

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 6, 2009**

Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 6, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Bob Ewing, Daryl Johnson, and Tommy Thompson present.

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

Judge Johnson was present to swear in the newly elected County Commissioners Daryl Johnson, Terry W. Weisenberg, Officials John H. Fitzgerald - States Attorney, Gary Gould – Coroner, and Debora D. Tridle – Treasurer.

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda as amended. Motion Carried.

### **2009 ANNUAL APPOINTMENTS & DESIGNATIONS**

**CHAIRPERSON OF COUNTY COMMISSIONERS:** Moved-Seconded (Douglas-Thompson) to appoint Commissioner Ewing as the Chairperson of the Lawrence County Commissioners for 2009. Motion Carried.

**VICE-CHAIRPERSON OF COUNTY COMMISSIONERS:** Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Douglas as the Vice-Chairperson of the Lawrence County Commissioners for 2009. Motion Carried.

**BOARD OF ADJUSTMENTS:** Moved-Seconded (Weisenberg-Johnson) to appoint Connie H. Douglas, Bob Ewing, Daryl Johnson, Tommy Thompson, and Terry W. Weisenberg as the Board of Adjustment for 2009. Motion Carried.

**LEGAL NEWSPAPERS:** Moved-Seconded (Douglas-Weisenberg) to designate the B.H. Pioneer and the Lawrence County Journal as the legal newspapers for 2009. Motion Carried.

**SHERIFF'S OFFICE POSITIONS:** Moved-Seconded (Thompson-Weisenberg) To restate the full time positions in the Lawrence County Sheriff's office for 2009 as follows: (1) Chief Deputy (1) Captain, (1) Lieutenant, (2) Squad Sergeant, (5) Deputies, (2) Detectives, (2) Process Servers, (4) Office Personnel (11) Jailers, (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

**INDIGENT FUNERAL EXPENSE:** Moved-Seconded (Weisenberg-Johnson) to set the standard burial fee at \$2,210 and continue the remaining 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 (Thompson-Douglas) to appoint Commissioner Weisenberg as representative and Daryl Johnson as alternate for 2009. Motion Carried.

Moved by Thompson to appoint Alan Kremlacek to the Airport Board for a five-year term to expire 1-2014. Motion died due to lack of second.

Moved-Seconded (Weisenberg-Douglas) to appoint Bob Golay for a five-year term to end 1-2014. Motion Carried. Aye-4, Nay-Thompson.

**EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN:** Moved-Seconded (Weisenberg-Thompson) to appoint Chairman Ewing for 2009. Motion Carried.

**EXTENSION BOARD:** Moved-Seconded (Johnson-Weisenberg) To appoint Commissioner Thompson to the Extension Board for a one-year term to expire 1-2010. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) To appoint Robin Dirksen, Druse Kellogg, Stephanie Crowley, Joanne Goodrich, Roxie Tetrault and Richard Sleep for a one-year term to expire 1-2010. Motion Carried.

**FAIR BOARD:** Moved-Seconded (Johnson-Weisenberg) To appoint Commissioner Thompson to the Fair Board for 2009. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) to appoint Dan Holben for a (3) year term to expire 1-2012. Motion Carried.

**HOUSING & REDEVELOPMENT COMMISSION:** Moved-Seconded (Douglas-Thompson) to appoint Gordon Campbell to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2013. Motion Carried.

**INSURANCE COMMITTEE:** Moved-Seconded (Weisenberg-Johnson) to appoint Commissioner Douglas for 2009. Motion Carried.

**INVASIVE SPECIES MANAGMENT:** Moved-Seconded (Thompson-Weisenberg) To appoint Commissioner Ewing for 2009. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) To appoint Bob Rahja and Donna Watson for a three-year term to expire on 1-2012. Motion Carried.

**MENTAL ILLNESS BOARD:** Moved-Seconded (Douglas-Weisenberg) to appoint Bonnie Wright for a three-year term to expire on 1-2012. Motion Carried.

**PLANNING & ZONING BOARD:** Moved-Seconded (Douglas-Thompson) to appoint Commissioner Johnson for 2009. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to appoint Commissioner Ewing as alternate for 2009. Motion Carried.

Moved-Seconded (Douglas-Thompson) To appoint Craig Mickelson for a five year term to expire 1-2014. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Douglas-Thompson) To appoint Commissioner Ewing, and Commissioner Weisenberg for 2009. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) To appoint Jerry Apa to the Public Defender Board for 2009. Motion Carried. Aye-4 Nay-Thompson.

**B.H. COUNCIL OF LOCAL GOVERNMENTS:** Moved-Seconded (Douglas-Thompson) to appoint Commissioner Johnson as Representative and Commissioner Weisenberg as Alternate for 2009. Motion Carried.

**LAWRENCE COUNTY REVOLVING LOAN FUND:** Moved-Seconded (Douglas-Thompson) to appoint Commissioner Johnson, Commissioner Weisenberg, Marlene Barrett, and Blaise Emerson to the Lawrence County Revolving Loan Fund Board for 2009. Motion Carried.

**LIBRARY BOARD:** Moved-Seconded (Weisenberg-Thompson) to appoint Commissioner Douglas for 2009. Motion Carried.

**SPEARFISH ECONOMIC DEVELOPMENT BOARD:** Moved-Seconded (Weisenberg-Thompson) to appoint Commissioner Douglas to the Spearfish Economic Development Board for 2009 and Commissioner Johnson as the alternate for 2009. Motion Carried.

**STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES:** Moved-Seconded (Douglas-Weisenberg) to appoint Chairperson Ewing, and Emergency Management Director, Paul Thomson for 2009. Motion Carried.

**MULTIPLE USE COMMITTEE:** Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Thompson to the Multiple Use Committee for 2009. Motion Carried.

**WESTERN SD COMMUNITY ACTION:** Moved-Seconded (Weisenberg-Thompson) to appoint Ida Marie Snorteland for 2009. Motion Carried.

**WILDLIFE RECREATION AND TOURISM COMMITTEE:** Moved-Seconded (Weisenberg-Thompson) to appoint Scott Odenbach and Brad Ellis to the Wildlife Recreation and Tourism Committee for a three year term to end 1-2012. Motion Carried.

**LEAD OPERA HOUSE:** Moved-Seconded (Thompson-Ewing) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2009. Motion Carried.

**BH CENTRAL RESERVATIONS:** Moved-Seconded (Douglas-Thompson) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2009. Motion Carried.

**TIMBER COMMITTEE:** Moved-Seconded (Douglas-Weisenberg) to appoint James J. Seward to the Timber Committee for 2009 for a three year term to expire 12-2011. Motion Carried.

**LOCAL RULE OF ORDER:** Moved-Seconded (Weisenberg-Johnson) to adopt the local rule of order requiring three commission members approval to pass a motion for 2009. Motion Carried.

**RULES OF ORDER:** Moved-Seconded (Weisenberg-Ewing) to adopt the Newly Revised Roberts Rules of Order for 2009. Motion Carried.

**2009 WAGES & SCALES:** Moved-Seconded (Douglas-Weisenberg) to accept the following 2009 longevity pay policy, wage scales, and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective January 4, 2009. Motion Carried.

**LONGEVITY PAY:** Longevity pay will be awarded to permanent employees who have been employed for a minimum of five (5) years. Eligibility takes place on anniversary date of 5<sup>th</sup> year of employment, with increases on the 10<sup>th</sup> year of employment, 15<sup>th</sup> year of employment, and 20<sup>th</sup> year of employment. Longevity pay schedule is as follows: 5 Years -1 cent per hour for each year of employment; 10 Years- 2 cents per hour for each year of employment; 15 Years-3 cents per hour for each year of employment; 20 Years- 4 cents per hour for each year of employment. Elected Officials are eligible for longevity pay. Elected County Commissioners are not eligible for longevity pay. Seasonal employees working consecutive years are eligible for longevity pay.

**2009 WAGES (per SDCL 6-1-10):** Commissioners: Douglas, Connie-10,728.81; Ewing, Bob-10,728.81; Tommy Thompson-10,728.81; Johnson, Daryl-10,728.81; Weisenberg, Terry-10,728.91; Barrett, Marlene-50,472.73; Outka, Bruce-59,113.33. Auditor: Atkinson, Connie-58,367.18; McGruder, Brenda-18.81; Millard, Robin-12.61; Nelson, Melody-15.72; Sargent, Debbie-15.23. Treasurer: Tridle, Debora-53,663.48; Adams, Julia-12.61; Atkinson, Sally-16.93; Brownlow, Carleen-12.61; Haupt, Janice-15.95; Marshall, Laurie-12.61; Peck, Ina-15.51; Sjomeling, Carol-16.84. Computer: Dias, Gregory-69,405.56; Leatherman, Debra-\$15.59; McGruder, Randall-22.99. States Attorney: Fitzgerald, John-73,545.81; Baumann, Michelle-19.28; Fox, Teryl M.-\$13.03, Lopez, Amber \$57,227.34; Silvernail, Janice-16.14; Stofflet, Margie-16.61; Yapp, Brenda-50,723.89. Public Defender: Whitcher, Eric-63,048.24; Pike, Matthew-\$52,773.14; Schuchmann, Bernard-48,754.22; Smith, Molly-19.66; Turnbow, Jamie-\$18.44. Maintenance: Frerichs, Richard-23.55; Carr, Zoe-13.39; Caserio, Clifford-18.12; Lee, Laura-11.19; Mattson, Robert-11.89; Varland, Robyn-11.10. Director of Equalization: Piekola, Darlene-63,138.22; Bridenstine, Nancy-16.11; Carrico, Linda-15.97; Ehnes, Tamera-13.82; Hodson, Timothy-16.58; Runge, Brett-\$17.96; Sandvig, Scott-20.18; Symonds, Carmen-17.33; Woodle, Sharon-16.23; Writer, Jason-18.04. Register of Deeds: Green Sheree-47,297.40; Feterl, Florence-15.52; Hansen, Davida-13.03; Podoll, Keri-13.03; Slane, Mary-17.38. Veterans Service Officer: Locken, William-\$29,639.06. Sheriff: Mowell, Richard-65,307.94; Harmon, Joe-57,681.83; Black, Sue-17.12; Dragoo, Shelley-16.24; Fitzgerald, Megan-16.24; Fitzgerald, Sara-16.24; Fredericksen, Lori-16.24; Greeley, Laurie-16.24; Hamilton, Marian-16.72; Schumacher, Kristy-16.30; Steffen, Peggy-16.24; White, Richard-\$16.32; Asheim, Roger-15.97; Baker, Melissa-13.03; Bell, Zachariah-15.60; Cook, Ryan-20.91; Dardis, April-13.03; Davis, Judy-17.62; Dean, Brian-23.59; Gabriel, Larry-18.07; Goetsch, Julie-11.97; Goetsch, Martin-22.24; Hagerty, Richard-17.58; Hansen, Paul-21.76; Hulm, Andrew-15.97; Jansevics, Jake-13.82; Langenfeld, Larry-13.82; Leighty, Brooke-20.91; Leveque, Victor-21.53; Little, Tavis-21.75; Mykleby, Geraldine-15.46; Nelson, Kesha-16.86; Nicholas, Verla-11.97; Rear, Kay-11.97; Ruffatto, Robert-20.91; Shafer, Mike-15.97; Thompson, Colin-15.97; Utecht, Jerome-13.82; Utecht, Julie-11.97; Vrem, Laurie-15.22; Walker, John-15.97; Walker, Misti-11.97; Williams, Robert-20.91; Berndt, Wendy-16.24; Brady, Daniel-16.24; Brennan, Seth-20.35; Brotsky, Cody-15.60; Culver, Kim-16.32; Finnesand, Ashlee-16.24; Fish, Kevin-16.24; Harris, Katrina-16.24; Harter, Ralph-15.60; Kellogg, Susan-16.30; Kotak, Joe-13.15; Leighty, Jennifer-11.97; McGruder, Wade-16.24; Mckee, Angela-16.88; McLain, Michael-15.92; Patino, Dora-15.92; Rosenau, Randall-22.71; Smith, Jordan-14.12; Trentz, David-16.24; Waldner, Dawn-16.29; Williams, Robert C.-17.04. Coroner: Gould, Gary-100.00 call; Isburg, Damon-100.00 call. Emergency Management: Thomson, Paul-53,368.13; Larson, Rene-\$15.53. E911: Sandvick, Thomas-19.60; Highway: Birk, Richard-\$65,480.63; Agena, Timothy-19.47; Barret, Tim-19.07; Bey, John-23.84; Burselson, Norman-19.25; Dahl, Dennis-19.99; Eide, Curtis-19.95; Engel, Paul-19.05; Fystro, Terry-19.95; Grenstiner, Edwin-20.31; Harper, Jeffrey-18.99; Heying, Bradley-19.44; Keller, Robert-19.05; Larimore, Mark-18.99; Lensegrav, Richard-19.53; McCormick, Robert-24.20; Patino, Mark-19.08; Ryan, Steve-24.04; Silvernail, Dennis-19.91; Skavang, Robert-18.99; Vandenberg, Maria-14.11; Wright, Bonnie-18.72. Airport: Harmon, James-16.03; Clarke, Neil-40.00 meeting; Deweese, Rodney-40.00 meeting; Golay, Robert-40.00 meeting; Gullilckson, Scott-40.00 meeting; Lantis, Travis-40.00 meeting. Mental Health Board: Johns, Timothy-\$82.00; Strawn, Eric-82.00, Extension: Bertch, Alyce-16.98; McGuinness, Sherry-11.89; Rahja, Carol-11.89; Frerichs, Amy-per diem; Rombough, Debra-per diem; Weed: Heck, David-46,625.55; Boyer, Jerry-40.00 meeting; Breske, Joshua-11.50; Coleman, Thomas-12.00; Dill, Anthony-11.50; Niesent, Ronald-40.00; Schneider, Shad-\$13.41; Sleep, Richard-40.00 meeting; Sophusson, Marvin-40.00 meeting; Watson, Donna-40.00 meeting. Planning&Zoning: Vogt, Amber-41,958.00; Schulz, Sherryl-15.46; Schroeder, Jeffery-15.88; Brady, Thomas-40.00 meeting; Coburn, William-40.00 meeting;

Mattson, Barbara-40.00 meeting; Mickelson, Criag-40.00 meeting; O'Dea, Marty-40.00 meeting; Tysdal, Richard-40.00 meeting.

<i>NEWLY ELECTED BASE</i>	<i>2009 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	\$ 61,900.00	SDCL 7-7-12
SHERIFF	\$ 39,900.00	SDCL 7-12-15

**RESOLUTION #09-01 / ELECTION OFFICIALS COMPENSATION:** Moved-Seconded (Douglas-Ewing) to approve the following Resolution #2009-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2009-01 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 \$20.00. 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 \$12.00 per hour. DATED this 6th day of January 2009. For the Board, Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #09-02 POLLING PLACES & PRECINCTS:** Moved-Seconded (Weisenberg-Thompson) to approve the following resolution setting the polling places and precincts in 2009. 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; **Nemo**-Nemo Church; **Rural #1**-Lawrence County; Administrative Annex; **St. Onge**-St. Onge Community Hall; **Whitewood**-Whitewood City Hall; **Valley 1**-Spearfish Park Pavilion; **Valley 2**-Spearfish Park Pavilion. **DATED** this 6th day of January 2009. For the Board, Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #09-03 TO ESTABLISH OFFICIAL DEPOSITORIES:** Moved-Seconded (Weisenberg-Thompson) to approve the following Resolution #09-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 09-03 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 2008: 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; Black Hills FCU 835 Main St. Spearfish SD; Northern Hills FCU 134 E Ryan Road Spearfish SD; Dakota territory FCU 78 Cliff St Deadwood 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 2009. Dated this 6<sup>th</sup> day of January 2009. For the Board of County Commissioners: Bob Ewing, Chairperson Attest: Connie Atkinson, Auditor

**COMMISSION MEETINGS:** Moved-Seconded (Weisenberg-Thompson) to set the 2009 regular commission meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 8:00 a.m, unless State Statue otherwise specifies. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of December 30, 2008 County Commission meeting and the Board of Adjustment minutes of December 30, 2008. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of December 31, 2008 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)-\$43,320.77; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,303.70; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$262,300.46, Money Market \$522,766.58; Bank Balance-\$5,089,394.93; Total \$10,122,196.44.

**PLANNING & ZONING:**

**ORDINANCE #08-06 WIND ENERGY SYSTEMS:** Second reading and a public hearing was held for Ordinance #08-06 Regulations for Wind Energy Systems. Vogt presented background on the proposed Ordinance and reviewed the comments received. Vogt recommended further review of the Ordinance and to allow for careful consideration of the information received. Ewing closed the public hearing. Moved-Seconded (Weisenberg-Thompson) to table the decision on Ordinance #08-06 to allow further time to incorporate changes and recommendations to the proposed ordinance until February 24, 2009 at 9:00 a.m.. Motion Carried.

Moved-Seconded (Thompson-Douglas) To appoint a sub-committee of Terry Weisenberg and Daryl Johnson to work on the proposed Wind Energy Systems Ordinance. Motion Carried.

**AMENDMENT CONDITIONAL USE PERMIT #172-09 & CONDITIONAL USE PERMIT #172 / DITTMAN:** A public hearing was held on an Amendment to Conditional Use Permit #172-09 Gregg Dittman to allow for a Permanent Second Residence located on Old Belle Road. Legal Description-Lot L of the SE1/4, Section 20, T7N, R2E. Acreage-11.92, Zoning A-1, Future Land Use – Residential/CUP for trout farm. Dittman reviewed the original conditions stating residential log structure is allowed. Dittman feels he now has to request approval to build a log home and he already received approval in 1992. He has contacted his neighbors and they are all in support of him. No other public input was voiced and the hearing was closed. Original documents from 1992 were reviewed and discussed.

Vogt reviewed history on the property. Planning and Zoning Staff Report recommended denial of the amendment because a permanent second residence is not allowed in any zoning district and it does not meet the density requirement in the A-1 zoning district.

Moved-Seconded (Douglas-Thompson) to allow the permanent second residence, office/residential log structure, under the original Conditional Use Permit with changes to Condition #5 to obtain a sewer permit prior to being issued a building permit. Motion Carried.

The Board stated under the original CUP the current office will need to be located in the residential log structure. Public Restrooms can remain in the old office building.

**INVESTMENT REPORT:** Deb Tridle presented the Investment Report as of December 31, 2008.

**EXECUTIVE PROCLAMATION FOR JAMES J. SEWARD:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the following proclamation for James J. Seward. Motion Carried. EXECUTIVE PROCLAMATION COUNTY OF LAWRENCE BOARD OF COUNTY COMMISSIONERS: Here ye! Here ye! Here ye! WHEREAS, James J. Seward began his service as a Lawrence County Commissioner in January 1997 and faithfully served the citizens of this county for 12 years; and, WHEREAS, Jim has earned the respect and trust of fellow commissioners, constituents and citizens of Lawrence County and this State by serving in his position with honesty, forthrightness and an exemplary work ethic; and, WHEREAS, Jim is an avid supporter of the Lawrence County Airport and was instrumental in obtaining approval for the current Airport

expansion project; and, WHEREAS, Jim properly administered the affairs of Lawrence County and promoted decisions which benefited the public interest; and WHEREAS, Jim is a staunch supporter of volunteers who served on Lawrence County committees, boards, search & rescue squads and fire departments and worked tirelessly to obtain needed funding and equipment for them; and, WHEREAS, Jim supported economic development opportunities and encouraged new business opportunities for Lawrence County; and, WHEREAS, it is fitting and proper that the Lawrence County Commissioners make note of the accomplishments of a dedicated and industrious public servant; NOW THEREFORE BY THE POWER VESTED IN US, We the Lawrence County Board of Commissioners do hereby proclaim January 6, 2009 as JIM SEWARD DAY. Dated this 6<sup>th</sup> day of January, 2009. LAWRENCE COUNTY COMMISSIONERS: Robert E. Ewing, Chair, Connie H. Douglas, Daryl Johnson, Terry W. Weisenberg, and Tommy Thompson.

**ADJOURN:** 10:01 a.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

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Date Approved

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Bob Ewing, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 20, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 20, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Thompson) to approve the agenda as amended. Motion Carried.

### **TRAVEL REQUEST:**

**PLANNING & ZONING:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Amber Vogt to attend the 2009 American Planners Conference in Minneapolis, MN on April 24-30, 2009. Motion Carried. Aye-4, Nay-Thompson.

**HIGHWAY & PHYSICAL PLANT APPOINTMENT:** Moved-Seconded (Thompson-Douglas) to appoint Richard Birk as the Highway & Physical Plant Superintendent for a two year term to expire 1-2011. Motion Carried.

**MINUTES:** Moved-Seconded (Douglas-Weisenberg) to approve the minutes of January 6, 2009 County Commission meeting. Motion Carried.

### **PERSONNEL:**

**REGISTER OF DEEDS:** Moved-Seconded (Weisenberg-Thompson) to approve Davida Hanson as a Secretary G2 at the base rate of \$13.76 an hour, effective 2-1-2009. Motion Carried.

**VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS:** Moved-Seconded (Weisenberg-Douglas) to approve the following list of Volunteer Fire Fighters and Search & Rescue Members for insurance purposes and thank members for their service. Motion Carried.  
Nemo: Corey Anderson, Steven Boenisch, Carl Buettner, Ian Buettner, Teresa Buettner, Kelsey Chaloupka, Virginia Clark, Jeane Henrichsen, Justin Henrichsen, Bradley J. Hershey, Jerry Hood, Patrica Hood, Charles Moad, Greg Nepstad, Vince Pfeifle, Larry Rhodes, Fred Schumann, Chad Solaas, Cindy Solaas, John Urbas,. Brownsville: Dennis Anderson, Mike Anderson, Brian Bergman, Chris Bergman, Derek Berman, Chet Borsch, Loren Dobyons, John Hauge, Robert Mattox, Bryce Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Scott Reif, Donley Townsend, Loren Vrem, Van Wire,. St. Onge: Amy Kari, Jacob Kari, Ryan Olson, Cliff Jensen, Tim Tetrault, Matt Johnson, Brent A Olson, Kristy Eastman-Olson, Curt Olson, Leonard Burtzlaff, Joshua J Wooledge, Jim Tetrault, Ray Kinghorn, Devin Stephens, Russell Millar, Neilon Millar, Chuck Bossert, Tom Callaway, Steve Day, Derek Stone, Sunday Bossert, David Spilde, Justin Tupper, Jason Kari, Wendy Kari, JD Geigle, Todd Fierro, Terry Moe, Dennis Rehorst. Search & Rescue: Roger Bernards, William Buckman, Richard Carlson, Eli Collin, Bob Ewing, Steven Hanson, Chris Huhnerkoch, Arlando Lillehaug, Gary Lillehaug, Rob Mattox, William McFarling, Raymond Millard, Fred Raubach, Kay Rear, Daniel Regan, Sharon Sanchez, Robert Siedschlaw, Erik Simonyak, Mike Stahl, Paul Thomson, Jamey Tollefson, Melanie Tollefson,

**DELINQUENT TAXES REPORT:** Per SDCL 7-21-35 the total 2007 taxes levied for in 2008 was \$29,392,421.76 and the total unpaid as of 12-31-08 was \$348,832.24 which represents a 1.19% delinquency. *Moved-Seconded* (Weisenberg-Thompson) to accept the Delinquent Taxes Report of 2008 levied and unpaid taxes as reported by the Auditor. Motion carried.

**SUPPLEMENTAL BUDGET HEARINGS:** Moved-Seconded (Weisenberg-Johnson) to set a supplemental budget hearing for Extension Foundation Grant - \$10,000 and Sheriff Computer Supplies Budget - \$16,800 for February 10, 2009 at 8:10 a.m. Motion Carried.

**AIRPORT:** Thompson requested that the Airport Improvement Association be allowed to have one member serve as an advisory member to the Airport Board. Thompson stated the FAA had stated that there is not enough communication between the users and Airport Board. This would be a non-voting member. The Board stated they did not see a benefit of a non-voting member.

**TAX DEED PROPERTY:** Deb Tridle and Bruce Outka discussed a piece of property that the County will be taking tax deed on the 25<sup>th</sup> of the month. The property value is under \$500. This property borders an alley that is currently being vacated. This alley vacation is holding up a bank loan for a landowner. Outka has been contacting the neighboring landowners to determine if anyone is interested in the property. Douglas stated the County needs something in writing from all neighboring property owners to determine who is interested in the property. Moved-Seconded (Johnson-Thompson) to declare the property surplus and to approve and authorize the Chairman to sign a quit claim deed of the County's interest to a neighboring landowner. Motion Carried.

#### **ABATEMENT**

**LAWRENCE COUNTY:** Moved-Seconded (Johnson-Ewing) to approve the abatement on parcel 31270-00100-070-01 Lot 7, Block 1, Cruickshanks Subdivision because the County took deed to the property on 6-25-2008. Motion Carried.

**CITY OF WHITEWOOD:** Moved-Seconded (Weisenberg-Ewing) to approve the abatement for the City of Whitewood on parcel #29750-00400-290-00 because the City of Whitewood received this property on 6-6-2008. Motion Carried.

**SAFETY COMMITTEE UPDATE:** Paul Thomson presented the 2008 Lawrence County Safety Program Synopsis.

#### **HIGHWAY BUSINESS:**

**WEIGHT LIMIT ENFORCEMENT:** Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Chairperson to sign the Lawrence County Weight Enforcement Resolution 2009-04. Motion Carried.

LAWRENCE COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION 2009-04:

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 20<sup>th</sup> day of January 2009, at Lawrence County South Dakota. Bob Ewing, Lawrence County Commission Chairperson. Attest: CONNIE ATKINSON, Lawrence County Auditor.

**DUMP TRUCK BIDS:** Moved-Seconded (Weisenberg-Thompson) to advertise and set a bid opening for February 24, 2009 at 8:30 a.m. for one new 2009 Class 8 Tandem Truck Chassis, Dump Body & Hydraulic System. Motion Carried.

**JAIL FACILITIES TOUR:** The Board conducted a jail facilities tour.

#### **PLANNING & ZONING:**

**ANNUAL REVIEW CONDITIONAL USE PERMIT #350 / ANDY HOLMES:** An annual review was held on Conditional Use Permit #350 for Janell Andis/Custer Crossing Campground/



Andy Holmes. No complaints have been received and Andy Holmes requested that the review be handled in late summer when the business is still operating.

Moved-Seconded (Douglas-Weisenberg) CUP #350 was found to be in compliance and will be reviewed in six months. Motion Carried.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #323 ALAN CRAGO GRAVEL PIT:**

An annual review was held on Conditional Use Permit #323 for Alan Crago Gravel Pit.

Moved-Seconded (Weisenberg-Thompson) CUP #323 was found to be in compliance and will be reviewed in six months as the business is just starting. Motion Carried.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #293 – EDLER SPECIALTY RESORT:**

An annual review was held on CUP#293 for Edler Specialty Resort. No complaints were received.

Moved-Seconded (Douglas-Thompson) CUP #293 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 REIEW CONDITIONAL USE PERMIT #355 / TIMOTHY GOLDSMITH & PAUL DANGEL:** An annual review was held on CUP#355 for Timothy Goldsmith/Paul Dangel, Paradise Valley Trail Rides.

Moved-Seconded (Douglas-Thompson) CUP #355 was found to be in compliance and will be reviewed in six months to allow the opportunity to view when in operation. Motion Carried.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #356 / MYRON & NADINE**

**COMPTON:** An annual review was held on Conditional Use Permit #356 for Myron & Nadine Compton.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #104 AUER SAWMILL:** An annual review was held on Conditional Use Permit #104 for Auer Sawmill.

Moved-Seconded (Thompson-Weisenberg) to cancel CUP #104 because it has not been in operation for several years. Motion Carried.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #184 / KEN O'NEILL B&B:** An annual review was held on Conditional Use Permit #184 for Ken O'Neill B&B.

Moved-Seconded (Weisenberg-Thompson) To cancel CUP #184 because it is no longer in operation. Motion Carried.

**PARKING RAMP PROJECT:** Tim Conrad, Deadwood Mountain Grand Project was present to discuss the Parking Ramp Project. The Board discussed an easement to allow for the location of pillars on County Property. The Board was in support of the project and Outka will present an easement at a future meeting.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$5,878.07; Aud-\$6,896.40; Treas-\$8,543.08; Comp-\$5,445.62; States Atty-\$11,237.06; Pub Def-\$8,573.87; Gen Govt Bldg-\$6,995.73; Equal-\$13,416.21; Deeds-\$6,226.68; Vso-\$1,086.23; Disp-\$15,504.79; Sher-\$37,891.86; Jail-\$27,429.19; Emerg Mgnt-\$3,187.21; E911-\$1,493.12; Highway-\$38,850.95; Air-\$1,335.25; Ext-\$1,299.20; Weed-\$2,388.52; Pz-\$3,843.36;

**Bills:** Asheim,R-\$15.78; Baumann,M-\$11.10; Mowell,R-\$8,100.00; Seward,J-\$459.91; A&B Business Equip-\$2,464.34; A&B Welding Supply-\$69.21; A-Z Shredding-\$16.00; Abc Business Supply-\$345.82; Accurint Account-\$150.00; Acoustical Solutions-\$3,155.25; Alco Store-\$29.71; Aldinger Funeral Home-\$499.90; American Planning Assoc-\$175.00; Anderson Oil Co-\$29.22; At&T-\$9.68; BH Chemical Company-\$593.53; BH Federal Credit Union-\$9,030.84; BH Land Analysis-\$517.50; BH Pest Control-\$95.00; BH Pioneer-\$605.91; BH Power-\$1,315.29; BH Security & Systems-\$8,160.64; BH Window Cleaning-\$16.00; Behavior Mngt Systems-\$21,802.00; Binder,Tracy-\$78.20; Black Hills Pure-\$11.50; Black Hills Vision-\$10,000.00; Bob Barker Company-\$349.68; Brady Pluimer-\$1,096.24; Brown & Saenger-\$264.28; Butte County Sheriff-\$10.86; Butte Electric Coop-\$539.28; Campbell Co Sheriffs Off-\$30.00; Career Track-\$99.00; Carol Butzman Consluting-\$546.74; Central Parts-\$621.39; Chain Saw Center/Dakota Equip-\$106.36; Clinical Lab Of BH-\$61.50; Cna Surety-\$50.00; Conoco-\$246.55; Credit Collections Bureau-\$100.00; Custer County Sheriff Office-\$57.36; DWare-\$1,200.00; Dakota Hills Family Praticce-\$126.25; Deadwood, City Of-\$915.75; Dept Of The Treasury-\$49,973.69; Dietrich,Donna-\$136.74; Division Of Motor Veh-\$13.00; Eagle Aviation-\$156.74; Ed M Feld Equip-\$250.50; Edm Publishers-\$98.78; Ensignal-\$127.98; Ertz,Dewey J-\$650.00; Evercom Systems-\$2,226.00; Family Fun-\$16.95; Fastenal-\$97.74; First Western Bank-\$2,135.94; Fleet Services-\$157.99; Frame Garage-\$700.00; Fsh Communications-\$60.00; Great Western Tire-\$41.95; Grimm's Pump Service-\$160.56; Hamann,Chris-\$225.00; Havemeier,Leslie-\$258.40; Heartland Paper Co-\$4,326.09; Heisler Hardware-\$37.49; Hero 247-\$213.00; Hickok's Iron Horse Inn-\$62.59; Hills Material Comp-\$205,957.35; Hsbc Business Solutions-\$29.00; Ibm Corporation-\$1,526.04; Inland Truck Parts-\$1,682.83; Integrity Ford-\$29,900.00; International Code Council-\$100.00; Johnson, Rodenbrug & Lauinger-\$75.00; Juneks' Chrysler/Dodge-\$69.60; K Mart-\$66.97; Kadrmas, Lee And Jackson-\$35,409.08; Karpinen,Sharon-\$495.00; Kimbell's Auto Repair-\$717.68; Knecht True Value-\$48.34; Knology-\$158.34; Kooistra,Nelva-\$15.00; Kosel,Joseph-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Journal-\$490.67; LC Sheriff-\$20.00; LC Treasurer-\$50.00; Language Line Services-\$224.35; Lead Volunteer Fire Dept-\$6,188.00; Lead, City Of-\$159.75; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Regional-\$263.86; Lead-Deadwood Regional Hospital-\$244.80; Lead-Deadwood Sanitary-\$329.66; Lee,James-\$15.00; Light & Siren-\$414.93; Mcclure,Susan-\$45.00; Mid America Specialties-\$289.31; Mid States Organized-\$150.00; Miller,Steve-\$2,445.81; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$187.70; NH Alcohol & Drug Services-\$12,000.00; National Academy Of Emd-\$50.00; National Assoc Legal Assistant-\$125.00; Ndia-\$40.00; Nelson,Christy-\$180.00; Nelson,Tonya-\$540.00; Neve's Uniforms-\$144.02; Northern Hills Casa-\$8,580.00; Northern Hills Dental-\$69.00; Oehlerking,Natalie-\$600.00; Office Of Child Support-\$195.69; Office Technology/Supply-\$9.99; Pamida Stores Pharmacy-\$85.27; Pennington Co Auditor-\$40.00; Pennington Co Jail-\$879.80; Phillips Petroleum Co-\$178.50; Pitney Bowes-\$117.69; Pronto Auto Supply-\$31.37; Quill Corp-\$491.72; Qwest-\$2,369.18; RC Finance Office-\$1,015.00; RC Regional Hospital-\$1,760.73; Radio Shack/Kazco-\$43.15; Rasmussen Mechanical Serv-\$25,542.23; Regional Behavioral Health Ctr-\$126.07; Rehfuss,Cathryn-\$15.00; Riddle's Jewelry-\$85.00; Rocket Lube-\$326.88; Royal Electric-\$347.14; Rsinet-\$198.00; SD Assn Of Co Comm-\$80.00; SD Assoc Of Weed & Pest Boards-\$195.00; SD Emergency Mngt Association-\$90.00; SD Federal Property Agency-\$146.00; SD Law Review-\$66.04; SD Municipal League-\$73,706.00; SD Paralegal Association-\$50.00; SD Public Assur Alliance-\$25,507.75; SD Sheriff's Association-\$1,004.06; SD State Treasurer-\$14,657.40; Salzsieder,Milan-\$3,735.00; Sand Creek Printing-\$60.90; Sd Brand Board-\$44.00; Sdaco-\$2,051.14; Sdrs Supplemental Retirement-\$736.50; Secretary Of State-\$25.00; Servall Towel & Linen-\$797.67; Seward & Odenbach-\$852.52; Shepherd Reporting-\$25.00; Silverado-\$253.92; Smartware Corp-\$5,000.00; Sorensen,Tylea-\$873.04; Spearfish Alt/Starter Rebuild-\$65.00; Spearfish Ambulance Service-\$5,412.31; Spearfish Auto Supply-\$369.58; Spearfish Chamber Of Commerce-\$100.00; State Radio Communication-\$4,224.00; Summit Signs & Supply-\$1,408.65; T & W Appliance Knothole-\$122.48; Tellinghuisen & Gordon-\$514.60; The Old Woodshop-\$244.19; Triple K Tire & Repair-\$161.20; Trugreen Chemlawn-\$256.45; Twin City Hardware & Lumber-\$446.06; United Parcel Service-\$18.94; Verizon Wireless-\$96.81; Victims Of Violence-\$615.00; Vigil,Karen-\$300.00; Voelker & Adams-\$1,081.00; Waste Connections-\$503.30; Watertree-\$44.00; Wells Fargo Business Card-\$57.42; West Group-\$963.25; West River International-\$181.74; Western Communication-\$1,933.45; Western Sd Juvenile Serv-\$5,400.00; Western State Fire Protection-\$514.50; White's Queen City Motors-\$132.69; Wsi Corp-\$780.00; Xerox Corporation-\$139.54; **Witness & Jurors:** Jones,D-\$21.84; Bartels,R-\$486.20; Martin,J-\$53.30; Noren,C-\$31.10; Bradley,A-\$12.22; Brown,T-\$20.36; Burluson,B-\$52.22; Christensen,C-\$21.10; Clark,I-\$18.88; Coneley,E-\$18.88; Creger,C-\$10.74; Hajek,D-\$50.74; Haug,D-\$21.10; Hernes,D-\$12.22; Holmdal,J-\$12.96; Jermolenko,P-\$21.10; Juelfs,A-\$60.36; Kirk,C-\$21.10; Lutz,J-\$67.02; Merchen,M-\$28.50; Pearman,R-\$61.10; Sarver,S-\$68.50; Seaman,M-\$21.10; Setera,A-\$23.32; Shuck,C-\$64.80; Snyder,A-\$51.48; Soller,K-\$12.22; Stanley,M-\$10.74; Stevens,N-\$52.22;

Symonds,E-\$26.28; Thomson,C-\$12.22; Tinnell,D-\$21.84; Tschetter,R-\$64.80; Whiton,S-\$10.74; Albright,S-\$20.00; Blume,M-\$20.00; Bowen,M-\$29.62; Edwards,C-\$20.00; Lawson,J-\$20.00; Torgerson,S-\$23.70; Tracy,J-\$20.00; Wagner,K-\$20.00; Albright,A-\$126.64; Bieber,M-\$12.96; Bowman,P-\$13.70; Bretchel Froelich,T-\$21.10; Campanella,J-\$16.66; Comer,C-\$24.80; Coyle,V-\$10.74; Flueckinger,K-\$10.74; Gould,D-\$23.32; Green-Porter,T-\$27.02; Hartung,A-\$21.84; Havlik,B-\$13.70; Hayford,T-\$122.20; Jones-Shockey,B-\$137.00; Mathisrud,D-\$13.70; Milos,G-\$10.74; Oliver,B-\$21.10; Oviatt,D-\$21.10; Perry,K-\$28.50; Rauterkus,J-\$129.60; Royer,T-\$24.80; Russel,R-\$24.80; Schad,C-\$21.10; Skavang,A-\$21.10; Sowell,D-\$22.58; Spurlock,M-\$21.10; Toupal,J-\$23.32; Winslow,J-\$12.22; Woodard,M-\$129.60; Worthington,J-\$122.20; Zebroski,R-\$24.80; Ager,G-\$24.80

**ADJOURN:** 10:07 a.m. there being no further business it was Moved-Seconded (Johnson-Ewing) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – February 10, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 10, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Thompson) to approve the agenda as amended. Motion Carried.

### **TRAVEL REQUEST:**

**SHERIFF:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Marty Goetsch to attend the CAD Crime Zone Training in Las Vegas, NV on March 8-13, 2009. Motion Carried. Thompson suggested that when a travel and training agreement is signed the employee doing the travel should come to the Board and request in person.

**MINUTES:** Moved by Weisenberg to approve the minutes of January 20, 2009 County Commission meeting. Motion died due to a lack of a second. Moved by Thompson to delete the statement “The Board stated they did not see a benefit of a non-voting member.” Motion died due to a lack of a second. Thompson stated after the discussion on January 20, 2009 he felt the Board was going to take the request under advisement.

Moved-Seconded (Douglas-Weisenberg) to approve the minutes of January 20, 2009, as written. Motion Carried. Aye-4, Nay-Thompson.

### **PERSONNEL:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve Callie Ackerman as a part time Sprayer/GPS G3 at the base rate of \$12.77an hour, effective January 21, 2009. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Weisenberg) to allow employees to donate sick leave to Wendy Nolan for a family emergency. Motion Carried.

**PLANNING AND ZONING:** Moved-Seconded (Douglas-Weisenberg) to approve the cell phone allowance of \$50.00 per month for Jeff Schroeder, effective January 1, 2009. Motion Carried.

**VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS:** Moved-Seconded (Douglas-Weisenberg) to approve Rick Allen and Chance Burlison as Search & Rescue Members for insurance purposes. Motion Carried.

**SPEARFISH REC CENTER FACILITY:** Moved-Seconded (Johnson-Thompson) to approve membership for County Employees to the Spearfish Recreation Center. Motion Carried.

**BOMB THREAT PROCEDURAL GUIDELINES:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Resolution #2009-05 Amendment #1 Joint Policy Directive Lawrence County And Unified Judicial System Bomb Threat Procedural Guideline. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2009-5: AMENDMENT #1 JOINT POLICY DIRECTIVE LAWRENCE COUNTY AND UNIFIED JUDICIAL SYSTEM BOMB THREAT PROCEDURAL GUIDELINE: WHEREAS, Lawrence County and the Unified Judicial System have previously adopted bomb threat procedure guidelines on September 4, 2001, for their employees in the event a bomb threat or suspicious package is located in a Lawrence County building; and WHEREAS, changes need to be made to update names in the County Security Committee; THEREFORE BE IT RESOLVED that effective March 1, 2009, and upon favorable passage of this resolution by the Lawrence County Commissioners and the Presiding Judge of the 4<sup>th</sup> Judicial Circuit, and until otherwise revised, the following revision is hereby adopted for the

Bomb Threat Procedure Guideline: II. POLICY. C. County Security Committee. The group responsible for making the initial evaluation in the event of a bomb threat will be the County Security Committee. The members of the committee are: 1. Judge Warren Johnson – Presiding Judge – Courthouse 2. Liana Swann – Circuit Court Administrator – Courthouse - Alternate 3. Rick Mowell – Sheriff – Public Safety Building 4. Paul Hansen – Detective – Public Safety Building – Alternate 5. Bruce Outka – County Attorney – Annex Building 6. Greg Dias – Information Systems Director – Annex – Alternate 7. Paul Thomson – Emergency Management Director – All Buildings. Robert E. Ewing, Chair Lawrence County Commissioners. Attest: Connie Atkinson, County Auditor. Warren G. Johnson, Presiding Judge 4<sup>th</sup> Judicial Circuit. Attest: Bernie Lungren, Court Administrator

**SUPPLEMENTAL BUDGET:** A supplemental budget hearing was held for EXTENSION – Foundation Grant - \$10,000 and SHERIFF – Computer Supplies - \$16,800. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2009-06 for a supplemental budget. Motion Carried.

RESOLUTION #09-06 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2008, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: EXTENSION – Foundation Grant - \$10,000 & SHERIFF – Computer Supplies - \$16,800 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 10<sup>th</sup> day of February, 2009 at the hour of 8:10 a.m. in the Commissioners' Room in the administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 10<sup>th</sup> day of February, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Thompson-Johnson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of January 31, 2009 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)-\$36,191.32; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,204.04; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$263,293.26, Money Market \$523,114.61; Bank Balance-\$5,985,509.25; Total \$11,017,422.48.

**FUEL QUOTES:**

The following fuel quotes were submitted as of February 4, 2009: Deadwood Diesel 7400 Gallons: (prices per gallon) Cenex Oil Co. #1 1.869\* & #2 1.592\*, Southside Oil - \$1.67; (\*represents lowest quote). Unleaded 4200 Gallons: (prices per gallon) Cenex Oil Co. \$1.493; Southside Oil - \$1.48\*; (\*represents lowest quote). Spearfish Diesel 3400Gallons: (prices per gallon) Cenex Oil Co. #1 2.075 & #2 1.718, Southside Oil - \$1.73; (\*represents lowest quote). Unleaded 600 Gallons: (prices per gallon) Cenex Oil Co. \$1.50; Southside Oil - \$1.49\*; (\*represents lowest quote). Whitewood Diesel 700 Gallons: (prices per gallon) Cenex Oil Co. #1 2.075\* & #2 1.718\*, Southside Oil - \$1.85; (\*represents lowest quote).

**HIGHWAY BUSINESS:**

**HIGHWAY SUPPLIES BID OPENING:** Moved-Seconded (Seward-Thompson) to set a bid opening for March 24, 2009 at 8:30 a.m. for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates and de-icing sand. Motion Carried.

**SURPLUS FUEL SYSTEM:** Moved-Seconded (Weisenberg-Thompson) to declare the old highway fuel system surplus and allow the County to trade it with Pennington County for Class B rip-rap supplies. Motion Carried.

**HIGHWAY – CULVERT BIDS:** Moved-Seconded (Douglas-Thompson) to approve and authorize the purchase of metal culverts and other bridge material off the Beadle County Bid from Huron Culvert & Tank Co. for 2009. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

**RESIDENCY POLICY:** Jerry Apa expressed concerns that the Deputy Sheriff built his house first before asking for a waiver. The employee uses a County Vehicle for driving back and forth to work and it is 42 miles from post office to post office. Apa stated the employee should have been required to put in writing that he will only be working for 10 months before he retires. Apa stated he is no longer a tax payer in Lawrence County. Apa also expressed concerns that he is an Administrator and he is not on call or emergency responder and should not take a county vehicle home. Apa stated he is a strong believer of the County Residency Policy.

Ewing stated the Employee does need to respond in an emergency, and feels it is necessary to have the county vehicle with him in case of an emergency. Ewing stated the Employee has gone above and beyond and put in years of service to the County. Thompson stated if the employee lives in Nemo it is further from the post office in Deadwood than where the employee currently lives now. Apa stated if he lives in Nemo he is still a taxpayer in Lawrence County.

**ROBERTSON / OWNER OCCUPIED STATUS:** Nancine Robertson was present and asked the Board to grant her owner occupied status for previous years. She stated for the last three years she has lived at the same residence and has mailed her owner occupied application to the County. Darlene Piekkola, Director of Equalization, stated they have not received an application for Owner Occupied Status prior to 2009. Piekkola stated the law has left sole responsibility with the applicant to show proof of application and if she had a previous problem she should have mailed the application certified mail or came in personally to the office. Douglas asked if Robertson saved a copy of the application she sent in. Robertson stated she did not. Douglas commented that the County has not granted owner occupied status in the past without an application on file for the requested years.

Moved-Seconded (Johnson-Douglas) to deny the request for Owner Occupied Status for past years because the law states it is the homeowner's responsibility to make application. Motion Carried.

**CONDITIONAL USE PERMIT #369 – TWO TONE CATTLE CO. / COMMERCIAL FEEDLOT:** Moved-Seconded (Thompson-Ewing) to remove from the table the request for Conditional Use Permit #369 Two Tone Cattle Co. Motion Carried. Amber Vogt referenced the Staff Report presented to the Commission. Outka questioned if Ken Barker, Attorney for Two Tone Cattle Co. would be attending the proceedings. Krautschun's stated the Attorney would not be present and were comfortable moving forward with the process. Jeanie Votava and Tom Brandner were present from the SD Department of Environmental and Natural Resources, and gave a brief overview and slide show of the SD Dept of Environment and Natural Resources General Permit for a Concentrated Animal Feeding Operations, Ground Water Monitoring and Ground Water Discharge Permit.

Douglas questioned Votava if construction has begun on the property in question, prior to the permit approval. Votava stated the question should be asked to applicant as they have a permit application pending and they wanted to keep the DENR information general in nature. Thompson asked Votava if someone files a complaint do they give them one hours notice before they arrive. Votava stated typically they will call them in advance to make sure they will be on the property but it depends on the situation. Douglas questioned when the applicant makes changes to the original application if they need to start the application process over. Votava stated it depends on what the addendum is and if a new notice would need to be posted.

TWO TONE PRESENTATION: Harvey & Bart Krautschun – referenced the binder of information presented to the Commissioners in the last couple of days. Runoff, liner, monitoring wells, manure stockpiling, tree belt, and nutrient management plan were briefly reviewed. ATS – David Bressler / Geotechnical Retesting was present to address questions on the Soil Analysis, Under Evaporation Pond and Manure Separator Area, Under Pens and the Dr. Erik Loe report. The roadway pavement analysis was reviewed with the historic use of roadways, engineering reports, and core samples. They have estimated an additional 235 truckloads or 6% per year increase on the roads. Bressler stated the results showed the roads would be adequate to handle the increased load. Expected manure production and analysis was reviewed according to the White Study. Management practices and odor generated by the decomposition of organic matter in manure was also mentioned along with the prevalent winds. Bart Krautschun reviewed the conditions with significant proposed changes. Krautschun stated they have changed the request to 2750 animal units with the exception in October & November and March & April when they are requesting an additional 1250 animal units. Krautschun stated they will reimburse the County for abated taxes on the Loken Property, offer to purchase the Loken property for Fair Market Value and hold Lokens harmless from any negative affects on water wells and willing to enter into a binding contractual agreement with the Lokens.

Ewing questioned the number of cattle on site and in confinement at this time. Krautschun stated 935. Johnson questioned the Dr. Nicolai, Associate Professor & Extension Specialist, SDSU report stating manure doesn't smell below 40 degrees and expressed concerns on the windrose and accuracy of the report. Johnson also questioned the 180 day operation that is now up to 260 days. Bart Krautschun stated below 40 degrees doesn't stop the smell it only slows it down and there is variables in the windrose. Krautschun stated the actual days would be 210 days and they do need to have the flexibility from Lawrence County.

Douglas questioned the Krautschun's if they have started any Construction on the application in question. Krautschun stated the construction they have done was to contain the runoff from the existing pens. Douglas questioned the wells for the ground water and stated she is bothered that they have put a lot of time and money into this application, but submitted the application to the state before coming to the County to find out what the local requirements were. They have changed the conditions to fit them and the County can not agree to them. Harvey Krautschun stated a lot of work needed to be done whether they have 1,000 or more head and stated they were ignorant in knowing what the County involvement and requirements would be. Ewing questioned the soil samples, soil types, and reasoning for the depth and location of the tests. Bart stated they were located directly to the north of the Loken Property in pens 2, 4 & 6 that they have been using for the past 5 years and checking the top soil profile in the pens.

Douglas expressed concerns on the affects it will have on the Loken's and their property and life style. Douglas stated they are changing the conditions to 100 feet from the Loken property because the Loken's are already there and that isn't fair. Ewing questioned the ability to come up with a fair market value for the property considering where the Loken's are located. Harvey Krautschun stated they have made efforts to communicate with the Loken's to be fair, realizing a buyer interested in the property could be far and in between, and they are trying to look at what it would cost to build the property somewhere else. Johnson stated this could be a takings issue on the Loken property by their actions as the property owners may not want to sell or move. Thompson questioned the truck loads needing to come in and out of the property, noting what other feed lots do. Thompson also asked the Krautschun's if they were aware of a complaint filed on them that they were over the allowable number of cattle currently allowed, and if they were aware of aerial photo's showing 1300-1500 or more cattle in confinement and over 500 turned out. Bart stated they come in and eat but are not confined at the same time. Ewing stated he was uncomfortable with ground water, tree belts, odor issues, and affects on the Loken family and assisted living facility.

Moved-Seconded (Johnson-Thompson) To deny Conditional Use Permit #369 and include therein but not limited to the findings and recommendations of the staff report, inclusive of all attachments, and those of the Planning and Zoning Commission and their motion to deny this request specifically as follows: The existing and proposed feedlot operation is subject to regulation pursuant to the Lawrence County Comprehensive Plan and the Lawrence County Zoning Ordinances. The object of zoning is to adopt measures to regulate property use in conformance with a comprehensive plan, so as to advance the public welfare. The ultimate purpose of zoning ordinances is to confine certain classes of uses and structures to designated areas, and thus bring about the physical development of the community. Furthermore, the purpose of zoning is to conserve, protect, or maintain the value of buildings or other property, and to allow land to be put to the use or uses to which it is best adapted,

or the use which is most appropriate. The purpose of zoning is NOT to provide for the highest and best use of each particular lot or parcel of land within zones or communities, or to permit the maximum possible enrichment of a particular landowner. Rather, zoning is designed to benefit a community generally by sensible planning of land uses, taking into consideration the most appropriate use of land throughout the community. This request for a Conditional Use Permit is not consistent with/or in conformance with the Lawrence County Comprehensive plan. The Comp Plan distinguishes "general farming and pasture grazing" from commercial feedlots. The proposed operation is NOT a general farming or pasture grazing operation; rather, it is a commercial feedlot and/or a larger scale animal containment feedlot. The Comp Plan contemplates preserving "general farming and pasture grazing" recognizing the need to preserve the rural look and feel of Lawrence County and its open spaces. Lawrence County Zoning Ordinance has established A-1 General Agriculture District as one of its Zoning Districts. The subject property is zoned A-1 General Agriculture. There are 23 allowable uses including general ranching and farming. It also lists 45 additional allowable uses only with a conditional use permit. Commercial Feedlots are one of these uses needing a CUP. The proposed and existing feedlot does not meet the requirements for which a CUP may be granted under sections 5.11.2 a, b, or c: (A) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor diminish and impair property values within the immediate vicinity. Approval of this CUP would have the opposite effect of the intended purpose of zoning. Based upon the statements and letters of adjacent landowners, and applying common sense, this CUP would severely diminish the value of buildings and other property in the area. (B) That the establishment of Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. (C) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Other reasons as to why a conditional use permit should not be granted and should be denied each of which is a sufficient basis in and of itself. All of these minimum standards have come directly from the information that is provided by the SDDENR to all feedlot operators and potential operators to consider when choosing a site for a concentrated animal feeding operation of any size. 1.) Distance to roads, homes, churches, schools, residential and recreational areas, towns, cities, community center, etc. 2.) Prevailing wind direction 3.) Distance to public and individual water supplies. 4.) Soil conditions 5.) Depth to the Aquifer 6.) Distance from the feeding operation to the aquifer and nearby drainages, streams, rivers, lakes, wetlands, etc. 7.) Ground water conditions such as ground water flow rate, quality, and aquifer recharge or discharge conditions. The applicants proposed operating plan does not adequately address public concerns over control of odors, flies, rodents and traffic. It does not adequately address the severe negative impact on the Loken Property and other adjoining property owners and properties in the area. Motion Carried.

**FOREST UPDATE / RESOURCE ADVISORY COMMITTEE:** Rhonda O'Byrne, US Forest Service District Ranger was present to update the Board on forest issues and the Resource Advisory Committee. The Board asked Marlene Barrett to work with O'Byrne on the RAC. Curt Allan with the Forest Service was present and discussed the Mountain Pine Beetle. Allan presented a slide show on the beetle and discussed the infestation in the Black Hills. Bill Coburn expressed concerns on forest health in the Black Hills.

**GOVERNMENT DAY:** Bev Hink was present to thank the Board for their past participation in Government Day and asked the Board to participate in 2009. 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 (Douglas-Thompson) to participate in Government Day for 2009 and donate \$50.00 for the luncheon. Motion Carried. Marlene Barrett volunteered to be the County Coordinator.

**STATES ATTORNEY COPIER AGREEMENT:** John Fitzgerald, States Attorney, stated they are in need of a new copy machine and are looking at paying half this year and paying half next year. Moved-Seconded (Douglas-Thompson) to approve and authorize John Fitzgerald to sign a payment agreement for a new copier over a two year period. Motion Carried.

**CORCORAN GREENHOUSE ON EVANS LANE:** Virginia Corcoran was present to discuss her greenhouse on Evans Lane and presented history on the property. Corcoran discussed the loss of grandfathered use for the greenhouse and stated they are in the process of cleaning the property up.



Corcoran explained that one year they did put an add in the paper that they would not be selling out of the green house, however, they did continue to sell to their regular customers, and did report sales on the sales tax license. Vogt stated one of the reasons they lost the grandfathered use was because they discontinued selling for 12 months. Outka stated after review of the records they could not determine there were any activities on the front lot for one year. Corcoran stated they did raise plants in the basement of the house after her mother's accident and stored plants in the water house on the front lot. Vogt stated there were concerns from the neighbors on customer parking and the property condition.

Douglas stated if the structure has been taken down you lose the grandfathered clause. Corcoran stated Tom Paisley, City of Spearfish, told her the building needed to be taken down because it was out of compliance and didn't meet set backs and relocating the greenhouse would alleviate the parking issues.

Johnson expressed concerns about the condition of the property and the need for a conditional use permit. Johnson stated the track record on the property would lean towards a CUP and to be in compliance with the Ordinances.

Outka stated this would be a Board of Adjustment issue and would need to be handled at a public hearing. The Board stated she would need to formally appeal the decision of the Planning and Zoning Office and / or apply for a Conditional Use Permit. Outka stated this property is currently not zoned for a greenhouse and would have to be amended at the time of the public hearing.

**EMERGENCY MANAGEMENT – GRANTS:**

**ICS 300 & 400 CLASS:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize Paul Thomson to sign the contract with the Consultant/Contractor Dennis J. Anderson upon proof of one million dollars liability insurance by the consultant/contractor and proof that grant funds have been awarded to Lawrence County for these training classes, pending review of the contract by Attorney Bruce Outka. Motion Carried.

**EXERCISE CENTER GRANT:** Moved-Seconded (Johnson-Weisenberg) to approve the application for the State Department of Health Grant that could pay up to 2 months of membership fees for full time employees. Motion Carried.

**RURAL ACCESS TO EMERGENCY DEVICES GRANT FOR AED:** Moved-Seconded (Douglas-Thompson) to approve the application for the Rural Access to Emergency Devices Grant for AED and note the reason the grant was applied for earlier is because of the expiration date of grant. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Weisenberg-Thompson) to set a supplemental budget hearing for Emergency Management Maintenance & Supplies for \$5,020 for February 24, 2009 at 8:10 a.m. Motion Carried.

**PREVENTING SLIPS & FALLS SAFETY VIDEO:** Marlene Barrett asked if the Board could make it mandatory for all employees to view the Preventing Slips & Falls Video because of the accidents this season. There is currently 8 work comp claims so far. The Board strongly urged that all employees view the video and an attendance report be given to the Commission of who participated.

**BLM GRANT/ FIREWISE GRANT:** Rob Mattox, Black Hills Land Analysis was present and reviewed the Community Wildfire Protection Plan update to support subdivision ordinance (fuels and building materials) and large fuels reduction projects.

