166.65; PZ-\$2,645.68; **Bills:** Baumann,M-\$41.60; Fitzgerald,J-\$32.00; Heying,B-\$12.00; Leatherman,D-\$18.50; Mowell,R-\$7,204.50; Smith,M-\$8.32; A&B Business Equip-\$247.08; A&B Welding Supply-\$89.40; A&J Supply-\$56.44; A-Z Shredding-\$21.25; ABC Business Supply-\$237.69; Accurant Accounts Receivable-\$3.00; Air Connection-\$749.85; Alco Store-\$21.99; Altaire Enterprises-\$20.00; Amcon Distributing-\$445.10; American Family Life-\$2,845.72; Amoco Oil-\$179.78; ASAP Software Express-\$63.19; Audiss,J-\$87.73; BH Chemical Company-\$624.85; BH Federal Credit Union-\$9,019.00; BH Fibercom-\$2,490.73; BH Land Analysis-\$2,475.00; BH Medical Center-\$261.70; BH Pest Control-\$95.00; BH Pioneer-\$1,099.80; BH Power & Light-\$7,815.67; Best Business Prod-\$45.29; Bickle's Truck & Diesel-\$139.24; Black Hills Pure-\$41.20; Black Hills Vision-\$10,000.00; Blue Cross-\$48,880.01; Butler Machinery Co-\$140.99; Butte County Sheriff-\$30.84; Butte Electric Coop-\$489.76; Cellular One-\$962.29; Central Parts-\$793.58; Chain Saw Center-\$178.99; Chemical Sanitizing Sys-\$94.55; Chemsearch-\$622.12; Christensen Law Office-\$854.00; City/County Alcohol & Drug-\$2,843.00; Clark Printing-\$319.39; Commercial Door & Special-\$1,199.03; Conoco-\$125.03; Corral West-\$53.90; Credit Collections Bureau-\$50.00; Crume,K-\$360.00; Culligan Soft Water

Serv-\$121.50; Dakota Laser Tech-\$75.75; Dakota Steel & Supply-\$380.00; Dale's Tire & Retread-\$163.00; Davis,K-\$426.00; Deadwood Home Center-\$17.48; Deadwood Recreation Center-\$181.00; Deadwood, City Of-\$542.80; Deckers Food-\$5.07; Dept Of Hlth Lab Services-\$99.00; Dept Of The Treasury-\$42,109.40; Division Of Motor Veh-\$17.00; Eddie's Truck Sales/Serv-\$228.25; Elan Finanical Services-\$796.74; Election Sys & Software-\$583.34; Ellingson,J-\$831.16; Evercom Systems-\$1,266.56; Evident Crime Scene Products-\$106.10; Executone Of The BH-\$43,367.10; Extension Service-\$191.59; Extension Service-\$88.00; Farmers Union Oil-\$7,777.50; Fastenal-\$41.95; Federal Express Corp-\$7.70; Frederickson,J-\$2,506.50; Gene's Lock Shop-\$1.70; General Service Garage-\$772.40; Genpro Power Systems-\$35.71; Godfrey's Brake Serv-\$190.58; Golay,B-\$252.16; Great Plains Chemical-\$360.00; Greens Alignment-\$69.00; Havemeier,L-\$137.80; Hills Material Comp-\$806.30; Holiday Inn-\$110.00; Hughes County Sheriffs-\$10.50; Huron Culvert & Tank Co-\$6,766.08; Ikon Office Solutions-\$105.88; Integrity Ford-\$1,272.97; Jenner Equipment Co-\$423.68; KMart-\$66.76; KT Connections-\$765.00; Kadrmas, Lee And Jackson-\$9,661.20; Karpinen,S-\$280.00; Kinney,M-\$557.12; Knecht True Value-\$150.35; LC Journal-\$997.37; LC Conservation Dist-\$5,000.00; LC Emerg Mgnt-\$40.05; LC Extension-\$21.46; LC Sheriff-\$20.01; LC Treasurer-\$100.00; Lead, City Of-\$48.00; Lead-Deadwood Sanitary-\$268.08; Lee,J-\$15.00; Lexisnexis On-Line-\$312.00; Mearthur,J-\$40.00; Mcclure,S-\$240.00; Minitman-\$23.24; Montana-Dakota Util-\$9,580.82; NH Family Ymca-\$218.00; NH General Hospital-\$408.85; NH Training Center-\$5,700.00; Nelson,T-\$360.00; Neve's Uniforms-\$80.00; New World Systems-\$4,500.00; Northland Engineered Prod-\$35.80; Office Technology/Supply-\$59.98; Paradeis,D-\$120.00; Pennington County Sheriff-\$34.92; Pennington County Sts Attny-\$1,200.00; Percy Law, Pc-\$1,077.40; Pitney Bowes-\$117.20; Postmaster, Spearfish-\$250.00; Qwest-\$215.71; RC Regional Hospital-\$469.00; Rabe Elevator-\$596.88; Radio Shack/Kazco-\$798.94; Reindl,S-\$1,211.56; Rensch,T-\$7,574.33; Rombough,D-\$200.36; SD Assn Of Co Comm-\$150.00; SD Retirement System-\$43,941.18; SD State Treasurer-\$14,302.69; SD Association Of County-\$65.00; SD Continuing Legal Education-\$37.50; SD Supplemental Retirement-\$907.00; Salzsieder,M-\$3,735.00; SDAE4-HE \$85.00; SDACO-\$200.00; Sears-\$399.99; Servall Towel & Linen-\$541.93; Sharon Green Counseling-\$60.00; Slate Creek Counseling-\$151.2; Spearfish Auto Supply-\$798.09; Spearfish Extinguisher Service-\$78.75; Spearfish Fire Dept-\$12,998.90; Spearfish Husky-\$53.00; Stanley County Sheriff Office-\$8.40; State Of California Emerg Serv-\$145.39; Subway-\$7.98; The Repair Shop-\$210.95; Tigerdirect-\$602.16; Turbiville Industrial Electric-\$52.50; Twin City Hardware & Lumber-\$120.69; UAP Timberland-\$4.70; United Parcel Service-\$14.54; Univ Of Mn-Extension Service-\$50.50; Voelker & Adams-\$4,383.30; Walmart Store-\$188.08; Waste Connections-\$428.00; Wells Fargo Bank-\$137.62; Wells Fargo Business Card-\$14.95; Western Communication-\$355.01; Williams Standard Serv-\$10.00; **Witness & Jurors:** Schmalz,D-\$103.84; Cooper,N-\$58.32; Derby,P-\$51.92; Kiger,K-\$62.80; Loken,E-\$64.72; Sacrison,W-\$56.40; Salzsieder,K-\$62.80; Sharp,D-\$59.60; Swain,D-\$27.04; Alberding,R-\$21.92; Cass,G-\$21.92; Fitzgerald,R-\$21.92; Florez,L-\$39.20; Gibson,R-\$21.92; Hannah,D-\$30.88; Huffman,D-\$39.20; Luxton,G-\$29.60; Mabey,D-\$29.60; Nelson,S-\$39.20; Nissen,A-\$29.60; Paris,D-\$21.92; Roetman,M-\$30.88; Sargent,R-\$21.92; Speed,J-\$29.60; Walz,A-\$21.92

ADJOURN: 11:27 a.m. - There being no further business it was Moved-Seconded (Seward-Ewing) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY BOARD OF EQUALIZATION

The Lawrence County Board of Equalization was called to order at 1:30 p.m. on Tuesday, April 12, 2005, with the following members present: Bob Ewing, Terry Weisenberg, James Seward, Connie Douglas and George Opitz. The 2005 Board of Equalization oath was signed.

TAX EXEMPT:

The following Exempt parcels were approved as followed 100% unless otherwise noted.

(1) Moved-Seconded (Douglas-Seward) To approve Behavior Management Systems Inc as tax exempt. Motion Carried: Aye-4 Nay-1 Nay: (Opitz)

(2) Moved-Seconded (Weisenberg-Douglas) To approve Lutheran Social Service of SD as tax exempt. Motion Carried.

(3) Moved-Seconded (Weisenberg-Douglas) To approve B.H.S.U. Foundation as tax exempt. Motion Carried.

(4) Moved-Seconded (Seward-Ewing) To approve B.H.S.U. Foundation as tax exempt. Motion Carried.

(5) Moved-Seconded (Douglas-Weisenberg) To approve B.H.S.U. Foundation as tax exempt. Motion Carried.

(6) Moved-Seconded (Weisenberg-Ewing) To approve United Methodist Church as tax exempt. Motion Carried.

PARCEL__	EXEMPT 100%	CODE	CURRENT_OWNER	SITUS	LEGAL	SCHOOL DIST	LOCATION
NEW			(Requesting Exemption for 2005)				
(1) 32180-14200-040-15	BE	Benevolent	BEHAVIOR MANAGEMENT SYSTEMS INC	623 DAHL RD	LOT 4B OF SW1/4 NW1/4	40-2	SPF
(2) 32655-01700-010-10	CH	Charitable	LUTHERAN SOCIAL SERVICES OF SD	2519 WINDMILL DR	LOT 1A BLK 17	40-2	SPF
(3) 32840-00602-094-10	ED	Educational	B.H.S.U. Foundation	1307 W OLIVER	W1/2 NW1/4 SE1/4 TR 1 OF LOT 1A, 9-6-2	40-2	SPF
(4) 32750-00900-080-00	ED	Educational	B.H.S.U. Foundation	1120 UNIVERSITY	LOT 8 BLK 9	40-2	SPF
(5) 32750-00900-090-00	ED	Educational	B.H.S.U. Foundation	1140 UNIVERSITY	LOT 9 BLK 9	40-2	SPF
(6) 32030-00700-120-00	RG	Religious	United Methodist Church	236 W JACKSON BLVD	LOTS 4 THRU LOT 12 BLK 7	40-2	SPF

Moved-Seconded (Seward-Weisenberg) to approve the list of parcels on file in the Auditor's Office as provided by the Director of Equalization as tax exempt. Motion Carried.

COUNTY APPEALS:

#0001 TAKAHASHI, STANLEY S & GLORIA A 22000-00604-341-20 T-006 R-04 LOT A OF TR 2 OF NELLIE TERRILL RANCHETTES 34-6-4 Moved-Seconded (Opitz-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value.

#0002 MAYER, RITA 20000-00602-232-40 T-006 R-02 LOT C-1 NW1/4 NW1/4 (FKA AS LOT C (.509 AC) & LOT D (.261 AC) Moved-Seconded (Douglas-Seward) Change land value

from \$55,900 to \$44,720 No change in structure value. No change in structure value. Motion Carried: Remarks: Majority of residential lots are considerably smaller, 20% adjustment made for size to equalize with other lots of similar size.

#0003 FILLMORE, CHARLES W 26280-00193-000-00 MINERAL 108 THRU 758 M.S. 193 YELLOW JACKET Moved-Seconded (Weisenberg-Seward) No change in land value. Motion Carried: Remarks: Fair market value

#0004 MATTSON INC 26340-00777-000-00 MINERAL 759 THRU 1034 P.C. 777 THE REMAINING UNPLATTED THEODORE Moved-Seconded (Seward-Weisenberg) Change land value from \$18,460 to \$12,350 No change in structure value. Motion Carried: Remarks: The land was adjusted due to its status as a common area.

#0005 MATTSON INC 26650-01507-040-00 TWO BIT SPRINGS S/D LOT 4 Moved-Seconded (Opitz-Weisenberg) Change land value from \$55,520 to \$49,970 Motion Carried: Remarks: The land was adjusted due to the topography, and listing price.

#0006 MATTSON, JON & BARBARA 26540-01222-000-00 MINERAL 1217 THRU 1298 M.S. 1222 SILVER GLANCE ETAL Moved-Seconded (Douglas-Seward) No change in land value. Motion Carried: Remarks: Fair market value

#0007 HILLS, CHRISTOPHER 20970-00015-033-00 OUTSIDE SPF. MH COURTS MH SITS ON LOT 33 BI-CENTENNIAL CRT Moved-Seconded (Opitz-Seward) No change in structure value. Motion Carried: Remarks: Fair market value

#0008 BOPPE, ROBERT A & GLORIA M 20650-00602-228-04 MT. PLAINS DEVELOPMENT #2 LOT 104 Moved-Seconded (Opitz-Weisenberg) Change land value from \$55,020 to \$50,440. No change in structure value. Motion Carried: Aye-4 Nay-1 Nay: (Douglas) Remarks: The land was adjusted for 1 year until Mountain Plains can be re-evaluated.

#0009 ADDY, ALVA L & SANDRA T 20650-00602-228-71 MT. PLAINS DEVELOPMENT #2 LOT 171 Moved-Seconded (Douglas-Seward) No change in land value. Change structure value from \$591,200 to \$542,110 Motion Carried: Remarks: Adjusted lower level to reflect lesser quality of finish in workshop area.

#0010 ANDERSON, GARY & CINDY 26999-00001-000-46 BLDGS. ON LEASED GROUND 22-5-1 SLEEP LAND IRON CREEK Moved-Seconded (Opitz-Weisenberg) Change structure value from \$710 to \$0 Motion Carried: Remarks: Removed value due to deck no longer in existence.

#0011 DEWEY, THOMAS O & JEANNA M 18500-00504-143-02 STORY LANE S/D SE ¼ 14- LOT 2 BLK 3 Moved-Seconded (Douglas-Seward) No change in land value. Change structure value from \$74,620 to \$72,870 Motion Carried: Remarks: After the appeal was filed, a review of the property was completed. The review showed that a few corrections needed to be made to the appraisal. The appraisal file was corrected and the value adjusted to reflect those changes.

#0012 FELLER, JAMES A & NANCY B 26540-01263-000-00 MINERAL 1217 THRU 1298 M.S. 1263 BRANCH MINT, HORN SILVER, SILVER CROWN, GOLDEN CROWN, GOLDEN CROWN #2 & FIRE CLAY LODES Moved-Seconded (Seward-Opitz) Change land value from \$39,240 to \$4,330 Change abstract class from NA to AG Motion Carried: Remarks: Property owner supplied proof of ag production to meet the two out of the three criteria for qualifying for ag.

#0013 GRENSTINER, MARK 18000-00504-154-52 T-005 R-04 TRACT E N1/2 SE1/4 Moved- Seconded (Seward-Douglas) Change land value from \$21,630 to \$12,130. Motion Carried: Remarks: Tract is contiguous with the residential lot. Adjusted to eliminate site value and re-classified to owner-occupied.

#0014 IWAN, DARRELL B & CAROL L 26580-01307-000-30 MINERAL 1299 THRU 1398 M.S. 1307 LOT 3(20.79) ALL INT. IN METALINE 2-3-4, & METALINE 5-6 M.S.1582, PT.S OF CTY HWY OF THE SUNNYSIDE 1-2-3, & OLD HORSE, M.S. 1307, & PT S OF CTY HWY. GILTNER 461 Moved-Seconded (Seward-Opitz) No change in land value. Change structure value from \$9,160 to \$1,090. Motion Carried: Remarks: Pole barn on adjoining property was picked up as new construction for this parcel but the pole barn is not built on this parcel.

#0015 KANTA, GERALD B & CHARLENE A 04600-00204-120-10 HAVEN MEADOWS LOT 1 Moved-Seconded (Douglas-Seward) Motion Carried: Added land value of \$54,520. Remarks: Lots were split into separate parcels.

#0016 KANTA, GERALD B & CHARLENE A 04600-00204-120-20 HAVEN MEADOWS LOTS 1 & 2 Moved-Seconded (Seward-Douglas) Change land value from \$104,290 to \$38,770. Motion Carried: Remarks: Lots were split into separate parcels.

#0017 KNUTSON, TODD D & CARLA A 22650-00604-090-00 FRAWLEY RANCH EAST LOT 9 FRAWLEY RANCH EAST LOCATED IN S2SW4 Moved-Seconded (Seward-Weisenberg) Change land value from \$66,600 to \$63,610 Change structure value from \$283,940 to \$217,340. Motion Carried: Remarks: Land was NA-Z in 2004 (66,600), but when the property was reclassified for 2005 to NA-C, the NA-Z land value in the ag file was not deleted, and rolled over into the structure, which doubled the land value.

#0018 LATUSECK, GERALD J & MARGARET 26840-01938-000-20 MINERAL 1925 THRU 1993 M.S. 1938 LOT 2 OF GOLDEN VALLEY Moved-Seconded (Opitz-Seward) No change in land value. Change structure value from \$4,700 to \$2,430. Motion Carried: Remarks: After a review of the property the structure was valued as storage.

#0019 LAWLER, JAMES F & CHRISTINE A 04000-00204-123-10 T-002 R-04 UNPLATTED PT OF SW1/4 SW1/4 LYING S OF ROCHFORD RD Moved-Seconded (Douglas-Seward) Change land value from \$24,400 to \$1,870. Motion Carried: Remarks: Lower value due to no access and unbuildable.

#0020 NIESENT, RONALD D & DEBRA D 20580-00602-160-50 PINE CREST S/D LOT 5A & 6B Moved-Seconded (Douglas-Seward) Change land value from \$43,530 to \$61,470 Change structure value from \$87,610 to \$82,760. Added structure value of \$83,120. Motion Carried: Remarks: Combined lots 6B with 5A. Lots are contiguous and used in conjunction with the residence.

#0021 NIESENT, RONALD & DEBRA D 20580-00602-160-60 PINE CREST S/D LOT 6B Moved-Seconded (Seward-Douglas) Change land value from \$44,940 to \$0. Change structure value from \$83,120 to \$0. Motion Carried: Remarks: Combined with lot 5A

#0022 OLSON, ASHLEE J JAEGER, KEVIN 23500-00701-280-02 REEBE RANCH EST. S1/2 TRACT A Moved-Seconded (Douglas-Opitz) No change in land value. Change structure value from \$54,840 to \$14,330 Motion Carried: Remarks: The land valuation was incorrectly included with the structure value and thus counted twice.

#0023 TINTON PARTNERS C/O JOHN T BEATTY 26280-00282-000-50 MINERAL 108 THRU 758 M.S. 282 WYOMING SURVEY POR. WASHTENAH (2.05) 18-5-1 BORDERS WYOMING Moved-Seconded (Seward-Douglas) Change land value from \$7,870 to \$1,890. Motion Carried: Remarks: Reduce acres to adjust for acres being assessed as government lots 3 & 10 in section 19 of township 5N range 1E.

#0024 EDWARDS, JOHN C 23000-00701-333-15 T-007 R-01 TRACT A OF SE1/4 NW1/4 33-7- 1 Moved-Seconded (Seward-Opitz) No change in land value. Change structure value from \$57,880 to \$59,720 Change structure value from \$23,150 to \$10,430 Motion Carried: Remarks: Reduction in farm buildings. The house value was increased due to changes in the basement and the second floor attic area.

#0025 EDWARDS, JOHN C. 01005 TRACT A OF SE1/4 NW1/4 33-7- 1 Moved-Seconded (Seward-Opitz) Change Structure value from \$7,480.00 to \$1,000.00. Motion Carried: Remarks: Reduction of mobile home to storage building.

#0026 BATKA, KENNETH A & DORIENE J 20580-00602-160-70 PINE CREST S/D LOT 7A Moved-Seconded (Weisenberg-EWING) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value

#0027 DAVIS, RUTH G 26840-01925-000-75 MINERAL 1925 THRU 1993 M.S. 1925 E1/2 LOT 23 OF GOLDEN Moved-Seconded (Weisenberg-Seward) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value

#0028 HAGUE, EDWARD LEE TRUSTEE 03100-00203-121-05 SILVER CREEK S/D TRACT 5 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value

#0029 HEGDAHL, JAMES C & HEGDAHL, JAMES D & PATRICIA A 22500-00604-162-82 EAST SLOPE ESTATES 16-6-4 LOT 17B Moved-Seconded (Seward-Weisenberg)

Change land value from \$15,500 to \$12,400 Motion Carried: Remarks: Adjusted land value due to irregular shape upon review.

#0030 KINCAID, RODNEY C & DARLENE R 26760-01812-000-35 MINERAL 1765 THRU 1887 M.S. 1812 50% OF UNDIVIDED 1/2 INT. ROWENA #2 Moved-Seconded (Douglas-Opitz) Change land value from \$8,170 to \$5,450. Motion Carried: Remarks: Adjustment made due to poor access to property and split interest.

#0031 MASTEN, JEFF ETAL C/O MASTEN, KATHRYN 26580-01368-000-45 MINERAL 1299 THRU 1398 M.S. 1368 LOT M Moved-Seconded (Seward-Weisenberg) Change land value from \$8,340 to \$7,000. Motion Carried: Remarks: Adjusted done due to the fact you could not build a residence on this parcel

#0032 NELSON, CHARLES T & MAJORIE P 18500-00504-142-16 STORY LANE S/D SE ¼ 14- LOT 9 BLK 2 Moved-Seconded (Weisenberg-Douglas) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value

#0033 SEXTON, DEAN L & GENEVIEVE M 26590-01376-000-27 BURNO ESTATES M.S. 1376 LOT B-9 BURNO ESTATES Moved-Seconded (Seward-Weisenberg) No change in land value. Motion Carried: Remarks: Fair market value

#0034 ZIEBART LAND & CATTLE COMPANY LLC C/O ZIEBART, GEOFF 26280-00479- 000-27 MINERAL 108 THRU 758 M.S. 479 SPEARFISH CANYON LOT C-2 OF CONGRESS PLACER (RIM ROCK LODGE) Moved-Seconded (Seward-Weisenberg) No change in land value. Motion Carried: Remarks: Fair market value

#0035 ZIEBART LAND & CATTLE COMPANY LL C/O ZIEBART, GEOFF 16000-00502-040- 14 T-005 R-02 LOT 14 Moved-Seconded (Seward-Weisenberg) No change in land value. Motion Carried: Remarks: Fair market value

#0036 HOMESTAKE MINING CO & BRIGHTWATER 26340-00921-000-20 MINERAL 759 THRU 1034 P.C. 921 PT SEG. POR. RED IN LEAD/DWD SCHOOL DISTRICT Moved-Seconded (Douglas-Seward) No change in land value. Change structure value from \$5,000 to \$0. Motion Carried: Remarks: Remove structure as it has been demolished.

#0037 HOMESTAKE MINING CO OF CALIF 26240-00079-000-00 MINERAL 57 THRU 107 M.S. 79 PT OMEGA Moved-Seconded (Opitz-Douglas) Change land value from \$7,730 to \$3,860. Motion Carried: Remarks: Located in the disturbed mining area.

#0038 HOMESTAKE MINING CO OF CALIF 26380-01108-000-00 MINERAL 1035 THRU 1135 M.S. 1108 RED WARRIOR Moved-Seconded (Douglas-Seward) Change land value from \$2,820 to \$1,410 Motion Carried: Remarks: Located in the disturbed mining area.

#0039 HOMESTAKE MINING CO OF CALIF 26340-00843-000-10 MINERAL 759 THRU 1034 M.S. 843 ANTE TYPE M.S. 843 (75% TAX INCENTIVE) Moved-Seconded (Seward-

EWING) Change land value from \$7,520 to \$3,760 No change in structure value. Motion Carried: Remarks: Located in the disturbed mining area.

#0040 HOMESTAKE MINING CO OF CALIF 26280-00381-000-00 MINERAL 108 THRU 758 M.S. 381 BANNER LODE Moved-Seconded (Douglas-Seward) Change land value from \$5,180 to \$2,590 Motion Carried: Remarks: Located in the disturbed mining area.

#0041 HOMESTAKE MINING CO OF CALIF 26620-01423-000-00 MINERAL 1399 THRU 1563 M.S. 1423 HIGH FR. Moved-Seconded (Seward-Douglas) Change land value from \$6,800 to \$3,400 Motion Carried: Remarks: Located in the disturbed mining area.

#0042 HOMESTAKE MINING CO OF CALIF 26580-01344-000-00 MINERAL 1299 THRU 1398 M.S. 1344 HIGH Moved-Seconded (Seward-Weisenberg) Change land value from \$5,710 to \$2,860 Motion Carried: Remarks: Located in the disturbed mining area.

#0043 HOMESTAKE MINING CO OF CALIF 26580-01343-000-00 MINERAL 1299 THRU 1398 M.S. 1343 RENO Moved-Seconded (Weisenberg-Seward) Change land value from \$7090 to \$3,540. Motion Carried: Remarks: Located in the disturbed mining area.

#0044 HOMESTAKE MINING CO OF CALIF 26280-00418-000-00 MINERAL 108 THRU 758 M.S. 418 BLAIN LODE Moved-Seconded (Seward-Weisenberg) Change land value from \$3,650 to \$1,820 Motion Carried: Remarks: Located in the disturbed mining area.

#0045 HOMESTAKE MINING CO OF CALIF 26680-01608-000-00 MINERAL 1564 THRU 1742 M.S. 1608 BOBTAIL #1-2 (LESS TRACT C2 (.045AC)& TR C-3 (.148) Moved-Seconded (Seward-Opitz) Change land value from \$9,050 to \$4,530. Motion Carried: Remarks: Located in the disturbed mining area.

#0046 HOMESTAKE MINING CO OF CALIF 26580-01363-000-00 MINERAL 1299 THRU 1398 M.S. 1363 MARY ETAL EX POR TRACT C-3 (1.513) Moved-Seconded (Seward-Opitz) Change land value from \$21,630 to \$10,810 Motion Carried: Remarks: Located in the disturbed mining area.

#0047 HOMESTAKE MINING CO OF CALIF 26620-01441-000-00 MINERAL 1399 THRU 1563 M.S. 1441 HARMAN-BIG DEPOSIT EX LOT M-1 & POR. IN LOT 430 MINE ST. (1.949) EX POR TRACT C-3 (1.234) Moved-Seconded (Seward-EWING) Change land value from \$32,330 to \$16,170 Motion Carried: Remarks: Located in the disturbed mining area.

#0048 HOMESTAKE MINING CO OF CALIF 26620-01538-000-00 MINERAL 1399 THRU 1563 M.S. 1538 COPPER QUEEN ETAL Moved-Seconded (Seward-Opitz) Change land value from \$65,870 to \$32,640 Motion Carried: Remarks: Located in the disturbed mining area.

#0049 HOMESTAKE MINING CO OF CALIF 26620-01410-000-00 MINERAL 1399 THRU 1563 M.S. 1410 PINE TREE ETAL % CO. Moved-Seconded (Seward-EWING) Change land value from \$22,730 to \$11,360. Motion Carried: Remarks: Located in the disturbed mining area.

#0050 HOMESTAKE MINING CO OF CALIF 26580-01325-000-00 MINERAL 1299 THRU 1398 M.S. 1325 GOLDSTROM & GOLDSTROM #2 Moved-Seconded (Douglas-Seward) Change land value from \$16,070 to \$8,030. Motion Carried: Remarks: Located in the disturbed mining area.

#0051 HOMESTAKE MINING CO OF CALIF 26800-01898-000-00 MINERAL 1887 THRU 1917 M.S. 1898 PACTOLA Moved-Seconded (Seward-Weisenberg) Change land value from \$4,820 to \$2,410. Motion Carried: Remarks: Located in the disturbed mining area.

#0052 HOMESTAKE MINING CO OF CALIF 26800-01897-000-00 MINERAL 1887 THRU 1917 M.S. 1897 GENTLE ANNIE Moved-Seconded (Seward-Opitz) Change land value from \$4,800 to \$2,400 Motion Carried: Remarks: Located in the disturbed mining area.

#0053 HOMESTAKE MINING CO OF CALIF 26280-00156-000-00 MINERAL 108 THRU 758 M.S. 156 LITTLE MONITOR Moved-Seconded (Weisenberg-Seward) Change land value from \$4,140 to \$2,070 Motion Carried: Remarks: Located in the disturbed mining area.

#0054 HOMESTAKE MINING CO OF CALIF 26280-00141-000-00 MINERAL 108 THRU 758 M.S. 141 GOLD FINCH Moved-Seconded (Seward-Weisenberg) Change land value from \$7,860 to \$3,930. Motion Carried: Remarks: Located in the disturbed mining area.

#0055 HOMESTAKE MINING CO OF CALIF 26280-00613-000-00 MINERAL 108 THRU 758 M.S. 613 HIGH LODE EXT. Moved-Seconded (Seward-Douglas) Change land value from \$7,880 to 3,940 Motion Carried: Remarks: Located in the disturbed mining area.

#0056 HOMESTAKE MINING CO OF CALIF 26280-00169-000-00 MINERAL 108 THRU 758 M.S. 169 QUEEN OF THE HILLS Moved-Seconded (Weisenberg-EWING) Change land value from \$8,130 to \$4,060. Motion Carried: Remarks: Located in the disturbed mining area.

#0057 HOMESTAKE MINING CO OF CALIF 26280-00168-000-00 MINERAL 108 THRU 758 M.S. 168 CALEDONIA Moved-Seconded (Seward-EWING) Change land value from \$8,020 to \$4,010. Motion Carried: Remarks: Located in the disturbed mining area.

#0058 HOMESTAKE MINING CO OF CALIF 26580-01345-000-00 MINERAL 1299 THRU 1398 M.S. 1345 MONO Moved-Seconded (Seward-EWING) Change land value from \$4,750 to \$2,380 Motion Carried: Remarks: Located in the disturbed mining area.

#0059 HOMESTAKE MINING CO OF CALIF 26620-01416-000-00 MINERAL 1399 THRU 1563 M.S. 1416 MONO FR. Moved-Seconded (Seward-Douglas) Change land value from \$1,480 to \$740 Motion Carried: Remarks: Located in the disturbed mining area.

#0060 HOMESTAKE MINING CO OF CALIF 26280-00202-000-00 MINERAL 108 THRU 758 M.S. 202 MONROE - 75% TAX INCENTIVE Moved-Seconded (Weisenberg-Seward) Change land value from \$6,670 to \$3,340. Motion Carried: Remarks: Located in the disturbed mining area.

#0061 HOMESTAKE MINING CO 26620-01494-000-00 MINERAL 1399 THRU 1563 M.S. 1494 IVANHOE AND MCKINLEY Moved-Seconded (Douglas-Seward) Change land value from \$21,250 to \$0. Motion Carried: Remarks: Parcel has been deleted because it has been platted over to Skyline Subdivision.

#0062 HOMESTAKE MINING CO OF CALIF 26620-01409-000-40 MINERAL 1399 THRU 1563 M.S. 1409 GROVER, NEW YEAR, & WEEDON#1 Moved-Seconded (Seward-Douglas) Change land value from \$19,550 to \$0. Motion Carried: Remarks: Parcel has been deleted because it was platted over to Skyline Subdivision.

#0063 HOMESTAKE MINING CO 13000-00403-100-22 T-004 R-03 LOTS 18(.01), 20-22(11.71) 10-4-3 Moved-Seconded (Douglas-Seward) Motion Carried: Added land value of \$4,980. Remarks: Parcels not previously assessed.

#0064 HOMESTAKE MINING CO 13000-00403-030-10 T-004 R-03 GOV'T LOTS 4(21.46) & 5 (11.44) 3-4-3 Moved-Seconded (Seward-EWING) Motion Carried: Remarks: Added land value of \$13,860. Parcels not previously assessed.

#0065 HOMESTAKE MINING CO 17000-00503-220-00 T-005 R-03 GOV'T LOT 13 Moved-Seconded (Seward-EWING) Motion Carried: Remarks: Added land value of \$430. Parcels not previously assessed.

#0066 HOMESTAKE MINING CO 17000-00503-270-10 T-005 R-03 GOV'T LOTS 1 (.03), 2(.11), & 6(.01) Moved-Seconded (Seward-Douglas) Motion Carried: Added land value of \$850. Remarks: Parcels not previously assessed.

#0067 HOMESTAKE MINING CO 13000-00403-020-00 T-004 R-03 GOV'T LOTS 8 (.10), 9(.11), 10 (.22) 11(.48), 14(.17), 15(38.24), 16(39.84) & NE4SW4 Moved-Seconded (Douglas-Seward) Motion Carried: Remarks: Added land value of \$186,460. Parcels not previously assessed.

#0068 MOORE KASCHMITTER, JENNIFER TRUST 26540-01275-000-00 MINERAL 1217 THRU 1298 M.S. 1275 CREEDE & MOUND Moved-Seconded (Douglas-Seward) Change land value from \$53,300 to \$47,970. Motion Carried: Remarks: Adjusted value for 1 year until road and electricity are to building site.

#0069 MOORE KASCHMITTER, JENNIFER TRUST 13000-00403-090-20 T-004 R-03 GOV'T LOTS 13 & 15 IN 9-4-3 Moved-Seconded (Seward-Douglas) Change land value from \$10,000 to \$3,000. Motion Carried: Remarks: Adjust land value due to not a build able site.

4:00 p.m. April 12, 2005 the Board of Equalization recessed until 1:51 p.m. on April 14, 2005. 1:51 p.m April 14, 2005 the County Board of Equalization reconvened with Bob Ewing, Terry Weisenberg, and George Opitz present.

#0113 HOMESTAKE MINING CO OF CALIF: 26460-01191-000-00 MINERAL 1159 THRU 1206 M.S. 1191 PANIC, PALMER & EROBUS Moved-Seconded (WEISENBERG-OPITZ) Change land value from \$11,690 to \$12,710 Motion Carried. Remarks: Add 1.2 acres to parcel 2460-01191-000-00 from deleted parcel 31930-01191-000-00

#0114 HOMESTAKE MINING CO OF CALIF: 26280-00235-000-00 MINERAL 108 THRU 758 M.S. 235 EVANSTON Moved-Seconded (OPITZ-WEISENBERG) Change land value from \$6,480 to \$8,770 Motion Carried. Add 2.7 acres to parcel 26280-00235-000-00 from deleted parcel 31930-00235-000-00

1:55 p.m, April 14, 2005 the County Board recessed. The 2005 Board of Equalization reconvened at 1:28 p.m. with Bob Ewing, Terry Weisenberg, Connie Douglas, George Opitz, and James Seward present.

ADJOURN: Being no further appeals to be heard the 2005 Board of Equalization adjourned at 1:29 p.m. the 26th day of April 2005.

ATTEST:

DATE

BOB EWING, Chairman

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY CONSOLIDATED BOARD OF EQUALIZATION

The Lawrence County Consolidated Board of Equalization was called to order at 8:30 a.m. on Thursday, April 14, 2005, with the following members present: Bob Ewing, Terry Weisenberg, George Opitz, Dave Morris (City of Lead), and Greg King (Lead/Deadwood School). Morris left at 10:15 a.m. and Georgeann Silvernail (City of Deadwood) arrived at 1:30 pm.

All motions were passed by unanimous vote unless stated otherwise.

The 2005 Consolidated Board of Equalization Oath was signed.

LEAD CITY APPEALS

#0070 SCHOEN, DUANE P: 31090-00800-110-20 ORIGINAL TOWN LEAD LOT 3 S/D OF LOTS 10 & 11 BLK 8 (MITCHELL MAP) AKA SW PT (35X90) OF LOT 11 BLK 8. Moved-Seconded (Opitz-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0071 BURCH, DIANE: 31180-00500-180-00 BENDER PARK S/D LEAD W PT 17 AND E PT 18 BLK E Moved-Seconded (Weisenberg-Opitz) No change in land value. Change structure value from \$51,590 to \$33,680 Motion Carried. Remarks: After review of the property, Equalization recommended lowering the value due to foundation damage and movement on hillside.

#0072 CONFIGLIACCO, LESLIE & EVELYN: 31180-00500-110-00 BENDER PARK S/D LEAD LOT 11 & E1/2 OF LOT 12 BLK E Moved-Seconded (Morris-Opitz) No change in land value. Change structure value from \$69,920 to \$61,930. Motion Carried. Remarks: Lowered the value due to updated depreciation.

#0073 KENNEDY, GREGORY L & SUANNE M: 31090-02600-100-00 ORIGINAL TOWN LEAD LOT 10 BLK 26 Moved-Seconded (Opitz-King) Change land value from \$3,390 to \$5,110. Change structure value from \$69,140 to \$57,550. Motion Carried. Remarks: Changed value of land and structure from residential to commercial. Property is used as a rental.

#0074 MEADE, MICHAEL & AMELIA: 31090-01800-070-00 ORIGINAL TOWN LEAD TRACT W OF LOT 7 BLK 18 Moved-Seconded (Morris-Opitz) No change in land value. Change structure value from \$4,070 to \$3,370. Motion Carried. Remarks: Lower the value of structure due to poor condition and unlivable conditions.

#0075 MORRIS, DAVID M & BETTY M: 31090-00800-090-00 ORIGINAL TOWN LEAD LOT 9 BLK 8 Moved-Seconded (Opitz-King) No change in land value. Change structure value from \$31,190 to \$25,410. Motion Carried. Aye – 4, Abstain - Morris. Remarks: Lowered value due to condition of dwelling.

#0076 HOMESTAKE MINING CO OF CALIF: 31600-00000-040-00 MORNINGSIDE S/D LEAD PT OF LOT 4 Moved-Seconded (Weisenberg-Morris) Change land value from \$1,000 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0077 HOMESTAKE MINING CO OF CALIF: 31180-00700-010-00 BENDER PARK S/D LEAD LOTS 33, 47, 51, 55 BLK F, LOTS 22,23,24 BLK H LOT 23 BLK G BLKS I,M,R,P, AND Q. Moved-Seconded (Morris-Weisenberg) Change land value from \$800 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0078 HOMESTAKE MINING CO OF CALIF: 31930-00100-000-00 MINERAL – LEAD M.S. 100 POR MAY BOOTH Moved-Seconded (Morris-Weisenberg) Change land value from \$1,610 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0079 HOMESTAKE MINING CO OF CALIF: 31930-00117-000-00 MINERAL – LEAD M.S. 117 OLD ABE (OLD SHOPS) Moved-Seconded (Morris-Weisenberg) Change land value from \$400 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0080 HOMESTAKE MINING CO OF CALIF: 31930-00147-000-00 MINERAL - LEAD M.S. 147 PALMETTE Moved-Seconded (Morris-Weisenberg) Change land value from \$800 to \$0 Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0081 HOMESTAKE MINING CO: 31440-00100-001-00 HOMESTAKE S/D LEAD REMAINDER OF LOT 1 TRACT 1 (PT. PIT). Moved-Seconded (Morris-Opitz) Change land value from \$5,800 to \$2,900. Motion Carried. Remarks: Lowered value of land to reflect it location in the disturbed mining area.

#0082 HOMESTAKE MINING CO OF CALIF: 31440-00200-000-00 HOMESTAKE S/D LEAD TRACT 2 (PIT) INCLUD. A POR. OF LOT AB1(PLAT 97-28 59). Moved-Seconded (Weisenberg-Opitz) Change land value from \$31,450 to \$15,720. No change in structure value. Motion Carried. Remarks: Lowered value of land to reflect its location in the disturbed mining area.

#0083 HOMESTAKE MINING CO OF CALIF: 31930-00132-000-00 MINERAL - LEAD M.S. 132 POR LINCOLN. Moved-Seconded (Morris-Opitz) Change land value from \$2,510 to \$0 Motion Carried: Remarks: Deleted parcel because it has been replatted.

#0084 HOMESTAKE MINING CO OF CALIF: 31930-00121-000-00 MINERAL – LEAD M.S. 121 HOMESTAKE 25% Moved-Seconded (Morris-Weisenberg) Change land value from \$500 to \$0 Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0085 HOMESTAKE MINING CO OF CALIF: 31930-00122-000-00 MINERAL – LEAD M.S. 122 AMICUS 70% WITHIN LEAD CITY LIMITS; PIPE CONVEYOR. Moved-Seconded (Weisenberg-Ewing) Change land value from \$1,400 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0086 HOMESTAKE MINING CO OF CALIF: 31930-00234-000-00 MINERAL – LEAD M.S. 234 CLARA NEVADA (SUB & S.E.P) WAREHOUSE BLDG AT 100% TAX~INCENT. Moved-Seconded (Morris-Opitz) Change land value from \$1,590 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0087 HOMESTAKE MINING CO OF CALIF: 31930-00217-000-00 MINERAL – LEAD M.S. 217 POR. SUNRISE (ELLISON) Moved-Seconded (Morris-Ewing) Change land value from \$3,750 to \$2,000. No change in structure value. Motion Carried. Remarks: Adjusted acreage from 3.75 to 2 acres.

#0088 HOMESTAKE MINING CO OF CALIF: 31930-00186-000-00 MINERAL – LEAD M.S. 186 PT GOLDEN STAR Moved-Seconded (Weisenberg-Morris) Change land value from \$1,000 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0089 HOMESTAKE MINING CO OF CALIF: 31930-00201-000-00 MINERAL – LEAD M.S. 201 LITTLE NETTIE 75% WITHIN LEAD CITY LIMITS. Moved-Seconded (Morris-Weisenberg) Change land value from \$1,670 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0090 HOMESTAKE MINING CO OF CALIF: 31930-00225-000-00 MINERAL – LEAD M.S. 225 POR PEA WARMER. Moved-Seconded (Weisenberg-Morris) Change land value from \$1,210 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0091 HOMESTAKE MINING CO OF CALIF: 31930-00325-000-00 MINERAL – LEAD M.S. 325 POR INDEPENDENCE. Moved-Seconded (Morris-Weisenberg) Change land value from \$2,100 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0092 HOMESTAKE MINING CO OF CALIF: 31930-00582-000-00 MINERAL – LEAD M.S. 582 POR. GORDON. Moved-Seconded (Morris-Opitz) Change land value from \$660 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0093 HOMESTAKE MINING CO OF CALIF: 31930-00375-000-00 MINERAL – LEAD M.S. 375 GOLDEN WEDGE FRAC. Moved-Seconded (Morris-Weisenberg) Change land value from \$800 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0094 HOMESTAKE MINING CO OF CALIF: 31930-00693-000-00 MINERAL – LEAD M.S. 693 POR BALTIMORE EX POR PAVILION S/D(.23). Moved-Seconded (Morris-Weisenberg) Change land value from \$3,930 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0095 HOMESTAKE MINING CO OF CALIF: 31930-01680-000-00 MINERAL – LEAD M.S. 1680 LUCKNOW EX POR IN LOT 130A(.23). Moved-Seconded (Morris-Weisenberg) Change land value from \$800 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0096 HOMESTAKE MINING CO OF CALIF: 31930-01242-000-10 MINERAL – LEAD M.S. 1242 POR, MONTANA. Moved-Seconded (Morris-Weisenberg) Change land value from \$3,010 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0097 HOMESTAKE MINING CO OF CALIF: 31930-01306-000-00 MINERAL – LEAD M.S. 1306 ATLANTIC. Moved-Seconded (Morris-Weisenberg) Change land value from \$800 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0098 HOMESTAKE MINING CO OF CALIF: 31930-01129-000-00 MINERAL – LEAD M.S. 1129 POR. MOULTON FRAC. Moved-Seconded (Morris-Weisenberg) Change land value from \$1,000 to \$0. Motion Carried. Remarks: Deleted parcel because it has been replatted.

#0099 HOMESTAKE MINING CO OF CALIF: 31930-00235-000-00 MINERAL – LEAD M.S. 235 EVANSTON %. Moved-Seconded (Morris-Weisenberg) Change land value from \$2,160 to \$0. Motion Carried. Remarks: Deleted parcel and will be added to parcel #26280-00235-000-00.

#0100 HOMESTAKE MINING CO OF CALIF: 31930-01191-000-00 MINERAL – LEAD M.S. 1191 PANIC & ERBUS 10%. Moved-Seconded (Weisenberg-Morris) Change land value from \$1,020 to \$0. Motion Carried. Remarks: Deleted parcel and will be added to parcel #26460-01191-000-00.

#0101 HOMESTAKE MINING CO OF CALIF: 31810-01300-070-00 SUNNYSIDE S/D LEAD LOT 7 BLK W. Moved-Seconded (Morris-Weisenberg) Change land value from \$800 to \$100. Motion Carried. Remarks: Adjusted acreage of property.

#0102 HOMESTAKE MINING CO OF CALIF: 31930-00353-000-00 MINERAL – LEAD M.S. 353 POR NUN SUCH EX POR IN LOT 608A HOUSTON ST(.39). Moved-Seconded (Morris-Ewing) Change land value from \$6,820 to \$800. Motion Carried. Remarks: Adjusted acreage of property.

#0103 HOMESTAKE MINING CO OF CALIF: 31930-00798-000-00 MINERAL – LEAD M.S. 798 POR GOLDEN DREAM. Moved-Seconded (Weisenberg-Morris) Change land value from \$1,080 to \$100. Motion Carried. Remarks: Adjusted acreage of property.

#0104 HOMESTAKE MINING CO OF CALIF: 31930-00487-000-00 MINERAL – LEAD M.S. 487 POR. ELEPHANT. Moved-Seconded (Morris-Ewing) Change land value from \$1,880 to \$460. Motion Carried. Remarks: Adjusted acreage of property.

#0105 HOMESTAKE MINING CO OF CALIF: 31930-00371-000-00 MINERAL – LEAD M.S. 371 LITTLE MAUD 20%. Moved-Seconded (Morris-Weisenberg) Change land value from \$1,070 to \$680. Motion Carried. Remarks: Adjusted acreage of property.

#0106 HOMESTAKE MINING CO: 31930-01242-000-30 MINERAL – LEAD M.S. 1242 POR WYOMING. Moved-Seconded (Weisenberg-Ewing) Change land value from \$1,510 to \$400. Motion Carried. Remarks: Adjusted acreage of property.

10:15 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 Bob Ewing, Terry Weisenberg, George Opitz, Greg King and Georgeann Silvernail (City of Deadwood) present.

The 2005 Consolidated Board of Equalization Oath was signed.

All motions were passed by unanimous vote unless stated otherwise.

DEADWOOD CITY APPEALS

#0107 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 (Weisenberg-Opitz) No change in land value. No change in structure value. Motion Carried.

#0108 GEUKE, GARY & VERNA 30970-00030-016-00 DEADWOOD MH COURTS MH SITS ON LOT 16 CLAIM JUMPERS CT Moved-Seconded (Opitz-King) Change structure value from \$21,680 to \$16,710. Motion Carried. Remarks: Adjustments reflect value of structure decrease since last review.

#0109 KATON, DENNIS KEITH TRUSTEE 30900-00057-000-20 MINERAL – DEADWOOD P.C. 57 EX LOT H2 (.05 AC) & LOT 7 OF 27-5-3 & M.S.1636 TRACT 1 PT OF JIM LODGE EX LOT H2(.04 AC) & EX HWY ROW (.51 AC) Moved-Seconded (Weisenberg-King) Change land value from \$15,200 to \$15,430 No change in structure value. Motion Carried. Remarks: Land acreage combined from parcel 30900-01636-000-10 to change assessed value.

#0110 KATON, DENNIS KEITH TRUSTEE 30900-01636-000-10 MINERAL – DEADWOOD ASSESSED WITH PARCEL # 30900-00057-000-20//M.S. 16 36 TRACT 1 PT OF JIM LODGE EX LOT H2(.04 AC) & EX H WY ROW(.51AC) Moved-Seconded (Weisenberg-Ewing) Change land value from \$6,210 to \$0 Motion Carried: Remarks: Land acreage combined to parcel 30900-00057-000-20.

#0111 ASPEN STORAGE INC: 30900-00166-000-30 MINERAL – DEADWOOD M.S. 166 LOT 3 EX LOT H-1 & H-2(.35 AC) Moved-Seconded (Silvernail-King) No change to land value. No change to structure value. Motion Carried.

#0112 ASPEN STORAGE INC: 30900-00166-000-70 MINERAL – DEADWOOD M.S. 166 LOT 2B PT. OF LOT 2 Moved-Seconded (Silvernail-Weisenberg) No Change in land value. Motion Carried.

1:50 p.m. the Consolidated Board of Equalization recessed until 9:00 a.m. on April 19, 2005

SPEARFISH CITY APPEALS

The Lawrence County Consolidated Board of Equalization was called to order at 9:00 a.m. on Tuesday, April 19, 2005, with the following members present: Bob Ewing, James Seward,

Connie Douglas and Mary Morgan (City of Spearfish). The 2005 Board of Equalization oath was signed. Jeffrey Sleep arrived at 9:15 a.m. as representative for the Spearfish School District

All motions were passed by unanimous vote unless stated otherwise.

#0115 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 (Seward - Morgan) No change in land value. No change in structure value. Motion Carried: Absent: (Sleep) Remarks: Fair market value

#0116 NASH FINCH COMPANY ATTN: LEASE DEPT 32390-00900-000-00 LOOKOUT VALLEY TRACT SPEARFISH LOT 1 BLK 9 Moved-Seconded (Douglas - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Sleep) Remarks: Fair market value

9:15 a.m. Jeffrey Sleep arrived representative for the Spearfish School District. Sleep signed the 2005 Board of Equalization oath.

#0117 KUNKA, LOIS L 32655-01400-110-11 SANDSTONE HILLS ADDN. LOT 11A-1 BLK 14 Moved-Seconded (Douglas - Seward) No change in land value. Change structure value from \$122,770 to \$119,130 Motion Carried: Remarks: Property had already been changed to owner occupied for the 2005 assessment year.

#0118 BAKER, JOHN T & DEBRAH L 32800-00602-110-00 THE WOODLANDS INSIDE CITY LOT 11 (RURAL SERVICE DIST. 907) Moved-Seconded (Seward - Douglas) Change land value from \$154,850 to \$110,000 Motion Carried: Remarks: Adjusted for Topography to reflect sales price.

#0119 ELLINGSEN, JOHN W & BONNIE J 32655-01400-180-90 SANDSTONE HILLS ADDN. LOT 18J BLK 14 Moved-Seconded (Seward - Morgan) Change land value from \$56,520 to \$16,960 Motion Carried: Remarks: Adjustment for Topography, until excavation is completed to make it a buildable site.

#0120 ELSOM, DAVID & MARGARET 32030-01800-060-00 ORIGINAL TOWN SPEARFISH S 10' OF W 25' OF LOT 3, S 10' & N 40' OF W 25' OF LOT 4 & ALL LOTS 5 & 6 BLK 18 Moved-Seconded (Douglas - Sleep) No change in land value. Change structure value from \$107,610 to \$101,720 Change structure value from \$54,430 to \$47,040 Motion Carried: Remarks: Complete inspection made 3/31/05, corrections made. Converted garage to carriage house; is used as part of the residential structure, cannot be rented according to Spearfish ordinances for residential properties. Changed classification to owner occupied.

#0121 FINLEY, JOAN D 32030-02300-060-10 ORIGINAL TOWN SPEARFISH LOT 6A & 6B BLK 23 Moved-Seconded (Seward - Ewing) No change in land value. Change structure value from \$74,120 to \$65,830 Motion Carried: Remarks: Functional obsolescence applied to property to reflect current condition of property and to offset the market adjustment increase placed on residential properties in original town, removed SWP-tore down in June of 2004

#0122 FOWLER & COMPANY LPI 32120-00400-000-20 BEETS ADDN. 3 & 10-6-2 SP LOT B OF LOT 4 (310 RUSHMORE RD. APTS) Moved-Seconded (Seward - Sleep) No change in land value. Change structure value from \$595,230 to \$547,900 Motion Carried: Remarks: Adjusted to the sales price for 2005.

#0123 GROSVENOR & PRENCE LPI 32120-00400-000-40 BEETS ADDN. 3 & 10-6-2 SP LOT D-1 & W 12' OF LOT E-1 OF LOT 4 (318 RUSHMORE RD APTS) Moved-Seconded (Douglas - Morgan) No change in land value. Change structure value from \$524,400 to \$522,020 Motion Carried: Remarks: Adjusted to the sales price for 2005.

#0124 GROOTE, MARCIA A & DARYL JOHNSON 32340-00602-034-25 JORGENSEN ADDN. SPEARFISH LOTS 6, 7, & 8 BLK 1(FOREST SERVICE BLDG)(LEASED) Moved-Seconded (Seward - Sleep) Change land value from \$295,360 to \$203,060 No change in structure value. Motion Carried: Remarks: Wrong neighborhood was used to establish land value-corrected.

#0125 HAAG, ROBERT A OR LENORA M 32740-00600-010-00 MTN. SHADOWS EST. MH SITS ON LOT 10 BLK 6 MTN SHADOWS Moved-Seconded (Morgan - Ewing) Change structure value from \$29,670 to \$22,490 Motion Carried: Remarks: After inspection of mobile home with owner, agreed to lower value due to condition.

#0126 HOFF, GLEN R & MARY R 32655-01400-280-00 SANDSTONE HILLS ADDN. LOT 28 BLK 14 Moved-Seconded (Douglas - Seward) No change in land value. Change structure value from \$264,840 to \$238,520 Motion Carried: Remarks: Inspection completed 3/28/05, removed basement finish.

#0127 JORGENSEN, JOE B 32340-00602-033-01 JORGENSEN ADDN. SPEARFISH LOTS 1 & 3 Moved-Seconded (Douglas - Seward) Change land value from \$56,020 to \$74,190 No change in structure value. Motion Carried: Remarks: Property owner requested lots be combined, all contiguous with home site. Legal Description and acreage adjusted to reflect combination.

#0128 JORGENSEN, JOE B 32340-00602-033-05 JORGENSEN ADDN. SPEARFISH LOT 5 TR A Moved-Seconded (Seward - Morgan) Change land value from \$8,750 to \$0 Motion Carried: Remarks: Deleted parcel because it has been combined with residential parcel.

#0129 JORGENSEN, JOE B 32340-00602-033-06 JORGENSEN ADDN. SPEARFISH LOT 6 TR A Moved-Seconded (Seward - Morgan) Change land value from \$3,070 to \$0 Motion Carried: Remarks: Deleted parcel because it has been combined with residential parcel.

#0130 JORGENSEN, JOE B 32340-00602-033-07 JORGENSEN ADDN. SPEARFISH LOT 7 TR A Moved-Seconded (Seward - Morgan) Change land value from \$3,070 to \$0 Motion Carried:

Remarks: Deleted parcel because it has been combined with residential parcel.

#0131 JORGENSEN, JOE B 32340-00602-033-08 JORGENSEN ADDN. SPEARFISH LOT 8 TR A Moved-Seconded (Seward - Morgan) Change land value from \$3,280 to \$0 Motion Carried:

Remarks: Deleted parcel because it has been combined with residential parcel.

#0132 SALZSIEDER, KEITH 32690-00300-010-20 SOUTH FORTY ADDN. SPEARFISH LOT 2 OF TR 3 Moved-Seconded (Douglas - Sleep) Change land value from \$890 to \$710 Motion Carried: Remarks: Not used for Commercial purposes, bare lot, non-build able.

#0133 SMAIL, ALLAN WARD & ELIZABETH ANN 32730-00000-000-16 VOORHEES ADDN LOT W-1A Moved-Seconded (Seward - Sleep) No change in land value. Change structure value from \$253,750 to \$232,530 Motion Carried: Remarks: Adjustment made for 1 year until complete inspections can be made on Smail's dwelling and Gottlob's dwelling. Basement finishes currently not comparable to each other. Basement finish increased in 2005 due to market.

#0134 SMITH, BARRY A LITTLE, RICHARD M 32655-01400-290-00 SANDSTONE HILLS ADDN. LOT 29 BLK 14 Moved-Seconded (Seward - Sleep) Change land value from \$66,970 to \$46,880 Motion Carried: Remarks: Vacant land, one year adjustment to more reflect sales price until townhouses are built.

#0135 MUNDT, WAYNE R & PATRICIA K MATSON, TERRY L & TERRY L M 32170-14200-010-40 COLORADO ESTATES LOT 4 A S/D OF LOT 1 CONNORS ADDN Moved-Seconded (Douglas - Morgan) No change in land value. No change in structure value. Motion Carried: Remarks: Reclassified NA-D & NA-D1 to NA-D-S & NA-D1-S Purchased by Dennis Schweitzer October 29, 2004.

#0136 OTIS, TAMI J 32195-00602-020-09 COUNTRY OAKS S/D LOT 9 BLK 2 Moved-Seconded (Seward - Sleep) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0137 OTIS, TAMI J 32195-00602-020-18 COUNTRY OAKS S/D LOT 18 BLK 2 Moved-Seconded (Douglas - Seward) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0138 OTIS, TAMI J 32195-00602-020-19 COUNTRY OAKS S/D LOT 19 BLK 2 Moved-Seconded (Seward - Morgan) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0139 OTIS, TAMI J 32195-00602-020-08 COUNTRY OAKS S/D LOT 8 BLK 2 Moved-Seconded (Morgan - Sleep) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

ADJOURN: Being no further appeals to be heard, the 2005 Consolidated Board of Equalization adjourned at 9:55 a.m. on the 19th day of April 2005.

DATE

BOB Ewing, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – APRIL 26, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 26, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present.

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

MINUTES: Moved-Seconded (Opitz-Seward) to approve the minutes of April 12, 2005. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve the 2005 Consolidated Board of Equalization Minutes. Motion Carried.

PERSONNEL:

WEED: Moved-Seconded (Seward-Ewing) to approve Timothy Doolan and Alisa Doolan as Sprayer/GPS Grade 1 at the base rate of \$9.00 an hour, effective 4-18-2005. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Opitz) to approve Larry Portwood as a permanent full time Correctional Officer II Grade 3 at the base rate of \$13.62 an hour, effective 4-18-2005. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve Brook Leighty as a permanent full time Deputy II Grade 2 at the base rate of \$17.26 an hour, effective 5-9-2005. Motion Carried.

Moved-Seconded (Douglas-Opitz) to approve Colin Thompson as a Reserve Deputy, effective May 21, 2005. Motion Carried.

PLANNING & ZONING BOARD APPOINTMENT: Moved-Seconded (Seward-Douglas) to appoint Richard Tysdal to the Planning and Zoning Board to fill the term of Terry Kulbom until 12-31-2005. Motion Carried.

TRAVEL REQUESTS:

PUBLIC DEFENDER: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Molly Smith to attend the training for interview and interrogation techniques in Ft. Collins, CO on July 5-8, 2005. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Weisenberg) to approve the travel request for Paul Thomson to attend the SDEMA Committee meeting in Pierre, SD on May 3-4, 2005. Motion Carried.

Moved-Seconded (Opitz-Weisenberg) to approve the travel request for Rene Larson to attend the Public Information Officer class in Pierre, SD on May 16-19, 2005. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve the travel request for Rene Larson to attend the Preparedness & Response to Agricultural Terrorism in Watertown, SD on May 2-6, 2005. Motion Carried.

SHERIFF: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Tavis Little to attend the Fire Arms Instructor Training in Pierre, SD on July 10-15, 2005. Motion Carried.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of March 31, 2005 is \$2,088,027.78 or 21.23%.

SHERIFF AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Opitz) to approve an automatic supplement of \$90,835.27 (grants) in the Sheriff's Office Budget to cover grant fund expenditures. Motion Carried.

FIRE ADVISORY: Moved-Seconded (Seward-Weisenberg) Being the Board of County Commissioners have not received any signed agreements, by-laws & constitutions the Fire Advisory Board is hereby dissolved as it is not required by state law. Motion Carried.

Moved-Seconded (Seward-Douglas) to send a letter to the State canceling all state contracts the County has signed on behalf of Bear Ridge and the last day they will be covered on Workman's Compensation will be April 30, 2005. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) That Bear Ridge return all County purchased equipment by the end of the month, and inventoried by Paul Thomson. Motion Carried.

ABATEMENT:

EDWARDS: Moved-Seconded (Seward-Douglas) to approve the abatement for John Edwards for a Mobile Home on Parcel #01005 that was adjusted during the 2005 County Board of Equalization. Motion Carried.

COUNTY HIGHWAY BIDS:

COUNTY ROAD 014A OVERLAY: The following bids were received for the County Road 014A overlay: Simon Contractors-\$351,823.65 and Hills Material-\$289,580.05.

CROOK CITY ROAD CHIP & SEAL: The following bids were received for the Crook City Road Chip Seal: Simon Contractors-\$173,889.41; Hills Material-\$98,299.33 and The Road Guy Const.-\$107,681.85.

Moved-Seconded (Weisenberg-Ewing) to follow the recommendation of Chuck Williams, Highway Superintendent and Jim Parker, NJS to accept the low bid from Hills Material for \$289,580.05 for the County Road 014A Overlay and to accept the low bid from Hills Material for \$98,299.33 for the Crook City Road Chip & Seal. Motion Carried.

COUNTY FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION

PROGRAM RESOLUTION: Moved-Seconded (Douglas-Seward) to approve the following Resolution #05-14 County Federal Aid Bridge Replacement Or Rehabilitation Program. Motion Carried.

COUNTY FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION #2005-14: WHEREAS, the Lawrence County Board of County Commissioners desire the replacement of the bridge hereinafter described: LOCATION AND LENGTH: Str. #47-079-024 located 1.5 mi. W & 5.5 mi. N of Spearfish over Spearfish Creek, AND WHEREAS, Lawrence County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements, AND WHEREAS, Lawrence County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds, And WHEREAS, the bridge is in need of replacement/rehabilitation for the following reasons: 1.) The sufficiency rating is 17.8. 2.) The bridge is not located on a County or Township designated Minimum Maintenance Road. 3.) The bridge is located on a federal aid route, a school bus route, a mail route, a field to farm to market route, a lake or recreation access route, or o other (please specify). 4.) The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge. NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary Road Plan Agreement and the State's "Standard Specifications for Roads and Bridges", the bridge replacement or rehabilitation project at the above described location. Consultant services are to be with Federal Participation. Preliminary Engineering services by the State forces with Federal Participation are the Hydraulic Study and the Foundations Investigation (if necessary). Construction Administration is to be handled by State forces with Federal Participation. Lawrence County will have sufficient funds available during calendar year 2005 to match available Special Bridge Replacement Funds.

UTILITIES CERTIFICATE – BRO 8041 (12) PCN 6347: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Utilities Certificate for Project Number BRO 8041 (12) PCN 6347. Motion Carried.

LETTING AUTHORIZATION – BRO 8041 (12) PCN 6347: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Letting Authorization for Project Number BRO 8041 (12) PCN 6347. Motion Carried.

RIGHT OF WAY CERTIFICATE – BRO 8041 (12) PCN 6347: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Right of Way Certificate for Project Number BRO 8041 (12) PCN 6347. Motion Carried.

VOLUNTARY RIGHT OF WAY DONATION – BRO 8041 (12) PCN 6347: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Agreement for Voluntary Right of Way Donation for Project Number BRO 8041 (12) PCN 6347 with David & Walter McVey. Motion Carried.

IMPROVEMENT OF SECTION LINE: John Frederickson was present to request approval to improve a section line. Frederickson stated the section line road would be built to County standards and would be designed by a registered engineer in South Dakota. Moved-Seconded (Seward-Weisenberg) to follow the recommendation of Chuck Williams, Highway Superintendent, and allow the improvement of 1,500 feet of section line located east of US Hwy 85/14A between Section 7 & 18 and going east between Section 8 & 17, T4N, R3E. Lawrence County, SD, contingent upon the design and construction of the road to county specifications. Motion Carried.

CUP #299 MPT INC/LAWRENCE COUNTY: A public hearing was held on an Amendment to Conditional Use Permit #299 Owner/Representative: MPT Inc./Jim Kirby & Bill Pearson/Lawrence County. Legal Description: Lot 3 Block 1 Except H1 Oak Mountain Country Estates, located in Section 18, T5N, R4E, B.H.M., Location: Old Forest Service Building. Purpose: To allow storage of Search and Rescue Trailers and Equipment. Moved-Seconded (Seward-Weisenberg) to approve the Amendment to CUP #299 as presented. Motion Carried.

SPEARFISH JOINT POWERS AGREEMENT: Moved-Seconded (Seward-Douglas) to approve and authorize the Chairman to sign Resolution #2005-13 A Resolution To Enter Into A Joint Powers Agreement Between The City Of Spearfish And Lawrence County Covering That Designated Area Extraterritorial To The City Limits Of The City Of Spearfish and to approve and authorize the Chairman to sign the Joint Powers Agreement with the City of Spearfish. Motion Carried. RESOLUTION #2005-13 A RESOLUTION TO ENTER INTO A JOINT POWERS AGREEMENT BETWEEN THE CITY OF SPEARFISH AND LAWRENCE COUNTY COVERING THAT DESIGNATED AREA EXTRATERRITORIAL TO THE CITY LIMITS OF THE CITY OF SPEARFISH. WHEREAS, the Common Council of the City of Spearfish and the Lawrence County Board of Commissioners believe it to be in the best interests of their citizens to enter into a Joint Powers Agreement governing uniform codes and licensing regulations in an area adopted by Lawrence County and the City of Spearfish. BE IT RESOLVED by Lawrence County as follows: Lawrence County is hereby authorized to enter into and execute the Joint Powers Agreement, a true and correct copy of which is attached to this resolution as Exhibit "A", and the Chairman and Auditor are directed to sign the Joint Powers Agreement in the name of Lawrence County as of the date of this Resolution. Dated this 26th day of April, 2005. Robert Ewing, Chairman Lawrence County Commissioners. ATTEST: Connie Atkinson, Auditor.

EXECUTIVE SESSION: 9:15 a.m. Moved-Seconded (Opitz-Seward) to go into executive session for litigation reasons with Bruce Outka, Deputy States Attorney. Motion Carried. 9:30 a.m. the Board opened for regular business, no action taken.

TERRY PEAK ESTATES PUD #6: A public hearing was held on Terry Peak Estates Planned Unit Development #6: Owner/Representative: Black Hills Chairlift/ /Tom Marsing /Bob Morcom. Legal Description: Proposed Tract 1 of the Terry Peak Estates located in a portion of Government Lot 6 and 11, Section 2, T4N, R2E. Location: Terry Peak. Purpose: SRD high-density residential/ ski in-ski out homes and on Terry Peak Estates Change Of Zoning # 245: Owner/Representative: Black Hills Chairlift/ Tom Marsing /Bob Morcom. Legal Description: Proposed Tract 1 of the Terry Peak Estates located in a portion of Government Lot 6 and 11 Section 2, T4N, R2E. Location: Terry Peak. Purpose: Change zoning from RC to SRD. Tom Marsing and Bob Morcom presented the plan for Terry Peak Estates PUD #6. Rich Meyer, Ruth Udager, Mr. Wagner, Donna Wagner, and John Torgerson were nearby landowners who expressed concerns on access to the area, water, sewage disposal, ski in-out areas, fire protection, road issues, and safety issues. The Board reviewed letters from Wharf Resources in reference to the use of Lost Camp Trail and Deep Snow Trail roads and the letter from Terry Trojan Valley Water Protection District in reference to the water concerns. Brandon Flanagan read the staff report and the Planning and Zoning Recommendation of approval for the Planned Unit Development and Change of Zoning.

Moved-Seconded (Douglas-Seward) to approve the Terry Peak Estates Planned Unit Development #6. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve the Terry Peak Estates Change of Zoning #245. Motion Carried.

APPLE SPRINGS PUD #5: A public hearing was held on Apple Springs Planned Unit Development #5: Owner/Representative: Apple Creek Development LLC/CETEC Engineering Services. Legal Description: Apple Springs Tract located in Sections 11 and 14, T5N, R4E. Location: Boulder Canyon. Purpose: Planned Unit Development to include HSC area retail/courtyard, SRD lodge area, multi-family, town homes, high-density residential/golf course, public services/facilities, and on Apple Springs Change Of Zoning # 243: Owner/Representative: Apple Creek Development LLC/CETEC Engineering Services. Legal Description: A portion of Apple Springs Tract located in Sections 11 and 14, T5N, R4E. Location: Boulder Canyon. Purpose: Change zoning from PF to SRD. Ted Schultz, CTEC and Mark Simpson presented the plan for the Apple Springs PUD#5. Charles Nelson, Bob Cooley, Ivan Shonley and Gene Vinkenberg, were among the landowners expressing concerns about, commercialization and décor of the Canyon, scenic byway, density, road impacts, traffic concerns, fire protection, water and odor from the sewage disposal system. Discussion followed on the sewage disposal and Schultz assured everyone that there would not be any odor and the water would be safe to

dispose of in a cold-water fishery. Brandon Flanagan read the staff report and the Planning and Zoning Recommendation of approval for the Planned Unit Development and Change of Zoning.

Moved-Seconded (Seward-Weisenberg) to approve the Apple Springs Planned Unit Development #5. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve the Apple Springs Change of Zoning #243. Motion Carried.

CUP #305 MUD BOGGING TRACK / GLEN NICHOLAS: A Public Hearing was held on Conditional Use Permit #305 - Mud Bogging Track: Owner/Representative: Glen Nicholas Legal Description: NW ¼ SW ¼ of Section 33, T7N, R1E. Location: Exit 2 South/Wyoming Border. Purpose: Mud bogging track for jeeps and trucks. Glen Nicholas presented his request for a conditional use permit. Eric Hunsley, President of the BH Off-Road Association spoke in favor of the project. Hunsley expressed the need for private land for activities as the Forest Service closes down access to the forest. Don Armstrong and Monty Peterson also spoke in support of the project. Lester Nies, Attorney representing landowners in the area, presented the Board with a packet of information reinforcing opposition to the conditional use permit. Joe Barany, Viola & Vernon Lyons, Ann Story, Richard Stevenson and Carol Nicholas were among the landowners expressing concerns of noise, loss of property value, loss of enjoyment, pollution, scarring of land, and safety.

The public hearing was closed and the Board discussed water drainage, removal of items after an event is held. The Board reviewed the conditions of the Conditional Use Permit as presented.

Moved-Seconded (Seward-Ewing) Upon the finding that AG Zoning is appropriate for the Conditional Use Permit as requested and through the conditions as presented, and that Glen Nicholas has addressed the concerns as best as possible at this time, I hereby move to approve Conditional Use Permit #305 for a Mud Bogging Track with the additional condition that all portable bathrooms, garbage containers, bleachers, etc. be removed within 7 days of an event. Aye-Seward and Ewing. Nay-Weisenberg, Opitz and Douglas. Motion Failed.

NURSE REPORT: Wade Huntington and Mavis Potter were present to review the nurse report for Lawrence County from January-March 2005.

US FOREST SERVICE: Pam Brown, Jim Williams and Randy Skelton were present from the Forest Service for a fire update and fire/fuels project update.

COUNTY DISCRETIONARY FORMULA: Dave Doran, Steel Wheel / Hidden Valley Campground asked the County Commissioners to consider a County Discretionary Formula. The Board stated the County is not in support of a discretionary formula at this time.

EXECUTIVE SESSION: 1:25 p.m. Moved-Seconded (Weisenberg-Opitz) to go into executive session for personnel reasons with Bruce Outka, Deputy States Attorney, Bob Golay and Neil Clarke. Motion Carried. 2:22 p.m. the Board opened for regular business, no action taken.

SCHOOL FUNDING REQUEST: The Board discussed a request from the Spearfish and Lead Deadwood School District for a School Funding Adequacy Study. The Commission stated the County was not in support of participating in the request.

COUNTY COURTHOUSE & JAIL BONDS: Moved-Seconded (Seward-Weisenberg) to approve and authorize the payoff of the Courthouse and Jail Certificates of Participation Series 2002. 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-\$3,561.36; Aud-\$6,278.51; Treas-\$8,671.15; Comp-\$5,141.40; States Atty-\$13,785.19; Pub Def-\$6,403.98; Gen Govt Bldg-\$6,060.61; Equal-\$11,406.27; Rod-\$6,212.65; Vso-\$1,029.95; Disp-\$9,534.13; Sher-\$27,461.50; Jail-\$16,451.62; Emerg Mgnt-\$2,512.56; E911-\$1,443.20; Highway-\$33,319.70; Ext-\$1,237.28; Weed-\$2,498.96; PZ-\$2,573.98; **Bills:** Flanagan,B-\$355.00; Grenstiner,E-\$10.64; Kosel,J-\$28.80; McNeal,A-\$28.80; Williams,R-\$4.66; 9-1-1 Magazine-\$62.90; A&B Business Equip-\$1,309.03; A&B Welding Supply-\$14.00; ABC Business Supply-\$239.64; Amoco Oil-\$38.32; AT&T-\$6.81; BH Federal Credit Union-\$9,019.00; BH Medical Ctr Pharmacy-\$1,861.41; BH Pediatrics & Neonatology-\$684.42; BH Power & Light-\$6,289.35; BH Security & Systems-\$13,437.36; BH Window Cleaning-\$15.00; Barnhardt,R-\$16.38; Brule County Sher Office-\$19.50; Butler Machinery Co-\$408.77; Butte County Sheriff-\$36.28; CDW Government-\$1,784.27; Cellular One-\$172.85; Cellular One-\$14.99; Central Parts-\$70.99; Chris Supply Co-\$77.06; City/County Alcohol & Drug-\$105.00; Conoco-\$34.00; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$25.00; Dakota Graphics-\$802.50; Dept Of The Treasury-\$38,221.99; Dietrich,D-\$124.25; Division Of Motor Veh-\$13.00; Domestic Crisis Outreach-\$365.00; Ellingson,J-\$2,242.12; Equipment Service Prof-\$330.83; Evident Crime Scene Products-\$53.00; Fastenal-\$586.05; First District/Gis

Conference-\$30.00; Fish,V-\$240.40; Gene's Lock Shop-\$1,916.00; Gold Dust-\$81.21; Great Western Tire-\$191.36; H&S Sand & Gravel-\$382.05; Hall Welding-\$46.56; Harmon,T-\$3.21; Havemeier,L-\$17.00; Hewlett-Packard Company-\$2,852.00; Hills Material Comp-\$2,076.09; Huron Culvert & Tank Co-\$6,563.12; IBM Corp-\$594.00; Jacobs Precision Welding-\$20.00; Kieffer,T-\$102.00; Kimball-Midwest Co-\$158.36; Kittelson,J-\$15.00; Knecht True Value-\$324.74; Koala Electric-\$1,234.14; Kooistra,N-\$15.00; LC Auditor-\$30.61; LC Treasurer-\$100.00; Lindstad's-\$35.00; Midwest Teletron-\$179.80; Mineral Palace Hotel-\$928.17; Montana-Dakota Util-\$366.78; Motorola-\$9,164.00; NH General Hospital-\$285.85; Neve's Uniforms-\$98.80; Outdoor Motor Sports-\$308.84; Pennington Co Auditor-\$136.00; Pennington Co Jail-\$1,555.12; Pennington County Sheriff-\$8.78; Pennington County Sts Attny-\$200.00; Pizza Hut-\$21.00; Power House-\$1,141.00; Priority Dispatch-\$78.00; Qwest-\$53.29; RC City Of-\$1,225.00; RC Police Dept-\$25.00; RC Regional Hospital-\$888.12; Rabe Elevator-\$775.88; Radio Shack/Kazco-\$34.99; SD Continuing Legal Ed-\$7.50; SD Dept Of Transportation-\$3,831.02; SD Human Services Center-\$115.18; SD Supplemental Retirement-\$907.00; Sand Creek Printing-\$29.95; SDAE4-HE-\$39.00; SDACO-\$100.00; Servall Towel & Linen-\$290.68; Silverado-\$611.20; Spearfish Auto Supply-\$105.71; Spearfish Motors-\$10,999.00; Speedylube-\$136.79; Stretch's Glass & Mirror-\$1,815.70; T & W Appliance/Knothole-\$91.73; Team Lab Chemical Corp-\$6,552.10; Triple K Tire & Repair-\$182.62; Twin City Hardware & Lumber-\$358.90; Verizon Wireless-\$343.65; Versatile Carpets & Inter-\$6,000.00; Victims Of Violence-\$365.00; Walmart Store-\$376.09; Warne Chemical-\$4,292.17; Wells Fargo Business Card-\$14.95; Wells Plumbing & Farm Supp-\$4.64; Western Communication-\$7,885.50; Western SD Juvenile Serv-\$5,775.00; Xerox Corporation-\$165.00; Yankton Co Sheriff-\$33.00; **Witness & Jurors:** Cody,S-\$59.60; Cooper,N-\$58.32; Eatherton,M-\$60.24; Gibson,J-\$59.60; Harlan,C-\$51.92; Hornback,R-\$52.56; Kiger,K-\$62.80; Konstant,M-\$59.60; Loken,E-\$64.72; Rath,A-\$59.60; Sacrison,W-\$56.40; Salzsieder,K-\$62.80; Shuck,L-\$66.00; Simpson,R-\$50.64; Undlin,V-\$59.60; Valentine,J-\$62.80; Leth,P-\$22.80; Wickenheiser,T-\$30.88; Balander,M-\$21.92; Davis,C-\$45.60; Fleming,K-\$29.60; Frost,M-\$21.92; Hague,L-\$29.60; Hannah,S-\$30.24; Kracht,K-\$21.60; Lechette,K-\$24.80; Mclemore,J-\$29.60; Montileaux,B-\$29.60; Payne,A-\$24.80; Scott,S-\$20.64; Tenold,J-\$29.60; Trautman,B-\$24.80; Twomey,H-\$29.60; Waterson,K-\$20.64; Whaley,R-\$24.80; Willard,S-\$28.00; Ziegler,D-\$30.24; Abrahamson,C-\$29.20; Allen,K-\$11.92; Allen, M-\$19.60; Anderson,D-\$20.88; Barker,R-\$174.96; Bauer,S-\$174.96; Braun,M-\$13.20; Brossart,C-\$169.20; Bulat,J-\$27.92; Chesnut,G-\$19.60; Clark,E-\$19.60; Cotton,J-\$11.28; Custis,M-\$18.32; Delahoyde,C-\$18.32; Derby,T-\$11.28; Devries,M-\$11.92; Dore,W-\$20.88; Dvorak,J-\$19.60; Dykes,L-\$21.52; Edstrom,R-\$21.52; England,A-\$19.60; Ertman,T-\$17.68; Feeser,J-\$188.40; Geffre,M-\$16.40; Geppert,T-\$19.60; Glenney,T-\$178.80; Goetz,L-\$20.24; Gulledege,R-\$12.56; Haugen,S-\$20.24; Hitson,K-\$21.52; Hoffman,D-\$32.40; Hughes,B-\$11.92; Job,M-\$22.80; Johnson,S-\$174.96; Jones,K-\$20.88; Kuntz,P-\$157.68; Lauer,H-\$19.60; Lucas,A-\$178.80; Luckie,D-\$10.64; Martin,C-\$13.84; Mcdowall,D-\$22.80; Medearis,A-\$21.52; Mullaney,T-\$17.68; Myers,A-\$182.64; Nichols,C-\$17.68; Niehaus,T-\$20.88; Oneill,D-\$29.20; Parsons,L-\$178.80; Peters,D-\$15.76; Pitlick,J-\$22.80; Roseland,B-\$21.52; Schad,D-\$20.24; Schutz,D-\$19.60; Seamann,L-\$11.92; Selgeby,A-\$20.88; Sharp,S-\$19.60; Stephens,J-\$207.60; Thornburgh,H-\$32.40; Trucano,M-\$10.64; Wagner,B-\$19.60; Williams,L-\$153.84; Wilson,R-\$26.00; Yenglin,A-\$188.40

ADJOURN: 2:27 p.m. - There being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MAY 10, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 10, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present. Connie H. Douglas left at 12:10 p.m.

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

MINUTES: Moved-Seconded (Opitz-Douglas) to approve the minutes of April 26, 2005 and 2005 Board of Equalization. Motion Carried.

PERSONNEL:

STATES ATTORNEY: Moved-Seconded (Opitz-Weisenberg) to authorize the advertisement of a secretary in the States Attorney's Office to fill a vacant position. Motion Carried.

SHERIFF: Moved-Seconded (Opitz-Seward) to approve the hiring of 2 Special Deputies at a base rate of \$15.00 per hour for 10 days during the Sturgis Rally. Motion Carried

PLANNING & ZONING & WEED BOARD RESIGNATIONS: Moved-Seconded (Weisenberg-Seward) to accept the resignation of Jacquelyn Fuller as Planning & Zoning Board Member and Charles Nicholas as Weed Board Member and to advertise for two weeks for the open board positions. Motion Carried.

TRAVEL REQUESTS:

AUDITOR: Moved-Seconded (Seward-Weisenberg) to approve the travel request for Brenda McGruder to attend the Wellmark Blue Cross/Shield program in Rapid City on June 1, 2005. Motion Carried.

TITLE III EXPENDITURES: The Board discussed the Title III proposal received; the 45-day comment period has been satisfied. Moved-Seconded (Douglas-Seward) to approve the following expenditures for Title III Funds in 2005. Motion Carried.

TITLE III SPECIAL PROJECT FUNDS:

Category 4: FOREST RELATED EDUCATIONAL OPPORTUNITIES: South Dakota Project Learning Tree has submitted a proposal to fund workshops in Lawrence County to provide awareness in forest ecology, fire ecology, forest management, pest infestations, and production in the Black Hills ecosystem and surrounding areas. **Amount Requested: \$5,000. Amount Approved: \$5,000.**

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 April 30, 2005 showed the following: 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)-\$280,641.34; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$3,694,544.51; Savings-\$8,231,499.84; GNAMS-\$36,358.56; and Money Market \$1,200,328.44, Total \$17,150,449.73.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Seward-Weisenberg) to set a supplemental budget hearing for May 24, 2005 at 8:45 a.m. for the Highway Fund – R&B supplies for \$17,200. Motion Carried.

WEED ASSISTANCE AGREEMENT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Assistance Agreement #ESA030008 for the Invasive Species Management Office with the Department of Interior / Bureau of Land Management for the treatment of noxious weeds on public lands in Lawrence County. Motion Carried.

FEDERAL EQUITABLE SHARING AGREEMENT: Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairman to sign the Federal Equitable Sharing Agreement for the Sheriff's Office on Asset Forfeiture and Money Laundering Section. Motion Carried.

VFW PARKING EASEMENT: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign and send a letter to the VFW in regards to terminating the VFW Parking Easement. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Opitz-Douglas) to approve and authorize the Chairman to sign the Application for permit to occupy county highway right of way with Black Hills Power for underground facilities located .65 miles north of Hwy 385 on Gilt Edge Rd. Motion Carried.

ASPHALT CRACK SEALING: Moved-Seconded (Weisenberg-Seward) to authorize buying Asphalt Crack Sealing off of the City of Belle Fourche's bid at an amount of \$.395 per foot and \$250.00 mobilization cost. Motion Carried

BID OPENING: Moved-Seconded (Weisenberg-Ewing) to set June 28, 2005 at 8:30 a.m. as the bid opening for (2) two rubber tire front end loaders. Motion Carried.

EAGLE RIDGE ESTATES: Moved-Seconded (Douglas-Seward) to approve the following order declaring the Eagle Ridge Estates Road District Incorporated and subject to vote. Motion Carried.

ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE EAGLE RIDGE ESTATES 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: The following platted lots located in E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, T6N, R2E and the NW $\frac{1}{4}$ of Section 31, T6N, R3E, B.H.M., Lawrence County, South Dakota: Lot 3, Plat Document #2001-5494 Lots 6, 11A, 11B and 12, Plat Document #2003-5744 Lot 8, Lot 27 and Lot 35, Plat Document #1999-5628 Lot 9, Plat Document #2000-3503 Lot 10 and Lot 39, Plat Document #2000-820 Lot 19, Plat Document #2004-6738 Lot 28 and Lot 38, Plat Document #1999-6116 Lot 26 and Lot 29, Plat Document #1999-1722 The following platted lots located in E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 36, T6N, R2E, B.H.M., Lawrence County, South Dakota: Lot 4, Plat Document #2002-6766 Lot 5, Plat Document #2000-4215 Lot 7, Plat Document #1999-4290 The following platted lots located in NW $\frac{1}{4}$ of Sec. 31, T6N, R3E, B.H.M., Lawrence County, South Dakota: Lot 13, Plat Document #1999-2742 Lot 14, Plat Document #2001-819 Lot 15, Plat Document #2001-2682 Lot 16 and Lot 23, Plat Document #2001-5653 Lot 17, Plat Document #2001-6039 Lot 18, Plat Document #2001-536 Lot 20 and Lot 21, Plat Document #2005-466 Lot 22, Plat Document #2004-7532 Lot 24, Plat Document #2000-4098A Lot 25, Plat Document #2000-290 Lot 30, Plat Document #2000-4984 Lot 31 and Lot 32, Plat Document #2001-1555 Lot 34A, Plat Document #2004-3242 Lot 36 and Lot 37, Plat Document #1999-5462, all in Eagle Ridge Estates, which Plats are on file in the Office of the Lawrence County Register of Deeds, Deadwood, South Dakota. 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 Eagle Ridge Estates Road District. DATED this 10th day of May 2005. BOB EWING, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR.

TRANSFER OF RETAIL (ON-OFF SALE) MALT BEVERAGE/WILD BILLS

CAMPGROUND: A public hearing was held for a transfer of On-Off Sale Malt Beverage as follows: *Previous License:* Charles E. King & Bonita C. King (Wild Bill's Campground) 21372 US HWY 385, Deadwood, SD 57732-9711. *New License:* Keith A. Grimm (Wild Bill's Campground) 21372 US HWY 385, Deadwood, SD 57732-9711. Legal description: Lot E & Lot E-2 of HES 137 located in Sec 17 & 18, T4N, R4E, BHM, except Lot E-1 & E-3 of Subd Lot E & except Lots H1 & H2 in Lot E, Tract No. 0091A in Sec 18 & Tract 0091B Sec 17, T4N, R4E, Lawrence County, SD. Moved-Seconded (Douglas-Weisenberg) to approve the transfer of malt beverage license to Keith A. Grimm (Wild Bill's Campground). Motion Carried.

COUNTY LIEN: Gary Gurwell requested the County Commissioners to consider the release of his County Lien. No action was taken.

INVASIVE SPECIES: Moved-Seconded (Weisenberg-Opitz) to allow the Invasive Species Coordinator to enter into lease agreements for the lease of a truck mounted sprayer to qualified individuals. Motion Carried.

Dave Heck, (Invasive Species Coordinator), gave an over view of the projects he has either completed, pending or ongoing for 2005.

PLANNING & ZONING / ANNUAL REVIEWS

ANNUAL REVIEW OF CUP#124 – HOMESTAKE MINING COMPANY: An annual review was held for Homestake Mining Company CUP #124. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

ANNUAL REVIEW OF CUP#144 – HOMESTAKE MINING COMPANY: An annual review was held for Homestake Mining Company CUP #144. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

ANNUAL REVIEW OF CUP #185 / H&S GRAVEL OPERATIONS: Jerome Hall appeared for permittee H&S Gravel. Permit was found in compliance. Moved-Seconded (Seward-Weisenberg) CUP #185 will be reviewed on an as needed basis. Motion Carried.

ANNUAL REVIEW OF CUP #258 / DAKOTA RESORTS MGMT – DEER MOUNTAIN CAMPGROUND: An annual review was held for the Deer Mountain Campground. All the requirements have been complied with. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

ANNUAL REVIEW OF CUP #284 / DAVID B. NIELSON / SPECIALTY RESORT: An annual review was held for the David B. Nielson / Specialty Resort. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

ANNUAL REVIEW OF CUP #287 / VINCENT PFEIFLE / SPECIALTY RESORT: An annual review was held for Vincent Pfeifle / Specialty Resort. All the requirements have been complied with. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

FINAL PLAT / FRAWLEY RANCH INC: Owner/Representative: Frawley Ranch Inc/NJS Engineering. Legal Description: Plat of Lots 1, 3, A, B and C of Frawley Ranch East located in the NE1/4 of Section 18, T6N, R4E. Location: Deadwood North. Purpose: New Lot 1 =2.88, 3=4.98, A=1.08, B=1.20, C=1.98. Moved-Seconded (Seward-Weisenberg) to approve the final plat for Frawley Ranch Inc. Motion Carried.

FINAL PLAT / WHARF RESOURCES/JIM LESSARD/PONDEROSA LAND SURVEYS:

Owner/Representative: Wharf Resources/Jim Lessard/Ponderosa Land Surveys. Legal Description: Lots 1 thru 5 being portions of Lone Pine & Lone Jack M.S. 1073, Mohawk, Oxford & Mineral Point M.S. 1065, Alpha M.S. 1063, Ophir M.S. 764, Silver Shower M.S. 543, Clinton M.S. 956 and Former Gov't Lot 6 of Section 6, located in Section 1, T4N, R2E and Section 6, T4N, R3E. Location: Terry Peak. Lot 1=2.09, Lot 2=2.15, Lot 3=2.25, Lot 4=2.06, Lot 5=3.10. Moved-Seconded (Seward-Douglas) to approve the final plat for Wharf Resources. Motion Carried.

JOINT POWERS AGREEMENT WITH SPEARFISH: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Resolution #2005-15 a Resolution To Enter Into A Joint Powers Agreement Between The City Of Spearfish And Lawrence County Covering That Designated Area Extraterritorial To The City Limits Of The City Of Spearfish and to approve and authorize the Chairman to sign the Amended Joint Powers Agreement with the City of Spearfish. Motion Carried. RESOLUTION #2005-15 A RESOLUTION TO ENTER INTO A JOINT POWERS AGREEMENT BETWEEN THE CITY OF SPEARFISH AND LAWRENCE COUNTY COVERING THAT DESIGNATED AREA EXTRATERRITORIAL TO THE CITY LIMITS OF THE CITY OF SPEARFISH. WHEREAS, the Common Council of the City of Spearfish and the Lawrence County Board of Commissioners believe it to be in the best interests of their citizens to enter into a Joint Powers Agreement governing uniform codes and licensing regulations in an area adopted by Lawrence County and the City of Spearfish. BE IT RESOLVED by Lawrence County as follows: Lawrence County is hereby authorized to enter into and execute the Joint Powers Agreement, a true and correct copy of which is attached to this resolution as Exhibit "A", and the Chairman and Auditor are directed to sign the Joint Powers Agreement in the name of Lawrence County as of the date of this Resolution. Dated this 10th day of May, 2005. Robert Ewing, Chairman Lawrence County Commissioners. ATTEST: Connie Atkinson, Auditor.

DIRT BIKE TRACK IN NEVADA GULCH: Leroy Eckhart came to the Board to discuss some complaints that were received concerning his dirt bike track. Neighbors discussed issues concerning the operation of the dirt bike track. The board took no action, as a CUP is not required owing to the fact that this is not a commercial operation.

WILDFIRE PROTECTION PLAN: Paul Thomson presented the board with The Community Wildfire Protection Plan. A Special meeting was set for May 17, 2005 at 9:00 a.m. to discuss the plan.