Mattox stated the existing 5 year BLM Grant Agreement expired 12/31/2008 with \$41,098.40 unused. The renewal will be for a five year agreement from 2009-2013. The new grant will cover 1) Individual Fuels Reduction Cost Share Program (small projects): Reallocate \$41,098.40 into the new grant, apply for an additional \$58,901.60 for a total of \$100,000. 2) Large Fuels Reduction

Program: Apply for approximately \$100,000 for the Mountain Plains Hazardous Fuels Reduction Project (Approx. 200 acres). Moved-Seconded (Thompson-Johnson) to approve the application for the BLM Grant for \$200,000. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Douglas) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.**Payroll:** Comm-\$12,556.20; Aud-\$14,469.01; Treas-\$20,134.38; Comp-\$11,652.70; States Atty-\$23,747.54; Pub Def-\$18,755.70; Gen Govt Bldg-\$14,776.15; Equal-\$26,712.84; Deeds-\$13,071.89; Vso-\$2,279.94; Disp-\$23,126.78; Sher-\$68,466.54; Jail-\$45,431.32; Coroner-\$700.00; Emerg Mgnt-\$6,828.81; E911-\$4,727.00; Highway-\$72,856.14; Air-\$2,176.64; Mental Health-\$984.00; Ext-\$2,550.06; Weed-\$6,610.47; Pz-\$8,581.94; **Bills:** Seward, James J.-\$1.97; Alltel Inc-\$61.75; American Family Life Inc-\$3,214.04; B H Federal Credit Union-\$9,130.84; B H Power (Rapid)-\$6,764.87; Binger Law Office-\$584.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$157.00; Delta Dental Of South Dakota-\$5,464.89; Dept.Of The Treasury-\$46,538.54; Hartford-Priority Accounts-\$1,463.48; Johnson, Rodenbrug & Lauinger-\$75.00; Knology Inc-\$1,954.33; L C Treasurer-\$50.00; Medica-\$64,841.05; Miller, Steve-\$584.00; Montana-Dakota Util. Dwd.-\$1,288.96; N H Family Ymca-\$431.20; Office Of Child Support-\$195.69; Qwest-\$70.45; S D Retirement System-\$51,858.65; Sdrs Supplemental Retirement-\$736.50; Spearfish Police Dept-\$15,528.85; United Parcel Service-\$28.54; Walmart Store Inc/Auditor-\$215.04; Walmart Store Inc/Sher Office-\$48.17; Mowell, Richard E-\$8,790.00; Sandvig, Scott C-\$17.49; Smith, Molly E-\$12.95; Thompson, Thomas F-\$28.00; A&B Business Equip Inc-\$2,002.73; A&B Welding Supply Inc-\$38.99; A&I Distributors-\$3,745.49; A&J Supply-\$67.74; A-Z Shredding Inc-\$14.25; Abc Business Supply Corp-\$1,026.23; Accurint Account #1028680-\$75.00; Alltel Inc-\$1,105.48; Amcon Distributing-\$230.75; Anderson Oil Co Inc-\$29.91; Armstrong Extinguish Inc-\$399.00; Assembled Products Corporation-\$704.03; B H Chemical Company Inc-\$2,355.36; B H Council Of Local Govt-\$8,253.00; B H Federal Credit Union-\$9,180.84; B H Land Analysis-\$855.00; B H Pest Control-\$95.00; B H Pioneer Inc-\$1,106.77; B H Power (Rapid)-\$907.23; B H State University Career-\$40.70; Best Business Prod. Inc.-\$20.80; Biegler, Greg-\$60.00; Black Hills Pure, Inc-\$11.50; Bob Barker Company, Inc.-\$231.14; Brady Pluimer, P.C.-\$2,473.04; Butler Machinery Co. Inc-\$410.24; Butte Electric Coop Inc-\$710.13; Campbell Co Sheriffs Off-\$60.00; Campbell Supply Co-\$159.98; Central Parts-\$1,029.11; Century Business Products Inc-\$65.38; Chain Saw Center/Dakota Equip-\$6.34; Chemical Sanitizing Sys Ltdinc-\$30.51; City/County Alcohol &Drug-\$236.00; Clinical Lab Of B.H. Inc-\$5,641.52; Conoco-\$149.63; Crawford Supply Company-\$188.40; Credit Collections Bureau-\$52.40; Crook County Sheriff's Office-\$35.00; Dakota Graphics-\$430.00; Days Inn (Pierre)-\$161.97; Deadwood Thymes Cafe & Bistro-\$117.00; Deadwood, City Of-\$5,813.97; Dept Of Hlth Lab Services-\$33.00; Dept.Of The Treasury-\$48,178.52; Dietrich, Donna K.-\$139.04; Ecolab Inc-\$117.00; Eddie's Truck Sales/Serv Inc-\$170.34; Ellingson, Joseph E-\$1,359.40; Ertz, Dewey J, Ed D-\$520.00; Eskew, Debra-\$79.19; Esri Inc-\$400.00; Et Sports-\$537.17; Fastenal-\$398.01; Federal Express Corp-\$15.53; Fiferman, Dr Leslie, Phd-\$900.00; First Western Bank Inc-\$660.49; Fish, Veronica-\$437.00; Fleet Services-\$431.66; Fsh Communications-\$60.00; Gene's Lock Shop Inc-\$134.30; Great Plains Chemical-\$120.00; Great Western Tire Inc-\$114.90; Grimm's Pump Service Inc-3,687.54; Hamann, Chris-\$135.00; Heisler Hardware Inc-\$351.66; Help Line Center Inc-\$5,000.00; Hepper, Kim-\$163.90; Hickok's Iron Horse Inn-\$370.99; Iga-\$44.97; International Code Council Inc-(\$100.00); Jacobs Precision Welding Inc-\$49.47; Johnson, Daryl-\$28.00; Johnson, Rodenbrug & Lauinger-\$75.00; Keefe Supply Company-\$253.28; Keepsr, Inc.-\$290.70; Kimball-Midwest Co. Inc-\$328.80; Kinney, Matthew J-\$187.36; Kittelson, Joan-\$15.00; Knecht True Value Inc-\$823.51; Knology Inc-\$158.37; Kooistra, Nelva-\$15.00; L C Extension-\$22.72; L C Journal-\$651.81; L C Treasurer-\$50.00; Lawson Products Inc-\$483.52; Lead, City Of-\$35.95; Lead-Deadwood Regional-\$624.65; Lead-Deadwood Regional Hospital-\$567.00; Lead-Deadwood Sanitary-\$260.46; Lee, James-\$15.00; Lewis & Clark Bhs-\$284.00; Lynn's Dakotamart-\$47.35; McClure, Susan-\$180.00; Mcgas Propane Llc-\$1,092.00; Meade County Sheriff-\$4,002.00; Mid America Specialties-\$219.89; Miller, Steve-\$4,027.25; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util. Dwd-\$9,039.50; Moss, William Psy. D-\$910.00; Nationwide Wholesale Direct-\$574.99; Neve's Uniforms Inc-\$285.28; New View Optical-\$47.00; Office Depot-\$589.05; Office Of Child Support-\$195.69; Office Technology/Supply-\$28.38; Omb's Express Police Supply-\$4,344.48; Pennington County Sts.Attny-\$600.00; Pitney Bowes, Inc.-\$375.50; Plumbmaster, Inc-\$603.17; Portable Computer Systems Inc-\$245.72; Postmaster, Deadwood-\$252.00; Postmaster, Spearfish-\$96.74; Praire Hills Transit-\$7,500.00; Pump House Coffee & Deli-\$180.80; Quill Corp-\$622.28; Qwest-\$226.16; R C Regional Hospital Inc-\$1,532.50; Rabe Elevator-\$725.51; Radio Shack/Kazco Inc-\$189.98; Rapid Delivery Inc-\$18.00; Rapidcare P.C.-

\$140.00; Regional Behavioral Health Ctr-\$792.61; Reindl, Staci-\$6,296.84; Reliable Inc-\$265.97; Reserve Account-\$6,000.00; Rocket Lube-\$256.91; S D Dept Of Transportation-\$1,170.00; S D Public Assur Alliance-\$95,546.92; S D State Treasurer-\$6,311.72; Sdrs Supplemental Retirement-\$736.50; Sdsu Print Lab-\$137.30; Servall Towel & Linen,Inc-\$592.01; Seward & Odenbach, Pc-\$304.82; Sorensen, Tylea-\$1,129.52; Spearfish Auto Supply Inc-\$999.78; Spearfish City Of-\$5,000.00; Spearfish Extinguisher Service-\$141.00; Spearfish Police Dept-\$3,738.11; Spearfish Recreation Center-\$35.00; Subway-\$53.85; Team Lab Chemical Corp-\$1,989.00; Teen Court Inc-\$10,000.00; Tellinghuisen & Gordon, P.C.-\$822.88; Tigerdirect Inc-\$269.87; Tollefson, Jamey-\$22.58; Triple K Tire & Repair-\$360.50; Twin City Hardware & Lumber Inc-\$2,110.81; U S Marshals Service-\$893.15; U S Postal Service-\$600.00; Velvet Uniforms-\$24.62; Waste Connections, Inc-\$503.30; Watertree Inc-\$44.00; Waytek, Inc-\$2,500.00; West Group-\$814.80; West River International Inc-\$305.75; Western Communication Inc-\$25,160.58; Western Sd Juvenile Serv-\$7,500.00; White Drug-\$3,323.38; Williams Standard Serv-\$142.95; Wyoming State Archives-\$7.50; Xerox Corporation-\$71.51; Yankton Co. Sheriff-\$25.00; Yankton County-\$248.50; Ziegler, Doris-\$150.00; **Witness & Jurors:** Williams, Rand-\$22.58; Seward, Sally-\$21.10; Gould, Gary L.-\$20.00; Brown, T-\$60.36; Burleson, B- \$52.22; Christensen, C- \$61.10; Clark, I-\$58.88; Creger, C-\$50.74; Hajek, D-\$50.74; Jermolenko, P-\$61.10; Lutz, J-\$67.02; Pearman, R-\$61.10; Sarver, S-\$68.50; Seaman, M-\$61.10; Setera, A-\$63.32; Shuck, C-\$64.80; Snyder, A-\$51.48; Stevens, N-\$52.22; Thomson, C-\$52.22; Tinnell, D-\$61.84; Tschetter, R-\$64.80; Abbott, K-\$20.36; Ager, S-\$28.50; Ballard, R-\$21.10; Barthel, W-\$12.96; Bell, R-\$12.22; Brotsky, J-\$104.44; Buehler, V-\$29.24; Chapman, M-\$21.10; Cole, C-\$20.36; Coolley, C-\$114.80; Dahl, C-\$126.64; Delzer, S-\$24.80; Engel, C-\$21.10; Finley, E-\$22.58; Foote, M-\$24.06; Freese, L-\$22.58; Garman, L-\$21.10; Geffre, L-\$122.20; Grosek, J-\$144.80; Hall-Martin, S-\$122.20; Hauck, C-\$12.22; Heinert, R-\$28.50; Hemmingson, A-\$21.10; Jacobsen, R-\$12.96; Jones, D-\$21.84; Krogstad, D-\$24.80; Larson, C-\$27.02; Mailloux, M-\$21.10; Merchen, B-\$144.80; Merrill, L-\$15.92; Mitcheltree, D-\$10.74; Morrison, A-\$12.22; Nauman, S-\$24.80; Olstad, J-\$21.84; Osborn, L-\$11.48; Pierce, N-\$12.96; Pittman, V-\$24.80; Pulling, J-\$132.56; Reichert, S-\$137.00; Roadifer, P-\$24.80; Sand, J-\$30.72; Smith, S-\$24.80; Stanford, D-\$10.74; Stewart, J-\$114.80; Struble, S-\$12.22; Thacker, D-\$21.10; Usera-Opstedahl, P-\$129.60; Wagner, J-\$12.22; Wermers, T-\$104.44; Williams, L-\$19.62; Baumeister, M-\$17.40; Bishop, T-\$122.20; Braunesreither, J-\$12.22; Christensen, B-\$19.62; Cockrum, W-\$20.36; Collins, T-\$122.20; Detweiler, G-\$119.24; Draine, H-\$129.60; Dunbar, S-\$117.76; Edstrom, M-\$24.06; Feist, M-\$10.74; Gehring, J-\$20.36; Geuke, B-\$129.60; Goetz, T-\$21.10; Greear, M-\$21.10; Harlan, C-\$12.22; Hehr, R-\$28.50; James, E-\$24.80; Jeffery, T-\$24.80; Johnson, D-\$24.80; Kapsch, T-\$21.10; Kephart, S-\$119.24; Kyte, R-\$12.22; Lensegrav, P-\$24.80; Miles, C-\$23.32; Millar, M-\$28.50; Murray, J-\$21.10; Parsons, D-\$122.20; Peterson, T-\$24.80; Petitt, P-\$32.20; Phillips, C-\$104.44; Pierce, R-\$12.22; Rand, J-\$24.80; Rehm, R-\$122.20; Riley, R-\$21.10; Rosedahl, R-\$24.80; Schell, D-\$21.84; Schoon, D-\$122.20; Seifert, T-\$21.10; Smail, E-\$125.16; Storms, R-\$29.98; Symonds, D-\$24.80; Thomson, M-\$126.64; Todd, G-\$10.74; Torres, J-\$12.22; Trucano, B-\$21.10; Wainman, K-\$12.96; Wellard, C-\$11.48; Wold, L-\$21.84; Lakings, D-\$103.25; Mittleider, J-\$31.10; Weldon, T-\$31.10; Uecker, C-\$25.55; Russo, R-\$20.00; Island, T-\$31.10; Pinnix, T-\$20.00; Romanjenko, S-\$20.37; Skahl, T-\$31.10; Kaiser, K-\$32.06; Chyba, J-\$21.11; Nickerson, E-\$22.22;

**ADJOURN:** 12:52 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – February 24, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 24, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Thompson) to approve the agenda as amended. Motion Carried.

### **TRAVEL REQUEST:**

SHERIFF: (Weisenberg-Douglas) To approve the travel request for Tom Sandvick, Marian Hamilton, Kristy Schumacher and Peggy Steffen to attend the annual Dakota 9-1-1 training conference in Fargo ND on April 6-9, 2009. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Douglas) to approve the minutes of February 10, 2009. Motion Carried.

### **PERSONNEL:**

SHERIFF: Moved-Seconded (Douglas-Thompson) to allow employees to donate sick leave to Dora Patino for a family emergency. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve Nicole Harris as a part time Corrections officer II G1 at the base rate of \$15.60 an hour, upon completion of 40 hours of training at \$9.04, effective 2-23-2009. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) To approve Colin Thompson as part time as needed, Special Deputy II at the base rate of \$15.97 an hour, effective 2-24-2009. Motion Carried. Aye-4, Abstain-Thompson.

**REGISTER OF DEEDS:** Moved-Seconded (Weisenberg-Thompson) to approve Keri Podoll as Secretary G2 at the base rate of \$13.76 an hour, effective 3-1-2009. Motion Carried.

**FAIR AGREEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Butte-Lawrence County Fair Agreement for 2009. Motion Carried.

**COURT APPOINTED ATTORNEY FEES:** MW requested forgiveness of a Lawrence County Lien for attorney fees. Moved-Seconded (Weisenberg-Thompson) to deny the request for a waiver as the County policy is not to forgive liens. Motion Carried.

**SURPLUS PROPERTY / COPIER:** Moved-Seconded (Douglas-Johnson) to declare the Ricoh Copier 1035 surplus and donate to the Lead Police Department. Motion Carried.

**SUPPLEMENTAL BUDGET:** A supplemental budget hearing was held for EMERGENCY MANAGEMENT FUND / Emergency Management - Maintenance & Supplies -\$5,020. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairman to sign the following Resolution #2009-07 for a supplemental budget. Motion Carried.

RESOLUTION #09-07 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit EMERGENCY MANAGEMENT FUND: Emergency Management - Maintenance & Supplies -\$5,020. 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 24<sup>th</sup> day of February, 2009 at the hour of 8:10 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 24<sup>th</sup> day of February, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

**TAX DEED PROPERTY:** Bruce Outka discussed a piece of property that the County took for tax deed. The property value is under \$500. This property also borders an alley that has been vacated and the County now has the interest in the vacated alley. Outka contacted the neighboring landowners to determine who was interested in the property. Todd Gustafson and Dick Ashley were present to request the County deed the vacated alley to Gustafson and the county's interest in Lot 7 to Ashley.

Moved-Seconded (Weisenberg-Douglas) to appraise the property as follows: 1) Lawrence County's Interest in Lot 7, Block 1, Cruickshanks Subdivision, all as shown on Crick's map, except that portion encompassed in Lot 599 Washington and Lot 519 Grandview being a portion of the Lead City Lode, M.S. 374, City of Lead, Lawrence County, South Dakota. **Appraised Value \$1.00.** 2) ) Lawrence County's Interest in Lot 1A, Block 2, Cruickshanks Subdivision, formerly Lot 1, Block 2 and Vacated Alley, Cruickshanks Subdivision, City of Lead, Lawrence County, South Dakota. **Appraised Value \$1.00.** Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the following Resolution #09-09 to Sell Real Property. Motion Carried.

**RESOLUTION #09-09 SELL REAL PROPERTY WHEREAS,** Lawrence County is the owner of the property herein described, having acquired title thereto by Tax Deed Proceedings and Vacation of Alley, and the same being at the present time in an unproductive state, and making little or no return to Lawrence County, and It appearing that the same can now be sold for a reasonable sum and placed upon the Tax List, and the Board of Commissioners of Lawrence County, South Dakota, deeming it advisable to offer said property for sale. **NOW, THEREFORE,** it is by the Board of Commissioners of Lawrence County, South Dakota that said real property is to be sold in accordance with the provisions of Chapter 6-13 of the South Dakota Codified Laws as Amended, **NOW THEREFORE,** being the following property was appraised for \$1.00 and in accordance with the provisions of 6-13-4 the property can hereby be sold by the governing board without notice, **NOW THEREFORE BE IT RESOLVED That** in the opinion of the majority of the said Commissioners, it is in the best interest of Lawrence County to declare the real property surplus and sell the following described real property, to wit: 1) Lawrence County's Interest in Lot 7, Block 1, Cruickshanks Subdivision, all as shown on Crick's map, except that portion encompassed in Lot 599 Washington and Lot 519 Grandview being a portion of the Lead City Lode, M.S. 374, City of Lead, Lawrence County, South Dakota to Dick Ashley for \$1.00. 2) Lawrence County's Interest in Lot 1A, Block 2, Cruickshanks Subdivision, formerly Lot 1, Block 2 and Vacated Alley, Cruickshanks Subdivision, City of Lead, Lawrence County, South Dakota to Todd Gustafson for \$1.00, with the stipulation that the property be platted within one year. **NOW THEREFORE BE IT FURTHER RESOLVED** and ordered that a proper conveyance, namely a Quit Claim Deed, be delivered to the purchaser (s) thereof, which conveyance shall be executed in the name of the County of Lawrence; by the Chairman of the Board of Lawrence County Commissioners and attested by the County Auditor, and which conveyance shall vest in the grantee all of the right, title and interest of said Lawrence County, in and to such real property herein described and every part thereof. Dated this 24<sup>th</sup> day of February, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS ROBERT EWING, Chairman, ATTEST: CONNIE ATKINSON, Lawrence County Auditor

### **HIGHWAY BUSINESS:**

**DUMP TRUCK BIDS:** The following bids were received for the new 2009 Class 8 Tandem Truck Chassis, Dump Body & Hydraulic System. Eddies Truck Center(Godfrey): \$124,445.29; Eddies

Truck Center(Northern Truck): \$119,240.00; West River International: \$117,651; Sheehan Mack Sales: \$124,979.02. Moved-Seconded (Thompson-Weisenberg) to accept the low bid from Rapid City West River International for one new 2009 Class 8 Tandem Truck Chassis, Dump Body & Hydraulic System for \$117,651.00. Motion Carried.

Moved-Seconded (Douglas-Ewing) To approve and authorize the Chairman to sign the Contract for supplies and equipment with West River International. Motion Carried.

**STRIPING AGREEMENT:** Moved-Seconded (Weisenberg-Johnson) To approve and authorize the Chairman to sign the agreement to provide striping and continuing maintenance of county roads within Lawrence County with State Department of Transportation. Motion Carried.

**UTILITY PERMITS:**

**BUTTE ELECTRIC:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Utility Permit for Butte Electric on Whitewood Service Road. Motion Carried.

**SHERIFF OFFICE BID OPENING:** Moved-Seconded (Weisenberg-Ewing) To advertise for bids for the Public Safety Center-Booking Area Remodel Project for March 24<sup>th</sup> at 8:45 a.m. Motion Carried.

**HOMELAND SECURITY GRANT FUNDS / STATE DIGITAL RADIO SYSTEM:** Paul Thomson presented the States request to use Homeland Security Grant Funds to upgrade the State's Digital Radio System. This would be a statewide digital system using the next two years of grant money to upgrade the system. It will benefit the local emergency and law enforcement agencies. However, there are concerns about the County and other local agencies having to upgrade their radios at taxpayer's expense because grant funds will not be available. Thomson recommended the County support the request but the funds would not be run through the County funds.

Moved-Seconded (Thompson-Weisenberg) To follow the recommendation of Paul Thomson and support the States request to upgrade the State Digital Radio System, as long as the grant funds are not processed through the County. Motion Carried.

**ORDINANCE #08-06 WIND ENERGY SYSTEMS:** Moved-Seconded (Weisenberg-Thompson) to take from the table the decision on Ordinance #08-06 Regulations for Wind Energy Systems from January 6, 2009. Motion Carried. Amber Vogt, Planning and Zoning Director reviewed changes to the proposed ordinance, as recommended by the sub-committee of Weisenberg and Johnson.

Johnson explained the recommended fees. The Board discussed and recommended adjusted fees to system height. If the system height is more than 120 feet the fee would be \$1,000. Douglas recommended that the landowner be required to bring in proof annually that the tower is being used. Douglas also stated the financial assurance should be required or either be removed and should not be "may" to keep consistency. Vogt stated this could be included as a condition in the conditional use permit. System versus tower height was discussed. Charles Brown expressed concerns on the noise level requirements. Rob Mattox also expressed concerns on tower height. Amber Vogt stated this is the strictest ordinance that she could find. Johnson suggested waiting to adopt the Ordinance to make sure the ordinance is something that works for Lawrence County. Weisenberg stated the County needs something to start from and the ordinance can be amended if it is determined changes need to be made.

Moved-Seconded (Weisenberg-Ewing) to adopt Ordinance #08-06 Wind Energy Systems with the proposed changes as reviewed, with one additional change if the application includes one (1) additional unit there will be an additional charge of \$100.00, if there are more than two (2) units or the units are over a total system height of 120' there will be an additional \$1000.00 fee for each unit included in the application, as on file in the Planning and Zoning Office. Motion Carried. Aye-4, Nay-Johnson.

**FEMA FLOODPLAIN MAP UPDATE:** Vogt stated the last change to the Flood Plain Map was in 1990 and stated they are now required to start the process of updating the maps. Vogt reviewed the process and will keep the Board updated.

**CONDITIONAL USE PERMIT #361 / TIMOTHY HAUCK:** A public Hearing was held on CUP #361- Two Wind Energy Systems. Owner/Representative: Timothy Hauck, Legal Description: 74.8 acres in Section 21, T6N, R4E.(legal shortened), Location: North of Spearfish, Purpose: 2-Wind Energy Systems, Zoning: A-1. No public input was voiced and the hearing was closed.

Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve Conditional Use Permit #361 for **One** Wind Energy System. Motion Carried.

**CONDITIONAL USE PERMIT #362 / CHARLES BROWN:** A public Hearing was held on CUP #362 Impervious Energy Systems LLC-Wind Energy System, Owner/Representative: Charles Brown, Legal Description: Lot 5, Section 1, T5N, R3E., Location: North of Deadwood, Purpose: 2 -Wind Energy Systems, Zoning: PF. Ray Evans, county resident, spoke in favor of the project and expressed concerns on how the County rates the system on height only. The Board made reference to letters received. The public hearing was closed.

Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve Conditional Use Permit #362 for Two Wind Energy Systems. Motion Carried

**RECESS:** 10:06 a.m. Moved-Seconded (Weisenberg-Ewing) to recess the County Commission Meeting. Motion Carried. 10:18 a.m. The Chairman called the meeting back to order.

**HIGHWAY 85 CORRIDOR PLANNING:** Amber Vogt presented an update to the Highway 85 Corridor Planning. City of Spearfish recommended changes and the Board reviewed the proposed changes. Vogt stated this is a land use guideline only. The County will take comments until March 10, 2009.

**CANCELLATION OF CUP# 213 PAM KLINGMAN BEAUTY SHOP:** Jeff Schroeder, Deputy Planning and Zoning was present and stated after discussions with the permit holder he would recommend cancellation of CUP#213. Moved-Seconded (Douglas-Johnson) to follow the recommendation of Planning and Zoning and cancel CUP#213 for Pam Klingman Beauty Shop. Motion Carried.

**CUP #233 DIANE GRAFF BED & BREAKFAST:** Jeff Schroeder, Deputy Planning and Zoning was present and stated after discussions with the permit holder he would recommend cancellation of CUP#233. Moved-Seconded (Thompson-Weisenberg) to follow the recommendation of Planning and Zoning and cancel CUP#233 for Diane Graff Bed & Breakfast. Motion Carried.

**CUP#296 LYLE BAUMEISTER STORAGE UNITS:** Jeff Schroeder, Deputy Planning and Zoning was present and stated after discussions with the permit holder he would recommend cancellation of CUP#296. Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of Planning and Zoning and cancel CUP#296 for Lyle Baumeister Storage Units. Motion Carried.

**CUP#318 & 331 DAVID RUTH FOOT CLINIC & CUP#331 JEROLYN RUTH BEAUTY SHOP:** Jeff Schroeder, Deputy Planning and Zoning was present and stated after discussions with the permit holders he would recommend cancellation of CUP#318 & #331. Moved-Seconded (Weisenberg-Thompson) To follow the recommendation of Planning and Zoning and cancel CUP#318 for David Ruth Foot Clinic and CUP#331 for Jerolyn Ruth Beauty Shop. Motion Carried.

**US FOREST SERVICE CAMPGROUND AGREEMENT:** Moved-Seconded (Weisenberg-Douglas) to follow Joe Harmon's recommendation and approve and authorize the Chairman to sign the Cooperative Law Enforcement Agreement 09-LE-11020300-001 M1 for 2009. Motion Carried.

**SHERIFF DEPUTY GRANT:** Joe Harmon stated there is a grant available that would cover the expense for two deputies for two years. The county would be required to provide vehicles and at the end of two years the expense would be all county expenditures. Moved-Seconded (Weisenberg-Douglas) To NOT apply for the grant because of the additional vehicle expense and at the end of two years the expense would be funded by county tax payer. Aye-Douglas, Weisenberg and Johnson. Nay-Ewing & Thompson. Motion Carried. Douglas stated with the current economy, now is not the time to add employees.

**PBT TEST FEES:** Moved-Seconded (Weisenberg-Douglas) to approve the following Resolution No. 2009-08. Motion Carried. RESOLUTION NO. 2009-08 A RESOLUTION ESTABLISHING A FEE FOR COURT ORDERED PRELIMINARY BREATH TESTING CONDUCTED BY THE LAWRENCE COUNTY SHERIFF'S DEPARTMENT WHEREAS, the Lawrence County Sheriff's Department works cooperatively with the Fourth Judicial Circuit in conducting court ordered Preliminary Breath Testing (PBTs) on individuals involved in various court proceedings; WHEREAS, there is a cost to Lawrence County in terms of employee time, equipment and supplies associated with the PBT testing of these individuals; WHEREAS, the Sheriff has recommended to the Lawrence County Commission that a reasonable fee of \$1.00 per PBT test be collected to offset these costs; WHEREAS, it is recognized that, in some instances, it is appropriate for the Court to exercise its discretion and waive the \$1.00 fee owing to indigent status or other circumstance; NOW, THEREFORE BE IT RESOLVED, that the Lawrence County Sheriff's Department is authorized to charge and collect a fee of \$1.00 for each PBT given by staff unless otherwise ordered by the Court. Dated this 24<sup>th</sup> day of February 2009. Robert Ewing, Chairman. Attest: Connie Atkinson, Auditor.

**SAFETY VIDEO – TRIPS & FALLS:** The Board viewed the Safety Video Trips & Falls.

**ABATEMENTS:**

**CITY OF SPEARISH:** Moved-Seconded (Weisenberg-Thompson) to approve the abatement for the City of Spearfish on parcel #32465-00000-000-10, 32465-0000-000-20, 32465-00000-000-30 because the City passed Ordinance #1069 on 8-20-2007 for a rural service district. Motion Carried.

**LLOYD & DIANA RAWSON:** Moved-Seconded (Douglas-Weisenberg) to follow the recommendation of the Director of Equalization and deny the abatement for parcel #20650-00602-228-89 because the applicant requested to remove Owner Occupied Status on 9-28-2007. Motion Carried.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,234.50; Treas-\$9,072.14; Comp-\$5,826.35; States Atty-\$11539.87; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,230.69; Equal-\$14,198.23; Deeds-\$6,594.35; Vso-\$1,139.97; Disp-\$10,857.69; Sher-\$32,067.20; Jail-\$22,434.12; Emerg Mgnt-\$3,387.84; E911-\$2,365.00; Highway-\$35,591.96; Air-\$1,239.45; Mental Health-\$246.00; Ext-\$1,239.54; Weed-\$2,552.08; Pz-\$4450.97; **Bills:** Engel, Paul J-\$9.00; Frerichs, Amy M.-\$212.33; Pike, G. Matthew-\$7.50; Rombough, Debra M.-\$19.98; Schuchmann, Bernard-\$25.44; A&B Business Equip Inc-\$966.93 ; A&J Supply-\$146.10; Abc Business Supply Corp-\$200.36; Alltel Inc-\$2,032.71; Amcon Distributing-\$250.32; American Inn Hotel & Suites-\$93.00; American Legion Post 31-\$50.00; Applied Concepts Inc-\$5,506.00; At&T-\$6.45; B H Chemical Company Inc-\$324.07 ; B H Federal Credit Union-\$9,180.84 ; B H Pioneer Inc-\$507.00; B H Power (Rapid)-\$7,185.51; Bessa, Rod-\$425.00; Binder, Tracy-\$624.20; Binger Law Office-\$2,123.80; Brady Pluimer, P.C.-\$5,663.54 ; Butler Machinery Co. Inc-\$394.72; Campbell Co Sheriffs Off-\$30.00; Canyon Gateway Motel-



\$420.00; Carol Butzman Consluting,Llc-\$715.82; Childrens Care-\$918.41; Childrens Home Society-\$409.78; Christensen Law Office-\$1,340.70; City/County Alcohol &Drug-\$1,262.00; Clinical Lab Of B.H. Inc.-\$1,827.00; Computer Coll. Investigations-\$545.00; Dakota Graphics-\$96.00; Dakota Hills Family Prattice-\$10.00; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,342.30; Dept.Of The Treasury-\$45,789.03; Division Of Motor Veh-\$20.00; Eagle Aviation Inc-\$12.00; Eskew, Debra-\$371.50; Farmers Union Oil Co-\$14,887.33; Fastenal-\$243.66; First Western Ins Deadwood-\$3,440.00; Fish, Veronica-\$81.60; Gall's Inc.-\$1,116.46; Hartford-Priority Accounts-\$1,466.00; Heisler Hardware Inc-\$32.99; Hepper, Kim-\$1,354.57; Hero 247-\$98.00; Hickok's Iron Horse Inn-\$66.33; Huron Culvert & Tank Co Inc-\$23,422.50; Infoprint Solutions Co-\$480.60; Jacobs Precision Welding Inc-\$2.98; Janke, Wendy-\$1,260.00; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson Inc-\$24,298.00; Kimball-Midwest Co. Inc-\$275.22; Knecht True Value Inc-\$64.98; Knology Inc-\$1,673.36; L C Journal-\$180.00; L C Sheriff-\$7.34; L C Treasurer-\$100.00; Law Enforcement Resource Cntr-\$316.00; Lead Volunteer Fire Dept-\$408.00; Lead-Deadwood Regional-\$9.32; Meade Co. Auditor-\$2,365.00; Meade County Sheriff-\$37.60; Medica-\$63,043.53; Midwest Alarm Co-\$84.00; Montana Dakota Utilities-\$1,031.94; N H Family Ymca-\$431.20; Nelson, Tonya-\$855.00; Office Of Child Support-\$195.69; Office Technology/Supply-\$11.96; Pennington Co. Jail-\$1,030.05; Pennington County Sts.Attny-\$400.00; Phillips Petroleum Co. Inc-\$108.38; Postmaster, Deadwood-\$180.00; Powerplan-\$371.47; Priority Dispatch-\$310.00; Qwest-\$1,188.62; R C Finance Office-\$1,645.00; R C Regional Hospital Inc-\$3,245.97; Radiology Associates-\$157.70; Rapidcare P.C.-\$140.00; Regional Behavioral Health Ctr-\$415.52; Rocket Lube-\$34.49; Root Spring Scraper Co-\$378.00; Rushmore Communications Inc-\$47.50; S D Assn Of Co Comm-\$250.00; S D Dept Of Transportation-\$1,092.00; S D Federal Property Agency-\$24.00; S D Retirement System-\$50,861.49; Sdaco-\$75.00; Sdrs Supplemental Retirement-\$736.50; Servall Towel & Linen,Inc-\$483.10; Seward & Odenbach, Pc-\$956.39; Shell Fleet Management-\$54.85; Sign Express Inc-\$260.43; Southside Oil Co-\$12,992.00; Spearfish City Of-\$49.50; Spearfish Police Dept-\$7,001.80; Stadler Ind Service-\$193.00; Subway-\$7.98; The Tech Connect-\$295.00; Tigerdirect Inc-\$580.65; Triple K Tire & Repair-\$363.85; Twin City Hardware & Lumber Inc-\$700.36; Verizon Wireless Inc-\$96.81; Victims Of Violence-\$540.00; Walmart Store Inc/Auditor-\$130.26; Wells Fargo Bank-\$28.52; Wells Fargo Business Card-\$1,648.87; Western Hills Humane Society-\$2,500.00; White Drug-\$2,030.05; White's Queen City Motors-\$483.13; Williams & Associates Inc-\$1,020.00; Yankton Co. Sheriff-\$50.00; **Witness & Jurors:** Eide, Curtis W-\$12.22; Tysdal, Richard A.-\$24.80; Mcfarling, Bill-\$22.58; Cox, B-\$31.10; Fields, R-\$57.00; Freeman, R-\$31.10; Goodson, D-\$31.10; Lopez, B-\$31.10; Adams, M-\$17.40; Allen, M-\$64.80; Anderson, B-\$62.58; Bowman, L-\$52.96; Casavan, N-\$24.80; Colgrove, B-\$23.32; Ediger, T-\$12.22; Fredericksen, C-\$12.22; Friedel, M-\$60.36; Geigle, J-\$61.10; Goetz, L-\$22.58; Hagman, B-\$64.80; Hartl, K-\$22.58; Heisinger, C-\$21.10; Houdek, D-\$21.10; Hubbard, T-\$23.32; Jasper, K-\$64.80; King, K-\$17.40; Kissack, D-\$66.28; Mack, G-\$50.74; Marcus, U-\$18.88; Maynard, K-\$17.40; Nichols, H-\$21.10; Roberts, S-\$12.22; Sternhagen, C-\$14.44; Tucker, J-\$21.10; Tusha, M-\$12.22; Valdez, F-\$18.88; Walz, J-\$52.22; Wermers, K-\$59.62; Widener, R-\$10.74; Wutzke, C-\$64.80; Barden, S-\$20.00; Coyle, P-\$31.10; Fonder, P-\$31.10; Gomez, C-\$20.00; Kees, A-\$20.00; Mannion, C-\$31.10; Mattis, J-\$155.79; Morgan, M-\$29.25; Porter, S-\$22.96; Rhoads, M-\$20.00; Rissman, J-\$20.00; Spindler, D-\$31.10; Wall, T-\$41.09; Bloedel, P-\$12.22; Bolke, T-\$21.10; Click, D-\$15.18; Crosswait, C-\$21.10; Crowley, J-\$22.58; Dickert, J-\$111.84; Doll-Dunn, M-\$21.10; Hanson, R-\$22.58; Harms, B-\$21.10; Hauck, C-\$21.10; Heaton, A-\$21.10; Kennedy, K-\$120.72; King, G-\$117.76; Kotak, J-\$19.62; Lalonde, M-\$23.32; Matson, T-\$24.80; Mcdermott, J-\$18.14; Mckeown, D-\$19.62; Mero, S-\$19.62; Mizera, D-\$21.10; Mullaney, P-\$12.22; Powell, T-\$21.10; Prendiville, K-\$102.96; Richter, F-\$24.80; Roberdeau, J-\$122.20; Ross, R-\$10.74; Sternhagen, J-\$13.70; Vankampen, J-\$122.20; Weaver, B-\$15.18;

**ADJOURN:** 11:15 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING—February 24, 2009**

Chairperson Bob Ewing called the Lawrence County Board of Adjustment meeting to order at 10:07 a.m. on February 24, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**VARIANCE #122 / LOUP LAND COMPANY:** A public hearing was held on an application for Variance #122 for Loup Land Company for a 10’ variance to the 35’ height restriction for a water storage tank in Loup Subdivision on Kerwin Lane. Alan Drews from NJS Engineering was present to discuss the variance request. Jayna Watson, City of Spearfish, stated they just wanted to make sure compliance is met. The public hearing was closed.

Moved-Seconded (Douglas-Johnson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve Variance #122 for Loup Land Company. Motion Carried.

**VARIANCE #123 / DAN ENGEBGRETSON:** A public hearing was held on an application for Variance #123 for Dan Engebretson for a 15’ variance to the 25’ setback on Lot 15 Englewood Acres located on the Englewood Road. The public hearing was closed.

Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve Variance #123 for Dan Engebretson. Motion Carried.

**ADJOURN:** 10:18 a.m. There being no further business it was Moved-Seconded (Douglas-Johnson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 10, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 10, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present. Connie H. Douglas was absent.

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

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Johnson) to approve the minutes of the February 24, 2009 Commission Meeting and the Board of Adjustment Meeting. Motion Carried.

### **PERSONNEL:**

#### **SHERIFF:**

Moved-Seconded (Weisenberg-Thompson) to approve Jordan Smith as a full time Correctional 2 G2 at a base rate of \$15.92 an hour, effective March 16, 2009. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to advertise for a part-time Correctional Officer position. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) to approve Mike Mclain, Sue Kellogg, and Dawn Allen as a Correctional Sergeant G3 at a base rate of \$16.88 an hour, effective March 10, 2009. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of February 28, 2009 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)-\$55,820.10; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,724.22; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance \$1,125,866.63, Money Market \$523,412.71 Savings-\$4,763,293.26; Total \$10,612,572.60.

**AIRPORT AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve an automatic supplement to Airport Capital Improvements for \$241,366.43 for State and Federal grant funds received. Motion Carried.

**SANFORD LAB UPDATE:** Ron Wheeler, SDSTA Executive Director was present to update the Board on the progress of the Sanford Lab.

### **HIGHWAY BUSINESS:**

**AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 (ARRA):** Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of Dick Birk and replace the ARRA funds with normal Surface Transportation Program (STP) and state matching funds on a one-to-one basis. Motion Carried.

### **UTILITY PERMITS:**

**QWEST:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Utility Permit for Qwest on Old Belle Rd at west side of bridge over to East side of Bridge over Spearfish Creek. Motion Carried. Aye-Weisenberg, Thompson and Ewing. Nay-Johnson. Johnson expressed concerns of overhead lines over buried lines.

**BLACK HILLS COUNCIL OF LOCAL GOVERNMENTS:** Blaise Emerson, Executive Director of Black Hills Council of Local Governments was present to update the Board on their activities.

**CHANGE OF ZONING ORDINANCE AMENDMENT #09-01:** First reading and a public hearing was held on Change of Zoning Ordinance Amendment #09-01, Chapter 7 Article 17 Development Proposal and Fire Mitigation Requirements of the Lawrence County Subdivision Regulations. Vogt reviewed the proposed Ordinance Amendment #09-01. No public input was voiced and the public hearing was closed.

**RECESS:** 9:10 a.m. Moved-Seconded (Weisenberg-Thompson) to recess the County Commission Meeting. Motion Carried. 9:40 a.m. The Chairman called the meeting back to order.

**PRE-DISASTER MITIGATION GRANT:** Paul Thomson discussed the Pre-Disaster Mitigation Plan and stated he would like to begin the process to rewrite the plan. Thomson recommended contracting with Rob Mattox to write the plan. Thomson has been researching grant funds that may be available. Moved-Seconded (Weisenberg-Thompson) To approve and authorize Paul Thomson to apply to the State for Grant Funds to write a Pre-Disaster Mitigation Plan. Motion Carried.

**HOMELAND SECURITY TRAINING CLASS:** Moved-Seconded (Weisenberg-Johnson) to approve Lawrence County hosting a three day Homeland Security Training Class and accept the grant for \$3,000. Motion Carried.

**BILLS:** Moved-Seconded (Thompson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,234.51; Treas-\$8,961.60; Comp-\$5,826.35; States Atty-\$11,668.99; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,326.17; Equal-\$14,453.52; Rod-\$6,594.35; Vso-\$1,139.97; Disp-\$12,815.56; Sher-\$34,747.15; Jail-\$24,070.31; Coroner-\$400.00; Emerg Mgmt-3,462.49; E911-\$1,595.00; Highway-\$36,960.21; Air-\$961.80; Ext-\$1,472.40; Weed-\$2,868.16; Pz-\$4,175.97; **Bills:** Dias, Gregory-\$81.40; Frerichs, Amy-\$429.87; Mowell, Richard-\$7,482.00; Steffen, Peggy-\$32.00; A&B Business Equip-\$1,150.07; A&B Welding Supply-\$111.43; A&J Supply-\$1,429.72; A-Z Shredding-\$12.50; Abc Business Supply-\$741.61; Accurint Account-\$75.00; Alco Store-\$29.33; Aldinger Funeral Home-\$300.00; Amcon Distributing-\$297.73; Anderson Oil Co-\$36.12; BH Chemical Company-\$2,865.45; BH Federal Credit Union-\$9,360.84; BH Land Analysis-\$1,845.00; BH Pest Control-\$95.00; BH Pioneer-\$467.13; BH Power-\$705.94; Best Business Prod-\$20.80; Best Western Ramkota-\$140.00; Butler Machinery Co-\$144.50; Butte Electric Coop-\$656.19; Central Parts-\$1,227.14; Century Business Products-\$33.75; Chain Saw Center/Dakota Equip-\$176.47; Chemical Sanitizing Sys-\$105.68; Chemsearch-\$981.51; Christensen Law Office-\$274.00; City/County Alcohol&Drug-\$2,338.00; Cj Systems Aviation Group-\$1,601.69; Clinical Lab Of BH-\$1,899.12; Conoco-\$15.57; Cooperative Extension Service-\$153.49; Deadwood Home Center-\$38.35; Deadwood, City Of-\$888.17; Delta Dental-\$3,214.02; Dept Of Hlth Lab Services-\$33.00; Dept Of The Treasury-\$48,037.52; Dietrich, Donna-\$137.54; Domino Plastics Mfg-\$175.68; Ellingson, Joseph-\$807.07; Executone Of The BH-\$5,316.00; First Western Bank-\$491.58; Fleet Services-\$506.03; Frederickson, John-\$352.60; Fsh Communications-\$60.00; Funeral Home Of The-\$1,220.00; Gene's Lock Shop-\$9.44; Godfrey's Brake Serv-\$43.94; Heisler Hardware-\$19.78; Hickok's Iron Horse Inn-\$221.69; Hills Limited-\$370.00; Hillside Disposal Service-\$75.00; Integrity Ford-\$85.00; Jenner Equipment Co-\$196.29; Johnson Law Office-\$9,537.86; Johnson, Miner, Marlow, Woodward-\$159.61; Johnson, Rodenbrug & Lauinger-\$75.00; Jones, D-\$123.68; Ken's Camper Sales-\$1,525.00; Kennedy, Pier & Knoff-\$111.40; Kinney, Matthew-\$1,695.40; Knecht True Value-\$464.35; Knology-\$428.48; Kooistra, Nelva-\$15.00; Kosel, Joseph-\$8,333.34; LC Journal-\$420.45; LC Sheriff-\$7.01; LC Treasurer-\$100.00; Language Line Services-\$179.53; Lawson Products-\$278.79; Lead, City Of-\$51.52; Lead-Deadwood Regional-\$43.55; Lead-Deadwood Regional Hospital-\$252.00; Lead-Deadwood Sanitary-\$278.28; Long Enterprises-\$395.00; Lueders-\$92.57; M&M Sanitation-\$325.00; McArthur, Janet-\$45.00; McClure, Susan-\$90.00; Mcleod's Office Supply-\$48.61; Montana-Dakota

Util-\$8,577.75; Mro Corporation-\$26.79; NH Training Center-\$2,500.00; Nacvso-\$30.00; National Academy Of Emd-\$200.00; Nebraska Salt & Grain-\$2,722.23; Neighbors,Judith Phd-\$300.00; Nelson,Christy-\$225.00; Neve's Uniforms-\$288.40; New World Systems-\$3,400.00; North Dakota Apco-\$360.00; Office Depot-\$130.46; Office Of Child Support-\$195.69; Office Technology/Supply-\$66.00; Pearman,Amy-\$90.00; Pennington Co Auditor-\$237.00; Pennington Co Jail-\$364.00; Phillips Petroleum Co-\$202.03; Pronto Auto Supply-\$75.42; Quill Corp-\$266.44; Qwest-\$93.12; RC Medical Center-\$1,340.07; RC Regional Hospital-\$1,869.81; Rabe Elevator-\$725.51; Radio Shack/Kazco-\$165.35; Radiology Associates-\$169.90; Regional Behavioral Health-\$154.73; Regional Home Medical Equip-\$112.00; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$3,446.22; Reliance Telephone-\$11.00; Root Spring Scraper-\$24.35; SD Human Services Center-\$210.08; SD State Treasurer-\$1,020.32; Safety Benefits-\$416.28; Safeway-\$83.17; Sdrs Supplemental Retirement-\$856.50; Servall Towel & Linen-\$147.76; Seward & Odenbach-\$707.21; Sorensen,Tylea-\$1,161.52; Spearfish Auto Supply-\$384.88; Spearfish Glass-\$313.65; Spearfish Police Dept-\$11.88; Stadler Ind Service-\$3,615.45; Subway-\$43.89; Superior Lamp And Supply-\$492.22; Tellinghuisen & Gordon-\$1,159.08; Triple K Tire & Repair-\$111.56; Twilight First Aid & Safety-\$238.08; Twin City Hardware & Lumber-\$255.28; United Parcel Service-\$15.24; Voelker & Adams-\$4,273.00; Walmart Store-\$284.86; Waste Connections-\$503.30; Watertree-\$50.50; West Group-\$672.00; Western Communication-\$292.50; Western Sd Juvenile Serv-\$5,300.00; Williams Properties-\$600.00; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Burlson,B-\$52.22; Clark,I-\$58.88; Creger,C-\$50.74; Hajek,D-\$50.74; Jermolenko,P-\$61.10; Lutz,J-\$67.02; Pearman,R-\$61.10; Sarver,S-\$68.50; Seaman,M-\$61.10; Setera,A-\$63.32; Shuck,C-\$64.80; Snyder,A-\$51.48; Stevens,N-\$52.22; Thomson,C-\$52.22; Tinnell,D-\$61.84; Tschetter,R-\$64.80; Albright,A-\$23.32; Bieber,M-\$12.96; Bowman,P-\$107.40; Bretchel Froelich,T-\$21.10; Campanella,J-\$16.66; Comer,C-\$24.80; Flueckinger,K-\$10.74; Gould,D-\$126.64; Hartung,A-\$21.84; Hayford,T-\$21.10; Jones-Shockey,B-\$137.00; Mathisrud,D-\$107.40; Milos,G-\$10.74; Oliver,B-\$21.10; Oviatt,D-\$21.10; Perry,K-\$137.00; Royer,T-\$129.60; Russel,R-\$129.60; Schad,C-\$21.10; Skavang,A-\$21.10; Sowell,D-\$125.16; Woodard,M-\$24.80; Worthington,J-\$122.20; Zebroski,R-\$24.80; Ager,G-\$24.80; Abbott,K-\$120.72; Brotsky,J-\$12.22; Delzer,S-\$24.80; Foote,M-\$24.06; Freese,L-\$22.58; Hemmingson,A-\$21.10; Merrill,L-\$15.92; Reichert,S-\$28.50; Roadifer,P-\$129.60; Donnelly,J-\$21.10; Kemp,J-\$24.80; Paulsen,T-\$21.10; Troyer,A-\$122.20; Wojton,S-\$22.58; Adler,T-\$20.00; Adler,T-\$20.00; Arehart,H-\$31.10; Crellin,T-\$22.59; Hafner,J-\$31.10; James,E-\$20.00; Kusters,T-\$20.00; Lehto,C-\$31.10; Nordyke,M-\$54.04; Nye,D-\$31.10; Parrent,J-\$31.84; Seaman,A-\$20.00; Tevik,C-\$53.30

**ADJOURN:** 9:54 a.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING– March 10, 2009**

Chairperson Bob Ewing called the Lawrence County Board of Adjustment meeting to order at 9:10 a.m. on March 10, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present. Connie Douglas was absent.

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

**VIRGINIA CORCORAN / GREENHOUSE CONDITIONAL USE PERMIT:** Corcoran was appealing the Administrative Decision for the Spearfish Greenhouse Conditional Use Permit/ Grandfathered Use. Corcoran reviewed history of the property, complaints and submitted receipts showing cleanup of the area. Corcoran showed proof of purchasing seeds for plants and submitted a letter from her attorney. She reviewed a parking plan for the property and stated she did sell plants during the year in question.

Randy Johnson, neighboring landowner, stated he was not opposed to a greenhouse but is concerned about traffic, clutter and junk. Cindy Herman stated she favored a conditional use permit to put sanctions on the property that she would have to comply with. Bruce Herman stated they have offered to help her clean-up the property but she refused. Corcoran stated she has been making an effort to clean-up the property. The public hearing was closed. Corcoran stated she has expended money, time, and energy to go through this process.

Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of the Staff's recommendation to require Corcoran to bring her property into compliance by obtaining a Conditional Use Permit to continue running a commercial greenhouse on the property zoned Suburban Residential. Motion Carried.

**ADJOURN:** 9:40 a.m. There being no further business it was Moved-Seconded (Johnson-Weisenberg) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 26, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 26, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present. Connie H. Douglas was absent.

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

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Johnson) to approve the minutes of the March 10, 2009 Commission Meeting and the Board of Adjustment Meeting. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Weisenberg-Thompson) to approve Robin Millard as a Secretary G2 at a base rate of \$13.76 an hour, effective March 16, 2009. Motion Carried.

**TREASURER:** Moved-Seconded (Weisenberg-Thompson) to approve Carleen Brownlow as a Secretary G2 at a base rate of \$13.76 an hour, effective April 11, 2009. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve Michael C. McCarty as a part-time Correctional Officer I G3 at the base rate of 14.12 an hour, upon the completion of 40 hours of training at \$9.04 an hour, effective March 15, 2009. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) to approve Felix J. Mehia as a part-time Correctional Officer I G3 at the base rate of 14.12 an hour, upon the completion of 40 hours of training at \$9.04 an hour, effective March 26, 2009. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve Gary Gould as a Special Deputy II at the base of \$15.97 an hour effective March 26, 2009. Motion Carried.

### **TRAVEL REQUEST:**

**EQUALIZATION:** Moved-Seconded (Weisenberg-Johnson) to approve the travel request for Darlene Piekola, Carmen Symonds, & Tim Hodson to attend the Annual Assessor's Conference in Watertown, SD on May 19-22, 2009. Motion Carried.

**WORKPLACE VIOLENCE POLICY:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the following Resolution #2009-10. Motion Carried.

**LAWRENCE COUNTY RESOLUTION #2009-10 -AMENDMENT #4 - LAWRENCE COUNTY PERSONNEL POLICIES HANDBOOK:** WHEREAS, the Lawrence County Commissioners have adopted the Lawrence County Personnel Manual, Resolution #2005-19, to establish a fair system of personnel administration; and WHEREAS, updates need to be made periodically to reflect changes in state or federal regulations; THEREFORE BE IT RESOLVED that effective upon favorable passage of this resolution and until otherwise revised, the following policy is hereby adopted and added to the Lawrence County Personnel Policies Handbook:

**ARTICLE II GENERAL POLICIES: 2.17) WORKPLACE VIOLENCE POLICY:** The Lawrence County Commissioners are committed to a workplace environment which is safe and free from physical assault, threats, harassing behaviors, and acts that create a hostile work environment for its employees and visitors. Workplace is defined as any location, either permanent or temporary, where a county employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations, and travel to and from work assignments. Workplace violence is the attempted, threatened or actual conduct of a person who endangers or is likely to endanger the health and safety of employees or visitors. Hostile work environment is conduct that has the effect of creating an intimidating, hostile or offensive work environment or unreasonably interferes with a person's work performance. Any employee who commits such an act is subject to discipline, up to and including termination. Any employee who wants to report or file a complaint, please refer to

the complaint procedures outlined in Article II. Section 2.4 Complaint Procedures. Dated this 26<sup>th</sup> day of March, 2009. FOR THE BOARD: Robert E. Ewing, CHAIR. ATTEST: Connie Atkinson, AUDITOR

**VETERAN SERVICE STATE AGREEMENT:** Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Chairman to sign the Veteran Service State Agreement. Motion Carried.

**AIRPORT NON-VOTING MEMBER:** Thompson addressed a letter the Board received in regards to a non-voting member on the Airport Board. Weisenberg stated there is no benefit to a non-voting member. Weisenberg stated they would not be allowed to participate in executive sessions and would only be complicating the process. He stated when there is an opening on the Board they can apply for the opening. Moved by Weisenberg that there will not be any non-voting members on any boards. Motion died due to lack of second. Ewing stated a non-voting member is no different than someone sitting in the audience. Ewing stated they have already discussed the issue and was determined at that time not to have a non-voting member on the Board. Thompson asked if they could have input from the audience at the end of the Airport Board Meeting. Ewing asked Weisenberg to recommend to the Airport Board that they allow input from the audience at the end of the Meeting.

**COPS GRANT:** Joe Harmon expressed the need for two or three additional deputies and the grants available to cover the expense for three years. The County would be required to keep the additional deputies for one year above the grant period. Johnson asked if the additional deputies would be used to staff 24 hours a day. Harmon stated the additional deputies would cover the hours at night so they wouldn't have to pay on-call pay, call out, and additional overtime pay, they would then have a deputy on duty around the clock.

Moved-Seconded (Weisenberg-Thompson) to table the decision until a full Board is present. Aye-Weisenberg & Thompson. Nay-Johnson & Ewing.

Moved-Seconded (Johnson-Thompson) To authorize the Sheriff's Office to apply for the Grant and the Board will decide if they are going to accept the grant when a full Board is present. Motion Carried. Aye-Johnson, Thompson and Ewing. Nay-Weisenberg.

### **HIGHWAY BUSINESS:**

#### **HIGHWAY SUPPLIES BIDS:**

**MAGNESIUM CHLORIDE:** Moved-Seconded (Thompson-Ewing) to accept the only bid from Z&S Dust Control at \$113.00 per ton and \$10.00 per ton application, and allow the Chairman to sign the Contract with Z&S Dust Control. Motion Carried.

**HOT MIX ASPHALT:** Hills Material-\$65.50 per ton E2 at the Centennial Quarry and \$69.50 per ton E2 at the alternate site; Sacrison Paving-\$60.00 at Westview Drive. Moved-Seconded (Thompson-Johnson) to accept all bids as quoted and use the most cost effective depending on pit location of project. Motion Carried.

**COLD MIX ASPHALT:** Hills Material-\$90.00 per ton. Moved-Seconded (Weisenberg-Thompson) to accept the only bid received from Hills Material for Cold Mix Asphalt from Hills Material - \$90.00 per ton. Motion Carried.

**GRAVEL SURFACING AGGREGATE:** Hills Material for \$6.95 per ton Gravel Surfacing, \$6.95 Gravel Base, no bid  $\frac{3}{4}$  clean rock, no bid  $\frac{1}{2}$  clean rock, \$8.50 1" clean rock and \$.20 loading cost at the Hanson Pit; \$7.30 per ton Gravel Surfacing, \$7.40 Gravel Base, \$9.35  $\frac{3}{4}$  clean rock, no bid  $\frac{1}{2}$  clean rock, \$9.20 1" clean rock and \$.20 loading cost at the Kost Pit; \$7.35 per ton Gravel Surfacing, \$7.35 Gravel Base, \$11.20  $\frac{3}{4}$  clean rock, \$11.20  $\frac{1}{2}$  clean rock, \$11.20 1" clean rock and \$.20 loading cost at the Centennial Pit. Fisher Industries for –no bid per ton Gravel Surfacing, \$6.25 Gravel Base, \$8.00  $\frac{3}{4}$  clean rock, \$8.50  $\frac{1}{2}$  clean rock, \$8.00 1" clean rock and no loading cost at the McGuigan Pit.



Moved-Seconded (Thompson-Johnson) to accept all bids as quoted and use the most cost effective depending on pit location. Motion Carried.

**DE-ICING SAND:** Hills Material No-Bid. Fisher Industries \$11.00 per ton. Moved-Seconded (Johnson-Weisenberg) to accept the only bid received from Fisher Industries for De-Icing Sand from Fisher Industries - \$11.00 per ton. Motion Carried.

**FOREST SERVICE AGREEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the 2009 Forest Service Project Agreement No. #07-RO-11020300-017 M6. Motion Carried.

**PURCHASE OFF STATE BID:** Moved-Seconded (Weisenberg-Thompson) to approve the purchase of a Ford F250 pickup off of state bid for the Highway Department. Motion Carried.

**ANDERSON ROAD BID DATE:** Moved-Seconded (Thompson-Ewing) to contract with NJS and to advertise for bids for a low water crossing on Anderson Road for May 12<sup>th</sup> at 8:30. Motion Carried.

**SAFETY CENTER BOOKING AREA BIDS:** The following bids were received for the Safety Center Booking Area: Ainsworth Benning Construction-\$41,890, CVD Inc Donovan Construction-\$30,966, and RCS Construction-\$34,500. Moved-Seconded (Thompson-Johnson) to accept the low bid from CVD – Donovan Construction for \$30,966 and allow Steve Williams to send out the notice to proceed. Motion Carried.

**STATE AND LOCAL AGREEMENT ADDENDUM / EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Addendum to the 2009 State and Local Agreement Addendum. Motion Carried

**ABATEMENTS:**

**EVANS, BONNE:** Moved-Seconded (Weisenberg-Ewing) to approve the abatement for Bonnie Evans on 2400-00702-351-31 “94” Magnolia Mobile Home because it was moved to Butte County in October. Motion Carried.

**PLANNING & ZONING:** Amber Vogt updated the Board on Planning and Zoning issues. Vogt requested that a Board Member attend the FEMA Floodplain meeting on April 8, 2009. Board members will attend.

**INVASIVE SPECIES MANAGEMENT BUSINESS:**

**HERBICIDES & COUNTYWIDE COMMERCIAL APPLICATOR:**

Moved-Seconded (Weisenberg-Ewing) to set a bid opening for Herbicides and Chemicals for April 28<sup>th</sup>, 2009 at 10:15 a.m. Motion Carried.

**ANNUAL REVIEW CUP#353 / CHARLES BROWN WINDMILL:** An annual review was held for Conditional Use Permit #353 for Charles Brown for a Windmill. Moved-Seconded (Weisenberg-Thompson) CUP #353 was found to be in compliance and will be reviewed again to coincide with his new CUP for windmills. Motion Carried.

**ANNUAL REVIEW CUP#354 / GARY ZIMBLEMAN WINDMILL:** An annual review was held for Conditional Use Permit #354 for Gary Zimbleman for a Windmill. Moved-Seconded (Johnson-Thompson) CUP #354 was found to be in compliance and will be reviewed again in one year. Motion Carried.

**CHANGE OF ZONING ORDINANCE AMENDMENT #09-01:** Second reading was held on Change of Zoning Ordinance Amendment #09-01, Chapter 7 Article 17 Development Proposal and Fire Mitigation Requirements of the Lawrence County Subdivision Regulations. Vogt reviewed the proposed Ordinance Amendment #09-01.

Moved-Seconded (Thompson-Johnson) to approve and adopt An Ordinance Amending Lawrence County Subdivision Ordinance Amendment #09-01. Motion Carried.

**US FOREST SERVICE ISSUES:**

**TELEGRAPH PROJECT:** Jackie Gross and Steve Mott were present from the US Forest Service and presented a power point presentation for the Telegraph Project and Draft Environmental Impact Statement.

Bill Coburn and John Frederickson, presented the Timber Committee comments and concerns on the Telegraph Project. Moved-Seconded (Weisenberg-Johnson) to adopt the Timber Committee Comments as the County's Official Comments and forward to the Forest Service for their consideration; and to thank the Timber Committee for their work on the comments. Motion Carried.

**LIEN REDUCTION / REMOVAL:** LC was in to request a lien for Juvenile Service Center be removed from her and placed on her juvenile child when he turns 18. LC stated she is trying to sell her home and can't until the lien is satisfied. The Board stated it is their Policy not to reduce or remove county liens. Bruce Outka recommended LC contact the Court System about re-directing the liability of the lien on her son.