EXECUTIVE SESSION: 12:10 p.m. Moved-Seconded (Seward-Opitz) Absent (Douglas) to go into executive session for litigation reasons with Bruce Outka, Deputy States Attorney and Bill Pearson, MPT Inc. Motion Carried. 12:20 p.m. the Board opened for regular business. Moved-Seconded (Opitz-Weisenberg) Absent (Douglas) the board agreed to amend the lease agreement with MPT providing for a lease termination notice period of at least 90 days. 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-\$3,561.36; Aud-\$6,043.63; Treas-\$8,030.18; Comp-\$4,883.57; States Atty-\$11,613.40; Pub Def-\$6,199.58; Gen Govt Bldg-\$5,625.92; Equal-\$10,509.53; Rod-\$5,770.48; Vso-\$1,029.95; Disp-\$12,203.60; Sher-\$28,776.47; Jail-\$16,245.68; Emerg Mgnt-\$2,381.40; E911-\$1,312.00; Highway-\$31,052.28; Air-\$100.50; Ext-\$1,125.44; Weed-\$2,732.96; Pz-\$2,485.74; **Bills:** Davis,J-\$82.64; Flanagan,B-\$679.15; Larson,D-\$60.80; Mowell,R-\$7,033.50; Sutter,J-\$72.11; Thompson,C-\$25.00; Writer,J-\$57.00; A&B Business Equip-\$1,180.89; A&B Welding Supply-\$6.90; A&I Distributors-\$793.52; A&J Supply-\$96.75; A&M Transport-\$75.00; A-Z Shredding-\$16.00; ABC Business Supply-\$1,284.61; Accurint Accounts Receivable-\$8.50; Alex Johnson Hotel-\$82.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$255.11; American Family Life-\$2,845.72; Armstrong Extinguish-\$300.67; ASAP Software Express-\$89.26; Audiss,J-\$138.69; BH Chemical Company-\$1,969.01; BH Federal Credit Union-\$9,019.00; BH Fibercom-\$936.40; BH Land Analysis-\$1,732.50; BH Medical Center-\$118.10; BH Medical Ctr Pharmacy-\$2,714.97; BH Pest Control-\$95.00; BH Power & Light-\$479.94; Barnhardt,R-\$356.80; Best Business Prod-\$45.29; Black Hills Pure-\$11.50; Blue Cross-\$47,796.02; Brown & Saenger-\$507.84; Butler Machinery Co-\$117.47; Butte Electric Coop-\$499.11; CDW Government-\$597.87; Cellularone-\$817.90; Central Parts-\$157.99; Character Counts-\$178.75; Chemical Sanitizing Sys-\$94.55; Christensen Law Office-\$478.25; Claggett,D-\$693.65; Conoco-\$182.42; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$123.75; Deadwood Home Center-\$34.55; Deadwood Recreation Center-\$173.00; Deadwood, City Of-\$577.92; Deckers Food-\$42.77; Dept Of The Treasury-\$37,194.60; Division Of Motor Veh-\$4.00; Elan Financial Services-\$80.00; Election Sys & Software-\$863.20; Evident Crime Scene Products-\$7.95; Extension Service-\$384.84; Family Thrift Center-\$22.08; Frederickson,J-\$162.80; Glenney,T-\$160.00; Gold Dust-\$74.80; Great Western Tire-\$24.90; Harmon,T-\$282.56; Havemeier,L-\$29.60; Heisler Hardware-\$96.23; Hills Material Comp-\$7,667.39; Hobart Sales & Service-\$8,690.00; Holiday Inn-\$134.40; Identity Genetics-\$1,945.00; Ikon Office Solutions-\$120.70; Inland Truck Parts-\$77.54; Integrity Ford-\$21,556.10; Jacobs Precision Welding-\$29.65; Kabeiseman & Pollard Law-\$152.80; Kar Products-\$541.87; Karas Technical-\$3,992.00; Ken's Camper Sales-\$7.95; Kinney,M-\$2,465.20; Knecht True Value-\$190.18; LC Auditor-\$10.00; LC Treasurer-\$100.00; Lawson Products-\$197.59; Lead, City Of-\$146.61; Lead-Deadwood Funeral Chapel-\$845.00; Lead-Deadwood Sanitary-\$302.10; Lee,J-\$15.00; Minitman-\$19.99; Montana Dakota Utilities-\$285.94; Montana-Dakota Util-\$5,205.45; NH Family Ymca-\$200.00; Nada Appraisal Guides-\$100.00; Ncraao-\$200.00; Nelson,T-\$200.00; Neve's Uniforms-\$45.90; Office Technology/Supply-\$30.99; Paul Miller Enterprises-\$335.00; Pennington Co Auditor-\$259.00; Pennington County Sheriff-\$28.44; Pennington County Sts Attny-\$400.00; Percy Law-\$3,134.33; Pitney Bowes-\$328.45; Pizza Hut-\$244.98; Power House-\$154.68; Queen City Motors-\$23.45; Qwest-\$182.19; RC Regional Hospital-\$2,605.87; Radiology Associates-\$35.85; Rombough,D-\$247.56; SD Retirement System-\$41,915.92; SD State Treasurer-\$1,295.83; SD Dept Of Agriculture-\$414.18; SD Project Learning Tree-\$5,000.00; SD Sheriff's Association-\$50.00; SD Supplemental Retirement-

\$907.00; Servall Towel & Linen-\$231.66; Spearfish Auto Supply-\$29.39; Speedylube-\$16.95; Tigerdirect-\$3,968.98; Twin City Hardware & Lumber-\$201.61; US Bank-\$1,293.75; US Postal Service-\$5,000.00; Waste Connections-\$278.44; Wells Plumbing & Farm Supp-\$269.06; Western Communication-\$330.10; Western Stationers-\$725.23; Williams & Associates-\$17,192.65; Williams Standard Serv-\$38.00; Yankton County-\$93.55; Ziggy's Building Center-\$31.20; **Witness & Jurors:** Cody,S-\$59.60; Eatherton,M-\$60.24; Gibson,J-\$59.60; Harlan,C-\$51.92; Hornback,R-\$52.56; Rath,A-\$59.60; Shuck,L-\$66.00; Steckler,A-\$59.60; Undlin,V-\$59.60; Valentine,J-\$62.80; Grubb,J-\$60.48; Fitzgerald,R-\$11.92; Allen,P-\$60.24; Arehart,J-\$59.60; Barnes,M-\$20.24; Bender,L-\$19.60; Berg,R-\$15.12; Bieber,A-\$11.28; Bohls,G-\$22.80; Bressler,D-\$59.60; Brotsky,J-\$11.92; Burg,S-\$17.68; Bury,R-\$19.60; Caldwell,G-\$11.92; Carlson,S-\$26.00; Christensen,J-\$22.80; Cockreham,H-\$16.40; Cranfill,H-\$22.80; Fandrick,D-\$17.68; Farley,J-\$62.80; Fossum,R-\$16.40; Geffre,L-\$19.60; Gibson,R-\$59.60; Gilles,A-\$11.92; Green,D-\$15.12; Green,L-\$18.96; Gustafson,M-\$19.60; Hahn,K-\$20.88; Hall,J-\$19.60; Hansen,T-\$10.64; Harris,E-\$22.80; Hart,N-\$57.68; Iverson,L-\$24.08; Janke,L-\$17.68; Jensen,J-\$10.64; Jones-Shockey,B-\$69.20; Jorgensen,D-\$17.68; Koski,J-\$60.88; Lax,C-\$26.64; Long,K-\$19.60; Maltaverne,R-\$19.60; Mccarty,V-\$19.60; Nauta,K-\$24.08; Noren,K-\$59.60; Panner,R-\$11.92; Peters,K-\$17.04; Pittman,M-\$58.32; Rath,B-\$19.60; Rogers,S-\$13.20; Roth,T-\$22.80; Schroeder,B-\$59.60; Squyer,L-\$18.32; Stading,J-\$19.60; Tallmage,M-\$11.92; Veitz,R-\$18.96; Verhelst,T-\$19.60; Ward,M-\$19.60; Wellard,C-\$51.28; Willuweit,B-\$19.60; Young,J-\$21.52; Arndt,E-\$39.20; Coyle,P-\$29.60; Decastro,M-\$289.60; Fuller,F-\$48.80; Glayzer,K-\$29.60; Halverson,S-\$29.60; Hill,J-\$59.20; Knutson,T-\$29.60; Lopez,J-\$48.80; Mahoney,B-\$29.60; Mcclure,G-\$20.64; Nelms,S-\$21.92; Rook,C-\$21.92; Rook,L-\$21.92; Rosenau,B-\$29.60; Rosenboom,R-\$29.60; Schmidt,K-\$29.60; Vigil,K-\$21.92; Wainman,W-\$39.20; Wellford,G-\$20.64; Wendland,S-\$30.88; Williams,R-\$21.92

ADJOURN: 12:27 p.m. - There being no further business it was Moved-Seconded (Opitz-Weisenberg) Absent (Douglas) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – MAY 17, 2005

Chairman Bob Ewing called the special meeting of the Lawrence County Commissioners to order at 9:00 a.m. on May 17, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, and Terry W. Weisenberg present. George Opitz and Connie H. Douglas were absent.

TRAVEL REQUEST: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Paul Thomson and James Seward to attend the Western Governor’s Association Workshop on Forest and Rangeland Health Collaboration in Casper Wyoming on May 19 & 20, 2005. Motion Carried.

COMMUNITY WILDFIRE PROTECTION PLAN: The Board held a public discussion meeting on the Community Wildfire Protection Plan. Rob Mattox, Black Hills Land Analysis, stated the plan has been updated and is ready for implementation so they can begin the reduction of hazardous fuels. Terry Chaplin, Bureau of Land Management, stated the draft Wildfire Protection Plan is a good start on a good plan. Chaplin stated the plan currently leaves some latitude which is a positive aspect. Bill Coburn, Timber Committee, stated the plan needs more historical information and needs to be strengthened to include collaboration between the agencies and needs to reference cooperative status. Aaron Everett, BLM, agreed that the document needed strengthened by adding collaborative information. Greg Nepstad, Nemo Fire Department, expressed concerns that involving federal agencies and cooperative status could be viewed as a grab for timber and may open it up to environmental groups to slow the process down. Nepstad stated the plan needs to focus on reducing the danger to homes on private property in Lawrence County. Weisenberg felt the plan needed to address the healthy forest act and Seward stated the plan needs to be upgraded and suggested NEPA standards be implemented into the plan. Randy Skelton, Forest Service, was in support of the plan and including cooperative status in the plan.

Seward and Paul Thomson will be attending the Western Governor’s Association Workshop on Forest and Rangeland Health Collaboration in Casper Wyoming on May 19 & 20, 2005. Coburn and Mattox will continue to work on updating the plan and keeping the necessary agencies and public involved in the process.

ADJOURN: 9:47 a.m. - There being no further business the meeting was adjourned. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MAY 24, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 24, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present.

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

MINUTES: Moved-Seconded (Seward-Opitz) to approve the minutes of May 10 & 17, 2005. Motion Carried.

PLANNING & ZONING BOARD APPOINTMENT: Moved-Seconded (Douglas-Weisenberg) to appoint Karl Burke to the Planning and Zoning Board to fill the term of Jacquelyn Fuller to expire on 01/2008. Motion Carried. Aye-4 Nay-Seward.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Weisenberg) to approve Ryan Cook as a full time Correctional Officer II G3 at the base rate of \$13.62 an hour, effective May 30, 2005. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Dave Trentz as a Correctional Officer I G3 at the base rate of \$11.85 an hour, upon the completion of 40 hours of training at \$7.58 an hour, effective May 28, 2005. Motion Carried.

Moved-Seconded (Douglas-Seward) to allow employees to donate leave to Susan McKeown. Motion Carried.

EQUALIZATION: Moved-Seconded (Opitz-Weisenberg) to appoint Dennis Schumacher as Equalization First Deputy G1 at the base rate of \$15.85 an hour for the week of June 6th through the 10th of June 2005. Motion Carried.

TRAVEL REQUESTS:

VSO: Moved-Seconded (Opitz-Weisenberg) to approve the travel request for Bill Locken to attend the VSO Congressional Meeting in Hot Springs, SD on May 20, 2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Linda Carrico to attend the Sales Ratio Workshop in Rapid City, SD on June 1, 2005. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Tamera Leveque and Wendy Nolan to attend the ServSafe Workshop in Rapid City, SD on June 29, 2005. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of May 11, 2005: (prices per gallon) Cenex Oil Co. No. 2 Diesel - \$1.754; Unleaded Gasoline - \$1.91. Moyle – Bids on transport loads. Southside Oil - No.2 Diesel - \$1.72*; Unleaded Gasoline - \$1.90. Rollin Oil - No.2 Diesel - \$1.7348; Unleaded Gasoline - \$1.8962*. (*represents lowest quote)

WEST ACRES ROAD DISTRICT: Petitions were received for West Acres Road District.

DEER MOUNTAIN SUBDIVISION ROAD DISTRICT:

Moved-Seconded (Seward-Douglas) to canvass the Deer Mountain Subdivision Road District Election showing ballots cast was 32 (thirty-two), together with the number of 26 (twenty-six) voting for and the number of 6 (six) voting against incorporation. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve the following Order Declaring Deer Mountain Subdivision Road District Incorporated. Motion Carried. **ORDER DECLARING DEER MOUNTAIN SUBDIVISION ROAD DISTRICT INCORPORATED WHEREAS,** an election was held among the landowners of Deer Mountain Subdivision Road District to determine whether or not a County Road District should be incorporated. **WHEREAS,** this vote was held on May 23, 2005. **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 32 (thirty-two), together with the number of 26 (twenty-six) 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 Deer Mountain Subdivision Road District is hereby incorporated pursuant to SDCL 31-12A-11. **DATED** this 24th day of May, 2005. **Bob Ewing, Chairman, Lawrence County Commission. ATTEST: Connie Atkinson, Auditor**

RIGHT OF WAY PERMIT: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the application for Permit to Occupy Right-Of-Way on the Custer Peak Road approximately 11 miles north from intersection of Hwy 85 & 385 for Mystic Hills Cabins & Campgrounds. Motion Carried.

RETAINING WALL BIDS: Moved-Seconded (Weisenberg-Seward) to set a bid opening for June 28th, 2005 at 8:45 a.m. for the Bridge Retaining Wall Structure No. 41-135-165. Motion Carried.

RESOLUTION #05-16 TO ADOPT A SUPPLEMENTAL BUDGET: Moved-Seconded (Seward-Weisenberg) to approve the following Resolution 2005-16 to adopt a supplemental budget for Road & Bridge supplies for \$17,200. Motion Carried.

RESOLUTION #05-16 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: ROAD & BRIDGE FUND - Road & Bridge Supplies - \$17,200. 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 24th day of May, 2005 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 24th day of May, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Auditor

ANNUAL MALT BEVERAGE LICENSE RENEWALS: A public hearing was held on the renewal of the applications for 2005-2006 Malt Beverage licenses.

Moved-Seconded (Douglas-Seward) to approve the transfer of Retail (On-Off Sale) Malt Beverage

Previous License: Richard Tschetter, (The Valley Corner) to DST Properties Inc DBA The Valley Corner Store and to approve the following 2005-2006 Malt Beverage Licenses: ***Class - Package (Off-Sale) Malt Beverage:*** GI Outpost Inc., (Deadwood KOA); Kelley Family Inc., (Hidden Valley Campground); Barefoot Council Of Co Owners (Barefoot Resort); ***Class - Retail (On-Off Sale) Malt Beverage:*** Black Hills Hospitality, Inc (Fish 'N Fry Campground); Janell F. Andis, (Custer Crossing); Keith A. Grimm (Wild Bill's Campground & Resort); Spearfish Canyon Resorts (Latchstring Restaurant); DST Properties Inc. DBA The Valley Corner; Trailhead Lodge, Inc.; Kathy A. Stewart (Cheyenne Crossing Store); Tim & Janet Asheim, (St. Onge Store); Steven W. Sharp, (KOA Spearfish); Ronald & Lisa Jorgenson, (Boondocks); Seven Down, LLC (Travis Lantis); Steel Wheel LLC (Steel Wheel Convenience Store); Steel Wheel LLC (Renegades Bar & Grill); Joe Moak III (Lone Star Restaurant); Black Hills Presidents Park, Inc. (David Adickes); Janice G. Kaberna, (HOM Campground); Black Hills Chairlift Co.Inc., (Dark Horse Saloon); John D. Bell (Bell LTD). Motion Carried.

Moved-Seconded (Douglas-Seward) to table action on the Retail (On-Off Sale) Malt Beverage License for Darlene Fowler (Trout Haven) until the real estate taxes are paid. Motion Carried.

NEW MALT BEVERAGE LICENSE: A public hearing was held on a new application for 2005-2006 Malt Beverage license for Jeffrey D. Drumm / Farmers Market.

Moved Seconded (Seward-Weisenberg) to approve the 2005-2006 On-Off Sale Malt Beverage License for Jeffrey D. Drumm / Farmers Market. Motion Carried.

CUP #306 CABINET WOODWORKING SHOP/ DAVIDSON/HAUGG: A public hearing was held on Conditional Use Permit # 306 – To allow a Cabinet/Woodworking Shop. Owner/ Representative: Steven Hauff/Dan Davidson. Legal Description: Lots 16 B-1, subdivision of Lot 16 of the subdivision of the W ½ of the SE ¼ of Section 4, T6N, R2E. Location: Spearfish/ Hillsview Drive. The public hearing was closed and the board discussed noise and dust. Moved- Seconded (Douglas-Seward) to following Planning and Zoning recommendation and approve Conditional Use Permit #306 for Steven Hauff/Dan Davidson with the following conditions. Motion Carried.

ATTACHED CONDITIONS: Applicant is requesting the County grant permit to allow a cabinet making and woodworking shop located in the old Pat's Moving and Storage building on Hillsview Drive. 1) The owner/operator shall comply with all applicable County, State, and Federal regulations regarding the business. 2) Any modification to the building, not limited to wiring, lighting, plumbing, or dust controls shall require a building permit from the City of Spearfish as per the Joint Powers Agreement. 3) One on-premise sign may be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 4) No outdoor storage shall be permitted. 5) Any expansion of the business for more work area will be allowed within the existing building in areas with no openable windows to the West. 6) All parking including truck loading and unloading shall conform to Section 4.1 of the Lawrence County Zoning Ordinance. 7) All exterior lighting on the buildings used for illumination shall be directed away from any nearby residences, businesses and public roads. 8) If the lease of the building is not renewed for the subject business, the property owner or applicant shall contact Lawrence County Office of Planning and Zoning immediately and the subject conditional use permit shall be cancelled. 9) 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. Or upon the decision of the County Commission, this Conditional Use Permit may be canceled after the business has vacated the premise. 10) 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 if deemed necessary for the protection of the public interest. 11) 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.

CUP #300 HORSE CAMP & CAMPGROUND / LINDGREN: A public hearing was held on Conditional Use Permit # 300 – To Allow Horse Camp/Campground. Owner/Representative: Lindgren, Doug and Jody. Legal Description: Lot 2 of HES 417. Location: Nemo. Jan Kaberna and John VanPatten spoke in favor of the project and a letter from Virginia Eastmo was presented in support. Gary Sparks expressed concerns on the increased traffic and a private residential easement to the property in question that passes through his land. Sparks also expressed concerns about water supply, fire escape roads, wet land and dogs need to be leashed. Ralph Holso expressed concerns about the affect it may have on a grazing allotment he has in the

area and the possible increase of ATV and motor bikes in the area. The public hearing was closed and the board discussed weed certified hay, road access, ATV and motorized bikes. Moved by Seward to approve Conditional Use Permit #300 for Doug and Jody Lindgren with attached conditions. Motion died due to lack of second. The Board discussed changes to the original conditions #13 adding "This shall be done in coordination with the Lawrence County Invasive Species Department." The Board discussed adding a condition to sign the private easement and also adding a conditions concerning ATV' (see condition #21 & #22).

Moved-Seconded (Weisenberg-Seward) to follow Planning and Zoning recommendation and approve Conditional Use Permit #300 for Doug and Jody Lindgren with the following conditions as amended. Motion Carried. **ATTACHED CONDITIONS:** The Lindgrens are applying to operate a "horse camp" similar to Kabernas (CUP#227) on their property off the Nemo Road, just south of Reausaw Lake. 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) 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, Life Safety Codes, state electrical and plumbing codes. 4) 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. 5) Access off all applicable roads shall be coordinated, approved, and constructed per the direction of the Lawrence County Highway Superintendent and the United States Forest Service. 6) If dust problems result in a complaint, the operators shall meet with the County Commission and/or the Lawrence County Highway Superintendent to determine maintenance and utilization of dust suppressant. 7) A first aid kit shall be made accessible to the public and employees. 8) One or more of the employees shall be trained in CPR and/or medical training in case of medical emergencies. 9) Water quality testing shall be conducted according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption. 10) Only one (1) on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 11) 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. 12) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 13) Hay brought into the camp shall be weed certified. This shall be done in coordination with the Lawrence County Invasive Species Department. 14) All Advertising shall reflect that the Rockland Road is designated as the entrance/exit to the Camp. 15) All outdoor lighting shall be located strategically on the building and on the property to provide for lighting and security. 16) 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. 17) 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. 18) 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. 19) 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. 20) 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. 21) Permit Holder shall post signage at the road out of the camp to the East (Sparks Property); Private Road, No Trespassing. 22) There shall be no recreational usage of ATVs originating from the Hay Creek Ranch.

TRANSFER OF CUP #299 & #299-05 MPT INC. TO BELTEK INC.: Roxy Bell, President & CEO for Beltek, Inc. was present to request a transfer of CUP#299 & #299-05 from MPT Inc. to Beltek Inc. Located on Lot 3 Oak Mountain Country Estates on Hwy 14A in Boulder Canyon. Chuck Turbiville, Deadwood Economic Development spoke in favor of the transfer and stated the positive impact this new company will have to Lawrence County. Moved-Seconded (Seward-Douglas) to approve the transfer of CUP #299 & 299-05 to Beltek Inc. Motion Carried.

REGISTER OF DEEDS BUSINESS: Judy Meverden discussed the fees charged to Lawrence Title Company. Meverden stated they are now able to provide the copies needed to the title company on a CD and requested the board adopt a flat fee charge to the title company. Moved-Seconded (Douglas-Seward) to follow the recommendation of Meverden and set a flat monthly fee of \$225.00 for the Lawrence Title Company for copy fees. Motion Carried.

RECORDS DESTRUCTION MANUAL: Moved-Seconded (Douglas-Seward) to adopt the State of South Dakota, Bureau of Administration, Records Management Program Retention and Destruction Schedules and any future updates, as the County's record retention and destruction policy. Motion Carried.

SEARCH & RESCUE: Dan Regan and Paul Thomson updated the Board on the progress of the building from Homestake that was dismantled. They are currently looking for a location to rebuild the building for Search & Rescue.

PERSONNEL MANUAL UPDATES: The Board reviewed the Draft Employee Personnel Manual and asked the Personnel Committee to make changes to the proposed vacation policy and asked the committee to revisit the drug policy, pay periods and mandatory direct deposit.

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-\$3,561.36; Aud-\$5,956.20; Treas-\$8,030.18; Comp-\$4,883.56; States Atty-\$11,469.07; Pub Def-\$6,199.58; Gen Govt Bldg-\$5,586.04; Equal-\$10,573.55; Rod-\$5,811.59; Vso-\$1,029.95; Disp-\$8,850.00; Sher-\$27,418.85; Jail-\$16,065.82; Emerg Mgnt-\$2,616.40; E911-\$1,312.00; Highway-\$30,488.46; Air-\$201.00; Ext-\$1,128.00; Weed-\$3,868.22; Pz-\$2,482.98; **Bills:** Barrett,M-\$41.60 Black,S-\$64.00 Fredericksen,L-\$18.00; Ginsbach,M-\$76.00; Greeley,L-\$76.00; Hamilton,M-\$76.00; Larson,D-\$69.00; Larson,P-\$146.56; Meverden,J-\$32.00; Rosenau,R-\$8.00; Sandvick,T-\$611.03; Smith,M-\$68.48; Tridle,D-\$44.01; Williams,R-\$197.00; 3d Specialties-\$2,772.16; A&B Business Equip-\$293.63; A&B Welding Supply-\$28.87; ABC Business Supply Corp-\$438.57; Amcon Distributing-\$141.59; Amoco Oil-\$671.69; Appraver-\$712.80; AT&T-\$2.27; ATV Safety Institute-\$375.00; BH Federal Credit Union-\$9,019.00; BH Pioneer-\$857.49; BH Power & Light-\$5,551.52; Best Western Ramkota Inn-\$431.14; Black Hills Surveying-\$825.10; BMI Investment Co-\$230.00; Bowker,G-\$50.00; Brookings Inn-\$139.00; Brown & Saenger-\$461.80; Budget Host Inn-\$239.70; Butler Machinery-\$6,434.77; Butte County Sheriff-\$8.26; Campbell Supply-\$113.42; CDW Government-\$14,843.73; Central Parts-\$344.37; Chemical Sanitizing Sys-\$28.36; Clinical Lab Of BH-\$1,000.00; CNA Surety-\$50.00; Conoco-\$77.04; Corral West-\$86.85; Credit Collections Bureau-\$50.00; Custom Cage-\$150.00; Dakota Graphics-\$416.00; Datamaxx Tech-\$1,749.00; Dept Of Hlth Lab Services-\$33.00; Department Of Health-\$35.00; Dept Of The Treasury-\$35,775.58; Division Of Motor Veh-\$13.00; Domestic Crisis Outreach-\$612.50; Dynamic Imaging System-\$1,817.50; Ecolab-\$100.00; ECSI-\$422.50; Eddie's Truck Sales/Serv-\$9.19; Election Sys & Software-\$463.40; Ellingson,J-\$3,198.44; ET Sports-\$204.70; False Bottom Livestock-\$405.00; Fastenal-\$85.16; Frederickson,J-\$799.20; Gene's Lock Shop-\$2,096.98; H&S Sand & Gravel-\$747.39; Havemeier,L-\$234.40; Hills Material Comp-\$14,406.40; Holiday Inn Spearfish-\$677.34; IBM Corp-\$449.00; John H Jackson-\$83.64; Jurgens Printing-\$77.40; Kadrmas, Lee And Jackson-\$389.00; Karpinen,S-\$320.00; Kieffer,T-\$326.40; Kimball-Midwest-\$111.67; Knecht True Value-\$142.93; LC Journal-\$981.42; LC Treasurer-\$100.00; Lewis & Clark-\$130.00; Lexisnexis On-Line-\$312.00; Light & Siren-\$421.25; M&M Sanitation-\$250.00; Mcarthur,J-\$80.00; Meade Co Auditor-\$498.00; Midwest Alarm-\$84.00; Montana Dakota Utilities-\$349.98; Musicar-\$48.00; Mutchler,T-\$143.15; NH General Hospital-\$484.60; NJS Engineering-\$4,717.96; Nelson,T-\$160.00; Neve's Uniforms-\$512.59; Office Technology/Supply-\$34.99; Pennington Co Jail-\$1,197.93; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$149.10; Postmaster, Deadwood-\$163.00; Queen City Tire-\$8.50; Quill Corp-\$434.98; Qwest-\$1,417.57; RC Finance Office-\$735.00; RC Medical Center-\$224.00; RC Police Dept-\$25.00; RC Regional Hospital-\$274.80; Radio Shack/Kazco-\$26.98; Reindl,S-\$2,956.12; Rollin Oil-\$1,611.77; SD Public Assur Alliance-\$1,043.00; SD Supplemental Retirement-\$907.00; Servall Towel & Linen-\$330.75; Sharon Green Counseling-\$60.00; Sierra Design Vinyl Lettering-\$40.00; Silverado-\$261.17; Southside Oil Co-\$6,941.92; Spearfish Auto Supply-\$998.96; Speedylube-\$27.93; Teen Court-\$1,487.43; Texaco-\$33.14; Tigerdirect-\$1,194.21; Twin City Hardware & Lumber-\$371.15; United Parcel Service-\$7.53; Verizon Wireless-\$471.28; Versatile Carpets & Inter-\$4,193.24; Victims Of Violence-\$612.50; Warne Chemical-\$53.36; Waste Connections-\$149.56; Wells Fargo Business Card-\$15.94; Wells Plumbing & Farm Supp-\$312.04; Western Communication-\$605.98; Western Governors' Association-\$150.00; Western SD Juvenile Serv-\$3,877.50; Z&S Dust Control-\$17,532.19

ADJOURN: 2:35 p.m. - There being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JUNE 14, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 14, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, George Opitz, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present.

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

MINUTES: Moved-Seconded (Opitz-Seward) to approve the minutes of May 24, 2005. Motion Carried.

AUGUST MEETING: Moved-Seconded (Seward-Ewing) August 16th, 2005 will be the one and only meeting in August 2005. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Opitz-Weisenberg) to approve Traci R. Stone as a sprayer/GPS at a base rate of \$9.00 an hour, effective 6-7-2005. Motion Carried.

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Douglas-Weisenberg) to allow employees to donate leave to Irene Enderby. Motion Carried.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Seward-Weisenberg) to approve Joshua J. Wooledge as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

INVASIVE SPECIES MANAGEMENT BOARD APPOINTMENT: Moved-Seconded (Opitz-Weisenberg) to appoint Bob Kaul to the Invasive Species Management Board to fill the term of Charles Nicholas to expire on 01/2007. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Douglas-Opitz) to approve the travel request for Joe Harmon to attend a Law Enforcement Management Seminar in Pierre, SD on June 22-24, 2005. Motion Carried.

VETERAN SERVICE OFFICER: Moved-Seconded (Seward-Weisenberg) to approve the travel request for Bill Locken to attend the VSO Congressional Meeting in Rapid City, SD on July 12, 2005. Motion Carried.

Moved-Seconded (Weisenberg-Opitz) to approve the travel request for Bill Locken to attend the SD Veterans Commission Meeting in Sioux Falls, SD on July 19-22, 2005. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Opitz-Seward) to approve the travel request for Casey Doolan, Alisa Doolan and Delbert Campbell to attend the ATV Safety Training in Spearfish, SD on May 13, 2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Opitz-Seward) to approve the travel request for Dennis Schumacher, Darlene Piekkola, Brandon Bott, Brett Runge and Scott Sandvig to attend the Annual Assessor's School in Aberdeen, SD on September 18-23, 2005. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Seward) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of May 31, 2005 showed the following: 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)-\$92,290.41; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$886,376.35; Savings-\$6,534,928.85; GNAMS-\$36,200.78; and Money Market \$1,200,328.44, Total \$12,460,163.84.

FUEL QUOTES: The following fuel quotes were submitted as of June 6, 2005: (prices per gallon) Cenex Oil Co. No. 2 Diesel - \$1.69; Unleaded Gasoline - \$1.879. MG Oil – No. 2 Diesel - \$1.8532; Unleaded Gasoline - \$1.8444. Southside Oil - No.2 Diesel - \$1.668*; Unleaded Gasoline - \$1.878*. Rollin Oil - No.2 Diesel - \$1.6735; Unleaded Gasoline - \$1.88. (*represents lowest quote)

SHERIFF AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Weisenberg) to approve an automatic supplement of \$6,469.34 for funds received from the City of Spearfish for the Sheriff's Office Capitol Assets Budget to cover expenditures for the New World Software. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Seward-Weisenberg) to set a supplemental budget hearing for June 28, 2005 at 9:00 a.m. for Highway & Bridge Reserve for \$500,000. Motion Carried.

THREE SISTERS ROAD DISTRICT PETITIONS: Petitions were received for Three Sisters Road District.

ANNUAL MALT BEVERAGE LICENSE RENEWALS: Moved-Seconded (Seward-Weisenberg) to approve the following 2005-2006 Malt Beverage License: *Class - Retail (On-Off Sale) Malt Beverage:* Darlene Fowler (Trout Haven). Motion Carried.

SURPLUS FIRE TRUCKS: The Board discussed the surplus fire trucks. Moved-Seconded (Weisenberg-Douglas) to ask for formal written requests from the Lawrence County Fire Districts for the 1989 water truck and the 2003 brush truck by the July 12, 2005 meeting for the board to consider. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign the Application for Utility Permit on the Whitewood Valley Road for construction of a waterline in section 27, T7N, R4E, Lawrence County. Motion Carried.

SD PUBLIC ASSURANCE ALLIANCE: Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairman to sign the Intergovernmental Contract for the SD Public Assurance Alliance. Motion Carried.

PAY PERIODS: The Board discussed the results of the employee survey showing the majority of the employees favored a bi-weekly pay period. Moved-Seconded (Douglas-Opitz) that effective October 16th, 2005 Lawrence County will be paid bi-weekly. Motion Carried.

CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE: A public hearing was held on an application for a Retail (on-off) Sale Malt Beverage License. Moved-Seconded (Seward-Douglas) to approve the Retail (on-off) Sale License for Walt O. Griffith & Steve Nothdurft/Mystic Hills Cabins & Campground: 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 Fennia #1; M.S.1748 St John Claim; M.S. 1748 St John #1 (8.78 Ac) & St John #2 (7.90 Ac); M.S. 1748 St John #3 (8.85 Ac) & St John #4 (8.83 Ac), all Located in Section 1, T3N, R3E. Lawrence County, SD. Motion Carried.

COUNTY BUILDING PURCHASE: Rick Mowell and Joe Harmon discussed the possibility of purchasing 83 Sherman Street. The Building is currently for sale at the price of \$155,000. The building would be used for office space for investigative personnel and some storage. The DCI is interested in using the office space for personnel and is willing to pay the county \$125,000 in forfeiture money to lease office space. Mowell stated if the County would apply these funds toward the purchase price of the building it would be very beneficial to the County over time. The County would need an additional \$50,000 for the purchase and remodeling of the building.

The Board asked that Mowell, Harmon, Weisenberg, Outka and Barrett work on the purchasing of the Building at a fair price.

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to enter into and sign the purchase agreement up to the \$155,000 for 83 Sherman Street. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Seward-Douglas) to set a supplemental budget hearing for June 28, 2005 at 9:00 a.m. for General Fund – Jail Medical-\$25,000; Jail Capital Assets - \$11,000; Sheriff-Capital Assets-\$270,000 (\$175,000 building purchase & \$95,000 New World Contract). Motion Carried.

JAIL MEDICAL CONTRACT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Contract for Medical Services with Northern Hills General Hospital for Jail Medical Services. Motion Carried.

2005 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT: Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairman to sign the 2005 Law Enforcement Terrorism Prevention Program Grant Agreement with the City of Lead and Spearfish Police Departments. Motion Carried.

CONDITIONAL USE PERMIT #267 – SIOUX FALLS TOWER: The Board considered a request to transfer CUP #267 from Sioux Falls Tower to Performance Development Group for a Communication Tower near I-90 Exit 2. Moved-Seconded (Seward-Douglas) to approve the transfer of CUP #267 to Performance Development Group. Motion Carried.

VARIANCE #94: A public hearing was held on a request to allow a 10' Variance from 12' setback for Owner/ Representative: Scot Munro. Legal Description: Lot 23, Block 4, Tract A of Lost Camp Valley Subdivision. Section 2, T4N, R2E. Location: Terry Peak. Purpose: Home was built in 1972 does not meet current setbacks. Ron Waldner was present to request the transfer. Waldner stated they own both adjoining lots and the current building has been torn down but the foundation remains. They would like to build on the current foundation. Waldner stated it would be a financial hardship to start over with a new foundation and to move the septic system. Leroy Hart of the Terry Valley Homeowners Association was present and stated they were opposed to the variance. Hart stated the covenants in the area require a 15' setback and would like to see any new structures to be in compliance. The public hearing was closed and the board discussed the issue. Seward stated granting a variance would just be adding to the problem and that financial hardship is not a reason for a variance. Moved-Seconded (Seward-Opitz) to deny the request for Variance #94. Motion Carried. Aye: Seward-Opitz-Ewing; Nay: Douglas-Weisenberg. Motion Carried.

FINAL PLAT / CHERYL RUGGERI: Moved-Seconded (Douglas-Seward) to approve the preliminary and final plat for Owner/Representative: Cheryl Ruggeri/Ponderosa Land Surveys. Motion Carried. Legal Description: Plat of Lots 1 thru 4 of Davey's Subdivision being all of Western MS 674, Little Sioux MS 347, Eastern Fraction MS 1963 and a portion of Washington MS 346, located in the SE ¼ of Section 4 and the SW ¼ of Section 3, T4N, R4E. Location: Galena. Purpose: New lots 1=5.20, 2=5.20, 3=5.57, 4=5.11 acres

SEARCH & RESCUE BUILDING: Paul Thomson and Gary Lillehaug updated the board on the progress of the Search & Rescue Building. Lillehaug stated land has been secured and they are now looking at the pro's and con's of reconstructing the building donated by Homestake verses the cost of building a new building. Title III funds could pay for approximately 68% of the building. The Board directed Lillehaug and Thomson to come back to the board with quotes on both options.

AIRPORT BOARD: Bob Golay and Neil Clarke were present to discuss airport board issues with the Board. Bob Golay requested an executive session with the County Commission to discuss Airport Board personnel issues. It was moved by Seward to go into executive session to discuss Airport Board personnel. Motion died due to a lack of second. Discussion was held on if an airport board member would be considered personnel. Golay stated the Airport Board makes a unanimous request to have Roger Wharton removed from the Airport Board for cause immediately. Outka informed the County Commission the Airport Board had a meeting last night with four members present and they discussed this issue with the affected Board member. Golay stated Wharton is incompatible among the Board members. Outka stated incompatibility is a generalization of the issues. Moved-Seconded (Douglas-Seward) to remove for cause Wharton from the Airport Board because of reasons of incompatibility with the Airport Board. Motion Carried.

GILT EDGE MINE RECLAMATION: Ken Wangerud, EPA Project Manager and Karen Kellen, Site Attorney were present to provide an update on the Gilt Edge Mine Reclamation. They presented and reviewed the Initial Review of Potential Future Land Re-Use prepared by Mann Strategies, Inc. in Support of the Community Involvement Plan dated April 29, 2005. Currently the EPA pays 90% of the expenses at the site and the State pays 10%, after the project is considered complete the State will be responsible for 100% of the costs to maintain the site. Discussion was held on the liens on the property, what liens supersede the others and the final outcome of the liens. Final ownership was also discussed. No definite answers were determined during the discussions. Wangerud stated funds could be a determining factor for the final use of the land.

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-\$3,561.36; Aud-\$6,577.48; Treas-\$9,319.62; Comp-\$5,399.25; States Atty-\$12,289.29; Pub Def-\$6,608.38; Gen Govt Bld\$6,733.96; Equal-\$12,104.56, Rod-\$6,613.67; Vso-\$1,029.95; Disp-\$11,129.70; Sher-\$32,187.83; Jail-\$20,720.76; Emerg Mgnt-\$2,600.01; E911-\$1,828.60; Highway-\$37,325.44; Air-\$515.90; Ext-\$1,396.60; Weed-\$4,747.58; Pz-\$2,629.13; **Bills:** Carrico,L-\$28.80; Doolan,T-\$21.20; Larson,R-\$114.24; Locken,W-\$185.60; Mowell,R-\$7,443.00; Thompson,C-\$2.33; Writer,J-\$31.73; A&B Business Equip-\$699.81; A&B Welding Supply-\$6.90; A&I Distributors-\$409.67; A&J Supply-\$285.31; A-Z Shredding-\$14.50; ABC Business Supply-\$1,458.87; Accurint Accounts Receivable-\$4.00; Air Connection-\$831.30; Alco Store-\$26.62; Altaire Enterprises-\$320.00; Amcon Distributing-\$178.74; American Family Life-\$2,845.72; Amoco Oil-\$846.50; Apex Software-\$399.00; Audiss,J-\$63.32; BH Chemical Company-\$2,353.75; BH Federal Credit Union-\$9,019.00; BH Fibercom-\$969.98; BH Land Analysis-\$2,700.00; BH Medical Center-\$428.66; BH Medical Ctr Pharmacy-\$2,128.70; BH Pest Control-\$95.00; BH Pioneer-\$889.87; BH Power & Light-\$472.33; BH Window Cleaning-\$2,735.00; Barnhart,K-\$19.60; Best Business Prod-\$52.08; Bickle's Truck & Diesel-\$102.66; Black Hills Pure-\$21.40; Blue Cross-\$48,492.05; Butler Machinery Co-\$4.78; Butte Electric Coop-\$453.79; Cellular One-\$1,151.47; Central Parts-\$581.91; Chemsearch-\$636.70; Christensen Law Office-\$1,106.00; Coley,M-\$60.00; Conoco-\$162.10; Cooperative Extension Service-\$154.42; Correctional Billing-\$8.17; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$54.00; Deadwood Home Center-\$8.99; Deadwood Recreation Center-\$165.00; Deadwood, City Of-\$908.78; Deckers Food-\$52.42; Dept Of The Treasury-\$43,768.71; Dietrich,D-\$124.75; Ecsi-\$325.00; Eddie's Truck Sales/Serv-\$284.11; Eilers,A-\$80.00; Elan Financial Services-\$509.15; Ellingson,J-\$1,871.74; Ertz,D-\$845.00; Evercom Systems-\$1,260.00; Executone Of The BH-\$123.75; Family Thrift Center-\$93.17; Fast Break Screen Printing-\$200.00; Fastenal-\$110.86; FEI-\$58.00; Fox, Youngberg & Lewno-\$174.70; Frederickson,J-\$971.40; Gall's-\$116.97; Genpro Power Systems-\$228.93; Gold Dust-\$68.47; Great Plains Chemical-\$360.00; Greens Alignment-\$944.51; Havemeier,L-\$243.60; Heisler Hardware-\$16.45; Hewlett-Packard Company-\$69.00; Hills Material Comp-\$22,298.99; Honeywell-\$182.58; Ikon Office Solutions-\$120.70; Integrity Ford-\$670.09; Jacobs Precision Welding-\$145.38; Jamar Technologies-\$200.03; John H Jackson-\$1,208.36; Karpinen,S-\$480.00; Kieffer,T-\$132.60; Kinney,M-\$1,889.70; Kittelson,J-\$15.00; Klopfenstein Dr-\$14.11; Knecht True Value-\$233.95; Kullbom,J-\$11.92; LC Journal-\$413.24; LC Sheriff-\$128.60; LC Treasurer-\$100.00; Language Line Services-\$50.00; Lead, City Of-\$40.80; Lead-Deadwood Sanitary-\$533.76; Lee,J-\$15.00; Lewis & Clark BHS-\$130.00; Lexisnexis On-Line-\$312.00; Macks Auto Body-\$474.40; Master Awards & Embroidery-\$93.00; McClure,S-\$280.00; Meade County Sheriff-\$56.10; Mid America Specialties-\$804.73; Montana-Dakota Util-\$5,849.43; NH Family Ymca-\$200.00; NH General Hospital-\$343.17; Neighbors,J-\$300.00; Neve's Uniforms-\$253.55; Northwest Pipe Fitt-\$118.93; Office Technology/Supply-\$98.37; Osheim-Catron Funeral Home-\$1,985.00; Pennington County Sheriff-\$11.34; Pennington County Sts Attny-\$1,000.00; Percy Law-\$1,756.86; Phillips Petroleum Co-\$32.99; Pizza Hut-\$141.15; Postmaster, Deadwood-\$222.00; Pronto Auto Supply-\$38.70; Queen City Rocket Lube-\$51.23; Quill Corp-\$139.80; Qwest-\$888.05; RC Finance Office-\$1,085.00; RC Regional Hospital-\$574.75; Rabe Elevator-\$596.88; Radiology Associates-\$10.04; Regan Battery Maint Services-\$242.76; Regional Home Medical Equip-\$167.50; Reh fuss,C-\$15.00; Reliable-\$202.02; Rescue Vehicles

Of Iowa-\$52,210.00; Rombough,D-\$134.40; Rushmore Safety Supplies-\$74.85; SD Retirement System-\$43,629.52; SD State Treasurer-\$1,520.60; SD AAO-\$1,000.00; SD Dept Of Transportation-\$2,109.04; SD Human Services Center-\$119.00; SD Supplemental Retirement-\$872.00; Servall Towel & Linen-\$587.41; Slate Creek Counseling-\$720.40; Slowey,Y-\$125.00; Southside Oil-\$21,234.00; Spearfish Alt/Starter Rebuild-\$50.00; Spearfish Auto Supply-\$1,152.48; Speedylube-\$89.75; Summit Signs & Supply-\$83.75; T&W Appliance/Knothole-\$112.36; Team Lab Chemical Corp-\$5,967.50; Teen Court-\$2,117.81; Texaco-\$37.41; Tigerdirect-\$361.30; Triple K Tire & Repair-\$10.00; Turbiville Industrial Electric-\$8.36; Twin City Hardware & Lumber-\$227.14; United Parcel Service-\$6.25; Verizon Wireless-\$309.39; Voelker & Adams-\$5,432.80; Walmart Store-\$2,058.32; Waste Connections-\$428.00; Wells Plumbing & Farm Supp-\$336.00; West Group-\$738.50; West River International-\$38.02; Western Communication-\$1,406.50; Yankton Co Sheriff-\$16.50; Yankton County-\$93.55; Your Name Here-\$24.00; Z&S Dust Control-\$24,737.30; Zep Manufacturing-\$169.57; **Witness & Jurors:** Asheim,S-\$19.60 ; Beckwith,L-\$19.60; Canon,M-\$11.92; Carter,C-\$12.56; Christopherson,J-\$19.60; Crowley,K-\$20.88; Cutler,M-\$11.92; Daum,L-\$51.92; Derosier,D-\$50.64; Edlund,T-\$58.96; Ewing,M-\$58.96; Fischer,J-\$59.60; Frerichs,T-\$11.92; Harlan,R-\$11.92; Hill,A-\$19.60; Hoepker,C-\$19.60; Jongeling,R-\$21.52; Lenner,B-\$21.52; Lockhart,T-\$20.88; Mason,L-\$11.92; Meiners,T-\$12.56; Pfarr,M-\$22.80; Schneider,R-\$20.88; Thomson,L-\$17.68; Welsh,E-\$62.80; Wyles,E-\$11.92; Anderson,A-\$11.28; Atkinson,J-\$29.20; Barnes,L-\$19.60; Bonde,S-\$25.36; Brown,L-\$21.52; Bullard,A-\$51.92; Crain,M-\$20.88; Eaton,B-\$22.80; Feterl,M-\$11.92; Fowler,R-\$20.24; Fredericksen,T-\$11.92; Funk,S-\$17.68; Harper,T-\$11.92; Heairet,T-\$62.80; Jewett,K-\$26.00; Johnson,A-\$53.20; Larsen,L-\$11.92; Lingemann,C-\$19.60; Mundt,D-\$22.80; Nebel,T-\$22.80; Nichols,H-\$20.88; Pleinis,K-\$51.28; Schweitzer,H-\$23.44; Snedeker,J-\$10.64; Stanger,R-\$50.64; Stearns,J-\$11.28; Tetrault,T-\$20.88; Cody,S-\$59.60; Cooper,N-\$58.32; Eatherton,M-\$120.48; Gibson,J-\$59.60; Harlan,C-\$51.92; Hornback,R-\$52.56; Kiger,K-\$62.80; Konstant,M-\$59.60; Salzsieder,K-\$62.80; Sharp,D-\$59.60; Shuck,L-\$66.00; Simpson,R-\$50.64; Steckler,A-\$59.60; Undlin,V-\$59.60; Valentine,J-\$62.80; Bieber,M-\$12.56; Delong,E-\$11.92; King,B-\$14.48; Maynard,R-\$19.60; Seymour,R-\$19.60; Stimac,J-\$60.88; Wager,J-\$11.28;

ADJOURN: 12:15 p.m. - There being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JUNE 28, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 28, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, and Terry W. Weisenberg present. George Opitz was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of June 14, 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Douglas-Seward) to approve James Lehto as a part-time jailer at the base rate of \$11.85 an hour, after the completion of 40 hours of training at \$7.58 an hour, effective 6-17-2005. Motion Carried.