**BILLS:** Moved-Seconded (Thompson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,234.50; Treas-\$9,072.15; Comp-\$5,751.82; States Atty-\$11,927.23; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,414.65; Equal-\$14,299.09; Rod-\$6,406.58; Vso-\$1,139.97; Disp-\$10,482.56; Sher-\$33,602.36; Jail-\$20,118.18; Coroner-\$400.00; Emerg Mgnt-\$3,372.31; E911-\$2,368.00; Highway-\$34,276.60; Air-\$1,174.98; Ext-\$1,290.48; Weed-\$2,607.80; Pz-\$4,415.97; **Bills:** Gould,G-\$20.74; Mckee,A-\$10.22; A&B Business Equip-\$970.53; A&I Distributors-\$1,813.46; Abc Business Supply-\$182.58; Acoustical Solutions-\$1,872.59; Alco Store-\$26.87; Alltel-\$61.75; American Made Election Equip-\$1,001.84; Applied Concepts-\$2,591.00; Appriver-\$912.00; AT&T-\$8.06; BH Chemical Company-\$284.13; BH Federal Credit Union-\$9,360.84; BH Pioneer-\$44.77; BH Power-\$7,509.48; BH Security & Systems-\$889.03; Beck Motors-\$78,187.00; Belle Fourche Community Center-\$37.00; Benson Technical Works-\$1,981.25; Best Business Prod-\$20.80; Best Western Ramkota Inn-\$474.00; Black Hills Auto Parts-\$2.47; Black Hills Pure-\$11.50; Brady Pluimer-\$15,041.45; Butler Machinery Co-\$1,558.23; Campbell Supply-\$446.97; Cedar Shore-\$176.70; Central Parts-\$146.59; Chemsearch-\$260.79; Christensen Law Office-\$961.50; City/County Alcohol & Drug-\$125.00; Clinical Lab Of BH-\$1,525.77; Crawford Supply Company-\$221.04; Dakota Graphics-\$205.00; Deadwood Recreation Center-\$134.00; Dept Of The Treasury-\$42,110.22; Division Of Motor Veh-\$12.00; Eddie's Truck Sales/Serv-\$32.61; Executone Of The BH-\$280.00; Fastenal-\$179.81; Fish,Veronica-\$40.80; Gall's-\$1,132.94; Grace Balloch Mem Library-\$230,421.00; Greens Alignment-\$253.98; Grimm's Pump Service-\$264.83; Hamann,Chris-\$180.00; Heisler Hardware-\$23.94; Hepper,Kim-\$527.51; Hewlett-Packard Company-\$228.00; Hickok's Iron Horse Inn-\$83.61; Hills Material Comp-\$3,726.99; Huron Culvert & Tank Co-\$5,670.00; Inside The Tape-\$550.00; Johnson, Miner, Marlow, Woodward-\$157.35; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$5,153.33; Keefe Supply Company-\$343.20; Kimball-Midwest Co-\$289.32; Klunder,Kurt-\$25.00; Knology-\$1,644.45; Koala Electric-\$347.02; LC Emerg Mgnt-\$49.43; LC Plan & Zone-\$34.40; LC Sheriff-\$466.10; LC Treasurer-\$100.00; Language Line Services-\$31.90; Lead Volunteer Fire Dept-\$4,427.61; Lead, City Of-\$108,740.00; Lead-Deadwood Regional-\$142.38; Lee,James-\$15.00; Medica-\$62,561.70; Mobile Electronic Service-\$1,500.00; Montana-Dakota Util-\$954.15; Motorola-\$2,580.00; NH Family Ymca-\$415.80; Nebraska Salt & Grain-\$11,549.86; Nelson,Tonya-\$810.00; Neve's Uniforms-\$299.11; Novus-\$55.00; Office Depot-\$165.51; Office Of Child Support-\$195.69; Perkins County Sher Office-\$49.56; Pioneer Designs-\$311.00; Pitney Bowes-\$1,314.69; Portable Computer Systems-\$4,103.00; Postmaster, Deadwood-\$70.00;

Powerplan-\$387.90; Quill Corp-\$266.63; Qwest-\$1,335.13; RC Finance Office-\$1,680.00; RC Regional Hospital-\$3,287.09; Radiology Associates-\$8.85; Regional Behavioral Health Ctr-\$374.77; Reindl,Staci-\$1,588.60; Reserve Account-\$6,000.00; Rocket Lube-\$154.45; Root Spring Scraper-\$9,062.50; SD Association Of County-\$80.00; SD Continuing Legal Education-\$150.00; SD Dept Of Labor Unemployment-\$6,532.20; SD Retirement System-\$50,695.80; Salzsieder,Milan-\$3,735.00; Sdrs Supplemental Retirement-\$856.50; Servall Towel & Linen-\$293.80; Sisma-\$250.00; Sorensen,Tylea-\$440.56; Spearfish Auto Supply-\$253.32; Spearfish Building Supply-\$49.00; Spearfish Police Dept-\$6.38; Spearfish Senior Citizens-\$2,000.00; State Bar Of South Dakota-\$10.60; The Old Woodshop-\$1,614.75; Twin City Hardware & Lumber-\$163.31; Twin City Senior Citizens-\$2,000.00; United Parcel Service-\$12.90; Unitrol/Stinger Spike Systems-\$474.50; Verizon Wireless-\$96.81; Victims Of Violence-\$665.00; Walmart Store-\$16.80; Wells Fargo Business Card-\$292.91; Western Communication-\$60.00; White Drug-\$1,268.96; Whitewood Library-\$61,320.00; Whitewood Senior Citizens-\$1,000.00; Williamson,Dianna-\$60.32; Xerox Corporation-\$56.88; Zep Manufacturing Co-\$229.97; **Witness & Jurors:** Brown,T-\$60.36; Christensen,C-\$61.10; Clark,I-\$58.88; Creger,C-\$50.74; Jermolenko,P-\$61.10; Seaman,M-\$61.10; Setera,A-\$63.32; Stanley,M-\$50.74; Thomson,C-\$52.22; Tinnell,D-\$61.84; Ager,S-\$28.50; Ballard,R-\$21.10; Barthel,W-\$52.96; Bell,R-\$12.22; Brotsky,J-\$52.22; Buehler,V-\$29.24; Chapman,M-\$21.10; Cole,C-\$60.36; Coolley,C-\$17.40; Dahl,C-\$23.32; Delzer,S-\$24.80; Engel,C-\$21.10; Finley,E-\$22.58; Foote,M-\$24.06; Freese,L-\$22.58; Garman,L-\$61.10; Geffre,L-\$21.10; Grosek,J-\$17.40; Hall-Martin,S-\$21.10; Hauck,C-\$12.22; Hemmingson,A-\$61.10; Jones,D-\$61.84; Larson,C-\$27.02; Mailloux,M-\$21.10; Merchen,B-\$57.40; Merrill,L-\$15.92; Mitcheltree,D-\$10.74; Morrison,A-\$52.22; Nauman,S-\$24.80; Osborn,L-\$11.48; Pittman,V-\$64.80; Pulling,J-\$26.28; Reichert,S-\$28.50; Roadifer,P-\$24.80; Sand,J-\$30.72; Smith,S-\$24.80; Struble,S-\$12.22; Thacker,D-\$21.10; Usera-Opstedahl,P-\$24.80; Wagner,J-\$12.22; Wermers,T-\$52.22; Williams,L-\$19.62; Kotab,C-\$20.74; Schloredt,S-\$53.30; Sherrard,J-\$31.10; Holzer,N-\$20.00; Kerutis,K-\$20.00; Nifong,L-\$20.00; Paulson,M-\$42.94; Peters,M-\$42.94; Reede,G-\$20.00; Huck,J-\$61.10; Johnson,M-\$12.22; Junek,M-\$64.06; Meyer,S-\$18.88

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

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – April 1, 2009**

Chairman Bob Ewing called the special meeting of the Lawrence County Commissioners to order at 5:15 p.m. on April 1, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Tommy Thompson 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 / LITIGATION:** 5:15 p.m. Moved-Seconded (Johnson-Thompson) to go into executive session to discuss litigation. Motion Carried. 5:23 p.m. reopened.

**AIRPORT LITIGATION:**

Moved-Seconded (Weisingberg-Thompson) to approve offer by counsel. Motion Carried.

**ADJOURN:** 5:26 p.m. there being no further business it was Moved-Seconded (Johnson-Weisenberg) to adjourn. Motion Carried.

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Date Approved

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Bob Ewing, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – April 14, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 14, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Thompson) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of the March 26, 2009 with the correction that Felix Mehia's effective date of employment is March 21, 2009 and to approve the April 1, 2009 Special Commission Meeting minutes. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Douglas-Weisenberg) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of March 31, 2009 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)-0; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-0; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Bank Balance \$1,257,641.48, Money Market \$523,673.69 Savings-\$2,864,783.93; Total \$9,846,099.10.

**GENERAL FUND SURPLUS ANALYSIS:** The General Fund Surplus Analysis for Lawrence County as of March 31, 2009 is \$1,963,362.61 or 19.62%.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve Eric Herdt as a part-time Correctional Officer I G3 at the base rate of 14.12 an hour, upon the completion of 40 hours of training at \$9.04 an hour, effective March 2, 2009. Motion Carried.

**LAWRENCE COUNTY RESOLUTION #2009-11 / WELFARE GUIDELINES:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the following Resolution #2009-11. Motion Carried. LAWRENCE COUNTY RESOLUTION #2009-11 / AMENDMENT #15 / 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 in the Federal Register, which are updated on a periodic basis as eligibility standards; NOW THEREFORE BE IT RESOLVED, that effective May 1, 2009, 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 14<sup>th</sup> day of April 2009. FOR THE BOARD: Robert E. Ewing, CHAIR. ATTEST: Connie Atkinson, AUDITOR

**MULTI HAZARD AGREEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve the Multi-Hazard Agreement as revised by Bruce Outka, and approve and authorize Paul Thomson to sign Multi-Hazard Agreements, in an emergency situation, after discussion with one Commissioner, not to exceed the amount of \$50,000. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Weisenberg-Ewing) to set a supplemental budget hearing for Jail – Medical - \$100,000 for April 28, 2009 at 8:15 a.m. Motion Carried.

**STATES ATTORNEY BUSINESS:** The Board discussed a request from John Fitzgerald to hire a legal intern for 2 ½ months this summer at \$15.00 an hour out of professional services. Moved-Seconded (Douglas-Ewing) to approve the hiring of a legal intern for 2 ½ months at the base rate of \$15.00 an hour, but they are to be hired as an employee and be paid on payroll. The employee will need to be approved at a Commission Meeting. Motion Carried.

**HIGHWAY BUSINESS:**

**FUEL QUOTES:**

The following fuel quote was submitted as of March 27, 2009: Only one quote was received from Southside: (prices per gallon) Deadwood Diesel 5500 Gallons -\$1.74, Deadwood Unleaded 4500 Gallons-\$1.75, Spearfish Diesel 3750 Gallons -\$1.81, Spearfish Unleaded 675 Gallons-\$1.79, Whitewood Diesel 700 Gallons -\$1.81.

**UTILITY PERMITS:**

**MIDCONTINENT COMMUNICATIONS:** Moved-Seconded (Thompson-Johnson) to approve and authorize the Chairman to sign the Utility Permit for Midcontinent Communications begin in Section 4 T6N, R7E end Section 33 T7N, R7E. Motion Carried. Weisenberg Absent.

**385 / ROCHFORD ROAD:** Moved-Seconded (Douglas-Johnson) to send a Letter of Support for a Project with Pennington County, with the agreement Lawrence County will participate in paving the County Road from 385 to Rochford. Motion Carried.

**DIRECTOR OF EQUALIZATION BUSINESS:** Darlene Piekkola reviewed the activity in Lawrence County with building permits and assessed values. The Board conducted the annual county conference per SDCL 10-3-14 and Piekkola and Scott Sandvig took an Oath of Office.

**ABATEMENTS & ADD-ONS:**

**CITY OF DEADWOOD:** Moved-Seconded (Thompson-Douglas) to approve the abatement for the City of Deadwood on Parcel #30075-00002-000-00, 30075-00001-000-10, and 30075-00009-000-00 because the City received the property from Kenneth Kellar on 3-13-2008 making the property tax exempt. Motion Carried.

**ROBERT L. PHILLIP & CARLA AUSTING:** Moved-Seconded (Johnson-Thompson) to approve the abatement on Parcel #31610-00100-170-00 because they qualified for the elderly tax freeze but it was applied to the wrong parcel. Motion Carried.

**ROBERT H. PHILLIPS:** Moved-Seconded (Johnson-Thompson) to remove the Elderly Tax Freeze on Parcel #31730-00100-070-00 and add \$41,502 in taxable value to the property because the Elderly Tax Freeze was put on this parcel in error. Motion Carried.

**PLANNING & ZONING:**

**FIRST READING ORDINANCE #09-03 – ZONING ORDINANCE:** First Reading and a Public Hearing were held on Ordinance #09-03 – Zoning Ordinance Text Change to Section 3.5.3 Conditional Uses in Suburban Residential District to Add #19. Commercial Greenhouse. No public input was voiced. The public hearing will remain open.

**FINAL BOUNDARY PLAT / MYSTIC MINERS SUBDIVISION:** Moved-Seconded (Thompson-Johnson) to approve the Final Boundary Plat for Mystic Miners Subdivision located at Deer Mountain, 531 Acres. Motion Carried.

**PRELIMINARY PLAT BRIGHTER DAY SUBDIVISION:** Moved-Seconded (Douglas-Johnson) to follow Planning and Zoning recommendation and approve the Preliminary Plat for Brighter Day Subdivision #2, Lots 1-9. Motion Carried.

**COMMUNITY WILDFIRE PROTECTION PLAN:** Rob Mattox, Plan Coordinator was present to discuss changes to the Community Wildfire Protection Plan. Moved-Seconded (Douglas-Weisenberg) to approve and accept the changes to the Community Wildfire Protection Plan dated 4-10-2009. Motion Carried.

**SPIRIT OF THE HILLS WILDLIFE SANCTUARY CONDITIONAL USE PERMIT**

**REVIEW:** Paul Higbee stated a committee of people came together, looked at the operation, reviewed the growth of the sanctuary, and discussed complaints received. Higbee proposed a plan on how to handle some of the complaints. Barking dogs were discussed and they stated they wanted to continue taking stray dogs and cats, and adopting them out when they can. Weisenberg stated the committee did agree that the Sanctuary was in violation and should request an amendment to their existing CUP to come into compliance. Paul asked for permission to remain open, on a limited basis for educational and other groups, while they come into compliance.

Moved-Seconded (Weisenberg-Ewing) There is a finding from the subcommittee and Commissioners that the Sanctuary is not in compliance due to the domestic dogs and cats; and there is not a second entrance into the sanctuary. Motion Carried.

Lester Nies, Attorney, stated they didn't agree with the statement that the Sanctuary was not in compliance because of the dogs and cats. Nies stated the CUP does not mention any limits in the conditions. Outka referred to the original business plan for the Sanctuary which mentioned 4 dogs and no cats.

**RECESS:** 10:00 a.m. Moved-Seconded (Douglas-Weisenberg) to recess the County Commission Meeting. Motion Carried. 10:14 a.m. The Chairman called the meeting back to order.

**LAND USE GUIDELINES HIGHWAY 85:** Amber Vogt presented background on the Land Use Guidelines for Highway 85. Vogt stated no changes have been made since the last review of the Land Use Guidelines reviewed February 18, 2009. Moved-Seconded (Douglas-Weisenberg) to approve the Highway 85 Land Use Guidelines. Motion Carried.

**HOMESTAKE MINING CO MINING PERMIT TECHNICAL REVISION:** Mark Tieszen and Todd Deux, Homestake Mining Company were present to review the Homestake Mining Permit Technical Revision for Bobtail Buttress and the borrow areas of newly disturbed ground of 1.05 acres of land. Moved-Seconded (Weisenberg-Thompson) to approve the Mining Permit Technical Revision for Bobtail Buttress and borrow Area. Motion Carried.

**RENEWABLE BIOMASS PROBLEMS / ENERGY BILL:** Bill Coburn and Carson Engelskirger were present to discuss the renewable biomass problems in the climate and energy bill in congress. Moved-Seconded (Weisenberg-Thompson) to send a letter to the congressional delegation expressing their concerns on this proposed climate and energy bill. Motion Carried.

**WIND ENERGY ORDINANCE:** Rick Ahl expressed concerns with the Board on the Wind Energy Ordinance. Ahl stated he doesn't have electricity on his property and it would cost \$75,000 to bring power into his place. He owns 2.5 acres and a wind energy system is a way of getting power on his property. He currently uses generators for power and they last only about 2 years. He has been through 10-12 generators since living on the property and this is the only feasible way to have power. Ahl stated he is requesting a variance so he can put up a wind energy system.

Vogt stated a Variance is only allowed for setbacks and heights, not for hardship or lot size. Discussion followed on proposed amendments to the Ordinance to make changes to acreage requirements. The Board will consider an amendment to the Ordinance.

**BILLS:** Moved-Seconded (Thompson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications,

rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,329.71; Treas-\$8,860.71; Comp-\$5,900.88; States Atty-\$12,267.41; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,098.32; Equal-\$14,187.71; Deeds-\$5,741.28; Vso-\$1,140.93; Disp-\$10,834.47; Sher-\$34,529.64; Jail-\$21,533.89; Coroner-\$400.00; Emerg Mgnt-\$3,465.49; E911-\$2,365.00; Highway-\$35,318.13; Air-\$961.80; Mental Hlth-\$328.00; Ext-\$1,358.08; Weed-\$2,343.35; Pz-\$4,203.97; **Bills:** Barrett,Marlene-\$46.00; Frerichs,Amy-\$66.60; McCormick,Robert-\$89.37; Mowell,Richard-\$7,590.00;Rombough,Debra-\$16.65; Schuchmann, Bernard-\$75.00; Thompson,Thomas-\$46.00; Vogt,Amber-\$283.00; A&B Business Equip-\$8,431.16; A&B Welding Supply-\$15.68; A&J Supply-\$650.88; A-Z Shredding-\$61.50; Abc Business Supply-\$140.51; Accurint Account-\$75.00; Air Connection-\$993.00; Alco Store-\$25.94; Aldinger Funeral Home-\$1,170.00; Amcon Distributing-\$385.10; American Family Life-\$3,214.02; American Inn Hotel & Suites-\$81.53; Anderson,Dennis-\$4,029.24; Anderson Oil Co-\$72.40; Armstrong Extinguish-\$146.00; Assembled Products Corporation-\$57.59; At&T-\$4.92; BH Chemical Company-\$3,085.30; BH Federal Credit Union-\$9,340.84; BH Land Analysis-\$540.00; BH Pest Control-\$95.00; BH Pioneer-\$1,294.32; BH Power-\$749.33; Best Western Hickock House-\$1,057.71; Black Hills Neurology-\$370.34; Black Hills Pure-\$11.50; Black Hills Urology-\$86.17; Bob Barker Company-\$122.94; Brady Pluimer-\$2,966.36; Butler Machinery Co-\$5,970.33; Butte Electric Coop-\$565.39; Campbell Co Sheriffs-\$60.00; Career Track-\$597.00; Carol Butzman Consluting-\$1,016.66; Central Parts-\$420.44; Century Business Products-\$38.21; Christensen Law Office-\$167.00; Cody,Denise-\$24.00; Conoco-\$409.38;Crawford Supply Company-\$32.16; Dakota Graphics-\$1,768.47; Datec-\$1,339.00; Days Inn-\$291.00; Deadwood Carnegie Library-\$91,801.00; Deadwood Eyecare-\$241.00; Deadwood Home Center-\$34.06; Deadwood Vol. Fire Dept-\$467.82; Deadwood, City Of-\$807.92; Delta Dental Of South Dakota-\$5,460.30; Denny's Welding li-\$15.00; Dept Of The Treasury-\$47,823.69; Dietrich,Donna-\$274.52; Division Of Motor Veh-\$6.00; Eddie's Truck Sales/Serv-\$39.04; Election Sys & Software-\$1,514.63; Elson Implement-\$450.00;Evercom Systems-\$2,226.00; Extension Service-\$39.44; Fastenal-\$213.56; First Western Bank-\$428.68; Fish,Veronica-\$162.20; Fleet Services-\$1,263.12; Foothills Seed-\$122.50; Frontier Glass-\$205.71; Fsh Communications-\$60.00; Gall's-\$38.98; Gene's Lock Shop-\$36.00; Georgetown Law Arcp-\$65.00; Gold Dust-\$87.32; Great Western Tire-\$69.45; Haeder Appraisal Service-\$2,400.00; Hartford-Priority Accounts-\$1,464.70; Havemeier,Leslie-\$339.20; Headsetzone-\$51.23; Heisler Hardware-\$120.49; Hewlett-Packard Company-\$8,059.00; Hills Material Comp-\$1,302.30; Hughes County Sheriffs-\$25.00; Jacobs Precision Welding-\$108.77; Janke,Wendy-\$900.00; Johnson,Daryl-\$46.00; Johnson, Rodenbrug & Lauinger-\$75.00; Juneks' Chrysler/Dodge-\$296.84; Karpinen, Sharon-\$405.00; Keefe Supply Company-\$277.76; Kimball-Midwest Co-\$163.34; Kimbell's Auto Repair-\$277.33; Knecht True Value-\$123.83; Knology-\$430.80; Koala Electric-\$802.33; Kooistra,Nelva-\$24.00; Kosel,Joseph-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Journal-\$1,744.48; LC Sheriff-\$166.30; LC Treasurer-\$100.00; Lead, City Of-\$77.02; Lead-Deadwood Regional-\$88.49; Lead-Deadwood Regional Hospital-\$315.00; Lead-Deadwood Sanitary-\$275.04; Lee,James-\$15.00; Lewis & Clark Bhs-\$142.00; Looyenga,Dr Robert-\$350.00; McClure,Susan-\$90.00; Mcfarling,Bill-\$22.58; Meade County Sheriff-\$38.20; Mid America Specialties-\$822.97; Mid-Night Star-\$113.97; Miller,Steve-\$1,475.23; Minnwest Bank Sioux Falls-\$367.06; Montana-Dakota Util-\$7,337.37; N J S Engineering-\$5,725.50; National Academy Of Emd-\$150.00; National Public Safety-\$143.10; Neafcs-Sd Affiliate Treasurer-\$20.00;Nebraska Salt & Grain Co-\$11,604.73; Nelson,Christy-\$270.00; Neve's Uniforms-\$2,158.05; Northern Hills Dental-\$103.05; Novus-\$50.00; Occupational Health Network-\$43.00; Office Of Child Support-\$195.69; Office Technology/Supply-\$52.46; Pennington Co Auditor-\$219.00; Pennington Co Jail-\$1,037.80; Pennington County Sts Attny-\$1,200.00; Pheasantland Industries-\$168.77; Portable Computer Systems-\$3,895.00; Pro Build-\$53.20; Pump House Coffee & Deli-\$114.68; Qwest-\$1,311.14; RC Medical Center-\$885.64; RC Regional Hospital-\$66,928.41; Rabe Elevator-\$725.51; Radio Shack/Kazco-\$30.00; Rapid Delivery-\$9.00; Rapid Transcript Co-\$405.00; Regional Behavioral Health-\$895.68; Reindl,Staci-\$1,297.00; Rocket Lube-\$108.96; Rud-Chain-\$8,976.87; Ryken,Ron-\$78.20; S Assoc Code Inforcement-\$50.00; SD Federal Property Agency-\$7,260.00; SD Planners Association-\$75.00; SD State Treasurer-\$16,123.53; Sand Creek Printing-\$430.00; Sdaco-\$600.00; Sdae4-He-\$45.00; Servall Towel & Linen-\$735.36; Slowey,Yavonne-\$50.00; Sorensen,Tylea-\$568.72; Southside Oil Co-\$25,839.49; Spearfish Auto Supply-\$1,122.57; Spearfish Police Dept-\$3,778.13; Spearfish Recreation Center-\$30.00; Tellinghuisen & Gordon-\$851.90; Tigerdirect-\$888.04; Triple K Tire & Repair-\$1,512.04; Twin City Hardware & Lumber-\$1,356.78; Voelker & Adams-\$3,288.22; Waste Connections-\$503.30; Watertree-\$31.00; Wells Fargo Business Card-\$425.65; West Group-\$672.00; Western Communication-\$120.50; Western Sd Juvenile Serv-\$3,600.00; White Drug-\$1,265.85; Norix-\$2,069.01; Williams & Associates-\$6,202.76; Williams Standard Serv-\$27.45; Xerox Corporation-\$290.67; **Witness & Jurors:** Burlson,B-\$52.22;Hajek,D-\$50.74; Pearman,R-\$61.10; Sarver,S-



\$68.50; Shuck,C-\$64.80; Snyder,A-\$51.48; Stevens,N-\$52.22; Tschetter,R-\$64.80; Kees,A-\$20.00; Bloedel,P-\$12.22; Click,D-\$15.18; Crosswait,C-\$61.10; Dickert,J-\$15.92; Hanson,R-\$22.58; Harms,B-\$61.10; Hauck,C-\$61.10; Heaton,A-\$61.10; Kennedy,K-\$60.36; Lalonde,M-\$23.32; Matson,T-\$24.80; Mcdermott,J-\$18.14; Mckeown,D-\$59.62; Merrow,S-\$19.62; Mizera,D-\$21.10; Powell,T-\$61.10; Prendiville,K-\$11.48; Richter,F-\$24.80; Roberdeau,J-\$21.10; Ross,R-\$10.74; Sternhagen,J-\$53.70; Vankampen,J-\$61.10; Kerutis,K-\$31.47; Hess,C-\$89.60; Bettelyoun,K-\$52.22; Ellis,M-\$64.80; Aberle,C-\$12.22; Albright,V-\$18.88; Anton,S-\$13.70; Barry,A-\$17.40; Bennett,D-\$114.80; Boppe,R-\$126.64; Burnett,R-\$18.88; Carlson,K-\$122.20; Carlson,T-\$24.80; Christensen,J-\$21.10; Christopherson,P-\$122.20; Crawford,M-\$122.20; Culbertson,S-\$21.10; Eggert,T-\$13.70; Ferrell,S-\$122.20; Finley,M-\$122.20; Geuke,C-\$26.28; Gienger,K-\$24.80; Gomez,N-\$21.84; Hamilton,J-\$21.10; Hampton,J-\$122.20; Heaton,T-\$21.10; Hehr,K-\$137.00; Hentz,A-\$21.10; Honomichl,K-\$122.20; Jones,A-\$21.10; Jones,J-\$26.28; Kellogg,M-\$16.66; Kerins,E-\$15.92; Konstant,J-\$24.80; Kyte,J-\$12.22; Langlois,G-\$12.22; Lauer,D-\$10.74; Lawson,C-\$12.22; Malloy,B-\$21.10; Martian,L-\$20.36; Mitchell,R-\$26.28; Olson,T-\$104.44; Phillips,S-\$32.20; Roberts,W-\$21.10; Schoenthal,P-\$23.32; Sedvy,D-\$110.36; Tellinghuisen,N-\$24.80; Thorp,R-\$10.74; Walker,D-\$21.10; Wells,A-\$18.14; Lien,H-\$31.47; Benedict,T-\$30.36; Brunnell,D-\$31.47; Hall,J-\$53.30; Proefrock,L-\$31.10; Moon,S-\$20.00; Moon,A-\$31.10; Moon,K-\$20.00; Wahlfeldt,B-\$25.55; Remmick,B-\$102.14; Frederickson,B-\$22.22; Noeller,J-\$20.00; Ross,D-\$31.10; Roberts,M-\$53.30; Hancock,J-\$20.00; Rhead,K-\$21.11; Rhead,B-\$23.70; Pena-Martinez,E-\$20.00; Kiefer,T-\$22.22; Johnson,A-\$22.22; Adkins,J-\$28.51; Crockett,K-\$20.00; Nichols,T-\$20.00

**ADJOURN:** 11:08 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING– April 14, 2009**

Chairperson Bob Ewing called the Lawrence County Board of Adjustment meeting to order at 10:00 a.m. on April 14, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**LANCE HUBBARD:** A public hearing was held on an Administrative Decision of Denial of a building right on Lance Hubbard property located north of Whitewood on Highway 34. Amber Vogt reviewed the reason of denial on the building permit. Planning and Zoning recommended a change of zoning to A2, however Hubbard has decided to appeal the decision for a building right. Lance Hubbard provided history on the property. A Highway used to run through the property and split the property. The deed for the property was filed in August of 1974 and the Ordinance went into effect in June of 1974. If the deed was filed prior to June he would have a building right on the property. Currently the property has its own well and septic system. No public input was voiced and the hearing was closed.

Moved-Seconded (Johnson-Thompson) to override the decision of the Planning and Zoning Administrator and allow a building right on: All that part of the Northeast Quarter (NE1/4) of Section 17, T6N, R4E, BHM, being and lying northeasterly of the State highway No. 34 transversing said quarter, containing 13 acres, more or less, together with all appurtenances thereunto belonging; because this property has been a lot of record, with the condition that the property be platted. Motion Carried.

**ADJOURN:** 10:14 a.m. There being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY 2009 BOARD OF EQUALIZATION – April 14 - 28, 2009**

The Lawrence County Board of Equalization was called to order on Tuesday April 14, 2009 at 12:32 p.m. with the following members present: Robert Ewing, Connie Douglas, Daryl Johnson, Terry Weisenberg and Tommy Thompson.

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

**The 2009 Board of Equalization was signed.**

**Tax Exempt:**

**The following Exempt parcels were approved as followed 100% unless other wise noted.**

Moved-Seconded (Weisenberg-Ewing) To approve the following list of 2009 Exempt properties.  
Motion Carried.

Moved-Seconded (Weisenberg-Douglas) To add Parcel 30025-03700-280-00 First Baptist parking lot to list of tax exempt. Motion Carried.

COUNTY	PROPERTY OWNER	PHYSICAL ADDRESS	ACRES	TYPE	
24600-00702-330-00	QUEEN CITY VFW POST #5860	3102 E FAIRGROUND LOOP	0.90	BE	BE=BENEVOLENT
26580-01372-000-15	SAWYER MEMORIAL PARK TRUST	19-4-4	10.83	BE	CH-CHARITABLE
26180-01300-050-00	GALENA HISTORICAL SOCIETY	4-4-4	0.69	CH	RG = RELIGIOUS
26580-01372-000-10	SAWYER MEMORIAL	19-4-4	305.08	CH	MD = MEDICAL
26580-01372-000-20	SAWYER MEMORIAL	19-4-4	64.07	CH	
26698-01730-010-00	KINSHIP MOUNTAIN MINISTRIES KAMP	12145 PAHA SAPA RD	69.95	CH	
06000-00301-230-20	CHAPTER OF CALVARY CATHEDRAL	21978 US HIGHWAY 85	80.00	RG	
10000-00305-270-35	NEMO COMMUNITY CHURCH	12755 NEMO RD	1.00	RG	
14000-00404-150-10	CARR, RALPH M & MEL DRUCILLA	15-4-4	0.02	RG	
18120-00504-001-04	DEADWOOD SD CONGREGATION OF JEHOVAH'S WITNESSES	20791 76 RANCH RD	2.71	RG	
18185-00504-000-10	TWO BIT RANCH ESTATES LLC	30-5-4	0.05	RG	
20200-00602-040-07	SPEARFISH UNITED METHODIST CHURCH	14 HORSESHOE LN	0.29	RG	
21200-00603-085-45	FIRST BAPTIST CHURCH OF NORTHERN	1220 N RAINBOW RD	1.94	RG	
22000-00604-164-45	BLACK HILLS BAPTIST CHURCH SBC	12205 SD HIGHWAY 34	6.36	RG	
24000-00702-102-15	NORTHERN HILLS CHURCH OF CHRIST	10945 SUMMER CREEK LN	4.86	RG	
24000-00702-321-20	OLD APOSTOLIC LUTHERAN CHURCH	CHURCH/EDUCATIONAL 2040 VISTA HILLS PLAC	26.61	RG	
24800-00702-330-36	CALVARY TEMPLE ASSEMBLY OF GOD	240 W HIGHWAY 14 (CHURCH)	7.45	RG	
25000-00704-311-55	SKANDINAVIAN EVANGELICAL LUTHERAN SOCIETY	31-007-04	2.00	RG	
26420-01158-000-42	SADDLE MOUNTAIN MINISTRIES	21336 SADDLE MOUNTAIN PL	4.75	RG	
26580-01376-000-83	BURNO CHRISTIAN FAMILY RETREAT	2-5-2 (RETREAT)	46.14	RG	
26590-01376-000-39	BURNO CHRISTIAN FAMILY RETREAT	20573 BURNO GULCH RD	8.06	RG	
26590-01376-000-51	BURNO CHRISTIAN FAMILY RETREAT	2-5-2	1.52	RG	
26680-01697-000-00	PRESBYTERY OF SD OF THE UNITED	3-2-3	193.82	RG	
26760-01879-000-55	FILLMORE & CO INC	30-5-1	2.97	RG	
ST. ONGE					
28500-00703-260-10	FIERRO, LAWRENCE & LOUISE		1.00	RG	
28500-00703-260-20	REDDICK, DUANE & ELLEN I		1.00	RG	
28800-00300-020-00	ST ONGE TOWNSHIP	234 1ST	0.29	BE	
28800-01000-070-00	ST ONGE UNITED CHURCH OF CHRIST	423 ELM	0.32	RG	
28800-01100-040-00	ST ONGE UNITED CHURCH OF CHRIST	PARKING LOT - EMMA	0.64	RG	
WHITEWOOD					
29100-02700-030-00	WHITEWOOD SENIOR CITIZENS	914 PINE	0.40	CH	
29100-02800-060-00	PRESBYTERIAN CHURCH	901 LAUREL	0.16	RG	
29200-00100-030-00	IMMANUEL LUTHERAN CHURCH	920 FILLMORE CHURCH	0.46	RG	
29200-00700-020-00	IMMANUEL LUTHERAN CHURCH	1317 ASH	0.18	RG	
29700-00200-150-00	WEST RIVER FOUNDATION	609 FILLMORE	0.00	BE	
DEADWOOD					
30025-02000-120-10	MASONIC TEMPLE ASSOCIATION	715 MAIN	0.00	BE	
30025-02100-120-00	DEADWOOD LODGE #508 BPOE	696 MAIN	0.00	BE	
30025-03300-350-00	V F W POST #5969	10 PINE	0.24	BE	
30025-07000-280-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0.17	MD	
30025-07100-000-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0.32	MD	
30025-07100-250-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0.04	MD	
30025-07100-410-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0.52	MD	
30025-07100-490-00	WEST DAKOTA HEALTH CARE INC	71 CHARLES	0.00	MD	
30025-07400-050-00	WEST DAKOTA HEALTH CARE INC		0.00	MD	
30025-02300-400-00	ST AMBROSE CHURCH	760 MAIN	0.46	RG	
30025-03700-340-00	FIRST BAPTIST CHURCH	110 SHERMAN	0.20	RG	
30025-08200-220-00	ST JOHN'S EPISCOPAL CHURCH	405 WILLIAMS	0.11	RG	
30050-00224-000-00	ST AMBROSE CHURCH	CEMETERY	0.00	RG	
30600-00100-040-00	ST AMBROSE CHURCH	760 MAIN PARSONAGE	0.11	RG	
30600-00100-100-00	ST AMBROSE CHURCH	760 MAIN CHURCH	0.24	RG	
30800-00100-110-00	GRACE LUTHERAN CHURCH	827 MAIN	0.63	RG	
LEAD					
31090-02800-010-10	SD GRAND LODGE OF INDEPENDENT OR	403 W MAIN	0.00	BE	
31090-03000-000-00	BLACK HILLS AERIE NO 105 F O E #5	501 W MAIN	0.00	BE	
31390-00200-050-03	GOLDEN STAR LODGE	809 W MAIN MASONIC LODGE	0.00	BE	
31440-00300-005-00	BLACK HILLS ROD & GUN CLUB	288 WASHINGTON	0.14	BE	
31450-00800-010-15	WEST RIVER FOUNDATION	206 IRWIN	0.00	BE	
31090-02600-050-20	BLACK HILLS MINING MUSEUM INC	323 W MAIN	0.48	CH	
31090-03000-080-00	TWIN CITIES & AREA SR CITIZEN INC	609 MAIN	0.07	CH	
31510-04000-135-01	NORTHERN HILLS YOUNG MEN'S	845 MINERS	1.29	CH	
31570-00100-020-00	NORTHERN HILLS FAMILY YMCA	835 W MAIN	0.00	CH	
31810-01000-110-00	VICTIMS OF VIOLENCE INTERVENTION	504 MINERS	0.17	CH	
31930-01663-000-20	REGIONAL HEALTH NETWORK INC	200 MONTANA AVE	4.72	MD	
31090-02400-130-00	ASSEMBLY OF GOD CHURCH	105 WALL CHURCH	0.09	RG	
31090-02400-140-00	ASSEMBLY OF GOD CHURCH	105 WALL	0.11	RG	
31090-02800-010-00	TWIN CITIES CHURCH OF CHRIST	401 W MAIN	0.07	RG	
31090-03000-090-40	CHRIST CHURCH EPISCOPAL	RECTORY FACING JULIUS	0.07	RG	
31090-03600-020-00	ST PATRICKS CATHOLIC CHURCH	141 SIEVER CHURCH	0.85	RG	
31090-03600-090-10	ST PATRICKS CATHOLIC CHURCH	141 SIEVER	0.51	RG	
31360-00100-010-00	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE CHURCH	0.11	RG	
31440-00500-005-00	ASSEMBLY OF GOD CHURCH	LAND ONLY	0.05	RG	
31440-00500-011-00	TWIN CITIES CHURCH OF CHRIST	CHURCH WALL & ADDIE	0.10	RG	
31450-00600-020-10	BEREAN BAPTIST CHURCH	908 WASHINGTON	0.45	RG	
31510-00200-010-00	CHRIST CHURCH EPISCOPAL	631 W MAIN	0.89	RG	
31510-00400-010-20	SHEPHERD OF THE HILLS LUTHERAN	825 W MAIN	0.08	RG	
31510-00400-020-00	SHEPHERD OF THE HILLS LUTHERAN	827 W MAIN	0.00	RG	
31510-00400-040-00	BETHEL LUTHERAN CHURCH	825 W MAIN CHURCH	0.11	RG	
31510-00500-000-00	TRINITY UNITED METHODIST CHURCH	7 S MAIN	0.00	RG	
31510-00500-000-05	TRINITY UNITED METHODIST CHURCH		0.10	RG	
31570-00500-020-00	TRINITY UNITED METHODIST CHURCH	111 S MAIN	0.33	RG	
31570-00500-030-20	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE CHURCH	0.05	RG	
31660-00100-040-00	TRINITY UNITED METHODIST CHURCH	408 SUNSET RD PARSONAGE	0.10	RG	
31810-01400-100-00	BETHEL LUTHERAN CHURCH	512 RIDGEROAD PARSONAGE	0.12	RG	
31930-01418-000-00	CEMETERY ASSOCIATION	CEMETERY-MASONIC GOLDEN STAR LODGE #9	0.00	RG	
		CEMETERY-MASONIC GOLDEN STAR			

**COUNTY APPEALS:**

**#0001 CURATOLO, LEWIS JR** 30075-00008-000-00 SCHOOL LOTS DEADWOOD SCHOOL LOT 8 Moved-Seconded (Douglas-Weisenberg) Changed from exempt to taxable. Assessment set at \$11,920, classification NA-D. Motion Carried.

**#0002 VOSLER, BETTY L** 20600-00602-220-36 MT. PLAINS DEVELOPMENT #1 LOT 14 Moved-Seconded (Ewing-Douglas) No change in land value. Change structure value from \$214,790 to \$264,940. Motion Carried. Value increased because living area above the garage was omitted from assessment.

**#0003 CORCORAN, VIRGINIA J** 20050-00602-039-09 SUB 3-6-2 E 1/2 LOT D OF LOT 3A-2 OF LOT 3 IN NW1/4 NW1/4 Moved-Seconded (Johnson-Weisenberg) No change in land value, add structure to assessment, classification NA-C, assessment \$11,050. Motion Carried.

**#0004 LOKEN, ALAN J & MARLA J** 24000-00702-201-65 T-007 R-02 SUB S1/2 NE1/4 LOT 5 Moved-Seconded (Ewing-Weisenberg). Change land value from \$30,900 to \$15,450 Change structure value from \$128,780 to \$64,390. Motion Carried. Adjustment made due to external negative impact on property.

**#0005 HALSEY, KENNETH** 26680-01708-000-30 MINERAL 1564 THRU 1742 M.S. 1708 LOT 1 OF NEST LODGE Moved-Seconded (Weisenberg-Douglas) No change in land value. No change in structure value. Motion Carried. Aye - 4 Nay – 1 Nay: (Thompson) Sales and comparables support the assessment.

**#0006 HEGDAHL, JAMES C & HEGDAHL, JAMES D & PATRICIA A** 22500-00604-162-82 EAST SLOPE ESTATES 16-6-4 LOT 17B Moved-Seconded (Johnson- Weisenberg) No change in land value. Motion Carried. Aye - 3 Nay – 1 Nay: (Thompson) Absent: (Douglas) Sales and comparables support the assessment.

**#0007 GRG LEAD LLC** 31740-00100-000-10 PLAZA WEST ADDN LOT B (TIF DISTRICT #3) (BASE VALUE-\$39,220) (1991 THRU 2005) Moved-Seconded (Johnson-Thompson) No change in land value. Change structure value from \$1,185,570 to \$1,100,000. Motion Carried. Adjustment made to reflect process of updating is incomplete.

**#0008 GRG LEAD LLC** 31740-00100-000-20 PLAZA WEST ADDN LOTS A,C,F, & G Moved-Seconded (Douglas-Johnson) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0010 HOFFMAN, DAVID E & SUSAN J** 26985-00010-000-45 SPEARFISH CANYON LOTS LOT 145 33-6-2 Moved-Seconded (Weisenberg-Johnson) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0011 ANDERSON, MICHAEL ETAL C/O HEALY, DUANE J & LORI R(CD)** 26540-01267- 010-00 MINERAL 1217 THRU 1298 M.S. 1267 LOT 1 OF STOCKHOLM & MALME LODGES Moved-Seconded (Douglas-Thompson) Change land value from \$41,060 to \$8,000. Motion Carried. Contiguous to an adjoining parcel. Apply secondary acreage value only, no site value.

**#0012 BALKENHOL, FERD** 31120-00300-030-00 ARLINGTON HEIGHTS S/D LEAD LOT 3 BLK 3 Moved-Seconded (Thompson-Johnson) No change in land value. Change structure value from \$71,920 to \$44,280. Motion Carried. Adjusted to allow for the conditions created by foundation deterioration and on going remodeling. Equalizing the structure with other similar properties in the neighborhood.

**#0013 BARNES, TOBIN & FRANCES JEAN** 20060-00602-063-17 PINE OAKS SUB/D LOT 17 Moved-Seconded (Douglas-Johnson) No change in land value. Change structure value from \$210,430 to \$190,050. Motion Carried. Change to correct the assessment record.

**#0014 BENNING, DAVE & SEANN** 26680-01732-000-32 MINERAL 1564 THRU 1742 M.S. 1732 TRACT 1 OF POUNT #3 LODGE Moved-Seconded (Johnson-Ewing) No change in land value. Motion Carried.

**#0015 DESART, VICKI GREENWOOD, TRAVIS L** 24200-00702-283-13 WEST S/D 28-7-2 MH SITS ON LOT 4 BLK 3 WEST S/D Moved-Seconded (Weisenberg-Thompson) Change structure value from \$30,840 to \$22,600. Motion Carried. The change to the 2009 assessed value is based on a sales comparison analysis of comparable structures that have sold in the current two year sale study period.

**#0016 DRONEN, STEVE R & BRENDA B** 10215-00305-020-00 WILSON DRAW #2 LOT 2 Moved-Seconded (Douglas-Thompson) No change in land value. Change structure value from \$181,970 to \$129,800. Motion Carried. A review of the property indicated a correction was needed for the first floor and garage square foot area. Equalized the structure with other similar properties in the neighborhood.

**#0017 EDWARDS, RAY C & DOROTHY C/O RENTZ, DENNIS & GAIL(CD)** 24100-00702-280-12 BROOKVIEW ACRES LOT 7 Moved-Seconded (Weisenberg-Ewing) No change in land value. Change structure value from \$19,810 to \$14,390. Motion Carried. The change to the improvement value corrects the assessment record.

**#0018 ENGELHARDT, DAVID W & CORI M** 19000-00601-014-00 T-006 R-01 SW1/4 SE1/4 Moved-Seconded (Thompson-Ewing) Change land value from \$147,000 to \$3,790 Change abstract class from NA to AG. No change in structure value. Motion Carried. Qualified for AG land classification.

**#0019 ENGELHARDT, DAVID W & CORI M** 19090-00601-020-21 WILD TURKEY ESTATES LOT 21 BLK 2 Moved-Seconded (Ewing-Johnson) Change land value from \$100,920 to \$560 Change abstract class from NA to AG. Motion Carried. Assessed value is based on contiguous AG classified land value.

**#0020 FETZER, JEFFREY R & KAREN L** 20900-00602-310-00 ASPEN HILLS DEVELOPMENT TRACT 31 Moved-Seconded (Thompson-Johnson) No change in land value. Change structure value from \$852,900 to \$804,610. Motion Carried. Change the improvement value to reflect a quality of construction difference between the original structure built in 1991 and the addition constructed in 2001.

**#0021 GEDDES, DONALD & SHIRLEY C/O ALTAIRE ENTERPRISES INC (CD )** 29100-02800-300-00 ORIGINAL TOWN WHITEWOOD LOTS 28 THRU 30 BLK 28 (CD GEDDES TO JOHN & M ANNE FILLMORE) Moved-Seconded (Douglas-Johnson) No change in land value. No change in structure value. Historic Moratorium deduction was incorrect. Deduction should be \$68,400. Motion Carried.

**#0022 GILDED MOUNTAIN LLC** 26730-01755-360-00 GILDED MOUNTAIN TRACT M.S. 1755 LOT 36 Moved-Seconded (Weisenberg-Johnson) Change land value from \$88,200 to \$17,200. Motion Carried. Lot was set aside as "green space". Site value removed.

**#0023 HORAK, RICHARD E & LINDA J** 20600-00602-220-34 MT. PLAINS DEVELOPMENT #1 LOT 13 Moved-Seconded (Weisenberg-Thompson) No change in land value. Change structure value from \$290,050 to \$268,300. Motion Carried. Changed lower floor area to basement with good finish until an inspection of the adjoining property can be obtained for comparison purposes.

**#0024 JAHNKE, BRYAN D** 26700-01742-000-03 PURITAN S/D #13 ETAL LOT 1 Moved-Seconded (Johnson-Ewing) Change land value from \$85,590 to \$68,470 No change in structure value. Motion Carried. Reduced land value to reflect the power line easement that runs through the property.

**#0025 KAYE, JON & CAROL** 18000-00504-154-57 T-005 R-04 LOT 1 EXCEPT THE WLY 200' A SUBD. OF TRACT F OF TH E SUB OF THE N1/2 SE1/4 OF T5R4 SEC. 15 Moved-Seconded (Douglas-Weisenberg) Change land value from \$45,990 to \$18,400. Motion Carried. Added a land adjustment so that the land value only reflected a secondary land value with no site value. Contiguous to owner's other parcel. Corrected the state and class to reflect owner occupied status.

**#0026 MACK, JOSEPH R & MARCIA M TRUSTEES** 06000-00301-250-34 T-003 R-01 LOT 2 OF TRACT 3 OF HES 242 OF 25-3-1 & 30-3-2 Moved-Seconded (Douglas-Ewing) Change land value from \$78,170 to \$73,860. Motion Carried. After review of the property it is better to leave the property in its original neighborhood. This adjustment equalizes the parcel with other parcels in the neighborhood.

**#0027 MAGUIRE, KATHERINE A C/O KATHERINE RANDALL** 26740-01764-000-09 BLACK FOREST RANCH. #2 LOTS 9(3.31AC) & 10(3.66AC) Moved-Seconded (Thompson-Ewing) Change land value from \$65,900 to \$24,400. Motion Carried. Contiguous to parcel 26740-01764-000-70

**#0028 MAGYAR, CHARLES W & KAREN C DAVID & HEATHER MAGYAR** 26420-01147-000-35 MINERAL 1136 THRU 1158 M.S. 1147 EXCELSIOR FR LODGE Moved-Seconded (Douglas-Weisenberg) Change land value from \$37,250 to \$26,750. Motion Carried. The property value was lowered to \$25,000 for 2008 which was equal to the purchase price in 2007. It was on the review list for 2009, but weather and road conditions prevented an inspection until next year. The value represents an increase equal to the average percentage increase countywide for 2009.

**#0029 MERRIMAN, RONALD R & MYRNA K** 13500-00403-300-02 MT. STREAM EST. HES 43 LOT 1 Moved-Seconded (Ewing-Thompson) Change land value from \$46,580 to \$65,980 No change in structure value. Motion Carried. Topography adjustment applied to entire 4.73 acres. Combined with parcel 13500-00403-300-18

**#0030 MERRIMAN, RONALD R & MYRNA KAY** 13500-00403-300-18 MT. STREAM EST. HES 43 LOT 7A-1 Moved-Seconded (Weisenberg-Ewing) Change land value from \$62,850 to \$0. Motion Carried. Combined with parcel 13500-00403-300-02

**#0031 MILLER, DENISE M LIVING TRUST** 09000-00304-020-45 T-003 R-04 REMAINDER HES 537 EX RW & EX LOT C IN 35-4-4 Moved-Seconded (Douglas-Thompson) No change in land value. Change structure value from \$85,060 to \$78,320. Motion Carried. After internal inspection of the dwelling, an adjustment was needed to reflect its effective age, foundation and drainage problems. The adjustment equalizes the parcel with other comparable parcels in the neighborhood.

**#0032 OLSON, RANDAL L & CHRISTINE M** 26600-01399-000-32 STRAWBERRY HILL S/D LOT 17 Moved-Seconded (Weisenberg-Thompson) Change land value from \$45,800 to \$62,800 No change in structure value. Motion Carried. Parcel 26600-1399-000-30, 26600-01399-000-34 are contiguous to the residential site parcel 26600-01399-000-32. Combined the three lots so all lots used with home site so can be owner occupied.

**#0033 OLSON, RANDAL L & CHRISTINE M** 26600-01399-000-30 STRAWBERRY HILL S/D LOT 16 Moved-Seconded (Douglas-Ewing) Change land value from \$44,920 to \$0. Motion Carried. Parcel 26600-1399-000-30, 26600-01399-000-34 are contiguous to the residential site parcel 26600-01399-000-32. Combined the three lots so all lots used with home site can be owner occupied.

**#0034 OLSON, RANDY & CHRISTINE** 26600-01399-000-34 STRAWBERRY HILL S/D LOT 18 Moved-Seconded (Douglas-Weisenberg) Change land value from \$44,080 to \$0. Motion Carried. Parcel 26600-1399-000-30, 26600-01399-000-34 are contiguous to the residential site parcel 26600-01399-000-32. Combined the three lots so all lots used with home site can be owner occupied.

**#0035 PLETAN, GARY A & PAMELA M** 18600-00504-150-39 BOULDER PARK 14 & 15-5-4 LOT 39 BLK 1 Moved-Seconded (Johnson-Thompson) No change in land value. Change structure value from \$286,960 to \$260,690. Motion Carried. After review of the property corrections were made to the property record.

**#0036 R & R DEVELOPERS LLC** 29750-00400-190-00 TWIN PARKS S/D LOT 19 BLK 4 TIF #1 Moved-Seconded (Johnson-Ewing) No change in land value. Change structure value from \$115,990 to \$100,940. Motion Carried. Per review the basement was not completed and therefore was removed from the assessment.

**#0037 RENAUD, CHRISTOPHER C NEWELL, SAMUEL M** 26680-01742-000-12 MINERAL 564 THRU 1742 M.S. 1742 LEE #6 (14.80) & LEE #8 (9.52) Moved-Seconded (Douglas-Ewing) Change land value from \$148,590 to \$166,590 No change in structure value. Motion Carried. Combined with parcel 26680-01742-000-13

**#0038 RENAUD, CHRISTOPHER C NEWELL, SAMUEL M** 26680-01742-000-13 MINERAL 1564 THRU 1742 M.S. 1742 FINN LOT Moved-Seconded (Douglas-Thompson) Change land value from \$45,000 to \$0. Motion Carried. Combined with parcel 26680-01742-000-12

**#0039 SABO, DENNIS L & BRENDA G** 26800-01915-000-10 MINERAL 1887 THRU 1917 M.S. 1915 PT BARE BUTTE #1-3 ETAL HWY 385 & ETTA M AY EX H3,H4 & H5 & H6 Moved-Seconded (Douglas-Ewing) Change land value from \$71,180 to \$77,880 No change in structure value. Motion Carried. The owner requested to make this parcel contiguous with his adjoining parcel. To make this parcel contiguous the neighborhood and class code was changed to owner occupied, and made an adjustment to reflect its value. This equalizes the parcel with other contiguous parcels in the neighborhood.

**#0040 SABO, DENNIS L & BRENDA G** 26760-01845-000-99 MINERAL 1765 THRU 1887 M.S. 1845 LOT A OF WHANGDOODLE #1 Moved-Seconded (Johnson-Weisenberg) Change land value from \$80,000 to \$44,000 No change in structure value. Motion Carried. The owner requested to make this parcel contiguous with his adjoining parcel. To make this parcel contiguous the neighborhood and class code was changed to owner occupied, and made an adjustment to reflect its value. This equalizes the parcel with other contiguous parcels in the neighborhood.

**#0041 SALMEN, GARY L** 26620-01491-000-00 MINERAL 1399 THRU 1563 M.S. 1491 SOFIA & SARAH FR. Moved-Seconded (Weisenberg-Thompson) Change land value from \$19,970 to \$1,420 Change abstract class from NA to AG. Motion Carried. Provided proof of Ag production.

**#0042 SALMEN, GARY L** 26680-01631-000-00 MINERAL 1564 THRU 1742 M.S. 1631 JOHN #2-3 Moved-Seconded (Thompson-Ewing) Change land value from \$101,900 to \$3,960 Change abstract class from NA to AG. Motion Carried. Provided proof of Ag Production.

**#0043 SALMEN, GARY L & LONNIE L** 26680-01732-020-10 MINERAL 1564 THRU 1742 M.S. 1732 TRACT 2A POUNT #1 LODDE Moved-Seconded (Weisenberg-Thompson) Change land value from \$52,880 to \$990 Change abstract class from NA to AG. Motion Carried. Provided proof of Ag Production.

**#0044 SALMEN, GARY L & LONNIE L** 26680-01732-000-25 MINERAL 1564 THRU 1742 M.S. 1732 TRACT 2 PALMETO LODDE Moved-Seconded (weisenberg-Ewing) Change land value from \$66,120 to \$1,490 Change abstract class from NA to AG. Motion Carried. Provided proof of Ag Production.

**#0045 SALMEN, LONNIE L** 32730-00600-000-00 VOORHEES ADDN GOV'T LOT 4 & EASEMENT (.11 AC) IN GOV'T LOT 3 Moved-Seconded (Weisenberg-Thompson) Change land value from \$82,930 to \$1,550 Change abstract class from NA to AG. Motion Carried. Provided proof of Ag Production.

**#0046 SALMEN, LONNIE L** 32730-00500-000-00 VOORHEES ADDN LOT 5D Moved-Seconded (Weisenberg-Thompson) Change land value from \$85,300 to \$2,020 Change abstract class from NA to AG. Motion Carried. Provided proof of AG Production.

**#0047 SANDINE, DALE H & LINNETTE M** 26600-01399-000-48 STRAWBERRY HILL S/D LOT 25 Moved-Seconded (Thompson-Johnson) Change land value from \$45,400 to \$39,950. Motion Carried. Adjusted because of topography.

**#0048 SETZLER, MICHAEL & MELANIE** 26630-01477-000-20 ELKRIDGE S/D LOT 20 M.S. 1477 Moved-Seconded (Douglas-Ewing) No change in land value. Change structure value from \$117,440 to \$80,060. Motion Carried. Adjusted to change the structure from a stick built to a modular structure. This will more accurately reflect the house's quality and equalize the structure with other similar properties in the neighborhood.



**#0049 SPEARFISH CANYON RESORTS LLC** 26340-00953-000-22 MINERAL 759 THRU 034 M.S. 953 LOT E-1 A POR. OF LITTLE SPEARFISH M.S.95 3 Moved-Seconded (Weisenberg-Ewing) Change land value from \$128,260 to \$144,760 Change total structure value from \$32,860 to \$70,510. Motion Carried. Combined with parcel 26340-00953-000-24

**#0050 SPEARFISH CANYON RESORTS LLC** 26340-00953-000-24 MINERAL 759 THRU 1034 M.S. 953 LOT E-2 A POR. OF LITTLE SPEARFISH M.S.95 3 Moved-Seconded (Douglas-Weisenberg) Change land value from \$127,600 to \$0 Change structure value from \$37,650 to \$0 Motion Carried. Combined with parcel 26340-00953-000-22

**#0051 VETCH ENTERPRISES INC** 13500-00403-300-26 MT. STREAM EST. HES 43 LOT 7E Moved-Seconded (Douglas-Thompson) Change land value from \$40,860 to \$68,100 No change in structure value. Motion Carried. After making this parcel contiguous with their adjoining lot the adjustment was removed to correct the value. This equalizes the parcel with other contiguous parcels in the neighborhood.

**#0052 VETCH, DONALD A & CATHY G** 13500-00403-300-28 MT. STREAM EST. HES 43 LOT 7F-1 Moved-Seconded (Douglas-Thompson) Change land value from \$57,030 to \$10,870. Motion Carried. Contiguous with parcel 13500-00403-300-26

**#0053 WHITEWOOD CREEK RANCHES LLC** 22000-00604-152-10 T-006 R-04 NW1/4 NE1/4 EX 5 ACRES-NE1/4NW1/4-N1/2SW1/4NW1/4-N W1/4NW1/4 Moved-Seconded (Johnson-Douglas) No change in land value. Change structure value from \$49,630 to \$0. Motion Carried. Cabins were removed in July 2008.

**#0054 WILLIAMS, RAND T & GAYLA J** 20970-00155-008-00 OUTSIDE SPF. MH COURTS MH SITS ON LOT 8 WALNUT PARK Moved-Seconded (Douglas-Thompson) Change structure value from \$14,800 to \$4,100. Motion Carried. The change to assessed value is based on a percentage of completion and additional depreciation of the structure which is being remodeled. The structure will be reviewed for the 2010 assessment period and the total depreciation will be adjusted based on completion.

**#0055 ACKERSON, RONALD L** 26600-01399-000-04 STRAWBERRY HILL S/D LOT 3 Moved-Seconded (Ewing-Douglas) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0056 ANDREW, CHAD M & GREGORY C** 20020-00602-072-20 BRANDON S/D TRACT L BRANDON S/D NE1/4 SW1/4 Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0057 ASTLE, WILLIAM F & SALLYE B** 26520-01217-002-09 DEER MT. RESORT DEV #3 LOT 9A BLK 2 Moved-Seconded (Ewing-Thompson) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0058 BAUMBERGER, GARY & PAT** 18650-00504-020-11 BOULDER CANYON S/D LOT 211 BLK 2 Moved-Seconded (Thompson-Douglas) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0059 BENNING, DAVE & SEANN** 26680-01732-000-34 MINERAL 1564 THRU 1742 M.S. 1732 TRACT 2 OF POUNT #3 LODGE Moved-Seconded (Weisenberg-Thompson) Change land value from \$39,060 to \$11,720 Motion Carried. Parcel is contiguous to owner's other parcel so an adjustment was added to take off the site value.

**#0060 BRIGGS, THOMAS E & TERRY S** 04600-00204-120-60 HAVEN MEADOWS LOT 6 Moved-Seconded (Thompson-Douglas) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0061 CENTOFANTI, ANDREW J & GLORIA L DUSTIN A CENTOFANTI** 18650-00504-030-08 BOULDER CANYON S/D LOT 308 BLK 3 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0062 CHEEVER, DAN J & JANET O TRUSTEES** 26985-00010-000-08 SPEARFISH CANYON LOTS LOT 108 27-4-2 Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0063 CHICARELLI, DAVID A & LINNEAH G** 18140-00504-140-10 PONDEROSA RIDGE S/D LOT 14A Moved-Seconded (Douglas-Johnson) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0064 CLAMPET, BURRELL W & JUDITH M** 21400-00603-171-50 CARLSTROMS SUNSET #1 LOT 10 Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0066 DORR, GREGORY M & KARLA H** 22400-00604-490-00 SPRUCE MTN #2 LOT 49 Moved-Seconded (Johnson-Ewing) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0067 ERICKSON, CARLTON R & PATRICIA A** 20100-00602-044-03 SUB 4-6-2 LOT 5B OF LOTS 4 & 5 W1/2 SE1/4 Moved-Seconded (Ewing-Thompson) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0068 EVANS, MICHELE J** 26930-00202-050-02 LOST CAMP TRACT B APT 2 LOT 5 BLK 2 Moved-Seconded (Douglas-Thompson) No change in structure values. No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0069 GARIBOLDI, JOSEPH GARIDOLDI, SHARON** 18000-00504-064-20 T-005 R-04 NW1/4 SE1/4 Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0070 HARVEY, RICHARD F & KAREN J CO-TRUSTEES** 07000-00302-250-20 T-003 R-02 TR A OF HES 71 Moved-Seconded (Johnson-Weisenberg) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0071 JIM & DENNY INVESTMENTS LLC** 24400-00702-310-04 EVERETT MACKABEN #3 LOT 4 Moved-Seconded (Johnson-Weisenberg) No change in land value. Change structure value from \$120,060 to \$108,060 Motion Carried. The structure is in place but not complete. Change in the improvement value reflects a percentage of completion for 2009 valuation period.

**#0072 KAYE, JONATHAN S & CAROL L** 18000-00504-154-60 T-005 R-04 LOT 2 A S/D OF TR F Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0073 KIENOW, KEITH M & PRICILLA A** 26440-01158-000-18 DEER MT. RESORT #1 M.S. LOT 9 BLK 1 Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0074 KREJCI, FRED W** 26620-01473-000-00 MINERAL 1399 THRU 1563 M.S. 1473 GOLDEN BOTTLE Moved-Seconded (Weisenberg-Thompson) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0075 LYON, L KYLE** 26760-01789-000-60 MINERAL 1765 THRU 1887 M.S. 1789 LOT 9 Moved-Seconded (Douglas-Thompson) No change in land value. No change in structure values. Motion Carried. Sales and comparables support the assessment.