INURANCE COMMITTEE: Moved-Seconded (Douglas-Weisenberg) to appoint Bruce Outka, Dennis Schumacher and Brad Heying to the Insurance Committee. Motion Carried.

TRAVEL REQUESTS:

PLANNING & ZONING: Moved-Seconded (Seward-Douglas) to approve the travel request for Brandon Flanagan and Amber Vogt to do a teleconference on International Building Codes, using the Commissioners Room conference area. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Seward-Weisenberg) to approve a travel advance for Molly Smith to attend a training seminar on July 6, 2005. Motion Carried.

PERSONNEL POLICIES HANDBOOK: Moved-Seconded (Seward-Weisenberg) to adopt the LAWRENCE COUNTY PERSONNEL RESOLUTION #2005-19 and the Lawrence County Personnel Policies Resolution Handbook Manual. Motion Carried. WHEREAS the Lawrence County Board of Commissioners, and its elected and appointment officials, hereinafter referred to as Management, deem it necessary and proper to adopt practices and procedures concerning the salaries, other rates of pay, hours, sick leave, vacation, overtime/compensatory time, and other employment matters of employees of Lawrence County; and WHEREAS said Management has reviewed the terms and consequences of county employment and in their judgment, deem it necessary to document the same by resolution; and WHEREAS, said Management has found provisions hereinafter set forth necessary to establish an efficient and equitable system of personnel administration free from personal or political consideration; NOW THEREFORE BE IT RESOLVED by the Lawrence County Board of Commissioners, its elected and appointed officials, that the following provisions regulating salaries, other rates of pay, and other conditions and terms of employment of all Lawrence County employees including; wherever applicable,

appointed department heads and excluding elected county officials, are hereby adopted and shall become effective July 1, 2005. Dated this 28th day of June, 2005. Lawrence County Board of Commissioners: Robert Ewing, Chairman; Connie H. Douglas, George Opitz, James J. Seward, Terry W. Weisenberg. ATTEST: Connie Atkinson, Auditor.

FUEL QUOTES: The following fuel quotes were submitted as of June 20, 2005: (prices per gallon) Cenex Oil Co. No. 2 Diesel - \$1.819; Unleaded Gasoline - \$1.999. MG Oil – no bid. Southside Oil - No.2 Diesel - \$1.875; Unleaded Gasoline - \$1.985. Rollin Oil - No.2 Diesel - \$1.8173*; Unleaded Gasoline - \$1.934*. (*represents lowest quote)

COURTHOUSE BONDS: Moved-Seconded (Seward-Weisenberg) to approve the services of Chris Berens with the Berens-Tate Consulting Group for the amount not to exceed \$3,500 in regards to the Lawrence County Defeasance of Courthouse Bonds. Motion Carried.

EAGLE RIDGE ESTATES ROAD DISTRICT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the following Order Declaring Eagle Ridge Estates Road District Incorporated. Motion Carried. **ORDER DECLARING EAGLE RIDGE ESTATES ROAD DISTRICT INCORPORATED: WHEREAS**, an election was held among the landowners of Eagle Ridge Estates Road District to determine whether or not a County Road District should be incorporated. **WHEREAS**, this vote was held on June 20, 2005. **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 12 (twelve), together with the number of 12 (twelve) 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 Eagle Ridge Estates Road District is hereby incorporated pursuant to SDCL 31-12A-11. **DATED** this 28th day of June, 2005. **Bob Ewing, Chairman, Lawrence County Commission.**
ATTEST: CONNIE ATKINSON, Auditor

WEST ACRES ROAD DISTRICT: Moved-Seconded (Seward-Douglas) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote West Acres Road District. Motion Carried. **ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE WEST 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: The Territory proposed to be organized as a district is as follows: Lots 1-8 Block 1, Lots 1-4, Block 2, Lots 2, 3, L-W-1, L-H-1 and the remainder of Lot 1, Block 3 and Lots A&B Located in

the SE ¼ SW ¼ SW ¼ SE ¼ of Section 28, T7N, R2E, B.H.M. Lawrence County, South Dakota. **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 West Acres Road District. **DATED** this 28th day of June 2005. BOB EWING, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR.

RESOLUTION #2005-18 SURPLUS PROPERTY: Moved-Seconded (Douglas-Weisenberg) to approve the following Resolution #2005-18 Surplus Property. Motion Carried. **RESOLUTION #2005-18 SURPLUS 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 28th day of June 2005, For the Board of Lawrence County Commissioners: Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Douglas-Seward) to set a supplemental budget hearing for July 12, 2005 at 8:15 a.m. for the County Assistance Budget. Motion Carried.

BID OPENING FRONT END LOADERS: The following bids were received for two front end loaders. Total Cost Bids. Butler Machinery \$300,000 / total cost \$169,920; RDO Equipment \$266,048.42 / total cost \$140,033.42. Moved-Seconded (Weisenberg-Seward) to follow Chuck Williams recommendation and table the bids until July 12, 2005, to allow time to review the bids. Motion Carried.

BID OPENING BRIDGE RETAINING WALL: Moved-Seconded (Seward-Douglas) to follow the recommendation of Chuck Williams and accept the only bid received for the Bridge Retaining Wall Structure No. 41-135-165 from Corr Construction for \$57,218.60. Motion Carried.

RIGHT OF WAY PERMIT: Moved-Seconded (Seward-Ewing) to approve the Application for Occupancy on the Right of Way of County Highways in section 1, T3N, R3E in Lawrence County, SD for Qwest Communications to provide telephone service to Mystic Hills Campground. Motion Carried.

MAG CHLORIDE: Chuck Williams stated his supplier of Mag Chloride contacted him to inform him that they would be out of material in two weeks and wouldn't be able to get anymore. Williams stated he contacted the 2nd low bidder Hills Brothers and they have agreed to

try and honor their bid on mag chloride by rail for \$65.16 per ton and \$67.59 per ton plus fuel surcharge (\$7.50 – 8.00 depending on the carrier). Williams stated they need the Mag Chloride immediately. Moved-Seconded (Seward-Weisenberg) to allow the purchase of Mag Chloride from Hills Brothers. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held on the supplemental budget requests. No public input was received. The public hearing was closed. Moved-Seconded (Douglas-Seward) to table the supplemental budget resolution. Motion Carried. Moved-Seconded (Douglas-Seward) to take from the table the supplemental budget resolution. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the following Resolution #05-17 for a supplemental budget. Motion Carried. RESOLUTION #05-17 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: HIGHWAY & BRIDGE RESERVE FUND: H&B RESERVE - \$500,000; GENERAL FUND: Jail Medical-\$25,000; Jail Capital Assets - \$11,000; Sheriff-Capital Assets-\$270,000 (\$175,000 building purchase & \$95,000 New World Contract) 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 June, 2005 at the hour of 9:00 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 28th day of June, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

COUNTY BUILDING PURCHASE: Moved by Seward to go into executive session to discuss contractual matters. Motion died due to lack of second. Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to enter into and sign the purchase agreement up to the \$165,000 for 83 Sherman Street. Motion Carried

IRON HORSE INN ABATEMENT REQUEST: John Hughes, Attorney representing Iron Horse Inn, was present to request an abatement of taxes for 2004. Hughes stated an injunction was placed on the property by the State and has affected their income, property valuation, and ability to operate. Hughes stated the City of Whitewood approved 90% abatement on the property. Hughes stated the property was open during the 2003 & 2004 rally with additional requirements. Weisenberg asked Hughes why they did not go through the Board of Equalization

as would be the appropriate Board for this request. Hughes stated he agreed this request should have been presented at the Board of Equalization but stated at the time he was concerned with keeping the LLC together and keeping the bank satisfied. Weisenberg asked if they would be able to recoup the costs of bringing the building into compliance and to make the tax payment from the architect. Hughes stated they hope to recoup the costs in the law suit. Darlene Piekkola stated when she reviewed the property the manager did not inform her that there were any problems with the building and reminded the Board of the requirements for an abatements. Piekkola stated this request did not fall within the requirements. Douglas asked if an abatement would be appropriate because the building would not be considered 100% complete due to the required changes to the building. Piekkola stated the manager never relayed to her that the building was not complete at the time of review and a 10% maximum deduction would have been allowed.

Moved-Seconded (Weisenberg-Seward) to deny the abatement request for Iron Horse Inn because they missed the Board of Equalization and the abatement process does not apply in this request. Motion Carried. Aye-Weisenberg, Seward and Ewing. Nay-Douglas. Absent-Opitz.

ABATMENTS:

DAKOTA SKY ENTERPRISES: Moved-Seconded (Weisenberg-Seward) to approve the abatement for Dakota Sky Enterprises on parcel #30800-00200-140-000 because the building was removed on May 12, 2005. Motion Carried.

TBC PROPERTIES LLC: Moved-Seconded (Weisenberg-Seward) to approve the abatement for TBC Properties LLC on parcel #32660-00500-010-00 because the building was burned down on March 5, 2005. Motion Carried.

CONDITIONAL USE PERMIT # 307-TO ALLOW A SECOND RESIDENCE /

RAMSEY: A public hearing was held on CUP #307 to allow a second residence for Owner/Representative: Beatrice and Charles Ramsey. Legal Description: TR 1B-2 OF Lot 1 in SE1/4SE1/4, Section 8, T6N, R3E. Location: Rainbow Road Purpose: To allow a 2nd residence on property due to hardship. No public input was received and the public hearing was closed. Moved-Seconded (Weisenberg-Douglas) to follow Planning and Zoning recommendation and approve CUP #307 to allow a second residence for Owner/Representative: Beatrice and Charles Ramsey with the following conditions. Motion Carried. Aye-Douglas, Weisenberg & Ewing. Nay-Seward. Absent-Opitz. CONDITIONS: Applicants are requesting the County allow a temporary 2nd residence on their property. This shall be a mobile home moved in for the purposes of allowing Ramsey's granddaughter to help out her grandparents (hardship on behalf of the grandparents). 1) This permit shall be for; allowing a second residence, for the granddaughter of Beatrice and Charles Ramsey, on a single lot. The permit shall NOT be allowed to continue past the use for which it was granted. 2) The septic system shall be inspected and updated or approved for the additional capacity prior to occupying the second residence. 3) Applicants shall get approval from utility companies prior to moving the second residence onto the property. 4) Applicants shall determine the availability of water (existing or new well) prior to moving the second residence onto the property. 5) At such time as the intended occupants

cease to inhabit the residence, the permit holder shall have 6 months in which to remove the second residence from the property and shall notify the Planning and Zoning Office. 6) 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. 7) 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.

CONDITIONAL USE PERMIT #126/GOLDEN REWARD/WHARF RESOURCES: A public hearing was held on a request to amend CUP #126 for Golden Reward Mining Co./Wharf Resources to allow a change in Condition #14 to eliminate/adjust the domestic well sampling. Terese Hruska, Environmental Coordinator, was present to discuss the request to amend CUP #126. She stated in the early 90's the Covells were bought out by the mine and in 1999 Merkels, Cudmore, Wendlands were dropped. Whitetail Court and the Peters wanted the annual sampling continued. 2004 Whitetail Court and Peters were approached to stop sampling. Whitetail Court said yes and presented a letter documenting the agreement, but Peters have an objection.

No other public input was available and the public hearing was closed. Dale Peters and Jack Cole arrived and the Chairman once again opened the public hearing.

Dale Peters stated he was concerned that there may be leakage of waste out of this area when the moisture increases. He thinks that the cost of testing is a minimal cost for their protection. Peters presented the Board with numerous documents for their review. Jack Cole asked that the board table their decision until they are able to hear all the information available. The public hearing was closed.

Moved-Seconded (Weisenberg-Ewing) to follow Planning and Zoning recommendation and approve the amendment from 2 private sampling wells to 1 private sampling well. With a continued annual testing on the Peters well. Motion Carried.

CONDITIONAL USE PERMIT #308B – HUDSON/WESTERN WIRELESS: A public hearing was held on Conditional Use Permit #308B-To allow a temporary tower. Owner/Representative: Harold & Sharon Hudson/Performance Development Group/Western Wireless. Legal Description: SE ¼ of Section 17, T6N, R4E. Location: Whitewood North. Purpose: To allow temporary cell tower on property. Ralph Wyngarden discussed the request with the Board and reviewed conditions. Wyngarden asked that condition #3 be dropped and stated condition #4 has been taken care of. Wyngarden asked that the Board revisit condition #17. The public hearing was closed. The Board agreed to amend Condition #17 making it reviewable every six months. Moved-Seconded (Douglas-Seward) to approve CUP #308B with the following conditions. Motion Carried. **CONDITIONS:** Applicants are requesting the County grant permit for the placement of a 150' **temporary** telecommunications tower and placement of an equipment shelter. Consideration for this CUP is to allow cell service to be functional in the Whitewood area for the 2005 Sturgis Rally, and continue until a permanent location can be secured. 1) The property owner and tower owner/operator(s) shall follow all applicable County,

State, and Federal regulations regarding the location, construction and operation of the communication tower. 2) The communication tower shall comply with all applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) and South Dakota Department of Transportation (SD DOT) Regulations. 3) This permit shall only be valid if the Communications Tower (CUP # 302) has not been constructed in time for occupation and operation by 3 August, 2005. 4) Prior to placement of any structure or communications equipment, Applicant shall provide proof of access to property and ownership of subject property. 5) The affected area for the communication tower and associated equipment shelter shall not exceed 50' X 50' excluding necessary guy wiring. The area shall be surrounded with a six (6) foot chain link fence with barbed wire on top. An entrance gate shall provide access, but be locked at all times when not performing installation and maintenance. (see also # 9) 6.) .

A 10' X 20' equipment shelter shall be used only for instrumentation and antenna maintenance. 7.) The communication tower shall not exceed a height of 150 feet be a "C.O.W." (Cell-On-Wheels) type structure. 8) The communication tower shall not be painted unless required by the FAA or approved by the Lawrence County Planning Commission. 9.) Only one communication tower shall be allowed on-site. 10) Only one Commercial Company may be allowed to utilize the communication tower at a time. Antenna space for government services shall be available free of charge. 11) "No Trespassing" signs shall be posted on the fences surrounding the tower and buildings. 12) There shall be no lighting of the temporary tower. 13.) Any new structures, including the communication tower, constructed or placed on the property shall require a building permit(s) from the Lawrence County Planning and Zoning Office. 14.) No outside storage shall be allowed within the affected area. 15.)The access road to the communication tower shall be constructed and maintained by the tower owner. 16) The tower owner shall supply the Lawrence County Office of Planning and Zoning a 24-hour telephone number of a person to be contacted in case of emergencies. 17) The duration of this permit shall be for 6 months or an as needed basis. 18) The communication tower if not operated for a continuous period of twelve (12) months shall be removed within ninety (90) days after issuance of a removal notice from the Lawrence County Office of Planning and Zoning. 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 shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 20) If any terms, condition or requirement 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. 21) This permit shall be reviewed on an annual basis or on an as needed basis to assure compliance with the attached conditions, at which time additional conditions may be attached or the permit may be cancelled if deemed necessary for the protection of the public interest.

CONDITIONAL USE PERMIT #309 / PRIVATE CHRISTIAN SCHOOL: A public hearing was held on Conditional Use Permit #309. Owner/Representative: Black Hills Christian Academy/ Jason Boke. Legal Description: N ½, NW ¼, NE ¼ of Section 22, T7N, R2E. Location: North of Spearfish/ Exit 10. Purpose: To allow private Christian school. Rick Furnish, spoke on behalf of the proposed private Christian School. Dick Kellem owns land across from the proposed property and he raises horses. He is concerned that the kids will get hurt around the

horses and he will get sued for it. Kellem also expressed concerns on traffic and noise. The public hearing was closed and the Board discussed the proposal.

Moved-Seconded (Seward-Weisenberg) to approve Conditional Use Permit #309 for a Private Christian School with the following conditions. Motion Carried. CONDITIONS: 1) The owner and operator shall comply with all applicable County, State, and Federal regulations regarding educational facilities. 2) With the current Conditional Use Permit, the maximum number of students shall be set at 300 children. 3) Any new construction shall require a building permit from the City of Spearfish, and comply with Building Codes and Life Safety Codes, and any other Codes as is deemed appropriate. 4) Exit signs, emergency lighting, fire extinguishers, fire detection and suppression systems will be installed as required State and/or Federal requirements. 5) First aid kit(s) shall be made accessible to the faculty. 6) At any time when school is in sessions, operator shall have on premise at least one (1) employee shall be trained in CPR and/or medical training in case of medical emergencies. 7) 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. 8) 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 #85. 9) Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. The employees or designees shall police trash periodically. The trash containers shall be emptied on a regular basis or by demand. 10) The school operator shall assign one or more persons to remain on the premise at all times and to provide security when the facility is open. 11) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 12) Exterior lights shall be placed strategically throughout the school grounds for lighting and security. 13) 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. 14) 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. 15) 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. 16) 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.

CHANGE OF ZONING #246 DAN MARTIN: A public hearing was held on Change of Zoning #246 Owner/Representative: Dan Martin. Legal Description: Tract 3 of the unplatted portion of M.S. 1368 Section 27, T3N, R5E. Location: Nemo. Purpose: To allow a restaurant in c-store already approved under CUP #301. No public input was received and the public hearing was closed.

Moved-Seconded (Seward-Douglas) to approve the Change of Zoning #246 for Dan Martin. Motion Carried.

RON ROBLEY / LAND ISSUE: Ron Robley and Steve Christensen were present to discuss a land issue with Lot 18 & 19 of Block E Cleveland Heights Addition in Deadwood. Robley stated he thought he purchased all of the lots in the area and now realizes that these two lots are not included in his deed. Lawrence County owns the lots in question. Robley asked the County to deed the property to him or allow him to purchase the lots. Robley stated he has been taking care of the land since 1983. The Board stated the County has to declare the property surplus and offer for sale at public auction. Steve Christensen stated they would look at attaining the property through adverse possession. The Board discussed access issues with the property.

2006 LIBRARY BUDGET REQUEST: The 2006 library budget proposal was received. The proposal increased approximately 10% from 2005 for a total request of \$425,252 for 2006.

NEW WORLD CONTRACT: Bruce Outka, Greg Dias and Brian Dean were present to discuss the New World Contract and the problems they have had in implementing the new software program and the negotiations to assure the satisfaction of the product. The increased cost to the County is \$5,000 for software license fee and \$3,120 for support services. Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Amended Agreement with New World Systems with the figures as presented. Motion Carried.

TERRY PEAK ESTATES/BLACK HILLS CHAIR LIFT CO.: Bruce Outka discussed the Terry Peak Estates Bonding. Tom Marsing was also present to answer any questions. Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Memorandum of Agreement and accept the Irrevocable Letter of Credit for \$196,505.10 for Tom Marsing/Black Hills Chair Lift Co. 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-\$3,561.36; Aud-\$6,577.52; Treas-\$8,785.20; Comp-\$5,141.40; States Atty-\$11,998.31; Pub Def-\$6,403.98; Gen Govt Bldg-\$6,305.94; Equal-\$11,598.10; Rod-\$6,223.52; Vso-\$1,029.95; Disp-\$9,842.77; Sher-\$27,371.31; Jail-\$15,910.49; Emerg Mgnt-\$2,583.61; E911-\$1,443.20; Highway-\$33,789.46; Air-\$442.20; Ext-\$1,240.80; Weed-\$5,238.49; Pz-\$2,579.50; **Bills:** Culver,K-\$28.96; Frerichs,R-\$11.92; Kosel,J-\$67.52; Nelson,K-\$21.28; Piekola,D-\$901.80; Weisenberg,T-\$175.00; ABC Business Supply-\$75.83; Active Data Systems-\$3,833.00; Air Connection-\$707.07; Alco Store-\$7.50; Amcon Distributing-\$418.16; Amoco Oil-\$48.18; ASAP Software Express-\$1,484.00; AT&T-\$18.16; BH Federal Credit Union-\$9,019.00; BH Fibercom-\$2,564.14; BH Power & Light-\$7,650.33; BH Windshield Repair-\$50.00; Black Hills Regional Eye Insti-\$95.00; Bob's Auto Body-\$83.44; Bureau Of Land Management-\$1.10; Butler Machinery Co-\$522.82; Butte County Sheriff-\$9.02; Campbell

Supply-\$86.90; Cellular One-\$115.85; Cellular One-\$448.97; Chain Saw Center-\$6.95; Chemical Sanitizing Sys-\$94.55; Christensen Law Office-\$3,674.49; City/County Alcohol & Drug-\$735.00; Coburn,B-\$235.80; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$122.50; Dakota Graphics-\$565.00; Dakota Travel-\$1,092.30; Department Of Health-\$70.00; Dept Of The Treasury-\$38,631.48; Derosier,L-\$176.20; Dietrich,D-\$124.25; Domestic Crisis Outreach-\$615.00; Eagle Aviation-\$13.61; Eilers,A-\$80.00; Eisenbraun,K-\$40.00; Ekeren,M-\$15.00; Ellingson,J-\$337.79; Evercom Systems-\$636.70; Extension Service-\$321.16; Fastenal-\$289.32; Fish,V-\$374.00; Frederickson,J-\$266.40; Fuller,J-\$84.60; Gold Dust-\$259.03; Great Western Tire-\$19.20; Havemeier,L-\$53.20; Hewlett-Packard Company-\$537.00; Hills Material Comp-\$66,643.81; Jacobs Precision Welding-\$23.38; Kadrmas, Lee And Jackson-\$5,715.50; Kinkade Funeral Chapel-\$150.00; Knecht True Value-\$15.99; Kooistra,N-\$15.00; Kullbom,T-\$84.60; LC 4-H Leaders-\$40.00; LC Journal-\$451.02; LC Sheriff-\$15.00; LC Treasurer-\$100.00; Lawson Products-\$227.57; Lexisnexis Matthew Bender-\$69.15; Lorman Education Services-\$149.00; Lowry,H-\$250.00; Lyle Signs-\$967.30; Mattson,B-\$197.40; Mcarthur,J-\$40.00; Mickelson,C-\$211.44; Mineral Palace Hotel-\$147.31; Mobile Electronic Service-\$70.00; Montana-Dakota Util-\$2,721.66; Mpt-\$4,500.00; N H General Hospital-\$660.37; Nelson,T-\$640.00; New World Systems-\$37,881.38; Novus-\$50.00; Office Of Child Support-\$404.50; Pedersen Excavation-\$405.00; Pennington Co Auditor-\$270.00; Pennington Co Jail-\$2,690.11; Pennington County Sheriff-\$36.94; Percy Law-\$831.90; Pitney Bowes-\$732.00; Postmaster,Deadwood-\$320.00; Powerplan-\$85.69; Qwest-\$96.84; Qwest Communications-\$200.00; RC Medical Center-\$108.80; RC Regional Hospital-\$30,426.55; Regional Home Medical Equip-\$187.65; Reindl,S-\$2,598.75; Rix,R-\$24.00; SD Human Services Center-\$93.00; SD Supplemental Retirement-\$872.00; Servall Towel & Linen-\$237.13; Settle Aviation-\$1,110.00; Slate Creek Counseling-\$404.67; Spearfish Auto Supply-\$16.75; Stadler Ind Service-\$133.20; Teen Court-\$692.95; Tigerdirect-\$862.71; Twin City Hardware & Lumber-\$186.31; Tysdal,R-\$70.48; US Bank Corp Trust Debt Manag-\$277,320.00; United Parcel Service-\$10.43; Verizon Wireless-\$55.00; Victims Of Violence-\$615.00; Viking Office Prod-\$1,362.65; Voelker & Adams-\$281.20; Walmart Store-\$599.62; Wells Fargo Business Card-\$133.75; Western SD Juvenile Serv-\$4,950.00; Williams Rentals-\$500.00; Yankton Co Sheriff-\$16.50; Z&S Dust Control-\$33,221.78; **Witness & Juror:** Anderson,T-\$66.00; Baker,G-\$53.20; Erikson,T-\$10.64; Ertman,J-\$11.92; Fallon,W-\$20.88; Fowler,F-\$60.24; Fox,T-\$59.60; Kennedy,S-\$51.92; Maliske,E-\$59.60; May,W-\$66.00; Mccaskey,J-\$19.60; Miller,T-\$20.88; Opstedahl,M-\$62.80; Petersen,D-\$21.52; Ryan,J-\$18.32; Shelton,J-\$11.92; Sherman,A-\$11.92; Tetrault,S-\$21.52; Cooper,N-\$58.32; Hornback,R-\$52.56; Kiger,K-\$62.80; Konstant,M-\$59.60; Salzsieder,K-\$62.80; Sharp,D-\$59.60; Shuck,L-\$66.00; Simpson,R-\$50.64; Valentine,J-\$62.80; Wickenheiser,T-\$30.88; Aberle,G-\$11.92; Agan,J-\$12.56; Barron,J-\$21.52; Bliege,J-\$21.52; Boyd,P-\$20.24; Burr,A-\$20.24; Burshek,J-\$26.00; Carter,D-\$165.36; Clauser,J-\$19.60; Cleaver,S-\$178.80; Cook,B-\$151.92; Delong,L-\$155.76; Deminck,C-\$20.24; Doud,N-\$12.56; Ginsbach,C-\$178.80; Ginsbach,T-\$19.60; Ginter,J-\$11.92; Grubb,J-\$19.60; Haak,J-\$26.00; Hall,K-\$20.88; Hauck,S-\$178.80; Hoff,M-\$11.92; Holtsclaw,M-\$11.92; Keiry,J-\$11.92; Koerner,C-\$24.72; Kopp,S-\$11.28; Lecates,B-\$13.84; Maas,J-\$22.80; Millar,N-\$22.80; Newton,J-\$22.80; Nicholas,S-\$38.16; Paris,L-\$22.80; Pearson,J-\$12.56; Rogers,C-\$19.60; Roth,S-\$19.60; Shinabarger,B-\$178.80; Standingbear,B-\$19.60; Stemler,J-\$11.92; Storbeck,T-\$178.80; Stulken,T-\$12.56; Todd,G-\$10.64; Turner,L-\$22.80; Valades,J-\$178.80; Vandeeast,A-\$21.52; Williams,S-\$188.40; Winsell,D-\$16.40; Lechette,K-\$29.60; Wainman,W-\$58.40; Bauer,R-\$20.64; Bohm,J-\$28.32; Bratland,C-\$29.28; Buetow,L-\$68.80; Davis,J-\$34.72;

Farley,S-\$20.64; Fisher,S-\$20.64; Hughes,D-\$49.60; Hynes,S-\$116.80; Johner,E-\$27.68; Johnson,M-\$29.60; Kelley,S-\$29.60; Kitzmiller,M-\$29.60; Krebs,G-\$48.80; Lee,R-\$29.60; Lauer,M-\$20.64; Miller,K-\$20.64; Miller,T-\$20.00; Rans,J-\$29.60; Rear,J-\$28.96; Rosencranz,T-\$32.80; Satter,W-\$48.80; Sherman,L-\$20.64; Stahl,N-\$21.92; Sulzbach,A-\$29.60; Thompson,T-\$29.60; Waisanen,H-\$20.64; Beauvais,A-\$17.04; Collins,M-\$59.60; Corbett,A-\$59.60; Fisher,J-\$12.56; Gulbranson,P-\$60.88; Loup,D-\$22.80; Ploog,E-\$18.32; Bricker,S-\$19.60; Burton,M-\$178.80; Donat,D-\$173.04; Hamilton,B-\$26.00; Mullaney,T-\$17.68; Pautz,F-\$19.60; Salomonsen,K-\$155.76

ADJOURN: 1:55 p.m. - There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JULY 12, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 12, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, Terry W. Weisenberg and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of June 28, 2005 with the following corrections. RON ROBLEY/LAND ISSUE: Robley stated he has been taking care of the land since 1973 not 1983. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Douglas-Opitz) to approve Rhonda Chavez as a part-time jailer at the base rate of \$13.62 an hour, effective 6-29-2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Seward) to move Brent Runge and Scott Sandvig from an Appraiser II G3 to an Appraiser III G1 at a base rate of \$13.36 effective 8-1-2005. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of June 29, 2005: (prices per gallon) Cenex Oil Co. No. 2 Diesel - \$1.854*; Unleaded Gasoline - \$no bid. MG Oil – no bid. Southside Oil - No.2 Diesel - \$1.885; Unleaded Gasoline – no bid. Rollin Oil - No.2 Diesel - \$1.855; Unleaded Gasoline - \$no bid (*represents lowest quote)

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 June 30, 2005 showed the following: 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)-\$55,765.66; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$623,471.91; Savings-\$5,041,088.58; GNAMS-\$32,209.13; and Money Market \$1,202,402.00, Total \$10,664,192.74.

SEARCH & RESCUE BUILDING QUOTES: Gary Lillehaug from the Lawrence County Search & Rescue was present to discuss the new building quotes. Gary stated that the Highway Personnel would be doing dirt work. He had spoken with Dumont Construction, Dave Cockrum,

to get some construction cost. The building will be constructed for under \$50,000.00. Title III Monies will be used to pay for 68% of the construction. Moved-Seconded (Seward-Weisenberg) to allow Search & Rescue to go forward with the construction of the new building under the direction of Paul Thomson, Emergency Management Director.

Moved-Seconded (Seward-Weisenberg) to advertise for public comment for 45 days on the Title III request. Motion Carried.

COMMUNITY WILDFIRE PROTECTION PLAN: Moved-Seconded (Seward-Opitz) to adopt the draft of the Community Wildfire Protection Plan as a working document that will have further updates as it is a living document. All changes will be adopted by the Board of Lawrence County Commissioners. Motion Carried. Moved-Seconded (Seward-Douglas) to allow Commissioner James Seward and Paul Thomson, on behalf of the Lawrence County Commissioners, to put together a steering committee along with the Core group. Motion Carried.

SURPLUS FIRE TRUCKS: The Board has received requests for the surplus fire trucks and will take them in to consideration.

THREE SISTERS ROAD DISTRICT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote Three Sisters Road District. Motion Carried. ***ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE THREE SISTERS 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: Located In the E ½ SW ¼ and W ½ SE ¼ of Section 10,T5N,R4E and in the NW ¼, W ½ NE ¼ and NE ¼ SW ¼ of Section 15,T5N,R4E BHM, Lawrence County, South Dakota; **INCLUDING; Alice Subdivision** (Section15,T5N,R4E) Lot 1 of the Replat of Lot 1; Lot 1A of the Replat of Lot 1; Lot FE1 of Lot 1 of the Replat of Lot 1; Replat of Lot 2; Lots 3-23 Inclusive; **Florence Subdivision** (Section10,T5N,R4E) Lot 1; Lot 2A of Lot 2; Lot 2B of Lot 2; Lots 3-9 Inclusive; Lot 10 Revised; Lot 11 Revised, Lot 12 Revised; Lots 1, 2 and 3 of Lot 12A Revised; Lots 14-17 Inclusive; **Lucan Subdivision** (Section15,T5N,R4E) Lot 1R and Lot 2; **Naomi Subdivision** (Section15,T5N,R4E) Lots 1-6 Inclusive; Lot 7A of Lot 7; Lot 7BR; Lots 8 and 9; Lot 10A of Lot 10 and Lot 10B of Lot 10; Lots 11 and 12; Lot 12A; Section 15, T5N, R4E Lot R and Lot M of the SW¼ NE¼ NW¼ Section15,T5N,R4E; W½ NE¼ NE¼ NW¼; W½ E½ NE¼ NE¼ NW¼; E½ E½ NE¼ NE¼ NW¼; W½ SE¼ NE¼ NW¼; E½ SE¼ NE¼ NW¼; SE¼ NW¼; N½ N½ NE¼ SW¼; S½ N½ NE¼ SW¼; S½ NE¼ SW¼; **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 Three Sisters Road District. **DATED**

this 12th day of July 2005. BOB EWING, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR.

BID OPENING FRONT END LOADERS: The following bids were received for two front end loaders. Total Cost Bids. Butler Machinery \$300,000 / total cost \$169,920; RDO Equipment \$266,048.42 / total cost \$140,033.42. Moved-Seconded (Douglas-Weisenberg) to accept the low bid from RDO Equipment in the amount of \$140,033.42. Motion Carried.

BOND RELEASE FOR ROGER RILEY: Moved-Seconded (Seward-Ewing) to release the Bond for Homes in the Hills owned by Roger Riley. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held on the supplemental budget requests. No public input was received. The public hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #05-20 for a supplemental budget. Motion Carried. RESOLUTION #05-20 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: County Assistance-\$50,000; 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 12th day of July, 2005 at the hour of 8:15 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 12th day of July, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

WASP DUMP CAPPING CHARGES: Jim Raysor, City of Deadwood, was present to ask the board for \$42,000.00 for the Wasp Dump Capping Charges. Moved-Seconded (Douglas-Weisenberg) to transfer \$42,000.00 from Contingency Fund to Commissioners Professional Services. Motion Carried.

EXECUTIVE SESSION: 9:15 a.m. Moved-Seconded (Douglas-Seward) to go into executive session to discuss contractual matters with Joe Kosel, Tom Brady and Roger Tellinghuisen. Motion Carried. 10:00 a.m. the Board opened for regular business.

JOE KOSEL, PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Opitz) to accept proposals until September 1, 2005 for contracts for legal representative of indigent persons, where conflicts exist with the Public Defender; and be given to a committee, selected by the Lawrence County Commissioners, for their recommendation. Motion Carried.

ANNUAL REVIEW WHARF RESOURCES AND GOLDEN REWARD CUP

#132/224/126: An annual review was conducted on CUP #132, #224 and #126 for Wharf Resources and Golden Reward. Kim Shultz and Jim Lessard presented the board with the 2004 Annual report and showed pictures of the current progress of the two mines.

ANNUAL REVIEW CUP#288 JAN KABERNA: An annual review was conducted on CUP #288 for Jan Kaberna and the HOM Campground. Brandon Flanagan, Planning and Zoning Director stated they have not received any complaints and they are in compliance with the CUP. Moved-Seconded (Weisenberg-Seward) CUP #288 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.

ANNUAL REVIEW CONDITIONAL USE PERMIT #294: An annual review was conducted on Conditional Use Permit #294 – Bed & Breakfast for Betty, Ronald, and Kay Reimer. The Bed and Breakfast is not up and running as of today but is booked for the rally.

ANNUAL REVIEW LAC MINERALS: Gene Fuller, LAC Minerals presented the annual review for LAC Minerals Richmond Hill and the Annual Report Form. The 2006 plans are for continued De-commission of the storm water pond, Resume water treatment with the existing plant, Review results from the pilot biological treatment plant and Construct full-scale biological treatment plant.

FINAL PLAT BLACK HILLS CHAIRLIFT / TERRY PEAK ESTATES: Moved-Seconded (Seward-Weisenberg) to authorize the Chairman to sign the Final Plat for Black Hills Chairlift/Terry Peak Estates. Motion Carried. Owner/ Representative: Black Hills Chairlift/Ponderosa Land Surveys. Legal Description: Plat of Terry Peak Estates Lots 1 thru 7, block 1 of tract 1 located in portions of Gov't Lot 6 and 11, Section 2, T4N, R2E. Location: Terry Peak Purpose: New Lots 1=.501, 2=.506, 3=.497, 4=.497, 5=.693, 6=.758, and 7=.987 acres.

BUILDING PERMIT DENIAL-PROPERTY LOCATED ON DEER MOUNTIAN: Moved-Seconded (Weisenberg-Opitz) to uphold Brandon Flanagan's decision to deny a building permit to Darrel Vig, property owner, until the lots are platted and the water issue is solved. Motion Carried.

COUNTY BUILDING PURCHASE: **Bruce Outka, Joe Harmon, and Greg Dias were present to discuss the problems with the building and the network cable for the building. Moved-Seconded (Opitz-Seward) to allow Greg Dias to apply for a utilities permit for the underground cable. Moved-Seconded (Seward-Douglas) to retract the offer for the purchase of the building. Motion Carried. Moved-Seconded (Douglas-Seward) to allow the same committee to explore other options for office space. Motion Carried.**

RESOLUTION 2005-21 BURN BAN: LAWRENCE COUNTY RESOLUTION #2005-21. 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 emergency management 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 SDCL 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 open burning, and any other activity which could reasonably be calculated to lead to the ignition and/or spread of wildfires in Lawrence County. It would not include private commercial campgrounds or US Forest Service campgrounds with a valid fireplace permit issued by the SD Wildland Fire Suppression Division. At such time as the US Forest Service deems it necessary to restrict burning in US Forest Service campgrounds, all campgrounds in Lawrence County (excepting those within municipal boundaries and control) would fall under the same restriction and would only be able to resume campfires when the US Forest Service drops their restrictions; 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 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 12th day of July, 2005. Robert E. Ewing, CHAIR ATTEST: Brenda McGruder, DEP. AUDITOR

2006 BUDGET REVIEW: The board discussed the 2006 budget request.

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-\$3,561.36; Aud-\$6,148.55; Treas-\$8,641.30; Comp-\$5,141.40; States Atty-\$12,382.19; Pub Def-\$6,403.98; Gen Govt Bldg-\$5,958.16; Equal-\$11,589.29; Rod-\$6,227.60; Vso-\$1,029.95; Disp-\$9,569.80; Sher-\$28,638.28; Jail-\$17,081.41; Emerg Mgnt-\$2,556.28; E911-\$1,312.00; Highway-\$35,193.04; Air-\$254.60; Ext-\$1,240.80; Weed-\$5,571.49; Pz-\$2,629.131 **Bills:** Leveque,T-\$39.60; Mcneal,A-\$19.08; Mowell,R-\$7,137.00; Piekola,D-\$93.12; Smith,M-\$352.05; Tridle,D-\$77.02; A&B Business Equip-\$333.02; A&B Welding Supply-\$6.90; A&I Distributors-\$1,037.21; A&M Transport-\$375.00; ABC Business Supply-\$279.38; Air Connection-\$159.39; Airport Express Shuttle-\$68.00; Alco Store-\$26.47; Altaire Enterprises-\$20.00; Amcon Distributing-\$431.42; American Family Life-\$2,746.24; Amick Sound-\$66.33; Audiss,J-\$115.44; BH Chemical Company-\$200.34; BH Federal Credit Union-\$9,034.00; BH Fibercom-\$501.45; BH Land Analysis-\$3,330.00; BH Medical Center-\$300.24; BH Pest Control-\$215.00; BH Power & Light-\$292.82; Best Business Prod-\$52.08; Best Western Ramkota Inn-\$120.00; Bickle's Truck & Diesel-\$46.14; Black Hills Counseling Service-\$75.00; Black Hills Pure-\$29.70; Blue Cross-\$49,479.12; Bullock Hotel-\$112.54; Butte Electric Coop-\$340.68; Cellular One-\$278.47; Chemical Sanitizing Sys-\$122.91; City/County Alcohol & Drug-\$2,235.00; Clauser Machine Works-\$46.75; Clinical Lab Of BH-\$1,000.00; Conoco-\$135.43; Credit Collections Bureau-\$50.00; Croell Redi-Mix-\$260.00; Crume,K-\$720.00; Culligan Soft Water Serv-\$10.50; Dakota Laser Tech-\$75.75; Dale's Tire & Retread-\$1,393.34; Deadwood Recreation Center-\$157.00; Deadwood, City Of-\$42,735.60; Deckers Food-\$48.10; Dept Of The Treasury-\$39,691.45; Dietrich,D-\$124.75; Don's Sinclair-\$25.39; Ekeren,M-\$15.00; Elan Financial Services-\$102.15; Ellingson,J-\$768.15; Ertz,D-\$585.00; Et Sports-\$405.32; Evident Crime Scene Products-\$434.70; Family Thrift Center-\$18.95; Farmers Union-\$1,668.60; Fastenal-\$62.90; Fuller,J-\$259.60; Godfrey's Brake Serv-\$131.62; Gold Dust-\$92.00; Great Western Tire-\$28.45; Greens Alignment-\$108.99; Havemeier,L-\$141.60; Heisler Hardware-\$30.53; Hewlett-Packard Company-\$2,414.00; Hills Material Comp-\$17,379.51; Holiday Inn University Park-\$267.00; Hood & Nies & Dardis-\$2,338.64; IBM Corp-\$594.00; Ikon Office Solutions-\$120.70; Integrity Ford-\$491.41; John E Reid & Associates-\$550.00; Jones,T-\$184.00; Karl's-\$199.00; Ken's Camper Sales-\$312.14; Kinney,M-\$2,692.96; Knecht True Value-\$218.65; Kooistra,N-\$15.00; LC Conservation Dist-\$5,000.00; LC Treasurer-\$100.00; Lead-Deadwood Sanitary-\$418.74; Lee,J-\$15.00; Lexisnexis On-Line-\$312.00; Lynn Peavey Company-\$243.90; Mcarthur,J-\$80.00; Mcpherson Propane-\$45.00; Meade County Sheriff-\$21.05; Montana-Dakota Util-\$196.69; Mutchler,T-\$60.00; NH Family Ymca-\$186.00; NH General Hospital-\$129.72; National Academy Of Emd-\$90.00; Neal's Welding-\$129.16; New World Systems-\$2,250.00; Office Of Child Support-\$404.50; Office Technology/Supply-\$59.70; Outdoor Motor Sports-\$201.34; Pennington Co Auditor-\$49.00; Pennington County Sheriff-\$9.42; Percy Law-\$162.80; Pitney Bowes-\$126.70; Polnow,L-\$67.20; Queen City Rocket Lube-\$56.22; Qwest-\$40.67; RC Regional Hospital-\$9,446.26; Real Estate Center Ld-Dwd-\$500.00; Regional Home Medical Equip-\$167.50; Reliable-\$130.21; Rice Honda Suzuki-\$29.75; Rombough,D-\$35.20; SD Retirement System-\$42,082.00; SD State Treasurer-\$14,485.55; SD Dept Of Transportation-\$273.65; SDRS Supplemental Retirement-\$872.00;

Sand Creek Printing-\$161.00; Servall Towel & Linen-\$237.13; Sharon Green Counseling-\$120.00; Spearfish Auto Supply-\$109.37; Spearfish Motors-\$7.60; Speedylube-\$62.94; The Heart Doctors-\$4,336.88; Thompson Publishing Group-\$403.50; Tigerdirect-\$622.46; Triple K Tire & Repair-\$203.50; Twin City Hardware & Lumber-\$110.83; US Bank Corp Trust Debt Manag-\$835,146.64; Voelker & Adams-\$645.40; Waste Connections-\$278.44; Wells Plumbing & Farm Supp-\$292.83; West Group-\$1,615.50; Western Communication-\$404.10; Xerox Corporation-\$165.00; Yankton Co Sheriff-\$16.50; Z&S Dust Control-\$33,723.97; **Witness & Juror:** Cody,S-\$59.60; Eatherton,M-\$60.24; Gibson,J-\$59.60; Hornback,R-\$52.56; Kiger,K-\$62.80; Rath,A-\$59.60; Shuck,L-\$66.00; Steckler,A-\$59.60; Fitzgerald,R-\$11.92; Devries,M-\$11.92; Edstrom,R-\$21.52; Feeser,J-\$22.80; Geffre,M-\$16.40; Goetz,L-\$20.24; Hughes,B-\$11.92; Job,M-\$22.80; Kuntz,P-\$262.80; Lucas,A-\$298.00; Luckie,D-\$10.64; Medearis,A-\$21.52; Mullaney,T-\$17.68; Oneill,D-\$29.20; Peters,D-\$278.80; Schutz,D-\$19.60; Selgeby,A-\$20.88; Wagner,B-\$19.60; Williams,L-\$11.28; Allen,P-\$20.24; Arehart,J-\$19.60; Bender,L-\$298.00; Berg,R-\$15.12; Bieber,A-\$11.28; Brotsky,J-\$259.60; Bury,R-\$19.60; Cranfill,H-\$314.00; Fandrick,D-\$17.68; Geffre,L-\$298.00; Gibson,R-\$298.00; Green,D-\$15.12; Gustafson,M-\$19.60; Hahn,K-\$20.88; Hansen,T-\$10.64; Harris,E-\$22.80; Hart,N-\$288.40; Iverson,L-\$24.08; Janke,L-\$17.68; Jensen,J-\$253.20; Jones-Shockey,B-\$29.20; Lax,C-\$26.64; Mccarty,V-\$19.60; Nauta,K-\$24.08; Panner,R-\$259.60; Roth,T-\$22.80; Schroeder,B-\$19.60; Veitz,R-\$18.96; Verhelst,T-\$19.60; Ward,M-\$19.60; Wellard,C-\$11.28; Willuweit,B-\$19.60; Johner,E-\$20.88; Ager,A-\$29.20; Blair,J-\$26.00; Coons,D-\$10.64; Dupree,L-\$10.64; Eldeen,K-\$20.24; Ellingsen,B-\$19.60; Krueger,J-\$22.80; Lee,B-\$11.92; Meyer,J-\$278.80; North,P-\$19.60; Patino-Lafrentz,D-\$18.32; Pettersen,R-\$19.60; Pipkins,M-\$10.64; Skavang,E-\$22.80; Smith,D-\$26.00

ADJOURN: 3.15 p.m. - There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JULY 19, 2005

Chairman Bob Ewing called the special meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 19, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, Terry W. Weisenberg and George Opitz present.

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

2006 BUDGET REVIEW: The board discussed the 2006 budget requests with various department heads. The Board will review the requests further on July 26, 2005.

FIRE TRUCKS: The Board discussed the requests for the surplus fire trucks. Gary Bennett, Spearfish Canyon Fire District was present. Bennett stated the Spearfish Canyon Fire Protection District is the 2nd largest district in the County. If they would receive the 2003 brush truck they would replace the 77 Dodge. This would give them two brush and two structure trucks. Bennett stated they have a heated garage and enough men to man the vehicles. The Board asked Bennett if the department would be in agreement to give the 77 Dodge to the County. Bennett stated that wouldn't be a problem if they were allowed to remove the necessary equipment from the old truck.

Ewing stated the Spearfish Canyon Fire Protection Districts vast majority of area is suitable for the 2003 brush truck (type 6).

Moved-Seconded (Douglas-Weisenberg) to send the 2003 Brush Truck to the Spearfish Canyon Fire Protection District, allow them to remove the needed equipment from the 77 Dodge, and then the 77 Dodge will be transferred to the County to surplus the vehicle or make available to another Department if requested. Motion Carried.

Moved-Seconded (Seward-Opitz) to declare the 1954 Wily CJ5 Jeep surplus and sell at public auction. Motion Carried.

Moved-Seconded (Douglas-Seward) to table the decision on the 1989 International Truck until further information can be received. Motion Carried.

11:22 a.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Opitz) to go into executive session with Bruce Outka to discuss contractual matters relating to economic development. Motion Carried. 11:32 a.m. the Board reopened for regular business.

ADJOURN: 1.35 p.m. - There being no further business the Chairman adjourned the meeting. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JULY 26, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 26, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, Terry W. Weisenberg and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Opitz) to approve the minutes of July 12 & 19, 2005. Motion Carried.

PERSONNEL:

WEED: Moved-Seconded (Douglas-Seward) to approve Alisa Doolan as a Weed Sprayer G2 at the base rate of \$10.07 an hour, effective 7-16-2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Seward) to accept with regrets the resignation of Scott Sandvig as a full time Appraiser; to approve Scott Sandvig as a temporary Appraiser (under 20 hours) effective 8-19-2005; and to allow the posting for the open position of an Appraiser 2 at the rate of \$12.19 - \$12.73 an hour, DOE. Motion Carried.

SHERIFF: Bruce Outka and Joe Harmon discussed on-call pay for the deputies. They are researching the issue with fair labor. No action was taken.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Megan Fitzgerald to attend a 2 week telecommunicator certification course in Pierre, SD on August 14-26, 2005. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Judy Davis to attend the North West Regional Warrants and Transport Conference in Stevenson, WA on September 24-29, 2005. Motion Carried.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Opitz-Seward) to approve Tom Hughes as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

CONTINGENCY TRANSFER: Moved-Seconded (Douglas-Seward) to do a contingency transfer to Commissioners Professional Services for \$20,140 to cover the cleanup expense for the old highway shop. Motion Carried.

WELFARE GUIDELINES: Moved-Seconded (Weisenberg-Seward) to approve the following Resolution 05-22 setting the welfare guidelines for Lawrence County. Motion Carried.

LAWRENCE COUNTY RESOLUTION #05-22 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, 2005, 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 26th day of July 2005. BOARD OF COUNTY COMMISSIONERS: Bob Ewing, Chairperson, Terry W. Weisenberg, Connie H. Douglas, George Opitz and James J. Seward. ATTEST: Connie Atkinson, Auditor.

AIRPORT GRANT: Moved-Seconded (Douglas-Seward) to approve the Grant Application for the Black Hills Clyde Ice Field Airport Project 3-46-0065-12-2005 for \$196,000. Motion Carried.

COMMUNITY WILDIRE PROTECTION PLAN: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Appendix #1 Pre-Attack Plan to the Community Wildfire Protection Plan. Motion Carried.

SURPLUS FIRE TRUCKS: Moved-Seconded (Weisenberg-Opitz) to bring off the table the decision on the 1989 International Truck. Motion Carried. Moved-Seconded (Douglas-Weisenberg) to declare the 1989 International Truck Surplus and give to the City of Deadwood Fire Department. The County will pay for the repair of the engine and the County will purchase the parts to repair the plumbing on the truck. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to declare the 1987 Chevy Tanker surplus and give to the St. Onge Fire Department. Motion Carried.

Moved-Seconded (Seward-Douglas) to declare the 1951 Dodge M37 surplus. Motion Carried.

Moved-Seconded (Seward-Opitz) to authorize the Invasive Species Management the use of the 77 Dodge from Spearfish Canyon. Motion Carried. The Board stated this vehicle was not adequate for fire department usage and would be better served by the Invasive Species Management Department.

FIRE LEVY FUNDS: Moved-Seconded (Seward-Douglas) to distribute the Fire Protection Funds based on the collection of tax dollars within the fire districts in Lawrence County. Motion

Carried. Aye-4, Nay-Weisenberg. Weisenberg stated he felt the money should be distributed based on need.

SUPPLEMENTAL BUDGET: Moved-Seconded (Douglas-Seward) to set a supplemental budget hearing for Fire Protection supplies for \$15,000 for August 16, 2005 at 8:15 a.m. Motion Carried.

UTILITY PERMITS:

R&R DEVELOPMENT: Moved-Seconded (Seward-Douglas) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way for R&R Development (NJS Engineering) located from the entrance to Riley/Wolff Subdivision on Crook City Road NW Section 28, T6N, R4E. Motion Carried.

BUTTE ELECTRIC COOPERATIVE: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Application for Utility Permit for Butte Electric Cooperative located South of Moller Road for the construction of underground power. Motion Carried

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way for Black Hills Power located .98 miles North of HWY 85 & 14A on Terry Summit Road. Motion Carried.

ABATEMENTS:

KINGHORN: Moved-Seconded (Douglas-Seward) to approve the abatement for Kenneth Kinghorn on parcel #32655-00700-100-00 because the basement was not finished. Motion Carried. Aye-4, Nay-Opitz. Opitz stated Kinghorn should have appealed to the Board of Equalization. Motion Carried.

CONDITIONAL USE PERMIT #311 / VANPATTEN: Owner/Representative: Diane and Jon VanPatten: Legal Description: Portion of Gov't Lot 2, lying south of the county road, Section 3, T3N, R4E. Location: East of Brownsville – Nemo Road. Purpose: To allow roadside barbeque stand. Jon Van Patten was present and he introduced a map of his property to the board. He would like to operate a roadside BBQ stand on the property. He will have an enclosed cooker, an awning, picnic tables, 2 signs posted on the property, 2 food options – ribs and pork loin sandwiches. It will be for a 10 day time period. A water hose and fire extinguishers will be available. Paul Thomson was present and discussed the fire ban in effect in Lawrence County. Thomas Campbell, adjacent land owner, was present and spoke on behalf of the request. No opposition was present. The public hearing was closed and the Board discussed the Fire Ban. The cooker was explained and the Board felt this commercial operation would be allowable if approved by the South Dakota Wildland Fire Suppression Division. Moved-Seconded (Seward-Weisenberg) to approve Conditional Use Permit #311 for VanPatten with the following

conditions. Motion Carried. Aye-Weisenberg, Seward and Ewing. Nay-Douglas. Abstained-Opitz. ATTACHED CONDITIONS: Applicants are requesting the County grant permit to operate a BBQ stand at their Bed & Breakfast along the Nemo Road (CUP 276), during the Sturgis Motorcycle Rally. This shall be in conjunction with the existing CUP, to be operated by them, and shall not be transferred. 1) The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business. 2) Owner/operator shall coordinate with the South Dakota Department of Health. 3) The owner shall be required to obtain a South Dakota Sales Tax license. 4) This permit shall be good for 1 calendar week plus 1 day prior to the official start of the Sturgis Motorcycle Rally, and continue until 1 calendar week after the official end. 5) Hours of operation shall be between 9 a.m. and 7 p.m. 6) The entire lot shall be kept in a neat and uncluttered fashion. 7) No outdoor storage shall be allowed. 8) At least 1 port-a-pottie shall be available for customers. 9) Access off and onto the Nemo Road shall be from the existing approach unless determined to be a safety concern, and the owner/operator shall place flagging between property and road to direct traffic towards the driveway. 10) The owner shall have at least 2 fire extinguishers of the appropriate type and size for food preparation/grilling and a garden hose on the site. 11) The Conditional Use Permit and operation of cooker shall be contingent upon review and approval by the South Dakota Wildland Fire Suppression Division. 12) Only 2 temporary "banner" type signs will be allowed and shall be removed immediately upon the end of the season (condition #4). 13) 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. 14) All noxious weeds shall be controlled within the lot per the Lawrence County Invasive Species regulations. 15) 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. 16) 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. 17) 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. 18) 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.

2006 PRELIMINARY BUDGET: The Board reviewed the 2006 budget requests. Ewing and Weisenberg will review the current wage scale. Moved-Seconded (Opitz-Seward) to approve the 2006 preliminary budget. Motion Carried.

COMPREHENSIVE PLAN REVISIONS: Brandon Flanagan was present to discuss the Lawrence County Comprehensive Plan Revisions 2005. The discussion revolved around how the Comp Plan is just a "plan" document - the specifics are addressed and enforced through ordinances. The comp plan does not talk specifics of Density Bonus, but talks of allowing an increase in building right density through "provisions to be specified within the County zoning regulations" Marguerite Kelly, Vic Uttke, and Dennis Richardson were present and asked

questions. 11:15 a.m. the public hearing was closed. Moved-Seconded (Opitz-Seward) to accept written comments for 30 days on the Comprehensive Plan Revisions. Motion Carried. Moved-Seconded (Douglas-Seward) to review the written comments on September 6, 2005. 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-\$3,561.36; Aud-\$6,232.93; Treas-\$8,679.62; Comp-\$5,141.41; States Atty-\$12,029.31; Pub Def-\$6,403.99; Gen Govt Bldg-\$6,055.18; Equal-\$11,048.84; Rod-\$6,227.60; Vso-\$1,029.95; Disp-\$10,132.12; Sher-\$28,371.34; Jail-\$18,642.18; Emerg Mgnt-\$2,526.22; E911-\$1,443.20; Highway-\$30,396.16; Air-\$234.50; Ext-\$1,439.32; Weed-\$5,221.37; Pz-\$2,494.01; **Bills:** Nelson,K-\$23.84; Thompson,C-\$29.60; Thomson,P-\$1.69; A&B Business Equip-\$1,590.85; A&M Transport-\$75.00; A-Z Shredding-\$9.00; ABC Business Supply-\$369.19; Accurint Accounts Receivable-\$12.50; Amcon Distributing-\$302.67; Amoco Oil-\$590.31; AT&T-\$9.01; BH Federal Credit Union-\$9,034.00; BH Medical Ctr Pharmacy-\$1,488.38; BH Pioneer-\$703.27; BH Power & Light-\$7,607.53; BH Window Cleaning-\$15.00; Behavior Mngt Systems-\$341.25; Black Hills Oral Surgery-\$1,467.00; Black Hills Pure-\$11.50; Cabela's Retail-\$32.74; Canon Usa-\$3,825.00; Carquest Of Spearfish-\$98.04; Cellular One-\$1,603.23; Central Parts-\$733.12; Child Psychology Services-\$794.10; Christensen Law Office-\$1,350.50; Claims Associates-\$120.00; Conoco-\$92.68; Correctional Billing Svc-\$7.41; Credit Collections Bureau-\$50.00; Crume,K-\$240.00; Culligan Soft Water Serv-\$20.00; Dakota Graphics-\$330.00; Deadwood Home Center-\$10.33; Dept Of Hlth Lab Services-\$87.00; Dept Of The Treasury-\$38,410.46; Dietrich,D-\$102.80; Domestic Crisis Outreach-\$880.00; Ellingson,J-\$1,865.33; Evercom Systems-\$630.00; Evident Crime Scene Products-\$832.30; Fish,V-\$74.80; Fox,Youngberg & Lewno-\$174.70; Frederickson,J-\$289.20; Golden West Technologies-\$200.58; Great Plains Chemical-\$360.00; Grimm's Pump Service-\$525.72; Havemeier,L-\$71.20; Heisler Hardware-\$65.45; Hills Material Comp-\$14,191.33; Jones,T-\$125.00; Kabeiseman & Pollard Law-\$152.80; Kadrmas, Lee And Jackson-\$9,963.45; Kar Products-\$325.78; Karpinen,S-\$320.00; Kinney,M-\$812.22; Koala Electric-\$986.23; Kooistra,N-\$6.00; LC Journal-\$643.45; LC Emerg Mgnt-\$39.02; LC Sheriff-\$30.02; LC Treasurer-\$100.00; Law School Foundation-\$70.00; Lewis & Clark BHS-\$260.00; Lund Associates-\$20,136.28; Lyle Signs-\$309.04; Lynn Peavey Company-\$63.45; Mcarthur,J-\$40.00; Montana-Dakota Util-\$29.54; Musicar-\$238.00; NH General Hospital-\$480.00; NJS Engineering-\$4,028.86; Nelson,T-\$280.00; Neve's Uniforms-\$169.89; Occupational Health Network-\$50.00; Office Of Child Support-\$500.00; Pennington Co Jail-\$1,554.36; Percy Law-\$296.00; Pizza Hut-\$154.32; Qwest-\$870.61; RC Police Dept-\$1,435.00; RC Regional Hospital-\$2,577.62; Radio Shack/Kazco-\$6.99; Ramco-\$2,080.76; Regional Home Medical Equip-\$167.50; Rehfuss,C-\$6.00; Reindl,S-\$2,039.01; Reliable-\$219.98; Rollin Oil-\$9,918.03; Rushmore Communications-\$180.00; SD Assn Of Co Comm-\$480.00; SD Retailers Association-\$280.00; SD Human Services Center-\$100.10; SDRS Supplemental Retirement-\$872.00; Salzsieder,M-\$3,735.00; Schuttler,C-\$19.60; Servall Towel & Linen-\$118.62; Spearfish Auto Supply-\$421.48; Subway-\$100.59; Summit Signs & Supply-\$602.50; Teen Court-\$9,693.11; Tigerdirect-\$155.39; Triple K

Tire & Repair-\$716.02; Twin City Hardware&Lumber-\$209.09; Verizon Wireless-\$354.86; Victims Of Violence-\$880.00; Viking Office Prod-\$447.75; Voelker & Adams-\$3,704.85; Waste Connections-\$149.56; Welke,L-\$160.00; Wells Fargo Bank-\$5.99; West Group-\$261.00; Western Communication-\$3.00; Western SD Juvenile Serv-\$4,125.00; Yankton Co Sheriff-\$16.50; Yankton County-\$194.50; Z&S Dust Control-\$28,101.65; **Witness & Juror:** Ellingsen,J-\$29.60; Rice,S-\$20.96; Romanjenko,S-\$20.64; Wickenheiser,T-\$30.88; Twomey,H-\$43.04; Coyle,P-\$29.60; Glayzer,K-\$29.60; Rook,L-\$21.92; Rear,J-\$60.88; Sherman,L-\$21.28; Anderson,M-\$66.00; Aspen,A-\$19.60; Berg,M-\$16.40; Bergey,C-\$58.32; Brewer,J-\$19.60; Bunnell,M-\$20.24; Case,S-\$20.88; Clark,C-\$57.68; Delano,M-\$19.60; Eaves,J-\$62.80; Flanders,V-\$12.56; Flores,H-\$56.40; Garrett,J-\$18.32; Garry,S-\$18.96; Hafner,D-\$22.80; Haiwick,M-\$19.60; Jackson,L-\$13.20; Kastner,B-\$22.80; Lefler,K-\$53.84; Maas,J-\$21.52; Merkle,K-\$20.88; Moak,J-\$16.40; Nehmer,N-\$13.20; Nelson,R-\$11.28; Nicholas,M-\$19.60; Prince,R-\$11.92; Purchase,L-\$51.28; Schlecht,K-\$23.44; Schwindt,L-\$10.64; Scovell,S-\$22.80; Sliper,R-\$53.20; Smith,K-\$17.68; Standley,J-\$66.00; Stenzel,E-\$12.56; Strub,G-\$17.68; Tetrault,M-\$19.60; Tippey,C-\$13.84; Williamson,W-\$17.04; Young,J-\$19.60; Hargis,J-\$22.80; Albright,S-\$29.60; Anders,B-\$21.60; Andersen,A-\$21.92; Anderson,R-\$48.80; Bukovac,W-\$20.64; Burke,T-\$37.92; Chamley,J-\$48.80; Comer,S-\$48.80; Cook,H-\$20.64; Fortak,D-\$29.60; Glanzer,C-\$20.64; Gray,J-\$21.28; Hanna,M-\$20.64; Jilek,L-\$29.60; Jolley,J-\$39.20; Koehn,B-\$20.00; Madsen,A-\$64.48; Madsen,D-\$73.44; Madsen,S-\$41.92; Madsen,T-\$41.92; Marzolf,J-\$21.92; May,T-\$28.32; Miller,J-\$20.64; Polnow,J-\$64.80; Reasor,K-\$48.80; Shayett,K-\$29.60; Smith,B-\$29.60; Wahlstrom, M-\$29.60; Weber,A-\$29.60; Williamson,H-\$58.40

ADJOURN: 11:40 a.m. there being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – AUGUST 16, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 16, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, Terry W. Weisenberg and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of July 26, 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Ewing) to approve Toni Liggett as a guard/transport at a base rate of \$10.04 an hour, effective 7-27-2005. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve Joe Harmon Jr. as a special deputy, at the base rate of \$15.00 an hour, effective 8-5-2005. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Douglas) to contract with Kelly Services for 80 hours at \$18.88 an hour to provide services to the Public Defenders Office and to approve Delores Bruce for 12.50 hours at the rate of \$10.93 an hour on a temporary basis. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the payment of the conversion fee of \$1,500 to Kelly Services and to approve the hire of Traci Cuny as a legal secretary II G1 at the base rate of \$11.53 an hour, effective 8-17-2005. Motion Carried.

SHERIFF / ON-CALL POLICY & PROCEDURE: Joe Harmon discussed the proposed Policy and Procedure #15 Office Readiness / On-Call Status to provide personnel with a clear and definitive guide by which to affect the unscheduled response of sworn personnel. Harmon stated he has been in contact with the Fair Labor office and has discussed the policy with them. Moved-Seconded (Weisenberg-Douglas) to adopt the Policy and Procedure Addendum #15 Office Readiness / On-Call Status, setting the on-call rate at \$2.00 an hour, effective 8-1-2005. Motion Carried. Aye-4 Nay-Opitz.

MEETING CHANGE: Moved-Seconded (Douglas-Weisenberg) to cancel the September 13th, meeting and set the September meetings for September 6th and 27th, 2005. Motion Carried.

BLACK HILLS VISION: Moved-Seconded (Seward-Weisenberg) to designate Connie Douglas as a Director of Black Hills Vision. Motion Carried.

INSURANCE: Moved-Seconded (Seward-Douglas) to insure the white garages for Search and Rescue.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Opitz-Weisenberg) to approve Brian Bergman as a Volunteer Fire Fighter for insurance purposes. Motion Carried. Aye-3 Nay-Seward & Ewing. Seward and Ewing stated they feel the volunteers, that Lawrence County covers for insurance reasons, should be Lawrence County Residents.

FUEL QUOTES: The following fuel quotes were submitted as of August 4, 2005: (prices per gallon) Cenex Oil Co. Spf No. 2 Diesel - \$1.959; Spf Unleaded - \$2.359; Dwd No.2 Diesel - \$1.906*; Dwd Unleaded - \$no bid; Whtwd No. 2 Diesel - \$no bid. MG Oil – no bid. Southside Oil - Spf No. 2 Diesel - \$1.959; Spf Unleaded - \$2.155; Dwd No.2 Diesel - \$1.959; Dwd Unleaded - \$2.155*; Whtwd No. 2 Diesel - \$no bid. Rollin Oil - Spf No. 2 Diesel - \$1.9272*; Spf Unleaded - \$2.109*; Dwd No.2 Diesel - \$1.95; Dwd Unleaded - \$2.1557; Whtwd No. 2 Diesel - \$no bid. (*represents lowest quote)

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Opitz) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of July 31, 2005 showed the following: 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)-\$26,834.10; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$653,323.19; Savings-\$3,760,507.47; GNAMS-\$32,059.81; and Money Market \$1,203,456.61, Total \$9,386,623.63.

EXTENSION AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Weisenberg) to approve an automatic supplement of \$1,153.42 in the Extension Supplies Grant to cover grant fund expenditures. Motion Carried.

FIRE PROTECTION FUND AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Weisenberg) to approve an automatic supplement of \$16,696.20 in the Fire Protection Fund to cover grant fund expenditures. Motion Carried.

RESOLUTION #05-23 LIQUOR LICENSES: Moved-Seconded (Douglas-Seward) to approve the following Resolution #05-23 Liquor Licenses for 2006. Motion Carried.

RESOLUTION #05-23 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 2005, 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; Spearfish Canyon Bar. 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.; 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: Nemo Mercantile; 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 16th day of August, 2005. FOR LAWRENCE COUNTY COMMISSIONERS: Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

2005-2006 MALT BEVERAGE LICENSE: A public hearing was held on a request for a Malt Beverage License for the Spearfish Canyon Bar. Moved-Seconded (Douglas-Weisenberg) to approve the Class Package (Off-Sale) Malt Beverage License for Gary & Lisa Lutz, Spearfish Canyon Bar for 2005-2006. Motion Carried.

SUPPLEMENTAL BUDGET #05-24: A public hearing was held on a supplemental budget for the Fire Protection Fund – Supplies for \$15,000. No public input was received. The public hearing was closed. Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the following Resolution #05-24 for a supplemental budget. Motion Carried.
RESOLUTION #05-24 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: FIRE PROTECTION FUND: Supplies-\$15,000; 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 16th day of August, 2005 at the hour of 8:15 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 16th day of August, 2005.FOR THE BOARD OF

COUNTY COMMISSIONERS ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON,
Lawrence County Auditor

RESOLUTION #2005-25 SURPLUS PROPERTY: Moved-Seconded (Seward-Weisenberg) to approve the following Resolution #2005-25 Surplus Property. Motion Carried. RESOLUTION #2005-25 SURPLUS 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 28th day of June 2005, For the Board of Lawrence County Commissioners: Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

WEST ACRES ROAD DISTRICT: Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the following Order Declaring West Acres Road District Incorporated. Motion Carried. ORDER DECLARING WEST ACRES ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the landowners of West Acres Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on August 8, 2005. 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 21 (twenty-one), together with the number of 18 (eighteen) voting for and the number of 3 (three) 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 West Acres Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 16th day of August, 2005. Bob Ewing, Chairman Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

PERMIT TO OCCUPY COUNTY HIGHWAY RIGHT OF WAY: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign the Application for permit to occupy county highway right-of-way for Black Hills Power located from the Benchmark Road (.5 miles west of Nemo Rd) to same T3N, R4E, Sec 12, S1/2. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Opitz-Douglas) to approve and authorize the Chairman to sign the Application for utility permit for the Lead/Deadwood Sanitary District from the Kirk Power Plant for construction of water line. Motion Carried.

DEED RESTRICTION / I-90/HWY 14 & 85: Rick Tysdal was present and requested that the Board remove the "No Building" Deed Restriction placed upon the property adjacent to I-90 and

Highways 14 & 85 – Tract 2. Moved-Seconded (Seward-Weisenberg) to allow Bruce Outka and Bob Golay to contact Kadrmas, Lee and Jackson to request a ruling from FAA. Motion Carried. This Tract of land was originally part of the Airport master plan.

ANNUAL REVIEW CUP#293 EDLER / RETREAT ON LITTLE ELK CREEK ROAD:

An annual review was held on Conditional Use Permit #293 / Catherine Edler – One Spirit Retreat.

No complaints or problems were received. The board asked that she come back next September for a review after her business is up and running.

ANNUAL REVIEW CUP# 226 – DELTA CODY MESSAGE BUSINESS: An annual review was held on Conditional Use Permit #226 for Delta Cody Massage Business.

No complaints or problems were received. Moved-Seconded (Opitz-Seward) CUP #226 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.

ANNUAL REVIEW CUP#291 VALDEZ/JEWELRY BUSINESS: An annual review was held on Conditional Use Permit #291 for Mark & Karen Valdez for their Jewelry Business located on Highway 85 – McMasters corner.

No complaints or problems were received. Moved-Seconded (Seward-Weisenberg) CUP #291 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.

HAZMAT PLAN: Moved-Seconded (Seward-Ewing) to authorize the Chairman to sign the Certification of Adoption of the Hazardous Material Emergency Response Plan. Motion Carried.

PRE-DISASTER MITIGATION PLAN Moved-Seconded (Douglas-Seward) to authorize the Chairman to sign Resolution #2005-26 Pre-Disaster Mitigation Plan. Motion Carried.

RESOLUTION 2005-26 PRE-DISASTER MITIGATION PLAN FOR LAWRENCE COUNTY. RESOLVED: The Lawrence County Board of Commissioners deems it advisable and in the best interest of Lawrence County to approve said Pre-Disaster Mitigation Plan. Passed and adopted this 16th day of August 2005. Bob Ewing, Chairman, Lawrence County Board of Commissioners. Attest: Brenda McGruder, Lawrence County Deputy Auditor.

ISOLATED TRACK OF LAND / SMEENK: Bruce Outka, Deputy States Attorney was present to discuss the process of an isolated tract as defined by South Codified Law 31-22 Condemnation of Easement for Isolated Tracts. After discussion with Greg Smeenk, realtor for landowner, it was decided to table the matter until Mr. Smeenk could talk to his client about the cost that would be occurred from the process.

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-\$3,561.36; Aud-\$5,806.33; Treas-\$8,019.61; Comp-\$4,883.56; States Atty-\$11,571.98; Pub Def-\$6,372.62; Gen Govt Bldg-\$5,664.82; Equal-\$10,549.76; Rod-\$5,825.20; Vso-\$1,029.95; Disp-\$10,750.34; Sher-\$26,783.73; Jail-\$17,126.17; Emerg Mgnt-\$2,392.33; E911-\$1,312.00; Highway-\$30,329.25; Air-\$214.40; Ext-\$1,191.00; Weed-\$4,910.97; Pz-\$2,485.74; **Bills:** Kosel,J-\$8.32; Mcneal,A-\$14.08; Mowell,R-\$6,957.00; Piekkola,D-\$87.82; Rosenau,R-\$3.52; Smith,M-\$10.24; Tridle,D-\$37.75; A&B Business Equip-\$632.74; A&B Welding Supply-\$51.85; A&I Distributors-\$283.60; A&J Supply-\$39.18; AAA Travel-\$328.30; ABC Business Supply-\$1,553.70; Accurint Accounts Receivable-\$14.50; Active Data Systems-\$154.00; Alco Store-\$54.41; Aldinger,K-\$1,170.00; Altaire Enterprises-\$20.00; American Family Life-\$2,682.64; American Tech Serv-\$200.00; Amoco Oil-\$364.68; Audiss,J-\$317.00; BH Chemical Company-\$2,155.80; BH Federal Credit Union-\$9,184.00; BH Fibercom-\$1,712.44; BH Land Analysis-\$3,735.00; BH Medical Center-\$283.50; BH Medical Ctr Pharmacy-\$2,151.50; BH Pest Control-\$95.00; BH Pioneer-\$826.63; BH Power & Light-\$400.93; Best Business Prod-\$52.08; Best Western Of Huron-\$130.00; Bickle's Truck & Diesel-\$240.30; Black Hills Counseling Service-\$75.00; Black Hills Pure-\$11.50; Blue Cross-\$48,504.60; Brownsville Fire Dept-\$3,981.35; Butte County Sheriff-\$28.56; Butte Electric Coop-\$352.97; Cellular One-\$907.56; Central Parts-\$922.90; Chemical Sanitizing Sys-\$94.55; Chemsearch-\$1,140.16; Christensen Law Office-\$322.50; City/County Alcohol&Drug-\$702.00; Clarey's Safety Equip-\$255.18; Clark Printing-\$156.00; Clinical Lab Of BH-\$3,352.24; Coley,M-\$60.00; Community Health Services-\$10.00; Conoco-\$198.95; Crume,K-\$720.00; Culligan Soft Water Serv-\$189.25; Dale's Tire & Retread-\$673.34; Deadwood Home Center-\$17.14; Deadwood Recreation Center-\$149.00; Deadwood Vol Fire Dept-\$13,661.35; Deadwood, City Of-\$728.86; Deckers Food-\$25.12; Dept Of The Treasury-\$36,491.05; Div Of Motor Veh-\$13.00; Double H Masonry-\$600.00; Dynamic Imaging System-\$1,817.50; Ecolab-\$100.00; Elan Financial Services-\$69.00; Ellingson,J-\$1,375.50; Ensignal-\$437.90; Et Sports-\$101.48; Evercom Systems-\$1,260.00; Exhaust Pros-\$1,257.77; Extension Service-\$146.79; Family Fun-\$14.95; Family Thrift Center-\$83.32; Farm Plan/Rdo-\$26.73; Farmers Union Oil-\$14,485.60; Fastenal-\$353.56; Fish,V-\$581.40; Fox, Youngberg & Lewno-\$171.00; Friendship House-\$1,734.00; Godfrey's Brake Serv-\$285.50; Great Western Tire-\$908.10; Greens Alignment-\$199.95; H&S Sand & Gravel-\$356.40; Hartman,A-\$450.00; Havemeier,L-\$122.40; Heartland Paper-\$958.40; Heisler Hardware-\$106.34; Hills Material Comp-\$318,035.69; Honeywell-\$342.18; Huron Culvert & Tank Co-\$9,576.00; Ikon Office Solutions-\$120.70; Integrity Ford-\$62.16; Interstate Batteries-\$97.48; Intoximeters-\$208.00; J H Hilt Engineering-\$150.00; Jenner Equipment Co-\$76.21; Karpinen,S-\$800.00; Ken's Camper Sales-\$208.47; Kieffer,T-\$839.80; Knecht True Value-\$237.68; LC Assessor-\$19.74; LC Journal-\$379.13; LC Public Defender-\$32.43; LC Sheriff-\$498.33; LC Treasurer-\$150.00; Lawson Products-\$204.12; Lead Fire Department-\$15,657.18; Lead, City Of-\$129.84; Lead-Deadwood Sanitary-\$433.32; Lee,J-\$15.00; Lewis & Clark-\$130.00; Lexisnexis Matthew Bender-\$96.60; Lexisnexis On-Line-\$312.00; Lindstad's-\$100.00; M&M Sanitation-\$60.00; May,Johnson,Doyle&Becker-\$2,884.26; Mcleod's Office Supply-\$311.08; Meade County Sheriff-\$11.70; Midwest Alarm-\$84.00;

Miller,P-\$103.84; Montana-Dakota Util-\$1,133.79; Motive Parts & Supply-\$284.00; NH Family Ymca-\$186.00; NH General Hospital-\$420.81; Nelson,C-\$80.00; Nelson,T-\$560.00; Nemo Volunteer Fire Dept-\$2,143.76; Neve's Uniforms-\$550.00; North Colorado Emerg Physician-\$92.90; Novus-\$270.00; Office Of Child Support-\$500.00; Office Technology/Supply-\$47.08; Outdoor Motor Sports-\$17.80; Pennington County Sheriff-\$26.34; Pennington County Sts Attny-\$200.00; Percy Law-\$1,995.95; Polnow,L-\$67.20; Queen City Motors-\$37.40; Queen City Rocket Lube-\$59.97; Queen City Tire-\$232.00; Qwest-\$956.00; R C City Of-\$1,365.00; Rabe Elevator-\$1,193.76; Radio Shack/Kazco-\$187.95; Raubach,F-\$5,250.00; Regan Battery Maint Services-\$354.66; Reindl,S-\$845.20; Reliable-\$151.55; Rochford Vol Fire Dept-\$800.00; Rollin Oil-\$10,254.15; Rombough,D-\$85.76; SD Retirement System-\$40,890.17; SD State Treasurer-\$907.44; SD Dept Of Transportation-\$13,714.27; SD Federal Property Agency-\$15.50; SD Public Assur Alliance-\$33,848.00; SDRS Supplemental Retirement-\$872.00; Sanitation Products-\$125.99; Schofield,D-\$80.00; Secretary Of State-\$25.00; Servall Towel & Linen-\$355.43; Seesz,R-\$500.00; Sharon Green Counseling-\$60.00; Sheehan Mack Sales & Equip-\$30.78; Slate Creek Counseling-\$418.00; Software House International-\$3,363.39; Southside Oil-\$8,620.00; Spearfish Auto Supply-\$717.12; Spearfish Canyon Fire Dept-\$4,239.67; Spearfish Fire Dept-\$40,872.01; Spearfish Motors-\$1,062.53; Speedylube-\$77.80; St Onge Fire Dept-\$1,609.66; State Radio Communication-\$2,400.00; Stretch's Glass & Mirror-\$238.21; Sturgis Fire Department-\$1,819.89; Summit Signs & Supply-\$468.00; Tigerdirect-\$309.42; Triple K Tire & Repair-\$31.60; Twin City Hardware-\$192.39; US Postal Service-\$6,000.00; United Parcel Service-\$31.10; Verizon Wireless-\$491.08; Walmart Store-\$24.47; Washington State Warrents-\$200.00; Waste Connections-\$428.00; Wells Plumbing & Farm Supp-\$153.22; West Group-\$1,264.00; Western Communication-\$562.10; Whitewood Vol Fire Dept-\$5,818.49; Williams Standard Serv-\$21.95; Yankton Co Sheriff-\$16.50; Yankton County-\$75.05; Your Name Here-\$24.00; Z&S Dust Control-\$22,996.35; Zep Manufacturing Co-\$83.42; **Witness & Jurors:** Rook,L-\$21.92; Bunnell,M-\$120.48; Flanders,V-\$105.12; Hafner,D-\$125.60; Haiwick,M-\$119.20; Scovell,S-\$125.60; Smith,K-\$57.68; Stenzel,E-\$52.56; Tetrault,M-\$119.20; Tippey,C-\$107.68; Young,J-\$119.20; Biel,B-\$21.92; Bunnell,C-\$29.60; Burrows,R-\$21.92; Cailotto,T-\$29.60; Coolley,C-\$29.60; Dower,L-\$23.84; Emmy,D-\$27.68; Estes,H-\$29.60; Goehner,M-\$29.60; Heinbaugh,V-\$29.60; Hogan,D-\$29.60; Jorgenson,C-\$29.60; Lensegrav,S-\$29.60; Lewis,C-\$29.60; Marousek,G-\$29.60; Ogle,J-\$21.60; Percevich,G-\$39.20; Polley,S-\$29.60; Polley,S-\$20.00; Roadifer,L-\$29.60; Reiling,R-\$21.92; Solon,D-\$29.60; Steeves,S-\$29.60; Stromer,C-\$29.60; Wolff,L-\$30.24; Wolff,J-\$20.00;

ADJOURN: 11:20 a.m. there being no further business it was Moved-Seconded (Opitz-Ewing) to adjourn. Motion Carried.

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 6, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 6, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, Terry W. Weisenberg and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Douglas) to approve the minutes of August 16, 2005. Motion Carried.

PERSONNEL:

AUDITOR: Moved-Seconded (Seward-Ewing) to approve Debbie Sargent as a Secretary G3 at the base rate of \$12.70 an hour, effective 10-1-2005. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Douglas-Opitz) to approve Terry Fox as a legal secretary 1 G1 at the base rate of \$10.93 an hour, effective 8-8-2005. Motion Carried.

SHERIFF: Moved-Seconded (Douglas-Seward) to classify Tamera Leveque & Wendy Zweber-Nolan as Correctional II G3 at the base rate of \$13.62 an hour, effective 9-1-2005. Motion Carried.

INVASIVE SPECIES MANAGEMENT BOARD APPOINTMENT: Moved-Seconded (Seward-Opitz) to follow the recommendation of the Invasive Species Management Board and appoint Mason Bennett to the Invasive Species Management Board for a term to expire 1-2007. Motion Carried.

PUBLIC DEFENDER PROPOSALS: Moved-Seconded (Seward-Weisenberg) to refer the proposals for contracts for legal representative of indigent persons, where conflicts exist with the Public Defender to a committee comprised of the Public Defender Board members, for a recommendation to be brought back to the County Commissioners on October 11, 2005. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Opitz) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of August 31, 2005 showed the following: 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)-\$31,578.35; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$883,123.87; Savings-\$3,164,123.87; GNAMS-\$32,059.81; and Money Market \$1,204,413.14, Total \$9,024,716.50.

CONTINGENCY TRANSFER: Moved-Seconded (Weisenberg-Opitz) to approve a contingency transfer and transfer of funds of \$15,840 to Emergency Management Fund Search & Rescue. Motion Carried.

FINAL PLAT: Moved-Seconded (Opitz-Weisenberg) to approve the final plat for Anton & Rita Martin Trust/ Dan Martin for Tracts 1A, 4, 5, 6, 7, 8 in the NE ¼ of Section 27, T3N, R5E Location: Nemo. Motion Carried.

VACATION OF SECTION LINE & VACATION OF EASEMENTS: Moved-Seconded (Seward-Douglas) to set a public hearing for September 27, 2005 at 9:45 a.m. for petitions received to vacate a portion of highway part of which is located on a section line and two petitions received to vacate road easements.

2006 BUDGET: A public hearing was held on the 2006 budget. No public was present for comment and the hearing was closed. Moved-Seconded (Opitz-Seward) to table the approval of the budget until September 27, 2005. Motion Carried. Aye-4 Nay-Douglas.

HIGHWAY BUSINESS:

RIGHT OF WAY: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Application for Occupancy for Qwest Communications of Terry Summit Road in Section 13, T4N, R2E. Motion Carried.

DE-ICING SAND: Moved-Seconded (Seward-Weisenberg) to approve the purchasing of De-Icing Sand, off of the City of Lead Bid, from Fisher Sand & Gravel for \$7.25 per ton. Motion Carried.

TITLE III FUNDS: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the following Resolution #2005-27 for H.R. 1289 "Secure Rural Schools and Community Self-Determination Act of 2000". Motion Carried.

RESOLUTION #2005-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, 2005.

Dated this 6th day of September, 2005. FOR THE BOARD: Robert E. Ewing CHAIRMAN.
ATTEST: Connie Atkinson, AUDITOR

TITLE III FUNDS: The Board discussed the request for Title III Funds for a new Search and Rescue Building. The 45 day comment period has expired and no comments were received. Moved-Seconded (Douglas-Seward) to approve Title III Funds as follows: Category 1: SEARCH, RESCUE, AND EMERGENCY SERVICES: Lawrence County Search & Rescue Squad to re-construct a storage building to house Search & Rescue equipment: The search and rescue unit conducted 68% of their operations in the Black Hills National Forest over the past two years. **Amount Requested: \$33,660 (68% of cost).** Motion Carried.

THREE SISTERS ROAD DISTRICT: Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign the following order declaring Three Sisters Road District Incorporated. Motion Carried. ORDER DECLARING THREE SISTERS ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the landowners of Three Sisters Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on August 22, 2005. 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 11 (eleven), together with the number of 11(eleven) 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 Three Sisters Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 16th day of August, 2005. Bob Ewing, Chairman Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

9:05 AM EXECUTIVE SESSION: Moved-Seconded (Seward-Opitz) to go into executive session to discuss legal issues with Bruce Outka, Deputy States Attorney. Motion Carried. 9:20 AM The board opened for regular business with no action taken.

DEED RESTRICTION / I-90/HWY 14 & 85: The Board discussed the Deed Restriction on I-90/HWY 14 & 85. Moved-Seconded (Opitz-Weisenberg) to leave the deed restriction on the property because the property will lie beneath the flight path of a proposed crosswind runway and at this time the Airport Board does not deem it prudent to release any restrictions on the property. Motion Carried.

COMPREHENSIVE PLAN REVISIONS: The Board discussed the Comprehensive Plan Revisions with Brandon Flanagan. No written comments were received.

CUP #312- RECH / SEASONAL RENTAL OF ONE CABIN: A public hearing was held on a request for Conditional Use Permit #312 for Owner/Representative: Brian and Joan Rech. Legal Description: Tract 1 of Lot A of CRM, Section 27, T3N, R5E. Location: Nemo. Purpose: To allow a seasonal rental of a refurbished barn as a cabin.

Brian Rech was present, and explained his request for CUP#312. No opposition was present. Gary Lattin was present and spoke in favor of the request. The public hearing was closed. Moved-Seconded (Seward-Opitz) to approve CUP #312 for Brian and Joan Rech to allow a seasonal rental of a cabin with conditions that are on file in the Lawrence County Planning and Zoning Office. Motion Carried.

LAW LIBRARY: The Board discussed the Law Library and the need for the books to be removed before the end of September. Ewing will look into renting a trailer to store the books in until a location can be secured.

ISOLATED TRACTS:

KLUTHE: The Board discussed the request to make a determination as to legal access to the property from Carol Kluthe on an isolated tract of land located in the NW1/4 SE1/4 T5 R4 S6. Moved-Seconded (Seward-Weisenberg) To schedule an on-site review of the property for September 26, 2005. Motion Carried.

SCHNEIDER: A request was received from Gailen Schneider to gain access to the property described as MS 376, New Years, Sec 9, T4N, R4E, BHM. Moved-Seconded (Weisenberg-Seward) to table the request until 9-27-2005, to allow Outka and Flanagan time to research the request. Motion Carried.

HAZARDOUS MATERIALS M.O.U.: Moved-Seconded (Douglas-Opitz) to approve and authorize the Chairman to sign the Agreement for Emergency Response to WMD and Hazardous Material Incidents between the City of Rapid City, Rapid City Department of Fire and Emergency Services, Pennington County and Lawrence County. Motion Carried.

LAWRENCE COUNTY POLICY STATEMENT: Moved-Seconded (Opitz-Weisenberg) to approve the Lawrence County Policy Statement 2005 stating the objectives of the Safety Program. Motion Carried.

EMERGENCY MANAGEMENT GRANT APPLICATION: Moved-Seconded (Seward-Douglas) to allow Paul Thompson to apply for the Emergency Management Grant in the amount of \$1,456.00. Motion Carried.

PLANNING & ZONING BOARD: Rick Tysdal, Karl Burke and Bill Coburn were present to discuss planning and zoning issues with the Board. They asked the County Commission to reconsider a building inspector in Lawrence County. The County Commission stated they would keep an open mind to the request.