**#0076 MERIGOLD, CHARLES S & BEATRIX S MERIGOLD, ROBIN L** 18000-00504-154-14 T-005 R-04 LOTS 7 EX H1(.12AC) & 8 EX H1(.23AC) NE1/4 SE1/4 Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0077 MICHAELS, JEREMY D & DEBORAH D** 12000-00402-290-10 T-004 R-02 LOT 10 PAT. 92-417 Moved-Seconded (Thompson-Ewing) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0078 MILLER, DOUGLAS W ETUX** 26800-01915-000-35 MINERAL 1887 THRU 1917 M.S. 1915 LOT B-ALPHA EX H1 OF BARE BUTTE #1 Moved-Seconded (Douglas-Thompson) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0079 MUNRO, SCOT** 26920-00001-008-17 LOST CAMP VALLEY AC. TR A LOT 17 BLK 8 Moved-Seconded (Weisenberg-Thompson) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0080 MUNRO, SCOT & KATHY KIRK & HEATHER MUNRO** 26920-00001-004-24 LOST CAMP VALLEY AC. TR A LOT 24R BLK 4 Moved-Seconded (Thompson-Weisenberg) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0081 MUNRO, SCOT & KATHY** 26920-00001-012-01 LOST CAMP VALLEY AC. TR A LOT 1 BLK 12 Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0082 MUNRO, SCOT E & KATHY R BROWN, ALAN W & TONJA R** 20900-00602-220-10 ASPEN HILLS DEVELOPMENT TRACT 22A-1 Moved-Seconded (Douglas-Weisenberg) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0083 NIEMI, MARC A & BARBARA A** 21600-00603-171-02 KNECHTS SUNRISE #1 NE ¼ LOT 1 Moved-Seconded (Johnson-Thompson) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0084 SALMEN, GARY L** 26620-01504-000-10 MINERAL 1399 THRU 1563 M.S. 1504 SEG. M & B PT HANSICHKA #2 ETAL Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0085 SYMAN, FREDRIC L ETUX** 05000-00205-121-10 T-002 R-05 LOT 3 PT HES 455 IN SE1/4 SEC. 1 & NE1/4 SEC. 12-2 -5 Moved-Seconded (Thompson-Douglas) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0086 TOVEY, VINCENT T & ANNIE RUTH** 18500-00504-144-32 STORY LANE S/D SE 1/4 14-LOT 17 BLK 4 Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0087 TOVEY, VINCENT T & ANNIE RUTH** 18500-00504-143-20 STORY LANE S/D SE 1/4 14-LOT 12 BLK 3 Moved-Seconded (Thompson-Johnson) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0088 VOYLES, JAMES H & ANNA J** 06800-00301-160-00 ASPEN HEIGHTS MEADOWS S/D LOT 16 HES 499 SEC. 34 & 35 Moved-Seconded (Johnson-Douglas) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0089 WALDNER, RON W** 26920-00001-008-01 LOST CAMP VALLEY AC. TR A LOT 1 BLK 8 Moved-Seconded (Johnson-Weisenberg) No change in land value. Change structure value from \$216,690 to \$205,000 Motion Carried. Assessment lowered to purchase price.

**#0090 WEYRICH, VICTOR, ROSE A & JAKOB J** 28500-00703-221-80 SOUTH HALF - ST. ONGE LOT B OF LOT 3 OF W1/2 NE1/4 22-7-3 Moved-Seconded (Douglas-Ewing) No change in land value. Change structure value from \$9,290 to \$5,010 Motion Carried. Mobile home was over valued.

**#0091 WILLIAMSON, MAX B & ELVINA E** 21200-00603-089-68 SUB OF 8-6-3 TR 6A OF TR 6 SW1/4 SE1/4 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0092 AMPHITHEATER AFFILIATES INC** 32960-00602-151-60 SUB 15-6-2 SPEARFISH LOT 38A (BLACK HILLS PASSION PLAY) Moved-Seconded (Weisenberg-Thompson) No change in land value. Change structure value from \$1,874,800 to \$916,660 Motion Carried. Changing the improvement value to correct a file error.

**#0093 SOUTHVIEW LIMITED PARTNERSHIP II** 32210-19090-040-00 GREEN ACRES ADDN. SPEARFISH LOT 4 BLK 9 Moved-Seconded (Johnson-Douglas) No change in land value. Motion Carried. Sales and comparables support the assessment.

**#0094 SOUTHVIEW LMTD PARTNERSHIP I** 32210-19090-050-00 GREEN ACRES ADDN. SPEARFISH LOT 5 BLK 9 Moved-Seconded (Douglas-Johnson) No change in land value. No change in structure value. Motion Carried. Sales and comparables support the assessment.

**#0095 LADNER, MICHAEL A & PENNY L** 21000-00603-034-40 T-006 R-03 GOV LOT 3 (NE4NW4) & N1/2 SE1/4 NW1/4 Moved-Seconded (Thompson-Johnson) No change in land value. Change structure value from \$419,910 to \$263,840 No change in additional structure value. Motion Carried. Adjustment made to properly calculate the value of the structure.

Moved-Seconded (Weisenberg-Douglas) to recess the County Board of Equalization at 5:55 p.m. Motion Carried.

11:30 a.m. April 28, 2009 the County Board of Equalization reconvened with Bob Ewing, Daryl Johnson, Terry Weisenberg, Tommy Thompson and Connie Douglas present.

**ADJOURN:** Being no further appeals to be heard Moved-Seconded (Douglas-Ewing) to adjourn the 2009 Board of Equalization at 11:31 a.m. the 28<sup>TH</sup> day of April 2009.

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
BOB EWING, Chairperson

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – April 28, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 28, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Thompson) to approve the agenda. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of the April 14, 2009 meeting and to approve the April 14, 2009 Board of Adjustment Meeting minutes. Motion Carried.

**ST. ONGE TOWNSHIP & CENTRAL CITY BOND:** Moved-Seconded (Johnson-Weisenberg) to approve the St. Onge Township Bond for \$50,000 and Central City Bond for \$150,000. Motion Carried.

### **PERSONNEL:**

**WEED:** Moved-Seconded (Douglas-Weisenberg) to approve Alicia Verhulst as a Sprayer/GPS G2 at the base rate of \$12.00 an hour, effective May 1, 2009. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Thompson) to approve Kristan Alfson as a part-time Correctional Officer I G3 at the base rate of 14.12 an hour, upon the completion of 40 hours of training at \$9.04 an hour, effective March 7, 2009. Motion Carried.

**ELECTRONIC MESSAGING:** The Board discussed the electronic messaging service for courthouse closings and decided not to participate.

**SUPPLEMENTAL BUDGET HEARING:** A supplemental budget hearing was held for GENERAL FUND / Jail Medical -\$100,000. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the following Resolution #2009-12 for a supplemental budget. Motion Carried.

RESOLUTION #09-12 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND / Jail - Medical -\$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 28<sup>th</sup> day of April, 2009 at the hour of 8:15 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 28<sup>th</sup> day of April, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

### **HIGHWAY BUSINESS:**

**FORCE ACCOUNT AGREEMENT:** Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Chairman to sign the Force Account Agreement Project No. ER 6405 with the State of South Dakota for \$35,000. Motion Carried.

**PLANNING & ZONING:**

**CHANGE OF ZONING #285 / SWENSON:** A First Reading and public hearing of Application for Change of Zoning #285 - William Swenson - From A-1 General Agriculture to RR Rural Residential, 20 Acres Located on Airport Road was held. No recommendation was received from Planning and Zoning Commission. Swenson's contacted the City for annexation but they were not favorable of the request. Jayna Watson, City of Spearfish Planning and Zoning Director, stated this is not in the City's growth area at this time, and infrastructure is an issue. The public hearing was closed and the Second Reading was scheduled.

**ORDINANCE 09-03 - ZONING ORDINANCE TEXT CHANGE TO SECTION 3.5.3**

**CONDITIONAL USES IN SUBURBAN RESIDENTIAL DISTRICT:** Second Reading and a public hearing was held on adoption of Ordinance 09-03 - Zoning Ordinance Text Change to Section 3.5.3 Conditional Uses in Suburban Residential District to Add #19. Commercial Greenhouse. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve and adopt Ordinance 09-03 - Zoning Ordinance Text Change to Section 3.5.3 Conditional Uses in Suburban Residential District to Add #19. Commercial Greenhouse. Motion Carried.

**CONDITIONAL USE PERMIT #374 / CORCORAN:** A public hearing was held on application for Conditional Use Permit #374 - Virginia Corcoran/Spearfish Greenhouse - For a Commercial Greenhouse located in Spearfish Valley on Evans Lane. Planning and Zoning recommended approval with attached conditions. Outka stated that a developmental plan has not been received from the applicant leaving the application for Conditional Use Permit #374 incomplete at this time. Mary Callison spoke in support of the permit, provided history on the property, and stated with the greenhouse business they need to get started now. Rick Corcoran spoke in favor of the application.

Cindy Herman stated she is not in opposition but is concerned about signing, parking and to be sure that the property is kept in good condition. Bruce Herman asked that the property be cleaned up and maintained. The Board also referenced a letter from Randy Johnson. The Public Hearing was closed and the Board continued discussion. Bruce Outka recommended that certain conditions be satisfied before Corcoran is allowed to open. Johnson expressed concerns on the lack of a development plan that was to be presented at this hearing. Douglas questioned why this property has not been cleaned up. Ewing stated he would like to have the property cleaned up before a permit is issued.

Moved-Seconded (Douglas-Thompson) to approve Conditional Use Permit #374 with attached conditions as on file in the Planning and Zoning Office, and conditioned upon Commissioner approval of a development plan and that the Board signs off that the cleanup of the property is completed. That proposed condition #3 be modified to require that within 6 months from the date CUP #374 becomes conditionally effective; applicant shall gain Commission and City approval of the development plan and shall take necessary steps to clean-up the property to the satisfaction of the Commission. If Commission approval is not obtained for the development plan and clean-up in the specified time frame, the CUP is revoked. That proposed condition #2 be modified to require that a "sufficient" development plan be submitted for approval by the County and City and that the plan need not necessarily be an "engineered" plan, but one that is sufficient to gain County and City approval. Motion Carried.

**DEVELOPMENT PLAN / HIGHWAY SERVICE COMMERCIAL / RILEY:** A public hearing was held on a Development Plan for existing Highway Service Commercial Property - Roger Riley - located in Spearfish Canyon (next to Chophouse). Planning and Zoning recommended approval of the development plan. Jayna Watson, Spearfish Planning and Zoning Director, was present and questioned the septic plan. Watson stated it could not encroach on City Property. The public hearing was closed. Discussion followed on the septic system. Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and to approve the Development Plan for Highway Service Commercial Property - Roger Riley - in Spearfish Canyon. Motion Carried.

**ANNUAL REVIEW OF CONDITIONAL USE PERMIT #357:** Annual review was held on Conditional Use Permit #357 - Dave Elsom - Animal Crematorium Located on Tinton Road. No complaints have been received. The Board will review on a yearly basis.

**COMMERCIAL FEEDLOTS DISCUSSION:** The Board discussed the enforcement of County rules relating to Commercial Feedlots. Ewing stated in keeping with the comprehensive plan, written in 1998 and revised in 2005, a conditional use permit would be required for commercial feedlots. Richard Sleep stated feedlots are regulated by state regulations and it was not the intention when the comprehensive plan was developed to limit feedlots. Dianne Miller presented history on how the state regulations were developed for feedlots. Discussion followed on the definition of "Commercial Feedlots" Johnson reviewed 3.1.2 of the Comprehensive Plan and allowed uses in General AG. Johnson stated a feedlot is not a normal farming and ranching operation and should be a conditional use permit. Johnson stated he has nothing against feedlots but he does not agree with the location of the feedlot. Johnson stated they built the Two Tone Cattle Company feedlot around the Loken property. Douglas stated they never contacted the County prior to building the feedlot. Douglas questioned if this is a public nuisance and what options are available to the County. Thompson stated he feels all Ag is technically commercial because they are selling a product. Discussion continued on when "commercial feedlots" come into play and if that number is more than 1,000 or if it is less. Outka stated the AG Committee has discussed a proposed concentrated animal feeding operations ordinance, but has not met recently. Marla Loken thanked Johnson for looking out for them as the State does not. Loken mentioned the "should" regulations in state regulations. Loken stated this is a public issue and not just a private concern. Outka stated County Staff is looking at what direction needs to be taken in regards to making sure the Comprehensive Plan is enforced as written. Outka stated the County Commission needs to make a determination of what a "Commercial Feedlot" is to determine if Two Tone is in compliance.

Moved-Seconded (Johnson-Ewing) Based on the Comprehensive Plan and Zoning Ordinances Two Tone Cattle Company needs to have a conditional use permit to continue operation in Lawrence County and direct staff to enforce the ordinance. Motion Failed. Aye-Johnson and Ewing. Nay-Douglas, Weisenberg and Thompson.

Moved-Seconded (Douglas-Thompson) To direct Bruce Outka to pursue a public nuisance action against Two Tone Cattle Company Feedlot. Motion Carried. Aye-4, Nay-Weisenberg.

**BID OPENING - HERBICIDE COMMODITIES:** Moved-Seconded (Johnson-Thompson) to approve and award the only bid received from Crop Production Services/Bill Walker, Spearfish SD: (Price Per Unit): #1-Metsulfuron methyl - \$6.60 per ounce, #2-Aminopyralid - \$72.75 qt., and to waive any irregularities. Motion Carried.

**PARKING RAMP EASEMENT:** The Board reviewed the parking ramp easement for Tentexkota, LLC. Moved-Seconded (Weisenberg-Thompson) To approve the parking ramp easement with Tentexkota, LLC with the change as recommended by Bruce Outka. Motion Carried.

**VA ECONOMIC IMPACT REPORT:** Bill Locken presented the VA Economic Impact Report to the Board.

**ITEMS FROM COMMISSIONERS:** Johnson stated he has been contacted by the septic tank pumping businesses and informed that the facilities are not allowing them to dump their trucks because they are full or near capacity. Johnson stated this is something to keep in mind when septic systems are proposed.

**BILLS:** Moved-Seconded (Thompson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,311.60; Treas-\$8,797.25; Comp-\$5,826.36; States Atty-\$12,185.63; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,539.38; Equal-\$13,838.97; Rod-\$6,407.40; Vso-\$1,140.93; Disp-\$12,751.78; Sher-\$32,315.34; Jail-\$25,355.96; Coroner-\$400.00; Emerg Mgnt-\$3,462.49; E911-\$2,362.00; Highway-\$39,386.21; Air-\$961.80; Mental Hlth-\$328.00; Ext-\$1,395.46; Weed-\$2,133.30; Pz-\$4,175.97; **Bills:** Gould,Gary-\$20.74; A&B Business Equip-\$322.85; A&I Distributors-\$2,468.62; A&J Supply-\$9.09; A-Z Shredding-\$257.60; Abc Business Supply-\$82.56; Air Connection-\$1,005.72; Alltel-\$750.36; Amcon Distributing-\$87.88; BH Chemical Company-\$260.91; BH Federal Credit Union-\$9,065.84; BH Pioneer-\$139.33; BH Power-\$8,034.86; BH Security & Systems-\$303.57; BH Window Cleaning-\$15.00; Best Business Prod-\$20.80; Brady Pluimer-\$12,141.74; Brown & Saenger-\$239.67; Butler Machinery Co-\$16.46; Carol Butzman Consluting-\$1,131.31; Clark,Randall-\$600.00; Cook's Direct-\$507.58; Correctional Billing-\$21.50; Dakota Discount Rv-\$630.28; Dakota Graphics-\$180.00; Dakota Supply Group-\$230.40; Dept Of The Treasury-\$45,547.26; Division Of Motor Veh-\$5.00; Ensignal-\$63.99; Esri-\$2,040.00; Extension Service-\$340.24; Fiferman, Dr Leslie-\$675.00; Fish,Veronica-\$9.60; Frederickson,John-\$82.00; Gall's-\$70.97; Governors Inn-\$210.00; Great Plains Chemical-\$120.00; Hamann,Chris-\$315.00; Hickok's Iron Horse Inn-\$71.78; High Plains Business Forms-\$356.23; Iga-\$47.09; Jacobs Precision Welding-\$192.70; Johnson, Rodenbrug & Lauinger-\$75.00; Juneks' Chrysler/Dodge-\$709.03; Kadrmas, Lee And Jackson-\$15,796.32; Knology-\$1,863.32; Koala Electric-\$131.51; Kosel,Joseph-\$87.29; LC Journal-\$72.00; LC Treasurer-\$100.00; Language Line Services-\$253.43; Lead Volunteer Fire Dept-\$4,201.92; Lead, City Of-\$58.47; Lead-Deadwood Regional-\$58.35; Macks Auto Body-\$2,512.51; Massa Berry Regional Med Clinic-\$138.06; Meade County Sheriff-\$21.60; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$783.15; Nelson,Christy-\$29.62; Neve's Uniforms-\$405.70; Niesent,Ron-\$29.11; Office Depot-\$54.45; Office Of Child Support-\$195.69; Office Technology/Supply-\$14.49; Padgett-Thompson-\$499.00; Pennington Co Jail-\$1,630.25; Queen City Tire-\$9.50; Quill Corp-\$252.62; Qwest-\$120.20; RC Finance Office-\$1,470.00; RC Regional Hospital-\$4,886.00; Radio Shack /Kazco-\$59.99; Reindl,Staci-\$2,565.37; Rocket Lube-\$84.97; Rsinet-\$297.00; Sdrs Supplemental Retirement-\$856.50; Servall Towel & Linen-\$293.80; Sheehan Mack Sales & Equip-\$20.73; Sorensen,Tylea-\$384.48; Southside Oil-\$870.00; Spearfish Alt/Starter Rebuild-\$190.00; Spearfish Auto Supply-\$54.25; Spearfish Electric & Heating-\$66.77; Spearfish Police Dept-\$15,362.05; Stratford,William Md-\$1,800.00; Subway-\$51.40; Tigerdirect-\$122.95; Twin City Hardware & Lumber-\$352.82; Verizon Wireless-\$96.92; Victims Of Violence-\$610.00; Walmart Store-\$221.21; Wells Plumbing & Farm Supp-\$26.10; Western Communication-\$60.50; White's Queen City Motors-\$100.24; Williamson,D-\$275.30; Yankton County-\$103.75; **Witness & Jurors:** Fonder,P-\$31.10; Kidd,C-\$31.10; Steele,C-\$20.00; Steele,J-\$31.10; Doud,N-\$22.22; Olson,M-\$22.22; Powers,J-\$31.10; Anderson,A-\$22.22; Smith,L-\$22.22; Troyer,R-\$20.00

**ADJOURN:** 11:30 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 12, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 12, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of the April 28, 2009 meeting and to approve the 2009 Board of Equalization Meeting minutes. Motion Carried.

### **PERSONNEL:**

**IVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve Josh Redden and Clint Nicholes as a Sprayer/GPS G2 at the base rate of \$12.00 an hour, effective May 8, 2009. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve Larry Langenfeld as a Special Deputy II GIII at the base rate of \$15.97 an hour, effective 1-1-2009. Motion Carried.

**SICK LEAVE REQUEST:** Moved-Seconded (Douglas-Weisenberg) to deny a request to waive the 90 day employment requirement for an employee to utilize sick leave and allowing donation of sick leave in the Sheriff's Office. Motion Carried. Aye-4, Nay-Thompson. The Board also discussed that donation of sick leave is for catastrophic purposes.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Douglas) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of April 30, 2009 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)-1,204,859.15 Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$11,073.34; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Bank Balance \$5,895,183.63, Money Market \$523,962.78 Savings-\$7,617,751.68; Total \$19,236,898.09.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Douglas-Johnson) to set a supplemental budget hearing for Emergency Management – Grants-\$2,000 & Equipment-\$7,200 for May 26, 2009 at 8:20 a.m. Motion Carried.

**RECYCLING PROGRAM:** Sandy Shirley was present to discuss a recycling program as a concerned citizen and an Elementary School Teacher. Ewing stated normally a municipality starts a recycling program. Paul Thomson presented history on the program that had operated in Spearfish. Thomson stated the program operated so far in debt that it was not feasible. Douglas stated this would need to be researched with a feasibility study completed. Douglas questioned the viability of a recycling program. Shirley asked if the County would be interested in forming a committee to look into the cost of operating a program. Douglas and Weisenberg stated the amount generated in this County does not justify the costs for a recycling program. Weisenberg and Johnson will work with Shirley to research the issue and options available for individuals interested in recycling.

**RETAIL ON-OFF SALE WINE LICENSE:** A public hearing was held on application for a Retail On-Off Sale Wine License for **STEEL WHEEL LLC. Steel Wheel Trading Post & Campground.**, 21399 US Hwy 385, Deadwood, SD 57732. Legal description: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM, Lawrence County South Dakota. No public input was voiced and the public hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve the Retail On-Off Sale Wine License for Steel Wheel LLC. Motion Carried.

**HALL SUBDIVISION ROAD DISTRICT PETITIONS:** Petitions have been received for the proposed Hall Subdivision Road District. John Frederickson, Attorney was present to discuss the need for a Road District.

**HIGHWAY BUSINESS:**

**ANDERSON ROAD LOW WATER CROSSING:** The following bids were received: North Star Construction-\$112,948.00; R.C.S. Construction-\$135,445.92; Pedersen Excavating Inc. - \$147,000.42; Ainsworth Benning Construction-\$112,201.94; Hills Materials Company-\$123,519.60; Corr Construction Services-\$120,485.40; J.Grubl Excavating-\$96,322.00; Tru Form Construction-\$113,658.85. Moved-Seconded (Thompson-Weisenberg) to follow the recommendation of Dick Birk and accept the low bid of J.Grubl Excavating for \$96,322.00 and authorize the Chairman to sign the notice to proceed with J.Grubl Excavating. Motion Carried.

**UTILITY PERMIT**

**CITY OF SPEARFISH:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Utility Permit for City of Spearfish on Highway 14 North Side approximately .25 miles from McGuigan / 14 intersection to Sports Complex for construction of 12' water main. Motion Carried.

**APPROACH PERMIT:**

**DAVE MERKEL:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Approach Permit for Dave Merkel to construct an approach to East side of Maitland Road, located approximately 20592 Maitland Rd, Lead, SD. Motion Carried.

**FOREST SERVICE AGREEMENT:**

Moved-Seconded (Thompson-Douglas) to approve and authorize the Chairman to sign the Modification No.7 to Cooperative Road Agreement #07-RO-11020300-017 between USDA Forest Service, Black Hills National Forest and Lawrence County. Motion Carried.

**COMMUNITY HEALTH NURSE / QUARTERLY REPORT:** A quarterly report was presented by Denise Rosenberger and Mavis Potter for the Community Health Nurse.

**PLANNING & ZONING:**

**CHANGE OF ZONING #285 / SWENSON:** Second Reading was held on Application for Change of Zoning #285 - William Swenson - From A-1 General Agriculture to RR Rural Residential, 20 Acres Located on Airport Road was held. No recommendation was received from Planning and Zoning Commission. Moved-Seconded (Thompson-Douglas) to approve Change of Zoning #285 for William Swenson From A-1 General Agriculture to RR Rural Residential. Motion Carried.

**PLANNING & ZONING INFORMATIONAL ITEMS:** Amber Vogt updated the Board on Planning and Zoning issues and future public hearings and annual reviews. Vogt reported on the progress of the Conditional Use Permit #374 - Virginia Corcoran/Spearfish Greenhouse cleanup.

**ABATEMENT:**

**ALTAIRE ENTERPRISES:** Moved-Seconded (Weisenberg-Douglas) to follow the recommendation of the Director of Equalization and approve the abatement for Altaire Enterprises on parcel # 29100-02800-300-00 because they qualified for a Historic Moratorium. Motion Carried.

**MEDICA CONTRACT:** Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Medica Contract for 2009. Motion Carried.

**NEVADA GULCH JUNK COMPLAINT:** Jeff Schroeder, Planning and Zoning, stated they received a junk complaint in the Nevada Gulch area, in response to the complaint, Planning and Zoning sent a letter to area residents reminding them that it is free dump week.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #303:** An annual review was held for CUP #303 for Cole's Cabins. Moved-Seconded (Weisenberg-Douglas) CUP #303 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 #307:** An annual review was held for CUP #307 Charles Ramsey second Residence. No complaints were received.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #360:** An annual review was held for CUP #360 Calvary Temple Assembly of God Church. No complaints were received.

**AIRPORT AERONAUTICAL SURVEY:** Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Amendment #1 to Agreement for Professional Services for Aeronautical Survey for Approach Development between Lawrence County and Kadmas, Lee & Jackson, Inc. Motion Carried.

**BLACK HILLS POWER & LIGHT GRANT:** Tom Berry was present from Black Hills Power and Light requesting grant support from the County. The Board was in support of the project but will need to review the documents and grant requirements.

**CITY OF SPEARFISH POLICE DEPARTMENT GRANT:** Curt Jacobs, Spearfish Police Department, was present to request the County enter into a Memorandum of Understanding with the Spearfish Police Department so they can apply for the Justice Assistance Grant for \$12,300.

Outka reviewed the grant documents and stated joint application is needed for this grant. The City would be responsible for disbursing the funds and would be designated as the fiscal agent. The City would need the County to sign off on the grant. The money will be sent directly to the City, and the grant would be used to put new camera's in their patrol cars. The Board questioned the County's liability and responsibility for the grant.

Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Memorandum of Understanding and Justice Assistance Grant application with the Spearfish Police Department, as long as the City of Spearfish upholds their requirement of public comment on this project. Motion Carried.

**ITEMS FROM COMMISSIONERS:** Bob Ewing asked that an onsite be scheduled with the Commissioners and the News Media to view the Telegraph Sale area for the afternoon of May 26, 2009. Jim Nelson, Spearfish Canyon Homeowners Association presented the Board with comments and concerns on the Forest Service OHV Travel Management Plan. Douglas reported on the Spearfish Economic Development meeting.

**BILLS:** Moved-Seconded (Douglas-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Bills:** Atkinson,Sally-\$43.00; Frerichs,Amy-\$373.96; Hodson,Timothy-\$63.00; Mcgruder,Brenda-\$43.00; Mowell,Richard-\$8,796.00; Rombough,Debra-\$155.40; Symonds, Carmen-\$63.00; Tridle,Debora-\$43.00; Tysdal,Richard-\$24.80; Dragoo,Shelley-\$7.70; American Family Life-\$3,213.91; BH Federal Credit Union-\$9,065.84; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,491.80; Dept Of The Treasury-\$42,603.45; Hartford-Priority Accounts-

\$1,471.00; Johnson, Rodenbrug & Lauinger-\$75.00; LC Treasurer-\$100.00; Medica-\$63,218.64; NH Family Ymca-\$400.40; Office Of Child Support-\$195.69; SD Retirement System-\$75,351.12; Sdrs Supplemental Retirement-\$856.50; A&B Business Equip-\$1,239.19; A-Z Shredding-\$13.00; Abc Business Supply-\$646.97; Accurint Account-\$75.00; Amcon Distributing-\$182.35; Anderson,Dennis-\$1,325.88; Anderson Oil Co-\$71.96; Armstrong Extinguish-\$132.65; At&T-\$13.11; BH Chemical Company-\$1,150.70; BH Land Analysis-\$450.00; BH Pest Control-\$95.00; BH Pioneer-\$600.07; BH Power-\$812.90; Balkenhol,Ferd-\$450.00; Best Western Ramkota Inn-\$514.00; Best Western Ramkota/Watertown-\$462.00; Bob Barker Company-\$198.13; Brady Pluimer-\$96.50; Brevik Law Office Prof-\$265.08; Butler Machinery Co-\$17,501.43; Butte Electric Coop-\$600.01; Butte-Lawrence Co Fair-\$10,000.00; Carol Butzman Consluting-\$646.45; Central Parts-\$1,029.68; Century Business Products-\$175.21; Chemical Sanitizing Sys-\$105.68; City/County Alcohol &Drug-\$523.00; Clinical Lab Of BH-\$1,668.02; Community Health Services-\$30.00; Conoco-\$192.51; Crawford Supply Company-\$398.88; Deadwood Eyecare-\$145.00; Deadwood Vol Fire Dept-\$150.00; Deadwood, City Of-\$945.63; Dept Of Hlth Lab Services-\$35.00; Ecolab-\$117.00; Ertz,Dewey J-\$520.00; First Western Bank-\$403.78; First Western Ins Deadwood-\$100.00; Fish,Veronica-\$12.00; Fleet Services-\$542.27; Fsh Communications-\$60.00; Gene's Lock Shop-\$73.00; Great Western Tire-\$96.45; Hewlett-Packard Company-\$579.00; Huron Culvert & Tank Co-\$3,074.40; Infoprint Solutions-\$486.00; Janz,Donald-\$425.00; Juneks' Chrysler/Dodge-\$757.20; Keefe Supply Company-\$228.80; Knecht True Value-\$115.32; Knology-\$159.02; Kosel,Joseph-\$4,166.67; LC Journal-\$663.08; Lantern Estates-\$180.00; Lead Volunteer Fire Dept-\$4,629.35; Lead-Deadwood Regional-\$227.55; Lead-Deadwood Sanitary-\$330.12; Lee,James-\$15.00; Linweld-\$75.00; McClure,Susan-\$90.00; Mcleod's Office Supply-\$533.81; Meade County Sheriff-\$33.20; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$278.64; Montana-Dakota Util-\$4,897.73; Nelson,Christy-\$180.00; Nelson,Tonya-\$360.00; Neve's Uniforms-\$833.87; Office Technology/Supply-\$137.94; Pearman,Amy-\$45.00; Pennington Co Auditor-\$82.00; Pennington Co Jail-\$1,978.10; Pennington County Sts Attny-\$400.00; Perkins County Sher Office-\$10.00; Postmaster, Deadwood-\$106.00; Priority Dispatch-\$78.00; Quill-\$293.83; Qwest-\$1,236.40; RC Winnelson-\$20.00; Rapid Transcript-\$294.00; Rasmussen Mechanical Serv-\$15,466.85; Reausaw,Phil-\$350.00; Regan Battery Ma Services-\$116.30; Reindl,Staci-\$20.00; Richard L Leir,Msw,Csw/Pip-\$850.00; Rocket Lube-\$123.71; SD Aao-\$200.00; SD State Treasurer-\$2,049.25; Sand Creek Printing-\$78.12; Secretary Of State-\$50.00; Servall Towel & Linen-\$293.80; Shell Fleet Management-\$26.17; Silverado-\$752.22; Skc Communication Products-\$10.75; Sorensen,Tylea-\$288.32; Spearfish Auto Supply-\$436.43; Spearfish Police Dept-\$6,831.34; Sunshine-\$305.75; Tigerdirect-\$1,457.99; Triple K Tire & Repair-\$1,532.77; Twin City Hardware & Lumber-\$883.30; Waste Connections-\$503.30; Wells Fargo Business Card-\$3,009.85; West Group-\$672.00; Western Communication-\$540.45; Z&S Dust Control-\$34,746.37; **Witness & Jurors:** Burleson,B-\$52.22; Eide,C-\$12.22; Hajek,D-\$50.74; Juelfs,A-\$60.36; Pearman,R-\$61.10; Sarver,S-\$68.50; Shuck,C-\$64.80; Snyder,A-\$51.48; Garlick,D-\$31.10; Stevens,N-\$52.22; Tschetter,R-\$64.80; Adams,M-\$17.40; Allen,M-\$64.80; Anderson,B-\$62.58; Bowman,L-\$52.96; Casavan,N-\$64.80; Colgrove,B-\$23.32; Ediger,T-\$12.22; Fredericksen,C-\$52.22; Friedel,M-\$20.36; Goetz,L-\$22.58; Hagman,B-\$24.80; Hartl,K-\$62.58; Heisinger,C-\$21.10; Houdek,D-\$21.10; Jasper,K-\$24.80; King,K-\$17.40; Kissack,D-\$66.28; Mack,G-\$10.74; Marcus,U-\$18.88; Maynard,K-\$17.40; Roberts,S-\$12.22; Sternhagen,C-\$14.44; Tucker,J-\$22.58; Tusha,M-\$52.22; Valdez,F-\$58.88; Wermers,K-\$59.62; Widener,R-\$10.74; Arsaga,B-\$50.74; Bruch,Z-\$24.80; Bush,J-\$64.80; Melson,J-\$21.84; Zuercher,L-\$24.80; Gibson,L-\$31.10; Lemond,D-\$20.37; Poppe,J-\$46.64; Wangen,T-\$31.10

**ADJOURN:** 11:06 a.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

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Date Approved

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Bob Ewing, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 26, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 26, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present. Connie H. Douglas was absent.

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

**AGENDA:** Moved-Seconded (Johnson-Thompson) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of the May 12, 2009 meeting. Motion Carried.

### **PERSONNEL:**

**STATES ATTORNEY:** Moved-Seconded (Johnson-Thompson) to approve Kelly O'Connell as a temporary legal intern at the base rate of \$15.00 an hour, effective 5-26-2009. Motion Carried.

**TREASURER:** Moved-Seconded (Weisenberg-Thompson) to approve Julie Adams as a Secretary G2 at the base rate of \$13.76 an hour, effective 7-4-2009. Motion Carried.

Moved-Seconded (Thompson-Ewing) to approve Laurie Marshall as a Secretary G2 at the base rate of \$13.76 an hour, effective 7-4-2009. Motion Carried. Moved-Seconded (Thompson-Johnson) to allow employees to donate sick leave to Laurie Marshall due to a surgery. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Ewing) to approve Kristan Alfson as a part time dispatcher II G2 at the base rate of \$15.92 an hour, effective 6-1-2009, upon certification the rate will be dispatcher II G3 \$16.24 an hour. Motion Carried.

### **TRAVEL REQUEST:**

**PUBLIC DEFENDER:** Moved-Seconded (Johnson-Weisenberg) to approve the travel request for Matt Pike and Bernie Schuchmann to attend the SD Trial Academy in Vermillion, SD on July 12-18, 2009, upon the completion of travel and training agreement for Schuchmann. Motion Carried. Pike received a \$1,500 scholarship and are awaiting notification if Schuchmann received a scholarship.

**JAIL MEDICAL:** Moved-Seconded (Johnson-Thompson) to approve and authorize the Chairman to sign a Memorandum of Understanding agreement for professional services with Tylea Sorensen, for jail medical services on an hourly basis, for a six month trial basis. Motion Carried.

**SHERIFF AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve an automatic supplement of \$10,200 for Sheriff Computer Budget to cover a security grant award from the State of South Dakota. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** A supplemental budget hearing was held for EMERGENCY MANAGEMENT FUND / Emergency Management Grants-\$2,000, Emergency Management Equipment-\$7,200. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Thompson) to approve and authorize the Chairman to sign the following Resolution #2009-13 for a supplemental budget. Motion Carried.

RESOLUTION #09-13 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: EMERGENCY MANAGEMENT FUND / Emergency Management-Grants-\$2,000, Emergency Management-Equipment-\$7,200. 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 26<sup>th</sup> day of May, 2009 at the hour of 8:20 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 26<sup>th</sup> day of May, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**ABATEMENT:**

**YELLOW JERSEY CONSTRUCTION COMPANY:** Moved-Seconded (Weisenberg-Thompson) To follow the recommendation of the Director of Equalization and approve the abatement for Yellow Jersey Construction Corp on parcel #31425-00400-000-00 because the Lead Fire Protection District purchased the property on 1-2-2009, making the property tax exempt. Motion Carried.

**RETAIL ON-OFF SALE WINE LICENSE:** A public hearing was held on application for a Retail On-Off Sale Wine License for DEALER EXCHANGE INC., Easy Glider 22493 US Hwy 385 So., Deadwood, SD: Lot L Sec 7., T2N, R5E, BHM, Lawrence County. 05000-00205-073-10. No public input was voiced and the public hearing was closed. Moved-Seconded (Weisenberg-Thompson) to approve the Retail On-Off Sale Wine License for DEALER EXCHANGE INC., Easy Glider. Motion Carried.

**HIGHWAY BUSINESS:**

**FUEL QUOTES:**

The following fuel quotes were submitted as of May 13, 2009: Deadwood Diesel 5800 Gallons: (prices per gallon) Cenex Oil Co. #1 1.718\*, Southside Oil - \$2.056; (\*represents lowest quote). Unleaded 3900 Gallons: (prices per gallon) Cenex Oil Co. \$2.075; Southside Oil - \$2.056\*; (\*represents lowest quote). Spearfish Diesel 4000Gallons: (prices per gallon) Cenex Oil Co. #1 1.718\*, Southside Oil - \$1.729; (\*represents lowest quote). Unleaded 600 Gallons: (prices per gallon) Cenex Oil Co. \$2.075; Southside Oil - \$2.016\*; (\*represents lowest quote). Whitewood Diesel 900 Gallons: (prices per gallon) Cenex Oil Co. #1 1.718\*, Southside Oil - \$1.799; (\*represents lowest quote).

**APPROACH PERMIT:**

**DAVID ARNIO:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Approach Permit for David Arnio to construct an approach to west side of Old Belle Rd, located approximately 2 ½ mile north of I90. Motion Carried.

**HALL SUBDIVISION ROAD DISTRICT:** Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the order declaring area incorporated and subject to vote Hall Subdivision Road District. Motion Carried. Order Declaring Area Incorporated And Subject To Vote Hall 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: Lots 2-14 of Hall Subdivision of the Millionair, Good Thing No. 1, Wauconda No. 1, Wauconda No. 2, Gray Fraction, Nelson & Idle Boy No. 1, of M.S. 1917, and the Horn Blen No. 2 of M.S. 1935, Section 27, T4N, R3E, B.H.M., Lawrence County, South Dakota, and excluding any part of the

Brownsville Road as shown on Exhibit A attached hereto. **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 Hall Subdivision Road District. **DATED** this 26th day of May 2009. Robert E. Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

**SHERIFF BUSINESS:** Joe Harmon stated they have a sheriff vehicle that needs to be replaced this year instead of next year. The Board stated he could purchase a vehicle off of state bid if he is able to find one. Harmon stated he felt this could be handled within his budget and will report back to the board if a vehicle can be purchased from state bid.

### **PLANNING & ZONING:**

**ORDINANCE #09-02 / PLANNED UNIT DEVELOPMENT ZONING DISTRICT:** First Reading and a Public Hearing were held on proposed Ordinance #09-02 / Planned Unit Development Zoning District. No public input was voiced. Second Reading will be held on June 9, 2009 at 9:20 a.m.

**CONDITIONAL USE PERMIT #377:** A Public Hearing was held on CUP #377- Commercial Outdoor/Indoor Arena, Boarding and Lessons-Sarina Jensen/Steinmeyer Farms Inc, Owner/Representative: Sarina Jensen. Legal Description: NW1/4NW1/4SE1/4, W1/2NE1/4NW1/4SE1/4, NW1/4SE1/4NW1/4SE1/4, N1/2SW1/4NW1/4SE1/4, Section 10, T6N, R3E (22.5 acres), Location: North of I-90, West of St. Onge Road, Purpose: Commercial Arena, Zoning: A-1. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #377 for Commercial Outdoor/Indoor Arena, Boarding and Lessons. Motion Carried.

**CONDITIONAL USE PERMIT #373:** A Public Hearing was held on CUP # 373 Gravel Pit– Johner & Sons Earthmoving, Owner/Representative: Don Hurm, Property owner/Kent Johner, Applicant, Legal Description: SE 1/4 and E1/2 SW1/4, Section 35, T7N, R3E, (legal shortened), Location: St Onge, Purpose: Gravel Mine, Zoning: A-1. No public input was voiced and the hearing was closed. Moved-Seconded (Thompson-Weisenberg) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #373 for Gravel Pit– Johner & Sons Earthmoving. Motion Carried.

**CONDITIONAL USE PERMIT #375:** A Public Hearing was held on CUP #375 Wind Energy System– Robert Mattox, Legal Description: Lot M-1, A portion of Claire #1 & #2, MS 1135, in Section 16, T4N, R4E, Location: East of HWY 385 off Elk Creek Road. Purpose: Wind Energy System, Zoning: PF. Charles King questioned what the noise level would be. Mattox stated he didn't think they would hear the system operating. The public hearing was closed.

Moved-Seconded (Thompson-Weisenberg) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #375 for Wind Energy System– Robert Mattox. Motion Carried.

**STURGIS 3-MILE JURISDICTION:** Amber Vogt informed the Board that Rick Bush, Sturgis City Engineer, stated they are interested in a 3-Mile platting jurisdiction. Vogt expressed concerns on the effect on Apple Springs as part of the subdivision would be affected by the platting jurisdiction. Vogt stated they would like a County Commissioner to meet with them to discuss the issue. Thompson volunteered to attend the meeting. Ewing stated he was opposed to the 3-Mile platting jurisdiction.

**APPLICATION FOR R.O.W. / HMC:** Bruce Outka presented an Application for Right of Way to an isolated tract from Homestake Mining Company. Todd Duex was present representing

Homestake Mining Company. Paula McInerney-Hall was present and stated they do not want a housing development by their pit. She stated they operate this as a safe business and do not want private traffic on the haul road area. McInerney-Hall stated they would be interested in purchasing the property from them at a fair market value. She stated this is not an isolated tract as a forest service road goes to the property and it is not their fault that access to the property was denied. Discussion followed on the value of the property, depending if there is access to the property or not. The Board will conduct an on-site of the property.

**BLACK HILLS POWER & LIGHT GRANT:** The Board discussed a request from Black Hills Power and Light. The entire project would need to be bid. The Board also stated the work is on a State Right of Way and not a County Road. Ewing stated because of the issues involved the County would not be interested in sponsoring the grant; however this would be a deserving project.

**ITEMS FROM COMMISSIONERS:** Thompson expressed concerns that the Feed Lot Ordinance has not been presented to the Commissioners and asked why they have not accepted the recommendation from the AG Committee. Johnson stated Planning and Zoning is working on the Ordinance and progress is being made.

**ON-SITE:** Board Members will attend an on-site of the Custer Peak Area Bug Problem and USFS Telegraph Project.

**BILLS:** Moved-Seconded (Thompson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,303.79; Treas-\$10,146.16; Comp-\$5,826.35; States Atty-\$11,718.40; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,330.14; Equal-\$12,965.44; Deeds-\$6,543.31; Vso-\$1,140.93; Disp-\$9,950.20; Sher-\$32,067.68; Jail-\$19,837.74; Emerg Mgnt-\$3,396.84; E911-\$1,686.20; Highway-\$35,970.12; Air-\$1,039.45; Exten-\$1,421.28; Weed-\$2,644.71; Pz-\$4,415.97; **Bills:**Green,Sheree-\$203.40; A&B Business Equip-\$893.61; A&B Welding Supply-\$17.36; A&J Supply-\$57.49; Abc Business Supply-\$256.37; Alco Store-\$23.33; Alltel-\$61.76; Amcon Distributing-\$170.30; BH Ammunition-\$1,146.22; BH Chemical Company-\$531.69; BH Federal Credit Union-\$9,065.84; BH Pioneer-\$15.37; BH Power-\$7,534.33; Baldhead Systems-\$100.00; Binger Law Office-\$3,507.78; Black Hills Urology-\$38.26; Brady Pluimer-\$16,908.67; Butler Machinery Co-\$102.05; C&B Aviation-\$180.00; Campbell Supply-\$119.98; Central Parts-\$47.68; Chris Supply Co-\$511.10; Christensen Law Office-\$1,754.75; Correctional Billing-\$30.82; Dakota Graphics-\$269.00; Dakota Steel & Supply-\$4,742.42; Dale's Tire & Retread-\$847.00; Deadwood Home Center-\$2.59; Dept Of Hlth Lab Services-\$52.00; Dept Of The Treasury-\$41,942.25; Evercom Systems-\$2,226.00; Farmers Union Oil-\$18,391.19; Fastenal-\$491.97; Fish,Veronica-\$100.00; Fisher Sand & Gravel-\$7,445.63; Frederickson,John R-\$1,120.20; Gene's Lock Shop-\$111.50; Godfrey's Brake Serv-\$323.82; Govconnection-\$700.56; Greens Alignment-\$604.89; Grimm's Pump Service-\$158.76; Hamann,Chris-\$135.00; Havemeier,Leslie-\$78.20; Heisler Hardware-\$86.35; Hewlett-Packard Company-\$916.00; Hickok's Iron Horse Inn-\$78.49; Hills Material Comp-\$84,918.80; Hills Products Group-\$450.00; Highway Handyman Products-\$1,688.63; Jacobs Precision Welding-\$1,040.00; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$22,592.15; Kimball-Midwest Co-\$165.64; Kinghorn Towing-\$75.00; Knecht True Value-\$315.31; LC Journal-\$52.50; LC Plan & Zone-\$33.98; LC Sheriff-\$117.80; LC Treasurer-\$100.00; Language Line Services-\$32.01; Lawson Products-\$406.28; Lead-Deadwood Regional Medical Center-\$32.60; Lead-Deadwood Regional Hospital-\$630.00; Meade County Sheriff-\$46.80; Midwest Alarm-\$84.00; Miller,Steve-\$4,087.08; Montana-Dakota Util-\$286.62; Neve's Uniforms-\$377.34; New World Systems-\$1,866.00; Newman Traffic Signs-\$340.20; Occupational Health Network-\$12.00; Office Depot-\$785.67; Office Of Child Support-\$195.69; Pennington County Sts Attny-\$200.00; Postmaster,Deadwood-\$264.00; Quill Corp-\$164.90; Qwest-\$201.76; RC Finance Office-\$1,295.00; RC Regional Hospital-\$1,525.86; Radiology Associates-\$50.21; Rapid Delivery-\$8.00; Rasmussen Mechanical Serv-\$2,930.28; Regional Behavioral Health Ctr-\$406.62; Reindl,Staci-\$2,825.84; Rocket Lube-\$50.48; Sdrs Supplemental Retirement-\$856.51; Servall Towel & Linen-\$147.76; Seward & Odenbach-\$3,658.16; Sorensen,Tylea-\$288.32; Southside Oil-\$9,228.00; Spearfish Auto Supply-\$112.59; Spearfish Motors-\$39.85; Tellinghuisen & Gordon-\$434.40; Triple K Tire & Repair-\$655.66; Twilight First



Aid & Safety-\$56.70; Twin City Hardware & Lumber-\$414.30; United Parcel Service-\$13.06; Verizon Wireless-\$96.92; Victims Of Violence-\$620.00; Walmart Store-\$170.74; Watertree-\$44.00; West River International-\$36.80; Western Sd Juvenile Serv-\$5,600.00; White Drug-\$1,823.69; **Witness & Jurors:** Burleson,B-\$52.22; Hajek,D-\$50.74; Juelfs,A-\$60.36; Lutz,J-\$67.02; Pearman,R-\$61.10; Sarver,S-\$68.50; Shuck,C-\$64.80; Snyder,A-\$51.48; Stevens,N-\$52.22; Tschetter,R-\$64.80; Bronson,S-\$31.84; Dimmick,D-\$31.84; Dimmick,J-\$31.84; Lafrentz,N-\$20.00; Little Crow,C-\$20.00; Lukassen,D-\$31.84; Neiger,M-\$45.90; Orth,D-\$65.14; Pelegriano,D-\$31.84

**ADJOURN:** 10:54 a.m. there being no further business it was Moved-Seconded (Weisenberg-Johnson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – May 28, 2009**

Chairman Bob Ewing called the special meeting of the Lawrence County Commissioners to order at 1:00 p.m. on May 28, 2009 at Virginia Corcoran’s Greenhouse (Spearfish Greenhouse) located on Evans/DuBois Lane, Lawrence County with Commissioners, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present. Connie H. Douglas was absent.

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

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda. Motion Carried.

**CUP #374 / VIRGINIA CORCORAN/SPEARFISH GREENHOUSE:** An on-site was held for CUP #374 / Virginia Corcoran/Spearfish Greenhouse, location: Lower Valley/off Evans Lane, legal description: Lot 1 and 2 of the N 1/8 SW ¼ SW ¼ and E ½ of Lot D of Lot 3A-2 of Lot 3 in the NW ¼ NW ¼ of Section 3, T6N, R2E. Acreage: 1.07 +/- acres including all lots in legal description, Present Zoning: SRD (Suburban Residential District), Land Use: Residential/Commercial Greenhouse. The site plan and property were reviewed. Discussion followed with Tom Paisley, City of Spearfish.

Moved-Seconded (Weisenberg-Thompson) to amend Conditional Use Permit #374 to include the following Conditions, upon the completion of conditions and receiving a certificate of occupancy from the City of Spearfish the Greenhouse can be open for business. Motion Carried.

**ADDITIONAL CONDITIONS**

18. This CUP only covers the property legally described as Lots 1 & 2 N 1/8 SW ¼ NW ¼ of Section 3, T6N, R2E.
19. There shall be no parking allowed along Evans Lane or on Duboius Lane, parking must take place in the designated parking spots on the site plan. No parking signs shall be posted on the outside of the parking barrier or signs directing parking to be in the designated parking areas only.
20. Once the Greenhouse has been constructed all extra building material must be put inside the privacy fence or removed from the premises.
21. The handicap parking spaces must meet all of the City of Spearfish regulations.
22. All drive way and parking surfaces shown on the site plan must be graveled.
23. In the designated location of parking spaces shown on the site plan curb stops shall be installed to designate the parking spaces.
24. General maintenance of the property shall be kept up in a timely manner and shall remain in a neat and uncluttered fashion at all times. (i.e. piles of extra material, tires, pots, grass, weeds)
25. The City of Spearfish shall issue a Certificate of Occupancy on the property prior to the greenhouse being allowed to open for business.

**ADJOURN:** 1:28 p.m. there being no further business it was Moved-Seconded (Johnson-Weisenberg) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – June 9, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 9, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Tommy Thompson and Terry W. Weisenberg present. Daryl Johnson was absent.

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

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of the May 26, 2009 and May 28, 2009 meeting. Motion Carried.

### **PERSONNEL:**

**COMPUTER:** Greg Dias, Information Systems & Technology Director, was present to discuss the need for additional personnel in the Department. Dias stated he would like to hire an Information Systems & Technology Specialist. Douglas stated the County Officials signing on support of the request is important as they realize they are giving up options to hire additional personnel to support this request.

Moved-Seconded (Douglas-Weisenberg) to approve the advertising for an additional Information Systems & Technology Specialist and to make the adjustment to the wage scale to accommodate the additional staff. Motion Carried. Construction and remodeling will be done by the General Government Buildings Department and a supplemental budget will be scheduled later in the year to cover the additional expense. Wage scale as follows: G1-\$18.75, G2-\$19.50, G3-\$20.25.

**FAIR BOARD:** Moved-Seconded (Weisenberg-Thompson) accept the resignation of Ky Simmons on the Fair Board and to appoint Cheryl Pittman to fill the term to expire January 2011. Motion Carried.

### **TRAVEL REQUEST:**

**EQUALIZATION:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Darlene Piekola to attend the North Central Regional Association of Assessing Officers Conference in Louisville, KY on September 12-17, 2009. Motion Carried.

**VOLUNTEER FIRE FIGHTER MEMBERS:** Moved-Seconded (Weisenberg-Ewing) to approve Frank Stamp as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

**VOLUNTEER SEARCH & RESCUE MEMBERS:** Moved-Seconded (Weisenberg-Thompson) to approve Ricky Allen and Chancellor Burlson as Volunteer Search & Rescue Members for insurance purposes. Motion Carried.

**AIRPORT & EXTENSION AUTOMATIC SUPPLEMENT:** Moved-Seconded (Douglas-Weisenberg) to approve an automatic supplement of \$105,140.43 for Airport Capital Improvement Project and \$2,050.00 for Extension Supplies Grant to cover grant funds. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Weisenberg-Thompson) to set a supplemental budget hearing for Airport Capital Improvement Budget for \$100,000 on Tuesday June 23, 2009 at 8:15 a.m. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's

Account with the County Treasurer: as of May 31, 2009 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)-55,111.79 Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,021.19; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Bank Balance \$1,698,359.27, Money Market \$524,224.04 Savings-\$5,519,650.16; Total \$13,004,476.45.

**SHERIFF BUSINESS:** Moved-Seconded (Thompson-Weisenberg) to approve the purchase of a 2009 Chevy Silverado from Whites Queen City Motors because they matched state bid price. Motion Carried.

**SANFORD LAB UPDATE:** Jaret Heise, Science Liaison Director, presented the Sanford Lab update. The 4850 level of the mine is now dry, they plan to dewater to the 8000 level and hope to reach this goal in 2011. Heise discussed current and future science experiments scheduled for the Lab.

**HIGHWAY BUSINESS:**

Dick Birk, Highway Superintendent, was present and stated he attended a transportation planning meeting in Sturgis. Meade County and the City of Sturgis requested that the Lawrence County Commission write a letter of support to DOT to do a study of having an exit on Eden Road. Birk stated there would be no cost to Lawrence County. Ewing and Douglas stated an exit at mile marker 15 in Lawrence County would be more important. Douglas expressed concerns that if we support this exit it may jeopardize future needs that Lawrence County would need. The Board opted not to write a letter of support. Dan Hefner was present and expressed concerns.

**ANNUAL MALT BEVERAGE LICENSE RENEWALS:** A public hearing was held on the renewal of the applications for 2009-2010 Malt Beverage licenses and for new On-Off sale Malt Beverage Licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Douglas) to approve the following 2009-2010 Malt Beverage Licenses Motion Carried:

***CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE & SD FARM WINE***

GI Outpost Inc., (Deadwood KOA) M.S. #601, Sec. 28, T5N, R3E, and lot 1A of M.S. #108.

***CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE***

Tomahawk Lake Country Club, Part HES 57 more fully described in Book 222, Page 476 & 477, Office of Lawrence County Register Deeds.

***CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE***

Kelley Family Inc., (Hidden Valley Campground), Lot G-1-A, HES 297, Sections 18 & 19, T4N, R4E.

Janell F. Andis, (Custer Crossing) Pt Tract B-1 of HES 246, Section 21, T3, R4.

Wild Bill's Campground & Resort Lot E & Lot E-2 of HES 137 located in S17 & 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 S18 & Tract 0091B S17, T4N, R4E.

Spearfish Canyon Resorts (Latchstring Village) Lot Ab-1, a subdivision of Latchstring Village Lot Ab of the Cascade Placer, M.S. in the W1/2 of Section 31, T5N, R2E, and the E1/2 of Section 36, T5N, R1E, B.H.M..

DST Properties Inc. (The Valley Corner) Lot 1 & Pt Lot 2, NW1/4NW1/4, Subdivision of Section 3, T6N, R2E., B.H.M.

Trailshedd Lodge, Inc., Lot 4 O'Neill Pass Ranchettes S/D of HES 617, Section 20, T3, R1, B.H.M.

Cheyenne Crossing Store Lot C-3 of Meadow 1-2-3 Lodes of MS 1564, NW1/4 S22, T4N, R2E.

Lonny & Susan Smith (St.Onge Store) Lots 1 & 2, Block 8, St.Onge.

Steven W. Sharp, (KOA Spearfish) Parcel B of the replat of Lots G,H,I,J,K,L,M,N and the West 259.9 feet of Lots O,P,Q,R,S,T and U, all in the Subdivision of Lot 1 of the NW1/4NW1/4, Section 3, T6N, R2E, B.H.M..

Ronald & Lisa Jorgenson, (Boondocks) PT HES 54 Tract C Section 25 T4N, R3E, B.H.M.

Seven Down, LLC Tract 7, Section 27, T6N, R3E.

Steel Wheel LLC (Steel Wheel Convenience Store) Tract "D" Revised, formerly Tract "D" of HES 297, S18 & 19, T4N, R4E.

Steel Wheel LLC (Renegades Bar & Grill) Tract "D" Revised, formerly Tract "D" of HES 297, Section 18 & 19, T4N, R4E.

Joe Moak III / Lone Star Restaurant: Lot 3A2. of Tract 3A, A sub of Jay1,2,3, Fay #3, Herbert Steel Fraction H0200, Log Cabin & Violet #3, Lodes of M.S. 1200, In NW1/4 & NE1/4 of Sec. 19, T4N, R3E, T4N & NE1/4 of Sec 24, T4N, R2E, BHM.

Janice G. Kaberna, (HOM Campground) Lot A of CRM Ex Tract 1 (10.01) and Lot 2. Sec 27-T3-R5 of Black Hills.

Black Hills Chairlift Co.Inc. Section 1-2-11 & 12, Township 4 north, Range 2 east, B.H.M.

John D. Bell (Bell LTD) Tract 59 Section 7, T2N, R3E, BHM.

Wendy Goldsmith (Branding Iron Restaurant) Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368.

Crow Peak Brewing Company, LLC: Lot Y-1, located in NE1/4NE1/4, S4, T6N, R2E.,

Mystic Hills Cabins & Campground 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.

Todd Mastrorilli (Trout Haven): Tract 1 & 2 S/D of SW1/4 W1/4, T2, R5, Section 7.

Nemo Guest Ranch Business Enterprise (Nemo Guest Ranch Convenience Store) Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368.

Dealer Exchange Inc., Easy Glider 22493 US Hwy 385 So., Deadwood, SD: Lot L Sec 7., T2N, R5E, BHM, Lawrence County. 05000-00205-073-10

***NEW - CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE***

Black Hills Journey's Inc (Fish 'N Fry Campground) Lots 1 & 2, subdivision of a portion of H.E.S. 297, in Section 18 & 19, T4N, R4E, BHM, Lawrence County, SD according to Plat Book 1, page 317, except Lot A of Lot 2 of the Subdivision of HES 297, according to Plat Doc #78-1596.

Barefoot Council Of Co Owners (Barefoot Resort) Lot 1 of Barefoot, formerly lots 3 & 4 and vacated right of way of Block 2 Tract B Lost Camp Valley Acreage, Sec. 2-T4N-R2E of Black Hills.

**RETAIL ON-OFF SALE WINE:** A public hearing was held on an application for 2009 Retail On-Off Sale Wine license for Barefoot Council of Co-Owners (Barefoot Resort). No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve the Retail On-Off Sale Wine for Barefoot Council Of Co Owners (Barefoot Resort) Lot 1 of Barefoot, formerly lots 3 & 4 and vacated right of way of Block 2 Tract B Lost Camp Valley Acreage, Sec. 2-T4N-R2E of Black Hills. Motion Carried.

**SEARCH & RESCUE SQUAD BY-LAWS:** The Board reviewed the proposed Search & Rescue Squad By-Laws. Moved-Seconded (Douglas-Weisenberg) to approve the Search & Rescue Squad By-Laws as presented. Motion Carried.

**PLANNING & ZONING:**

**ORDINANCE #09-02 / PLANNED UNIT DEVELOPMENT ZONING DISTRICT:** Second Reading and a Public Hearing were held on proposed Ordinance #09-02 / Planned Unit Development Zoning District. No public input was voiced and the public hearing was closed.

Moved-Seconded (Weisenberg-Thompson) to approve and adopt Ordinance #09-02 An Ordinance Amending the Lawrence County Zoning Ordinance / Planned Unit Development Zoning District. Motion Carried.

**SPEARFISH ANNEXATION OF UNPLATTED LANDS:** Jayna Watson, Spearfish City Planner, presented a request to approve a resolution extending the boundaries of the City of Spearfish.

Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Following Resolution #14 Approving A Resolution Extending The Boundaries Of The City Of Spearfish, South Dakota, By Annexing Lands. Motion Carried.

Resolution #2009-14 - A Resolution Approving A Resolution Extending The Boundaries Of The City Of Spearfish, South Dakota, By Annexing Lands. WHEREAS, the City of Spearfish, South Dakota has received a written petition describing the boundaries of certain territory contiguous to that municipality sought to be annexed to that municipality and such petition was signed by not less than three-fourths of the registered voters and owners of not less than three-fourths of the value of the territory sought to be annexed to the municipality pursuant to SDCL 9-4-1; WHEREAS, the

City of Spearfish has prepared a Resolution Extending the Boundaries of the City of Spearfish, South Dakota, By Annexing Lands, all as more fully set forth in Exhibit A attached hereto and incorporated herein by reference, and which has been forwarded to the Lawrence County Commission pursuant to SDCL 9-4-5 for its approval; WHEREAS, SDCL 9-4-5 provides that annexation of unplatted territory is subject to approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has been approved by the board of county commissioners of the county wherein such unplatted territory is situate; WHEREAS, for purposes of SDCL 9-4-5, "unplatted territory" is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; and WHEREAS, the territory to be annexed by the City of Spearfish includes land which has not been platted by a duly recorded plat and/or agricultural land as defined in SDCL 10-6-31 and which is situate in Lawrence County; NOW, THEREFORE BE IT RESOLVED, that Lawrence County does hereby approve a Resolution Extending the Boundaries of the City of Spearfish, South Dakota, By Annexing Lands, prepared by the City of Spearfish as set forth in the attached Exhibit A so far as the same concerns any unplatted territory or agricultural land as defined in SDCL 10-6-31. Dated this 9<sup>th</sup> day of June, 2009. Robert Ewing, Chairman. ATTEST: Connie Atkinson, Auditor

**TEN TEXKOTA/SLIME PLANT EASEMENT:** Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairman to sign the Ten Texkota / Slime Plant Easement. Motion Carried.

**BILLS:** Moved-Seconded (Thompson-Douglas) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,331.30; Treas-\$9,606.80; Comp-\$5,826.36; States Atty-\$12,188.68; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,308.40; Equal-\$13,504.83; Deeds-\$6,652.74; Vso-\$1,140.93; Disp-\$11,104.54; Sher-\$32,142.03; Jail-\$20,031.66; Coroner-\$500.00; Emerg Mgmt-\$3,301.20; E911-\$1,595.00; Highway-\$34,888.30; Air-\$1,317.10; Exten-\$2,210.68; Weed-\$6,212.42; Pz-\$4,415.97; **Bills:** Frerichs,Amy-\$161.25; Locken,William-\$407.00; Mowell,Richard-\$8,538.00; Rombough,Debra-\$1,177.85; Smith,Molly-\$25.00; Alltel-\$865.77; American Family Life-\$3,213.91; BH Federal Credit Union-\$9,065.84; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,437.98; Dept Of The Treasury-\$43,301.86; Hartford-Priority Accounts-\$1,471.00; Johnson, Rodenbrug & Lauinge-\$75.00; Knology-\$1,578.96; LC Treasurer-\$100.00; Medica-\$62,021.16; NH Family Ymca-\$400.40; Office Of Child Support-\$195.69; Sdrs Supplemental Retirement-\$856.50; A&B Business Equip-\$1,349.65; A&I Distributors-\$3,380.06; Abc Business Supply-\$399.31; Aberdeen-\$228.00; Alco Store-\$15.26; Amcon Distributing-\$303.69; American Bar Association-\$168.75; Anderson Oil Co-\$60.78; Applied Concepts-\$166.00; BH Chemical Company-\$1,516.10; BH Land Analysis-\$315.00; BH Pest Control-\$95.00; BH Pioneer-\$1,010.29; BH Power-\$1,01.92; BH Security & Systems-\$173.47; Baldhead Systems-\$100.00; Balkenhol,Ferd-\$500.00; Best Business Prod-\$20.80; Best Western Ramkota/Watertown-\$12.00; Black Hills Pure-\$11.50; Butler Machinery Co-\$852.70; Butte Electric Coop-\$475.39; Carls Trailer Sales-\$7,752.50; Cedar House Restaurant-\$69.78; Century Business Products-\$32.95; Chemical Sanitizing Sys-\$46.81; City/County Alcohol &Drug-\$140.00; Conoco-\$49.65; Cooperative Extension Service-\$108.30; Cvd Construction-\$7,835.58; Deadwood, City Of-\$953.81; Dietrich,Donna-\$137.11; Division Of Motor Veh-\$20.00; Dorsett,Rebecca-\$28.84; Eddie's Truck Sales/Serv-\$112.61; Ekeren,Marv-\$15.00; Et Sports-\$1,533.50; Executone Of The BH-\$101.10; Extension Service-\$125.12; Fastenal-\$54.19; Federal Express Corp-\$13.99; First Western Bank-\$378.05; Fish,Veronica-\$155.80; Fisher Sand & Gravel-\$22,739.63; Fleet Services-\$577.57; Frederickson,John-\$1,690.60; Fsh Communications-\$60.00; Gene's Lock Shop-\$14.15; Great Western Tire-\$67.90; Greens Alignment-\$339.30; Hamilton Excavation-\$400.00; Heartland Paper Co-\$2,456.46; Heisler Hardware-\$17.99; Hickok's Iron Horse Inn-\$74.74; Hills Material Comp-\$9,260.53; Hillside Disposal Service-\$75.00; Holiday Inn Express Fort Pierr-\$280.00; Iga-\$18.67; Janke,Wendy-\$837.08; Juneks' Chrysler/Dodge-\$1,094.20; Karpinen,Sharon-\$495.00; Knecht True Value-\$192.26; Knology-\$430.80; Kosel,Joseph-\$4,166.67; Kromarek, Roger-\$525.00; LC Journal-\$925.87; Lead, City Of-\$67.75; Lead-Deadwood Regional-\$196.96; Lead-Deadwood Regional Hospital-\$252.00; Lead-Deadwood Sanitary-\$334.98; Marshall Lea Enterprises-\$350.00; Massa Berry Regional Med Clinic-\$143.06; Mcgas Propane-\$1,477.50; Meade County Sheriff-\$11.60; Minitman-\$169.00; Montana-Dakota Util-\$2,742.62; Morman Law Firm-\$96.10; Moss,William Psy-\$910.00; NJS Engineering-\$19,063.00; Nelson,Christy-\$225.00; Neve's Uniforms-\$63.90;

Newman Traffic Signs-\$22.31; Novus-\$100.00; Office Emporium-\$75.00; Office Technology /Supply-\$134.47; Outdoor Motor Sports-\$953.05; Pennington Co Auditor-\$97.00; Pennington Co Jail-\$1,683.90; Pennington County Sts Attny-\$400.00; Quill Corp-\$217.08; Qwest-\$1,235.09; RC Regional Hospital-\$4,434.53; RC Window & Glass-\$1,000.00; Rabe Elevator-\$725.51; Radio Shack/Kazco-\$684.42; Regional Behavioral Health Ctr-\$973.43; Regional Health-\$2,597.00; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$1,777.43; Rocket Lube-\$98.72; SD State Treasurer-\$1,640.13; Servall Towel & Linen-\$735.36; Sorensen,Tylea-\$288.32; Spearfish Auto Supply-\$35.70; Spearfish Police Dept-\$3,822.82; The Mercantile-\$122.20; Tigerdirect-\$776.82; Tony's Motel-\$99.90; Triple K Tire & Repair-\$440.00; Twilight First Aid & Safety-\$97.65; Twin City Hardware & Lumber-\$112.13; United Parcel Service-\$15.77; Warne Chemical-\$717.68; Waste Connections-\$503.30; West Group-\$1,788.28; Western Communication-\$60.50; White's Queen City Motors-\$25,266.49; Williams Standard Serv-\$43.15; Xerox Corporation-\$56.88; Z&S Dust Control-\$40,589.60; **Witness & Jurors:** Brown,T-\$120.72; Christensen,C-\$122.20; Clark,I-\$117.76; Creger,C-\$101.48; Seaman,M-\$122.20; Setera,A-\$63.32; Stanley,M-\$50.74; Thomson,C-\$104.44; Tinnell,D-\$123.68; Albright,A-\$189.96; Bieber,M-\$12.96; Bowman,P-\$13.70; Campanella,J-\$16.66; Comer,C-\$24.80; Coyle,V-\$10.74; Flueckinger,K-\$10.74; Gould,D-\$189.96; Hartung,A-\$21.84; Hayford,T-\$183.30; Jones,D-\$21.84; Jones-Shockey,B-\$205.50; Mathisrud,D-\$13.70; Milos,G-\$10.74; Oliver,B-\$183.30; Oviatt,D-\$21.10; Perry,K-\$28.50; Royer,T-\$24.80; Russel,R-\$24.80; Skavang,A-\$21.10; Sowell,D-\$22.58; Toupal,J-\$23.32; Winslow,J-\$156.66; Worthington,J-\$183.30; Zebroski,R-\$24.80; Ager,G-\$194.40; Braunesreither,J-\$12.22; Christensen,B-\$19.62; Cockrum,W-\$20.36; Collins,T-\$21.10; Detweiler,G-\$19.62; Dunbar,S-\$18.88; Feist,M-\$101.48; Gehring,J-\$20.36; Geuke,B-\$24.80; Goetz,T-\$122.20; Greear,M-\$21.10; Harlan,C-\$12.22; James,E-\$129.60; Jeffery,T-\$129.60; Johnson,D-\$24.80; Kephart,S-\$19.62; Kyte,R-\$12.22; Lensegrav,P-\$24.80; Miles,C-\$23.32; Millar,M-\$28.50; Murray,J-\$21.10; Parsons,D-\$21.10; Peterson,T-\$129.60; Phillips,C-\$12.22; Rand,J-\$24.80; Rehm,R-\$122.20; Riley,R-\$21.10; Rosedahl,R-\$24.80; Schell,D-\$21.84; Schoon,D-\$21.10; Seifert,T-\$21.10; Storms,R-\$139.96; Symonds,D-\$24.80; Thomson,M-\$23.32; Todd,G-\$10.74; Trucano,B-\$122.20; Wainman,K-\$105.92; Wellard,C-\$11.48; Wold,L-\$21.84; Donnelly,J-\$21.10; Paulsen,T-\$183.30; Troyer,A-\$183.30; Wojton,S-\$187.74; Aberle,C-\$12.22; Albright,V-\$58.88; Barry,A-\$57.40; Bennett,D-\$57.40; Boppe,R-\$23.32; Carlson,K-\$21.10; Christensen,J-\$21.10; Christopherson,P-\$21.10; Culbertson,S-\$21.10; Finley,M-\$21.10; Gienger,K-\$24.80; Hamilton,J-\$21.10; Hampton,J-\$21.10; Heaton,T-\$61.10; Hehr,K-\$28.50; Honomichl,K-\$21.10; Jones,A-\$21.10; Jones,J-\$26.28; Kellogg,M-\$16.66; Kerins,E-\$55.92; Konstant,J-\$24.80; Kyte,J-\$12.22; Lauer,D-\$10.74; Malloy,B-\$61.10; Martian,L-\$20.36; Mitchell,R-\$66.28; Olson,T-\$12.22; Phillips,S-\$32.20; Roberts,W-\$61.10; Schoenthal,P-\$63.32; Sedvy,D-\$15.18; Tellinghuisen,N-\$24.80; Thorp,R-\$50.74; Walker,D-\$21.10; Wells,A-\$18.14; Adkins,J-\$31.10; Dufloth,T-\$32.20; Fernandez,J-\$21.10; Gomez,D-\$129.60; Jones,P-\$12.96; Ladson,J-\$122.20; Oneill,S-\$24.80; Tirrito,M-\$102.96; Feldman,M-\$194.40; Hemeyer,D-\$183.30; Cynor,R-\$64.40; Walters,S-\$34.80; Beug,T-\$31.10; Fontenot,F-\$20.74; Kellogg,L-\$31.10; Nemitz,R-\$42.20; Nemitz,T-\$42.20; Osloond,R-\$20.00; Schneider,S-\$20.00; Cook,T-\$31.84; Schweitzer,N-\$31.84; Delzer,R-\$24.80; Derby,J-\$12.22; Johnson,J-\$61.10; Raab,G-\$21.10; Turner,J-\$22.58; Wagner,K-\$64.80; Williams,R-\$22.58

**ADJOURN:** 10:01 a.m. there being no further business it was Moved-Seconded (Thompson-Weisenberg) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – June 23, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 23, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Thompson-Ewing) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Douglas-Weisenberg) to approve the minutes of June 9, 2009 meeting. Motion Carried.

**AUGUST MEETINGS:** The County Commission set one meeting in August on the 18<sup>th</sup>.

**COUNTY MUTUAL AID AGREEMENT:** Moved-Seconded (Weisenberg-Johnson) to approve and authorize Paul Thomson to sign the County Mutual Aid Emergency Management Agreement. Motion Carried.

### **TRANSFER OF FUNDS:**

**ROAD & BRIDGE, EMERGENCY DISASTER & E911:** Moved-Seconded (Weisenberg-Ewing) to approve the annual budgeted transfer of \$1,025,207 from General Fund to Road & Bridge Fund; to transfer \$86,187 from General Fund to Emergency & Disaster Fund; and to transfer \$29,199 from General Fund to E911 Fund. Motion Carried.

**AIRPORT SUPPLEMENTAL BUDGET:** A supplemental budget hearing was held for AIRPORT CAPITAL IMPROVEMENT / GENERAL FUND \$100,000. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the following Resolution #2009-15 for a supplemental budget. Motion Carried. RESOLUTION #09-15 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Airport Capital Improvement -\$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 23<sup>rd</sup> day of June, 2009 at the hour of 8:15 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 23<sup>rd</sup> day of June, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**COUNTY LIEN / REQUEST FOR RELEASE:** Moved-Seconded (Weisenberg-Douglas) to deny the request from DW to release the lien for County Assistance. Motion Carried.

**JAIL MEDICAL CONTRACT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the contract for jail medical services with Lead/Deadwood Regional Hospital. Motion Carried.



**INVESTMENT REPORT:** Deb Tridle, Treasurer, presented the investment report for Lawrence County.

**ABATEMENTS:**

Moved-Seconded (Weisenberg-Johnson) to approve the abatement for parcel#31270-00100-070-01 because the County took the property for back taxes. (Taxes to be abated \$488.39). Motion Carried.

**RELAY FOR LIFE:** The Board was in support of auctioning off one parking space for employee parking and the donation would go to Relay for Life.

**HIGHWAY BUSINESS:**

**APPROACH PERMIT:**

**ZOLA CRAGO:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Approach Permit for Zola Crago to construct an approach to North side of Hardin Road, located approximately ¼ East of Hwy 85. Motion Carried.

**PERMIT TO OCCUPY COUNTY SECTION LINE RIGHT OF WAY:**

**SUNSET PROPERTIES / STEVE ZELLMER:** The Board discussed an application for permit to occupy county section line right of way. Moved by Weisenberg to approve and authorize the Chairman to sign the Permit for Steve Zellmer / Sunset Properties to occupy a County Section Line Right of way. Motion died due to lack of second. The Board discussed the fact that work was done on the section line prior to requesting permission to improve the section line and what the future impact would be to the section line. Moved by Thompson to inform Zellmer that he needs to vacate the section line. Motion died due to lack of second.

Moved-Seconded (Johnson-Thompson) To deny the application for permit to occupy a County Section Line Right of way for the intended usage of gravel road on section line to access private property. Motion Carried.

**FEDERAL AID SURFACE TRANSPORTATION PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS:**

**ROCHFORD ROAD:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the following Federal Aid Surface Transportation Program Resolution For County And Urban Projects Resolution #2009-16. Motion Carried.

Federal Aid Surface Transportation Program Resolution For County And Urban Projects Resolution #2009-16: WHEREAS, Lawrence County desires the construction and improvement of the road/and or bridge hereinafter described: LOCATION, LENGTH, STRUCTURE NUMBER: Starting at State Hwy 14A go south on FH17 to Pennington County Line. Total distance of 13.6 miles. TYPE OF CONSTRUCTION: Chip Seal Pavement. 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 the 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 Surface Transportation Program (STP) Funds and associated State matching funds. 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 "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the project described. Estimated Cost of Project Including Engineering: \$350,000; STP Funds: \$350,000; Local Funds (if needed to meet construction year): -0-. Proposed Year of Construction: 2011. Vote of Commissioners: Yes-5, No-0. Dated at Deadwood this 23<sup>rd</sup> day of June, 2009. Robert Ewing, Chairman. ATTEST: Connie Atkinson, County Auditor.

**MAITLAND ROAD:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Federal Aid Surface Transportation Program Resolution For County And Urban Projects Resolution #2009-17. Motion Carried.

Federal Aid Surface Transportation Program Resolution For County And Urban Projects Resolution #2009-17: WHEREAS, Lawrence County desires the construction and improvement of the road/and or bridge hereinafter described: LOCATION, LENGTH, STRUCTURE NUMBER: Maitland Road, approximately 8 miles, County Hwy 195. TYPE OF CONSTRUCTION: Realign the horizontal and vertical curves and reconstruct low water crossing for road safety, would also upgrade all signs as part of the project. As per safety audit by Cliff Reuer. 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 the 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 Surface Transportation Program (STP) Funds and associated State matching funds. 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 "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the project described. Estimated Cost of Project Including Engineering: \$500,000; STP Funds: \$0; Local Funds (if needed to meet construction year): \$2014.00. Proposed Year of Construction: 2015. Vote of Commissioners: Yes-5, No-0. Dated at Deadwood this 23<sup>rd</sup> day of June, 2009. Robert Ewing, Chairman. ATTEST: Connie Atkinson, County Auditor.

**NEMO ROAD:** Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Chairman to sign the following Federal Aid Surface Transportation Program Resolution For County And Urban Projects Resolution #2009-18. Motion Carried.

Federal Aid Surface Transportation Program Resolution For County And Urban Projects Resolution #2009-18: WHEREAS, Lawrence County desires the construction and improvement of the road/and or bridge hereinafter described: LOCATION, LENGTH, STRUCTURE NUMBER: Starting at State Hwy 385 go East to Pennington County Line. (18.5 miles) on Nemo Road (6404). Start at Meade County Line on Vanocker Canyon Rd (FH026) go south to Nemo Rd. (6404 4.8 miles) TYPE OF CONSTRUCTION: Chip Seal Pavement. Major Collector Route Number: 6404 and FH026 6585. 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 the 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 Surface Transportation Program (STP) Funds and associated State matching funds. 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 "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the project described. Estimated Cost of Project Including Engineering: \$600,000; STP Funds: \$300,000; Local Funds (if needed to meet construction year): \$300,000. Proposed Year of Construction: 2010. Vote of Commissioners: Yes-5, No-0. Dated at Deadwood this 23<sup>rd</sup> day of June, 2009. Robert Ewing, Chairman. ATTEST: Connie Atkinson, County Auditor.

**COUNTY ROAD #010A:** Moved-Seconded (Thompson-Weisenberg) To approve and authorize NJS Engineering to draw up plans to mill and overlay a portion of County Road #010A, and set a bid opening date for July 28<sup>th</sup>, at 8:30 a.m. Motion Carried.

**AIRPORT GRANT & ALP UPDATE:**

Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Application for Federal Assistance Agreement AIP 3-46-0065-015-2009 for the Airport Project. Motion Carried.

**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #378 / JEFFERSON SCHULZE / BLACK HILLS CO2:** A

public hearing was held on request for Conditional Use Permit #378 / CO2 Tank - Jefferson Schulze, Black Hills CO2. Owner/Representative: Jefferson Schulze, Legal Description: Tract 1 Subdivision of SE1/4SE1/4 Section 31, T7N, R4E, Location: Off Hwy 34 between Whitewood and St. Onge on Dane Church Road, Purpose: Place a bulk CO2 Tank on property, Zoning: A-1. No public input was voiced and the hearing was closed.

Moved-Seconded (Johnson-Weisenberg) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #378 for Black Hills CO2: noting changes to Condition #2 with tank measuring 8x35 capacity of 48,000lbs; and Condition #5 that the Valve area be fenced and locked. Motion Carried.

**CONDITIONAL USE PERMIT #376 / BARB MOORE / ACORN MEADOW LODGE**

**SPECIALTY RESORT:** A public hearing was held on request for Conditional Use Permit #376

Barb Moore-Specialty Resort, Owner/Representative: Barb Moore, Legal Description: Lot 3 of Nellie Terrill Ranchettes, Section 36, T6N, R4E. (72.16 acres), Location: SE of Whitewood on Whitewood Service Road, off of Eden Lane, Purpose: To run a large scale Specialty Resort, Zoning: PF. Kerry Humphrey Greear expressed concerns on the proposed CUP. Greear's main concerns were location of the building and close proximity to their property line, road and traffic issues, loss of enjoyment of their property, water and stream issues, expansion down the road, and this is not AG use. The public hearing was closed.

Douglas expressed concerns about camping on the property and didn't feel this should be allowed. Thompson expressed concerns that this is a wetland area and the amount of traffic that would be generated for a special event. Johnson discussed concerns that were addressed at the Planning and Zoning meeting. Moore stated if this is approved they feel they would be more responsible for the road maintenance and would cover the cost of hauling the gravel, 50% of the cost of the gravel and maintenance of the road, and they would also pay to keep the dust down for a special event.

Moved-Seconded (Douglas-Thompson) to table the request for Conditional Use Permit #376 to allow time for an on-site of the property. Motion Carried. The onsite was scheduled for July 7, 2009 at 8:00 a.m. and the application was tabled until July 14, 2009.

**DEVELOPMENTAL PLAN #09-02 / CROW PEAK BREWERY:**

A public hearing was held on a request for Developmental Plan #09-02 Crow Peak Brewery, Owner/Representative: Jeff Drumm / Shane Orth, Legal Description: Lot Y-1 and Z-1 of the NE ¼ NE ¼ of Section 4, T6N, R2E., Location: Evans Lane, Purpose: Development of commercial property, Zoning: HSC. John Opstedahl questioned what the development plan would encompass. Neighboring landowners expressed concerns on law enforcement and the time for them to report when an altercation needs to be addressed. The public hearing was closed. Johnson expressed concerns on access for the back property. Orth stated they would sign the alley as private drive. Opstedahl questioned the water demand on the well. Drumm stated they will be installing water holding tanks so they wouldn't be drawing the water all at once on brewing days. Douglas expressed concerns with the 3 mile area with Spearfish and conflicting issues.

Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Development Plan #09-02 Crow Peak Brewery, with the added condition that the Alley be signed as private and delivery use only. Motion Carried.

**APPROACH PERMIT:**

**JEFFREY DRUM:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Approach Permit for Jeffrey Drum to construct an approach to Southwest side of Evans Lane. Motion Carried.

**ANNUAL REVIEW CUP#320 / ROO RANCH:** An annual review for CUP#320 / Roxy Bell, Roo Ranch located in Boulder Canyon was held. Jeff Schroeder stated no complaints have been

received and recommended a review in one year. Thompson expressed concerns on fencing, water contamination, and barking dogs. Schroeder stated he will look into the concerns raised.

**ANNUAL REVIEW CUP#359 / ELVIN LONG / WINDMILL:** An annual review for CUP#359 Elvin Long located on Strawberry Hill was held. The windmill is not up and running yet, as he is working with the subdivision to address all concerns. The CUP will be reviewed in one year.

**STURGIS 3-MILE JURISDICTION:** Vogt updated the Board on the meeting with the City of Sturgis concerning the 3-Mile Jurisdiction. Vogt stated the 3-mile jurisdiction would affect strictly plating and subdivision regulations. Ewing expressed concerns that the City of Sturgis did not work with Lawrence County prior to the City filing the documents. Ewing stated the citizens of Lawrence County voted the County Commissioners in to represent them and the state law allows for this to take place without the County input. Douglas expressed concerns that Apple Springs and other developments started under County rules would now fall within the Sturgis plating regulations. Candy Thomson, Attorney for the City of Sturgis, and Rick Bush, Director of Community Development were present. Thomson stated they want to work with the County to come to an agreement. Vogt asked that Dan Hefner, Bruce Outka, Daryl Johnson and Tommy Thompson serve on a Committee to work with the City to come to a workable agreement.

**BLM UPDATE:** Marian Atkins presented an update for the BLM Projects.

**2010 BUDGET REQUESTS:** The 2010 budget requests were received.

**ON-SITE ISOLATED TRACT HOMESTAKE MINING COMPANY:** The Board attended an on-site review for an application of Right-Of-Way to an isolated tract from Homestake Mining Company located near Brownsville Road/Hall Property.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,303.78; Treas-\$9,420.78; Comp-\$5,826.36; States Atty-\$12,753.57; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,446.92; Equal-\$13,448.60; Rod-\$6,653.22; Vso-\$1,140.93; Disp-\$12,837.10; Sher-\$33,587.82; Jail-\$22,939.07; Emerg Mgnt-\$3,462.49; E911-\$1,595.00; Highway-\$34,851.87; Air-\$961.80; Ext-\$1,272.44; Weed-\$6,587.58; P&Z-\$4,599.16; **Bills:** Brady,Thomas-\$59.20; Coburn,William-\$82.88; Mattson,Barbara-\$33.30; Mickelson,Craig-\$82.88; O'dea,Marty-\$106.56; Smith,Molly-\$26.91; Tysdal,Richard-\$118.40; Yapp,Brenda-\$11.10; 3d Specialties-\$4,239.72; A&B Business Equip-\$855.89; A&B Welding Supply-\$48.35; A&I Distributors-\$502.87; A&J Supply-\$2.45; A-Z Shredding-\$89.50; Abc Business Supply-\$213.12; Accurint Account-\$75.00; Alco Store-\$3.79; Aldinger Funeral Home-\$300.00; Alltel-\$61.76; Alpine Impressions-\$723.80; Amcon Distributing-\$202.08; At&T-\$11.48; BH Chemical Company-\$633.40; BH Federal Credit Union-\$9,065.84; BH Power-\$7,619.44; BH Security & Systems-\$86.73; BH Window Cleaning-\$2,735.00; BH Windshield Repair-\$100.00; Behavior Mngt Systems-\$116.00; Belle Fourche Vet Clinic-\$43.00; Binder,Tracy-\$55.20; Black Hills Pure-\$40.25; Bob Barker Company-\$343.77; Brady Pluimer-\$2,116.17; Brownsville Fire Dept-\$3,914.00; Butte Electric Coop-\$241.98; Carls Trailer Sales-\$40.17; Carol Butzman Consluting-\$661.93; Central Parts-\$715.36; Clark Printing-\$62.25; Contractors Insulation-\$103.68; Correctional Billing-\$36.13; Crawford Supply Company-\$64.32; Dakotamart Gas-\$72.45; Dakota Supply Group-\$974.76; Datec-\$120.00; Deadwood Home Center-\$145.09; Deadwood Vol Fire Dept-\$3,895.00; Dept Of The Treasury-\$44,701.57; Dietrich,Donna-\$137.64; Election Sys & Software-\$5,951.80; Ellingson,Joseph-\$2,650.83; Equipment Service Professional-\$167.00; Extension Service-\$47.60; First Western Ins Deadwood-\$50.00; Fish,Veronica-\$64.40; Gall's-\$306.75; Greens Alignment-\$262.98; Haivala Law Firm-\$3,041.05; Hamann,Chris-\$135.00; Havemeier,Leslie-\$174.00; Heisler Hardware-\$53.73; Henry Schein-\$159.97; Howell,Jack Ken-\$584.20; Huron Culvert & Tank Co-\$396.89; Iaa-\$500.00; Jenner Equipment Co-\$503.56; Johnson,Daryl-\$118.40; Johnson, Rodenbrug & Lauinger-\$75.00; Jurgens Printing-\$89.70; Keefe Supply Company-\$433.12; Kimball-Midwest-\$242.46; Knecht True Value-\$951.40; Kooistra, Nelva-\$15.00; LC Sheriff-

\$109.64; LC Treasurer-\$100.00; Lead Fire Department-\$5,859.00; Lead-Deadwood Regional-\$43.58; Lee,James-\$15.00 ; Meade County Sheriff-\$10.80; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$401.71; Nada Appraisal Guides-\$136.00; Nelson,Tonya-\$270.00; Nemo Volunteer Fire Dept-\$1,124.00; Neve's Uniforms-\$225.63; Oberle's Radiators & Repairs-\$70.00; Occupational Health Network-\$93.00; Office Of Child Support-\$195.69; Office Technology/Supply-\$4.99; Omb's Express Police Supply-\$119.94; Paradeis, Donald-\$98.00; Pearman,Amy-\$45.00; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$1,197.00; Postmaster,Deadwood-\$290.00; Powerplan-\$19.16; Quill Corp-\$92.54; Qwest-\$202.40; RC Finance Office-\$1,015.00; RC Regional Hospital-\$850.04; RC Window & Glass-\$100.00; Radio Shack/Kazco-\$133.67; Regional Behavioral Health-\$204.54; Regional Health-\$1,340.00; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$3,654.66; Rochford Vol Fire Dept-\$688.00; SD Planners Association-\$1,046.00; Sdaco-\$175.00; Sdrs Supplemental Retirement-\$856.50; Seward & Odenbach-\$1,609.79; Shell Fleet Management-\$50.92; Skc Communication Products-\$96.75; Sorensen,Tylea-\$404.40; Spearfish Auto Supply-\$1,537.61; Spearfish Canyon Fire Dept-\$2,703.00; Spearfish Fire Dept-\$15,118.00; St Onge Fire Dept-\$779.00; Stadler Ind Service-\$1,187.99; Sturgis Fire Department-\$2,816.00; Tellinghuisen & Gordon-\$809.72; Tigerdirect-\$464.77; Triple K Tire & Repair -\$1,074.65; Twin City Hardware & Lumber-\$345.37; Crop Production Services-\$52,884.65; Verizon Wireless-\$96.92; Victims Of Violence-\$1,265.00; Walmart Store-\$804.39; Warne Chemical-\$145.00; Watertree-\$70.00; Wells Fargo Business Card-\$487.92; Wells Plumbing & Farm Supp-\$12.83; West River International-\$4,403.89; Western Communication-\$1,037.12; Western Sd Juvenile Serv-\$6,600.00; White Drug-\$1,437.45; White's Queen City Motors-\$339.88; Whitewood Vol Fire Dept-\$3,104.00; Williams & Associates-\$1,180.00; Xerox Corporation-\$56.88; Yankton Co Sheriff-\$25.00; Z&S Dust Control-\$69,553.76; **Witness & Jurors:** Hajek,D-\$50.74; Lutz,J-\$67.02; Pearman,R-\$61.10; Sarver,S-\$68.50; Shuck,C-\$64.80; Snyder,A-\$51.48; Stevens,N-\$52.22; Tschetter,R-\$64.80; Davis,J-\$20.00; Davis,M-\$20.00; Erickson,J-\$32.58; Gohn,K-\$20.00; Kingsbury,K-\$34.80; Kullard,K-\$20.00; Kurtz,S-\$20.00; Novak,C-\$32.58; Novak,M-\$32.58; Pioterek,J-\$31.10; Schumacher,D-\$22.22; Smalley,C-\$20.00; Stuckey,S-\$20.00; Zimmerschied,C-\$42.20

**ADJOURN:** 11:15 a.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 14, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Douglas-Thompson) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Douglas) to approve the minutes of June 23, 2009 meeting. Motion Carried.

### **PERSONNEL:**

**COMPUTER:** Moved-Seconded (Weisenberg-Thompson) to approve Rick Wisser as an Information Systems & Technology Specialist G1 at the base rate of \$18.75 an hour, effective 8-1-2009. Motion Carried. Greg Dias, Information Systems & Technology Director thanked County Officials and Commissioners for their support throughout the process, Eric Witcher and Connie Atkinson for their willingness to relocate and share storage areas, and Maintenance and Highway Department for construction and relocation services.

### **TRAVEL REQUEST:**

**EQUALIZATION:** Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Brett Runge, Carmen Symonds & Tim Hodson to attend the Annual Assessor's School in Rapid City, SD on September 14 – 18, 2009. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Thompson) to approve the travel request for Judy Davis to attend the Northwest Shuttle Service Travel Conference in Lake Tahoe on August 29 to September 3, 2009. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Thompson-Weisenberg) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of June 30, 2009 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)-42,063.28 Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,872.83; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Bank Balance \$664,3345.80, Money Market \$524,532.11 Savings-\$4,724,065.15; Total \$11,160,989.17.

**VOLUNTEER FIRE FIGHTER MEMBERS:** Moved-Seconded (Douglas-Ewing) to approve Dennis Hoover as Volunteer Fire Fighter Members for insurance purposes. Motion Carried.

**GREENVIEW ESTATES ROAD DISTRICT:** Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Order Declaring Greenview Estates Road District Incorporated. Motion Carried. ORDER DECLARING GREENVIEW ESTATES ROAD DISTRICT INCORPORATED: WHEREAS, A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been fully complied with: WHEREAS, SDCL 31-12A-1.1 allows three or fewer landowners to form a road district. WHEREAS, Ty and Jennifer White (Greenview LLC) are the only landowners of the subdivided land to be included in the Road District. WHEREAS, IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: Being a subdivision of Greenview Estates tract, being the remainder of HES 500 and part of Lot 1 of Tract a of HES 500, all located in the NE ¼, SE ¼, SW ¼, and NW ¼ of Section 14, T3N, R1E,

B.H.M., Lawrence County, South Dakota. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Greenview Estates Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 14<sup>th</sup> day of July, 2009. Robert Ewing, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

**BROKEN BOOT LLC / MALT BEVERAGE LICENSE:** A public hearing was held on an application for an On-Off Sale Malt Beverage License for Broken Boot LLC, Tract A of the SW1/4NW1/4 of the NW1/4SW1/4 of 31-7-2 of the SE1/4NE1/4 T7R2, Lawrence County. Patsy Kjelsrud stated opposition, commenting that they have not followed their conditional use permit conditions. Cliff Kjelsrud stated there is no need for another beer joint out in the prairie and this is a small community. Becky Hanson stated there is no need for the malt beverage license in this location, it is a bad location, and expressed concerns on traffic. Paula Halstead stated the license would allow guests to buy and drink on site, so they won't need to go into town and drive back to the campground.

Johnson questioned the need and asked where they would be selling. Paula stated they would sell out of the shed that they serve breakfast. Johnson expressed concerns on the curve of the road. Outka stated this property operates under a CUP and currently the CUP does not accommodate for a Malt Beverage License. Douglas stated the County issues licenses to established year-round businesses and buildings. Douglas acknowledged that the CUP does not accommodate a malt beverage license at this time. Douglas stated once a malt beverage license is issued it is good for year round use and questioned the suitability of the location of this bar.

Moved-Seconded (Johnson-Ewing) to deny the application for an On-Off Sale Malt Beverage License for Broken Boot LLC, Tract A of the SW1/4NW1/4 of the NW1/4SW1/4 of 31-7-2 of the SE1/4NE1/4 T7R2, Lawrence County because the proposed location is not suitable. Motion Carried.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #322 / SPARGUR & HALSTEAD:** The Board reviewed a complaint that was received about camping that exceeded the two week period and camp fires on the property. Jeff Schroeder did an onsite and there were campers on location. The land owners stated they were personal campers or family members. Vogt asked for an additional condition and stated they could not determine at this time if the complaint was substantiated.

Moved-Seconded (Douglas-Weisenberg) To add condition #20: Any expansion or modification of the existing infrastructure, buildings, etc shall need a development plan; and Conditional Use Permit #322 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.

**HIGHWAY BUSINESS:**

**ASPHALT JOINT LEVELING:** Moved-Seconded (Weisenberg-Thompson) to purchase off of State Bid the Joint Leveling Services with Highway Improvement Inc. Project No. IM0906(66)264. Motion Carried.

**COURTHOUSE PROPERTY:** Dick Birk informed the Board that two of the large maple trees need to be removed on the Courthouse Property as they rotting and are dangerous.

**FUEL QUOTES:**

The following fuel quotes were submitted as of July 7, 2009: Deadwood Diesel 4500 Gallons: (prices per gallon) Cenex Oil Co. 2.039, Southside Oil - \$2.02\*; (\*represents lowest quote). Unleaded 5000 Gallons: (prices per gallon) Cenex Oil Co. \$2.239\*; Southside Oil - \$2.24; (\*represents lowest quote). Spearfish Diesel 2750Gallons: (prices per gallon) Cenex Oil Co. 2.039\*, Southside Oil - \$2.096; (\*represents lowest quote). Unleaded 850 Gallons: (prices per gallon) Cenex Oil Co. \$2.29\*; Southside Oil - \$2.41; (\*represents lowest quote). Whitewood Diesel 850 Gallons: (prices per gallon) Cenex Oil Co. 2.039\*, Southside Oil - \$2.096; (\*represents lowest quote).

**RECESS:** 9:00 a.m. Moved-Seconded (Douglas-Johnson) to recess the County Commission Meeting. Motion Carried. 9:30 a.m. The Chairman called the meeting back to order.

**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #376 / BARB MOORE / ACORN MEADOW LODGE**

**SPECIALTY RESORT:** Moved-Seconded (Douglas-Thompson) to remove from the table the request for Conditional Use Permit #376. Motion Carried. The Board discussed a request for Conditional Use Permit #376 Barb Moore-Specialty Resort, Owner/Representative: Barb Moore, Legal Description: Lot 3 of Nellie Terrill Ranchettes, Section 36, T6N, R4E. (72.16 acres), Location: SE of Whitewood on Whitewood Service Road, off of Eden Lane, Purpose: To run a large scale Specialty Resort, Zoning: PF. The Board noted receipt of a letter from Dwight A. Gubbrud Attorney for Daniel and Barbara Moore “Moore’s” to Roger Tellinghuisen, Attorney for Michael and Kerry Greear “Grears”.

Tellinghuisen spoke on behalf of the Greears and expressed concerns on the road’s capability to sustain this specialty resort. He stated the site plan is a hand drawn plan and does not give all the pertinent information needed showing measurements and location of septic system. Tellinghuisen expressed concerns and impacts on the wells, parking and stated if this commercial venture is allowed to happen the road should be required to be brought up to County Specs. Kerry Greear expressed concerns on the blind spot on the road and the safety issues. Tellinghuisen stated there is one way in and out and expressed concerns on the location of the leach pad compared to the streams in the area.

Daniel Moore stated they can have a site plan drawn up, but they would need to have permission to enter Greears property to measure the distance from their house. Moore stated the Greears have not been very cooperative up to this point. Thompson asked if a directional sign can be placed to keep people out of Greears property. Moore’s stated they would have to put the sign on Greears property and would have to obtain their permission.

Douglas stated she was not in support of any camping on the property. Thompson expressed concerns of a commercial operation in a rural area and the access and egress to the property. Johnson stated the road maintenance is a big issue that needs to be addressed.

Moved by Weisenberg to follow Planning and Zoning recommendation and to approve CUP with the attached conditions, noting a change to condition 18 that allows only 4 self contained and 8 tent units be allowed. Motion died due to lack of second. Vogt recommended changes to numerous conditions and discussion followed by the Board.

Moved-Seconded (Douglas-Ewing) to table the request for Conditional Use Permit #376 to allow time to work on conditions for the property and allow time for the property owners to work on concerns expressed. Motion Carried.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #350 / ANDY’S TRAILRIDES:** An annual review was held on CUP#350 Andy’s Trailrides, Andy Holmes – located at Custer Crossing Campground on Hwy 385. No complaints received and will be reviewed in one year.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #355 / CENTENNIAL TRAILRIDES:** An annual review was held on CUP#355 / Centennial Trailrides, Paul Dangle – located behind Nemo Guest Ranch. No complaints received and will be reviewed in one year.

**ANNUAL REVIEW / CONDITIONAL USE PERMIT #309 / B.H. CHRISTIAN ACADEMY:** An annual review was held on CUP#309 B.H. Christian Academy – located North of Spearfish. No complaints received and will be reviewed in one year.

**ISOLATED TRACT HOMESTAKE MINING COMPANY:** Max Main, Attorney for Homestake Mining Company was present and introduced Todd Duex, Julie Stone and Rene Anderson. Main reviewed the property lines, surrounding property and presented a slide



presentation. Main referenced the Isolated Tract Statues and stated why they considered this an isolated tract. Main discussed Forest Service trails and stated they do not touch HES 65 and can be closed at any time. Ruthie Weirs, Lawrence Title Company, stated in a letter that she did not find any recorded access to the property. Main reviewed offers Homestake made to the Hall's and also the counter offers. Main stated Homestake understands and acknowledges the fact that their can only be one lot on this property because the road access would only be 65' and not 66'.

Paula McInerney-Hall was present and represented the Hall's. McInerney-Hall stated the public is allowed to use Forest Service Roads and that is how Homestake has accessed this property in the past. McInerney-Hall stated the access noted on a plat does not touch the Brownsville Road and commented that the reason Homestake doesn't want to pursue the Forest Service Road is because they would be required to do a cost share program with the Forest Service. McInerney-Hall stated this is a rural area with a gravel pit on it that is safe and not infringing upon neighbors. McInerney-Hall reviewed the Isolated Tract Statues and presented the reasons why the Hall's do not consider this an Isolated Tract. McInerney-Hall stated this property is touched by a section line and asked the Board not to condemn and damage the Hall property just so Homestake can get a higher price for their land. McInerney-Hall stated if the County does not consider this an isolated tract, Homestake still has options to get access from the Forest Service referencing "ANILCA" and RS2477.

The Board discussed the issue reviewing all documents received. Douglas stated the Forest Service has denied access to the property therefore, making it an isolated tract. Johnson stated Homestake may have access today but may not have it tomorrow. Weisenberg stated he did not feel it was an isolated tract.

Moved-Seconded (Douglas-Thompson) based on the fact that access has been denied at this time by the Forest Service, It is hereby declared that parcel HES 65 in Sections 28 and 33, T4N, R3E, BHM Lawrence County, SD, submitted by Homestake Mining Co. of California is an isolated tract for purposes of SDCL 31-22 based on facts provided. Motion Carried. Aye- Douglas, Thompson and Johnson. Nay-Weisenberg and Ewing.

Paula McInerney-Hall stated that if access is granted on the Hall property they request an easement of only 25' be allowed.

Moved-Seconded (Douglas-Johnson) That the maximum access to be 25' and located on the South end of the hall property off of the Brownsville Road; and that John Haeder be hired for purposes of preparing a report with costs of any such work taxable to and payable by applicant, which shall be used for the purposes of assisting the County in assessing and determining the damage which the right-of-way is to the owner of the land. Motion Carried. Aye-Douglas, Johnson, Thompson and Weisenberg, Nay-Ewing.

**SURPLUS EQUIPMENT:** Moved-Seconded (Douglas-Thompson) to declare the following equipment surplus: Three Digital Video Recorders SN#01041362H, 01041364J,01041363I; and sell to Meade County for \$900.00 each. Motion Carried.

**AIRPORT ENGINEERING AGREEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Agreement for Engineering Services for Airport Layout Plan AIP 3-46-0065-015-2009. Motion Carried.

**MT. PLAINS FIREWISE GRANT:** Paul Thomson stated the Mt. Plains Firewise Grant was denied and Rob Mattox will be applying to the SD Department of Ag.

**2010 BUDGET REQUESTS:** The 2010 budget requests were reviewed. Moved-Seconded (Douglas-Ewing) to request the County Officials revise their preliminary budgets, allowing the Officials to make budgets cuts prior to the Commissioners making cuts to the budgets, and have them returned to the Auditor by July 20, 2009. Motion Carried.

**AIRPORT BUDGET:** Bob Golay, Travis Lantis and Ray Jilek were present to discuss the proposed 2010 Airport Budget. The 10 Unit T Hanger of \$405,000 was removed for the 2010

budget. The Board will consider again if additional revenues are realized. The Full Length Taxiway Project was reduced due to the entire project will probably not be completed in 2010.

**BILLS:** Moved-Seconded (Weisenberg-Douglas) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$12,556.20; Aud-\$14,635.08; Treas-\$18,268.32; Comp-\$11,652.70; States Atty-\$26,242.14; Pub Def-\$18,755.70; Gen Govt Bldg-\$14,722.81; Equal-\$25,552.55; Rod-\$13,310.28; Vso-\$2,281.86; Disp-\$25,746.54; Sher-\$67,797.01; Jail-\$43,732.76; Coroner-\$500.00; Emerg Mngt-\$6,763.68; E911-\$3,160.00; Highway-\$71,400.10; Air-\$2,238.90; Mh Serv-\$1,230.00; Exten-\$2,607.98; Weed-\$12,403.62; Pz-\$8,591.94; **Bills:** Frerichs, Amy-\$121.40; Gould, Gary-\$47.73; Mowell, Richard-\$8,370.00; Outka, Bruce-\$26.00; Piekkola, Darlene-\$424.91; Rombough, Debra-\$249.75; A&B Business Equip-\$2,081.16; A&B Welding Supply-\$17.36; A-Z Shredding-\$44.25; Abc Business Supply-\$691.09; Accurint Account-\$75.00; Active Data Systems-\$4,703.73; Alco Store-\$6.99; Aldinger Funeral Home-\$2,410.00; Alltel-\$1,274.28; Amcon Distributing-\$223.10; American Family Life-\$3,213.91; Anderson Oil Co-\$29.29; At&T-\$9.98; BH Chemical Company-\$2,173.32; BH Federal Credit Union-\$18,131.68; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,437.98; Dept Of The Treasury-\$89,812.22; Division Of Motor Veh-\$13.00; Hartford-Priority Accounts-\$1,471.00; Johnson, Rodenbrug & Lauinger-\$75.00; Knology-\$1,615.58; LC Treasurer-\$100.00; Lamb Motor Company-\$20,924.00; Language Line Services-\$118.90; Medica-\$62,021.16; NH Family Ymca-\$400.40; Office Of Child Support-\$195.69; SD Retirement System-\$50,034.48; Sdrs Supplemental Retirement-\$2,025.50; BH Land Analysis-\$562.50; BH Pediatrics & Neonatology-\$492.68; BH Pest Control-\$230.00; BH Pioneer-\$1,087.07; BH Power-\$566.02; BH Security & Systems-\$2,310.71; Behavior Mngt Systems-\$230.00; Benson Technical Works-\$1,981.25; Best Business Prod-\$20.80; Binder, Tracy-\$207.40; Black Hills Pure-\$11.50; Bob's Auto Body-\$50.00; Brady Pluimer-\$240.00; Bullberry Systems-\$3,750.00; Butler Machinery-\$15,506.67; Butte Electric Coop-\$409.99; Campbell Supply-\$10.62; Central Parts-\$1,085.71; Chemical Sanitizing Sys-\$105.68; Chris Supply Co-\$176.40; City/County Alcohol & Drug-\$140.00; Clinical Lab Of BH-\$4,074.30; Conoco-\$227.99; Cook's Direct-\$86.54; Cvd Construction-\$39,087.80; Dakota Hills Family Praticce-\$462.50; Deadwood Home Center-\$115.38; Deadwood Thymes Cafe & Bistro-\$126.00; Deadwood, City Of-\$938.32; Diamond Mowers-\$287.92; Donovan Lawncare Services-\$70.00; Farmers Union Oil-\$20,214.76; Fastenal-\$362.22; Fidler-Isburg Funeral Chapel-\$1,660.38; First Gold Hotel-\$145.50; First Western Bank-\$857.57; Fish, Veronica-\$462.00; Fisher Sand & Gravel-\$3,250.63; Fleet Services-\$1,290.33; Fsh Communications-\$60.00; Gene's Lock Shop-\$11.34; Godfrey's Brake Serv-\$1,339.61; Govconnection-\$82.00; Great Plains-\$490.00; Great Western Tire-\$151.80; Greens Alignment-\$178.99; Grimm's Pump Service-\$1,157.89; Hamann, Chris-\$90.00; Havemeier, Leslie-\$366.00; Heartland Paper Co-\$1,458.59; Heisler Hardware-\$48.90; Hewlett-Packard Company-\$245.00; Hickok's Iron Horse Inn-\$220.37; Hosmer, David M Law Office-\$114.86; Jacobs Precision Welding-\$3,047.93; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$9,780.82; Ken's Camper Sales-\$1,505.00; Klein's Office Furniture & Sup-\$1,268.98; Knecht True Value-\$151.06; Knology-\$431.88; Kosel, Joseph-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Journal-\$851.00; LC Sheriff-\$44.79; LC Treasurer-\$100.00; Lead Volunteer Fire Dept-\$57.00; Lead, City Of-\$53.17; Lead-Deadwood Regional-\$45.80; Lead-Deadwood Regional Hospital-\$252.00; Lead-Deadwood Sanitary-\$330.12; Lee, James-\$15.00; Lewis & Clark Bhs-\$142.00; Lexisnexis Matthew Bender-\$48.24; Looyenga, Dr Robert-\$350.00; Lueders-\$28.95; Massa Berry Regional Med Clinic-\$60.55; Mcarthur, Janet-\$45.00; McClure, Susan-\$180.00; Mcfarling, Bill-\$22.58; Mcpherson Propane-\$45.00; Meade County Sheriff-\$31.60; Miner's Den Steakhouse-\$285.52; Montana-Dakota Util-\$1,935.17; Nelson, Christy-\$135.00; Neve's Uniforms-\$20.95; Newman Traffic Signs-\$9,513.15; Northern Hills Casa-\$8,580.00; Office Depot-\$272.33; Office Of Child Support-\$195.69; Office Technology/Supply-\$54.51; Omb's Express Police Supply-\$10.99; Ore Car Express-\$35.99; Outdoor Motor Sports-\$222.89; Pennington County Sts Attny-\$200.00; Phoenix Investigations-\$3,124.57; Pitney Bowes-\$117.69; Quill Corp-\$167.40; Qwest-\$1,236.03; RC Regional Hospital-\$716.68; Rabe Elevator-\$725.51; Radio Shack/Kazco-\$430.93; Radiology Associates-\$8.35; Rapid Delivery-\$19.80; Ray O'herron Co-\$2,453.33; Reindl, Staci-\$3,005.14; Richard L Leir, Msw, Csw/Pip-\$850.00; Rocket Lube-\$149.20; Royal Electric-\$348.00; SD Aao-\$750.00; SD State Treasurer-\$15,018.09; Sacrison Asphalt-\$1,705.80; Salzsieder, Milan-\$3,735.00; Sand Creek Printing-\$184.85; Servall Towel & Linen-\$1,029.16; Sorensen, Tylea-\$442.32; Span Publishing-\$152.10; Spearfish Auto Supply-\$669.65; Spearfish Electric & Heating-\$30.00; Spearfish Police Dept-\$38.33; Stadler Ind Service-\$122.04; Subway-\$45.67; Tellinghuisen & Gordon-\$1,198.21; Tigerdirect-\$968.17; Triple K Tire & Repair-\$96.33; Twin City Hardware &

Lumber-\$955.22; Voelker & Adams-\$2,152.00; Waste Connections-\$503.30; Watertree-\$37.50; Wells Fargo Business Card-\$666.35; Wells Plumbing & Farm Supp-\$25.20; West Group-\$3,880.30; Western Communication-\$85.00; Western Sd Juvenile Serv-\$8,200.00; White Drug-\$860.60; Whitewood Vol Fire Dept-\$83.15; Williams Properties-\$600.00; Williams,Rand-\$22.58; Wolff's Plumbing & Heating-\$1,879.35; Xerox Corporation-\$238.55; Yahoo Custodian Of Records-\$20.44; Yankton County-\$103.75; Z&S Dust Control-\$17,496.92; **Witness & Jurors:** Brown,T-\$60.36; Christensen,C-\$61.10; Creger,C-\$50.74; Seaman,M-\$61.10; Setera,A-\$63.32; Stanley,M-\$50.74; Thomson,C-\$52.22; Tinnell,D-\$61.84; Abbott,K-\$20.36; Ager,S-\$28.50; Ballard,R-\$305.50; Barthel,W-\$264.80; Bell,R-\$12.22; Brotsky,J-\$12.22; Buehler,V-\$29.24; Chapman,M-\$21.10; Coolley,C-\$17.40; Dahl,C-\$316.60; Delzer,S-\$24.80; Foote,M-\$24.06; Freese,L-\$22.58; Garman,L-\$21.10; Geffre,L-\$21.10; Grosek,J-\$17.40; Hauck,C-\$12.22; Heinert,R-\$28.50; Hemmingson,A-\$21.10; Jones,D-\$21.84; Krogstad,D-\$324.00; Larson,C-\$27.02; Mitcheltree,D-\$10.74; Morrison,A-\$12.22; Nauman,S-\$24.80; Pittman,V-\$24.80; Pulling,J-\$331.40; Reichert,S-\$342.50; Roadifer,P-\$24.80; Sand,J-\$30.72; Smith,S-\$24.80; Thacker,D-\$21.10; Wagner,J-\$12.22; Wermers,T-\$261.10; Williams,L-\$298.10; Baumeister,M-\$114.80; Bishop,T-\$122.20; Braunesreither,J-\$12.22; Christensen,B-\$19.62; Cockrum,W-\$120.72; Collins,T-\$122.20; Detweiler,G-\$19.62; Draine,H-\$24.80; Dunbar,S-\$18.88; Edstrom,M-\$128.12; Feist,M-\$10.74; Gehring,J-\$20.36; Geuke,B-\$24.80; Goetz,T-\$122.20; Greear,M-\$122.20; Harlan,C-\$12.22; Hehr,R-\$28.50; James,E-\$129.60; Jeffery,T-\$24.80; Johnson,D-\$24.80; Millar,M-\$28.50; Murray,J-\$21.10; Parsons,D-\$21.10; Peterson,T-\$129.60; Petitt,P-\$32.20; Phillips,C-\$12.22; Rand,J-\$24.80; Rehm,R-\$21.10; Riley,R-\$21.10; Schoon,D-\$21.10; Seifert,T-\$122.20; Smail,E-\$125.16; Storms,R-\$29.98; Symonds,D-\$24.80; Trucano,B-\$21.10; Wainman,K-\$12.96; Wellard,C-\$102.96; Bloedel,P-\$261.10; Click,D-\$15.18; Crosswait,C-\$21.10; Dickert,J-\$279.60; Hanson,R-\$22.58; Hauck,C-\$21.10; Heaton,A-\$21.10; Kennedy,K-\$301.80; Kotak,J-\$19.62; Lalonde,M-\$23.32; Mcdermott,J-\$18.14; Mckeown,D-\$19.62; Merrow,S-\$19.62; Mizera,D-\$305.50; Mullaney,P-\$14.44; Powell,T-\$305.50; Prendiville,K-\$11.48; Richter,F-\$24.80; Roberdeau,J-\$21.10; Sternhagen,J-\$13.70; Vankampen,J-\$21.10; Weaver,B-\$15.18; Huck,J-\$21.10; Johnson,M-\$12.22; Ellis,M-\$24.80; Proefrock,L-\$21.10; Dufloth,T-\$32.20; Fernandez,J-\$21.10; Gomez,D-\$24.80; Ladson,J-\$21.10; Oneill,S-\$24.80; Tirrito,M-\$102.96; Engel,B-\$21.10; Latuseck,D-\$21.10; Stadel,B-\$21.10; Walker,D-\$21.10; Alger,K-\$12.22; Bantam,E-\$61.10; Banton,D-\$59.62; Bertsch,S-\$21.10; Biza,T-\$61.84; Cochrun,L-\$21.10; Cordes,B-\$12.22; Craiger,R-\$21.10; Culver,A-\$21.10; Culver,D-\$24.80; Dahl,D-\$24.80; Delong,E-\$12.22; Ely,P-\$21.10; Fahmi,J-\$58.14; Follette,T-\$21.10; Ford,L-\$18.14; France,K-\$12.22; Frasier,D-\$64.80; Goehner,M-\$58.88; Hafner,J-\$24.80; Harris,M-\$18.88; Huxtable,S-\$28.50; Kaiser,S-\$59.62; Keiry,M-\$12.22; Kirkeby,L-\$11.48; Logan,L-\$12.22; Loper,D-\$21.10; Merritt,D-\$11.48; Miller,J-\$18.14; Oldenkamp,A-\$21.10; Page,T-\$28.50; Ploog,G-\$21.10; Prentice,J-\$19.62; Rabenberg,R-\$61.10; Richter,E-\$61.10; Rogers,D-\$12.96; Schoon,R-\$21.84; Stock,J-\$21.10; Strecker,P-\$21.84; Wagner,M-\$23.32; Waugh,M-\$20.36; Wendt,K-\$68.50

**ADJOURN:** 12:52 a.m. there being no further business it was Moved-Seconded (Johnson-Douglas) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING– July 14, 2009**

Chairperson Bob Ewing called the Lawrence County Board of Adjustment meeting to order at 9:00 a.m. on July 14, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**VARIANCE #124 / MATTSON/O’NEILL:** A public hearing was held on an Application for Variance #124 for a 19.8’ Variance to the 25’ Front Setback – Jimmy Mattson/Ruth O’Neill – Lot 7 Two Bit Springs S/D located on Two Bit Road. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to follow Planning and Zoning recommendation and approve Variance #124 for Ruth O’Neill for a 19.8’ Variance to the 25’ Front Setback. Motion Carried.

**VARIANCE #125 / MCNEILL/RATH:** A public hearing was held on an Application for Variance #125 for a 10’ Variance to the 12’ Side Setback – Bob McNeill/Tim Rath – located at 21409 HWY 14A, Spearfish Canyon. Bob McNeill stated the Forest Service has stated they do not require a set back from their property. Gene Shaw expressed concerns on the size and location of the proposed cabin. Jim Nelson explained the SCOA covenants and requirements and stated they have approved this plan with a 15 foot setback from the creek. Jackie Murray expressed concerns on the location of the cabin to the creek. The public hearing was closed.

Moved-Seconded (Douglas-Thompson) to approve Variance #125 for Tim Rath for a 10’ Variance to the 12’ Side Setback. Motion Carried.

**ADJOURN:** 9:47 a.m. There being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 28, 2009**

Chairman Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 28, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Ewing) to approve the agenda. Motion Carried.

**MINUTES:** Moved-Seconded (Johnson-Thompson) to approve the minutes of July 14, 2009 meeting and Board of Adjustment meeting for July 14, 2009. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Johnson-Thompson) To grant extended leave to Laurie Vrem with no pay through March 1, 2010. Motion Carried.

### **TRAVEL REQUEST:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Douglas-Johnson) to approve the travel request for David Heck to attend the North Dakota Annual Field Training Conference in Washburn, ND on August 13-14, 2009. Motion Carried.

### **FOREST REVENUE DESIGNATION RESOLUTION #2009-19:**

Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the following Resolution #2009-19 “Secure Rural Schools and Community Self-Determination Act. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2009-19. “SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT” WHEREAS, the U.S. Congress amended and reauthorized for fiscal years 2008 through 2011 the Secure Rural School and Community Self-Determination Act of 2000 (P.L. 110-343); and WHEREAS, Lawrence County selected to receive a share of the full state payment derived from Forest Revenue payments, and WHEREAS, Lawrence County selected 15% of its share of the full state payment 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 their share of the state payment in the following manner: TITLE II 8% and TITLE III 7%. Dated this 28<sup>th</sup> day of July, 2009. FOR THE BOARD: Robert E. Ewing, CHAIR. ATTEST: Connie Atkinson, AUDITOR

**WEST ACRES COMMUNITY ROAD DISTRICT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Order Approving West Acres Community Association Road District Annexation. Motion Carried.

ORDER APPROVING WEST ACRES COMMUNITY ASSOCIATION ROAD DISTRICT ANNEXATION. WHEREAS, a meeting was held among the trustees of the West Acres Community Association Road District to determine whether or not to pass a resolution to extend the boundaries of the road district to include the following property: Lot 6 Block 2 of the SE ¼ SW ¼ Section 28 T7N R2E BHM Lawrence County, South Dakota. WHEREAS, a Resolution of West Acres Community Association Road District, approving the annexation was passed on May 11, 2009. WHEREAS, a Resolution of The City of Spearfish approving the petition and application for annexation of land into the West Acres Community Association Road district was passed on May 20, 2009. WHEREAS, the Resolution of West Acres Community Association Road District requested that the Lawrence County Commissioners enter an Order declaring that the following described property be annexed. WHEREAS, The Territory annexed into the district is as follows: Lot 6 Block 2 of the SE ¼ SW ¼ Section 28 T7N R2E BHM Lawrence County, South Dakota. WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the West Acres Community Association Road District. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the West Acres Community Association Road

District voluntary annexation area, as described above is hereby annexed into the West Acres Community Association Road District boundaries pursuant to SDCL 31-12A. DATED this 28th day of July 2009. Bob Ewing, Chairperson, Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

**HALL SUBDIVISION ROAD DISTRICT:** Moved-Seconded (Douglas-Johnson) to approve and authorize the Chairman to sign the following Order Declaring Hall Subdivision Road District Incorporated. Motion Carried.

ORDER DECLARING HALL SUBDIVISION ROAD DISTRICT INCORPORATED:  
WHEREAS, an election was held among the registered voters in the Hall Subdivision Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on July 21, 2009. 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 1 (one), together with the number of 1 (one) voting for and the number of 0 (Zero) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Lots 2-14 of Hall Subdivision of the Millionair, Good Thing No. 1, Wauconda No. 1, Wauconda No. 2, Gray Fraction, Nelson & Idle Boy No. 1, of M.S. 1917, and the Horn Blen No. 2 of M.S. 1935, Section 27, T4N, R3E, B.H.M., Lawrence County, South Dakota, and excluding any part of the Brownsville Road as shown on Exhibit A attached hereto. 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 Hall Subdivision Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 28TH day of July, 2009. Robert E. Ewing, Chairperson, Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

**STEEL WHEEL LLC PUB'N GRUB / RETAIL ON/OFF SALE WINE LICENSE:** A public hearing was held on an application for Retail On-Off Sale Wine License for STEEL WHEEL LLC. The Pub'n Grub., 21399 US Hwy 385, Deadwood, SD 57732. Legal description: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM, Lawrence County South Dakota. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve the Retail On-Off Sale Wine License for STEEL WHEEL LLC. Motion Carried.

**WHITETAIL COURT RESORT / CLASS -PACKAGE (ON-OFF SALE) MALT BEVERAGE LICENSE:** A public hearing was held on an application for Class -Package (On-Off Sale) Malt Beverage License for DAVID ALTICK/COLLEEN MARTIN: WHITETAIL COURT RESORT 11295 U.S. HWY 14A, Lead, SD 57754 Tract 54 Secs 5-6-7&8 (Whitetail Court), Lawrence County. David Altick was present and stated they have an event tent for customers, and hope to bring in future customers to possibly book for next year. This is a year round business and they plan on selling out of the tent during summer and probably the office during winter. No public input was voiced and the public hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve the Class -Package (On-Off Sale) Malt Beverage License for DAVID ALTICK/COLLEEN MARTIN: WHITETAIL COURT. Motion Carried.

**HIGHWAY BUSINESS:**

**HOMESTAKE ROAD ASPHALT MAT:** The following bids were received: Simon Contractors-\$397,428.20 & Hills Material-\$350,367.94. Moved-Seconded (Thompson-Weisenberg) to accept the low bid from Hills Material for -\$350,367.94 for the Homestake Road Asphalt Mat. Motion Carried.

**EXECUTIVE SESSION 8:36 a.m.:** Moved-Seconded (Thompson-Johnson) to go into executive session to discuss personnel issues with Joe Harmon. Motion Carried. 8:43 The Board re-opened for regular business.

**NEW RESTAURANT LIQUOR LICENSES:** Wendy Goldsmith, Nemo Guest Ranch, was present to request that the Commissioners begin the process for additional liquor licenses. Goldsmith stated 71.84% of gross sales at Nemo Guest Ranch is food and 28.16% of sales is from beer. Troy Saye asked that the Board consider the cost of the license in reference to the location of the business. Goldsmith asked if the Board could stipulate that if the license is issued in Nemo that

it would always have to stay in the area. Johnson stated the law spells out exactly how you have to establish the license fee. The Board discussed the regulations of the new licenses and stated there are still many unanswered questions with the new licenses. The Board will discuss at County Convention.

**RECESS:** 9:00 a.m. Moved-Seconded (Weisenberg-Thompson) to recess the County Commission Meeting. Motion Carried. 9:15 a.m. The Chairman called the meeting back to order.