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-\$3,561.82; Aud-\$6,126.90; Treas-\$8,641.70; Comp-\$5,141.40; States Atty-\$13,198.88; Pub Def-\$5,578.77; Gen Govt Bldg-\$6,142.64; Equal-\$11,397.65; Rod-\$6,227.60; Vso-\$1,029.95; Disp-\$14,978.04; Sher-\$36,454.36; Jail-\$20,425.18; Emerg Mgnt-\$2,479.77; E911-\$1,443.20; Highway-\$34,112.56; Air-\$308.20; Ext-\$1,320.56; Weed-\$4,857.85; Pz-\$2,463.68; **Bills:** Amoco Oil Co-\$686.79; AT&T -\$14.67; BH Federal Credit Union-\$9,261.67; BH Power & Light-\$6,750.25; Cellular One-\$998.33; Dept Of The Treasury-\$43,755.53; Federal Express Corp-\$10.25; Kelly Services-\$755.20; LC Treasurer-\$150.00; Office Of Child Support-\$500.00; Phillips Petroleum Co-\$32.50; SD Assn Of Co Comm-\$640.00; SDRS Supplemental Retirement-\$872.00; Teen Court-\$8,126.92; Verizon Wireless-\$162.19; Bott,B-\$139.00; Mowell,R-\$8,140.50; Piekkola,D-\$139.00; Rosenau,R-\$16.96; Runge,B-\$139.00; Schumacher,D-\$139.00; A&B Business Equip-\$536.30; A-Z Shredding-\$528.50; ABC Business Supply-\$307.26; Accurate Reporting-\$59.90; Alco-\$176.55; Amcon Distributing-\$330.49; Armstrong Extinguish-\$49.00; Audiss,J-\$9.60; BH Chemical Company-\$1,168.63; BH Fibercom-\$1,230.54; BH Medical Center-\$283.15; BH Pioneer-\$21.34; BH Power & Light-\$48.73; Best Business Prod-\$52.08; Best Western Ramkota Inn-\$1,100.00; Brevik Law Office-\$178.59; Brown & Saenger-\$318.69; Butte County-\$4,162.40; Butte County Sheriff-\$95.02; Butte Electric Coop-\$136.15; Central Parts-\$92.43; Clinical Lab Of BH-\$1,365.40; Conoco-\$331.02; Cooperative Extension Service-\$192.37; Crume,K-\$440.00; Culligan Soft Water Serv-\$28.50; Dakota Graphics-\$865.00; Dale's Tire & Retread-\$4,240.00; Deadwood Home Center-\$35.43; Deadwood, City Of -\$5,943.01; Dept Of Hlth Lab Services-\$204.00; Dietrich,D-\$212.50; Domestic Crisis Outreach-\$582.50; Elan Finanical Services-\$99.90; Ellingson,J-\$1,404.39; Evercom Systems-\$1,890.00; Extension Service-\$155.57; Fastenal-\$38.37; Forrester Electric-\$280.00; Frederickson,J-\$514.60; Gall's-\$64.96; Gene's Lock Shop-\$34.78; Glenney,T-\$200.00; Great Plains Chemical-\$360.00; Great Western Tire-\$393.80; Grimm's Pump Service-\$8,260.02; Hall County Court -\$1.75; Havemeier,L-\$92.80; Hood & Nies & Dardis-\$940.81; Ikon Office Solutions-\$141.51; JH Hilt Engineering-\$3,142.84; Jenner Equipment Co-\$11.93; Jonathan Publishing-\$39.00; KMart Pharmacy-\$26.97; Kadrmas, Lee And Jackson-\$7,380.85; Kar Products-\$339.25; Karpinen,S-\$840.00; Kelly Services-\$2,557.28; Ken's Camper Sales-\$39.82; Kieffer,T-\$37.40; Kimball-Midwest Co-\$197.40; Kinney,M-\$796.51; Kooistra,N-\$33.00; LC Sheriff-\$88.56; Lead, City Of-\$76.56; Lead-Deadwood Sanitary-\$583.98; Mailworks Plus-\$37.80; May, Johnson ,Doyle& Becker -\$584.60; Mcarthur,J-\$40.00; Mcleod's Office Supply-\$447.40; Meade County Sheriff-\$52.50; Mid-Night Star-\$66.77; Mikelson,G-\$44.40; Montana-Dakota Util-\$1,625.08; NH General Hospital-\$1,693.43; National Forest Counties-\$981.13; National Public Safety-\$125.10; Nelson,T-\$720.00; New World Systems-\$1,250.00; Office Technology/Supply-\$118.26; Pennington Co Jail-\$1,549.39; Pennington

County Sheriff-\$44.92; Pennington County Sts Attny-\$600.00; Percy Law-\$658.60; Pitney Bowes-\$158.60; Polnow,L-\$67.20; Postmaster Deadwood-\$222.00; Pronto Auto Supply-\$24.16; Qwest-\$43.52; RC Regional Hospital-\$1,357.00; Regan Battery Maint Services-\$315.36; Regional Home Medical Equip-\$335.00; Rehfuss,C-\$33.00; Reindl,S-\$4,831.09; Reliable-\$102.40; Rescue Vehicles Of Iowa-\$184.00; Reuer, A-\$60.00; Roger Bernards Constriction-\$5,992.24; Rombough,D-\$249.28; SD Human Services Center-\$122.61; SD Public Assur Alliance-\$378.00; Sand Creek Printing-\$37.28; SD State Fair-\$100.00; Servall Towel & Linen-\$237.13; Silverado-\$519.64; Spearfish Auto Supply-\$16.22; Speedylube-\$17.95; Stadler Ind Service-\$397.50; State Bar Of South Dakota-\$90.00; Summit Signs & Supply-\$285.00; Superior Lamp And Supply-\$292.13; Tigerdirect-\$227.87; Twin City Hardware & Lumber-\$235.33; US Postal Service-\$400.00; Varda Silent Alarm-\$69.90; Victims Of Violence-\$582.50; Viking Office-\$219.96; Walmart Store-\$972.55; Wells Fargo Business Card-\$53.45; Western Communication-\$372.10; Western SD Juvenile Serv-\$6,765.00; Yankton Co Sheriff-\$33.00; Ziggy's Building Center-\$10,202.02; **Witness & Juror Fees:** Rear,J-\$121.76; Anderson,M-\$66.00; Bergey,C-\$116.64; Bunnell,M-\$60.24; Clark,C-\$57.68; Eaves,J-\$125.60; Flanders,V-\$52.56; Flores,H-\$112.80; Hafner,D-\$62.80; Haiwick,M-\$59.60; Lefler,K-\$107.68; Purchase,L-\$102.56; Scovell,S-\$62.80; Sliper,R-\$53.20; Smith,K\$57.68; Standley,J-\$132.00; Stenzel,E-\$52.56; Tetrault,M-\$59.60; Tippey,C-\$53.84; Young,J-\$59.60;

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

DATE APPROVED

BOB EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 27, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 27, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, Terry W. Weisenberg and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of September 6, 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Seward-Weisenberg) to approve Brenna LeTexier as a part-time Correctional Officer 1 G3 at the rate of \$7.58 an hour for 40 hours of training and then to a base rate of \$11.85 an hour, effective 9-21-2005. Motion Carried.

TRAVEL REQUESTS:

EMERGENCY MANAGMENT: Moved-Seconded (Weisenberg-Seward) to approve the travel request for Paul Thomson to attend the Hazmat Explo in Las Vegas, Nevada on November 12-18, 2005. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Seward) to approve the travel request for Dale Larson to attend the SDSA Fall Conference 2005 in Yankton, SD on October 25-28, 2005, with the understanding that no expenses will be covered for Rene' Larson to attend. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of September 22, 2005: (prices per gallon) Cenex Oil Co. Spf No. 2 Diesel - \$2.489; Spf Unleaded - \$2.539; Dwd No.2 Diesel - \$2.439; Dwd Unleaded - \$2.539; Whtwd No. 2 Diesel - \$no bid. MG Oil – no bid. Southside Oil - Spf No. 2 Diesel - \$2.429; Spf Unleaded - \$2.449; Dwd No.2 Diesel - \$2.429*; Dwd Unleaded - \$2.449*; Whtwd No. 2 Diesel - \$no bid. Rollin Oil - Spf No. 2 Diesel - \$2.4008*; Spf Unleaded - \$2.4356*; Dwd No.2 Diesel - \$2.381X; Dwd Unleaded - \$2.4156X; Whtwd No. 2 Diesel - \$no bid. (*represents lowest quote) (X represents low bidder but could not deliver full quantities)

2006 BUDGET: Moved-Seconded (Weisenberg-Seward) to make the following change to the 2006 Provisional Budget: Change the Fair Budget from \$10,000 to \$12,000. Motion Carried. Aye-4 Nay-Ewing.

Moved by Seward to restore 7.5% back to the Commission wages that was reduced a few years ago. Motion died due to lack of second.

ADOPTION OF 2006 BUDGET RESOLUTION #2005-28: Moved-Seconded (Seward-Douglas) to adopt the 2006 Annual Budget and approve the following Resolution #2005-28. Motion Carried. Aye-4 Nay-Weisenberg. Weisenberg stated he could not vote in approval of the 2006 budget because he could not support a 5% wage increase for employees or the individual raises granted.

RESOLUTION #05-28: 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, 2006 and ending December 31, 2006 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 27th day of September, 2005 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, 2006 through December 31, 2006.

FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	6,233,578	5.10
SNOW REMOVAL	000,000	.00
HIGHWAY & BRIDGE	420,000	.34
COURTHOUSE & JAIL	100,000	.08
FIRE PROTECTION	54,423	.09
TOTALS	6,808,001	5.61

DATED at Deadwood, South Dakota, this 27th day of September 2005. LAWRENCE COUNTY COMMISSIONERS: Robert Ewing, Chairman; Terry W. Weisenberg, James J. Seward, Connie H. Douglas, and George Opitz. ATTEST: Connie Atkinson, Auditor.

WEED AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Weisenberg) to approve an automatic supplement of \$40,000 to the Weed Grants Budget. Motion Carried.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Weisenberg-Douglas) to approve Scott Dunham, Susanne Dunham, Teresa Buettner, Carl Buettner and Ryan Pletan as Volunteer Fire Fighters for insurance purposes. Motion Carried.

BRO 8041 (12) PCN 6347 BID LETTING: Moved-Seconded (Seward-Weisenberg) to concur with the Department of Transportation and award the bid to Heavy Constructors Inc., Rapid City, SD as the low bidder on Item #3 BRO 8041 (12) PCN 6347 Structure and Approach Grading for \$554,959.63. Motion Carried.

ABATEMENTS:

GEDDES, TODD A: Moved-Seconded (Seward-Ewing) to approve the abatement for Todd A. Geddes on a 1970 Newmoon 12x44 mobile home because it was demolished on 7-17-2005. Motion Carried.

CRAWFORD, THOMAS & MARY: Moved-Seconded (Weisenberg-Seward) to approve the abatement for Thomas & Mary Crawford on parcel #21000-00603-312-10 because the 1960 mobile home and outbuildings were removed prior to the 2005 assessment. Motion Carried.

CITY OF DEADWOOD: Moved-Seconded (Douglas-Weisenberg) to approve the abatement for the City of Deadwood on parcel #30025-07200-020-00 because the City of Deadwood purchased the property on 9-14-2004. Motion Carried.

KRAUSE, NORMAN & STARLA (VOLKERS, CHAD): Moved-Seconded (Seward-Douglas) to approve the abatement for parcel #32740-00700-004-05 for 2004 & 2005 because of damage due to water. Motion Carried. Aye-4 Nay-Weisenberg.

BLAIR, ANN: Moved-Seconded (Weisenberg-Seward) to follow the recommendation of the Director of Equalization and City of Spearfish and deny the abatement for Ann Blair on parcel #32090-07500-060-10 because the owner had refused entry into the home. The homeowner needed to appeal to the Board of Equalization. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Utility Permit on Highway No. Eden approximately 3 miles SE from Whitewood for Construction of water pipe line beginning in section 25 T6 R4. Motion Carried.

RIGHT OF WAY PERMIT: Moved-Seconded (Weisenberg-Douglas) to) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way from Black Hills Power for a right of way located across Crook City Road, 0.43 mile from Laurel Street in Whitewood. Motion Carried.

MODIFICATION #97-R0-11020311-0006: Moved-Seconded (Weisenberg-Seward) to approve Modification #17 to the Cooperative Road Agreement #97-R0-11020311-0006 extending the completion date to 7-31-2006. Motion Carried.

RESOLUTION #2005-29 ROAD FUNCTIONAL CLASSIFICATION: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the following Resolution #2005-29 Road Functional Classification. Motion Carried. **RESOLUTION #2205-29: APPROVING THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION PROPOSED FUNCTIONAL CLASSIFICATION** WHEREAS, there are identified specific types of roads and corresponding functions of those roads, some of which have not been updated for several years; and WHEREAS, the Federal Highway Administration (FHWA), has prescribed rules governing the functional classification of roadways within Lawrence County; and WHEREAS, the South Dakota Department of Transportation (SDDOT) has verified all roadway mileage for Lawrence County; and WHEREAS, SDDOT has recommended that changes be made to specific roadways based upon functional classification standards as prescribed by FHWA. NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby approves those changes recommended by SDDOT as evidenced in the document entitled "SDDOT Proposed Functional Classification Modifications" for Lawrence County. Adopted this 27th day of September, 2005. ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Auditor.

SKVICALO DEED: Bruce Outka updated the Board on property related to the Skvicalo's, State of SD and Lawrence County. Moved-Seconded (Seward-Weisenberg) to Deed any interest the County may have to Skvicalo's. Motion Carried.

SCHNEIDER / ISOLATED TRACT: Bruce Outka updated the Board on an isolated tract issue with Schneider. Mr. Schneider was present in the audience. Outka explained Schneider must contact all affected landowners, prior to coming to the Board.

BURICH / APPEAL OF PLANNING & ZONING DECISION: Jeff Burich was present to appeal Planning and Zoning decision to deny the request to split a lot into two lots located in the Florence Subdivision in Boulder Canyon. Burich stated he is still within the density requirement for no more than 8 lots per 40 acres. Brandon Flanagan explained the administration procedure in the past has also looked at a lot minimum of 10 acres to be split. Moved-Seconded (Douglas-Seward) to override the administrative decision of the Planning and Zoning Administrator to allow Burich to request the lot split because the density requirement is still within the 8 lots per 40 acres and there is still room for septic systems on the two lots. Motion Carried.

COMPREHENSIVE PLAN REVISIONS: Brandon Flanagan stated he has not received any comments since the last meeting with the Board. The Public Hearing was closed and the Board

discussed the Comprehensive Plan Revision. Moved-Seconded (Weisenberg-Seward) to approve the Lawrence County Comprehensive Plan Revisions 2005. Motion Carried.

FOREST SERVICE AGREEMENT ADDENDUM #1: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Addendum #1 to Agreement #0300-413-032-03 with the Department of Agriculture. Motion Carried.

INSURANCE SUPPLEMENTAL BUDGET: Moved-Seconded (Seward-Opitz) to set a supplemental budget hearing for the Insurance Budget for \$5,000 on October 11, 2005 at 8:15 a.m. Motion Carried.

NIMS IMPLEMENTATION PLAN: Moved-Seconded (Douglas-Opitz) to approve and adopt the Lawrence County Emergency Management National Incident Management System (NIMS) County Implementation Plan. Motion Carried.

VACATION OF SECTION LINE & EASEMENTS / PINE OAKS SUBDIVISION: Robert Long was present and spoke in favor of the Vacation of Section Line and Vacation of Easements. Long stated he was speaking on behalf of Landowners in the Subdivision. Long expressed concerns on the possible impacts on the Road District Roads, dust, noise, character of subdivision, increased liability exposure and the affects on property values if the easements and section line were improved. No public opposed to the vacation requests were present. The Public Hearing was closed and the Board discussed issues concerning the vacations.

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign LAWRENCE COUNTY RESOLUTION #05-30 RESOLUTION & ORDER TO VACATE AN EASEMENT. Motion Carried. WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting to vacate an easement, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said easement does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described easement be vacated: Legal Description For The Vacating Of An Easement:

LEGAL DESCRIPTION FOR THE VACATION: The 66' Road Easement that runs along the property line common to 9A and Lot 10A of Pine Oak Subdivision, located in the SW1/4 SW1/4 of section 6 T6N, R2E, BHM, Lawrence County, South Dakota as shown on Plat recorded as Document #88-6622, beginning at the NE corner of Lot 10A which is common to the NW corner

of Lot 9A, thence S 0° E along the line common to Lots 10A and 9A a distance of 539.93 feet to a point on the north ROW line of Timberline Road, said point being the point of terminus. *LANDOWNERS:* Daryl G. Volk, Doreen Fronig-Volk, Joseph M. Oschwald. Dated this 27th day of September, 2005. BOB EWING, CHAIRMAN Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign LAWRENCE COUNTY RESOLUTION #05-31 RESOLUTION & ORDER TO VACATE AN EASEMENT. Motion Carried. WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting to vacate an easement, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said easement does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described easement be vacated: Legal Description For The Vacating Of An Easement:

LEGAL DESCRIPTION FOR THE VACATION: The 66' Road Easement that runs along the property line common to Lot 12 and Lot 13 of Pine Oak Subdivision, located in the SW1/4 SW1/4 of section 6 and the NW1/4 NW1/4 of section 7, T6N, R2E, BHM, Lawrence County, South Dakota as shown on Plat recorded as Document #81-3274, beginning at the SW corner of Lot 12 which is common to the NW corner of Lot 13, thence N 89°55'21" E along the line common to Lots 12 and 13 a distance of 410.16 feet to a point on the west ROW line of Timberline Road, said point being the point of terminus. *LANDOWNERS:* Randee & Connie Peterson, Robert W. & Annette Long Dated this 27th day of September, 2005. BOB EWING, CHAIRMAN Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign LAWRENCE COUNTY RESOLUTION #05-32 RESOLUTION & ORDER TO VACATE PORTION OF HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE. Motion Carried. WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of

Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: LEGAL DESCRIPTION FOR THE VACATION: The 66' section line ROW between sections 6 and 7, T6N, R2E, BHM, Lawrence County, South Dakota beginning at the corner common to sections 6 & 7, T6N, R2E, and sections 1 & 12, T6N, R1E, thence east along the line between said sections 6 and 7 a distance of ½ mile terminating at the ¼ corner common to sections 6 and 7. *LANDOWNERS:* Randee & Connie Peterson, Robert W. & Annette Long, Patrick & Molly Salcone, William F. & Maria J. McCoy, Daivid B. & Delcinnie L. Wientjes, Donald R. Seaton, Mark Holsti, William Todd & Ann K. Church, Jerry C. & Barbara L. Dumas. Dated this 27th day of September, 2005. BOB EWING, CHAIRMAN Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

2003/2004 AUDIT: Bruce Hintz, State Auditor, discussed the Lawrence County 2003/2004 Audit Report with the Board. Hintz expressed concerns on the Emergency Management Homeland Security Grant. Hintz stated at this time he has not been able to secure documentation from the Spearfish Fire Department and the Lead Fire Department that some equipment purchased under the grant were bid. Hintz stated this would be a written comment if the bid documents were not secured. Paul Thomson, Emergency Management Director, stated there was confusion with the grant because originally the grant money was sent directly to the receiving entities, prior to the County being notified that the funds would pass thru the County.

Hintz completed that Lawrence County will receive a clean opinion letter on the financial statements meaning they represent fairly the financial position of Lawrence County. Hintz stated because of the new financial reporting there would be additional costs for the Audit.

ANNEX BUILDING DISPLAY: LeeAnn Burrer, was present on behalf of the Artemis House and requested permission to put a display in the Annex Building. The display would be displayed October 3, 4, & 5, 2005. The Board granted permission.

ECONOMIC DEVELOPMENT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to send a letter to Economic Development Administration in regards to comments on the Interim Final Rules. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-Opitz) 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-\$3,564.82; Aud-\$6,192.48; Treas-\$8,687.13, Comp-\$5,141.40; States Atty-\$13,058.59; Pub Def-\$6,456.78; Gen Govt Bldg-\$6,029.33; Equal-\$10,305.46; Rod-\$5,749.95; Vso-\$1,029.95; Disp-\$9,773.79; Sher-\$35,526.21; Jail-\$19,418.79; Emerg Mgnt-\$2,645.63; E911-\$1,575.20; Highway-\$34,465.00; Air-\$335.00; Ext-\$1,240.80; Weed-\$2,509.03; Pz-\$2,585.01; **Bills:** Baumann,M-\$38.40; Larson,R-\$66.00; Locken,W-\$130.60; Nelson,K-\$23.20;

Thomson,P-\$20.00; Tridle,D-\$52.06; Utecht,J-\$31.52; 4HCCS Distribution Center-\$454.16; A&B Business Equip-\$916.14; A&B Welding Supply-\$113.60; A&I Distributors-\$888.72; A&M Transport-\$75.00; ABC Business Supply-\$284.84; Accurint Accounts Receivable-\$25.25; Air Connection-\$680.38; Alco Store-\$4.00; Altaire Enterprises-\$320.00; Amcon Distributing-\$296.02; American Family Life-\$2,682.64; Amick Sound-\$193.05; Amoco Oil-\$274.54; At&T-\$9.02; Audiss,J-\$345.52; BH Chemical Company-\$797.11; BH Federal Credit Union-\$18,723.34; BH Fibercom-\$574.86; BH Land Analysis-\$810.00; BH Medical Ctr Pharmacy-\$2,174.99; BH Pest Control-\$95.00; BH Pioneer-\$682.29; BH Power & Light-\$7,873.81; Belle Fourche Daily Post-\$48.00; Best Business Prod-\$52.08; Best Western Ramkota Inn-\$456.00; Bickle's Truck & Diesel-\$135.99; Black Hills Counseling Service-\$150.00; Black Hills Pure-\$16.75; Blue Cross-\$47,546.11; Butte County Sheriff-\$17.28; Butte Electric Coop-\$180.53; Cedar Shore-\$135.00; Cellular One-\$160.14; Center Revolving-\$60.00; Central Parts-\$1,310.87; Chris Supply Co-\$66.02; Christensen Law Office-\$2,453.50; Clauser Machine Works-\$18.00; Clinical Lab Of BH-\$1,047.62; Community Health Services-\$10.00; Conoco-\$71.43; Corr Construction Service-\$57,218.60; Culligan Soft Water Serv-\$128.00; D Ware-\$60.00; Deadwood Recreation Center-\$141.00; Deckers Food-\$15.21; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$83,555.75; Diamond Mowers-\$265.65; Domestic Crisis Outreach-\$1,082.50; Eagle Aviation-\$273.00; Ellingson,J-350.22; Ertz,D-\$585.00; Et Sports-\$25.54; Fast Break Screen Printing-\$145.00; Fastenal-\$137.76; Federal Express Corp-\$184.88; Fish,V-\$17.00; Fisher Sand & Gravel-\$2,614.13; Frederickson,J-\$662.40; Gibbens,K-\$10.64; Godfrey's Brake Serv-\$45.28; Gold Dust-\$164.45; Great Western Tire-\$697.00; H&S Sand & Gravel-\$3,182.26; Haley's Tri-State Auction-\$64.00; Havemeier,L-\$163.40; Heisler Hardware-\$9.28; Hewlett-Packard Company-\$5,139.00; Hinker Trk & Trlr-\$2,075.00; Hood & Nies & Dardis-\$5,460.99; Hosmer, David M Law Office-\$43.85; Ikon Office Solutions-\$120.70; Integrity Ford-\$101.70; Jones,T-\$228.00; Kadrmas, Lee And Jackson-\$3,126.75; Karpinen,S-\$400.00; Kieffer,T-\$95.20; Kinney,M-\$3,369.36; Knecht True Value-\$58.21; LC Journal-\$608.68; LC Sheriff-\$155.11; LC Treasurer-\$300.00; Lee,J-\$15.00; Lewis & Clark-\$260.00; Lexisnexis Matthew Bender-\$312.00; LI Construction-\$6,120.00; M&S Construction & Asphalt-\$4,598.20; Mack's Auto Body-\$864.20; Marshall,R-\$225.00; May,Johnson,Doyle&Becker-\$1,261.72; Mcclure,S-\$360.00; Mid-Continent Testing-\$16.00; Midwest Benefit Consultants-\$949.19; Montana Dakota Utilities-\$28.11; Moss,W-\$400.00; NH Family Ymca-\$186.00; NH General Hospital-\$2,542.98; NJS Engineering-\$2,745.76; Nelson,T-\$240.00; Neve's Uniforms-\$201.59; New World Systems-\$1,250.00; Office Of Child Support-\$962.00; Pennington Co Auditor-\$573.00; Pennington Co Jail-\$661.86; Pennington County Sheriff-\$346.70; Pennington County Sts Attny-\$600.00-Percy Law-\$1,779.48; Performance One-\$325.00; Pitney Bowes-\$732.00; Porta Storage/Caj Enterprise-\$175.00; Postmaster, Spearfish-\$100.00; Queen City Motors-\$37.40; Queen City Rocket Lube-\$109.26; Qwest-\$873.77; RC City Of-\$3,430.00; Radio Shack/Kazco-\$39.99; Rapid Delivery-\$7.15; Regan Battery Maint Services-\$85.32; Regional Home Medical Equip-\$167.50; Reindl,S-\$2,197.98; Reliable-\$230.82; Reliance Telephone Systems-\$855.00; Roger Bernards Const-\$6,533.61; SD Retirement System-\$44,553.66; SD State Treasurer-\$867.96; SD Emergency Mngt Association-\$10.00; SD Law Review-\$28.30; SD Public Assur Alliance-\$378.00; SDRSpplemental Retirement-\$1,744.00; Sand Creek Printing-\$105.00; Servall Towel & Linen-\$711.72; Slate Creek Counseling-\$191.20; Southside Oil Co-\$26,325.63; Spearfish Ambulance Service-\$1,948.00; Spearfish Auto Supply-\$505.47; Speedylube-\$91.29; Stadler Ind Service-\$100.16; Summit Signs & Supply-\$801.50; Superior Lamp And Supply-\$160.32; Superior Sanitation-\$495.00; Supreme Court Of Sd-

\$325.00; Teen Court-\$4,971.55; Theresa Maxon Mlt-\$120.00; Thurman Law Office-\$161.32; Tigerdirect-\$702.05; Triple K Tire & Repair-\$55.75; Turner County Sheriff Office-\$15.00; Twin City Hardware & Lumber-\$1,199.40; United Building Center-\$13.21; United Parcel Service-\$16.84; Verizon Wireless-\$153.38; Victims Of Violence-\$1,082.50; Walmart Store-\$1,026.25; Waste Connections-\$428.00; Welke,L-\$120.00; Wells Fargo Bank-\$11.36; Western Communication-\$852.40; Western SDJuvenile Serv-\$13,942.50; Williams Standard Serv-\$251.17; Ziggy's Building Center-\$447.54; **Witness & Jurors:** Ziegler,D-\$20.24; Panner,R-\$21.92; Pittman,M-\$28.32; Coyle,P-\$29.60; Wainman,W-\$78.40; Rear,J-\$60.88; Anderson,M-\$66.00; Bergey,C-\$58.32; Bunnell,M-\$60.24; Clark,C-\$57.68; Eaves,J-\$62.80; Flanders,V-\$52.56; Flores,H-\$56.40; Hafner,D-\$62.80; Haiwick,M-\$59.60; Lefler,K-\$53.84; Purchase,L-\$51.28; Scovell,S-\$62.80; Sliper,R-\$53.20; Standley,J-\$66.00; Stenzel,E-\$52.56; Tetrault,M-\$59.60; Tippey,C-\$53.84; Young,J-\$59.60; Andrews,B-\$12.56; Blair,J-\$59.60; Bruner,J-\$22.80; Buchholz,W-\$62.80; Campbell,T-\$60.88; Donovan,C-\$19.60; Duckett,C-\$11.92; Erickson,A-\$11.92; Field,N-\$50.64; Hagan,S-\$10.64; Herbert,M-\$51.92; Hinton,T-\$51.92; Homsey-Pray,T-\$53.20; Lamb,C-\$22.80; Mackey,J-\$52.56; Moffett,N-\$19.60; Morrison,M-\$11.92; Myers,K-\$11.92; Pautz,K-\$59.60; Pope,A-\$20.88; Rogers,H-\$12.56; Ruth,K-\$53.20; Skroch,L-\$59.60; Smith,M-\$19.60; Taggart,M-\$12.56; Takacs,T-\$19.60; Wilkening,J-\$60.88; Amundson,C-\$62.80; Azevedo,B-\$19.60; Brossart,B-\$16.40; Christianson,J-\$59.60; Dardis,C-\$22.80; Delahoyde,J-\$19.60; Dohman,G-\$22.80; Eckhart,D-\$13.20; Edstrom,T-\$10.64; Erickson,J-\$21.52; Green,C-\$19.60; Griffith,K-\$58.32; Johnson,A-\$21.52; Kremer,M-\$62.16; Marshall,A-\$21.52; Mcdowall,B-\$19.60; Mehia,M-\$53.20; Nickel,D-\$56.40; Poling,C-\$60.24; Rehm,S-\$66.00; Robataille,W-\$22.80; Sander,D-\$61.52; Schramel,T-\$18.96; Schwarting,M-\$59.60; Scott,D-\$16.40; Soriano,P-\$60.88; Thacker,T-\$11.92; VanVactor,J-\$19.60; Wiese,P-\$11.92; Wilson,P-\$51.92; Babbitt,S-\$22.80; Barbarevech,L-\$18.96; Bauer,T-\$180.72; Bott,J-\$20.88; Braunesreither,K-\$10.64; Brewer,R-\$20.24; Burkard,R-\$19.60; Crandall,J-\$19.60; Dickman,A-\$19.60; Engler,G-\$10.64; Fish,K-\$165.36; Goodsell,J-\$24.08; Hernes,D-\$157.68; Johnson,C-\$17.68; Jurgensen,B-\$22.80; Kearney,G-\$20.88; Klein,A-\$178.80; Martian,D-\$174.96; Maskell,K-\$178.80; Mcamis,A-\$178.80; Mcdowall,O-\$178.80; Mcfarling,W-\$180.72; Opitz,J-\$11.28; Parker,J-\$178.80; Rodriguez,E-\$173.04; Wahl,B-\$22.80; Weber,A-\$22.80; Weidner,S-\$178.80; Wenzel,D-\$174.96; Wheeler,K-\$17.68; Baker,W-\$21.92; Bendickson,K-\$32.80; Bonnett,B-\$20.64; Charles,Jc-\$28.00; Corkins,Tj-\$21.92; Cox,C-\$31.52; Crowley,S-\$29.60; Culver,K-\$29.60; Duprel,A-\$29.60; Erickson,L-\$29.60; Garduna,K-\$35.36; Geffre,J-\$21.92; Gerlich,T-\$30.24; Gross,T-\$29.60; Hall,D-\$29.60; Hart,S-\$20.64; Harvey,A-\$21.92; Heisler,J-\$49.44; Hill,F-\$20.64; Hill,L-\$30.88; Holman,C-\$20.00; Holman,L-\$29.60; Kari,K-\$28.96; Kari,R-\$28.96; Keller,B-\$36.00; Kellogg,M-\$29.60; Knutson,B-\$48.80; Kortuem,K-\$48.80; Kortuem,R-\$48.80; Kyte,J-\$22.56; Linenko,T-\$20.64; Masuha,G-\$20.64; Mseleku,N-\$20.64; Obanion,E-\$20.64; Panhuise,M-\$48.80; Prozinski,M-\$28.00; Renner,D-\$20.64; Shannon,T-\$20.64; Tetrault,L-\$29.60; Trobaugh,A-\$48.80

ADJOURN: 11:15 a.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

DATE APPROVED

ROBERT EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 11, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 11, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, James J. Seward, Terry W. Weisenberg and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of September 27 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Opitz) to approve Laurie Upton as a guard/transport officer at the base rate of \$10.04 an hour, effective 9-24-2005. Motion Carried.

AIRPORT BOARD APPOINTMENT: Moved-Seconded (Opitz-Douglas) to appoint Matthew Kinney to the Airport Board to fill a term to expire on 01/2008. Motion Carried.

EQUALIZATION: Moved-Seconded (Seward-Douglas) to re-instate Scott Sandvig as a full-time Appraiser 3 Grade 1 at the base rate of \$13.36 an hour, effective 10-17-2005. Motion Carried.

TRAVEL REQUESTS:

PLANNING & ZONING: Moved-Seconded (Opitz-Douglas) to approve the travel request for Brandon Flanagan, Amber Vogt, Bob Ewing, Terry Weisenberg and Karl Burke to attend the SD Planners Conference in Brookings, SD on October 25 -27, 2005. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Seward) to approve the travel request for James Watts to attend the Instructor Re-Certification in Pierre, SD on November 14-15, 2005. Motion Carried.

LEGISLATIVE DAY: Moved-Seconded (Opitz-Seward) to allow Terry Weisenberg and Bruce Outka to attend the special legislative day in Pierre on the Homestake Lab. Motion Carried.

FARM SERVICE AGENCY: Moved-Seconded (Weisenberg-Opitz) to approve and authorize a letter of support for the Farm Service Agency in Belle Fourche. Motion Carried.

FLU SHOT CLINIC: Lawrence County will hold a flu shot clinic for all employees on October 31, 2005 from 3:00 to 4:00 p.m.

PUBLIC DEFENDER CONFLICT CASES: The Public Defender Board will be interviewing the applicants for the proposed contract on Public Defender conflict cases and then a recommendation will be sent to the Commissioners for final approval.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Seward) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of September 30, 2005 showed the following: 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)-\$158,827.47; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$934,849.39; Savings-\$3,167,175.14; GNAMS-\$19,729.01; and Money Market \$1,205,535.57, Total \$9,195,180.36.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of September 30, 2005 is \$1,841,833.43 or 12.99%.

SUPPLEMENTAL BUDGET #05-33: A public hearing was held on a supplemental budget for the General Fund / Insurance for \$5,000. No public input was received. The public hearing was closed. Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #05-33 for a supplemental budget. Motion Carried. RESOLUTION #05-33 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: Insurance-\$5,000; 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 11th day of October, 2005 at the hour of 8:15 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 11th day of October, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

ISOLATED TRACT:

KLUTHE: The Board discussed the request to make a determination as to legal access to the property from Carol Kluthe on an isolated tract of land located in the NW1/4 SE1/4 T5 R4 S6. The Board scheduled an on-site review of the property for October 24, 2005.

CONDITIONAL USE PERMIT #199-05 / ZUHR: A Public Hearing was held on an Amendment to Conditional Use Permit #199-05 for an additional storage unit. Owner/ Representative: Kay & Bob Zuhr. Legal Description: M.S. 1399 Tract 1 & Tract 2 Ex H1, Section 12, T4N, R3E. Location: Hwy 385. No public input was received. Moved-Seconded (Seward-Weisenberg) to follow Planning and Zoning recommendation and approve Conditional Use Permit #199-05 for Kay & Bob Zuhr, with conditions that are on file in the Planning and Zoning Office. Motion Carried.

VARIANCE #95 / FULLER: A public hearing was held on Variance #95. Owner/Representative: Thad Fuller. Legal Description: Lot 18 of Homestake/Forest Service Lots, Section 9, T4N, R2E. Location: Spearfish Canyon Purpose: 7' variance to the 25' setback. Jack Cole was present and voiced concerns opposed to the variance. Fuller explained there was an existing garage on the lot, and they moved the new garage back from the road, to the point that they needed to dig out the bank before they could build. Moved-Seconded (Seward-Weisenberg) to follow Planning and Zoning recommendation and approve Variance #95 for Thad Fuller due to the obstacle on the land. Motion Carried.

VARIANCE #96 / SCHULTES & BEEMER: A public hearing was held on Variance #96. Owner/Representative: Troy Schultes and Joel Beemer. Legal Description: Lots 47 & 48 BLK H & 30 X 150 Triangle Adjacent to Lots 47 & 48 M.S. 1199, Section 18, T5N, R3E. Location: Maitland. Purpose: 25' variance to the 25' setback. Dennis and Dianne Wortman, adjoining landowners, spoke in opposition of the variance. Wortman's stated they were opposed to the illegal building in the right of way and stated the problem needs to be fixed before any expansion to the building is allowed. The public hearing was closed and the Board continued discussion on the request. The Board discussed if this should be two separate issues. Douglas asked if the buildings would be connected or if they could leave them separate. The requesters stated they would be connected as the first part of the building is not a garage anymore and would be part of the house. Moved-Seconded (Douglas-Opitz) to deny variance #96 for Schultes and Beemer because the existing structure issue needs to be cleared up, prior to adding on to the building, because it will all be one structure when completed. Motion Carried. Aye-Douglas, Opitz and Ewing. Nay-Weisenberg and Seward.

VARIANCE #97 / DUNLAP: A public hearing was held on Variance #97. Owner/ Representative: George Dunlap. Legal Description: Lot 132 Spearfish Canyon Lots, Section 8, T5N, R2E. Location: Spearfish Canyon. Purpose: 10' variance to the 25' setback. No public input was received. Moved-Seconded (Seward-Weisenberg) to follow Planning and Zoning recommendation and approve Variance #97 for George Dunlap, because the limitations in lot size and terrain make conforming construction difficult. Motion Carried.

SNOW REMOVAL & MAINTENANCE / WINKLER: Emmet Winkler was present and requested that the County provide snow removal and maintenance for an additional 9/10's of a mile so he could access his land. Steve Ryan, Highway Department Foreman, was present for the discussion. Ryan explained this is a secondary road and the County has not maintained this road in the past. The Board explained the County does not levy for secondary roads and can not afford to maintain and do snow removal on all the secondary roads within the County.

PLAT ROCHFORD RIDGE ESTATES:

PLAT: Moved-Seconded (Seward-Weisenberg) to approve the plat of 11 lots of Rochford Ridge Estates. Motion Carried.

LETTER OF CREDIT: Moved-Seconded (Weisenberg-Douglas) to approve the release of the Letter of Credit Guarantee and Memorandum of Agreement for the Rochford Ridge Estates. Motion Carried.

BURN BAN: The Board discussed the Burn Ban effective in Lawrence County. The Board stated November 1, 2005 is an appropriate date to remove the ban and decided to revisit the issue on October 25, 2005.

BILLS: Moved-Seconded (Weisenberg-Opitz) 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-\$3,564.82; Aud-\$6,318.71; Treas-\$8,653.05; Comp-\$5,141.40; States Atty-\$13,356.22; Pub Def-\$6,463.80; Gen Govt Bldg-\$6,070.52; Equal-\$10,226.60; Rod-\$6,227.60; Vso-\$1,029.95; Disp-\$8,952.89; Sher-\$28,952.78; Jail-\$17,307.61; Emerg Mgnt-\$2,425.33; E911-\$1,497.80; Highway-\$30,420.86; Air-\$241.20; Ext-\$2,086.40; Weed-\$2,529.17; Weed-\$2,585.01; **Bills:** Atkinson,C-\$117.44; Baumann,M-\$9.60; Mowell,R-\$6,453.00; Patino,M-\$9.00; Piekkola,D-\$105.00; A&B Business Equip-\$78.41; A&B Welding Supply-\$6.90; A&I Distributors-\$1,072.05; A&J Supply-\$80.06; ABC Business Supply-\$499.80; Accurint Accounts Receivable-\$13.25; Altaire Enterprises-\$20.00; American Family Life-\$2,682.64; Amoco Oil-\$40.53; BH Chemical Company-\$148.22; BH Federal Credit Union-\$9,411.67; BH Fibercom-\$1,817.42; BH Funeral Home & Cremation-\$795.00; BH Land Analysis-\$472.50; BH Medical Center-\$137.90; BH Medical Ctr Pharmacy-\$2,337.17; BH Pest Control-\$95.00; BH Pioneer-

\$99.00; BH Power & Light-\$5,528.25; BH Window Cleaning-\$15.00; BH Windshield Repair-\$50.00; Bickle's Truck & Diesel-\$6.15; Blue Cross-\$46,760.41; Borders-\$19.99; Butler Machinery Co-\$374.05; Butte County Sheriff-\$8.26; Butte Electric Coop-\$346.67; Cellular One-\$778.74; Central Parts-\$837.82; Chemical Sanitizing Sys-\$139.21; Christensen Law Office-\$525.25; City/County Alcohol & Drug-\$2,295.00; Clinical Lab Of BH-\$1,184.12; Cole Information Services-\$218.95; Conoco-\$156.41; Corral West-\$94.85; Cow Country-\$6,800.00; Crume,K-\$600.00; Culligan Soft Water Serv-\$47.50; D Ware-\$60.00; Deadwood Home Center-\$35.67; Deadwood Recreation Center-\$141.00; Deadwood, City Of-\$761.12; Deckers Food-\$32.71; Delahoyde's Paint & Body-\$782.28; Dept Of Hlth Lab Services-\$66.00; Dept Of The Treasury-\$37,698.80; Et Sports-\$261.97; Extension Service-\$256.23; Extension Service-\$140.00; Fhc-\$159.75; Family Thrift Center-\$30.17; Fastenal-\$37.55; Fish,V-\$415.00; Fisher Sand & Gravel-\$28,273.98; Frederickson,J-\$148.00; Gene's Lock Shop-\$14.40; Genpro Power Systems-\$295.00; Godfrey's Brake Serv-\$99.12; Gold Dust-\$80.50; Governors Inn-\$652.85; Great Plains Chemical-\$360.00; Great Western Tire-\$997.85; Greens Alignment-\$256.61; Grosfield,L-\$163.98; Havemeier,L-\$6.80; Hazmat Explo 9-\$95.00; Heisler Hardware-\$142.77; Hickok's Iron Horse Inn-\$106.62; Hills Material Comp-\$35,573.93; Hobart Sales & Service-\$308.91; Howell,J-\$142.80; Integrity Ford-\$207.98; J&D Precast-\$611.52; Jacobs Precision Welding-\$1,658.03; Kadrmas, Lee And Jackson-\$9,528.12; Karpinen,S-\$240.00; Knecht True Value-\$218.93; LC Journal-\$37.00; LC Conservation Dist-\$5,000.00; LC Sheriff-\$184.00; LC Treasurer-\$100.00; Lead, City Of-\$48.00; Lead-Deadwood Sanitary-\$441.90; Lindstad's-\$497.99; M&M Sanitation-\$1,300.00; Mearthur,J-\$40.00; Mcclure,S-\$200.00; Meade County Sheriff-\$16.05; Midwest Benefit Consultants-\$969.62; Montana-Dakota Util-\$1,709.00; NH Family Ymca-\$156.00; NH General Hospital-\$539.03; National Emergency-\$190.00; Nelson,T-\$280.00; Neve's Uniforms-\$61.85; Office Of Child Support-\$481.00; Office Technology/Supply-\$75.98; Pennington Co Jail-\$159.68; Pennington County Sheriff-\$21.62; Pennington County Sts Attny-\$400.00; Percy Law-\$3,450.28; Pitney Bowes-\$117.20; Queen City Rocket Lube-\$65.73; Qwest-\$43.52; RCRH Patient Collections-\$100.00; Radio Shack/Kazco-\$3.99; Roger Bernards Construction-\$1,647.30; Rombough,D-\$486.60; SD State Treasurer-\$14,788.41; SD Dept Of Transportation-\$39,315.61; SD Human Services Center-\$92.00; SD Law Review-\$28.30; SD Planners Association-\$410.00; SD Public Assur Alliance-\$91.00; SDRS Supplemental Retirement-\$872.00; Salzsieder,M-\$3,735.00; Sharon Green Counseling-\$60.00; Shedd Jewelers-\$459.00; Southside Oil Co-\$1,461.40; Spearfish Auto Supply-\$517.75; Spearfish Glass-\$15.00; Spearfish Motors-\$48.00; Spearfish School District-\$12,371.00; Stuen,N-\$350.00; Subway-\$141.49; Summit Signs & Supply-\$372.00; T & W Appliance/Knothole-\$65.75; Teen Court-\$851.89; Thurman Law Office-\$242.79; Tigerdirect-\$436.96; Triple K Tire & Repair-\$393.19; Trump Law Office-\$6,615.50; Twin City Hardware & Lumber-\$1,051.12; Uap Timberland-\$6,870.50; United Parcel Service-\$10.50; Verizon Wireless-\$327.23; Waste Connections-\$227.93; Wells Fargo Business Card-\$99.03; Wells Plumbing & Farm Supp-\$1,211.24; Western Communication-\$386.10; Williams & Associates-\$360.00; Xerox Corporation-\$165.00; Zieg Trucking-\$11,326.13; Ziggy's Building Center-\$258.93; **Witness & Jurors:** Harlan,R-\$11.92; Albers,S-\$178.80; Amburn,S-\$19.60; Barbee,K-\$10.64; Brookings,B-\$17.68; Buckneberg,R-\$22.80; Christofferson,J-\$19.60; Cole,D-\$19.60; Collins,C-\$11.28; Collins,R-\$19.60; Dahl,M-\$19.60; Decker,R-\$11.92; Decory,W-\$19.60; Farmer,D-\$16.40; Fuka,J-\$19.60; Furois,M-\$178.80; Gustafson,S-\$184.56; Hagen,J-\$12.56; Haislett,J-\$14.48; Halverson,K-\$21.52; Hansen,A-\$11.92; Hansen,S-\$26.00; Heinen,R-\$11.92; Kennedy,R-\$17.68; Kiger,J-\$180.72; Kotak,J-\$188.40; Lance,M-\$10.64; Lattin,G-\$22.80;

Lee,T-\$26.00; Lund,L-\$19.60; Madsen,T-\$11.92; Mccoy,C-\$11.92; Mcgraw,H-\$151.92; Mclaughlin,M-\$10.64; Mikkelson,L-\$17.68; Miller,N-\$188.40; Mitchell,M-\$182.64; Mollman,R-\$11.92; Munger,A-\$19.60; Nauman,S-\$21.52; Neuder,J-\$188.40; Nies,L-\$22.80; Odell,L-\$22.80; Pelletier,J-\$21.52; Perry,B-\$21.52; Pontius,A-\$11.92; Powers,S-\$11.28; Ridley,W-\$178.80; Roberts,T-\$20.24; Ryan,R-\$18.32; Savage,L-\$22.80; Schmadeke,H-\$11.92; Schmit,C-\$11.92; Sorenson,L-\$10.64; Spaid,T-\$11.92; Spraitz,M-\$22.80; Surdez,M-\$178.80; Switzer,D-\$178.80; Thornton,D-\$11.92; Tracy,J-\$188.40; Wagner,G-\$11.28; Wild-Bagley,J-\$11.92; Zimbleman,R-\$29.20

ADJOURN: 10:35 a.m. there being no further business it was Moved-Seconded (Opitz-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

ROBERT EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 25, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 25, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg and George Opitz present. Connie H. Douglas was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of October 11, 2005. Motion Carried. Aye-Weisenberg, Opitz, and Ewing. Absent Seward.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Seward) to approve Lori Fredericksen as a full time Dispatcher 2 G3 at the base rate of \$13.62, effective 11-1-2005. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Linn Hill as a Guard Transport Officer at the base rate of \$10.04 an hour, effective 10-01-2005

PLANNING & ZONING: Moved-Seconded (Seward-Weisenberg) to approve Amber Vogt as an Administrative Secretary G2 at the base rate of \$11.75 an hour, effective 10-7-2005. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Tavis Little to attend the Taser Instructor Training Course in North Sioux City, SD on November 13-16, 2005. Motion Carried.

AUTOMATIC SUPPLEMENTS: Moved-Seconded (Opitz-Weisenberg) to approve the automatic supplement to the Elections Budget for \$4,137 for an Election Grant. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve an automatic supplement to the Fire Protection Fund for a Firewise grant of \$8,709.95. Motion Carried.

HOMELAND SECURITY GRANT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Homeland Security Grant 2003 Reallocation Project Funds of \$15,000 to the

Spearfish School District with the stipulation that the project be bid. Motion Carried. Aye-Weisenberg, Opitz, and Ewing. Nay-Seward.