**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #379 / JOETTA DICKERT & DEIDRA LARSON / TEMPORARY SECOND RESIDENCE:** A public hearing was held on CUP# 379- JoEtta Dickert and Deidra Larson-Temporary Second Residence, Legal Description: MS 1749 Tract B, Lehigh Lode in Section 9, T4N, R4E, Location: Galena Road, Purpose: Temp. 2<sup>nd</sup> Residence (mobile home) for sister/co-owner due to death of spouses, Zoning: PF. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Weisenberg) to follow Planning and Zoning recommendation and approve Conditional Use Permit #379 for Joetta Dickert & Deidra Larson for a temporary second residence. Motion Carried.

**CONDITIONAL USE PERMIT #380 / CHARLES & SHIRLEY WENBERG / TEMPORARY SECOND RESIDENCE:** A public hearing was held on CUP# 380- Charles & Shirley Wennberg-Temporary Second Residence, Legal Description: NE1/4 SW1/4, Section 15, T6N, R4E – 40 acres (Legal Shortened) Location: Whitewood Valley, Purpose: Temp. 2<sup>nd</sup> Residence for themselves, so daughter can live in their permanent residence and take care of them. Zoning: A-1. No public input was voiced and the hearing was closed. Moved-Seconded (Thompson-Weisenberg) to follow Planning and Zoning recommendation and approve CUP# 380 for Charles & Shirley Wennberg-Temporary Second Residence. Motion Carried.

**CONDITIONAL USE PERMIT # 126 / GOLDEN REWARD:** Ron Waterland was present and stated Golden Reward has now entered the post closure period. Waterland presented the annual report for Conditional Use Permit #126. The Board discussed changes needed to the CUP to adapt to the post closure period and Vogt will review.

**ANNUAL REVIEW OF CUP#224 WHARF MINE:** Ron Waterland, presented the Annual Review for CUP #224 / Wharf Mine. Ken Nelson, Operations Manager reviewed future mine plans, and State Mining Permit Amendment. Amber Vogt discussed adding an additional condition that Wharf would reimburse Lawrence County for water gauge testing of Annie Creek and False Bottom Creek. Moved-Seconded (Douglas-Weisenberg) to add the additional condition that Wharf would reimburse Lawrence County for water gauge testing of Annie Creek and False Bottom Creek. Motion Carried.

**CONDITIONAL USE PERMIT #376 / BARB MOORE / ACORN MEADOW LODGE SPECIALTY RESORT:** Moved-Seconded (Douglas-Ewing) to remove from the table the request for Conditional Use Permit #376. Motion Carried. The Board discussed a request for Conditional Use Permit #376 Barb Moore-Specialty Resort, Owner/Representative: Barb Moore, Legal Description: Lot 3 of Nellie Terrill Ranchettes, Section 36, T6N, R4E. (72.16 acres), Location: SE of Whitewood on Whitewood Service Road, off of Eden Lane, Purpose: To run a large scale Specialty Resort, Zoning: PF. Dwight Gubbrud, Attorney representing Barb Moore was present and discussed proposed condition #18 pertaining to camping on the resort and also discussed #22 in reference to the agreement on the share of the road cost. Douglas expressed concerns about camping and stated she could not support camping under the proposed CUP#376. Thompson expressed concerns on the increased traffic on the road. Kirby Schlecht, Neighboring property owner, spoke on the Conditional Use Permit and stated he hoped the neighbors could continue to work together. The Board stated this is a conditional use permit, will be reviewed on an annual basis, and could be cancelled at any time.

Moved by Thompson to deny the request for Conditional Use Permit #376 / Barb Moore / Acorn Meadow Lodge. Motion died due to lack of a second.

Moved-Seconded (Weisenberg-Ewing) to approve Conditional Use Permit #376 for Barb Moore / Acorn Meadow Lodge with the change to proposed condition #18 that No camping will be allowed at anytime; and to delete condition #22. Ewing asked for a roll call vote as follows: Aye-Douglas, Johnson, Weisenberg and Ewing. Nay-Thompson. Motion Carried.

**COUNTY LIEN WAIVER / REDUCTION:** Karen Page Hunt, Attorney for DD, asked that a waiver be granted for attorney fees due to extenuating circumstances. Page-Hunt stated she is not asking for a release of the lien but requested that the account not be sent to collections. The Board discussed the consequences of selecting what accounts are forgiven or not turned over to collections. The Board took no action and a monthly payment will be required or the lien will be turned over to collections.

**ABATEMENT:**

**NIEHAUS:** Moved-Seconded (Weisenberg-Johnson) to approve the abatement for Johnny and Connie Niehaus on parcel #20100-00602-041-32 because the mobile home was assessed twice. Motion Carried.

**DIRECTOR OF EQUALIZATION:** Darlene Piekola recommended that the County contract with the City of Deadwood and the City of Spearfish at the base rate of \$27.00 an hour to provide GIS services and support. If Jason Writer works overtime to accomplish the projects for the entities, additional pay from the cities would be required. The Board asked that a contract be drawn up, have Outka review, and brought back to the board.

**STURGIS 3-MILE COMMITTEE MEETING UPDATE / PLANNING & ZONING**

**UPDATE:** Amber Vogt, updated the Board on the Sturgis 3-Mile Committee Meeting. Discussion followed from the Board. Vogt updated the Board on future planning and zoning issues and asked the Board to appoint a task force to look at revision of proposed Ordinance #09-05 that was denied.

**2010 BUDGET REQUESTS:** The 2010 budget requests were reviewed and changes were made. Allocations were adjusted back to 2009 funding levels. The Board discussed the Library requests for a 5% increase over the 2009 budget. The Board discussed the fact that the Departments were required to decrease their budgets to stay within state limitations and at this time there is no additional funding available for an increase to the Library allocations for 2010. The 2010 provisional budget was set at the 2009 allocation level. Weisenberg stated he was not in support of reducing the allocation to 2009 level. Thompson stated due to the budget constraints the senior citizens allocation should be reduced or eliminated. The remainder of the Board was in support of leaving the allocation at the 2009 level.

Moved-Seconded (Douglas-Weisenberg) to set the 2010 provisional budget for Lawrence County. Motion Carried.

The Commissioners thanked the County Officials for working with them to balance the 2010 provisional budget. They stated the most difficult budgetary decisions they are compelled to make each year are where to cut in the individual departmental budgets to stay within the levy limits imposed by State statutes. This year was especially hard because of the need to cut over \$1,000,000 from the provisional budget. The Commission stated asking the County Officials to determine their own cuts was most beneficial and stated they appreciated everyone's cooperation as they knew what a difficult task it was to complete. The Board stated County Officials can be happy knowing that we all endeavor to be vigilant custodians of taxpayer dollars.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,278.10; Aud-\$7,333.70; Treas-\$9,062.39; Comp-\$5,826.35; States Atty-\$13,218.57; Pub Def-\$9,377.885; Gen Govt Bldg-\$7,464.57; Equal-\$12,980.89; Rod-\$6,655.15;



Vso-\$1,140.93; Disp-\$11,477.42; Sher-\$31,510.27; Jail-\$20,738.85; Emerg Mgnt-\$3,462.49; E911-\$1,595.00; Highway-\$35,736.27; Air-\$1,161.80; Mh Serv-\$246.00; Ext-\$1,335.95; Weed-\$4,825.43; Pz-\$4,455.97; **Bills:** Baumann,Michelle-\$11.10; Mattson,Robert-\$7.70; Schuchmann, Bernard-\$421.55; Steffen,Peggy-\$21.10; A&B Business Equip-\$342.59; Abc Business Supply-\$307.40; Affinity Global Solutions-\$5,360.00; Alco Store-\$55.30; Alltel-\$927.53; Amcon Distributing-\$241.25; Audio-Video Solutions-\$1,985.00; BH Chemical Company-\$523.18; BH Federal Credit Union-\$9,065.84-BH Power-\$8,742.63; BH Window Cleaning-\$16.00; Behavior Mngt Systems-\$222.00; Biegler,Greg-\$60.00; Big Sky Communications-\$85.00; Brady Pluimer-\$997.50; Brownsville Fire Dept-\$2,747.59; Campbell Co Sheriffs Off-\$30.00; Carls Trailer Sales-\$535.20; Carol Butzman Consluting-\$1,208.67; Central Parts-\$139.75; Chemsearch-\$506.78; Childrens Home Society-\$309.78; Chris Supply Co-\$48.30; City/County Alcohol &Drug-\$140.00; Clauser Machine Works-\$8.00; Correctional Billing Svc-\$4.35; Dale's Tire & Retread-\$899.52; Deadwood Home Center-\$45.80; Deadwood Recreation Center-\$134.00; Deadwood Vol Fire Dept-\$9,891.30; Delta Dental Of South Dakota-\$5,437.98; Dept Of Hlth Lab Services-\$350.00; Dept Of The Treasury-\$42,992.35; Executone Of The BH-\$500.00; Fast Break Screen Printing-\$304.00; Fastenal-\$12.91; Fisher Sand & Gravel-\$136.62; Genpro Power Systems-\$594.16; Hartford-Priority Accounts-\$1,471.00; Havemeier,Leslie-\$144.00; Heisler Hardware-\$15.56; Hickok's Iron Horse Inn-\$102.91; Hills Material Comp-\$1,895.40; Janke,Wendy-\$900.00; Johnson, Rodenbrug & Lauinger-\$75.00; KMart-\$260.14; Kinney,Matthew-\$213.61; Knology-\$1,555.80; LC Treasurer-\$100.00; Language Line Services-\$159.88; Lead Fire Protection District-\$14,420.54; Lead-Deadwood Regional-\$32.60; Lead-Deadwood Regional Hospital-\$470.78; Linweld-\$150.00; Massa Berry Regional Med Clinic-\$60.55; Medica-\$62,021.16; Montana-Dakota Util-\$46.00; NH Family Ymca-\$385.00; Needanew Construction-\$6,426.00; Nelson,Tonya-\$540.00; Nemo Volunteer Fire Dept-\$1,228.73; Neve's Uniforms-\$195.70; Office Of Child Support-\$195.69; Outdoor Motor Sports-\$379.40; Overhead Door Company Of Rapid-\$727.26; Pennington Co Jail-\$1,864.50; Pennington County Sts Attny-\$200.00; Psychological Assoc Of Bh-\$320.00; Quik Signs-\$237.72; Quill Corporation-\$209.65; Qwest-\$191.67; RC Finance Office-\$1,260.00; RC Medical Center-\$100.50; RC Police Dept-\$15.00; RC Regional Hospital-\$2,201.40; Rabe Elevator-\$725.51; Rapid Transcript Co-\$444.00; Regional Behavioral Health Ctr-\$329.38; Reindl,Staci-\$597.45; Reliance Telephone-\$202.17; Rocket Lube-\$130.70; Rochford Fire Protection Dist-\$686.04; SD Assn Of Co Comm-\$1,280.00; SD Retirement System-\$49,750.03; Safeway-\$271.30; Scovel Psychological-\$990.00; Sdrs Supplemental Retirement-\$1,169.00; Servall Towel & Linen-\$441.56; Seward & Odenbach-\$1,256.35; Shell Fleet Management-\$85.94; Sorensen,Tylea-\$564.48; Southside Oil-\$9,090.00; Spearfish Canyon Fire-\$1,935.25; Spearfish Fire Dept-\$31,394.09; Spearfish Husky-\$7.00; Spearfish Motors-\$193.59; Spearfish Police Dept-\$19,307.54; State Radio Communication-\$4,224.00; Sturgis Fire Department-\$1,658.79; Subway-\$65.62; T & W Appliance/Knothole-\$672.68; Tigerdirect-\$85.56; Triple K Tire & Repair-\$1,079.39; Twin City Hardware & Lumber-\$557.48; Verizon Wireless-\$97.11; Victims Of Violence-\$1,535.00; Walmart Store-\$127.75; Warne Chemical-\$145.00; Western Communication-\$120.00; White's Queen City Motors-\$11.75; Whitewood Fire Prot District-\$4,300.56; Williams Rentals-\$400.00; **Witness & Jurors:** Crellin,T-\$22.59; Hentz,A-\$31.10; Cordes,B-\$52.22; Craiger,R-\$61.10; Dahl,D-\$64.80; Ford,L-\$58.14; Hafner,J-\$64.80; Loper,D-\$61.10; Miller,J-\$58.14; Oldenkamp,A-\$61.10; Page,T-\$68.50; Schoon,R-\$61.84; Albrecht,R-\$61.10; Bechen,R-\$21.84; Berck,K-\$24.80; Berger,B-\$59.62; Blake,M-\$63.32; Briggs,J-\$64.06; Cochrun,J-\$24.80; Coleman,B-\$12.22; Crawford,L-\$20.36; Duvall,A-\$63.32; Elias,P-\$24.80; Etherington,C-\$10.74; Farrell,J-\$20.36; Gaddis,R-\$17.40; Hardin,M-\$60.36; Hauge,V-\$17.40; Hepker,T-\$26.28; Hintz,B-\$16.66; Kari,J-\$23.32; Kliewer,M-\$54.44; Krueger,B-\$52.96; Longden,M-\$10.74; Loya-Normandin,D-\$10.74; Mallory,D-\$12.22; Miner,L-\$22.58; Neal,A-\$52.96; Nesson-Merriman,H-\$24.80; Odaniel,P-\$23.32; Osborn,T-\$61.10; Parsons,L-\$61.10; Phillips,C-\$23.32; Podoll,S-\$18.14; Reasor,T-\$14.44; Richrads,E-\$24.80; Skelton,R-\$23.32; Soriano,P-\$24.80; Tabone,N-\$19.62; Thorman,S-\$21.10; Tinker,R-\$14.44; Troyer,J-\$21.10; Truman,J-\$61.10; Turnbull,S-\$12.96; Winter,B-\$23.32; Berglund,C-\$20.00; Darby,A-\$20.00; Duncan,K-\$76.24; Hanson,J-\$24.81; Iverson,D-\$23.70; Kaberna,J-\$34.80; Katon,M-\$22.22; Heckenliable,A-\$31.84; Moore,C-\$20.00; Moshier,C-\$32.58; Penrose,P-\$72.54; Phelps,B-\$20.00; Pilatos,T-\$22.22; Pontius,R-\$20.00; Rath,J-\$20.00; Roehler,S-\$20.00; Sulzbach,S-\$38.50; Wood,A-\$31.10; Young,B-\$31.10; Brink,C-\$31.10; Comes,K-\$64.40; Cummings,K-\$34.80; Dower,L-\$29.25; Doll-Dunn,E-\$31.10; Gross,C-\$62.20; Gross,N-\$20.00; Gross,S-\$20.00; Gross,V-\$93.30; Sullivan,M-\$34.80

**ADJOURN:** 3:14 p.m. there being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bob Ewing, Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING– July 28, 2009**

Chairperson Bob Ewing called the Lawrence County Board of Adjustment meeting to order at 9:00 a.m. on July 28, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**STEEL WHEEL CAMPGROUND APPEAL #09-03 SIGNAGE REGULATION:** A public hearing was held on Appeal #09-03 for Steel Wheel Campground Signage Regulation located on Hwy 385, Deadwood. They can not meet the 1500-ft setback from any resident dwelling. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Thompson) to overrule the administration decision and approve the sign, upon receiving a sign permit. Motion Carried.

**ADJOURN:** 9:06 a.m. There being no further business it was Moved-Seconded (Douglas-Johnson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – August 18, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 18, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Douglas-Thompson) to approve the agenda noting one change. Motion Carried.

**MINUTES:** Moved-Seconded (Thompson-Douglas) to approve the minutes of July 28, 2009 meeting and Board of Adjustment meeting for July 28, 2009. Motion Carried.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Douglas-Johnson) to approve a step raise for Tim Hodson from an Appraiser III Grade 3 to an Appraiser IV Grade 1 at 17.33/hr. effective 09-05-2009. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Douglas) to approve the hiring of Frank Cortez as a Part-Time Correctional Officer I at a training wage of \$9.04/hr. for 40 hours and a wage of \$13.49/hr. after training is completed, effective 08-18-2009. Motion carried.

### **TRAVEL REQUEST:**

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve the travel request for Tom Sandvick, Marian Hamilton, Kristy Schumacher and Peggy Steffen to attend the Annual Dakota 911 Training Conference in Fargo ND October 12-15, 2009. Motion Carried. Note: This conference was delayed from April because of flooding in Fargo.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Douglas-Weisenberg) to accept the following report from the Auditor. Motion Carried. Auditor's Account with the County Treasurer as of July 31, 2009 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) \$29,339.59; Total amount of cash in transit in Treasurer's possession (cash deposit in transit) \$4,099.27; Petty Cash \$1,860.00; Total amount of deposits in bank include: CD's \$5,200,000 Bank Balance \$864,641.45 Money Market \$524,802.33 Savings \$4,027,070.16. Total \$10,616,513.94.

**RESOLUTION #09-20 LIQUOR LICENSES:** Moved-Seconded (Douglas-Weisenberg) to approve the following Resolution #09-20 Liquor Licenses for 2010. Motion Carried  
**RESOLUTION #09-20 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 2009, whichever is less for the ensuing year, and Five (9) Retail On-Off 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 Chophouse & Whiskey 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 10 LLC, St. Onge Bar & Grill, **C)** Retail On-Off Sale Wine - Fee - \$500.00. Latchstring Village, Seven Down LLC, Mystic Hills Cabins & Campground, Branding Iron Restaurant, Cheyenne Crossing Store, Steel Wheel, LLC / Pub n Grub, Steel Wheel LLC / Trading

Post & Campground, Easy Glider, Barefoot Resort, **DATED** at Deadwood, South Dakota, this 18<sup>th</sup> day of August, 2009.

**FOR LAWRENCE COUNTY COMMISSIONERS** Robert E. Ewing, Chairperson, **ATTEST:**  
Connie Atkinson, Auditor

**COUNTY SURPLUS AUCTION:** The Board reviewed a listing of items/equipment/vehicles no longer needed by county departments. Moved-Seconded (Thompson-Weisenberg) to approve and declare the items listed in the 2009 listing as surplus to be sold at auction. Motion carried. Note: Auction will be September 12<sup>th</sup> at the Spearfish Highway Yard.

**HOMESTAKE ISOLATED TRACT:** Bruce Outka, Civil Deputy State's Attorney presented a drawing captioned as "Exhibit A" prepared by NJS Engineering on behalf of the applicant Homestake Mining Co. showing placement of the 25 foot easement across Hall property for access from the Homestake isolated tract to the Brownsville Road. Board members agreed that the location and width of the easement as depicted on "Exhibit A" was consistent with their earlier findings and ratified the Board's earlier authorization for Outka to enlist the services of an appraiser for purposes of assisting the Board in the calculation of damages owed to the Hall's by Homestake.

**SEARCH & RESCUE BUILDING HEATING SYSTEM:** Paul Thomson, Emergency Manager, discussed and requested funding to replace the cove heating at the Search & Rescue Building. Moved-Seconded (Weisenberg-Thompson) to approve a transfer of \$1500.00 from the Commissioners contingency fund to Emergency Management Search & Rescue budget to replace cove heating at the Search & Rescue building. Motion carried.

**HIGHWAY BUSINESS:**

**PERMIT TO OCCUPY HIGHWAY RIGHT-OF-WAY:** Moved-Seconded (Thompson-Johnson) to approve the permit application from Black Hills Power and Light to install underground power along the extended portion of Radio Tower Road. Motion carried.

**MAITLAND ROAD PROPERTY:** Dick Birk, Highway Supt., discussed an offer from Homestake Mining Co. to give the county some property along the entrance of Maitland Road. After discussion, the Board declined the offer citing concerns that may arise with property owners along the road.

**NURSING SERVICE CHANGES:** Wade Huntington from the SD Dept. of Health informed the Board they have moved family planning services to their Spearfish office. There may be a reduction in office hours in the Deadwood office in the future, and a reduction in the contract amount the county pays as well. He will keep them informed.

**POD GRANT FUNDING:** Huntington presented a POD (point of dispensing) enhancement grant agreement for emergency management. He indicated the federal grant monies cannot be spent on vaccines but could be spent for development of plans, exercises, equipment, signs, etc. to enhance POD activities. Paul Thomson, Emergency Manager, discussed the POD exercise that was held at BHSU a few years ago. After discussion, it was Moved-Seconded (Douglas-Weisenberg) to accept the grant offer of \$15,250 and authorize the Chair to sign, after review by the County Attorney. Motion carried.

**PLANNING & ZONING:** Amber Vogt, Planning and Zoning Director, discussed the recent planning & zoning board meeting and public hearings to be scheduled at the next county commission meeting. An on-site for both boards is scheduled for August 27<sup>th</sup> at 4:00 p.m. at the Spirit of the Hills Wildlife Sanctuary.

**TIMBER COMMITTEE UPDATE ON USFS TELEGRAPH PROJECT:** Bill Coburn and Dean Rasmuson, members of the Lawrence County Timber Committee, met with the Board to discuss the USFS Telegraph project decision. They noted the Forest Service only considered one comment of the 18 submitted by Lawrence County. Their biggest disappointment was the on-going failure of the Forest Service to address the mountain pine beetle problem on Custer Peak over the past seven years. Of the 400 million board feet of timber in suitable acres, the decision proposes to

harvest 90 mbf. This is wasting an important resource to support local mills. Also discussed was the large amount of prescribed burning to control bugs. Rasmuson noted there is no research to support controlling bug problems with prescribed burning because fires don't turn back or alleviate bug problems. He felt this was not a good practice in large tree stands, which are in this project area, and said the only way you can reduce the bug problem is to remove the tree.

Commissioners were very concerned that Lawrence County's comments were only viewed as one commenter/response. Board members are elected to support and represent the county citizenry and those comments should be considered as such.

After further discussion, it was Moved-Seconded (Douglas-Weisenberg) to proceed with the formal appeal process, both as an administrative appeal and a court appeal, if necessary. Motion carried. The county attorney will develop the appeal and file by the August 25<sup>th</sup> deadline. Moved-Seconded (Douglas-Weisenberg) to forward the appeal to our legislators to ask for their assistance and support. Motion carried.

**DIRECTOR OF EQUALIZATION:** Darlene Piekola, Dir. of Equalization, discussed fees charged from Marshall & Swift to access their appraisal software data. She expressed concern she did not have enough in her budget to cover the increased costs next year. Board members will review next year if additional funds are needed.

**TITLE III FUND REQUEST:** Dianne Miller, representing Project Learning Tree, requested \$10,000 funding from Title III funds to develop and print a forest insect poster and provide scholarships to educators to attend PLT workshops. Scholarships will cover materials, supplies and workshop costs. Board members will consider after receiving other requests for Title III funds.

**TWO TONE CATTLE CO STATE PERMIT APPLICATION COMMENT PERIOD:**

Discussion was held on the recent application from Two Tone Cattle Co. to the State for a general permit for a 999-head maximum operation cattle feedlot. A letter was received from DENR indicating a 30 day comment period until September 7, 2009. According to DENR, a general permit is only required for medium or small CAFOs if water pollution is documented. The letter indicated although not required to do so, Two Tone Cattle Co. is applying for permit coverage for the 999-head of beef cattle. Questions and concerns were discussed regarding the number of head and if it could be increased in the future, why the State is allowing this permit to proceed after Lawrence County turned it down noting commercial feedlots require a county conditional use permit, and concerns about the State's position that any adjoining pasture/wintering would not be included in the permit. It was decided to develop draft comments to be reviewed at the next meeting.

**ITEMS FROM THE COMMISSIONERS:** Commissioner Thompson requested a letter to support the labeling of Rozol Prairie Dog Bait in the State of South Dakota. Moved-Seconded (Thompson-Johnson) to write a letter of support. Motion carried.

**BILLS:** Moved-Seconded (Weisenberg-Ewing) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried. **Payroll:** Comm-\$6,281.30; Aud-\$7,333.70; Treas-\$9,983.58; Comp-\$5,826.35; States Atty-\$12,986.87; Pub Def-\$9,377.85; Gen Govt Bldg-\$7,466.37; Equal-\$12,429.60; Rod-\$6,655.15; Vso-\$1,140.93; Disp-\$13,112.28; Sher-\$35,150.63; Jail-\$22,834.45; Coroner-\$400.00; Emerg Mgnt-\$3,465.49; E911-\$1,598.00; Highway-\$36,069.27; Air-\$961.80; Exten-\$1,515.72; Weed-\$5,658.75; Pz-\$4,175.97; **Bills:** Frerichs,Amy-\$307.06; Mowell,Richard-\$8,088.00; Pike,Matthew-\$367.30; Rombough,Debra-\$75.85; A&B Business Equip-\$2,234.49; A&B Welding Supply-40.54; A-Z Shredding-\$26.00; Abc Business Supply-\$9,987.48; Aberdeen Llc-\$482.00; Accurint Account-\$75.00; Alco Store-\$14.95; Amcon Distributing-\$217.04; American Family Life-\$3,213.91; Anderson Oil Co-\$47.42; Applied Concepts-\$114.00; BH Chemical Company-\$812.23; BH Federal Credit Union-\$9,165.84; BH Land Analysis-\$472.50; BH Pest Control-\$95.00; BH Pioneer-\$547.99; BH Power-\$799.32; BH Travel Agency-\$270.90; Best Business Prod-\$20.80; Best Western Of Huron-\$70.00; Binder,Tracy-\$176.80; Black Hills Auto Parts-\$3.47; Black Hills Pure-\$11.50; Bob Barker Company-\$515.76; Butler Machinery Co-\$186.36; Butte Electric Coop-\$299.90; Cables To Go-\$42.74; Carol Butzman

Consluting-\$279.50; Central Parts-\$1,820.18; Century Business Products-\$310.45; Chemical Sanitizing Sys Ltd-\$60.51; Chris Supply Co-\$666.54; Christensen Law Office-\$360.50; City/County Alcohol & Drug-\$2,590.00; Clinical Lab Of BH-\$5,657.70; Columbia International-\$1,125.00; Color Mystique-\$75.00; Dakota Graphics-\$525.00; Dale's Tire & Retread-\$50.00; Dash Medical Gloves-\$29.85; Deadwood Home Center-\$8.46; Deadwood, City Of-\$985.47; Dept Of The Treasury-\$45,225.03; Dietrich, Donna-\$96.40; Dot Fhwa-\$28,662.50; Ellingson, Joseph-\$1,258.07; Embassy Suites Hotel-\$726.32; Et Sports-\$21.82; Evercom Systems-\$2,236.00; Executone Of The Bh-\$556.15; Extension Service-\$119.76; Fastenal-\$48.95; First Western Bank-\$211.63; Fish, Veronica-\$194.00; Fisher Sand & Gravel-\$7,231.52; Fleet Services-\$762.47; Fsh Communications-\$60.00; Gall's-\$657.91; Galls, An Aramark Company-\$360.97; Gene's Lock Shop-\$45.80; Great Plains Chemical-\$120.00; Grimm's Pump Service-\$185.03; Hamann, Chris-\$90.00; Havemeier, Leslie-\$279.60; Heisler Hardware-\$83.43; Hewlett-Packard Company-\$2,594.00; Highway Improvement-\$24,684.00; Hills Material Comp-\$31,567.49; Hobart Sales & Service-\$719.90; Honeywell-\$802.32; Howell, Jack Ken-\$57.80; Iga-\$10.74; Infoprint Solutions-\$486.00; Jacobs Precision Welding-\$67.34; Janke, Wendy-\$1,125.00; Johnson, Rodenbrug & Lauinger-\$75.00; Kadmas, Lee And Jackson-\$14,424.78; Karpinen, Sharon-\$1,440.00; Kennedy, Pier & Knoff-\$127.00; Knecht True Value-\$247.35; Knology-\$430.09; Kosel, Joseph-\$4,166.67; Kreislers-\$90.84; L-Tron-\$8,907.85; LC Auditor-\$5.00; LC Journal-\$741.87; Lead, City Of-\$33.30; Lead-Deadwood Regional-\$173.00; Lead-Deadwood Regional Hospital-\$315.00; Lead-Deadwood Sanitary-\$351.18; Lee, James-\$15.00; Lueders-\$22.93; M-B Companies-\$10,250.00; McClure, Susan-\$180.00; Meade County Sheriff-\$21.60; Midwest Alarm-\$84.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$1,316.57; Morman Law Firm-\$20.50; Morris Towing-\$200.00; Motive Parts & Supply-\$1.30; NJS Engineering-\$1,866.30; Nelson, Tonya-\$1,350.00; Neve's Uniforms-\$263.89; North Dakota Apco-\$360.00; Northwest Shuttle-\$275.00; Office Of Child Support-\$195.69; Outdoor Motor Sports-\$275.83; P.I.E. Inc-\$4,963.67; Pennington Co Auditor-\$103.00; Pennington Co Jail-\$1,643.30; Pennington County Sts Attny-\$600.00; Pitney Bowes-\$112.98; Postmaster, Deadwood-\$264.00; Quill Corporation-\$163.55; Qwest-\$1,431.64; RC Finance Office-\$1,225.00; RC Medical Center-\$140.00; RC Regional Hospital-\$1,417.44; Radio Shack/Kazco-\$484.46; Regional Health-\$486.00; Reindl, Staci-\$2,380.40; Reliable-\$66.32; Rocket Lube-\$98.72; Royal Electric-\$4,833.49; Rsinet-\$297.00; Rushmore Communications-\$300.00; SD Emergency Mngt Association-\$90.00; SD Human Services Center-\$127.00; SD Planners Association-\$800.00; SD Public Assur Alliance-\$38,121.00; SD State Treasurer-\$1,184.72; Sdrs Supplemental Retirement-\$1,169.00; Servall Towel & Linen-\$587.60; Seward & Odenbach-\$2,903.00; Shell Fleet Management-\$69.25; Sorensen, Tylea-\$536.40; Spearfish Auto Supply-\$943.58; Spearfish Police Dept-\$9,098.09; Stadler Ind Service-\$55.00; Subway-\$19.95; Summit Signs & Supply-\$58.25; Teen Court-\$10,000.00; Tellinghuisen & Gordon-\$2,274.46; Tigerdirect-\$885.57; Triple K Tire & Repair-\$1,128.84; Twin City Hardware & Lumber-\$883.96; US Geological Survey-Doi-\$15,000.00; Crop Production Services-\$9,936.00; Verizon Wireless-\$96.07; Victims Of Violence-\$1,295.00; Voelker & Adams-\$5,192.64; Warne Chemical-\$582.00; Waste Connections-\$503.30; Watertree-\$70.00; Wells Fargo Business Card-\$271.59; West Group-\$672.00; Western Communication-\$60.50; Western Sd Juvenile Serv-\$6,600.00; White Drug-\$1,218.29; Wind River Seed-\$988.80; Wolff's Plumbing & Heating-\$1,513.84; **Witness & Jurors:** Bantam, E-\$61.10; Banton, D-\$59.62; Biza, T-\$61.84; Craiger, R-\$61.10; Dahl, D-\$64.80; Fahrni, J-\$58.14; Ford, L-\$58.14; Frasier, D-\$64.80; Goehner, M-\$58.88; Hafner, J-\$64.80; Kaiser, S-\$59.62; Loper, D-\$61.10; Miller, J-\$58.14; Page, T-\$68.50; Richter, E-\$61.10; Schoon, R-\$61.84; Wendt, K-\$68.50

**ADJOURN:** 11:07 a.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

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Date Approved

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Robert E. Ewing, Chair

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 1, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 1, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Johnson) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of August 18, 2009 meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Douglas-Weisenberg) to approve Sarah Fitzgerald as temporary Secretary G3 at the base rate of \$15.15 an hour, effective 9-1-2009. Motion Carried.

### **TRAVEL REQUEST:**

**PLANNING & ZONING:** Moved-Seconded (Weisenberg-Thompson) to approve the travel request for Jeff Schroeder to attend the 76<sup>th</sup> Annual SDML Conference-SD Association of Code Enforcement in Watertown, SD on October 6-8, 2009. Motion Carried.

**WEED:** Moved-Seconded (Douglas-Weisenberg) to approve the travel request for David Heck to attend the 17<sup>th</sup> Annual North American Weed Management Association Conference in Kearney Nebraska on September 21-24, 2009, upon the completion of a signed travel and training agreement. Motion Carried.

**SHERIFF:** Moved-Seconded (Douglas-Johnson) to approve the travel request for Robert L. Williams to attend the Stinger Systems Training in Pueblo, Colorado on September 8-11, 2009. Motion Carried.

**FLU SHOT CONTRACT:** Moved-Seconded (Douglas-Weisenberg) To approve and authorize the Chairman to sign the contract with Maxim Health Systems to provide flu shots to the County Employees and to pay for employee shots not covered on Medica Insurance. Motion Carried

**EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve an automatic supplement of \$7,741.38 in the Emergency Management Grants Budget to cover grant fund expenditures. Motion Carried.

**TWO TONE CATTLE COMPANY:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Two Tone Cattle Company Comment Letter to the Department of Natural Resources. Motion Carried.

**2010 BUDGET:** A public hearing was held on the proposed 2010 Budget. No public input was voiced and the hearing was closed. Thompson voiced concerns that the Senior Citizens were receiving an allocation and there are more needy services in the County such as kids in the CASA system. The Board stated they will review for the 2011 Budget.

**ADOPTION OF 2010 BUDGET RESOLUTION #2009-21:** Moved-Seconded (Johnson-Weisenberg) to adopt the 2010 Annual Budget and approve the following Resolution #2009-21. Motion Carried. **RESOLUTION #09-21: 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, 2010 and ending December 31, 2010 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 1<sup>st</sup> day of September, 2009 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 payable year January 1, 2010 through December 31, 2010.

FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	7,339,892	3.85
SNOW REMOVAL	200,000	.11
HIGHWAY & BRIDGE	210,000	.11
COURTHOUSE & JAIL	100,000	.05
FIRE PROTECTION	67,607	.07
TOTALS	7,917,499	4.18

DATED at Deadwood, South Dakota, this 1<sup>st</sup> day of September 2009. LAWRENCE COUNTY COMMISSIONERS: Robert Ewing, Chairman, Daryl Johnson, Connie H. Douglas, Terry Weisenberg and Tommy Thompson. ATTEST: Connie Atkinson, Auditor.

**HIGHWAY BUSINESS:**

**PERMIT TO OCCUPY HIGHWAY RIGHT-OF-WAY:**

**MONTANA DAKOTA UTILITIES:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the permit to occupy county highway right-of-way with Montana Dakota Utilities located on old Hwy 14A to McGuigan Ranch Subdivision along McGuigan Road (East side). Motion Carried.

**APPROACH PERMITS:**

**LOWELL SORENSON:** Moved-Seconded (Thompson-Weisenberg) To approve and authorize the Chairman to sign the Approach Permit for Lowell Sorenson on the north side of 194<sup>th</sup> Street located approximately 1 mile west of Hwy 34. Motion Carried.

**JD LEBLANC:** Moved-Seconded (Johnson-Ewing) To approve and authorize the Chairman to sign the Approach Permit for JD LeBlanc on the west side of Upper Valley Road located approximately at 375 Upper Valley Road. Motion Carried.

**SURPLUS COMPUTER EQUIPMENT:** Moved-Seconded (Thompson-Johnson) to declare the following equipment surplus: desktop computers SN19798-3 & SN19798-4 and donate to the Family Health Education Services. Motion Carried.

**CHANGE OF ZONING #287 / UNION RESORTS:** A public hearing and first reading was held on Change of Zoning #287 / Union Resorts LLC, Owner/Representative: Kevin Klaprodt, Legal Description: Mystic Miner Tract in Sections 11, 13, 14 & 24, T4N, R2E, and Section 18, T4N, R3E (Legal Shortened), Location: Deer Mountain, Purpose: Planned Unit Development and Master Plan of Mystic Miners Subdivision, Zoning: PF, RC, SRD. Kevin Klaprodt reviewed the proposed development, the development will have a self contained sewer system and water will be provided by the Lead/Deadwood Sanitary District. Bob Porter, homeowner in the area, discussed over development in the County, and expressed concerns on all the trees being cut due to mining, development, forest fires and pine beetles. Porter stated there are 100 possible home lots on Deer Mountain and only 50 have sold in the last 40 years.

Kay Kassube, homeowner on Aspen Hills, also expressed concerns on the inventory of lots. Kassube stated she talked to the local realtors and they have stated that the inventory of lots alone

will last for 10 years. Kassube stated the Scientists for the Sanford Lab will come for one month but they will not be moving their families here. Dale Peters, homeowner in the area, also stated enough is enough and commented that there are plenty of lots available, and it is time for the Commissioners to take a stand.

Ewing closed the public hearing. Douglas questioned the water shortage in Deer Mountain. Klaprodt explained the changes made to the system and what the issues have been in the past. He stated as proposed changes are made the system will improve. Douglas questioned the drainage. Klaprodt stated the engineering for the project takes drainage into consideration. Johnson stated the water system at Deer Mountain has been a problem for a long time, however he feels the proposal will only help the problems from the past.

**ORDINANCE 09-06 - COZ #287 UNION RESORTS/MYSTIC MINERS SUBDIVISION**

**DEVELOPMENT:** A public hearing and first reading was held on ORDINANCE 09-06 - COZ #287 Union Resorts/Mystic Miners Subdivision Development Agreement Ordinance and Text Addition to PUD Zoning Districts, Legal Description: Mystic Miner Tract in Sections 11,13, 14 & 24, T4N, R2E, and Section 18, T4N, R3E (Legal Shortened), Location: Deer Mountain, Purpose: Planned Unit Development COZ Development Agreement, Zoning: PF, RC, SRD. Joe Kosel expressed concerns on behalf of the Deer Mountain Road District, and stated they will need to sign off on the plat because the emergency access road is within the Road District. Ewing closed the public hearing.

**CHANGE OF ZONING #288 / DARRELL & LOIS VIG:** A public hearing and first reading was held on COZ #288-from PF and RC to SRD, Owner/Representative: Darrell and Lois Vig, Legal Description: Tract C-1 Revised, Unplatted pt of Big Foot, Black Thunder and Crow Dog Lodes, and a .5 acre portion of Tract 4A, all in MS 1158 (Descriptions shortened-Not legal), Location: Deer Mountain, Purpose: Subdivide, Zoning: PF & RC. No public input was voiced and the hearing was closed.

**ORDINANCE #09-04:** A public hearing and first reading was held on Ordinance #09-04 Lawrence County Zoning Ordinance Book changes, format changes, and re-adoption. Vogt reviewed the changes to the ordinance. Douglas expressed concerns that the proposed Ordinance would result in the development plan being approved by Planning and Zoning and not the County Commissioners. The Board was in agreement that the changes should come to the County Commissioners. No public input was voiced and the hearing was closed.

**ANNUAL REVIEW CUP#363/DENNY REHORST:** An annual review was held on Conditional Use Permit #363 for Denny Rehorst in reference to two residences located in St. Onge. No Complaints have been filed. CUP# 363 will be reviewed in one year.

**CANCEL CONDITIONAL USE PERMIT #350 / ANDY'S TRAILRIDES:** Moved-Seconded (Weisenberg-Thompson) to cancel Conditional Use Permit #350 for Andy's Trailrides at the landowner's request. Motion Carried.

**ANNUAL REVIEW LAC MINERALS / HOMESTAKE MINING CO:** Mark Tiezen, Homestake Mining Co., was present for the Annual Review for LAC Minerals and Homestake Mining Co. Tiezen updated the Board on projects and activities. The Annual Reports were presented and reviewed. No complaints have been received.

**AG ASSESSMENT STANDARDS:** Les Auer stated they have attended the pre meeting for the new Ag Assessment Standards. Auer stated their understanding is that the State is relying on the County to make the necessary changes and to look at additional data in determining the assessments. George Auer stated Lawrence County does have irrigated land and the State is not taking that into consideration. Auer stated the State has been using bad data and stated if the County uses the corrected data to begin with it can alleviate problems down the road. Bob Rahja stated crop land has been shrinking in the County and reviewed the changes from year to year. Rahja

recommended that the County request an adjustment in the beginning. George Auer stated the AG Committee would be willing to assist in getting the data. Douglas stated after attending the meetings she understood that the County can make all the adjustments they feel is necessary but the Department of Revenue will adjust the County factor to put at the level the State feels is correct. Darlene Piekkola stated she has talked to Michael Kenyon about adjustments for Forest Service land, irrigated lands, and changes for soil survey ratings.

**DELINQUENT PROPERTY TAXES:** Jesse Fandrich was present to ask the Board to accept partial payment of taxes on her property in Lead. Deb Tridle, Treasurer, stated a letter was sent to Fandrich stating the County would begin the process to take deed to the property. Tridle presented history on the property. Tridle stated there was a previous agreement for partial payment on the property but the landowner failed to make the payments. Tridle stated the monthly payment would be \$600 a month on this property to get caught up in 2011. Fandrich stated due to illnesses they are not capable of making the monthly payment. Fandrich stated the home does not have a mortgage on the property. Johnson stated if he was in this position he would take a loan out on the property to get current on the taxes. Douglas stated she needs to work with Deb and see if she can make monthly payments.

**DEADWOOD MEMORANDUM OF AGREEMENT:** The Board discussed the proposed Resolution authorizing the Director of Equalization to enter into cooperative memorandum of understanding with government entities for utilizing county GIS staff and resources. Douglas stated she feels it is the County Commissions responsibility to sign the Memorandum of Agreements and not the Department Head. The Board was in agreement; therefore a resolution would not be needed.

Moved-Seconded (Douglas-Johnson) to approve and authorize the Chairman to sign the Memorandum of Agreement with the City of Deadwood for GIS staff and resources. Motion Carried.

**AG MINIMUM ACREAGE REQUIREMENT:** Piekkola stated the Board of Commissioners set the minimum acreage requirements for AG land classification. Lawrence County has currently set the acreage criteria at 41 acres. Douglas asked what the surrounding Counties have set the minimum at. The Board will review this information prior to making a decision.

**HOMELAND SECURITY GRANT:** Rene Larson was present to discuss the 2009 Homeland Security Grant. Larson stated only 53% of the Counties agreed to give their grant funds to the state to upgrade the statewide interoperable radio communications network. The State is now giving the grant funds back to the counties to utilize because they did not get enough cooperation.

**USFS & TELEGRAPH PROJECT:** Bill Coburn presented a slide show of the Mountain Pine Beetle in the Custer Peak, Harney Peak and Rifle Pit Areas. Johnson stated the pictures should be sent to the press with a release so the public is aware of what is happening to the forest. Discussion followed on the management of the forest and the bug infestation. Discussion continued on the time line it takes for the Forest Service to do a project. Bruce Outka stated the County has filed their appeal to the USFS Telegraph Project. Chairman Ewing, Bill Coburn and Bruce Outka will meet with the USFS in regards to the appeal.

**BILLS:** Moved-Seconded (Douglas-Johnson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,281.30; Aud-\$7,313.06; Treas-\$10,242.15; Comp-\$7,326.35; States Atty-\$13,100.94; Pub Def-\$9,378.41; Gen Govt Bldg-\$7,367.20; Equal-\$12,954.00; Rod-\$6,655.14; Vso-\$1,140.93; Disp-\$16,538.34; Sher-\$46,112.67; Jail-\$27,062.59; Emerg Mgnt-\$3,310.19; E911-\$1,595.00; Highway-\$36,031.96; Air-\$1,277.10; Ext-\$1,327.56; Weed-\$1,814.67; Pz-\$4,375.97; **Bills:** Smith,Molly-\$116.11; Alltel-\$691.52; BH Federal Credit Union-\$9,245.00; BH Power-\$7,789.04; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,577.12; Dept

Of The Treasury-\$50,647.15; Hartford-Priority Accounts-\$1,489.35; Johnson, Rodenbrug & Lauinger-\$75.00; Medica-\$63,734.49; NH Family Ymca-\$385.00; Office Of Child Support-\$195.69; SD Retirement System-\$53,174.64; Sdrs Supplemental Retirement-\$1,169.00; United Parcel Service-\$14.33; A&B Business Equip-\$283.87; A-Z Shredding-\$43.25; Abc Business Supply-\$467.78; Al Cornella Refrigeration-\$113.75; Alcopro-\$166.00; Amcon Distributing-\$272.31; American Family Life-\$3,213.91; BH Chemical Company-\$657.44; BH Windshield Repair-\$50.00; Brady Pluimer-\$1,197.56; Butte County Sheriff-\$78.32; Butte Electric Coop-\$203.32; Campbell Co Sheriffs-\$30.00; Central Parts-\$4.96; Century Business Products-\$59.20; Chemical Sanitizing Sys-\$150.34; Christensen Law Office-\$918.00; Clark Printing-\$495.41; Conoco-\$53.57; Crawford Supply Company-\$78.12; Datec-\$4,729.29; Deadwood, City Of-\$1,277.81; Dept Of Hlth Lab Services-\$52.00; Ecolab-\$121.00; Glenney, Tracy-\$180.00; Great Western Tire-\$21.95; Greens Alignment-\$309.30; Havemeier, Leslie-\$225.00; Hewlett-Packard Company-\$249.00; J.Grubl Excavating-\$25,836.07; Keefe Supply Company-\$433.12; Knology-\$1,627.39; Kosel, Joseph-\$4,166.67; LC Auditor-\$10.00; LC Journal-\$1,142.68; Language Line Services-\$58.16; Larson Electronics-\$148.38; Lead-Deadwood Regional Hospital-\$315.00; Lewis & Clark-\$142.00; Manlove Psychiatric Group-\$787.50; Meade County Sheriff-\$110.80; Neve's Uniforms-\$38.90; Pennington County Sheriff-\$30.16; Pennington County Sts Attny-\$400.00; Pitney Bowes-\$204.36; Plymouth County Sheriff-\$17.50; Quill Corporation-\$108.40; RC Regional Hospital-\$3,174.55; Radiology Associates-\$105.42; Rapid Transcript-\$453.00; Regional Behavioral Health-\$285.25; Reindl, Staci-\$2,509.20; Reliable-\$114.36; Rocket Lube-\$50.48; Rushmore Communications-\$300.00; SD Emergency Mngt Association-\$60.00; SD State Fair-\$72.00; Servall Towel & Linen-\$441.56; Silverado-\$1,525.59; Sorensen, Tylea-\$486.00; Spearfish Auto Supply-\$8.73; Spearfish Police Dept-\$106.57; Sse Technologies-\$2,732.32; Tigerdirect-\$373.81; Triple K Tire & Repair-\$905.74; Twin City Hardware & Lumber-\$64.72; Walmart Store-\$404.04; West River International-\$117,651.00; **Witness & Jurors:** Grosek, J-\$27.40; Doud, N-\$22.22; Bantam, E-\$61.10; Banton, D-\$59.62; Biza, T-\$61.84; Frasier, D-\$64.80; Kaiser, S-\$59.62; Rabenberg, R-\$61.10; Richter, E-\$61.10; Sullivan, M-\$34.80; Bibley, T-\$32.21; Felde, B-\$31.10; Franich, J-\$21.10; Heckenlaible, K-\$28.88; Hemsher, C-\$30.36; Keller, D-\$20.00; Koch, V-\$58.48; Kunka, L-\$29.99; Marshall, G-\$21.11; Schwindt, L-\$20.00; Shine, J-\$29.62; Smith, D-\$30.36; Sumners, J-\$32.58; Touchstone, K-\$22.22; Wolf, K-\$105.10; Weise, M-\$301.20;

**ADJOURN:** 12:34 p.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

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Date Approved

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Robert E. Ewing, Chair

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 15, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 15, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Thompson-Johnson) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Douglas) to approve the minutes of September 1, 2009 meeting. Motion Carried.

### **PERSONNEL:**

**AUDITOR:** Moved-Seconded (Douglas-Weisenberg) to allow employees to donate leave to Robin Millard. Motion Carried.

**EXTENSION:** Moved-Seconded (Johnson-Weisenberg) to approve the hiring of Molly Frawley and Amanda Nelson as a part time fill-in position, accounting clerk G1 at the base rate of \$11.89 an hour, effective 9-11-2009. Motion Carried. Thompson recommended combining the extension office with Butte County in a cost saving measure. The Board will research further.

**AG MINIMUM ACREAGE REQUIREMENT:** Moved-Seconded (Weisenberg-Johnson) to set the minimum acreage requirements for AG land classification at 41 acres. Motion Carried. Aye-Johnson, Weisenberg, Thompson and Ewing. Nay-Douglas.

**SANFORD LAB UPDATE:** John Sheetz, Environmental Manager, presented the Sanford Lab update.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Johnson) to accept the following report from the Auditor. Motion Carried. Auditor's Account with the County Treasurer as of August 31, 2009 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) \$32,370.29; Total amount of cash in transit in Treasurer's possession (cash deposit in transit) \$2,086.59; Petty Cash \$1,860.00; Total amount of deposits in bank include: CD's \$5,200,000 Bank Balance \$1,330,086.32 Money Market \$525,092.05 Savings \$3,278,745.13. Total \$10,371,490.38.

**RESOLUTION #09-22 SECTION 125 CHIPRA AMENDMENT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Resolution #09-22. Motion Carried.

**RESOLUTION #09-22 SECTION 125 CHIPRA AMENDMENT:** The undersigned, being all of the members of the Board of County Commissioners of Lawrence County, hereby adopt the following Resolution by unanimous consent and direct that this Consent Resolution be entered in the minute books of the Employer. WHEREAS, the Employer previously adopted a Code Section 125 plan, referred to as the Flexible Benefits Plan (The "Plan"); WHEREAS, effective April 1, 2009, the Children's Health Insurance Program Reauthorization Act of 2009 (the "Act") permits a Plan to allow special enrollment for eligible but not enrolled employees or dependent child who either (1) lose coverage under a Medicaid or a State Children's Health Insurance Plan (SCHIP) under titles XIX and XXI of the Social Security Act, respectively, or (2) become eligible for group health plan premium assistance under Medicaid or SCHIP ("Special Enrollment Right"); and WHEREAS, effective September 15, 2009 the Employer desires to amend the Plan as set forth in the attached Summary of Material of Modifications to allow for a Special Enrollment Right that is consistent with the requirements set forth in the Act; and NOW, THEREFORE, BE IT RESOLVED

that the Board of County Commissioners has hereby reviewed the attached Summary of Material Modifications and does hereby approve the adoption of the Special Enrollment Right as set forth therein; BE IT FURTHER RESOLVED that the officers of the Employer are authorized and directed to take any and all action as may be necessary to effectuate this Resolution. Dated this 15<sup>th</sup> Day of September, 2009: For The Board Of County Commissioners, BOB EWING, Chairperson  
ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**ABATEMENT / ADVENTURE ESTATES LLC:** Moved-Seconded (Johnson-Thompson) to approve the abatement on parcel #26582-01356-000-00 for Adventure Estates LLC because the house was assessed on the wrong parcel. Motion Carried.

**ADD-ON / ADVENTURE ESTATES LLC:** Moved-Seconded (Johnson-Thompson) to approve the add-on on parcel #26582-01366-180-00 for Adventure Estates LLC because the house was assessed on the wrong parcel. Motion Carried.

**HIGHWAY BUSINESS:**

**FUEL QUOTES:**

The following fuel quotes were submitted as of September 1, 2009: Deadwood Diesel 5000 Gallons: (prices per gallon) Cenex Oil Co. 2.198, Southside Oil - \$2.10\*; (\*represents lowest quote). Unleaded 5400 Gallons: (prices per gallon) Cenex Oil Co. \$2.21\*; Southside Oil - \$2.28; (\*represents lowest quote). Spearfish Diesel 3000 Gallons: (prices per gallon) Cenex Oil Co. 2.198\*, Southside Oil – no bid; (\*represents lowest quote). Unleaded 1000 Gallons: (prices per gallon) Cenex Oil Co. \$2.21\*; Southside Oil - no bid; (\*represents lowest quote). Whitewood Diesel 500 Gallons: (prices per gallon) Cenex Oil Co. 2.198\*, Southside Oil – no bid; (\*represents lowest quote).

**PERMIT TO OCCUPY HIGHWAY RIGHT-OF-WAY:**

**QWEST:** Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Chairman to sign the permit to occupy county highway right-of-way with Qwest located S. of US Hwy 14, T6N, R2E, Sect. 4 to Mountain View Alignment. Motion Carried.

**CAFO TASK FORCE:** Moved-Seconded (Douglas-Thompson) to appoint Bob Ewing, Bruce Outka, Amber Vogt, Rick Tysdal, Paul Baker, Richard Sleep, Doug Lindgren, Ron Niesent, and Tom Quinn to serve on the CAFO Task Force. The first meeting will be held in October.

**CHANGE OF ZONING #287 / UNION RESORTS:** Second Reading was held on Change of Zoning #287 / Union Resorts LLC, Owner/Representative: Kevin Klaprodt, Legal Description: Mystic Miner Tract in Sections 11, 13, 14 & 24, T4N, R2E, and Section 18, T4N, R3E (Legal Shortened), Location: Deer Mountain, Purpose: Planned Unit Development and Master Plan of Mystic Miners Subdivision, Zoning: PF, RC, SRD. Klaprodt stated they have been visiting with the Deer Mountain Road District using Birch Road but he stated that another access would be off of the Terry Peak Summit Road. Douglas questioned the road access and asked what the plan is to improve the water issues. Klaprodt stated phase one includes significant improvements to the water source and improves as the project is completed. Moved-Seconded (Weisenberg-Thompson) to follow Planning and Zoning recommendation and approve Change of Zoning #287 for Union Resorts LLC. Motion Carried.

**ORDINANCE 09-06 - COZ #287 UNION RESORTS/MYSTIC MINERS SUBDIVISION**

**DEVELOPMENT:** Second Reading was held on ORDINANCE 09-06 - COZ #287 Union Resorts/Mystic Miners Subdivision Development Agreement Ordinance and Text Addition to PUD Zoning Districts, Legal Description: Mystic Miner Tract in Sections 11,13, 14 & 24, T4N, R2E, and Section 18, T4N, R3E (Legal Shortened), Location: Deer Mountain, Purpose: Planned Unit Development COZ Development Agreement, Zoning: PF, RC, SRD. The Board reviewed the proposed Ordinance and discussion followed on the impact to the existing Road District. Moved-Seconded (Johnson-Weisenberg) to follow Planning and Zoning recommendation and approve

Ordinance #09-06 Union Resorts LLC / Mystic Miners Subdivision, contingent upon the proper final procedure completion of Change of Zoning#287. Motion Carried.

**CHANGE OF ZONING #288 / DARRELL & LOIS VIG:** Second Reading was held on COZ #288-from PF and RC to SRD, Owner/Representative: Darrell and Lois Vig, Legal Description: Tract C-1 Revised, Unplatted pt of Big Foot, Black Thunder and Crow Dog Lodes, and a .5 acre portion of Tract 4A, all in MS 1158 (Descriptions shortened-Not legal), Location: Deer Mountain, Purpose: Subdivide, Zoning: PF & RC. Moved-Seconded (Douglas-Ewing) to approve Change of Zoning #288 for Darrell and Lois Vig. Motion Carried.

**ORDINANCE #09-04:** Second Reading was held on Ordinance #09-04 Lawrence County Zoning Ordinance Book changes, format changes, and re-adoption. Vogt reviewed the changes to the ordinance. Moved-Seconded (Weisenberg-Ewing) to follow Planning and Zoning recommendation and approve Ordinance #09-04 Lawrence County Zoning Ordinance as on file in the Planning and Zoning Office. Motion Carried.

**CUP#255-09 SPIRIT OF THE HILLS WILDLIFE SANCTUARY:** A public hearing was held on an application to Amend Conditional Use Permit #255-09 to add a domestic animal shelter for Spirit of the Hills Wildlife Sanctuary located on Tinton Road. Johanna and Guido DellaVecchia spoke on behalf of the Spirit of the Hills Wildlife Sanctuary. Tom Dally spoke in support of the amendment and the education opportunities. Michael Welchynski spoke in support and thanked the Board for their support. Lester Nies, Attorney for the Sanctuary was present and discussed the proposed Amendment for a domestic animal shelter. The active barking dogs would be in an enclosed facility. J.D. Bell neighboring landowner provided history on his property. J.D. Bell stated a year ago a committee was formed to look at the sanctuary and he was told to turn on the TV and take sleeping pills so he can sleep. Bell stated he is no longer able to enjoy his property.

The public hearing was closed. Discussion followed by the Board on barking dogs. Johnson questioned if domestic dogs should or shouldn't be part of the sanctuary. Ewing stated he felt the Sanctuary is for animals not native to the area and should not be for other Counties and entities to bring their unwanted domestic animals. Douglas stated taking a dog from an individual is different than allowing the humane society to bring their unwanted animals. Johnson questioned the building planned for the dogs, the time frame to build, funds it would take to complete the building, and what the plan is for the interim time. The Sanctuary stated they are actively managing the dogs to alleviate some of the problems. Johnson questioned if the number of dogs allowed be adjusted until the facility is built. Nies offered an amendment to the condition that the barking dogs be housed at the DellaVecchia's personal residence in the interim time. Dally stated they would like to receive a partial building permit to build the underground portion of the facility by winter.

Moved-Seconded (Douglas-Johnson) to approve the Amendment to Conditional Use Permit #255-09 to add a domestic animal shelter for Spirit of the Hills Wildlife Sanctuary with the added condition that problem animals shall be removed until such time the facility as proposed in phase 1 Development Plan #09-03 is completed. Aye: Douglas, Weisenberg, and Johnson. Nay: Ewing and Thompson.

**DEVELOPMENT PLAN #09-03 SPIRIT OF THE HILLS WILDLIFE SANCTUARY:** A public hearing was held on an application for Development Plan #09-03 for Spirit of the Hills Wildlife Sanctuary, located on Tinton Road. Joe Harmon, Chief Deputy Sheriff, was present to discuss concerns on the evacuation plan. Michael Welchynski spoke on the evacuation plan and stated when he talked to Joe Lowe, State Fire, when the people are evacuated from the facility the State would take over control of the animals and they would ask for assistance from the Sheriff's Office if the necessity called for putting down any animals. Dr. Ellsom would be a contact person and the Board discussed adding a section explaining the authority of the Sheriff's Office in an emergency situation. Tom Dally reviewed the education plans for the facility. Connie White stated the Children need the Sanctuary and education possibilities are endless. Patty Bellamy, BHSU, spoke in support of the Sanctuary and how they utilize opportunities at the Sanctuary. The public hearing was closed. Weisenberg questioned the weed and invasive species issues. Vogt stated Lawrence County Invasive Species Management will put the Sanctuary under enforcement if it would become a problem. Douglas expressed concerns on the Fire Plan for the Sanctuary and stated

it should be part of the Development Plan. Discussion and changes were made to the proposed development plan.

Moved-Seconded (Weisenberg-Johnson) to approve the Development Plan #09-03 Spirit of the Hills Wildlife Sanctuary with the following conditions as on file in the Planning and Zoning Office. Motion Carried. Development Plan 09-03 Spirit of the Hills Wildlife Sanctuary conditions: 1.) Problem animals (e.g. barking dogs) shall be removed from the property until such time the facility proposed in phase 1 of Development Plan 09-03 is completed to the satisfaction of the Commission. 2.) A Fire Plan written by a Wildfire Hazard Assessment Contractor shall be completed and implemented. 3.) A weed plan by the Lawrence County Invasive Species Department shall be completed and implemented. 4.) Williams and Associates shall review and approve the facility plans. 5.) The proposed facility shall be built of fire resistant materials. 6.) Phase 1, which contains the underground dog kennels and the foundation of the proposed facility, shall be permitted to obtain a building permit by Lawrence County Planning and Zoning, but no other permits shall be issued until such time the fire plan and weed plans as mentioned above have been completed and implemented. 7.) Under the existing emergency/evacuation plan the Lawrence County Commission Chair shall be notified of an emergency situation.

**CITY OF STURGIS 3-MILE PLATTING JURISDICTION:** Amber Vogt updated the Board on the City of Sturgis 3-Mile Platting Jurisdiction meetings. Vogt reviewed a map showing Lawrence County's proposed area that Sturgis would have platting jurisdiction and the proposed agreement between the agencies. The agreement allows a citizen of Lawrence County to sit on the Sturgis Planning Board so representation from Lawrence County is present. She also explained the process that would be followed for areas requesting changes in the affected areas. Vogt stated Sturgis has not seen the proposal at this time. Ewing expressed his dislike of Sturgis coming into Lawrence County in the manner they did.

Moved-Seconded (Weisenberg-Thompson) To approve the proposed agreement and present the proposal to the City of Sturgis. Motion Carried. Aye: Douglas, Johnson, Weisenberg and Thompson. Nay: Ewing.

**ANNUAL 911 SURCHARGE / ADMINISTRATIVE RULES:** Tom Sandvick, E911 Coordinator was present to discuss the Annual 911 Surcharge. Moved-Seconded (Douglas-Ewing) to set the Annual 911 Surcharge at \$.75. Motion Carried.

Sandvick reviewed the Administrative Rules established by the SD 911 Coordination Board established in SDCL 34-45-18. Sandvick reviewed standards that Lawrence County was not in compliance with at this time. Discussion followed on the staffing of the PSAP centers and consolidation of Deadwood and Spearfish centers. If the County does not come into compliance grant funds would not be available in the future for dispatching services. Moved-Seconded (Weisenberg-Douglas) to send a letter to the SD911 Coordination Board opposing the requirement of two dispatchers on duty at all times, and recommending that they take into consideration if you have two call centers in your County. Motion Carried.

**PRELIMINARY & FINAL PLAT / HOMESTAKE MINING COMPANY:** Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Preliminary Plat for Homestake Mining Company, Lots KR1, KR2, KR3 & KR4 from multiple Lodes, in Section 4, T4N, R3E., Location: Kirk Road, Purpose: Plat road right-of-way, Zoning: I-1 and PF. Motion Carried. Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Final Plat for Homestake Mining Company, Lots KR1, KR2, KR3 & KR4 from multiple Lodes, in Section 4, T4N, R3E., Location: Kirk Road, Purpose: Plat road right-of-way, Zoning: I-1 and PF. Motion Carried.

**TREASURER TRUST AGREEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Treasurer Trust Agreement with Herb and Jesse Fandrich for delinquent property taxes. Motion Carried.



**TITLE III FUNDS:** Moved-Seconded (Douglas-Johnson) to authorize and advertise for a 45-day comment period to spend \$164,000 of Title III funds for the purchase of a Tucker Snow Cat and \$5,000 to Project Learning Tree. Motion Carried.

**GREENVIEW ACRES BOND RELEASE:** Moved-Seconded (Johnson-Thompson) to approve and authorize the release of the Greenview Acres Bond Release. Motion Carried.

**USFS TELEGRAPH PROJECT APPEAL:** Bill Coburn and Bruce Outka updated the Board on the Appeal of the USFS Telegraph Project and the discussions held at the informal resolution meeting with the Northern Hills Ranger District. The Commission decided to go forward with the appeal to \*Revise the sanitation harvest provisions to allow for treatment of 5,000 acres. \*Evaluate adding roads and treatments where road construction would result in maximizing treatments and minimizing road costs. \*Review and revise (if needed to ensure accuracy) the analysis of the effects of prescribed fire and insect reduction. Moved-Seconded (Johnson-Douglas) to authorize Bill Coburn and Bruce Outka to draft a letter for the Chairman's signature in regards to negotiating with the Forest Service.

**STEAMBOAT PROJECT:** Moved-Seconded (Johnson-Douglas) to make a formal request for cooperating agency status for the Steamboat Project. Motion Carried.

**BILLS:** Moved-Seconded (Thompson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,281.30; Aud-\$7,278.66; Treas-\$9,799.58; Comp-\$7,326.36; Stares Atty-\$12,191.87; Pub Def-\$9,378.65; Gen Govt Bldg-\$7,353.97; Equal-\$13,736.63; Rod-\$6,655.14; Vso-\$1,140.93; Disp-\$12,216.76; Sher-\$32,532.99; Jail-\$19,410.75; Emerg Mgnt-\$3,465.49; E911-\$1,589.00; Highway-\$35,989.58; Air-\$961.80; Ext-\$1,259.48; Weed-\$2,122.75; Pz-\$4,175.97;

**Bills:** Bertch,Alyce-\$22.20; Frerichs,Amy-\$11.10; Mowell,Richard-\$9,336.00; Rombough,Debra-\$151.70; A&B Business Equip-\$1,882.17; A&B Welding Supply-\$17.36; A-Z Shredding-\$39.50; Abc Business Supply-\$71.22; Accurint Account-\$75.00; Amcon Distributing-\$334.84; Anderson Oil Co-\$75.31; BH Chemical Company-\$2,516.76; BH Federal Credit Union-\$9,245.00; BH Land Analysis-\$1,102.50; BH Pest Control-\$95.00; BH Pioneer-\$741.46; BH Power-\$472.65; BH Windshield Repair-\$250.00; Best Business Prod-\$20.80; Binder,Tracy-\$319.80; Black Hills Pure-\$5.75; Black Hills Urology-\$915.59; Bob Barker Company-\$190.99; Brende Schroeder Meadors-\$1,004.50; Butler Machinery Co-\$1,311.71; Butte Electric Coop-\$164.14; Carol Butzman Consluting-\$931.27; Central Parts-\$1,783.71; Century Business Products-\$304.67; Christensen Law Office-\$595.95; Dakota Supply Group-\$597.96; Deadwood Home Center-\$29.73; Deadwood, City Of-\$100.00; Dept Of The Treasury-\$42,558.96; Diamond Mowers-\$49.45; Dietrich,Donna-\$137.56; Eagle Aviation-\$264.00; Ekeren,Marv-\$15.00; Extension Service-\$326.73; Farmers Union Oil-\$21,819.32; Fastenal-\$266.42; First Western Bank-\$469.88; Fish, Veronica-\$30.60; Fisher Sand & Gravel-\$46,396.00; Fleet Services-\$1,052.20; Fsh Communications-\$60.00; Galls,An Aramark Company-\$1,441.72; Gene's Lock Shop-\$280.25; Govconnection-\$187.00; Great Western Tire-\$48.15; H&S Sand & Gravel-\$1,773.46; Hamann,Chris-\$135.00; Havemeier,Leslie-\$37.40; Highway Improvement-\$36,531.18; Hills Material Comp-\$5,903.78; Hills Products Group-\$771.12; Hillside Disposal Service-\$75.00; Holiday Inn City Centre-\$46.50; Hosmer, David M Law Office-\$116.18; Huron Culvert & Tank Co-\$19,926.04; J Grubl Excavating-\$6,665.45; Jacobs Precision Welding-\$403.34; Johnson, Rodenbrug & Lauinger-\$75.00; Kelly Inn And Suites-\$93.00; Kimball-Midwest Co-\$199.73; Knecht True Value-\$10.29; Knology-\$430.64; LC Sheriff-\$324.23; Law Office Of Jodie English-\$600.00; Lead Volunteer Fire Dept-\$49.97; Lead,City Of-\$39.92; Lead-Deadwood Regional-\$131.41; Lead-Deadwood Sanitary-\$362.52; Lee,James-\$15.00; Lewis & Clark Bhs-\$142.00; Lexisnexis Matthew Bender-\$268.17; M&M Sanitation-\$325.00; Mearthur, Janet-\$45.00; Mcclure,Susan-\$180.00; Mcpherson Propane-69.00; Meade County Sheriff-\$10.80; Miller,Steve-\$1,505.31; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$1,494.06; Nebraska Salt & Grain-\$14,406.92; Nelson,Christy-\$135.00; Nelson,Tonya-\$585.00; Neve's Uniforms-\$41.95; Novus-\$216.00; Office Of Child Support-\$195.69; P.I.E-\$682.24; Palace Express-\$53.00; Pennington Co Auditor-\$375.00; Pennington Co Jail-\$1,141.40; Performance One-\$55.00; Perkins County Sher Office-\$49.56; Pheasantland Industries-\$1,140.75; Phoenix

Investigations-\$1,114.88; Quill-\$225.46; Qwest-\$1,305.60; RC Regional Hospital-\$5,971.67; RC Regional Hospital Pharmacy-\$10.00; Rabe Elevator-\$725.51; Radio Shack/Kazco-\$59.98; Regional Health-\$1,400.00; Rehfuss,Cathryn-\$15.00; Reindl,Staci-\$2,241.51; Rocket Lube-\$192.69; Rushmore Communications-\$95.00; Ryken,Ron-\$133.00; SD Dept Of Transportation-\$22,289.61; SD Public Assur Alliance-\$539.00; SD State Treasurer-\$1,750.48; Sand Creek Printing-\$225.00; Sdrs Supplemental Retirement-\$1,169.00; Seward & Odenbach-\$1,243.81; Sign Express-\$17.45; Slowey,Yavonne-\$75.00; Southside Oil-\$10,497.90; Spearfish Auto Supply-\$525.92; Tellinghuisen & Gordon-\$1,548.95; Thompson Publishing Group-\$438.50; Tigerdirect-\$888.10; Twin City Hardware & Lumber-\$102.05; US Identification Manual-\$82.50; Crop Production Services-\$6,639.20; Waste Connections-\$503.30; Watertree-\$57.00; Wells Fargo Business Card-\$586.20; West Group-\$842.00; Western Communication-\$905.80; Wheeler Lumber-\$162.50; Xerox Corporation-\$122.84; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Erk,M-\$34.80; Forget,E-\$31.10; Nygarrd,C-\$23.70

**ADJOURN:** 12:43 p.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

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Date Approved

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Robert E. Ewing, Chair

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 13 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 13, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Tommy Thompson and Terry W. Weisenberg present. Daryl Johnson was absent.

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

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of September 15, 2009 meeting. Motion Carried.

**TITLE III FUNDS:** The Board discussed the on-going need for a Tucker Snow Cat for Search Rescue as the project has been on hold for a few years.

**VGR - LIEN REDUCTION REQUEST:** Moved-Seconded (Weisenberg-Thompson) to deny the request from VGR for a lien reduction request. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Douglas-Weisenberg) to accept the following report from the Auditor. Motion Carried. Auditor's Account with the County Treasurer as of September 30, 2009 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) \$55,277.09; Total amount of cash in transit in Treasurer's possession (cash deposit in transit) \$3,931.01; Petty Cash \$1,860.00; Total amount of deposits in bank include: CD's \$5,200,000 Bank Balance \$1,177,145.25 Money Market \$525,381.93 Savings \$3,280,159.12. Total \$10,245,004.40.

**GENERAL FUND SURPLUS ANALYSIS:** The General Fund Surplus Analysis for Lawrence County as of September 30, 2009 is \$1,333,147.23 or 9.92%.

**AUTOMATIC SUPPLEMENTS:**

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve the automatic supplement for the Sheriff Computer Supplies - \$14,267.85 and Sheriff Salaries - \$4,800.97 for state shared and grant funds received. Motion Carried.

**EMERGENCY MANAGEMENT FUND:** Moved-Seconded (Weisenberg-Thompson) to approve the automatic supplement for Emergency Management Grants - \$15,250.00 for grant funds received. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve the automatic supplement for Invasive Species Management Chemicals - \$70,000.00 for reimbursement received from State Shared Revenue. Motion Carried.

**ESS AGREEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Hardware Firmware Maintenance and Support Sales Agreement Purchase Order with Elections Systems and Software. Motion Carried.

**CONSOLIDATED BOARD OF EQUALIZATION:** Moved-Seconded (Thompson-Douglas) to not consolidate the Board of Equalization for 2009 taxes payable in 2010. Motion Carried.

**SHERIFF GRANT AGREEMENT:** Moved-Seconded (Douglas-Thompson) to allow the Sheriff's Office to apply for the Department of Transportation - Highway Safety Project Grant; and authorize the Chairman to sign the application upon review of Bruce Outka, County Attorney. Motion Carried.

**AIRPORT TAXIWAY FUNDING AGREEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Airport Taxiway Funding Agreement 3-46-0065-15-2009. Motion Carried.

**AIRPORT:** Moved-Seconded (Weisenberg-Thompson) to release the performance bond for Hills Material and Foothills Contracting and to apply the \$15,000 penalty to Jacobson Electric for dereliction of duties. Motion Carried.

**VACATION OF A PORTION THIRD AVENUE:** A public hearing was held on a petition for vacation of Third Avenue lying between lots 5, 6, 7, 8 of block 3 and lots 1 and 2 of block 2, beginning at the east side of Second Street (Arapahoe Place Rd) and ending at the northwest side of Elk Creek Road in the plat of Annuet Coeptis (East), subdivision of the Easterly Portion of the M.S. 1135, Lawrence County, South Dakota. AFFECTING THE LANDOWNERS LISTED BELOW: Bill Williamson, Jeff Mitchell, & Chris Heisinger. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Lawrence County Resolution #09-23. Motion Carried. LAWRENCE COUNTY RESOLUTION #09-23 RESOLUTION & ORDER TO VACATE A PORTION OF A HIGHWAY 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 highway 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 Avenue 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 Avenue be vacated: LEGAL DESCRIPTION FOR THE VACATION: The portion of Third Avenue lying between lots 5, 6, 7, 8 of block 3 and lots 1 and 2 of block 2, beginning at the east side of Second Street (Arapahoe Place Rd) and ending at the northwest side of Elk Creek Road in the plat of Annuet Coeptis (East), subdivision of the Easterly Portion of the M.S. 1135, Lawrence County, South Dakota. AFFECTING THE LANDOWNERS LISTED BELOW: Bill Williamson, Jeff Mitchell, & Chris Heisinger. Dated this 13<sup>th</sup> day of October, 2009. ROBERT EWING, CHAIRMAN. Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

**PLANNING & ZONING:** Amber Vogt, Planning and Zoning Director, updated the Board on Planning and Zoning issues.

**SHOOTING RANGE / BEAR RIDGE ROAD:** Michael Berg and George McClurg were present to discuss a Cowboy Action Club on Bear Ridge Road. Berg explained how the shooting pods would be arranged on the range. This is would be a non-profit club. McClurg discussed the safety issues and statistics and insurance coverage. Discussion followed on a conditional use permit and the Board was in agreement that a permit would be required.

**DENR MEETING / CAFO PERMITS:** Amber Vogt and Connie Douglas discussed the DENR Meeting on the CAFO Permits. Future meetings may be arranged with the Board of Commissioners.

**RECOVERY ZONE FACILITY BONDS / SPEARFISH SCHOOL DISTRICT:** Toby Morris, Northland Securities Inc., was present to discuss the Recovery Zone Facility Bonds. Craig Crosswait and Dave Peters were also present for discussion. Morris stated he has had discussions with the City of Spearfish and Lead/Deadwood School District and they currently don't have any future projects needing bonds. Douglas suggested they request in writing from all other entities, within the County, if they are interested in the Recovery Zone Facility Bonds before the Board makes any allocation.

**FEMA FLOOD PLAIN MAPS:** Vogt updated the Board on the FEMA Flood Plain Maps process, the 90 day appeal process started on October 7, 2009. The majority of the changes, within the County, are located in the Higgins Gulch Area.

**LEAD COUNTRY CLUB RAFFLE:** Mike Chaput was present to request permission to have a raffle for the Lead Country Club. They would like to raffle off one of the lots with 1,250 tickets sold at \$100 a piece. The proceeds would be used for improvements at the Country Club. Moved-Seconded (Weisenberg-Douglas) to approve the Lead County Club Raffle upon the approval and filing of the final plat. Motion Carried. Douglas suggested that the lot be appraised so the winner of the lottery is aware of their tax responsibility.

**SUPPLEMENTAL BUDGET / CORONER:** Gary Gould, Coroner, was present to request a supplemental budget request for 2009 for \$7,500. Moved-Seconded (Douglas-Ewing) to set a supplemental budget hearing for October 27, 2009 at 8:25 a.m. for the public hearing. Motion Carried.

**ITEMS FROM COMMISSIONERS:**

**SPEARFISH ECONOMIC DEVELOPMENT:** Douglas discussed a letter received from Spearfish Economic Development and the importance of Black Hills Vision to the area. Douglas asked that Weisenberg start attending the meetings as she only has one year left. Weisenberg is the alternate to the appointment.

**FOREST SERVICE PROJECT:** The Board discussed the need for improved communication with the Forest Service.

**EXTENSION SERVICE:** Thompson stated he has discussed combining Extension Services with Butte County and they were receptive to the idea.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,381.30; Aud-\$7,333.70; Treas-\$9,799.58; Comp-\$7,326.36; States Atty-\$12,195.07; Pub Def-\$9,378.65; Gen Govt Bldg-\$7,332.84; Equal-\$13,966.87; Rod-\$6,655.14; Vso-\$1,140.93; Disp-\$11,094.22; Sher-\$32,863.90; Jail-\$21,099.70; Emerg Mgnt-\$3,465.49; E911-\$1,598.00; Highway-\$35,945.16; Air-\$1,121.80; M Hlth-\$410.00; Ext-\$1,684.26; Weed-\$2,244.67; Pz-\$4,168.03; **Bills:** Barrett,Marlene-\$57.00; Bertch,Alyce-\$11.10; Boyer,Jerry-\$35.00; Ewing,Robert-\$360.40; Frerichs,Amy-\$257.50; Heck,David-\$35.00; Hodson,Timothy-\$31.00; Larson,Rene'-\$383.83; Locken,William-\$244.52; Mowell,Richard-\$9,756.00; Piekola,Darlene-\$146.00; Rombough,Debra-\$466.78; Schroeder,Jeffery-\$151.60; Symonds,Carmen-\$57.00; Thompson,Thomas-\$57.00; Thomson,Paul-\$66.00; Tridle,Debora-\$57.00; Mcgruder,Randall-\$26.91; Alltel-\$676.47; Arapahoe County Sheriff Dept-\$39.00; At&T-\$11.64; BH Federal Credit Union-\$18,490.00; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,554.80; Dept Of The Treasury-\$93,521.78; Hartford-Priority Accounts-\$1,489.35; Johnson, Rodenbrug & Lauinger-\$75.00; Knology-\$270.51; Medica-\$63,734.49; NH Family Ymca-\$385.00; Office Of Child Support-\$195.69; Pitney Bowes-\$1,197.00; Powerplan-\$50.77; SD Retirement System-\$50,856.63; Sdrs Supplemental Retirement-\$1,169.00; Victims Of Violence-\$1,850.00; Walmart Store-\$207.57; A&B Business Equip-\$766.49; A&B Welding Supply-\$17.36; A&I Distributors-\$1,388.27; A&J Supply-\$22.00; Abc Business Supply-\$3,356.38; Active Data Systems-\$588.98; Alco Store-\$139.03; Aldinger Funeral Home-\$1,370.00; Aldinger,Kendall-\$66.00; Amcon Distributing-\$388.20; American Family Life-\$3,213.91; Anderson Oil Co-\$60.98; BH Chemical Company-\$2,284.27; BH Land Analysis-\$607.50; BH Pest Control-\$95.00; BH Pioneer-\$885.99; BH Power-\$8,666.82; Baseco-\$1,001.20; Best Business Prod-\$20.80; Best Western Of Huron-\$267.00; Best Western Ramkota Inn-\$95.99; Biegler,Greg-\$180.00; Bierschbach Equip & Supply-\$1,550.00; Binder,Tracy-\$17.00; Black Hills Auto Parts-\$21.58; Black Hills Neurology-\$68.00; Black Hills Pure-\$11.50; Bob Barker Company-\$84.99; Brady Pluimer-\$1,557.73; Bureau Of Personnel Train Dept-\$324.00; Butte Electric Coop-\$384.60; Carol Butzman Consluting-\$583.52; Cdw Government-\$109.87; Central Parts-\$980.75; Central

Restaurant Products-\$206.56; Century Business Products-\$682.76; Chemical Sanitizing Sys-\$105.68; Chris Supply Co-\$75.57; Christensen Law Office-\$635.95; City/County Alcohol & Drug-\$3,245.00; Clinical Lab Of BH-\$3,464.62; Cody,Denise-\$15.00; Conoco-\$25.26; Cooperative Extension Service-\$142.24; Correctional Billing-\$25.88; Crawford Supply Company-\$347.74; Crowder,Constable Jerry-\$50.00; Csd-\$277.50; D Ware-\$160.00; Dale's Tire & Retread-\$80.00; Datec-\$184.90; Deadwood Home Center-\$37.59; Deadwood Thymes Cafe & Bistro-\$81.00; Deadwood, City Of-\$1,134.14; Dietrich,Donna-\$96.06; Division Of Motor Veh-\$14.00; Eddie's Truck Sales/Serv-\$103.76; Ekeren,Marv-\$15.00; Ellingson,Joseph-\$1,861.89; Extension Service-\$375.34; Fastenal-\$51.60; Federal Express Corp-\$14.66; Firehouse-\$49.95; First Western Bank-\$155.68; Fish,Veronica-\$1,839.22; Fisher Sand & Gravel-\$42,310.96; Frederickson,John-\$155.80; Fsh Communications-\$60.00; Galls, An Aramark Company-\$105.96; Gene's Lock Shop-\$311.79; Great Plains-\$140.00; Great Western Tire-\$15.00; Grosfield Electric Co-\$112.20; Guadalajara-\$189.17; Hamann,Chris-\$135.00; Havemeier,Leslie-\$229.40; Hawki,Ken-\$66.00; Heartland Paper Co-\$1,472.71; Heisler Hardware-\$72.36; Hewlett-Packard Company-\$2,696.00; Hills Material Comp-\$40,760.83; Holiday Inn City Centre Sf-\$46.50; Huhnerkoch,Chris-\$180.19; Iga-\$4.38; Integrity Ford-\$209.62; Int'l Security Products-\$383.50; J Grubl Excavating-\$27,491.76; Jacobs Precision Welding-\$258.15; Janke,Wendy-\$585.00; Johnson,Daryl-\$57.00; Johnson, Rodenbrug & Lauinger-\$75.00; Jonathan Publishing-\$40.00; Juneks' Chrysler/Dodge-\$903.82; Kadrmas, Lee And Jackson-\$21,710.04; Keefe Supply Company-\$367.68; Kimbell's Auto Repair-\$1,037.00; Knecht True Value-\$104.88; Knology-\$1,714.89; Kosel,Joseph-\$4,166.67; LC Auditor-\$29.00; LC Conservation Dist-\$5,000.00; LC Journal-\$730.67; LC Sheriff-\$254.84; Lead Volunteer Fire Dept-\$262.56; Lead, City Of-\$50.52; Lead-Deadwood Regional-\$222.65; Lead-Deadwood Regional Hospital-\$315.00; Lead-Deadwood Sanitary-\$417.60; Lee,James-\$15.00; Lenan Corporation-\$5,338.32; Lueders-\$22.82; Lutheran Social Services-\$186.76; Lyle Signs-\$1,642.99; Macks Auto Body-\$4,647.80; Mcclure,Susan-\$90.00; Mcgrath,Michelle-\$279.00; Mcleod's Office Supply-\$267.83; Meade County Sheriff-\$54.00; Menards-\$3,855.87; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$1,666.79; Morman Law Firm \$107.30; Moss,William Psy-\$780.00; ND State University-\$110.10; Neve's Uniforms-\$19.85; New World Systems-\$33,867.00; Office Depot-\$558.96; Office Of Child Support-\$195.69; Office Technology/Supply-\$407.40; Pearman,Amy-\$45.00; Pennington Co Auditor-\$81.00;Pennington Co Jail-\$1,016.10; Pennington County Sts Attny-\$600.00; Pollard,Jerry-\$41.00; Postmaster, Spearfish-\$300.00; Pronto Auto Supply-\$16.44; Quik Signs-\$227.10; Qwest-\$343.60; RC Finance Office-\$3,745.00; RC Medical Center-\$721.50; RC Regional Hospital-\$2,170.52; Rabe Elevator-\$725.51; Radio Shack/Kazco-\$916.93; Radiology Associates-\$23.06; Rapid Delivery-\$30.80; Regional Behavioral Health-\$440.43; Reindl,Staci-\$3,482.18; Reliable-\$25.75; Reliance Telephone-\$20,045.00; Reserve Account-\$6,500.00; Richard Leir,Msw,Csw/Pip-\$850.00; Rocket Lube-\$158.20; Rocky Mountain Instrumental-\$120.00; SD Cvso-\$50.00; SD State Treasurer-\$14,938.75; Safeway-\$11.97; Salzsieder,Milan-\$3,735.00; Sdaco-\$30.00; Sdsu Ces-\$180.00; Servall Towel&Linen-\$1,172.79; Seward & Odenbach-\$246.00; Sikich-\$3,000.00; Sorensen,Tylea-\$752.00; Spearfish Auto Supply-\$563.99; Spearfish City Of-\$347.71; Spearfish Police Dept-\$6,146.69; Stadler Ind Service-\$330.00; Stratford,William Md-\$7,032.27; Stretch's Glass & Mirror-\$135.20; Subway-\$31.92; Tellinghuisen & Gordon-\$1,339.65; The Mercantile-\$128.48; Thompson Publishing Group-\$428.50; Tigerdirect-\$858.82; Triple K Tire & Repair-\$75.92; Turbiville Industrial Electric-\$56.29; Twin City Hardware & Lumber-\$579.81; Verizon Wireless-\$96.07; Waste Connections-\$503.30; Watertree-\$44.00; Wells Fargo Business Card-\$3,496.45; West Group-\$704.00; West River International-\$450.75; Western Communication-\$2,413.30; Western Sd Juvenile Serv-\$14,800.00; White Drug-\$1,158.44; White's Queen City Motors-\$445.37; Williams Standard Serv-\$78.30; Xerox Corporation-\$160.74; Yankton Co Sheriff-\$25.00; Yankton County-\$207.50; **Witness & Jurors:** Bantam,E- \$61.10; Biza,T-\$61.84; Cordes,B-\$52.22; Fahrni,J-\$58.14; Ford,L-\$58.14; Frasier,D-\$64.80; Hafner,J-\$64.80; Kaiser,S-\$59.62; Loper,D-\$61.10; Miller,J-\$58.14; Oldenkamp,A-\$61.10; Page,T-\$68.50; Rabenberg,R-\$61.10; Richter,E-\$61.10; Schoon,R-\$61.84; Huck,M-\$31.10; Huck,R-\$20.00; Bald Eagle Bear,S-\$32.21; Baumgartner,N-\$20.00; Bertalot,C-\$27.40; Bock,M-\$51.45; Bridges,T-\$31.10; Colleran,P-\$20.00; Dietrich,E-\$20.00; Duckett,S-\$20.00; Forbis,D-\$22.22; Gifford,D-\$22.22; Hagman,S-\$31.10; Hardesty,J-\$29.62; Heidinger,D-\$20.00; Hicks,J-\$20.00; Maltaverne,N-\$20.00; O'dea,S-\$20.00; Story,I-\$20.00; Winney,B-\$20.00

**ADJOURN:** 10:40 a.m. there being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

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Date Approved

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Robert E. Ewing, Chair

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 27, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 27, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Thompson) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Douglas) to approve the minutes of October 13, 2009 meeting. Motion Carried.

**USGS AGREEMENT:** Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Joint Funding Agreement No. 10C4SD864800005 with the USGS for Crow Creek, Annie Creek and False Bottom record gauging stations. Motion Carried.

**EAGLE CREST ROAD DISTRICT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Order Declaring Area Incorporated and Subject to Vote Eagle Crest Road District. Motion Carried.

### *ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE*

*EAGLE CREST ROAD DISTRICT:* A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: Lots 40,41,42,43,45,46,47,48,49,51,52,53,54,55,56,57,58,59,61 and 70 of Eagle Crest and Gov't Lot 3, Gov't Lot 4 and the SE ¼ SW ¼ of Section 31, all located in T6N, 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 Eagle Crest Road District. DATED this 27<sup>th</sup> day of October 2009. Robert E. Ewing, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

**CHRISTMAS LUNCHEON:** Moved-Seconded (Douglas-Johnson) to allow the County Offices to close from 11:30 a.m. to 1:30 p.m. on December 8, 2008 for the Christmas Luncheon at the Roundhouse in Lead, SD, and to allow the Chairman to sign the Agreement. Motion Carried.

**HEALTH INSURANCE PREMIUMS:** Greg Dias was present representing the Insurance Committee and reviewed the various premiums. The Insurance Committee recommended the County stay with Medica for 2010 with a \$1,500/3,000 deductible. The Board discussed a \$500/\$1,000 deductible versus a \$1500/\$3,000 deductible. Douglas recommended the county pay 65% of the premium to help with the transition in deductibles. Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of the Insurance Committee and renew with Medica Insurance, with a \$1,500/\$3,000 deductible for 2010. Motion Carried. Moved-Seconded (Douglas-Weisenberg) The County will pay 65% of the health insurance premiums for 2010 as this is still within the 2010 budget. Motion Carried.

**CANCELED CHECK RESOLUTION #2009-24:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Resolution #2009-24. Motion Carried. Aye-Douglas, Weisenberg, Thompson and Ewing. Nay-Johnson. LAWRENCE COUNTY RESOLUTION # 2009-24 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 one (1) year of the date upon which the check was issued, and WHEREAS, there are thirty three (11) checks totaling \$183.83 that are outstanding, 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 and turn over to the State Treasurer. DATED this 27th day of October 2009. FOR THE BOARD: Robert Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor

**SUPPLEMENTAL BUDGET / COMPUTER:** Moved-Seconded (Weisenberg-Johnson) to set a supplemental budget hearing for November 10, 2009 at 8:45 a.m. for the Computer Department \$30,700: Salary \$16,500, Retirement - \$1,200 and Group Ins - \$13,000. Motion Carried.

**FUEL QUOTES:**

The following fuel quotes were submitted as of October 13, 2009: Deadwood Diesel 5000 Gallons: (prices per gallon) Cenex Oil Co. 2.126, Southside Oil - \$2.12\*; (\*represents lowest quote). Unleaded 4000 Gallons: (prices per gallon) Cenex Oil Co. \$2.159; Southside Oil - \$2.13\*; (\*represents lowest quote). Spearfish Diesel 3800 Gallons: (prices per gallon) Cenex Oil Co. 2.126\*, Southside Oil – \$2.199; (\*represents lowest quote). Unleaded 620 Gallons: (prices per gallon) Cenex Oil Co. \$2.159\*; Southside Oil - \$2.216; (\*represents lowest quote).

**FUEL QUOTES:**

The following fuel quote was submitted as of October 26, 2009: Whitewood Diesel 650 Gallons: (prices per gallon) CBH COOP 2.238.

**TRANSFER PACKAGE (OFF-SALE) LIQUOR LICENSE / NEMO MERCANTILE:** A public hearing was held on an application to transfer a Package Off-Sale Liquor License:

***PREVIOUS LICENSE:*** NEMO 10, LLC, Joseph F. & Carol A. Scott. ***TRANSFER TO:*** DAN MARTIN, NEMO MERCANTILE: Tract 3 of the un-platted portion of Nemo Placer, M.S. 1368, all located in the NE ¼ of Section 27, T3N, R5E, B.H.M, Lawrence County, SD. No public input was voiced and the hearing was closed. Moved-Seconded (Thompson-Weisenberg) to approve the Package Off-Sale Liquor License to Dan Martin, Nemo Mercantile. Motion Carried.

**SUPPLEMENTAL BUDGET:** A public hearing was held on a supplemental budget for the Coroner – Professional Services budget for \$7,500, no public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairman to sign the following Resolution #2009-25. Motion Carried. RESOLUTION #09-25 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Coroner – Prof Services \$7,500 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 27<sup>th</sup> day of October, 2009 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 27<sup>th</sup> day of October, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**WORKMANS COMPENSATION GRANT:** Moved-Seconded (Weisenberg-Thompson) to sponsor the SDML Workers Compensation Fund EMS Grant for the Ambulance Services. Motion Carried. Aye-Johnson, Weisenberg, Thompson and Ewing. Nay-Douglas.

**HOMESTAKE ROAD PROJECT:** Moved-Seconded (Douglas-Weisenberg) to approve the Change Orders #1 & #2 for the Homestake Road Project. Motion Carried.

**APPLICATION FOR APPROACH PERMIT:** Moved-Seconded (Thompson-Johnson) to approve and authorize the Chairman to sign the Approach Permit for Daniel Adams to construct an approach to South side of Homestake, located approximately 4 miles west of Spearfish. Motion Carried.

**UPPER VALLEY ROAD/HIGHWAY 14 – MCGUIGAN ROAD:** The Board discussed trees on the Upper Valley Road. Bob Ewing and Dick Birk, Highway Superintendent, will meet with the individual where the trees are inhibiting a safe driving view. Discussion also followed on the confusion of the stop signs on the intersection at Highway 14 and McGuigan Road. Birk will research a workable solution.

**ANNUAL REVIEWS:**

**CONDITIONAL USE PERMIT #329 GILLIES SECOND RESIDENCE:** An annual review was held on CUP #329 for Gillies and will be reviewed in one year.

**CONDITIONAL USE PERMIT #328 SADDLE MOUNTAIN CHURCH:** An annual review was held on CUP #328 for Saddle Mountain Church and will be reviewed in one year.

**CONDITIONAL USE PERMIT #366 SATTERLEE ARMS:** An annual review was held on CUP #366 for Satterlee Arms. Moved-Seconded (Weisenberg-Ewing) CUP #366 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.

**STURGIS 3-MILE JURISDICTION:** Amber Vogt, updated the Board on the Sturgis 3-Mile Jurisdiction. The City of Sturgis did not agree with the County's recommendation and map. Dan Hefner stated as a 3-Mile Jurisdiction Committee Member he opposes this agreement. Ewing stated he would not sign the agreement with the City of Sturgis. Hefner stated the way the City of Sturgis is handling the situation is wrong. Hefner stated he votes for the Lawrence County Commissioners and does not get to vote for the City of Sturgis Council members. Moved by Douglas to not sign the agreement. Motion died due to lack of second.

Moved-Seconded (Weisenberg-Douglas) to table any action on the Sturgis 3-Mile Jurisdiction Agreement. Aye-Weisenberg, Johnson & Ewing. Nay-Douglas & Thompson. Motion Carried. Ewing asked Rick Bush to have a public hearing prior to the County entering into agreement with the County to revisit the issue. Bush stated they were hoping the County and City could have an agreement prior to the public hearing and if there is no agreement there wouldn't be any reason for a public hearing. Ewing once again requested that the City of Sturgis hold a public hearing.

**CONDITIONAL USE PERMIT #381 / REDDICK/LINDBLOOM SECOND RESIDENCE:** A public hearing was held on application for CUP#381 for Ellen Reddick, Tara Reddick and Roy Lindbloom for a second residence on 40 acre tract for family member located at St. Onge. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of Planning and Zoning and approve Conditional Use Permit #381 for Reddick/Lindbloom. Motion Carried.

**APPLE SPRINGS DEVELOPMENT BOND / WILDBERGER ROAD:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Memorandum of Agreement with Apple Springs Development and accept the Irrevocable Standby Letter of Credit from Dacotah Bank #5346116 for Apple Springs Inc. Motion Carried.

**2010 STATE FUNDING AGREEMENT:** Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of Paul Thompson, Emergency Management Director and approve and

authorize the Chairman to sign the 2010 FFY2010 State and Local Agreement (SLA) State Funding Agreement. Motion Carried.

**HOMESTAKE ISOLATED TRACT:** The Board reviewed the letter received from John L. Haeder, MAI addressing the matter of damages caused by the grant of the right-of-way. The Board also received and reviewed the letter received from Paula McInerney-Hall, representing the Hall Family.

Moved-Seconded (Douglas-Weisenberg) WHEREAS, Homestake Mining Company of California ("Homestake") made a May 18, 2009 application to the Board of Commissioners of Lawrence County, South Dakota ("Board") for a right-of-way to an isolated tract pursuant to SDCL ch. 31-22; and WHEREAS, on June 23, 2009 the Board visited the site of the proposed right-of-way, as required by SDCL 31-22-2 and 3; and WHEREAS, on July 14, 2009, after considering the evidence and arguments submitted by Homestake and by Hall Family Real Estate, LLC, the owner of the land over which the right-of-way was proposed to be laid, the Board granted Homestake a twenty-five foot (25') wide right-of-way across part of Lot 3 of the Subdivision of the Ragiannia Lodes 3 and 4 of MS #1227 in Section 28, T4N, R3E, BHM, Lawrence County, South Dakota extending from the existing southerly right-of-way line of the Brownsville Road (Lawrence County Road #227) to line 2-3 of HES #65, situated in Sections 28, 32, and 33, T4N, R3E, BHM. The survey of the granted right-of-way is attached hereto as Exhibit A and is by this reference incorporated herein. A copy of that portion of the minutes of the Board's July 14, 2009 meeting setting forth the Board's actions granting the right-of-way to Homestake is attached hereto as Exhibit B and is by this reference incorporated herein; and WHEREAS, the Board has considered the October 9, 2009 letter of appraiser John L. Haeder in this matter addressing damages caused by the grant of the right-of-way; NOW, THEREFORE, upon motion duly made seconded and carried, the following resolution is hereby adopted by the Board: BE IT HEREBY RESOLVED, that the damages caused by the right-of-way granted on July 14, 2009 by the Board to Homestake are One Thousand Dollars (\$1,000). Homestake has delivered payment of said damages to Lawrence County for delivery to Hall Family Real Estate, LLC. If Hall Family Real Estate, LLC refuses to accept the damage payment, Homestake will then deposit the payment with the Lawrence County Clerk of Courts; and IT IS FURTHER RESOLVED, that Homestake has presented evidence of payment of all the costs of the proceedings in laying out and assessing the damages of the right-of-way, including payment of \$884 to Haeder Appraisal Service and \$1,733.50 to NJS Engineering. Motion Carried. Max Main, Attorney representing Homestake, presented the damage check and checks for the cost of the services. Motion Carried.

**US FOREST SERVICE PROJECTS:** Rhonda O'Byrne, USFS District Ranger, was present to discuss forest projects and issues. Chris Stores, Planner, discussed the Nautilus and Steamboat project areas. The Board thanked O'Byrne for working with the County and opening up communications. The Board asked Bill Coburn, Timber Committee, and Bruce Outka to work with the Forest Service on the issues at hand.

**ITEMS FROM COMMISSIONERS:**

**PUBLIC DEFENDER / COURT APPOINTED ATTORNEY SERVICES:** The Board discussed the Public Defender and Court Appointed Service process and charges.

**BILLS:** Moved-Seconded (Weisenberg-Douglas) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments; The payment to Joseph Kosel for \$12,700.64 is contingent upon review of contract and approval of Bruce Outka. Motion Carried. Moved-Seconded (Douglas-Weisenberg) to hold the check for Afinity Global for \$22,500 until a copy of the proposal is received. Motion Carried. Brian Dean, Deputy Sheriff, explained the Tracs System and the benefits of the system. Moved-Seconded (Douglas-Weisenberg) to pay the bill for Afinity Global. Motion Carried. Bruce Outka stated he reviewed the bill for Joseph Kosel and determined payment should be made. Moved-Seconded (Weisenberg-Ewing) to pay all bills as submitted. Motion Carried.

**Payroll:** Comm-\$6,281.30; Aud-\$7,334.26; Treas-\$9,579.90; Comp-\$7,326.36; States Atty-\$12,195.08; Pub Def-\$9,378.65; Gen Covt Bldg-\$7,400.94; Equal-\$14,286.68; Rod-\$6,655.14; Vso-\$1,140.93; Disp-\$10,349.46; Sher-\$32,875.02; Jail-\$19,751.32; Coroner-\$400.00; Emerg

Mgmt-\$3,444.67; E911-\$1,598.00; Highway-\$35,979.12; Air-\$1,000.63; Ext-\$1,358.54; Weed-\$1,897.69; Pz-\$4,379.97; **Bills:** Agena, Timothy-\$5.00; Dahl, Dennis-\$22.58; Fitzgerald, John-\$65.00; Heck, David-\$151.00; Sandvick, Thomas-\$1,011.80; Schumacher, Kristy-\$92.00; Vogt, Amber-\$95.86; A&B Business Equip-\$937.47; A&B Welding Supply-\$84.00; A&I Distributors-\$2,718.65; Abc Business Supply Corp-\$597.24; Aberdeen Llc-\$365.00; Affinity Global Solutions-\$22,500.00; Alltel-\$859.36; At&T-\$9.93; BH Chemical Company-\$212.39; BH Federal Credit Union-\$9,245.00; BH Power-\$7,985.80; BH Window Cleaning-\$16.00; Benson Technical Works-\$1,981.25; Best Western Ramkota Hotel-\$186.00; Big Sky Communications-\$1,420.00; Binder, Tracy-\$732.20; Binger Law Office-\$1,032.90; Black Hills Pure-\$23.00; Brady Pluimer-\$1,266.50; Butler Machinery Co-\$4.30; Butte Electric Coop-\$21,910.00; Cbh Cooperative-\$9,417.38; Central Parts-\$111.97; Century Business Products-\$591.42; Chain Saw Center/Dakota Equip-\$57.45; City/County Alcohol&Drug-\$140.00; Cook's Direct-\$60.75; Correctional Billing-\$12.59; Culligan Soft Water Serv-\$1,412.00; Dale's Tire & Retread-\$3,809.28; Dept Of The Treasury-\$42,475.60; Discount Fence Supply-\$4,277.72; Eddie's Truck Sales/Serv-\$661.95; Ellingson, Joseph-\$1,183.00; Evercom Systems-\$2,236.00; Fastenal-\$269.38; Fish, Veronica-\$1,499.40; Fleet Services-\$928.44; Havemeier, Leslie-\$178.60; Heisler Hardware-\$28.93; Hills Material Comp-\$301,428.54; Honeywell-\$529.78; Iga-\$13.07; J Grubl Excavating-\$13,825.62; Jacobs Precision Welding-\$104.89; Johnson, Rodenbrug & Lauinger-\$75.00; Juneks' Chrysler Dodge-\$13.11; Kadrmas, Lee And Jackson-\$11,541.13; Karpinen, Sharon-\$405.00; Knecht True Value-\$9.49; Knology-\$1,596.40; Kosel, Joseph-\$13,228.20; Language Line Services-\$50.00; Lawson Products-\$264.87; Lead-Deadwood Regional Medical Clinic-\$110.11; Lead-Deadwood Regional Hospital-\$29.61; Lewis & Clark Bhs-\$142.00; Looyenga, Dr Robert-\$385.00; Lyle Signs-\$486.19; Marshall & Swift-\$7,304.98; Maxon, Theresa-\$65.00; Mcleod's Office Supply-\$203.95; Mid-Night Star-\$131.68; Montana Dakota Utilities-\$140.51; National Assoc Of Counties-\$485.00; Nelson, Christy-\$135.00; Neve's Uniforms-\$107.85; Newman Traffic Signs-\$213.81; Occupational Health Network-\$149.00; Office Of Child Support-\$195.69; Pennington County Sheriff-\$349.51; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$411.21; Portable Computer Systems-\$216.00; Quik Signs-\$224.34; Quill Corporation-\$349.14; Qwest-\$1,137.97; RC Police Dept-\$1,155.00; RC Regional Hospital-\$3,019.66; Regional Health-\$700.00; Reindl, Staci-\$954.10; Reliance Telephone-\$4.85; Rocket Lube-\$84.97; Rocky Mountain Instrumental-\$120.00; Sdrs Supplemental Retirement-\$1,169.00; Servall Towel & Linen-\$445.14; Seward & Odenbach-\$164.00; Shell Fleet Management-\$95.90; Sierra Design Vinyl Lettering-\$20.00; Sorensen, Tylea-\$298.00; Southside Oil Co-\$19,120.00; Spearfish Auto Supply-\$137.09; Spearfish Police Dept-\$13,279.23; Super 8-Watertown-\$128.00; The Old Woodshop-\$102.00; Tigerdirect-\$1,542.24; Triple K Tire & Repair-\$738.77; Tulare County Sheriff Dept-\$40.00; Turbiville Industrial Electric-\$100.78; Twin City Hardware & Lumber-\$552.52; Verizon Wireless-\$96.01; Victims Of Violence-\$1,310.00; Walmart Store-\$42.68; Wells Fargo Business Card-\$340.48; West Group-\$130.00; West River International-\$1,409.27; Western Communication-\$60.50; Western Stationers-\$758.00; White Drug-\$1,522.30; Wolff's Plumbing & Heating-\$124.12; **Witness & Jurors:** Bantam, E-\$61.10; Banton, D-\$59.62; Biza, T-\$61.84; Cordes, B-\$52.22; Craiger, R-\$61.10; Fahrni, J-\$58.14; Frasier, D-\$64.80; Goehner, M-\$58.88; Logan, L-\$22.22; Loper, D-\$61.10; Miller, J-\$58.14; Oldenkamp, A-\$61.10; Page, T-\$68.50; Rabenberg, R-\$61.10; Schoon, R-\$61.84; Bukovac, W-\$20.00; Havlik, R-\$20.00; Kymala, T-\$20.00; Malcolm, S-\$20.00; Martinez, D-\$37.40; Massine, K-\$31.10; Medema, M-\$20.00; Strong, D-\$20.00; Dicesare, F-\$21.48; Mitchell, T-\$31.10; Bates, M-\$12.96; Bennett, L-\$13.70; Berman, A-\$21.10; Bissell, R-\$61.10; Collins, C-\$11.48; Cramer, R-\$24.06; Dean, K-\$21.10; Glover, S-\$13.70; Goehner, R-\$24.80; Golz, D-\$61.84; Hall, B-\$21.10; Henneman, E-\$12.22; Heuston, A-\$64.80; Hines, K-\$21.10; Labau, K-\$23.32; Madrid, P-\$61.10; Marr, J-\$50.74; Mattson, J-\$12.96; Morgan, M-\$21.10; Moyer, R-\$24.80; Olson, R-\$52.22; Osborne, B-\$21.10; Paul, K-\$15.92; Radle, S-\$52.96; Rath, L-\$57.40; Rau, J-\$65.54; Redinger, D-\$21.10; Rinehart, M-\$22.58; Rochelle, R-\$61.10; Satterlee, S-\$21.10; Schaeffer, R-\$21.84; Thurman, J-\$15.18; Toscana, K-\$10.74; Waisanen, R-\$52.22; Wermers, A-\$57.40; Wilczynski, S-\$10.74

**ADJOURN:** 11:17 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

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Date Approved

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Robert E. Ewing, Chair

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 10, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 10, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Thompson-Weisenberg) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Douglas) to approve the minutes of October 27, 2009 meeting. Motion Carried.

**DECEMBER MEETING:** Moved-Seconded (Weisenberg-Thompson) to move the last meeting in December to the 29<sup>th</sup>, 2009. Motion Carried.

**JANUARY MEETINGS:** The Commissioners Meetings were set for 2010.

### **PERSONNEL:**

**REGISTER OF DEEDS:** Sheree Green informed the Board that Mary Slane, First Deputy, will be retiring December 4, 2009.

Moved-Seconded (Weisenberg-Thompson) to approve Davida Hansen as First Deputy at the base rate of \$16.84 an hour, effective December 7, 2009, and to allow for the posting of the vacant position in the Office.

Moved-Seconded (Weisenberg-Thompson) to approve Keri Podoll as Secretary G3 at the base rate of \$15.15 an hour, effective December 7, 2009. Motion Carried.

**SHERIFF'S OFFICE POLICY:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Law Enforcement Policies & Procedures Agreement with the SD Public Assurance Alliance. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Thompson) to accept the following report from the Auditor. Motion Carried. Auditor's Account with the County Treasurer as of October 31, 2009 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) \$262,275.46; Total amount of cash in transit in Treasurer's possession (cash deposit in transit) \$0; Petty Cash \$1,860.00; Total amount of deposits in bank include: CD's \$5,200,000 Bank Balance \$9,920,236.09 Money Market \$525,653.26 Savings \$3,281,402.44. Total \$19,192,677.25.

**PUBLIC DEFENDER:** Weisenberg reviewed the costs of court appointed attorneys and Public Defender Fees. Weisenberg stated he asked the Chairman of the Public Defender Board, Tom Brady to schedule a meeting to discuss the Conflict of Interest Contract. Weisenberg asked that an Executive Session be scheduled in December with the County Commissioners to discuss the Conflict of Interest Contract.

**TITLE III FUNDS:** No formal comments were received on the proposed Title III Funds. Moved-Seconded (Douglas-Ewing) to approve the following expenditures of eligible Title III Funds:  
**Category 1: SEARCH, RESCUE, AND EMERGENCY SERVICES:**

Lawrence County Emergency Management has submitted a proposal to purchase the following equipment: Tucker Sno-Cat with blade plus delivery charge. Amount Approved: \$101,247.92.

**Category 4: FOREST RELATED EDUCATIONAL OPPORTUNITIES:**

South Dakota Project Learning Tree funds educational materials and opportunities for students and educators in Lawrence County to provide awareness in forest ecology, fire ecology, forest management and production in the Black Hills ecosystem and surrounding areas. Amount Approved: \$5,000. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to set the bid opening for the Sno-Cat for December 29<sup>th</sup>, 2009 at 9:00 a.m. Motion Carried.

**HIGHWAY BUSINESS:**

**PERMIT TO OCCUPY ROW / BUTTE ELECTRIC:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Application for permit to occupy county highway right-of-way for Butte Electric, located in T5N, R4E, Section 13 along Boulder Creek Rd. Motion Carried.

**EXECUTIVE SESSION:** 8:32 a.m. Moved-Seconded (Douglas-Weisenberg) to go into executive session for personnel issues. Motion Carried. 8:50 a.m. opened for regular business.

**SUPPLEMENTAL BUDGET / VARIOUS DEPARTMENTS:** Moved-Seconded (Douglas-Johnson) to set a supplemental budget hearing for November 24, 2009 at 8:15 a.m. for various departments to cover increased insurance premiums and salaries. Motion Carried.

**AUTOMATIC SUPPLEMENTS:**

**AIRPORT:** Moved-Seconded (Weisenberg-Johnson) to approve the automatic supplement for the Airport Capital Improvements for \$47,529.32 for grant funds received. Motion Carried.

**SUPPLEMENTAL BUDGET:** A public hearing was held on a supplemental budget for the Computer Department \$30,700 (Salary \$16,500, Retirement - \$1,200 and Group Ins - \$13,000) no public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2009-26. Motion Carried. **RESOLUTION #09-26 TO ADOPT A SUPPLEMENTAL BUDGET:** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Computer Department \$30,700: Salary \$16,500, Retirement - \$1,200 and Group Ins - \$13,000. 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 10<sup>th</sup> day of November, 2009 at the hour of 8:45 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 10<sup>th</sup> day of November, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**APPLE SPRINGS ROAD DISTRICT & WATER WORKS SANITARY DISTRICT:**

Petitions have been received for the Apple Springs Road District and Apple Springs Water Works Sanitary District. The Board will consider Area Incorporated and Subject to Vote on November 24, 2009.

**PLANNING & ZONING:** Amber Vogt, Planning and Zoning Director, discussed the recent planning & zoning board meeting and public hearings to be scheduled at the next county commission meeting.

**AUER FINAL PLAT:** Moved-Seconded (Weisenberg-Thompson) to approve the Final Plat for Les Auer on the Plat of Tracts A and B of the Auer Subdivision, consisting of Gov't Lots 2, 3, and the SE1/4NW1/4 of Section 30, T6n, R4E, BHM. Motion Carried.

**ON-SITES:** The Board discussed On-Sites and if they would like to combine with Planning and Zoning on-sites. The Board decided to continue with two separate on-sites.

**WONDERLAND CAVE SIGNS:** The Board discussed the Wonderland Cave Sign and options available to the Commission to control signage in the County. The Board discussed the State control of signage and County ordinances.

**SAFETY AWARDS:** Bob Ewing, Chairman presented Paul Thompson, Rene Larson, Ki Caserio, Roxie Feterl, Bonnie Wright, Greg Dias, Brian Dean and Jan Haupt, Safety Committee Members with the Gold and Platinum levels of Safety Achievements Award that Lawrence County received from SDML WC Fund SDPAA Safety Benefits Inc..

Paul Thompson presented the County Commission with the Safety Award from the South Dakota Safety Council Award of Honor for Exceptional Workplace Safety Performance in Occupational Safety.

**TWO-TONE CATTLE FEEDLOT DISCUSSION:** Harvey and Bart Krautschun were present and updated the Board on the progress being made. They pursued the State Permit for 999 head and this allows them to be covered under the general permit. The permit has been approved and the pond will be constructed with the requirements regulated by the EPA. The Locken property has been purchased and they are currently living in the property. Douglas requested that they apply for a conditional use permit through the County; acknowledging a commercial feedlot. Douglas stated it would allow the County to monitor the operation and this would give security to the neighbors. Johnson stated the Ordinance requires a conditional use permit for the commercial feedlot and he feels the Two-Tone Cattle Company needs to have a CUP. Weisenberg stated the County has already decided that a CUP would not be required and wanted to see what the task force comes up with before any decisions are made. Douglas stated when they applied to the State for a State License things changed. Thompson stated it is hard to have them apply for a CUP without the rules in place. Ewing stated the Task Force is nearing completion and recommendations will be coming soon. Ewing stated in fairness to all, the CAFO Ordinance will be coming soon and hopefully it will be workable and will give some direction.

**ITEMS FROM COMMISSIONERS:**

**STURGIS 3 MILE:** Weisenberg referenced SDCL 11-6-26 which he stated deals with the city of Sturgis situation. Weisenberg stated he would like to have proposed legislation presented to the Lawrence County Legislature and/or SD Association of County Commissioners. Weisenberg stated he has asked Outka and Vogt to review the proposed change. Douglas asked that the Board and County Personnel have time to review his request and discuss at the next meeting.

**BH PIONEER:** Thompson brought issue to the inaccuracy to an article in the paper on the Sturgis 3 Mile Jurisdiction written by Amy Wright.

**AIRPORT DESIGN AWARD:** Terry Weisenberg presented the American Council of Engineering Companies of SD Honor Award presented to Lawrence County for the BH Airport Clyde Ice Field Runway 12-30 Extension designed by Kadrmas, Lee & Jackson, Inc to the Chairman, Bob Ewing.



**BILLS:** Moved-Seconded (Johnson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,281.30; Aud-\$7,334.50; Treas-\$9,805.98; Comp-\$7,326.36; States Atty-\$12,238.55; Pub Def-\$9,378.65; Gen Govt Bldg-\$7,541.03; Equal-\$13,339.80; Rod-\$6,655.14; Vso-\$1,140.93; Disp-\$14,033.18; Sher-\$33,186.08; Jail-\$22,428.82; Emerg Mgnt-\$3,261.27; E911-\$1,912.40; Highway-\$35,924.66; Air-\$1,323.82; Exten-\$1,517.80; Weed-\$2,109.67; Pz-\$4,179.97; **Bills:** Baumann,Michelle-\$14.80; Bertch,Alyce-\$74.50; Fitzgerald,John-\$37.00; Frerichs,Amy-\$146.80; Hamilton,Marian-\$92.00; Kellogg,Susan-\$26.50; Mowell,Richard-\$9,408.00; Rear,Kay-\$76.74; Rombough,Debra-\$64.00; Steffen,Peggy-\$92.00; American Family Life-\$3,213.91; BH Federal Credit Union-\$9,325.00; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,554.80; Dept Of The Treasury-\$44,547.14; Hartford-Priority Accounts-\$1,489.35; Johnson, Rodenbrug & Lauinger-\$75.00; Medica-\$63,734.49; NH Collection-\$132.29; NH Family Ymca-\$400.40; Office Of Child Support-\$195.69; SD Retirement System-\$75,199.03; Sdrs Supplemental Retirement-\$1,169.00; A&B Business Equip-\$249.95; A&B Welding Supply-\$16.80; A&J Supply-\$59.39; A-Z Shredding-\$38.00; Abc Business Supply-\$1,023.42; Accurint Account-\$155.00; Amcon Distributing-\$360.95; Anderson Oil-\$99.34; BH Chemical Company-\$1,396.99; BH Land Analysis-\$450.00; BH Pest Control-\$95.00; BH Pioneer-\$735.72; BH Power-\$447.07; B H Travel Agency-\$323.40; Best Business Prod-\$20.80; Bob Barker Company-\$318.95; Brookings Fairfield Inn-\$139.50; Butler Machinery Co-\$35.21; Butte Electric Coop-\$453.41; Caledonia Condos-\$400.00; Captain Clean Of Northern Hill-\$75.00; Cbh Cooperative-\$1,351.75; Central Parts-\$892.20; Century Business Products-\$28.91; Chemical Sanitizing Sys-\$105.68; Christensen Law Office-\$682.60; Conoco-\$53.98; Conrad's Big "C" Signs-\$2,296.49; Danko Emergency Equipment-\$338.05; Deadwood Thymes Cafe & Bistro-\$117.00; Deadwood, City Of-\$1,208.17; Dept Of Hlth Lab Services-\$35.00; Dept Of Soc Serv/Office-\$107.00; Division Of Motor-\$14.00; Ecolab-\$121.00; Ertz, Dewey J-\$520.00; Esri-\$4,500.00; Et Sports-\$6,522.00; Extension Service-\$279.15; Fastenal-\$915.30; Federal Express Corp-\$14.80; Fidler-Isburg Funeral Chapel-\$1,170.00; First Western Bank-\$825.45; Fish,Veronica-\$319.20; Fleet Services-\$781.67; Fsh Communications-\$60.00; Gene's Lock Shop-\$71.48; Great Western Tire-\$151.20; Hamann, Chris-\$180.00; Havemeier,Leslie-\$236.40; Hawki,Ken-\$10.74; Henry Schein-\$217.33; Hero 247-\$194.25; Iaa0-\$175.00; J. Grubl Excavating-\$17,040.15; Jacobs Precision Welding-\$170.77; Juneks' Chrysler/Dodge-\$200.27; Kennedy, Pier & Knoff-\$143.40; Knology-\$378.54; Koala Electric-\$19,894.02; LC Journal-\$487.07; Language Line Services-\$50.10; Lead Volunteer Fire Dept-\$14,907.40; Lead, City Of-\$43.63; Lead-Deadwood Regional- \$51.90; Lead-Deadwood Regional Hospital-\$630.00; Lead-Deadwood Sanitary-\$443.52; Lueders-\$27.51; Lynn's Dakotamart-\$13.15; McClure,Susan-\$135.00; Mcpherson Propane-\$119.00; Meade Co Auditor-\$55.00; Meade County Sheriff-\$22.80; Montana-Dakota Util-\$3,155.13; Motive Parts & Supply-\$25.24; National Emergency-\$360.00; Queen City Tire-\$1,412.60; Quik Signs-\$91.74; Qwest-\$223.05; RC Police Dept-\$11.09; RC Regional Hospital-\$2,295.11; Radio Shack/Kazco-\$89.97; Radiology Associates-\$94.49; Regional Behavioral Health Ctr-\$126.07; Reindl,Staci-\$2,024.55; Reliance Telephone-\$4.11; Rushmore Communications-\$20.00; SD Assn Of Co Comm-\$3,552.28; SD State Treasurer-\$1,639.28; Safety Benefits-\$110.00; Safeway-\$42.92; Sd Ltap/Sdsu-\$70.00; Sdae4-He-\$105.00; Servall Towel & Linen-\$300.05; Sorensen,Tylea-\$165.00; Spearfish Auto Supply-\$642.13; Spearfish Electric & Heating-\$782.42; Spearfish Police Dept-\$5,099.39; Subway-\$199.35; Superior Lamp And Supply-\$492.22; Tellinghuisen & Gordon-\$1,216.89; The Mercantile-\$49.99; Tigerdirect-\$600.27; Track-\$2,264.70; Triple K Tire & Repair-\$667.96; Turbiville Industrial Electric- \$438.50-Twin City Hardware & Lumber-\$1,086.20; Crop Production Services-\$26,349.15; Waste Connections-\$503.30; Wells Plumbing & Farm Supp-\$4.32; West Group-\$705.61; West River International-\$122.98; Western Communication-\$1,823.40; Western Sd Juvenile Serv-\$8,700.00; Williams Standard-\$28.56; Wolff's Plumbing & Heating-\$183.70; Xerox Corporation-\$61.42; Yankton Co Sheriff-\$25.00; Ziebach County Sheriff Office-\$26.44; **Witness & Jurors:** Biza,T-\$61.84; Fahrni,J-\$58.14; Frasier,D-\$64.80; Goehner,M-\$58.88; Kaiser,S-\$59.62; Rabenberg,R-\$61.10; Richter,E-\$61.10; Wendt,K-\$68.50; Bertalot,C-\$31.84; Aberle,T-\$24.80; Albers,S-\$21.10; Anderson,D-\$61.10; Bendickson,K-\$24.80; Boerman,K-\$21.10; Brueckner,P-\$21.84; Burshek,C-\$21.10; Capp,L-\$70.72; Cathey,S-\$27.02; Clyde,J-\$24.80; Crotty,K-\$52.96; Dafoe,S-\$13.70; Detweiler,J-\$20.36; Detweiler,T-\$60.36; Dikoff,T-\$60.36; Erhardt,J-\$50.74; Goddard,G-\$26.28; Gorder,T-\$21.84; Hegdahl,M-\$21.84; Hermann,C-\$21.10; Huck,T-\$10.74; Humbracht,K-\$64.80; Jacobs,C-\$21.10; James,L-\$12.22; Kennedy,S-\$28.50; Kliewer,A-\$21.10; Knutson,J-\$21.84; Levee,C-\$21.10; Merkle,K-\$64.80; Morris,S-\$10.74; Neustel,S-\$63.32; Nielson,S-\$61.10; Oliver,B-\$19.62; Palmer,R-\$23.32; Peterson,W-\$32.20; Phillips,D-\$60.36; Phinney,R-\$18.88; Redinger,L-\$64.80; Reinert,K-\$21.10; Rice,T-\$21.10; Schumacher,D-\$12.96;

Shields,T-\$21.10; Shuck,L-\$21.10; Skeen,E-\$12.22; Sudlow,M-\$13.70; Sulentic,M-\$10.74;  
Verhulst,A-\$24.80; Weaver,D-\$21.10; Buchholz,K-\$31.84; Clark,D-\$31.84; Clark,S-\$31.84;  
Kopp,S-\$31.84; Kracht,K-\$31.10; Mullee,M-\$31.84

**ADJOURN:** 10:09 a.m. there being no further business it was Moved-Seconded (Douglas-Ewing)  
to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Robert E. Ewing, Chair

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 24, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 24, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present. Connie H. Douglas was absent.