LAWRENCE COUNTY BURN BAN: Moved-Seconded (Weisenberg-Opitz) to approve the following Lawrence County Resolution #2005-34. Motion Carried. Aye- Aye-Weisenberg, Opitz, and Ewing. Absent-Seward. LAWRENCE COUNTY RESOLUTION # 2005-34: 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 12, 2005, 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 #2005-21. Dated this 25th day of October, 2005. FOR THE BOARD: Robert E. Ewing CHAIR. ATTEST: Connie Atkinson, AUDITOR

EMERGENCY MANAGEMENT FFY2006 AGREEMENT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Emergency Management FFY 2006 State and Local Agreement between the State of South Dakota and Lawrence County. Motion Carried.

MOTOR GRADERS: The Board reviewed the documents from Walworth County and the following awarded bid for current 2005 articulated motor graders:

Butler Machinery Company: 140H Motor Grader as per specifications \$173,348.00

Optional bid items:

1. Amount to deduct for waiving of performance bond requirement	(\$ 2,338.00)
2. Amount to add for left or right hand blade extension	\$ 933.00
3. Amount to add for 12' Falls or Balderson snow wing	\$14,430.00
4. Amount to add for hydraulic rear post option for snow wing	\$ 2,665.00
5. Amount to add for front lift group	\$ 5,139.00
6. Amount to add for falls V90 or equivalent V-Plow	\$ 6,297.00
7. Amount to add for rear ripper with five shanks	\$12,400.00
8. Amount to add for front scarifier, mounted behind front wheels	\$ 6,563.00

9. Amount to add for transmission guard	\$ 1,835.00
10.Amount to add for front fenders that turn with wheels	\$ 748.00
11.Amount to add for rear fenders	\$ 2,317.00
12.Amount to add for blade lift accumulator	\$ 2,599.00

Guaranteed Buyback Options:

1. 5 years/3000 hours	\$105,000.00
2. 5 years/5000 hours	\$ 95,000.00
3. 5 years/7500 hours	\$ 85,000.00
4. 7 years/3000 hours	\$ 85,000.00
5. 7 years/5000 hours	\$ 80,000.00
6. 7 years/7500 hours	\$ 70,000.00

Finance Options:

1. Annual Lease Payment for 5 years or 7500 hours	\$22,487.86
2. Annual Lease Payment for 7 years or 7500 hours	\$20,823.52

Moved-Seconded (Seward-Opitz) to approve and purchase from the Walworth County Bid six Caterpillar Model 140H graders at the base bid of \$173,348 plus bid option#1 (minus \$2,338 waive performance bond) and select a guaranteed buyback option #6 at 7 years/\$7,500 hours for a total of \$1,026,060 from Butler Machinery Company (Total Cost Bid). Motion Carried. Aye-Seward, Opitz and Ewing. Absent-Weisenberg.

Moved-Seconded (Seward-Opitz) to declare the six 1998 motor graders surplus (SN#'s 9TN00566, 9TN00697, 9TN00630, 9TN00629, 9TN00627, and 9TN00628) and set the minimum sealed bid at \$93,800 each (minimum buy back). Bid opening date will be December 27, 2005 at 9:00 a.m.. Motion Carried.

HIGHWAY TRANSFER OF FUNDS: Moved-Seconded (Weisenberg-Seward) to approve the transfer of \$214,000 from Snow Removal Funds to the Road and Bridge Labor Salaries and account for expenses properly chargeable against the Snow Removal Funds. Motion Carried.

NURSE REPORT: Mavis Potter was present to review the nurse report for Lawrence County from July-September 2005.

JUNK ENFORCEMENT LETTER: Moved-Seconded (Seward-Weisenberg) to send a letter to Petitt's giving them notice to clean up their property. Motion Carried.

CONDITIONAL USE PERMIT #313 –WINERY & RETAIL AREA: A public hearing was held on Conditional Use Permit #313 Winery & Retail Area. Owner/Representative: Jeff Burket/Greg McAdoo. Legal Description: N ½ SW ¼ NW ¼ and the S. Redwater remaining pt of N ½ SE ¼ NW ¼, Section 10, T7N, R2E. Location: Hwy 85 North- Redwater Purpose: To allow a vineyard, winery, tasting room and retail area. Greg Kruskamp was present to request a CUP for the winery, a retail outlet, a special events area, temporary food service permit, and signage. There was no public input and the public hearing was closed. Moved-Seconded (Seward-Weisenberg) to follow Planning and Zoning recommendation and approve Conditional Use Permit #313 with conditions as on file in the Planning and Zoning Office. Motion Carried.

PLANNING & ZONING ORDINANCE REVISIONS – SUBDIVISION PROCESS AND PLAT SUBMITTAL PROCESS: Flanagan explained the revised ordinance delineates 2 types of plats; the minor subdivision, which is 4 or less, and the major subdivision, which is 5 or more. Planning & Zoning will see all plats and the County Commissioners will see plats with 5 or more lots. The Board discussed the Ordinance Revision. No public input was present and the public hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve the Planning and Zoning Ordinance Revisions. Motion Carried.

APPLE SPRINGS PLANNED UNIT DEVELOPMENT - SURETY: Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairman to sign the Memorandum of Agreement and accept the Letter of Credit as surety for the Apple Springs Planned Unit Development in Boulder Canyon. Motion Carried.

GENERAL DISCUSSION / DEER POPULATIONS: The Board discussed the Deer problem in Lawrence County and what options may be available to remedy the problem. The Board asked Bruce Outka, Deputy States Attorney to research options available to the County.

BILLS: Moved-Seconded (Weisenberg-Opitz) 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-\$3,564.82; Aud-\$5,946.09; Treas-\$8,022.04; Comp-\$4,883.57; States Atty-\$12,835.50; Pub Def-\$6,247.58; Gen Govt Bldg-\$5,709.32; Equal-\$9,783.38; Deeds-\$5,815.13; Vso-\$1,029.95; Disp-\$9,995.13; Sher-\$26,074.33; Jail-\$18,557.72; Emerg Mgnt-\$2,561.75; E911-\$1,312.00; Highway-\$30,510.50; Air-\$462.30; Ext-\$1,128.00; Weed-\$2,206.93; Pz-\$2,397.50; **Bills:** Davis,J-\$169.07; Nelson,K-\$23.20; Sandvig,S-\$28.80; A&B Business Equip-\$2,523.35; ABC Business Supply-\$1,076.99; Air Connection-\$64.00; Amcon Distributing-\$595.72; Amoco Oil-\$519.89; Andersen,N-\$15.00; APCO Institute-\$559.00; AT&T-\$1.12; BH Chemical Company-\$129.00; BH Federal Credit Union-\$10,026.33; BH Pioneer-\$455.46; BH Power & Light-\$5,661.71; Behavior Mngt Systems-\$695.63; Black Hills

Pure-\$11.50; Butte County Sheriff-\$24.78; Chemsearch-\$590.91; Child Psychology Services-\$600.00; Christensen Law Office-\$543.75; Coley,M-\$60.00; Conoco-\$127.35; Construction Concepts-\$13,311.00; Correctional Billing-\$4.88; Culligan Soft Water Serv-\$33.50; Dakota Graphics-\$465.00; Days Inn-\$54.18; Dept Of The Treasury-\$36,168.21; Dietrich,D-\$251.00; Domestic Crisis Outreach-\$587.50; Ecsi-\$953.00; Ellingson,J-\$441.45; Ertz,D-\$520.00; Evercom Systems-\$1,795.00; FSH Communications-\$55.00; Family Thrift Center-\$27.54; Fisher Sand & Gravel-\$5,650.72; Gold Dust-\$92.00; Havemeier,L-\$34.20; Heartland Paper Co-\$1,157.49; Hickok's Iron Horse Inn-\$56.87; Ibm-\$594.00; Ikon Office Solutions-\$120.70; Kieffer,T-\$2,576.40; Kimball-Midwest Co-\$133.00; Kinney,M-\$435.97; Kittelson,J-\$15.00; Kooistra,N-\$30.00; LC Journal-\$331.28; LC Emerg Mgnt-\$28.61; LC Treasurer-\$100.00; Laboratory Corp Of America-\$72.00; Language Line Services-\$49.25; Lee,J-\$15.00; Lewis County District Court-\$10.00; Lexisnexis Matthew Bender-\$357.00; Looyenga,Dr-\$350.00; Mckinstry,R-\$380.53; Meade County Clerk-\$141.40; Meade County Sheriff-\$77.50; Medicine Shoppe-\$136.01; Mid America Specialties-\$262.34; Montana-Dakota Util-\$36.01; ND State University-\$31.50; NH General Hospital-\$71.90; NJS Engineering-\$4,099.32; National Assoc Of Counties-\$442.00; Nelson,C-\$160.00; Neve's Uniforms-\$49.95; Occupational Health Network-\$40.00; Office Of Child Support-\$418.50; Outdoor Motor Sports-\$53.12; Pennington Co Jail-\$1,967.45; Pennington County Sheriff-\$48.58; Pennington County Sts Attny-\$200.00; Pizza Hut-\$130.59; Porta Storage-\$175.00; Qwest-\$963.70; RCRH Patient Collections-\$100.00; RC Finance Office-\$1,680.00; RC Police Dept-\$9.23; RC Regional Hospital-\$793.00; Rabe Elevator-\$1,193.76; Radio Shack-\$404.91; Regional Behavioral Health-\$396.26; Rollin Oil-\$7,957.44; SD Retirement System-\$43,575.63; SD Human Services Center-\$167.30; SDRS Supplemental Retirement-\$872.00; Safety Benefits-\$100.00; SDACO-\$8.00; Servall Towel & Linen-\$118.51; Skamania Lodge-\$465.00; Slate Creek Counseling-\$1,534.06; Spearfish City Of-\$5,000.00; Speedylube-\$71.85; Stadler Ind Service-\$1,345.00; Subway-\$23.23; The Old Woodshop-\$1,632.00; Tigerdirect-\$763.36; Turner County Sheriff Office-\$7.50; Twin City Hardware & Lumber-\$216.37; U S Identification Manual-\$82.50; Verizon Wireless-\$355.78; Victims Of Violence-\$587.50; Walmart-\$224.38; Waste Connections-\$200.07; West Group-\$349.50; Western Communication-\$3.00; Western SD Juvenile Serv-\$4,950.00; Yankton County-\$205.60; Ziggy's Building Center-\$754.04; **Witness & Juror:** Hansen,R-\$39.20; Ziegler,D-\$20.24; Wainman,W-\$78.40; Davis,J-\$51.04; Rear,J-\$60.88; Anderson,M-\$66.00; Bergey,C-\$58.32; Bunnell,M-\$60.24; Clark,C-\$57.68; Eaves,J-\$62.80; Flanders,V-\$52.56; Flores,H-\$56.40; Haiwick,M-\$59.60; Purchase,L-\$51.28; Scovell,S-\$62.80; Sliper,R-\$53.20; Smith,K-\$57.68; Standley,J-\$66.00; Stenzel,E-\$52.56; Tetrault,M-\$59.60; Tippey,C-\$53.84; Young,J-\$59.60; Andersen,A-\$21.92; Andrews,B-\$315.36; Blair,J-\$357.60; Bruner,J-\$22.80; Buchholz,W-\$22.80; Campbell,T-\$20.88; Donovan,C-\$357.60; Duckett,C-\$11.92; Erickson,A-\$11.92; Field,N-\$10.64; Hagan,S-\$10.64; Herbert,M-\$311.52; Homsey-Pray,T-\$13.20; Lamb,C-\$376.80; Mackey,J-\$315.36; Moffett,N-\$357.60; Morrison,M-\$311.52; Pautz,K-\$19.60; Pope,A-\$20.88; Rogers,H-\$12.56; Ruth,K-\$13.20; Skroch,L-\$19.60; Smith,M-\$19.60; Takacs,T-\$357.60; Wilkening,J-\$20.88; Babbitt,S-\$22.80; Barbarevech,L-\$18.96; Bauer,T-\$20.24; Bott,J-\$20.88; Braunesreither,K-\$10.64; Brewer,R-\$20.24; Burkard,R-\$19.60; Crandall,J-\$19.60; Dickman,A-\$357.60; Engler,G-\$10.64; Goodsell,J-\$24.08; Hernes,D-\$12.56; Johnson,C-\$17.68; Jurgensen,B-\$22.80; Kearney,G-\$20.88; Martian,D-\$18.32; Maskell,K-\$19.60; Mcamis,A-\$19.60; Mcdowall,O-\$19.60; Mcfarling,W-\$20.24; Opitz,J-\$11.28; Parker,J-\$19.60; Rodriguez,E-\$17.68; Wahl,B-\$376.80; Weber,A-\$22.80; Weidner,S-\$19.60; Wenzel,D-\$349.92; Wheeler,K-\$346.08; Bernards,M-\$11.28; Blake,A-\$19.60; Braunesreither,J-\$10.64; Bruner,D-

\$62.80; Carlson,B-\$60.88; Chau,L-\$26.00; Cooch,E-\$59.60; Crowley,S-\$19.60; Evans,R-\$66.00; Foerster,A-\$11.92; Haak,G-\$26.00; Heintz,D-\$18.96; Hoscheid,T-\$19.60; Huntington,A-\$59.60; Janssen,E-\$11.92; Job,L-\$51.28; Kennedy,G-\$51.92; Krier,G-\$59.60; Lacroix,D-\$52.56; Magnusson,B-\$22.80; Miles,G-\$58.96; Morgon,J-\$20.24; Pearson,J-\$19.60; Rochelle,A-\$19.60; Rogers,H-\$18.32; Springer,B-\$22.80; Sprinkel,B-\$11.92; Steffen,S-\$12.56; Stulken,P-\$51.92; Swisher,P-\$24.72; Vandavelde,D-\$22.80; Vannorman,S-\$53.20; Aden,T-\$20.96; Bartels,K-\$21.92; Brisland,M-\$29.60; Crowley,C-\$29.60; Geffre,S-\$29.60; Gigliotti,B-\$33.44; Griffith,K-\$28.32; Gubbard,C-\$29.60; Hall,B-\$21.92; Locati,S-\$29.60; Noland,M-\$29.60; Palmgren,R-\$26.40; Roper,L-\$36.00; Stone,D-\$21.92; Teragan,M-\$29.60; Widener,C-\$20.32; Burnett,S-\$19.60; Dahl,L-\$16.40; Laumer,K-\$21.52; Longden,G-\$10.64; Mele,R-\$19.60; Regan,T-\$12.56; Roth,M-\$18.32; Seyer,J-\$22.80; Sheanan,T-\$19.60

ADJOURN: 10:10 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

DATE APPROVED

ROBERT EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 8, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 8, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Connie Douglas and George Opitz present.

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

MINUTES: Moved-Seconded (Douglas-Seward) to approve the minutes of October 25, 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Seward) to reinstate Lori Fredericksen as a part-time dispatcher at the base rate of \$13.62 an hour, effective 11-1-2005 and advertise for a full time dispatcher. 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 October 31, 2005 showed the following: 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)-\$1,100,278.07; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$16,044.10; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$2,402,807.59; Savings-\$7,771,109.07; GNAMS-\$19,607.79; and Money Market \$1,206,526.82, Total \$15,100,051.27.

SUPPLEMENTAL BUDGET #05-35: A public hearing was held on a supplemental budget for the Road & Bridge Fund / Snow Removal for \$100,000. No public input was received. The public hearing was closed. Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #05-35 for a supplemental budget. Motion Carried. **RESOLUTION #05-35 TO ADOPT A SUPPLEMENTAL BUDGET:** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: ROAD & BRIDGE FUND: Snow Removal-\$100,000; 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 8th day of November, 2005 at the hour of 8:15

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 8th day of November, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

AGRICULTURE DISASTER RESOLUTION: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the following Agriculture Disaster Resolution #2005-37. Motion Carried. **LAWRENCE COUNTY AGRICULTURE DISASTER RESOLUTION #2005 – 37:** WHEREAS, all of Lawrence County has failed to receive adequate precipitation, and WHEREAS, the lack of precipitation over the past four years has created a state of drought; and WHEREAS, the drought conditions had an enormous effect on the production capabilities of the agricultural industry which in turn severely affects the entire local economy, and WHEREAS, based on the USDA Flash Situation Report, drought, excessive heat and high winds during the 2005 growing season in Lawrence County following extended drought since August 2001 has caused subsoil moisture to be far below normal, which greatly reduced 2005 non-irrigated crop and forage production, and most livestock water reservoirs and springs are dry due to lack of snow melt and run-off water during this extended period, BE IT THEREFORE RESOLVED that the Lawrence County Commissioners declare that the current drought conditions have created a natural disaster within Lawrence County; and BE IT THEREFORE FURTHER RESOLVED that both farmers/ranchers and local businesses may be eligible for disaster aid grants and/or low interest Economic Injury Disaster loans from the Farm Service Agency and Small Business Administration Agency. Dated this 8th day of November 2005. FOR THE BOARD: Robert Ewing, CHAIRMAN
ATTEST: Connie Atkinson, AUDITOR

EXECUTIVE SESSION: 8:20 a.m. Moved-Seconded (Opitz-Seward) to go into executive session to discuss personnel with Rick Mowell and Joe Harmon. Motion Carried. 8:30 opened for regular business. No action taken.

PATROL VEHICLES: Moved-Seconded (Opitz-Weisenberg) to approve and authorize the purchasing of three Durango's from the State Bid for \$26,309. Motion Carried. \$64,000 is budgeted for 2006 so the additional \$15,000 will need to be supplemented to cover the additional cost. The old vehicles will need to be declared surplus and sold because they are not able to trade the vehicles in.

COUNTY POOL VEHICLE: Moved-Seconded (Opitz-Seward) to approve the purchasing of a 2006 Tahoe 4WD from Queen City Motors for \$32,990 because they meet and exceed the State bid of \$32,993 and to set a supplemental budget hearing for November 22, 2005 at 10:45 a.m. for the Commission Capital Asset budget for \$32,990. Motion Carried.

RESOLUTION #05-36 TO ESTABLISH CONSOLIDATED BOARD OF

EQUALIZATION: Moved-Seconded (Opitz-Weisenberg) to approve the following Resolution #05-36 to establish a Consolidated Board of Equalization. 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 8th day of November, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS: Robert Ewing, Chairman. ATTEST: Connie Atkinson, Auditor.

RIGHT OF WAY / UTILITY PERMIT

QWEST COMMUNICATIONS: Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairman to sign the Application for Occupancy on Right of Way of County Highways for Qwest Communications on the Erickson Road in Section 11 SE1/4 T4N R4E. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign the Application for Occupancy on Right of Way of County Highways for Black Hills Power on the Terry Peak Summit Rd to 2.65 miles North of Hwy 14A and 85 on Terry Summit Rd T4N R2E Sec 12, SW1/4. Motion Carried.

AVENTURE ESTATES LLC: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for Occupancy on Right of Way of County Highways for Adventure Estates LLC on the Terry Peak Summit Road. Motion Carried.

HOMESTAKE MINING: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Application for Utility Permit for Homestake Mining Company on the intersection of a Quaduct Ave and Bobtail Gulch Street Sec 28 T5N R3E Sec 12, SW1/4. Motion Carried.

FINAL PLAT / PILLAR PEAK ESTATES: Moved-Seconded (Seward-Weisenberg) to approve the Final Plat for Pillar Peak Estates - Owner/Representative: Pillar Peak LLC/Bill Pearson/ Arleth & Associates. Legal Description: Plat of Lots 1, 19, 20 of Pillar Peak Estates, located in Sections 20, 21, T5N, R4E. (legal shortened) Location: Boulder Canyon. Motion Carried.

FINAL PLAT / COUNTRY CLUB ESTATES: Moved-Seconded (Douglas-Weisenberg) to approve the Final Plat for County Club Estates - Owner/Representative: Don & Karen Hander/Arleth & Associates. Legal Description: Lot 29 of Country Club Estates, located in Section 36, T4N, R2E and Section 31, T4N, R3E. (legal shortened). Location: Rochford. Motion Carried.

RECONSIDERATION VARIANCE #96 – TROY SCHULTES: Bruce Outka reported that the request for reconsideration for variance #96 was withdrawn.

REVIEW ADMINISTRATIVE VARIANCE FOR #98, #99, #100, #101, #102, & #103: The Chairman stated the public hearing was cancelled because the administrative request for variance #98, #99, #100, #101, #102, & #103 was withdrawn.

SHOOTING RANGES: Dewayne Tveidt asked the Board to consider a County Ordinance to provide for safe shooting ranges. Tveidt explained the situation adjoining his property and stated there are times he does not feel safe. Bruce Outka stated law enforcement has investigated the situation for reckless discharge of a fire arm but no charges were filed. The Board stated a County Ordinance is not feasible for this one situation and suggested the problem be handled through law enforcement.

FINAL PLAT APPLE SPRINGS: Moved-Seconded (Seward-Douglas) to approve the final plat for Apple Springs - Owner/Representative: Apple Springs Development/CETEC Engineering. Legal Description: Lot 1A, 1B of Block 1; Lot 1A, 1B of Block 2; and Lot 1, 2 of Block 3; Section 14, T5N, R4E. (legal shortened) Location: Boulder Canyon. Purpose: New Lots. Motion Carried.

DEER POPULATION: The Board discussed the Deer problem in Lawrence County. Representatives from the City of Spearfish, Lead, Deadwood and Whitewood were present. Bruce Outka introduced Mike Apland from the Department of Game Fish and Parks. Apland explained the license process and stated the hunting season has just started. There has been a high increase in whitetail deer over the past few years since we have not had a severe winter that would drastically affect the deer population. He explained that to decrease the deer population

you have to reduce the doe population and antlerless licenses are difficult to sell because everyone wants a buck license. Apland suggested that everyone select a doe license as their second choice because in the past they have had doe licenses left. They still have some double doe tags available for \$25.00. Apland explained the Sportsman for Hunger program and stated they are looking for corporate sponsors to reduce the processing costs. Apland stated it is still too early into the season to determine the success of the hunting season. The Board asked Apland to report the success of the season and the Board will revisit the situation before making any decisions.

Apland stated individual ranchers who have a deer problem should contact the Department of Game Fish and Parks because they can arrange a depravation hunt. Apland also stated the Cities should contact them and they can also work with them to help draw up a plan to alleviate some problems.

DEER MOUNTAIN WATER SYSTEM ON-SITE: The Board left for an on-site of the Deer Mountain Water System. No action was taken.

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-\$3,248.83; Aud-\$5,882.72; Treas-\$7,893.34; Comp-\$4,676.29; States Atty-\$11,671.45; Pub Def-\$5,843.52; Gen Govt Bldg-\$5,637.25; Equal-\$10,475.05; Deeds-\$5,669.64; Vso-\$936.73; Disp-\$8,127.90; Sher-\$26,284.91; Jail-\$15,890.12; Emerg Mgnt-\$2,279.54; E911-\$1,369.00; Highway-\$31,868.69; Air-\$134.00; Ext-\$1,229.00; Weed-\$2,240.12; Pz-\$2,432.84;
Bills: Ginsbach,M-\$2.33; Larson,D-\$356.00; Larson,P-\$53.00; Mowell,R-\$6,831.00; Weisenberg,T-\$292.80; A&B Business Equip-\$577.08; A&B Welding Supply-\$106.42; A&M Transport-\$87.50; A-Z Shredding-\$12.50; ABC Business Supply-\$1,355.12; Alco Store-\$42.37; American Family Life-\$2,682.64; Amick Sound-\$72.48; Smith,J-\$111.20; BH Chemical Company-\$2,012.60; BH Federal Credit Union-\$9,982.80; BH Fibercom-\$1,180.72; BH Pest Control-\$95.00; BH Power & Light-\$1,747.49; BH Travel Agency-\$1,166.70; BH Windshield Repair-\$50.00; Best Business Prod-\$52.08; Best Western Kelly Inn-\$129.00; Black Hills Pure-\$10.50; Blue Cross-\$47,387.42; Bob Barker Company-\$163.93; Brandenburg,M-\$100.00; Brookings Fairfield Inn-\$107.50; Brookings Inn-\$84.00; Butte Electric Coop-\$1,489.23; CDW Government-\$1,088.01; Cellular One-\$862.07; Central Parts-\$552.44; Chemical Sanitizing Sys-\$189.10; Chris Supply Co-\$54.48; Christensen Law Office-\$591.85; City/County Alcohol & Drug-\$230.00; Clinical Lab Of BH-\$1,279.62; CNA Surety-\$50.00; Conoco-\$79.40; Crume, K-\$320.00; Culligan Soft Water Serv-\$86.00; Dale's Tire & Retread-\$298.52; Deadwood Home Center-\$24.53; Deadwood Recreation Center-\$149.00; Deadwood Thymes Cafe & Bistro-\$81.00; Deadwood, City Of-\$545.07; Dept Of Hlth Lab Services-\$52.00; Dept Of The Treasury-\$35,211.61; Elan Finanical Services-\$178.15; Ellingson,J-\$1,328.20; Esri-\$4,700.00; Et Sports-\$35.20; Evident Crime Scene Products-\$133.50; Executone Of The BH-\$65.00; Extension Service-\$349.03; Family Thrift Center-\$20.14; Fastenal-\$114.59; Federal Express Corp-\$22.89;

Fish,V-\$20.40; Foothills Seed-\$118.75; Frederickson,J-\$340.70; Godfrey's Brake Serv-\$183.49; Gullickson,M-\$62.80; High Plains Business Forms-\$653.18; Holiday Inn Express-\$69.00; Honeywell-\$23,962.00; Hughes,J-\$208.30; Integrity Ford-\$52.61; Jackson County Sheriff Office-\$17.50; Karpinen,S-\$360.00; Ken's Camper Sales-\$61.95; Kennedy,Rokahr,Pier & Knoff-\$90.60; Kids-\$12.00; Kieffer,T-\$431.80; Knecht True Value-\$81.89; LC Assessor-\$23.88; LC Journal-\$797.73; LC Sheriff-\$201.99; LC Treasurer-\$100.00; Lead, City Of-\$31.20; Lead-Deadwood Regional-\$1,058.86; Lead-Deadwood Sanitary-\$305.82; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$57.25; Lynn Peavey Company-\$145.70; Mcarthur,J-\$40.00; Mcclure,S-\$120.00; Meade County Sheriff-\$38.70; Midwest Alarm Co-\$84.00; Midwest Benefit Consultants-\$951.02; Montana-Dakota Util-\$4,786.38; NH Family Ymca-\$156.00; Nelson,T-\$400.00; Northern Hills Casa-\$11,250.00; Office Of Child Support-\$397.85; Office Technology/Supply-\$91.89; Pedersen Excavation-\$500.00; Pennington Co Auditor-\$698.00; Pennington County Sheriff-\$30.84; Pennington County Stsattny-\$400.00; Percy Law-\$1,471.41; Phoenix Investigations-\$1,218.57; Pizza Hut-\$52.14; Qwest-\$43.52; RCRH Patient Collections-\$100.00; RC Medical Center-\$91.60; RC Regional Hospital-\$3,651.13; Rabe Elevator-\$596.88; Ramkota Hotel-\$43.00; Reindl,S-\$412.35; Rombough,D-\$269.20; Rushmore Communications-\$287.25; SD Retirement System-\$40,315.69; SD State Treasurer-\$1,467.96; SD Sheriff's Association-\$65.00; SDRS Supplemental Retirement-\$872.00; SDAE4-He-\$200.00; Sears Commercial One-\$199.99; Servall Towel & Linen-\$603.29; Spearfish Auto Supply-\$433.44; Speedylube-\$55.90; Stroschein,D-\$35.00; Summit Signs & Supply-\$165.00; Super 8 Motel-Brookings-\$635.64; Taser International-\$225.00; Teen Court-\$1,673.13; Thompson,D-\$164.81; Thompson Publishing Group-\$363.50; Thurman Law Office-\$161.32; Tigerdirect-\$203.18; TMS Partners-\$250.00; Triple K Tire & Repair-\$222.49; Twin City Hardware & Lumber-\$447.08; US Geological Survey-\$13,550.00; Valades,C-\$35.00; Velvet Uniforms-\$329.00; Verizon Wireless-\$126.39; Waste Connections-\$227.93; Wells Fargo Business Card-\$548.74; Wells Fargo Subpeona Process-\$10.90; Western Communication-\$422.90; Yankton Co Sheriff-\$33.00; Yankton County-\$187.10; Zieg Trucking-\$2,983.57; **Witness & Jurors:** Boelter,M-\$19.60; Boldt,A-\$10.64; Boustead,J-\$11.92; Brechtel-Froelich,T-\$55.12; Cortez,F-\$62.80; Deppe,B-\$62.80; Glanzer,M-\$13.20; Hickson,K-\$66.00; Hill,S-\$64.08; Huhtala,T-\$20.88; Jenkins,L-\$64.08; Koepp,C-\$59.60; Larvie,D-\$11.92; Leatherman,D-\$17.68; Leonhardt,J-\$22.80; Makley,J-\$50.64; Martin,G-\$19.60; Miller,C-\$66.00; Monczunski,J-\$22.80; Nida,K-\$22.80; Plocek,R-\$61.52; Pummel,K-\$19.60; Siebenaller,M-\$19.60; Stading,S-\$22.80; Takahashi,S-\$60.88; Waugh,M-\$21.52; Wennberg,S-\$19.60; Ager,S-\$125.60; Ainsworth,J-\$119.20; Babb,J-\$125.60; Baker,S-\$129.44; Bennett,S-\$13.20; Bergstrom,B-\$119.20; Buchholz,L-\$19.60; Casavan,T-\$24.08; Delahoyde,K-\$19.60; Finkbeiner,T-\$29.20; Hagen,V-\$103.84; Hall-Mcinerney,P-\$19.60; Haugen,R-\$138.40; Huhnerkoch,K-\$15.76; Kerber,J-\$12.56; Nelson,C-\$16.40; Neumann,K-\$105.12; Nichols,M-\$17.68; Piekkola,J-\$19.60; Plocek,N-\$22.80; Press,E-\$106.40; Quenzer-Coolley,L-\$18.32; Reinert,K-\$22.80; Ruffner,J-\$26.00; Schladweiler,D-\$19.60; Schoenthal,M-\$119.20; Smith,R-\$119.20; Spindler,C-\$11.92; Sprigler,S-\$19.60; Talsma,E-\$22.80; Williams,J-\$101.28; Williamson,J-\$19.60; Wilson,A-\$22.80

ADJOURN: 11:55 a.m. there being no further business it was Moved-Seconded (Opitz-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

ROBERT EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 14, 2005

The Board of County Commissioners met in special session at 9:00 a.m. to conduct an on-site visit of property alleged to be an isolated tract. Commissioners present were Bob Ewing, Terry Weisenberg, George Opitz, James J. Seward and Connie Douglas. Several guests and adjoining property owners were also present.

Property is owned by Carol Kluthe and described as NW1/4 SE1/4 in Section 6, T5N R4E.

Board members drove and viewed different accesses for the purpose of laying out a right-of-way.

No formal action was taken today and the matter was scheduled for the next County Commission meeting, November 22nd at 11:00 a.m.

Date Approved

Robert E. Ewing, CHAIR

ATTEST:

Connie Atkinson, AUDITOR

LAWRENCE COUNTY COMMISSIONERS MEETING – November 22, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 22, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Connie Douglas and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Douglas) to approve the minutes of November 8th & 14th, 2005. Motion Carried.

JANUARY MEETING DATES: The January Commission Meeting dates will be January 3rd and 24th, 2006.

PERSONNEL:

SHERIFF: Moved-Seconded (Seward-Opitz) to approve Mark Ginsbach as a full-time Dispatcher II G3 at the base rate of \$13.62 an hour, effective 12-1-2005. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Kesha Nelson as a full-time Secretary G3 at the base rate of \$12.70 an hour, effective 11-8-2005. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to authorize the vacant part-time secretary to become a full-time position in the Sheriff's Office. Motion Carried.

Moved-Seconded (Opitz-Weisenberg) to approve Jared Lueders as a part-time Dispatcher II G1 at the base rate of \$13.09 an hour, effective 11-22-2005. Aye-4, Nay-Seward. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of November 10, 2005: (prices per gallon) Cenex Oil Co. Whtwd #1 - \$2.459; Whtwd #2 \$2.359; Southside Oil - Whtwd No. 1 & 2 Diesel - \$2.315. Rollin Oil – Whtwd #1 - \$2.28*; Whtwd #2 \$2.18*. (*represents lowest quote)

2006 COMMUNITY HEALTH AGREEMENT: Moved-Seconded (Seward-Douglas) to approve and authorize the Chairman to sign the 2006 Contract for Community Health Services between Lawrence County and the SD Department of Health. Motion Carried.

HOLIDAY LUNCHEON: Moved-Seconded (Seward-Weisenberg) to allow the County Offices to close from 11:30 a.m. to 1:00 p.m. on December 13, 2005 for the Holiday Luncheon. Motion Carried.

VIETNAM WAR MEMORIAL: Moved-Seconded (Douglas-Weisenberg) to donate \$2,500 to the Vietnam War Memorial in South Dakota. Motion Carried.

FOREST EMERGENCY RECOVERY & RESEARCH ACT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2005-40 Supporting Passage Of Forest Emergency Recovery And Research Act. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2005-40 RESOLUTION SUPPORTING PASSAGE OF FOREST EMERGENCY RECOVERY AND RESEARCH ACT: WHEREAS, the number and severity of catastrophic events such as wildfire and windstorm causing severe resource damage on forest and rangelands has increased in recent decades, causing serious adverse environmental, social and economic consequences to both national and local interests; and WHEREAS, catastrophic events devastate ecosystems, severely compromising their capacity to recover, delaying reestablishment of appropriate forest and plant cover, increasing the susceptibility of the lands to repeated wildfires and invasions of noxious plant species, increasing the frequency and severity of insect infestations and disease outbreaks on adjacent public and private lands, and causing increased erosion and degradation of riparian plant and wildlife habitats and water quality for human consumption; and WHEREAS, authorities currently available to the Secretaries of Agriculture and the Interior to respond to catastrophic events on lands under their jurisdictions do not provide for timely and effective response activities, with currently required review processes frequently resulting in delays beyond the window of opportunity available for effective recovery plan implementation; and WHEREAS, the Forest Emergency Recovery and Research Act (“FERRA”) would provide authority for timely and effective responses to catastrophic events, allowing the land management agencies to rapidly respond to the unique characteristics of each event and the particular needs of each locale, allowing for the use of damaged trees and other resources before they lose all economic value, while restoring ecosystems to a naturally functioning state; and WHEREAS, expedited procedures under FERRA would be limited to catastrophic events over 1,000 acres, providing for prompt evaluation of damage and risk assessments for federal and adjacent non-federal lands, interdisciplinary scientific review, public notice and full participation in the development of recovery plans, and access to speedy appeals and litigation if there are disagreements; and WHEREAS, increased scientific research on the means and methods for best recovering ecosystems damaged by catastrophic events is needed, and FERRA provides for such research, including monitoring of restoration projects, partnerships with colleges and universities, and increased emphasis on implementing the results of such research in the formulation of response plans; and WHEREAS, FERRA provides for involvement of state, local and tribal authorities in evaluating damage from catastrophic events and formulating appropriate response plans, thereby insuring that the interests of local communities and adjacent landowners are heard and considered; NOW, THEREFORE, BE IT RESOLVED that the Lawrence County Commissioners support prompt passage of the Forest Emergency Recovery and Research Act, with it commitment to timely responses to catastrophic events on federal lands, allowing for rapid restoration of ecosystems, usage of damaged trees before they lose all economic value, protection of adjacent lands from subsequent wildfires, insect infestations and disease outbreaks, and full public notice and participation, including involvement by state, local and tribal

authorities in recovery planning and implementation. Dated this 22nd day of November 2005.
FOR THE BOARD: Robert E. Ewing, CHAIR. ATTEST: Connie Atkinson, AUDITOR

PLANNING & ZONING RESOLUTION 2005-41: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the following Resolution #2005-41 Designating the Planning and Zoning Administrator as the Administrative Official of the Lawrence County Commission to Approve Final Plats. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2005-41: A RESOLUTION DESIGNATING THE PLANNING AND ZONING ADMINISTRATOR AS THE ADMINISTRATIVE OFFICIAL OF THE LAWRENCE COUNTY COMMISSION TO APPROVE FINAL PLATS: WHEREAS, SDCL 11-3-8 states: The Board of County Commissioners may by resolution designate an administrative official of the county to approve plats in lieu of approval by the Board of County Commissioners. WHEREAS, when a plat of one to four lot(s), tract(s) or parcel(s) with an approved access from the county, state, U.S. Forest Service or from an existing subdivision road that has already been approved by the Planning and Zoning Commission at one of their meetings, and WHEREAS, when such plat does not violate any state laws and complies with the Lawrence County Zoning Ordinance and Subdivision Regulations, then THEREFORE BE IT RESOLVED by the Lawrence County Commission as follows: Pursuant to SDCL 11-3-8, the Lawrence County Planning and Zoning Administrator shall be designated as the Administrative Official of Lawrence County to approve final plats in lieu of approval by the governing body subject to the following regulations: 1) Subdividing of lands within the County of four lots or less with an approved access may be approved by the Administrative Official; 2) The Administrative Official shall keep written meeting minutes of the Planning and Zoning Commission's decision to approve the final plat; 3) Any party of interest may appeal the Administrative Official's decision to sign the plat in lieu of the County Commission Chair within five days after the hearing approving said plat; 4) Applicant shall be responsible for securing the signatures of the Lawrence County Treasurer, Office of Equalization, Register of Deeds and Highway Department, including any payment associated with such offices. Dated this 8th day of November, 2005. LAWRENCE COUNTY COMMISSION - Robert E. Ewing, CHAIR. ATTEST: Connie Atkinson, AUDITOR

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Douglas-Weisenberg) to approve Frank Stamp and Jerry Plooster as Volunteer Fire Fighters for insurance purposes. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Douglas-Seward) to set 8:15 a.m. on December 13, 2005 for various office supplements. Motion Carried.

RIGHT OF WAY / UTILITY PERMIT:

BLACK HILLS POWER: Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way located

.64 miles from corner of Hwy 85 and Brookview Road for Black Hills Power & Light. Motion Carried.

QWEST: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign the Application for Lawrence County Highway Access Permit located T4N, R3E, Section 31 on the Hanna Road for Qwest. Motion Carried.

CHANGE OF ZONING #248 & PLANNED UNIT DEVELOPMENT #7: A public hearing was held on Change of Zoning #248 and Planned Unit Development #7 for Cheyenne Crossing Development. Owner/Representative: Jerikodie Inc/Gerald Aberle. Legal Description: M.S. 1200 Tract 3-B a subdivision of Lay #1,2,3 and Fay #3, Albert Steele Fraction, Hazard, Log Cabin and Violet #3 and M.S 1200, Violet #1, 2 and all in Sections 19 and 24, T4N, R3E. Location: Hwy 85/by Recreational Springs. Purpose: Incorporate a PUD and a COZ into this area in order to make a recreational subdivision. Greg Klein, Century 21 voiced support for the project. No opposition was present and the public hearing was closed. Board discussion followed. Moved-Seconded (Weisenberg-Seward) to following Planning and Zoning recommendation and approve Change of Zoning #248. Motion Carried. Moved-Seconded (Weisenberg-Seward) to following Planning and Zoning recommendation and approve Planned Unit Development #7. Motion Carried

SPEARFISH TRAILS & RECREATIONAL TRAIL ENHANCEMENT PLAN

RESOLUTION 2005-42: Stewart Huntington was present to request the Boards support in proceeding with the Spearfish Trails and Recreation Committee's effort to construct a trail from Spearfish to the Dumont Trailhead on the Mickelson Trail. Moved-Seconded (Douglas-Seward) to approve and adopt the following Resolution #2005-42. Motion Carried. LAWRENCE COUNTY RESOLUTION #2005-42 RESOLUTION IN SUPPORT OF SPEARFISH TRAILS AND RECREATION COMMITTEE'S RECREATIONAL TRAIL ENHANCEMENT PLAN WHEREAS, recreational trails and recreational trail development are enhancements to the quality of life for Lawrence County residents, and WHEREAS, reducing the foot and bicycle traffic on highways, roads and informal trails that often cross private property, increases the safety of our residents, and WHEREAS, helping secure the northern Black Hills as a premier and safe national destination for recreational hikers, bicyclists, and mountain bikers benefits the county economically with an enhanced tourism resource, NOW THEREFORE BE IT RESOLVED, the Lawrence County Commissioners support the goals and objectives of the Proposed Recreational Trail Enhancement Plan – September 2005 as presented by the S.T.A.R. (Spearfish Trails and Recreation) Committee of the Convention and Visitors Bureau of the Spearfish Area Chamber of Commerce and encourages the committee's continued efforts. Dated this 22nd day of November 2005. FOR THE BOARD: Robert E. Ewing, CHAIR. ATTEST: Connie Atkinson, AUDITOR

EXECUTIVE SESSION: 9:50 a.m. Moved-Seconded (Opitz-Weisenberg) to go into executive session to discuss litigation with Deputy States Attorney Bruce Outka. Motion Carried. 9:56 a.m. opened for regular business. No action taken.

ABATEMENTS/ADD-ON:

CARTER: Moved-Seconded (Douglas-Opitz) to approve the abatement for Kimberly Carter on parcel #32740-00300-002-00 because the mobile home located at 1204 Terry Peak Lane burned on 9-11-2005. Motion Carried.

MITCHELL: Moved-Seconded (Seward-Douglas) to approve the abatement on parcel #26500-01210-001-01 because the improvement value was placed on the wrong parcel. Motion Carried.

MCFARLIN: Moved-Seconded (Seward-Douglas) to approve the add-on for parcel 26500-01210-001-02 because the improvement value was placed on parcel #26500-01210-001-01. Motion Carried.

AVENTURE ESTATES BONDING: Moved-Seconded (Weisenberg-Seward) to approve the Irrevocable Letter of Credit and to approve and authorize the Chairman to sign the Memorandum of Agreement with Aventure Estates LLC. Motion Carried.

SUPPLEMENTAL BUDGET #05-39: A public hearing was held on a supplemental budget for the General Fund / Commission – Capital Assets for \$32,990. No public input was received. The public hearing was closed. Moved-Seconded (Douglas-Opitz) to approve and authorize the Chairman to sign the following Resolution #05-39 for a supplemental budget. Motion Carried. RESOLUTION #05-39 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: Commission – Capital Assets-\$32,990; 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 22nd day of November, 2005 at the hour of 10:45 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 22nd day of November, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

JACK COLE / GOLD MINING STATUS & NEWSLETTER SERIES: Jack Cole was present and stated he mailed each of the Commissioners a copy of the first issue of the “Watch

Your Wallet Taxpayer Protection Educational Series” Newsletter. Cole asked the Board to read the information that is being sent to them and contact him with any questions or concerns.

KLUTHE ISOLATED TRACT: The Board discussed the isolated tract owned by Carol Kluthe. Affected landowners were present along with Appraiser John Haeder. Haeder explained the appraisal process and options to the Board. The Board stated the best solution would be for the affected landowners to work out an agreement prior to the Board having to take action. Moved-Seconded (Seward-Weisenberg) to table any action on the issue until the December 13th meeting to allow the County Commission more time to research their options. Motion Carried.

BILLS: Moved-Seconded (Douglas-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-\$3,248.83; Aud-\$5,904.56; Treas-\$7,874.14; Comp-\$4,676.84; States Atty-\$11,981.31; Pub Def-\$5,843.52; Gen Govt Bldg-\$5,673.15; Equal-\$5,669.66; Vso-\$936.73; Disp-\$8,977.28; Sher-\$26,562.63; Jail-\$17,468.22; Emerg Mgnt-\$2,413.49; E911-\$1,336.00; Highway-\$31,207.47; Ext-\$1,128.00; Weed-\$1,627.36; PZ-\$2,397.56; **Bills:** Fitzgerald,S-\$48.80; Larson,P-\$35.00; Nelson,K-\$23.20; Rosenau,R-\$159.98; Thomson,P-\$30.00; AAA Travel-\$1,877.11; ABC Business Supply-\$755.99; Aberdeen LLC-\$15,871.00; Accurint Accounts Receivable-\$10.50; Alco Store-\$8.37; Altaire Enterprises-\$20.00; Amcon Distributing-\$297.10; Archonix Services-\$4,308.00; Armstrong Extinguish-\$107.76; AT&T-\$5.62; BH Federal Credit Union-\$9,982.80; B H Fibercom-\$568.35; B H Land Analysis-\$990.00; BH Medical Ctr Pharmacy-\$2,168.38; BH Pioneer-\$730.34; BH Power & Light-\$5,951.85; BH Windshield Repair-\$50.00; Black Hills Pure-\$11.50; Bob Barker Company-\$190.06; BP-\$68.80; Butler Machinery Co-\$320.00; Butte County Sheriff-\$17.26; CDW Government-\$2,905.96; Central Parts-\$5.99; City/County Alcohol & Drug-\$2,269.00; CNA Surety-\$50.00; Conoco-\$80.23; Corral West-\$121.80; Correctional Billing-\$17.69; Crume,K-\$20.32; Culligan Soft Water Serv-\$18.50; Dakota Graphics-\$230.00; Days Inn-\$86.00; Deadwood Home Center-\$48.97; Deckers Food-\$46.75; Dept Of The Treasury-\$35,679.07; Domestic Crisis Outreach-\$435.00; Eagle Aviation-\$85.96; Ecolab-\$100.00; Ertz,D-\$502.75; Evercom Systems-\$1,260.00; FSH Communications-\$61.60; Fast Break Screen Printing-\$526.00; Fastenal-\$341.09; Gene's Lock Shop-\$86.50; Glenney,T-\$120.00; Godfrey's Brake Serv-\$343.07; Golay,B-\$18.38; Havemeier,L-\$247.40; Heiman Fire Equip-\$99.33; Heisler Hardware-\$28.47; Hewlett-Packard Company-\$952.00; Hills Material Comp-\$414.39; Kadrmas, Lee And Jackson-\$16,063.74; Kinney,M-\$2,411.57; Knecht True Value-\$77.76; LC Auditor-\$41.48; LC Treasurer-\$100.00; Laboratory Corp Of America-\$52.00; Lewis & Clark-\$260.00; Lexisnexus Matthew Bender-\$69.15; Lexisnexus On-Line-\$328.00; Lyle Signs-\$13.95; Lynn Peavey Company-\$134.85; Marshall & Swift-\$2,130.20; Mcgas Propane-\$1,302.80; McMaster-Carr Supply-\$189.14; Meade County Sheriff-\$28.30; Montana-Dakota Util-\$108.75; N H Family Ymca-\$200.00; Neve's Uniforms-\$436.55; Office Of Child Support-\$386.31; Pennington County Sheriff-\$53.90; Percy Law-\$2,932.56; Performance One-\$1,648.96; Pitney Bowes-\$158.60; Pizza Hut-\$30.10; Porta Storage/Caj Enterprise-\$175.00; Positive Promotions-\$128.12; Postmaster, Deadwood-\$222.00;

Queen City Motors-\$32,990.00; Queen City Rocket Lube-\$46.04; Qwest-\$866.32; RCRH Patient Collections-\$100.00; RC Finance Office-\$1,610.00; RC Journal-\$228.00; RC Regional Hospital-\$1,918.50; Radio Shack/Kazco-\$34.46; Radisson Encore Hotel-\$196.05; Ramco-\$690.00; Regional Behavioral Health-\$281.01; SD Assn Of Co Comm-\$2,898.22; SD Human Services Center-\$27.60; SD Public Assur Alliance-\$224.00; SDRS Supplemental Retirement-\$872.00; Sand Creek Printing-\$15.66; Servall Towel & Linen-\$247.22; Sirchie Finger Print Lab-\$106.38; Slate Creek Counseling-\$985.00; Smartware Corp-\$100.00; Spearfish Auto Supply-\$243.83; Spearfish Husky-\$20.00; Texaco-\$47.60; Thompson,D-\$321.72; Tigerdirect-\$408.85; Triple K Tire & Repair-\$717.71; Twin City Hardware & Lumber-\$317.09; U S Postal Service-\$8,200.00; Verizon Wireless-\$299.33; Victims Of Violence-\$435.00; Voelker & Adams-\$11,897.94; Washington State Dairy Council-\$66.00; Waste Connections-\$200.07; Wells Fargo Business Card-\$105.84; West River International-\$39.12; Western Communication-\$663.50; Western SD Juvenile Serv-\$4,950.00; Wilder,T Dist Clerk; Williams Standard Serv-\$25.90; **Witness & Jurors:** Harlan,R-\$51.92; Fitzgerald,R-\$21.92; Fuller,F-\$20.64; Rook,L-\$34.72; Wainman,W-\$39.20; Rear,J-\$60.88; Thompson,T-\$29.60; Bergey,C-\$58.32; Bunnell,M-\$60.24; Clark,C-\$57.68; Eaves,J-\$62.80; Flanders,V-\$52.56; Flores,H-\$56.40; Hafner,D-\$62.80; Haiwick,M-\$59.60; Purchase,L-\$51.28; Scovell,S-\$62.80; Sliper,R-\$53.20; Smith,K-\$57.68; Standley,J-\$66.00; Stenzel,E-\$52.56; Tetrault,M-\$59.60; Tippey,C-\$53.84; Young,J-\$59.60; Shayket,K-\$29.60; Williamson,H-\$96.80; Lewis,C-\$29.60; Geffre,J-\$21.92; Albers,S-\$19.60; Barbee,K-\$10.64; Buckneberg,R-\$62.80; Christofferson,J-\$59.60; Collins,R-\$19.60; Decker,R-\$11.92; Gustafson,S-\$21.52; Hansen,A-\$51.92; Hansen,S-\$26.00; Kotak,J-\$22.80; Madsen,T-\$11.92; Mccoy,C-\$51.92; Mitchell,M-\$60.88; Odell,L-\$22.80; Pelletier,J-\$21.52; Pontius,A-\$11.92; Roberts,T-\$20.24; Ryan,R-\$58.32; Savage,L-\$22.80; Spaid,T-\$51.92; Spraitz,M-\$22.80; Surdez,M-\$59.60; Switzer,D-\$19.60; Thornton,D-\$11.92; Wagner,G-\$51.28; Wild-Bagley,J-\$51.92; Zimbleman,R-\$69.20; Henderson,R-\$11.92; Regan,T-\$11.92; Spomer,R-\$19.60; Bosman,L-\$29.60; Brockhofft,K-\$29.60; Butrymowicz,J-\$26.40; Casteel,K-\$59.20; Coons,J-\$21.92; Dahl,B-\$29.60; Farrier,J-\$29.60; Haas,A-\$29.60; Hartl,S-\$146.40; Hasvold,M-\$43.68; Hawkinson,K-\$29.60; Johnson,J-\$29.60; Johnson,M-\$29.60; Kvanvig,S-\$28.32; Ladner,C-\$29.60; Lewis,J-\$48.80; Mcgriff,K-\$29.60; Morgan,A-\$29.60; Nolan,J-\$21.92; Ordahl,K-\$31.52; Reman,G-\$59.20; Standen,K-\$68.80; Svoboda,L-\$29.60; Torgerson,S-\$29.60; Voegele,T-\$48.80; Walker,L-\$100.00; Ward,A-\$48.80; Wilson,D-\$29.60

ADJOURN: 11:45 a.m. there being no further business it was Moved-Seconded (Weisenberg-Opitz) to adjourn. Motion Carried.

DATE APPROVED

ROBERT EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 13, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 13, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Connie Douglas and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of November 22, 2005. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Weisenberg) to approve a lateral transfer for Laurie Vrem as a full-time Secretary G2 at the base rate of \$11.53 an hour, effective 12-12-2005. Motion Carried.

Moved-Seconded (Seward-Opitz) to approve Gerald Schumacher as a full time Correctional Officer I at the base rate of \$11.85 an hour, after 40 hours of training at \$7.58 an hour, effective 12-1-2005. Motion Carried.

Moved-Seconded (Douglas-Seward) to approve a step raise for Brooke Leighty as a Deputy II G3 at the base rate of \$17.53 an hour, effective 11-9-2005. Motion Carried.

REGISTER DEEDS: Moved-Seconded (Opitz-Douglas) to approve Sherryl Schulz as a full-time Records Clerk G2 at the base rate of \$10.57 an hour, effective 1-1-2006. Motion Carried.

AUDITOR: Moved-Seconded (Seward-Douglas) to approve a step raise for Tamara Ehnes as a Secretary G2 at the base rate of \$11.53 an hour, effective 12-12-2005. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Douglas) to accept the letter of resignation from Joe Kosel, Public Defender, which will be effective February 5, 2006. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Weisenberg) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of November 30, 2005 showed the following: 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)-\$76,259.10; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,654.88; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$6,835,498.36; GNAMS-\$15,076.00; and Money Market \$1,207,419.63, Total \$11,839,792.97.

FUEL QUOTES: The following fuel quotes were submitted as of November 29, 2005: (prices per gallon) Cenex Oil Co. Spf No.1&2 Diesel - \$2.089; MG Oil Spft-No.1&2 Diesel-\$no bid; Southside Oil - Spf No.1& 2 Diesel - \$;1.96* ; Rollin Oil -Spf No.1&2 Diesel - \$2.44 (*represents lowest quote)

The following fuel quotes were submitted as of December 13, 2005: (prices per gallon) Cenex Oil – no bid; MG Oil – no bid; Southside Oil - Spf No.1& 2 Diesel - \$2.17, Spf unleaded – \$1.995, Dwd No. 1 & 2 Diesel - \$2.11, Dwd unleaded - \$1.955; Rollin Oil - Spf No.1& 2 Diesel - \$1.9659*, Spf unleaded – \$1.9289*, Dwd No. 1 & 2 Diesel - \$1.9509*, Dwd unleaded - \$1.9289* (*represents lowest quote)

AUTOMATIC SUPPLEMENTS:

ROAD & BRIDGE-EMERGENCY MANAGEMENT-INVASIVE SPECIES

MANGEMENT: Moved-Seconded (Opitz-Weisenberg) to approve and authorize a supplemental budget for Road and Bridge supplies - \$22,250.00, Emergency Management grants - \$27,371.00 and Invasive Species Management (general fund) grants -\$3,800.00 for revenues received from grant funds and other federal, state and local governmental funds.

CANCELED CHECK RESOLUTION 05-38: Moved-Seconded (Douglas-Seward) to approve the following Resolution #05-38 to cancel checks that have not been presented for payment within two years for a total of \$475.35. Motion Carried. RESOLUTION # 05-38: 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 23rd day of December 2005. BOARD OF COUNTY COMMISSIONERS:

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Seward-Douglas) to set 8:15 a.m. on December 27, 2005 for a supplemental budget hearing for Fire Protection grants - \$6,000 and Road and Bridge Capital Assets - \$685,000. Motion Carried.

SUPPLEMENTAL BUDGET #05-43: A public hearing was held on a supplemental budget for the General Fund, Emergency Disaster, E911 and Road and Bridge Fund. No public input was received. The public hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #05-43 for a supplemental budget. Motion Carried.

RESOLUTION #05-43 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit:

<i>DEPT</i>	<i>SALARY</i>	<i>RETIRE</i>	<i>OASI/MED</i>	<i>INS</i>	<i>TOTAL</i>
<i>GENERAL FUND</i>					
111-Commission	\$3,300.00	\$396.00	\$264.00	\$0.00	\$3,960.00
141-Auditor	\$7,000.00	\$840.00	\$560.00	\$600.00	\$9,000.00
142-Treasurer	\$8,600.00	\$1,032.00	\$688.00	\$1,050.00	\$11,370.00
143-Computer	\$4,700.00	\$564.00	\$376.00	\$1,090.00	\$6,730.00
151-St. Atty	\$51,700.00	\$1,404.00	\$936.00	\$2,190.00	\$56,230.00
152-Public Def	\$5,900.00	\$708.00	\$472.00	\$1,360.00	\$8,440.00
161- GGBldg	\$5,700.00	\$684.00	\$456.00	\$1,390.00	\$8,230.00
162-Equalization	\$10,500.00	\$1,260.00	\$840.00	\$2,160.00	\$14,760.00
163-Reg Deed	\$5,700.00	\$684.00	\$456.00	\$3,000.00	\$9,840.00
165-VSO	\$1,000.00	\$120.00	\$80.00	\$0.00	\$1,200.00
210-Dispatch	\$8,200.00	\$1,312.00	\$656.00	\$2,030.00	\$12,198.00
211-Sheriff	\$26,300.00	\$4,208.00	\$2,104.00	\$4,700.00	\$37,312.00
212-Jail	\$16,000.00	\$2,560.00	\$1,280.00	\$1,600.00	\$21,440.00
331-Airport	\$200.00	\$24.00	\$16.00	\$0.00	\$240.00
611-Extension	\$1,300.00	\$156.00	\$104.00	\$220.00	\$1,780.00
615-Weed	\$2,300.00	\$276.00	\$184.00	\$600.00	\$3,360.00
711-P & Z	\$2,500.00	\$300.00	\$200.00	\$220.00	\$3,220.00
 <i>EMERGENCY DISASTER FUND</i>					
222-Em Disaster	\$2,300.00	\$276.00	\$184.00	\$800.00	\$3,560.00
 <i>E911 FUND</i>					
225-E911	\$1,400.00	\$168.00	\$112.00	\$300.00	\$1,980.00
 <i>ROAD & BRIDGE FUND</i>					
314-Road & Bridge	\$32,000.00	\$3,840.00	\$2,560.00	\$6,600.00	\$45,000.00
TOTAL	\$156,600.00	\$20,812.00	\$12,528.00	\$29,910.00	\$219,850.00

GENERAL FUND: Public Defender – Professional Services - \$5,000.00; Courts – Judges - \$5,000; Courts – Court Appointed Attorneys - \$10,000. 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 13th day of December, 2005 at the hour of 8:15 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 13th day of December, 2005. FOR THE BOARD OF COUNTY COMMISSIONERS. ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Auditor

AMBULANCE AGREEMENT: Moved-Seconded (Douglas-Opitz) to approve and authorize the chairman to sign the ambulance agreements with Spearfish Emergency Ambulance Service for the year of 2006. Motion Carried.

AIRPORT / SPECIAL EVENT: Moved-Seconded (Opitz-Weisenberg) to approve a “Brown Bag” permit for the Customer Appreciation gathering at the Airport on December 15, 2005 from 4:00 to 6:00 p.m. Motion Carried.

FOREST ISSUES: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign and send a letter to the Forest Supervisor stating Lawrence County expects that historic and traditional law establishing rights-of-way on federal land will be respected in the planning process. Use, past and/or present, establishes legal and, by definition, formal rights-of-way. Lawrence County required that any request for right-of-way vacation be accompanied by a legal description of said right-of-way. Rights-of-way are property rights and are in the domain of state and local government. Motion Carried.

UTILITY PERMIT:

BLACK HILLS POWER & LIGHT: Moved-Seconded (Douglas-Opitz) 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 located .64 miles from corner of Hwy 85 and the Brookview Road. Motion Carried.

BOULDER HEIGHTS ROAD DISTRICT: The Board discussed petitions for Boulder Heights Road District and heard from landowners within the proposed district on the district boundaries.

Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following order declaring the Boulder Heights Road District area incorporated and subject to vote and set the Election for January 24, 2006 from 4:00-4:30 p.m.. Motion Carried. Aye-4, Nay-Ewing. ***ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE BOULDER HEIGHTS 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: Located in Section Fourteen (14) of Township Five North (T5N) Range Four East of the Black Hills Meridian (BHM), Lawrence County, South Dakota: Lots 1-12 inclusive of Block A, Lots 1-10 inclusive, Lot 11 Revised and Lot 12 Revised of Block B, Lots 1-12 inclusive of Block C, Lots 1-14 inclusive of Block D, Lots 1 Revised, Lot 2 Revised and lots 3-14 inclusive of Block E, Lots 1-7 inclusive and 10-14 inclusive of Block F, all of Boulder Heights Addition Number 1; Lot 8A and Lot 9A of Block F of Boulder Heights Subdivision; Tracts HA and HB of Track "H" of the Revised Plat of Tracts "H" and "I" in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, T5N, R4E; Tract E of Section 14, T5N, R4E: Lot 1 Subdivision of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, R5N, R4E; Lot CU, a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T5N, R4E; Lot X of the Subdivision of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T5N, R4E; Tract F a Subdivision of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T5N, R4E. *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 Boulder Heights Road District. DATED this 13th day of December 2005. BOB EWING, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR

FINAL PLAT YATES SUBDIVISION / HMC: Moved-Seconded (Weisenberg-Douglas) to approve the final plat of Tract A, B, C, D, E, & F of the Yates Subdivision, Lawrence County, SD. Motion Carried.

WESTERN WIRELESS TEMPORARY TOWER REVIEW: The six month review of Western Wireless Temporary Tower near Whitewood was conducted. No issues or complaints were received.

VETERANS ISSUES: William Locken, Veteran Service Officer, was present to update the Board on Veterans Benefits in Lawrence County. The Board thanked Locken for his hard work and dedication.

JUNK ORDINANCE:

The Board heard a junk complaint and reviewed pictures on a property located in Lower Valley owned by 3G Corporation. Moved-Seconded (Seward-Weisenberg) to direct Bruce Outka, Deputy States Attorney, to send a letter giving 30 days notice to clean up the property. Motion Carried.

The Board heard a junk complaint and reviewed pictures on a property located in Black Forest Ranch owned by Clifford Littau. Moved-Seconded (Seward-Weisenberg) to direct Bruce Outka, Deputy States Attorney, to send a letter giving 30 days notice to clean up the property. Motion Carried.

2006 LIQUOR LICENSE RENEWALS: Moved-Seconded (Seward-Weisenberg) to renew the following liquor licenses for 2006: Package Liquor - Off Sale License: Dan Martin, Nemo Mercantile; Tim & Janet Asheim (St.Onge Store); Retail Or Retail And Sunday On-Sale License

Gary & Lisa Lutz, Spearfish Canyon Bar; 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. Motion Carried.

SEARCH & RESCUE BUILDING UPDATE: Gary Lillehaug was present and updated the Board on the Search and Rescue Building. Lillehaug presented a slide show and discussed budget issues with the Board. A supplement will be needed in 2006 to cover additional utilities for the new building. The Board thanked the Search and Rescue members for all their donated hours.

AMENDMENT CONDITIONAL USE PERMIT #300-05 / LINDGREN: A public hearing was held on a request for Amendment for Conditional Use Permit #300-05 for Doug and Jody Lindgren to change Horse Camp Access from the Rockland Road to Corral Creek Road. John and Dianne VanPatten spoke in favor of Doug and Jody Lindgren and stated the Corral Creek Road is a County Road and the proposed use for the property is appropriate. Tom Brady, Attorney representing Gary and Penny Sparks, referred to a letter he sent to the Board on behalf of the Sparks private residential easement. Brady stated the Lindgren property does not abut a County or State maintained road which limits access to their proposed commercial enterprise. Numerous landowners within the Elk Ridge Subdivision spoke in opposition of the proposed amendment and a petition was presented to the Board asking the Board to disapprove the amendment. Safety issues and property rights were expressed.

John Frederickson, Attorney representing Doug and Jody Lindgren, stated the Corral Creek Road is a public road and commercial use such as recreational and logging is already accessing the road. Frederickson stated the 1-2 additional vehicles a week that would be using the road would not be a major impact to the road. The public hearing was closed. Flanagan stated Planning and Zoning recommended denial of the request.

Douglas stated the Lindgren's originally signed on to the project with the condition that the signage direct the guests to use the Rockland Road and they need to stay with the original plan. Moved-Seconded (Weisenberg-Seward) to approve the amendment request for Conditional Use Permit #300-05 with amended conditions #6 & #14 as on file in the Lawrence County Planning and Zoning Office. Motion Carried. Aye-Weisenberg, Seward, Opitz. Nay-Douglas. Chairman Ewing did not vote.

AVENTURE ESTATES PLAT: Owner/Representative: Aventure Estates, LLC/ Mike Percevich/Arleth & Associates, Plat of Lots 5 & 16 of Aventure Estates, Sections 11 & 12, T4N, R2E. (legal shortened) Location: Terry Peak Summit Road. Moved-Seconded (Weisenberg-Seward) to approve the Aventure Estates plat as presented. Motion Carried.

KLUTHE ISOLATED TRACT: Bruce Outka updated the Board on the ongoing negotiations involving the Kluthe isolated Tract. Moved-Seconded (Weisenberg-Seward) to table any action on the issue until the December 27 meeting to allow negotiations among the landowners to continue. Motion Carried.

U.S. GEOLOGICAL SURVEY: Dan Driscoll and Larry Putnam, U.S. Geological Survey were present and updated the Board on projects. Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairman to sign the U.S. Department of Interior Joint Funding Agreement for October 1, 2005 to September 30, 2006. Motion Carried. Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Amendment of Joint Funding Agreement for Water Resources Investigations. Motion Carried.

EXECUTIVE SESSION: 1:05 p.m. Moved-Seconded (Opitz-Weisenberg) to go into executive session to discuss contractual matters with Deputy States Attorney Bruce Outka. Motion Carried. 1:16 Opened with no action taken.

BUILDING PERMIT APPEAL / PURITAN S/D / WEAVER: The Board reviewed the documentation received from James E. and Verla M. Weaver in regards to the building permit issued to William and Karen Forman on Lot 11 Puritan S/D located in Spearfish Canyon.

Moved-Seconded (Douglas-Seward) to uphold the issuance of the building permit as issued by the Planning and Zoning Office because no set backs are required because Lot 10 is noted as a lot and not a U.S., State or County right-of-way. Motion Carried.

REALTORS AGAINST METH PROGRAM: Gail Tysdal was present to discuss the Realtors Against Meth Program. Douglas suggested they arrange a display in the Courthouse Annex during the month of January to raise the awareness of the problem. The Board noted the importance of the issue and asked that a budget be prepared for their review, prior to any monetary commitment from the County.

EXECUTIVE SESSION: 1:50 p.m. Moved-Seconded (Seward-Weisenberg) to go into executive session to discuss contractual matters with Deputy States Attorney Bruce Outka and Greg Dias. Motion Carried. 2:10 Opened with no action taken.

BILLS: Moved-Seconded (Weisenberg-Opitz) 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-\$3,248.83; Aud-\$5,751.54; Treas-\$7,875.74; Comp-\$4,687.12; States Atty-\$11,675.34; Pub Def-\$5,843.52; Gen Govt Bldg-\$5,579.77; Equal-\$10,465.82; Deeds-\$5,669.66; Vso-\$936.73; Disp-\$11,196.50; Sher-\$26,106.01; Jail-\$17,931.03; Emerg Mgnt-\$2,410.49; E911-\$1,336.00; Highway-\$30,540.52; Air-\$314.90; Ext-\$1,194.00; Weed-\$1,384.17; PZ-\$2,397.56; **Bills:** Atkinson,C-\$43.00; Ehnes,T-\$43.00; Fitzgerald,M-\$36.00; Larson,P-\$6.40; Little,T-\$162.96; Mcgruder,B-\$86.98; Mowell,R-\$6,592.50; Nelson,M-\$43.00; Sargent,D-\$43.00; Seward,J-\$325.00; Siedschlaw,R-\$155.00; Thomson,P-\$260.00; Weisenberg,T-\$100.00; A&B Business Equip-\$986.02; A&B Welding Supply-\$25.65; A&J Supply-\$40.46; A&M Transport-\$169.75; ABC Business Supply-\$1,529.63; Active Data Systems-\$279.90; Ag Communications Center-\$75.31; Air Connection-\$50.00; Alco Store-\$58.98; Altaire Enterprises-\$20.00; American Family Life-\$2,682.64; Smith,J-\$75.96; BH Chemical Company-\$984.73; BH Federal Credit Union-\$9,061.67; BH Fibercom-\$1,758.87; BH Medical Ctr Pharmacy-\$15.20; BH Pest Control-\$95.00; BH Power & Light-\$398.54; BH Security & Systems-\$968.37; BH Windshield Repair-\$50.00; Best Business Prod-\$52.08; Best Western Ramkota Inn-\$516.00; Biegler,G-\$150.00; Black Hills Pure-\$35.50; Blue Cross-\$46,119.84; Bob Barker Company-\$553.92; Bp-\$265.64; Burke,K-\$169.20; Butler Machinery Co-\$6.35; Butte County Highway-\$1,124.36; Butte Electric Coop-\$436.52; Canon USA-\$685.00; Carquest Of Spearfish-\$29.95; CDW Government-\$182.32; Cellular One-\$825.08; Central Parts-\$1,253.25; Chemical Sanitizing Sys-\$110.85; Christensen Law Office-\$580.75; City/County Alcohol & Drug-\$1,926.00; Clark Printing-\$110.60; Clarke,N-\$465.20; CNA Surety-\$50.00; Coburn,B-\$176.20; Cody,D-\$24.00; Coley,M-\$60.00; Community Health Services-\$689.00; Cooperative Extension Service-\$180.30; Crume,K-\$560.00; Culligan Soft Water Serv-\$75.50; Deadwood Home Center-\$1.44; Deadwood Recreation Center-\$149.00; Deadwood, City Of-\$537.73; Deckers Food-\$17.86; Dept Of The Treasury-\$36,268.49; Derosier,L-\$246.68; Deweese,R-\$371.00; Dietrich,D-\$147.95; Division Of Motor Veh-\$17.00; Dugan-\$2,097.45; Edens,M-\$89.20; Elan Financial Services-\$1,337.62; Ertz,D-\$260.00; ETSU Physicians & Associates-\$2,580.50; Executone Of The BH-\$220.85; Extension Service-\$222.94; Fastenal-\$46.32; First Western Bank-\$1,360.00; Fish,V-\$1,311.00; Fisher Sand & Gravel-\$3,479.92; Fort Dearborn Life Ins-\$952.85; Frederickson,J-\$222.00; Gasboy International-\$99.00; Gene's Lock Shop-\$34.95; Gn Netcom-\$105.00; Golay,B-\$430.60; Great Western Tire-\$435.80; Havemeier,L-\$729.80; Heavenly Repairs-\$211.75; Heisler Hardware-\$16.75; Henry Schein-\$103.86; Hewlett-Packard Company-\$2,676.00; Hickok's Iron Horse Inn-\$210.30; Honeywell-\$43.75; Huron Culvert & Tank Co-\$6,076.00; Ikon Office Solutions-\$129.34; Integrity Ford-\$69.48; Intoximeters-\$407.50; Kadrmas, Lee And Jackson-\$2,341.89; Karpinen,S-\$280.00; Ken's Camper Sales-\$168.38; Knecht True Value-\$5,055.21; Kooistra,N-\$24.00; LC Journal-\$613.11; LC Sheriff-\$404.27; LC Treasurer-\$100.00; Lead, City Of-\$38.40; Lead-Deadwood Regional-\$747.98; Lead-Deadwood Sanitary-\$304.20; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$311.70; Lexisnexis On-Line-\$328.00; Liewer Enterprises-\$14,200.00; Ll Construction-\$3,979.11; M&T Fire & Safety-\$187.00; Mattson,B-\$211.44; Mearthur,J-\$80.00; Mcfarling,B-\$386.67; Megas Propane-\$111.24; Mickelson,C-\$211.44; Mid America Specialties-\$300.83; Minnehaha County Sheriff-\$7.50; Mobile Electronic Service-\$10.50; Montana Dakota Utilities-\$7,075.07; NH Family Ymca-\$178.00; NH General Hospital-\$1,584.33; Nasppg-\$2,520.48; Nelson,T-\$320.00; Neve's Uniforms-\$94.80; Newman Traffic Signs-\$2,128.40; Office Max-\$63.36; Office Of Child Support-\$386.31; Office Technology Supply-\$15.10; Olson,V-\$25.00; Paradeis,D-\$60.00; Pennington Co Jail-\$795.27; Pennington County Sheriff-\$61.50; Pennington County Sts Attny-\$400.00; Percy Law-\$539.47; Performance One-\$1,900.32; Pheasantland Industries-\$441.28;

Phoenix Investigations-\$552.28; Porta Storage/Caj Enterprise-\$175.00; Pronto Auto Supply-\$41.46; Public Safety Equip Co-\$409.95; Queen City Rocket Lube-\$190.22; Qwest-\$188.64; RCRH Patient Collections-\$100.00; RC Finance Office-\$1,015.00; RC Medical Center-\$172.80; Radio Shack/Kazco-\$1,999.95; RDO Equipment-\$266,048.42; Regan Battery Maint Services-\$407.40; Regional Behavioral Health Ctr-\$118.42; Reindl,S-\$2,825.78; Rollin Oil-\$1,432.00; Rombough,D-\$89.60; Rushmore Communications-\$246.06; SD Retirement System-\$40,636.67; SD State Treasurer-\$615.32; SD Aao-\$275.00; SD Association Of County-\$185.00; SD Community Foundation-\$2,500.00; SD Cvso-\$50.00; SD Federal Property Agency-\$18.50; SD Planners Association-\$85.00; SDRS Supplemental Retirement-\$872.00; Secretary Of State-\$50.00; Servall Towel & Linen-\$371.59; Silverado-\$1,562.29; Southside Oil-\$3,951.36; Spearfish Auto Supply-\$1,017.57; Spearfish Chamber Of Commerce-\$100.00; Spearfish Extinguisher Service-\$313.80; Spearfish Gunsmithing-\$35.00; Spearfish Husky-\$486.00; Speedylube-\$29.67; Stahl,M-\$118.80; State Bar Of South Dakota-\$1,476.25; Stationers-\$131.28; Superior Lamp And Supply-\$977.58; Teen Court-\$9,082.12; Tigerdirect-\$1,783.12; Triple K Tire & Repair-\$377.98; Twin City Hardware & Lumber-\$186.61; Tysdal,R-\$211.44; U S Dept Of Interior-\$161.70; UAP Timberland-\$920.00; United Parcel Service-\$24.12; Verizon Wireless-\$121.39; Viking Office Prod-\$1,082.53; Voelker & Adams-\$1,431.55; Walmart Store-\$311.83; Waste Connections-\$516.00; West Group-\$152.00; Western Communication-\$294.10; Wienk, M-\$301.80; Williams Standard Serv-\$41.17; Wolff's Plumbing & Heating-\$3,670.00; Ziggy's Building Center-\$205.64; **Witness & Jurors:** Rear,J-\$60.88; Anderson,M-\$66.00; Bergey,C-\$58.32; Clark,C-\$57.68; Eaves,J-\$62.80; Flores,H-\$56.40; Purchase,L-\$51.28; Sliper,R-\$53.20; Standley,J-\$66.00; Brookings,B-\$57.68; Cole,D-\$19.60; Dahl,M-\$19.60; Decory,W-\$19.60; Fuka,J-\$19.60; Furois,M-\$19.60; Hagen,J-\$12.56; Halverson,K-\$61.52; Heinen,R-\$51.92; Kennedy,R-\$17.68; Lance,M-\$50.64; Lattin,G-\$22.80; Lee,T-\$66.00; Lund,L-\$59.60; Mcgraw,H-\$10.64; Mclaughlin,M-\$11.92; Mikkelson,L-\$57.68; Miller,N-\$22.80; Mollman,R-\$11.92; Munger,A-\$19.60; Nauman,S-\$61.52; Neuder,J-\$22.80; Nies,L-\$22.80; Perry,B-\$21.52; Powers,S-\$11.28; Ridley,W-\$59.60; Schmit,C-\$51.92; Sorenson,L-\$10.64; Arehart,J-\$22.80; Carlson,R-\$67.28; Hammond,C-\$59.60

ADJOURN: 2:10 p.m. there being no further business it was Moved-Seconded (Weisenberg-Opitz) to adjourn. Motion Carried.

DATE APPROVED

ROBERT EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 27, 2005

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 27, 2005 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Connie Douglas and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Opitz) to approve the minutes of December 13, 2005. Motion Carried.

PERSONNEL:

REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Seward) to classify Roxie Feterl as a Records Clerk Grade 3, effective 1-1-2006. Motion Carried.

TREASURER: Moved-Seconded (Weisenberg-Opitz) to classify Janice Haupt as a Secretary G3 and Ina Peck as a Secretary G2, effective 1-1-2006. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Douglas) to classify Scott Sandvig and Brett Runge as Appraiser III G2, effective 1-1-2006. Motion Carried.

Moved-Seconded (Douglas-Opitz) to classify Dennis Schumacher as Appraiser IV G2, effective 1-1-2006. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to accept the resignation of Brandon Bott, effective 12/31/2005, and allow for the posting of an appraiser. Motion Carried.

AMBULANCE AGREEMENT: Moved-Seconded (Opitz-Weisenberg) to approve and authorize the chairman to sign the ambulance agreements with Lead/Deadwood Regional Hospital for the year of 2006. Motion Carried.

REALTORS AGAINST METH PROGRAM: Moved-Seconded (Seward-Weisenberg) to make a one time contribution of \$3,000 to Realtors Against Meth Program, and to do a contingency transfer of \$3,000 to Commissioners Professional Services to cover the expense. Motion Carried.

AUTOMATIC SUPPLEMENTS:

WEED: Moved-Seconded (Weisenberg-Douglas) to approve and authorize a supplemental budget for Invasive Species Management grants - \$12,743, for revenues received from grant funds and other federal, state and local governmental funds. Motion Carried.

RESOLUTION 2005-45 / ABANDONED TEMPORARY EASEMENT: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the following Resolution #2005-45. Motion Carried.

RESOLUTION #2005-45 LAWRENCE COUNTY BE IT RESOLVED BY THE LAWRENCE COUNTY COMMISSION: THAT, WHEREAS, the County of Lawrence, acting by and through its County Commission, has heretofore acquired for highway right of way purposes in connection with the construction of Project NH 0012(56)298, PCEMS 2674, in Lawrence County, South Dakota, the following Temporary Easements: Rattler No. 2 Lode Mining Claim M.S. 1881, except Lots 1 and 2 of Tract A in Section 26, Township 4, North, Range 3 East; Anaconda No. 21 Lode Mining Claim M.S. 1881 located in Section 26, Township 4 North, Range 3 East; All of MS, 1881, except five acres owned by Cliff Larson in Section 26, Township 4 North, Range 3 East (recorded May 2, 2002 at 2:29 p.m., Document No. 2002-2388) AND, WHEREAS, it has been determined by the South Dakota Transportation Commission that said property described above is no longer needed or deemed necessary for highway purposes, NOW, THEREFORE, BE IT RESOLVED, that the County of Lawrence acting by and through the Lawrence County Commission, that said temporary easement described above located in Lawrence County, South Dakota, is not now or in the future needed or deemed necessary for use in construction or maintenance of highways or for highway purposes, and the same is hereby abandoned. ADOPTED THIS 27TH DAY OF DECEMBER, 2005. LAWRENCE COUNTY COMMISSION, ROBERT EWING, Chair. THIS IS TO CERTIFY THAT, this is a true and correct copy of Resolution # 45 adopted by the Lawrence County Commission, in the City of Deadwood, South Dakota, on December 20, 2005, and the undersigned has custody of the same. CONNIE ATKINSON, Auditor

SUPPLEMENTAL BUDGET #05-44: A public hearing was held on a supplemental budget for the Road and Bridge Fund and Fire Protection Fund. No public input was received. The public hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #05-44 for a supplemental budget. Motion Carried. RESOLUTION #05-44 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2005, 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 2005, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **ROAD & BRIDGE FUND:** Road & Bridge – Capital Assets - \$685,000.00. **FIRE PROTECTION FUND:**

Fire Protection Grants - \$6,000. 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 27th day of December, 2005 at the hour of 8:15 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 27th day of December, 2005. FOR THE BOARD OF

COUNTY COMMISSIONERS. ROBERT EWING, Chairman. ATTEST: CONNIE ATKINSON, Auditor

KLUTHE ISOLATED TRACT: Bruce Outka updated the Board on the ongoing negotiations involving the Kluthe isolated Tract. Moved-Seconded (Seward-Ewing) to table any action on the issue until the January 3, 2006 meeting to allow negotiations among the landowners to continue. Motion Carried.

EXECUTIVE SESSION: 8:22 a.m. Moved-Seconded (Weisenberg-Opitz) to go into executive session to discuss contractual matters with Deputy States Attorney Bruce Outka. Motion Carried. 8:30 a.m. Opened with no action taken.

ABATEMENTS:

CITY OF DEADWOOD: Moved-Seconded (Weisenberg-Seward) to deny the abatement request for parcel #30900-00107-010-20 because the abatement request has already been acted on. Motion Carried.

CITY OF LEAD / BALKENHOL: Moved-Seconded (Douglas-Weisenberg) to approve the abatement for the City of Lead on parcel #31810-00700-010-70 because the property is tax exempt. Motion Carried.

SURPLUS BID OPENINGS:

1998 CATERPILLAR 140H MOTORGRADERS: The following bids were received: Butler Machinery-\$93,800; Iron Planet #57-\$103,400 #51-\$103,800 #58 \$103,800 #53 \$105,700 #54 \$104,800 #56 \$102,400; Deadwood Inc (Jonner & Sons) #51 \$96,500 #53 \$101,800 #56 \$94,800 #57 \$97,550 #58 \$98,502 #54 \$99,151. Moved-Seconded (Weisenberg-Douglas) to accept the high bid from Iron Planet on the six motor graders. Motion Carried.

SHERIFF VEHICLES: Moved-Seconded (Weisenberg-Opitz) to accept the only eligible bids from Iron Planet on the 1998 Ford Explorer - \$2,850, 2001 Dodge Durango - \$5,000, 2002 Ford Explorer -\$6,900; and to declare the vehicles surplus. Motion Carried.

RIGHT OF WAY PERMITS: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highway on the Fogelsong Rd. for Qwest Corporation. Motion Carried.

CONDITIONAL USE PERMIT #314-VETERINARY CLINIC: A public hearing was held for Conditional Use Permit #314 – Veterinary Clinic - Owner/Representative: Melvin Marousek/Warren Whalen. Legal Description: E1/2 E1/2 SE1/4 SW1/4, Section 33, T7N, R2E, Location: Spearfish North. Marousek spoke in support of the request. The public hearing was

closed. Moved-Seconded (Seward-Opitz) to approve the Conditional Use Permit #314 with conditions as on file in the Planning and Zoning Office. Motion Carried.

CONDITIONAL USE PERMIT #316-CHURCH: A public hearing was held on a Conditional Use Permit #316 – for a Church. Owner/Representative: Monte Bertsch / Mountain View Baptist Church. Legal Description: NW ¼ NE ¼, Section 22, T7N, R2E. Location: Spearfish. No public was present and the public hearing was closed. Moved-Seconded (Seward-Weisenberg) to approve the Conditional Use Permit #316 with conditions as on file in the Planning and Zoning Office. Motion Carried.

WEST ACRES ROAD DISTRICT: The Board discussed petitions for the annexation area of the West Acres Road District and the Voluntary Annexation. The Board determined the petitions must be submitted to the City of Spearfish, prior to any action from the County Commission. The property is within the jurisdiction area of the City of Spearfish.

PUBLIC DEFENDER CONFLICT COUNSEL: Moved-Seconded (Weisenberg-Seward) to table any action on the Public Defender Conflict Counsel to allow more time to discuss the issue and research for more information. Motion Carried.

BILLS: Moved-Seconded (Douglas-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-\$3,248.83; Aud-\$6,169.07; Treas-\$7,887.10; Comp-\$4,690.45; States Atty-\$11,998.51; Pub Def-\$5,843.52; Gen Govt Bldg-\$5,633.66; Equal-\$10,332.08; Rod-\$5,669.66; Vso-\$936.73; Disp-\$10,265.99; Sher-\$24,915.46; Jail-\$16,217.22; Emerg Mgnt-\$2,307.19; E911-\$1,339.00; Highway-\$31,290.19; Air-\$529.30; Ext-\$1,128.00; Weed-\$2,439.00; Pz-\$2,397.56; **Bills:** Harper,J-\$12.00; Heck,D-\$325.52; Locken,W-\$213.76; Opitz,G-\$243.84; Weisenberg,T-\$101.76; A&B Business Equip-\$4,735.26; A&B Welding Supply-\$145.77; A&M Transport-\$96.25; A-Z Shredding-\$9.75; Abc Business Supply-\$7,465.23; Aberdeen Llc-\$2,620.00; Ackerson,R-\$783.44; Altaire Enterprises-\$300.00; Amcon Distributing-\$279.13; Armstrong Extinguish-\$940.00; AT&T-\$7.88; Smith,J-\$59.84; BH Chemical Company-\$1,921.50; BH Federal Credit Union-\$9,061.67; BH Land Analysis-\$315.00; BH Medical Ctr Pharmacy-\$1,665.03; BH Pioneer-\$1,009.41; BH Power & Light-\$6,935.85; BH Security & Systems-\$7,264.25; BH State University Career-\$30.38; BH Window Cleaning-\$2,735.00; BH Windshield Repair-\$50.00; Baker,P-\$392.16; Behavior Mngt Systems-\$401.25; Bennett,M-\$79.80; Black Hills State University-\$5,000.00; Boyer,J-\$311.52; Bp-\$966.65; Breckenridge,J-\$1,844.51; Brown & Saenger-\$248.89; Butler Machinery Co-\$684,396.77; Campbell Co Sheriffs-\$20.00; Carquest Of Spearfish-\$337.03; Center Revolving-\$75.00; Central Parts-\$630.19; Chemical Sanitizing Sys-\$189.10; Christensen Law Office-\$1,538.90; City/County Alcohol & Drug-\$3,631.00; Clinical Lab Of BH-\$1,357.62; Conoco-\$131.51; Cooperative Extension Service-\$57.35; Corral West-\$93.85; Culligan Soft Water Serv-

\$112.50; Dakota Graphics-\$424.00; Deadwood Home Center-\$30.40; Dept Of The Treasury-\$35,324.81; Domestic Crisis Outreach-\$285.00; Eagle Aviation-\$822.77; Edens,M-\$72.32; Ellingson,J-\$1,970.12; Etsu Physicians & Associates-\$673.44; Evercom Systems-\$630.00; Executone Of The BH-\$65.00; Extension Service-\$85.38; Fsh Communications-\$57.70; Firehouse-\$52.00; Fish,V-\$44.20; Gall's-\$809.96; Gene's Lock Shop-\$12.98; Grosfield Electric-\$1,078.23; Havemeier,L-\$57.80; Hefner,D-\$430.56; Heiman Fire Equip-\$304.38; Heisler Hardware-\$139.28; Hewlett-Packard Company-\$3,840.00; Iaa0-\$175.00; Jacobs Precision Welding-\$786.55; Janz,D-\$800.00; Kabeiseman & Pollard Law-\$171.30; Karpinen,S-\$341.92; Kaul,B-\$159.60; Kimball-Midwest Co-\$218.52; Kinney,M-\$34.60; Koala Electric-\$4,269.93; LC Journal-\$612.77; LC Sheriff-\$24.86; LC Treasurer-\$100.00; Language Line Services-\$77.00; Lead, City Of-\$285.11; Lead-Deadwood Regional-\$643.61; Lead-Deadwood Sanitary-\$71.00; Light & Siren-\$1,185.00; Loll,J-\$725.00; Looyenga,D-\$350.00; Lurz,T-\$335.00; Macks Auto Body-\$693.00; Mearthur,J-\$40.00; Mcleod's Office Supply-\$897.76; Miller,P-\$8,887.75; Montana Dakota Utilities-\$200.00; Montana-Dakota Util-\$408.24; Motorola-\$11,690.00; Murphy,J-\$3,573.18; NH General Hospital-\$208.47; Neafcs-Sd Affiliate Treasurer-\$105.00; Neighbors,J-\$525.00; Nelson,C-\$160.00; Nelson,T-\$200.00; Neve's Uniforms-\$685.22; Nicholas,C-\$73.04; Office Of Child Support-\$386.31; Office Technology/Supply-\$600.47; Pennington Co Jail-\$1,338.93; Pennington County Sheriff-\$34.48; Pitney Bowes-\$732.00; Pizza Hut-\$238.00; Pro Rental Management-\$315.00; Public Safety Equip Co-\$1,041.29; Queen City Motors-\$286.37; Quill Corp-\$781.98; Qwest-\$747.73; Rcrh Patient Collections-\$100.00; RC Medical Center-\$33.05; RC Regional Hospital-\$213.00; Radio Shack/Kazco-\$1,949.87; Radiology Associates-\$28.45; Ray O'herron Co-\$287.98; Regan Battery Maint Services-\$379.90; Regional Behavioral Health Ctr-\$223.79; Reliable-\$92.32; Ritz Camera \$2,569.92; Rollin Oil-\$33,579.34; Rombough,D-\$72.00; Rowenhorst,J-\$688.80; SD Dept Of Legislative Audit-\$11,884.16; SD Human Services Center-\$200.00; Sdrs Supplemental Retirement-\$872.00; Sand Creek Printing-\$204.00; Saul Mineroff Electronics-\$219.00; Servall Towel & Linen-\$371.59; Settle Aviation-\$1,900.00; Shepherd Reporting-\$37.50; Slate Creek Counseling-\$226.80; Software House International-\$1,305.02; Spearfish Auto Supply-\$898.34; Spearfish Handyman-\$473.05; Spearfish Husky-\$59.00; Spearfish Motors-\$20.11; Stahl,M-\$64.87; Tigerdirect-\$2,132.65; Triple K Tire & Repair-\$389.41; Trump Law Office-\$296.00; Twin City Hardware & Lumber-\$174.87; Tysdal,R-\$79.80; US Postal Service-\$5,000.00; Uap Timberland-\$4,992.29; Verizon Wireless-\$605.76; Victims Of Violence-\$285.00; Walmart Store-\$1,167.04; Welke,L-\$120.00; Wells Fargo Business Card-\$226.94; West River International-\$99.99; Western Communication-\$5,277.00; Western Fire & Safety-\$113.89; Western Sd Juvenile Serv-\$2,970.00; Whorton,R-\$163.40; Yankton Co Sheriff-\$16.50; Ziggy's Building Center-\$146.81; **Witness & Juror:** Winchester,C-\$29.60; Fuller,F-\$20.64; Wainman,W-\$39.20; Flanders,V-\$52.56; Hafner,D-\$62.80; Haiwick,M-\$59.60; Scovell,S-\$62.80; Smith,K-\$57.68; Standley,J-\$29.60; Stenzel,E-\$52.56; Tetrault,M-\$59.60; Tippey,C-\$53.84; Young,J-\$59.60; Reasor,K-\$104.00; Crowley,S-\$29.60; Knutson,B-\$50.72; Hall,B-\$21.92; Briner,J-\$37.92; Blair,B-\$29.60; Brearey,C-\$30.88; Crotty,J-\$29.60; Crotty,K-\$29.60; Fox,K-\$29.60; Irwin,J-\$21.92; Jensen,M-\$28.32; Johnson,B-\$29.60; Johnson,K-\$29.60; Johnson,K-\$41.76; Kershner,K-\$21.92; McClain,M-\$21.92; Mcdermott,P-\$29.60; Merrow,S-\$28.00; Nezo,T-\$52.00; Schaffer,M-\$29.60; Swans,N-\$26.40; Teppo,D-\$39.20

ADJOURN: 9:03 p.m. there being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

DATE APPROVED

ROBERT EWING, Chairman

ATTEST:

CONNIE ATKINSON, Auditor