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

**AGENDA:** Moved-Seconded (Weisenberg-Thompson) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Thompson-Weisenberg) to approve the minutes of November 10, 2009 meeting. Motion Carried.

**PERSONNEL – DONATED SICK LEAVE POLICY:** Moved-Seconded (Weisenberg-Thompson) to approve the following amendment to the Donated Sick Leave Policy. Motion Carried.

4.10) SICK LEAVE POOL: Employees may be allowed to pool their sick leave for another employee. Employees may donate sick leave up to forty (40) hours, their personal time up to sixteen (16) hours, or vacation time up to forty (40) hours to another employee in the case of a catastrophic accident or illness relating to the employee, the employee's spouse or child with prior approval of the Board of County Commissioners and upon the recommendation of the employee's department head. Before an employee is eligible to receive donated sick leave, the employee must first have exhausted all of the employee's accumulated vacation time, "comp. time" and sick leave. The County Commission may limit the total amount of hours that are donated to an employee and all donated hours must be used within one year from the date of approval by the County Commission and only for the illness or event for which the use of donated sick leave was authorized. In the event the employee terminates employment with the County, the employee is not entitled to compensation for any donated sick leave. This Sick Leave Pool policy will become effective January 1, 2010. Any donated sick leave approved prior to January 1, 2010 will expire and will need to be reauthorized.

**APPLE SPRINGS ROAD DISTRICT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote Apple Springs Road District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE APPLE SPRINGS 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: APPLE SPRINGS TRACT LOCATED IN: NE $\frac{1}{4}$  NW $\frac{1}{4}$  LESS ROW; UNPLATTED BALANCE OF W $\frac{1}{2}$  NE $\frac{1}{4}$  LYING NORTH OF US HWY 14-A ROW; UNPLATTED BALANCE SE $\frac{1}{4}$  NW $\frac{1}{4}$  LYING NORTH OF US HWY 14-A ROW; OF SECTION 14, T5N, R4E BHM AND SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; N $\frac{1}{2}$  SW $\frac{1}{4}$ ; E $\frac{1}{2}$  NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; UNPLATTED BALANCE OF THE SW $\frac{1}{4}$  SW $\frac{1}{4}$  OF SECTION 11, T5N, R4N, BHM ALL LOCATED IN LAWRENCE COUNTY, SOUTH DAKTOA. THE SW $\frac{1}{4}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  SW $\frac{1}{4}$  OF SECTION 2, E $\frac{1}{2}$  NE $\frac{1}{4}$  OF SECTION 14 EXCLUDING LOT H2, LOT D REVISED OF THE SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF SECTION 13 AS SHOWN ON PLAT #1985-759 EXCLUDING LOT H1, ALL LOCATED IN T5N, R4E, BHM, 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 Apple Springs Road District. DATED this 24<sup>th</sup> day of November 2009. Robert E. Ewing, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

**APPLE SPRINGS WATER WORKS SANITARY :** Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote Apple Springs Water Works Sanitary District. Motion Carried. ORDER

*DECLARING AREA INCORPORATED AND SUBJECT TO VOTE APPLE SPRINGS WATER WORKS SANITARY DISTRICT:* A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a Water Works Sanitary 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: APPLE SPRINGS TRACT LOCATED IN: NE¼ NW¼ LESS ROW; UNPLATTED BALANCE OF W½ NE¼ LYING NORTH OF US HWY 14-A ROW; UNPLATTED BALANCE SE¼ NW¼ LYING NORTH OF US HWY 14-A ROW; OF SECTION 14, T5N, R4E BHM AND SE¼ SW¼; N½ SW¼; E½ NW¼; SW¼NW¼; UNPLATTED BALANCE OF THE SW¼ SW¼ OF SECTION 11, T5N, R4N, BHM ALL LOCATED IN LAWRENCE COUNTY, SOUTH DAKTOA. THE SW1/4 NW1/4, W1/2 SW1/4 OF SECTION 2, E1/2 NE1/4 OF SECTION 14 EXCLUDING LOT H2, LOT D REVISED OF THE SW1/4 NW1/4 OF SECTION 13 AS SHOWN ON PLAT #1985-759 EXCLUDING LOT H1, ALL LOCATED IN T5N, R4E, BHM, 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 Water Works Sanitary district by the name of Apple Springs Water Works Sanitary District. DATED this 24<sup>th</sup> day of November 2009. Robert E. Ewing, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

**AUTOMATIC SUPPLEMENTS:**

**AIRPORT:** Moved-Seconded (Weisenberg-Johnson) to approve the automatic supplement for the Airport Capital Improvements for \$82,208.44 for grant funds received. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Johnson) to approve the automatic supplement for the Sheriff Computer Supplies for \$16,232.15 for grant funds received. Motion Carried.

**SUPPLEMENTAL BUDGET:** A public hearing was held on a supplemental budget for various departments. No pubic input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Resolution #2009-27. Motion Carried. RESOLUTION #09-2 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit:

DEPARTMENT	<i>SALARY</i>	<i>INS</i>	TOTAL
111 COMMISSIONERS	1,533	8,028	9,561
142 TREASURER	2,442	1,944	4,386
152 PUBLIC DEFENDER	2,315	2,952	5,267
161 GEN.GOV.T.BLDGS.	1,767	3,372	5,139
163 REGISTER DEEDS	1,666	972	2,638
212 COUNTY JAIL	4,884	3,468	8,352
711 P&Z	1,096	1,704	2,800
<i>GENERAL FUNDS</i>	<i>15,703</i>	<i>22,440</i>	<i>38,143</i>
<i>222 EMERG/DISASTER</i>	852	1,356	2,208
<i>225 E911</i>	374	0	374
<i>314 ROAD &amp; BRIDGE</i>	7,958	11,256	19,214
GRAND TOTAL	24,887	35,052	59,939

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 24<sup>th</sup> day of November, 2009 at the hour of 8:15 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 24<sup>th</sup> day of November, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**COMBINED ELECTIONS WITH CITY AND SCHOOL:** Greg Sund, Spearfish City Administrator, was present to request the approval for the City of Spearfish and Spearfish School District to combine their election with the County.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the following Combined Election Agreement, contingent upon an agreement being reached with the city, school and Butte County. Motion Carried. **COMBINED ELECTION AGREEMENT**

This agreement is entered into between Lawrence County, Butte County, Spearfish School District 40-2 and the City of Spearfish; all political subdivisions of the State of South Dakota, for the purpose of conducting a combined election as provided under the provisions of SDCL 9-13-37, 13-7-10.3, 12-2-5 and 9-13-40. **EFFECTIVE DATE:** This agreement shall become effective on the date that all parties have signed the agreement. **PURPOSE:** It is the purpose of this agreement for the parties to conduct their individually required elections in one combined election. The combined election will be held on the first Tuesday after the first Monday in June each year, which is the date of the regular primary election. Elections are being combined to save tax dollars on the cost of individually conducted elections and to encourage a better voter turn-out for all entities. **COST SHARING:** The parties to this agreement shall share the costs of the combined election as set forth herein, based on which of the entities participate in the election. \* Each Governmental entity shall publish its own required notices, except where they may by law be jointly published. The cost of jointly published notices shall be shared proportionately by ballot issue and/or candidate. \* Salaries and expenses of election boards shall be shared equally by the parties. \* Polling place rent shall be shared equally by the parties. \* The cost of all jointly used materials (ballots, poll books, etc.) will be shared equally. Each entity will pay the cost of its individually used materials and supplies. \* Date processing costs (setup, test run, ballot count) incurred shall be shared proportionately by ballot issue and/or candidate. If any of the parties of this agreement are not required to have an election, then that entity or entities will not be required to share in the election costs. The election costs will be borne by the entity(ies) conducting the election. Lawrence County will pay all costs associated with the election and the city and school agree to reimburse the county for their share of the costs as determined in this agreement. **ABSENTEE BALLOTS:** Absentee ballots shall be available at the office of the county auditor and city finance office for voters who wish to vote absentee. **CANVASSING OF THE VOTE:** As stated in SDCL 12-20-36. Within six calendar days after the close of any election, the officer in charge of the election, with the assistance of a majority of the governing board as the canvassing board, shall make the canvass of votes. Each member of the governing board may name and have on file with the officer in charge of the election a person to represent the member at the official canvass in the event of the member's absence for cause. The Lawrence County Auditor, Butte County Auditor, the School Business Manager, and the City Administrator hereby empowered and directed to cooperate in any manner that will accomplish the purpose and intent of this agreement in order to facilitate this election in the most efficient and economical manner. DATED this 24<sup>th</sup> day of November 2009. Robert E. Ewing, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

**SNOW PLOWING / ASPEN HILLS ROAD DISTRICT:** John Roberts, Aspen Hills Road District, was present to discuss snow plowing in the area. Roberts questioned the sequence of road plowing on FS Road 134. Ewing explained this is a Forest Service road in the area and the County does not contract with the Forest service to plow this road. Bob McCormick, Highway Foreman, stated the County plows this road as a courtesy only and because they need to get to other county roads in the area. Christie Jensen was also present to express concerns. Marty Davis asked that the County look at this area as future growth and what can be done in this area to make it a livable area. Weisenberg volunteered to work with the residents in the area and discuss the issue with the Forest Service concerning FS134. The Commission stated when people move in areas off of Forest Service Roads and County Secondary Roads they need to be aware that road maintenance is not provided or is minimal.

**ANNUAL REVIEW / CUP #240 SEVEN DOWNS ARENA:** An annual review was conducted on Conditional Use Permit #240 for Seven Downs Arena. No complaints have been received and will be reviewed in one year.

**SHERIFF VEHICLE BID OPENING:** Moved-Seconded (Thompson-Ewing) to set a bid opening for two patrol vehicles in the sheriff's office and declare the 2006 Dodge Durango VIN#1D4HB48236F168041 and the 2004 Ford Explorer VIN#1FMZU73K34UB28521 surplus and allow to be traded in for December 29, 2009 at 8:45 a.m. Bids will be accepted with and without trade in. Motion Carried.

**CONDITIONAL USE PERMIT #384 / ANDREW HOLMES:** A public hearing was held on an application for Conditional Use Permit #384 for Andrew Holmes for horse and sleigh trail rides at Deer Mountain (Union Resort Property). Legal: Part of Mystic Miner Tract, specifically M.S. 1158 on Time #2 Lode. 531+/-acres. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve Conditional Use Permit #384 / Andrew Holmes / Union Resorts for horse and sleigh trail rides. Motion Carried.

#### **ITEMS FROM COMMISSIONERS:**

**ADMINISTRATIVE RULES 9-1-1:** Weisenberg volunteered to work with Joe Harmon and Bruce Outka on proposed legislation in opposition to the Administrative Rules for 9-1-1 in regards to the following rule effective on July 1, 2013: 50:02:04:02(2) PSAP must be continuously staffed with at least two 911 telecommunicators on duty at all times or comply with this rule by any other such arrangement submitted to and approved in writing by the board.

**MUNICIPALITIES 3-MILE JURISDICTION:** Moved by Weisenberg to submit the following proposed legislation in regards to the Municipalities 3-Mile Jurisdiction. Motion died due to lack of second. "No city, town, township or municipality will have platting, planning or zoning jurisdiction that crosses county lines unless the city, town, township or municipality annexes in the area."

The Board continued discussion on proposed legislation and alternate options available. Weisenberg and Outka will continue to work with proposed legislation and bring back to the Board.

**PUC / ELECTRIC RATE INCREASE:** Weisenberg discussed the rate increase request from Black Hills Power. Moved-Seconded (Weisenberg-Thompson) That Weisenberg will draft a letter to the PUC, with the assistance of Outka and Barrett, in protest to the Black Hills Power and Light rate increase request. Motion Carried.

**MULTIPLE USE COALITION:** Weisenberg will represent Thompson at the Multiple Use Coalition Meetings.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$6,285.30; Aud-\$7,334.50; Treas-\$10,359.18; Comp-\$7,335.15; States Atty-\$12,195.07; Pub Def-\$9,378.65; Gen Govt Bldg-\$7,194.25; Equal-\$13,381.68; Rod-\$6,655.14; Vso-\$1,140.93; Disp-\$9,747.92; Sher-\$31,812.87; Jail-\$19,140.07; Emerg Mgnt-\$3,355.31; E911-\$1,592.00; Highway-\$39,656.19; Air-\$1,282.24; MHlth-\$1,107.00; Ext-\$1,339.56; Weed-\$1,814.67; Pz-\$4,459.97; **Bills:** Atkinson,Connie-\$185.00; Birk,Richard-\$72.38; Larson,Rene-\$23.00; Mcgruder,Brenda-\$48.00; Millard,Robin-\$48.00; Smith,Molly-\$70.00; Thomson,Paul-\$23.00; Vogt,Amber-\$35.22; A&B Business Equip-\$1,328.00; Abc Business Supply-\$59.75; Alco Store-\$24.98; Alltel-\$859.36; Armstrong Extinguish-\$137.76; At&T-\$4.96; BH Chemical Company-\$409.58; BH Federal Credit Union-\$9,325.00; BH Pioneer-\$166.28; BH Power-\$6,994.67; Black Hills Pure-\$11.50; Bob Barker Company-\$177.14; Brady Pluimer-\$4,819.90; Brown & Saenger-\$275.21; Butler Machinery Co-\$119.38; Carol Butzman Consluting-\$419.25; Central Parts-\$25.23; Century Business Products-\$678.00; Chain Saw Center/Dakota Equip-\$70.83; Chris Supply Co-\$40.72; Christensen Law Office-\$754.25; Clinical Lab Of BH-\$2,005.29; Crawford Supply Company-\$355.92; Credit Collections Bureau-\$100.00; Dakota Graphics-\$232.50; Dale's Tire & Retread-\$4,006.40; Dept Of The Treasury-\$43,306.66; Dietrich,Donna-\$96.31; Division Of Motor-\$4.00; Esri-\$2,100.00; Et Sports-\$601.94; Fisher Sand &

Gravel-\$7,484.51; Genpro Power Systems-\$804.00; Godfrey's Brake Serv-\$286.65; Grimm's Pump Service-\$24.70; Havemeier, Leslie-\$47.60; Heisler Hardware-\$70.59; Hewlett-Packard Company-\$1,985.00; High Plains Business Forms-\$1,379.68; Hills Material Comp-\$35,752.98; Holiday Inn City Centre Sf-\$93.00; Infoprint Solutions-\$486.00; JGrubl Excavating-\$12,423.45; Janke,Wendy-\$945.00; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmars, Lee And Jackson-\$8,570.25; Keefe Supply Company-\$612.96; Kimball-Midwest Co-\$492.30; Knecht True Value-\$588.98; Knology-\$1,599.37; Kooistra,Nelva-\$15.00; Kosel,Joseph-\$4,166.67; LC Plan & Zone-\$49.70; LC Sheriff-\$160.50; Lead Volunteer Fire Dept-\$96.64; Lead-Deadwood Regional-\$51.89; Lee,James-\$15.00; Lexisnexis Matthew Bender-\$73.71; Looyenga,Dr Robert-\$35.00; Megas Propane-\$432.69; Meade Co Auditor-\$1,100.00; Meade County Sheriff-\$12.40; Midwest Alarm-\$84.00; Mikelson,Gary-\$41.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$165.46; Moore Medical-\$84.42; Moss,William Psy-\$130.00; NH Collection-\$132.29; NH Training Center-\$2,500.00; Nelson,Tonya-\$990.00; Neve's Uniforms-\$115.19; New World Systems-\$474.00; Northern Safety & Industrial-\$294.09; Office Of Child Support-\$195.69; Olson, Valorie, Rmr-\$25.00; Pennington Co Jail-\$2,392.95; Pennington County Sts Attny-\$200.00; Perkins County Sher Office-\$59.56; Quill Corporation-\$128.27; Qwest-\$1,142.60; RC Journal-\$192.00; RC Police Dept-\$1,085.00; RC Regional Hospital-\$791.52; RC Regional Hospital Pharmacy-\$61.00; Rabe Elevator-\$776.97; Rapid Delivery-\$70.40; Regional Behavioral Health-\$457.92; Regional Health-\$350.00; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$1,556.50; Reserve Account-\$6,500.00; Rocket Lube-\$156.69; SD Aao-\$275.00; SD Assoc Code Inforcement-\$40.00; SD Building Officials Assoc-\$50.00; SD Continuing Legal Education-\$225.00; SD Federal Property Agency-\$250.00; SD Project Learning Tree-\$5,000.00; Sand Creek Printing-\$184.85; Sdrs Supplemental Retirement-\$1,169.00; Servall Towel & Linen-\$445.14; Seward & Odenbach-\$3,632.01; Shell Fleet Management-\$95.97; Spearfish Alt/Starter Rebuild-\$241.00; Spearfish Auto Supply-\$155.49; Spearfish Husky-\$221.00; Spearfish Police Dept-\$94.34; Spearfish Regional Med Clinic-\$41.53; Tigerdirect-\$500.62; Tmu Logistics-\$96.20; Triple K Tire & Repair-\$41.70; Turner County Sheriff Office-\$28.44; Twilight First Aid & Safety-\$21.60; Twin City Hardware & Lumber-\$216.03; U S Geological Survey-Doi-\$15,200.00; Verizon Wireless-\$96.01; Victims Of Violence-\$735.00; Walmart Store-\$579.00; Watertree-\$44.00; Wells Fargo Business Card-\$1,243.96; Wells Plumbing & Farm Supp-\$170.51; West Group-\$498.50; Western Communication-2,820.00; White Drug-\$1,698.21; **Witness & Jurors:** Brown,C-\$20.00; Cooley,E-\$30.36; Dahl,C\$27.40; Doud,K-\$22.22; Fraiser,J-\$29.25; Hall,P-\$20.00; Heard,R-\$54.04; Hertel,C-\$44.05; Hunsley,L-\$20.00; Nehmer,N-\$34.80; Olson,M-\$22.37; Venner,S-\$31.10; Wilcox,B-\$22.22; Wright,A-\$31.10; Zimmerman,L-\$22.22

**ADJOURN:** 9:46 a.m. there being no further business it was Moved-Seconded (Thompson-Weisenberg) to adjourn. Motion Carried.

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Date Approved

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Robert E. Ewing, Chair

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 8, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 8, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present. Douglas left at 10:25 a.m.

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

**AGENDA:** Moved-Seconded (Johnson-Douglas) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Johnson) to approve the minutes of November 24, 2009 meeting. Motion Carried.

### **PERSONNEL:**

**INFORMATIONS SYSTEM & TECHNOLOGY:** Moved-Seconded (Johnson-Douglas) to approve Rick Wisser, as Information Systems & Tech Spec G2 at the base rate of \$20.09 an hour, effective 1/3/2010. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve a per diem rate of \$75.00 a month for Rick Wisser beginning January 1, 2010, because the employee will start after hours and on-call schedule. Motion Carried.

### **SHERIFF:**

Moved-Seconded (Weisenberg-Thompson) to approve Ralph Harter as Correctional 2 G1 at the base rate of \$15.60 an hour, effective December 6, 2009. Motion Carried. Douglas absent.

Moved-Seconded (Thompson-Weisenberg) to approve Felix Mehia as Correctional 2 G3 at the base rate of \$16.24 an hour, effective December 6, 2009. Motion Carried. Douglas absent

Moved-Seconded (Thompson-Weisenberg) to approve Eric Herdt as Correctional 2 G1 at the base rate of \$15.60 an hour, effective December 6, 2009. Motion Carried. Douglas absent

Moved-Seconded (Weisenberg-Weisenberg) to approve Michael McCarty Correctional 2 G1 at the base rate of \$15.60 an hour, effective December 6, 2009. Motion Carried. Douglas absent

Moved-Seconded (Thompson-Weisenberg) to approve Dora Patino as Correctional 2 G3 at the base rate of \$16.24 an hour, effective December 6, 2009. Motion Carried. Douglas absent

Moved-Seconded (Thompson-Ewing) to approve Kristin Alfson as Dispatcher 2 G3 and Correction 2 G3 at the base rate of \$16.24 an hour, effective December 6, 2009. Motion Carried. Douglas absent

Moved-Seconded (Weisenberg-Ewing) to approve Seth Brennan as Deputy II G3 at the base rate of \$20.91 an hour, effective December 6, 2009. Motion Carried. Douglas absent

Joe Harmon stated that Geraldine Mykleby and Jordan Smith have resigned and he will be advertising for their positions. Harman asked if Mykleby could come back and train the new hire as this is a very critical position. Moved-Seconded (Johnson-Weisenberg) to approve Mykelby as a temporary part time employee at the base rate of \$15.51 an hour, to train the new employee. Motion Carried.

**LAWRENCE COUNTY RESOLUTION #2009-28:** Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Chairman to sign the following Lawrence County Resolution #2009-28 / Amendment #5 to the Lawrence County Personnel Policies Handbook. Motion Carried.



LAWRENCE COUNTY RESOLUTION #2009-28 AMENDMENT #5 LAWRENCE COUNTY PERSONNEL POLICIES HANDBOOK: WHEREAS, the Lawrence County Commissioners have adopted the Lawrence County Personnel Handbook, Resolution #2005-19, to establish a fair system of personnel administration; and WHEREAS, updates need to be made periodically to reflect changes in federal, state or county regulations; NOW THEREFORE BE IT RESOLVED that effective January 1, 2010 and upon favorable passage of this resolution and until otherwise revised, the following revision is hereby adopted for ARTICLE IV. SICK LEAVE of the Lawrence County Personnel Handbook. 4.10) SICK LEAVE POOL: Employees may be allowed to pool their sick leave for another employee. Employees may donate sick leave up to forty (40) hours, their personal time up to sixteen (16) hours, or vacation time up to forty (40) hours to another employee in the case of a catastrophic accident or illness relating to the employee, the employee's spouse or child with prior approval of the Board of County Commissioners and upon the recommendation of the employee's department head. Before an employee is eligible to receive donated sick leave, the employee must first have exhausted all of the employee's accumulated vacation time, "comp. time" and sick leave. The County Commission may limit the total amount of hours that are donated to an employee and all donated hours must be used within one year from the date of approval by the County Commission and only for the illness or event for which the use of donated sick leave was authorized. In the event the employee terminates employment with the County, the employee is not entitled to compensation for any donated sick leave. This Sick Leave Pool policy will become effective January 1, 2010. Any donated sick leave approved prior to January 1, 2010 will expire and will need to be reauthorized. Dated this 8th day of December, 2009. FOR THE BOARD: Robert E. Ewing, CHAIR. ATTEST: Connie Atkinson, AUDITOR

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Weisenberg-Johnson) to accept the following report from the Auditor. Motion Carried. Auditor's Account with the County Treasurer as of November 30, 2009 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) \$206,326.29; Total amount of cash in transit in Treasurer's possession (cash deposit in transit) \$7,975.22; Petty Cash \$1,860.00; Total amount of deposits in bank include: CD's \$5,200,000 Bank Balance \$3,296,970.42 Money Market \$525,943.45 Savings \$3,782,043.02. Total \$12,804,956.89.

**SUPPLEMENT BUDGET:** Moved-Seconded (Douglas-Ewing) to set a supplemental budget hearing for December 29, 2009 at 9:15 a.m. for Public Defender Professional Services - \$18,000 and Mental Handicapped Lien - \$10,000. Motion Carried.

**SANFORD LAB:** John Sheetz, Environmental Manager, presented an update on the progress for the Sanford Lab and ongoing science experiments.

**HIGHWAY BUSINESS:** Dick Birk, Highway Superintendent, was present to discuss and answer questions about various county roads and trees on Upper Valley Road blocking road right-of-way.

**2010 LIQUOR LICENSE RENEWALS:** A public hearing was held on the 2010 Liquor License Renewals. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to renew the following liquor licenses for 2010. Motion Carried.

PACKAGE LIQUOR - OFF SALE LICENSE: DAN MARTIN, Nemo Mercantile, Tract 3 of the un-platted portion of Nemo Placer Mineral Survey 1368, located in the NE1/4 of Section 27, T3N, R5E. LONNY & SUSAN SMITH (ST.ONGE BAR & GRILL), Lots 1 & 2, Block 8, Section 23, T7N, R3E, St.Onge, SD. RETAIL OR RETAIL AND SUNDAY ON-SALE LICENSE: CHOPHOUSE INC., SPEARFISH CHOPHOUSE & WHISKEY BAR: Lot 3B of tract A of the SW1/4SW1/4 S14 T6N R2E BHM. LEAD COUNTRY CLUB, INC., Lead, SD, H.E.S. 42, S31, T4, R3. VEZARO INC., GUADALAJARA MEXICAN RESTAURANT, Spearfish, SD, Lot 3 Northwest of City on Hwy. 14, Subdivision of NW1/4NW1/4, S3, T6N, R 2E, B.H.M. SPEARFISH CANYON RESORTS LLC, Spearfish Canyon, SD, A Portion of the Little Spearfish Placer, M.S. 953 Located in the NE1/4 OF S36, T5N, R1E, B.H.M. DAKOTA RESORTS MANAGEMENT GROUP INC., DEER MOUNTAIN SKI AREA, Deadwood, SD, Mineral Survey 1158, S13, T4N, R2E. BLACK HILLS CHAIRLIFT CO.INC., (Dark Horse Saloon) Lead, SD, Section 1-2-11 & 12, T4N, R2E, B.H.M. QUEEN CITY VFW POST #5860, Spearfish, SD, Lot 1, Subdivision of

SW1/4SW1/2, S33, T7N, R2E, B.H.M. TOMAHAWK LAKE COUNTRY CLUB, Deadwood, SD, Part HES 57 more fully described in Book 222, Page 476 & 477, Office of Lawrence County Register Deeds. BOULDER CANYON COUNTRY CLUB, Sturgis, SD, Lot D, SW1/4NW1/4, S11, T5, R4E. RETAIL ON-OFF SALE WINE: SPEARFISH CANYON RESORTS LLC, (Latchstring Village) Spearfish Canyon, LOTS Ab-1 and Ab-2, a subdivision of Latchstring Village Lot Ab of the Cascade Placer, M.S. in the W1/2 of S31, T5N, R2E, and the E1/2 of Section 36, T5N, R1E, B.H.M. SEVEN DOWN LLC, (Travis Lantis) 6623 Centennial Rd: W1/2 NW1/4 (Seven Downs Arena) T6N, R3E, BHM, Lawrence County. BRANDING IRON RESTAURANT: WENDY GOLDSMITH: 12737 Guest Ranch Loop Nemo SD 57759. Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368, Lawrence County, SD. CHEYENNE CROSSING STORE, LLC) 21415 US HWY 14A, Lead, SD 57754. Lot C-3 of Meadow 1-2-3 Lodes of M.S. 1564, NW1/4 Section 22, T4N, R2E, Lawrence County, SD. MYSTIC HILLS CABINS & CAMPGROUND: 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 St John Claim. Located in Section 1, T3N, R3E. Lawrence County, SD. STEEL WHEEL LLC. The Pub'n Grub., 21399 US Hwy 385, Deadwood, SD 57732. Legal description: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM, Lawrence County South Dakota. STEEL WHEEL LLC. Trading Post & Campground., 21399 US Hwy 385, Deadwood, SD 57732. Legal description: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM, Lawrence County South Dakota. BAREFOOT COUNCIL OF CO OWNERS (BAREFOOT RESORT) Lot 1 of Barefoot, formerly lots 3 & 4 and vacated right of way of Block 2 Tract B Lost Camp Valley Acreage, Sec. 2-T4N-R2E of Black Hills.

**EXECUTIVE SESSION / CONTRACTUAL MATTERS:** 9:10 a.m. Moved-Seconded (Weisenberg-Thompson) to go into executive session to discuss legal and contractual matters with legal counsel concerning the current Public Defender conflict case contract which expires on December 31, 2009. Motion Carried. 9:31 a.m. the Board opened for regular business.

Moved-Seconded (Douglas-Johnson) Due to the current Conflict Case Contract expiring at the end of the year; Lawrence County will accept proposals for a new Public Defender Conflict Case Contract. Motion Carried. Moved-Seconded (Thompson-Ewing) to accept proposals until January 26, 2010 for the Public Defender Conflict Case Contract. Motion Carried.

**NAUTILUS FOREST MANAGEMENT PROJECT:** Jackie Groce, USFS Natural Resource Planner was present to discuss the Nautilus Forest Management Project. Amy Haas & Brian Rafferty were also present to answer questions. Discussion followed on prescribed burns, beetle infestation, and other forest issues. Bill Coburn and John Frederickson, Timber Committee members, were present and expressed concerns. Coburn stated the Timber Committee will be formalizing their comments and presenting to the Commission. Coburn also expressed concerns on the Telegraph Project and the lack of taking care of the beetle infested stands. Douglas questioned what percentage of money is spent on the planning stage compared to the work on the ground. The Board expressed their concerns over the lack of treating the infested stands. Johnson asked Groce to meet and listen to the Timber Committee as they are the Commission's voice of expertise.

**2007/2008 AUDIT:** Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2007 and 2008. Hintz stated a new requirement for Auditing will be risk base testing, which will require more time and added cost to the Audit. Moved-Seconded (Johnson-Weisenberg) to authorize the Chairman to sign the engagement letter with the Department of Legislative Audit. Motion Carried. Douglas absent.

**PRE-DISASTER MITIGATION GRANT / ICS:** Paul Thomson was present to discuss the Pre-Disaster Mitigation Grant and ICS Training. Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the ICS contract when completed. Motion Carried. Douglas absent.

**RETURN OF MINERAL RIGHTS / QUASCHNICK:** Donnie Quaschnick was present to discuss mineral rights on his property. The farm was homesteaded in 1912 and then sold to the Custer Peak Copper Company. The Custer Peak Copper Company dissolved and the mineral rights

are now the Counties. The Board questioned how the County took ownership of the mineral rights. Outka will research the issue and report back to the Board.

#### **ITEMS FROM COMMISSIONERS:**

**MUNICIPALITIES 3-MILE JURISDICTION:** The Board discussed the proposed legislation for the 3-Mile Jurisdiction. The Board stated they have not received a good response from the legislator's in sponsoring the legislation. Amber Vogt, Planning and Zoning Director, stated she may have support from the SD Planners Association. Vogt stated the Association would like to look at the proposed legislation to see if they would be interested in supporting. The Commission will discuss at the Black Hills District Meeting.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried. Aye-4, Nay-Johnson.

**Payroll:** Comm-\$6,285.30; Aud-\$7,334.50; Treas-\$10,359.90; Comp-\$7,336.35; States Atty-\$12,195.09; Pub Def-\$9,378.65; Gen Govt Bldg-\$6,919.80; Equal-\$13,425.56; Rod-\$6,655.15; Vso-\$1,140.93; Disp-\$11,443.38; Sher-\$32,522.83; Jail-\$21,068.81; Coroner-\$100.00; Emerg Mgmt-\$3,363.08; E911-\$1,592.00; Highway-\$36,532.98; Air-\$1,062.81; Exten-\$1,293.52; Weed-\$2,424.71; P&Z-\$4,179.97;

**Bills:** Brady,Thomas-\$47.36; Frerichs,Amy-\$92.50; Mickelson,Craig-\$35.52; Mowell,Richard-\$8,664.00; O'dea,Marty-\$71.04; Rombough,Debra-\$33.30; Tysdal, Richard-\$71.04; American Family Life-\$3,213.91; BH Federal Credit Union-\$9,490.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$5,554.80; Dept Of The Treasury-\$43,433.98; Hartford-Priority Accounts-\$1,486.21; Johnson, Rodenbrug & Lauinger-\$75.00; Medica-\$62,700.93; NH Family Ymca-\$383.90; Office Of Child Support-\$195.69; SD Retirement System-\$49,820.88; Sdrs Supplemental Retirement-\$1,169.00; A&B Business Equip-\$396.82; A&B Welding Supply-\$134.76; A&I Distributors-\$542.95; A&J Supply-\$6.16; Abc Business Supply-\$163.40; Anderson Oil Co-\$37.95; Apco Institute-\$621.00; BH Chemical Company-\$1,633.08; BH Pest Control-\$95.00; BH Pioneer-\$467.75; BH Power-\$486.26; Best Western Ramkota-\$363.96; Biegler,Greg-\$60.00; Binder,Tracy-\$96.60; Bob Barker Company-\$71.53; Butler Machinery Co-\$101.12; Butte Electric Coop-\$551.42; Cedar Shore-\$163.90; Central Parts-\$1,250.47; Chain Saw Center/Dakota Equip-\$95.81; Chemical Sanitizing Sys-\$75.17; Chris Supply Co-\$104.13; Christensen Law Office-\$510.95; City/County Alcohol & Drug-\$420.00; Coburn,Bill-\$59.20; Conoco-\$36.39; Cooperative Extension Service-\$124.77; Dale's Tire & Retread-\$4,078.48; Deadwood, City Of-\$1,246.66; Dept Of Hlth Lab Services-\$174.00; Eddie's Truck Sales/Serv-\$87.14; Extension Service-\$374.81; Fastenal-\$559.26; Federal Express Corp-\$14.76; Fiferman,Dr Leslie-\$1,600.00; First Gold Hotel-\$97.00; First Western Bank-\$718.85; Fleet Services-\$686.76; Godfrey's Brake Serv-\$1,512.93; Govconnection-\$547.60; Greens Alignment-\$551.96; Havemeier,Leslie-\$139.40; Heisler Hardware-\$23.94; Hewlett-Packard Company-\$6,382.00; High Plains Business Forms-\$461.19; Hills Material Comp-\$393.36; Hillside Disposal Service-\$75.00; Holiday Inn City Centre-\$139.50; Knecht True Value-\$25.17; Knology-\$378.92; Koala Electric-\$990.45; Kosel,Joseph-\$4,166.67; LC Highway-\$5.17; LC Journal-\$525.74; Lead,City Of-\$46.81; Lead-Deadwood Regional-\$59.55; Lead-Deadwood Sanitary-\$451.62; Lee,James-\$15.00; Macks Auto Body-\$246.95; Mattson,Barb-\$18.50; Mcarthur,Janet-\$90.00; Meade County Sheriff-\$55.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$3,364.83; Neve's Uniforms-\$77.85; Newman Traffic Signs-\$334.71; Office Technology/Supply-\$52.12; Pennington Co Jail-\$681.00; Pennington County Sts Attny-\$200.00; Pheasantland Industries-\$223.83; Picture This-\$453.00; Pioneer Bank & Trust-\$25.00; Pizza Lab-\$515.64; Postmaster,Deadwood-\$264.00; Powerplan-\$152.25; Quill Corporation-\$180.25; Qwest-\$93.72; RC Regional Hospital-\$2,878.92; Rabe Elevator-\$725.51; Rapid Delivery-\$8.80; Rapid Transcript-\$138.00; Regional Behavioral Health-\$560.52; Reindl,Staci-\$1,932.10; Reliable-\$250.60; Rocket Lube-\$103.47; Rocky Mountain Instrumental-\$120.00; SD State Treasurer-\$2,106.40; Sand Creek Printing-\$77.36; Secretary Of State-\$30.00; Servall Towel&Linen-\$145.09; Sign Express-\$291.85; Silverado-\$627.28; Sorensen,Tylea-\$154.00; Spearfish Auto Supply-\$589.39; Spearfish Electric&Heating-\$60.00; Spearfish Glass-\$90.56; Spearfish Motors-\$54.41; Spearfish Police Dept-\$3,855.90; State Bar Of South Dakota-\$3,055.00; Tellinghuisen & Gordon-\$240.75; Tigerdirect-\$740.77; Tschetter & Adams Law Office-\$957.32; Twin City Hardware & Lumber-\$51.89; United

Parcel Service-\$57.34; Waste Connections-\$503.30; Watertree-\$50.50; Watson Furniture Group-\$703.60; West Group-\$705.61; West River International-\$195.80; Western Communication-\$344.00; Western Sd Juvenile Serv-\$1,700.00; White Drug-\$784.74; Wilcox,Chris-\$500.00;  
**Witness & Jurors:** Bantam,E-\$61.10; Banton,D-\$59.62; Biza,T-\$61.84; Cordes,B-\$52.22; Craiger,R-\$61.10; Fahrni,J-\$58.14; Ford,L-\$58.14; Frasier,D-\$64.80; Goehner,M-\$58.88; Hafner,J-\$64.80; Kaiser,S-\$59.62; Loper,D-\$61.10; Miller,J-\$58.14; Oldenkamp,A-\$61.10; Richter,E-\$61.10; Schoon,R-\$61.84; Reinert,K-\$31.84; Dillon,D-\$84.38; Loll,T-\$31.84; Paulsen,B-\$32.58; Milner,D-\$32.58; Willett,B-\$42.20

**ADJOURN:** 11:09 a.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Robert E. Ewing, Chair

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 29, 2009**

Chairman Robert E. Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 29, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Connie H. Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**AGENDA:** Moved-Seconded (Weisenberg-Douglas) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of December 8, 2009 meeting. Motion Carried.

### **PERSONNEL:**

**HIGHWAY:** Moved-Seconded (Johnson-Thompson) to accept the resignation of Dennis Dahl in the Highway Department, effective February 14, 2010, and thank him for his many years of dedicated service. Motion Carried.

Moved-Seconded (Johnson-Thompson) to allow the advertisement for the open position in the Highway Department. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve Sara Fitzgerald as a full-time Administrative Secretary G3, at the base rate of \$15.46 an hour, effective December 20, 2009. Motion Carried.

Moved-Seconded (Thompson-Ewing) to approve Julie Rakow as a temporary part time Secretary G2 at the base rate of \$14.17 an hour, effective 1-4-2010. Motion Carried.

Moved-Seconded (Thompson-Johnson) to approve Felix Mehia as a full time Correctional Officer II G3 at the base rate of \$16.24 an hour, effective 1-1-2010. Motion Carried.

**REGISTER OF DEEDS:** Moved-Seconded (Weisenberg-Thompson) to approve Marie Blaha recording clerk G1 at the base rate of \$12.25 an hour, effective 1-4-2010. Motion Carried.

### **TRAVEL REQUESTS:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve the travel request for Dave Heck to attend the ND Commissioners Meeting and Annual Weed & Pest Conference in Mandan, ND on January 11-14, 2010. Motion Carried.

**COMMISSION:** The Commissioners discussed a travel request from Weisenberg to attend the NACO Conference in Washington DC. Douglas stated the Commissioners asked all Departments to cut back budgets in 2010 and now he wants to travel to Washington. Moved-Seconded (Weisenberg-Johnson) to deny the approval of the travel request for Weisenberg to attend the NACO Conference in Washington, DC. Motion Carried. Aye-Weisenberg, Johnson, Douglas and Ewing. Nay-Thompson.

**2010 COMMUNITY HEALTH AGREEMENT:** Moved-Seconded (Douglas-Johnson) to approve and authorize the Chairman to sign the 2010 Contract for Community Health Services between Lawrence County and the SD Department of Health. Motion Carried.

**AMBULANCE AGREEMENTS:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the chairman to sign the ambulance agreements with Lead Deadwood Regional Hospital and Spearfish Emergency Ambulance Service for the year of 2010. Motion Carried.

**RECOVERY ZONE BONDS / SPEARFISH SCHOOL DISTRICT:** Moved-Seconded (Johnson-Douglas) to table the proposed Resolution Establishing Recovery Zone Bonds for the Spearfish School District. Motion Carried

**FUEL QUOTES:**

Only one fuel quote was submitted as of December 16, 2009: Deadwood Diesel 5500 Gallons: CBH Oil Co. 2.05\*; Unleaded 5200 Gallons: CBH Oil Co. \$2.226\*; Spearfish Diesel 3200 Gallons: CBH Oil Co. 2.05\*, Unleaded 1000 Gallons: CBH Oil Co. \$2.226\*; (\*represents lowest quote). (prices per gallon).

**EAGLE CREST ROAD DISTRICT:** Moved-Seconded (Thompson-Ewing) to approve and authorize the Chairman to sign the following Order Declaring Eagle Crest Road District Incorporated. Motion Carried. ORDER DECLARING EAGLE CREST ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the registered voters in the Eagle Crest Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on December 15, 2009. 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 7 (seven), together with the number of 7 (seven) voting for and the number of 0 (Zero) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Lots 40,41,42,43,45,46,47,48,49,51,52,53,54,55,56,57,58,59,61 and 70 of Eagle Crest and Gov't Lot 3, Gov't Lot 4 and the SE ¼ SW ¼ of Section 31, all located in T6N, R3E, B.H.M. Lawrence County South Dakota. 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 Crest Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 29th day of December, 2009. Robert E. Ewing, Chairperson, Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

**PACKAGE (OFF-SALE) LIQUOR LICENSE TRANSFER NEMO MERCANTILE:** A public hearing was held on an application for transfer of a Package (Off-Sale) Liquor License. No public input was voiced and the hearing was closed. Moved Seconded (Thompson-Weisenberg) to approve the following transfer of Liquor License for the Nemo Mercantile. Motion Carried.

**PACKAGE (OFF-SALE) LIQUOR LICENSE: PREVIOUS LICENSE:** DAN MARTIN, NEMO MERCANTILE: Tract 3 of the un-platted portion of Nemo Placer, M.S. 1368, all located in the NE ¼ of Section 27, T3N, R5E, B.H.M, Lawrence County, SD. **TRANSFER TO:** LARRY KAISER, NEMO MERCANTILE: Tract 3 of the un-platted portion of Nemo Placer, M.S. 1368, all located in the NE ¼ of Section 27, T3N, R5E, B.H.M, Lawrence County, SD.

**POPE & TALBOT BANKRUPTCY CASE:** Bruce Outka, Deputy States Attorney, stated he received notice this morning that Lawrence County will be dismissed in the United States Bankruptcy Court Case in reference to Pope & Talbot, Inc.

**SHERIFF VEHICLE / BID OPENING:** The following bids were received: Integrity Ford: 2010 Ford Expedition cash-\$34,800 & trade-in-\$32,300; 2010 Ford F150 cash-\$30,808 & trade-in - \$28,308. Queen City Motors: 2010 Chevy Tahoe cash - \$28,523 & 2010 Crew Cab cash - \$26,274. Trade in allowance for the Explorer \$3,000 & Durango \$7,000. Moved-Seconded (Douglas-Johnson) to accept the bid for two SUV's from Queen City Motors for 2010 Chevy Tahoe at \$28,523 and to declare the 2006 Dodge Durango VIN#1D4HB48236F168041 and the 2004 Ford Explorer VIN#1FMZU73K34UB28521 surplus and allow to be traded in for the amount of \$10,000. Motion Carried.

**WESTERN COMMUNICATIONS:** Joe Harmon, Chief Deputy Sheriff stated they will have approximately \$25,000 left in their 2009 budget and requested the Board supplement their 2010 budget to cover extenders for the sheriff vehicles to provide better communication coverage. The approximate cost for the extenders is \$41,000. Harmon stated they have applied for a Homeland Security Grant that would cover some of the expense. The Board stated they will consider in 2010.

**SNOW CAT / BID OPENING:** Rob Mattox and Jamie Tollefson were present to open the bids for the Snow Cat. Moved-Seconded (Weisenberg-Thompson) to accept the only bid received from Track Inc. of Bloomington MN. For \$149,282 with a delivery charge of \$3,000 for a new 4 passenger light weight, four-track snow cat w/8ft, six way smooth "U" blade, and two axle trailer. Motion Carried.

**SUPPLEMENT BUDGET:** A public hearing was held on a supplemental budget. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the following Resolution #2009-29. Motion Carried.

RESOLUTION #09-29 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2009, 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 2009, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: Public Defender/Professional Services-\$18,000 & Mental Handicapped Lien-\$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 29<sup>th</sup> day of December, 2009 at the hour of 9:15 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 29<sup>th</sup> day of December, 2009. FOR THE BOARD OF COUNTY COMMISSIONERS: BOB EWING, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**GILDED MOUNTAIN SUBDIVISION / BOND RELEASE:** Moved-Seconded (Johnson-Douglas) To approve and authorize the final release of the Gilded Mountain Subdivision Bond. Motion Carried.

**CONDITIONAL USE PERMIT #383 / FAULK & FOSTER / TOWER:** A public hearing was held on an application for CUP#383 COMMUNICATION TOWER: Owner/Representative: Thorstenson-Benson Limited Partnership/Alltel Communications/Faulk & Foster, Shortened Legal Description: Lot 6 except Highway Lots in Sections 15 & 22, T3N, R5E. Location: Off Vanocker Canyon Road, Purpose: Wireless Facility (Communication Tower), Zoning: Park Forest. Jan Kaberna stated she is in support of the request. Kaberna stated she was asked to also speak on behalf of Nemo Guest Ranch who is in favor of the tower but not the current proposed location. Jerry Hood was in support of the tower for emergency purposes. Hood stated Nemo Job Service is also in support of the tower. Sidney Sollison was also present and spoke in favor of the tower. Jim Fettig was in support of a tower in the area but stated he is not in favor of the proposed location of the tower. Fettig stated there is be a better location on the same property. Fettig stated Thorstenson-Benson will get the money and he gets to look at the tower.

The public hearing was closed. Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve Conditional Use Permit #383 for a communications tower, with conditions as on file in the Planning and Zoning Office. Motion Carried.

**RECESS:** 9:58 a.m. Moved-Seconded (Douglas-Johnson) to recess the County Commission Meeting. Motion Carried. 10:04 a.m. The Chairman called the meeting back to order.

**REGISTER OF DEEDS GRANT APPROVAL:** Moved-Seconded (Douglas-Johnson) to authorize the application for a Grant with the Deadwood Historic Preservation for the scanning of books in the Register of Deeds Office. Motion Carried. The grant request is for \$45,945 and the County's in kind match is \$20,000.

**WHARF MINE PERMIT BOUNDARY AMENDMENT / AMERICAN EAGLE PIT:** Ken Nelson, Wharf Resources was present to discuss the amendment to the Wharf Mine Permit Boundary on American Eagle Pit. The amendment references 18 acres within the permit boundary. Moved-Seconded (Johnson-Thompson) to approve and authorize the Chairman to sign the letter in support of the Amendment to the Wharf Mine Permit Boundary American Eagle Pit #464. Motion Carried.

**ITEMS FROM COMMISSIONERS:**

**PROPOSED EXTRA-TERRITORIAL JURISDICTION LEGISLATION:** Thompson reported on the Black Hills District meeting. Thompson presented the proposed legislation for the Extra-Territorial Jurisdiction Legislation to the meeting. The Black Hills District stated proposed legislation needs to be presented in resolution from before the July meeting. Moved-Seconded (Weisenberg-Thompson) That SDCL 11-6-26 needs changed. Motion Carried. Discussion followed on the wording of the proposed legislation. Moved-Seconded (Douglas-Weisenberg) to accept the following wording as the proposed legislation: No city, town, township or municipality will have platting, planning or zoning jurisdiction that crosses county lines unless the city, town township or municipality annex the area. Motion Carried. Weisenberg will present the proposed legislation to District 31 Representatives and Senator, and the Planners Association to see if he can find a sponsor for the proposed bill.

**BILLS:** Moved-Seconded (Weisenberg-Thompson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried. Aye-Weisenberg, Thompson, Douglas and Ewing. Nay-Johnson.

**Payroll:** Comm-\$6,285.30; Aud-\$7,334.50; Treas-\$9,564.77; Comp-\$7,275.05; States Atty-\$12,195.07; Pub Def-\$9,378.65; Gen Govt Bldg-\$7,052.01; Equal-\$14,108.98; Deeds-\$5,638.50; Vso-\$1,140.93; Disp-\$10,239.96; Sher-\$32,218.80; Jail-\$20,627.39; Coroner-\$200.00; Emerg Mgmt-\$3,256.31; E911-\$1,574.00; Highway-\$37,469.47; Air-\$1,230.58; Mh Serv-\$328.00; Ext-\$1,363.60; Weed-\$2,019.75; P&Z-\$3,970.37;

**Bills:** Frerichs,Amy-\$91.18; Harmon,Joseph-\$29.03; Heck,David-\$40.00; Locken, William-\$115.44; Mowell,Richard-\$17.58; Rahja,Robert-\$187.22; Shafer, Michael-\$22.94; Sophusson,Marvin-\$92.50; Thompson,Thomas-\$472.86; Watson,Donna-\$106.56; Wisser,Ricky-\$10.25; A&B Business Equip-\$12,255.24; A&B Welding Supply-\$194.00; A-Z Shredding-\$35.20; Abc Business Supply-\$3,076.30; Accurint Account-\$75.00; Active Data Systems-\$3,129.62; Aldinger Funeral Home-\$1,370.00; Alltel-\$680.25; Alpine Impressions-\$174.12; Amcon Distributing-\$652.02; American Family Life-\$3,436.31; Applied Concepts-\$2,670.00; At&T-\$1.66; BH Chemical Company-\$696.79; BH Federal Credit Union-\$18,700.00; BH Pediatrics & Neonatology-\$450.00; BH Pioneer-\$638.84; BH Power-\$7,432.42; BH Security & Systems-\$806.95; BH Window Cleaning-\$2,751.00; BH Windshield Repair-\$55.00; Bennett Branch Busters-\$3,400.00; Best Western Ramkota Inn-\$95.99; Biegler,Greg-\$60.00; Binder,Tracy-\$70.40; Black Hills Pure-\$11.50; Bob Barker Company-\$696.14; Boyer,Jerry-\$12.21; Brady Pluimer, PC-\$2,141.50; Bureau Of Personnel Train Dept-\$324.00; Campbell Co Sheriffs Off-\$30.00; Campbell Supply Co-\$130.50; Carol Butzman Consluting-\$903.02; Cbh Cooperative-\$31,642.11; Cdw Government-\$4,032.92; Central Parts-\$1,669.89; Central Restaurant Products-\$206.78; Century Business Products-\$304.66; Chemical Sanitizing Sys-\$105.68; Childrens Home Society-\$484.78; Chris Supply Co-\$2,887.40; Christensen Law Office-\$610.25; City/County Alcohol&Drug-\$1,330.00; Clarey's Safety Equip-\$308.49; Clark Printing-\$124.50; Clinical Lab Of BH-\$1,912.00; Cook's Direct-\$205.12; Correctional Billing-\$22.06; Credit Collections Bureau-\$200.00; Dakota Graphics-\$2,255.00; Datec-\$5,639.54; Deadwood Recreation Center-\$134.00; Deadwood Thymes Cafe & Bistro-\$117.00; Delta Dental Of South Dakota-\$6,086.46; Dept Of Hlth Lab Services-\$45.00; Dept Of The Treasury-\$88,849.66; Eddie's Truck Sales/Serv-\$207.58; Edge Sports-\$253.99; Ellingson,Joseph-\$1,324.12; Evercom Systems-\$2,236.00; Executone Of The BH-



\$178.50; Extension Service-\$89.67; Fidler-Isburg Funeral Chapel-\$100.00; First Gold Hotel-\$242.50; First Western Bank-\$639.81; First Western Ins Deadwood-\$50.00; Frederickson, John-\$352.60; Fsh Communications-\$60.00; Godfrey's Brake Serv-\$89.70; Govconnection-\$149.96; Great Plains Chemical-\$180.00; Great Western Tire-\$35.90; Greens Alignment-\$586.79; Hamann,Chris-\$90.00; Hansen & Hubbard-\$131.20; Hartford-Priority Accounts-\$1,447.11; Havemeier,Leslie-\$426.80; Heisler Hardware-\$77.81; Hewlett-Packard Company-\$16,008.04; Hughes County Sheriffs-\$29.30; Integrity Ford-\$260.50; International Code Council-\$100.00; Intoximeters-\$1,529.00; Jackson County Sheriff Office-\$44.50; Jacobs Precision Welding-\$200.00; Johnson, Rodenbrug & Lauinger-\$150.00; K Mart-\$199.98; Kadrmass, Lee And Jackson-\$30,233.53; Karpinen,Sharon-\$315.00; Kennedy,Judith-\$1,500.00; Kennedy,Pam-\$17.50; Kinney,Matthew-\$2,005.42; Knecht True Value-\$6.67; Knology-\$1,571.87; Koala Electric-\$10,129.56; Kyocera Mita-\$1,185.00; LC Assessor-\$33.42; LC Emerg Mgnt-\$34.20; LC Extension-\$19.88; LC Journal-\$685.06; LC Sheriff-\$388.99; Language Line Services-\$96.00; Lead-Deadwood Regional-\$305.42; Lead-Deadwood Regional Hospital-\$273.96; Lewis & Clark Bhs-\$142.00; Light & Siren-\$120.49; Looyenga,Dr Robert-\$57.00; McClure,Susan-\$45.00; Mcleod's Office Supply-\$888.92; Medica-\$67,171.90; Michael Stonefield-\$7,544.00; Mid Dakota Vegetation Manageme-\$29,675.00; Montana-Dakota Util-\$226.54; Moore,Ronda-\$100.00; NH Family-\$400.40; NJS Engineering-\$11,713.50; Nasppg Insurance Services-\$2,718.30; National Sheriff's Assoc-\$100.00; Nawma-\$65.00; Neafcs-Sd Affiliate Treasurer-\$115.00; Nelson,Christy-\$135.00; Nelson,Tonya-\$337.22; Neve's Uniforms-\$952.49; Niesent,Ron; \$26.64; Nooney Solay & Van Norman, Llp-\$15,581.92; Occupational Health Network-\$143.00; Office Of Child Support-\$391.38; Office Technology Supply-\$88.06; Pennington Co Auditor-\$323.00; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$1,197.00; Portable Computer Systems-\$4,720.00; Postmaster, Spearfish-\$141.94; Powerplan-\$69.00; Pronto Auto Supply-\$200.00; Queen City Tire-\$44.73; Quik Signs-\$218.66; Quill Corporation-\$645.82; Qwest-\$1,260.62; RC Finance Office-\$770.00; RC Medical Center-\$240.50; RC Police Dept-\$111.00; RC Regional Hospital Pharmacy-\$10.00; Radio Shack/Kazco-\$989.92; Ranger Joe's International-\$169.45; Rapid Delivery-\$46.20; Regional Health-\$1,656.10; Reindl,Staci-\$2,537.37; Reliable-\$241.00; Reserve Account-\$6,000.00; Rocket Lube-\$233.17; Rocky Mountain Instrumental-\$14.47; Rushmore Mountain Sports-\$355.00; SD Retirement System-\$50,435.67; SD Sheriff's Association-\$1,004.06; Safeway-\$19.95; Sdrs Supplemental Retirement-\$2,338.00; Servall Towel & Linen-\$600.10; Shell Fleet Management-\$82.50; Sirchie Finger Print-\$231.05; Sleep,Richard-\$49.95; Slowey,Yavonne-\$25.00; Spearfish Alt/Starter Rebuild-\$90.00; Spearfish Auto Supply-\$241.56; Spearfish Extinguisher Service-\$16.00; Spearfish Police Dept-\$49.10; Stade,Alan-\$17.50; Stadler Ind Service-\$27.50; Tellinghuisen & Gordon-\$173.20; Tigerdirect-\$8,941.14; Triple K Tire & Repair-\$565.85; Trump, Michael-\$780.00; Turbiville Industrial Electric-\$83.06; Twin City Hardware & Lumber-\$1,266.72; Two Wheeler Dealer-\$275.00; US Postal Service-\$400.00; United Parcel Service-\$25.32; Verizon Wireless-\$96.01; Victims Of Violence-\$570.00; Voelker & Adams-\$1,118.70; Walmart Store-\$2,093.82; Watertree-\$26.00; Wells Fargo Business Card-\$4,683.72; Wells Plumbing & Farm Supp-\$131.94; West Group-\$261.50; West River International-\$84.60; Western Communication-\$27,412.00; White's Queen City Motors-\$44.80; Wilcox,Chris-\$475.00; Williams Standard Serv-\$25.17; Wolf,Ione-\$43.75; Xerox Corporation-\$61.42; Yankton County-\$103.75; **Witness & Jurors:** Chyba,J-\$12.22; Cordes,B-\$52.22; Craiger,R-\$61.10; Ford,L-\$58.14; Hafner,J-\$64.80; Loper,D-\$61.10; Miller,J-\$58.14; Oldenkamp,A-\$61.10; Schoon,R-\$61.84; Cochrun,J-\$25.37; Allen,K-\$11.48; Anderson,K-\$21.10; Anderson,W-\$15.18; Atkinson,J-\$25.54; Bassett,T-\$61.84; Bates,C-\$21.84; Bauer,B-\$20.36; Bean,L-\$27.76; Bernards,P-\$12.22; Berry,W-\$19.62; Binder,D-\$185.52; Block,K-\$21.10; Boomgaarden,B-\$21.10; Borsch,C-\$18.88; Bradford,K-\$21.10; Brady,S-\$20.36; Braut,P-\$11.48; Brown,B-\$12.96; Buchholz,W-\$24.80; Burshek,J-\$21.10; Christensen,D-\$64.80; Compton,N-\$22.58; Cooch,C-\$21.10; Covell,H-\$61.10; Czepyha,L-\$11.48; Dahlke,C-\$21.10; Davis,M-\$201.06; Delahoyde,C-\$26.28; Dinsmoor,M-\$12.96; Dower,D-\$12.22; Doyle,P-\$20.36; Durgin,M-\$21.10; Ellingson,S-\$21.10; Enderby,T-\$22.58; Flickema,J-\$183.30; Frame,G-\$21.10; Fredericksen,D-\$12.22; Fredericksen,N-\$32.20; Galiczewski,J-\$15.18; Garrett,L-\$21.10; Glover,D-\$21.10; Haak,D-\$24.80; Hall,L-\$10.74; Hartley,D-\$28.50; Heck,J-\$23.32; Hendrickson,L-\$11.48; Henry,L-\$24.80; Hoppes,A-\$21.10; Hoscheid,R-\$21.84; Huggins,J-\$12.22; Hunt,T-\$183.30; Iszler,L-\$21.10; Iverson,M-\$28.50; James,S-\$22.58; Joens,L-\$12.96; Johnson,R-\$22.58; Kaiser,D-\$17.40; Karinen,G-\$19.62; Keifert,D-\$21.10; Keith,J-\$17.40; King,J-\$61.10; Kinghorn,J-\$17.40; Koski,V-\$22.58; Kretchmer,J-\$58.88; Kruse,C-\$21.10; Ladson,T-\$21.10; Laidlaw,D-\$156.66; Lance,A-\$10.74; Larsen,L-\$156.66; Lenners,B-\$20.36; Loveland,S-\$20.36; Mier,N-\$176.64; Miles,J-\$21.84; Miller,S-\$21.10; Moe,M-\$18.88; Morgan,S-\$189.96; Moths,S-\$21.10; Murra,D-\$12.96; Nedved,G-\$24.80; Neisen,L-\$21.10; Neisen,T-\$194.40; Newman,E-\$21.10; Nichols,M-\$17.40; Olson,M-\$17.40; Oolman,J-\$13.70; Page,J-\$24.80; Parsons,D-\$21.10; Patterson,T-\$10.74; Paulson,R-\$21.84; Pearce,L-\$21.10; Pedersen,R-\$28.50; Post,D-\$21.10; Radensleben,R-\$52.96; Raile,A-\$21.10; Reed,J-\$61.10; Roselles,J-\$21.10; Schepers,M-\$10.74;

Schroeder,J-\$21.10; Sears,D-\$10.36; Sears,T-\$60.36; Simmons,D-\$189.96; Simpson,D-\$24.80; Simpson,S-\$194.40; Smith,K-\$19.62; Soelzer,R-\$21.84; Solon,E-\$17.40; Stephens,J-\$32.20; Stewart,J-\$18.88; Sulentic,R-\$51.48; Swartz,W-\$24.06; Taylor,J-\$19.62; Tieszen,M-\$18.88; Trevino,E-\$10.74; Trehella,A-\$10.74; Tysdal,G-\$21.10; Vandeneysel,J-\$152.22; Varns,T-\$62.58; Walz,J-\$12.22; Webb,K-\$10.74; Williams,S-\$216.60; Willuweit,B-\$64.80; Zufelt,B-\$24.80; Carsten,D-\$20.00; Draine,R-\$20.00; Duckett,L-\$20.00; Follette,C-\$20.00; Holzer,P-\$29.25; Jensen,S-\$49.60; Kushman,J-\$20.00; Ludin,M-\$20.00; Underwood,N-\$20.00; Waisanen,A-\$50.74

**ADJOURN:** 10:33 a.m. there being no further business it was Moved-Seconded (Douglas-Thompson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING– December 29, 2009**

Chairperson Bob Ewing called the Lawrence County Board of Adjustment meeting to order at 9:58 a.m. on December 29, 2009 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie Douglas, Daryl Johnson, Tommy Thompson and Terry W. Weisenberg present.

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

**VARIANCE #126 / WANHANEN:** A public hearing was held on an application for Variance #126 – Wayne Wanhanen for a 12’ Variance to the 25’ Front Setback for a pole building, on Old Ridge Road. No public input was voiced and the hearing was closed. James Taylor spoke on behalf of Morton Buildings. Moved-Seconded (Weisenberg-Johnson) to follow Planning and Zoning recommendation and approve Variance #126 for Wayne Wanhanen for a 12’ Variance to the 25’ Front Setback for a pole building, on Old Ridge Road. Motion Carried.

**ADJOURN:** 10:04 a.m. There being no further business it was Moved-Seconded (Douglas-Johnson) to adjourn. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor